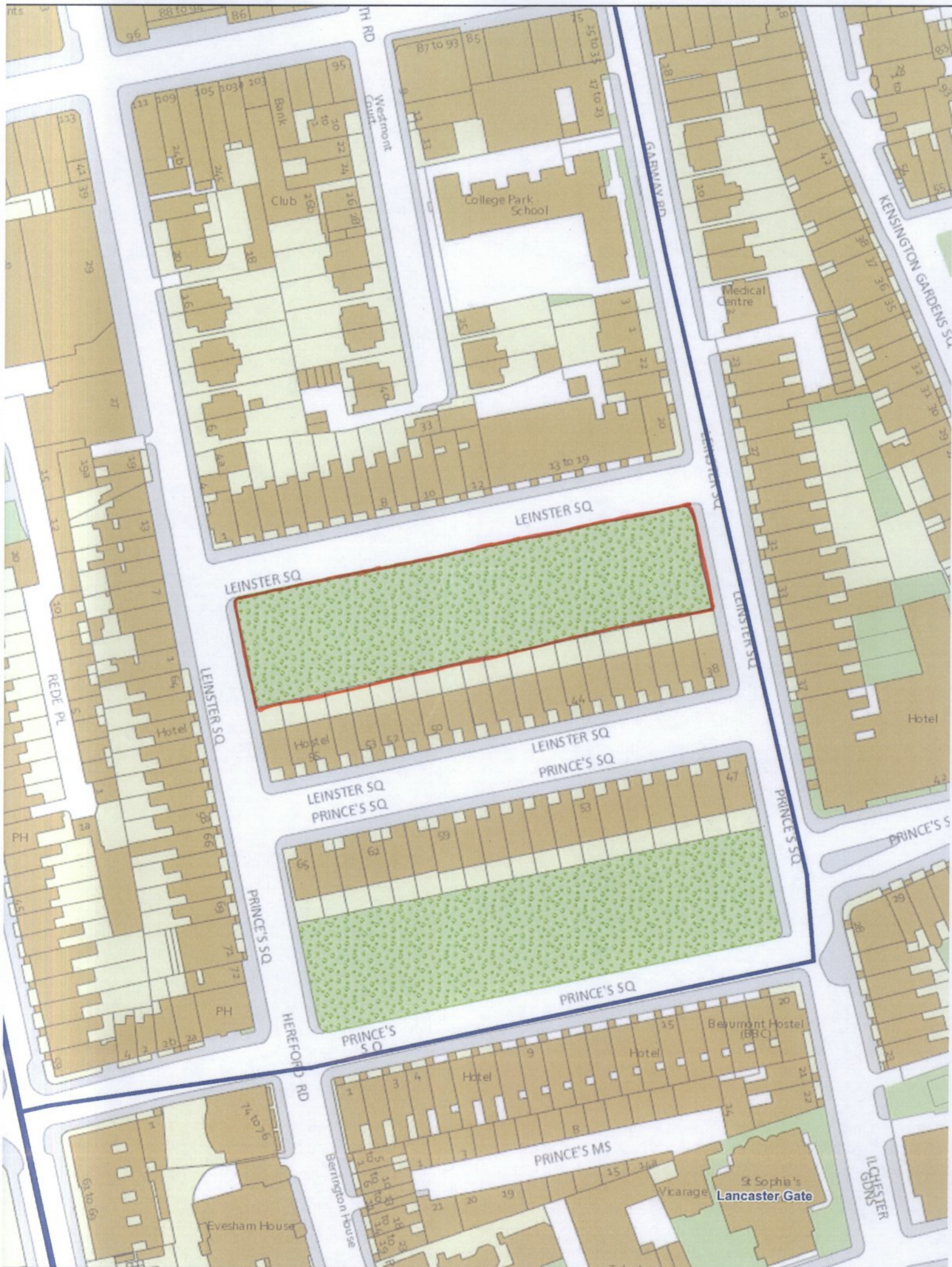


CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 29 September 2015	Classification For General Release	
Report of Director of Planning	Wards involved Bayswater		
Subject of Report	Open Space, Leinster Square, London, W2 4PU		
Proposal	Demolition and erection of new garden shed in the south west corner and erection of a new pavilion in the north west corner.		
Agent	Turley		
On behalf of	AG Leinster Square (Jersey) Limited		
Registered Number	15/06102/FULL	TP / PP No	TP/21699
Date of Application	06.07.2015	Date completed	18.08.2015
Category of Application	Minor		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		
Development Plan Context - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone Outside Central Activities Zone		
Stress Area	Outside Stress Area		
Current Licensing Position	Not Applicable		

1. RECOMMENDATION

Grant conditional permission.





OPEN SPACE, LEINSTER SQUARE, W2

2. SUMMARY

This application relates to the erection of a timber gazebo and a timber shed in this private communal garden as part of the works to refurbish the gardens. Objections have been received to the appearance of the gazebo, and its impact on privacy, noise and residents' use of the garden. Other objections relate to the detailed design of the landscaping which does not require planning permission and loss of wildlife habitat. Five emails in support have also been received from local residents and the Bayswater Residents Association also support the proposed works.

The key issues are:

- The impact of these proposed structures on the appearance of the garden and the appearance and character of this part of the Bayswater Conservation Area.
- The impact on neighbours and on the mature TPO trees in the garden.

The proposal is considered acceptable in land use, design and amenity terms and is recommended for approval.

3. CONSULTATIONS

BAYSWATER RESIDENTS ASSOCIATION

No objections, support the proposed works.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

To be reported verbally.

ARBORICULTURAL MANAGER

No objections to the erection of a new garden shed and a new pavilion at the western end of the garden. Soil contouring has the potential to inflict damage to the root systems as such work should be undertaken under the supervision of a specialist in arboriculture and be conditioned. The current degree of protection being afforded to these trees is inadequate and the applicant needs to address this.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 265; Total No. of Replies: 9.

Four objections received of which three emails are from the same objector.

Townscape/Design

- Elements of the proposal are detrimental to this valuable community asset.
- The proposed pavilion/gazebo is too large for its purpose and its appearance is not in keeping with the rest of the garden.

Amenity

- The gazebo will affect the privacy of adjoining properties and generate noise.
- The proposed earth works, landscaping and contouring will reduce the flexibility of the use of the garden for residents.

Biodiversity

- Loss of wildlife habitat.

Other

- Two objections from a resident on the grounds to reduce areas of lawn space to create larger planting beds and the rationale for creating these larger beds are invalid reasons - already adequate privacy and screening to the garden, the widening of the paths is pointless and also result in the loss of lawn space. Loss of planting to the north bed, health and safety implications of exhaust fumes and barbecue smoke affecting residents using the garden, the circular surrounds to the weeping ash trees using hoggin will be unattractive.
- Second email refers to a further meeting with the landscape architects where it was agreed that the hoggin encircling the west end weeping ash would be narrowed and not project beyond the outer edge of the two semi-circular beds.
- Works have already started on site and a fait accompli.
- Five emails in support - proposal will be a vast improvement. The old shed was dilapidated, unusable and verging on dangerous. The addition of a new shed and a pretty pavilion will hugely enhance the garden and the enjoyment of those who use it. The pavilion is in keeping with the Victorian garden.

ADVERTISEMENT/SITE NOTICE: Yes (x4)

4. BACKGROUND INFORMATION

4.1 The Application Site

This application relates to the private communal garden in Leinster Square, located within the Bayswater Conservation Area. The terraces to the north, east, and south are Grade II listed, and a number of buildings to the west in Hereford Road are also Grade II listed. A number of trees in the garden are protected by a Tree Preservation Order.

Works have started on site to refurbish the garden, and the shuttering has been put in place for the bases to serve the proposed new shed and gazebo.

4.2 Planning History

None relevant.

5. THE PROPOSAL

This proposal forms part of the works to comprehensively refurbish the gardens. The majority of the works which include the refurbishment/replacing of the boundary railings, repaving poor quality paths and increasing their width to 1.9m, new raised beds and increasing the width of new beds, new benches do not require planning permission, but the erection of a new shed for the gardener and a timber gazebo structure do require planning permission.

The applicant has confirmed that the rear of the gazebo will now be solid, rather than open trellis.

The replacement shed is located in the south western corner of the garden. The timber gazebo is located in the north western corner of the garden. It is an octagonal structure 3.134m wide with a domed roof which is 3.471m high. Both the shed and gazebo will be stained. The details of the colour of the stain will be reported verbally to Committee.

Objections have been received on the grounds that the gazebo is out of keeping with the garden, it may be used for parties which has the potential to cause noise and loss of privacy to residents. Objections have also been raised to the landscaping works which do not normally require planning permission on the grounds of loss of lawn, habitat and affect the residents' use of the garden. Other objections relate to the fact that works have already started on site.

Five emails in support have been received to date and the Bayswater Residents Association supports the proposal.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The proposed garden structures are ancillary to the use as a communal garden and are acceptable under Policy DES 12 in the UDP.

6.2 Townscape and Design

As the existing planting in the garden has been cut back, the proposed new gazebo and shed will be visible from public views within the Bayswater Conservation Area. New planting is proposed which will screen these structures from street views. Despite the objections received, the proposed gazebo and shed are considered appropriate structures in this private garden.

The proposed gazebo replaces a former dilapidated shed and the new shed is modest in terms of its size, and both structures will preserve the appearance and character of this part of the Bayswater Conservation Area and accord with Policies S25 and S28 in the City Plan and DES5, DES9 and DES10 in the UDP.

6.3 Residential Amenity

It is not considered that the proposed gazebo structure will materially affect the light and outlook of neighbouring residents. The proposed shed is located close to the rear boundary of No. 57 Leinster Square, but it is located far away from habitable windows so as not to cause a material loss of light. Whilst there will be a small increase in enclosure, this shed will be screened by planting and therefore will not result in any material loss of amenity.

The applicant has now confirmed that the rear of the gazebo will be closed, rather than open trellis in order to address concerns regarding the privacy of users in the garden.

It is not considered that the proposal will harm the amenities of the residents using the garden. The proposal therefore complies with Policies S29 in the City Plan and ENV13 in the UDP.

6.4 Transportation/Parking

This application raises no transportation issues.

6.5 Equalities and Diversities

Not relevant in the determination of this application.

6.6 Economic Considerations

This application raises no economic issues.

6.7 Other UDP/Westminster Policy Considerations

An objection has been raised that the gazebo will be used for large parties which is against the ethos of the garden and result in noise and disturbance to other residents using the garden. This private garden is subject to its own rules and this will be a matter for the management company to control.

6.8 London Plan

This application raises no strategic issues.

6.9 Central Government Guidance

Regard has been had to the relevant advice in the National Planning Policy Framework (NPPF) regarding heritage assets.

6.10 Planning Obligations

Not relevant in the determination of this application.

6.11 Environmental Assessment including Sustainability and Biodiversity Issues

The proposed new shed is located close to a Cherry tree on the western end of the garden, but it is not considered that the construction of a concrete base for the shed will affect the health of this tree.

The Arboricultural Manager had raised initial concerns regarding the adequacy of the tree protection measures to the mature trees in the garden, but this has now been addressed by the applicant on site, and the measures are now considered acceptable. The soil contouring measures has the potential to inflict damage to root systems and the Arboricultural Manager has requested specialist supervision which the applicant has agreed to.

An objection has been received to the loss of wildlife habitat. The works to refurbish the garden has resulted in the loss of some planting, but this is being replaced by new planting. It is not considered that the proposal will harm the biodiversity of this attractive private garden.

6.12 Other Matters

A number of the objections relate to the new landscaping in the garden which is not a ground to refuse permission.

6.13 Conclusions

It is recommended to grant conditional permission.

BACKGROUND PAPERS

1. Application form.
2. Comments from the Arboricultural Manager dated 28.8.2015.

3. Emails from Flat 3 63-65 Leinster Square London W2 dated 7.9.2015 and 8.9.2015.
4. Email from 55 Leinster Square London W2 dated 7.9.2015.
5. Email in support from 49 Hereford Road London W2 dated 28.8.2015.
6. Email in support from 27 Leinster Square London W2 dated 25.8.2015.
7. Email in support from 28a Leinster Square London W2 dated 9.9.2015.
8. Letter in support from 27F Leinster Square London W2 dated 9.9.2015.
9. Email from 5A Leinster Square London W2 dated 11.9.2015.
10. Response from the Bayswater Residents Association dated 30.8.2015.
11. Email in support from 32F Leinster Square London W2 dated 11 September 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT AMANDA COULSON ON 020 7641 2875 OR BY E-MAIL – acoulson@westminster.gov.uk

DRAFT DECISION LETTER

Address: Open Space, Leinster Square, London, W2 4PU

Proposal: Demolition and erection of new garden shed in the south west corner and erection of a new pavilion in the north west corner.

Plan Nos: Covering letter dated 6 July 2015 , Design Concepts for the Leinster Square Gardens dated 13th August 2015, Arboricultural Implications of Landscaping Works dated 23 March 2015 ; 10, photograph of proposed shed , dimensions of proposed shed ;6x6 Floor Plan -with floor ; 6x6 Floor Plan - No floor ; plan of gazebo openings and roof design , front and side elevations of gazebo, rear and side elevations of gazebo ; 154/01 Rev B , 154/02, 154/03, 154/04 , 154/05 154/09, Existing Garden Plan drawing 1 of 1;
Proposed extent of grassed slope, TSP_01, Drawing showing section through earthworks to be read in conjunction with drawing 154/04.

Case Officer: Amanda Coulson

Direct Tel. No. 020 7641 2875

Recommended Condition(s) and Reason(s):

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must carry out any work to soil strip around trees T2 and T4 around existing roots by hand or using hand-held tools (other than power-driven tools) and in accordance with the construction methodology set out in the Arboricultural Implications of the Landscaping Works report dated 23 March 2015 . You must protect any roots that are exposed by the work by placing sharp sand around the roots to avoid further damage. (C31GA)

Reason:

To protect the trees and the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17, DES 1 (A) and paras 10.108

to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

- 4 The tree protection measures as shown on drawing TSP_01 must be installed prior to any demolition, site clearance or building work, and taking any equipment, machinery or materials for the development onto the site. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

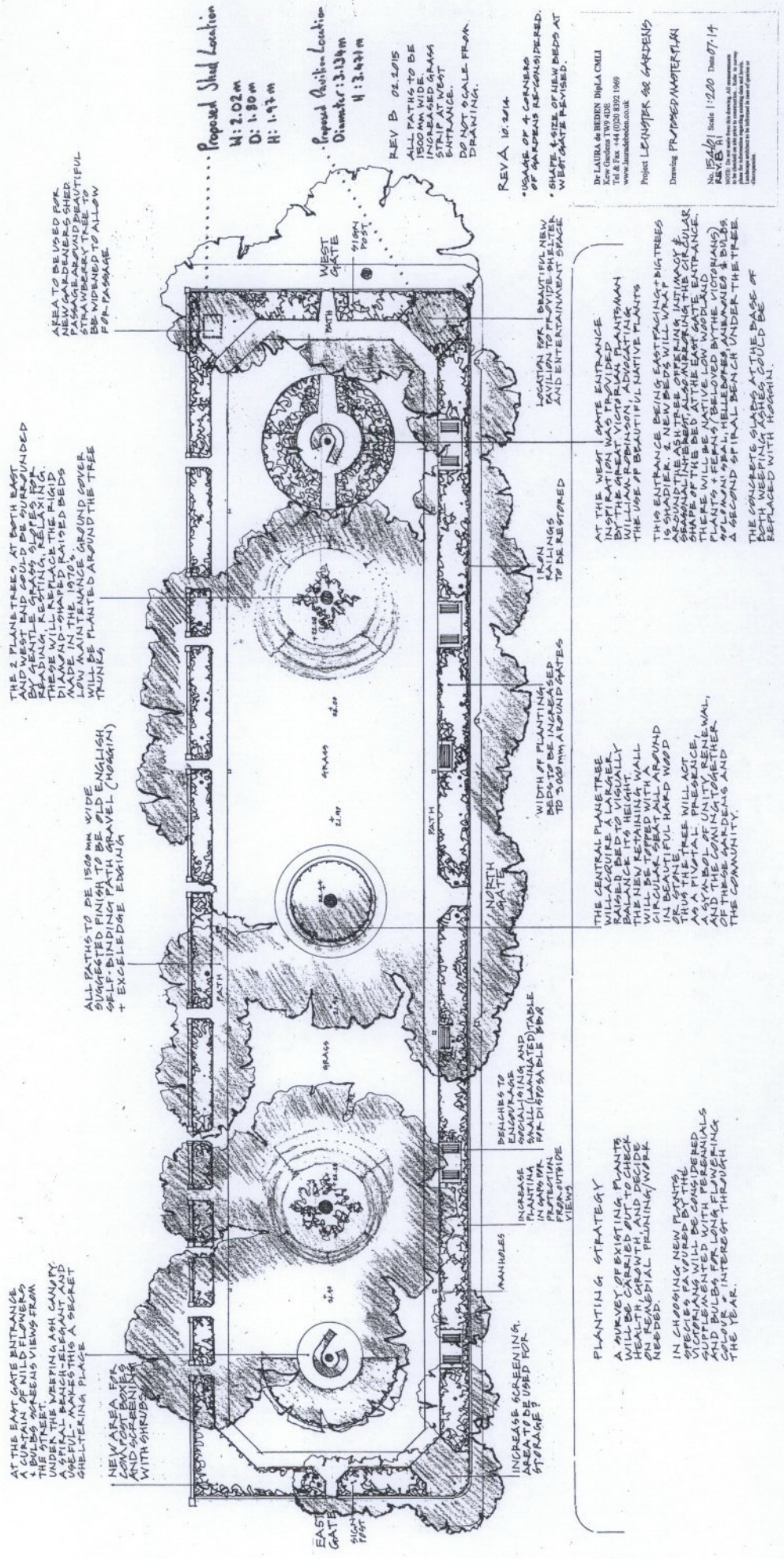
- 5 Despite what is shown on the approved drawings for the gazebo, the rear facades of the gazebo shall be solid.

Reason:

In order to safeguard the privacy of residents in the garden as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please contact our Tree Officer on 020 7641 6096 or 020 7641 2922 to arrange a site inspection before you start work to soil strip around T2 and T4 trees referred to in condition 3. (I34AA)



AT THE EAST GATE ENTRANCE A CURTAIN OF WILD FLOWERS UNDER THE WEeping Ash CANOPY A SPIRAL BRANCH-ELEGANT AND SHELTERING PLACE

NEW AREA FOR MANICURING AND SCREENING WITH SHRUBS

THE 2 PLANE TREES AT BOTH EAST AND WEST END COULD BE SURROUNDED BY A CURTAIN OF WILD FLOWERS. THESE WILL REPLACE THE RIGID DIAMOND-SHAPED RAISED BEDS. LOW MAINTENANCE GROUND COVER WILL BE PLANTED AROUND THE TREE TRUNKS.

ALL PATHS TO BE 1500 MM WIDE SUGGESTED FINISH TO BE OLD ENGLISH SELF-BINDING PATH GRAVEL (MORRIM) + EXCELLEDGME EGGING

AREA TO BE DEVISED FOR NEW GARDENERS. SHED PASSAGE AS A VERY BEAUTIFUL BEHOLDENED TREE TO BE WIDENED TO ALLOW FOR PASSAGE.

Proposed Shed Location
 W: 2.02m
 D: 1.80m
 H: 1.93m

Proposed Pavilion Location
 Diameter: 3.134m
 H: 3.433m

REV B 02.2015
 ALL PATHS TO BE 1500MM WIDE. INCREASED GRASS ENTRENCHMENT ENTRENCHMENT DO NOT SCALE FROM DRAINING.

REV A 10.2014

*USAGE OF 4 CORNERS OF GARDENS RE-CONSIDERED.
 *SHAPE & SIZE OF NEW BEDS AT WEST GATE REVISED.

PLANTING STRATEGY

A SURVEY OF EXISTING PLANTS WILL BE CARRIED OUT TO CHECK HEALTH, GROWTH, AND DECIDE ON REMEDIAL PRUNING/WORK NEEDED.
 IN CHOOSING NEW PLANTS, SPECIES FAVOURED BY THE GARDENERS WILL BE CHOSEN AND BUILDS FOR LONG FLOWERING COLOUR & INTEREST THROUGH THE YEAR.

MANICURES
 INCREASE SCREENING AREA TO BE USED FOR STORAGE
 ENCOURAGE SOCIALISING AND SMALL ILLUMINATED TABLES
 INCREASE PLANTING PROTECTION FROM OUTSIDE VIEWS

WIDTH OF PLANTING BEDS TO BE INCREASED TO 3000MM AROUND GATES

THE CENTRAL PLANE TREE WILL ACQUIRE A LARGER BALANCE TO ITS HEIGHT. THE NEW RETAINING WALL WILL BE TOPPED WITH A CURVED STONE FINISH AROUND THE TREE. THIS TREE WILL ACT AS A FORMAL TREEMARKER AND THE COMING TOGETHER OF THESE GARDENS AND THE COMMUNITY.

RAILINGS TO BE RESTORED

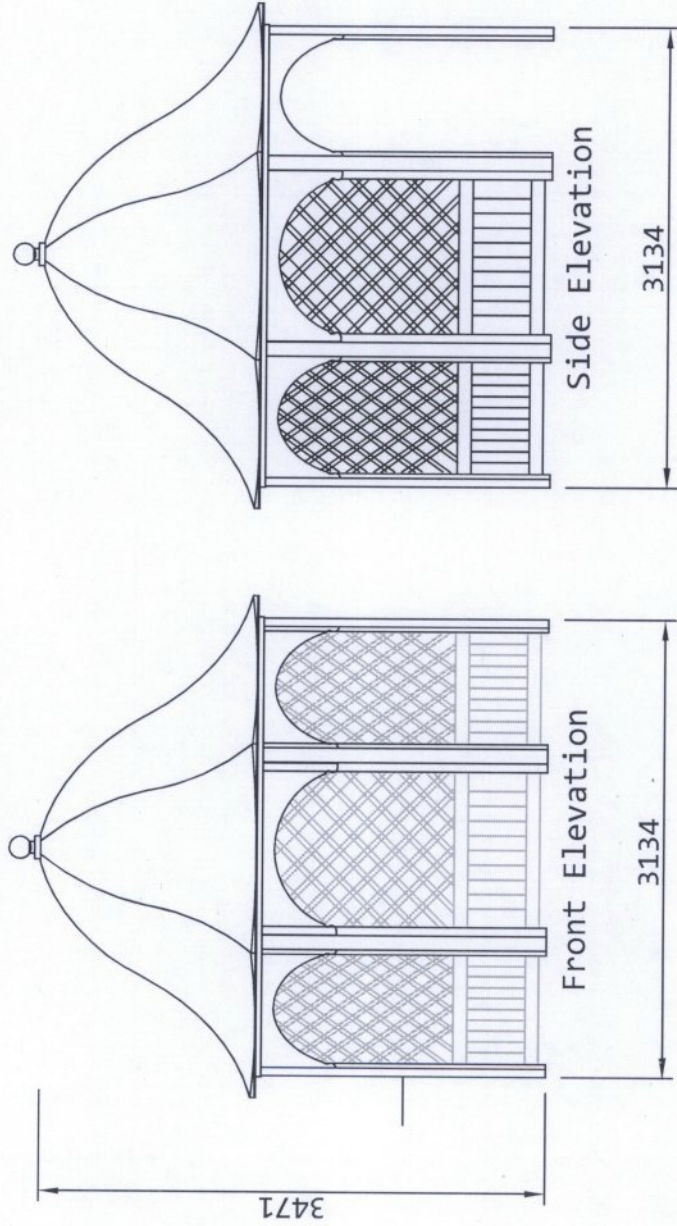
AT THE WEST GATE ENTRANCE INSPIRATION WAS PROVIDED BY WILLIAM ROBINSON ADVOCATING THE USE OF BEAUTIFUL NATIVE PLANTS. THIS ENTRANCE BEING EAST FACING, IT WILL INVOLVE AROUND THE ASH TREE OFFERING INTIMACY & SENSUAL INTEREST. ALSO INCLUDING THE CIRCULAR THERE WILL BE AT THE NEW WOODLAND PLANTS & FEARS (BELOVED BY THE VICTORIANS) WILDMANI SPAL, HELLEBORUS, ANEMONES & BULBS A SECOND SPIRAL BENCH UNDER THE TREE. THE CONCRETE SLABS AT THE BASE OF BOTH WEeping ASHES COULD BE REPLACED WITH MORRIM.

LOCATION FOR BEAUTIFUL NEW PAVILION TO PROVIDE SHED AND ENTERTAINMENT SPACE

DR LAURA DE BREDEN DIBLA CHILI
 New Zealand 780 438
 New Zealand 780 1869
 www.lauradibla.co.nz

Project LEINKEP & GARDENS
 Drawing PROJECT MASTER PLAN
 No. 15/2014 Scale 1:200 Date 07.14
 MTR 15/2014 No. 15/2014 Date 07.14
 This drawing is the property of the architect and shall remain confidential. All communications and correspondence should be addressed to the architect.

Oxborough Gazebo (3000)



Elevation Drawing

Hardwood: Posts, Ring Beam
Birch Plywood: Laminated Rafters, 6mm Roof Decking, Solid Panels
Colour Finish: Water Based Woodstain (Customer Colour)
Other Information: Code 3 Lead.

© HSP Garden Buildings Ltd

Date : 24/05/13
Scale : 1:50
Dimensions : mm

