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CITY OF WESTMINSTER				
PLANNING APPLICATIONS	Date	Classification	Classification	
COMMITTEE	29 September 2015	For General R	For General Release	
Report of		Wards involved		
Director of Planning	_	Knightsbridge And Belgravia		
Subject of Report	6-7 Bolney Gate, Ennismore Gardens, London, SW7 1QW			
Proposal	Extension to single family dwelling including excavation at lower ground floor level beneath terrace area to rear and erection of single storey extension at rear ground floor level with roof terraces above.			
Agent	JCL Planning			
On behalf of	Smech Management Co Ltd			
Registered Number	14/12804/FULL	TP / PP No	TP/1733	
Date of Application	18.12.2014	Date amended/ completed	29.12.2014	
Category of Application	Other			
Historic Building Grade	Unlisted			
Conservation Area	Outside Conservation Area			
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.





6-7 BOLNEY GATE, ENNISMORE GARDENS, SW7

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2. SUMMARY

6-7 Bolney Gate is a single family dwelling comprising of lower ground, ground, first to fourth floor levels. The building is not listed and is located outside of a conservation area. To the rear of the building is a raised terrace area and beyond that a communal garden area which is accessed by the application site and from Ennismore Gardens via a private gate.

Permission is sought for the extension of the existing single family dwelling including excavation at lower ground floor level beneath the terrace area to the rear and erection of a single storey extension at rear ground floor level with roof terraces above.

The key issues in this case are:

- The impact of the proposals on the residential amenity of neighbouring occupiers.
- The impact of the proposed works on the character and appearance of the area.

The proposals are considered to comply with the Council's policies in relation to design, conservation and amenity as set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan) and the application is recommended for approval.

3. CONSULTATIONS

KNIGHTSBRIDGE ASSOCIATION No objection.

BUILDING CONTROL

Structural method statement is considered to be acceptable.

ENVIRONMENTAL HEALTH

No objection.

ARBORICULTURAL MANAGER

No objection subject to conditions to protect trees at street level and during construction phase.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS No. Consulted: 60; Total No. of Replies: 18. (Two from the freeholder of 1-7 Bolney Gate).

Amenity

- Loss of sunlight.
- Noise, dust and vibrations due to excavation works.
- Noise from existing condensors.
- Limit hours of building work.
- Overlooking by workmen into adjacent flats at Kingston House South.

Basement excavation

- Timeline for works.
- · Objection to formation of a basement.

Highways

Access to garage space in adjoining building will be blocked by construction vehicles.

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- Suspension of residents parking bays.
- Obstruction as a result of construction traffic.

Other

- Disruption caused by skip deliveries and collections.
- · Security risk caused by workmen.
- No consent given by landlord of Kingston House South for drilling and soil sampling.
- Works will cause pedestrian obstruction.
- Inconsistency in consultation undertaken for similar applications at Nos. 1 and 4 Bolney Gate.

ADVERTISEMENT/SITE NOTICE: Yes.

4. BACKGROUND INFORMATION

4.1 The Application Site

6-7 Bolney Gate is a single family dwelling comprising of lower ground, ground and first to fourth floor levels. There is a level change within the building and the rear of the site. On entering the building there is a small ground floor hallway with steps leading down to the lower ground floor area and steps leading up to the first floor area which provides access to the living areas at first floor level and onto the raised first floor terrace area. Due to this level change the first floor terrace when viewed from the rear of the site from the communal gardens reads as the ground floor level.

To the rear of the building beyond the raised terrace area is the communal garden area which is accessed directly from the application site and from Ennismore Gardens via a private gate adjacent to No. 7.

The building is unlisted and is located outside of a conservation area.

4.2 Relevant History

There is no relevant planning history in relation to Nos. 6-7.

However, similar proposals have been submitted and granted for Nos. 1 and 4 Bolney Gate respectively.

1 Bolney Gate

Planning permission has been submitted for the extension at lower ground floor level to create kitchen, family room, including excavation under the ground floor rear patio and conservatory; and external alterations to the lower ground floor rear elevation and installation of walk on roof lights to patio and relocated external stair to the rear communal garden (15/04913/FULL). This application is currently under consideration by the Council.

4 Bolney Gate

Planning permission was granted on the 23 April 2014 for the extension to lower ground floor kitchen to create a family room including excavation under the existing first floor rear patio and conservatory at upper ground floor level; and extension to existing roof lights to patio and relocation of staircase to garden area set behind existing garden wall (14/00649/FULL).

Planning permission was granted on the 22 July 2014 for the excavation of additional basement level under house (14/05026/FULL).

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5. THE PROPOSAL

The application seeks to extend the application site by enlarging the existing lower ground floor area by excavating under the existing first floor rear patio. The proposals also seek to extend the depth of the rear bay extensions and provide terraces above.

6. DETAILED CONSIDERATIONS

6.1 Land Use

The creation of additional residential floorspace accords with Policy S14 of the City Plan.

6.2 Townscape and Design

The rear of the property is clearly visible when viewed from the communal gardens. The rear elevations of the properties have an established and consistent pattern with bay fronted extensions at rear first floor level leading onto the first floor patio area, solid walls behind the brick boundary wall fronting the communal garden area, simple black railings and access door into the garden area.

The alterations to the rear first floor elevation involve extending the bay extensions by approximately 2m and providing an enlarged terrace area at second floor level. The proposals would represent a subtle change to the rear elevation which would be generally consistent with the remainder of the properties that form part of the terrace with Nos. 6-7. The sole difference to those cases would be the linking spandrel between the two extended bays. Whilst this would create some architectural contrast with the neighbouring properties, this would only be slight and it would not be harmful to the existing building. As the two properties are internally linked it would remove what would otherwise be a somewhat awkward gap.

It is proposed to rebuild the lower ground floor perimeter wall facing onto the garden area. A condition is recommended requiring the brickwork to match existing.

6.3 Amenity

Policies S29 of the City Plan and saved Policy ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

The proposals seek to enlarge the existing lower ground floor level by excavating beneath the raised terrace area to the rear of the existing kitchen. Given its subterranean location, there would be no external manifestations of the extension. The proposal would therefore not have a material impact on the amenity of neighbouring residents.

A number of objections have been received from the residents of Kingston House South which is a residential block of flats. Kingston House South is located to the south of the application site and separated by a private road which provides access to the car park area that serves Kingston House South. The side elevation of Kingston House South has a number of windows with a central balcony which serves each of the flats and has views of the application property and the rear of the area surrounding the application site.

One of the main areas of concern is the noise, dust and disturbance that would be caused by the proposed works, on street disruption that would be caused by construction vehicles to the site and obstruction to resident's properties, and hours of building work should be limited to

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between 09.00 to 13.00 on weekdays only. A condition is recommended to secure a construction management plan to manage the works in order to minimise disturbance to the adjoining residential properties and the Council's standard condition controlling building works limiting excavation works between 08.00 and 18.00 Monday to Friday only and all other works (excluding excavation) to between 08.00 and 18.00 Monday to Friday and between 08.00 and 13.00 on Saturday; and not at all on Sundays, bank holidays and public holidays. Given the scale of the proposals, this is considered reasonable in order to manage works on site.

A resident in Kingston House South has raised concerns that the proposal would result in a loss of light to their flat. The proposed works will involve extending the existing bay windows at rear first floor level by 2m. This extension will match that of the neighbouring properties which form part of the terrace on Bolney Gate. It is unclear what level the flat is located on but there is a distance of approximately 10m separating the side of the application property with the side elevation of Kingston House South. Given the distance that separates the application site from Kingston House South, it is not considered that the extensions to the existing bays would cause a material loss of light to the windows within Kingston House South to justify refusing the application. In addition, the modest increase in size of the extension is not considered to give rise to an unacceptable loss of privacy to neighbouring residents.

The same resident has raised concerns that the works would result in overlooking into flats by workmen. Given the scale of works, it would be unreasonable to withhold permission on this basis. An Informative is recommended to advise the applicant to join the nationally recognised Considerate Constructors Scheme.

Condenser units are proposed within the internal area at lower ground floor level. As they are located within the building they do not require planning permission. However, an Informative is recommended advising the applicant that if external mechanical plant is proposed then this will require planning permission.

6.4 Transportation/Parking

The proposals do not result in any changes to the public highway.

Residents within Kingston House South have objected to construction vehicles obstructing access to the parking area within Kingston House South and the suspension of parking bays located opposite the site. As highlighted above, a construction management plan will be secured by condition and an Informative is recommended to ensure the applicant obtains the relevant licenses from the Highways Licensing Team.

6.5 Economic Considerations

The economic benefits generated are welcome.

6.6 Other UDP/Westminster Policy Considerations

Central Government's National Planning Policy Framework (NPPF) came into effect on 27 March 2012. It sets out the Government's planning policies and how they are expected to be applied. The NPPF has replaced almost all of the Government's existing published planning policy statements/guidance as well as the circulars on planning obligations and strategic planning in London. It is a material consideration in determining planning applications.

Until 27 March 2013, the City Council was able to give full weight to relevant policies in the Core Strategy and London Plan, even if there was a limited degree of conflict with the framework. The City Council is now required to give due weight to relevant policies in existing

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plans "according to their degree of consistency" with the NPPF. Westminster's City Plan: Strategic Policies was adopted by Full Council on 13 November 2013 and is fully compliant with the NPPF. For the UDP, due weight should be given to relevant policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater the weight that may be given).

The UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

6.7 London Plan

The proposal does not raise strategic issues.

6.8 Planning Obligations

The proposal does not trigger any requirement for planning obligations.

6.9 Environmental Assessment including Sustainability and Biodiversity Issues

Details have been submitted concerning the proposed works in respect of trees and soft landscaping within the application site and the neighbouring property at No. 5. These indicate that there are minimal root incursions from the neighbour's trees (a Magnolia and Cedar) through the brickwork foundation of the boundary wall. The majority of fine roots appear to be from shrubs within the application site. A mature London Plane tree within the communal garden is to be retained but again the proposals are unlikely to have a significant impact on this tree.

The Arboricultural Manager has concluded that the proposed works are unlikely to significantly harm the trees. Conditions are recommended to ensure that the existing trees are protected during the construction works.

6.10 Other Issues

Excavation at rear lower ground floor level

The applicant has submitted a method statement relating to the excavation works proposed. The statement has been assessed by Building Control officers who have confirmed that the method statement is acceptable.

The purpose of such a report at the planning application stage is to demonstrate that the proposed works at lower ground floor level can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. In addition, the application proposals are not seeking to create a new basement level but rather excavating beneath the rear terrace to extend the existing lower ground floor level.

The City Council adopted its supplementary planning document on basement extensions in November 2014. The SPD is a material consideration in assessing basement extensions; however, the document does not include any new planning policy which restricts the extent to which basements can be constructed but supports the implementation of adopted policies in

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the Council's development plan. It provides guidance on information that needs to be submitted and how planning applications will be assessed in relation to the adopted policy framework.

Consultation

The managing agents of the seven properties in Bolney Gate, Kingston House Property Management Limited, have objected to the method of consultation. The Council relies on the applicant to ensure that the correct certificates are completed on the application form and that notification is given to all relevant freeholders and leaseholders. The correct certificate and notice was served for this application.

The Council itself can only send out neighbour consultation letters to property addresses. It is the responsibility of the occupants to make the relevant leaseholder/freeholders aware of applications that may affect those properties.

6.11 Conclusion

Subject to the conditions set out in the draft decision letter, it is considered that the proposals could not be reasonably withheld on planning grounds. The application is considered acceptable in amenity, highways and design terms and is recommended for approval.

BACKGROUND PAPERS

- 1. Application form.
- E-mail from Thames Water dated 16 January 2015.
- 3. Letter from the Knightsbridge Association dated 27 January 2015.
- 4. E-mail from Environmental Health dated 3 February 2015.
- 5. E-mail from Building Control dated 26 February 2015.
- 6. Memorandum from the Arboricultural Manager dated 28 August 2015.
- 7. Letter from occupier of 56 Kingston House South dated 24 January 2015.
- 8. E-mail from occupier of 52 Kingston House South dated 2 February 2015.
- 9. Letter from occupier of 86 Kingston House South dated 4 February 2015.
- 10. Letter from occupier of 36 Kingston House South dated 9 February 2015.
- 11. Letter from Peerman Investments Limited c/o 54 Kingston House South on behalf of Flat Nos. 44, 46, 49, 50, 51, 53, 54, 57, 58, 66, 73, 77, 78 dated 4 February 2015.
- 12. Letter from occupier of 40 Kingston House South dated 8 February 2015.
- 13. Letter from occupier of 48 Kingston House South dated 8 February 2015.
- 14. Letter from occupier of 56 Kingston House South dated 8 February 2015.
- 15. Letter from occupier of 59 Kingston House South dated 8 February 2015.
- 16. Letter from occupier of 60 Kingston House South dated 8 February 2015.
- 17. Letter from occupier of 61 Kingston House South dated 8 February 2015.
- 18. Letter from occupier of 63 Kingston House South dated 8 February 2015.
- 19. Letter from occupier of 64/65 Kingston House South dated 8 February 2015.
- 20. Letter from occupier of 70 Kingston House South dated 8 February 2015.
- 21. Letter from occupier of 72 Kingston House South dated 8 February 2015.
- 22. Letter from occupier of 80 Kingston House South dated 8 February 2015. 23. Letter from occupier of 86 Kingston House South dated 8 February 2015.
- 24. Letters from Stepien Lake LLP freehold owner of 1-7 Bolney Gate dated 9 February 2015 and 29 July 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS PLEASE CONTACT VINCENT NALLY ON 020 7641 5947 OR BY FAX 020 7641 2339 OR BY E-MAIL – vnally@westminster.gov.uk

DRAFT DECISION LETTER

Address:

6-7 Bolney Gate, Ennismore Gardens, London, SW7 1QW

Proposal:

Extension to single family dwelling including excavation at lower ground floor level beneath terrace area to rear and erection of single storey extension at rear ground floor level with roof terraces above.

Plan Nos:

6312-PL01 Rev. B, 6312-PL02 Rev. A, 6312-PL03 Rev. A, 6312-PL04, 6312-PL05, 6312-PL10 Rev. B, 6312-PL11, 6312-PL12 Rev. B, 6312-PL13 Rev. A, 6312-PL14 Rev. D, design and access statement, Arbtech Tree Survey dated 24 April 2015, Arbtech Arboricultural Method Statement dated 12 May 2015, Arbtech AlA 01, Arbtech TPP 01 and E-mails dated 13 July 2015 and 27 August 2015 and plan showing the trial excavation for trees.

For information purposes only: Method statement for basement construction and drawings 13/557/SK1 Rev. A and 13/557/SK2 Rev. A (see informative 5) and construction management plan (see informative 3).

Case Officer:

Zulekha Hosenally

Direct Tel. No. 020 7641 2511

Recommended Condition(s) and Reason(s):

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 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:
 - * between 08.00 and 48.00 Monday to Friday;
 - * between 08.00 and 13.00 on Saturday, and
 - * not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

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

Noisy work must not take place outside these hours. (C11BA)

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)

All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- Pre Commencement Condition. No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
 - (i) a construction programme including a 24 hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction):
 - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development:
 - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
 - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
 - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

Pre Commencement Condition. You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on drawing Arbtech AIA 01 and Arbtech TPP 01. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005. You must then carry out the work according to the approved details. (C31AC)

Reason:

To protect trees and the character and appearance of the site 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. (R31CC)

- When you apply to us for approval under condition 6, you must include the following.
 - (a) A plan to a scale of 1:20 that shows the position and canopy spread of every tree, hedge and area of shrubs, both on the site and on neighbouring land, that may constrain (limit) the development, as defined by section 5 of British Standard BS 5837: 2005.
 - (b) The tree details as recommended in paragraph 4.2.6 of BS 5837: 2005, in the form set out at appendix D of that standard.
 - (c) Details of all planned tree surgery and removal, and the reasons why you want to carry out this work to the trees.
 - (d) Details of any alterations you want to make to the existing ground levels, or any other work you want to carry out within the root protection area (as defined by paragraph 5.2.2 of BS 5837: 2005) and within five metres beyond it, around any tree shown on the plan or schedule you have sent to us under parts (a) and (b) above.
 - (e) Details of how you will protect each tree that you are going to keep before and during the development.

(C31HA)

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)

Informative(s):

- 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.
- Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- For the avoidance of doubt the Construction Management Plan required under condition 5 shall be limited to the items listed. Other matters such as noise, vibration, dust and construction methodology will be controlled under separate consents including the Control of Pollution Act 1974 and the Building Regulations. You will need to secure all necessary approvals under these separate regimes before commencing relevant works.
- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This

commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- This permission does not permit the installation of any new external mechanical plant or vents that would allow for the ventilation of any internal plant. Therefore a separate planning application accompanied by an acoustic report would be required for either external plant or vents.
- 7 You are advised that in relation to Conditions 5, 6 and 7 that the details submitted satisfy the construction management and tree protection conditions are prepared in conjunction with each other, as adequate protection of trees on an adjacent to the site will rely on an appropriate means of construction.















