

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 5 January 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bayswater	
Subject of Report	30 Kildare Terrace, London, W2 5LX,		
Proposal	Single storey rear extension at lower ground floor level, formation of roof terrace at raised ground floor level and erection of balustrade; conversion of front vaults into habitable accommodation, lowering floor under front vaults and part of rear garden by 600mm.		
Agent	Mr Jonathan Wright		
On behalf of	Mr Harry Roheby Johnson		
Registered Number	15/02880/FULL	Date amended/ completed	15 September 2015
Date Application Received	30 March 2015		
Historic Building Grade	Unlisted		
Conservation Area	Westbourne		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Planning permission is sought for the erection of a single storey rear infill extension at lower ground floor level, formation of roof terrace at raised ground floor level and erection of balustrade; conversion of front vaults into habitable accommodation and lowering of the floor under the front vaults and part of rear garden by 600mm. The proposal has attracted a number of objections from neighbouring residents on the grounds of the impact of construction works, design and impact on amenities.

The key issues are:

- * The impact of the extensions and works upon the character and appearance of this part of Westbourne Conservation Area.
- * The impact on the amenities of neighbours.

The proposal once built would preserve the character and appearance of this part of the Westbourne Conservation Area and would have no significant detrimental impact on the amenities of neighbours. Subject to conditions, the proposal would accord with the UDP and City Plan policies and therefore approval is recommended.

3. LOCATION PLAN



4. PHOTOGRAPHS



Rear elevation



View from existing extension towards garden of No. 28 Kildare Terrace

5. CONSULTATIONS

ORIGINAL CONSULTATION

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Awaiting comments from neighbours. Unfortunate no Construction Management Plan (CMP). Object to casement windows at rear. Terrace location appears acceptable. Should be condition stopping two flat roofs being used as a terrace.

BUILDING CONTROL

No response.

ADJOINING OWNERS/OCCUPIERS:

No. consulted: 166; No. of replies: 4 and 1 petition

Petition to require submission of Construction Management Plan signed by 27 people and objections on some or all of the following grounds.

Design

Increase depth as a result of rear extension disproportionate to original house size and more than any in terrace.

Amenity

Loss of privacy as a result of rear balcony;

Noise from terrace;

Proposed casement window at rear of extension would result in loss of privacy;

Loss of daylight/sunlight as a result of rear extension.

Other matters

Absence of a CMP;

Impact on Purple plum tree;

Excessive excavation;

Use of front vaults as living accommodation unsuitable because of lack of ventilation;

Building works shouldn't be allowed during weekends and no delivery/collection during weekdays and outside of commuting hours;

Boiler housed under pavement dangerous.

SITE NOTICE:

Yes.

SECOND CONSULTATION - AMENDED TREE REPORT TO SHOW RETENTION OF TREE IN REAR GARDEN

ARBORICULTURAL OFFICER

Excavation of rear garden too close to purple leaf plum tree. Would need to reduce the size of the proposed rear garden lower patio.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Welcome reduced excavation which we trust will further safeguard tree in rear garden.

BUILDING CONTROL

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS:

No. consulted: 166; No. of replies: 2

2 Objections which did not introduce any new comments to those listed above.

SITE NOTICE:

Yes.

THIRD CONSULTATION - REDUCTION IN EXTENT OF EXCAVATION TO REAR GARDEN AND SUBMISSION OF CONSTRUCTION MANAGEMENT PLAN**ARBORICULTURAL OFFICER**

Extent of excavation just about acceptable to ensure survival of purple leaf plum tree.

Acceptable subject to conditions.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any comments to be reported verbally

ADJOINING OWNERS/OCCUPIERS:

No. consulted: 166; No. of replies: 4

1 letter of support and 3 letters of objection on all or some of the following grounds:

Design

Bulk and mass disproportionate to original size of house;

Cuts significantly into garden.

Other Matters

CMP does not go far enough in assuring residents they will be able to enjoy peaceful amenity of street;

2 suspended parking bays in front of property have not been properly policed by Council or applicants;

No noisy works shall be carried out on Saturdays;

Only one tipper truck should be on site at once;

Tipper truck should not be permitted to reverse in or out of Kildare Terrace;

There should be no deliveries at weekends;

Security risk of extension.

SITE NOTICE:

Yes.

6. BACKGROUND INFORMATION**6.1 The Application Site**

No.30 Kildare Terrace is a four storey mid-terrace family dwelling. It is a unlisted building located within the Westbourne Conservation Area.

6.2 Recent Relevant History

14/11913/FULL

Single storey rear extension at lower ground floor level, formation of roof terrace at raised ground floor level and erection of balustrade; conversion of front vaults into habitable accommodation, lowering floor under entire house and front garden and part of rear garden by 600mm.

Application Withdrawn

13 March 2015

7. THE PROPOSAL

Planning permission is sought for the erection of a single storey rear extension at lower ground floor level, formation of roof terrace at raised ground floor level and erection of balustrade; conversion of front vaults into habitable accommodation and lowering the floor under the front vaults and part of rear garden by 600mm.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The principle of additional residential floorspace in land use terms is supported by Policy H3 of the UDP.

8.2 Townscape and Design

The works to the front vaults are acceptable. There is a variety of treatments to this front area within the terrace. The proposal would retain the stairs in the existing position, and would not change the appearance of the building significantly and would have minimal impact on the character and appearance of the conservation area.

The rear infill extension is located at lower ground floor level, with very limited visibility, between the closet wing of the property and that of No.28. Because of its set back and its comparatively low height to the closet wings on either side it will appear subservient to the original building. The fenestration shows a clear separation between the infill extension and the closet wing. An objection has been received regarding the excessive bulk and depth of the extension however the neighbouring property (No. 32) has a similar scaled extension and the extension does not project any further into the garden than the existing closet wing.

The proposal also involves the replacement of the conservatory style extension off the original closet wing at upper ground floor level with a more solid brick structure with a traditional sized window to the rear elevation. Also proposed is the replacement of a modern window with fixed, top light and casement elements and timber panelling below to the rear elevation of the original closet wing at first floor level with a more traditional brick wall and sash window. These alterations are welcomed as more appropriate features to this Victorian terrace.

Simple black metal railings are proposed to the roof terrace which is set back on the flat roof of the extension so that is behind the neighbouring closet wing.

The proposal would be consistent with Policies DES1, DES5 and DES9 of the UDP and Policies S25 and S28 in the City Plan.

8.3 Residential Amenity

The proposed rear extension is set below and behind the existing closet wing of the property on one side and almost entirely behind the closet wing and boundary wall with No.28 on the other. The other alterations are set within the existing envelope of the building. There are therefore no significant amenity implications of the development for neighbouring properties in terms of loss of daylight/ sunlight or sense of enclosure.

A terrace is proposed on part of the extensions flat roof. It will be set back behind the line of the existing closet wing of No.28 which will minimise overlooking. Objections have been received regarding the loss of privacy resulting from the balcony and the creation of additional noise. Although there may be some potential for overlooking from this terrace into parts of the garden of No.28, this would not be significant because of the set back and the adjoining closet wings wall. Because of the limited size of the balcony and its close proximity to the garden it is unlikely that it would result in any significant increase in activity and noise. It should also be remembered that there is an advantage to these proposals in that the existing glass conservatory at first floor level is to be replaced with a solid brick extension, thereby largely reducing overlooking to No. 28 from the current situation.

Accordingly, the proposal would be consistent with Policy ENV13 of the UDP and Policy S29 of the City Plan.

8.4 Transportation/Parking

The proposal does not create any additional residential units and therefore is acceptable in terms of transportation and parking.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

No changes are proposed to the properties access arrangements.

8.7 Other UDP/Westminster Policy Considerations

Following advice from the City Council's Arboricultural Officer the application was modified to reduce the extent of excavation in the rear garden after concerns regarding the purple leaf plum tree in the rear garden. The Arboricultural officer does not object to the amended proposal subject to a condition requiring the submission of further details of tree protection measures.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.11 Environmental Impact Assessment

The proposal is not of sufficient scale to require the submission of an Environmental Impact Assessment.

8.12 Other Issues

Construction impact

The proposal involves only limited excavation involving lowering the floor under front vaults and part of rear garden by 600mm. Initial objections were received to the application not including a Construction Management Plan (CMP). This would normally be required for an application for a more extensive excavation, for example when creating a basement level, however the applicant has since submitted a plan which outlines how the construction impact of the works will be managed and mitigated. The CMP has been consulted on and objections have been received that it does not go far enough in assuring residents they will be able to enjoy peaceful amenity of street. Specific points raised include objections that 2 suspended parking bays in front of property have not been properly policed in the past, that noisy works could be carried out on Saturdays, to the lack of restriction to only one tipper truck being on site at once, to any tipper truck being permitted to reverse in or out of Kildare Terrace and to any deliveries being made at weekends. The applicant has considered these comments relating to the CMP and has revised the submitted CMP accordingly. It is now proposed that no noisy work will take place at weekends, that there will at no time be more than one tipper truck on site, that the tipper truck nor other delivery vehicles will not be allowed to reverse and that deliveries will only take place on weekdays. It is considered that the CMP takes every reasonable step to consider resident's concerns and to mitigate the amenity implications of the development.

9. BACKGROUND PAPERS

1. Application form
2. Memorandum from Tree Section dated 5 June 2015 and 23 July 2015
3. Memorandum from South East Bayswater Residents Association dated 26 April 2015 and 31 July 2015
4. Undated Petition
5. Letter from occupier of Flat 3, 34 Kildare Terrace, dated 18 June 2015
6. Letter from occupier of 35 Kildare terrace, London, dated 15 June 2015
7. Letter from occupier of 28 Kildare Terrace, London, dated 12 June 2015
8. Letter from occupier of 36 Kildare Terrace, London, dated 15 June 2015, 1 August 2015

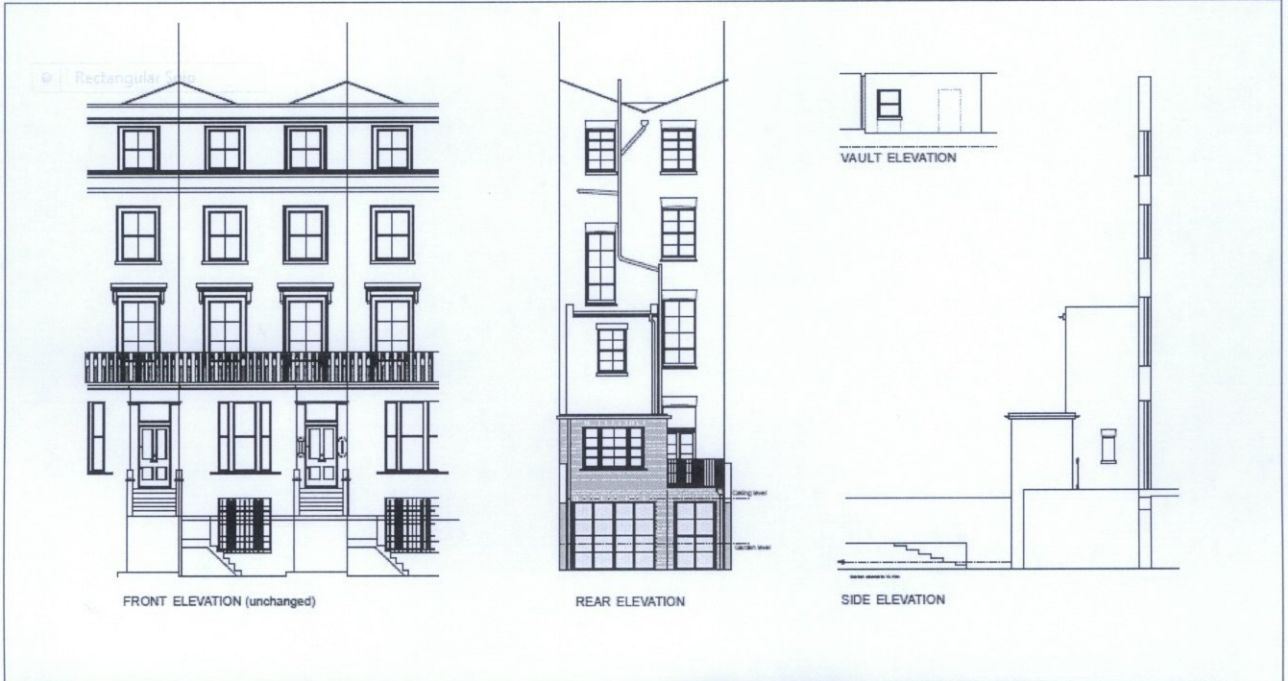
Item No.
4

and 8 October 2015

9. Letter from occupier of 28 Kildare Terrace, London, dated 7 August 2015
10. Letter from occupier of 23 Kildare Gardens, London, dated 28 September 2015
11. Letter from occupier of 34 Kildare Terrace, London, dated 5 October 2015
12. Letter from occupier of 22 Kildare Terrace, London, dated 29 September 2015
13. Letter from occupier of 36 Kildare Terrace, London, dated 8 October 2015

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT RICHARD LANGSTON ON 020 7641 7923 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk

10. KEY DRAWINGS



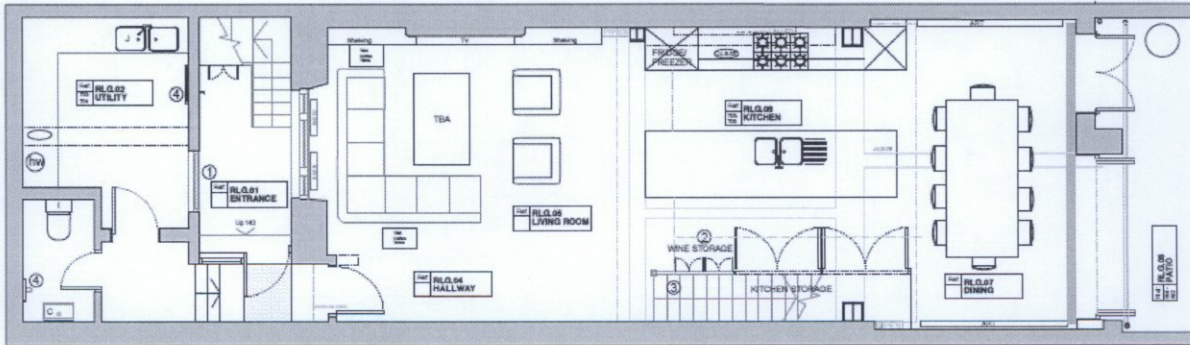
No structural work to be carried out without structural engineers approval in writing.
Be sure to print at 100% and check scale bar with a scale rule for confirmation



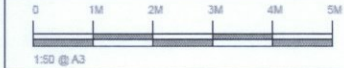
Roland Cowan Architects
30 Westbourne Park Villas, London W2 2ED
T 0207 228 5550 E info@rca.uk.com
F 0207 228 5550 W www.rca.uk.com

Project	1336: 30 Kildare Terrace W2 SLX		
Drawing Title	PROPOSED ELEVATIONS		
Dep No:	1336-EL-170	Revision	C
Scale	1:100 @ A3	Date	18 NOV 2015
		Drawn by	PMR/PN/SH

DO NOT SCALE FROM THIS DRAWING. ANY DIMENSIONS SHOWN ARE TO BE REPORTED TO RCA IMMEDIATELY PRIOR TO THE EXECUTION OF THE WORK OR TO THE ARCHITECT'S REPRESENTATIVE BEFORE ANY START OF THE WORK.



No structural work to be carried out without structural engineers approval in writing.
Be sure to print at 100% and check scale bar with a scale rule for confirmation



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Project	1336: 30 Kildare Terrace W2 SLX		
Drawing Title	PROPOSED LOWER GROUND FLOOR INDOORS		
Dep No:	1336-GA-110	Revision	E
Scale	1:50 @ A3	Date	18 NOV 2015
		Drawn by	PMR/PN/SH

DO NOT SCALE FROM THIS DRAWING. ANY DIMENSIONS SHOWN ARE TO BE REPORTED TO RCA IMMEDIATELY PRIOR TO THE EXECUTION OF THE WORK OR TO THE ARCHITECT'S REPRESENTATIVE BEFORE ANY START OF THE WORK.

DRAFT DECISION LETTER

Address: 30 Kildare Terrace, London, W2 5LX,

Proposal: Single storey rear extension at lower ground floor level, formation of roof terrace at raised ground floor level and erection of balustrade; conversion of front vaults into habitable accommodation, lowering floor under front vaults and part of rear garden by 600mm.

Plan Nos: Site location Plan; 1336-PP-300RevA; 1336-PP-301RevA; 1336-PP-302RevA; 1336-PP-303RevA; 1336-PP-304RevB; 1336-PP-305RevA; 1336-PP-306RevA; 1336-PP-307RevB; 1336-PP-308RevA; 1336-DM-050RevA; 1336-DM-051RevA; 1336-DM-052RevA; 1336-DM-053RevA; 1336-DM-054RevA; 1336-DM-055RevA; Design and Access Statement. Arboricultural Impact Assessment; Construction Management Plan; Method Statement;

Case Officer: Richard Langston

Direct Tel. No. 020 7641 7923

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 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 this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 Except for the shaded area annotated "roof terrace" on drawing number 1336-GA-120REvD, you must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is 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. (R21BC)

- 5 **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 marked tree protection plan in the Arboricultural Report. 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 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)

- 6 You must then carry out the development in accordance with the submitted Construction Management Plan.

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.

- 7 The new windows and doors shall be formed in white painted timber and the new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.