

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 9 February 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Lancaster Gate	
Subject of Report	12 Garway Road, London, W2 4NH,		
Proposal	Excavation of basement extension under house and part of front and rear gardens, demolition and rebuilding of rear glazed conservatory at lower ground floor, enlargement of front lightwell with new glazed floor and clerestory windows, removal of tree to rear and internal alterations.		
Agent	Savills		
On behalf of	Mr & Mrs Marco Arosio		
Registered Number	15/09360/FULL & 15/09361/LBC	Date amended/ completed	7 October 2015
Date Application Received	7 October 2015		
Historic Building Grade	II		
Conservation Area	Bayswater		

1. RECOMMENDATION

Had appeals not been lodged on the grounds of non-determination, does the Committee agree that planning permission and listed building consent would have been refused on grounds of detailed design of front lightwell.

2. SUMMARY

The application site forms one half of a grade II listed 1830's villa located within the Bayswater Conservation Area. An appeal against non-determination has been submitted in respect of this application, which seeks planning permission and listed building consent for the excavation of a basement extension under house and part of front and rear gardens, demolition and rebuilding of the rear glazed conservatory at lower ground floor, enlargement of the front lightwell with new glazed floor and clerestory windows and removal of a tree to the rear.

An appeal in respect of a previous scheme for a basement extension below this building with a larger rear lightwell and with new French doors to the front elevation at lower ground floor level was dismissed on 22 September 2015. A copy of this appeal decision and relevant drawings are provided in the background papers.

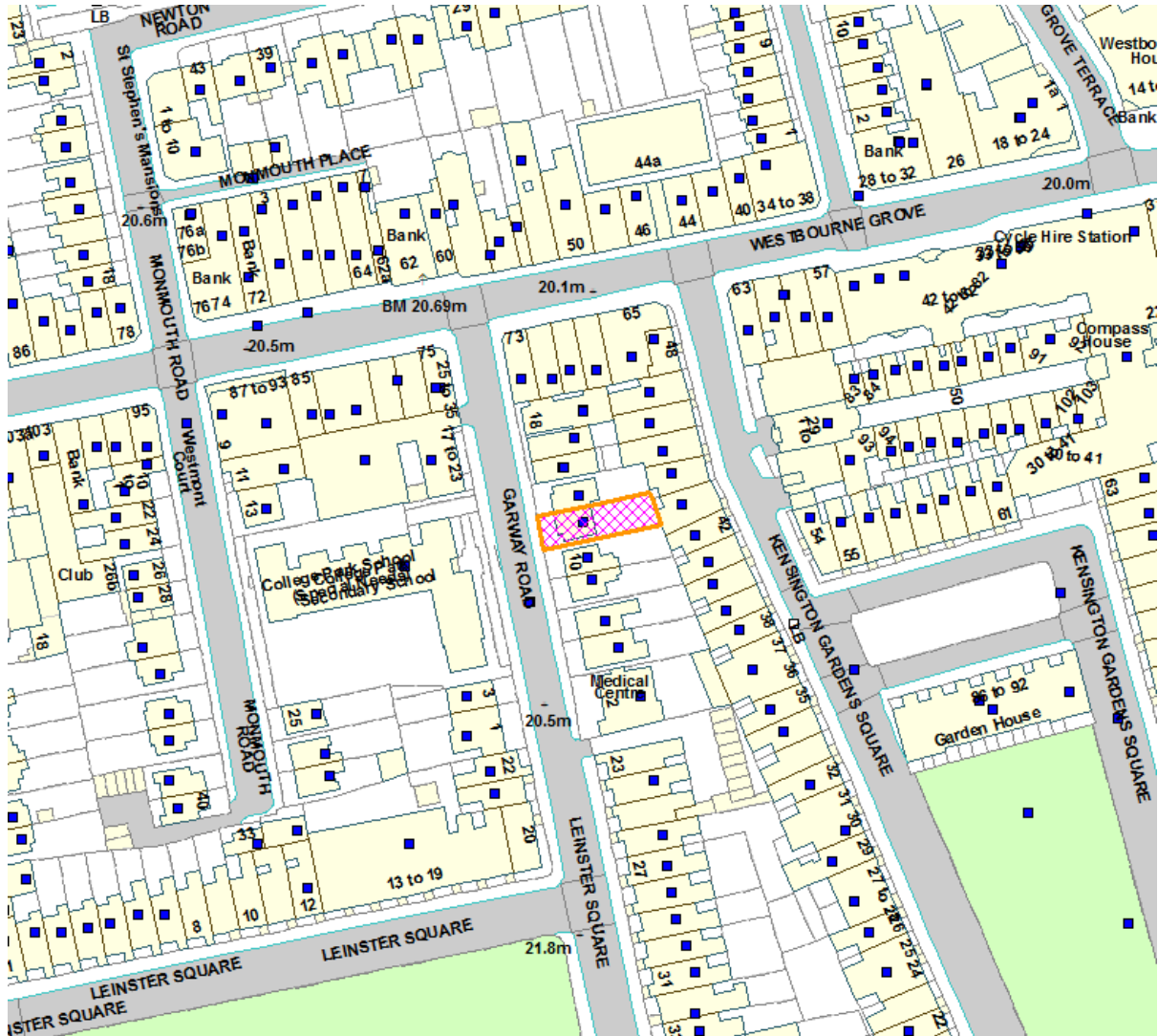
Also of note is that an application for the excavation of a basement extension below No.14 Garway Road (the other half of this semi-detached villa pair) is also on this Committee agenda at Item 3.

The key considerations in this case are:

- The impact of the proposed internal and external alterations on the special interest of the building and the setting of the listed paired villa.
- The impact of the proposed external alterations on the character and appearance of the Bayswater Conservation Area.
- The impact of the basement excavation on the structural condition of the house and its neighbour No.14.
- The impact of the excavation on trees on the site and adjacent to it.
- The impact on the amenity of neighbouring residents.

Whilst the current scheme addresses the concerns raised in respect of the appeal scheme in terms of the size of the front lightwell and the fenestration to the front elevation at lower ground floor level, the large rooflights and grille within the front lightwell harm the special interest of the listed building and the character and appearance of the Bayswater Conservation Area. This would be contrary to the relevant design and conservation policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan). For this reason it is recommended had appeals against non-determination not been lodged, conditional planning permission and conditional listed building consent would have been refused.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Top: Front elevation (No.12 on right). Bottom: Existing front lightwell.



5. CONSULTATIONS

WARD COUNCILLORS (LANCASTER GATE)

Any response to be reported verbally.

BAYSWATER RESIDENT'S ASSOCIATION

The proposed basement extension appears to meet WCC basement policy guidelines and the other works seem reasonable. We have concerns over construction and traffic management plans as Garway Road is a narrow street and a bus route and parking of large vehicles during course of construction will cause congestion and delays to the No.70 bus route. Length of time vehicles can be parked outside the site should be heavily restricted. Also there will be some loss of resident's parking spaces, which must be kept to a minimum.

ABORICULTURAL MANAGER

All of the trees are proposed for retention, with the exception of the bay tree, T1. The bay tree is attractive and in good condition and makes a positive contribution to the character and appearance of the conservation area. It provides valuable screening and is considered to merit retention. Note though that the previous appeal decision allowed the removal of this tree and on that basis it is understood that its loss cannot reasonably be resisted. Tree protection measures required to protect other retained trees.

BUILDING CONTROL

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

Objection. There is a remote room with no protected route, layout unacceptable in terms of fire safety, bedroom in basement is acceptable if used as part of whole building, otherwise not acceptable in term of natural light and ventilation.

THAMES WATER

Any response to be reported verbally.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 32.

Total No. of replies: 7 from 3 respondents.

No. in support: 2 emails supporting the removal of the tree from the rear garden.

No. of objections: 3 emails/ letters raising objection on all or some of the following grounds:

- Scheme fails to accord with emerging basement policy.
- Flood risk.
- Adverse structural impact.
- Loss of tree.
- Adverse impact on listed building.
- Loss of privacy as a result of tree removal.
- Noise disturbance.
- Noise and disturbance from construction works.
- Inadequate structural information.

- Increased flood risk.

ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a grade II listed, early 1830's semi-detached single bay house with side flanking wing. This attractive brick with stucco detailing house comprises lower ground, ground and two upper floors, below a shallow pitched roof. The building is in use as a single dwellinghouse.

The house is broadly symmetrical to No.14 and together they form a typical Regency villa composition. These remaining examples of the earlier forms of development within Bayswater, positively contribute to the architectural and historical character and appearance of the area.

6.2 Recent Relevant History

22 September 2015 – Non-determination appeals in respect of planning and listed building consent applications for “Excavation of basement extension, demolition and rebuilding of single storey rear extension, removal and replacement of front garden boundary wall and railings” were dismissed on design and listed building grounds (see appeal decision in background papers) (14/11717/FULL and 14/11718/LBC).

22 September 2015 – Non-determination appeals in respect of planning and listed building consent applications for: “Installation of five rooflights to main roof, one rooflight to flat roof, one window to side elevation at lower ground floor level, removal of window in side elevation at second floor level, erection of front porch and front boundary treatment and associated internal alterations” were part dismissed/ part allowed (14/11841/FULL and 14/11842/LBC).

7. THE PROPOSAL

Permission is sought for the excavation of a basement beneath the existing building and part of the front and rear gardens, demolition and rebuilding of the rear glazed conservatory at lower ground floor, enlargement of the front lightwell with a new glazed floor and clerestory windows, removal of a tree to rear and internal works.

Previous proposals for excavation of a basement floor were subject to appeal in 2015 and were dismissed in September 2015 (see background papers). However, the Inspector acknowledged that the basement extension would extend 2.5m beyond the present rear conservatory and to occupy about two thirds of the front garden depth and saw no objection to this extent of basement excavation in principle, subject to the appropriate structural support for the front and rear walls of the listed building.

The Inspector expressed concerns with the width of the rear lightwell, commenting that it would create a ‘moat effect’, and the loss of the front window at lower ground floor level to

form a door. She also expressed reservation about how the front lightwell, which would be increased in depth (i.e. projection from the front elevation), would relate to the building with regard to the hard and soft landscaping to the front of the site.

Then, as now, there was no objection to the loss of the demolition and rebuilding of the glazed extension to the rear at lower ground floor level. The loss of the Bay tree in the rear garden was considered by the Inspector and she considered that its loss would not be harmful to the character or appearance of this part of the Bayswater Conservation Area.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The enlargement of the existing dwellinghouse accords with Policy H3 in the UDP and is acceptable in land use terms.

8.2 Townscape and Design

In design terms, the principle of a basement is acceptable, as established in the recent appeal decision, subject to the works preserving the special interest of the listed building and the character and appearance of the Bayswater Conservation Area.

To the rear the revised rear lightwell proposed in the current application overcomes the concerns previously expressed in respect of the larger rear lightwell that formed part of the recently dismissed appeal scheme.

With regard to the front lightwell, the Inspector noted that the shallow lightwell and window to the application property are more typical features of a building of this age than the non-original wider lightwell and French doors to No.14. The Inspector opined that whilst a larger lightwell to match the dimensions of the lightwell at No.14 may be acceptable in principle, the loss of the original window at lower ground floor level was not. The current scheme addresses the concern regarding the window by showing its retention; however, concerns remain that the Inspector's concerns in respect of the impact of the enlarged front lightwell on the special interest of the listed building have not been fully addressed. When concluding her opinions on the front lightwell the Inspector made the following statement on its potential to be considered favourably:

“Subject to appropriate detailing of hard and soft landscaping to the front garden area, a modest increase in the depth of the light-well would not necessarily appear incongruous or detract from the listed building’s setting, but that would not overcome the harm arising from loss of the existing window.”

The visual impact of the proposed front lightwell on the buildings setting remains a concern in the current application, as it has not been adequately mitigated by hard or soft landscaping in the submitted scheme. In addition the enlarged lightwell would differ in form the design to that No.14.

The proposed lightwell would project 1.35 metres into the front garden, as opposed to 0.9 metres at present. By increasing its depth (the projection into the garden), the proposed glazing and grille within it would be more prominent in the setting of the building. The use

of clear glazing spanning the depth of the lightwell would create a visually prominent feature with a shiny finish and that impact would be exacerbated by presence of the adjacent clerestory window within the retaining wall of the lightwell. A clerestory window projecting from the garden would be an alien and discordant element, distracting from the attractive front garden, which of course is a more typical setting of a suburban villa of the 1830's.

The size, type, finish and design of the lightwell materials are clearly part of the hard landscaping of the front of the application site and need to be respectful of the setting of the listed building and as inconspicuous as possible in their design. This is particularly the case if they are to be located on the public face of the listed building, where the divergence of design with the neighbouring building is be particularly apparent.

These features within the front lightwell will be visible from neighbouring buildings and will result in significant light being omitted from the base of the front lightwell after dark. This wash of light on the base of the front elevation would 'give away' the presence of the proposed basement floor level, which has little reference to the originally intended hierarchy of these relatively modest villa buildings.

In summary, whilst it is acknowledged that the applicant has successfully addressed most of the areas of concern identified by the Inspector in the recent appeal decision, the form, design and materials of the front lightwell remain a significant concern and, for the reasons set out in this section of the report, are contrary to Policies S25 and S28 of the City Plan, Policies DES 1, DES 5, DES 9 and DES 10 (A) in the UDP and the detailed guidance set out in the Supplementary Planning Document 'Basement Development in Westminster' (2015).

8.3 Residential Amenity

Given the subterranean location of the basement extension and as the rear extension proposed at lower ground floor level would replace an existing extension in the same location, the alterations and extensions proposed do not give rise to significant amenity concerns. As such, the scheme accords with Policy S29 in the City Plan and Policy ENV13 in the UDP.

Concern has been expressed by one neighbouring occupier that the loss of the Bay tree to the rear would result in additional overlooking and noise disturbance as the rear of the site would be less effectively screened compared to the existing situation. However, the loss of this tree has already been accepted by the previous appeal Inspector and as such, permission could not reasonably be withheld on the basis of the privacy/ noise attenuation screening that the retention of this tree would provide.

8.4 Transportation/Parking

The proposed development does not raise any significant transportation or parking considerations.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposed development would not alter the existing means of access to this existing private dwellinghouse. Given the use of the building as a private dwelling, the retention of the existing stepped access is considered to be acceptable.

8.7 Other UDP/Westminster Policy Considerations

Whilst the Arboricultural Manager would prefer to see the Bay tree within the rear garden retained, in light of the appeal decision in which the Inspector concluded that the loss of the tree was acceptable, it is not considered that the loss of the tree as part of the current application can be considered to be objectionable. Had the scheme been recommended favourably, details of a replacement tree and details of tree protection measures for other retained trees during construction works would have been secured by condition.

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 proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant these issues have been considered elsewhere in this report.

8.12 Other Issues

8.12.1 Structural Impact

Objectors refer to the emerging basement policy and question the compliance of the proposed basement extension with this policy. However, as per the Cabinet Member statement of October 2015, the emerging basement policy is only to be given weight when determining applications received on or after 1 November 2015. As this application was received on 7 October 2015, weight cannot therefore be given to this emerging policy in respect of the determination of this application.

The objection received from the owners of Nos.14a, 14b and 14c raises a significant concerns relating to the structural impact of the proposed basement extension, owing to war time bomb damage to No.14 and the potential impact of a basement in this location in terms of surface water flooding. As per the scheme considered at appeal in 2015, the scheme is accompanied by a Structural Method Statement. This document, which is a

revised version of that submitted with the previous appeal scheme, provides an overview of the structural methodology proposed for construction of the proposed basement. It is clear from the appendices of this document that the author, a suitably qualified structural engineer, was aware of the bomb damage previously caused to this and neighbouring buildings and the presence of surface water flooding in the immediate vicinity of the site. In this context, the objections raised on structural and flood risk grounds cannot be supported as grounds on which to withhold permission.

It is noted that during the course of the previous scheme that was the subject of the September 2015 appeal decision, Building Control confirmed that the previous iteration of the submitted Structural Method Statement was acceptable. Their updated comments in respect of the current application are awaited and will be reported verbally to the Committee. Furthermore, the appeal Inspector did not raise any concerns regarding the Structural Method Statement in her appeal decision of September 2015.

8.12.2 Construction Impact

The applicant has submitted a Construction Management Plan (CMP). The CMP outlines that the construction of the proposed basement would be carried out in accordance with industry best practice and had the application been recommended favourably, a condition would have been recommended to ensure that construction works are carried out in accordance with the submitted CMP.

8.12.3 Other Matters

Environmental Health have raised concerns regarding the presence of remote rooms within the basement, which would not have adequate fire protected means of escape. Had an appeal against non-determination not been made, this concern would have been raised with the applicant to allow the layout of the basement floor to be modified to address this concern. This is not though a ground on which planning permission or listed building consent could reasonably be withheld, rather it is a matter that is controlled under other legislation.

9. BACKGROUND PAPERS

1. Application form.
2. Appeal decision dated 22 September 2015 and relevant drawings.
3. Email from the Bayswater Residents Association dated 20 October 2015.
4. Memo from Environmental Health dated 22 October 2015.
5. Memo from the Arboricultural Manager dated 29 October 2015.
6. Email from 14abc Garway Road Management Limited dated 3 November 2015.
7. Letter from the Freeholders of 14a, 14b and 14c Garway Road dated 11 November 2015.
8. Emails (x3) from occupier of 43 Kensington Gardens Square dated 4 November 2015 and 8 November 2015.
9. Email from the occupier of 14 Garway Road dated 12 November 2015 and 14 November 2015.

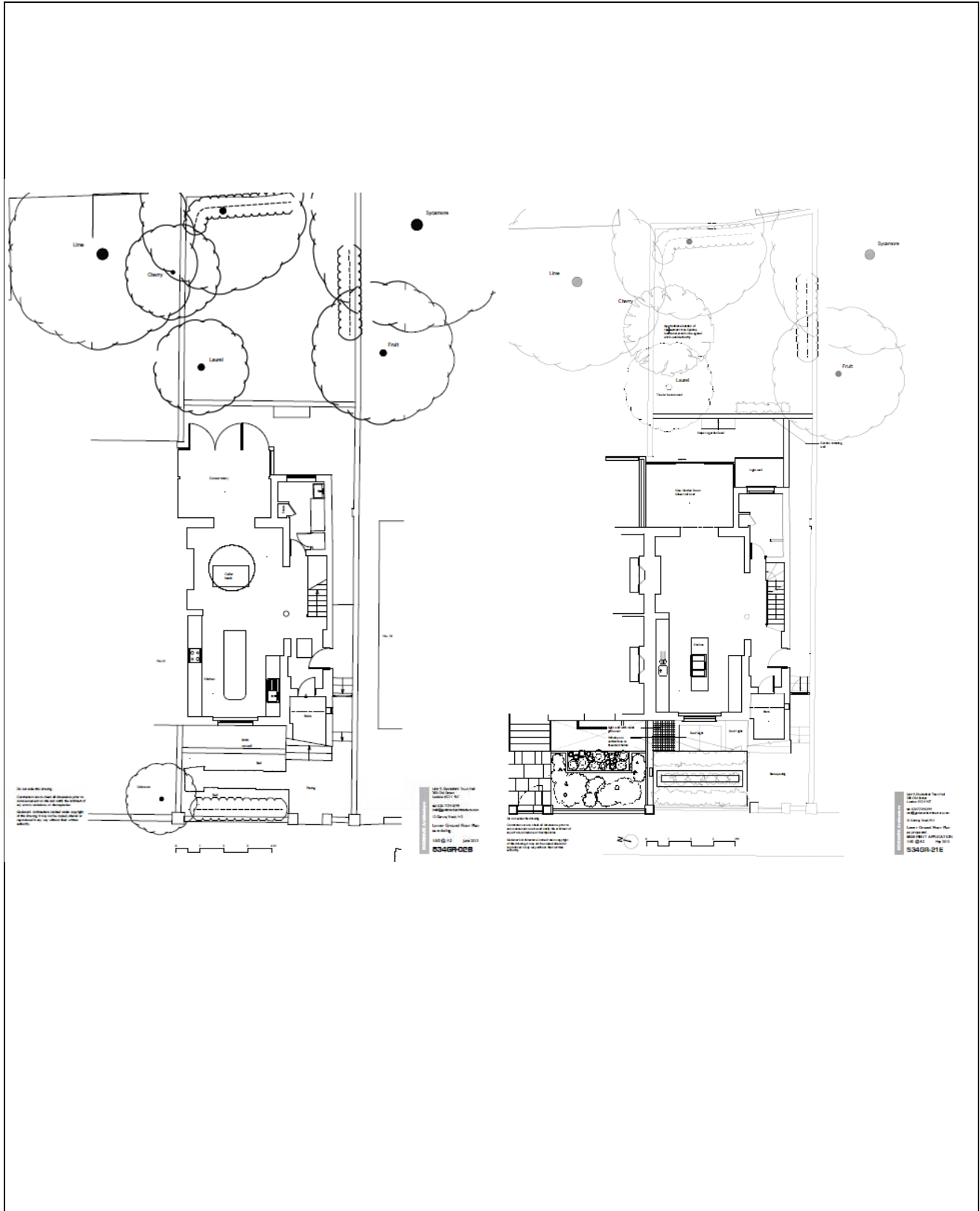
Selected relevant drawings

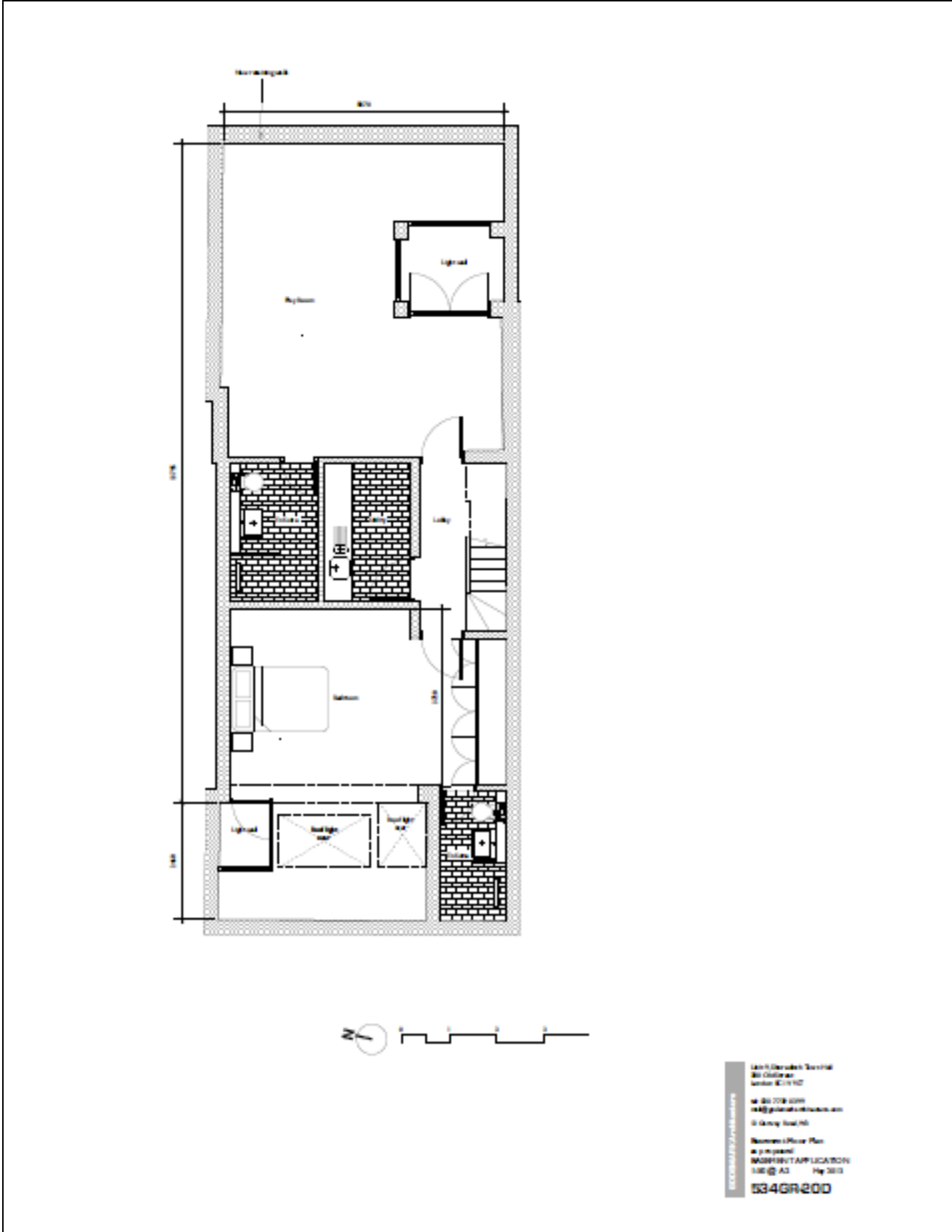
Existing and proposed, plans, elevations and sections.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

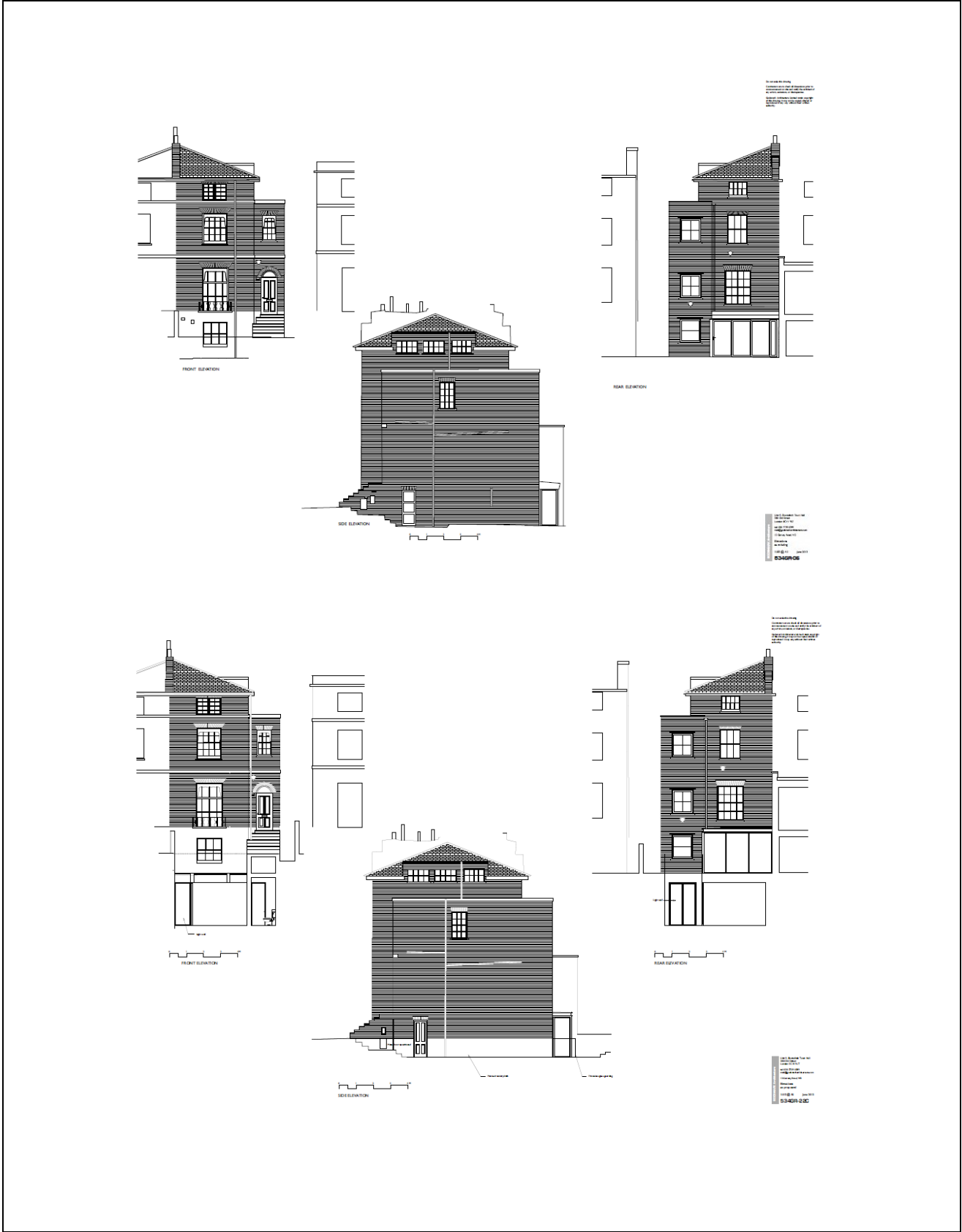
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT JOHN WILMAN ON 020 7641 5961 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk

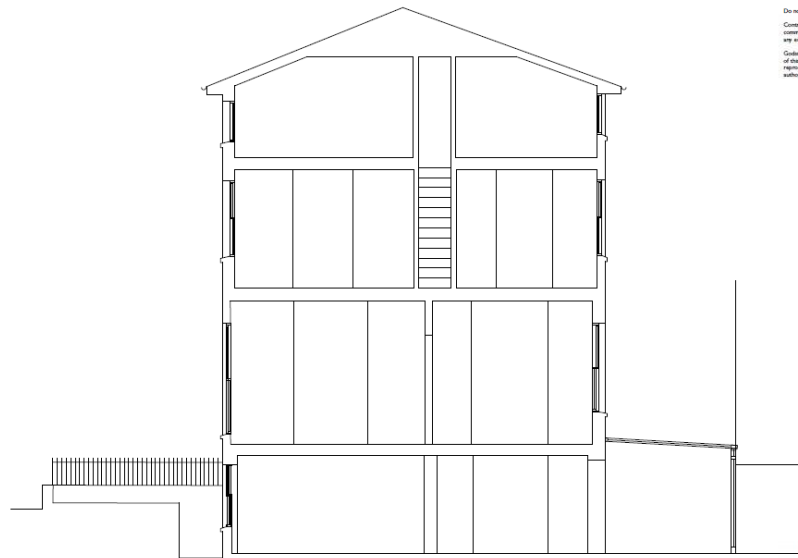
10. KEY DRAWINGS



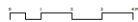


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Basement Floor Plan
as proposed
BARRIERT APPLICATION
1.00 @ A3 Fig 2013
534GR20D





Use 5, Stonehich Tower Hall
300 Old Street
London EC1V 9RT
tel: 020 7739 0999
info@gidewell-architects.com
12 Garvey Road, W2
Long section
as existing
1:50 @ A1 June 2013
534GR-07



Use 5, Stonehich Tower Hall
300 Old Street
London EC1V 9RT
tel: 020 7739 0999
info@gidewell-architects.com
12 Garvey Road, W2
Long section
as existing
1:50 @ A1 June 2014
534GR-24A

PLANNING PERMISSION DRAFT DECISION LETTER

Address: 12 Garway Road, London, W2 4NH,

Proposal: Excavation of basement extension under house and part of front and rear gardens, demolition and rebuilding of rear glazed conservatory at lower ground floor, enlargement of front lightwell with new glazed floor and clerestory windows and removal of tree to rear.

Plan Nos: 534GR-01 (site location plan), -02B, -03, -06, -07, -11, -16A, -18, -20D, -21E, -22C, -24A, Design and Access Statement dated 2 October 2015, Arboricultural Report (Revised October 2015, Construction Management Plan (Rev A - October 2015), Listed Building Assessment dated October 2015 and Construction Method Statement (Rev.A - October 2015).

Case Officer: John Wilman

Direct Tel. No. 020 7641 5961

Recommended Reason(s) for Refusal:**Reason:**

Because of the form, design and materials of the front lightwell with clerestory windows, the basement excavation would harm the appearance and settings of these grade II listed buildings (No's.12 and 14). It would also fail to maintain or improve (preserve or enhance) the character and appearance of the Bayswater Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 5, DES 9 and DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. The works are also contrary to adopted and published guidance contained in our Supplementary Planning Document 'Basement Development in Westminster' (2015).

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 so far as practicable. 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 the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

In addition further guidance was offered to the applicant by the case officer during the processing of the application to identify amendments to address those elements of the scheme considered unacceptable.

However, the necessary amendments to make the application acceptable are substantial and would materially change the development proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You

are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

Required amendments: Revising the design of front lightwell, omitting the clerestory and introducing a grille rather than glazing in the floor of the lightwell. It is recommended that consideration is also given to creating a positive symmetry with No. 14.

Please note: the full text for informative 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.

LISTED BUILDING CONSENT DRAFT DECISION LETTER

Address: 12 Garway Road, London, W2 4NH,

Proposal: Excavation of basement extension under house and part of front and rear gardens, demolition and rebuilding of rear glazed conservatory at lower ground floor, enlargement of front lightwell with new glazed floor and clerestory windows and internal alterations.

Plan Nos: 534GR-01 (site location plan), -02B, -03, -06, -07, -11, -16A, -18, -20D, -21E, -22C, -24A, Design and Access Statement dated 2 October 2015, Arboricultural Report (Revised October 2015, Construction Management Plan (Rev A - October 2015), Listed Building Assessment dated October 2015 and Construction Method Statement (Rev.A - October 2015).

Case Officer: John Wilman

Direct Tel. No. 020 7641 5961

Recommended Reason(s) for Refusal:

Reason:

Because of the form, design and materials of the front lightwell with clerestory windows, the basement excavation would harm the appearance and settings of these grade II listed buildings (No.12 and 14). The works would also fail to maintain or improve (preserve or enhance) the character and appearance of the Bayswater Conservation Area. This would not meet S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (X17CB)