

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	14 Garway Road, London, W2 4NH,		
Proposal	Excavation of a new basement floor beneath the existing lower ground floor and front garden with rooflights and clerestory windows to front lightwell and internal works including installation of three internal rooflights between basement and lower ground floor levels. Removal of tree from front garden.		
Agent	Manalo & White Architects		
On behalf of	Mr Helio Romero de Diego		
Registered Number	15/05881/FULL & 15/05882/LBC	Date amended/ completed	17 July 2015
Date Application Received	30 June 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 would have been refused on grounds of detailed design of front lightwell, insufficient planting depth and loss of tree and the listed building consent would have been refused on grounds of harm to historic fabric and 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 new basement floor beneath the existing lower ground floor and front garden with rooflights and clerestory windows to front lightwell, internal works including installation of three internal rooflights between basement and lower ground floor levels and removal of the existing Mulberry tree in the front garden.

Planning and listed building consent applications for the excavation of a new basement floor below the neighbouring property at No.12 (the other half of this semi-detached villa pair) is also on this Committee agenda at Item 2.

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.12.
- The impact of the excavation on trees on the site and adjacent to it.
- The impact on the amenity of neighbouring residents.

Due to the extent of the excavation under the front garden the proposed basement would result in the loss of the existing Mulberry tree and provide limited scope for future planting within the front garden area. This would be to the detriment of the setting of the listed building and would harm the character and appearance of the Bayswater Conservation Area. Also of significant concern is the detailed design of the front lightwell, with the introduction of overtly modern features in the form of rooflights and clerestory windows. These external alterations and the large internal rooflights proposed in the floor structure between the existing lower ground floor and new basement would significantly harm the special interest of the listed building and the external works would harm the character and appearance of the conservation area. For these reasons the proposed scheme would fail to accord with the relevant design and conservation and trees and landscaping policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan).

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation.

5. CONSULTATIONS

WARD COUNCILLORS (LANCASTER GATE)

Any response to be reported verbally

BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally

ARBORICULTURAL MANAGER

Objection, the arboricultural report does not outline measures to effectively protect trees during works. The extent of the basement would result in the unacceptable loss of the Mulberry tree in the front garden which is not identified in the submitted arboricultural report.

BUILDING CONTROL

No objection. Structural method statement is considered to be appropriate for the particular circumstances of this site.

ENVIRONMENT AGENCY

No comment.

HIGHWAYS PLANNING MANAGER

Acceptable in transportation terms.

ENVIRONMENTAL HEALTH

No objection, subject to the rooms being used as part of the single family dwelling and not as staff accommodation, as this would fall under the 2004 housing act and be unacceptable due to lack of natural light and outlook.

THAMES WATER

No objection. General advice provided.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 55.

Total No. of replies: 5.

No. in support: 1.

No. of objections: 2 emails/ letters received raising objection on all or some of the following grounds:

- Adverse impact on Bay tree at No.12 as a result of proposed excavation will cause tree to die.
- Bay tree at No.12 provides privacy for neighbours to the rear.
- Concern that excavation could have an adverse impact on Lime tree in garden of application site.
- Noise and disturbance from construction works.
- Structural impact on neighbouring properties.
- Adverse impact on listed building amounting to overdevelopment.
- Inadequate structural information.
- Increased flood risk.

- Concern that right of access across part of application site for occupiers of No.14A, B and C will be blocked during construction works.

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 single dwellinghouse.

The house is broadly symmetrical to No.12 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 June 2004 – Permission and listed building consent granted for removal of existing dormer windows and rear conservatory and erection of new conservatory to rear and works to alter existing internal layout (04/03270/FULL and 04/02383/LBC).

29 September 2009 – Permission and listed building consent granted for alterations during the course of construction to a scheme granted planning permission 22 June 2004 (RN: 04/03270) for removal of existing dormer windows and rear conservatory and erection of new conservatory to rear and works to alter existing internal layout; namely, revised design of alterations and extensions (09/05941/FULL and 09/05942/LBC).

1 July 2010 – Listed building consent granted for replacement of existing rear casement windows with new single glazed timber sash windows (10/03309/LBC).

5 October 2010 – Permission and listed building consent granted for infill of window opening on side (north) elevation at lower ground floor level and formation of new window opening on side (north) elevation at lower ground floor level (09/08439/FULL and 09/08440/LBC).

18 August 2011 – Permission and listed building consent granted for installation of new security gate, retention of drainage pipework, lights to front basement lightwell elevation and alterations to the levels of the flower bed in the front garden (11/01782/FULL and 11/01783/LBC).

26 November 2012 – Permission and listed building consent granted for installation of recessed letter box and call point to existing brickwork pier; removal of flower bed in front garden and installation of new gate to side boundary entrance. Installation of storage cupboard below front flower beds within front lightwell (12/08641/FULL and 12/08642/LBC).

22 October 2013 – Tree works application to fell the TPO Lime tree within the rear garden was refused. A subsequent appeal against this decision was dismissed at appeal on 31 March 2014 (13/09556/TPO).

7. THE PROPOSAL

Planning permission and listed building consent are sought for the excavation of a new basement floor beneath the existing lower ground floor and front garden with rooflights and clerestory windows to front lightwell. Internal works are proposed in connection with the new basement, including installation of three internal rooflights between basement and lower ground floor levels. To the front garden it is proposed to remove the existing Mulberry tree.

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

The principle of a basement extension to this building could be acceptable in design terms, subject to its impact it has on the listed building with regard to expression of its external manifestations and the impact on its internal character.

In terms of the impact of the proposed basement on the interior of the listed building, the large glazed panels proposed in the lower ground floor level floor structure to provide borrowed light to the basement below are of significant concern. A glazed floor panel 2.6 metres wide in front of the front basement window and a 2.3 metre wide glazed panel in front of the chimney breast, with its historic cast iron range, in the rear room would be atypical insertions of an overtly modern character, into what should be a lower key subsidiary area of the building. The panels would contrast with original architectural features of the front window and the cast iron range and indicate in a permanent manner that the hierarchy of the building had been disrupted with an additional basement floor.

Other internal works proposed are considered to be acceptable in listed building terms and the extension of the current basement stair down to new basement level is acceptable, subject to the fabric of the present stair being preserved.

Externally the manifestation of the basement floor would be limited to alterations to the existing lower ground floor front lightwell, with the introduction of two rooflights and clerestory windows. Both of these alterations in a prominent position to the front of a listed building are of concerns in design terms. The rooflights, although limited in size and set within paving, would appear as alien modern additions to the building. Similarly the clerestory windows to the lightwell would be atypical architectural feature for a building of this period and would be visible when looking out of the front basement window and from the overlooking and adjoining properties. Both the lightwells and the rooflights would contribute to a wash of light to the base of the front elevation thereby 'giving away' the presence of the proposed basement floor level, which has little

reference to the originally intended hierarchy of these relatively modest villa buildings. Therefore, whilst it is considered that there is scope for alteration to the front lightwell to provide light to basement level; it should be achieved in a more traditional manner than is currently proposed.

In summary, the form, design and materials of the front lightwell are of 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), which requires external manifestations to basement development to be discreetly sited, particularly on listed buildings.

8.3 Residential Amenity

Given the subterranean location of the basement extension 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 of No.12 Garway Road and the Lime tree within the application site would be lost as a result of damage caused by construction of the proposed basement and that this would result in a loss of privacy and increased noise disturbance for neighbours to the rear of the site. However, the Arboricultural Manager is content that the Lime tree would not be harmed by the proposed basement and an Inspector has previously accepted the loss of the Bay tree at No.12 in connection with the provision of a basement under that neighbouring property (see Item 2 on this agenda). In this context, it is not considered that permission could not reasonably be withheld on the basis of the privacy/ noise attenuation screening that the retention of these 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

The Arboricultural Manager objects to the loss of the Mulberry tree in the front garden and the lack of replacement soil depth within the garden area that would be of sufficient depth to support future mature planting along the front boundary of the site. The Mulberry tree is considered to be an attractive tree that makes a positive contribution to the character and

appearance of the Bayswater Conservation Area. The loss of the tree and the inability for it to be adequately replaced within the front garden (even if its loss was accepted) as part of a replacement landscaping scheme would be contrary to Policies ENV16, ENV17 and DES9 in the UDP and Policy S25 in the City Plan. It would also be contrary to the guidance within the 'Basement Development in Westminster' Supplementary Planning Document (2014), which sets out that existing trees of visual amenity value and requires 1.2 metre of soil depth (including drainage layer) over the basement structure where it extends below garden areas.

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

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 30 June 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. The application is accompanied by a detailed Construction Method Statement by Lyons O'Neill Structural Engineers. The appendices to this document identify that the author was aware of the bomb damage previously caused to this property and the presence of surface water flooding in the immediate vicinity of the site (although it is acknowledged that the indicative marker to indicate the location of the site on the surface water flooding map is to the north of the site). Furthermore, this document has been reviewed by Building Control officers and they advise that the method statement is acceptable. They concur that the likely impact in terms of local flooding and the water table are likely to be negligible. In this context, the objections raised on structural and flood risk grounds cannot be supported as grounds on which to withhold permission.

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 as such, it is considered that the impact of construction works themselves would be controlled such that noise and general disturbance would be minimised. The owners of Nos.14A, 14B and 14C Garway Road have raised specific concern with regard to the impact that the construction works would have on their right of access across part of the application site to access their bin stores. Whilst this is primarily a private matter between the land owner and those with a right of access, it is nevertheless considered to be appropriate that the CMP reflects this right of access and identified how this is to be managed during construction works. As such, had the application been recommended favourably and an appeal against non-determination not been submitted, a condition would have been recommended requiring the submission of an updated CMP that addresses how this right of access for neighbouring occupiers is to be managed during construction works.

9. BACKGROUND PAPERS

1. Application form.
2. Email from the Environment Agency dated 21 July 2015.
3. Email from Thames Water dated 22 July 2015.
4. Memo from the Highways Planning Manager dated 28 July 2015.
5. Memo from the Arboricultural Manager dated 7 August 2015.
6. Memo from Environmental Health dated 16 September 2015.
7. Email from Building Control dated 28 January 2016.
8. Email from the occupier of Ground Floor Flat, 43 Kensington Gardens Square dated 28 July 2015.
9. Letter from the freeholders of 14A, 14B and 14C Garway Road dated 4 August 2015.
10. Email from the occupier of 12 Garway Road dated 25 December 2015.

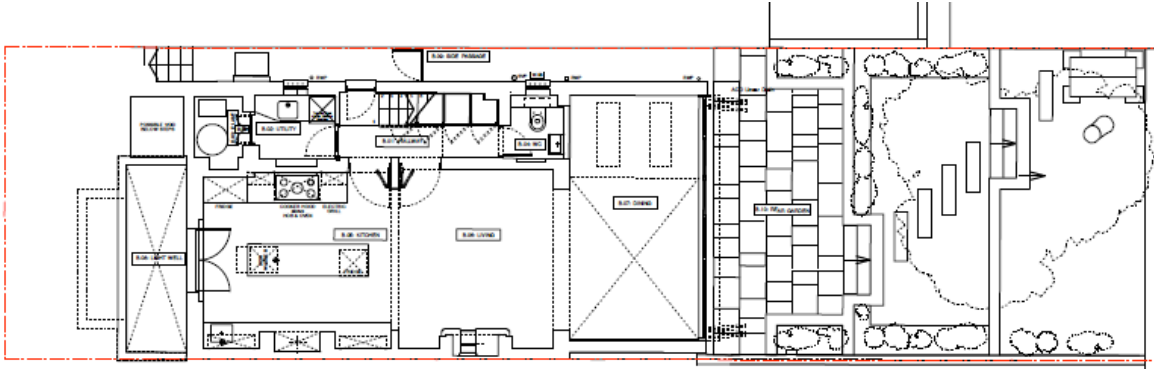
Selected relevant drawings

Existing and proposed, plans, elevations and sections.

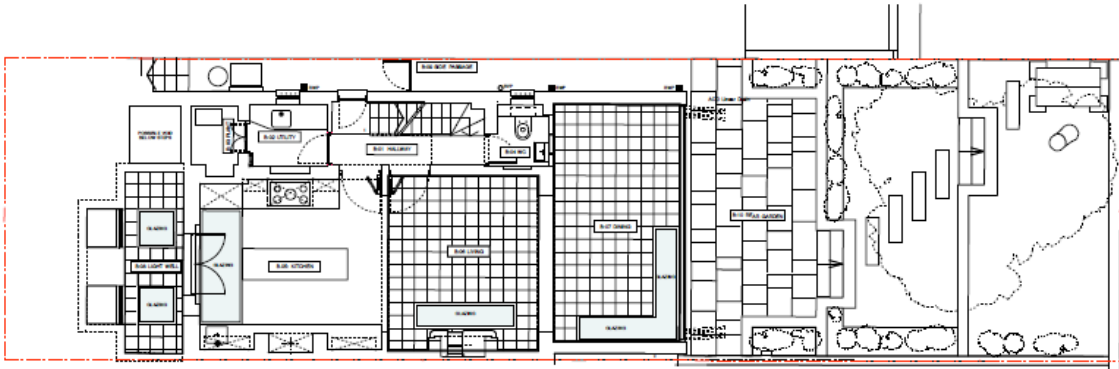
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

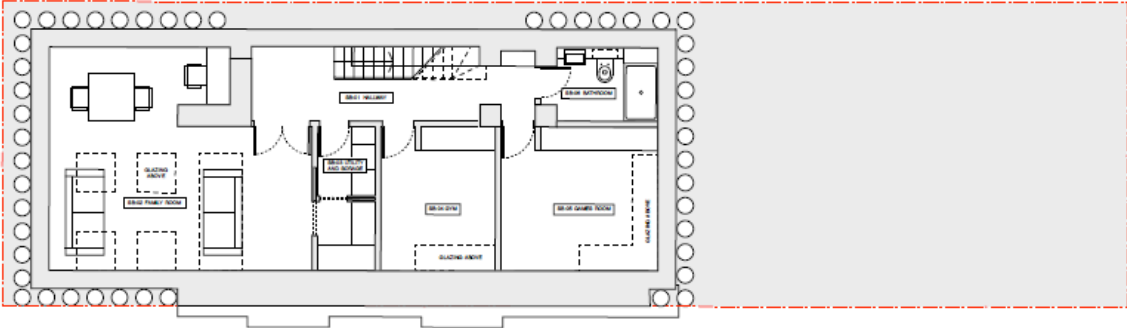
10. KEY DRAWINGS



Existing Lower Ground Floor



Proposed Lower Ground Floor



Proposed Basement Floor



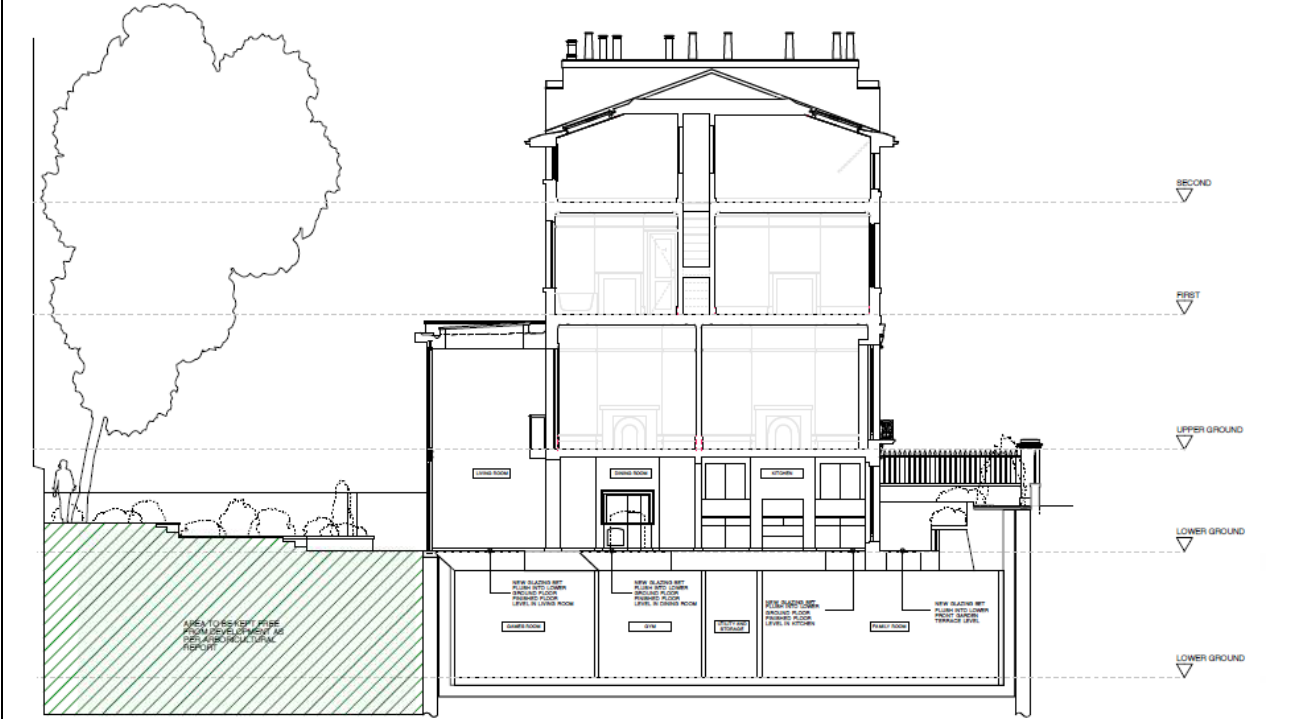
Existing Front and Rear Elevations



Proposed Front and Rear Elevations



Existing Section AA



Proposed Section AA

PLANNING PERMISSION DRAFT DECISION LETTER

Address: 14 Garway Road, London, W2 4NH,

Proposal: Excavation of a new basement floor beneath the existing lower ground floor and front garden with rooflights and clerestory windows to front lightwell and removal of tree from front garden.

Plan Nos: 883/01/0100 P1, 825/01/0200 P1, /0202 P1, /0210 P1, /0211 P1, /0212 P1, /0301 P1, /0302 P1, /0303 P1, /0304 P1, /0311 P1, /0312 P1, /0313 P1, /0314 P1, Tree Protection Plan 13062-BT1, Design and Access Statement and Historic Building Impact Assessment dated June 2015, Arboricultural Impact Appraisal and Method Statement dated 17 June 2015, Construction Management Plan dated June 2015 and Construction Method Statement dated June 2015.

Case Officer: John Wilman

Direct Tel. No. 020 7641 5961

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

Because of the design, form and materials of the front lightwell with clerestory window, the proposed basement would harm the appearance and settings of these grade II listed building (No's 12 and 14). They would also fail to maintain or improve (preserve or enhance) the character, appearance and visual amenity 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, DES 10 (A), and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (X17AC). The works are also contrary to adopted and published guidance contained in our Supplementary Planning Document 'Basement Development in Westminster' (2015).

Reason:

The loss of the Mulberry tree in the front garden and the inadequate soil depth proposed over the basement below the front garden area, which would not permit replacement mature planting to the front of the site, would harm the character and appearance of this part of the Bayswater Conservation Area. This would be contrary to S25 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17 and DES 9 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 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: Retain Mulberry tree, reduce the basement extent so as to not to extend beneath front garden, omit clerestory window and revise design of front light well, introducing a grille rather than glazing. It is recommended that consideration is given to creating a positive symmetry with No.12.

LISTED BUILDING CONSENT DRAFT DECISION LETTER

Address: 14 Garway Road, London, W2 4NH,

Proposal: Excavation of a new basement floor beneath the existing lower ground floor and front garden with rooflights and clerestory windows to front lightwell and internal works including installation of three internal rooflights between basement and lower ground floor levels.

Plan Nos: 883/01/0100 P1, 825/01/0200 P1, /0202 P1, /0210 P1, /0211 P1, /0212 P1, /0301 P1, /0302 P1, /0303 P1, /0304 P1, /0311 P1, /0312 P1, /0313 P1, /0314 P1, Tree Protection Plan 13062-BT1, Design and Access Statement and Historic Building Impact Assessment dated June 2015, Arboricultural Impact Appraisal and Method Statement dated 17 June 2015, Construction Management Plan dated June 2015 and Construction Method Statement dated June 2015.

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Reason:

Because of the location and extent of the glazed panels set into the floor of the front and rear rooms of the original building at lower ground floor level, the basement excavation would harm the internal character and integrity of this grade II listed building. This would be against the advice set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013, DES 1 of our Unitary Development Plan that we adopted in January 2007 and the advice set out policy HB 1, (paragraph 2.4) of our 'Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings' (1996). (X18AB)