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| <b>CITY OF WESTMINSTER</b>               |  |  |                   |
| <b>PLANNING APPLICATIONS COMMITTEE</b>   | <b>Date</b><br>1 March 2016  | <b>Classification</b><br>For General Release |                   |
| <b>Report of</b><br>Director of Planning |  | <b>Ward(s) involved</b><br>Little Venice     |                   |
| <b>Subject of Report</b>                 | <b>15D Clifton Villas, London, W9 2PH,</b>                         |  |                   |
| <b>Proposal</b>                          | Construction of a mansard roof extension to form a new 1 bed flat. |  |                   |
| <b>Agent</b>                             | Mrs Sara Mardle  |  |                   |
| <b>On behalf of</b>                      | Ms Susan Wolff   |  |                   |
| <b>Registered Number</b>                 | 15/07722/FULL  | <b>Date amended/ completed</b>               | 25 September 2015 |
| <b>Date Application Received</b>         | 19 August 2015   |  |                   |
| <b>Historic Building Grade</b>           | Unlisted   |  |                   |
| <b>Conservation Area</b>                 | Maida Vale   |  |                   |

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY

Permission is sought for a mansard roof extension to create a one bedroom flat.

The application has attracted objections from the Paddington Waterways and Maida Vale Society, the Highways Planning Manager and from existing and adjoining residents on the grounds of the principle of adding a roof extension, the parking demands of an extra flat, the size of the unit, and loss of amenity. The application has also attracted emails in support from local residents.

The key considerations are:

- the principle of the mansard roof extension in design terms;
- the acceptability of creating a new flat in terms of its impact on the existing building;
- the size of the unit and pressures generated on on-street parking; and
- the impact on the amenities of existing and neighbouring residents.

Despite the objections raised, there are no design objections to the mansard given the adjoining properties at No's 16 and 17 having been extended at roof level and the proposal will preserve the character and appearance of this designated heritage asset. The mansard will also not unacceptably harm the amenities of existing residents in the building or in neighbouring properties.

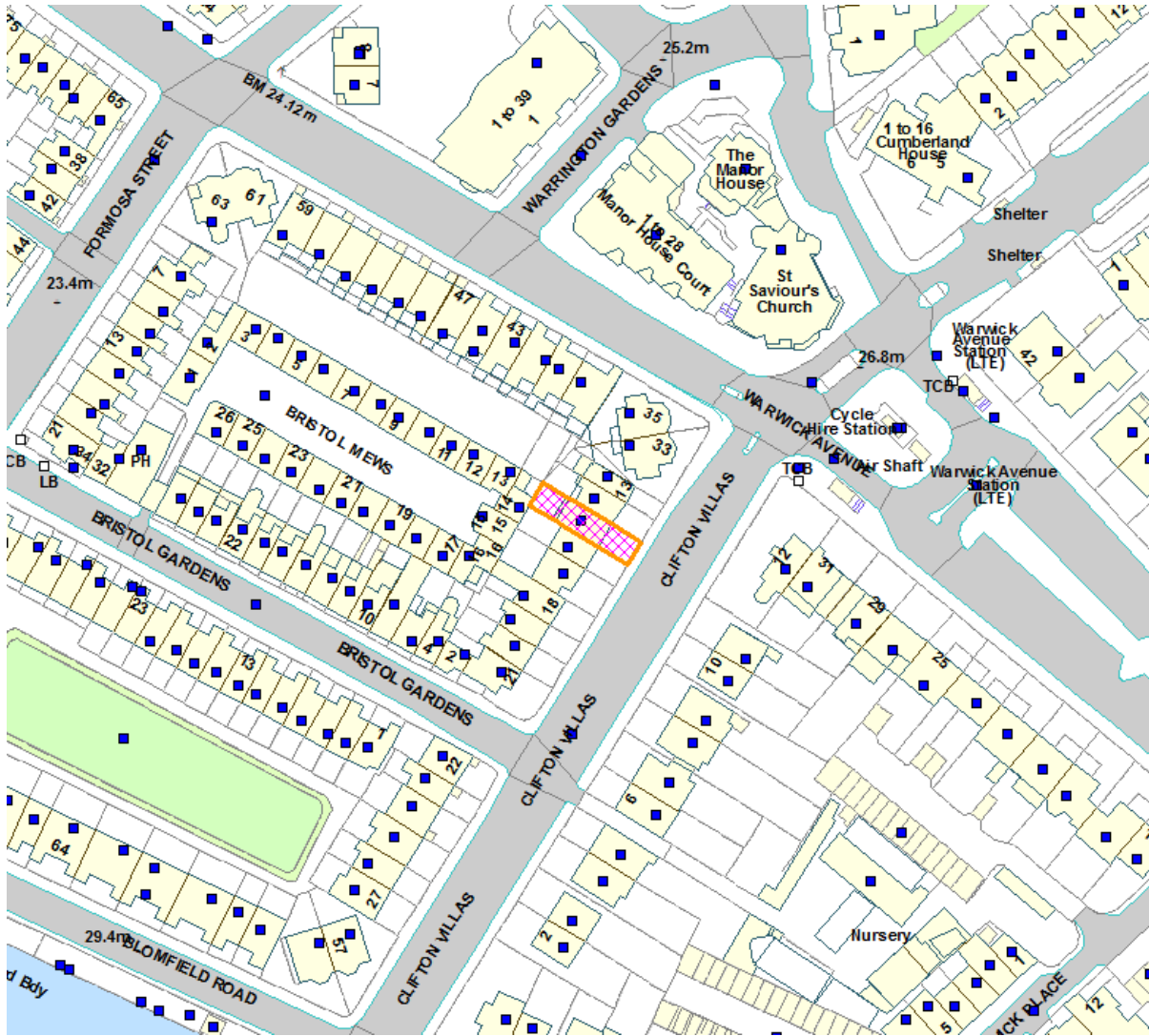
Although the Highways Planning Manager objects to the lack of off- street parking for this additional

unit and the increased pressure on on-street spaces, the night time parking occupancy figures (with all legal spaces included) do not exceed 80% and given the site's high public transport accessibility, it is considered that a parking reason for refusal will be difficult to sustain at appeal.

The new one bedroom flat has an area of approximately 40 sqm which is just in excess of the minimum national guidelines of 39 sq.m for a 1 bedroom 1 person flat. The size of the bedroom is rather small, but on balance the proposal is not considered to represent substandard accommodation to warrant refusal of permission.

Given the above, this application is being recommended for approval.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

Front elevation



Rear elevation from Bristol Mews



## 5. CONSULTATIONS

### COMMENTS RECEIVED IN REPSONSE TO FIRST ROUND OF CONSULTATION THAT CLOSED ON 1 OCTOBER 2016.

#### PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

Objection the proposal as it leads to the creation of two very small units which fall below the minimum housing standards and therefore do not provide sustainable living conditions. Please take neighbours views into account

#### HIGHWAYS PLANNING MANAGER

Object as no off street parking is being provided for the new flat and the proposal will result in increased pressure on on-street spaces in the vicinity of the application site. If minded to approve, Lifetime Car Club membership should be provided.

#### THAMES WATER

Existing wastewater infrastructure cannot accommodate the needs of this application and request a Grampian style condition to reserve further details.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No consulted 35 No Replies 8

3 objections received and 5 emails in support.

In summary, the objectors raise the following issues:

#### Townscape/Design

- The building is located within a Conservation Area and therefore should not be altered at someone's whim.
- Creating a mansard to this pair of buildings will destroy the current symmetry and the visual appeal of this high profile section of the street. If approved, a similar application may be submitted for No 14

#### Amenity

- Major alterations to No 13 Clifton Villas have already decreased light to No 33 Warwick Avenue and this application will make matters worse.
- Loss of privacy
- 

#### Other Matters

- Noise, dust and pollution during construction are unacceptable
- Question how access can be gained at the rear of the property.
- Inaccurate statements in the applicant's Design and Access Statement.

The representations in support consider the extension to be modest, in scale with the building and the conservation area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

COMMENTS RECEIVED IN RESPONSE TO SECOND ROUND OF CONSULTATION  
THAT CLOSED ON 23 OCTOBER 2016.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

No further comments received to date.

ADJOINING OWNERS/OCCUPIERS:

No consulted 35 No Replies 11

4 objections received and 7 emails in support.

In summary, the objectors raise the following issues:

Townscape/Design

- The classical proportions of the building will be destroyed by a tall mansard
- Disproportionate weight and bulk of the proposed mansard at the front.
- The other roof extensions at No's 16 and 17 both have dormers to the front which reduces the visual impact and this proposal should follow suit.
- Proposal is top heavy and window openings are too large.
- Rear French doors must be replaced with a dormer to match neighbouring buildings.
- Request that the development should be scaled down to provide extra living space and no extra bedrooms which would be more appropriate to both the amenities and capacity of the building and neighbourhood

Amenity

- Overlooking and loss of privacy to flat A and the rear garden.
- Blocking a window serving the communal staircase affecting light and ventilation to existing occupants.

Parking

- Additional occupants would add to congestion

Other Matters

- No consultation with leaseholders and applicant not at liberty to make changes to the building whilst the matter of the freehold is resolved.
- Roof space is a common area and issues to rights of access to arials.
- Request unfettered access to this roof area for contractors at the expense of the developer.
- The proposed roof hatch and pull down ladder should be relocated.
- The roof of the proposed development should be borne by the developer and not the leaseholders.
- Unlabelled space on the third floor of the maisonette which could be altered to an extra bedroom at a later date.
- Increased pressures on services in the building, drainage in particular, and cite three major incidents in the past which has caused damage which the freeholder has not repaired.
- No space for an extra gas meter or additional water supply.
- Laying new pipe will result in digging up the existing path and its attractive tiling. The relaying of these tiles must be mandatory.

- Inevitable disruption to existing residents as well as affecting access into the building.
- Increased noise from slamming front door and if permission allowed request more sound insulation.
- Cycle store in basement will compromise security and disturb residents.
- Bike stand at the front of the building will be unsightly and not shown on any drawings.
- Comments made in respect of refuse arrangements.
- No provision to upgrade the building.
- Additional weight of the mansard could compromise the stability of the structure and cause further cracks to appear and request assurances that the developer will be responsible for any repairs.
- Security and access will be compromised during the building works and when the scaffolding is in place.
- There must be a full time professional Project Manager to oversee the development.
- Increased occupancy in the building will exacerbate the problem with evacuation in case of fire; escape across the roofs will result in obtrusive access structures and railings.

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

No 15 is an unlisted terraced property located on the north side of Clifton Villas. The building is subdivided into 4 flats. The building is located within the Maida Vale Conservation Area, and the adjoining properties No's 16 and 17 have been extended at roof level. The rear elevation of these properties are clearly visible from Bristol Mews.

### **6.2 Recent Relevant History**

Two similar applications for roof extensions were withdrawn last year by the applicant who also involved rear extensions.

There is a separate planning application (ref: 15/07721/FULL) under consideration by this Committee for a mansard roof extension to extend Flat D to create a maisonette.

The mansard roof extension at No 16 was granted on 30 August 1991 and the mansard at No 17 appears to have been built around the same time. In respect of No 13, permission was granted for its substantial demolition and rebuilding in 2008 and later varied in 2011.

## **7. THE PROPOSAL**

This second application for a mansard roof extension is to create a 1 bed flat. The other application known as Option 1 for a mansard to create additional floorspace to the existing top floor flat (ref: 15/07721/FULL) is also being reported to this Committee.

## **8. DETAILED CONSIDERATIONS**

## 8.1 Land Use

Objections have been received to the principle of adding an extra flat in this building. The proposal to create an extra flat (subject to compliance with other policies) is supported by the Council's housing policies. It is not considered that this represents an overdevelopment of the site. The proposal accords with policy S14 of the City Plan and policy H3 of the UDP.

In terms of its size, the proposed flat at approximately 40 sqm which is just in excess of the minimum national guidelines of 39 sqm for a one bedroom, one person flat. The size of the bedroom is rather small, but on balance the proposal is not considered to represent substandard accommodation to warrant refusal of permission. The proposal will result in a small loss of floorspace to Flat D in order to accommodate a staircase to serve the new flat, but this flat will remain a reasonable size. Therefore the objections from the Paddington Waterways and Maida Vale Society cannot be supported in respect of the size of the two flats.

## 8.2 Townscape and Design

Strong objections have been received to the principle of adding a mansard roof extension and the objectors cite that No's 14 and 15 remain unaltered at roof level. It is considered that the principle of a mansard is acceptable in this location, given the adjoining two mansards in this group of four properties at No's 16 and 17.

The application has been amended to ensure that the mansard and dormers accord with the Council's SPG on Roof Extensions. Therefore, the proposal would preserve harm the character and appearance of the Maida Vale Conservation Area and complies with policies S25 and S28 in the City Plan and DES6 and DES9 in the UDP.

## 8.3 Residential Amenity

### Light/Enclosure

Although objections have been received on loss of light grounds, the proposed mansard would not result in unacceptable loss of daylight or sunlight to neighbouring residents given the extensions location at main roof level and its relatively low height in comparison to the existing building. The existing resident's objections to loss of light to an existing staircase cannot be supported, as this is not a habitable room.

Objections have been received to loss of sunlight to gardens at the rear in Warwick Avenue, but again there are no material impacts to these residents given the considerations noted above. Whilst it is recognised there will be a small increase in enclosure to neighbouring residents, this is not considered so significant to warrant refusal.

### Privacy

Objections have been received on overlooking grounds. There is a small terrace proposed at the rear of the mansard, but this is not considered to result in unacceptable loss of privacy to neighbours given the high degree of overlooking that existing at present from existing windows on the rear elevation.



Given the above, the proposed extension would comply with policy S29 of the City Plan and policy ENV 13 of the UDP.

#### **8.4 Transportation/Parking**

The Highways Planning Manager objects to the proposal on the grounds that no parking is being provided for the new flat and the proposal will therefore increase on street parking pressures in the vicinity.

Whilst the Highways Planning Manager views are understood, refusing this application on parking grounds would be difficult to defend at appeal. Firstly, this site has a high public transport accessibility rating, close to Warwick Avenue underground station and is well served by local buses. Secondly, the Council's night time parking survey reveals that when all the legal spaces are included, parking occupancy is at 64 % which is below the 80% set out in policy TRANS 23.

The Highways Planning Manager requests that if minded to approve, Lifetime Car Club membership should be provided, but given the night time parking occupancy levels have not reached stress levels such a requirement is not considered to be reasonable in this instance

A condition is recommended to secure cycle parking for the new flat.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

Not applicable in the determination of this application.

#### **8.7 Other UDP/Westminster Policy Considerations**

##### Noise

Objections have been raised on noise grounds. It is not considered that the creation of an extra flat would result in increased noise and disturbance to existing residents. Any extension would need to comply with Building Regulations in respect of sound insulation. A condition is recommended to control hours of building work.

##### Refuse /Recycling

Objections have been raised to rubbish overflowing outside the property, a condition is proposed to secure refuse/recycling storage for the new flat.

#### **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. Regard has been had to the impact of the proposal on the designated heritage assets.

#### **8.10 Planning Obligations**

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

#### **8.11 Environmental Impact Assessment**

Not relevant in the determination of this application

#### **8.12 Other Issues**

Thames Water has requested a Grampian condition as they have identified an inability of the existing wastewater infrastructure to accommodate the needs of this application and have requested a Grampian condition. They have requested that the City Council reserve details of a drainage strategy. A condition to this effect is recommended.

Objections have been raised by residents in the building about the lack of consultation with the leaseholders and that the applicant is not at liberty to make changes to the building until the matter of the freehold has been resolved. Several other civil issues between landlord and tenant and/or tenant and tenant have also been raised. These are not material planning considerations.

There is no evidence to suggest at this stage that the existing building cannot cope with the additional loading demands of an extra floor. If permission is granted, the proposal would need to comply with Building Regulations which would safeguard the structure of this building.

The existing residents' concerns over security during construction are well understood and this is a matter that can be addressed by the applicant in consultation with the other leaseholders in the building.

#### **8.13 Conclusion**

Despite the objections received, the principle of adding a roof extension is considered acceptable in design terms, and the proposed one bedroom flat will accord with the Council's housing policies.

### **9. BACKGROUND PAPERS**

1. Application form
2. Response from Paddington Waterways & Maida Vale Society, dated 7 October 2015
3. Response from Highways Planning dated 16 September 2015
4. Email from Thames Water dated 7 September 2015
5. Email from occupier of 33f, Warwick Avenue, dated 17 September 2015
6. Email from occupier of 15B Clifton Villas, London, dated 29 September 2015
7. Email from occupier of 43A Warwick Avenue, London, dated 1 October 2015
8. Email in support from occupier of 10 Bristol Gardens, London, dated 19 September 2015

9. Email in support from occupier of 10 Bristol Gardens, London, dated 19 September 2015
10. Email in support from occupier of 53a, Warwick Avenue, dated 23 September 2015
11. Email in support from occupier of 16 Clifton Villas, London, dated 22 September 2015
12. Email in support from occupier of 11 St Johns Terrace, dated 29 September 2015
13. Email from 932 Waiwhero Road Ngatimote Motueka 7196 New Zealand( owner of 15 a Clifton Villas) dated 13 October 2015
14. Email from 15B Clifton Villas dated 14 October 2015.
15. Email ( no address given)
16. Email from 15 A Clifton Villas
17. Email in support from 18c, Clifton Villas, dated 13 October 2015
18. Email in support from occupier of 26 Bristol Mews, London, dated 18 October 2015
19. Email in support from 58b Warwick Avenue undated
20. Email in support from 25 Bristol Mews, London, dated 11 December 2015
21. Email in support from 25 Bristol Mews, London, dated 11 December 2015
22. Email in support from 11 d Formosa Street undated

(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 AMANDA COULSON ON 020 7641 2875 OR BY EMAIL AT [NorthPlanningTeam@westminster.gov.uk](mailto:NorthPlanningTeam@westminster.gov.uk)

### 10. KEY DRAWINGS

**Proposed floor plan 1 bed flat**  
Design of the proposed mansard is the same as that proposed under application ref: 15/07721/FULL

|  |                          |                              |                          |
|--|--------------------------|------------------------------|--------------------------|
| PROJECT<br>1501 and 1502 CLIFTON VILLAS<br>FLAT 1E | DATE<br>15/05/16         | SCALE<br>1:50                | REVISION<br>A            |
| DESIGNED BY<br>PATRICIA WOLFF                      | PROJECT NO.<br>1501-1502 | CLIENT<br>CLIFTON VILLAS LTD | PROJECT NO.<br>1501-1502 |

**RIDGE**  
RESIDENTIAL ARCHITECTS  
116 BUCKINGHAM PALACE GARDENS  
LONDON W1J 7BT  
TEL: 020 7493 8000  
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**DRAFT DECISION LETTER**

**Address:** 15D Clifton Villas, London, W9 2PH,

**Proposal:** Construction of a mansard roof extension to form a new one bedroom flat.

**Plan No's:** 150566\_ PD 21, PD22, PD23, PD24, PD25 ,PD 26 REV A , PD27 REV A, PD28 REV A PD29 REV A , PD30 REV A, Design and Access Statement.

**Case Officer:** Amanda Coulson

**Direct Tel. No.** 020 7641 2875

**Recommended Condition(s) and Reason(s):**

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

Reason:

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

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

\* between 08.00 and 18.00 Monday to Friday;

\* between 08.00 and 13.00 on Saturday; and,

\* not at all on Sundays, bank holidays and public holidays.

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

Reason:

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

- 3 The mansard roof extension hereby approved shall be clad in natural grey slates.

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 Maida Vale 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 The mansard roof extension shall be clad in natural grey slates, and a sample of the slate shall be submitted to and approved by the City Council as local planning authority before works start on the roof extension .The development shall be carried out in accordance with the approved sample.

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 Maida Vale 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)

- 5 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

Reason:

You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials on the roof, except those shown on the approved drawings. (C26PA)

- 6 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

-revised opening to the rear staircase window in the mansard.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

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 Maida Vale 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)

- 7 You must provide the waste store shown on drawing before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the flat. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

**Reason:**

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 8 Pre-Commencement Condition: The development shall not commence until a drainage strategy detailing any on and/or off site drainage works has been submitted to and approved in writing by the City Council in consultation with Thames Water (sewerage undertaker). No discharge of foul or surface water from the approved flat shall be accepted into the public system until the drainage works referred to in the strategy above have been completed.

**Reason:**

The development may lead to sewerage flooding and to ensure that sufficient capacity is made available to cope with the new development and in order to avoid adverse environmental impact on the local community.

- 9 You must apply to us for approval of details of secure cycle storage for the use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

**Reason:**

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

- 10 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.

**Reason:**

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 This development has been identified as potentially liable for payment of the Mayor of London's Community Infrastructure Levy (CIL). Responsibility for paying the levy runs with the ownership of the land, unless another party has assumed liability. We will issue a CIL Liability Notice to the landowner or the party that has assumed liability with a copy to the planning applicant as soon as practicable setting out the estimated CIL charge., If you have not already done so you must submit an **Assumption of Liability Form** to ensure that the CIL liability notice is issued to the correct party. This form is available on the planning portal at <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, Further details on the Mayor of London's Community Infrastructure Levy can be found on our website at: <http://www.westminster.gov.uk/services/environment/planning/apply/mayoral-cil/>. , **You are reminded that payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay.**
- 3 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 4 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)
- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 6 In respect of Condition 8, Thames Water has identified an inability of the existing wastewater infrastructure to accommodate the needs of this application.

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.