

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 22 March 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bayswater	
Subject of Report	39 Northumberland Place, London, W2 5AS		
Proposal	Construction of new basement level below the existing footprint of the house and part front and rear gardens including lightwells, associated alterations to the front garden and boundary wall, extension into the front garden at lower ground floor level, erection of a rear infill extension at lower ground floor level, alterations to fenestration at rear including erection of first floor Juliet balcony, alterations to fenestration of side and rear elevations of closet wing including new rooflight.		
Agent	Miss Millie Burnham		
On behalf of	Mr Damon Parker		
Registered Number	15/06654/FULL	Date amended/ completed	27 August 2015
Date Application Received	21 July 2015		
Historic Building Grade	Unlisted		
Conservation Area	Westbourne		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is an unlisted single dwelling house located within the Westbourne Conservation Area. The building covers lower ground, ground and three upper floors, with the third floor being in mansard form. Permission is sought for the creation of a new basement floor level below the existing footprint of the house and part of the front and rear gardens including the installation of lightwells. Extensions are proposed to lower ground floor level within both the front and rear gardens. A new rooflight is proposed to a first floor rear projection. Alterations are also proposed to the windows and doors to both front and rear elevations of the property, including a new Juliet balcony to rear ground floor level.

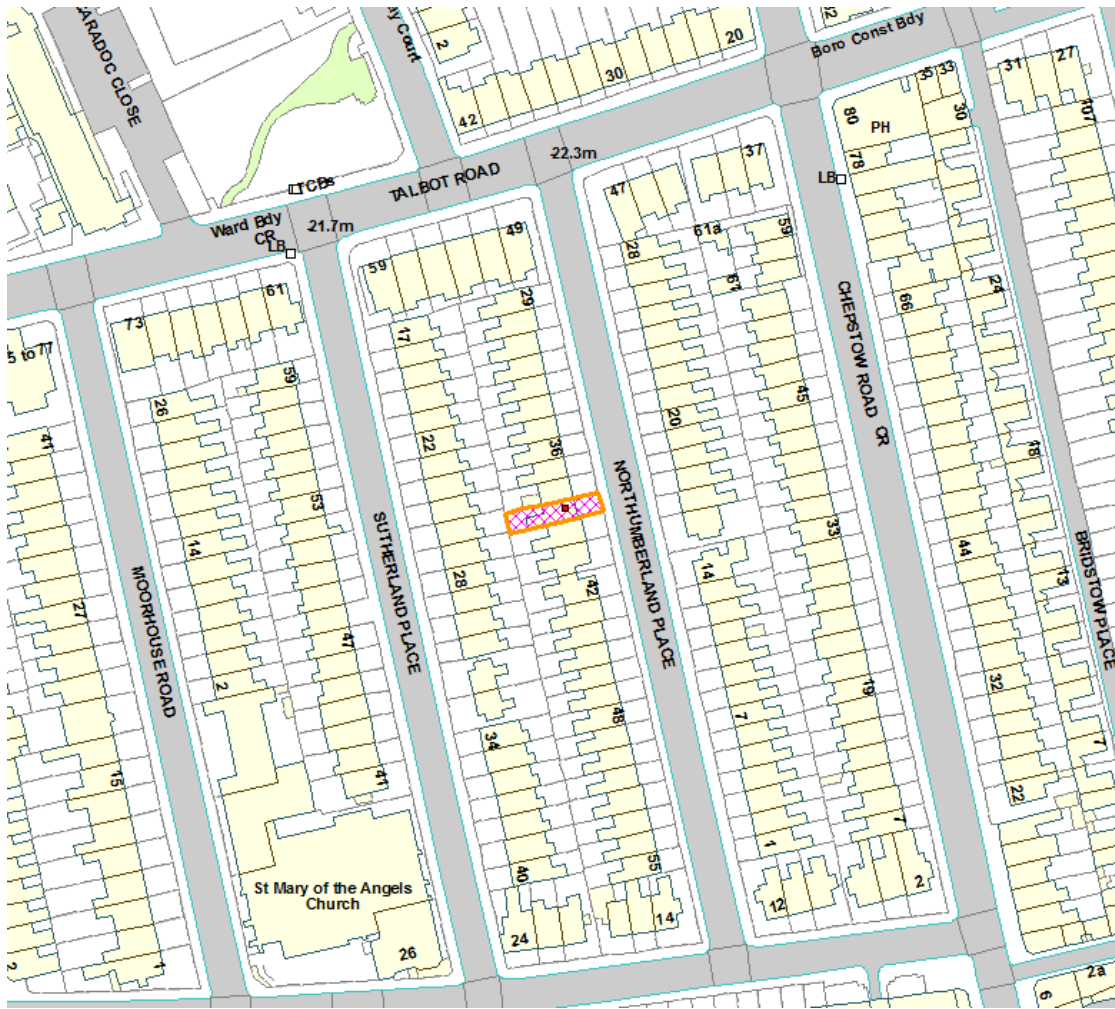
This application follows an appeal against the non-determination of an application for similar works of a basement excavation and extensions to front and rear of the building at lower ground floor level which was dismissed on 25th June 2015.

The key issues in this case are:

- The impact on the character and appearance of the building and surrounding conservation area.
- The impact on the amenity of neighbouring residents.

The proposed development is considered to be acceptable in design, amenity and environment terms and would accord with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan). As such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS







5. CONSULTATIONS

Notting Hill East Neighbourhood Forum (NHENF)

Object for the following reasons:

- Proposals represent an overdevelopment of the site, and in particular they do not approve of development under front and rear gardens.
- State that they do not approve of infills between rear extensions.
- State that they do not approve of a balcony without screening and greening.
- Proposals involve a reduction in the size of gardens without a compensation amount of greening to absorb some of the run off the lost soil would have dealt with.
- Works would involve noise and disruption, and furthermore that there should be no work on the pavement, that any skip waste should be transferred by overhead conveyor belt to skip and that any skip removal should be done within a 10 minute window, that the time of day and length of operation should be monitored, recorded and the information sent to the NHENF website, and that they expect the construction management plan to be properly monitored especially for noise and vibration and that amelioration of costs to neighbours should be adequately dealt with.
- State that they consider that the rear extension proposed is 'horrid'.
- State that they do not approve of flat topped mansards.
- Comment that no photographs have been provided showing neighbouring properties.
- Consider that the development would be only suitable for those with no connection to the area and with no reference to any ecological or social considerations.

Thames Water Utilities Ltd

State that with regards to sewerage infrastructure capacity or water infrastructure capacity they do not have any objection to the application proposals.

Environment Agency (Thames Region)

State that they have no comments to make on the application proposals.

Building Control

Advise that the submitted structural method statement is considered to be acceptable.

Highways Planning

No objection.

Environmental Health

Any response to be reported verbally.

Cleansing

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 26

Total No. of replies: 5

No. of objections: 5

No. in support: 0

Amenity Issues

- Objection to the impact of the extensions on the light available to surrounding properties.
- Objection to the impact on the privacy of surrounding properties from the balcony and side infill extension.

Other Issues

- Concern expressed about the impact of the noise and disturbance of the building works and implications for traffic congestion, loss of parking space and air pollution, and note that another basement excavation was recently agreed to at no. 46 Sutherland Place.
- Concern expressed about the impact on wildlife from the loss of part of the garden.
- Concern expressed about structural issues related to the basement excavation.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

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

No.39 Northumberland Place is an unlisted mid-terrace property located on the west side of Northumberland Place and which is included within the Westbourne Conservation Area. The building is a single family dwelling and comprises lower ground, ground and three upper floors with a three storey closet wing addition at the rear. It dates from the mid 19th century.

6.2 Recent Relevant History12/00342/FULL

Erection of single storey rear extension together with lowering of the existing lower ground floor level by 600 mm and rear garden area. Infilling front lightwell area at lower ground floor and new front staircase.

Application Permitted

11 September 2012

14/04298/FULL

Lower ground floor extension to the front lightwell and the construction of a new basement level below the existing footprint of the house, part of the rear garden, and front lightwell. Lowering the lower ground floor by 600mm.

Appeal Against Non-Determination Dismissed

25 June 2015

7. THE PROPOSAL

The application proposes a new basement floor of accommodation which extends underneath the entire footprint of the building including under the existing rear extension and under the proposed infill rear extension to lower ground floor level. The basement also extends out 4.4m under the front garden, remaining 1.7m back behind the front boundary of the site. A lightwell covered over with a grill is proposed within the front lightwell of the building at lower ground floor level, and a further lightwell with grill is proposed within the rear garden immediately adjacent to the rear extension.

Aside from an area leading up to the main front entrance, the front garden is currently excavated down to lower ground floor level. The application seeks permission for the infill of much of the lowered area of the front garden to allow for a new studio room underneath a front garden which would be raised to pavement level, with a smaller lightwell 1.2m in width retained between this new extension and the main building. A new front boundary wall and railings to the pavement is also proposed.

The building has an existing brick rear extension covering half of its width and which rises to mezzanine level above ground floor. The application seeks permission to install a rear extension to lower ground floor level to the currently unenclosed part of the rear elevation, which would be set back slightly behind the line of the existing rear extension. A new rooflight is proposed above the existing brick rear extension.

Alterations are also proposed to the main rear elevation of the building with an existing sash window to ground floor level proposed to be removed and replaced with a pair of doors opening onto a juliette balcony.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The extension to this existing single dwelling house is acceptable in principle in land use terms and accords with Policy H3 in the Unitary Development Plan (UDP).

8.2 Townscape and Design

The reasons given why the previous application 14/04298/FULL would have been refused had an appeal against non-determination not been submitted were related to the harm caused by various works proposed to the front garden/front lightwell area of the building, including the large glazed rooflight proposed to light the new basement accommodation proposed in that application, the increased depth of lightwell proposed and the alterations proposed to the original metal railings forming the veranda structure to ground floor level. The application was also refused on grounds of the size and design of a pyramidal rooflight structure to the roof of a rear extension.

In the appeal decision of 25 June 2015 the Inspector dismissed the appeal on grounds of the works to the front garden/front lightwell area, though he considered that the rooflight structure to the rear of the building was not in his opinion harmful to the character and appearance of the building or conservation area.

This current application submission proposes similar works to the previous application 14/04298/FULL though with amendments to overcome the concerns regarding the works proposed to the front garden area. The application has also been revised during the course of the process to treat the lightwell to the front of the building in a more discreet manner with a grill over rather than a glazed panel and to reduce its size. Notwithstanding the Inspectors comments, there are no large scale projecting rooflights now proposed to the rear extension.

New Basement Floor of Accommodation

The principle of a new basement underneath the existing house and part front and rear gardens was not considered as a reason why the previous application proposals would have been refused had an appeal against non-determination not been submitted, and the appeal Inspector raised no concerns over this aspect of the previous scheme. The application was submitted prior to the Cabinet Member statement of 23rd October 2015 which clarified that weight would be applied to the draft revisions to the Westminster City Plan related to applications proposing basement developments applications submitted after 1st November. Though noting the concerns of the Notting Hill East Neighbourhood Forum, the principle of a basement development to the property is considered acceptable.

The basement proposed has only two external manifestations which are in the form of lightwells with grills covering their top. One of these is located to the base of the narrower lightwell proposed to be created between the new front garden extension and the main front elevation, and one is proposed to be located immediately adjacent to the existing rear extension within the rear garden. The lightwell proposed to the front garden has been revised during the course of the application submission and is now shown as a 1.6m x 1.1m lightwell topped by a grill rather than as a glazed rooflight as was initially submitted. This grill is in itself set into the narrowed front lightwell and it would therefore be to a discreet location unlikely to be visible from street level. The rear lightwell is also discreetly set to the immediate rear of the existing rear extension and also has a grill to its top, and it is also considered to have a limited visual impact on the building and is considered acceptable.

Front Garden Extension

When originally constructed in the mid 19th century, the building would have been built with a smaller lightwell adjacent to the building and with the larger remainder of the front garden built up to pavement level, potentially with vaults set in under it. At some point in the past almost the entire front garden with the exception of the pathway leading up to the front entrance steps has been excavated down to lower ground floor level, with the lowered garden area being hard paved. This existing arrangement is considered to detract from the appearance of the building. The creation of a new front garden area raised up to pavement level creates a more historically appropriate arrangement and it removes the unattractive existing hard paved sunken garden. A lightwell between this new extension and the main front elevation of historically appropriate proportions will be maintained as open. Though the extension does not have 1.2m of top soil between it and the new garden level, this element of the proposals represents an extension to an existing hard paved area rather than an excavation under an existing garden area. The extension and the proposed new basement below are set 1.4m back from the new front boundary wall which also allows for a planting zone adjacent to the front boundary with deep soil. Given the hard paved nature of the frontage to the site at present and the allowance for an area of planting to the front of the amended front garden, this approach is considered acceptable.

The application drawings refer to the existing railings flanking the front entrance steps and veranda being retained, which overcomes the concerns with the previous application where these were being amended/part removed. New railings are proposed to flank the new front lightwell. These new railings are referred to as being designed to match existing. However, there are a number of differing existing railing designs to the front of the building, and it is considered important for these railings to be simply detailed so as not

to detract from the original railings to the front veranda, and a condition is attached to secure this.

Front Boundary Wall

The existing front boundary treatment is an unattractive arrangement, with modern railings set on a brick wall which is located notably behind the front building line to the pavement which the other frontage railings all correspond to. This arrangement is to be replaced by a new rendered wall with a new rendered wall on the front building line with black metal railings and gate set between gate piers. This represents a more consistent building line to the street and to a more traditional appearance than existing. The approach is welcomed in design terms, though with one exception being that there is a superfluous gate pier to the centre of the main run of railings. Gate piers are found typically traditionally only where flanking entrances and an amending condition is recommended to remove this and replace it with a more consistent run of railings. Subject to this change, the new frontage treatment is welcomed in design terms.

Rear Extension to Lower Ground Floor Level

NHENF consider the rear extension to be 'horrid' and that they do not approve of infills between rear extensions. An extension of this size and general design however was agreed as part of the approval of planning permission on 11 September 2012, and a similar extension was not considered as a reason for refusal as part of the more recent appeal scheme. Notwithstanding this, the extension is designed with render facing and with windows in timber, and infill extensions to lower ground floor level such as this are common throughout the conservation area. Notwithstanding the concerns raised, this extension is considered acceptable in design terms.

Alterations to the Rear Elevation

The removal of a window to rear ground floor level and replacement with a pair of inward opening doors and a balconette feature to the outside was also work contained in the approval of planning permission on 11 September 2012. The doors have a traditional appearance and will be formed in timber. The balconette feature will be formed in black metal and would be simply detailed. These features are set into the gap between the relatively large rear extensions to either side, and in this location the works will have little overall impact upon the appearance of the building. NHENF do not approve of a balcony without screening and greening. However, such features cannot be successfully incorporated into a small balconette feature of this type.

The rooflight proposed above the ground floor element of the existing rear extension is shown as a relatively small scale feature and is considered uncontentious. The installation of new sash windows in place of the existing unattractive modern windows currently in place to this extension is welcomed in design terms.

In conclusion, the works proposed would preserve the character and appearance of the conservation area and would accord with Policies DES1, DES5 and DES9 in the UDP and S25 and S28 in the City Plan.

8.3 Residential Amenity

Sunlight and Daylight / Sense of Enclosure

The proposed extension to rear lower ground floor level involves the enclosure of a window understood to serve a small utility room which is currently set in the side (south) facing elevation of the rear extension to the adjacent building at no. 40 Northumberland Place. This window currently faces over the rear garden/rear lightwell area of the application property. The enclosure of this window by an extension was agreed by the previously approved application on 11.09.2012 and was not considered as a reason for refusal in the more recent appeal scheme and as such is again considered acceptable as part of this application. Though light and outlook to this window will be blocked, as with the previous applications, including the approval in 2012, the new extension proposed will incorporate an air duct to allow ventilation to be maintained to this room. A duct is shown to the drawings, and a condition will secure full details of and the implementation of this duct.

Concern was raised by a resident of Sutherland Place to the impact on light from the works to the rear. However, given the distance involved this concern is not considered sustainable.

Given its very limited external manifestations, the proposed basement extension, would have no impact on the amenities of neighbouring properties in terms of loss of daylight, outlook or sense of enclosure, or loss of privacy. By virtue of being set down into the existing sunken front garden the new front extension to lower ground floor level would also not adversely affect the amenity of surrounding neighbours.

Privacy

Objection has been received to the proposals on grounds of a perceived loss of privacy from both the rear ground floor balcony and the rear lower ground floor extension. The balcony is set into a relatively narrow gap between two larger rear extensions and is approximately 15m away from the rear elevations of the buildings to the west on Sutherland Place. The rear extension has relatively large windows to its rear elevation. However, it is set within a rear garden area with boundary walls and does not project further than the existing rear extension adjacent. It would also have similar levels of outlook to the existing rear windows. As such neither of these works would unacceptably harm the privacy of properties to Sutherland Place and the concerns raised on these grounds are not considered sustainable.

Conclusion

Overall, the proposed scheme is acceptable in amenity terms and would accord with Policy S29 in the City Plan and Policy ENV 13 in the UDP.

8.4 Transportation/Parking

The proposal does not represent an increase in residential units or a loss of parking and as such the proposal is not contrary to policy TRANS23 of the UDP.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

The proposals do not alter the access arrangements into or within the building.

8.7 Other UDP/Westminster Policy Considerations

Noise

The applicants have confirmed that the intention is for the basement to be naturally ventilated, and that they are not therefore proposing any air conditioning equipment. Noise and disturbance resulting from construction works, which has been the subject of several objections to the proposals, is considered separately in this report.

Trees

Aside from a tree planted in a raised planter pit to the adjoining building to the south there are no trees in proximity to the works proposed, and the application site has a large sunken front garden set well below the level of the adjacent tree. Accordingly, no roots would be adversely affected by the works to the front.

Biodiversity

Concern has also been expressed about the impact on wildlife resulting from the loss of part of the garden. Whilst it is unclear as to whether this is a reference to front or rear gardens, both are in any case hard landscaped, and as such the extensions proposed would not adversely affect wildlife. The new front garden incorporates a planting zone which would support new planting to the front garden.

Water Runoff

NHENF express concern that the proposals involve a reduction in the size of gardens without adding greening to absorb some of the run off. However, the existing front garden is almost entirely hard paved, and the new garden would include the introduction of greening to a planter area towards the front of the garden. As such the concerns expressed on this issue are not considered sustainable.

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

Environmental Impact issues are not relevant to these application proposals.

8.12 Other Issues

Basement Excavation

The impact of this type of development is at the heart of concerns expressed by residents across many central London Boroughs, heightened by well publicised accidents occurring during basement constructions. Residents are concerned that the excavation of new basements is a risky construction process with potential harm to adjoining buildings and occupiers. Many also cite potential effects on the water table and the potential increase in the risk of flooding. Such concerns have been raised by many neighbouring occupiers. The numerous letters of objection received refer specifically to the impact on the structural integrity and stability of adjoining buildings which will shorten the lifespan of the terrace and the damage to the underlying soil regime. They also refer to potential problems with flooding, the interference with the drainage of surface water and the impact on groundwater.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

Officers consider that in the light of the above it would be justifiable to adopt a precautionary approach to these types of development where there is a potential to cause damage to adjoining structures. To address this, the applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

Building Control have assessed the reports provided and consider that, notwithstanding concerns raised, the proposed construction methodology appears satisfactory. Should permission be granted, these statements will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with them. The purpose of the reports is to show that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course. It is considered that this is as far as this matter can reasonably be taken as part of the consideration of the planning application. Detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations cited above. To go further would be to act beyond the bounds of planning control.

The City Council has been preparing guidance and policies to address the need to take into consideration land instability, flood risk and other considerations when dealing with basement applications. The City Council adopted the Supplementary Planning Document 'Basement Development in Westminster' (October 2014), which was produced to provide further advice on how current policy can be implemented in relation to basement development - until the formal policy can be adopted. A revised formal policy, 'Draft Basements Policy', is currently being examined and will form part of the City Plan once adopted.

The basement guidelines and basements policy documents have different status in the planning process. The SPD having now been adopted can be given considerable weight (known as material weight or a material consideration). Weight will be afforded to parts of this policy for applications submitted after 1 November 2015, however, as this application was submitted before that date it cannot be assessed against this emerging policy.

Construction Impact

Objections have been received from neighbouring residents and NHENF regarding the impact of construction work associated with the proposed basement with specific reference to noise, dirt, dust vibrations and traffic, the timescale for the proposed construction phase and general disturbance associated with construction activity.

Whilst planning permission cannot be withheld on the basis of these objections, a Construction Management Plan is required at validation stage and has therefore been submitted with the application. This gives some indications of the approach to be taken and is considered appropriate and reasonable at application stage in terms of demonstrating that harm to the amenity of residents can be mitigated as far as is reasonably practicable under planning law. However, a condition is recommended to secure a more fully detailed construction management plan prior to the commencement of works, including further details of parking arrangements outside the site, a 24 hour emergency contact number, and other information. A further condition is recommended to control the hours of construction works, particularly noisy works of excavation. Whilst it is inevitable that all construction works will have some impact on neighbours, together these should go some way to addressing the concerns of residents.

Further Comments Received from NHENF

NHENF make a range of other suggestions and comments with regards to the construction of this proposed development. Some of these suggestions can be

considered. For example, the applicants have stated that they are willing to excavate soil over the pavement by means of a conveyor an appropriate height above pavement level. However, the remainder of these suggestions are considered particularly onerous and it is not considered reasonable to impose them on this individual site.

In their response to the application proposals, NHENF also advised that they do not approve of flat topped mansards. Whilst these comments are noted, the application does not include a proposal for a mansard of any form, and the comments therefore are not considered sustainable to this application submission.

NHENF also comment that no photographs have been provided showing neighbouring properties. However, this is not a requirement of an application submission and the application could not be considered unacceptable on this ground.

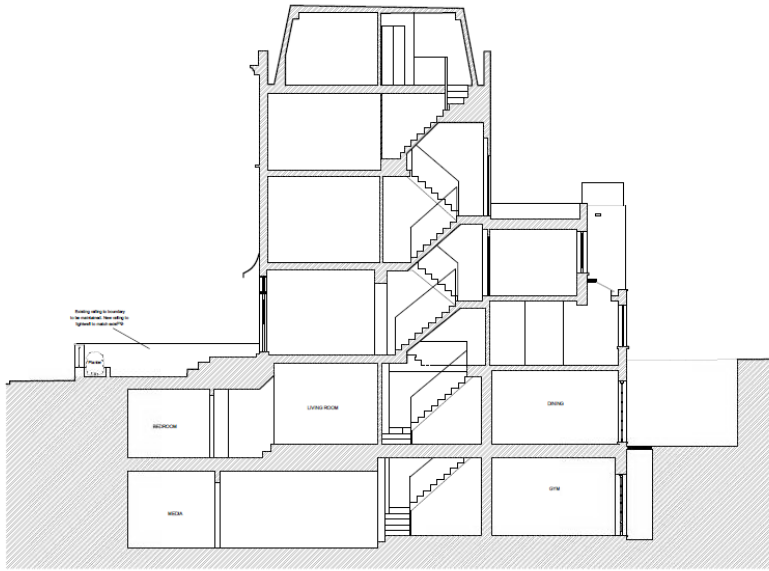
They further comment that in their opinion the development would be only suitable for those with no connection to the area and with no reference to any ecological or social considerations. However, such issues are not relevant to the consideration of an application for planning permission.

9. BACKGROUND PAPERS

1. Application form
2. Letters from Notting Hill East Neighbourhood Forum, dated 9 September 2015 and 8 January 2016.
3. Email from Thames Water dated 28 August 2015.
4. Email from Environment Agency dated 18 August 2015.
5. Email from Highways Planning dated 19 February 2016.
6. Email from Building Control dated
7. Letters from occupier of 26b Sutherland Place, London, dated 13 September 2015 and 10 January 2016.
8. Letters from occupier of 27 Sutherland Place dated 16 September 2015 and 4 January 2016.
9. Letter from occupier of 26A Sutherland Place dated 26 September 2015.

(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 ALISTAIR TAYLOR ON 020 7641 2979 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk



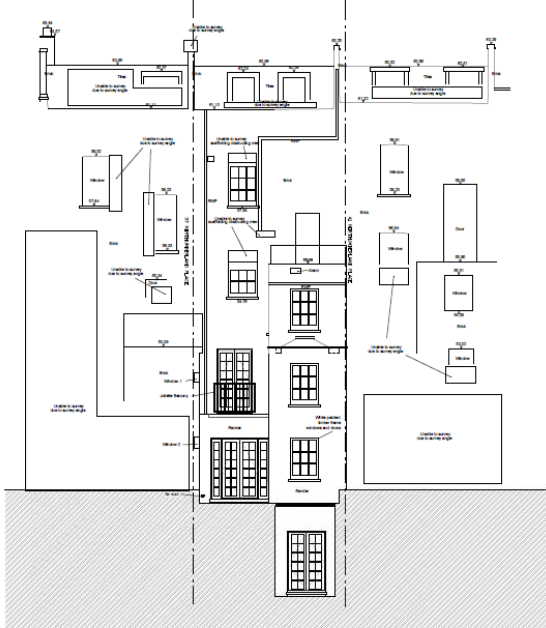
SECTION AA'



All drawings are a property of us and shall not be reproduced, stored, copied, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without our prior written consent. Any person who does so without our consent shall be liable for all costs and expenses, including reasonable attorneys' fees, incurred by us in connection with the enforcement of our intellectual property rights. This disclaimer shall apply to all drawings and specifications, whether or not they are marked as such, and to all drawings and specifications, whether or not they are marked as such, and to all drawings and specifications, whether or not they are marked as such.

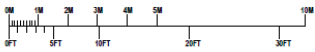
- N. 20/75/15 Ground Floor Slab, Slab 1, Slab 2, Slab 3
- W. 16/27/15 Ground Floor Slab, Slab 1, Slab 2, Slab 3
- L. 20/26/15 Ground Floor Slab, Slab 1, Slab 2, Slab 3
- B. 20/75/15 Ground Floor Slab, Slab 1, Slab 2, Slab 3
- I. 20/26/15 Ground Floor Slab, Slab 1, Slab 2, Slab 3
- M. 20/26/15 Ground Floor Slab, Slab 1, Slab 2, Slab 3
- P. 20/26/15 Ground Floor Slab, Slab 1, Slab 2, Slab 3
- F. 20/26/15 Ground Floor Slab, Slab 1, Slab 2, Slab 3
- E. 20/26/15 Ground Floor Slab, Slab 1, Slab 2, Slab 3
- D. 20/26/15 Ground Floor Slab, Slab 1, Slab 2, Slab 3
- C. 20/26/15 Ground Floor Slab, Slab 1, Slab 2, Slab 3
- B. 20/26/15 Ground Floor Slab, Slab 1, Slab 2, Slab 3
- A. 20/26/15 Ground Floor Slab, Slab 1, Slab 2, Slab 3

DINA ARCHITECTURE LTD 10 Northumberland Place London W2 2AS Tel: +44 (0)20 8542 1122 Fax: +44 (0)20 8542 1123	
10 NORTHUMBERLAND PLACE NOTING HILL LONDON W2 2AS	
MR DAMON FAIRER	
PROPOSED SECTION AA'	
DATE: 10/01/15 DRAWN BY: [Signature] CHECKED BY: [Signature]	NO: 376_04_101



Notes:
 1. All dimensions are in meters and are to be applied as per the drawing unless otherwise stated.
 2. All dimensions are subject to change and the contractor shall be responsible for checking the dimensions on site.
 3. The contractor shall be responsible for obtaining all necessary permissions and approvals from the relevant authorities.
 4. The contractor shall be responsible for ensuring that the work is completed in accordance with the relevant specifications and standards.
 5. The contractor shall be responsible for ensuring that the work is completed within the agreed programme of works.
 6. The contractor shall be responsible for ensuring that the work is completed to the satisfaction of the client.
 7. The contractor shall be responsible for ensuring that the work is completed in accordance with the relevant health and safety regulations.
 8. The contractor shall be responsible for ensuring that the work is completed in accordance with the relevant environmental regulations.
 9. The contractor shall be responsible for ensuring that the work is completed in accordance with the relevant fire safety regulations.
 10. The contractor shall be responsible for ensuring that the work is completed in accordance with the relevant accessibility regulations.

10 REAR ELEVATION



N. 20/17/10 Flood Risk Assessment
 W. 14/07/10 Flood Risk Assessment
 L. 02/04/14 Flood Risk Assessment
 P. 27/03/15 Flood Risk Assessment
 E. 04/01/15 Flood Risk Assessment
 F. 01/08/15 Flood Risk Assessment
 G. 01/01/15 Flood Risk Assessment
 H. 01/01/15 Flood Risk Assessment
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 X. 01/01/15 Flood Risk Assessment
 Y. 01/01/15 Flood Risk Assessment
 Z. 01/01/15 Flood Risk Assessment

DNA ARCHITECTURE LTD
 10, Avenue Gardens
 London, W14 9JF
 Tel: 020 8946 1322
 Fax: 02020 461 323

38 NORFOLK PLACE
NOTING HILL
 LONDON, W2 3AS

MR DAMON PAINTER

PROPOSED REAR ELEVATION

376_05_102

DRAFT DECISION LETTER

Address: 39 Northumberland Place, London, W2 5AS,

Proposal: Lower ground floor extension to the front light well and alterations to front garden, construction of a new basement level below the existing footprint of the house, part of the rear garden including front and rear light wells, installation of roof light to flat roof of first floor rear projection, erection of single storey side infill extension, alterations to fenestration at rear including erection of first floor Juliet balcony, alterations to fenestration of side and rear elevations of closet wing. -

Reference: 15/06654/FULL

Plan Nos: Location plan, 376-02-101 Proposed Block Plan, 376-02-001 Existing Location Plan, 376-03-101N, 376-03-001A, 376-03-102N, 376-03-002A, 376-03-103N, 376-03-003A, 376-05-101N, 376-05-001A, 376-05-102N, 376-05-002A, 376-04-101N, 376-04-001A, 376-04-102N, 376-04-002A, Design and Access Statement.

FOR INFORMATION ONLY - Construction Traffic Management Plan dated 17th November 2015, 376-01-003 Site Plan for CTMP, 376-01-002 Area Plan for CTMP, Report from Vincent and Rymill dated 02.10.2103, 01A, 02A

Case Officer: Alistair Taylor

Direct Tel. No. 020 7641 2979

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 Except for basement excavation work, you must carry out any building work which can be heard at the boundary of the site only:
 - * between 08.00 and 18.00 Monday to Friday;
 - * between 08.00 and 13.00 on Saturday; and
 - * not at all on Sundays, bank holidays and public holidays.

You must carry out basement excavation work only:

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

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

Reason:

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

- 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 You must provide the balconette feature in the form shown on the plans to the outside of the external door openings to rear ground floor level as part of the works for the creation of doors to the adjacent opening and it shall be maintained in that position thereafter. You must not use the roof of the lower ground floor level 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, 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. (R21AC)

- 5 You must apply to us for approval of detailed plan/section/elevation drawings (as appropriate) showing the new air duct built within the new rear extension to lower ground floor level to ventilate the existing utility room window in the neighbours property and showing its exit route from the extension. You must not start any work on the rear extension part of the development until we have approved what you have sent us.

You must then carry out the work according to these drawings. Once installed, you must not remove this feature (C26DB)

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)

- 6 The new external metalwork shall be formed in black painted metal

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)

- 7 Notwithstanding the details shown on drawing 376-05-101N, the new boundary treatment shall have gate piers to either side of the pedestrian entrance gate and to the north end of the frontage only, and the additional gate pier to the centre of the frontage shall be omitted and replaced by railings to match those existing to either side on the frontage

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)

- 8 The new windows and external doors at lower ground floor level or above shall be formed in glazing with white painted timber framing

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)

- 9 The grille to the front and rear lightwells shall be installed prior to the occupation of the new accommodation at basement level and shall be retained in-situ thereafter, and shall be formed of black coloured metal.

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)

- 10 You must apply to us for approval of a sample of the paving material for the front garden. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved material. (C26BC)

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)

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

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

Reason:

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

- 12 The new railings flanking the front lightwell shall be designed with a flat handrail with no finials above, and with plain and undecorated upright balusters below

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 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)
- 3 You are advised that Thames Water recommend that you incorporate a non-return valve or other suitable device to avoid the risk of back flow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions Water also recommend that you undertake measures to minimise ground water discharges into the public sewer . A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into the public sewer .Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991 .Permit enquiries should be made to Thames Water Risk Mangement Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk .Application forms can be completed on line via www.thameswater.co.uk/wastewaterquality .
- 4 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 5 You are advised that our Building Control team were consulted during the course of the application process and advised that in their view the drawings shown an internal arrangement not in accordance with the fire regulations as the lower ground floor's kitchen is open to the only staircase in the property.
- 6 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 7 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the

walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)

Background Papers:

1. Application form.
2. Email from the Environment Agency dated 21.7.2015.
3. Email from Building Control dated 22.7.2015.
4. Email from Highways Planning Manager dated 21.7.2015.
5. Email from Thames Water dated 15.7.2015.
6. Memorandum from Arboricultural Manager dated 6.8.2015.
7. Letter from 45 Marlborough Place (Management Company Ltd) c/o 45 Poplar Close, Leighton Buzzard, Beds LU7 3BS dated July 2015.
8. On line comment from Flat 6 45 Marlborough Place London NW8 dated 3.8.2015.

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.