

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 26 April 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	61A Clifton Hill, London, NW8 0JN,		
Proposal	Excavation of new basement level beneath existing building and part of rear garden, erection of lower ground floor extension. Use of lower ground and ground floors as one residential unit (Class C3).		
Agent	Mr jonathan tipper		
On behalf of	Mr jonathan Tipper		
Registered Number	16/00653/FULL	Date amended/ completed	2 February 2016
Date Application Received	26 January 2016		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

The application relates to the ground and lower ground floor levels of an unlisted four storey building within the St John's Wood Conservation Area, currently in use as two flats.

This application seeks planning permission to amalgamate the two flats, excavate a basement and to replace an existing rear extension at lower ground floor level. Following officer comments the detailed design of the rear extension has been amended slightly during the course of the application.

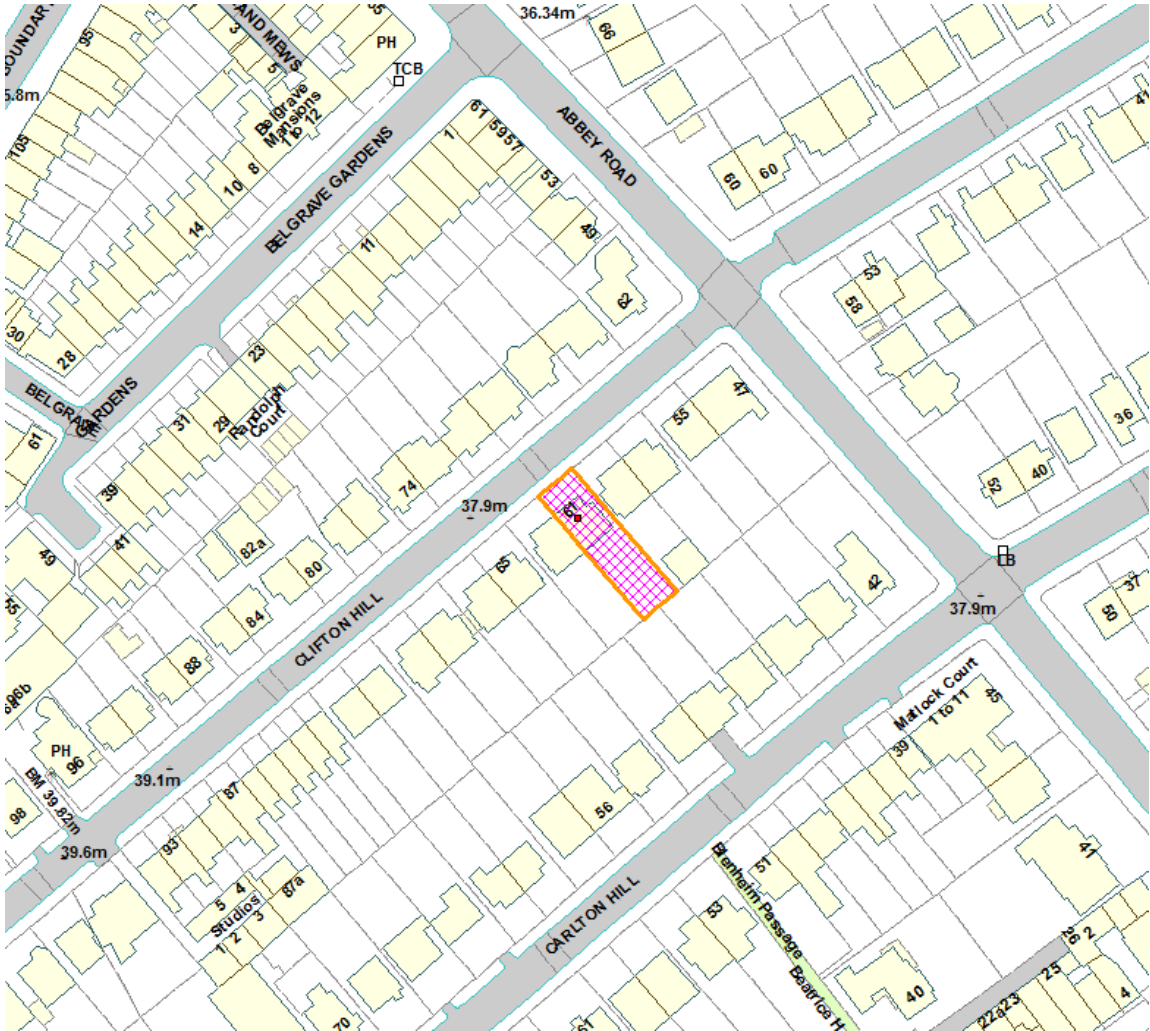
Several objections have been received by neighbouring occupiers as well as the St Johns Wood Society on the grounds of land use, design and townscape issues, structural concerns and the impact of construction works.

The key issues in this case are:

- * The impact of the development on the character and appearance of the building and conservation area.
- * The impact of the development on the amenity of neighbouring properties.

Notwithstanding the objections received, the proposed development is considered to be acceptable and would accord with the relevant policies in Westminster's City Plan: Strategic Policies adopted in November 2013 (the City Plan) and the Unitary Development Plan adopted in January 2007 (the UDP).

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013.
All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



Rear elevation



Front elevation

5. CONSULTATIONS

WARD COUNCILLORS FOR ABBEY ROAD:

Any response to be reported verbally.

ST JOHN'S WOOD SOCIETY:

Concerns in relation to overdevelopment; light pollution from rooflights and noise pollution from rear extension; plant ventilation. Also request that comments from neighbouring residents are taken into account and that a construction management plan (CMP) mitigates against disruption.

BUILDING CONTROL:

No objection, the submitted structural information is acceptable.

ARBORICULTURAL OFFICER:

No objection subject to conditions to ensure tree protection.

HIGHWAYS PLANNING:

No objection.

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 24; No. of objections: 7 representations raising some or all of the following concerns:

Construction:

- Parking in the street will be negatively affected. Builders should not be able to park in the area.
- Noise from building works and its impact on the tranquillity of the conservation area.
- Request for no building work before 9am or after 5pm or at lunch between 12-2, and not at weekends.
- Scaffolding should not block light to adjacent properties.

Structural:

- Concerns in relation to subsistence and stability of adjacent properties

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site relates to an unlisted building within the St John's Wood Conservation Area. The building is currently divided into flats, with this application relating to two flats, one which occupies the raised ground floor level and one which occupies the lower ground floor level. Both flats are currently vacant. The lower ground floor flat currently benefits from a large rear extension, which extends out into the rear garden. There is an existing side alley, which provides access to the garden at lower ground floor level.

6.2 Recent Relevant History

Permission granted on 4 July 2005 for the erection of new bay window to rear of existing single storey rear ground floor extension and alterations to doors and windows of existing ground floor rear extension.

Permission granted on the 31 July 1990 for the removal of Victorian conservatory roof & replace with flat roof.

Permission granted on 3 April 1987 for the construction of a conservatory.

7. THE PROPOSAL

Permission is sought for the demolition and replacement of the rear lower ground floor extension, the excavation of a basement all in association with the amalgamation of the two flats into one.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposals result in the reduction in the number of units. Policy S14 within Westminster's City Plan seeks to prioritise housing delivery across the borough, the loss of a residential unit is therefore regrettable. Exceptions are however permitted such as where '2 flats are being joined to create a family-sized dwelling.' In this instance the proposal is to convert two 2 bedroom flats into a five bedroom unit which would meet the definition of 'family-sized' used by the City Council. As the exception rule within the policy has been met, it is not considered that refusal could be justified in this instance.

The proposed basement includes two bedrooms at the rear of the site which both look out onto a small new courtyard. The courtyard is to have a grill over and will therefore not benefit from vast amounts of natural light. On the grounds of proportionality the proposals are considered acceptable in this instance, given that the majority of the living accommodation is located above ground level with ample light from existing and new windows.

8.2 Townscape and Design

The rear extension proposed is a large and significantly glazed extension with green roof above. Extensions of this scale and style would not typically be considered appropriate for mid 19th century properties such as this, however in this case there is already and apparently relatively longstanding extension in place to the building which is particularly poor in terms of its design quality, being comprised of thickly framed window openings and render panels in poorly proportioned arrangements. In addition this extension already extends across much of the width of the rear elevation of the building. To replace it, the new extension has been subdivided into two distinct elements, one being a brick faced rear extension in the form of a more traditionally detailed closet wing extension with lead roof, and the other a glazed extension with green roof. The new glazed extension responds to the main slightly projecting rear elevation bay of the building, with the brick extension responding to the subsidiary bay and

in terms of their footprint/location they integrate acceptably with the character of the building. They are only marginally wider than the existing extension, and of limited greater projection. Though the glazed extension is strikingly contemporary in its form, in contrast to the existing poor quality extension this is considered acceptable in itself, and the green roof will be an attractive feature with lead coping introducing this appropriate material as the main capping to the extension.

The new basement has its only external manifestation as the discreet lightwell to the rear with grill over and in itself this will not have a significant impact on the appearance of the building. It is considered to be designed in accordance with the basement policy. The new window to rear ground floor level is more sympathetic to the building than at present, which is welcomed in itself. The new trellis arrangement proposed to the side passage though unorthodox is relatively discreet, set largely behind a new gate to the front of the side passage down at lower ground floor level and is considered acceptable in itself. Further details of this would be secured by condition.

8.3 Residential Amenity

At subterranean level, the proposed basement itself would have no impact on the amenities of neighbouring occupiers in terms of a loss of light, loss of outlook or loss of privacy.

The rear extension is the approximately the same length as the existing extension but is wider. Due to the size of the existing extension and the size of the existing party wall, residents at No 63 are unlikely to experience any negative impact. Likewise, given the location of the extension set away from the boundary with No 59, these residents are also unlikely to experience a negative impact in terms as a result of the proposals.

Some concern has been raised in relation to light spill, however as the vast majority of the existing extension is glazed, it is not considered that the replacement extension will have any significant additional impact on these grounds.

The proposals would therefore comply with the objectives of policy ENV13 of the Unitary Development Plan and policy S29 of the City Plan.

8.4 Transportation/Parking

The Highways Planning Manager has commented that while the lack of cycle parking is regrettable, as the proposals reduce the number of units and there is no current parking, no objection is raised.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

No change to existing access arrangements from the street.

8.7 Other UDP/Westminster Policy Considerations

Plant

The proposals indicate a plant room within the new basement level. No details of ventilation or plant have been provided with the application. The applicant will be advised by informative that the installation of any ventilation equipment will require the submission of a new planning application.

Refuse /Recycling

A condition is recommended for the submission of a plan to show the location for waste and recyclable storage. Subject to such a condition the proposals are considered acceptable on these grounds.

Trees

Subject to conditions to secure tree protection, the arboricultural officer has raised no objection to the proposed works.

Biodiversity

The proposals include the provision of a sedum roof on the rear extension which is welcomed and secured by condition.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment (EIA)

The scheme is of insufficient size to trigger the requirement for and EIA.

8.12 Other Issues

All of the objectors have raised concerns in relation to the proposed basement and its impact during construction. Concerns have also been raised in relation to blocking light as a result of scaffolding, as these are temporary structures, which do not require planning permission, refusal on these grounds could not be sustained.

Basement

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, including those at several of the neighbouring properties in this instance, 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.

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.

A construction methodology statement has been provided as part of the application and the City Council's Building Control Surveyors have raised no concerns regarding this statement. Should permission be granted, this statement will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it. The purpose of the report 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 have 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' on 24 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.

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). Since 1st November 2015 weight is also being attributed to parts of the new basement policy, which this application is considered to meet.

Construction impact

As previously mentioned objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement, 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 has been submitted with the application. This is considered appropriate and reasonable at application stage. However, a condition is recommended to secure a more fully detailed construction management plan prior to the commencement of works. A further condition is recommended to control the hours of construction works, particularly noisy works of excavation, which will not be allowed on Saturdays. This should go some way towards mitigating the concerns raised by neighbours.

Concerns have also been raised in relation to the impact of construction vehicles on local parking. Refusal of planning permission on these grounds could not be sustained, and such details will be subject to a separate highways licensing application.

8.13 Conclusion

Notwithstanding the objections received, the proposed development, subject to appropriate conditions, is considered to be acceptable in land use, design, amenity, arboricultural and environmental terms and would therefore accord with the relevant policies in Westminster's City Plan: Strategic Policies adopted in November 2013 and the Unitary Development Plan adopted in January 2007.

9. BACKGROUND PAPERS

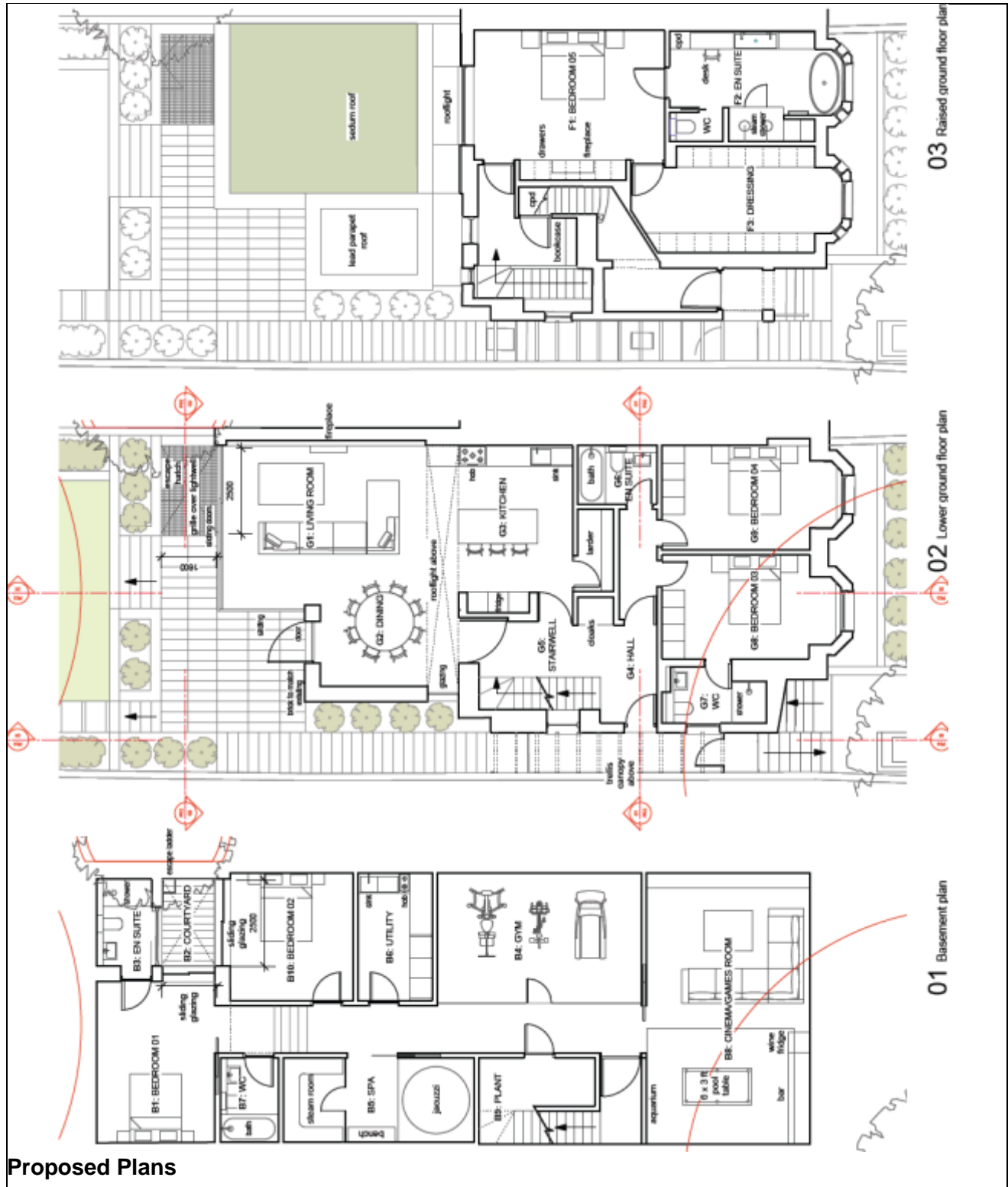
1. Application form
2. Response from St John's Wood Society, dated 9 March 2016
3. Response from Building Control, dated 26 February 2016
4. Responses from Arboricultural Officer, dated 16 March and 11 April 2016.
5. Memorandum from Highways Planning, dated 18 February 2016.
6. Letter from occupier of 59 Clifton Hill, London, dated 21 February 2016
7. Letter from occupier of 59 Clifton Hill, London, dated 1 March 2016
8. Letter from occupier of 59 Clifton hill, London, dated 21 February 2016
9. Letter from occupier of 63 Clifton Hill, London, dated 8 March 2016

10. Letter from occupier of 59 Clifton hill, London, dated 21 February 2016
11. Letter from occupier of 59 Clifton Hill, London, dated 24 March 2016
12. Letter from occupier of 59 Clifton Hill, London, dated 2 March 2016

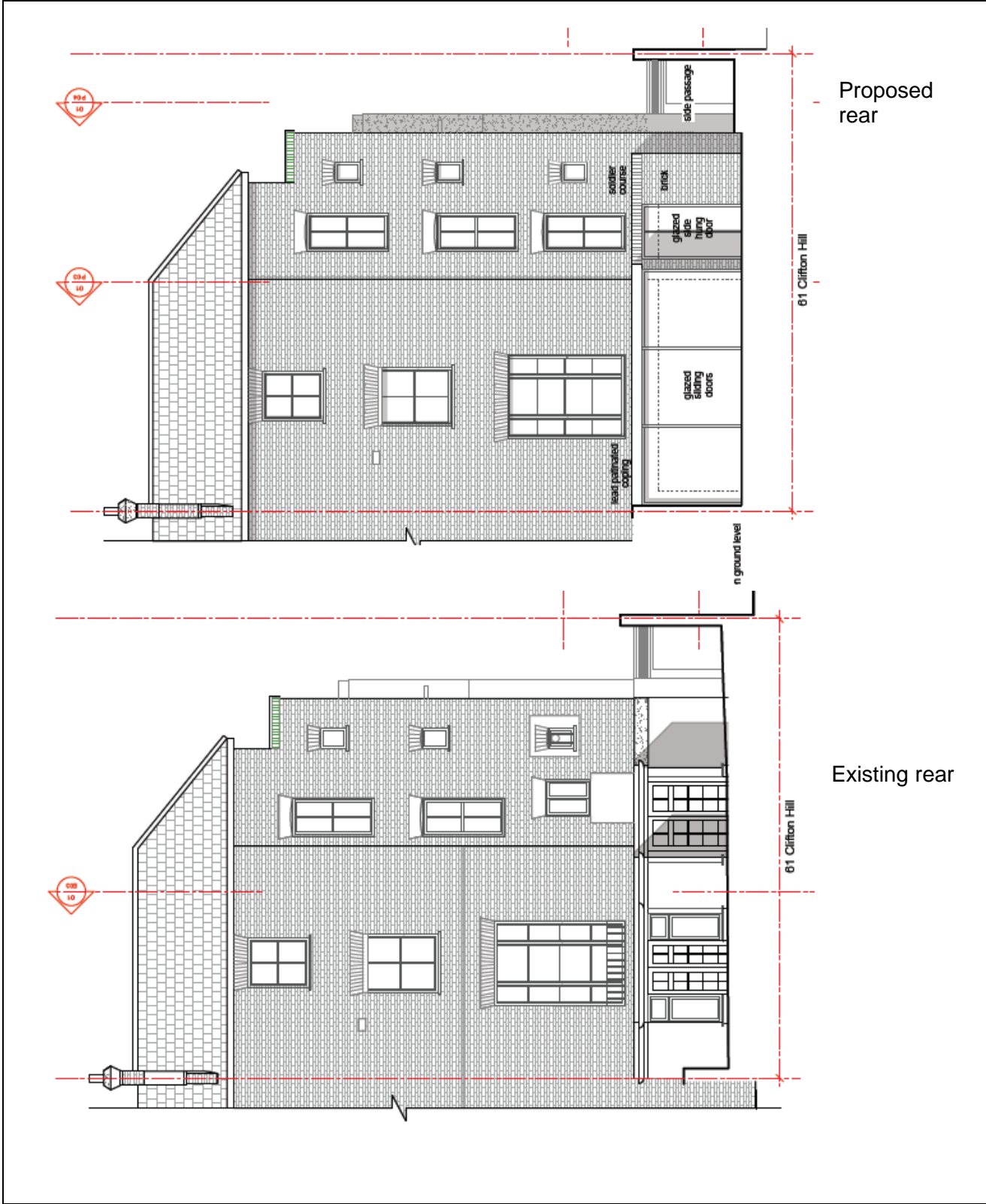
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT RUPERT HANDLEY ON
020 7641 2497 OR BY EMAIL AT rhandley@westminster.gov.uk

10. KEY DRAWINGS



Proposed Plans



DRAFT DECISION LETTER

Address: 61A Clifton Hill, London, NW8 0JN,

Proposal: Excavation of new basement level beneath existing building and part of rear garden, erection of lower ground floor extension. Use of lower ground and ground floors as one residential unit (Class C3).

Plan Nos: 610.E.01 PL01; 610.E.02 PL01; 610.E.03 PL01; 610.E.04 PL01; 610.E.05 PL01; 610.E.06 PL01; 252.E.100 PL1; 610.P.01 PL03; 610.P.02 PL02; 610.P.03 PL01; 610.P.04 PL02; 610.P.05 PL01; 610.P.06 PL01; Tree Survey by Martin Dobson Associated dated 31 March 2016. For information only: Structural Methodology Statement January 2016 by elliotwood; Construction Management Plan.

Case Officer: Rupert Handley

Direct Tel. No. 020 7641 2497

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 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 St John's Wood 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 following bio-diversity features before you start to use any part of the development, as set out in your application.

Sedum roof

You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 5 The grille to the rear lightwell 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 St John's Wood 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)

- 6 The facing brickwork to the new extension must match the existing original brickwork to the main original rear elevation in terms of colour and texture. This applies unless differences are shown on the approved drawings. (C27CA)

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 St John's Wood 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 apply to us for approval of detailed plan and section drawings of the new trellis to the side passage at lower ground floor level, which shall also show the structure unenclosed between the trellis framing and shall show it pitching down to below the height of the existing side boundary wall to the side passage. 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 according to these drawings. (C26DB)

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 St John's Wood 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 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 9 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the . (C14EC)

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)

- 10 You must carry out the tree protection measures as outlined within the tree report by Martin Dobson dated 31 March 2016.

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 11 **Pre Commencement Condition.** Notwithstanding the submitted CMP, 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.

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 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 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 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)
- 6 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 7 Some of the trees on the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I30AA)
- 8 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 9 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 10 The installation of any ventilation plant, which has any external manifestation will require a further application for planning permission.

Item No.
2

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.