

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 3 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bayswater	
Subject of Report	130 Westbourne Grove, London, W11 2RR		
Proposal	Excavation of a basement with front and rear lightwells, erection of a single storey rear extension at lower ground floor level and associated works to rear and front gardens.		
Agent	Bchitecture		
On behalf of	Ms Miriam Dalton		
Registered Number	16/00891/FULL	Date amended/ completed	2 February 2016
Date Application Received	2 February 2016		
Historic Building Grade	Unlisted		
Conservation Area	Westbourne		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is a basement flat within a mid terrace six storey building located on the north side of Westbourne Grove. The property is not listed but lies within the Westbourne Conservation Area.

Permission is sought for excavation of a basement beneath the existing lower ground floor level as an extension to the lower ground floor flat. The basement would include front and rear lightwells. A single storey rear extension at lower ground floor level and associated works are also proposed.

The key considerations are:

- Impact on the character and appearance of this building and the conservation area;
- Impact on the residential amenity of the occupants of neighbouring properties; and
- Impact of the basement excavation on the structural stability of this and neighbouring buildings.

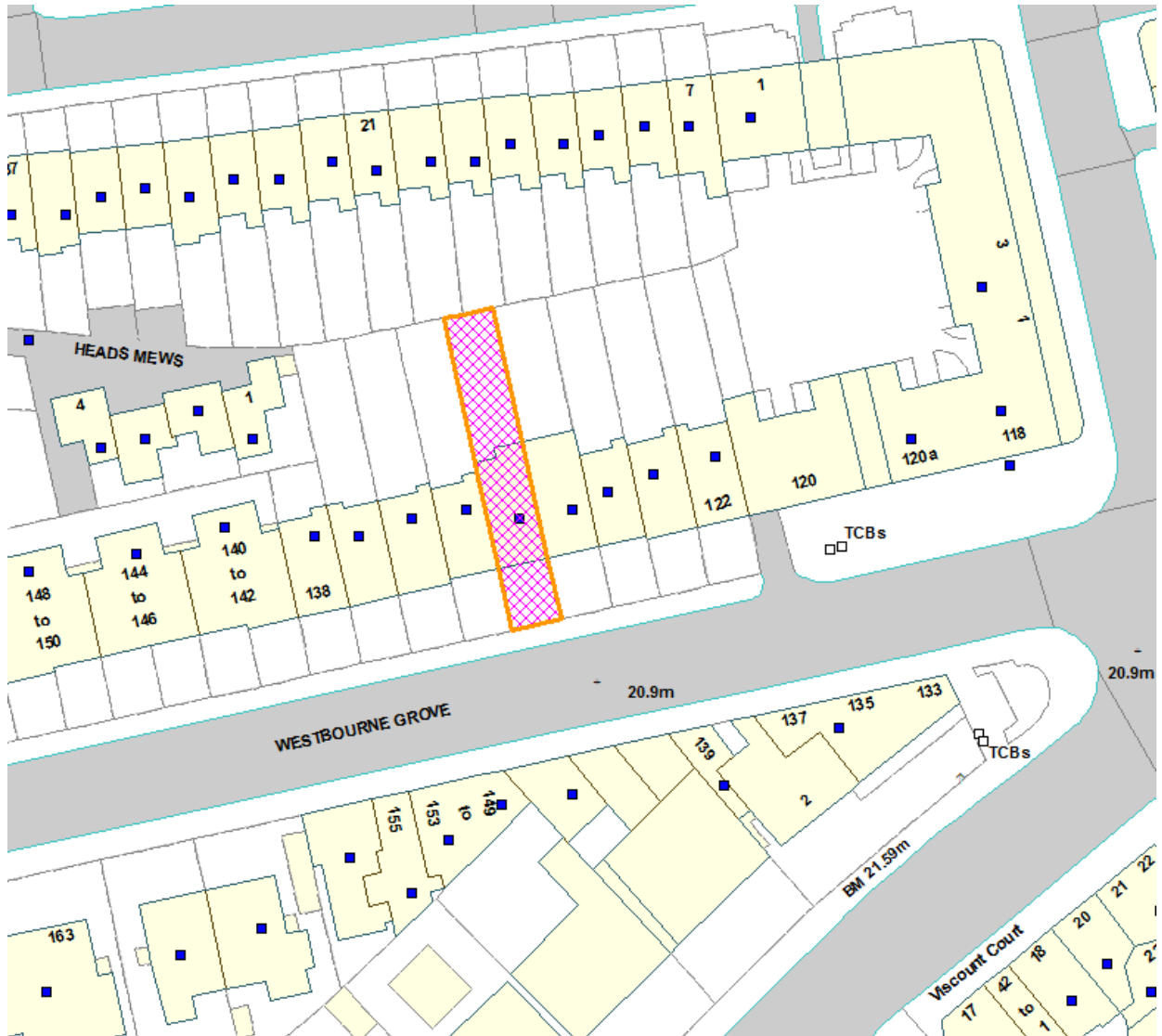
The proposed development would be consistent with relevant operative and emerging development plan policy in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan). As such, the application is recommended for approval subject to the conditions set out in the

Item No.

1

draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

ROYAL BOROUGH OF KENSINGTON & CHELSEA

No objection.

NOTTING HILL EAST NEIGHBOURHOOD FORUM

We see no attempt for compensatory greening or suds and do not like such extensive building under the garden. Covet continuous pumping through basement cavity wall all going free of charge into the drains into the aquifer. However if greened the final modern aesthetic is welcomed.

ARBORICULTURAL MANAGER

No objection. The only tree in this garden is a mediocre Ash located beyond where the proposed extension would be located. The proposal is unlikely to harm trees on neighbouring sites.

BUILDING CONTROL

Any comments to be reported verbally.

ENVIRONMENTAL HEALTH

No objection. Note that the plans propose a number of bedrooms at basement floor level. The means of escape appear adequate. Building control should ensure that fire rated doors are applied to the kitchen area to minimise risk and fire spread. Recommend a condition controlling hours of construction.

HIGHWAYS PLANNING

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 13;
Total No. of replies: 6;
No. of objections: 6;
No. in support: 0.

Design:

- The proposal would harm the character of these areas by building into the gardens and causing more crowding and overlooking.

Other:

- Parking suspensions to allow for construction will result in even less parking spaces for residents in an area where on-street parking is already scarce;
- The proposed excavation will harm the structural stability of this building / the existing building is not strong enough to support this excavation;
- The proposed extension would result in poor accommodation for occupants;
- This development would cause great distress for occupants within this building;
- The applicant shows complete disregard for maintaining the common parts of this building and would be unlikely to minimise nuisance attached to this type of project;

- The proposal constitutes a double storey basement. Double basements are prohibited under the policies of the London Borough of Islington, Kensington and Chelsea and Westminster;
- The proposal would damage mains water, gas and electricity supplies to 126/128 Westbourne Grove;
- 124 Westbourne Grove is also planning vast construction work and 126/128 are already showing signs of bulging and cracking. Cumulatively, that project and this project would be foolish; and

ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a basement flat within a mid terrace six storey building located on the north side of Westbourne Grove. The property is not listed but lies within the Westbourne Conservation Area.

6.2 Recent Relevant History

14/05314/FULL

Erection of single storey rear extension at basement level and extension to rear terrace area. Alteration of the existing front entrance steps to the basement area comprising construction of new steps and railings at garden flat.

Granted 29 August 2014

7. THE PROPOSAL

Permission is sought for excavation of a basement beneath the existing lower ground floor level as an extension to the lower ground floor flat. The basement would include front and rear lightwells. A single storey rear extension at lower ground floor level and associated works are also proposed.

The applicant has amended the proposal to provide a solid brick subdivision between the windows on the rear elevation of the proposed extension. Given the minor nature of this amendment, no further consultation has been undertaken.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policy H3 of the Unitary Development Plan (adopted 2007) ("the UDP") supports extensions to existing residential properties in principle. Accordingly, the proposal is supported in principle.

8.2 Townscape and Design

Basement

The bulk of the basement extension would be located below the above ground building, rear garden and extension where it would have no discernible impact on the character and appearance of this building or the conservation area.

The new lightwell proposed at the front would be discreetly located at the bottom of an original lightwell. The metal railings proposed are also of a traditional design and would match existing railings within the area. There is also a variety of boundary treatments and front garden layouts in this part of Westbourne Grove and the proposed railings would be consistent with this feature of the area. It is also noted that similar railings were granted planning permission under the 2014 approval. Similarly, the rear lightwell would be located immediately adjacent to the above ground building, would have a modest rearward projection and would include glass balustrades to minimise its visibility. Accordingly, the proposed basement extension would preserve the character and appearance of the Westbourne Conservation Area and would be consistent with Policies DES1, DES5 and DES9 of the UDP, policies S25 and S28 in the City Plan and the Basement SPD.

With regards to emerging policy CM28.1 of the City Plan, the proposed basement extension would not extend beneath more than 50% of the rear garden and would not exceed one storey below the lowest original floor level (i.e. lower ground floor level). Accordingly, this is not a double basement as contended by local residents.

It is noted that the proposed basement does not provide a margin of undeveloped garden land adjacent to no's 128 and 132, as is required by emerging basement policy CM28.1. It is also noted that it does not include a 1.2 metre soil layer above the basement. However, the proposed basement would underlie less than one quarter of the rear garden beyond the lower ground floor rear extension to be constructed and the length of boundaries affected would be limited to approximately 4 metres. It would also be covered in a terrace that is unlikely to be replaced with substantial planting at a later date given its close proximity to the rear of this building. Accordingly, an objection to the development on this basis would not be sustainable.

Rear Extension

The rear extension would be constructed of brick to match the existing building. A full width extension would not normally be considered acceptable but the bulk and scale of the extension proposed has been approved relatively recently and under the same policy context (see ref: 14/05314/FULL). The applicant has also amended the scheme to introduce a brick pier between the windows to reflect the vertical emphasis of the original building and to provide adequate separation between the two parts of the building. The rear of this terrace is a chaotic mix of extensions of different scales, detailed design and materials. The rear elevation is visible from a limited number of private viewpoints only. Given the context and the limited visibility the proposed extension is considered to be acceptable in design terms. The application is in accordance with policies DES 1, DES 5 of the UDP and S25 and S28 of the City Plan.

8.3 Residential Amenity

Given its subterranean location, the proposed basement extension would not cause unacceptable loss of amenity for the occupiers of neighbouring properties in terms of loss of light, increased sense of enclosure or increased overlooking.

The rear extension would have the same dimensions as the extension approved in 2014. It would exceed the height of the existing boundary wall with No.132 by approximately 0.4 metres and would exceed the height of the boundary wall with No.128 by approximately 0.3 metres. Planting runs along the boundary with No.128 far exceeding the height of the proposed extension so there will be no noticeable change in the level of light or enclosure to No.128's closest rear basement opening. No.132 has several trees and bushes immediately adjacent to their rear elevation reducing the light received by their basement windows and creating a high level of enclosure. The rear extension will marginally increase this level of enclosure but the impact on the neighbouring basement flats amenities is not considered to be sufficiently material to justify a reason for refusal.

The proposed extension would not include any openings on its flank elevations whilst those in the rear elevation would be orientated toward the rear garden and largely screened from neighbouring properties by existing boundary treatments. Accordingly, the proposed extension would not result in significant overlooking of neighbouring properties. To further safeguard the amenity of neighbouring property occupiers, a condition is recommended to prevent use of the roof of the extension as a terrace.

The application is considered acceptable on amenity grounds and is in accordance with policies ENV 13 of the UDP and policy S29 of the City Plan.

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

Trees

The proposal does not involve the removal of any protected trees. The Arboricultural Manager is also satisfied that the works can take place without harming trees within the vicinity of the site. Accordingly, the proposal would be consistent with policy S38 of the City Plan and policy ENV 16 of the UDP.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

The proposed development is not large enough to warrant an Environmental Impact Assessment.

8.12 Other Issues

Standard of Accommodation

The Environmental Health Officer has noted that the basement extension would have inadequate means of fire escape and natural light and ventilation. This is a Building Regulations matter, rather than a planning one and would be addressed under those regulations. With regards to natural light and ventilation levels, the proposed extension would be used as part of the existing flat, rather than as a residential unit in its own right and is therefore consistent with the Basement SPD. Accordingly, an objection to the development on this ground could not be sustained.

Basement Excavation

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.

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 (2012) ("the NPPF") 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 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.

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 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' (October 2014), which was produced to provide further advice on how current policy can be implemented in relation to basement development. The emerging basement policy has also gained significant weight and is currently being examined by the Planning Inspectorate. The relevant considerations from the emerging basement policy have been considered earlier in this report.

Given the above, and in these circumstances, though noting the strong objections which have been received, the objections on these grounds are not considered sustainable

Construction Management

Objections have been received from neighbouring residents regarding the effects of the proposed construction, including noise, parking and traffic disturbance.

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. This is the most that can be achieved under planning law.

Objectors Concerns

The issues raised by objectors are largely addressed above. The following is also noted.

With regards to potential damage to mains water, gas and electricity supplies, developments like that proposed are routinely constructed throughout the City in similar circumstances without causing loss of mains water, gas and electricity supplies. Accordingly, an objection to the development on this basis would not be sustainable.

The applicant's treatment of communal part of the existing building are a private matter and not a material planning consideration.

With regards to the cumulative impact of this and other development on the structural integrity of this terrace, the applicant has provided sufficient information to indicate that the development can take place without causing structural failure of this terrace. For the purposes of a planning application, this is the most that can reasonably be asked for at this stage.

Given the small scale of the rear extension and that the basement is largely below the original building, it is not considered reasonable to require a green roof and SUDs for the proposal.

9. BACKGROUND PAPERS

1. Application form.
2. Representation from Notting Hill East Neighbourhood Forum dated 8 March 2016.
3. Response from Environmental Health dated 29 February 2016.
4. Response from Arboricultural Manager dated 29 February 2016.
5. Letter from Royal Borough Kensington and Chelsea dated 9 March 2016.
6. Letter from occupier of 128 Westbourne Grove dated 23 February 2016.
7. Letter from occupier of 128 Westbourne Grove dated 24 February 2016.
8. Letter from occupier of 126 Westbourne Grove dated 25 February 2016.
9. Letter from occupier of 130 Westbourne Grove dated 29 February 2016.
10. Letter from occupier of Flat 2 130 Westbourne Grove dated 29 February 2016.
11. Letter from occupier of 130 Westbourne Grove dated 29 February 2016.

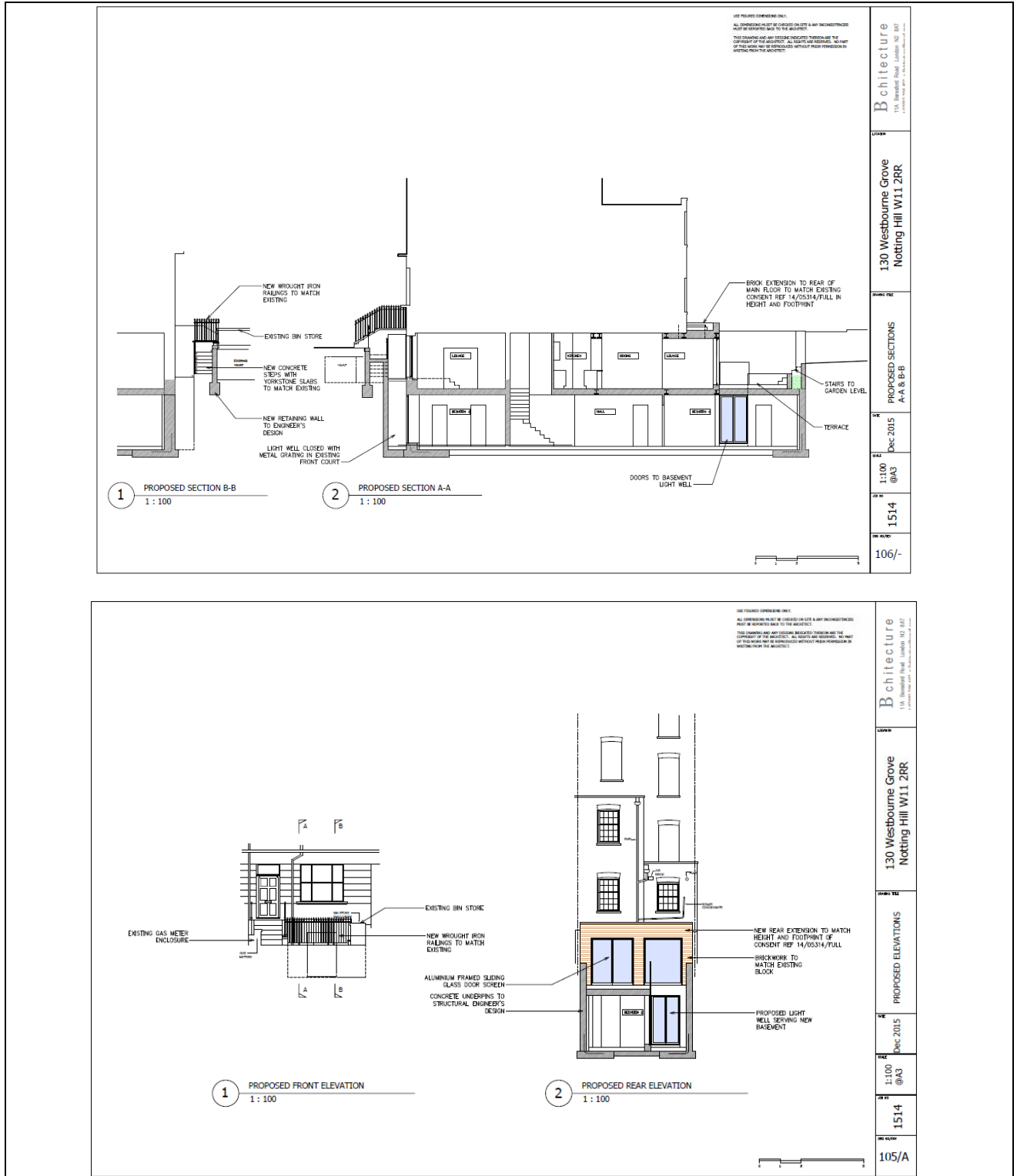
Selected relevant drawings

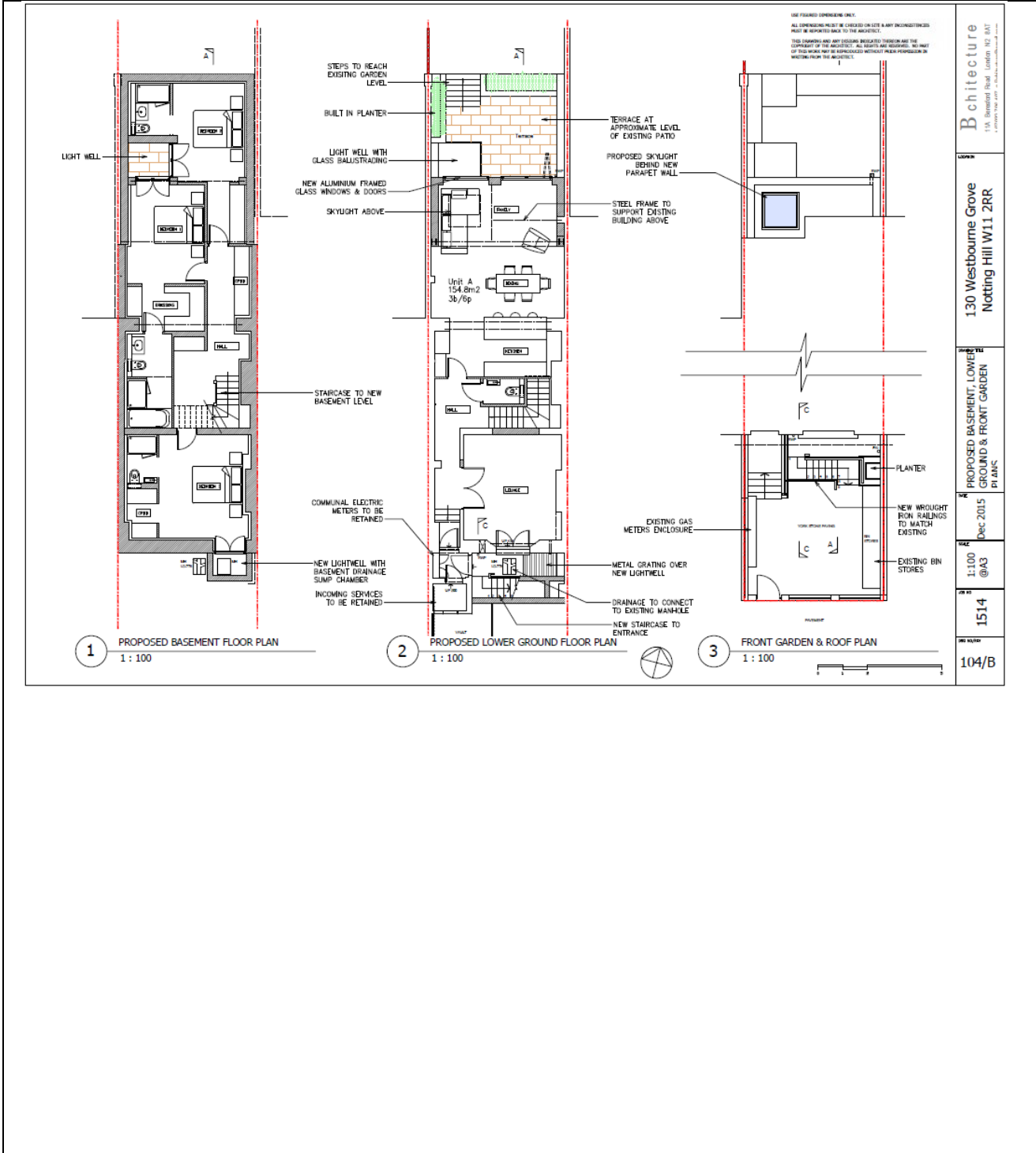
Proposed plans, sections and elevations.

(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 DAVID DORWARD ON 020 7641 2408 OR BY EMAIL AT NorthPlanningTeam@westminster.gov.uk
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10. KEY DRAWINGS





Bchitecture
118, Bedford Road, London W12 8JF
ARCHITECTS

130 Westbourne Grove
Notting Hill W11 2RR

PROPOSED BASEMENT, LOWER
GROUND & FRONT GARDEN
PLANS

Dec 2015

1:100
@A3

1514

104/B

DRAFT DECISION LETTER

- Address:** 130 Westbourne Grove, London, W11 2RR,
- Proposal:** Excavation of a basement with front and rear lightwells, erection of a single storey rear extension at lower ground floor level and associated works to rear and front gardens.
- Reference:** 16/00891/FULL
- Plan Nos:** Site Location Plan, 100/-, 101/A, 102/-, 103/-, 104/B, 105/A, 106/-.

FOR INFORMATION ONLY – Design and Access Statement, Construction Management Plan (January 2016), Ground Investigation Report by Soiltechnics (January 2016), Basement Impact Assessment Report by Soiltechnics (January 2016), Drawings 01, 101, 102, 103, 104 and 105.

Case Officer: Nathan Barrett

Direct Tel. No. 020 7641 5943

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 not use the roof of the lower ground floor 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 **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.
 - vii. 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 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)

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 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.

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.