

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 31 May 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Abbey Road	
<b>Subject of Report</b>	<b>4 The Lane, London, NW8 0PN,</b>		
<b>Proposal</b>	Two storey rear extension, single storey side extension plus mansard roof extension together with associated works including an air condenser within single storey side extension.		
<b>Agent</b>	Mr Paul O'Neill		
<b>On behalf of</b>	Mr D Lazarus		
<b>Registered Number</b>	15/10388/FULL	<b>Date amended/ completed</b>	13 April 2016
<b>6Date Application Received</b>	9 November 2015		
<b>Historic Building Grade</b>	Unlisted Building of Merit		
<b>Conservation Area</b>	St John's Wood		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

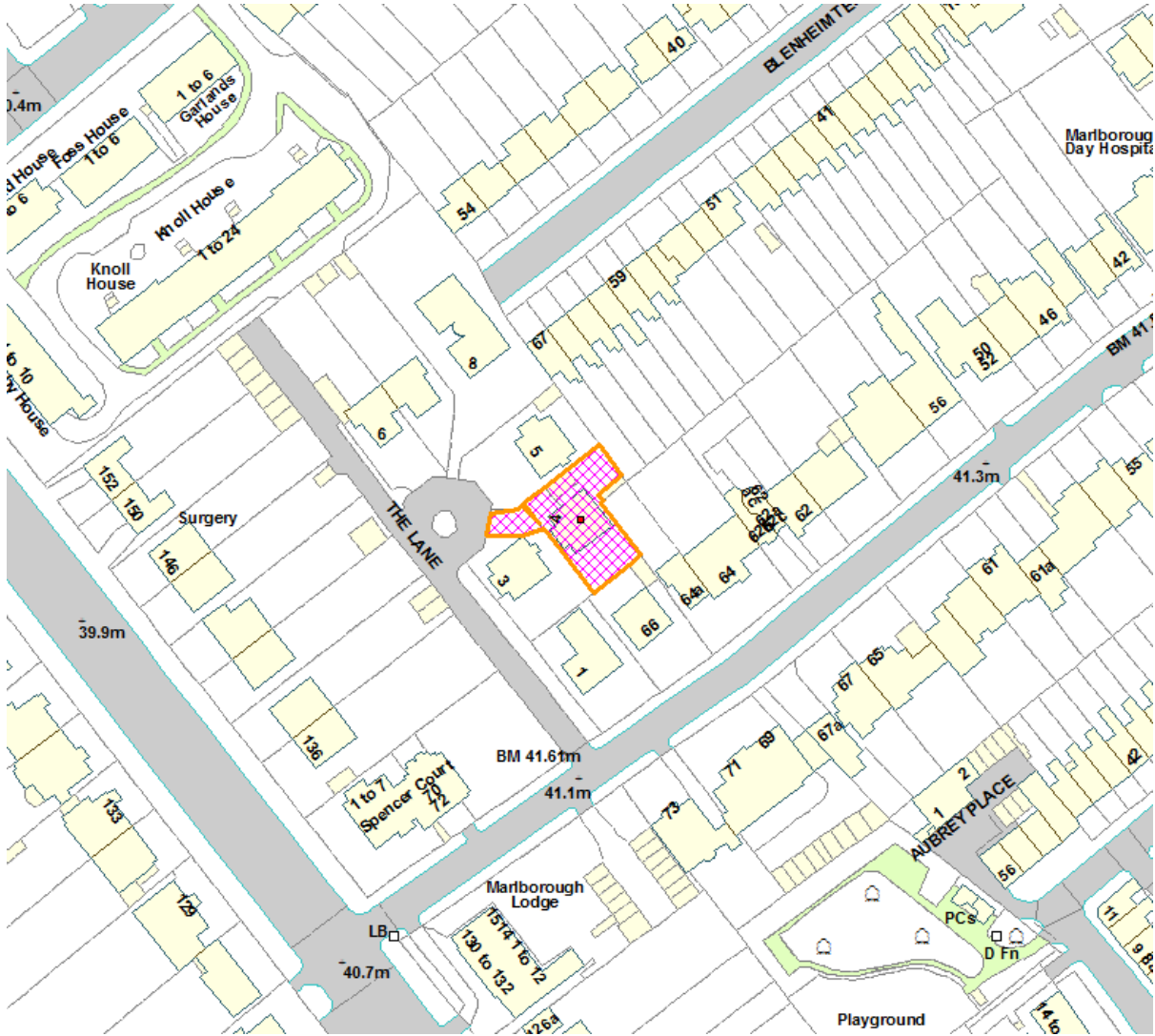
The application site comprises a two storey single family dwelling of neo-Georgian design located in the St John's Wood Conservation Area. The building forms one of five dwellings located within a private cul-de-sac named "The Lane" and accessed from Marlborough Place. The properties on The Lane are identified as unlisted buildings of merit in the St John's Wood Conservation Area Audit SPD (adopted 2008).

Planning permission is sought in respect of the erection of a two storey rear extension, a single storey side extension and a mansard roof extension together with associated works including an air condenser within the single storey side extension. Objections have been received from two neighbouring occupiers on design and amenity grounds as well as the impact of construction works. Two letters of support were received citing the improvement to the streetscape.

The proposals were revised during the course of the application to include the retention of the two trees in the rear garden and a new acoustic report in association with the clarification of the plant located in the single storey side extension was received.

The proposal accords with relevant UDP and City Plan policies and is therefore recommended favourably subject to conditions.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS

4 The Lane - Front



Nos. 3, 4 and 5 The Lane



## 5. CONSULTATIONS

### ORIGINAL CONSULTATION

#### ARBORICULTURAL OFFICER:

Neither of the trees which are proposed to be removed requires removal in order to accommodate the development and therefore their removal could not be agreed. The proposed landscaping - 'a stilted hedge' is unlikely to be acceptable.

#### ENVIRONMENTAL HEALTH:

An objection was raised on the grounds of the inadequate information in the acoustic report.

#### HIGHWAYS PLANNING MANAGER:

The proposal is acceptable on transportation grounds.

#### ST JOHN'S WOOD SOCIETY:

A request is made for the arboricultural manager to be consulted about the loss of the two trees. A request is also made for the case officer to carefully consider the comments of neighbours and any loss of privacy because of the changed building line.

#### ADJOINING OWNERS/OCCUPIERS:

No consulted: 10

No. objections: 2

No. support: 2

Objections were raised on the following grounds;

- The proposals will bring two properties closer together and seems unnecessary, intrusive, overbearing, and detrimental to both homes;
- The increased bulk will further affect the neighbours' aspect and feeling of being hemmed in and over looked;
- The plot would be over-developed;
- The window to the first floor bathroom on the south west elevation should be obscure glazed;
- Covenants for the property restrict driveway parking as shown on the plans;
- Implementation of the CMP will not be possible as it does not conform to covenants on The Lane;
- The CMP is unrealistic in terms of the estimated time the works will take.

The proposals are supported for the following reasons;

- The house is in a poor state of repair and is in much need of improvement and refurbishment;
- It is a sensible application without a basement so there is no major disruption to neighbours and therefore a much lower timescale to complete the building work;
- The intended improvements can only improve the appearance of The Lane when the proposed works are complete.

## CONSULTATION ON REVISED PROPOSALS

Following alterations to the proposals including the retention of the two trees in the rear garden and the submission of a new acoustic report in association with the clarification of plant in the single storey side extension, the following reconsultation was carried out;

### ARBORICULTURAL OFFICER:

The Bay (1) and the Pittosporum (2) are now shown to be retained and the proposed tree protection is acceptable. A condition should be required to show foundation details in the area hatched yellow on plan BT3 adjacent to the lime tree (5). If the 'stilted hedge' is still shown on any of the proposed plans, landscaping should also be reserved by condition.

### ENVIRONMENTAL HEALTH:

No objections subject to conditions.

### ADJOINING OWNERS/OCCUPIERS:

No. consulted: 13

No. objections: 0

No. support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site comprises a two storey single family dwelling of neo-Georgian design located in the St John's Wood Conservation Area. The building forms one of five dwellings located within a private cul-de-sac named "The Lane" and accessed from Marlborough Place. The properties on The Lane are identified as unlisted buildings of merit in the St John's Wood Conservation Area Audit SPD (adopted 2008).

### 6.2 Recent Relevant History

Planning permission and conservation area consent were refused on 25 September 2012 for demolition of the existing dwellinghouse and erection of a three-storey dwellinghouse above ground, with excavation of basement level beneath house and part of garden, and associated works, ventilation louvres serving internal plant, and landscaping. These applications were refused on the grounds of a failure to preserve or enhance the character and appearance of this part of the St John's Wood Conservation Area. An appeal to the Planning Inspectorate was dismissed on 15 May 2013.

Planning permission was subsequently granted on 7 November 2014 for the complete demolition of the existing dwellinghouse and the erection of new two storey plus mansard dwellinghouse with excavation of basement level beneath house and part of garden and associated works.(14/03962/FULL) See background papers.

Various alterations have been made to other properties within the cul-de-sac which includes roof extensions.

## 7. THE PROPOSAL

Planning permission is now sought in respect of the erection of a two storey rear extension, a single storey side extension and a mansard roof extension together with associated works including an air condenser within the single storey side extension.

The two-storey rear extension would have a flat roof and would extend close to the full width of the main building. It would involve the demolition of a single storey conservatory.

The proposed L-shaped single storey side extension would replace an existing side extension and separate garage. It would provide additional habitable accommodation as well as a plant room for air condensers as well as another garage. It would have a flat roof and would be situated on the boundary with 5 The Lane, 67 Blenheim Terrace and 64A Marlborough Place.

The proposed mansard roof extension above the entire main building would reflect the height of the mansards at neighbouring buildings and would have four dormer windows to the front elevation and four dormer windows to the rear elevation.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The proposals accord with policies S14 of the City Plan and H3 of the UDP which welcome the provision of additional residential floorspace.

### 8.2 Townscape and Design

No.4 The Lane is a 1930s neo-Georgian two storey brick built house recognised as a building of merit within the St John's Wood Conservation Area Audit.

The proposed mansard extension would largely comply with the guidance in the City Council's SPG for Roofs: A Guide to Alterations and Extensions on Domestic Buildings. The principle slope would be pitched no greater than 70 degrees, the upper slope would not be greater than 30 degrees, the roof slopes would be set behind the parapet gutter, and the chimney stacks would be raised to retain the same height relationship with the roof.

The floor to ceiling height would exceed 2.3 metres however, the overall height of the mansard would not exceed the height of the roof extensions at neighbouring properties so this is therefore considered to be appropriate.

The two storey extension would be confined to the rear of the property and would not be visible in public views. It is not excessively large or bulky and its flat roof would reflect the flat roofs to other parts of the property. This extension is accordingly considered to be acceptable in design terms.

The proposed single storey side extension would have a very similar footprint to the approved building line and whilst higher it is nonetheless considered to be acceptable in design terms.

The proposals would accord with policies DES1, DES5, DES6 and DES9 of our UDP and policies S25 and S28 of our City Plan.

### **8.3 Residential Amenity**

Policy ENV13 of the adopted Unitary Development Plan and policy S29 of the adopted City Plan seek to protect residential amenity. Policy ENV13 states that proposals resulting in either a material loss of daylight/sunlight to existing dwellings or a significant increase in the sense of enclosure, overlooking or overshadowing to existing dwellings will normally be resisted.

The applicant has submitted a Daylight and Sunlight Survey by Behan Partnership in respect of the potential impact of the proposed development on the daylight and sunlight received by surrounding properties. The survey is based on the guidance set out in the BRE's 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' (2011). However, this survey does not fully address the impact on daylight and sunlight to each of the neighbouring properties.

A BRE daylight and sunlight assessment is not a validation requirement for this type of application and it is noted that the previously consented scheme, which was predominantly larger than the currently proposed scheme, was accompanied by a full BRE assessment demonstrating that it would not materially affect the amenities of neighbouring occupiers in terms of a loss of daylight and sunlight.

The exceptions to this are the single storey side extension which is higher on the boundary with 5 The Lane and the rear of the garden 64A Marlborough Place. Given the presence of the existing extensions at both the application site and no. 5 The Lane, it is considered that the impact of the higher extension would not have a significant detrimental impact on the amenities of neighbouring occupiers.

The rear building line would also be different to the consented scheme and the occupiers of a property to the rear of the site have raised concerns about a resulting sense of enclosure. However, this relatively minor difference in the rear building line is not considered to result in a material reduction in daylight and sunlight or result in an undue sense of enclosure. The trees on the boundary would also largely obscure the view between the proposed extension and the neighbouring property.

The bulk of the building would be reduced on the boundary with 3 The Lane and therefore the impact on the occupiers of this property would be reduced in comparison to the consented scheme. It has been requested that the first floor bathroom window on the boundary with this property is conditioned to be obscure glazed. However, it would not be reasonable to place restrictions upon an existing window that is not affected by the development.

Assertions made by neighbouring occupiers that the proposals would constitute an overdevelopment of the site cannot be supported predominantly because the approved scheme is larger than the currently proposed scheme and on the basis that no significant harm is resultant from the proposal.

Conditions are recommended to prevent the use of the roof of the extension as a terrace and to prevent fenestration changes in order to protect the amenity of neighbours. Subject to these, the proposals are considered acceptable in amenity terms in accordance with policy ENV13 of the UDP and policy S29 of the City Plan.

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

The proposal is considered to be acceptable on transportation grounds.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

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

##### Noise

The Environmental Health Officer has confirmed that the proposed plant would not result in a noise nuisance. Conditions are recommended to ensure continued compliance with our standard noise conditions to satisfy policy ENV6 of the UDP and policy S32 of the City Plan.

##### Trees

The application, as originally submitted, comprised the removal of two trees in the rear garden, namely the Bay (1) and the Pittosporum (2). However, neither of these trees required removal to accommodate the development and as such, their removal could not be agreed as part of any planning permission.

Further concerns were raised by the Arboricultural Officer in respect of the tree protection measures for the retained tree.

The applicant has subsequently submitted a revised arboricultural report and tree protection plan showing both the Bay (1) and Pittosporum (2) as retained as well as improved tree protection measures. However, foundation details in the area hatched yellow on plan BT3 adjacent to the lime tree (5) are to be sought by condition.

The stilted hedge is no longer shown on any plans or supporting documents. A condition is recommended to secure further details of landscaping. The proposal, subject to conditions, is considered to satisfy policy ENV16 of the UDP.

#### **8.7 London Plan**

This application raises no strategic issues.

#### **8.8 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.

#### **8.9 Planning Obligations**



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

### **8.10 Environmental Impact Assessment**

Environmental Impact issues have been covered in section 8.6 above.

### **8.11 Other Issues**

Objections have been made on the grounds of the inadequate information in the Construction Management Plan (CMP). However, as this proposal does not comprise the excavation of a basement it does not require a CMP and as such it will not be approved as part of this application in any event. Concerns regarding property covenants are private matters and are not relevant in the determination of this application.

## **9. BACKGROUND PAPERS**

1. Application form
2. Drawings of consented scheme dated 7 November 2014 (RN: 14/03962/FULL)
3. Response from St John's Wood Society, dated 21 December 2015
4. Response from Highways Planning Manager, dated 14 December 2015
5. Response from EH Consultation, dated 24 December 2015 and 19 April 2016
6. Response from Arboricultural Officer, dated 12 February 2016 and 31 March 2016
7. Letter from occupier of 64 Marlborough Place, London, dated 15 December 2015
8. Letter from occupier of 56 Marlborough Place, London, dated 16 December 2015
9. Letter from occupier of 1 The Lane, Marlborough Place, dated 23 December 2015
10. Letter from occupier of 3 The Lane, London, dated 23 December 2015

### **Selected relevant drawings**

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

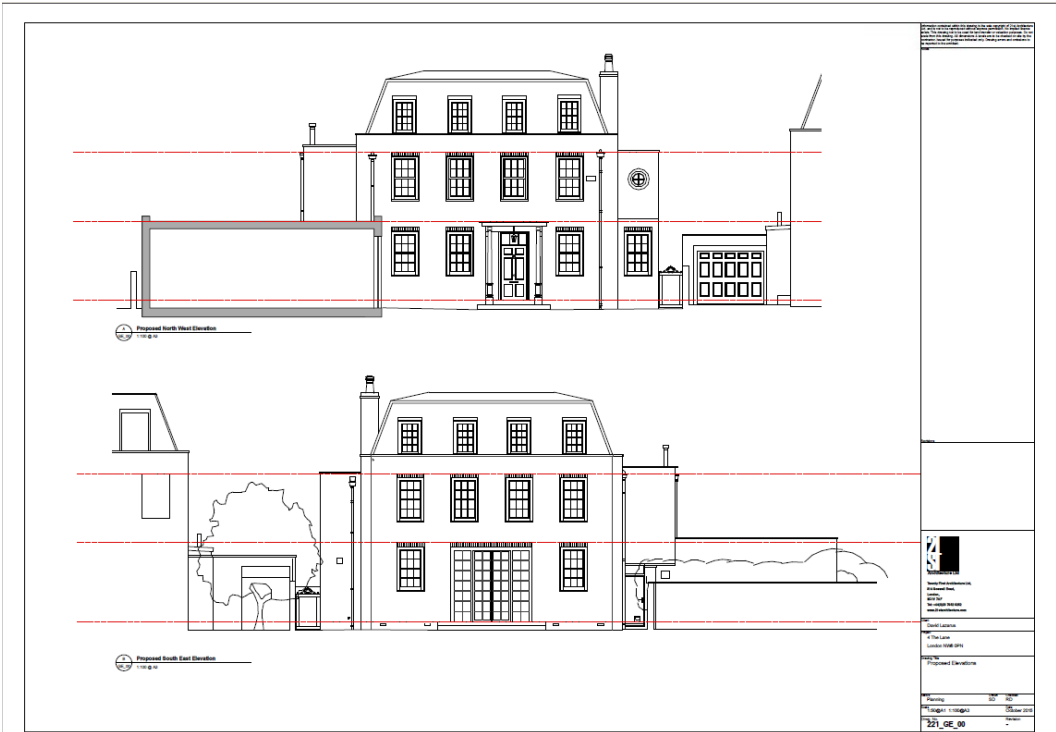
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT CLAIRE BERRY ON 020 7641 4203 OR BY EMAIL AT [NorthPlanningTeam@westminster.gov.uk](mailto:NorthPlanningTeam@westminster.gov.uk)

### 10. KEY DRAWINGS

#### Existing Front and Rear Elevations



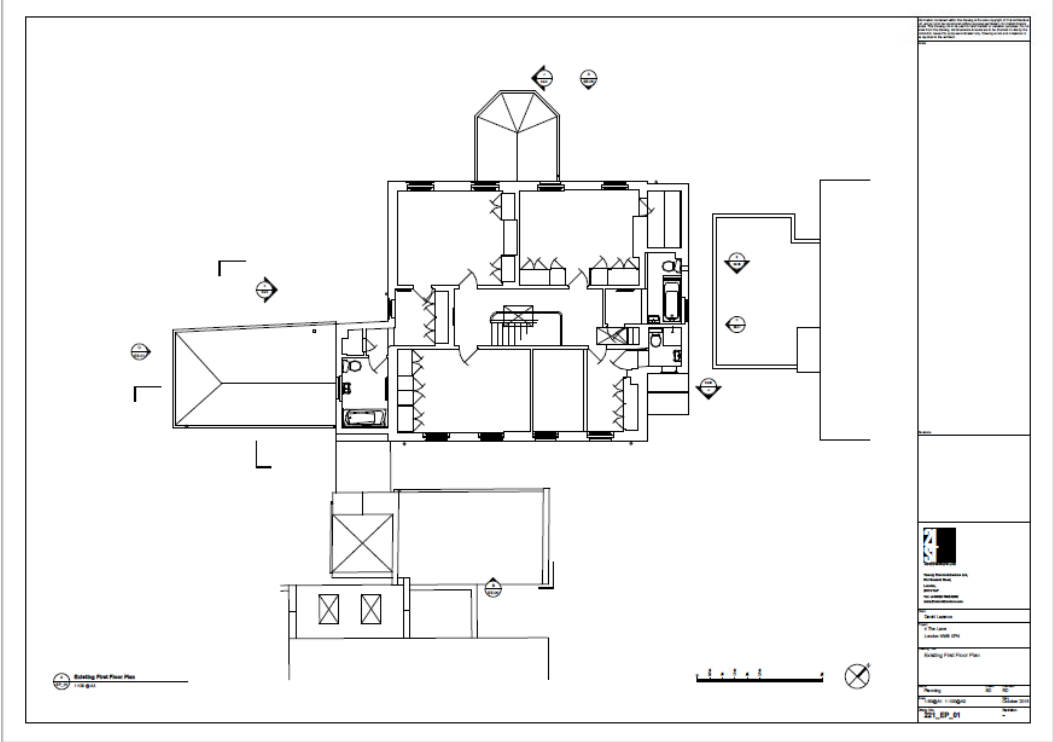
#### Proposed Front and Rear Elevations



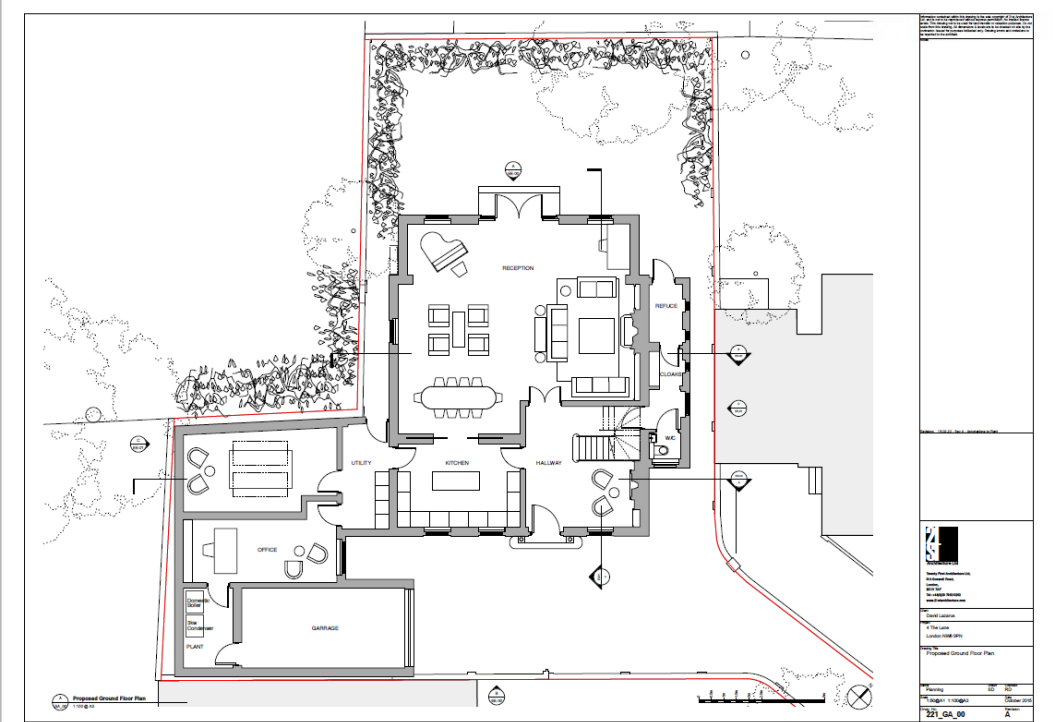




Existing First Floor Plan



Proposed Ground Floor Plan



**DRAFT DECISION LETTER**

**Address:** 4 The Lane, London, NW8 0PN,

**Proposal:** Two storey rear extension, single storey side extension plus mansard roof extension together with associated works including an air condenser within single storey side extension.

**Reference:** 15/10388/FULL

**Plan Nos:** 221\_EE\_00, 221\_EE\_01, 221\_EP\_01, 221\_EP\_02, 221\_ES\_00, 221\_ES\_01, 221\_GA\_00 A, 221\_GA\_01, 221\_GA\_02, 221\_GA\_03, 221\_GE\_00, 221\_GE\_01, 221\_GS\_00, 221\_GS\_01, 221\_DET\_Site Location Plan, Design and Access Statement (12/9/2015), Planning and Heritage Statement (3/11/2015), Environmental Noise and Vibration Survey (9/3/2016), Arboricultural Impact Appraisal and Method Statement (8/3 2016) and Tree Protection Plan (14014-BT3).

**Case Officer:** Claire Berry

**Direct Tel. No.** 020 7641 4203

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

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

Reason:

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

- 2 You must carry out any building work which can be heard at the boundary of the site only:, ,  
\* between 08.00 and 18.00 Monday to Friday;, \* between 08.00 and 13.00 on  
Saturday; and, \* not at all on Sundays, bank holidays and public holidays., , Noisy work  
must not take place outside these hours. (C11AA)

Reason:

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

- 3 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)

- 4 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)

- 5 No demolition, site clearance or building works shall be undertaken, and no equipment, plant, machinery or materials for the purposes of development shall be taken onto the site until you have applied to us for our approval of details of the location, design and dimensions of new foundations within the root protection area of any trees on or adjacent to the site, and the method by which you intend to create these foundations. You must not start any work until we have approved what you have sent to us. The excavation and foundations must be carried out according to the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is 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. (R31AC)

- 6 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the extensions without our permission. This is despite the provisions of Classes A-H; of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it). (C21EB)

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)

- 7 You must apply to us for approval of detailed drawings of the following parts of the development – 1) Vertical and horizontal sections through windows/door joinery; 2) Specification and design of garage door; 3) Chimney stack specification and detailing. 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. (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 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) A schedule of all plant and equipment that formed part of this application;, (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;, (c) Manufacturer specifications of sound emissions in octave or third octave detail;, (d) The location of most affected noise sensitive receptor location and the most affected window of it;, (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;, (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;, (g) The lowest



existing L A90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 9 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

- 10 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within one planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within five of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the St John's Wood Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

**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 The noise mitigation detailed in the acoustic report dated 9 March 2016 is required to be implemented in order to comply with condition 8.

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.