

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 31 May 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Maida Vale	
Subject of Report	201 Kilburn Park Road, London, NW6 5LG		
Proposal	Erection of single storey outbuilding within rear garden for ancillary storage use to ground and first floor maisonette.		
Agent	Mr Arun Patel		
On behalf of	Mr Ahmed Adam		
Registered Number	16/01152/FULL	Date amended/ completed	9 February 2016
Date Application Received	9 February 2016		
Historic Building Grade	Unlisted		
Conservation Area	Outside a Conservation Area		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Planning permission is sought for the erection of a single storey outbuilding within the rear garden of the ground floor maisonette. This application follows investigations by the City Council's Planning Enforcement Team into works beginning without planning permission and a previous refusal of planning permission for an outbuilding on the grounds of detailed design and materials.

An objection has been raised by the occupants of a neighbouring property on amenity and design grounds.

The key issues in this case are:

- *The impact of the development on the amenities of neighbouring occupiers.
- *The impact of the development on the character and appearance of the area.

The proposed development is considered to be acceptable and in accordance with relevant Policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan). As such, it is recommended that conditional planning permission is granted.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

Any consent granted should be conditional not to allow any part of the outhouses to be used for habitable accommodation. It would be preferable for the maximum height to be reduced to two metres. Please take neighbours views into consideration.

CHILDREN'S SERVICES –(Site backs on to Essendine School)

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 15

Total No. of replies: 3 (all from one address) raising objection on the following grounds:

Land use

- Loss of green garden space.
- Will set a precedent, more than 50% of the garden has now been developed.
- Query use of building.

Design

- Impact on the appearance of the area.

Amenity

- Object to the height and that it has been built on the party wall.
- Loss of light to adjoining gardens from building and fences.
- Loss of privacy and enjoyment of neighbouring properties gardens.

Other

- Does not appear to address any of the concerns from the original application.
- Concerned that the drawings are inaccurate as they do not show the ground floor extension to the host building or that the structure has been built onto the rear wall of Essendine School.
- Concerned about water run-off.
- Builders have trespassed on neighbouring land.

6. BACKGROUND INFORMATION

6.1 The Application Site

201 Kilburn Park Road is a three storey building divided into a maisonette at ground and first floor levels with a rear garden, and a flat at second floor level. The property is not listed and not in a conservation area. The proposal relates to the rear garden belonging to the ground and first floor maisonette. A structure at the end of the garden has been partially erected – attached to Essendine School, without permission. The garden is bound to the rear by the rear brick elevation of Essendine School and to either side by gardens of 199 and 203 Kilburn Park Road.

6.2 Recent Relevant History

15/07885/FULL - Erection of single storey outbuilding within rear of garden for use as additional habitable accommodation for the existing lower ground floor flat. Refused in relation to detailed design and materials 7 December 2015.

14/11908/FULL - Erection of single storey side and rear extension to ground floor flat. Permission granted 30 January 2015.

15/59703/M - Planning enforcement investigation in relation to the erection of an unauthorised building at the far end of rear garden attached to Grade II listed Essendine School (ongoing).

7. THE PROPOSAL

The application seeks permission to erect an outbuilding within the rear garden belonging to the ground and first floor maisonette at 201 Kilburn Park Road. This application follows investigations by the City Council's Planning Enforcement Team into works beginning without planning permission and a previous refusal of planning permission for an outbuilding on grounds of detailed design and materials.

Permission is now sought for the erection of a detached outbuilding; it is no longer proposed to attach it to the Grade II listed Essendine School building to the rear. It is proposed to be single storey and to be used as storage space, ancillary to the enjoyment of the ground and first floor maisonette.

The proposed building would be located at the end of the rear garden measuring 3.3x 5m at a height of 2.5m (50cm above the garden boundaries on either side) and would extend the width of the garden, albeit it would be set inside of all three boundaries. It is proposed to be constructed of brick with timber cladding, inset with a double glazed door and window.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Residential use

The creation of ancillary additional floorspace to the existing ground and first floor maisonette is acceptable in principle in land use terms in accordance with policy H3 of the UDP and S14 of the City Plan.

8.2 Townscape and Design

The proposed single storey, full width brick and timber clad outbuilding with a felt roof, set inside of all three boundaries is considered acceptable in design and townscape terms.

A previous application for a similar outbuilding was refused on grounds that the proposed render (with brick) was not an appropriate material in this location. The current proposal

for a timber clad outbuilding is considered an appropriate material for an outbuilding within a garden setting. For this reason the objection on design grounds is not supported. The proposal complies with DES1 of the Unitary Development Plan (UDP) and S28 of the City Plan.

8.3 Residential Amenity

Due to the location of the building at the end of the garden, it's single storey height (2.5m), which projects minimally (approximately 50cm) above the garden boundaries with neighbours and the relationship with neighbours properties and their gardens it is not considered that the outbuilding would result in any significant loss of daylight or sunlight, sense of enclosure or overlooking to neighbours at 199 and 203 Kilburn Park Road. The proposal accords with ENV 13 of the UDP and S29 of the City Plan.

For the above reasons the objection on grounds that the proposed outbuilding is too large for its location is not supported. As each planning application must be considered on its individual merits, it is not considered that this proposal would set a precedent.

An objector has raised the issue of builders trespassing to access the site. However this is not a planning consideration, but a private matter between the parties involved.

8.4 Transportation/Parking

There are no transport or parking considerations with this application.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The application will not affect access to the site.

8.7 Other UDP/Westminster Policy Considerations

None.

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 the current application.

8.12 Other Issues

The objector questioned the inaccuracy of the drawings as they did not show the site in entirety including a ground floor extension or the outbuilding being attached to the rear wall of Essendine School. Amendments to the drawings during the course of the application now show the ground floor extension and the proposed outbuilding to be set inside of all boundaries.

Party wall matters are not a planning consideration and were not considered during the course of this application.

9. BACKGROUND PAPERS

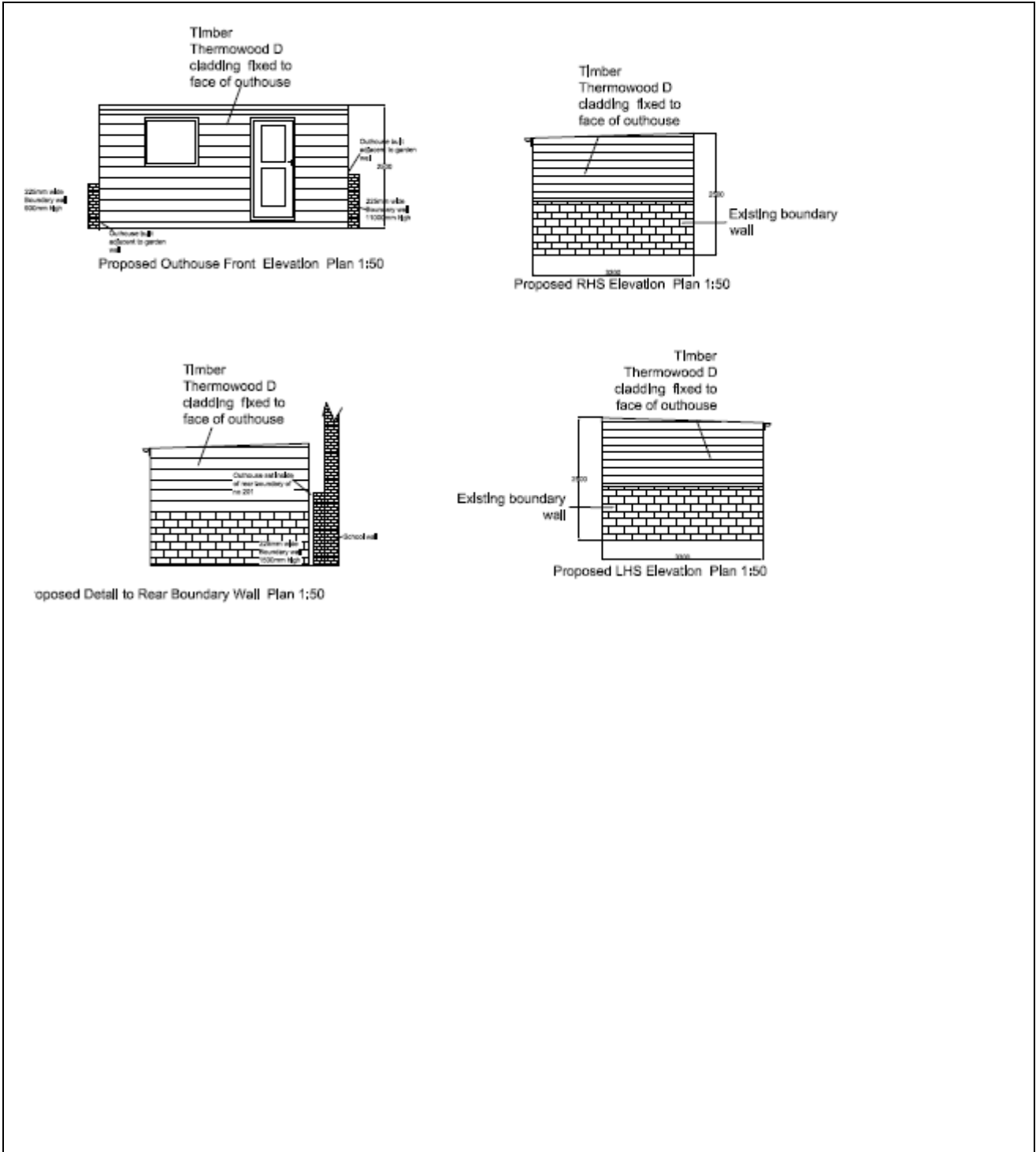
1. Application form.
2. Previous refusal 15/07885/FULL decision notice and drawings.
3. Representation from the Paddington Waterways and Maida Vale Society dated 29 February 2016.
4. Representations from occupiers of 203a Kilburn Park Road, Maida Vale, dated 6 March 2016 and 27 February 2016 (x2).

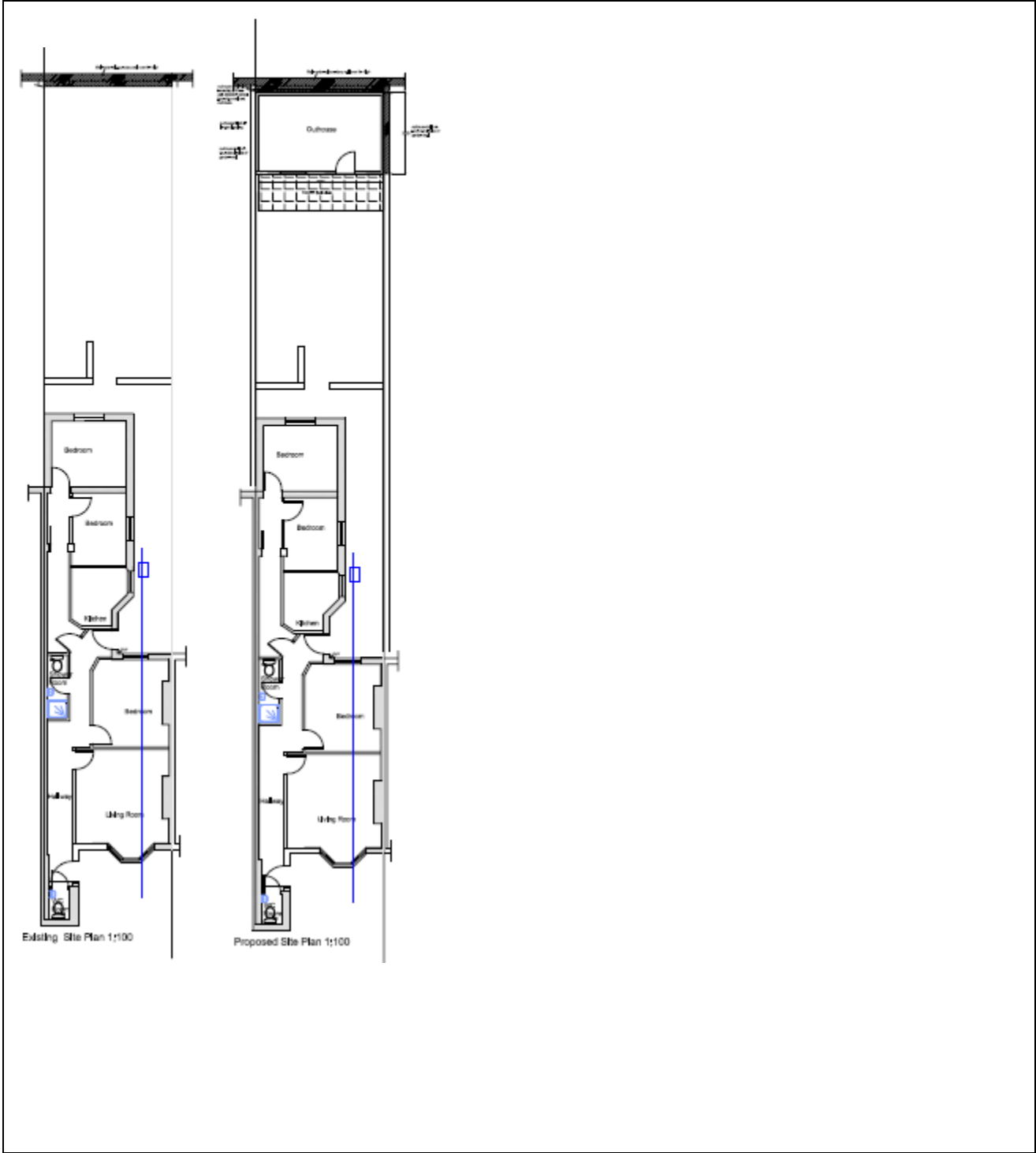
Selected relevant drawings

(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 HEATHER SEVICKE-JONES ON 020 7641 6519 OR BY EMAIL AT northplanningteam@westminster.gov.uk

10. KEY DRAWINGS





DRAFT DECISION LETTER

Address: 201 Kilburn Park Road, London, NW6 5LG,

Proposal: Erection of single storey outbuilding within rear garden for ancillary storage use to ground and first floor maisonette.

Plan Nos: Site location plan, design and access statement, un-numbered drawing titled 'Description of Works: Outhouse'.

Case Officer: Heather Sevicke-Jones **Direct Tel. No.** 020 7641 6519

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

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

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

Reason:

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

- 3 The single storey outbuilding shall not be used as habitable accommodation including overnight sleeping and shall only be used for other purposes incidental to the enjoyment of the ground and first floor maisonette at 201 Kilburn Park Road NW6 5LG.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, 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. (R13EC)

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.