

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 28 June 2016	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Little Venice	
<b>Subject of Report</b>	28 Blomfield Road, London, W9 1AA,		
<b>Proposal</b>	Extension to glazed garden room at ground floor level on the rear elevation and excavation of one storey basement in rear garden.		
<b>Agent</b>	Sidell Gibson		
<b>On behalf of</b>	Mr Paul Kempe		
<b>Registered Number</b>	16/00616/FULL	<b>Date amended/ completed</b>	1 February 2016
<b>Date Application Received</b>	25 January 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Maida Vale		

## 1. RECOMMENDATION

Grant conditional planning permission.

## 2. SUMMARY

The proposed development comprises the erection of a single storey rear extension and the excavation of a single storey basement beneath part of the rear garden and the proposed single storey extension.

Objections have been received from the adjoining occupier primarily on the grounds of the impact upon the character of building and adjacent listed buildings, impact on neighbouring amenity, impact on trees, scale of basement and disruption caused by the development.

The key considerations are:

- The impact on the appearance of the building and character and appearance of the Maida Vale Conservation Area.
- The impact on the setting of the neighbouring listed building at No.29 Blomfield Villas.
- The impact on the amenity of neighbouring residents.
- The impact upon trees on the site and in neighbouring gardens.

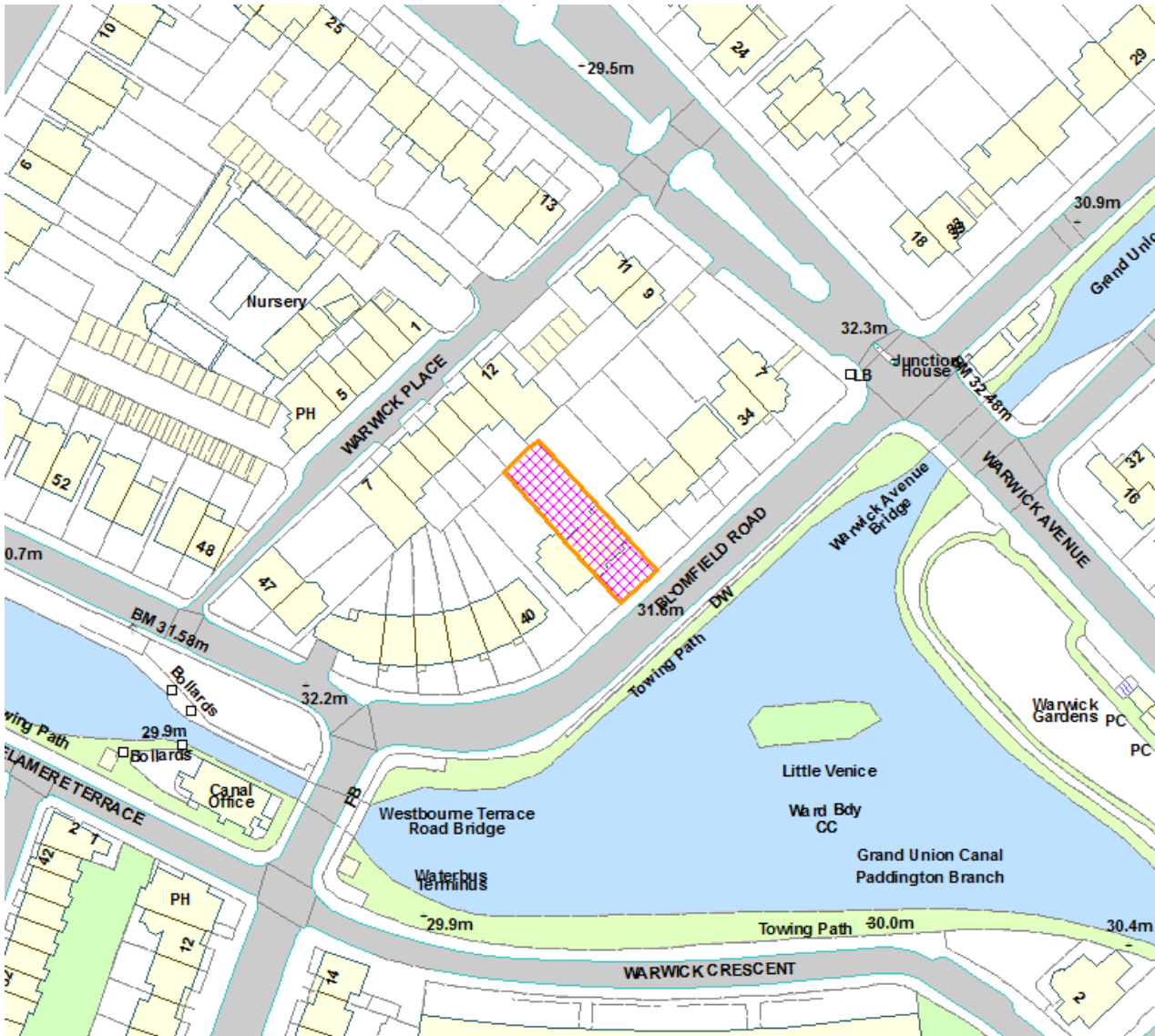
As the proposals were submitted after the 1<sup>st</sup> November 2015, which is when the Council began applying weight to certain parts of the Basement Policy, the application has been assessed in relation to the emerging basement policy. Paragraph 8.1 of this report clarifies this positioned in relation to the basement policy further. The proposed development would be consistent with relevant operative and emerging development plan policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan) including the emerging basement policy. As such, the application is recommended for approval subject to the conditions set out in the draft decision letter at the end of this report.

Item No.
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3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



Front Elevation (top) and Rear Elevation (bottom).



#### 5. CONSULTATIONS

##### PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Scale of extensions does not reflect rear building line. Rooflight in garden is unacceptable and rooflight in patio too large. Size of basement acceptable subject to not being situated in RPA of protected trees.

**ARBORICULTURAL MANAGER**

No objection subject to conditions to secure tree protection and tree replacement.

**BUILDING CONTROL**

No objection.

**ENVIRONMENTAL HEALTH**

No objection.

**HIGHWAYS PLANNING MANAGER**

No objection.

**ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED**

No. Consulted: 6.

Total No. of replies: 2.

No. of objections: 2.

No. in support: 0.

**Design:**

- Failure to assess the impact on adjoining listed building.
- Extension fails to respect building line.
- Basement fails to leave sufficient margin of undeveloped land.

**Amenity:**

- Lack of details in relation to air conditioning plant.
- Extensions would increase sense of enclosure and cause overshadowing.

**Other:**

- Structural instability to neighbouring properties.
- Construction management plan contains insufficient detail.
- Increased food risk

PRESS ADVERTISEMENT / SITE NOTICE: Yes

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

This application site comprises a semi-detached unlisted villa on the north west side of Blomfield Road. The site is located within the Maida Vale Conservation Area. The adjoining property No. 29 Blomfield Road is a Grade II listed building. The rear of the site borders the boundary of the Little Venice Garden which is a Site of Importance for nature Conservation (SINC).

**6.2 Recent Relevant History****05/08199/FULL**

Erection of a side extension at basement, ground and first floor levels, a single storey rear conservatory extension to provide additional residential accommodation, a concealed valley roof infill and alterations to the front boundary wall including replacement of gates.

Application Permitted                      5 January 2006

**06/03060/FULL**

Erection of single storey rear extension and replacement flat roof to existing single storey side extension.

Application Permitted                      13 June 2006

06/09823/FULL

Alterations during the course of construction to planning permission dated 5 January 2006 (RN: 05/08199) namely the addition of a pitched roof to the side extension and roundel windows to the front and rear elevations of the side extension.

Application Permitted 13 February 2007

07/04776/FULL

Excavation of basement extension below front garden with associated alteration to front basement lightwell, installation of railings to lightwell and replanting of existing tree within front garden.

Application Permitted 14 August 2007

## 7. THE PROPOSAL

The application seeks permission for the erection of an enlarged glazed extension at rear ground floor level and excavation of single storey basement below part of the rear garden providing additional living space to enlarge the existing dwellinghouse on this site. The proposed basement would be accessed from the existing dwellinghouse via a staircase within the enlarged rear extension.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The principle of providing additional floorspace to enlarge the existing residential dwellinghouse is acceptable in land use terms and would accord with policy H3 in the Unitary Development Plan (UDP).

### 8.2 Townscape and Design

#### 8.2.1 Townscape Considerations

The works above ground level consist of the erection of a single storey rear extension with a glazed appearance, attached to the existing rear extension providing access to the proposed basement. The length (depth) of the existing extension is 2.8m whilst the proposed extension would be a further 3.5m, resulting in a total projection into the rear garden of 6.3m. The enlarged rear extension would have an eaves height of 3.3m

Policy DES5 in the UDP seeks to ensure that extensions are confined to the rear of the existing building, do not visually dominate the existing building, are in scale with the existing building and its immediate surroundings and their design respects the style and details of the existing building. Policies DES 9 is also relevant which relates to development in Conservation Areas, and seeks the use of appropriate materials and design which would be complementary to the character of the Conservation Area.

Objections from neighbouring properties from the occupiers of Nos. 27 and 27 Blomfield Road and the local amenity society state that the proposed extension would not respect the rear building line, owing to its cumulative depth which is greater than other extensions along the terrace. This point is acknowledged and aerial photographs indicate this would be the case. However this alone is not considered to amount to material harm in townscape terms having regard to the particular proposal and site. The extension is single storey, located at lower ground level with a width of approximately half the plot, and replicates the proportions of the existing glazed structure. The site is comprised of a large four storey semi-detached building within a broad curtilage and garden that extends to the rear by approximately 45m. The rear building line is not completely uniform, whilst the extension would have little, if any, visibility from the wider Conservation Area. In this context the extension is

not considered to be a dominant structure that would disrupt a readily appreciable uniform building line. Therefore permission could not reasonably be withheld on these grounds.

In detailed design terms, the glazed appearance with metallic soffit and frame, replicates the detailed design of the existing extension, to which it would be attached. The detailed design approach is therefore considered an acceptable approach within the context of the site and existing extensions.

In terms of the basement proposal, it would be located beneath the garden and subterranean by its nature and does not alter the appearance of the building and Conservation Area. Following advice from officers, rooflights serving the basement positioned within the rear patio and rear garden have been removed as they were contrary to the advice set out in the 'Basement Development in Westminster' SPD, which sets out that where they are acceptable, rooflights and other external manifestations should be subtly incorporated into basement developments.

The proposals are therefore considered to comply with policies DES1, DES 5 and DES 9 in the UDP and Policy S25 and S28 in the City Plan.

### **8.2.2 Consideration of Heritage Assets**

Objections have been received on grounds that the application fails to include a Heritage Statement that provides an assessment of the proposals in relation to their impact upon statutory heritage assets, namely the Maida Vale Conservation Area and the adjacent Grade II listed building at No. 29 Blomfield Road. The objection refers to the advice of the NPPF with regard to the requirement to consider the existing condition of heritage assets as a minimum where applications have implications for heritage assets, as well as London Plan Policy 7.8, Policy S25 in the City Plan and UDP policies DES 9 and DES 10. The comment requests that such an assessment be undertaken and supplied to City Council.

However, the submission of a Heritage Statement is not a validation requirement for this householder development. The application does though include existing and proposed plans, a Design and Access Statement, with site photographs and visual renders, and officers visited the site on 19 April 2016. Officers have therefore been able to undertake an assessment with regards to Townscape and Conservation Area issues.

In terms of the impact upon the setting of the adjacent listed building, the proposals are not considered to have a material impact due to a distance of 6m between the proposed extension and the boundary with No. 29, which is to be retained. Furthermore, a margin of undeveloped land around the basement perimeter will be retained, which has been increased to 500mm following advice from officers, and the initially proposed rooflights have been omitted from the rear garden.

The proposals are considered acceptable on these grounds and would not be in conflict with Policy S25 in the City Plan, Policy DES 10 in the UDP or the national policy position set out in the NPPF.

### **8.3 Residential Amenity**

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 in the City Plan aims to protect the amenity of residents from the effects of development.

The objection received on behalf of the adjoining neighbour at No.27 Blomfield Road suggests the extension would result in overshadowing and an increased sense of enclosure upon occupiers of No.27. The nearest affected windows would be a set of three French doors at lower ground level within the rear bay of No. 27. Presently the existing party wall fence stands at approximately 2.5m between the two properties.

The BRE Guidelines advise that if the midpoint of an affected 'French door', at a height of 1.6m, falls within a notional 45 degree line, both on plan and elevation, taken from the eaves of the enlargement, reductions in daylight are likely to be experienced. In this instance, the assessment indicates that there may be some reduction to the nearest glazed door. The affected door however is one of three glazed French doors within the lower ground floor bay, the other two of which would not likely experience reductions. As such this small deviation from the BRE Guidelines is unlikely to have a noticeable effect and is not surmountable to grounds for withholding permission.

With regard to sunlight, the BRE Guidelines recommend that all main living rooms of adjoining existing dwellings should be checked for losses if they have windows with an orientation within 90 degrees due south. The rear façade of No.27 has a North West orientation hence losses need not be investigated in accordance with BRE Guidelines.

With regard to enclosure, the extension would project above an existing party wall fence which stands at approximately 2.5m between the two properties. Whilst it would represent a change from the existing situation, given the height of the existing fence, and the wide aspect enjoyed at the rear, this relationship would not amount to an unacceptable increased sense of enclosure that could form grounds for withholding permission.

With regards to the basement, given its subterranean location, it will not have any impact upon neighbouring residents in terms of loss of daylight/ sunlight, increased sense of enclosure or loss of privacy.

The proposal would therefore comply with the objectives of policy ENV13 in the UDP and policy S29 in the City Plan.

#### **8.4 Transportation/Parking/ Highways Implications**

The proposed development does not raise any transportation issues.

#### **8.5 Economic Considerations**

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

#### **8.6 Access**

No alterations to access to this private dwellinghouse are proposed.

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

##### **8.7.1 Basement Policy**

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015. The independent examination was held in March 2016. Following the examination, a further consultation was held between 20 April and 5 June 2016, inviting responses to the proposed main modifications. Having considered the responses, none of the matters raised bring forward new issues which were not considered by the Inspector at the examination hearings in March.

Therefore, in accordance with Paragraph 216 of the National Planning Policy Framework, the Council will take the Basement Revision and Mixed Use Revision into account as a material consideration with significant weight in determining planning applications, effective from Tuesday 7 June 2016. One exception applies, in relation to the Basement Revision, specifically the application of the Code of Construction Practice [Policy CM28.1 Section A2b], which will be applied from the date of publication of the Code of Construction Practice document, likely to be at the end of June.



The implications of the revisions to the City Plan for the development subject of this report are outlined elsewhere in the report

### 8.7.2 Mechanical Plant

The objection submitted on behalf of the adjoining occupier of No.27 points out that no details of proposed plant have been submitted. The basement indicatively includes uses such as a sauna, wet room and shower room that will likely require the installation of some form of plant with extraction or ventilation in the future. The development description however is not for the installation of plant and none is shown on the plans or provided in the supporting documentation. Therefore any future installation will have to be the subject of a planning application that includes an acoustic report examining the background noise levels to inform any future installation. The absence of this detail is therefore not grounds to withhold permission and the requirement to make a future application will be included in an informative.

### 8.7.3 Refuse/ Recycling

The development would not materially impact the existing arrangements for refuse and recycling. The City Council's Highways Officer advises that further details need be secured through condition however it is not considered necessary in this instance.

### 8.7.4 Trees

The application is accompanied by an arboricultural report prepared by ACS Trees which sets out the development proposals within the context of trees on the site. The adjoining occupier at No.27 has commissioned a tree report prepared by Wassels in response to the report submitted with the application, mainly questioning the absence of an assessment of trees adjoining the properties, at No. 27 in particular. The City Council's Arboricultural Manager has reviewed both reports and acknowledges that the submitted report by ACS omits a number of trees that may be indirectly affected by the proposal. The Arboricultural Manager remarks that;

*"The impact on the RPA of the Cherry and the Magnolia at 27 Blomfield Road is estimated by Wassell is 50% of the Cherries root system and 15% of the Magnolia's. The circular RPA of the Cherry is affected by the existing extension. Given that the piled basement wall is 2.4m from both of these trees then according to Wassell's figures these estimates would only be realistic if no tree protection was used at all. On the basis that the trees and ground will be protected other than the basement excavations I estimate the impact is below 1m<sup>2</sup> on the Magnolia and less than 1m<sup>2</sup> on the Cherry. This is less than 3.5% of their RPAs. This is not significant in this context."*

Accordingly the Arboricultural Manager raises no objection to the proposals subject to the imposition of conditions to ensure that all the trees that could be affected by the proposal are adequately protected and that the tree removed to construct the basement is replaced.

A further arboricultural report was submitted by the applicant in response to the report prepared by Wassells which questions some of the assumptions put across in the Wassels report with regards likely root spread of trees within the garden of No.27 having regard for boundary foundations. This is not considered to raise any further issues that warrant a further response from the Arboricultural Manager given that no objection was raised prior to the submission of this further rebuttal.

### 8.7.5 Sustainability

Policies 5.2 and 5.3 of the London Plan and policy S28 of the City Plan seek to maximise sustainable construction and design that reduces energy use and emissions and reduces waste. The objection submitted on behalf of the occupiers of No. 27 identifies that the application fails to provide details pursuant to the above policy objectives. These observations are noted and the absence of this detail is regrettable. It is not however a validation requirement for domestic

extension applications, given that matters of exact building construction and adherence with statutory Building Regulation are matters for Building Control, and therefore it is not sustainable to withhold permission on these grounds. Notwithstanding this, an informative will be attached encouraging the development to incorporate elements of sustainable design.

### **8.7.6 Ecology**

The objection submitted on behalf of the occupiers of No.27 states that basement works will have an adverse effect on the ecology of the 'Little Venice Garden' which adjoins the site at the rear and is a Site of Importance for Nature Conservation (SINC), and fails to have consideration of this in the supporting documents. The comment states that the proposals are therefore contrary to Policies S36 (Sites of Importance for Nature Conservation) and S38 (Biodiversity and Infrastructure) of the City Plan, ENV4 (Planting around buildings), ENV15 (Trees) and ENV17 (Nature and Conservation) in the UDP, and Policies 7.21 (Trees) and 7.18/19 (Biodiversity) of the London Plan.

The proposed basement extension is entirely within the curtilage of No. 28 Blomfield Road and retains a significant separation from the rear boundary of 18m. The City Council acknowledge concerns with regards to impact upon biodiversity and ecology within the rear garden environment and protected parks, and the emerging basement policy CM28, and the 'Basement Development in Westminster' SPD have been prepared to provide greater safeguards accordingly.

As set out in the basement section of the report, the basement has incorporated a margin of undeveloped land on its perimeter, a 1m soil depth plus 200mm drainage layer above the basement in the garden, and a basement footprint no greater than half of the garden land. In addition, consideration of the health of trees on and adjacent to the site has been supplied and considered satisfactory. Incorporation of these elements serves to mitigate the impact of the proposed basement upon the locality with regards to ecology and biodiversity and withholding permission on these grounds is therefore not sustainable.

### **8.7.7 Flood Risk**

The site is situated within Flood Zone 1. The submitted Flood Risk Assessment (FRA) outlines that for sites falling within such zones (being the lowest risk on the sliding scale), in accordance with NPPF and latest guidance for Flood Risk, a FRA is not required. However given that the site falls on the edge of the 'Maida Vale surface water hotspot', the adopted basement SPD requires the submission of a flood risk assessment. Within the context of the proposed development, the FRA provides a thorough assessment of historic flooding, risk of flooding from rivers and the sea, flooding from groundwater, flooding from surface water sewers and highways, flooding from infrastructure failure and the effect on the risk of flooding elsewhere. The conclusions of the report are that the site will remain at a low risk of flooding from fluvial, tidal, groundwater, sewers, surface water and artificial sources. A small increase in impermeable surface will be mitigated through the inclusion of water butts.

With regards to ground water, the bore hole surveying undertaken did not find substantial levels. Notwithstanding this, in recognition of the greater susceptibility of basements to flooding from surface water and sewerage in comparison to conventional extensions, the report recommends installing a pumped drainage to prevent flooding during high load on the sewers. An informative will be attached recommending the installation of a pump (or equivalent reflecting technological advances) in the basement.

### **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 Other Issues**

### **8.12 Basement Impact**

The impact of this type of development is at the heart of concerns expressed by residents across many central London Boroughs. 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.

The City Council considers 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. Accordingly, 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' in October 2014, which was produced to provide further advice on how current policy can be implemented in relation to basement development - until the formal basement policy is adopted. The adopted SPD can be given considerable weight (known as material weight or a material consideration).

As clarified in paragraph 8.7.1 of this report, the Council are now applying considerable weight to draft basement policy (CM28.1 in the Consolidated Draft Version of the City Plan issued in June 2016). Therefore, as set out earlier in the summary of this report, the application has been assessed against the emerging policy and the adopted SPD.

To address these policy requirements, the applicant has provided a structural engineer's report and supporting geotechnical survey 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.

The objection received on behalf of the occupiers of the neighbouring property at No.27 questions specific aspects of the report; namely, the report not inspecting the condition of the existing building, trial pits being undertaken at back of the garden so may not reflect soil condition where basement is proposed, structural drawings not showing piles in section which could result in them breaching the 1m exclusion zone beneath garden, movement analysis not undertaken with respect to the party wall.

The level of analysis and detail submitted with the application is substantial and has been prepared by a suitably qualified Structural Engineer with respective professionals undertaking supporting analysis. Building Control officers have reviewed the submitted details and raised no concerns. It should be emphasised that the purpose of commissioning such an analysis at this stage is to show that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course. Should permission be granted, this Construction Methodology will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it.

Accordingly, it is considered that the report has provided sufficient consideration at this stage and 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.

Pursuant to the planning merits of the basement in relation to the draft basement policy and the guidance in the SPD, the basement retains a soil depth of 1m and a 200mm drainage layer, a margin of undeveloped land around the perimeter of the basement of 500mm and it is limited to a single storey and occupies less than 50% of garden land. As such the basement complies with draft Policy CM28.1 'Basement Development'.

### **8.12.2 Construction Impact**

The objection submitted on behalf of the occupiers of No.27 states that the Construction Management Plan(CMP) fails to consider key aspects of the construction process, such as number of vehicle movements and potential conflict with emergency vehicles on Blomfield Road and likely noise levels from construction activity and mitigation. It is acknowledged that the statement is brief in its consideration and is missing certain elements that comprise a comprehensive CMP. However, a more robust CMP addressing the concerns raised by the objector can be secured by way of a pre-commencement condition requiring the submission of a more comprehensive CMP. A further condition is recommended to control the hours of construction works, particularly noisy works of excavation.

## **9. BACKGROUND PAPERS**

1. Application form
2. Letter from the Paddington Waterways & Maida Vale Society dated 4 March 2016.
3. Memo from the Highways Planning Manager dated 18 February 2016.
4. Memo from the Arboricultural Manager dated 12 April 2016.
5. Memo from the Cleansing Manager dated 24 February 2016.
6. Letter from occupier of 26 Blomfield Road dated 4 March 2016.
7. Letters from Streathers Solicitors LLP, 44 Baker Street dated 25 February 2016, 3 March 2016, 8 March 2016 and 21 March 2016

8. Arboricultural Report prepared by James Sharp on behalf of Streathers Solicitors LLP dated 16 March 2016.

**Selected relevant drawings**

Existing and proposed plans, elevations and sections.

(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 THE PRESENTING OFFICE: OLIVER GIBSON BY EMAIL AT OGIbson@WESTMINSTER.GOV.UK.
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Councillors to be told date of meeting:

Author initials:

Date:

Cleared by:  
ATL / AATL

Date:

CITY OF WESTMINSTER			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b>	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning	<b>Wards involved</b> Little Venice		
<b>Subject of Report</b>	<b>28 Blomfield Road, London, W9 1AA,</b>		
<b>Proposal</b>	Extension to glazed garden room at ground floor level on the rear elevation and excavation of one storey basement in rear garden.		
<b>Agent</b>	Mr Ron Sidell / Sidell Gibson		
<b>On behalf of</b>	Mr Paul Kempe / City and Provincial		
<b>Registered Number</b>	16/00616/FULL	<b>TP / PP No</b>	PP-04782110
<b>Date of Application</b>	25.01.2016	<b>Date amended/ completed</b>	01.02.2016
<b>Category of Application</b>	Minor		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Maida Vale		
<b>Development Plan Context</b> - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Within / Outside London Plan Central Activities Zone Within / Outside Central Activities Zone		
<b>Stress Area</b>	Within / Outside Stress Area		
<b>Current Licensing Position</b>	Not Applicable		

**1. RECOMMENDATION**

Grant conditional permission.



## 2. SUMMARY

The proposed development comprises the erection of a single storey rear extension and the excavation of a single storey basement beneath part of the rear garden and the proposed single storey extension.

Objections have been received from the adjoining occupier primarily on the grounds of the impact upon the character of building and adjacent listed buildings, impact on neighbouring amenity, impact on trees, scale of basement and disruption caused by the development.

The key considerations are:

- The impact on the appearance of the building and character and appearance of the Maida Vale Conservation Area.
- The impact on the setting of the neighbouring listed building at No.29 Blomfield Villas.
- The impact on the amenity of neighbouring residents.
- The impact upon trees on the site and in neighbouring gardens.

As the proposals were submitted after the 1st November 2015, which is when the Council began applying weight to certain parts of the Basement Policy, the application has been assessed in relation to the emerging basement policy. Paragraph 8.1 of this report clarifies this positioned in relation to the basement policy further. The proposed development would be consistent with relevant operative and emerging development plan policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan) including the emerging basement policy. As such, the application is recommended for approval subject to the conditions set out in the draft decision letter at the end of this report.

## 3. CONSULTATIONS

### PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Scale of extensions does not reflect rear building line. Rooflight in garden is unacceptable and rooflight in patio too large. Size of basement acceptable subject to not being situated in RPA of protected trees.

### ARBORICULTURAL MANAGER

No objection subject to conditions to secure tree protection and tree replacement.

### BUILDING CONTROL

No objection.

### ENVIRONMENTAL HEALTH

No objection.

### HIGHWAYS PLANNING MANAGER

No objection.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 6.

Total No. of replies: 2.

No. of objections: 2.

No. in support: 0.

Design:

- o Failure to assess the impact on adjoining listed building.
- o Extension fails to respect building line.
- o Basement fails to leave sufficient margin of undeveloped land.

## Amenity:

- o Lack of details in relation to air conditioning plant.
- o Extensions would increase sense of enclosure and cause overshadowing.

## Other:

- o Structural instability to neighbouring properties.
- o Construction management plan contains insufficient detail.
- o Increased food risk

PRESS ADVERTISEMENT / SITE NOTICE: Yes

**BACKGROUND PAPERS**

**DRAFT DECISION LETTER**

**Address:** 28 Blomfield Road, London, W9 1AA,

**Proposal:** Extension to glazed garden room at ground floor level on the rear elevation and excavation of one storey basement in rear garden.

**Plan Nos:** Site Plan, P/200, P - 201 REV B, P - 202 REV B, Structural Methodology Statement and appendices prepared by Elliot Wood dated November 2015 (for information purposes only - see Informative 7), Method Statement for Excavation dated 30.3.15, Design and Access Statement dated January 2016, Construction Management Plan dated 30 March 2015 (for information only - see Condition 5), Tree Survey/ Arboricultural Report prepared by ACS consulting dated 18 January 2016 and Arboricultural Report Addendum prepared by ACS dated 11 May 2016.

**Case Officer:** Samuel Gerstein

**Direct Tel. No.** 020 7641 4273

**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 Maida Vale 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 apply to us for approval of detailed drawings including plans, elevations and sections of the following parts of the development means of escape access in rear garden. You must not start work until we have approved what you have sent us.

You must then carry out the work according to these details. (C26CB)

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 Maida Vale 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 **Pre Commencement Condition.** Notwithstanding the Construction Management Plan submitted at application stage, no development shall take place, including any works of demolition, until a detailed 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 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)

- 6 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved what you have sent us. You must then carry out the work according to the approved details.

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)

- 7 You must plant the replacement tree to replace the Purple Plum Tree (No.1), which is to be removed as part of the development hereby approved, in the same place or in any other place we agree to in writing. You must apply to us for our approval of the size and species of the replacement tree, and you must plant the replacement tree within 12 months of removing the original tree. You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five years of the date we approve this application with another of tree of similar size and species to the one that was originally planted.

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)

- 8 You must provide at least 1 metre of soil depth and a 200mm drainage layer over the roof structure of the basement extension hereby approved prior to occupation of the extension. Thereafter you must permanently retain the soil depth and drainage layer over the basement extension.

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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013, CM28.1 of the Consolidated Draft Version of Westminster's City Plan: Strategic Policies (June 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

#### **Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate,

further guidance was offered to the applicant at the validation stage.

- 2 In respect of the stump of the dead American Sweetgum. Under the terms of s 206 of the Town and Country Planning Act 1990, it is the duty of the owner of the land to plant another tree of an appropriate size and species at the same place as soon as reasonably possible, unless on application the Council dispenses with this requirement. The duty to replant is a legislative duty. We will need to formally agree the size and species and location of the replacement. You can contact our Arboricultural team on 020 7641 2922.
- 3 In recognition of the greater susceptibility of basements to flooding from surface water and sewerage in comparison to conventional extensions, it is recommended you install a 'positive pumped device' (or equivalent reflecting technological advances) in the basement.
- 4 You are advised that this permission is not for the installation of any mechanical plant in the basement. Should you wish to install any mechanical plant at the property which is outside or internal with extraction to an exterior surface or location, you will need to obtain planning permission.
- 5 You should include environmental sustainability features in your development. For more advice on this, please look at our supplementary planning guidance on 'Sustainable buildings'. This will make sure that the development causes as little damage as possible to the environment. However, if the features materially (significantly) affect the appearance of the outside of the building, this is likely to need planning permission. (I91AA)
- 6 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact:  
  
Thames Water Utilities Ltd  
Development Planning  
Maple Lodge STW  
Denham Way  
Rickmansworth  
Hertfordshire  
WD3 9SQ  
Tel: 01923 898072  
Email: Devcon.Team@thameswater.co.uk
- 7 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.

- 8 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

**Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**