

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 12 July 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bayswater	
Subject of Report	8 Bridstow Place, London, W2 5AE,		
Proposal	Excavation of single storey basement with partial demolition of side extension to provide lightwell and alterations to fenestration in side elevation.		
Agent	Mr Neal Newland		
On behalf of	Mr A. Highfield		
Registered Number	16/01608/FULL	Date amended/ completed	23 March 2016
Date Application Received	23 February 2016		
Historic Building Grade	Unlisted		
Conservation Area	Westbourne		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

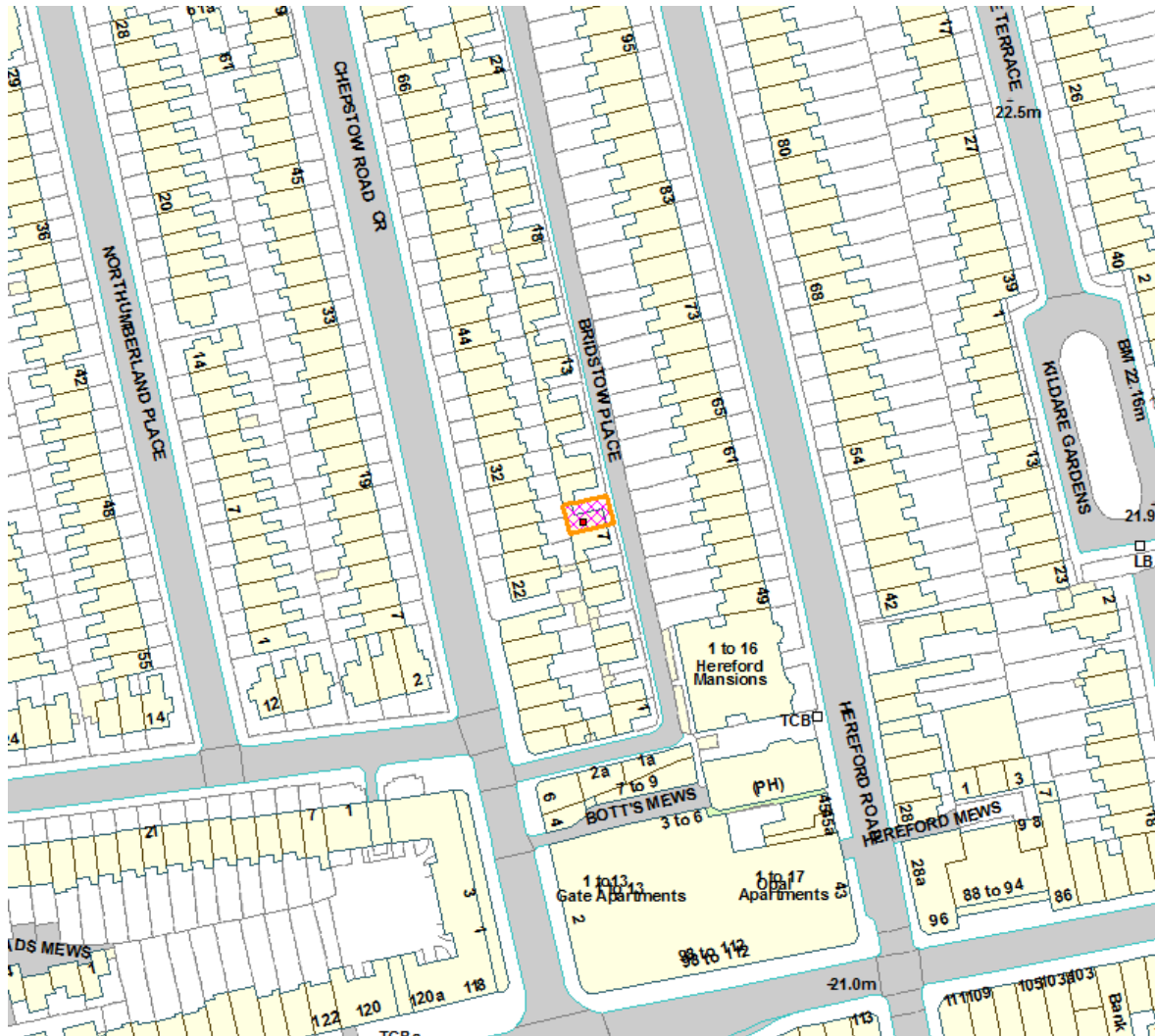
The application site is occupied by a two-storey dwellinghouse and is located on the west side of Bridstow Place in the Westbourne Conservation Area.

The application seeks planning permission for the excavation of a single storey basement under the footprint of the original building and part of the driveway at the side of the building. The proposals also comprise the demolition of part of the existing side extension to facilitate the installation of a lightwell as well as alterations to the fenestration in the side elevation.

Several objections have been received from neighbouring occupiers on design grounds, amenity grounds and arboricultural grounds as well as the impact of construction works and structural issues.

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

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

WARD COUNCILLORS FOR BAYSWATER:

Any comments to be reported verbally.

NOTTING HILL EAST NEIGHBOURHOOD FORUM:

The amenity society objects to the loss of the carefully composed centred triple bay of the side elevation which characterises these protected cottages.

Concerns are also raised in respect of the drawings which are allegedly very difficult to read and are not usefully labelled and that the use of the English language is not adequate. It is suggested that the lack of clarity alone should be sufficient grounds for rejection. Examples are provided.

Evidence of greening is requested, as are street photographs.

ARBORICULTURAL MANAGER:

No objections however suitable conditions should be attached to secure appropriate tree protection as well as landscaping.

BUILDING CONTROL:

This application does not include a Structural Methodology statement. However, the recently withdrawn 2015 application does and given the similarities between the two applications, no objections are raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 64

Total No. of replies: 9

No. of objections: 9

No. in support: 0

Additional consultation was carried out during the course of the application. This followed an amendment to the description of the proposal to more accurately reflect the proposed works. The later round of consultation was also widened to include those who were consulted on the previously withdrawn application. As a result the amenity society reiterated their earlier concerns, as did one neighbouring occupier. Two new letters of objection were received from other neighbouring occupiers.

Objections have been received on the following grounds;

Design:

- Bridstow Place is an intact row of early Victorian workman's cottages - not mews and is historically important;
- An essential part of their character and attraction is that they are small houses, and a large basement extension will change this;
- There are no other basements in Bridstow Place and as such there is no precedent;
- The cottages are subject to an Article 4 and should therefore receive extra protection.

Amenity:

- The associated plant would cause a noise nuisance;
- Loss of light;
- It is unclear if the side extension will project forward of its current location.

Trees:

- Inaccuracies in arboricultural report.

Construction Impact:

- Considerable disruption, noise, dirt, vibration and psychological distress this is likely to cause in this generally tranquil street;
- There is no anticipated duration for works but it is likely to be considerable especially given the constraints of the site;
- Limiting works to the day time will not help the many residents are at home during the day;
- Obstruction to road, which is a single lane, with specific reference to emergency vehicle and risks to parked vehicles which was a problem during works at no.4;
- Works are likely to coincide with development at Botts Mews;
- A hoarding at the front of the property will disrupt the public highway.

Structural Issues:

- Houses in Bridstow Place were cheaply built of poor quality materials and have footings rather than foundations, they suffer from chronic damp and the majority have experienced subsidence;
- Potential for structural damage to neighbouring properties;
- Unacceptable works to party walls;
- Disruption to water table;
- Drainage of water in lightwell has not been addressed;

Other Issues

- It is suggested that had the owner wanted additional space, they should have bought a bigger house;
- Objections raised in respect of previously withdrawn application should be taken into account;
- It is questioned whether or not the City Council has now started limiting such developments;
- It is suggested that this project would be a re-build of the existing building;
- Height of garden walls are in breach of bye-laws.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is occupied by a two-storey dwellinghouse and is located on the west side of Bridstow Place in the Westbourne Conservation Area. It is not listed but is subject to an Article 4 direction that has removed permitted development rights for alterations to

facades; erection/alteration of gates and fences; means of access to the highway; and painting of facades.

6.2 Recent Relevant History

15/12073/FULL

Excavation of single storey basement under existing footprint of dwelling house, part of drive and rear internal lightwell.

Application Withdrawn 25 February 2016

15/10979/FULL

Alterations to a door at first floor level and installation of a roof light.

Application Permitted 2 March 2016

15/10333/FULL

Extension to side of house.

Application Permitted 23 December 2015

12/11784/FULL

Replacement of existing ground floor side extension with enlarged extension with roof terrace above, with access from French doors at first floor level. Addition of timber fence to rear boundary at first floor level, enlargement of existing rooflight in side roofslope and associated external alterations.

Application Permitted 12 March 2013

12/07793/FULL

Extension to front of existing side addition with a first floor terrace with balustrade.

External alterations include new windows and doors and associated work. New sliding gate to driveway and re-positioning existing timber post to front boundary.

Application Refused 19 November 2012

7. THE PROPOSAL

The application seeks planning permission for the excavation of a single storey basement under the footprint of the original building and part of the driveway at the side of the building. The part of the basement under the driveway would have 1.2 metres of soil depth above it. The new basement would accommodate a gym with changing room, a media/playroom and a utility room with storage area.

The proposals also comprise the demolition of part of the existing side extension to facilitate the installation of a lightwell adjacent to the rear boundary and associated fenestration into this lightwell.

The fenestration in the side elevation would be reconfigured to provide access to the existing terrace above the remaining single storey side extension and a new balustrade would be installed at the rear of the extension.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Notwithstanding neighbours' concerns regarding the necessity of a basement, the principle of providing additional floorspace to enlarge the existing residential dwelling is acceptable in land use terms and would accord with policy H3 in the Unitary Development Plan (UDP).

8.2 Townscape and Design

At subterranean level, the basement itself would not harm character and appearance of the Westbourne Conservation Area. Its only external manifestation would be in the form of a lightwell to the rear of the single storey side extension which is considered to be discreetly located and therefore acceptable in design terms in accordance with policies DES1, DES5 and DES9 of the UDP as well as policies S25 and S29 of the City Plan.

The proposals would also comply with the new basement policy, which the City Council has been attributing weight to since 1st November 2015. The basement would be limited to a single storey and would not extend beneath more than 50% of the garden land. It would be inset 300mm from the rear boundary but given that the area to the front of the property has already had an impermeable surface installed, it would not be required to be inset in this location. The area of the basement underneath the driveway would have a 1.2 metres soil and drainage layer above it to support future planting.

The proposals, which comprise of alteration and extension to the existing dwelling rather than the demolition and erection of a replacement dwelling as suggested by a neighbouring occupier, are therefore considered to be acceptable in design and townscape terms and the concerns raised by neighbouring occupiers cannot be supported on this occasion.

8.3 Residential Amenity

Sunlight and Daylight

On objection has been received on the grounds of a loss of light to the occupiers of the property on Chepstow Road at the rear of the site. The view of the works would be obstructed by the existing party wall which would remain in situ and as such, this objection cannot be supported.

Another objection has been received on the grounds of the loss of light to a neighbouring occupier in Bridstow Place as a result of the enlargement of the single storey side extension. The current plans show that this side extension would not be enlarged. However, permission was granted for such an extension in 2015 and the applicant is still able to implement this permission.

The proposals would not give rise to a loss of light to any other neighbouring property.

Sense of Enclosure

Located primarily at subterranean level, the proposals would not result in an increased sense of enclosure to the detriment of the amenities of any of the neighbouring occupiers.

Privacy

The proposals would result in a reduction in the size of the existing terrace above the single storey side extension and therefore could only improve the privacy of neighbouring occupiers. The reconfiguration of windows and doors in the side elevation would not materially increase overlooking.

The proposals would therefore comply with policy ENV13 of the UDP as well as policy S29 of the City Plan.

8.4 Transportation/Parking

The existing off-street parking space would be retained as part of the development. The proposals therefore raise no concerns in respect of transportation and parking.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposals would not affect access to the property.

8.7 Other UDP/Westminster Policy Considerations

Plant and Noise

Neighbouring occupiers have raised concerns in respect of the noise and disturbance caused by plant in the new basement. The proposed plans do not show any mechanical ventilation plant and therefore this objection cannot be supported. An informative is recommended to advise the applicant that, should they wish to install plant in the future, they would require a further application for planning permission.

Trees

The tree in the front garden is a Flowering Crab Apple & not a Laburnum or Cherry as noted in the submission. It is very small and unlikely to withstand the degree of disturbance generated as a result of the works. A neighbouring occupier has also identified similar concerns. However, subject to a suitable condition to secure a replacement tree and new landscaping, its loss is considered to be acceptable. Such a condition would also address the Notting Hill East Neighbourhood Forum's concerns regarding greening.

There are three relatively young Himalayan Birch trees in the garden of a property in Chepstow Road which abuts Bridstow Place. Whilst these trees are extremely close, providing some care is given to them during construction they are likely to withstand the proposals. Suitable tree protection methods should also be sought by condition.

The proposals are accordingly considered acceptable in terms of the impact on trees in accordance with policy ENV16 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 application is of insufficient scale to trigger the required for the submission of an EIA.

8.12 Other Issues

Basement Policy Revisions

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.

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

Basement Excavation

Objections have been raised to potential instability resulting from basement excavation. However, the applicant has submitted a Structural Methodology Statement by a suitably qualified engineer. The application site is also not located within a flood risk area and this development is not considered high risk. Accordingly, the requirements of emerging policy CM28.1 of the City Plan have been met insofar as they relate to structural stability.

Construction Management

The applicant has submitted a Construction Management Plan (CMP) with the application to outline the likely arrangements during the excavation and construction process.

The information provided is considered to be sufficient to meet the aims and objectives of the Basement SPD. A condition is also recommended to ensure that a revised CMP is submitted that contains further details once a main contractor had been appointed, such as provision of a more detailed and informed construction timetable and 24 hour contact number.

Other Objections

Concerns have also been raised by the Notting Hill East Neighbourhood Forum in respect of the way in which the information was presented by the applicant however, officers were satisfied that the way in which the information was presented was adequate to validate the application.

An objector expressed concerns about the precedent that allowing this development would set. However all future applications would be assessed on their merits and with regard to adopted policy at the time.

Concerns raised in respect of a breach of bye-laws are not material planning considerations.

Only concerns raised in respect of the current application can be taken in to consideration.

9. BACKGROUND PAPERS

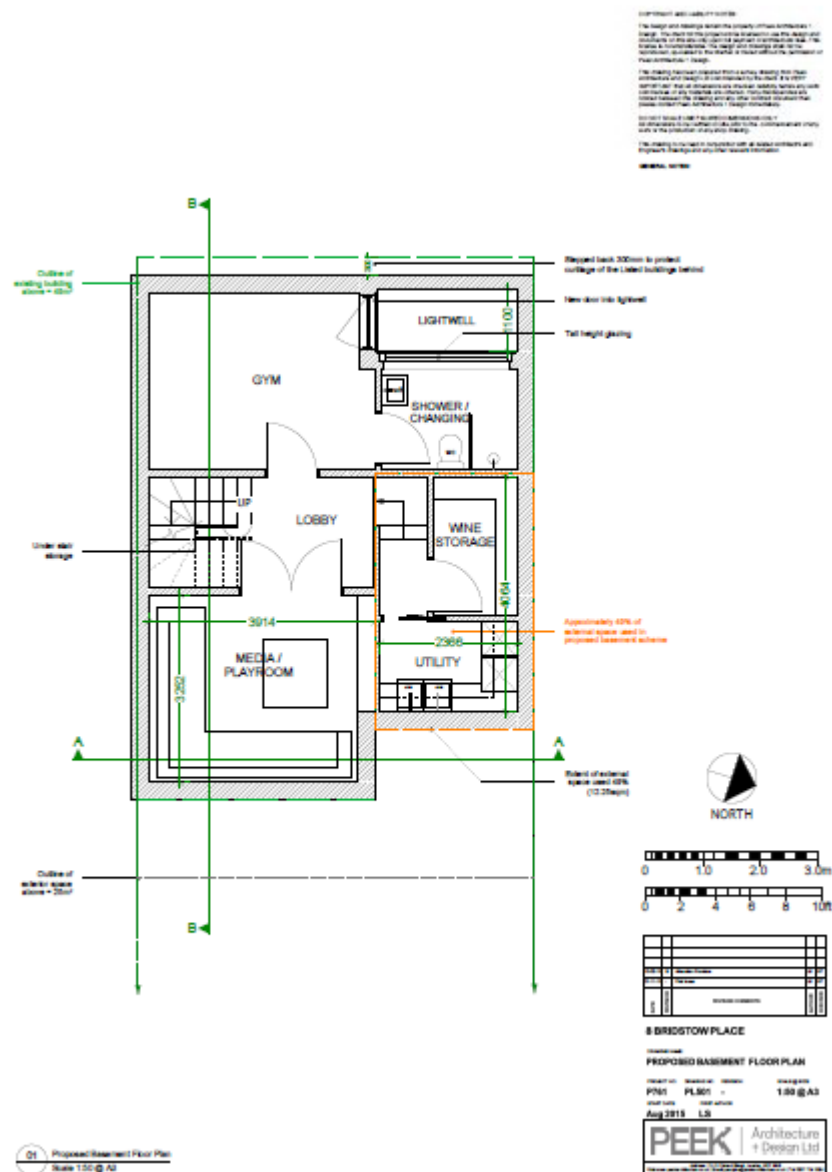
1. Application form
2. Responses from Notting Hill East Neighbourhood Forum, dated 25 April and 8 June 2016
3. Response from Arboricultural Manager, dated 25 April 2016
4. Response from Building Control, dated 7 June 2016
5. Letters from occupier of 17 Bridstow Place, London, dated 19 April and 7 June 2016
6. Letter from occupier of 7 Bridstow Place, London, dated 19 April 2016
7. Letter from occupier of 49 Hereford Road, London, dated 25 April 2016
8. Letter from occupier of 56a Hereford Road, London, dated 25 April 2016
9. Letter from occupier of 57 Hereford Road, London, dated 28 April 2016
10. Letter from occupier of 10 Hereford Mansions, Hereford Road, dated 28 April 2016
11. Letter from occupier of 30 Chepstow Road, dated 1 June 2016
12. Letter from occupier of 3 Bridstow Place, dated 10 June 2016
13. Letter from occupier of 9 Bridstow Place, dated 22 June 2016

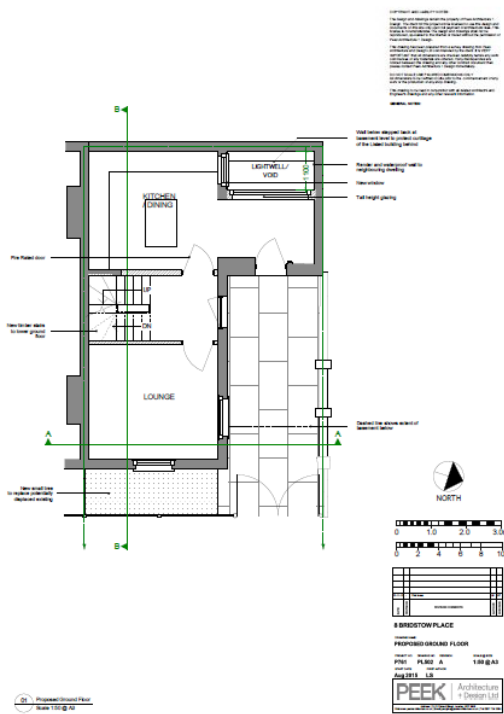
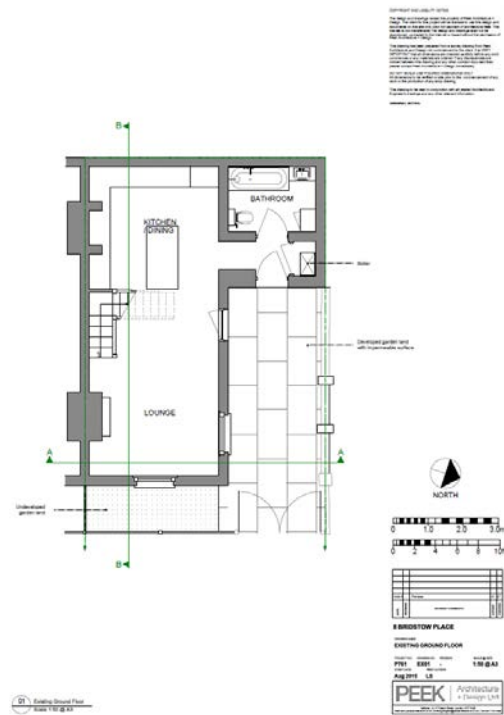
Selected relevant drawings

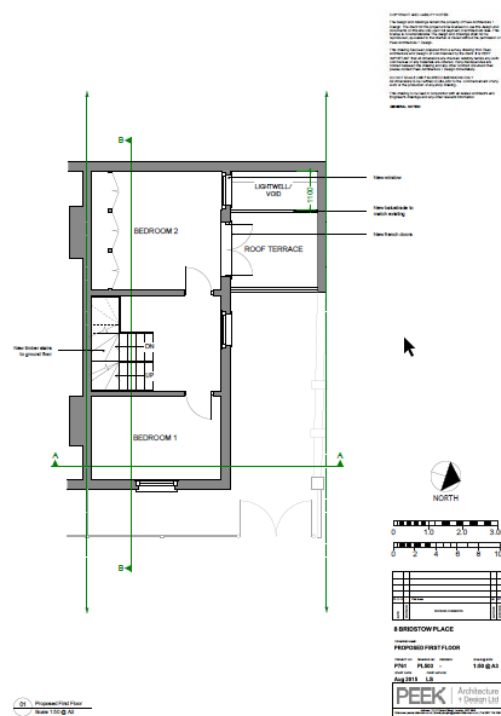
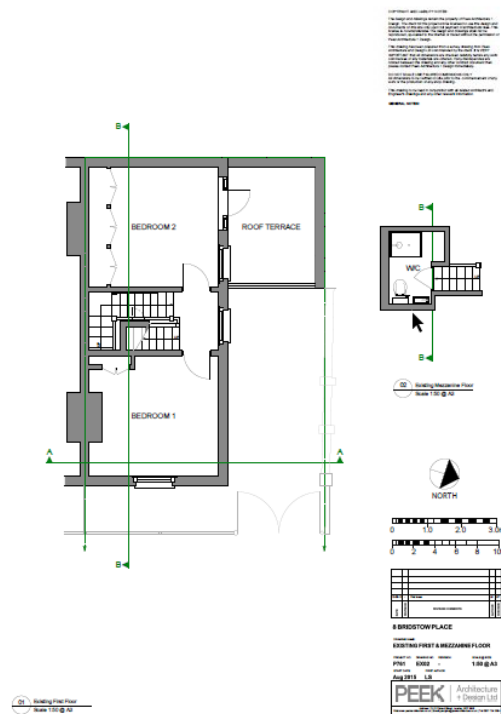
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT NATHAN BARRETT ON 02076415943 OR BY EMAIL AT nbarrett@westminster.gov.uk

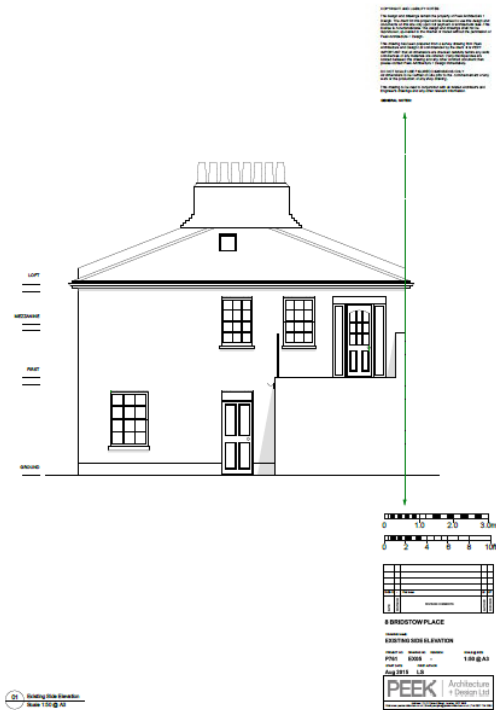
Proposed Basement



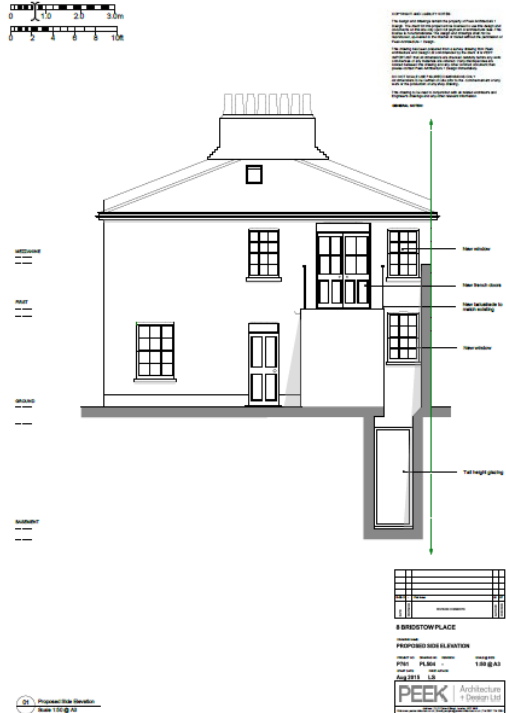




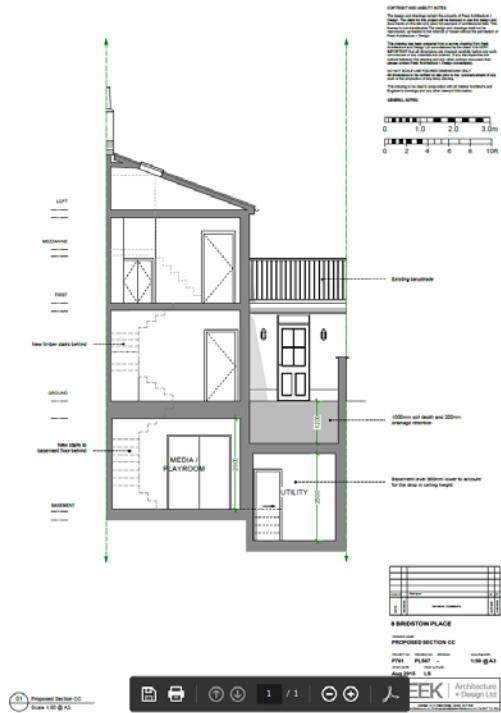
Existing Side Elevation



Proposed Side Elevation



Proposed Section CC



Proposed Section DD



DRAFT DECISION LETTER

Address: 8 Bridstow Place, London, W2 5AE,

Proposal: Excavation of single storey basement with partial demolition of side extension to provide lightwell, alterations to fenestration in side elevation and new balustrade to existing terrace.

Plan Nos: EX00, EX01, EX02, EX05, EX06, EX07, EX10, PL108, PL501, PL503, PL502A, PL504, PL507, PL508, PL509, Design and Access Statement and Tree Survey dated December 2015.

Case Officer: Claire Berry

Direct Tel. No. 020 7641 4203

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 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 **Pre Commencement Condition.** No development shall take place, including any works of demolition, until a construction management plan for the proposed development has been submitted to and approved in writing by the City Council as local planning authority. The plan shall provide the following details:
- (i) a construction programme including a 24 hour emergency contact number;
 - (ii) parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - (iii) locations for loading/unloading and storage of plant and materials used in constructing the development;
 - (iv) erection and maintenance of security hoardings (including decorative displays and facilities for public viewing, where appropriate);
 - (v) wheel washing facilities and measures to control the emission of dust and dirt during construction; and
 - (vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.

You must not start work until we have approved what you have sent us. You must then carry out the development in accordance with the approved details.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 5 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 Westbourne 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)

- 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 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)

- 7 You must provide a minimum of 1m soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement as shown on the drawings hereby approved. The soil depth and soil volume above the basement must thereafter be retained as approved.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan: Strategic Policies adopted November 2013, CM28.1 of Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main Modifications dated June 2016 and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Westminster's City Plan: Strategic Policies Consolidated Draft Version incorporating Basement Revision, Mixed Use Revision, Regulation 19 and Main Modifications dated June 2016, 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 installation of mechanical ventilation plant would require a further application for planning permission.
- 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.

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

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

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

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (150AA)

- 5 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 6 Your proposals include demolition works. If the estimated cost of the whole project exceeds £300,000 (excluding VAT), the Site Waste Management Plan (SWMP) Regulations 2008 require you to prepare an SWMP before works begin, to keep the Plan at the site for inspection, and to retain the Plan for two years afterwards. One of the duties set out in the Regulations is that the developer or principal contractor "must ensure, so far as is reasonably practicable, that waste produced during construction is re-used, recycled or recovered" (para 4 of the Schedule to the Regulations). Failure to comply with this duty is an offence. Even if the estimated cost of the project is less than £300,000, the City Council strongly encourages you to re-use, recycle or recover as much as possible of the construction waste, to minimise the environmental damage caused by the works. The Regulations can be viewed at www.opsi.gov.uk.

- 7 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)