

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 25 October 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>	11A Castellain Road, London, W9 1EY,		
<b>Proposal</b>	Erection of rear single storey extension at lower ground floor level and alterations to front lightwell.		
<b>Agent</b>	deDraft		
<b>On behalf of</b>	Mr Melvyn Orton		
<b>Registered Number</b>	16/07049/FULL	<b>Date amended/ completed</b>	25 July 2016
<b>Date Application Received</b>	25 July 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Maida Vale		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

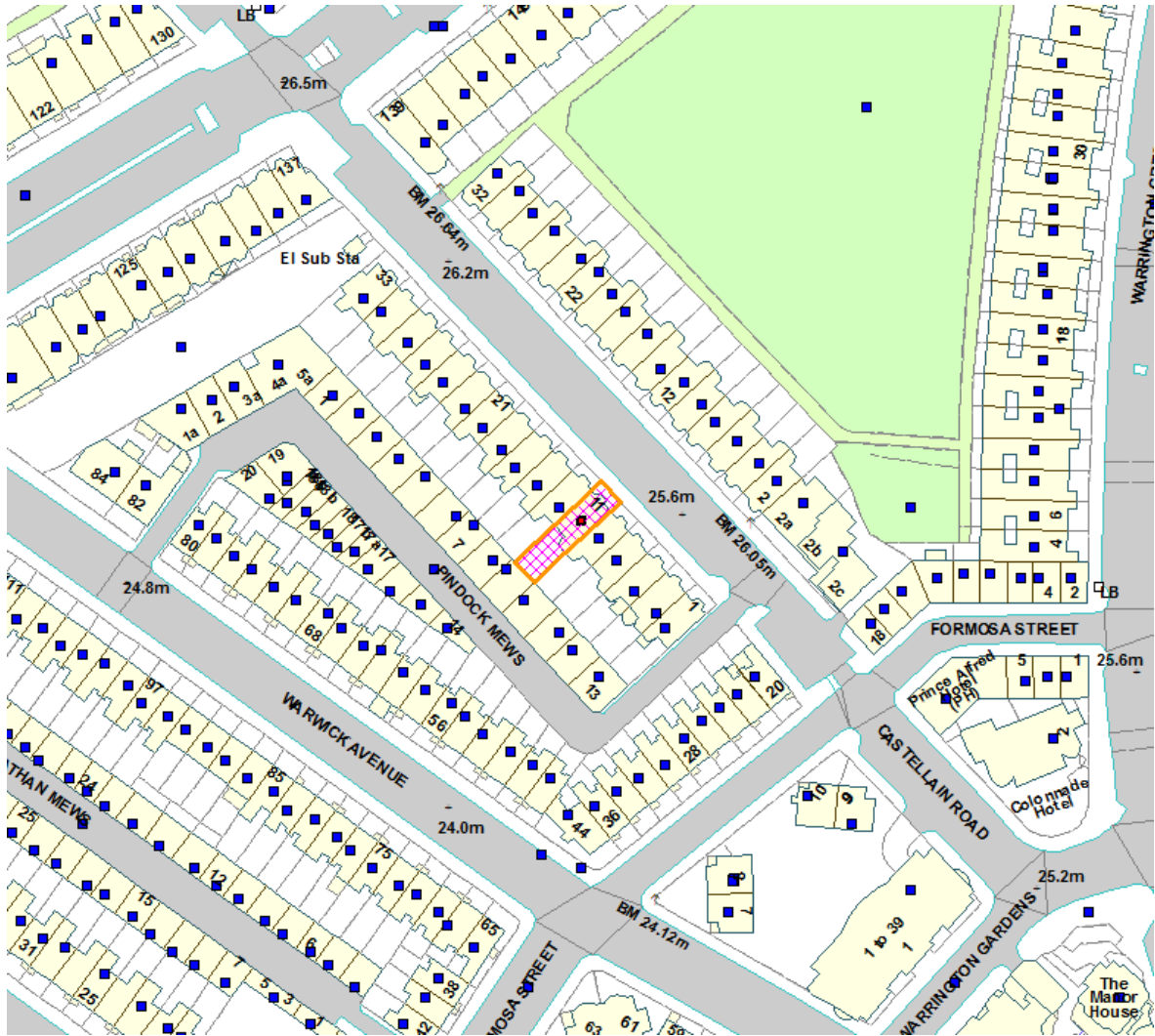
The application relates to a maisonette at ground and lower ground floor level within this unlisted building located within the Maida Vale Conservation Area. Planning permission is sought for the erection of rear single storey extension at lower ground floor level and alterations to the front lightwell.

The key issues are:

- The impact of the proposed extension and alterations on the appearance of the building and the character and appearance of the Maida Vale Conservation Area.
- The impact of the proposed extension on the amenity of neighbouring residents.

For the reasons set out in the report, it is not considered that permission could reasonably be refused on amenity grounds and that the proposed development is acceptable in all other regards and would accord with the relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan: Strategic Policies adopted in July 2016 (the City Plan). As such, the application is recommended for approval, subject to the conditions set out in the draft decision letter.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation (top) and existing rear elevation of application site at lower ground floor level (bottom).



View over boundary wall towards rear French doors and window of No.13 Castellain Road at lower ground floor level.

## 5. CONSULTATIONS

### COUNCILLOR CAPLAN

Asks that the application is reported to committee.

### PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

No objection. Materials should be sympathetic to the host building. Ask that neighbours' views are taken into consideration.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. of Consultations: 23; Total No. of Responses: 5 emails received from 3 respondents raising objection on all or some of the following grounds:

#### Amenity

- Loss of daylight to windows serving neighbouring properties.
- There is potential for the bedrooms within the basement flat at no. 13 Castellain Road to be moved downstairs, which would mean that the rooms would lack natural light.
- Loss of sunlight.
- Loss of privacy.
- The proposal will also impact the amount of daylight received at the application site.

#### Other Matters

- The applicant's are impacting neighbouring properties without having moved in.
- Lack of consultation from the applicant could have resulted in the respondent having no recourse to object.
- Query as to whether the applicant intends to move in or re-sell the property.
- Civil action will be taken against both the applicant and those responsible for the loss of light to the basement flat at No.13 Castellain Road.
- Question if neighbours would be compensated.
- The proposal will impact the value of the basement property at no.13 Castellain Road.

### PRESS ADVERTISEMENT/ SITE NOTICE

Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site comprises a ground and lower ground floor flat in an unlisted mid-terraced Victorian building. The building is located on the southwest side of Castellain Road and is located within the Maida Vale Conservation Area.

### 6.2 Recent Relevant History

#### 6.2.1 Application Site

19 August 2010 – Certificate of Lawful Proposed Use or Development issued for use of lower and upper ground floors as one maisonette (10/05671/CLOPUD).

### **6.2.2 No.9 Castellain Road**

17 July 2014 – Permission granted for the erection of single storey rear extensions at basement level in connection with use as two maisonettes and alterations to increase size of rear window (14/04866/FULL).

## **7. THE PROPOSAL**

This application seeks permission for the erection of a single storey rear extension at lower ground floor level and for alterations within the front lightwell; namely, to replace the tiling on the stairs and floor, install new lighting and replace the timber doors.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The proposal is assessed against Policy H 3 in the UDP and Policy S14 in the City Plan, which seek to encourage the provision of more residential floorspace, including the creation of new residential units. The development would result in the increase of residential floorspace and is therefore acceptable in principle in land use terms.

### **8.2 Townscape and Design**

Policy DES 5 in the UDP seeks to ensure the highest level of design in alterations and extensions. The policy specifically states that permission will generally be granted for development that is confined to the rear of the building, does not visually dominate the building, is of a scale and detailed design that reflects the host building and the use of materials is consistent with those present on the building and in the wider setting.

As proposed the rear extension will not project beyond the building line of the closet wing, with the new bi-fold doors set back from the rear elevation. As submitted the proposed extension proposes a projecting angled canopy/ parapet and is proposed to be finished in contrasting brickwork to the host building. These detailed design elements of the proposed extension would not accord with Policy DES5 and would harm the appearance of the building and the character and appearance of the conservation area. However, the applicant has agreed to the imposition of conditions requiring the omission of the angled canopy/ parapet in favour of a parapet that is flush with the elevation (as approved and now built at No.9 Castellain Road) and to require the extension and associated alterations to the rear elevation at lower ground floor level to be constructed in stock brickwork of a colour and texture to match the rest of the rear elevation of the building.

Subject to the aforementioned conditions, given its scale, form and detailed design the extension is not considered to compete with the host building and its setting. As the extension does not project beyond the depth of the buildings existing bay, the rhythm of rear bay projections within this terrace will be maintained and the existing chamfered corner to the original closet wing is still evident above. The replacement of the window at lower ground floor level is not contentious as the existing appears to be a later addition and the replacement is in keeping with the design approach of the extension. The new

larger opening to accommodate bi-folding doors is considered to be acceptable in this relatively discrete location on the building.

The works in the front lightwell principally seek to upgrade the existing materiality and detailing; this is not contentious in design terms and will preserve or enhance the character and appearance of the Maida Vale Conservation Area. However, a condition is recommended to secure further details of the proposed slip resistant tiling.

In summary, the proposed extension and alterations are considered to be acceptable in design terms and subject to the recommended conditions they would be in accordance with UDP policies DES 1, DES 5 and DES 9 and policies S25 and S28 in the City Plan.

### **8.3 Residential Amenity**

Objection has been received on grounds that the proposed rear extension would result in a material loss of daylight and sunlight to the rear French doors and side light windows serving the lower ground floor living room and kitchen of the maisonette at lower ground and ground floor levels in No.13 Castellain Road. To assess the impact on the amenity of the occupiers of this neighbouring flat a site visit to the objectors' property was carried out during the course of this application on 14 September 2016 by the case officer.

The proposed extension would increase the height of the application property at the boundary with No.13 by approximately 1 metre and the proposed extension would project approximately 2.5 metres from the existing rear elevation. It was apparent from the site visit to the objector's property at No.13 that the proposed extension would be visible in views from the windows and doors to the rear of his property at lower ground floor level, particularly in more oblique views from within the room that the windows and doors serve.

The City Council's amenity policies (ENV13 in the UDP and S29 in the City Plan), advise that the impact of development should be assessed having regard to the guidance provided in the Building Research Establishment's (BREs) guidance document 'Site Layout for Daylight and Sunlight' (2011). The BRE advise that for domestic extensions that would be perpendicular to a neighbouring window the impact on diffuse daylight reaching the neighbouring window can be assessed by a method known as the '45 degree approach'. This method of assessment involves drawing a 45 degree line from the parapet of the extension on the proposed elevation and from the rear wall of the extension on the proposed floorplan. The BRE guidelines advise that if the centre of the window (or a point 1.6 metres above ground level in the case of patio doors) of the next door property lies on the extension side of the 45 degree line, then the proposed extension may well cause a significant reduction in the skylight received by the window.

In this case, the affected window opening at No.13 comprises a patio doors with side and top light windows. As such, the point 1.6 metres above ground level on this window would fall outside of the 45 degree line in elevation, but would fall within the 45 degree line when measured on the floorplan. Therefore it is likely that the proposed extension would cause a minor material loss of daylight to the neighbouring patio doors and side and top light windows at No.13. However, given the size of the affected window and door opening and as the affected flat is a maisonette with other habitable rooms served by unaffected windows, it is not considered that the loss of daylight that would be caused would be so significant so as to warrant withholding permission.

With regard to sunlight, the proposed extension would sit alongside the existing closet wing of No.11, to the south east of both the new extension and the neighbouring patio doors and windows at No.13. As a result, whilst there would be some increased loss of sunlight falling on the patio doors and windows at lower ground floor level to No.13 in the early afternoon, the majority of the additional bulk of the proposed extension would be located behind the existing larger closet wing and as a result would not have any additional impact in terms of sunlight loss. In this context, it is not considered that the degree of sunlight loss that would be caused would be sufficient to reasonably withhold planning permission.

In terms of increased sense of enclosure, as previously noted, the extension would be appreciable in views from the rear windows and doors of No.13. However, whilst this change in outlook would not amount to a significant increase in enclosure as the windows and doors would still afford a largely unaltered outlook to the south west.

No windows are proposed in the flank elevation of the proposed extension and as such, there would be no increase in overlooking to neighbouring properties or their gardens.

A condition is recommended to prevent the future use of the roof of the extension as a terrace to prevent overlooking to neighbouring windows and gardens.

The alterations to the front lightwell are not considered to raises any amenity issues.

In summary, for the reasons set out in this section of the report the impact of the proposed development in amenity terms would not be so significant as to warrant withholding permission and it is considered that the application would accord with policy ENV 13 in the UDP and policy S29 in the City Plan.

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

The proposals will not result in an increase in the number of residential units therefore there are no highways issues to consider.

#### **8.5 Economic Considerations**

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

#### **8.6 Access**

The application does not adversely affect the existing means of access to this private residential property.

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

None relevant.

#### **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 require the submission of an Environmental Impact Assessment.

## **8.12 Other Issues**

Objections have been raised on grounds that the applicant has yet to occupy the application site, that neighbours were not consulted by the applicant prior to submission of the application, that the applicant may be a property developer who will not occupy the property and that the neighbours should be compensated for the impact of the proposed extension.

The identity of the applicant, the length of time they have occupied the application site (if at all) and their future intentions for the application property are not valid grounds on which to withhold planning permission. The application must be assessed on its planning merits having regard to all relevant development plan policies and other material considerations. This is the assessment that has been carried out elsewhere in this report.

Whilst it is good practice to consult with and forewarn neighbours of future development proposals, there is not a legal requirement under planning legislation to serve notice on the occupiers of neighbouring properties who do not have an interest in the ownership of the application site. As such, permission could not be withheld on the basis that the applicant did not consult with neighbouring residents prior to submission of the planning application.

One objector also cites that legal recourse and compensation will be sought if planning permission is granted for the proposed extension. However, there is no compensation payable under planning legislation for loss of light that may occur as a result of development; rather, recourse of this nature is a civil matter for resolution between the respective land owners under the separate right to light legislation. The assessment in planning terms is made having regard to adopted planning policies in the development plan, as set out in Section 8.3.1 of this report.

## **9. BACKGROUND PAPERS**

1. Application form.
2. Email from Councillor Caplan dated 20 September 2016.
3. Letter from the Paddington Waterways and Maida Vale Society dated 9 September 2016.

4. Emails from an occupier of the Basement Flat, 13 Castellain Road dated 24 August 2016 and 16 September 2016.
5. Email from an occupier of 13 Castellain Road dated 16 September 2016.
6. Emails (x2) from the occupier of Flat 1,11 Castellain Road dated 17 September 2016.

#### **Selected relevant drawings**

Existing and proposed plans and elevations.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT [ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk).

# 10. KEY DRAWINGS

The drawings consist of two sets of floorplans and two sets of elevations. The top set shows the 'Existing Lower Ground Floor Plan' and 'Existing Ground Floor Plan'. The bottom set shows 'Existing Front Elevation' and 'Existing Rear Elevation'. Each drawing includes a north arrow, a scale bar, and a title block with project information.

**Notes:**  
 1. All work shall be in accordance with the Building Regulations and the relevant standards of the Building Regulations.  
 2. The drawings are for information only and do not constitute a contract.  
 3. The client is responsible for obtaining all necessary permissions and consents.  
 4. The drawings are subject to change without notice.

**Architectural Information:**  
 Studio 5, The Architects,  
 214 Fitzroy Street,  
 London E1 1JH  
 020 7552 1000  
 info@studio5.co.uk  
 @studio5architects

**Project 305**  
 11A Cavendish Road  
 Makhyn and Eva Odeh

**Drawing No. 5000**  
**Existing Plans**  
 Scale: 1:100 at A3 = 1:50 at A1

**Drawn 22.07.16**  
 Man Yee Li

**Revisions**  
 A 16.08.16 No.12 new site plan

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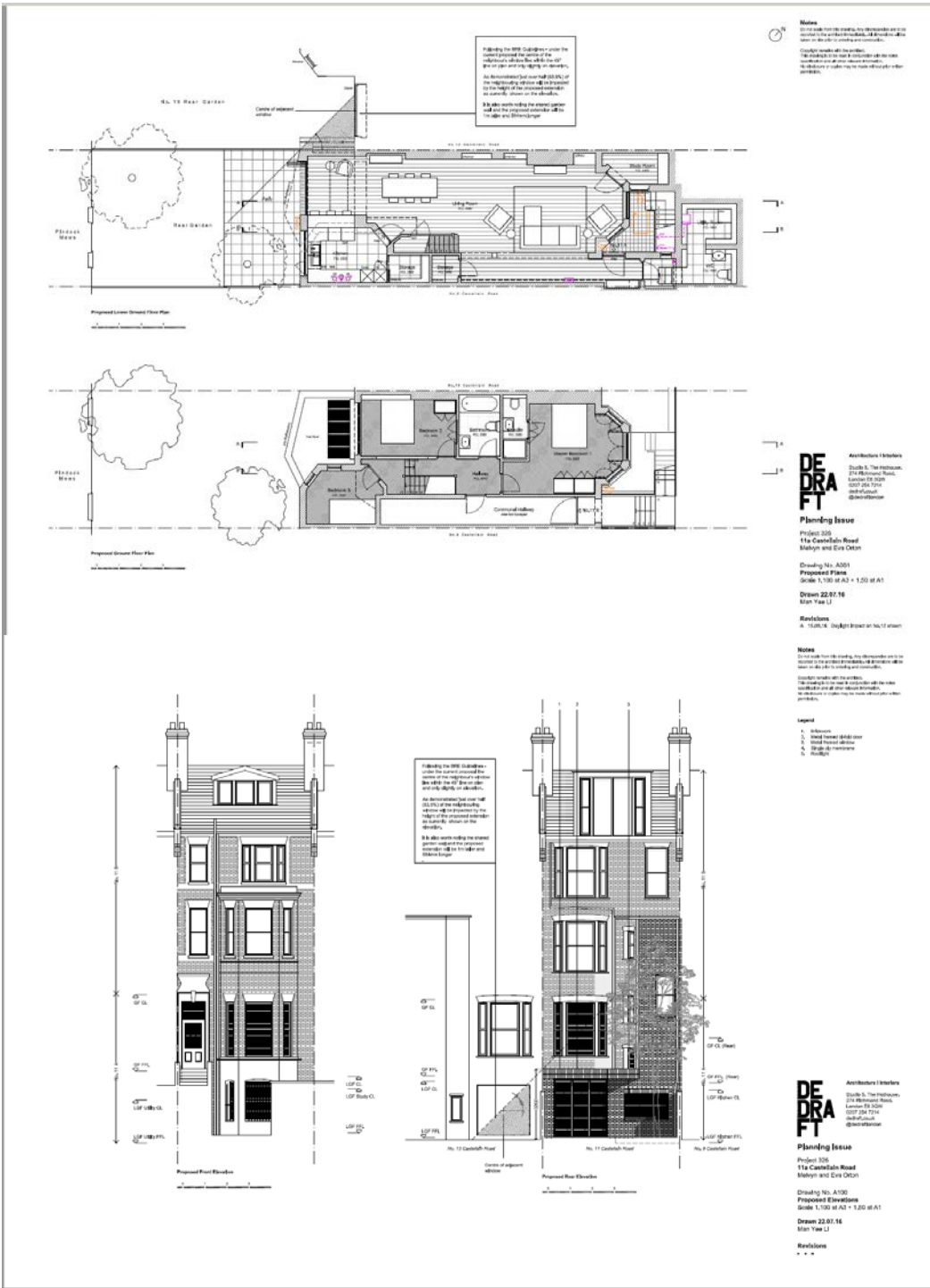
**Project 305**  
 11A Cavendish Road  
 Makhyn and Eva Odeh

**Drawing No. 5100**  
**Existing Elevations**  
 Scale: 1:100 at A3 = 1:50 at A1

**Drawn 22.07.16**  
 Man Yee Li

**Revisions**  
 A 16.08.16 No.12 new elevation sheet

Existing floorplans (top) and existing elevations (bottom).



Proposed floorplans (top) and proposed elevations (bottom).

**DRAFT DECISION LETTER**

**Address:** 11A Castellain Road, London, W9 1EY,

**Proposal:** Erection of rear single storey extension at lower ground floor level and alterations to front lightwell.

**Plan Nos:** Site location plan, Design and Access Statement, S002 Rev.A, S100 Rev.A, S200, S201, A001 Rev.A, A100, A200, A201, A250 and A900.

**Case Officer:** Agnes Hagan

**Direct Tel. No.** 020 7641 5651

**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 piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
  - o between 08.00 and 13.00 on Saturday; and
  - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) 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 (July 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)

- 4 You must apply to us for approval of samples of the following parts of the development - slip resistant tiling within the front lightwell. 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 details. (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 Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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)

- 5 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, as set out in S29 of Westminster's City Plan (July 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 6 Notwithstanding the content of the submitted Design and Access Statement, the rear lower ground floor extension and associated alterations to the closet wing hereby approved shall be constructed in unpainted stock brickwork to match the colour, texture and bond of the existing stock brickwork to the rear elevation of the building.

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 (July 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)

- 7 You must apply to us for approval of detailed drawings showing the following alteration to the scheme: Omission of the projecting angled canopy/ parapet to the rear elevation of the rear lower ground floor extension and its replacement with a parapet that is flush with the rear elevation of the extension. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

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 (July 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 (July 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 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).