

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 13 December 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>	<b>5 Maida Avenue, London, W2 1TF</b>		
<b>Proposal</b>	Erection of two storey rear extension at lower ground and ground floor levels, including a single storey infill extension.		
<b>Agent</b>	Mr Barnaby Gunning		
<b>On behalf of</b>	Mr & Mrs Simon Walker		
<b>Registered Number</b>	16/09049/FULL	<b>Date amended/ completed</b>	20 September 2016
<b>Date Application Received</b>	20 September 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Maida Vale		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application site is a three storey mid terrace residential dwellinghouse located on the southern side of Maida Avenue. It is not listed or subject to any article 4 directions but is located within the Maida Vale Conservation Area

Planning permission is sought for the erection of two storey rear extension at lower ground and ground floor levels, including a single storey infill extension.

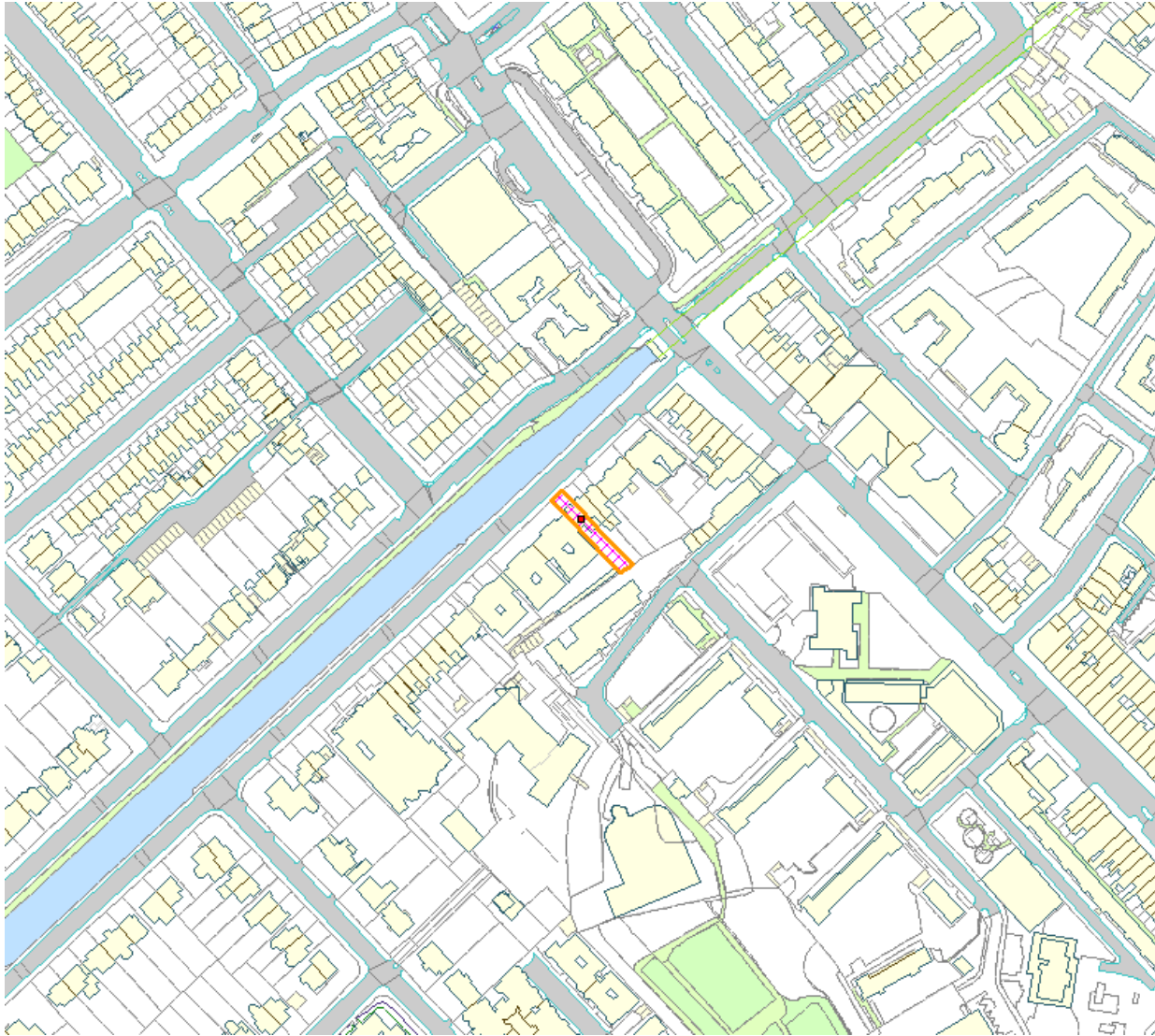
Objections have been received from 13 neighbours to the proposal on design amenity and structural disturbance grounds.

The key issues in this case are:

- The impact of the proposal on the character and appearance of the Maida Vale Conservation Area.
- The impact of the proposal on the amenity of neighbouring residents.

For the reasons set out in this report, the proposed development is considered to accord with relevant policies within the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan: Strategic Policies adopted in November 2013 (the City Plan). As such, it is recommended that planning permission is granted, subject to the conditions set out in the draft decision letter.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



View of Infill Extension Location



Rear of Existing Closet Wing

## 5. CONSULTATIONS

### PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

Any response to be reported verbally.

### BUILDING CONTROL

Structural method statement is satisfactory.

### ENVIRONMENTAL HEALTH:

No objection

### HIGHWAYS PLANNING MANAGER

No objection

### ARBORICULTURAL SECTION

No objection subject to landscaping and tree protection conditions.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 45; Total No. of Replies: 13

13 objections and one letter from the board of Aubrey Douglas Ltd, the owners of Douglas House. The objections were on one or all of the following grounds;

#### Design

- Any change will be out of keeping with the other mansion blocks, the road and conservation area.
- Design and scale out of keeping with the conservation area.
- Proposal is large and out of keeping with neighbourhood

#### Amenity

- Loss of light.
- Loss of privacy
- Use of flat roof as balcony
- Sense of enclosure.

#### Other

- Impact on drainage, disturbance of watercourse and foundations of the neighbouring mansion block.

The letter from the board of Aubrey Douglas Ltd. states that it had not given its authority to any person to submit comments on the application on its behalf regarding the planning application (One objection purports to be from Aubrey Douglas Ltd) and to state that all objectors had been invited to a meeting to explain the application.

ADVERTISEMENT / SITE NOTICE: Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is a 3 storey mid terrace residential dwelling located on the southern side of Maida Avenue and though it is not listed or subject to any article 4 directions it is located within the Maida Vale Conservation Area

### 6.2 Recent Relevant History

#### 13/12887/FULL

Erection of two storey rear extension including excavation to garden to create additional habitable living space at lower ground floor level.

Application Refused                      5 December 2014

## 7. THE PROPOSAL

Planning permission is sought for the erection of a two storey rear extension at lower ground and ground floor levels. The proposal has been amended during the course of its consideration to remove the balustrade to the rear of the flat roof of the infill extension.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The enlargement of the existing dwellinghouse would accord with Policy H3 in the UDP and Policy S14 in the City Plan. Accordingly the proposal is acceptable in land use terms.

### 8.2 Townscape and Design

A number of objectors are concerned with the design of the proposed extension.

The building forms part of a short terrace with front and rear gardens. The rear of the application site is surrounded by mature trees and vegetation. However, it is overlooked by the properties which form part of Douglas House to the west. The rear of 5 Maida Avenue comprises a 3-4 storey rear closet wing and the basement is largely obscured and contained within a rear lightwell between the closet wing and the neighbouring mansion block. The rear garden is located between lower ground and ground floor levels and is accessed via a short external staircase from the closet wing.

The ground and lower ground floor extension will project 3.6 metres from the rear face of the closet wing and be fully glazed on the rear a side elevations. The lower ground floor infill will only be appreciated by its obscure glazed flat roof and shallow rear elevation; the majority of the structure is contained within the garden level. From ground floor level an external staircase with glass balustrade is proposed.

UDP policy DES 5 seeks to ensure the highest standards of design in alterations and extensions. It specifically states that development should not visually dominate the existing building, be in scale with the existing building and its surroundings and reflect the style and detailing of the host building. Furthermore DES 9 seeks to preserve or enhance the character and appearance of Conservation Areas and states in Part (c) that alterations or extensions to unlisted buildings can, in locally appropriate situations, use modern or other atypical facing materials or innovative forms of building design.

The infill extension at lower ground floor level is not contentious in design terms and is considered to be in accordance with DES 5. Given the limited visibility of the rear of the building, especially at this level given the high boundary wall adjacent to Douglas House, its discreet location and the lightweight nature of the structure the impact on the character and appearance of the Conservation Area is considered to be limited. Furthermore due to its scale and positioning the extension is not considered to be visually dominant.

The 2 storey ground and lower ground floor extension is considered to be appropriate in terms of its form, scale and detailed design. The extension is of a lightweight design, is subservient in scale and is not considered to compete with the host building, therefore is in accordance with UDP Policy DES 5. This setting is appropriate for modern additions and it is considered that the detailed design of the extension allows for the interpretation of the original plan form of the building to remain; therefore being in accordance with DES 9. Due to the change in levels the external staircase is not considered to add visual clutter due to its scale and design in relation with the context of the design of the extensions. Additionally the proposal is in keeping with similar schemes that have been permitted to buildings in the immediate setting, including no.4 Maida Avenue (RN: 10/05004/FULL).

The design and quality of the extensions are of a high standard. Given the simple design, subordinate scale and limited views private views from surrounding neighbouring buildings. In this particular circumstance, the proposal would not detrimentally impact on the character and appearance of the Maida Vale Conservation Area and is considered acceptable in design terms.

Given the above, the proposed development would be consistent with policy S28 of the City Plan and policies DES 1, DES 5 and DES 9 of the UDP.

### **8.3 Residential Amenity**

A number of objections to the proposal have been received from residents of Douglas House which lies to the south west of the site on the grounds of loss of daylight. There is a lightwell to Douglas House at the boundary with 5 Maida Avenue which drops down to basement level therefore the basement windows would be vulnerable to any significant increase in height at this boundary. However, the height of the boundary would remain the same in the proposal. The infill extension then raises less than 10cm in height inside this boundary. The extension at upper ground floor level projecting from the closet wing is approximately 2.5 metres from the boundary. Therefore there would be no significant impact on Douglas House in terms of loss of daylight/sunlight or sense of enclosure.

In terms of impact on 4 Maida Avenue to the north east of the site the addition would have a modest projection along this boundary of just over 3.5 metres and would project

approximately 1.2 metres in height above the existing trellis. Given this modest projection above the existing trellis, the proposed development would not result in unacceptable loss of light or outlook for the occupants of 5 Maida Avenue.

Objections have been received on the grounds of overlooking from the flat roof of the infill extension. This seems to have been due to a misconception that this flat roof was to be used as a terrace which may have in turn been due to the addition of a balustrade in the original submission to the edge of the flat roof. This balustrade has since been removed from the drawings. The proposal does not include the use of any of the extensions flat roofs as terraces and this will be ensured through the recommended conditions.

There are steps including a landing from the projecting extension to the garden level. Although this might afford some fleeting overlooking when occupiers use the staircase there is insufficient space for people to dwell on these stairs or landing area and therefore it is not considered sustainable to refuse the proposal on loss of privacy grounds.

Given the above, the proposed development would be consistent with policy S29 of the City Plan and policy ENV 13 of the UDP.

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

Not applicable as no additional units are being created or parking affected.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

No changes to access are proposed.

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

##### Basement Policy

A number of objectors are concerned with the structural impact of the proposed extension and other issues related to basement development. Although a Construction Management Plan and Structural Methodology has been submitted, the proposal involves the extension of a lower ground floor involving some minor excavation within the rear garden and not the construction of a basement as defined within the City Plan. Therefore the City Councils basement policies are not relevant to this application.

##### Tree Protection

Although not a requirement for development of this scale, the applicant has submitted a construction management plan that indicates and Olive tree and other soft landscaping will be lost from the front garden. The proposed development may also impact protected trees in the rear garden of this and neighbouring sites. On this basis, conditions are recommended requiring replacement planting and tree protection measures.

## 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

Not relevant for development of this scale.

## 9. BACKGROUND PAPERS


1. Application form
2. Response from Building Control - Development Planning, dated 10 October 2016
3. Response from Arboricultural Section, dated 4<sup>th</sup> November 2016
4. Response from Highways Planning dated 17<sup>th</sup> October 2016
5. Letter from occupier of 4 Douglas House, 6 Maida Avenue, dated 20 October 2016
6. Letter from occupier of the coach house,, 2 Maida avenue, dated 21 October 2016
7. Letter from occupier of 3 Douglas House, 6 Maida Ave, dated 10 October 2016
8. Letter from occupier of 12 Douglas House, 6 Maida Avenue, dated 26 October 2016
9. Letter from occupier of 5a Douglas House, 6 Maida Avenue, dated 22 October 2016
10. Letter from occupier of 3 Stafford House, Maida Avenue, dated 23 October 2016
11. Letter from occupier of Flat 1A, Douglas House, Maida Avenue, dated 20 October 2016
12. Letter from occupier of 12 Douglas House, 6 Maida Avenue, dated 27 October 2016
13. Letter from occupier of 9A Douglas House, 6 Maida Avenue, dated 20 October 2016
14. Letter from occupier of 3 Parklands Close, Barnet, dated 23 October 2016
15. Letter from occupier of Flat 2 Stafford House, 1 Maida Avenue, dated 2 November 2016
16. Letter from occupier of 3a Douglas House, 6 Maida Avenue, dated 21 October 2016
17. Letter from occupier of 10A Douglas House, 6 Maida Avenue, dated 21 October 2016
18. Letter from occupier of 8 Stafford House, Maida Avenue, dated 23 October 2016

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

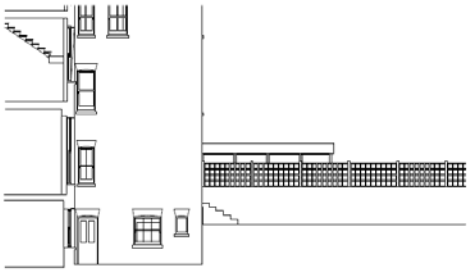
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT [nbarrett@westminster.gov.uk](mailto:nbarrett@westminster.gov.uk).



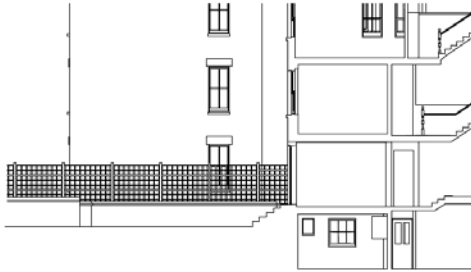
10. KEY DRAWINGS



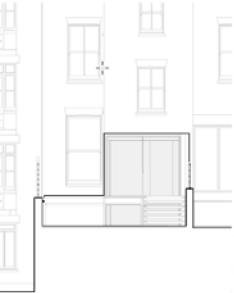
Existing Section AA



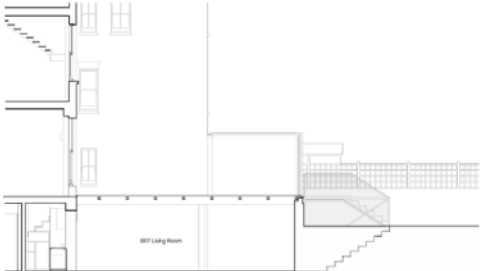
Existing Section CC



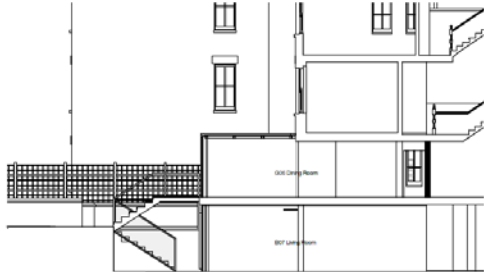
Existing Section DD



Proposed Section AA



Proposed Section CC



Proposed Section DD



Proposed Southwest Elevation

**Existing Elevations/Sections**

**Proposed Elevations/Sections**



**Visualisation of Proposed Extensions (Douglas House to left)**

**DRAFT DECISION LETTER**

**Address:** 5 Maida Avenue, London, W2 1TF

**Proposal:** Erection of two storey rear extension at lower ground and ground floor levels.

**Reference:** 16/09049/FULL

**Plan Nos:** 248\_G\_010RevD; 248\_G\_012RevC; 248\_G\_013RevC; 248\_G\_015RevA;,  
248\_G\_100RevD; 248\_G\_110RevD; 248\_G\_111RevD; 248\_G\_112RevD;  
248\_G\_113RevD; Design and Access Statement.

**Case Officer:** Richard Langston

**Direct Tel. No.** 020 7641 7923

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

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

Reason:

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

- 2 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 (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 4 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 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 apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. 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 using the approved materials. (C26BC)

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 (November 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)

- 6 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 1 year 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 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

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 (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 7 **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 (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

**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 (November 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.

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.