

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 30 January 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Maida Vale	
Subject of Report	121 Randolph Avenue, London, W9 1DN		
Proposal	Erection of single storey outbuilding at end of rear garden. (Retrospective)		
Agent	Mr Alex Cheung		
On behalf of	Mrs Xianqin Deng		
Registered Number	17/10013/FULL	Date amended/ completed	10 November 2017
Date Application Received	10 November 2017		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is an end of terrace property comprising lower ground and 3 upper floors and is located within the Maida Vale Conservation Area. The property has been subdivided into flats.

Permission is sought for the erection of a single storey outbuilding in the rear garden.

The application has received objection from three neighbouring residents. The Paddington Waterways and Maida Vale Society do not raise objection to the application, subject to conditions.

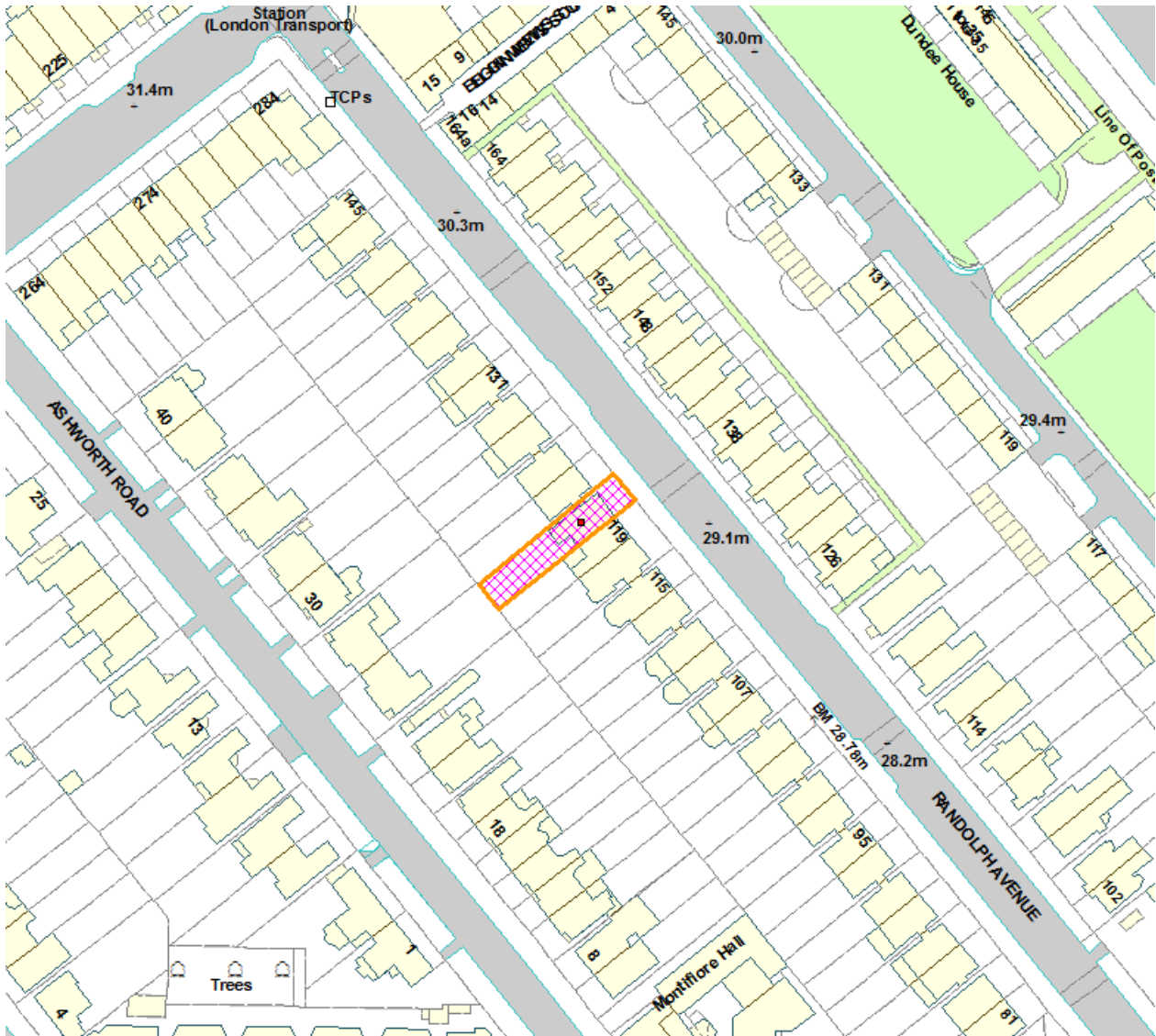
The key issues in this case are:

- The impact of the proposed development on the character and appearance of the St John's Wood Conservation Area.
- The impact of the proposal on the amenity of neighbouring residents.

For the detailed reasons set out in this report, the proposed development is considered to accord with the relevant land use, design, amenity and environment policies in the Unitary Development Plan adopted in January 2017 and Westminster's City Plan adopted in November 2016. Therefore,

subject to the recommended conditions set out in the draft decision letter appended to this report, it is recommended that permission is granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS

PREVIOUS OUTBUILDING



REPLACEMENT OUTBUILDING



CONSULTATIONS

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

No objection; condition recommended to prevent use as overnight sleeping accommodation or self-contained unit. Take neighbours views into consideration.

ARBORICULTURAL MANAGER

Concerns raised that the arboricultural assessment and method statement (submitted during the course of the application at our request) has been submitted following completion of works. Conditions recommended to ensure that the outbuilding does not affect the tree roots of the Poplar tree in the rear garden.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 14

Total No. of replies: 3

No. of objections: 3

Three emails/ letters were received raising objection on all or some of the following grounds:

Design

- Loss of garden space is harmful to the Conservation Area.
- Size of the outbuilding is harmful to the Conservation Area.

Other

- Potential for use as temporary accommodation which would result in disturbance to neighbouring occupiers.
- The works have already taken place without permission.
- Rubbish has been left to the front of the property.
- The works at the property have resulted in noise disturbance.
- The flat at ground floor level has been subdivided.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

5. BACKGROUND INFORMATION

5.1 The Application Site

The application site is an end of terrace property comprising lower ground and 3 upper floors and is located within the Maida Vale Conservation Area. The property has been subdivided into flats.

5.2 Recent Relevant History

14/09597/FULL

Single storey rear extension to garden flat and enlargement of front patio area at No.121A.

Application Permitted

27 November 2014

6. THE PROPOSAL

Planning permission is sought for the erection of an outbuilding in the rear garden of the site. This application is retrospective.

The design and access statement states that there was an existing outbuilding in the garden prior to August 2017. A photograph of this has been supplied.

7. DETAILED CONSIDERATIONS

7.1 Land Use

The proposed outbuilding will be used as ancillary accommodation to the existing lower ground floor flat (Flat A). The outbuilding therefore comprises an extension to the existing residential unit and the provision of additional residential floorspace is supported by Policy H3 in the UDP. The application is therefore acceptable in land use terms.

Concerns have been expressed that the outbuilding could be used as "Air BnB" temporary sleeping accommodation or holiday lettings. As the outbuilding would provide ancillary residential accommodation for the existing lower ground floor flat it could be used by the occupiers of that flat in any way that is incidental to the enjoyment of their flat as a single unit of residential accommodation. This could include occasional use as overnight sleeping accommodation, perhaps to accommodate an overnight guest. However, practically it is unlikely to be used regularly for this purpose given its significant separation from the main property. Should it be more intensively as a self-contained unit of residential accommodation this would amount to a material change of use requiring planning permission, which would be unlikely to be forthcoming. A condition restricting its use to only the use by residents of the lower ground floor flat is recommended.

7.2 Townscape and Design

The relevant policies are DES 1 and DES 9 of Westminster's Unitary Development Plan and S28 of Westminster's City Plan.

The outbuilding has a footprint of 3.8m by 5.0m and a maximum height of 2.5. It is set in from the rear boundary by 0.8. The outbuilding is constructed of wood panels with a felt roof and timber framed windows and doors.

Objections have been received from adjoining occupiers on the grounds that the as a result of the size of the outbuilding, and the other landscaping works that have taken place, result in harm to the character of the surrounding conservation area.

The outbuilding has a pitched roof and limited to a single storey and is located at the end of the rear garden of the site. In this location, whilst visible in some private views, it is not visible in the street scene. Whilst it is visible from neighbouring properties, it is considered to be relatively discreet and not a visually dominant structure in the private views along the terrace.

Given the relatively generous dimensions of the rear garden it is considered that the footprint and height of the building are acceptable and it would be clearly subservient to the main property. In this context the objections to the size of the proposed outbuilding cannot be supported. Furthermore, from the photos provided of the previous outbuilding, it appears that the replacement is of a similar size and footprint of what was previously in place.

In terms of its detailed design, the use of timber is considered to be appropriate and would ensure the simply detailed outbuilding has the appearance of a typical domestic garden structure. A condition is recommended to require the timber to be stained a darker colour to ensure that the outbuilding sits within the garden more appropriately.

The outbuilding is considered to be acceptable in design terms and would not harm the character and appearance of this part of the Maida Vale Conservation Area. Accordingly, the proposal would accord with Policies DES 1 and DES9 in the UDP and Policies S25 and S28 of the City Plan.

7.3 Residential Amenity

The relevant policies are ENV 13 of Westminster's Unitary Development Plan and S29 of Westminster's City Plan.

Given its location at the end of the rear garden, which is a minimum of 15m from the rear of the adjacent neighbouring properties, and the properties to the rear of the site in Ashworth Street, it is not considered that the proposal will result in any loss of light, overlooking or increase sense of enclosure to the neighbouring occupiers. Furthermore, the outbuilding is in the same location as a previous outbuilding, which appears to have been of the same footprint.

The proposal is considered to comply with the relevant policies and be acceptable in terms of residential amenity.

7.4 Transportation/Parking

The proposal does not represent an increase in residential units and no loss of parking is proposed. As such, the proposal complies with policy TRANS 23.

7.5 Economic Considerations

No economic considerations are applicable for a development of this size

7.6 Access

The access arrangements to this private dwelling will remain unchanged.

7.7 London Plan

This application raises no strategic issues.

7.8 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.

7.9 Planning Obligations

Planning obligations are not relevant in the determination of this application.

7.10 Environmental Impact Assessment

The development is of insufficient scale to require an Environmental Impact Assessment.

7.11 Other Issues

TREES

The City Council's arboricultural officer initially raised concerns that the application had not been accompanied by a tree survey or an arboricultural assessment; that it appears that there has been a level change in the garden to allow for the siting of the outbuilding and that finally a building of this type would require a specific raised foundation to ensure that there was no harm to the neighbouring Poplar tree in the garden to the rear on Ashworth Road.

An assessment has now been submitted with the application which indicates that there have been no level changes to the land to which the outbuilding sits on (there has been some removal of the main part of the garden and landscaping) and the type of additional foundations which were laid, taking into consideration that the outbuilding sits in the same location as the existing outbuilding. Whilst it is regrettable that the works have already been completed, the arboricultural officer considers that subject to remedial conditions, the proposed outbuilding is unlikely to harm any neighbouring trees. At the time of writing appropriate conditions were being drafted.

Comments have been made that the site is messy as a result of the works to implement permission 14/09597/FULL. This has resulted in the removal of all the existing landscaping, and again whilst regrettable, it is not reasonable to condition the submission of a further landscaping control. The removal of the landscaping does not in itself require planning permission. It should be noted that permission 14/09597/FULL did not control any scope of landscaping.

OTHER

Objections have been received relating to other works that have been carried out without planning permission. This application has been submitted as a result of enforcement investigations. Planning permission cannot be withheld on these grounds and has to be assessed on its own merits.

Further objections have been revived on noise grounds and that the site has been messy whilst works to implement permission 14/09597/FULL have taken place. Again, these are not reasons to withhold permission and as the works have already been carried out a condition regarding the hours of work is unnecessary.

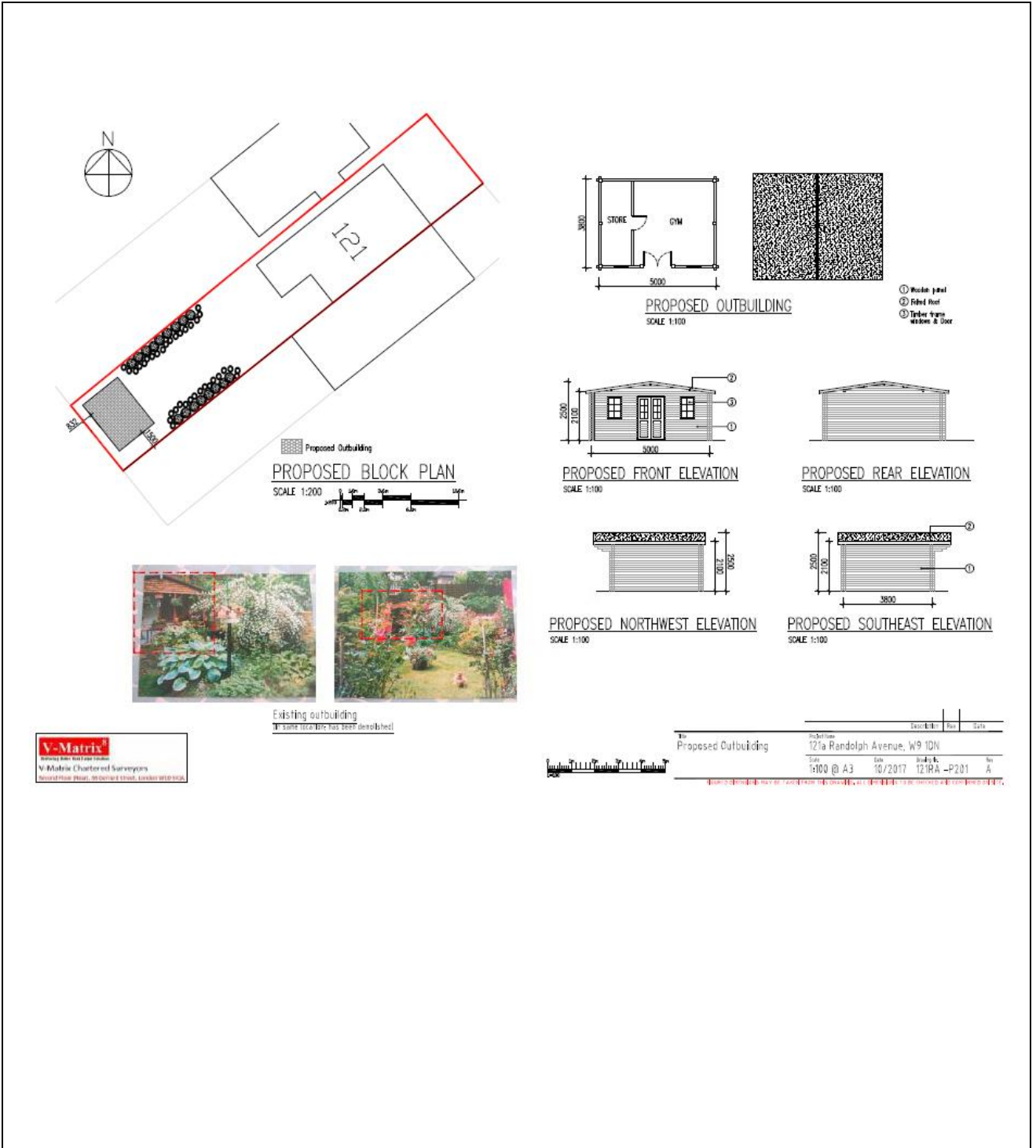
8. BACKGROUND PAPERS

1. Application form
2. Response from Paddington Waterways & Maida Vale Society, dated 23 November 2017
3. Letter from occupier of 119B Randolph Avenue, London, dated 30 November 2017
4. Letter from occupier of Flat 1 121 Randolph Avenue, Maida Vale, dated 6 December 2017
5. Letter from occupier of 78 Londonderry Drive, Killarney Heights, dated 8 December 2017
6. Response from City Council's arboricultural officer dated 10 January 2017.

(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: KIMBERLEY DAVIES EMAIL AT kdavies1@WESTMINSTER.GOV.UK.

9. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 121 Randolph Avenue, London, W9 1DN

Proposal: Erection of single storey outbuilding at end of rear garden (retrospective).

Reference: 17/10013/FULL

Plan Nos: 121RA-P201 rev A; 121RA-P00; V-Matrix Design and Access Statement; Arboricultural Report - ha/an1/121randolphave.

Case Officer: Victoria Coelho **Direct Tel. No.** 020 7641 6204

Recommended Condition(s) and Reason(s)

1 The development permitted shall be carried out in accordance with the drawings and other documents 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 in the interests of proper planning.

2 The garden/ gym room structure approved shall not be occupied at any time other than for purposes ancillary to the enjoyment of the leasehold flat as a self-contained residential dwelling.

Reason:
To ensure that the impacts of using this building as a separate unit of accommodation/ as a commercial premise can be properly assessed in the future by the City Council in terms of its impact on neighbouring resident's amenity, the building's sustainability, the provision of amenity space, and the impact on traffic and parking.

3 Within 3 months of this decision you must apply to the City Council for the approval of detailed drawings showing the following alterations to the scheme:

- Application of a darker stain to all elevations of the outbuilding,

You must permanently retain the darker stain on the building in accordance with the drawings we approve pursuant to this condition.

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 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)

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.