

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 29.02.2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved Westbourne	
Subject of Report	85 Marylands Road, London, W9 2DS		
Proposal	Installation of rear dormer in connection with use of ground and upper floors as three residential dwellings.		
Agent	Mr Paul O'Neill		
On behalf of	Mr C Savva		
Registered Number	18/02096/FULL	Date amended/ completed	30 October 2018
Date Application Received	13 March 2018		
Historic Building Grade	Unlisted		
Conservation Area	Not applicable.		

1. RECOMMENDATION

Grant conditional permission, subject to a Grampian condition to secure mitigation for the increased demand for on-street car parking.

2. SUMMARY

Permission is sought for the installation of a rear dormer extension in connection with the use of the ground, first, second and attic floors of the property as three flats, 2 x 1 bedroom flats and 1 x 3 bedroom maisonette. Two objections have been received from adjoining neighbours with respect to design, amenity and biodiversity.

The key considerations are:

- The impact of the proposed extension on the character and appearance of the property and surrounding area
- The impact on the amenity of neighbouring residents

The proposed development would be consistent with relevant design and amenity policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and as such the application is recommended for approval subject to conditions set out in the draft decision letter.

3. LOCATION PLAN

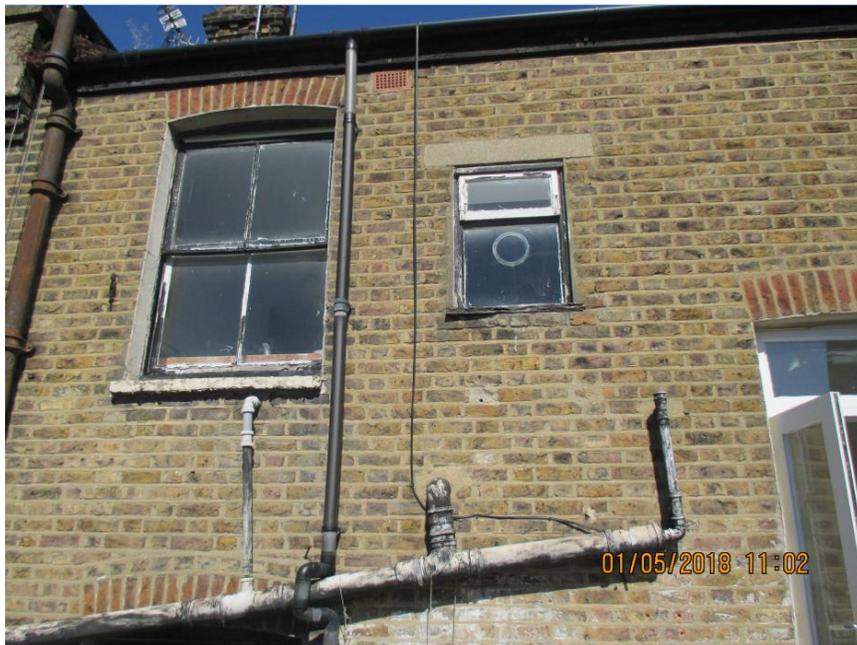


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4. PHOTOGRAPHS



Front elevation



Rear elevation

5. CONSULTATIONS

ORIGINAL CONSULTATION

(including re-consultation following revised drawings and change of description omitting the terrace and associated works)

NORTH PADDINGTON SOCIETY

Any response to be reported verbally

HIGHWAYS PLANNING MANAGER

Objection on grounds of no off-street parking provision; a condition requiring provision of cycle parking spaces.

WASTE PROJECT OFFICER

No objection subject to a condition requiring a revised plan to be submitted indicating proposals for storage of residual waste and recyclable materials

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 13

Total No. of replies: 4 from 2 neighbouring addresses (including a duplicate)

No. of objections: 3 from 2 neighbouring addresses

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

The issues raised by the objections are summarised as below:

Design

- Proposed dormer is disproportionately large and would loom oppressively over our house

Amenity

- Proposed dormer is large and would be oppressive; it would make our roof and roof terrace feel like a tunnel, trapped as it would be by huge mansards on both sides. (sense of enclosure);
- It would steal light from the rear of our house as well as from our rooflights
- The kitchen of the proposed layout of the 1st floor flat will be next to the party wall which would result in noise disturbance from a washing machine.
- Use of the terrace would impact on the privacy of the flat on the lower ground floor of building;

Other

- The existing layout of the property as shown on the submitted drawings is incorrect and misleading, implying that there were a greater number of self-contained dwellings than had been in reality;

- The proposed 1-bedroom flats include rooms annotated as 'study'; it is obvious that these will be marketed as a second bedroom leading to overcrowding and nuisance and not meeting the space standards; these two flats could be used for short-term lets, such as Air B&B.
- There is a swift colony which has nested within the roof of the property for several years and these should be protected
- Anti-social behaviour of builders on site;
- Site left in a poor state and building materials left lying around
- Noisy work being carried out on weekends
- The plan for the 3-bedroom flat is suggestive of a plan to build an extra storey on the flat roof at the rear

RECONSULTATION *on revised drawings on reduced size dormer*

NORTH PADDINGTON SOCIETY

Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 16

Total No. of replies: 0

6. BACKGROUND INFORMATION

6.1 The Application Site

No.85 Marylands Road is an unlisted terraced property comprising of basement, ground, first, second floors and loft storey, situated on the south side of Marylands Road, outside of a conservation area. The basement floor is occupied as a self contained flat and the upper floors a maisonette. To the rear, the property has an existing small rear dormer extension. The flat roof to the rear closet wing is accessed via a second floor landing door and there are metal railings to this roof. However these are considered to be unauthorised having been the subject of investigation by the City Council's planning enforcement team.

This application relates only to the ground and upper floors. However, a separate planning application to retain the door and railings and the use of the flat roof as a terrace is also reported to this same planning committee under planning application reference 18/03431/FULL.

6.2 Recent Relevant History

Pending application for installation of door and metal railings associated with the use of the rear flat roof as a terrace. (Retrospective) 18/03431/FULL

Enforcement Investigation:
18/66786/M

External alterations including the creation of a roof terrace and associated conversion of residential unit at ground and upper floors into three flats. *Case opened 6 February 2018; Still under consideration*

7. THE PROPOSAL

The application seeks permission for a rear dormer extension, and the conversion of the existing maisonette at ground, first, second floor levels together with the enlarged loft space as three residential units. This will comprise of 2 x 1 bedroom flats on the ground and first floors and a 1 x 3-bedroom maisonette on the second and top floor.

The application has been revised during the course of the application by way of a reduction in the size of the proposed rear dormer and to omit from the drawings reference to the unauthorised terrace, door and railings. Subsequent re-consultation was carried out.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed conversion of the maisonette into 3 flats results in a ground floor 1-bedroom flat; a first floor 1-bedroom flat and a second and loft floor 3-bedroom maisonette. The proposed flats range from 54.9m² to 78.7m². In terms of the quality of the internal space for occupants, the flats meet the internal space standards of the London Plan and the Government's Technical Housing Standards (March 2015). As such, the residential accommodation provided would be of an acceptable standard.

A neighbour has commented on the layout of the two proposed 1-bedroom flats on the ground and first floors, suggesting that the rooms annotated as 'study' for these flats are likely to be used as second bedrooms and hence these would not be 1-bedroom flats. The proposed 1-bedroom flats comply with the minimum floor space standards for this sized dwelling as set out in the London Plan and the Government's Technical Housing Standards (March 2015). An informative will remind the applicant that these two flats are 1-bedroom flats and that if used as 2-bedroom flats they would not meet the minimum standards. However, the number of occupants within a flat, nor the alternative use of a study as a bedroom, can otherwise be controlled by planning condition, nor can this warrant withholding permission.

It is recognised that the proposal will result in the loss of a large flat; however, this unit is not a single family dwellinghouse and does not have garden access. City Plan policy S14 on optimising housing delivery is therefore relevant. The application proposes to increase the number of units on the site, and includes the provision of a 3-bedroom maisonette on the second and third floor levels. The principle of the proposal is therefore considered to be in line with Westminster's City Plan Policy S14.

Policy S15 of the City Plan and Policy H5 (a) of the UDP require a range of housing sizes to be provided. The development would provide two additional residential units, comprising of 2 x 1 bedroom flats and a 3-bedroom maisonette, which would accommodate a family.

Accordingly, the proposed development is acceptable in land use terms.

8.2 Townscape and Design

The proposed dormer, as revised, is to be centrally located on the rear dormer; the dormer cheeks are set back from the party walls by 1.2m, is well below the ridge of the roof (0.6m) and retains a portion of the existing lower roof slope (1.5m). There are two windows proposed which are to be in keeping with the character of those of the host building.

The scale, bulk and design of the dormer is considered acceptable, especially as the dormer would be seen against existing similar scaled rear dormers with a mixture of window arrangements existing within the terrace. Therefore, the dormer would not harm the character and appearance of the building of the wider townscape. Subject to a condition requiring materials to match. The proposed development satisfies Policies DES 1, DES5 and DES 6, in the UDP and policy S28 of our City Plan.

8.3 Residential Amenity

The proposed rear dormer extension has been revised and reduced in size since original submission and is now centrally located within the roof slope and set in from all sides. Given the size of the dormer and its relationship with adjoining neighbouring properties it is not considered to give rise to any adverse amenity implications (daylight /sunlight or sense of enclosure). Such a relationship between properties is commonplace and the objection raised on these grounds (to the originally proposed larger dormer) are therefore not supported by officers. For these reasons the proposal is considered to satisfy policy ENV 13 of Westminster's Unitary Development Plan and S29 of Westminster's City Plan.

Whilst a neighbour of an adjoining property has raised concern with respect to noise and disturbance from the proposed location of the kitchen to a party wall and the potential for a washing machine to cause noise and disturbance to their flat. The location of a kitchen and associated appliances are not controlled under planning legislation and this concern is therefore not a valid planning consideration.

Whilst the submitted drawings indicate access to the second floor flat roof, as the use of this roof and associated access and railings is the subject of a separate planning application, it is considered necessary and relevant as part of this particular application to prevent the use of the flat roof as a terrace by the imposition of a condition. The objection raised to a proposed terrace is therefore not relevant to the determination of this application.

8.4 Transportation/Parking

The proposal would result in an increase in the number of residential units on site from two to four. No off-street car parking, cycle storage or waste provision has been provided. The Highways Planning Manager has raised objection to the lack of off-street car parking on grounds that the area has already exceeded 80% on-street car parking

occupancy overnight (82%) and that the proposal will add to the stress levels contrary to TRANS23 of our UDP. Given the high priority given to the provision of additional residential units, it is considered that subject to mitigation of the demand for on-street car parking (lifetime car club membership), that the proposal can be considered acceptable. Details of cycle and waste provision are proposed to be secured by condition.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

No change to existing arrangements.

8.7 Other UDP/Westminster Policy Considerations

Not applicable

8.8 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12 November 2018 and closed on Friday 21 December 2018. Following this informal consultation, any representations received will be considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF, the policies of the emerging draft City Plan are given little to no weight at the present time.

8.9 Neighbourhood Plans

There is currently no Neighbourhood Plan, or draft Neighbourhood Plan for the area in which the application site is situated.

8.10 London Plan

This application raises no strategic issues.

8.11 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.

8.12 Planning Obligations

Mitigation of the demand for on-street car parking is proposed to be secured by way of a Grampian condition. This is likely to secure lifetime car club membership for the two additional residential units.

The development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). Based on an additional 190m² of floorspace (GIA) as stated on the applicant's CIL form, the estimated CIL payment would be £44,590.41 for Westminster's CIL (£200 per square metre in Residential Fringe) and £13,547.09 for the Mayor's CIL (£50 per square metre in Zone 1). However, a more formal assessment of how much CIL is payable following a decision should the application be supported.

8.13 Environmental Impact Assessment

The application is of insufficient scale to require the submission of an Environmental Impact Assessment.

8.14 Other Issues

Biodiversity

Two residents have raised concern as to the potential impact of the development on a swift colony nesting within the roof of the property. Officers are unclear as to whether this is the case or not. However, as a precaution a condition is to be recommended to secure evidence on this matter. In the event that nesting swifts are found to be present (nesting/eggs found) in the building the applicant would be required to provide details of a programme of works to prevent harm to the birds and protect the nesting site by requiring new opportunities for nesting on the site. The applicant will also be advised by way of an informative of the requirements of the Wildlife and Countryside Act 1981 which protects all birds, their nests and eggs.

Construction

Objectors have also raised concern as to noise and disturbance resultant from some decoration/renovation works that have been taking place. The City Council's standard hours of noisy works condition is recommended to minimise the impact of works on residents. With respect to objections in relation to anti-social behaviour from builders on site, security and building materials, these are not planning matters. However the applicant is to be advised by way of an informative to join our Considerate Constructor's Scheme.

A concern has been raised with regards to the potential to extend the closet wing upwards. This is not proposed under this application.

(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: **SARAH WHITNALL** BY EMAIL AT swhitnall@westminster.gov.uk

9. KEY DRAWINGS

Existing drawings

The drawing set includes the following views:

- Roof Floor Plan:** Shows the layout of the roof structure with a north arrow.
- Second Floor Plan:** Shows the internal layout of the second floor.
- First Floor Plan:** Shows the internal layout of the first floor.
- Ground Floor Plan:** Shows the internal layout of the ground floor.
- Rear Elevation:** Shows the exterior facade of the rear of the building.
- Section A:** A vertical cross-section showing the internal structure, including a staircase and roof structure.
- Front Elevation:** Shows the exterior facade of the front of the building.

Section A Details: Labels include "Slate Paved Roof" and "Roof Plan".

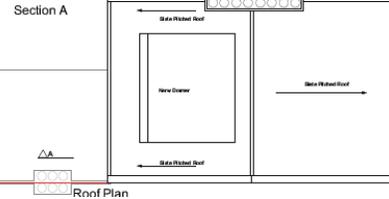
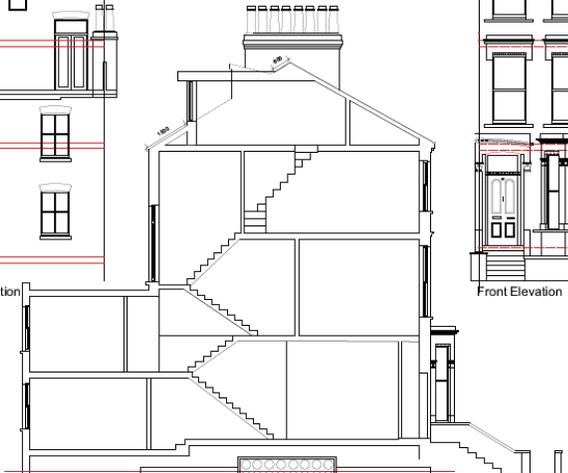
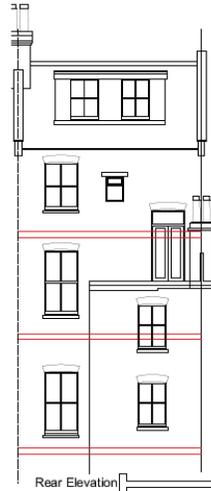
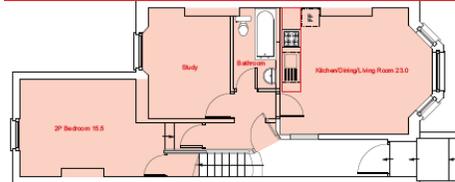
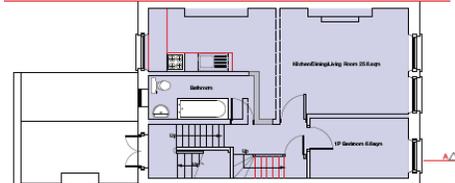
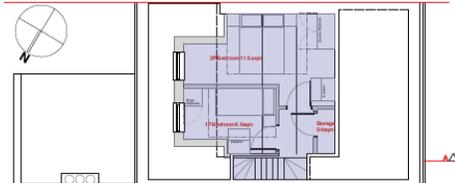
Client and Project Information:

- Client: The Titan Group
- Job Title: 85 Marylands Road London W9 2DS
- Drawing: As Existing (Planning)
- Scale: 1:50 @ A1
- Dwg No: MR/P/1
- Date: Mar. 2018
- Rev: 5

Architect Information:

- Monahan Blythen Hopkins Architects
- 160 Grosvenor Road London EC2A 3DF Tel: 020 7350 9100 Email: info@mbharchitects.co.uk

Proposed drawings



Monahan Blythen Hopkins architects
Client: The Titan Group
Job Title: 85 Marylands Road London W9 2DS
Drawing: Proposals (Planning)
Scale: 1:50@A1 Date: Mar. 2018
Dwg No: MR072 Rev: 0

DRAFT DECISION LETTER

Address: 85 Marylands Road, London, W9 2DS

Proposal: Installation of rear dormer in connection with use of ground and upper floors as three residential dwellings.

Reference: 18/02096/FULL

Plan Nos: Site location plan; MR/P/1 Rev:B; MR/P/2 Rev D; For Information Only: Planning Statement

Case Officer: Avani Raven

Direct Tel. No. 020 7641 2857

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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the flats. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 5 You must apply to us for approval of details of secure cycle storage for the residential use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2016 (R22FA)

- 6 You must not use the flat roof of the rear closet wing 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)

- 7 Before the development is commenced including prior to any demolition, a survey shall be carried out as to whether any birds are present within the building. Details of this bird survey and inspection results shall be submitted to and approved by the City Council in consultation with Natural England. In the event that birds are found to be present on site you are required to:-, a) set out a programme of works which avoid nesting season and prevent harm to the birds., b) provide details including location of new opportunities for nesting birds on site (bird boxes etc.), , Thereafter carry out the work according to these approved details.

Reason:

In order to ensure that protected birds and their habitats are not harmed as set out in policy ENV17 of our

Unitary Development Plan that we adopted in January 2007.

- 8 You must not use any part of the development until we have approved appropriate arrangements to secure the following., , Mitigation for the potential impact of additional cars being parked on-street in the vicinity of the site, , In the case of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BA)

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan (November 2016) and in TRANS23 of our Unitary Development Plan that we adopted in January 2007. (R19AC)

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, neighbourhood plan (where relevant), 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 **HIGHWAYS LICENSING:**, 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., , **CONSIDERATE CONSTRUCTORS:**, 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, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk., , **BUILDING REGULATIONS:**, You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>
- 3 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies,

including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil, , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 4 The applicant is advised that under the Wildlife and Countryside Act 1981 all birds, their nests and eggs are protected by law and it is therefore an offence to intentionally:
 - o Kill, injure or take any wild bird,
 - o Take, damage or destroy the nest of any wild bird whilst it is in use or being built,
 - o Take or destroy the egg of any wild bird

- 5 The applicant is advised that the proposed flats at ground and first floor level are 1-bedroom flats and meet the Government's Technical Housing Standards (March 2015) and this application has been assessed on that basis. Should the room annotated as 'study' in these flats be used as an additional bedroom, this would not meet the Government's Technical Housing Standards for a 2-bedroom flat and therefore be considered sub-standard accommodation.

- 6 In respect of condition 8, the applicant is required to provide mitigation of the impact of additional cars being parked on street as a result of the development by entering into a unilateral undertaking to provide Lifetime Car Club Membership for Residential Occupiers. The Car Club operator must be a CarPlus member.

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.