

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	Retention of door and metal railings associated with the use of the rear flat roof as a terrace.		
Agent	Mr O'Neill		
On behalf of	Mr Chris Savva		
Registered Number	18/03431/FULL	Date amended/ completed	25 May 2018
Date Application Received	26 April 2018		
Historic Building Grade	Unlisted		
Conservation Area	Not applicable		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Permission is sought for the retention of a door and metal railings associated with the use of the rear closet wing roof as a terrace. Four representation have been received including two objections on various grounds including the retrospective nature of the application and on amenity, structural and biodiversity grounds.

The key considerations are:

- The impact of the development on the character and appearance of the property and surrounding area;
- The impact on the amenity of neighbouring residents

The proposed development satisfies the 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



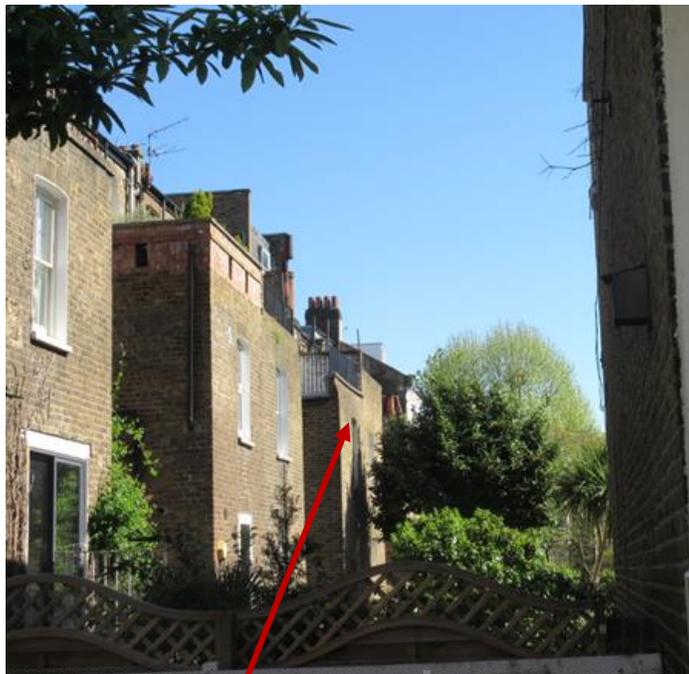
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4. PHOTOGRAPHS

Front elevation



Rear elevation (as viewed from Sevington Street)



View from flat roof towards boundary with no. 83 Marylands Road



Installed door for access to flat roof



View of party wall with no. 87 Marylands Road



5. CONSULTATIONS

NORTH PADDINGTON SOCIETY

Any response to be reported verbally,

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 12

Total No. of replies: 4

No. of objections: 2

No. of neutral comments: 2

No. in support: 0

Issues/comments made are summarised below:

Amenity:

- the use of the terrace would impact on privacy of use of the patio and garden directly below;

Other:

- There has been no consultation or permission sought prior to the installation of door and railings;
- The information on the form is incorrect regarding when work commenced and completed; work has commenced/co recently and not over 10 years ago as stated on the form; they were installed in January/February 2018 and not on 1 May 2008 as stated on the application form;
- The French door is clearly brand new;
- I understand it is Westminster's policy not to liven up flat roofs as balcony areas
- Concerned about the safety of the terrace in use; the rear wall under the flat roof is bowed which and potentially unstable for use and a safety risk- particularly for children jumping about on the terrace;
- There are a colony of swifts nesting in the roof of the property which would be affected;

PRESS ADVERTISEMENT / SITE NOTICE: Yes

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 second floor landing area and closet wing. A separate planning application for a rear dormer extension and the conversion of the ground and upper floor maisonette to 3 flats is also reported to this same planning committee under planning application reference 18/02096/FULL.

6.2 Recent Relevant History

Pending application for Installation of rear dormer in connection with use of ground and upper floors as three residential dwellings. (18/02096/FULL)

7. THE PROPOSAL

This application, which following investigations by our Planning Enforcement Team into unauthorised works to create a terrace, seeks retrospective permission for the installation of a door and railings to the roof of the rear closet wing extension associated with its proposed use as a terrace.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposal does not raise land use issues.

8.2 Townscape and Design

The white upvc double doors that have been installed to the rear of the property at second floor landing level provide access from the internal staircase of the property to the roof of the closet wing. The railings installed around the edge of the flat roof are 1.1m high black painted metal railings. The door and railings are not uncommon features and are existing on the adjoining property at No.83 Marylands Road as well as other properties along this terrace. Whilst the railings are visible from the public domain when viewed from Sevington Road at the junction with Marylands Road, other railings to this terrace are also visible in this view. For these reasons and due to their design and location the works are not considered to be harmful to the character and appearance of the building or in townscape views. As such, the door and railings are considered acceptable in design terms in accordance with DES1 and DES5 of the UDP and City Plan policy S28 of the City Plan.

8.3 Residential Amenity

The closet wing to no.85 Marylands Road is attached to the neighbouring property at no. 83. Although the flat roof at No. 83 is accessed via a window, the roof appears to be used as a terrace. The use of the flat roof at no.85 would therefore result in mutual

overlooking between these two properties. There is a party wall chimney at this level between these two properties, which partially restrict overlooking between the properties. However to further minimise overlooking, a condition is recommended to require an additional screen to fill the gap along the party wall between the chimney and the rear wall of the properties.

Given the relationship between the terrace and other surrounding residential flats, and the size and domestic use of the terrace, it is not considered that the terrace would give rise to any significant overlooking or noise disturbance to neighbours.

An objection has been received on the grounds that the privacy of the lower ground floor Garden Flat at no. 85 Marylands Road would be affected by the use of the flat roof as a terrace. This area is already overlooked by other existing terraces and it is not considered that the use of the roof at no. 85 would be unduly harmful compared to the current situation. Similarly, the issue raised regarding noise and disturbance as a result of the use of the terrace would not be significantly greater than the current situation where both neighbouring properties at no. 83 and 87 have flat roofs being used as terraces. It is therefore not considered reasonable to withhold permission on this ground.

As such, the proposal is considered to satisfy policy ENV13 of the UDP and S29 of the City Plan.

8.4 Economic Considerations

No economic considerations are applicable for a development of this size

8.5 Access

No change to existing arrangements.

8.6 Other UDP/Westminster Policy Considerations

None

8.7 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.

8.8 Neighbourhood Plans

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

8.9 London Plan

This application raises no strategic issues.

8.10 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.

8.11 Planning Obligations

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

8.12 Other Issues

Biodiversity

One resident has 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. Notwithstanding this, the proposed development has already been completed and did not relate to the roof. As such, this concern is not relevant to the determination of this application. Notwithstanding this, the application will 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.

Retrospective nature of application

Neighbours have said that the door and railings were installed recently, in January/February of 2018 and not in May 2008 as stated by the applicant on their form. At the time of the application the door and railings were in situ and the applicant had been advised that there was no planning records for them to confirm these were authorised. The applicant proceeded by submitting an application for retrospective planning permission. The application has been determined on its merits and the retrospective nature of the proposal is not a reason to withhold permission

Structural

The query raised as to the safety and stability of the flat roof to accommodate a terrace is not a material planning consideration.

(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

DRAFT DECISION LETTER

Address: 85 Marylands Road, London, W9 2DS

Proposal: Installation of door and balustrade associated with the use of the rear flat roof as a terrace. (Retrospective)

Reference: 18/03431/FULL

Plan Nos: Site location plan; MR/P/4;

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 Prior to the use of the terrace you must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme: a proposed screen between the chimney and the rear elevation of the building on the boundary between No 85 and No.87 Marylands Road to prevent overlooking between the properties. The details of the screen must include its height for terrace level, appearance and materials. The approved screen must thereafter be installed and thereafter maintained in situ.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

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** This decision letter does not provide an exemption from the requirements to comply with the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000, or any acts offering protection to wildlife. Of particular note is the protection offered to bats, birds and their nests, whilst being built or in use. Failure to comply with the Acts may result in a criminal prosecution. Should you require any further information on this subject please contact the London Office of Natural England on 0300 060 4911.

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.