

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 26 March 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved Westbourne	
Subject of Report	34 Aldridge Road Villas, London, W11 1BW		
Proposal	Erection of single storey rear extension at lower ground floor level and alterations to fenestration at rear ground floor level.		
Agent	Newman Zieglmeier		
On behalf of	Mimi Pakenham		
Registered Number	18/09126/FULL	Date amended/ completed	25 October 2018
Date Application Received	25 October 2018		
Historic Building Grade	Unlisted		
Conservation Area	Aldridge Road Villas and Leamington Road Villas		

1. RECOMMENDATION

Grant condition permission.

2. SUMMARY

This application relates to an end of terrace single-family dwellinghouse located within the Aldridge Road Villas and Leamington Road Villas Conservation Area. Permission is sought for the erection of a rear extension at lower ground floor level that projects 4.56m from the original rear elevation. The extension has been partially constructed on site and therefore the current application is partially retrospective.

Planning permission was previously granted in August 2017 (RN: 17/05558/FULL) for a similarly detailed lower ground floor extension, which extended 3.5m from the original rear elevation. Prior to that permission was refused in June 2017 (RN: 17/03197/FULL) for a similarly detailed rear extension that would have projected 5.0m from the original rear elevation with a roof terrace above at ground floor level. This permission was refused on design and amenity grounds, as set out in Section 6.2 of this report.

Objections have been raised in relation to the design and scale of the extension and on amenity grounds in terms of the impact of the extension on light reaching neighbouring windows and the

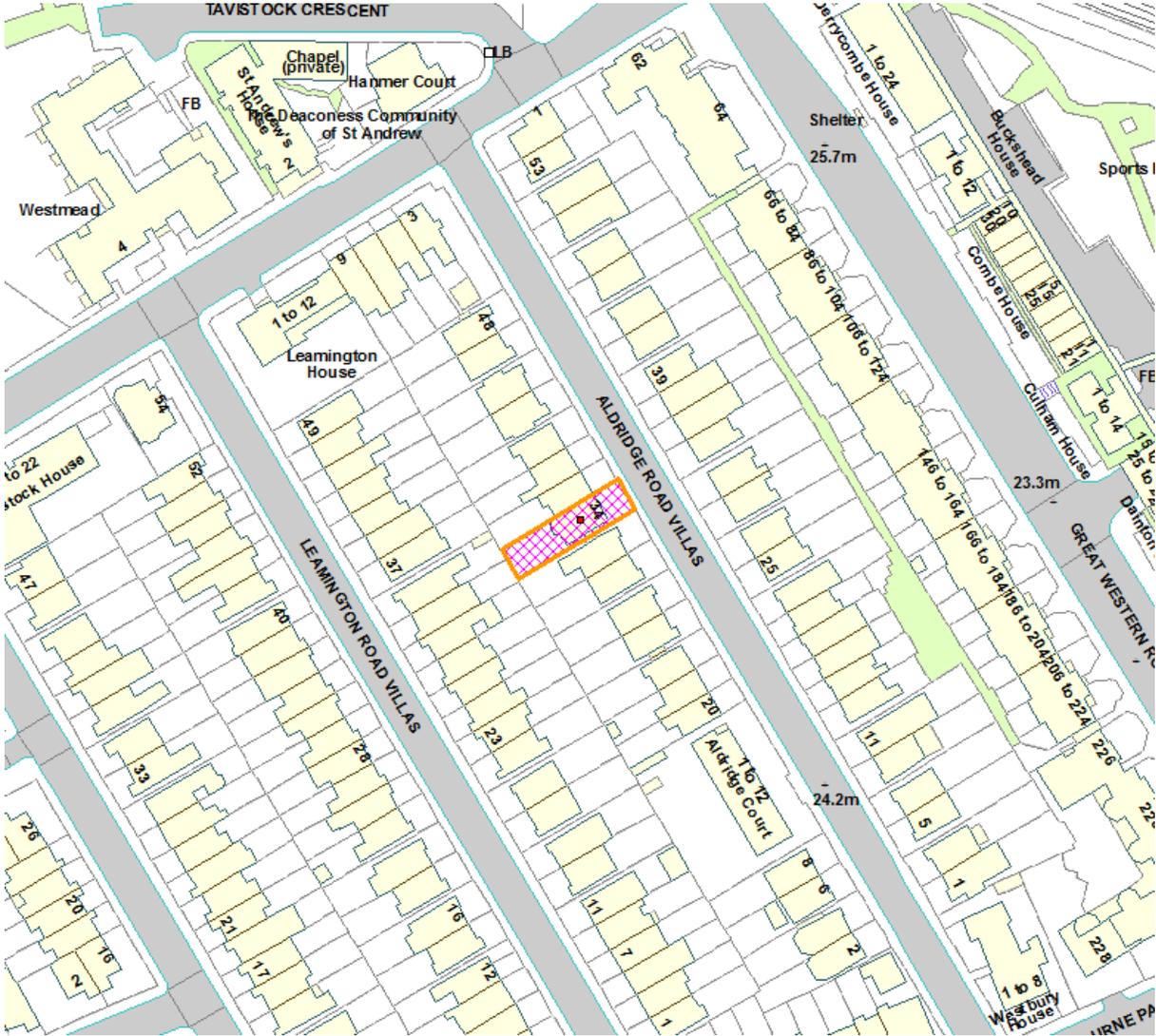
degree to which it would cause an increased sense of enclosure. Concern has also been expressed that the development being carried out not in compliance with the previous planning permission.

The key issues in this case are:

- The impact of the development on the appearance of the building and the character and appearance of the Aldridge Road Villas and Leamington Road Villas Conservation Area.
- The impact on the amenity of neighbouring occupiers.

Despite the objections raised, and subject to the recommended conditions as set out in the draft decision letter, it is considered that the proposed development is acceptable in design and conservation and amenity terms and would accord with the relevant policies in the Unitary Development Plan adopted in January 2007 ('the UDP') and Westminster's City Plan adopted in November 2016 ('the City Plan'). As such, the application is recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation (top) and pre-existing rear elevation (bottom).



Existing rear elevation.

5. CONSULTATIONS

WARD COUNCILLORS (WESTBOURNE)

Any response to be reported verbally.

NORTH PADDINGTON SOCIETY

Any response to be reported verbally.

NOTTING HILL EAST NEIGHBOURHOOD FORUM

Object on grounds that the extension is overdevelopment and overcrowding; loss of garden, loss of privacy, energy consumptive, loss of greening and un-neighbourly; if everybody did this what will be left of the rear of properties.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 15.

Total No. of replies: 5.

No. of objections: 2.

No. in support: 3.

Two representations received raising objection on all or some of the following grounds:

Design

- The extension is poorly designed and excessive in size.

Amenity

- The extension is an oppressive and overbearing structure abutting neighbour's private rear amenity space.
- Ground floor French doors above the extension should be inward opening with a balustrade in front of them as per the previously approved scheme to prevent access onto the flat roof.

Other Matters

- The additional projection was unacceptable in 2017 and there has been no policy change since.
- It would not be credible to approve what was so recently refused merely because the applicant built it anyway; enforcement action should be taken.
- Cannot understand how the Council could allow people to build beyond their planning permission; it would encourage others to do it and make a mockery of the entire planning process.

ADVERTISEMENT/ SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site is an unlisted end-of terrace property in use as a single-family dwellinghouse located on the western side of Aldridge Road Villas within the Aldridge Road Villas and Leamington Road Villas Conservation Area.

The current application relates to the ground and lower ground floors. The rear extension that is the subject of this application has been partially built at lower ground floor level, although work on the extension has ceased following the opening of a planning enforcement investigation and pending the outcome of this application. At ground floor level French doors have been inserted into the bay window, but these open outward, rather than inward as shown in the application and in the scheme previously approved in August 2017 (see Section 6.2).

Prior to the currently unauthorised extension being partially built, the lower ground floor of the property had a bay window to the rear elevation as per the bay that remains at ground floor level. This bay window had a projection of 0.95m from the main rear wall before the chamfer and the maximum depth had been 2.1m. The boundary with No.36 comprises a boundary wall with a trellis above, which measures 2.5m in height when measured from ground level on the application site.

6.2 Recent Relevant History

17/05558/FULL

Erection of single storey rear extension at lower ground floor level and alterations to fenestration at rear ground floor level.

Application Permitted 11 August 2017

The extension permitted under the 11 August 2017 permission projected 3.5m from the original rear wall of the dwellinghouse but was otherwise consistent with the currently proposed extension in terms of its height and detailed design. The French doors at ground floor level are identical to those proposed in the current application.

17/03197/FULL

Erection of rear single storey extension at ground floor to enlarge single-family dwelling.

Application Refused 6 June 2017

The extension refused as part of this application projected 5.0m into the rear garden from the original rear elevation and had a roof terrace above at ground floor level. The application was refused for the following reasons:

1. *Because of its size and design, the extension to rear lower ground floor level and including its integral external staircase structure would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Aldridge Road Villas and Leamington Road Villas Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES 5, DES 9, DES 1 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.*
2. *The proposed roof terrace would lead to an unacceptable loss of privacy for people in neighbouring properties and increased general disturbance This would not meet*

S29 of Westminster's City Plan (November 2016) and ENV6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007.

3. *Because of its projection into the garden, height and proximity to the garden boundary wall, the proposed extension would have an un-neighbourly impact on the amenity of the neighbouring occupiers of No.36 Aldridge Road Villas in terms of causing an increased sense of enclosure to the rear patio doors at lower ground floor level. This would not meet S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007.*

86/02332/FULL

Replacement of rear extension at basement, ground, first and second floor levels for residential use.

Application Permitted 25 September 1986

7. THE PROPOSAL

Planning permission is sought for the erection of a rear extension at lower ground floor level that projects 4.56m from the original rear elevation. The extension has been partially constructed on site and therefore the current application is partially retrospective.

The proposed extension is full width and projects 4.56m when measured from the original rear wall of the house. Including the height of the roof edge parapet, the extension would be 3.1m in height when complete. The extension has replaced a large bay window at lower ground floor level which projected 2.1m from the original rear wall of the house.

The current application also includes the proposed insertion of French doors into the bay at rear ground floor level. The submitted drawings show the doors to be inward opening and with railings in front of them to prevent access to the flat roof of the extension.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The provision of additional floorspace to enlarge the existing dwellinghouse accords with Policy H3 of the UDP and Policy S14 in the City Plan and is therefore acceptable in land use terms.

8.2 Townscape and Design

The extension would be finished in brickwork within which three sets of French doors are proposed, each with sub-divided glazing. The detailed design proposed is consistent with the scheme previously approved in August 2017 and is considered to be acceptable in design terms.

In terms of the bulk and projection of the extension of the original rear wall of the house, this has increased from 3.5m, as approved in August 2017, to 4.56m in the current

application (an increase of 1.06m). Whilst this is only 0.46m shallower than the 5.0m extension scheme refused in June 2017, in design terms the marginal reduction in the projection of the extension is sufficient to ensure that it would not extend further into the rear garden than the half width extension to the rear of the immediately adjoining property to the south at No.32 Aldridge Road Villas. Furthermore, as identified by the applicant in the submitted Design and Access Statement, there is no consistent pattern of development to the rear of properties in the same terrace, such that the currently proposed extension would not deviate or undermine an established or emerging pattern of development. Given these considerations, it is not considered in design terms that the depth and bulk of the proposed extension would result in material harm to the appearance of the building or the conservation area.

The proposed French doors and railings proposed at rear ground floor level would not harm the appearance of the building or the character or appearance of the conservation area and are identical to the doors approved in the August 2017 scheme.

In summary, in design terms on balance the proposed development is considered to be acceptable and would accord with Policies DES 1, DES 5 and DES 9 in the UDP and Policies S25 and S28 in the City Plan.

8.3 Residential Amenity

Policies S29 in the City Plan and ENV13 in the UDP relate to protecting amenities, daylight and sunlight, and environmental quality. Part (D) of ENV13 states that the City Council will resist proposals, which result in a material loss of daylight/sunlight, particularly to existing dwellings. Part (E) of ENV13 goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly to gardens, public open space or on adjoining buildings, whether in residential or public use.

The neighbouring property at No.32 Aldridge Road Villas has an existing half width extension at lower ground floor level which projects further than that at No.34 Aldridge Road Villas and consequently it is not considered that there would be a harmful amenity impact on the occupiers of this neighbouring property in terms of sense of enclosure, loss of daylight or sunlight or loss of privacy.

The proposed extension, which has been partially built to date, has been erected immediately adjacent to the boundary with the neighbouring property at No.36 Aldridge Road Villas. Consequently, it does have an impact on the amenity of the occupiers of this neighbouring property in terms of increased enclosure and loss of daylight and sunlight.

The height of the existing wall with trellis above measures 2.5m from the ground level in the garden of the application site. The height of the extension, when the roof has been completed, would be 3.1m. This would be 0.6m higher than the existing wall and trellis.

The most significantly affected room within the adjoining property at No.36 would be the kitchen at lower ground floor. The proposed extension would result in some daylight and sunlight loss to the doors serving the kitchen at No.36. However, the kitchen is a dual aspect room; with windows to the front elevation. Given this, and as No.36 is in use as a

single dwellinghouse, where all other windows serving habitable rooms would not be materially affected, it is not considered that proportionately the impact on the daylight and sunlight reaching the internal accommodation at No.36 would be so significant so as to warrant withholding permission.

With regard to increased sense of enclosure, whilst the proposed extension would be visible in some views from within the kitchen of No.36, it would be at an oblique angle and significant outlook directly to the rear would remain such that the proposed extension would not cause a material increase in enclosure to the internal living accommodation on the lower ground floor of No.36.

The proposed extension will be readily visible from within the garden of No.36 and this will reduce the daylight and sunlight received immediately adjacent to the rear of the house at lower ground floor level. However, at the depth now proposed it is considered that on balance the extent of daylight and sunlight loss would not be so significant so as to warrant withholding permission as much of the rear garden would continue to be well lit as existing by both daylight and sunlight.

The external amenity space immediately adjacent to the rear of No.36 would be enclosed to a greater degree than had previously been the case. However, the garden as a whole would retain a predominantly open and relatively unenclosed character.

The proposed scheme includes the insertion of French doors with railings in front of them in the centre of the existing bay at ground floor level. This arrangement is identical to that approved in August 2017 and it is not considered that this arrangement, which would prevent access onto the flat roof would cause a material increase in overlooking to any of the neighbouring or adjoining properties relative to the existing situation. As per the previous permission a condition is recommended to prevent the use of the flat roof of the proposed extension as a terrace or for sitting out on.

In summary in amenity terms it is considered that on balance, the impact of the 4.56m deep extension would not be so significant so as to warrant withholding permission and the proposed development would accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

8.4 Transportation/Parking

Not applicable.

8.5 Economic Considerations

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

8.6 Access

No amendments are proposed to the existing arrangements to this single family dwellinghouse.

8.7 Other UDP/ Westminster Policy Considerations

None relevant.

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 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, any representations received are being 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

Not applicable.

8.10 London Plan

The application does not raise any 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council. However, in this case no pre-commencement conditions are recommended and therefore it has not been necessary to seek the applicant's agreement to any of the recommended conditions.

8.12 Planning Obligations

Planning obligations are not relevant in the determination of this application and the proposed development is not CIL liable.

8.13 Environmental Impact Assessment

The proposed development is of insufficient scale to require an environmental impact assessment.

8.14 Other Issues

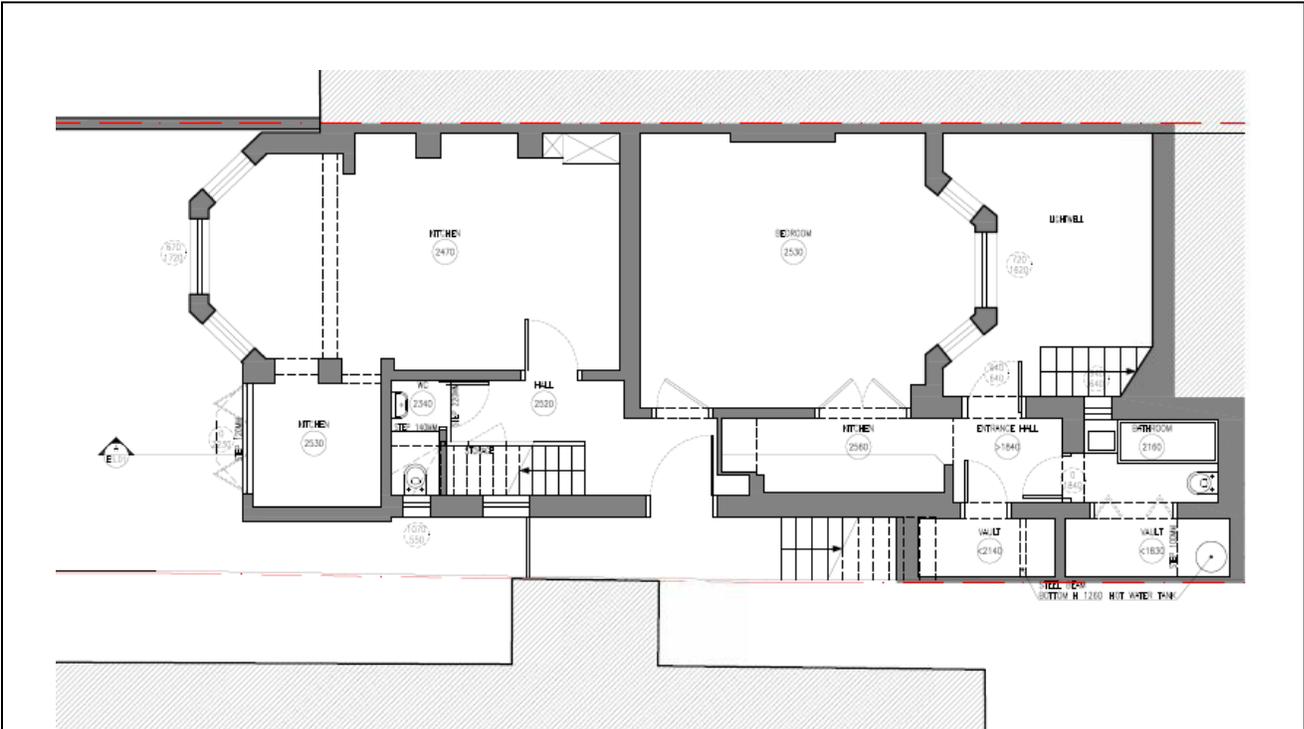
Objection has been raised on grounds that the applicant has built beyond what they had previously obtained planning permission for and that the application is retrospective. However, planning legislation makes provision for applicants to make retrospective applications to allow planning authorities to consider applications, such as this one, which seek to regularise unauthorised works. As with any other planning application, the application has been assessed on its own merits and the fact that the works have been partially carried out is not a material consideration in the determination of the application. Indeed, as with any unauthorised works, the works that have been undertaken to date have been undertaken at the applicant's own risk. As such, the fact that the application seeks to retain unauthorised development is not in itself a valid ground on which to withhold permission.

Objection has been received on grounds that the French doors that have been installed at ground floor level appear to open outwards, as the hinges to the doors are on the outside. An officer site visit has confirmed that the doors have been installed in an outward opening configuration. This deviation from the approved arrangement for these French doors has been reported to the Planning Enforcement Team for investigation. However, it should be noted that it is likely that the installation of doors in an outward opening configuration would fall within the applicant's householder permitted development rights. Nevertheless, as set out in Section 6.3, as per the previously approved scheme a condition is recommended to prevent the use of the roof of the extension as a terrace or for sitting out and the applicant has been made aware that this condition will be imposed in the event that permission is granted for the current application.

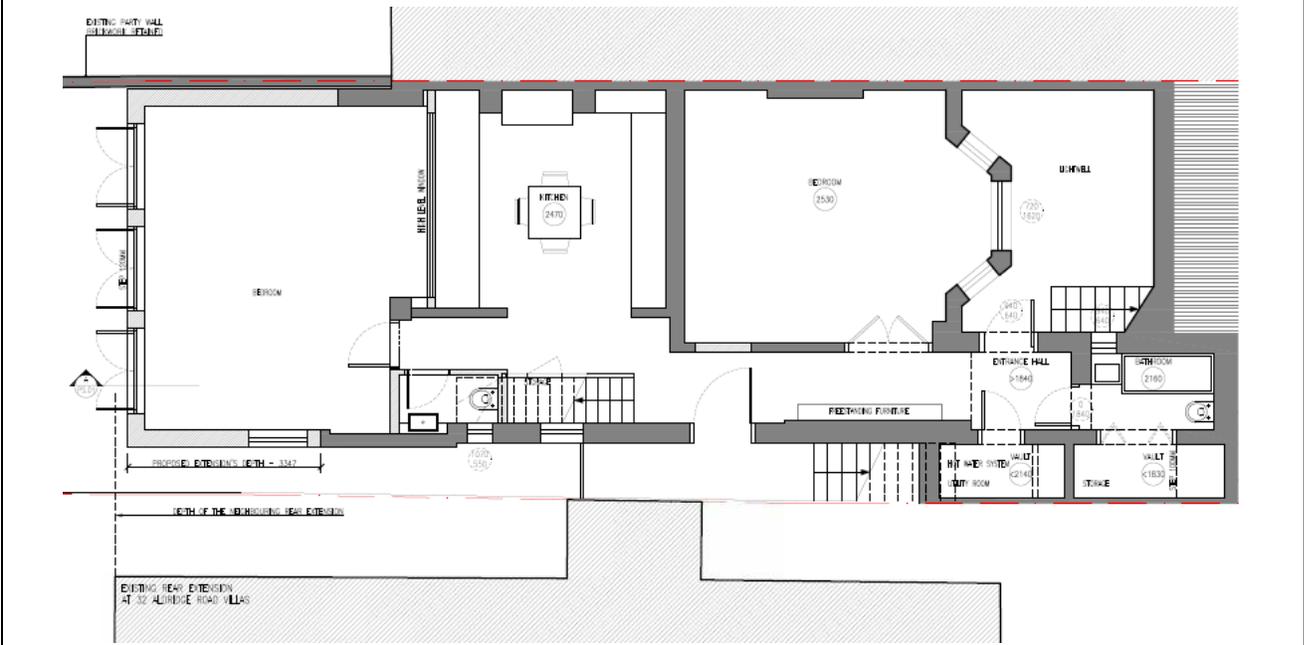
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

9. KEY DRAWINGS



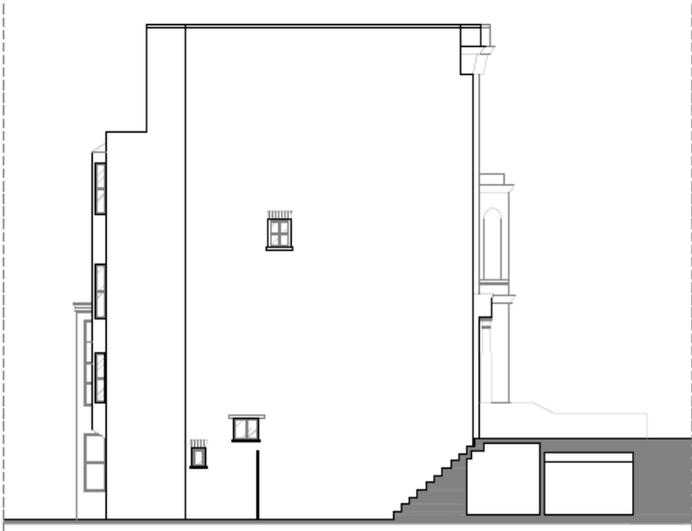
Pre-existing lower ground floor plan.



Proposed lower ground floor plan..



FRONT ELEVATION

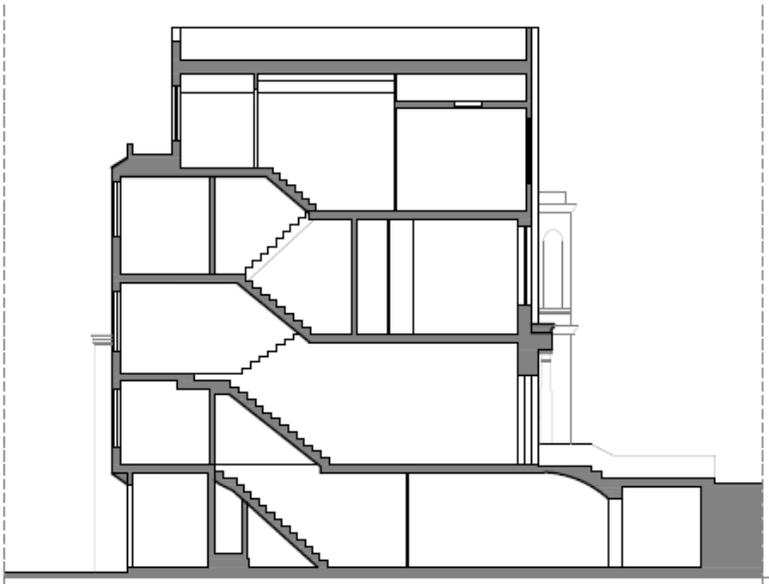


SIDE ELEVATION

Pre-existing front and side elevation.



REAR ELEVATION

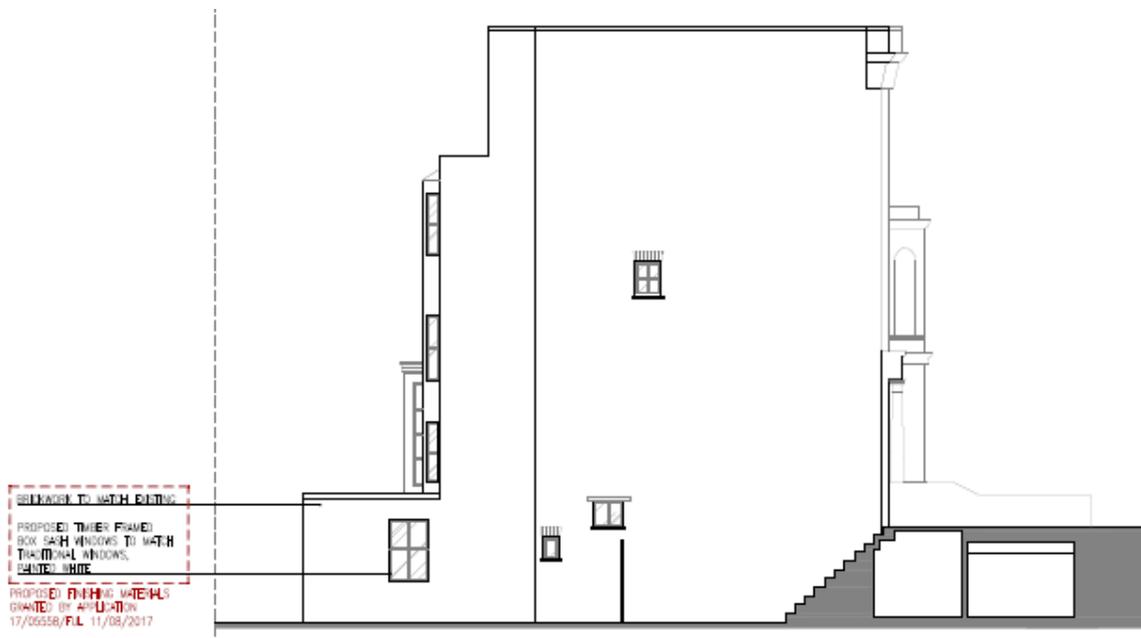


SECTION AA

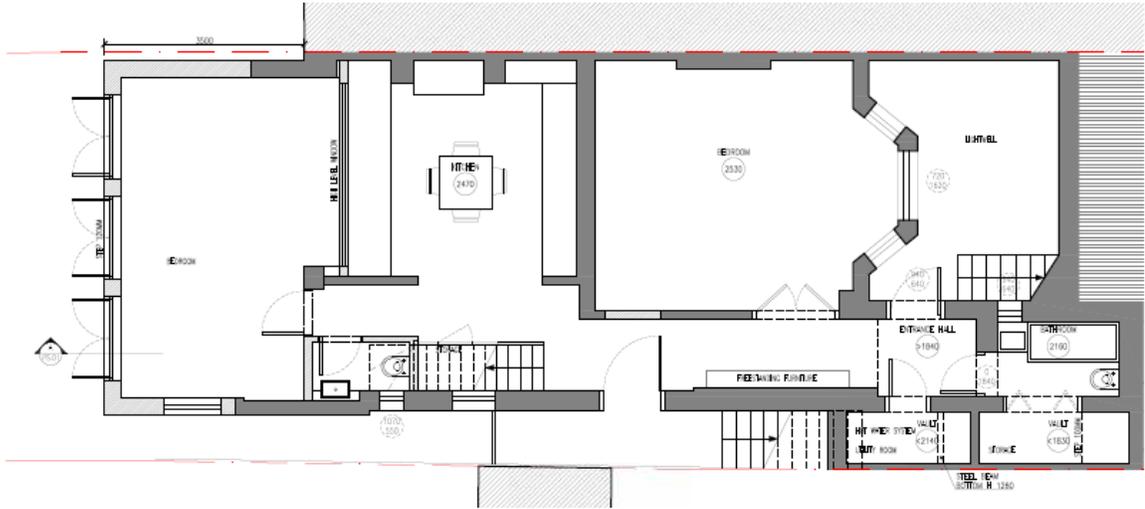
Pre-existing rear elevation and section.



Proposed front and rear elevation.



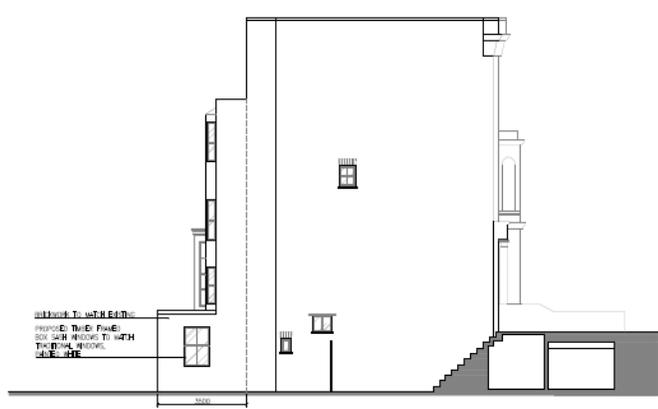
Proposed side elevation.



FRONT ELEVATION



REAR ELEVATION



3.5m Extension scheme previously approved in August 2017 (RN: 17/05558/FULL).

DRAFT DECISION LETTER

Address: 34 Aldridge Road Villas, London, W11 1BW

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

Reference: 18/09126/FULL

Plan Nos: AV.OB.01; AV.EP.01; AV.EP.02; AV.EP.03; AV.PP.01; AV.PP.02; AV.EE.01; AV.EE.02; AV.PE.01; AV.PE.02; AV.PS.01; Design and Access 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 this part of the Aldridge Road Villas and Leamington Road Villas 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)

- 4 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. 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)

- 5 The glass that you put in the proposed side elevation window of the proposed extension facing no. 32 Aldridge Road Villas, must not be clear glass, and you must fix it permanently shut. You must not change it without our permission. (C21DB)

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 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, siteenquiries@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>

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.