

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 30 April 2019	Classification For General Release	
Report of Executive Director Growth Planning and Housing		Ward(s) involved Little Venice	
Subject of Report	28 Blomfield Road, London, W9 1AA		
Proposal	Extension to glazed garden room at ground floor level on the rear elevation and excavation of one storey basement in rear garden.		
Agent	Mr Jon Presland		
On behalf of	Mr Paul Kempe		
Registered Number	18/09355/FULL	Date amended/ completed	8 November 2018
Date Application Received	1 November 2018		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

This application relates to an unlisted single family dwelling located within the Maida Vale Conservation Area. Planning Permission was granted at planning sub-committee on 2 August 2016 for works similar to those proposed under this current application, namely a single storey rear ground floor extension and a single storey basement under the rear garden. Permission was granted for three years and therefore the permission can be implemented until 1 August 2019. This application seeks to amend the approved proposals as follows:

- The rear extension is to have a solid rather than glazed roof;
- The height of the rear extension has been reduced by 30cm's;
- The roof of the rear extension has been set in from the boundary by 60cm;
- Amendment to the location of the basement by 50mm;
- Amendment to the size of the basement rooflight/escape hatch.

This application was due to be presented to planning committee on the 12 March 2019, however was subsequently removed from the agenda in order for the applicant to provide clarification in relation to

the roof of the extension. Following the submission of new drawings, the neighbours and objectors have been re-consulted.

Objection has been received, namely in relation to the originally approved proposals, but also raising issues in relation to lack of information. No additional representations have been received following re-consultation.

The key considerations are:

- The impact on the appearance of the building and character and appearance of the Maida Vale Conservation Area.
- The impact on the setting of the neighbouring listed building at No.29 Blomfield Road.
- The impact on the amenity of neighbouring residents.
- The impact upon trees on the site and in neighbouring gardens.

The amended extension and basement are considered to remain consistent with relevant development plan policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan). As such, the application is recommended for approval subject to the conditions set out in the draft decision letter at the end of this report.

4. PHOTOGRAPHS



Front Elevation (top) and Rear Elevation (bottom).



5. CONSULTATIONS

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

No objections, request for neighbours views to be taken into consideration.

THAMES WATER:

Any response to be reported verbally.

WASTE PROJECTS OFFICER:

No objection.

ARBORICULTURAL OFFICER:

No objection. Comment in relation to planting associated with the 60cm change to the rear extension and that the proposals are as previously approved, therefore the same conditions are recommended.

HIGHWAYS PLANNING MANAGER:

No objection.

BUILDING CONTROL:

Any response to be reported verbally.

ADJOINING OWNERS / OCCUPIERS:

No consulted: 5

No responses: 3 letters of objection, with two on behalf of the same residents and one in support of the objections raised. The objections raises the following points:

Design:

- No Heritage Statement submitted to justify proposals against local and regional policies or the NPPF. This is also contrary to the local validation requirements.

Basement:

- A reduced area of undeveloped garden land is proposed adjacent to No 29 Blomfield Road. Reduces from 0.5m as approved under application 16/00616/FULL down to 0.45m. This is insufficient.
- No details of basement plant equipment to be used and its associated noise impact.

Amenity:

- The alterations do not overcome concerns previously raised by neighbours in terms of increased sense of enclosure and loss of light, which are contrary to policy.

Trees:

- The survey information with the Tree Report is over 4 years old and should be updated.
- The report does not suitably justify the impact of the development on trees or address local policies.

Other:

- Request for additional time to respond to consultation.
- No details in relation to the impact of building works on neighbouring properties.

- The submitted Structural Method Statement is dated 23/12/2015 and has not been updated to address changes. An objection was previously raised in relation to this statement on the previous application and these previous concerns have not been addressed.
- The Traffic Management Plan is inadequate and fails to identify the likely level of disruption on local highway network.

One additional representation has been received following the application being withdrawn from the agenda for planning committee dated 12 March, which raises the following points:

- Consider a precautionary approach should be taken in relation to basement construction and their impacts on adjacent buildings particularly listed buildings such as No.29. The proposals fail to demonstrate this.
- Consider a condition for low impact tools and building techniques used and these are monitored, which would be in accordance with the NPPF.
- It is unclear if there is a time limit to implement the works should permission be granted, which should be 3 years.y31

SITE NOTICE / PRESS ADVERT:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site comprises a semi-detached unlisted villa on the north west side of Blomfield Road. The site is located within the Maida Vale Conservation Area. The adjoining property No. 29 Blomfield Road is a Grade II listed building. The rear of the site borders the boundary of the Little Venice Garden which is a Site of Importance for nature Conservation (SINC).

6.2 Recent Relevant History

05/08199/FULL

Erection of a side extension at basement, ground and first floor levels, a single storey rear conservatory extension to provide additional residential accommodation, a concealed valley roof infill and alterations to the front boundary wall including replacement of gates.

Application Permitted 5 January 2006

06/03060/FULL

Erection of single storey rear extension and replacement flat roof to existing single storey side extension.

Application Permitted 13 June 2006

06/09823/FULL

Alterations during the course of construction to planning permission dated 5 January 2006 (RN: 05/08199) namely the addition of a pitched roof to the side extension and roundel windows to the front and rear elevations of the side extension.

Application Permitted 13 February 2007

07/04776/FULL

Excavation of basement extension below front garden with associated alteration to front basement lightwell, installation of railings to lightwell and replanting of existing tree within front garden.

Application Permitted 14 August 2007

16/00616/FULL

Extension to glazed garden room at ground floor level on the rear elevation and excavation of one storey basement in rear garden.

Application Permitted 2 August 2016

7. THE PROPOSAL

Permission is sought to make minor revisions to the 2 August 2016 permission for a rear ground floor extension and basement extension under the rear garden. The revisions are namely:

- The rear extension is to have a solid rather than glazed roof;
- The height of the rear extension has been reduced by 30cm's;
- The rear extension roof has been set in from the boundary by 60cm;
- Minor amendment to the location of the basement by 50mm;
- Minor amendment to the size of the basement rooflight/escape hatch.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The principle of providing additional floorspace to enlarge the existing residential dwellinghouse is acceptable in land use terms and would accord with policy H3 in the Unitary Development Plan (UDP).

8.2 Townscape and Design

There has been no significant change in Planning Policy since the original permission, with the exception of the formal adoption of the then draft basement policy (Cm28.1 of the City Plan).

An objection has been received on the grounds that no Heritage Statement has been provided contrary to Westminster Validation Guidance and no reference has been made to the NPPF. A heritage statement has subsequently been provided. While the submitted statement is brief, focusing on the amendments which are proposed over the previously approved, as these changes are minor and as there is an extant consent, it is considered acceptable.

As there has been no change to the relevant City Council policies since the original proposals, the principle of the proposed rear extension and basement are still considered acceptable in terms of their impact upon the setting of the adjacent listed building and wider conservation area.

The proposals and the minor amendments to the previously consented scheme are considered acceptable and will not have a negative impact on the character and appearance of the conservation area or the host building or the setting of the adjacent listed building. The proposals are therefore considered to comply with DES 1, DES 5, DES 9 of the UDP and S25 and S28 of the City Plan and London Plan Policies.

Considerations in relation to the basement will be discussed in section 8.7 of this report.

8.3 Residential Amenity

There has also been no change in the relevant adopted policies since the original permission, namely Policy ENV13 of the UDP which states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 in the City Plan aims to protect the amenity of residents from the effects of development.

The objector has noted that the revised proposals do not overcome previous objections in relation to the development. The proposals are still considered acceptable on amenity grounds, given the relationship with the adjacent property, the scale of the proposed rear extension and its location. In addition, the rear extension has been amended slightly from previously approved, namely that the roof has been set in from the boundary by 60cm and lowered in height by 30cm, which will reduce its impact on the neighbouring property slightly. The proposals are therefore considered to comply with the objectives of policy ENV13 in the UDP and policy S29 in the City Plan.

8.4 Transportation/Parking

The proposed development does not raise any transportation issues.

8.5 Economic Considerations

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

8.6 Access

No alterations to access to this private dwellinghouse are proposed.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Basement

Objection has been received in relation to the reduced area of undeveloped land being provided compared to that previously approved. In addition objection has been raised in relation to the lack of information of how the basement will be ventilated and the submitted structural statement. Additional objection has been received on the grounds that additional conditions should be implemented given the location of the site adjacent to a listed building.

The proposals are considered to be in accordance with adopted policy CM28.1 of the City Plan (Nov 2016) for the reasons set out as follows:

Part A. 1-4

The applicant has provided an assessment of ground conditions for this site and this has informed the structural methodology proposed, which has also been submitted with the application within a structural statement prepared by an appropriately qualified structural engineer. These documents are the same as previously submitted, however include annotations in relation to the revised proposals. The Building Control Officer has commented that the information is acceptable.

The basement has been amended slightly from previously, however the revisions are minor, with the alteration moving the location of the basement by 50mm. No change is proposed to the way that the basement is constructed and given its location under the garden, the minor revision will not impact on any buildings. As such, the information is considered acceptable and the objection on the grounds that the structural report is unacceptable is not sustained.

In terms of construction impact, the applicant has provided a signed proforma Appendix A confirming that they agree to comply with the City Council's Code of Construction Practice (CoCP). A condition is recommended to ensure that the applicant complies with the CoCP and that the construction works are monitored for compliance by the Environmental Inspectorate at the applicant's expense. This condition is to replace the previously required construction management plan as such details will be required and considered by the Environmental Inspectorate in the applicants CoCP submission. Given that no objection has been raised by Building Control, the location of the basement under the rear garden, and subject to the CoCP condition it is not considered that the objectors request of additional conditions to further control the development construction are justified. Such considerations are subject to Building Control regulations.

The site is located within the Maida Vale Flooding hot spot. A flood risk assessment has been included within the structural information which concludes that the risk of flooding is low and the development is not expected to affect the risk of flooding elsewhere, which is considered acceptable.

Part A. 5 & 6

An objection has been received in relation to noise and vibration from construction. The impact of construction work associated with the proposed basement and general disturbance associated with construction activity is mitigated by limiting the proposed hours of working with a condition, which states that no piling, excavation and demolition work is undertaken on Saturdays or Sundays. This condition is consistent with environmental protection legislation and will help to alleviate disturbance to neighbours outside of the prescribed hours. The CoCP will also manage the construction of the basement in consultation with Environmental Inspectorate.

The site is not in an archaeological priority area and therefore part 6 does of the policy does not apply.

Part B. 1&2

While objection has been received in relation to the age of the survey information within the tree report, no objection has been received from the arboricultural manager in relation to the revised proposals, subject to the same conditions and informatives as previously attached

to the extant consent, namely in relation to tree protection and for the planting of a replacement tree.

Part B. 3

The proposals do not include any details in relation to ventilation and an objection has been received on these grounds. Alike with the previous proposal, the development does not indicate any plant equipment. An informative is recommended to advise the applicant that any plant equipment, which vents externally, would likely require planning permission. This would be subject to separate consideration and consultation with neighbours.

Part B. 4 & 7

The submitted structural statement/ flood risk assessment confirms that the proposals will not have a significant negative impact in terms of surface water flooding, which is considered acceptable.

Part B. 5&6

The proposals are located under the existing garden and are therefore considered discreet and will not negatively affect the conservation area.

Part C. 1

The basement does not extend beneath more than 50% of the garden land and will leave a margin of undeveloped garden land. While this has been reduced by 50mm along the boundary with No 29 (from 500mm to 450mm), this is considered acceptable, given the significant size of the garden which will remain undeveloped and allow drainage.

Part C. 2

1m of soil and 200mm drainage layer has been provided above the basement which is to be secured by condition.

Part C. 3

Only a single basement is proposed which is considered acceptable and in accordance with this part of the policy.

Part D

The basement does not extend under the highway, therefore this part of the policy does not apply in this case.

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

The site is not located within an area with a Neighbourhood Plan.

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.

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.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development and in relation to tree protection. The applicant has agreed to the imposition of the conditions.

8.12 Planning Obligations

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

8.13 Environmental Impact Assessment EIA

The development is of insufficient scale to require the submission of an EIA.

8.14 Other Issues

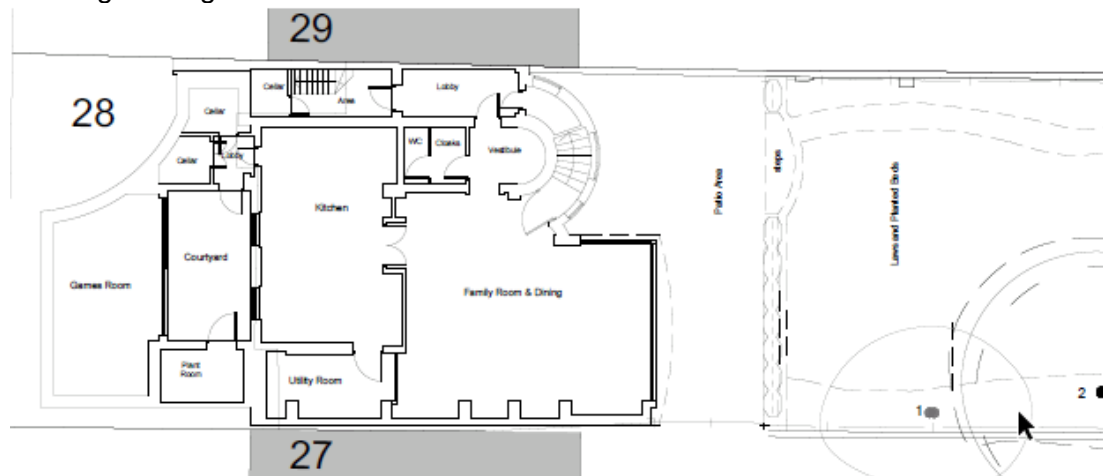
None.

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

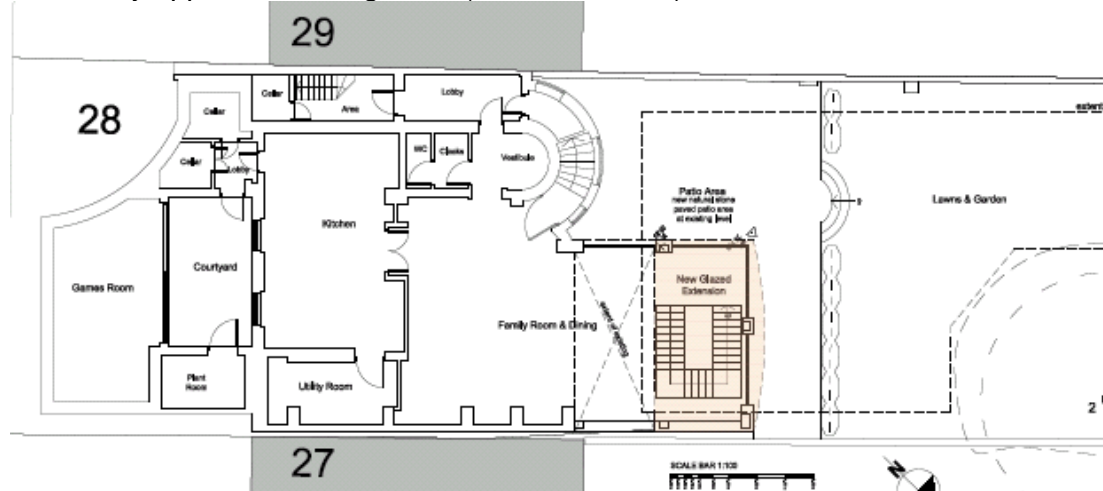
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk

9. KEY DRAWINGS

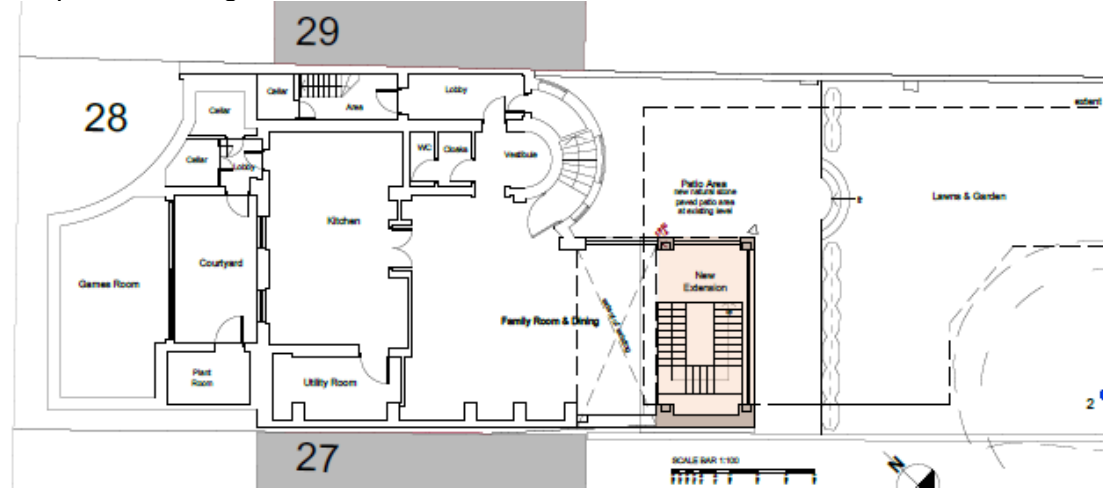
Existing lower ground



Previously approved lower ground (16/00616/FULL)



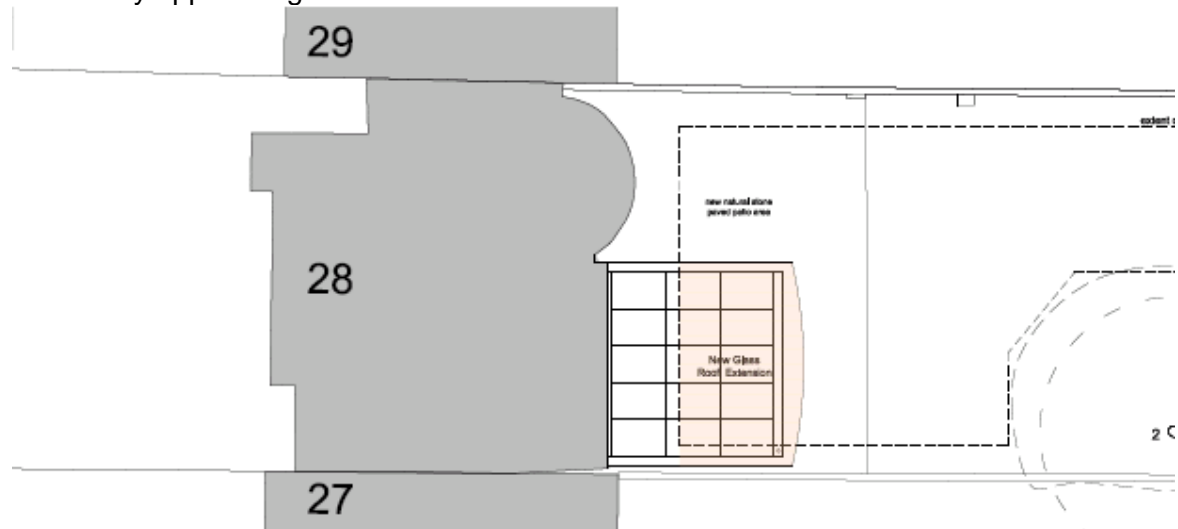
Proposed lower ground



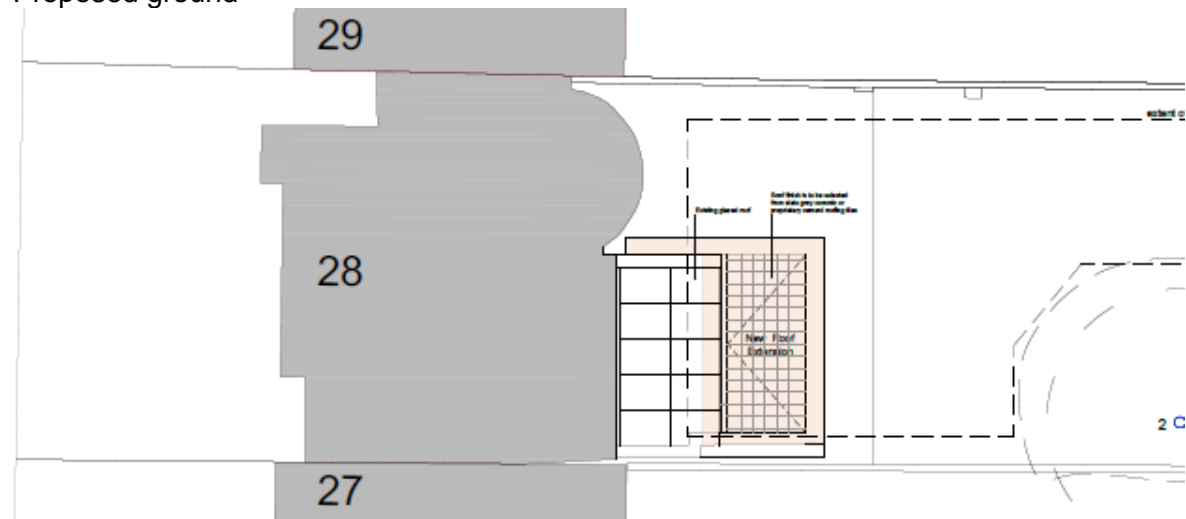
Existing ground



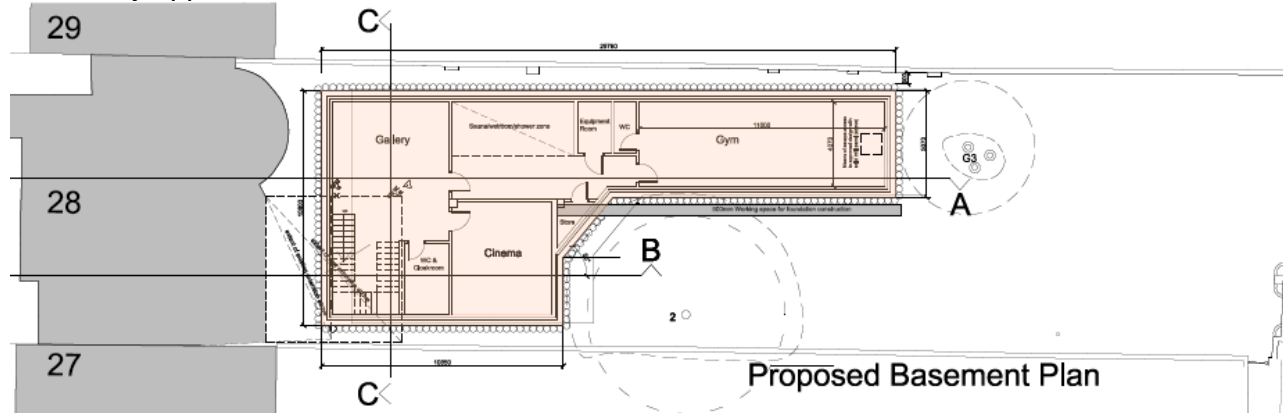
Previously approved ground



Proposed ground

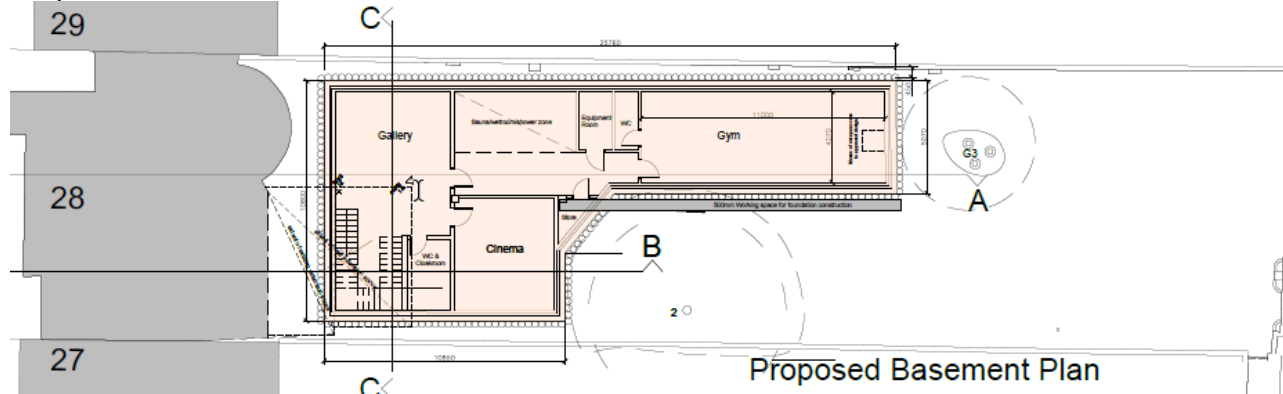


Previously approved basement



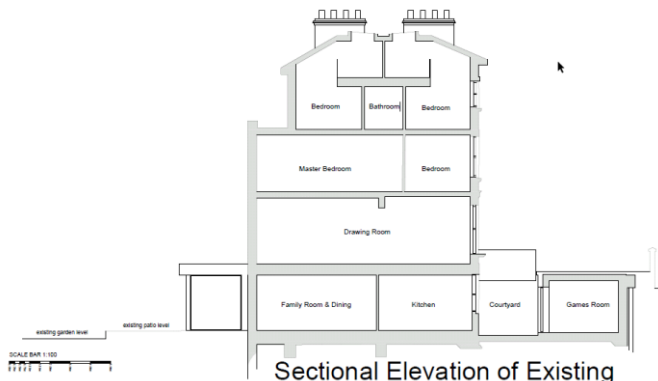
Proposed Basement Plan

Proposed basement

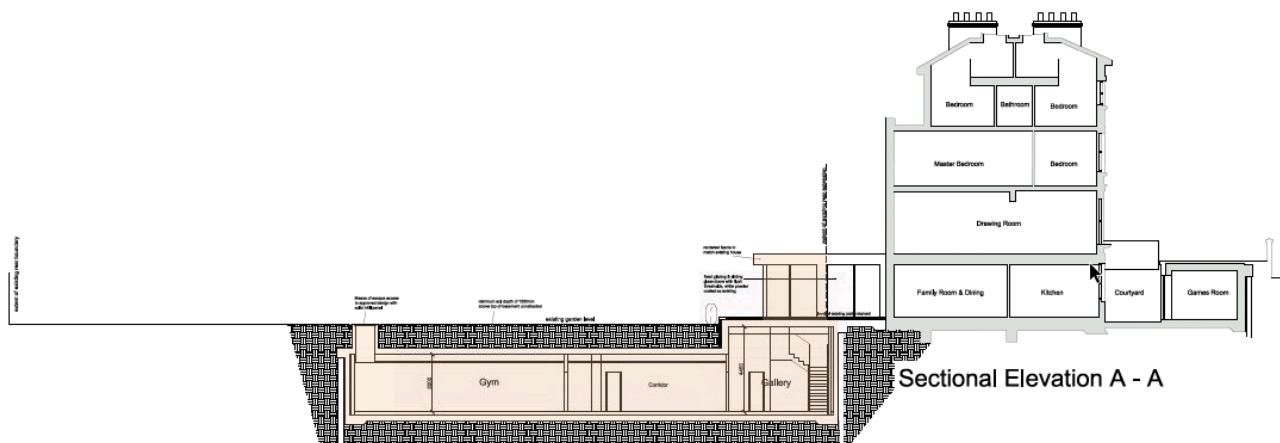


Proposed Basement Plan

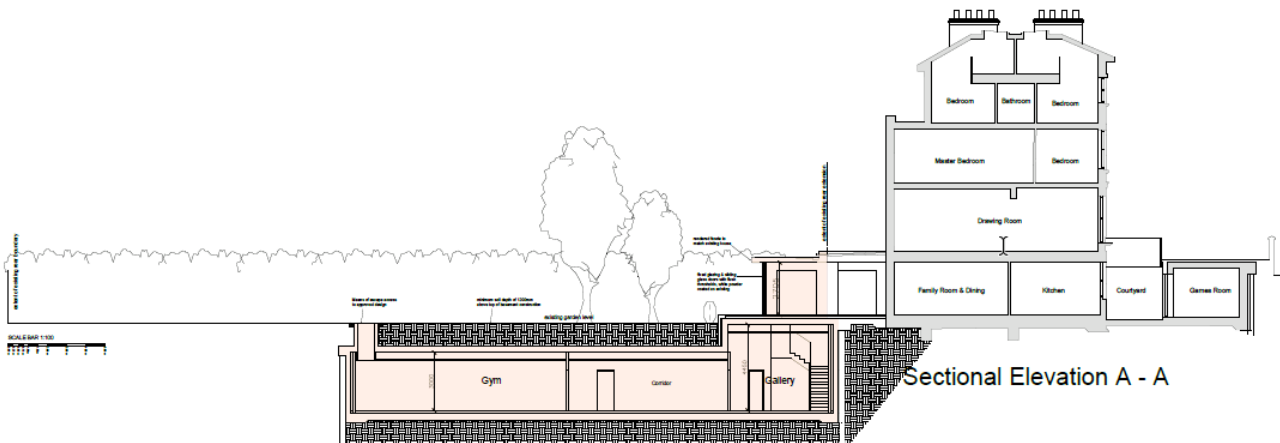
Existing section



Previously approved section



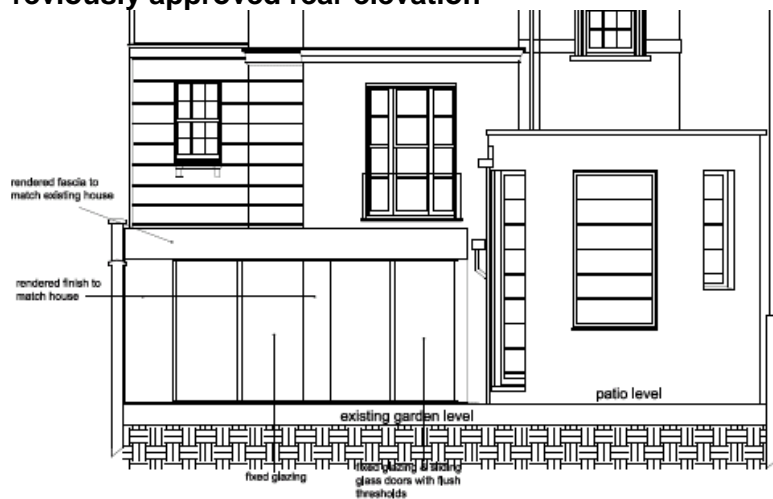
Proposed section



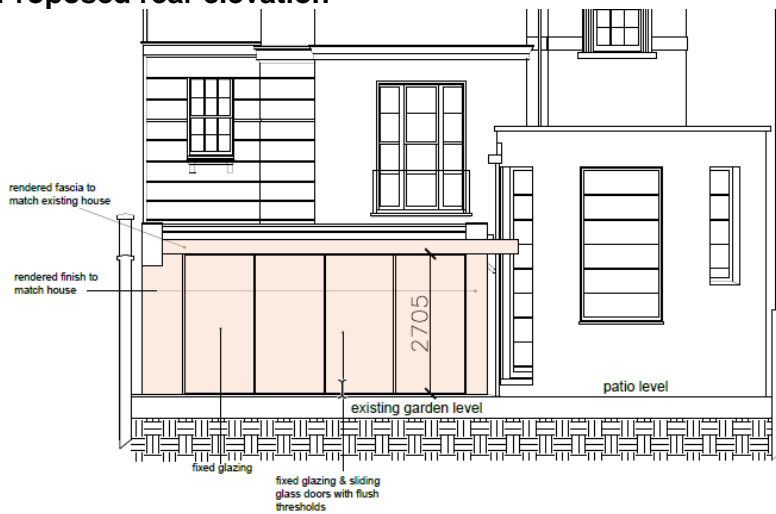
Existing rear elevation



Previously approved rear elevation



Proposed rear elevation



DRAFT DECISION LETTER

Address: 28 Blomfield Road, London, W9 1AA,

Proposal: Extension to glazed garden room at ground floor level on the rear elevation and excavation of one storey basement in rear garden (Minor revisions to application referenced 16/00616/FULL granted 02 August 2016).

Plan Nos: Site location plan; P/100; P/200; P/201 B; P/202 B.
For information only: Method Statement for the Excavation by DDC Ltd; Construction Management Plan DDC Ltd; Structural Method Statement by Elliottwood P1; Design & Access Statement; Heritage Statement; Minor Modifications document; Arboricultural Implications Assessment and Method Statement by ACS dated 18 January 2016.

Case Officer: Rupert Handley

Direct Tel. No. 020 7641 2497

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 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 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)

- 4 You must apply to us for approval of detailed drawings including plans, elevations and sections of the following parts of the development;

- means of escape access in rear garden.

You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

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 **Pre Commencement Condition.** Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its written approval of such an application (C11CC)

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)

- 6 **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 in writing what

you have sent us. You must then carry out the work according to the approved details. (C31CC)

Reason:

To protect trees and the character and appearance of the site 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. (R31CC)

- 7 You must plant the replacement tree to replace the Purple Plum Tree (No.1), which is to be removed as part of the development hereby approved, in the same place or in any other place we agree to in writing. You must apply to us for our approval of the size and species of the replacement tree, and you must plant the replacement tree within 12 months of removing the original tree. You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five years of the date we approve this application with another of tree of similar size and species to the one that was originally planted.

Reason:

To protect trees and the character and appearance of the site 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. (R31CC)

- 8 You must provide a minimum of 1m soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement as shown on the drawings hereby approved. The soil depth and soil volume above the basement must thereafter be retained as approved. (C30GA)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38, CM28.1 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.

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 In respect of the stump of the dead American Sweetgum. Under the terms of s 206 of the Town and Country Planning Act 1990, it is the duty of the owner of the land to plant another tree of an appropriate size and species at the same place as soon as reasonably possible, unless on

application the Council dispenses with this requirement. The duty to replant is a legislative duty. We will need to formally agree the size and species and location of the replacement. You can contact our Arboricultural team on 020 7641 2922.

- 3 In recognition of the greater susceptibility of basements to flooding from surface water and sewerage in comparison to conventional extensions, it is recommended you install a 'positive pumped device' (or equivalent reflecting technological advances) in the basement.
- 4 You are advised that this permission is not for the installation of any mechanical plant in the basement. Should you wish to install any mechanical plant at the property which is outside or internal with extraction to an exterior surface or location, you will need to obtain planning permission.
- 5 Fractures and ruptures can cause burst water mains, low water pressure or sewer flooding. You are advised to consult with Thames Water on the piling methods and foundation design to be employed with this development in order to help minimise the potential risk to their network. Please contact:

Thames Water Utilities Ltd
Development Planning
Maple Lodge STW
Denham Way
Rickmansworth
Hertfordshire
WD3 9SQ
Tel: 01923 898072
Email: Devcon.Team@thameswater.co.uk
- 6 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 7 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.

- 8 You are advised that Condition 4 requires the secondary means of escape to be designed so that it appears as a typical garden structure and does not appear as a lightwell or rooflight within the garden.