

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 29/10/2019	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Westbourne	
<b>Subject of Report</b>	<b>33 St Luke's Road, London, W11 1DD</b>		
<b>Proposal</b>	Single storey rear extension and associated alterations to basement flat (Flat 1) including removal of tree.		
<b>Agent</b>	AMA		
<b>On behalf of</b>	Mrs Louise Luther		
<b>Registered Number</b>	19/04042/FULL	<b>Date amended/ completed</b>	04 October 2019
<b>Date Application Received</b>	27 May 2019		
<b>Historic Building Grade</b>	Unlisted Building of Merit		
<b>Conservation Area</b>	Aldridge Road Villas And Leamington Road Villas		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

Planning permission is sought for a single storey rear extension to the basement and associated alterations including the relocation of the entrance to the side passage.

An objection has been made by the Notting Hill East Neighbourhood Forum on grounds of impact on neighbours and sustainability and greening, and three objections have been received from residents of flats within the site in relation to a number of grounds including the design and scale of the extension, the creation of access issues, the proposed removal of the tree, impacts on crime and safety, loss of existing refuse area and potential structural damage to the building.

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 of the development on residential amenity.

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, 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 permission.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



**Existing front elevation.**



**Existing rear elevation.**

## 5. CONSULTATIONS

### ORIGINAL CONSULTATION

#### WARD COUNCILLORS FOR WESTBOURNE:

Any response to be reported verbally.

#### NORTH PADDINGTON SOCIETY:

Any response to be reported verbally.

#### NOTTING HILL EAST NEIGHBOURHOOD FORUM:

Objection:

- Casting shade and canyon effect to neighbour.
- Creating light pollution.
- Lack of greening.
- Appears carbon adverse.

#### ARBORICULTURAL OFFICER:

No objection to proposal and removal of tree, provided condition is included to secure replacement tree.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 33

Total No. of replies: 1 (1 letter written on behalf of flats 2, 3 and 4, 33 St. Luke's Road)

No. of objections: 3

No. in support: 0

- Size and detailed design inappropriate for conservation area and unlisted building of merit.
- Disputing the claim that no tree needs to be removed as part of the proposal.
- Existing bin storage area would have to be moved with no alternative proposed.
- Impact on views into garden.
- Creates access issues for residents.
- Proposal would increase ease of breaking into properties.
- Noise and disruption during works.
- Potential structural damage to building.
- Freeholders have not given their consent for the works.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

### RE-CONSULTATION 20/09/2019

The proposal was sent out for re-consultation following amendments to the submitted drawings and description of the proposal showing the removal of the tree, finalised design of the proposed extension and alterations to the side elevation.

WARD COUNCILLORS FOR WESTBOURNE:

Any response to be reported verbally.

NORTH PADDINGTON SOCIETY:

Any response to be reported verbally.

NOTTING HILL EAST NEIGHBOURHOOD FORUM:

Objection:

- Extension should be built less high to neighbour.
- Rooflight causes light pollution.
- Extension should be set further back and glazed in elevation.
- No greening proposed.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. consulted: 33

Total No. of replies: 1

No. of objections: 0

No. in support: 0

No. of other responses: 1

- Response seeking clarification on amendments made between original proposal and amended proposal.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

33 St. Luke's Road is an unlisted building comprising of basement, raised ground, first, second and third floor mansard, with each floor being occupied as a flat. The application site is located within the Aldridge Road Villas and Leamington Road Villas Conservation Area and is identified as an unlisted Building of Merit in the conservation area audit. The application relates specifically to Flat 1, the single-storey flat located at the basement level of the property.

### 6.2 Recent Relevant History

88/02035/FULL

Conversion of existing dwelling to provide 5 self-contained flats, including additional floor at roof level & 5 storey rear extension

Permitted w. Conditions HISTORIC

12 August 1988

## 7. THE PROPOSAL

Planning permission is sought for the erection of a single-storey, rear extension at basement level. The extension would measure 4.1m in depth, 3.2m in height and 2.8m in width and cover 11.6sqm in floor area. The proposal also includes the installation of a circular rooflight, a green roof atop the flat roof of the extension and the introduction of two sets of sliding doors to the rear leading to the garden and sliding doors to the existing closet wing.

The proposal also includes relocating the main access of the flat from the front of the property to through the existing side passage. This would involve the creation of the new doorway as well as a window to the side (south) elevation of the property.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The provision of additional floorspace to enlarge the existing flat 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**

Alterations to the appearance of properties in conservation areas must be found to be in accordance with policies DES 5 and DES 9 of Westminster's Unitary Development Plan, as well as policy S28 of Westminster's City Plan. Policy DES 5 states that alterations must not visually dominate the appearance of the building, be in scale with the host building and its immediate surroundings, reflect the style and design of the existing building as well as use external materials that are consistent with the existing building. Policy DES 9 requires such alterations to either preserve or enhance the quality of the relevant conservation area.

An objection was raised concerning the scale and design of the extension, stating that the proposed development does not reflect the character and appearance of the host property and the conservation area. One objection from the local amenity society also considers that the infill should be set further back and should include more glazing.

The extension would be finished in London stock brick to match the application site, with a flat roof, circular rooflight and aluminium framed sliding doors to the rear flank wall. During the course of the application, the detailed design of the extension was amended to include a sedum green roof atop the extension, and to set back the extension from the closet wing by 250mm.

In terms of its size and scale, the extension has a depth of 4.1m and is set back from the existing closet wing. To the rear elevation of the properties on St. Luke's Road there have been various alterations and extensions, with various full-width and side infill extensions observed in properties along St. Luke's Road. The existing three-storey closet wing extension is a non-original feature to the property, introduced in the late 1980s as part of the sub-division of the property into flats.

The set back from the existing closet wing allows for the original plan form of the property to be legible, and is considered that the 250mm is sufficient in this instance. The proposed sliding doors would not be harmful to the appearance of the property. In terms of detailed design, the proposed extension is acceptable in that it reflects and preserves the character and appearance of the host property and the conservation area. As such, it is not considered that the addition of the rear extension has an adverse impact on the character and appearance of the application site.

As existing, there are four windows to the side (south) flank at lower ground level. As part of relocating the entrance to the flat, a new entrance door is to be added, with two of the windows to be infilled and two remaining windows slightly enlarged. This is similar to the arrangement at no. 31. It is not considered that this would have any adverse impact on the character and appearance of the host property considering that this side elevation is not readily visible from the street scene, and that it is of a similar appearance to the neighbouring property.

As such, the objections raised concerning the detailed design, and adverse impact of the proposal on the character and appearance of the host property and the conservation area cannot be upheld in this instance.

In summary, the proposed rear extension is considered to be acceptable in design terms and is found to be in accordance with policies DES 1, DES 5, DES 9 of the UDP and S25 and S28 of the City Plan.

### **8.3 Residential Amenity**

Alterations that could have an impact on the amenity of nearby neighbours must be found to be in accordance with policy ENV 13 of the UDP. This policy requires development to not result in a loss of natural light, or cause overshadowing felt by neighbouring properties. This policy also resists development that would result in any harm to their privacy. Policy S29 of the City Plan similarly seeks to protect residential amenity.

As the rear of the properties face east, the proposed rear extension would not cause any significant loss of light or sense of enclosure to the adjoining property no. 35, given the relationship between the two. As there are no windows proposed to the side elevation of the rear extension, privacy would be retained. During the course of the application, the rooflight was amended to be obscure glazed to protect neighbours' amenity.

The proposed changes to the side passage elevation with the insertion of a new door and changes to the window arrangement would not pose any amenity concerns, given that these would face onto the side elevation of adjoining property no. 31 St. Luke's Road, and that the adjoining property has made a similar alteration.

As such, the proposed extension is considered to be acceptable in amenity terms and is found to be in accordance with policies ENV 13 of the UDP and S29 of the City Plan.

### **8.4 Transportation/Parking**

Not applicable.

### **8.5 Access**

It is proposed to relocate the main access to the basement flat from the front to the side access passageway. At present, access to the flat is through the front, with stairs from the front leading down to the basement level. It is proposed to move this to the side passageway on the south elevation of the property, which leads to the rear garden and is currently enclosed with a gate. The change in the access involves opening up a new door and window. An enclosing wall at the end of the passageway is proposed to be built to

restrict access into the rear garden. The existing gate will be retained to control access into the passageway.

An objection has been received from the occupiers of the flats above with respect to this part of the proposal, stating that this would create access issues for residents of the property. Access to the flats above is gained through the main front door located at raised ground floor level at the front of the property. The proposal does not change the way through which the upstairs properties are accessed.

The proposed layout is similar to the access arrangements at the adjacent property no. 31 St Luke's Road, where two doors have been created in the side elevation to provide access to the lower ground floor unit. It is not considered that the change in access to the basement flat would have an adverse impact on access levels for residents of the upstairs properties considering that there are no changes to the communal area to the front, and the existing gate to the side passage is being retained. As such, the change in access is considered acceptable, with the opening of a new door and window being subject to Building Regulations.

## 8.6 Other UDP/Westminster Policy Considerations

### *Refuse/Recycling*

There is an existing bin store which is located to the side of the steps that lead up to the main entrance to the upstairs properties. This is adjacent to the gate which encloses the side passage.

One objection was received on grounds of the loss of the communal bin store area as a result of the change in access arrangements. Although it is proposed for the main access to the property to be changed to the side passage, there is to be no change to the location or arrangement of the bin store. As such there are no concerns with respect to the refuse arrangements.

### *Trees*

In the initial proposal, there was no mention of the removal of any tree. There is a Japanese maple tree situated in the rear garden in close proximity to the proposed side infill extension. The Japanese maple tree is protected by virtue of being within a conservation area. An objection was received understanding that there was a failure by the applicant to mention that a tree would have to be removed.

Further to a site visit, it was confirmed that the tree would have to be removed in order for the erection of the side infill extension. The Council's Arboricultural Officer was subsequently consulted and they are of the opinion that since the tree is a reasonably small specimen, its loss would have a limited impact on amenity. As such the Arboricultural Officer has raised no objection to its removal, subject to a condition being included for a replacement tree being planted. The applicant was informed of this and has agreed for this condition to be included.

### *Biodiversity and Sustainability*

It is proposed to include a green roof atop the side infill extension and this aspect is welcomed. Objections were received during both the original consultation and the re-

consultation from the local amenity society questioning the lack of greening, however, considering the inclusion of the green roof this objection cannot be upheld.

### **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 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

### **8.8 Neighbourhood Plans**

Not applicable to this location.

### **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.

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.

### **8.11 Other Issues**

Whilst it is considered that there were no objections received during the re-consultation, the original objections would still be considered relevant to the amended scheme.

Objections were also raised on the grounds of loss of views, crime and safety, noise and disruption during the course of works and potential structural damage as a result of the works.

The protection of views is not a planning consideration, as such, this part of the objection cannot be upheld.

The objection concerns that the change in access would have crime and safety impacts as the upstairs residents are concerned that the side gate may be left open, and the properties may be more vulnerable to break-ins with easier access to the rear garden. The Council cannot have any control over how the gate is used or whether it is left open or closed. As such, that the gate may be left open cannot constitute a planning consideration. Furthermore, the side gate is as existing and the side passage currently provides access to the rear garden, and as such, the proposal does not necessarily create new opportunities for access to the rear garden, and additionally, the proposal involves the erection of an enclosing wall to the end of the passage which would restrict entry to the garden. In light of the above, this part of the objection cannot be upheld.

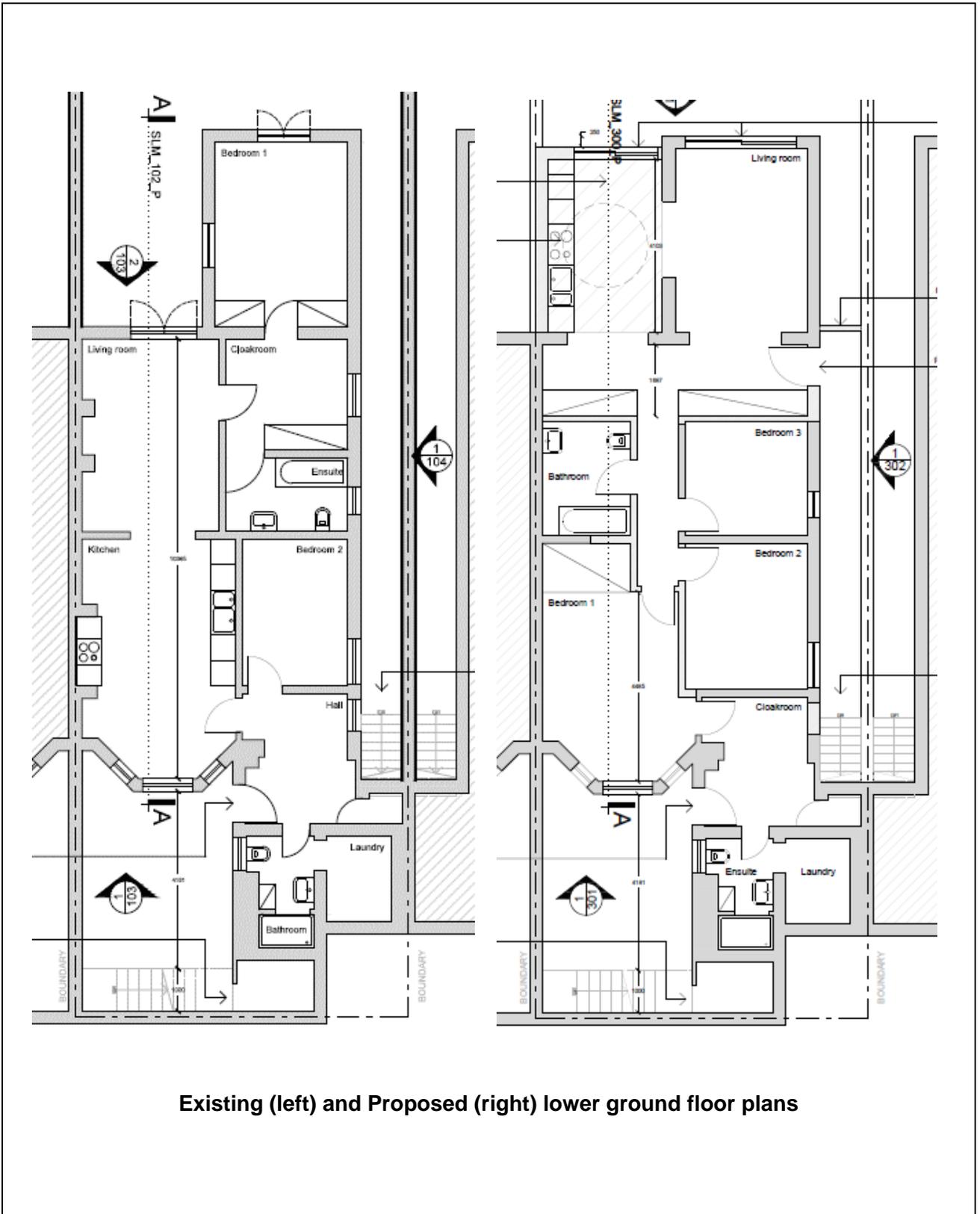
The level of noise and potential disruption as a result of construction works is not a planning consideration, however, a standard condition is included to limit the hours of construction work.

The potential that the opening up of a new door and window would cause structural damage to the building is not a planning consideration; however, it is the client's responsibility to ensure that these alterations meet the relevant Building Control requirements.

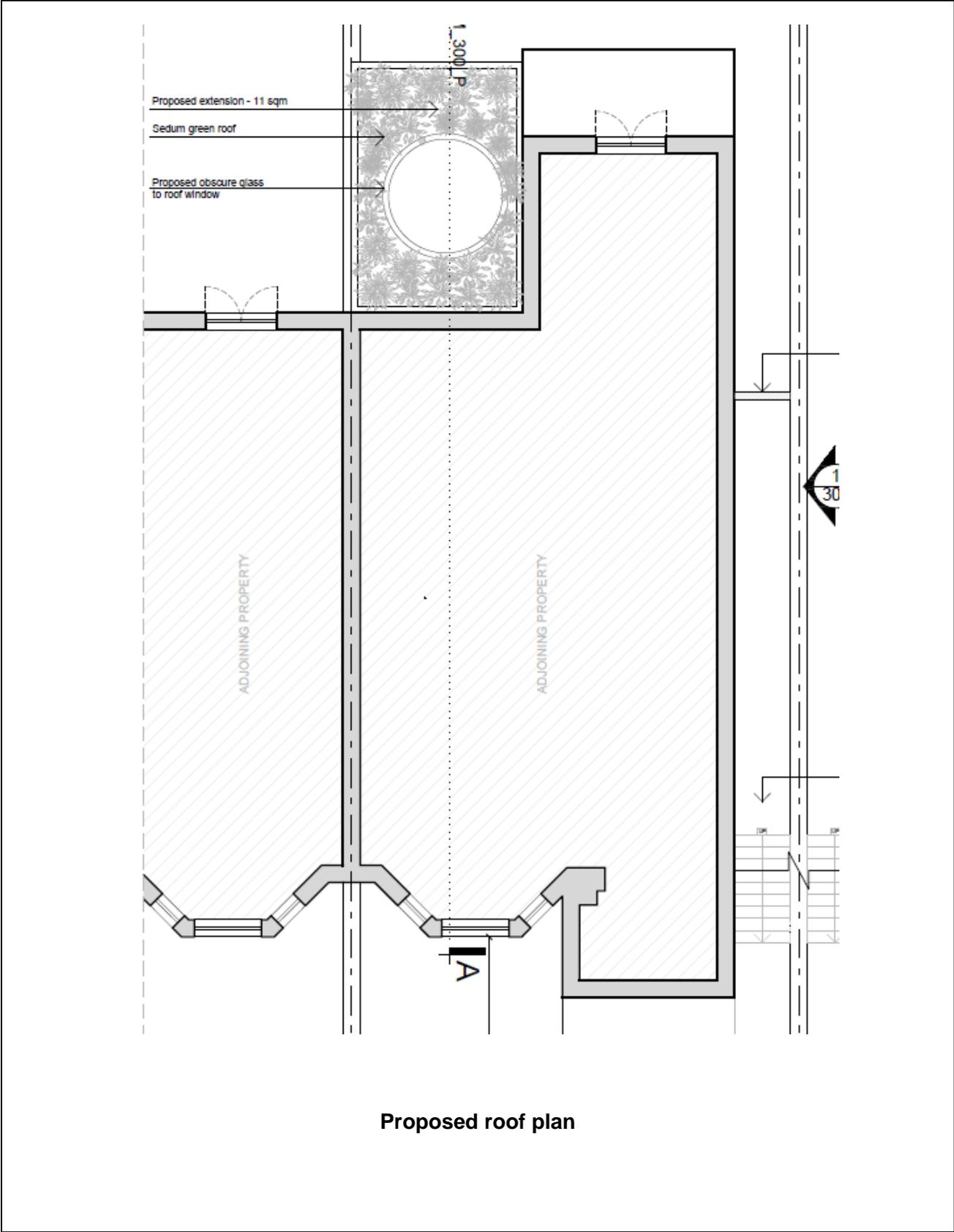
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT [swhitnall@westminster.gov.uk](mailto:swhitnall@westminster.gov.uk)

9. KEY DRAWINGS



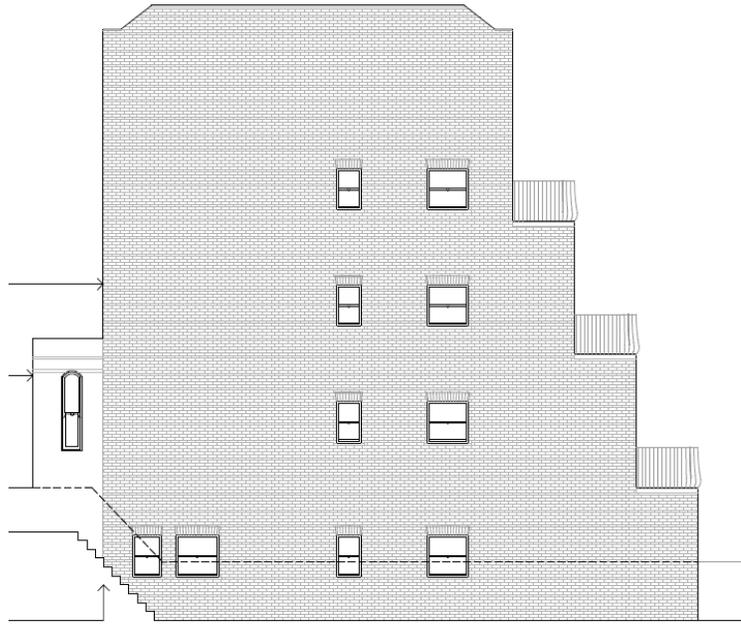
Existing (left) and Proposed (right) lower ground floor plans



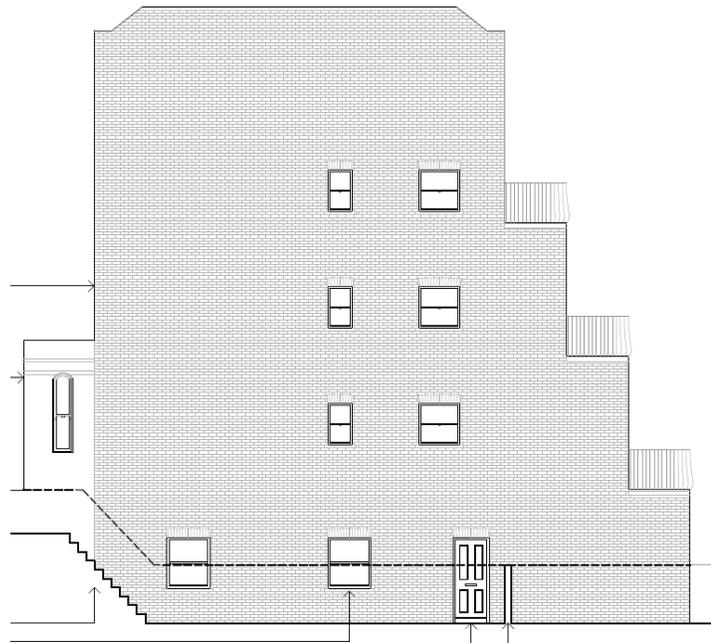
**Proposed roof plan**



**Existing (left) and Proposed (right) rear elevation**



**Existing (above) and Proposed (below) side flank elevation**



**DRAFT DECISION LETTER**

**Address:** 33 St Luke's Road, London, W11 1DD

**Proposal:** Single storey rear extension to basement flat.

**Reference:** 19/04042/FULL

**Plan Nos:** SLM\_100\_P Rev. A; SLM\_101\_P Rev. A; SLM\_101.01\_P Rev. A; SLM\_102\_P Rev. A; SLM\_103\_P Rev. A; SLM\_104\_P Rev. A; SLM\_200\_P Rev. D; SLM\_200.01\_P Rev. B; SLM\_201\_P Rev. C; SLM\_300\_P Rev. C; SLM\_301\_P Rev. D; SLM\_302\_P Rev. C; Design and Access Statement dated May 2019

**Case Officer:** Fergus Wong

**Direct Tel. No.** 020 7641 1052

**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 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, 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)

- 5 You must plant new trees to replace those which are shown to be removed to on drawing SLM\_101.01\_P Rev. A. The replacement trees must be planted in the first planting season after you complete the development. You must apply to us for our approval of the position, size and species of the replacement trees. You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five years of the date we give our approval for the replacement trees, in the next planting season with another of the same size and species to the one originally planted.

Reason:

To protect the trees and the character and appearance of this part of the Aldridge Road and Leamington Road Villas Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

### 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://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 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)

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.