

Item No.
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<b>CITY OF WESTMINSTER</b>		
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date:</b> <b>26<sup>th</sup> November 2019</b>	<b>Classification</b> For General Release
<b>Report of</b> Director of Place Shaping and Town Planning	<b>Ward(s) involved</b> Harrow Road	
<b>Subject of Report</b>	<b>31 Saltram Crescent, London, W9 3JR.</b>	
<b>Proposal</b>	Erection of four storey side extension and two storey building at end of garden fronting Malvern Mews; alterations to boundaries; installation of waste and cycle storage within front garden; all in association with the creation of two residential dwelling houses (1 x 3 bed and 1 x 2 bed) (Use Class C3).	
<b>Agent</b>	Jon Dingle Ltd	
<b>On behalf of</b>	Soho Housing Association	
<b>Registered Number</b>	18/10570/FULL	<b>Date amended/completed</b> 8 February 2019
<b>Date Application Received</b>	14 December 2018	
<b>Historic Building Grade</b>	Unlisted	
<b>Conservation Area</b>	Outside of conservation area	

## 1. RECOMMENDATION

Grant conditional permission, including subject to a Grampian condition to secure:

- a) Highway works in Saltram Crescent to remove the redundant vehicular crossover and reinstate the pavement and change on-street restrictions to introduce additional on-street parking.
- b) Lifetime (25 years) car club membership for each residential unit.

## 2. SUMMARY

This application was first reported to the Planning Applications Sub-Committee on 9<sup>th</sup> April 2019 but withdrawn from the agenda prior to being presented for the reason that the access to the public highway for the two story building facing Malvern Mews, was across private land in Brent and that an application to allow access should therefore be made to Brent confirming access to the public highway prior to this application being determined. A subsequent application was made to Brent, but was refused on amenity grounds.

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Permission is sought for the erection of two new houses, one facing Saltram Crescent and one facing Malvern Mews, together with alterations to the boundary treatments at Saltram Crescent and Malvern Mews and the erection of waste and cycling storage to the front garden on Saltram Crescent. During the course of the application, re-consultation was undertaken following the receipt of a revised red line application plan, which included Malvern Mews.

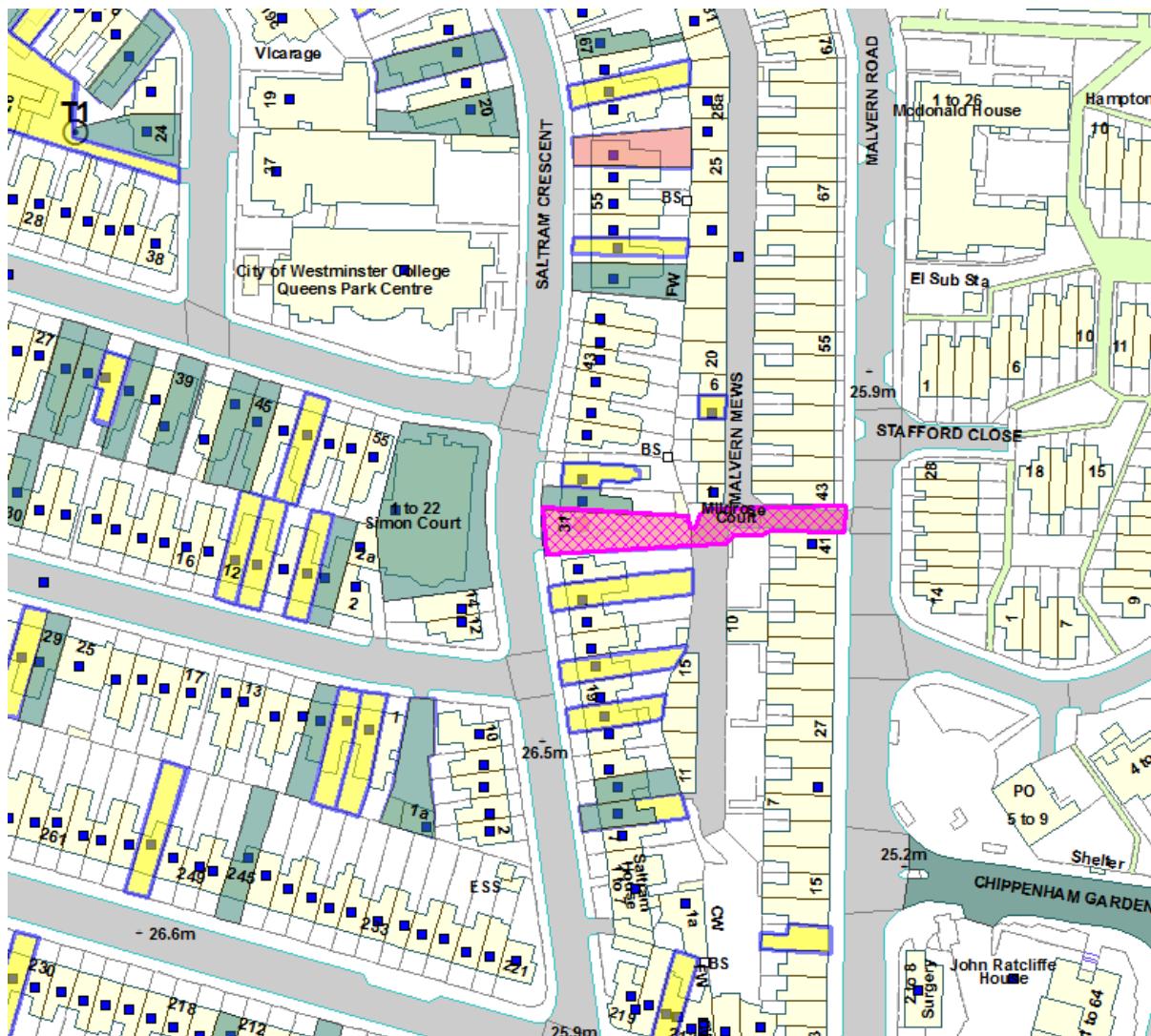
The application has attracted objection from 21 neighbouring residents on a range of grounds set out in section 5 of this report.

The key issues are:

- The impact of the proposed development on the character and appearance of the local townscape.
- The impact of the proposed development on the amenity of neighbouring residents

The proposed development is considered to be acceptable and, subject to the recommended conditions, including a Grampian condition to secure highways works and car club membership, it is considered to comply with the relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and in Westminster's City Plan adopted in November 2016 (the City Plan).

### 3. LOCATION PLAN



#### 4. PHOTOGRAPHS

**View of the application site from Saltram Crescent**



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**Area to the rear of the site where the two bedroom dwelling would be located**



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Rear of site viewed from Malvern Mews



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## 5. CONSULTATIONS

### CONSULTATION RESPONSES TO THE ORIGINAL CONSULTATION DECEMBER 2018

WARD COUNCILLORS FOR HARROW ROAD:

Any response to be reported verbally.

NORTH PADDINGTON SOCIETY:

Any responses to be reported verbally.

MAIDA HILL NEIGHBOURHOOD FORUM:

Any responses to be reported verbally.

HIGHWAYS PLANNING MANAGER:

Comment. The proposal does not provide enough car parking and cycle storage.

WASTE PROJECT OFFICER:

No objection.

LONDON BOROUGH OF BRENT:

No objection.

BUILDING CONTROL:

No objection, general comments made:

- A protected stair should be provided serving all floors and a sprinkler system should be installed throughout for a four-storey house with no alternative exit on the top floor.
- For a two-storey house, a protected stair should be provided serving all floors or the bedrooms on the first floor must be provided with suitable alternatives means of escape. Guidance can be found in Approved Document B.
- These matters are for the applicant to resolve when they submit a Building Regulation application to a Building Control Body.

ARBORICULTURAL OFFICER:

Comment. The works may restrict the growth of a tree in a neighbouring garden.

Request conditions to secure further tree protection details.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 52

Total No. of replies: 21 objections on one or more of the following grounds.

Design

- Incongruous architecture
- Height and style of the building facing Saltram Crescent unacceptable
- Not in keeping with the character of Saltram Crescent
- Loss of gap between buildings
- Property facing Malvern Mews not in keeping with the mews.
- Loss of open space
- Over development of the site/plot

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Amenity

- Overlooking
- Loss of light
- Overshadowing
- Sense of enclosure
- Loss of view of the sky between No. 29 and 31 Saltram Crescent

Highways/Parking

- Increased pressure on parking
- Lack of cycle parking in the two bed property

Other

- Loss of vegetation and wildlife on the site following the removal of the existing plants
- Logistics of building a house in Westminster which is accessed via Brent have not been addressed
- Works/excavation adjacent to boundary with neighbouring properties
- Disruption to residents during the course of the works including noise and traffic
- Harm to the cobbled mews

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

CONSULTATION RESPONSES TO REVISED CONSULTATION (RED LINE TO INCLUDE MALVERN MEWS - FEBRUARY 2019)

BRENT COUNCIL:

No objection. (Please also refer to planning history section).

ADJOINING OWNERS/OCCUPIERS:

No consulted: 60

No responses: 1 objection

- Proposed building looks out of character compared to the Victorian style architecture and height of the buildings on Saltram Crescent.
- Ruins the uniformity of the crescent, one of its key architectural features.
- The space is better used as intended, as a garden.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site lies on the eastern side of Saltram Crescent. It is not located within a conservation area and there are no listed buildings in the immediate vicinity. The plot comprises a narrow piece of hard landscaped land located between the two neighbouring buildings, leading to a larger open area to the rear. The rear boundary of the site fronts Malvern Mews and abuts the boundary wall shared with 1 Mildrose Court, Malvern Mews. The boundary line between the boroughs of Westminster and Brent runs

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along the boundary lines of the rear of the gardens of the properties on Saltram Crescent.

Saltram Crescent is predominantly residential and is characterised by a variety of Victorian terraces of different scales and displaying comparable architectural detailing. The application site demarks a change in scale of the existing built form with the terraces to the north of the site being of three stories starting at ground floor level with pitch roofs and rear closet wings, whereas those to the south of the site are characterised by three storey terraces at a lower height, including lower ground floor level and distinctive butterfly roofs.

Malvern Mews to the north east of the site has a typical mews character, with cobbled streets and two storey buildings fronting the mews. Historic maps show that historically a building was likely located in the proposed location of the mews style building, however this is no longer present.

The existing use of the site is an unallocated car park. The space was originally linked to the three residential flats at 31 Saltram Crescent by a condition placed on the planning permission dated 15<sup>th</sup> August 1995 (RN: 95/04829/FULL) for 'Conversion of 3 storey single dwelling to 3 self-contained flats; associated external alterations.'

In 2015 a certificate of lawfulness application was approved by the City Council confirming that the three flats at 31 Saltram Crescent had been occupied for over ten years without the occupants having access to the car parking and therefore the continued use of the building as three flats without compliance with Condition 2 of the permission dated 15 August 1995 is lawful by virtue of Section 171B of the Town and Country Planning Act 1990 (as amended).

## 6.2 Recent Relevant History

### Westminster Applications

#### 95/04829/FULL

CONVERSION OF 3 STOREY SINGLE DWELLING TO 3 SELF CONTAINED FLATS;  
ASSOCIATED EXTERNAL ALTERATIONS.

Application Permitted      15 August 1995

#### 15/09892/CLEUD

Use as three flats without compliance with Condition 2 of planning permission dated 26th July 1996 which required the provision of 3 car parking spaces to the rear for use by occupiers of the flats.

Application Permitted      6 January 2016

#### 18/05443/FULL

Erection of four storey side extension and two storey building at end of garden fronting Malvern Mews; alterations to boundaries; installation of waste and cycle storage within front garden; all in association with the creation of two residential dwelling houses (1 x 3 bed and 1 x 2 bed).

Application Withdrawn      16 August 2018

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### **Brent Application**

It has been agreed by Brent that the application site the subject of this report, falls within Westminster although the boundary wall spans the boundary between the boroughs.

An application was made to Brent for 'Part removal of a section of brick wall and fence, to facilitate development of a 2-bedroom 2-storey house, the entirety of which is to be located in the borough of Westminster, fronting Malvern Mews, with a pedestrian door opening onto Malvern Mews.' (RN: 19/2080)

The application was refused by Brent on 27<sup>th</sup> August 2019 for the reasons set out below:

1. *The proposed 2 storey house, due to the position and height of the front elevation with relation to the garden of 1 Mildrose Court, would cause an unacceptable impact in terms of an increase in sense of enclosure and an overbearing aspect to that amenity space, as evidenced by failure to comply with the 45 degree rule, failing to comply with London Plan (2016) Policy 7.6: Architecture, Brent Development Management Policy (2016) DMP1- General Planning Policy, and Brent Supplementary Planning Document 1 - Brent Design Guide (2018).*
  
2. *The proposed 2 storey house, due to the position and height of the front elevation with relation to the bedroom of 1 Mildrose Court, would cause an unacceptable impact in terms of loss of light and impact on outlook, thus failing to comply with London Plan (2016) Policy 7.6: Architecture, and Brent Development Management Policy (2016) DMP1- General Planning Policy.*

The decision notice and delegated report of Brent are included as a background paper to this report.

### **7. THE PROPOSAL**

The proposed building fronting Saltram Crescent is proposed to be 3 storeys plus roof storey, with the front elevation set back from the front built line of the building to the north, comprising of 95.5m<sup>2</sup>. The roof form, which has been designed as a mansard roof, sits within the built envelope of the building to the north whilst the rear elevation projects beyond the established rear built line. Each floor level contains a single fenestration on the front and rear elevations and two roof lights are proposed in the centre of the front and rear elevations which span the full height of the roof, over the knee. The material palette of the building consists of brick, which will be laid decoratively, stone lintels and slate roof tiles.

To the front of the building the existing brick, low boundary wall, will be continued to create a formal boundary to the site with an off centred pedestrian opening. Immediately behind the front wall sits an enclosed bin and bike store which will be provided with a green roof. To the rear of the site the area has been subdivided with timber fencing to create private gardens.

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The proposed building fronting Malvern Mews would be two storeys comprising of 83.5m<sup>2</sup>, with the upper storey having semi-pitched roof to reduce the overall height and mass of the building. The front elevation is to incorporate an existing boundary wall with discreetly scaled fenestration, whilst the rear elevation has a larger opening at ground floor level and obscured windows on the upper level. The building uses a combination of brickwork, laid in a decorative way, and timber cladding. One side of the pitched roof will contain a green roof, whilst the other side will be slate.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

Policies H3 of the UDP and S14 of the City Plan seek to encourage the provision of additional residential floor space throughout the borough. S14 states that residential use is the priority across Westminster except where specifically stated. H5 of the UDP and S15 of the City Plan seek to ensure that developments deliver a mixture of housing sizes and tenures. S12 of the City Plan relates to the North Westminster Economic Development Area (NWEDA) and states development should contribute to increasing economic activity within the area, or providing local services, or improving the quality and tenure mix of housing.

The proposed scheme would introduce two new houses, 1x 3bed family sized dwelling and 1x 2bed dwelling. Both of the houses are in accordance with the nationally described space standards, provide some private outdoor amenity space and therefore are considered to deliver new, high quality housing accordance with the aforementioned policies relating to housing.

Objections have been raised on the grounds that the works would lead to an over development of the site which is out of keeping with the character of the area. Historic maps demonstrate that the site originally contained buildings and was not 'garden land' as detailed in the design section of the report. Additionally the density of the site following the development would not exceed what is considered appropriate in this part of city and is in accordance with the City Council's adopted policies and the London Plan.

### 8.2 Townscape and Design

#### *Legislation and Policy:*

The proposals have been considered in relation to policies DES 1 and DES 4 of the UDP and Policy S28 of the Westminster City Plan. Of particular relevance is UDP policy DES 4 which seeks to ensure the highest quality of new development in order to preserve or enhance the townscape. The policy sets out considerations whereby new infill development must have regard to the prevailing character and quality of the surrounding townscape specifically noting that the development conforms or reflects established boundary lines and local scale, storey heights and massing of adjacent buildings, characteristic frontage plot widths, roof profiles including silhouettes of adjoining buildings, distinctive forms of prevalent architectural detailing and type of characteristic materials. Part (H) also notes that where there is the existence of a set piece or unified architectural composition or significant building groups new development should conform or reflect the design characteristics.

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*Assessment:*

The design of the scheme has raised objections from local neighbours. With regards to Saltram Crescent one respondent has questioned the reference to Saltram Crescent being architecturally ‘unremarkable’ within the applicants planning statement. The City Council acknowledges that Saltram Crescent contains Victorian terraces which positively contribute to the character and appearance of the area. The setting of the site has been considered as part of the application assessment. A number of comments state that the new building fronting Saltram Crescent contrasts with the Victorian houses on Saltram Crescent and will have an impact on the character of the road. Additionally, they note the existing gap between the two terraces makes a positive contribution to the road, allowing for the change in scale of the buildings, with the resultant gap left in between the buildings is too narrow and awkward.

The form, scale and massing of the building fronting Saltram Crescent is considered to be in accordance with the aims of UDP policy DES 4. The height of the building allows it to comfortably transition from the buildings to the north, to the lower terrace immediately to the south of the site. Furthermore, the proposed height prevents competition with the existing terraces, allowing the infill building to be perceived as a later addition to the site.

The built lines are in keeping with those along the terrace, whilst setting the front elevation back allows the northern terrace to remain prominent in the street scene. Whilst there is currently a townscape gap, it is not considered this was intended to provide views to the terrace behind, rather a tool to address the curve in the road when constructing terraced properties. In response to the objections raised, the loss of the gap is not considered to result in the loss of a high quality public realm view and due to the height and set back of the building line the infill building allows for the townscape gap to be interpreted by respecting the prominence of the existing terraces.

The design approach is considered to respond to the prevailing architectural character of the neighbouring Victorian terraces; the architectural detailing such as recessed windows, stone lintels and brickwork references the surrounding terraces whilst not replicating them, which is appropriate in this instance. The brickwork is shown as being laid in a herringbone bond, which does not follow the brick bond on the neighbouring terraces however this will add some visual interest to the building and is supported. Sample panels are requested by condition to ensure the bricks and details are in keeping with its setting. The fenestration are reflective of those on the northern terraces in terms of their proportions and scale, whilst the rooflights have a more contemporary approach in extending over the knee of the mansard roof. This approach is acceptable in the context of a new addition within the street scene.

Concerns have been raised with the principle of a building at the rear of the site fronting Malvern Mews as in this location it could be perceived as being a building set within a garden, which is not characteristic to the rear of Saltram Crescent. Additionally, objections have been raised on the grounds the mews building does not fit in with the character of Malvern Mews.

The footprint of the building fronting Malvern Mews approximately replicates the building that historically stood in this location. By incorporating the existing boundary wall the established building line is being retained, whilst to the rear the depth of the building is

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not considered to result in a large loss of external ‘garden’ space. The form of the building is reflective of a mews building, having been kept to a subservient scale of 2no storeys in relation to the buildings on Saltram Crescent. Furthermore, the scale is reflective of the mews terraces within Malvern Mews itself. The roof has been pitched in reference to the pitched roofs found within the wider setting, whilst reducing the mass of the building. This approach is considered appropriate for the setting and the inclusion of a green roof is welcomed as it visually softens the building when seen in private views. In terms of detailed design, the prevention of amenity implication has resulted in the location, scale and design of the fenestration, however they are in keeping with those found on the surrounding terraces and do not visually dominate the building. The use of both brick and timber cladding identifies the building to its wider setting whilst acknowledging that it is a subservient building within a garden area. The building is considered to be in keeping with the aims of UDP policy DES 4. A condition requiring samples of material is recommended.

The alterations to the front boundary treatment along Saltram Crescent and the proposed works within the front garden are in keeping with the features within the street scene and will allow the new building to comfortably integrate into the setting. The green roof to the bike store should be secured by condition and details of the brick work and paving requested. Similarly, at the rear the subdivision of the garden spaces is shown to be via timber garden fences, which is appropriate for the setting.

The proposals are considered to comply with UDP policies DES 1 and DES 4 as well as City Plan policies S28.

### **8.3 Residential Amenity**

#### **Sunlight and Daylight**

Objections have been received regarding a potential loss of light to neighbouring residential properties to the north and south of the site, the opposite side of Saltram Crescent, and properties on Malvern Road and Malvern Mews which have rear windows facing the site.

The applicant has provided a detailed sunlight and daylight report assessing daylight using both Vertical Sky Component (VSC) and No Sky Line (NSL) methods in accordance with The British Research Establishment (BRE) Site Layout Planning for Daylight and Sunlight : A Guide to Good Practice (2011). The following properties were assessed:- 1 Malvern Mews, 39 – 43 Malvern Road, 14 Saltram Crescent, 27 – 35 Saltram Crescent, Simon Court.

Taking into account the results of both methods of daylight assessment and the sunlight assessment and the existing surrounding properties, there would be no significant reduction in daylight or sunlight to most of the surrounding properties.

However, an existing ground floor window in the side elevation of 31 Saltram Crescent (part of the application site) would be blocked up under the proposal (as one of the new houses would attach to this flank wall) However, this is an unneighbourly flank window on the boundary and the room is dual aspect with the main window on the rear elevation

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of the building retaining good levels of daylight. As such, the loss of this window is considered acceptable.

Whilst the report indicates some minor loss of daylight and sunlight to a ground floor window in 1 Malvern Mews, the affected window is no longer in the same location, following the construction of a ground floor extension and first floor terrace to this neighbouring property.

It is acknowledged that subsequent to the submission of this application the occupier of 1 Mildrose Court, Malvern Mews, has made alterations to their own property, however the new extension and balcony replace a permanent timber structure which was in a very similar position. It is acknowledged that the extension at 1 Mildrose Court may reduce the amount of daylight to a new ground floor window/door, however it is not considered that the impact would be so significant to withhold permission on this ground.

Whilst Brent have not formally raised objection to this application, they have refused a related application on the grounds that the proposed development would cause an unacceptable loss of light to a ground floor window to 1 Mildrose Court, Malvern Mews. Officers not agree with this conclusion for the reasons set out above.

#### **Sense of Enclosure**

Objections have been received from neighbouring residential properties on grounds that both of the new buildings would reduce residents views of the sky and trees and result in an increased sense of enclosure.

The proposed house fronting Saltram Crescent sits back from the established built line at the front elevation, to the rear the building extends marginally beyond 29 and 31 Saltram Crescent. Due to the position of the proposed building and the location of the windows on the rear elevations of the neighbouring buildings it is not considered that any significant increase in sense of enclosure to neighbouring residential properties would occur.

The proposed house facing Malvern Mews is set significantly below the ground level of the existing 31 Saltram Crescent property and would sit at a level similar to the terrace to the south of the site which begins at 29 Saltram Crescent. Objections have been received from ground floor flats to the north and south of the site with respect to the new house appearing over bearing and obstructing existing views of the surrounding area. During the course of the application, the case officer visited all of the directly adjacent ground floor properties. Given the pitched green roof of the proposed house, the setting of the house at a lower ground level when compared to the existing buildings to the north and given the presence of the significantly larger buildings on Malvern Road it is not considered that any significant sense of enclosure would occur and it is therefore not sustainable to withhold permission on this ground. There is no right to a view under planning and therefore individual views are not protected.

The boundary fence between the application site and No. 29 Saltram Crescent to the south, would be increased in height by up to 1.7m. Given the change in levels between the two sites, when viewed from the ground floor of 29 Saltram Crescent the boundary fence would be approximately 2.9m high. The increased height would be noticeable,

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however given the distance between the two properties there would be no significant sense of enclosure to warrant withholding permission.

Objections have been raised on grounds that the house would have a detrimental effect on outlook and increase the feeling of confinement from within the building and garden of 1 Mildrose Court, Malvern Mews. The case officer visited this neighbouring property during the course of the application. Due to the position of the windows which face south and the position of the proposed house which is not located directly to the south of the windows, it is not considered that it would result in a significant increase in the sense of enclosure for occupiers of the building.

From the small courtyard garden space to the south of 1 Mildrose Court, Malvern Mews, the house to the south west of the courtyard would be noticeable to the south west of the garden. However, the existing garden is already enclosed by boundary walls of between 2.5 to 3m high. Given this, it is not considered that the proposal would result in such enclosure to this garden, to warrant withholding permission.

Whilst Brent refused a related application on grounds that the proposal would result in a sense of enclosure and would be overbearing to this garden. They have not raised objection to a consultation on this application and officers, having had the benefit of an on-site assessment, do not agree with Brent's conclusions for the reasons set out above.

### **Privacy**

Objections have been received on grounds that the two-storey mews house would increase overlooking between the proposed first floor rear windows and the rear of the buildings on Saltram Crescent. The windows in the northern part of the building are obscure glazed to head height which would prevent overlooking towards the buildings directly opposite and to the north. The first floor window to the south of the proposed mews building on the rear elevation is set back behind enlarged returns and is obscure glazed on the bottom half of the window. Given the distance between properties, the oblique views offered and the mitigation measures put in place by the applicant it is not considered the window would harm the privacy of the properties on Saltram Crescent.

A condition is recommended to ensure that the house is not occupied until details of the opaque glazing have been submitted, approved and installed. As such the proposal is not considered to raise privacy issues.

Subject to the conditions recommended to restrict permitted development rights and provision of obscure glazing, the proposal is considered to be acceptable in amenity terms.

### **8.4 Transportation/Parking**

The Highways Manager has raised concern that the existing hard standing is car parking for the existing property and that no parking for the units is being provided.

In 2015, a Certificate of Lawfulness was granted for 'Use as three flats without compliance with Condition 2 of planning permission dated 26th July 1996, which required the provision of 3 car parking spaces to the rear for use, by occupiers of the

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flats.' The certificate confirmed that the area had not been used for residents parking for a period of more than ten years and that the occupants of the flats had no access to the area in there long term leases. As such, the proposal does not result in any loss of car parking.

Whilst no off-street car parking is proposed for the two new houses, to the front of the site on Saltram Crescent there is an existing dropped curb which is to be removed allowing the reinstatement of two on street residential parking bays. In addition, lifetime car club membership is also proposed. Given this, it is considered that the benefit of providing two new homes, together with the creation of additional on-street car parking bays and car club membership, outweighs the Highway's Manager's concerns.

Details of highways works and car club are recommended to be secured by way of Grampian condition and satisfactory details of cycle storage is proposed to be secured by condition.

#### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

#### **8.6 Access**

The house fronting Saltram Crescent will be accessed from the street via a front garden in the same manner as the existing properties within Saltram Crescent.

The house fronting Malvern Mews will be accessed from Malvern Mews. Malvern Mews is a private road which is accessed from Malvern Road. Both Malvern Mews and Malvern Road lie within the adjacent borough of Brent.

During the course of the application it was raised by officer's that the access to the site was not included in the red line application site plan. The red line was revised by the applicant to include the access to the public highway and the application was re-consulted upon.

Brent raised no objection to the future access arrangements of the property facing Malvern Mews in responses to consultation. The no objection raised by Brent dated 7<sup>th</sup> March 2019 included the below informative relating to access.

Informative:-

*The proposed house to the rear would be accessed from Malvern Mews. This street is not an adopted highway and is managed by Brent Housing. If existing rights of way do not exist to this property from the rear, then the permission of Brent Housing will be required to provide access and it is recommended that this department is consulted on this proposal, as it directly affects their street.*

A subsequent application to Brent was refused by them, but not on the grounds relating to access to the site, but on grounds of impact on amenity. (See history section of this report and background papers). Whilst this is unfortunate, this is a matter for the applicant to pursue and is not a reason in which to withhold permission.

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Objections have been received on the grounds of access to the two storey mews building. The objections state that the road is privately owned by the Malvern Mews freeholders who will withhold permission from future occupants. While this is a private matter, the Mews is an un-adopted highway as it has been open and passable for over 20 years and Brent have raised no objection to the proposed access. Refusal on these grounds would not be sustainable.

## **8.7 Other UDP/Westminster Policy Considerations**

### **Trees**

The removal of the purple plum street tree, from the front of the site (ref T1) is accepted as fungi and decay within the tree have been identified by the City Council. The tree officer has recommends conditions to secure landscaping in the gardens of the new dwellings and permeable surfaces for drainage.

An objection has been raised on the grounds that the works may restrict the growth of and require future pruning of a Sweet Gum tree in an adjoining garden. The tree officer has recommended conditions to secure further tree protection details.

## **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was 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 and subject to 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 paragraph 48 of the NPPF, it will generally attract very limited weight at this present time.

## **8.9 Neighbourhood Plans**

Not applicable to this location

## **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 consistent with the NPPF unless stated otherwise.

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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 pre-commencement conditions as set out in the draft decision notice (No.5 Highways works and car club, No.11 Tree protection and No.15 Code of Construction Practice. The applicant has agreed to the imposition of these conditions.

#### **8.12 Planning Obligations**

A Grampian condition to secure highway works in Saltram Crescent and life-time car club membership for each of the residential units is recommended.

Subject to any relevant exceptions, the Westminster CIL would be £35,800 and the Mayoral CIL would be £14,320.

#### **8.13 Other Issues**

Objections have been raised on the grounds that Westminster City Council should not be granting permission for works that could detrimentally impact the residents of another borough (Brent). Work on land adjoining neighbouring boroughs is not uncommon and the City Council have consulted both the neighbouring residents and the Neighbouring Local Authority. The City Council have assessed the impact on amenity of residents of both Westminster and Brent the City Council's position is that the proposal is acceptable for the reasons set out in this report.

The applicant is required under condition 15 to sign up to and be bound by our Code of Construction Practice, in order to protect the environment of residents and the area generally during construction works.

(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 <a href="mailto:swhitnall@westminster.gov.uk">swhitnall@westminster.gov.uk</a> .
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## 9. KEY DRAWINGS

Front elevation of three bedroom property facing Saltram Crescent



31 SALTRAM CRESCENT

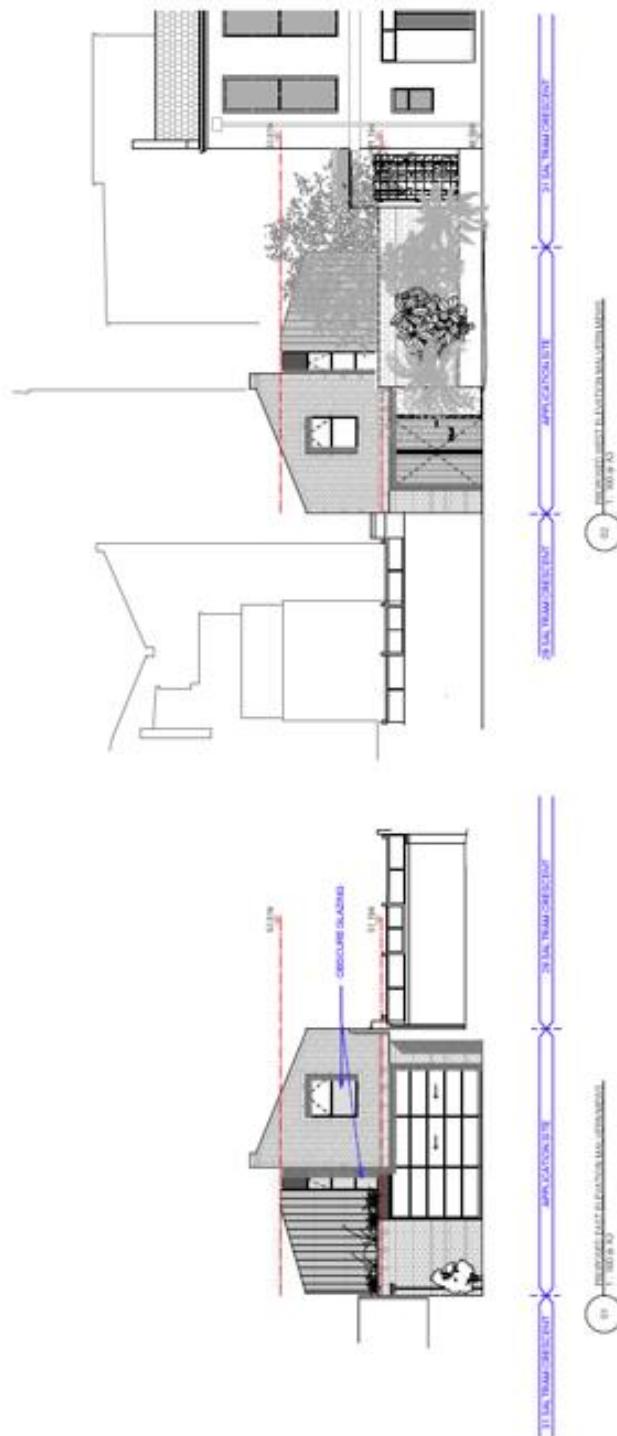
APPLICATION SITE

29 SALTRAM CRESCENT

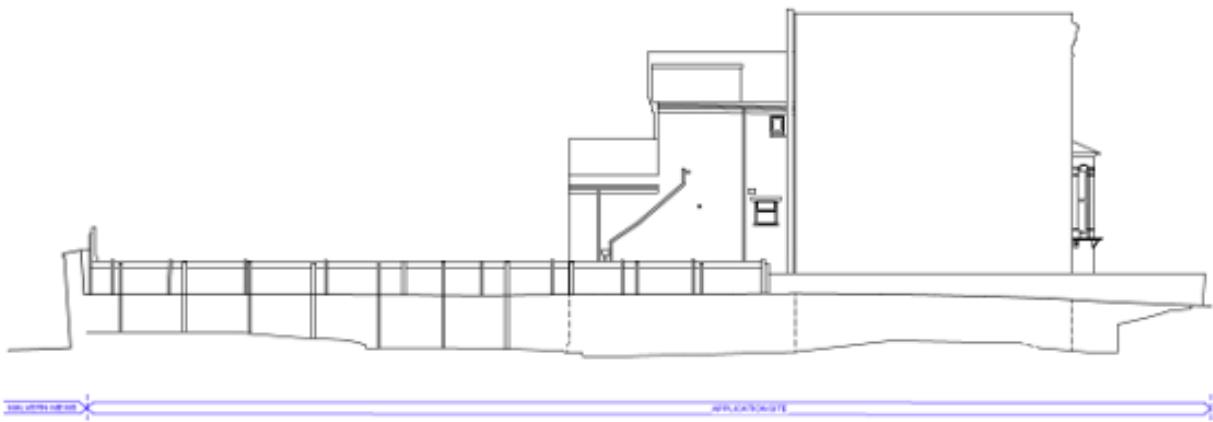
Rear elevation of proposed three bedroom property



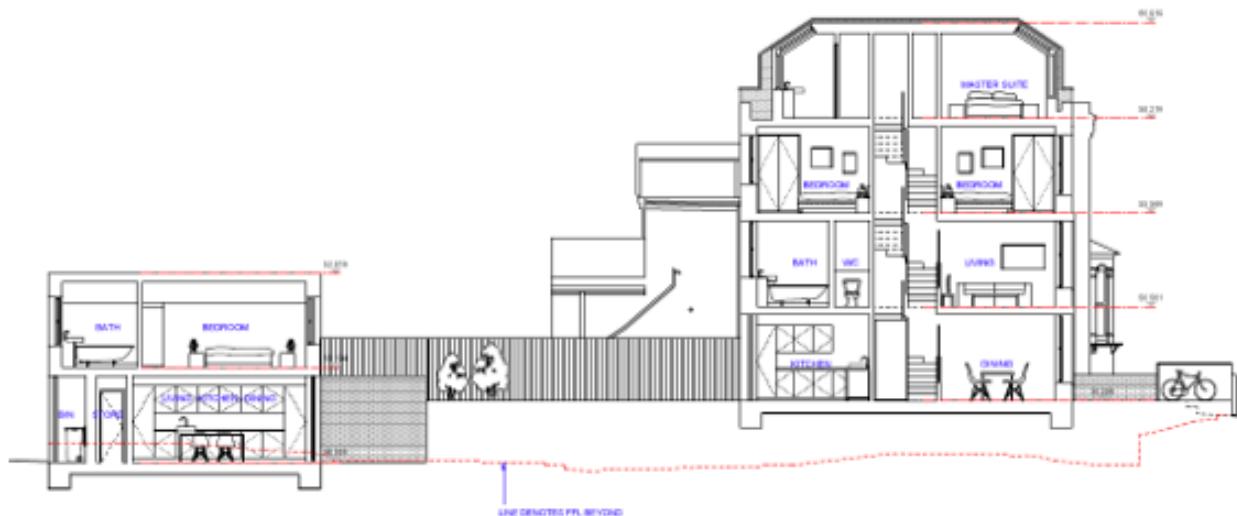
Front and Rear elevations of proposed two storey property facing Malvern Mews



Existing section



Proposed section



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## DRAFT DECISION LETTER

**Address:** 31 Saltram Crescent, London, W9 3JR,

**Proposal:** Erection of four storey side extension and two storey building at end of garden fronting Malvern Mews; alterations to boundaries; installation of waste and cycle storage within front garden; all in association with the creation of two residential dwelling houses (1 x 3 bed and 1 x 2 bed) (Use Class C3).

**Reference:** 18/10570/FULL

**Plan Nos:** Site location plan, 0301 Rev A, 0302 Rev A, 0200 Rev A, 0100, 0201, 0300 Rev A, 1301 Rev 02, 1303 Rev 01, 1200 Rev 02, 1201 Rev 02, 1302 Rev 01, 1101 Rev 03, 1100 Rev 03, 1104 Rev 03, 1103 Rev 03, 1300 Rev 03, 1102 Rev 03, , For information only, Daylight and Sunlight Report, Design and Access Statement

**Case Officer:** Max Jones

**Direct Tel. No.** 020 7641 1861

### 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)

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Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 You must provide the waste store shown on drawing 1100 Rev 02 before anyone moves into the properties. You must clearly mark it and make it available at all times to everyone using the houses. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 5 You must not use any part of the development until we have approved appropriate arrangements to secure the following:, , a) Highway works in Saltram Crescent to remove the redundant vehicular cross over and reinstate the pavement and change on-street restrictions to introduce additional on-street parking., b) Lifetime (25 years) car club membership for each residential unit., , In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements. (C19BA)

Reason:

To make sure that the development prioritises pedestrian movement and does not result in increased pressure on on-street residents' parking, as set out in S33 and S42 of Westminster's City Plan (November 2016) and in STRA25, TRANS2, TRANS3 and TRANS23 of our Unitary Development Plan that we adopted in January 2007.

- 6 You must provide each cycle parking space shown for the property facing Saltram Crescent on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.,

Reason:

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

- 7 Notwithstanding the details shown in drawing 1100 Rev 3, you must apply to us for approval of details of secure cycle storage for the property facing Malvern Mews. You must not occupy this property until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

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Reason:

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

- 8 The glass that you put in the windows in the rear elevation of the property facing Malvern Mews must not be clear glass. The windows must be inward opening and have restrictors on them to limit the range of opening. You must apply to us for approval of a sample of the glass (at least 300mm square) and the restrictor. You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

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)

- 9 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 10 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 6 months of completing the development (or within any other time limit we agree to in writing)., , If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 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. (R30AC)

- 11 **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)

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Reason:

To make sure that the trees on the site are adequately protected during building works. This is 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. (R31AC)

- 12 Prior to the occupation of the property facing Malvern Mews, you must provide the green roof hereby approved and maintain it thereafter.

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43AB)

- 13 You must apply to us for approval of samples of the following parts of the development including elevations and roof plans annotated to show where the materials are to be located: : , i) stone lintels , ii) Sample panels of the brickwork, herringbone pattern and rendering, iii) roof slates, , You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 14 You must not form any windows, openings or extensions (other than those shown on the plans) in/to the outside walls of the new buildings without our permission. This is despite the provisions of Classes A, B, C, D, F; of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it). (C21EB)

Reason:

To prevent an overdevelopment of the site and to protect the 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. (R21EC)

- 15 **Pre Commencement Condition.** Prior to the commencement of any:, (a) Demolition, and/or, (b) Earthworks/piling and/or , (c) Construction , On site you must apply to us for our written approval of evidence to demonstrate 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 the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein.

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Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

**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),

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 HIGHWAYS LICENSING:, Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560., , CONSIDERATE CONSTRUCTORS:, You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [sitenquiries@ccscheme.org.uk](mailto:sitenquiries@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 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)

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The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please phone 020 7641 2642. (I69AA)

- 5 Under condition five we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure highway works to remove the existing redundant vehicular crossover in Saltram Crescent, amend on-street restrictions to introduce additional on-street residents' parking and secure the provision of lifetime (25 year) car club membership for each of the new residential units, as set out in the email dated 29 January 2019 from Jon Dingle Ltd. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at [www.westminster.gov.uk](http://www.westminster.gov.uk). Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition. (I77AA)
  
- 6 One or more of the conditions above prevent work starting on the development until you have applied for, and we have given, our approval for certain matters. It is important that you are aware that any work you start on the development before we have given our approval will not be authorised by this permission. (I77BA)

Please note: the full text for informatics 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.