

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 15 December 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Bayswater	
Subject of Report	7 Needham Road, London, W11 2RP		
Proposal	Amalgamation of two maisonettes to create a single dwelling house [Class C3], excavation beneath the footprint of the existing building and excavation of part of rear garden at lower ground floor level. Demolition of the existing extension to the rear and construction of a new lower ground and ground floor rear extension. Repair work to the facade, alteration to street frontage in line with the street and landscaping to the rear garden. Installation of acoustically attenuated condenser to the rear garden. Internal alterations.		
Agent	Miss Alexandra Ewan		
On behalf of	Ms Amie McDonald		
Registered Number	20/03623/FULL & 20/03624/LBC	Date amended/ completed	11 June 2020
Date Application Received	11 June 2020		
Historic Building Grade	II		
Conservation Area	Westbourne		

1. RECOMMENDATION

1. Grant conditional planning permission.
2. Grant conditional listed building consent.
3. Agreed the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

The application site relates to a semi-detached house located on the west side of Needham Road. The building is located within the Westbourne Conservation Area and is Grade II listed.

Planning permission is sought for the excavation beneath the footprint of the existing building and excavation of part of rear garden at lower ground floor level, construction of a new lower ground and ground floor rear extension, installation of a condenser unit to the rear garden and façade repair works. Additionally, significant internal alterations/ renovations of the property are proposed throughout. The works are in association with the amalgamation of two maisonettes to create a single dwelling house [Class C3]. There have been revisions to the scheme in terms of the extent of

garden excavation (as a direct result of additional tree investigations) and listed building/ internal amendments.

Objections have been received from neighbouring residents on a number of grounds including the design, the impact on the conservation area, the impact on the amenity of neighbours and the impact of excavation works on neighbouring properties and residents.

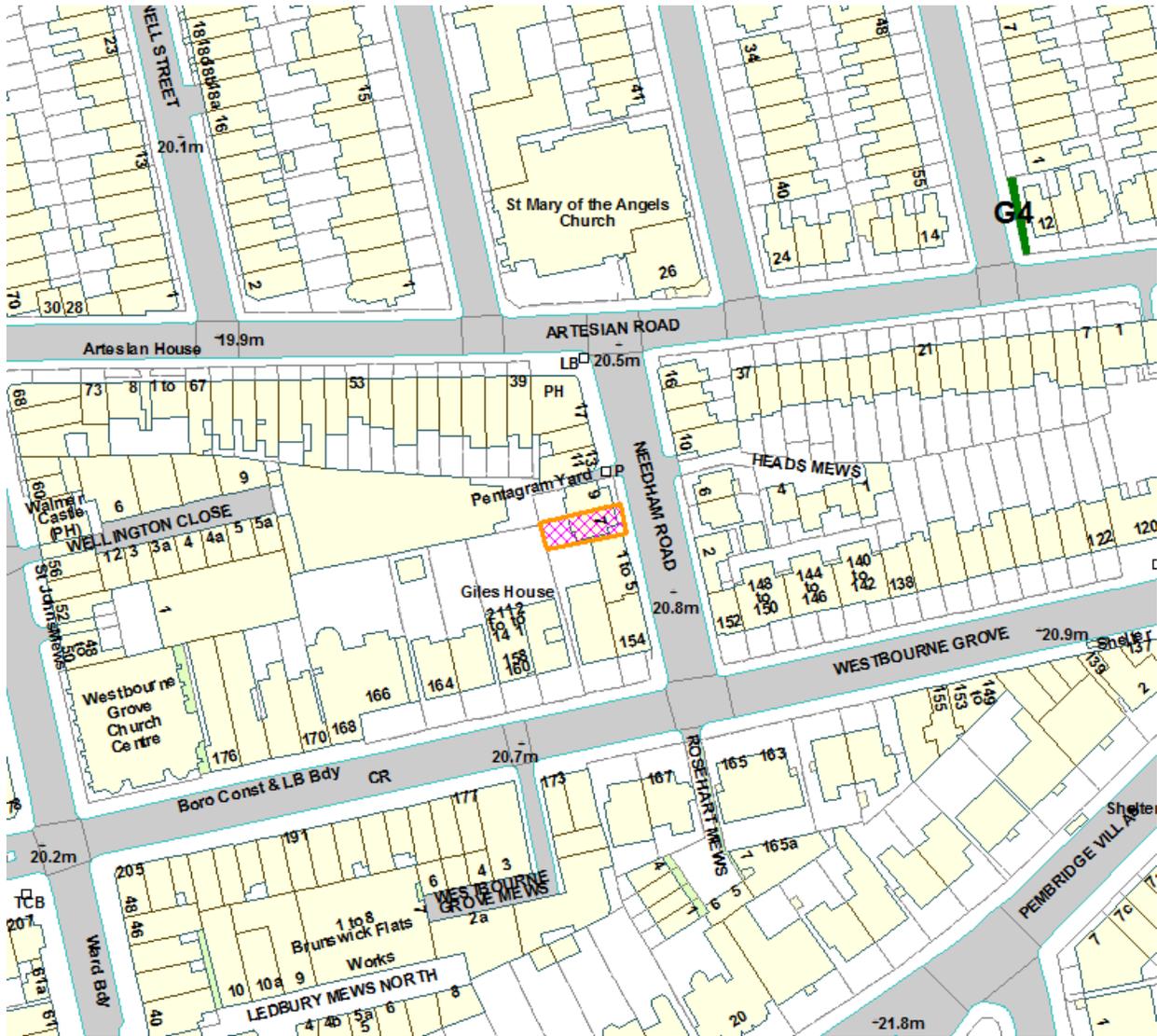
The case officers conducted a virtual site visit with the agent and were 'walked through' the building and outside. It has not been possible to visit neighbouring properties/objectors during the COVID-19 pandemic however given the information to hand to the officers, photographs submitted with the application and for a previous scheme, officers are satisfied that a suitable assessment of the proposals can be made.

The key issues in this case are:

- * The impact of the proposal on the character and appearance of the listed building and the St John's Wood Conservation Area;
- * The impact of the proposal on the amenity of neighbouring residents;
- * The impact of the basement and garden excavation upon trees in the application site and the neighbouring property.

Subject to appropriate conditions as set out in the draft decision letter appended to this report, the proposals are considered to comply with the relevant design and conservation, basement, amenity and trees policies in Westminster's City Plan adopted in November 2016 (the City Plan) and the Unitary Development Plan adopted in January 2007 (UDP). As such, the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front and Rear (ground floor and upper levels) Photographs of the site.



5. CONSULTATIONS

FIRST ROUND OF CONSULTATION:

WARD COUNCILLORS FOR BAYSWATER

Any response to be reported verbally.

HISTORIC ENGLAND:

Authorisation to determine the application received.

NOTTING HILL EAST NEIGHBOURHOOD FORUM

- Supports the reinstatement and restoration of damaged elements on listed buildings and use of high quality materials
- Require research into the front railings being continuous, as original would appear to be two-bayed
- Support fan-lit bronze rear conservatory if detailed correctly
- Object to loss of rear garden space unless a square of garden remains, extension should be reduced accordingly
- Support additional planting and recommend soft planting in keeping with SuDs objectives
- Object to lowering of gardens which remove planted materials and underpinning of garden walls
- Support energy efficiency such as solar panels where detailed correctly
- Air conditioning seem inappropriate in amenity, conservation and climate change terms

BUILDING CONTROL

No objection to method of excavation.

WASTE PROJECT OFFICER

Objection on lack of waste storage details.

HIGHWAYS PLANNING MANAGER:

No objections.

ENVIRONMENTAL SCIENCES:

No objection subject to conditions

ARBORICULTURAL OFFICER:

Objection to excavation proposed and the impact upon the trees within the neighbouring property.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 52

Total No. of replies: 18 on behalf of 14 properties

No. of objections: 14

No. in support: 0

14 letters of objections received on some or all of the following grounds:

Design/ Listed Building:

- Size and scale of development harmful to this listed building
- Works are in a conservation area and not sympathetic to this
- Double basement unacceptable
- Lack of consistency regarding assessment of listed building applications by the City Council.

Amenity:

- Noise from plant
- That the acoustic report submitted with the application was carried out during COVID-19 'lockdown'.
- No assessment of impact to lower ground floor window of basement flat of 9 Needham Road
- Any increase in height of boundary wall could result in sense of enclosure
- Flat roof above lower ground floor extension could be used to sit out on and result in loss of privacy
- Planters to roof of lower ground floor extension could result in overshadowing to neighbouring garden

Land use:

- The proposals should not be considered under policy S14 because the proposals result in a super-size property, and that the proposals result in the loss of a dwelling.

Tress:

- Impact on trees unacceptable
- Loss of trees unacceptable
- Loss of trees a concern given impact to groundwater problems

Other:

- Objections to the basement excavation
- Objections to basement construction risks
- Concerns regarding structural stability from both basement and other elements of the scheme
- Concerns regarding impact of basement excavation on water table
- Noise, vibration and disruption during course of works, especially now that most people work from home as a result of COVID-19.
- Length of time to carry out such a development
- Harm to neighbouring business in terms of noise
- Impact upon traffic and highway safety as a result of construction works

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

SECOND ROUND OF CONSULTATION:

NOTTING HILL EAST NEIGHBOURHOOD FORUM

Comments from first response in June still remain.

ARBORICULTURAL SECTION

Objection to excavation proposed and the impact upon the trees within the neighbouring property.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 8

Total No. of replies: 2

No. of objections: 2

Two objections received (from adjacent neighbours). One of the objections generally reiterates the same concerns as originally submitted. The other objections raises the following objections/concerns:

- Impact on listed building and historic fabric;
- The benefits of the scheme as put forward by the applicant recently in terms of 'deterioration' and 'increase in value of properties' should be disregarded by the local planning authority
- Is the application accompanied by sufficient technical information to make a decision on the construction impacts
- Implications on the amenity of the window at lower ground floor of 9 Needham Road
- That the acoustic report submitted with the application was carried out during COVID-19 'lockdown'
- That the application site should be considered in the priority root zone for the tree in the neighbouring property and therefore no excavation/ garden works allowed.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site relates to a semi-detached house located on the west side of Needham Road. The building is located within the Westbourne Conservation Area and is Grade II listed. No.7 and 9 Needham Road are grade II listed (on 1st December 1987) as a pair of 1850's buildings on the west side of the road near the entrance to the former Wellington Mews. The building has been subject to change in the past and the lower ground floor is separated from the upper floor, as a separate dwelling with no internal access.

6.2 Recent Relevant History

20/02125/FULL & 20/02126/LBC

An earlier application for similar proposals was withdrawn in May 2020 as a result of

officers concerns notably to the listed building.

06/03295/FULL & 06/03296/LBC

Replacement of existing ground floor rear extension and external staircase with new ground floor rear extension and external staircase and associated internal alterations.
Approved June 2006

7. THE PROPOSAL

The proposals include the excavation of a basement beneath the footprint of the existing building and excavation of part of rear garden at lower ground floor level to the southern side (this element of the scheme has been amended during the course of the application).

The boundary wall to No.9 Needham Road is to be rebuilt and extended upwards by 0.25m and the boundary wall to 1-5 Needham Road and 156 Westbourne Grove is to be rebuilt as existing.

The existing rear extension at ground floor level, approved as a result of the 2006 permission is to be removed and a new extension at lower ground and ground floor levels, on the boundary with No. 9 Needham Street is to be constructed. The extension at lower ground floor measures 3.8m in width, 3.2m in depth (from the main rear elevation) and 3m in height and the extension at ground floor measures 3.8m in width, 2m in depth and 3m in height (to the pitch). The lower ground floor has a traditional brick built appearance whereas the ground floor extension is a glass 'garden room' with an ornate, curved roof.

Repair works to the facade, along with alterations to the street frontage are also proposed and comprise new front lightwell railings. An air-conditioning unit is proposed to the rear garden and is to be sited in an enclosure, incorporated within the landscaping plan. Significant internal alterations are proposed also.

All the proposed works are in association with linking of the lower ground floor flat with the dwelling above to create a single dwelling house.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The existing building is currently arranged as a flat at lower ground floor level and a house at upper levels. The works would allow for the amalgamation of these units into a single family dwelling house. This represents a net loss of one residential unit.

Objection has been received on the grounds that the proposals result in the loss of a unit, creating a super-size dwelling, not really aiming at the family market, and that the proposals are a) unacceptable and b) should not be considered acceptable against Policy S14 of the City Plan.

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City Plan policy S14 states that proposals that would result in a reduction in the number of residential units or residential floorspace will not be acceptable. However, it caveats that the loss of residential units may be acceptable where a converted house is being returned to a family sized dwelling.

The City Council has evidence which suggests the property was originally a single family dwelling house and was converted into two self-contained maisonettes circa 1987. The proposal is therefore considered to be acceptable in land use terms and the objections cannot in this instance be sustained.

8.2 Townscape and Design

The key legislative requirements in respect to designated heritage assets are as follows: Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *“In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Section 66 of the same Act requires that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Section 72 of the same Act requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

Application Site

As noted above, No.7 and 11 Needham Road are grade II listed (on 1st December 1987) as a pair of 1850's buildings on the west side of the road near the entrance to the former Wellington Mews. The building has been subject to change in the past and the lower ground floor (LGF) is separated from the upper floor with no internal access. The building has been extended at the rear LGF and ground and subject to modern fenestration changes, also previously altered boundary railings. Internally, there are little features of interest in the LGF and the floor structure is modern comprising of a reinforced concrete slab. There is evidence of an internal staircase but what survives is heavily altered and truncated compromising any contribution to the significance of the building.

At ground and upper floor levels there are surviving modest architectural features of interest, but later partitions have been added to the staircase to create storage areas. There is a steep timber staircase that pre-dates the listing into the converted loft space. The application proposal has evolved through negotiations at pre-application stage, an earlier withdrawn scheme and during this current application.

Proposals

The proposal seeks the excavation underneath the building and proposed new LGF extension to create a new basement floor. The LGF extension is proposed to be replaced by a new brick extension with a modest increase and replacement of an existing ground floor conservatory with new bronzed frame conservatory. Several comments have been received from neighbouring residents objecting to the originally submitted proposal on design and heritage grounds, concerning the proposed basement, loss of historic fabric and impact on the integrity of the building. Some of these concerns have been addressed following revisions to the proposals such as the scale and rear fenestrations of the LGF, retention of the chimney-breast at LGF, removal of inappropriate pocket doors and bronzed -glazed partitions.

Assessment

The interior at LGF has very little contribution to the significance of the building and this is further compromised by a modern floor slab. However, the chimney breasts survive and would be retained, also the historic plan form and subservient floor to ceiling height would be reinstated. The physical connection of the LGF and upper floors is a positive benefit to the significance of the building. Whilst the new basement would add a new internal floor, there are no external manifestations. The traditional hierarchy, existing floor to ceilings heights of the building are largely retained including the subservient LGF. The basement is accessed via a modest staircase underneath the new LGF staircase and a transition is clearly perceived from the original parts of the building to the new discrete and subterranean extension with no adverse impact on the external appearance or architectural setting of the grade II listed building.

With regards to the upper floors a new service riser is proposed in the communal hallway, the historic floor plan and architectural features in the front and rear rooms are retained in the principal floors of the building that contribute most to the significance of the building. New partitions are proposed at the second floor to create en-suite bathrooms and are designed as pod's to maintain the integrity of these modest rooms at this secondary floor. The removal of partitions and storage cupboards to the staircase reveal and improve the appearance of the staircase which is a fundamental and significant historic feature of the building. The new partitions at third floor and installation of a conservation rooflight are not contentious.

The height and fenestration of the LFG extension has been revised during the course of this application to overcome design concerns and impact on the neighbouring tree. The proportions of the rearward facing windows are smaller and respect the traditional hierarchy. However, the lintel requires redesign and a condition is suggested.

The proposed metal 'bronzed' framed conservatory would replace an existing aluminium metal framed conservatory of a similar small scale. The bronzed frame differs from the salient timber framed window material, but the darker metal finish and simple design

would improve the existing external appearance of the building and maintain a subservient relationship that accords with council policy.

The rear garden levels, adjacent with the neighbour at No. 9 are maintained and given the location and small scale of the air condenser unit, within an enclosure, this element of the proposal would not have a detrimental impact on the special architectural or historic interest of this grade II listed building nor the character and appearance of the Westbourne Conservation Area.

The replacement of the front lightwell railings to match no.7 is welcome and a significant benefit to the special architectural and historic interest of this grade II listed building and paired listing but also an improvement to the character and appearance of the Westbourne Conservation Area. The installation of a new timber side entrance door is not contentious, and the repair and refurbishment of the front and rear facades are welcome.

Conclusion

Overall, the proposals are considered acceptable in design and conservation terms. The recommendation is considered in line with relevant policies and guidance, and with the statutory duties set out in s. 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and officers do not consider that harm is caused to the significance of the listed building or the Westbourne Conservation Area, mindful of the considerations of section 16 of the National Planning Policy Framework

8.3 Residential Amenity

Policy S29 of the City Plan relates to health, safety and wellbeing, stating that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use. Policy ENV 6 seeks to protect noise sensitive properties from noise disturbance.

Objections have been received to the proposals on the ground of noise from the air-conditioning unit in the garden (to be discussed in part 8.8. of this report), that no assessment has been given to the one rear elevation window of the lower ground floor flat of 9 Needham Road, sense of enclosure from the replacement wall, overlooking from the roof of the lower ground floor extension and overshadowing from the proposed planters on the roof of the lower ground floor extension.

The existing garden wall on the boundary with No. 9 Needham Road is to be demolished and rebuilt with a very minor increase of 0.25m. This is not considered to result in sense of enclosure to those occupiers in the flat at lower ground floor level or the dwelling at upper levels of 9 Needham Road. The rebuilding of the boundary wall on the opposite side is to remain the same height as existing. The extension at lower ground is slightly

deeper than existing but will be contained wholly behind the newly built garden wall. The ground floor extension is comparable in depth and height on the boundary as the existing. As the extensions are largely contained behind the boundary wall with No. 9 Needham Road, and the ground floor is similar in depth to the existing, coupled with the glazed roof, the extensions are not considered to give result in any significant sense of enclosure or loss of daylight/ sunlight to this property. The neighbouring property to the south, 1-5 Needham Road is a gallery and therefore it is not considered that the proposals would result in any harm to this property.

A comment has been raised that no assessment by the applicant has been given to the impact of the development on the one rear facing window serving the lower ground floor flat. Given the proposed wall alterations and that the extensions are proposed behind the wall. it was not considered necessary for the applicant to provide a daylight/ sunlight assessment.

As noted above, the lower ground floor element of the extension is contained wholly within the existing garden area and behind the newly rebuilt garden wall, and given the internal useable space of the extension at ground floor level is sited behind the boundary wall, no overlooking can occur to the neighbour at No. 9 from inside. A flat roof is proposed above the lower ground floor extension. This is annotated by the applicant as having planters proposed on the floor plan, yet this is not shown on the elevation drawing. This has attracted objection from the neighbour on the grounds that access from the ground floor garden room could be had and this could be used as a terrace. Officers consider that this would be unacceptable in amenity terms and result in harmful overlooking to the garden, and although it is not the intention of the applicant to use this space, a condition prohibiting its use as a terrace is proposed.

None of the other works proposed raise any amenity concerns, unless otherwise addressed later within the report.

The proposals are therefore considered to be acceptable in amenity terms and comply with City Council policies.

8.4 Transportation/Parking

The proposed amalgamation of two residential units into one dwelling house is acceptable and raises no highways concerns.

The changes to the front boundary wall raise no highways concerns.

8.5 Economic Considerations

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

8.6 Access

The existing properties do not have level access and are accessed from a staircase at street level up and down to the front door. The access does not alter within this proposal.

8.7 Other UDP/Westminster Policy Considerations

Basement Excavation

Many objections have been received to the proposed basement excavation on the grounds of construction, structural stability, impact on water table, noise and disruption and implications to highways network from construction vehicles.

The proposals are considered to be in accordance with policy CM28.1 of the City Plan (July 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 have been reviewed by Building Control Officers who advise that the structural methodology proposed is appropriate for the ground conditions found on this site.

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.

The flooding risk has been investigated within the Basement Impact Assessment and this indicates the property lies within a flood risk Zone 1 and therefore no flood risk assessment needs to be provided as part of the application.

Part A. 5-6

Objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement and general disturbance associated with construction activity. The proposed hours of working condition states that no piling, excavation and demolition work is undertaken on Saturdays. This condition is consistent with environmental protection legislation and will help to alleviate disturbance to neighbours outside of the prescribed hours.

The City Council adopted its Code of Construction Practice (CoCP) at the end of July 2016 and if permission is granted, the applicants will be required to comply with the CoCP. This is a fundamental shift in the way the construction impacts of developments are dealt with relative to the position prior to July 2016.

Previously conditions were attached to planning permissions requiring Construction Management Plans to help protect the amenity of neighbours during construction. The new CoCP expressly seeks to move away from enforcement via the planning system. It recognises that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these. The Environmental Inspectorate has been resourced in both numbers and expertise to take complete control over the monitoring of construction impacts.

The CoCP strongly encourages early discussions between developers and those neighbouring the development site. It notes that this should be carried out after planning permission is granted and throughout the construction process. By providing neighbours with information about the progress of a project, telling them in good time about when works with the potential to cause disruption will take place and being approachable and responsive to those with comments or complaints will often help soothe the development process.

While the comments from the neighbours are noted, it is considered that the CoCP will adequately ensure that the development is undertaken in such a manner as to ensure that the impact is mitigated as far as possible.

A condition is recommended requiring evidence to be submitted of compliance with the CoCP. This must be submitted before work starts on site, subject to which the proposals are considered acceptable.

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

Part B. 1 & 2

The City Council's arboricultural officer, who has had been liaising with the applicant and their appointed arboricultural officer and who has been negotiating on the scheme, resulting in revisions to the garden depths, has no objection to the basement subject to tree protection conditions.

Part B. 3

The submitted proposed drawings indicate an air-conditioning unit to the rear garden and plant internally within the basement. This has been assessed by Environmental Health Officers and no objection has been raised subject to conditions. Furthermore, the rooms within the basement are for a utility room, play room and a gym and although not served by any natural light, raise no objection from Environmental Health officers. Therefore, this is considered acceptable.

Part B. 4 & 7

There are no external manifestations of the basement. The site does not lie within a flooding hotspot. A water permeable hardstanding surface will be provided within the garden to provide drainage.

Part B. 5 & 6

The proposal to excavate the basement are considered acceptable and will not negatively impact on the listed building, its hierarchy within or the Westbourne conservation area (see also Section 8.2 of this report).

Part C. 1 & 2

As the proposal to excavate a basement are beneath the existing dwellinghouse, parts 1 & 2 of the basement policy do not apply.

Part C. 3

The proposed basement is single storey, below the existing lower ground floor and for

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the reasons assessed in part 8.2 of this report, is not considered to affect the Grade II listed building in terms of its hierarchy or fabric. The proposal 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.

Noise from the Airconditioning Unit:

Objections have been received to the potential noise implications of an air-conditioning unit in the rear garden. The City Council's Environmental Health officer has assessed the acoustic report submitted with the application, and subject to conditions, has no objections to the proposals. The unit is considered to comply with ENV7 of the UDP and S32 of the City Plan.

Trees:

The proposals will be within the Root Protection Area (RPA) of the mature London plane (T4) which sits in the neighbouring property of 9 Needham Road. Within this neighbouring property is also a smaller Japanese maple close to the boundary (T3). Objections to the proposals have been made from the neighbour on the grounds of the impact to their trees, via their own independent arboriculturalist. Substantial site investigation work has been undertaken during the course of the application and with significant input from the City Council's arboricultural officer, in the form of trial trenches by the garden boundary wall of No.9 and at the edge of excavations required for the rear extension and the proposed lowering of a section of the rear garden. The site investigations have informed changes to the originally submitted scheme which was problematic to the London plane tree (T4) and the smaller off-site Japanese maple (T3), that is also within the rear garden of No.9.

The 1st site investigation (Contractor's Report dated 06/08/2020) revealed several large diameter roots that are almost certainly from the London plane tree growing under the footings of the boundary wall of No. 9 and into the rear garden of No. 7. It also revealed a large wall buttress which appears to have prevented root growth under the wall where closer to the building (close to the retaining wall).

The 2nd site investigation (Arboricultural Supervision Report dated 04/09/2020) followed the edge of the proposed (updated) works within the rear garden of No. 7, and revealed many small roots (below 25mm in diameter) which are from shrubs, the silver birch (T2) to be removed and the London Plane (T4). However, only one live root above 25mm in diameter was found, which is likely to be from the London plane (T4). The depth of the excavation was to 500mm depth, which is the extent of excavation required for the lowering of a section of the garden beyond this trial excavation.

There shall be three areas of excavation / ground works required within the RPA of the London Plane (T4):

1. Just under half of the rear garden shall be lowered by 500mm to provide a mid-level garden (patio) area between the sunken patio and the higher level of the existing garden (to be retained at existing levels), this is on the opposite side of the garden to the

boundary of No. 9. The small diameter roots and the 35mm diameter root from the London plane (T4) found within the trial trenches shall need to be severed. The Council's arboricultural officer considers that the London plane (T4) is expected to tolerate the severance of this root as well as the loss of any small feeder roots in the upper 500mm at this distance from tree, and mitigation shall be provided where an existing underground oil tank shall be removed and replaced with topsoil.

2. The LGF extension is proposed to extend into the raised garden by about 0.5m and will involve the removal of a section of garden beyond the retaining wall. The site investigations revealed a large wall buttress and what appears to a second older retaining wall within the soil parallel to the existing retaining wall. The site investigations show that whilst the second wall has deteriorated it appears to have limited root growth between it and the existing retaining wall (with only small diameter feeder roots coming across). The 1st site investigation revealed a large root under the boundary wall and near to the second wall, but the extension shall be away from the root, to the outer edge of the second wall. The 2nd investigation followed the line of the proposed extension between the old wall and the existing retaining wall, the investigation only went to 500mm deep and the depth of soil to be removed will be about 1500mm. Subject to tree protection measures, the Council's arboricultural officer is satisfied the risk to the London plane (T4) is low.
3. It is understood that the existing boundary wall that is adjacent to the area of garden to be lowered is structurally unsafe and shall be made good, the proposed section AA drawing shows a replacement footing of about 150mm lower than the proposed mid garden level and this work will be within the outer portion of the RPA of T4, considering that only one live root above 25mm diameter was found further in the garden at similar depth (for the excavation for the mid-level garden). Again, the Council's arboricultural officer considers the risk to the London plane (T4) from this work also to be low.

Within the application site itself, a small Birch tree is to be removed and there are no objections to this.

While a Tree Protection Plan has been provided, it must be updated to show the proposed midlevel section protected (before and after the soil is lowered by 500mm) as well as the T4 within the higher level of the garden. It must also make clear any areas of careful soil excavation where any roots shall be cut cleanly. The Method Statement must also be updated to remove spurious wording such as 'ideally', to change the recommended fencing and for provision of monitoring and supervision. Conditions and informatives are recommended to address these points.

In conclusion, the Council's arboricultural officer raises no objection to the proposals on tree grounds and considers that subject to conditions, as listed within the draft decision notice, the proposals comply with City Council tree policies.

Refuse /Recycling:

The City Council's waste project officer has asked for further details of the applicant's waste and recyclable storage. Given that the proposal is to combine the two existing units into one house where there will be sole access to the front yard and garden where waste and recyclable facilities can be stored, it is not considered reasonable to impose

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any conditions asking for further 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 in June and July 2019 and it was submitted to the Secretary of State for independent examination in November 2019. The City Plan examination hearings took place between 28 September and 16 October 2020. Following the examination hearings, the Council is currently consulting until 18 January 2021 on the main modifications recommended by the Inspectors. Having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will continue to attract limited weight at this present time prior to the publication of the Inspector's report.

8.9 Neighbourhood Plans

There are no neighbourhood plans for this area.

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 tree/arboricultural conditions. The applicant has agreed to the imposition of the conditions.

8.12 Planning Obligations

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

8.13 Environmental Impact Assessment

The proposed development is of insufficient scale to require the provision of an Environmental Impact Assessment.

8.14 Other Issues

Noise and Disruption During the Course of Works

Objections have been received on the grounds of noise and disruption during the course of works if permission was to be granted. This in part has been addressed in the 'basement excavation' part of the report.

City Plan policy S29 requires projects which have significant local impacts to mitigate their effects during construction through compliance with the Code of Construction Practice (CoCP). Given the nature and size of the development, the proposals are not considered to fall within one of the categories which would require the submission of a CoCP. A condition is however recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highways authority or by the local authority under the Control of Pollution Act 1974.

Party Wall Agreements

Concerns regarding lack of party wall agreement have been raised. This is generally a private matter dealt with after a permission has been granted, and in any event is not a material consideration in the determination of the proposals.

Length of time to carry out such a development

Objections have been received on the grounds of how long it takes to complete a development and the impact this has, notably on those now working from home due to COVID. The City Council cannot control how long a development will take under planning legislation and whilst it is acknowledged that there is some disruption from development work, this is not considered a reason to refuse the application.

Harm to neighbouring business in terms of noise

An objection from the gallery next door has been received on the impact of construction works upon the business and those operating from it. A refusal cannot be withheld on these grounds, given the temporary nature of any development works.

Square of Garden should be retained

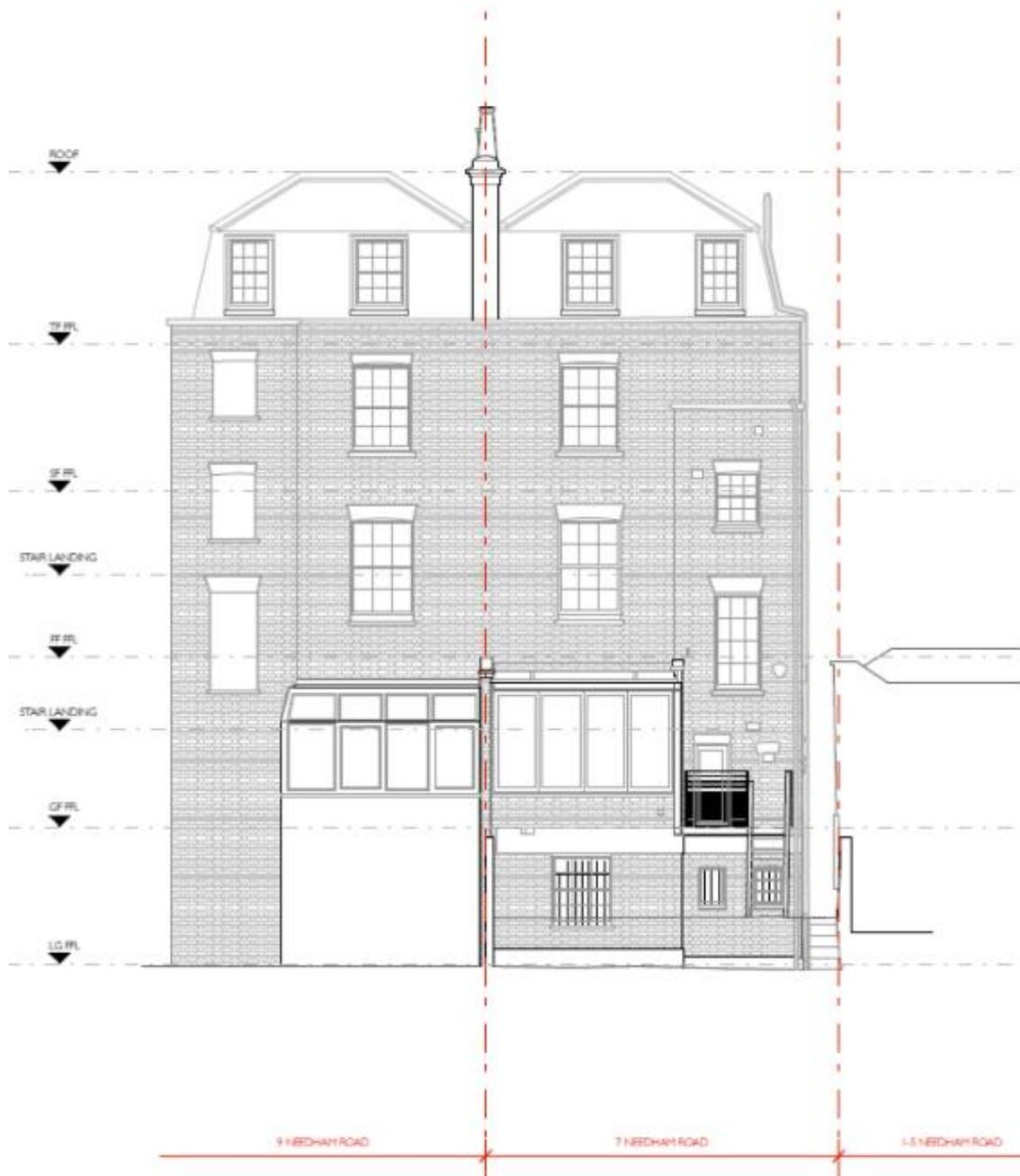
The local amenity society has objected on the grounds that a suitable square of garden should be retained. The amount of garden is only reduced marginally, and the retained garden is considered to be suitable for the building. This objection is therefore not sustained.

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

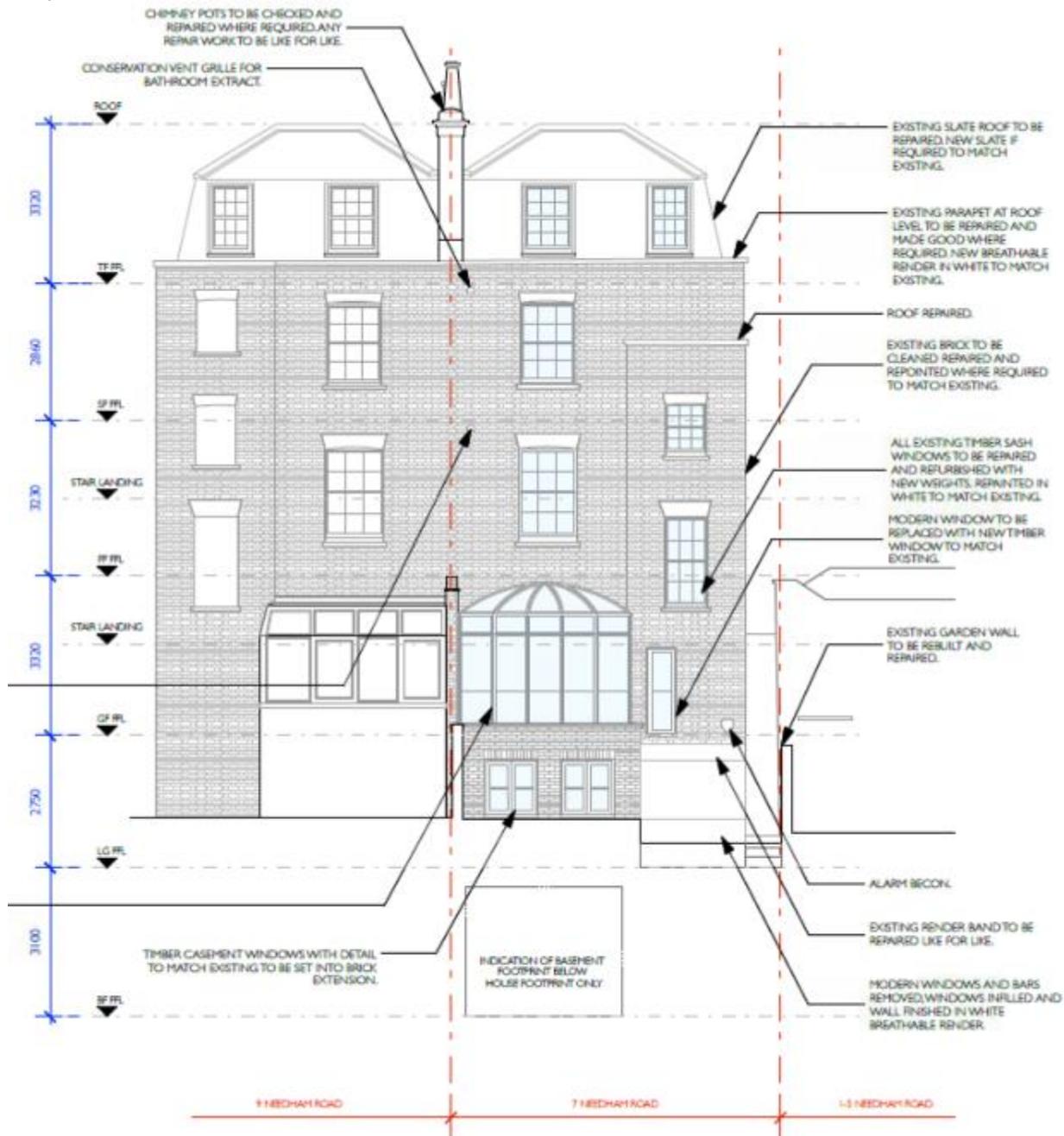
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk

9. KEY DRAWINGS

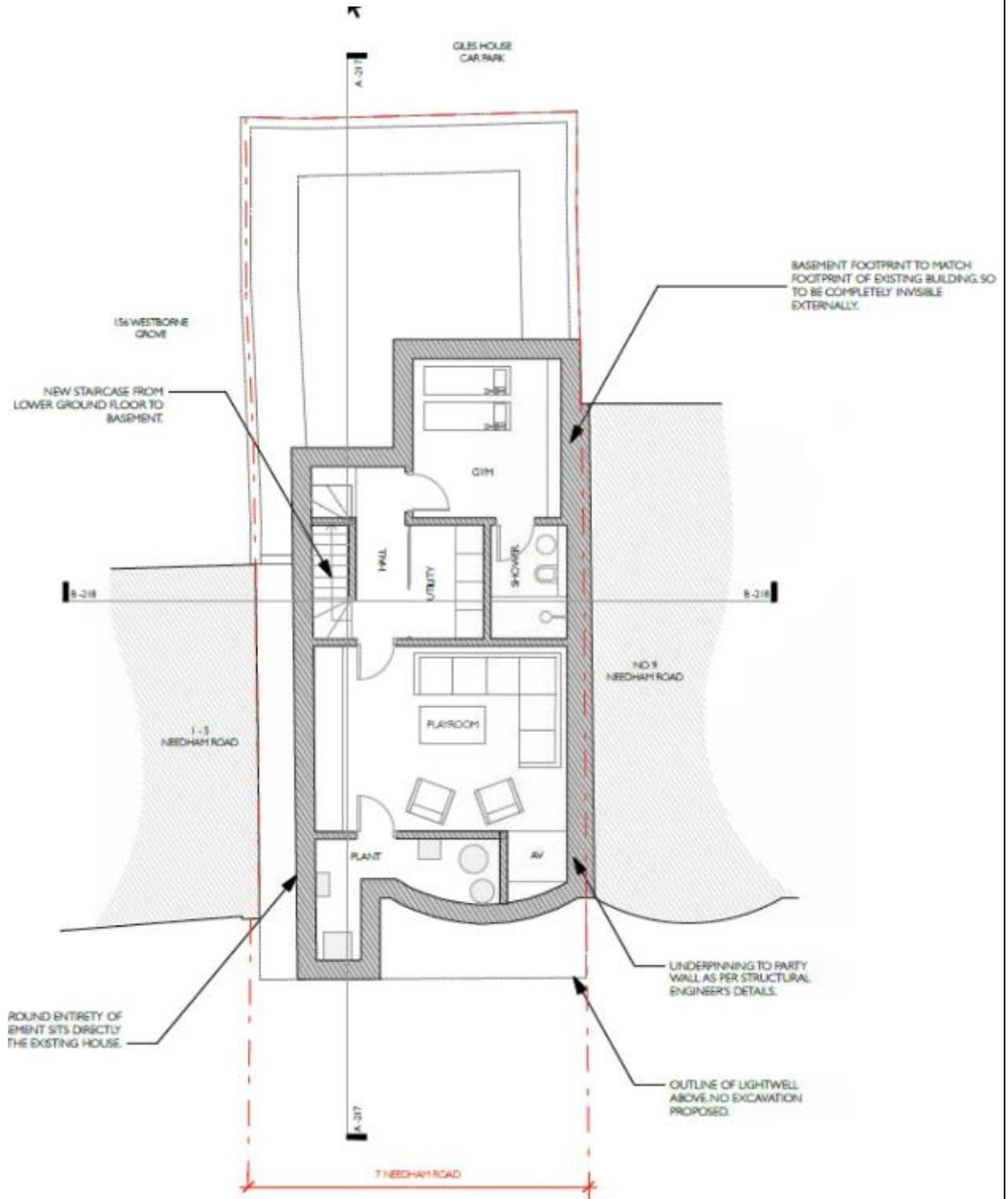
Existing Rear Elevation



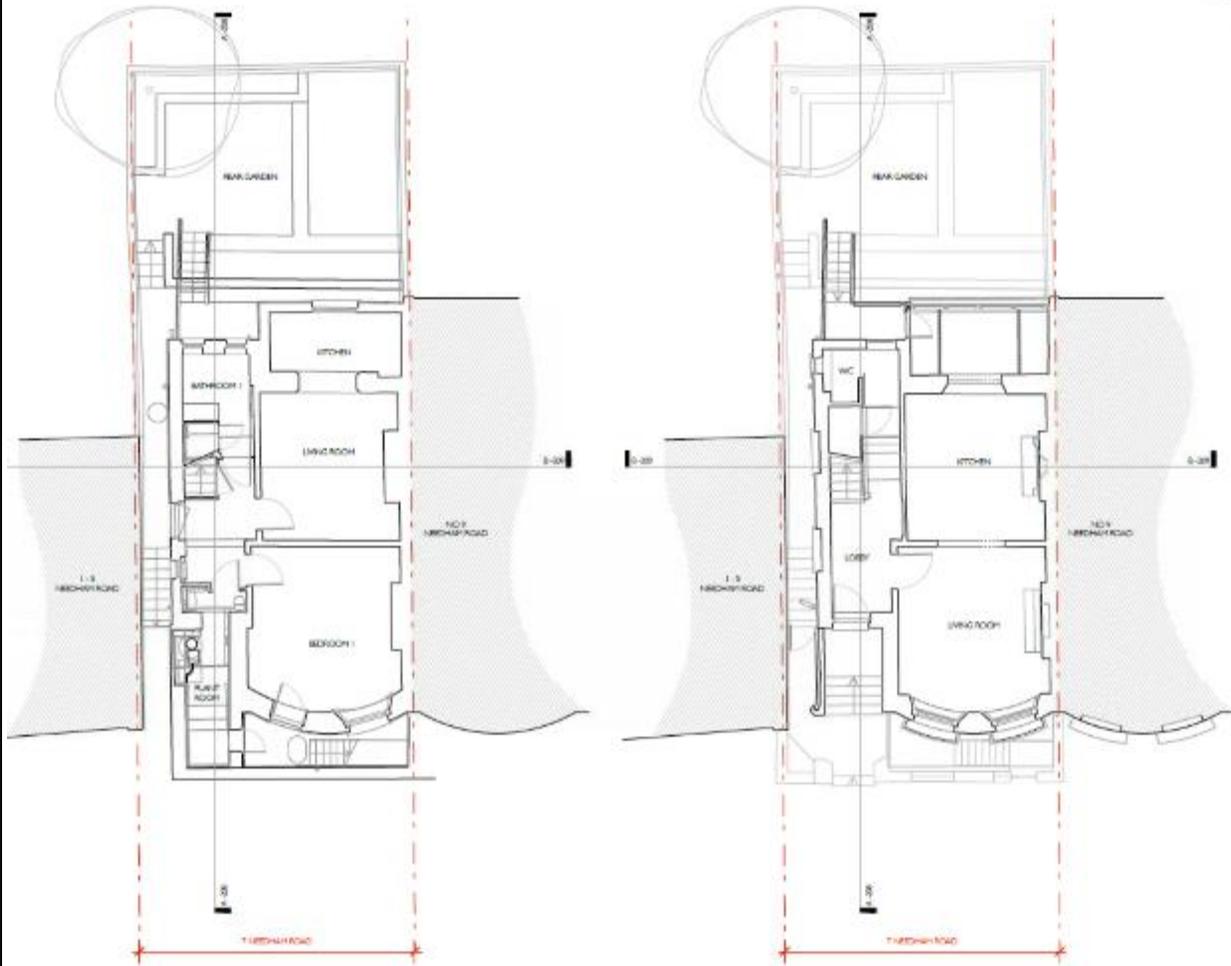
Proposed Rear Elevation



Proposed Basement Plan



Existing Lower Ground and Ground Floor Plan



DRAFT DECISION LETTER

Address: 7 Needham Road, London, W11 2RP,

Proposal: Amalgamation of two maisonettes to create a single dwelling house [Class C3], excavation beneath the footprint of the existing building and excavation of part of rear garden at lower ground floor level. Demolition of the existing extension to the rear and construction of a new lower ground and ground floor rear extension. Repair work to the facade, alteration to street frontage in line with the street and landscaping to the rear garden. Installation of acoustically attenuated condenser to the rear garden. (Linked to 20/03624/LBC)

Plan Nos: 200; 201; 202; 203; 204; 205; 206; 207' 208; 209; 210 Rev B; 211 Rev A; 212 Rev A; 213 Rev G; 214 Rev J; 215 rev F; 216 Rev F; 217 Rev C; 218 Rev D; 219 Rev D; 220 Rev F; 221 Rev D;
Updated Planning Statement received 9.11.20; Arboricultural Impact Assessment and Method Statement dated 30.11.20 Rev B; Tree Constraints Plan and Tree Protection Plan TPP-01 L received 30.11.20; Arboricultural Supervision Report dated 4.9.20 (updated); Tree Contractors Report dated 6.8.20; Environmental Noise Survey and Plant Noise Assessment 20195-R01-A dated 10.6.20; Heritage Statement

For Info only: Design and Access Statement Basement methodology report dated 29.5.20; CMP received 9.1.20; Tree Contractors Report

Case Officer: Kimberley Davies

Direct Tel. No. 07866036948

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 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. 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)

- 4 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of

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operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 5 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 6 Between 07:00-23:00hrs, the 1No. Panasonic U-6LE2E5 shall be operated at Quiet mode 1 and

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between 23:00-07:00hrs, the 1No. Panasonic U-6LE2E5 shall be operated at Quiet mode 4 to comply with condition 4. The Quiet mode 1 and 4 shall be the pre-set maximum speed and the pre-set maximum speed shall not be increased. The unit must operate in accordance with these times and pre-sets speed at all times, unless otherside agreed in writing by the City Council.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AB)

- 7 You must not use the roof of the lower ground floor extension (outside of the garden room at ground floor level) 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)

- 8 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 9 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

10 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

i) The brick work voussoirs must match existing historic examples at the rear of the building.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

11 You must apply to us for approval of detailed drawings at scale 1:50/1:20/1:10/1:1 of the following parts of the development -

a. Enclosure (for the air condenser unit) and joinery in the rear garden.

b. Front boundary railings.

c. Conservation rooflight in the main roof.

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

12 You must apply to us for approval of a sample of the bronze framing materials you will use for the rear conservatory. 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 13 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 14 **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 the trees and the character and appearance of this part of the Westbourne 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)

- 15 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 1 planting season 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 3 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)

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

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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 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email AskHighways@westminster.gov.uk. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).

- 3 **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 visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:

You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

- 4 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 5 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Sciences team (environmentalsciences2@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition. The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Sciences team must be paid on submission of the details relating to the relevant phase.

Appendix A must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

- 6 Conditions 4, 5, 6 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 7 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.
- 8 In relation to condition 14, The Tree Protection Plan shows tree protection fencing installed to protect the Root Protection Area of T4 within the higher level of garden to be retained, but it must be updated to show the proposed midlevel section protected as well (before and after the soil is lowered by 500mm), we would normally expect tree protection fencing to be used as well, which can be dismantled and if necessary reinstalled directly after the lowering of the soil

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has taken place; the need for reinstallation will depend on the timing of the works as it might not be necessary if this is done as part of final landscaping works (after the other development works are complete).

The Tree Protection Plan must also make clear any areas of careful soil excavation where any roots shall be cut cleanly (i.e. the ground works for the extension, the lowering of the soil for the mid-level garden, the formation of new steps and for making good the boundary wall around the area of garden to be lowered).

The Method Statement must be updated to change the recommendation of the type of fencing at paragraph 1.2 to an instruction (e.g. omit the word 'ideally') and a provision to send monitoring and supervision notes to the Westminster City Council Tree Officer within 5 days of any site visits (within Table 1 at page 28).

DRAFT DECISION LETTER

Address: 7 Needham Road, London, W11 2RP,

Proposal: Excavation beneath the footprint of the existing building and excavation of part of rear garden at lower ground floor level. Demolition of the existing extension to the rear and construction of a new lower ground and ground floor rear extension. Repair work to the facade, alteration to street frontage in line with the street and landscaping to the rear garden. Installation of acoustically attenuated condenser to the rear garden. Internal alterations. (Linked 20/03623/FULL)

Plan Nos: 200; 201; 202; 203; 204; 205; 206; 207' 208; 209; 210 Rev B; 211 Rev A; 212 Rev A; 213 Rev F; 214 Rev J; 215 rev F; 216 Rev F; 217 Rev C; 218 Rev D; 219 Rev D; 220 Rev F; 221 Rev D;

Heritage Statement

Case Officer: Kimberley Davies

Direct Tel. No. 07866036948

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 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:
 - i) The brick work voussoirs must match existing historic examples at the rear of the building.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 4 You must apply to us for approval of detailed drawings at scale 1:50/1:20/1:10/1:1 of the following parts of the development -

- a. Enclosure (for the air condenser unit) and joinery in the rear garden.
- b. Front boundary railings.
- c. Conservation rooflight in the main roof.
- d. Internally located service riser with reinstated architectural details such as cornice, skirting boards.
- e. New internal architectural details at lower ground floor.
- f. New internal timber staircases at lower ground floor and basement.

You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 5 You must apply to us for approval of a sample of the bronze framing materials you will use for the rear conservatory. 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 protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 6 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 7 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
- * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and
 - * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

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It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)