

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 28 July 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Maida Vale	
Subject of Report	129 Shirland Road, London, W9 2EP		
Proposal	Conversion of existing retail unit into residential dwelling (Class C3) and associated external alterations including, mechanical ventilation unit, replacement shopfront to front elevation and installation of a new window and Juliet balcony to rear elevation.		
Agent	Mr Alex Tart		
On behalf of	Richard Platt		
Registered Number	21/01925/FULL	Date amended/ completed	25 March 2021
Date Application Received	25 March 2021		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is the Ground Floor of mid-terrace building in the Maida Vale Conservation Area.

Permission is sought for use of the premises (Class E) as self-contained flat (Class C3), a replacement shopfront, the replacement of a window with a Juliet balcony on the rear elevation and the instillation of mechanical heat recovery unit.

The application has received an objection from Councillor Barraclough and two neighbours. The objections include concern over privacy and noise impacts of the front roof terrace and losses of light caused by the sunroom.

The key issues are:

- The impact on the vitality and viability of the Shirland Road local centre;
- The impact of the alterations on the appearance of the host building and the conservation area;
- The impact of the Juliet balcony on the amenity of neighbours.

Item No.

4

Subject to the conditions as set out in the draft decision letter at the end of this report, the proposals are considered acceptable and satisfies the relevant planning policies in the City Plan 2019-2040 adopted April 2021. Accordingly, it is recommended that conditional permission is granted.

3. LOCATION PLAN



4. PHOTOGRAPHS

Existing Shopfront:



View from proposed juliet balcony:



View from proposed juliet balcony:



5. CONSULTATIONS

COUNCILLOR BARRACLOUGH

It is important that we retain active street frontages on our commercial thoroughfares. Shirland Road is a busy street with a high footfall. There are successful commercial businesses close by and Arty Club traded well until it was forced to close. We believe it is not possible to judge the viability of this unit until market conditions return to stability and that Westminster should refuse the application. The proposed flat is of very poor quality with little natural light in some rooms and no outside space.

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

No response.

HIGHWAYS PLANNING

No objection, as car parking is no longer required and request that cycle parking is secured by condition.

ENVIRONMENTAL HEALTH

- Holding objection, as the windows will need to remain closed for noise purposes mechanical ventilation will need to be provided. It is recommended that mechanical heat recovery unit is proposed.
- The proposal is compliant with space standards in the London Plan, the amount of natural light and windows with a reasonable view, the proposed Pilkington Optiphon glass is likely to achieve compliance with internal noise standards.

WASTE PROJECT OFFICER

No response received.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. of total neighbours consulted: 41

No. of objections: 2

No. of supports: 4 ((5) two supports were by the same individual)

No. of other responses: 0

The objecting comments are summarised as follows:

Land use

- Shirland Road will return to normal after COVID
- The loss of retail units has a social impact
- The local area is already densely populated suffers from a worsening environment (litter, parking and green spaces)

Standard of accommodation

- The proposed flat would provide bad quality housing

The supporting comments are summarised as follows:

Land use –

- The site has a low footfall and was empty prior to COVID
- Due to online shopping it is unlikely our high streets will return to pre-COVID levels
- The proposal would create a new flat
- The use of a flat is more preferable in comparison to some commercial uses e.g. fast food

Amenity –

- Empty units bring down the area and encourage vandalism

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. **BACKGROUND INFORMATION**

6.1 **The Application Site**

129 Shirland Road is an unlisted mid-terrace building located on the north side of Shirland Road in the Maida Vale Conservation Area. The building is formed of four storeys plus a basement. This application relates to the upper ground floor which has a lawful Class E use. The basement, first to third floor levels are occupied for residential purposes.

6.2 **Recent Relevant History**

There is not any relevant planning history associated with the ground floor of 129 Shirland Road.

7. **THE PROPOSAL**

Permission is sought for a change of use from a Class E premises to a 2 bedroom self-contained flat (Class C3). Permission is also sought for replacement shopfront, installation of a small vents to the rear elevation and the replacement of the window with Juliet balcony on the rear elevation.

During the course of this application the detailed design of the shopfront and Juliet balcony was amended and an internal mechanical heat recovery unit was also proposed which is required to be vented by two small terminals at the rear elevation.

An objection has been received from Councillor Barraclough who expressed concern over the loss of Class E unit and the proposed standard of accommodation as well as two objections from residents who also raised land use and standard of accommodation. Four supporting comments have also been received from neighbours.

8. **DETAILED CONSIDERATIONS**

8.1 **Land Use**

The City Plan 2019 – 2040 has designated the application site as being located within the Shirland Road Local Centre. The site is located outside of, but adjacent to, the North

West Economic Development Area which is on the south side of the Shirland Road.

The change of use of nos. 123 (part of), 127 and 131 all at ground floor level from Class E into Class C3 have all been granted in recent years under applications 20/07187/FULL, 17/09561/P3JPA and 19/07449/FULL respectively. Further to this it is understood no. 125 which is in Class E is currently vacant. This leaves nos. 97, 113, 117, 119, 121, 123 (part of) and 128 in some kind of commercial or retail use. The nature of the Shirland Road local shopping centre is subsequently considered to retain somewhat of a feel of a local centre, it should be noted however this is generally focused on the consecutive units of nos. 117, 119, 121 and 123 which are to the other side of Elgin Avenue to the application site. It is noted that the parade of 4 buildings the application site is located within contains two residential units and a vacant Class E unit.

LAND USE – LOSS OF CLASS E UNIT

Policies 13 and 14 of the City Plan 2019 – 2040 do not directly advise on the loss of Class E floor space however they do generally advise that there is a presumption in favour of the creation (and protection of existing) Class E floor space.

The Shirland Road local centre contains a café, a convenience goods shop, a laundrette, a hairdresser, an estate agent and an interior designer, in addition to this, it is also noted that there are three other designated local centres within 300m of the application site, it is subsequently considered that both this local centre and the wider area is fully capable of meeting the day to day needs of both residents and workers. The character and function of Shirland Road local centre appears to mostly be defined by the four prominent corner premises of which three are in use for Class E purposes and one being vacant and also by the five consecutive units from no. 113 – 123 each in use for Class E purposes. The retention of these units is considered essential for maintaining the vitality and viability of the centre and its contribution to meeting the needs of local residents and workers.

Whilst the proposal would result in three consecutive non-Class E uses, it is not considered on this occasion that this would undermine the Shirland Road local centre given that the application site is located towards the edge of the centre and away from the area of the highest footfall which is between nos. 117, 119, 121 and 123 which are to the other side of Elgin Avenue to the application site. Given that the application site's peripheral location within the centre and that the centre already contains many of the key businesses which would be needed to meet the needs of the local residents, it is not considered that the proposed loss of this Class E unit would result in a substantial impact on the existing vitality and viability of the centre or harm its function and the purpose of its designation. Whilst it is recognised that the loss of the Class E unit would have some social impact as raised in an objection, the extent of this impact is not considered substantial enough to warrant refusal.

The submitted retail report states that the last time the application site contained a stable occupier was between 2007 and 2015. The report states the premises were vacated in favour of larger premises in a busier location. The premises remained vacant and on the market between August 2015 and November 2016. From November 2016 to April 2019 the premises were then occupied by 'Arty Club' - a pottery / ceramic painting and craft workshop events, whom ended their lease to as they could not sustain the business. The premises were remarketed but then returned to its use as Arty Club. In February 2020

the premises were confidentially marketed whilst Arty Club were still present. Arty Club vacated the premises in August 2020 after deciding they were unable to continue as their level of customers did not return to pre-COVID levels. The premises have remained vacant and on the market from August 2020 to present.

Since 2015 the premises have been marketed on four separate occasions but the applicant has been unable to find a long term occupier who believes that they can have a successful business. Since August 2020 the submitted retail report states that there has been only four viewings and no offers. Given that the application site and the nearby no. 125 which is considerably more desirable due to its location on corner the wide footway in front potentially offering space for tables and chairs also be currently being vacant the likelihood that a tenant is found for the application site seems unrealistic. The submitted retail report concludes that any potential tenants are not interested in the application site due to there not being enough passing trade and because of the large lightwell not present at other retail units nearby.

It was raised in the objection from Councillor Barraclough and a neighbour that the impacts of COVID-19 should not be used as justification of the absence of desirability for the premises. Whilst it is likely that COVID-19 has made the applicant's chances of finding a suitable tenant even more difficult, it is considered that it is the permanent physical limitations of the site and its location are the factors which are the main causes of its lack of desirability, particularly as it is noted it was marketed twice prior to COVID-19. One neighbour noted in the supporting comments that high streets are unlikely to return to previous COVID-19 levels due to an increase in online shopping habits and that difficulties to find potential commercial tenants are therefore likely to continue.

LAND USE – CREATION OF CLASS C3 UNIT

The City Council seeks to a maximise the delivery of new homes and exceed its current housing delivery targets as set out in policy 8 of the City Plan 2019 – 2040.

The application site comprises of approximately 61sq.m of floor space across one storey of the building. Due to the physical limitations of the application site, its proposed use a self-contained flat containing 2 bedrooms is considered to be an efficient use of the site when balanced with the quality of accommodation that can be achieved. With the exception of six Class E units situated slightly closer to junction between Shirland Road and Elgin Avenue, the wider area and all buildings north of the application site on Shirland Road level are in residential use across all their floors. Subsequently the wider area is considered to have a primarily residential character. The nearest non-residential use is located approximately 8m away at no. 125 Shirland Road. As the application site located is set back from the road and away from any late-night activity its location is considered suitable for the creation of a new residential unit. The use of the application site for residential purposes would not be likely to generate an intensity of activity or a generation of noise levels that would be unacceptably intrusive to the neighbouring residential properties.

It was raised in an objection that due to the area already being densely populated it suffers from issues relating to litter, car parking and green spaces and that this will be made worse by the proposal. Though it is possible that the creation of this flat will increase the population density further the impact on the local environment will not be substantial enough to warrant refusing permission on these grounds. Supporting

comments were received from neighbours stating that the use of the application site as a flat is preferable in their interest of the amenity of neighbours given that it could currently be used by noisy and antisocial uses such as fast food outlets. In summary of the above the proposal considered acceptable in land use terms.

8.2 Townscape and Design

The City Council aims to preserve or enhance the character and appearance of a conservation area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Additionally, section 16 of the NPPF requires great weight to be placed on the preservation of designated heritage assets (listed buildings and conservation areas). The relevant policies for consideration of this case are 38, 39 and 40 of the City Plan 2019 – 2040. The City Council seek that features such as shopfronts which form an important part of Westminster's townscape or that contribute to the significance of heritage assets must be conserved enhanced and sensitively integrated into developments as set out in policy 40 of the City Plan 2019 – 2040. The policy goes on to state that small-scale alterations and additions can have a cumulative impact and as such the design of windows, doors and shopfronts should be carefully considered to relate sensitively to the host building and adjoining townscape.

The existing shopfront is dominated by an oversized timber fascia, which more than twice the size of the original fascia. The design of the replacement shopfront originally proposed restored the original proportions of the fascia, however, the detailed design of the shopfront and the windows it contained were not considered to be sufficiently traditional. In respect of this, the applicant agreed to amend the design of the shopfront omitting some glazing bar details and proposing traditionally detailed pilasters either side of the door. The amended design of the replacement shopfront is now considered to be of a detailed design that enhances the appearance of the host building and also enhances its contribution to the traditional qualities of the Maida Vale Conservation Area.

The replacement of the sash window in the rear elevation of the closet wing with a set of inward opening timber framed French doors is considered acceptable, due to the proposed material, detailed design and that the width of the French doors will match with the width of the existing window. During the course of this application the applicant agreed to amend the design and position of the balustrade associated with the proposed French doors. It was first proposed to be fixed to the rear elevation and now has been amended so that it is located within the window reveal. The now proposed balustrade is shorter in length and more discreetly located than the previously proposed and will not be seen in the context of the original brickwork. The balustrade is now only likely to be visible in a small number of private views from the flats within Cleveland Mansions on Widley Road approximately 30m away. In this long distance view the balustrade will appear modest and therefore considered unlikely to harm the character and appearance of the building or the Maida Vale Conservation Area. Details of the balustrade have not been provided, accordingly a condition is recommended requiring it is a metal balustrade painted black.

The replacement shopfront, two small vents for the internal plant and alterations to the rear windows including the addition of a balustrade are considered to accord with the identified policies and will maintain the character and appearance of the Maida Vale Conservation

Area. As such, the proposal is considered acceptable, mindful of policies 38, 39 and 40 of the City Plan 2019; and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

The City Council seeks that all development will be neighbourly by protecting and where appropriate enhancing local environmental quality as set out in policy 7 and 33 of the City Plan 2019 – 2040.

The views attainable from the proposed French doors and Juliet balcony will largely be onto trees and shrubs. Views through the trees are unlikely to be possible particularly when the trees are in leaf. A small number windows which serve the flats within Cleveland Mansions on Widley Road may be visible from the Juliet balcony, however as these windows would be approximately 30m away any loss of privacy for these residents would be likely to be very minor and therefore not harmful to their amenity. Due to the flat roof directly below the proposed Juliet balcony views will not be possible into the garden of the lower ground floor flat. If the user of the Juliet balcony were to lean outwards and look through 90 degrees to their left or right views may potentially be possible into the gardens of nos. 127 and 131 Shirland Road. Whilst this would cause a loss of privacy to these neighbours when the garden is in use, the separation distance between the Juliet balcony and these gardens as well as it being unlikely that the user of the Juliet balcony will stand in this position for prolonged periods of time it is considered that the extent that privacy could be lost will not be substantial enough to cause harm to their amenity or represent reasonable grounds for refusal.

An increased amount of noise may escape from the French doors when compared to the existing sash window, however, this level of noise is unlikely to be of any prolonged period of time or be of any great intensity given that the doors serve a 2x bedroom flat, as such the increase exposure of neighbours to noise will also not be harmful to their amenity. The proposal does not seek permission to erect any structures that could generate any increase in enclosure, loss of outlook, daylight or sunlight for any neighbours.

The proposed plant is all internal, save for two very small vents to the rear elevation and this is acceptable in noise terms.

8.4 Transportation/Parking

The City Council seeks that new development should be predominantly car free and that two bicycle parking spaces are provided for units with more than bedroom as set out in policies 25 and 27 of the City Plan 2019 – 2040.

The consulted Highways Planning Officer raised no objection to the application, but requested that two cycle parking spaces were provided. The applicant has amended the plans to show this provision in a cycle enclosure under the front lightwell stairs.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Access into the application site and the remainder of 129 Shirland Road remains unchanged.

8.7 Other UDP/Westminster Policy Considerations

WASTE

The City Council seek that all new development must provide appropriate facilities for the storage and separating of waste streams to maximise recycling and which are safe and convenient to access for the deposit and collection as set out in policy 7 AND 37 of the City Plan 2019 - 2040.

The submitted plans indicate a waste store will be created in the rear garden containing two bins for general waste and recycling. The Waste Project Officer has reviewed the drawings and stated that they do not meet their expectations and that a condition should be included in order to secure an acceptable waste storage provision. Due to there not being any doubts over there being sufficient space for the storage of organic waste which is the only bin not indicated on the proposed drawings it is not considered necessary that relevant condition is included on the decision notice.

8.8 Westminster City Plan

The City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.9 Neighbourhood Plans

There are no neighbourhood plans for this area.

8.10 London Plan

This application does not raise strategic issues.

8.11 National Policy/Guidance Considerations

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 unless stated otherwise.

8.12 **Planning Obligations**

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

8.13 **Environmental Impact Assessment**

Environmental Impact Assessment is not required.

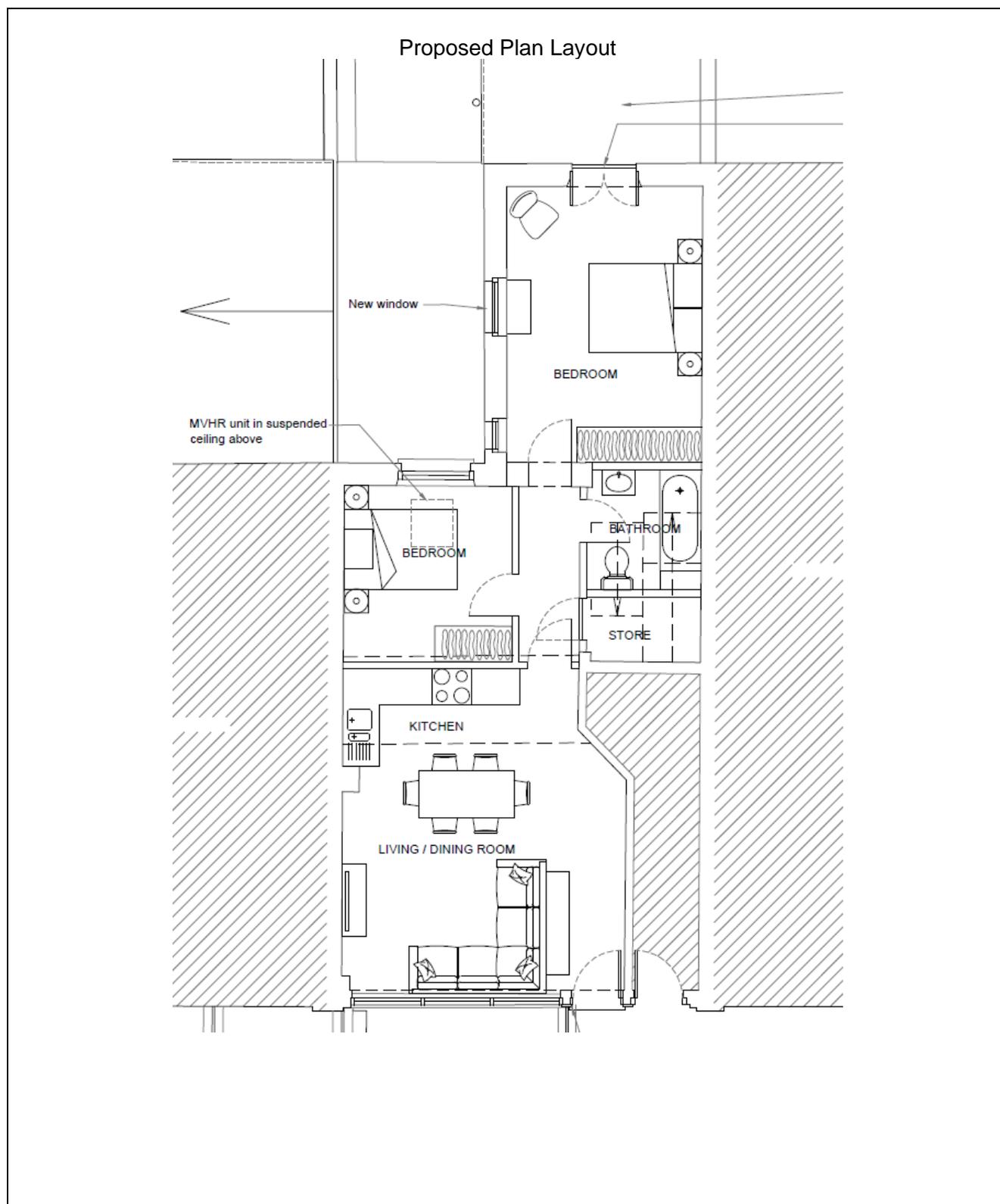
8.14 **Other Issues**

None relevant.

(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: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk

9. KEY DRAWINGS



Existing Front

No. 131

No. 129

No. 127

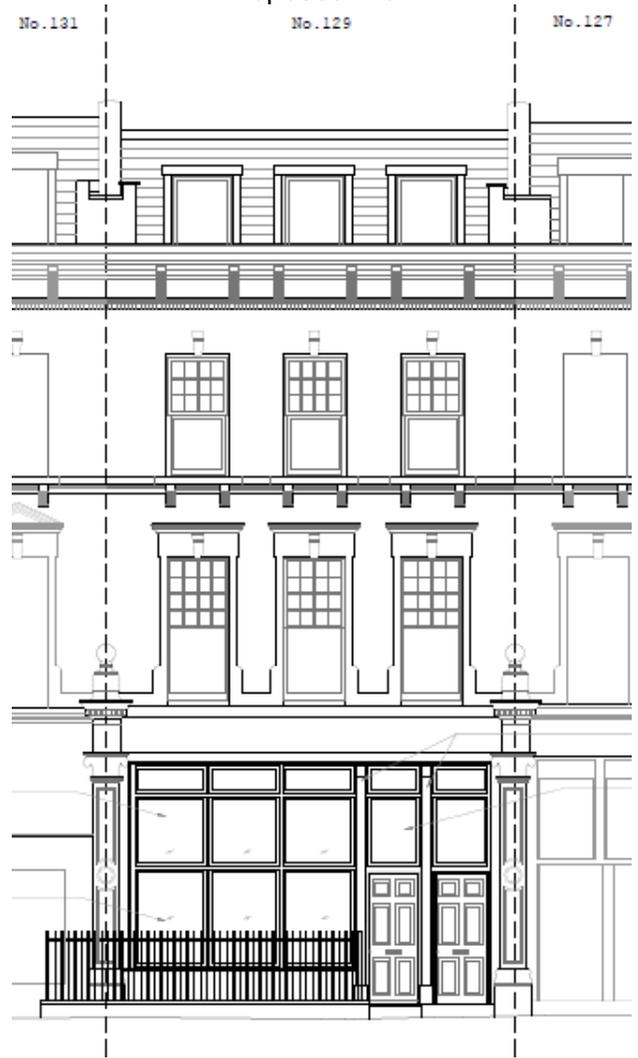


Proposed Front

No. 131

No. 129

No. 127



Existing Rear



Proposed Rear



DRAFT DECISION LETTER

Address: 129 Shirland Road, London, W9 2EP

Proposal: Conversion of existing retail unit into residential dwelling (Class C3) and associated external alterations including, mechanical ventilation unit, replacement shopfront to front elevation and installation of a new window and Juliet balcony to rear elevation.

Reference: 21/01925/FULL

Plan Nos: P 00, P2 01, P2 02, P0 03, P2 12 D, P2 11 B, Retail Property Report, Pilkington Optiphon, Zehnder ComfoAir 160 and Heritage Statement.

Case Officer: Harry Berks

Direct Tel. No. 020 7641
07866037030

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 , onot 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 neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Maida Vale Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 The balustrade associated with French doors on the rear elevation that are hereby approved must be a metal railing painted black. The balustrade must be maintained in this way thereafter without interruption.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Maida Vale Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 The glazing in the replacement shopfront hereby approved must be implemented in accordance with submitted Pilkington Optiphon details prior to the occupation of the application site for residential purposes. This glazing must remain in place in perpetuity.

Reason:

To protect the amenity of occupiers of the application site as set out in policies 7, 12 and 33 of the City Plan 2019 - 2040 (April 2021) and D6 of the London Plan (March 2021).

- 6 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained, and the space used for no other purpose. (C22FC)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 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
- 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: www.westminster.gov.uk/street-naming-numbering (I54AB)
- 4 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil, , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil, , Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website