

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 January 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Abbey Road	
Subject of Report	6 The Lane, London, NW8 0PN		
Proposal	Demolition of rear of building including extensions; construction of new part-one, part-two storey side and rear extension, excavation of a basement, construction of new front porch, reduction and reconfiguration of size of existing outdoor swimming pool, construction of new out building in rear garden, installation of air source heat pump system in garden. Construction of a new garden wall and associated landscaping.		
Agent	Henri Bredenkamp		
On behalf of	Dr Ruth Cooklin		
Registered Number	22/03562/FULL	Date amended/ completed	14 June 2022
Date Application Received	28 May 2022		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY & KEY CONSIDERATIONS

The application proposes the demolition of rear of building including extensions; construction of new part-one, part-two storey side and rear extension, excavation of a basement, construction of new front porch, reduction and reconfiguration of size of existing outdoor swimming pool, construction of new out building in rear garden, installation of air source heat pump system in garden and construction of a new garden wall and associated landscaping.

Objections have been received from 4 residents and the St John's Wood Society on the grounds of design, including the impact on the St John's Wood Conservation Area and the adjacent listed buildings, the bulk, height and detailed design of the replacement building and amendments to the front boundary, the impact on amenity including loss of sunlight/daylight to neighbouring buildings and overlooking, noise and the impact of the basement on trees.

The key considerations in this case are:

- The acceptability of the demolition of the existing building and the sustainability of the replacement
- The acceptability of the proposed building in design terms.
- The impact of the proposals on the character and appearance of the St John's Wood Conservation Area and the setting of other nearby designated heritage assets, such as the grade II listed buildings close to the site.
- The impact on the amenity of neighbouring residential properties.

It is considered that the demolition of the majority of the existing building is acceptable in this instance given the sustainability qualities of the new house. The proposals are considered to enhance the character and appearance of the St Johns Wood Conservation Area and would not be harmful to the amenities of neighbours. The application is being recommended for conditional approval as set out on the draft decision letter at the end of this report.

3. LOCATION PLAN



4. PHOTOGRAPHS

Front Elevation



Rear Elevation



Aerial Imagery (front elevation) of application site (grey roof and pool in rear garden) and neighbouring property



Aerial Imagery (rear elevations) of application site and neighbouring property



5. CONSULTATIONS

5.1 Application Consultations

ST JOHNS WOOD SOCIETY:

Objection raised on the grounds that the proposals are an overdevelopment of the site; with the two storey side extensions is over dominant and the front lightwell is oversized. The 2 storey side extension results in a sense of enclosure on the Lane. A request is made that the arboricultural officer carries out a site visit. In addition, should permission be granted, given the sites location, neighbours should be consulted fully on the CMP and there should be no Saturday working to protect the amenity of neighbours.

THAMES WATER:

No objection.

ENVIRONMENTAL SCIENCES:

No objection subject to conditions.

ARBORICULTURAL OFFICER:

No objection subject to conditions.

BUILDING CONTROL:

No objections to structural method statement.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 45

Total No. of replies: 9 (2 from the same household)

No. of objections: 9

No. in support: 0

Nine objections received on the following grounds:

Land Use:

Design:

- The proposals would not retain the traditional and classical London residential character;
- The proposals impact the character and appearance of the conservation area;
- The scale of the development would breach the Conservation Area Audit which states that the area is low density;
- The proposals will not preserve the symmetry between 6 and 7 The Lane, notably the front gables when viewed from the front;
- The two storey side extension and the large front lightwell will be a domineering feature and falls foul of design policies.

Sustainability:

- Excess carbon footprint from demolition;

Amenity:

- Loss of privacy from the extensions (and windows) that protrude further into the site than the existing;
- Sense of enclosure to the adjacent property because of the new rear bulk and massing;
- Light spillage from rooflights to rear single storey extension.

Tree's:

- Loss of tree's is barbaric;
- Loss of tree's would harm the leafy nature of the conservation area;
- No justification is given to the loss of the tree's;
- The Root Protection Area's of tree will be affected by the basement excavation and swimming pool

Other:

- Will the foundations of the site cope with basement excavation;
- Noise, dirt and disruption during the course of work;
- Detrimental impact to those working from home;
- Residents of neighbouring properties will be forced to move out during works;
- An application was refused last year at a similar property on the grounds that tree's had been removed before consent was given;
- The application form says consultation with neighbours was carried out – this is incorrect and no neighbour consultation was carried out. The applicant should be challenged on this;
- The application is silent on matters such a number of construction vehicles; access for emergency services and the application should not be progressed until modelling of construction impacts has been carried out.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

Objections have been received on the grounds that the application is misleading and says that neighbours were consulted on the proposals by the applicant, when according to the residents of The Lane this did not happen.

The applicant was asked to clarify the engagement that took place and advised officers that when the current owners purchased the property, they reached out the residents of The Lane via email and advised that they were working up some proposals for works to the building and would present these to them when more finalised. For personal reasons, this was unable to happen prior to the submission of the application.

Whilst regrettable, formal pre-application engagement is not required for a development of this scale although it is encouraged by the City Council for all development, as set out in the Council's Early Engagement Guidance. The applicant engaged with the local amenity society however they declined to comment given staffing constraints. The applicant did engage with officers through its pre-application advice service.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 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.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The application relates to an existing large semi-detached villa within the St John's Wood Conservation Area. It is not listed, but is noted by the Conservation Area Audit as being an unlisted building of merit to the conservation area. The site is accessed via a private road from Marlborough Place.

The house forms an attached pair with no.7, with the two arranged in a roughly U-shaped plan with prominent broken-pedimented wings projecting forwards of the main rear range. The entrances to each property are set within the recess between these projecting wings, although No. 7 has built this out to meet the forwards building line. The application site has been extended to the rear, west of the site boundary, with a flat-roofed single-storey garden wing running parallel with the side lane and provides a degree of enclosure to the rectangular rear garden.

7.2 Recent Relevant History

22/05779/TCA:

Fell 2 x lime trees T9 and T10: Repollard 1 x lime tree T8: Reduce height by 3-4m of

Leyland cypress group (un-managed hedge): Reduce crown by 3-4m all round of 1 x Eucalyptus tree T12.

Various alterations have been made to other properties within the cul-de-sac which includes excavations of basements.

8. THE PROPOSAL

Permission is sought for the demolition of rear part of building and extensions; construction of new part-one, part-two storey side and rear extension, excavation of a basement, construction of new front porch, reduction and reconfiguration of size of existing outdoor swimming pool, construction of new out building in rear garden, installation of air source heat pump system in garden and construction of a new garden wall and associated landscaping. Very minor amendments have been made to the rear rooflights and that they now are to be openable for ventilation and the design of the front porch has been designed to reflect its neighbour at No. 7 The Lane.

The proposed two-storey side and rear extension would be built off the rear part of the side elevation at the same scale as the main eaves and ridgeline, with the rear dropping down from the main ridge. A replacement single-storey rear wing extension would project from the rear wall of the main house, to a slightly taller and broader plan than the existing so that it can join up with a new single-storey rear extension. Below ground a basement would be built beneath the house and part of the rear garden and two lightwells are to serve this. A new porch extension would also be built, again to meet the forwards building line as per no.7.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The existing building is 219sqm and the proposed rebuilding of the property and extensions would result in a total floorspace of 494sqm. Although this is in excess of the 200sqm floorspace limit for new houses in Policy 8 of the City Plan the supporting text of that policy states that the limit will not apply to the replacement of a single dwelling and therefore the proposal would be acceptable in land use terms and accords with policy.

It is not considered that this proposal represents an over development of the site, as this is a large plot and a proportion of the new space is being created at basement level. The new house would be comparable to a number of the houses in The Lane and surrounding area. Therefore, the objection raised by the St John's Wood Society cannot be supported in this instance.

9.2 Environment & Sustainability Sustainable Design

The proposals include sustainability features such as air source heat pump technology, connected to underfloor heating/cooling and are considered to be in compliance with Policy 38 (Parts D, E and F).

Energy Performance

Policy 36 of the City Plan states that the council will promote zero carbon development and expects "all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change". It goes on to state "all development proposals should follow the principles of the Mayor of London's energy hierarchy. Developments should be designed in accordance with the Mayor of London's heating hierarchy". The applicant has demonstrated that options for the retention and retrofitting of the existing building have been explored, and that industry experts have advised that to retain the bulk of the existing structure, whilst meeting their aspirational energy targets (the application has targeted better U values than those proposed in the Part L1A of the Building Regulations) would be extremely difficult given the age and quality of existing materials.

The proposal has followed the GLA energy hierarchy and has designed out any gas provision.

Whole life carbon

Policy 36 (Energy) states that Major development should be net zero carbon and demonstrate through an energy strategy how this target can be achieved.

The proposed scheme creates under 1000sqm of floorspace and therefore is not classed as a major application and accordingly, a Whole Life Carbon Assessment is not required in this instance.

Circular Economy

Policy 37C states that developers are required to demonstrate the recycling, re-use and responsible disposal of construction, demolition and excavation waste. The applicant has confirmed that material re-use will be considered once a demolition contractor is appointed and it is their intention to re-use roof tiles and brickwork. It is recommended that a condition is added to any permission granted requiring the submission of a Pre-Demolition Audit /Recycling Strategy for all demolished materials.

Flood Risk & Sustainable Drainage

The site lies within the Abbey Road Surface Water flood risk hotspot. Most of the proposed basement would be located under the ground floor of the building with only small projections at the front and rear going beyond this footprint. These areas would largely accommodate lightwells/rooflights for the basement. It is not considered that there will be any significant impact on surface water flooding as a result of the development, however permeable paving is proposed for the lightwells and garden areas where substantial areas of soft landscaping and planting is proposed. In addition a large green roof to the single storey element of the new side/ rear extension is proposed of approximately 87m² allowing a reduce impact on the drainage system. Further to this a rain water harvest tank is proposed.

Light Pollution

Two glazed rooflights are proposed to the rear single storey projection and a glazed rooflight to the front porch is proposed. These are relatively modest in size and are not considered likely to result in any significant increase in light pollution.

Land Contamination

The Environmental Science Officer has requested that the councils contaminated land condition is attached to any permission and states that as the proposal includes a basement, as per Public Health England document titled: 'UK National Radon Action Plan' published in 2018 it states: 'Radon measurements should be made in regularly occupied basements of properties irrespective of their geographical location (HPA, 2010)'. On this basis they would expect an assessment for the potential of radon, therefore the Contaminated Land condition is recommended.

Environment & Sustainability Summary

For a development of this size and nature it is considered that the proposal meets the City Council's environmental and sustainability policies. The large demolition of the existing building has been justified in this instance.

9.3 Biodiversity & Greening

Policy 34B of the City Plan requires that "developments will, wherever possible, contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme. Objections have been received on the grounds that the felling of trees is unacceptable, not only harmful to the leafy nature of St John's Wood conservation area but that the loss of these will impact on wildlife also.

As noted above, the Council have raised no objection, to application 22/05779/TCA to the felling of 2 x lime trees T9 and T10: Repollarding of 1 x lime tree T8: Reduction in height by 3-4m of a Leyland cypress group (un-managed hedge) and the reduction in the crown by 3-4m all round of 1 x Eucalyptus tree T12. It should be noted that this application was submitted after the planning application was submitted and after neighbour consultation was carried out. The current description of development has been amended to reflect this.

Amendments during the course of the application have been made to the proposed plant room in the rear garden and this has been significantly reduced in area to ensure that any risk is reduced to the Eucalyptus tree T12 which is some 3.5m away.

A large green roof has been proposed above the ground floor rear extension and it is recommended that the details of this are secured by condition to ensure that it provides good biodiversity properties.

Significant landscaping is proposed and this raises no objection from the Council's arboricultural officer, subject to conditions.

9.4 Townscape, Design & Heritage Impact

Legislative Requirements:

The key legislative requirements in respect to designated heritage assets are as follows:

Section 72 of the LBCA 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.”*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that where development will have a visibly adverse effect upon a conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. 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.

Existing Building and Site:

The application relates to an existing large semi-detached villa within the St John's Wood Conservation Area. It is not listed, but is noted by the Conservation Area Audit as being an unlisted building of merit to the conservation area. Whilst this is not incorrect, the merit exhibited by the existing building is slightly more than neutral, partly given it's relatively late date, but also due to later alterations. It's relative neutrality is due in part to its inobtrusive form and character, whilst some elements of interest such as its symmetrical projecting and pedimented front elevation, Flemish bond brickwork and sash windows elevate it to provide some limited merit to the conservation area. As with the rest of the properties in The Lane, the site has a relatively insular relationship with the rest of the conservation area, particularly given it is a non-adopted private road. There is some overlooking from adjacent apartment blocks, but in general terms The Lane has a relatively isolated impact on the rest of the conservation area.

In basic form, the house forms an attached pair with no.7, with the two arranged in a roughly U-shaped plan with prominent broken-pedimented wings projecting forwards of the main rear range. The entrances to each property are set within the recess between these projecting wings, although both houses have already built this out to meet the forwards building line. The application site has been extended to the rear, on the western side of the site, with a slim flat-roofed single-storey garden wing which is the boundary wall and provides a degree of enclosure to the rectangular rear garden.

Proposals:

The application seeks planning permission for a two-storey side and rear extension, an extension to the main rear elevation and a replacement single-storey rear wing extension, a basement extension including front and rear lightwells, and hard and soft landscaping including a replacement outdoor swimming pool, pool building and pergola.

In design and conservation terms, the most significant of these proposals is the proposed two-storey side and rear extension. This would be built off the rear part of the side elevation at the same scale as the main eaves and ridgeline, whilst to the rear this would drop down from the main ridge. A replacement single-storey rear wing extension would again project from the rear wall of the main house, to a slightly taller, deeper and broader plan than the existing so that it can join up with a new single-storey rear extension. Below ground a basement would be built beneath the house and part of the rear garden, and a small part of the front garden for a front lightwell in line with the main forwards building line. A new porch extension would also be built, again to meet the forwards building line as per no.7.

Objections:

The proposals have received objections from neighbours and from the St John's Wood Society. Amongst other issues relating to amenity, trees and construction works, these objections include mention that the site is within the conservation area, and suggest that the proposal would harm the symmetry of the property's pairing with No.7. The occupier of No. 7 has noted in their objection that under an earlier application for their property advice was given that a two storey side/rear wrap extension would not be considered favourably because of symmetry concerns with No.6. The objector notes that they subsequently pursued an application for a single storey rear extension and a separate first floor extension and removed the wrap around extension.

Assessment:

The proposals are a comprehensive remodelling of the existing home, with a relatively significant above-ground set of extensions. These have however been designed in a manner which minimises their potential impact. Whilst a ground and first floor level side/rear wrap around extension would normally be discouraged, given the extensive single storey extension at this site; that 6 The Lane is viewed within The Lane as the end of terrace and does not have a boundary with another property and as the more dominant property of the pair, it is considered that there is scope on this site for a two storey and wrap around extension to be accommodated. No formal determination of an application for a two storey side/rear wrap around extension was made to No. 7 and therefore the current application for works at No. 6 The Lane is to be considered on its merits. The two-storey extension, whilst of the same height as the main house, is set well back from the front building line of the house, such that it sits in line with the main rear wing. This ensures it remains subservient to and respectful of the front wing, which continues to act symmetrically with that of no.7 next door. The extension is shown to match the elevational treatment of the main house, such that subject to a sound selection of matching bricks, it should preserve its appearance and contribution to the conservation area.

The single-storey rear extensions to the rear elevation of the building is acceptable in design terms and has been designed to meet the height and depth of the rear extension at No. 7. The single -storey rear wing extension is larger than would normally be seen on a house of this size, but as this replaces an existing one in the same position, albeit it slightly deeper, wider and higher than the existing, the principle of an larger extension is acceptable. The extension will create a new and taller boundary wall with the cobbled lane adjacent and the additional bulk will all accommodated behind the boundary wall and therefore only seen in very oblique views from The Lane and its height and depth are such that it does not dominate the rear garden when compared to the existing. The

elevation design of the single-storey extensions are considered to be an improvement upon the existing, which is quite functional and poorly planned in appearance. A door to the lane is proposed, however this replaces an existing opening.

The proposed basement has two external manifestations, in the form of a front and rear lightwell. The rear lightwell is of relatively limited size, whilst the front, although larger, is to be slightly set back from the front building line, and would be concealed by a planter, and therefore not seen in views from The Lane and neighbouring properties.

The replacement external swimming pool which is to be significantly reduced in size, the new pool plant building to the rear of the site, replacing the existing pool plant room to the side boundary and the new pergola structure raises no design concerns.

Overall, whilst not insubstantial, the proposals are considered to preserve the appearance of the host building, and the manner in which it contributes to the character and appearance of the St John's Wood Conservation Area. The application is considered to be in accordance with Policies 38 (design principles), 39 (heritage) and 40 (townscape and architecture).

9.5 Residential Amenity

Policy 7 of the City Plan seeks to protect surrounding residences from unacceptable loss of daylight/ sunlight, sense of enclosure, loss of privacy and noise. Policy 38C of the City Plan requires that all development, introduces measures that reduce the opportunity for crime and anti-social behaviour, promoting health, well-being and active lifestyles through design and ensuring a good standard of amenity for new and existing occupiers.

Objections have been received on amenity grounds notably, loss of privacy from the extensions (and windows) that protrude further into the site than the existing, closer to the flats in Knoll House which is to the rear of site of Carlton Hill ; sense of enclosure to the adjacent property because of the new rear bulk and massing and light spillage from rooflights to rear single storey extension.

Basement

Given its subterranean location and limited external manifestations, the proposed basement would not have any material impact on the amenity of neighbouring residents. The only external elements are the lightwells, which given their size and location will have very minimal impact in terms of neighbouring amenity.

Daylight & Sunlight and sense of enclosure

A new garden wall between No. 6 and 7 is proposed at 2m in height. This is the same height as allowed utilising permitted development and therefore raises no amenity concerns.

The rear ground floor extension on the boundary with No. 7 The Lane measures 3m in depth and has been designed to match the bulk and massing of the rear ground floor extension of No. 7. The height is marginally higher than the extension at No. 7 by 0.3m and it appears that this accommodated the green roof and upstand. The extension is

not considered to result in any loss of light or sense of enclosure.

The rear wing extension on the application sites western boundary, whilst marginally longer in depth and wider than existing, projecting eastwards into the patio area to the rear of the main part of the house, is 3.3m in height and is not considered to result in any loss of light or sense of enclosure to the occupiers of No. 7 The Lane or to the flats to the rear in Knoll House.

Given the application site, adjacent to the cobbled lane serving some garages, the two storey side extension does not impact on any neighbouring residential amenity. At first floor level, the extension projects beyond the main rear elevation of the property by 3m, however this is sited more than 6m from the property boundary of No. 7 The Lane and is therefore not considered to result in any significant loss of light or sense of enclosure.

Loss of Privacy

Whilst there is an increase in the expanse of windows and doors in the new ground floor projection and first floor rear elevation compared to the existing, the outlook of these is primarily to the application site garden. Noting that the proposals are for an extended single family dwelling house, the increase in depth and width of the rear projections which brings these windows marginally closer to Knoll House and No.7 The Lane is not considered to result in any harmful overlooking.

A number of new windows are proposed in the extended side elevation of the building facing the cobbled land and garages. These windows do not result in any overlooking to the windows and gardens of the properties of Hamilton Terrace, not only due to the distances between them and the application site but also because of the extensive tree and foliage cover in the rear gardens of the Hamilton Terrace properties.

Light Spillage

Two glazed rooflights are proposed to the rear single storey projection and a glazed rooflight to the front porch is proposed. These are relatively modest in size and very residential in nature and are not considered likely to result in any significant light spillage. Whilst there are a number of new windows serving the house, these are not considered to result in unacceptable light levels.

Noise from Plant

Plant and machinery is proposed internally and externally within the property. The outdoor rear pool plant equipment is to be located within a dedicated pump room to the rear of the site in the garden. The basement pool will also benefit from installation within a dedicated pump room at basement level which is facing a lightwell area. The air source pumps will be located within the front garden area behind a dedicated acoustic screen.

Environmental Health officers have assessed the acoustic report submitted with the application and have no objections to the plant on noise and amenity grounds, subject to conditions. The proposals are therefore acceptable in amenity terms.

9.6 Transportation, Accessibility & Servicing

The proposals for a replacement single family dwelling raises no highways concerns.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

9.8 Other Considerations

Basement Excavation

The application involves the creation of a single storey basement level. City Plan Policy 45 relates to basement developments.

Part A. 1-4 These parts of the policy relate to structural stability; surface water and sewerage flooding; minimising the impact at construction and occupation stages; protecting heritage assets and conserving the appearance of the existing building, garden setting and the surrounding area. The applicant has provided a Construction Method Statement prepared by an appropriately qualified structural engineer. This document has been reviewed by Building Control who advise that the submitted Structural Method Statement is appropriate and that the site investigation shows flood risk is minimal. A movement assessment anticipates the structural impact and movements on the adjacent buildings to be minimal. The scheme is justified structurally and the proposal is considered to be viable and from the preliminary structural information provided at this stage. The site is within a surface water flooding hotspot and as discussed above the proposals have been designed to reduce surface water flooding as far as reasonably practicable.

The purpose of the structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the draft decision letter.

Objections have been received regarding the structural safety of the site and whether this can accommodate the demolition proposed and a basement excavation. It is considered that the applicant has demonstrated sufficiently at this stage that the works can be carried out without structural harm to neighbouring properties. A number of objections have been received on the grounds of noise and disturbance as a result of

construction works especially on people working from home. The City Council has adopted its Code of Construction Practice (CoCP). The applicant has submitted an agreed Appendix A for the CoCP and it is recommended that a condition is attached to any permission requiring that the construction method is agree with Environmental Services prior to commencement. It is considered that this is the best method to address potential construction disturbance for neighbouring properties.

It was raised in a comment that access to the site will be difficult due to the narrow private road and a request made that the case officer carefully considers the construction management plan in order to protect the amenity of neighbours. Again, such matters will be considered by Environmental Sciences and Highways team as part of their agreement to Code of Construction Practice.

As discussed within the Design section, the proposal can be considered acceptable in regard to its impact on heritage assets.

Part B 1-5

These parts of the policy relate to the extent and depth of basements. This includes limiting the extent and depth of basement developments so to reduce both the risks associated with basement development and to mitigate any negative environmental and amenity impacts. Basement developments are typically (unless exceptions apply) limited to a single storey and must not extend more than 50% of the garden land. Where basements shall not reside directly underneath the building footprint, a minimum of one metre of soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement must be provided. In addition, a margin of undeveloped land should be left, proportionate to the scale of the development and the size of the garden, around the entire site boundary.

The basement would largely be beneath the footprint of the property, except for the lightwell to the front and rear and would not extend beneath more than 50% of garden land. There would be a small area of the basement adjacent to the rear lightwell, from the rear of the property to the depth of the rear lightwell that would not comply with the soil depth requirement however due to its minimal size the impracticality of providing soil depth for this small section and the fact that a substantial front and rear garden allowing for significant landscaping to remain, the proposed basement is considered to be acceptable in this particular case. Whilst the basement is to be constructed wholly within the application including all foundations, there would also be no margin of undeveloped land between the rear part of the basement and the adjacent property at No.7. To set an element of the basement in by 0.5m, to a depth of 2.6m (this is where the lightwell finished) when it sits adjacent to a basement of significant depth at No. 7 is considered unreasonable. The basement is single storey within an internal floor to ceiling height of 2.7m. The proposed indoor pool however does mean the depth of excavation goes beyond this for the part of the basement accommodating the swimming pool, at approximately a further 0.9m. It is accepted that, to accommodate a swimming pool excavation, depths would need to go beyond the standard floor to ceiling depths and in this case on balance this additional depth is considered acceptable. Overall, the proposed basement is considered to be acceptable.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

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

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

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 following:

- City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development;
- contaminated land;
- re-use of materials;
- tree protection measures.

The applicant has agreed to the imposition of these conditions.

10. Conclusion

The proposal is considered acceptable in design terms, mindful of policies 38, 39, 40 and 45 of the Westminster City Plan 2019-2040 (April 2021) with limited impact to the character and appearance of the building and no significant harm to the character and appearance of the St Johns Wood Conservation Area a designated heritage asset. The proposal would also be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Whilst recognising the concerns raised by the objectors, the proposal is considered acceptable in design, conservation, sustainability and amenity terms and compliant with City Plan policies 7, 8, 33, 34, 35 and 36.

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

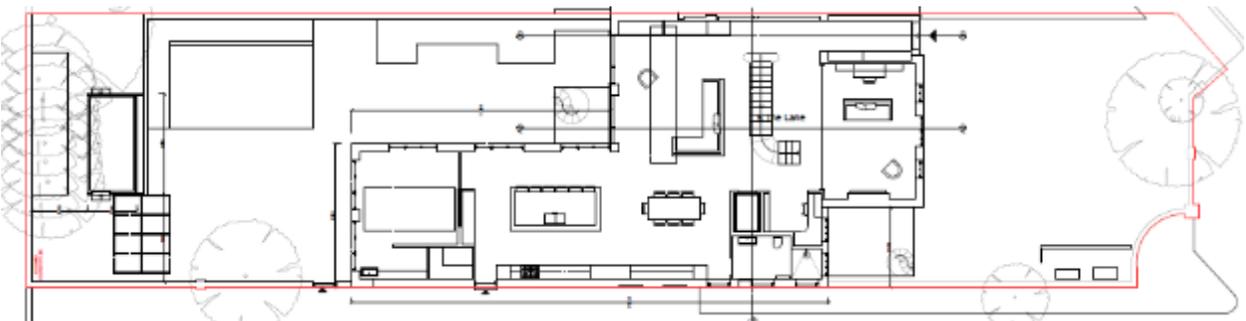
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk

11. KEY DRAWINGS

Existing Site Plan



Proposed Site Plan



For Information Only – Floor Plans showing new areas of basement/ ground floor and first floor extensions in blue.

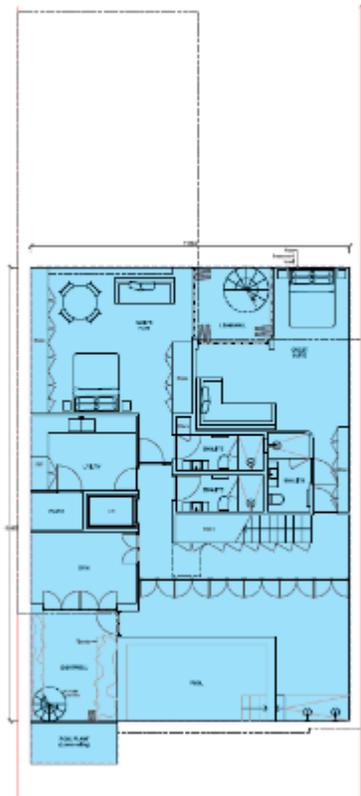


Fig. Basement floor plan showing new area in blue (NTS)

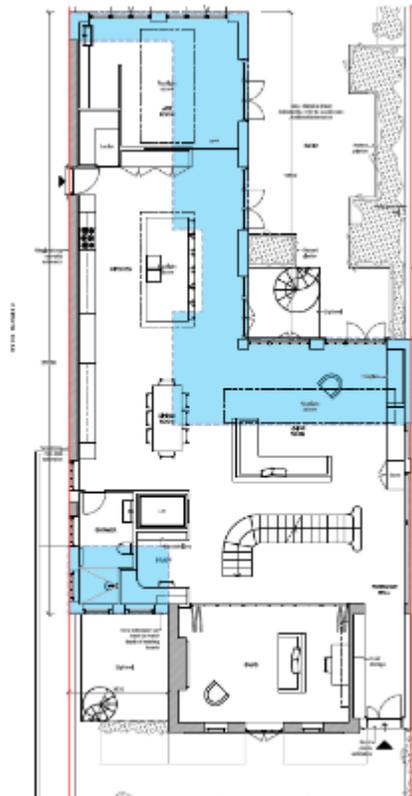


Fig. Ground floor plan showing new area in blue (NTS)

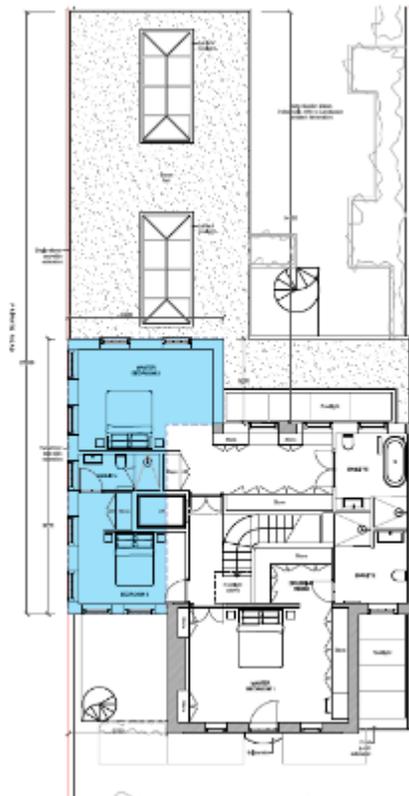
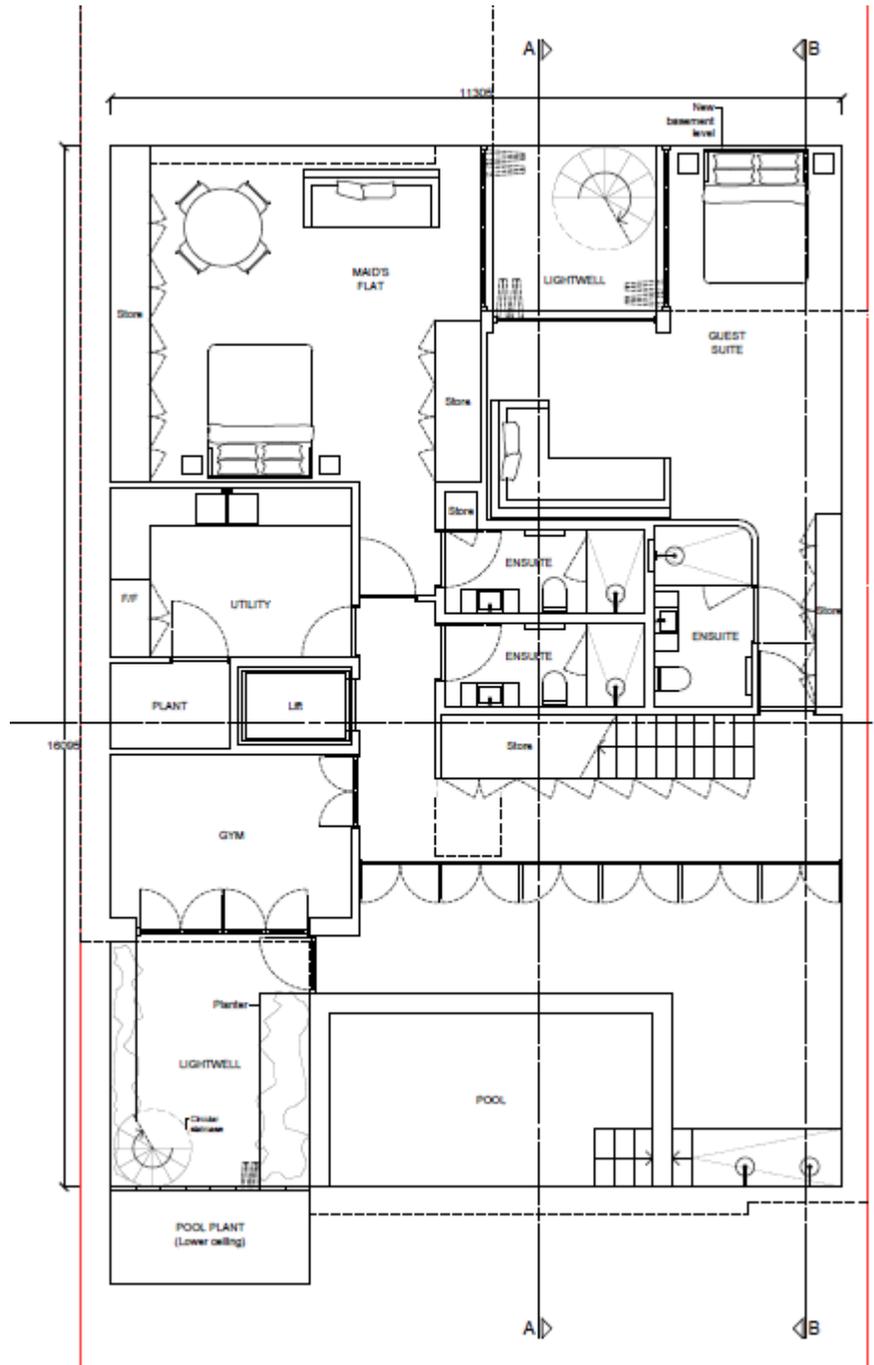
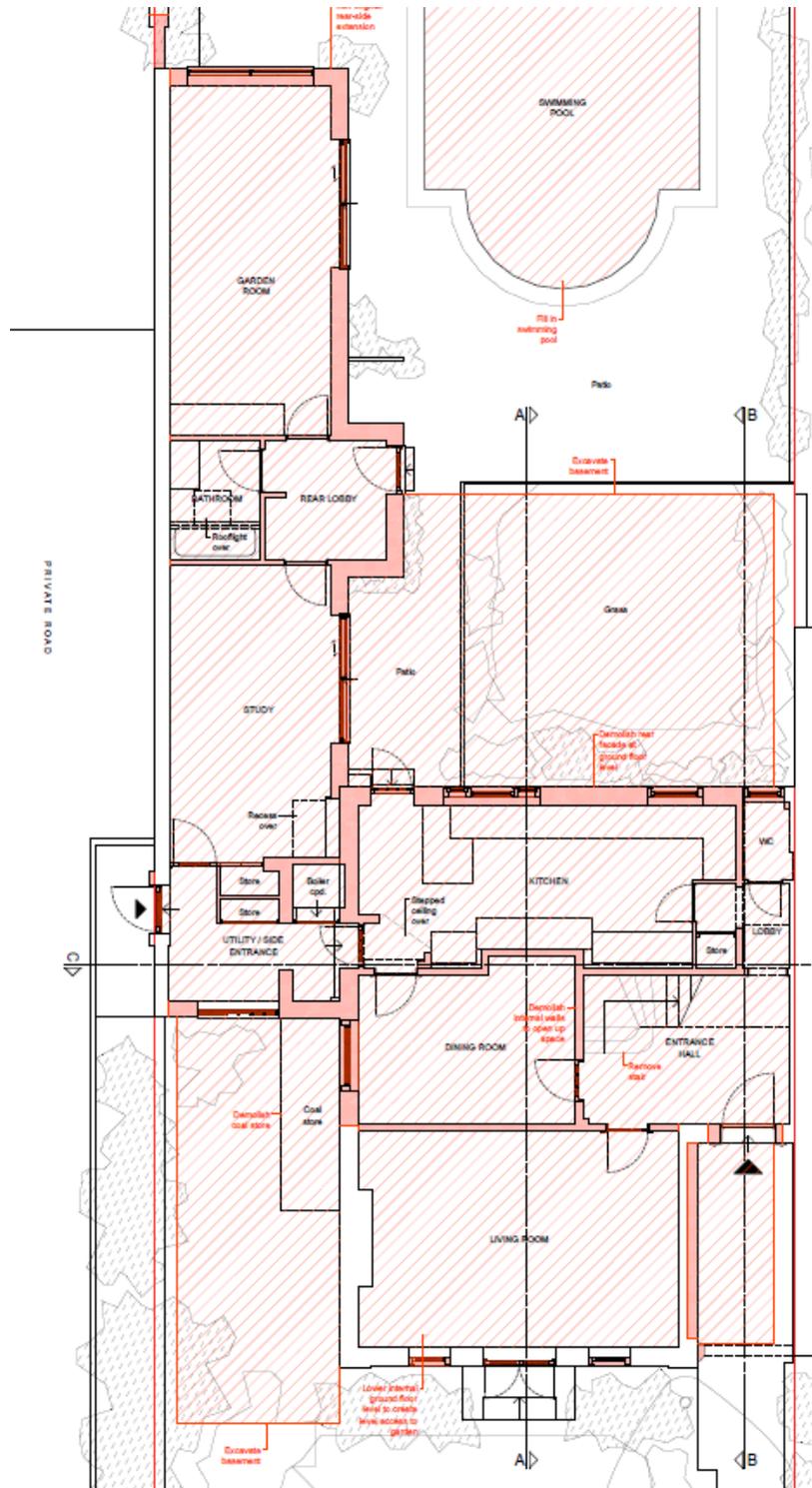


Fig. First floor plan showing new area in blue (NTS)

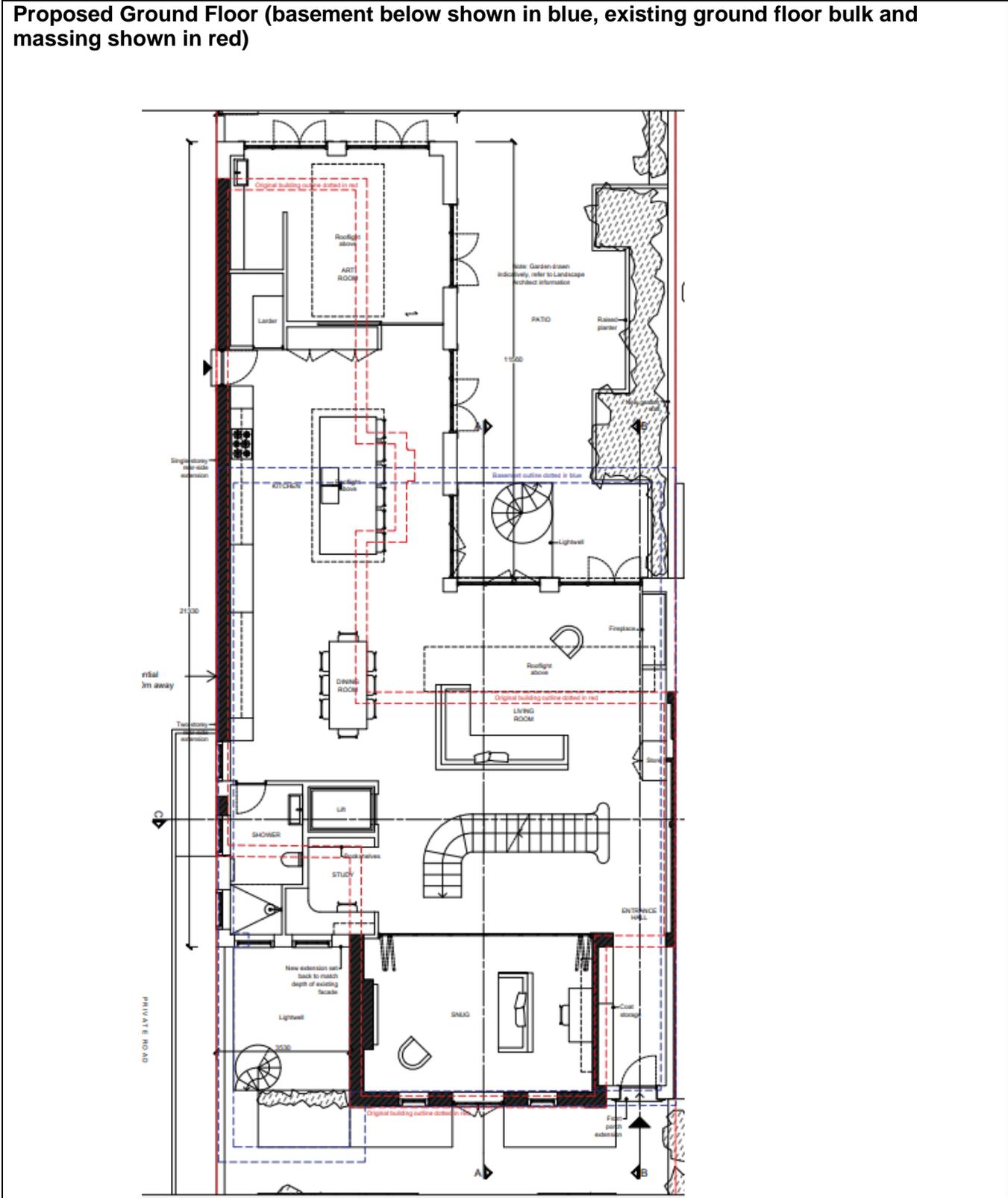
Proposed Basement



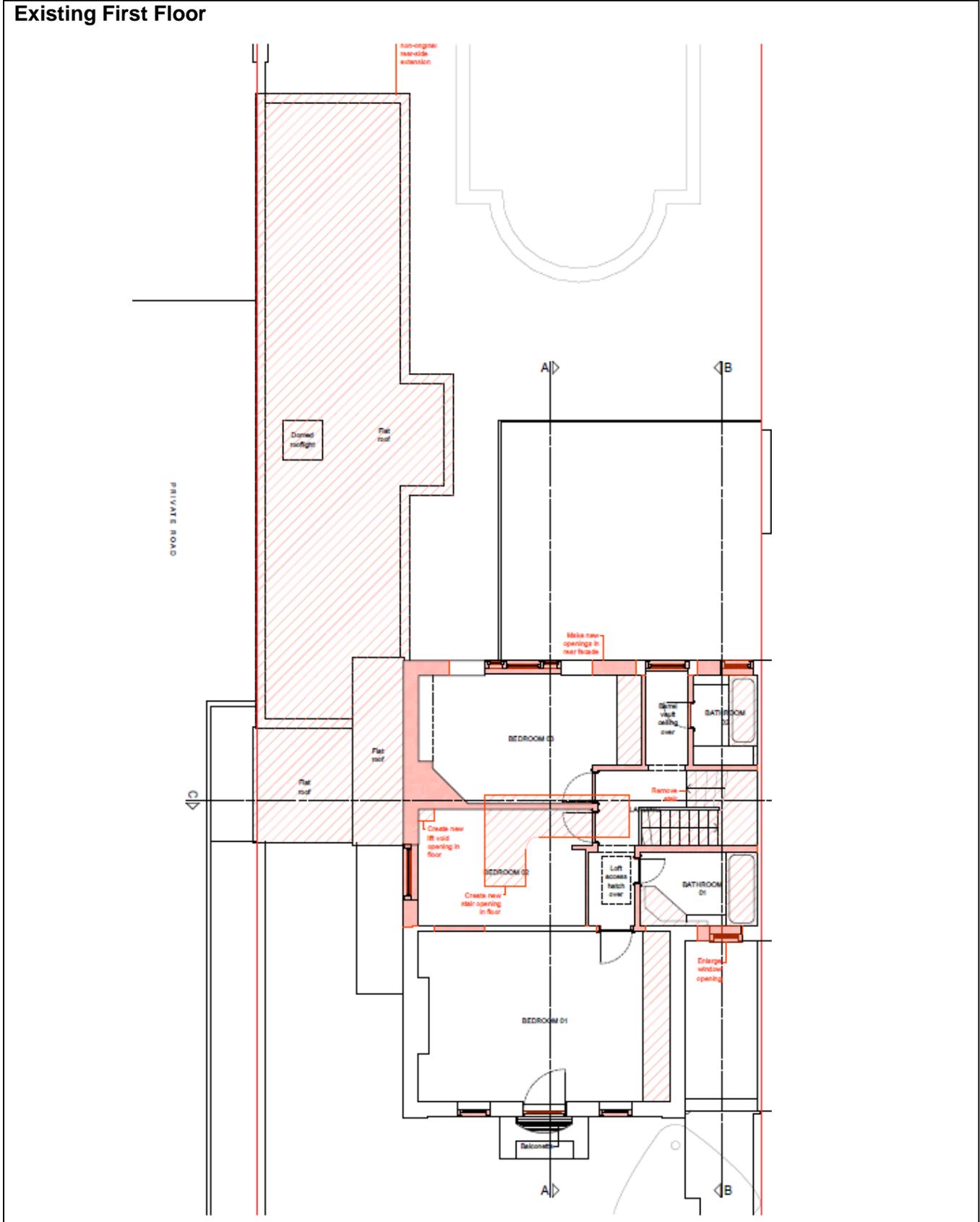
Existing Ground Floor



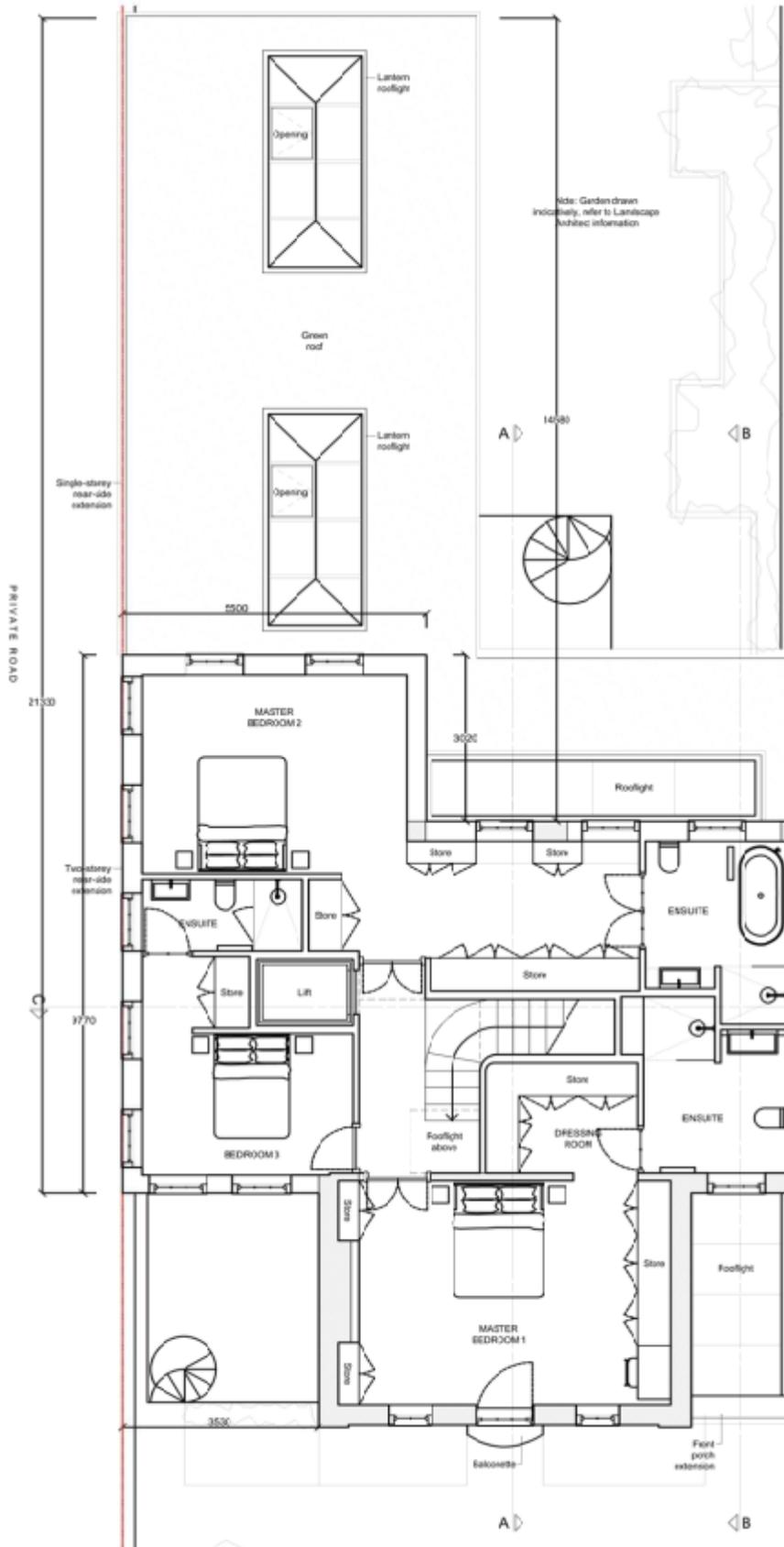
Proposed Ground Floor (basement below shown in blue, existing ground floor bulk and massing shown in red)



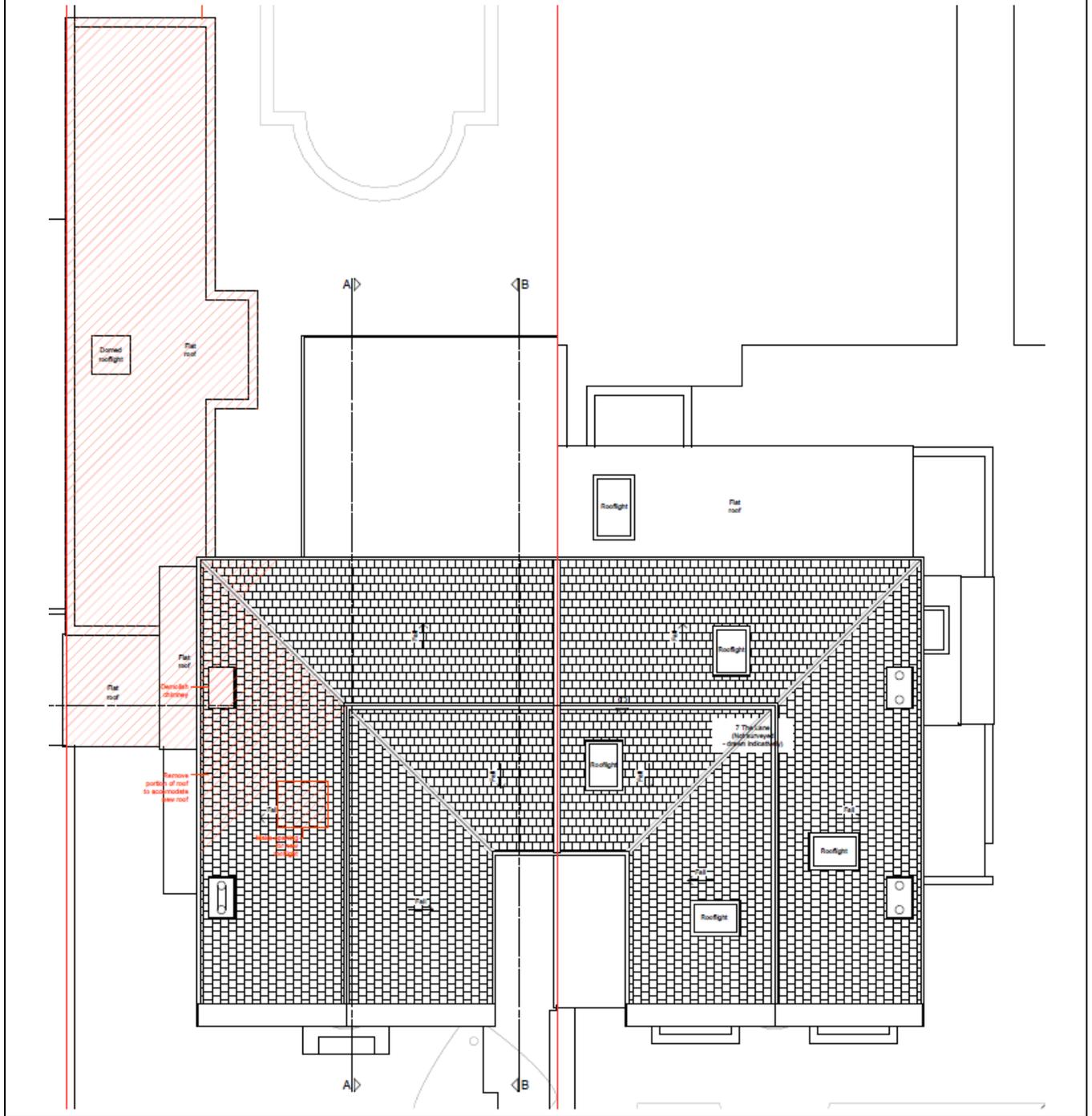
Existing First Floor



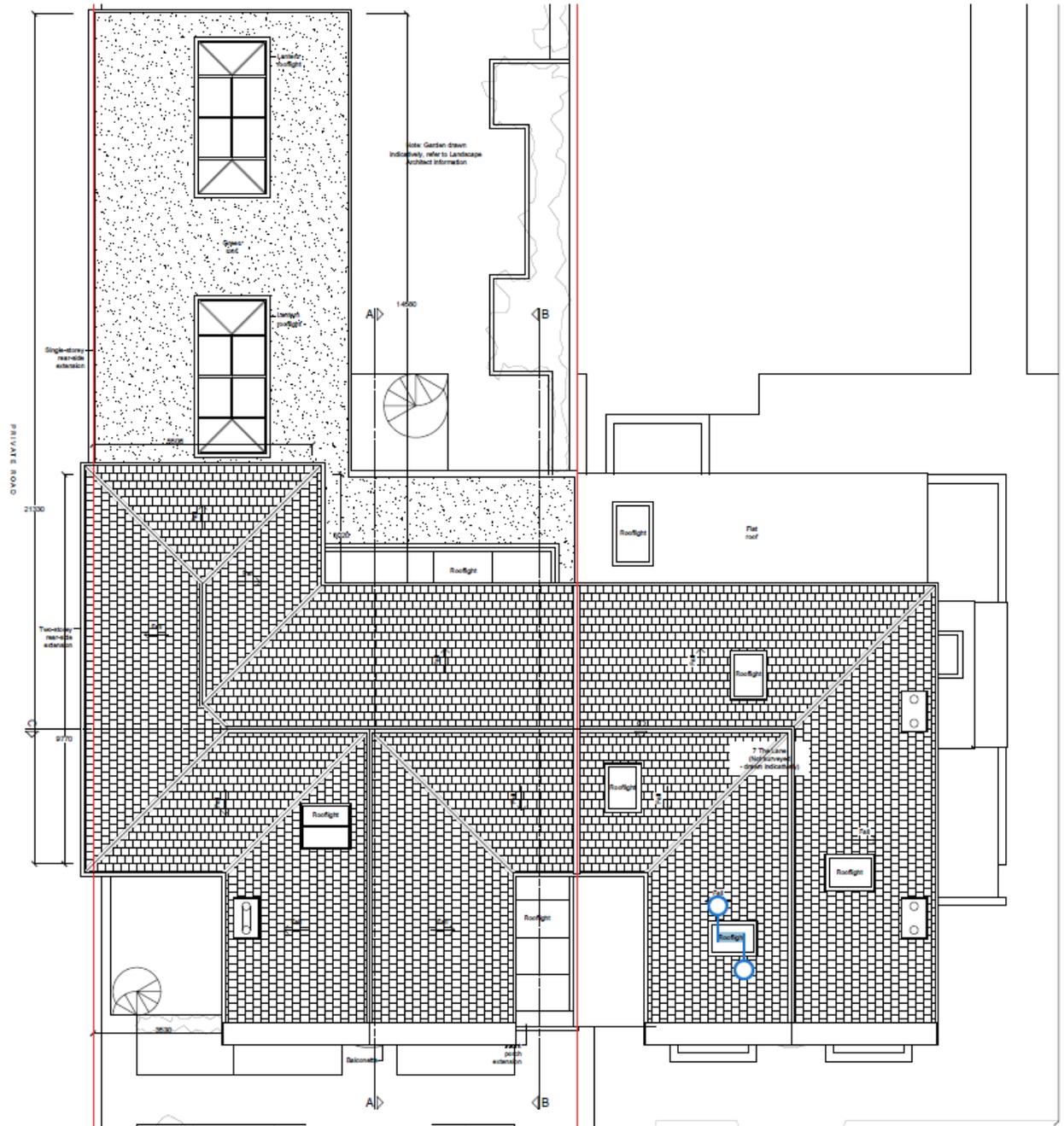
Proposed First Floor



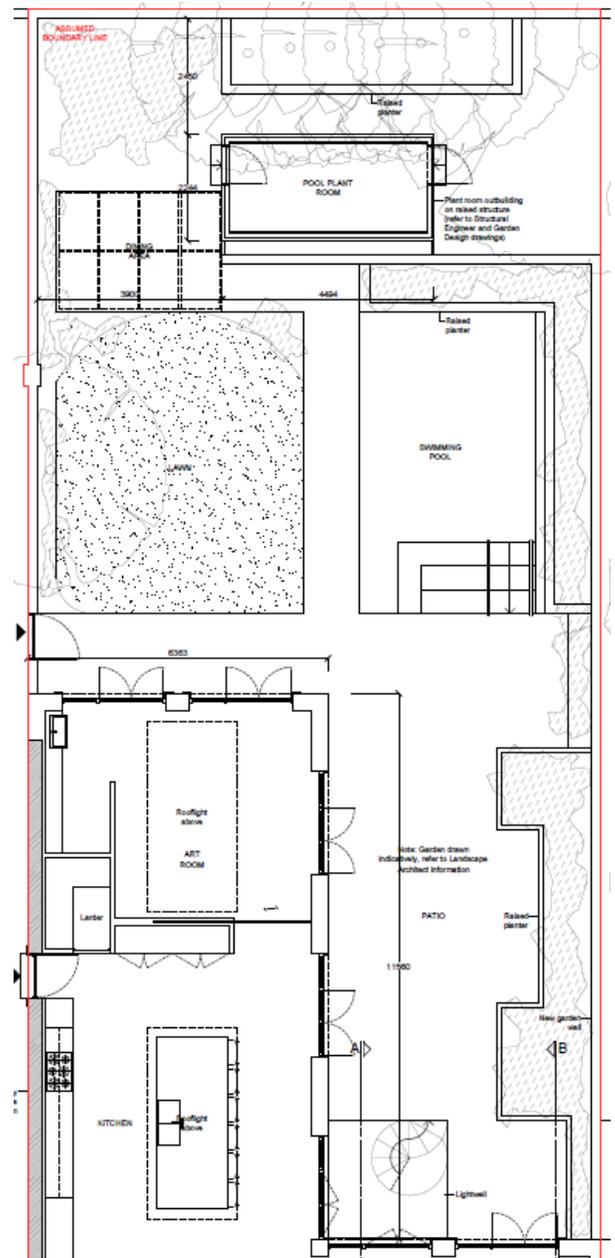
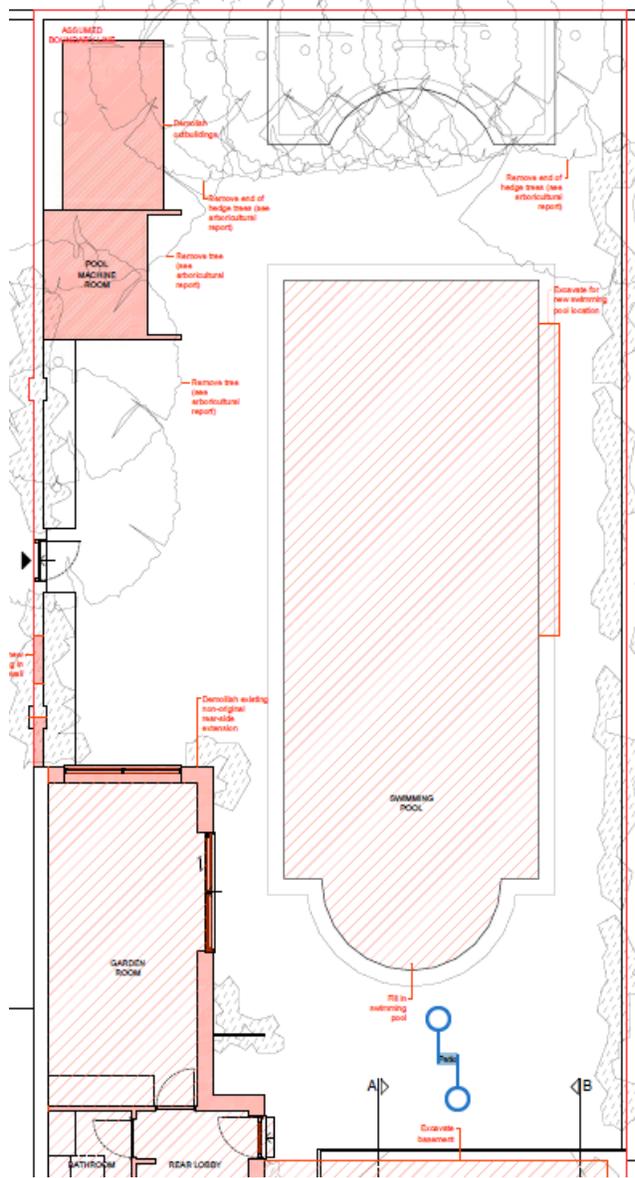
Existing Roof (shown in context with No. 7 The Lane)



Proposed Roof (shown in context with No. 7 The Lane)



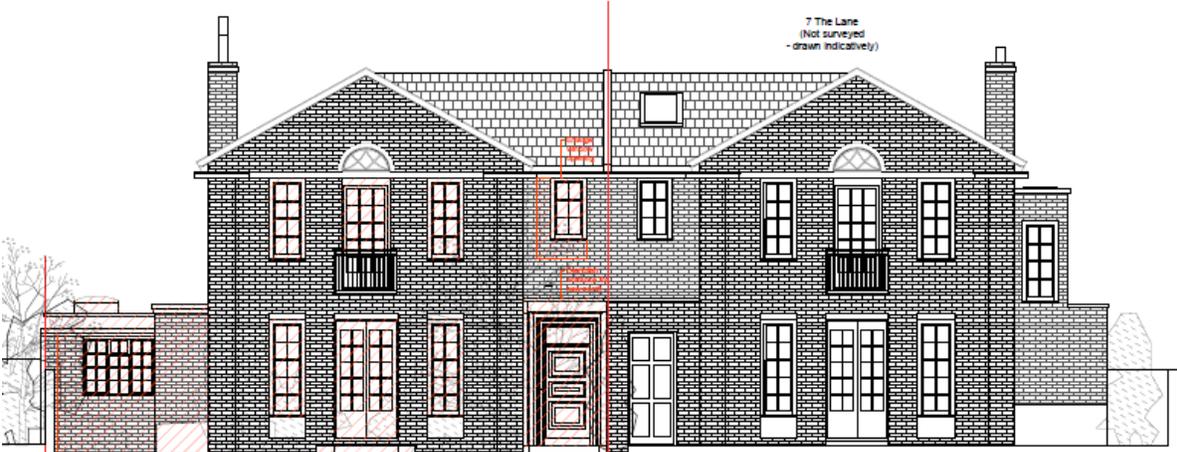
Existing and Proposed Garden Plan



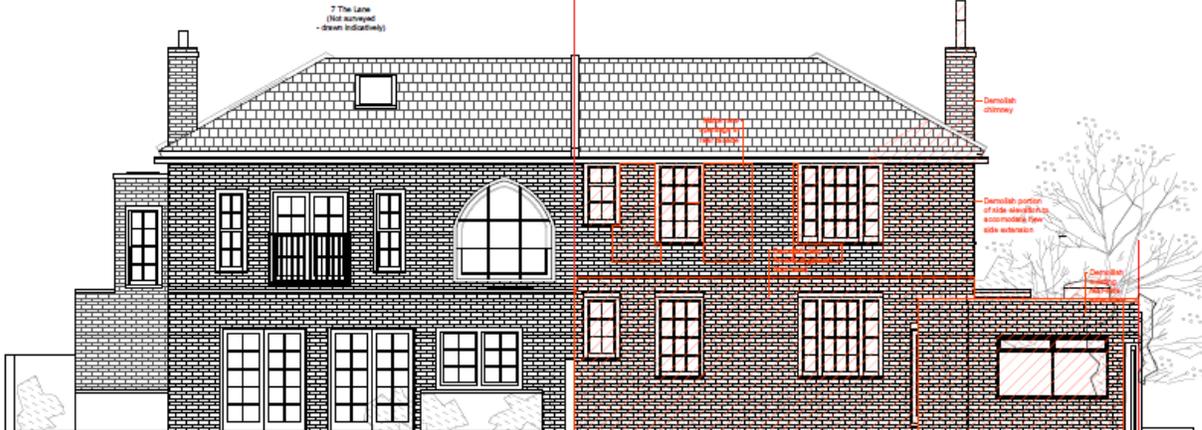
For Information Only – Axonometric CGI of proposals to show scheme in elevation



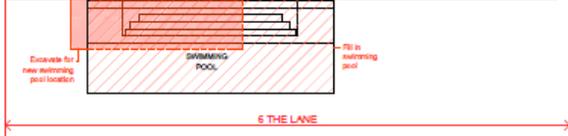
Existing Front and Rear Elevations



Front Elevation



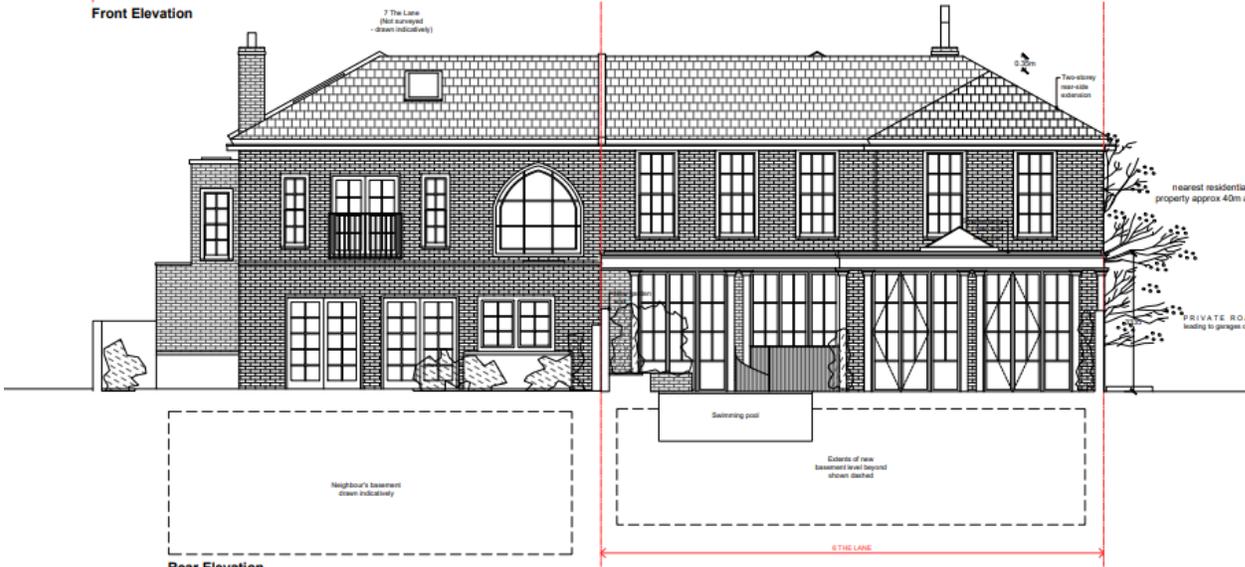
Rear Elevation



Proposed Front and Rear Elevations



Front Elevation



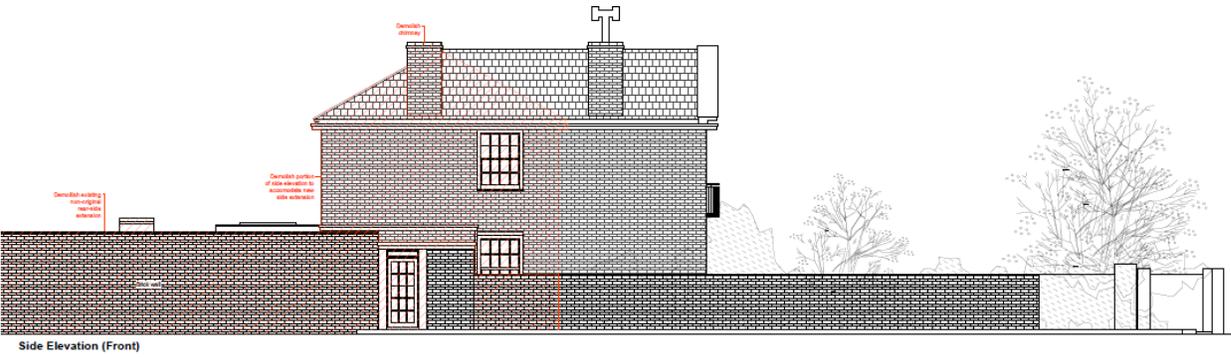
Rear Elevation

Neighbour's basement
drawn indicatively

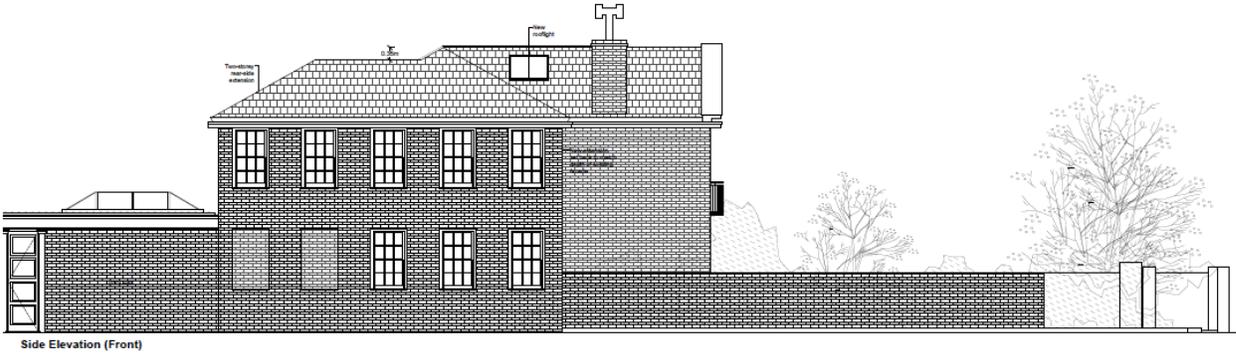
Extents of new
basement level layout
shown dashed

6 THE LANE

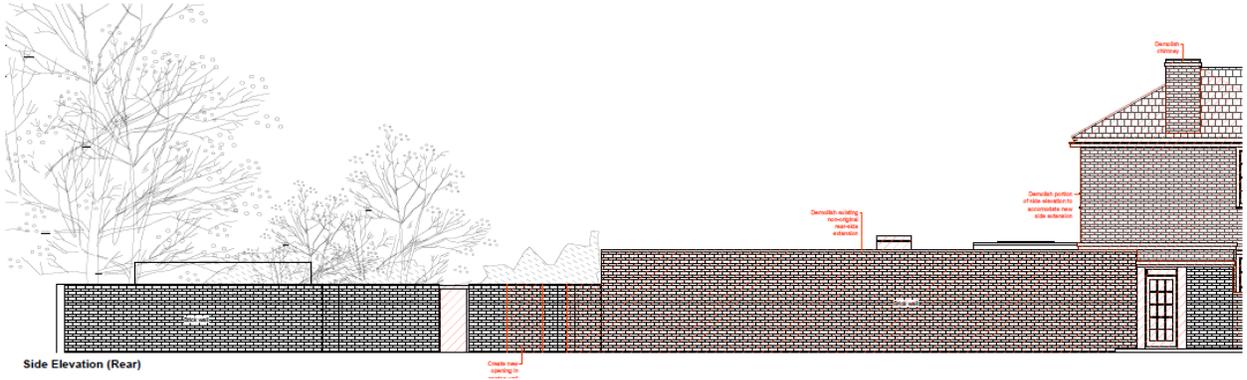
Existing Side Elevations (front of building)



Proposed Side Elevations (front of building)



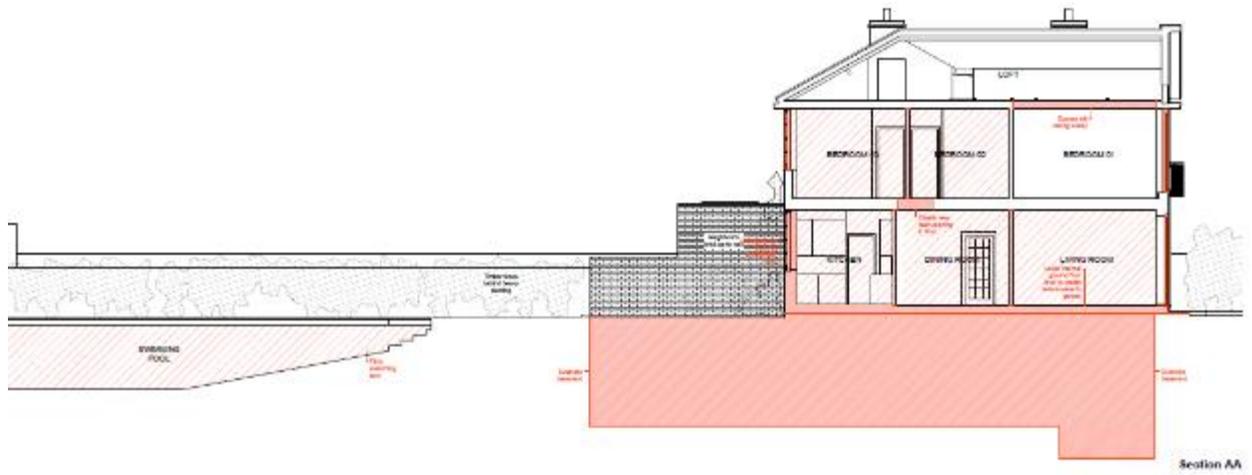
Existing Side Elevations (rear of site)



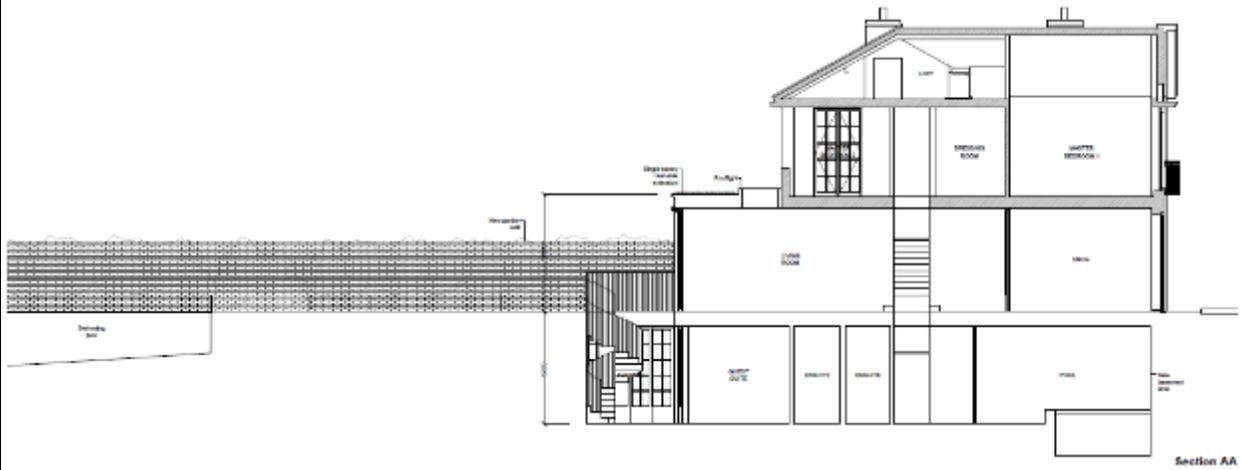
Proposed Side Elevations (rear of site)



Existing Section AA



Proposed Section AA



DRAFT DECISION LETTER

Address: 6 The Lane, London, NW8 0PN

Proposal: Demolition work, tree removal, construction of new part-one, part-two storey side and rear extension, the excavation of a basement, new front porch, new fenestration, new rooflights, internal renovation, the downsizing of an existing outdoor swimming pool, out building in rear garden, air source heat pump system in garden, new landscaping including new garden wall.

Reference: 22/03562/FULL

Plan Nos: PL-EX: 01B; 100B; 101B; 102B; 103B; 104B; 105B; 200B; 201B; 202; 300B; 301B; PL-P: 001B; 100B; 101B; 102B; 103B; 104B; 105B; 200B; 201B; 202; 300B; 301B.

For Info Only:

Structural Methodology Statement A updated 10 October 2022; Flood Risk & Sustainable Drainage Assessment A 10 October 2022; Design, Access & Heritage Statement dated May 2022; Sustainable Design Statement dated June 2022; Arboricultural Impact Assessment, Method Statement and Tree Protection Plan dated 24 Mat 2022; Appendix A

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641
07866036948

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

- 4 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 St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018., , You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied., , Phase 1: Desktop study - full site history and environmental information from the public records., , Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property., , Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution., , Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate., (C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)

- 6 (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 5 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 in writing 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 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 in writing 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., , (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 written 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 LA90 (15 minutes) 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. (C46BC)

Reason:

As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46BC)

- 7 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 8 You must install the plant, in the locations proposed and within the plant room with the louvred enclosures, as listed within the Noise Impact Assessment 4731-R2 hereby approved.

Reason:

As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46BC)

- 9 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on drawings 6TL-PL-P-104 B and 6TL-PL-P-105 B. 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. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2012. You must then carry out the work according to the approved details. (C31AC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 10 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the landscaping and planting within 1 year of completing the development (or within any other time limit we agree to in

writing)., , If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CC)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R30AD)

- 11 You must apply to us for approval of details of any foundations within the root protection area (as defined by paragraph 5.2.2 of British Standard BS5837: 2012) of any retained tree, including the plant room foundations and any boundary wall foundations. You must not start work on these parts of the development until we have approved what you have sent us. You must then construct the foundations in accordance with the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 12 You must apply to us for our approval of any planned alterations to the existing ground levels, including digging or piling up soil: , (a) underneath the canopy of any trees which are to be kept as shown on plans 6TL-PL-P-104 B and 6TL-PL-P-105 B or , (b) within the root protection area (as defined by paragraph 5.2.2 of British Standard BS 5837: 2012) and within five metres beyond it, as shown on plan 6TL-PL-P-104 B and 6TL-PL-P-105 B. , You must not start any work on alterations to the existing ground levels, including digging or piling up soil until we have approved in writing what you have sent us. The work must be carried out according to the approved details

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 13 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the ^IN; to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

14 You must not use the roof of the extensions 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 Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

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 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/planning-building-and-environmental-regulations/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 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You can apply online at the following link: www.westminster.gov.uk/trees-and-high-hedges. You may want to discuss this first with our

Tree Officers by emailing privatelyownedtrees@westminster.gov.uk.

- 6 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 Inspectorate (cocp@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 Inspectorate team must be paid on submission of the details relating to the relevant phase., , Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.
- 7 As this development involves demolishing the buildings on the site, we recommend that you survey the buildings thoroughly before demolition begins, to see if asbestos materials or other contaminated materials are present - for example, hydrocarbon tanks associated with heating systems. You can get a copy of this document at www.westminster.gov.uk/contaminated-land. For further advice you can email Public Protection and Licensing at environmentalsciences2@westminster.gov.uk.
- 8 Conditions 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)
- 9 When you apply to us for approval of details of a) tree protection and b) foundations, you must ensure that the submitted tree protection methods are in accordance with the proposed foundation designs.

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.