

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 24 January 2023	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> Maida Vale	
<b>Subject of Report</b>	<b>Flat 44, Ashworth Mansions, Elgin Avenue, London, W9 1JP</b>		
<b>Proposal</b>	Replacement of sash windows with new timber double glazed sash windows.		
<b>Agent</b>	Ms Helen Cooke		
<b>On behalf of</b>	Ms Helen Cooke		
<b>Registered Number</b>	22/07511/FULL	<b>Date amended/ completed</b>	12 December 2022
<b>Date Application Received</b>	5 November 2022		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Maida Vale		
<b>Neighbourhood Plan</b>	<b>Not applicable</b>		

## 1. RECOMMENDATION

Grant conditional planning permission

## 2. SUMMARY & KEY CONSIDERATIONS

The application relates to a second floor flat within a block of flats at Ashworth Mansions on the northwest side of Elgin Avenue. The building is not listed but is located within the Maida Vale Conservation Area.

Planning permission sought for the replacement of the existing windows of the flat in the corner elevation with double glazed timber framed sash windows.

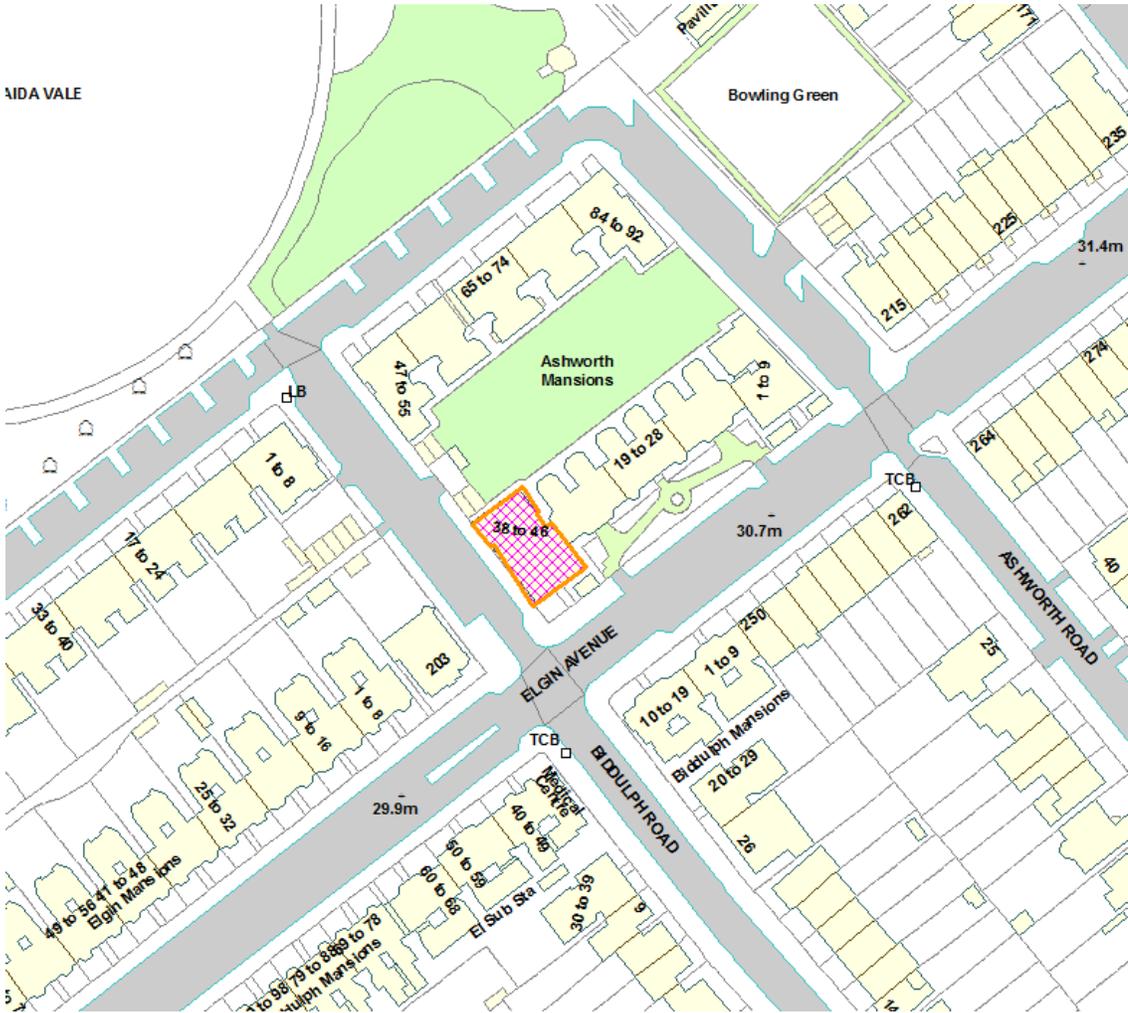
The key considerations in this case are:

- The impact of the proposal on the character and appearance of the Maida Vale Conservation
- The acceptability of the energy performance of the proposed development.

This application is reported to the planning sub-committee as the applicant is an elected Councillor.

For the reasons as set out in the report, the proposed replacement windows are considered to accord with the design policies in the of the City Plan 2019-2040 (adopted April 2021). The application is therefore recommended for approval, subject to the conditions set out in the draft decision letter appended to this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation; Flat 44 is at 2<sup>nd</sup> Floor with the windows on the corner.

## **5. CONSULTATIONS**

### **5.1 Application Consultations**

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 18

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS NOTICE/ SITE NOTICE:

Yes

### **5.2 Applicant's Pre-Application Community Engagement**

No pre-application community engagement was carried out for this proposal.

## **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 a single flat within an unlisted building of merit within the Maida Vale Conservation Area. The building is a typical mansion block for the area, and dates to around the early 20th century and is built of brick with regularly spaced, uniform windows. Uniformity is an important component of the building's appearance and positive contribution towards the character and appearance of the building. The existing windows are painted timber sashes and are likely to be original to the building.

### **7.2 Recent Relevant History**

There is no planning history relating to 44 Ashworth Mansions.

## **8. THE PROPOSAL**

The application proposes to replace four windows in the corner bay, facing Elgin Avenue and Biddulph Road with new double-glazed painted timber sash windows. The windows are to match in terms of window frames and detailing.

## **9. DETAILED CONSIDERATIONS**

### **9.1 Land Use**

The replacement of windows to this residential property is in line with Policy 8 of City Plan 2019-2040 (April 2021).

### **9.2 Environment & Sustainability**

#### **Sustainable Design**

The replacement windows are to be timber and heritage double glazed. Timber is a sustainable material, and the double glazing provides energy efficiency. Accordingly, the proposals are considered to be acceptable in sustainability terms.

It is considered that the proposals are in accordance with City Plan Policy 38D in relation to sustainable design and the City Council's Environmental SPD.

### **9.3 Biodiversity & Greening**

The proposal is not of a scale or nature to require the provision of biodiversity or greening measures.

### **9.4 Townscape, Design & Heritage Impact**

The building is not listed but is located within the Maida Vale Conservation Area. There

are no listed buildings near the application property.

### **Legislative & Policy Context**

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.”*

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.

### **Detailed Design and Impact on Heritage Assets**

The proposed replacement windows are to be double glazed sash windows in timber frames. They are considered to match the existing in terms of their detailed design. A condition is recommended requiring the replacement windows to be vertically sliding sash windows with details to match existing and painted to match the colour of existing adjacent windows at the rear of the building and any *trickle vents should be concealed*. Subject to this condition, it is considered that the proposal is acceptable in design terms, and the application is in accordance with policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

The proposal is considered to accord with the identified policies and will preserve the character and appearance of the conservation area. In making this recommendation consideration has been had to the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990, notably Section 72 and the requirements set out in Chapters 12 and 16 of the NPPF.

#### **9.5 Residential Amenity**

The proposal is for the replacement of existing windows and do not have an impact on neighbouring amenity.

#### **9.6 Transportation, Accessibility & Servicing**

There are no transportation or parking issues raised by this development.

#### **9.7 Economy including Employment & Skills**

No economic considerations are applicable for a development of this size

#### **9.8 Other Considerations**

None.

### **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.

No pre-commencement conditions have been recommended.

## **10. Conclusion**

As such, the proposal is considered acceptable, mindful of policies 38, 39 and 40 of the City Plan 2019 - 2040 and therefore, a recommendation to grant conditional permission consent would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

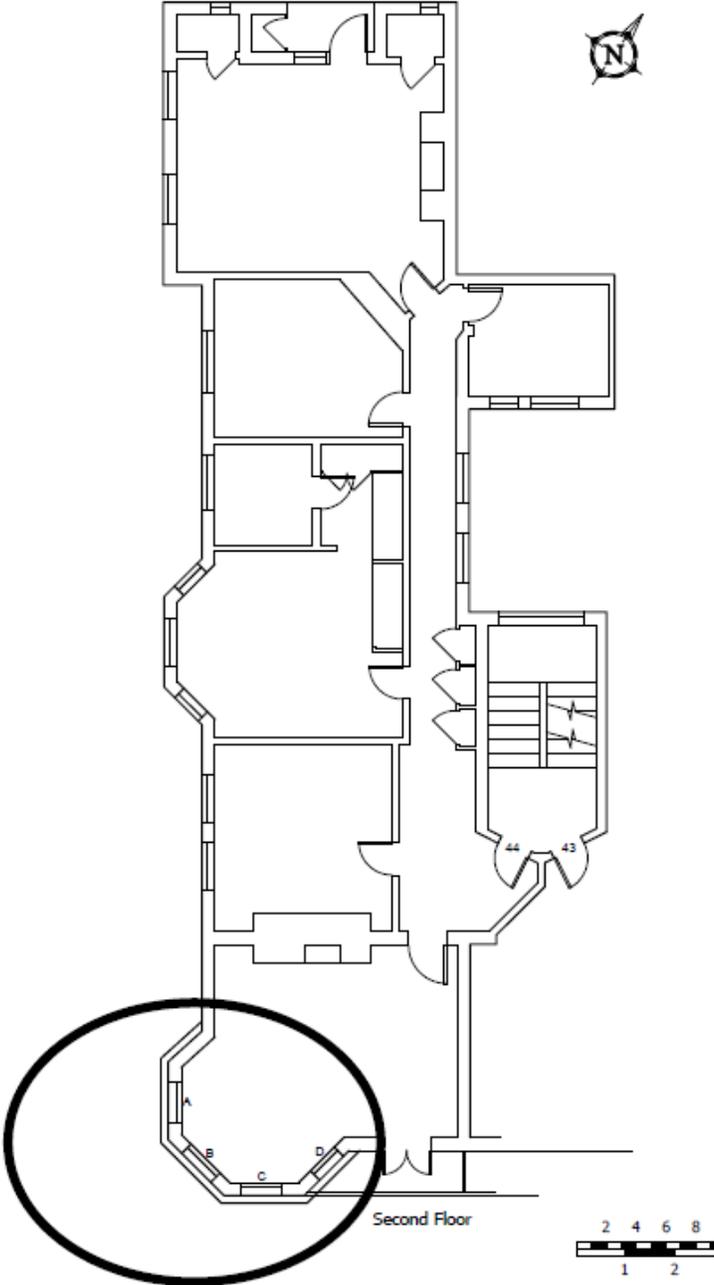
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

11. KEY DRAWINGS



**Second Floor Plan indicating which windows proposed to be replaced**





**DRAFT DECISION LETTER**

**Address:** Flat 44, Ashworth Mansions, Elgin Avenue, London, W9 1JP

**Proposal:** Replacement sash windows with double glazed.

**Reference:** 22/07511/FULL

**Plan Nos:** Site Location Plan; Drawing entitled "Existing/Proposed" Rev 0; Existing Window Sections; Design and Access Statement;

**Case Officer:** Avani Raven

**Direct Tel. No.** 020 7641  
07866037313

**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 new double glazed timber sash windows hereby approved must be vertically sliding sash windows with details to match existing and painted to match the colour of existing adjacent windows at the rear of the building. Any trickle vents must be concealed.

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)

#### **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](http://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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk)., , **BUILDING REGULATIONS:**, You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at [www.westminster.gov.uk/contact-us-building-control](http://www.westminster.gov.uk/contact-us-building-control)

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.