

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 12 December 2023	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved</b> Abbey Road	
<b>Subject of Report</b>	<b>3 Blenheim Road, London, NW8 0LU,</b>		
<b>Proposal</b>	Excavation of single-storey basement extension with lightwells to front and rear gardens; Erection of single-storey extension to rear and three-storey extension to side; Formation of door to rear at lower ground floor level; Landscaping works; and associated external alterations.		
<b>Agent</b>	Mr Joseph Oakden		
<b>On behalf of</b>	Mr Meghdad Farrokhzad		
<b>Registered Number</b>	22/04886/FULL and 22/04887/LBC	<b>Date amended/ completed</b>	23.11.2023
<b>Date Application Received</b>	19 July 2022		
<b>Historic Building Grade</b>	Grade II		
<b>Conservation Area</b>	St John's Wood		
<b>Neighbourhood Plan</b>	Not applicable		

## 1. RECOMMENDATION

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

## 2. SUMMARY & KEY CONSIDERATIONS

The application site is a grade 2 listed building located in the St John's Wood Conservation Area and is in use as a single dwelling house. The building is one half of a paired villa building, along with no. 4 Blenheim Road.

The proposals comprise three key elements. The first, is the excavation of a single storey basement beneath the property, projecting beneath parts of the front and rear gardens, and works associated

with this.

Second, this application also fully incorporates the approved extension works permitted 19 August 2020. These include a single storey rear extension, side extension, re-fenestration and re-levelling of the rear garden. As these elements have not yet been built out, and the permissions associated with these works have now expired, they have been included within this application. These elements of the proposal do not differ from the previously approved scheme.

The final element of this proposal is internal alterations, these include the creation of a new opening at lower ground floor between the existing living room and a relocated kitchen space. An access stairway is also to be created into the new side extension.

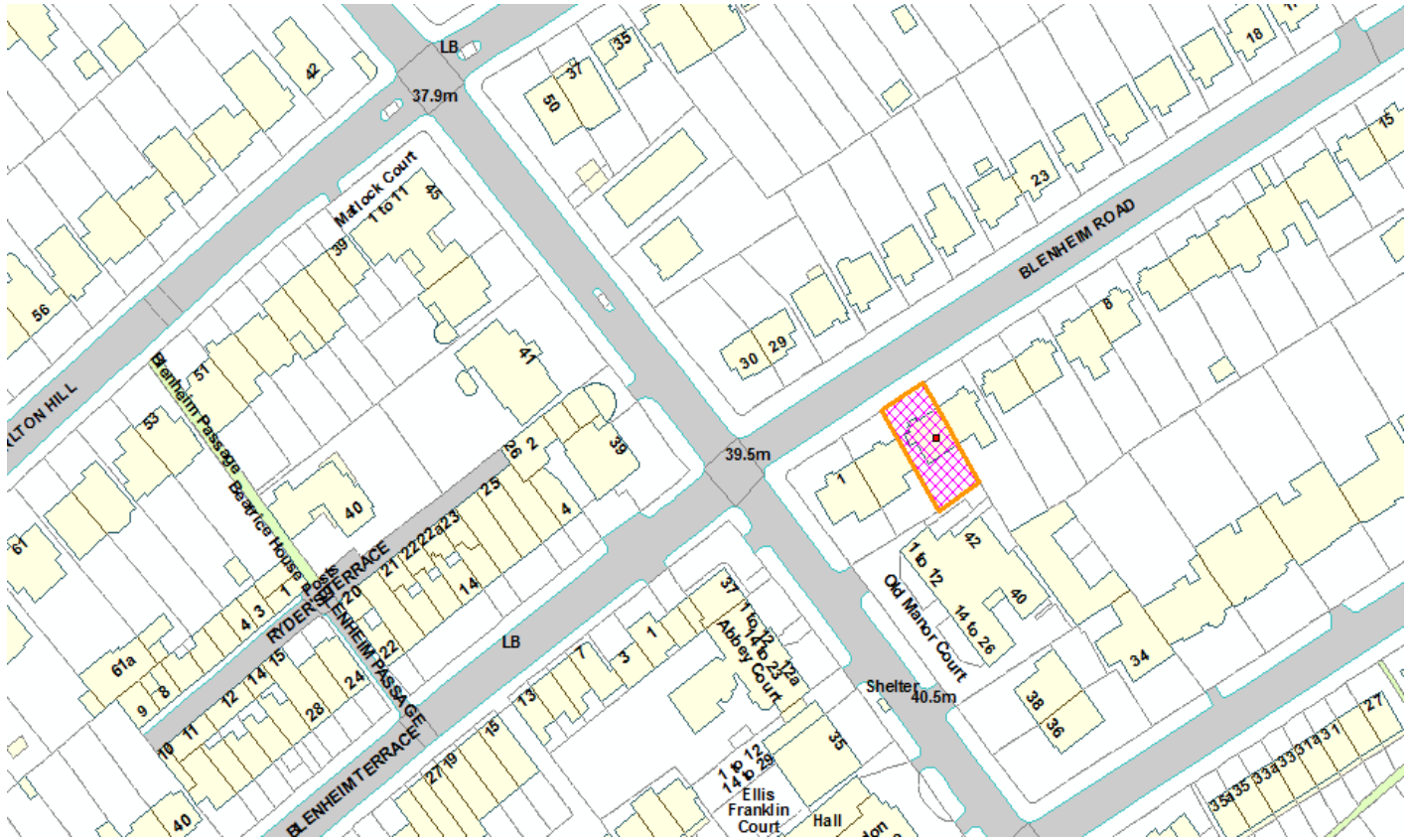
A number of objections have been received from nearby residential occupiers on design and heritage, flood risk, arboricultural and overdevelopment grounds.

The key considerations in this case are:

- The acceptability of the proposals in terms of their design and impact on this Grade II listed building
- The impact of the proposals on the setting of neighbouring listed buildings and the character and appearance of the St John's Wood Conservation Area
- The impact on the amenity of neighbouring residential properties.
- The acceptability of the basement level.

The proposals are considered acceptable for the reasons set out within this report, complying with City Council policies and subject to conditions as set out in the draft decision notice.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Front elevation

## 5. CONSULTATIONS

### 5.1 Application Consultations ORIGINAL CONSULTATION (7 JULY 2022)

#### CLLR MENDOZA

Requests application be reported to planning sub-committee.

#### ST JOHN'S WOOD SOCIETY

Comment: "We request that environmental health is consulted to ensure that the proposals comply with policy. We note there is an existing crossover but request that the case officer ensures that there is enough room to park a car without extending onto the pavement, as this appears to be the case in the submitted drawings".

#### BUILDING CONTROL

No objection

#### ARBORICULTURAL SECTION

No objection, subject to conditions

#### ENVIRONMENTAL HEALTH

No objection

#### LEAD LOCAL FLOOD AUTHORITY

No response received

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 40

Total No. of replies: 3 representations from 2 addresses

No. of objections: 2

No. in support: 0

Three objections from two separate addresses were received on some or all of the following grounds:

#### Design and Heritage

- The proposal will cause harm to historic fabric.
- The proposal will harm character and significance of the property.
- The proposal will be detrimental to the paired nature of this semi-detached property (paired with 4 Blenheim Road).
- The proposals would disrupt the setting of other nearby listed buildings and the conservation area.

#### Flood Risk

- Identified that property is situated within surface water flood risk hotspot.
- States that the impact of the proposal on flood risk has been understated, and does not provide suitable mitigation for such additional risk.

Trees

- States that an assessment of impacts of the proposal on nearby trees has not been made.

Other Matters

- Disturbance from construction noise

PRESS NOTICE/ SITE NOTICE: Yes

**RECONSULTATION DATED 16 August 2023 (Revised supporting materials including: Flood Risk Assessment and Arboricultural Impact Assessment, plus revisions to the proposed drawings including soil depth over proposed basement and reduction of floor to ceiling height of basement level)**

LEAD LOCAL FLOOD AUTHORITY

No objection, subject to condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 41

Total No. of replies: 1

One objection received on the following grounds:

Basement

- The proposed extent of the basement and above ground works constitutes overdevelopment and has not been calculated correctly.

Design and Heritage

- A high number of properties on the street have gained planning permission, which has led to the erosion of the character of the area.

Flood Risk

- Questions accuracy of Flood Risk Assessment

Trees

- States that not all surrounding trees have not been assessed.

Environmental

- The underpinning of the basement will cause CO2 emissions, this has not been considered in the documentation.

Other

- Party Wall and subsidence Matters

SITE NOTICE: YES

## 5.2 Applicant's Pre-Application Community Engagement

Formal pre-application engagement is not required for a development of this scale although it is encouraged by the City Council for all development. No community engagement was carried out with regards to 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 site is Grade II listed single-family dwelling located within the St John's Wood Conservation Area. The property is semi-detached and forms a pair with 4 Blenheim Road. It features front and rear gardens, with part of the front garden used as a hardstanding parking area.

## 7.2 Recent Relevant History

20/01391/FULL

Single storey extension at rear garden level to lower ground floor level, extension of the existing closet wing to first floor level and to the rear, associated landscaping works.

Linked to 20/01392/LBC

20/01392/LBC

Single storey extension at rear garden level to lower ground floor level, extension of the existing closet wing to first floor level and to the rear, associated landscaping works and internal alterations Linked to 20/01391/FULL

## 8. THE PROPOSAL

The application proposes the creation of single storey basement beneath the footprint of the property, with projections into the rear and front gardens. Single walk-on lightwells are proposed in the front and back gardens respectively. The basement is to include two bedrooms, bathroom and a living space towards the rear.

Internal alterations to the existing building are limited to works associated with the relocation of the kitchen at lower ground floor level. This includes the removal of an existing non-original fireplace, and the creation of an opening in a wall between the front and rear rooms.

This application also fully incorporates the extension works permitted on 19 August 2020. These include a single storey rear extension, with access door to the rear garden and access stairs, and a side extension with an internal access stair to the new basement level. This extension features two skylights and the insertion of a new rooflight to the roof of the main house is also proposed.

Following comments made by Officers and neighbours during the course of the application, a number of minor amendments have been made to the scheme. This includes a reduction in the size of the walk-on lightwells, provision of additional tree protection information, reduction in the internal height of the basement level, removal of the proposed mesh grille above the existing front elevation staircase, revised flood risk information and a revised certificate B notification for land ownership. Re-consultation with neighbours was undertaken.

## 9. DETAILED CONSIDERATIONS

### 9.1 Land Use

The principle of providing additional floorspace to enlarge the existing residential dwelling house is acceptable in land use terms and accords with Policy 8 of City Plan 2019 - 2040 (2021).

The above ground extensions are modest, matching those previously approved in 2020, and the rest of the floorspace proposed is at basement level (which would not extend



under more than 50% of the garden land). Accordingly, it would not be sustainable to refuse the application on overdevelopment grounds.

## 9.2 Environment & Sustainability

### Sustainable Design

The scheme demonstrates compliance with Policy 38 (Parts D, E and F).

The applicant has confirmed that the materials intended for the development are to be robust, low maintenance and long lasting to suit the intended basement use. The building elements of the basement and extension works are to incorporate appropriate design and specification measures to limit material degradation due to environmental factors. Once selected, the applicant has confirmed that the contractor will be instructed to ensure materials are selected to prioritise the use of recycled materials and content avoiding materials with high embodied carbon content.

### 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 confirmed that the new development will incorporate the use of LED low energy lighting throughout the extended space and all new sanitaryware will be selected with water conservation in mind, complying with WRAS standards.

### 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. The scheme is not a "major" proposal, and therefore the applicant is not obliged to comply with the Circular Economy policies. However, the applicant has confirmed that existing materials will be recycled where possible. We also encourage the appointed contractor to develop and implement a site waste management plan (SWMP) to identify opportunities to minimise waste, optimise reuse and recycling and reduce waste to landfill.

### Flood Risk & Sustainable Drainage

Policy 35 of the City Plan states all developments should be safe for their lifetime from the risk of flooding, complying with the council's Strategic Flood Risk Assessment (SFRA), Surface Water Management Plan (SWMP), Local Flood Risk Management Strategy (LFRMS) and the Mayor of London's Regional Flood Risk Appraisal (RFRA). The application site is situated within flood zone 1, but is located within a surface water flood risk hotspot.

The applicant has therefore provided a Flood Risk Assessment (FRA), which has been updated to address concerns raised by objectors during the course of the application. The report concludes that the site is not exposed to any significant risk of flooding, but will require mitigation measures to reduce surface water discharge from the site, and thereby reduce the impact of the development on its wider surroundings.

To that end, the applicant has proposed to install a geocellular storage crate below part of the rear garden. The report states that this system will reduce the rate of water run-off from the site into the public sewer system and discharge into adjacent soil. When combined with the runoff attenuation effects of the proposed green roof, the report finds that the scheme will be acceptable in terms of flood risk.

Objections have been received questioning the accuracy of the report and pointing out that the proposed flood mitigation measures may fail, due to a lack of maintenance.

The Lead Local Flood Authority have reviewed all the submitted information and have raised no objection, subject to a condition which requires the applicant to provide details of all flood resilient and resistant measures to be approved prior to the commencement of development, which shall then be installed and maintained in perpetuity. Subject to this condition, it is considered that the proposals are acceptable in terms of flood risk and it would not be sustainable to refuse the application on these grounds.

### **Light Pollution**

Policy 33 of the City Plan states that developments must be designed to minimise the detrimental impact of glare and light spill on local amenity, biodiversity, highway and waterway users.

The proposed lightwells are of a relatively small size and positioned away from the boundary with neighbouring properties. The proposed roof light elements are likewise positioned such that any light spill will not be visible from neighbouring properties or the surrounding area. The proposals are unlikely to result in levels of light spill that will materially increase levels of light pollution for neighbours and the wider area.

### **Land Contamination**

The site has been in residential use for some time and there is not considered to be any significant risk of land contamination.

### **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.

## **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.

The proposed rear and side extensions are to project over existing hard-landscaped areas. Whilst it is regrettable that the proposals include new areas of hard landscaping, the application proposal incorporates a green roof atop the rear extension, and a condition is recommended to secure details of an appropriate landscaping scheme. As such, it is considered that the proposals are acceptable in terms of biodiversity and greening.

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

### **Legislative & Policy Context**

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

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that "In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

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

Section 72 of the 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.

Policy 38 Design Principles (B) states that development will positively contribute to Westminster's townscape and streetscape by having regard to the character and appearance of adjacent buildings and heritage assets.

Policy 39 Westminster's Heritage (B) states that development must "(1) ensure heritage assets and their settings are conserved and enhanced in a manner appropriate to their significance" and "(2) secure the conservation .... of heritage assets through their retention and sensitive adaptation which will avoid harm to their significance, while allowing them to meet changing needs...".

With regards to listed buildings, part (G) states that "Works to listed buildings will preserve their special interest, relating sensitively to the period and architectural detail of the building and protecting or, where appropriate, restoring original or significant detail

and historic fabric." Paragraph 39.2 states that " Applicants should ensure the significance of heritage assets and impact of proposals have been fully assessed and understood. In the first instance, harm to their significance should be avoided." Paragraph 39.9 states "We expect alterations and extensions to listed buildings to safeguard important or original fabric and relate sensitively to the architectural detail, materials and style of the original building and any later phases of work which contribute to significance." Part (K) Conservation Areas, states that "Development will preserve or enhance the character and appearance of Westminster's conservation areas. Features that contribute positively to the significance of conservation areas and their settings will be conserved and opportunities taken to enhance conservation areas and their settings, wherever possible."

Policy 40, Part (A) Townscape and Architecture, states that "Development will be sensitively designed, having regard to the prevailing scale, heights, character, building lines and plot widths, materials, architectural quality and degree of uniformity in the surrounding townscape." Part (D) states "Alterations and extensions will respect the character of the existing and adjoining buildings, avoid adverse visual and amenity impacts and will not obscure important architectural features or disrupt any uniformity, patterns, rhythms or groupings of buildings and spaces that contribute positively to Westminster's distinctive townscape."

Paragraph 40.7 states: "Works to alter and extend existing buildings will be supported where they are successfully integrated with their surroundings. To achieve this, extensions should be subordinate to the host building, respecting the scale, detailing and materials of both existing buildings and adjoining townscape."

The Council's SPG 'Repairs and Alterations to Listed Buildings' states that "The City Council will ...endeavour to preserve listed buildings, their settings and those features of special architectural or historic interest that they possess." 5.4 Alterations to listed buildings states "works to listed buildings should retain historic fabric and features of architectural or historic interest in situ and repair all damaged historic fabric or features, rather than replace them. The City Council encourages the reinstatement of missing architectural features where there is clear evidence of their original appearance."

### **Previous Approvals**

Several parts of the proposals set out in these current applications follow proposals approved 19th August 2020, which have since lapsed. These previously approved works included a single storey conservatory style extension to rear lower ground floor level and associated alterations to rear patio/garden area, the extension of the existing closet wing up to first floor level, and internal alterations.

### **Impact of Basement on Listed Building and Conservation Area**

The internal floor to ceiling height of the basement is shown as 2.4m, which is considered a relatively modest volume, and in line with the lower ground floor level above. The staircase is set discreetly within the side wing of the building, and therefore does not unacceptably impact on the plan form of the listed building. The cellular arrangement of spaces to the new basement generally reflects the building as a whole, and whilst larger in footprint than the main original building, in itself and to basement level accessed by the discreet side extension staircase, this does not unacceptably compromise the significance of the listed building. Overall, therefore the new basement

will not unacceptably impact on the significance of the listed building, and will not unbalance the buildings original hierarchy of spaces. The fabric affected on the existing building is not of any notable importance to the significance of the listed building.

Externally, the grilled lightwells to front and rear are considered acceptable and do not unacceptably clutter the building. The removal of an existing mesh grill laid over steps down to the immediate right of the front entrance steps is welcomed in design terms. The small grill for ventilation to the base of these steps will not unacceptably clutter the building.

Overall, therefore, the new basement is considered acceptable and in line with relevant design and conservation policies, including with those elements of City Plan policy 45 which addresses basement developments.

It is noted that several objection letters received make reference to the basement proposals as a concern.

Comment is made that Kensington and Chelsea Council prevent the building of basements underneath listed properties. Notwithstanding this, the approach from other separate planning authorities is not considered of relevance to these current applications.

#### **Side Extension**

The side extension follows that in the previous approval, and is considered acceptable as part of this current application. Whilst extensions up to and including the top sheer floor level of the building are not generally supported by policy and guidance, in order to ensure extensions are subsidiary to buildings and to protect townscape gaps, in this particular case there are considerable numbers of such full height side extensions to other buildings in Blenheim Road including numbers approved in recent years (and including the previous approval to this property). Many of these extend back much or all of the depth of the main building, and as such the height and projection is considered acceptable in this particular case. The design approach is considered acceptable and well-integrated into the building. Overall, therefore, the side extension proposed is considered acceptable.

#### **Rear Extension and Associated Works**

The rear extension and associated works to the rear garden follows that in the previous approval, and is also considered acceptable as part of this current application. The conservatory is considered of appropriate size, not unduly large for the building, and generally in scale with others to the terrace. It is traditionally designed and formed in glazing with timber framing and integrates appropriately with the main building. The window proposed to be removed adjacent, is modern and the replacement door considered appropriately designed.

The rear patio is considered appropriately designed, follows the previous approval, and will not adversely affect the rear setting of the building or character of the area generally.

#### **Internal Alterations**

The internal works do not adversely affect the significance of the interior. The new skylight above the staircase will not unacceptably compromise the character of that

space or historic fabric of the building.

### **Design Conclusion**

The proposal is considered acceptable, mindful of policies 38, 39, 40 of the Westminster City Plan 2019-2040 (April 2021), the Council's SPG 'Repairs and Alterations to Listed Buildings', and the St John's Wood Conservation Area Audit; and therefore, a recommendation to grant conditional planning permission and listed building consent would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **9.5 Residential Amenity**

When considering matters of amenity, the relevant policies are 7, 33, 34 and 38 of the City Plan 2019-2040 (adopted April 2021). Policy 7 on Managing development for Westminster's people relates to protecting neighbouring amenities. Part (A) states that development should be neighbourly by protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

### **Side Extension**

The side elevation of no. 2 Blenheim Road, which is adjacent to the application site to the immediate west, has no windows. As such, although the side extension projects further back closer to the rear elevation line of the application building than existing, it will not unacceptably impact the amenity of neighbouring properties. This is consistent with the reasoning given in the 2020 approval which incorporated an identical side extension.

### **Rear Extension**

The proposed rear extension does not rise above the height of the brickwork side boundary wall with no. 4 Blenheim Road (and with an existing trellis on the boundary wall line rising higher than that) and as such will not adversely affect neighbours in terms of sunlight, daylight or sense of enclosure. As such, the extension will not adversely affect neighbours in amenity terms.

The proposed staircase up from the rear garden to the ground floor rear balcony matches the one included in the previous application and remains acceptable. Given that this staircase would be a transitional point of access to the balcony rather than somewhere to use as outdoor amenity space, that the existing balcony already sits next to the boundary wall, and that the adjoining property to no. 4 has a staircase immediately to the other side of the boundary wall, the relocation of the staircase will not significantly adversely affect the neighbouring property in terms of overlooking. The balcony itself currently stops marginally short of the side boundary, and in the proposed scheme would extend to the site boundary. However, this change is very limited and is not considered to adversely affect the privacy of the neighbour at number 4 Blenheim Road.

## **Basement**

The basement elements of the proposal will not create new externally manifested massing such that it will affect the daylight and sunlight, sense of enclosure or privacy of neighbouring properties.

The proposals are considered to be acceptable in amenity terms.

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

Concerns have been raised by the St John's Wood Society regarding the potential for the scheme to lead to a loss of space in the front garden area of the property, such that a car could no longer park there. The applicant has updated their drawings to confirm that no parking provision will be lost as a result of this development.

The application is acceptable in highways terms.

### **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 Matters**

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.

Objections have been received regarding the impact of basement construction on the structure of neighbouring buildings and flood risk.

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. A movement assessment anticipates the structural impact and movements on the adjacent buildings to also be minimal. The scheme is justified structurally, and the proposal is considered to be viable from the preliminary structural information provided at this stage.

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.

The applicant has also provided a flood risk assessment, which is discussed in Section 9.2 of this report.

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 and without risk of flooding.

An objection has been received on the grounds of noise and disturbance as a result of construction works. The City Council has adopted its Code of Construction Practice (CoCP). The applicant has submitted an Appendix A for the CoCP and it is recommended that a condition is attached to any permission requiring that the construction method is agreed with Environmental Services prior to commencement. It is considered that this is the best method to address potential construction disturbance for neighbouring properties.

#### 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. Garden land is defined in the explanatory text for Policy 45 as being the 'site area excluding the footprint of the original building'. 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 drawings provided within the revised application submission show a basement development that is considered compliant with Policy 45 part B. The basement will leave over 50% of the existing garden land undeveloped. A satisfactory undeveloped margin of garden land has also been left around the proposed basement, and the footprint does not extend under any highway land. In terms of basement depth, this is shown to be single-storey, with adequate soil depth above. This is deemed to fulfil the requirements of Policy 45. The objections raised by neighbours with regards to the extent of the basement cannot therefore be sustained.



## **Arboriculture**

Policy 34 Part H states that trees of amenity, ecological and historic value and those which contribute to the character and appearance of the townscape will be protected.

There are six trees identified within the site boundary, these are to the rear of the property in the garden. Two off-site trees are also identified, one is to the rear boundary of the property, and one cherry tree that is situated within the front garden of 4 Blenheim Road. This tree is identified in the application documents as T1.

A medium sized cherry tree was removed from the front garden of the property in 2018 under 18/06596/TCA and a small replacement cherry tree was planted at the front boundary. This replacement tree will also need to be removed to facilitate the proposals but does not appear on the provided plans as it has a stem diameter of less than 75 mm when measured at a height of 1.5 m. A condition is recommended ensuring that a new standard sized replacement tree is planted in the soil volume that is proposed above the basement.

An objection has been raised by a neighbour that the proposals could damage off site mature trees.

The applicant has provided an arboriculture report, tree protection plan, and site guidance notes. In response to concerns raised by the Council's Tree Officer, these documents have been updated, and reconsulted upon. On the basis of information from trial pits, the Council's Tree Officer has recommended conditions to secure enhanced protection measures for T1 beyond that stipulated in the provided site guidance notes. More generally, conditions are also recommended to secure the required 1.2m soil drainage layer above the proposed basement. Subject to these conditions, the Tree Officer is satisfied that all retained on, and off-site trees will be protected from any damage that could result from the works.

The applicant has agreed to each of these conditions. The application is therefore acceptable in terms of impacts on trees, and the objections of neighbours on these matters cannot be sustained.

## **Party Wall Matters**

An objector to this application has identified several potential issues that will be dealt with via the Party Wall process. Party wall matters are not a material planning consideration and cannot be addressed here.

## **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**

During the course of this application a notice was served relating to the proposed imposition of pre-commencement conditions to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development and to require details of tree and flood protection measures. The applicant has agreed to the imposition of these conditions.

### **10. Conclusion**

This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy. The proposals would provide additional residential floorspace, improving the quality of the existing single-family home, whilst improving the energy efficiency of the building and incorporating urban greening measures. It is also considered that the proposals would have a neutral impact on the Grade II listed building, and preserve the character and appearance of the St John's Wood Conservation area and setting of nearby listed buildings. Whilst recognising the concerns raised by the objectors, the proposals are also considered to be acceptable in highways, flood risk, arboricultural, and amenity terms. Mindful of policies within the development plan, a recommendation to grant conditional planning permission and listed building 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: IAN CORRIE BY EMAIL AT [icorrie@westminster.gov.uk](mailto:icorrie@westminster.gov.uk)



### Existing Rear Elevation

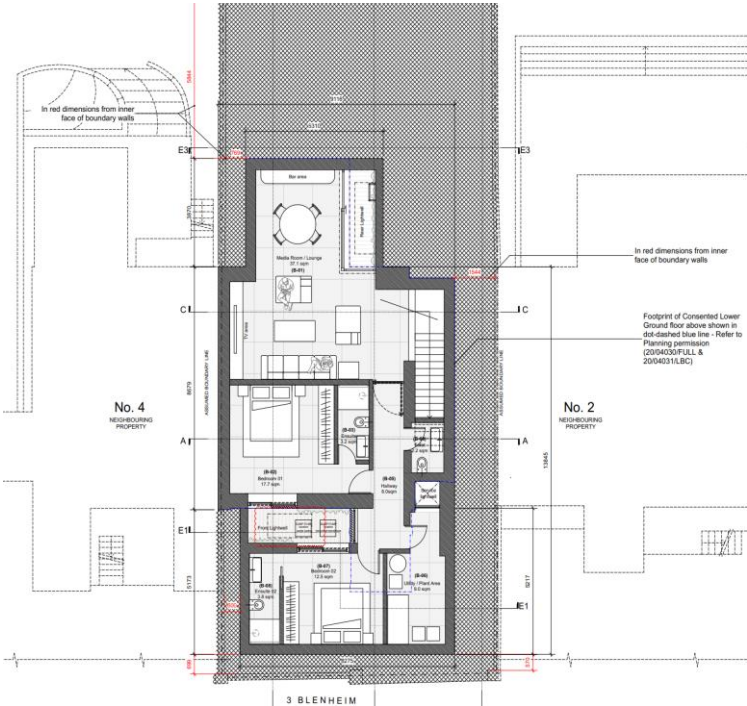


Existing Rear Elevation - E3

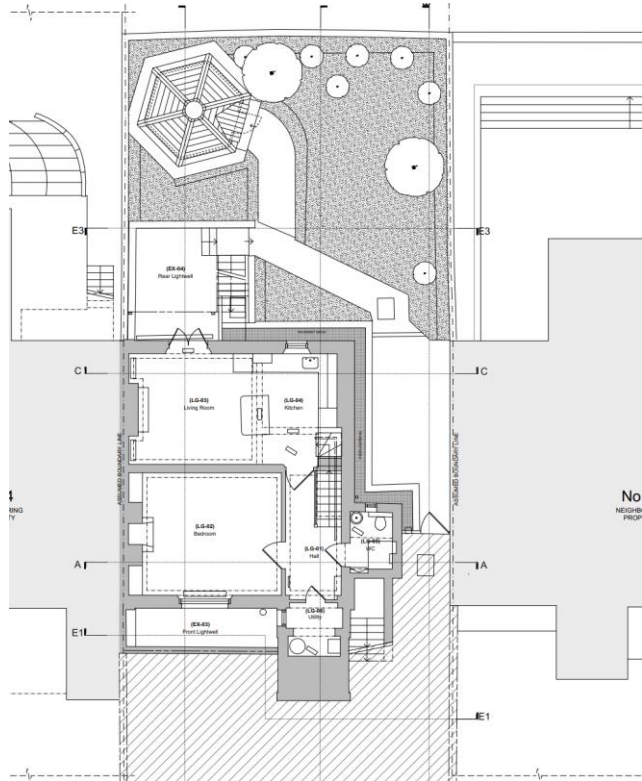
### Proposed Rear Elevation



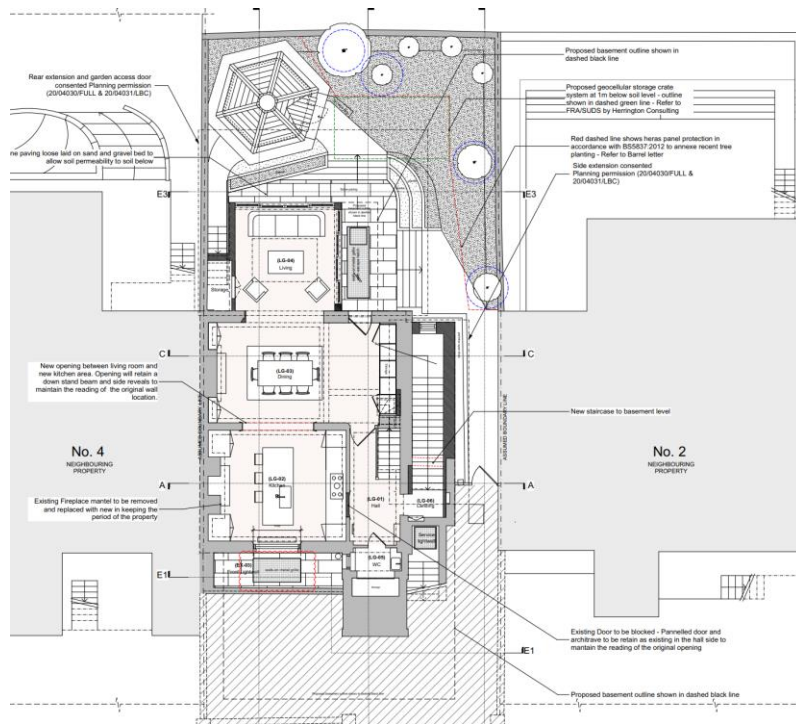
**Proposed Basement Plan**



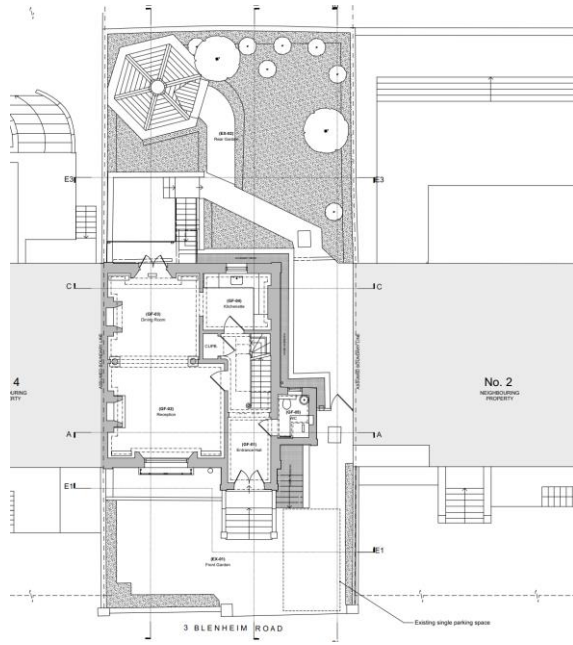
### Existing Lower Ground Floor Plan



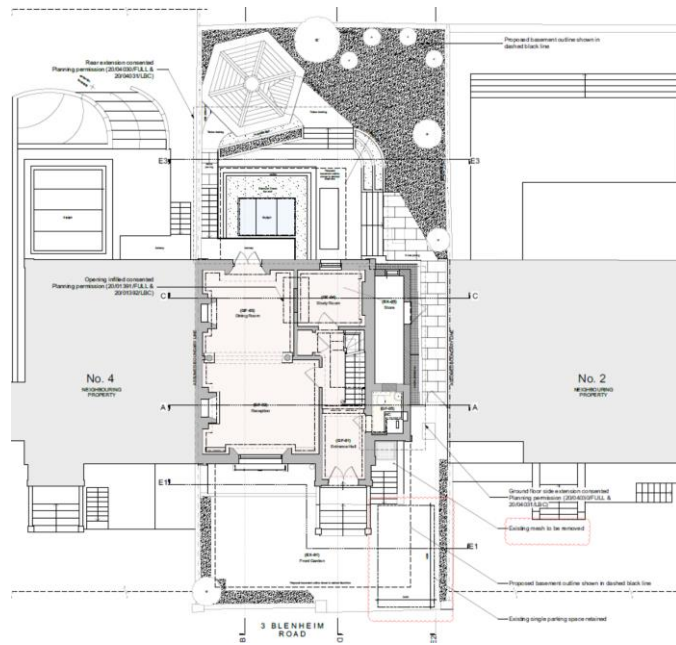
### Proposed Lower Ground Floor Plan



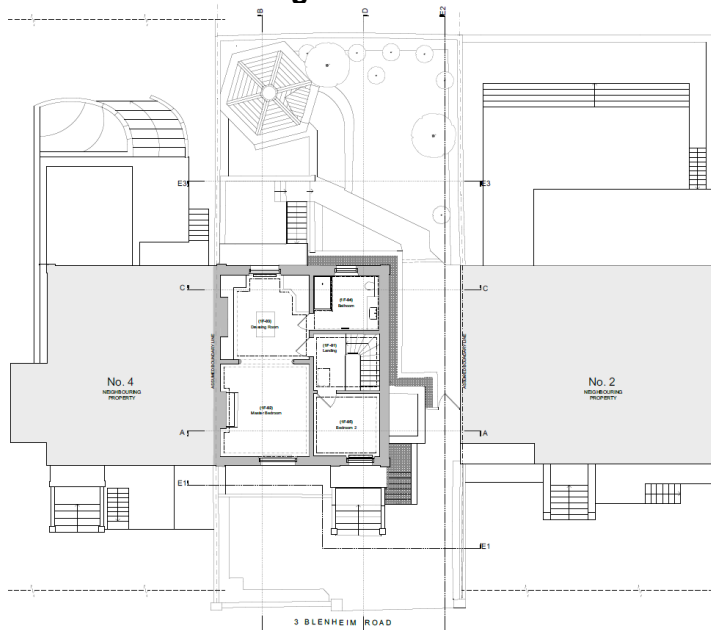
### Existing Ground Floor Plan



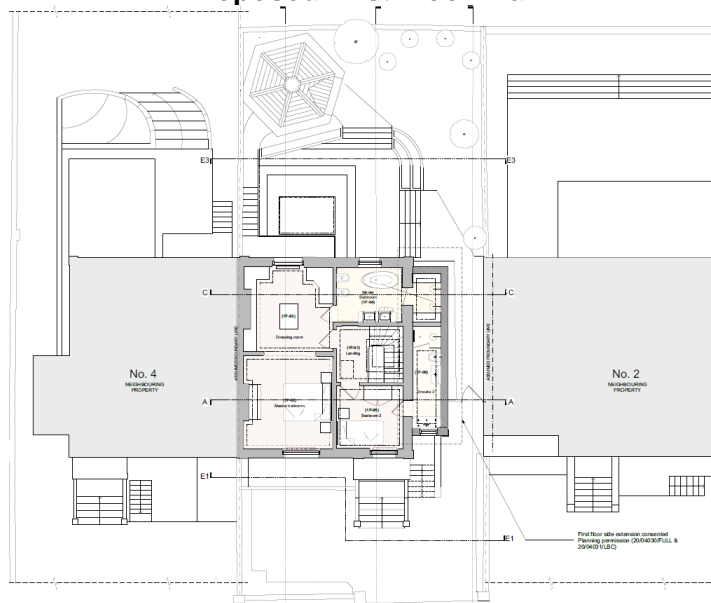
### Proposed Ground Floor Plan



### Existing First Floor Plan

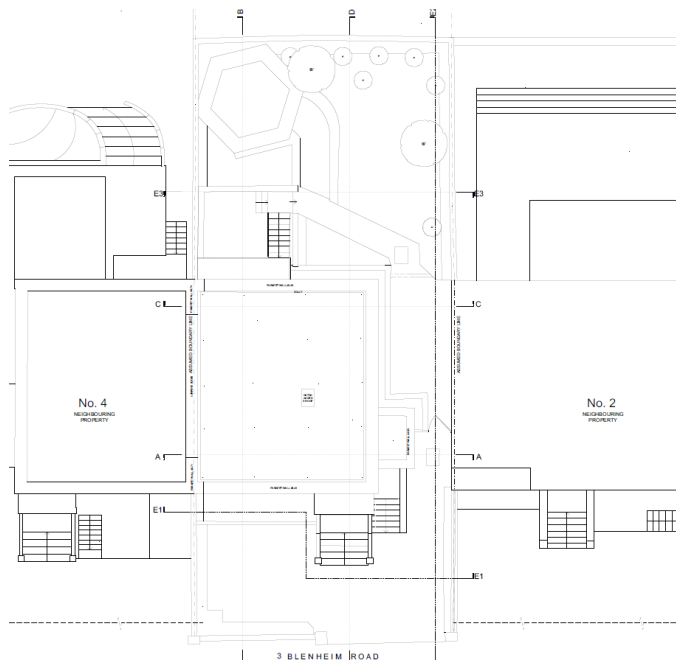


### Proposed First Floor Plan

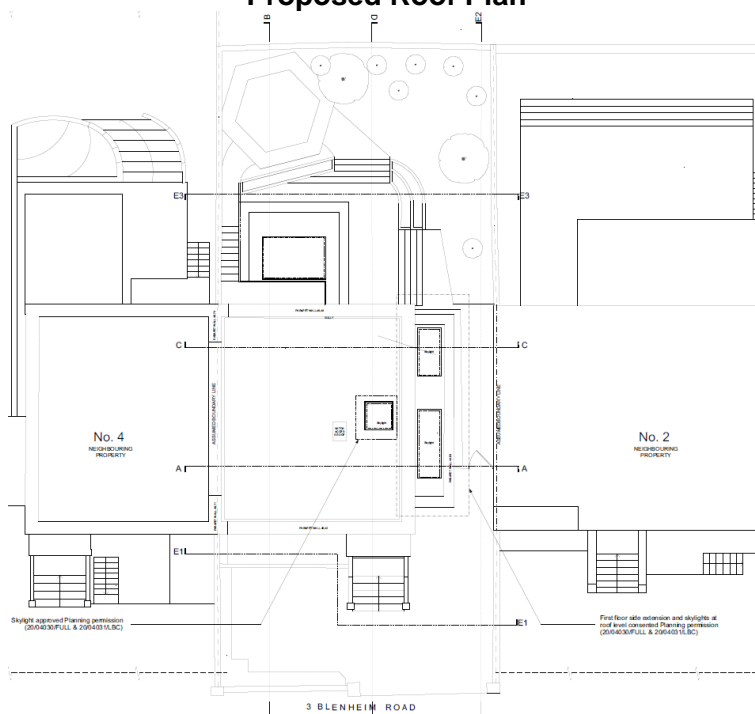




### Existing Roof Plan



### Proposed Roof Plan



**DRAFT DECISION LETTER**

**Address:** 3 Blenheim Road, London, NW8 0LU,

**Proposal:** Excavation of single-storey basement extension with lightwells to front and rear gardens; Erection of single-storey extension to rear and three-storey extension to side; Formation of door to rear at lower ground floor level; Landscaping works; and associated external alterations (Linked with 22/04887/LBC)

**Reference:** 22/04886/FULL

**Plan Nos:** 3BR(00)A02, 3BR(00)A03, 3BR(00)A04, 3BR(00)A05, 3BR(20)A00, 3BR(20)A01, 3BR(20)A02, 3BR(20)A03, 3BR(20)A04, 3BR(20)A05, 3BR(20)A06, 3BR(20)A07, 3BR(20)A08, 3BR(20)A09, 3BR(20)A10 Rev C, 3BR(20)A10 Rec C, 3BR(20)A11 Rev B, 3BR(20)A11 Rev B, 3BR(00)A07, 3BR(00)A06.

Provided for information:

Design and Access Statement, Heritage Statement, Cover Letter, Planning Statement, Sustainable Design Statement, Structural Methodology Statement,, Appendix A, Flood Risk Assessment and Surface Water Management Strategy for the Proposed Development at 3 Blenheim Road, St John's Wood, London Rev 2, 18215-AIA-PB, Barrell Plan Ref: 18215-1, Letter from Herrington Consulting Limited dated 14 April 2023, Arboricultural Impact Appraisal and Method Statement dated 29 March 2023, Manual for Managing Trees on Development Sites V3, Tree Protection Plan.

**Case Officer:** Alex Jones

**Direct Tel. No.** 020 7641 07866  
036268

**Recommended Condition(s) and Reason(s)**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
  - o between 08.00 and 18.00 Monday to Friday;
  - o between 08.00 and 13.00 on Saturday; and
  - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of 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 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)

- 4 You must apply to us for approval of a photograph of a sample of the new external paving, and a plan marked up to show its area of installation. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of 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 Prior to the commencement of the development, details of all flood resilient and resistant measures shall be submitted to and approved in writing by the local Planning Authority. The agreed measures shall then be installed and maintained in perpetuity.

Reason:

To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy 35 of the City Plan 2019-2040 (April 2021).

- 6 The new solid sheer sections of side extension shall be faced in smooth render and shall be painted and maintained to match the existing render to the building.

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)

- 7 All new external metalwork shall be painted or otherwise treated and maintained in a black colour.

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)

- 8 You must provide, maintain and retain the following bio-diversity features before you start to use any part of the development, as set out in your application.

-Bio-diverse green roof above rear extension,

You must not remove any of these features. (C43FA)

Reason:

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

- 9 The grille to the front lightwells and rear patio as shown on the approved drawings shall be installed prior to the occupation of the new accommodation at basement level and shall be retained in-situ thereafter.

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)

- 10 **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 drawing Barrell Plan Ref: 18215-1. 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)

- 11 You must provide a minimum of 1.2 m soil depth (including 0.2m drainage layer) over the basement, as shown on your drawing Proposed Section BB 3BR(20)A10.

You must apply to us for details of the specification and profile of the soil which you propose above basements, including details of the drainage layer and other components. You must also include a methodology for installing the soil and drainage layer without causing contamination or compaction. You must not start any work on this part of the development until we have approved what you have sent to us. You must then carry out the work 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)

- 12 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 6 months 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 3 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, to make sure that it contributes to the character and appearance of this part of the St John's Wood Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

- 13 **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)

### **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)

- 3 With reference to condition 13 please refer to the Council's Code of Construction Practice at ([www.westminster.gov.uk/code-construction-practice](http://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](mailto: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.

- 4 In relation to condition 12, when you apply with details of landscaping you must provide details for a replacement tree of at least standard size to be planted in the soil volume above the basement in the front garden shown on Proposed Section BB 3BR(20)A10.
- 5 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 6 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 and to apply online please visit

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[www.westminster.gov.uk/suspensions-dispensations-and-skips](http://www.westminster.gov.uk/suspensions-dispensations-and-skips).

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.



**DRAFT DECISION LETTER**

**Address:** 3 Blenheim Road, London, NW8 0LU,

**Proposal:** Excavation of single-storey basement extension with lightwells to front and rear gardens; Erection of single-storey extension to rear and three-storey extension to side; Formation of door to rear at lower ground floor level; Landscaping works; and associated external alterations; Internal alterations, including changes to planform and replacement of fireplace at lower-ground floor level. (Linked with 22/04886/FULL)

**Reference:** 22/04887/LBC

**Plan Nos:** 3BR(00)A02, 3BR(00)A03, 3BR(00)A04, 3BR(00)A05, 3BR(20)A00, 3BR(20)A01, 3BR(20)A02, 3BR(20)A03, 3BR(20)A04, 3BR(20)A05, 3BR(20)A06, 3BR(20)A07, 3BR(20)A08, 3BR(20)A09, 3BR(20)A10 Rev C, 3BR(20)A10 Rec C, 3BR(20)A11 Rev B, 3BR(20)A11 Rev B, 3BR(00)A07, 3BR(00)A06,

Provided for information:

Design and Access Statement, Heritage Statement, Cover Letter, Planning Statement, Sustainable Design Statement, Structural Methodology Statement,, Appendix A, Flood Risk Assessment and Surface Water Management Strategy for the Proposed Development at 3 Blenheim Road, St John's Wood, London Rev 2, 18215-AIA-PB, Barrell Plan Ref: 18215-1, Letter from Herrington Consulting Limited dated 14 April 2023, Arboricultural Impact Appraisal and Method Statement dated 29 March 2023, Manual for Managing Trees on Development Sites V3, Tree Protection Plan.

**Case Officer:** Alex Jones

**Direct Tel. No.** 07866 036268

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the St John's Wood Conservation

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Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021).  
(R27AC)

- 3 You must apply to us for approval of a photograph of a sample of the new external paving, and a plan marked up to show its area of installation. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:  
To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the St John's Wood Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021).  
(R27AC)

- 4 The new solid sheer sections of side extension shall be faced in smooth render and shall be painted and maintained to match the existing render to the building.

Reason:  
To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the St John's Wood Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021).  
(R27AC)

- 5 All new external metalwork shall be painted or otherwise treated and maintained in a black colour.

Reason:  
To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the St John's Wood Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021).  
(R27AC)

- 7 The grille to the front lightwells and rear patio as shown on the approved drawings shall be installed prior to the occupation of the new accommodation at basement level and shall be retained in-situ thereafter.

Reason:  
To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the St John's Wood Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021).  
(R27AC)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -  
In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF.

In reaching this decision the following were of particular relevance:  
Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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

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

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