

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 25 February 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Maida Vale	
Subject of Report	195A Randolph Avenue, London, W9 1DJ		
Proposal	Retention of garden studio.		
Agent	Mr Brian O'Reilly		
On behalf of	Mr Nicholas Pastor		
Registered Number	19/08535/FULL	Date amended/ completed	11 November 2019
Date Application Received	4 November 2019		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Planning permission is sought for the retention of a garden studio, which replaced an existing shed in the same location within the rear garden of the property.

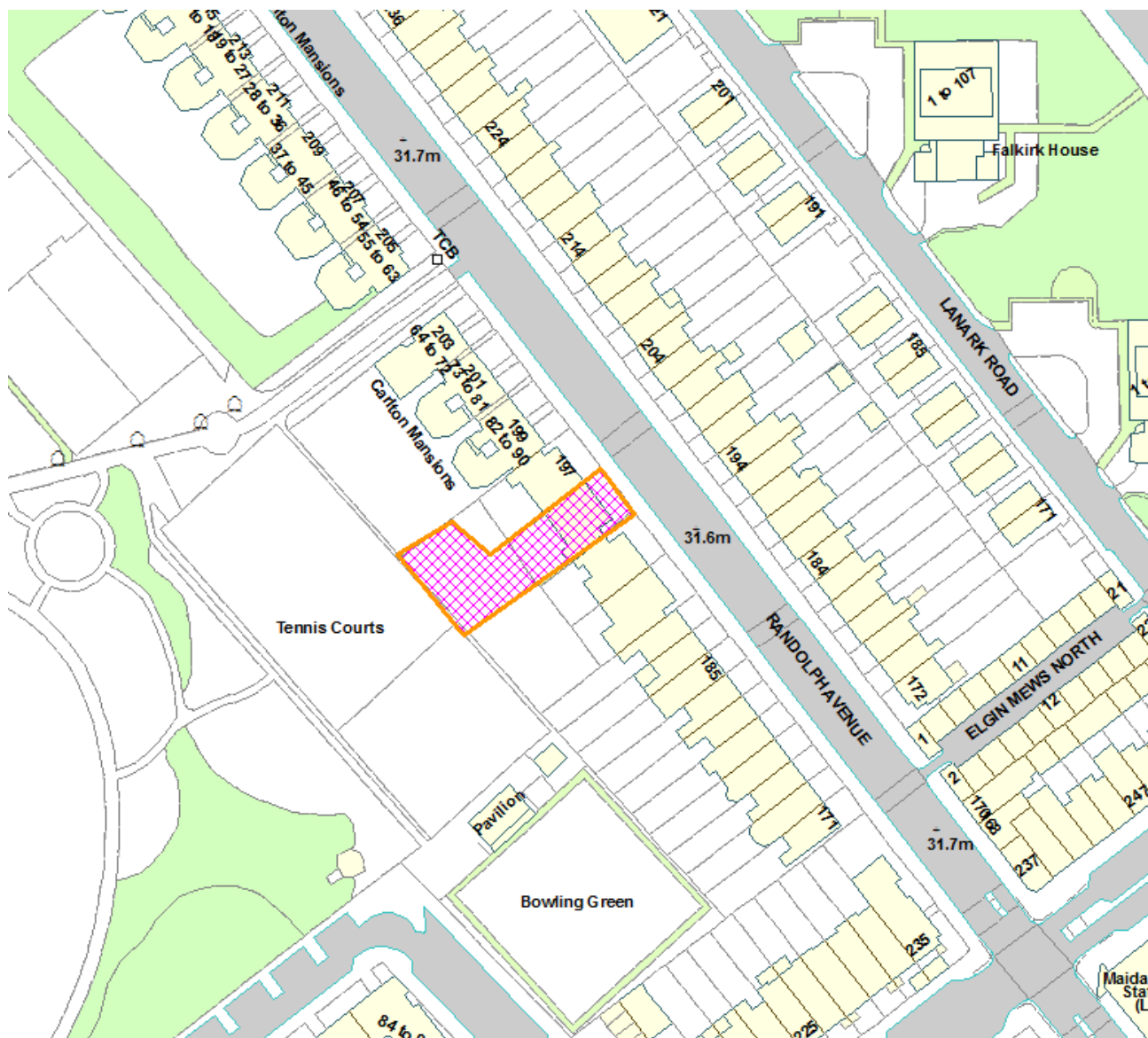
Four objections have been received from neighbouring occupiers, on grounds of amenity impacts in terms of light spill, noise and loss of privacy, the design and scale of the garden room, and questioning whether the garden room is to be used as separate living accommodation to the host property. Paddington Waterways and Maida Vale Society have stated that a condition should be included limiting its use as sleeping accommodation, and that it should have a green roof. Three comments were received in support of the application, mainly clarifying the use of the garden room as well as justifying its scale.

The key issues in this case are:

- The impact of the development on the character and appearance of the Maida Vale Conservation Area.
- The acceptability of the garden room in land use terms.
- The impact of the development on residential amenity.

Subject to the recommended conditions as set out in the draft decision letter, it is considered that the proposed development is acceptable in land use, design, conservation and amenity terms and would accord with the relevant policies in the Unitary Development Plan adopted in January 2007 ('the UDP') and Westminster's City Plan adopted in November 2016 ('the City Plan'). As such, it is recommended that conditional permission is granted.

3. LOCATION PLAN



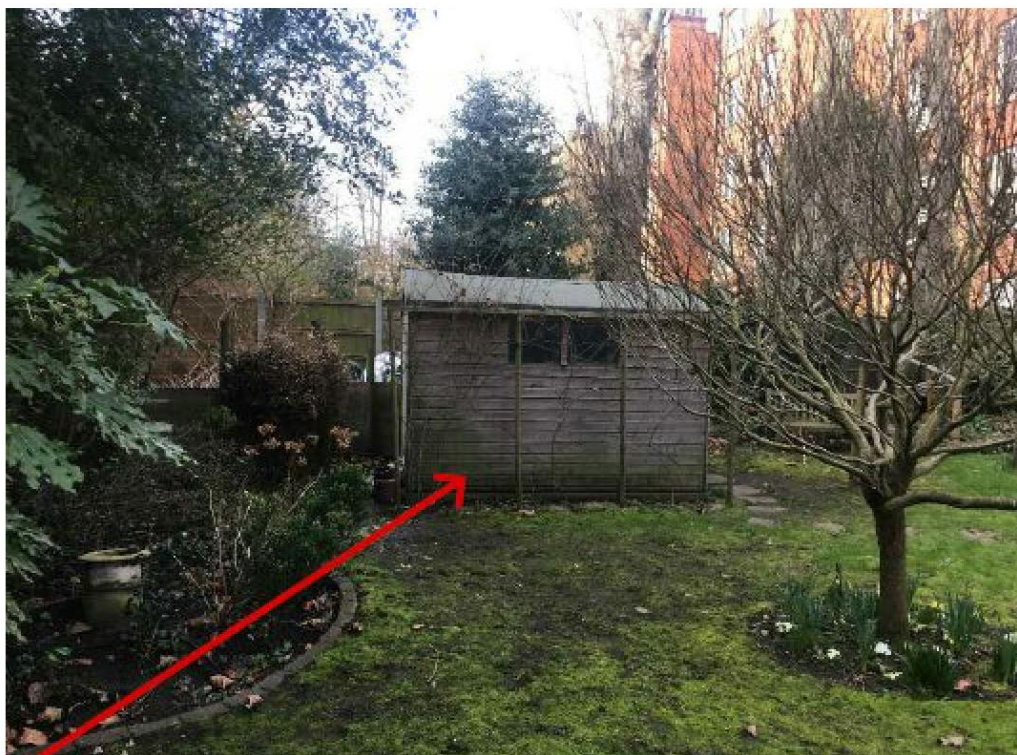
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4. PHOTOGRAPHS



Front elevation of 195 Randolph Avenue (above) and access to lower ground floor flat (below)





Pre-existing shed (above) and Garden studio (below)





Garden studio within context of rear garden





**View of garden studio from objector's property (first floor flat, no. 195) (above),
Interior of garden studio (below)**



5. CONSULTATIONS

WARD COUNCILLORS FOR MAIDA VALE:

Any response to be reported verbally.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

- Condition should be included to prevent it from being used for sleeping or separate accommodation.
- Studio should have a green roof.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 22

Total No. of replies: 7

No. of objections: 4

Land Use

- Concerns over whether studio is going to be used as separate sleeping accommodation, and therefore let out as separate housing unit e.g. on Airbnb.

Design

- Size of garden studio excessive.
- Detailed design out of character for garden and conservation area.

Amenity

- Noise and light pollution.
- Loss of privacy.

No. in support: 3

- One response from owner clarifying use of studio.
- One response explaining various landscaping measures that could be undertaken surrounding the garden studio.
- One response from occupier of application site clarifying the reason that a bed was inside garden studio.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a three-storey plus roof extension semi-detached property located on the west side of Randolph Avenue. The property is unlisted, however, it is located within the Maida Vale Conservation Area. The building has been subdivided and this application relates to the lower ground floor flat.

6.2 Recent Relevant History

19/01923/FULL

Erection of single storey rear extension.

Application Permitted 8 May 2019

7. THE PROPOSAL

The proposal is for the retention of a garden studio within the rear garden, providing additional space in connection with the flat. The studio has replaced an existing shed in the same location. The studio is situated at the rear of the garden, which is wider to the rear and located behind the garden to the neighbouring building. The studio is set in from the side and rear boundaries. It is 2.5m in height and has a footprint of 3.8m x 5m. It has been clad in timber with double glazed timber doors and windows inserted on the south, east and west elevations.

8. DETAILED CONSIDERATIONS

8.1 Land Use

It has been stated by the applicant that the garden studio is to be used as office space ancillary to the host property.

Four objections have been raised on grounds of the lack of clarity of how the space is going to be used, specifically if the garden room would be used as separate sleeping accommodation and therefore be potentially let out as a separate unit e.g. on Airbnb. It was noted in particular that at the time of the application, there was a bed inside the garden studio.

Policy H3 of Westminster's Unitary Development Plan states that proposals for extensions to existing housing will be acceptable in principle. The increase in habitable floor space through the construction of the garden studio is in accordance with UDP policy H3.

As the garden studio is to be used as a home office, a condition will be included to ensure that it is not used for overnight sleeping accommodation and only for purposes ancillary to the enjoyment of the main residential use. The occupier of the application site had submitted a comment clarifying that a bed was being temporarily stored in the garden studio while they were moving into the host property.

Should the studio be used as self-contained separate sleeping accommodation, or be sublet and rented out for example, this may not be considered ancillary to the enjoyment of the main host property and would not be covered by this condition. This would therefore require planning permission and be controllable through planning enforcement action.

Subject to conditions, the proposal is therefore considered acceptable in land use terms.

8.2 Townscape and Design

In terms of design, policy DES 5 of the adopted Unitary Development Plan advises on alterations and extensions to existing buildings. It advises that extensions should be of a

scale and form that is in keeping with the existing building and surrounding area, ensuring it does not appear visually overbearing. It also advises that permission may be refused where extensions occupy an excessive part of the garden. Policy DES 9 requires such alterations to either preserve or enhance the quality of the relevant conservation area.

Three objections have been raised on grounds of the size of the studio being excessive, as well as its detailed design impacting the appearance of the garden and conservation area.

The garden studio has replaced an existing shed. Evidence has been provided to show that the footprint of the studio is approximately 1m wider than the previous shed and of a comparable depth. In this context the large scale of the shed is not considered to compromise the garden setting, especially due to the generous scale of the garden. The studio is a contemporary addition given its timber clad appearance, which is appropriate for a building set within a garden; this aids in its subservience to the host building. It is considered given its setting to the rear of the building outside the public domain and within a large private garden, the overall appearance would not result in harm to the character and appearance of the building nor would it harm the character and appearance of the Conservation Area.

It is therefore considered that the proposal complies with the objectives of policies DES 5 and DES 9 of the adopted Unitary Development Plan and policies S25 and S28 of the adopted City Plan, and is therefore acceptable in design terms. As such the objections cannot be upheld.

8.3 Residential Amenity

Alterations that could have an impact on the amenity of nearby neighbours must be found to be in accordance with policy ENV 13 of the UDP. This policy requires development to not result in a loss of natural light, or cause overshadowing felt by neighbouring properties. This policy also resists development that would result in any harm to their privacy. Policy S29 of the City Plan similarly seeks to protect residential amenity.

One objection has been received on grounds of noise and light pollution and one on the grounds of loss of privacy.

The garden studio is adequately set back from the adjoining boundary walls and screened by mature planting and trees so as to not cause any degree of overbearing or overshadowing to adjoining properties, as well as any material loss of light.

The objection comment raises that noise may emanate from people walking to and from the garden studio from the main property. It is not considered that there would be a substantial number of people walking between the studio and the main property at any one time so as to create material noise disturbance. It is thought that this level of noise would not be dissimilar to the existing situation with residents using the garden. Whilst it is accepted that there may be a degree of light splay when the lights are turned on within the garden studio, it is not thought that this would cause any degree of light pollution that is severe enough to affect the amenity of neighbouring properties, considering that there is a substantial distance (more than 20 metres) between the main property and the garden studio. Furthermore, the Paddington Recreation Ground tennis courts are located directly

behind the garden, and the tennis court floodlights which operate at night are a far greater source of brightness compared to the lights within the garden studio. A visit was made to the objector's property which is located upstairs from the application site, and it was considered that the light splay from the garden studio would not have a material impact when using the living room of the property.

With respect to the comment regarding the loss of privacy, the objector, living at an upstairs flat in adjoining property no. 197, states that anyone using the garden room would be able to look directly into their living room and bedroom. However, it is not thought that the garden room necessarily creates any new viewing angles into the neighbouring properties. Even if the garden room did not exist, anyone could stand in the location of the garden room and have the same views back into both the host property and neighbouring properties. As such it is not thought any objection on grounds of loss of privacy can be upheld.

In light of the above, the proposal is found to be in accordance with UDP policy ENV 13 and City Plan policy S29 and is acceptable in amenity terms.

8.4 Westminster City Plan

The City Council is currently working on a complete review of its City Plan. Formal consultation on Westminster's City Plan 2019-2040 was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019 and on the 19 November 2019 the plan was submitted to the Secretary of State for independent examination. In the case of a draft local plan that has been submitted to the Secretary of State for Examination in Public, under Regulation 22(3) of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

8.5 Neighbourhood Plans

There are no neighbourhood plans for this area.

8.6 London Plan

This application raises no strategic issues.

8.7 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.8 Other Issues

Given the existing shed and hardstand associated with that, the newly installed studio raises no arboricultural issues.

One objection was received on grounds that the garden studio would spoil views of the garden from the upstairs properties. The protection of views is not a planning

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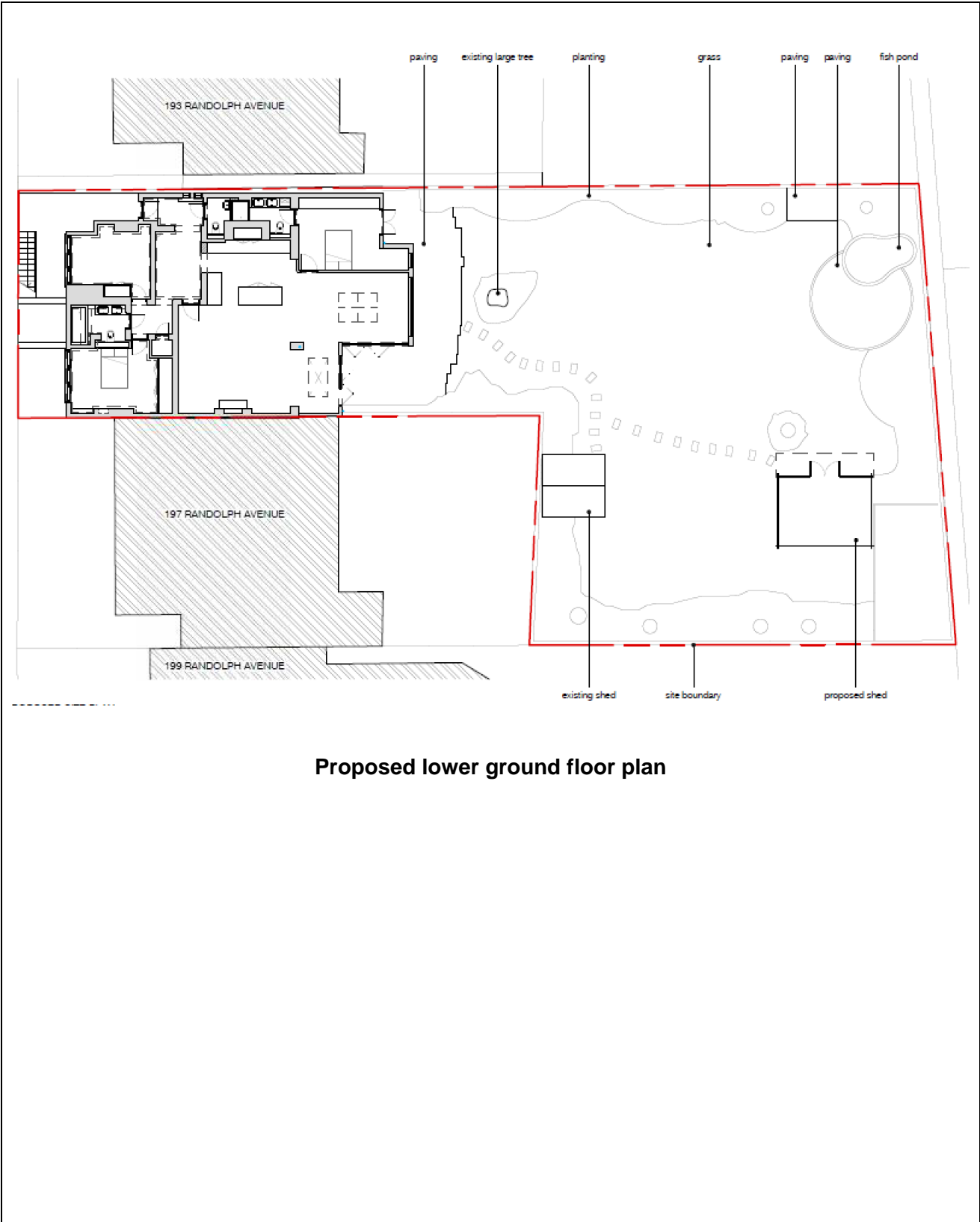
consideration and as such this part of the objection cannot be upheld.

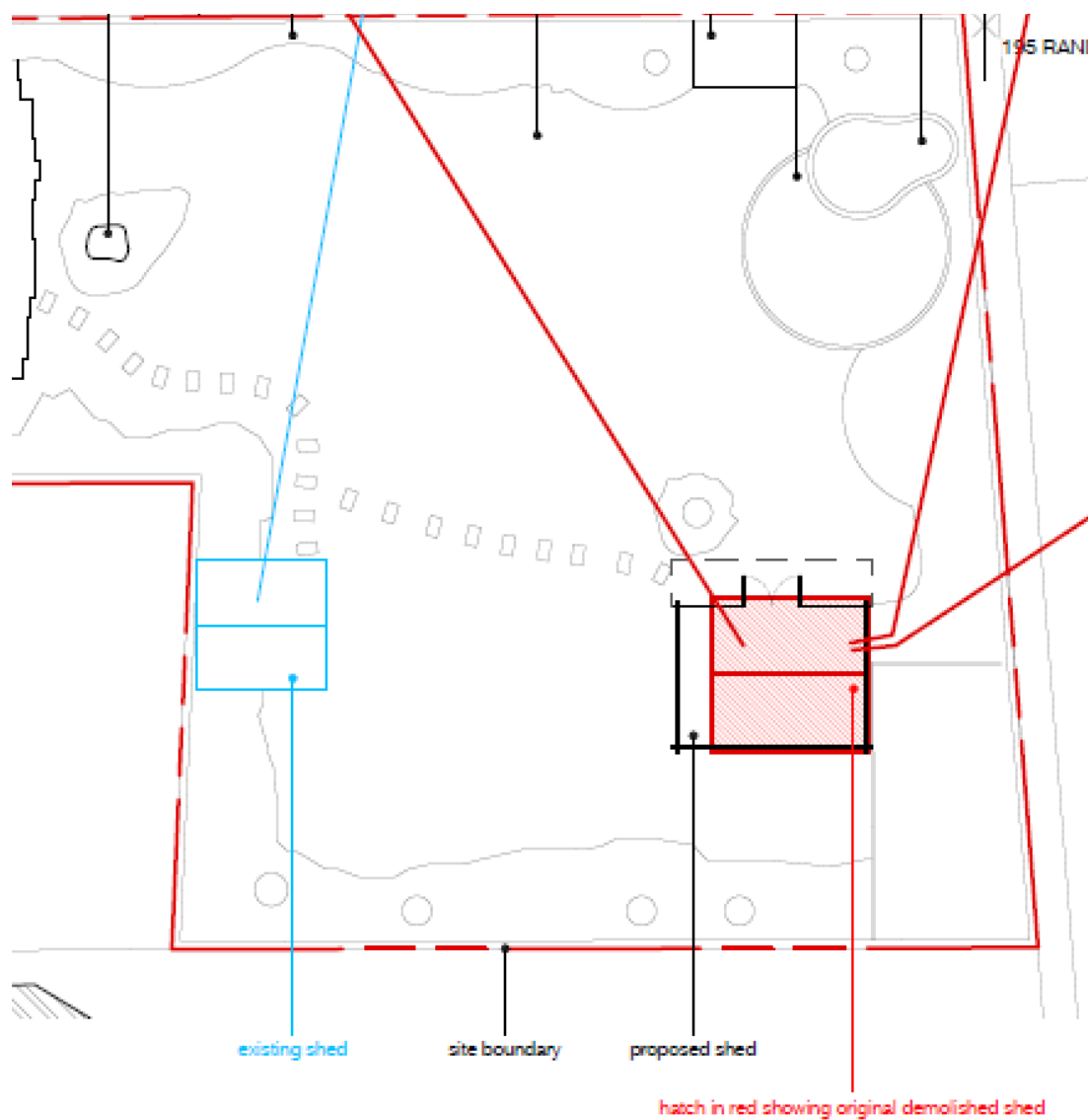
The local amenity society had suggested that a sedum green roof should have been included as part of the proposal. Considering that there is a large amount of greenery and mature planting in the rear garden and as the structure replaces an existing shed, while such a roof would have been welcomed, it is not considered that such a condition could be sustained as this would likely require the roof to be reconstructed.

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

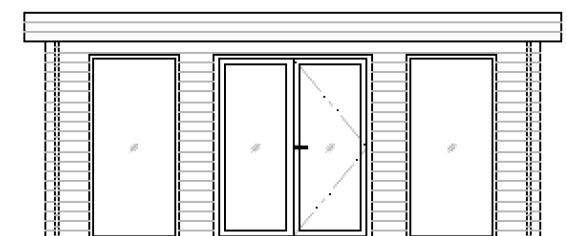
<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk.</p>

9. KEY DRAWINGS

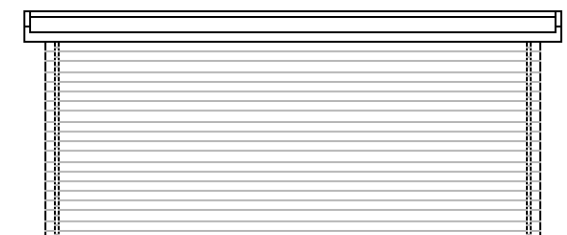




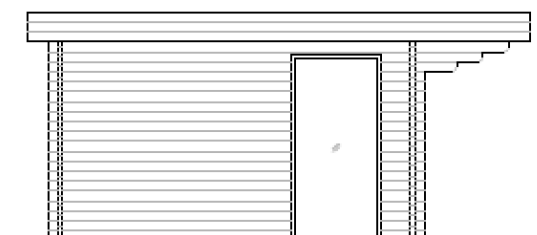
Plan showing footprint of garden studio (shown in black) compared to pre-existing shed (red)



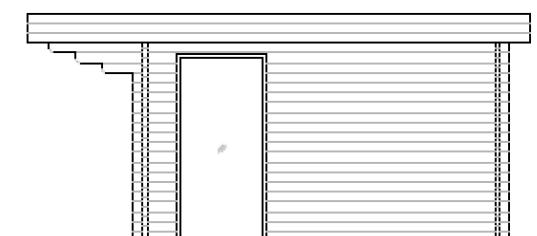
02 PROPOSED ELEVATION A
scale 1:50



03 PROPOSED ELEVATION B
scale 1:50



04 PROPOSED ELEVATION C
scale 1:50



05 PROPOSED ELEVATION D
scale 1:50

Proposed garden room elevations

DRAFT DECISION LETTER

Address: 195A Randolph Avenue, London, W9 1DJ

Proposal: Replacement of the existing shed with a new garden studio.

Reference: 19/08535/FULL

Plan Nos: 430-100-P; 430-100-P Rev. A; 430-101-P; 430-100-E; 430-102-P; Design and Access Statement

Case Officer: Fergus Wong **Direct Tel. No.** 020 7641 1052

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 The single storey outbuilding shall not be used as habitable accommodation including overnight sleeping and shall only be used for other purposes incidental to the enjoyment of the dwelling at 195A Randolph Avenue.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S29 and S32 of Westminster's City Plan adopted November 2016 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given 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.

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- 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 phone our Highways Licensing Team on 020 7641 2560., , **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, sitenquiries@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 <https://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.