

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 29 th September 2020	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Little Venice	
Subject of Report	Flat C And D, 2 Maida Avenue, London, W2 1TF		
Proposal	Reinstatement of a modified single storey rear extension at lower ground floor level with roof terrace above; provision of a small storage area beneath the reinstated garden; removal of garden steps and their replacement with a raised planter; and hard and soft landscaping to rear garden.		
Agent	Mr Anthony Frendo		
On behalf of	Mr & Mrs Ziff		
Registered Number	20/02499/FULL	Date amended/ completed	8 September 2020
Date Application Received	15 April 2020		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application relates to the lower ground and ground floor flat of this unlisted building located within the Maida Vale Conservation Area.

The site is subject to a planning enforcement notice which took effect on 8th August 2019, following unauthorised works involving the excavation of part of the rear garden and the installation of a concrete retaining wall. This planning application proposes to put forward a solution which will regularise these authorised works.

Planning permission is sought for the reinstatement of a modified single storey rear extension at lower ground floor level with roof terrace above; provision of a storage area beneath the reinstated garden; removal of garden steps and their replacement with a raised area at garden level; addition of replacement garden steps in new position and hard and soft landscaping to rear garden. The retrospective works included in the application are the retention of the raised area and retaining wall adjacent to the boundary with Stafford House.

Six objections have been received on design and amenity grounds and concerns regarding structural

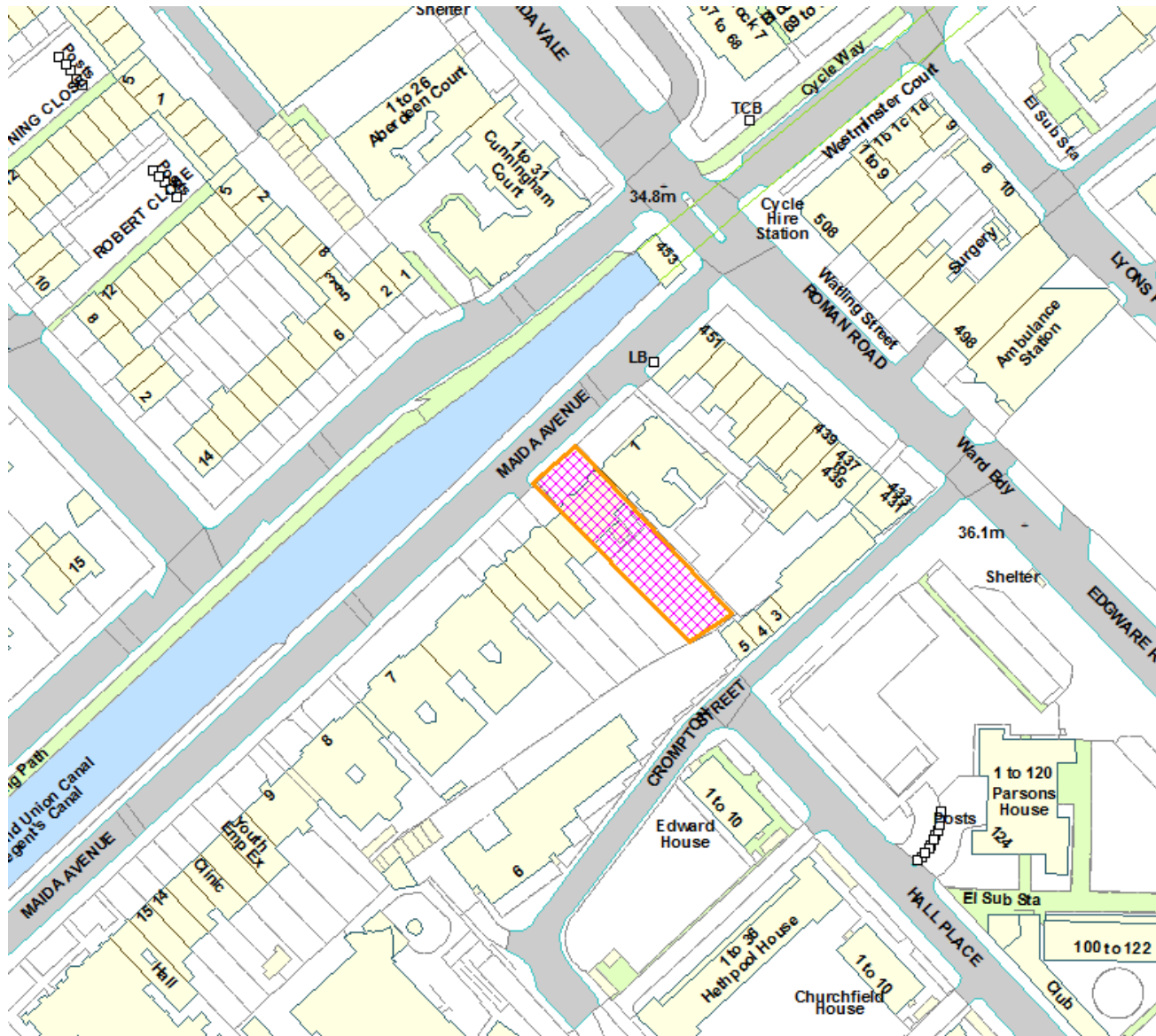
implications of proposed excavations and those that have already taken place without planning permission on foundations of Stafford House. One letter of support has been received subject to the reinforcement of party wall of Stafford House

The key issues in the determination of this case are:

- The impact of the proposals upon the appearance of this building and on character and appearance of this part of the Maida Vale Conservation Area;
- The impact of the development on the amenity of neighbouring properties;
- The impact of the basement works.

For the reasons as set out in the report, on balance the proposals are considered to be acceptable in design and amenity terms. Whilst the proposals are generally considered to comply with City Council UDP and City Plan policy, a soil/drainage layer is not provided above the basement storage areas which does not comply with part of the basement policy CM28.1. Because of the small area involved, the size of the remaining garden and because this basement area is beneath an area which was previously hard landscaping officers consider that in this case an exception can be made.

3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013.

4. PHOTOGRAPHS



Photograph of front of 2 Maida Avenue



Photograph from the rear (following the unauthorised works)



Rear of building showing removed lower ground floor extension and excavated lightwell.

5. CONSULTATIONS

WARD COUNCILLORS FOR LITTLE VENICE

Any response to be reported verbally.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

Any response to be reported verbally.

ARBORICULTURAL SECTION

No objections subject to conditions to secure appropriate tree protection.

HIGHWAYS PLANNING TEAM

Proposal acceptable from a highways point of view.

WASTE PROJECT OFFICER

Any response to be reported verbally

BUILDING CONTROL

The structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using piled walls along with RC underpinning with internal RC retaining walls which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 33

Total No. of replies: 7

No. of objections: 6

No. in support: 1

Six objections received on some or all of the following grounds.

Design

The proposed structures are out of keeping with surrounding historic structures.

Amenity

Raising of garden level creating amenity issues to neighbours in Stafford House.

Addition of trees on boundary with Stafford House would result in loss of light

Trees

Inconsistency in the submitted tree report as to value of tree T1

Other Matters

Unclear if proposal would fulfil requirements of Enforcement Notice

Concerns regarding structural implications of proposed excavations and those that have already taken place without planning permission on foundations of Stafford House.

Request for conditions requiring work to be carried out within 8 months of the planning decision, specifying the type and height of soil used to backfill excavated area, removing waste material, area of planter boxes not being used as a terrace and requiring details of planting so not to result in loss of light to Stafford House.
Inadequate investigation of ground water.

1 letter of support subject to reinforcement of party wall of Stafford House

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a non-listed building located within the Maida Vale Conservation Area. The property is currently laid out as three flats with a maisonette over lower ground and ground floors and two flats at first and second floor level. This application relates to the lower ground floor/ground floor maisonette.

6.2 Recent Relevant History

The site is subject to a planning enforcement notice which took effect on 8th August 2019, following unauthorised works involving the excavation of part of the rear garden and the installation of a concrete retaining wall. The enforcement notice required the return of the property to its former condition by removing the concrete base and retaining wall to the excavated area to the rear of the property and backfilling the excavated area. The part of the retaining wall to the excavated area which runs parallel with the boundary with Stafford House was not included in the enforcement notice following consultation with Building Control, who advised that its retention would be preferable to avoid subsidence. The wall is now lawful by virtue of being in situ for more than 4 years.

Prior to the issue of the enforcement notice two partly retrospective applications which attempted to regulate the unauthorised works were submitted and refused. Both applications involved significantly larger lower ground floor extensions and roof terraces above than the proposals currently under consideration.

Planning permission was refused on 3rd August 2016 (Ref: 16/04129/FULL) for the demolition of the rear lower ground floor extension and terrace over and erection of a single storey rear extension at lower ground floor level with terrace above, including new link to garden, modifications to rear facade, and replacement of existing single-glazed sash windows with double-glazed windows and doors and partial excavation of garden. The reasons for refusal of this application were firstly that the design and depth of the light well and the form, design and extent of the rear extension with walkway and terrace, the basement excavation and other works would harm the appearance and setting of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Maida Vale Conservation Area and secondly that the proposed rear ground floor terrace (which stretched to the boundary with Stafford House) would lead to an unacceptable loss of privacy for people in neighbouring

properties.

Planning permission was refused on 3rd August 2016 (Ref: 16/04138/FULL) for the demolition of the rear lower ground floor extension and terrace over and erection of a single storey full width rear extension at lower ground floor level with terrace above, including new link to garden, modifications to rear facade, and replacement of existing single-glazed sash windows with double-glazed windows and doors and partial excavation of garden. The application was refused because firstly the design and depth of the light well and the form, design and extent of the full width rear extension with walkway and terrace, the basement excavation and other works would harm the appearance and setting of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Maida Vale Conservation Area and secondly the rear ground floor terrace would lead to an unacceptable loss of privacy for people in neighbouring properties.

An appeal against the latter applications refusal was dismissed on 6th June 2017 (Planning Inspectorate reference 3157709). When determining the appeal, the Inspector made the following comments

The proposed lightwell would be smaller in area than the original and would effectively replace an area of hard landscaping. However, by significantly increasing the lightwell's projection into the plot the appeal proposal represents a substantial incursion into the back garden at lower ground floor level, uncharacteristic of the established surrounding pattern of development which features modest lightwells at lower ground floor level and generous private amenity space at upper level. As such the proposed development would erode the garden setting of the appeal property.

Whilst the close proximity of buildings and gardens in urban environments inevitably lead to a certain degree of mutual overlooking, for the reasons set out above, the appeal proposal would result in a significant increase in overlooking. I therefore conclude that the proposed development would have a harmful effect upon the living conditions of the occupants of neighbouring residential properties, with particular regard to privacy. As such, it would fail to accord with the amenity protection aims of Policy S29 of the City Plan and ENV 13 of the UDP.

7. THE PROPOSAL

Planning permission is sought for the reinstatement of a modified single storey rear extension at lower ground floor level with roof terrace above; construction of a storage area beneath the reinstated garden; removal of garden steps and their replacement with a raised area at garden level; addition of replacement garden steps in new position and hard and soft landscaping to rear garden. The retrospective works included in the application are the retention of the raised area and retaining wall adjacent to the boundary with Stafford House.

An amendment to the proposals has been made during the course of consideration involving the removal of three tree planters on the raised area along the boundary with Stafford House. This is a very minor change to the proposal and it was not considered necessary to consult adjoining neighbours.

Due to the current COVID -19 emergency a site visit could not be conducted as part of the consideration of this application however sufficient photographs and other records from officer site visits for previous applications and enforcement investigations are available in order to fully assess the implications of the current proposals.

8. DETAILED CONSIDERATIONS

8.1 Land Use

In land use terms the provision of additional ancillary floorspace to the existing residential unit would accord with Policy H3 and H5 of the UDP and S14 of the City Plan.

8.2 Townscape and Design

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 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 same 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 same Act requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy DES 9 (F) in the UDP requires that where development will have a visibly adverse effect upon a conservation area’s recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The extension proposed to the centre of the rear basement level is similar to the pre-existing extension in that it extends ‘drawbridge’ style within the lightwell towards the garden. However, unlike the previous extension, this design meets the garden, with a railed walkway on top from the ground floor French doors. It is important that there is

separation between the built form and the garden and while infilling the entire lightwell and joining the one to the other would not be acceptable, the modest size of the link which would create two lightwells would not diminish that separation to a significant degree and is therefore acceptable in principle.

The materials proposed, painted render and timber doors are acceptable in this basement location in terms of policy DES 5-

A wire trellis and planting will be added to the retaining wall adjacent to the boundary with Stafford House, which is now a lawful structure which will help mitigate its appearance.

The creation of storage rooms under the garden is unusual, but subject to the landscaping from above they would visually disappear under the garden. The presence of timber access doors in the lightwell wall would be visually acceptable.

Overall, the works would preserve the appearance and character of this part of the Maida Vale Conservation Area and accord with DES 1, 5, 9 and S 25 and S 28 of the UDP and City Plan respectively.

As such, the proposal is considered acceptable, mindful of policies DES1, DES5, and DES9 and adopted UDP and S25 and S28 of the City Plan and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.”

8.3 Residential Amenity

Policy S29 of the City Plan relates to health, safety and wellbeing, stating that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use.

Sunlight and Daylight and Sense of Enclosure

The proposed lower ground floor extension would replace the demolished extension. Its low lying level and its position in the middle of the rear elevation away from the boundaries of the site would mean that it would have no impact on surrounding properties in terms of sense of enclosure or loss of sunlight/daylight.

Objections have been received on the grounds of the potential impact of proposed trees in planters along the boundary with Stafford House. These trees have subsequently been removed from the application.

Privacy

The proposed lower ground floor extension and terrace above would provide a similar arrangement to that which had existed prior to the unauthorised demolition works. Given the size and location (in the centre of the elevation away from boundaries), of the roof terrace and its function as more of a walkway/link to the rear garden, it is likely that harm to neighbouring residents would be minimised. The terrace would provide views into the windows of residents at Stafford House, but the overlooking would not be so significantly greater than the pre-existing situation.

The raised area behind the retaining wall which runs along the boundary with Stafford House was previously a staircase from the lower ground lightwell to the garden level. It is proposed that this area is landscaped and separated from the main garden by railings. Objections have been received regarding the potential overlooking from this area into windows of flats within Stafford House. It is recommended that a condition preventing this area being used as a terrace or for sitting out purposes should be attached to any permission to prevent any significant increase in overlooking.

Objections have also been made on the grounds that the raised garden level above the proposed subterranean storage rooms would increase overlooking. The change of level is minimal (approximately 300mm) and is over a part of the garden some distance from the site boundaries. It is therefore not considered to have any significant impact in terms of increased overlooking to neighbouring properties.

For the reasons outlined above it is considered that the proposal complies with S29 of the City Plan and ENV13 of the UDP and is acceptable in amenity terms.

8.4 Transportation/Parking

There are no parking or transportation issues implications to the application.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposal does not involve any changes to access arrangements.

8.7 Other UDP/Westminster Policy Considerations

Trees

The City Council's Arboricultural Officer has assessed the Tree Report submitted with the application and has no objection to the proposal subject to appropriate tree protection conditions. An objection has been received on the grounds that there is an inconsistency in the tree report as to value of tree T1 (in one part of the report it is rated category C and in another category U). The inconsistency is acknowledged by the applicant however as no trees are proposed to be removed and all trees will be covered by the tree protection conditions it is not relevant to the consideration of this application.

Basement

Applications for basement development are to be assessed against City Plan policy CM28.1 and the guidance contained within the Basement Development in Westminster SPD. The property is not located within a Surface Water Hotspot Area as identified within Westminster's Basement SPD.

Part A.

The applicant has provided an assessment of ground conditions for this site and this has informed the structural methodology proposed, as set out within a structural methodology statement prepared by an appropriately qualified structural engineer.

These documents have been reviewed by Building Control Officer who advises that the structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using piled walls with RC underpinning with internal RC retaining walls which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

In terms of construction impact, the applicant has provided a signed proforma Appendix A confirming that they agree to comply with the City Council's Code of Construction Practice (CoCP). A condition is recommended to ensure that the applicant complies with the CoCP and that the construction works are monitored for compliance by the Environmental Inspectorate at the applicant's expense. As the excavation has already taken place it is likely the remaining works will involve less substantial works than a full basement excavation/construction.

The proposed hours of working condition states that no piling, excavation and demolition work is undertaken on Saturdays. This condition is consistent with environmental protection legislation and will help to alleviate disturbance to neighbours outside of the prescribed hours.

A condition is recommended requiring evidence to be submitted of compliance with the CoCP. This must be submitted before work starts on site, subject to which the proposals are considered acceptable.

The site is not in an archaeological priority area and therefore part 6 does of the policy does not apply.

Part B

Regarding Part B of CM28.1, the application is supported by an Arboricultural Impact Assessment which addresses concerns related to trees on and near the site and is discussed in the tree section above. Soft landscaping and planting are incorporated within the rear garden, as are natural lighting methods for the basement areas.

The basement area is not very large and is unlikely to require mechanical ventilation. The habitable lower ground floor “link” extension is naturally lit and ventilated via French doors on either side.

As discussed in the Design section above the rear lightwell is considered to be discreetly located and appropriately sized relative to the size of the pre-existing lightwells, garden and basement so as not to harm the appearance of the building and its garden setting. Overall, the proposals comply with Part B.

Part C

Regarding Part C, the basement does not extend beneath more than 50% of the garden land.

The basement is confined to the central area of the garden leaving significant margins of undeveloped land between it and the boundaries of the property.

The basement would not have the 1.2m combine soil/drainage layer above it as required by Part C. Much of the habitable “link” area is a replacement of the existing (now demolished) rear lower ground floor area which wouldn’t be required to have the soil/drainage area. The area which would house the proposed storage areas replaced an earlier hard landscaped area and given its relatively small size (approximately 3m by 6.5m) when compared to the extensive and large rear garden, on balance it is not considered necessary to require the provision of a 1.2m soil and drainage layer above the basement top cover. In sustainable urban drainage terms, the lack of the soil and drainage layer is also mitigated by the small size of the area involved, the large size of the adjoining garden and the fact this area was previously hardstanding.

The proposed basement would have less than 2.7m floor to ceiling height. Although the proposal fails to comply with this element of CM28.1 Part C on balance for the reasons stated above it is considered that an exception in this case can be made.

The proposals do not seek to excavate underneath the highway and, therefore, Part D does not apply.

8.8 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.

8.9 Neighbourhood Plans

No Neighbourhood Plans are in place covering this site.

8.10 London Plan

This application raises no strategic issues.

8.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

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

8.12 Planning Obligations

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

8.13 Environmental Impact Assessment

Not relevant to this application.

8.14 Other Issues

Structural issues relating to the retaining wall located parallel to the boundary with Stafford House.

Objections have been received outlining concerns about the structural implications of the excavations and the retaining wall constructed parallel with the boundary with Stafford House on the foundations of Stafford House. The retaining wall was not required to be removed by the enforcement notice served against the unauthorised works at the rear of property which came into effect in August 2019. This retaining wall and its concrete lid are now lawful as they have existed for over 4 years and are therefore now immune from planning enforcement action.

Not only the is the retaining wall and lightwell lawful but for the reasons discussed in the design section of this report it is considered acceptable in planning terms. The applicant submitted Structural Method Statement does address the existing retaining wall and the foundations of Stafford House. It observes that these retaining walls have now been in place for four years and appear to be in sound serviceable condition. The applicant states that their constructions are seen to be significantly more robust than the original

masonry walls they replaced. The granting of any planning permission for the proposed works would not override the need for the works to gain any necessary consents under other legislative frameworks such as Building Regulations or the need for private legal requirements such as Party Wall agreements.

Consideration of Enforcement Notice

The requirements of the 2019 Enforcement Notice included That the Notice take effect 35 days after the date of service and requires within **8 months** from the date it takes effect, the following:

Requirement 1) Return the property to its former condition by carrying out the steps below in the order they are presented:

Step A) Construct a retaining wall in the location of the red line on the attached Plan B; and

Step B) Following the completion of Requirement 1, Step A break up, and remove from the Property, the concrete base from the area of the lightwell shown hatched red on the attached Plan A; and

Step C) Following the completion of Requirement 1, Step B, remove the retaining wall from the position of the blue line on the attached Plan A, as shown edged in red in the attached photographs A and B; and

Step D) Following the completion of Requirement 1, Step C, backfill the excavated area shown hatched red on the attached Plan A with soil to comprise a lower layer of British Standard 8601:2013 compliant subsoil and an upper layer of British Standard 3882:2015 compliant topsoil. The subsoil layer should be applied from the base of the excavated area and should not exceed 300mm below the finished level of the adjacent existing garden area. The topsoil layer should be applied on top of the subsoil layer and should measure 300mm in depth, finishing level with the adjoining existing garden area.

And

Requirement 2) Remove from the land any and all waste material and debris resulting from compliance with any and all of the Steps of Requirement 1.

The proposal would involve the construction of the wall to the new lightwell in the same location as that specified by Step A of the Enforcement Notice. The only part of that wall not to be constructed under the proposals considered under this application would be where steps up to garden level would be located near the boundary with the Coach House to the South West of the site. The resultant reduced sized lightwell would mean it would be acceptable in design terms.

The concrete base of the area excavated which is required to be broken up under Step B would be retained under the proposals and would become the floor of the proposed basement storage areas and the base of the proposed steps. It is accepted that there would be no benefit of breaking up and removing this base if the current proposals are considered acceptable.

The existing retaining wall specified to be removed by Step C in the enforcement notice

would be retained under this proposal and would form the rear wall of the basement storage room and the back of the staircase.

Step D which requires the backfill of the excavated area with a specific subsoil and top soil layer which would be appropriate for new tree planting/tree roots would become largely irrelevant if the proposals were given permission as much of the area to be backfilled under the Enforcement Notice would be where the basement storage and stairs would be located. Although an area between the proposed basement storage and boundary with Stafford House was shown on the enforcement notice as part of the “excavated area” to be backfilled this area is behind the retaining wall running along the boundary with Stafford House, was not part of the excavated unauthorised lightwell area and is already at garden level, therefore would not require to be backfilled. Although this area does have a concrete “lid” rather than exposed soil for planting it is considered expedient to not require the dismantling of this structure as part of any planning permission granted in the event this may affect its structural integrity. The only area within the hatched area specified in the Enforcement Notice which would require backfilling under the proposal under consideration is a small area between the steps and the boundary with the Coach House to the South West of the site. Due to the small size of this area it is not considered necessary to specify the specifics of the backfill of this area as part of this permission.

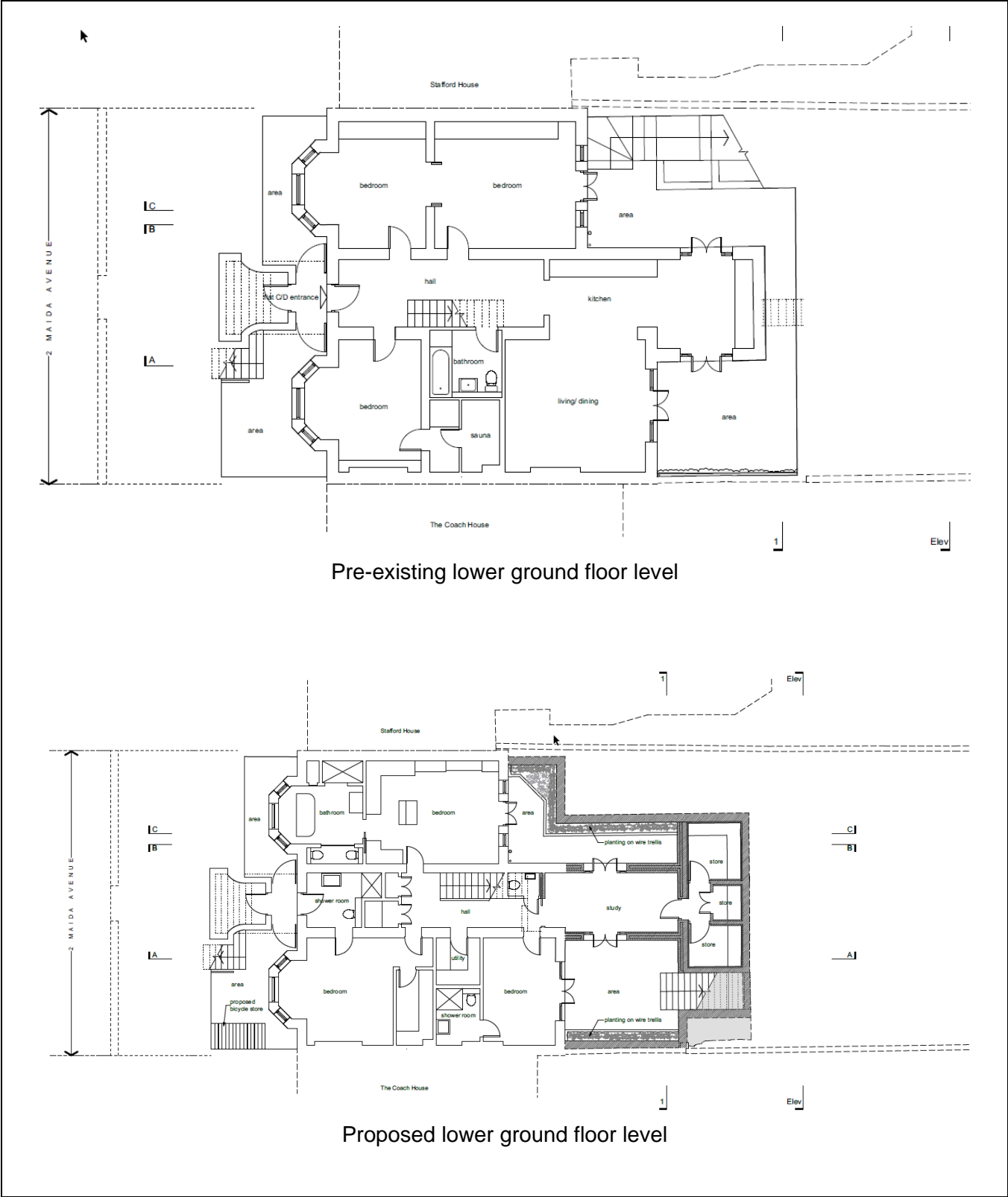
As the proposal retains the concrete lightwell base and existing retaining wall there would be no need to require the removal from the land any and all waste material specified by Requirement 2 of the Enforcement Notice as part of any planning permission.

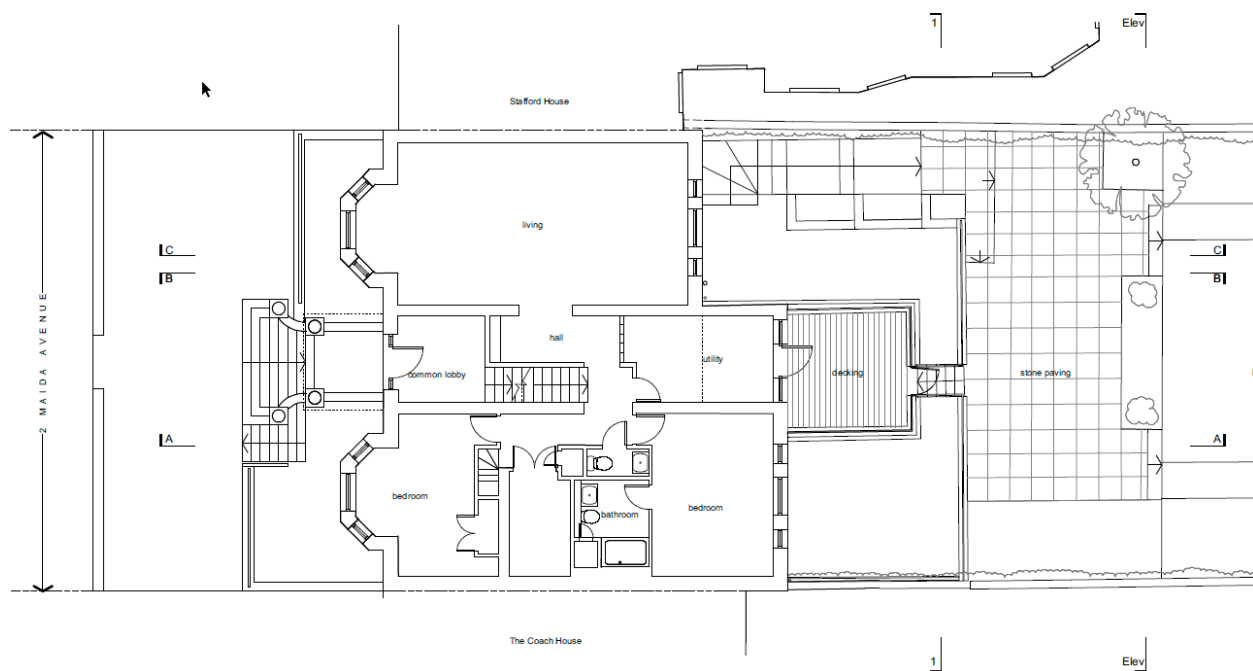
It is recommended that a condition is attached to any permission requiring that the permission is fully implemented within 14 months of a decision being issued in view of the outstanding enforcement notice and in order that the unauthorised works are regulated within a reasonable timescale. Although one objection has requested that a condition be added to any permission requiring that it be carried out within 8 months, the applicant has suggested that the party wall agreement is likely to take approximately 6 months and the build programme a further 8 months. On this basis 14 months is considered a reasonable timescale to fully implement the works.

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

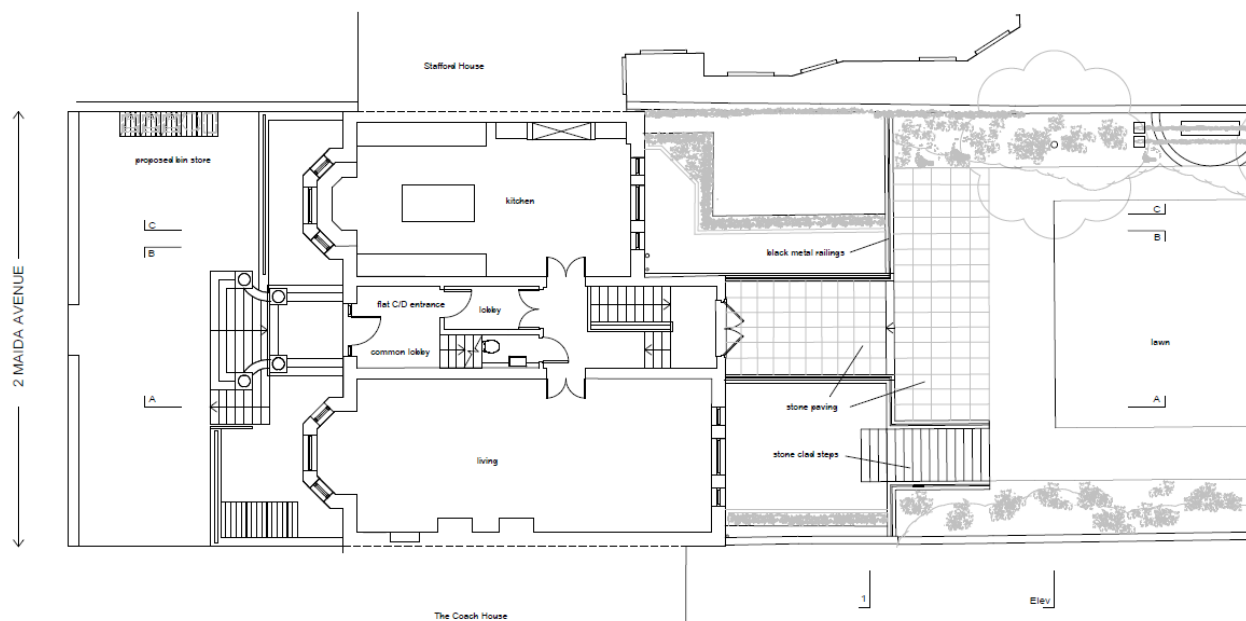
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARAH WHITNALL BY EMAIL AT swhitnall@westminster.gov.uk

9. KEY DRAWINGS





Pre existing ground floor level



Proposed ground floor level



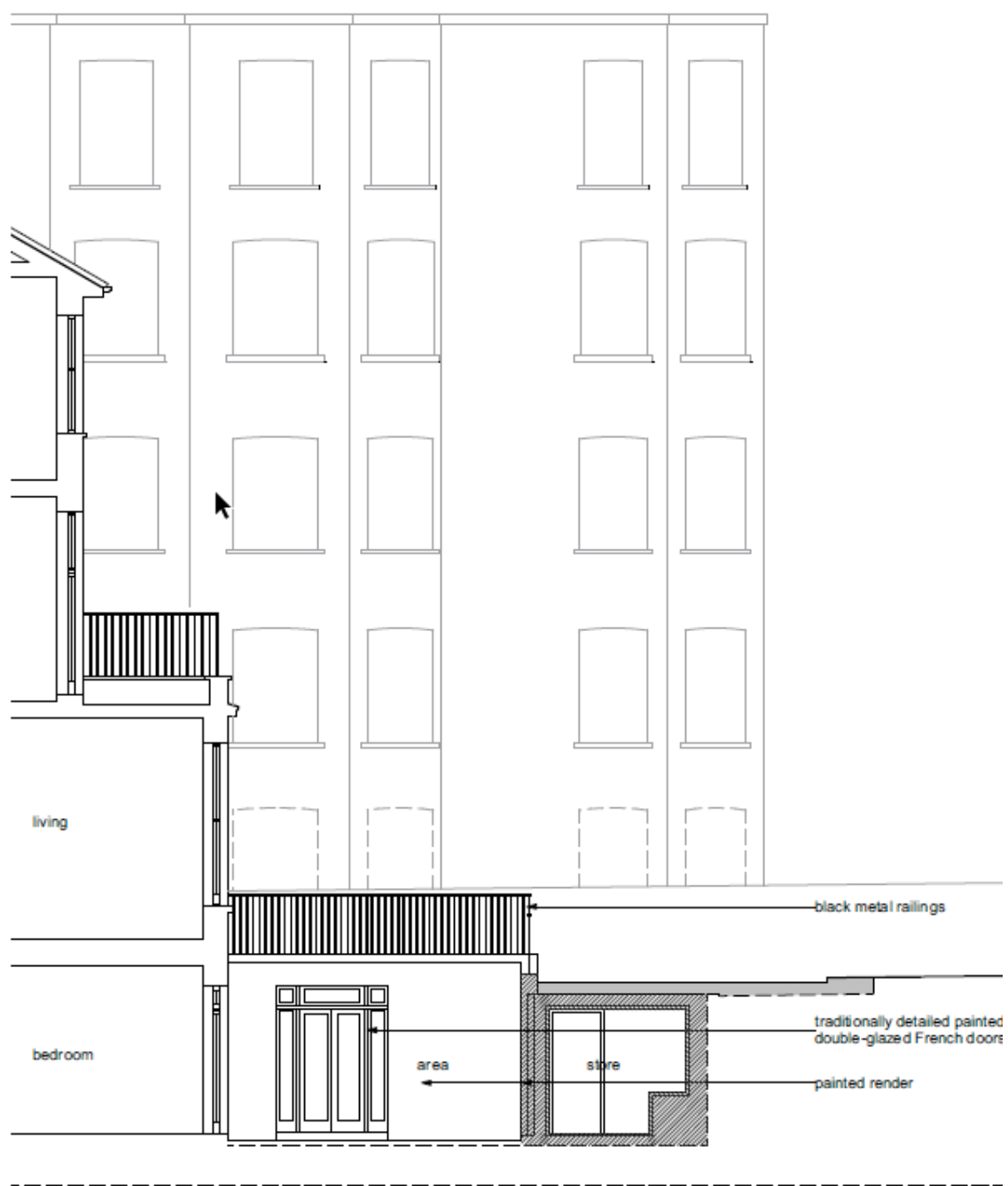
Pre-existing rear elevation



Proposed rear elevation



Pre-existing section



Proposed section

DRAFT DECISION LETTER

Address: Flat C And D , 2 Maida Avenue, London, W2 1TF

Proposal: Reinstatement of a single storey rear extension at lower ground floor level with roof terrace; provision of a small storage area beneath the reinstated garden; removal of garden steps and their replacement with a raised planter; and hard and soft landscaping to rear garden.

Reference: 20/02499/FULL

Plan Nos: Location Plan; 4293/P01/01A; 4293/P01/02A; 4293/P01/03A; 4293/P01/04A; 4293/P01/05A; 4293/P01/06A; 4293/P01/07A; 4293/P02/01A; 4293/P02/02A; 4293/P02/03A; 4293/P02/04A; 4293/P02/05A; 4293/P02/06A; 4293/P02/07A; 4293/P04/01; 4293/P04/02A; 4293/P04/03; 4293/P04/04; 4293/P04/05; 4293/P04/06A; 4293/P04/07A; 4293/1C Ground Movement Assessment (for information only), Structural Method Statement (for information only), Basement Impact Assessment Report (for information only), Design and Access Statement; Tree Report; Photographs,

Case Officer: Richard Langston

Direct Tel. No. 020 7641
07866036470

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 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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

3 **Pre Commencement Condition.** Prior to the commencement of any:

- (a) Demolition, and/or
- (b) Earthworks/piling and/or
- (c) Construction

On site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- Traditionally detailed cast iron railings to the walkways and lightwell to be individually caulked into a plinth;

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings.

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 S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 You must not use the raised area along the boundary with Stafford House between the rear wall

of the building and the railings shown on the proposed ground floor drawing for sitting out or for any other purpose. You can however use the area to escape in an emergency. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 7 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 what you have sent us. You must then carry out the landscaping and planting within 1 year of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Maida Vale Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 8 You must apply to us for approval of details of any new or replacement hard surfacing within tree protection areas. The hard surfacing must be "no dig" and porous. You must provide existing and proposed section drawings. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect the trees and the character and appearance of this part of the Maida Vale Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

- 9 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. 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. You must then carry out the work according to the approved details. (C31CC)

Reason:

To protect the trees and the character and appearance of this part of the Maida Vale Conservation Area. This is as set out in S25, S28 and S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R31DC)

- 10 You must fully implement this planning permission within 14 months of the date of this decision letter.

Reason:

A time restriction to fully implement the works has been attached to this permission in light of the sites outstanding enforcement notice dated 4th July 2019.

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.
- 2 You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control
- 3 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You can apply online at the following link: www.westminster.gov.uk/trees-and-high-hedges. You may want to discuss this first with our Tree Officers by emailing privatelyownedtrees@westminster.gov.uk.
- 4 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 www.westminster.gov.uk/suspensions-dispensations-and-skips.
- 5 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.
- 6 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant

fees prior to starting work.

Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Sciences team (environmentalsciences2@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 Sciences team must be paid on submission of the details relating to the relevant phase.

Appendix A must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

- 7 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.

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.

Item No.
5