

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 16 th March 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Maida Vale	
Subject of Report	17 Leith Mansions, Grantully Road, London, W9 1LQ		
Proposal	Timber garden room in rear garden.		
Agent	Mr Filippo Adamo		
On behalf of	Ellas And Lockwood		
Registered Number	20/07258/FULL	Date amended/ completed	3 February 2021
Date Application Received	12 November 2020		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Planning permission is sought for the erection of a timber garden room within the rear garden to this ground floor .

The proposal has been amended during the course of consideration to reduce the size of the associated hard standing/patio area.

Nine objections have been received on the grounds of design, amenity and environmental impact, including loss of trees and greenspace, impact on wildlife and increased water run-off.

The key issues in the determination of this case are:

- The impact of the proposals upon the Maida Vale Area Conservation Area;
- The impact of the development on the amenity of neighbouring properties; and
- The impact of the loss of trees.

For the reasons as set out in the report, notwithstanding the objections raised, the proposal is considered to be acceptable in design, amenity and arboricultural terms and is therefore recommended favourably, subject to conditions.

3. LOCATION PLAN



4. PHOTOGRAPHS



View of garden from 17 Leith Mansions

5. CONSULTATIONS

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

Any response to be reported verbally

ARBORICULTURAL SECTION

No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 31

Total No. of replies: 9

No. of objections: 9 all from Leith Mansions

No. in support: 0

Objections on one or all of the following grounds: -

Design

- Visual impact
- Adverse effect on the character of the area

Amenity

- Noise disturbance
- Light pollution
- Loss of privacy

Other

- Impact on property values
- Loss of green space
- Impact on wildlife
- Increased rain run-off
- Loss of trees
- Increased traffic noise
- Private development in communal gardens should not be allowed
- Environmental impact
- Would set a precedent

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

Leith Mansions is a large mansion block located on the south side of Grantully Road between junctions with Biddulph Road and Morshead Road. To the rear are properties

and their rear gardens of Elgin Avenue. The building is not listed but falls within the Maida Vale Conservation Area. There are a number of trees within the rear garden including a Sycamore Tree, tree of Heaven, a number of apple trees, an apricot tree and two elder trees.

6.2 Recent Relevant History

None

7. THE PROPOSAL

The application seeks permission for the erection of a timber garden room, for use as a home-office in the private rear garden to Flat 17.

The application has been amended during the course of consideration to reduce the size of the associated hard standing/patio area.

Because of the COVID-19 emergency it was not possible to conduct a site visit however sufficient site photographs have been provided to enable the application to be fully assessed.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The creation of additional floorspace ancillary the existing residential flat is supported by Policy S14 of the adopted City Plan and Policy H3 of the adopted Unitary Development Plan.

8.2 Townscape and Design

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

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.

Historic plans of the area show that both Leith Mansions and also Elgin Mansions to the south side of this site were originally constructed with a continuous series of structures to the end of their rear gardens, both of which faced onto what appears clearly to have been a service lane between the these two sets of mansion blocks. These may have been coal sheds, as suggested by the applicants and appear certain to have been single storey. Whilst most appear to have been demolished over the years, some structures are still apparent in these locations from aerial photographs. There are some short sections of brick wall remaining at the application site which may relate to the structures formerly in this rear garden.

Given the historical precedence for single storey rear garden structures to the site, there is no objection to the principle of the incorporation of a new garden room in this general location to the rear of the garden.

The structure proposed only marginally rises above the height of the rear boundary wall to the site, and is set in appreciably from each side. The patio area adjacent has been reduced in scale through the application process and is now a relatively small feature. A condition is recommended to secure appropriate paving for this patio area. The timber cladding proposed by the applicants for the elevations of the structure is considered to sit comfortably with the brickwork walls and timber fencing apparent from site photos as being to the rear and sides of this section of garden, and the use of timber is considered appropriate for this garden setting.

The application as initially submitted included reference to a 'dark grey synthetic rubber roofing membrane' as the material proposed to the roof, which is not considered to give a high quality appearance or assist in integrating the new structure into its garden setting, particularly noting the many rear window views down onto this garden area from the flanking mansion blocks. As such, an amending condition is recommended to secure a green roof appropriate to this location.

Given the above, and subject to conditions, the proposals are considered acceptable in design terms despite the objections on design grounds. The recommendation is considered in line with s. 72 of the Planning (Listed building and Conservation Areas) Act 1990.

As such, the proposal is considered acceptable, mindful of policies DES1, DES5 and DES9 of the UDP and policies S28 of the City Plan; and therefore, a recommendation to grant conditional permission/ consent [delete as appropriate] 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.

The proposed building is only marginally taller than the surrounding boundary wall/fences (being 2.37m at its highest point compared with the 2.17m height of the wall behind it and the 2.10m of the neighbouring fence to its south west elevation). It will be located over 10m from the nearest residential windows. Because of these factors it would therefore have no significant impact in terms of sense of enclosure or loss of sunlight/daylight to surrounding properties and their gardens. The proposed fenestration to the new garden building looks back to the private garden of the flat to which it is associated. This fact together with the distance to neighbouring properties would mean that no significant increase in overlooking would result and therefore the objections raised on this ground by occupiers of flats within the adjoining block is not supported by officers.

Objections have been received from other flats within Leith Mansions on the grounds that the proposal would result in light pollution and noise disturbance. It is not considered that the garden building would result in a significant increase in noise generation when compared to the existing garden use and its domestic use in association with the enjoyment of the existing flat. Given the nature of fenestration to the garden building and its distance to and relationship with neighbouring properties, it is not considered that it would cause any significant light pollution so as to cause a nuisance to neighbours. However, an informative is recommended to advise the applicant of the need to prevent nuisance from light pollution and the action available to Environmental Health should a nuisance occur.

The proposals would therefore comply with policies ENV13 of the UDP and S29 of the City Plan.

8.4 Transportation/Parking

The proposal would have no implications in terms of transportation or parking

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

In order to facilitate the development, it is proposed to remove several small apple trees

an apricot and two elders. The Sycamore Tree and Tree of Heaven would be retained.

Objections have been received on the grounds that the proposal would result in the loss of trees and green space. The amount of hard standing proposed has been reduced during the course of consideration. The City Council's Arboricultural Manager has assessed the proposal and the submitted tree report. Whilst the loss of the smaller trees is regrettable, they are relatively young and of low amenity value and subject to tree replacement, their loss would be acceptable. Given this and the replacement planting, the objections to the loss of the existing trees is not supported.

With respect to tree protection of the Sycamore Tree and Tree of Heaven, subject to conditions including agreeing any drainage and service routes before site works start, it is considered that the trees can be satisfactorily protected.

Objections have also been received on the grounds of the impact on wildlife, increased rain run-off and the environmental impact of the proposal. It is considered that the amendment to the proposal involving the reduction in hard standing and subject to a condition requiring a green roof to which the applicant has agreed, the impact on wildlife, surface water drainage and the environment in general is acceptable.

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 in June and July 2019 and it was submitted to the Secretary of State for independent examination in November 2019. The City Plan examination hearings took place between 28 September and 16 October 2020. Following the examination hearings, the Council consulted on the main modifications recommended by the Inspectors between 30 November 2020 and 18 January 2021. However, having regard to the tests set out in paragraph 48 of the NPPF, whilst the draft City Plan has now been through an Examination in Public, it will continue to attract limited weight at this present time prior to the publication of the Inspector's final report.

8.9 Neighbourhood Plans

There is no neighbourhood plan covering this area of the City.

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 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

Objections have been received on the grounds that private development in communal gardens should not be allowed. The applicant has stated that they own the freehold of the garden and that its use is exclusive to their flat.

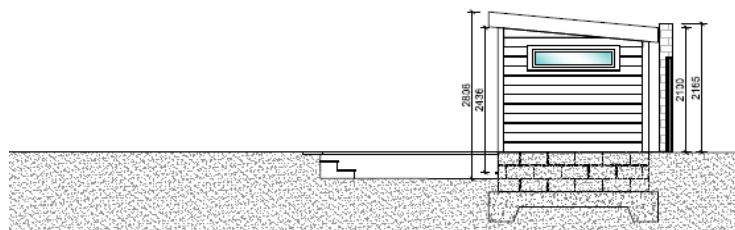
An objection has also been received on the grounds of the impact on property values which is not a planning consideration.

In addition, an objection has been received on the grounds of increased traffic and noise. However, it is not considered that the proposal would result in any increase in traffic or associated noise given the domestic use of the garden room.

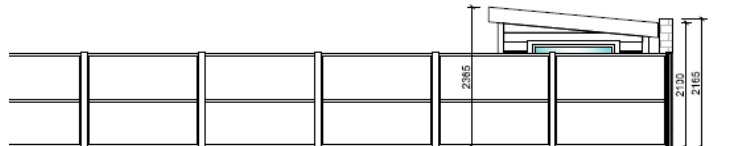
A further objection has been received on the grounds that the proposal could set a precedent. This is not a sustainable ground for objection as each application is considered on its individual merits.

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

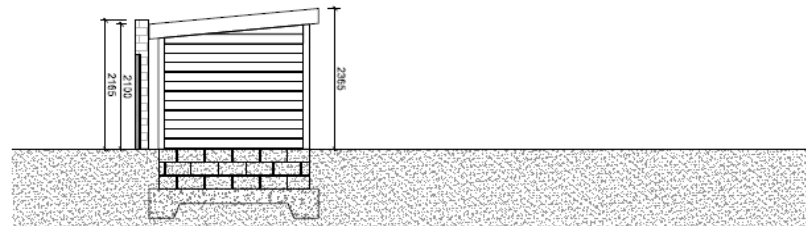
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: **SARAH WHITNALL** BY EMAIL AT swhitnall@westminster.gov.uk



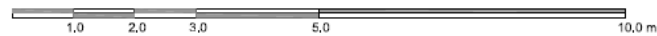
1 LEVEL GR - SOUTH WEST ELEVATION
SCALE 1:100 @ A1



2 LEVEL GR - S/W ELEVATION FROM NEIGHBORING PROPERTY
SCALE 1:100 @ A1



3 LEVEL GR - NORTH EAST ELEVATION
SCALE 1:100 @ A1



Side elevations



PROJ. DESCRIPTION DATE
17 LEITH MANSIONS 18/08/2023



17 Leith Mansions
Granville Road
London NW 11 2JQ

ARCHITECT
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DRAFT DECISION LETTER

Address: 17 Leith Mansions, Grantully Road, London, W9 1LQ

Proposal: Erection of a temporary wooden structure for exclusive use as a home-office in private garden.

Reference: 20/07258/FULL

Plan Nos: Location Plan; FYP-R-SC_LGR-01000Rev03; FYP-R-SC_LGR-01010Rev03; FYP-R-SC_LGR-21000Rev02; FYP-R-SC-LGR-21001Rev01; Arboricultural Report; Design and Access Statement; Photographs

Case Officer: Richard Langston

Direct Tel. No. 020 7641
07866036470

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only: , o between 08.00 and 18.00 Monday to Friday; , o between 08.00 and 13.00 on Saturday; and , o not at all on Sundays, bank holidays and public holidays. , , You must carry out piling, excavation and demolition work only: , o between 08.00 and 18.00 Monday to Friday; and , onot at all on Saturdays, Sundays, bank holidays and public holidays. , , Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of 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 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)

- 4 Notwithstanding the submitted drawings, you must apply to us with amended plan, section and elevation drawings showing a green roof above the garden room. You must not start any work on these parts of the development until we have approved what you have sent us. You must then install the green roof as an integral part of the construction of the garden room and according to these drawings, and you must provide, maintain and retain the green roof thereafter

Reason:

To increase the biodiversity of the environment and 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, as set out in S25, S28, S38 of Westminster's City Plan (November 2016) and DES 1, DES 5, ENV 17 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

- 5 You must apply to us for approval of a photograph of a sample of the paving for the patio area shown to the application drawings. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to the approved sample. (C26DB)

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 roof of the building for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21AA)

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 **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 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)

- 8 You must apply to us for approval of detailed drawings of a planting 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 planting within one planting season 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 of planting them, you must replace them with trees of a similar size and species. (C30BB)

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)

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 With regards to condition 5, the paving should be a natural stone of neutral appearance. You are advised that York stone would be likely to be considered acceptable.

- 3 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance.

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.