

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 31 January 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Little Venice	
<b>Subject of Report</b>	<b>5 Maida Avenue, London, W2 1TF</b>		
<b>Proposal</b>	Erection of part single storey and part two storey rear extension at lower ground and ground floor levels.		
<b>Agent</b>	Barnaby Gunning Architects		
<b>On behalf of</b>	Mr & Mrs Simon Walker		
<b>Registered Number</b>	16/09049/FULL	<b>Date amended/ completed</b>	20 September 2016
<b>Date Application Received</b>	20 September 2016		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Maida Vale		

## 1. RECOMMENDATION

Refuse permission - increased sense of enclosure to neighbouring property.

## 2. SUMMARY

The application site comprises a five storey mid terrace dwellinghouse located on the southern side of Maida Avenue. The building is not listed, but is located within the Maida Vale Conservation Area.

The application seeks planning permission for the erection of a part single storey and part two storey rear extension at lower ground and ground floor levels.

Objections have been received from 13 neighbours to the proposal on design, amenity and structural impact grounds.

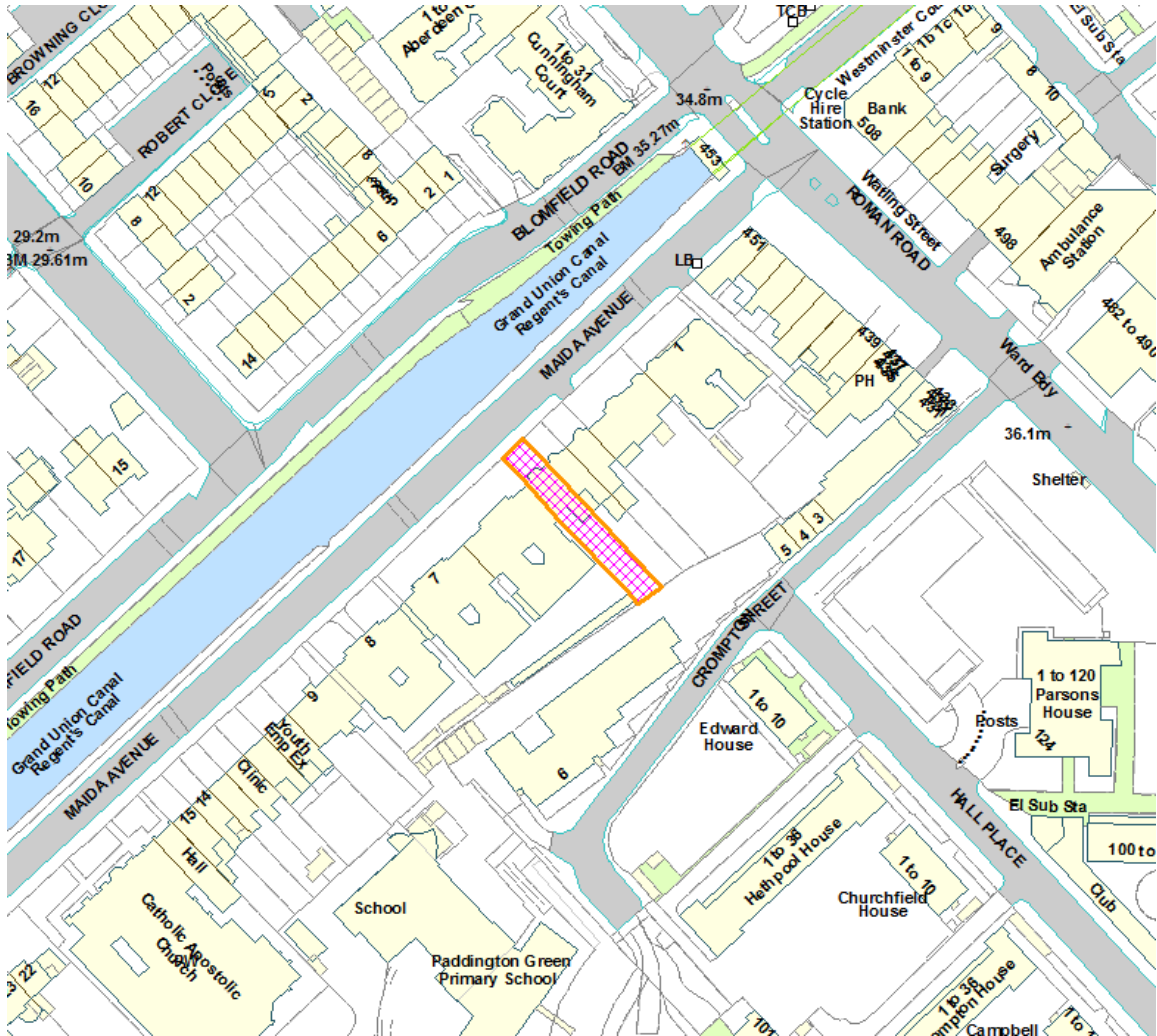
The key issues in this case are:

- The impact of the proposal on the appearance of the building and the character and appearance of the Maida Vale Conservation Area.
- The impact on the amenity of neighbouring residents.

For the reasons detailed in the report it is considered that the proposal would cause a materially

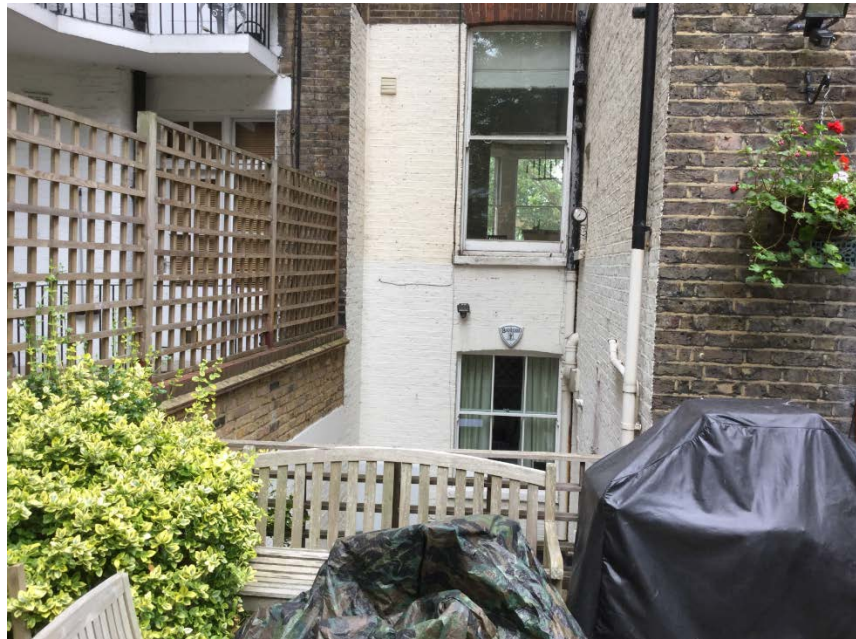
increased sense of enclosure to the windows of the upper ground floor flat (Flat 3A), which has windows in the north eastern side elevation of Douglas House. Therefore the proposed extension would be contrary to Policy S29 of Westminster's City Plan (November 2016) (the City Plan) and Policy ENV 13 in the Unitary Development Plan (January 2007) (the UDP). The application is therefore recommended for refusal.

### 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS



View of location of single storey lower ground floor level infill extension.



View of location of two storey rear extension to the closet wing at lower ground and ground floor levels.



View from upper floor window in north east elevation of Douglas House, which serves a kitchen.

## 5. CONSULTATIONS

### PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY

No objection to basement level, but consider ground floor level extension to be harmful to the conservation area. Ask that neighbours views are taken into consideration.

### BUILDING CONTROL

Structural method statement is satisfactory. Comments made on means of escape.

### HIGHWAYS PLANNING MANAGER

No objection.

### ARBORICULTURAL MANAGER

No objection, subject to landscaping and tree protection conditions.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 45; Total No. of Replies: 14.

14 responses received from 13 respondents raising objection on all or some of the following grounds:

#### Design

- Any change will be out of keeping with the other mansion blocks, the road and conservation area.
- Design and scale out of keeping with the conservation area.
- Proposal is large and out of keeping with neighbourhood.

#### Amenity

- Loss of light.
- Loss of privacy
- Use of flat roof as balcony.
- Increased sense of enclosure.

#### Other

- Impact on drainage.
- Disturbance of watercourse.  
Adverse impact on foundations of the neighbouring mansion block.
- Letter on behalf of the board of Aubrey Douglas Limited (Freeholder of neighbouring Douglas House mansion block) stating that other representations referencing Aubrey Douglas Limited do not comment on its behalf.
- Applicant has offered to meet neighbours to explain application.

ADVERTISEMENT / SITE NOTICE: Yes.

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is a five storey mid terrace dwellinghouse located on the southern side of Maida Avenue. The building is not listed, but is located within the Maida Vale Conservation Area.

The property forms the south western end of a group of three similarly scaled and detailed Victorian building, which form part of a longer terrace of buildings of a variety of heights, forms and detailed design along the southern side of Maida Avenue, facing the Grand Union Canal. The neighbouring building to the south west of the application site is an Edwardian mansion block, Douglas House, which is taller and bulkier than the application property and its neighbours to the north east.

## **6.2 Recent Relevant History**

5 December 2014 – Planning permission was refused for the erection of two storey rear extension including excavation to garden to create additional habitable living space at lower ground floor level (13/12887/FULL). The application was refused on grounds that the extension proposed would harm the appearance of the building and the character and appearance of the conservation due to its scale and bulk and as it would cause a materially increased sense of enclosure to windows in Douglas House, 6 Maida Vale (see copy of decision and relevant drawings in background papers).

## **7. THE PROPOSAL**

Planning permission is sought for the erection of a part single storey and part two storey rear extension at lower ground and ground floor levels. The proposal has been amended during the course of its consideration to remove the balustrade to the rear of the flat roof of the infill extension.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The enlargement of the existing dwellinghouse would accord with Policy H3 in the UDP and Policy S14 in the City Plan. Accordingly the proposal is acceptable in land use terms.

### **8.2 Townscape and Design**

A number of objections have been received raising concerns about the impact of the proposed extensions on the appearance of the building and the character and appearance of the Maida Vale Conservation Area.

The building forms part of a short terrace with front and rear gardens. The rear of the application site is surrounded by mature trees and vegetation. However, it is overlooked by the flats in Douglas House to the south west. To the rear of the application property there is a rear closet wing with a lower ground floor lightwell alongside between the closet wing and the boundary wall of Douglas House. The rear garden is located between lower ground and ground floor levels and is accessed via a short external staircase from a doorway in the rear of the closet wing.

UDP policy DES 5 seeks to ensure the highest standards of design in alterations and extensions. It specifically states that development should not visually dominate the existing building, be in scale with the existing building and its surroundings and reflect the style and detailing of the host building. Furthermore DES 9 seeks to preserve or enhance the character and appearance of conservation areas and states in Part (c) that alterations or extensions to unlisted buildings can, in locally appropriate situations, use modern or other atypical facing materials or innovative forms of building design.

The proposed ground and lower ground floor extension would project 3.6 metres from the rear face of the closet wing and be fully glazed on the rear and side elevations. Only the obscure glazed flat roof and shallow rear elevation of the lower ground floor infill extension alongside the closet wing would be appreciable, as the majority of the structure is contained within the existing lightwell, which is below garden level.

The infill extension at lower ground floor level is not considered to be contentious in design terms given its discreet location at the rear of the building and as it would not project significantly above the boundary wall with Douglas House. In terms of its detailed design, it would be a lightweight, predominantly glazed structure that would contrast with solid form of the original building, such that the original form of the building would remain appreciable. For these reasons the lower ground floor extension would not be visually dominant and would be in scale with the host building. Accordingly this element of the scheme would harm the appearance of the building or the character and appearance of the Maida Vale Conservation Area.

The proposed half width two storey ground and lower ground floor extension is considered to be acceptable in design terms in respect of its form, scale and detailed design. The extension proposed would be a lightweight predominantly glazed extension which would be subservient in scale and would not compete with the scale of the host building and its existing large closet wing, given that in external views it would appear as a single storey extension given the raised level of the rear garden. It is also of note in design terms that a similar contemporary addition to the rear closet wing of No.4 Maida Avenue was approved on 14 September 2010 (10/05004/FULL) and has since been built.

To the rear of the two storey extension a staircase is proposed to link the upper and lower floors of the extended dwellinghouse to the rear garden. The lightwell and staircase proposed would be of contemporary design, but given their location against the proposed two storey extension to the closet wing they would appear as a coherent and modest addition to the rear of the building. They would only be appreciable at garden level and in limited private views from the rear windows of Douglas House and as such, they would not detract from the character or appearance of the conservation area.

In summary in design terms, the proposed extensions are of acceptable design, would remain in scale with the host building and would be discreetly located such that they would not harm appearance of the building or the character and appearance of the Maida Vale Conservation Area. The proposed development would therefore be consistent with Policies S25 and S28 in the City Plan and Policies DES 1, DES 5 and DES 9 in the UDP.

### **8.3 Residential Amenity**



### 8.3.1 Daylight and Sunlight

A number of objections to the proposal have been received from residents of Douglas House which lies to the south west of the site on the grounds of loss of daylight. There is a lightwell to Douglas House at the boundary with 5 Maida Avenue which drops down to basement/ lower ground floor level. The windows within this lightwell would be vulnerable to any significant increase in height at this boundary. However, the height of the boundary will remain as existing and whilst the extension proposed at lower ground floor level would be marginally higher than the boundary wall (10cm) it would be set back behind it such that this would not result in the loss of any daylight to the windows in Douglas House at basement/ lower ground floor level. The proposed extension at upper ground floor level projecting from the rear elevation of the closet wing would be approximately 2.5 metres from the boundary with Douglas House and at this distance the upper ground floor level extension would not cause a material loss of daylight.

The proposed extensions would not cause a material loss of daylight to any other neighbouring windows and given the orientation and distance from the location of the proposed extensions, they would not result in a material loss of sunlight to any neighbouring windows.

In summary, the impact in terms of daylight and sunlight loss would not be so significant so as to warrant withholding permission and the proposals accord with Policy S29 in the City Plan and Policy ENV13 in the UDP.

### 8.3.2 Sense of Enclosure

The case officer has visited the ground floor flat (Flat 3A) within Douglas House, which has two windows facing onto the rear of the application site. This on-site assessment revealed that the two windows at upper ground floor level in this flat serve a kitchen and a bathroom. Bathrooms are not habitable rooms and therefore the impact of the development on this window is not a ground on which permission could be refused. However, the impact of the extension to the closet wing at upper ground floor level on the kitchen window would be significant and would serve to significantly increase the sense of enclosure suffered by occupier of the flat when using this room. The proposed upper ground floor extension would, by virtue of its height and projection from the existing closet wing, significantly reduce the existing view from this window beyond the closet wing. As such, the proposed upper ground floor extension is considered to be contrary to Policy S29 in the City Plan and Policy ENV13 in the UDP.

The flank elevation windows at basement/ lower ground floor level in Douglas House already look out on to the high boundary wall with the application site and the proposed extensions would not be appreciable in views from these windows. The upper floor windows, above upper ground floor level, would be sufficiently elevated so as not to suffer a materially increased sense of enclosure as they would maintain an outlook over the roof of the proposed upper ground floor extension.

In terms of impact on No.4 Maida Avenue to the north east of the site the proposed upper ground floor extension would have a modest projection along this boundary of just over 3.5 metres and would project approximately 1.2 metres in height above the existing trellis. However, it would be sufficiently distant from the rear windows of this property so as not to result in a material increase in enclosure.

### **8.3.3 Privacy**

Objections have been received on the grounds of overlooking from the flat roof of the infill extension. This seems to have been due to a misconception that this flat roof was to be used as a terrace which may have in turn been due to the addition of a balustrade in the original submission to the edge of the flat roof. This balustrade has since been removed from the drawings. The proposal does not include the use of any of the extensions flat roofs as terraces and this would be insured through a condition had the application been recommended favourably.

There are steps including a landing from the projecting extension to the garden level. Although this might afford some fleeting overlooking when occupiers use the staircase there is insufficient space for people to dwell on these stairs or landing area and therefore it is not considered sustainable to refuse the proposal on loss of privacy grounds.

The proposed extensions would not include any clear windows facing Douglas House or No.4 Maida Avenue and as such the scheme would not cause overlooking as a result of new windows. An obscure glazed fixed shut wall is proposed to the side elevation of the upper ground floor extension facing Douglas House and had the application been recommended favourably a condition would have been imposed to ensure this elevation is permanently retained as fixed obscure glazed panels. A condition would have also been recommended to require the roof of the proposed lower ground floor extension to be obscure glazed to prevent views up towards windows in Douglas House and to reduce light spill from the glazed roof.

### **8.4 Transportation/Parking**

The proposal does not raise any transportation or parking issues and the Highways Planning Manager does not raise objection to the application.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.6 Access**

The application does not propose any changes to the existing means of access to this private dwellinghouse.

### **8.7 Other UDP/Westminster Policy Considerations**

The proposal involves some excavation works, which have attracted objection on structural impact grounds. However, Building Control have confirmed that the structural works that would be necessary are appropriate for the ground conditions on this site and there is not therefore grounds to withhold permission on the basis of the structural impact of the proposals on neighbouring properties.

In terms of the application of the basement policy, CM28.1 in the City Plan, the extensions proposed at lower ground floor level would not be below the existing ground floor level of the building (in this case the lower ground floor) and would not be fully below garden level. Therefore the basement policy is not applicable in this case as the proposal comprises an extension to the lower ground floor, which would involve some modest excavation within part of the rear garden and is not a fully subterranean addition wholly below the existing ground floor and garden level.

The City Council's Arboricultural Officer has assessed the proposal and has no objection, subject to tree protection and landscaping conditions being imposed had the application been recommended for approval.

### **8.8 London Plan**

The application does not raise any strategic issues.

### **8.9 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.

### **8.10 Planning Obligations**

Planning obligations are not relevant in the determination of this application. The application is of insufficient scale to be CIL liable.

### **8.11 Environmental Impact Assessment**

The application is of insufficient scale to require an environmental impact assessment.

### **8.12 Other Matters**

None relevant.

## **9. BACKGROUND PAPERS**

1. Application form.
2. Decision letter dated 5 December 2014 and relevant application drawings.
3. Letter from the Paddington Waterways and Maida Vale Society dated 17 November 2016.
4. Email from Building Control dated 10 October 2016.
5. Memo from the Highways Planning Manager dated 17 October 2016.
6. Memo from the Arboricultural Manager dated 4 November 2016.
7. Letter from occupier of 3 Douglas House, 6 Maida Avenue dated 10 October 2016.
8. Letter from occupier of 1A, Douglas House, Maida Avenue dated 20 October 2016.
9. Letter from occupier of 4 Douglas House, 6 Maida Avenue dated 20 October 2016.
10. Letter from occupier of 9A Douglas House, 6 Maida Avenue dated 20 October 2016.
11. Letter from occupier of the Coach House, 2 Maida Avenue dated 21 October 2016.
12. Letter from occupier of 3a Douglas House, 6 Maida Avenue dated 21 October 2016.

13. Letter from occupier of 10A Douglas House, 6 Maida Avenue dated 21 October 2016.
14. Letter from occupier of 5a Douglas House, 6 Maida Avenue dated 22 October 2016.
15. Letter from occupier of 3 Stafford House, Maida Avenue dated 23 October 2016.
16. Letter from occupier of 8 Stafford House, Maida Avenue dated 23 October 2016.
17. Letter from occupier of 3 Parklands Close, Barnet dated 23 October 2016.
18. Letter from occupier of 12 Douglas House, 6 Maida Avenue dated 26 October 2016.
19. Letter from occupier of 12 Douglas House, 6 Maida Avenue dated 27 October 2016.
20. Letter from occupier of Flat 2 Stafford House, 1 Maida Avenue dated 2 November 2016.

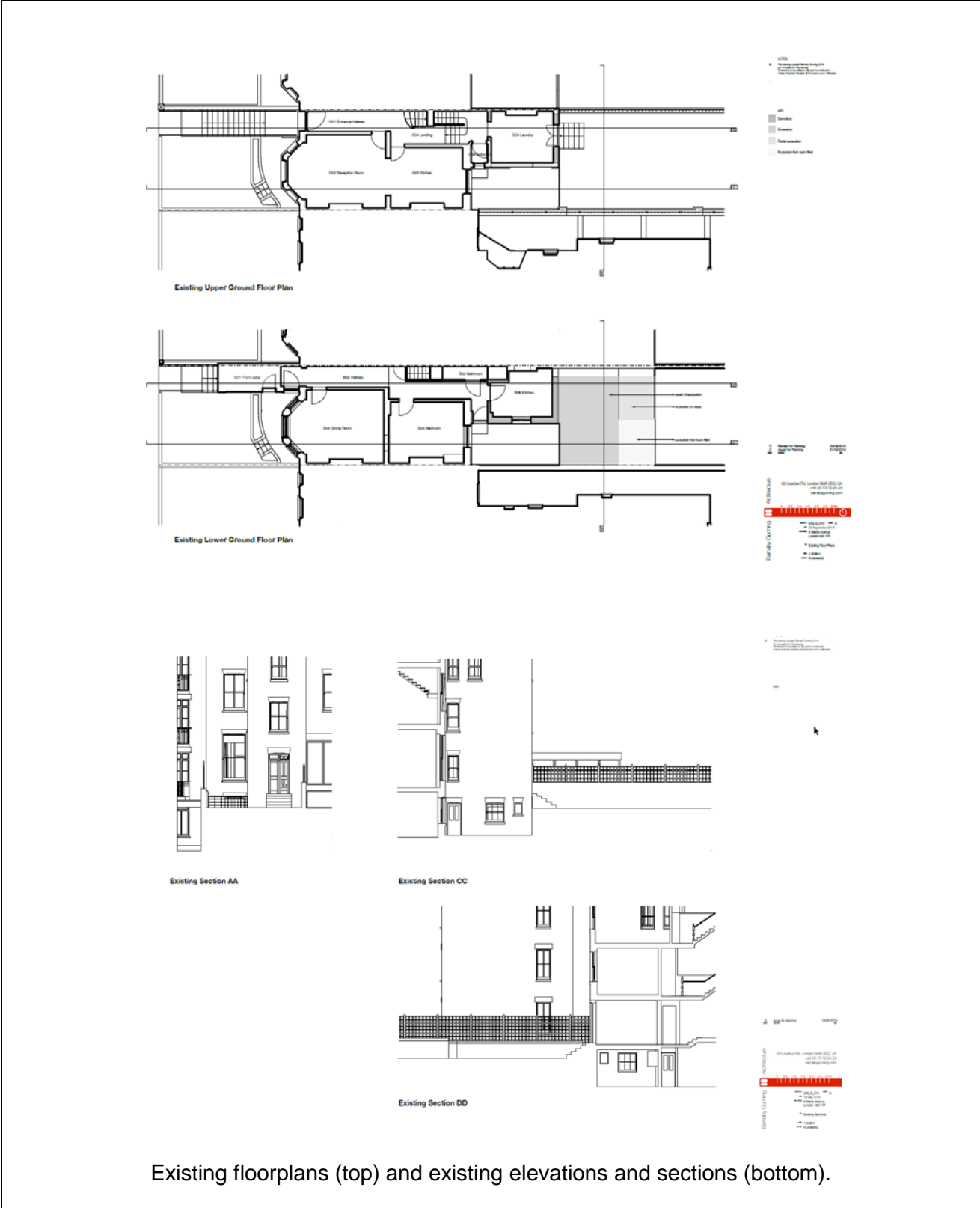
### **Selected Drawings and Documents**

Existing and proposed plans, elevations and sections.

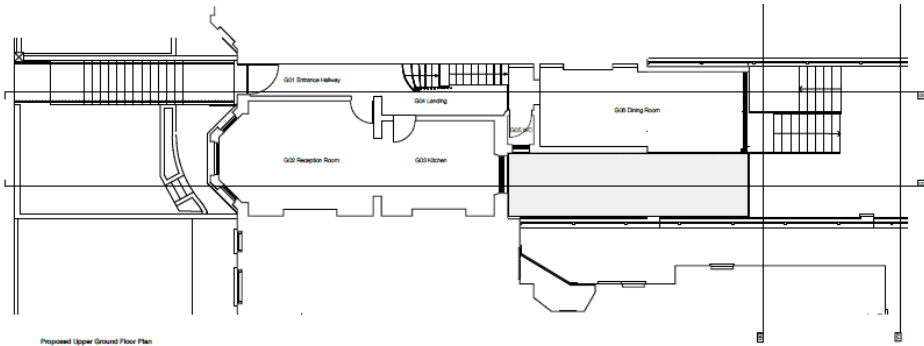
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

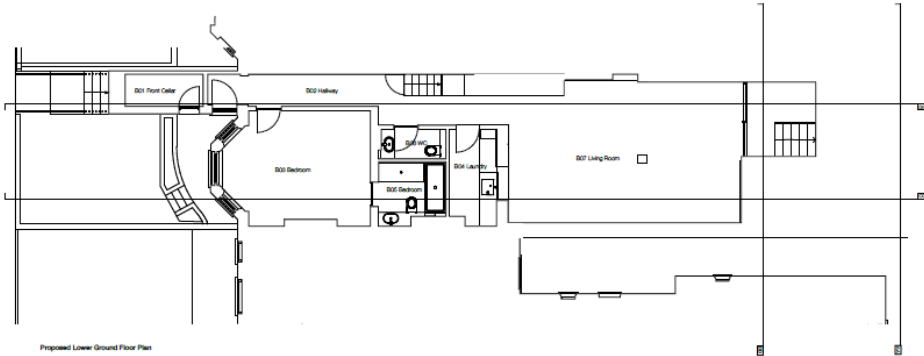
10. KEY DRAWINGS



Existing floorplans (top) and existing elevations and sections (bottom).



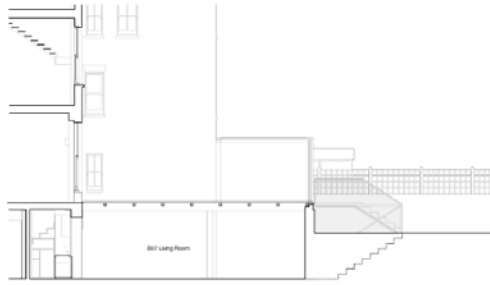
Proposed Upper Ground Floor Plan



Proposed Lower Ground Floor Plan



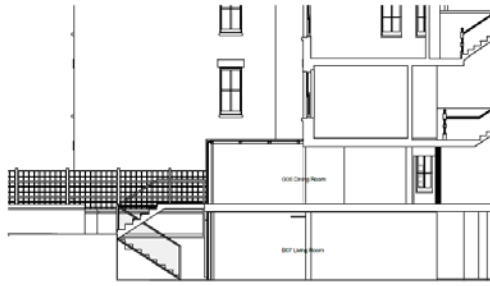
Proposed Section AA



Proposed Section CC



Proposed Southwest Elevation



Proposed Section DD

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Proposed floorplans (top) and proposed elevations and sections (bottom).

**DRAFT DECISION LETTER**

**Address:** 5 Maida Avenue, London, W2 1TF

**Proposal:** Erection of part single storey and part two storey rear extension at lower ground and ground floor levels.

**Reference:** 16/09049/FULL

**Plan Nos:** 248\_G\_010 Rev.D; 248\_G\_012 Rev.C; 248\_G\_013 Rev.C; 248\_G\_015 Rev.A;,  
248\_G\_100 Rev.D; 248\_G\_110 Rev.D; 248\_G\_111 Rev.D; 248\_G\_112 Rev.D;  
248\_G\_113 Rev.D; Structural Methodology Statement dated June 2016 (Version 3);  
Design and Access Statement dated September 2016.

**Case Officer:** Richard Langston

**Direct Tel. No.** 020 7641 7923

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

- Reason:
- 1 The two storey rear extension would make the people living Flat 3A, Douglas House feel too shut in. This is because of its bulk and height and how close it would be to the windows in that property in the north east side elevation at upper ground floor level. This would not meet S29 of Westminster's City Plan (July 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (X14BB)

**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 so far as practicable. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, 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 the applicant has been given every opportunity to submit an application which is likely to be considered favourably. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

Required amendments: Omission of the upper floor of the two storey rear extension to the rear of the existing closet wing.

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.
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