

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 19 September 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>	38 Warwick Avenue, London, W9 2PT,		
<b>Proposal</b>	Partial demolition and replacement of the front garden wall facing into Warwick Avenue, including 2no gate piers to the shared pedestrian access between No 38 and No 40 Warwick Avenue.		
<b>Agent</b>	Kilburn Nightingale Architects		
<b>On behalf of</b>	38 Warwick Avenue Limited		
<b>Registered Number</b>	17/05887/FULL and 17/05888/LBC	<b>Date amended/ completed</b>	5 July 2017
<b>Date Application Received</b>	4 July 2017		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Maida Vale		

## 1. RECOMMENDATION

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

## 2. SUMMARY

Planning permission and listed building consent are sought to demolish the existing front boundary wall and rebuild it to an increased height, with associated increase in the height of two gate piers to an access path shared by No.38 and 4 Warwick Avenue. Objections have been received from five neighbours on design and land ownership grounds and seven letters in support of the proposal have been received.

The key issues in this case are:

- The impact on the special interest of the Grade II listed buildings
- The impact of the proposal on the character and appearance of the Maida Vale Conservation Area.

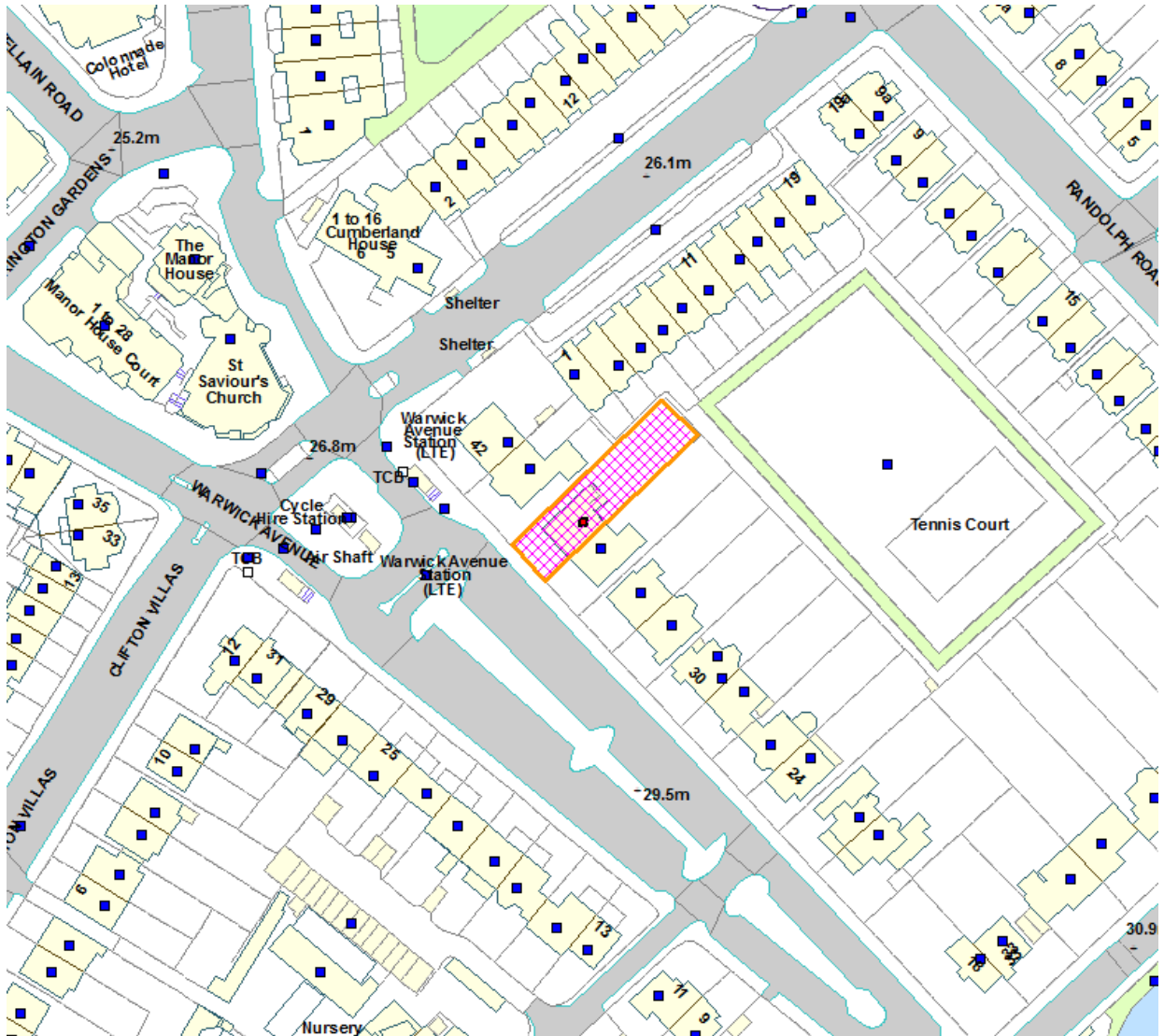
The proposed development is considered to comply with relevant policies in the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the

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City Plan). The applications are therefore recommended for approval subject to the conditions set out in the draft decision letters.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Length of wall to be replaced including two piers to the north.



Gate piers to shared access that are to be extended.



Damage to existing wall and existing wall in context with that recently approved and built at No.36 Warwick Avenue.

## 5. CONSULTATIONS

PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY  
Supportive of the application

ARBORICULTURAL MANAGER

Tree report is incomplete therefore conditions are required to ensure that the tree is protected.

HISTORIC ENGLAND

Not necessary for Historic England to be notified

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS

No. Consulted: 19

No. Responses: 5

Five emails/ letters raising objection on some or all of the following grounds:

Design

- Boundary is incorrectly shown in relation with No.40. Warwick Avenue - the pedestrian gate is in the ownership of No.40 and not No.38.
- There are no planned alterations to the gate piers at No.40.
- The proposal will result in an unsightly difference between the walls of No.38 and No.40.
- The increase in height of the piers to the pedestrian access will appear overly large in relation to the wall.
- Plans need to take into account the sloping ground level.

Other

- Boundary line assumed by No.38 is incorrect.
- Should only one pier be altered the gate piers to small pedestrian access will be at different heights and look out of proportion.

Seven emails/ letters supporting the proposal for some or all of the following reasons:

- The existing balustrade is fiberglass and the proposals will restore the wall to its original height using the appropriate materials
- The wall is in a bad state of disrepair and requires rebuilding
- Works will make the wall aesthetically pleasing
- Welcome enhancement
- Wall has deteriorated over the past 3 years and works are needed.
- Works will bring the wall to a consistent appearance with the adjacent at No.36.

ADVERTISEMENT/ SITE NOTICE

Yes.

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application site forms part of a semi-detached pair of houses located on the north-east side of Warwick Avenue. The building is a Grade II listed heritage asset located within the Maida Vale Conservation Area. Planning permission and listed building consent are sought for the demolition and re-building of the front boundary wall at a taller height.

### **6.2 Recent Relevant History**

24 October 2013 – Planning permission and listed building consent were granted for the rebuilding of the front boundary wall to No.36 Warwick Avenue. In this application the fibre glass balustrade was to be replaced with Haddon stone and it was to be rebuilt at an increased height (13/07703/FULL and 13/06388/LBC).

## **7. THE PROPOSAL**

The application proposes to increase the scale of two sections of wall and the pedestrian gate piers located to the north of the site at the boundary with No.40. The pedimented pedestrian gate will be retained as existing. The wall will be rebuilt using reconstituted stone to a detailed design which matches the existing wall and balustrade. In order to accommodate the existing lime tree it is proposed to introduce a lintel over the tree roots and the wall will be chamfered around the trunk on the internal side.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

This application does not raise any land use issues.

### **8.2 Townscape and Design**

A number of comments have been received in response to consultation on both the planning and listed building consent applications. Concerns relate, in part, to the detailed design of the balustrade, the proposed height and the relationship with the wall fronting No.40 Warwick Avenue. Comments of support consider the proposals to be an enhancement, restoring the boundary to its original height and materials.

Due to its materiality and scale the present boundary appears to be a later addition to the listed building, replacing an earlier and comparable front boundary treatment. The front boundaries to the buildings on the southern section of the street are taller in scale and are constructed in stone. The application site and the neighbouring properties to the north are notably different in terms of the height and condition of the front boundary treatment. In this context the increase in height along and the proposed step between sections is considered to be a restoration to the historic and original design. Similarly, whilst reconstituted stone is proposed (traditionally it would have been stone), this is an enhancement on the existing materiality (fibreglass balustrading) and will result in a

masonry aesthetic. Consequently the principle of demolishing and rebuilding the boundary wall to the proposed specifications is considered to enhance the special interest of the heritage asset and the character and appearance of the conservation area.

With regards to the comments received regarding the relationship with the boundary wall with No.40, it is noted that the neighbouring wall will appear lower than those in the street; however, this is the existing relationship Nos.38 and 40 already have with the rest of the street. The discordant appearance of No.40 as a result of the works occurring to No.38 is not a reason to withhold consent to restore a feature to its historical form and proportion.

One comment suggests that, in association with the site ownership concerns, that one of the shared gate piers be increased in height to respond to the increased height of the wall. As gate piers are designed to be a pair, traditionally they are the same height and therefore this approach has not been carried forward.

The proposal are considered to be in accordance with City Plan policies S25 and S28 as well as UDP policies DES 1, DES 5, DES 9 and DES 10. The works will enhance the heritage asset and will enhance the character and appearance of the conservation area. The application is therefore recommended for approval. A condition is recommended to ensure that the wall is rebuilt immediately following demolition of the existing front boundary wall.

### **8.3 Residential Amenity**

This application does not raise amenity issues.

### **8.4 Transportation/ Parking**

This application does not raise transport issues.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

### **8.6 Access**

The proposed alterations to the front boundary wall and piers would have no adverse impact on access.

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

The application has been supported by a tree report, however there is insufficient information with regards to tree protection measures and the foundations for the wall. The Tree Officer is satisfied these details can be secured by condition.

### **8.8 London Plan**

This 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.

#### **8.11 Environmental Impact Assessment**

Not relevant.

#### **8.12 Other Issues**

During the course of the application a number of comments have been received in relation to site ownership. The occupants of No.40 Warwick Avenue consider the northern pier to the north pedestrian gate to be in their ownership and not the ownership of No.38. A revised certificate of ownership has been submitted during the course of the application with the applicant now having served notice on the interested parties at No.40. This is considered to have addressed the site ownership concerns in respect of the planning application.

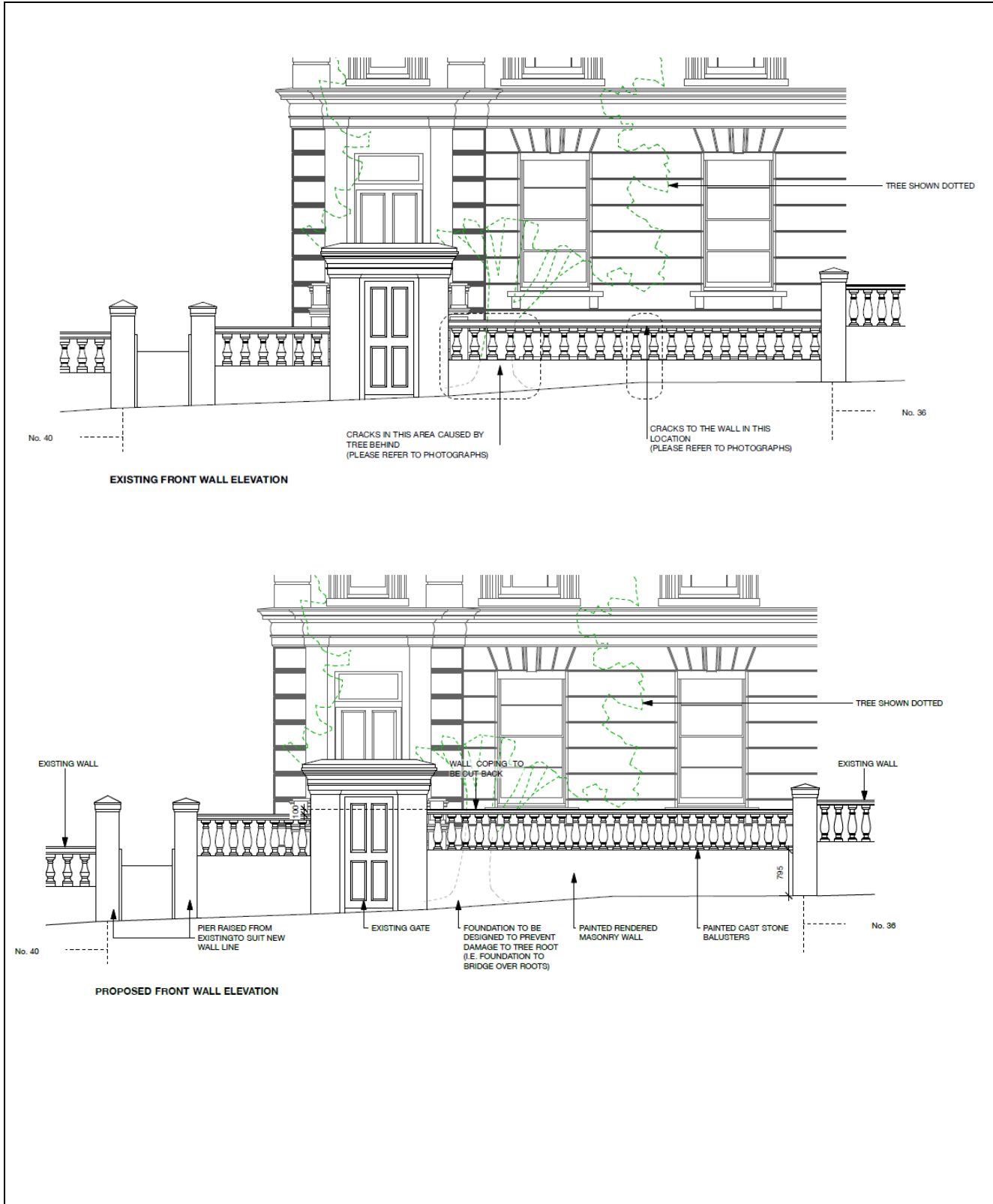
### **9. BACKGROUND PAPERS**

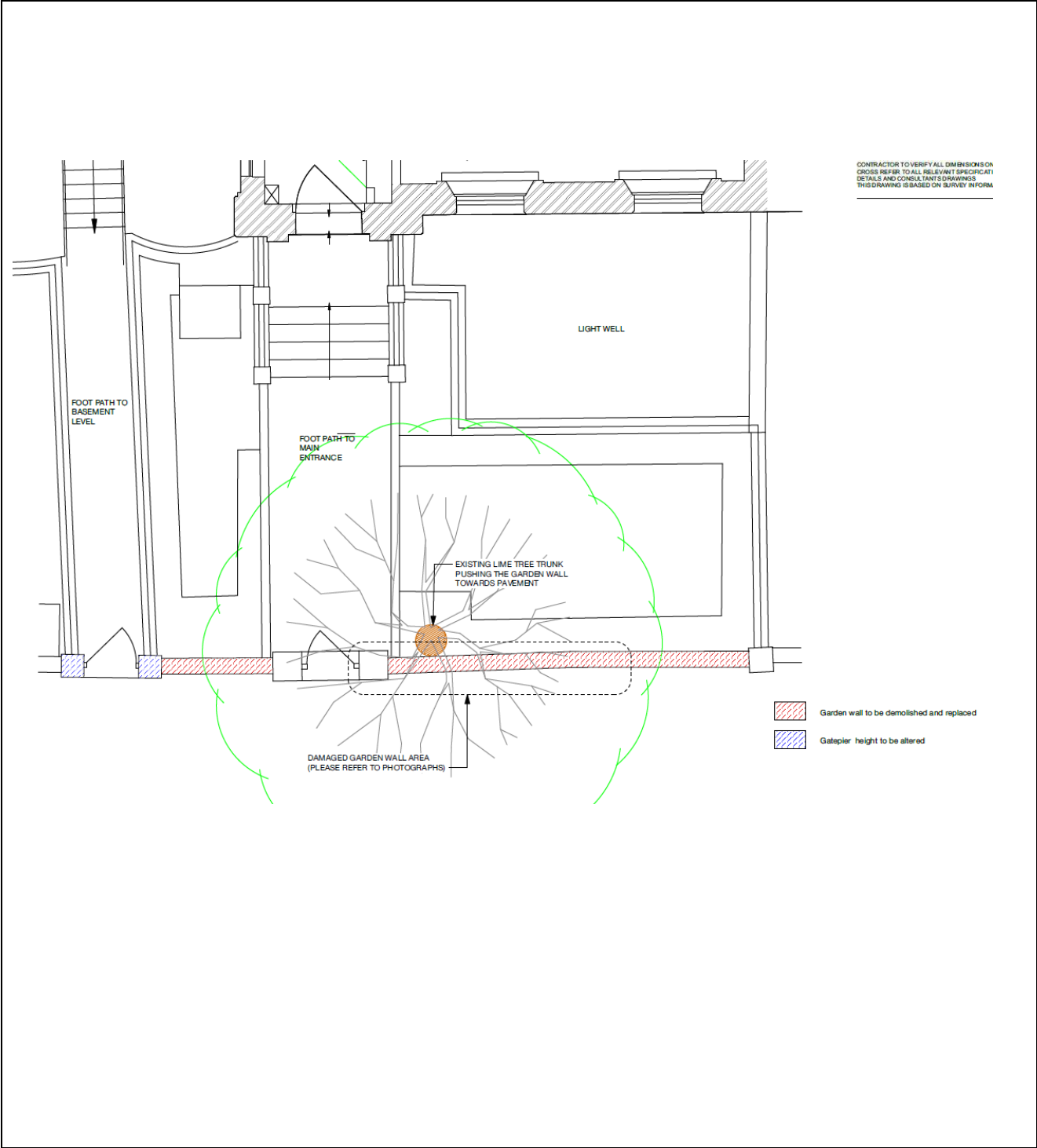
1. Application form.
2. Email from Paddington Waterways and Maida Vale Society dated 1 August 2017.
3. Letter from Historic England received 25 July 2017.
4. Memo from Tree Section dated 22 August 2017.
5. Email from owner of 36 Warwick Avenue dated 24 July 2017.
6. Email from occupier of 40A Warwick Avenue dated 1 August 2017.
7. Email from occupier of 40F Warwick Avenue dated 2 August 2017.
8. Emails from occupiers of 34 Warwick Avenue dated 2 August 2017 and 8 August 2017.
9. Email from occupier of 40E Warwick Avenue dated 2 August 2017.
10. Emails from the occupiers of Flat A, 38 Warwick Avenue, dated 2 August 2017.
11. Email from occupier of 40 Warwick Avenue dated 3 August 2017.
12. Email from occupier of 40 C Warwick Avenue dated 3 August 2017.
13. Email from occupier of 40 B Warwick Avenue dated 3 August 2017.
14. Email from occupier of 15 Heydon Road, Great Chishill dated 7 August 2017.

(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: SAM GERSTEIN BY EMAIL AT [sgerstein@westminster.gov.uk](mailto:sgerstein@westminster.gov.uk)

10. KEY DRAWINGS





**DRAFT DECISION LETTER**

**Address:** 38 Warwick Avenue, London, W9 2PT,

**Proposal:** Partial demolition and replacement of the front garden wall facing into Warwick Avenue, including two gate piers to the shared pedestrian access between No.38 and No.40 Warwick Avenue.

**Plan Nos:** 1609\_P01; 1609\_P02; 1609\_P03A; 1609\_P04A; 1609\_P05; 1609\_P06B; Design and Access Statement and Heritage Statement.

**Case Officer:** Rebecca Mason

**Direct Tel. No.** 020 7641 7540

**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 neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) 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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance 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, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 The tree protection details which you have submitted are incomplete. Notwithstanding the submitted details, you must apply to us for approval of the ways in which you will protect the trees which you are keeping. 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 what you have sent us. You must then carry out the work according to the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 5 Prior to the excavation of foundations for the wall, details of the depth, extent and means of excavation of foundations, and modifications to accommodate tree roots of 25mm or more in diameter shall be submitted to and approved by us. The foundations shall be excavated and constructed according the details we approve.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 6 Any excavation for trial holes or otherwise beneath the canopy of any trees shown to be retained on the approved plans shall be carried out by hand or by tools held in the hand. Any roots encountered of 25mm or more in diameter shall be carefully retained and protected from exposure and desiccation. Any damaged or severed roots shall be cut so that the final wound is as small as possible.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 7 The replacement front boundary wall constructed in its entirety in accordance with the drawings hereby approved immediately following the demolition of the existing front boundary wall as a single phase of works.

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance 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, DES

10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

**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, 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 Some of the trees on the site are protected by a Tree Preservation Order. You must get our permission before you do anything to them. You may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I30AA)
- 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 may want to discuss this first with our Tree Officer on 020 7641 6096 or 020 7641 2922. (I32AA)
- 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, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)

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**Plan Nos:** 1609\_P01; 1609\_P02; 1609\_P03A; 1609\_P04A; 1609\_P05; 1609\_P06B; Design and Access Statement and Heritage Statement.

**Case Officer:** Rebecca Mason

**Direct Tel. No.** 020 7641 7540

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 3 The front boundary wall shall be rebuilt in its entirety within 6 months of this consent being implemented.

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:  
S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- \* any extra work which is necessary after further assessments of the building's condition;
- \* stripping out or structural investigations; and
- \* any work needed to meet the building regulations or other forms of statutory control.

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

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (159AA)

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.