

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 30 January 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bayswater	
Subject of Report	2 Kildare Terrace, London, W2 5LX		
Proposal	Demolition of existing two storey rear extension and erection of a new rear two storey extension at lower ground and ground floor level and excavation of a basement under the house (including under the rear extension) and part of the front garden incorporating front and rear lightwells. Alterations to rear facade.		
Agent	Mr Joel Smith		
On behalf of	Lord James Bethell		
Registered Number	17/02810/FULL	Date amended/ completed	30 March 2017
Date Application Received	30 March 2017		
Historic Building Grade	Unlisted		
Conservation Area	Westbourne		

## 1. RECOMMENDATION

Subject to no new issues being raised further to the additional consultation undertaken, grant conditional permission.

## 2. SUMMARY

The application relates to a four storey, with mansard roof, end of terrace property in use as a single dwelling house, located on the east side of Kildare Terrace. The property is not listed but is located within the Westbourne Conservation Area. Permission is sought for the removal of an existing two-storey rear extension at lower ground and ground level; the erection of a new two-storey extension at lower ground and ground floor level and part single storey infill extension at lower ground floor level; the excavation of a new basement level under the house and new rear extension and part of the front garden, incorporating front and rear lightwells and associated alterations to the rear façade.

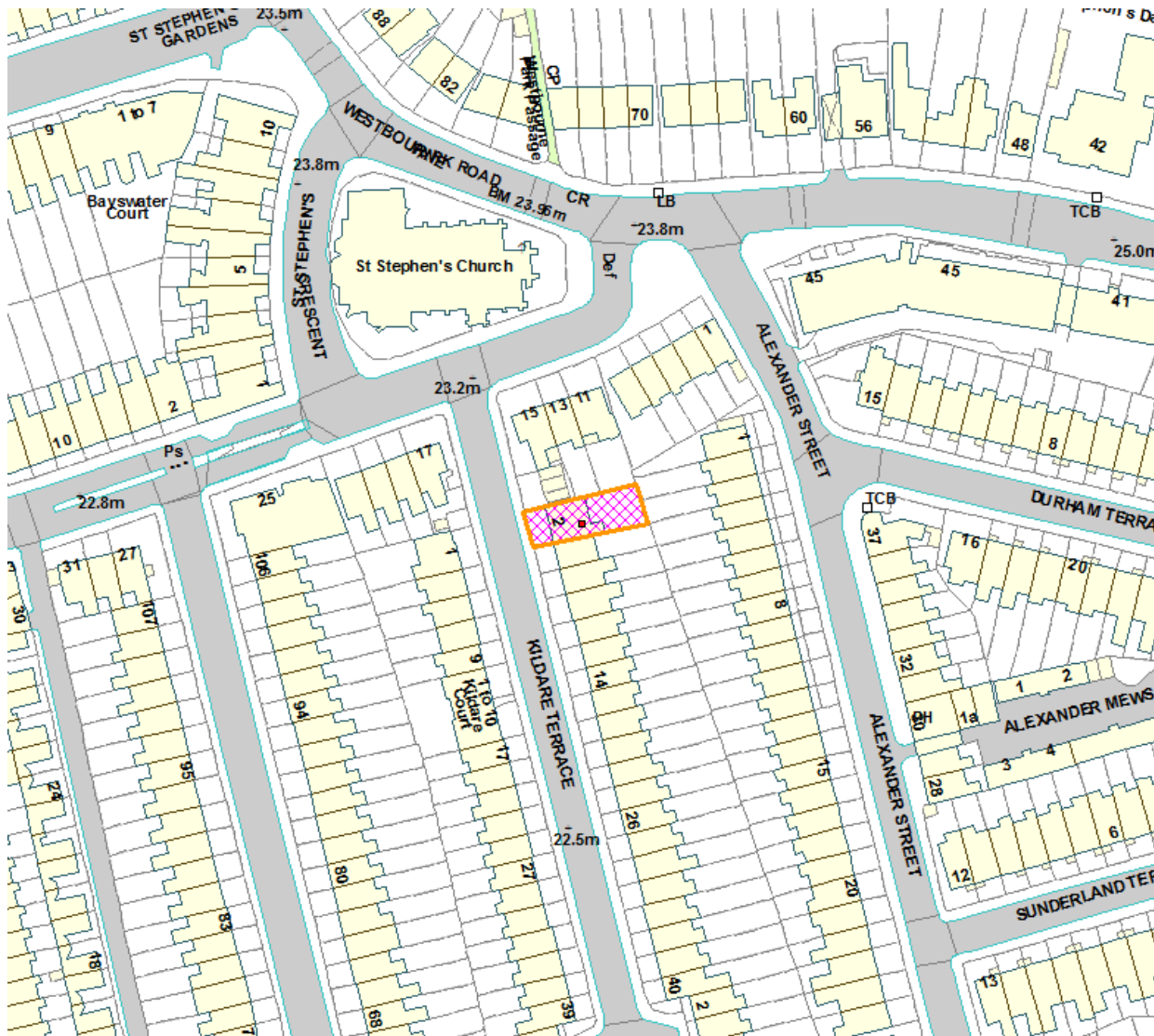
Objections have been received from neighbouring residents on the grounds of design, amenity and the impact of the development during construction.

The key issues for consideration in this case are:

- Whether the proposals preserve or enhance the character and appearance of the conservation area and building;
- Impact of the proposal on the amenity of the neighbouring residents;
- Impact of the proposals on trees; and
- Compliance with Westminster's basement policy

Despite the objections raised, and subject to appropriate conditions as set out in the draft decision letter appended to this report, the proposed development is considered to comply with the relevant policies in Westminster's City Plan adopted in November 2016 (the City Plan) and the Unitary Development Plan adopted in January 2007 (UDP). As such, the application is recommended for approval.

### 3. LOCATION PLAN



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## 4. PHOTOGRAPHS



Front elevation (top) and rear elevation (bottom)



Existing rear extension (top left); location of proposed basement extension (top right); view towards neighbouring garden of 4 Kildare Terrace (bottom)



View towards neighbouring boundary with gardens of 11 and 13 Talbot Road (top); View towards rear boundary with garden of 2 and 3 Alexander Street (bottom)

## 5. CONSULTATIONS

### Consultation on Initially Submitted Scheme – April 2017

#### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

No response to date

#### BUILDING CONTROL

No objection

#### HIGHWAYS PLANNING MANAGER

No objection

#### ARBORICULTURAL MANAGER

No objection subject to a condition requiring tree protection.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 49

Total No. of replies: 12

No. of objections: 11- (including 3 who have written in twice)

No. in support: 1

In summary, the objectors raise the following grounds:

#### Design

- The proposed rear elevation is not sympathetic to the conservation area and adjacent buildings; this objection is sustained by one of the objectors following revisions;
- Overdevelopment of the site; the property already has a mansard roof extension, an extension above the side porch and a two-storey extension at the rear;

#### Amenity

- Impact on privacy of no. 4, due to overlooking from new access platform from ground floor level to the rear garden;
- Concern that the development which is adjacent to the shared boundary would adversely affect their privacy;
- There would be light pollution from a fully glazed roof;
- The neighbour's property would look directly onto the skylight of the extended basement and sub-basement;

#### Trees

- There is Wisteria growing on the house which would be lost if the development went ahead;

#### Other

- Disruption and negative impact as a result of construction work;

- No Construction Management Plan (CMP) has been submitted, as has been required for other basement developments in the past;
- The CMP should contain all the requirements already in the CMP agreed for other basement developments on Kildare Terrace;
- Reference to other developments on Kildare Terrace and difficulties with construction and CMP;
- The Traffic Management Plan should contain the same requirements as for other basement developments on Kildare Terrace;
- If the family needs a larger house, they can move elsewhere;
- Object that the proposal is called a basement when it is a subterranean basement; the house already has a basement;
- Children play in this cul-de sac;
- The street is narrow and accessed by dust carts, ambulance and delivery lorries and is often obstructed - traffic management is difficult;
- The existing basements on Kildare terrace are already damp due to underground river;
- It is questionable how when these houses already have basements that they are allowed to build another below;
- The Council have a policy against sub-basements; it is believed that the current basement has been mis-characterised as a lower ground floor to avoid this objection;
- The development is not suitable use of the site taking into account the well-known instability of the area, as well as the possible floor risk from ground water movements and already underground waterways;
- Concern that the vibrations and underground works will cause damage to the structure of their house and nearby properties;
- The properties in the street were built in Victorian times and were not designed to withstand such levels of vibration and excavation;
- The Westbourne Waterway runs under these houses and the builders will discover that they need permanent and noisy pumps installed;
- The adjoining neighbour at no. 4 states that they did not receive a consultation letter;
- Concern about the impact of the development on the party wall;
- Neighbouring basement already shows signs of damp. Concerned that digging down to create a sub-basement might impact adversely levels in their house;
- Existing basements are prone to flooding and therefore there is a concern that the construction work would exacerbate this; and
- Drawings contain inconsistencies

A letter of support has been received from one neighbour who says that the proposed development would help ensure that larger families will continue to have a home on our street.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

**Consultation on Revised Scheme – October 2017 (Amendments comprising additional information regarding tree protection, including a tree survey; a margin of un-developed land to the new basement level set in from boundary with no. 4 Kildare Terrace; revisions to design of basement at the rear, including depth and**

**extent of light well and lower level terrace to the closet wing; simplified design of new extension; front rooflight reduced in size; and to address inconsistencies in the drawings).**

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 49  
 Total No. of replies: 0 – At the time of writing

**6. BACKGROUND INFORMATION**

**6.1 The Application Site**

The application site comprises of a four storey, with mansard roof, end of terrace property in use as a single dwelling house, located on the east side of Kildare Terrace. The property has an existing two storey rear extension at lower ground and ground floor levels. The property is not listed but is located within the Westbourne Conservation Area.

**6.2 Recent Relevant History**

91/01087/FULL  
 Construction of Roof Extension at Third Floor Level  
 Application Permitted 28 May 1991

89/04527/FULL  
 Conversion of Property into a Family Dwelling Unit and One Basement Flat and Minor Alterations to Rear Elevation  
 Application Permitted 3 October 1989

**7. THE PROPOSAL**

Permission is sought for the removal of the existing two-storey rear extension at lower ground and ground floor level, and erection of a replacement two-storey rear extension. It is also proposed to excavate a new basement floor level below the lower ground level and part of the rear garden. At lower ground floor level there is to be an infill extension adjacent to the shared boundary with the neighbouring property at 4 Kildare Terrace, which would adjoin the proposed 2-storey replacement extension.

No change of use is proposed, with the property remaining as a single dwellinghouse.

During the course of the application, several revisions have been made to address design issues and concerns raised by objectors. Provision of further details to ensure tree protection as well as to ensure that the proposal complies with the City Council's basement policy has also been submitted. The neighbouring properties have been consulted on the revisions.

**8. DETAILED CONSIDERATIONS**

**8.1 Land Use**

No change of use is proposed. The proposal results in additional residential accommodation, which is considered acceptable in land use terms and in accordance with Policy H3 of the UDP.

## 8.2 Townscape and Design

Objections to the design of the basement and rear extension have been received. The only external manifestations of the basement level are the glazed roof light in the lower ground floor rear light well and a glazed roof light in the front light well. The rear roof light has been reduced in size and is now acceptable, while the front roof light now sits centrally in front of the lower ground floor window. The front light well is not visible from the street and the external works comply with advice in the 'Basement Development in Westminster' SPD (November 2014) ("Basement SPD"). Accordingly, it is acceptable.

The proposed rear extension at basement level and ground floor level are acceptable in design terms. The new extension replaces an existing two storey element, presently brickwork on the lower storey and glazed above. The new extension projects to a lesser degree than the existing modern canted timber framed example and while the design is contemporary, it reads as a high quality and simple addition, which does not compete aggressively with the original building for attention. While the design is modern, it remains subordinate to the main building, due to its size and simple form.

The lower ground floor infill is designed in the same idiom of a contemporary aluminium framed glazed box, sitting within the L plan of the original rear closet wing. The extension has a side brick pier which reflects an existing structural element. While the design would be simplified by the omission of this element, given it's already present, it is acceptable in this instance. However, the strip of roof above the pier should be formed of traditional materials, such as lead or copper, rather than the single ply membrane proposed. This can be secured by the recommended condition.

The new rear balcony will also be contemporary and have a glazed balustrade, which will help tie the extensions together visually, without dominating the rear elevation. Initially, there was concern about the size of the light well and the extent of hard landscaping, which runs the danger of divorcing the building from the garden, which is a key part of the character of these mid 19<sup>th</sup> century suburban houses. Following revisions, the light well is now smaller, the open light well to the basement has been omitted and the steps from lower ground level would link the terrace area to the garden with stepped landscaping. This would comply with advice in the Basement SPD and is acceptable.

Subsequent to the recommended conditions, amendments and conditions, the proposals would preserve the character and appearance of the Westbourne Conservation Area and are consistent with policies S 25 and S 28 of the City Plan, policies DES 1, DES 5 and DES 9 of the UDP, as well as the Basement SPD.

## 8.3 Residential Amenity

Policy ENV13 of the UDP states that the Council will resist proposals that would result in a material loss of daylight/sunlight, particularly to dwellings, and that developments

should not result in a significant increased sense of enclosure, overlooking or cause unacceptable overshadowing. Similarly, Policy S29 of Westminster's City Plan aims to protect the amenity of residents from the effects of development.

### **8.3.1 Daylight and Sunlight**

It is not considered that the proposed works would result in a harmful impact on neighbouring amenity in terms of loss of daylight or sunlight. The most affected neighbour is the neighbour at 4 Kildare Terrace. This neighbour has an existing conservatory along the shared boundary with no. 2. The development proposed immediately adjacent to this boundary is to be an infill extension at lower ground floor level, similar in scale to the conservatory at no. 4, and a courtyard to the rear beyond the rear doors at the new basement level. The infill extension would have a mutual impact on the neighbour at no. 4 as the existing conservatory at no. 4 has on no. 2.

The proposed replacement two storey extension would be of a similar scale to the existing extension which it is to replace. It would therefore be no more harmful than the existing situation in terms of loss of light.

All other neighbouring properties are considered too far from the proposed extension to be affected by unacceptable loss of light.

### **8.3.2 Sense of Enclosure**

It is not considered that the development would have a significant impact on adjacent properties on Kildare Terrace in terms of sense of enclosure. To the rear there is existing vegetation along the shared rear boundary, with 2 and 3 Alexander Street, and the 2-storey extension to the rear will be a replacement of an existing extension of a similar scale and set away from all site boundaries. The basement extension by virtue of its subterranean location would not in itself have a harmful impact on neighbouring properties in terms of sense of enclosure.

Above ground, the infill extension adjacent to the shared boundary with the neighbouring property at 4 Kildare Terrace, which is to be single storey above ground, would be similar in scale to the existing conservatory at this neighbouring property. As this existing extension at 4 Kildare Terrace is a conservatory, and therefore glazed, including the side facing the new infill extension at 2 Kildare Terrace, the view from the conservatory towards 2 Kildare Terrace will be the flank wall of the new extension. However, the existing conservatory at 4 Kildare Terrace is unneighbourly as it includes flank windows and be unreasonable to refuse permission on this basis.

The proposed replacement two-storey extension is to be of a similar scale as that which it is replacing, and therefore this element of the proposal would not be unduly harmful on the residential amenities of neighbouring properties in terms of sense of enclosure then the existing situation.

The proposed extensions would not result in a significant increase in sense of enclosure for the occupants of neighbouring sites. All other neighbouring properties are considered too far from the proposed extension to be affected by unacceptable increases in sense of enclosure.

### 8.3.3 Privacy

The existing two-storey extension has steps at the rear from upper ground floor level to garden level, adjacent to a rear bay feature. The proposed replacement extension no longer has a bay feature, and has a flush rear wall instead, half of which is glazed when viewed from the rear elevation. The new glazed element is to have doors opening out onto a platform, akin to a balcony, with steps leading down to garden level, similar to the existing situation. An objection has been received with regard to the use of this platform/balcony as a terrace, which may result in noise and disturbance. However, the depth of this platform/ balcony is approximately 1.0m and it is set over 3.0m away from the shared boundary with no. 4. Due to its small depth, it is unlikely to be an area which would provide the opportunity for people to stand out on for long, and is more a requirement for stepping out to level access to then go down the steps to garden level. The flank elevation of the extension, facing 4 Kildare Terrace would be entirely glazed and could provide access onto the roof of the infill extension. To safeguard the amenity of the residents at 4 Kildare Terrace, conditions are recommended requiring the flank elevation to be obscure glazed and preventing use of the roofs of the extensions as terraces.

Given the above, the proposed development would not result in unacceptable harm to the privacy for neighbouring properties.

### 8.3.3 Light spillage

There has been an objection with regard to light spillage from the fully glazed roof to the infill extension adjacent to the boundary with no. 4 Kildare Terrace. The extent of the glazing on the roof has since been reduced since this representation was received and the neighbour has been consulted on the revisions. In any case, as no. 4 has an existing fully glazed conservatory immediately adjacent to where this is site, it is considered that this would result in mutual impact between these two properties and therefore does not warrant alteration or refusal.

Overall, and subject to the recommended conditions, the proposals would not result in unacceptable light loss, loss of privacy or significantly increased sense of enclosure or loss of privacy. Accordingly, the proposal accords with policy ENV13 of the UDP and S29 of the City Plan.

### 8.4 Transportation/Parking

The proposed extensions, including basement extension would not protrude under the highway. The proposal also does not represent an increase in residential units or loss of parking and is therefore not contrary to UDP policy TRANS23. As there is no increase in the number of units, there is no requirement for cycle parking provision on site. The development is therefore acceptable in highways terms.

### 8.5 Economic Considerations

There are no economic considerations applicable for a development of this size

## 8.6 Access

The proposals would not alter the existing access to this private dwellinghouse.

## 8.7 Other UDP/Westminster Policy Considerations

### 8.7.1 Basement Development

The amended proposals are considered to be in accordance with policy CM28.1 of the City Plan (November 2016) for the reasons set out below:

#### *Part A. 1-4*

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 statement prepared by an appropriately qualified structural engineer. These documents have been reviewed by Building Control Officer who advises that the structural methodology proposed is appropriate for the ground conditions found on this site. The basement would be located within an impermeable clay layer and the site investigation showed no presence of water in the borehole. Accordingly, there would be no impact from the development on groundwater flow. An objection has been received suggesting that a geotechnical ground water survey should be carried out to assess the situation before the work is undertaken. Any such further requirements, and as appropriate would be required as part of a building regulations application. At this stage, the applicant has provided sufficient details of ground investigation to satisfy the requirements of the basement policy, and the building control officer is satisfied with the findings.

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.

The information submitted within the Structural Engineer's Methodology Statement includes assessment on flood risk and also on ground movement. It demonstrates that flood risk would not be exacerbated in this location, which has a low risk, is not in an area susceptible to surface water flooding and is not identified within the Basement SPD as being within a surface floor risk hotspot.

#### *Part A. 5 & 6*

Objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement and general disturbance associated with construction activity. 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.

Concerns have also been raised in relation to another basement development within the street in the past and the impact at the time of construction. The City Council adopted its CoCP at the end of July 2016 and if permission is granted, the applicants will be required to comply with the CoCP. This is a fundamental shift in the way the construction impacts

of developments are dealt with relative to the position prior to July 2016. Previously conditions were attached to planning permissions requiring Construction Management Plans to help protect the amenity of neighbours during construction. The new CoCP expressly seeks to move away from enforcement via the planning system. It recognises that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these. The Environmental Inspectorate has been resourced in both numbers and expertise to take complete control over the monitoring of construction impacts.

The CoCP strongly encourages early discussions between developers and those neighbouring the development site. It notes that this should be carried out after planning permission is granted and throughout the construction process. By providing neighbours with information about the progress of a project, telling them in good time about when works with the potential to cause disruption will take place and being approachable and responsive to those with comments or complaints will often help soothe the development process.

The concerns of the neighbouring residents are at the heart of why the City Council has adopted its new Policy in relation to basements (CM28.1) and created the new CoCP. While the comments from the neighbours are noted, it is considered that the CoCP will adequately ensure that the development is undertaken in such a manner as to ensure that the impact is mitigated as far as possible.

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. 1&2*

The application is accompanied by a tree report, and during the course of the application, a tree survey and further details have been submitted with regards to tree protection during construction works. There are several trees in close proximity which would be affected by construction works. However, the Arboricultural Manager is satisfied that the details submitted indicate that the proposal would not have an adverse impact on the Root Protection Area of trees, subject to a condition requiring full details of tree protection measures prior to commencement of works as standard.

One objector comments on the loss of Wisteria at the front of the property as a result of the development. As this is a vine, rather than a tree, it is not protected and an objection on this basis would not be sustainable.

#### *Part B. 3*

Natural ventilation to the basement level would be provided via the associated lightwell at the front of the property.

#### *Part B. 4 & 7*

The only external manifestations of the basement would be the rooflight to the rear and lightwell to the front, which are not considered to have a significant impact in terms of

sustainable urban drainage. The element of the basement which is not subterranean is set in from the boundaries, including a set in of 0.5m from the side boundary with no. 4 Kildare Terrace at the rear, to provide drainage.

*Part B. 5&6*

The proposals are considered to be discreet and will not negatively impact on the conservation area (see also Section 8.2 of this report).

*Part C. 1*

The proposed basement does not extend under more than 50% of this garden area. A margin of undeveloped garden land is retained around the proposed basement where it is not located beneath the above ground buildings. This part of the policy is therefore considered to have been met. This margin is not expected at the front where it is an extension below the existing front lightwell.

*Part C. 2*

With the exception of the lightwell and rooflights proposed, the proposed basement is below above ground buildings. Accordingly, the 1.2 m soil depth is not required.

*Part C. 3*

This part of the policy states that the proposed basement extension should not involve the excavation of more than one storey below the lowest original floor level. In this case, there is an existing 'lower ground floor' which may also be considered to be a basement level. However, this is the 'lowest original floor level', and only a single basement is proposed below this 'lowest original floor level, which is considered acceptable and in accordance with this part of the policy.

*Part D*

The basement does not extend under the highway; therefore, this part of the policy does not apply in this case.

## **8.8 London Plan**

This application raises no 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**

The development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). Based on the applicant's floor space figures, the estimated CIL payment would be £48960.00 for Westminster's CIL (£50 per square metre; Residential Core Area), and £6120.00 for the Mayor's CIL (£50 per square metre in Zone 1). It should be noted though that this amount is provisional and may be subject to relief or exemptions that may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

### 8.11 Environmental Impact Assessment

The proposed development is of insufficient scale to require the provision of an Environmental Impact Assessment

### 8.12 Other Issues

The concerns raised by objectors are largely addressed above. However, the following is also noted.

The submission of a Construction Management Plan is no longer required for planning applications as this will form part of the Code of Construction Practice. These details are required to be submitted to the Environmental Sciences Team after planning permission has been granted. However, a signed draft version of the proforma Appendix A Checklist B (from the Code of Construction Practice) is required, and has been with this application. This has been discussed further in section 8.7.1 of this report.

As the existing basement level is the original lowest level of the property, the basement policy allows an additional storey below this, as explained in section 8.7.1 of this report.

Any Party Wall matters are a civil matter and are not a planning consideration. As the development is proposed to be along a party wall, the applicant will be required to ensure development is carried out with regard to Party Wall legislation.

Since the original plans have been submitted for this application, there have been several revisions, in particular to do with the design of the development. The neighbours have been consulted on these revisions. The final revisions are considered to be accurate.

## 9. BACKGROUND PAPERS

1. Application form
2. Response from Highways Planning - Development Planning, dated 10 April 2017
3. Response from Arboricultural Section - Development Planning, dated 29 April 2017, 27 June 2017 and 17 October 2017
4. Response from Building Control - Development Planning, dated 22 June 2017
5. Letter from occupier of 22 Kildare Terrace, London, dated 10 April 2017 and 7 December 2017
6. Letter from occupier of 18 Kildare Terrace, London, dated 24 April 2017 and 4 December 2017
7. Letter from occupier of 35 Kildare Terrace, London, dated 25 April 2017
8. Letter from occupier of 6 Kildare Terrace, London, dated 26 April 2017
9. Letter from occupier of 3 Alexander Street, London, dated 28 April 2017
10. Letter from occupier of 4 Kildare Terrace, London, dated 3 May 2017
11. Letter from occupier of 14 Kildare Terrace, London, dated 4 May 2017 and 13 December 2017
12. Letter from occupier of 2b Kildare Terrace, London, dated 21 June 2017
13. Letter from occupier of 34A Kildare Terrace, London, dated 2 December 2017

Item No.
<b>2</b>

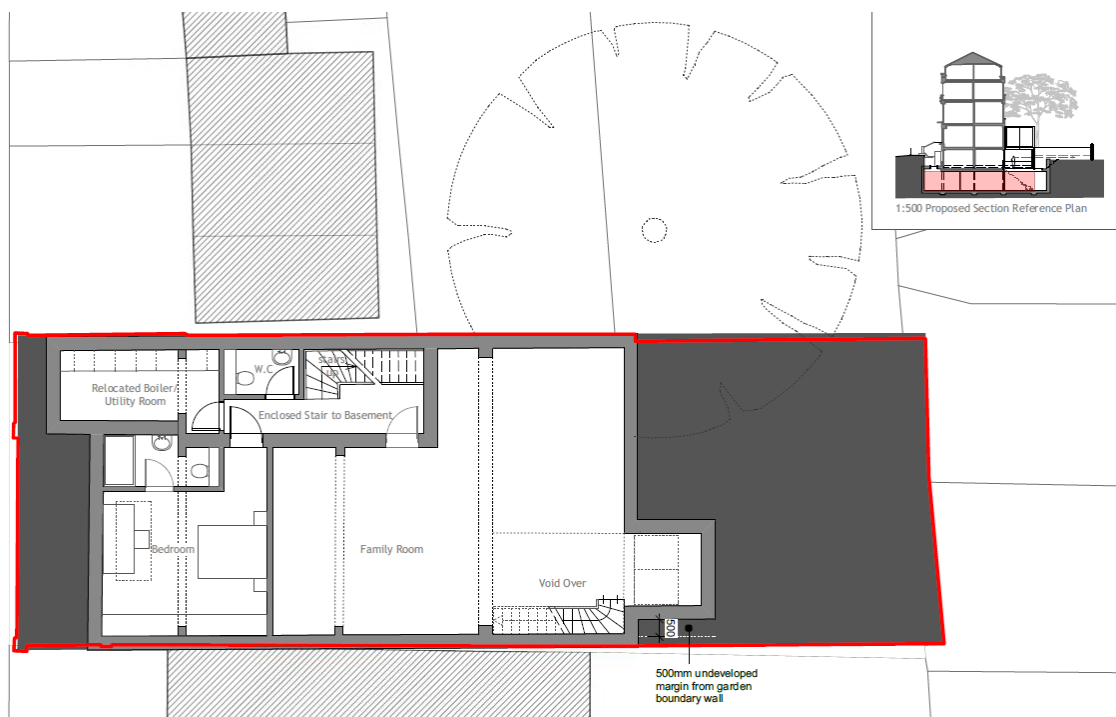
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT <a href="mailto:kdavies1@westminster.gov.uk">kdavies1@westminster.gov.uk</a>
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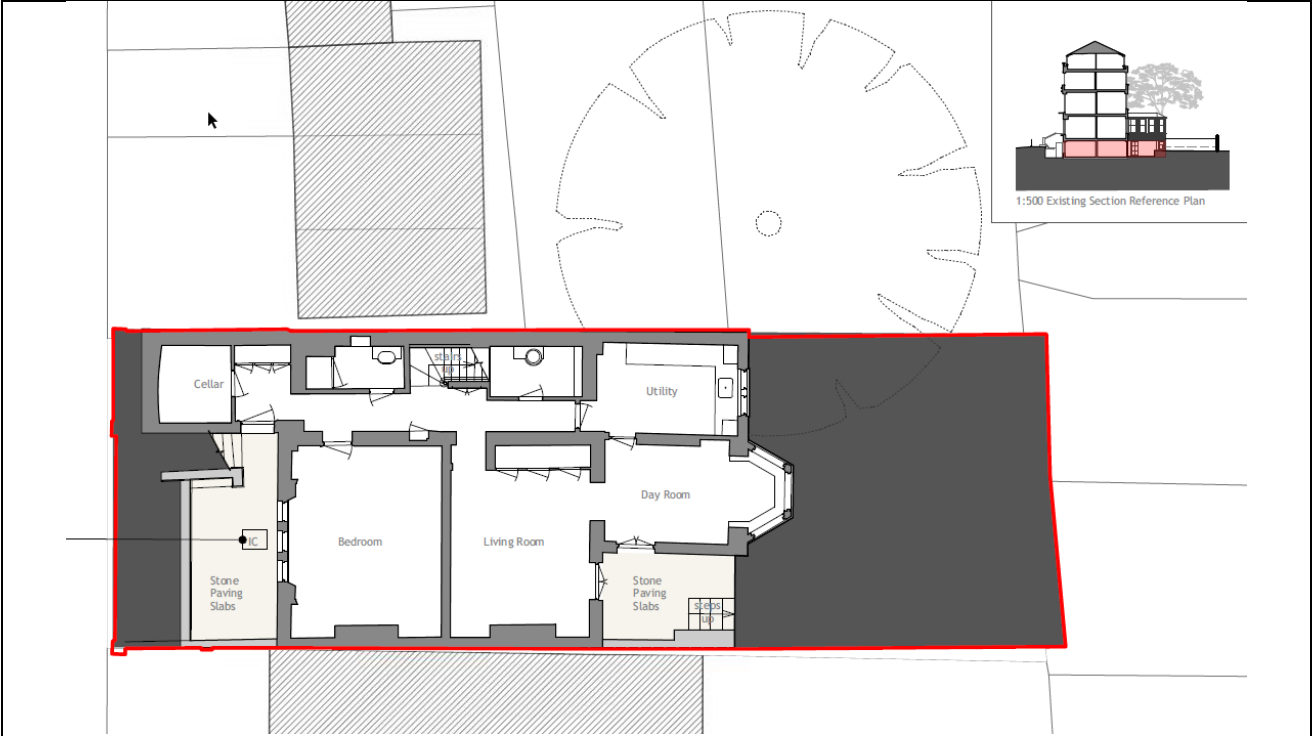
## 10. KEY DRAWINGS



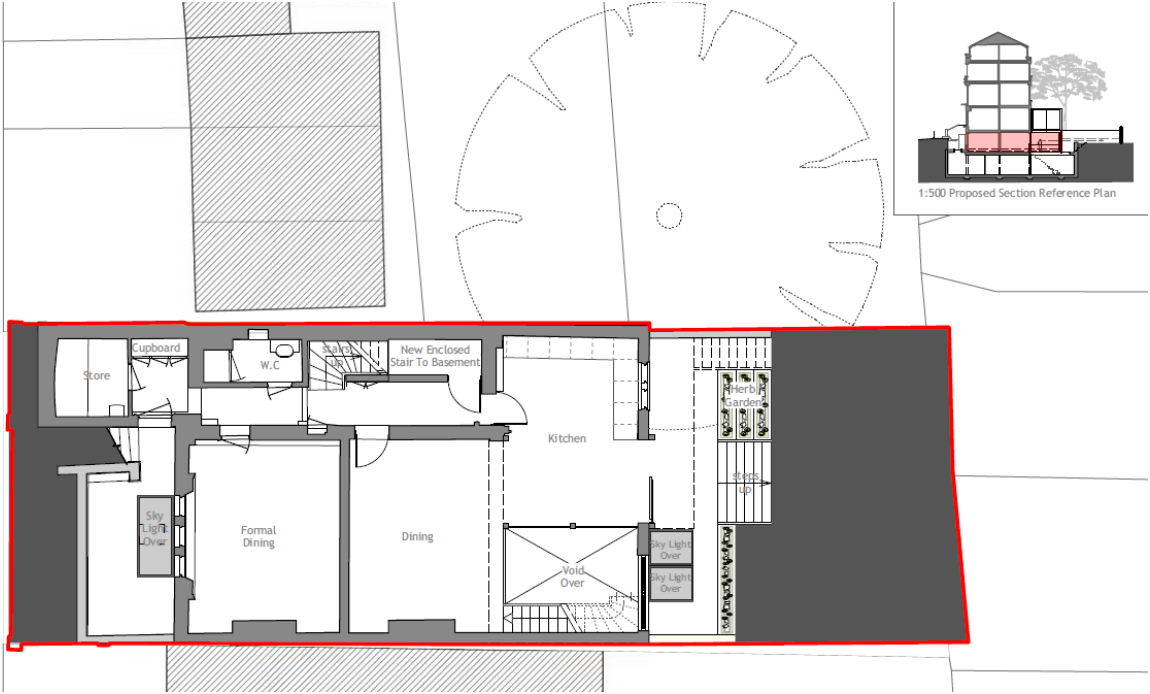
Proposed visualisation



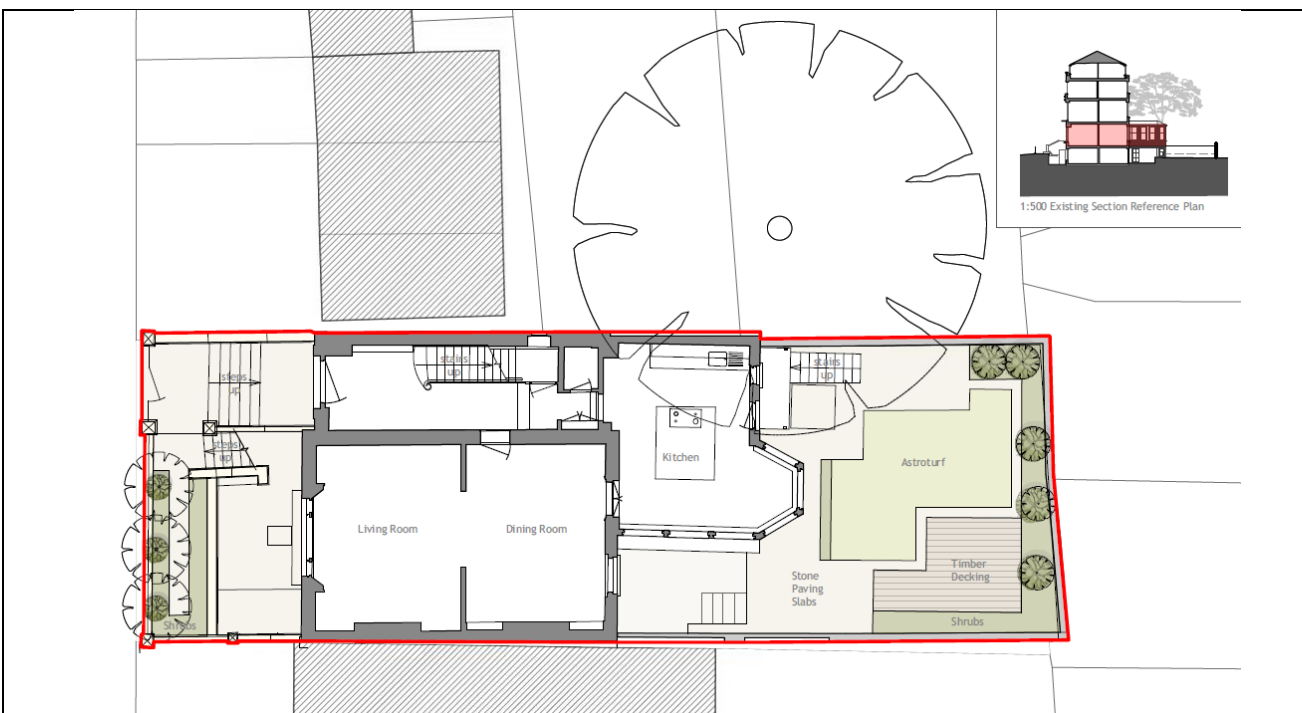
Proposed basement floor



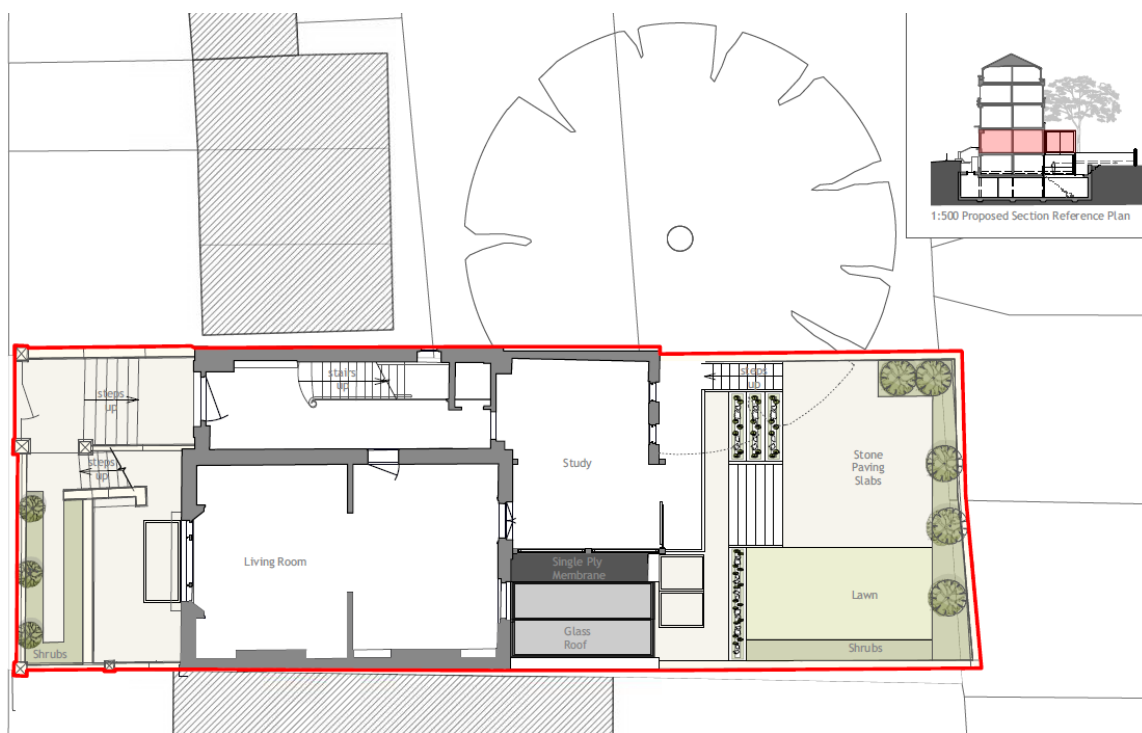
Existing lower ground floor plan



Proposed lower ground floor plan



Existing upper ground floor plan



Proposed upper ground floor plan



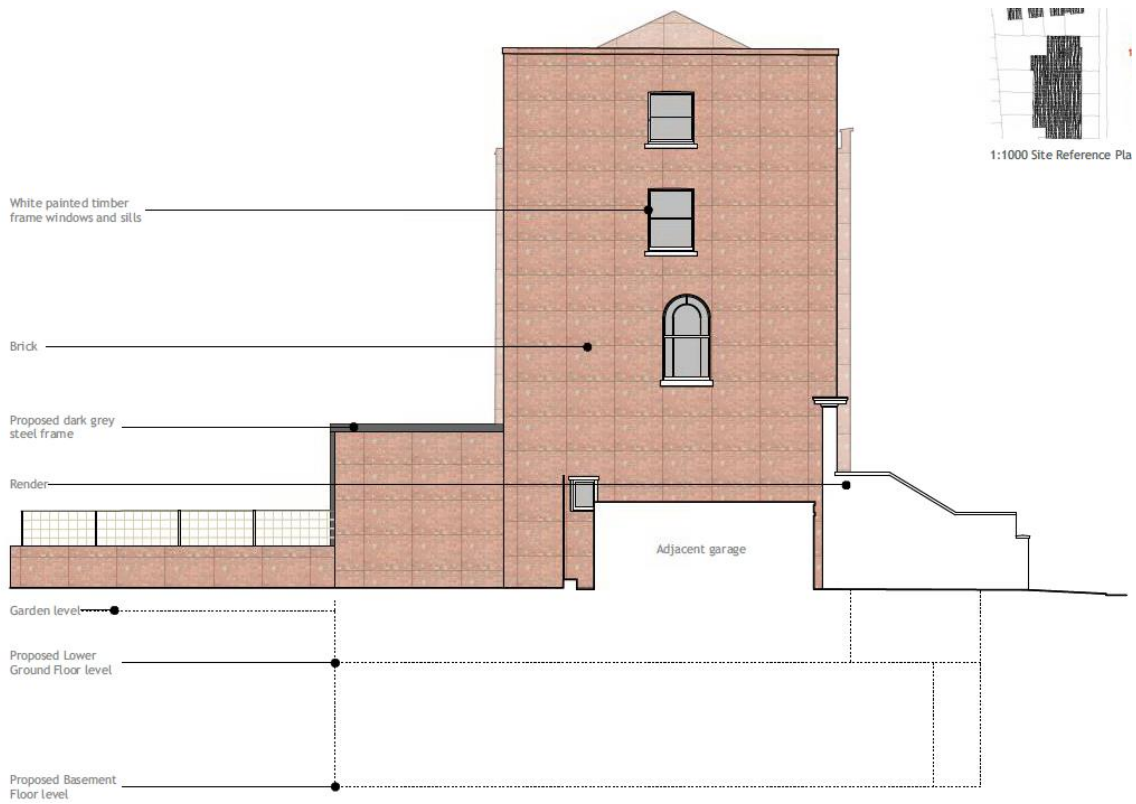
Existing front elevation



Proposed front elevation



Existing section (north elevation)



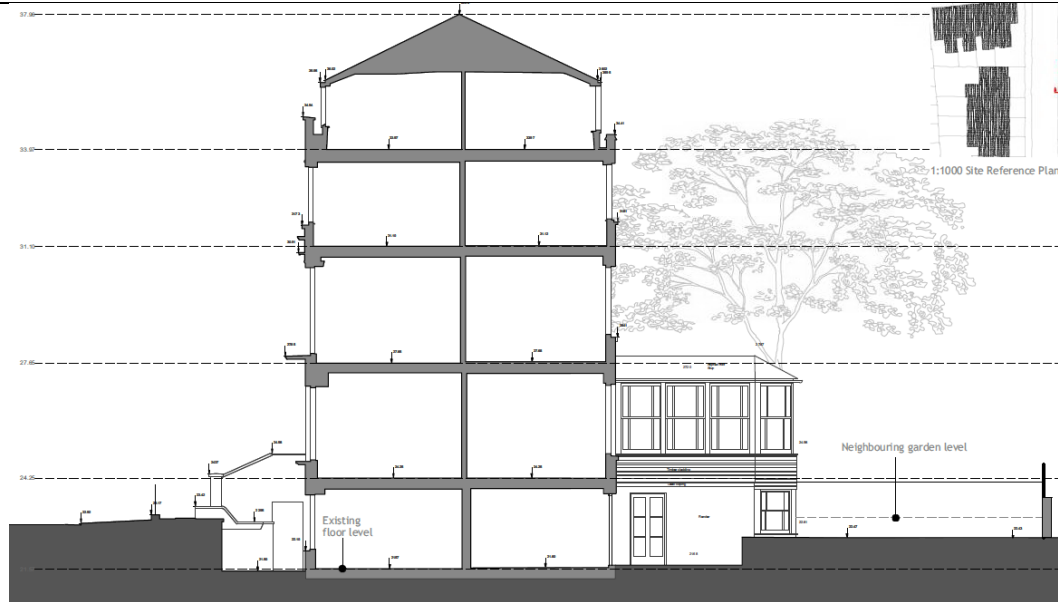
Proposed section (north elevation)



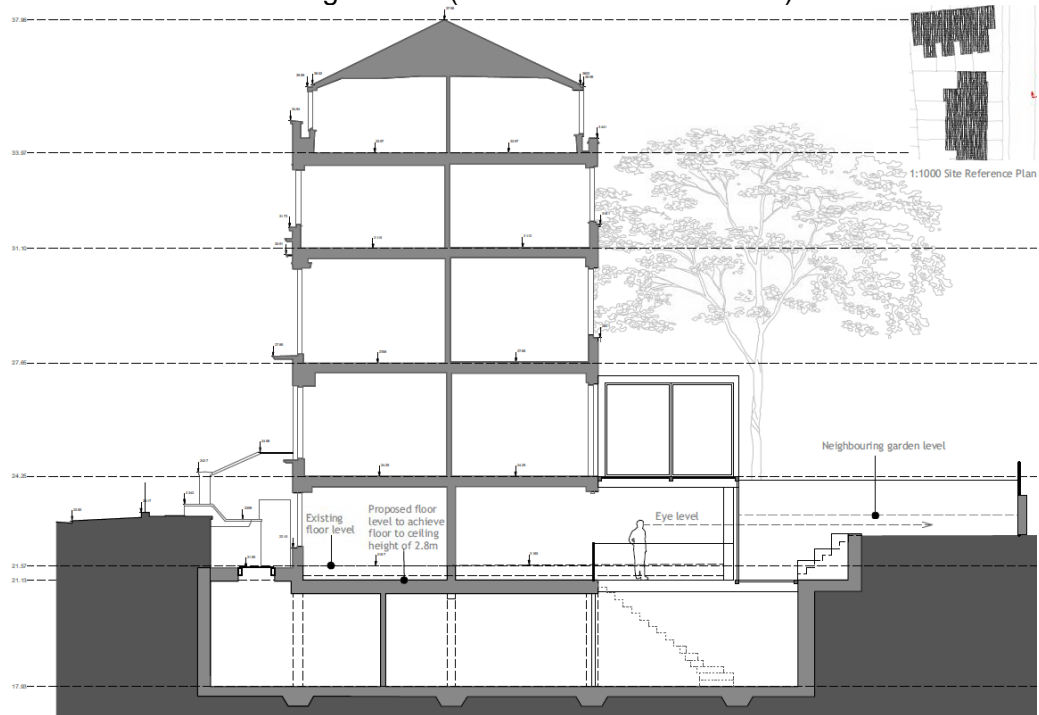
Existing rear elevation



Proposed rear elevation



Existing section (as viewed from the south)



Proposed section (as viewed from the south)

**DRAFT DECISION LETTER**

**Address:** 2 Kildare Terrace, London, W2 5LX

**Proposal:** Demolition of existing two storey rear extension and erection of a new rear two storey extension at lower ground and ground floor level and excavation of a basement under the house (including under the rear extension) and part of the front garden incorporating front and rear lightwells. Alterations to rear facade.

**Reference:** 17/02810/FULL

**Plan Nos:** 1703-A-SP-01; 1703-A-PL-01; 1703-A-PL-02; 1703-A-PL-03; 1703-A-PL-04; 1703-A-PL-05; 1703-A-PL-06; 1703-A-PL-07; 1703-A-PL-08; 1703-A-PL-09; 1703-A-PL-10 Rev C; 1703-A-PL-11 Rev D; 1703-A-PL-12 Rev C; 11703-A-PL-13 Rev C; 1703-A-PL-14 Rev C; 1703-A-PL-15 Rev A; 1703-A-PL-16 Rev A; 1703-A-PL-17 Rev A; 1703-A-PL-18; 11703-A-PL-19; 1703-A-PL-20 Rev A; 703-A-PL-30; Arboricultural Method Statement by Arbtech dated 21 March 2017; Arbtech AIA & TPP 01; Tree Survey by CMS Architects Ltd dated 10 June 2016 (with associated list of affected trees); Arbtech TCP01, , For Information Only: Arbtech signage for Tree Protection Area; Structural Engineer's Methodology Statement by Axiom Structures dated 28.03.2017; Axiom Structures Appendix A - Scheme Drawings Sequence Drawings; Axiom Structures Appendix B - Scheme Calculations; Axiom Structures Appendix C Extracts from Soils Report; Appendix A Checklists (Checklist B: Code of Construction Practice- Basement); Design & Access Statement,

**Case Officer:** Avani Raven

**Direct Tel. No.** 020 7641 2857

**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
- 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 You must apply to us for approval of detailed drawings, showing the following alteration(s) to the scheme: the roof materials to be formed of lead or copper instead of single ply membrane. These details shall be accompanied by a sample. 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. (C26UB)

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 Westbourne 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 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. 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 using the approved materials. (C26BC)

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 Westbourne Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 4 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26DD)

- 5 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence 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 a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

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.

- 6 **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 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)

- 7 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

**Reason:**

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 8 The glass that you put in the first floor in the side (south) elevation of the extension must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

**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)

**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 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)

- 3 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team  
Environmental Health Service  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 4 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, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 5 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.
- 6 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil)

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that

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has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

*<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>*

Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk)

**Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

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.