

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 17 April 2018	Classification For General Release	
Report of Director of Planning		Ward involved Warwick	
Subject of Report	43 Warwick Way, London, SW1V 1QS.		
Proposal	Erection of a two storey rear extension at lower-ground and ground floor levels and replacement shopfront.		
Agent	UAO Architects		
On behalf of	Underwood London Limited		
Registered Number	17/08682/FULL	Date amended/ completed	4 October 2017
Date Application Received	28 September 2017		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

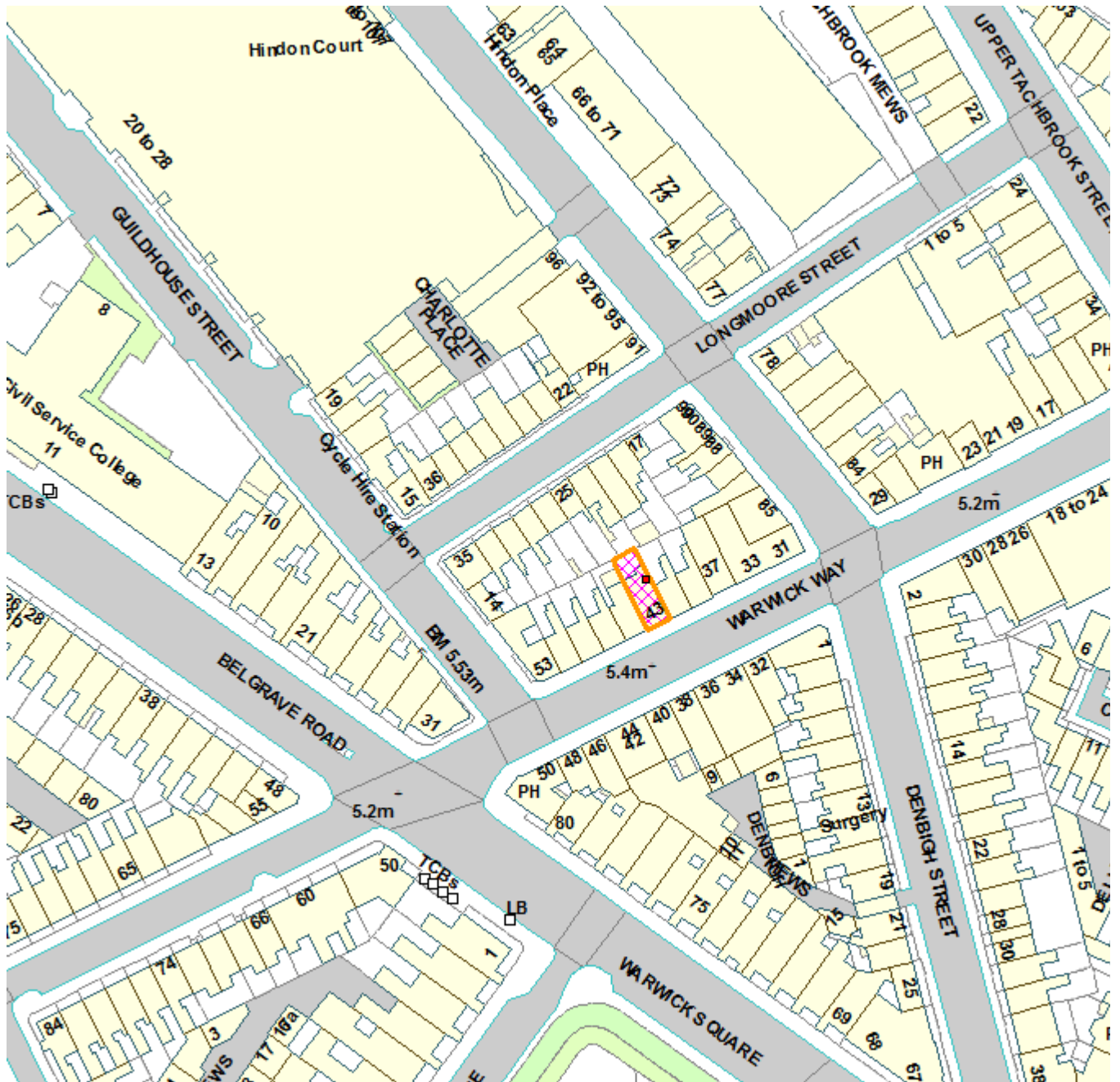
43 Warwick Way is an unlisted property located within the Pimlico Conservation Area. The lower ground and ground floor levels are currently in use as a delicatessen (Class A1), with residential (Class C3) on the upper floors. Permission is sought for a two storey rear extension at lower-ground and ground floor levels and replacement shopfront in connection with the retail use.

The key issues are:

- *Impact upon the appearance of the building;
- *Impact upon the character and appearance of the Pimlico Conservation Area;
- *Impact on neighbouring amenity.

The proposed development is considered to be acceptable in land use, design and amenity terms and would accord with policies within the Unitary Development Plan (UDP) and Westminster's City Plan (City Plan). As such, it is recommended that conditional planning permission is granted.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

CLLR NICKIE AIKEN

- The proposal will have a detrimental impact on the amenity of the residents living behind the application site at 25, 23, 21 and 19 Longmoore Street.
- Proposed extension too large and not of an appropriate design and use for the area.
- Inappropriate to have a window at rear ground floor level, directly in front of existing bedroom windows. Even if the windows are frosted, they may be opened during warm weather.
- Permitting the opening up of the lower-ground floor into a public space is likely to cause noise nuisance to neighbouring properties.

CLLR JACQUI WILKINSON

- The proposals involve reducing the garden/back area of 43 Warwick Road, bringing development closer to the residential properties on Longmoore Street. Given that the property is in use as a shop/cafe, which is busy throughout the day, this will have serious implications on amenity.
- If granted the proposals would set a disturbing precedence for similar applications in Pimlico.

WESTMINSTER SOCIETY

No objection.

TREE SECTION

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 8

Total No. of replies: 2

No. of objections: 2

Objections have been received from the residents of 23 and 25 Longmoore Street on the following grounds:

DESIGN

The design of the extensions is inappropriate and would take up too much garden land.

AMENITY

- The proposed extension would dominate the back of 23 Longmoore Street, reducing privacy and the peaceful enjoyment of the garden.
- The proposed windows, whilst frosted, could be opened for ventilation resulting in a direct line of sight into the bedrooms of 23 Longmoore Street. A skylight would be a better alternative.
- The lower-ground floor is not currently a public space, opening it up would result in increased noise affecting adjacent properties.
- The proposals may harm the trees in adjacent gardens that provide a pleasing environment and privacy.

OTHER

- There is currently a cooling unit attached to the rear elevation of the application building. No information is included about its relocation; anything bigger or closer would create both noise and air pollution affecting adjacent properties.
- Concern that any associated excavation would damage the roots of the tree in the garden at 25 Longmoore Street.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION**6.1 The Application Site**

43 Warwick Way is an unlisted building located within the Pimlico Conservation Area. The building comprises lower ground floor, ground floor and two upper floors. The building backs onto Longmoore Street to the north. The lower ground and ground floor levels are currently in use as a delicatessen (Class A1), with two residential flats (Class C3) on the upper floors

6.2 Recent Relevant History**43 Warwick Way**

14 December 2001 – Planning permission refused on design grounds for the erection of single storey rear extension at first floor level in connection with use as a single flat. (01/07498/FULL)

2 September 2005 – Planning permission granted for the conversion of the first floor and second floor into a one self-contained two-bedroom residential flat. (05/04732/FULL)

47 Warwick Way

29 June 2006 – Planning permission granted for the extension at rear ground and lower ground floors and alterations to extract duct in connection with use as a bakery (Class A1). (06/02336/FULL)

7. THE PROPOSAL

Planning permission is sought for a replacement shopfront and erection of a full width two storey extension at rear lower ground and ground floor levels in association with the existing retail unit (Class A1).

8. DETAILED CONSIDERATIONS**8.1 Land Use**

The unit is currently occupied by a Portuguese delicatessen "Delicias de Portugal". The lawful use of the unit is considered to be retail (Class A1).

City Plan Policy S21 states that existing Class A1 retail will be protected throughout Westminster. This approach will ensure that the needs of customers and retailers across the city are met through retention of shops and overall amount of retail floorspace.

City Plan Policy S10 recognises the predominantly residential nature of Pimlico, and "Village" character with associated local uses and the sense of small-scale shops and services. Stating that the area will be primarily for residential use with supporting retail, social and community and local arts and cultural provision.

The proposals would increase the amount of Class A1 floorspace from approx. 104.7sqm to 131.8sqm. The retail unit would remain small in scale comparable to similar uses along Warwick Way. The increase in retail floorspace would support the surrounding residential accommodation. Accordingly, the proposals are considered to be in line with City Plan Policies S21 and S10.

8.2 Townscape and Design

Objections to the design of the proposed rear extension have been received in relation to the size and massing and the amount of garden ground it would take up.

The footprint of the extension has been kept in line with the neighbouring property and in terms of scale and height is very similar to a number of other rear extensions in the immediate vicinity, including those at nos. 45 and 47 Warwick Way. Indeed, the extension at No. 47 was granted in June 2006 (06/02336/FULL) and the City Council's policies regarding rear extensions have not changed since that time.

The City Councils design policies concerning rear extensions are clear and it is considered that the current proposals accord with the required conditions under UDP policy DES 5, Section A:

(A) Permission will generally be granted for development involving the extension or alteration of buildings in the following circumstances:

- 1) where it is confined to the rear of the existing building
- 2) where it does not visually dominate the existing building
- 3) if it is in scale with the existing building and its immediate surroundings
- 4) if its design reflects the style and details of the existing building
- 5) if the use of external materials is consistent with that of the existing building
- 6) where any necessary equipment, plant, pipework, ducting or other apparatus is enclosed within the external building envelope, if reasonably practicable.

The proposals would occupy a greater part of the rear yard area to this property and DES 5 (B) does identify this as a possible reason for refusing permission. However, the property is in commercial use and this space is not used as private amenity space. Furthermore, the pattern of development of adjoining properties has been to substantially infill these rear spaces. Accordingly, it is not considered sustainable to refuse the proposals for this reason.

The proposals are in accordance with UDP policies DES 1, DES 5 and DES 9 and City Plan policies S25 and S28.

8.3 Residential Amenity

Policies S29 of the City Plan and ENV13 of the UDP seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

Objections have been received from two local ward Councillors and the residential occupiers of 23 and 25 Longmoore Street directly behind the site. Objections have been raised on grounds that the proposed extension is too large, that it would increase noise disturbance and reduce the privacy of the surrounding residential properties

The proposed rear extension would project further into the rear yard area by approx. 3.2m at lower-ground and ground floor levels. The footprint of the extension has been kept in line with the existing extension on the adjoining No.45 Warwick Way. The scale and massing of the proposal is comparable to a number of extensions in the immediate vicinity. The resulting relationship between the application site and surrounding properties is similar to those found throughout the city. It is considered that the proposals would not lead to an increase in enclosure or loss of light sufficient to justify refusing permission.

Following officer advice, the applicant has removed obscure glazed windows originally proposed at rear ground floor level and replaced with roof lights above. The applicant has also substituted the concertina windows at rear lower ground floor level for a single window and door, to minimise disturbance from internal noise.

Conditions are also recommended to ensure that the roof of the extension is not used for sitting out and that the rear yard area is not to be used by customers. These amendments and conditions will ensure there will not be an unacceptable loss of privacy or increase in noise to neighbouring occupiers.

The proposals are considered to accord with policies S29 and ENV13.

8.4 Transportation/Parking

The modest enlargement to the existing retail use would not have a material impact on traffic generation or on-street parking pressure in the area.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The replacement shopfront and entrance will allow for level access into the premises. Accessible WC facilities are introduced at ground floor level.

8.7 Other UDP/Westminster Policy Considerations

Trees

A neighbouring residential occupier objects on the grounds that excavation associated with the proposed extension would damage the roots of the tree in their garden.

The applicant has submitted a tree survey, which records one cherry laurel (T1) and one rowan (T2) in adjacent gardens. The circular root protection area of the rowan overlaps the boundary with 43 Warwick Avenue by a very small amount and it is unlikely that any significant roots from this tree will be affected. The circular root protection area of the laurel overlaps a greater area of the rear yard of 43 Warwick Avenue. Taking into consideration the size and type of species, the Councils Tree Officer considers that works would not have a detrimental effect on the laurel.

The extension will occupy most of the rear yard area. The yard is currently concreted over and as such the proposals will have a negligible impact on biodiversity.

Refuse /Recycling

No information has been supplied in relation to refuse and recycling storage. A condition is recommended to ensure that details of how waste is going to be stored on site is provided prior to occupation of the use.

Plant

No plant machinery is proposed under this application. If the applicant requires plant in connection with the use, this will need to be the subject of a further planning application.

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

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

8.11 Environmental Impact Assessment

Environmental Impact Assessment is not required for a scheme of this size.

8.12 Other Issues

None.

9. BACKGROUND PAPERS

1. Application form
2. Letter from Cllr Nickie Aiken, dated 30 October 2017
3. Letter from Cllr Jacqui Wilkinson, dated 2 November 2017
4. Response from Westminster Society, dated 12 October 2017
5. Response from Tree Section, dated 27 March 2018
6. Letter from occupier of 25 Longmoore Street, dated 20 October 2017
7. Letter from occupier of 23 Longmoore Street, dated 21 October 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: VINCENT NALLY BY EMAIL AT vnally@westminster.gov.uk

10. KEY DRAWINGS

Existing Front Elevation



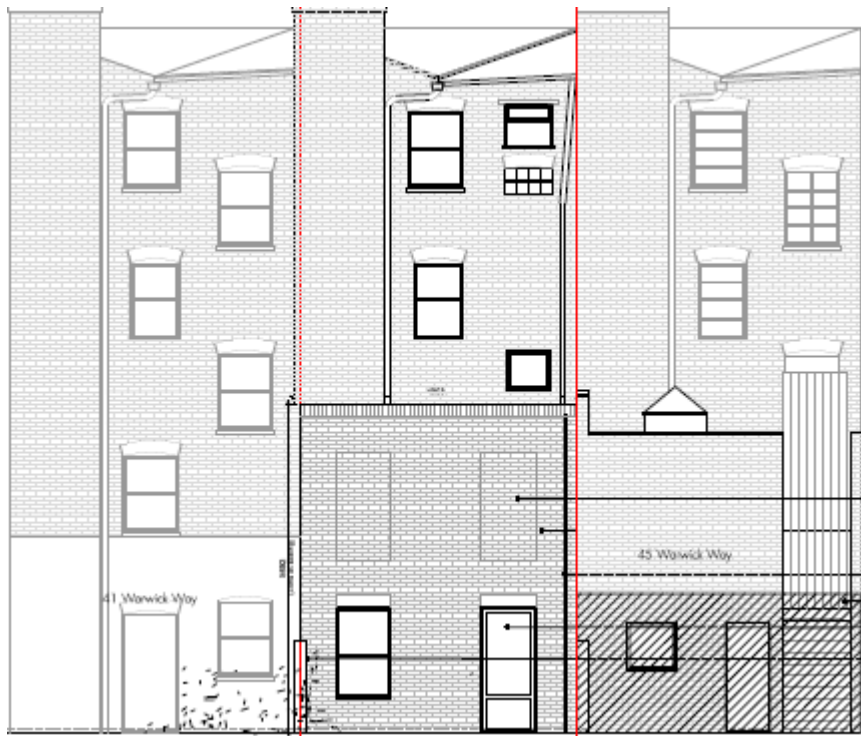
Proposed Front Elevation



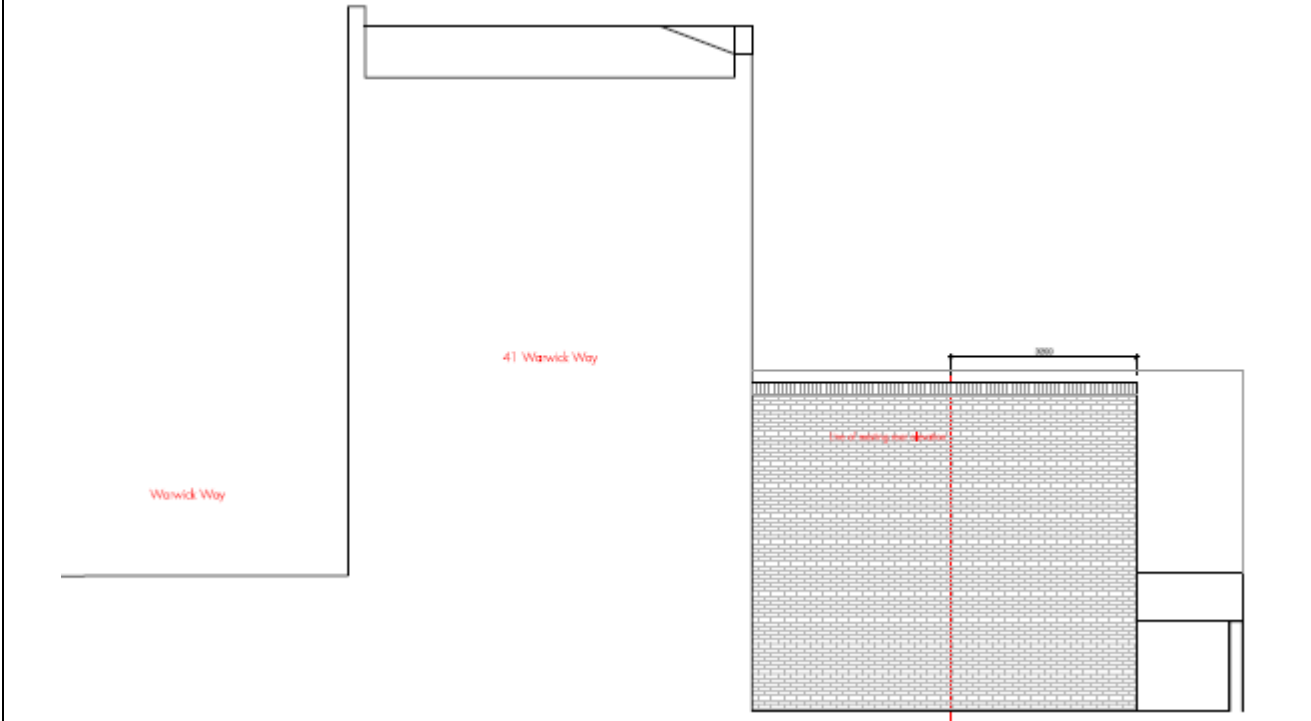
Existing Rear Elevation



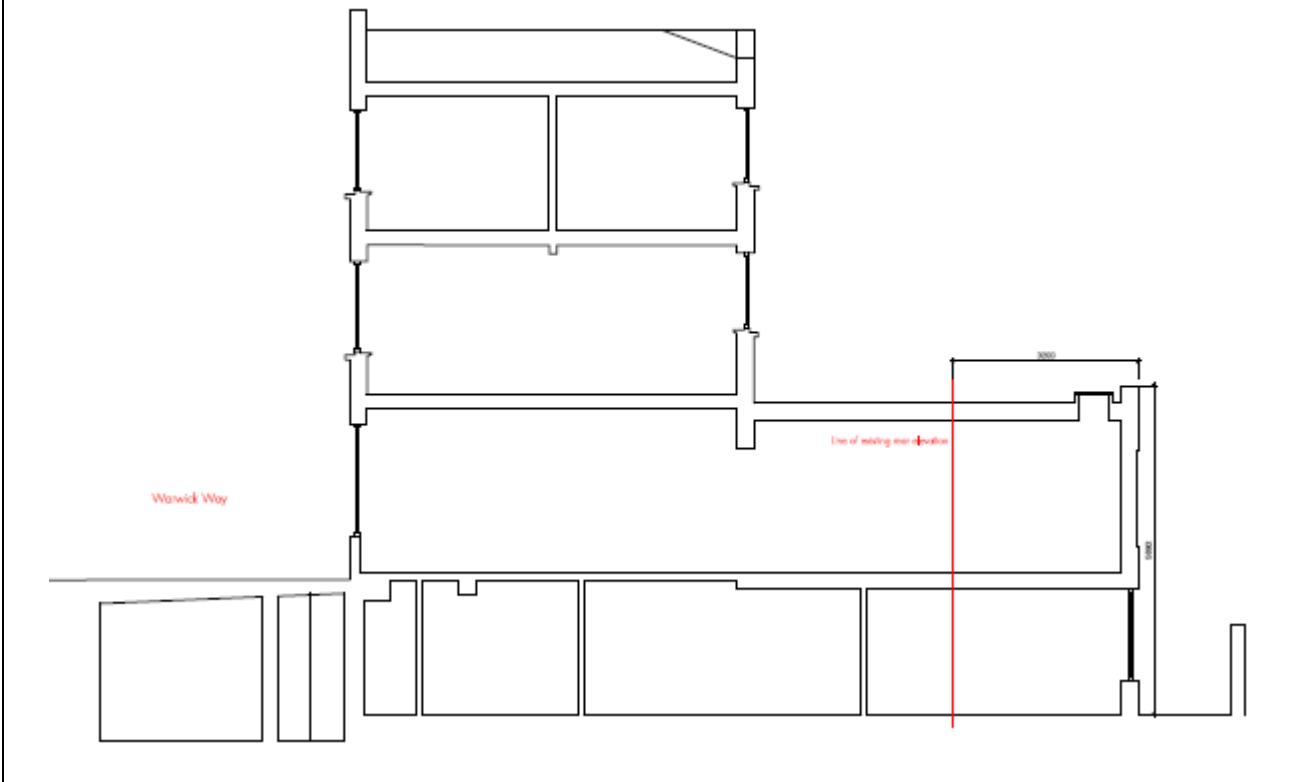
Proposed Rear Elevation



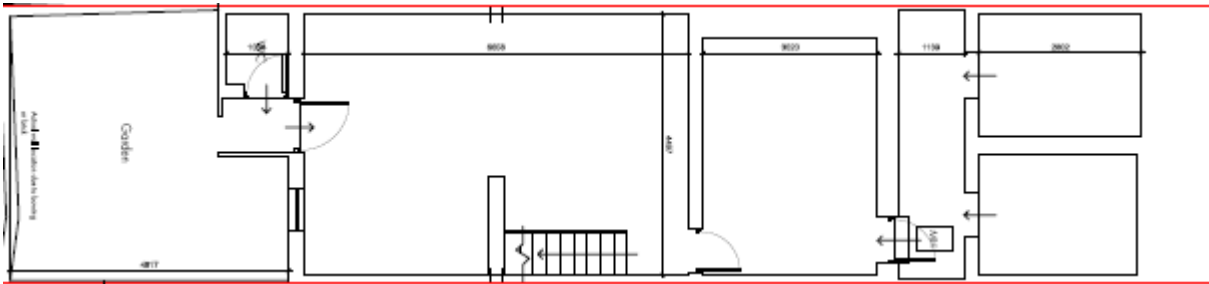
Proposed Side Elevation



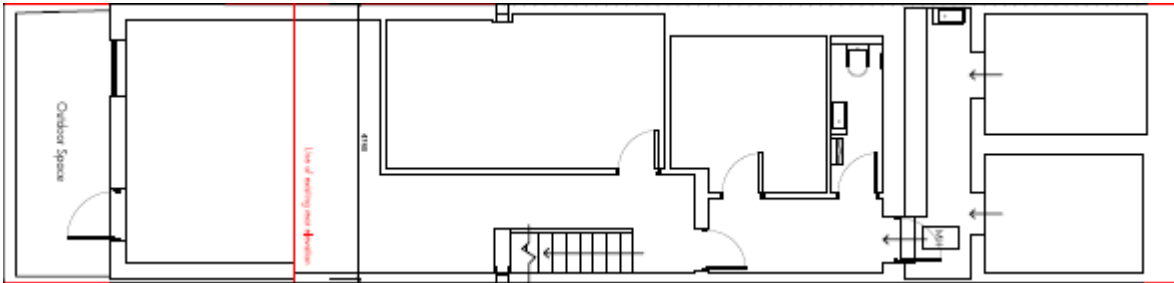
Proposed Section



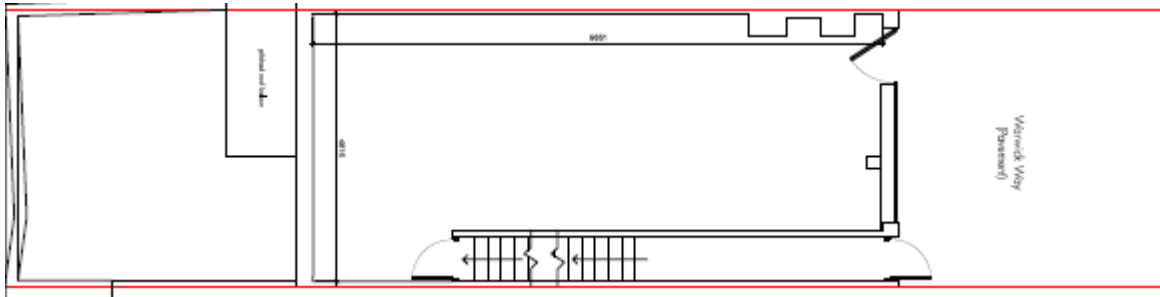
Existing Lower Ground Plan



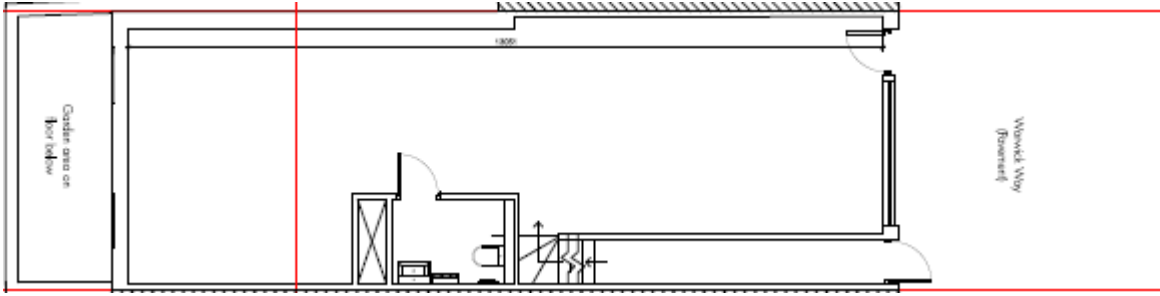
Proposed Lower Ground Plan



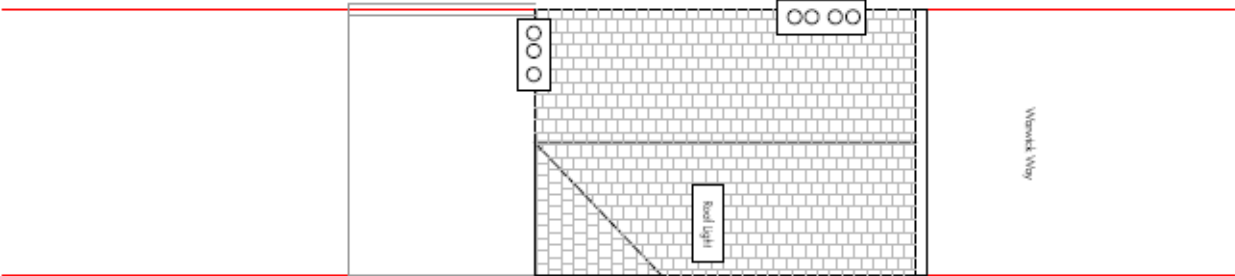
Existing Ground Plan



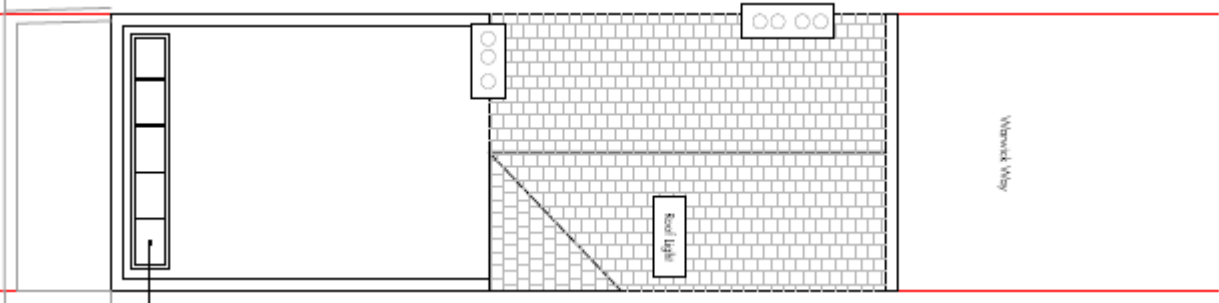
Proposed Ground Plan



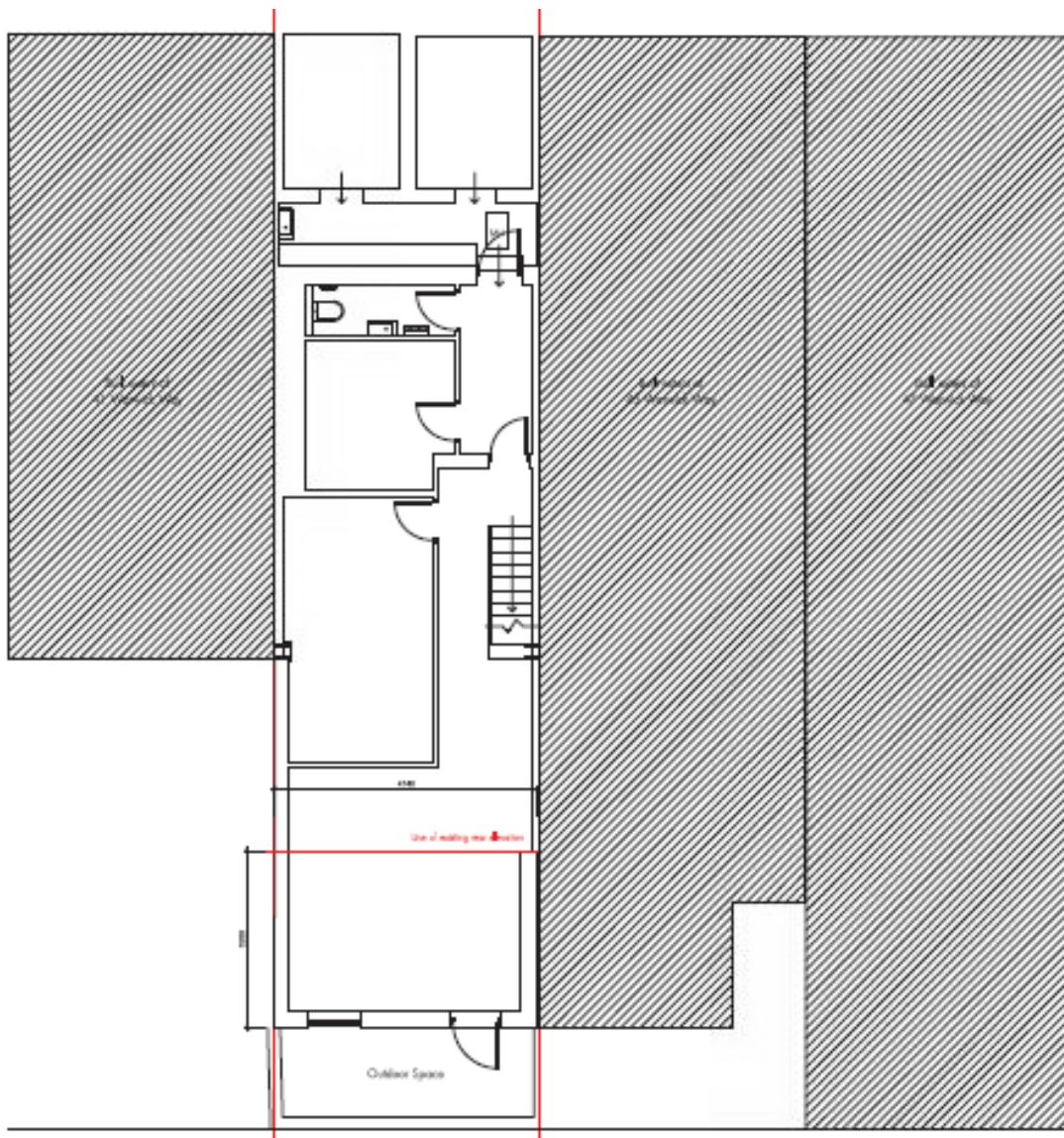
Existing Roof Plan



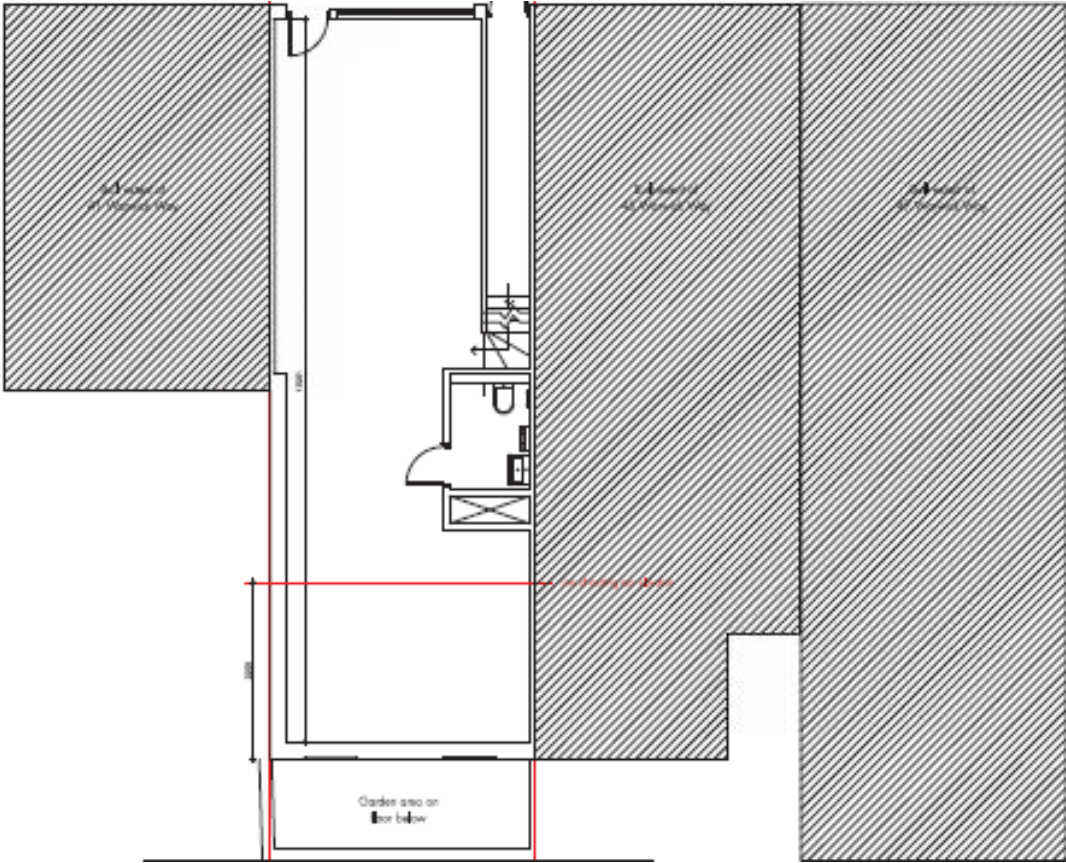
Proposed Roof Plan



Proposed Lower Ground Plan in Context



Proposed Ground Floor Plan in Context



Item No.

5

DRAFT DECISION LETTER

Address: 43 Warwick Way, London, SW1V 1QS

Proposal: Erection of a two storey rear extension at lower-ground and ground floor levels and replacement shopfront.

Reference: 17/08682/FULL

Plan Nos: 1-001; 1-002; P1-100 Rev. E; P1-101 Rev. E; P1-102 Rev. C; P1-200 Rev. B; P1-201 Rev. E; P1-202; P1-300 Rev. A.

For information:

Tree Survey dated 17 January 2018; Design and Access Statement dated 27 September 2017.

Case Officer: Ian Corrie

Direct Tel. No. 020 7641 1448

Recommended Conditions and Reasons

- 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 building and to make sure the development contributes to the character and appearance of the Pimlico 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)

- 4 You must apply to us for approval of a brickwork sample of the following parts of the development - new brickwork to the rear. 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 these details. (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 Pimlico Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 5 You must apply to us for approval of details of how waste is going to be stored on the site. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the waste store in line with the approved details, and clearly mark it and make it available at all times to everyone using the shop unit. You must not use the waste store for any other purpose. (C14CD)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 6 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)

- 7 You must not allow customers to use the outdoor space at rear lower ground floor level.

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)

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 You are advised to construct your brickwork sample panel to allow a straight forward comparison with the existing rear elevation brickwork. The bond, facing and jointing should match the existing.

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.