

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 17 April 2018	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Abbey Road	
<b>Subject of Report</b>	<b>6 Acacia Gardens, London, NW8 6AH</b>		
<b>Proposal</b>	Erection of a single storey extension to existing garage.		
<b>Agent</b>	2PM Architects		
<b>On behalf of</b>	Farhana Haq		
<b>Registered Number</b>	17/11244/FULL	<b>Date amended/ completed</b>	20 December 2017
<b>Date Application Received</b>	20 December 2017		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	St John's Wood		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

Permission is sought to extend the end of block garage associated with a three storey semi-detached dwellinghouse located within the St John's Wood Conservation Area.

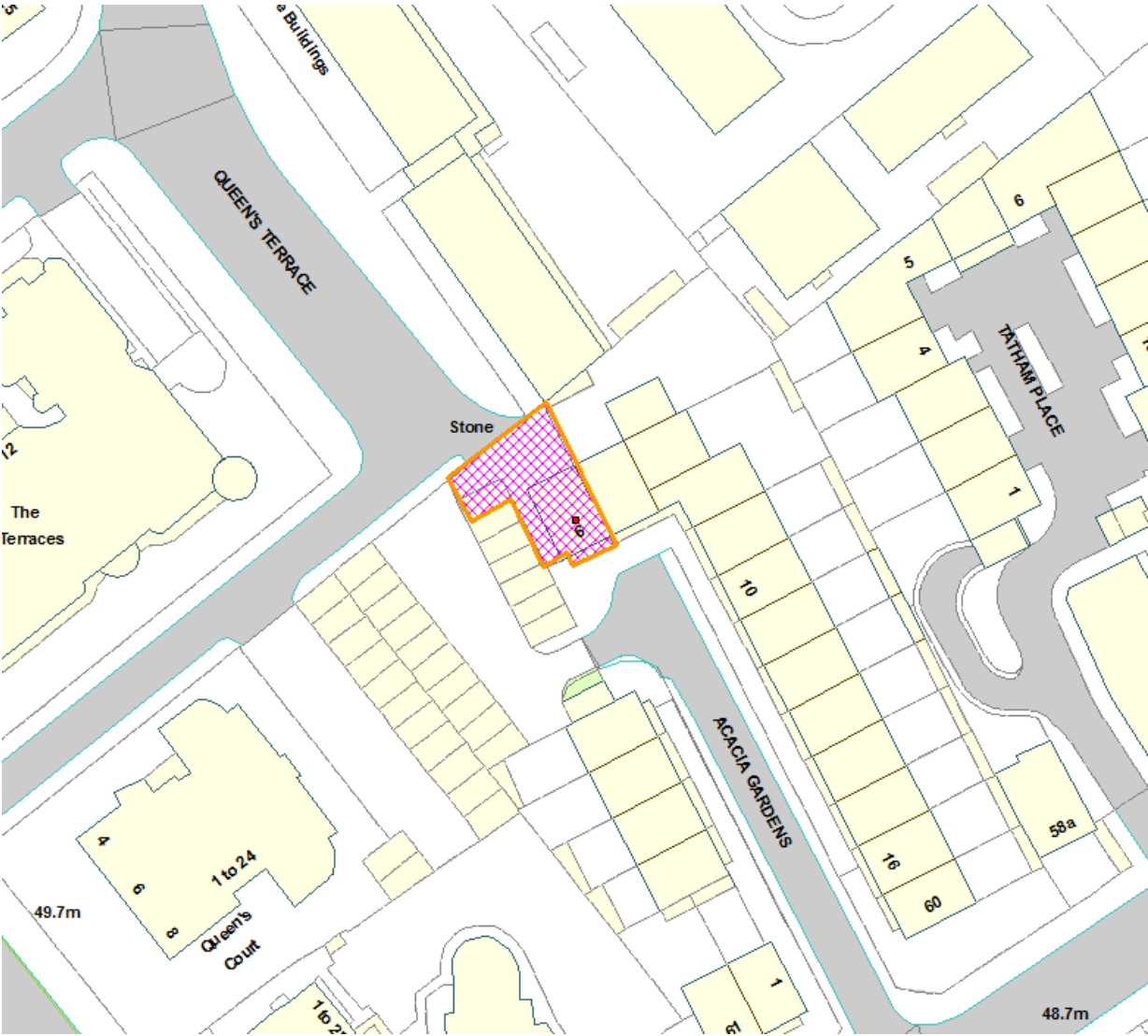
Objections have been received from the St. John's Wood Society, and five local residents. They have raised concerns related to design, highways and parking impact, impact on trees, land ownership, the potential of the proposal to cause subsidence to neighbouring garages, and the neighbour consultation process.

The key issues in the consideration of this application is:

- The impact of the proposed development on the appearance of the building and the character of the St. John's Wood Conservation Area.
- The impact of the proposal on parking in the local area.
- The impact on the trees on the application site.

The proposal is considered to accord with City Council's adopted policies in the City Plan (November 2016) and the Unitary Development Plan (UDP) (January 2007) in land use, design, amenity, biodiversity and highways terms. The application is therefore recommended for approval, subject to the conditions set out in the draft decision letter appended to this report.

**LOCATION PLAN**



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3. PHOTOGRAPHS



View from Queen's Terrace



View of Western Elevation

#### 4. CONSULTATIONS

##### LONDON UNDERGROUND LIMITED:

No in principle objection, subject to condition and informatives to protect London Underground tunnels and infrastructure which are in close proximity.

##### ST JOHN'S WOOD SOCIETY:

Comments made. The extension would have an unfortunate relationship with the existing street wall to Queen's Terrace and creates maintenance issues. Case officer should ensure that any trees of amenity value are protected.

##### ARBORICULTURAL OFFICER:

No objection to removal of two trees subject to a condition to secure replacement trees

##### HIGHWAYS PLANNING MANAGER:

No objection, subject to a condition to secure use of the garage by the occupiers of the application site.

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

No. Consulted: 82

Total No. of replies: 6 from 4 properties

No. of objections: 6

No. in support: 0

Six representations from four properties have been received raising objections on all or some of the following grounds:

##### Highways:

- Loss of external parking space next to the existing garage of No. 6 Acacia Gardens, which is used by local residents and visitors for parking. This space belongs to the residents of Acacia Gardens for the use of all residents.
- It is unclear what the impact of the proposal is to be on the gates that provide access to the garages from Queen's Terrace.

##### Trees:

- Any trees of amenity value should be protected.

##### Land Ownership:

- The proposal is to be built on the boundary/party wall of the length of the garages and also on shared/communal land at the end of the garages. It is believed that this is property that is not owned by the applicant.

##### Information Submitted by Applicant:

- The proposed drawings are incorrect as the space to the left of the garage of No. 6 Acacia Gardens is depicted as larger than it is in reality.

**Building Regulations:**

- The proposed extension to the garage could cause subsidence to the other garages within Acacia Gardens. An inadequate number of neighbours were consulted to warn them about potential subsidence.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

**5. BACKGROUND INFORMATION****5.1 The Application Site**

The application site contains a three storey semi-detached dwellinghouse with a separate garage located to the west of the dwellinghouse. The garage on the application site is at the end of a block of garages.

The dwellinghouse is one of a group of post-war houses that form Acacia Gardens. The houses in Acacia Gardens are three storey brick buildings with hipped roofs and are either in short terraces or semi-detached properties.

The application site is not listed, but it is located within the St. John's Wood Conservation Area.

**5.2 Recent Relevant History**17/11249/FULL

Erection of ground and first floor side and rear extension.  
Pending Consideration

13/01754/CLOPUD

Ground floor single storey rear extension.  
Application Permitted 9 May 2013

13/01755/FULL

Ground floor single storey rear extension.  
Application Permitted 9 May 2013

**6. THE PROPOSAL**

Planning permission is sought for the erection of a single storey extension to the existing end of block garage associated with and located west of 6 Acacia Gardens. The extension would increase the width of the garage by 2.2m and would match the height and depth of the existing garage. The garage as extended is proposed to be used for the parking of a car and as a utility space, both associated with the enjoyment of 6 Acacia Gardens as a single family dwelling house and would be accessed from the house via the rear garden of the property.

## **7. DETAILED CONSIDERATIONS**

### **7.1 Land Use**

The enlargement of the existing garage to provide additional garage and utility space ancillary to the enjoyment of the existing single family dwellinghouse is acceptable in principle in land use terms and would accord with Policy S14 of the City Plan (November 2016) and Policy H3 in the UDP (2007).

### **7.2 Townscape and Design**

The proposed extension to the garage to increase its width by 2.2m, at a height and depth to match that existing, is considered acceptable in principle in design and townscape terms. The extension would replicate the existing hipped roof, and is proposed to be constructed in materials to match the existing garage. The replacement garage door would increase in width by 70cm. Although this would result in this garage door being wider than all of the other garage doors within the block, given the location and views of the garage block, it is not considered that this would be significantly harmful to the appearance of the garage block. Details of the materials used for the proposed garage door are to be secured by condition to ensure that they do not appear incongruous.

Whilst the proximity of the extension to the boundary wall of with Queen's Terrace has been raised as a concern, it is not considered that the relationship would be harmful in views from Queen's Terrace or the character or appearance of this part of the Conservation Area.

For the reasons stated above and subject to conditions for materials to match existing, the proposal is considered to satisfy policies DES 1, DES 5, DES 9 of the UDP and S25, S28 of the City Plan.

### **7.3 Residential Amenity**

The proposed garage extension is the same height as the existing terraced garages and it is set back at a significant distance from neighbouring dwellings. Due to its size, height, and position, it is considered that the proposed extension would not have a significant impact on the amenity of the occupiers of neighbouring and adjoining properties as a result of a loss of outlook, a loss daylight/sunlight, or a loss of privacy. Nor would it have an overbearing impact on these properties. For these reasons the proposal is considered to be in accordance with policies ENV 13 of the UDP and S29 of the City Plan.

### **7.4 Transportation/Parking**

The proposal would increase the size of the garage and its associated door, but would not result in an increase in off street car parking, due to the restricted door opening. Subject to a condition to ensure that the garage remains in use for the parking of a single car associated with house, it is considered acceptable in highways terms.

Whilst concern has been raised by neighbours that the area of the proposed extension currently used for adhoc parking by residents and visitors of Acacia Gardens would be lost. This is an informal arrangement and the land is privately owned by the applicant as part of their single family dwellinghouse and therefore the objection is not considered to justify withholding permission.

### **7.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

### **7.6 Access**

The accessibility of the building would remain unchanged by the proposals.

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

#### **Trees and biodiversity**

The proposed extension would result in the loss of a Eucalyptus and Cherry Tree from the site, together with a Contoneaster shrub. The trees are protected by virtue of being within St John's Wood Conservation Area and are partially visible from Acacia Gardens and Queen's Terrace, providing some screening and softening, and contributing to the character of the conservation area. However both trees are in poor form and the Eucalyptus tree is likely to outgrow its location given its proximity to the boundary wall. As such, the City Council's tree officer has not raised objection to their removal, on the basis that replacement trees are planted in mitigation. The proposed species and size of replacement trees require further refinement and a condition is recommended to secure appropriate details. Subject to this condition, policies S38 in the City Plan and policies ENV 16, ENV 17 and DES 1 (A) of the UDP are satisfied.

### **7.8 London Plan**

This application raises no strategic issues.

### **7.9 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.

### **7.10 Planning Obligations**

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

### **7.11 Environmental Impact Assessment**

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

## 7.12 Other Issues

### **Impact on the London Underground**

London Underground Limited (LUL) tunnels and infrastructure are located in close proximity to the proposed location of the extension. LUL do not raise objection to the proposal in principle. However due to the proximity of their tunnels and infrastructure, they request that a condition is imposed to secure detailed design, method statements and load calculations to be approved in liaison with them, in order to ensure the protection of their tunnels and infrastructure.

### **Boundary Gates**

The existing gates that provide access to the garages from Queen's Terrace are located at a significant distance from the garage on the application site and so therefore the proposal extension would not have any impact on these gates.

### **Land Ownership**

Concern has been expressed that the proposed garage extension would be built on land that is not owned by the applicant. The agent confirmed in writing that the applicant is the owner of all of the land to which the application relates.

### **Building Regulations**

The potential for the proposal to cause subsidence to other properties is a building control matter.

### **Accuracy of Application Documents**

Concern has been expressed that the proposed drawings incorrectly depict the area of the proposed extension as larger than it is in reality. The drawings submitted by the applicant have been compared to maps available to the City Council and no discrepancy concerning the measurements of the area to the west of the application site can be found. It is considered that the plans submitted by the applicant achieve an appropriate level of accuracy to allow the City Council to determine the application.

### **Maintenance**

Maintenance issues related to the proposed extension are a private matter and not a material planning consideration.

### **Neighbour Consultation**

Following the concern expressed by an objector about a perceived lack of neighbour consultation, additional properties on Acacia Gardens were consulted.



**8. BACKGROUND PAPERS**

1. Application form
2. Response from London Underground Limited, dated 2 March 2018
3. Response from St John's Wood Society dated 8 January 2018
4. Response from Arboricultural Officer dated 12 February 2018
5. Response from Highways Planning Manager dated 22 January 2018
6. Representations from the owner (x1) and occupier (x1) of 7 Acacia Gardens dated 8 January 2018 and 10.01.2018
7. Representations (x2) from the occupier of 8 Acacia Gardens, London, dated 6 January 2018 and dated 10 January 2018
8. Representation from the occupier of 13 Acacia Gardens, London, dated 8 January 2018
9. Representation from occupier of 61 Acacia Road, London, dated 14 January 2018

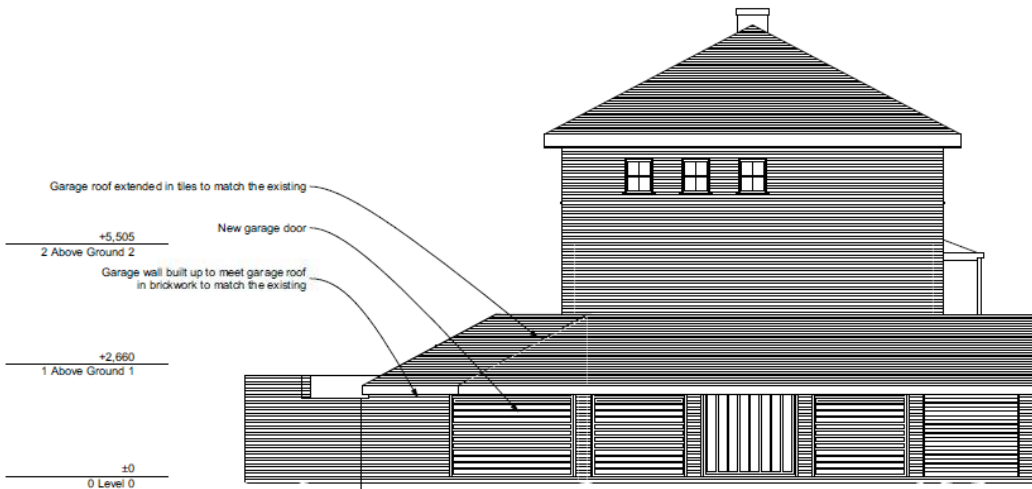
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

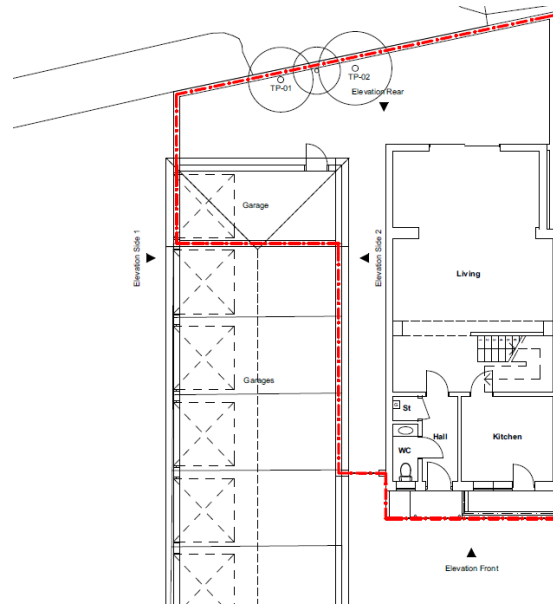
**9. KEY DRAWINGS**



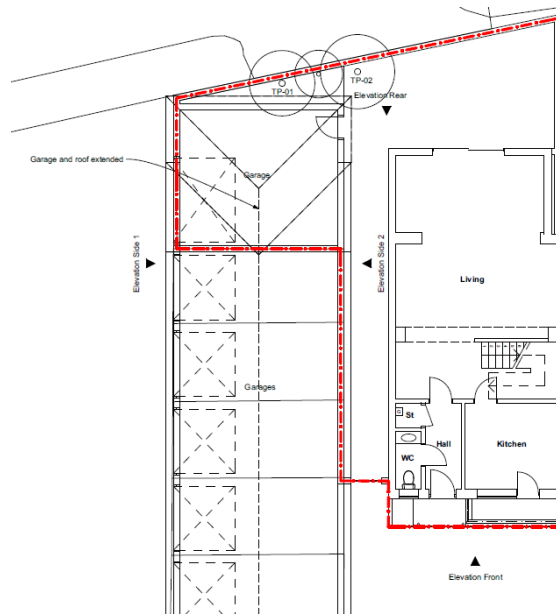
Existing Elevation



Proposed Elevation



Existing Floor Plans



Proposed Floor Plans

**DRAFT DECISION LETTER**

**Address:** 6 Acacia Gardens, London, NW8 6AH

**Proposal:** Erection of a single storey extension to existing garage.

**Reference:** 17/11244/FULL

**Plan Nos:** 2-EX-1-01, 2-EX-2-01, 2-EX-2-02, 2-EX-2-03, 2-EX-2-05, 2-EX-4-01, 2-EX-4-02, 2-PP-1-02, 2-PP-2-01, 2-PP-2-02, 2-PP-2-03, 2-PP-2-05, 2-PP-4-01, 2-PP-4-02, Design & Access and Heritage Statement dated: 19 December 2017, Report on the impact on trees of proposals for development at 6 Acacia Gardens London NW8 6AH ref: 1-38-4504/A dated: 9 February 2018

**Case Officer:** William Philps

**Direct Tel. No.** 020 7641 3993

**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, in addition to any conditions on this decision letter.

**Reason:**  
For the avoidance of doubt 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 Saturdays, 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
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless you have applied for and obtained consent 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St. John's Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 Notwithstanding the replacement tree details provided for in your report reference 1-38-4504/A dated 09 February 2018, you must apply to us for our approval of the position, size and species of two replacement trees. You must not start work until these details have been approved. The replacement trees must be planted in the first planting season after you complete the development. You must also replace any replacement tree which dies, is removed or becomes seriously damaged or diseased within five years of the date we give our approval for the replacement trees, in the next planting season with another of the same size and species to the one originally planted.

Reason:

To protect trees and the character and appearance of the site 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. (R31CC)

- 5 Only people living in this property shall park their motor vehicles in the enlarged garage hereby approved. The garage may be used for purposes that are incidental to the enjoyment of the dwellinghouse at No.6 Acacia Gardens, provided that these uses do not prevent the garage from providing space for the parking of at least one car.

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 6 The development hereby permitted shall not be commenced until detailed design, method statements and load calculations (in consultation with London Underground), have been submitted to and approved in writing by the local planning authority which:

- o provide details on all structures,
- o accommodate the location of the existing London Underground structures and tunnels,
- o accommodate ground movement arising from the construction thereof,
- o and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in

paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

**Reason:**

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

- 7 You must apply to us for approval of details of the following part of the development – the garage door. You must not start any work on this part 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 St. John's Wood 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)

**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 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)
- 3 When you apply to us for our approval of details pursuant to condition 4, you are advised to alter the proposed species of tree 'B' as Amelanchier spp in order to avoid overplanting of this species in Westminster, and to increase the initial planting size of the proposed tree 'A' Malus trilobata, in order to limit the initial loss of amenity as a result of the removal of the existing trees.

- 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)
- 5 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).
- 6 The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; drainage; excavation; and construction methods.

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.