

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 th June 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Abbey Road	
Subject of Report	4 Hill Road, London, NW8 9QG		
Proposal	Demolition of existing rear extension, erection of a single storey rear infill extension at lower ground floor level and use of the roof as a raised garden. alterations to the front boundary. Use of the lower ground, ground, first and second as a single dwellinghouse.		
Agent	Mr Alastair Mellon		
On behalf of	Mr Alastair Mellon		
Registered Number	18/01681/FULL	Date amended/ completed	27 February 2018
Date Application Received	27 February 2018		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

Planning permission is sought to demolish the existing rear extension at lower ground and floor level and erect a new single storey full width extension over the majority of the existing rear garden creating a new terrace at ground floor level on the roof of the extension and works to the front boundary treatment all in association with combining the existing 3 self-contained flats to a single family dwelling house.

Comments have been received from the St John's Wood Society and twelve representations have been made; four in objection and eight in support. The objections are on the grounds of land use, disturbance during construction and amenity.

The Key issues are:

- The impact of the proposals on the amenity of neighbouring properties;
- The impact of the proposals on the character and appearance of the conservation area;
- The acceptability of the amalgamation of the 3 flats in land use terms.

The proposals are considered to be acceptable in land use, design and amenity terms and are considered to comply with City Council policies and are therefore recommended for approval, subject to the conditions as set out on the draft decision letter.

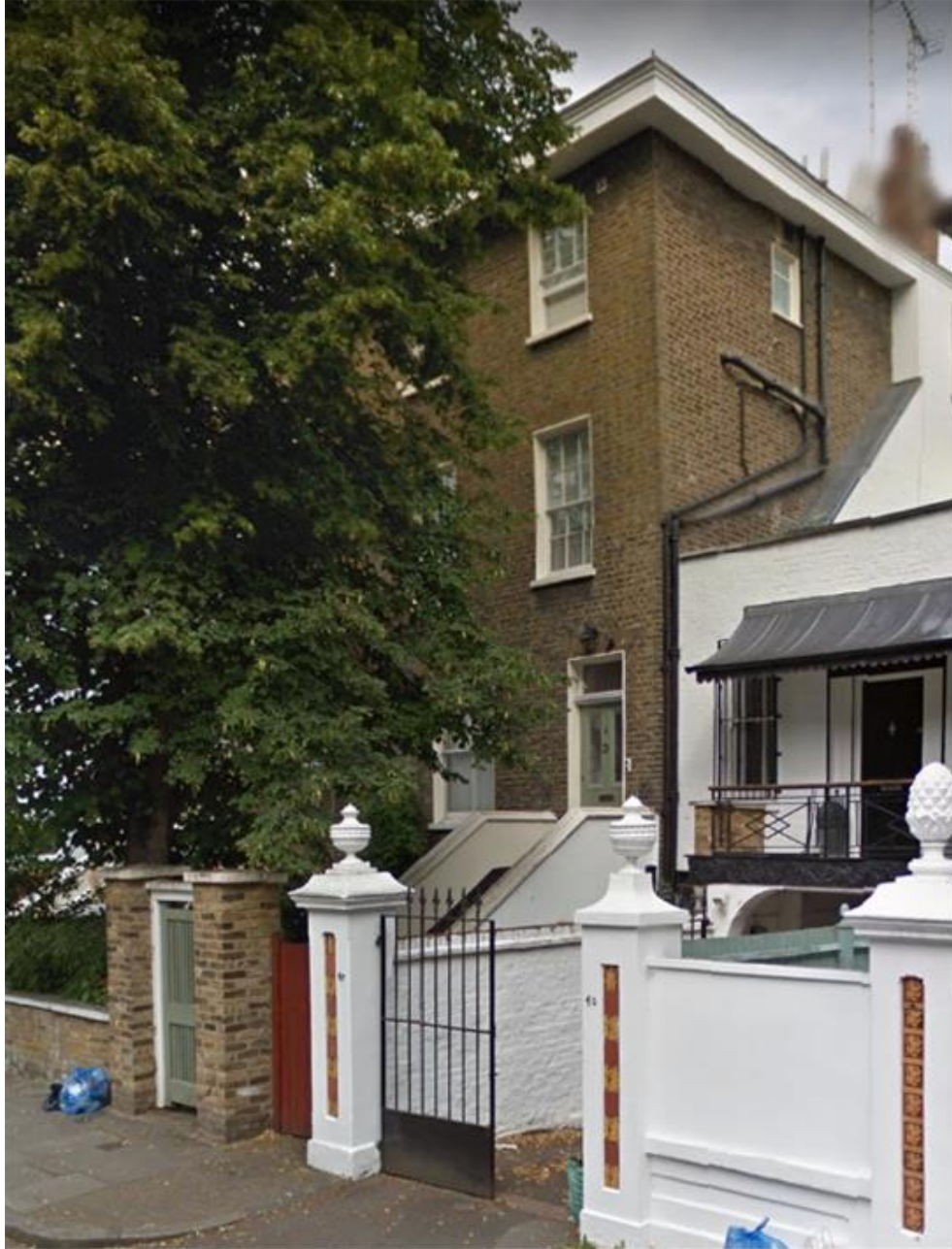
3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and/or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS

Front of 4 Hill Road



Existing rear garden area



5. CONSULTATIONS

ST JOHN'S WOOD SOCIETY:

Officers should conduct a site visit and consider the amenity of neighbouring properties.

CLEANSING MANAGER:

The drawings submitted are not in line with the council recycling and waste storage requirements. Applicant will need to confirm the bin capacities for the storage of residual waste and recyclable materials for the unit. This can be secured by condition.

HIGHWAYS PLANNING MANAGER:

The works do not include car parking however as there is a reduction in the number of dwellings the works are in accordance with TRANS 23. The drawings do not include waste storage, however this can be secured by condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 17

Total No. of replies: 12

No. of objections: 4

No. in support: 8

The four objections raised some or all of the following comments:

Land Use

- Loss of residential units.

Design

- Over development of garden area.

Amenity

- Increased overlooking.
- Increased noise from the proposed garden area at upper ground floor level.

Other

- Increased surface water runoff due to loss of garden.
- Concerns in relation to noise and disturbance during the works and to the length of time they would take.
- Discrepancy in between plans and site location plan.
- Plans indicate borrowed light from neighbouring land.
- No details of how the basement will be ventilated.
- Structural concerns.
- It was understood that Tesla Power would not be acceptable in this location.
- Concerns in relation to land ownership.
- Lack of consultation.
- Comments in relation to another development on the road by the same developer causing disturbance.
- Queries in relation to the tenancy of the existing occupier of the lower ground floor flat.

Eight letters of support on the grounds:

- Previous works by the applicant have been carried out to a high standard,
- The return to a single family dwelling is welcomed,
- The works to the front boundary are an improvement,

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site is a four-storey villa located on the north side of Hill Road. As originally built, the villa would have been semidetached but it is now adjoined to the development at 4a Hill Road. The property is not listed but lies within the St John's Wood Conservation Area. Currently the building is subdivided into 3 self-contained flats. The property is set back from the highway behind a low front boundary wall and front garden. To the rear there is a small courtyard garden space at lower ground floor with a 5 meter high rear garden wall.

6.2 Recent Relevant History

None.

7. THE PROPOSAL

Permission is sought for the demolition of the existing two-storey rear extension and the erection of a single storey full width extension at lower ground floor level, creation of a terrace above at ground floor level on the roof of the extension and minor alterations the front boundary wall. All of the works are in association with the amalgamation of the existing three self-contained flats to form one single family dwelling.

The plans have been amended during the course of the application to remove rooflights in the rear extension and a window to the side elevation on the north east boundary and to reduce the depth of the lower ground floor extension to allow a one meter lightwell between the extension and existing rear boundary wall. The alterations address officers concerns regarding the appearance of the new garden area and some of the objections in relation to ventilation and borrowed light.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policies H3 of the UDP and S14 of the City Plan seek to secure additional housing throughout the borough and protect existing residential floor space. The proposals result in 9.31sqm of additional floorspace (195.54sqm as existing, 204.85sqm as proposed).

Policy S14 within the City Plan states that “All residential uses, floorspace and land will be protected. Proposals that would result in a reduction in the number of residential units will not be acceptable, except where:

- The council considers that reconfiguration or redevelopment of affordable housing would better meet affordable housing need;
- A converted house is being returned to a family sized dwelling or dwellings; or
- Two flats are being joined to create a family sized dwelling.”

The proposed works would result in the loss of two residential units. However, as a previously converted house is being returned to a family sized dwelling the loss is considered acceptable and in accordance with Policy S14. In addition, the property is located within an area which is characterised by single family dwellings and therefore the proposed change of use to a single family house will support this character and provide a family house.

The works are considered in accordance with H3 of the UDP and S14 of the City Plan and are therefore acceptable on land use grounds.

8.2 Townscape and Design

In design terms, the most significant works are for the infilling of the rear garden at lower ground floor level with an extension, and the creation of a new garden at upper ground floor level. In terms of proposals for extensions into garden areas, it is recognised that UDP policy DES 5 (B) (1) and (2) state that permission may be refused where an extension occupies an excessive part of the garden ground or other enclosure, and as such this represents a contentious proposal. For the reasons set out below however, given the unique circumstances of this case, the works are considered acceptable as part of this application.

The rear garden area of this property has been greatly transformed over the years. Though there is no specific documentary evidence available to demonstrate the condition of the rear garden at the construction of the building, it is relatively common for properties in St John's Wood to have had rear garden grounds higher than the floor level to lower ground floor, and this is suggested by the 1930's and 1950's O/S plans which appear to show an enlarged lightwell to the rear of the building cut back into a presumed higher garden grounds. The original closet wing (as shown on historic plans) appears to have been rebuilt with significantly larger projection out into the rear garden. Then, in the later 20th century, a large section of the rear garden was developed for the existing white rendered houses now located behind no. 4 Hill Road. It is also recognised that the garden is surrounded by very high garden walls which screen much of the views into this area from surrounding buildings. Though it is recognised that infilling garden areas is a contentious proposal, given that the garden has been so transformed in this case, that views are limited, and that a new garden area is being created at upper ground floor level, there is considered sufficient justification in this case for this proposal to be supported, notwithstanding the normal policy objection to such works.

The initial plans included large rooflight to the new garden area at upper ground floor level, following officers concerns, the roof lights have been removed and a lightwell between the extension and rear boundary wall has been included to allow light and

ventilation to the lower ground floor. The revised design allows the area to be read as a garden space and is therefore acceptable.

As set out above, the rear closet wing appears to have undergone significant, or perhaps total, rebuilding since the original construction of the building. Though the full removal of the closet wing is an unorthodox proposal, the elevation revealed is to incorporate brickwork to match and appropriately detailed windows and doors, which is considered acceptable.

The works to the front boundary to remove a gate and install railings are considered acceptable in principle, as many surrounding walls have railings above the solid element below. The details of the railings are not assured however, as they incorporate one (or possibly two) subsidiary horizontal bars which does not appear appropriate, and it is not clear how they integrate with the brick wall below, however the principle of the railings is considered acceptable and more appropriate details will be secured by condition. The slight step forward of the existing recessed doorway to the right hand side of the front elevation at lower ground floor level is not considered contentious in itself.

The works are in accordance with DES1, DES5 and DES9 of the UDP and S28 of the City Plan, therefore acceptable on design grounds.

8.3 Residential Amenity

Sense of enclosure and Daylight/Sunlight

The size and mass of the building is being reduced by the removal of the two storey closet wing extension at the rear of the property, the extension to the building is at lower ground floor level set below and behind an existing boundary wall. Accordingly, there will be no increased sense of enclosure or loss of daylight/sunlight for the neighbouring residential properties.

Overlooking

Currently the property has a garden at lower ground floor level and a balcony at ground floor level measuring approximately 8sqm set between the flank wall of 6 Hill Road and the closet wing of the application property. The proposals retain a small lightwell along the rear boundary and a new terrace is proposed at ground floor level which covers the remainder of the rear above the new lower ground floor infill. Due to the removal of the existing closet wing this terrace extends up to the boundaries on either side up to No's 6 and 4a.

An objection has been received from the neighbouring property at 6 Hill Road regarding overlooking from the new terrace/garden area at ground floor level towards a first floor window.

The garden has existing high boundary walls, which measure 4.1m in height up from lower ground floor level and will rise 1.9m above the level of the new terrace. The boundary shared with No 6 is set a storey above the height of the new terrace and windows are set away by an existing full length extension. The neighbouring window will overlook the new terrace and it is not considered that the occupiers would be so significantly affected as to justify a refusal on these grounds.

In relation to the neighbouring windows to the rear (4c Hill Road) and adjacent (4a Hill Road), given the height of the existing boundary walls, the distance between the terrace and the windows of neighbouring properties, and the difference in levels, it is not considered that the works would result in overlooking towards the neighbouring residential properties so as to justify refusal.

Noise

An objection has also been raised on the grounds that the increased use of the garden would increase noise pollution for neighbouring properties. The existing garden at lower ground floor level and the upper ground floor balcony could be used in a similar manner to the proposed garden and therefore it is not considered that permission could not be withheld on grounds of increased noise.

The works are considered to be in accordance with ENV13 of the UDP and S29 of the City Plan, therefore acceptable on amenity grounds

8.4 Transportation/Cleansing

The Highways Manager has not objected to the works as there is a reduction in the number of dwellings and there will therefore be no increase on the parking pressures of the area. Cycle parking is provided.

The Waste Manager has requested a condition requiring the applicant to submit amended plans showing adequate waste and recycling storage. A condition has been added to the draft decision notice.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The main access to the site will remain through the upper ground floor front door. The entrance to the existing flat at lower ground floor level will become an entrance to a bike store.

8.7 Other UDP/Westminster Policy Considerations

The implications of the revisions to the City Plan for the development subject of this report are outlined elsewhere in the report

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.

The proposals are not considered to trigger the requirement for a CIL contribution.

8.11 Other Issues

Neighbour objections have been raised on the grounds that, due to the significant works the quiet nature of the area will be indefinitely disturbed by noisy/loud building works and the directly adjacent properties will be subjected to vibrations through the boundary walls. One objector has stated that this will cause a tenant to vacate the property at significant cost to the owner.

The hours of works are controlled through condition and an informative encouraging the applicant to sign up to the considerate constructors scheme has been added to the permission. Previous developments carried out by the applicant have been raised to highlight the disturbance that will be caused. It should be noted that letters of support have however also been submitted acknowledging the well managed nature of previous projects have also been received. The noise and disturbance from the building works are not considered as a reason for refusal of the application.

An objection has been raised on the grounds that the loss of soft landscaping from the existing garden will result in additional run off which will harm the foundations of the adjoining properties. While this is not a planning consideration, some soft landscaping has been included in the proposed plans and the garden which is the roof of the ground floor extension will have to comply with building regulations regarding drainage. The revised proposals also now include a lightwell to the rear, which will provide an area for drainage.

During the course of the application, the council has been made aware that the tenant of the lower ground floor flat is long standing and concerns have been raised regarding their rights. The works include the amalgamation of all the existing flats to one family dwelling requiring existing tenants to vacate the property. How the tenants are re-housed is a private matter and is not a matter of consideration of a planning application.

An objection has been raised regarding a discrepancy between the site plan and the lower ground floor plan which shows the existing entrance to the lower ground floor flat as an entrance to a bike store for number 4 Hill Road. The objector states that this entrance is in fact belonging to 4a. The red line on the site location plan has been amended to include the entrance to the property at lower ground floor level to be used as a cycle store. Notwithstanding this the applicant does not have to own the land to make an application.

Objectors have stated that the works are over development of the site and garden area. The works to the garden have been covered in the design section of this report. Given a new garden space is being created the loss is acceptable. The overall increase of habitable floor space is 9sqm and not considered over development.

An objection has been raised to the addition of a Tesla Power bank which the objector believes would be unacceptable. A Tesla Power Bank has not been included in the proposed drawings or the description of development. The acceptability of a Tesla Power bank has therefore not been assessed.

An objection has been raised on the grounds of the structural integrity of the proposed works. The structural integrity of the works and the impact on neighbouring properties is a matter for building control and is not subject to assessment as part of this application for planning permission.

An objection has been raised on the ground that the plans indicate borrowed light from a neighbouring land. The whole of the site will be a single family dwelling and the light to the lower ground floor is therefore not reliant on borrowed light from neighbouring land.

Eight letters of support for the works have been received on the grounds that family homes are desired in the area, the works to the front boundary are an improvement to Hill Road, the applicant has a good track record of well managed projects in the area, the garden space will be greatly improved from the existing at lower ground floor level and views towards neighbouring properties will be no greater than from the existing balcony.

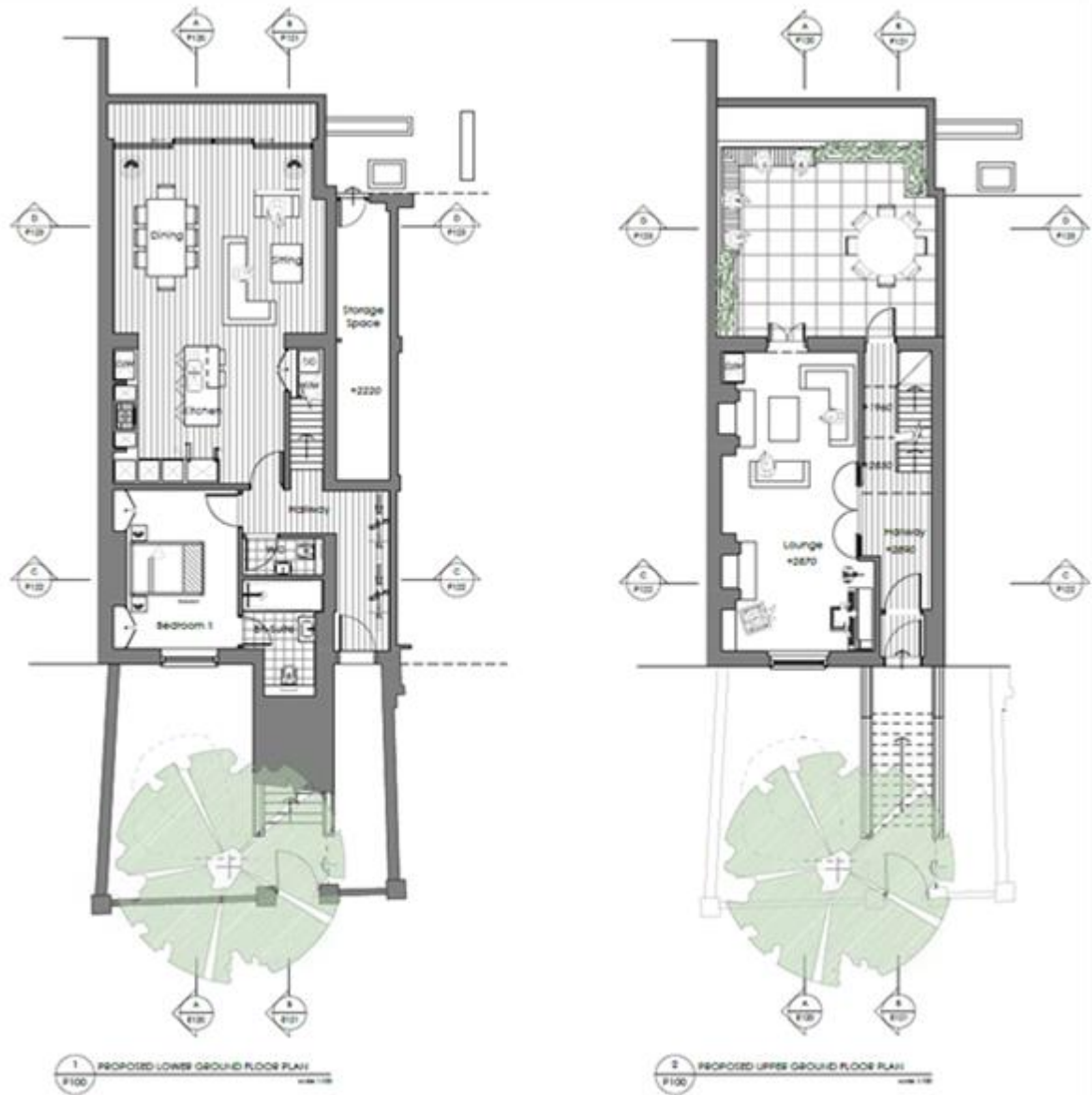
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk.

Existing ground and lower ground floor



Proposed lower and ground floor plans



Existing section

Proposed section

DRAFT DECISION LETTER

Address: 4 Hill Road, London, NW8 9QG

Proposal: Demolition of existing rear extension, erection of a single storey rear infill extension at lower ground floor level and use of the roof as a raised garden. alterations to the front boundary. Use of the lower ground, ground, first and second as a single dwellinghouse.

Reference: 18/01681/FULL

Plan Nos: 17 / 655 / E002 Rev B, 17 / 655 / D100 Rev D, 17 / 655 D101, 17 / 655 / E001 Rev A, 17 / 655 / E100 Rev C, 17 / 655 / E101 Rev B, 17 / 655 / E102 Rev B, 17 / 655 / E110 Rev E, 17 / 655 / E111 Rev C, 17 / 655 / E120 Rev F, 17 / 655 / E121 Rev F, 17 / 655 / E122 Rev C, 17 / 655 / P002 Rev A, 17 / 655 / P101 Rev B, 17 / 655 / P102 Rev A, 17 / 655 / P110 Rev D, , 17 / 655 / P100 Rev F, 17 / 655 / P111 Rev F, 17 / 655 / P120 Ref E, 17 / 655 / P121 Rev D, 17 / 655 / P123 Rev C

Case Officer: Max Jones

Direct Tel. No. 020 7641 1861

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 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 The railings to the front boundary wall shall be formed in black painted metal and maintained as such.

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)

- 5 Notwithstanding the details shown on the submitted drawings, you must apply to us for approval of a detailed elevation and a detailed section drawing showing the design of the new railings to the front boundary wall, and their relationship with the wall below. 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 drawing. (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)

- 6 The new doors to the rear elevation shall be formed in glazing and white painted timber and maintained as such.

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)

- 7 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

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)

- 8 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. 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 stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the dwelling. (C14EC)

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)

- 9 You must provide each cycle parking space shown on the approved drawings prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 10 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

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 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, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.