

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 8 November 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Maida Vale	
Subject of Report	95 Randolph Avenue, London, W9 1DL,		
Proposal	Excavation of a basement extension beneath the house as proposed to be extended by way of a lower ground floor rear and side extension with front lightwell, rear rooflight and alterations to rear elevation.		
Agent	Mr Theo Tousizoglou		
On behalf of	Mr Andrew Rahamim		
Registered Number	16/08162/FULL	Date amended/ completed	25 August 2016
Date Application Received	25 August 2016		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission.

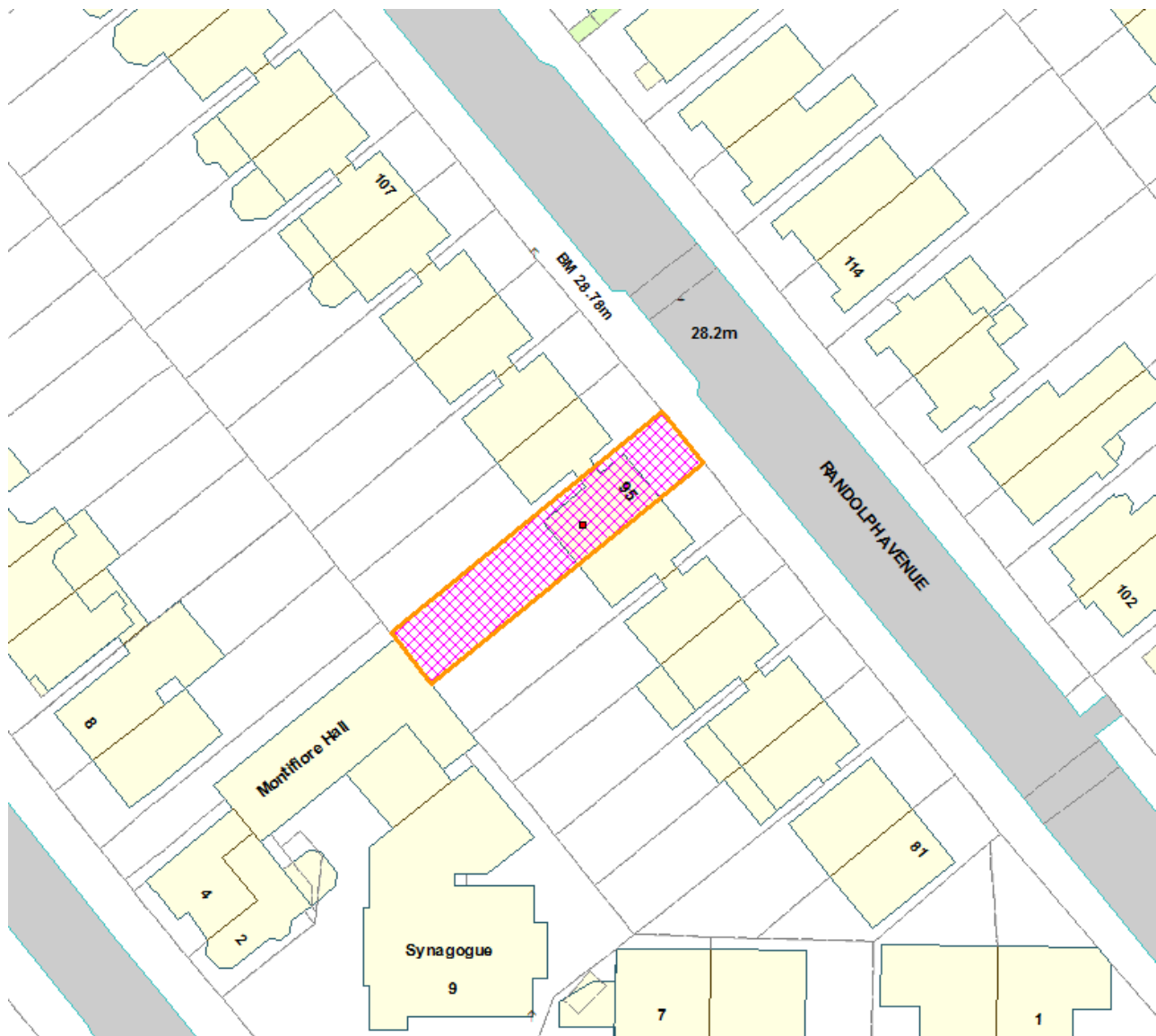
2. SUMMARY

This application relates to the excavation of a single storey basement beneath the existing dwellinghouse, front garden and part of the rear garden, and erection of side and rear lower ground floor extensions, to provide additional living space. Objections have been received from Councillor Prendergast, and three local residents including the adjoining neighbour on grounds of potential damage to adjoining properties and disruption during excavation and development. The objectors highlight damage to No.99 Randolph Avenue which they attribute to ongoing basement works at No. 97 Randolph Avenue. The application has been considered against the City Council's new basement policy and all other material planning considerations, and is considered to provide sufficient consideration of structural issues; by way of a Structural Methodology Statement and associated documents, and construction impact related issues; by way of a signed pro forma committing the applicant to compliance with the Council's Code of Construction Practice. These provisions are considered to provide sufficient consideration of these matters pursuant to the basement policy, and the proposals do not raise any other issues that would warrant withholding planning permission. The key issues are:

- Impact on the conservation area.
- Impact on the amenity of neighbouring residents.

The proposed development accords with relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan) and is therefore acceptable in land use design and amenity terms. As such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front of No. 95 Randolph Avenue



5. CONSULTATIONS

WARD CLLR PRENDERGARST

Highlight disruption experienced at No. 99 from works to No. 97 and concerned as to the continued disruption that would be caused by the proposed development at No. 95.

PADDINGTON WATERWATS AND MAIDA VALE SOCIETY

Any response to be reported verbally.

BUILDING CONTROL

No objection to construction methodology and supporting documents.

With regards objections that relating to works at No. 97 and impacts upon No. 99 Randolph Avenue, Building control Officers advised that this is party wall issue between the two neighbours that is likely attributed to underpinning of the boundary, and is being supervised by an Approved Inspector.

HIGHWAYS PLANNING

No objection.

ARBORICULTURAL OFFICER

No objection subject to details of tree protection and landscaping details.

NEIGHBOURING OWNER/OCCUPIER

No consulted: 30; No of replies: 3 objections

* Properties are vulnerable to basement development as revealed by impact of basement works at No.97 on No.99 Randolph Avenue.

* Potential impact of basement excavation to cause damage to attached neighbour No. 93, as indicated by situation between No. 97 and No. 99.

* Disruption caused by development upon neighbouring amenity.

SITE/PRESS NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

No.95 Randolph Avenue is an unlisted building located within the Maida Vale Conservation Area. The property is in use as a single dwelling house and comprises lower ground, ground, first and second floors, with front and rear gardens.

6.2 Recent Relevant History

13/07642/FULL

Installation of dormer windows to front, rear and side roof slopes to enlarge existing dwellinghouse.

Application Refused

28 October 2013

13/08131/FULL

Erection of rear extension at lower ground floor level to enlarge existing dwelling and associated alterations to party walls.

Application Withdrawn

5 March 2014

No. 97 Randolph Avenue14/04980/FULL

Excavation of basement extension under garden and house, lower ground floor rear and side extension, conversion of roof space to provide habitable accommodation, insertion of 4no. rooflights.

Application granted

07 October 2014

7. THE PROPOSAL

Permission is sought for excavation of a basement beneath the dwellinghouse as proposed to be extended by way of a lower ground floor rear and side extension, its front garden and part of the rear garden, with associated front lightwell with railings and walk on rooflight to rear.

8. DETAILED CONSIDERATIONS**8.1 Land Use**

The principle of providing additional floorspace to enlarge the existing residential dwellinghouse is acceptable in land use terms and accords with policy H3 in the Unitary Development Plan (UDP) and policy S14 of the City Plan.

8.2 Townscape and Design

The proposed basement is located beneath the property, incorporating a front lightwell, and extending beneath the proposed rear extension with a walk on rooflight to its rear. It has been considered in relation to the Basement Supplementary Planning Document (SPD), adopted October 2014, and the Basement Revision to the City Plan, Policy CM28.1. The proposed basement is single storey, and extends an area of no greater than 50% of garden land, it would retain a margin of undeveloped land on its perimeter proportionate to the size of the plot, and includes more than 1.2m of vertical soil depth above the basement where it extends beneath the front garden. With regards to the rear rooflight serving the basement, its size and positioning at the foot of the proposed rear extension adheres with requirements that they be discreetly incorporated into basement proposals, pursuant to part (B) (5) of the basement policy and the basement SPD. The front lightwell, with the incorporation of railings, are also considered acceptable in design terms.

The proposed side and rear extension are of appropriate scale, height, bulk and detailed design and remain subordinate to the existing building. The adjacent neighbouring

properties both have permission for similar works. The proposed materials of London stock brick, aluminium framing and lightweight glazing to the rear extension are appropriate as is the more solid brickwork side extension. Overall the extensions are acceptable and considered to preserve the Maida Vale conservation area and comply with policies DES1, DES5 and DES9 of the UDP and S25 and S28 of the City Plan.

Other alterations comprise the replacement of aluminium windows to the rear with timber sash windows, landscaping works to the front and rear garden, and excavation of front lightwell with railings. The front bay is also extended downwards replicating the existing lower ground floor bay window. These alterations are also considered acceptable.

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: Strategic Policies aims to protect the amenity of residents from the effects of development.

In this instance, the proposed extensions due to their location at lower ground level, their height and detailed design and relationship with neighbouring properties are not considered to adversely impact upon the amenity of adjoining occupiers, with respect to sense of enclosure, daylight and sunlight or privacy, and accords with the above policies.

8.4 Transportation/Parking

The application does not raise transportation/parking issues. Matters relating to construction management are dealt with in section 8.10 of this report.

8.5 Economic Considerations

Not applicable for a development of this size.

8.6 Other UDP/Westminster Policy Considerations

The Basement Revision and Mixed Use Revision to the City Plan were submitted to the Secretary of State in December 2015 and were adopted in July 2016. They are material planning considerations that full weight will be attached to in the determination of planning applications.

8.7 London Plan

This application raises no strategic issues.

8.8 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.

8.9 Planning Obligations

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

The development is liable to pay Westminster's and the Mayor's Community Infrastructure Levy (CIL). The estimated CIL payment would be £59,000 for Westminster's CIL (£400 per square metre in the residential core area), and £7,400 for the Mayor's CIL (£50 per square metre in Zone 1).

Note that this amount is a provisional calculation and may be subject to any relief and or exemptions that may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

8.10 Other Issues

Basement structural issues

With regards to basement structural impact, the submission includes; a Structural Methodology Statement, supporting geotechnical survey and sequential floor plans explaining the likely methodology of excavation, prepared by a suitably qualified Structural Engineer. The submission of this information is a requirement of the adopted basement SPD and basement policy CM28.1 (A). Any report by a member of the relevant professional institution carries a duty of care to demonstrate that the matter has been properly considered at this early stage, and that there is no foreseeable impediment to the scheme satisfying the Building Regulations in due course. Building Control officers have reviewed the submitted details and no objections are raised.

Objections have been received from the owners of both No.93 and No. 99 Randolph Avenue on grounds of potential risk of damage (cracks etc) to adjoining properties as a result of basement works, given the damage that has occurred from development at No. 97 Randolph Avenue. The owners of No. 99, two doors up from the application site, have provided the Council with photographs of extensive cracking within their property which they attribute to the ongoing basement development at No. 97. Cllr Prendergast has also written in to support these concerns. Planning Officers visited No. 95 on the 27 September and observed that Acro- Props had been installed in some window openings at No. 99.

Planning Officers have sought further clarification from the City Council's Building Control Officer on this matter; who has advised that the situation between No. 97 and 99 Randolph Avenue is a private Party Wall issue that is likely attributed to underpinning of the boundary. As such, whilst these concerns are acknowledged, party wall matters outside the application site are a separate issue that fall outside the remit of this planning application. This current application has to be considered on its merits in relation to the application site, adopted development plan policies and any other material planning considerations. Pursuant to this, the submission has provided satisfactory consideration of structural implications at this early planning stage. It should be noted that detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations as cited above.

Accordingly should permission be granted, the Construction Methodology will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it.

Construction impact

Policy CM28.1 of the City Plan requires the applicant to supply a signed pro-forma which essentially binds the applicant or any other parties undertaking the works to the Council's Code of Construction Practice. This is a provision of the recently adopted basement policy revision to provide the Council with greater monitoring powers for the construction period and details of construction practices; with the aim of reducing construction related impacts on the locality. Accordingly a signed pro forma has been submitted with the application.

In addition to this, the following has been provided; a Construction traffic Management Plan (CMP) prepared by Abbey Pynford dated 11 August 2016 detailing vehicular arrangements during construction and scheduling of deliveries and collections; a Construction Management Plan dated August 2016 prepared by Pall Mall Development Limited detailing working practices relating to site rules, health and safety principles for example, and a preliminary works programme anticipating a total 8 month construction period with months 6, 7 and 8 relating to internal fit out and finishes. The CMP and related documents are indicative of the developer's consideration of construction related impacts.

A condition will be attached to this planning permission requiring that; prior to the commencement of development, the applicant shall provide 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.

Trees

Policy CM28.1 (B) 2) sets out that basement proposals must not result in the loss of trees of townscape, ecological or amenity value and where trees are affected provide an arboricultural report explaining particular steps to protect existing trees.

The City Council's Arboricultural Officer has reviewed the proposals and raises no objection to the removal of the single 'shrub' in the rear garden nearest the house on the boundary with No. 97, subject to detailed landscaping to secure a satisfactory setting for the development. Details of tree protection are also recommended to safeguard the fruit tree towards the rear of the garden that could be vulnerable to damage during construction. Landscaping and tree protection conditions are recommended accordingly.

9. BACKGROUND PAPERS

1. Application form
2. Response from Building Control - Development Planning, dated 7 September 2016, 25 October 2016
3. Response from Highways Planning, dated 12 September 2016.
4. Response from Arboricultural Officer dated 25 October 2016.
5. Email from Cllr Prendergast, dated 22 September 2016.
6. Email from No. 99 Randolph Avenue, dated 27 September 2016.
7. Email from No. 93c Randolph Avenue, dated 19 September 2016, including photographs

supplied by No. 99 Randolph Avenue.

8. Email from No. 188A Sutherland Avenue, dated 06 October 2016

Selected relevant drawings

Proposed floor plans. Proposed Section BB, Page 11 of Design and Access Statement

(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.

Page 11 of Design and Access Statement

97 RANDOLPH AVENUE
3m deep rear extension

UNDER CONSTRUCTION

95 RANDOLPH AVENUE
3.00m masonry rear extension
+
1.50m glazed lean-to

93 RANDOLPH AVENUE
4.50m deep rear extension

VALID PLANNING PERMISSION
NOT CURRENTLY IMPLEMENTED



DRAFT DECISION LETTER

Address: 95 Randolph Avenue, London, W9 1DL,

Proposal: Excavation of a basement extension beneath the house as proposed to be extended by way of a lower ground floor rear and side extension with front lightwell, rear rooflight and alterations to rear elevation.

Reference: 16/08162/FULL

Plan Nos: 1427_001, 1427_100, 1427_101, 1427_102, 1427_110, 1427_111, 1427_120, 1427_121, 1427_1_200, 1427_1_201, 1427_1_210, 1427_1_211, 1427_1_212, 1427_1_220, 1427_1_221, 1427_1_230, 1427_1_390S, Planning Statement, prepared by Planning Resolution, Design and Access Statement, prepared by Nash Baker Architects

For information only: Construction Traffic Management Plan prepared by Pall Mall Developments Ltd, Construction Management Plan prepared by Pall Mall Developments Ltd, Structural Methodology Statement prepared by Form Structural Design Ltd, Strategic Summary of Mechanical and Electrical Building Services

Case Officer: Samuel Gerstein

Direct Tel. No. 020 7641 4273

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 not at all on Saturdays, 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 (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 Prior to the commencement of any demolition or construction on site the applicant shall provide 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. (C11CA)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 4 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 1 planting season of completing the development (or within any other time limit we agree to in writing). If you remove any trees or find that they are dying, severely damaged or diseased within 3 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Maida Vale Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in S25, S28 and S38 of Westminster's City Plan (July 2016) and ENV 16, ENV 17, DES 1 (A) and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R30CD)

- 5 **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 protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (July 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 6 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 Johns Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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 front railings shall be painted black and permanently maintained in that colour.

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 Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (July 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 (July 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, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 4 With reference to condition 3 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.

- 5 You are advised that should you wish to install any external mechanical ventilation, a new application for planning permission is likely to be required.
- 6 You are advised to incorporate a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- 7 You are advised to consult with neighbouring occupiers at an early stage as part of your Code of Construction Practice, with particular reference to the representations received as part of this application. You are also advised to comply in full with the provisions of the Party Wall etc. Act 1996.
- 8 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)

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.