

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date: 27th February 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Regent's Park	
grant conditional permission Subject of Report	1 Denning Close, London, NW8 9PJ		
Proposal	Excavation below part of existing ground floor to form a basement extension to existing dwelling house.		
Agent	Mr Ben Halevi		
On behalf of	Mr Abraham Haim		
Registered Number	17/10516/FULL	Date amended/ completed	22 December 2017
Date Application Received	27 November 2017		
Historic Building Grade	Unlisted		
Conservation Area	Outside of but adjacent to St John's Wood Conservation Area		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

No. 1 Denning Close which is an unlisted building located outside of a conservation area. The property is a large two storey detached building set behind a significant boundary wall, the entrance and off street parking are to the west of the site.

Permission is sought for the excavation of a single storey basement directly below the north west section of the property. The proposal is identical to a permission previously granted in 2010.

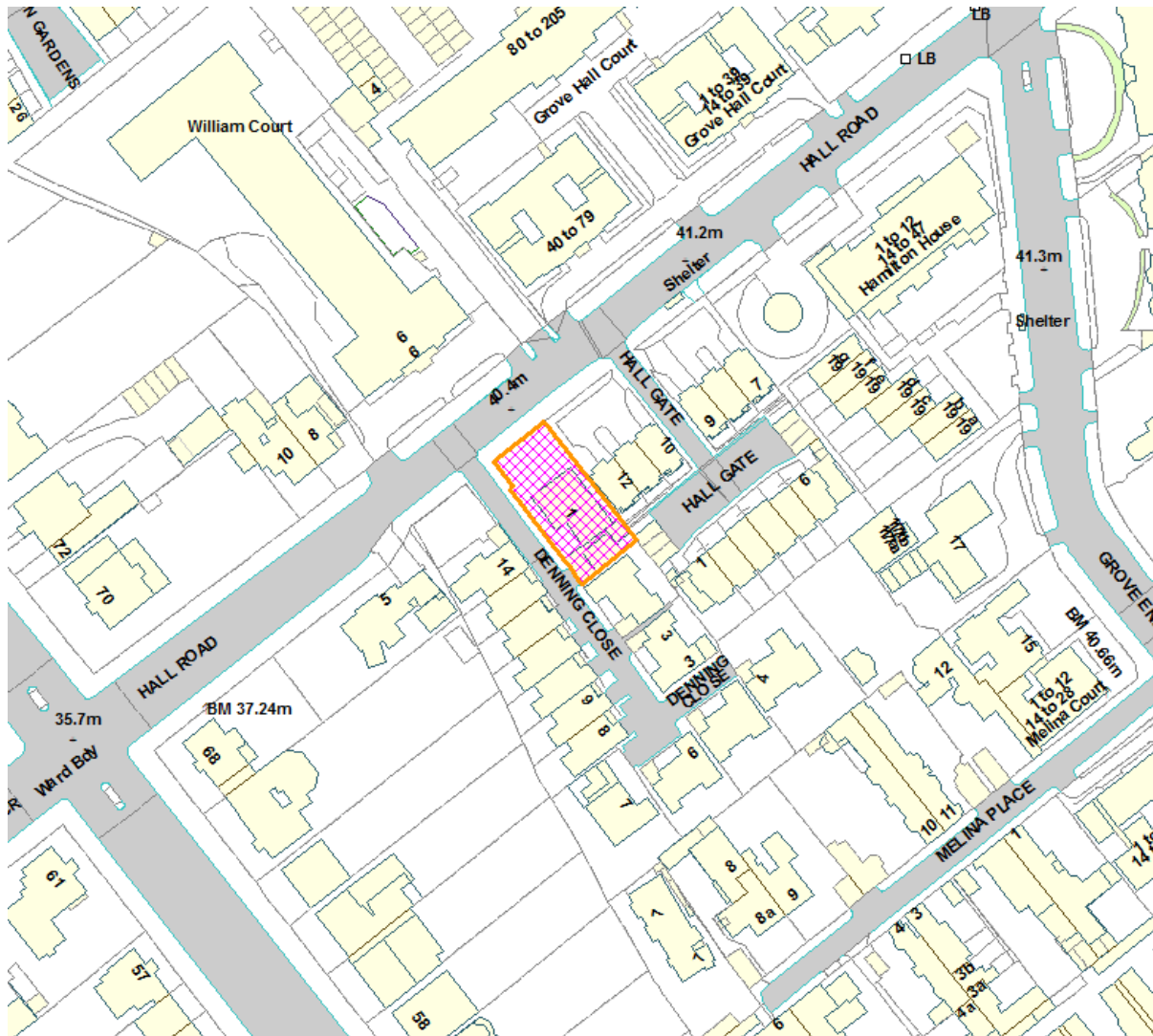
There have been three objections from neighbours within Denning Close on construction impact especially if the works are carried out at the same time as those at No.14 Denning Close. However, construction impact is now dealt with under the City Council's Code of Construction Practice. The St John's Wood Society has queried the clarity of the drawings.

The key issues in this case are:

- The impact of the basement.

The proposal is considered acceptable as the basement is fully policy compliant with policy and the impact on neighbouring properties and Denning close will be controlled through the City Council's Code of Construction.

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

1 Denning Close set behind boundary wall. Trees in the front garden visible



Front of 1 Denning Close taken from within the front garden



Side elevation of 1 Denning Close



5. CONSULTATIONS

THAMES WATER

General comments made.

ST JOHN'S WOOD SOCIETY:

Objection raised on the grounds the drawings are not sufficiently clear or informative, lack of information regarding ventilation and impact on neighbours.

ARBORICULTURAL MANAGER:

No objection, subject to tree protection condition.

HIGHWAYS PLANNING:

No objection

BUILDING CONTROL:

No objection

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 23

Total No. of replies: 3

No. of objections: 3 objections from neighbouring properties have been received on one or all of the following grounds.

CONSTRUCTION

- Disruption to the resident of denning close during the works, especially as there is a permission for a basement at No. 14 which may be carried out at the same time.
- The coming and goings of large vehicles will damage the structure of the road.
- No Construction Management Plan has been submitted.

ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

No.1 Denning Close is unlisted and is located outside of but adjacent to the St John's Wood Conservation Area, which is located West and South of Denning Close. Denning Close is a private road providing access to the properties within the Close. No. 1 is a detached two storey single family dwelling which sits behind a large boundary wall with the entrance and parking accessed through the west of the site. Within the gardens of the property there are a number of trees, most notably at the boundary along Hall Roa

6.2 Recent Relevant History

Excavation below part of existing ground floor to form a basement extension to existing dwelling house. Application Permitted 1 November 2010 (10/07610/FULL)

7. THE PROPOSAL

Permission is sought for the excavation of a single storey basement level to provide ancillary rooms to the main living accommodation at ground and first floor levels, the rooms are to be non-habitable. The basement is below the northern section of the building and sits directly below the north west section of the property with no external manifestations.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Use	405	532	127
Total	405	532	127

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposed basement is an addition to an existing dwelling to be used as ancillary space such as a play room and gym. The works are in accordance with H3 (adopted 2007) of the UDP and S14 of the City Plan adopted (November 2016) which seek to optimise housing and supports the enlargement of existing housing.

8.2 Townscape and Design

The proposed basement sits directly below the north west part of the existing building with no external manifestations proposed. The works would not harm the appearance of the existing building or the surrounding area and are therefore in accordance with DES 1, 5 of the UDP and S28 of the City Plan, therefore acceptable on design grounds.

Basement

The proposal includes the excavation of a single storey basement beneath the north west section of the property which is approximately half of the existing building, the relevant policy of Westminster's City Plan is therefore CM28.1 - Basement Development.

The applicant has submitted the Pro-forma attached to Appendix A of the City Council's Code of Construction Practice to demonstrate they will comply with the relevant parts of the Code of Construction Practice and awareness of the need to comply with other public and private law requirements governing development of this kind.

The applicant has provided a structural engineer's report explaining the likely methodology of excavation, the impact on adjacent properties. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The site is not within a flood risk zone or in an archaeologically significant area.

The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act.

This report has been considered by our Building Control officers who advised that the structural approach appears satisfactory. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course.

B

The proposed drawings show that the garden areas will be retained as existing and the trees officer is satisfied that the excavation works will not harm the trees on site. The details regarding the proposed ventilation and lighting are acceptable for a basement of this nature. As the basement is below the existing building only, the drainage in the surrounding gardens will remain as existing. There are no external manifestations and the character of the building and surrounding area will therefore not be harmed. Details of a suitable pumped drainage system have been provided and are acceptable.

C

The basement is below part of the existing building only and therefore the works are in accordance with parts 1. and 2. of part C as the extension will not extend below more than 50% of garden land, there will be no soil depth above the basement and the existing garden will act as the margin of undeveloped land. One storey is proposed and the site is not within a conservation area or listed. The site is located adjacent to the St John's Wood Conservation Area but as the works are wholly subterranean with no external manifestations they will not harm the setting of the conservation area, therefore the works are in accordance with 3. of part C.

Part D of CM18.1 is not relevant as the works are not below the adjacent highway.

Objections have been received from neighbouring properties on the grounds that the works will harm the amenity of neighbouring residential properties throughout the construction period and that the applicant has not submitted a Construction Management Plan. Under Policy CM 28.1 applicants are not required to provide a Construction management plan as details of how the works will be carried out and the impact on neighbours is now managed and controlled through our Code of Construction Practice. The applicant has submitted a signed Pro forma Appendix A demonstrating that they will sign up to the Code of Construction Practice. The standard Code of construction practice condition has been recommended. The objections regarding construction disturbance to neighbours and lack of a construction management plan are therefore not planning reasons to withhold permission.

The proposal is in accordance with CM 28.1 of the City Plan and is therefore acceptable on basement grounds.

8.3 Residential Amenity

The proposed basement sits below part of the existing footprint of the building with no external manifestations. Therefore, following the completion of the works the basement will not have a detrimental impact on the amenity of the adjoining residential properties regarding sense of enclosure, loss of daylight/sunlight or overlooking.

The works are in accordance with ENV13 of the UDP and S29 of the City Plan and are therefore acceptable on amenity grounds.

8.4 Transportation/Parking

The proposal does not represent an increase in residential units or loss of parking as such the proposal is not contrary to TRANS23. The existing vehicular access and car parking space are retained and no additional cycle parking is required.

8.5 Economic Considerations

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

8.6 Access

The access to the site will remain as existing from the west of the site for both pedestrians and vehicles.

8.7 Other UDP/Westminster Policy Considerations

Not applicable

8.8 Trees

The City Council's Arboricultural officer has not raised objection to the loss of two trees (a purple plum and a Leyland cypress), subject to a tree replacement and tree protection of the retained trees from construction activity.

8.9 London Plan

This application raises no strategic issues.

8.10 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.

8.11 Planning Obligations

The estimated CIL payment is: WCC = £50,800 and Mayoral = £6350

8.12 Environmental Impact Assessment

This application does not require an environmental impact assessment

8.13 Other Issues

The Building Control officer has raised no objection to the works but has stated that as the new structure would provide support to the adjacent highway the applicant should seek the approval of the City Councils Highways Engineer before beginning excavation. An informative has been added to the permission to remind the applicant of this requirement.

9. BACKGROUND PAPERS

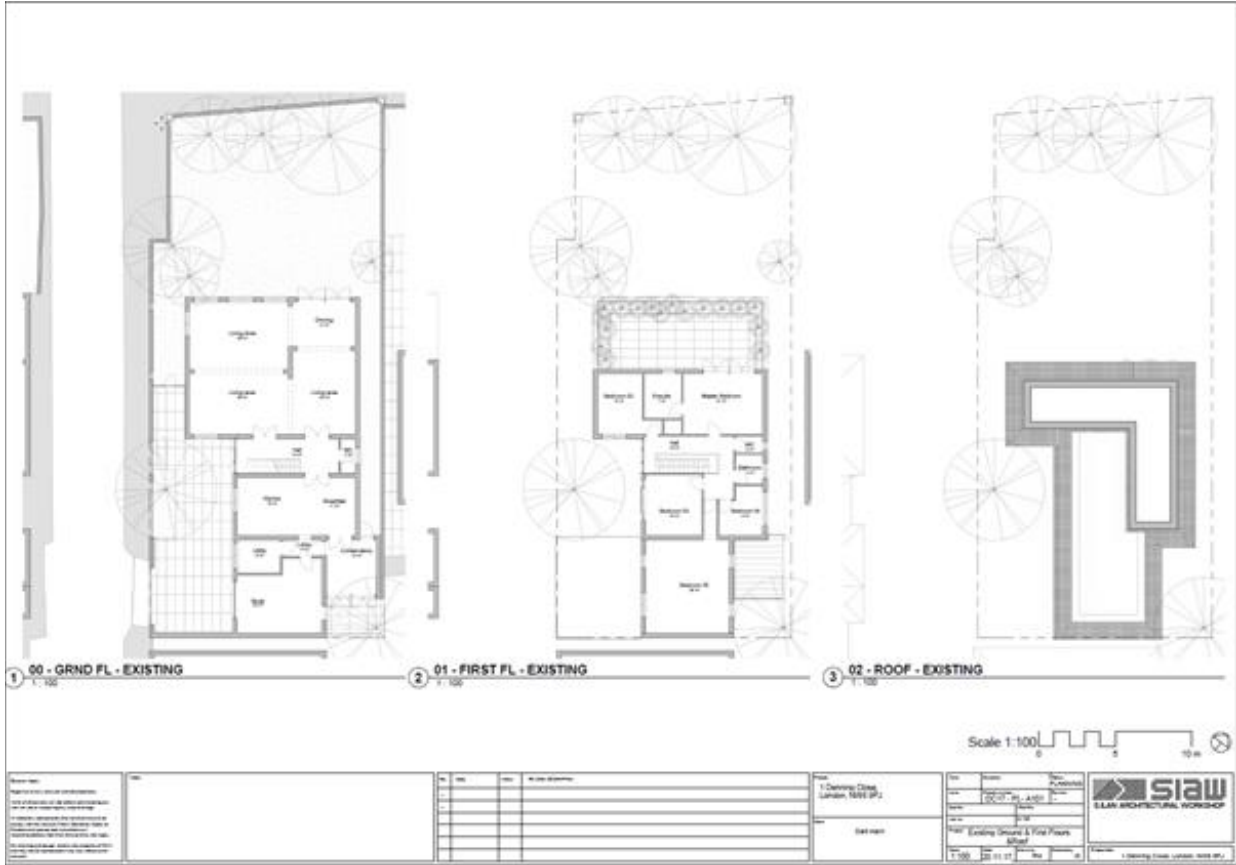
1. Application form
2. Response from Thames Water dated 03.01.2018
3. Response from St John's Wood Society, dated 8 January 2018
4. Response from Building Control - Development Planning, dated 19 January 2018
5. Response from Highways Planning – Development Planning, dated 9th January 2018
6. Response from Trees – Development Planning, dated 9th February 2018
7. Letter from occupier of 2 Denning Close, Hall Road, dated 19 January 2018
8. Letter from occupier of 9 Denning Close, Hall Road, dated 15 January 2018
9. Letter from occupier of 10 Denning Close, St John's Wood, dated 12 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.

10. KEY DRAWINGS

Existing floor plans



DRAFT DECISION LETTER

Address: 1 Denning Close, London, NW8 9PJ

Proposal: Excavation below part of existing ground floor to form a basement extension to existing dwellinghouse.

Reference: 17/10516/FULL

Plan Nos: Site location plan, DC17 - PL- A101, DC17 - PL- A102, DC17 - PL- A103, DC17 - PL- A301, DC17 - PL- A201, DC17 - PL- A202, DC17 - PL- A203

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 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take

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

Reason:

To protect the environment of 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)

- 4 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)

- 5 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

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 **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 (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 7 You must apply to us for approval of detailed drawings of a planting 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 planting within one 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 5 years of planting them, you must replace them with trees of a similar size and species.

(C30BB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BC)

- 8 When you apply to us for approval under condition IN (C31CC) you must include the following:
- i) a methodology to carry out initial excavations of the basement footprint where it is closest to the trees a) by hand and b) under arboriculture supervision. You must include details of precautions which will be taken to prevent soil slippage along this part of the excavation.
 - ii) a schedule of arboriculture supervision, to be carried out by a suitably experienced and qualified arboriculture consultant, with provision to report back to the LPA within 5 days following each visit.
 - iii) A Tree Protection Plan incorporating site set-up details, showing storage and site facilities and access routes for vehicles, pedestrians, plant, materials and spoil.

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)

- 9 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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

4

Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)

5

The term 'clearly mark' in condition means marked by a permanent wall notice or floor markings, or both. (I88AA)

6

You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

7

You will require technical approval for the works to the highway (supporting structure) prior to commencement of development. The applicant should contact Andy Foster (0207 641 2541) in Engineering & Transportation Projects to progress the applicant for works to the highway.

8

Should your proposed building work fall within 3 metres of these pipes we recommend you email us a, scaled ground floor plan of your property showing the proposed work and the complete sewer layout to, developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.

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.