Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	**Date** **3 April 2018**	**Classification** For General Release	
Report of Director of Planning		**Ward(s) involved** Lancaster Gate	
Subject of Report	**12 Garway Road, London, W2 4NH**		
Proposal	Excavation of a basement floor below existing house and part of front and rear gardens, demolition and rebuilding of rear lower ground floor level conservatory, enlargement of front lightwell, insertion of rooflight with decorative metal grille over within front lightwell, internal alterations and removal of tree from rear garden.		
Agent	Savills		
On behalf of	Mr & Mrs Marco Arosio		
Registered Number	17/01993/FULL & 17/01994/LBC	**Date amended**	27 November 2017
Date Application Received	6 March 2017		
Historic Building Grade	II		
Conservation Area	Bayswater		

1. RECOMMENDATION

1. Grant conditional permission and conditional listed building consent.
2. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.

2. SUMMARY

The application site forms one half of a grade II listed 1830's semi-detached villa pair located within the Bayswater Conservation Area.

Planning permission and listed building consent were granted on 13 December 2016 (RNs: 16/05395/FULL and 16/05396/LBC) for the excavation of a basement extension under the building and part of the front and rear gardens, with front and rear lightwells. The decision to grant permission and consent was subsequently the subject of a Judicial Review, which cited three linked grounds in relation to the City Council's assessment of the impact of the development in terms of flood risk, particularly from surface water flooding, given the site is located within a 'surface water flood risk hotspot' in the 'Basement Development in Westminster' Supplementary Planning Document (October

2014). The grounds for the Judicial Review are set out in further detail in Section 6.2 of this report. The Judicial Review was not contested and the Consent Order was sealed by the court on 9 March 2017 thereby quashing the permission and consent granted on 13 December 2016.

Prior to the permission and consent that were quashed in March 2017, two earlier appeals against non-determination had been dismissed on 22 September 2015 and 20 May 2016 for excavation of basement extensions of differing detailed design. In both of these decisions, the Inspector and City Council concluded that the principle of the basement extension was acceptable; albeit it is recognised that this was prior to the adoption of the 'basement development' policy, CM28.1 in the City Plan in July 2016, and this report re-examines the acceptability of the principle of basement development below this listed building in light of the adoption of this policy. The dismissed appeals identified elements of the detailed design, in relation to the front and rear lightwells, which were not appropriate in listed building and conservation area terms.

The applications for permission and consent that have now been submitted propose the excavation of a basement below the existing house and part of the front and rear gardens, demolition and rebuilding of the rear lower ground floor level conservatory, enlargement of the front lightwell, insertion of a rooflight with a decorative metal grille over within front lightwell, internal alterations and the removal of tree from rear garden.

Also of note is that an application for the excavation of a basement extension below the neighbouring property at No.14 Garway Road, which comprises the other half of this semi-detached villa pair, is also on this committee meeting agenda (Item 4).

The key considerations in this case are:

- The impact of the proposed internal and external alterations on the significance of the listed building and the setting of the listed paired villa.
- The impact of the proposed external alterations on the character and appearance of the Bayswater Conservation Area.
- The compliance of the proposed basement with the basement development policy (CM28.1 in the City Plan), including the impact of the development on flood risk and the appropriateness of the structural methodology in terms of its suitability to the ground conditions in this location and its ability to safeguard the host listed building and its neighbour at No.14.
- The impact of the proposed development on trees on the site and adjacent to it.
- The impact on the amenity of neighbouring residents.

For the detailed reasons set out in this report, it is not considered that the proposed development would harm the significance of the host listed building, the setting of neighbouring listed buildings including No.14 Garway Road or the character and appearance of the Bayswater Conservation Area. Furthermore, the current application demonstrates general compliance with the basement development policy (Policy CM28.1 in the City Plan) and is also acceptable in land use, amenity and environment terms. Accordingly, the proposed development would comply with the relevant policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan). Therefore, it is recommended that planning permission and listed building consent are granted subject to the conditions set out in the draft decision letters appended to this report.

Item No.
3

3. LOCATION PLAN

Item No.
3

4. PHOTOGRAPHS

Front elevation with No.12 on right (top) and existing front lightwell (bottom).

Item No.
3

Existing lower ground floor level conservatory (top) and rear patio area (bottom).

5. CONSULTATIONS

WARD COUNCILLORS (LANCASTER GATE)
Any response to be reported verbally.

BAYSWATER RESIDENTS ASSOCIATION
Any response to be reported verbally.

ARBORICULTURAL MANAGER:
Proposal results in loss of a bay tree in the rear garden, which is considered regrettable, but has previously been accepted as part of the scheme considered at appeal. Trial excavations demonstrate that roots of the Sycamore in adjacent garden are unlikely to be affected by rear excavation. Trees to be retained to the rear must be protected during works. Proposed basement below the front garden would have an undeveloped margin and a soil depth of 1300mm above it and this is welcomed. The undeveloped margin at the rear would be offset/ provided on one side of the basement only and there would be no soil depth provided over the rear section of the basement. Considers that the offsetting of the undeveloped margin and lack of soil depth are contrary to Policy CM28.1 in the City Plan (the 'basement development' policy). Notes though that the excavation to the rear would be below the existing sunken patio/ shallow lightwell. On balance raises no objection, but recommends landscaping and replacement tree planting is secured by condition.

BUILDING CONTROL
Further to the provision of further information in April 2017 and November 2017 the following comments have been provided. The structural stability, geology and hydrology issues have all been adequately covered in the submitted documents.

Structural Stability:
- While engineering and structural matters are controlled through the Building Act 1984, Building Regulation 2010 and the party Wall Act 2005, the feasibility report submitted illustrates that the basement can be achieved, whilst structurally supporting the building, with piles and steel framing for lateral support.
- The buildings do not have any visible damage from wartime bombing. The basement will provide a firm base for the buildings above.

Geology:
- A site investigation in 2014 with 6m deep test excavations showed that the subsoil was firm to stiff London clay, so there would be no damming effect from the concrete construction of the basement.

Hydrology:
- The site does not fall within a sea or river floodplain and there is a low chance of flooding by extreme rainfall. The site investigation shows that surface water only flows in the top 1.6m of permeable soil.
- The proposed basement would be constructed in London clay which has a very low rate of absorption. The basement will result in the replacement of the existing drainage system and will allow for the increased capacity of storage for drainage in line with the Building Regulations. The new system will have a sump system, to deal with any water ingress through the wall or from under the slab.

- The proposal would not increase flood risk to other properties and this property could be 'operated' safely.

CLEANSING MANAGER
No objection. Condition recommended.

ENVIRONMENT AGENCY
Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER
No objection. Conditions and informatives recommended.

HISTORIC ENGLAND
Do not consider it necessary to be consulted.

LONDON AND MIDDLESEX ARCHAEOLOGY SOCIETY (LAMAS)
Strong objection to the insertion of a basement under the whole site was deemed wholly inappropriate.

ANTICENT MONUMENT SOCIETY
Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHEAOLOGY
Any response to be reported verbally.

THE GEORGIAN GROUP
Any response to be reported verbally.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS
Any response to be reported verbally.

TWENTIETH CENTURY SOCIETY
Any response to be reported verbally.

THE VICTORIAN SOCIETY
Any response to be reported verbally.

THAMES WATER
Any response to be reported verbally.

ADJOINING OWNERS/ OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

Consultation on Originally Submitted Scheme (April/ May 2017)

No. Consulted: 24.
Total No. of Replies: 3.
No. of Objections: 2.
No. of Support: 1.

Objection raised on all or some of the following grounds:

Design, Conservation and Listed Building Issues:

- Clerestorey windows and lay-lights should be omitted from the front lightwell in accordance with the appeal decision dated 20 March 2016.
- Concern that the basement would adversely affect the hierarchy of the listed building, contrary to Policy CM281(B)(6). Note that the 'Basement Development in Westminster' SPD adopts a 'case by case' approach to basements development below listed buildings having regard to the impact on the significance of the building.
- Note that the number of floors is part of the list description and consider that the hierarchy and significance of the building would be harmed.
- Submitted Heritage Statement fails to address the issue of hierarchy of spaces within the building.
- Consider that the scheme would cause less than substantial harm, as defined by Para 134 of the NPPF, but that this is not outweighed by any public benefits.
- Applicants approach to assessing harm to the heritage asset does not accord with the NPPF.
- 'Basement Development in Westminster' SPD advises that the structural method statement should be prepared by a CARE accredited engineer with expertise in historic buildings, but the appointed engineers do not appear to have this qualification. This risks harm to the heritage asset.

Flood Risk Issues:

- Adverse impact on drainage from basement.
- Adverse impact on flood risk.
- Application should be accompanied by a flood risk assessment in compliance with CM28.1 in the City Plan and the 'Basement Development in Westminster' SPD as is located within a Surface Water Hotspot.
- CMS submitted by the applicant is not a flood risk assessment.
  In absence of a flood risk assessment it is not possible to determine what mitigation measures are required.

Other Issues:

- Loss of green space from rear garden.
- Harm to retained trees and loss of trees.
- Removal of tree would reduce privacy of neighbours.
- Noise and disturbance from construction works.
- Additional light spill from larger windows, doors and rooflights.
- Security lights, if installed, would cause light pollution.

One email received from a neighbouring occupier stating they share a party wall and they support the proposal.

<u>Consultation on Revised Scheme Including Flood Risk Assessment dated 21 November 2017 (December 2017/ January 2018)</u>

No. Consulted: 3.
Total No. of Replies: 1.
No. of Objections: 1.
No. of Support: 0.

Objection received from the represent of the three freeholders of 14 A, B and C Garway Road maintain the grounds for objection raised in their earlier representation dated 2 May 2017.

These applications were due to be considered by Sub-Committee on 6 March 2018. However, the applicant's Flood Risk Assessment was unavailable to view online. The document is now available to view. The objector raising the flood risk issue was re-consulted on 5 March, giving a further 21 days to comment. Any responses will be reported verbally to Sub-Committee.

ADVERTISEMENT/ SITE NOTICE
Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises a grade II listed, early 1830's semi-detached single bay house with side flanking wing. It has attractive brick with stucco detailing and comprises lower ground, ground and two upper floors, below a shallow pitched roof. The building is in use as a single dwelling house.

The house is broadly symmetrical to No.14 and together they form a typical Regency villa composition. These remaining examples of the earlier forms of development within Bayswater positively contribute to the architectural and historical character and appearance of the Bayswater Conservation Area in which they are located.

In terms of the wider context, the neighbouring semi-detached pair to the south at Nos.8 and 10 Garway Road are also grade II listed. Opposite the site is the relatively recently rebuilt College Park School, whilst to the rear of the site the terrace properties facing Kensington Gardens Square are also grade II listed.

6.2 Recent Relevant History

9 March 2017: Consent Order granted quashing the permission and listed building consent of 13 December 2016. The complainant's grounds for bringing the Judicial Review that led to the Consent Order were that in granting planning permission and listed building consent the City Council:

i. Failed to comply with Policy CM28.1 in the City Plan, which requires the submission of a flood risk assessment for basement development in 'surface water flood risk hotspots', as defined in the 'Basement Development in Westminster' SPD (October 2014);
ii. Failed to adequately consider all relevant material considerations, namely, it did not have regard to impact of the development on surface water flooding (including cumulatively with No.14); and the impact of the proposed development on flood risk
iii. Made an error of fact by granting permission and consent on the basis that objections relating to flood risk had been satisfactorily addressed by officers,

members and at the previous appeal relating to No.14 Garway Road (see Item 4 on this committee agenda).

13 December 2016: Permission and listed building consent granted under delegated powers for 'Excavation of a basement extension under building and front and rear gardens, with front and rear lightwells' (RNs: 16/12221/FULL and 16/12222/LBC). These decisions were later quashed (see above).

20 May 2016: Non-determination appeals in respect of planning and listed building consent applications for 'Basement extension under the house and part of the garden' were dismissed (RNs: 15/09360/FULL and 15/09361/LBC).

In dismissing the appeal, the Inspector had concerns regarding the clerestory windows and lay-lights/ rooflights within the front lightwell. The Inspector stated *'Light would play on the façade of the building from the clerestory windows, and this would appear out of place and disturb the appearance of the building after dark… There would also be lay-lights in the floorof the basement area and these together with the windows would be visible from the house and the front steps, and the interests of listed buildings is not confined only to those places accessible to the general public'*.

The Inspector also raised concerns regarding the lack of soil depth within the front garden area to be reinstated. The Inspector had regard to the 'Basement Development in Westminster' SPD and noted that whilst an SPD compliant depth of 1 metre plus a 200mm drainage layer was not necessarily required, the depth proposed was not sufficient. The Inspector concluded that *'The risk is that the garden area would not suit or support the level of soft landscaping necessary to even go some way to softening the harsh and intrusive lines of the enlarged basement lightwell and its glazing, in addition to which, in listed buildings, hiding inappropriate or jarring details by planting would not overcome the harm that would have been caused. Whilst the proposals result in only a 'modest increased depth' as was suggested by the previous Inspector, this modest visual increase would have an adverse effect on the appearance of the designated heritage assets of the listed building and the wider conservation area'*.

22 September 2015: Non-determination appeals in respect of planning and listed building consent applications for "Excavation of basement extension, demolition and rebuilding of single storey rear extension, removal and replacement of front garden boundary wall and railings" were dismissed on design and listed building grounds (see appeal decision in background papers) (RNs: 14/11717/FULL and 14/11718/LBC).

In dismissing the appeal, the Inspector concluded that the removal of an original window and introduction of French doors to the front elevation at lower ground floor level and the enlargement of the existing front lightwell would harm the special interest of the listed building. To the rear the Inspector had concerns regarding the size and design of the rear lightwell. She stated that it *'…would be a much wider and deeper feature than the one at the front, in part to include an external staircase to the rear garden. It would not directly abut the original listed building but nonetheless it would be a very large and incongruous feature, which the Council aptly describes as having a moat effect'*. For these reasons the Inspector concluded that the rear lightwell proposed would diminish and detract from listed building and its garden setting.

However, whilst the appeal was dismissed, the Inspector did note that *'…the basement proposal would not harm the listed buildings structural integrity, plan form, or hierarchy of spaces. I therefore find no objection in principle to the overall size of the basement, even though it would extend beyond the listed building's existing footprint'*. The Inspector also concluded that the removal of the Bay tree from the rear garden was not objectionable subject to a replacement tree being secured by condition.

In determining the appeal, the Inspector did not apply Policy CM28.1, which was at that stage a draft policy, which was not being applied by the City Council to proposals for basement development received before November 2015. The Inspector did though provide the following commentary in terms of compliance with the then emerging policy:

'It is also the case that the proposed lightwell arrangement would not accord with emerging basement Policy CM28.1 part A9 in failing to protect the character and appearance of the building, garden setting or surrounding area as the lightwell would not be sensitively designed or discreetly located. However, the shortcomings identified in this Decision adversely affect the listed building and its setting, and as a result the emerging Policy is not determinative of these Appeals, since the adopted policy and Supplementary Planning Document are sufficient with regard to the specifics of the proposal. The apparent anomaly between the stated implementation date of November 2015 and the guidance in the Framework need not be addressed'.

22 September 2015: Non-determination appeals in respect of planning and listed building consent applications for: "Installation of five roof lights to main roof, one roof light to flat roof, one window to side elevation at lower ground floor level, removal of window in side elevation at second floor level, erection of front porch and front boundary treatment and associated internal alterations" were part dismissed/ part allowed (14/11841/FULL and 14/11842/LBC).

The Inspector resolved to refuse the rooflights within the main roof of the building, but allowed the other alterations proposed by the appeals, subject to conditions. In terms of the rooflights, in dismissing this part of the appeal the Inspector concluded that *'adding so many rooflights would harm rather than preserve the listed building's special interest'.*

7. THE PROPOSAL

Permission and listed building consent are sought for the excavation of a basement extension below the existing house and part of the front and rear gardens, demolition and rebuilding of the rear lower ground floor level conservatory, enlargement of the front lightwell, insertion of a rooflight with decorative metal grille over within front lightwell, internal alterations and removal of a Bay tree from the rear garden.

The current scheme is similar to the scheme quashed following Judicial Review (see Section 6.2), but the design of the basement has been amended to take into account the requirements of Policy CM28.1 in the City Plan and a flood risk assessment has been submitted in support of the application.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The enlargement of the existing dwelling house accords with Policy H3 in the UDP and is acceptable in land use terms.

8.2 Townscape and Design

8.2.1 Legislative and Policy Context

In term of national legislative context, Section 16 of the Planning (Listed Buildings and Conservation Area) Act 1990 (as amended) requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historical interest which it possesses, when considering whether to grant listed building consent.

Section 66 of the same act requires the local planning authority to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest it possesses, when considering whether to grant planning permission for development affecting a listed building or its setting.

Section 72 of that act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

In design, conservation and historic building terms Policies DES1, DES5, DES9 and DES10 in the UDP and Policies S25, S28 and CM28.1 in the City Plan are relevant.

8.2.2 Significance of the Affected Heritage Assets

No.12 Garway Road, along with its semi-detached pair, dates from the mid-nineteenth century and represents the first phase of townscape development on this site. The semi-detached villa layout was a typical form of development during this mid-nineteenth century period and alongside rows of terraced housing were and remain the predominant form of development in this part of Bayswater/ Westbourne.

To the front façade the two semi-detached villas exhibit a high degree of symmetry with a main four storey block flanked by lower entrance wings. A hipped roof with oversailing eaves has a central party wall with chimney stacks. The villas comprise lower ground floor, a raised ground floor and two upper floors and the front façade exhibits a classical hierarchy with raised ground floor appearing as the main floor level, with diminishing window sizes to the upper floors. The lower ground floor windows are subordinate in prominence. The symmetry of the villas is less evident to the rear, where later extensions have altered the original form.

In terms of the interior the principal ground floor layout retains much of its historic plan form and character with cornices and traditional joinery surviving. The double door between the two main rooms is likely to be a later alteration. The main staircase, within the side bay retains its original detailing with an open string balustrade and a curtail step with volute newel post at its base. The room to the rear of the staircase is likely to form part of a later extension of the side wing.

The first floor layout again maintains its historic cellular floor plan, with front and rear rooms divided by a stair flight from first to second floor. Original joinery survives at this level. The floor plan of the side wing appears to have undergone modification and extension and these secondary areas are now used to provide ensuite facilities.

At second floor level while two main rooms survive these spaces have undergone some alteration including the introduction of a bathroom within the front room and the addition of a wide dormer in the side of the roof.

The lower ground floor is where the greatest degree of change to the layout and historic floor plan has occurred. While the stair flight down from the ground floor appears to be in its original location and may retain some original fabric, the historic plan form has been heavily eroded with the removal of the cross wall between front and back rooms; the removal of sections of wall between the entrance wing and the main house; and the addition of a modern rear conservatory extension accessed via a double-width door opening in the rear wall. The effect of these changes has been to create a modern open plan layout to this floor level.

In terms of the significance of No.12 Garway Road as a designated heritage asset, it is considered that its external appearance, along with its pair at No.14, make an important contribution to the historic and architectural character of the townscape, exhibiting the original appearance of a first phase of development in the area. The paired villa design, with classical elements is also reflective of late Georgian/ early Victorian development, which is found elsewhere within the conservation area and makes a very important contribution to the area's character and appearance. Thus the external appearance of the building has significance both in terms of historical value and in terms of aesthetic value.

The interior of No.12 also contributes to its significance with a discernible hierarchy of spaces and traditional plan form, which are common features within properties of this period. There are also numerous elements of surviving historic fabric and/ or later complementary fabric. It is considered that the ground floor spaces and the main staircase make the greatest contribution to the significance of the interior, having undergone the least amount of modification. The second floor and to a greater degree the lower ground floor make a lesser contribution to the significance of the building, having undergone quite considerable alteration, particularly in the case of the lower ground floor. The interior elements which contribute to the building's significance do so in terms of historical value and aesthetic value, but the degree of significance varies with elements such as the ground floor and staircase making a far greater contribution than areas such as the lower ground floor.

In terms of the significance of the Bayswater Conservation Area, this is a large conservation area which can be characterised as primarily residential and of nineteenth century date; however, it is composed of sub-areas and in this instance Garway Road sits within the western extent of the conservation area, which is predominantly mid to late nineteenth century speculative housing in the form of villa style properties and to a greater extent terraced housing. The conservation area has historic and aesthetic value revealing the westward expansion of London in the Victorian period. Unquestionably the

appearance of Nos.12 and 14 Garway Road underpin and reinforce this character and appearance.

Objection has been raised on grounds that the proposed basement would harm the significance of the listed building, particularly in terms of the hierarchy of spaces within the listed building and as it would add to the number of floors within the building relative to those described in the list description.

In this case the principle of forming a basement extension below the existing building and parts of the front and rear gardens is considered acceptable. This is because the proposal would not result in the loss of historic fabric of significance at lower ground floor level, as there is little internal fabric of interest at this floor level, and as the hierarchy of the original floors within the building would remain, with the internal link to the new basement confined to a discreetly located single staircase below the existing stair at lower ground floor level.

In addition to the basement having no adverse impact on the significance of the interior; its discreet external manifestations are such that there would be no adverse impact on the external appearance of the building, which would thus maintain its significance and that of the wider conservation area (see Sections 8.2.3 and 8.2.4).

In terms of the structural impact of the proposed basement on the existing listed building, basements can be safely constructed below existing structures through specialist design and construction, including hand excavation, sequential underpinning and temporary support for the internal structure. One objector notes that the structural engineer that drafted the submitted structural methodology does not appear to be a Conservation Accreditation Register for Engineers (CARE) accredited engineer. However, this is recommended by the 'Basement Development in Westminster' SPD and is not a requirement. Building Control have considered the submitted structural methodology and are content that it is sufficient to demonstrate that the proposed basement can be constructed without structural harm occurring to the heritage asset. The detailed structural design will be subject to building regulations approval. In this context the objections raised on structural grounds by neighbours and the LAMAS cannot be supported as a ground on which to withhold permission.

8.2.3 Alterations to Front Lightwell and Garden

When concluding her opinions on the front lightwell, the first Inspector made the following statement on its potential to be considered favourably:

'Subject to appropriate detailing of hard and soft landscaping to the front garden area, a modest increase in the depth of the light-well would not necessarily appear incongruous or detract from the listed building's setting, but that would not overcome the harm arising from loss of the existing window'.

The second appeal Inspector agreed with the City Council's view that the use of clerestory windows beneath the garden facing the house would not be appropriate to the setting of the houses. Clerestory windows do not form part of this proposal, notwithstanding the neighbour's statement in their objection that they do.

The front lightwell now proposed would be more enclosed with a higher retaining wall to the front garden. The proposed lightwell would be rectangular in form with a metal grille measuring 1m deep by 1.8 m wide located directly in front of the existing lower ground floor window in the floor of the lightwell. Below this grille, a rooflight is proposed to provide natural light to the front of the proposed basement. As above, the clerestory windows, which formed part of the previously refused proposal, in the side of retaining wall to the lightwell are no longer proposed and the historic sash window within the front elevation of the building at lower ground floor level will be retained.

Given the height of the retaining wall to the front of the lightwell, the less open character of the lightwell and its design (now a rooflight with a metal grille over), the proposed lightwell overcomes the concerns raised by the Inspectors in the earlier appeal schemes with regard to its detailed design and form. A condition is recommended to require further details of the design of the grille within the lightwell. The associated landscaping within the front garden area is also significantly improved from the earlier appeal schemes with 1.3m of soil and drainage depth provided over the basement where it projects below the front garden area and the structure of the basement designed to allow drainage from this area out under the highway (i.e. the soil within this area would not be isolated like a planter). As such, the concerns expressed by the previous Inspectors in respect of the landscaped setting of the listed building have been addressed in the current scheme.

As such, the external manifestations of the front of the proposed basement would have an acceptable visual impact in terms of the listed building, preserving its setting, as well as the character and appearance of the Bayswater Conservation Area.

8.2.4 Alterations to Rear Elevation

The demolition and rebuilding of the glazed rear extension, which was erected around 2010 is acceptable in principle and there would be no adverse impact on the significance or setting of the listed building as a consequence of this element of the application given that it involves the demolition and replacement of a modern addition to the building.

The rear lightwell proposed as part of the appeal determined in September 2015 was found by the Inspector to be excessive in size and had the effect of creating a ‘moat’ effect around the base of the rear of the building. As part of the subsequent scheme dismissed at appeal scheme in May 2016 the rear lightwell had been substantially reduced in scale and its relationship to the original building improved, such that the Inspector did not find the lightwell in the second appeal scheme harmful to the significance of the listed building or the character or appearance of the Bayswater Conservation area.

The reduced size of the rear lightwell and more discreet location in front of the closet wing remains the same as the second appeal scheme in the current application. Given the discreet location of the lightwell and its small size, it is not considered that it is contrary to the Policy CM28.1(B)(5), which was adopted after the determination of the second appeal.

8.2.5 Design, Conservation and Listed Building Conclusion

It is considered that the development proposed by the current planning and listed building consent applications preserves the overall character of the building's setting, its features of interest and the character of the Bayswater Conservation Area. Thus the alterations to the listed building are considered to accord with Policies DES 1, DES 5, DES 9 and DES10 in the UDP and Policies S25, S28 and CM28.1 (where relevant to design and heritage assets) in the City Plan. The proposal is also consistent with the relevant guidance provided in the 'Repairs and Alterations to Listed Buildings' SPG (1995) and the 'Basement Development in Westminster' SPD (2014) (in respect of design and heritage asset considerations – see also Section 8.7.1 of this report).

In line with the requirements of the NPPF, the significance of affected heritage assets has been considered and the impact on significance of the proposals has been assessed. It is concluded that the significance of the listed pair and of the conservation area would not be adversely affected by the proposals.

8.3 Residential Amenity

Given the subterranean location of the proposed extension and the fact the proposed rear extension replaces an extension of the same size in the same location, the alterations and extensions proposed do not give rise to significant amenity concerns.

Concern has been expressed by one neighbouring occupier that the loss of the Bay tree to the rear would result in additional overlooking and noise disturbance as the rear of the site would be less effectively screened compared to the existing situation. However, the loss of this tree has already been accepted at appeal and as such, permission could not reasonably be withheld on the basis of the privacy/ noise attenuation screening that the retention of this tree would provide.

The perceived loss of privacy from a greater extent of glazing is not considered to harm amenity. The existing conservatory will be removed and rebuilt, resulting in no net increase, while the new basement windows would be set within a narrow light well with very limited views out. As such, the additional glazing proposed at basement level would not result in a material increase in overlooking to neighbours.

Noise and disturbance arising from construction works is to be controlled by a condition limiting the hours of works, which will be more restrictive in respect of particularly noisy works of excavation, which will not be permitted at weekends.

As such, the scheme accords with Policies S29 and S32 in the City Plan and Policy ENV6 and ENV13 in the UDP and is acceptable in amenity terms.

8.4 Transportation/Parking

The proposed development does not raise any significant transportation or parking considerations.

The Cleansing Manager and the Highways Planning Manager have suggested conditions relating to waste storage and the opening of doors over the highway, but as the scheme represents an extension of an existing dwellinghouse and not the creation of

a new dwelling and as the scheme does not propose any doors or gates opening over the highway, these conditions have not been included in the draft decision letters.

8.5 Economic Considerations

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

8.6 Access

The proposed development would not alter the existing means of access to this private residential dwelling.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Basement Development

The 'Basement Development' policy in the City Plan (CM28.1) is split into four parts with not all parts and sub-sections being applicable in every case of basement development. In this case, parts A to C are relevant, whilst part D is not as the proposed basement does not extend under the highway.

In terms of parts A(1) and A(2) of the policy, the applicant has provided a site investigation report, a structural methodology prepared by a suitably qualified structural engineer and a flood risk assessment.

The structural methodology submitted has been assessed by Building Control who are content that the methodology proposed is appropriate for the ground conditions on this site and would safeguard the structural stability of the listed building and its nearby neighbours. Building Control officers have visited the site and are content that there are no signs of historical damage to the building that would mean the structural methodology proposed is not appropriate. As such, part A(3) of Policy CM28.1 has been satisfied.

Part A(4) of Policy CM28.1 requires that all applications for basement development will not increase or otherwise exacerbate flood risk on the site or beyond. It is the assessment of this aspect of the scheme determined in December 2016, which led to the permission and consent being Judicially Reviewed and subsequently quashed in March 2017. Objection has been received relating to the potential of flooding both within the building and increasing surface water flooding and stating that the flood risk assessment initially submitted is inadequate. Following the submission of a more detailed flood risk assessment in November 2017 the scheme has been the subject of further consultation, but the objector maintains their objection on this ground.

Due to the location of the site within Surface Water Flood Risk Hotspot 'No.10 – Bayswater', where there is a 1 in 100 year risk of flooding as a result of extreme rainfall leading to surface water flooding, in accordance with the requirements of Policy CM28.1 and the supplementary guidance in the 'Basement Development in Westminster' SPD, the current application is accompanied by a flood risk assessment (see copy of this document in the background papers). Other supporting documents with the current application have also been corrected from previous application to show the site within the 'hotspot' area.

Paragraph 6.3.6 of the 'Basement Development in Westminster' SPD states that basement development beneath gardens may result in increased surface water runoff through reducing infiltration capacity. Furthermore, the reduction in ground capacity may reduce the ability to act as a store for rainwater. The guidance adds that self-contained basement dwellings should be located outside of surface water 'hotspots', to reduce vulnerability to surface water flooding where possible.

Furthermore, the reasoned justification for City Plan Policy CM28.1 states that basements are more susceptible to flooding, both from surface water and sewage than conventional extensions, adding that fitting basements with positive pumped devices will ensure that they are protected from sewer flooding.

The proposed basement would not significantly increase the impermeable area of the site as it is largely contained below the existing building and the hard paved front lightwell and patio areas. Only where the basement extend below part of the front garden area would this increase impermeable area for water infiltration on the site. However, as identified in the application documents and by Building Control this is not a large area of additional impermeable area and the site is located above London Clay meaning that only the top 1.6m of top soil is readily permeable at present. Given these factors and as the scheme would allow for the replacement of 1.3m of soil and drainage layer over the front part of the basement where it would be below the front garden, it is not considered that the proposed basement would materially increase the surface water flood risk to other properties within the Surface Water Flood Risk Hotspot.

In terms of the proposed basement itself, the following measures are proposed by the applicant's engineer to ensure the new basement accommodation is resilient to future episodes of surface water flooding:

- The basement development will be entirely tanked (i.e. sealed from water ingress);
- Where perched groundwater is encountered (during site investigation / construction) a sump will be installed to eliminate any residual groundwater;
- A positive pumped sump will be permanently installed;
- Installation of a pump discharge to the foul sewer, along with 24hr attenuation storage;
- External floor levels to the lightwell will be set below the internal finished floor of the new accommodation;
- The soil area within the front garden area will be linked to adjoining areas of soil to allow drainage of water from this area in the event of water infiltration into the front garden. A condition is recommended to secure details of how this is to be designed.

In addition, the applicant has confirmed that a trial pit will be completed prior to undertaking the work to identify the level of the water table. The design of the foundations will have to satisfy the requirement of the Building Regulations which require the water table to be considered.

On the basis of the considerations set out in the preceding paragraphs, the proposed development would not exacerbate existing levels of flood risk and the mitigation

measures identified are considered to be adequate through maintaining the surface water infiltration capacity of the site and through incorporating suitable resistance and resilience measures within the design of the basement. For these reasons, it is considered that the proposal accords with part A(4) despite the site being located within a surface water flooding 'hot spot'. Accordingly, the objection raised on flood risk ground cannot be supported as a ground on which to withhold permission.

In terms of part A(5) of Policy CM28.1, which relates to construction impact of basement development, as noted in Section 8.3, it is recommended that the hours of construction works are controlled by condition. A further condition is recommended pursuant to the requirements of Policy CM28.1 in the City Plan, to require the construction works to construct the proposed basement to be carried out in accordance with the Code of Construction Practice, including the funding of monitoring of the site by the Environmental Inspectorate at the applicant's expense. The applicants have confirmed that they do not object to the recommended condition.

In respect of part A(6), which relates to the impact on archaeological deposits, the site is not within an Archaeological Priority Area and is a 'Tier 3' development under Historic England's Archaeological Risk Model. Accordingly, the proposal poses a negligible risk to archaeological remains and further assessment is therefore not required.

Part B(1) of the policy requires the provision of *'a satisfactory landscaping scheme, incorporating planting and permeable surfacing as appropriate'*. The provision of a soil and drainage layer depth of 1.3m over the element of the basement under the front garden allows for flexibility in terms of planting and this will allow an appropriate landscaping scheme to be delivered pursuant to the recommended landscaping condition. The permeable area to the rear will not be reduced from the existing arrangement and the landscaped area will remain the same and therefore the rear garden will be capable of providing landscaping commensurate with the existing situation.

The impact of the proposed development on trees is considered in Section 8.7.2 of this report and the loss of the Bay tree to the rear is considered acceptable subject to its replacement being secured by condition. Subject to this condition and a condition to secure details of tree protection measures during construction, part B(2) of the policy has been met.

The applicant's Design and Access Statement sets out that the highest levels of sustainability possible, having regard to the need to retain the historic fabric of the building, will be employed in delivery of the proposed development. This will include energy efficient insulation where possible, energy efficient boiler, use of water efficient fixtures and fittings and use of materials with a reduced carbon footprint, such as those that are recycled or recyclable. This approach is consistent with the requirements of part B(3) of policy CM28.1.

Part B(4) requires the inclusion of sustainable urban drainage measures to reduce peak run off and to reduce the general risk of flooding. The measures proposed have been set out earlier in this section of the report in respect of part A(4) of the policy and these are sufficient to ensure that the proposed development would not contribute to increased flood risk.

Parts B(5) and B(6) require basement development to protect the character and appearance of the existing building and surrounding area and to protect heritage assets. The impacts of the proposed development in these regards are considered separately in Section 6.2 of this report and have been found to be acceptable and in compliance with Policy CM28.1, the NPPF and other relevant policies within the development plan.

Part B(7) of CM28.1 requires the installation of a suitable pumped device to prevent sewer flooding. As set out earlier in this section of the report in respect of Part A(4) of the policy, the scheme would include such a pump and is therefore compliant with part B(7).

The final relevant part of Policy CM28.1 is part C. Part C(1) seeks to limit the size of basement development so that it extends beneath no more than 50% of the garden land and would leave a margin of undeveloped garden land proportionate to the scale of the development around the entire site boundary except where it is beneath the existing building. The proposed basement would extend under less than 50% of the garden land on the site. To both sides at the front and along the whole southern side of the site the extent of the basement would be compliant, with the basement proportionately set in from the site boundaries. To the front, the proposed basement would extend to the front edge of the site at the boundary with the highway. However, given this is a relatively small area, as a policy compliant soil depth is to be provided and as the soil volume is to be linked to other areas of soil around the perimeter to aid drainage, this is not considered to be such a significant departure from the policy requirement so as to warrant withholding permission.

To the rear the proposed basement would extent to the boundary with No.14 where it would be below the existing rear patio. However, given this is currently an impermeable surface and as the purpose of this part of the policy is to ensure the set back of basements from site boundaries to allow for the soak away of water, it is not considered that permission could reasonably be withheld in relation to this aspect of the proposed basement, as the aim of this part of the policy would not be undermined.

Part C(2) requires the provision of 1m of soil depth and a 200mm drainage layer over basements where they extend beyond existing buildings. To the front of the site, the proposal incorporates 1.3m of soil and drainage layer over the front part of the basement and this is compliant with this part of the policy. To the rear, where the proposed basement would be below the existing impermeable patio area there is no soil depth proposed. However, in this instance the patio area is shallow in projection from the house and acts as a shallow lightwell so as to allow access to the lower ground floor. In this context, and as a large area of garden would be undisturbed, it is not considered that permission could reasonably be withheld on the basis of this limited conflict with this particular part of Policy CM28.1.

In terms of part C(3), the proposed basement extension would be limited to a single storey and therefore it is compliant with this part of the policy.

In summary, the proposed basement is considered to be largely compliant with the Basement Development policy CM28.1, except where specifically identified in this section of the report. The area of transgression with the precise requirements of parts

C(1) and (2) are though sufficiently minor for the reasons set out so as not to warrant withholding permission.

8.7.2 Arboricultural Issues

The removal of the Bay tree within the rear garden was accepted by the Inspectors in the two previous appeal decisions in 2015 and 2016 and the Aboricultural Manager does not object to the loss of this tree, provided a replacement tree is secured by condition. A condition to secure a replacement tree is recommended, as well as conditions to secure details of tree protection measures for other trees on or close to the site during construction works and to secure a landscaping scheme for the front and rear gardens following completion of the development. Subject to these conditions, it is considered that the scheme would accord with Policies ENV16 and ENV17 in the UDP.

8.8 London Plan

The application does not raise any strategic issues.

8.9 National Policy/ Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment. Where relevant these issues have been considered elsewhere in this report.

8.12 Other Issues

None relevant.

9. BACKGROUND PAPERS

1. Application form.
2. Letter from Historic England dated 14 March 2017.
3. Memo from the Cleansing Manager dated 15 March 2017.
4. Email from the London and Middlesex Archaeological Society 11 April 2017.
5. Memo from the Highways Planning Manager dated 29 March 2017.
6. Memo from the Arboricultural Manager dated 20 December 2017.
7. Memo from Building Control dated 23 February 2018.
8. Email from the occupier of 14 Garway Road dated 19 March 2017.
9. Email from the occupier of 43 Kensington Garden Square dated 31 March 2017.
10. Email from the occupiers of 14 A, B, C Garway Road dated 2 May 2017 and

attached documents (Appendix 1 and Appendices A to F).

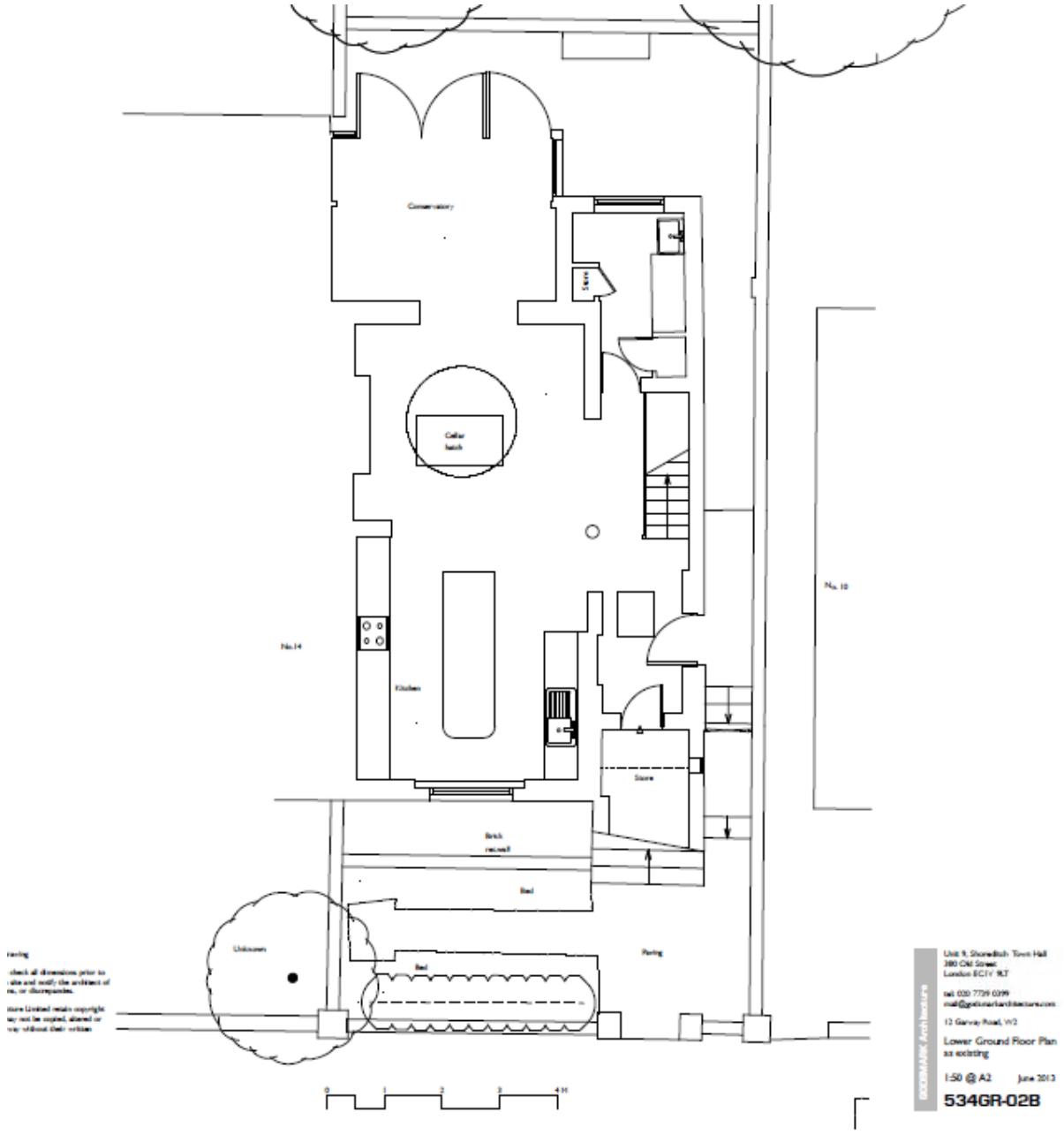
11. Appeal decision letter dated 22 September 2015 and relevant drawings.
12. Appeal decision letter dated 20 May 2016 and relevant drawings.
13. Judicial Review Consent Order dated 9 March 2017 quashing planning permission and listed building consent dated 13 December 2016.
14. Copy of planning permission and listed building consent dated 13 December 2016 and relevant drawings.
15. Copy of applicant's Flood Risk Assessment dated 21 November 2017 prepared by Lyons O'Neil Structural Engineers.
16. Email to occupier of 14 A, B, C Garway Road dated 22 February 2018.
17. Email to occupier of 14 A, B, C Garway Road dated 02 March 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: RICHARD LANGSTON BY EMAIL AT rlangston@westminster.gov.uk.

Item No.
3

10. KEY DRAWINGS

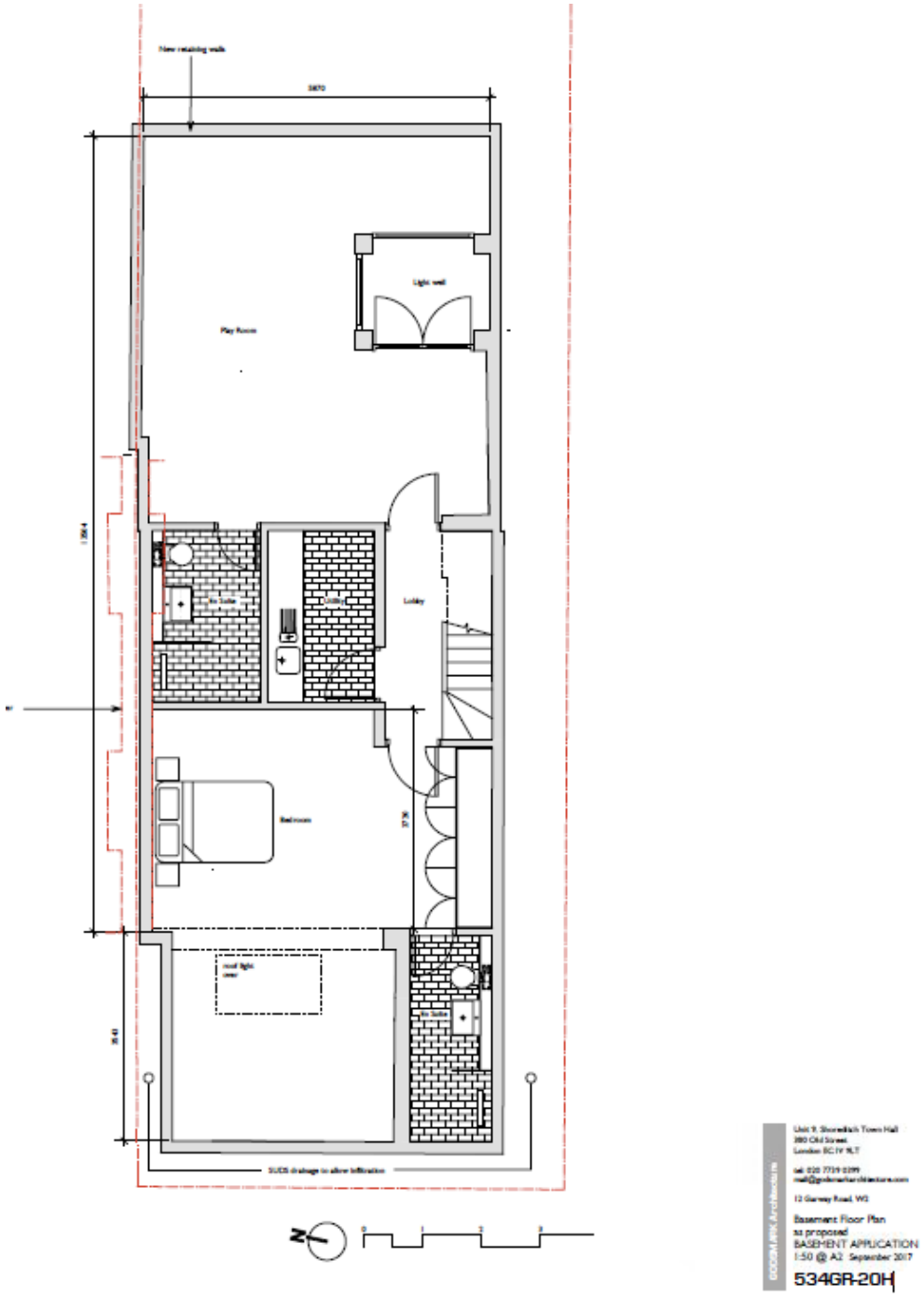


Existing lower ground floor.

Item No.
3

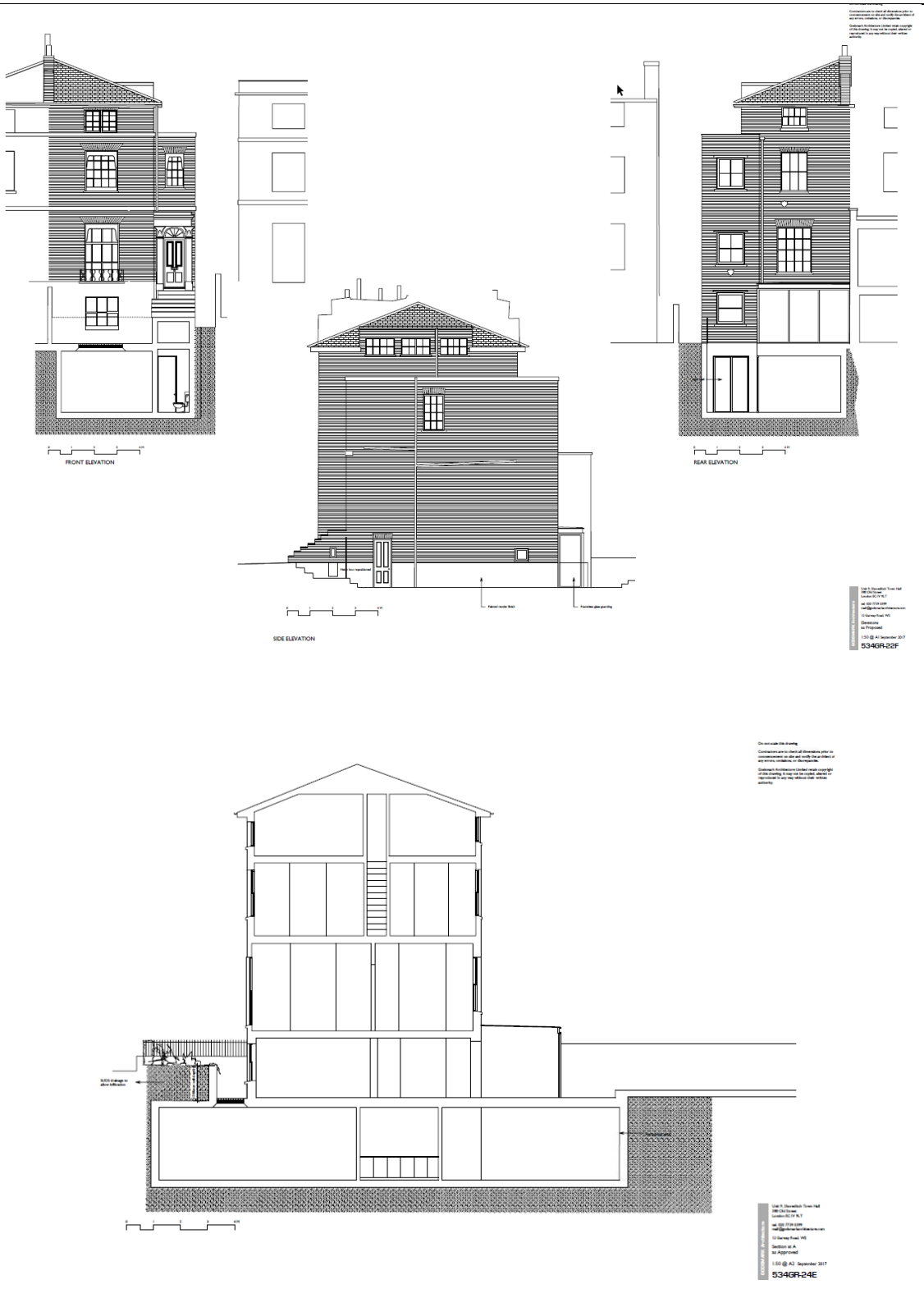
Existing front, rear and side elevations (top) and existing section (bottom).

Item No.
3



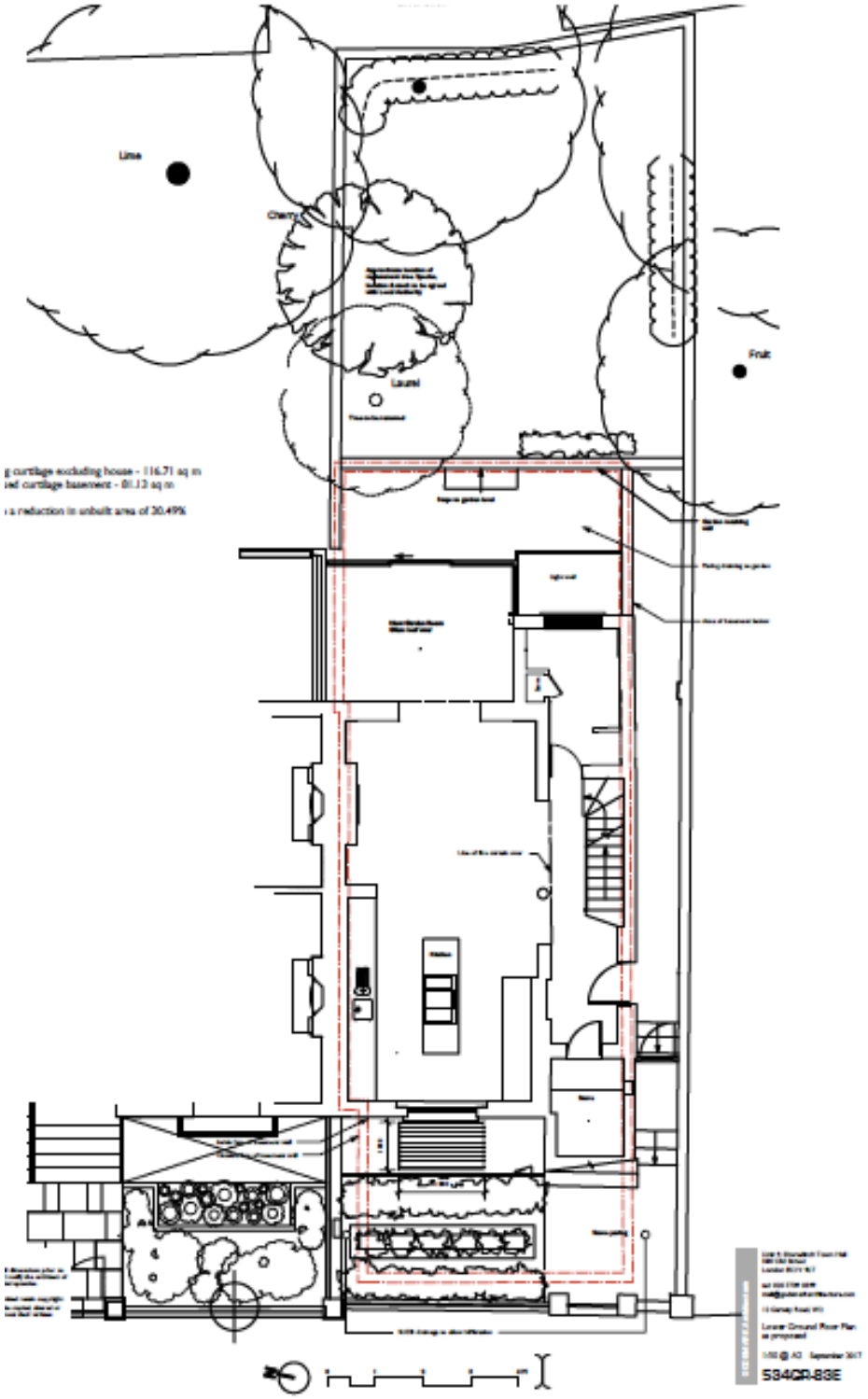
Proposed basement plan.

Item No.
3



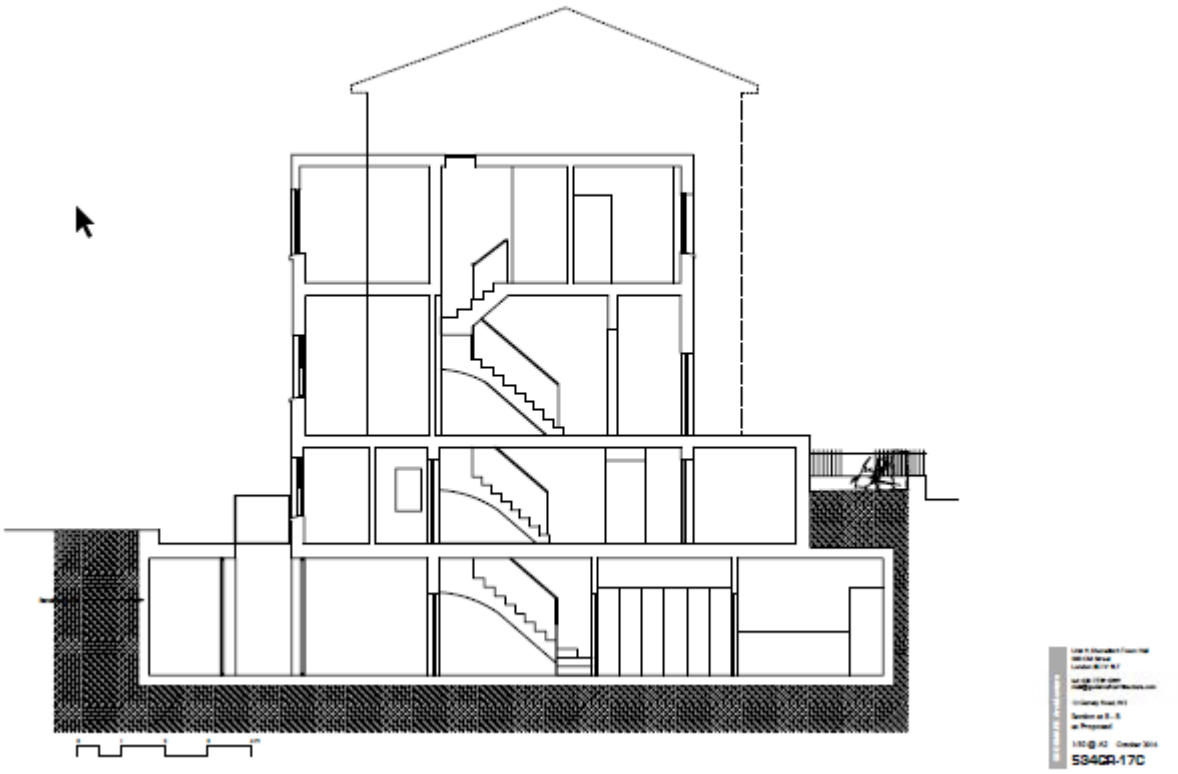
Proposed front, rear and side elevations (top) and proposed Section AA (bottom).

Item No.
3



Proposed lower ground floor plan.

Item No.
3



Proposed Section BB.

Item No.
3

DRAFT DECISION LETTER

Address: 12 Garway Road, London, W2 4NH,

Proposal: Excavation of a basement below existing house and part of front and rear gardens, demolition and rebuilding of rear lower ground floor level conservatory, enlargement of front lightwell, insertion of rooflight with decorative metal grille over within front lightwell and removal of tree from rear garden.

Plan Nos: 534GR-01, 534GR-02B, 534GR-03, 534GR-06, 534GR-07, 534GR-11, 534GR-17C, 534GR-18D, 534GR-20H, 534GR-22F, 534GR-24E, 534GR-56 and 534GR-83E. Design and Access Statement dated February 2017, Listed Building Assessment dated October 2015, letter from Savills dated 6 March 2017, Flood Risk Assessment dated 21 November 2017, Construction Method Statement dated February 2017 (Rev.C) (for information only - see Informative 11), Tree Survey and Arboricultural Impact Assessment ('Revised October 2015').

Case Officer: John Wilman **Direct Tel. No.** 020 7641 5961

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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:
- between 08.00 and 18.00 Monday to Friday;
- between 08.00 and 13.00 on Saturday; and
- not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:
- between 08.00 and 18.00 Monday to Friday; and
- 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 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:
To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

5 You must apply to us for approval of detailed drawings of the following parts of the development: Decorative grille to front lightwell shown in context with surrounding paving and rooflight 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 drawings and you must not occupy the basement extension until the grille has been installed. Thereafter the grille must be permanently retained in accordance with the details we approve. (C26DB)

Reason:
To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

6 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. The landscaping scheme must include the provision of at least one tree to replace the Bay tree that is to be removed from the rear garden. 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 one planting season of completing the development (or within any other time

limit we agree to in writing).

If you remove any trees that form part of the landscaping scheme we approve 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. (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 Bayswater 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 (November 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)

7 **Pre Commencement Condition**. Notwithstanding the content of the submitted arboricultural assessment, you must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on drawing 534GR-83E. 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. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2005. You must then carry out the work according to the approved details. (C31AC)

Reason:
To make sure that the trees on the site are adequately protected during building works. This is 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. (R31AC)

8 You must provide a minimum of 1m soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement were it extends beyond the front of the building and the front lightwell, as shown on the drawings hereby approved. The soil depth and soil volume above the basement must thereafter be retained as approved.

Reason:
To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38, CM28.1 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.

9 You must apply to us for approval of detailed drawings of the following parts of the development:

- The sustainable urban drainage system to be incorporated into the design of the structure of the front part of the basement to enable the flow of water through the areas of soil around the perimeter of the basement structure and below the highway.

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 detailed drawings. (C26DB)

Reason:

To reduce flood risk and improve the local environment, as set out in S38, CM28.1 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.

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 When you apply to us for approval of tree protection measures during construction works you must include details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:

- identification of individual responsibilities and key personnel.
- induction and personnel awareness of arboricultural matters.
- supervision schedule, indicating frequency and methods of site visiting and record keeping
- procedures for dealing with variations and incidents.

You must produce written site supervision reports after each site monitoring visit, demonstrating that you have carried out the supervision and that the tree protection is being provided in accordance with the approved scheme. If any damage to trees, root protection areas or other breaches of tree protection measures occur then details of the incident and any mitigation/amelioration must be included You must send copies of each written site supervision record to us within five days of the site visit.

3 When you apply to us to for approval of details of landscaping you must include section drawing(s) demonstrating how the soil above the basement will be connected to adjacent, unexcavated soil volumes.

4 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)

5 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)

6 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)

7 You may need to seek technical approval for the works prior to commencement of development if they comprise a structure that is supporting the highway. You should contact Andy Foster on 020 7641 2541 in Engineering and Transportation Projects to progress the application for works to the highway.

8 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.

9 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.

10 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). These documents must be sent to environmentalsciences2@westminster.gov.uk.

Appendix A or B must be signed and countersigned by Environmental Sciences prior to the submission of the approval of details of the above condition.

You are urged to give this your early attention

11 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City

Council in an in depth way in which it would at a building control stage and, as a consequence, we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the listed building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

Item No.
3

DRAFT DECISION LETTER

Address: 12 Garway Road, London, W2 4NH,

Proposal: Excavation of a basement below existing house and part of front and rear gardens, demolition and rebuilding of rear lower ground floor level conservatory, enlargement of front lightwell, insertion of rooflight with decorative metal grille over within front lightwell and internal alterations.

Plan Nos: 534GR-01, 534GR-02B, 534GR-03, 534GR-06, 534GR-07, 534GR-11, 534GR-17C, 534GR-18D, 534GR-20H, 534GR-22F, 534GR-24E, 534GR-56 and 534GR-83E. Design and Access Statement dated February 2017, Listed Building Assessment dated October 2015, letter from Savills dated 6 March 2017, Flood Risk Assessment dated 21 November 2017, Construction Method Statement dated February 2017 (Rev.C) (for information only - see Informative 3), Tree Survey and Arboricultural Impact Assessment ('Revised October 2015').

Case Officer: John Wilman **Direct Tel. No.** 020 7641 5961

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

1 The works 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 All new work and improvements inside and outside the building must match existing original adjacent work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved drawings or are required in conditions to this permission. (C27AA)

Reason:
To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

3 You must apply to us for approval of detailed drawings of the following parts of the development: Decorative grille to front lightwell shown in context with surrounding paving and rooflight 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 drawings and you must not occupy the basement extension until the grille has been installed. Thereafter the grille must be permanently retained in accordance with the details we approve. (C26DB)

Reason:
To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

4 You must not disturb existing ornamental features including chimney pieces, plasterwork, architraves, panelling, doors and staircase balustrades. You must leave them in their present position unless changes are shown on the approved drawings or are required by conditions to this permission. You must protect those features properly during work on site. (C27KA)

Reason:
To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

Informative(s):

1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:
S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

* any extra work which is necessary after further assessments of the building's condition;
* stripping out or structural investigations; and
* any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

3 This consent is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council in an in depth way in which it would at a building control stage and, as a consequence, we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the listed building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects. If this results in alterations to the impact of the development on the listed building, then further listed building consent may be required, as set out in Informative 2.