

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date: 4 December 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Queen's Park	
Subject of Report	186 Fernhead Road, London, W9 3EL		
Proposal	Excavation of basement floor below existing house with front and rear lightwells, erection of rear extension at ground floor level and associated external alterations, including replacement of windows.		
Agent	Spheron Architects		
On behalf of	Mr D Louisy		
Registered Number	18/05771/FULL	Date amended/ completed	11 July 2018
Date Application Received	9 July 2018		
Historic Building Grade	Unlisted		
Conservation Area	N/A		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

Permission is sought for the excavation of a basement with lightwells to the front and rear of the building, the erection of a rear extension at ground floor level and associated alterations, including replacement of windows. The extensions proposed are to enlarge the existing single dwellinghouse.

The application has attracted objection from three neighbouring residents on the range of grounds set out in Section 5 of this report.

The key issues in this case are:

- The impact of the proposed development on the appearance of the building and this part of the City.
- The impact of the proposed development on the amenity of neighbouring occupiers.

The proposed development is considered to be acceptable in land use, design, amenity and environment terms and, subject to the recommended conditions, it would comply with the relevant

Item No.
5

policies in the Unitary Development Plan adopted in January 2007 (the UDP) and in Westminster's City Plan adopted in November 2016 (the City Plan).

### 3. LOCATION PLAN



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

#### 4. PHOTOGRAPHS



Front elevation (top) and view of rear garden to the side of the existing closet wing – where rear lightwells are proposed (bottom).



View of location of proposed rear ground floor extension.

## 5. CONSULTATIONS

### WARD COUNCILLORS (QUEEN'S PARK)

Any response to be reported verbally.

### NORTH PADDINGTON SOCIETY:

Any response to be reported verbally.

### ARBORICULTURAL MANAGER

No objection subject to condition to ensure tree protection measures are put in place prior to construction works and maintained during the period of construction.

### BUILDING CONTROL

No objection. Structural method proposed is acceptable. Note that a sprinkler system will be required, amendment may be required to basement layout to include a dedicated means of escape and fire separation is required between the open plan basement and the rest of the house.

### HIGHWAYS PLANNING

No objection. Conditions and informatives recommended.

### ENVIRONMENTAL SCIENCES

No objection on the grounds that the basement is an extension to an existing single family dwelling.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 27.

Total No. of replies: 3.

No. of objections: 3.

No. in support: 0.

Three emails/ letters from or on behalf of three respondents raising objections on all or some of the following grounds:

#### Design

- The basement would set an unwelcomed precedent in the area.
- Front lightwell not in keeping with the terrace and would alter the streetscape.

#### Amenity

- Overlooking/ loss of privacy.
- Loss of daylight.
- Light pollution.

#### Other

- Significant structural works will harm the structure of neighbouring properties.
- Major disturbance during excavation/ construction including noise and dust.
- The length of time the works will take.

### ADVERTISEMENT/ SITE NOTICE

Yes.



## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application site comprises a three story, mid terraced property which is not listed and is located outside a conservation area. The property is on the western side of Fernhead Road. The lawful use of the building is as a single dwellinghouse, but is currently vacant and in a state of disrepair. To the rear, the property has historically been extended at ground floor level to the rear of the original closet wing.

### 6.2 Recent Relevant History

#### 18/04790/CLOPUD

A certificate of lawful use or development was issued on 13 July 2018 to confirm that the 'Erection of full width rear dormer with Juliet balconies and two roof lights to front roof slope' was lawful development, not requiring planning permission, under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

## 7. THE PROPOSAL

Planning permission is sought for the excavation of a basement below the existing dwellinghouse, part of the front and rear gardens, erection of a new ground floor rear extension and associated external alterations, including replacement of windows. The proposed basement would enlarge the existing single dwellinghouse on the application site.

To the rear three small lightwells are proposed directly adjacent to the closet wing of the building, which would be covered with metal grilles. To the front a single lightwell is proposed below the ground floor bay window and this would also be covered by a metal grille.

The proposed rear extension would replace the existing ground floor rear extension and would increase its width to that of the original closet wing. The proposal includes replacement of all of the windows and doors, which are currently uPVC framed, with new uPVC windows and doors.

During the course of the application the scheme has been amended to reduce the scale of the front and rear lightwells, remove an external basement staircase from the front lightwell and reduce the size of the proposed windows to the rear elevation.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The proposed development would provide additional residential floorspace for the existing dwellinghouse and is therefore in accordance with Policy H3 in the UDP and Policy S14 in the City Plan, which support the provision of additional residential floorspace.

## 8.2 Townscape and Design

In design terms, the relevant policies are Policies S28 and CM28.1 in the City Plan and Policy DES 5 in the UDP. Also of relevance is the Supplementary Planning Guidance document 'Basement Development in Westminster' (2014).

When considering the impact of a basement in design terms, Part B(5) of Policy CM28.1 in the City Plan is of particular relevance. Part B(5) seeks to protect the character and appearance of the existing building, the garden setting and the surrounding area, ensuring external manifestations, such as lightwells, skylights and means of escape, are sensitively designed and discreetly located.

Objections to the proposal have been received on the grounds that the excavation of a basement would set an unacceptable precedent for similar development elsewhere in Fernhead Road and on the basis that the resultant appearance of the building would be out of keeping with the other houses in the street, which do not have a basement floor.

The principle of a basement beneath the footprint of the house and the extension to the rear is not considered to be contentious in design terms. The introduction of a lightwell to the front of the building will depart from the typical arrangement along Fernhead Road; however, the treatment of the front gardens varies and therefore there is no uniformity of design. The lightwell is of a subservient scale and as such does not extend deeply beyond the principal elevation, reducing the appreciation of the void and the bay window feature will be carried down to the basement level resulting in a continuation of the existing architectural approach. Railings are not proposed, following amendment of the scheme (a grille is now proposed), and the initially proposed staircase has been replaced with an access ladder. These features within and over the proposed front lightwell would sit close to the building and will therefore not sub-divide the front garden in an uncharacteristic way. In this context, the appreciation of the basement and the impact on the street scene is considered to be acceptable.

Initially it was proposed to create a lightwell to the rear which occupied the whole of the side return, up to the boundary with the neighbouring property. This approach did not accord with the requirements of Policy CM28.1. The scheme has been amended in response to officer concerns and now three small lightwells are proposed, set against the side elevation of the rear closet wing and covered by grilles. The revised scheme is considered to be a more comfortable approach, which maintains the garden level and preserves the relationship with the wider setting by introducing more discreet external manifestations to the rear.

To the rear, the building already has a single storey extension to the original closet wing. It is proposed to extend the width of this existing extension so that it aligns with the side wall of the original closet wing. The design approach is in keeping with the existing structure and the inclusion of bi-folding doors to the rear of the extension would not harm the appearance of the building. The proposed ground floor extension is therefore considered to be in accordance with Policy DES 5 in the UDP.

The replacement of the existing windows to the front and rear elevations with new uPVC framed windows and doors is not contentious in this instance as the existing windows



and doors are currently uPVC framed and as the property is in use as a single dwellinghouse, they could be replaced with new uPVC framed windows and doors without the need for planning permission in any event. For these reasons timber framed fenestration cannot be required and the proposed uPVC windows and doors would not harm the appearance of the building relative to its existing lawful condition.

In summary, in design terms the proposed development is considered to be acceptable and in accordance with Policies DES 1 and DES 5 in the UDP and Policies S28 and CM28.1 in the City Plan.

### **8.3 Residential Amenity**

Policy ENV13 in the UDP and Policy S29 in the City Plan afford protection to residential amenity. Policy ENV13 specifically seeks to protect neighbouring occupiers from an increased overlooking, material losses of daylight and sunlight and increased sense of enclosure.

Due to the subterranean location of the proposed basement it would not harm the amenity of neighbouring occupiers in terms of loss of daylight or sunlight, nor would it cause any increase in enclosure.

In terms of overlooking, all new windows serving the proposed basement would be located within small lightwells such that they would not afford overlooking to neighbouring residential windows or gardens. Similarly, given the small size of the lightwells and their location against the existing building, they would not result in significant light spill and therefore the objections on grounds of overlooking and light spill from the basement windows and lightwells cannot be supported as a ground to reasonably withhold permission.

The proposed enlargement of the existing half width extension at ground floor level would not exceed the width of the original closet wing, would remain the same height as existing (approximately 2.6m), and it would be set well back from the boundary with No.188 Fernhead Road. As such, the extension would not cause a material loss of daylight or sunlight to the windows of the neighbouring property at No.188, nor would it cause a material increase in enclosure to this and other neighbouring properties.

At ground floor level the windows in the side elevation of the rear closet wing are proposed to be increased in size; however, given the significant height of the boundary wall with No.188, the enlargement of these windows would not increase overlooking to the rear windows and garden of No.188. Bi-folding doors are proposed to the rear elevation of the enlarged ground floor extension. Whilst these are large in size, the glazed doors only afford views out into the private garden of the application property and would not materially increase overlooking to neighbouring windows and gardens.

Following amendment, the proposed replacement windows on the upper floors would remain the same size as existing and therefore this element of the scheme would not result in any material increase in overlooking. Given the limited increases in the number and extent of glazing and as the additional or proposed windows are located at ground and basement level, it is not considered that the objections raised on grounds of loss of privacy can reasonably be supported as a ground on which to withhold permission.

In summary, for the reasons set out above, the proposed development is considered to be acceptable in amenity terms and accord with Policy ENV13 in the UDP and Policy S29 in the City Plan.

#### **8.4 Transportation/ Parking**

As the proposed development would not create any additional residential units there is no requirement in this case for the provision of car or cycle parking or waste storage. Consequently, the Highways Planning Manager does not raise objection.

#### **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 access to this private dwellinghouse, which would remain at the ground floor level.

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

##### **8.7.1 Basement Development**

The proposal includes the excavation of a single storey basement beneath the existing building, the proposed extension and part of the front and rear gardens. The 'Basement Development' policy, CM28.1 in the City Plan, is relevant to the assessment of this aspect of the scheme. The Policy is broken down in to Parts A to D. In this case, only Parts A to C are relevant as the proposed basement would not extend below the public highway. Assessment of proposed development against Parts A to C of Basement Development policy is set out in the following paragraphs.

##### Part A

In respect of Part A of the Basement Development policy, the applicant has provided a structural engineer's report prepared by a qualified engineer explaining the likely methodology of excavation and the expected impact on neighbouring properties. Objections have been raised by neighbouring residents in respect of potential harm from the proposed structural works.

The submitted structural method statement has been assessed by Building Control who have raised no objection to the structural works, which they consider to be appropriate for the ground conditions at the application site. It is important note that at planning application stage the purpose of the structural method statement is to demonstrate that a subterranean development can be constructed on the 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. In this context, and given that Building Control do

not object to the proposal, it is not considered that the objections raised on structural grounds can be reasonably sustained a ground on which to withhold permission.

The applicant has submitted the 'Pro-forma Appendix A' document and this provides an undertaking that they will carry out the construction of the proposed basement in accordance with the City Council's Code of Construction Practice (CoCP). The applicant has agreed to a pre-commencement condition to ensure the basement is carried out in accordance with the CoCP and to ensure the applicant bears the cost of the Environmental Inspectorate monitoring the site during construction. A condition is also recommended to control the hours of construction works, including additional controls to prevent any works of noisy basement excavation on Saturdays and Sundays.

The site is not within a Surface Water Flooding Hotspot, as identified in the 'Basement Development in Westminster' SPG and is in Flood Zone 1. Consequently, the proposed basement would not exacerbate existing flood risk on the site or in the vicinity. The site is not within an Archaeological Priority Area, as designated by Historic England, and therefore the proposed basement would not have a significant impact on archaeological deposits.

In light of the considerations set out in the preceding paragraphs, it is considered that the proposed development would be compliant with Part A of the Basement Development Policy.

#### Part B

In terms of Part B of the Basement Development Policy, the remaining garden area to the front and rear of the site would be capable of being suitably landscaped following completion of the development and the rear garden would be capable of sustaining mature planting given that the proposed basement would not extend significantly below it. There are no protected trees at the rear of the site. To the front there is a street tree within the public highway. The applicant has submitted an arboricultural assessment of the impact on this tree, which confirms that the excavation can be carried out without harm occurring to this tree (see Section 8.7.2).

Given the construction of the proposed basement would meet current building regulations requirements, it will be more energy efficient than the existing building to which it would be attached. The provision of lightwells to the front and rear would enable the proposed basement to be naturally ventilated.

For the reasons set out in Section 8.2, the proposed basement and its external manifestations would not harm the character and appearance of the building or its garden setting. Similarly, it would not adversely affect the wider appearance of this part of the City.

In this case sustainable urban drainage systems (SUDS) are not necessary as, save for the front lightwell and rear rooflights, the proposed basement would be wholly below the existing building and the rear extension proposed at ground floor level. The applicant has confirmed that a pumped device and non-return valve will be installed to ensure the proposed basement is resilient in the event of future storm events and to prevent sewer flooding. This measure addresses the concerns raised by Thames Water, although an

informative is still recommended to remind the applicant of the importance of including a non-return valve on the sewer connection.

Given the above considerations, it is considered that the proposed development accords with the seven criteria set out in Part B of the Basement Policy.

### Part C

In terms of Part C of the Basement Policy, it requires basements to not extend below more than 50% of the original garden land. In this case the proposed basement would be compliant with this requirement as it is predominantly below the building.

Approximately 4m<sup>2</sup> of the basement would be located below passageway area to the side of the rear closet wing and this area would also accommodate the proposed lightwells, which are to be covered by grilles. Given the relatively small area of basement area that is proposed below garden land, and as part of this would be in the form of lightwells, which are consistent in terms of their size and position with the guidance in the 'Basement Development in Westminster' SPG, it is not considered that in this case it is reasonable to require the small area of basement under this passageway to be located below 1.2 meters of soil depth.

The proposed basement would be set in 0.5 metres from the boundary with No.188 Fernhead Road and significantly from the rear boundary, providing the required margin of undeveloped land. The policy does not require a margin of undeveloped land is not required for the parts of the basement below the existing house. Accordingly, the proposed basement would be consistent with the objectives of Part C of the Basement Development policy.

## **8.7.2 Tree Protection**

The Arboricultural Manager initially raised concerns that the proposed development may have an adverse impact on the health of the street tree to the front of the site. The applicant subsequently submitted additional information assessing the impact on the street tree and suggesting tree protection measures during construction works. The Arboricultural Manager has reviewed the additional information submitted and is content that the proposed excavation to form the basement can be carried out without harming the street tree, although a condition is recommended to ensure tree protection measures are installed prior to construction works commencing and to ensure they are maintained during the period of construction. Subject to the recommended condition the proposals would accord with Policies ENV16 and ENV17 in the UDP and Policies S38 and CM28.1 in respect of the impact on trees.

## **8.8 Westminster City Plan**

The City Council is currently working on a complete review of its City Plan. Informal consultation on the first draft of Westminster's City Plan 2019-2040 started on Monday 12 November 2018 and will close on Friday 21 December 2018. Following this informal consultation, any representations received will be considered and the draft plan will be revised in advance of formal consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012. Given the very early stage of the consultation process and having regard to the tests set out in para. 48 of the NPPF,

the policies of the emerging draft City Plan are given little to no weight at the present time.

### **8.9 Neighbourhood Plans**

There are no adopted neighbourhood plans for the area in which the proposed development is located and therefore neighbourhood plans are not relevant to the determination of this application.

### **8.10 London Plan**

The application does not raise any strategic issues.

### **8.11 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.

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development. The applicant has agreed to the imposition of the condition.

### **8.12 Planning Obligations**

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

### **8.13 Environmental Impact Assessment**

The application is of insufficient scale to require an Environmental Impact Assessment. Where relevant environmental issues have been addressed in the earlier sections of this report.

### **8.14 Other Issues**

Objections have been raised on grounds of noise and general disturbance during construction works. To mitigate the impact of the basement excavation on neighbouring residents a condition is recommended requiring the development to be carried out in accordance with the CoCP, as set out in Section 8.7.1. This will allow the Environmental Inspectorate to monitor the works at the applicant's expense. A further condition is recommended controlling the hours of construction works, which will prevent any basement excavation at weekends to limit noise disturbance to neighbours. The

measures set out in the recommended conditions are the maximum controls on construction work that can reasonably be imposed and therefore permission could not reasonably be refused on grounds of noise disturbance from construction works.

Building Control have advised that the proposed basement would be likely to be required to be fitted with a sprinkler system, that the internal layout may need to be amended to provide a protected means of escape from the 'games room' at basement level and that fire doors would need to be fitted. These issues relate to the internal layout of the property and can be addressed at building control application stage without requiring the benefit of further planning permission. Therefore, these issues are not considered to be reasonable grounds on which to refuse planning permission. An informative is recommended to draw the applicant's attention to the advice from Building Control.

(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: OLIVER GIBSON BY EMAIL AT [ogibson@westminster.gov.uk](mailto:ogibson@westminster.gov.uk).

9. KEY DRAWINGS







The image displays two architectural floor plans for a property, labeled 'EXISTING GROUND FLOOR PLAN' and 'EXISTING FIRST FLOOR PLAN'.

**EXISTING GROUND FLOOR PLAN:** This plan shows a rear garden at the top. The interior layout includes a kitchen/dining area, a utility room, a reception area, a living room, and an entrance hall. There are also storage areas and a porch. A north arrow is located at the top right, and a scale bar is at the bottom left.

**EXISTING FIRST FLOOR PLAN:** This plan shows three bedrooms (bedroom 1, bedroom 2, and bedroom 3), a bathroom, and a landing. A north arrow is located at the top right, and a scale bar is at the bottom left.

**PROPOSED BASEMENT FLOOR PLAN**

- New infilling
- New existing soffits
- New windows to match existing
- New French doors
- games room
- New windows to match existing
- New French doors
- New windows to match existing
- New French doors
- New staircase
- cinema
- New reinforced wall to match existing
- New full height window
- New retaining wall
- New fixed ladder

**PROPOSED GROUND FLOOR PLAN**

- new brick wall to match existing
- New flat roof
- New grille
- new windows to match existing
- New infill brick wall to match existing
- New windows to match existing
- storage
- utility
- reception
- living room
- New staircase
- New grille

**PROPOSED FIRST FLOOR PLAN**

- bedroom 1
- en suite
- storage
- landing
- bedroom 2
- bedroom 3
- bathroom
- New window to match existing

**DRAFT DECISION LETTER**

**Address:** 186 Fernhead Road, London, W9 3EL,

**Proposal:** Excavation of basement floor below existing house with front and rear lightwells, erection of rear extension at ground floor level and associated external alterations, including replacement of windows.

**Plan Nos:** Site location plan, F527-A-100, F527-A-101, Existing F527-A-102, Proposed F527-A-102, F527-A-200, F527-A-201, F527-A-202, F527-A-300, F527-A-301 and report by Tree Sense dated 9 October 2018 (ref: AI\_186FR\_AIA\_001\_A). *For information only - See Informative 7: Basement Impact Assessment by JMS Engineers Consulting Group Limited (Ref: EX18/115/06).*

**Case Officer:** Max Jones

**Direct Tel. No.** 020 7641 1861

**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:
  - 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 residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless

differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of 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)

- 4 **Pre Commencement Condition.** 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 of Construction Practice and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its written approval of such an application (C11CC)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 5 You must protect the trees on and adjacent to the site according to the tree protection measures set out in the report by Tree Sense dated 9 October 2018 (ref: AI\_186FR\_AIA\_001\_A) and as shown in the Tree Protection Plan dated 9 October 2018. The tree protection fencing must be installed in accordance with the details set out in the report dated 9 October 2018 prior to any excavation works occurring to form the front basement lightwell. The concrete hard standing in the front garden must be retained as ground protection until the landscaping phase and then the landscaping must be carried out in accordance with the methodology set out in the report dated 9 October 2018.

If you need to revise any of these tree protection measures, you must apply to us for our approval of the revised details, and you must not carry out work the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to the approved details.

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)

- 6 You must apply to us for approval of the details of the proposed hard surfacing in the front garden, including existing and proposed section drawings. The hard surfacing design must be

'no-dig' and permeable. You must not start work on this part of the development until we have approved what you have sent us. You must then install the hard surfacing according to the approved details.

**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)

**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 **HIGHWAYS LICENSING:**  
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.

**CONSIDERATE CONSTRUCTORS:**

You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

**BUILDING REGULATIONS:**

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website <https://www.westminster.gov.uk/contact-us-building-control>

- 4 You are advised that Building Control have stated that you will need to address the following issues as part of a building control application:

(a) Due to the addition of another storey, the property is required to have sprinkler protection throughout.

(b) The games room is an inner room and would require an alternative means of escape without having to pass through the TV room (an internal fire protected corridor may achieve this).  
(c) Fire resisting separation between the open basement floor and the upper floors is required. The basement is currently open to the rest of the house, if a fire occurs in the basement this will effect means of escape from the upper floors.

- 5 With reference to condition 4 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](mailto: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

- 6 You are advised to give careful consideration to security in relation to the access 'ladder' from the front pavement within the front lightwell as this appears to be a point where potential intruders could seek to gain access where they could not be easily seen.
- 7 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 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 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.

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.