

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 8 January 2019	Classification For General Release	
Report of Executive Director of Growth, Planning and Housing		Ward(s) involved Harrow Road	
Subject of Report	245A Shirland Road, London, W9 3JW		
Proposal	Erection of a single storey outbuilding at rear garden (Retrospective application).		
Agent	Miss Acelya Turkan		
On behalf of	Mr Atif Ali		
Registered Number	18/08739/FULL	Date amended/ completed	12 October 2018
Date Application Received	12 October 2018		
Historic Building Grade	Unlisted		
Conservation Area	None		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Retrospective permission is sought for the erection of a single storey outbuilding for use as a storage shed at the back of the rear garden of a lower ground floor flat. The application site is unlisted and located outside of any conservation areas.

Objection has been received from a neighbouring resident related to land use, design and drainage.

The key issues in this case are:

- The impact of the proposal on the appearance of the building and this part of the City.
- The impact of the proposal on the amenity of neighbouring residents.

For the reasons set out in this report and subject to the recommended conditions, the proposal is considered to be acceptable in land use, design and amenity terms. The proposal accords with the relevant 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) and is, therefore, recommended for approval.

4. PHOTOGRAPHS



Front Elevation of 245 Shirland Road



Rear Elevation of 245 Shirland Road



Rear Garden of 245A Shirland Road

5. CONSULTATIONS

WARD COUNCILLORS FOR HARROW ROAD

Any response to be reported verbally.

NORTH PADDINGTON SOCIETY

Any response to be reported verbally.

MAIDA HILL NEIGHBOURHOOD FORUM

Any response to be reported verbally.

PLANNING ENFORCEMENT TEAM - DEVELOPMENT PLANNING

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 14

Total No. of replies: 1

No. of objections: 1

No. in support: 0

In summary, the objector raises the following issues:

Land Use

- The outbuilding will be used for purposes other than those incidental to the use of the flat
- The outbuilding provides more floor space than any one of the bedrooms at flat 245A

Design

- The overall look of the outbuilding is not aesthetically pleasing
- The glass windows reflect multi-coloured light

Other

- The outbuilding has drains connected to the main sewage via a pump located outside of the building
- There is a 4-inch drain pipe within the outbuilding intended for foul waste
- The outbuilding is connected to power
- Rainwater from the roof of the outbuilding disperses into the rear garden of 245A

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site contains a three-storey mid-terrace building on the north side of Shirland Road. The building is not listed and is located outside of a conservation area.

The building is in use as separate flats. The current proposal relates to the lower ground floor flat and rear garden (254A).

6.2 Recent Relevant History

No relevant planning history.

7. THE PROPOSAL

Retrospective planning permission is sought for the erection of a single storey outbuilding at the back of the rear garden for use as a storage shed ancillary to the use of the residential flat.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The shed is used for storage associated with this flat and is therefore in accordance with policy H3 of the UDP.

The objector is concerned that the shed may be used for purposes that are not incidental to the enjoyment of the dwelling. However, the applicant has indicated that the shed is used for storage and any change from this would require planning permission. As such, it is considered that the ancillary use of the outbuilding is sufficiently controlled by the Town and Country Planning Act 1990 (as amended) and the development control process in general.

8.2 Townscape and Design

The relevant policies for consideration of this case are DES 1 and DES 5 of the UDP and S28 of the City Plan.

The rear garden of the application site is generously sized at approximately 75 sq.m – 16 sq.m (21.3%) of which is currently occupied by the outbuilding. The structure measures approximately 5.2m x 3.1m and has a curved roof with a maximum height of 2.37m. The rear garden has been partially excavated at the back and a concrete slab has been installed underneath the outbuilding, effectively lowering the height of the outbuilding to 2.07m when measured from the existing garden level. The rear boundary wall reaches a height of 2.3m with additional fencing atop, whilst the side boundary walls reach a height of 1.4m when measured from the existing garden level. The curved roof of the outbuilding intersects the side boundary walls just below their tops. Prior to the erection of the outbuilding, a concrete retaining wall was installed along the rear and side boundary walls.

Given the above, the outbuilding has been comfortably accommodated at the back of the rear garden, against the rear high boundary wall and side boundary walls, without an unacceptable loss of rear garden space. Because of its siting and scale, the structure appears subservient to the host building and its garden setting.

In terms of its detailed design, the front elevation is clad in timber, with two small round windows and a central round doorway opening. The roof is finished in felt and has two rainwater pipes extending down from either side of the roof and draining into the two flower beds. The use of timber cladding for the front elevation is welcomed as timber is considered to be an appropriate material for a garden structure. Although the design and shape of the outbuilding could be considered unique or unusual, the scale and design of its fenestration is not considered to detract from the host building, it being a subservient garden structure. Further, the structure is only visible in rear-facing private views and the overall design approach is considered to have a limited impact on the character and appearance of the surrounding area.

Given the above and the building's location outside of any conservation areas, the outbuilding is not considered objectionable on design grounds. The outbuilding complies with policies DES 1 and DES 5 of our UDP and policy S28 of Westminster's City Plan and is, therefore, acceptable in design terms.

8.3 Residential Amenity

Policy ENV 6 and ENV 13 of the UDP and S29 of the City Plan seek to protect residential amenity and environmental quality.

Given the outbuilding's size, scale and location at the back of the long rear garden, adjacent to the rear high boundary wall, it is considered that the outbuilding would not result in a material loss of daylight/sunlight or privacy of adjoining properties. Nor would there be any significant increase in a sense of enclosure, overlooking or overshadowing to neighbouring properties. Furthermore, the ancillary use of the outbuilding is unlikely to result in significant additional noise disturbance above that resulting from the use of the rear garden in general.

Given the above, the outbuilding accords with policies ENV 6 and ENV 13 of the UDP and policy S29 of the City Plan and is, therefore, acceptable in amenity terms.

8.4 Transportation/Parking

The proposals do not impact existing parking arrangements for this private dwelling, nor do they give rise to impacts on the surrounding highway network.

8.5 Economic Considerations

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

8.6 Access

The proposals do not alter the existing access arrangements for this private dwelling.

8.7 Other UDP/Westminster Policy Considerations

None relevant.

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

No neighbourhood plans are relevant to the determination of this application.

8.10 London Plan

This application raises no 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.

8.12 Planning Obligations

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

8.13 Environmental Impact Assessment

The proposed development is of insufficient scale to require an Environmental Impact Assessment.

8.14 Other Issues

Regarding the objections related to connections to main sewage and power, no such connections were apparent during a site visit conducted by the planning officer. No toilet and/or shower had been installed within the outbuilding, nor were there any functioning lights within it. Photographs were later provided to the officer by the objecting neighbour which seemingly indicated that work had been done to the existing underground services during the resurfacing of the rear garden and construction of the outbuilding. However, follow-up conversations with the applicant confirmed that no such connections existed within the outbuilding.

It was later confirmed by the applicant that a surface water pump had been installed within the concrete hard standing adjacent to the outbuilding as a way to remove excess surface water from the site. This was done on advice from a consultant who had suggested that surface water flooding could be an issue at the site, which is located within the West Kilburn Surface Water Flood Risk 'Hotspot'.

Whilst acknowledging that the outbuilding is likely too small to come under Building Regulations, at less than 15 sq.m internal floor area, it is considered that the principle of connecting the outbuilding to existing sewage and power lines is not itself a reason for refusing the application on planning grounds.

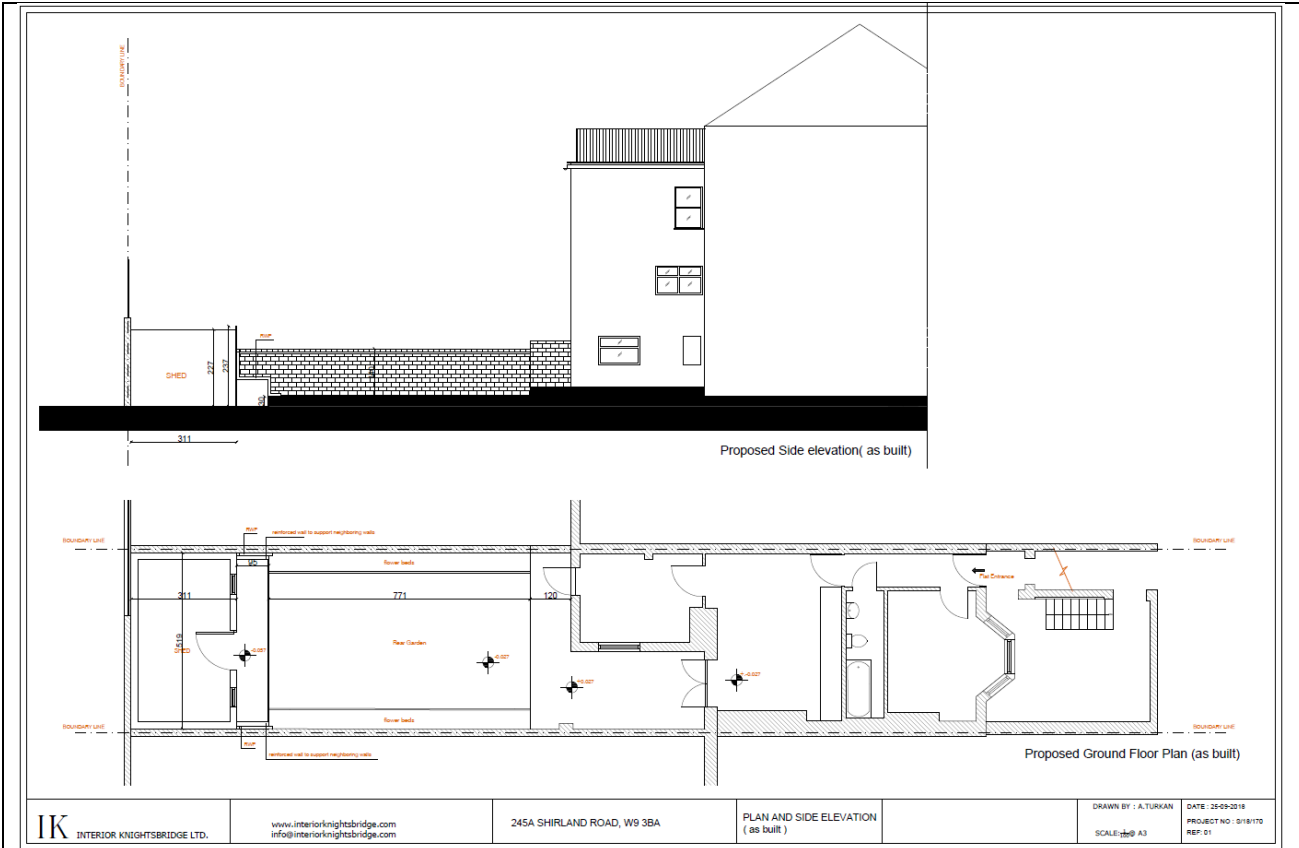
Regarding the objection to the means of rainwater drainage, it is acknowledged that the current design is not ideal. At present, flashing at the joint between the curved roof and the side boundary walls creates a sort of natural flow of rainwater toward the drainage pipes installed on the front façade of the outbuilding. These pipes then funnel water down and into the existing nearby soil beds. However, given that the outbuilding adjoins the side boundary walls near their top, there is potential for rainwater to overflow and wash into neighbouring gardens. As such, a condition has been recommended requiring the approval of details for the installation of two rainwater gutters along its roof and adjacent to the side boundary walls.

Subject to the recommended condition, it is considered that the outbuilding is unlikely to result in significant drainage or flooding issues at the site or within neighbouring properties and, therefore, permission could not be reasonably refused on drainage grounds.

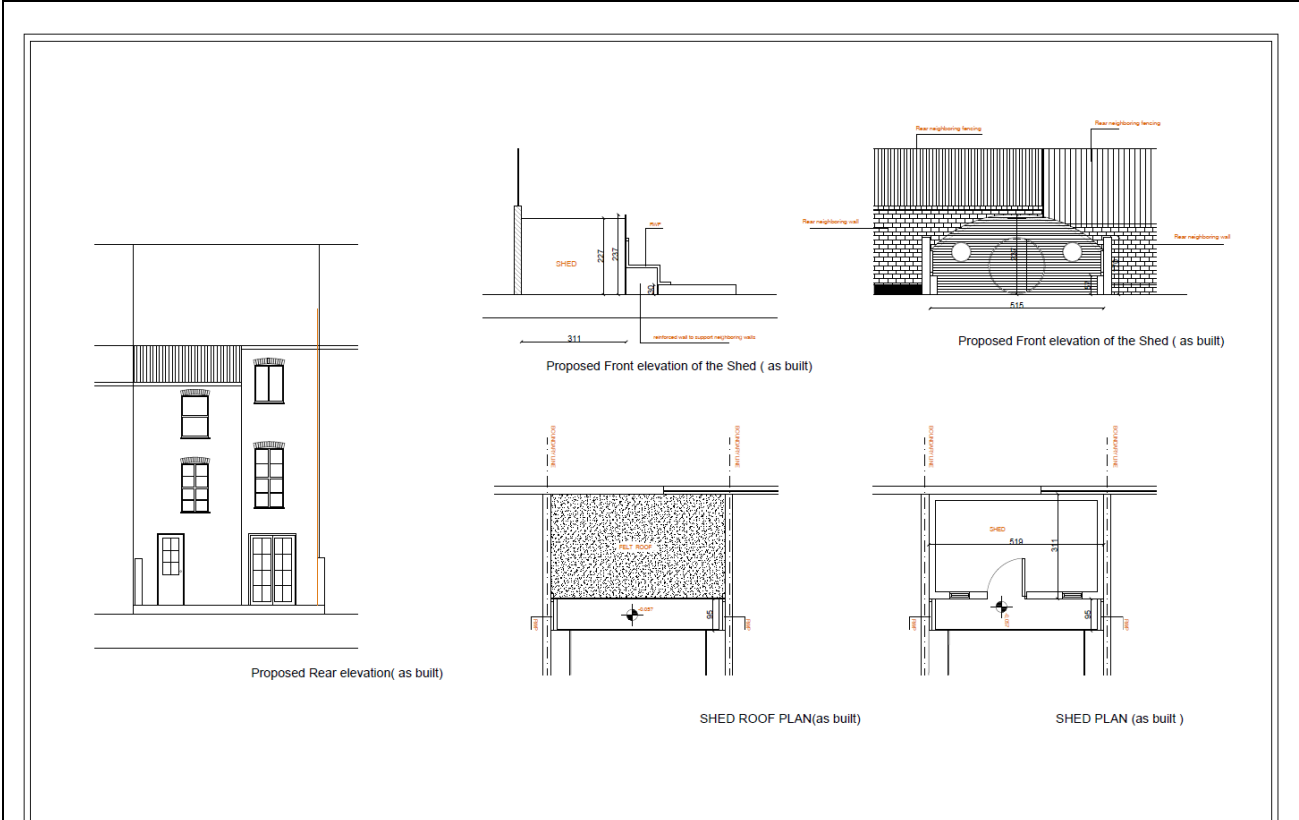
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk.

9. KEY DRAWINGS



As Built Side Elevation (top) and Site Plan (bottom)



IK INTERIOR KNIGHTSBRIDGE LTD.	www.interiorknightsbridge.com info@interiorknightsbridge.com	245A SHIRLAND ROAD, W9 3BA	House rear elevation and Shed plan and elevation (as built)	DRAWN BY : A.TURKAN SCALE: 1:50 @ A3	DATE : 25-09-2018 PROJECT NO : 01/18/170 REF: 02
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As built elevations

DRAFT DECISION LETTER

Address: 245A Shirland Road, London, W9 3JW

Proposal: Erection of a single storey outbuilding at rear garden.

Reference: 18/08739/FULL

Plan Nos: Site Location Plan; S/18/170-01; S/18/170-02.

Case Officer: Aaron Henecke

Direct Tel. No. 020 7641 6204

Recommended Condition(s) and Reason(s)

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 You must apply to us for approval of detailed drawings showing the installation of rainwater gutters to both sides of the roof of the outbuilding that are independent of the garden boundary walls within 2 months from the date of this permission.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings within 6 months from the date of this permission. (C26UB)

Reason:

To protect the environment of people in neighbouring properties and maintain the appearance of this part of the City, as set out in S28 and S29 of Westminster's City Plan (November 2016) and DES1 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

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 You are reminded that you must apply to us for further planning permission to use the outbuilding for any other purposes than those considered incidental to the enjoyment of the existing flat at 245A Shirland Road, London, W9 3JW.

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.