

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 12 March 2019	Classification For General Release	
Report of Director of Planning		Ward(s) involved Little Venice	
Subject of Report	Flat 1 , 88 Sutherland Avenue, London, W9 2QR		
Proposal	Erection of single storey rear extension at lower ground floor level and use of roof as a terrace with associated screening/trellis; installation of stair from rear upper ground to garden level; alteration to front windows; erection of garden shed.		
Agent	Mr Edward Rutherford		
On behalf of	Mr & Mrs Julien Marie and Cynthia Elsen		
Registered Number	18/03519/FULL	Date amended/ completed	24 July 2018
Date Application Received	30 April 2018		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

This application relates to the lower ground and ground floor flat located in an unlisted building located within the Maida Vale Conservation Area. To the rear of the property there is a small balcony, which provides access to the large lower ground floor garden via a spiral stair. Permission is sought to erect a rear extension at lower ground floor level with terrace above, replacement of the spiral stair with a stair which runs down the boundary with No 86 Sutherland Avenue. A shed is also proposed within the rear garden. To the front of the property two windows are to be replaced.

The proposals have been amended from the original submission, which proposed a garden room which occupied the full width of the end of the garden, which was not considered to be acceptable due to its location and design. This has been removed and a shed is now proposed to one side of the garden.

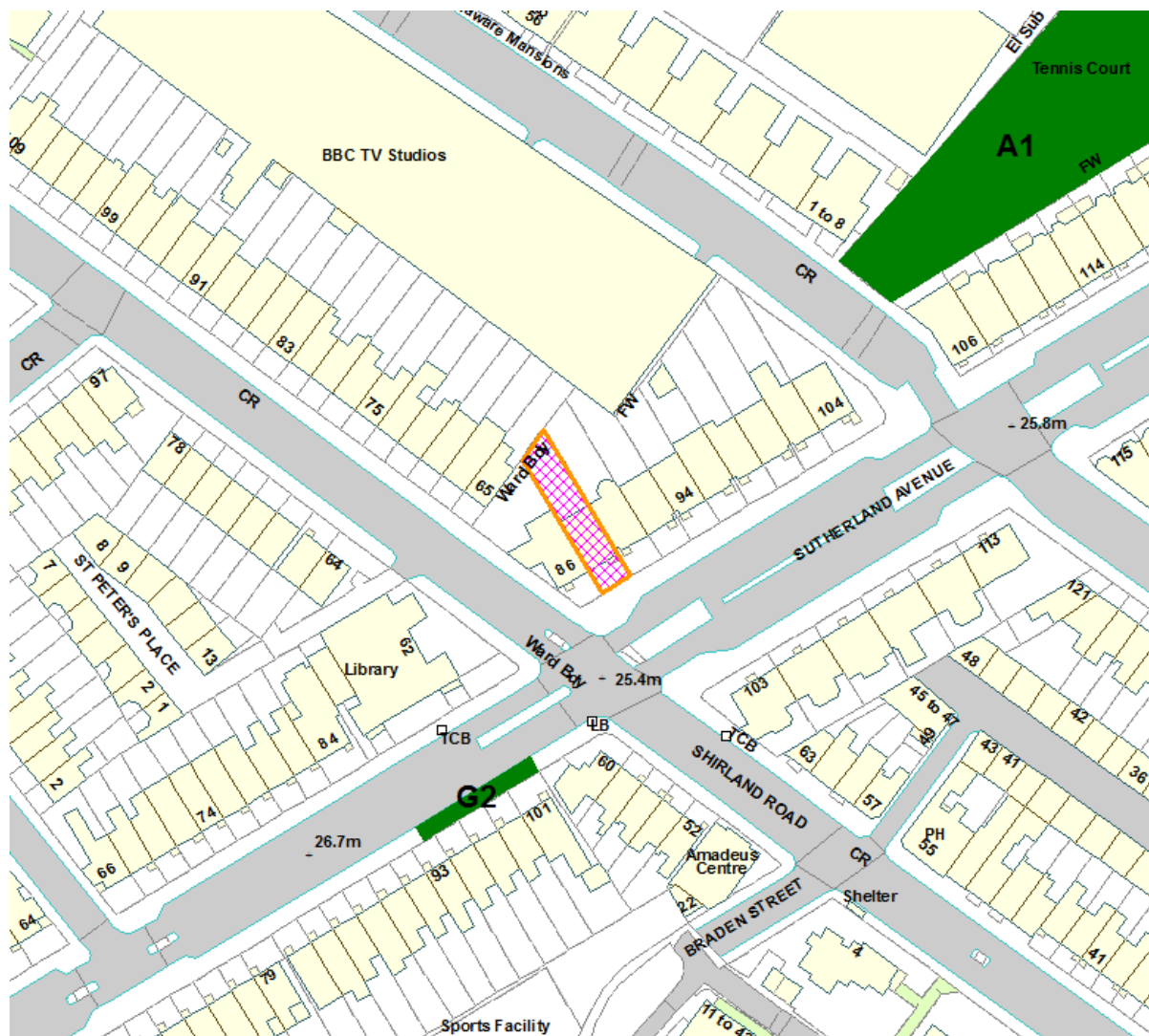
Objections have been received from neighbouring residents, largely on amenity grounds.

The key points of consideration are:

- The acceptability of the proposals in amenity terms.
- The acceptability of the proposals in design and conservation area terms.

Subject to the conditions as set out on the draft decision letter, it is considered that the proposed alterations are acceptable in design, conservation area and amenity terms and in accordance with policies in the City Councils adopted Unitary Development Plan and City Plan. The application is therefore recommended for approval.

3. LOCATION PLAN

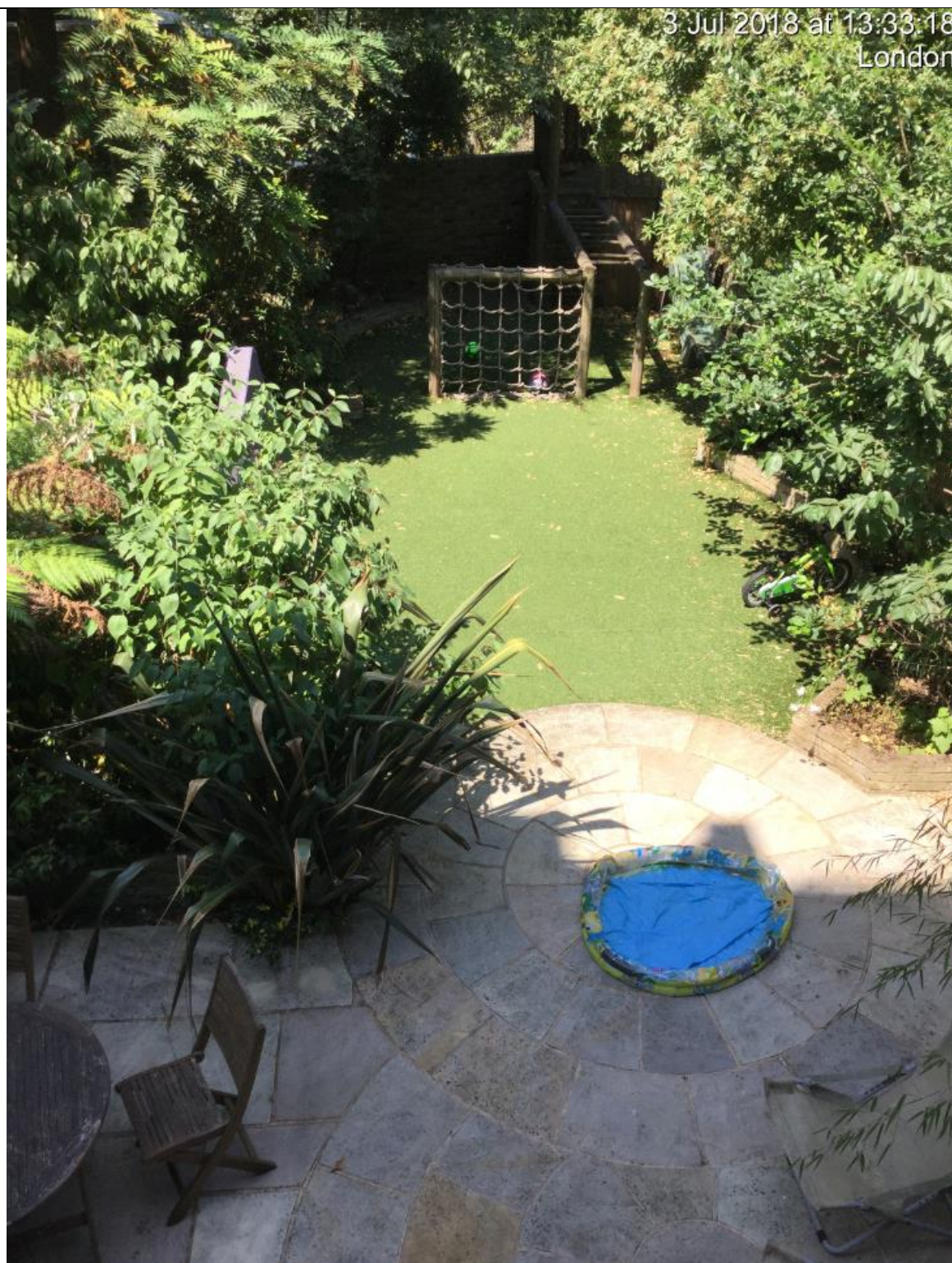


This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013.
All rights reserved License Number LA 100019597

4. PHOTOGRAPHS



Front elevation



View down rear garden



View towards No 90 (Above) and No 86 (below)



5. CONSULTATIONS

CONSULTATION RESPONSES TO ORIGINAL PROPOSALS:

PADDINGTON AND MAIDA VALE SOCIETY:

Raise an objection on the following grounds:

- Use of roof balcony will cause overlooking to adjoining properties.
- Garden room is too large and will result in an increased sense of enclosure to adjoining properties.
- Garden room will have negative impact on tree roots.
- Garden room should have a pitched roof and not be occupied overnight or used as separate sleeping accommodation.
- Window within front lightwell should be replaced with something more suitable.
- Request for neighbours views to be taken into consideration.

ARBORICULTURAL OFFICER:

Comment that the arboriculatural report suggests that the garden room is likely to be raised due to the slab needing to be located above ground level. Foundations below ground level would not be acceptable.

ADJOINING OWNERS / OCCUPIERS:

No consulted: 15

No responses: 2 objections raising some or all of the following comments:

Amenity:

- Loss of light as a result of the garden room.
- Increased sense of enclosure due to garden room.
- Increased overlooking to garden from rear extension and terrace.

Other:

- The rear garden room is attached to a shared garden wall, therefore any excess rain/debris will likely fall into garden.
- Reduced property price.

SITE NOTICE / PRESS ADVERT:

Yes

CONSULTATION RESPONSES TO REVISED GARDEN ROOM PROPOSALS:

PADDINGTON AND MAIDA VALE SOCIETY:

Any response to be reported verbally.

ARBORICULTURAL OFFICER:

Raise no objection subject to conditions.

ADJOINING OWNERS / OCCUPIERS:

No consulted: 15

No responses: 2 objections raising some or all of the following comments:

Amenity:

- Loss of light as a result of the garden room.
- Increased sense of enclosure due to garden room.
- Increased overlooking from rear extension and terrace.

Design:

- Garden Room and rear extension out of proportion and character.
- Overcrowding of rear garden.
- Unwelcome precedence will be set.

Other:

- Impact of garden room on tree roots.
- Reduced property price.
- Garden room should not build up the boundary wall.
- A gap should be left around the garden room

CONSULTATION RESPONSES TO SHED PROPOSALS (GARDEN ROOM REMOVED):

ARBORICULTURAL OFFICER:

No objection subject to condition for tree protection and replacement planting.

ADJOINING OWNERS / OCCUPIERS:

No consulted: 15

No responses: 1 objection maintaining previous objections in relation to the rear extension and its impact on their amenity and property value.

6. BACKGROUND INFORMATION

6.1 The Application Site

This application relates to an unlisted lower ground and ground floor flat within a residential building located within the Maida Vale Conservation Area. To the rear of the property there is a small balcony at ground floor level, which provides access to the large lower ground floor garden via a spiral stair.

There is a lightwell to the front of the property at lower ground floor level, which has been partially infilled.

6.2 Recent Relevant History

Permission was granted on 04 August 2005 to “Replace existing stair with new stair at front lightwell and excavation under front garden in connection with the creation of an internal area and relocated bin store. Partially infill side lightwell.” (Application referenced 05/04459/FULL)

7. THE PROPOSAL

Permission is sought to erect a rear extension at lower ground floor level with terrace above, replacement of the spiral stair with a stair which runs down the boundary with No 86 and for the erection of a single storey garden room at the end of the garden. To the front of the property two windows are also to be replaced within the front lightwell.

The proposals have been amended during the course of the application, first to amend a previously proposed garden room following objections from the tree officer and subsequently to remove the garden room following objections in relation to the design of the proposed garden room. The garden room has subsequently been removed and a shed is now proposed to one side of the garden.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The proposals to provide additional residential accommodation is considered acceptable in land use terms.

8.2 Townscape and Design

The alterations to the front to amend two windows is considered acceptable. A condition is recommended to ensure that these are white timber framed units. The local amenity society has commented that the applicant should replace the inappropriate works to the front, however this does not form part of the scheme and was approved in 2005.

To the rear a single storey extension, a new staircase and a garden room is proposed, each will be discussed in term.

A half width extension is proposed at rear lower ground floor level which projects approximately 3.8m into the rear garden. Each of the adjacent properties in this part of the terrace have extensions at lower ground floor level to a similar level. The extension to the rear of No 90 and part of the extension to the rear of No 86 have glazed roofs. The proposed extension is constructed from brick and has railings around the roof, which is proposed to be used as a terrace. There is a similar, albeit slightly narrower full width extension to the rear of No. 92, which also has a terrace along its roof. Subject to conditions to ensure that the brickwork matches existing and the new fenestration to be timber framed, painted and maintained white, it is considered that the proposed half width extension is in keeping with the character to the rear of this terrace and will therefore not have a negative impact on the conservation area.

A new stair is proposed running down the boundary with No 86 to replace the existing spiral stair. This is considered to be uncontentious in design and conservation terms, subject to a condition for the metalwork to be painted and maintained black.

Trellising is proposed along the boundaries on either side of the site for privacy reasons (see section 8.3). These are to be traditional open lattice timber trellis's, which are considered acceptable.

The proposed shed is located towards the end of the garden, but set in from the boundaries. It measures 3m x 1.8m and is clad in timber weatherboard. Due to its size, location and traditional design, it is considered acceptable in design and conservation terms.

Subject to the aforementioned conditions, the proposals are considered to be in accordance with Policies DES1, DES5 and DES9 of the UDP and S25 and S28 of the City Plan.

8.3 Residential Amenity

Objections have been received from the local amenity society and neighbouring residents on the grounds of loss of light and privacy. Development proposals are assessed against policies ENV13 of the UDP and S29 of the City Plan, which seek to protect the environment and amenity of adjacent occupiers.

8.3.1 *Sunlight and daylight and sense of enclosure*

Concerns have been raised by adjacent occupiers in relation to potential loss of light and an increased sense of enclosure as a result of the erection of the garden room. The garden room has subsequently been removed from the development proposals and a much smaller shed proposed in its place. The proposed shed is set in from the boundaries and of a size that it would not have any significant impact on the amenity of adjacent occupiers. No objection has been received in relation to the shed.

In relation to the proposed rear extension, due to presence of an existing stair to the rear of No 90, it is not considered that the proposed half width rear extension will have any significant impact in terms of loss of light or increased sense of enclosure to this neighbour. Due to its location it is also not considered to have an impact on No 86.

8.3.3 *Privacy*

Objections have been received that the proposed terrace at rear ground floor level will cause overlooking to neighbours, particularly into the rear gardens.

The rear garden of No 90 is split between two flats; one at lower ground floor level (Flat 1), and one at ground floor level (Flat 2). Flat 2 has use of the rear of the garden and Flat 1 has access to the front half of the rear garden. The two gardens are divided by a timber fence. The ground floor flat accesses the garden via a small balcony and stair, which runs down the boundary shared with No 88. The lower ground floor flat has an existing glazed single storey extension which opens out onto their part of the rear garden.

In order to prevent overlooking towards No 90, a 1.8m high trellis is proposed along the boundary of the terrace. There is existing overlooking from the small central balcony at the application site and from the small balcony and stair which provides access from the ground floor to the rear garden of No 90. These stairs provide direct views into the glazed rear extension at ground floor level. There is also a terrace at rear ground floor level of No 92, which provides views down into the glazed extension of No 90 and into the rear gardens. While it is noted that the proposed terrace is larger than the existing balcony, and in closer proximity, given the existing overlooking and subject to the provision of a trellis along the boundary, it is considered acceptable.

In relation to overlooking towards No 86, a trellis is similarly proposed along this boundary, which steps down in line with the stairs as it descends to the rear garden. Given existing overlooking and subject to the trellis being provided, it is similarly not considered that overlooking will be so significant as to recommend refusal, indeed, the proposed trellis may well improve privacy above the existing situation.

8.4 Transportation/Parking

No change to existing arrangements.

8.5 Economic Considerations

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

8.6 Access

No change to existing arrangements.

8.7 Other UDP/Westminster Policy Considerations

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 12th November 2018 and will close on Friday 21st December 2018. Representations are currently being considered and the draft plan will be revised in advance of formal consultation under regulation 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.

8.8 Neighbourhood Plans

Not applicable.

8.9 London Plan

This application raises no strategic issues.

8.10 National Policy/Guidance Considerations

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

8.11 Planning Obligations

Planning obligations are not relevant in the determination of this application. The proposals are of insufficient scale to trigger the requirement of a Community Infrastructure Levy payment.

8.12 Environmental Impact Assessment (EIA)

The development is of insufficient scale to require the submission of an EIA.

8.13 Other Issues

Concerns have been raised in relation to loss of property value, which is not a valid planning consideration.

Concerns have also been raised in relation to debris falling on the roof and water draining into adjacent gardens. As the garden room is no longer proposed, these objections are no longer relevant.

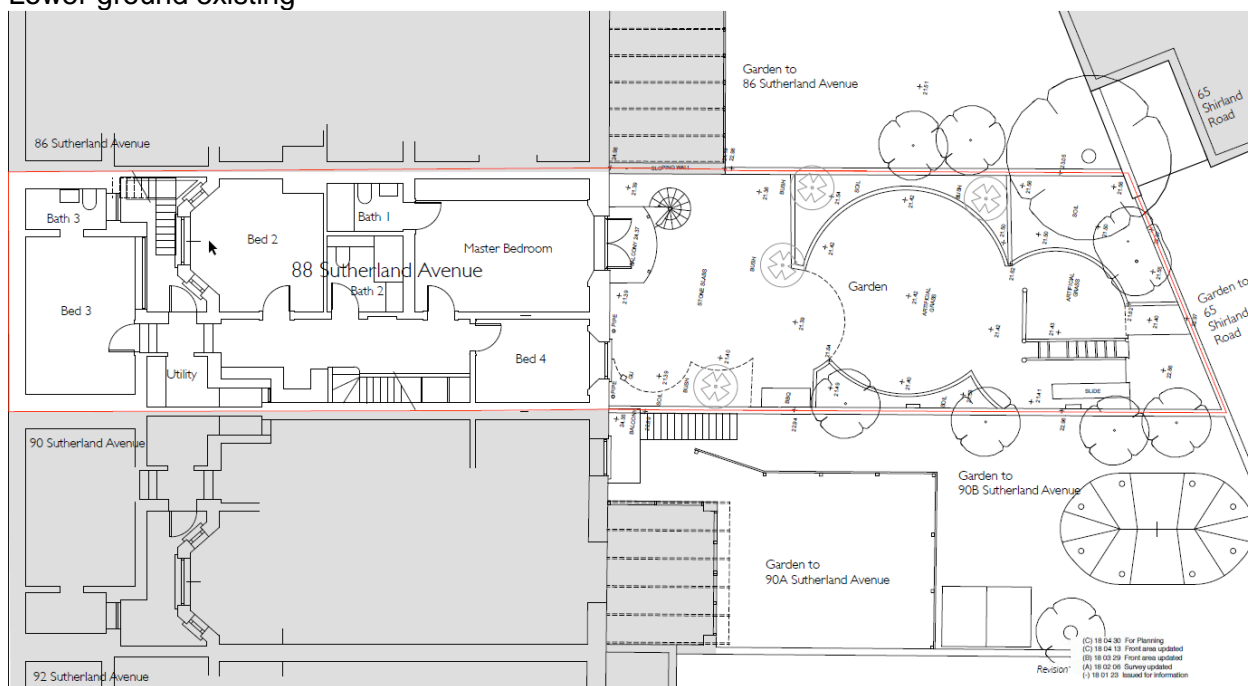
As requested by the Arboricultural Officer, a condition is recommended in relation to tree protection during building works. They have also requested for a landscaping plan to be submitted due to the removal of an Acer Negundo to allow for the erection of the shed. The plan indicates that a replacement tree is to be planted, which is considered sufficient given that there are numerous other shrubs and trees within the garden which are to be retained.

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

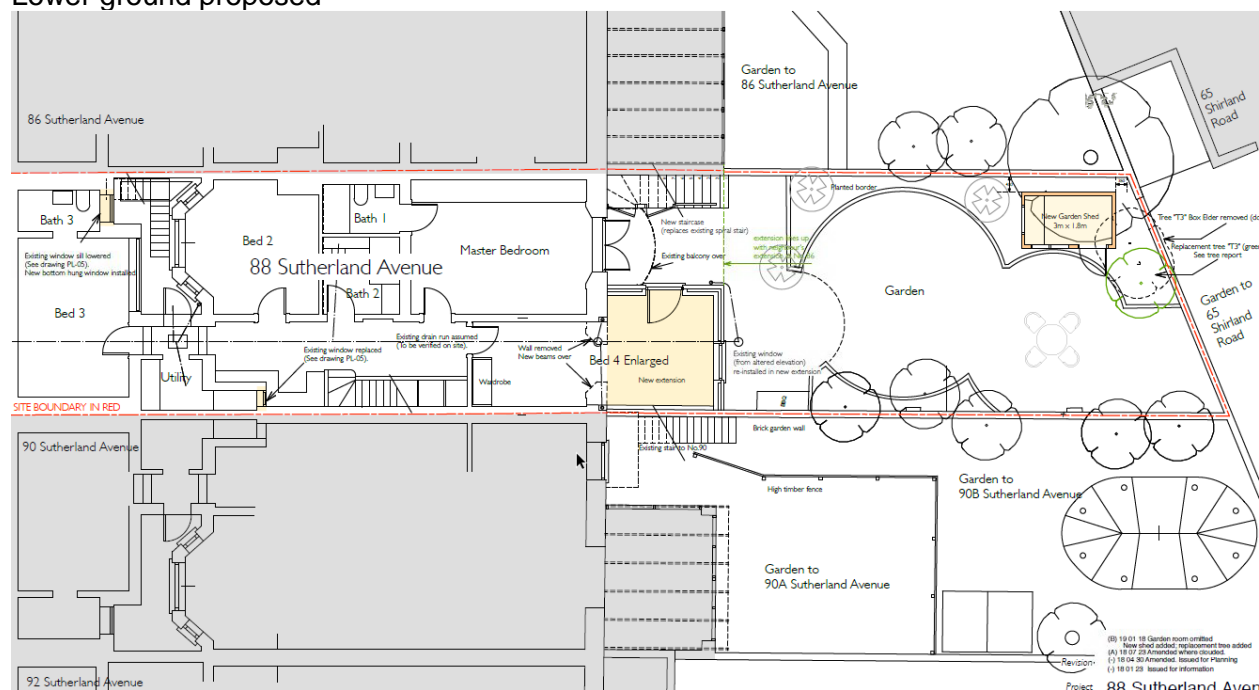
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk

1. KEY DRAWINGS

Lower ground existing



Lower ground proposed



Existing rear elevation.

Proposed rear elevation

Trellis to party wall side of roof

Existing balcony and balustrade

new trellis on existing party wall

Existing window re-used and built in to new extension
Centred on existing window above

Existing doors

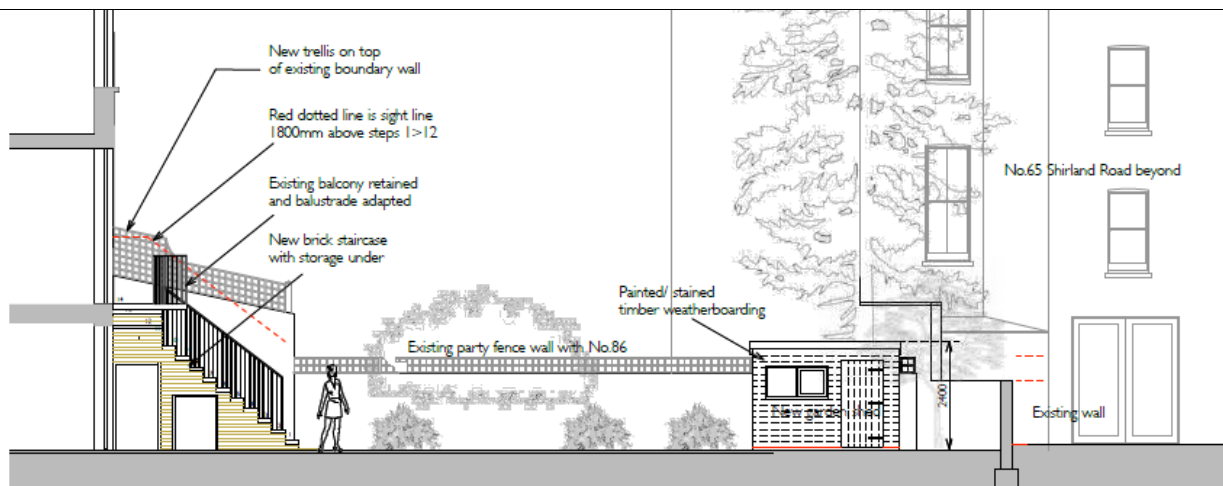
New steps

No.90

No.86

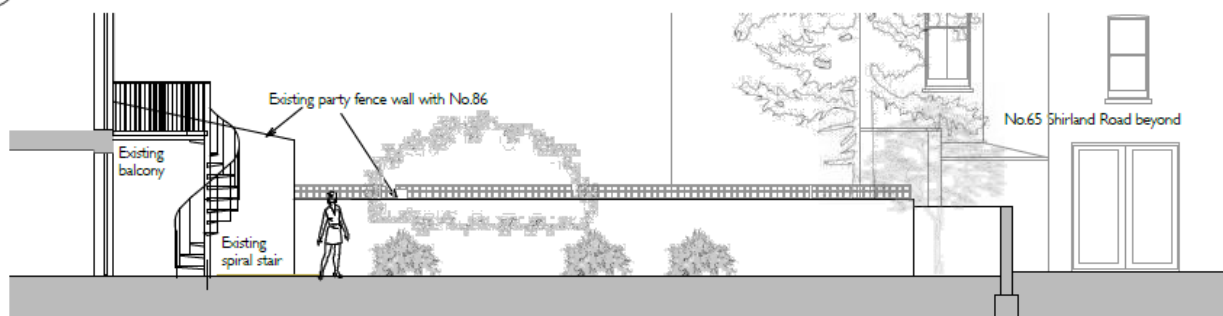
DATUM 20.000

88 Sutherland Avenue



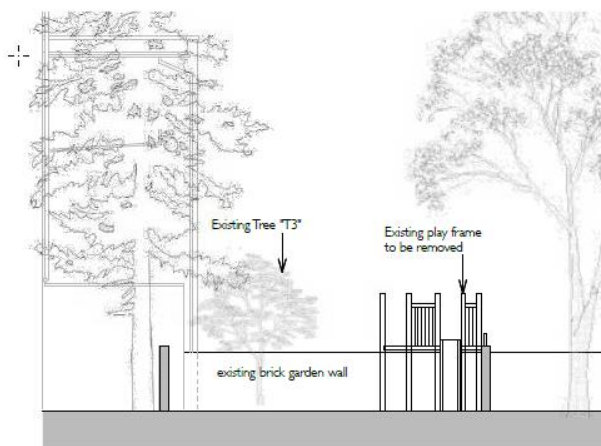
1 North/South Section Through Garden - As Proposed

Scale: 1:100

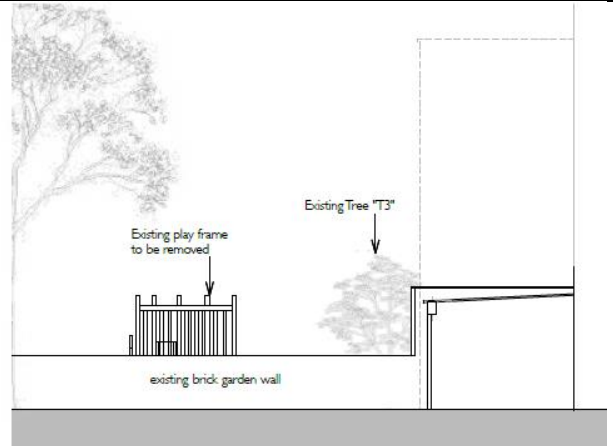


2 North/South Section Through Garden - As Existing

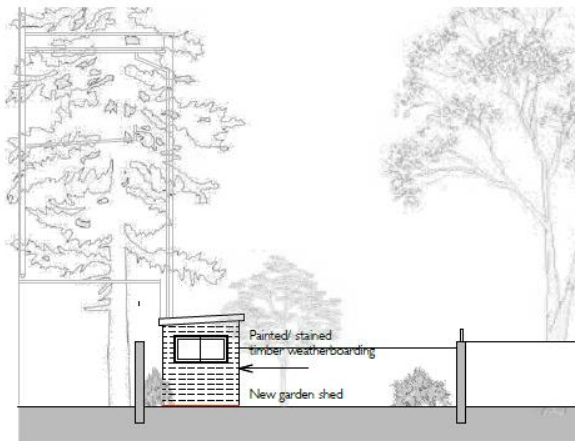
Scale: 1:100



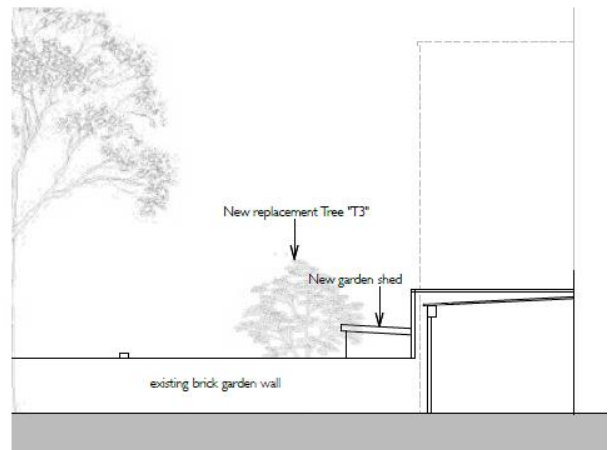
1 Elevation of Garden Looking North As Existing
Scale: 1:100



3 Elevation as Existing viewed from 65 Shirland Road
Scale: 1:100



2 Elevation of Garden Room Looking North
Scale: 1:100



4 Elevation as Proposed viewed from 65 Shirland Road
Scale: 1:100

DRAFT DECISION LETTER

Address: Flat 1 , 88 Sutherland Avenue, London, W9 2QR

Proposal: Erection of single storey rear extension at lower ground floor level and use of roof as a terrace with associated screening/trellis; installation of stair from rear upper ground to garden level; alteration to front windows; erection of garden shed.

Plan Nos: SUT/PL-1; SUT/PL-02 B; SUT/PL-03 C; SUT/PL-04 C; SUT/PL-05; SUT/PL-06 C; SUT/PL-07 C; SUT/PL-08 C; SUT/PL-09 B; SUT/SU-01 C; SUT/SU-02 C; SUT/SU-03 B; SUT/SU-04 B; Tree Survey by Elizabeth Greenwood received 27 July 2018.

Case Officer: Rupert Handley

Direct Tel. No. 020 7641 2497

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 The single storey shed hereby approved shall not be occupied at any time other than for purposes ancillary to the enjoyment of the dwelling at Flat 1, 88 Sutherland Avenue.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan adopted November 2016 and ENV 6 of our Unitary Development Plan that we adopted in January 2007.

- 4 Prior to the use of the rear ground floor terrace, balcony or stairs, you must install the trellis in accordance with the drawings hereby approved.

Reason:

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

- 5 The facing brickwork of the single storey rear extension and side and rear elevations of the garden room must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 6 The new railings shall be constructed from metal, painted black and maintained that colour.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 The new windows and doors shall have timber frames, painted and maintained white.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Maida Vale Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 During the development, you must not dig, or store or position any structures, machinery, equipment, materials or spoil:
 - (a) underneath the canopy of any trees or
 - (b) within the root protection area of any tree as defined by paragraph 4.6.1 of British Standard BS5837: 2012 or as shown in your Tree Constraints Plan dated May 2018, whichever is the

greater.

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, neighbourhood plan (where relevant), 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 or visit 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>

- 3 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)