

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 30 July 2019	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Little Venice	
Subject of Report	93 Warrington Crescent, London, W9 1EH		
Proposal	Replace the existing first floor central window with double doors and use of flat roof as balcony.		
Agent	Mr Mark Pender		
On behalf of	Golden Bricks Pubs Limited		
Registered Number	19/02590/FULL & 19/02591/LBC	Date amended/ completed	5 April 2019
Date Application Received	5 April 2019		
Historic Building Grade	II		
Conservation Area	Maida Vale		

1. RECOMMENDATION

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

4. SUMMARY

The application site contains a grade II listed building in the Maida Vale Conservation Area. It is currently in use as a public house with hotel rooms on the second floor.

Permission and listed building consent are sought for the replacement of a window with a door on the front elevation at first floor level to provide access into an existing flat roof which would become a balcony for customers of the public house / dining room at first floor level.

An objection has been received from Councillor Caplan on grounds that the activity on the balcony could have an impact on neighbour's amenity. An objection has also been received from the Paddington Waterways and Maida Vale Society on grounds of the impact on amenity and the possible visual impact of any new structures needed to prevent falls. There have not been any

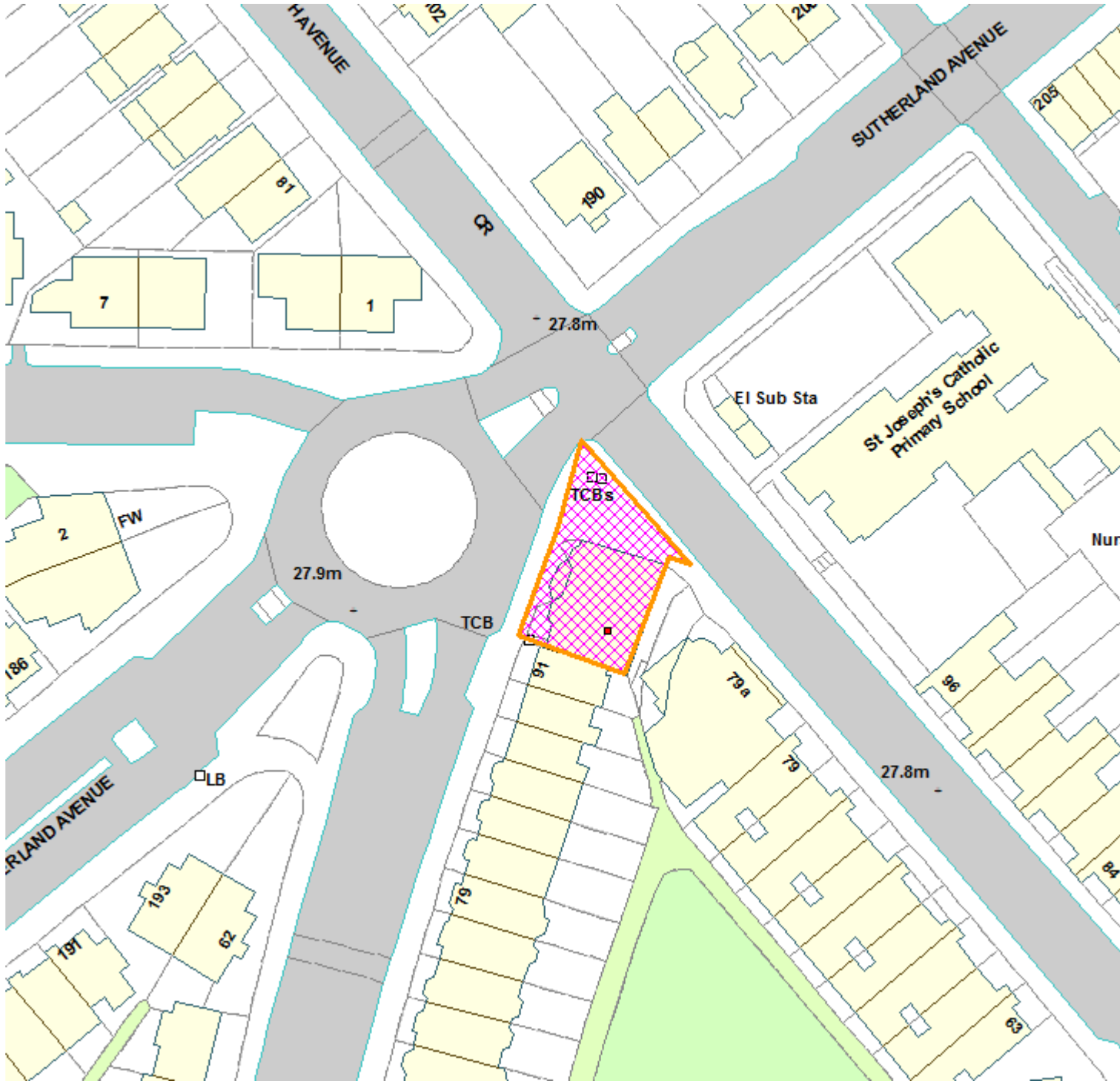
objections received from neighbours.

The key considerations are:

- Impact of the proposal on the character and appearance of the listed building and conservation area, and;
- Impact of the proposal on the amenities of neighbouring properties.

Subject to the conditions as set out on the draft decision letter at the end of this report, the proposal is considered acceptable and satisfies the relevant planning policies in our Unitary Development Plan and City Plan. Accordingly, it is recommended that permission and listed building consent is granted.

5. LOCATION PLAN



6. PHOTOGRAPHS



Front Elevation of Application Site

7. CONSULTATIONS

COUNCILLOR CAPLAN

Expresses concern about the impact smokers and drinkers on the balcony may have on neighbours.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

Objection. We consider that the proposed is harmful to the host building and wider conservation area. The addition of edge protection to prevent users falling from the balcony would be harmful to the host building. The use of the area as a terrace is also likely to cause significant disturbance to neighbouring properties. Please take neighbours' views into consideration.

WESTBOURNE BLOCK MANAGEMENT LIMITED

No objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 32

Total No. of replies: 0

No. of objections: 0

No. in support: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

8. BACKGROUND INFORMATION

8.1 The Application Site

The application site contains a grade II listed end of terrace villa building in the Maida Vale Conservation Area. The building was erected in the mid-19th century formed of three upper storeys faced in white stucco with numerous decorative features at each level. It is currently in use as a public house with hotel rooms on the second floor.

8.2 Recent Relevant History

19/02726/FULL

Erection of a roof extension at third floor level to create five additional hotel rooms. (Linked to 19/02727/LBC)

19/02727/LBC

Erection of a roof extension at third floor level to create five additional hotel rooms. (Linked to 19/02726/FULL)

19/02592/FULL

Erection of an extension to the rear and side of the property by extending the existing single storey and remove internal partition. (Linked with 19/02593/LBC)

19/02593/LBC

Erection of an extension to the rear and side of the property by extending the existing single storey and remove internal partition. (Linked with 19/02592/FULL)

9. THE PROPOSAL

Planning permission and listed building consent are sought for replacement of a window with a door and use of an area at first floor level as a balcony. The new door would provide access into the balcony.

10. DETAILED CONSIDERATIONS

10.1 Land Use

No change to land use is proposed.

10.2 Townscape and Design

The window that is proposed to be removed is of a casement type and does not appear likely to be an original window. Though there are some original elements remaining at first floor level internally, there are a range of window types in place on the front elevation and as such there is no clear consistency of design detailing to this part of the building. The internal sub-window panel has a decorative detail in place and considered more convincingly to be original. Whilst a feature of some interest it is still retained within the first floor level, given its heavily altered interior it no longer forms part of an intact and consistent decorative scheme. The area of elevation to be removed below the level of balustrade and will not be visible from street level and, given the position of the building facing onto the open roundabout area the alteration will not be visible from any other vantage points. The top of the door opening is at the meeting rail and fanlight frame point of the other openings to this elevation and as such would integrate appropriately in context with the remainder of the front elevation. Further details are sought with regards to its design detailing to ensure that it is appropriate for this listed building.

The decking on the balcony is not considered to be contentious in design and heritage terms. A condition is recommended that requires no furniture which projects above the height of the balustrade is placed on the balcony.

The objection received from the local amenity raised concern over the use of any additional edge protection and how this could be harmful to the host building. The existing balustrade measures 1320mm high when measured from the existing flooring level of the balcony. The proposed decking that will form the flooring of the balcony will be 1100mm below the top the balustrade. Because the balustrade will be 1100mm high to users on the decking, it will therefore be compliant in principle with requirements of the Building Regulations. There is therefore no need for any additional features to protect users from falls. Given this, the concern expressed by the local amenity on society on these grounds is not sustainable.

Overall, in the context of this building, the proposals would preserve the significance of this listed building and the Maida Vale Conservation Area and are considered acceptable and in line with policy and guidance and with the statutory duties set out in s. 66 and s. 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10.3 Residential Amenity

The area to be used as a balcony is, situated at first floor level on the front elevation and currently contains plant equipment which was approved under decision 07/06318/FULL dated 10th July 2007. The only adjoining building to the application site is no. 91 Warrington Crescent which is subdivided into flats. At first floor level at no. 91 there is bay window projecting from the principle front elevation. The nearest part of the balcony is approximately 6.2 m based of measurements taken from submitted drawing no. 7244/-02B, in order to preserve the privacy of these neighbours the agent has agreed to install a railing on the balcony to prevent users being no closer than approximately 9.5 m from no. 91.

Notwithstanding this, mutual overlooking through bay windows on Warrington Crescent is common. No's 91, 89 and 87 Warrington Crescent each have bay windows which are situated approximately 3000-3500mm part, where one neighbour can look through another neighbour's bay windows.

To prevent users of the balcony causing unacceptable noise disturbance for neighbouring residents, a condition is recommended which limits the balconies use to between the hours of 0900 and 2200 each day of the week. It should also be noted that the balcony sits above an outdoor seating area at the front of the property that already causes a degree of noise impact on neighbouring residents. Given the above, the objection from the local amenity society and the objection from Councillor Caplan is not upheld and the application is regarded being compliant with policy ENV 13 of the UDP and S29 of the City Plan.

10.4 Transportation/Parking

No transportation or car parking considerations are applicable for a development.

10.5 Economic Considerations

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

10.6 Access

Access to the application site is not proposed to be changed.

10.7 Other UDP/Westminster Policy Considerations

None.

10.8 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 took place between Monday 12 November 2018 and Friday 21 December 2018. Following this informal consultation, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning)

(England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

10.9 Neighbourhood Plans

None relevant to this application.

10.10 London Plan

This application raises no strategic issues.

10.11 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.

10.12 Planning Obligations

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

10.13 Environmental Impact Assessment

No environmental impact assessment was required for this application.

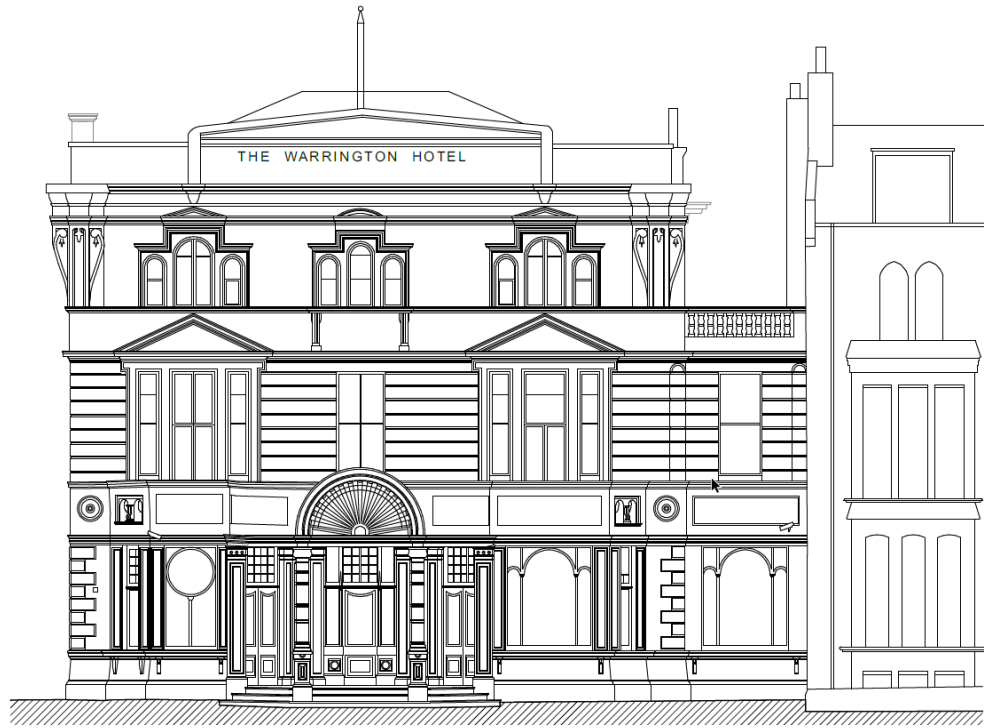
8.14 Other Issues

This application raises no other issues.

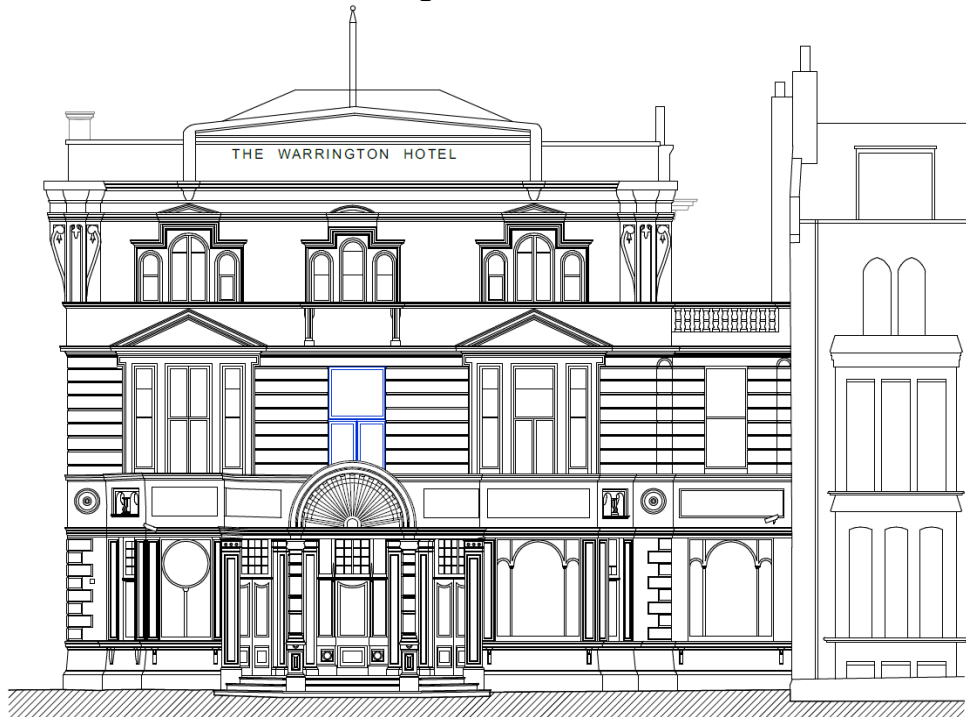
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRET BY EMAIL AT NBARRETT@WESTMINSTER.GOV.UK

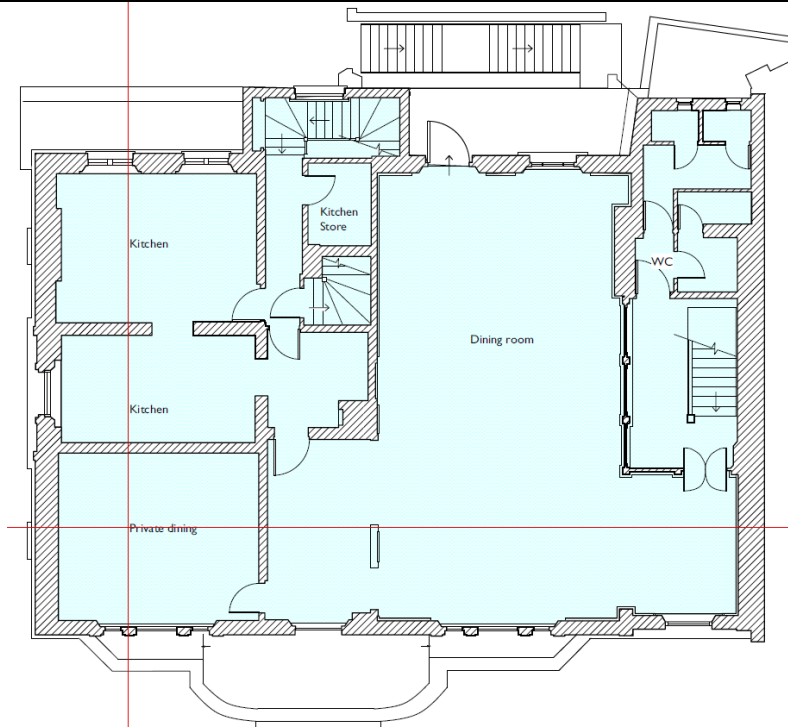
11. KEY DRAWINGS



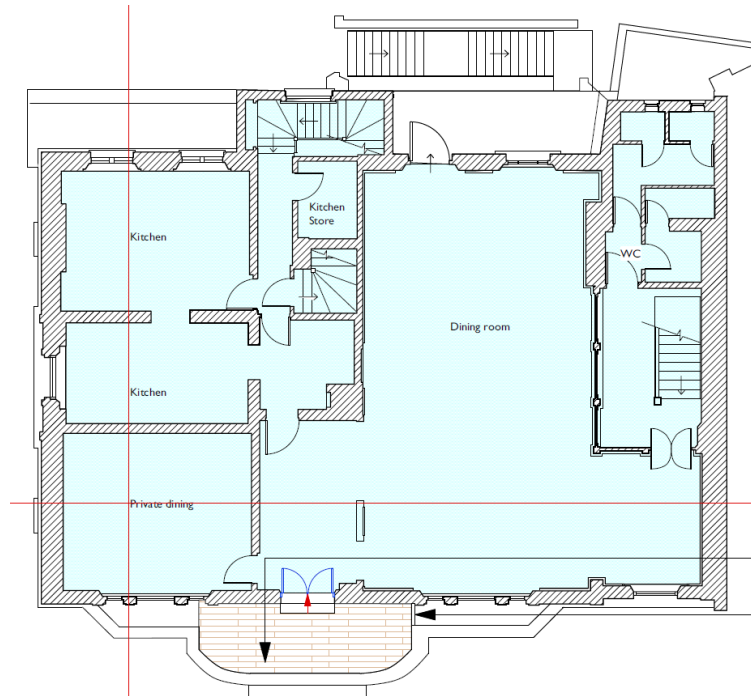
Existing Front Elevation



Proposed Front Elevation



Existing First Floor Plan



Proposed First Floor Plan

Extent of decking

Fixed metal railing painted black

DRAFT DECISION LETTER

Address: 93 Warrington Crescent, London, W9 1EH

Proposal: Replace the existing first floor central window with double doors and use of flat roof as balcony. (Linked with 19/02591/LBC)

Reference: 19/02590/FULL

Plan Nos: 7244/-01B, 7244/-02B, 7244/-03B, 7244/-04B, 7244/-05B, 7244/-06B, 7244/-07B, 7244/-08B, 7244/-09B, 7244/-10B, 7244/-11B, 7244/-12B, 7244/-13B, 7244/-14B, 7244/-15B, Heritage Statement, Cover Letter and Design and Access Statement.

Case Officer: Harry Berks **Direct Tel. No.** 020 7641 3998

Recommended Condition(s) and Reason(s)

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:

- 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 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 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)

- 4 The new doors and fanlight shall be formed in glazing and timber with a paint finish to match the existing paint finished colour to the existing windows to this location

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)

- 5 You must apply to us for approval of section and elevation drawings showing the detailing of the new doors and fanlight including the detailing of the mouldings to the framing. 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. (C26DB)

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 You may only use the terrace between the hours of 09:00 and 22:00. This restriction applies every day of the week (this includes Bank Holidays).

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 7 You must erect the metal railing on the balcony as shown on drawing no. 7244/-10 Rev B, before the balcony is used. This railing must be maintained in this way thereafter without interruption.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

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 With regards to condition 5, you are strongly advised that the moulding detailing should match existing original examples present in the building.

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.

DRAFT DECISION LETTER

Address: 93 Warrington Crescent, London, W9 1EH

Proposal: Replace the existing first floor central window with double doors and use of flat roof as balcony. (Linked with 19/02590/FULL)

Reference: 19/02591/LBC

Plan Nos: 7244/-01B, 7244/-02B, 7244/-03B, 7244/-04B, 7244/-05B, 7244/-06B, 7244/-07B, 7244/-08B, 7244/-09B, 7244/-10B, 7244/-11B, 7244/-12B, 7244/-13B, 7244/-14B, 7244/-15B, Heritage Statement, Cover Letter and Design and Access Statement.

Case Officer: Harry Berks **Direct Tel. No.** 020 7641 3998

- 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 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 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 paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 3 The new doors and fanlight shall be formed in glazing and timber with a paint finish to match the existing paint finished colour to the existing windows to this location.

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 paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 4 You must apply to us for approval of section and elevation drawings showing the detailing of the new doors and fanlight including the detailing of the mouldings to the framing. 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. (C26DB)

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 paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

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, the London Plan 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 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 With regards to condition 4, you are strongly advised that the moulding detailing should match existing original examples present in the building.

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.