

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 27 th April 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Maida Vale	
Subject of Report	141-150 Wymering Mansions, Wymering Road, London, W9 2NG		
Proposal	Partial basement excavation and conversion of ancillary storage area at lower ground floor rear to provide a self-contained unit (Class C3) and associated external alterations.		
Agent	Mr Stern		
On behalf of	Mr AY Gluck		
Registered Number	20/02640/FULL	Date amended/ completed	10 March 2021
Date Application Received	21 April 2020		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		

1. RECOMMENDATION

Refuse Permission – Fire Safety, Floor to Ceiling Height, Lack of Level Access, Conflicting Drawings

2. SUMMARY

The application relates to the existing cellars beneath the rear closet wing and the basement level crawl space beneath the main body of the building. Permission is sought for a basement excavation beneath the cellars and the crawl space to allow the creation of a three bedroom self-contained residential unit (Class C3) with a floor to ceiling height of 2.4 metres. The existing cellars have a floor to ceiling height of 1.85 metres and the floor area is proposed to be lowered by 0.55 metres. The existing crawl space has a floor to ceiling height of 0.7 metres and the floor area space is proposed to be lowered by 1.7 metres. To facilitate the creation of the unit, new fenestration is to be installed in the closet wing and the rear elevation of the main block, and a new door and a step access are to be installed within a lightwell next to the northern side elevation of the closet wing. Karen Buck MP wrote in to say that a resident complained about the application and so she has asked that the City Council to provide the resident with advice and assistance. Councillor Barraclough has objected to the proposal and a total of 59 objections to the proposal have been received from local residents on a number of grounds including design, the quality of the proposed accommodation, land use, the structural impact of the basement extension on the existing building, neighbour amenity, access to the proposed flat, and highways impact.

The key issues in this case are:

- The principle of a 3 bedroom flat in this location;
- Quality of the residential unit being provided;
- the impact on the fire safety of the occupiers of the proposed flat and the other flats within the building;
- the impact of the proposed external alterations on the character and appearance of the Maida Vale Conservation Area;
- the impact of the proposed development on the amenity of the occupiers of the neighbouring residential properties;
- the acceptability of the proposed basement extension in terms of the Council's basement policy, and on the structural stability of the existing building and nearby buildings.

The entrance door to the proposed flat is located on the northern side elevation of the rear closet wing of No. 141-150 Wymering Mansions. The proposed flat cannot be accessed using the communal front entrance of this block because there is no route from the communal front entrance to the flat. The proposed flat can be accessed from the public highway either through a gate to the communal garden located next to the southern side elevation of No. 111-120 Wymering Mansions or through a corridor to the communal garden located between No. 151-160 Wymering Mansions and No. 161-170 Wymering Mansions. Both of the entrance points are a considerable distance away from the proposed flat and the London Fire Brigade have stated this would delay the attendance of the brigade in the event of a fire at the premises. This would not ensure the safety, health and wellbeing of the future occupants of the proposed flat and the occupiers of the existing flats within the building. In addition, the proposed flat has a low floor ceiling height and it lacks level access, so it would provide an unacceptably poor standard of accommodation. Accordingly, the proposed development would be contrary to policy 12 of Westminster's intended to adopt City Plan 2019-2040 and policies D6 and D7 of the London Plan (2021). The application is therefore recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation



Rear Elevation of the Closet Wing



Side Elevation of the Closet Wing



Rear Elevation of the Main Body of the Property



Entrance Gate



Corridor from Rear Garden to Street



Door to Corridor from Rear Garden to Street

5. CONSULTATIONS

KAREN BUCK MP:

Comment. Wrote in to say that a resident complained about the application and so asked the City Council to provide the resident with advice and assistance. The resident is concerned about the design and amenity impacts of the proposal as well as the proposed impact on the structural stability of the building and fire safety. The resident is also concerned about the behaviour of the applicant and the City Council's handling of the application.

COUNCILLOR BARRACLOUGH:

Objection The proposed flat would provide an unacceptably poor standard of accommodation particularly as it would lack natural light and its format is inconsistent with the typical format of the other mansion flats.

- The external design of the new flat damages the character of the conservation area.
- The access to the new flat is not acceptable particularly as it is not fire safe.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY:

Any response to be reported verbally.

LONDON FIRE SERVICES:

Objection. The proposal is unsatisfactory in relation to the access arrangements for the London Fire Brigade in the event of fire.

THAMES WATER UTILITIES LTD:

No objection. The proposed development is located within 15 metres of a strategic sewer so therefore a piling method statement should be secured through condition before any works commence on site. The applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device.

BUILDING CONTROL MANAGER:

No objection. The application has addressed the issue of flooding with regards to the proposed basement extension. Following the submission of amended structural drawings the proposed basement extension is considered satisfactory.

HIGHWAYS PLANNING MANAGER:

No objection. The proposed flat creates no concerns with regards to car parking capacity in the local area. If the proposal were to be approved, then details of cycle parking storage should be secured through condition.

WASTE PROJECT OFFICER:

No objection. The drawings submitted are not in line with the council recycling and waste storage requirements, however, revised drawing showing the storage provision for general waste, food waste and recyclable materials could be secured through condition.

ENVIRONMENTAL HEALTH OFFICER:

Comment. The living room of the proposed flat has adequate internal illuminance. The proposed flat requires adequate sound insulation. Concern is expressed about the arrangements for Means of Escape in case of fire.

ARBORICULTURAL OFFICER:

No objection. Details of a tree protection method statement and details of a scheme of hard and soft landscaping should be secured through condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 138

Total No. of replies: 59

No. of objections: 59

No. in support: 0

The objections relate to some or all of the following issues:

Design

- The proposed alterations would be an incongruous addition to the application site and the group of mansion blocks to which it belongs as well as having a negative impact on the character and appearance of the conservation area.

Quality of the Proposed Accommodation

- The quality of accommodation provided by the proposed flat is poor. The gross internal area is too small for the number of bedrooms. There would not be insufficient daylight and sunlight entering the living areas from the proposed lightwells.
- The internal layout is not in any way in keeping with the layout design of the other flats.
- The proposal is a fire risk and risk to health and safety. There is no pedestrian or vehicle access from the street to the proposed flat, which would mean no open access for emergency services, mail and other servicing.

Land Use

- The existing storage area is communal. Neighbours would not be able to access the storage units close to the proposed flat.

Basement Extension

- The proposed development would affect the integrity of the structure of this old building

and adjoining buildings and cause subsidence. This would have with implications for the whole block and impact the living conditions of residents.

Neighbour Amenity

- The proposed works to implement the basement development would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity a result of noise, dust and air pollution. The works would create a health and safety risk to local residents.
- The occupiers of neighbouring and adjoining properties would suffer a material loss of amenity as a result of noise and disturbance coming from the proposed flat.
- The development would create a private space within the communal gardens which would restrict the amount of space in the garden that occupiers of other properties could use.
- Neighbours would suffer a material loss of amenity as result of light pollution caused by additional windows installed at the basement level.

Access

- The freeholder of 141-150 Wymering Mansions is separate to the freeholder of the other mansion blocks. To access the proposed flat from the highway, someone would have to go through a gate and then through the communal garden to the entrance door to the flat which is at the rear of 141-150 Wymering Mansions. The gate and the communal garden are managed by Wymering Mansions Limited (a different freeholder to the owner of block 141-150) and applicant does not the right to access through the gate and the garden to the proposed flat. It is unlikely that Wymering Mansions Limited would grant the applicant the right to access the site through the gate and communal garden for the purposes of carrying out building work to implement the proposed development. Nor is Wymering Mansions Limited likely to grant future occupiers of the proposed flat the right to access the flat though the gate and garden.
- Residents' use and access to the communal space would be limited during the period of time it took to carry out the buildings works to implement the development

Highways

- The proposal would put pressure on the availability of parking spaces and other local infrastructure.
- The highway would be blocked by deliveries to the application site.
- The existing bicycle storage area would be unusable during the proposed construction works.

Other Matters

- People coming and going to the proposed flat would present a security risk to the existing occupiers of the building.
- The purpose of the proposal is only to make money.
- If approved the proposal would set precedent for similar developments in the local area.
- The boiler and water pipes servicing in the building could be harmed. The current Mansion blocks have old plumbing and electrical wiring and so the proposed

development could overload these and may require an extensive update.

- The proposal would case a risk to the income and investment of the occupiers neighbouring and adjoining properties and reduce the value of properties in the local area.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a mid-terrace building within Wymering Mansions, which is a group of Edwardian mansion blocks forming both sides of Wymering Road. The building is unlisted and is located within the Maida Vale Conservation Area. The building comprises ground plus four upper storeys and includes cellar storage at lower ground floor rear. The photos submitted by the applicant show the existing cellars as empty.

The existing flats at No. 141-150 Wymering Mansions are accessed from Wymering Road via a communal entrance to the building on the front elevation. To the rear of No. 141-150 Wymering Mansions is a communal garden. The garden is shared with the occupiers of Nos. 111 to 200 Wymering Mansions. The communal garden can be accessed through a gate located next to the southern side elevation of No. 111-120 Wymering Mansions or through a corridor located between No. 151-160 Wymering Mansions and No. 161-170 Wymering Mansions

The site is located in the West Kilburn Surface Water Flood Risk Hotspot. The photos submitted by the applicant show the existing cellars as empty.

6.2 Recent Relevant History

19/03859/FULL

Excavation to lower level of basement floor level and installation of windows to rear in association with the conversion of ancillary storage area to provide 1 x 3-bedroom flat and associated external alterations.

No Further Action 14 February 2020

02/09447/FULL

Demolition of existing front boundary wall and erection of new wall and railings.

Application Permitted 10 February 2003

7. THE PROPOSAL

The application relates to the existing cellars beneath the rear closet wing and the basement level crawl space beneath the main body of the building. Permission is sought for a basement excavation beneath the cellars and the crawl space to allow the creation of a three bedroom self-contained residential unit (Class C3) with a floor to ceiling height of 2.4 metres.

The existing cellars have a floor to ceiling height of 1.85 metres and the floor area is

proposed to be lowered by 0.55 metres. The existing crawl space has a floor to ceiling height of 0.7 metres and the floor area space is proposed to be lowered by 1.7 metres.

The associated external alterations are the insertion of two windows into the rear elevation wall of the existing closet wing, the replacement with two doors with three windows on the southern side elevation of the closet wing, the replacement of two existing doors with a door and two windows on the northern side elevation of the closet wing, and the insertion of a window on the rear elevation wall of the main body of the building. The creation of a stair access to the front door of the proposed flat within the lightwell next to the northern side elevation of the closet wing.

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
C3 cellar space habitable floorspace	58 sqm	0	
C3 habitable use floorspace	0	77 sqm	
Total		77 sqm	77 sqm

7.1 Site Visit

Due to the UK lockdown resulting from COVID-19, the case officer was not able to visit the application site. Both the agent and objectors submitted photographs of the application site. These photographs together with the other application documents are sufficient to assess the proposal in the absence of a site visit.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The relevant policies are H 3 and H 5 of the UDP (2007), S14, S16 and S29 of Westminster's City Plan (adopted 2016), D6 and D7 of the London Plan (2021), and policies 8, 9, 10, and 12 of the intended to adopt City Plan 2019-2040.

Policies H 3, H 5 and S14 support the creation of family sized accommodation in areas that are not considered to be busy or have a noisy environment. Policies 8 and 10 of the intended to adopt City Plan 2019-2040 support the delivery of more family sized housing units. As the proposed unit has three bedrooms it is considered to be family sized. The creation of the proposed family sized unit requires the loss of an existing communal storage area, which neighbours have objected to.

Photographs submitted by the applicant show this storage area as empty. Whilst the objections to the loss of this storage space are understood, it is not considered that this loss of ancillary space is a ground to refuse permission and this has to be weighed regarding the principle of creating a residential unit which is family sized.

Policy S29 of the City Plan (2016) requires that all new housing will provide a well-designed, high quality living environment, both internally and externally in relation to the site layout and neighbourhood. Policy 12 of the intended to adopt City Plan 2019-2040

requires that all new homes will provide a well-designed and high-quality living environment, both internally and externally. Policy D6 of the London Plan (2021) concerns housing quality and standards. D6 Part C states that housing development should maximise the provision of dual aspect dwellings.

The proposed unit has windows on three elevations that serve habitable rooms so they would provide adequate passive ventilation and natural light and they would avoid overheating. The applicant has submitted details of the internal illuminance of the proposed living room and the Environmental Health Officer considers that it would be adequately illuminated by daylight. The applicant has not provided details of the internal illuminance of the bedrooms, but many lower ground floor level bedrooms in the City have windows of a similar size and position therefore the level of proposed illumination provided to these rooms is considered to be acceptable.

Had the proposal been considered acceptable, then it would have been secured through condition that the design and structure of the proposed flat would have been of such a standard that it would protect residents within it from existing external noise so that they would not be exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Table 3.1 of policy D6 of the London Plan (2021) sets out the minimum space standards for new dwellings. It states that a 3 bedroom unit for 4 persons on a single storey must have a gross internal area (GIA) of 74 m² and the proposed flat at 77 sqm meets this requirement.

D6 paragraphs 8) states that the minimum floor to ceiling height must be 2.5m for at least 75 per cent of the GIA of a new dwelling. The proposed flat has a floor to ceiling height of 2.4 metres, which would provide an unacceptably cramped form of accommodation. It is unacceptable for a new dwelling to have such a low ceiling height. For this reason, the proposal is contrary to both D6 of the London Plan (2021) and Policy 12 of the intended to adopt City Plan 2019-2040.

Policy 12 of the intended to adopt City Plan 2019-2040 requires that new homes will be designed to a standard that ensures the safety, health and wellbeing of its occupants. The existing flats at No. 141-150 Wymering Mansions are accessed from the Wymering Road through the communal main entrance on the front elevation of the building. The proposed flat cannot be accessed through the existing communal front entrance because there is no route from the front entrance to the proposed flat. The only entrance door to the proposed flat is on the northern side elevation of the existing rear closet wing. This entrance door opens onto the existing rear communal garden.

The only way that the proposed flat can be accessed from the Wymering Road is via the rear communal garden. There are two entrance points from the Wymering Road to the rear garden. The first is through a gate to the communal garden located next to the southern side elevation of No. 111-120 Wymering Mansions. The second is through a corridor to the communal garden located between No. 151-160 Wymering Mansions and No. 161-170 Wymering Mansions. Both of the entrance points are a considerable distance away from the proposed flat and the London Fire Brigade have said that this would delay the attendance of the brigade in the event of a fire at the premises giving a fire more time to grow and spread. This would not ensure the safety of the occupiers of

the proposed flat or the occupiers of the existing flats within No. 141-150 Wymering Mansions, so therefore the proposal is contrary to Policy 12.

Policy D7 of the London Plan (2021) requires that new dwellings are accessible and adaptable to disabled people and older people. Policy 12 of the intended to adopt City Plan 2019-2040 aims to ensure that homes are adaptable or adapted for wheelchair users, so new homes are future proofed for a population that is living longer and for less able-bodied residents. Access to the proposed flat from the public highway is through the communal rear garden, either through a gate located next to the southern side elevation of No. 111-120 Wymering Mansions or through a corridor located between No. 151-160 Wymering Mansions and No. 161-170 Wymering Mansions. The route via the corridor includes steps. The route from the public highway to the proposed flat via the garden gate is a level access until it reaches the steps leading down to door of the proposed flat. As both access routes include steps, the proposed flat is not fully accessible and it does not provide for the health and wellbeing of future occupants, so therefore it provides an unacceptably poor standard of accommodation and is contrary to Policy 12.

Due to the low floor to ceiling height, the lack of level access, and the fire safety risk, the proposed flat provides an acceptably poor standard of accommodation which is be contrary to policies D6 and D7 of the London Plan (2021) and policy 12 of Westminster's intended to adopt City Plan 2019-2040. The proposal is therefore recommended for refusal.

The Environmental Health Officer expressed concerns about the arrangements for the means of escape in case of fire; as occupiers of the bedrooms will need to escape via the area of highest risk, namely the kitchen/living area. However, the Building Control Officer assessed the proposal and stated that as there is window escape to each of the bedrooms and the applicant is proposing to install a misting system inside the flat, the means of escape in case of a fire are sufficient. For this reason, the means of escape from the inside the flat in case of a fire is not considered to be a reason for refusal.

8.2 Townscape and Design

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The relevant policies for consideration of this case are DES 1, DES 5 and DES 9 of the UDP adopted in 2007 and CM28.1, S25 and S28 of the City Plan (2016), and policies 38, 39, 40 and 45 of the intended to adopt City Plan 2019-2040.

Policy DES 5 seeks the highest standards of design in alterations and extensions by ensuring extensions are confined to the rear of the existing building, do not visually dominate the existing building, are in scale with the existing building and its immediate surroundings and are designed to reflect the style and details of the existing building. Policy DES 9 states that any alterations must either help preserve or enhance the quality of the surrounding conservation area. Policy 39 of the intended to adopt City Plan 2019-2040 aims to ensure that heritage assets and their settings are conserved and enhanced, in a manner appropriate to their significance.

Objections have been received on the grounds that the proposed alterations to the application site would appear incongruous on the building and the group of mansion blocks to which it belongs as well as having a negative impact on the character and appearance of the conservation area.

There are inconsistencies in the proposed drawings submitted by the applicant. :-

- On Drawing No. 461-P01 Title: Proposed Floor Plans, the three proposed windows on the south facing side elevation of the rear closet wing on the plan labelled 'BASEMENT' are of a different width and in a different position to how they are depicted on 'SECTION-CC'.
- On Drawing No. 461-P01 Title: Proposed Floor Plans, the two windows proposed windows and the proposed door on the north facing side elevation of the rear closet wing on the plan labelled 'BASEMENT' are of a different width and in a different position to how they are depicted on the drawing 'SECTION-BB'.
- On Drawing No. 461-P06, Title: 'Proposed Section A-A', four proposed windows and one door are depicted on the north facing side elevation of the rear closet wing. This contradicts what is shown on Drawing No. 461-P01, which shows only two windows and one door on the north facing side elevation of the rear closet wing.
- On Drawing No. 461-P05, Title: 'Proposed Side Elevation', the three proposed windows on the south facing side elevation of the rear closet wing are of a different size and in a different position, to how the same windows are depicted on 'BASEMENT' and 'SECTION-CC' of Drawing No. 461-P01.

As the drawings are inconsistent, it is not possible to judge whether the proposed windows and doors on side elevations of the rear closet would appear in harmony with the existing fenestration above and whether they would be appropriately proportioned for this part of the building.

For this reason, inadequate information has been submitted to demonstrate that the proposed development would not harm the character and appearance of both this building and the Maida Vale Conservation Area.

As such, , the proposal is contrary to policies DES 1, DES 5 and DES 9 of the UDP (2007), CM28.1, S25 and S28 City Plan (2016), 38, 39, 40 and 45 of the intended to adopt City Plan 2019-2040 and is therefore recommend for refusal. The assessment has been carried out in accordance with the requirements of the NPPF and the statutory

duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

The relevant policies are ENV 6 and ENV 13 of the UDP (2007), S29 and S32 of the City Plan (2016) and policies 7, 33 and 38 of the intended to adopt City Plan 2019-2040.

The proposed windows on the rear elevation wall of the closet wing and the window on the rear elevation wall of the main body of the property would overlook the rear communal garden and the rear windows of neighbouring properties, but this overlooking is no worse than the overlooking from the existing windows at the rear of the property. Notwithstanding the inconsistencies in the drawings, proposed windows on the sides of the closet wing would not overlook the windows on the upper floors of the opposite closet wings and the existing windows on the upper floors would not directly overlook the proposed windows. For these reasons, the proposed windows would not cause the occupiers of neighbouring and adjoining properties to suffer a material loss of privacy or result in light spillage.

Objectors have said that the proposal would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as result of noise and disturbance from people occupying the flat and coming and going from it.

When the future occupiers of the proposed flat open their windows, the occupiers of neighbouring and adjoining properties would hear the sound of internal activity coming from the flat. However, the amount of noise that the occupiers of neighbouring and adjoining properties would hear would be no worse than the noise escaping from the open windows of any other existing flat near to them. For this reason, noise escaping from the proposed windows is not a reason for refusal.

Objectors have expressed concern about noise transmitting internally from the proposed flat to the existing flats above. If the application were to be approved, it would be secured through condition that the design and structure of the proposed flat would be of such a standard that it would protect residents within the same building and in adjoining buildings from noise and vibration from the development, so that they would not be exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. This condition is considered to adequately address the concerns of the neighbours regarding internal noise transmission.

To access the proposed flat the occupiers would have to walk through the communal garden past neighbouring residential windows. But as the flat only provides accommodation for one family, the number of trips made by people to and from the flat each day would not be so numerous as to cause the occupiers of neighbouring properties to suffer a material loss of amenity as a result of noise and disturbance.

For these reasons the proposal is considered to be in accordance with policies listed above.

8.4 Transportation/Parking

The relevant policies are TRAN23 of the UDP (2007), T5 of the London Plan (2021) and policies 25 and 27 of the intended to adopt City Plan 2019-2040.

Policy TRAN23 of the UDP (2007) concerns parking for residential development. The Highways Planning Manager considers that traffic generation and car parking requirement is not likely to be significantly increased as a result of the development, so the proposal is considered to be in accordance with TRANS23 (A) and (B).

Policy T5 of the London Plan (2021) requires 2 cycle parking space for dwellings with 3 bedrooms. There is space available to provide the cycle parking inside the proposed flat. If the proposal were otherwise acceptable then details of the cycle parking spaces would be secured through condition.

If the application were to be approved, then compliance with the Code of Construction Practice would be secured through condition so that the impact of the proposed works on the local community in relation to transport arrangements could be addressed.

For these reasons the proposal is considered to be in accordance with policies listed above.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

Please see the land use section of the report for an assessment of the access arrangements to the proposed flat.

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The relevant policies are S44 of the City Plan (2016), policy ENV 12 of our UDP (2007), and 7 and 37 of the intended to adopt City Plan 2019-2040. The drawings submitted are not in line with the council recycling and waste storage requirements. If the proposal were otherwise acceptable then revised details of waste and recycling storage would be secured through condition.

Trees

The relevant policies are DES 1, DES 9, ENV 16 and ENV 17 of the UDP (2007), S25, S28 and S38 of the City Plan (2016), and 34 and 38 of the intended to adopt City Plan 2019-2040.

There are protected trees in the garden of Southwold Mansions, the neighbouring properties located to the rear of the application site. These protected trees are located some distance away from the proposed basement extension so their root protection areas will not be affected by the proposed works.

There are several protected trees at the front of the application site. The agent has confirmed that access to the site will be via 161 Wymering Mansions and via a side access route adjacent to 111-120 Wymering Mansions. The protected trees at the front are susceptible to damage from construction traffic. If the application were to be approved, then tree protection details would be secured through condition.

There are shrubs in the rear garden located close to the proposed basement extension that are located within the red line of the application site. Whilst shrubs are not protected by virtue of being within the conservation area, nonetheless they do make a positive contribution to the visual amenity of the occupiers of neighbouring and adjoining properties. These shrubs could be damaged by the proposed basement excavation works. For this reason, if the application were to be approved, then details of a new landscaping scheme would be secured through condition.

For these reasons the proposal is considered to be in accordance with policies listed above.

8.8 Westminster City Plan

Following an independent examination by the Planning Inspectorate, the council received the Inspectors' Report on the City Plan 2019-2040 on 19 March 2021. This concludes that with the recommended main modifications, the plan is sound and compliant with legal requirements. In light of this conclusion, council intends to formally adopt the City Plan 2019-2040: Intend to Adopt version (incorporating these main modifications) at the next meeting of Full Council. Therefore, having regard to the tests set out in paragraph 48 of the NPPF and the advanced stage in the plan-making process, all policies in the City Plan 2019-2040 now carry significant weight as a material consideration when determining applications in accordance with the duty set out under s.38(6) of the Planning and Compulsory Purchase Act 2004.

8.9 London Plan

The proposal is contrary to policies D6 and D7 of the London Plan (2021) which concerns the quality of accommodation provided by residential units and accessible housing.

8.10 National Policy/Guidance Considerations

The City Plan (November 2016), the City Plan 2019 – 2040: Intend to Adopt version (March 2021) and UDP (2007) policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

As the proposal is recommended for refusal, pre-commencement conditions are not relevant in this instance.

8.11 Planning Obligations

A Planning obligation for a development of this size is not considered necessary. As the proposal creates a new residential unit it was recommended for approval it would attract a CIL payment of £36,960.00

8.12 Environmental Impact Assessment

An Environmental Impact Assessment is not required for a proposal of this scale.

8.13 Other Issues

Basement

Policy CM28.1 of the City Plan (2016) and policy 45 of the intended to adopt City Plan 2019-2040 concerns basement extensions.

Size of the Basement

Part C, paragraph 3 of policy CM28.1 of the City Plan (2016) states that basement extensions should "not involve the excavation of more than one storey below the lowest original floor level". The policy comprises one storey to be 2.7 metres from floor to ceiling height. Part B, paragraph 4 of 45 of the intended to adopt City Plan 2019-2040 also requires that basements should not comprise more than one storey beneath the lowest original floor level. The proposed basement has a floor to ceiling height of 2.4 metres which meets this requirement.

The proposed basement involves the lowering of the floor level of the existing cellar and crawl space below the main body of the building and the rear closet wing. As the proposed basement does not extend beneath the garden of the application site or beneath the public highway, it is in accordance with the other requirements of Part B of policy 45 and Part C of policy CM28.1.

Flooding and Drainage

Part A, paragraph 4 of CM28.1 state that basement extensions should not increase or otherwise exacerbate flood risk on the site or beyond. The application site is not located within a Flood Zone 2, a Flood Zone 3, but it is within a Flood Risk Hot Spot. The Building Control Officer has assessed the Flood Risk Assessment provided by the applicant. The likelihood of local flooding and adverse effects on the water table has been considered and the proposal would not cause harm in this regard.

Policy CM28.1 of the City Plan (2016) and policy 45 of the intended to adopt City Plan 2019-2040 encourage the incorporation of sustainable urban drainage measures. The Flood Risk Assessment provides proposed mitigation measures, but it does not mention sustainable urban drainage specifically. As the sustainable urban drainage measures are an example of best practice, if the proposal were to be approved then details of them would be secured through condition.

Below Ground Structures

The application site is outside of the London Underground Structures Consultancy Area and outside of the Crossrail Consultancy Area. There are no underground railway tunnels beneath the application site. There are no hidden rivers in close proximity to the application site. The site is not within an area of special archaeological priority.

The application site is located within 15 metres of a strategic sewer, and Thames Water have requested that piling method statement is approved before any works commence. If the application were to be approved, then the piling method statement would be secured through a pre-commencement condition.

Code of Construction Practice

The applicant has submitted a signed, draft version of Appendix A of the City Council's Code of Construction Practice as evidence of an intention to comply with this code. If the application were to be approved it would be enforced through condition that prior to the commencement of any demolition or construction on site the applicant would submit a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate. This would constitute an agreement to comply with the code and requirements contained therein.

Objections has been received concerning the impact of the construction work on the amenity of residents in the local area with regards to noise, dirt, disruption, and large vehicles using the highway. It is considered that the applicant's compliance with the Code of Construction Practice would go some way to address these concerns. Even when complying with the Code of Construction Practice, the proposed basement works would create a lot of noise, which would be particularly harmful to the occupiers of neighbouring properties when a lot of people are working from home due to the pandemic. However, a balance needs to be made between the needs of the amenity of the neighbours and the ability of an applicant to implement a planning permission. Compliance with the Code of Construction Practice would strike an appropriate balance between the two.

Structural Stability

Part A, paragraph 3 of CM28.1 state that all applications for basement development shall safeguard the structural stability of the existing building, nearby buildings and other infrastructure. Part A, paragraph 1 of policy 45 also requires that proposals for basement extensions safeguard structural stability. The details originally submitted by the applicant concerning structural stability were assessed by the Building Control Officer and found to be unsatisfactory. The applicant then submitted amended structural details which the Building Control Officer considered to be acceptable. The proposals to safeguard adjacent properties during construction are considered to be acceptable. The underpinning used to construct the basement is considered to be appropriate for this site. An investigation of the existing structures and geology has been undertaken and found to be of sufficient detail.

Ventilation

Part B, paragraph 3 of CM28.1 state that basement extensions should "use the most energy efficient means of ventilation, and lighting, involving the lowest carbon emissions.

Wherever practicable natural ventilation and lighting should be used where habitable accommodation is being provided". The ventilation to the basement rooms is natural and considered to be adequate.

Other Matters

Crime and security

Objectors have stated that people coming and going to the proposed flat would present a security risk to the existing occupiers of the building. However, to enter the flat, people would have to pass through either a locked door or a locked garden gate and then walk through the communal garden where they would be seen from the windows on the rear elevations of the neighbouring properties. For this reason, the refusal of the application cannot be justified on these grounds.

Servicing

Objectors have expressed concern about how mail and other servicing would be delivered to the proposed flat. But if the application were to be approved, this could be addressed by having a mailbox and a doorbell installed discretely by the public highway.

Access Rights

Objectors have said that the corridor and the garden gate are not owned by the freeholder of No. 141-150 Wymering Mansions, and the different freeholder is unlikely to grant permission for the applicant to use these entrances to access the site to carry out building work to implement the development, and nor are they likely to grant permission for the future occupiers of the flat to use these entrances. These issues are however civil matters and therefore outside the scope of the assessment of the planning application.

Internal Works

Objectors have expressed concern that the proposed works would harm the boiler and water pipes that service the building. The applicant has provided photographs of the existing cellar and crawl space and they do not show the boiler or water tanks as being located here. There is no evidence to suggest that both the proposed units and the existing unit could not both be provided with adequate plumbing and electrics.

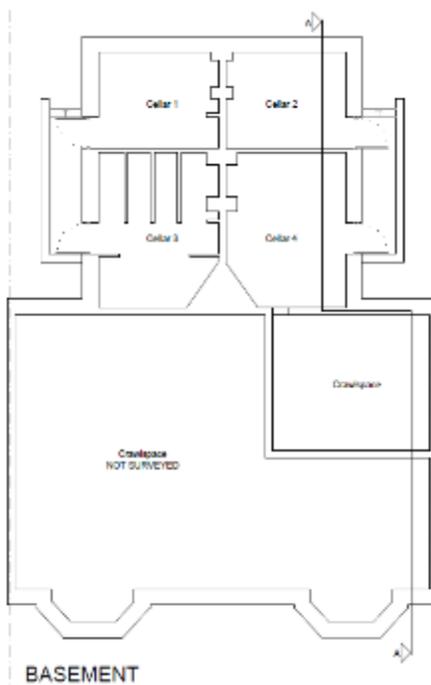
Property Value

Objectors have expressed concern about the impact of the proposal on the value of neighbouring and adjoining properties, but this is not a material planning consideration.

(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: **SARAH WHITNALL** BY EMAIL AT swhitnall@westminster.gov.uk

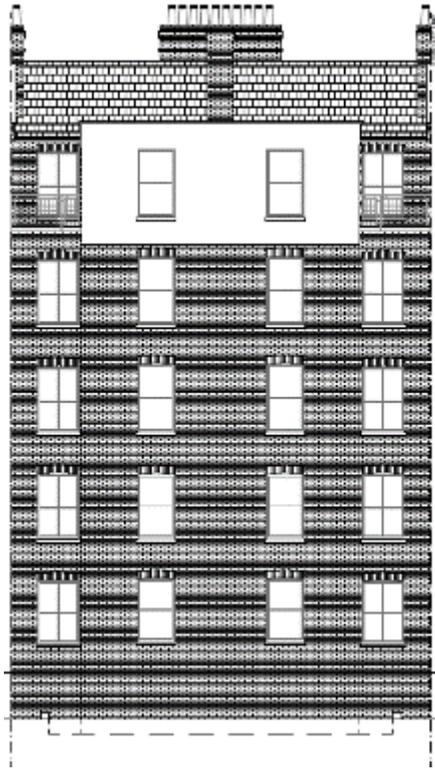
9. KEY DRAWINGS



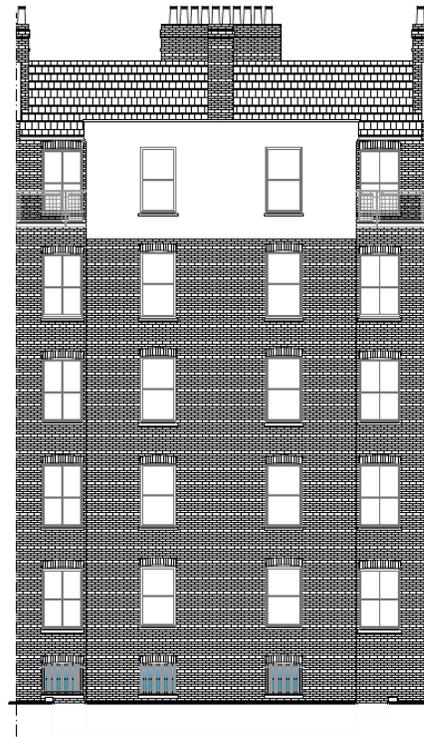
Existing Basement Plan



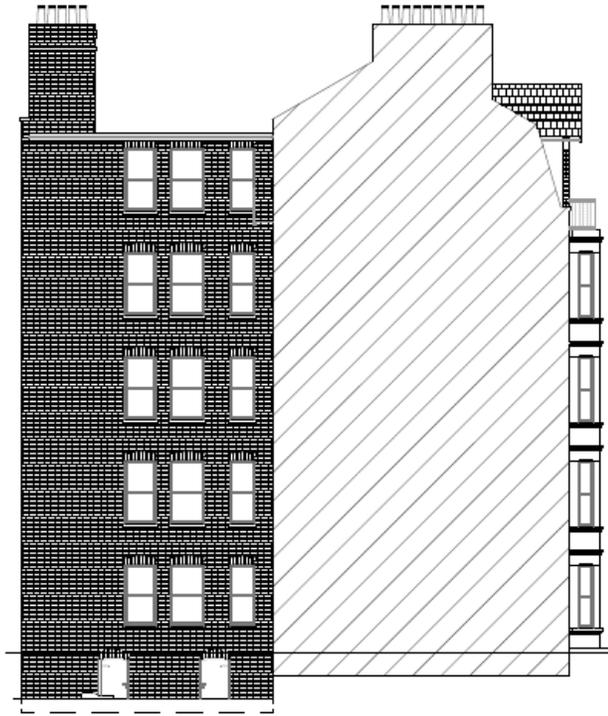
Proposed Basement Plan



Existing Rear Elevation



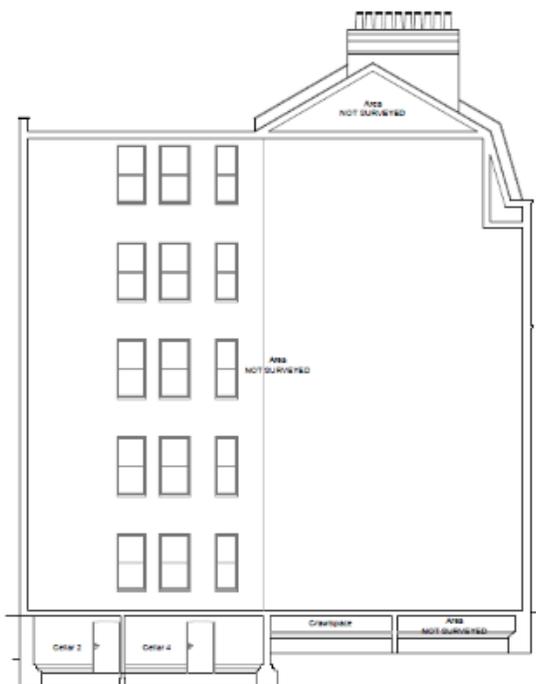
Proposed Rear Elevation



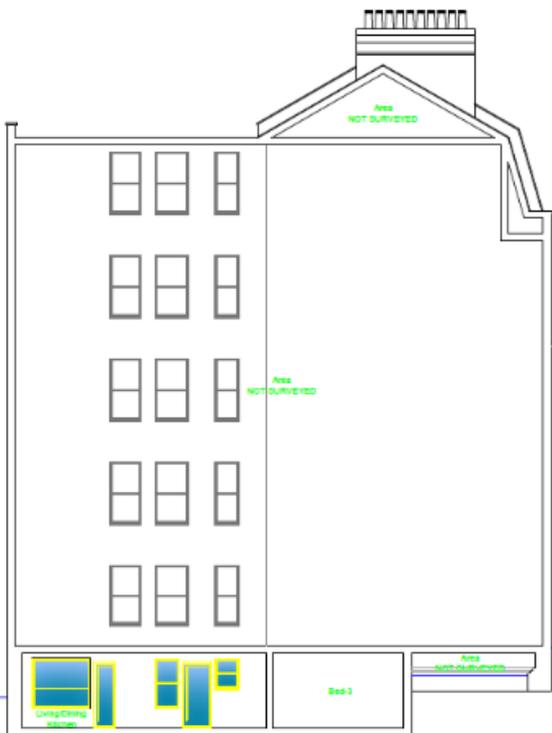
Existing Side Elevation



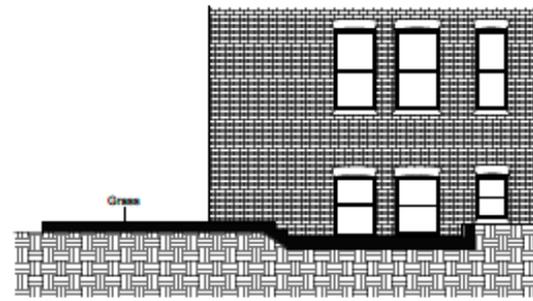
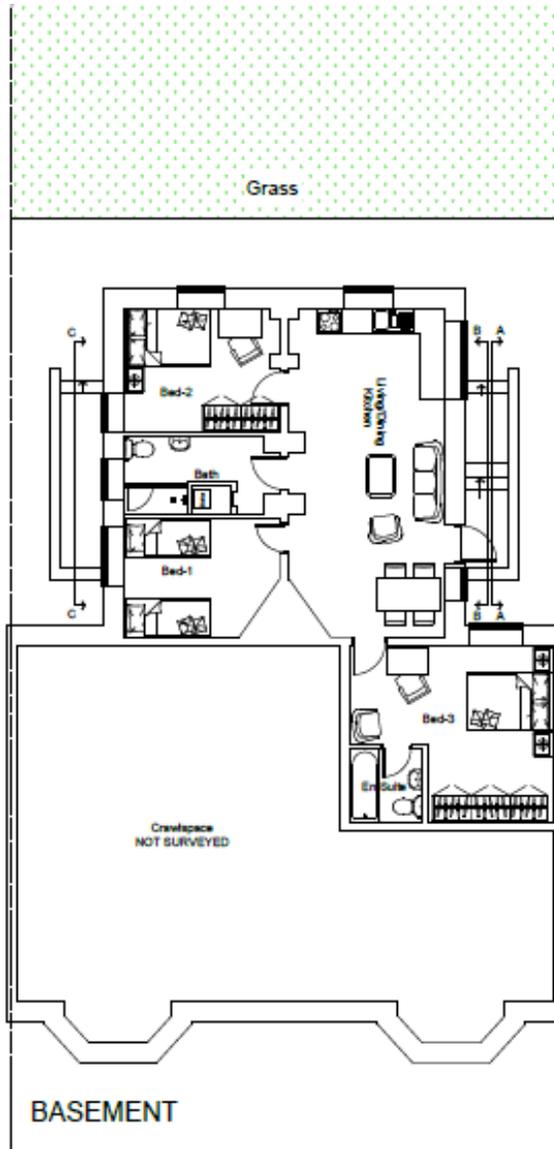
Proposed Side Elevation



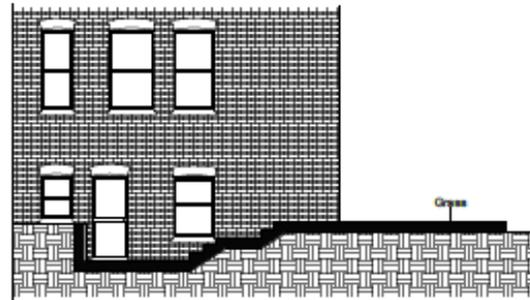
Existing Section A-A



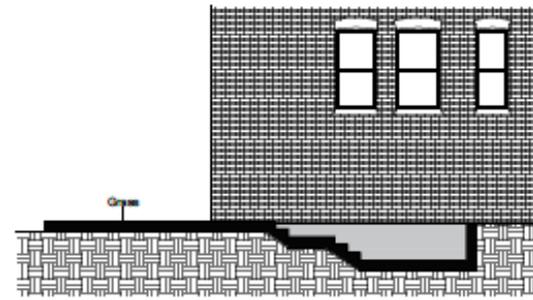
Proposed Section A-A



SECTION- CC

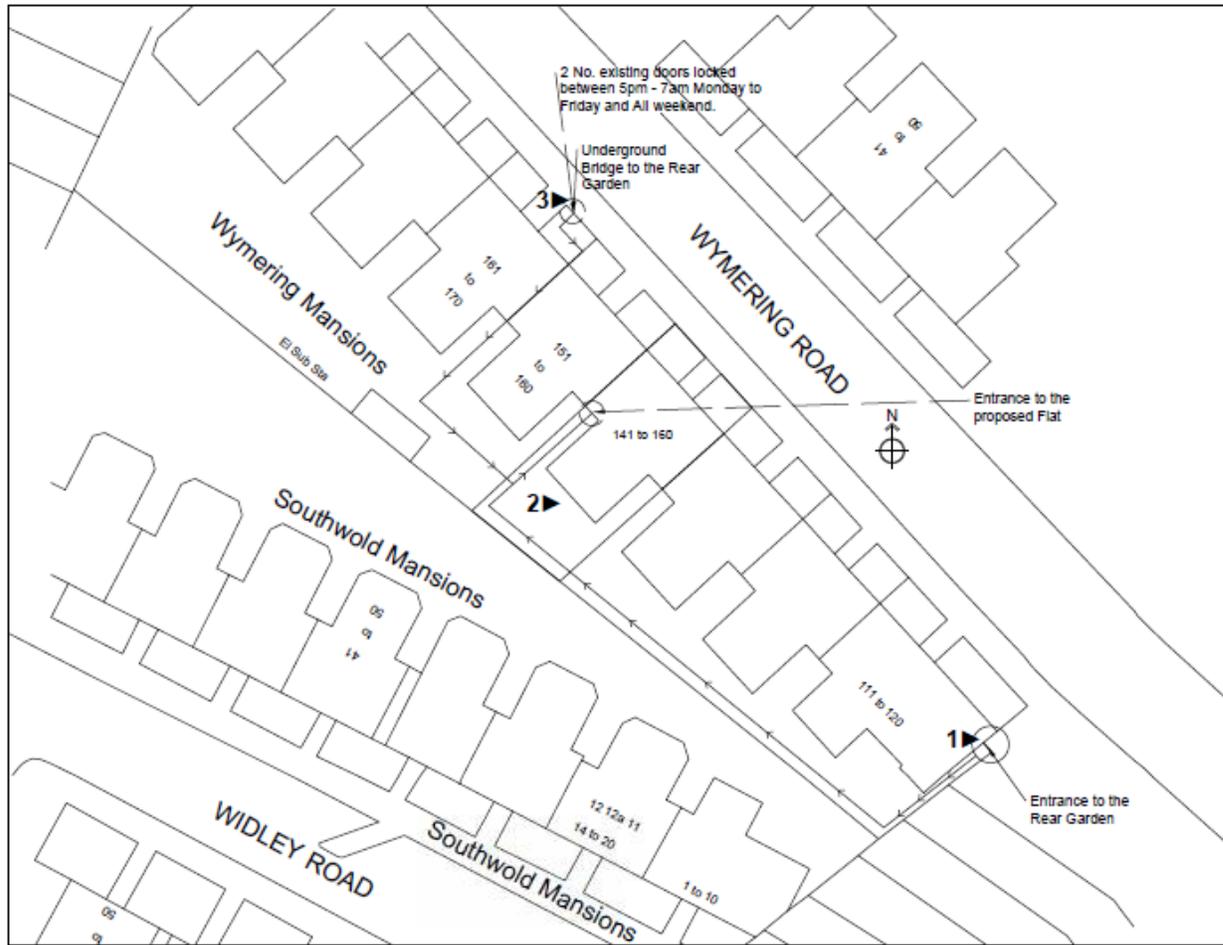


SECTION- BB



SECTION- AA

Proposed Basement Plan and Sections



Proposed Site Plan Showing Access Arrangements to the Flat. The only entrance door to the proposed flat is located at the rear of No. 141-150 Wymering Mansions. This entrance door can only be accessed through the communal garden. There is a gate to the south of No. 111-120 Wymering Mansions that provides access from the public highway through the communal garden. There is a tunnel located between No. 151-160 Wymering Mansions and No. 161-170 Wymering Mansions that also provides access from the public highway to the communal garden

DRAFT DECISION LETTER

Address: 141-150 Wymering Mansions, Wymering Road, London, W9 2NG

Proposal: Partial basement excavation and conversion of ancillary storage area at lower ground floor rear to provide a self-contained unit (Class C3) and associated external alterations.

Reference: 20/02640/FULL

Plan Nos: 461-L&B, 461-EX01, 461-EX02, 461-EX03, 461-EX04, 461-EX05, 461-EX06, 461-P01, 461-P02, 461-P03, 461-P04, 461-P05, 461-P06, 461-L002, 461-P01, Arbtech AIA 01, BC+ST002 rev. P2, BC+ST003 rev. P2, BC+ST001 rev. P2, BC+ST-006 rev. P2, Wymering Road Westminster Construction Environmental Management Plan by Ensphere Group Ltd on behalf of SAM Planning Services Document Reference: 19-E056-002 Project Number: 19-E056 Issue: Final Version: V4 Date: June 2019, Internal Illuminance 141-150 Wymering Mansions Wymering Road London W9 2NG Date: Friday May 11 2019 Ref: rs/ROL.190011/1, Design and Access Statement Site address: Basement/lower ground floor 141-150 Wymering Mansions Wymering Road London W9 2NQ Date: May 2019, Flood Risk Assessment for 141/150 Wymering Mansions Wymering Road London W9 2NQ by UK Flood Risk Consultants Project Ref: QFRA 1348 Version: 1.0 Date: 14/03/2019 Issue Date: 14/03/2019, Factual Ground Investigation Report Wymering Mansions London by Exploration & Testing Associates Limited Reference: C10011-FGIR-01 Date: 24/02/2020, Structural Method Statement 140-150 Wymering Mansions Wymering Road London W9 2NG by JMS Civil and Structural Consulting Engineers Project Ref: L19/120/07 Project Number: L19/120/07 Date: 13.05.2020, Structural Calculation Report Rev. P1 by SAM Planning Services Site: 141-151 Wymering Mansions W9 2NQ Date: January 2021, Tree Survey by Arbtech Consulting Limited 141-150 Wymering Mansions Wymering Road London W9 2NQ Date: 15 March 2019

Case Officer: William Philps

Direct Tel. No. 020 7641
07866036165

Recommended Reason(s)

1. The proposed flat has a low floor ceiling height and it lacks level access. The only access from the public highway to the proposed flat is through the communal rear garden either via a gate or a corridor. Both of these access points are a considerable distance away from the proposed flat, which would delay the attendance of the London Fire Brigade in the event of a fire at the premises. This would provide an unacceptably poor standard of accommodation and it would not ensure the safety, health and wellbeing of the future occupants of the proposed flat and the occupants of the existing flats within the building. Accordingly, the proposed development is contrary to policies D6 and D7 of the London Plan (2021) and policy 12 of Westminster's intended to adopt City Plan 2019-2040.

2. As the proposed plans are inconsistent, inadequate information has been submitted to demonstrate that the proposed development would not harm the character and appearance of this building and the Maida Vale Conservation Area. This would not meet DES 1, DES 5 and DES 9 of Unitary Development Plan that we adopted in January 2007, CM28.1, S25 and S28 of Westminster's City Plan (November 2016), and 38, 39, 40 and 45 of the City Plan 2019 – 2040: Intend to Adopt version (March 2021).

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 so far as practicable. 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 the applicant has been given every opportunity to submit an application which is likely to be considered favourably. However, the necessary amendments to make the application acceptable are substantial and would materially change the development proposal. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

Requirements amendments:

- The proposed flat should be accessed from the communal entrance at the front of the building. This would allow the London Fire Brigade to arrive within a suitable time frame in the event of a fire at the premises.
- The floor to ceiling height of the proposed dwelling should 2.5 metres or more.
- The proposed dwelling should have level access.
- The proposed drawings should be consistent.

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.