

















Under Article 13 of the Town & Country Planning (Development Management) Procedure Order 2015 the applicant is required to serve notice on everyone who has a freehold interest or a leasehold interest (with at least 7 years left to run) on the land or building to which the application relates. An objection was received stating the applicant has neither freehold nor leasehold ownership of the roof to which the proposal relates. An applicant, however, can apply for planning permission for works to land they do not own, provided that they have served notice on the owners. The applicant's agent was informed of this and so submitted an amended Ownership Certificate B on 10.02.2021 which stated that all the owners had had notice served on them either on 11.08.20 or on 10.02.21. This matter is considered to be resolved.

An objector has said that as the applicant does not own the roof to which the application relates, the proposed development would be a trespass and criminal damage against the owner's property. However, granting planning permission for development does not give the applicant the right to carry out works on someone else's land. If the application is approved, then the applicant would have to seek permission from the owners of the land to carry out the works.

#### Structural Stability of the Roof

An objector has stated that the roof may not be able to bear the weight of the proposed development, given that the proposal involves installing paving stones. However, there is no planning policy requirement to assess impact of this proposal on the structural stability of the roof, so this is not a material consideration.

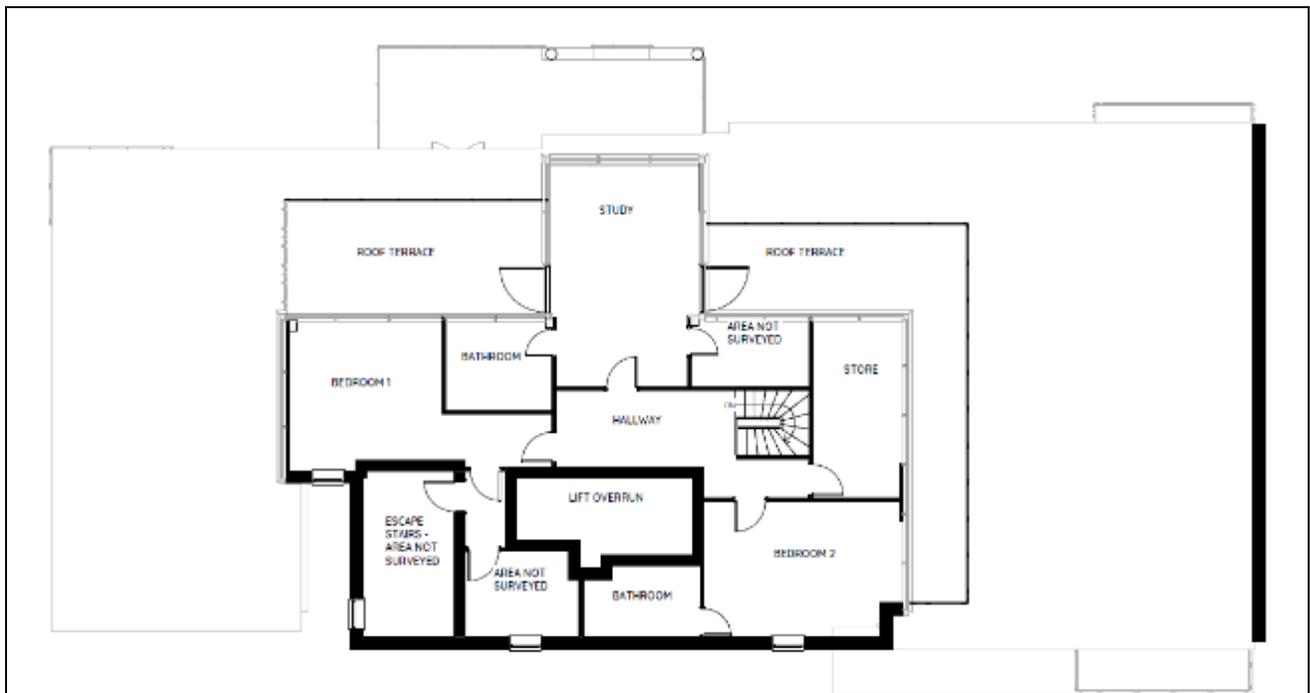
#### Equipment and Structures on the Roof

Objections have been received on the grounds that the proposal could result in the removal of communal facilities located on the rooftop area such as television satellite dishes, wastewater/sewage pipe vents, air ventilation intake and high level safety equipment system. Since receiving this objection, the applicant has submitted amended proposed plans that show a television satellite dish, soil, and vent pies and also air ventilation intakes all in place on the roof. It is considered that despite the proposed extension of the terrace, all the structures and equipment referred to by the objectors could still be provided on the roof. The waterproof elements of the roof can still be provided. It has not been demonstrated that the proposed roof terrace would prevent access to the roof level safety equipment.

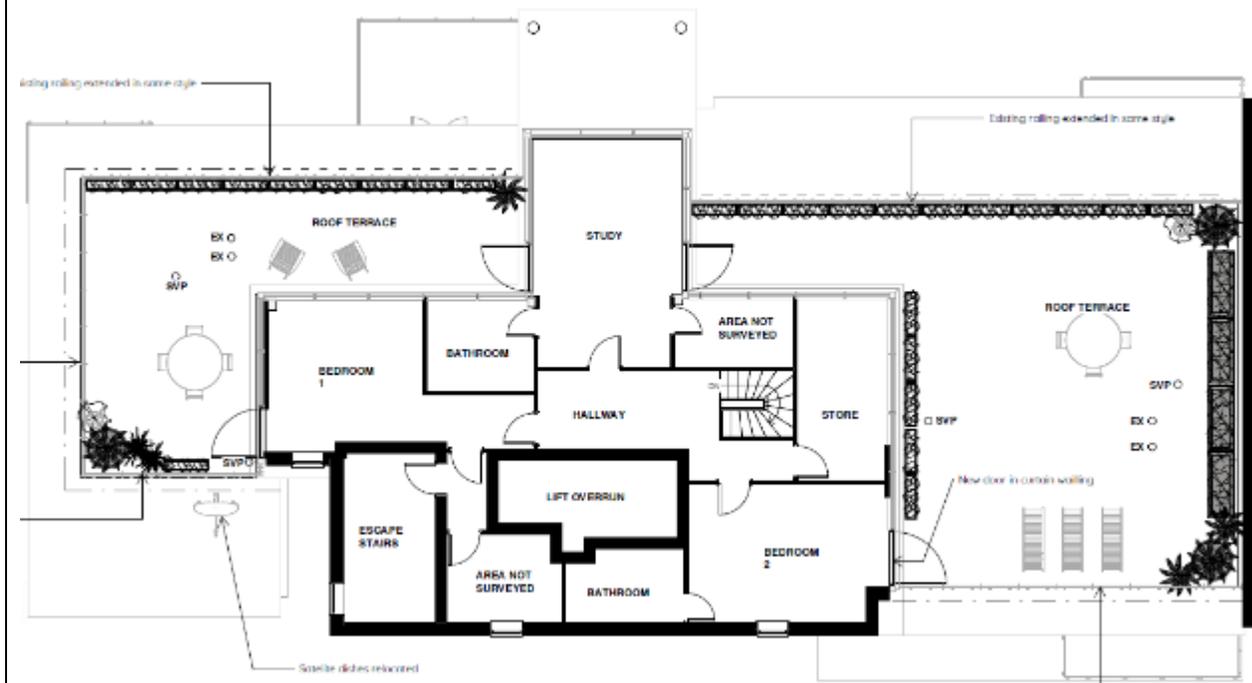
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

9. KEY DRAWINGS



Existing Eighth Floor Plan



Proposed Eighth Floor Plan



**Existing Front Elevation**



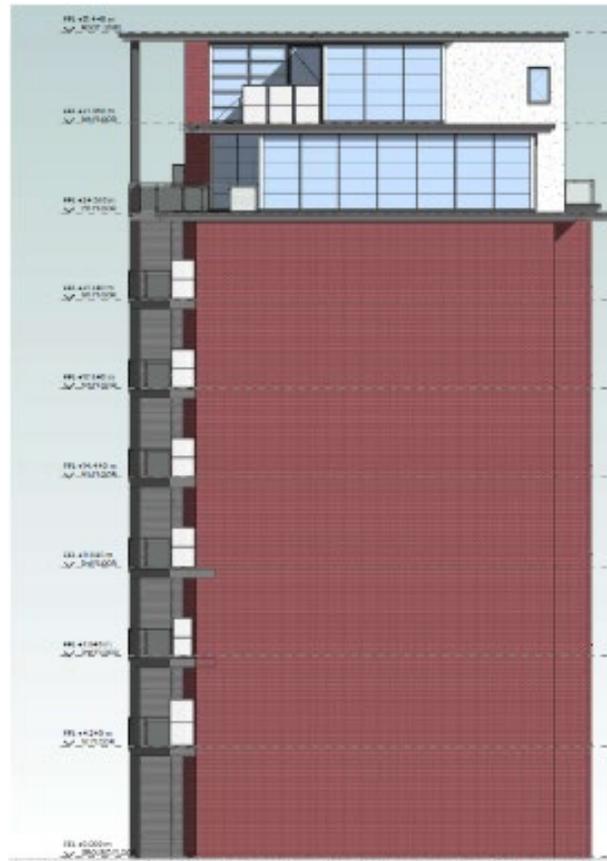
**Proposed Front Elevation**



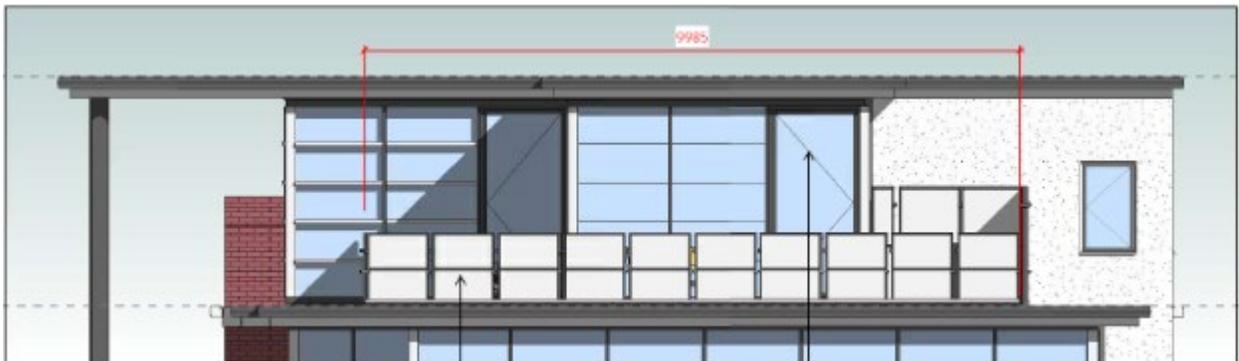
Existing Rear Elevation



Proposed Rear Elevation



Existing Side Elevation



Proposed Side Elevation

**DRAFT DECISION LETTER**

**Address:** 42 Winterton House, 4 Maida Vale, London, W9 1SP

**Proposal:** Extension of existing roof terrace to top floor flat and associated balustrade.

**Reference:** 20/05103/FULL

**Plan Nos:** AL(0)01, AL(01)01, AL(01)02, AL(01)11, AL(01)12, AL(01)10, AL(01)13, AL(01)03, AL(02)01 rev. B, AL(02)02, AL(02)03, AL(02)10 rev. A, AL (02)12 rev. A, AL(02)13 rev. B, Design and Access by HOKO for Apartment 42 Winterton House 4 Maida Vale London W9 1SP

**Case Officer:** William Philps

**Direct Tel. No.** 07866036165

**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:
  - 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 neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 4 The glass that you put in the balustrades must not be clear glass. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have given our written approval for the sample. You must then install the type of glass we have approved and must not change it without our permission. (C21DB)

**Reason:**

To protect the privacy and environment of people in neighbouring properties, as set out in Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

**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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 visit our website at [www.westminster.gov.uk/guide-temporary-structures](http://www.westminster.gov.uk/guide-temporary-structures).

**CONSIDERATE CONSTRUCTORS:**

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

**BUILDING REGULATIONS:**, You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at [www.westminster.gov.uk/contact-us-building-control](http://www.westminster.gov.uk/contact-us-building-control)

Please note: the full text for informatives can be found in the Council's Conditions, Reasons &

Item No.
<b>2</b>

Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.