

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 6 December 2022	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Westbourne	
Subject of Report	Basement Flat, 28 Aldridge Road Villas, London, W11 1BW		
Proposal	Erection of single storey extension at rear lower ground floor level.		
Agent	Alexander Hobbs		
On behalf of	James Senior		
Registered Number	22/05799/FULL	Date amended/ completed	18 November 2022
Date Application Received	25 August 2022		
Historic Building Grade	Unlisted		
Conservation Area	Aldridge Road Villas and Leamington Road Villas		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY & KEY CONSIDERATIONS

The application proposes the erection of a single storey extension to the rear at lower ground floor level, of this 4 storey residential building, which is subdivided into flats. The extension measures the full width of the rear of the building and projects 3m. The height of the extension is 3.1m above ground floor level. The extension is to be designed to match the materials on the host property. The application drawings have been revised since the original submission to show that the extension is built within the application site and does not include the demolition of the party wall with No, 32 Aldridge Road Villas.

Proposals for a larger single storey extension were refused on design and lack of information grounds (Impact on trees and flood risk) in August 2022, the current application seeks to address the reasons for refusal.

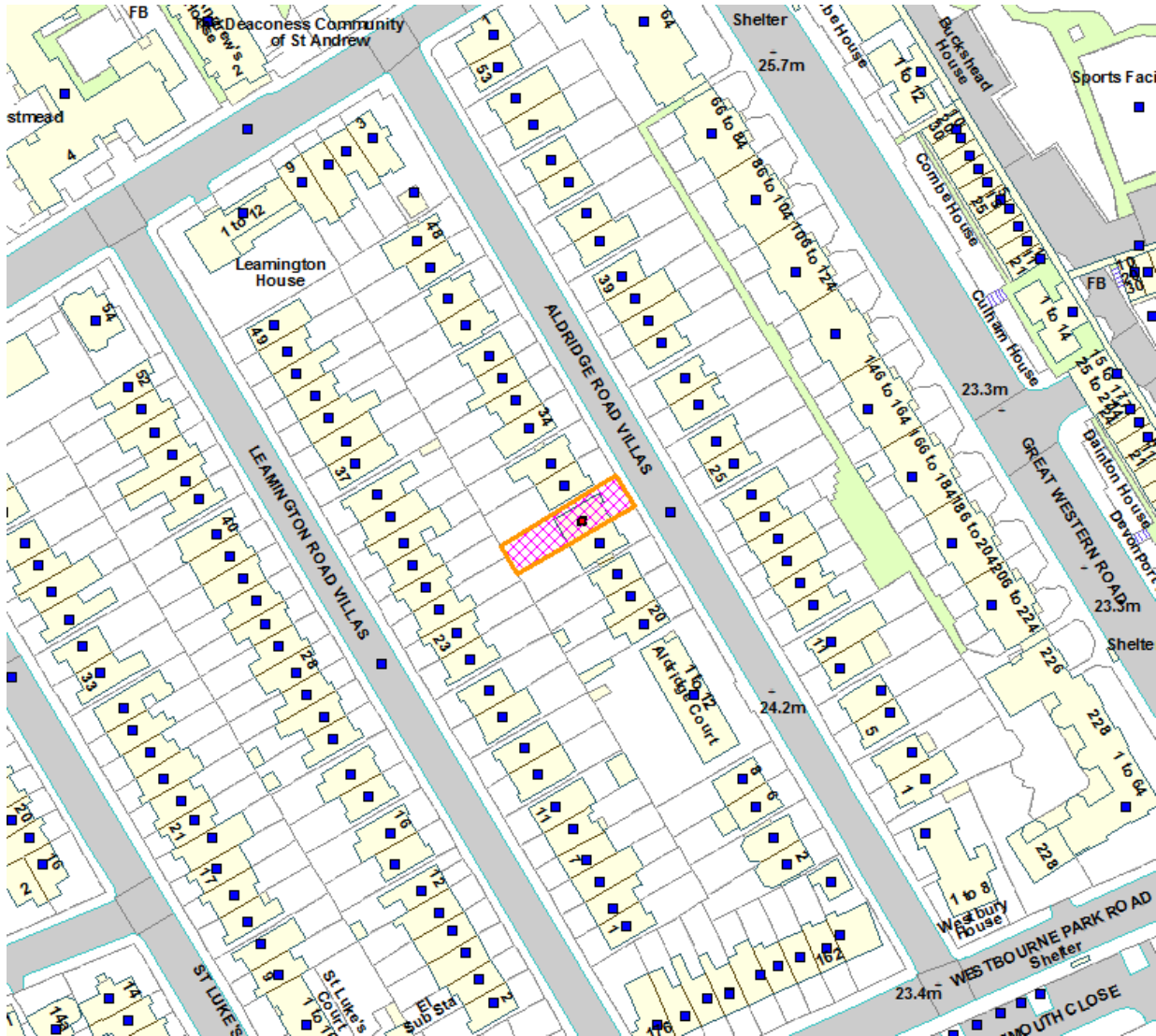
The key considerations in this case are:

- The acceptability of the proposed extension in design terms.
- The impact of the proposed extension on the character and appearance of the Aldridge Road Villas & Leamington Road Villas Conservation.
- The impact on the amenity of neighbouring residential properties.
- The acceptability of the proposals upon trees within the application site and neighbouring properties.

Objections have been received on the grounds of design, amenity, impact to trees, flood risk, and noise and disruption during the course of works.

The proposals are considered acceptable for the reasons as set out within this report, complying with City Council development plan policies and subject to conditions as set out in the draft decision notice.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Photo of rear elevation (taken from applicant's submission)



Photo of rear elevation (showing rear shed structure removed)



Photo of rear elevation (from neighbour, showing lower ground floor works dated 2 Nov 2022)



5. CONSULTATIONS

5.1 Application Consultations

WESTBOURNE NEIGHBOURHOOD ASSOCIATION:

No response received.

ARBORICULTURAL OFFICER:

Further to revisions, no objection.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 18

Total No. of replies: 5

No. of objections: 5

No. in support: 0

Five objections have been received on some or all of the following grounds:

Design:

- The extension appears higher than neighbouring extensions.
- Details of dimensions and materials are not given and this should be provided, given the sites location in a conservation area.
- Should permission be granted, no side extension should be granted to maintain the view of the properties from the conservation area.

Amenity:

- The extension will result in more noise to other gardens.
- A 3m extension would reduce privacy to properties to the rear.
- Loss of privacy to neighbouring properties, if using the flat roof.

Trees/ Greening:

- The extension will reduce the garden area substantially.
- A trench was dug, and the workmen didn't know that they were looking for tree roots.

Other:

- The flood risk assessment is only desk based and not detailed enough.
- The proposals should not include the demolition of the party wall as there is a pond within No.26 with fish that cannot be moved.
- The rear boundary wall (with Leamington Road Villas) is about to collapse and should be repaired.
- Security implications from access of proposed flat roof to neighbouring property.
- It is unclear as to the purpose of the concurrent application 22/06073/CLEUD.
- Works to the rear have begun.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

Formal pre-application engagement is not required for a development of this scale although it is encouraged by the City Council for all development. No community engagement was carried out with regards to this proposal, however, the applicant did engage with officers through the earlier application.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The application site is part of a four-storey, semi-detached, villa situated at the mid-section of a combination of semi-detached villas and terraces. The building is vacant and was last used as 4 flats, 1 per floor. The building is being converted to 2 flats, as approved under application 22/02378/FULL. The building is constructed of brick and faced in stucco with a hipped slate roof. It is located within the Aldridge Road Villas & Leamington Road Villas Conservation Area and is identified as an unlisted building of merit. The site also lies within the Westbourne Grove Surface Water Flood Risk Hotspot.

As a point to note, and as raised by an objector, works to the rear at lower ground floor level have been started by the applicant, in anticipation of the granting of permission for the extension. The applicant has been formally advised by Enforcement Officers that

works have not been granted permission and that works should be stopped until a formal decision on the application has been made.

7.2 Recent Relevant History

22/02378/FULL

Amalgamation of 4 x 1 bed flats to 1 x 3 bed and 1 x 4 bed flats, replacement of windows and installation of rooflights.

Approved 20 June 2022

22/02585/FULL

Erection of single storey extension to side and rear at lower ground floor level.

Refused 15 August 2022

22/04071/FULL

Full width extension at lower ground floor and new rear elevation closet wing extensions at upper ground, first, second floors.

Refused 15 August 2022

22/04144/FULL

Formation of roof terrace within existing roof profile to rear and installation of associated glazed doors, railing and roof lights.

Refused 25 August 2022

22/06073/CLEUD

Confirmation that the shed/storage building has been in situ for a period of 4 or more years.

Refused 7 November 2022

8. THE PROPOSAL

The extension proposed is single storey rear extension, at lower ground floor level. The extension measures the full width of the rear of the building at 6m and projects 3m from the rear elevation of the building. The height of the extension is 3.1m above ground floor level and measures 0.9m above the wall with No. 26. The extension is to be constructed in brick to match the existing building with new doors constructed in timber and painted white to match the existing.

The application drawings have been revised since the original submission to show that the extension is built within the application site and does not include the demolition of the party wall with No, 32 Aldridge Road Villas, a point queried by an objector.

9. DETAILED CONSIDERATIONS

9.1 Land Use

This application is for an extension to the lower ground flat only. The principle of an extension to the lower ground floor flat is acceptable and supported by Policy 8 of the

City Plan. The current flat measures 75m² and the proposals will increase the floorspace of the flat by a further 23m².

9.2 Environment & Sustainability

9.2.1 Sustainable Design & Energy Performance

The proposals are providing high quality additional residential floorspace to the existing property. The extension will have good insulation and the windows will have sound thermal energy performance. The proposals are therefore considered to comply with Policy 36 (Energy Performance) and 38D (Design Principles) of the City Plan and the guidance as set out in the 'Energy' and 'Retrofitting and Sustainable Design' sections of the ESPD.

9.2.2 Whole life carbon

The proposed scheme is a minor development and therefore a Whole Life Carbon Assessment is not required.

9.2.3 Circular Economy

Whilst Policy 37C states that developers are required to demonstrate the recycling, re-use and responsible disposal of construction, demolition and excavation waste, the scheme is not major application, therefore the applicant is not obliged to comply with the Circular Economy policies.

9.2.4 Flood Risk & Sustainable Drainage

The site lies within the Westbourne Grove surface water hotspot. An objection has been received on the grounds that the flood risk assessment is desk based only and no details such as a drainage strategy has been submitted. Further comment has been made on the terminology used throughout the report.

A desk based assessment is sufficient for this type of development. The report confirms that there is a negligible risk of ground water flooding and this is supported by the Environment Agency's data also. The extension, built over an already hard paved area, and incorporating a green roof which will aid with reducing water run off is considered acceptable. No drainage details have been provided as it assumed that given the size of the extension, existing drainage can be utilised.

A landscaping scheme for the remainder of the rear garden is to be secured by condition and this will seek to ensure that soil levels, species and types of planting will aid in sustainable drainage.

9.2.5 Light Pollution

The proposed rooflights to the rear extension and the basement are modestly sized and are not considered likely to result in any significant increase in light pollution.

9.2.6 Land Contamination

The site has been in residential use for some time and there is not considered to be any significant risk of land contamination.

9.2.7 Environment & Sustainability Summary

For a development of this size and nature it is considered that the proposal meets the City Council's environmental and sustainability policies.

9.3 Biodiversity & Greening

Policy 34B of the City Plan requires that "developments will, wherever possible, contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme.

A green roof has been proposed above the ground floor rear extension and it is recommended that the details of this are secured by condition to ensure that it provides good biodiversity properties and is suitably maintained and retained.

There are trees within the application site and adjacent properties. Following significant discussions, the Council's arboricultural officer has no objections to the proposed extension in arboricultural terms. Conditions are recommended securing a landscaping plan and tree protection measures.

9.4 Townscape, Design & Heritage Impact

The key legislative requirements in respect to designated heritage assets are as follows:

Section 72 of the LBCA Act 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."*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that where development will have a visibly adverse effect upon a conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

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.

Objections have been received on grounds that the extension is too large and unacceptable in this conservation area and occupies too much of the garden. Comment is also made that whilst officer's have earlier advised that an extension at 3m in depth is more appropriate, this is still considered too large. One comment states that the

extensions in the terrace measure no more than 2.5m-3m in height and the proposal are more than that. Two comments note that no dimensions are given and materials are not known.

In response to the lack of dimensions and material information, the drawings are to scale and therefore can be measured and details of the materials are stated in the application form.

The proposals have been submitted to overcome an earlier refusal of June 2022 where the extension was a side and rear extension, measuring the full width of the site (rear of building and side passageway) at 7.1m. The extension projected approximately 4.4m from the rear elevation of the building, but with the side passageway element this measured 9.4m in depth, on the boundary with No. 30. As part of this application, advice was given to the applicant in the reason for refusal that an extension measuring 3m in depth would likely be considered more favourably.

Given the pair of villas have not been altered previously, this modest extension, measuring the full width of the rear elevation of the building only, up to the boundary wall with No. 32 Aldridge Road Villas (and not the full width of the building and passageway as previously refused) would be respectful of the character of the buildings and respect the uniformity of the pair of villas. There are a variety of examples within the terrace of similar developments and therefore a single storey extension could not be resisted.

At 3m in depth and 3.1m in height the extension is considered to be appropriate to the host property and not considered to result in an overly dominant extension. An external height of 3.1m is proposed to ensure that internally there is sufficient head height of approximately 2.7m. The garden is large and the extension is not considered to occupy an excessive amount of garden floorspace. As a point to note, the garden area adjacent the rear elevation of the building is hard landscaped so the proposals do not result in the loss of 'green' space. A green roof is proposed to the extension and is welcomed.

The detailed design of the rear of the extension is acceptable being of brickwork to match the existing and with white painted timber doors to match the existing windows. The fenestration pattern of the doors is acceptable at this lower ground floor level. A condition securing these materials is recommended.

The proposals are considered to preserve and enhance the character and appearance of the Aldridge Road Villas & Leamington Road Villas Conservation Area and are considered to result in less than substantial harm to this unlisted building of merit. This would meet Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

9.5 Residential Amenity

Development that could result in a change to the amenity of neighbouring residents such as that of the proposals here must be found to be in accordance with policy 7 of the City Plan 2019 - 2040. The policy seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and overshadowing. Policy 33 is also relevant which seeks to make sure that quality of life and health and wellbeing of existing and future occupiers.

Objections have been received on the grounds that the extension would result in loss of amenity to neighbouring properties. At lower ground floor level of No. 26, it is believed that this is a single flat and it is likely that the two rear windows are from the kitchen/ living area and maybe a bedroom (if replicating the application sites) leading onto their garden. At lower ground floor of No.30, the flat contains a bedroom with a set of doors closet to the application site and a living area with a set of doors, closet to the boundary with No. 32.

At 3m in depth and 0.9m above the boundary wall with No. 26, set almost 1m away from the lower ground floor windows, the proposed extension is not considered to result in any significant loss of daylight/ sunlight or sense of enclosure. The extension is set even further away from the lower ground floor windows of No. 30, given the semi-detached nature of these properties and the relationship in amenity terms is also considered acceptable.

In terms of loss of privacy to adjacent properties and to those within Leamington Road Villas to the rear of the site, whilst the extension projects into the garden, there is significant tree coverage between these properties and the proposed rear elevation comprises two doors which is the same arrangement as the existing and it is not considered that this relationship would afford any detrimental views over what already exists.

An extension leading out directly onto the garden raises no noise concerns, noting that the existing arrangement allows for access from the lower ground floor flat directly onto the garden.

One objection has been received on the grounds of loss of privacy from the use of the roof of the extension. The roof of the extension is not proposed to be used as a terrace, and would only be accessible from windows at upper ground floor level and would comprise roof lights and a green roof. A condition to prohibit its use as a terrace is however recommended.

The proposals are considered acceptable in amenity terms.

9.6 Transportation, Accessibility & Servicing

The proposed extension raised no highways concerns.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

9.8 Other Considerations

9.8.1 Security Implications

One objector has commented that a flat roof may bring about security implications to

their adjacent property.

Single storey flat roof extensions are commonplace in Westminster and whilst the concerns from the neighbour about security are understood, they are not grounds for refusal.

9.8.2 Noise and Disruption During Course of Works

An application cannot be refused on the grounds of noise and disruption during the course of works. The Council's standard hours of working condition is recommended which are Monday to Friday 8am-6pm and Saturdays 8am-1pm. An informative is also recommended advising the applicant to sign up to the Considerate Constructors scheme.

9.8.3 Party Wall Matters

Objectors have raised concern about the demolition of part of one or the boundary walls to the rear (as part of the construction process) and the impact this would have on an adjacent pond. They also state that there is a need for repairs to another part of the rear boundary wall (with Leamington Road Villas).

As originally submitted it appeared that the boundary wall with No. 32 Aldridge Road Villas was to be demolished and the side of the proposed extension would become the party wall. This was an error and the drawings have been amended to show the extension built solely within the application site.

Repairing of the boundary wall with Leamington Road Villas, to the rear is a party wall matters and are not material planning considerations.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

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

10. Conclusion

The proposal is considered acceptable in design terms, mindful of policies 38, 39 and 40 of the Westminster City Plan 2019-2040 (April 2021), with limited impact to the character and appearance of the building and no significant harm to the character and appearance of the St Johns Wood Conservation Area. The proposal would also be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

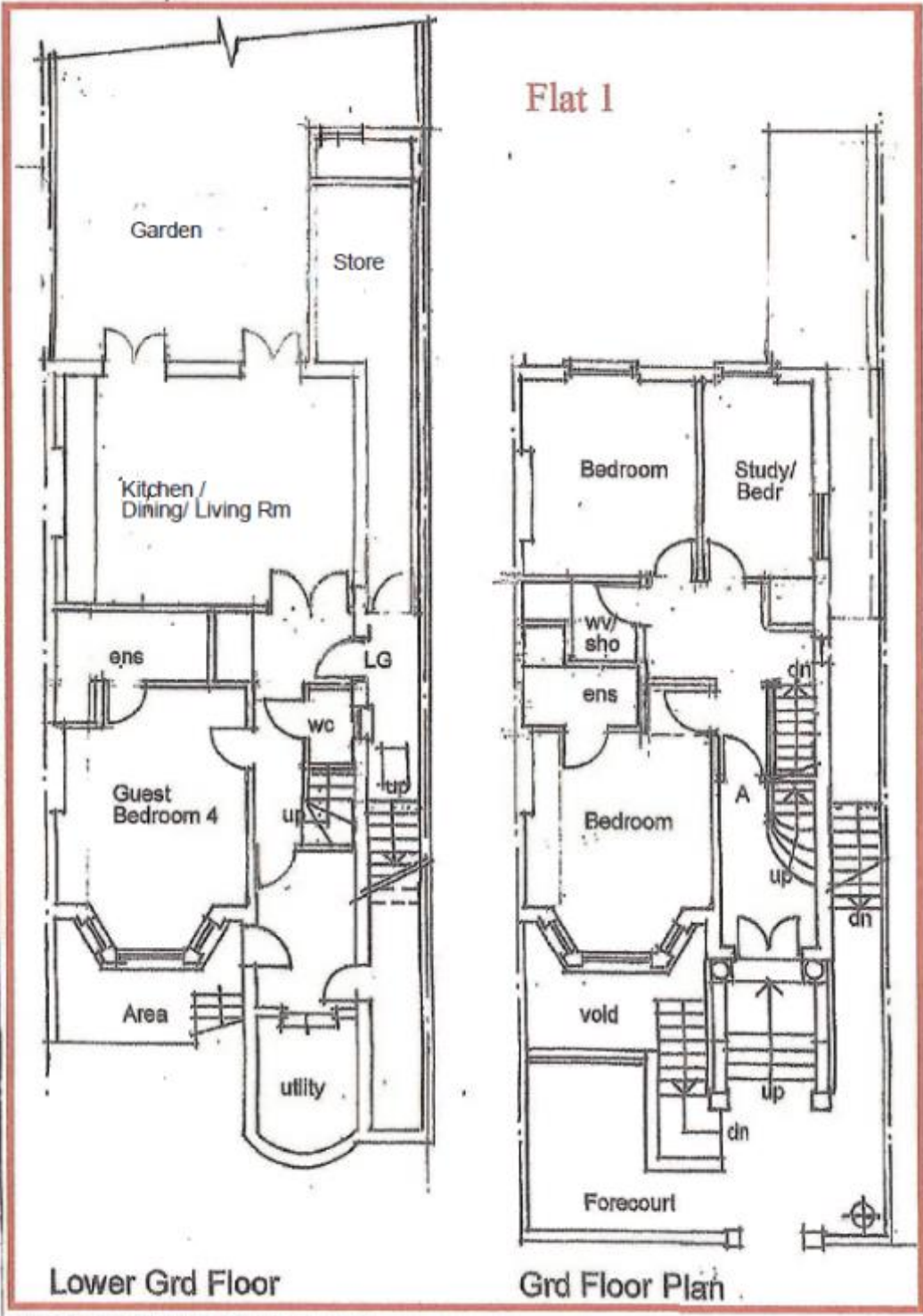
Whilst recognising the concerns raised by the objectors, the proposal is considered acceptable in design, conservation, sustainability and amenity terms.

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

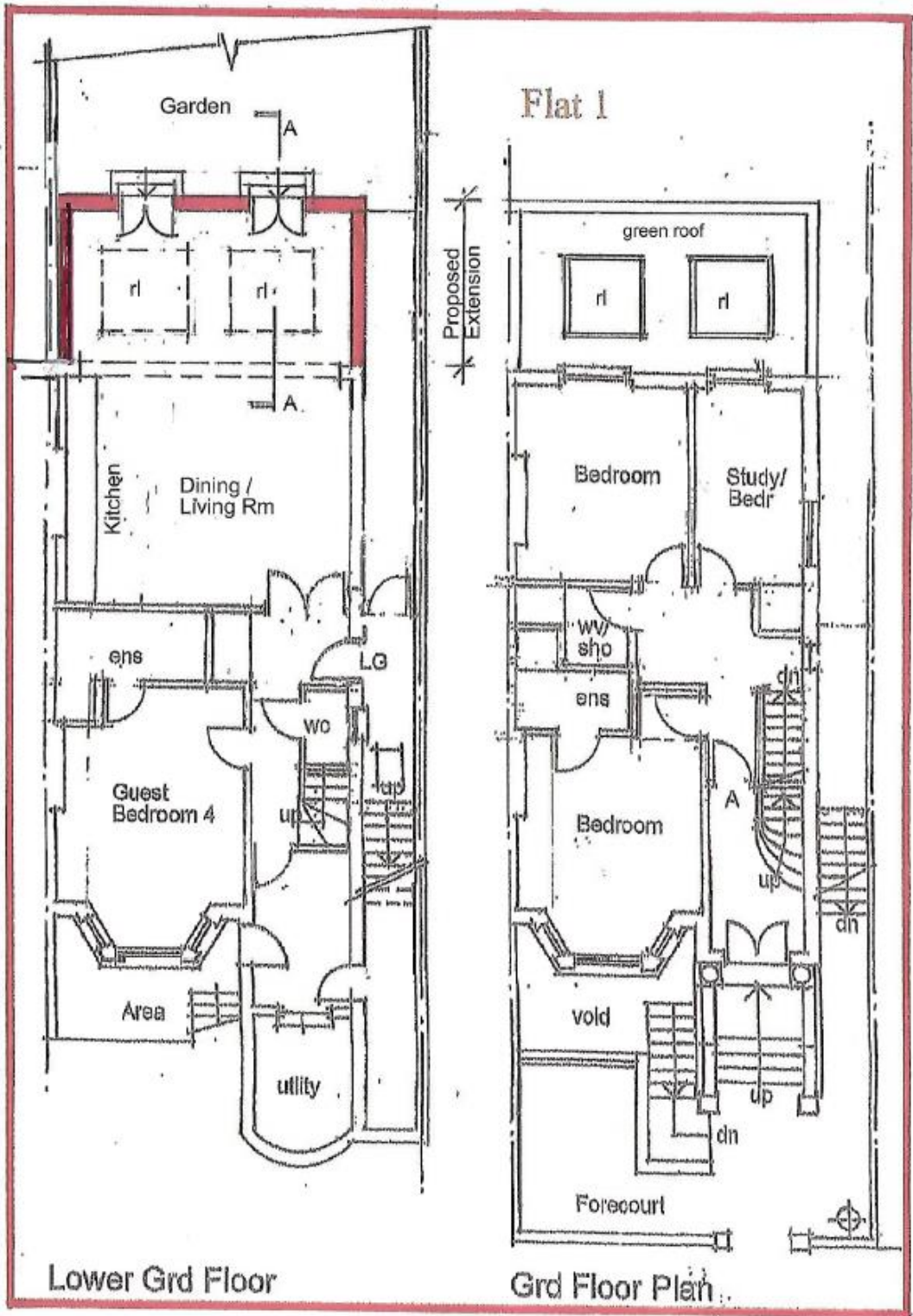
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk
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11. KEY DRAWINGS

Existing Lower Ground and Upper Ground Floor Plan



Proposed Lower Ground and Upper Ground Floor Plan



Existing and Proposed Rear Elevation



Rear Elevation as Existing



Proposed Extension
Brickwork to match existing
Traditional timber french doors
Rear Elevation
As Proposed.

DRAFT DECISION LETTER

Address: Basement Flat, 28 Aldridge Road Villas, London, W11 1BW

Proposal: Erection of single storey extension at lower ground floor level.

Reference: 22/05799/FULL

Plan Nos: Unnumbered Site Location Plan; 22/52/03; 22/52/04; 22/52/05; 22/52/06 A (18 Nov 22); 22/52/07 A (18 Nov 22) Planning, Heritage, Design and Access Statement; Sustainable Design Statement; Photos; Flood Risk Assessment date 17 August 2022; Tree Protection Plan Rev C; Arboricultural Method Statement dated 20 October 2022.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641
07866036948

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 this part of the Aldridge Road Villas & Leamington Road Villas Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 The doors to the rear extension shall be constructed in timber and painted white to match the existing windows and be retained in that condition thereafter.

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 Aldridge Road Villas & Leamington Road Villas Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 5 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof to include construction method, layout, species and maintenance regime. You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 6 You must apply to us for approval of detailed drawings of a landscaping scheme which includes the surfacing of any part of the site not covered by buildings. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the landscaping according to these approved drawings within 1 year of occupying the development (or within any other time limit we agree to in writing). (C30AC)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R30AD)

- 7 You must protect the trees according to the details, proposals and recommendations set out in the Arboricultural Method Statement by Arbtech Ltd. dated 20th October 2022. You must undertake the special methods of working and arboricultural supervision

according to these details. If you need to revise any of these tree protection provisions, you must apply to us for our approval of the revised details, and you must not carry out work the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect the trees and the character and appearance of this part of the Aldridge Road Villas & Leamington Road Villas Conservation Area. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R31DD)

- 8 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

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.

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 at www.westminster.gov.uk/contact-us-building-control

- 3 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)

- 4 In relation to the green roof condition, you should review the guidance provided by the Greater London Authority on their website prior to finalising the structural design of the development, as additional strengthening is likely to be required to support this feature: www.london.gov.uk/what-we-do/environment/parks-green-spaces-and-biodiversity/urban-greening.

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.