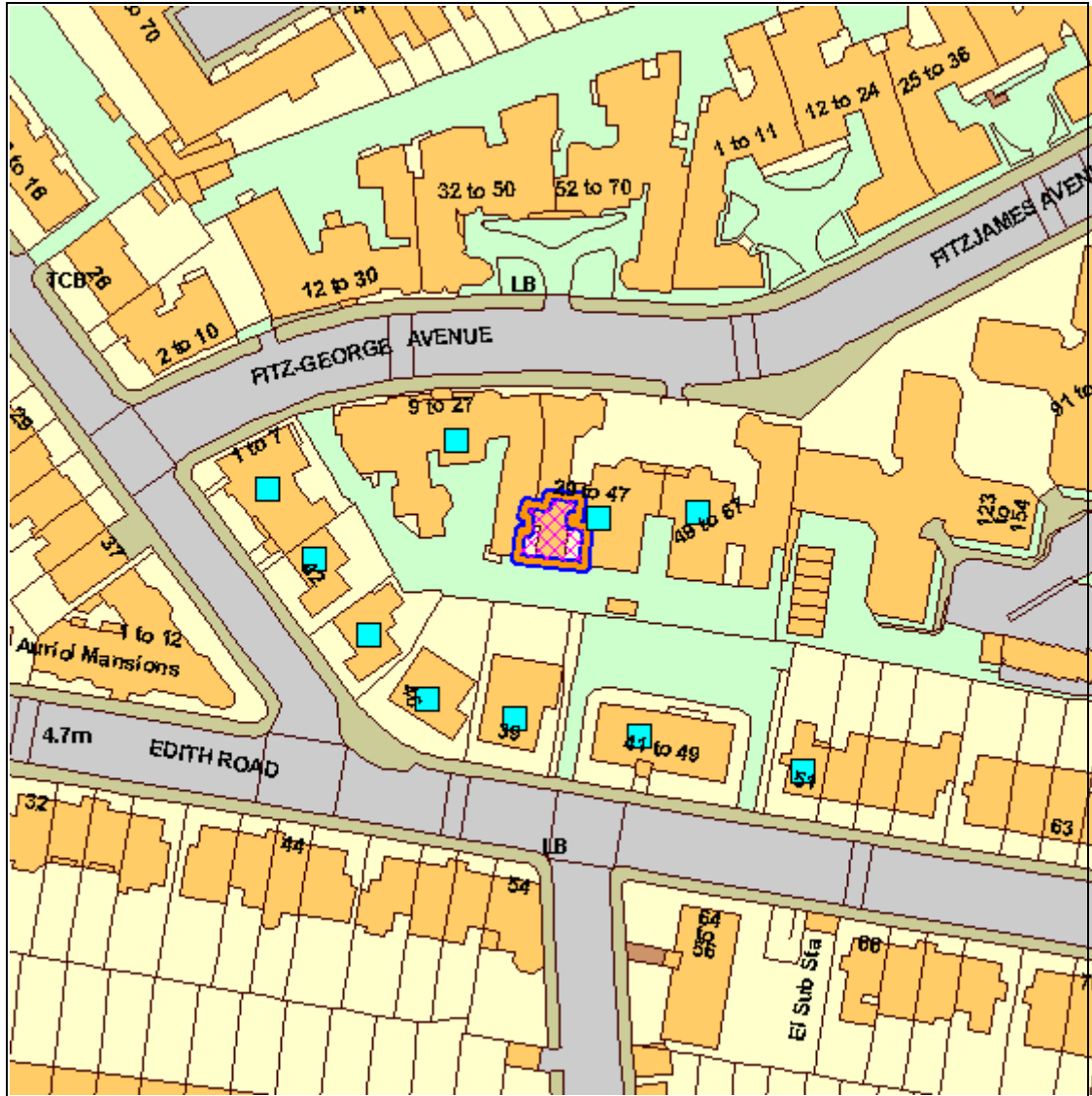


Ward: Avonmore And Brook Green

Site Address:

Flat 4 29 - 47 Fitz-George Avenue London W14 0SZ



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For identification purposes only - do not scale.

Reg. No:
2019/02510/FUL

Case Officer:
Grace Harrison

Date Valid:
23.08.2019

Conservation Area:
Constraint Name: Fitz-George And Fitzjames
Conservation Area - Number 19

Committee Date:
03.12.2019

Applicant:

C/o Agent

Description:

Creation of 1no. self-contained one bedroom flat at lower ground floor level through change of use of the existing basement storage area and excavation and enlargement of the existing basement and lightwell; creation of a new lightwell and associated installation of new windows and doors; and erection of a bike store.

Drg Nos: 2088-sk07A Rev. A.2088-14pB; 2088-14pA-PLAN; 2088-14p-GF-PLAN;

Application Type:

Full Detailed Planning Application

Officer Recommendation:

That the Committee resolve that the Strategic Director, The Economy, be authorised to determine the application and grant permission subject to the condition(s) listed below:

To authorise the Strategic Director, The Economy, after consultation with the Director of Law and the Chair of the Planning and Development Control Committee to make any minor changes to the proposed conditions which may include the variation, addition or deletion of the conditions, any such changes shall be within their discretion.

- 1) The development hereby permitted shall not commence later than the expiration of 3 years beginning with the date of this planning permission.

Condition required to be imposed by section 91(1)(a) of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

- 2) The development shall be carried out only in complete accordance with the submitted drawings which have been approved and which are stated on this decision notice.

In order to ensure full compliance with the planning permission hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policies DC1, DC4, DC8, DC11 and HO11 of the Local Plan (2018).

- 3) No part of the development hereby approved shall be occupied until provision has been made for the storage of three bicycles, in the form of the dedicated cycle storage area at basement floor level, as indicated on the approved drawing no. 2088-sk07A. Thereafter the provision for cycle storage shall be so maintained for the life of the development.

To ensure satisfactory provision for cycle storage and thereby encourage sustainable and active modes of transport, in accordance with Policy T3 of the Local Plan (2018).

- 4) The development shall be carried out in accordance with the details contained within the Flood Risk Assessment (Herrington Consulting, July 2019 and Groundwater Impact Assessment (GB Card and Partners, July 2019) submitted with this application. All flood prevention and mitigation measures should be installed in accordance with the approved details prior to the occupation of the development.

To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, and to reduce the impact of flooding to the proposed development and future occupants, in accordance with Policy CC2 and CC3 of the Local Plan (2018).

- 5) Prior to the occupation of the basement accommodation hereby approved, a non-return valve and pump device should be installed to prevent sewage 'back-surfing' into the basement in times of heavy rain and to allow the property's sewage to continue to flow properly into the sewer network.

To protect the new basement accommodation from flooding, as recommended by Thames Water and in accordance with Local Plan (2018) Policy CC2, London Plan (2015) Policy 5.12 and Part 10 of the National Planning Policy Framework (2019).

- 6) Prior to commencement of the development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Thereafter the approved details shall be implemented throughout the project period.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 7) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value $D_{nT,w}$ and $L'_{nT,w}$ of at least 5dB above the Building Regulations value, for the floor/ceiling /wall structures separating different types of rooms/ uses in adjoining dwellings. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site is not adversely affected by noise, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 8) Prior to occupation of the development hereby permitted, details of the installation of the Air Source Heat Pumps or Electric Boilers to be provided for space heating and hot water shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of air quality, in accordance with Policy CC10 of the Local Plan (2018).

- 9) The new residential unit hereby permitted shall not be occupied until the Council has been notified in writing (and has acknowledged such notification) of the full postal address of the residential unit. Such notification shall be to the Council's Head of Development Management and shall quote the planning application number specified in this decision letter.

In order that the Council can update its records to ensure that parking permits are not issued to the occupiers of the residential unit hereby approved, and thus ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the level of on-street car parking stress in the area, in accordance with Policy T4 of the Local Plan (2018).

- 10) No occupiers of the new residential unit hereby permitted, with the exception of disabled persons who are Blue Badge holders, shall apply to the Council for a parking permit or retain such a permit, and if such a permit is issued it shall be surrendered to the Council within seven days of written receipt.

In order to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the level of on-street car parking stress in the area, in accordance with Policy T4 of the Local Plan (2018).

- 11) The new residential unit hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the local planning authority to ensure that all occupiers, other than those with disabilities who are Blue Badge holders, have no entitlement to parking permits from the Council and to ensure that occupiers are informed, prior to occupation, of such restriction. The residential unit shall not be occupied otherwise than in accordance with the approved scheme unless prior written agreement is issued by the Council.

In order that the prospective occupiers of the residential unit are made aware of the fact that they will not be entitled to an on-street car parking permit, in the interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the level of on-street car parking stress in the area, in accordance with Policy T4 of the Local Plan (2018).

- 12) No development shall commence until a preliminary risk assessment report is submitted to and approved in writing by the Council. This report shall comprise: a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses; a site reconnaissance; and a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the

Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

- 13) No development shall commence until a site investigation scheme is submitted to and approved in writing by the Council. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater . All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

- 14) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Council. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

- 15) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, a remediation method statement is submitted to and approved in writing by the Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the

Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

- 16) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until the approved remediation method statement has been carried out in full and a verification report confirming these works has been submitted to, and approved in writing, by the Council. This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. Any required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

- 17) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until an onward long-term monitoring methodology report is submitted to and approved in writing by the Council where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. A verification report of these monitoring works shall then be submitted to and approved in writing by the Council when it may be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018)

- 18) Prior to commencement of the development hereby approved, a Construction Logistics Plan shall be submitted to, and approved in writing by, the council. This must be in accordance with Transport for London (TfL) requirements and should seek to minimise the impact of construction traffic on nearby roads and restrict construction trips to off-peak hours only. Thereafter the approved details shall be implemented throughout the project period.

To ensure that construction works do not adversely impact on the operation of the public highway, in accordance with Policies T1 and T7 of the Local Plan (2018).

- 19) All new windows and doors shall be formed of timber and painted white, and permanently retained in this form thereafter.

To ensure a satisfactory appearance and to preserve the character and appearance of the building and the Fitz-George and Fitzjames Conservation Area, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 20) All new balustrades and screening shall be formed of glass, and permanently retained as such thereafter.

To ensure a satisfactory appearance and to preserve the character and appearance of the building and the Fitz-George and Fitzjames Conservation Area, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 21) All refuse and recycling generated by the occupants of the new dwelling shall be stored in the existing communal refuse storage bins for the building. At no time shall refuse or recycling bags be placed on the street.

To ensure satisfactory provision for the storage of refuse and recycling on site, and thereby prevent it being stored on the highway, in accordance with Policy CC7 of the Local Plan (2018).

Justification for Approving the Application:

- 1) Principle: The proposed development would make a small positive contribution towards the quantity of the borough's housing stock, helping to achieve the London Plan (2016) and Local Plan (2018) target of 1,031 residential units per year through new build, conversion of change of use. The proposed enlargement of the existing basement is also considered to be acceptable in principle when assessed against Policy DC11 of the Local Plan (2018).

Quality of Accommodation: The proposed development provides an acceptable standard of living accommodation, in accordance with Paragraph 123 of the NPPF (2019), Policy 3.5 of the London Plan (2016) and Policies HO4 and HO11 of the Local Plan (2018) which all require residential development to be of the highest quality internally.

Flood risk: The risk of flooding to the new unit has been satisfactorily addressed by way of the proposed flood risk mitigation measures, in accordance with Policies CC3 and CC4 of the Local Plan (2018).

Highways: The proposed development has made satisfactory provision for cycle storage and refuse storage. Subject to conditions restricting the right of occupants to hold parking permits, the development would not contribute to on-street parking stress. For these reasons the development complies with Policies T3, T4 and CC7 of the Local Plan (2018).

Design and Heritage: The lightwells and external alterations associated with the development would be discreetly located to the rear of the building and would not be visible from the street, and only minimally visible from neighbouring properties and surrounding areas. The character and appearance of the Fitz-George and Fitzjames Conservation Area would be preserved, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

All Background Papers held by Andrew Marshall (Ext: 4841):

Application form received: 22nd August 2019
Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2019
The London Plan 2016
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:	Dated:
Thames Water - Development Control	30.08.19
Environment Agency - Planning Liaison	11.09.19
The Avenue Leaseholders Association	17.09.19

Neighbour Comments:

Letters from:	Dated:
39 Fitzjames Avenue London W14 0RR	23.09.19
17 Fitzgeorge Avenue London W14 0SY	24.09.19
37 FITZGEORGE AVENUE LONDON W14 0SZ	26.09.19
67 Fitzgeorge Avenue London W140SZ	23.09.19
35 Fitzgeorge Avenue London W14 0SZ	25.09.19
9A Fitzgeorge Avenue West Kensington London W14 0SY	26.09.19
58 Fitzgeorge Avenue LONDON W14 0SW	23.09.19
43A Fitzgeorge Avenue London W14 0SZ	05.09.19
43A Fitzgeorge Avenue London W14 0SZ	05.09.19
31, Fitz-George Avenue London W14 0SZ	22.09.19
NAG	21.09.19
Fitzgeorge Avenue 6 London W14 0SN	26.09.19

51A Fitz-George Avenue London W14 0SZ	21.09.19
54 Fitzjames Avenue London W14 0RR	26.09.19
6, Fitzgeorge Avenue London W14 0SN	26.09.19
10 Fitzjames Avenue London W14 0SY	26.09.19
26 Fitzjames Avenue W14 0RR London W14 0RR	20.09.19
41, Fitzgeorge Avenue London W14 0SZ	22.09.19
18 Fitzgeorge Ave London W14 0SN	21.09.19
32 Fitzjames Avenue London W14 0RR	21.09.19
25 Fitzgeorge Avenue London W14 0SY	23.09.19
Flat 22 Fitzgeorge Avenue	30.09.19
Flat 4 Fitzgeorge Avenue	30.09.19
Flat 17 Fitzgeorge Avenue	30.09.19
Flat 3 Fitzgeorge Avenue	30.09.19
5B Fitzjames Avenue London W14 0RP	20.09.19
48 Fitzgeorge Ave London W14 0SW	23.09.19
15 Fitzgeorge Avenue London W14 0SY	29.09.19
45 Fitzjames Avenue London W14 0RR	20.09.19
15a Fitzgeorge Avenue London W14 0SY	26.09.19
Flat 26 Fitzgeorge Avenue	30.09.19
Flat 27 Fitzjames Avenue	30.09.19
36 Fitzgeorge Avenue London W14 0SW	24.09.19
17 Fitzjames avenue London w14 0rp	22.09.19
43a Fitzjames Avenue London W14 0RR	26.09.19
13 Fitzgeorge Avenue London W14 0SY	20.09.19
21 Fitz-George Avenue London W14 0SY	17.09.19
33 Fitz-George Avenue London W14 0SZ	25.09.19
7 Fitz-George Avenue London W14 0SY	20.09.19
34 Fitzjames Avenue London W14 0RR	25.09.19
24 Fitzgeorge Avenue London W14 0SN	23.09.19
8 Fitzgeorge Avenue London w14 0sn	25.09.19
40 Fitzjames Avenue London W14 0RR	20.09.19
9 Fitzgeorge Avenue London W140SY	22.09.19
3B Fitzjames Avenue London W14 0RP	25.09.19
33 Fitzgeorge Avenue London W14 0SZ	25.09.19
21 Fitzjames Avenue London W14 0RP	20.09.19
21 Fitzjames Avenue London W14 0RP	20.09.19
7 Fitzjames avenue London w140rp	22.09.19
49a Fitzgeorge Avenue West Kensington W14 0SZ	23.09.19
2A Fitzjames Avenue London W14 0RP	20.09.19
NAG	20.09.19
12a Fitzgeorge Avenue London W14 0SN	24.09.19
3 Fitzgeorge Avenue London W14 0SY	22.09.19
27 Cairn Hill Newry BT34 2ST	24.09.19
11 Fitzjames Avenue London W14 0RP	25.09.19
3 Fitzgeorge Avenue London W14 0SY	22.09.19
64a Fitzgeorge Avenue LONDON W14 0SW	26.09.19
12a Fitzjames London W14 0RP	27.09.19
53 Fitzgeorge Avenue London W14 0SZ	25.09.19
23 Fitzgeorge Avenue London W14 0SY	22.09.19
53 Fitzjames Avenue London W14 0RR	23.09.19
27 Cairn Hill Newry BT34 2ST	24.09.19
67 Fitzgeorge Avenue London W140SZ	23.09.19

15a Fitzgeorge Avenue London W14 0SY
25 Fitzgeorge Avenue London W140SY

26.09.19
19.09.19

OFFICER'S REPORT

1.0 BACKGROUND

1.1 The application relates to a 6-storey mansion block on the southern side of Fitz-George Avenue (Nos. 29-47).

1.2 The site is located within the Fitz-George and Fitzjames Conservation Area. The boundary of the Gunter Estate Conservation Area is to the South and West of the site.

1.3 The site does not contain any statutory or locally listed buildings.

1.4 The site is within the Environment Agency's Flood Zone 2.

1.5 Fitz-George Avenue also benefits from excellent public transport accessibility (PTAL rating of 6a according to Transport for London's methodology).

1.6 This application is for the creation of 1no. self-contained one bedroom flat through excavation and enlargement of the existing basement and creation of a new lightwell and associated installation of new windows and doors; and erection of a bike store. This application proposal is known as 'Flat 4'.

1.7 Applications for similar proposals on adjacent parts of the site have also been submitted and are being considered alongside this one, as follows:

- Flat 5 (Ref. 2019/02511/FUL)
- Flat 6 (Ref. 2019/02512/FUL)

2.0 RELEVANT PLANNING HISTORY

2.1 A series of applications have been previously been submitted for the creation of new flats at basement/ lower ground floor level around the Fitz-George and Fitzjames estate.

2.2 In relation to this specific site, an application was refused by the council on 2nd May 2018 for the same development that is now proposed (Ref. 2018/00680/FUL). It was refused on the following grounds:

- i) The proposal would provide sub-standard accommodation for its future occupiers in terms of its claustrophobic and over-bearing sense of enclosure consequent to its lack of outlook. Additionally, due to the extent of enclosure around its window/door openings its habitable rooms would suffer from inadequate access to daylight and sunlight.
- ii) Due to the proximity of the proposed amenity spaces to residential windows overlooking those spaces, and their narrow and enclosed locations which would be bounded by the high walls of the current buildings, the proposed development would impact unacceptably upon the amenities of neighbouring occupiers in terms of noise and nuisance and loss of privacy to the detriment of the quiet enjoyment of their homes.

iii) The site is located within the Environment Agency's Flood Zone 2. The submitted Flood Risk Assessment (FRA) does not contain details of the structural water-proofing methods for the basement or confirmation of active drainage devices or a non-return valve to be fitted within the basement.

2.3 The applicants subsequently sought to appeal this decision and the appeal was dismissed by the Planning Inspectorate (Appeal Ref. 3210764). The Inspector's only ground for dismissing the appeal was flood risk. The Inspector did not agree with the council's other reasons for refusal and found the proposals to be acceptable in all other respects. The Inspector's decision carries significant weight in the determination of this application.

3.0 PUBLICITY AND CONSULTATION RESPONSES

3.1 A site notice and press advert were published to advertise the application and notification letters were sent to the occupants of surrounding properties.

3.2 A total of 65 individual objection comments were received from the following addresses:

- 3, 4, 5, 7, 8, 9, 9a, 12a, 13, 15, 15a, 17, 18, 22, 23, 24, 25, 26, 31, 32, 33, 35, 36, 37, 41, 43a 48, 49a, 51a, 53, 58, 64a, 67 Fitz-George Avenue;
- 2a, 3b, 5b, 7, 10, 11, 12a, 17, 21, 26, 27, 34, 39, 40, 43a, 45, 53, 54 Fitzjames Avenue;
- 27 Cairn Hill, Newry, Northern Ireland.

3.3 Two of the 65 responses were received with no address given.

3.4 One of the responses was received from the Chairperson of the Avenue Leaseholders Association (ALA).

3.5 The objections can be summarised as follows:

- The space in the car park will be reduced making it difficult for residents to navigate in and out of their assigned spaces;
- Noise, nuisance and parking stress for existing residents during construction;
- The location of the proposed external amenity spaces will significantly impact those living in the flats above;
- The proposed development is unsuitable in a flood risk area;
- There are practical construction issues that could prevent the implementation of the scheme;
- The structure of the building may be compromised.

3.6 Case Officer response: The material planning matters raised above will be addressed in the report below. Concerns regarding the impact of the development on party walls, or the structure of adjacent flats, may be properly addressed by means of an agreement under the Party Wall Act 1996 and are not material to the planning process, however, residents' concerns are noted. Similarly, questions over the practicalities of implementing the scheme are not a matter to be considered as part of the planning application.

3.7 External consultation responses were as follows:

Thames Water - No objection with regards to sewerage or water infrastructure capacity.

Environment Agency - No objection, an informative is suggested about foul drainage.

The Metropolitan Police's Crime Prevention Design Advisor was also consulted but did not respond.

4.0 PLANNING CONSIDERATIONS

4.1 The main planning issues that must be assessed in considering this proposal are:

- The principle of a new residential unit in this location;
- The acceptability of the proposed basement development in terms of scale and impact on the local, natural and historic environment, and flood risk;
- The quality of the proposed residential unit in terms of floor area, light, outlook, access, floor to ceiling height, amenity space, and refuse storage;
- Highways matters including car parking and cycle parking.

4.2 The development will be assessed in accordance with the policies and standards set out within the London Plan (2016), and the council's Local Plan (2018) and Planning Guidance Supplementary Planning Document (2018). The recent appeal decision (Appeal Ref. 3210767) in relation to this unit also carries significant weight in the determination of this application. The Inspector's conclusions are discussed below.

PRINCIPLE OF NEW RESIDENTIAL UNIT

4.3 The borough has a target of 1,031 new residential units per year to be achieved through new build, conversion or change of use, as set by the London Plan (2016) and Local Plan (2018) Policy HO1. The unit would make a small positive contribution to the quantity of the borough's housing stock.

ACCEPTABILITY OF BASEMENT DEVELOPMENT

4.4 The proposal would involve excavating underneath part of the mansion block. Two lightwells totalling approximately 14sq.m. would be excavated to provide light and amenity space for the flat. Save for the new lightwells, excavation would be contained underneath the footprint of the existing building, in accordance with Criterion a) of Local Plan (2018) Policy DC11.

4.5 There are no trees in the immediate vicinity of the site which stand to be affected through the proposed excavation underneath the building. The proposed lightwell would be mostly concealed from views from the service road to the rear of the building by the bulk and form of the existing mansion block, and the public street scene on Fitz-George Avenue would not be impacted in any way. For these reasons, Officers are satisfied that the character and appearance of the Fitz-George and Fitz-James Conservation Area would be preserved in accordance with Local Plan (2018) Policy DC8, and there would be no adverse impact on the natural and historic environment, in accordance with Criterion e) of Policy DC11.

4.6 Criterion e) of Policy DC11 also states that new basement accommodation will only be permitted where there is no adverse impact on the amenity of adjoining properties (Policies HO11 and DC4 also concern the protection of existing residential amenities). In this case, the main issue is noise. Internally, the new flat has the potential to create noise disturbance to habitable rooms within the ground floor flat directly above. To address this, a condition is recommended regarding enhanced sound insulation to be installed within the ceiling structure separating the new and existing flats to ensure that noise disturbance did not occur from the activities inside the flat.

4.7 In respect of noise from the proposed external amenity space, Officers had previously raised concerns about the proximity of the new lightwell to existing habitable room windows to flats immediately above. This was given as a reason for refusing the previous application (Ref. 2018/00680/FUL).

4.8 The Inspector for the appeal noted the council's concerns but said that:

"The large mansion block has extensive areas of communal open space that seem, to me, capable of hosting organised social events. I observed evidence of smoking having taken place at the rear of the block where there are views into ground floor windows. The proposed lightwell is not a big area only about 2m wide thus restricting the level of use. Sound can reverberate resulting in noise fading slower. However, the proposed development would not involve any commercial activity and the outside space afforded to the unit would be of a similar scale to that which exists. I am therefore satisfied that, taking into account the high-density urban environment the appeal site is located in, the proposed development would not materially alter the existing situation in terms of how neighbours will be affected" (Para. 11 of the decision notice)

4.9 For these reasons, the Inspector was satisfied that the development complies with Policies DC4, DC11 and HO11 of the Local Plan (2018). Given the significant weight of the Inspector's decision with regards to this matter, no further objections are recommended to be raised on these grounds.

4.10 With regards to the short-term impact of construction, a condition is recommended for a Construction Management Plan to be agreed, to ensure the amenities of residents are protected as far as possible throughout the construction phase, in accordance with Policy CC11 and CC13 of the Local Plan (2018).

QUALITY OF THE NEW RESIDENTIAL UNIT

4.11 The Council expects all new residential units to be of high quality with regards to the considerations set out in Local Plan Policy HO11. Key Principle HS3 of the Planning Guidance SPD is also relevant with regards to internal space provision in residential conversions.

4.12 The proposed one-bedroom flat would have a Gross Internal Area of 50.0 sq.m, which would be in accordance with the London Plan (2016) requirements and the DCLG's Technical Housing Standards - Nationally Described Space Standard (2015). The double bedroom would be 14.0 sq.m, which is also in accordance with the Technical Housing Standards. The submitted section shows that the floor-to-ceiling height would be a uniform 2.3m throughout the flat, which is considered to be satisfactory.

4.13 The proposed flat would be located entirely below ground floor level with a two lightwells of totalling approximately 14sq.m. forming the only source of natural light. The lightwells would also provide private amenity space for the occupants.

4.14 In respect of light and outlook to the new unit, Officers previously raised concerns that it's outlook would be poor. The windows to both courtyards look onto a deep and, Officers considered, oppressive space covered by an external walkway and staircase, and enclosed on three sides by the elevations of the existing building as well as by the railings that would be necessary to surround the lightwell. This was given as a reason for refusing the previous application.

4.15 In dismissing this reason, the Inspector said that:

"The proposed development would include private outside amenity space within eastern and western lightwells, accessed directly through living room doors. There would also be stairs up to the communal areas in addition to the principal access/egress into the shared stairwell. I consider that none of this would result in either cramped conditions or a sense of confinement. There will be an outlook from the bedroom and living areas, albeit into a lightwells. Only one window will be within very close proximity to a wall, and I am satisfied that there is sufficient space for planters and other decorative features." (Para 8).

4.16 Further, Officers raised concerns about the robustness of the submitted daylight and sunlight assessment, however the Inspector states that "I observed from my site inspection that the basement is artificially lit. The proposal would introduce lightwells and windows/doors allowing light to reach new rooms in the proposed flat and that calculations demonstrate that satisfactory standards can be met" (Para 18).

4.17 On this basis, the Inspector concluded that the proposal would comply with Paragraph 123 of the NPPF, Policy 3.5 of the London Plan (2016) and Policies HO4 and HO11 of the Local Plan (2018) which all require residential development to be of the highest quality internally. Given the decisive weight of the Inspector's decision with regards to this matter, no further objections are recommended to be raised on these grounds.

4.18 The drawings indicate that access to the new unit would be via external steps into the lightwells which lead directly into either the living/dining area through two sets of French doors. There is also an internal entrance, through a downward extension of the existing stair core and lift shaft from ground to basement level. Officers previously raised concerns about the feasibility and convenience of this arrangement, but it was not included as a reason for refusal as it was not considered to be a planning matter. On this issue, the Inspector said "Residents have raised concerns about the technical feasibility of the proposal including the possible effects on the foundations. These are matters for consideration by the building control authority on receipt of notification or full plans" (para. 17).

FLOOD RISK

4.19 The site is located within the Environment Agency's Flood Zone 2. The previous application was objected to by Officers on the grounds that the original Flood Risk Assessment (FRA) did not contain details of the structural water-proofing methods for the basement or confirmation of active drainage devices or a non-return valve to be

fitted within the basement, necessary to protect the new unit from groundwater and sewer surcharge flooding. The Inspector also noted that the submitted FRA related only to the northern side of the street and therefore was not specifically relevant to the appeal site.

4.20 Officers are satisfied that both of these concerns have been addressed within the revised documents submitted with the current application. An updated Flood Risk Assessment (FRA) has been submitted which relates to the specific application site. Further, a Groundwater Impact Assessment has also been submitted which confirms details of structural water-proofing methods for the basement including an active drainage device and a non-return valve to be fitted within the basement.

4.21 As such, it is considered that the council's previous reason for refusal and the issues raised by the Inspector have been satisfactorily addressed and the proposal is now in compliance with Policies CC3 and CC4 of the Local Plan (2018). An informative has been attached with regards to sustainable drainage systems, as it is considered that there is only limited opportunities for small-scale SuDS as part of this development.

REFUSE STORAGE

4.22 It is suggested that the existing waste management procedure, where estate staff collect refuse from outside front doors six times a week and take it to the communal bins to the rear of the blocks on the northern side of the road, would also be applied to the new units. The paladins are then collected by LBHF twice weekly. This arrangement is considered to be acceptable and, following Officers' inspection of the situation on site prior to collection day, it was clear that there would be capacity for the additional refuse generated by this proposal (in addition to that generated by the other proposals for Flats 5 and 6). For these reasons no objections are recommended to be raised in terms of Local Plan (2018) Policy CC7.

CAR PARKING

4.23 Local Plan (2018) Policy T4 sets maximum parking standards in relation to residential development and states that all residential developments in areas with good transport accessibility should aim for significantly less than 1 space per unit. The site benefits from a Public Transport Accessibility Level (PTAL) of 6a, which is excellent, and is in close proximity to West Kensington and Barons Court Underground stations, and Kensington (Olympia) Overground station in addition to a number of bus stops on North End Road. The application does not propose any additional parking spaces, and in order to promote sustainable transport and prevent an increase in parking stress in accordance with Policy T4, conditions are recommended to ensure that occupants would not be eligible to hold street parking permits.

CYCLE PARKING

4.24 A new freestanding, covered cycle store with space for three cycles is proposed to be erected adjacent to the flank wall of the mansion block at ground floor level, to the North of the proposed site. This new store would be sufficient to meet the requirements of Policy T3 and Appendix 8 of the Local Plan (2018). A condition is recommended requiring the cycle store to be implemented prior to the occupation of the new unit.

CUMULATIVE IMPACT

4.25 Officers previously raised concerns about the cumulative impact of the three basement proposals (for Flats 4, 5 and 6) and consider that they should be considered in conjunction with one another even though separate applications have been submitted. On this matter, the Inspector stated that "I am aware that there are other proposals for basement development within this residential complex and the council asks that the cumulative impact be considered. Residents have also expressed concern about setting a precedent. However, this proposal must be assessed on its own merits and it has." (Para. 16.)

5.0 RECOMMENDATION

5.1 On balance, in light of the above, Officers recommend that planning permission be granted for this development.