

**Committee Report
Planning Committee on 30 November,
2005**

**Item No.
Case No.**

**1/05
05/2358**

RECEIVED: 9 September, 2005

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 94 Beverley Gardens, Wembley, HA9 9RA

PROPOSAL: Conversion of the premise into a one-bedroom flat, a two-bedroom flat and a three-bedroom maisonette, with 2 off-street parking spaces, landscaping and refuse storage

APPLICANT: Mr Ray Dwek

CONTACT: Christopher Wickham Associates

PLAN NO'S: Project No. DS/470 with drawing no 01a

RECOMMENDATION

Refusal

EXISTING

The site is occupied by an extended semi detached property on the southern side of Beverley Gardens. Although Beverley Gardens is identified as a heavily parked road the application site is at the end of the road which joins up with Uxendon Hill which is not a heavily parked street. The application site is not within a conservation area, although it is part of the Barn Hill estate.

PROPOSAL

The planning application seeks the Council's consent for the conversion of the current use to three self contained flats and the provision of two parking bays and landscaping.

HISTORY

The application site and the adjoining properties have an extended planning history. The dwellings at Nos 84 to 94 Beverley Gardens were initially built for residential accommodation for police officers. The houses were sold some time ago and developed by extensions and conversion into flats which have been allowed through the planning appeal process.

The application site previously had a planning application refused for the conversion into four self contained flats which was also dismissed on an appeal. Subsequently, the your Enforcement officers have been investigating their current use which is claimed to be other than Use Class C3, residential dwellinghouse.

The two storey side and single storey rear extensions to the application premises were allowed on appeal in 2004.

POLICY CONSIDERATIONS

Unitary Development Plan 2004

STR11 - The quality and character of the Borough's built and natural environment will be protected and enhanced, and proposals which would have a harmful effect on the environment or amenities of the borough will be refused.

BE2 - Design should have regard to the local context, making a positive contribution to the character of the area. Account should be taken of existing landform and natural features, the need to improve the quality of existing urban spaces, materials and townscape features that contribute favourably to the area's character and improvement or variety within an area of poor or uniform character by creating a new area of distinctive quality on suitable sites. Proposals should not cause harm to the character and/or appearance of an area. Application of these criteria should not preclude the sensitive introduction of innovative contemporary designs.

BE6 - High standard of landscaping required as an integral element of development, including a design which reflects how the area will be used and the character of the locality and surrounding buildings, the retention of existing trees, shrubs and hedgerows particularly where they form part of the character of the area, new planting of an appropriate species, size, density of planting with semi-mature or advanced nursery stock, new integrally designed structural landscaping on appropriate larger sites, boundary treatment (fencing, railings) which complement the development and enhance the streetscene, screening of access roads and obtrusive development from neighbouring residential properties. .

BE7 - High quality of design and materials required for the street environment. In existing residential areas, the excessive infilling of space between buildings and between buildings and the road will be resisted.

H17 - The restriction on flat conversions

H18 - Quality of flat conversions which should provide an acceptable standard of accommodation to the future residents, should not be over-intensive, in terms of the number and size of proposed units and/or the size of extensions proposed and should have an acceptable visual impact on the street.

H19 - Flat conversions and its access and parking requirements

TRN23 - Parking for residential development should be in accordance with the maximum standards. Their application may be varied depending on the level of public transport accessibility and the contribution the development would make to reducing the use of the private car, but should not be below the minimum operational level, including required disabled parking.

PS14 -Parking standards for new dwellings and residential conversions

PS16 - 1 cycle parking space per residential unit required.

Brent Supplementary Planning Guidance:

Supplementary Planning Guidance 17: *Design Guide for New Development* provides detailed design guidance for new development and seeks to improve the standard of architectural and urban design in Brent.

Supplementary Planning Guidance 4 - Parking in front gardens - Creating a parking space in your front garden is acceptable if the proposal maintains a 50% / 50% balance between the soft and hard landscaping.

CONSULTATION

The nearby neighbouring residential occupiers were consulted and a total of 34 objections were received during the consultation period. Representations from Councillor Jim O'Sullivan, Councillor Van Colle, Barry Gardiner MP and the Barn Hill Residents Association were also received objecting to the proposal.

REMARKS

Introduction

The application is for the conversion of the premises to three self contained flats with the provision of two onsite parking spaces and landscaping.

Previously, the Council refused an application for four self contained flats comprising 2x2 bedrooms, 1x1 bedroom and a studio flat under delegated authority for various of reasons and the Planning Inspector also dismissed the applicant's appeal.

However, the Inspector took a view that, given its location and the merits considered, the proposal was unacceptable primarily on the basis of its impact to the streetscene due to the creation of the hard standing area in the forecourt. The Inspector further commented that if the on-site parking were not provided, additional parking on the roads near the site would be harmful to the character of the area.

The application site is also currently under investigation by the Planning Service's Enforcement team for the current use which is not within the Use Class C3.

Proposed Conversion

The proposal will result in the creation of two 1 bedroom self contained flats on the ground floor and three bedroom self contained maisonette over first and the loft floor. This will result in three self contained flats with the family unit on the first and above floors.

Each of the 1 bedroom flat provide 57sq.m and 46sq.m of internal dwellingsize which is in accordance with the guidelines contained within SPG 17. The three bedroom flat is approximately 99sq.m which 88% of that space have a minimum headroom of 2.3m. Regardless, the total area minus the area with headroom less than 2.3m results in 87sq.m and therefore would still meet the Council's minimum dwelling size of 82sq.m

Whilst the Council's policy H17 and H19 would require the unextended original floor area of the dwellinghouse to be 145sq.m or where no onsite parking cannot be provided, a minimum dwelling size to be 75sq.m for each proposed units due to it being on a heavily parked road, the Planning Inspector stated that this policy should not strictly apply here as the application site is at the end of the heavily parked road of Beverley Gardens. Therefore, the principle of the flat conversions and the size of the flats is considered to be acceptable.

One of the primary issues lies with the first floor 3 bedroom maisonette. As this is a family unit, the policy requires for the provision and access to an outdoor amenity space. This should be in the order of 50sq.m per larger unit size. The proposal fails to provide any amenity space for the family unit on the first floor. Whilst open space nearby, a newly created dwelling particularly of family sized units, should have adequate provision for onsite outdoor amenity space.

A second issue concerning the proposal is the extent of hard surfacing in the forecourt area. This was addressed by the Planning Inspector at their last decision and deemed to be unacceptable. The proposed forecourt layout allows for the provision of two parking spaces, refuse bin store area and landscaping. The soft landscaping takes up approximately 19sq.m of the total 74.23sq.m of the forecourt. This would result in 75% of the area being hard surfacing. The inspector stated in their decision, *'In my view the proposed parking spaces and the extent of hard surfacing would detract from the quality of the surrounding area and would not be an attractive element in the streetscape'*.

After the decision was made by the Inspectorate in dismissing the appeal, the applicant applied for a Certificate of lawfulness for alterations to the forecourt which are exactly the same as that currently proposed. A Certificate was issued considering the works "Permitted Development" under the General Permitted Development Order 1995 as at the time of the application the dwellinghouse was said to be a single family dwelling according to the information submitted at the time. Soon after the Certificate was issued, an Enforcement investigation commenced when it appears that the premises were not being used as a dwellinghouse (use class C3). The Certificate of Lawfulness would not be considered valid for the works shown on plans in these circumstances. Nonetheless, the inspector had previously made comments in their decision which states *'I realise that the whole frontage of the property could be paved and used for parking if it remained a single dwelling, but that is true of any house within the vicinity, and is not a good argument in support of the proposal which would necessitate such work.'* Moreover, the proposal would still be contrary to the Council's policy in terms of its visual impact and the amenity to the streetscene and therefore the provision of 25% soft landscape in the forecourt is considered to be detrimental to the streetscene.

Transportation

The application site has low level of public transport accessibility. The maximum onsite parking requirement

for three self contained flats would be 3.8 spaces. The additional parking that will be generated from the new dwelling units after the conversion will be in the order of 1.8 spaces. Taking this into account, it is the opinion of the Transportation unit that the proposal adequately meets the onsite parking provision. Therefore, for the proposed number of units and the parking provisions the proposal is considered to be acceptable on transportation grounds. However, it is important to note that any increase in the demand of onsite and off site parking for the application site would be detrimental to the streetscene of Beverley Gardens and this echoes the Inspectore findings.

In conclusion, the proposal by reasons of its impact to the streetscape and poor amenity offered to the future occupiers of the family unit is considered to be an unacceptable form of development contrary to the policies within the UDP 2004.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed conversion of the premises into three self contained flats, by reasons of the proposed onsite parking and refuse provision and its consequent excessive amount of hardsurfacing, would detract from the quality of the surrounding area and harmful to the visual amenity of the streetscape and character of the area contrary to policies BE2, BE6, BE7 of the Unitary Development Plan 2004 and Supplementary Planning Guidance No 4.
- (2) The proposed three bedroom maisonette, by reasons of the lack of outdoor amenity space would result in a substandard form of family accommodation detrimental to the quality to the future occupiers contrary to policies H18 of Unitary Development Plan 2004 and Supplementary Planning Guidance No 17.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Unitary Development Plan 2004
Supplementary Planning Guidance No 4
Supplementary Planning Guidance No 17
Letters of objections

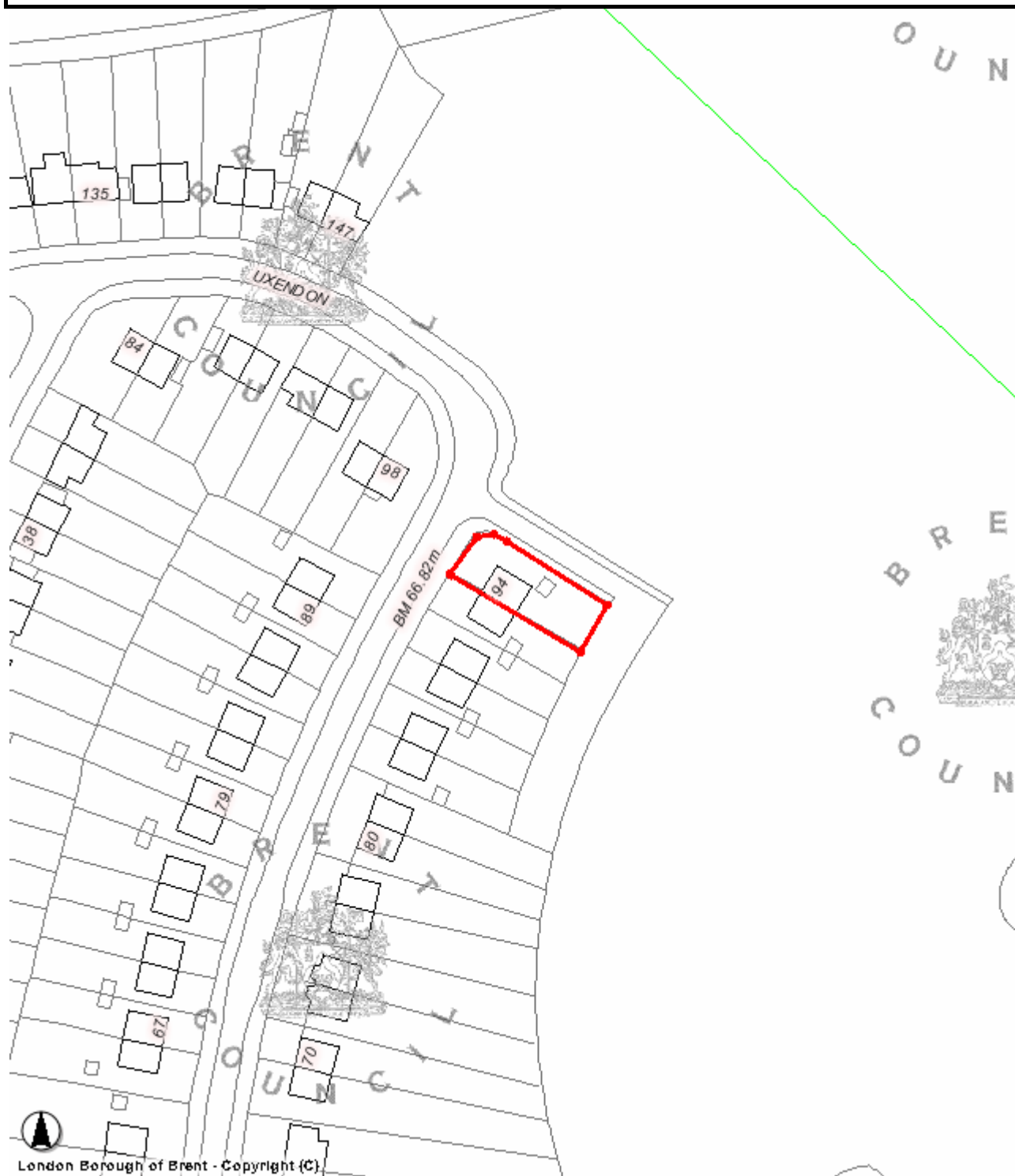
Any person wishing to inspect the above papers should contact Jane Jin, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5231



Planning Committee Map

Site address: 94 Beverley Gardens, Wembley, HA9 9RA

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