

RECEIVED: 7 June, 2006

WARD: Dollis Hill

PLANNING AREA: Willesden Consultative Forum

LOCATION: 37 Oxgate Gardens, London, NW2 6EA

PROPOSAL: Conversion of garage into habitable room, single storey front and rear extension, one front rooflight, rear dormer window, rear ground floor terrace, replacement of ground-floor rear single door and window with new double doors with side windows and first floor rear bay window to flats.

APPLICANT: Mr Shane Desai

CONTACT: Chris Themis Associates

PLAN NO'S: S/0601/1; S/0601/2; S/0601/3; S/0601/4; S/0601/5

RECOMMENDATION

Approval

EXISTING

Two self-contained flats in a semi-detached property.

PROPOSAL

Conversion of garage into habitable room, single storey front and rear extension, one front rooflight, rear dormer window, rear ground floor terrace, replacement of ground-floor rear single door and window with new double doors with side windows and first floor rear bay window to flats.

HISTORY

A previous scheme (Ref. 05/1340) was refused for the following reasons:

- 1 The site lies on a heavily parked road (as defined in the adopted Unitary Development Plan) and the proposed development exceeds the maximum number of units as defined in policy H19, significantly increases the floor area through extensions to facilitate the conversion, lacks a family unit on the ground-floor level, and fails to make adequate provision for off-street car and cycle parking. This would lead to an over-intensive and unsatisfactory development that would create further on-street parking problems and traffic congestion on the adjoining highway, prejudicial to vehicular and pedestrian safety and contrary to policies H17, H18, H19 and TRN23 and parking standards PS14 and PS16 of the adopted London Borough of Brent Unitary Development Plan 2004 and the advice of Supplementary Planning Guidance 17: "Design Guide for New Development".
- 2 The proposed gable-end extension would result in a roof of poor design and irregular appearance that would visually detract from the character of both the existing house and the open character and appearance of the surrounding area, contrary to policies BE2, BE7, BE9 and H21 of the adopted London Borough of Brent Unitary Development Plan 2004 and the advice of Supplementary Planning Guidance 5: "Altering and Extending Your Home".

- 3 The proposed removal of part of the north-facing hip of the existing roof, to facilitate the erection of two dormer windows of excessive width and scale, would result in a poor-quality design which would add significant bulk to and visually detract from the appearance and the original character of the existing house, contrary to policies BE2, BE9 and H21 of the adopted London Borough of Brent Unitary Development Plan 2004 and the advice of Supplementary Planning Guidance 5: "Altering and Extending Your Home".
- 4 The proposed roof terrace at first-floor level and its associated pull-up ladder providing access to the rear garden, would result in an unacceptable degree of overlooking to the adjoining properties and the proposed flats, and would therefore adversely affect the privacy enjoyed by their residents, contrary to policies BE2, BE9 and H21 of the adopted London Borough of Brent Unitary Development Plan 2004 and the advice of Supplementary Planning Guidance 5: "Altering and Extending Your Home".
- 5 The proposed development, by reason of the inadequate dwelling size of the four-bedroom maisonette located on the first and second floor, and insufficient storage and refuse-collection areas, would result in cramped and unsatisfactory living conditions without adequate amenity provisions, contrary to the provisions of policy H18 of the adopted London Borough of Brent Unitary Development Plan 2004 and the advice of Supplementary Planning Guidance 17: "Design Guide for New Development".

4 of these reasons for refusal were addressed in an amended scheme submitted in 2005 (planning ref: 05/2149). However full planning permission was refused on 03/11/2005 and a subsequent appeal dismissed on 02/05/2006, for the conversion of the property into three self-contained flats, single storey front and rear extension, one front rooflight, rear dormer window, rear groundfloor balcony and alterations to the size and number of windows. This was refused as it " would lead to an over-intensive and unsatisfactory development that would create further on-street parking problems and traffic congestion on the adjoining highway, prejudicial to vehicular and pedestrian safety." (planning reference 05/2149)

POLICY CONSIDERATIONS

Brent's Unitary Development Plan 2004

BE7 - High quality of design and materials required for the street environment

BE9 - Creative design solutions (for extensions) specific to site's shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or town location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevation which address the street at ground level with proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.

H21 - Domestic extensions should respect the amenity, privacy, daylight and sunlight of adjoining properties, as well as, complement the character, general scale and appearance of the existing house and the local streetscene. Adequate amenity space and garden depth for the original house must be maintained.

SPG 5 - "Altering and Extending Your Home"

SUSTAINABILITY ASSESSMENT

Not applicable for an application of this size.

CONSULTATION

Two objections received from the residents of Nos. 35 and 38 Oxgate Gardens. Objections on the grounds of:

- Loss of privacy and outlook
- Parking problems,

- Provision of refuse storage
- Disturbance from tenants of 37 Oxcgate Gardens.
- Substandard living accomodation due to the height of the proposed garage conversion.
- Structural damage to the adjoining garage

REMARKS

The conversion of the original dwellinghouse into two self contained flats occurred over four years ago. Details of the installation of separate gas meters by British Gas have been submitted with the application. A gas meter for the groundfloor flat was installed on 02/01/1999 while a gas meter for the first floor flat was installed on 5/12/1994.

The proposed scheme is different from the previous scheme in that there is no increase in the number of self-contained residential units and there is no roof terrace proposed.

Conversion of garage into a habitable room and single storey front and rear extension

The proposed conversion of the garage is considered acceptable. Plans of the front forecourt have been submitted detailing the provision of two parking spaces and 47% soft landscaping. Although this does not meet SPG 5 guidelines for 50% soft landscaping the difference of 3% is not considered to be a strong enough reason for refusal. A landscaping condition has also been attached to ensure that the privacy of the residents of the ground floor flat is maintained.

The proposed conversion of the garage includes alterations to the front and rear of the existing garage while the overall height is to be maintained provided that the external dimensions are the same as those indicated on the plans the conversion is considered acceptable. The proposed front extension to the garage will be set back 1m from the main front wall of the building and set forward 0.2m from the front wall of the existing garage at No. 35 Oxcgate Gardens. This is in line with SPG 5 which specifies that single storey side extensions should be set back at least 0.2m from the main front wall of the dwellinghouse. It will extend 0.2m in front of the front wall of the existing garage at No.35. This is considered to be acceptable as it will be setback from the main front wall of the dwellinghouse and the nearest habitable room window at No. 35 Oxcgate Gardens.

At the rear of the existing garage the extension will be set 0.6m from the existing rear wall of the garage. This will be set back 2.3m from the rear wall of the groundfloor flat and 0.1m from the rear wall of the neighbouring side garage. The existing garage roof will be replaced with a flat roof set at a maximum height of 2.5m from the groundlevel and 3m from groundlevel at No. 35 Oxcgate Gardens. The proposed terracing to the rear of the groundfloor flat is set in 5.2m front the boundary with 35 Oxcgate Gardens and will not extend beyond the rear wall of the existing rear extension at 39 Oxcgate Gardens. Therefore the proposed terracing will not significantly affect the privacy and amenity of the residents of neighbouring properties.

First floor rear extension and loft conversion

The rear extension to the first floor flat is essentially the installation of a bay window feature to the main rear wall of the dwelling. This will have a depth of 0.9m from the main rear wall of the house and is set in 0.8m from the boundary with, and is over 1.8m from the midpoint of the nearest habitable room window at 39 Oxcgate Gardens This is considered acceptable in relation to SPG 5 requirements.

The proposed rear dormer window extension has a width of 2.7m, is set down 0.6m from the ridgeline and set up 0.8m from the roof eaves. It is positioned directly above the first floor rear windows and is mainly glazed. The proposed rear dormer window and front rooflight is considered acceptable. There are also 4 proposed windows on the side wall of the first floor flat. These will be through to 2 bathrooms and the kitchen and are set in 2.75m from the boundary with No. 35 Oxcgate Gardens. A condition has been attached to ensure that these are obscurely glazed with any openings at high level only (above 1.8m in height).

Response to Objectors

- The proposed extensions to the groundfloor and first floor flats meet SPG 5 specifications and it is considered that they will not lead to an excessive loss of light or privacy for the residents of neighbouring properties.
- 2 off-street parking spaces will be provided as part of the proposal. These meet Transportation requirements for 1 off-street parking space per dwelling.

- The proposal includes an area for refuse and cycle storage at the front of the property
- While there is no section detailing the internal height of the proposed bedroom in the garage the internal height in relation to the external height of the building is approximately 2m. This is in accordance with the Council's Building Control Regulations.
- An informative will be attached to any approval of planning permission to make the applicant aware of their responsibilities with regards to the Party Wall Act and to ensure that any alterations or works close to the boundary should take place within the curtilage of the site
- Disturbance by and the behaviour of the tenants of the flats is not a material consideration and cannot be controlled by any approval of planning permission.

Conclusion

The proposed scheme is considered to be in accordance with Unitary Development Plan policies and the guidance contained within SPG 5, addresses the reasons for refusal for previous schemes and accordingly, approval is recommended, with relevant conditions attached.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

- (1) The proposed development is in general accordance with policies contained in the:-

Brent's Unitary Development Plan 2004

Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment

Housing: in terms of protecting residential amenities and guiding new development

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- (2) All new external work shall be carried out in materials that match, as closely as possible, in colour, texture and design detail those of the existing building.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

- (3) The development hereby approved shall be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted therewith.

Reason: To ensure that the proposed development will be carried out as approved so as to avoid any detriment to the amenities by any work remaining incomplete.

- (4) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any future enactment of that Order, no windows or glazed doors (other than any shown on the approved plan) shall be constructed in the side walls of the building as extended

Reason: In the interests of the privacy of adjoining occupiers.

- (5) The windows in the first floor side wall of the building as extended and as shown on the approved plans, shall be glazed with obscure glass and any openings at high level only (not less than 1.8m above floor level) and shall be so maintained unless the prior written consent of the Local Planning Authority is obtained.

Reason: In the interests of the privacy of adjoining occupiers.

- (6) Notwithstanding the plans hereby approved, further details of the landscape proposal for the treatment of the marked area in front of the groundfloor bedroom windows shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site.

Reason: To ensure a satisfactory appearance and setting for the proposed development and to ensure that it protects the privacy and amenity of the residents of the groundfloor flat at No. 37 Oxgate Gardens.

INFORMATIVES:

- (1) The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property. The applicant is advised a party wall notice may need to be issued.

REFERENCE DOCUMENTS:

S/0601/1; S/0601/2; S/0601/3; S/0601/4; S/0601/5

Any person wishing to inspect the above papers should contact Robin James Sedgwick, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5229



Planning Committee Map

Site address: 37 Oxgate Gardens, London, NW2 6EA

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