

MINUTES OF THE PLANNING COMMITTEE
Wednesday, 7th March 2007 at 7.00 pm

PRESENT: Councillor Kansagra (Chair), Councillor Singh (Vice-Chair) and Councillors Cummins, Dunwell, Hashmi, Hirani, J Long, Malik (alternate for H M Patel) and R Moher.

Apologies for absence were received on behalf of Councillors Anwar and H M Patel.

1. Declarations of Personal and Prejudicial Interests

None

2. Minutes of Previous Meeting held on 31st January and 13th February 2007

RESOLVED:-

that the minutes of the meeting held on 31st January and 13th February 2007 be received and approved as an accurate record

3. Requests for Site Visits

None

4. Planning Applications

RESOLVED:-

that the Committee's decisions/observations on the following applications for planning permission under the Town and Country Planning Act 1990 (as amended), as set out in the decisions below, be adopted. The conditions for approval, the reasons for imposing them and the grounds for refusal are contained in the report from the Director of Planning and in the supplementary information circulated at the meeting.

ITEM NO	APPLICATION NO	APPLICATION AND PROPOSED DEVELOPMENT
	(1)	(2)

NORTHERN AREA

1/01	06/2483	18 Old Church Lane, London, NW9 8TD
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Proposed erection of rear dormer window, and demolition of existing porch and erection of new front porch to dwellinghouse

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Head of Area Planning stated that in order to ensure a satisfactory development within this Conservation Area, he had recommended a further condition (3) which would require the applicant to submit further details on samples of bricks, roof tiles and timber windows for approval.

DECISION: Planning permission granted subject to conditions as amended with condition 3.

1/02 07/0117 71 Fleetwood Road, London, NW10 1NR

Erection of a single-storey rear extension to the dwellinghouse

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Planning Manager (Northern Area) informed the Committee that the applicant's agent had submitted a revised layout plan clarifying the use of the ground floor and confirming that its temporary use as a sleeping area would be reverted to use as a dining room and that the loft area would be used as a bedroom and a study.

Mr Sheehan in objecting to the application stated that the house was currently in use for multiple occupation without regard for the residential amenity and privacy of neighbouring residents. He added that he had in the past alerted the Police and the Environmental Health Officers about the use and the noise nuisance that had resulted from the unauthorised use.

Mr Alfred Buksh speaking in a similar vein added that he had made representations to the Planning Services through his local Member of Parliament (MP) and his General Practitioner (GP) about the detrimental impact of the unauthorised use on his quality of life and health.

Although Members took note of the objectors' submissions, they felt that the application complied with the Supplementary Planning Guidance SPG5 on designs for home extensions. They however asked that the Director of Housing and Community Care and the Council's Enforcement Team should closely investigate the current use and report their findings to the next meeting of this Committee.

DECISION: Planning permission granted subject to conditions as amended in condition 3.

1/03 06/3621 Grove Park School and Hay Lane School, Grove Park, London, NW9 0JY

Erection of a single-storey school annex building (for 16 years plus) to the south of Grove Park School

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

In commenting on the sustainability assessment, the Planning Manager said that there was little evidence to support the applicant's self assessment of 'Fairly Positive'. In his view, there was no overall sustainability strategy for the site and that the opportunities for securing a highly sustainable development had not been sufficiently addressed. In order to overcome this, he suggested an amendment to condition 12 as set out in the supplementary information

circulated at the meeting. He then addressed the main principal issues which Members queried at the site visit as follows;

- i) As the new classroom would cater for 50-60 pupils aged 16+, drawn from Grove Park (20) and from Hay Lane (30) schools, there would be a re-distribution of educational facilities but not an increase in the number of pupils attending both schools.
- ii) Existing temporary classrooms would remain in active use and were being reviewed in terms of the longer-term educational needs of both schools.
- iii) On the issue of parking and access, especially during peak hours, and the opportunity for using the Roberts' Court emergency access to alleviate current parking problems, he stated that although an emergency access route was available, it remained unsuitable for general coach traffic to the schools because of the potential impact that the volume of traffic would have on the amenities of the Care Home. In order to address this problem, condition 9 which sought a Green Travel Plan had been amended and that both schools had offered to work together to find a lasting solution which would include staggered school hours.

Mr Nitin Parshotam of Children & Families department said that he would work with the schools and the residents with a view to achieving further progress on access and egress issues. He also undertook to review the traffic scheme and submit a revised scheme dealing with the transportation issues.

The Committee noted that the proposed building was required as a matter of urgency and in granting planning permission, they did not consider it expedient to receive a report on the Travel Plan but rather that the Director of Children & Families should liaise with Transportation unit and the ward members.

DECISION: Planning permission granted subject to conditions as amended in condition 9 and 12.

1/04 06/3567 135 Draycott Avenue, Harrow, HA3 0DA

Erection of 2 storey side 1st floor rear and single storey rear extension to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and an additional condition on landscaping.

In response to members' query about the forecourt parking layout, the Planning Manager (Northern Area) reported that the applicant had submitted a revised plan with an amendment to include two on-site parking spaces with landscaping. He added that in order to ensure that the development provided a satisfactory visual amenity to the streetscene, he was recommending an additional condition requiring the applicant to submit details of further landscaping for approval.

DECISION: Planning permission granted subject to conditions as amended in condition 2.

SOUTHERN AREA

2/01 06/0719 377 & 377A, Kilburn High Road, London, NW6

Variation of condition 2 (completion in accordance with plans) of 03/3447 dated 29/03/2005 to allow (1) Removal of the proposed roof top loggia, (2) Amendment to the previously approved parapet handrail at sixth floor level, (3) The increase in height of liftshaft by approximately 1m, (4) Alterations to the fenestration and (5) Relocation of electrical sub station. (Approval 03/3447 related to demolition of an existing two-storey office building and erection of 3, 4 and 6-storey building with basement, comprising A1 retail use at ground floor and basement level, 26 one bedroom, 6 two bedroom and 3 studio flats for key-workers with basement cycle-parking facility, store and plant room, administration office and laundry room, provision of amenity space, motorcycle-parking facilities, refuse-collection area and loading area).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

2/02 06/3514 758 & 760, Harrow Road, London, NW10

Demolition of existing buildings and erection of a four storey building comprising two retail units and an office unit at ground floor level and 14 self-contained flats (3 x 1 bed, 7 x 2 bed and 4 x 3 bed) with communal roof terraces above, together with associated car parking, bicycle storage, refuse storage and alterations to the pedestrian and vehicular accesses (as accompanied by photographs, incorporating a Sustainable Development Checklist, Planning Statement dated December 2006, revised by plans received on 12 February 2007 and clarified by letters dated 13 February 2007 and 19 February 2007).

OFFICER RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment & Culture to agree the exact terms thereof on advice from the Borough Solicitor.

The Planning Manager (Northern Area) informed Members that on the advice of the Borough Solicitor, conditions 6 and 11 had been amended as set out in the supplementary information circulated at the meeting.

DECISION: Planning permission granted subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment & Culture to agree the exact terms thereof on advice from the Borough Solicitor and conditions as amended in conditions 6 and 11.

2/03 06/3155 127 Kilburn High Road, London, NW6 6JJ

Erection of 2 rear dormer windows, installation of 5 front and 8 rear rooflights, formation of rear terrace with balustrade and escape staircase at first-floor level, formation of rear roof terraces with balustrade and glazed screens at second- and third-floor levels, internal alterations to upper floors and roof of existing commercial building to form 14 self-contained flats, comprising 3 x studio flats, 6 x one-bedroom flats and 5 x two-bedroom flats, alterations and extension to existing ground-floor side-entrance lobby, installation of parking barrier, bollards, floor lighting and overhanging glass canopy to ground-floor front and side, installation of new timber gates and provision of refuse/recycling store to ground-floor rear

OFFICER RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment & Culture to agree the exact terms thereof on advice from the Borough Solicitor.

DECISION: Planning permission granted subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment & Culture to agree the exact terms thereof on advice from the Borough Solicitor.

2/04 06/3608 18 Radcliffe Avenue, London, NW10 5XS

Retention of detached store in rear garden of ground floor flat

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Planning Manager (Northern Area) informed Members that on the advice of the Borough Solicitor, condition 4 had been amended as set out in the supplementary information circulated at the meeting.

DECISION: Planning permission granted subject to conditions as amended in condition 4.

2/05 06/3558 Mortimer Road Clinic, 91 Mortimer Road, London, NW10 5TN

Outline Planning Permission for demolition of existing building and erection of building comprising 10 self-contained flats (6 x 1-bedroom, 4 x 2-bedroom) (matters to be determined: siting and means of access) and as accompanied by Design and Access Statement and Supporting Statement

OFFICER RECOMMENDATION: Refuse planning permission.

The Head of Area Planning informed Members that the application had been withdrawn and asked Members to confirm their support for refusal on the basis of information available had it not been withdrawn.

DECISION: Planning permission would have been refused on the basis of the information available had the application not been withdrawn.

2/06 07/0128 99 Liddell Gardens, London, NW10 3QB

Demolition of side garage and erection of single storey side extension to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions as amended in condition 4.

WESTERN AREA

3/01 07/0024 Pals Children's House, 20 Queenscourt, Wembley, HA9 7QU

Erection of 1 rear dormer, conversion of garage into habitable room and erection of single-storey rear extension to dwellinghouse

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

In reference to the supplementary information, the Head of Area Planning stated that under the Children's Home Regulations 2001 which governed children's homes, staffing levels must be such as to meet the home's statement of purpose, size, number and needs. As the home was already registered for the care of 4 children aged 12-17, the applicant would need to demonstrate that suitable staffing numbers were met.

Mr Sam Uwechue the applicant stated that the side dormer window had been removed from the application and that the home would cater for 4 children only. He added that in order to maintain a ration of 2:1 there would be 2 members of staff for the 4 children. He added that the additional room would be used to support the educational needs of the pupils and to provide recreational activities. He also added that a space would be provided for parking and the lawn would be landscaped.

DECISION: Planning permission granted subject to conditions as amended in condition 3.

3/02 06/3125 1 Elms Court, Wembley, HA0 2RT

Erection of a two-storey side, single-storey and 2-storey rear extension, rear dormer window, installation of 2 front rooflights

and 1 rear rooflight, erection of 0.5m wall with 0.7m railings to front boundary and soft landscaping to front garden of dwellinghouse

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Planning Manager (Northern Area) informed Members that on the advice of the Borough Solicitor, condition 3 had been amended as set out in the supplementary information circulated at the meeting. He added that the applicant's agent had confirmed that the use of the house would revert from multiple occupation to single family dwelling.

Mr Cullen objected to the application on the grounds that the use of the property as a house in multiple occupation had created noise nuisance to the detriment of residential amenities. In addition, it had created parking problems and obstructed access for refuse trucks and mini buses for the disabled residents.

In responding to the issues raised the Head of Area Planning said that although the size of the property could increase the demand for parking spaces, it was not significant as to warrant a refusal of the application. He added that the parking survey in connection with the application was up to date.

During debate, the Chair noted that the application complied with the guidance contained within the Supplementary Planning Guidance, SPG 5 and SPG7 and urged that officers should look into the use of the property with a view to taking enforcement action if an unauthorised use was found to be taking place. Councillor Singh commented that as the street was not heavily parked, the proposed extension would not make any significant impact. An amendment by Councillor Dunwell for a deferral in order to receive further input from the Director of Transportation was put to the vote and declared lost.

DECISION: Planning permission granted subject to conditions as amended in condition 3.

3/03 06/3556 Perrin Road Clinic, Perrin Road, Wembley, HA0 2NW

Outline planning permission for demolition of existing building and erection of three-storey building comprising 10 self-contained flats (3 x 1-bedroom, 5 x 2-bedroom and 2 x 3-bedroom flats) (as accompanied by Brent PCT Design and Access Statement dated November 2006)

OFFICER RECOMMENDATION: Refuse planning permission.

The Head of Area Planning informed Members that the application had been withdrawn and asked Members to confirm their support for refusal on the basis of information available had it not been withdrawn.

DECISION: Planning permission would have been refused on the basis of the information available had the application not been refused.

3/04 06/2380 25 Pebworth Road, Harrow, HA1 3UD

Details pursuant to condition 6 (lighting columns to rear end of patio) and 7 (landscaping and car-parking space) of planning permission reference 05/1121, dated 9 November 2005, for retention and completion of a single-storey rear extension, including retention of one front and one rear rooflight, with window in front gable "roundel" feature, provision of one car-parking space in the front garden area and soft landscaping, erection of rear boundary fence along boundary with 23 Pebworth Road and installation of patio to rear of dwellinghouse, with adjoining fountain feature and soft-landscaped areas

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

3/05 06/3163 11 Priory Crescent, Wembley, HA0 2QQ

Retention of rear dormer window to dwellinghouse

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Head of Area Planning informed the Committee that as the materials within this development were acceptable, Condition 3 should not be included with the decision.

Mr Peter Ilson alleged that the consultation carried out was inadequate and objected to the development on the following grounds;

- i) Detrimental impact on his privacy
- ii) Loss of light and residential amenities
- iii) Overlooking to his garden
- iv) Substantial visual intrusion due to the height of the dormer window
- v) It could set an undesirable precedent for similar developments which would have a detrimental impact on the character of the area

Mr M Rawal the applicant stated that the dormer window which would be used as part of a single family dwelling (daughter's bedroom) complied with the Council's guidelines and standards. He maintained that the degree of overlooking from his property would be no greater than from any other dormer window in the area.

In response, the Head of Area Planning submitted that there were no flaws in the consultation process for the application. He added that there would not necessarily be a restriction on the use if the house was sold unless it was not for a single family and the number of inhabitants exceeded six living as a household in which case a planning permission would be required.

DECISION: Planning permission granted subject to conditions as amended in conditions 3.

3/06 05/3310 97 Eton Avenue, Wembley, HA0 3BA

Erection of single storey rear extension, rear patio and disabled access ramp and installation of a new window in the side elevation of the existing dwellinghouse (as amended by revised plan received on 26/02/2007)

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

In reference to concerns expressed by adjoining neighbours, the Head of Area Planning stated that the right of way was a civil rather than planning issue. On the development itself, he stated it was not considered to give rise to any significantly adverse impact on the amenities of the occupiers of the neighbouring houses. As the proposed patio would be at the same ground level as the proposed rear extension it was not considered to have any significant impact on the amenities of the occupiers on the neighbouring properties. He added in order to protect the privacy of occupiers from passers by, a condition was attached to ensure the windows were glazed with obscure glass and would not open over the shared access way.

Ms Cornelia Boateng the owner of No 95 Eaton Avenue stated that although she was not against the principle of the development and accepted that the right of way was a civil issue, she was concerned about its delineation as belonging to the applicant. She therefore submitted that the drawings were incorrect when compared with the copy she had obtained from the H M Land Registry.

DECISION: Planning permission granted subject to conditions.

3/07 07/0101 23 & 25, St Johns Road, Wembley, HA9

Change of use of ground floor from retail to take-away (Use Class A5) with basement storage area

OFFICER RECOMMENDATION: Grant planning permission subject to conditions as amended in conditions 4.

The Planning Manager (Northern Area) informed Members that on the advice of the Borough Solicitor, condition 4 had been amended as set out in the supplementary information circulated at the meeting.

DECISION: Planning permission granted subject to conditions.

3/08 06/3457 45 Coniston Gardens, Wembley, HA9 8SE

Demolition of an existing attached side garage, erection of single storey side and rear extension and alterations to the front garden area of the dwellinghouse (as amended by revised plans received on 30/01/2007)

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Planning Manager (Northern Area) informed Members that on the advice of the Borough Solicitor, condition 3 had been amended as set out in the supplementary information circulated at the meeting.

DECISION: Planning permission granted subject to conditions as amended in conditions 3.

5. Enforcement Report

The Committee received a report about the front extension to a former garage at No. 4 Castleton Gardens, Wembley and considered whether on the basis of the current situation it would be expedient to take enforcement action against the owner.

In introducing the report, the Head of Area Planning informed the Committee that the neighbour at No 1 Castleton Gardens had made corporate complaints and referred the matter to the Local Government Ombudsman. However on the central issue of whether it was expedient to take enforcement action on the basis of the actual harm caused by the development, he submitted that on the basis of current assessment the development did not cause sufficient harm to No. 1 Castleton Avenue, as to warrant enforcement action. He added that the applicant still maintained that works carried out were repairs and alterations which did not require planning permission and that his offer to carry out appropriate aesthetic works deemed appropriate, including fixing the gutter, may have been hampered by the situation between neighbours. However, while it was now considered that the wall height had changed, the issue was to determine whether its appearance and height and its relationship to the adjoining house and garden and the remaining outbuildings, warranted further actions. In reference to the allegation that business was being conducted from the extension the Head of Area Planning stated that the investigations conducted into this, in addition to the Member's site visit, had not confirmed that allegation.

Ms Alwyn Shaw objected to the application on the following grounds;

- i) The conversion had been poorly designed and by failing to match the existing house was out of character with the house in particular, the streetscene and the local area, in general.
- ii) By being overdominant and overbearing the extension had resulted in the excessive infilling of space between buildings.
- iii) The extension constituted an overdevelopment of the site to the detriment of the residential amenity of her family and the enjoyment of their garden.

- iv) The lack of support for the sagging guttering for the extension which was in close proximity to her garage had resulted in rain water deflecting on to her premises and causing dampness to her patio area.
- v) The unauthorised conversion was not only obtrusive and excessive in height, it lacked proportionality and consistency

Ms Alwyn Shaw maintained that the applicant's offer to render the wall would not resolve the harm caused by the extension and as members had in the past taken enforcement action against smaller extensions, she urged the Committee to approve an enforcement action for this unauthorised development.

Mr Patel the applicant stated that his offer to tidy up and render the side wall had not had the co-operation of the objector who had in the past denied access to the builders to the rear of the development in order to affix and strengthen the guttering.

In response to Members' questions, the Head of Area Planning stated that the extension did not qualify as a permitted development. He submitted that although the current development was not attractive in design terms this, and the loss of car port, were not sufficient reasons to warrant taking an enforcement action. He also referred to the Inspector's decision on a further smaller outbuilding to the rear of the former garage. The Chair echoed this overall viewpoint. The legal representative advised members that in considering whether to approve enforcement action, Members would need to demonstrate that significant harm had been caused by the development to the neighbour.

RESOLVED:

That no enforcement action be pursued against the owner of No. 4 Castleton Gardens, Wembley.

6. **Date of Next Meeting**

It was noted that the next meeting of the Planning Committee which was scheduled to take place on Tuesday, 20th March 2007 would consider planning policy issues only. The next meeting that would consider planning applications would take place on Wednesday 28th March 2007 and the site visit would take place on the preceding Saturday, 24th March 2007 at 9.30 am when the coach leaves from Brent House.

The meeting ended at 9.30 pm.

S KANSAGRA
Chair