

**MINUTES OF THE PLANNING COMMITTEE**  
**24<sup>th</sup> April 2007 at 7.00 pm**

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

Councillor Crane also attended the meeting.

**1. Declarations of Personal and Prejudicial Interests**

*1/06 Tonky Gorilla, 539-541 Kingsbury Road NW9 9EG*

Councillor H M Patel declared a personal interest in that he and the applicant were both members of the same community group which comprised a large number of members.

*2/01 Church Road Car Park & R/O 189-203 Church Road NW10*

Councillor J Long declared a prejudicial interest as a member of the board of Fortunegate Housing Association, left the meeting room and took no part in the discussions and voting on this application.

**2. Minutes of Previous Meeting held on 28<sup>th</sup> March 2007**

RESOLVED:-

that the minutes of the meeting held on 28<sup>th</sup> March 2007 be received and approved as an accurate record.

**3. Requests for Site Visits**

*1/05 07/0059 Asquith Court Nursery, 9 The Ridgeway, Harrow HA3*

Councillor Dunwell's request for a site visit in order to examine access to the drop in point and traffic congestion was agreed.

**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.

<b>ITEM NO</b>	<b>APPLICATION NO</b>	<b>APPLICATION AND PROPOSED DEVELOPMENT</b>
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**NORTHERN AREA**

1/01	06/3585	50 Hamilton Road, London, NW10 1NE
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Variation of a condition regarding width of dormer window

OFFICER RECOMMENDATION: Refuse planning permission.

The Assistant Planning Manager (North Area) outlined the planning records of the dormer windows for 56 Hamilton Road, 42 Fleetwood Road and 35 Geary Road and added that the planning permissions for full width rear dormers were granted to the above properties before the adoption SPG5 in 2002. He also added that current planning applications should be determined in accordance with current policies contained within Brent's Adopted Unitary Development Plan 2004 and relevant Supplementary Planning Guidance, unless material considerations indicated otherwise. He submitted that current policy guidance did not permit full width dormers.

Mr Rahman the applicant apologised for the apparent breach which he said had resulted from an oversight by his mother and the builder. He submitted that as there were properties with similar dormer windows in the immediate vicinity, his development was not uncharacteristic. He also submitted that to reduce the roof plane as suggested by officers would not only cause financial problems but also result in insufficient headroom of the dormer which would not comply with the requirements of Building Regulations.

During debate, Members noted that this particular application would not adversely impact on the streetscene as there were properties in the immediate area with similar dormer windows. It was noted that other residents in the area could build similar dormer windows under permitted development and without the need for a planning permission. For the above reasons, they were minded to approve the application contrary to the officer's recommendation for refusal. In accordance with the Planning Code of Practice, the application was deferred to the next meeting for a report setting out conditions for approval.

DECISION: 'Minded to grant planning permission contrary to the officers' recommendation' and that the application be deferred to the next meeting for further consideration.

1/02 06/3412 19, 19A-D, 21 & 21A-E, Tudor Gardens, London, NW9

Demolition of existing property and erection of five 2 storey houses with new access, associated parking and landscaping (as revised by plans received 10/04/2007)

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 and Culture to agree the exact terms thereof on the advice from the Borough Solicitor.

The Assistant Planning Manager (North Area) stated that there was a 35 metre distance between the proposed new houses and the existing properties in Old Church Lane which was adequate to maintain privacy and outlook of existing residents, notwithstanding the slope of the rear gardens. He noted that the revised scheme also provided opportunity for a more significant landscaping scheme along the boundary. In reference to concerns raised by Councillor Farrell about a new access road unto Tudor Gardens, he submitted that the

proposed access road complied with the Council's road layout standards and was thus considered acceptable in terms of its impact on the local highway network. Other concerns raised by residents about the applicant's intention to carry out further development in the area were speculative and did not have any bearing on this application.

Miss Jeanette Green objected to the proposed development on the grounds that the gradient of the site would cause loss of privacy and overlooking to the residents of Old Church Lane which was situated within a conservation area.

Mr Noel Browne in objection submitted that due to the existing traffic congestion and noise pollution, Tudor Gardens had become busy and dangerous and therefore a new access road onto Tudor Gardens would exacerbate the current vehicular problems. He added that the proposal to the rear of Tudor Gardens would adversely impact upon residential amenities and compromise their security. Mr Browne alleged that the applicant who also owned other properties in the area could potentially carry out similar developments which could set a precedent for similar undesirable developments in the area.

Mr M Sirens the agent stated that the principle of the development on the site and the proposed access had been accepted by the Planning Inspector on appeal. He added that the development which complied with the Council's Unitary Development Policies (UDP), Supplementary Planning Guidance (SPG) and Planning Policy Guidance Notes (PPG) would respect the amenities of adjoining and neighbouring residents. He noted the high design quality of the development on a site which was not situated within a conservation area. In response to a member's query, Mr Sierens stated that problems of overlooking would be addressed by the use of low level lighting, landscaping and screening.

**In accordance with the Planning Code of Practice, Councillor Farrell**, a ward member stated that she had been approached by the objectors to the application. In expressing her objection she urged the Committee to take note of the sentiments expressed by the objectors in deciding this application.

Councillor Singh commented that he would be minded to refuse the application on grounds of over-development of the site for a proposal which could add to the current traffic problems and possibly an increase in the local crime level.

The Committee pointed out that their decisions on planning applications were not exclusively based on local sentiments but rather on planning policies and guidelines. The Assistant Planning Manager added that the separation of the site met with the Council's SPG, drawing attention to the conditions imposed including a requirement on the applicant to submit details of lighting for approval. The Director of Planning also added that given that the scheme had been scaled down to address the concerns expressed, that the site was not situated within a conservation area and that there were no objections from the highways unit, he felt there were no valid reasons to recommend a refusal.

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 and Culture to agree the exact terms thereof on the advice from the Borough Solicitor.

1/03 07/0168 39 Rushout Avenue, Harrow, HA3 0AS

Demolition of existing single storey building and erection of a two storey detached dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Assistant Planning Manager referred to minor amendments to conditions 3 and 7.

DECISION: Planning permission granted subject to conditions as amended in conditions 3 and 7.

1/04 07/0247 32 Churchill Avenue, Harrow, HA3 0AY

Conversion of dwellinghouse into 2 self-contained flats, formation of hardstanding, provision of enclosed bin store and landscaping at front of property.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Assistant Planning Manager drew members' attention to an additional condition 6 and an amendment in condition 4 as set out in the supplementary information circulated at the meeting.

DECISION: Planning permission granted subject to conditions including an additional condition 6 and as amended in condition 4.

1/05 07/0059 Asquith Court Nursery, 9 The Ridgeway, Harrow, HA3 0LJ

Erection of single-storey rear extension, formation of parent drop-off area, erection of pagoda and toy store in side/rear gardens, cycle/buggy store in front garden of nursery, and installation of new, close-boarded fence

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Deferred for a site visit to assess the impact of the development.

1/06 07/0090 Tonky Gorilla, 539-541 Kingsbury Road, London, NW9 9EG

Change of use from Use Class A3 (restaurant) to mixed-use A3 and A4 (restaurant and bar)

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

Councillor H M Patel declared a personal interest in that he knew the applicant and although he had not been approached, he vacated the meeting room and did not take part in the discussion and voting on this application.

In reference to the supplementary information, the Assistant Planning Manager stated that in addition to general conditions that sought to prevent amplified sound and public address system from being audible outside the premises above normal background levels, a specific condition was being recommended in respect of the fire escape and other doors to safeguard the amenities of adjoining occupiers. He provided an update on the operation of the local mini-cab service adding that the enforcement team would conduct an investigation into possible breaches. He added that the Police were unaware of any complaints against the applicant and accordingly they had not raised any objections to the proposed hours. The Assistant Planning Manager re-affirmed that the permission on the extended hours was for six months only, so as to enable officers to monitor its impact.

Mr Bunn in objecting to the application submitted that the current operation was creating excessive traffic and noise nuisance throughout the night to the detriment of the quiet enjoyment of residential amenities. The situation was exacerbated by the presence of 3 other similar uses in the immediate area. He added that the use was leading to an overflow of rubbish and rodent infestation. He urged members to grant a temporary extension to operating hours to 01.00 hours (rather than 03.00 hours) subject to conditions and monitoring. In reply to members' questions, Mr Bunn said that he could not be certain that the increase in noise nuisance was as a direct result of the applicant's operation.

**In accordance with the provisions of the Planning Code of Practice,** Councillor Crane a ward member stated that he had been approached by the objectors. He submitted that in concert with the other ward members and local residents he considered the application in its present form to be unacceptable. He therefore suggested an amendment to the opening hours to 01.00 hours and the installation of CCTV camera at the applicant's expense.

In response the Assistant Planning Manager stated that as similar opening hours had been granted to Hennessy, a local wine bar and functions room, it would be unreasonable to restrict the opening hours for this applicant. He also considered it unreasonable to require the applicant to install a CCTV camera for a permission which was initially for 6 months (a 6 month temporary permission).

The legal representative advised that as there was no evidence to support the claim that loss of amenities including noise nuisance was as a direct result of the applicant's operation, the Council's case could be weakened if the applicant decided to lodge an appeal against a decision to refuse the application. He concurred with the view that reasonableness ought to be exercised in requiring the applicant to install a CCTV camera.

Members discussed the application during which it was noted that much of the noise resulted from the local mini-cab service, a planning breach into which the enforcement team would be investigating. Although it was felt that a CCTV camera would not necessarily address the concerns of residents, Councillor

Cummins moved an amendment which would require the applicant to install a CCTV camera around the building. This was put to the vote and declared lost on the Chair's casting vote. The substantive recommendation as amended with an additional condition controlling the opening of the fire escape and the re-wording of condition 3 was agreed.

DECISION: Planning permission granted subject to conditions as amended in condition 3 and an additional condition controlling the opening of the fire escape.

1/07 07/0279 69 Ellesmere Road, London, NW10 1LH

Dormer window to side and rear and 2 front rooflights to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Assistant Planning Manager drew members' attention to an amendment to condition 3 as set out in the supplementary information circulated at the meeting.

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

1/08 06/3642 383A Edgware Road, London, NW2 6LD

Demolition of existing single-storey office and erection of new three-storey building forming part of existing builder's depot warehouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Assistant Planning Manager drew members' attention to an amendment to condition 3 as set out in the supplementary information circulated at the meeting.

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

1/09 07/0131 3 Greenhill, Wembley, HA9 9HF

Erection of two storey rear extension to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Assistant Planning Manager (North Area) stated although aspects of the proposal did not comply with general guidance, he submitted that the development was acceptable for a number of reasons. Firstly as the extension would not be visible from the street, the character and appearance of the surrounding area in general would not be affected by the roof structure, thus complying with policy BE7 of Brent's UDP 2004. Secondly, there were a number of examples of other properties within the immediate vicinity (Nos. 1, 7 & 9)

which had had similar extensions approved in the past. He added that in order to minimise overlooking the windows would be obscure glazed.

Mr Boden in objecting to the application stated that in addition to overlooking, it would lead to a considerable loss of light and outlook from his living/dining area. He added that he would have no objection to a single storey extension as that would be quite in keeping with the character of the area.

The Chair moved a deferral of the application for a site visit to enable members to assess the impact of the development on the adjoining properties.

DECISION: Deferred for a site visit to enable members to assess the impact of the development on adjoining properties.

### **SOUTHERN AREA**

2/01 07/0014 Church Road Car Park R/O 189-203, Church Road, London, NW10

Renewal of temporary planning permission 05/3523 to allow the continued use of the car park for an open-air market on Wednesdays and Saturdays.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

Councillor J Long declared a prejudicial interest as a member of the board of Fortunegate Housing left the meeting and took no part in the discussions and voting on this application.

DECISION: Planning permission granted subject to conditions.

2/02 07/0269 325-327 Kilburn High Road, London, NW6 7PX

Change of use of ground floor from bank (A2 use class) to restaurant (A3 use class) and installation of extractor duct to rear elevation of building.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Planning Manager (South Area) stated that as the premises already had an A2 use class within a secondary frontage area, there would no loss of retail use from this application. He noted that whilst the proposed use had the potential to create adverse effects on the amenity of neighbours and the area generally, recommended conditions, including the requirement to submit further details of a fume extraction system were considered sufficient to ensure that no such adverse effects are caused

Miss Claire Leo an objector expressed concerns about refuse, mice infestation and unpleasant smells from the extractor duct to her flat above. She also referred to parking and access problems and added that there was no fire exit.

In response to the concerns raised, the Planning Manager stated that compliance with enforcement notice served on some of the flats within the block would address the issue of unauthorised conversions and the associated problems. The issue about refuse could not be attributed to the applicant's premises as the change of use had not yet commenced, drawing attention to a condition that sought to address the issue about refuse when use commenced. He also drew attention to a condition requiring revised drawings that would relocate the extractor duct away from the objector's flat.

Members discussed the application during which the Planning Manager clarified that the blocked fire exits were as a result of the unauthorised flats and that further details would be required from the applicant on adequate provisions for dealing with their refuse. Members however decided to defer the application for a site visit in order to assess the impact of the proposed change of use on the neighbouring occupiers.

**DECISION:** Deferred for a site visit to enable members to assess the impact of the development on adjoining properties.

2/03 07/0348 2-120 even, 4A and garages R/O, Clarendon Court, Sidmouth Road, London, NW2

Erection of mansard-roof extensions to the 4 existing residential blocks, formation of 12 self-contained flats (12 x 1-bedroom) at fifth-floor level, 4 front dormer windows, 4 rear dormer windows and 4 front rooflights to Block A, 10 front dormer windows, 14 rear dormer windows and 14 rear rooflights to Block B, 10 front dormer windows, 14 rear dormer windows and 14 rear rooflights to Block C, 4 front dormer windows, 4 rear dormer windows and 4 rear rooflights to Block D, erection of replacement enclosed staircase extensions to rear of Blocks A and D, and 2 replacement enclosed staircase extensions to rear of Blocks B and C, provision of 14 additional parking spaces, 10 cycle-storage sheds, alterations to hardstandings and associated landscaping (as accompanied by Planning Design and Access Statement - Revision 01, Report on Sunlight and Daylight in connection with Proposed New Staircases and Top Floors to Clarendon Court, Sidmouth Road NW10 - Reference: SB 237, Statement in Support of Planning Application, as amended, dated 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 and Culture to agree the exact terms thereof on the advice from the Borough Solicitor and other conditions as amended in conditions 5 and 7.

The Planning Manager referred to minor amendments to conditions 5 and 7 as set out in the supplementary information circulated at the meeting.

Mr Hawson the applicant submitted that the imposition of condition 2 would cause financing problems with the viability of the scheme and therefore



requested the Committee for an amendment. It was agreed that this should be delegated to the Director of Planning.

DECISION: Planning permission granted subject to conditions as amended in conditions 5 and 7 and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on the advice from the Borough Solicitor.

2/04 07/0366 School Main Building, Kensal Rise JMI School, Harvist Road, London, NW6 6HJ

Retention of 6 column mounted floodlights erected on school playground.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

2/05 06/3530 Flat 1, 50 Furness Road, London, NW10 4QE

Conversion of ground floor to one 3-bedroom self-contained flat, erection of single-storey rear extension and installation of two new windows

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

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

### **WESTERN AREA**

3/01 06/3547 44 Blenheim Gardens, Wembley, HA9 7NP

Erection of part single and two-storey side/rear extension and first floor rear extension to dwellinghouse

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

In reference to the supplementary information, the Assistant Planning Manager stated that the impact of the proposal in terms of reduced outlook and loss of light would be from the rear section of the breakfast room. In his view the application complied with SPG guidelines, maintained sufficient amenity to neighbouring properties and that any resulting loss of amenities in terms of light and outlook were not considered significant to warrant refusal of the application. He drew attention to an amendment in condition 3. He added that issues about drainage and foundations were matters that would be assessed by the Council's Building Control unit under the Building Regulations.

Ms Keegan an objector alleged that the officer's report contained inaccurate statements about the windows and lighting in the proposal. She objected to the application on grounds of loss of light, outlook and the removal of the hedge,

adding that its replacement with a fence was not an acceptable proposition. She added that as no further discussion had taken place on the issue of the party wall agreement planning permission should not be granted at this stage.

In responding to some of the issues raised, the Planning Manager submitted that the issue about the party wall was a civil matter adding that members would need to focus on the planning merits of the application. He added that the proposed extension was within the guidelines laid down in Supplementary Planning Guidance and was not considered to result in an overdevelopment of the property. In bringing the discussion to a close, the Chair clarified that the certificate of lawfulness of use granted under reference 06/1369 for the single storey side extension at the property would be included with this application.

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

3/02 07/0363 1 Queen Victoria Avenue, Wembley, HA0

Installation of solar panel on south-facing roof and erection of single-storey rear extension to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Director of Planning informed the Committee that the applicant was related to Yogini Patel of the Council's Environmental Health Services. Ms Patel had declared this interest and did not have any involvement with the consideration of the application or the preparation of the report.

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

3/03 06/3598 81 Lyon Park Avenue, Wembley, HA0 4DX

Erection of 2-storey rear extension to dwellinghouse

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Planning Manager referred to an amendment to condition 3 as set out in the supplementary information circulated at the meeting.

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

#### 4. **Special Item**

E/06/0387 Flat 9, 22 Crawford Avenue, Wembley.

The Assistant Planning Manager reported that the freeholders for the flat had confirmed that they had given their consent for replacement windows that matched the rest of the windows. They however objected to the windows currently installed as they did not match the rest of the windows

in the building. The officer confirmed that as the enforcement notice related to all of the replacement windows within the flat, officers would seek the removal of all replacement upvc windows within this property. He added that although the rear window was not visible from the street, the property location was fairly open in character and therefore visible from neighbouring properties.

RESOLVED:

that authority to pursue enforcement action against the installation of replacement upvc windows to front, side and rear elevation of second floor flat be granted.

## 5. **Planning Appeals**

RESOLVED:-

that the following list planning and enforcement appeals for March 2007 be noted:-

- (i) Planning appeals received
- (ii) Enforcement appeals received.
- (iii) Planning appeal decisions.
- (iv) Copies of selected appeal decisions.

## 6. **Date of Next Meeting**

It was noted that the next meeting of the Planning Committee would take place on Wednesday 9<sup>th</sup> May 2007. The meeting will consider policy issues only.

## 7. **Any Other Urgent Business**

Members noted that this was the last meeting for Mr Meg Hirani, Planning Manager South Area as he would be leaving to take up his new post at the London Borough of Hillingdon. On behalf of the Committee, the Chair paid tribute to his high standard of professionalism over the years and wished him every success in his new post.

The meeting ended at 9.45 pm.

S KANSAGRA  
Chair

### **Note:**

***At 9.25 pm the meeting was adjourned for 5 minutes***

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