



## Planning Committee

**Wednesday, 30 June 2010 at 7.00 pm**

Committee Rooms 1, 2 and 3, Brent Town Hall, Forty Lane, Wembley, HA9 9HD

### Membership:

#### Members

Councillors:

R Patel (Chair)  
Sheth (Vice-Chair)  
Adeyeye  
Baker  
Cummins  
Daly  
Hashmi  
Hossain  
Kataria  
McLennan  
CJ Patel

#### first alternates

Councillors:

Kabir  
Mistry  
Long  
Steel  
Cheese  
Naheerathan  
Castle  
Thomas  
Oladapo  
J Moher  
Lorber

#### second alternates

Councillors:

Kataria  
Mitchell Murray  
Mashari  
HM Patel  
Allie  
Ogunro  
Clues  
Van Kalwala  
Powney  
Moloney  
Castle

**For further information contact:** Joe Kwateng, Democratic Services Officer  
020 8937 1354, [joe.kwateng@brent.gov.uk](mailto:joe.kwateng@brent.gov.uk)

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**The press and public are welcome to attend this meeting**

**Members' briefing will take place at 6.15pm in Committee Room 4**

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.		
2. Minutes of the previous meeting		1 - 20
<b>Extract of Planning Code of Practice</b>		
<b>APPLICATIONS DEFERRED FROM THE PREVIOUS MEETING</b>		
3. Garages rear of 55 Mount Pleasant Road, Henley Road, London NW10 (Ref. 10/0932)	Brondesbury Park;	25 - 36
<b>NORTHERN AREA</b>		
4. 15 Grenfell Gardens, Harrow, HA3 0QZ (Ref. 10/1066)	Kenton;	37 - 44
<b>SOUTHERN AREA</b>		
5. 149 Chatsworth Road, London, NW2 5QT (Ref. 10/1000)	Brondesbury Park;	45 - 56
6. 2 Scrubs Lane, London, NW10 6RB (Ref 10/0585)	Kensal Green;	57 - 64
7. 45 & 45A Torbay Road, London, NW6 7DX (Ref. 10/0502)	Kilburn;	65 - 70
8. Storage Land next to 75, St Pauls Avenue, London, NW2 5TG (Ref. 10/0677)	Queens Park;	71 - 82
9. 36 Kingswood Avenue, London, NW6 6LS (Ref. 10/0909)	Queens Park;	83 - 88
<b>WESTERN AREA</b>		
10. 20 Talbot Road, Wembley, HA0 4UE (Ref. 10/0702)	Wembley Central;	89 - 98
11. 326 High Road, Wembley, HA9 6AZ (Ref. 10/0700)	Wembley Central;	99 - 110
12. 113 Sudbury Court Drive, Harrow, HA1 3SS (Ref. 10/0607)	Northwick Park;	111 - 118
13. 3 Kingswood Road, Wembley, HA9 8JR (Ref. 10/0586)	Tokington;	119 - 132
14. 91 Sudbury Court Drive, Harrow, HA1 3SS (Ref. 10/0854)	Northwick Park;	133 - 140
15. 16 The Broadway, Wembley, HA9 8JU (Ref.10/1031)	Preston;	141 - 154
16. 10 Berkhamsted Avenue, Wembley, HA9 6DT (Ref. 09/3364)	Tokington;	155 - 166
17. 2 & 2A Hannah Close, London NW10 (Ref. 09/2245)	Stonebridge;	167 - 182

18. 22 Wembley Park Drive, Wembley, HA9 8HA (Ref. 10/0054) Tokyngton; 183 - 190
19. Any Other Urgent Business

Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.

Site Visit Details - INSERT DATE

### SITE VISITS – SATURDAY 26 JUNE 2010

**Members are reminded that the coach leaves Brent House at 9.30am**

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
10/0702	20 Talbot Road, Wembley, HA0 4UE	10	Wembley Central	9:35	89 - 98
10/1031	16 The Broadway, Wembley, HA9 8JU	15	Preston	9.55	141 - 154
10/0586	3 Kingswood Road, Wembley, HA9 8JR	13	Tokyngton	10:10	119 - 132
10/0677	Storage Land next to 75, St Pauls Avenue, London, NW2 5TG	8	Willesden Green	10:40	71 - 82
10/0932	Garages rear of 55 Mount Pleasant Road, Henley Road, London NW10	3	Brondesbury Park	11:00	25 - 36
10/0585	2 Scrubs Lane, London, NW10 6RB	6	Kensal Green	11:20	57 - 64

**Date of the next meeting: Thursday, 15 July 2010**

As the next meeting will consider reports on planning policy issues, there will be no site visit prior to the date of the meeting.



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.
  - Toilets are available on the second floor.
  - Catering facilities can be found on the first floor near The Paul Daisley Hall.
  - A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge

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## LONDON BOROUGH OF BRENT

### MINUTES OF THE PLANNING COMMITTEE

Tuesday, 8 June 2010 at 7.00 pm

PRESENT: Councillors R Patel (Chair), Sheth (Vice-Chair), Adeyeye, Cummins, Daly, Hashmi, Hossain, Kataria and McLennan

ALSO PRESENT: Councillors Butt, Cheese, Gladbaum, Mistry, Powney and Shaw

Apologies for absence were received from Councillors Baker and CJ Patel.

#### 1. **Declarations of personal and prejudicial interests**

09/268      3. *Caretakers House, Mount Stewart Infant Junior School, Carlisle Gardens, Harrow, HA3 0JX*

Councillor Sheth declared a prejudicial interest as a friend of his taught at Mount Stewart Infant School. He withdrew from the meeting room and took no part in the discussion and voting during the consideration of this application.

Councillor Daly declared a prejudicial interest as a family member of hers was on the Board of Governors of Mount Stewart Infant School. She withdrew from the meeting room and took no part in the discussion and voting during the consideration of this application.

10/0290      11. *30 Hopefield Avenue, London, NW6 6LH*

Councillor Cummins declared a prejudicial interest as he had a close association with the applicant and one of speakers on this item. He withdrew from the meeting room and took no part in the discussion and voting during the consideration of this application.

#### 2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 14 April 2010 be approved as an accurate record of the meeting.

#### 3. **Caretakers House, Mount Stewart Infant School, Carlisle Gardens, Harrow, HA3 0JX (Ref. 09/2680)**

Demolition of former caretaker's house and erection of a single storey children's centre with provision of buggy storage and refuse storage areas to front and associated landscaping to site.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Area Planning Manager, Rachel McConnell, drew Members' attention to the supplementary information circulated at the meeting which included observations concerning the site visit, an amendment to condition 3 and an additional condition 13.

Ms Denise Burke, the applicant, stated that the site had been identified and agreed as a suitable location by the Executive in 2009. The proposed Children's Centre was intended to be within pram pushing distance to minimise transport impact and Denise Burke confirmed that it was intended that the Centre be open for 48 weeks of the year, with some services offered in the evening.

In reply to queries from Members, Ms Burke stated that other possible services the Centre would depend on the needs of the local community and may include an advice centre and promotion of healthy eating. She added that the site was intended for visits by families with children of up to 5 years.

During Members discussion, Councillor Kataria enquired why there was no Section 106 Agreement. In reply, the Head of Area Planning, Steve Weeks advised that Section 106 Agreements would only be sought from health and education providers if the impact on the area was significant, which in this case it was not perceived to be.

DECISION: Planning permission granted subject to conditions, an amendment to condition 3 and an additional condition 13 as set out in the supplementary information.

#### **4. Building & grounds, Oriental City, Edgware Road NW9 (Ref. 10/0775)**

Extension to time limit of planning permission 06/1652 dated 13/06/2007 for the demolition of existing buildings and redevelopment for mixed-use purposes, comprising Class A1 retail (with a replacement Oriental City [to include a Sui Generis amusement arcade and A3/A5 Uses], new B & Q and bulky goods store, which together should provide 500 jobs), 520 residential units (comprising 1-, 2- and 3-bedroom flats, 4% being affordable) located in eight blocks rising to 3, 6, 9 and 18 storeys above a fifth-floor-level landscaped podium along the Edgware Road, rising to 8, 4, 5 and 2 storeys above the fifth-floor landscaped podium facing Plaza Walk and rising to 3 and 6 storeys above the Grove Park street level; also, a nursery and primary school for 480 children, a health & fitness studio (Use Class D2), associated landscaping, servicing, 1,098 car-parking spaces - comprising 721 spaces for retail users (incl. school drop-off and disabled), 5 staff spaces accessed from Grove Park for the school, and 351 (incl. disabled) spaces for residents and a further 21 disabled spaces on the podium and works to highway.

OFFICER RECOMMENDATION: Grant planning permission subject to confirmation that referral to the Government Office for London is not required and to the completion of a satisfactory Section 106 or other legal agreement (details below), and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

The Area Planning Manager, Rachel McConnell, advised that the application was to extend the existing planning permission granted on 13 June 2007. She drew Members' attention to the supplementary information circulated at the meeting which included observations concerning the site visit and further comments received. She also advised of an amendment to the wording of the Section 106 Agreement.

Mr Robert Dunwell, speaking on behalf of the Queensbury Area Residents' Association and Group of Associations, circulated a statement to all members with the permission of the Chair. Mr Dunwell began by expressing concern that there was no mention in the report of a temporary community space for the Chinese community even though this was included in the Section 106 Agreement. He felt that as the Chinese community had been without a Chinese Centre for over 2 years, that every effort should be made to ensure one was provided within a reasonable time, which he suggested be within 6 months. Mr Dunwell also asked the Committee to consider the pressure on parking spaces for the site, especially in view of Barnet Council's introduction of a Controlled Parking Zone scheme in the area.

Mr Fai Liu addressed the Committee as the Chair of the Oriental City Tenants' Association (OCTA) which he stated represented the majority of interests within the Oriental community in the area. He stated that the applicant had failed to re-provide the facilities promised since the removal of the tenants from the site in 2008, even though the applicant had agreed that the displacement would only be temporary. Mr Liu expressed disappointment that there had been no meaningful progress on the site.

In reply to queries from Members, Mr Liu confirmed that OCTA had received a £250,000 contribution from the applicant, however the main concern was the applicant's failure to re-provide facilities for OCTA that were now over 2 years overdue. He stated that 400sq metres of space dedicated to local residents and groups supporting Oriental Culture on the site was one of the terms in the Section 106 Agreement and that there were some 12,000 Chinese people living in the area. Mr Liu acknowledged that economic circumstances had played its part in the lack of development on the site.

Mr Ben Ford, the applicant's agent, addressed the Committee and confirmed the applicant's intention to extend the existing planning permission. Mr Ford, whilst acknowledging the concerns raised by OCTA, stated that the applicant had been powerless to proceed with the development due to the unexpected economic downturn which had not been perceived at the time of the first planning application. He stated that if planning permission was granted, it would provide the opportunity the applicant required to develop the site and that in the meantime OCTA had received a commercial payment from the applicant to assist in its

survival. Mr Ford asserted that the Section 106 Agreement included that the applicant provide a temporary community centre and not a temporary Oriental City structure during the construction of the new site.

In reply to questions raised by Members, Mr Ford reiterated that the applicant was legally bound to honour the Section 106 Agreement, which included providing for a new permanent Oriental Centre, a temporary community centre upon commencement of construction and a permanent one upon completion. He stated that the applicant could not provide a guarantee as to when development would start as this was dependent on the economic situation, however the terms of the Section 106 Agreement and conditions would be fulfilled once works started. Members noted that the applicant had anticipated a two year construction period from when the first planning application was submitted. Mr Ford stated that there had been a number of discussions between the applicant, OCTA, the Planning Service and other organisations about progressing the development and that the applicant was only permitted to apply to extend the planning permission once.

During Members' discussion, Councillor Kataria noted that the proposals included 351 parking spaces for 820 residents and he enquired if there were sufficient parking spaces in the streets surrounding the site. With regard to the Environmental Agency's objection to the scheme, he sought further views with regard to a flood risk and whether a sustainable drainage system was proposed. Councillor Hasmhi expressed concern that the Chinese community had been without facilities on this site for an excessive period and enquired whether there could be a condition guaranteeing them a community centre.

In reply, the Head of Area Planning, Steve Weeks confirmed that the applicant had met the required parking standards and he noted that there may be a Controlled Parking Scheme in operation in the future. The site also had good public transport links. He commented that the Environmental Agency's observations had been considered and he explained that a flood risk was not an issue, but rather how water was disposed from the site. A condition that the applicant's drainage system be designed appropriately addressed this issue. Steve Weeks confirmed that the applicant was required to provide a temporary community centre upon commencement of construction and a permanent community centre upon completion. He advised that if the planning permission was refused and another developer acquired the site, they would not be obliged to provide a community centre.

The Committee was advised that it would be unreasonable to add a condition requiring the applicant to provide a community centre regardless of whether the site was developed.

DECISION: Planning permission granted subject to confirmation that referral to the Government Office for London is not required, conditions, and to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

**5. 26 Westward Way, Harrow, HA3 0SE (Ref. 10/0867)**



Erection of first floor side/rear extension and external alterations to the existing ground floor side to rear extension to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Head of Area Planning drew Members' attention to further observations in the supplementary information circulated at the meeting.

DECISION: Planning permission granted subject to conditions.

**6. 10 The Garth, Harrow, HA3 9TQ (Ref. 10/0766)**

Demolition of detached garage and erection of a single and two storey side extension, first floor rear extension, front porch and associated landscaping to front of dwellinghouse (as amended by plans received 26.05.2010).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Head of Area Planning confirmed that the application was fully Supplementary Planning Guidance (SPG) compliant.

DECISION: Planning permission granted subject to conditions.

**7. 4 Aston Avenue, Harrow, HA3 0DB (Ref. 10/0518)**

Demolition of attached side garage and erection of part single-/part two-storey side and rear extensions, erection of rear dormer window and installation of 2 rooflights to both side roof slopes and 1 front rooflight to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Head of Area Planning confirmed that the application was fully SPG compliant.

Councillor Katria queried why there was a condition requiring that the applicant provide two parking spaces.

In reply, the Head of Area Planning advised that this was consistent with Council Policy and the London Plan.

DECISION: Planning permission granted subject to conditions.

**8. 90 Regal Way, Harrow, HA3 0RY (Ref. 10/0305)**

Demolition of attached garage and erection of a single and two storey side extension, a single and two storey rear extension, installation of 1 front, 1 side and 1 rear rooflight and a rear dormer window to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Area Planning Manager, Rachel McConnell, advised Members that an earlier application had been refused, however this application was a considerable improvement on the previous one. She drew Members' attention to the observations in the supplementary information circulated at the meeting.

Mr Mansur, in objecting to the application, stated that the proposed side extension would close the gap between the applicant and his property. He also objected to the application on the grounds of excessive size, bulky appearance and invasion of privacy. Mr Mansur added that if he was to make a similar application, a terracing effect would be created.

Councillor Kataria enquired if the application met with SPG and sought further comments in respect of terracing.

In reply, the Head of Area Planning acknowledged concerns about terracing but advised that a gap would still exist and that SPG guidelines, which the application met, were tighter in respect of terracing compared to a number of other London boroughs.

DECISION: Planning permission granted subject to conditions.

**9. Caretakers House, Kingsbury High School Annexe, 75 Roe Green, London, NW9 0PN (Ref. 10/0515)**

Retrospective application (and completion of works) for the erection of 3 x 3 bedroom terraced dwellinghouses, with creation of 2 vehicular accesses, hard and soft landscaping to front and provision of private amenity space to rear as accompanied by Deed of Agreement dated 22nd August 2008 under Section 106 of the Town and Country Planning Act 1990 (as amended).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Head of Area Planning advised that this was a retrospective application as the works carried out differed from what had initially been approved and some plans had been inaccurate. Members noted that the application was being recommended for approval and the existing canopy already restricted the outlook.

Councillor Hashmi queried the provision of one parking space for each dwelling in view that they were three bedroom properties. Councillor Kataria enquired why the Section 106 Agreement contribution was £18,000 as greater contributions had been required for similar applications of this scale.

In reply, the Head of Area Planning advised that the maximum amount of parking spaces were being provided in compliance with policy. The Committee noted that the Section 106 Agreement had been transferred from the previous approval.

Members then agreed to the Head of Area Planning's suggestion that the application be approved in principle but to delegate the final decision on the application to the Head of Area Planning in particular for him to consider whether a further Section 106 contribution is required.

DECISION: Approve in principle but delegate final decision on the application to the Head of Area Planning in particular for him to consider whether a further section 106 contribution is required.

**10. 145 Harvist Road, London, NW6 6HB (Ref. 10/0456)**

Erection of a single storey rear extension, installation of 1 rear rooflight, 2 side doors, 3 ground floor, 3 first floor and 3 second floor windows to side elevation, new timber door to rear elevation and erection of timber gates to side of dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Area Planning Manager confirmed that the application complied with SPG and that the objections received were addressed by condition 3 in the report. Members were advised that the word 'not' in the third line of the paragraph titled 'Rear Rooflight' on page 91 should be deleted.

DECISION: Planning permission granted subject to conditions.

**11. 30 Hopefield Avenue, London, NW6 6LH (Ref. 10/0290)**

Demolition of existing rear conservatory and erection of single-storey side infill extension to dwellinghouse.

OFFICER RECOMMENDATION: Refuse planning permission.

The Area Planning Manager, Andy Bates, introduced the report and drew Members' attention to the reason for refusal and to a further letter of objection from the Queens Park Residents' Association (QPRA) and additional comments from the applicant in the supplementary information circulated at the meeting.

Mr Stephen Greene, speaking in support of the application, stated that the applicant felt the application was sympathetic to the design and character of the local area and that the extension complied with Article 4. He added that there would be no impact on light, that the application was not an overdevelopment and that the immediate neighbours had not objected to the scheme.

During discussion, Councillor Hashmi sought further clarity with regard to officers' views on the proposals for a full length infill extension. Councillor Kataria enquired whether the application would be considered acceptable if it was not in a Conservation Area.

In response to the issues raised, the Area Planning Manager acknowledged that the immediate neighbours had not objected to the application, however on balance the recommendation was for refusal, taking into account the concerns expressed by QPRA and because it failed to be sufficiently sympathetic to the character of the building in view that was within a Conservation Area.

The Head of Area Planning, Steve Weeks, added that full length infill extensions were generally discouraged and that the application would be more acceptable if the extension was broken up, possibly by including a lightwell and if was a lighter weight construction. Members noted that similar applications in non-conservation areas had been allowed by Planning Inspectors on appeal in the past, however it was desirable that such applications were not visible from the street.

DECISION: Planning permission refused.

## **12. Land rear of 40-42 Okehampton Road London NW10 (Ref. 10/0310)**

Demolition of 4 garages and erection of a two-storey, two-bedroom dwellinghouse with basement, timber fencing (1.8m high) to boundary, installation of vehicular and pedestrian gate to front, formation of new pedestrian access, alterations to narrow existing vehicular access to site and raise part of existing dropped kerb, with provision of 1 car-parking space.

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 Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

The Area Planning Manager, Andy Bates, introduced the report and confirmed that the application was a re-submission of an earlier application in 2007.

Ms Byrne confirmed that she lived in the property next door to the site and explained that her property had required works on three separate occasions due to subsidence. She expressed particular concern with regard to the basement proposals and stated that her insurers had recommended that the applicant agree to total liability and that they provide a constructive method statement. Ms Byrne stated that the Ladbroke Association had advised her that there would be considerable noise and vibration whilst works were being undertaken for the basement which would impact on her quality of life. She also commented that the proposed timber cladding for the exterior would quickly deteriorate and felt that a wider area should be consulted over the materials to be used.

Councillor Hashmi acknowledged Ms Byrne's concerns and enquired whether a £9,000 contribution for a Section 106 Agreement was appropriate. He also

queried how the non-habitable use of the basement could be controlled to prevent a breach of use.

In reply, the Area Planning Manager advised that there was clear guidance with regard to two bedroom applications and that the Section 106 Agreement contribution was appropriate. He drew Members' attention to Condition 5 in the report which stated that the basement was only permitted for storage use.

The Head of Area Planning acknowledged Ms Byrne's concerns, explaining that some of the issues raised were more relevant to the Party Wall Act and Building Regulations, rather than being a planning consideration. He advised that although there would inevitably be some noise and disturbance during works, a construction method statement could address some of the concerns raised, such as limiting the times during which works take place. He, therefore, suggested that a construction method statement should be required via condition.

Members then agreed to the application with the addition of a condition requiring the applicant to provide a method construction statement.

DECISION: Planning permission granted subject to conditions, an additional condition that a construction method statement be provided, informatives, and on the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

**13. 113A,113B & 113C Keslake Road London NW6 (Ref. 10/0523)**

Conversion of 3 self contained flats into a single family dwellinghouse and erection of 1 rear dormer window, 1 rear rooflight, replacement of lower ground floor side door with window, replacement of lower ground floor side window with new window and a single storey side extension to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Area Planning Manager, Andy Bates, confirmed that the application complied with SPG. He acknowledged an error in report highlighted by Councillor Cummins that erroneously stated that the adjoining property was 187 Chevening Road.

Councillor Kataria expressed disappointment that such a property was to be converted into flats.

DECISION: Planning permission granted subject to conditions.

**14. 41A Montrose Avenue, London, NW6 6LE (Ref. 10/0672)**

Conversion of 3 self contained flats into a single family dwellinghouse and erection of 1 rear dormer window, 1 rear rooflight, replacement of lower ground floor side door with window, replacement of lower ground floor side window with new window and a single storey side extension to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Area Planning Manager, Andy Bates, advised that this was a good example of what proposals should be included for a side and rear extension.

DECISION: Planning permission granted subject to conditions.

**15. 147-153 High Street, London, NW10 4TR (Ref. 10/0569)**

Outline application for erection of 3- and 4-storey building with basement to provide 20 affordable flats, consisting of 1 one-bedroom, 12 two-bedroom and 7 three-bedroom flats (matters to be determined: access, appearance, layout and scale).

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 Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

The Area Planning Manager, Andy Bates, drew Members' attention to further observations, amendments to the Section 106 Agreement Heads of Terms, amendments to conditions 8 and 11 and an additional condition as set out in the supplementary information circulated at the meeting.

Mr Ian Britton introduced himself to the Committee and explained that he was representing the views of residents of Rucklidge Avenue and the High Street. With the agreement of the Chair, he circulated information detailing his objections to the application. He asserted that the application did not meet the following SPGs for the reasons mentioned:-

SPG 17 3.2– overbearing and dominant feature

SPG 17 3.4 – significant loss of sunlight

SPG 5.1 and 5.2 – gardens and outside amenity space not of sufficient size

SPG7 3.3 – loss of privacy caused by site's windows being 17 metres from a neighbouring property's bedroom and kitchen windows when it should be at least 20 metres

BE9 – proposals not of sufficient architectural quality

Mr Britton stated that a previous Planning Inspector's report had expressed concern on the impact of the application on residents' living conditions and he urged the Committee to refuse the application.

Ms Anne Ellam, in objecting to the application, stated that the development would lead to damage to neighbouring properties and lead to a lower quality of life for

residents close to the site. She felt that the proposals represented an over development of the site, that it was overly dense, it did not provide sufficient external recreational space contrary to SPG 5.1, neighbouring garden areas would suffer loss of light, children could be at risk from falling from the proposed balconies and it would exacerbate existing pressure on parking spaces. In addition, Ms Ellam felt that the application would place increased strain on the local infrastructure, including schools and GPs. She felt that the application needed to be significantly smaller in scale to make it more acceptable.

With the agreement of the Chair, a letter from Mrs Mehta outlining her objections to the scheme was circulated to Members.

Mr Robin Bretherwick, the applicant's agent, addressed the Committee. He stated that the application had been improved since the earlier Planning Appeal hearing and there had been a number of revisions since meeting with residents' associations, ward councillors and Council officers. Mr Bretherwick asserted that the application would assist the Council's objective in providing sufficient affordable housing and met all the requirements suggested by Planning officers, including exceeding those of SPG 17. Members heard that the site was located within a priority area for Town Centre enhancement and the applicant had appointed an award winning architect to produce a design for the scheme.

In reply to queries from Members, Mr Bretherwick confirmed that there had been a full report on decontaminating the site and that the petrol station site had been fully decontaminated. Mr Bretherwick acknowledged concerns with regard to parking space and children's play space area but he stated that the site exceeded amenity space requirements, the scheme was car free and the site was well served by public transport.

**In accordance with the provisions of the Planning Code of Practice, Councillor Powney** confirmed that he had been approached by objectors with regard to the application and that he was speaking as a ward member. He felt that the distance of the site in relation to 139 High Road did not meet SPG guidelines as the distance should be 10 metres, not the 6 metres proposed. Councillor Powney stated when the application was previously considered by the Committee, Members may not have been aware that flank windows of 139 High Street were of habitable rooms and therefore would suffer from a poor outlook. He also stated windows of neighbouring properties would suffer significant loss of sunlight. In view of these issues, Councillor Powney felt that planning permission should be refused.

During discussion by Members, Councillor Kataria, whilst acknowledging the need for affordable housing, commented that there appeared to be substantial objections to the application and he sought officers' observations with regard to this. He also enquired whether the roof could be accessed from the balconies and if so would this represent a risk to children. Councillor Cummins sought comments with regard to signage at the wall of 155 High Road and the presence of a gas meter. Councillor McLennan enquired if there was any guidance in respect of sunlight and height restrictions with regard to maintaining privacy.

In reply to the issues raised, the Area Planning Manager advised that the additional condition in the supplementary information prevented access to the roof from the balconies.

The Head of Area Planning stated that the British Research Establishment provided guidelines in respect of sunlight, although these were not universal. He advised that generally, the applicant met sunlight requirements and it was not considered that the impact on sunlight alone would provide sufficient grounds to refuse the application. Members heard that if signage in respect of the wall along 155 High Road was legal, then a suitable arrangement would need to be made with the applicant, and similarly so with regard to the gas meter. The Head of Area Planning advised that proposals met the minimum standards for distance between windows and he reminded Members to consider the application in the context of a dense, urban site. He acknowledged Councillor Powney's comments with regard to the flank windows on 139 High Road and the report accepted that there was a restriction of outlook in this respect. Members noted that affordable housing was required to meet high standards.

Members then considered the application and voted to refuse the application contrary to the officer's recommendation with the following statement of reasons: the scale of the development resulting in a poor relationship with properties on Rucklidge Avenue, lack of amenity space, loss of outlook to the flank of 139 High Street and to dwellings on Rucklidge Avenue .and the impact on the frontage of the introduction of lightwells.

**In accordance with the provisions of the Planning Code of Practice**, voting on the officers' recommendation for approval of this application was recorded as follows:-

**FOR:** Councillor Hashmi (1)

**AGAINST:** Councillors Adeye, Cummins, Daly, Hossain, Kataria, McLennan, R Patel and Sheth (8)

**ABSTENTIONS:** None (0)

**In accordance with the provisions of the Planning Code of Practice**, voting on the reasons for refusal of this application was recorded as follows:-

**FOR:** Councillors Adeye, Cummins, Daly, Hossain, Kataria, McLennan, R Patel and Sheth (8)

**AGAINST:** None (0)

**ABSTENTIONS:** Councillor Hashmi (1)

**DECISION:** Planning permission refused on the grounds of the scale of the development resulting in a poor relationship with properties on Rucklidge Avenue, lack of amenity space, loss of outlook to the flank of 139 High Street and to dwellings on Rucklidge Avenue .and the impact on the frontage of the introduction of lightwells.



**16. 24 Carlisle Road, Kilburn, London, NW6 6TS (Ref. 10/0728)**

Single storey rear extension, rear dormer window and installation of 1 rear and 1 front rooflight and 1 rooflight to rear projection of dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Area Planning Manager, Andy Bates, stated that the Planning Inspector had allowed an earlier appeal and that the Council had to be mindful of his comments.

DECISION: Planning permission granted subject to conditions.

**17. Garages rear of 55 Mount Pleasant Road, Henley Road, London NW6 (Ref. 10/0932)**

Demolition of an existing single-storey, double-garage building to rear of 55 Mount Pleasant Road, NW10; and erection of a new single-storey, flat-roofed, two-bedroom dwellinghouse with basement storage accommodation, removal of the existing vehicular access onto Henley Road with associated landscaping of the garden amenity area.

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 advice from the Borough Solicitor.

The Area Planning Manager, Andy Bates, drew Members' attention to minor amendments to the wording of the Section 106 Agreement and letters in support of the application as set out in the supplementary information circulated at the meeting. He stated that the applicant had submitted two applications, of which this one was for a flat-roofed dwelling and the officer's recommendation was to approve planning permission.

Mr Martin West, a local resident, stated that a petition containing some 90 signatures objecting to the application had been submitted. He objected to the application on the grounds of its character, appearance and design being out of keeping with the area, the detrimental effect on neighbouring gardens, the size and layout of the site and that it would represent an overdevelopment. Mr West suggested that the site was too small to accommodate a residential dwelling and that there would be insufficient amenity space, especially for children and there was a lack of landscaping. He added that if the application was approved, it could set an unwelcome precedent for approving similar applications in the area.

Mr Liam Clear, in also objecting to the application, expressed concern with regard to the detrimental impact the carbon footprint of developing this site would have on the environment. He added that approving the application would be contrary to the Carbon Reduction Commitment and that the application had already been

refused on several occasions previously. He also expressed concern that approving the application could set a precedent and he urged the Committee to refuse planning permission.

**In accordance with the provisions of the Planning Code of Practice, Councillor Shaw** confirmed that she had been approached by both objectors and supporters of the application and that she was speaking in her capacity as a ward councillor. Councillor Shaw referred to the application being refused several times previously and being dismissed on appeal. She stated that the majority of residents were strongly objecting to the application and she referred to the petition objecting to it previously mentioned by Mr West. She suggested that there was insufficient space on site for such a use and the proposals would impinge on properties in two neighbouring roads. Councillor Shaw felt that a flat roof design was no more acceptable than the pitched roof design for the second application. She commented that the provision of one parking space was insufficient and would exacerbate pressure on parking spaces in the area, whilst there would also be a loss of greenery. Councillor Shaw expressed concerns about the risk of flooding and increased noise and lighting emanating from the proposed rooftop lights and also felt the application could set a precedent if approved. She queried the Section 106 Agreement of £6,000 towards education, sustainable transport, and open space and sports in the local area. Councillor Shaw concluded by requesting that the application be refused, or that it be deferred for a site visit.

During discussion by Members, Councillor Kataria acknowledged concerns that the application could set a precedent if approved and he felt that valid issues had been raised which needed to be considered by visiting the site.

Members then unanimously agreed to defer the application for a site visit to consider the issues raised at the meeting.

DECISION: Application deferred for site visit.

**18. Garages rear of 55 Mount Pleasant Road, Henley Road, London NW6 (Ref. 10/0933)**

Demolition of an existing single-storey, double-garage building to rear of 55 Mount Pleasant Road, NW10; and the erection of a new single-storey, pitched-roof, two-bedroom dwellinghouse with basement storage accommodation, removal of the existing vehicular access onto Henley Road with associated landscaping of the garden amenity area.

OFFICER RECOMMENDATION: Refuse planning permission.

The Area Planning Manager, Andy Bates, drew Members' attention to additional comments and the additional reason for refusal as set out in the supplementary information circulated at the meeting.

Members unanimously agreed to defer the application for a site visit to consider the issues raised at the meeting.

DECISION: Application deferred for site visit.

**19. 68 Walm Lane, London, NW2 4RA (Ref. 10/0455)**

Change of use from sandwich bar (Use Class A1) to cafe (Use Class A3) and installation of extract duct.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Area Planning Manager, Andy Bates, drew Members' attention to additional observations as set out in the supplementary information circulated at the meeting.

Mr Neil Eldem stated that a petition with approximately 100 signatures had been submitted objecting to the application. Mr Eldem suggested that the A3 use applied for was contrary to the agreement with the landlord and of the application was approved the addition of the cafe would place further pressure on restaurants in the area that were already suffering due to the economic downturn. He felt that the application would be detrimental to both local residents and businesses.

Mr Luke Karl, in objecting to the application, expressed concern that the installation of the extract duct would create unwelcome smells for the neighbouring properties and he also suggested that there were already sufficient restaurants in the area.

During Members' discussion, Councillor Cummins referred to conditions 4 and 5 in the report and enquired where the refuse and food waste would be stored. He added that if the rear garden was to be utilised for refuse storage, wheelie bins would be required to transport it to the collection point. Councillor Kataria felt that the report addressed all planning considerations and therefore there were no grounds for refusal. Councillor Hashmi enquired whether Environmental Health could be contacted to ensure that the applicant was storing and disposing of refuse appropriately.

In reply to the issues raised, the Area Planning Manager advised that the proposed storage area was to the rear area of the floor plan.

The Head of Area Planning acknowledged concerns about smells coming from the proposed extract duct and he stated that any issues could be addressed by Environmental Health, although they were happy with refuse storage and collection arrangements.

Members then agreed to the Head of Area Planning's suggestion to an additional condition that the applicant provide further details of storage arrangements for waste prior to its collection and an informative.

DECISION: Planning permission granted subject to conditions, an additional condition that the applicant provide further details of storage arrangements for waste prior to its collection and an informative.

**20. 212-214 Church Road, London, NW10 9NP (Ref. 08/1712)**

Retention of a single-storey rear extension to the community centre with set back from rear of Ilex Road across whole extension, landscaping of exposed area, lowered and non-opening roof lantern windows, air-conditioning units to flat roof and planters at end of rear extension.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Area Planning Manager, Andy Bates, stated that this was a balanced, appropriate application in view of the site's location.

Councillor Kataria commented that a town centre location for a community centre was unusual.

DECISION: Planning permission granted subject to conditions and an informative.

**21. 29-31, Brook Avenue, Wembley, HA9 8PH (Ref. 10/0601)**

Extension to time limit of planning permission 07/0158, dated 18/04/2007, for demolition of existing 3 x 2-storey houses on the site and erection of part 3-storey and 4-storey building (including lower ground level) with front and rear dormer windows and balconies to provide 13 self-contained flats (comprising ten 2-bedroom flats and three 3-bedroom flats) with formation of new vehicular and pedestrian access, provision of 4 car-parking spaces (including 2 disabled parking bays), refuse-storage and landscaping to the front, cycle store for 13 cycles at lower ground level, rear amenity space and associated works, involving retention of the existing chimney between No. 28 and 29 Brook Avenue, and works undertaken to support it and make good this elevation, the former party wall.

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 Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

The Head of Area Planning advised that the plan on page 184 of the report was inaccurate and he drew Members' attention to additional comments in the supplementary information circulated at the meeting.

Councillor Hashmi queried the aspect of the Section 106 Agreement concerning affordable housing. Councillor Cummins enquired how the affordable housing element of the application would be monitored.

In reply, the Head of Area Planning advised that a £50,000 Section 106 Agreement contribution would be required towards affordable housing, unless an acceptable Affordable Housing Toolkit was submitted showing a return of less than

17.5 per cent. He advised that the IT software used by the Planning Service automatically flagged up the proportion of affordable housing for any scheme where this use was proposed.

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

**22. Wembley Mini Market and Public Convenience, Lancelot Road, Wembley, HA0 (Ref. 10/0646)**

Demolition of existing market structures and public convenience, and erection of a part two-, three- and four-storey building, comprising 21 flats (1 x 1-bedroom, 18 x 2-bedroom and 2 x 3-bedroom), with amenity space and associated landscaping.

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 Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

The Head of Area Planning drew Members' attention to the additional condition 15 and an amendment to informative 1 as set out in the supplementary information circulated at the meeting.

**In accordance with the provisions of the Planning Code of Practice, Councillor Mistry** confirmed that he had been approached by objectors to the application and that he was speaking in his capacity as ward councillor. He stated that there had been a petition against the scheme with approximately 100 signatures. Councillor Mistry expressed concern that the application lacked parking provision and that residents would have to rely on obtaining residents permits. He added that Turton Road was already over parked, with triple parking often occurring, whilst the garden area at the back of the site was also unsuitable. Councillor Mistry commented that the site's location on a steep hill would also make access difficult for disabled residents.

During Members' discussion, Councillor Hashmi expressed concern that there were no disabled parking spaces provided. Councillor Cummins queried how disabled parking spaces could be provided on-street as mentioned in the report in view that the objectors had stated that the surrounding roads were already over parked. He also queried the comments in the report in respect of the Landscape Design Team and Urban Design. Councillor McLennon enquired whether the reduction to the Section 106 Agreement was due to the application being re-configured.

In reply to the issues raised, the Head of Area Planning stated that the Section 106 Agreement contribution had been reduced due to the revised proposals reducing the total number of bedrooms by one. He advised that if a disabled parking space was provided on-street, this would be at the expense of an existing

parking bay. He advised that the Landscape Design Team and Urban Design comments in the report had not been updated.

DECISION: Planning permission granted subject to conditions, informatives, an additional condition 15 and an amendment to informative 1 as set out in the supplementary information and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

**23. The Stonebridge Centre, 6 Hillside, Stonebridge, London, NW10 8BN (Ref. 10/0631)**

Installation of 12 metre pole mast with broadcast antenna and flat plate link antenna for community radio station on roof of building (The Hillside Hub).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Head of Area Planning confirmed that the application was SPG compliant.

Councillor Hashmi felt that there were insufficient details in the application to address health issues, in particular in relation to the use of radio waves. Councillor Cummins enquired if the antenna could be used as a mobile phone mast.

In reply, the Head of Area Planning advised that the radio waves were on a different frequency to mobile masts and that the structure proposed could not be used for mobile phone signals. However Members agreed to the Head of Area Planning's suggestion that an informative be included reminding the applicant of their obligations to OfCom with regard to inspection and regulation of the FM antenna.

DECISION: Planning permission granted subject to conditions and the addition of an informative reminding the applicant of their obligations to OfCom with regard to inspection and regulation of the FM antenna.

**24. Minavil House, Rosemont Road, Wembley, HA0 (Ref. 10/0245)**

Demolition of existing building and erection of new building ranging from one storey to 11 storeys in height, comprising retail space at ground floor, office space at first floor, 55 flats at upper-floor levels, provision of 35 off-street parking spaces, cycle storage areas, roof terraces and amenity space with associated landscaping to site.

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 Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

The Head of Area Planning introduced the report and confirmed that the application was to redevelop an existing site. He drew Members' attention to additional observations, amendments to conditions 4, 7 and 9 and additional conditions as set out in the supplementary information circulated at the meeting.

DECISION: Planning permission granted subject to conditions, amendments to conditions 4, 7 and 9 and additional conditions as set out in the supplementary information and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

**25. Wembley High Technology College, East Lane, Wembley, HA0 3NT (Ref. 10/0436)**

Three-storey extension to school building to provide sixth-form facility adjacent to East Lane (as amended by revised plans dated 13/05/10).

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 Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor.

The Head of Area Planning advised that the application was fully SPG compliant.

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

**26. Any other urgent business**

None.

**27. Date of next meeting**

It was noted that the next meeting of the Planning Committee was scheduled for Wednesday, 30 June 2010 and that the site visit for this meeting would take place the preceding Saturday, 26 June 2010 at 9.30 am when the coach leaves Brent House.

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## **EXTRACT OF THE PLANNING CODE OF PRACTICE**

### **Purpose of this Code**

The Planning Code of Practice has been adopted by Brent Council to regulate the performance of its planning function. Its major objectives are to guide Members and officers of the Council in dealing with planning related matters and to inform potential developers and the public generally of the standards adopted by the Council in the exercise of its planning powers. The Planning Code of Practice is in addition to the Brent Members Code of Conduct adopted by the Council under the provisions of the Local Government Act 2000. The provisions of this code are designed to ensure that planning decisions are taken on proper planning grounds, are applied in a consistent and open manner and that Members making such decisions are, and are perceived as being, accountable for those decisions. Extracts from the Code and the Standing Orders are reproduced below as a reminder of their content.

### **Accountability and Interests**

4. If an approach is made to a Member of the Planning Committee from an applicant or agent or other interested party in relation to a particular planning application or any matter which may give rise to a planning application, the Member shall:
  - a) inform the person making such an approach that such matters should be addressed to officers or to Members who are not Members of the Planning Committee;
  - b) disclose the fact and nature of such an approach at any meeting of the Planning Committee where the planning application or matter in question is considered.
7. If the Chair decides to allow a non-member of the Committee to speak, the non-member shall state the reason for wishing to speak. Such a Member shall disclose the fact he/she has been in contact with the applicant, agent or interested party if this be the case.
8. When the circumstances of any elected Member are such that they have
  - (i) a personal interest in any planning application or other matter, then the Member, if present, shall declare a personal interest at any meeting where the particular application or other matter is considered, and if the interest is also a prejudicial interest shall withdraw from the room where the meeting is being held and not take part in the discussion or vote on the application or other matter.
11. If any Member of the Council requests a Site Visit, prior to the debate at Planning Committee, their name shall be recorded. They shall provide and a

record kept of, their reason for the request and whether or not they have been approached concerning the application or other matter and if so, by whom.

### **Meetings of the Planning Committee**

24. If the Planning Committee wishes to grant planning permission contrary to officers' recommendation the application shall be deferred to the next meeting of the Committee for further consideration. Following a resolution of "minded to grant contrary to the officers' recommendation", the Chair shall put to the meeting for approval a statement of why the officers recommendation for refusal should be overturned, which, when approved, shall then be formally recorded in the minutes. When a planning application has been deferred, following a resolution of "minded to grant contrary to the officers' recommendation", then at the subsequent meeting the responsible officer shall have the opportunity to respond both in a further written report and orally to the reasons formulated by the Committee for granting permission. If the Planning Committee is still of the same view, then it shall again consider its reasons for granting permission, and a summary of the planning reasons for that decision shall be given, which reasons shall then be formally recorded in the Minutes of the meeting.
  
25. When the Planning Committee vote to refuse an application contrary to the recommendation of officers, the Chair shall put to the meeting for approval a statement of the planning reasons for refusal of the application, which if approved shall be entered into the Minutes of that meeting. Where the reason for refusal proposed by the Chair is not approved by the meeting, or where in the Chair's view it is not then possible to formulate planning reasons for refusal, the application shall be deferred for further consideration at the next meeting of the Committee. At the next meeting of the Committee the application shall be accompanied by a further written report from officers, in which the officers shall advise on possible planning reasons for refusal and the evidence that would be available to substantiate those reasons. If the Committee is still of the same view then it shall again consider its reasons for refusing permission which shall be recorded in the Minutes of the Meeting.
  
29. The Minutes of the Planning Committee shall record the names of those voting in favour, against or abstaining:
  - (i) on any resolution of "Minded to Grant or minded to refuse contrary to Officers Recommendation";
  - (ii) on any approval or refusal of an application referred to a subsequent meeting following such a resolution.

### **STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE**

- (a) At meetings of the Planning Committee when reports are being considered on applications for planning permission any member of the public other than the applicant or his agent or representative who wishes to object to or support the grant of permission or support or oppose the imposition of conditions may do

so for a maximum of 2 minutes. Where more than one person wishes to speak on the same application the Chair shall have the discretion to limit the number of speakers to no more than 2 people and in so doing will seek to give priority to occupiers nearest to the application site or representing a group of people or to one objector and one supporter if there are both. In addition (and after hearing any members of the public who wish to speak) the applicant (or one person on the applicant's behalf) may speak to the Committee for a maximum of 3 minutes. In respect of both members of the public and applicants the Chair and members of the sub-committee may ask them questions after they have spoken.

- (b) Persons wishing to speak to the Committee shall give notice to the Democratic Services Manager or his representatives prior to the commencement of the meeting. Normally such notice shall be given 24 hours before the commencement of the meeting. At the meeting the Chair shall call out the address of the application when it is reached and only if the applicant (or representative) and/or members of the public are present and then signify a desire to speak shall such persons be called to speak.
- (c) In the event that all persons present at the meeting who have indicated that they wish to speak on any matter under consideration indicate that they agree with the officers recommendations and if the members then indicate that they are minded to agree the officers recommendation in full without further debate the Chair may dispense with the calling member of the public to speak on that matter.

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**Committee Report  
Planning Committee on 30 June, 2010**

**Item No.** 3  
**Case No.** 10/0932

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**RECEIVED:** 17 April, 2010

**WARD:** Brondesbury Park

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** Garages rear of 55 Mount Pleasant Road, Henley Road, London

**PROPOSAL:** Demolition of an existing single-storey, double-garage building to rear of 55 Mount Pleasant Road, NW10; and erection of a new single-storey, flat-roofed, two-bedroom dwellinghouse with basement storage accommodation, removal of the existing vehicular access onto Henley Road with associated landscaping of the garden amenity area

**APPLICANT:** Mr Rayburn

**CONTACT:** Ambo Architects

**PLAN NO'S:**  
See condition 2

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At the Planning Committee meeting on the 8th June 2010, Councillor Kataria moved that this application be deferred for a site visit. Members endorsed this and resolved to defer consideration of this application in order to allow for such a site visit to be undertaken.

## **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 advice from the Borough Solicitor

## **SECTION 106 DETAILS**

The application requires a Section 106 Agreement, in order to secure the following benefits:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- A contribution of £6,000 (£3,000 per bedroom), due on material start, index-linked from the date of decision for Education, Sustainable Transportation and Open Space & Sports in the local area.

And, to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

## **EXISTING**

The application refers to the site at the rear of No 55 Mount Pleasant Road which sites a detached double garage. The ownership of the application site have been separated from the dwellinghouse at No 55 for over 7 years.

The predominant surrounding character is residential, mainly with semi detached properties along Mount Pleasant Road and terraced properties along Hanover Road. The rear gardens of Mount Pleasant Road and Hanover Road make up the street frontage of Henley Road with access to the detached garages at the rear of those properties. There are four detached garages in total, including the application site, fronting Henley Road.

## **PROPOSAL**

Demolition of an existing single-storey, double-garage building to rear of 55 Mount Pleasant Road, NW10; and erection of a new single-storey, flat-roofed, two-bedroom dwellinghouse with basement storage accommodation, removal of the existing vehicular access onto Henley Road with associated landscaping of the garden amenity area.

For clarity, as set down later in this report, this application follows an appeal against the Council's refusal for a single dwelling on the site (our ref: 08/1976). A number of issues were rehearsed at the appeal, including the impact that the erection of a house would have on the character of the area, the impact that such a proposal would have on the amenity of people living nearby and on the established streetscene. The views expressed by the Inspector are set down below and it is clear that the principle of erecting a new dwelling on the site has been agreed. As a result, the issue for consideration here is whether the current proposals increase the impact as compared to the appeal scheme in any way and not whether, or not, the site is capable of accommodating a dwelling.

For the reasons set down in the two reports relating to the site, Officers have taken the view that one of the applications is acceptable (having taken on board the views of the Inspector), whereas the other is not.

## **HISTORY**

The application site has been subject to various applications in previous years.

00/1475 - An application was refused for the demolition of existing double garage and the erection of a two storey detached house in the rear garden, in 2000. The applicant appealed the Council's decision and the Appeal was subsequently dismissed.

06/0254 - A change of use application for the use of the garage as a design studio was refused on 06/04/06

07/1004 - An application for the demolition of the garage to erect a two storey dwellinghouse was withdrawn on 02/08/2007

08/0150 - A similar application to 07/1004 was refused on 31/3/08

08/1976 – Demolition of an existing single-storey double garage to the rear of 55 Mount Pleasant Road, NW10, and erection of a new two-storey (basement and ground-floor level), 3-bedroom dwellinghouse, replacement of boundary fences and walls, removal of existing vehicular access onto Henley Road, NW10, and formation of new pedestrian access onto Henley Road, with associated landscaping. Dismissed at appeal.

Another application was submitted simultaneously, the principle difference being the form of the roof:

10/0933 - Demolition of an existing single-storey, double-garage building to rear of 55 Mount Pleasant Road, NW10; and the erection of a new single-storey, **pitched-roof**, two-bedroom dwellinghouse with basement storage accommodation, removal of the existing vehicular access onto Henley Road with associated landscaping of the garden amenity area.

Officers recommended this application for refusal and it was subsequently withdrawn by the applicant on 18th June 2010.

## **POLICY CONSIDERATIONS**

### Brent 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 significant harmful impact on the environment or amenities of the Borough will be refused.

**STR14** – New development will be expected to make a positive contribution to improving the quality of the urban environment in Brent by being designed with proper consideration of key urban design principles relating to townscape (local context and character), urban structure (space and movement), urban clarity and safety, the public realm (landscape and streetscape), architectural quality and sustainability.

**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, or have an unacceptable visual impact on Metropolitan Open Land. 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.

**BE3** – Relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.

**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, 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 treatments which complement the development and enhance the streetscene and screening of access roads and obtrusive development from neighbouring residential properties.

**BE7** – A high quality of design and materials will be required.

**BE9** – Creative and high-quality 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 townscape 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 elevations which address the street at ground level with well 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.

**H11** - Housing will be promoted on previously developed urban land which the Plan does not protect for other land uses.

**H12** – The layout and urban design of residential development should comply with the policies in the Built Environment Chapter, and in addition they should have a site layout which reinforces or creates an attractive and distinctive identity, have housing facing onto streets and defining roads, have access to and layout which achieves traffic safety, have appropriate car parking, and avoid

excessive coverage of tarmac or hard

**TRN11** – Developments should comply with the plan's minimum Cycle Parking Standard (PS16), with cycle parking situated in a convenient, secure and, where appropriate, sheltered location.

**TRN23** – Residential developments should not provide more parking than the levels as listed in standard PS14 for that type of housing, with its maximum assigned parking levels. Lower standards apply for developments in town centres with good and very good public transport accessibility. Where development provides or retains off-street parking at this level then on-street parking will not be assessed. Car-free housing developments may be permitted in areas with good or very good public transport accessibility where occupation is restricted by condition to those who have signed binding agreements not to be car owners. Such persons will not be granted residents' parking permits.

### Supplementary Planning Guidance

SPG17 – Design Guide For New Development

### **CONSULTATION**

Neighbouring occupiers were consulted on 28th April 2010. Neighbours have commented on both this application and 10/0933 without specifically differentiating between them, therefore the objections are considered as relating to both applications. There are 13 in total, plus a petition of 90 signatures from the local area raising the following issues:

- Increased noise - impacting on tranquility and use of gardens.
- Effect on character of the area and local distinctiveness - suburban and open character would be harmed, existing buildings are ancillary. There is no precedent for a dwelling on Henley Road but this would set a precedent for the area.
- Loss of privacy - location of a master bedroom in close proximity to neighbours gardens would impact on their use and enjoyment.
- Loss of trees - if permission is given it would likely lead to requests to remove or severely lop neighbouring trees.
- Development has a cramped 'chicken coop' design and site is too small for a residential dwelling.
- Light would emanate from the proposed rooflights harming residential amenity - an approved 'lantern' at the Tiverton centre has been conditioned to be lit only between 7am and 10pm in the interest of neighbouring amenity.

Another issue regarding fencing at the site has been raised, stating that the fence between the site and number 55 Mount Pleasant Road is not to be removed and is to remain at 3m in height. A 3m high fence would not affect the acceptability of this scheme and the issue of it not being removed i.e. during construction would be a civil matter which both parties would need to negotiate, this would not be a planning consideration.

Councillor Shaw has confirmed that she endorses the objections of the residents.

A letter in support of the two applications on this site has been received from a resident of Hanover Road. They feel that the proposal would be an improvement on what is there at the moment.

### **Internal**

Transportation:

- Existing garages providing 2 off-street spaces will be lost, however these are in separate ownership from 55 Mount Pleasant Road and are not in use.
- Proposed dwelling will attract a maximum of 1.2 car spaces.



The applicant has confirmed that the dropped kerb will be reinstated which will allow for a single on-street space.

## REMARKS

The proposal is for the demolition of an existing single-storey, double-garage building to rear of 55 Mount Pleasant Road, NW10; and erection of a new single-storey, flat-roofed, two-bedroom dwellinghouse with basement storage accommodation, removal of the existing vehicular access onto Henley Road with associated landscaping of the garden amenity area

### Introduction

The application site comprise a double domestic garage which once belonged to the dwellinghouse at No 55 Mount Pleasant Drive. The site has been subdivided for more than 7 years. The garage and the dwellinghouse are now under separate ownership.

As indicated in the history section above, the application site has been the subject of several development proposals none of which have been successful. However, two have been taken to appeal and the views of the Inspector become material to the consideration of this proposal. The difficulties in the past have, in part, been due to privacy and overlooking impact from the proposed first floor level. However, in an appeal outcome for the demolition of the garage and the building of a new coach house at the bottom of the garden (Council's ref 00/1475), the Inspector had made the following comment.

*'...there is no overriding reason why, in principle, part of the existing curtilage of 55 Mount Pleasant Road should not be put into more efficient use, by the erection of a new dwellinghouse, of a suitable design. A substantial garage currently occupies most of the site and the footprint of the proposed dwelling would cover a similar area. The development would not impinge significantly, on the existing garden area for 55 Mount Pleasant Road and thus, I do not consider that it would detract significantly from the spaciousness of the area.....'*

In these circumstances, it is considered that the principle of erecting a separate house on the site has been established and it consequently falls to deal with the related details to ensure local amenity is not harmed.

### Proposal - design

Application reference 08/1976, for a 2-storey dwellinghouse (basement and ground floor) was refused by the Council. The main reasons for refusal were for its size, scale, siting and design. This decision was taken to appeal and while the Planning Inspector dismissed the appeal it was not for the reason of design stating:

*'...the setting of the appeal site would be able to successfully accommodate the low profile contemporary design proposed, it would add interest to the locality and contribute positively to its character and appearance'.*

The existing garage on the site is 3.45m high and its footprint covers the western two-thirds of the plot with its front elevation within 2m of Henley Road.

The proposal has an innovative contemporary design with a green flat roof. The proposed dwellinghouse is L-shaped allowing for usable amenity space at the front and is designed sensitively to reduce any impact to the nearby neighbours. While its elevations are close to the boundaries its sits easily within a 45 degree angle from 2m in height at the boundaries as per the guidance of SPG17. At its closest point to the neighbouring garden boundaries it is 2m, at a distance of 1m from the boundary with 100 Hanover Road the height steps up to 3m and at 0.9m from the rear of 55 Mount Pleasant it steps to approximately 2.5m - this height difference is due to the ground level change along Henley Road.

The proposed building steps up to its maximum height at about 3.8m from the rear boundaries of

Hanover Road and about 2m from the side boundary of 57 Mount Pleasant. From ground level this maximum height is approximately 3.6m and falls well below the 45 degree angle.

The dwelling is proposed at ground floor with a basement for storage. The previous scheme included a habitable basement and raised ground level with a maximum height of 3.9m. In height and bulk the current proposal, without the raised ground floor appears more modest and sympathetic to its restricted location.

The highest 'step' of the current proposal is smaller in width than the previously refused scheme. While officers considered the height and siting to be harmful to neighbouring amenity previously, the Planning Inspector disagreed stating that it would be '*unlikely to appear overdominant when seen from neighbouring dwellings or gardens*' and this was not held as a reason for the dismissal of the appeal. As discussed above the maximum height of the proposal is less and it sits more easily below the 45 degree angle demonstrating that its impact would be less significant. Given that this relationship is improved and the Planning Inspector did not think that the previous scheme would be harmful, officers are clearly of the opinion that the current scheme is satisfactory in terms of any neighbouring impacts.

The front elevation includes large glazed windows/doors facing the frontage of the site and the main fenestration from bedroom 2 faces the garages at the rear of 98 Hanover Road, no part of the scheme would impact on the privacy of neighbouring occupiers in terms of overlooking.

As noted above objections have been received with regard to noise, privacy and outlook, however as described the proposal is considered to comply with the Council's policies and guidance. Moreover the Planning Inspector for the previous scheme stated

*'..the effect of the proposal on the living conditions of neighbouring residents, with particular reference to outlook, privacy as well as noise and disturbance, would be acceptable'*.

There are no new issues in the current scheme which would lead to this outcome being different.

Policy BE9 states that the new buildings should embody creative and appropriate design solutions, specific to their site's shape, size and location. The proposal does this and promotes the amenity of the users providing a satisfactory level of daylight, sunlight, outlook and privacy for existing nearby residents and future residents.

The proposal provides 2 bedrooms, a family sized dwelling, with its internal floor area exceeding the minimum requirement of 65sqm. The proposal provides approximately 78sqm plus a basement storage area of 18.5sqm. The reason for the Planning Inspector's dismissal of the previous scheme was the quality of accommodation which would be provided by the basement level habitable accommodation. In the current design the basement would be a utility and storage room, not requiring windows and as such the level of amenity in terms of light and outlook provided by the proposed dwellinghouse would be acceptable.

### Streetscene

The detached garages and rear gardens set the streetscene for Henley Road. The existing garage is set back slightly from the boundary along Henley Road and the adjacent garage at the rear of No 98 Hanover Road is sited flush along the boundary. The majority of the proposed dwellinghouse is separated from the street by the amenity space at the front, with the smaller element containing bedroom 2 having a set back of 1.2m. The height of the proposed structure, ranging from 2m to 3.6m is not significantly different to the existing 3.45m high garage and would not dominate the streetscene. Furthermore the northern elevation of the highest element of the proposed building is largely glazed, minimising its impact. The dwelling would have an active and attractive appearance.

### Amenity space

The amenity space for the proposed dwellinghouse is located to the front which provides over 50sqm which is the minimum required by SPG17. In addition, the floor plan currently indicates new silver birch trees and a high quality landscaping scheme will be sought through a condition to further enhance the amenity space and streetscene. The location of the amenity space also reduces the potential overlooking and privacy impact to the nearby neighbours.

### Transportation

The existing garage can accommodate 2 off street parking spaces however the site is under separate ownership to No 55 Mount Pleasant Road and it is not currently in use. The proposed dwelling will result in an increase in parking attracting up to 1.2 spaces in accordance with the Parking Standard 14 of Unitary Development Plan 2004. In order to ease the parking spaces on Henley Road, the existing 6m dropped kerb serving the garages will be reinstated to pedestrian footway and would allow room on street for a vehicle space to serve the dwelling, although this will not be restricted in anyway.

Details of the bicycle parking storage and refuse storage is integrated within the design of the dwellinghouse, located closer to the highway, which provides satisfactory storage and is screened from the street.

### Conclusion

The proposed development would utilise the site in a more efficient and attractive way adding to the housing stock in the Borough. The proposed design is innovative and well designed to minimise any potential impact to the existing occupiers of the nearby dwellings and the character and appearance of the streetscene. The proposal is in accordance with policies contained in Brent's Unitary Development Plan 2004 and the design standards in SPG 17. Therefore, the proposal is duly recommended for approval subject to conditions and S106 agreement.

### **RECOMMENDATION:** Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004  
Council's Supplementary Planning Guidance 17 - Design Guide for New Development

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 on the date of this permission.

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

OS Sitemap

350/020

350/022

425/GA.2A

425/GA.4

425/GA.6

425/GA.8

425/GA.10

425/GA.13

350/021

350/023A

425/GA.3

425/GA.5

425/GA.7

425/GA.9

425/GA.11

425/GA.15

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) The area so designated within the site shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved. Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced in the same positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation.

The scheme shall include species, sizes and numbers as well as details of hardstanding materials.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality, in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- (4) No further extensions or buildings shall be constructed within the curtilage of the dwellinghouse(s) subject of this application, notwithstanding the provisions of Class(es) A, B, C, D & E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason(s):

To prevent an over development of the site and undue loss of amenity to adjoining occupiers.

- (5) No off-street parking shall be allowed at the site at any time in the future.

Reason:

To ensure the modest amenity space is not eroded by vehicle parking.

- (6) The roof shall not be accessed other than for maintenance and shall not be used as a roof terrace at any time.

Reason: In the interest of neighbouring privacy.

- (7) Before the development hereby approved is occupied, the redundant vehicular access and crossover shall be stopped up and reinstated to footway, and a new

on-street parking bay installed including the removal of the single yellow line, at the applicant's expense.

Reason: In the interests of pedestrian and highway safety, and to provide suitable car parking for the scheme in compliance with Policy TRN24 of the UDP 2004.

- (8) Details of materials, including samples, for all external work including fencing, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- (9) A full tree survey and tree protection statement complying with BS5837:2005 'Trees in relation to construction' shall be submitted to and approved in writing by the Local Planning Authority before any works commence on site, the work shall then be carried out in accordance with the approved details.

Reason: To ensure that the development does not result in the damage or death of nearby trees which would result in the loss of amenity and biodiversity.

**INFORMATIVES:**

None Specified

Any person wishing to inspect the above papers should contact Liz Sullivan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5377



# Planning Committee Map

Site address: Garages rear of 55 Mount Pleasant Road, Henley Road, London

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Location Garages rear of 55 Mount Pleasant Road, Henley Road, London  
Description Demolition of an existing single-storey, double-garage building to rear of 55 Mount Pleasant Road, NW10; and erection of a new single-storey, flat-roofed, two-bedroom dwellinghouse with basement storage accommodation, removal of the existing vehicular access onto Henley Road with associated landscaping of the garden amenity area

### **Agenda Page Number: 25**

Members visited the site on 26th June 2010. The applicants agent has submitted a written response to the issues raised at that visit, the points of which are either set down in the main Committee report or are dealt with below.

### **Principle**

The existence of previous planning appeal decisions on this site, which followed the refusal of the Council to grant planning permission, must be taken into account. The principle that this site is acceptable for the erection of a dwellinghouse has been established by earlier appeals on the site, first in 2000, but more recently in 2008.

In the appeal decision of application 08/1976 the Planning Inspector stated that the setting of the appeal site would be able to successfully accommodate a low profile contemporary design. In light of this, it is considered that whilst the concerns of the objectors are clearly understood, there can be no reasonable objection to the principle of a residential building on this site. Officers have argued this case in the past, but the Inspectorate took a different view.

The Inspector for 08/1976 did state that the effect of the proposal on the living conditions of neighbouring residents, with particular reference to outlook, privacy as well as noise and disturbance, would be acceptable. For clarity, the proposed building is a little lower in height than this previous proposal (by 0.1 metres), thus raising no additional issues, and complies with the Council's SPG17 guidance of 45 degrees measured from 2m in height at the site boundary, while the existing garage does not.

### **Precedent**

The issue of precedent was queried at the site visit, in terms of the scope for similar developments, locally and Borough-wide. Precedent is not usually a planning consideration, with each case needing to be assessed on its own individual merits. However, there are particular site circumstances which mean that the approval of a dwellinghouse here will not make it impossible for the Council to refuse an application which was considered unacceptable. The map on page 34 of the Committee Agenda shows that the site is, unusually, deep and wide enough to accommodate a building, and amenity area, to meet Brents' minimum standards, whereas it is apparent that similar sites nearby do not have this arrangement. The only way to provide an adequate depth elsewhere would be to amalgamate 2 gardens, or in the case of the site opposite, take a portion of the rear garden of No.53, which is extremely unlikely to be acceptable and would be likely to have a far greater impact on the character of the locality. Furthermore, there is already a large, substantial garage building on the site at the moment with a floor area of approx 70 square

metres, with the proposed dwelling (albeit in a different part of the site) providing a slightly larger 78 square metres of floorspace, plus 19 square metres of basement space.

### **Reason for dismissal of previous application 08/1976**

Application 08/1976 was dismissed for the reason that it would not provide satisfactory living conditions, specifically with reference to light and outlook from the semi-basement level. No objection was raised to the ground floor accommodation and, as a result, this issue is not now relevant to the current proposal, with all habitable accommodation being at ground floor. The proposed basement will be used for utility/storage. The quantity and quality of external amenity space was also raised, this has also been overcome in the current application with the useable outside space exceeding the Council's guidance.

### **Mechanical extraction from dwelling**

Neighbours queried the implications for extraction from bathroom and kitchen areas on adjoining residents. It has been confirmed that air would be ducted through roof spaces from the bathrooms and discharged from "discreet" terminals facing the proposed amenity space. Notwithstanding this, Officers recommend an additional condition to require details of mechanical ventilation to ensure that appearance and noise levels are satisfactory.

### **Additional Condition**

"Details of ventilation and extraction systems including particulars of noise levels shall be submitted to and approved in writing by the Local Planning Authority before any works commence on site. The approved details shall thereafter be fully implemented.

Reason: In order to allow the Local Planning Authority to exercise proper control over the development and to safeguard the amenities of the adjoining occupiers.

**Recommendation:** Remains approval subject to S106 agreement and additional condition.

DocSuppF



## Committee Report Planning Committee on 30 June, 2010

Item No. 4  
Case No. 10/1066

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**RECEIVED:** 5 May, 2010

**WARD:** Kenton

**PLANNING AREA:** Kingsbury & Kenton Consultative Forum

**LOCATION:** 15 Grenfell Gardens, Harrow, HA3 0QZ

**PROPOSAL:** Erection of a two-storey side extension, part two-storey/part single-storey rear extension, erection of a rear dormer window and insertion of rear rooflight to dwellinghouse (variation of planning permission ref: 09/1750)

**APPLICANT:** Mr A. Nilesh

**CONTACT:** Town & Country Planning Limited

**PLAN NO'S:**  
(see condition 2 for details)

---

### RECOMMENDATION

Approval

### EXISTING

The application site comprises a semi-detached dwellinghouse located on Grenfell Gardens. The property is located at the head of the cul-de-sac. The property is located within the Mount Stewart Conservation Area.

### PROPOSAL

Erection of a two-storey side extension, part two-storey/part single-storey rear extension, erection of a rear dormer window and insertion of a rear rooflight to the dwellinghouse.

### HISTORY

**10/1320:** Details pursuant to condition no 4 (window detail), 5 (landscaping) and 7 (boundary treatment) of Full Planning Permission reference 09/1750 - currently under consideration.

**10/0448:** Details pursuant to condition 6 (external materials - Bricks and roof tiles) and condition 8 (access arrangement from patio to garden including details of levels) of full planning permission reference 09/1750 - Granted, 23/03/2010.

**09/1750:** Full Planning Permission sought for demolition of existing detached garage and erection of two-storey side extension and part single-storey, part two-storey rear extension to dwellinghouse - Granted, 17/09/2009.

**97/0596:** Conservation Area Consent sought for demolition of chimney on side elevation - Granted, 06/05/1997.

**97/0327:** Full Planning Permission sought for installation of replacement windows - Granted, 08/04/1997.

**96/2192:** Full Planning Permission sought for erection of single-storey rear and part side extension, and demolition of an existing and rebuilding of new detached garage at side of property - Granted, 18/02/1997.

## **POLICY CONSIDERATIONS**

### **Brent UDP 2004**

**BE2: Local Context & Character** - Proposals should be designed with regard to their local context, making a positive contribution to the character of the area. Proposals should not cause harm to the character and/or appearance of an area, or have an unacceptable visual impact on Conservation Areas.

**BE9: Architectural Quality** - Requires new buildings to embody a creative and high quality design solution, specific to the sites shape, size, location and development opportunities and be of a design, scale and massing appropriate to the setting.

**BE25: Development in Conservation Areas** - Development proposals in conservation areas shall pay special attention to the preservation or enhancement of the character or appearance of the area; and regard shall be had for design guidance to ensure the scale and form is consistency.

**BE26: Alterations and Extensions to Buildings in Conservation Areas** - Alterations to elevations of buildings in conservation areas should retain the original design and materials; be sympathetic to the original design in terms of dimensions, texture and appearance; characteristic features should be retained; extensions should not alter the scale or roofline of the building detrimental to the unity or character of the conservation area; should be complementary to the original building and elevation features.

### **Supplementary Planning Guidance**

SPG5 – Altering and Extending your Home

### **Design Guide**

Mount Stewart Conservation Area Design Guide

## **CONSULTATION**

**Consultation Period: 19/05/2010 - 09/06/2010**

**Site Notice Displayed: 20/05/2010 - 10/06/2010**

### **Public Consultation**

13 neighbours consulted - two letters of objection received raising the following concerns:

- Overlooking from rear dormer and rooflight into the rear gardens and properties in Trevelyan Crescent.
- Errors in the plans - referred to as a detached house rather than a semi-detached house.
- Need to retain the character of the area - roof tiles, wooden windows, front gardens, garages and garage doors.

### **Internal Consultation**

**Landscape Team** - No objections raised in principle but have recommended that the front garden is 50% soft-landscaped in compliance with policy BE7.

**Transportation** - No objections raised.

All of the above objections/observations have been addressed within the Remarks section of this report.

## **REMARKS**

### Background

An application for the demolition of the detached garage and erection of a part single-/part two-storey side and rear extension at the application property was approved by the Planning Committee on 16/09/2009 (LPA Ref: 09/1750). Works have commenced on implementing this planning permission.

Since commencing works, the applicants are now seeking to add a rear dormer window and one rear rooflight to the main roof of the house. This application will consider the rear dormer and rooflight in further detail below. The two-storey side and rear extension has already been granted planning permission and this application does not propose any changes to this extension.

### Rear dormer and rear rooflight

As a guide, SPG5 states that a rear dormer window should be no wider than half the width of the original roof plane. In this case, this guidance would restrict the rear dormer to 2.2m wide. The dormer as proposed is 2.2m wide. It is adequately set down from the ridge by 0.4m and set up from the eaves by 0.5m. The front face is to be predominantly glazed and will replicate the design and proportioning of the windows of the main house.

One rear rooflight is proposed which is modest in size and is not considered to dominate the roof slope.

The rear dormer and rear rooflight are considered to be in keeping with the character of the property and are not considered to be harmful to the character and appearance of the Mount Stewart Conservation Area.

### Response to objections/observations raised

#### *Overlooking from rear dormer and roof light into the rear gardens and properties in Trevelyan Crescent*

To ensure that sufficient levels of privacy are maintained between properties, SPG17 requires a distance of 10m from the rear window of proposed development to the rear boundary and a distance of 20m between directly facing rear habitable rooms. In this case a distance of 25m is maintained from the rear dormer to the rear boundary with the gardens on Trevelyan Crescent and a distance of approx. 55m between the rear dormer and rear windows of the properties on Trevelyan Crescent. It should be noted that limited views are already possible of neighbouring properties from first-floor windows and such relationships are not untypical in residential areas. Any additional overlooking as a result of the dormer window being at a higher level is considered negligible.

#### *Errors in the plans - referred to as a detached house rather than a semi-detached house*

Whilst the Design and Access Statement refers to a detached property, the submitted plan do show a semi detached property. As such, it is not considered the information provided would be misleading.

#### *The need to retain the character of the area - roof tiles, wooden windows, front gardens, garages and garage doors*

The loss of the garage was considered acceptable as part of planning permission ref: 09/1750. The proposed extension will replicate design features of the property including materials that are in keeping with the character of the original dwellinghouse. In addition the existing hedgerow will be retained. The dormer window complies with SPG5, appearing as a subservient addition.

*Front garden to be 50% soft-landscaped*

In terms of additional landscaping within the front forecourt due to the property being on the collar of the cul-de-sac, thus having a narrow frontage, it would be unsuitable to provide 50% soft landscaping. The existing hedgerow will remain, together with the existing flower bed, but it is considered that there is scope to extend the flower bed and/or provide additional landscaping in front of the extension whilst providing two off-street parking spaces. These details were conditioned as part of planning permission ref: 09/1750.

Conclusion

The proposed development is considered to be in keeping with the character of the dwellinghouse and is considered to preserve and enhance the character and appearance of the Mount Stewart Conservation Area. It is considered to comply with policies BE2, BE9, BE25 and BE26 of Brent's UDP 2004 and the guidance as outlined in the Mount Stewart Conservation Area Design Guide.

Approval is accordingly recommended.

**RECOMMENDATION:** Grant Consent

**REASON FOR GRANTING**

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

Brent Unitary Development Plan 2004  
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home  
Council's Supplementary Planning Guidance 17 - Design Guide for New  
Development  
Mount Stewart Conservation Area Design Guide

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 on the date of this permission.

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawings:

2009/0348  
2009/0348 Rev. B

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) The proposed two-storey side and rear extension shall be built in accordance with the following external materials and thereafter retained in accordance with the approved

materials, unless the prior written approval of the Local Planning Authority has been obtained:

Facing Bricks - ET Clay Products Ltd in Kingsbury Red Multi (Ref: 4280/1)  
Roof Tiles - Redland concrete tile in Brown 52

Reason: To ensure a satisfactory development which does not prejudice the amenity of the Mount Stewart Conservation Area.

- (4) The rear dormer shall be constructed in materials that match, 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.

- (5) The windows to the front elevation of the side extension shall match the design, proportion and detailing of the existing windows on the front elevation of the main house.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the Mount Stewart Conservation Area.

- (6) The existing front garden hedgerows and proportion of soft landscaping (including the additional area in front of the extension) shall not be altered without the prior written approval of the Local Planning Authority. There shall be no increase in the proportion of hard landscaping.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the Mount Stewart Conservation Area.

- (7) The new boundary fence, which will replace the former detached garage along the boundary with No. 17 Grenfell Gardens, shall consist of 3 timber fence panels, measuring 1.8m wide x 1.8m high with 0.1m posts, and thereafter be retained in accordance with these approved materials, unless the prior written approval of the Local Planning Authority has been obtained.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the Mount Stewart Conservation Area and in the interests of the amenities of neighbouring occupiers.

- (8) The windows in the flank wall of the building (as extended) shall be glazed with obscure glass and the windows shall open at high level only (not less than 1.8m above floor level) and be top hung and shall be so maintained unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupiers and in the interests of good neighbourliness.

- (9) No windows or glazed doors, other than any shown in the approved plans, shall be constructed in the flank wall of the building, as extended, without the prior written consent of the Local Planning Authority.

Reason: To minimise interference with the privacy of the adjoining occupiers.

- (10) The proposed rooflights shall be of the non-projecting Conservation Area type and installed flush with the plane of the roof.

Reason: To ensure that the proposed development does not prejudice the design and architectural importance of the existing building and is in keeping with and enhances the character of properties in the Conservation Area.

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

Brent's Unitary Development Plan 2004  
SPG5 "Altering and Extending Your Home"  
SPG17 "Design Guide for New Development"  
Mount Stewart Conservation Area Design Guide  
Two letters of objection and one letter with comments

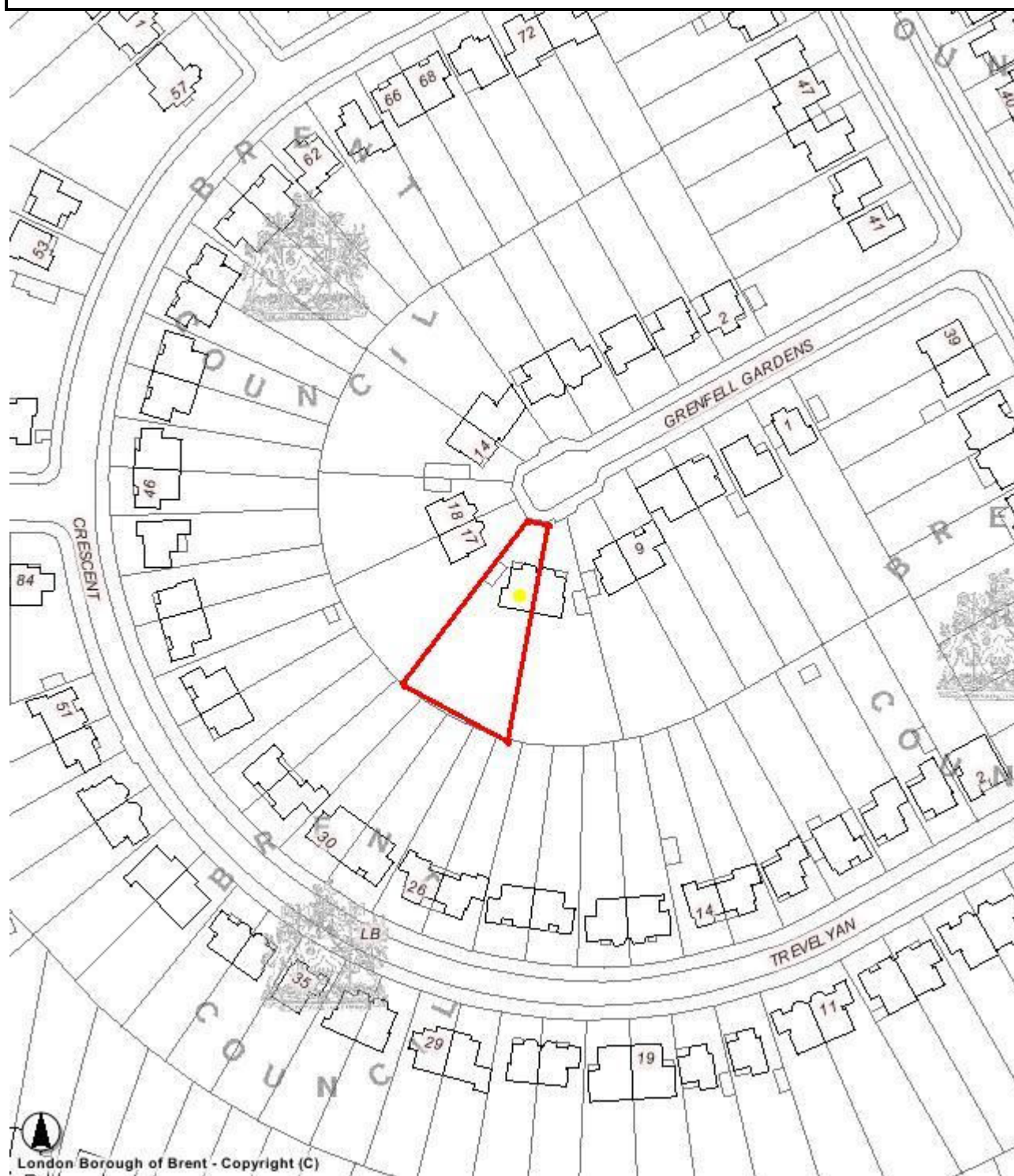
Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



## Planning Committee Map

Site address: 15 Grenfell Gardens, Harrow, HA3 0QZ

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**Committee Report**  
**Planning Committee on 30 June, 2010**

**Item No.** 5  
**Case No.** 10/1000

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**RECEIVED:** 28 April, 2010

**WARD:** Brondesbury Park

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** 149 Chatsworth Road, London, NW2 5QT

**PROPOSAL:** Erection of a single and two storey rear extension, installation of a rear dormer window with juliette balcony, two front rooflights, 4 side rooflights, installation of new first floor side window, 2 ground floor side windows, installation of additional front door and conversion of extended dwellinghouse into 2 self-contained flats

**APPLICANT:** Mr Javed Taimuri

**CONTACT:** Saloria Architects

**PLAN NO'S:**  
See condition 2

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**RECOMMENDATION**

Approve.

**RECOMMENDATION**

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor

**SECTION 106 DETAILS**

The application requires a Section 106 Agreement, in order to secure the following benefits:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- A contribution of £3,000 (£3,000 per bedroom), due on material start, index-linked from the date of decision for Education, Sustainable Transportation and Open Space & Sports in the local area.

And, to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

**EXISTING**

The site is occupied by a two-storey semi-detached dwellinghouse situated on Chatsworth Road. The property is located just outside Mapesbury Conservation Area and is adjacent to a designated wildlife corridor, which runs along the railway line to the rear. The dwellings on Chatsworth Road are generally large detached or semi-detached, properties.

## **PROPOSAL**

Erection of a single and two storey rear extension, installation of a rear dormer window with juliette balcony, two front rooflights, 4 side rooflights, installation of new first floor side window, 2 ground floor side windows, installation of additional front door and conversion of extended dwellinghouse into 2 self-contained flats

## **HISTORY**

Full Planning permission (Ref No: 09/1699) for the erection of single-storey and two-storey rear extension, rear dormer window with juliet balcony, installation of 4 facing windows at second floor level towards 147 Chatsworth Road and conversion of dwellinghouse into 1 three-bedroom maisonette, 1 two-bedroom flat and 1 studio flat, with formation of vehicular access onto Chatsworth Road and associated landscaping was refused by the Council and was dismissed at appeal on the 25th of May 2010

Full planning permission (Ref No: 09/0462) for the Erection of a 2 storey rear extension and internal alterations to dwellinghouse was approved on the 8th of May 2009

Certificate of Lawfulness (Ref No 08/0484) for a proposed rear dormer window with Juliet balcony and gable-end roof extension with 4 new windows at second-floor level to side of dwellinghouse was granted on the 12<sup>th</sup> of August 2008 as not requiring formal planning permission.

Full planning permission 03/1341 for a single storey rear extension to the dwellinghouse was approved on the 8<sup>th</sup> of August 2008

## **POLICY CONSIDERATIONS**

### **Unitary Development Plan 2004**

<b>BE2</b>	Townscape: Local Context & Character
<b>BE9</b>	Architectural Quality
<b>H17</b>	Flat Conversions
<b>H18</b>	The Quality of Flat Conversions
<b>H19</b>	Flat Conversions – Access & Parking
<b>TRN23</b>	Parking Standards
<b>TRN24</b>	On-street parking

**Supplementary Planning Guidance Note 5: Altering and Extending your Home**  
**Supplementary Planning Guidance Note 17: Design Guide for New Development**  
**Supplementary Planning Document: S106 Planning Obligations**

## **SUSTAINABILITY ASSESSMENT**

Not applicable.

## **CONSULTATION**

### **External:**

The Owner/Occupiers of the neighbouring properties were consulted on 17<sup>th</sup> of May 2010. The Local Authority has received 6 objections to the application. A summary of the objections is listed below:

- Poor internal layout, resulting in noise transmission
- Family units should be located on the ground floor
- The living area in flat B is too small
- Flat A has too many living areas
- The ground floor flat (A) has the potential to be converted into a three bedroom flat

- The infilling of the roof is unacceptable
- Balustrades on the dormer window will affect matters of privacy
- Uncertainty as to how the garden will be accessed
- The bathroom on the ground floor is unnecessary
- Ambiguity as to which windows will be non-opening
- Ambiguity in the means of escape
- The conversion into flats will harm the character of the area
- Only 1 vehicle space is available, not 2 as suggested
- Ambiguity as to what the two storey extension will be used for
- The two storey extension will result in a loss of daylight on neighbouring properties
- The upper floor flat will negatively impact the privacy and enjoyment of neighbouring gardens
- The fireproofing and soundproofing will have a detrimental impact on the neighbouring property
- Scale and size of extensions contradict policy BE2 and BE9
- Overlooking caused by proposed flank windows and Juliet balcony
- Increased Parking strain
- Front garden should contain some soft landscaping
- Back garden should not be divided up into smaller portions
- Loss of family sized accommodation without compensation

### Internal

Transportation Engineer - No objection.

## **REMARKS**

### **Introduction**

As indicated above, an Inspector has recently considered an appeal for a similar scheme, including a number of extensions to this house and the conversion of the property into 3 flats. The appeal was dismissed and, as is always the case in situations of this kind, the views expressed by the Inspector in reaching their conclusions become the starting point in any subsequent consideration of further proposals. Although the issues are set out below, in summary, the conclusions of the Inspector were as follows:

- the principle of development, and the conversion of the house into flats, is accepted, although 3 units were considered to be overintensive.
- the proposed extensions and alterations (with the exception of the windows in the flank wall to No.147 Chatsworth Road) were acceptable.
- the quality of accommodation for future occupiers of the flats, by way of outlook, daylight, privacy and amenity space, was considered to be acceptable
- there would be no detrimental impact on neighbouring properties, by way of loss of privacy and outlook.
- the impact on the character of the area was considered to be acceptable

### **Principle of development**

Members will note that the appeal Inspector made a number of comments in relation to the proposal to convert the building into 3 flats. Whilst not objecting to the principle of converting the building, he did raise specific objections to the intensity of development proposed.

"From what I saw on my visit, it appeared that some buildings to the west may have been converted, but those to the east were generally in single family occupation."

"Policy H18 of the UDP includes a number of provisions that should also be complied with. In my opinion, bearing in mind the character of the area (that I have set out above) the proposal would result in an over-intensive scheme, which would not sit comfortably in its surroundings. The three units would result in a relatively high level of activity in what appears to be a generally quiet, suburban street."

The current scheme now only includes two flats and it is considered that whereas the Council clearly felt that a 3 unit proposal would be unacceptably intense, it would be difficult to reach a similar conclusion on the basis of a conversion into 2 flats. This is on the basis that, as clearly explained by the Inspector, the criteria of policy H18, in terms of the quality of flat conversions, are complied with.

It should be noted that the Council's Core Strategy of its Local Development Framework is nearing adoption having been through its Examination in Public (EiP) and the Council having agreed in principle to changes recommended by the Secretary of State. The final step before full adoption is to get agreement for the Secretary of States' proposed changes from the Full Council which is scheduled to take place on the 11th July 2010. The Core Strategy will supersede some of the saved policies of the existing UDP. Policy CF21 of the Core Strategy seeks to protect family housing which it defines as being properties with three or more bedrooms. This will supersede policy H18 of the UDP which defines family housing as being two or more bedrooms. This means that upon formal adoption of the Core Strategy future flat conversions will have to provide at least one three bed or larger unit. An assessment of the proposal in relation to the emerging policy is set down below.

The proposal now includes a 3 bed unit in the lower of the two flats which responds to the types of concerns that will need to be considered in all conversion proposals once the Core Strategy has been formally adopted. Whilst strictly speaking, the requirement for a 3 bed family unit at this stage is not necessary in order to comply with adopted policy, Officers consider that the fact that the scheme does include such a large unit is welcomed, in the context of the acknowledged housing need within the Borough.

### **Extensions**

A number of extensions are proposed as part of this application and each will be dealt with in turn. Whilst the Council does not object in principle to the extension of any dwelling, there remains a need to ensure that the extension is appropriate and that would not result in a significant adverse impact on the amenities of any neighbouring property. Similarly the Local Authority require proposals to be designed with regard to their local context, making a positive contribution to the character of the area. This is specified in Policy BE9 and BE2 of Brent's UDP 2004.

For the avoidance of doubt, the extensions are all identical to the proposal considered by the appeal Inspector and where he made specific comments about particular elements of the scheme they are set out below.

#### **Single Storey Extension**

Members will be aware that SPG 5 requires single story extensions to a semi-detached property to be no deeper than 3m with a maximum height of average height of 3m in order to minimise impact. The proposed single storey extension will be located across the rear of the property between the boundary with No.151 and the two storey extension described below. It would be approx 4.2m wide and will comply with SPG5 guidance. The roof of the extension accommodates the existing bay feature, by way of a sloping roof with rooflights. The proposed extension is acceptable, in terms of impact on neighbours and also design.

#### **Two storey extension**

The two storey rear extension is sited towards No.147, having a similar width to the single storey element. SPG5 employs a "2 to 1" guidance assessment which requires two storey rear extensions to be no deeper than ½ the distance from the flank wall of the extension to the middle of the nearest habitable room window in the neighbouring property. Again, this is to allow the impacts of the extension to be minimised. The applicant has applied SPG5 guidance to this proposal and has

confirmed that the proposed extension would comply with it. The roof of the extension is, as previously, set down from the main roof of the house in order to ensure that it appears subservient. Officers consider this arrangement to be acceptable.

#### Dormer Window

The design of the proposed dormer window is in general compliance with SPG5, both in terms of its bulk, size and appearance. It is not considered that the proposed rear dormer window with Juliet balcony would result in a significant increase in overlooking to neighbouring properties beyond that possible from the rear facing windows of the existing property. The appeal Inspector did not raise objections to the dormer window.

#### Other Roof Extensions

An extension proposes to infill the two pitches of the roof resulting in what is effectively a flat roof. The proposals for this property originally proposed 4 windows in the flank wall at roof level facing No.147, but the appeal Inspector found these windows to be unacceptable, leading to a loss of privacy. As a result, the applicant has removed all windows from this part of the building and instead proposes two rooflights that will sit flush on the top of the roof, as well as two in the front roofslope.

The Inspector stated that:

"Turning to the infilling of the roof between the two ridges while I accept that in design terms it would be a radical step, I do not consider that it would have a harmful effect on the character of the building or on the street scene."

#### **Conversion to flats**

The proposed conversion of the property to into 2 self contained flats is considered acceptable in principle. The house meets the requirement set out in policy H17 of the Council's Unitary Development Plan that its original unextended floor area is no less than 110 m<sup>2</sup>. The proposed flats all meet the minimum floor areas set out in SPG17. The proposed internal layouts of the rooms are considered acceptable. All the proposed flats are considered to have sufficient outlook, daylight and privacy.

#### Impact on future occupiers

As indicated, both units significantly exceed the prescribed internal floor area requirement set out in SPG 17. The property has been "stacked" appropriately, further the applicant has confirmed the development will meet sound proofing requirements set out in Part E of Building Regulations. Officers are satisfied that the noise transmission between floors will not cause detrimental harm to future occupiers.

Flat A will have access to the external amenity space (in excess of 50sqm). Flat B is not proposed to have access to any private external amenity space, however it is considered that the internal floor area is large enough (approx. 100 sqm) to offset the shortfall in amenity space and that the financial contribution required through the Section 106 would help to off-set this concern. Members will be aware that SPG17 does set out the circumstances in which the inability to provide outside garden space can be mitigated against.

The proposal dismissed at appeal envisaged two bedrooms and two bathrooms with a staircase in the loft. As indicted elsewhere, the Inspector considered that the insertion of windows in the flank would relate poorly to neighbours. He also considered whether making these openings obscure glazed, which would overcome the concerns for neighbours, would provide an acceptable quality of accommodation for future residents. His conclusion was that he was not convinced the obscure

glazed flank windows to this area would create an acceptable standard of living for future occupiers by way of inadequate natural light.

The applicant has responded by proposing two bedrooms and one bathroom with a staircase in the loft. All obscure glazed non opening flank windows have been removed. Bedroom 1 will be served by two front rooflights and two further rooflights that will be positioned on the flat roof of the extension. The front rooflights will be positioned so as to provide adequate outlook, as demonstrated via a section through the roof.

#### Impact on Neighbouring properties

The impact of the extensions on neighbouring properties is considered to be acceptable, for the reasons set out above. A condition restricting all new windows to be obscure glazed and non-opening is attached to this recommendation.

#### Transportation Issues

A 4 bedroomed house such as the existing dwelling attracts a maximum car parking standard of 2.0 spaces and the proposed flats (2.8 spaces) will not represent a significant increase in the car parking requirements. The Inspector considered the appeal scheme for 3 flats, which required 3.8 spaces applying PS14 of the UDP, to be unacceptable.

"The proposal is therefore likely to generate addition (sic) parking demand, putting pressure on existing on-street provision, which would be likely to result in conditions that were prejudicial to highway and pedestrian safety."

One off-street car parking space has been indicated within the site and one further on-street space can be counted towards the parking standard. Transportation Officers find this arrangement to be acceptable on a street that is not defined as "heavily parked" within the UDP. For clarity, a "car-free" scheme is not possible here because the access to public transport is not good enough to provide an alternative to the use of the private car.

The refuse and recycling storage shown on the frontage of the site is acceptable, although details of how the bins will be screened are required. There are details of secure cycle parking for the proposed dwellings, however it is not covered storage as sought within Parking Standard PS16 of the UDP-2004. Further details will, therefore, be secured by condition.

#### Conclusion

The proposal has taken on board the comments of the appeal Inspector in dismissing a 3 unit conversion scheme earlier this year and it now complies with policies BE2, BE9, H18 and TRN23 of Brent's UDP 2004. In addition, the scheme complies with the guidance contained within SPG5 and SPG17, and on that basis this application is recommended for approval, subject to a Section 106 legal agreement.

#### REASONS FOR CONDITIONS

**RECOMMENDATION:** Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004  
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home

## Council's Supplementary Planning Guidance 17 - Design Guide for New Development

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 on the date of this permission.

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

7105-51-P4

7105-52-P7

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) All proposed flank windows shall be constructed with obscure glazing and non-opening and shall be permanently retained, and maintained, in that condition thereafter, unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupiers.

- (4) All new external work shall be carried out in materials that match, 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.

- (5) The areas so designated within the site shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved. Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced in the same positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation. This scheme shall include details of screening for the proposed bin storage area.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality, in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- (6) Details of the provision of a minimum of 2 secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. Thereafter, the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

Any person wishing to inspect the above papers should contact Tanusha Naidoo, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5245





# Planning Committee Map

Site address: 149 Chatsworth Road, London, NW2 5QT

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This map is indicative only.

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Location 149 Chatsworth Road, London, NW2 5QT  
Description Erection of a single- and two-storey rear extension, installation of a rear dormer window with juliet balcony, two front rooflights, 4 side rooflights, installation of new first-floor side window, 2 ground-floor side windows, installation of additional front door and conversion of extended dwellinghouse into 2 self-contained flats

**Agenda Page Number: 43**

Two additional representations have been received since the Agenda was published. They raise a number of points, some of which have already been dealt with in the main body of the report:

- surprised that approval recommended given that it reduces small stock of family houses contrary to Government guidance. It would destroy a family area, replacing it with flats and a transient population.
- having a flat split over two floors, on the same level as the other unit, is not acceptable.
- roof should not be infilled and there would be insufficient lighting to the flats.
- lack of internal storage.
- there should be a landscaping scheme submitted for the rear garden.
- no vent pipes should pass through the front elevation and the gas/electric meters should be installed on the side elevation.

For clarity, there is no objection in principle to the conversion of houses into flats providing that it meets a number of quality and impact tests. One of those policy considerations in the future will be the resistance of schemes that result in the loss of a family unit. However, this application includes a ground floor 3 bed flat and, consequently, it would be difficult to resist the proposal on this specific point. As set out in the report, the Council have previously refused schemes that are considered to be over-intense.

There is a condition requiring a landscaping scheme (see page 49) and it is considered that none of the other points raise any new issue that requires any additional comment.

**Recommendation:** Remains approval.

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**Committee Report  
Planning Committee on 30 June, 2010**

**Item No.** 6  
**Case No.** 10/0585

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**RECEIVED:** 29 March, 2010

**WARD:** Kensal Green

**PLANNING AREA:** Harlesden Consultative Forum

**LOCATION:** 2 Scrubs Lane, London, NW10 6RB

**PROPOSAL:** Continued display of internally illuminated 7.5m x 5.0m advertisement hoarding on site of church on south of Harrow Road adjacent to existing petrol station and the installation of internally illuminated 6.0m x 3.0m hoarding at the junction of Harrow Road and Scrubs Lane.

**APPLICANT:** City Mission Community Project

**CONTACT:** JCDecaux UK Ltd

**PLAN NO'S:**  
A0647/01; A0647/02; A0647/03

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**RECOMMENDATION**

Refusal.

**EXISTING**

The subject site is located within the boundaries of 'City Mission' Church, a three storey building currently undergoing construction for use as a community and religious centre, located on the south side of Harrow Road, at the junction of Scrubs Lane. The surrounding area is comprised of mixed commercial and residential uses. The subject site is not located within a conservation area, nor is it a listed building.

**PROPOSAL**

Continued display of internally illuminated 7.5m x 5.0m advertisement hoarding within church site on south side of Harrow Road adjacent to existing petrol station and the installation of internally illuminated 6.0m x 3.0m hoarding at the junction of Harrow Road and Scrubs Lane.

**HISTORY**

Historically applications for advert hoarding's have been refused at the subject site. However, application reference 03/3278 was granted for the erection of one 7.5m x 5m, south of Harrow Road. This is the sign that is currently displayed adjacent to the petrol station. The application also requested permission for an advert hoarding on the junction of Scrubs Lane, but this was deemed unacceptable and was consequently removed from the proposal.

There have been a number of planning cases relating to this site, some concerning the Church building itself and others relating to adverts on the site.

- 96/0059: Full Planning Permission, Granted - Installation of 5, 5m high giraffe head sculptures.
- 03/3278: Advertisement Consent, Granted - Erection of advertisement hoarding south of Harrow Road.
- 06/2043: Full Planning Permission, Granted- erection of three storey building comprising of a nursery, church, and community facilities, provision of parking spaces, bicycle stands and refuse store, new vehicular and pedestrian access, hardstanding and landscaping.
- 
- 08/0282: Full Planning Permission, Granted- erection of three storey building comprising of a nursery, church, and community facilities, provision of parking spaces, bicycle stands and refuse store, new vehicular and pedestrian access, hardstanding and landscaping.
- E/10/0018: Enforcement Case. Condition 9 of planning permission reference 08/0282 required the giraffe sculptures should not be removed unless otherwise agreed in writing by the Local Planning Authority. There has been a breach of condition since the sculptures have been removed from the site and Officers are seeking to regularize this situation.

## **POLICY CONSIDERATIONS**

### **Brent Unitary Development Plan 2004**

**BE7** Public Realm: Streetscape  
**BE21** Advertisement Hoardings

### **Supplementary Planning Guidance 8 "Advertisements other than shops"**

## **SUSTAINABILITY ASSESSMENT**

Not applicable.

## **CONSULTATION**

### **External**

Consultation letters dated 7th April 2010, were sent to 43 neighbouring owners/occupiers. One objection was received, the following comments were made:

- Loss of light, privacy and outlook.
- Effect upon road safety at a busy junction and the level of illumination will be a distraction to drivers and impact neighbouring amenity.

The issues raised above are noted and discussed in detail below.

The London Borough of Hammersmith and Fulham have been consulted upon the proposals but have not commented.

### **Internal**

The issues raised by: Transportation Officers are included within the remarks section below.

## **REMARKS**

To clarify, the subject site is sited within two borough's, the London Borough of Brent facing Harrow Road and the London Borough of Hammersmith & Fulham, facing Scrubs Lane. The precise boundary location can be seen on the plan at the end of this report  
 Three advertisement hoarding's are proposed, however the third hoarding located at the southern corner of the subject site lies within the neighbouring borough. The London Borough of Hammersmith & Fulham have confirmed that an application has been submitted to them for this sign but is currently invalid on the basis that not all required information has been submitted.

## **Previous applications**

As noted above, one advertisement hoarding was approved in February 2004 for a period of five years, our reference 03/3278, and one located within the borough of Hammersmith and Fulham. Both of these consents have expired as advertisement consent only ever lasts for five years.

Applications for advertisements must fully satisfy the criteria in Policy BE21 of the UDP 2004 and SPG8 'Advertisements other than shops'. Policy BE21 and SPG8 provides guidance in terms of assessing amenity and public safety, on which to judge the effects of any advertisement. The Council recognises that poorly located advertisement hoarding's can be particularly obtrusive and in some locations pose a danger to highway and pedestrian safety. Therefore, advertisement hoarding's will only be deemed acceptable where they enhance the appearance of an area and fully satisfy conditions of policy BE21. For reference policy BE21 states that advertisement hoarding's will not be approved in the following areas:

- (a) Predominately residential areas;
- (b) On or adjacent to conservation areas and listed buildings;
- (c) On open space, or where they would block important views across it, or where they would obscure other important views, landscaping or groups of trees;
- (d) Where it would lead to advertisement clutter, detract from public realm enhancements within the area and/or prejudice regeneration initiatives;
- (e) On railway embankments; and
- (f) On major roads and road junctions where distraction to drivers could be prejudicial to highway safety.

In consideration of the above the proposal does not satisfy conditions: c; d; and f and these issues are expanded upon below.

### **Panel 1**

The proposed advertisement hoarding at the northeastern corner of the site on Harrow Road, adjacent to the Total Garage, is 7.5m high x 5.0m wide and is internally illuminated. Although advertisement consent was granted previously for a similar hoarding, the size and scale of the proposed internally illuminated hoarding is now deemed excessive and particularly obtrusive contrary to policy BE21 of the UDP 2004 and Supplementary Planning Guidance 8. Adopted guidance SPG8 states that hoarding's should respect the scale and character of any original building and policy BE21 notes that they will only be approved where they serve to enhance the character and appearance of the locality. In consideration of the size, scale and location of the proposed hoarding it would significantly detract from the local streetscape which is visually obtrusive when viewed from Harrow Road.

The proposed advertisement hoarding would add to the existing clutter of this prominent corner junction, particularly when viewed west along Harrow Road with the petrol station canopies and signs. In terms of accordence with policy and adopted guidance, the proposed hoarding would not serve to enhance the appearance of the area as the hoarding is completely disproportionate to the size and scale of the existing built environment. In addition, the approved hoarding at this site in 2003 was approved prior to the construction of the new Church and community hall. Advertisement hoarding's would not normally be deemed acceptable where they would detract from the character and appearance of new buildings and in this case the proposed hoarding would have an extremely poor relationship with this new community facility sited immediately adjacent to it.

The internal illumination of the sign also fails to comply with SPG8, whereby illuminated adverts larger than 10m<sup>2</sup> are not normally permitted. The excessive size of the sign coupled with the proportion of illumination is likely to cause confusion, glare and dazzle road users and could have a detrimental impact on highway safety, in addition to harming the visual amenity of the surrounding area. There have been recent refusals for advertisement hoarding's of this size due to their impact upon local visual amenity.

## **Panel 2**

The proposed advertisement hoarding located at the junction of Harrow Road and Scrubs Lane is 3.0m high x 6.0m wide and internally illuminated. Officers note that any advertisement hoarding at this location would not be acceptable as it conflicts with condition f of policy BE21 of the UDP 2004, as it is within direct line of vision of drivers travelling westbound on Harrow Road. It is necessary to restrict types of advertisement hoarding to ensure public safety. The proposed advertisement hoarding is in close proximity to a signalised pedestrian junction of two major London Distributor Roads, where traffic queuing and congestion is already significant during peak periods and there can be no justification for allowing a sign in this location.

Transportation officers have thus objected as the hoarding will cause undue distraction to motorists at the signalised pedestrian junction of two major London Distributor Roads. Supplementary Guidance 8 expands upon this, stating that they can cause a particular safety hazard in locations where drivers have to take particular care. Adopted policy BE21 clearly states that advertisement hoarding's will not be approved on major roads and road junctions where distraction would be prejudicial to highway safety. It is clear that any advertisement hoarding proposed at this site is likely to give rise to conditions which could detrimentally impact pedestrian and highway safety and should therefore be refused on this basis.

The proposed internally illuminated advertisement hoarding is also deemed excessive display at this prominent corner location which will serve to detract from the character and appearance of the locality, for the reasons expanded upon above (panel 1) and is thus contrary to policies BE2 & BE21 of the UDP 2004 and Supplementary Planning Guidance 8. Furthermore, it is proposed to erect this sign right in front of the new church building itself. Such a relationship would be unlike anything nearby and would result in a significantly poor relationship with buildings.

## **Public Realm & Enforcement**

The proposed advertisement displays are located either immediately adjacent or in front of the newly constructed community facility 'City Mission' which includes public realm enhancements through landscaping and previously funded artwork sculptures and would thus conflict with conditions c and d of policy BE21 of the UDP 2004, whereby the advertisement displays would obscure and detract from these important local features.

Prior to the 2003 consent for the advertisement hoarding, adjacent to the Total Garage, funding was provided for the commission of artwork sculptures (giraffe heads) on the junction of Harrow Road and Scrubs Lane, and approved by planning reference 96/0059.

Planning applications granted for the erection of a three storey building for a church and community uses (08/0282; 06/2043) required the protection and retention of giraffe sculptures through condition. At the time third parties were concerned with the retention of the giraffe sculptures as they formed a 'significant landmark' in an otherwise 'featureless environment'. During the construction period for the 3 storey building it came to the Council's attention that the giraffe sculptures were stolen from the site. As the retention of the giraffe heads was conditioned in relation to the construction of the church, this is considered a breach of condition and enforcement action has commenced. Officers have required their reinstatement with the artists design specification. The proposed erection of advertisement hoarding's in place of these structures is not deemed a satisfactory replacement of artwork which seeks to improve the character and appearance of the locality and would serve to obscure any reinstated artwork.

## **Summary**

Officers understand that the proposed advertisement hoarding's are proposed to provide added revenue for the City Mission Church (which is no different to any landowner who may wish to have a similar advert erected on their land) however, for the reasons noted above the proposed advertisement hoarding's are deemed unacceptable by reason of their excessive display serving to detract significantly from the streetscape and the existing buildings and cause conditions which are prejudicial to highway safety. As such the application is contrary to adopted policies BE2 and BE21



of the UDP 2004 and SPG8. Furthermore, the proposed advertisement hoarding's would serve to obscure reinstated artwork as required by condition 9 of planning permission 08/0282.

**RECOMMENDATION:** Refuse Consent

**CONDITIONS/REASONS:**

- (1) The proposed continued display of the internally illuminated hoarding and the installation of an additional hoarding at the junction of Harrow Road and Scrubs Lane, by virtue of its prominent location and excessive size and display, would be detrimental to the visual amenity and character of the street-scene, resulting in visual clutter and related poorly to buildings on the site contrary to policies BE2 and BE21 of Brent's Unitary Development Plan 2004 and Supplementary Planning Guidance 8 'Advertisements Other than Shops'.
- (2) The proposed continued display of the internally illuminated hoarding and the installation of an additional hoarding at the junction of Harrow Road and Scrubs Lane, by virtue of its excessive size and prominent location on a major road junction and illumination would cause undue distraction causing conditions which are prejudicial to highway and pedestrian safety, contrary to policy BE21 of Brent's Unitary Development Plan 2004 and Supplementary Planning Guidance 8 'Advertisements Other than Shops'.

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

- Brent Unitary Development Plan 2004
- Supplementary Planning Guidance 8
- One letter of objection

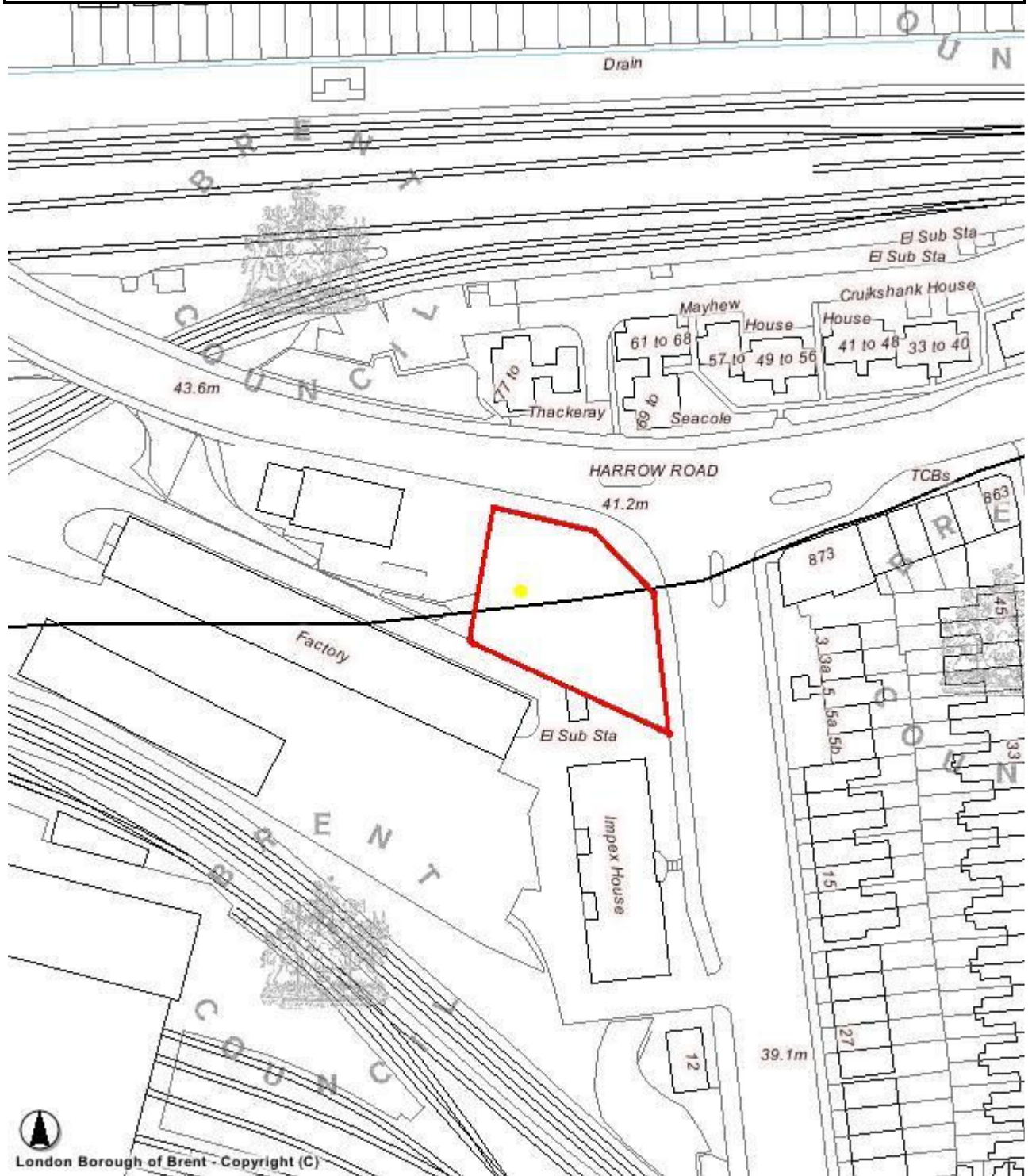
Any person wishing to inspect the above papers should contact Nicola Butterfield, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5239



# Planning Committee Map

Site address: 2 Scrubs Lane, London, NW10 6RB

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Location 2 Scrubs Lane, London, NW10 6RB  
Description Continued display of internally illuminated 7.5m x 5.0m advertisement hoarding on site of church on south of Harrow Road adjacent to existing petrol station and the installation of internally illuminated 6.0m x 3.0m hoarding at the junction of Harrow Road and Scrubs Lane.

**Agenda Page Number: 53**

Members visited the site on Saturday 26th June 2010. It was apparent that the landscaping required through the original planning consent for the church has not been provided.

For clarity, the landscaping details approved in application 08/0282 included the planting of 8 trees (3x on Harrow Road; 3x on the junction of Harrow Road and Scrubs Lane; 2x on Scrubs Lane). Three trees (Betula Pendula) were to be planted on the corner of the site among the giraffe sculptures, which were shown on the approved plan to be reinstated. These trees were specifically agreed as they are not a large dense tree and would not, therefore, obscure the art sculptures, or the building, but would serve to enhance the streetscene. The proposed retention of Panel 1 and the erection of Panel 2 would conflict with consistent Officer attempts over time, and adopted planning policy, to improve the appearance of the street-scene which was required to balance the impact of a far larger building at this prominent corner location.

To confirm the giraffe sculptures, which were granted planning permission in 1996, were erected and funded as part of Harlesden City Challenge. National Planning Guidance PPG19 "Outdoor Advertisement Control" and adopted policy BE21 of Brent's UDP 2004 note that advertisement hoarding's will not be acceptable where they detract from existing features or public realm enhancements. The location of Panel 2 will be sited directly in front of these sculptures and the trees required through approval 08/0282.

**Response to applicants comments (provided at committee site visit)**

A comprehensive supporting statement was distributed to Members at the visit on Saturday. The primary grounds of disputing the Council's stance relate to those specified in the reasons for refusal, namely the impact upon amenity and public safety. However, they also believe that the proposals accord with adopted planning policy.

Officers do not accept the arguments made within this Statement and would emphasize the following:

Policy BE21 is considered a material factor in terms of assessing amenity and public safety, on which to judge the effects of any advertisement. Whilst, design guidance SPG8 understands that applications should be assessed on a site by site basis this is to be viewed in conjunction with adopted policy.

To clarify, Panel 1 was approved (as all adverts are) for a limited five-year period, prior to the construction of the church and community centre. An advertisement hoarding of this nature would not normally be deemed acceptable where it would detract from the character of any new building and it is now a very different situation to the one in 2003 when the hoarding was approved.

not to intrude upon existing features or landmarks will they be deemed acceptable and in prominent locations their effect upon pedestrians should not be overwhelming. In this instance, the proposed advertisements by reason of their size, scale and location, are considered to appear incongruous and over-dominant in the street-scene. They would be out of character, visually obtrusive to pedestrians and contrary to policy BE21.

In terms of the advertisement impacting on highway safety, Council Transportation Officers have highlighted that due to the location of the advertisement hoarding at major signalised junction it is likely to be distracting, where drivers have to take particular care, and therefore detrimental to highway and pedestrian safety. This view is supported by national guidance PPG19. Engineers have re-confirmed their objection to the proposal, in spite of been made aware of the views expressed by the applicant.

### **Summary**

As noted in the committee report: Officers understand that the proposed advertisement hoardings are proposed to provide added revenue for the City Mission Church. However, this cannot be used as justification for the erection of advertisement hoarding's that are insensitively large and located; being visually obtrusive in the streetscene; detract from the character and appearance of the newly erected church and community building; and cause conditions which are prejudicial to public and highway safety.

All of these concerns are intensified when considered in relation to the failure to provide the landscaping which was considered essential (and agreed by the applicant) when the enlarged church building was approved in 2008. Not only has this landscaping not been provided, but unacceptable advert hoardings are now proposed, in one case, instead of any planting.

**Recommendation:** Remains refusal.

DocSuppF

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**RECEIVED:** 25 March, 2010

**WARD:** Kilburn

**PLANNING AREA:**

**LOCATION:** 45 & 45A Torbay Road, London, NW6 7DX

**PROPOSAL:** Demolition of existing single-storey rear extension and erection of a new single-storey rear extension, single-storey side extension and conversion of two self-contained flats into a single family dwellinghouse

**APPLICANT:** Andy Kershaw

**CONTACT:** Andrew Coulter Associates

**PLAN NO'S:**  
(see condition 2 for details)

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**RECOMMENDATION**

Approval

**EXISTING**

The subject site, located on the north-eastern side of Torbay Road, close to the junction with Clarence Road, is occupied by a two-storey terraced dwelling that has been converted into two self-contained flats. The subject site is located within the North Kilburn Conservation Area.

**PROPOSAL**

Demolition of existing single-storey rear extension and erection of a new single-storey rear extension, single-storey side extension and conversion of two self-contained flats into a single family dwellinghouse

**HISTORY**

A Certificate of Lawful Use for the established use of the property as two self-contained flats was issued in 1992. In May 2004, planning permission was granted for the erection of a single-storey rear extension to the ground-floor flat. During a recent site visit, it was observed that this permission has been implemented.

**POLICY CONSIDERATIONS**

**London Borough of Brent Unitary Development Plan 2004**

BE2 Townscape: Local Context & Character  
BE9 Architectural Quality  
BE25 Development in Conservation Areas  
BE26 Alterations & Extensions to Buildings in Conservation Areas.  
H8 Resisting Loss of Housing  
TRN23 Parking Standards: Residential Development  
PS14 Parking Standards: Residential Development (Use Class C3)

**North Kilburn Conservation Area Design Guide**

## London Borough of Brent Core Strategy (Proposed Submission June 2009)

CP21 A Balanced Housing Stock

### SUSTAINABILITY ASSESSMENT

Not applicable.

### CONSULTATION

Consultation letters, dated 8th April 2010, were sent to 18 neighbouring owner/occupiers. Two letters of objection were received in response. The concerns of the objectors include:-

- The proposed development will overbear the neighbouring property and block light.
- The proposed development will cause a loss of privacy.
- The proposed development will could cause damp problems for the neighbouring property.
- Concerns regarding the conversion of properties within the locality and the impacts of this on local services.

### REMARKS

#### CONVERSION OF FLATS INTO A SINGLE DWELLINGHOUSE

The proposed development will result in the two existing two-bedroom flats being converted into a single 3-/4-bedroom dwellinghouse. Policy H8 of the Unitary Development Plan 2004 (UDP) seeks to resist the net loss of dwelling units unless comparable replacement is provided. Policy CP21 of the Council's emerging Core Strategy seeks to redefine the current UDP definition of family sized accommodation to units containing 3-bedrooms or more. Previously the UDP definition considered units with two or more bedrooms to be suitable for family occupation. This change in definition is intended to assist the Council in addressing the identified shortage of housing for the unusually high number of larger households within the Borough. Therefore, whilst the proposed development would result in the loss of two smaller flat units, which is contrary to the general provisions of UDP policy H8, this loss is considered to be adequately compensated for through the creation of a form of accommodation for which there is an established and significant demand both in general and in North Kilburn in particular. As such, the proposed development is considered to comply with the aspirations of policy CP21 which seeks to supply a balanced housing stock to meet the housing demands of the Borough.

#### SINGLE-STOREY REAR EXTENSION

The subject property has an existing single-storey rear extension which will be demolished and replaced by a new single-storey rear extension as part of the proposal. The existing extension to be demolished is 3.5m in width, to match the existing outrigger, 2.5m in depth and has a pitched roof with an average height of approximately 3m. The proposed single-storey rear extension will have the same footprint as the existing extension to be demolished but will instead have a flat roof with a constant height of 3m. The proposed extension would have a simple contemporary appearance with aluminium-framed, sliding glass doors set within the side and rear walls finished externally with brick work to match the existing building. Although openings are proposed to the flank wall of the extension, facing 43 Torbay Road, it should be noted that the existing extension already has similar openings and therefore an increased loss of privacy is unlikely to occur. The appearance of the extension is considered sympathetic to the character of the existing property and surrounding Conservation Area. The dimensions of the proposed single-storey rear extension would be in general accordance with guidance contained in Supplementary Planning Guidance 5:- Altering & Extending Your Home (SPG5) but in any case it would have a similar impact on the neighbouring occupiers to that of the existing extension to be demolished.

#### SINGLE STOREY SIDE EXTENSION

The proposal would involve the erection of a single-storey extension to the side of the existing outrigger. This extension would run the full length (6.3m) of the existing outrigger. In the past,

this type of full side "infill" extension has usually been resisted where properties lie within Conservation Areas on the grounds that they can alter the general character of the property and surrounding area. However, every application for planning permission should be assessed on its own merits and in this case there are particular circumstances which are relevant to the determination of the application.

Whilst the subject property itself is a reasonably standard two-storey Victorian terraced property, characteristic of the surrounding North Kilburn Conservation Area, the adjoining property at 43 Torbay Road is not. The properties at 43, 41 and 39 Torbay Road are later, post-war, additions to the street which consist of an original two-storey terraced element to the front with a variety of single-storey extensions which have been added on at a later date. The existing single-storey rear extension to the adjoining property at 43 Torbay Road runs along the joint boundary with the subject site to a depth of approximately 5.2m, 0.9m short of the outrigger to 45 Torbay Road. This existing extension has a flat roof height of approximately 2.9m and there are no windows in the flank elevations facing the subject site. The relatively modest scale of the existing extension to 43 Torbay Road means that the relationship between the two buildings lacks the same sense of enclosure that is generally characteristic of the properties within the wider Conservation Area. On this basis, it is not considered that there would be sufficient grounds to argue that the proposed extension, albeit a full length side extension, would cause significant harm to the character of the surrounding Conservation Area. It should also be noted that the proposed side extension would be distinct from the proposed rear extension which would help to reduce the perceived bulk of the of the development and its impact on the character of the existing property. The proposed single-storey side extension would only project beyond the existing extension to the neighbouring property by 1m and, as stated above, the adjoining property at 43 Torbay Road does not have any flank-wall windows facing the proposed extension. As such, it is considered that any impact on the daylight or outlook of the neighbouring occupiers would be reasonable.

Overall, it is considered that there are exceptional circumstances in this particular case which would justify the proposal to erect a full length "infill" extension within the North Kilburn Conservation Area.

#### **CONSIDERATION OF OBJECTIONS**

The impact of the proposed development on the outlook daylight and privacy of neighbouring occupiers has already been addressed in the above report.

Issues relating to rainwater drainage, and the possibility of problems relating to damp, are normally considerations beyond the remit of Planning Committee as such issues are normally controlled through the Building Regulations. There is a small gap between the proposed extension and the neighbouring property, which implies that all rainwater collected on the roof of the proposed extension will be drained within the subject site. However, an informative should be placed on any planning permission ensuring that the applicant is fully aware of their responsibilities in relation to this matter.

Concerns have been raised regarding the impact of flat conversions of the provision of local services. However, as this application actually involves the reconversion of two flats into a single dwellinghouse, the current proposals may actually alleviate existing pressures on local services.

#### **REASONS FOR CONDITIONS**

**RECOMMENDATION:** Grant Consent

#### **REASON FOR GRANTING**

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

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 on the date of this permission.

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawings:-

- 01
- 02
- 03
- 04 Rev. A
- 05
- 06 Rev. A

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) All new external work shall be carried out in materials that match, 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.

**INFORMATIVES:**

- (1) The applicant must ensure that the collection and drainage of rainwater is carried out entirely within the application property.

**REFERENCE DOCUMENTS:**

London Borough of Brent Unitary Development Plan 2004  
North Kilburn Conservation Area Design Guide  
Two letters of objection

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





# Planning Committee Map

Site address: 45 & 45A Torbay Road, London, NW6 7DX

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# Agenda Item 8

## Committee Report Planning Committee on 30 June, 2010

Item No. 8  
Case No. 10/0677

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**RECEIVED:** 21 April, 2010

**WARD:** Willesden Green

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** Storage Land next to 75, St Pauls Avenue, London, NW2 5TG

**PROPOSAL:** Redevelopment of the site to provide part 2, 3, 4 and part 6 storey building comprising 20 (5 one, 10 two and 5 three bed) affordable units and associated access, landscaping, car parking and cycle parking provision

**APPLICANT:** Genesis Housing Group

**CONTACT:** Savills L+P

### PLAN NO'S:

813/X01	
GHG/813/X11 C	GHG/813/OD1
GHG/813/OD02	GHG/813/OD03
GHG/813/OD04	GHG/813/OD05
GHG/813/OD06	GHG/813/OD07
GHG/813/OD08	GHG/813/OD10
GHG/813/OD11	GHG/813/OD12
GHG/813/OD13	GHG/813/OD14
GHG/813/OD15	

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### RECOMMENDATION

Refusal

### EXISTING

The site is a vacant plot on the northern corner of St Paul's Avenue and Park Avenue North, NW2. The site is not within a conservation area but is opposite Kingsley Court which is a Grade II Listed Building.

The last lawful use of the site was as a petrol filling station. There is a functioning garage directly to the north of the site on Park Avenue North and a train line to the north of the site, all other neighbouring uses are residential.

### PROPOSAL

Redevelopment of the site to provide part 2, 3, 4 and part 6 storey building comprising 20 (5 one, 10 two and 5 three bed) affordable units and associated access, landscaping, car parking and cycle parking provision

### HISTORY

10/0266 Withdrawn  
Retention of temporary hoarding to perimeter of the site

If a planning application was approved on this site and it therefore became a development site it would benefit from permitted development rights for boundary treatments to secure the site. However when the hoardings were erected they did not benefit from permitted development and required planning permission in their own right. Officers are of the opinion that the erected hoardings are not a treatment suitable to the location in terms of their appearance in the streetscene or the visibility, or lack of it, which they allow through the site. Following the outcome of this current application Officers intend to seek their removal and replacement with a more suitable treatment.

The hoardings mark out the right of access through the site but otherwise their existence is not relevant to the consideration of the current application.

E/08/0668 Technically deleted record

The change of use of the premises from a petrol station to a car sales yard.(temp.desc.)

All other history on the site relates to the previous use and is not relevant to the current application.

Planning Officers have been in discussions with the applicant for a number of years and have seen various iterations of proposals but no application has been formally submitted and considered.

### **POLICY CONSIDERATIONS**

STR11 Which seeks to protect and enhance the quality and character of the Boroughs built and natural environment and resist proposals that have a harmful impact on the environment and amenities.

STR14 New development will be expected to make a positive contribution to improving the quality of the urban environment.

STR19 New housing developments should provide adequate amenity, reduce need for car travel and improvement to public infrastructure.

BE2 Townscape: Local Context & Character

BE6 Public Realm: Landscape Design

BE7 Public Realm: Streetscape

BE9 Architectural Quality

H9 Dwelling Mix

H12 Residential Quality – Layout Considerations

TRN23 Parking Standards – Residential Development

PS14 Parking Standards

### **Supplementary Planning Guidance Note 17: Design Guide for New Development Supplementary Planning Document: S106 Planning Obligations**

### **SUSTAINABILITY ASSESSMENT**

The sustainability checklist currently achieves 11% and has a rating of being “fairly detrimental” in sustainability terms. This is significantly below the council’s minimum score of 50%, and is not considered acceptable. Points have not been awarded for the materials section of the checklist as this is incomplete, and there is no evidence that the “secured by design” principles have been adhered to even though these are mentioned in the planning statement. There is a serious lack of evidence and in sustainability terms, the application should be refused as it fails to meet the council’s sustainability policies.

- The sustainability checklist indicates that the development will clearly encourage alternate access to the car however there no evidence of this, therefore points have not been awarded for this criteria.
- The development is not mixed use, therefore it is not considered that the proposal enhances the mixed use character of the area. Points have not been awarded for this category.
- Whilst “secured by design” is mentioned in the Planning Statement, it is not clear how the

criteria has been adhered to, therefore points have not been awarded.

The materials section of the checklist has not been filled in by the applicant, therefore points cannot be awarded for this category.

## **CONSULTATION**

### **External**

Neighbouring occupiers were consulted on 28th April 2010, a Press Notice was published on 6th May 2010 and a Site Notice was posted at the site on 13th May 2010. 20 objections have been received raising the following concerns:

- Dangerous external layout of the building including blind corners and children's play are close to vehicular route.
- The proposed building will obscure the view at the already dangerous double mini roundabout - caused in part by the old-fashioned approach to road safety and controlling pedestrian movement with barriers which leads to people ignoring them and walking along the road while motorists drive as if on a race track.
- Increased parking pressure - proposed parking is insufficient for occupiers and visitors and temporary illegal parking at the roundabout will create serious problems including accidents.
- Resident's have had conversion schemes refused as they cannot provide off-street parking, the same Council Policy should not allow Genesis to build market housing on a car-free basis.
- The parking area may be secluded and hidden from view encouraging crime or access to adjacent gardens.
- Air pollution - the fumes emitted from the workshop wouldn't be an ideal situation, especially so close to a children's play area.
- The site is a key junction location in a well preserved enclave of Victorian Housing while the proposal is an ugly building of poor modern design in a dominating position.
- No further development was proposed for this site, historically it was stables and became a petrol filling station.
- The proposed building is noticeably taller than Kingsley Court - the only other structures which do this are churches, mosques and Victorian schools.
- The choice of Kingsley Court as the building to echo is bizarre - it is unique in design and period. Neither building will complement the other and Kingsley Court is only referenced to seek to justify 6-storied.
- The proposed brick and wood cladding is objectionable - all surrounding buildings are built with real brick.
- The adjacent semi-detached properties should be considered more in design and in terms of light.
- In terms of the daylight and sunlight report the suggestion that neighbouring windows were not designed to receive high levels of light is unfounded - internal doors of west facing rooms in the adjacent building have fanlights to allow light to the corridor beyond. The adjacent building consists of 2 purpose built flats and the rooms referred to in the daylight report are habitable and should not be dismissed.
- Outlook will be affected as an open area and visible sky will be replaced by a large building.
- The height of the proposed building will destroy privacy in St Paul's Avenue gardens.
- The site is ideal for a sympathetic development, small scale enough to accommodate enough off-street parking and preserve the character of the street.
- The proposed building projects further forward than the St Paul's Avenue frontages harming the vista down the tree lined Avenue.
- More trees are required and there is insufficient space between building and pavement for the solitary proposed tree.
- Front gardens and hedges are key features of the streetscape.
- This is a high density development in an area where services are under pressure from the number of properties in multiple occupation.
- There are insufficient school places.
- Very low water pressure on St Paul's Avenue.
- The impersonal nature of the design and the underpass will attract graffiti to the entire street.

- The 'market housing' section on the application form is filled in contradicting the statement that it is an affordable housing development.
- St Paul's Avenue suffers severe flooding during heavy rain as the main drains are unable to cope - foul water and sewage surcharges back into neighbouring properties. More capacity would be required for a new development.
- The adjacent garage enjoys rights of access across the site, the proposal interferes with this inserting barriers and building across the access above 2-storeys in height. Safety is also an issue in terms of the various users of the site and a Stage 1 Safety Audit has been commissioned
- Any scheme of development should incorporate the garage site.

A neighbouring occupier has instructed their own professional advisor to comment on the daylight and sunlight report which is discussed within the remarks below.

Thames Water - it is the responsibility of the developer to make proper provision for drainage of surface water to ground, water courses or a suitable sewer. Storm flows should be attenuated or regulated into the receiving public network through on or off site storage. Where the developer proposes to discharge to a public sewer prior approval from Thames Water is required. With regard to sewerage and water infrastructure Thames Water do not have any objection to the planning application.

Network Rail - Recommended informatives:

Prior to the commencement of any work on site Network Rail must be informed.

### **Internal**

Transportation - The scheme should be resisted in its current form, on the grounds that the proposed access through the site from St. Paul's Avenue, by reason of its restricted width and awkward alignment, would be likely to lead to vehicles reversing and turning sharply in St Paul's Avenue, contrary to Policy TRN14 and the detriment of highway and pedestrian safety. This is discussed in more detail in the body of the report.

Environmental Health - if permission was granted Contaminated Land conditions should be attached requiring an investigation and remediation measures if found to be necessary.

Landscape Officers - Insufficient amenity space, site dominated by hardstanding, further clarification on a number of issues required (discussed within remarks).

### **REMARKS**

As described above the application is for the development of the vacant plot on the northern corner of St Paul's Avenue and Park Avenue North, NW2.

The applicant is Genesis Housing Association and the proposed 20 units are all affordable and are proposed for social renting.

### Context

A significant issue which has a direct and obvious impact on the form of the proposal is a Right of Access across this site. Plan no. GHG/813/X11 identifies this existing right of access which belongs to the garage to the north east of the site. As things stand at the moment, the area affected cannot be built upon or treated in anyway which would prevent vehicular access. The areas unaffected are to the south west and to the centre, east and north east of the site. It is this right of access that has effectively determined the form that the proposal takes.

Negotiations between the applicant (Genesis Housing Association) and the garage owner have been taking place for some time, the desired outcome for Genesis being either to buy the right of

access or else exchange an area of the site in return for the garage owner surrendering the right of way. As yet discussions have not led to an agreement and as such the right of access and its restrictions remain.

Representations received on behalf of Willesden Green Garage state that no meaningful attempt has been made by the applicant to engage with the Garage owner regarding this issue, while Genesis suggests the opposite. However at present this is a civil matter and the level of negotiation which has been undertaken is not material to this planning application. Notwithstanding this, officers have consistently indicated that the chances of securing support for a scheme of this scale without resolving the issue of the right of access are minimal and that it does need to be resolved.

### Principle of Redevelopment

There is no objection to the principle of developing the site for residential use. It is not considered as local employment land, being a former petrol filling station, and the character of the area is residential with the exception of the adjacent garage site.

The proposal is for 100% affordable housing and would make a contribution to the housing need in the borough providing an acceptable mix of units including family sized maisonettes (5x1-bed, 10x2-bed and 5x3-bed).

### Design & Scale

The site is a prominent corner plot at the junction of St Paul's Avenue and Park Avenue, across the junction to the west of the site is the 6-storey and Grade II Listed Kingsley Court and to the south, Victorian or Edwardian mansion blocks of 3 and 4 storeys face onto the junction. These buildings present a strong building line around the junction, each also benefiting from a landscaped set back and green perimeter resulting in the establishment of a clear residential character.

The proposal is for a part 2, 3, 4 and part 6 storey building. The 6-storey element is to the southwest of the plot directly at the junction, the height reflects that of Kingsley Court. Plans show the flat roof level of the proposal would be about 0.4m higher than that of Kingsley Court but this is attributed to a rise in ground level across the junction. This element of the building has a set back from St Pauls Avenue which respects that character described above but this is not continued successfully around the corner onto Park Avenue as the building projects up to approximately 1.5m from the public highway. This, when considered in combination with the proposed height and bulk, is an area of concern and officers are of the opinion that for the scale of the proposed building to be justified a more generous set back must be provided otherwise the result is an overbearing relationship with the public highway.

The height of the building steps down from 6-storeys to 4, 3 and finally 2. To the east of the site the buildings are semi-detached houses in appearance but were originally built as maisonettes. At the point closest to this neighbour the proposed building is 2 and 3 storeys and is lower than their ridge height, the main front building line here reflects that of the bay feature of the neighbouring maisonettes rather than their main wall though the 2-storey element is recessed and officer's are of the opinion that this relationship is acceptable.

The right of access has a significant impact on the St Paul's Avenue elevation. Centrally on this elevation the building line at ground and first floor is set 8m back from the frontage of the site compared to the set back of 4.5m to the eastern part of the site. Furthermore a vehicular access way, 2-storeys in height, is proposed to cut through the building leading from the St Paul's Avenue elevation to the rear. Whilst the floors above are proposed to overhang the set back the result is that the strength of the front building line is seriously undermined. The proposed treatment of the front curtilage of the site further exacerbates this situation; the 22m wide area to the front of the recessed storeys is proposed as 100% hardstanding and there will be no hedging or other



permanent boundary treatment for a stretch of 18.5m. This is not acceptable according to the Council's policies relating to the public realm as a high standard of landscape design is required as an integral element of development schemes to provide a good quality residential development and to enhance the streetscene. This treatment fails to relate to the surrounding established character as described above and results in an incongruous appearance.

Notwithstanding these significant limitations officers consider that the general design and scale of the proposed building could otherwise be justified. The height and design detail relates acceptably to the architecture of Kingsley Court without mimicking the 1930s design. There is some rhythm and consistency with projecting windows and balconies providing some additional interest. Details of the proposed materials (brick and hardwood effect cladding) have been provided in the design and access statement and if the application was to be approved samples of all external materials would be required by condition. While the design predominantly relates to Kingsley Court rather than the other Edwardian/Victorian neighbouring buildings, a red brick is proposed to the lower 2-storeys which would reflect the common use of the material in this streetscene.

### Residential Amenity

#### *Standard of Accommodation for Future Residents*

All units comply with or exceed the minimum internal floorspace standards of SPG17 and all are dual aspect, however the ground and first floor units affected by the set back in the front elevation rely on north facing windows to their habitable rooms which is not normally supported.

18 of the 20 units have private amenity space mostly with balconies between 6 and 10sqm, flat 5 (2 bed) and flat 9 (1 bed) have no private amenity space. The four ground floor maisonettes/flat each have a private curtilage indicated; in the case of flat 1 (3 bed) this 17sqm designated area fronts directly onto Park Avenue only metres from the junction. According to the UDP 2004's glossary definition of amenity space the first 6m of front garden is treated as landscaping and in the interest of the established streetscene this area should provide a green perimeter but it is also the case that as amenity space its quality is substandard given its proximity to the public highway and traffic. Discounting the front curtilage and side passage to unit 4 none of the unit's comply with SPG17's guidance that ground floor flats should have a minimum of 50sqm amenity space.

According to measurements provided on plans the scheme falls short of the recommended amenity space by approximately 53sqm. The usability of much of the children's play space, given its triangular shape is questioned, and also the proximity of this to the right of access where vehicles associated with the garage use would be entitled to drive and manoeuvre is not favourable.

### Impact on Adjoining Occupiers

Across Park Avenue there is a separation distance of a minimum of 26m between Kingsley Court and the elevation of the proposed building. While this is considered to be acceptable if the building line from the St Paul's Avenue elevation was maintained through to Park Avenue this distance would increase to 30m.

The building has been designed to not project beyond the rear principal elevation (building line) of no. 75/75a St Paul's Avenue, there are no windows in the end gable of the front part of this building and therefore there is no direct impact on outlook from this gable. However, the maisonettes do have windows in the West elevation of the outrigger and objections have been received with regard to the potential negative impact of the proposal on the levels of daylight and sunlight that they presently receive.

A *daylight & sunlight report* has been produced by Savills on behalf of the applicant. Only residential properties that face within 90° of due south are taken into account for sunlight analysis,



in this instance therefore sunlight is not a relevant measurement. The measures of Vertical Sky Component (VSC) and Average Daylight Factor (ADF) are relevant.

Independent professional comments on the *daylight & sunlight report* have been made on behalf of the neighbour and they have raised concerns about the assumptions made by Savills about the use of rooms. Some significant losses in VSC and ADF have been recorded but discounted by Savills due to an assumption that certain rooms in the flank wall are non-habitable. The additional information received suggests that this is not the case and rooms now identified as habitable would be detrimentally affected and that consequently a re-evaluation of the technical data is required. Officers are of the opinion that further consideration of the original assessment will be required and at present officers cannot rely upon the findings of the applicants study.

Proposed east facing balconies to the fourth and fifth floors could potentially have an adverse impact on neighbouring privacy, specifically the use of rear gardens on the north side of St Pauls Avenue. Officers are satisfied that screening could satisfactorily mitigate any overlooking, however in the absence of such details this issue is stated as a reason for refusal.

### Transportation

As the development is proposed as social housing a 50% reduction in the parking standards set out in PS14 of the UDP 2004 applies, as such about 13 parked cars would be expected to be generated by this development. The proposal involves 9 off street parking spaces, (including 2 disabled), given the lack of available parking along the site frontage due to its location on a mini roundabout and the heavily parked nature of the surrounding streets, the potential overspill would be a concern. The applicant's Transport Statement suggests that a 'car-free' agreement be applied to the development, while the site has a PTAL of 3 and PTAL 4 is usually required for car-free agreements it is at the upper end of the PTAL 3 range and the Council's Highways Officer has no major concerns over a minor relaxation in this instance. Therefore if approval were to be recommended a s106 agreement should include a car-free agreement to prevent future occupant's obtaining parking permits. A s106 agreement has not been completed as part of this current application and therefore the potential increase in demand for on street parking associated with this proposed development forms a reason for refusal.

The disabled parking and cycle storage provision comply with the Council's requirements, as does the location and size of the refuse store.

The proposal involves the widening of the crossover from St Paul's Avenue by 8.5m to a total width of 15m, in relation to the residential use there is no requirement for access for any vehicles other than cars. On this basis Highways officers consider the widening to be unnecessary, it would result in an excessively wide crossover that would be detrimental to pedestrian safety.

The access through the building is awkward in its alignment with St Paul's Avenue and also with the building itself; with insufficient room for 2 cars to pass and poor visibility along its length. This gives concern that vehicles will have to reverse into and out of St Paul's Avenue to pass one another or to make the sharp turn into the site, which is a particular safety concern given the proximity of the existing mini-roundabout.

'Moveable barriers' are proposed to the site frontage and along the vehicle access through the building, however officers do not consider this to be a satisfactory solution and correspondence received from the Garage with the Right of Access suggests that these may infringe the legal agreement in any event.

The entrance and crossover from St Paul's Avenue provides the primary pedestrian entrance to the development and these issues are considered to result in a poor quality and potentially dangerous residential environment.

## Landscaping

As discussed above landscape officers are of the opinion that insufficient amenity space is proposed by the proposal. In addition the quality of the proposed landscaping is felt to be inadequate; too much hardsurfacing is provided to the frontage of St Paul's Avenue and more trees should be provided along both St Paul's Avenue and Park Avenue as well as to the rear of the site due to its proximity to a wildlife corridor. The relationship between the car park and the communal amenity space also requires consideration to assist in preventing anti-social behaviour in the car-park.

## Servicing

As discussed in the consultation section, comments on the application have been received from Thames Water. Two neighbour's have made objections relating to the capacity of sewers, existing flooding and the additional pressure the development would create. Thames Water do not object to the proposal but provide clear guidance about the necessity for the developer to make provisions for storm flows. Given the comments from Thames Water officer's do not object to the application on this basis but if approval was recommended details of the treatment of surface water and storm flows would be sought by condition.

## Conclusion

While the principle of a residential development and its general scale is accepted, the form of proposal is significantly impacted upon by the Right of Access through the site and its impact on design, landscaping, residential environment and highway and pedestrian safety. The assumptions made with regard to daylight and the neighbouring property have also been questioned and will require further attention by the applicant.

## **REASONS FOR CONDITIONS**

**RECOMMENDATION:** Refuse Consent

### **CONDITIONS/REASONS:**

- (1) By reason of the proposed set back in the front elevation at ground and first floor and inconsistent building line, the height and bulk of the building, the excessively wide vehicular access and the extent of hardsurfacing, the proposal results in an incongruous, overbearing and unduly prominent development within this streetscene. The proposal fails to relate to the surrounding established character of the immediate area consisting of strong building lines with a green perimeter and the lack of boundary treatment and an integral landscape scheme fails to create a safe and welcoming residential environment for future occupiers. The proposal is contrary to policies BE2, BE3, BE6, BE7 and BE9 of Brent's UDP 2004 and *Supplementary Planning Guidance 17: Design Guide for New Development*.
- (2) By reason of the excessive width of the proposed crossover, the narrow width of the accessway and its awkward alignment with St Paul's Avenue and close proximity to mini-roundabouts the proposal would be detrimental to pedestrian and highway safety. The location of the access way through the residential development and its use by vehicles associated by the neighbouring garage use results in a serious conflict of uses which cannot be mitigated by the temporary barriers proposed. The proposal is contrary to policies BE3, TRN12, TRN14 and TRN15 of Brent's UDP

2004.

- (3) By reason of the amount of amenity space provided, the shape of the children's playspace and its location adjacent to the vehicular accessway the development fails to provide an adequate quantity and quality of amenity space which would be prejudicial to the enjoyment of future occupiers contrary to policy BE6 of Brent's UDP 2004 and *Supplementary Planning Guidance 17: Design Guide for New Development*.
- (4) In the absence of a legal agreement to control the matter, the development would result in additional pressure on parking demand and transport infrastructure, without a 'car-free' agreement or any contribution to sustainable transport improvements in the area, an increased pressure for the use of existing open space in an area of open space deficiency, without contributions to enhance open space, an increased pressure for public sports facilities, without any contribution to the provision of sports facilities, and an increased pressure on education infrastructure, without any contribution to education improvements. As a result, the proposal is contrary to policies STR19, TRN4, TRN23 and OS7 of the adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Document;- s106 Planning Obligations.
- (5) In the absence of screening the proposed east facing balconies to the fourth and fifth floors would result in an unacceptable impact on the privacy of neighbouring occupiers of St Paul's Avenue, contrary to policy BE9 of Brent's UDP 2004 as well as *Supplementary Planning Guidance 17: Design Guide for New Development*.
- (6) In the absence of a legal agreement to control the matter, the proposal fails to comply with the principles of sustainable development and would be harmful to the aims and objectives of the Council, which seek to ensure that new development and land uses achieve sustainable development, and is therefore contrary to Policies STR14 and BE12 of the Brent Unitary Development Plan 2004 and the guidance contained within Supplementary Planning Guidance SPG19: "Sustainable Design, Construction and Pollution Control".

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

Any person wishing to inspect the above papers should contact Liz Sullivan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5377



# Planning Committee Map

Site address: Storage Land next to 75, St Pauls Avenue, London, NW2 5TG

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Location Storage Land next to 75, St Pauls Avenue, London, NW2 5TG  
Description Redevelopment of the site to provide part 2, 3, 4 and part 6 storey building comprising 20 (5 one, 10 two and 5 three bed) affordable units and associated access, landscaping, car parking and cycle parking provision

### **Agenda Page Number: 65**

Members visited the application site on 26th June 2010.

The issue of contaminated land on the site was raised. As noted in the consultations section of the main report Environmental Health officers have recommended that if planning permission was to be granted a condition should be attached to require a site investigation to determine the nature and extent of any contamination. Remediation options would be sought along with a verification report, confirming adequate measures had been taken.

### **Noise & vibration**

The application proposes the erection of a residential development in close proximity to the potentially noise generating railway line. PPG24 on "Noise" sets out various categories of sites and indicates the level of remediation measures that are considered necessary in order to ensure that the occupiers of the flats will have their amenities protected. The existence of the railway line is not considered to be a factor which should prevent residential development but if recommended for approval conditions would be necessary to ensure that potential noise was adequately mitigated (eg: details of glazing, balcony screens, etc), this would include a scheme of insulation works to be approved and implemented prior to the occupation of the development.

Another significant concern is the relationship of the proposed development with the adjacent garage and at the site visit the level of noise produced by the garage was noted. The comprehensive development of the site has always been officers preference and the existence, and proximity, of the garage is considered to be a significant constraint which has been emphasised by the comments of Environmental Health officers. The effect of the noise produced by the garage and related vehicles, from the use of power tools and other machinery, as well as vehicle movements and general activity, which could take place either in the open, or inside but with windows/doors open, would be likely to impact on windows, balconies and other outside amenity space within the new development. This is of significant concern and it is considered has not been satisfactorily addressed at this stage.

### **Revised Plan**

A revised site plan has been received. This plan omits the proposed increase in the width of the existing crossover and proposes a low brick wall at the front boundary up to the vehicular crossover. However the existing crossover is shown re-sited 2m further to the west. This amendment is not considered significant in terms of design with no change to the extent of hardsurfacing, but the wording of reason for refusal 1 should be revised as described below.

This revision does not remove the objection from highways officers. The re-siting of the crossover closer to the mini-roundabout junction is not welcomed on highway safety grounds. Without being able to guarantee that vehicular use of this access can and will be reduced to a negligible level, the proposed re-siting of the access closer to a mini-roundabout junction

and its poor alignment and substandard width will continue to give rise to concern over vehicles having to reverse into and out of St. Paul's Avenue to pass one another or to make the sharp turn into the site.

During the Committee site visit a number of cars were observed using the Right of Access from St Pauls Avenue to the garage. The agents for the application have stated that they are of the opinion that this was not representative and was more frequent than the usual use of this access.

## **Consultation**

Since the production of the Committee report 2 further objections have been received from neighbours, these reinforce issues already discussed in the consultation section of the report.

## **Reasons for Refusal**

Following the submission of revised plans (and reduced crossover width) reason for refusal 1 should be amended as follows:

By reason of the proposed set back in the front elevation at ground and first floor and inconsistent building line, the height and bulk of the building and the extent of hardsurfacing for vehicular use, the proposal results in an incongruous, overbearing and unduly prominent development within this streetscene. The proposal fails to relate to the surrounding established character of the immediate area consisting of strong building lines with a green perimeter and the lack of boundary treatment and an integral landscape scheme fails to create a safe and welcoming residential environment for future occupiers. The proposal is contrary to policies BE2, BE3, BE6, BE7 and BE9 of Brent's UDP 2004 and *Supplementary Planning Guidance 17: Design Guide for New Development*.

Also, reason refusal 2 should be amended to read:

By reason of the re-siting of the crossover closer to the mini-roundabout junction, the narrow width of the accessway and its awkward alignment with St Paul's Avenue and close proximity to mini-roundabouts the proposal would be detrimental to pedestrian and highway safety. The location of the access way through the residential development and its use by vehicles associated by the neighbouring garage use results in a serious conflict of uses which cannot be mitigated by the temporary barriers proposed. The proposal is contrary to policies BE3, TRN12, TRN14 and TRN15 of Brent's UDP 2004.

Reason for refusal 3 should be revised to read:

By reason of the amount of amenity space provided, the shape of the children's playspace, its location adjacent to the vehicular accessway and adjoining garage use, the development fails to provide an adequate quantity and quality of amenity space which would be prejudicial to the enjoyment of future occupiers contrary to policy BE6 of Brent's UDP 2004 and *Supplementary Planning Guidance 17: Design Guide for New Development*.

An additional reason for refusal is recommended:

In the absence of information, or mitigation measures, it would be likely that the noise, disturbance and general activity produced by the adjoining garage use would harm the living conditions of future occupants, contrary to Policy EP2 of Brent's UDP 2004.

**Recommendation:** Remains refusal with amended plan number GHG/813/OD1, revised conditions 1, 2 and 3 and additional reason for refusal.

**Committee Report  
Planning Committee on 30 June, 2010**

**Item No.** 9  
**Case No.** 10/0909

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**RECEIVED:** 20 April, 2010

**WARD:** Queen's Park

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** 36 Kingswood Avenue, London, NW6 6LS

**PROPOSAL:** Erection of one front rooflight, one rear dormer window and rooflight and single storey side extension to dwelling-house.

**APPLICANT:** Miss S Myers

**CONTACT:** Studio 136 Architects Ltd

**PLAN NO'S:**  
See condition 2.

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## **RECOMMENDATION**

Approval.

## **EXISTING**

The subject site is a two storey end of terrace dwelling-house located on Kingswood Avenue, on the junction of Brooksville Avenue. The surrounding area is predominately residential with similar terraced type dwellings. The subject site is a double fronted property located within Queens Park Conservation Area, but is not a listed building.

## **PROPOSAL**

Erection of one front rooflight, one rear dormer window and rooflight and single storey side extension to dwelling-house.

## **HISTORY**

There is an existing dormer window at the adjoining No.37 Kingswood Avenue that was approved on 3 June 2005 (ref: 05/1025).

## **POLICY CONSIDERATIONS**

### **Brent Unitary Development Plan 2004**

BE2 Townscape: Local Context and Character  
BE9 Architectural Quality  
BE25 Development in Conservation Areas  
BE26 Alterations & Extensions to Buildings in Conservation Areas

Supplementary Planning Guidance 5  
Queens Park Conservation Design Guide



## **SUSTAINABILITY ASSESSMENT**

Not applicable.

## **CONSULTATION**

Consultation letters dated, 29th April 2010, were sent to 13 neighbouring occupiers/owners. A site notice was placed within the vicinity of the site dated, 7th May 2010. Three letters of objection were received, including the Queens Park Residents Association, the following comments were raised:

- The proposed rear dormer on a corner property would be clearly visible to, and overlook properties in Brooksville Avenue.
- Only one front rooflight is permitted.
- The rear dormer window should be reduced in width.
- Request removal of the satellite dish from the front of the house.
- Noise, dust, traffic, and building works interruption from the proposed works.

The applicant had originally proposed a 2/3 width rear dormer window, three front rooflights and a single storey side extension to the dwelling-house. Officers had requested amendments to ensure that the proposal would not detract from the character and appearance of the locality and complied with policy. Subsequently, the proposal has altered to "Erection of rear dormer window, one front and rear rooflight and single storey side extension".

Subsequent to these changes, QPRA have confirmed that their objections have been overcome.

Residents have raised concern over the general disruption of building works that the proposal will create, particularly in relation to the location of skips and illegal parked vehicles. Members will be aware that issues of general building disruption are not planning considerations. However, a condition has been attached which will ensure that during construction appropriate measure will be undertaken to minimise noise; noise generating equipment restriction times; and suitable and sufficient means of suppressing dust.

Councillor Green has confirmed that he wishes to support the objectors in opposing the application and had requested that the application be reported to Committee under Members Call-in Procedure. However only one Member request has been received rather than the two required by the procedure. The application is reported to Committee under the code as two objections have been received and the recommendation is for approval.

## **REMARKS**

The subject site is a double fronted end of terrace dwelling-house located on Kingswood Avenue, fronting onto Queens Park. The applicant has proposed a rear dormer window, one front and rear rooflight and a single storey side extension to the dwelling-house. Neighbouring property Number 37 Kingswood Avenue has an existing single storey side extension and rear dormer window to the dwelling-house.

### **Rear dormer**

Queens Park design guidance states that rear dormer windows are normally acceptable where they occupy no more than 2/3 of the width and height of the rear roofplane, although smaller dormers are generally required on corner properties. As the subject site is a corner double fronted property a 2/3 width dormer would be deemed excessive and would result in a roof extension excessively bulky and relating poorly to the roofscape, to the detriment of the character and appearance of the dwelling-house. As a result, in circumstances like this, Officers seek a smaller dormer window than set down in the Design Guide, more in compliance with the guidance set down in SPG5. The proposed rear dormer window has, therefore, been reduced to half the width of the original rear roofplane, 4.7m wide, which is considered appropriate in relation to the size and scale of the original dwelling-house and location within the conservation area. Although there have



been two examples in recent years where a larger roof extension than half-width has been permitted, Officers are firmly of the view that the approach adopted here is the correct one. This is reinforced by the fact that the dormer would be adjacent to an approved half-width dormer extension and would be viewed in this context.

The front face of the rear dormer window is mainly glazed with timber sash windows with glazing bars, which match the appearance of original rear windows. In addition, the face and cheeks of the proposed rear dormer will be clad in lead which is deemed appropriate in the conservation area.

### **Rooflights**

One rooflight is proposed in the front roofslope, 800mm x 500mm, sited in the upper section of the roofslope adjacent to the gable and is compliant with Queens Park design guidance. One rooflight is located within the rear roofslope providing daylighting into a small bedroom, 1.1m x 0.7m. The proposed sections show that the proposed rooflights will be set in flush with existing roof slates and therefore should not unduly impact the character and appearance of the dwelling-house or locality.

It should be noted that additional rooflights are unlikely to be considered acceptable by reason of the visual impact on the roofslope.

### **Single storey side extension**

Single storey side extensions proposed to the side return of an original rear projection of the dwelling-house are not normally deemed acceptable by design guidance SPG5, as they result in a significant loss of amenity to adjacent properties. In this instance, the proposed single storey side extension is deemed acceptable as neighbouring property Number 37 Kingswood Avenue has a similar existing extension, which has been confirmed by officer site inspection.

In terms of size and scale, the single storey extension is 3.65m in height, which although is above the 3m maximum permitted in SPG5, is not detrimental to neighbouring amenity for the reasons outlined above and is appropriate in relation to the original proportions of the dwelling-house. The proposed extension is sited along the neighbouring boundary of Number 37 Kingswood Avenue next to their existing single storey side extension, 5.8m in length and 1.7m wide. To increase the proportion of daylighting into the extended original projection one large sash window is proposed to the rear with three additional rooflights.

The relatively modest scale of the existing extension to 37 Kingswood Avenue means that the relationship between the two buildings lacks the same sense of enclosure that is generally characteristic of the properties within the wider Conservation Area. On this basis, it is not considered that there would be sufficient grounds to argue that the proposed extension, albeit a full length side extension, would cause significant harm to the character of the surrounding Conservation Area. Overall, it is considered that there are exceptional circumstances in this particular case which would justify the proposal to erect a full length 'infill' extension within the Queens Park Conservation Area.

The design of the proposed extension and rear dormer window is in keeping with the character and appearance of the original dwelling-house and therefore deemed acceptable in relation to policies BE9, BE25 and BE26 of the UDP 2004 and Queens Park Conservation Area Design Guide.

**RECOMMENDATION:** Grant Consent

### **REASON FOR GRANTING**

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

Brent Unitary Development Plan 2004

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

**CONDITIONS/REASONS:**

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

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s): D\_10\_36KINGS\_001 REV.B.

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) All new external work shall be carried out in materials that match, 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.

- (4) During construction on site:-

(a) - The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site;

(b) - The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays;

(c) - Vehicular access to adjoining and opposite premises shall not be impeded;

(d) - All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only;

(e) - No waste or other material shall be burnt on the application site;

(f) - All excavated topsoil shall be stored on the site for reuse in connection with landscaping.

(g) - A suitable and sufficient means of suppressing dust must be provided and maintained.

Reason: To limit the detrimental effect of construction works on adjoining residential occupiers by reason of noise and disturbance.

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

- Brent Unitary Development Plan 2004
- Supplementary Planning Guidance 5

- Queens Park Design Guide
- Two letters of objection
- One Councillor objection

Any person wishing to inspect the above papers should contact Nicola Butterfield, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5239



# Planning Committee Map

Site address: 36 Kingswood Avenue, London, NW6 6LS

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**Committee Report**  
**Planning Committee on 30 June, 2010**

**Item No.** 10  
**Case No.** 10/0702

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**RECEIVED:** 23 March, 2010

**WARD:** Wembley Central

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 20 Talbot Road, Wembley, HA0 4UE

**PROPOSAL:** Conversion of dwellinghouse into 3 self-contained flats (2 x 1-bedroom and 1 x 2-bedroom), installation of new door to side of property, alterations to first-floor rear window, removal of existing crossover, formation of new landscaping to front and provision of private amenity space to rear

**APPLICANT:** Mr & Mrs Unwin

**CONTACT:** G E Pottle & Co

**PLAN NO'S:**  
(see condition 2 for details)

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## **RECOMMENDATION**

Approve

## **EXISTING**

The site is occupied by a 2-storey semi-detached house located on the eastern side of Talbot Road, Wembley. The site is not within a Conservation Area. Talbot Road is covered by a controlled parking zone and has a public transport accessibility (PTAL) of 4 which is classified as being good.

The house has an original two-storey outrigger to the rear and has an existing roof extension to the rear.

## **PROPOSAL**

Planning permission is being sought for the conversion of this existing 5-bedroom dwellinghouse into 3 self-contained flats (2 x 1-bedroom and 1 x 2-bedroom). The proposal includes the installation of a new door to side of the property, alterations to the first-floor rear window, removal of an existing crossover, formation of new landscaping to the front of the property and division of the rear garden into 3 separate private amenity spaces. Communal storage and bicycle storage are to be provided in an existing outbuilding located at the end of the garden. The removal of the existing crossover will create an additional on-street parking bay which will be marked out at the applicants' expense.

## **HISTORY**

- 12/10/2009 Planning application for the conversion of dwellinghouse into three self contained flats refused. (Ref: 09/2115).
- 05/11/2007 Certificate of Lawfulness issued for a proposed rear dormer window and 1 front rooflight to dwellinghouse. (Ref: 07/2605).

## **POLICY CONSIDERATIONS**

### **LDF – Core Strategy – Due to be adopted 12<sup>th</sup> July 2010**

- Policy CP2 – Population and Housing Growth
- Policy CP21 - Balanced Housing Stock.

### **Brent UDP 2004**

- *BE2 Local Context*
- *BE7 Streetscene*
- *BE9 Architectural Quality*
- *H8 Resisting the loss of housing*
- *H10 Containment of dwellings*
- *H17 Flat Conversions*
- *H18 Quality of Flat Conversions*
- *H19 Access and Parking for Flat Conversions*
- *TRN3 Environmental Impact of Traffic*
- *TRN4 Measures to make transport impact acceptable*
- *TRN23 Parking standards – Residential developments*
- *TRN34 Servicing in new development*

### **SPG**

*Supplementary Planning Guidance No. 17 - “Design Guide for New Development”*

### **Considerations**

- Change of use to 3 flats
- Character and appearance of the altered building
- Impact on neighbouring properties
- Impact upon the local streetscene
- Provision of parking
- Standard of new accommodation

### **CONSULTATION**

Consultation period: 14 neighbouring properties were notified.

6 letters and a 21-signature petition have been received, objecting to the application on the following grounds:

- The proposal would have a detrimental impact on the character of the house.
- The proposal does not respect or enhance the character of the surrounding area.
- The proposal would have a detrimental impact on the privacy of the adjoining properties.
- The proposal will worsen current parking problems on this road.
- Currently there are already 3 cars constantly parked in the front garden.
- There would be an increase in noise and litter from 3 new families living in the flats. This would also mean more wheelie bins, which would look unsightly in front of the property.
- The garden (rear) is very small, which will not be very pleasant for the proposed conversion.
- There may be safety aspects of the proposed planning application into 3 flats, which means more occupants living in a modest space.
- Since no. 20 has had a loft conversion, the water pressure at neighbouring property at no. 18B has reduced, and this proposal would make this worse (officer note: property water-pressure issues are not a material planning consideration).
- Number 20 Talbot Road (the application site) regularly parks in front of adjoining houses already.

- The front garden of 20 Talbot Road has been hard surfaced and when vehicles use it they regularly overhang onto the public footpath, causing pedestrian obstructions.
- Talbot Road is already congested and there are insufficient parking bays to cope with the number of dwellings already present.
- When a function/festival is held at the Talbot Road temple, this also causes severe local congestion.
- The subdivision of the garden will spoil neighbourhood views/outlook, (officer note: loss of view is not a material planning consideration).
- The party wall between nos. 18 and 20 is not soundproof, which means that the noise of people going up and down the communal staircase can be heard through the wall. If the communal staircase is heavily used by the occupiers/visitors of 3 flats, the noise will increase.
- The property is in a CPZ, and so there should be a provision that the residents of the development are not entitled to residents' parking permits.
- The proposal would result in the loss of a family-sized residence

One of the objectors was a Ward Councillor at the time (Valerie Brown).

#### Internal comments

*Transportation* – No objection, subject to a condition requiring the crossover to the property to be removed, the pavement reinstated and associated amendments to the parking bays in Talbot Road be carried out, all at the applicants' expense.

*Environmental Health* – No objections. Recommend standard conditions in relation to sound insulation.

### **REMARKS**

#### Summary

The proposed conversion of the property to into 3 self-contained flats is considered acceptable in principle. The house meets the requirement set out in policy H17 of the Council's Unitary Development Plan that its original unextended floor area is no less than 110 m<sup>2</sup>. The three proposed flats all meet the minimum floor areas set out in SPG17. The proposed internal layouts of the rooms are considered acceptable. All the proposed flats are considered to have sufficient outlook, daylight and privacy and each will have its own private external amenity space located at the buildings rear. While no off-street parking is provided Talbot Road, which is in a Controlled Parking Zone, is considered to have enough capacity to cope with the parking demands of the three proposed flats. Refuse storage will be accommodated to the side of the property and the front garden landscaped to improve its appearance. The removal of the crossover and reinstatement of the pavement will increase on-street parking capacity.

This revised scheme is considered to overcome the reasons for refusing the previous application which failed primarily due to its internal layout, a substandard off-street parking arrangement which resulted in vehicles overhanging the pavement and the creation of additional windows in the side of the property that compromised the privacy of neighbours.

It should be noted that the Council's Core Strategy of its Local Development Framework is nearing adoption having been through its Examination in Public and the Council having agreed in principle to changes recommended by the Secretary of State. The final step before full adoption is to get agreement for the Secretary of State proposed changes from the Full Council which is scheduled to take place on the 11th July. The Core strategy will supersede some of the saved policies of the existing UDP. Policy CF21 of the Core Strategy seeks to protect family housing which it defines as being three or more bedrooms. This will supersede policy H18 of the UDP which defines family housing as being two or more bedrooms. This means that upon formal adoption of the Core

Strategy, future flat conversions will have to provide at least one three-bedroom or larger unit.

No Section 106 Agreement is required for this proposal, as there is no increase in the number of bedrooms to that which is existing, and a car-free agreement is not considered necessary.

#### Principle of conversion to flats

The dwellinghouse currently has a large original 2-storey flat-roofed outrigger, which is replicated by the adjoining semi-detached property, number 18 Talbot Road. The property has a recently constructed rear dormer window, which was permitted by a certificate of lawfulness application 07/2605. The dwelling also has a wooden/glazed structure at first-floor level, which appears like an elevated conservatory and provides an external open staircase access to the rear garden. This structure was constructed in/prior to 2001, as it is visible on aerial photographs of the site at the time. It is therefore immune from planning enforcement action. Number 18 adjoining also has an open external staircase providing access to their rear garden, but only has a rear platform at first-floor level, rather than a structure.

This application proposes to convert the existing large town-house into 3 self-contained flats; two 1-bedroom flats and one 2-bedroom flat. The site is within a residential area. The property has an original unextended floorspace greater than 110sqm and adjoins a local access road. This complies in principle with Policy H17. The only external changes to the building specified are fenestration alterations. However, the largest of the proposed units is a 2-bedroom first-floor flat. This is not considered to be a family dwellinghouse. The Borough's forthcoming LDF considers units with at least three bedrooms suitable for families. The proposal will result in a loss of family housing in the Borough where there is a recognised local need.

The Core Strategy was found sound by the Planning Inspector after an Examination in Public was conducted earlier this year. The Core Strategy, with binding recommendations from the Planning Inspector, is due to be adopted by the Council on the 12th July 2010.

Policy CP21 of the Core Strategy seeks to maintain and provide a balanced housing stock in Brent in support of Policy CP2 (which identifies areas of housing need in areas of population growth) by protecting existing accommodation that meets known needs and by ensuring that new housing appropriately contributes towards the wide range of borough household needs including an appropriate range and mix of self-contained accommodation types and sizes, including family-sized accommodation (3+ bedrooms) in house subdivision/conversion schemes.

The proposed conversion of this family sized dwellinghouse into 3 small flats, none of which are proposed to be at least 3 bedrooms in size, does not comply with policy CP21 of Brent's emerging LDF.

Policy H18 of Brent's Unitary Development Plan defines a family dwelling as 2-bedrooms plus. This will shortly be replaced by Core Strategy Policy CP21, which redefines family dwellings as 3 bedrooms and above. However, the Core Strategy has not yet been adopted by Members because of the recent elections, although the Planning Inspector has found the document sound. Senior officers have liaised with policy officers and determined that it would be premature to rely on the Core Strategy document until it is fully adopted. Therefore for the purposes of this application, the amended proposal does provide a 2-bedroom unit and complies with Policy H18 of Brent's Unitary Development Plan and accordingly is recommended for approval in principle.

#### Quality of accommodation

The application proposes two 1-bedroom flats and one 2-bedroom flat.

Sizes of accommodation proposed:



<b>Flat (no. of bedrooms)</b>	<b>Proposed floor area</b>	<b>SPG17 guidance</b>
Ground floor 1-bedroom flat	53.5m <sup>2</sup>	45m <sup>2</sup>
1st Floor 2-bedroom flat	55m <sup>2</sup>	55m <sup>2</sup>
2nd Floor 1-bedroom	46.7m <sup>2</sup>	45m <sup>2</sup>

The previously refused application, ref 09/2115, was a similar proposal. One of the reasons for refusal was because the proposal would result in a substandard form of accommodation for the future occupiers of the flats, due to poor outlook from the ground- and first-floor flats' sole kitchen windows, the failure to demonstrate a method of safeguarding the privacy of the ground-floor flat's bedroom, and the stacking of a bathroom within the second-floor flat above a bedroom with the associated failure to demonstrate a satisfactory level of noise insulation between flats. This was contrary to Brent's Unitary Development Plan policies BE9 and H18 and Supplementary Planning Guidance 17 - Design Guide for New Development.

The previous application also failed to demonstrate a method of safeguarding the privacy of the adjoining property, 22 Talbot Road, due to habitable-room windows being set only 3.2m from the shared boundary with no. 22.

These two reasons for refusal have been addressed in the current application. The concerns over stacking have been addressed now. The kitchens to all 3 proposed flats are to the rear of the building in the same locations of each floor, as are the proposed bathrooms for the proposed flats, which are all located next the kitchens to the side facing 22 Talbot Road. The only windows in the elevation facing no. 22 are to be bathroom windows, which would be restricted to have obscure glazing.

The applicants have provided a cross-section showing a minimum 90% of the floor space having an internal head height of 2.3m (drawing no. 2694/04).

The proposed floor areas for each proposed flat exceed the minimum areas recommended within SPG17. (See table above.)

The proposal also includes the division of the rear garden into 3 to provide separate private amenity space. Each area is over 20m<sup>2</sup>, and therefore complies with guidelines within SPG17.

#### Parking/landscaping/streetscene

One of the reasons for refusal for the previous application was the lack of sufficient parking provision for the proposed dwellings.

However, the parking issues raised at the time of the previous application have now been addressed.

The depth of the front garden is only 3.7m and it is 7.3m wide. The dimensions are such that it cannot accommodate a car perpendicular to the road (2.4m wide by 4.8m deep). The Council's Highway Engineers object to a diagonal parking space.

The current, revised, application proposes no off-street parking. A proposed front garden layout has been provided, showing that the existing front garden is to be laid out with substantial soft landscaping, with a low front wall, and the removal of the existing crossover. The existing double yellow lines at the front of the property would also be removed and therefore allow an on-street parking space to be provided at the front of the property. This would and also improve the visual amenity of the front garden.

As the site is within a good PTAL4, and has a CPZ, parking demand would be reduced according to planning policy.

Since the previously refused application, the Council's Transportation department have reassessed the parking requirements and proposals for this application, and have recommended that the application can be supported, provided the existing crossover is removed and the front garden is not used as a car-parking space, so that the on-street parking space can be utilised. Part of the original objection to the parking arrangements on the previous planning application were on the basis that the existing off-street parking arrangements are not satisfactory, and therefore could not be considered as providing a space which complied with transportation regulations. However, the proposed arrangement would allow a space, on street, which complies with transportation regulations.

Every new flat is required to provide one secure cycle-space according to Policy TRN11 of Brent's Unitary Development Plan. The existing outbuilding at the end of the existing rear garden is to be used for secure cycle storage, which is accessible to all 3 proposed flats.

The proposed front garden layout also includes sufficient provision for bin-storage for the proposed flats.

#### Response to objections to the proposal

Many of the objections raised are not planning issues, including party wall issues, loss of view and water pressure issues.

#### *Proposed conversion*

The proposed conversion into flats can be supported in principle as it complies with relevant policies as described above. There are also other existing flats in this street, including the property next door at 18 and 18a Talbot Road.

#### *Parking issues*

The proposal would result in one on-street parking space, which is in effect may be considered an extra space to the existing situation as the current off-street parking space for the existing house does not comply with transportation regulations. Talbot Road is not a heavily parked street as defined in Brent's Unitary Development Plan.

The applicant has responded to objections made on parking grounds, and considers that the proposal would not make parking conditions worse than they currently are. He has provided information from a survey he has done of parking conditions on Talbot Road, and he concludes that the development should not make the situation worse.

#### *Wheelie-bins in the front garden*

The front garden is to be mainly laid out with soft landscaping and so there would be no front garden parking. This would improve the visual amenity of the streetscene, as well as provide screening of any wheelie-bins in the front garden.

#### Conclusion and Recommendation

The proposal complies with relevant policies, including policies BE2, BE7, BE9, H17, H18, H19, TRN3, TRN4 and TRN23 of Brent's UDP 2004, as well as Supplementary Planning Guidance Note 17: Design Guide for New Development, and is accordingly recommended for approval, subject to conditions.

#### **REASONS FOR CONDITIONS**

**RECOMMENDATION:** Grant Consent

## REASON FOR GRANTING

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

Brent Unitary Development Plan 2004  
Council's Supplementary Planning Guidance 17 - Design Guide for New  
Development

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  
Transport: in terms of sustainability, safety and servicing needs

## CONDITIONS/REASONS:

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

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

Site location plan  
2694/01  
2694/02 Rev. A  
2694/03 Rev. D  
2694/04  
Design and Access Statement  
Document entitled "A proposal for car parking at 20 Talbot Road prepared by Chris Unwin"

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) All new external work shall be carried out in materials that match, 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.

- (4) The retained outbuilding shall only be used for purposes incidental to the enjoyment of the proposed 3 flats.

Reason: In order to safeguard the quality of the proposed amenity area and standard of accommodation provided.

- (5) Prior to occupation of the proposed dwellings, the existing vehicular access at the edge of the public highway shall be removed at the applicants' expense, and the public footway reinstated, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the construction of the access does not prejudice conditions of safety for pedestrians on the adjoining highway.

- (6) The windows in the side wall of the building shall be glazed with obscure glass and the windows shall open at high level only (not less than 1.8m above floor level) and be top hung and shall be so maintained, unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupiers and in the interests of good neighbourliness.

- (7) Notwithstanding the submitted drawings, prior to development commencing, details of:

- the proposed refuse/recycling enclosure
- the proposed secure bicycle stores

shall be submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority. Thereafter the refuse, recycling and cycle storage areas shall be fully implemented in accordance with the approved details prior to the occupation of the development and permanently retained, unless the prior written consent of the Local Planning Authority is obtained.

Reason: To ensure a satisfactory appearance, adequate standards of hygiene and refuse collection and that non-car use is encouraged.

- (8) Notwithstanding the submitted drawings, prior to development commencing, further details of the front garden layout, including hard and soft landscaping, shall be submitted. These details shall include:

- (i) a planting schedule
- (ii) a schedule of paving materials and samples with consideration of disposal of surface-water
- (iii) details of a low front boundary wall

which shall be submitted to and approved in writing by the Local Planning Authority, prior to commencement of development. The landscape work shall be completed during the first available planting season following completion of the development hereby approved and the hard landscape works shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority. Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced by trees and shrubs of similar species and size to those originally planted.

Reason: To ensure a satisfactory standard of development in the interests of local visual amenity.

- (9) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan indicating the positions, design, materials and type of boundary treatment to be erected or retained to the front, sides and rear. The boundary treatment shall be completed before occupation of the buildings, or in accordance with a programme agreed in writing with the Local Planning Authority. Any existing boundary treatment shall not be uprooted or removed, except where in accordance with the approved plan and shall be protected from building operations during the course of development.

Reason: To safeguard the character of the area and the reasonable residential amenities of local residents.

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

Any person wishing to inspect the above papers should contact Avani Raven, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5016



## Planning Committee Map

Site address: 20 Talbot Road, Wembley, HA0 4UE

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This map is indicative only.

**Committee Report  
Planning Committee on 30 June, 2010**

**Item No.** 11  
**Case No.** 10/0700

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**RECEIVED:** 26 April, 2010

**WARD:** Wembley Central

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 326 High Road, Wembley, HA9 6AZ

**PROPOSAL:** Change of use of premises to a cafe (Use Class A3) and installation of an extraction flue to rear

**APPLICANT:** La Cigale

**CONTACT:** Mr Fares Nasereldine

**PLAN NO'S:**  
(See Condition 2 for the approved plans and/or documents)

---

## **RECOMMENDATION**

Approve

## **EXISTING**

The application relates to a commercial unit located in shopping parade located on the northern side of the High Road adjacent to Wembley Triangle. The unit has recently been vacated but was last used as a sandwich bar which falls with the A1 (retail) Use Class. The property lies within a Major Opportunity site in the Wembley Regeneration Area and is designated as Secondary Shopping Frontage. The upper floor contains a self contained flat.

## **PROPOSAL**

The proposal is for a change of use of the sandwich bar (A1) to cafe (A3) along with the installation of an extraction flue to rear.

## **HISTORY**

Planning applications of relevance to this application include the following;

**09/2244** - Retention of change of use from shop (Use Class A1) to cafe (Use Class A3). ***Application withdrawn.***

**07/1301** - New shopfront and barrier for external seating area to front of existing cafe premises . ***Granted 12/07/2007.***

**04/3487** - Change of use from A1 (retail shop) to A3 (coffee shop). ***Refused and subsequently dismissed on Appeal.***

**00/0687** - Change of use from retail (Use Class A1) to food and drink (Use Class A3). ***Refused and subsequently dismissed on Appeal.***

## **POLICY CONSIDERATIONS**

**STR11** – The quality and character of the Borough’s built and natural environment will be protected and enhanced; and proposals which would have a significant harmful impact on the environment or amenities of the borough will be refused.

**BE4** – Development open to the general public shall include suitable access and facilities for disabled people which should also be provided for in schemes for changes of use.

**BE9** – Architectural Quality

**SH2** – Planning proposals should support the maintenance and improvement of shopping and other facilities in Wembley Town Centre in accordance with its status as a major town centre.

**SH9** – Within Secondary Shopping Frontages of town centres non-retail uses that provide a service to visiting members of the public will be permitted subject to residential amenity, highway and traffic considerations.

**SH10** – A3 uses are acceptable in the Borough’s centres providing they comply with the requirements of either SH7 or SH9, and the requirements below. Where the proposal is of a scale to attract large numbers of people it will be considered against policies SH3-SH5. A3 uses should not result in the creation of traffic congestion, car parking problems, or a reduction in highway safety in surrounding areas and not adversely affect the amenity of residential occupiers.

In considering proposals account will be taken of:

- (a) The proximity of residential accommodation
- (b) The specific nature and size of the use proposed
- (c) The character of the area and the concentration and existing level of disturbance from A3 and similar uses
- (d) Whether the proposed hours of operation would result in residential disturbance; and
- (e) The practicality of providing extra ducting, ventilation, grease traps and/or noise insulation.

Consideration will be given to granting permission for a specific use within the A3 use class, restricted by conditions, where it can be demonstrated this would not result in unacceptable environmental impact.

**SH11** – Where permission is granted for A3 appropriate conditions may be imposed relating to hours of opening, noise, disposal of refuse, or restricting the sale of hot food to be consumed off the premises.

**SH12** – Where customer toilet facilities are provided on change of use to class A3, applicants will be encouraged to include reasonable provision for disabled people.

**SH19** – The council will use its powers to provide, retain, and where necessary, improve facilities for rear servicing by vehicles of retail and service outlets.

**WEM7** – Development in the National Stadium Policy Area should be designed principally for access by public transport, walking and cycling rather than by private car.

**WEM21** – Proposals for the diversification and regeneration of Wembley Town Centre consistent with policies in the Town Centre and Shopping Chapter are supported. Development should not lead to increased congestion on the High Road.

## **CONSULTATION**

Neighbouring and surrounding properties were consulted on 11<sup>th</sup> May 2010 along with Brent’s Transportation Unit, Environmental Health Team and local Ward Councillors. 2 letters objecting to the change of use of have been received. The concerns raised in the objection letters are summarised as:-



- It's location on a busy road with no parking would cause traffic safety problems and pedestrian safety problems as a result of vehicles parking on the footpath.
- Increased noise and smell from the premises as a result of the A3 use.
- Will lead to increased crime in the area as a result of people hanging around late at night.
- The proposal will have a negative effect on the character of the area as there are already too many eating places

Transportation raise no objection to the change of use as parking standards will be un-affected, so too will servicing requirements as the rear service yard can easily accommodate a 'Transit' sized vehicle to meet the standard.

Environmental Health does not object to the proposed change of use. The information provided has been assessed and this suggests that the cafe use could be operated without detriment from odour nuisance if the extraction system described is installed. The system will also achieve suitable noise attenuation. To ensure this it is recommended that a condition be attached to require the submission and approval of further details of fume extraction and odour control equipment, prior to the commencement of development.

## **REMARKS**

### **Background to Previous Applications & Appeal History**

This property has previously been refused planning permission for a change of use to Use Class A3 on two separate occasions, on both occasions the A3 use would have introduced a hot food take-away. The first application refused permission in 2000 (ref; 00/0687) which was for an Indian take-away was later dismissed on Appeal (APP/T5150/A/00/1054286). The Inspector concluded that a take-away use in this location on Wembley Triangle, which is a busy traffic light controlled junction at the confluence of Harrow Road and High Road would present traffic safety issues because of pressure from customers to park in the immediate vicinity of the premises which would be to the detriment of highway safety. The Inspector also concluded that the proposal would be harmful to residential amenities as the proximity to residential accommodation and the installation of extract ventilation would be likely to cause noise disturbance and a worsening of outlook for the residents above. This extraction system was to have been sited against the recessed rear wall, rising vertically immediately outside a window, Members should note this is not the same location which the extraction system is now proposed in.

A second application for an A3 use, this time a coffee shop was refused in 2004 (ref; 04/3487). This was then later dismissed on Appeal (APP/T5150/A/05/1175902), the Inspector considered the proposed use on the basis it was to be an eat-in and take-away use (as this was the use described by the appellant). Based on the proposal and the information put forward the Inspector did not find his conclusions different to the previous Inspector with regard to the two main issues, with those being tests relating to highway safety and amenity impact. The appeal was dismissed on these grounds. The extraction system proposed did not terminate at a sufficiently high level, this gave rise to concerns about smells and fumes from cooking. Furthermore in relation to the residential accommodation the Inspector did not consider the information submitted demonstrated the installation of the extract system would not result in noise disturbance for the occupiers.

When the above applications were submitted the Use Classes Order included restaurants, take-aways and cafes all as part of the A3 class. The Use Classes Order has since been amended to differentiate these uses so that there is now A3 (restaurants & cafes), A4 (pubs and bars) and A5 (take-aways) so there is now a clear distinction between restaurant and takeaway uses, this distinction is particularly relevant to the application hereby considered which is for an A3 restaurant use only.

In assessing the merits of the current proposal weight shall be given to previous Inspectors decisions, as well as matters of residential amenity and highway and traffic considerations.

## **Policy Context**

The borough's main network of town centres, consisting of Major Town, Main District and Other District Centres, is generally formed through the designation of Primary and Secondary Shopping Frontages. Within these designated frontages the Council's planning policies, set out in the adopted Unitary Development Plan 2004 (UDP), seek to promote a diverse and appropriate mix of both retail and non-retail uses which can add vitality to the town centre.

Within Secondary Shopping Frontages non-retail uses that provide a service to visiting members of the public will be permitted, subject to residential amenity, highway and traffic considerations.

## **Principle of Change of Use**

The proposal would involve the change of use of the existing sandwich bar (Use Class A1), which has recently become vacant, into a cafe (Use Class A3). The subject site is located within a designated Secondary Shopping Frontage.

Policy SH9 of Brent's Unitary Development Plan, 2004 sets out the criteria upon which a proposed non-retail use will be considered within a secondary frontage. The policy does not consider the concentration of non-retail uses within the frontage, nor does it consider the proportion of non-retail uses within the entire frontage. Policy SH9 says that a non-retail use should provide a service to visiting members of the public and that the use will be permitted subject to residential amenity, highway and traffic considerations.

Policy SH10 is specific to A3 uses and in considering proposals for A3 uses these should not result in the creation of traffic congestions, car parking problems or a reduction in highway safety in surrounding areas and not adversely affect the amenity of residential occupiers.

Overall, it is considered that, in principle, the proposed change of use would comply with the policy SH9 contained in the UDP. However, before the proposed change of use can be considered acceptable, in all respects, the other, more direct, impacts of the proposed development must first be considered to satisfy policy SH10.

## **Impacts of the Proposed Use**

The subject site has been operating under use class A1 for over 20 years with the most recent Sandwich Bar having operating for approximately 5 years. The sandwich bar previously operated predominately with a high proportion of take away service with approximately 10 small tables provided inside and 3 outside for customers choosing to dine in. A recent site visit observed the fact the premises are now vacant.

Given that the principle of the proposed change of use has been established (see above), policy SH10 of the UDP sets out the specific issues associated with food and drink (Use Class A3) uses which must be considered if the proposal is to be considered acceptable in all respects. These issues generally include the impact of the proposal on residential amenity and local highway conditions. Policy SH11 suggests that conditions may be imposed on any new A3 use to ensure satisfactory standard of development. There is a residential unit located on the upper floors of the building above the subject site. There are also residential properties towards the rear of the site, along Ecclestone Place (16m away) but these are considered to be less directly affected by the proposals. In any event the presence of residential premises above has lead to a recommended condition to control the hours of use.

## **Residential Amenity/Extract Duct**

Environmental Health normally requires the extract system to terminate 1m above ridge level, as a

minimum to ensure suitable discharge of smells, fumes and odours away from sensitive uses. The proposed kitchen/flue duct (500mm x 400mm) is proposed fixed to the rear elevation and will rise vertically up, sited against the projecting flank wall of the adjoining 3-storey office building, it will then be routed on top of the flat roof and then rises again vertically, terminating 1.2m above the existing roof ridge. The extraction system proposed is to be fitted with silencers to keep noise levels at acceptable levels so as not to result in harm to surrounding residential amenities, and Environmental Health officers have confirmed that the proposed system should achieve suitable attenuation. It is also important to note that other extraction systems exist to the rear of this parade of commercial properties although these are longstanding.

There is an existing kitchen window at first floor which is part of 326A High Road, however the size of the flue and its location should not worsen outlook. The Council's Environmental Health Unit have inspected the proposals and consider the extract system proposed to be generally conducive to protecting residential amenity in terms of odour nuisance and noise. However, for the avoidance of doubt, it is recommended that a condition requiring further technical details of the extract system should be attached to any permission to ensure that the proposed duct would not cause unreasonable noise, vibration or odours. Such details will need to be approved prior to the commencement of use.

The high level termination and the extract system proposed, which is considered to be suitable and likely to deal with smells and fumes adequately overcome previous concerns raised by Officer's and Inspectors relating to protection of residential amenity.

The subject site is located on the edge of a busy Town Centre, and fronts a busy London Distributor Road and therefore some level of disturbance arising from the general activities of commercial operations is to be expected. Given the concerns raised by objectors about late night activity and the need to preserve the residential amenities of surrounding properties it is important to ensure that any disturbance is kept to a reasonable minimum. It is therefore recommended a condition restricting the hours of use from 0800-2300 on Monday to Saturday and 0800-2230 on Sundays and Bank Holidays. be attached to the permission.

### **Traffic and Parking**

The application site is located on the northern side of High Road, Wembley (a London distributor road). and is in a Controlled Parking Zone which operates 08:00-18:30 Mon to Sat. Access to public transport is good (PTAL 4), Wembley Stadium Station is very close to the site.

The site cannot provide off-street car parking but does have a rear servicing access from Ecclestone Place. The premises has a floor space under 100m<sup>2</sup>, as such the proposed change of use will not alter the car parking standard. The last authorised A1 use can be permitted up to 1 space, while under PS9 the currently sought A3 use can be permitted the same amount of parking.

The servicing requirement for an A3 use is less onerous than for an A1 use, and only a 'transit' sized bay will be required. There is space to provide this off street to the rear of the premises. The rear yard can also accommodate refuse and recycling storage.

In summary the Council's parking standards for an A3 use are no different to the authorised A1 use, and servicing standards for an A3 use are met to the rear. Therefore the proposal is not met with an objection from Transportation.

### **Access**

There is a level difference between the entrance to the premises and the footpath. Developments open to the general public shall include suitable access and facilities for disabled people in order to comply with Policy BE4. Details have not been provided of any measures to meet this policy, therefore a condition is recommended for approval of a ramp to the front. The provision of a ramp to the front is practicably feasible as the Council has already approved a ramp in conjunction with

other works to the frontage under planning permission 07/1301.

### **Consideration of objections**

Concerns relating to the impact on traffic and parking, and the impacts of the proposed extract duct in terms of smells and odour have been addressed in the above report.

Concerns have been raised that the use proposed would lead to an increase in crime. Whilst acknowledging the concerns of the objector, as Members will be aware a perception that the use may increase crime is not normally a material planning consideration that can be used to determine planning applications.

An objector has also stated the proposed use would have a negative effect on the character of the area, as there are already too many eating places in the locality. This has been discussed in the above report, but to clarify the primary policy, which is SH9, does not consider the concentration or proportion of non-retail uses in assessing a proposed change of use. The primary matters for consideration are highways and traffic and residential amenity, and the use has been found to be acceptable on these grounds, as discussed in the above report. It would therefore be unreasonable to refuse the application on the grounds of harm to the character of the area or an over concentration because of the number of A3 type uses that exist, there is no policy to support this.

### **Conclusion**

There are no policy grounds to object to an "over-concentration" of A3 uses in this secondary parade, cafes/restaurants are appropriate uses subject to residential amenity, highway and traffic considerations. Having paid regard to previous Inspectors decisions in relation to matters of highway safety and residential amenity, and assessed the proposal against current policy the proposed change to A3 use is considered to be an acceptable change of use, and on balance complies with the policies contained in Brent's Adopted Unitary Development Plan, 2004. The application is accordingly recommended for approval, with recommended conditions.

### **REASONS FOR CONDITIONS**

**RECOMMENDATION:** Grant Consent

### **REASON FOR GRANTING**

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

Brent Unitary Development Plan 2004

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  
Environmental Protection: in terms of protecting specific features of the environment and protecting the public  
Housing: in terms of protecting residential amenities and guiding new development  
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness  
Transport: in terms of sustainability, safety and servicing needs  
Wembley Regeneration Area: to promote the opportunities and benefits within Wembley.

## CONDITIONS/REASONS:

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

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

OS Sitemap (1:1250)  
JR-09-02, revB (1:50)  
WEMBLEY/300/1, revP1 (1:100)  
FA.09.09/217-A (1:50)  
FA.09.09/218-A (1:50)  
FA.09.09/219-A, revC-01-2010 (1:50)  
Purified air specification (dated 19th March 2010)  
Helios kitchen extraction fan specification

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) The premises shall only be open and used for the preparation or sale of hot food on the premises, and accept deliveries to the premises between the hours of:

0800 to 2300 Monday to Saturday (Excluding Bank Holidays)  
0800 to 2230 Sundays & Bank Holidays

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- (4) The ground floor of the premises shall only be used as a sit-down restaurant/cafe, in accordance with the provision of Class A3 of the Schedule attached to the Town and Country Planning Use Classes (Amendment) Order 2005, or in accordance with any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification. The premises shall not be used as a hot-food take-away, except with the prior written permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: In the interest of general highway safety and the free flow of traffic in the locality of this site fronting a well-trafficked route and a London Distributor Road and in close proximity to the junction of Harrow Road with Wembley High Road and Wembley Hill Road.

- (5) The front entrance door for the ground-floor use shall be made self-closing to minimise emission of odours and/or noise to the neighbouring area. No use of the ground-floor premises shall take place until such time as the front entrance door has been fitted with self-closing devices.

Reason: To safeguard the amenities of adjoining occupiers.

- (6) No music, public-address system or any other amplified sound shall be audible at the boundary or beyond the boundaries of the premises.

Reason: To safeguard the amenities of the neighbouring occupiers.

- (7) The rear service yard of the premises shall not be used as an area for storage or as a customer seating area in connection with the use, hereby approved, unless prior written approval is first obtained from the Local Planning Authority.

Reason: In the interests of residential amenity

- (8) Further details of fume extraction and odour control equipment, including the manufacturers specification and including any external ducting and flues shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the commencement of the use hereby approved and thereafter maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed extract equipment would not harm the amenity of residential occupiers.

- (9) Details of facilities necessary to enable disabled people (including wheelchair users) to use and escape from the building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use hereby approved. Such facilities shall include:-

- (a) ramped access to the main entrance

The facilities must be provided prior to commencement of the use hereby approved and shall be retained thereafter.

Reason: To ensure satisfactory provision for disabled people.

**INFORMATIVES:**

- (1) The applicant is informed that any alterations to the existing shopfront or signage may require a separate grant of planning permission and/or advertisement consent.
- (2) Detailed design of the building should take appropriate account of the British Standard Code of Practice on Access for the Disabled to Buildings (B.S.5810:1979) and schedule 2 of the Building Regulations 1985. Consideration should also be given to the needs of ambulant people having other disabilities and to those with sight or hearing problems, as well as those of wheelchair users.

**REFERENCE DOCUMENTS:**

London Borough of Brent, UDP 2004

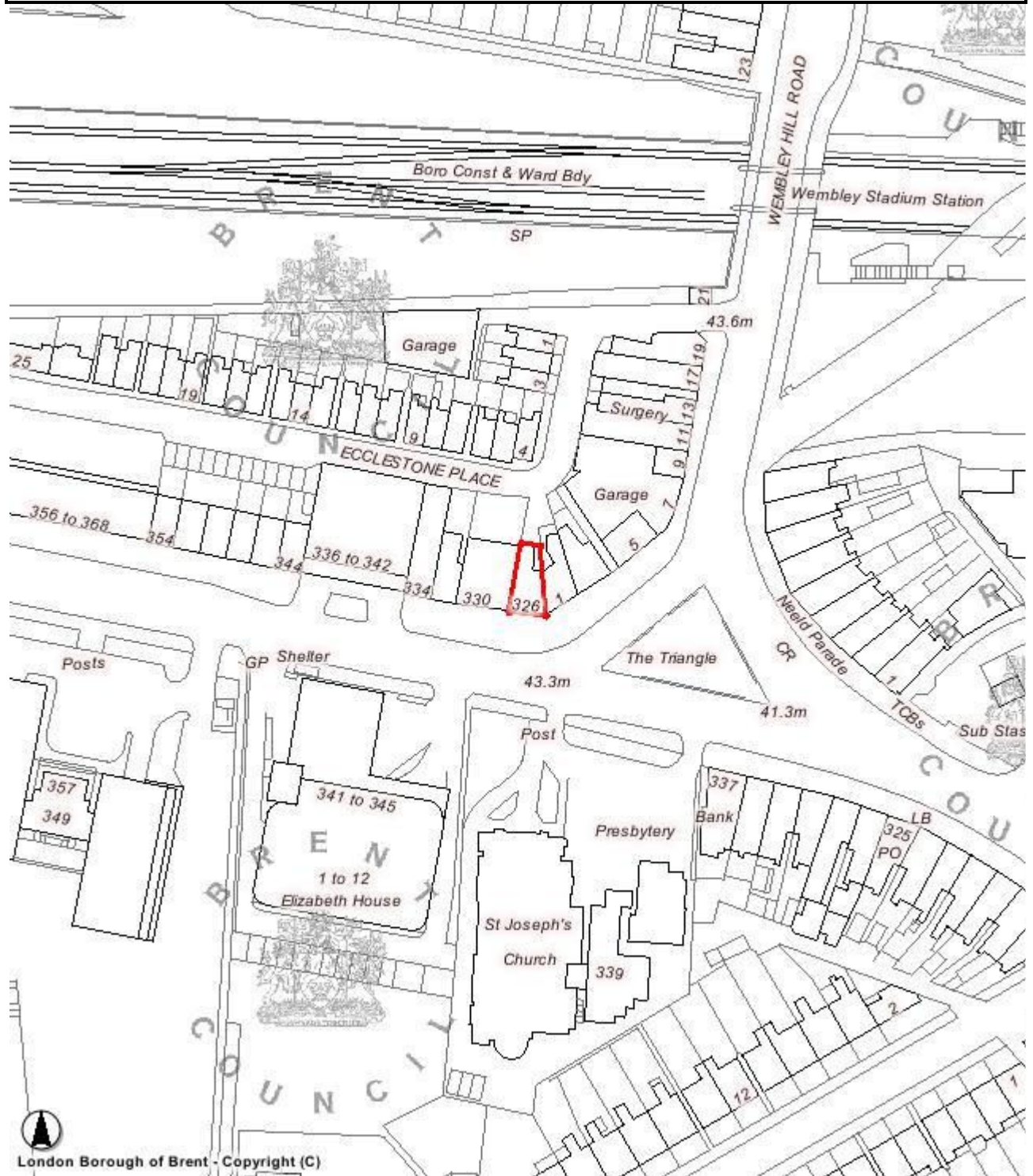
Any person wishing to inspect the above papers should contact Gary Murphy, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5227



# Planning Committee Map

Site address: 326 High Road, Wembley, HA9 6AZ

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Location 326 High Road, Wembley, HA9 6AZ  
Description Change of use of premises to a cafe (Use Class A3) and installation of an extraction flue to rear

**Agenda Page Number: 91**

Amended Condition

The Council's Legal Services Department have advised that Condition 5 should be re-worded to include the wording "*the front entrance door should be retained as self-closing*". Accordingly, Condition 5 should read;

*The front entrance door for the ground-floor use shall be made self-closing to minimise emission of odours and/or noise to the neighbouring area. No use of the ground-floor premises shall take place until such time as the front entrance door has been fitted with self-closing devices **and the entrance door should be retained as self-closing thereafter**".*

*Reason: To safeguard the amenities of adjoining occupiers.*

**Recommendation:** Remains approval with condition 5 re-worded.

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**Committee Report**  
**Planning Committee on 30 June, 2010**

**Item No.** 12  
**Case No.** 10/0607

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**RECEIVED:** 13 March, 2010

**WARD:** Northwick Park

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 113 Sudbury Court Drive, Harrow, HA1 3SS

**PROPOSAL:** Demolition of an existing ground floor side and rear extension and front porch and erection of a new replacement ground floor side and part rear extension, first floor side and rear extension, new front porch, alterations to the front garden area to provide part soft landscaped and part hard standing area for 2 off-street car parking spaces and external alterations involving replacement of existing windows and door at ground floor east elevation of the dwellinghouse.

**APPLICANT:** Dr Shabbeer Qureshi

**CONTACT:** Mr Saud Ahmad

**PLAN NO'S:**  
See Condition 2

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## **RECOMMENDATION**

Approval

## **EXISTING**

The proposal relates to a two-storey detached dwellinghouse with front porch and single storey side and rear extension incorporating a side garage situated on the north side of Sudbury Court Drive.

## **PROPOSAL**

The proposal is for the demolition of the existing ground floor side and rear extensions and front porch, and the erection of replacement one and two storey extensions to the side and rear and the erection of a new porch. The proposal includes alterations to the front garden to provide additional soft landscaping and two off-street car parking spaces. Replacement windows and a new repositioned door are proposed to the flank elevation of the property facing 115 Sudbury Court Drive.

## **HISTORY**

The following planning history is most relevant to the proposal:

- 17/07/1996 Erection of single storey rear extension - Approved (ref: 96/0557)
- 07/08/1996 Construction of a second vehicular access - Approved (ref: 96/0648)
- 13/09/1995 Erection of single storey side and rear extension - Withdrawn (ref: 95/0818)

## **POLICY CONSIDERATIONS**

### Adopted Unitary Development Plan 2004 Policies

<i>BE2</i>	<i>Townscape: Local Context &amp; Character</i>
<i>BE7</i>	<i>Public Realm: Streetscape</i>
<i>BE9</i>	<i>Architectural Quality</i>
<i>TRN23</i>	<i>Parking Standards for Residential Development</i>

*Supplementary Planning Guidance 5 Relating to "Altering & Extending Your Home"*

## **SUSTAINABILITY ASSESSMENT**

Not Applicable.

## **CONSULTATION**

The following local residents have been consulted on the proposal:

111 & 115 Sudbury Court Drive.

In total 2 letters of objections have been received from 109 and 111 Sudbury Court Drive.

111 Sudbury Court Drive - The objections raised by the occupiers of this neighbouring property are on the grounds of rear extension would block their view, foundation would disturb their side garage and utility room, roof and guttering would overhang in to their land, if their property is similarly extended at first floor, the house would look like semi-detached property, the character of the road would be affected, the property already has a ground rear extension and an outbuilding recently built in the rear garden.

109 Sudbury Court Drive - This property is two doors away from the application site. The objections raised by the occupiers of this property are on the grounds that plans are not drawn to scale, plan for the rear garden is incorrect in that it does not show recently constructed outbuilding in the rear garden, the property would have 3 bathrooms and would overload the existing sewerage system, the premises could be used as a medical centre and detached appearance of the property would be lost.

## **REMARKS**

The proposal is assessed against the Council's policies and standards as follows:

### Single and Two-Storey Side and Rear Extension

The application relates to a two-storey detached dwellinghouse with ground floor side and rear extensions incorporating a small garage. The proposal is to demolish the existing ground floor side and part rear extension and provide a new replacement ground floor side and part rear extension of a similar footprint. However, the new ground floor extension in this instance would be set-back 250mm from the front main building line of the dwellinghouse and set-in 200mm from its side boundary with no garage being provided. The ground floor side extension would be used as a dining area, bathroom and a guest room. The proposal is also for the erection of a new side extension at the first floor level. This will be set-back 2.5m from the front main building line of the dwellinghouse and set-in of 200mm from the side boundary. It will provide en-suite facility for the existing two bedrooms with added walk-in wardrobe/dressing room. The width and set back of the proposed side extensions fully comply with the Council's Supplementary Planning Guidance (SPG) 5 relating to "Altering and Extending Your Home".

The proposal will result in the loss of a garage space, however this is considered to be acceptable in this instance given that two-off-street car parking spaces can be provided in the front garden in accordance with the Council's "Parking in Front Gardens" standards set out in SPG 5 which has been discussed in detail under the "Parking Provision" section below.

The proposed side extension at ground floor level would project (5.6m) in depth from the main rear wall of the original dwellinghouse and would exceed the Council's 3.5m-depth limit allowed for the erection of single storey rear extensions to detached dwellinghouses as set out in SPG 5. However, in this instance as the proposed side and part rear extension is replacing an existing extension of the same footprint. Also the neighbouring property at 115 Sudbury Court Drive also has a large extension and the proposed extension at 113 will only project marginally beyond their neighbours extended rear wall. Therefore the proposal is not considered to have any adverse impact on the amenities of the occupiers of this neighbouring dwellinghouse.

The application is proposing a staggered (L-shape) rear extension at first floor level. The proposed first floor plan indicates that first floor side extension on the side boundary of 111 Sudbury Court Drive would project 2.3m from the original back wall of the dwellinghouse. However, the rear extension to the width of the original dwellinghouse would project 3.3m in the middle and 2.2m on the side boundary adjoining 115 Sudbury Court Drive. The "Block Plan" submitted with the application demonstrates that the proposed first floor rear extension would be set away 4.73m and 4.51m from the mid-point of the nearest habitable room window in No. 111 and 115 Sudbury Court Drive respectively and would comply with the Council's 2:1 guideline as set out in SPG 5.

#### Parking Provision and Front Garden Alterations

The frontage of the application property is largely hardsurfaced with some planting around the front bay window and along the front and side boundary. The front garden has a vehicular access and is largely used as off-street car parking provision for the dwellinghouse. The proposal is to carry out alterations to the front garden area that would provide hard standing area in the existing drive way to the garage which is 10m long x 2.4m wide and would be large enough to provide 2 off-street car parking spaces back to back and this would satisfy the Council's 2 off-street car parking requirements for the proposed 4/5-bedroom dwellinghouse in accordance with the Council's Car Parking standards set out in the adopted Unitary Development Plan 2004. There is further hardstanding area created along the front bay and entrance to the dwellinghouse to provide a pathway to the dwellinghouse and to access to the rear garden from the front/side of the property. The remaining part of the front garden is proposed to be soft landscaped area. The Block Plan submitted with the application indicates that nearly 50% of the front garden would be soft landscaped and would comply with the Council's "Parking in Front Gardens" standards set out in SPG 5. The proposed alterations to the front garden would be an improvement on the existing situation and allow the development to be more in keeping with the character and appearance of the original dwellinghouse. Given this situation, the proposed loss of potential garage space in the ground floor extension is considered to be acceptable as an exception to the Council's policies and guidance. However, a condition is attached requiring details of the proposed soft and hard landscaping to be submitted for consideration at a later date to ensure a satisfactory development.

#### Front Porch

The property at present has (2.2m wide x 1.3m deep x 2.8m high) flat roofed front porch. The proposal is to replace the existing with a slightly wider porch (2.7m wide x 1.3m deep x 2.8m high) of the same design. The new porch would comply with the Council's SPG 5 standards in that it would not project beyond or connect to the bay window of the dwellinghouse. The design is same as the existing and is in keeping with the character and appearance of the original dwellinghouse and the streetscene and is considered to be acceptable.

#### External Alterations

The proposal is to replace the existing dining room side window with a door and a window and existing kitchen side window and a door with a window on the east elevation of the dwellinghouse. These external alterations are proposed to facilitate the proposed internal arrange of the new kitchen. The design of the new windows and door is same as existing and therefore it is considered to be in keeping with the character and appearance of the original dwellinghouse. The proposed switching of existing side windows and door with a window and similarly existing side window with a window and a door is not considered to have any adverse impact on the amenities of the

occupiers of the neighbouring property No. 115 Sudbury Court Drive. However a condition is attached to ensure that these windows and door are obscured glazed and any opening to the windows are at a high level.

#### Residential Amenity and Objections Received

The application at ground level basically replaces the existing ground floor side and part rear extension on the side adjoining No. 111 Sudbury Court Drive to the same footprint with improvements in that the extension would be set-back 250mm (instead of existing 150mm) from its frontage and proposes 200mm gap from the side boundary to prevent any overhanging of roof and guttering into neighbouring land. The ground floor side and rear extension as existing would run parallel to the existing ground floor side and rear extension at No. 111 Sudbury Court Drive and project marginally beyond the rear extension at this neighbouring dwellinghouse. The proposed situation being similar to the existing is not considered to have any significant impact on the amenities of the occupiers of No. 111 Sudbury Court Drive.

At first floor level, the proposed extension would comply with the SPG5 guidance with regards to set-back from the frontage, side boundary and its projection beyond the rear of neighbouring houses no. 111 and 115 Sudbury Court Drive which is designed to ensure that amenities of the neighbouring occupiers are not adversely affected while adequate size extensions is allowed to the application premises. The neighbouring property No. 111 Sudbury Court Drive has no habitable room windows in the side elevation of the dwellinghouse and also none being proposed in the side elevation of the proposed extension and therefore the amenities of the occupiers of No. 111 Sudbury Court Drive would not be adversely affected.

The proposed extensions in terms of its size, siting and design would maintain the detached appearance of the property and would in keeping with the character and appearance of the original dwellinghouse and the streetscene. With regards to foundation affecting the neighbouring property, the matter is outside the planning control. However, it would be addressed appropriately under Building Regulation requirements for the proposed extension.

The property has a flat roofed outbuilding at the bottom of the rear garden area that has been constructed as permitted development. Although the existing outbuilding is not part of this application, the applicant's agent has now submitted revised "Block Plan" indicating the position and footprint of the outbuilding in the rear garden and also confirming its height to be 2.5m. The proposed outbuilding (28.8m<sup>2</sup>) set-away nearly 2 metres from all its boundaries, as constructed would be used as a gymnasium and would fall within the criteria set out in the Class E of Part 1 of the Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended 2008). The proposed outbuilding is therefore considered to be a permitted development for which planning is not required.

The plans submitted with the application are drawn to scale and the Block Plan has been revised to show the outbuilding in the rear garden. The issue regarding the proposal would overload the existing sewerage system is not relevant to planning and it is a matter that is outside the planning control. The extensions to the dwellinghouse are intended to improve the existing residential accommodation for its occupiers and there is no indication for it to be used as medical centre. However, for the property to be used as medical centre, a change of use planning permission would be required otherwise it would be an unauthorised use of premises and enforcement action can be pursued to remedy the situation.

**RECOMMENDATION:** Grant Consent

## REASON FOR GRANTING

- (1) The proposed development is in general accordance with policies contained in the:-  
Brent 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 on the date of this permission.

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

-113/0110/01 Revision A - Block Plan  
-113/0110/01 Revision A - Existing and Proposed Front and Rear Elevation  
-113/0110/01 Revision A - Existing and Proposed Side Elevations  
-113/0110/01 Revision A - Existing and Proposed Ground Floor Plan  
-113/0110/01 Revision A - Existing and Proposed First Floor Plan  
-Un-numbered Site Location Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) All new external work shall be carried out in materials that match, 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.

- (4) No windows or glazed doors shall be constructed in the flank wall of the building as extended without the prior written consent of the Local Planning Authority.

Reason: To minimise interference with the privacy of the adjoining occupiers.

- (5) The extension hereby approved shall not be occupied at any time other than for purposes ancillary to the existing house.

Reason: To ensure that the premises are not sub-divided or used for multiple occupation without the prior written permission of the Local Planning Authority.

- (6) No access shall be provided to the roof of the extension by way of window, door or stairway and the roof of the extension hereby approved shall not be used as a balcony or sitting out area.

Reason: To preserve the amenity and privacy of neighbouring residential occupiers.

- (7) The new replacement windows and door to the side wall of the proposed kitchen shall be constructed with obscure glazing and non-opening or with openings at high level only (not less than 1.8m above floor level) and top hung and shall be so maintained unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupier and in the interest of good neighbourliness.

- (8) Notwithstanding the plans hereby submitted and approved, further details of the proposed hard and soft landscaping works (including plant species, size, densities, access gates and hard surfacing) and front boundary wall to the garden shall be submitted to and approved in writing by the Local Planning Authority before any works commence on site. Such landscaping works shall then be completed within the first planting season following the completion of the development hereby approved. If, within 5 years of planting, any trees or shrubs die, are removed or become diseased, they shall be replaced with others of the same species and size in the same positions, except with the prior written permission of the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality in accordance with the Council's policies BE6 and BE7 in the Adopted Unitary Development Plan 2004.

#### **INFORMATIVES:**

- (1) The applicant must ensure that the treatment/finishing of flank walls can be implemented, before work commences, 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.

#### **REFERENCE DOCUMENTS:**

1. Adopted Unitary Development Plan 2004
2. Supplementary Planning Guidance 5 relating to "Altering and Extending your Home"
3. Two letters of objections from neighbouring No.109 and 111 Sudbury Court Drive

Any person wishing to inspect the above papers should contact Mumtaz Patel, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5244

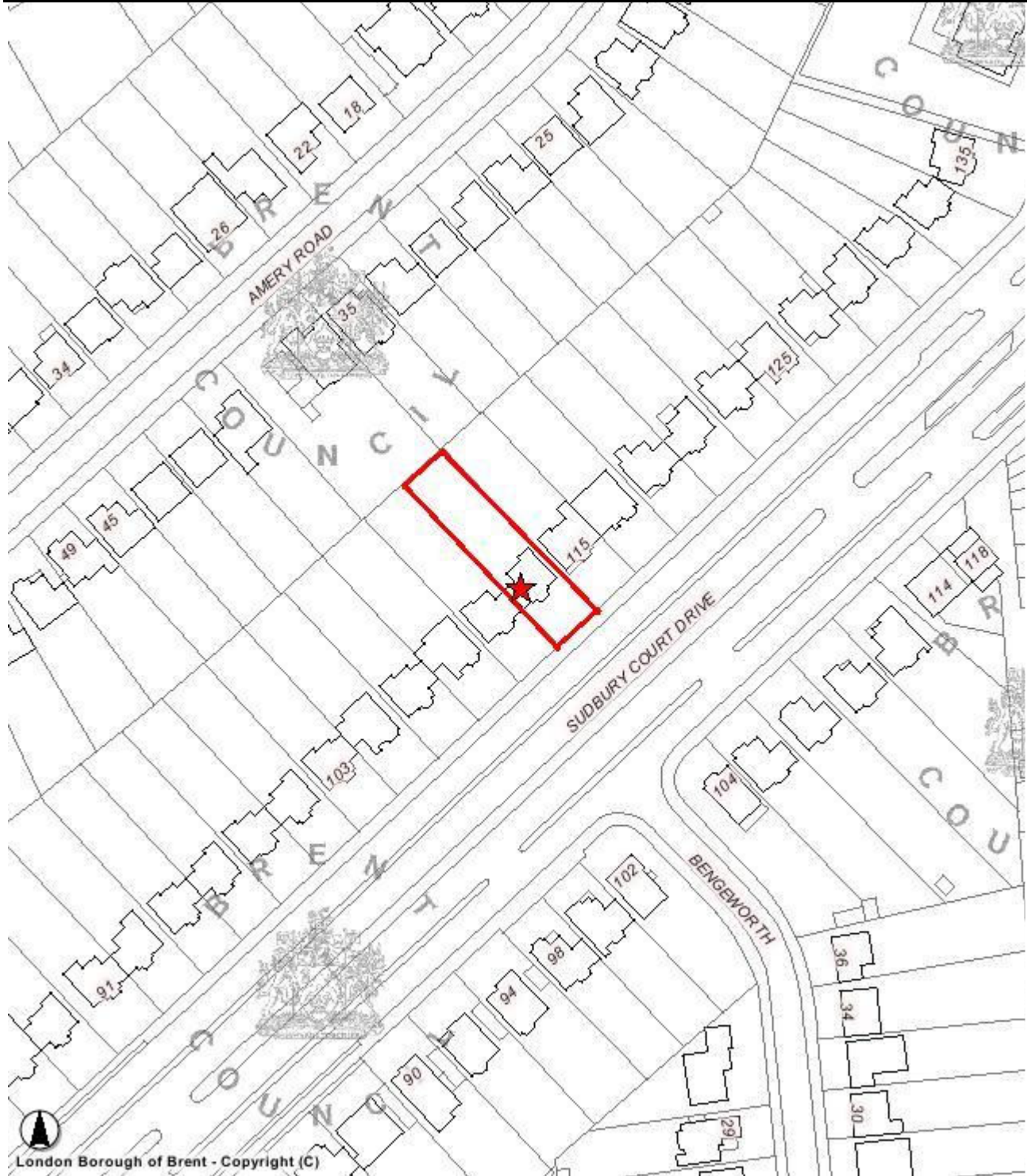




## Planning Committee Map

Site address: 113 Sudbury Court Drive, Harrow, HA1 3SS

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**Committee Report**  
**Planning Committee on 30 June, 2010**

**Item No.** 13  
**Case No.** 10/0586

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**RECEIVED:** 9 March, 2010

**WARD:** Tokyngton

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 3 Kingswood Road, Wembley, HA9 8JR

**PROPOSAL:** Erection of a light-industrial building (Use Class B1c) comprising 3 smaller units, a loading/servicing area, 7 parking spaces, a cycle-storage area and associated landscaping.

**APPLICANT:** Logistics London ( Edmonton ) Ltd

**CONTACT:** Mark Baldwin Design

**PLAN NO'S:**  
(See Condition 2 for the approved plans)

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## **RECOMMENDATION**

Approve

## **EXISTING**

This application relates to a site on the northern side of Kingswood Road, which is a narrow adopted service road running along the back of commercial units fronting Wembley Park Drive. Kingswood Road is accessed from Elmside Road which is a cul-de-sac off Wembley Park Drive. The site is not within a Conservation Area. It backs onto the Wealdstone Brook, which runs across the northern side of the site. To the west side of the site, are the back gardens of 8-14 Elmside Road, the shortest being approximately 23m long. At the end of 11-12 Elmside Road is a garage block accessed from Kingswood Road.

## **PROPOSAL**

Planning permission is sought for the erection of a light-industrial building (Use Class B1c) comprising 3 smaller units, a loading/servicing area, 7 parking spaces and a cycle-storage area. The proposal includes a significant 5 metre wide strip of landscaping between the rear gardens of properties in Elmside Gardens and the proposed building to be planted with trees and shrubs. An 8 metres landscaped strip is also located to the rear of the site alongside the Wealdstone Brook.

## **HISTORY**

- 15/05/2009 Planning permission refused for the erection of a light-industrial building (Use Class B1) consisting of 5 smaller units, a loading area, 0 parking spaces and cycle-storage area to front and associated landscaping (Ref:09/0490).
- 08/03/2008 Enforcement notice served siting that without planning permission, the material change of use of the land to a public house, functions and entertainment centre and the erection of tents, marquees and palisade fencing, and the formation of a raised decide. Enforcement notice upheld following an appeal and direct action taken on to remove the unauthorised structures.

Two earlier applications for industrial/warehouse developments on this site were refused in 2002 and 1999.

## **POLICY CONSIDERATIONS**

### **Brent Unitary Development Plan 2004**

*BE2 – Townscape Local Context & Character*

*BE5 – Urban Clarity & Safety*

*BE7 – Public Realm – Streetscape*

*BE9 – Architectural Quality*

*BE17 – Building-Services Equipment*

*EP2 – Noise & Vibration*

*EP12 – Flood Prevention*

*H22 – Protection of Residential Amenity*

*TRN3 – Environmental Impact of Traffic*

*TRN10 – Walkable Environments*

*TRN11 – The London Cycle Network*

*TRN22 – Parking Standards – non-residential developments*

*TRN34 – Servicing in New Development*

*TRN35 – Transport Access for Disabled People & others with Mobility difficulties*

*EMP15 – Location of B1 Business Development*

*OS14 – Wildlife Corridors*

SPG17 - Design Guide for New Development

### **Considerations:**

- Visual impact on local context
- Impact of proposed use on parking/ servicing/ access
- Impact on local residential amenities and adjoining businesses
- Noise and disturbance associated with the development
- Flood Risk
- Wildlife Corridor

## **CONSULTATION**

Consultation letters dated 22/03/09 were sent to 104 properties.

3 letters of objection received raising the following issues:

- The proposal will alter the residential status of Elmside Road and have a negative impact on the character of the area.
- The proposal will increase traffic congestion as all vehicles to the site will have to pass through Elmside Road and this is already congested.
- This will lead to excessive noise on Kingswood Road.
- This will lead to parking problems on Kingswood Road.
- The development will lead to drainage and rodent problems.
- The introduction of this use will be detrimental to the occupiers of residential properties which adjoin the site.
- As the site lies within the flood plain of Wealdstone Brook it is liable to flooding.

**Environment Agency** – No objections in principle provided a landscape management plan condition is attached to any permission.

**Brent Transportation Unit** – No objection.

**Landscape Design** – Have confirmed that the approach in terms of landscaping is acceptable with the provision of a 5m wide landscaping to the rear of gardens in Elmside Road and an 8 metres buffer alongside the Wealdstone Brook. Recommend a condition to secure more details.

**Environmental Health** – Requested conditions concerning loading times for delivery vehicles, construction hours, limitations on noise-generating, acoustic details and a site investigation to consider the potential for any land contamination.

Further to this the applicant has confirmed the sound insulation details, that there is to be no air conditioning as passive ventilation and normal conventional ventilation such as trickle ventilation, and that no flood lighting is proposed only minimal security lighting on light sensors. On the basis of this Environmental Health Officer's have confirmed this to be ok and that no further issues need to be addressed,

**Thames Water** - Not formally consulted but their recommended informative in relation to application 09/2490 is applicable and has been attached.

## **REMARKS**

### **Summary**

Most recently the site has been used without planning permission as a public house, function and entertainment centre with the associated erection of tents, marquees and palisade fencing, and the formation of a raised decking area. Enforcement action eventually resulted in the cessation of this use and the removal of the unauthorised structures. A recent site visit confirmed that the use has ceased and that the unauthorised structures have all been removed. A similar application for the erection of a light industrial building consisting of five smaller units was refused last year because of its excessive size and overbearing relationship to adjoining houses, inadequate space for servicing and its encroachment into the 8 metre wide buffer required alongside the Wealdstone Brook which runs along the back of the site.

This current proposal overcomes these issues by reducing the size and height of the building and setting it in 5 metres from the boundary with neighbouring gardens, providing an 8 metre wide buffer to the brook which will be suitably landscaped to the Environment Agencies specification, reducing the number of individual units and increasing the size of the servicing area to the front of the units. Significant landscape improvements are offered, particularly along the brook and to the rear of adjoining gardens, sufficient parking is provided and officers are satisfied that with appropriate conditions to control mechanical plant, noise and hours of operation the revised scheme can be supported.

### **Proposal**

The current application proposes the erection of a light industrial building (Use Class B1c) consisting of three smaller units and a loading area, 7 parking spaces and cycle storage area to front and associated landscaping to site.

The proposed building measures 6m high to the top of its pitch, with an eaves height of 3m and is 30.4m long on its western elevation (closest to the boundary with gardens of properties fronting Elmside Road.) and 13m along its eastern elevation. The building is set a minimum of 5m from the western boundary. The eastern elevation of the building is set in from the eastern boundary by 1m. At its eastern boundary, the side borders Kingswood Kitchens, a commercial building at 5 Kingswood Road.

The proposed unit is acutely angled at its northern end in order to provide an 8m building-free buffer zone to the Wealdstone Brook. The sloping roofed building is subdivided into 3 units (unit 1 is 171sqm, unit 2 is 130sqm and unit 3 is 58sqm).

It is noted that the proposal also incorporates high-level rooflights in either side of the building. Although these may be permitted in principle to provide light for the ground-floor a mezzanine floor would be resisted as unacceptable intensification of the site. However, the drawings do not detail a mezzanine, and this would in any event require a new application.

**Members should be aware that the current proposal is a reduced form of development when compared to the previous scheme refused under application 09/0490. The proposed maximum height of 6.2m is less than the previous proposal for 7m. The scale of the building has been reduced, the western elevation previously proposed at 38m along the western elevation has been substantially reduced to 30.4m long and the building set away from the western boundary by a minimum 5m and maximum 6.4m, as opposed to the previous distance of 1m away from the boundary.**

### **Design and Appearance**

The revised building design includes a series of pitches, resulting in a traditional "saw tooth" design. The building is proposed to be constructed in facing dwarf brick wall with vertical timber board cladding above. These materials will soften the appearance of the building. The roof is to be colour coated profiled sheet roofing. The front elevation is to include 3 roller shutter doors, with high level windows. In any event a condition is recommended to require the submission and approval of all external materials.

### **Impact on adjoining residential amenities**

The proposed building is to be within 5m of the back edge of gardens along Elmside Road, it spans the full width of gardens to No's 9 and 10 but these properties will be 26m away from the building. The proposal has been assessed against guidelines within SPG17. It comfortably meets the indicative 45 degree line 2m above the shared boundary adjoining the gardens. The siting of the building 5m from the boundary spanning a length of 30.4m is considered to be a marked improvement on the previous application which due to its siting within 1m and subsequent massing was considered unneighbourly and to relate poorly to neighbouring amenities in terms of loss of light and outlook. The proposed massing and siting in relation to the current application is considered to be of a size and scale that will not result in conditions detrimental to the amenities of adjoining residential properties. No conflict is found with policies BE2 and BE9 of Brent's Unitary Development Plan.

It was observed on site that there is an existing screen of trees which runs along the back edge of gardens in Elmside Road, this is outside the application site and should remain unaffected by the proposed development. In addition to this the proposal includes scope for a new screen of trees within the application site, to be planted within the 5m wide landscaping strip proposed along the western boundary. As well as providing a visual screen between the residential properties and contributing to the visual amenities of the area the proposed screen of trees will provide sound attenuation benefits. Further landscaping details will be the subject of a site wide landscaping condition but at this stage the plans demonstrate that the applicants are proposing 5 x Alder trees along this boundary and mature shrubs.

The nature of a proposed light industrial, B1c use is that in principle, such uses may co-exist with adjoining residential properties. However, in order to assess impact on the local area, hours of operation, sound insulation details both to attenuate externally and between units, as well as details of air conditioning/ plant/ machinery and lighting were needed. The applicant has submitted this information and Environmental Health confirm that they are satisfied with the proposed measures. In order to protect the amenities of nearby residents a condition is recommended to control the hours of use to 0800 -1800 (Mon-Fri) and 0800 - 1300 (Sat), with no use permitted on Sundays or Bank Holidays.

The submitted drawings indicate that the proposed external cladding will be sound-proofed and the Local Planning Authority would need details of the anticipated noise levels generated by the proposed uses, and existing background noise levels in order to ensure that the proposed development does not generate noise levels within 10dB below the existing background noise level, (which is when noise nuisance is anticipated,) otherwise the proposal will fail Unitary Development Plan Policy EP2. A condition will be attached to ensure acceptable noise levels are observed.

### **Parking/ servicing / access**

Kingswood Road is a 6m wide adopted highway. Double-yellow markings are found along the northern edge of this road along part of it and directly in front of the application site. The remainder of the northern edge of Kingswood Road is dedicated to vehicle parking, which is restricted to permit holders only on Wembley Event Days.

When commenting on the previous application 09/0490 highways had raised objections to the proposed layout as it had not been demonstrated that vehicles could adequately service the proposed buildings due to the lack of space for the turning and standing of servicing vehicles within the site. The revised layout is now more conducive to servicing within the site, and a loading area, 16m deep to the front of the buildings will allow the units to be serviced by an 8m rigid vehicle. This shared servicing area is of sufficient depth to achieve this, and also provides enough space to ensure vehicles can turn within the site, even in the event of each of the loading bays being occupied. The layout now satisfies policy PS19, and in doing so overcomes transportations previous objections in relation to the earlier scheme.

The site has PTAL 4- good access to public transport. If the proposal is considered on the basis of 3 separate units, the Unitary Development Plan policy TRN22 and PS6 permits up to 3 parking spaces, one for each of the proposed units, and one additional space for disabled parking, to satisfy policy PS15. The proposed 7 parking spaces represent over provision in parking terms, and Transportation advice is that the number of spaces be reduced to 4 (inc 1 disabled bay). The site is not within a CPZ, and the Local Planning Authority would seek to ensure that the proposal does not result in overspill parking spaces on the narrow access road, which is highly constrained.

Your Officer's have taken into account Transportation advice to reduce parking numbers from 7 to 4, but have set aside this request. Kingswood Road is a narrow road, which is quite heavily parked and under pressure for parking from existing uses along Wembley Hill Road. Given the parking conditions and concerns raised by residents that there will be further on-street parking pressures and overspill parking from the use it would be reasonable to have additional parking given the restrictions of Kingswood Road. Officers' are recommending that an overprovision in parking be supported. The extra three spaces would provide extra visitor parking within the site, meaning there is less likelihood of overspill parking on surrounding roads.

In terms of servicing, each of the 3 units will have access to a loading bay capable of servicing by an 8m rigid vehicle, whilst the site should have capacity for a refuse truck of up to 8m long to manoeuvre without obstructing the narrow highway outside the site. The 16m deep loading area is sufficient to enable vehicles to negotiate and turn.

Refuse storage is proposed in two locations within the front yard area. This would be serviced by a commercial company rather than Brent.

The proposed cycle store exceeds Unitary Development Plan guidelines, PS16 which requires at least 2 spaces, however this overprovision is supported.

The proposed layout depicts access to the site from Kingswood Road by way of an 8m wide access, with a 6m wide gate set back 3m from Kingswood Road. Tracking drawings have been provided which demonstrate the access is sufficient in width to accommodate turning into and out of the site. There is a minor transportation concern in terms of vehicles emerging from the site due to the lack of any footway, however this is an existing situation. A separate pedestrian access and route is proposed around the edge of the front parking area and this is welcomed.

### **Proximity to Wealdstone Brook**

Pre-application advice from the Environment Agency was that a full flood risk assessment (FRA) would not be required as the site falls outside of Flood Zones 2 and 3. It is recommended that the finished floor levels of the building are a minimum of 300mm above the 1 in 100 year flood level for the Wealdstone Brook, adjacent to the site, or that flood proofing measures are considered.

This application demonstrates an 8m buffer to the Wealdstone Brook, and details that gravel and landscaping is proposed for this area. The Environment Agency has indicated that further details of this area and its management could be dealt with by condition. In any event a side wide landscaping condition will require further approval.

### **Consideration of objections**

Concerns relating to the impact on traffic and parking, and surrounding residential amenities have been discussed in detail in the above report.

Concerns have been raised that the use proposed would have a negative impact on the character of the area. Whilst acknowledging the concerns of the objector, Officers consider this area is already mixed in character, at present. Wembley Park Local Centre has a range of shops and services, and close by on roads such as Elmside Road traditional suburban housing is found. The application site is to the rear of residential and commercial properties and not visible from adjoining roads, it is therefore not considered the introduction of the proposed building and B1c uses would significantly alter or harm the character of what is already an area containing a mix of uses.

An objector has also stated that excessive noise would cause a problem. Environmental Health have assessed the proposal and do not object, however they recommend a range of conditions concerning hours of use, noise-generating equipment should be limited, and acoustic details. These measures should ensure noise disturbance does not become a problem for surrounding properties. Furthermore the permission is restricted to B1c uses only and this can generally co-exist where it adjoins residential properties without causing harm. General Industrial uses (Use Class B2) are not permitted for the site.

An objector has concerns with the proposal as the site is liable to flooding. Whilst acknowledging this concern the Council has consulted with the Environment Agency, who have responded to confirm they have no objection and that the site is outside of Flood Risk Zone 2 or 3, and therefore a full Flood Risk Assessment would not be required.

Objectors concerns that the use will cause drainage problems and increase the presence of rodents in the area are not material planning considerations to take into account in the determination of the proposal.

### **Summary**

On balance, the proposal as submitted has addressed reasons for refusing the previous application concerning impact on residential amenities, traffic and parking and the relationship to the Wealdstone Brook. The revised proposal is a reduced form of development, moved further away from the back gardens of properties along Elmside Road (5m). The revised layout will allow sufficient space for the establishment of shrubs and alder trees within the site, which would be suited to the location, and help to reduce the visual massing of any proposed building. Accordingly the building is considered to have an acceptable relationship that will not unduly harm neighbouring residential amenities. The revised layout also demonstrates that the proposed units can be adequately serviced by vehicles. And finally the 8m buffer zone which is to be landscaped in accordance with Environment Agency guidelines will ensure protection of wildlife, secure opportunities for enhancing nature conservation value and appropriate flood mitigation.

The application falls below the threshold of 500 square metres of new floor space that would trigger a requirement for a s106 contribution.

### **REASONS FOR CONDITIONS**

**RECOMMENDATION:** Grant Consent

### **REASON FOR GRANTING**



- (1) The proposed development is in general accordance with policies contained in the:-  
Brent Unitary Development Plan 2004  
Council's Supplementary Planning Guidance

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  
Environmental Protection: in terms of protecting specific features of the environment and protecting the public  
Housing: in terms of protecting residential amenities and guiding new development  
Employment: in terms of maintaining and sustaining a range of employment opportunities  
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation  
Transport: in terms of sustainability, safety and servicing needs

### **CONDITIONS/REASONS:**

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

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

Site Location Plan (1:1250)  
MB/1675/1, RevC (1:200)  
Design & Access Statement

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) The areas approved by the Local Planning Authority for car parking, loading, unloading and parking of service vehicles; vehicle turning space; and parking and access provision for disabled persons shall be used only for those purposes.

Reasons: To ensure that these areas are permanently retained for these uses in compliance with the Council's parking and servicing standards, in the interests of the general amenities of the locality and in the interests of the free flow of traffic and conditions of highway safety within the site and on the neighbouring highways.

- (4) The premises shall not be used except between the hours of 0800 and 1800 Mondays to Fridays, 0800 and 1300 Saturdays and at no time on Sundays or Bank Holidays without the written consent of the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- (5) Any extract ventilation fan shall be installed, together with any associated ducting, so as to prevent the transmission of noise and vibration into any neighbouring premises. The noise level from any plant (e.g., refrigeration, air-conditioning), together with any

associated ducting, shall be 10 dB (A) or greater below the measured background-noise level at the nearest noise-sensitive premises. The method of assessment should be carried out in accordance with BS4142:1997 "Rating industrial noise affecting mixed residential and industrial areas". Should the predicted levels exceed those specified in this condition, a scheme of insulation works to mitigate the noise shall be submitted to and approved in writing by the Local Planning Authority and shall then be fully implemented.

Reason: To safeguard the amenities of the adjoining occupiers.

- (6) The internal layout of the building(s) and the areas designated for each purpose therein on the approved plan(s) shall not be altered or modified nor any part of the building(s) sub-divided or otherwise altered without the prior approval of the Local Planning Authority.

Reason: To ensure that no separate use commences and that no aspect of the approved use is inappropriately intensified without the approval of the Local Planning Authority.

- (7) The premises shall be used only for the purpose of B1c and for no other purpose (including any other purpose in Use Class B1 specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the prior written permission of the Local Planning Authority.

Reason: To ensure that no other use commences without the prior permission of the Local Planning Authority and to enable other uses to be considered on their merits.

- (8) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any site clearance, demolition or construction works on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

(a) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;

(b) proposed walls and fences indicating materials and heights;

(c) screen planting along the western boundary;

(d) adequate physical separation, such as protective walls and fencing between landscaped and paved areas;

(e) areas of hard landscape works and proposed materials;

Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development and ensure that it enhances the visual amenity of the area.

- (9) All parking spaces (turning areas, loading bays, and footways) shall be constructed and permanently marked out prior to commencement of use of any part of the approved development approved by the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety within the site and along the neighbouring highway.

- (10) Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- (11) Prior to the commencement of building works hereby approved, a site investigation shall be carried out by a person approved by the Local Planning Authority to determine the nature and extent of any contamination present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to an approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as details of remediation measures required to contain, treat or remove any contamination found. The results of the investigation shall be submitted to the Local Planning Authority and any remediation measures required by the Local Planning Authority shall be carried out in full.

Reason; To ensure the safe development and secure occupancy of the site.

- (12) A verification report shall be provided to the Local Planning Authority stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use (unless the Local Planning Authority has previously confirmed that no remediation measures are required).

Reason; To ensure the safe development and secure occupancy of the site.

- (13) Prior to the commencement of development a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried thereafter as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason; To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site.

- (14) Prior to development commencing the site should be surveyed for non-native species such as Japanese Knotweed and Giant Hogweed. Should either of these be found then a method statement for the lawful elimination of these species on site shall be submitted to and approved in writing by the Local Planning Authority and thereafter the works shall be undertaken in accordance with these approved details

Reason: Japanese Knotweed is an invasive non-native plant, which is restricted under s14 of the Wildlife and Countryside Act 1981. It is regarded as controlled waste.

## **INFORMATIVES:**

- (1) In relation to Condition 13, the Environment Agency advises that new planting should consist of locally native shrubs and grasses. In this location trees such as Hazel, Hawthorn and Mountain Ash would be appropriate.

The 8m buffer zone should be without structures, hard standing, footpaths, fences or overhanging development and should not include formal landscaping

- (2) With regard to surface-water drainage, it is the responsibility of a developer to make proper provision for drainage to ground-water courses or surface-water sewer, to ensure that the surface-water discharge from the site will not be detrimental to the existing sewerage system. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on- or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

## **REFERENCE DOCUMENTS:**

London Borough of Brent, UDP 2004  
SPG17 'Design Guide for New Development'

Any person wishing to inspect the above papers should contact Gary Murphy, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5227



# Planning Committee Map

Site address: 3 Kingswood Road, Wembley, HA9 8JR

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Location 3 Kingswood Road, Wembley, HA9 8JR  
Description Erection of a light-industrial building (Use Class B1c) comprising 3 smaller units, a loading/servicing area, 7 parking spaces, a cycle-storage area and associated landscaping.

**Agenda Page Number: 109**

It is recommended that the following informative is added;

*"The applicant's attention is drawn towards The Environment Agency advice that the finished floor levels of the building be set at a minimum 300mm above the 1 in a 100 year flood level for the Wealdstone Brook."*

**Recommendation:** Remains approval with additional informative attached.

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**Committee Report  
Planning Committee on 30 June, 2010**

**Item No.** 14  
**Case No.** 10/0854

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**RECEIVED:** 14 April, 2010

**WARD:** Northwick Park

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 91 Sudbury Court Drive, Harrow, HA1 3SS

**PROPOSAL:** Conversion of garage into habitable room and erection of single-storey rear, single-storey side and two-storey side and rear extension to dwellinghouse and alterations to frontage, as amended

**APPLICANT:** Mr Hemant Patel

**CONTACT:** R S Designs

**PLAN NO'S:**  
Please refer to condition 2

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## **RECOMMENDATION**

Approve subject to conditions

## **EXISTING**

The site contains a detached dwellinghouse linked by its garage to number 93 Sudbury Court Drive. The property is located on the north-western side of Sudbury Court, Wembley. The property is not within a conservation area. It is in an area typically characterised by inter-war suburban housing.

## **PROPOSAL**

Conversion of the garage into a habitable room and the erection of part single, part two storey extensions to the side and rear of the house.

## **HISTORY**

### **10/0268 – Withdrawn**

Erection of one and two-storey side extensions, erection of a one and two-storey rear extensions with associated roof alterations, conversion of garage to a habitable room and landscaping to front garden

## **POLICY CONSIDERATIONS**

### **Unitary Development Plan [UDP] 2004**

**BE2** – Townscape- Local Context and Character

**BE7** – Public Realm: Streetscape

**BE9**- Architectural quality

**TRN23** – Parking standards- residential properties

**TRN34** – Servicing of new development

## **Supplementary Planning Guidance**

**SPG5** '*Altering and Extending your home*'

## **Considerations**

- Size and scale of proposed extensions
- Impact on amenity, outlook and privacy of neighbours
- Impact on streetscape and character of locality including the local highway network

## **SUSTAINABILITY ASSESSMENT**

n/a

## **CONSULTATION**

Consultation letters were sent out on the 05/05/10 in which 2 neighbouring properties were consulted, reconsultation on 11/05/10

2 Letters received raising objections to:

- The possible terracing effect of the first floor side extension
- The loss in value to the neighbouring property as a result of these works
- Concern that the eaves and gutter will extend beyond the applicant's ownership
- Concern that the proposed extensions will lead to overshadowing
- The proposal will impact on light, particularly to side conservatory
- Parking outside the property is restricted currently and the increase in vehicles as a result of the proposal will impact this, which is difficult particularly as the neighbour is a wheelchair user.
- Concern over the front garden layout as proposed
- Concern over proposed materials
- Concern about impact of new build on existing foundations
- Concern regarding bin storage

## **REMARKS**

### **Summary**

This application proposes the conversion of garage into habitable room and erection of single storey rear, single storey side and 2 storey side and rear extension to dwellinghouse and alterations to frontage. This application is a re-submission of an earlier application that was withdrawn.

The main differences between the previous application and this submission are as follows:

- The first floor side extension adjacent to 89 has been removed and now only a single storey flat roofed structure is proposed.
- The first floor extension adjacent to number 93 now has a box gutter detail rather than channel and eave, and therefore does not overhang the site boundary.
- The first floor side extension has an increased set-back 2.9m from the foremost wall, and 2.5 m from the main front wall of the house, (which contains the front door.)
- The single storey rear extension is 12m wide, and has a flat rather than pitched roof. The depth of this extension has been reduced.
- The roof is not going to be extended in the same manner, and the side and rear dormers have been removed. The only roof extensions now remaining are to enable the first floor side and rear extensions. The set-down of these roofs has been increased from 0.5m to 0.8m.
- The crown roof design previously proposed has been minimised.

### **Side extension**

The application entails a 2.8m wide 2 –storey side extension on the eastern side of the property, where there is currently a garage and study at ground-floor. The study appears to be a past addition to the original property. The proposed ground-floor extension follows the existing garage footprint at the front of the property, (also in alignment with number 93,) but the proposal also incorporates extensions to the rear of the property too. The fenestration matches the original

property. The proposed front build-line is articulated as the replacement garage extension is set back from the foremost wall containing the bay window. At first floor, the extension is set back 2.9m from this wall and 2.5m from the wall containing the front door, (the main build-line.)

The single storey element has a flat roof and parapet walls with a total height of 2.825m. The existing side chimney is to be retained and the first floor side extension is set down 0.8m from the original pitch of the property. The design accords with guidelines within SPG5, and the proposed set-backs combined with the roof set-down mean that the extension appears subservient to the original dwellinghouse in accordance with principles of policies BE2 and BE9 of Brent's Unitary Development Plan. The box gutter detail proposed ensure that the proposal does not overhang land outside the applicant's ownership.

On the western side of the dwelling, a single storey side extension is proposed. This is 2.325m wide, and 2.825m high with a flat roof and parapet wall. These dimensions are in keeping with the scale of the original property. The side extension will entail the removal of an existing detached store on the boundary with number 89 and the attached utility room. Overall, the extension is proposed 0.8m from the shared boundary. The proposal extends to the rear of the existing building and wraps around the dwelling forming an L shape that links to the extension on the eastern side of the property.

Number 89 Sudbury Court Road unusually has a small side/ rear conservatory immediately on the boundary with the application site. The side elevation of this is obscure glazed except for high-level transparent glazing panels. The positioning of the conservatory is unusual as it is largely to the side of the neighbouring dwelling, which increases its reliance on the application site for outlook and daylight received. The single storey western extension is set 0.8m from the shared boundary and will impact on the adjoining conservatory. Nevertheless under permitted development, the application site could extend right up to the length of the conservatory outside of planning control. The set-in of the proposal therefore represents an improvement. However, the structure does extend to the rear.

#### **Rear extension - ground floor**

The application entails a wide single storey rear extension. Amended drawings have been received. On the western side this projects 1.5m beyond the neighbouring side conservatory and 2.5m from the original rear wall of number 91. This is greater than could be permitted development, as it is to the side of the original dwelling. However, the extension is not considered so deep as to relate significantly poorly to the neighbouring conservatory. It would be unreasonable for the neighbouring conservatory to solely rely on outlook across the application site. The conservatory's obscure glazing prevents direct outlook, and the utility room and main house on the application site already affect the daylight received by the conservatory. On balance, the 1.5m projection beyond the conservatory set 0.8m away from it, is not considered sufficiently harmful to warrant refusal of the application on these grounds.

On the eastern side of the site, the existing study is an existing single storey extension to the side and rear of the property. The proposal projects to the rear of this creating (as amended,) a total rear extension depth of 3m from the original rear wall of the application dwelling and number 93's rear wall. Since the proposed extension is both to the rear and side of the original dwellinghouse on site, this would not constitute permitted development. Nevertheless a 3m ground floor rear projection is within the tolerances permitted in SPG5 guidelines. The neighbouring dwelling number 93 is set approximately 30cm lower in its site than the application dwelling, which will exacerbate the impact of any structure on site. Nevertheless if this is considered then the proposed the ground floor rear extension would only appear 3.125m in height, which would not be sufficiently harmful to warrant refusal on these grounds. The proposed rear extension steps out to allow a total extension depth of 4m 3m from the boundary with number 93. This is considered sufficient distance for the depth not to relate satisfactorily to the neighbouring dwelling.

#### **Rear extension - first floor**

The property currently has a staggered rear build-line. The proposed first floor rear extensions are also proposed with a varied depth. This has been reduced since the original submission. The first floor rear extension on the eastern side adjoining number 93 projects 0.749m from the line of the original back wall of the neighbouring property. This extension steps out 2.8m from the boundary. The proposal does not extend at first floor towards the western side of the dwelling, but extends to the rear of the rearmost staggered build line 1.601m.

SPG5 guides that first floor rear extensions should meet 1:2 guidelines, so that the depth of any proposed extension relates satisfactorily to the nearest habitable windows of neighbouring properties. Number 93 has a garage with a single storey store room to the rear, which does not appear to be a habitable room. The applicant has demonstrated that the proposal complies with the 1:2 guideline in relation to the nearest habitable room window within the main neighbouring dwelling. The 0.3m lower setting of number 93 will enhance any impact of the proposed massing on the neighbouring occupiers. However the amended 0.749m first floor projection is not considered sufficiently harmful to the outlook of daylight of the neighbouring dwelling to warrant refusal. The nearest window within the neighbouring dwelling is 5m from the shared boundary.

The proposed first floor rear extension also complies with the 1:2 guideline in relation to Number 89. It does not project at first floor further than the neighbouring conservatory and meets the guidelines in relation to the next nearest habitable room windows, thus creating a satisfactory relationship to the amenities of adjoining occupiers in compliance with policy BE9 of Brent's UDP.

The proposed first floor extension is not greater than the width of the original dwellinghouse and given the number of large extensions in the area and sizeable plots, this width is not considered out of keeping with the character of the locality.

A condition could restrict the right to insert any windows at first floor to the side elevations in order to safeguard the privacy of neighbouring occupiers, particularly when using their rear gardens.

#### **Other matters**

The side extension results in the loss of an existing garage. The applicant has indicated the provision of at least 50% soft landscaping within the front garden area including the retention of a front hedge and wall. This will be conditioned in order for the development to contribute to local amenity in accordance with guidelines within SPG5 and Policy BE7. In accordance with revisions to the Town and Country Planning (General Permitted Development) Order 1995 the Council now needs to consider surface-water treatment for new hardstanding areas within front gardens to limit water-flow into the public highway. A condition will require the submission of further details of the proposed block paving. The 2 parking spaces will be retained and protected by condition, which complies with Policy TRN23 and therefore is not anticipated to cause highway harm. Pedestrian access is maintained down the side of the property allowing bin storage in the rear garden if required.

There is a change in levels rising up towards the north east. The applicant has demonstrated that a raised patio is not proposed to the rear of the property, which also safeguards neighbouring amenities in accordance with Policy BE9 of Brent's Unitary Development Plan.

Neighbouring occupiers objected to the proposed 2 storey side extension immediately adjacent to their property. They mention that their house may be devalued. This cannot be considered. However, they also mention concern that a terracing effect may be created if they choose to extend in the future. It is considered that the set back of the first floor extension and the reduced ridge height will assist the extension appearing subservient to the dwelling and prevent a terracing effect. This complies with SPG5 guidelines. The box gutter design shows that rainwater goods are entirely sited within the application site and eaves will not overhang adjoining properties. Party wall matters are not a planning consideration and for planning purposes the applicant has demonstrated that the proposal does not rely on land outside of the application site.

The amended scheme has reduced the depth of the single storey and first floor extensions on the boundary with number 93 and no first floor side extension is proposed adjoining number 89. The ground floor extension on the eastern side is also set off the boundary with the neighbouring property safeguarding neighbouring amenities. Materials will be conditioned to match the existing and safeguard the character of the area.

### **Summary**

With reference to Council's policies **BE2, BE7, and BE9** of **Brent Unitary Development Plan 2004 and SPG 5**, the proposed development is considered to be in keeping with the original dwelling, and relates satisfactorily to the adjoining properties and the character of the streetscene as amended. It is accordingly recommended for planning approval.

**RECOMMENDATION:** Grant Consent

### **REASON FOR GRANTING**

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

Brent 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 on the date of this permission.

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

001RevA

002RevB

003RevB

100RevC

101RevC

102RevC

103RevC

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) All new external work shall be carried out in materials that match, 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.

- (4) No windows or glazed doors shall be constructed in the north-east or south-west first floor walls and roof of the building as extended without the prior written consent of the Local Planning Authority.

Reason: To minimise interference with the privacy of the adjoining occupiers.

- (5) No access shall be provided to the flat roof of the extension by way of window, door or stairway and the roof of the extension hereby approved shall not be used as a balcony or sitting out area.

Reason: To preserve the amenity and privacy of neighbouring residential occupiers.

- (6) The parking spaces measuring 2.4m by 4.8m within the front garden of the property shown on the approved plan shall be constructed prior to the occupation of the extensions and shall be permanently retained and used solely in connection with the extended dwelling hereby approved.

Reason: To ensure that the approved standards of parking provision are maintained in the interests of local amenity and the free flow of traffic in the vicinity.

- (7) Details of all hard and soft landscaping to be provided within the front garden including:  
(i) a planting plan and schedule demonstrating the provision of a significant proportion of soft landscaping within the front garden  
(ii) a schedule of paving materials with consideration of disposal of surface-water shall be submitted to and approved in writing by the Local Planning Authority, prior to commencement of development.

The landscape work shall be completed during the first available planting season following completion of the development hereby approved and the hard landscape works shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced by trees and shrubs of similar species and size to those originally planted.

Reason: To ensure a satisfactory standard of development in the interests of local visual amenity.

#### **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.

#### **REFERENCE DOCUMENTS:**

Brent's Unitary Development Plan [UDP] 2004  
SPG5 - *'Altering and Extending your home'*

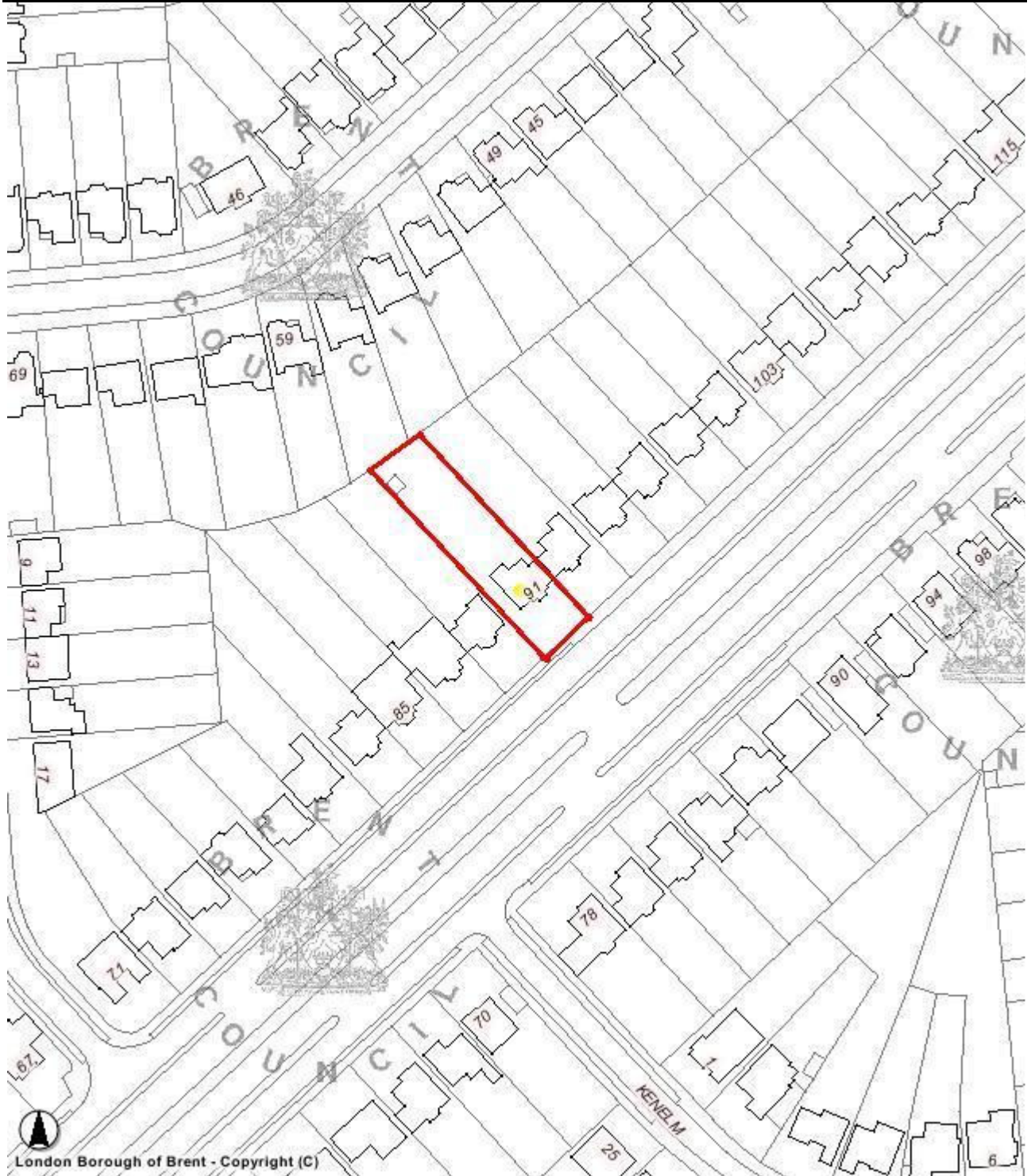
Any person wishing to inspect the above papers should contact Amy Wright, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5222



## Planning Committee Map

Site address: 91 Sudbury Court Drive, Harrow, HA1 3SS

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**Committee Report**  
**Planning Committee on 30 June, 2010**

**Item No.** 15  
**Case No.** 10/1031

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**RECEIVED:** 18 May, 2010

**WARD:** Preston

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 16 The Broadway, Wembley, HA9 8JU

**PROPOSAL:** Change of use from retail (Use Class A1) to cafe (Use Class A3), erection of bin and cycle store, roof-top flue, replacement lattice roller shutter and boundary fence to rear of premises

**APPLICANT:** Mr Abdul Rahim

**CONTACT:** Studio V Architects

**PLAN NO'S:**  
Please refer to condition 2

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## **RECOMMENDATION**

Approve subject to conditions. Members should note that the application is still within the consultation period which does not expire until 22/06/10. Any further comments will be reported in a supplementary allowing the consideration of any further objections that are received

## **EXISTING**

The application site is located mid-way along a shopping parade on the western side of Preston Road at the junction with East Lane. The parade is identified in the Council's Unitary Development Plan as the Broadway Local Centre. A service road runs along the back of the parade and the unit has a parking/servicing area located to the rear. Two floors of residential flats are located above the shops accessed from a deck running along the rear of the parade.

The authorised use of the unit is as a shop however it has been operating without consent as the Elissa Cafe and in the past has also been operated as a shisha cafe. There are on-going enforcement investigations into these unauthorised uses.

## **PROPOSAL**

Change of use from retail (Use Class A1) to cafe (Use Class A3), erection of bin and cycle store and boundary fence to rear of premises

## **HISTORY**

### **14/01/2010 - 09/2426 - Refused**

Change of use to cafe (Use Class A3) from retail (Use Class A1) and erection of a single-storey rear extension, rear extraction flue and bin store.

### **15/09/2009 - 09/1674 - Withdrawn**

Retention of change of use to cafe (use class A3) and erection of a single storey rear undercover area and canopy, formation of an open internal seating area to the front of the premises and removal of shopfront

**08/06/2009 - E/09/0357**

The formation of a seating area to the front of the premises and the erection of a large wooden structure to the rear of the premises

**22/02/2008 - E/08/0170**

Without planning permission the material change of use of the premises to cafe/restaurant (A3) and erection of wooden type structure at rear of premises.

**POLICY CONSIDERATIONS**

**Adopted Unitary Development Plan 2004**

- **STR11** Protection and enhancement of the built and natural environment
- **STR29** Development should sustain and enhance the vitality and viability of the Borough's town and District Centres
- **BE2** Townscape local context and character
- **BE4** Access for Disabled People
- **BE17** Building-Services Equipment
- **EP2** Noise & Vibration
- **EP4** Potentially polluting development
- **TRN3** Environmental Impact of Traffic
- **TRN11** The London Cycle Network
- **TRN22** Parking Standards Non-Residential Development
- **TRN34** Servicing in New Development
- **TRN35** Transport Access for Disabled People
- **H22** Protection of Residential Amenity
- **SH4** Local Centres
- **SH6** Non-Retail uses appropriate to primary shopping frontages
- **SH7** Change of use from retail to non-retail
- **SH10** Food & Drink (A3) Uses
- **SH11** Conditions for A3 Uses
- **SH16** Local Centres
- **SH19** Rear Servicing

**SPG7 – Shopfronts and Shop Signs**

**Issues**

- Specific nature and size of use
- Character of the area and the concentration and existing level of disturbance from A3 and similar uses
- Whether the proposed hours of opening would result in residential disturbance
- Practicality of providing extract ducting, ventilation, grease traps and/or noise insulation.
- Character and Appearance
- Parking and Servicing

**CONSULTATION**

**Internal**

**Highways-** comments awaited

**Environmental Health** –no objections to A3 use subject to conditions regarding further information on the ducting cleaning the methodology, acoustic assessment prior to occupation/ commencement of the use, a condition on the acoustic properties of the ducting casement. Raise grave concerns with reference to the past use of the unit for smoking shisha

## **External**

77 letters sent to neighbouring occupiers of the shops, residential units above the shops, and church to the rear and a nearby residential home. These properties have been notified on 01/06/10

Members should note that the consultation period has not lapsed at the time of writing this report. This consultation period shall expire on 22/06/10. At the time of writing this report no comments from third parties have been received. Previously objections have been raised on the number of A3 uses within the parade, parking/ loading problems in the parade, anti-social gathering of people, past problems with shisha use to the rear of the site.

## **REMARKS**

### **Summary**

This application seeks a change of use of a commercial unit within a local parade from retail (A1) to a cafe/restaurant (A3). A previous application for the same change use was refused due to the failure of the applicant to provide a suitable mechanical extraction system to control odour nuisance and failure to provide adequate space for servicing vehicles to the rear of the site. These issues have been addressed in this current application. An extraction system is proposed that meets Environmental Health's requirements and additional space has been allocated to the rear for parking and servicing.

### **Shisha Use**

The Council's Environmental Health team has been monitoring the premises for non-compliance with the Health Act 2006 in relation to shisha smoking within the premises. It appears that the unit is continuing to operate as a shisha cafe. They are concerned that the shisha is causing noise and odour nuisance to nearby residents. There have been a number of complaints relating to the shisha use from local residents. Environmental Health Officers have evidence that an unauthorised shelter to the rear of the premises actually burnt down in the last 6 months as a result of it being used as shelter for shisha smoking. Environmental Health officers have been advising the proprietor since June 2009 about the implications of the 2006 Health Act which severely limits any form of smoking within buildings or other enclosures to which the public have access. The proprietor has clearly not acted upon any warnings given to him and continues to promote shisha smoking as part of his business. This has resulted in the Environmental Health team considering prosecution.

The applicant is claiming that this current application is purely for an A3 use and that he intends to operate it as a late night cafe specialising in Arabic food. He has stated that there will be no shisha smoking on the site. While the applicant's past record does raise concerns that he will continue to allow shisha smoking from within his premises in contravention of the 2006 Act, officers have to take this application at face value. Should permission be granted the Environmental Health Team will have to monitor the situation and react appropriately to any future breaches.

There is no licensing implication as late night refreshment sales only require a license after 11pm and the applicant is only seeking opening hours until 11pm.

Members should note that the premises does not benefit from planning permission to allow shisha smoking. Within the previous planning application officers reported that a structure had

previously been erected to the rear of the unit without planning permission. This comprised in part of wooden panels, some brickwork and wooden posts topped with a corrugated plastic roof open at the sides. This area covered the whole of the rear curtilage of the unit and had been used for smoking shisha. The temporary structure has now been removed and recently replaced with a marquee. The erection of a marquee within the curtilage of a building would require planning permission, but no such permission has been granted in this instance. This matter has been referred to planning enforcement. There is also a semi-enclosed seating area to the front, which would not have required a planning application.

The applicant states that they have been running the unit for over 6 years. The applicant now seeks an A3 consent. The application also includes an external bin store, new roller shutter, and internalised extractor duct that vents at high level.

### Loss of A1

The application seeks to change an A1 use class to an A3 use class. Policy SH16 guides that within Local Centres non-retail uses will generally only be acceptable if the application will result in no more than 35% of the shop units being within non-retail use unless there is a vacancy rate of at least 10%. The parade currently consists of 22 units, which were surveyed by your officer as:

PROPERTY NAME	DESCRIPTION	USE CLASS	
VACANT - was CHINA PRESENTATIONS	GIFT SHOP	vacant was A1, vacant since 20/05/08 (VACANT)	1
was CHINA PRESENTATIONS, now Astrologer operating 9am-9pm 7 days a week	GIFT SHOP	unauthorised B1; authorised A1, (VACANT)	2
CLEAN	DRY CLEANERS	A1	3
WEMBLEY SAUNA/ MASSAGE	SAUNA	SUI GENERIS	4
KUTTING PROFESSIONALS	HAIR DRESSERS	A1	5
MALIK LAW CHAMBERS	SOLICITORS	A2	6
RAEI & CO - ACCOUNTANTS	ACCOUNTANTS	A2	7
SUNRISE CAFÉ	CAFÉ / TAKEAWAY	A3	8
AQUA MARINE	AQUARIUM SALES	A1	9
SIMINS HAIR SALON	HAIRDRESSERS	A1	9C
THE COPPER'S JUG - CLOSED?	PUBLIC HOUSE	was A4	10A
COFFEE SHOP	COFFEE SHOP	A3	11
LESLIES HAIR SALON	HAIRDRESSERS	A1	12
VACANT- was OAKLEY TRAINING CENTRE	TRAINING CENTRE	(was D1) VACANT	12b
BARISH - BAR & EATERY	RESTAURANT	A4	13
PEACE PHARMACY	CHEMIST	A1	14
DAY 1 - LOCAL EXPRESS	OFF LICENSE/ SHOP	A1	15
ELISSA CAFÉ	CAFE	A1 (applic for A3 but not yet permitted) (1/2)	16
STYLING CORNER HAIR SALON	HAIRDRESSERS	A1	16A
TAYYAB HALAL MEAT 17	BUTCHER	A1	17
VARSANI & CO- Solicitors	SOLICITORS	A2	18
INSTANT SECURITY SYSTEMS	LOCKSMITH'S SHOP	A1 (2)	19-20

The Local Centre currently has 13 operational retail units, which, (including unit 16,) consists of 59% of the Centre's units. If number 16 is permitted as a change of use from retail, the proportion

of A1 units within the Local Centre will fall to 55%. This will result in 45% non-retail units, which breaches the 35% non-retail use (as stated within Policy SH16). However, since the last application another unit has become vacant in the parade. The number of vacant units will total 3 vacant units. As a result the vacancy rate of the parade has increased to 14%. As this is above a vacancy rate of 10% Policy SH16 permits non-retail units up to 50% of the parade, and as non-retail units now total 45% of the parade, the proposal will comply with Policy SH16.

The policy officer also guides that the overall size of the centre should be considered in order to determine whether a higher proportion of non-retail would affect the potential range of shops that could be provided in the units that are left available as retail shops. The policy intends to retain retail uses and essential services within Local Centres. If a change of use resulting in a loss of A1 at 16 is permitted, there will still be a range of retail offer within the parade. The proposed loss of A1 will not necessarily harm the vitality and viability of the centre. However, there are other policy considerations.

### **Proposed A3 use**

The proposed enlarged café with an A3 use at number 16 complies with Policy SH6 that defines in principle appropriate town centre uses. Policy SH10 sets out guidelines that can be used to assess the appropriateness of a site for A3 use.

#### **i) Proximity of residential accommodation:**

Number 16 The Broadway has residential flats above the main ground floor unit. There is also a rear elevated walkway running along the back of the units, above the existing ground-floor unit. This type of relationship is common within local centres and does not necessarily represent harm to neighbouring occupiers. The proposal will entail the erection of a bin store measuring 1.5m by 2.6m long and 2.5m high, a secure cycle store and servicing bay. The submitted drawings show that the existing temporary structures/ marquee will be removed as a result of the proposed alterations. In terms of external structures the current proposal represents an improvement on the previously refused application, which proposed a rear extension.

The current application does however involve an internalised extraction flue and vent duct. The applicant owns the ground floor unit and both the residential flats above. This therefore enables the applicant to propose to route the proposed vent duct directly up through the ceiling of the commercial kitchen, through both flats above and out onto the roof above. The routing of the flue through the residential properties above is not ideal in terms of safeguarding against noise nuisance as the proposal provides little opportunity to separate the flue with its associated noise and vibration from the bedrooms through which the flue is routed.

The applicants have provided lots of technical information in order to demonstrate that the proposed system will not cause harm to the amenities of neighbouring occupiers. The internal siting of the flue duct makes this particularly important. Environmental Health are satisfied that the proposed duct routing may in principle work subject to conditions detailing duct cleaning, duct casement acoustic attenuation and pre-commencement acoustic testing once the duct is installed. This is expected to comply with principles within Policy EP2 of Brent's Unitary Development Plan regarding noise sensitive development, (such as residential units) relationship to the proposed use.

The siting of the proposed flue vent will result in a reduction of floorspace available within the flats above the ground floor commercial unit. Both flats are currently 2 bedroom units. SPG17 guides minimum floorspace amounts that new residential units within the Borough are expected to comply with. A new 2-bedroom flat unit should have a floorspace between 55-65sqm. The applicant details that the first floor flat has an existing floorspace of 47.4sqm and the second floor flat has a floorspace of 48.4sqm as existing. As proposed with the new duct siting the flats would both be reduced by 0.54sqm. This would make both units less sizeable and be at least 7sqm below the minimum floorspace allowance for new 2 bedroomed flats. However, the units are historic and date from the time the premises were built out. They have always been under modern floorspace standards. It is considered that a 0.54sqm reduction per unit, although increasing the amount the

units are undersized is not sufficient to warrant refusal of the application on the grounds of the proposal harming the quality of local residential accommodation.

ii) **Nature and size of the use proposed**

The applicants state that the unit will be used for up to 30 customers at one time. A range of Arabic food will be prepared on site. It should be noted that the applicants are only applying for A3 use and not A5 takeaway. The unit is small (approx 38sqm,) and will be subdivided between the internal kitchen, main seating area, disabled toilet and front seating area within the shell of the building.

There have been past complaints about the nature of the use of the site and in particular the use of the rear undercover area in terms of noise and smells, which were aggravated as the structure is not enclosed. The proposal seeks to replace the rear temporary structures which will be replaced with a bin and cycle store and new enclosed servicing bay. Intensive use of the rear area by members of the public would result in unreasonable levels of noise and disturbance. It may potentially lead to fumes if the shisha continues. This is contrary to Policies EP2, EP4, H22 and SH10. A condition will ensure that the rear servicing areas are only used for the purpose of servicing and for no other purpose including sitting out/ smoking.

iii) **Character of the area, concentration of similar uses and disturbance from such uses.**

The Broadway currently consists of 22 units, the range of units is set out in the table above. There are only 2 existing A3 units within The Broadway, number 8, Sunrise café and number 11 The Coffee Shop which was recently granted an A3 use at committee. The rest of the units within the parade are within use classes A1, A2 or A4. It is therefore considered that there is not an over-concentration of A3 type uses in this area.

iv) **Proposed hours of opening causing residential disturbance.**

The applicant has confirmed that they intend to open from 11am to 11pm every day of the week. This is a reduction from the hours of 10am to midnight that was proposed in the most recent application 09/2426, which was refused. The proposed 11am to 11pm is not unreasonable opening hours for an A3 use within a Local Centre such as this site. The front section of the restaurant is currently a seating area open to the street at the front and within the footprint of the original building. In order to limit the potential for noise nuisance on neighbouring occupiers from this semi-enclosed area, a condition will prevent the use of amplified music/ sound systems within this area. The semi-enclosed nature of the shop frontage would not comply with smoking legislation and would not be possible to be used for shisha smoking.

v) **Practicality of providing extract ducting, ventilation, etc.**

The proposed intensity of the use including opening hours and types of food preparation is such that a low-level extraction system would not be possible for officers to support in principle, as it would be likely to give rise to noise and fume nuisance. A high-level extraction system that was routed up the outside of the building would need to be appropriately designed in order to safeguard the character of the area. However the position of existing windows serving habitable room windows within the first and second floor flats are such that your officers consider it would be difficult to route an external flue without interfering with the windows. The external siting of a high-level flue has the added difficulties of also having to be routed through the elevated walkway and around the mansard roof design.

The applicant has provided details of a high-level venting extraction system that runs up through the middle of the building and vents at roof level. The information submitted includes acoustic outputs, a filtration system, fire resistant details, fan details, acoustic attenuators, anti-vibration mounts and baffles. The Environmental Noise Assessment demonstrates that the proposed system will be at least 10dB below the background noise level, which indicates that external noise complaints are less likely. The information provided has been sufficient to satisfy Environmental Health subject to conditions requiring the submission of more technical specifications regarding the

extraction system and its effects on residents within the flats through which the system runs.

## **Appearance**

### *Rear area*

The proposed rear bin store is proposed up to 2.5m high with a 3.9sqm footprint incorporating fixings for a secure cycle store. This is not considered harmful to neighbouring commercial units within the parade or residential flats sited above the parade. It will not impinge on the rear service road. The application proposes a folding rear concertina gate to the rear service road. This is considered a significant improvement on the existing informal arrangement on site. The folding style of the gate is such that it will not lead to vehicle obstructions on the adjoining service road.

There are a number of other extraction systems to the rear of the western side of the parade. The extraction vent will represent the first high-level flue. High-level flue outlets are preferred by Environmental Health in order to limit nuisance potential by dispersing fumes at higher levels. The flue will only be visible from the rear and will not be seen from the front of the parade. The routing of the flue through the centre of the building reduces its visual impact on the surrounding townscape. It is not considered that the flue vent measuring 1.6m by 0.3m and projecting 0.7m from the mansard roof slope is sufficiently large to appear intrusive in the commercial service yard setting to the rear of the parade. The flue therefore complies with principles within policies BE2 and BE9 of Brent's Unitary Development Plan.

### *Shopfront*

The proposed extraction system also includes an air intake vent to the front of the unit, which will be at the fascia height. This vent will be conditioned so that it will match the fascia sign colour as far as practicable in order to not create a visually intrusive feature.

Prior to this application the shopfront has been removed and set back into the unit by several meters to provide a part internal seating area. When the solid roller shutter is up there is an area to the front of the unit that is open to the front and enclosed on the other sides. The lack of a shopfront results in the use of a solid shutter during the day when the unit is not open, which is unsightly and contrary to local planning policy guidelines. Policy SH21 of Brent's Unitary Development Plan and SPG7 sets out the Council's guidelines on Shopfronts. Solid shutters are not normally permitted. The applicant proposes to remove this solid shutter and replace this with a lattice shutter. This is in accordance with guidelines within SPG7 and improves the visual impact of the unit on the local amenity when closed. The front open sitting area within the footprint of the building is not unusual within a A3 use and will not obstruct the public highway. Conditions will ensure that no amplified sound systems are used within this area as it is open to the front and directly below the residential flats above.

## **Parking/ servicing**

The proposal will not increase the parking requirement for the unit. Policy TRN22 guides that up to one parking space could be required. However, a servicing bay is considered more important. Brent's Unitary Development Plan guides that a servicing bay capable of housing a 6m by 3m transit-sized vehicle should be provided. The displacement of vehicles from the curtilage would impinge upon the local service road, cause congestion and harm the free-flow of vehicles on the local highway network contrary to Policy TRN3. The applicant is proposing to provide a 6m by 3m servicing bay to the rear of the unit and this will be secured by condition. Secure cycle storage is also provided in accordance with Policy TRN11.

## **Conclusion**

The proposal will result in improvements to the unit including the removal of unauthorised structures to the rear of the unit, an improved open lattice styled shutter to the streetscene, and a ventilation/extraction system that is anticipated to ensure that residents residing above the unit will not be harmed by noise and odour as a result of the application in addition to adjoining occupiers. The applicant has demonstrated that they can operate the proposed unit without harm to local amenities if they comply with appropriate legislation. Members should note that if they approve this

application, (which should result in the discontinuation of the use of the unit for shisha smoking,) this may increase regulation elsewhere in the Borough if the unauthorised use relocates. However this is not a reason to refuse this application.

**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

**CONDITIONS/REASONS:**

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

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

1004 PL01  
1004 PL02  
1004 PL03  
1004 PL04  
1004 PL05  
1004 PL06  
1004 PL07 RevC  
1004 PL08 RevA  
1004 PL09 RevD  
1004 PL10 RevA  
1004 PL11 RevA  
1004 PL12 RevA

Design & Access Statement

Studio V architects letter dated 14/05/10

Environmental Noise Assessment March 2010

Mendick Waring Ltd letter dated 12/03/10

Typical Canopy details

Sketch proposals for the location of plant and routes

Manufacturers details on Fans, Anti vibration mounts, Baffle filters and cleaning, and Fire rated duct work

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) The proposed refuse store shall be finished in white render with a felt roof unless otherwise agreed in writing by the Local Planning Authority through the submission of further details

Reason: In order to safeguard the character and appearance of the area



- (4) The A3 use hereby approved shall not commence until the transit-sized loading area bays indicated on the approved plan 1004PL07RevB is provided. This servicing area shall be maintained free from obstruction and used solely for servicing vehicles and shall not be used for any other purpose (whether temporary or permanent), unless the prior written approval has been obtained from the Local Planning Authority.

Reason: To ensure that vehicles being loaded or unloaded are parked in the designated loading areas so as not to interfere with the free passage of vehicles or pedestrians along the public highways.

- (5) The A3 use hereby approved shall not commence until the following structures have been installed prior to the commencement of the use, or within 1 year of the date of this planning permission, whichever is the sooner,
- a) the bin and cycle store, the doors of which shall be sliding or inward-opening in accordance with the approved drawings and thereafter maintained
  - b) The rear folding metal gate in accordance with the approved drawings and retained as approved
- unless otherwise agreed in writing by the Local Planning Authority

Reason: To prevent obstructions to the servicing yard and rear service road in the interests of highway safety and to safeguard local visual amenities and encourage sustainable transport modes

- (6) The A3 use hereby approved shall not commence until the extraction system has been installed in accordance with the approved details prior to the commencement of the use, and retained as approved unless otherwise agreed in writing by the Local Planning Authority

Reason: To prevent local noise nuisance and safeguard local amenities.

- (7) The premises shall only be open and used for purposes within use class A3 between the hours of:

11am and 11pm seven days a week and at no other time outside these hours unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- (8) No customers shall access the rear servicing yard/ loading/ area rear of the commercial unit except in the event of an emergency. These areas shall only be used by staff in connection with the proposed A3 use of the premises and shall not be used for seating/smoking unless through the prior written approval of the Local Planning Authority through the submission of a further details

Reason: In order to safeguard local residential and commercial amenities

- (9) The A3 use hereby approved shall not commence until the existing solid roller shutter is replaced with the lattice styled roller shutter shown on the approved drawings, which shall be installed prior to the commencement of the use and thereafter retained unless otherwise agreed in writing by the Local Planning Authority

Reason: In order to enhance/safeguard the amenities of the local shopping parade

- (10) No amplified sounds/music/public-address systems shall be used outside of the unit or within the semi-enclosed front seating area at any time without the prior written approval of the Local Planning Authority

Reason: In order to safeguard local residential amenities and limit potential for noise nuisance.

- (11) The A3 use hereby approved shall not commence unless the proposed front air intake vent is coloured to match the adjacent fascia sign as far as practicable and thereafter maintained unless otherwise agreed in writing by the Local Planning Authority

Reason: To safeguard local amenity

- (12) a) The A3 use hereby approved shall not be commenced unless the applicant has submitted an acoustic assessment of the noise generated by the installed operational extraction system providing noise readings within the rooms through which the proposed vent is sited in accordance with readings within BS8233:1999: "Sound insulation and noise reduction for buildings." This acoustic report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use.

(b) Should the noise levels exceed those considered reasonable for bedrooms, a scheme of insulation works to mitigate the noise shall be submitted to and approved in writing by the Local Planning Authority and shall then be fully implemented prior to the commencement of the A3 use hereby permitted

Reason: In order to safeguard local residential amenities and limit potential for noise nuisance.

- (13) The A3 use hereby approved shall not be commenced unless the applicant has submitted further information regarding the acoustic properties of the ducting casements within the residential flats. This report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use.

Reason: In order to safeguard local residential amenities and limit potential for noise nuisance.

- (14) No development shall commence unless the applicant has provided details of the proposed ducting cleaning methodology for the on-going maintenance of the proposed extraction system. This shall be submitted to and approved in writing by the Local Planning Authority and thereafter the approved methodology should be followed unless otherwise agreed in writing by the Local Planning Authority

Reason: In order to provide a well-maintained extraction system that does not give rise to noise nuisance and to ensure that maintenance of the system is viable without causing harm to the amenities of residential occupiers through which the flue is located

- (15) Notwithstanding the submitted drawings prior to the commencement of the use hereby approved further drawings at a scale of 1:50, detailing the external appearance and orientation of the proposed external extraction duct, materials,

colour and direction of the vent shall be submitted to and approved in writing by the Local Planning Authority and thereafter installed in accordance with the details so approved

Reason: In order to safeguard the character and appearance of the area

**INFORMATIVES:**

- (1) Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. They further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio-diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet "Best Management Practices for Catering Establishments, which can be requested by telephoning 02085 07 4321
- (2) The applicant is advised to remove all unauthorised external structures to the rear of the unit, including the marquee within 1 month of the date of this decision notice or be liable to face direct action from the Local Planning Authority, as such structures are not considered acceptable in this location
- (3) The applicant is advised that the semi-enclosed front seating area cannot be used for smoking as it does not comply with legislation within the Health Act 2006

**REFERENCE DOCUMENTS:**

Brent's Unitary Development Plan 2004  
SPG7 – Shopfronts and Shop Signs

Any person wishing to inspect the above papers should contact Amy Wright, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5222



# Planning Committee Map

Site address: 16 The Broadway, Wembley, HA9 8JU

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This map is indicative only.

Location 16 The Broadway, Wembley, HA9 8JU  
Description Change of use from retail (Use Class A1) to cafe (Use Class A3), erection of bin and cycle store, roof-top flue, replacement lattice roller shutter and boundary fence to rear of premises

**Agenda Page Number: 129**

The 21 day minimum consultation period ended on 22/06/10. The following comments have been received:

**Highways** - no objections subject to the conditions outlined in the main report relating to the provision and retention of the proposed servicing bay and refuse/recycling storage area.

Additional objections received:

A petition objecting to the proposed change of use has been received, with 22 signatures attached. The grounds for objection are;

- *With the number of existing A3 uses in this parade a further one will lead to extra traffic and congestion.*
- *An additional A3 use will lead to further parking problems in the area.*
- *The use of the premises is causing anti-social behaviour.*
- *The use of the premises as a Shisha cafe results in anti-social behaviour.*

Officers have given due consideration to these grounds for objection. Members should note that there are only 2 existing A3 uses in the parade, and a further A3 use is not considered to result in over concentration. It is noted the Council's Transportation Department does not object to the proposal. A condition will secure the provision of a rear servicing bay so that any loading/unloading can be done without impeding the free flow of traffic on the adjoining highway.

Officers recognise the concerns of local residents and businesses regarding anti-social behaviour at the premises linked with its current or past use. This application is for the use of the premises as a cafe/restaurant only and the applicant has stated that there will be no shisha smoking in the future. Officers are seeking to control the use through conditions restricting the hours of use, prohibiting the use of the rear yard by customers, restricting the use of amplified music/sound and requiring the installation of a suitable kitchen extract system. It is hoped that these additional controls will prevent future anti-social behaviour or nuisance in the future. If the applicant continues to allow shisha to be smoked on the premises then they are liable to prosecution by the Council's Environmental Health Team who have been monitoring the premises for non-compliance with the Health Act 2006.

Wording of Conditions

It is recommended that Condition 13 be amended to include the words;  
*"and the ducting shall be implemented fully in accordance with the details set out in the report and retained as such thereafter, unless otherwise agreed in writing by the local planning authority".*

**Recommendation:** Approve subject to re-wording of Condition 13.

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## Committee Report Planning Committee on 30 June, 2010

Item No. 16  
Case No. 09/3364

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**RECEIVED:** 3 November, 2009

**WARD:** Tokyngton

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 10 Berkhamsted Avenue, Wembley, HA9 6DT

**PROPOSAL:** Demolition of existing detached garage and erection of a single storey detached bungalow with a basement in the rear garden of No. 10 Berkhamsted Avenue, HA9 6DT with associated landscaping and refuse/recycling bin storage area.

**APPLICANT:** Gentlecraft Ltd

**CONTACT:**

**PLAN NO'S:**  
See Condition 3

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### RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor

### SECTION 106 DETAILS

The application requires a Section 106 Agreement, in order to secure the following benefits:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Payment to the Council of a contribution of £6000, due on material start of works and index-linked from the date of agreement, for education, sustainable transport, open space and sport improvements in the local area.
- Adhere to the Considerate Contractors Scheme
- The removal of the rights of residents to apply for parking permits.

And, to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

### EXISTING

The application site is a rectangular plot of land (17.6m wide x 11.8m deep) which is the end portion of the rear garden of 10 Berkhamsted Avenue, two-storey residential semi detached house being used as two-flats, located on the corner of Berkhamsted Avenue and Nettleden Avenue. The double garage which is to be demolished is located at the foot of the rear garden fronting Nettleden Avenue.

The garage and some of the land around it has been separated from the rest of the rear garden and has for a number of years been used for the storage of building materials for a number of years without planning permission.

10 Berkhamsted Avenue has been converted into 2 x 2-bedroom self-contained flats. The ground floor flat has its own private rear garden which is enclosed by 1.8m high close boarded timber fence. The upper floor flat has no rear garden/amenity space. The front garden has been completely hardsurfaced and provides 2 off-street car parking spaces for both flats.

A detached bungalow (51 Nettleden Avenue) abuts the site as does the rear garden of 12/12a Berkhamsted Avenue.

## **PROPOSAL**

The proposal is for the demolition of the existing detached double garage at the rear of 10 and 10a Berkhamsted Avenue and the erection of a two bedroom detached bungalow incorporating a basement level, associated hard and soft landscaping and the creation of refuse/recycling bin storage area.

## **HISTORY**

The following planning history is the most relevant to the proposal:

- |            |  |
|------------|--|
| 25/03/2009 | Planning application for the erection of a two-storey detached dwellinghouse in the rear garden of - withdrawn (Ref: 08/3118).   |
| 26/10/1998 | Planning permission refused for the erection of a two-storey side extension and installation of 2 front velux windows (Ref: 98/1597).                                    |
| 17/08/1998 | Planning permission refused for the erection of a single-storey 2 bedroom bungalow in the rear garden (Ref: 98/0321).  |
| 11/08/1998 | Planning application for the erection of a two-storey side extension to dwellinghouse in order to create a new self contained house - withdrawn (Ref: 98/0391).          |
| 20/08/1971 | Planning permission granted for the conversion of the house to two self-contained flats and formation of dormer window to provide room in roof space - (Ref:C5275 1209). |

## **POLICY CONSIDERATIONS**

### **Adopted Unitary Development Plan 2004 Policies**

*BE2 – Townscape: Local context*

*BE7 - Streetscape*

*BE9 – Architectural Quality*

*EP6 – Contaminated Land*

*H11 - Housing on Brownfield Sites*

*H12 – Residential Layout*

*TRN3 – Environmental Impact of Traffic*

*TRN23 – Parking Standards - Residential*

*PS14 – Parking Standards: Residential (C3)*

### ***SPG 17 – The Design Guide for New Development***



## **Supplementary Planning Document: S106 Planning Obligations**

- Standard of accommodation provided
- Impact on amenities of neighbouring occupants
- Impact on highway movement/safety and parking capacity in locality
- Design of building
- Impact on character of street scene

### **CONSULTATION**

The following properties have been consulted on the proposal:

- Nos. 5, 7, 8, 8A, 9, 10, 10A, 11, 12, 12A, 13, 14, 15A, 15B & 17 Berkhamsted Avenue.
- Nos. 45, 47, 49, 51, 54, 56 & 58 Nettleden Avenue
- Ward Councillors

In total 2 letters of objection have been received, from 12A Berkhamsted Avenue and 51 Nettleden Avenue. Concerns are raised regarding loss of light and privacy, and increased noise, dust, parking and general disturbance. These issues are dealt with in the remarks section of this report.

Transportation - No objection subject to a Section 106 Agreement confirming a contribution of £1,000 towards improving highway safety and car parking controls in the area, car free agreement and a condition requiring that existing redundant crossover be removed and the pavement reinstated.

Landscape - No objections subject to conditions requiring the following:

- Covered cycle parking
- At least one large tree (e.g. Birch, Maple, Walnut or Hornbeam) is required to be planted in the rear garden in the corner furthest from the properties, species to be approved.
- A small tree is required to be planted in the front garden
- Details of hard and soft landscaping will need to be provided including species, location, number, sized density of planting and materials and finishes of hard materials.
- Details of all boundary treatments, heights and finishes
- Details of refuse storage..

Environmental Health - No objection.

Thames Water - No objection.

### **REMARKS**

#### Summary

Planning permission is sought for the demolition of the existing double garage and the erection of a 2 bed bungalow incorporating a basement level.

Over the past 12 years there have been three abortive attempts to get planning permission for a new dwelling on this site. These earlier attempts have failed due to poor design, excessive scale, lack of amenity space, loss of garden and impact on the amenities of neighbouring occupiers. In comparison this current application is better designed, of an appropriate scale to its setting, provides adequate amenity space, a better overall quality of living environment in respect of outlook, daylight and sunlight for future occupiers, and that respects the amenities of neighbouring occupiers.

### The Proposed Use

The Chief Planning Officer for Local Planning Authorities in England has recently announced that domestic gardens will no longer be classified as previously developed or 'brown field land'. It is now down to local authorities to decide whether or not it is appropriate to allow development that results in the loss of existing garden space. In this particular case the proposed bungalow is replacing a large existing double garage occupying an area of approximately 30 square metres. Furthermore a significant proportion of the rear and side garden to 10 Berkhamsted has been hardsurfaced, approximately 200 square metres (excluding the garage), no doubt a legacy of its unauthorised use as storage for building materials. The foot print of the proposed bungalow is approximately 46 sqm and also includes a significant patio area. However the proposed landscaped amenity space together with a condition requiring the a scheme for landscaping the land around the existing property will result in a significant overall improvement in terms of quantity and quality of landscaping present on the site.

Given its long established use for the storage of building materials, the garage and the land around it could be considered to be a Local Employment Site as defined in the Council's Unitary Development Plan. Council policy seeks the retention of these uses unless they have been vacant for some time or are located in an environmentally sensitive location and are a potential nuisance. Given that the existing use has never been authorised and its location in a predominantly residential area the replacement of this potentially problematic use with a more appropriate use is welcomed.

### Size, Scale and Neighbouring Amenity

A single storey bungalow with basement is proposed. The basement floor will accommodate 2 bedrooms, a bathroom and storage space. The ground floor is comprised of an open plan lounge and kitchen, a W.C. and store room.

The house is designed with a main door and frontage to Nettleden Avenue. This elevation would also provide a window to the ground floor W.C. and kitchen. However, all the principle habitable rooms have their windows on the north elevation of the proposed building facing the garden and sunken patio area. There are no windows proposed to the west and south elevation of the dwellinghouse.

The proposed bungalow is set-away 0.8 metres and 1 metre from the west and south boundaries with adjoining gardens, achieving a better relationship than the existing garage which is much tighter to these boundaries. The separation achieves the 45 degree set down set out in the Council's Supplementary Planning Guidance 17 relating to "Design Guide for New Development" this seeks to preserve the sense of outlook, daylight and openness enjoyed by neighbouring residents existing gardens. This requires the height of new development that adjoins gardens to be set below a line of 45 degrees at the gardens edge measured from a height of 2 metres.

The dwellinghouse with habitable room windows in the north elevation would maintain a distance of 10m from its north site boundary and 20m distance between habitable room windows on the main rear elevation of the residential property at No. 10 and 10A Berkhamsted Avenue. The dwellinghouse therefore would comply with the Council's minimum separation distance required between directly facing habitable room windows as set out in the "Privacy and Outlook" standards in SPG 17.

The new dwellinghouse is located between a two-storey house (10 and 10A Berkhamsted Avenue) and a detached bungalow ( 51 Nettleden Avenue). The new dwellinghouse is set within the existing building line established by these two neighbouring properties. The new dwellinghouse, at street level would appear as a detached bungalow with a height of 4.7m at its highest point. The new dwellinghouse in relation to adjoining No. 51 Nettleden Avenue would be of a smaller footprint and lower height and therefore it would not be an over-dominant or overbearing structure within the streetscene of Nettleden Avenue.

### Housing Standards

The new 2-bedroom dwellinghouse large enough to accommodate 4 persons would have an internal floor area of approximately 81m<sup>2</sup> and it would meet the Council's (75m<sup>2</sup>) minimum unit size required for a 2-bedroom dwellinghouse as set out in SPG17.

The new house has a good internal layout with a central corridor providing separate access to all the rooms. At basement level, the two bedroom windows are overlooking the garden/amenity space for the dwellinghouse. To demonstrate that these bedroom windows receive adequate daylight and sunlight, a specialist "Daylight and Sunlight" diagram and report produced by Mr R Staig MRICS, Chartered Surveyor of Dixon Payne has been submitted. The calculation demonstrates that whilst the vertical sky components (VSC) are below 27%, a figure accepted as being difficult to achieve in urban situations, the resultant illuminance, Average Daylight Factor (ADF), are in excess of the BRE Guidance for bedrooms and indeed exceed the minimum recommended for kitchens which have the greatest requirement for internal illuminance. Based on the finding of the report and diagram submitted, it can be assumed that the proposed bedrooms at basement level would receive adequate daylight and sunlight.

The drawings have also been revised to show a modification to the rear garden to create a more attractive outlook from the bedroom windows. This is achieved by widening the yard area at lower ground level, and remodelling the retaining bank to give the appearance of a hanging garden. This remodelling will also have the effect of further increasing the daylight entering the bedrooms, although the daylight calculations submitted show that the scheme previously achieved the standard required.

### Amenity Space

The new dwellinghouse would have its garden/amenity space on the east and largely on the north side of the property in a form of a terrace, yard, and bank and lawn area. The amenity space to the north of the dwellinghouse would be 10m long and 11.8m wide providing a total of 118m<sup>2</sup> and this would be well in excess of Council's minimum "amenity space" requirement of 50sq.m. for a family housing as set out in SPG 17. It should also be noted that the ground floor flat at No. 10 Berkhamsted Avenue also has a private rear garden and it provides approximately 50m<sup>2</sup> of amenity space in addition to open space on either the side of the rear projection to the property.

The proposed amenity space would be part hardsurfaced and part soft landscaped. It is suggested in the "Design and Access Statement" submitted with the application that the hardsurfaces will be paved with porous paving to allow rainwater percolation. Retaining walls and the brick wall separating the open front and private rear garden will be built in yellow stock brickwork. The fencing will be stained timber close boarded to match the existing. A 900mm high timber fence and gate will form the front boundary of the front garden. This will achieve the desired and required open aspect to the front elevation of the new house. The garden to the house will be visible from the street and will be landscaped with lawns and shrubs. However, further details of proposed planting for soft landscaped area and materials (including sample) for hardstanding area would be required and therefore a condition to this effect is attached requiring the developer to submit the required details for further consideration at a later date.

A condition is attached requiring further landscaping to the land around the existing property.

### Design and Material

The new dwellinghouse has been designed in a contemporary interpretation of the Edwardian and Arts and Crafts styles of the beginning of the 20<sup>th</sup> Century to complement the surrounding properties, with reference to the local traditional materials, and proportions. The design approach is intended to introduce the visual richness to this site and to break down and articulate the elevations to achieve a sense of discernible human scale. The hipped roof form reflects the forms of the houses in the street and the vertical protruding element created by the bays inserted in the elevations to reflect the rhythm and verticality of nearby semi-detached houses. Care is taken with the design of the fenestration to create a contemporary appearance allowing light to flood into the

lofty lounge on the private north side of the house while the front elevation is designed to reflect the style of the surrounding houses.

The plan submitted with the application suggest that the principal materials in elevations will be white render to match the houses in the locality and yellow/buff London Stock brickwork, (in locations where maintenance would be problematic i.e. to south west elevation and walls to lower ground floor and yard) with cast stone cills, all echoing the traditional materials found in the locality.

All the windows and doors in the dwellinghouse would be timber framed. The windows will be set well back in well proportioned openings.

The roof of the dwellinghouse would have a 35 degree pitched roof and it would be finished with red/brown plain tiles with half round hip and ridge

The proposed materials are generally in keeping with the character and appearance of the locality. However, a condition is proposed requiring details of the materials to be submitted for the LPA's approval prior to construction.

### Sustainability

Although not required to meet the same high level of sustainability required of major developments the new dwellinghouse is designed to include various sustainable measures.

*Low Energy Use* - The house will be designed in accordance with Building Regulations Approved Document "L" – Conservation of Fuel and Power in dwellings. The insulation would be of high fabric insulation standards to meet or exceed minimum building regulation requirements. Efficient heating systems and control will be installed. All heating will be by means of NOx Class 5 condensing boilers with direct hot water cylinders.

*Material Selection* -It is suggested that wherever possible, renewable materials will be used to reduce the depletion on non-renewable resources. A minimum of 60% of the timber and timber products for the basic building elements will be sourced from sustainably managed forest. All insulation materials will be CFC and HCFC free with a Global Warming Potential (GWP) of less than 5. Water based paints and stains will be used. External walls and roofs will be brick and tile finish, with a proportion of self coloured render, so as to minimise the need for maintenance.

*Pollution* — *P* pollution potential from the development will be minimised by the use of insulants with zero ozone depletion potential and GWP of less than 5. Boilers with ultra low NOx emission burners (i.e. less than 40mg/kWh). Surface water attenuation from both hard surfaces and roofs at more than 50% based on 60 min. storm duration.

*Water* - In order to ensure mains water consumption of less than 42m<sup>3</sup> per bed space, 6/8 litre dual flush toilet will be provided. Aerating or flow regulated taps and showers will be installed. Washing machines will have a maximum water consumption of 49 litres per wash and rainwater butts will be provided to all private and communal external spaces. The new house with the above proposed sustainable design principles would meet the Council's policy BE12 in the adopted UDP 2004.

### Transportation

There is no proposal to provide any off-street car parking facility for the new 2-bedroom dwellinghouse. According to the Council's adopted UDP 2004, Nettleden Avenue is not defined as a heavily parked street. The site is not subject to parking controls except on Wembley event days, and has moderate accessibility with a PTAL rating level of 3.

According to the Council's Car Parking standards set out in the adopted UDP 2004, the proposed 2-bedroom dwellinghouse would need to provide up to 1.2 car parking spaces. The existing property at 10A and B Berkhamsted Avenue being used as 2 flats would each attract a maximum

of at least 1.0 space. The proposed dwellinghouse therefore increases the site car parking requirement to 3 spaces.

The front garden of the existing property (10 and 10A Berkhamsted Avenue) is currently fully paved hardstanding area and provides parking for two vehicles. This will fulfil the car parking requirement for these properties and mitigate the loss of the garage. Meanwhile Nettleden Avenue is not defined as being heavily parked, and so providing on-street car parking for this property will be acceptable.

Refuse and recycling storage area for the proposed dwellinghouse is shown to close the Nettleden Avenue frontage and therefore it would meet the Council's 10m distance from the highway for the collection of refuse and it is therefore considered to be acceptable. The property will have a large enough cartilage to provide cycle parking in the garden if desired.

The redundant vehicular access serving the existing garage as a result of the proposed new dwellinghouse will need to be restored to kerb-and-channel in the interest of highway and pedestrian safety.

Transportation will seek a standard financial contribution of £1,000 towards improving highway safety, better non-car access and new parking controls, secured via S106 agreement.

Transportation therefore has no objections to the proposal subject to above stated Section 106 Agreement and a condition requiring the redundant vehicular access to be restored to kerb-and-channel at the applicant's expense before the development is occupied, in order to comply with Council's policy TRN10 of the UDP 2004. An informative is also suggested to advise the applicant to contact the Director of Transportation in order to arrange for the necessary works to remove the vehicular access. The suggested above condition and informative is now attached to the report. With regards to the above stated financial contribution, this would be sought as part of the total contribution required for the proposed development in accordance with the Council's Supplementary Planning Document (SPD) relating to "S106 Planning Obligation". There is no requirement for a car free agreement given that the street is not heavily parked.

#### Section 106 Contribution

The proposed 2-bedroom dwellinghouse in accordance with the Council's SPD relating to "S106 Planning Obligation" the proposed 2-bedroom dwellinghouse would need to make a financial contribution of £3,000 per bedroom created within the scheme. In this instance as 2 new bedroom dwellinghouse is proposed, the total financial contribution that would be sought is £6,000 and this would cover the cost impacts of this new development in providing for education, transportation, open space, and sports infrastructure. The developer would also need to agree to adhere to the Considerate Contractors Scheme.

The applicant has confirmed in his letter of 02/11/2009 that he agrees to the above as Heads of Terms for the Section 106 Agreement required for the proposal.

#### Comments on the Objections received

With regards to the comments received from neighbouring occupiers, it should be noted the proposed development would comply with the Council's policies and adopted standards for new residential development that would minimise the adverse impact on the amenities of the occupiers of the neighbouring properties.

The proposed development represents a carefully considered design response to the context of the site and reaction to the result of previous consultation and applications to the Council. The scheme is well designed. The new house is well related in terms of scale and design to the existing buildings adjacent and in the locality, and would replace an unattractive garage and any problems

associated with it. It will result in an enhanced environment with no adverse impact on the amenity of the neighbouring properties. The development will result in high quality development and will achieve good quality accommodation for its occupants with appropriate provision for access, refuse/recycling bin storage area and amenity space

With regards to the comments received from 12A Berkhamstead Avenue. It should be noted that it is a first floor flat in a two-storey property located on the north-west side of the application plot. The proposed development would abut the rear most part of the rear garden to 12 and 12A Berkhamstead Avenue. The building is designed below the line of 45 degree taken at the garden edge of this neighbouring property when measured from a height of 2m. This ensures that the development is of an appropriate scale and would not result in any significant loss of sunlight or amenity for the occupiers of 12 and 12A Berkhamstead Avenue. The proposed development would also maintain a distance of 20m from the rear habitable room windows in 12 and 12A Berkhamstead Avenue and therefore it is considered that adequate privacy and outlook for the occupiers of these neighbouring properties will be maintained.

**RECOMMENDATION:** Grant Consent

### **REASON FOR GRANTING**

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

Brent Unitary Development Plan 2004  
Council's Supplementary Planning Guidance 17 - Design Guide for New Development

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 on the date of this permission.

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

-P/1055/04 Revision B - Proposed New House - Proposed Street Elevation and Site and Location Plan received on 17/03/2010

-P/1055/06 Revision C - Proposed New House - Proposed Elevations and Section Plan received on 08/06/2010

-P/1055/07 - Proposed New House - Proposed Lower Ground Floor Plan, Coloured Ground Floor and Site Plan and Roof Plan (received via e-mail on 05/06/2010)

-Daylight and Sunlight Report (ref: rs/ROL.09/1) prepared by Mr Richard Staig of Dixon Payne dated 25/01/2010 (received on 15/02/2010)

-P/1055/04 - Site Plan showing Daylight Diagram for the Proposed New House (received via e-mail on 05/03/2010)

-Planning Obligation - Draft Head of Term Letter dated 2/11/2010 (received on 03/11/2009)

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) No windows or glazed doors (other than any shown in the approved plans) shall be constructed in the flank wall of the building as extended without the prior written consent of the Local Planning Authority.

Reason: To minimise interference with the privacy of the adjoining occupiers.

- (4) Further details of an enclosure for the storage of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority, prior to occupation of the commencement of the development hereby approved. The enclosure shall be built of brick (to match existing brick work of the building or garden wall as appropriate), roofed and fitted with ledged, braced and battened doors and shall be permanently retained as approved unless the prior written consent of the Local Planning Authority is obtained.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection.

- (5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the premises shall be carried out to the bungalow, unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason: To prevent an over development of the site and loss of amenity to adjoining occupiers.

- (6) Prior to the occupation of the development hereby approved, the redundant vehicular access on Nettleden Avenue shall be restored to kerb-and-channel at the applicant's expense.

Reason: In order to comply with Council policy TRN10 of the adopted Unitary Development Plan 2004.

- (7) Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- (8) All areas shown on the plan and such other areas as may be shown on the approved plan including land to the side and front of shall be suitably landscaped with trees/shrubs/grass in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed prior to occupation of the building.

Such scheme shall also indicate:-

- (i) Walls and fences

Proposed walls and fencing, indicating materials and heights.

(ii) Screen planting on boundary

Screen planting along the west boundary.

(iii) Physical separation

Adequate physical separation, such as protective walls and fencing, between landscaped and paved areas.

((vii) Maintenance details

Details of the proposed arrangements for maintenance of the landscaping.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- (9) Details of a scheme showing those areas to be treated by means of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Such details shall include detailed drawing(s) of those areas to be so treated, a schedule of materials and samples if appropriate. The approved scheme shall be implemented in full prior to first occupation of the development.

Reason: To ensure a satisfactory standard of development in the interests of local visual amenity.

**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.
- (2) The applicant is advised to contact the Director of Transportation in order to arrange for the necessary works to remove the redundant vehicular access.
- (3) The development constitutes a sensitive end use under PPS23. It is important that the workers are vigilant for signs of potential contamination in the soil during excavation works. This may include obvious visual or olfactory residues, fuel or oil stains, asbestos, buried. This may include obvious visual or olfactory residues, fuel or oil stains, asbestos, buried drums, buried waste, drains, interceptors, tanks or any other unexpected hazards that may be discovered during site works. If any unforeseen contamination is found during works Environmental Health must be notified immediately. Tel: 0208 937 5252. Fax 020 8937 5150. Email: [env.health@brent.gov.uk](mailto:env.health@brent.gov.uk)
- (4) With regards to "Surface Water Drainage" it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In



respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer services will be required. They can be contacted on 0845 850 2777. This is to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

With regards to water supply, this comes within the area covered by the Three Valleys Water Company. For further information the address to write to is - Three Valleys Water Company, P.O. Box 48, Bishops Rise, Hatfield, Herts, AL10 9AL Tel (01707) 268111.

**REFERENCE DOCUMENTS:**

1. Adopted Unitary Development Plan 2004
2. Supplementary Planning Guidance 17 relating to "Design Guide for New Development".
3. Two letters of objections from neighbouring occupiers No. 12a Berkhamsted Avenue and 51 Nettleden Avenue

Any person wishing to inspect the above papers should contact Mumtaz Patel, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5244



# Planning Committee Map

Site address: 10 Berkhamsted Avenue, Wembley, HA9 6DT

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This map is indicative only.

**Committee Report**  
**Planning Committee on 30 June, 2010**

Item No. 3/08  
Case No. 09/2245

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**RECEIVED:** 2 November, 2009

**WARD:** Stonebridge

**PLANNING AREA:** Harlesden Consultative Forum

**LOCATION:** 2 & 2A, Hannah Close, London, NW10

**PROPOSAL:** Proposed demolition of rear ancillary prefabricated office block, change of use from warehouse (Use Class B8) to materials-recovery facility (Sui Generis), installation of 2.5MW biomass combined heat & power plant with flue stack, installation of new vehicle access to front and rear elevations, 6 cooler tanks to the rear and 2 sprinkler tanks to front, erection of detached three-storey side building consisting of ground-floor workshop (Use Class B2) and first-floor & second-floor offices (Use Class B1), new hard and soft landscaping, parking provision, erection of security office to front, new pedestrian access from Great Central Way and associated works

**APPLICANT:** Careys Environmental Services Ltd

**CONTACT:** RPS Planning & Development

**PLAN NO'S:**  
(See Condition 2 for the approved plans)

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## **RECOMMENDATION**

Grant planning permission subject to referral to the Mayor for London and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor

## **SECTION 106 DETAILS**

The application requires a Section 106 Agreement, in order to secure the following benefits:-

- (a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance.
- (b) A contribution of £43,325 (£25sqm of additional B Class space), due on material start and index linked from the date of committee for Training, Sustainable Transport and Open Space & Sports in the local area.
- (c) Sustainability - submission and compliance with the sustainability check-list ensuring a minimum score of 50% is achieved along with a BREEAM Excellent rating, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
- (d) Offset 20% of the site carbon emissions through onsite renewable generation.
- (e) Join and adhere to the considerate constructors' scheme.
- (f) Use reasonable endeavours to employ local people and companies during construction.
- (g) Prior to Occupation, submit, gain approval for and adhere to a Servicing and Accessing Plan.

And, to authorise the Director of Environment and Culture, or other duly authorised person, to

refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

## **EXISTING**

The application site is located to the north of Great Central Way, to the east of Wembley Stadium. The site is accessed from Hannah Close, which in turn is accessed from Great Central Way. This in turn provides access to the North Circular Road. The site has its own rail siding and the site is bound to the north and east by Network Rail and London Underground rail lines.

The site itself is roughly triangular in shape and extends to 2.96 hectares in area, including its rail siding. The site accommodates a large steel-framed warehouse occupying an area of approximately 12,000 sqm. There is also a temporary office building, engine shed and a small security hut. The remainder of the site comprises the rail siding, the internal access road, areas of hardstanding and car parking and an undeveloped area fronting Great Central Way, which is covered in scrub vegetation. A hedge runs along the southern elevation of the warehouse and there are some trees situated along the boundary of the site with Great Central Way. The site is currently enclosed by a palisade fence of between 2.45 and 3 metres in height, which will be retained. The site is currently unused.

The surrounding area is largely industrial in character, with a range of businesses, including some existing waste management operations. The site is relatively remote from any housing and is separated from the nearest dwellings by industrial areas and railway lines and sidings. The nearest residential properties are located over 300 metres from the site, separated from the site by London Underground's Neasden Depot.

## **PROPOSAL**

The proposed development will involve the change of use and conversion of the existing warehouse building to provide a Material Recycling Facility with capacity to deal with 1.17 million tonnes of waste per annum. The proposal includes the installation of a 2.5 Mega Watt Biomass Combined Heat and Power (CHP) plant within the existing warehouse; the erection of a 30 metre high chimney flue, the erection of an ancillary building and associated works including the creation of new car parking areas, pedestrian and cycle facilities and landscaping.

## **HISTORY**

Relevant planning history:

- |            |  |
|------------|--|
| 28.01.1997 | Planning permission granted for the retention of temporary office building (Ref: 96/2048).   |
| 28.01.1987 | Planning permission granted for the erection of a freight complex with rail sidings and a warehouse unit with ancillary office accommodation, garage, plant room and provision of open space landscaping and parking (Ref: 86/1442). |

## **POLICY CONSIDERATIONS** **Brent Unitary Development Plan 2004**

The following saved policies of the Council's Unitary Development Plan are relevant to this application:

- STR 8** Traffic management measures and planning powers will be used to reduce traffic levels.
- STR 9** The Council will ensure that development proposals do not prevent the London Road

Network from functioning efficiently.

- STR 12** Planning decisions should protect public health and safety.
- STR 13** Environmentally sensitive forms of development will be encouraged.
- STR 15** Major development should enhance the public realm.
- STR 23** Strategic and Borough Employment Areas will be protected for industrial, business & warehouse use.
- STR 24** The regeneration of Strategic and Borough Employment Areas will be encouraged.
- STR 39** A network of integrated waste management facilities will be developed in co-operation with other London Boroughs.
- BE 2** New development should be designed with regard to its local context.
- BE 9** New development should embody the principles of good design and architecture.
- BE12** The principles of sustainable design will be encouraged in new development.
- BE 15** Particular regard will be had to the design of new development on vicinity of Transport Corridors & Gateways.
- EP 4** Development should be located and operated so as limit pollution.
- TRN 3** New development should not cause an unacceptable environmental impact.
- TRN 16** Development proposals should support and not undermine the role of the London Road Network.
- TRN 32** There will be a presumption in favour of the transfer of freight from road to rail.
- TRN 34** The provision of servicing facilities is required in all development.
- EMP 8** Strategic and Borough Employment Areas will be protected for industrial, business & warehouse use or closely related uses.
- EMP 10** Development within employment areas should not have an unacceptable environmental impact on other employment uses or nearby residential properties.
- W 3** Criteria for assessing new waste management facilities.
- W 4** Designated Waste Management Areas.
- W 6** Waste Management Facilities outside designated Waste Management Facilities.

Other relevant policy documents:

**Supplementary Development Guidance 19 - Sustainable Design, Construction and pollution control:** This *Supplementary Guidance* focuses on the principles and practice of designs that save energy, sustainable materials and recycling, saving water and controlling pollutants. It emphasises environmentally sensitive, forward-looking design, and is consistent with current Government policy and industry best practice.

**London Plan (2008):** Strategic planning framework for London. Policies relevant to this application include those relating to waste management, sustainable transport, energy use and environmental protection.

**The Mayor's Municipal Waste management Strategy:** Sets out the Mayor for London's policies relating to waste management.

**Planning Policy Statement 10- Planning for Sustainable Waste Management:** Sets out the

Government's national policies relating to waste management.

## **CONSULTATION**

### **Internal**

**Highways** - No objection to the proposal subject to the adoption of an approved Travel Plan.

**Environmental Health** - No objection subject to conditions to control potential environmental impacts.

**Landscape** - No objection in principle subject to some changes to the proposed landscape proposals. The applicants have agreed in principle to these changes. Further details of a landscape scheme will be agreed and its implementation and retention secured through an appropriate planning condition.

### **External**

**Quintain Developments** - No objection in principle but considers that there are serious shortcomings in the submitted Transport Assessment accompanying the application. Officers feel that these concerns have been addressed following meetings between officers of the Council's Transportation and Planning Services, Transport for London and the applicants and their consultants. These meetings have resulted in a number of conditions being agreed capping the total number of HGV movements annually and daily at morning and evening peak times. The s106 agreement will also secure adoption of a travel plan which limits the movement of traffic serving the facility through the Wembley Regeneration Area.

**Friends of the Earth** - Where possible, wood waste should be reused (e.g. in the case of furniture, much of which is disposed of at the moment) or recycled. Where possible, discarded wood and timber products should be consolidated and sorted for recycling (sometimes for a different purpose). Clean untreated waste wood can be processed for higher value non-energy markets (animal bedding, etc.), with energy processing as a last resort. Friends of the Earth has substantial concerns about the thermal processing of contaminated wood, given the evidence of increased pollutant emissions, even in WID-compliant energy systems. Parks and garden waste (green waste) is generally too wet and soil-contaminated for combustion, and better treated by well-managed composting (some green waste fines may be suitable also for AD).

**Greater London Authority** - Provided a lengthy Stage 1 response that generally supported the proposal subject to a number of caveats relating principally to

**Transport for London** - Support the use of rail to transport waste. had some concerns regarding the potential impact of additional vehicular movements on the North Circular Road at peak times. Following discussions this issue has been addressed by the applicants agreeing to a condition to restrict HGV movements during the morning and evening rush hours.

**Environment Agency** - The proposed development will be acceptable if the measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission. Also suggested informatives to remind the applications of their obligations with respect to environmental legislation including the Environmental Permitting (EP) Regulations 2008.

**Thames Water** - No objection subject to the applicant gaining the necessary consents to discharge any commercial effluent.

**Network Rail Ltd** - Have been in discussions with the applicant regarding the use of the sites rail sidings. Have pre-agreement with the applicants over the use of a number of 'rail paths'. Network Rail support the proposal.

## **REMARKS**

### **Summary**

The principle of locating a waste management facility at the proposed location is considered acceptable. The site is located within one of the Council's designated Strategic Employment Areas and far from any sensitive neighbours. The nearest residential dwellings are over 300 metres away, on the other side of the railway lines and London Underground's Neasden depot. The sites proximity to the North Circular avoids the need for traffic to travel on the borough's local road network. The site also has its own rail sidings which will enable a degree of modal shift from road to rail traffic. The applicants have agreed to an annual cap of 1.17 million tonnes of waste a year and a cap of 750,000 tonnes that will be transported by road each year, with the rest (40%) being transported by rail. The applicants have also agreed to a cap limiting the number of HGV movements during morning and evening rush hour.

The facility will process a mixture of construction and demolition waste, commercial and industrial waste and municipal solid waste. The proposed Combined Heat and power bio-mass plant will consume approximately 30,000 tonnes of waste wood a year to generate electricity and heat. The CHP plant will be fuelled by low-grade waste wood unsuitable for reuse. The wood will be recovered and burnt to generate steam and produce electrical power to be exported to the National Grid. At present there is little scope for reusing the heat given the site is some distance from an appropriate user, but a connection will be available should a feasible future user come forward.

### **Waste management**

As part of the London Plan's policy requirement for London to deal with its own waste and reduce landfilling, Brent is currently drawing up a Joint Waste Development Plan Document (JWDPD) with 5 other West London boroughs, Ealing, Harrow, Hounslow, Hillingdon and Richmond upon Thames, and the West London Waste Authority (WLWA).

Through the London Plan (2004) Brent was allocated a specific tonnage of municipal solid waste (MSW) and Commercial & Industrial waste (C&I) to process annually. These figures are a proportion of the total amount of MSW and C&I waste that is produced by the whole of London and from which Brent and other outer London Boroughs are allocated a quantity to process. This quantity is known as an 'apportionment measured in tonnes per annum (tpa). However, under the new Draft London Plan (2009), Brent's apportionment has fallen to 3.4% of London's total MSW & C&I arisings. As such, Brent's apportionment figures are now:

- 249,000tpa by 2011
- 284,000tpa by 2016
- 320,000 tpa by 2021
- 359,000 tpa by 2026
- 400,000 tpa by 2031

To deal with these waste loads, specific sites for waste management facilities have been identified as part of the JWDPD process, which will be published in a West London Waste Plan (WLWP). Brent's new sites have direct access to the North Circular Road and have little negative impact on Brent's regeneration initiatives. The Hannah Close site was not one of the identified sites. However it does have certain benefits such as an industrial location, proximity to the North Circular Road, its own rail sidings and is relatively far from any residential properties. The site was not identified because of its proximity to the Wembley Regeneration Area. There was concern that waste traffic may be routed through the regeneration area. Restrictions to the volume of waste the site will deal



with, controls on peak hour traffic movements and the adoption of a Travel Plan will to a certain extent overcome this concern.

The proposed facility, a MRF, will occupy a 2.96 hectare site and will handle 1.17 mtpa of waste. Of this tonnage, 31% (363,000 tpa) will comprise MSW & C&I waste from West London Waste Authority (WLWA) contracts as illustrated in table 2.2 of its planning statement. This is more than Brent's new apportionment figure for 2011 and will make up a significant proportion the estimated apportionment figure for 2031.

The London Plan's strategic framework for waste management focuses on minimising the level of waste generated, increasing re-use, recycling and composting of waste and promoting advanced waste conversion technologies in order to reduce the amount of waste going to landfill and to support London's environmental industries. The London Plan sets a target of achieving recycling and re-use levels in construction, excavation and demolition waste of 95% by 2020. The London Plan also seeks to increase London's ability to deal with its own waste by increasing waste management capacity.

The applicant has submitted a waste management plan which details anticipated types and volumes of waste generated on the site and how each waste type generated can be re-used, recycled, or recovered. It is anticipated that the waste recovery rate of the MRF will be over 91%. The residual waste that cannot be recovered will be further refined to create other products, including energy from waste fuel, with the residual sent to landfill.

Overall it is considered that the proposal provides the opportunity to deliver additional waste management capacity to enable Brent and West London to manage a greater proportion of the waste they generate. The proposal will contribute towards the 'proximity' and 'self-sufficiency' objectives of the London Plan.

## **Design**

The external alterations to the existing building are in keeping with the buildings industrial appearance. Except for the flue stack, the bulk and massing of the building remains unchanged. The flue stack itself, whilst over 30 meters high is slender, which would mitigate its visual impact.

The proposed new ancillary building has a contemporary and functional design which is appropriate to its industrial context. The scale of the building is significantly less than the warehouse building, such that it would appear subordinate.

The existing landscaping along the Great Western Way frontage is to be retained and enhanced with further planting. The Council's Landscape Team have suggested further enhancements which will be secured through condition.

## **Sustainability**

An energy statement has been submitted which provides estimates for the energy demand and carbon emissions of the development. The applicant has broadly followed the energy hierarchy of the London Plan. The energy statement proposes a number of energy efficiency measures to reduce the energy demand of the building including improved insulation levels and lighting strategy. These measures will only reduce the carbon emissions of the buildings by 1 % compared to the baseline of 5,999 tonnes of CO<sub>2</sub> per annum. The nature of the processes involved make it difficult to achieve significant reductions by improving the efficiency of the buildings.

The main opportunity with this development is to export heat from the proposed biomass power plant, and in this regard the applicant has investigated possible opportunities. There are plans for a district heating network around the stadium however this is at present too remote from the application site for a connection to be practical. The applicant has undertaken a consultation



exercise with neighbouring sites to see if there is any scope for utilising the heat locally. Some of the heat will be used within the MRF and ancillary building but unfortunately the industrial nature of the area means there is currently no scope for use of the heat outside the site. However the system has been designed to include a suitable connection to the site boundary so that it can be linked to any future district heating system.

The CHP plant will be fuelled by low-grade waste wood unsuitable for reuse. The wood will be recovered and burnt to generate steam and produce electrical power to be exported to the National Grid. This process qualifies as a renewable technology and will produce an estimated saving of 13,439 tonnes of CO<sub>2</sub> per annum. This is equivalent to a 242% reduction in CO<sub>2</sub> emissions.

Water efficiency measures include flow restructure and meters, together with rainwater harvesting which will be used in the CHP cooling system, for boiler top up and for dust suppression.

Natural ventilation will be used in the new building, with louvres and brise soleil, together with a green roof.

### **Noise**

The Noise Assessment identifies noise arising from the operation. It concludes that only 'neutral' to 'minor' impacts on nearby receptors. The assessment concludes that the facility can operate 24 hours a day, 7 days a week without significant impact upon the surrounding area. The Council's Environmental Health officer has advised that a condition be attached to requiring further assessment and monitoring during the first 6 months of the operation. However given the remoteness of the site from the nearest sensitive uses the risk of noise nuisance from the operation are low.

### **Air Quality**

Dust suppression measures are proposed to deal with any dust pollution from the materials being handled. The Council's Environmental Health officer has advised that a condition be attached to requiring further assessment and monitoring during construction and the first 6 months of the operation.

Emissions from the CHP plant will require an Environmental Permit from the Environment Agency.

### **Transportation**

The site's proximity to the North Circular avoids the need for traffic to travel on the borough's local road network. The site also has its own rail sidings which will enable a degree of modal shift from road to rail traffic. The applicants have agreed to an annual cap of 1.17 million tonnes of waste a year and a cap of 750,000 tonnes that will be transported by road each year, with the rest (40%) being transported by rail. The applicants have also agreed to a cap limiting the number of HGV movements during morning and evening rush hour to 20 an hour.

These restrictions have satisfied Transport for London who originally had some concerns over the potential impact of the proposal on the North Circular Road.

Given the existing authorised use of the site is a B8 logistic centre which in itself has the capacity to generate a similar level of vehicular movements as the current proposal without the caps and measures to control peak hour vehicle movements agreed by the applicant.

A travel Plan has been submitted which will be secured by s106.

The proposed levels of car and cycle parking proposed within the site meet the relevant Council standards as set out in its UDP.

### **Conclusion**

Overall it is considered that the proposal provides the opportunity to deliver additional waste

management capacity to enable Brent and West London to manage a greater proportion of the waste they generate. The proposal will contribute towards the 'proximity' and 'self-sufficiency' objectives of the London Plan. The scheme can therefore be supported with the proposed restrictions and controls outlined in this report and set out in the attached conditions together with further controls and mitigation measures to be secured through a section 106 agreement.

**RECOMMENDATION:** Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004  
Central Government Guidance  
Council's Supplementary Planning Guidance  
Conservation Area Design Guide

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  
Environmental Protection: in terms of protecting specific features of the environment and protecting the public  
Housing: in terms of protecting residential amenities and guiding new development  
Employment: in terms of maintaining and sustaining a range of employment opportunities  
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness  
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation  
Tourism, Entertainment and the Arts: the need for and impact of new tourists and visitor facilities  
Transport: in terms of sustainability, safety and servicing needs  
Community Facilities: in terms of meeting the demand for community services  
Wembley Regeneration Area: to promote the opportunities and benefits within Wembley  
Park Royal: to promote the opportunities and benefits within Park Royal  
Waste: in terms of the development of waste management facilities  
Design and Regeneration: in terms of guiding new development and Extensions  
Site-Specific Policies

**CONDITIONS/REASONS:**

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

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s):

P300 Site Location Plan (Rev E)

P301 Site Plan (Rev E)  
P303 Existing Warehouse Plans (Rev B)  
P304 Existing Warehouse Elevations/Sections (Rev B)  
P305 Proposed MRF Plans (Rev C)  
P306 Proposed MRF Elevations/Sections (Rev B)  
P307 Proposed Ancillary Building Plans (Rev B)  
P308 Proposed Ancillary Building Roof Plan (Rev B)  
P309 Proposed Ancillary Building Elevations (Rev B)  
P310 Proposed Ancillary Building Elevations/Sections (Rev B)  
P311 Proposed MRF Internal Processes (indicative)  
P312 Perspective View (Rev C)  
P313 Perspective View (Rev C)  
P100 Landscape Design Layout (Rev B)  
P101 GA Landscape Site Plan

And the following supporting document(s):

Planning Statement  
Consultation Statement  
Consultation Statement  
Design & Access Statement  
Sustainability Statement  
Energy and Low Carbon Statement  
Site Waste Management Statement  
Flood Risk Assessment & Drainage Statement  
Foul Sewage & Utilities Statement  
Environmental Statement  
Transport Assessment  
Supplementary Report: Assessment of Development on Sensitive Views

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) The development hereby permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), ref. 09-0142 XRP006, Revision C, October 2009 and the following mitigation measures detailed within the FRA:

- *Limiting the surface water run-off from the site to 740ls.*

Reason: To prevent flooding by ensuring the satisfactory /disposal of surface water from the site.

- (4) No more than a total of 750,000 tonnes of waste material shall be imported to the application site by road per calendar year, unless otherwise approved by the local planning authority. A record of all imported material should be kept and made available to the local planning authority on request.

Reason: To ensure that there will be no increase in waste imported by road which could result in conditions prejudicial to the free flow of traffic on the strategic and local road network.

- (5) No more than a total of 508 daily trips should be made by heavy goods vehicles (HGVs) to and from the application site unless otherwise approved by the local planning authority. A record of all HGV trips should be kept and made available to

the local planning authority on request. For clarification, one HGV trip is taken as a HGV arriving at the application site or a HGV departing from the site. The total of 508 daily trips means the sum of all arrivals and departures.

Reason: To ensure that there will be no increase in waste imported by road which could result in conditions prejudicial to the free flow of traffic on the strategic and local road network.

- (6) No more than a total of 1,176,000 tonnes of waste material shall be imported to the application site each year unless otherwise approved by the local planning authority. A record of all imported material should be kept and made available to the local planning authority on request.

Reason: In order that the facility complies with the Mayor's proximity principle and with the London Plan's strategic framework for waste management.

- (7) No goods, equipment, waste products, pallets, scrap or other materials shall be stored or deposited on any open area within the site, except those areas approved in writing by the Local Planning Authority.

Reason: To safeguard the visual amenities of the area and the efficient operation of activities within the site and to ensure adequate parking and servicing is retained in the interests of the general amenities of the locality and the free flow of traffic and conditions of general highway safety within the site and on the neighbouring highways.

- (8) The average number of HGV trips to and from the site shall not exceed 20 trips an hour during the morning (08.00 - 09.00) or evening (17.00 - 18.00) network peak hours, within a one month period.

Reason: To ensure that there will be no increase in waste imported by road during peak hours which could result in conditions prejudicial to the free flow of traffic on the strategic and local road network.

- (9) A noise assessment shall be undertaken to determine the noise impacts of the facility during the construction phase and for the first six months of operation details of which shall be submitted to and agreed by the Local Planning Authority prior to the commencement of the development.

Reason: To determine the environmental impacts of the development and safeguard the local amenity.

- (10) Prior to the commencement of the development an Environmental Management Plan shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise, odors, pests and impacts on surface or groundwater of the development. The plan shall also describe remedial measures to be taken in case of failure of any of the control measures.

Reason: to safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

- (11) A dust assessment shall be undertaken to determine the dust impacts of the facility during the construction phase and for the first six months of operation details of which

shall be submitted to and agreed by the Local Planning Authority prior to the commencement of the development.

Reason: To determine the environmental impacts of the development and safeguard the local amenity

- (12) Following the removal of the petrol interceptor which is to be relocated to allow for the construction of the Ancillary Building, validation soil samples must be taken from the excavation to ensure that no unacceptable residual hydrocarbon contamination remains. Details of soil analysis as well as waste transfer documentation (should it be decided that the interceptor is not fit for reuse and is disposed of) shall be submitted to the Local Planning Authority for approval.

Reason: To ensure the safe development and secure occupancy of the site in accordance with policy EP6 of Brent's Unitary Development Plan 2004.

- (13) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding.

- (14) Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- (15) All areas shown on the plan and such other areas as may be shown on the approved plan shall be suitably landscaped with trees/shrubs/grass in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed prior to occupation of the building(s).

In addition to the landscaping proposals already submitted the scheme shall also indicate:-

(i) Additional tree planting and hedge planting along the northern boundary adjacent to the railway lines.

(ii) Climbers should be planted along the walls and trained up the building in all areas where a garden bed meets the base of the building.

(iii) Further tree and ornamental shrub planting surrounding car park 3

(iv) Additional tree planting surrounding car park 2.

(v) Details of the proposed arrangements for maintenance of the landscaping.

Any trees and shrubs planted in accordance with the landscaping scheme which,

within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

#### **INFORMATIVES:**

- (1) **Storage of oils, fuels or chemicals** - Any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund.
- (2) **Foul Drainage** - The site should have appropriate drainage system for the proposed activity. Foul drainage from the proposed development should be discharged to the public foul sewer. The sewerage undertaker should be consulted regarding the availability of capacity in the foul water sewer. If there is not capacity in the sewer then the Environment Agency must be re-consulted with alternative methods of disposal.
- (3) **Environmental Permit** - The processes to be carried out at the proposed facility will require an Environmental Permit under the Environmental Permitting (EP) Regulations 2008. The relevant regulatory authority is the Environment Agency who should be contacted for pre-application discussions prior to submitting an application for a permit.
- (4) **Thames Water** - Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 277. A Trade Effluent Consent will be required for any effluent discharge. Applications should be made to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 8507 4321.

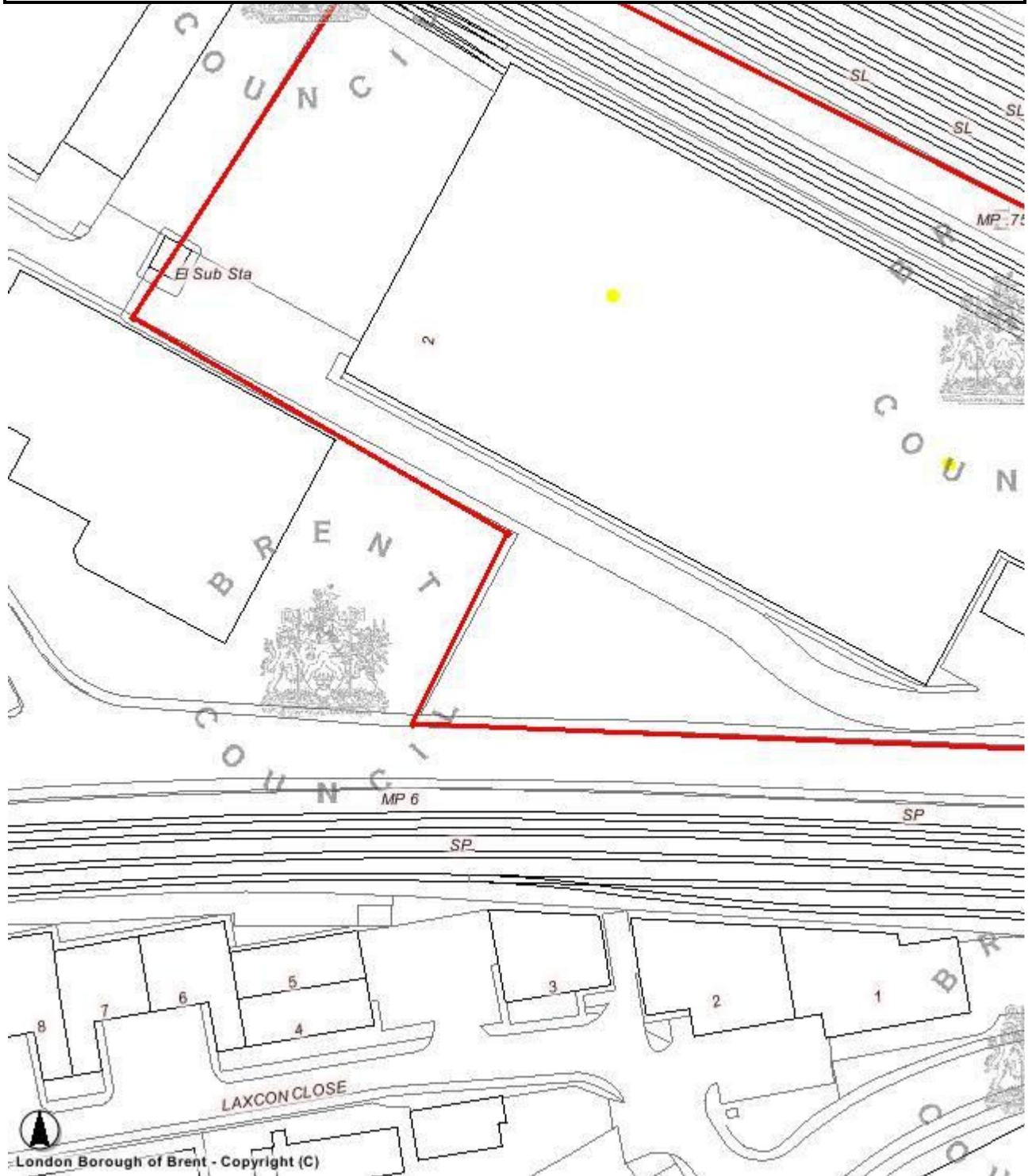
Any person wishing to inspect the above papers should contact Neil McClellan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5243



### Planning Committee Map

Site address: 2 & 2A, Hannah Close, London, NW10

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This map is indicative only.

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Location 2 & 2A, Hannah Close, London, NW10  
Description Proposed demolition of rear ancillary prefabricated office block, change of use from warehouse (Use Class B8) to materials-recovery facility (Sui Generis), installation of 2.5MW biomass combined heat & power plant with flue stack, installation of new vehicle access to front and rear elevations, 6 cooler tanks to the rear and 2 sprinkler tanks to front, erection of detached three-storey side building consisting of ground-floor workshop (Use Class B2) and first-floor & second-floor offices (Use Class B1), new hard and soft landscaping, parking provision, erection of security office to front, new pedestrian access from Great Central Way and associated works

**Agenda Page Number:** 153

Amended Conditions

Transport for London have requested that wording of conditions 4, 5 and 6 be amended to state that any variation of the condition will need to be approved by the Local Planning Authority *"in consultation with Transport for London"*. These conditions related to the cap on the amount of waste that will be transported to the site by road annually; the cap on daily HGV movements; and the total cap on the total amount of waste that will processed each year .

Transport for London have also requested that the s106 heads of terms be amended to include an additional contribution of up to £5,000 towards upgrading the bus stop on Great Central Way. The applicants have agreed to this request.

**Recommendation:** Approve subject to a s106 agreement and referral to the Mayor for London

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**Committee Report  
Planning Committee on 30 June, 2010**

**Item No.** 18  
**Case No.** 10/0054

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**RECEIVED:** 12 January, 2010

**WARD:** Tokyngton

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 22 Wembley Park Drive, Wembley, HA9 8HA

**PROPOSAL:** Retrospective application for a single storey outbuilding and proposed reduction in height to outbuilding in rear garden of dwellinghouse

**APPLICANT:** Mr Patel

**CONTACT:** Construct 360 Ltd

**PLAN NO'S:**  
Site location plans  
WPD22\_01

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## **RECOMMENDATION**

Refusal

## **EXISTING**

The proposal relates to two-storey semi-detached dwellinghouse situated on the south side of Wembley Park Drive. The property has a detached side garage and an outbuilding at the bottom of the rear garden.

## **PROPOSAL**

This application relates to the existing unauthorised outbuilding located at the bottom of the applicants garden. Planning permission is sought for the retention of the outbuilding at a reduced height.

## **HISTORY**

The following planning history is most relevant to the proposal:

- 16/12/2009 Planning permission refused for the retention of detached outbuilding in rear garden (ref:09/3143).
- 27/05/2009 Enforcement Notice is issued in respect of the erection of a dwelling in the rear garden and the material change of use of the main house into a House in Multiple Occupation. Compliance date was 6/10/2009. However, no appeal against the enforcement notice has been received (ref: E/09/0091).
- 01/08/2008 Demolition of existing detached garage to side and erection of single and 2 storey side extension to dwellinghouse - Approved (ref: 08/1723.)
- 23/07/2008 Certificate of lawfulness for a proposed single storey detached building in rear garden of dwellinghouse - Approved (ref: 08/1634).

## **POLICY CONSIDERATIONS**

### Brent UDP 2004

BE2 – Townscape: Local Context & Character

BE9 – Architectural Quality

### SPG

SPG 5 – Altering and extending your home

- Respect for design, scale and character of existing building and surrounding streetscene.
- Respect for the amenity, privacy, outlook, daylight and sunlight of neighbouring properties.

## **CONSULTATION**

The following have been consulted on the proposal:

-Nos. 46, 48 & 50 Park Chase

-Nos. 20 & 24 Wembley Park Drive

-Ward Councillors

A letter has been received from neighbouring property No. 24 Wembley Park Drive raising objections to the proposal on the grounds that it was constructed for an illegal use.

## **REMARKS**

### Background

This application is submitted as a result of the Enforcement Notice issued against the erection of a dwelling in the rear garden and the material change of use of the main house into a House in Multiple Occupation. Currently, there is no appeal against the enforcement notice issued on 27/05/2009. The compliance date for the Enforcement Notice was on 6/10/2009.

An earlier application for the retention of the outbuilding without any modification was refused by the Planning Committee at the end of last year. At the time some members indicated that they may be prepared to support a revised application that reduced the height of the building. This application proposes to reduce the height of the outbuilding to 2.5 metres and remove the internal walls that sub-divide it, however its foot print will remain unchanged - approximately 57 square metres.

The plan submitted with the application shows that the proposed outbuilding is 7.2m wide x 8m deep x 2.5m high. The outbuilding is set-in 0.5m from the side boundary adjoining no. 20 Wembley Hill Road, between 0.9m and 1.3m from the side boundary adjoining No. 24 Wembley Hill Road and between 0.45m and 1m from the rear boundary of the site. The property has a very long rear garden of approximately 40m. The outbuilding is positioned towards the end of the garden. The rear garden slopes away from the house with the highest part of the garden being towards the rear boundary of the site. The outbuilding is therefore positioned on the highest part of the rear garden.

A Certificate of Lawfulness was issued by the Council in 2008 for the erection of an outbuilding in the rear garden of this property. This Certificate was assessed under the provisions of the Town & Country Planning (General Permitted Development) Order 1995 as amended. This Order sets out the types and size of development that can be carried out without planning permission. At the time the Certificate was issued in 2008 the Order allowed the erection of outbuildings within the

curtilage of dwellinghouses provided that they fell within certain limits relating to their size, height, location and use. The restriction on the use of outbuildings requires that they be incidental to the enjoyment of the dwellinghouse.

When the Certificate was issued the proposed outbuilding was considered to comply with the requirements of the Order.

### Proposal

The applicants are seeking full planning permission to retain the outbuilding but with its height reduced to from 2.9 metres to 2.5 metres. The internal subdivisions will be removed along with the toilet s and shower.

### Use

As the application is for full planning permission to retain the outbuilding it cannot formally be considered whether the outbuilding is 'incidental to the enjoyment of the dwellinghouse' as defined in the *Town and Country Planning (General Permitted Development) Order 1995 as amended*. However, it can be considered whether the outbuilding is ancillary to the main dwellinghouse. In this particular case it is considered that the size of the outbuilding exceeds what can be considered ancillary to the main dwellinghouse. Although the outbuilding is not currently being used as a self contained residence and it is proposed to reduce its height, the appearance and size of the outbuilding means it still has the character of a separate self contained dwelling.

Its size is considered too large to be able to be considered an ancillary to the main dwelling.

### Impact

The excessive size of the building at approximately 57 square metres is considered to result in an intensity of use and form of development incongruous to the character of the area and detrimental to the amenities of neighbouring occupiers. The building is also considered to be too large for it to be considered ancillary to the main dwelling. Officers consider that to service such a large building through the back garden of the main dwelling would result in an unacceptable level of nuisance and disturbance to neighbouring occupiers.

The buildings proximity to the boundaries with neighbouring properties results in an obtrusive and unneighbourly form of development to the detriment of the visual amenities of adjoining occupiers.

### Fallback position

The implication of refusing this application is that the existing enforcement notice requiring the buildings removal will be pursued. The applicants do have the fall back position of being able to erect a replacement outbuilding providing it complies with the requirements of the Order.

The Order was amended in Oct 2008 and various changes made to the permitted development rights of householders. In regard to outbuildings the changes impose a height limit of 2.5 metres on any part of an outbuilding within 2 metres of a boundary and restricts the eaves height of any pitched roof building to 2.5 metres. Any replacement outbuilding would therefore either have to be lower or be set further in from the boundary and would therefore have a much reduced visual impact.

One of the tests as to whether or not an outbuilding can be considered permitted development is that its use must be incidental to the enjoyment of the dwellinghouse. It has been the view of the Secretary of State since the 1980s that a permission is not given by Class E if the accommodation to be provided in a new garden building is of the sort which would normally be considered as integral to the everyday requirements of a house. Thus, a building which was to contain facilities,

such as a living room, bedroom, a kitchen or a bathroom, has not been considered to be incidental to the enjoyment of the dwellinghouse. The Secretary of State's interpretation has been that to be incidental, the function of the space provided must be subordinate to the basic or primary accommodation to be expected at a dwellinghouse, rather than being an incident of that main use. Thus, as the SOS would have it, to qualify as PD, accommodation must be of a type which would be needed for activities such as leisure pursuits, hobbies, playrooms, gardening, storage etc. The Council was therefore incorrect to issue a Certificate of Lawfulness for a building that includes a shower and toilet.

Furthermore case law argues that when an outbuilding is disproportionately large compared to the existing accommodation this may have a bearing on whether or not it can be considered lawful. It is the Council's current position that an outbuilding of the size of the one in this application is unlikely to be considered incidental unless it can be demonstrated that the intended incidental use requires a building of the size indicated. In other words the likely fall back position is a building not only set further from the properties boundaries and or lower in height but also one with a considerably smaller footprint.

### Conclusion

The reduction in the height of this unauthorised outbuilding does overcome previous concerns raised by officers.

The outbuilding, by virtue of its excessive size and proximity to the neighbouring boundary with nos 20 and 24 Wembley Park Drive, appears an over bearing and obtrusive form of development harmful to the amenities of occupiers of neighbouring properties and their enjoyment of their garden, and out of keeping with the character of the surrounding area, and is therefore contrary to policies BE2 and BE9 of the London Borough of Brent's adopted Unitary Development Plan 2004.

**RECOMMENDATION:** Refuse Consent

### **CONDITIONS/REASONS:**

- (1) The outbuilding, by virtue of its excessive size and design, would appear as an unattractive and incongruous form of development, out of keeping with the character of the surrounding area, to the detriment of local visual amenity and contrary to policies BE2 and BE9 of the London Borough of Brent's adopted Unitary Development Plan 2004.

### **INFORMATIVES:**

None Specified

Any person wishing to inspect the above papers should contact Mumtaz Patel, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5244



# Planning Committee Map

Site address: 22 Wembley Park Drive, Wembley, HA9 8HA

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Location 22 Wembley Park Drive, Wembley, HA9 8HA  
Description Retrospective application for a single storey outbuilding and proposed reduction in height to outbuilding in rear garden of dwellinghouse

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Officers understand that members have been presented with a submission from applicant setting out their position in relation to this application.

The following is a summary of the main issues:

- The applicant obtained a certificate of lawfulness in 2008 for the erection of a large outbuilding for use as a gymnasium and for storage.
- The building was actually built as a self contained dwelling. The applicant maintains that the outbuilding was converted to a dwelling by their tenants. However the time scales involved, the amount of work that was carried out in order to use it as dwelling together with the fact that the applicant was already letting the main house out as an unauthorised and unlicensed HMO (house in multiple occupation) make officers unclear that this explanation stands scrutiny.
- Enforcement action resulted in the cessation of the use of the outbuilding as a dwelling and the use of the main dwelling as an HMO.
- The applicant sought permission to retain the outbuilding for use as a gymnasium however members rejected his application on the grounds that the outbuilding was too large.
- This current application seeks to retain the outbuilding but at a reduced height. Officers however are recommending refusal because even at a reduced height the outbuilding with a floor area of nearly 60 square metres is still considered too large to a domestic residential garden.

**Recommendation:** Refuse.

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