



Planning Committee

Wednesday, 18 August 2010 at 7.00 pm

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

Membership:

Members

Councillors:

RS Patel (Chair)
Sheth (Vice-Chair)
Adeyeye
Baker
Cummins
Daly
Hashmi
Kataria
Long
McLennan
CJ Patel

first alternates

Councillors:

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

second alternates

Councillors:

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

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www.brent.gov.uk/committees

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

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4. Telesensory, 1 & 2 Watling Gate, Edgware, Kingsbury, London, NW9 6NB (Ref: 10/1373)	Fryent;	27 - 34
5. 36 Queens Walk, London, NW9 8ER (Ref: 10/0835)	Welsh Harp;	35 - 44
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12. Ground Floor Flat, 98 Willesden Lane, Kilburn, London, NW6 7TA (Ref: 10/1314)	Kilburn;	105 - 110
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15.	29, 30 & 31 Brook Avenue, Wembley, HA9 8PH (Ref: Preston; 10/1467)	129 - 146
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17.	1-14 INC, Juniper Close, Wembley, HA9 6NY (Ref: 10/1362) Tokyngton;	157 - 174
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19 Brook Avenue

PLANNING APPEALS

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 - 14 August 2010

SITE VISITS – SATURDAY 14 AUGUST 2010

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
10/1362	1-14 INC, Juniper Close, Wembley, HA9 6NY	17	Tokyngton	9:35	
10/1727	Kingsbury High School Annexe, Bacon Lane, London, NW9 9AT	6	Fryent	10:15	

Date of the next meeting: Wednesday, 15 September 2010

The site visits for that meeting will take place the preceding Saturday **{DATE}** at 9.30am when the coach leaves Brent House.



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, 20 July 2010 at 7.00 pm

PRESENT: Councillors R Patel (Chair), Sheth (Vice-Chair), Adeyeye, Baker, Cummins, Hashmi, Kataria, Long, McLennan and CJ Patel

ALSO PRESENT: Councillor Muhammed Butt, Councillor Kana Naheerathan and Councillor James Powney

Apologies for absence were received from Daly

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

Item 7 Dollis Hill House (Ref 09/1470)

Councillor Cummins declared that he was a member of Dollis Hill Trust. He vacated the meeting room and did not take part in the discussion or voting on this application.

2. **Minutes of the previous meeting - 30 June 2010**

RESOLVED:-

that the minutes of the previous meeting held on 30 June 2010 be approved as an accurate record of the meeting.

3. **22 Wembley Park Drive, Wembley, HA9 8HA (Ref. 10/0054)**

Retrospective application for a single storey outbuilding and proposed reduction in height to outbuilding in rear garden of dwellinghouse.

OFFICER RECOMMENDATION: Refuse planning permission.

This application was deferred at the last meeting for a site visit to enable members to assess the outbuilding and its impact. The Area Planning Manager Neil McClellan informed members that the removal of all internal walls would not alter officers' recommendation as the overall footprint of the building, at 57 square metres, was considered by officers to be too large for it to be ancillary to the main dwelling house. He continued that in addition to its excessive size the outbuilding would result in a negative visual impact and an intensity of use that could result in an unacceptable level of nuisance and disturbance to neighbours.

In response to members' request for clarification on the status of outbuildings with similar footprints provided by the applicant and referred to in the main report (101

Chaplin Road, 207 Harrow Road and 9 Stewart Close), the Planning Manager submitted that all 3 sites had Certificates of Lawfulness issued for large outbuildings ranging in area from 48 sqm to 56 sqm. However, the last certificate was issued in 2008 when Brent began to adopt a much more rigorous interpretation of the requirement for outbuildings to be for purposes incidental to the enjoyment of the dwellinghouse. The change in approach followed the national change in householder permitted development rights and was a direct response to problems that were being created by the trend for ever-larger outbuildings in domestic rear gardens and the increasing number of those outbuildings being used as self-contained living accommodation. He added that the outbuilding referred to at 9 Stewart Close was itself the subject of an enforcement action following the discovery that it too was being used as a separate dwelling. He reiterated the recommendation for refusal.

Mr Dignesh Patel the applicant drew members' attention to properties within the Borough that had been granted certificate of lawfulness of use for similar outbuildings due to the size of the gardens. He added that with a garden size of about 360sq metres, the outbuilding could not be considered to be excessive as it occupied about a third of the garden. He continued that as the outbuilding was about 30 metres away from the nearest neighbouring property, its use could not give rise to noise nuisance and disturbance. Mr Patel submitted extenuating circumstances that the unauthorised use of the outbuilding was carried out by a tenant whilst he was out of the country. In response to members' questions, Mr Patel stated that he had been granted building control certificate and a certificate of lawfulness of use for the outbuilding.

In accordance with the provisions of the Planning Code of Practice, Councillor Butt a ward member stated that he had been approached by the applicant and confirmed that he had no prejudicial interest in the application as a friend of the applicant, as alleged. Councillor Butt stated that a certificate for lawfulness of use was granted to the applicant for the use of the outbuilding which had remained incidental to the use of the main building. He continued that the applicant was prepared to comply with all requirements made by officers including the reduction of the height and the removal of the internal walls of the outbuilding. Councillor Butt added that he understood that the unauthorised use of the outbuilding was carried out by a tenant when the applicant was away in India. He therefore urged members to be minded to grant planning consent for the outbuilding.

During debate members expressed differing views on the application. It was expressed that conditions could be imposed to control future use of the outbuilding as its removal would be too costly for the applicant. It was also expressed that the size was excessive to be considered reasonable and that the appearance and height of the outbuilding was suggestive of a self contained dwelling unit.

The Head of Area Planning, Steve Weeks, in response to some of the issues raised stated that the certificate of lawfulness of use was granted on the condition that the outbuilding would be built and remain incidental to the use of the main dwelling house. He continued that as the structure had not been built or used in this way, the certificate did not apply. He added that the size of the outbuilding (57

sq metres) constituted a substantial development contrary to the general approach to encourage smaller outbuildings unless the character of the area had already changed substantially.

Members then voted on the application which was declared carried on the Chair's casting vote, contrary to the officer's recommendation for refusal. ***In accordance with the Planning Code of Practice***, the application was deferred to the next meeting for a report from officers for members to consider whether they still remained of this view.

In accordance with the Planning Code of Practice, voting on the recommendation for refusal of the application was recorded as follows:

FOR Councillors Adeyeye, Baker, Long, Kataria and McLennan **(5)**

AGAINST: Councillors RS Patel, Hashmi, Naheerathan, CJ Patel
 and Sheth **(6)**

ABSTENTIONS: Councillor Cummins **(1)**

Note: The Chair exercised his casting vote against the officer's recommendation for refusal

DECISION: Minded to approve and therefore deferred to the next meeting for Committee to consider whether it still remains of this view following a report from officers.

4. Chalkhill Estate Redevelopment, Chalkhill Estate, Wembley (Ref. 10/0774)

Demolition of Chalkhill Medical Centre, Rook Close, and creation of public park with play, performance and wildlife areas and formation of new pedestrian accesses on land adjacent to Chalkhill Road and Dugolly Avenue, HA9 (as accompanied by Chalkhill Park Community Consultation Final Report prepared by Groundwork London).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and informatives.

The Area Planning Manager, Rachael McConnell referred to additional objections received from the Queensbury Area Residents' Association (QARA) Group of Associations which raised objections to dogs being allowed in the park and from residents on parking facilities. She stated that as the provision of facilities/access for dogs was a park-management issue, the concerns expressed by QARA had been passed on to the Parks Service. She added that supporting statement submitted with the application advised that a 1.2m high fence would be erected to prevent dogs accessing those areas where there was likely to be a higher concentration of people, including the formal gardens, play areas and water fountain areas. This was considered to provide an acceptable balance to meet the needs of the variety of users of the park. In reiterating the recommendation for

approval the Area Planning manager drew members' attention to an amendment to condition 6 as set out in the tabled supplementary.

Mr Jatin Grover a local resident raised objections on grounds of parking adding that the area was already suffering from commuter parking to the detriment of the residents a situation that would not be helped by the grant of this planning permission. He requested members to provide about 30-40 parking spaces to meet the needs of local residents.

Mr Robert Dunwell on behalf of the QARA Group of Associations (Brent & Chalkhill Branch) stated that whilst his members did not object in principle to the proposal, they raised objection to dogs being allowed in the park. He therefore requested that a small designated exercise area be provided for dogs with the remainder of the park being made available for people only.

In response to some of the issues raised, the Area Planning Manager stated that under the Council's Unitary Development Plan (UDP) policies the area was designated as an open space adding that and that the application was unlikely to give rise to parking problems as on-street parking was available in the area.

DECISION: Planning permission granted subject to conditions as amended in condition 6 and informatives.

5. 3 Burnt Oak Broadway, Edgware, HA8 5LD (Ref. 10/1088)

Extension to time limit of application 05/0380 dated 12/05/05 for demolition of existing building and replacement with a 5- and part 6-storey building to provide a mixed-use development including basement car-parking, retail at ground and mezzanine levels, and 73 flats in 2 separate blocks and subject to a Deed of Agreement dated 12th May 2005 under Section 106 of the Town and Country Planning Act 1990, as amended. This represents a car free development.

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.

With reference to the tabled supplementary report, Rachel McConnell the Area Planning Manager referred to issues raised by the representatives of QARA including a request to put in secure infrastructure for the area prior to the grant of planning consent, adequate school places and the regularisation of the service roads. She responded that as part of the infrastructure planning for this Growth Area, a number of sites for new health provision had been secured from other planning permissions however, the impact of this proposal for a 70+ unit scheme in this location on the borough boundary was not sufficient to require a health contribution at this point in time. In respect of school places, the Area Planning Manager submitted that the impact of this renewal of permission on the education provision was fairly and reasonably mitigated through the £266,400 standard charge. She noted that by making the rear service road to adoptable standards

the on-going problems with fly-tipping to the rear of the sites had significantly improved. The Planning Manager added that as the land to the rear of No. 1 Burnt Oak Broadway was not part of the application site, it would be unreasonable to require the applicants to reconstruct this section to adoptable standards. In reiterating the recommendation for approval subject to a section 106 legal agreement the Planning Manager drew members' attention to the amendment suggested by the Borough Solicitor as set out in the tabled supplementary.

Mr Robert Dunwell speaking on behalf of QARA Group of Associations requested a deferral of the application for further consideration of the concerns expressed about inadequate health infrastructure and the provision of school places within the Burnt Oak/Colindale Growth Area. He added that the service road behind No. 1 Burnt Oak Broadway should be made up to adoptable standards to ensure that fly-tipping problems to the rear of the businesses on this section of Burnt Oak Broadway were addressed.

Mr Mark Pender the applicant's agent stated that his client would not be able to provide health infrastructure and educational facilities for this application for extension of time but would continue to make the section 106 contribution and honour the agreed variation of deed to progress the service road.

DECISION: Planning permission granted subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor but to refuse the application if the section 106 agreement has not been entered into by 6 August 2010, but if the application is refused for this reason, to delegate authority to the Director of Environment and Culture, or other duly authorised person, to grant permission in respect of a further application which is either identical to the current one or in his opinion is not materially different, provided that a section 106 agreement in the terms set out above is entered into.

6. 61 Exeter Road, London, NW2 4SE (Ref. 10/0868)

Demolition of existing rear conservatory, erection of single-storey rear extension with green roof and extension of terrace area to the rear; installation of external cladding to flank and rear wall, raising of the height of the roof by 100mm to allow for additional insulation in the loft and installation of 2 additional rooflights adjacent to 59 Exeter Road and 1 rooflight adjacent to 61 Exeter Road; replacement of door with window and installation of 2 new ground-floor windows to side of dwellinghouse (as amended by plans received 07/07/2010).

OFFICER RECOMMENDATION: Refuse planning permission.

With reference to the tabled supplementary information, the Northern Area Planning Manager, Rachel McConnell submitted the following responses to additional issues raised by the applicant's architect;

- The sketch showing the visibility of the cladding from the streetscene failed to take into account the wider views of the flank walls as the dwelling was

situated directly opposite the junction of Exeter Road with St Gabriel's Road. Furthermore the Article 4 direction included alterations to all elevations and did not just control elevations visible from the street.

- The detailed drawings of the proposed window reveals were considered to have detrimental impact on the character and appearance of the building within the Conservation.
- Detailed drawings would increase the height of the roof by 210mm and its thickness thus making it visible from the streetscene and in contrast to the uniform appearance with the 3 neighbouring dwellings on Exeter Road.
- The architect had not provided a breakdown of the difference between internal and external insulation
- The primary consideration for applications within a Conservation Area was the impact on the character and appearance of the building and in this instance the proposed development failed to preserve or enhance the character and appearance of the dwellinghouse.

She also referred to additional comments received from a ward member and the Mapesbury Residents Association (MAPRA) adding that they reinforced concerns already made. In conclusion Rachel McConnell submitted that the proposed measures from the architect were inappropriate and unsympathetic, and reiterated the recommendation for refusal.

Ms Sheelagh Putnam on behalf of MAPRA objected to the proposed development on the grounds that it would be out of keeping with the character and appearance of the dwellinghouse which would fail to preserve or enhance the dwelling within the Conservation Area, thus resulting in a detrimental impact on the amenity. On the external cladding and the roof Ms Putnam stated that the proposal would also fail to preserve or enhance the character and appearance of the dwellinghouse within the streetscene adding that the difference between internal and external insulation in terms of energy savings was negligible.

Mr Nick Martin (MAPRA) speaking in a similar vein stated that the external cladding was not desirable as it would affect the character of the Conservation Area and set a precedent for similar undesirable precedents in the Conservation Area. He added that the reduction in carbon emission in respect of external rendering should not override Conservation Area guidelines.

Mr Alexis Rowel the applicant's agent referred to additional submissions made including a sketch on the visibility of the cladding, detailed drawings of the proposed windows and the roof eaves to support the improvements he had made to the scheme. He then gave a breakdown of the potential energy savings attributed to the dwellinghouse and outlined the benefits and the disadvantages of the internal and external insulation. Mr Rowel urged members for more energy efficient houses through cladding as proposed.

DECISION: Planning permission refused.

7. Dollis Hill House Gladstone Park, Dollis Hill Lane, London, NW2 6HT (Ref. 09/1470)

Listed Building Consent for demolition of Dollis Hill House.

OFFICER RECOMMENDATION: Grant listed building consent for the demolition subject to referral to the Government Office for West Midlands.

With reference to the tabled supplementary information the Northern Area Planning Manager Rachel McConnell addressed issues raised by Dollis Hill House Trust (DHHT) on the consultation process following a report by the Council's consultants, DPP Heritage. She stated that as the report by DPP Heritage was an analytical process which considered the application under PPS5 and did not change the nature or provide new information regarding the proposal, there was no procedural requirement for the Council to carry out further consultation. The Planning Manager then drew members' attention to the list of issues raised by additional letters of objection which included claims that the Council failed to protect or identify an alternative viable use for Dollis Hill House. In response, Rachel McConnell stated that despite repeated efforts by experienced and well-resourced professionals, it had not been possible to develop a viable, sustainable, long-term commercial proposition for the remaining structure. She added that the viability of the House for reuse was seriously compromised by its current condition and the relatively remote location in terms of public transport and lack of parking which restricted the accessibility and versatility of the site.

Ms Gill Close on behalf of DHHT circulated a paper in support of the Trust's position against demolition of Dollis Hill House. She claimed that reports by DPP Heritage and officers had not made a clear case for the demolition of the Grade 2 listed building and that the Council had not made any attempt to retain part of the building which would be required for Heritage Lottery Funding. Ms Close added that the Council had not taken the opportunity offered by English Heritage to work together to consider options for retention, re-use or re-working including the possibility of a new feasibility study or marketing campaign on a wider basis than previously considered. She therefore urged members to defer the application until the Council had worked together with English Heritage for a satisfactory solution.

In accordance with the Planning Code of Practice, Councillor Powney, Lead Member for Environment, Planning & Culture stated that he had spoken to objectors about the application during the site visit. Councillor Powney expressed a view that Dollis Hill House although listed was of no architectural merit and as a derelict building had little relationship with Gladstone Park. He added that it was uneconomic in financial terms to continue to provide scaffolding for the building.

During discussion, Councillor Long concurred with the view that poor access and parking facilities could not justify the retention of the building for alternative uses. Councillor Adeyeye expressed a differing view that due to its historical and architectural significance Dollis Hill House should be retained. He moved an amendment for its deferral which was voted upon and declared lost. Members then voted on the substantive recommendation for approval of the demolition

subject to referral to Government Office for West Midlands which was declared carried.

DECISION: Granted listed building consent for the demolition subject to referral to the Government Office for West Midlands.

8. ELMWOOD HOUSE, Harlesden Road, London (Ref. 10/0949)

Demolition of existing three-storey building and erection of new part four-, part five- and part six-storey building comprising 38 flats (8 one-bedroom, 18 two-bedroom, 12 three-bedroom, all affordable), with private amenity space at lower ground-floor level, terrace areas and balconies at upper-floor levels, 25 off-street parking spaces, communal garden, play space and 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 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 an amendment to condition 9 and the Section 106 legal agreement as set out in the tabled supplementary report.

DECISION: Planning permission granted subject to conditions as amended in condition 9, 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 and to refuse planning permission if the section 106 agreement has not been entered into by 4 August 2010 but if the application is refused for this reason to delegate authority to the Director of Environment and Culture, or other duly authorised person, to grant permission in respect of a further application which is either identical to the current one or in his opinion is not materially different, provided that a section 106 agreement in the terms set out above is entered into.

9. 91 Dyne Road, London, NW6 7DR (Ref. 10/1221)

Two-storey rear extension at lower and upper ground-floor level, creation of a sunken garden terrace and upper ground-floor balcony, removal of side chimney and insertion of side rooflight, enlargement of 2 existing rear dormer windows, replacement of roof tiles and insulation to side and rear roof, raising its height, installation of solar panel to roof and creation of vehicular access and formation of hard and soft landscaping to front, and reversion to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Area Planning Manager, Andy Bates informed the Committee that the applicant had submitted revised plans which addressed each of the proposed reasons for refusal. In addition the architect had provided a revised full planting plan for the garden that was now considered to be, on balance, acceptable subject to a further condition if members were minded to grant planning permission. Andy Bates stated that Part 27 of the Planning Code of Practice allowed for the recommendation to be changed as long as revisions have been submitted a reasonable time in advance of the Committee meeting, fully appraised by officers and any necessary consultation has been completed. He added that in this case it was not considered that additional consultation was required given the extent of the revisions.

DECISION: Planning permission granted subject to conditions and delegated the exact wording of these to the Chief Planner.

10. 91 Dyne Road, London, NW6 7DR (Ref 10/1173)

External insulation to side and rear elevations, two-storey rear extension at lower and upper ground-floor level, creation of a sunken garden terrace and upper ground-floor balcony, removal of side chimney and insertion of side rooflight, enlargement of 2 existing rear dormer windows, replacement of roof tiles and insulation to side and rear roof, raising its height, installation of solar panel to roof and creation of vehicular access and formation of hard and soft landscaping to front, and reversion to dwellinghouse.

OFFICER RECOMMENDATION: Refuse planning permission.

With reference to the supplementary report tabled at the meeting the Area Planning Manager, Andy Bates informed members that the applicant's architects had made a further submission setting out their criticisms of the Council's stance, and included more detailed drawings of the various aspects of the proposal. The issues raised included internal and external insulation and roof detail. Andy Bates submitted that whilst the benefits and disadvantages of the insulation were not in dispute, the primary consideration when considering applications within a Conservation Area was the impact on the character and appearance of the building. He considered that the proposed development would fail to preserve or enhance the character and appearance of the dwellinghouse. He stated that the roof details submitted were on balance considered to be acceptable as the differences in the height between buildings would not have a significant impact in the streetscene.

The Planning Manager continued that in view of a number of late changes made by the applicant including the retention of the chimney, the restriction of access to the roof of the rear extension in order to prevent overlooking and further details of the front garden treatment, reason for refusal numbers 2 and 4 should be deleted and reason for refusal 1 should be replaced with the wording as set out in the tabled supplementary. In conclusion, Andy Bates submitted that having considered the implications of the proposal on the conservation area as well as the benefits

for energy savings the proposed measures would be inappropriate and unsympathetic.

Mr Alexis Rowel the applicant's architect speaking in support of the application reiterated the relative merits and benefits of insulation. He highlighted the ever increasing prices of fossil fuel and the need for energy efficient homes, making references to practices in support of energy efficient homes in the London Borough of Camden.

DECISION: Planning permission refused with amended reasons.

11. 24E Brondesbury Road, London, NW6 6AY (Ref. 10/0726)

Erection of single-storey ground-floor extension at rear of 24E Brondesbury Road.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

Mr Scott objected to the proposed development on the following grounds;

- As the extension would be spread across the whole width of No. 24A Brondesbury Road it would be disproportionate and out of character.
- The height of the proposed development would have a detrimental impact on neighbouring properties in terms of residential amenities.

Mr Scott indicated that he would not have objections to a more modest conservatory type building.

Mr Christopher Jones the applicant stated that the proposal which he considered to be modest in size accorded with planning policies and standards adding that in terms of its size, the proposal could be carried out under permitted development criteria.

The Head of Area Planning Steve Weeks added that planning policies routinely agreed smaller extensions of the size proposed within Conservation Areas.

DECISION: Planning permission granted subject to conditions.

12. 6 Montrose Avenue, London, NW6 6LB (Ref. 10/1286)

Erection of a single storey side extension, installation of new ground floor rear window and erection of a rear dormer window to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

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

13. 42A & 42B Okehampton Road, London, NW10 3ER (Ref. 10/0915)

Rear dormer window, new timber fence to subdivide existing rear garden and erection of a two storey side extension to rear projection facilitating self containment of two existing flats.

OFFICER RECOMMENDATION: Refuse planning permission.

Mr Brazier, the applicant's father stated that the proposed development which had not received any objection from the neighbours was intended to create an improved amenity space for the applicant without resulting in corresponding increases in the demand for local infrastructure. In urging members for approval, he drew attention to precedents in Okehampton Road and Dundonald Road.

In responding to the issues raised, Andy Bates stated that the proposed two-storey side extension was considered to be an inappropriate form of development in terms of its impact on the character of the locality. In respect of the precedents he submitted that the properties along Okehampton Road, on the opposite side of the junction with Dundonald Road were different from the proposed development and had their own distinct character.

DECISION: Planning permission refused.

14. 60 Milverton Road, London, NW6 7AP (Ref. 10/1160)

Erection of a ground-floor side extension, ground-floor rear extension, installation of first-floor rear doors and juliet balcony and new first-floor side window.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

15. 41 Littleton Road, Harrow, HA1 3SY (Ref. 10/1149)

Erection of a single storey detached building in rear garden of dwellinghouse (retrospective application).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

16. Storage rear of 397 High Road & Rear Part of 397A, Rosemead Avenue, Wembley, HA9 (Ref. 10/0413)

Demolition of existing buildings and erection of a part 2-, 4-, 5- and 6-storey building to provide in total 29 self-contained residential units (comprising 7 one-bedroom flats, 10 two-bedroom flats, 2 two-bedroom maisonettes and 10 three-bedroom flats of which 13 units would be affordable) with balconies, undercroft courtyard, communal and private garden area; 2 new pedestrian accesses onto Rosemead Avenue, provision of cycle and refuse storage and associated landscaping (a car-free development) (as amended by revised plans received on 14/06/2010, e-mail received on 16/06/2010).

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

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

17. Any Other Urgent Business

Mr Robert Vale

The Chair informed the Committee that this was the last meeting for Robert Vale, Principal Commercial Lawyer, as he would be leaving the employment of the Council in September 2010. The Committee was unanimous in expressing their sincere appreciation for the quality of legal advice and support given to them and asked that this be placed on record.

The meeting ended at 9.30pm

COUNCILLOR R PATEL
CHAIR

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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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 in the rear garden of the dwellinghouse, with a proposed reduction in height to the outbuilding

APPLICANT: Mr Patel

CONTACT: Construct 360 Ltd

PLAN NO'S:
Site location plans
WPD22_01

Introduction:

The application is reported to Planning Committee under the provisions of Clause 24 of the Planning Code of Practice following the resolution at the previous meeting of the Planning Committee on 20th July 2010 of 'minded to grant' retrospective consent for the erection of a single-storey outbuilding located in the rear garden of 22 Wembley Park Drive. The proposal includes the removal of the existing pitched and a reduction in its overall height to 2.5 metres. This resolution was contrary to officers recommendation that planning permission be refused.

This report discusses the implications of the committee's resolution, maintains the original recommendation to refuse, but sets out the planning conditions that should be attached should the Planning Committee decide to grant planning permission. A copy of the report that went to the 20th July Planning Committee is attached as APPENDIX 1.

Suggested conditions in the event that approval is granted:

If Members wish to grant consent, your Officers would recommend that the following conditions be attached to this consent:

1. The alterations to the outbuilding shall be carried out in full accordance with approved plans within 3 months of the date of this decision.

Reason: In the interests of neighbouring amenity.

2. The outbuilding may only be used for purposes which are incidental to the main dwellinghouse. This excludes use as a bedroom, kitchen, bathroom/w.c., living-room or

any other primary residential use even if in connection with 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.

Recommendation : Remains refusal, for the reasons set out in the original report. However if the Planning Committee resolves to grant planning permission, the conditions set out in this report are recommended.

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:

- (1) None Specified.

Appendix 1

Committee Report Planning Committee on 20 July, 2010	Item No. Case No.	0/01 10/0054
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RECEIVED: 12 January, 2010

WARD: Tokyngton

PLANNING Wembley Consultative Forum

AREA:**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

This application was deferred at the 30th June Committee in order to allow members to undertake a site visit.

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

Members attention is drawn to the planning application for the retention of an outbuilding at 41 Littleton Road that is also on this Committee's agenda. Members will note that proposal is recommended for approval, however that outbuilding has a foot print of only 12 square metres and is of a more appropriate scale and appearance to its domestic back garden setting than is the case for the outbuilding at 22 Wembley Park Drive.

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 on 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. Its 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 raise 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

(2)

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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**Committee Report
Planning Committee on 18 August,
2010**

Item No. 1/01
Case No. 10/1373

RECEIVED: 8 June, 2010

WARD: Fryent

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Telesensory 1 Watling Gate, & 2 Watling Gate, Edgware Road, Kingsbury, London, NW9 6NB

PROPOSAL: Change of use from office (Use Class B1) to an adult learning centre (Use Class D1)

APPLICANT: FOCUS INSIGHT UK LIMITED

CONTACT:

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval

EXISTING

The application relates to Units 1 & 2 of a purpose built 3-storey office block located in Burnt Oak Town Centre but not within the designated shopping frontage. The site is located on the corner of Burnt Oak Broadway and Hay Lane. It is not a listed building nor is it within a Conservation Area.

PROPOSAL

Planning permission is sought for the change of use of the premises from B1 (office use) to D1 (Education use).

HISTORY

88/1396	Planning application for the demolition of existing building, formation of
basement car	park and erection of 6 part 3-storey part/4-storey business
units (Use Class B1). Granted	13/09/1988

POLICY CONSIDERATIONS

Brent UDP 2004

- TRN3 Environmental Impact of Traffic
- TRN11 The London Cycle Network
- TRN22 Parking Standards
- EMP17 Re-use of Redundant Offices.
- CF1 Proposals for Community Facilities

CONSULTATION

15 neighbouring properties were notified

3 objections have been received raising the following issues:

- 1) Impact on parking;
- 2) Existing problems of dumping in the car park;
- 3) Noise and disruption to neighbouring office uses from students;
- 4) Inadequate disabled access.

In response to these objections, the applicants have provided a written response advising that they consider it to be an appropriate use for a redundant office building. That they have use of 10 parking spaces with the option of taking an additional 8 spaces should it be required. In relation to concern regarding disabled access, the ground floor of both units is to be suitably fitted out and all the main facilities such as the library, IT lab, boardroom, staff area and student common room are on the ground floor.

Internal Comments

Transportation - The facility will have 110 students with 6 teachers. There will be 10 off street parking spaces allocated for the facility. The parking allowance is 1 space per 5 workers (6 teachers). The maximum additional student/visitor parking should be 20% of the employee parking with a minimum provision of 1 space. The 10 spaces allocated to this use would be significantly in excess of the parking standards. The application can be supported as there will be a general reduction in the parking and servicing requirements. A total of 14 spaces for cycle parking should be provided.

REMARKS

Principle of the loss of office space (B1)

Policy EMP17 in the UDP relates to the reuse of redundant office buildings. This policy states that outside Strategic and Borough Employment Areas, applications for the re-use of redundant purpose built office buildings for an appropriate alternative uses will be permitted. Appropriate uses can include the provision of education facilities where the site is located in an area of good or very good public transport accessibility.

A supporting letter has been submitted with the application detailing the vacancy of Units 1 & 2 and other units in the complex. The loss of the office use is considered acceptable as both units have been unoccupied for over 3 years.

As the site is located outside of a designated employment area, the principle of the re-use of the building for an education facility can be considered acceptable subject to good or very good access to public transport. Whilst this site has a PTAL rating of 2 (classified as low), the site is within a Town Centre location and Edgware Road is a strategic road with a number of bus routes linking with tube and rail stations. Therefore the principle of providing an education facility in this location is considered acceptable.

Principle of proposed Community Facility (D1)

The proposed development involves the change of use of the premises from office (Use Class B1) to an adult learning centre (Use Class D1). Given that the proposed development will attract up to 110 students and employ 6 teachers, this would be classed as a Large Scale Community Facility.

Policy CF1 sets out the key considerations for proposals for Large Scale Community Facilities. In the first instance they should be located in town centre areas (excluding ground floor primary shopping frontages) or if there are no town centre sites available, they should be located on the

edge of town centres. This location is within the Burnt Oak Town Centre and therefore is considered to be acceptable in principle for a proposed community facility of 460 sqm. This site is not within a the primary and secondary shopping frontage.

Parking

Concern has been raised regarding the impact of the proposed development on parking in the immediate vicinity. In terms of access to public transport, Edgware Road has 6 key bus routes (Nos. 32, 83, 142, 183, N5 and N16) while Hay Lane has 1 bus route (No. 204). Therefore, whilst it is acknowledged that the application site does not have a high PTAL rating, the site is very well connected locally and is close to other services in the town centre. There is limited parking along the south side of Hay Lane and it is noted that in the past there have been complaints regarding the parking in this road relating to a nearby showroom. However, there have been no recent complaints.

In terms of the on site parking, the proposed provision exceeds the Council's maximum parking standards. A total of 10 spaces are proposed which is in excess of the Council's standards which would allow a maximum of 2 spaces. However given the concerns of the local residents and that on site parking currently exists, it is considered that an above maximum provision is considered acceptable. There are no objections from the Council's Transportation Department subject to a condition requiring the provision of 7 additional cycle spaces. A condition is attached accordingly. A condition will also be imposed requesting a travel, to encourage staff and students to use public transport.

Other objections.

Objections have been raised regarding noise and disturbance from students to neighbouring business uses, fly-tipping to rear of the building and whether the units have disabled access.

In terms of noise and disturbance, whilst the frequency of people arriving and departing is likely to be more intense than an office use, it is considered that an education facility is compatible with other business uses. In terms of fly tipping, this is a matter that is normally addressed by Environmental Health Legislation. It was noted from the officers site visit that there was evidence fly tipping to the rear of the site and the Council's Environmental Health team have been notified of this.

In terms of disabled access, the units will need to comply with the requirement to provide reasonable access to the service facilities in terms of disabled access. The applicants have confirmed that the internal arrangement will be altered to comply with Buildings Regulations 2000 Part M 'Access to and use of Buildings'. Facilities for disabled people will be provided on the ground floor, where many of the communal facilities are to be located.

Conclusion

The proposed change of use from redundant offices (Use Class B1) to Education Facility (use class D1) is considered to comply with the policies set out in the UDP. Accordingly the application is recommended for approval subject to the conditions set out below.

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

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

Transport: in terms of sustainability, safety and servicing needs

Community Facilities: in terms of meeting the demand for community services

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):

SM1

SM2

SM3

SM4

SM5

SM6

SM7

SM8

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

- (3) The premises shall only be used for the purpose of a adult learning centre and for no other purpose of Use Class D1 (non-residential institutions) as specified in the Schedule of the Town and Country Planning (Use Classes) Order 1987 as amended, without the prior permission in writing of the Local Planning Authority.

Reason: To ensure no other use commences without the prior permission, in writing, of the Local Planning Authority and to ensure that the use of the premises does not prejudice the amenity of the area.

- (4) The development or any part of it shall not be used or occupied until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority and the development thereafter shall only be used or occupied in compliance with the plans so approved unless amended with the agreement of the Local Planning Authority in writing.

Reason: To ensure that a satisfactory management of the parking and to ensure that the proposed development does not prejudice the enjoyment of the neighbouring

occupiers in the area

- (5) Details of the provision of a minimum of 14 secure cycle parking spaces for prospective residents and 8 publicly accessible spaces along the site frontage for the commercial unit 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:

UDP 2004

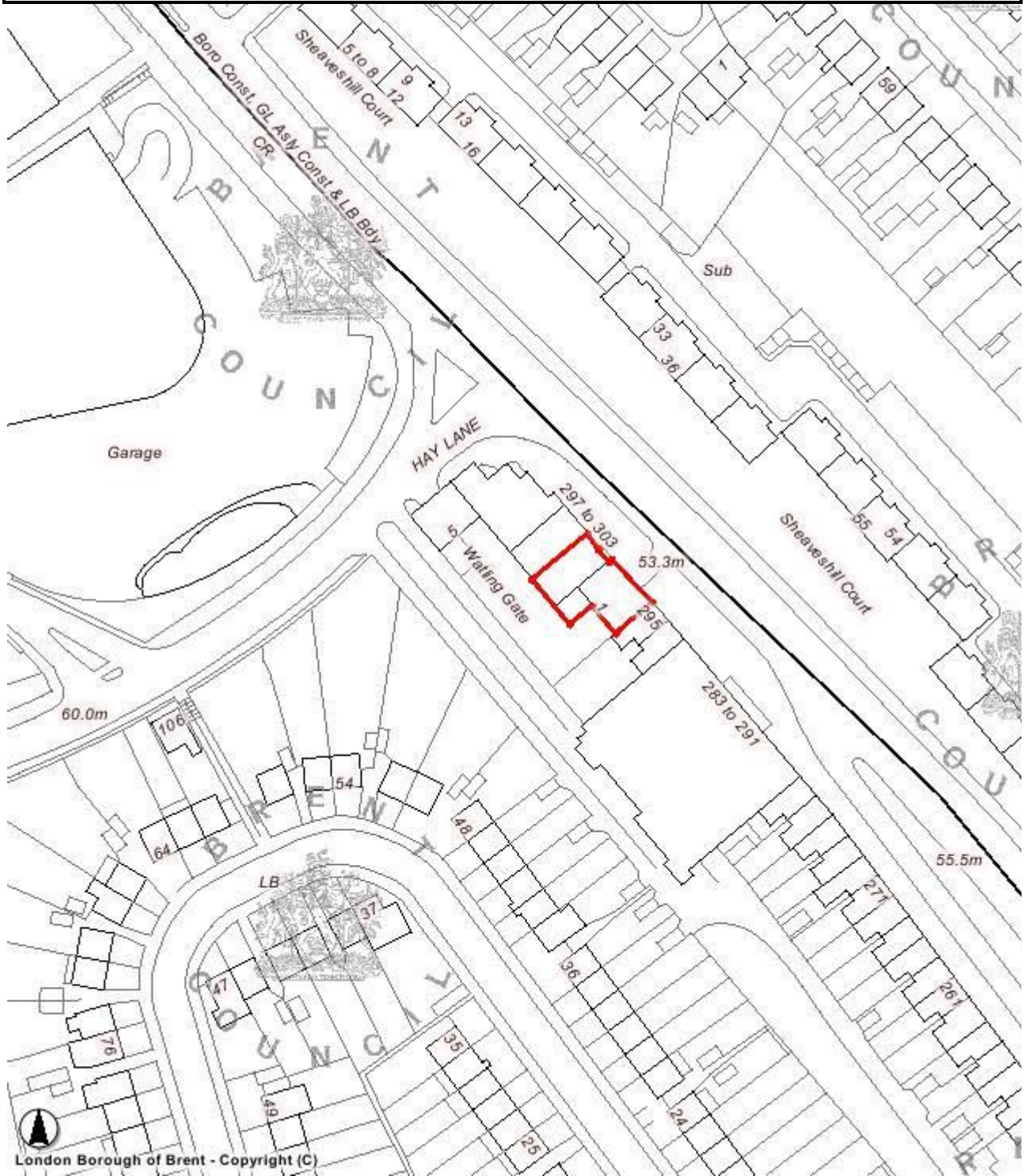
Any person wishing to inspect the above papers should contact Robin Sedgwick, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5229



Planning Committee Map

Site address: Telesensory 1 Watling Gate, & 2 Watling Gate, Edgware Road, Kingsbury, London, NW9 6NB

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**Committee Report
Planning Committee on 18 August,
2010**

Item No. 1/02
Case No. 10/0835

RECEIVED: 15 May, 2010

WARD: Welsh Harp

PLANNING AREA: Willesden Consultative Forum

LOCATION: 36 Queens Walk, London, NW9 8ER

PROPOSAL: Change of use of property from a single dwellinghouse (Use Class C3) to an educational facility (Use Class D1)

APPLICANT: Learning Development Opportunities

CONTACT:

PLAN NO'S:

36QW/1 Site Location Plan; 36QW/3 Layout of Existing Uses First Floor Plan; 36QW/3 Layout of Possible Uses Ground Floor Plan; 36QW/3 Layout of Possible Uses First Floor Plan

RECOMMENDATION

Refuse

EXISTING

Two storey detached house on the north side of Queens Walk in use as a single family dwellinghouse. The property is not located in a conservation area nor is it listed. The surrounding uses are residential.

PROPOSAL

Change of use of property from a single dwellinghouse (Use Class C3) to an educational facility (Use Class D1)

HISTORY

Single storey side and rear extension granted planning permission 1986.

POLICY CONSIDERATIONS

Brent UDP 2004

H8 Resisting loss of housing

Development should not result in the net loss of residential accommodation where it could still be used, with or without adaptation, for permanent residential purposes. Specific exceptions to this policy are set out in the Community Facilities chapter.

H22 Protection of residential amenity

Incompatible non-residential uses in predominantly residential areas will not be permitted, particularly those uses which will result in an intensification of use likely to have an adverse environmental impact and traffic impact will not be permitted.

TRN22 Parking standards - non-residential developments

- Parking standards should be in accordance with the maximum standards (see PS12)
Level of parking should not be below minimum operational levels.
- PS12 Non-residential institutions (use class D1) and hospitals (use class C2)**
Education, other health and community facilities: 1 space per 5 workers, with visitor/student parking at 20% of the employee parking
- CF2 Location of small scale facilities**
Facilities serving a neighbourhood or district function should be located in or adjoining a town or local centre, or if no suitable site is available in areas of moderate or better public transport accessibility. Proposals for community facilities serving local catchments may also be located elsewhere within residential areas outside centres, subject to the protection of neighbourhood amenity.
- CF11 Day nurseries**
Nurseries and other day care provision for young children should not: (a) adversely affect neighbouring residential amenity; (b) have a floor area below 110sqm; (c) affect highway safety or cause a nuisance to neighbours; (d) will be subject to conditions; (e) result in over-intensive use of the premises; and (f) result in the loss of more residential accommodation than necessary

Brent Core Strategy 2010

- CP 21 A balanced housing stock**
replaces STR19, STR21, H7, H8, H9, H10, H18, H23, H25, H27
Seeks to maintain and provide a balanced dwelling stock to accommodate the wide range of Brent households by: ensuring appropriate range of dwellings and mix; defining family accommodation as units capable of providing three or more bedrooms; requiring new dwellings be 100% Lifetime Homes and 10% wheelchair accessible; contributes to non-self contained accommodation and care & support housing where needed.
- CP 23 Protection of existing and provision of new community and cultural facilities**
replaces STR31, STR37, STR38, TEA3, CF3, CF5
Encourages new accessible community and cultural facilities and protects existing facilities. Sets a standard for the provision of new community facilities

CONSULTATION

Neighbours and Ward Councillors consulted 04/06/10.

24 neighbours have objected and one petition has been submitted, with 71 signatories

The main objections are summarised as follows:

- Increase in traffic
- Noise and disruption from the facility - harm to the quiet residential character of the street
- Proximity of other school (St Nicholas Preparatory School, 22 Salmon Street)
- Covenant restricting use of site
- Could set a precedent for more on the street
- Bring disruptive social issues to the area
- Increase in crime

Cllr Mashari, a new councillor, has not objected but has discussed the proposal with officers.

Seven people have written in support, though they are not residents from the immediate area, and

one petition has been submitted, with 10 addresses (2 of which also wrote separately). The supporters are families of children with learning disabilities and who have difficulties finding such facilities in Brent; the headteacher of Hay Lane SEN school; Brent Connexions personal adviser responsible for supporting young people in the transition process once they leave school and Cllr Mary Arnold, lead member for Children & Families.

The reasons for supporting the scheme are summarised as follows:

- There is a shortage of specialist provision for children with special educational needs in the borough and for young adults leaving formal education
- More specialist local provision is required to reduce the inconvenience and cost of children having to travel outside the borough
- The stress caused by not knowing where the young people will be able to go after leaving formal education

These matters are addressed in the *Remarks* section of the report, below.

Transportation

The Director of Transportation raises no objections and has provided the following comments:

The affected property is a dwellinghouse located close to the junction of Queens Walk with Salmon Street. It is a 3 bedroom house and as the forecourt is deep there is also offstreet parking within the hard standing and the forecourt.

The site has low access to the public transport with PTAL Level2. Queens Walk is a local access road and onstreet parking on the road is restricted to the permit holders only on the Wembley Event Days. This is within the marked out boxes. The affected times are from 8am to Midnight.

The parking allowance for the dwellinghouse is given in the Standard PS14 of the UDP. The parking allowance for D1 Use is given in PS12. Parking allowance for disabled people is given in PS15. The cycle parking allowance is given in PS16. The parking allowance for the 3-bed dwellinghouse is 1.6 spaces. This is a maximum allowance. The parking which includes the garage and parking within the forecourt is significantly in excess of the allowance in PS14.

The parking allowance for the educational facility is in the order of 1 space per 5 workers. The maximum additional parking for visitors should be 5% of the maximum attendance. At least one space should be provided. The allowances are maximum. One space should be retained within the hard standing as the garage will be converted into habitable room for a studio for the new facility. One dedicated space should be provided for disabled use. This should meet the requirement for a Disabled offstreet parking space as in PS12.

The cycle parking allowance for D1 Use is 1 space per 10 staff. As there will be 3 staff, one space may be retained.

The application can be generally supported on the transportation grounds as there is no significant transportation impact due to the proposed change of use of the dwellinghouse for a learning facility.

Should permission be forthcoming the following conditions should be attached:

1. One dedicated disabled parking space should be provided in front of the garage. It should meet the specification as in SPG12. The other space should measure 2.4 meters by 4.8 meters for staff use.
2. One cycle space should be retained for the staff and visitors.

Environmental Health

No objection.

REMARKS

Key considerations

The main planning issues are considered to be whether the proposed change of use would result:

- (a) an unacceptable loss of a residential unit?
- (b) unacceptable harm to the residential amenity of neighbouring occupants?
- (c) an increase in on-street parking to the detriment of highway and pedestrian safety?

And would the planning merits of the proposed change of use, in terms of need for the facility, outweigh the above harm?

Background

The proposal is for change of use of a single family dwellinghouse (Use Class C3) to an educational facility (Use Class D1) to provide support and development of independent life skills for young adults with profound and multiple learning disabilities.

The property is semi-detached, adjoining No. 34 Queens Walk, on the north side of Queens Walk. It has an original, unextended floor area of 83sqm (approximate gross internal floor area) and following single storey extensions (granted planning permission in 1986) has been extended to 149sqm.

The service

The facility would provide support and development for up to nine young adults (16-25yr old) with profound and multiple learning disabilities with up to four full-time equivalent (FE) staff. It would operate six days a week, between 0900-1700 Monday to Friday, 1000-1600 Saturday. According to further information submitted by the applicant, it would operate 48 weeks of the year.

Not all pupils would be on site at all times as off-site lessons are given (trips to shops etc). The applicant estimates that 50% of the lessons would be in the community. The rear garden of the house would be used for relaxation and gardening lessons and the applicant claims that no activities would be particularly noisy.

Principle

Loss of residential unit and relevant policy tests

Policy H8 resists the loss of housing where the accommodation can still be used as such, which is the case with this dwelling. The policy states there are specific exceptions to this resistance, set out in the Community Facilities chapter. This refers to policy CF11, which allows for the loss of a residential unit for nurseries and day care for young children, subject to a number of criteria ranging from (a) to (f).

Whilst policy CF11 is concerned with nurseries and other day care facilities for young children, the policy is relevant to this proposal as many of the issues are the same; officers consider it appropriate to apply the relevant criteria of CF11 to this proposal. Only those relevant are noted

here: (a) that the amenity of neighbouring residential properties is not adversely affected; (b) the property has a minimum original unextended floor area of 110sqm (this is to protect the loss of small family homes which are in great need in the borough) and identifies detached houses as being better suited; (c) consideration is given to highway safety and neighbour nuisance problems arising from vehicular access; and (e) the property is not used over-intensively.

Criteria (b) relates to the size of the dwellinghouse and follows other policy objectives in the Brent UDP which seeks to protect small purpose-built family dwellinghouses (see policy H17 and CP21). This is discussed first. Criteria (a), (c) and (e) relate to neighbouring residential amenity. This is discussed second. Highway safety is discussed in Parking and Access, below.

Loss of residential unit

No. 36 has an original, unextended floor area of 83sqm (approximate gross internal floor area) and following single storey extensions (granted planning permission in 1986) has been extended to 149sqm.

This does not comply with criteria (b) of policy CF11.

Impact on neighbouring residential amenity

The impact on residential amenity would arise from the intensification of (i) the use of the building itself; (ii) activities in the garden; and (iii) vehicle movements to and from the site.

(i) The use of the building

The application is supported by proposed plans which show the following uses for the rooms:

- Ground floor: calm space - sounds and lights studio; quiet place - relax; lifestyle teaching; kitchen and cooking; arts and crafts; utility and wet room
- First floor: home life teaching; bathroom; office and staff room; sensory experience/computer room

The following rooms/uses adjoin No. 34 and so would share a party wall, special consideration should be given to the likelihood of noise transmission from these rooms: quiet place - relax; lifestyle teaching; sensory experience/computer room; office and staff room. It is likely that there would be a material increase in the noise generated within the property beyond that expected in a small family home as a result of the change of use and this would be to the detriment of the amenity of the adjoining occupants.

(ii) Activity in the garden

Activity in the garden would also be likely to cause a nuisance in terms of noise beyond that expected of a small family home. Although any one event may be comparable to, for example, a group of young children playing, the fact it could occur on a daily basis is a significant concern. This impact would fall not only on the adjoining residents but farther beyond as the noise would travel.

(iii) Vehicle movements

Participants would be collect using the two 7-seat vehicles; these vehicles will also be used when pupils are taken on activities. Likely total movements per day would be four to the centre in the morning and leaving in the afternoon and four to eight movements during the day.

As it is not expected that parents would drop-off or collect the young adults then arrivals and departures at the start and end of the day would be unlikely to differ substantial from a family undertaking the school run. Movements during the day, however, would be different to those expected of a small family home, with the young adults being taken to and from trips for external activities. It is also possible that the process of embarking and disembarking could give rise to

nuisance and disturbance of neighbouring residents materially beyond that normally experienced at a small family home.

On the basis of the above, the change of use is considered unacceptable due to the harm it would cause to residential amenity. Even if sufficient evidence were provided to demonstrate a clear need for the use it is likely that this would not be sufficient to outweigh this harm.

Summary of CF11 and H8 tests and planning merits

The proposed use is contrary to the compliance tests in policy CF11 and therefore does not benefit from exemption from policy H8. In these circumstances it is necessary to test the proposed use to establish if its planning merits outweigh the principle of resisting the loss of the small purpose-built family dwellinghouse. In this situation your officers anticipate that sufficient planning merit would be achieved only where there is a clear and pressing need for this type of facility. Even if that were the case, that merit would have to also outweigh any harm to neighbouring amenity and highway safety (see below).

In this particular case your officers do not consider that the applicant has demonstrated that clear and pressing need. No formal, quantifiable evidence of need has been submitted; the applicant has provided anecdotal evidence but has been unable to quantify the need. The weight given to the need must therefore be limited. In the absence of sufficient evidence the principle of the loss of a residential unit remains a key objection to the proposal. It is likely that the particular features of this property (it is small, semi-detached) mean it would be unsuitable for the proposed use even if overwhelming need were demonstrated.

Parking and access

Borough policy objectives for community facilities are set out in policy CF2 and include ensuring facilities are located where they reduce the need to travel and where appropriate they should support town centres (2004, paragraph 11.4: 223) and community facilities are subject to the sequential approach (para 11.6.1). This site has low accessibility to public transport (PTAL2). Although community facilities would normally be subject to the location criteria of policy CF2, an exception could be made in this case due to the particular nature of the educational facility and the practical difficulties that could arise from locating this service in a busy town centre. Officers do not propose that the lack of public transport accessibility be a reason for refusal.

On the basis of the comments provided by the Director of Transportation (see *Consultations*, above), the proposal would not result in significant off-street parking resulting in nuisance to neighbouring occupants or illegal parking which would be to the detriment of pedestrian and highway safety. Officers do not, therefore, propose that impact on highway and pedestrian safety be a reason for refusal.

Response to Objections and Support

The main reasons for objecting are given as:

- Increase in traffic
- Noise and disruption from the facility - Harm to the quiet residential character of the street
- Proximity of other school (St Nicholas Preparatory School, 22 Salmon Street)
- Covenant restricting use of site
- Could set a precedent for more on the street
- Bring disruptive social issues to the area
- Increase in crime

Traffic and noise and disruption are discussed above. The proximity of the school on Salmon

Street is not considered to likely result in a significant cumulative impact on residential amenity; the harm the proposed development would cause is sufficiently separate.

The presence of a covenant restricting the use of the property is not a planning consideration. It is also not likely that the change of use would set a precedent as each application is assessed on its merits. It is not expected that the proposed development would bring disruptive social issues to the area. The fear of an increase in crime is noted due to the fact the premises would be vacant in the evenings; the fact that no other properties would be vacant means officers are not convinced the risk of an increase in crime is sufficient to merit refusal.

A number of people have written in to voice their support for the application, including the parents of young people who would benefit from the service, the headteacher of the Hay Lane special educational needs school and Cllr Mary Arnold, the lead member for Children & Families. Officers have given weight to these representations and the arguments put forward explaining the need for such facilities in the borough. Nevertheless, your officers are of the view that the harm caused to the amenity of neighbouring occupants outweighs the arguments set out by those in favour of the scheme.

Conclusion

It is clear that this application is finely balanced. The requirement to provide a land use strategy and planning policy framework which enables education, health and social care provision and to avoid discrimination is clear in the Brent Unitary Development Plan 2004 and is echoed in the Core Strategy 2010 and London Plan 2008. Accordingly the housing and community facilities chapters of the Unitary Development Plan 2004 include criteria where the loss of residential housing and siting such facilities in residential areas is acceptable. In this particular case, for the reasons discussed above, the harm the proposed facility would cause to residential amenity is judged to outweigh the planning merits of the facility and in doing so it fails to justify exemption from policy H8 and the intensity and nature of the use would be contrary to policy H22.

REASONS FOR CONDITIONS

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed change of use would result in the loss of a small purpose-built single family dwellinghouse, contrary to policies H8 and CF11 (b) of the Brent Unitary Development Plan 2004 and policy CP21 of the Brent Core Strategy 2010.
- (2) The proposed development, by virtue of the intensity of the proposed activities on-site and in the garden, the fact the property is semi-detached and the number and nature of vehicle movements to and from the application site, would result in significant noise and disturbance giving rise to material harm to the amenity of neighbour occupants, contrary to policies H22 and CF11 (a) & (e) of the Brent Unitary Development Plan 2004.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Angus Saunders, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5017



Planning Committee Map

Site address: 36 Queens Walk, London, NW9 8ER

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**Committee Report
Planning Committee on 18 August,
2010**

Item No. 1/03
Case No. 10/1727

RECEIVED: 2 July, 2010

WARD: Fryent

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Kingsbury High School Annexe, Bacon Lane, London, NW9 9AT

PROPOSAL: Erection of two-storey community facility (Use Class D1) comprising Intergenerational Centre and ancillary office space, with external play area & multi-use games area (MUGA pitch) with associated hard and soft landscaping, cycle, buggy and refuse stores and 3 designated parking bays on land adjacent to Stag Lane Pupil Referral Unit (with main entrance fronting Stag Lane) as amended by plans received 04/08/10

APPLICANT: Asset Management Service (Brent Council)

CONTACT: Frankham Consultancy Group Ltd

PLAN NO'S:

See condition 2

RECOMMENDATION

Grant approval

EXISTING

The application site comprises a 0.18ha area of grassed open space on the west side of Stag Lane close to the southern boundary of the Roe Green Conservation Area.

It is enclosed with a 3m high chain link fence to all boundaries and provides an area of informal play for the adjoining Pupil Referral Unit (PRU). To the north of the site lies an access drive to Kingsbury High School, school playing fields lie to the west and the former Kingsbury Library building lies to the south (part of which houses the PRU).

The site is formally part of Kingsbury High School.

PROPOSAL

Erection of two-storey community facility (Use Class D1) comprising Intergenerational Centre and ancillary office space, with external play area & multi-use games area (MUGA pitch) with associated hard and soft landscaping, cycle, buggy and refuse stores and 3 designated parking bays on land adjacent to Stag Lane Pupil Referral Unit (with main entrance fronting Stag Lane) as amended by plans received 04/08/10

Background

The application proposes the Kingsbury Intergenerational Children's Centre, which comprises a Phase 3 Sure Start Children's Centre, facilities for Extended Services for children and young people and accommodation for the Kingsbury Early Intervention Locality Team.

It is made by Brent Council Children & Families department (Asset Management Service).

Centre Activities

There are three core services/activities proposed in the Intergenerational Children's Centre building: (1) Sure Start Children's Centre; (2) Extended Services; and (3) Early Intervention Locality Team (EILT).

Briefly, the Sure Start Children's Centre element offers drop-in and scheduled activities for children aged 0-5 years old and their families and act as a base for outreach work and provide professional advice (e.g. health advice, nutrition activities, parenting support, training and employment services, access to Citizens Advice Bureaux and Job Centre Plus, family support and counselling, sessional childcare/creche and drop in play sessions for families).

Extended Services covers children and young people aged 5-19 years old and provides leisure activities for young people that also provide childcare or a safe place for young people are particularly in need in this locality. Activities will be planned and usually outside of school hours.

The Early Intervention Locality Team (EILT) is part of a new project which will be family focussed with an emphasis on prevention and early intervention for children with additional needs. The locality team will be based in this centre and will hold planned meetings with families and other professionals in the building. Young people or families may make unplanned visits to the centre to talk to a member of the team.

The Intergenerational Children's Centre is proposed be open between 8am-9pm all year round including school holidays. Both the Children's Centre and the EILT operate to normal working hours of 9-5pm, although some staff may arrive between 8-9am.

Activity sessions in the Children's Centre would start between 9.30-10am in the morning and 1.30-2pm in the afternoon; to be timed to avoid particularly busy times during the school day.

The children's centre will offer a crèche where parents are in the same building but not immediately responsible for their children, who would be cared for by staff. It is anticipated that the crèche would take nine 0-2 year olds, eight 2-3 year olds and eight 3-5 year olds; actual numbers depend on the age of the children and number of staff available. When the crèche room is not being used to provide crèche, it will be used for drop-in stay and play sessions for children and parents or childminders. It is anticipated that no more than 30 children would attend these sessions with no more than 25 parents/carers. This is in line with the maximum numbers experienced at existing children's centres.

In addition to these scheduled sessions, visitors may also arrive at the centre at different times during the day to find out about activities, see a member of the team or gather information. Adult visitors will go to the centre for different services throughout the day. Taking account of all available rooms for meetings, training, classes and activities for children which parents might attend, the maximum anticipated number of adults at any one time would be 64.

The Extended Services programme may include out of school activities for young people up to 9pm; a maximum group size of 30 is envisaged for those services. The centre will be open

weekdays with some weekend use to suit the needs of young people and the wider community.

Although the capacity of the centre at any one time will be determined by the timetable, space and number of staff available, the applicants have provided some information on the anticipated maximum numbers of people attending the centre at any one time (see below). Your officers have extrapolated this data with some other data provided by the applicants on average morning and afternoon attendances.

Visitor Group	Average AM	Average PM	Maximum
Staff	20	17	28
Service Providers	7	4	10
Children (0-5 years)	18	14	30
Children and young people (5-19 years old)	-	-	30
Adult visitors accessing services (e.g. parents, childminders)	38	26	64
Total	86	61	134

Table 1: anticipated numbers of people attending the centre (by average AM & PM and maximum)

HISTORY

10/0769 Erection of two-storey Children's Centre (Use Class D1), with external play area & multi-use games area (MUGA pitch) and 1 disabled parking space, on land adjacent to Stag Lane Pupil Referral Unit (with main entrance fronting Stag Lane) WITHDRAWN 20/05/10

POLICY CONSIDERATIONS

Local

Brent Unitary Development Plan 2004

Built Environment

- BE2 on townscape: local context & character states that proposals should be designed with regard to their local context, making a positive contribution to the character of the area.
- 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.
- BE4 states that developments shall include suitable access for people with disabilities.
- BE5 on urban clarity and safety stipulates that developments should be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE6 discusses landscape design in the public realm and draws particular attention to the need to create designs which will reflect the way in which the area will actually be used

and the character of the locality and surrounding buildings. Additionally, this policy highlights the importance of boundary treatments such as fencing and railings which complement the development and enhance the streetscene.

- BE7 Public Realm: Streetscene
BE9 seeks to ensure new buildings, alterations and extensions should embody a creative, high quality and appropriate design solution and should be designed to ensure that buildings are of a scale and design that respects the sunlighting, daylighting, privacy and outlook for existing and proposed residents.
BE12 states that proposals should embody sustainable design principles commensurate with the scale and type of development.

Transport

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
TRN2 Development should benefit and not harm operation of public transport and should be located where access to public transport can service the scale and intensity of the proposed use
TRN3 Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.
TRN4 Measures to make transport impact acceptable, including management measures to reduce car usage to acceptable levels.
TRN22 Parking standards for non residential developments
TRN34 The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.
PS12 Non-residential car parking standards
PS15 Parking standards for disabled people.
PS16 Cycle parking standards

Open Space, Sport & Recreation

- OS8 Protection of sports grounds

Community facilities

- CF2 Location of small scale facilities
CF10 Development within school grounds

Brent Core Strategy 2010

- CP 16 Town centres and the sequential approach to development**
STR2, SH1, SH3, SH4, SH5, WEM1
Sets out the sequential order of centres for new retail and other town centre uses and establishes Wembley as the principal centre in the borough for these uses
- CP 18 Protection and enhancement of open space, sports and biodiversity**
STR33, STR34, STR35, OS4, OS6, OS7, OS8, OS11, OS22
Protects all open space from inappropriate development. Promotes enhancements to open space, sports and biodiversity, particularly in areas of deficiency and where additional pressure on open space will be created
- CP 19 Brent strategic climate mitigation and adaptation measures**
none
Highlights the need for new development to embody or contribute to climate mitigation objectives, especially in growth areas

- CP 20 Strategic and borough employment areas**
STR1, STR23, STR24, STR26, STR28, EMP4, EMP5, EMP7, EMP8, EMP11, EMP12, EMP15
 Safeguards Strategic and Borough Employment Areas for appropriate uses and identifies those uses which are considered appropriate to be located within them. It also establishes the preferred location for offices
- CP 23 Protection of existing and provision of new community and cultural facilities**
STR31, STR37, STR38, TEA3, CF3, CF5
 Encourages new accessible community and cultural facilities and protects existing facilities. Sets a standard for the provision of new community facilities

Supplementary Planning Guidance

Supplementary Planning Guidance No. 17 "Design Guide for New Development"

Regional

London Plan Consolidated with Alterations 2008

Policy3A.18 *Protection and Enhancement of Social Infrastructure and Community Facilities*

National

Planning Policy Guidance Note No. 17: Planning for Open space, Sport and Recreation

Open spaces, sport and recreation all underpin people's quality of life. Well designed and implemented planning policies for open space, sport and recreation are therefore fundamental to delivering broader Government objectives

Where a robust assessment of need in accordance with this guidance has not been undertaken, planning permission for such developments should not be allowed unless:

- (i) the proposed development is ancillary to the use of the site as a playing field (eg new changing rooms) and does not adversely affect the quantity or quality of pitches and their use;
- (ii) the proposed development only affects land which is incapable of forming a playing pitch (or part of one);
- (iii) the playing fields that would be lost as a result of the proposed development would be replaced by a playing field or fields of equivalent or better quantity and quality and in a suitable location - see paragraph 13 above; or
- (iv) the proposed development is for an outdoor or indoor sports facility of sufficient benefit to the development of sport to outweigh the loss of the playing field.

SUSTAINABILITY ASSESSMENT

Policy CP19 means BREEAM Excellent is now adopted Core Strategy requirement across all non residential new builds. As the design work for this proposal was started before this policy was adopted on 12 July 2010 this proposal has missed some stages of the process, including the feasibility study to have been carried out at RIBA stage B, with a life cycle cost review to inform the design process at Stages C and D. This was not carried out at that time and cannot be undertaken retrospectively. As such it may only be possible to achieve BREEAM Very Good.

The Council's sustainability officer has stated that a BREEAM pre-assessment should be undertaken to identify what credits can be achieved and as a minimum the equivalent of BREEAM

Excellent should be achieved in the Energy credits. These details can be included in a supplementary report.

As ultimately a Brent building, this proposal will contribute towards the council's Carbon Reduction Commitment so the emphasis will be on ensuring the most energy efficient building feasible.

Subject to the information in the pre-assessment report it is proposed to impose conditions requiring BREEAM Very Good and the equivalent of Excellent for the Energy credits.

CONSULTATION

Neighbours, Roe Green Village Residents Association and Ward Councillors were consulted on 16/08/10. A site notice was posted on 21/08/10 and a notice was posted in the local press on 22/08/10.

Local consultees

Three neighbours and the Roe Green Village Residents Association have objected, on the following grounds:

- Traffic problems resulting in overcrowding of nearby streets
- Insufficient consultation
- Concentration of community uses in the area resulting in harm to residential amenity
- Funding could be redirected to the Stag Lane clinic
- Poor design

One letter in support of the scheme has been received, from the headteacher of Kingsbury High School, on the grounds that:

- It will bring much needed social care and facilities to the area

These matters are discussed in the *Remarks* section of the report, below.

Internal consultees

Transportation

The Director of Transportation raises no objection subject to conditions. Due to the relevance of these comments to the application, they are detailed in the *Remarks* section, below

In summary, the proposal can be supported on the transportation ground subject to following conditions:

(1) A Travel Plan for the Children Centre should be prepared as described above. Please contact Deborah Bonner, the School Travel Plan officer in the Transportation Service Unit for further information

(2) Cycle Parking: Cycle parking has been provided close to the entrance. There should be six cycle parking spaces provided for the use of the staff and the visitors. The cycle parking should have lock and key to prevent theft.

Design officer

Raises no objection subject to further details, conditions

The revised proposals for the children's centre promise a rigorous balanced high quality building that will sit comfortably along side the locally listed Library. The design offers an exciting and challenging building that is stimulating and challenging in such a suburban location. The plan form and sensitive proportions allow the building to have an unashamedly contemporary but contextually comfortable role in the local context.

Landscape officer

No objections in principle. Some detailed comments included, as discussed in the *Remarks* section, below.

Sustainability officer

See *Sustainability Assessment* section, below.

Statutory consultees

Sport England

No objection as it benefits from exception 3 of Sport England's playing fields protection policy, subject to conditions as follows:

Prior to bringing into use of the proposed development a management and maintenance scheme for a period of 24 years to include measures to ensure the replacement of all artificial surfaces within the next 10 years and management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the site by the applicant.

Reason: to ensure that new facilities are capable of being managed and maintained to an acceptable standard which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport.

Prior to commencement of the use details of the design and layout of the MUGA, which shall comply with Sport England Design Guidance Notes and include consideration of 'Access for Disabled People 2002', shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The proposed facilities shall be constructed in accordance with the approved design and layout details and shall be suitable for disabled persons.

Reason: to ensure the development is fit for purpose, subject to high quality design standards and sustainable.

REMARKS

Key considerations

- Whether the planning merits of the proposed development outweigh the loss of open space and the sequential test
- Whether the parking and access arrangements would result in illegal parking and harm to highway safety

This application follows the withdrawal of an earlier application (10/0769) at the advice of your planning officers. This application has been developed following further discussions in the intervening time period. These focussed on the following issues:

- The principle of co-locating these services here and that Executive endorsement was required for the proposal
- The activities and number of people who would attend them and how they would attend them (in terms of transportation)
- The design of the building

1. Principle

Does the proposed development constitute a departure from the development plan?

The proposed development is on playing fields that are owned by Kingsbury High School and used by Stag Lane Pupil Referral Unit, although the land is fenced and not capable of providing formal pitches. The proposed development is a mixed use comprising a community use (Use Class D1) in the Intergenerational Centre and a supporting office use (Use Class B1).

The proposed development could be judged to not comply with the development plan on two in-principle issues relating to:

- (a) development of open space and playing fields; and
- (b) location of uses which are subject to the sequential test, which directs such uses to town or district centres.

The borough's development plan in this instance consists of the Unitary Development Plan (adopted 2004) and the Core Strategy of the Local Development Framework (adopted 12 July 2010).

In terms of point (a), the impact of the loss of open space could be considered contrary to the development plan in terms of the visual impact while the loss of the playing fields could contribute to the general deficiency in such space across the borough and be contrary to central government guidance.

In terms of point (b), the impact of locating small-scale community facilities and office uses, both of which are normally considered better suited to town centre locations, in a more marginal location is contrary to the development plan which encourages non-car modes of transportation; thus such uses should be located where they are more easily accessible by public transport. There are also matters concerning sustainable development and climate change mitigation related to this.

Development of open space

The policy framework has changed since the previous application was made, with Unitary Development Plan (UDP 2004) policy OS8 *Protection of Sports Grounds* now supported by Core Strategy (CS 2010) policy CP18 *Protection and Enhancement of Open Space, Sports & Biodiversity*. This policy protects all open space from inappropriate development. It also promotes enhancements to open space, sports and biodiversity, particularly in areas of deficiency and where additional pressure on open space will be created.

In this case the following reasons mean the application is judged to not be a departure from the Core Strategy. In terms of policy CP18, the application site does not form part of an existing sports pitch, nor could it form part of one in the future. It is not strictly part of the Kingsbury High School playing fields as it is fenced off and provides a small area for play for the Pupil Referral Unit. To compensate for the loss of open space and playing fields, the proposed development is judged to provide (a) a better quality play space in the form of the MUGA; (b) a high quality civic building which will be a positive asset to the streetscene; and (c) high quality landscaping. Sport England were consulted as part of this application and raise no objection, subject to conditions, on the basis

of the above (see also *Consultation* section of this report).

This assessment is also in line with parts 2 and 3 of the exception process set out in Planning Policy Guidance Note No. 17: Planning for Open space, Sport and Recreation, which states that planning permission for such development on open space should not be allowed unless:

1. the proposed development is ancillary to the use of the site as a playing field (eg new changing rooms) and does not adversely affect the quantity or quality of pitches and their use;
2. the proposed development only affects land which is incapable of forming a playing pitch (or part of one);
3. the playing fields that would be lost as a result of the proposed development would be replaced by a playing field or fields of equivalent or better quantity and quality and in a suitable location; or
4. the proposed development is for an outdoor or indoor sports facility of sufficient benefit to the development of sport to outweigh the loss of the playing field.

Further details of the MUGA will be controlled via condition and hours of operation will be imposed to ensure its use does not cause undue harm to neighbouring residential amenity. No floodlighting is proposed so its use will be naturally limited when daylight ends; a restrictive condition will be imposed to ensure no floodlighting is erected without planning approval.

Public transport accessibility

In terms of policy background, new development for office uses is now subject to policies CP16 and CP20 of the Core Strategy. Policy CP20 directs B1 developments to sites in or adjoining town or district centres, subject to the sequential approach (policy CP16). It is arguable that the office function is ancillary to the primary function of the building, which is to provide services and activities for children, young people and families in the local area. Therefore less weight is given to this policy objective.

CP23 *Protection of Existing and Provision of New Community and Cultural Facilities*, which encourages new accessible community and cultural facilities and protects existing facilities and sets a standard for the provision of new community facilities, has also been adopted. The explanatory text states that “it is prudent to secure community and cultural facilities that can have a combined or multi-functional role.” (Core Strategy, para 5.97: p73). It specifically mentions Children’s Centres as such a facility.

Policy CF2 of the UDP states that small scale community facilities should be located in or adjoining town or local centres but does allow for facilities serving local catchments to be located elsewhere in residential areas subject to residential amenity being maintained. Policy CF10 states that development will only be permitted on school grounds if it complements the educational functions of the school; the proposed development falls into this category as confirmed by Kingsbury High School (see Design and Access Statement, page 22). Policy CP23 identifies co-location as a prudent approach when developing new community facilities. As the office function is an integral part of the Intergenerational Centre, less weight is given to policies CP16 and CP20 and more given to CP23 and CF2. Your officers judge that the merits of co-locating these services on this location both in terms of the synergies derived and proximity to the client-base demonstrated in the supporting information outweigh the arguments in favour of a town centre location. This draws on information elsewhere in the *Remarks* section, below.

Site Options Appraisal and Site Selection

To ensure clarity for members of the Planning committee, the following is a summary of the key elements of the report to the Executive committee of what work was undertaken to identify this site

as the most suitable for the proposed development.

Sites were identified in the Kingsbury area as part of a workshop on Phase 3 Children's Centres with a range of Council and external partners. It was necessary for sites to be situated within the catchment area for the Sure Start Children's Centre, which had been drawn up in line with government guidance on (1) average numbers of children per centre; (2) that centres should be within walking distance of local families' homes; and (3) that the whole of the borough should be covered by a catchment area from one of twenty children's centres. 940 children under 5 years old live in the Kingsbury Children's Centre catchment area (based on July 2009 data).

Potential properties and land were identified for development and/or partnership working within the children's centre catchment area:

- Eton Grove (site of former nursery on Eton Grove Open Space)
- Grove Park Kindergarten
- Grove Park and Hay Lane Special Schools
- Roe Green Infant School
- Roe Green Junior School
- 3 options within Kingsbury High School building and grounds

The two most feasible sites (Eton Grove and Kingsbury High) were visited and assessed for feasibility by a consultant team as well as officers from Property and Asset Management and the Children & Families Department. These two options were presented to the Executive in January 2009 with Kingsbury High School as the recommended site option (this was approved). The first of the two sites identified by Kingsbury High School as available was situated on Bacon Lane and the second, the proposed site, on Stag Lane. The location of this preferred site (Stag Lane) was made in consultation with all stakeholders in the project, including those responsible for the co-location and EILT project. The choice of site and nature of proposal was discussed with the Planning Service in June 2009; the North team area manager provided feedback and in-principle support for the proposal at that time.

Co-location of services, benefits of locating on Stag Lane

Children & Families report in the Design & Access Statement that the co-location of the Sure Start Children's Centre with social care locality teams will enable a prompt and co-ordinated response to families, particularly when their levels of need change. The benefits of co-location include:

- Additional needs of children and young people will be identified and addressed at the earliest stage;
- Services will be locally accessible for families: one centre can provide support from a range of professionals;
- Early intervention services for children and young people (0-19) and families will be delivered in a more integrated and well co-ordinated way;
- Speedy access to specialist services to those who need it;
- Locating the EIL teams within a range of services providing integrated universal support for all children and young people (Early Years & Extended Services) will enable a consistent integrated approach, and add impact to the range of provision for children with additional needs.
- The teams will contribute to the local ambition to improve outcomes and to better safeguard and actively promote the wellbeing of Brent's children and young people.

The capital funding for providing accommodation for the EILT is provided on the basis of co-location with another relevant service. The following text is taken from the Executive committee report prepared by the Children & Families department:

“It is a condition of the grant funding that the service provided is co-located with another complementary service in order to join up provision for families, particularly those most in need... The Council is therefore joining up three funding streams in order to provide better and more cost effective infrastructural assets and enhanced services that can be delivered to local people cost effectively.” (23 June 2010, para 3.2)

In addition to this, both the school and adjacent PRU will use some of the centre facilities, particularly the hall. The PRU does not currently have an indoor hall space and the proposed development would be able to provide timetabled use of those facilities to support the educational and extra-curricular experience for those students, in addition to the improved outdoor play facilities.

Summary of principle

The proposal was reported to the Executive committee on 23 June 2010. The Executive committee approved in principle the development of the Kingsbury Intergenerational Children’s Centre on the site. Your planning officers have therefore given weight to that approval on the basis that the report to Executive sets out the above planning implications of the proposed development and also the aims and objectives the proposal and the history of the site selection.

On the basis of the evidence submitted and the policy background, your officers conclude that there are benefits to be derived from co-locating these services and these outweigh the policy objective to locate such services in or on the edge of town centres. This does not mean, however, that concerns about transportation and overspill parking are dismissed. Those issues are discussed separately, below.

2. Transportation

This section of the report has been prepared following the detailed consultation response from the Director of Transportation.

Overspill parking

Services and activities

The application has attracted objections from some local residents on the grounds of overspill parking causing disruption in the area. To properly assess the likely impact it is necessary to understand how many people will attend the site and what means of transport they are likely to use (the modal split).

The applicants have provided information regarding the means by which staff and visitors access existing Children’s Centres and separately, where possible, Early Intervention Locality Teams.

Four phase 2 children’s centres, all on school sites and with similar sized accommodation to the accommodation provided within the Kingsbury Intergenerational Children’s Centre, were asked to provide attendance figures for all user groups for all sessions throughout the week and their modes of transport in February 2010. Their catchment areas are comparable but these are standalone centres, without the Extended Services programme or the Early Intervention Locality Team.

This data has been collated by the applicant and is shown below. The tables show the average number of attendees in the morning and afternoon slots and the maximum numbers by visitor type and the modal split for all visitors.

	Staff	Service Providers	Parents	Children	Total
Average AM	5.7	4.1	15	16	40.9
Average PM	4.8	2.2	10.2	11.8	29.1
Peak	8	6	25	26	64

Table 2 – Average of four existing centre visitors by AM/PM and by peak

	Walk	Public Transport	Car	No. of Cars
How staff access	12%	36%	52%	4
How service providers access	2%	53%	45%	3
How parents access	69%	14%	18%	

Table 3 – Modal split of four existing centre visitors

At the proposed site there will be a total of up to 28 full time equivalent members of staff; some of these will go out of the building during the day for visits and meetings. This compares with the average number of staff at the above Children’s Centres, which is eight. In addition up to ten service providers could be in the centre at any one time to offer particular services or activities. This compares with six service providers at existing Children’s Centres.

The full- and part-time staff at the proposed site would be 20 and 4 more the existing Children’s Centres. It is this increase in staff numbers which raises the most concerns about parking in the area, as evidenced by the modal split in table 2. On the basis that the modal split would be similar, up to 13 of those staff would seek to access the site by vehicle.

Drawing on the above data and that provided by the applicant about likely maximum attendance as set out in table 1, in the *Proposal* section, above, it is possible to extrapolate an estimate of the likely average attendance for the morning and afternoon sessions and the likely numbers of cars which will be used to access the centre. This is shown in table 4, below. With any extrapolated data care should be taken to ensure that limitations of the original data set are not masked and these figures should therefore be used only as a guide and give only an indication of likely outcomes, not a firm prediction. In this case the four existing centres may have different access to public transport and the staff provide different services.

Visitor group	Average AM		Average PM		Maximum	
	Likely total	Likely to access by car	Likely total	Likely to access by car	Likely total	Likely to access by car
Staff	20	10	17	9	28	15
Service Providers	7	3	4	2	10	5

Children (0-5 years)	18	-	14	-	30	-
Children and young people (5-19 years old)	-	-	-	-	30	-
Adult visitors accessing services (e.g. parents, childminders)	38	7	26	5	64	12
Total	86	20	61	15	134	31

Table 4: attendance/car usage by average AM & PM and by maximum peak

At peak times it is likely that up to 15 staff, 5 service providers and 12 parents will attend by car, a total of 31. The average for morning and afternoon sessions is less, with a total of 20 cars in the morning and 15 in the afternoon. This is based on the modal split in table 2.

The parking allowance for the Children Centre is given in standard PS12 and is 1 space per 5 workers, with an allowance of a further 20% for visitors. For the maximum full-time staff of 28, the maximum parking allowance will be 5 spaces plus 1 space for visitors. The proposed provision of three new allocated spaces close to the building will therefore comply with standards, however an argument can be formed that the parking provision should be provided at the maximum level as the facility is not located in a town centre location.

The 3 dedicated parking bays are generally sufficient to serve the Children's Centre element of the development, as experience has shown at the other Children's Centre sites. On-street parking is limited as Stag Lane is a distributor road and some surrounding roads, particular those closest to the site in Roe Green village, are already heavily parked. Your officers therefore share the concerns of the local residents and the Roe Green Village Resident's Association about overspill parking however it is considered that this matter can be adequately dealt with by a Travel Plan (see discussion below).

The site of the Children Centre has low access to the public transport with PTAL Level 2 but Stag Lane is on route bus routes 302. There is also close access to the bus routes 183, 204 and 305 on Kingsbury Road, Roe Green and Princes Avenue.

Pedestrian and cycle access

As observed in the survey of other such centres in the Borough, parents and carers most commonly visit the centre walking or by using public transport. However where the people walk for longer periods due to the low access to the public transport, cycling to the centre provides a good alternative. This mode of transport should be encouraged.

The cycle parking requirement for the centre is for 1 space per 10 staff. At least three spaces are therefore required. For parents, carers and visitors, an additional 3 spaces should be provided, giving a total of 6 spaces to be provided.

Cycle parking has been provided close to the main entrance to the school and it is recommended that six spaces be provided in this area, with details of the type of provision to be approved by condition. Provision is typically by 'Sheffield' type stands (each of which provides two spaces) and in that case, three stands should be provided.

Travel plan

A detailed travel and management plan will be required to ensure that the services and activities are scheduled to minimise peak times when many staff would be present at one time. In addition it

will need to ensure staff and visitors are directed to non-car modes of transport and alternatives are provided (e.g. cycling).

A draft travel plan is included in the Design & Access Statement, along with a draft management plan setting out what activities are to be held when. The above survey of existing Children's Centres and Early Intervention Locality teams has informed this, but the proposed development is larger than any thus far completed and so it will be necessary to prepare a bespoke travel plan once the site is in use.

Your officers propose, therefore, that a condition be imposed which follows the timings set out in the draft travel plan in the design and access statement and requires a detailed travel plan to be submitted within three months of the commencement of the use. This should result in a more accurate travel plan which can be tailored to the reality of the patterns of use for the centre.

Section 4 of the Design & Access Statement includes information on the proposed Travel Plan for the Centre. The 5 year plan for the centre will be prepared within three months of occupation of the building, with the site survey and staff survey being done each year. The survey should be compatible with TRAVL /i -TRACE database system. There will be snapshot surveys in years 2 and 4 with a full survey done in years 1, 3 and 5. Result of these surveys will be used to enhance the access to the centre by Public Transport.

The Travel Plan will meet most of the requirements within the ATTrBuTE assessment, but does not include any targets at this time. As such, it is not yet of a sufficient standard to be signed off and will need to be further developed and approved as a condition of any approval.

Staff parking is likely to be the most problematic aspect of the proposal, but can be addressed through a Travel Plan, which can offer incentives to use alternative modes of transport. As such, a strict target of 20% car driver modal share should be set for staff, to be monitored by through the Travel Plan process. This would reduce peak staff parking to 6 spaces and 4 in the morning and 3 in the afternoon on average. There is also the potential to make existing car parking spaces within Kingsbury High School available for staff, particularly at evenings and weekends, when alternative public transport options are more restricted.

There should be full travel information available at the centre, which should include pedestrian and cycle access details from the catchment area; there should be Bike User Group (BUG) to promote cycle use for the staff, carers and visitors. There should be IT facilities to provide information on lift sharing for parents and visitors. There should also be information on infrastructure close to the centre which will describe footpaths, walkways, cycleway etc.

In view of the above considerations for the parking, access and provision for a Travel Plan for the centre and the requirements as compared to other such sites in the borough, the application can be supported on the transportation grounds. Conditions are attached to secure the Travel Plan requirements.

In the event that significant overspill parking arises and it cannot be managed effectively by the travel plan, the option does exist to use part of the car park serving the Kingsbury Resource Centre and Pupil Referral Unit. There are 15 spaces. Of these, 6 were taken up at the time of Transportation officers visited (4.00pm on 22/04/2010). The Council owns the freehold to the car park in front of the former library and the application redline includes this part of the site in the application. At present all car park spaces have been allocated but spaces could be released as part of the travel plan, provided it would not adversely affect the current usage of the car park, service delivery and the risk level associated to users/clients of the current facilities.

Failing that it may be necessary to investigate other options; these could potentially involve using

the Kingsbury High School car park.

Servicing

Access to and from the site for emergency service vehicles will be maintained at all times using the existing emergency routes used by the school.

Deliveries will be during normal working hours and will be scheduled to avoid busy times; vehicles will use the existing school entrance. Refuse, recycling and clinical waste collections will be via the existing school vehicle entrance in line with existing school collections.

3. Design

Comments have been provided by the planning service's design officer. In summary your officers believe the proposed development offers a high quality building that will sit comfortably alongside the locally listed Library. The plan form and sensitive proportions allow the building to have an unashamedly contemporary but contextually comfortable role in the local suburban context.

Overall, the building now benefits from a well proportioned plan form that is logically placed within the site and has a comfortable relationship with the public and private spaces adjacent with new high quality public space formed at the front of the building. This helps to make the building welcoming and gives visual interest as one passes along Stag Lane without an overwhelming built form.

The principle of the materials which have been submitted is acceptable, although some of the specifics such as the brick type and cladding colours require further consideration. It is hoped that these can be reported to the committee by means of a supplementary report. In addition the Location of the buggy store is still not completely rationalised; it is in a very significant position within the landscape frontage dominating the entrance to the site. The need for its accessibility is appreciated but a less central location may be more complimentary to the overall design and welcoming nature of the building. Your officers are working with the applicants to resolve this and hope to present this in the supplementary report, although it may be necessary to obtain further details by condition.

In conclusion, the design of the scheme is considered to be in the best traditions of good civic architecture, employing a contemporary design which provides an interesting and welcoming building.

Landscaping

As discussed above, this development constitutes a loss of open space and also trees and as such justifies a high quality landscape response in order to compensate for this loss.

The landscape officer has identified some lack of detail in the submitted information and this will be sought before the committee date and reported in a supplementary report for members; failing that, details will be controlled via condition.

In summary, the cycle rack and buggy store are rather prominent on the frontage and a more suitable location should be sought; alternatively they should be screened with ornamental shrub planting. More planting, including shrubs and a tree, is required along the frontage to soften the boundary.

Response to objector's comments

Traffic problems and overspill

This matter has been discussed above.

Public involvement

All three objections refer to the lack of consultation as a reason for not approving this application.

A public consultation event was held by the Children & Families prior to the application submitted in March. It is not a statutory requirement to carry out public consultation prior to an application being made and the planning service was not consulted about it. Approximately 700 local residents, including the Roe Green Village resident's association were invited to attend. According the application, approximately 12 people attended that event.

Statutory consultation was carried out for this application and the earlier application with local residents and ward councillors informed by letter and the standard 21 days has been observed. A site notice was also posted for each application; another six days is left to run on the consultation period for the site notice and any more representations will be reported to members by means of a supplementary report.

Your officers believe the consultation has been carried out in accordance with the statutory requirements and with Council best-practice.

Concentration of community uses

In terms of a concentration of community uses, it is true that in the vicinity there are a number of community facilities. This includes the Kingsbury High School, on which the site is located, and the Stag Lane clinic and Hay Lane and Grove Park Schools on the opposite side of Stag Lane. Your officers are of the view that this is an appropriate location where community uses are a dominant land use, with residential uses located to the north-west and south-east.

Funding could be used elsewhere

Regrettably, central government funding for Children's Centres and the funding gained for the co-location of facilities cannot be diverted to other social infrastructure projects. The funds could not, therefore, be used for the Stag Lane clinic.

Poor design

This matter has been discussed above.

Conclusion

The proposed development provides clear planning merits in the form of co-located services for children, young people and their families. It replaces an area of informal play with a formal MUGA which will provide sports facilities for the PRU and for the wider community. The loss of the open space is off-set by a combination of that improvement in sports facilities and by the quality of the proposed building, although further work is required in terms of landscaping.

It is clear that the scheme is not in full accordance with the objectives of the development plan in terms of proximity to public transport and it will be necessary to control access to the site to prevent overspill parking from causing harm to neighbouring residential side-streets. Measures can be taken to minimise overspill parking to acceptable levels by implementing a travel plan and by reviewing the allocation of parking spaces by the site.

When considered on balance, the merits of the scheme are judged to outweigh the potential harm from overspill parking.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Brent Core Strategy 2010
Central Government Guidance
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
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
Community Facilities: in terms of meeting the demand for community services

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):

223302-A-001 Rev 01; 223302-A-011 Rev 07; 223302-A-110 Rev 02; 223302-A-120 Rev 02; 223302-A-130 Rev 02; 223302-A-210 Rev 02; 223302-A-211 Rev 02; 223302-A-310 Rev 03; 223302-A-311 Rev 03; 223302-A-312 Rev 01; 223302-A-510 Rev 01; PJC/928/10

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

- (3) Activities within the building shall only be permitted between 0800-2100 hours Mondays to Saturdays and 1000-1700 hours Sundays and Bank Holidays, with the premises cleared within 30 minutes after these times.

Use of the MUGA shall only be permitted between 0800-2000 hours Mondays to Fridays and 0900-1800 hours Saturdays and 1000-1700 Sundays and Bank Holidays.

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

- (4) The offices hereby approved shall be used only in conjunction with and ancillary to the main approved use as an Intergeneration Centre (use class D1) and for no other purpose.

Reason: To ensure that no separate use commences without the prior approval of the Local Planning Authority and to ensure that any subsequent use complies with the Council's adopted policies for the area.

- (5) The premises shall be used only for the purpose of an Intergenerational Centre and for no other purpose (including any other purpose in Use Class D1 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.

- (6) No music, public address system or any other amplified sound shall be installed on the site which is audible at any boundary outside the curtilage of the premises.

Reason: To safeguard the amenities of the adjoining occupiers.

- (7) No floodlighting will be provided to the MUGA without prior approval of the Local Planning Authority.

Reason: In the interests of nearby residential amenity and to ensure local residents can be consulted on any proposals.

- (8) Details of materials for all external work such as walls, windows, doors, roof, 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.

- (9) All areas shown on the plan(s) and such other areas as may be shown on the approved plan(s) shall be suitably landscaped in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority prior to commencement of any construction work on the site. Such landscape works shall be completed prior to occupation of building(s) hereby approved and the approved landscape management plan shall be fully implemented.

Such details shall include:-

- (i) Existing contours and levels and any alteration of the ground levels, such as grading, cut and fill, earth mounding and ground modelling.
- (ii) Hard surfaces including details of materials and finishes. These should have a permeable construction.
- (iii) The location of, details of materials and finishes of, all proposed play equipment and other features in the rear garden.
- (iv) Proposed and existing boundary treatments including walls and fencing, indicating materials and heights.

- (v) All planting including location, species, size, density and number.
- (vi) Details of the proposed green roof
- (vii) A tree Root Protection Area Plan showing trees to be removed/retained
- (viii) The location of, details of materials and finishes of the proposed buggy store and cycle store
- (ix) A detailed (min 5 year) landscape management plan showing requirements for the ongoing maintenance of hard and soft landscape.
- (x) Details of any external lighting including building mounted lighting
- (xi) Details of means of enclosure to the site boundaries and internally

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.

- (10) Details of arrangements for the storage and disposal of refuse and recyclable materials, and vehicle access thereto, within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site. The approved arrangements shall be implemented in full prior to first occupation of the development and 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.

- (11) Details of the provision of a minimum of six 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.

- (12) Prior to occupation or use of any part of the development, submit a five year Travel Plan to be approved in writing by the Local Planning Authority and the development thereafter shall only be used or occupied in compliance with the plans so approved unless amended with the agreement of the Local Planning Authority in writing. This travel plan shall be informed by a review of transport modal splits to ensure unacceptable overspill parking is minimised.

Reason: To ensure that a satisfactory management of the parking and to ensure that the proposed development does not prejudice the enjoyment of the neighbouring occupiers in the area

- (13) The Travel Plan shall set out objectives to encourage staff and persons visiting the site to use alternative forms of transport to the private motor car and to address the

detailed traffic and parking implications the usage of the development creates. The travel plan shall include details of the matters listed below which directly link to the usage/occupation of the development. The plan shall also set out and include details of specific targets for the various objectives, the arrangements for monitoring and implementation of the objectives the responsibility of which rest with the developer/occupiers. The plan shall also include details of a system for reporting the monitoring information to the Local Planning Authority for reviewing/comment and approval:

- (i) Within 3 months of occupation, the Travel Plan shall be audited, with a site and staff ITrace- compliant survey and these details shall be submitted to the Local Planning Authority and approved in writing and associated measures required by the Local Planning Authority shall be implemented unless otherwise agreed in writing by the Local Planning Authority;
- (ii) Following the 3 month audit, make suitable arrangements for the reallocation of car parking spaces in the Resource Centre car park to reflect the transport modal split if necessary;
- (iii) A review of the Travel Plan measures over the first 12 months of operation shall be submitted to the Local Planning Authority within 15 months of the commencement of the use and the review shall be approved in writing within 18 months and associated measures required by the Local Planning Authority shall be implemented unless otherwise agreed in writing by the Local Planning Authority;
- (iv) A review of the Travel Plan measures over the first 3 years of operation shall be submitted to the Local Planning Authority within 36 months of the commencement of the use and the review shall be approved in writing within 39 months and associated measures required by the Local Planning Authority shall be implemented unless otherwise agreed in writing by the Local Planning Authority;
- (v) A review of the Travel Plan measures over the first 5 years of operation shall be submitted to the Local Planning Authority within 60 months of the commencement of the use and the review shall be approved in writing within 63 months and associated measures required by the Local Planning Authority shall be implemented unless otherwise agreed in writing by the Local Planning Authority;
- (vi) Measures to encourage the use of public transport facilities, car sharing and cycling including a Bike User Group

Reason: To ensure that the usage/occupation of the development is in accordance with the travel plan controlled by other conditions of this consent, to promote sustainable transport measures and to protect the residential amenity and highway safety of the local area.

- (14) The development or any part of it shall not be used or occupied until an Intergenerational Centre Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Intergeneration Centre Management Plan shall include the following details:

- (i) a full schedule of the daily/weekly activities of the centre;
- (ii) anticipated number of staff/service providers and visitors for the above activities
- (iii) hours of use of the centre;
- (iv) hours of use of the MUGA and a plan for community access;

The development thereafter shall only be used or occupied in compliance with the plans so approved unless amended with the agreement of the Local Planning

Authority in writing.

Reason: To ensure that a satisfactory management of the premises and in order to safeguard local residential amenities

- (15) (a) Prior to commencement of works, a Sustainability Strategy and Energy Strategy with a completed Sustainability Checklist (Form TP6) shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:
- (i) energy demand reduction and off-site renewable electricity supply;
 - (ii) water demand reduction;
 - (iii) use of sustainable materials in landscaping;
 - (iv) provision of waste-recycling facilities.

The agreed Strategies shall be implemented in full and maintained for the life of the Intergenerational Centre.

- (b) Within 3 months of occupation, a post-construction review shall be submitted, showing that a BREEAM "Very Good" rating has been achieved and BREEAM "Excellent" for energy credits

Reason: In the interests of environmentally sustainable development.

- (16) Prior to bringing into use of the proposed development a management and maintenance scheme for a period of 24 years to include measures to ensure the replacement of all artificial surfaces within the next 10 years and management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the site by the applicant.

Reason: to ensure that new facilities are capable of being managed and maintained to an acceptable standard which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport.

- (17) Prior to commencement of the use details of the design and layout of the MUGA, which shall comply with Sport England Design Guidance Notes and include consideration of 'Access for Disabled People 2002', shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The proposed facilities shall be constructed in accordance with the approved design and layout details and shall be suitable for disabled persons.

Reason: to ensure the development is fit for purpose, subject to high quality design standards and sustainable.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Report to Executive dated 23 June 2010. This report can be accessed here:

<http://democracy.brent.gov.uk/mgConvert2PDF.aspx?ID=2419>

Any person wishing to inspect the above papers should contact Angus Saunders, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5017



Planning Committee Map

Site address: Kingsbury High School Annexe, Bacon Lane, London, NW9 9AT

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**Committee Report
Planning Committee on 18 August,
2010**

Item No. 2/01
Case No. 10/1638

RECEIVED: 23 July, 2010

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 25 Rowdon Avenue, London, NW10 2AJ

PROPOSAL: Erection of rear single and two storey extensions and a loft conversion incorporating rooflights to front and both sides of the roof

APPLICANT: Mr Shoaib Seedat

CONTACT: JAC Associates

PLAN NO'S:
See condition 2.

RECOMMENDATION

Approval.

EXISTING

The subject site is a two storey detached dwelling-house located on Rowdon Avenue. The surrounding area is predominantly residential with similar detached type dwellings. The subject site is not located in a conservation area but is within an Area of Distinctive Residential Character.

PROPOSAL

Erection of rear single and two storey extensions and a loft conversion incorporating rooflights to front and both sides of the roof.

HISTORY

Planning permission reference 10/0035, was granted for a 'Two-storey rear extension, single-storey side extension and 1 rooflight to each roofslope of dwelling-house'. However, as a result of inconsistencies with the plans and in particular errors in the way the relationship between neighbouring properties was shown, the planning permission is unimplementable. This current planning application is now based on correct information and seeks to rectify the issues that were identified in the previous approval and has been designed in accordance with design guidance SPG5 and information from officers.

- 04/2815: Full Planning Permission, Granted November 2004 - demolition of rear storage area, conversion of garage into habitable room and erection of two storey side extension to dwelling-house.

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

BE2	Townscape: Local context and character
BE9	Architectural quality
BE29	Area of Distinctive Residential Character

Supplementary Planning Guidance 5 'Altering and Extending Your Home'

SUSTAINABILITY ASSESSMENT

Not applicable.

CONSULTATION

Public

Consultation letters dated 12th July 2010 were sent to seven neighbouring occupiers/owners. Two letters of objection were received, the following issues were raised:

- The two storey rear extension is too deep, there are errors in the proposed plans indicating habitable windows;
- The single storey rear extension is too deep, high and wide;
- The rooflight at the front elevation is not acceptable;
- The rear and side extension would ruin the garden and aspect, taking daylight from the neighbouring occupiers.

In addition, neighbours have sought confirmation that the windows proposed in the side flank wall will be obscurely glazed.

Officers revisited the subject site and neighbouring property Number 23 Rowdon Avenue to confirm the location of habitable room windows. As a result, it is confirmed that the depth and siting of the two storey rear extension complies with the 2:1 rule required by adopted design guidance SPG5.

Ward Councillor Shaw has objected to the proposals, by reason of the depth of the proposed single storey and two storey rear extensions.

The additional issues raised above have been noted and will be discussed in detail below.

REMARKS

The subject site is a two storey detached dwelling-house located on Rowdon Avenue. The applicant has proposed a single storey and two storey rear extension, single storey side extension, alterations to the roofplane and one front and two side rooflights to the dwelling-house. The site as existing has a two storey side extension which features a shallow pitched roof to the rear of the dwelling-house.

The subject site does not share the same rear building line as neighbouring properties and as such this needs to be taken into account in ensuring that the proposed extensions are designed to ensure that neighbouring amenity is not affected.

Single storey rear extension

Generally single storey rear extensions to detached properties can project 3.5m from the main rear wall of the dwelling-house in accordance with SPG5. For clarity, permitted development allows 4.0m from the main rear wall. The proposed single storey rear extension is 2.5m in depth from the main rear wall of the dwelling-house, which measures 3.3m from the rear building line of Number 23 Rowdon Avenue, which therefore complies with design guidance SPG5.

The proposed single storey rear extension is wider than the existing house, sited 0.75m from the neighbouring boundary at Number 23. The extension features a pitched glazed roof measuring 2.85m at mid point of the pitch, which is acceptable with design guidance SPG5 and should increase the proportion of natural daylighting into the extended dwelling-house.

Although, the proposed single storey rear extension is wider than the existing dwelling-house, the proposed height and depth of the extension should not be detrimental to neighbouring amenity.

Single storey side extension

There are existing temporary structures located to the side passage of the dwelling-house adjacent to Number 27 Rowdon Avenue. The applicant has proposed to remove the temporary structures and erect a single storey side extension which is set back 1.2m from the main front wall of the dwelling-house. The proposed extension is 11.4m in depth which connects to the ground floor of the two storey rear extension and features a flat roof 2.9m in height.

The proposed side extension projects 2.5m to the rear of the dwelling-house which is 1.4m from the rear building line of Number 27 Rowdon Avenue and therefore should not be detrimental to neighbouring amenity. In consideration that there is an existing side entrance door to the side passage, the proposed extension should not harm the character and appearance of the existing street-scene.

Two storey rear extension

The proposed two storey rear extensions are stepped to comply with the 2:1 rule contained within SPG5. Design guidance states that the extension should not project further than half the distance between the centre of the nearest neighbouring habitable room window and the side flank wall of the proposed extension.

The proposed extension sited centrally within the existing dwelling-house projects 3.3m from the rear building line of Number 23 Rowdon Avenue, which is half the distance between the neighbours nearest habitable window and the side flank wall of the extension. The proposed two storey rear extension is sited 4.7m from the side (shared) boundary of Number 23 and therefore reduces negative impacts of poor outlook and daylighting. The secondary projection, sited near the side boundary of Number 27 Rowdon Avenue, extends 3.5m from the rear wall of the existing two storey side extension. This is less than half the distance permitted with the 2:1 rule however, a larger two storey extension would not be considered acceptable in terms of its bulk and scale and therefore this element has been reduced.

It should be noted that the proposed two storey rear extensions are large in size and scale, adding significant bulk to the original dwelling-house which will be viewed from neighbouring occupiers. However, in consideration that the proposed extensions are set away from the boundary of the most affected neighbour by 4.7m, at Number 23 Rowdon Avenue, and that it complies with SPG5 when measured from the centre of the nearest habitable room window, the proposal is considered acceptable, on balance.

The proposal includes the addition of a raised crown roof above the existing two storey side extension. The raised roofplane would serve to enhance the appearance of the existing side extension by providing some uniformity to the extended dwelling-house and therefore considered acceptable with SPG5 and policy BE9 of the UDP 2004.

Rooflights

One rooflight is proposed in the upper portion of the front roofplane, dimensions 0.8m x 1.0m, and one rooflight is proposed on both side roofplanes, dimensions 1.2m x 0.8m. The proposed rooflights are not deemed excessive and should not detract from the character and appearance of the dwelling-house or locality, in accordance with BE9 & BE29 of the UDP 2004.

Summary

In summary the proposed extensions are considered acceptable, on balance, providing that side windows are obscurely glazed the proposals should not be detrimental to neighbouring amenity, in accordance with policy BE9 of the UDP 2004 and SPG5.

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

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):

RowdonAve-25-01; RowdonAve-25-02; RowdonAve-25-03; RowdonAve-25-05;
RowdonAve-25-06; RowdonAve-25-07; RowdonAve-25-08.

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 windows in the side walls 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 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.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

- Brent Unitary Development Plan 2004
- Supplementary Planning Guidance 5
- One Councillor objection
- One resident objection

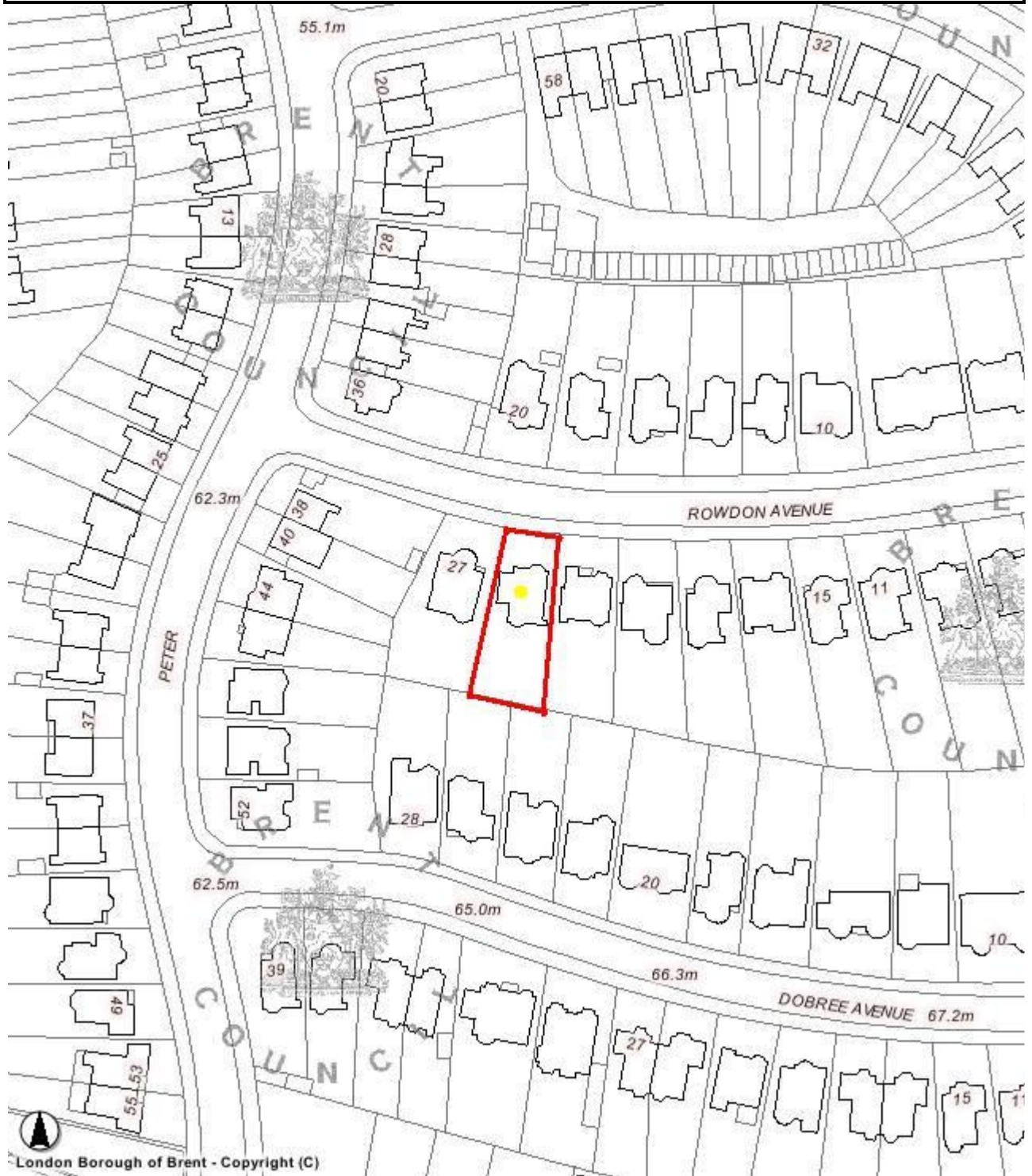
Any person wishing to inspect the above papers should contact Nicola Butterfield, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5239



Planning Committee Map

Site address: 25 Rowdon Avenue, London, NW10 2AJ

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**Committee Report
Planning Committee on 18 August,
2010**

Item No. 2/02
Case No. 10/1386

RECEIVED: 3 June, 2010

WARD: Kensal Green

PLANNING AREA: Harlesden Consultative Forum

LOCATION: 158 Doyle Gardens, London, NW10 3SS

PROPOSAL: Demolition of existing rear extension and erection of new single storey rear extension, single-storey side extension and installation of balustrade at first floor level

APPLICANT: Ms Stella Papadakis

CONTACT:

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval

EXISTING

The subject site, located on the southern side of Doyle Gardens, is occupied by a two-storey semi-detached dwellinghouse. The surrounding area is predominantly characterised by suburban residential development with the exception of the Capital City Academy which is located on the opposite side of Doyle Gardens. The property is not listed nor is it within a designated Conservation Area.

PROPOSAL

Demolition of existing rear extension and erection of new single storey rear extension, single-storey side extension and installation of balustrade at first floor level

HISTORY

There is no planning history on the site.

POLICY CONSIDERATIONS

London Borough of Brent Unitary Development Plan 2004

The following policies are considered most relevant to the determination of the current application

BE2 Townscape: Local Context & Character

Supplementary Planning Guidance

Supplementary Planning Guidance 5:- Altering & Extending Your Home

SUSTAINABILITY ASSESSMENT

Not Applicable

CONSULTATION

Consultation letters, dated 15th June 2010, were sent to seven neighbouring owner/occupier. In response two letters of objection have been received. The concerns of the objectors relate to the increase in overlooking, and subsequent loss of privacy that would be caused by the proposed roof terrace.

On the advice of Officers, the applicant has amended the original proposals to omit the roof terrace and alter the general form of the proposed extensions. Further consultation letters, dated 26th July 2010, have been sent to the same seven neighbouring owner/occupiers informing them of the amendments to the scheme and offering an opportunity to provide further comments should they wish. No further representations have been received and Members will be updated at the Committee.

REMARKS

SINGLE-STOREY REAR EXTENSION

The original property has a single-storey projection which would have given the property a stepped rear building line. However, a single-storey extension has been added at the rear of the property, adjoining the side of the original single-storey projection, which gives the existing property a consistent rear building line. Due to the extension, the ground floor of the subject property currently projects approximately 3m beyond the rear of the adjoining property at 160 Doyle Gardens. On the opposite side, the property at 156 Doyle Gardens is detached from the subject property and has been extended at ground floor level to approximately match the depth of the original projection to the subject property.

The proposed development would involve the demolition of the existing single-storey rear extension and original single-storey projection and the erection of a new single-storey extension across the full width of the rear of the property. In terms of depth, the proposed single-storey rear extension would have a stepped rear building line to reflect the rear building line of the original property. Along the joint boundary with 160 Doyle Gardens, the proposed extension would have a depth of 3m, the same as the existing extension to be demolished and in compliance with the guidance contained in Supplementary Planning Guidance 5:- Altering & Extending Your Home (SPG5). On the opposite side of the site, the proposed extension would project 3m from the rear wall of the original projection to be demolished. This would result in the extension having an overall depth of approximately 6m from the main rear wall of the property, projecting approximately 3m beyond the rear of the adjacent property at 156 Doyle Gardens at ground floor level. Although the overall depth of the single-storey extension along this side would exceed the normal guidance, the extent of the projection beyond the rear of the neighbouring property at 156 Doyle Gardens would be in general compliance with the guidance contained in SPG5.

When the proposals were originally submitted they included the use of the proposed single-storey rear extension as a roof terrace and this formed the principal basis for the objections to the application. On the advice of Officers, the roof terrace no longer forms part of the current

application and it is recommended that any permission should be subject to a condition confirming that the roof of the proposed extension shall not be used as a terrace or any other form of sitting out area.

In terms of design, the single-storey rear extension would be rendered externally to match the rear of the existing property. The new windows to be installed to the side of the extension would be timber casements and to the rear aluminium patio doors would be installed. Overall, the choice of materials and elevational details are considered sympathetic to the character of the existing property.

Overall, the proposed single-storey rear extension would be in general compliance with the design principles set out in SPG5 and it is considered that the extension would have a reasonable impact on the amenity of adjoining occupiers and the character and appearance of the surrounding area.

SINGLE-STOREY SIDE EXTENSION

The proposal would involve the erection of a single-storey side extension to the property. The proposed side extension would be 1.8m in width, 5m in depth with a flat roof 3m in height. The proposed side extension would be set back by 250mm from the main front wall of the property. The extension would be finished externally with brickwork to match the front of the existing property and would have a well proportioned timber casement window facing onto the street.

The proposed extension would sit adjacent to the flank wall of 156 Doyle Gardens. There do not appear to be any sole habitable room windows on the flank elevation of 156 Doyle Gardens and therefore the impact of the proposed side extension the neighbouring property is considered acceptable.

Overall, the proposed side extension would be in compliance with the guidance contained in SPG5 and is considered acceptable in terms of character and appearance and impact on adjoining occupiers.

FIRST FLOOR BALUSTRADE

The proposal would involve the formation of a full height opening to the rear of the property at first floor level. This opening would be treated with timber french doors which would be enclosed by a balustrade to form a juliet balcony. The proposed balustrade would be installed across the proposed opening so as not to allow external access onto the roof of the proposed single-storey rear extension. As no external access is to be provided it is considered that the proposed development would not significantly increase existing levels of overlooking to the neighbouring properties. As indicated above, officers would be unlikely to support any proposal that allowed occupiers to use the roof as a sitting out area.

CONSIDERATION OF OBJECTIONS

As discussed above, the main concern of the objectors related to the use of the roof of the proposed single-storey rear extension as a terrace. The terrace has been removed from the proposal by the applicant thus addressing these concerns.

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 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 drawings:-

- A1.001 A
- A1.002 A
- A1.100 B
- A1.101 A
- A1.102 A
- A1.103 A
- A1.201 D
- A1.202 C
- A1.203 B
- A1.500 B
- A1.502 C
- A1.503 C
- A1.504 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) 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.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

London Borough of Brent Unitary Development Plan 2004
Supplementary Planning Guidance 5:- Altering & Extending Your Home
Two letters of objection

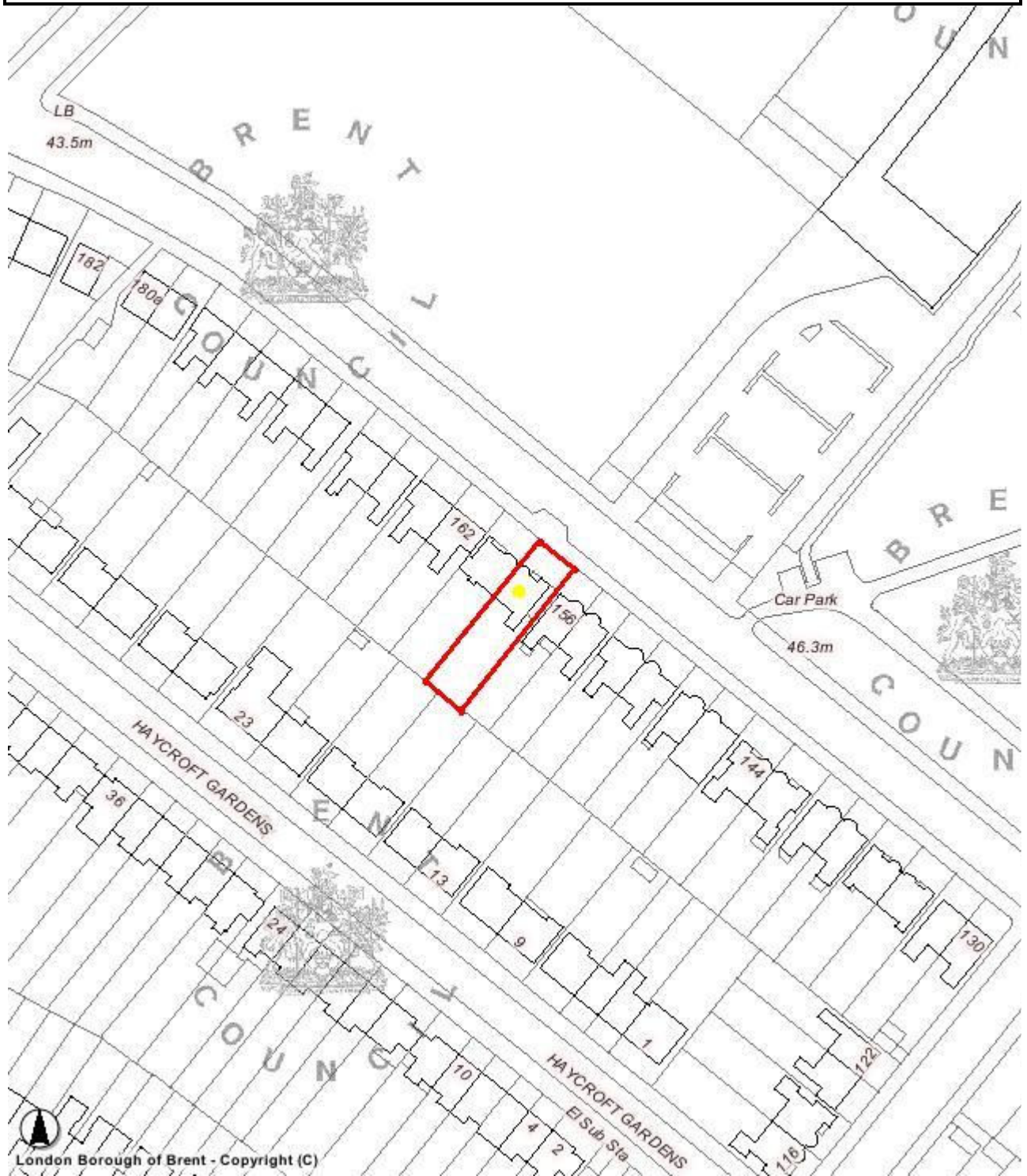
Any person wishing to inspect the above papers should contact Ben Martin, The Planning Service,
Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5231



Planning Committee Map

Site address: 158 Doyle Gardens, London, NW10 3SS

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**Committee Report
Planning Committee on 18 August,
2010**

Item No. 2/03
Case No. 10/1116

RECEIVED: 25 May, 2010

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 17 The Quadrant, Kilburn Lane, North Kensington, London, W10 4AL

PROPOSAL: Erection of single storey rear extension, replacement of existing shop front and conversion of ground floor to self-contained flat

APPLICANT: Ms Yvonne Gold

CONTACT: Vanos Architecture

PLAN NO'S:
See condition 2

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, index-linked from the date of Committee and due on Material Start to be used for the provision of education/training, sustainable transportation, open space and sports within 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 subject site lies at the northern end of an undesignated commercial parade along the north-western side of Kilburn Lane. To the north, the site adjoins a modern residential block of flats. The opposite side of the road, which is predominately occupied by two-storey terraced residential properties, forms part of the Queen's Park Estate Conservation Area which lies within the City of Westminster. The current application relates specifically to the ground floor shop unit which is currently vacant.

PROPOSAL

Erection of single storey rear extension, replacement of existing shop front and conversion of ground floor to self-contained flat

HISTORY

Planning permission (03/1314) was approved in July 2003 for the conversion of ground floor offices to a self contained one bedroom studio flat. The Council's Building Control records indicate the submission of an invalid application (RG/05/00879) in 2005 to commence works to convert the premises to a residential flat although the works do not appear to have been completed. A subsequent application (BR/09/03643) made in 2009 for works to refurbish the existing premises describes the existing use as retail.

POLICY CONSIDERATIONS

London Borough of Brent Unitary Development Plan 2004

The following policies are considered to be of most relevance to the determination of this application.

BE2	Townscape: Local Context & Character
BE9	Architectural Quality
SH18	Other Shopping Parades
H18	The Quality of Flat Conversions
H20	Flats Over and Adjoining Buildings in Shopping Centres
TRN23	Parking Standards - Residential Developments

Supplementary Planning Guidance

Supplementary Planning Guidance 17:- Design Guide For New Development
Supplementary Planning Document:- s106 Planning Obligations

SUSTAINABILITY ASSESSMENT

Not Applicable

CONSULTATION

EXTERNAL

Consultation letters, dated 3rd June 2010, have been sent to 78 neighbouring owner/occupiers. One letter of objection has been received in response. The objector is concerned that if the proposed change of use were to go ahead that this would harm the viability of the adjoining commercial parade.

Given the proximity to the Borough boundary the City of Westminster have been consulted on the application. The City of Westminster have objected to the application on the following grounds:-

- The use of aluminium to replace the existing timber shopfront would fail to preserve or enhance the character of the adjacent Queen's Park Estate Conservation Area which lies on the opposite side of Kilburn Lane. Members are advised that the proposed alterations to the shopfront have been amended since the original submission. Further details are provided in the 'remarks' section of this report.
- The conversion of the ground floor to a residential flat would harm the retail character and

function of the area.

INTERNAL

Transportation

The Council's Transportation Unit have raised no objection to the proposal on the basis that the parking standard would not be significantly affected by the proposal.

REMARKS

PRINCIPLE OF CHANGE OF USE

The subject site is located at one end of a small commercial parade which runs along the southern end of Kilburn Lane. The parade has not been designated in the Unitary Development Plan (UDP) as forming part of a primary, secondary or local centre frontage. The subject site is approximately 200m from the nearest designated frontage which runs along Chamberlayne Road.

Policy SH18 of the UDP sets out that in undesignated parades changes of use to appropriate alternative uses will normally be permitted. In terms of priority, housing is considered the most appropriate alternative use. It is also noted, as discussed in the 'history' section of this report, planning permission has previously been approved in 2003 for the conversion of the premises into a self-contained flat. Provided that it can be demonstrated that the direct impacts of the development would be generally acceptable, Officers consider that in principle the proposed change of use would be in general accordance with the Council's Development Plan.

RESIDENTIAL QUALITY

The proposed development would result in the formation of a studio/one-bedroom ground floor apartment comprising of a living/dining kitchen space, a separate living/bedroom and a separate bathroom. The proposed unit would have an internal floor area of approximately 58m², well in excess of the minimum internal floor space standard of 45m² for a one bedroom flat set out in SPG17. The property would also enjoy a private garden space towards the rear with an area of approximately 23m², again in excess of the minimum guidance of 20m² for studio/one bedroom flat. Both habitable rooms would be provided with an adequate standard of outlook and natural light. Privacy towards the front of the property is of some concern given the close proximity of the properties windows to the street. However, the front of the property would be set back from the edge of the public footpath by approximately 0.5m and railings and planters would be installed to provide a buffer between the windows and the street. Refuse/recycling bins could be stored in the meter cupboard at the front of the property. On balance, the proposed quality of the residential accommodation to be provided is considered to be acceptable for this type of development.

ALTERATIONS TO FACADE

The subject site is located at one end of a commercial parade. The adjoining shop unit has a fairly traditional timber shopfront and on the opposite side, the premises adjoins a residential block of flats finished externally with yellow brickwork. The opposite side of the street, consists of a terrace of two-storey dwellinghouses which lie within the Queen's Park Estate Conservation Area (City of Westminster).

The proposal would involve the removal of the existing timber shopfront and the installation of a new timber framed facade, set back within the premises. The proposed facade would incorporate architectural elements, such as mullion windows and a stallriser, that reference the historical use of the premises as a shop. As discussed above, railings and planters would be installed at the front of the property to provide a buffer between the front of the property and the street. These features

would also help add residential character to the property.

Overall, it is considered that the proposed alterations to the front of the premises would provide a suitably balanced facade that would be legible in terms of the proposed residential use whilst incorporating important architectural elements that are sympathetic to the existing context of the streetscene.

SINGLE-STOREY REAR EXTENSION

The proposed development would involve the erection of a single-storey rear extension to the property. This extension would be 3m in depth, 2.8m in height and 4.6m in width. The overall size of the proposed extension is in compliance with the Council's normal guidelines. As such, it is considered that the impact of the proposed extension on the amenity of adjoining occupiers would be reasonable. For the avoidance of doubt, the ground floor property to the south is not in residential use. In terms of the design, the extension would have a simple aesthetic quality being finished externally with white render and powder coated aluminium sliding doors and windows. Overall, it is considered that the proposed extension would be a sympathetic alteration to the existing property.

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
Supplementary Planning Guidance 17:-Design Guide For New Development
Supplementary Planning Document:- s106 Planning Obligations

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
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

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:

- 1747 01

- 1747 02
- 1747 03
- 1747 04 B
- 1747 05 B
- 1747 06 A

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

- (3) Notwithstanding the approved plans, further details, including design, colour and materials, of the proposed railings to be installed at the front of the property shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance within the streetscene.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

London Borough of Brent Unitary Development Plan 2004
Supplementary Planning Guidance 17:- Design Guide For New Development
Supplementary Planning Document:- s106 Planning Obligations

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: 17 The Quadrant, Kilburn Lane, North Kensington, London, W10 4AL

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**Committee Report
Planning Committee on 18 August,
2010**

Item No. 2/04
Case No. 10/1374

RECEIVED: 3 June, 2010

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 19 Dobree Avenue, London, NW10 2AD

PROPOSAL: Erection of two-storey side extension, one rear dormer window and 2 front, one side and two rear rooflights to the dwellinghouse

APPLICANT: Mr Shamsheer Ali

CONTACT: Kaseka Associates

PLAN NO'S:
See condition 2.

RECOMMENDATION

Approval.

EXISTING

The subject site is a two storey semi-detached dwelling-house located on Dobree Avenue. The surrounding area is predominately residential with similar semi-detached type properties. The subject site is located in an Area of Distinctive Residential Character but is not a listed building.

PROPOSAL

Erection of two-storey side extension, one rear dormer window and 2 front, 1 side and two rear rooflights to the dwelling-house.

HISTORY

No planning history.

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

BE2 Townscape: Local context & character
BE9 Architectural Quality
BE29 Area of Distinctive Residential Character

Supplementary Planning Guidance 5 'Altering & Extending Your Home'

SUSTAINABILITY ASSESSMENT

Not applicable.

CONSULTATION

Consultation letters dated 15th June 2010, were sent to 7 neighbouring occupiers/owners. Two letters of objection were received and one letter of comment, the following issues were raised:

- Loss of daylight from the side flank wall of the dwelling at Number 21: open stairwell/hallway; kitchen;
- Overlooking into rear garden areas;
- Impact that existing extensions have upon the rear building lines of properties in the locality;
- Differing ground levels between the subject site and Number 21 Dobree Avenue needs consideration.

Officers had requested amendments to ensure that the proposal would not adversely impact neighbouring amenity or the character and appearance of the dwelling-house in the Area of Distinctive Residential Character. Subsequently, the proposal has been amended, to include: a reduction in the proportion of glazing to the side flank wall; removal of the proposed side dormer window; and an increased set back at first floor level of the proposed two storey side extension. The amendments also include alterations to front and rear elevations to ensure that the proposals respect the character and appearance of the original dwelling-house.

Officers have revisited the site and neighbouring dwelling at Number 21 Dobree Avenue to assess the impact of the proposals. Although there is a large window in the flank wall of Number 21 Dobree Avenue which provides natural daylight into the upper landing and ground floor entrance hallway these are non-habitable room windows. In addition, while the existing side window does provide daylight into the rear kitchen this is a secondary window and any impact will therefore not be deemed to be unduly detrimental. Other issues noted above will be discussed in detail below.

REMARKS

The subject site is a two storey semi-detached dwelling-house located on Dobree Avenue, the applicant has proposed a two storey side extension, rear dormer window, two front, one side and three rear rooflights to the dwelling-house. The dwelling-house as existing has a single storey side extension which is flush with the front bay window.

Two storey side extension

The proposed two storey side extension is set in from the side boundary by 1.2m and as such, a set back of 1.5m from the main front wall at first floor level, above the front entrance door, is considered acceptable and compliant with adopted design guidance SPG5. The proposed extension then projects the full length of the side flank wall by 9.3m. At ground floor level the side extension is not set back from the main front wall of the dwelling-house due to the existing extension, which will not be altered, and is flush with the front bay.

The proposed side extension is set down from the original ridge of the main roofplane by 0.75m featuring a crown roof, which ensures distinction between the original dwelling-house and extensions. The windows proposed in the front and rear elevations have been designed with respect to the size and scale of original windows. The side flank wall windows to non-habitable rooms are obscure and non-opening, and thus should not cause loss of privacy to neighbouring occupiers, these details will be conditioned.

Residents have raised concern that the proposed two storey side extension will reduce the

proportion of daylight into living areas and detract from the character and appearance of the locality. Whilst, issues of amenity have been addressed above, it should be noted that the proposed two storey side extension is set away from the neighbouring boundary providing a gap of approximately 2.4m between both properties and therefore the impacts on the non-habitable windows are reduced.

Rear dormer window

The proposed rear dormer window is half the width of the original (unextended) roofplane and is mainly glazed which improves the appearance of the rear facing dormer. The dormer window has been designed in accordance with design guidelines SPG5 and therefore considered acceptable.

Rooflights

Six rooflights have been proposed in total, two within the front roofslope, one sited in the extended side roofslope and two rooflights within the rear roofslope. Although the number of rooflights may be considered excessive they do not detract from the character and appearance of the front elevation in the locality, nor do they cause conditions which are detrimental to residential amenity. Therefore the proposed rooflights are considered acceptable, on balance.

Summary

In summary, the proposed two storey side extension and rear dormer window has been designed in accordance with adopted guidance SPG5 which reflects the character and appearance of the locality.

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

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): KA/DA/TP3; KA/DA/TP1B; KA/DA/TP2B; KA/DA/TP3A.

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 windows on the first floor of the side wall of the building (as extended) 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 shall be permanently returned 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 occupier(s).

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

- Brent Unitary Development Plan 2004
- Supplementary Planning Guidance 5

Two letters of objection

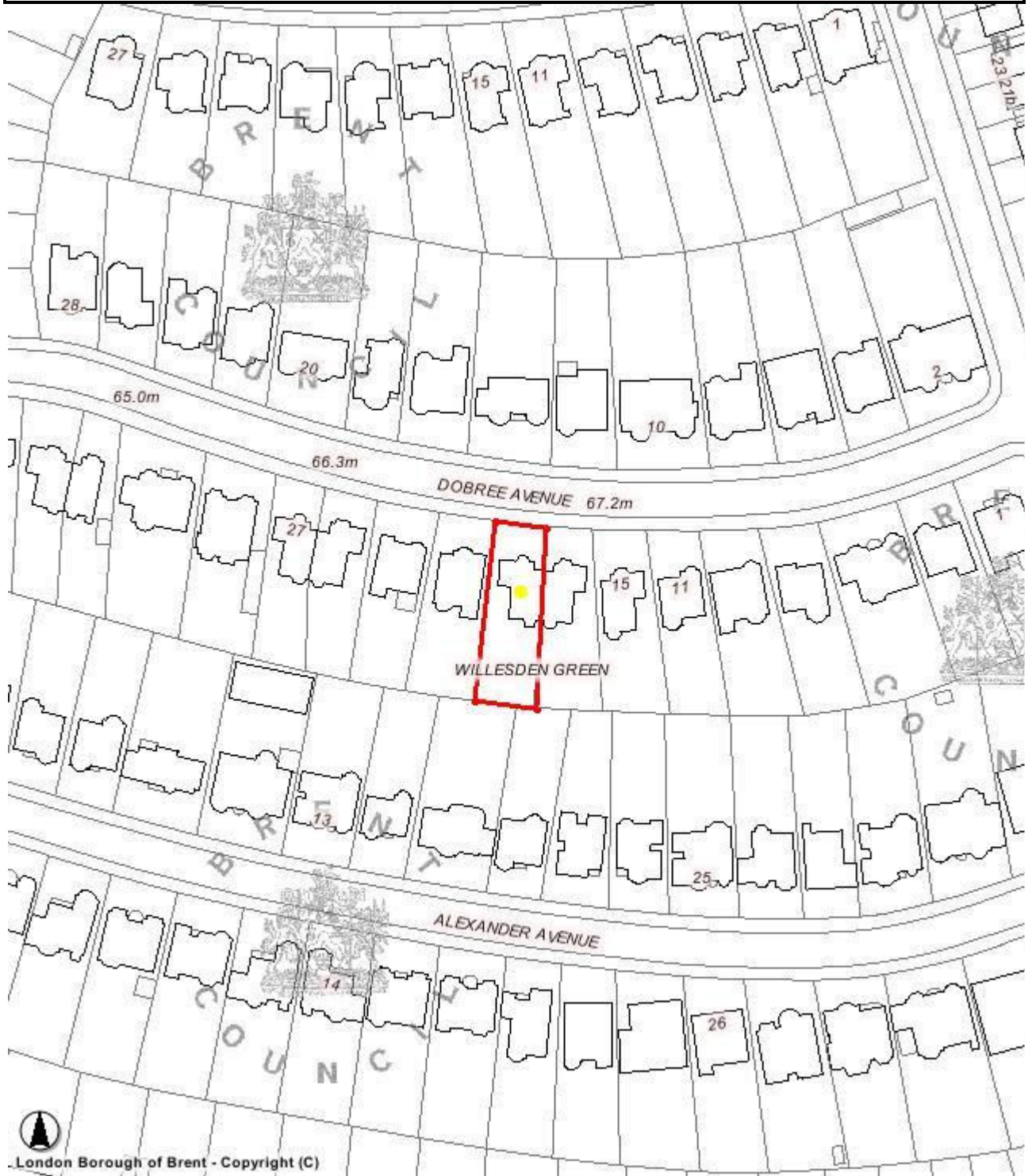
Any person wishing to inspect the above papers should contact Nicola Butterfield, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5239



Planning Committee Map

Site address: 19 Dobree Avenue, London, NW10 2AD

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**Committee Report
Planning Committee on 18 August,
2010**

Item No. 2/05
Case No. 10/1615

RECEIVED: 23 June, 2010

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 123 Chambers Lane, London, NW10 2RP

PROPOSAL: Erection of a single storey detached outbuilding in rear garden of flat

APPLICANT: Miss Maria Rosy Fernades

CONTACT:

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval

EXISTING

The application site is the purpose built first floor flat within a 2-storey semi-detached building. The site is on the southern side of Chambers Lane, NW10 and is not within a conservation area.

PROPOSAL

Erection of a single storey detached outbuilding in rear garden of flat

HISTORY

No planning history

POLICY CONSIDERATIONS

- **Unitary Development Plan 2004**
- BE2** Townscape: Local Context & Character
BE9 Architectural Quality

Supplementary Planning Guidance Note 5 'Altering and Extending your Home'

CONSULTATION

Neighbouring occupiers were consulted on 30th June 2010, 2 objections have been received raising the following concerns:

- The proposed height of 2.1m goes over the height of the fence and should instead be low enough to not be seen.
- It will impede neighbours views.
- The shed is too close to the boundaries of the garden.

- It would be an intrusive piece of building.

REMARKS

The proposal envisages a single storey dual-pitched roof shed at the end of the rear garden. The garden space to the rear of the semi-detached building is split along the centre to provide private amenity space for both the ground and first floor flats, resulting in two long and 3.32m wide gardens.

The shed has a maximum height of 2.1m at its pitch reducing to 1.45m at its eaves. The boundary fence is shown as 1.2m high to the side boundaries and 1.7m to the rear of the garden. It should be noted that as permitted development the height of a boundary fence or wall could be increased to 2m. Clearly the outbuilding will be higher than the boundary fences but its proposed height is nevertheless considered to be modest. It is 1.5m in depth and 2m in width resulting in a small footprint of 3sqm.

Following officer's recommendations the shed has been repositioned so as to be at least 500mm away from the side and rear boundaries so as to further reduce any impact it may have on neighbouring gardens which is considered to be minimal.

The garden is approximately 12.5m in depth and the shed is situated in the rear 1/6 of the garden, over 10m away from the rear elevation. The garden in Bryan Avenue which shares the rear boundary to the rear is over 14.5m in depth and therefore the outbuilding would be at least this distance from its windows (though only 40cm of the roof would be visible above the fence).

The design of the building is as a traditional shed with timber elevations and a felt roof to which there is no objection due to its minimal size and its sympathetic siting. As the property is a flat it does not have permitted development rights and the shed therefore requires planning permission, but it is noted that it does comfortably fall within the allowances of permitted development that all single dwellinghouses can benefit from.

The proposed shed is modest in its scale and will not result in harm to neighbouring amenity and the enjoyment of neighbours homes or gardens. The proposal complies with policies contained in Brent's UDP 2004 and approval is 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

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):

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

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: 123 Chambers Lane, London, NW10 2RP

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**Committee Report
Planning Committee on 18 August,
2010**

Item No. 2/06
Case No. 10/1314

RECEIVED: 21 June, 2010

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Ground Floor Flat, 98 Willesden Lane, Kilburn, London, NW6 7TA

PROPOSAL: Retention of first floor extension to maisonette

APPLICANT: Emyvale Ltd

CONTACT: Building Designs

PLAN NO'S:

4525/1
4525/2
4525/3
4525/4

RECOMMENDATION

Approval

EXISTING

The subject site, located on the north-eastern corner of the junction between Willesden Lane and Torbay Road, is occupied by an end-of-terrace property with a shop unit on the ground floor, fronting Willesden Lane, with residential accommodation above. The front of the site forms part of the Willesden Lane Local Centre. To the rear, along the Torbay Road frontage, the building steps down to two-storeys in height. This part of the building has recently been extended to project the first floor building towards the adjacent terraced properties along Torbay Road which lie within the North Kilburn Conservation Area. The subject site does not fall within the Conservation Area.

PROPOSAL

Retention of first floor extension to maisonette

HISTORY

Planning permission (07/3021) was granted in December 2007 for the erection of a first floor extension above an existing single-storey projection to the rear of the property. The extension has been constructed but not in accordance with the approved plans. This matter is currently being investigated (E/10/0220) by the Council's Enforcement Team and the current application has been submitted to retain and regularize the extension as built.

POLICY CONSIDERATIONS

The London Borough of Brent Unitary Development Plan 2004

BE2	Townscape: Local Context & Character
BE9	Architectural Quality
BE25	Development In Conservation Areas

SUSTAINABILITY ASSESSMENT

Not Applicable

CONSULTATION

EXTERNAL

Consultation letters, dated 29th June 2010, were sent to 33 neighbouring owner/occupiers. Given the close proximity of the site to the North Kilburn Conservation Area it was also considered appropriate to advertise the application by way of site and press notices. It was observed by Officers that two site notices, posted on the 2nd and 7th June 2010, were removed prior to the completion of the 21 day consultation period. A third notice was posted on the 13th June 2010 and, having monitored the notice, Officers are satisfied that this notice has been displayed for the required period of 21 days. The press notice was published on 8th June 2010.

Two letters of objection have been received in response to the external consultation. The concerns of objectors include:-

- The building is the wrong size and design and has a detrimental effect on the character of the end of Torbay Road and is out of keeping with the Conservation Area
- The previous works have been carried out without consultation or negotiation with the owners of the adjoining property. No structural survey has been carried out to the flank wall of the adjoining property.
- The development could affect the house insurance policy of adjoining occupiers.
- The extension will block sunlight to neighbouring properties
- The development would cause noise disturbance to neighbouring occupiers
- Pollution caused by the construction works would harm the crops of neighbouring occupiers

INTERNAL

Transportation Unit - The Council's Transportation Unit have inspected the proposals and have not raised any objection to the application on the basis that the development would be unlikely to have any significant impact on highway and parking conditions within the locality of the site.

REMARKS

As discussed in the 'history' section of this report, a first floor extension has recently been added to the property. However, the extension has not been constructed in accordance with the plans approved under planning application 07/3021 and the current application seeks to regularize this issue.

URBAN DESIGN

At the time of the previous application, the property included a single-storey projection to the rear which abutted the flank wall of 1 Torbay Road, a two-storey end-of-terrace property. Planning permission was approved for a first floor extension above this existing ground floor projection but a

gap of 1m was to be retained between the flank wall of the proposed extension and the flank wall of 1 Torbay Road. However, the first floor extension has not been constructed in accordance with the approved plans and the first floor extension adjoins the flank wall of 1 Torbay Road. The section of the extension which adjoins the flank wall of 1 Torbay Road, has a reduced depth from that of the main body of the extension. The reduced depth results in the front of this section of the extension being set back by approximately 2.6m from the front of the extended application property and 1.5m the main front wall of the adjoining property at 1 Torbay Road.

In considering the previous planning application for a first floor extension, it was considered that the retention of a gap between the buildings at first floor level was important in terms of providing a visual break between the subject and adjoining property at 1 Torbay Road. Although the gap has been partially infilled by the enlarged extension, given the significant set back from the front of both the subject and neighbouring properties it is considered that a reasonable visual break between the properties is still retained, particularly when viewed from up and down the street. Having viewed the development on site, it is the opinion of Officers that the development as built does not caused unreasonable harm to the setting of the adjacent Conservation Area and that its character and appearance would be preserved.

IMPACT ON ADJOINING OCCUPIERS

In terms of any direct impact on the outlook, daylight or sunlight of adjoining occupiers it is noted that the extension adjoins a flank wall which does not contained any windows. It is also noted that the enlarged part of the approved extension does not project beyond the front or rear of the adjoining property and therefore the extension as built would not have any greater impact on the outlook, daylight or sunlight of neighbouring occupiers than that of the approved extension. In terms of the building works which have been carried out, concerns have been raised in relation to the structural impact of the development on the adjoining property and insurance premiums paid by its occupants. Whilst it is regrettable that the building works carried out may have caused problems for neighbouring occupiers, as Members will be aware, such matters are not a material planning considerations that can be taken account of in the determination of the current planning application.

CONSIDERATION OF OBJECTIONS

The impact of the proposed extension on the character and appearance of the surrounding area and the impact of the development on the living conditions of neighbouring occupiers have been considered in the report above. In relation to concerns regarding the impact of building works on neighbouring occupiers in terms of noise and pollution these would not normally be material planning consideration. In any case, it was noted during a recent site visit that the development, the subject of the current application, appears to have been generally completed.

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 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

CONDITIONS/REASONS:

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

London Borough of Brent Unitary Development Plan 2004
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: Ground Floor Flat, 98 Willesden Lane, Kilburn, London, NW6 7TA

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**Committee Report
Planning Committee on 18 August,
2010**

Item No. 2/07
Case No. 10/1514

RECEIVED: 15 June, 2010

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 5B Torbay Road, London, NW6 7DX

PROPOSAL: Addition of rear dormer window and 1 front rooflight to first-floor flat

APPLICANT: Mr Daniel Thompson

CONTACT: Mr Richard Kendall

PLAN NO'S:
See condition 2.

RECOMMENDATION

Approval.

EXISTING

The subject site is a two storey terraced property located on Torbay Road. The surrounding area is predominately residential with similar terraced type properties. The subject site is located within North Kilburn Conservation Area, but is not a listed building.

PROPOSAL

Rear dormer window and one front rooflight to first-floor flat. For the information of Members any roof extensions in conservation areas require planning permission as permitted development legislation for such works does not apply in these areas.

HISTORY

Planning permission reference 10/0752 was refused for the 'Installation of 2 front rooflights and a rear dormer window to first floor flat'. The proposed rear dormer window was deemed unacceptable in terms of its size and scale appearing over dominant in the rear roofplane, in addition to the excessive proportion of rooflights in the front roofplane.

POLICY CONSIDERATIONS

Brent's Unitary Development Plan 2004

BE2 Townscape:Local Context & Character
BE9 Architectural Quality
BE25 Development in Conservation Area

BE26 Alterations & Extensions to Buildings in Conservation Areas

North Kilburn Conservation Area Design Guide

SUSTAINABILITY ASSESSMENT

Not applicable.

CONSULTATION

Consultation letters dated 25th June 2010, were sent to 33 neighbouring occupiers/owners. Two letters of objection were received, the following comments were raised:

- The front rooflight would be unsightly detracting from the character and appearance of the property;
- The rear dormer window would impact on the rear aspect of the dwelling, not appropriate to its Victorian character;
- The proposals would generally detract from the locality's appeal, resulting from increased construction noise;
- Overlooking into neighbouring gardens and habitable rooms.

The possible disruption from building works, whilst an understandable concern, cannot be taken into account as this is a non-planning matter. However, the issues relating to the character and appearance of the proposed works have been noted, and will be discussed in detail below.

REMARKS

The subject site is a two storey terraced property located on Torbay Road within North Kilburn Conservation Area. The applicant has proposed the erection of a rear dormer window and one front rooflight to the first floor flat. Proposals in the conservation area should be designed with respect to the character of the locality and the appearance of the original property.

North Kilburn Design Guide states that front and side dormer windows will not be considered acceptable however, rear dormers that occupy no more than 2/3 of the width of the original roof are deemed appropriate. The proposed rear dormer window is approximately 3.6m wide which is 2/3 width and is suitably located within the rear roofplane. The roof will be treated in lead with added eaves cornice to reflect the character and appearance of the conservation area. The front face of the proposed rear dormer is mainly glazed with three timber sash windows in accordance with design guidance and the conservation area.

Although residents have raised concern in relation to overlooking and loss of privacy, the proposed rear dormer window would not cause impacts which are greater than existing first floor rear windows and therefore considered acceptable with design guidance SPG5 and policy BE9 of the UDP 2004. Whilst the introduction of a dormer window would introduce rear facing windows at roof level, it is considered that it would be extremely difficult to construct an argument that the proposal resulted in an unacceptable loss of privacy.

One rooflight is proposed within the front roofplane, this will be set flush within the roof and no larger than permitted within North Kilburn Design Guide, 500mm x 900mm. The precise details of the rooflight will be conditioned in order to ensure that the development does not detract from the Conservation Area.

Summary

The design of the proposed rear dormer window and one front rooflight is in keeping with the character and appearance of the original property and therefore deemed acceptable in relation to

policies BE9, BE25 and BE26 of the UDP 2004 and North Kilburn 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
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home
North Kilburn 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

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):

DP/09/01; SK/10/01; SK/10/02; SK/10/03

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, as shown on plan numbers SK/10/01; SK/10/03.

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

- (4) The front rooflight shall be 900mm x 500mm and detailed to be flush with the roof covering as stated on plan numbers SK/10/01; SK/10/02; SK/10/03.

Reason: In the interest of visual amenity of the North Kilburn Conservation Area and the locality.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

- Brent Unitary Development Plan 2004
- North Kilburn Design Guide
- Supplementary Planning Guidance 5
- Three letters of objection

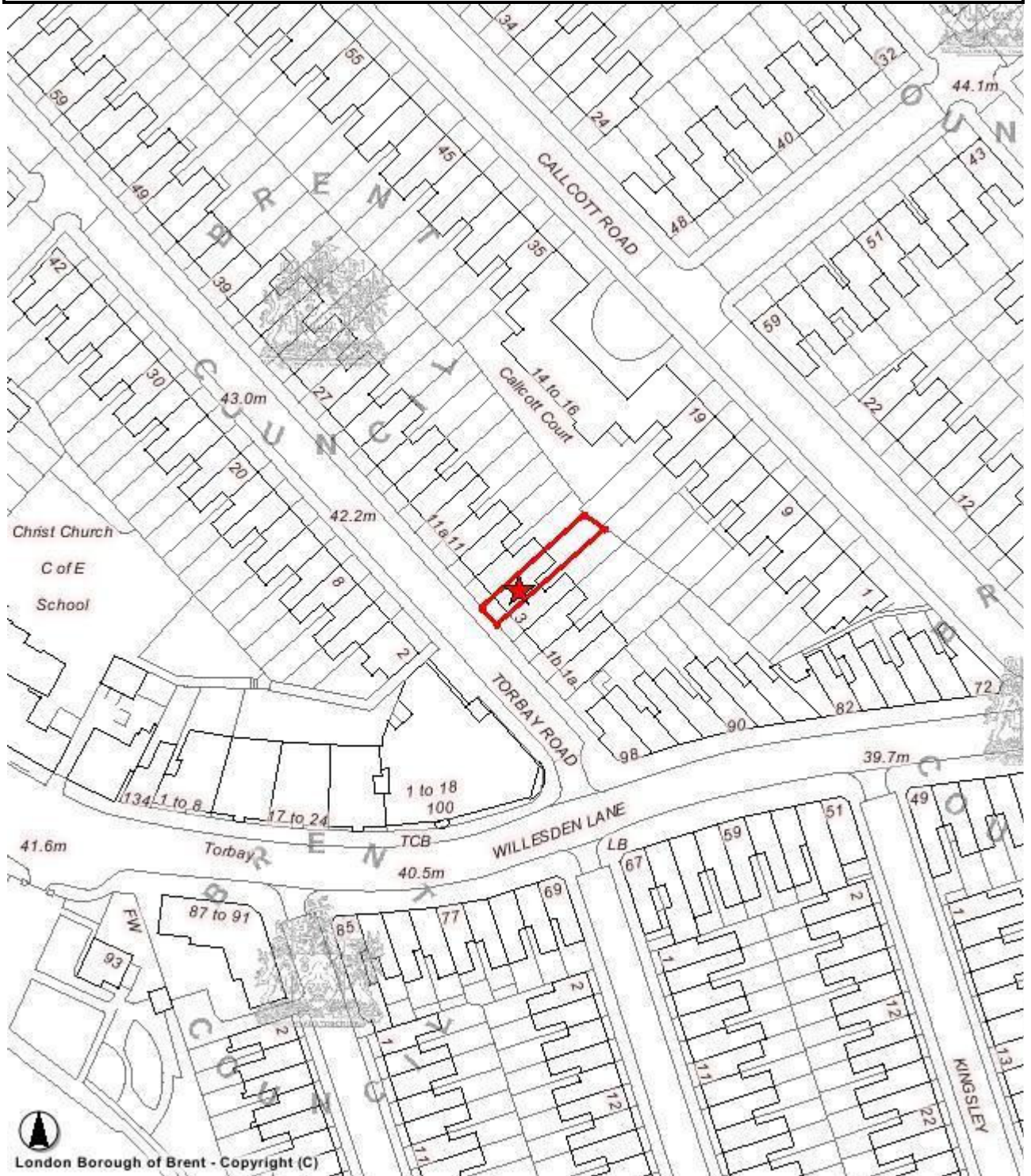
Any person wishing to inspect the above papers should contact Nicola Butterfield, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5239



Planning Committee Map

Site address: 5B Torbay Road, London, NW6 7DX

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**Committee Report
Planning Committee on 18 August,
2010**

Item No. 3/01
Case No. 10/1317

RECEIVED: 3 June, 2010

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: 17 Dennis Avenue, Wembley, HA9 8AZ

PROPOSAL: Conversion of property from a house in multiple occupation (HMO) and 9 self-contained studio flats to 10 self-contained flats, replacement of integral garage door with a new window, installation of 2 front rooflights and provision of 5 off-street parking spaces and refuse storage area to front garden

APPLICANT: Mr Sunil Badiani

CONTACT: Robson Walsh Chartered Surveyors

PLAN NO'S:
See Condition 2

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:-

- (a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) Given the existing use as a care home, a contribution £20,000 (£2,000 per additional bedroom), due on material start an, index-linked from the date of committee for Education, Sustainable Transportation, Open Space & Sports in the local area.
- (c) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved. The EcoHomes assessment can be applied to conversions and require a minimum "Very Good" EcoHomes rating to be achieved.
- (d) Join and adhere to the Considerate Contractors scheme.

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 proposal relates to a large two-storey detached dwellinghouse located on the west side of Dennis Avenue at the junction with Linden Avenue. The property has been substantially extended. The area surrounding the site is entirely residential in character comprising terraced and semi-detached houses. The property is unusual in that it is detached and occupies a larger plot than surrounding properties.

The front garden of the property is entirely brick paved and provides 7 off-street car parking spaces served with 2 vehicular accesses from Dennis Avenue. As well as being in a Controlled Parking Zone Dennis Avenue due to its proximity to Wembley Stadium is also subject to event day parking restrictions.

The established use of the premises is for a care home however since 2006 it has been used without planning permission as a House in Multiple Occupation (HMO) comprising 9 self-contained flats and 12 non-self-contained flats. Enforcement Action against this unauthorised use is currently being pursued. prosecution proceedings and trial date has been set for June 2010.

PROPOSAL

The proposal is for the conversion of the building from a house in multiple occupation (HMO) and 9 studio flats to 10 self-contained flats (comprising 7 x 1-bedroom and 4 studio flats), external alterations to the building elevations involving the replacement of the integral garage door with a new window, installation of 2 front rooflights, replacement windows and doors, alterations to the front garden area to provide additional landscaping, provision of 5 off-street car parking spaces, provision of a refuse and recycling storage area and the provision of covered cycle storage.

HISTORY

The following planning history is relevant to the proposal:

- 15/04/2010 Retrospective application submitted for change of use and conversion of the premises to a house in multiple occupation (HMO) and 9 self-contained studio flats - Refused (ref: 09/2542)
- 15/04/2010 Application submitted for conversion from unauthorised HMO (House in Multiple Occupation) and 9 studio flats to 17 flats (7 one-bedroom and 10 studio flats), the provision of 7 off-street car parking spaces, the creation of a refuse storage area and external alterations including replacement of front garage door with a new front window and creation of two additional ground floor windows to the side elevation - Refused (ref: 09/3261)
- 11/02/2010 Application for the conversion from unauthorised HMO (House in Multiple Occupation) to 8 self-contained flats with associated installation of 2 front rooflight, 2 rear rooflight and replacement of 2 rear doors with 2 new ground-floor rear windows - Application Withdrawn (Ref: 09/3258)
- 05/12/2008 Retention of and reduction in height of existing boundary wall and pillars at front of property - Approved (ref: 08/2408)
- 15/11/2006 Enforcement Notice served against the unauthorised change of use and conversion of the premises into a HMO and 9 self-contained flats and the erection of a side boundary fence and front boundary walls and pillars to premises - (ref: E/06/1584)
- 06/06/1990 Outline application for demolition of existing and erection of 3 storey elderly persons home - Refused (Ref: 88/2202)

- 15/02/1989 Application for the erection of a two-storey side and rear extensions and conversion to 8 self-contained flats - Withdrawn (Ref: 87/2853)
- 30/03/1988 Erection of two-storey side extension, single storey rear extension, installation of front, side and rear dormers to provide room in roof space and change of use to elderly person's home and provision of parking spaces - Appeal Allowed (Ref: 87/0230)
- 12/02/1976 Erection of single detached house with integral garage and a domestic garage - Approved (Ref: H1333 892)

POLICY CONSIDERATIONS

Adopted Unitary Development Plan 2004 Policies

BE2 Townscape: local Context & Character
BE7 Public Realm Streetscape
BE9 Architectural Quality
H8 Resisting Loss of Housing
H17 Flat Conversions
H18 Quality of Flat Conversion
H19 Flat Conversions - Access & Parking
TRN23 Parking Standards for Residential Development

Local Development Framework Core Strategy Policy

CP21

Supplementary Planning Guidance 17 relating to "Design Guide for New Development"

SUSTAINABILITY ASSESSMENT

The scope for sustainability are limited for the proposal involving conversion only. The EcoHomes assessment can be applied to conversions and therefore require a minimum "Very Good" EcoHomes rating to be achieved.

CONSULTATION

The following have been consulted on the proposal:

- Nos. 9 to 18 Dennis Avenue
- Nos. 1 to 4 and 21 to 24 Linden Lawns

In total 4 letters from occupiers of No. 18 Dennis Avenue have been received raising objections to the proposal on the grounds that 2 proposed front rooflights would directly overlook their property and result in loss of their privacy. There should be restricted parking for the tenants due to only 5 car parking spaces available.

Transportation - has no objections to the proposal subject to the following conditions:

1. The present vehicular access should be widened to at least 4.1m width to allow vehicles to pass each other and also allow the vehicle to turn around and leave in forward gear. The aisle widths in the car park ought also to be increased to 6m.
2. Ten cycle parking spaces should be provided within the proposed cycle shed. The present

provision should be increased.

A revised site layout should be provided. It should show the cycle parking and the widened vehicular access as required.

Landscape - There is no objections to the proposal in principal. However, cannot recommend approval in terms of landscaping as no landscape plan has been provided.

Thames Water - No objection. Ask for informatives to be provided on any decision notice advising the developer of the relevant contact details for arranging sewage and water supply to the site.

REMARKS

Background

The proposal relates to a large two-storey detached dwellinghouse located on the west side of Dennis Avenue at the junction with Linden Avenue. The property has been substantially extended. The area surrounding the site is entirely residential in character comprising terraced and semi-detached houses. The property is unusual in that it is detached and occupies a larger plot than surrounding properties.

The front garden of the property is entirely brick paved and provides 7 off-street car parking spaces served with 2 vehicular accesses from Dennis Avenue. Dennis Avenue due to its proximity to Wembley Stadium is subject to parking restrictions with a bay provided for permit holders.

Planning permission was granted in 1988 for its change of use to a care home. The property since 2006 has been in unauthorised use as House in Multiple Occupation (HMO) comprising 9 self-contained flats and 12 non-self-contained flats. Enforcement Action against this unauthorised use is currently being pursued. Prosecution proceedings and trial date was set for June 2010 where the owner of the premises were convicted following breaching the Council's enforcement notice and were fined £6000 and also ordered to pay the Council's cost in the matter. The applicant following the conviction approached Senior Council Officers and entered into pre-application negotiation. This application is now submitted following pre-application advice sought from the Council's Senior Officers.

This application is submitted following three previous planning applications submitted under planning ref: 09/3261, 09/3258 & 09/2542. One of the planning applications (ref: 09/3258) for the conversion of the dwellinghouse to 8 self-contained flats had been withdrawn. The other two planning applications (ref: 09/3261 for "*conversion of dwellinghouse to 17 self-contained flats, provision for 7 off-street car parking and refuse recycling bins storage area and external alterations*" and 09/2542 for *the retention of the premises as an (HMO) and 9 self contained flats*) were reported to the Planning Committee on 14/04/2010 at the request of both Councillor Muhammed Butt and Councillor Zaffar Van Kalwala and were refused..

The Proposal

Conversion of the building to 10 self-contained flats (comprising 7 x 1-bedroom and 3 x studio flats), the provision of 5 off-street car parking spaces, the creation of a refuse and recycling bin storage area, conversion of integral garage into a habitable room including the replacement of the garage door with a window, installation of two rooflights to the front roof elevation to provide light into the proposed kitchens of studio flats within roof space and external alteration involving removal of some of the existing doors and windows to the side and rear elevation of the building and their replacement with new windows and doors to suit the proposed arrangements of the flats within the building.

The proposed ground floor plan proposes main entrance into the building, a plant room, 3 x 1-bedroom flats and 1x studio flat. The first floor plan proposes 4 x 1-bedroom flats and second floor proposes 2 studio flats. The frontage layout of the property proposes a car park for 5 off-street car parking spaces, an area for refuse and recycling bins storage area and 2 areas as lawn area with 300mm flower border to kerb. The rear garden of the property is proposed as communal garden with 300mm flower border to paved areas. The rear/side of the property would provide 8 cycle parking spaces and privet hedge at the side boundary.

Assessment

The proposal is assessed against the Council's policies and standards as follows:

Flat Conversion

Originally built as a large detached dwellinghouse, planning permission was allowed on appeal for the extension and conversion of the property and its change of use to a care home. Policy H17 which sets out the requirements for the conversion of single family dwellinghouses to flats does not apply. In any case the size of what was the original dwellinghouse does meet the minimum set out in H17 with an original internal floor area well over the minimum 110m² set out in H17. However, the proposal also needs to comply with the requirements of Council Policies H18 relating to "*The Quality of Flat Conversion*" and H19 relating to "*Flat Conversions – Access and Parking*" as set out in the adopted UDP.

Policy H18 requires flat conversions to provide an acceptable standard of accommodation for future residents. The conversion should not be over-intensive, in terms of the number and size of the proposed units. The layout of the rooms within conversion schemes should have appropriate stacking and should avoid differing types of room being "stacked over or under each other. All rooms should have regard to room size standards as set out in Supplementary Planning Guidance (SPG) 17 relating to "Design Guide for New Development". All units should be fully self contained. Conversion schemes should be accessible to disabled people, have adequate circulation and storage space, and should meet the Council's standards for refuse and recycling storage and car and cycle parking standards.

Schemes should where practicable include a range of unit sizes suitable for various needs. However as the authorised use of the premises is for a care home the proposal does not result in the loss of any existing family housing the requirement that a family unit of 3 or more bedrooms be included is not therefore necessary.

Unit Sizes – The scheme comprises 10 self-contained units (comprising 7 x 1-bedroom flats and 3 studio flats). The proposed 1-bedroom flats would have an internal floor area ranging between 45 to 48 square metres. The proposed studio flats would have an internal floor area ranging between 33 to 36 square metres. According to the Council's "Minimum Unit Size" standards set out in SPG 17, studio and 1-bedroom flats need to have a minimum unit size of at least 33 sqm and 45 sqm respectively. In this instance all the proposed flats would comply with the Council's minimum room sizes requirements set out in the Council's SPG 17 relating to "Design Guide for New Development".

Range of Units – The property is large enough to provide a range of family and non-family units suitable for various needs. However, in this instance the scheme provides only non-family accommodation in the form of studio and 1-bedroom flats.

Light Aspect – 5 out of 10 units proposed would have single aspect (i.e. either east or west facing) and this represents a significant improvement on previous schemes for this site. All the units in the proposal would have windows that provide an acceptable level of outlook and light into the units. The proposal therefore complies with the criteria (l) of the policy H18.

Layout and Stacking - The internal layout of rooms within each unit is generally considered to be acceptable. However, there is a some inappropriate stacking of rooms between different floors in that bedroom in flat 8 would be directly over a bathroom and kitchen in studio flat no. 4. Similarly living rooms in studio flat 9 and 10 would be partly over the bedroom in flat 5 and 8. The proposal in the absence of any sound insulation measures is considered to result in the transmission of noise and vibration between units to the detriment of the future occupants of the units and therefore would fail to comply with the criteria (a) of the policy H18. However, in this instance a condition is attached requiring adequate sound insulation to walls and/or floors between units in separate occupation in addition to Building Regulation requirements to ensure amenities of the future occupants with regards to transmission of noise and vibration is safeguarded.

Storage Space – All the units in the building would have storage space and therefore would meet the requirement of the criteria (d) of the policy H18.

Bin Storage and Screening – The front garden layout of the property indicates that there would be an area approximately 5m² to the side of the front garden area to provide storage of refuse and recycling bins for the proposed flats. The position of the proposed bins located within 3m of the adjoining highway is considered to be acceptable for refuse and recycling material collection by its service provider from the adjoining highway.

The proposal needs to make provision for a 120L of refuse and recycling storage per flat. The area proposed for refuse storage is therefore considered to be adequate to meet the needs of 10 self contained units. The proposal therefore would meet the criteria (f) of the Policy H18.

Amenity Space – The application is proposing 10 units and therefore in accordance with the Council's "Amenity Space" standards set out in the SPG 17 is required to provide a minimum of 200 sqm of communal amenity space based on 20m sqm of amenity space requirements per unit created. The property has a rear garden of ~255 sqm. The plans accompanying the application does indicate that the rear garden would be used as a communal amenity area for the proposed flats and therefore would comply with the Council's minimum amenity space requirement as set out in the SPG 17.

Car and Cycle Parking and Access – The plan indicates 5 off-street car parking spaces and a small bin area in the frontage of the property which is all hardsurfaced. The parking area would be served by existing (3.5m wide) vehicular access from Dennis Avenue. There is also a separate pedestrian access close to the north flank of the property.

The proposed 10 units (comprising 7 x 1-bedroom flats and 3 studio flats) would need to provide 7 spaces (based on reduced standard of 0.7 spaces per unit for both 1-bedroom and studio flats) and it is a maximum allowance. However, in this instance provision is being made for 5 car parking spaces and this will meet the Council's current parking allowances as set out in standard PS14 of the adopted UDP 2004.

According to the Council's Cycle Parking Standards PS16 set out in the adopted UDP 2004, the proposed 10 units would need to provide 10 safe and secured cycle parking spaces to meet the Council's standard of one per unit. In this instance revised plans proposing 10 cycle parking spaces in a covered cycle shed at the rear of the site would now comply with the Council's Cycle Parking requirement for the proposal and it is therefore considered to be acceptable.

The existing vehicular access to the frontage of the property is 3.7m wide. However, in this instance it is suggested by transportation that the existing vehicular access shall be widened to 4.1m and the aisle width in the car park shall be increased to 6m to assist vehicles to pass each other when leaving the parking area and also allow the vehicle to turn around and leave in forward

gear. Revised plans to this effect have been submitted to address the transportation concerns and are now considered to be acceptable.

Emergency and Refuse Access – Fire Appliance need to gain access to a point that is within 45m of a suitable entrance to any given dwelling. The new dwellings will meet this requirement. Access point for refuse vehicles should not normally be further away than 10m from Eurobins enclosures in flats. The bin store is located close to the pedestrian access and will meet this requirement.

In view of the above considerations the application can be supported on transportation grounds subject to certain requirements for provision of cycle parking and adequate access from the highway as discussed above.

Soft Landscaped Area – The frontage of the property at present is all hard surfaced and it is largely used as a car park for 7 cars and bin storage area. The proposal is now to reduce the number of car parking spaces from 7 to 5 and convert part of the frontage as a soft landscaped area. Although it would not provide 50% percent soft landscaping to the sotes frontage it would result in a significant improvement on the existing situation. However, to enhance the effect of proposed soft landscaped area a condition would be attached requiring further details of soft landscaping to be submitted for consideration at a later date.

External Alterations - The proposed external alterations involving replacement of 3 rear doors with windows and a single door, replacement of single door on the south elevation with a window, replacement of small window in the north elevation with a single door, replacement of front garage door with windows to match the existing windows in the property is considered to be acceptable. However, the replacement of garage door with a window which would mean that the proposal would result in a loss of garage. It should be note that the garage at present is internally converted into a room without planning permission. It appears that garage conversion has taken place over 4 years ago and therefore is immune from enforcement action. However the loss of the garage is considered to be acceptable given that frontage car parking for 5 cars would satisfy the Council's car parking requirements for the proposal.

Summary

The current proposal is considered to be a significant improvement on the existing situation and on previous refused proposals to replace the current unauthorised use. The number of units will be significantly reduced and the scheme now complies with the criteria for assessing the quality of flat conversions set out in Policy H18 and satisfies transportation requirements for access, refuse storage and for cycle and car parking. The proposal is therefore recommended for approval subject to the conditions set out in this report.

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)

-5487/10 - Ordnance Survey Extract showing Location of the Site
-5487/21 - Proposed Ground, First and Second Floor Plan and Section AA
-5487/22 - Proposed Front, Rear, North and South Elevation
-5487/27a - Plan Showing Proposed Hard and Soft Landscaped Area, Car Parking, Cycle, Refuse and Recycling Provision.
-5487/24 - Existing Front, Rear, North and South Elevations
-5487/25 - Existing Ground, First and Second Floor 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) A dustbin enclosure, providing for the storage of refuse and recycling bins for the proposed flats, shall be constructed in accordance with details and in a location to be submitted to and approved in writing by the Local Planning Authority, prior to occupation of the premises as self-contained flats. 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) No part of the development shall be occupied until existing vehicular access has been widened to at least 4.1m and the aisle width in the car park increased to 6m in accordance with the details to be submitted and approved by the Local Planning Authority.

Reason: To assist vehicles to pass each other when leaving the parking area, to allow the vehicle to turn around and leave in forward gear and in the interests of the general amenities of the locality and the free flow of traffic and general conditions of the highway safety on the neighbouring highway.

- (6) No development shall take place before a scheme for adequate sound insulation to walls and/or floors between units in separate occupation hereby approved has been submitted in addition to BRGs and approved in writing by the Local Planning Authority. Thereafter none of the flats shall be occupied until the approved scheme has been fully implemented.

Reason: To safeguard the amenities of the occupiers.

- (7) Notwithstanding the plans hereby submitted and approved details of the provision of a minimum of 10 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.

- (8) Notwithstanding what is shown on the plans hereby approved, a landscaping scheme showing full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried as approved. The details shall include the definition of the car parking space, and a planting plan (including plant species, size, densities, and access gates).

All hard and soft landscaped works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development. If within five years of planting, any trees or shrubs die, are removed or become seriously damaged or diseased, they shall be replaced with others of the same species and size and in the same position, unless the written permission of the local planning authority is obtained.

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:

None Specified

REFERENCE DOCUMENTS:

1. Adopted Unitary Development Plan 2004
2. LDF Core Strategy Policies 2010
3. Supplementary Planning Guidance 17 relating to "Design Guide for New Development"
4. 4 letters of objections from neighbouring no. 18 Dennis Avenue

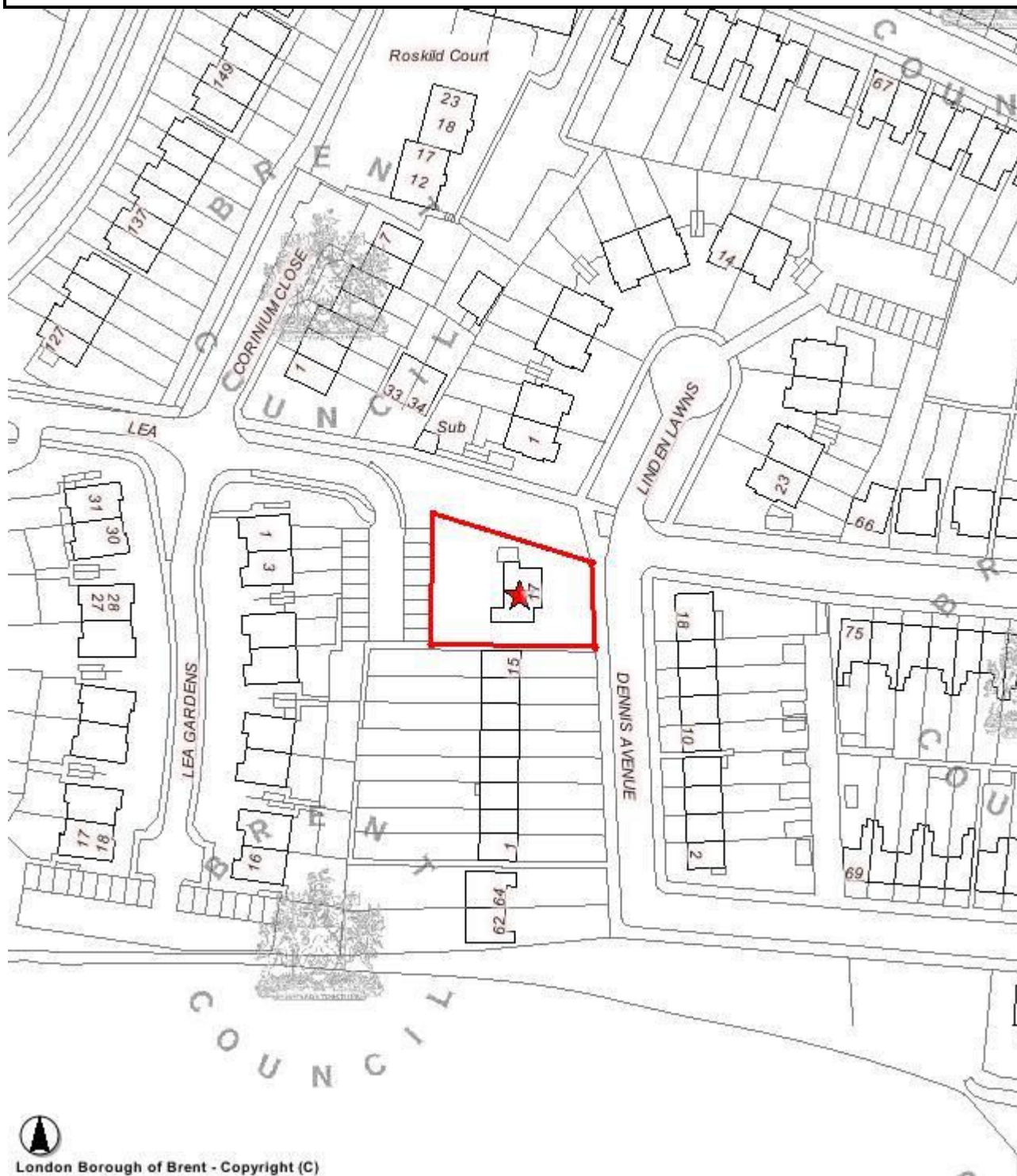
Any person wishing to inspect the above papers should contact Mumtaz Patel, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5244



Planning Committee Map

Site address: 17 Dennis Avenue, Wembley, HA9 8AZ

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**Committee Report
Planning Committee on 18 August,
2010**

Item No. 3/02
Case No. 10/1467

RECEIVED: 11 June, 2010

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: 29, 30 & 31 Brook Avenue, Wembley, HA9 8PH

PROPOSAL: Demolition of 3 existing dwellinghouses and erection of a part 4-, part 6- and part 7-storey building, comprising 35 flats with private balconies (17 one-bedroom, 14 two-bedroom, 4 three-bedroom), erection of a children's play area to rear, 4 off-street disabled parking spaces to front and associated landscaping to site

APPLICANT: Gateway No. 1 LLP

CONTACT: Dalton Warner Davis

PLAN NO'S:

Plans:

LA300 RevA LA301
LA302 RevA LA002 RevC
LA003 RevD LA004
LA005 LA109 RevC
LA100 RevB LA101 RevB
LA102 RevB LA103 RevA
LA104 RevA LA105 RevA
LA106 RevA LA108 RevA
LA910 RevA LA911 RevA
LA912 RevA LA913 RevA
LA914 RevA LA915 RevA
LA916 RevA LA 917
31BRO/Ex/001
31 BRO/Ex/002
LA950 LA951
LA200 LA201
LA202
Tree Protection Plan 03/08/10

Documents:

Affordability Statement
Arboricultural Report
Specification Landscaping Planting
Design and Access Statement
Daylight Report
Toolkit
Noise Report – NVP

Flood Risk Assessment
Sustainability Statement
Preliminary Code for Sustainable Homes
Energy Statement
Planning Statement

RECOMMENDATION

Refuse consent

SECTION 106 DETAILS

Core strategy Policy CP15 requires that before granting planning permission for major proposals, the Council will have to be satisfied that the infrastructure requirements arising from the scheme will be met by the time it is needed. Contributions will be sought from development giving rise to the need for new infrastructure in accordance with the Council's SPD on Planning Obligations.

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) Submission of a post completion viability assessment and if this demonstrates that it is viable, this will ensure that up to 50% of the scheme is provided as "Affordable Housing." The exact tenure and numbers of affordable units to be provided to be agreed prior to first occupation
- (c) A contribution £144,000 (£3,000 per additional private bedroom less the 9 existing bedrooms), due on material start an, index-linked from the date of committee for Education, Sustainable Transportation, Open Space & Sports in the local area.
- (d) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes level 3 plus additional measures, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol. (The applicants have indicated that they may be able to provide additional sustainability measures on top of Code for Sustainable Homes 3, which is considered necessary.)
- (e) Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.
- (f) Car-free (residents will not be entitled to permits should a CPZ be introduced in the future)
- (g) Join and adhere to the Considerate Contractors scheme.

And to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission by the end of the 13-week application process or by another date if agreed in writing with the Local Planning Authority, 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 (0.164 hectare) is situated on the southern side of Brook Avenue approximately 50m from the junction with Bridge Road. The site is within Wembley Growth Area within Brent's Core Strategy 2010. Ground levels drop within the site towards the rear boundary which abuts Wealdstone Brook. Wealdstone Brook is designated as a Site of Borough (Grade II) Nature Conservation Importance, Site of Local Nature Conservation Importance and Wildlife Corridors.

The site currently contains three, two storey residential dwellinghouses, 32 Brook Avenue has a lower ground floor creating a 3 storey development to the rear. To the north of the site on the opposite side of Brook Avenue is the Wembley Park station and car park. The southern side of Brook Avenue is mainly characterised by two storey residential properties however the eastern end of Brook Avenue is the site of the ten-storey Premier Inn hotel. Immediately to the east of the site, there has been a recent approval for a block of flats ranging in height from 5 to 10 storeys.

PROPOSAL

Demolition of 3 existing dwellinghouses and erection of a part 4-, part 6- and part 7-storey building, comprising 35 flats with private balconies (17 one-bedroom, 14 two-bedroom, 4 three-bedroom), erection of a children's play area to rear, 4 off-street disabled parking spaces to front and associated landscaping to site

HISTORY

The following planning history is most relevant to the proposal:

No. 29, 30 & 31 Brook Avenue

24/10/1974 Residential development of 80 rooms to the acre – Approved (Ref: E69478556).

19/04/1973 Residential development of 120 rooms to the acre – Refused (Ref: E1790 5119) and an appeal lodged against the refusal was withdrawn on 18/12/1975.

21/06/1974 Residential development of 75-80 rooms to the acre – Approved (Ref: E3481 6173).

19/04/2007 - 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 (as accompanied by Planning Statement CL10836/01, January 2007, produced by Nathaniel Litchfield and Partners, Design and Access Statement F250/DS001, Revision: 0, January 2007, produced by Arc 7 Design, and Sustainable Development Checklist) (as amended by revised plans and information received on 08/03/2007 and 09/03/2007) Granted (Ref: 07/0158)

11/06/2010 – 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 Planning Act 1990 and subject to a Deed of Agreement dated 11 June 2010 under Section 106 of the Town and Country, as amended. Approved (Ref: 10/0601)

No. 29 Brook Avenue

23/05/2001 Erection of a 2-storey side and part 2-storey, part single-storey rear extension and construction of rear dormer – Approved (Ref: 01/0254).

POLICY CONSIDERATIONS

PPG24 – Planning and Noise

Unitary Development Plan 2004

BE1 - requires the submission of an Urban Design Statement for all new development proposals on sites likely to have significant impact on the public realm or major new regeneration projects.

BE2 - Proposals should be designed with regard to their local context, making a positive contribution to the character of the area.

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.

BE4 - states that developments shall include suitable access for people with disabilities.

BE5 - Proposals should, amongst other things, clearly defined public, private and semi-private spaces in terms of their use and control.

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, boundary treatments to complement the development and enhance the streetscene.

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 materials.

BE12 - states that proposals should embody sustainable design principles commensurate with the scale and type of development.

EP2 - Noise & Vibration -noise generating development will be permitted unless it would create noise above acceptable levels

EP3 - requires developments within Air Quality Management Areas to support the achievement of

National Air Quality Objectives.

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

H12 - Layout and urban design of residential development should reinforce/create an attractive/distinctive identity appropriate to the locality, housing facing streets, have access and internal layout where cars are subsidiary to cyclists and pedestrians, appropriate car parking and cycle parking, where dedicated on-street parking is maximised as opposed to in curtilage parking and avoids excessive tarmac and provides an amount and quality of open landscaped area appropriate to the character of the area, local availability of open space and needs of prospective residents.

H13 - The appropriate density will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites and meets the amenity needs of potential residents. The most dense developments will be in areas with good and very good public transport accessibility. Surrounding densities should at least be matched unless it would harm residential amenity. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.

H14 - States that planning permission will be refused where development would under-utilise a site.

H15 - States that the density and height of any buildings should be subsidiary to the street fronting development.

TRN2 – Development should benefit the Public Transport network

TRN3 - Where a planning application would cause or worsen an unacceptable environmental impact from traffic generated it will be refused, including where:

- (a) The anticipated level of car generation/attraction is greater than the parking to be provided on site in accordance with the Plan's standards and any resulting on-street parking would cause unacceptable traffic management problems; and/or
- (b) The proposal would have unacceptable environmental problems such as noise or air quality (especially affecting air quality management areas); and/or
- (c) The development would not be easily and safely accessible to pedestrians and/or cyclists; and/or
- (d) Additional traffic generated would have unacceptable consequences in terms of access/convenience for pedestrians and/or cyclists; and/or
- (e) The proposals would produce unacceptable road safety problems; and/or
- (f) The capacity of the highway network is unable to cope with additional traffic without producing unacceptable levels of traffic congestion – especially where this would hinder the ability of the Strategic Road Network and/or London Distributor Roads to cope with through trips, or would introduce through traffic onto local roads; and/or
- (g) The proposal would cause a significant increase in the number and/or the length of journeys made by the private car.

TRN11 - Developments shall comply with the Council's minimum cycle parking standard (PS16); with parking situated in a convenient, secure, and where appropriate sheltered location.

TRN10 – Walkable Environments

TRN15- Forming an access onto a road

TRN23 - Parking standards for residential developments require that residential developments should provide no more parking than the levels listed in PS14 for that type of housing.

TRN34 – Servicing in New Development

TRN35 - On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.

CF6 – School Places

Brent's Core Strategy 2010

CP2 – Population

CP5- Placemaking

CP6- Design and Density in Placemaking.

CP7 – Wembley Growth area

CP15 – Infrastructure to Support Development

CP17 – Protecting and Enhancing the Suburban Character of Brent

CP18 – Protection and Enhancement of open Space, Sports and Biodiversity

CP19 - Brent Strategic Climate Mitigation and Adaptation Measures

CP21 - A Balanced Housing Stock

Mayor of London

The London Plan Consolidated with Alterations since 2004

Mayor of London Supplementary Planning Guidance

- Providing for Children and Young People's Play and Informal Recreation (March 2008)
- Sustainable Design and Construction (May 2006)
- Planning for Equality and Diversity in London (October 2007)
- Accessible London: Achieving an Inclusive Environment (April 2004)

Supplementary Planning Guidance(SPG) 17 - "Design Guide for New Developments".

Supplementary Planning Guidance(SPG) 19 - "Sustainable Design, Construction & Pollution Control".

Supplementary Planning Document - S106 Planning Obligations

SUSTAINABILITY ASSESSMENT

The site lies within Wembley Growth Area, and as a major development, Core Strategy Policy CP19 requires the development to achieve Code for Sustainable Homes level 4 unless the scheme feasibility shows that this is not possible. The applicants have submitted viability assessments and now seek Code for Sustainable Homes Level 3 within Energy Strategy v3. This will be achieved through the s106 legal agreement. Your officers are keen to ensure that within a Growth area, sustainability measures are maximised. The applicants have been asked to provide a Code for Sustainable Homes Pre-assessment and to propose additional measures on top of Code for Sustainable Homes 3.

The applicants have set out within their Energy Strategy ways that they intend to save energy within the development, such as efficient lighting systems in accordance with London Plan requirements. The applicants have considered combined heat and power units, but do not consider this appropriate for the number of units proposed, which is accepted by officers.

In order to achieve CO2 savings on site the applicants propose to use a mix of air source heat pumps and photovoltaic panels, which they identify will lead to CO2 reductions of 20.1% in accordance with London Plan requirements. The applicants propose to use NIBE Fighter exhaust air heat pumps within each dwelling, recovering heat from waste air in bathrooms and kitchens and upgrading this into a wet heating system. These have co-efficient of performance in excess of 2.5, (with an annual average of 2.6,) and therefore result in CO2 savings.

The applicants confirm that they will sign up to the Demolition Protocol and will achieve a Sustainability Checklist TP6 score of 50.5%, which is above the minimum 50% score.

CONSULTATION

The consultation process included notification letters sent on 17/06/10 170 residents, 4 members, Transportation, Landscape Design, Urban Design, Environmental Health, Thames Water and Crime Prevention adviser. A press notice has been published on 24/06/10, and site notices erected on 23/06/10. The following comments have been received:

1 letter of objection received raising concerns about congestion and parking demand associated with the development of 35 flats

Environmental Health – no objections subject to conditions regarding glazing and ventilation is installed in accordance with the recommendations in the acoustic report and post-completion testing is conducted in 10% of the affected properties prior to occupation, conditions relating to contamination and remediation are required, as is a construction method statement, as the site is within an AQMA

Landscape Designer - The landscape scheme should be of high quality. Raises objection to the quality of the scheme proposed, requiring details to demonstrate the quality of the proposal for amenity, play, planting, and boundary treatments. There is poor disabled access to the rear amenity area, particularly for disabled people. (Officer note, this has been improved during the course of the application.) An ecology report should be submitted as the site borders a river and a Japanese Knot weed eradication plan is necessary. The tree survey appears incomplete. The front landscape plan has a predominance of hard landscaping, a minimum of 4 trees should be provided. (Officer note - Revised plans have been received during the application but the front garden would benefit from increased soft landscaping.)

Highways Engineer

Transportation raises objections, the proposal will require up to 40 parking spaces. However only 4 disabled parking spaces are proposed. There will be a demand for 30 spaces within the region of the site, which outweighs the parking available to the site. The applicant's Car-free approach cannot be currently implemented as there is no CPZ in order to restrict permits for future residents. It is noted that this permit-free approach was used at 32-34 Brook Avenue. Monies towards a car club in the area should also be provided. Any cross-overs made redundant as a result of this application should be reinstated at the developer's expense. Object to the width of the revised cross-over.

Environment Agency

No objections subject to conditions that the development is undertaken strictly in accordance with the submitted FRA.

Natural England- recommend an ecological statement be provided, and any new lights' direction within the vicinity of Wealdstone Brook are controlled

REMARKS

Proposed residential uses/ mix of units

The principle of new residential development in this area is accepted and conforms with planning policy guidelines. This application proposes to demolish the existing houses and erect a 3-7 storey building incorporating a lower-ground floor/basement level.

The applicants have confirmed that 100% of the units meet Lifetime Homes standard. Furthermore, the applicants have demonstrated 4 adaptable units within the development. The proposal incorporates 35 units and therefore the 4 units represent 10% wheelchair accessible units in line with London Plan requirements.

No affordable units are proposed in the original submission. The applicants propose an entirely private scheme. This is not in accordance with London Plan requirements for a mixed housing tenure. Policy 3A.9 specifically sets out a strategic target of 50% affordable is required. This also fails to comply with Brent's Core Strategy Policies CP2 and CP21 that state that the borough will aim to achieve the London Plan target that 50% of new homes should be affordable. However the applicants have submitted a Toolkit that they believe reinforces their position from a viability perspective. This has been revised during the course of the application.

This proposal to provide 35 flats, involving the demolition of 3 houses, incurs a potential affordable housing obligation as it is well over the 10 homes threshold. The actual extent of any affordable housing provision is determined by a viability test to ensure the 'maximum reasonable amount' of affordable housing, which will not prevent the implementation of an otherwise satisfactory new housing development.

The applicant submitted a viability assessment based on the GLA Affordable Housing Toolkit, which contained a number of operational errors and information which Officers considered needed to be substantiated. A revised Toolkit did not satisfy all of the Officers concerns, while a further third toolkit has been submitted too late to enable proper evaluation before the preparation of this Report.

The GLA Affordable Housing Toolkit essentially operates by assessing the proposed scheme development costs (including a reasonable developer's profit margin) and the expected housing sales income (including any available affordable housing grant.) The difference between these two totals should be sufficient to allow for the purchase of the site at a price, which will encourage the land owner to sell, which should enable affordable housing provision.

A particular problem in employing the Toolkit methodology arises in the case of a site, such as 29 -31 Brook Ave, where the land owner and the prospective developer are the same. This problem is further exacerbated by the fact that the existing 3 houses were purchased in 2006/07 and appear themselves to offer a viable return without any development. Thereby, raising questions as to the justification of the applicant's off-setting the original purchase financing cost against the implementation of their proposed development.

Officers have questioned the justification of the applicant's building cost estimates but have not been able to commission an expert verification of these because of time and budgetary constraints. The applicant has justified their anticipated housing sales values with reference to a local estate agent's valuations. However, as these are based on past sales, they may not be applicable by the estimated scheme completion time.

In conclusion, Officers are not satisfied, on the basis of the available information, that this proposal cannot viably generate any affordable housing contribution. Officers consider that the applicant should, at least, recognise the possibility of a substantial rise in housing sales valuations, by the estimated scheme completion time in several years, by agreeing to a post completion viability assessment. This could provide a potential 'commuted payment' affordable housing contribution if

the scheme income has risen significantly above the current estimate. This proposal, would be secured through a Planning Obligation Agreement (S106), is conditional on all other aspects of the proposed scheme representing a satisfactory housing development.

The applicants also seek a 5 year consent within the Planning Statement accompanying the application. Given the viability issues raised by the applicant it is not considered appropriate to issue a longer consent than 3 years, to allow review at that time on the basis of the likely revised circumstances. Alternatively an overage clause may be required, similar for that mentioned for affordable housing, but not limited to the provision of affordable housing.

Design of Buildings, Impact on the Street scene

The proposed building has a block form that is stepped up towards the eastern end of the site adjoining 32-34 Brook Avenue. The massing is articulated on all elevations through the use of different materials (brick, render and glazing,) and windows are provided on all elevations that further help to break-up the massing in addition to projecting balconies. Varied projections of the building provide shadow lines which also articulate across the building.

In line with guidelines within SPG17 the main entrance to the residential units is from the front of the development. As revised, the proposal provides access to the rear garden from the building's core allowing disabled access to the rear garden. The revisions to the front landscaping during the course of the application seek to introduce further soft landscaping to the frontage. However, there is still a predominance of hard surfacing, which the Council's Landscape Designers would seek to be broken up with further planting including the incorporation of 4 trees. Furthermore, the parking layout would result in a dropped kerb with an excessive width, which is not supported by the Highway Engineers.

Within the current application, the semi-detached dwelling 29 Brook Avenue is to be removed, and 28 Brook Avenue is to be retained as a detached 2-storey dwelling. A 3m wide landscaped buffer is proposed between the new development and the retained 28 Brook Avenue. The proposal incorporates a 4 storey building on this western side of the site, which with a lower-ground floor plan reaches up to 5 storeys to the rear. It is notable that the fourth floor of the building is set-back from the building's frontage to reduce the scale of the development adjoining number 28 from the streetscene.

The following history is relevant to the application. The application site has recently renewed approval for a 3-4storey development containing 13 flats under application 07/0158 and renewed 10/0601. The adjacent site 32-34 Brook Avenue has an approval (ref: 09/2571) for a 5-10 storey development and minded to grant outline application 07/2145 for 3 to 8 storey building.

Application 09/2571 on 32-34 Brook Avenue approved a development that ranges from 5 to 10 storeys. This was in part justified as the current application site 29-31 Brook Avenue has extant planning permission for a 3-4 storey building, and therefore the adjoining development would not necessarily be visible alongside a 2-storey development. The planning history demonstrates that both on the site itself and adjoining site, the principle of in-depth development has been accepted. In addition, proposals of large scale massing have previously been found acceptable in this part of the streetscene. In this context, on balance officers consider that the proposed building will relate satisfactorily to the local streetscene.

Impact on neighbouring occupiers

Massing

Policy CP6 requires that the interface between higher density developments in growth areas and other areas and lower density surroundings be respected and take account of the suburban scale of adjoining development.

The proposal has a stepped rearward projection, but only provides a separation of 3m between the proposed 4-5 storey building on the western edge of the site and the adjacent retained dwelling, number 28 Brook Avenue. This gap provides the main access to the rear garden area by future occupants. It is unlikely to be large enough to enable tree planting, unlike the 5m gap separating the recently approved scheme on 32-34 Brook Avenue from the site. Only a gap of 1m is provided between the site and 32-34 Brook Avenue although this is reduced by the roof that has an overhanging roof parapet up to the eastern boundary.

The current application on site provides a larger gap between the proposed building and the adjoining building number 28 than that previously approved under application 07/2145 increasing the separation from 1.5m to 3m. The applicants seek to demonstrate through revised plans and elevations that this gap and the rear built-form provides a better relationship than that previously approved under 07/0158 and renewed under 10/0601. However, the site plan comparison drawing LA004 appears to misrepresent the extent of the approved scheme under application 07/0158.

The current proposal results in a building that projects 3m away from the side boundary, 3m to the rear of number 28, plus balconies with associated privacy screens that will appear as a total depth of 4.5m, with a height 11.8m at the front and 15.8m to the rear, (as the ground levels fall away.) The previously approved scheme originally permitted under 07/0158 projects 2.5m incorporating a balcony, to the rear of 28 Brook Avenue, 1.5m away from the boundary at a front height of 8.35m and rear height of 11.1m to the pitch of the roof.

The applicant argues that the current scheme although higher and larger than the previously approved scheme has a better relationship to the neighbouring dwelling at 28 Brook Avenue. While the current proposal does leave a larger gap between 28 Brook Avenue and the new building than that previously approved, its greater height and depth is considered to result in a significantly worse relationship. The proposal will therefore result in a building up to 5 storeys high (4 storeys from the front,) projecting 4.5m to the rear of the neighbouring dwelling only 3m from the boundary. This relationship is considered to be harmful to the amenities of adjoining occupiers. Further away from the boundary, the proposed building on site projects up to 16m to the rear of 28 Brook Avenue and reaches up to 7 storeys high.

The adjacent site 32-34 Brook Avenue has an approval 09/2571 is separated from the application site by 5m, and the in-depth development ranges from between 8.8m and 10.8m from the western side boundary with lower development. This was in part justified as the adjacent site is next to the existing higher rise form of the hotel, to the east which is itself orientated onto Bridge Road and maintains a separation distance of some 30m. This application was preceded by outline minded to grant consent for a 4 to 8 storey development 07/2145, which was 1.5m from the application site and the in-depth rear development was 21m from the adjoining site.

The adjacent development was judged to be acceptable to the application site as a 5m wide buffer provided a more spacious setting to the large new-build, particularly when compared with a proposal previously approved on the adjoining site as application 07/2145 only separated from the application site by 1.5m. The larger 5m setting was considered an improvement upon the previous application.

Daylight

The applicants seek to show on the site comparison drawing that despite the increase in height in the current application on site, the daylight zone to the front and rear of the retained dwelling number 28 Brook Avenue represents an improvement on the scheme previously approved. However, this drawing does not accurately show the extent of the building approved under application 07/0158, and therefore the proposal does not demonstrate that it will relate satisfactorily to the amenities of the adjoining occupiers in terms of daylight and outlook of the adjoining occupiers.

The applicants have submitted drawings that demonstrate that the impacts of the proposal on surrounding development between winter and summer solstice. This shows that there will be times in the day when the development will affect adjoining buildings but the development's predominant impact will fall upon the carriageway Brook Avenue.

Quality of residential accommodation

Internal spaces

The proposed 35 self-contained flats are a mixture of 1, 2 and 3 bedrooms. All of the proposed units exceed the minimum floorspace guidelines within SPG17 "Design Guide for New Development," based on the number of people that each unit is stated to be designed for. There is stacking of habitable and non-habitable rooms within the development, but as the building will be purpose-built, noise insulation to meet building regulations is likely to be sufficient to prevent noise disturbance between floors. The submitted Noise report sets out that appropriate noise levels are achievable within the building.

Officers have previously raised concerns with the outlook and daylight received by future residents. The applicants have submitted a Daylight Report. This assesses the proposed basement windows in relation to both the Vertical Sky Component and Average Daylight Factor. This is important as the development relies on light wells to the front, which are only 2.5m deep. The Daylight report finds that all of the basement rooms exceed BRE Report guidelines in relation to Average Daylight Factor, which is a harder test. This considers all rooms with windows onto light wells and Appendix A also considers the dual aspect living room/ kitchen that serves flat 3. The report demonstrates that all of the basement rooms receive a reasonable level of sunlight.

However the front 2.5m deep light well to bedrooms within flat 1 provide a foreshortened outlook than that usually sought through SPG17, which seeks outlook of 10m for habitable rooms. The applicants state that it is only bedrooms that are affected. Bedrooms are considered habitable rooms, within Brent's Unitary Development Plan so the proposal does not provide a good standard of outlook for the occupiers of this flat. The living room for flat 1 has an outlook to the rear, and is the only window within this flat that does not rely on the lightwell. The outlook to the rear is also restricted, between a 3.6m high retaining wall immediately to the west and a 5 storey building immediately to the east. The window is also directly under a balcony and therefore provides a poor level of outlook for future occupiers contrary to policy BE9 of Brent's Unitary Development Plan.

There are 13 flats that have an outlook onto a courtyard/ recess towards the eastern end of the site. The courtyard is only 3.2m wide. The Daylight report demonstrates that basement flats with this layout achieve adequate levels of daylight. As these are likely to be the rooms with the worse affected outlook, then all higher floors windows may be considered to comply with Average Daylight Factor. At ground floor and above, the 6 rearmost flats have north-facing kitchen onto the building recess. These windows are supplemented by a larger window serving the linked living room to the rear. The kitchen windows are considered secondary windows to the room, and therefore a reduced outlook to these windows may be accepted.

However, the 6 front eastern flats on ground to sixth floor that have an outlook onto this recess/ courtyard have been designed with south-easterly corner windows. These are only set 1m from the side boundary and rely on an oblique outlook across the adjacent site 32-34 Brook Avenue. This provides a poor outlook to future occupiers. SPG17 guides that flank wall habitable room windows should be at least 5m from side boundaries. The proposal falls short of this guideline. Furthermore, the window would only be set 1m from the side of the existing property, number 32 Brook Avenue, 2.5m from the side wall of the development on the adjoining site if application 07/2145 were to be approved, or 6m from the adjoining site if application 09/2571 were to be implemented. It should be noted that the rear block approved under 09/2571 on 32-34 Brook Avenue contains habitable room

windows, and the proposed corner windows on site would be less than 20m from the adjoining habitable room windows and accordingly do not achieve the 20m separation distance guided within SPG17, causing harm to future amenities.

The applicants do not show how the privacy of flats adjoining communal areas may be safeguarded at ground floor and basement. These details could be considered as a condition of any approval as the applicants have demonstrated that there is space to achieve a degree of planting separation or the erection of a barrier.

External amenity space/ playspace

All flats have access to private balconies, which range in size, but as a minimum are 3.75sqm. Generally officers seek balconies sized between 6-10sqm. However, there is an additional elevated roof garden of approximately 40sqm on the fourth floor, which is accessible to all occupiers and if appropriately detailed, will act as a reasonable facility.

Core Strategy Policy CP5 requires that playspace be provided with all major housing schemes. Applying the Mayor's SPG on playspace methodology, the scheme could accommodate children requiring 30sqm playspace. The applicants have shown an indicative area on site, but this would need to be fully detailed in order to provide an appropriate play area.

There will be an extensive landscaped area to the rear of the development including an 8m buffer where no development is to be sited. The amenity area is to be planted with species including native plants and shrubs, which is anticipated to enhance nature opportunities on site. Parts of the garden area on site are currently overgrown, but this area could be cleared at any time, and does not benefit from any statutory protection. The close proximity to the Brook means that the presence of bats may be considered, and therefore the Local Planning Authority will condition that future details of external lights direction be submitted to ensure that the quality of the brook is safeguarded. The main rear amenity area is in excess of 588sqm. This will provide at least 16sqm of amenity space per unit in addition to the elevated amenity areas. It is considered that the space is sufficient to provide a quality external amenity area adjoining the Wealdstone Brook if appropriately detailed.

The Council's Landscape designer has identified the presence of Japanese knotweed. The removal of this is carefully controlled and accordingly this needs to be approved as a condition to ensure that the removal is appropriately undertaken.

Officers are currently considering the front garden layout, and seeking revisions to the soft landscaping and parking areas in order to ensure that the development is appropriately assimilated into its surroundings, and opportunities to create an attractive frontage are maximised.

Noise

The applicants have submitted an Acoustic report. This assesses the site as a category B to C location in accordance with PPG24, with the most significant noise arising from traffic using Brook Avenue, but also from the railway line to the north-east. The assessment concludes that with appropriate acoustic ventilation and glazing appropriate internal noise levels can be achieved by the development. This shall form a condition of any approval.

Parking and Servicing

The scheme is proposed to be a car-free development with 4 spaces provided for disabled residents off-street. This is considered appropriate within this context due to the location of the site, less than 100m from Wembley Park Station, which has both Jubilee line and Metropolitan line trains and local buses outside the station. As a result of these transport links, the site has a PTAL rating of 4. In such accessible locations, car usage should be discouraged and a car-free development is therefore welcomed by officers.

However Transportation Engineers have objected to the proposal due to the lack of controlled parking zones within the area. Whilst the objection is recognised, it should be noted that this approach has been adopted for the adjoining site, 32-34 Brook Avenue under application 09/2571. The objection from Transportation has been partly resolved through the applicants commitment to enter into an agreement preventing occupants from accessing parking permits provided such controls are introduced prior to occupation.

Should such controls not come into force prior to occupation however, the fallback position of having no parking controls is also considered acceptable by officers despite third party concerns. This is due to current off-street parking arrangements in Brook Avenue being considered adequate to support parking needs for existing residents. Existing properties along Brook Avenue largely benefit from off-street parking through driveways, forecourts and garages. Furthermore parking opportunities in Brook Avenue are minimal during the day with a mix of single yellow lines and only a limited amount of on-street parking in marked bays discouraging residents living in the building from high levels of car-ownership. In addition, the nearest parkable roads are considered to be of sufficient distance from the site to prevent their regular use by future car-owning residents.

The front garden layout as revised is not acceptable to officers as it results in an excessively wide crossover, at least 8m in width, when usually a maximum of 4.2m is permissible in order to prevent harm to highway and pedestrian safety.

Flood Risk

The site is within Flood Zones 1 2 and 3. The submitted flood risk assessment (FRA) demonstrates that the entire development is achievable in land within flood zone 1. This means that there is no need to consider a sequential or exception test. The finished floor levels will be set above the 100-year flood level taking account of climate change. The Environment Agency has assessed the proposal and they confirm that subject to compliance with the FRA which considers drainage and flood risk, the proposal is considered satisfactory. Compliance with the flood risk assessment would be a condition of any approval.

Density

Unitary Development Plan policies relevant to density include BE3, BE11 and H13, these are updated by Policy CP6 of Brent's Core Strategy. These policies are reinforced by Policy 3A.3 of the London Plan as consolidated with alterations since 2004 that sets out an indicative density matrix, taking into account the "setting" and PTAL rating of a site. The proposal is sited within an urban area with PTAL 4. The area traditionally had a suburban context. However this part of Brook Avenue is within Wembley Growth Area. The proposed density of the development equates to 213 units per hectare within the London Plan tolerances (55-225u/ha;) and 560 habitable rooms per hectare, which is also within the tolerances normally permitted within the London Plan (200 – 700 hr/ha.) The site near major transport interchanges and is envisaged to be subject to change in the future. However, the rear parts of the site are within a flood risk zone, adjoining the Wealdstone Brook and this in turn will reduce the appropriate level of new development densities on site.

Other matters

Environmental Health officers have found traces of contamination within the locality including elevated levels of PAHs, which warrant soil remediation. As such, remediation and clean-up should be conditioned prior to occupation. The site is within an Air Quality Management Area and as such, a Construction method statement with regard to dust control is required by Environmental Health. This may also be considered as a condition.

Conclusion

Overall the development is considered harmful to neighbouring occupiers and the occupiers of the development itself. Officers also have concerns that no affordable housing is to be provided on site. The development cannot be supported for the reasons set out in the report above.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed development by reason of its siting, depth of building and height will result in an overbearing relationship to 28 Brook Avenue harmful to the outlook of habitable room windows and external amenities of neighbouring occupiers and contrary to Policy BE9 of Brent's Unitary Development Plan 2004, Brent's Core Strategy and Supplementary Planning Guidance 17 'Design Guide for New Development'.
- (2) The proposal would result in a substandard form of accommodation detrimental to the amenities of future occupiers by reasons of the poor outlook of flat 1 due to its reliance on a lightwell to the front and the restricted outlook to the rear and the poor outlook of flats 7, 12, 18, 24, 28, and 32 all of which have habitable rooms reliant on outlook over an adjoining site less than 1 metre away. As such the application is contrary to Brent's Unitary Development Plan policies BE2, BE9, Brent's Core Strategy and Supplementary Planning Guidance 17 'Design Guide for New Development'.
- (3) The proposed vehicular access due to its wide kerb radii would result in an excessively wide section of Brook Avenue lacking in pedestrian footway, as a result this will result in conditions harmful to pedestrian and highway safety, and this is contrary to policies TRN3, TRN10, TRN15 and TRN34 of the adopted Brent Unitary Development Plan 2004 and Brent's Core Strategy 2010.
- (4) The proposed development does not provide or justify its failure to provide sufficient affordable housing on site nor does it provide a mechanism to review the viability of the scheme at the time of completion and in the absence of a legal agreement to control the matter is contrary to Policy 3A.11 of the London Plan 2008 CP2, CP21 of Brent's Core Strategy and Policy STR20 of Brent's Unitary Development Plan 2004.
- (5) In the absence of a legal agreement to control the matter, the proposed development has failed to achieve and employ sustainable design principles and without sufficient evidence to support the application, the proposed residential development will not contribute towards energy conservation, air quality and sustainable construction, and would significantly impact the natural and social environment, contrary to policies STR3 and BE12 of Brent's Unitary Development Plan 2004, Policy CP19 of Brent's Core Strategy and Supplementary Planning Guidance No. 19: "Sustainable Design, Construction & Pollution Control".
- (6) In the absence of a legal agreement to control the matter, the development would

result in additional pressure on transport infrastructure and education, without any contribution towards sustainable transport improvements or school and nursery places, and increased pressure for the use of existing open space, without contributions to enhance open space, sports or make other contributions to improve the environment and air quality. As a result, the proposal is contrary to policies EP3, TRN3, TRN4, TRN10, TRN11, CF6 and BE7 of Brent's adopted Unitary Development Plan 2004, Policy CP15 of Brent's Core Strategy and the adopted S106 Planning Obligations Supplementary Planning Document.

- (7) In the absence of a legal agreement to ensure that future residents are not eligible for on-street parking permits, the development would result in additional pressure on on-street parking that would prejudice the free flow of traffic and conditions of safety along the neighbouring highway. As a result, the proposal is contrary to policies TRN3 and TRN23 of Brent's adopted Unitary Development Plan 2004.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent's Unitary Development Plan 2004

Brent's Core Strategy 2010

The London Plan Consolidated with Alterations since 2004

Mayor of London Supplementary Planning Guidance

- Providing for Children and Young People's Play and Informal Recreation (March 2008)
- Sustainable Design and Construction (May 2006)
- Planning for Equality and Diversity in London (October 2007)
- Accessible London: Achieving an Inclusive Environment (April 2004)

Supplementary Planning Guidance(SPG) 17 - "Design Guide for New Developments".

Supplementary Planning Guidance(SPG) 19 - "Sustainable Design, Construction & Pollution Control".

Supplementary Planning Document - S106 Planning Obligations

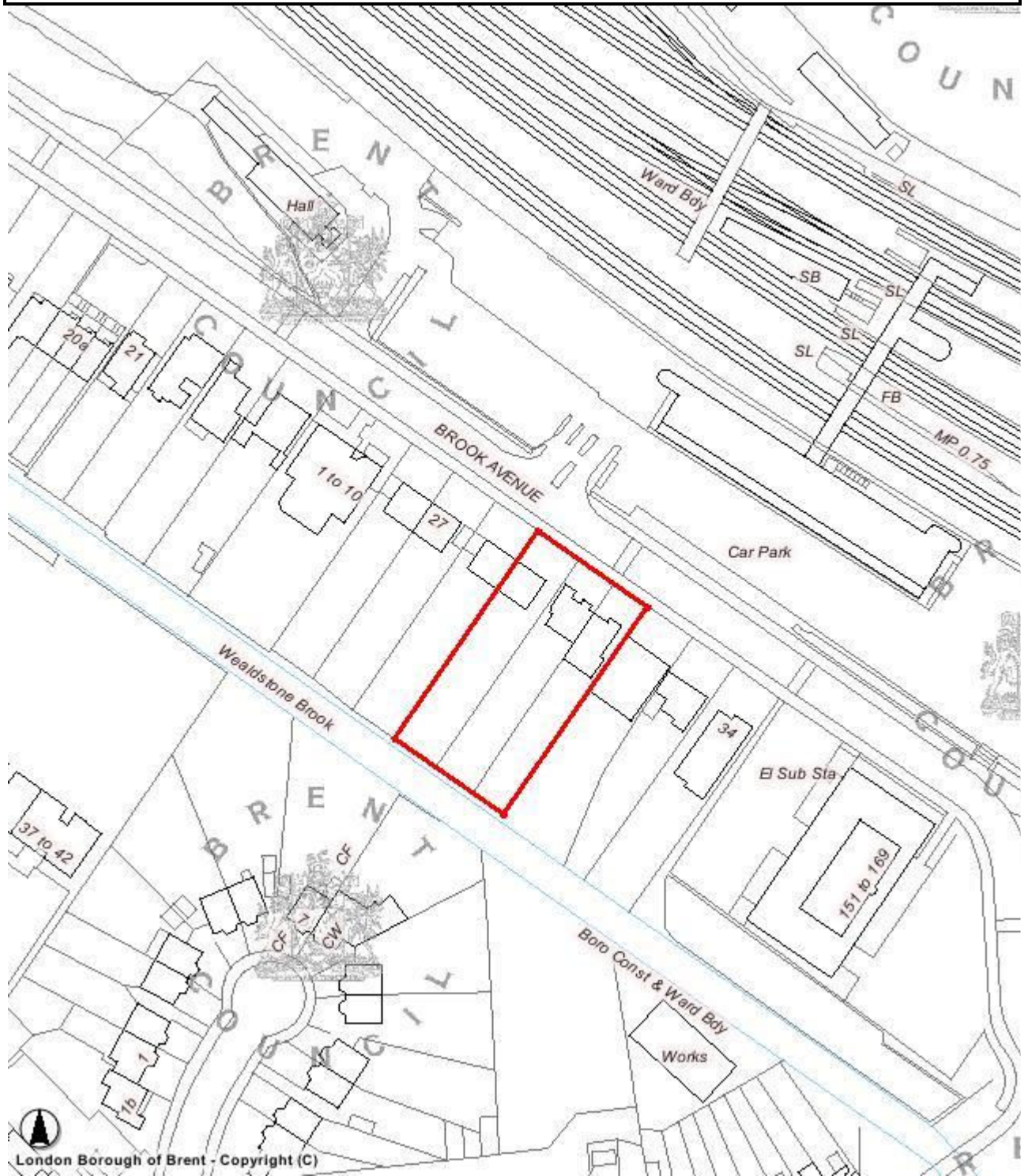
Any person wishing to inspect the above papers should contact Amy Wright, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5222



Planning Committee Map

Site address: 29, 30 & 31 Brook Avenue, Wembley, HA9 8PH

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**Committee Report
Planning Committee on 18 August,
2010**

Item No. 3/03
Case No. 10/1012

RECEIVED: 10 April, 2010

WARD: Northwick Park

PLANNING AREA: Wembley Consultative Forum

LOCATION: 112 Carlton Avenue West, Wembley, HA0 3QX

PROPOSAL: Demolition of an existing detached side garage and erection of part single and two-storey side and rear extension, installation of rear dormer window, two rear rooflights with associated soft and hard landscaped area to provide 1 off-street car parking space (as amended by revised plans received on 30/06/2010).

APPLICANT: Miss Mala Patel

CONTACT: Mr Bhavesh Patel

PLAN NO'S:
See Condition 2

RECOMMENDATION

Approval

EXISTING

The proposal relates to a two-storey semi-detached dwellinghouse with an open style front porch and a detached side garage situated on the north side of Carlton Avenue West. The property is located within the Sudbury Court Conservation Area and is covered by an Article 4 Direction.

PROPOSAL

The proposal is for the demolition of the existing detached side garage and the erection of a part single/part two-storey side and rear extension, the installation of a rear dormer window, two rear rooflights and associated soft and hard landscaping to provide 1 off-street car parking space to the front of the property (as amended by revised plans received on 30/06/2010).

HISTORY

The following is the most relevant planning history or the proposal:

08/10/2009 Demolition of an existing detached side garage and erection of ground floor side and rear and first-floor part rear extension, with associated landscaping to the front garden of the dwellinghouse - Approved (ref: 09/1363)

09/08/1994 Removal of chimney stack - Refused (ref: 94/1083)

09/08/1994 Removal of chimney stack and alterations to roof to match the existing - Refused (ref: 94/0959)

POLICY CONSIDERATIONS

Adopted Unitary Development Plan 2004

BE2 Townscape: Local Context & Character
BE7 Public Realm: Streetscape
BE9 Architectural Quality
BE25 Development in Conservation Areas
BE26 Alterations & Extensions to Buildings in Conservation Areas
BE27 Demolition & Gap Sites in Conservation Areas
TRN23 Parking Standards - Residential Developments

LDF Core Strategy 2010

Sudbury Court Conservation Area Design Guide

SUSTAINABILITY ASSESSMENT

Not Applicable

CONSULTATION

The application has been advertised in the Press and by Site Notice, The following have been consulted by letter:

- Nos. 93, 95, 97, 110 & 114 Carlton Avenue West
- Sudbury Court Residents' Association

In total 3 letters of objections have been received from No. 97 and 114 Carlton Avenue West and the Sudbury Court Residents' Association and the objections are as follows:

114 Carlton Avenue West - An e-mail has been received from No. 114 Carlton Avenue West raising objections to the proposed first floor extension on the grounds of further loss of light and reduce value of their property. It is suggested that the first floor extension should be set further away as possible and of minimum height from their property.

97 Carlton Avenue West - An e-mail has been received from No. 97 Carlton Avenue West raising objections to the proposal on the grounds that the premises should be used other than a family home and its affect on parking in the residential street.

Sudbury Court Residents' Association - An e-mail received from the Sudbury Court Residents' Association query over the precise use of the garage in the ground floor side extension approved in the previous application ref: 09/1363 and the need for side windows and doors into the house from the garage. There is no objection to first floor extension set back from the frontage. Comments are made in respect of internal arrangement of rooms such as there would be no natural light to the landing area, no ground floor toilet, only bedroom 3 has en-suite and there is no mention of any second floor or access staircase. The association prefer to see flank elevation to be vertical without the narrow strip of roof overhang. The 600mm wide pitched roof is aesthetically unattractive. The application should not be considered without first establishing any intended alterations to the front and rear gardens such as hardstanding areas, car parking and rear patios etc.

Transportation - The proposal can be supported on the transportation grounds as there will be sufficient parking retained within the garage and the dwellinghouse to provide 2 spaces for the house which will meet the current parking standards.

REMARKS

The application property is a two-storey semi-detached dwellinghouse located within Sudbury Court Conservation Area which is covered by an Article 4 Direction. The proposal is for the demolition of the existing detached side garage and the erection of a part single/part two-storey side and rear extension, the installation of a rear dormer window, two rear rooflights and associated soft and hard landscaping to provide 1 off-street car parking space to the front of the property (as amended by revised plans received on 30/06/2010). The ground floor extension would provide a replacement garage, utility room, kitchen and dining area. The first floor extension would provide a study, toilet and en-suite bedroom. The rear dormer would provide a bedroom in the roof space.

Planning permission has already been granted for a ground floor side and rear extension and a smaller first floor rear extension. Work has already commenced on this extension. The current applications introduces a dormer roof extension with roof lights, a first floor side extension and a wider first floor rear extension. The application is assessed under the Council's policies and standards as follows:

First Floor Side and Rear Extension

The proposed (2.4m wide) first floor side extension being no wider than (3.4m) the internal measurement of the front room of the dwellinghouse, and maintaining a set-in of 1m from the side boundary and a set-back 1.5m from the front main building line of the dwellinghouse would comply with the Sudbury Court Conservation Area Design Guide.

The proposed first floor side extension projects 2.6m beyond the rear building line of the dwellinghouse to align with the part first floor rear extension approved under ref: 09/1363. The proposed (2.6m deep x 2.3m wide) first floor rear extension is 5.9m distance from the mid-point of the nearest habitable room window in neighbouring house at 110 Carlton Avenue West and would therefore comply with the Council's 2:1 guideline as set out in Sudbury Court Conservation Area Design Guide and SPG 5.

Rear Dormer

The overall design, scale and bulk of the proposed dormer window is considered to be acceptable. The average width of the roof of the original dwellinghouse is 4.3 metres. The proposed dormer is 1.8 metres wide, 1.95 metres in height and 2.45 metres deep. The dormer is less than half the size of the average total roof width. It is set up 1.28 metres from the eaves line and set down 1.05 metres from the ridge and is positioned in line with the window underneath. The proposal complies fully in terms of its size, position and design with the guidelines for rear dormer windows as set out in the Council's Sudbury Court Conservation Area Design Guide.

Rooflights

The application proposes two rear (0.55m x 0.75m) rooflights within the proposed rear roof profile of the dwellinghouse and are considered to be appropriately positioned within the roofspace and are not considered in terms of their size and numbers to dominate the rear roof plane of the property and are therefore considered to be acceptable.

Comments on Objections Received

With regards to objections received, it should be noted that the proposed ground floor side and rear and part first floor rear extension closer to neighbouring 114 Carlton Avenue West as shown as part of the submission of this application has already been fully assessed against the Council's policies and standards including any possible impact on the amenities of the occupiers of the neighbouring houses and has been granted planning permission under ref: 09/1363. It should be further noted that building work in respect of the extension approved under ref: 09/1363 has already commenced on the site. Therefore the new element that needs to be considered in this instance is the first floor side and part rear extension that falls on the side of neighbouring 110 Carlton Avenue West, rear dormer and 2 rear rooflights and as this part of the development would be screened by the extensions already approved under ref: 09/1363 it is not considered to have any adverse impact on the amenities of the occupiers of 114 Carlton Avenue West.

The application is to extend the existing dwellinghouse to meet the owner/occupier's need and therefore it cannot be assumed that it would be used other than the family dwellinghouse. However, if a change of use of the dwellinghouse occurs then it would need to a new planning application.

The property as a result of the proposed extensions would be large enough to be used as 5/6 bedroom dwellinghouse and in accordance with the Council's Car Parking Standards set out in the adopted UDP 2004 would need to provide up to 2 off-street car parking spaces. The proposed extension would provide 1 off-street car parking in the new replacement garage in the ground floor side extension and 1 off-street car parking can be accommodated in the drive to the proposed garage and therefore would satisfy the Council's 2 off-street car parking requirement and therefore it is not considered to have any significant parking problems in the street.

With regards to Sudbury Court Residents' Association objections, the side garage is to be used as a garage and a condition restricting the use of the garage for garaging of private vehicles is attached to previous planning permission ref: 09/1363. The proposed windows in the ground floor side extension is to allow some natural light in to the garage and these windows faces the flank wall of the existing detached garage of the neighbouring house 110 Carlton Avenue West, it is not considered to have any adverse impact on the amenities of the occupiers of No. 110. With regards to other objections relating to the internal layout of the property and proposal affecting value of the neighbouring properties is not considered to be relevant planning objections.

The proposed scheme fully complies with the Council's adopted policies and standards that are designed to minimise the impact on the amenities of the neighbouring occupiers and allow the development to be in keeping with the character and appearance of the original house and the streetscene of the Sudbury Court Conservation Area and it is therefore recommended for 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

 \$ Central Government Guidance

 \$ Council's Supplementary Planning Guidance 5 - Altering and Extending

Your Home

 \$ 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 drawing(s) and/or document(s):

- GA01 Revision 01 - Existing Ground Floor
- GF10 Revision 01 - Proposed Ground Floor Plan
- FF01 Revision 01 - Existing First Floor Plan
- FF10 Revision 02 - Proposed First Floor
- FE01 Revision 01 - Existing Front Elevation
- FE10 Revision 01 - Proposed Front Elevation
- SE01 Revision 01 - Existing Side Elevation
- SE10 Revision 01 - Proposed Side Elevation
- SE LHS 10 Revision 01 - Proposed Side Elevation LHS
- RE01 Revision 01 - Existing Rear Elevation
- RE10 Revision 03 - Proposed Rear Elevation
- LF10 Revision 01 - Proposed Loft Floor Plan

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

- (3) 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 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.

- (4) 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.

- (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) The garage hereby approved shall be used solely for the housing of private vehicles.

No business or industry shall be carried out therein nor shall the garage be adapted or used for additional living accommodation or be sold, let or occupied separately from the dwelling.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the amenities of the locality by the introduction of commercial vehicles or uses which would be a source of nuisance to neighbouring occupiers by reason of noise, unsightly appearance or which would result in the loss of adequate off-street car parking for this property.

- (7) The existing boundary hedge within the site shall be retained and maintained to the satisfaction 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.

- (8) 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.

- (9) 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 within the Sudbury Court Conservation Area in accordance with the Council's policies BE6, BE7, BE25 and BE26 in the Adopted Unitary Development Plan and the Sudbury Court Conservation Area Design Guide.

- (10) Notwithstanding the plans hereby submitted and approved, further details of the proposed windows that would match the original window design and materials of the house shall be submitted to and approved in writing by the Local Planning Authority before any works commence on site. The development shall be implemented in accordance with the details approved under the condition.

Reason: To ensure a satisfactory development that would be in keeping with the character and appearance of the original house located within conservation area.

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. LDF Core Strategy 2010
3. Sudbury Court Conservation Area Design Guide
4. 3 letters of objection from No. 97 and 114 Carlton Avenue West and Sudbury Court Residents' Association.

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: 112 Carlton Avenue West, Wembley, HA0 3QX

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**Committee Report
Planning Committee on 18 August,
2010**

Item No. 3/04
Case No. 10/1362

RECEIVED: 1 June, 2010

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: 1-14 INC, Juniper Close, Wembley, HA9 6NY

PROPOSAL: Erection of a 3-storey terrace comprising 15 x 3-bedroom dwellinghouses with associated landscaping, car parking and infrastructure

APPLICANT: Quintain Estates and Development PLC

CONTACT: Signet Planning Ltd.

PLAN NO'S:
see Condition 2

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
- 100% affordable housing
- A contribution of £2,400 per bedroom (£108,000 total) due on material start and, index linked from the date of committee for Education, Sustainable Transportation, Open Space & Sports in the local area.
- An additional contribution of up to £20,000 towards the provision of Open Space & Sports in the local area.
- Adherence to the approved 'Sustainability Implementation Strategy' including the achievement of Code for Sustainable Homes Level 4, compliance with the agreed Brent Sustainability Checklist measures and provision of 20% of energy demand through onsite renewable sources.
- On completion, independent evidence (through a Post-Construction Review by an accredited Code for Sustainable Homes assessor) shall be submitted on the scheme as built, to verify the implementation of these Sustainability measures on site, and the achievement of at least Code for Sustainable Homes Level 4.
- The applicant shall provide evidence that materials reclamation/recycling targets, negotiated using the Demolition Protocol (where relevant), have been implemented.
- If the evidence of the above reviews shows that any of these Sustainability measures have not

been implemented within the development, then the following will accordingly be required

- 1) the submission and approval in writing by the Local Planning Authority of measures to remedy the omission; or, if this is not feasible,
 - 2) the submission and approval in writing by the Local Planning Authority of acceptable compensatory measures on site; or otherwise pay to the Council a sum equivalent to the cost of the omitted measures to be agreed by the Local Planning Authority, to be used by the Council to secure Sustainability measures on other sites in the Borough
- Join and adhere to the Considerate Contractors scheme.
 - 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 within the Statutory Application (13 week) timeframe.

EXISTING

The application site comprises Juniper Close, a short cul-de-sac located between the rear gardens of 9 to 37 Oakington Manor Drive and Wembley Stadium Station. Juniper Close consists of small low rise blocks of flats containing in total 14 flats all of which have been vacant for a number of years and are now boarded up. The entrance from Oakington Manor in to Juniper Close has been gated.

PROPOSAL

The application proposes a three-storey terrace of fifteen, three bedroom dwellinghouses. The terrace runs from east to west fronting the existing access road known as Juniper Close. Amenity space is provided in the form of roof terraces at the second floor level. Parking is provided through the provision of 9 parallel parking bays running along the southern boundary of the site which are interspersed with tree planting. In addition property has a traditional front garden layout with a timber refuse and cycle store on the front boundary. The two end units have forecourt parking bringing the total amount of on-site parking to 11 spaces. The scheme offers 100% affordable housing for social rented tenants.

HISTORY

The existing housing in Juniper Close was erected in the 1980s.

- 18.06.09 Planning application for the demolition of all buildings along Juniper Close and the erection of three 4- and 5-storey residential blocks and one 5- and 22-storey mixed-use tower with basement and ground-floor parking, comprising 112 flats, and a mix of commercial, retail, leisure uses withdrawn (Ref 09/0767).
- This application also incorporated the vacant triangular plot of land adjacent to White Horse Bridge. This land doesn't form part of the current application. Although withdrawn on the day of the planning committee the application was presented to the Planning Committee who supported the officer's recommendation to refuse and endorsed the reasons set out in the report.
- 28.03.07 Planning permission granted for the installation of a public toilet adjacent to the approach to White Horse Bridge.(Ref: 07/0641) Not implemented.
- 12.11.04 Outline planning permission granted for the demolition of 326-342 High Road, Nos. 1-19 Wembley Hill Road, Network House 10-12 Neeld Parade, AIB Bank 14 Neeld Parade

and The Red House 34A Wembley Hill Road, and the erection of a comprehensive mixed-use redevelopment to provide: Business and Employment uses up to 21,747m² (Class B1); Retail and Food and Drink up to 7,475m² (Class A1, A2 & A3); Residential apartments up to 43,160m² (Class C3); Community cultural and leisure facilities up to 12,961m² (Class D1 & D2); together with new means of access and circulation, new station facilities at Wembley Stadium Station, new pedestrian crossing at Wembley Hill Road, re-configuration of Wembley Triangle junction, car-parking, public square and open space, landscaping and other supporting works facilities and erection of a new bridge and platform access for which all matters are reserved, except for the bridge and the siting and means of access for the public square and approaches to the bridge. (Ref: 04/0379). Partly implemented with the creation of the Station Square to the north of the railway and the erection of White Horse Bridge.

POLICY CONSIDERATIONS

Mayor of London

The London Plan Consolidated with Alterations since 2004

Mayor of London Supplementary Planning Guidance

- Sustainable Design and Construction (May 2006)
- Planning for Equality and Diversity in London (October 2007)
- Accessible London: Achieving an Inclusive Environment (April 2004)

Providing for Children and Young People's Play and Informal Recreation (March 2008)

Brent Unitary Development Plan 2004

STR3 - In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).

STR5 - A pattern of development which reduces the need to travel, especially by car, will be achieved.

STR9 - The Council will ensure that development proposals do not conflict with the role of GLA Roads and London Distributor Road whilst discouraging through traffic on local roads.

STR11 - The quality and character of the Borough's built and natural environment will be protected and enhanced.

STR12 - Planning decisions should protect public health and safety and in particular, support the achievements of targets within the National Air Quality Strategy.

STR13 - Environmentally sensitive forms of development will be sought.

STR14 - New development to make a positive contribution to improving the quality of the urban environment in Brent

STR15 - Major development should enhance the public realm.

BE2 - Townscape: Local Context & Character

BE3 - Urban Structure: Space & Movement

BE4 - Access for disabled people

BE5 - Urban clarity and safety

BE6 - Public Realm: Landscape design

BE7 - Public Realm: Streetscene

BE8 - Lighting and light pollution

BE9 - Architectural Quality

BE12 - Sustainable design principles

BE13 - Areas of Low Townscape Quality

EP2 - Noise and Vibration

EP3 - Local air quality management

EP4 - Potentially polluting development
EP6 - Contaminated land
EP10 - Protection of Surface Water
EP12 - Flood protection
EP15 - Infrastructure
H12 - Residential Quality – Layout Considerations
H13 - Residential Density
H14 - Minimum Residential Density
H15 - Backland Development
TRN1 - Transport assessment
TRN3 - Environmental Impact of Traffic
TRN4 - Measures to make transport impact acceptable
TRN10 - Walkable environments
TRN11 - The London Cycle Network
TRN12 - Road safety and traffic management
TRN13 - Traffic calming
TRN14 - Highway design
TRN23 - Parking Standards – residential developments
TRN24 - On-Street Parking
TRN35 - Transport access for disabled people & others with mobility difficulties
PS14 - Residential Parking Standards
PS15 - Parking for disabled people
PS16 - Cycle parking standards

Local Development Framework - Core Strategy 2010

CP1 - Spatial Development
CP2 - Population and Housing Growth
CP5 - Placemaking
CP6 - Design & Density in Place Shaping
CP7 - Wembley Growth Area
CP17 - Protecting and Enhancing the Suburban Character of Brent
CP21 - A Balanced Housing Stock

Brent Council Supplementary Planning Guidance and Documents

SPG12 - Access for disabled people
SPG17 - Design Guide for New Development
SPG19 - Sustainable design, construction and pollution control
SPD - Section 106 Planning Obligations

Planning Policy Guidance and Statements

PPG13- Transportation
PPS1- Delivering Sustainable Development
PPS1 - Supplement: Planning and Climate Change
PPS22 - Renewable energy
PPG24 - Planning and Noise

SUSTAINABILITY ASSESSMENT

The applicant has submitted a TP6 Sustainability Checklist which they have scored at 56% (Very Positive). Your officers have scored the TP6 at 53% and the submitted checklist is considered acceptable.

The application is also accompanied by an Energy Statement which sets out how the proposal will be in accordance with the Mayor of London's "be lean", "be clean", "be green" energy hierarchy which looks to reduce the carbon demand buildings through passive measures (e.g. insulation), Combined Heat and Power (where feasible) and on-site renewable (e.g. PV panels, biomass boilers etc).

This statement sets out the u-values associated with the "be lean" measures and confirms that the proposal will achieve significantly reductions from the Building Regulations minimums. The CO2 reduction associated with these u-values is demonstrated within the report.

The feasibility of Combined Heat and Power (CHP) has not been discussed within the report. However, your officers consider that the size and nature of the scheme is such that CHP would not be feasible and it is unlikely that a district wide scheme will be implemented in the locality within the short to medium term future.

The report considers a number of on-site renewable technologies and proposes the use of PV (solar) panels. A number of technologies are excluded due to size and layout constraints. However, such matters can be resolved if taken into account within the early stages of the scheme design. Nevertheless, the proposed technology (PV) is considered to be acceptable and appropriate and is very commonly used for developments of this size and nature. Further information has been requested from the applicants to clarify that the proposed technology will off-set a minimum of 20 % of the carbon dioxide associated with the future occupation of the units in accordance with the London Plan and the receipt of this information will be confirmed in the Supplementary Report.

Sustainability Summary

The submitted TP6 Sustainability Checklist is considered acceptable and some additional information regarding the implementation of these measures will be submitted prior to Committee. The measures and technologies set out in the Energy Statement are considered acceptable. However, further information has been requested to clarify that the proposals will meet the Mayor's target for on-site renewables

CONSULTATION

Standard three week consultation period carried out between 25 June 2010 and 16 July 2010 in which 53 properties and ward councillors were notified. In addition site notices were posted around the site and a notice was advertised within the press.

82 objections have been received regarding the proposal although 8 of these do not provide specific addresses.

The following concerns are raised:

- Proposal is not in-keeping and would adversely affect the character of the area due to size, design and siting
- Loss of light to properties in Oakington Manor Drive and increase in unnatural lighting within these properties
- Loss of privacy to Oakington Manor Drive properties and gardens and increased noise and light pollution from new dwellings
- Increase in traffic and noise disturbance in addition to noise from the railway
- Increase in noise disturbance from close proximity of dwellings to dwellings in Oakington Manor Drive
- Increased level of crime as development will make properties in Oakington Manor Drive more accessible

- Impact on parking and traffic from visitors to these properties including overspill and unsafe parking
- Impact on environment from additional noise, traffic, fumes etc.
- Overdevelopment of the site
- Concerns regarding traffic calming measures to ensure safe use of Juniper Close for pedestrians
- Capacity of public sewer is a concern from additional units which have received periodic blockages
- Existing right of way for Kingdom Hall should be maintained
- Application for development is unwarranted as Juniper Close does not fall within the area of regeneration
- Objection raised to implications of providing social rented housing
- Objection raised to three storey building with roof terrace which makes this a four storey development and would overlook properties in Oakington Manor Drive (*Officer's Note: Roof terraces are provided on the second floor, not on the roof of the building*)
- Negative impact on property values and saleability of properties in Oakington Manor Drive
- Increase in vehicular congestion
- Concerns regarding the future of the land by Kingdom Hall previously included in the site. (*Officer's Note: There are no current applications relating to the development of this site. Any proposal would be considered on its own merits should a further submission be received*)
- Concern regarding the extent of land owned by the developer within the area. Objectors feel land should be returned to a nature reserve/woodland. This would help to reduce noise for existing residents (*Officer's Note: The amount of land owned by a developer is not a material planning consideration. The principle of the redevelopment of the site for residential use will be discussed within the remarks section of this report.*)
- Site is not situated within the Wembley Regeneration Area therefore this application is a clear conflict of interest
- Concerns that the perceived housing need is false within the area and for social housing within the Tokyngton Area
- Concerns regarding impact on healthcare provision
- Concerns regarding impact on the environment (*Officer's Note: Matters relating to environment policies are covered within the Sustainability section of this report*)
- Concerns regarding location of amenity space in front of properties rather than to the rear
- Concerns raised regarding a lack of consultation during the sale of the land to Quintain (*Officer's Note: Land acquisition is a private matter between land owners and cannot be controlled by the Local Planning Authority*)
- Concerns regarding the economic gain by the developers relative to the potential rise in council tax which may arise from the development
- Objection to situation of composting areas close to gardens of properties fronting Oakington Manor Drive
- Developers should provide a scale model of the scheme to ensure development will not negatively impact Oakington Manor Drive properties (*Officer's Note: Satisfactory information has been submitted in order to assess the proposal*)
- Concerns regarding the quality of family accommodation close to the railway line
- Loss of trees and landscaping features is unacceptable
- Concern that council has lifted preservation area of Tokyngton Area in order to facilitate stadium regeneration. This should be reinstated in order to protect the area from increased density, over population and the eroding of the character of the area

Internal Consultees

Noise and Vibration - Construction Method Statement and Noise Survey are satisfactory subject to post completion testing.

Contaminated Land - Site investigation report is satisfactory. Condition recommended regarding Soil Quality Verification Report to be submitted following landscaping of the site.

Landscaping - Concerns raised regarding trees, ecology, amenity space, play space and boundary treatments. Revisions are pending to address these issues following discussions with officers and will be reported within the supplementary report.

Transportation - No objection subject to S106 provision and satisfactory treatment of shared surface.

REMARKS

Principle of development

The site is situated within the Wembley Growth Area which is defined with the Local Development Framework Core Strategy adopted in July 2010. Policy CP7 of this document outlines the plans for the regeneration of this area which includes 11,500 new homes. As such the principle of the redevelopment of the existing derelict housing site, for new residential development is accepted within planning policy subject to a satisfactory form of development being proposed.

Your officers therefore do not consider objections relating to the development of a site outside of the Wembley Regeneration Area to be a concern in terms of determining planning applications in accordance with the development plan. Concerns raised regarding the lack of housing need within the area are noted however housing targets are established within the London Plan through the use of an evidential approach which monitors housing supply within the borough.

Design Approach

The existing site contains a series of redundant buildings formerly within residential use. The condition of the site is now poor and has become a problem within the area in terms of anti-social behaviour. As such the redevelopment of the site is welcomed by officers. The residential terrace proposed adopts a contemporary design approach whilst utilising a well-established housing form to create a more traditional street environment. Due to the constraints of the site, the proposed dwellings are situated close to the northern boundary of the site. This maximises the southerly aspect for future occupants with south facing private terraces for each dwelling looking out onto the public realm.

Parking is provided in the form of parallel bays (with the exception of two wheelchair housing units), interspersed with tree planting along the southern boundary of the site and communal composting facilities. The design and treatment of Juniper Close creates a shared surface with elements which regulate the speed of vehicular movement in a way which would allow safe pedestrian movement and a degree of informal playspace which benefits from natural surveillance.

Siting, scale and density

The site is located to the rear of suburban housing which fronts Oakington Manor Drive (situated to the south of the site). The scale and density of development in relation to these buildings should therefore reflect this suburban character. The proposal is considered to respect the prevailing character of the area through the provision of a three storey, flat roofed terrace which would be subordinate to the frontage development.

An assessment of the scheme in relation to neighbouring properties has been made to ensure SPG17 standards are met. The scale of the building complies with the 30 degree line and the 45 degree line set out within SPG17. These tests seek to ensure a satisfactory scale in order to

prevent any significant overbearing impact. As the proposed development does not breach these lines, the proposal is not considered to have an unduly detrimental impact on neighbouring residential amenity in terms of loss of light, overbearing and overshadowing impact.

Concerns are raised by objectors regarding the siting of the building close to the northern boundary of the site and the provision of private amenity spaces in front of the building rather to the rear. Whilst it is noted that the traditional pattern of development is in the form of dwellinghouses with short front gardens and long rear gardens, the private terraces maintain a distance of 10m from the southern boundary of the site and at least 20m from the rear windows of properties fronting Oakington Manor Drive. These distances comply with SPG17 guidelines which seek to ensure adequate privacy for neighbouring properties and gardens and ample distances in order to avoid any significant noise or light pollution issues for the existing neighbouring properties. As such the siting of the building is not considered to raise any significant concerns.

The residential density of the proposed scheme has been calculated to be 295HR/Ha or 68 units per hectare. The London Plan indicates the site to fall within the density range of 200-450HR/ha appropriate for a site within an urban context with a good PTAL rating of 4. The density proposed therefore sits comfortably within the prescribed density range.

Your officers accordingly consider the scale and massing of the building and its siting and design to respect the amenities of neighbouring properties and be in-keeping with the character of the area.

Quality of Accommodation

Unit Size: All units within the development significantly exceed the minimum size guidelines advocated by SPG17. The development complies with lifetime homes standards and wheelchair accessible units are provided on the ground floor of the scheme.

Light and outlook: The main outlook for the units is onto the public realm to the south. Amendments are being sought to ensure that any north facing windows either serve non-habitable accommodation such as bathrooms or are secondary windows in dual-aspect rooms with the southerly aspect being maximised thus alleviating officers concerns regarding the poor northerly aspect which looks on to the railway. In addition amendments have been requested to the fenestration to ensure the southerly aspect is maximised. The units are a minimum of 10m from the southern boundary of the site. As such this aspect would comply with SPG17 standards and offer sufficient outlook in order to compensate for the poor northerly aspect. Confirmation that the amendments requested are adequate will be reported within the supplementary report to ensure that all new units are considered to be afforded ample light and outlook.

Privacy: The main consideration regarding privacy for future occupants is to ensure a degree of separation from the railway platform which ensures no direct view into the units from this land. Sections have been provided which shows the ground level of the site to be at a raised level in comparison with the railway platform preventing a direct view into the new dwellings from the platform and ensuring adequate privacy is provided for future occupants.

Sensitive habitable room windows at the ground floor are afforded privacy from the street through front gardens with front boundaries clearly marked by timber structures for cycle storage and refuse and recycling storage which provide a sense of enclosure. Clarification regarding the height of these structures is being sought to ensure that these structures do not erode the quality of outlook from the southerly aspect. Confirmation that a suitable solution for refuse and cycle storage provision will be reported within the supplementary report. Subject to suitable amendments being agreed your officers consider the standard of accommodation provided to be satisfactory in terms of light, outlook and privacy.

Noise and Vibration: Concerns are raised by objectors regarding the quality of accommodation provided in this location due to the close proximity to the railway line. PPG24 is a material consideration for developments in noise-sensitive locations. A noise survey has been undertaken which has established that the site falls within Noise Exposure Category B. In such areas, noise should be taken into account when determining planning applications and conditions should be imposed to ensure an adequate level of protection against noise. The information provided to Environmental Health has indicated that sufficient measures are proposed to mitigate the impact of noise. This includes a mechanical ventilation system rather than the need for opening windows. As such the applicants have demonstrated compliance with this material planning consideration subject to testing of noise levels post completion. An appropriate condition is recommended to secure the completion of these tests prior to occupation of the units.

External amenity space: External amenity space provision is provided in the form of a roof terrace which is around 24sqm in area. SPG17 requires 50sqm of amenity space per family dwellinghouse and it is noted that only half of the required standard is met through private amenity space provision. The access road and turning head is proposed as a shared surface. Given that the road is a short cul-de sac that is likely to experience relatively low levels of vehicle usage and that vehicle speeds will be slow it is considered that the shared surface will provide a useful amenity space. Furthermore an additional £20,000 has been offered on top of the standard s106 contribution to assist in enhancing existing public amenity spaces in the local area.

Cycle storage: Cycle storage is provided through the provision of bespoke timber storage facilities which meet council standards.

Refuse storage: Refuse storage is provided which meets the council's adopted standards. These facilities are situated within bespoke timber storage facilities on the front boundary of each dwelling and as such can be easily serviced by refuse vehicles. Confirmation of the appearance and height of these structures is currently being sought to ensure a traditional appearance is achieved. Details of this will be reported within the supplementary report.

Landscaping

The landscaping details submitted have raised concerns regarding the impact of the development on trees within neighbouring gardens. The applicants are currently undertaking a tree survey and arboricultural method statement to address these concerns. Confirmation that satisfactory information has been received will be reported within a supplementary report to the committee.

Concerns have also been raised by Landscape Design officers about the absence of an ecological survey which is a requirement for sites situated within wildlife corridors. As the existing site is largely occupied by existing vacant residential buildings together with associated amenity space, road infrastructure and parking, the impact on the wildlife corridor is considered minimal for this site. As this application does not include the more sensitive area to the east of the site, it has not been considered necessary to insist on the submission of an ecological survey.

Amended plans are also pending which maximise landscaping opportunities within the site in order to provide a good setting for the new dwellings. Details that these plans have been received will be reported within the supplementary report.

Objections regarding the location of communal composting facilities adjacent to the rear of gardens belonging to Oakington Manor Drive are noted however the location of these facilities is not considered to raise significant concerns due to the long garden depth afforded to properties fronting Oakington Manor Drive.

Parking and Servicing

Parking is provided for the new dwellings in the form of 9 parallel parking bays which do not exceed maximum parking standards. In addition forecourt parking bays are provided for the two wheelchair units proposed. The maximum parking standard for the site would allow for 24 parking spaces however the UDP also considers a 50% reduction for affordable housing to be appropriate. The scheme proposes 11 parking spaces which is close to achieving this reduced requirement and as such, parking provision for the site is considered to comply with policy.

The applicants have agreed to include within the S106 agreement, the removal of rights for residents to apply for parking permits for the controlled parking zone on Oakington Manor Drive in order to prevent problems with overspill parking within the vicinity of the site. This is considered an acceptable approach in an area with good access to public transport (rail links and local bus routes) and is considered to limit the impact on existing parking pressures and pedestrian safety within the area.

The vehicular access to the site is established and has previously been in use for residential purposes. The proposal is not considered to result in a significant intensification in terms of the use of this access and as such the objectors concerns regarding noise and disturbance cannot be supported by officers.

The turning head provided at the eastern end of the site is considered to be suitable in size to accommodate refuse and emergency vehicles. As such the proposal is not considered to raise any significant issues in terms of parking and servicing requirements.

A lighting scheme has been provided and is currently being assessed. Details that satisfactory details have been received to prevent the need for a condition will be reported within the supplementary report.

Impact on crime

The objectors concerns regarding increased crime are noted however your officers do not consider the new residential development to provide new opportunities for crime within the area. The scheme has been considered by the Secured By Design officers within the Metropolitan Police who have also raised no objection to the scheme on these grounds as the scheme allows natural surveillance of Juniper Close and the rear boundaries belonging to Oakington Manor Drive.

Other issues

Comments regarding the impact of the development on land values and saleability of properties are noted however this cannot be considered as a potential impact in the planning process. The matters regarding pressure on the existing sewer are also noted however no objection has been received from Thames Water thus this issue is not considered to raise significant officer concerns. The matter regarding the right of way for Kingdom Hall raised as a concern within their objection is a civil matter and the Local Planning Authority does not have the power to intervene in such matters. The applicants have advised that they have however approached the relevant parties to discuss this issue directly however this would not affect the determination of the application.

The economic concerns regarding the development potentially resulting in a rise in council tax are noted however your officers are not aware that the development would have any impact on future levels of council tax as such decisions are undertaken by elected members.

Concerns are also raised regarding the redesignation of the area as a 'protected' area. Your officers believe this matter to relate to parts of Tokynton previously being designated as a

conservation area however the decision to vary this previous designation was undertaken during a review of conservation areas. Current development plan policies do protect the suburban character of Brent however, as previously discussed within this report the principle of the redevelopment of this site is considered acceptable.

Concerns are raised regarding the impact of the development on healthcare provision within the area. Provision for a new primary care poly-clinic has been provided within Quadrant Court situated on Empire Way however this has not yet been occupied by the PCT due to lack of demand within the area. Your officers therefore do not consider the new units to raise significant concerns regarding increased pressure on healthcare provision within the area.

Finally concerns regarding the implications of providing social rented housing within this location are noted. However housing policies seek to secure a mixed and balanced community and consider the existing area to contain a low proportion of social rented accommodation.

Conclusion

Your officers consider that the proposal will maintain the amenities of surrounding residents and provide a satisfactory standard of accommodation subject to the amendments which have been agreed with the applicants. The receipt of appropriately amended plans will however be confirmed within the supplementary report. The proposed development is considered to be an appropriate density within this context and acceptable in terms of scale and design maintaining the general character of the area. The success of the scheme will be largely dependent on the quality of materials which have been supplied at the time of the application submission, the use of the agreed materials can be secured by condition to ensure a good quality finish is achieved. As such it is recommended that the scheme be approved, subject to 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
Local Development Framework Core Strategy adopted 2010
Central Government Guidance
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
Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

- (1) 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 completion of the scheme. 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 southern 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;
- (f) details of the proposed arrangements for the maintenance of the landscape works.

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.

- (2) 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.

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

1023(PL)001 Rev C OS Location Plan
1023(PL)100 Rev C Proposed Ground Floor Plan
1023(PL)101 Rev B Proposed First Floor Plan
1023(PL)102 Rev B Proposed Second Floor Plan
1023(PL)103 Rev B Proposed Roof Plan
1023(DE)110 Rev B Proposed House Type A Floor Plans
1023(PL)111 Rev A Proposed House Type B Floor Plans
1023(PL)200 Rev B Proposed Elevations
1023(PL)201 Rev B Proposed Context Elevations
L253-P-01 Landscape Masterplan
ITB5185-GA-013 Rev A Highways Plan
ITB5185-GA-014 Rev A Swept Path Analysis of Refuse Vehicle
ITB5185-GA-015 Rev A Swept Path Analysis of Fire Appliance
38469_JUN/200/1 Topographical Survey
38469_JUN/200/2 Topographical Survey

And the following supporting documents:

Design and Access Statement dated 28/05/2010
Planning Statement dated 28/05/2010
Noise & Vibration Assessment May 2010
Geo-environmental & Geotechnical Desktop Study May 2010
Renewable Energy Strategy
Transport Statement dated 25/08/2010

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

- (4) 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.

- (5) Shared surface areas not identified for the parking of vehicles in the approved plan shall be kept clear of parked vehicles at all times, apart from short term parking by refuse, emergency and occasional delivery vehicles. The shared surface indicated on the approved plans shall be retained for the maneuvering of vehicle and as amenity space for residents of the development.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highways and to maintain specified servicing area.

- (6) 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 approved dwellinghouses, unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason:

In view of the restricted size of the site for the proposed development no further enlargement or increase in [S] beyond the limits set by this permission should be allowed without the matter being first considered by the Local Planning Authority.

- (7) The units hereby approved shall not be occupied unless details of the levels of noise and vibration in each of the units' living-rooms and bedrooms (post-completion of the building works) have been submitted to and approved in writing by the Local Planning Authority in the form of an acoustic report demonstrating that "reasonable" resting levels of noise attenuation have been achieved in accordance with standards set out within BS6472:1992 *"Evaluation of human exposure to vibration in buildings"*.

If "reasonable" noise levels have not been achieved, the report will detail what additional measures will be undertaken to ensure that they are achieved. These

additional measures shall be implemented prior to the occupation of the building in accordance with the details so approved.

Reason: To ensure satisfactory noise levels for the future occupants of the building.

- (8) Prior to the occupation of the units hereby approved and following the landscaping of garden areas, a Soil Quality Verification Report shall be submitted to and approved in writing by the Local Planning Authority verifying that the soil in soft landscaped areas is suitable for use. This must include evidence of the source of any imported soil as well as in-situ soil samples to verify the quality of this soil.

Reason: To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with policy EP6 of Brent's Unitary Development Plan 2004.

- (9) All work shall be carried out in accordance with the approved materials schedule (Reference 1023(PL)400).

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

INFORMATIVES:

- (1) With regard 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.
- (2) The applicant is advised to contact Network Rail to inform them of their intention to commence works, a minimum of 6 weeks prior to the proposed date of commencement.
- (3) Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures.
- (4) Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

REFERENCE DOCUMENTS:

The London Plan Consolidated with Alterations since 2004
Brent's Unitary Development Plan - 2004
Local Development Framework Core Strategy adopted 2010

SPG12 - Access for disabled people

SPG17 - Design Guide for New Development

SPG19 - Sustainable design, construction and pollution control

SPD - Section 106 Planning Obligations

Mayor of London Supplementary Planning Guidance:

- Sustainable Design and Construction (May 2006)
- Planning for Equality and Diversity in London (October 2007)
- Accessible London: Achieving an Inclusive Environment (April 2004)
- Providing for Children and Young People's Play and Informal Recreation (March 2008)

PPG24: Planning and Noise

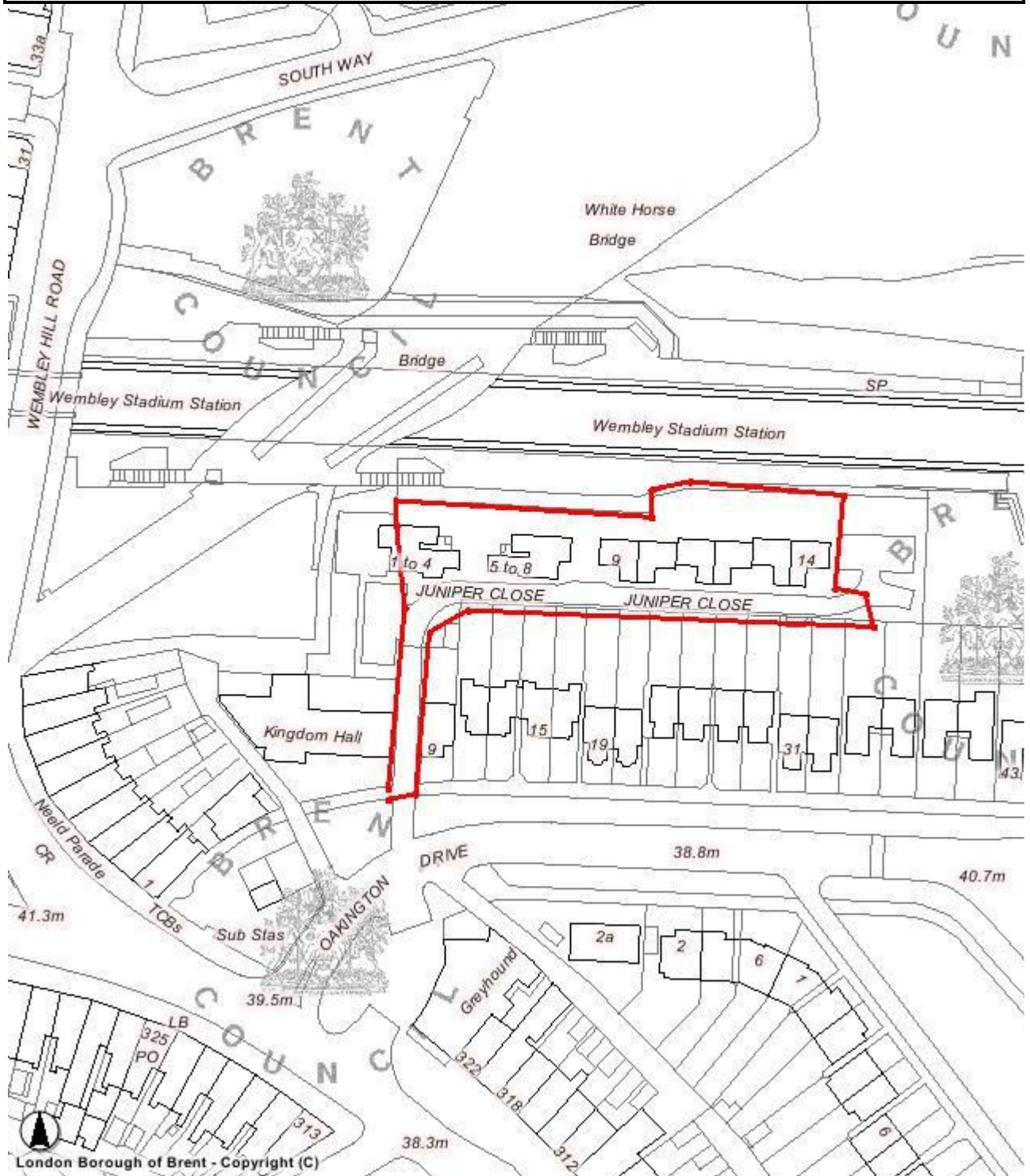
Any person wishing to inspect the above papers should contact Sarah Ashton, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5234



Planning Committee Map

Site address: 1-14 INC, Juniper Close, Wembley, HA9 6NY

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Planning Committee
18th August, 2010

Report from the Chief Planner

Wards Affected: Preston

Report Title: 19 Brook Avenue

1.0 Summary

- 1.1 Members deferred this report from consideration from the meeting on 16th March, 2010 for a site visit to enable them to assess the development and objections raised to it.
- 1.2 Members considered the matter again on 14th April, 2010 following the site visit and resolved the matter be deferred pending the outcome of an Inspection by the Council's Building Control department.
- 1.3 This report deals with the extensive planning and enforcement history of the extensions to 19 Brook Avenue, Wembley HA9 8PH and updates members on the current enforcement position.]

1.4 Recommendations

- 2.1 To note that the part single-storey, part two-storey extension to side and rear of dwellinghouse is considered to have been re-built in accordance with planning permission 99/2269.
- 2.2 To note that the dormer window has been built under permitted development and does not require planning permission.
- 2.3 To agree that no further planning enforcement action be taken in respect of the above extensions.

3.0 History

- 3.1 A Lawful Development Certificate was granted under reference 99/1922 on 18th October, 1999 for the formation of gable end to the roof and installation of rear dormer window and front roof-light to provide habitable room within roof space.
- 3.2 Planning permission was granted under reference 99/2269 on 16th February, 2000 for the erection of a part single-storey, part two storey extension to the side and rear of the house.
- 3.3 Work commenced on implementing planning permission 99/2269 in 2001. However it was not built in accordance with the approved plans and consequently an enforcement notice was issued on 6th October, 2001 which required the extension to be removed. An appeal was made against the enforcement notice and the appeal was dismissed on 28th May, 2002 with a variation in the requirements of the enforcement notice to require that the extension should be modified to accord with the plan approved in planning permission 99/2269.
- 3.4 The compliance period of the enforcement notice was 6 months and this meant that the enforcement notice was due to be complied with by 28th November, 2002.
- 3.5 The enforcement notice was not complied with and the Council commenced prosecution proceedings against the owner on 27th February, 2003. The owner was convicted of breaching the enforcement notice on 30th May, 2003 and order to pay a fine of £1,500 and the Council's costs of £1,500.
- 3.6 In the meantime, planning applications were made to attempt to remedy the situation but these were refused on 7th October, 2002 and 21st February, 2003 (References 03/0375 and 02/2111)
- 3.7 Following the refusal of these two planning applications, the owner commenced works on reducing the size of the extension. However he did not reduce it in size sufficiently enough to comply with the approved plans and further prosecution proceedings were brought against him on 2nd February, 2005. The owner was again convicted of breaching the requirements of the enforcement notice on 18th November 2005 and ordered to pay a fine of £3,000 and costs of £1,470
- 3.8 At about the same time, he built a dormer window which was not part of the original approval and could not be considered permitted development at that time as the property had already been significantly extended. Consequently, the Council issued another enforcement notice on 28th January, 2005. An appeal against this enforcement notice was dismissed on 2nd February, 2006 and this notice was required to be complied with by 2nd May, 2006.

- 3.9 The project was then taken over by the owner's son. He claimed that he was unable to implement the enforcement appeal decision of the Planning Inspector dated 28th May, 2002 as it was not possible to alter the extension, as currently built, to accord with the approved plans.
- 3.10 Therefore a new further application (reference 05/0186) was made in 2005 to make further modifications to the approved plans. Officers had lengthy discussions with him during the processing of this application which resulted in the case being reported to Planning Committee on 12th December, 2006 with a recommendation for approval. However members decided to refuse the application. He appealed this refusal and the appeal was dismissed on 18th July, 2007. Following this refusal, another application was submitted on 15th November, 2007 (reference 07/3232). This was reported to committee with a recommendation for approval but was refused on 4th June, 2008.
- 3.11 Following these decisions, the owner decided to knock down the whole extension and dormer window in its entirety but keep the foundations in place. Thus the extension and dormer window enforced against no longer existed and effectively the enforcement notice was complied with as of August, 2008.
- 3.12 The owner then rebuilt the dormer window under permitted development. As the property no longer had any extensions to it, he was able to build the dormer to reflect that previously granted a Certificate of Lawfulness in 1999 (reference 99/1992.)
- 3.13 The dormer window was completed before work was commenced on rebuilding the extension in accordance with the original planning permission (99/2269). Enforcement Officers have monitored the rebuilding works and it is generally in accordance with the original approved plans.
- 3.14 Neighbours have raised three main issues regarding the rebuilding work and these are as follows:-

- **Distance between the extension at 19 Brook Avenue at the boundary of No. 18.**

When measured to the front of the property the distance between the side brick walls is approximately 11cm. This reflects the approved plans. The side extension at 18 Brook Avenue has a coping stone on top of the side wall. This coping stone protrudes approx 1cm beyond the side wall. This results in the gap being reduced in some instances. The approved plan does not mark the next door neighbour's property and therefore it is unclear if the boundary line is the side wall of the extension at 18 Brook Avenue or the edge of the coping stone. In any event your officers do not feel that any such minor variations are significant enough for them to be considered a variation from the approved plan.

- **Parapet Wall and Gutter**

The approved plans show an eave projection which is not detailed enough to show a gutter. Last autumn, a parapet wall was built which was a

departure from the approved plans. The owner was advised that planning permission was required for this deviation from the approved plan.

Subsequently he chose to remove the parapet wall and install a traditional 10cm gutter. The owner of 18 Brook Avenue considers that this gutter overhangs his boundary. Your officers consider that as there is an approximate 10cm gap between the extension at 18 Brook Avenue and 19 Brook Avenue, there should be room for this gutter without overhanging the boundary, though with fixings, the gutter may exceed 10cm by a few millimetres. However the position of the boundary is unclear and both the extensions at 18 and 19 Brook Avenue are not built in an exact straight line and at one point the separation distance reduces to some 9cm and in other parts it is as much as 11cm. It is impossible to tell whether the gutter as currently installed overhangs the boundary or not.

The Building Control Service has advised that the guttering has been amended since the previous Planning Committee on 14th April, 2010. The features which made it non-compliant in the past have, it would appear, been addressed. The neighbour's plastic sheeting barrier prevents a perfect view of the gutter from several angles. However Building Control Officers feel that they could see enough of the gutter to make a decision on it. The Building Control Officer looked at this gutter and its relationship with the tiles and concluded there are no longer grounds to suggest contraventions of the building regulations - the guttering does not fall away steeply at the front or rear as previously and the tiles give the appearance of sitting over the gutter in a reasonable fashion. The gutter system has also been connected to that of the main house.

- **Use of the garage as a habitable room**

The neighbours have expressed concern that the garage will be converted into a habitable room. The owner has informed officers that he may wish to convert the garage in the future and if so he will make a planning application for this conversion. However at the time of writing this report, the room is empty and could be used as a garage. The owner and the neighbours have been advised that the Council's policies normally permit the conversion of garages provided the front garden area is sufficiently landscaped and is designed to accommodate parking for two vehicles.

- **The paving over the front garden area**

The majority of the front garden has been paved over with the exception of a small area of grass. This amounts to permitted Development as provision has been made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse as required by the general permitted development rules. As such your officers are of the opinion that the hard surface is lawful and does not require planning permission.

- **Occupation of the property**

At the end of July 2010, the property was being occupied by one large family. It has been inspected by Planning Enforcement Officers who have confirmed that it is not in use as a House in Multiple Occupation.

- 3.16 The dormer window was constructed under permitted development and accords to the Certificate of Lawfulness that was granted under reference 99/1992 and the extension now accords to the planning permission that was approved under reference 99/2269.
- 3.17 Even though the planning permission was granted approximately 10 years ago, Brent's guidance has not changed in that time in a way which would mean that that original approval would not still be considered acceptable today in the circumstances of the design of the building. In particular, the original appearance and character of the semi-detached house was significantly changed by the erection of 3 adjoining houses in the 1980's. However, this does not mean that its relationship to the unattached No 18 should be treated differently than normal policy.
- 3.18 The Certificate of Lawfulness granted in 1999 would also have been permitted today. Indeed the rules on dormer windows are now less strict than they were 11 years ago.

4.0 Conclusions

- 4.1 The extension and dormer have finally been built in accordance with the planning permission and are not in breach of planning control. The gutter is satisfactory and is similar to that found on other properties within the street. The premises are being used for their lawful purpose as a single family dwelling. Members are therefore asked to endorse this report and agree that no further planning enforcement action should be taken at the premises in respect of these particular extensions or its use.

5.0 Financial Implications

- 5.1 If further enforcement action were pursued, Officer's opinion is that the Planning Inspectorate may consider an award of costs on any appeal made.

6.0 Legal Implications

- 6.1 None Specified

7.0 Diversity Implications

- 7.1 None Specified

Background Papers

Planning Applications: 07/3232, 05/0186, 03/0375, 02/2111, 99/2269,

Certificate of Lawfulness Application: 99/1922

Enforcement Appeal Decisions: E/05/0039, E01/0064

Contact Officers

Meeting
Date

Version no.
Date

Any person wishing to inspect the above papers should contact Tim Rolt,
Planning Enforcement Manager, Tel: 020 89375242 Email:
tim.rolt@brent.gov.uk

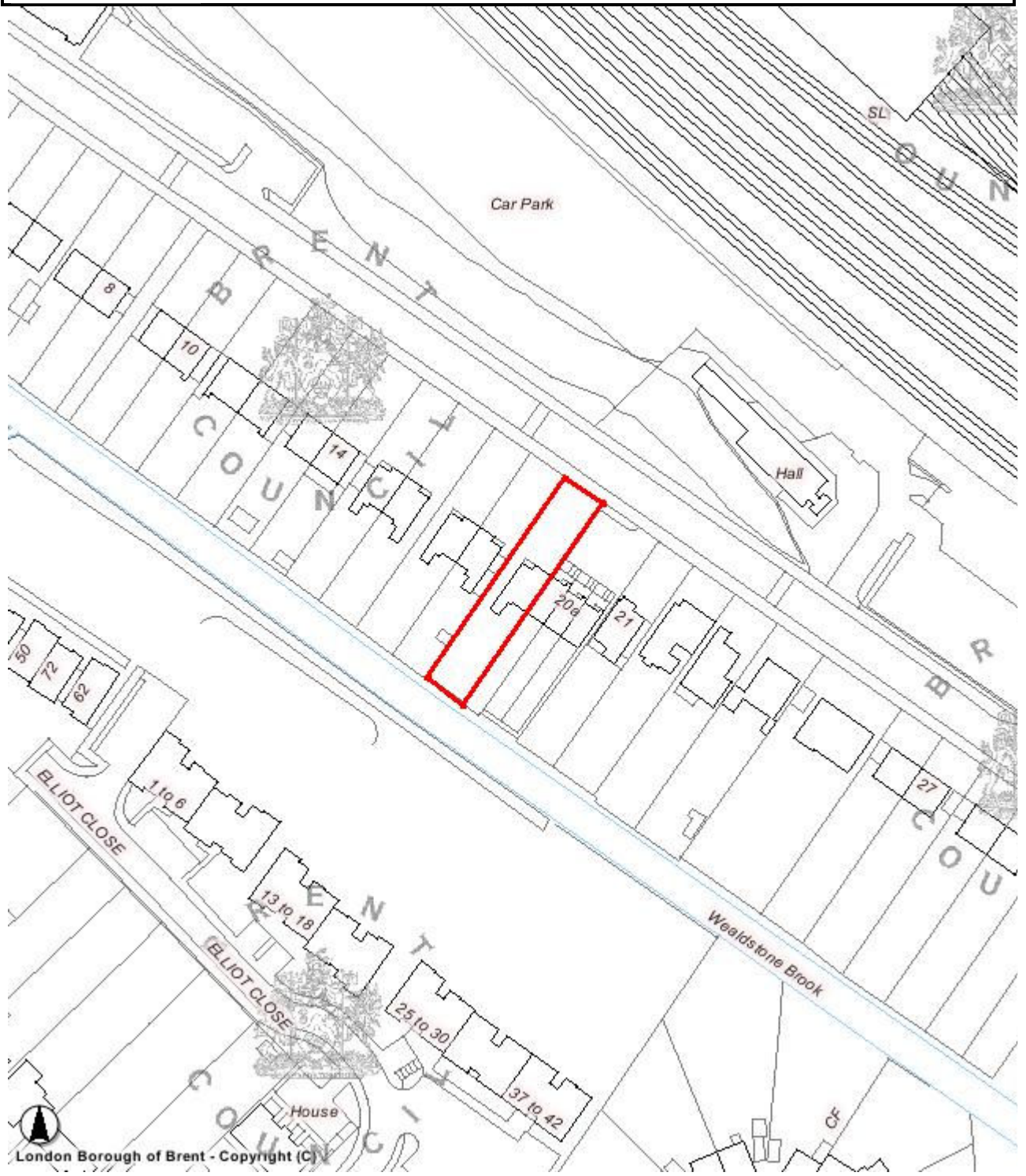
Chris Walker
Chief Planner



Planning Committee Map

Site address: 19 Brook Avenue, Wembley, HA9 8PH

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Meeting
Date

Version no.
Date

PLANNING & ENFORCEMENT APPEALS

March to July 2010

Received	4/01
Decided	4/02
Selected Decisions	4/03
Copies of selected Decisions	4/04

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Received PLANNING Appeals between 1-Mar-2010 and 31-Jul-2010

Planning Committee: 18 August, 2010

Application Number: 09/1204 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 10/04/2010 **Appeal Against:** Refusal of planning permission
Location: 10 Alverstone Road, London, NW2 5JT
Proposal:

Demolition of conservatory at rear patio level, increase in height of patio by 0.07m, retention of single-storey rear extension with reduced height, installation of boundary treatment between No. 10 and No. 12 Alverstone Road, and introduction of boundary fence

Application Number: 09/1506 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 10/03/2010 **Appeal Against:** Refusal of planning permission
Location: 20 Berens Road, London, NW10 5DT
Proposal:

Single-storey rear extension to dwellinghouse

Application Number: 09/1714 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 15/03/2010 **Appeal Against:** Refusal of planning permission
Location: 28A-C, Brondesbury Villas, London, NW6 6AA
Proposal:

Installation of screening to create rear roof terraces at first-floor and second-floor level and part demolition of front boundary wall and partial infilling of existing light-well to allow for the provision of one off-street parking space to front of flats

Application Number: 09/1851 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 07/04/2010 **Appeal Against:** Refusal of planning permission
Location: 7-8 Elmwood Crescent, London, NW9 0NL
Proposal:

Erection of a single-storey rear and side extension, first-floor front extension, raised terrace with ramped access to rear and front, new canopy to front entrance door, 2 front and 1 rear rooflights and associated landscaping, and change of use of premises from single family dwelling (Use Class C3) to supported accommodation for people with mental-health problems, incorporating 11 self-contained units (Use Class C2)

Application Number: 09/1895 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 17/05/2010 **Appeal Against:** Refusal of planning permission
Location: Flat 1, 2A St Johns Avenue, London, NW10 4EE
Proposal:

Creation of first floor level with dormer roof extension to ground floor flat

Application Number: 09/2064 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 10/03/2010 **Appeal Against:** Refusal of planning permission
Location: 156 Draycott Avenue, Harrow, HA3 0BZ
Proposal:

Change of use of existing detached games room in rear garden to temporary living accommodation for disabled occupant (as accompanied by General Specification Notes; and "Extensions to 156 Draycott Avenue dated December 2008")

Received PLANNING Appeals between 1-Mar-2010 and 31-Jul-2010

Planning Committee: 18 August, 2010

Application Number: 09/2315 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 07/04/2010 **Appeal Against:** Refusal of planning permission
Location: 1 Tankridge Road, London, NW2 6EJ
Proposal:
Retention of an existing single-storey outbuilding in the rear garden of the dwellinghouse

Application Number: 09/2328 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 23/06/2010 **Appeal Against:** Refusal of planning permission
Location: 10 Dagmar Avenue, Wembley, HA9 8DE
Proposal:
Erection of a single-storey rear extension to the dwellinghouse (retrospective planning consent)

Application Number: 09/2418 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 17/06/2010 **Appeal Against:** Refusal of planning permission
Location: Hanover House, 385 Edgware Road, Cricklewood, London, NW2 6BA
Proposal:
Erection of four-storey front extension including mezzanine floor at third floor, pedestrian entrance from Edgware Road frontage; new windows to existing side elevations, 28 parking spaces, 40 cycle spaces and servicing areas to lower ground-floor, installation of photovoltaic panels, air-handling system, water tank and pumps on roof, as well as associated landscaping to Edgware Road elevation, and the use of the extended building for the purposes of bulky-goods showroom (Sui Generis Use) at ground-floor level, and offices (Use Class B1), data storage and archiving at first-, second- and third-floor levels (Use Class B8)

Application Number: 09/2421 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 30/03/2010 **Appeal Against:** Refusal of planning permission
Location: 191A Cricklewood Broadway, London, NW2 3HT
Proposal:
Erection of a first-floor rear extension and one front dormer window and one rear dormer window to the first-floor and second-floor maisonette

Application Number: 09/2428 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 07/04/2010 **Appeal Against:** Refusal of planning permission
Location: 20 & 21, Quadrant Business Centre, 135 Salusbury Road, London, NW6
Proposal: 6RJ
Change of use of 2 second-floor office units (Use Class B1) to 2 two-bedroom flats (Use Class C3) with installation of 2 rear balconies and 4 rear rooflights.

N.B: Please ignore the Appeal Consultation letter sent to you on 9th April 2010. There was an error in the procedure of the appeal to be dealt with.

Application Number: 09/2442 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 28/04/2010 **Appeal Against:** Refusal of planning permission
Location: 116 Furness Road, London, NW10 5UH
Proposal:
Demolition of front and rear corner extensions and erection of new single-storey side and rear extension to dwellinghouse and first floor front extension.

Received PLANNING Appeals between 1-Mar-2010 and 31-Jul-2010

Planning Committee: 18 August, 2010

Application Number: 09/2457 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 09/04/2010 **Appeal Against:** Refusal of planning permission
Location: 1-16 Inc, Westly Court, Dartmouth Road, London, NW2
Proposal:
Demolition of 2 existing detached garage and erection of 4-storey side extension comprising 1 x 2-bed and 1 x 3-bed maisonettes, with associated front landscaping and refuse store.

Application Number: 09/2489 **Team:** Southern Team **Application Type** Other ADV
Appeal Received: 07/04/2010 **Appeal Against:** Refusal of planning permission
Location: 69-71 Craven Park Road, London, NW10 8SH
Proposal:
Retention of an internally illuminated 48 sheet hoarding sign on flank wall of building fronting St Albans Road.

Application Number: 09/2490 **Team:** Southern Team **Application Type** Other ADV
Appeal Received: 07/04/2010 **Appeal Against:** Refusal of planning permission
Location: 130 Craven Park Road, London, NW10 8QD
Proposal:
Retention of internally illuminated 48 sheet hoarding sign on flank wall of building fronting onto Fortune Gate Road

Application Number: 09/2494 **Team:** Southern Team **Application Type** Other ADV
Appeal Received: 23/03/2010 **Appeal Against:** Refusal of planning permission
Location: Land at junction Wrotesley Road, Harrow Road, London, NW10
Proposal:
Retention of internally illuminated advertisement hoarding, 3m(h) x 12m(w)

Application Number: 09/2517 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 11/03/2010 **Appeal Against:** Refusal of planning permission
Location: 5 Dobree Avenue, London, NW10 2AD
Proposal:
Retention of outbuilding in rear garden of dwellinghouse

Application Number: 09/2552 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 01/03/2010 **Appeal Against:** Refusal of planning permission
Location: 34 Station Parade, London, NW2 4NX
Proposal:
Erection of first-floor extension to provide office space (Use Class B1) above commercial unit

Application Number: 09/2656 **Team:** Northern Team **Application Type** Other CLD
Appeal Received: 18/06/2010 **Appeal Against:** Refusal of planning permission
Location: 7 Jeymer Avenue, London, NW2 4PJ
Proposal:
Certificate of lawfulness for the proposed erection of a new pitched roof with three front windows and a rear dormer window to the dwellinghouse

Received PLANNING Appeals between 1-Mar-2010 and 31-Jul-2010

Planning Committee: 18 August, 2010

Application Number: 09/2668 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 29/04/2010 **Appeal Against:** Refusal of planning permission
Location: 5 Dovedale Avenue, Harrow, HA3 0DX
Proposal:

Demolition of an existing outbuilding and erection of a new single-storey outbuilding in the rear garden of the dwellinghouse

Application Number: 09/2699 **Team:** Northern Team **Application Type** S78 CON
Appeal Received: 28/05/2010 **Appeal Against:** Refusal of planning permission
Location: Woodfield School, Wood Lane, London, NW9 7LY
Proposal:

Details pursuant to condition 9 (relating to proposed out-of-hours use of premises by external organisations) of full planning permission reference 06/0143, granted on 02/03/2006, for erection of 2-storey extension to school with associated car-parking and landscaping.

Application Number: 09/3012 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 18/06/2010 **Appeal Against:** Refusal of planning permission
Location: 60 Neasden Lane, London, NW10 2UW
Proposal:

Change of use of part of building from part office, part car showroom use to Educational Use (Use Class D1)

Application Number: 09/3026 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 02/03/2010 **Appeal Against:** Refusal of planning permission
Location: 379 Kilburn High Road, London, NW6 7QE
Proposal:

Retention of the change of use from internet cafe (Use Class A1) to a mixed use as an internet cafe (Use Class A1) and mini-cab office (Use Class Sui Generis) (renewal of one year temporary change of use granted 08/2123)

Application Number: 09/3077 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 12/05/2010 **Appeal Against:** Refusal of planning permission
Location: 1A Dorchester Way, Harrow, HA3 9RF
Proposal:

Erection of a 2 storey building comprising 3 terraced dwellinghouses, installation of hardstanding, 3 parking spaces and refuse storage to front, garden space to rear and associated landscaping to site

Application Number: 09/3120 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 18/05/2010 **Appeal Against:** Refusal of planning permission
Location: 105 Hay Lane, London, NW9 0LL
Proposal:

Retention of and alterations to front porch of dwellinghouse

Application Number: 09/3162 **Team:** Western Team **Application Type** Other CLU
Appeal Received: 14/06/2010 **Appeal Against:** Refusal of planning permission
Location: 220 East Lane, Wembley, HA0 3LF
Proposal:

Certificate of lawfulness for retention of existing vehicular hardstanding to front of dwellinghouse

Received PLANNING Appeals between 1-Mar-2010 and 31-Jul-2010

Planning Committee: 18 August, 2010

Application Number: 09/3201 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 27/04/2010 **Appeal Against:** Refusal of planning permission
Location: 282 Princes Avenue, London, NW9 9QU
Proposal:
Single storey detached outbuilding in rear garden of dwellinghouse

Application Number: 09/3273 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 12/05/2010 **Appeal Against:** Refusal of planning permission
Location: NEW HORIZONS DEVELOPMENT OFFICE, Saxon Road, Wembley, HA9
Proposal: 9TP
Erection of a terrace of 2 two-storey, three-bedroom dwellinghouses and a two-bedroom bungalow with garden space and refuse-storage area to front and garden space to rear of proposed dwellings (as accompanied by Design & Access Statement prepared by Katherine Hughes Associates).

Application Number: 09/3334 **Team:** Northern Team **Application Type** Other CLU
Appeal Received: 03/03/2010 **Appeal Against:** Refusal of planning permission
Location: 100 Brampton Road, London, NW9 9DD
Proposal:
Certificate of lawfulness for retention of existing single-storey detached outbuilding

Application Number: 09/3406 **Team:** Western Team **Application Type** Other CLD
Appeal Received: 27/05/2010 **Appeal Against:** Refusal of planning permission
Location: 32 Beechcroft Gardens, Wembley, HA9 8EP
Proposal:
Certificate of lawfulness for proposed single-storey pitched roof detached outbuilding in rear garden of dwellinghouse

Application Number: 10/0012 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 15/04/2010 **Appeal Against:** Refusal of planning permission
Location: 59 Oakington Avenue, Wembley, HA9 8HX
Proposal:
Erection of two 2-storey detached dwellinghouses (1 x 4-bedroom and 1 x 3-bedroom) within rear garden of 59 Oakington Avenue, with parking and refuse in the proposed front gardens, a new vehicle access and pedestrian access to the side of 18 Forty Close, and associated landscaping

Application Number: 10/0049 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 07/04/2010 **Appeal Against:** Refusal of planning permission
Location: 300 High Road, London, NW10 2EN
Proposal:
Demolition of flat-roofed, first-floor front extension and conversion of building into 6 one-bedroom flats, with provision of 2 retail units at ground-floor level, 2 side rooflights to each roof slope and insertion of windows and alterations to existing windows to front and both side elevations at ground-floor, first-floor and second-floor level

Received PLANNING Appeals between 1-Mar-2010 and 31-Jul-2010

Planning Committee: 18 August, 2010

Application Number: 10/0075 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 29/04/2010 **Appeal Against:** Refusal of planning permission
Location: Flat 1, 2A St Johns Avenue, London, NW10 4EE
Proposal:
Creation of first floor level to existing ground floor flat

Application Number: 10/0114 **Team:** Northern Team **Application Type** Other CLD
Appeal Received: 30/03/2010 **Appeal Against:** Refusal of planning permission
Location: 49 Regal Way, Harrow, HA3 0RZ
Proposal:
Certificate of lawfulness for a proposed hip-to-gable roof extension, rear dormer window, second-floor flank window and 2 front rooflights to the dwellinghouse

Application Number: 10/0137 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 21/04/2010 **Appeal Against:** Refusal of planning permission
Location: 62 Station Grove, Wembley, HA0 4AN
Proposal:
Replacement of ridge roof with new flat roof and retention of altered outbuilding in rear garden of dwellinghouse

Application Number: 10/0139 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 25/06/2010 **Appeal Against:** Refusal of planning permission
Location: 1 Pine Mews & 104-106, Chamberlayne Road, London, NW10 3JN
Proposal:
Erection of an upper ground floor rear extension to estate agents and installation of new access door to lower ground floor flat at rear of estate agents

Application Number: 10/0189 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 19/05/2010 **Appeal Against:** Refusal of planning permission
Location: 5 Dean Court, Wembley, HA0 3PU
Proposal:
Retrospective application for the erection of a canopy to rear of dwellinghouse

Application Number: 10/0204 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 10/04/2010 **Appeal Against:** Refusal of planning permission
Location: 219 High Road, London, NW10 2RY
Proposal:
Creation of 2x studio flats at first-floor level

Application Number: 10/0219 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 21/04/2010 **Appeal Against:** Refusal of planning permission
Location: 66A-D, Salusbury Road, London, NW6 6NR
Proposal:
Conversion of roof space into 1 two-bedroom flat, with formation of roof terrace, including demolition of chimney stack, installation of 2 rooflights facing Salusbury Road, 4 rooflights facing Montrose Avenue and 3 rear rooflights, addition of railings to boundary wall adjacent to Montrose Avenue and provision of new refuse-bin storage and cycle-parking area for 4 bicycles

Received PLANNING Appeals between 1-Mar-2010 and 31-Jul-2010

Planning Committee: 18 August, 2010

Application Number: 10/0230 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 25/06/2010 **Appeal Against:** Refusal of planning permission
Location: 3 Creighton Road, London, NW6 6EE
Proposal:
Erection of a single storey side and rear extension to dwellinghouse

Application Number: 10/0234 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 18/05/2010 **Appeal Against:** Refusal of planning permission
Location: 24 Bengeworth Road, Harrow, HA1 3SE
Proposal:
Erection of a ground floor rear extension, first floor side extension and installation of replacement ground floor rear window to dwellinghouse

Application Number: 10/0243 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 25/06/2010 **Appeal Against:** Refusal of planning permission
Location: 5 Creighton Road, London, NW6 6EE
Proposal:
Erection of a single-storey side and rear extension to the dwellinghouse

Application Number: 10/0251 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 09/07/2010 **Appeal Against:** Refusal of planning permission
Location: 72 Lancaster Road, London, NW10 1HA
Proposal:
Erection of two-storey side extension to bed & breakfast property

Application Number: 10/0276 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 06/07/2010 **Appeal Against:** Refusal of planning permission
Location: 3 & 3A, Furness Road, London, NW10 4QH
Proposal:
Partial demolition of existing factory and erection of a new three storey building comprising 9 self-contained flats with cycle storage area at lower ground floor level, refuse storage at upper ground floor level, provision of 9 off-street parking spaces and associated landscaping to site

Application Number: 10/0278 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 08/07/2010 **Appeal Against:** Refusal of planning permission
Location: 21 & 21A, Greenhill Park, London, NW10 9AN
Proposal:
Retention of single-storey and two-storey rear extension, installation of front rooflight, erection of rear dormer window, blocking-up of side door and first-floor side window, installation of new first-floor side window and ground-floor rear window, and conversion of extended dwellinghouse into 1 two-bedroom flat and 1 three-bedroom maisonette

Application Number: 10/0285 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 19/04/2010 **Appeal Against:** Refusal of planning permission
Location: 8 Grendon Gardens, Wembley, HA9 9ND
Proposal:
Retention and completion of new front and side boundary wall to dwellinghouse (Article 4 Direction)

Received PLANNING Appeals between 1-Mar-2010 and 31-Jul-2010

Planning Committee: 18 August, 2010

Application Number: 10/0315 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 28/06/2010 **Appeal Against:** Refusal of planning permission
Location: 26 Crawford Avenue, Wembley, HA0 2HT
Proposal:

Demolition of existing two side garages and erection of two-storey side and first floor rear extension to dwellinghouse with provision for two off-street car parking spaces and soft landscaped area in the front garden.

Application Number: 10/0335 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 23/06/2010 **Appeal Against:** Refusal of planning permission
Location: 105A Dartmouth Road, London, NW2 4ES
Proposal:

Part demolition of existing single-storey rear extension, erection of new single-storey rear extensions, conversion of extended ground-floor flat into 2 flats (1 x two-bedroom & 1 x one-bedroom) and erection of new fence to rear garden to provide private amenity space for each proposed unit

Application Number: 10/0399 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 17/06/2010 **Appeal Against:** Refusal of planning permission
Location: 64 Woodhill Crescent, Harrow, HA3 0LY
Proposal:

Erection of a two-storey, four-bedroom dwellinghouse to rear of 64 Woodhill Crescent (fronting Southwell Road), including formation of one off-street front parking space with associated landscaping and rear garden

Application Number: 10/0458 **Team:** Southern Team **Application Type** Other CLD
Appeal Received: 24/05/2010 **Appeal Against:** Refusal of planning permission
Location: 10 Alverstone Road, London, NW2 5JT
Proposal:

Certificate of lawfulness for proposed front porch to dwellinghouse

Application Number: 10/0459 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 29/06/2010 **Appeal Against:** Refusal of planning permission
Location: 120 Church Road, London, NW10 9NG
Proposal:

Demolition of existing single storey garage and erection of a single storey extension with basement level to rear of shop

Application Number: 10/0504 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 23/06/2010 **Appeal Against:** Refusal of planning permission
Location: 44 Eton Avenue, Wembley, HA0 3AU
Proposal:

Demolition of existing single storey rear and part side conservatory and erection of a new replacement flat roofed ground floor rear and part side extension, roof extension involving raising the height of the original roof of the bungalow, gabling of the hipped roof at sides, installation of one flat roofed rear and 2 side dormers and one front rooflight to provide 2 additional rooms and bathroom in roof space.

Received PLANNING Appeals between 1-Mar-2010 and 31-Jul-2010

Planning Committee: 18 August, 2010

Application Number: 10/0507 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 16/07/2010 **Appeal Against:** Refusal of planning permission
Location: 3 Chestnut Grove, Wembley, HA0 2LX
Proposal:

Retrospective application for retention and modification of unlawfully constructed rear extension with alterations to reduce the depth of the extension.

Application Number: 10/0562 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 30/07/2010 **Appeal Against:** Refusal of planning permission
Location: 54 Tadworth Road, London, NW2 7UD
Proposal:

Retrospective application to retain outbuilding and proposed alteration to roof to reduce height and provision of landscape screening, in rear garden of dwellinghouse (as amended by plans received 04/05/10)

Application Number: 10/0569 **Team:** Southern Team **Application Type** S78 OUT
Appeal Received: 08/07/2010 **Appeal Against:** Refusal of planning permission
Location: 141-153 High Street, London, NW10 4TR
Proposal:

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)

Application Number: 10/0577 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 17/06/2010 **Appeal Against:** Refusal of planning permission
Location: 15A Regency Mews, London, NW10 2SA
Proposal:

Erection of two-bedroom dwellinghouse, with front dormer window onto Regency Mews, including provision of associated landscaping, refuse storage and cycle parking

Application Number: 10/0591 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 06/07/2010 **Appeal Against:** Refusal of planning permission
Location: 29 Dorchester Way, Harrow, HA3 9RQ
Proposal:

Demolition of detached garage and erection of a single storey outbuilding to rear of dwellinghouse to be used as a beauty therapy business (revised description)

Application Number: 10/0679 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 11/06/2010 **Appeal Against:** Refusal of planning permission
Location: 100A Ealing Road, Wembley, HA0 4TH
Proposal:

Demolition of detached house and erection of a 2 storey building comprising of 4 self contained flats, with fourth flat in loft

Received PLANNING Appeals between 1-Mar-2010 and 31-Jul-2010

Planning Committee: 18 August, 2010

Application Number: 10/0725 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 11/06/2010 **Appeal Against:** Refusal of planning permission
Location: 9 Highfield Avenue, Wembley, HA9 8LE
Proposal:
Demolition and proposed rebuilding of existing single-storey conservatory at rear of dwellinghouse

Application Number: 10/0749 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 23/06/2010 **Appeal Against:** Refusal of planning permission
Location: 70 Tewkesbury Gardens, London, NW9 0QX
Proposal:
Demolition of an attached side garage and erection of a part single, part two-storey side extension, single-storey rear extension and two solar panels to front roof plane to the dwellinghouse (as amended by plans received 10/05/10)

Application Number: 10/0804 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 26/07/2010 **Appeal Against:** Refusal of planning permission
Location: 106 Dorchester Way, Harrow, HA3 9RB
Proposal:
Retrospective application for a detached outbuilding in rear garden of dwellinghouse

Application Number: 10/0873 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 24/06/2010 **Appeal Against:** Refusal of planning permission
Location: 6 Waltham Drive, Edgware, HA8 5PJ
Proposal:
Demolition of attached single storey side garage and rear conservatory. Erection of a single and two storey rear extension, first floor side extension, insertion of 4x rooflights (2 x rear, 1 x side, 1 x front roofslope), reduction in size of garage in rear garden and associated landscaping to dwellinghouse

Application Number: 10/0903 **Team:** Northern Team **Application Type** S78 OUT
Appeal Received: 30/07/2010 **Appeal Against:** Refusal of planning permission
Location: 76 Burnley Road, London, NW10 1EJ
Proposal:
Outline planning permission for demolition of garage/vehicle-testing station and erection of a two-storey dwellinghouse and a three-storey building comprising 8 flats (matters to be determined: access, layout and scale)

Application Number: 10/1050 **Team:** Southern Team **Application Type** Other CLU
Appeal Received: 28/07/2010 **Appeal Against:** Refusal of planning permission
Location: Flats 1-5 INC, 44 High Road, London, NW10 2QA
Proposal:
Certificate of Lawfulness for 5 existing self-contained flats on first, second and third floors

Received ENFORCEMENT Appeals between 1-Mar-2010 and 31-Jul-2010

Planning Committee: 18 August, 2010

Application Number: E/08/0642 **Appeal Against:** Enforcement Appeal **Team:** Northern Team
Appeal Started: 24/03/2010
Location: 42 Barn Way, Wembley, HA9 9NW
Description:
 The erection of a rear dormer window to the premises.
 ("The unauthorised development")

Application Number: E/08/0772 **Appeal Against:** Enforcement Appeal **Team:** Southern Team
Appeal Started: 15/03/2010
Location: 17 Hawthorn Road, London, NW10 2LR
Description:
 The erection of an outbuilding in rear garden of the premises, the increase in height of the boundary wall fronting Litchfield Gardens and the change of use of the premises to four flats.

Application Number: E/09/0023 **Appeal Against:** Enforcement Appeal **Team:** Northern Team
Appeal Started: 23/03/2010
Location: 70 Uxendon Hill, Wembley, HA9 9SL
Description:
 Without planning permission, the erection of a two-storey side extension, part single-storey and part two-storey rear extension, hip to gable end roof extension and rear dormer window to the premises.
 ("The unauthorised development")

Application Number: E/09/0051 **Appeal Against:** Enforcement Appeal **Team:** Western Team
Appeal Started: 16/07/2010
Location: 30 Second Way, Wembley, HA9 0YJ
Description:
 Without planning permission, the change of use of the premises to a vehicle parking area.
 ("The unauthorised development")

Application Number: E/09/0094 **Appeal Against:** Enforcement Appeal **Team:** Northern Team
Appeal Started: 29/03/2010
Location: 96 and 98, Beverley Gardens, Wembley, HA9 9RA
Description:
 The erection of two, single storey dwellinghouse, which do not comply with the plans submitted and approved under ref 06/0689 granted by the Planning Inspectorate under ref.: APP/T5150/A/06/2022467 dated 11th December 2006.

Application Number: E/09/0119 **Appeal Against:** Enforcement Appeal **Team:** Western Team
Appeal Started: 01/04/2010
Location: 138 The Fairway, Wembley, HA0 3TQ
Description:
 Without planning permission, the installation of PVCu-framed windows to the front elevation of the premises and the erection of a front boundary wall to the premises.

Received ENFORCEMENT Appeals between 1-Mar-2010 and 31-Jul-2010

Planning Committee: 18 August, 2010

Application Number: E/09/0170 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 06/07/2010

Location: Afrex House, Beresford Avenue, Wembley, HA0 1NX

Description:

The change of use of the premises to a mixed use as highway, offices, car repair, car servicing, car sales, tyre fitting, repair, sales, mini cab and residential use.

("The unauthorised change of use")

Application Number: E/09/0182 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 01/07/2010

Location: 46 Charteris Road, London, NW6 7ET

Description:

Without planning permission, the material change of use of the single storey rear extension (currently known as 46 F) from a storage room ancillary to the use of the premises to a self contained flat.

Application Number: E/09/0260 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 13/05/2010

Location: 16 The Grange, Wembley, HA0 1SY

Description:

Without planning permission, the erection of a single storey rear extension and conversion of dwellinghouse into two self-contained flats.

Application Number: E/09/0266 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 01/06/2010

Location: 30 & Adjacent Land, Rowley Close, Wembley, HA0

Description:

Without planning permission, the erection of a building in the rear garden of the premises and the material change of use of the premises from residential to a mixed use as residential and the storage of building materials.

("The unauthorised development")

Application Number: E/09/0298 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 15/04/2010

Location: 83 Llanover Road, Wembley, HA9 7LW

Description:

Without planning permission, the erection of a single storey rear extension to the rear of the premises.

Received ENFORCEMENT Appeals between 1-Mar-2010 and 31-Jul-2010

Planning Committee: 18 August, 2010

Application Number: E/09/0312 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 22/04/2010

Location: 19 Compton Avenue, Wembley, HA0 3FD

Description:

Without planning permission, the erection of a building in the rear garden of the premises and the use of that building as a separate dwelling.

("The unauthorised development")

Application Number: E/09/0384 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 02/06/2010

Location: 34 Mayfields, Wembley, HA9 9PS

Description:

Without planning permission, the material change of use of the premises to a house in multiple occupation incorporating a mixture of letting rooms and bedsits.

("The unauthorised change of use")

Application Number: E/09/0388 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 12/07/2010

Location: 9 Bridgeway, Wembley, HA0 4DY

Description:

Without planning permission, the erection of a lean-to canopy extension to rear of the premises.

Application Number: E/09/0423 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 05/03/2010

Location: 21 Beechcroft Gardens, Wembley, HA9 8ER

Description:

Without planning permission, the erection of a building in rear garden of the premises.

Application Number: E/09/0464 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 10/06/2010

Location: 68 Churchill Road, London, NW2 5EE

Description:

The change of use of the premises to a House in Multiple Occupation (HMO).

("The unauthorised change of use")

Received ENFORCEMENT Appeals between 1-Mar-2010 and 31-Jul-2010

Planning Committee: 18 August, 2010

Application Number: E/09/0466 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 10/06/2010

Location: 62 Churchill Road, London, NW2 5EE

Description:

The change of use of the premises to a House in Multiple Occupation (HMO).

("The unauthorised change of use of the premises")

Application Number: E/09/0467 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 10/06/2010

Location: 74 Churchill Road, London, NW2 5EE

Description:

The change of use of the premises to a House of Multiple Occupation (HMO).

Application Number: E/09/0519 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 12/07/2010

Location: 99 High Street, London, NW10 4TS

Description:

The erection of a yellow brick second floor rear extension to the premises.

Application Number: E/09/0530 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 29/03/2010

Location: 10 Dagmar Avenue, Wembley, HA9 8DE

Description:

Without planning permission, the erection of a rear extension and raised patio to the premises.

Application Number: E/09/0573 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 12/03/2010

Location: Properties at 8 Chichele Road, London, NW2 3DA

Description:

Without planning permission, the change of use of the premises from two flats into ten flats.

Application Number: E/09/0591 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 09/06/2010

Location: Flats 1-6, 14 The Circle, London, NW2 7QS

Description:

Without planning permission, the change of use of the premises to six self-contained studio flats.

("The unauthorised change of use")

Received ENFORCEMENT Appeals between 1-Mar-2010 and 31-Jul-2010

Planning Committee: 18 August, 2010

Application Number: E/09/0601 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 07/04/2010

Location: 22 Bridgewater Road, Wembley, HA0 1AJ

Description:

Without planning permission, the extension of existing vehicular access, the removal of boundary wall and the formation of a hard surface to the front garden of the premises.

("The unauthorised development")

Application Number: E/09/0617 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 04/05/2010

Location: 46 Crundale Avenue, London, NW9 9PL

Description:

Without planning permission, the erection of a part single and part two storey rear extension and the erection of a single storey side and front extension to the premises.

("The unauthorised development")

Application Number: E/09/0625 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 17/06/2010

Location: 100 Brampton Road, London, NW9 9DD

Description:

Without planning permission, the erection of a building in the rear garden of the premises.

Application Number: E/09/0675 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 24/05/2010

Location: 22 Kinch Grove, Wembley, HA9 9TF

Description:

Without planning permission, the erection of a rear extension to the existing garage and the change of use of the garage into to a self-contained studio.

("The unauthorised development")

Application Number: E/09/0702 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 12/04/2010

Location: 84 Pine Road, London, NW2 6SA

Description:

The erection of a side extension to the premises.

Application Number: E/09/0707 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 16/03/2010

Location: 31 Meadow Way, Wembley, HA9 7LB

Description:

The erection of a building used as living accommodation to the rear of the premises.

Received ENFORCEMENT Appeals between 1-Mar-2010 and 31-Jul-2010

Planning Committee: 18 August, 2010

Application Number: E/09/0742 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 26/03/2010

Location: 71 Montpelier Rise, Wembley, HA9 8RQ

Description:

Without planning permission, the erection of a front porch extension to the premises.

Application Number: E/09/0786 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 07/05/2010

Location: 24 Old Church Lane, London, NW9 8TD

Description:

Without planning permission, the installation of replacement roof tiles to the premises.

("The unauthorised development")

Application Number: E/09/0815 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 07/04/2010

Location: 1 Fernbank Avenue, Wembley, HA0 2TT

Description:

Without planning permission, the erection of a two storey rear extension, a rear dormer window and the increase in height of the parapet wall of the premises.

("The unauthorised development")

Application Number: E/09/0848 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 28/06/2010

Location: 1 Springwell Avenue, London, NW10 4HN

Description:

Without planning permission, the change of use of the premises from a single family dwellinghouse to nine self-contained flats.

("The unauthorised change of use")

Application Number: E/09/0853 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 01/07/2010

Location: 5 Highfield Avenue, Wembley, HA9 8LE

Description:

Without planning permission, the change of use of a rear extension to self-contained residential flat.

("The unauthorised change of use")

Application Number: E/10/0001 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 15/04/2010

Location: 156 Draycott Avenue, Harrow, HA3 0BZ

Description:

Without planning permission, the erection of a building in the rear garden of the premises.

Received ENFORCEMENT Appeals between 1-Mar-2010 and 31-Jul-2010

Planning Committee: 18 August, 2010

Application Number: E/10/0013 **Appeal Against:** Enforcement Appeal **Team:** Southern Team**Appeal Started:** 17/05/2010**Location:** 22 Sellons Avenue, London, NW10 4HL**Description:**

Without planning permission, the change of use of the premises from a single family dwellinghouse to eight self-contained flats.

("The unauthorised use")

Application Number: E/10/0014 **Appeal Against:** Enforcement Appeal **Team:** Southern Team**Appeal Started:** 17/05/2010**Location:** 22 Harlesden Gardens, London, NW10 4EX**Description:**

Without planning permission, the change of use of the premises from a single family dwellinghouse to eight self-contained flats.

Application Number: E/10/0082 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 08/04/2010**Location:** 32 & 34, Evelyn Avenue, London, NW9 0JH**Description:**

Without planning permission, the formation of a hard surface to the front gardens of the premises.

("The unauthorised development")

Application Number: E/10/0094 **Appeal Against:** Enforcement Appeal **Team:** Western Team**Appeal Started:** 26/07/2010**Location:** 46 Oakington Manor Drive, Wembley, HA9 6LZ**Description:**

Without planning permission, the erection of a building, not incidental to the enjoyment of the dwellinghouse, in the rear garden of the premises.

("The unauthorised development")

Application Number: E/10/0097 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 28/07/2010**Location:** 38 Rugby Road, London, NW9 9LB**Description:**

Without planning permission, the erection of a front porch, part single and two storey side extensions, and part single and two storey rear extensions to the premises.

("The unauthorised development")

Received ENFORCEMENT Appeals between 1-Mar-2010 and 31-Jul-2010

Planning Committee: 18 August, 2010

Application Number: E/10/0183 **Appeal Against:** Enforcement Appeal **Team:** Southern Team
Appeal Started: 10/06/2010

Location: 18 Churchill Road, London, NW2 5EA

Description:

The change of use of the premises to a House in Multiple Occupation (HMO).

("The unauthorised change of use")

Application Number: E/10/0215 **Appeal Against:** Enforcement Appeal **Team:** Northern Team
Appeal Started: 17/06/2010

Location: 329 Church Lane, London, NW9 8JD

Description:

Without planning permission, the erection of a building in the rear garden of the premises.

Application Number: E/10/0289 **Appeal Against:** Enforcement Appeal **Team:** Western Team
Appeal Started: 12/07/2010

Location: 45 Manor Drive, Wembley, HA9 8EB

Description:

The unauthorised erection of part single, part two-storey side and rear extensions, two dormer windows, a raised rear patio and change of use of the premises from a single family dwelling house to four self-contained residential units of accommodation.

("The unauthorised development")

Decisions on PLANNING Appeals between 1-Mar-2010 and 31-Jul-2010

Planning Committee: 18-Aug-2010

Application Number: 08/3261 **PINSRefNo** A/09/2112559/NWF **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 19/04/2010

Location: Arzu House, 1 New Row, Dollis Hill Avenue, London, NW2 6BF

Proposal:

Conversion of dwellinghouse into 2 self-contained flats

Application Number: 09/0401 **PINSRefNo** X/09/2112574 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 19/04/2010

Location: Arzu House, 1 New Row, Dollis Hill Avenue, London, NW2 6BF

Proposal:

Certificate of Lawfulness for retention of existing dwellinghouse with 11 bedrooms, as shown on "As Existing" drawing no. 210/03 (revised description)

Application Number: 09/0464 **PINSRefNo** A/09/2112994/NWF **Team:** Western Team

Appeal Decision: Appeal part dismissed / part allowed **Appeal Decision Date:** 11/03/2010

Location: 18A & 18B, Nathans Road, Wembley, HA0 3RY

Proposal:

Retention of conversion of dwellinghouse into 2 one-bedroom flats and alterations to front garden to provide part soft-landscaped and part hardstanding area, including removal of existing tree

Application Number: 09/0556 **PINSRefNo** A/09/2116834/NWF **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 12/07/2010

Location: 97-101 Willesden Lane, London, NW6 7SD

Proposal:

Installation of three telecommunication antennas on the roof of Prince of Wales public house, cable tray on roof and radio equipment housing at ground floor level, with associated gated fence, to the rear of public house

Application Number: 09/0607 **PINSRefNo** A/09/2115340/WF **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 26/05/2010

Location: 26 Summerfield Avenue, London, NW6 6JY

Proposal:

Erection of single-storey extension to side of existing two-storey outrigger of dwellinghouse

Application Number: 09/0662 **PINSRefNo** A/09/2117207/WF **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 24/05/2010

Location: 5 Queens Walk, London, NW9 8ES

Proposal:

Demolition of existing two storey dwellinghouse and attached garage and erection of new two storey dwellinghouse with vehicular access and provision of two car parking spaces to front garden and associated landscaping

Decisions on PLANNING Appeals between 1-Mar-2010 and 31-Jul-2010

Planning Committee: 18-Aug-2010

Application Number: 09/0845 **PINSRefNo** A/09/2114157/WF **Team:** Northern Team
Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 29/03/2010
Location: 93 Goldsmith Lane, London, NW9 9AR
Proposal:
 Installation of replacement UPVC double-glazed windows to front and side elevations of dwellinghouse (Article 4)

Application Number: 09/0955 **PINSRefNo** A/09/2115615 **Team:** Western Team
Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 26/04/2010
Location: 31 Stapenhill Road, Wembley, HA0 3JF
Proposal:
 Demolition of existing detached garage and erection of single-storey and two-storey side and single-storey rear extension to dwellinghouse, with alterations to front garden to provide part soft-landscaped and part hardstanding area

Application Number: 09/1094 **PINSRefNo** A/09/2118093 **Team:** Northern Team
Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 24/03/2010
Location: 1 West Close, Wembley, HA9 9PJ
Proposal:
 Retention of conversion of single family dwellinghouse into 2 self contained flats

Application Number: 09/1203 **PINSRefNo** A/09/2116860/WF **Team:** Southern Team
Appeal Decision: Appeal Allowed **Appeal Decision Date:** 11/05/2010
Location: 54 Wrotesley Road, London, NW10 5YG
Proposal:
 Demolition of detached garage and erection of a part one storey and part two storey dwellinghouse with associated parking space, bin storage and courtyard garden to the rear of 54 Wrotesley Road

Application Number: 09/1345 **PINSRefNo** A/09/2114467/WF **Team:** Southern Team
Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 08/04/2010
Location: 88 Longstone Avenue, London, NW10 3UD
Proposal:
 Erection of a part single, part two storey dwellinghouse with roof terrace and associated cycle and refuse storage in rear garden of existing dwellinghouse

Application Number: 09/1419 **PINSRefNo** A/09/2117337/NWF **Team:** Western Team
Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 22/03/2010
Location: 979-981, Harrow Road, Wembley, HA0
Proposal:
 Demolition of existing petrol station and erection of part 2- and 4-storey residential block comprising 10 flats (6 three-bedroom, 4 two-bedroom), 14 cycle spaces, 6 parking spaces, bin stores, associated landscaping and alteration of access from Harrow Road

Decisions on PLANNING Appeals between 1-Mar-2010 and 31-Jul-2010

Planning Committee: 18-Aug-2010

Application Number: 09/1454 **PINSRefNo** 09/2116966/NWF **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 13/07/2010

Location: 40A-D, St Julians Road, London, NW6 7LB

Proposal:

Erection of front and rear mansard roof, with 2 dormer windows at front and 2 at rear, to create 1 two-bedroom flat at third-floor level, with associated refuse-storage area to front of flats

Application Number: 09/1592 **PINSRefNo** A/09/2116969 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 13/07/2010

Location: 42A-D inc & 43A-C inc, St Julians Road, London, NW6 7LB

Proposal:

Erection of front and rear mansard roof extension with 2 front and 2 rear dormer windows to each property to create 2 x two bedroom self contained flats.

Application Number: 09/1612 **PINSRefNo** 2118108 **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 29/06/2010

Location: 3 SIDMOUTH PARADE, Sidmouth Road, London, NW2 5HG

Proposal:

Erection of a single-storey rear extension to an office

Application Number: 09/1627 **PINSRefNo** A/09/2112709/NWF **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 15/04/2010

Location: 58A Melrose Avenue, London, NW2 4JT

Proposal:

Change of use of single residential unit on first and second floor into 1 one-bedroom flat and 1 one-bedroom maisonette

Application Number: 09/1693 **PINSRefNo** A/09/2119202/WF **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 21/05/2010

Location: 86 Stag Lane, Edgware, HA8 5LW

Proposal:

Demolition of existing garage and erection of single storey side and rear extension to dwellinghouse as accompanied by Design and Access Statement (1052-BR 003)

Application Number: 09/1699 **PINSRefNo** A/09/2114549/NWF **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 25/05/2010

Location: 149 Chatsworth Road, London, NW2 5QT

Proposal:

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

Decisions on PLANNING Appeals between 1-Mar-2010 and 31-Jul-2010

Planning Committee: 18-Aug-2010

Application Number: 09/2119 **PINSRefNo** D/10/2126809 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 23/03/2010

Location: 62 Station Grove, Wembley, HA0 4AN

Proposal:

Retention of ancillary outbuilding, with proposed internal alterations, in rear garden of dwellinghouse

Application Number: 09/2136 **PINSRefNo** A/10/2120820/NWF **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 16/06/2010

Location: 2A Preston Way & 283-287 odd, Preston Road, Harrow

Proposal:

Demolition of 4 existing dwellings and erection of a two-, three- and four-storey building to provide 33 flats (17 one-bedroom, 10 two-bedroom and 6 three-bedroom) and a basement car-park, with formation of new vehicular access from Preston Way, associated services and landscaping

Application Number: 09/2142 **PINSRefNo** D/10/2120691 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 01/03/2010

Location: 21 Beechcroft Gardens, Wembley, HA9 8ER

Proposal:

Retention of the erection of an attached outbuilding and alterations to an existing outbuilding in the rear garden of the bungalow

Application Number: 09/2177 **PINSRefNo** D/10/2122558 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 07/04/2010

Location: 4 Tracey Avenue, London, NW2 4AT

Proposal:

Erection of first-floor rear extensions, increase in height of existing roof, installation of two rear dormer windows and two front rooflights, two flank rooflights facing No. 3 Tracey Avenue and one flank rooflight facing No. 5 Tracey Avenue to dwellinghouse

Application Number: 09/2227 **PINSRefNo** D/10/2120357 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 01/03/2010

Location: 114 Preston Hill, Harrow, HA3 9SJ

Proposal:

Erection of replacement boundary wall with piers and railings on top and new entrance gates at front of dwellinghouse

Application Number: 09/2442 **PINSRefNo** D/10/2126216 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 17/05/2010

Location: 116 Furness Road, London, NW10 5UH

Proposal:

Demolition of front and rear corner extensions and erection of new single-storey side and rear extension to dwellinghouse and first floor front extension.

Decisions on PLANNING Appeals between 1-Mar-2010 and 31-Jul-2010

Planning Committee: 18-Aug-2010

Application Number: 09/2494 **PINSRefNo** 10/2124719 **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 30/06/2010

Location: Land at junction Wrotesley Road, Harrow Road, London, NW10

Proposal:

Retention of internally illuminated advertisement hoarding, 3m(h) x 12m(w)

Application Number: 09/2517 **PINSRefNo** D/10/2124194 **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 08/06/2010

Location: 5 Dobree Avenue, London, NW10 2AD

Proposal:

Retention of outbuilding in rear garden of dwellinghouse

Application Number: 09/2564 **PINSRefNo** A/10/2129143/NWf **Team:** Western Team

Appeal Decision: Appeal withdrawn **Appeal Decision Date:** 13/07/2010

Location: Norton Rest Home, 89-91 Norton Road, Wembley, HA0 4RR

Proposal:

Change of use from residential care home to House in Multiple Occupation, including provision of bin store, off-street car parking and cycle -parking and hard and soft landscaping to front and rear of building.

Application Number: 09/3056 **PINSRefNo** D/10/2120549 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 01/03/2010

Location: 39 Queens Walk, London, NW9 8ES

Proposal:

Addition of front rooflight, 1 rear dormer window, first-floor rear and side extension to both sides, and single-storey rear extension to dwellinghouse

Application Number: 09/3120 **PINSRefNo** D/10/2123579 **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 29/06/2010

Location: 105 Hay Lane, London, NW9 0LL

Proposal:

Retention of and alterations to front porch of dwellinghouse

Application Number: 09/3201 **PINSRefNo** D/10/2127750 **Team:** Northern Team

Appeal Decision: Technically Deleted Record **Appeal Decision Date:** 07/05/2010

Location: 282 Princes Avenue, London, NW9 9QU

Proposal:

Single storey detached outbuilding in rear garden of dwellinghouse

Application Number: 09/3279 **PINSRefNo** A/09/2118744/NWF **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 21/07/2010

Location: 7A & 7B, Meyrick Road, London, NW10 2EL

Proposal:

Retention of 1 One-bedroom flat on ground floor and 1 two-bedroom maisonette on first and second floor of building

Decisions on PLANNING Appeals between 1-Mar-2010 and 31-Jul-2010

Planning Committee: 18-Aug-2010

Application Number: 09/3284 **PINSRefNo** A/10/2120677/WF **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 27/07/2010

Location: 52A Melrose Avenue, London, NW2 4JT

Proposal:

Retention of UPVC windows to the ground-floor flat

Application Number: 10/0114 **PINSRefNo** X/10/2124931 **Team:** Northern Team

Appeal Decision: Appeal withdrawn **Appeal Decision Date:** 17/05/2010

Location: 49 Regal Way, Harrow, HA3 0RZ

Proposal:

Certificate of lawfulness for a proposed hip-to-gable roof extension, rear dormer window, second-floor flank window and 2 front rooflights to the dwellinghouse

Application Number: 10/0137 **PINSRefNo** D/10/2126809 **Team:** Western Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 08/06/2010

Location: 62 Station Grove, Wembley, HA0 4AN

Proposal:

Replacement of ridge roof with new flat roof and retention of altered outbuilding in rear garden of dwellinghouse

Application Number: 10/0189 **PINSRefNo** D/10/2128736 **Team:** Western Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 29/06/2010

Location: 5 Dean Court, Wembley, HA0 3PU

Proposal:

Retrospective application for the erection of a canopy to rear of dwellinghouse

Application Number: 10/0234 **PINSRefNo** D/10/2128932 **Team:** Western Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 01/07/2010

Location: 24 Bengeworth Road, Harrow, HA1 3SE

Proposal:

Erection of a ground floor rear extension, first floor side extension and installation of replacement ground floor rear window to dwellinghouse

Application Number: 10/0285 **PINSRefNo** D/10/2126331 **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 08/06/2010

Location: 8 Grendon Gardens, Wembley, HA9 9ND

Proposal:

Retention and completion of new front and side boundary wall to dwellinghouse (Article 4 Direction)

Application Number: 10/0725 **PINSRefNo** D/10/2129898 **Team:** Western Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 19/07/2010

Location: 9 Highfield Avenue, Wembley, HA9 8LE

Proposal:

Demolition and proposed rebuilding of existing single-storey conservatory at rear of dwellinghouse

Decisions on ENFORCEMENT Appeals between 1-Mar-2010 and 31-Jul-2010

Planning Committee: 18 August, 2010

Application Number: E/06/0800 **PINSRefNo** C/09/2117303 **Team:** Northern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 16/04/2010**Location:** 57 Barn Hill, Wembley, HA9 9LL**Proposal:**

Without planning permission, the installation of replacement uPVC windows to the front of the premises.

Application Number: E/08/0304 **PINSRefNo** 092117473 **Team:** Northern Team**Appeal Decision:** Appeal withdrawn**Appeal Decision Date:** 28/04/2010**Location:** 148 Slough Lane, London, NW9 8XH**Proposal:**

The demolition of a detached garage within the curtilage of a Grade II Listed Building.

Application Number: E/08/0526 **PINSRefNo** C/09/2112880 **Team:** Western Team**Appeal Decision:** Appeal Allowed**Appeal Decision Date:** 14/07/2010**Location:** 206 Harrow Road, Wembley, HA9 6QL**Proposal:**

Without planning permission, the erection of a non self-contained dwelling in the rear garden area of premises.

Application Number: E/08/0611 **PINSRefNo** C/09/2115005 **Team:** Northern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 03/03/2010**Location:** 175 Cricklewood Broadway, London, NW2 3HX**Proposal:**

Without planning permission, the change of use of the premises from a ground floor shop unit into a ground floor shop unit and a 1 bedroom self contained flat and the erection of a single storey rear extension.

Application Number: E/08/0675 **PINSRefNo** C/09/2113362 **Team:** Northern Team**Appeal Decision:** Appeal part dismissed / part allowed**Appeal Decision Date:** 09/03/2010**Location:** 19 Tudor Close, London, NW9 8SU**Proposal:**

The installation of a hard surface to the front of the premises, the installation of a white PVCu door to the front elevation of the premises and the installation of a roof light on a roof slope fronting a highway.

Application Number: E/09/0042 **PINSRefNo** C/09/2115444 **Team:** Western Team**Appeal Decision:** Appeal part dismissed / part allowed**Appeal Decision Date:** 07/06/2010**Location:** Ground Floor Flat & First Floor Flat, 1 St Annes Road, Wembley, HA0 2AW**Proposal:**

Without planning permission, the change of use of the premises from a single dwellinghouse to 2 self-contained flats incorporating the erection of a single storey rear extension.

("The Unauthorised Development")

Decisions on ENFORCEMENT Appeals between 1-Mar-2010 and 31-Jul-2010

Planning Committee: 18 August, 2010

Application Number: E/09/0054 **PINSRefNo** C/09/2115527 **Team:** Northern Team

Appeal Decision: Appeal withdrawn **Appeal Decision Date:** 11/05/2010

Location: Flats 1 & 2, 162 Randall Avenue, London, NW2 7SY

Proposal:

The change of use from a dwellinghouse to 2 self-contained flats and the erection of a single storey rear extension.

("The Unauthorised Development")

Application Number: E/09/0249 **PINSRefNo** C/09/2113415 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 04/05/2010

Location: 9 Chestnut Grove, Wembley, HA0 2LX

Proposal:

Without permission, the erection of a front porch and the change of use of the premises to 2 self-contained flats.

Application Number: E/09/0313 **PINSRefNo** C/09/2117163 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 18/03/2010

Location: Land adjacent to 63 Beverley Gardens, Wembley, HA9 9RB

Proposal:

Without planning permission, the erection of a part 3/part 4 storey building attached to 63 Beverley Gardens comprising two self contained flats and the erection of a bungalow to the rear of the premises.

("the unauthorised development")

Application Number: E/09/0385 **PINSRefNo** C/09/2112047 **Team:** Northern Team

Appeal Decision: Appeal withdrawn **Appeal Decision Date:** 31/03/2010

Location: 537 and 539-541 Kingsbury Road, London, NW9 9EG

Proposal:

Without planning permission, the erection of an extension to the rear of 537 Kingsbury Road for use in connection with 539-541 Kingsbury Road

Application Number: E/09/0520 **PINSRefNo** C/09/2117164 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 18/03/2010

Location: 63 Beverley Gardens, Wembley, HA9 9RB

Proposal:

Without planning permission, the erection of a rear dormer window, single and 2 storey rear extension and front canopy to premises and the formation of a hard surface to the front of the premises.

("the unauthorised development")

Application Number: E/09/0621 **PINSRefNo** C/09/2118300 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 30/06/2010

Location: 17 Norval Road, Wembley, HA0 3TD

Proposal:

Without planning permission, the painting of the front and side elevations of the premises.

Decisions on ENFORCEMENT Appeals between 1-Mar-2010 and 31-Jul-2010

Planning Committee: 18 August, 2010

Application Number: E/09/0671 **PINSRefNo** C/10/2125642 & C/10/2125463 **Team:** Northern Team

Appeal Decision: Appeal withdrawn **Appeal Decision Date:** 11/06/2010

Location: 11 Hillcrest Gardens, London, NW2 6HZ

Proposal:

Without planning permission, the change of use of the premises from a dwellinghouse to a mixed use as a house in multiple occupation and window storage, window repair and window reclamation.

("The unauthorised change of use")

Application Number: E/09/0742 **PINSRefNo** C/10/2124819

Team: Western Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 29/06/2010

Location: 71 Montpelier Rise, Wembley, HA9 8RQ

Proposal:

Without planning permission, the erection of a front porch extension to the premises.

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**PLANNING SELECTED appeal DECISIONS between
1-Mar-2010 and 31-Jul-2010
Planning Committee: 18 August, 2010**

Introduction

In order to keep Members fully informed of Planning Appeal decisions, copies of Inspector's decision letters concerning those applications that have been allowed or partly allowed on appeal, are attached to the agenda. These include the following:

Our reference: 09/0464	Appeal Decision: Appeal part dismissed / part allowed	Appeal Decision Date: 11/03/2010
Team:	Western Team	
Location:	18A & 18B, Nathans Road, Wembley, HA0 3RY	
Proposal:	Retention of conversion of dwellinghouse into 2 one-bedroom flats and alterations to front garden to provide part soft-landscaped and part hardstanding area, including removal of existing tree	
Our reference: 09/0556	Appeal Decision: Appeal Allowed	Appeal Decision Date: 12/07/2010
Team:	Southern Team	
Location:	97-101 Willesden Lane, London, NW6 7SD	
Proposal:	Installation of three telecommunication antennas on the roof of Prince of Wales public house, cable tray on roof and radio equipment housing at ground floor level, with associated gated fence, to the rear of public house	
Our reference: 09/0662	Appeal Decision: Appeal Allowed	Appeal Decision Date: 24/05/2010
Team:	Northern Team	
Location:	5 Queens Walk, London, NW9 8ES	
Proposal:	Demolition of existing two storey dwellinghouse and attached garage and erection of new two storey dwellinghouse with vehicular access and provision of two car parking spaces to front garden and associated landscaping	
Our reference: 09/1203	Appeal Decision: Appeal Allowed	Appeal Decision Date: 11/05/2010
Team:	Southern Team	
Location:	54 Wrotesley Road, London, NW10 5YG	
Proposal:	Demolition of detached garage and erection of a part one storey and part two storey dwellinghouse with associated parking space, bin storage and courtyard garden to the rear of 54 Wrotesley Road	
Our reference: 09/1612	Appeal Decision: Appeal Allowed	Appeal Decision Date: 29/06/2010
Team:	Southern Team	
Location:	3 SIDMOUTH PARADE, Sidmouth Road, London, NW2 5HG	
Proposal:	Erection of a single-storey rear extension to an office	
Our reference: 09/2494	Appeal Decision: Appeal Allowed	Appeal Decision Date: 30/06/2010
Team:	Southern Team	
Location:	Land at junction Wrotesley Road, Harrow Road, London, NW10	
Proposal:	Retention of internally illuminated advertisement hoarding, 3m(h) x 12m(w)	
Our reference: 09/2517	Appeal Decision: Appeal Allowed	Appeal Decision Date: 08/06/2010
Team:	Southern Team	
Location:	5 Dobree Avenue, London, NW10 2AD	
Proposal:	Retention of outbuilding in rear garden of dwellinghouse	

**PLANNING SELECTED appeal DECISIONS between
1-Mar-2010 and 31-Jul-2010
Planning Committee: 18 August, 2010**

Our reference: 09/3120	Appeal Decision: Appeal Allowed	Appeal Decision Date: 29/06/2010
Team: Northern Team		
Location: 105 Hay Lane, London, NW9 0LL		
Proposal: Retention of and alterations to front porch of dwellinghouse		
Our reference: 10/0137	Appeal Decision: Appeal Allowed	Appeal Decision Date: 08/06/2010
Team: Western Team		
Location: 62 Station Grove, Wembley, HA0 4AN		
Proposal: Replacement of ridge roof with new flat roof and retention of altered outbuilding in rear garden of dwellinghouse		
Our reference: 10/0189	Appeal Decision: Appeal Allowed	Appeal Decision Date: 29/06/2010
Team: Western Team		
Location: 5 Dean Court, Wembley, HA0 3PU		
Proposal: Retrospective application for the erection of a canopy to rear of dwellinghouse		
Our reference: 10/0234	Appeal Decision: Appeal Allowed	Appeal Decision Date: 01/07/2010
Team: Western Team		
Location: 24 Bengeworth Road, Harrow, HA1 3SE		
Proposal: Erection of a ground floor rear extension, first floor side extension and installation of replacement ground floor rear window to dwellinghouse		
Our reference: 10/0285	Appeal Decision: Appeal Allowed	Appeal Decision Date: 08/06/2010
Team: Northern Team		
Location: 8 Grendon Gardens, Wembley, HA9 9ND		
Proposal: Retention and completion of new front and side boundary wall to dwellinghouse (Article 4 Direction)		
Our reference: 10/0725	Appeal Decision: Appeal Allowed	Appeal Decision Date: 19/07/2010
Team: Western Team		
Location: 9 Highfield Avenue, Wembley, HA9 8LE		
Proposal: Demolition and proposed rebuilding of existing single-storey conservatory at rear of dwellinghouse		

Background Information

Any persons wishing to inspect an appeal decision not set out in full on the agenda should contact the Area Planning Support Team, The Planning Service, Brent House, 349 High Road, Wembley, HA9 6BZ. Telephone 020 8937 5210 or tps@brent.gov.uk.

Chris Walker, Chief Planner

ENFORCEMENT SELECTED appeal DECISIONS between**1-Mar-2010****and 31-Jul-2010****Planning Committee: 18 August, 2010****Introduction**

In order to keep Members fully informed of Enforcement Appeal decisions, copies of Inspector's decision letters concerning those cases where Enforcement action has been initiated and the appeal has been allowed or part allowed, are attached to the agenda. These include the following:

Our reference: E/08/0526	Appeal Decision Date: 14/07/2010
Team: Western Team	Appeal Decision: Appeal Allowed

Location: 206 Harrow Road, Wembley, HA9 6QL

Proposal:

Without planning permission, the erection of a non self-contained dwelling in the rear garden area of premises.

Our reference: E/08/0675	Appeal Decision Date: 09/03/2010
Team: Northern Team	Appeal Decision: Appeal part dismissed / part allowed

Location: 19 Tudor Close, London, NW9 8SU

Proposal:

The installation of a hard surface to the front of the premises, the installation of a white PVCu door to the front elevation of the premises and the installation of a roof light on a roof slope fronting a

Background Information

Any persons wishing to inspect appeal decision letters not set out in full on the agenda should contact the Area Planning Support Team, The Planning Service, Brent House, 349 High Road, Wembley, HA9 6BZ. Telephone 020 8937 5210 or email: tps@brent.gov.uk.

Chris Walker

Director of the Planning Service

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Appeal Decision

Site visit made on 24 February 2010

by D A Hainsworth LL.B(Hons) FRSA Solicitor

an Inspector appointed by the Secretary of
State for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.
gov.uk

Decision date:
11 March 2010

Appeal Ref: APP/T5150/A/09/2112994

18A & 18B Nathans Road, Wembley, Middlesex HA0 3RY

- The appeal is made by Mr A Al-Hassani under section 78 of the Town and Country Planning Act 1990 against a refusal by the Council of the London Borough of Brent to grant planning permission.
- The application Ref 09/0464, dated 4 March 2009, was refused by notice dated 22 June 2009.
- The development is the conversion of the dwellinghouse into two one-bedroom flats and alterations to the front garden to provide a part soft-landscaped and part hardstanding area, including the removal of a tree.

Decision

1. I allow the appeal insofar as it relates to the garden alterations and grant planning permission for alterations to the front garden of 18 Nathans Road, Wembley, Middlesex HA0 3RY to provide a part soft-landscaped and part hardstanding area, including the removal of a tree, in accordance with the application Ref 09/0464 dated 4 March 2009 and the plans submitted therewith, subject to the following conditions: -
 1. The development shall begin not later than 3 years from the date of this decision.
 2. The development shall be carried out in accordance with Drawing No. 090301/03.
 3. No development shall take place until full details of the hard and soft landscape works (including the means of enclosure, hardsurfacing materials and details of the plants and trees to be planted) have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.
 4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the commencement of the development; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority give written consent to any variation.
2. I dismiss the appeal insofar as it relates to the conversion of the dwellinghouse 18 Nathans Road, Wembley, Middlesex HA0 3RY into two one-bedroom flats.

Reasons for the decision

3. The Council have raised no objections to the proposed alterations to the front garden, subject to further details being approved and implemented. These details should include a replacement tree for the existing tree, which has been severely cut back. The front garden is at present open and hard surfaced. The alterations would improve its appearance and I have therefore approved them, subject to conditions. The reason for the conditions is to ensure that the works are carried out satisfactorily and have a suitable appearance.
4. The house has already been converted into two one-bedroom flats. The main issues in the appeal are whether this has resulted in the unacceptable loss of a small purpose-built family dwelling and whether the flats provide an acceptable standard of accommodation.
5. Policy H17 of the Brent Unitary Development Plan 2004 (UDP) indicates that permission will not be given for the conversion into flats of dwellinghouses with an original (unextended) floor area of less than 110m². The objective of the policy is to prevent the loss of small purpose-built family dwellings which meet a specific housing need in a Borough with a disproportionately high number of larger families.
6. 18 Nathans Road is a semi-detached house that had an original (unextended) floor area of about 96m². It is a small purpose-built family dwelling, for which the Council indicate there is still a specific need in the Borough. Its conversion is therefore contrary to Policy H17 and, if the appeal were allowed, a dwelling for which there is a need would be lost and the objectives of the policy would become more difficult to achieve.
7. The appellant draws attention to advice in Planning Policy Statement 3 (PPS3): Housing, which identifies a need for a mix of housing and the contribution that conversions can make to housing supply, and to the evidence base for the Council's emerging Local Development Plan Framework (LDF), which points to an increasing need for accommodation for small households. I am not aware of any changes being proposed to Policy H17 by the Council. How the advice in PPS3 and the evidence base for the LDF should be reflected in the Borough's housing policies are matters to be decided in the context of the ongoing development plan process. There are insufficient reasons to make an exception to Policy H17 as far as this appeal is concerned.
8. UDP Policy H18 deals with the quality of flat conversions and states that they should provide an acceptable standard of accommodation for residents. The conversion appears to meet the detailed criteria in the policy and the Council's supplementary planning guidance, but the ground-floor bathroom and toilet clearly fail to provide acceptable facilities for residents, since they consist of a makeshift cubicle in the conservatory.

D.A.Hainsworth

INSPECTOR



Appeal Decision

Inquiry held on 6 July 2010
Site visit made on 6 July 2010

by **Katie Peerless Dip Arch RIBA**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
14 July 2010

Appeal Ref: APP/T5150/C/09/2112880 206 Harrow Road, Wembley, HA9 6QL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Sam Irani against an enforcement notice issued by the Council of the London Borough of Brent.
- The Council's reference is E/08/0526.
- The notice was issued on 7 August 2009.
- The breach of planning control as alleged in the notice is the erection of a non self-contained dwelling in the rear garden of the premises.
- The requirements of the notice are: demolish the unauthorised dwelling and completely remove from the premises all materials, equipment and debris associated with the dwelling.
- The period for compliance with the requirements is six months after the enforcement notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(b), (c) and (f) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

Decision

1. I allow the appeal and direct that the enforcement notice be quashed.

Procedural matter

2. Although the appeal was originally made on grounds (b) and (f), the appellant subsequently confirmed that he wished to also appeal on ground (c), that is that there has not been a breach of planning control and I have considered his submissions on this basis.

Main issues

3. The main issues here seem to me be:
On ground (b): whether the alleged breach of planning control has occurred as a matter of fact and, if so:
On ground (c): whether the building and its current use is permitted by the terms of the Town & Country Planning (General Permitted Development) Order (as amended) (GPDO) and does not therefore require planning permission to authorise it and if not:
On ground (f): whether the requirement to completely demolish the building is excessive.

Site and surroundings

4. The appeal property is a semi-detached house in a residential part of Wembley. It has a long rear garden, in which the outbuilding that is the subject of the enforcement notice is situated. The building is brick built structure with a pitched roof and contains one main room and a cloakroom with a WC and washbasin. It has two entrance doors, one facing the rear of the house and the other in one of the side elevations and, at the time of the site visit, the furniture in the main room included a desk, computer and cupboard.

Planning history

5. In 2006 the appellant applied for, and was granted, a Lawful Development Certificate for the construction of a '*studio with garden tool store and toilet*'. The layout of the building that has been constructed is different internally to that shown on the approved drawings in that the garden store has been omitted and the building has a pitched roof rather than a flat one. It was also first constructed with a full height shower, rather than the low level footspray tap originally envisaged, but this has now been removed.
6. A Building Regulations application was submitted in 2006 and the building was finally signed off for Building Regulation purposes in 2008. I am told that the delay in completing the work was caused by the ill health of the appellant and his admissions to hospital during the construction period.
7. In July 2008, the Council received a complaint suggesting that the building had been rented out for number of months and officers visited the premises in August 2008, when they saw the appellant's girlfriend leaving the building. In October 2008, the Council issued a Planning Contravention Notice seeking further information on how the building was being used. The reply to the PCN states that the building was being used as a study and that no-one was staying there overnight.
8. The Council again visited the site in May 2009 and found that, at that time, a couple were occupying the building and using the kitchen of the main house for cooking. The appellant does not deny that the building was inhabited at this time, but insists that the arrangement was temporary and only lasted for ten days or so.

Reasons

Ground (b)

9. There is no question that the building against which the enforcement notice is directed has been constructed, nor that, at the time that it was lent out to the couple seen by the Council's officers, it was occupied as primary residential accommodation. The appeal on ground (b) therefore fails, as the alleged breach of planning control has occurred as a matter of fact.

Ground (c)

10. The Council does not suggest that the physical dimensions of the building and its location would cause it to fall outside the limitations for development permitted under Class E of the GPDO, provided that it was constructed for a purpose that was incidental to the residential use of the main dwelling.

11. However, the Council is of the view that the building has always been used as primary residential accommodation, either as a study extension to the house, or as living accommodation for the appellant's girlfriend and, later, the couple seen by Council officers at the premises.
12. There seems to be no dispute that the original reason for constructing the building was to provide somewhere for the appellant's daughter to work whilst studying for her GCSE, AS and A level exams. The appellant wanted her to have a quiet place for this, away from the house, where she was distressed by witnessing her father's serious illness, which had been diagnosed in 2005, and disturbed by the number of telephone calls to the house by family members inquiring after his health.
13. Ms Zapert, the appellant's girlfriend, gave evidence that she met the appellant in 2007, about a year before she moved in to 206 Harrow Road in March 2008. This indicates to me that, at the time the LDC was granted in 2006, the appellant could not have had the intention of using the building as accommodation for her and it is unlikely that it was intended for anything other than a study or 'studio', as stated on the LDC application form.
14. The first question for me to determine is therefore whether the 'study' use in this case is genuinely incidental to that of the main dwelling. As noted above, the view of the Council is that it is not. Miss Irani, the appellant's daughter, did not have a separate study area within the main house; she used the dining area of the rear living room for this purpose prior to the construction of the 'studio'. The Council therefore submits that the accommodation in the 'studio' was constructed to supplement the living space within the house and consequently cannot be considered to be for a purpose incidental to the residential use.
15. However, in *Peche D'Or Investments v SSE (1996)*, the court held that legislation does not exclude any particular type of room from Class E and that the Inspector in that case had erred by concluding, as a matter of law, that a study could not be permitted under Class E. Consequently, each case should be considered on its own circumstances, as matters of fact and degree. The courts have also held that the use to which Class E development can be put must be considered against the circumstances applying to the particular dwellinghouse with which it is associated, not as a general rule for any dwelling. This finding must also relate to the circumstances and intentions of the occupier although, on their own, these are not always determinative.
16. The circumstances of this case lead me to conclude that, had it not been for the illness of the appellant, it is unlikely that he would have felt the need to construct the 'studio' for his daughter to work in. The main house has two ground floor living rooms, the rear one having been extended to provide a dining area. There was, therefore, already sufficient space within the property to allow Miss Irani a place to study before the 'studio' was built. Not every house has a separate study and not every resident has need of one. There are also alternative places where students can work, such as libraries, schools and colleges. A study is not, therefore, always included within the ordinary living accommodation, such as bedrooms, a bathroom and a kitchen, that would normally be found in a dwelling.

17. Miss Irani has been studying for a particular series of examinations, with a view to gaining a place at university. Again, this is not an activity that every occupant of a residential property would undertake or for which space would be needed. Consequently, I conclude that the purpose for which the 'studio' building was originally erected was, in this case, genuinely 'incidental' to the residential occupation of the property at 206 Harrow Road.
18. In *Rambridge v SSE (1997)*, the proposition that a building that had been built for 'incidental' purposes under Class E could, a day later, be changed to primary residential accommodation was rejected. However, it was also found that if the building had genuinely been constructed for incidental purposes, planning permission was not required for a later change, provided the building remained within the same planning unit.
19. Although the 'studio' was not completed to a point where a Building Regulations Certificate could be issued until January 2008, Miss Irani gave evidence that she began to use as soon as it was finished. It seems likely from the evidence given at the Inquiry that, if any change in the pattern of that use had occurred, it would only have happened after March 2008, when Ms Zapert came to live at the property. At the Inquiry, the appellant and his witnesses consistently denied that Ms Zapert, or anyone else, had stayed in the building overnight, apart from the ten days or so in 2009 mentioned previously. In any event, it is clear that Ms Zapert was living in the main house by November 2008, when the police report confirmed the problems that she and the appellant were having in sharing the property with the appellant's parents.
20. However, even if there was some primary residential use of the building prior to the time the Council officers first visited the site, this change would have, nonetheless, been authorised. I have found that the original use was incidental, had been implemented and the 'studio' remains within the same planning unit as the main house. Any subsequent change to a primary residential use is, as confirmed by the *Rambridge* judgement, authorised by S55(2)(d) of the TCPA. There has not, therefore, been a breach of planning control, because at the time the enforcement notice was issued, the 'studio' benefited from planning permission granted by Class E of Part 1 of Schedule 2 of the GPDO.
21. For the reasons given above I conclude that the appeal should succeed on ground (c). Accordingly the enforcement notice will be quashed. In these circumstances the appeal under ground (f) as set out in section 174(2) to the 1990 Act as amended does not need to be considered.

Katie Peerless

Inspector

APPEARANCES

FOR THE APPELLANT:

Ms Katrina Yates	Of Counsel, instructed by Sri Kanth & Co Solicitors
She called	
Mr Sam Irani	Appellant
Miss Natasha Irani	Appellant's daughter
Ms Stanislaw Zapert	Appellant's girlfriend
Mr Tirandaz Irani	Appellant's father
Mr Jayant Patankar	Architect for the outbuilding

FOR THE LOCAL PLANNING AUTHORITY:

Mr Nigel Wicks	Solicitor for London Borough of Brent
He called	
Mr Michael Wood BSc	Planning Enforcement Officer, London Borough of Brent

DOCUMENTS

- 1 Statement of Common Ground
- 2 Bundle of legal authorities, submitted by the appellant
- 3 Police report of incident dated 25/11/2008
- 4 Planning Enforcement Policy, London Borough of Brent
- 5 Notes of Miss Yates' closing submissions

PHOTOGRAPHS

- 1 Aerial view of appeal site



Appeal Decision

Site visit made on 13 July 2010

by **P W Clark MA MRTPI MCMl**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
19 July 2010

Appeal Ref: APP/T5150/D/10/2129898

9 Highfield Avenue, Wembley, Middlesex HA9 8LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Dhalani against the decision of the Council of the London Borough of Brent.
- The undated application Ref 10/0725, was refused by notice dated 20 May 2010.
- The development proposed is demolition of existing rear conservatory and re-build to same height and depth.

Decision

1. I allow the appeal, and grant planning permission for demolition of existing rear conservatory and re-build to same height and depth at 9 Highfield Avenue, Wembley, Middlesex HA9 8LE in accordance with the terms of the undated application, Ref 10/0725, subject to the following conditions:
 - 1) Other than as required by these conditions, the development hereby permitted shall be carried out in accordance with the following approved plans: 2010/01/KG and 2010/02/KG.
 - 2) Before the first occupation of the extension hereby permitted the windows in its western flank shall be fitted with obscured glass and shall be permanently retained in that condition.

Procedural matter

2. The demolition had already been carried out at the time of my site visit so a condition requiring the development to be commenced within three years is unnecessary.

Reasons

3. The issue is the effect of the conservatory on the light to and outlook from the neighbouring property, number 11. The appeal site has an existing single storey flat roofed extension, about 2.5m deep. The proposal would add a further single storey flat roofed, conservatory-style extension, approximately 2m deep. There is an existing closeboarded fence and trellis, in total about 1.8m high along the boundary. The additional extension would be a little lower than the existing extension which is about 1.04m higher than the fence.
4. The total effect of the existing and proposed extensions on the neighbouring property therefore amounts to an area of elevation about 1m higher than the existing fence, extending for a distance of about 4.5m. The new extension

would be set in by about 225mm to accommodate the narrowing of the gardens away from the houses, so the extent of the extensions would be broken up and reduced by that and by the different (conservatory) style of that now proposed, so the outlook from number 11 would not be oppressive.

5. The new extension would be to the north of the existing house and to the east of number 11. Other than early in the morning, it would therefore have no effect on sunlight and there is no information to show that the effect on morning sunlight would be unacceptable. Because of its lesser height and slight set-back in relation to number 11, its effect on daylight would be less than that of a full width and full height extension built to the same depth.
6. There is no information to demonstrate what loss of daylight would occur but there is information to the effect that the previous structure, of approximately the same dimensions, had been built without planning permission yet had existed without complaint of loss of light for a considerable number of years. This suggests that any loss of daylight from the previous structure was acceptable and that any loss of light from the similarly dimensioned structure now proposed would be equally acceptable.
7. As the Council's Supplementary Planning Guidance number 5 *Altering and Extending your Home* advises, extensions to extensions are usually not acceptable except where no material harm arises. In this case, the extent of harm would not be material.
8. I conclude that the proposal would have an acceptable effect on the light to and outlook from number 11. It would therefore comply with policy BE9 of the London Borough of Brent Unitary Development Plan adopted in 2004. This seeks a satisfactory impact on sunlight, daylight and outlook. It also requires satisfactory privacy. In the event that the existing fence, which provides privacy, were to be removed, the neighbour's privacy can still be ensured by a condition requiring the use of obscured glass in that flank wall of the extension. The flank wall on the other side would not be on the boundary and so would not need to be obscured.

P. W. Clark

Inspector



Appeal Decision

Site visit made on 24 May 2010

by **Richard Clegg BA(Hons) DMS MRTPI**

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for Communities and Local Government**

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**Decision date:
8 June 2010**

Appeal Ref: APP/T5150/D/10/2126331 8 Grendon Gardens, Wembley, Middlesex, HA9 9ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr P Patel against the decision of the Council of the London Borough of Brent.
- The application Ref 10/0285, dated 3 February 2010, was refused by notice dated 26 March 2010.
- The development proposed is described as 'removal of front boundary walls and rebuild new'.

Decision

1. I allow the appeal, and grant planning permission for the removal and re-building of front boundary walls at 8 Grendon Gardens, Wembley, Middlesex, HA9 9ND in accordance with the terms of the application Ref 10/0285, dated 3 February 2010, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A4 location plan, Grendon wall plan 01 (1 of 2) showing location and site plans, Grendon wall plan 01 (2 of 2) showing elevations, and Grendon landscape plan 01.
 - 3) No development shall take place until samples of the materials to be used in the construction of the walls hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 4) Notwithstanding condition No 2, no development shall take place until full details of the planting proposed behind the proposed walls, including plant size, density and position, have been submitted to and approved in writing by the local planning authority. The planting included in the approved details of landscaping shall be carried out in the first planting season following the completion of the development, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Procedural matter

2. The proposed development is more clearly described as the removal and re-building of front boundary walls, and I have considered the appeal on this basis.

Main issues

3. I consider that the main issues in this appeal are:
 - (i) The effect of the proposal on the character and appearance of Barn Hill Conservation Area.
 - (ii) The effect of the proposal on highway safety on Grendon Gardens.

Reasons

4. No 8 Grendon Gardens is within Barn Hill Conservation Area, which covers an established residential area rising up a hillside. Whilst there are variations in the design of the dwellings in the vicinity of the appeal site, they are complementary in scale, proportion and use of materials, combining to form an attractive street scene. In its statement, the Council refers to the loss of original boundary walls and hedges as one of the main threats to the character of the conservation area. The Council's Barn Hill Conservation Area Design Guide emphasises the importance of original front gardens in the conservation area, and seeks to restrict the removal of walls and the extent of hardsurfacing. Similar provisions are included in Policy BE7 of the Brent Unitary Development Plan (UDP).
5. The appeal proposal simply involves the replacement of the walls which formerly ran along part of the frontage and the boundary with the front area of No 10 Grendon Gardens. It does not involve the formation of hardsurfacing or a forecourt parking area and parts (c) and (d) of Policy BE7 which are concerned with such matters are not directly relevant to the scheme before me. It is common ground between the main parties that the new walls would be built in the same position as those which have been demolished: that is along the west boundary at the front of the property and along 6.6m of the frontage. The latter wall would cover about half of the frontage, with a gap between the end of the wall and the vehicle crossing at the eastern end of the frontage. Part (b) of Policy BE7 resists the loss of front walls of character and common to the street, which should be restored or reproduced where practical. The appeal proposal would not involve the loss of walls at the appeal site, but the replacement of the former walls with new structures of equivalent length, and it would not preclude an extension of the wall further along the frontage. I note that the Council does not object to the principle of the wall in terms of its height or design, and I consider that the proposal would not be contrary to the objectives of Policy BE7 of the UDP or those of the Conservation Area Design Guide.
6. On this stretch of Grendon Gardens, between the junctions with Barn Rise and Barn Hill, most of the other nine houses which face the road have at least a similar proportion of open frontage, and the proposal would not be out of keeping with its surroundings. Nor would the gap in the frontage be unduly prominent, as trees and hedges, particularly those near the junctions, draw the

eye along the frontages of this part of the road. I conclude that the proposed development would preserve the character and appearance of Barn Hill Conservation Area, and therefore that it would not conflict with Policy BE25 of the UDP.

7. Grendon Gardens is described by the Council's Transportation Service as a local access road, and I anticipate that it is not heavily trafficked. No additional vehicle crossing point would be formed. The existing vehicle crossing does not extend for the full width of the open frontage at the appeal site, and the Council is concerned about vehicles overriding the footway in moving onto and off the forecourt. However, the potential for this situation would not arise as a result of the appeal proposal, since the length of wall along the frontage would not alter. Moreover, the Council's Domestic Vehicle Footway Crossover Policy explains that powers are available under other legislation to control unauthorised crossing of a footway should this occur. I conclude that the proposed development would not reduce highway safety on Grendon Gardens.
8. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed. It is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning, and I shall impose a condition to this effect. To ensure that the wall would be in keeping with its surroundings, samples of materials and full details of the reinstatement of the adjacent landscaping strip should be submitted for approval.

Richard Clegg

INSPECTOR



Appeal Decision

Site visit made on 22 June 2010

by **David Hogger** BA MSc MRTPI MCIHT

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
1 July 2010

Appeal Ref: APP/T5150/D/10/2128932
24 Bengeworth Road, Sudbury, Middlesex HA1 3SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Serdar Kovenklioglu against the decision of the Council of the London Borough of Brent.
- The application Ref 10/0234, dated 30 January 2010, was refused by notice dated 16 April 2010.
- The development proposed is a side first floor bedroom and shower room and a ground floor rear kitchen and dining room extension.

Decision

1. I allow the appeal, and grant planning permission for a side first floor bedroom and shower room and a ground floor rear kitchen and dining room extension at 24 Bengeworth Road, Sudbury, Middlesex HA1 3SE in accordance with the terms of the application, Ref 10/0234, dated 30 January 2010, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 3) No windows or glazed doors shall be constructed in the side walls of the building as extended without the prior written consent of the Local Planning Authority.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; 24BR-2010-01; 24BR-2010-02; 24BR-2010-03 REVA; 24BR-2010-04; 24BR-2010-05; 24BR-2010-06; 24BR-2010-07 REVA; and 24BR-2010-08.

Preliminary Matter

2. It has been confirmed by the Council that the reference in the Delegated Report to the property lying within an Area of Distinctive Residential Character is incorrect. Saved policy BE29 of the Unitary Development Plan (UDP) is therefore not applicable.

Main Issue

3. The main issue is the effect of the proposed extension on the character of the street scene and on the appearance of the host dwelling.

Reasons

4. With regard to the street scene I saw that a number of properties in Bengeworth Road have been extended to the side and as a consequence the significance of the gaps between dwellings at first floor level has been diminished to such an extent that they are no longer a predominant feature of the road.
5. The first floor extension would have an appreciable set back at the front and a lower ridge line than the existing dwelling. This would result in the extension appearing as a sub-ordinate feature from the road. I consider that the set-back is sufficient to ensure that this part of the street would not appear as a row of terraced houses. The Council has not afforded any specific protection to this location and in my opinion the proposed development would not cause harm to the street scene.
6. Bearing in mind that the use of suitable materials could be achieved by the imposition of an appropriate condition (together with my conclusions with regard to the street scene), I consider that the extension would not be harmful to the character of the host dwelling.
7. The Council refers to its Supplementary Planning Guidance (SPG) entitled 'Altering and Extending Your Home'. However, for the reasons given above, the proposal before me would not significantly contravene the advice in the SPG.
8. The Council do not object to the rear extension and I agree that it would be acceptable.
9. On the main issue I conclude that the proposed extension would not have a detrimental effect on the character of the area or on the appearance of the host dwelling. The requirements of saved policies BE2, BE7 and BE9 of the UDP, which seek to ensure that proposals are of an appropriate design and do not harm the character or appearance of an area, would be met.

Conditions

10. As well as the standard time condition, which I impose, the Council has suggested two conditions which I have considered in the light of the advice in Circular 11/95: The Use of Conditions in Planning Permissions. The two conditions relate to the use of appropriate materials and the prevention of further openings in the side elevation without the approval of the Local Planning Authority. I consider that these conditions are necessary in order to ensure that the appearance of the extension would be satisfactory and the living conditions of neighbours would be protected and I impose them accordingly.
11. For the avoidance of doubt and in the interests of proper planning I also impose a condition relating to the development being in accord with the approved plans.

Other Matters and Conclusion

12. The Council refer to the use of the proposed extension as a separate dwelling but that is not what is proposed and there is no evidence to demonstrate that this would be likely. There is also reference to a proposed patio but that is not part of the proposal before me.
13. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Hogger

Inspector



Appeal Decision

Site visit made on 22 June 2010

by **Colin Tyrrell MA(Oxon) CEng MICE**
FCIHT

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Decision date:
29 June 2010

Appeal Ref: APP/T5150/D/10/2128736 5 Dean Court, Wembley HA0 3PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Mohammed Arif against the decision of the Council of the London Borough of Brent.
- The application Ref 10/0189, dated 26 January 2010, was refused by notice dated 12 March 2010.
- The development proposed is a canopy to the single-storey extension at the rear.

Decision

1. I allow the appeal, and grant planning permission for a canopy to the single-storey extension at the rear at 5 Dean Court, Wembley HA0 3PU in accordance with the terms of the application, Ref 10/0189, dated 26 January 2010, and the plans submitted with it, subject to the following conditions:
 - 1) The canopy shall not be used as a balcony for sitting out.
 - 2) The development hereby permitted shall be carried out in accordance with approved plan number 0909/05.

Main Issue

2. In my opinion, the main issue is the effect of the development on neighbour's living conditions.

Reasons

3. The full-width rear canopy, which is already in place, is shown on the drawing as extending 600mm from the rear wall of the newly extended house, though the Council asserts that it is 650mm deep. Either way, such a canopy seems to me little different in principle from the deep eaves sometimes found on residential or business properties.
4. In my opinion, the depth of such a canopy/deep eaves should not be included in the depth of the main part of an extension when assessing whether or not it complies with the 3m maximum depth recommended in the Council's SPG. The relevant illustration in the SPG, albeit that it is for a terraced house, shows the critical depth measured to the back wall and not to the overhang of the guttering or eaves.
5. One neighbour has written confirming that she has no objection, and the appellant reports that the other neighbour is also content. I agree that such a minor design detail, which is not visible from the public realm, has no material impact on neighbours' living conditions. I conclude therefore that it complies

with the quoted UDP Policies which seek to protect such interests, and that I should allow the appeal.

6. The Council has suggested that conditions are unnecessary for an existing development such as this, and the officer's report states that the previous planning permission satisfactorily prevents the use of the canopy as a sitting-out area. However, it seems to me that as this decision constitutes a new permission for a new element of the house I should apply a condition preventing such sitting out in the interests of neighbours' living conditions. I have also specified the relevant approved drawing for the avoidance of doubt and in the interests of proper planning.

Colin Tyrrell

INSPECTOR



Appeal Decision

Site visit made on 24 May 2010

by **Richard Clegg BA(Hons) DMS MRTPI**

**an Inspector appointed by the Secretary of State
for Communities and Local Government**

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**Decision date:
8 June 2010**

Appeal Ref: APP/T5150/D/10/2126809

62 Station Grove, Wembley, Middlesex, HA0 4AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr I Sardar against the decision of the Council of the London Borough of Brent.
- The application ref 10/0137, dated 21 January 2010, was refused by notice dated 15 April 2010.
- The development proposed is described as 'a flat-roofed out-building'.

Decision

1. I allow the appeal, and grant planning permission for an out-building at 62 Station Grove, Wembley, Middlesex, HA0 4AN, in accordance with the terms of the application ref 10/0137, dated 21 January 2010, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A4 location plan, A4 site plan, A4 floor plan showing no internal subdivision of the building, and A4 drawing showing the elevations of the building with the roof sloping slightly from the front to the rear.
 - 3) No development shall take place until samples of the materials to be used in the construction of the walls of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Application for costs

2. An application for costs was made by the appellant against the Council. This application will be the subject of a separate decision.

Procedural matter

3. The roof of the building would slope slightly to the rear, and the proposed development is more clearly described simply as an out-building. I have considered the appeal on this basis.

Main issue

4. I consider that the main issue in this appeal is the effect of the proposed development on the character and appearance of this part of Wembley.

Reasons

5. A building with a pitched roof was previously erected in the position of the out-building now proposed. An appeal against an enforcement notice, which proceeded solely on ground (c) that no breach of planning control had occurred, was dismissed in 2009, and earlier this year an appeal against the refusal of planning permission for the building was also dismissed. That building has now been demolished.
6. The proposed out-building would be built close to the end of the appellant's back garden, where it would extend across most of its width between the boundary with No 64 Station Grove to the south-east and that with the footway from Station Grove to Lyon Park Avenue to the north-west. It would differ in appearance from the previous structure by the omission of the dual-pitched roof, which, I have read, had a ridge height of about 4m. The Council refers to the height of the proposed building as 2.5-2.65m, whilst the appellant simply refers to a height of about 2.5m. There are out-buildings at other properties in the vicinity. That proposed at the appeal site would not be so large that it would cover an excessive proportion of the garden, and I regard the reduced height in the present scheme as a crucial difference from the previous building.
7. There is screen fencing on the boundary of the garden with the footway, which increases to above 2m in height past the intended position of the out-building, and the 2010 appeal decision records that the Council has previously suggested that this is in breach of planning control. Even if this part of the fencing were reduced to 2m in height, only restricted views of the upper part of the building would be available. I had the opportunity to view the appeal site from No 64 Station Grove. The boundary fence level with the position of the building is lower than that on the other side of the site, and the building would be clearly visible from the bottom part of the adjacent garden. However a tall hedge would restrict views from closer to the house. Overall, the out-building would not be an unduly prominent feature in the locality, and, although of relatively plain appearance, it would not appear incongruous or intrusive in this location. I conclude that the proposed development would not be damaging to the character and appearance of this part of Wembley, and in this respect it would not conflict with Policies BE2 and BE9 of the Brent Unitary Development Plan.
8. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed. It is necessary that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning, and I shall impose a condition to this effect. No details have been submitted of the materials to be used in the walls of the building: I do not regard the use of materials to match the house as necessary in a detached out-building towards the end of the garden, but samples should be submitted for approval to ensure that the structure would be in keeping with its surroundings.

Richard Clegg

INSPECTOR



Appeal Decision

Site visit made on 22 June 2010

by **Colin Tyrrell MA(Oxon) CEng MICE**
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**Decision date:
29 June 2010**

Appeal Ref: APP/T5150/D/10/2123579 **105 Hay Lane, London NW9 0LL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Narish Pankhania against the decision of the Council of the London Borough of Brent.
- The application Ref 09/3120, dated 23 September 2009, was refused by notice dated 22 February 2010.
- The development proposed is alteration to the front porch and canopy.

Decision

1. I allow the appeal, and grant planning permission for alteration to the front porch and canopy at 105 Hay Lane, London NW9 0LL in accordance with the terms of the application, Ref 09/3120, dated 23 September 2009, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved (unnumbered) plan which accompanied the appeal.

Procedural Matter

2. The plan which accompanied the original application of 23 September 2009 (apparently showing the porch/veranda as built but subject to an enforcement notice) was superseded by a plan submitted by the agent to the Council on 25 November 2009. This later plan shows a reduced porch, without the full-width veranda and columns, and I have taken this as the plan upon which the application was determined by the Council and upon which the appeal is now made.

Main Issue

3. The main issue is the impact of the proposals on the character and appearance of the area.

Reasons

4. The row of semi-detached two-storey houses which includes the appeal site was apparently originally brick-built with two-storey tile-hung front bays and recessed front doors behind an inset porch within an arched opening. Some of the front elevations have been altered, with rendering, alternative cladding of the front bays, and stone cladding of the brickwork. Many of the inset porches

have been changed to external porches, some of which are in line and continuous with the front bay projection.

5. At the appeal site, the proposal is to amend the existing veranda-style porch and columns to a simpler in-line design flush with the front bay projection. This would match No 107, the other half of the semi-detached pair.
6. Given the wide variety of porch treatments in this line of houses, I can see little harm in the proposal and some benefit in a match with its semi-detached pair. The Council has pointed out some inaccuracies in the elevation drawings, but I believe these could be easily resolved during construction.
7. I conclude that the design now proposed would respect its local context sufficiently to accord with saved UDP Policies BE2 and BE9, and that I should therefore allow the appeal. The Council has not suggested any conditions, but I have applied the usual timing condition and also a condition identifying the approved plan for the avoidance of doubt and in the interests of proper planning.

Colin Tyrrell

INSPECTOR



Appeal Decision

Site visit made on 24 May 2010

by **Richard Clegg BA(Hons) DMS MRTPI**

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Decision date:
8 June 2010

Appeal Ref: APP/T5150/D/10/2124194 **5 Dobree Avenue, London, NW10 2AD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr M Rafiq against the decision of the Council of the London Borough of Brent.
- The application Ref 09/2517, dated 1 December 2009, was refused by notice dated 28 January 2010.
- The development proposed is described as 'retention of out-building in the rear garden'.

Decision

1. I allow the appeal, and grant planning permission for the erection of an out-building in the rear garden at 5 Dobree Avenue, London, NW10 2AD, in accordance with the terms of the application ref 09/2517, dated 1 December 2009, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: the location plan, site plan and roof plan on drawing ref N512/00/01; and the floor plan, elevations and section on drawing ref N512/2B/01.
 - 3) No development shall take place until samples of the tiles to be used in the construction of the roof and details of the render to be used on the walls of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Procedural matter

2. An out-building was erected at the appeal site in 2005. An appeal against an enforcement notice, which did not proceed on ground (a) that planning permission should be granted, was dismissed in 2009. Subsequent to the submission of the present appeal, the out-building has been demolished as a result of direct action by the Council. In any event, retention is not an act of development, and the proposal is more accurately described as the erection of an out-building in the rear garden. I have considered the appeal on this basis.

Main issues

3. I consider that the main issues in this appeal are:

- (i) The effect of the proposed development on the character and appearance of this part of Brent.
- (ii) The effect of the proposed development on the living conditions of nearby residents.

Reasons

4. No 5 Dobree Avenue is a detached house with a wide back garden. It is within a row of closely grouped properties, and there is a similar form of residential development to the rear on Alexander Avenue. The out-building would be erected in the south-west corner of the rear garden. It would have a pitched roof, with a ridge level of 3.1m, and a canopy would project from the centre of the relatively wide front elevation. However, it would be a modest structure in comparison to the substantial houses in the vicinity, and its presence would not detract from the sense of space formed by the adjacent rear gardens of properties on Dobree Avenue and Alexander Avenue. Nor would it result in a cramped form of development on the appeal site, since it would be positioned away from the house, and there would be a substantial gap between the building and the eastern boundary of No 5. Views through the narrow gaps between the houses on this part of Dobree Avenue are restricted. There are tall gates between Nos 5 and 7, and any view of the out-building would be extremely limited. It would not disrupt the pattern of development in the locality, and it would have no adverse effect upon the street scene. I conclude that the proposed development would not be damaging to the character and appearance of this part of Brent, and in this respect it would not conflict with Policies BE2 and BE9 of the Brent Unitary Development Plan (UDP).
5. The out-building would be positioned close to the boundaries with No 7 Dobree Avenue and No 31 Alexander Avenue. The ground level of this part of the appeal site is higher than that of the adjacent garden areas, particularly in relation to No 31 Alexander Avenue to the south. There is screen fencing along the boundaries. At 2.25m high, the eaves level of the proposed building would not be greatly above the fence line, and the hipped roof would rise away from both boundaries to the relatively low ridge height of 3.1m. At No 7 Dobree Avenue bushes and shrubs alongside the boundary provide additional screening, whilst to the rear two conifer trees at the end of the adjacent garden have already reached the height of the top of the fence. Other properties are further away from the position of the out-building. Having regard to all the circumstances of the relationship between the proposal and the adjacent properties, including the differences in ground level, I do not consider that the proposed building would appear overbearing or dominant in the outlook at the rear of nearby houses. I conclude that the proposed development would not unacceptably worsen the living conditions of nearby residents, and in this respect it would not conflict with Policy BE9 of the UDP.
6. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed. It is necessary that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning, and I shall impose a condition to this effect. To ensure that the building would be in keeping with its surroundings, details of the render and samples of the tiles to be used on the building should be submitted for approval. The appellant has no objection

to a condition requiring the implementation of a landscaping scheme. However, having regard to the position and size of the proposed out-building and to existing boundary treatment, I do not consider that a landscaping scheme is necessary.

Richard Clegg

INSPECTOR



Appeal Decision

Site visit made on 22 June 2010

by **Colin Tyrrell MA(Oxon) CEng MICE**
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Decision date:
30 June 2010

Appeal Ref: APP/T5150/H/10/2124719

Adjacent to land at the junction of Wrotesley Road and Harrow Road, London NW10 5NJ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Mr Matt Swindles, Primesight Ltd, against the decision of the Council of the London Borough of Brent.
- The application Ref 09/2494, dated 22 September 2009, was refused by notice dated 22 January 2010.
- The advertisement proposed is an internally illuminated advertisement hoarding 3m (h) x 12m (w).

Decision

1. I allow the appeal, and grant consent for the display of the advertisement as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations

Main Issue

2. The main issue is the effect on the visual amenity of the area.

Reasons

3. This advertisement hoarding, which is already in place, is seen mainly from the westerly approach along Harrow Road. From this direction, it is visible against the cluttered background of operational railway land (including heavy overhead electrification gantries and other equipment). The character of this part of Harrow Road is set mainly by the commercial premises (I noticed a car parts trade outlet, a print shop, and a wholesale outlet) on one side and the car parking on the other.
4. The character becomes more domestic as the road reaches the junction with Kenmont Gardens, with shops restaurants and bars below residential accommodation. However, with the hoarding set at an angle to the road, it does not seem to me that its presence amounts to a material detriment to visual amenity. I therefore allow the appeal.

Colin Tyrrell

INSPECTOR



Appeal Decision

Site visit made on 22 June 2010

by **Colin Tyrrell MA(Oxon) CEng MICE**
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Decision date:
29 June 2010

Appeal Ref: APP/T5150/A/09/2118108

3 Sidmouth Parade, Sidmouth Road, London NW2 5HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Stamford Ltd against the decision of the Council of the London Borough of Brent.
- The application Ref 09/1612, dated 3 July 2009, was refused by notice dated 25 August 2009.
- The development proposed is the erection of a single-storey extension to an office.

Decision

1. I allow the appeal, and grant planning permission for the erection of a single-storey extension to an office at 3 Sidmouth Parade, Sidmouth Road, London NW2 5HG in accordance with the terms of the application, Ref 09/1612, dated 3 July 2009, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with approved plan No 09/029.

Procedural Matter

2. Although the site visit was planned to be accompanied, no representative of the Council arrived at the appointed time. After waiting a few minutes, I carried out the visit unaccompanied.
3. Both the application form and the appeal form give the address of the premises as 5 Sidmouth Parade. However, the Design and Access statement, the drawing, the Council's decision notice, and all subsequent correspondence refer to 3 Sidmouth Parade. This is the address that I visited and to which this decision applies.

Main Issue

4. In my opinion the main issue is whether the development would have an unacceptable impact on the free flow of traffic and on road safety.

Reasons

5. The site is located towards the end of a cul-de-sac which provides rear service access to the ten commercial premises of Sidmouth Parade, the surrounding dwellings, and also to the parking court of some 32 spaces. The access is

gated, it appears to be a private road, and there is no through route. Turning of a vehicle is possible using either of the aisles of the parking court. Most of the premises have already been extended at the rear, preventing on-site loading or unloading. The appellant advises that the two closest spaces in the parking court are allocated to the appeal premises. There are various Private Parking signs and fold-down parking bollards, and at the time of my visit the parking court was less than half full.

6. The Council's statement does not assert that any harm has resulted from the rearwards extension of most of the other premises, and I did not see on my site visit in the morning of a business day that any special difficulty resulted. In the particular circumstances of the service cul-de-sac to the rear of Sidmouth Parade, I conclude that the development as proposed would not have the unacceptable impact on the free flow of traffic and on road safety such as would be resisted by the quoted saved UDP Policies, and that I should therefore allow the appeal.
7. The Council has not suggested any conditions were the appeal to be allowed. As well as the standard timing condition, I have specified the approved drawing for the avoidance of doubt and in the interests of proper planning.

Colin Tyrrell

INSPECTOR



Appeal Decision

Site visit made on 27 April 2010

by **J B Pybus** DipTP MRTPI

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Decision date:
11 May 2010

Appeal Ref: APP/T5150/A/09/2116860 54 Wrotesley Road, London, NW10 5YG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Pat Mills against the decision of the Council of the London Borough of Brent.
- The application Ref 09/1203, dated 19 May 2009, was refused by notice dated 28 July 2009.
- The development proposed is the erection of a single dwelling on land to the rear of 54 Wrotesley Road.

Decision

1. The appeal is allowed and planning permission granted for the erection of a single dwelling on land to the rear of 54 Wrotesley Road, London, NW10 5YG, in accordance with the application dated 19 May 2009, and the plans submitted therewith, subject to the following conditions:
 - 1) The development to which this permission relates shall be begun within 3 years of the date of this permission.
 - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 - 3) No development shall take place until full details of both hard and soft landscaping of the site have been submitted to and approved in writing by the Local Planning Authority. The landscaping as approved shall be carried out during the first planting season after the remainder of the development is completed, or in such other period as may be approved by the Local Planning Authority. Any trees or shrubs planted in accordance with the scheme which become dead, dying or otherwise fail within 5 years of the date of planting shall be replaced by another tree or shrub of the same species.
 - 4) The landscaping scheme submitted pursuant to condition 3) above shall include in addition to soft landscaping, details of:
 - (a) Walls, fences and gates, including materials and heights,
 - (b) Areas of hard landscape works and proposed materials.
 - 5) No development of the site shall take place until details of the provision to be made for refuse and recycling storage on the site have been submitted to and approved in

writing by the Local Planning Authority, the details to conform to the Council's 'Waste and re-cycling storage and collection guidance'. The details as approved shall be implemented before the dwelling hereby permitted is first occupied and the facilities so provided shall be permanently available.

- 6) 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 development within classes A, B, C, D, or E of Part 1, Schedule 2 to the said Order shall be carried out to the dwelling hereby permitted except with the prior written permission of the Local Planning Authority.

Preliminary matters

2. None of the application plans submitted with the appeal is to the scale stated. This has presumably resulted from reductions having been made from the original plans. Measurements have therefore been ascertained by using the scale bars on the plans, where they exist.
3. The Council's fourth reason for refusing planning permission relates to the pressure that the proposal would place on transport provision, open space, and education infrastructure. Various policies of the *London Borough of Brent Unitary Development Plan 2004* (UDP) provide authority for seeking remedial and mitigation measures where new development takes place, notably TRN1, TRN2, TRN3, TRN4, OS7 and OS18. The Council has also adopted in October 2007 a Supplementary Planning Document *S106 Planning Obligations* (SPD). This SPD establishes in more detail how contributions may be sought which fairly and reasonably relate to the development.
4. The appellant has entered into a legal undertaking concerning a contribution to be made in mitigation of the impact of the development in relation to the above matters. This contribution would be triggered by the grant of planning permission in respect of Ref 09/1203. The Council agrees that this undertaking overcomes the fourth reason for refusal. Therefore, I am not dealing with this reason as an issue in the appeal.

Main issues

5. The main issues in the appeal are the effects of the proposal on:
 - (a) The character and appearance of the area,
 - (b) The living conditions of the occupants of neighbouring dwellings in terms of visual impact,
 - (c) The living conditions of the occupants of the proposed dwelling in terms of the adequacy of external amenity space.

Reasons

Issue (a) Character and appearance

6. The appeal site is to the rear of 54 Wrottesley Road, a semi-detached corner property, and has a frontage to Furness Road. The size of the plot is small by comparison with neighbouring plots in both these roads, having a frontage of about 12.5m and a maximum depth of approximately 16m. There is an existing somewhat dilapidated garage on the site which would be demolished to

- accommodate the proposed dwelling. Whereas the properties along Wrottesley Road in the vicinity of the Furness Road junction are of the inter war period, those on both sides of Furness Road, which would more closely relate to the appeal proposal, are Edwardian terraced dwellings, of pleasing general design and appearance with typically vertical proportions and fenestration.
7. There are various UDP policies which are aimed at achieving good design and respect for local character. Policy BE2 states that proposals should be designed with regard to their context and not have an unacceptable visual impact. Policies BE3, BE7 and BE9 echo these broad principles and advise on the need for respect for the street and regard to the potential for green landscaping, and proposals should be appropriate to their setting in scale and design. The Council has also adopted Supplementary Planning Guidance *Design Guide for New Development* (SPG 17). This SPG advises, amongst other things, that new proposals on prominent streets and corners should be encouraged to emphasise their location through the composition of building scale, massing and elevational design. The SPG, to which I accord significant weight, also seeks to encourage high quality, carefully implemented contemporary design.
 8. I have noted the Council's concerns about the loss of the open 'feeling' in this part of the road, and the unsuccessful relationship of the proposed dwelling with its local context in terms of its style, height, proportions and horizontal rhythms. There are representations from local residents which appear to support these apprehensions.
 9. On the matter of the loss of the space between the rear of 54 Wrottesley and the north-east side elevation of 33 Furness Road, I am not persuaded that part of this space could not be developed without material harm to the character of the area. I noted in travelling around neighbouring streets before the formal site visit that a number of rear gardens of corner properties had been developed by modest new dwellings. Certain of these have been specifically referred to by the appellant in written representations as examples of other contemporary design solutions. However, in each case there remains some space between the rear of the corner property and the side of the nearest dwelling in the return road, and I found no instance of where the character of the area had obviously suffered because of a loss of some of the previous gap. Indeed, at a time when Government policy through Planning Policy Statement 3 *Housing* is directed towards making the best use of land for housing, the rear parts of corner plots such as here can make a modest, but welcome contribution to housing supply.
 10. Turning to the design of the proposed dwelling, I recognise that in its form and style it would appear very different from 33 Furness Road and the neighbouring Edwardian terraced dwellings. Its basic plan form is described as a horseshoe, with three wings centred on a courtyard. There would be a short two-storey section adjacent to 33 Furness Road, set back broadly on the same building line, but with single storey sections on the north-east side extending up to the wall on the back edge of the footway and at the rear of the site. Distinctive features of the proposed building are the zinc clad curved roof over the two-storey element, and an oriel window. There would be a monopitch roof over the single storey sections also with zinc cladding and much use of glazing in the walls facing towards the courtyard. The predominant facing material would be stock brick, but with hardwood boarding on part of the inward facing side of the

two-storey section and a rendered finish for part of the inward facing single storey section.

11. I consider that the design is a highly imaginative solution to the development of a very constrained site. Despite the contrast in form and style with the established dwellings in both Furness Road and Wrottesley Road, in its scale it is entirely sympathetic to its neighbours. Its lower height than 33 Furness Road would result in it not appearing dominant in the street scene and the vertical front elevation, the vertically proportioned fenestration and the form of the projecting oriel window would relate well to the neighbouring terraced houses.
12. The dwelling would have an interesting roof form, and with the use of zinc throughout and its varied geometry, there is an aesthetically pleasing transition from the two storey to the single storey parts of the building. The ground floor parts nearest to 54 Wrottesley Road and along the rear boundary incorporating a shallow monopitch roof pay due regard to their particular relationship with the rear gardens of 54 and 52 Wrottesley Road. The view of the building from the direction of Wrottesley Road/Furness Road junction encompassing the roof and the side elevation of the two storey section would be particularly interesting. In my view the grouping of the various elements around a courtyard produces an architecturally interesting building.
13. Overall, I consider that the building is an example of good contemporary design, which despite its different form and style pays due regard to the constraints of the site and to its local context. With the use of good quality materials, I consider that it would provide interest in the street scene and would complement rather than harm the character and appearance of the area. I find no conflict with policies BE2, BE3, BE7 and BE9 of the UDP and the proposal would be in line with the Council's design advice in SPG 17.

Issue (b) Effect on neighbouring living conditions

14. The occupants of the two properties 33 Furness Road and 52 Wrottesley Road are referred to by the Council as suffering from the impact of the proposed building, although I consider that 54 Wrottesley Road, from which there are direct views, should also be considered.
15. There are two ground floor and two first floor windows on the side elevation of No 33 which face the appeal site and these are in an indented section of the building about 3.2m from the common boundary. I am advised that No 33 is divided horizontally into two flats and all these facing windows are to bedrooms apart from one bathroom window on the first floor. There are also two other bedroom windows on a narrow return section of wall whose plane is at right angles to the common boundary. The roof of the proposed dwelling would be cascading downwards in the vicinity of the facing windows, and there would be clear views over it from the first floor windows such that outlook would not be adversely affected.
16. The end of the proposed building would partially obstruct the view from the rear of the ground floor windows of No 33 and wholly obstruct the view from the other which is nearer to the front of the building. There is also a suggestion that there would be a loss of light, presumably to these two ground windows, although I have no evidence that they would not receive adequate

daylight given that the wall is indented and over 3m back from the common boundary.

17. Whilst any impact on the view from a habitable room window is regrettable, I consider that account must be taken of the fact that these are side windows in No 33 and it is not uncommon for ground floor side windows to face fences, walls, or the sides of dwellings at closer distance than would be the case here. Whilst I accept that the proposed dwelling would result in obstruction of the present view from the more northerly of these two windows, I do not consider that it would result in such harm as to warrant rejection of the proposal for this reason. Also I do not consider that there would be a materially adverse impact from either of the two bedroom windows on the return wall, due to their orientation in relation to the proposed dwelling.
18. Turning to the view from 52 and 54 Wrottesley Road, there are rear first floor bedroom and bathroom windows to each dwelling, and rear dining, bedroom and kitchen windows on the ground floor. The side wall of the proposed dwelling would be 10m minimum from the main rear wall of No 54, and further from No 52 and at an angle. Given that the proposed dwelling would be single storey at the common boundary with No 54, and the ascending mono pitch would extend further away, I do not consider that this would result in an adverse impact when viewed from either dwelling.
19. There would be a view from rear windows of a considerable expanse of zinc clad roof which rises from about 2m to almost 7m, plus the side elevation of the two storey part of the proposed dwelling. However, given the interesting form of the proposed dwelling, I do not see this as having an adverse impact on the view from the rear windows of the two dwellings, neither would there be any significant detriment to the enjoyment of the rear gardens.
20. Policy BE9 of the UDP requires amongst other things that proposals should secure a satisfactory outlook for existing residents. I find no material conflict with this policy objective or with relevant guidance in SPG 17.

Issue (c) External amenity space

21. External amenity space is required for all new dwellings in accordance with standards set out in SPG 17. A minimum of 50m² is required for a house suitable for family occupation. The Council calculates that the amenity space which would be provided amounts to only 30m², well under the standard. However, the appellant points to an additional area in front of the enclosed courtyard area. If this is included there would be in excess of 50m².
22. I appreciate that in applying the above standard front gardens would normally be discounted as not being usable private space, but the area beyond the courtyard is wholly enclosed behind a 1.6m brick wall which extends along part of the frontage of the plot. Although it would be possible to see into this space across the parking space, I consider that it would have some privacy. Given also that this area and the open space created by the courtyard are essentially one space I consider it reasonable to regard this area as part of the external amenity space provision.
23. I conclude on issue (c) that sufficient external amenity space would be available to meet the standard in SPG 17.

Conclusions

24. I find in favour of the proposal in relation to all three main issues and therefore the appeal is allowed and planning permission granted.

Conditions

25. The selection of appropriate external materials is crucial to the success of the proposal and in the interests of visual amenity the precise type and colour should be approved by the Council. For the same reason landscaping of the external amenity space is necessary. For reasons of public health and highway safety satisfactory refuse and recycling storage is necessary. In view of the nature of the development and the high proportion of site coverage with building, I agree with the Council that certain permitted development rights should be withdrawn.

J B Pybus

INSPECTOR



Appeal Decision

Site visit made on 12 May 2010

by **Elizabeth C Ord LLB(Hons) LLM MA**
DipTUS

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**Decision date:
24 May 2010**

Appeal Ref: APP/T5150/A/09/2117207 5 Queens Walk, London, NW9 8ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr. Ajit Atukorala against the decision of the Council of the London Borough of Brent.
- The application Ref 09/0662, dated 27 March 2009, was refused by notice dated 22 May 2009.
- The development proposed is described as "*Erection of two storey side and part two storey and part single storey rear extension to dwellinghouse with two off-street car parking spaces and associated landscaping to replace two storey detached house with garage and single storey side and rear extensions.*"

Decision

1. I allow the appeal, and grant planning permission for the demolition of existing two storey dwellinghouse and attached garage and erection of new two storey dwellinghouse with vehicular access and provision of two car parking spaces to front garden and associated landscaping at 5 Queens Walk, London, NW9 8ES in accordance with the terms of the application, Ref 09/0662, dated 27 March 2009, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved drawings referenced: 1156/LP/01, 1156/LP/02, 1156/LP/03, 1156/LP/04, 1156/SP/01, 1156/SP/02, 1156/SP/03, 1156/SP/04, 1156/SP/05, 1156/SP/06, 1156/SP/07, 1156/SP/08, 1156/PP/01, 1156/PP/02, 1156/PP/03, 1156/PP/04, 1156/PP/05, 1156/PP/06, 1156/PP/07 and 1156/PP/08.
 - 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Procedural matters

2. The description set out in the last bullet point above appears on the application form. However, the proposal is more accurately described in the Council's decision notice as "*Demolition of existing two storey dwellinghouse and attached garage and erection of new two storey dwellinghouse with vehicular*

access and provision of two car parking spaces to front garden and associated landscaping." I have accordingly determined the appeal on this basis.

3. The plans upon which the Council based its decision do not include 1156/SP/08 or 1156/PP/08, both of which were listed as application documents, but they do include 1156/LP/08 (twice), which was not listed as an application document. I have taken plans 1156/SP/08 and 1156/PP/08 into account in my determination, but I have not considered plan 1156/LP/08, as this reference appears to be a typographical error.

Main issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of no. 3 Queen's Walk in terms of outlook and potential loss of day light and sunlight.

Reasons

5. The appeal site is situated within a residential area and contains a two storey detached dwelling. Adjacent, and to the east of no. 5 Queens Walk lies no. 3 Queens Walk, which is also a detached two storey dwelling, set at an angle to no. 5.
6. There are two extant planning permissions relating to the appeal site, either of which could be implemented. The first (ref: 06/2737), granted on 4/7/07, permits *the erection of a two storey side and single storey rear extension and new front porch to dwellinghouse*. The second (ref: 08/2898), granted on 12/1/09, permits *the demolition of existing dwellinghouse and erection of replacement dwellinghouse with 2 off-street parking spaces and associated landscaping*.
7. Apparently, the only difference between this application and application ref: 08/2898 is that with this application the depth of the first floor next to no. 3 is 2.3m greater, and solar panels are proposed for the rear elevation. The increased depth of the first floor is the only part of the application that the Council is concerned about and, as I have no other issues, I shall confine my reasoning to this aspect of the proposal.
8. Whilst the depth of the proposed two storey dwelling would not extend beyond the ground floor rear building line of no. 3, it would project some distance past the first floor rear elevation of no. 3, which contains habitable room windows. The nearest of these first floor windows to the common boundary with no. 5 would be the most affected habitable room window at no. 3.
9. However, there is a single storey garage with a steep, reasonably high, pitched roof situated between the house at no. 3 and the common boundary. The proposal would be slightly set back from the rear elevation of this garage. The height of the garage roof already restricts the outlook towards no. 5 from the nearest first floor rear habitable room window at no. 3, and the proposal would not unreasonably add to this, given its separation distance. Therefore, in terms of outlook, the development is acceptable.
10. With regard to loss of daylight and sunlight, I take the view that there would be sufficient distance between the proposed dwelling and the nearest rear first floor habitable room window at no. 3 for there to be no undue impact. I also

note that the appellant's unchallenged daylight and sunlight drawings show that the development would comply with the guidance contained within the Building Research Establishment (BRE) Report *Site layout planning for daylight and sunlight – A guide to good practice*.

11. The Council is concerned that the proposal conflicts with its 2:1 rule within its Supplementary Planning Guidance 5: *Altering and Extending Your Home*, adopted in September 2002. This indicates that the depth of a rear two storey extension should be restricted to half the distance between the proposal's side wall and the middle of the neighbour's nearest habitable room window. Whilst this guidance does not fully cover the circumstances relating to the proposal, the appellant's measurements show that the development would comply in any event. Regardless of which evidence is correct, the 2:1 rule is only guidance and should not be used inflexibly. In this instance, from my viewing of the relationship of the two properties and my consideration of the submitted plans, I find that the proposed replacement dwelling would not cause any unreasonable harm to no. 3 and, therefore, should be allowed irrespective of this rule.
12. Moreover, permission ref: 06/2737 includes a two storey side element adjacent to the boundary with no. 3, which protrudes significantly further out to the rear. If this development were constructed, the effect on the occupants of no. 3 would be materially greater than the proposal before me, thereby constituting a fallback position which is less acceptable.

Conclusion

13. In conclusion, and having considered all matters raised, I find that the proposed development would not unduly affect the outlook from no. 3 Queens Walk or result in unreasonable loss of day light or sunlight to its occupants. Therefore, it is not contrary to Policy BE9 of the London Borough of Brent Unitary Development Plan, adopted in January 2004, which seeks to ensure that development provides, amongst other things, a satisfactory level of sunlight, daylight and outlook for existing residents.
14. Nonetheless, I have imposed conditions relating to external materials in the interests of appearance, and requiring development to be in accordance with the plans in the interests of clarity and proper planning. However, in the light of Circular 11/95, I have not imposed the Council's suggested conditions relating to landscaping, removal of permitted development rights and use as a single dwelling, because these conditions are not necessary to make the development acceptable.

Elizabeth C. Ord

INSPECTOR



Appeal Decision

Site visit made on 24 May 2010

by **G Powys Jones MSc FRTPi**

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for Communities and Local Government

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Decision date:
12 July 2010

Appeal Ref: APP/T5150/A/09/2116834

Prince of Wales Public House, 99-101 Willesden Lane, London, NW6 7SD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Vodafone UK Ltd against the decision of the London Borough of Brent.
- The application Ref 09/0556, dated 13 March 2009, was refused by notice dated 18 May 2009.
- The development proposed is the installation of 3No. rooftop antennas face-mounted to 2 existing chimneys and 2No. ground based radio equipment housing located to the rear of the building and ancillary development.

Procedural matters

1. Arrangements had been made for an accompanied site visit, but the appellant did not appear at the appointed time. After waiting for an appropriate period, I conducted that part of my inspection within the appeal premises accompanied by the Council's representative and the lessee of the Prince of Wales Public House (PH). I was unaccompanied for the remainder of my site visit. I am satisfied, having regard to the main issues, that I saw enough of the site and its surroundings to enable me to proceed to a decision.
2. The PH is referred to in the appeal form, and part of the application documentation, as being located in Willesden Road. The PH is located in Willesden Lane, and this address is used throughout my decision.
3. Both parties have referred throughout to national policies, namely, *Planning Policy Statement 1: Delivering Sustainable Development (PPS1)*, *Planning Policy Guidance Note 8: Telecommunications (PPG8)* and *Planning Policy Guidance Note 15: Planning and the Historic Environment (PPG15)*. Since the submission of the appeal, PPG15 has been cancelled and replaced by *Planning Policy Statement 5: Planning for the Historic Environment (PPS5)*.

Decision

4. I allow the appeal, and grant planning permission for the installation of 3No. rooftop antennas face-mounted to 2 existing chimneys and 2No. ground based radio equipment housing located to the rear of the building and ancillary development at Prince of Wales Public House, 99-101 Willesden Lane, London, NW6 7SD in accordance with the terms of the application, Ref 09/0556, dated 13 March 2009, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos 36772/B/001; 002 RevB; 003 RevA; 004; and 005 RevA.
- 3) The telecommunications apparatus hereby permitted shall be removed from the site as soon as reasonably practical after it is no longer required for telecommunications purposes.
- 4) The colour of the paint to be used on the brackets and cabling tray and the pattern and colour of the photowrapping hereby permitted shall match that of the chimneys and walls to which they are attached, and shall not be repainted or replaced with different colours or patterns.

Main issues

5. I consider the main issues to be: (a) the visual effects of the proposal on the host building; (b) whether the proposed development would preserve or enhance the character or appearance of the Paddington Cemetery Conservation Area, and (c) the effect of the proposal on the setting of the Grade II listed buildings sited within Paddington Cemetery, and on the cemetery itself, a registered park and garden (Grade II).

Reasons

Effects on host building

6. The proposal involves the installation of 3 antennas to be face mounted to 2 of the PH's chimneys. A chimney to the front of the building, facing Willesden Lane, would accommodate 2 of the antennas, whilst the third antenna would be fixed to a chimney to the rear. Radio equipment housing would be located to the rear of the PH in a compound, enclosed by a timber fence, and a cable tray would run down the bricked rear wall.
7. The PH is an attractive Victorian building, which, in view of its size in relation to adjacent development, stands prominently along this part of Willesden Lane. According to the Council, it represents a rare surviving building of its type within the Borough, and has been locally listed. Judging from what I saw, its roof and elevations remain largely unaltered, although closer examination revealed attachments in the form of some TV aerials and satellites.
8. Under the terms of PPS5, in view of its local listing, it is to be treated as a heritage asset, a valued component of the historic environment, having a degree of significance meriting consideration in planning decisions. Policy BE24 of the London Borough of Brent Unitary Development Plan 2004 (UDP) provides that the special character of buildings on the local list will be protected and enhanced.
9. The front chimney, to which 2 of the proposed antennas would be attached, appears relatively prominent in the drawing of the front elevation. In practice, however, when viewed from several points along Willesden Lane from in front, or along its length, the decorative parapet set high on the face of the building largely masks the chimney. The antennas would be shorter than the chimney, and photowrapped to match it. The rear chimney faces the cemetery, but is separated from it by a relatively large building. Like those at the front of the

building, the antenna would be shorter than the rear chimney and photowrapped to match it.

10. The antennas have been sited and designed so as to avoid breaking the skyline and to minimise their visual impact on the PH. The use of camouflage appears to have been fully and successfully explored. The combination of minimizing the size of the antennas and the use of camouflage would ensure, in my opinion, that the antennas would not appear prominent or harm the attractive appearance of the PH.
11. The ground floor equipment compound, in view of its siting to the rear of the PH in an enclosed yard, would not be seen from public vantage points. For this reason, it would not harm the appearance of the PH. The cabling tray to be fixed to the rear of the building would be of limited width, and painted to match the colour of the existing brickwork. Accordingly, in my view, it would not prove conspicuous or harm the appearance of the PH.
12. I conclude that the installation of the proposed equipment would not harm the character or appearance of the host building. Accordingly, the appeal proposals do not conflict with UDP policy 24, which requires locally listed buildings to be protected, and comply with those criteria of UDP policy BE19 designed to minimize the visual impact of telecommunications equipment.

Conservation area

13. The boundary of the conservation area (CA) is drawn largely to encompass Paddington Cemetery, but also includes some buildings to the north in Willesden Lane, including the PH. The CA derives most of its character from the cemetery, which dominates it.
14. I walked around virtually the whole of the cemetery during my visit, and along lengths of Willesden Lane east and west of the appeal property. I was thus able to assess the effects of the proposal both from within and outside the designated CA.
15. In dealing with the first main issue, I described the success of the attempts made in designing the equipment so as to minimize its visual impact on the host building. This applies equally, in terms of visual impact, to the wider visual context. Additionally, the equipment and cabling tray would not be seen from substantial parts of the CA, since they would be screened from view, either by buildings or the cemetery's trees, a number of which are evergreen. Although the rooftop antennas and cabling tray could be seen from close quarters, their presence would not naturally draw the eye. The proposed camouflage would assist greatly in making the equipment and cabling tray unobtrusive.
16. In my opinion, the impact of the appeal proposals on the CA would not prove significant or harmful and, at worse, could aptly be described as having a neutral effect.
17. I conclude that the appeal proposals would preserve the character and appearance of the Paddington Cemetery Conservation Area. Accordingly, the proposals do not conflict with UDP policies B2, BE25 and BE26 requiring proposals not to harm the character and appearance of conservation areas, and

for alterations to buildings to be sympathetic in terms of dimensions and appearance.

Listed buildings and registered park and garden

18. Although not specifically mentioned in its sole reason for refusal, the Council, in its representations, alleges that the proposals would harmfully impact on Paddington Cemetery, a registered park and garden. Paddington Cemetery and the listed buildings within it are designated heritage assets, and I have a duty, under the terms of PPS5, to assess the impact of the proposals on their setting.
19. The chapels described in the listing are sited towards the centre of the cemetery. In view of the distance between these listed buildings and the PH, and the intervening trees, I do not consider that the setting of these listed building would be affected in any way by the appeal proposals.
20. The Council and appellant dispute whether the lodge buildings sited at the main, northern entrance to the cemetery are listed buildings or not. I do not intend joining that dispute which concerns a matter of law. However, the lodges concerned are integral parts of the registered park and garden, and I shall therefore consider the effect on their setting in that context.
21. As previously mentioned, the appeal proposals could not be seen from substantial parts of the cemetery, because of the distances involved and the presence of intervening trees and buildings. I share the Council's view that the rooftop apparatus and cabling tray could be seen from the area around the cemetery's main entrance, near to the lodges. However, I do not consider that the equipment or cabling tray would be particularly conspicuous in view of their small size and camouflaging, and the eye would not be naturally drawn to them. Views of the equipment would diminish when moving away from the main cemetery entrance, and they would become even less noticeable with increasing distance.
22. I conclude that the settings of both the registered park and the listed buildings would remain largely unaffected by the appeal proposals, and would certainly not be damaged. The proposals do not therefore conflict with UDP policy BE23 or national guidance in PPS5, since the development would not adversely affect the setting of a listed building or registered park and garden.

Other matters

23. The Council has clarified that it does not dispute the need for the development, nor does it object on health grounds. I share the Council's view that the appellant has adequately explained the need for a local installation to improve 3G network coverage in a deficient area.
24. Local concerns have been expressed about possible health risks, particularly having regard to the proximity of schools to the appeal site. PPG 8 indicates that the planning system is not the place for determining health safeguards, and provides that if the equipment to be installed meets the ICNIRP guidelines, it should not be necessary to consider further the health aspects of the development and concerns about them. The appellant has confirmed that the proposed equipment would comply with the ICNIRP guidelines, and has

consulted with representatives of the 2 schools closest to the site in accordance with PPG8's guidance. There is no substantive evidence to outweigh PPG8's advice on health considerations, and the concerns expressed in this regard do not therefore weigh heavily against the development.

25. The area of search, for technical reasons, is confined to a relatively limited geographical area, and the appellant has explained why a significant number of possible alternative sites have been rejected. However, the Council is of the opinion that with further consideration and greater technical effort an alternative location for the equipment can be found. But the Council has not indicated any other location which it would consider preferable, and nor has it seriously questioned the appellant's reasons for rejecting the significant number of alternative locations considered. There is no credible evidence to undermine the appellant's account, and I am satisfied that the search for alternative sites has been conducted acceptably.
26. In the Council's view, the impact of this type of equipment, although relatively small, is part of a wider insidious impact on the historic environment. Although I understand the Council's concerns, I have dealt with this appeal in accord with the principles outlined at paragraph 10 of PPS1, and strictly on its merits.

Conditions

27. The Council has not suggested the imposition of any conditions. Nevertheless, I consider some to be necessary. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.
28. To reflect advice contained on the use of conditions in PPG8, I regard it as appropriate, in the interests of future visual amenity, to require the equipment to be removed from the site when it is no longer required. For the avoidance of doubt, and to appropriately reflect the appellant's intentions, a condition is imposed requiring the colours and patterns used on the external surfaces of the equipment to match the host building's materials.

Conclusions

29. I have taken account of all other matters raised, but none is of sufficient weight to affect my conclusions on the main issues. Accordingly, for the reasons set out above, the appeal is allowed.

G Powys Jones

INSPECTOR



Appeal Decision

Site visit made on 19 January 2010

by **R E Watson BA (Hons)**

**an Inspector appointed by the Secretary of State
for Communities and Local Government**

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**Decision date:
9 March 2010**

Appeal Ref: APP/T5150/C/09/2113362

19 Tudor Close, Kingsbury, London, NW9 8SU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Miss P S Gilandeh against an enforcement notice issued by the Council of the London Borough of Brent.
- The Council's reference is E/08/0675.
- The notice was issued on 14th August 2009.
- The breach of planning control as alleged in the notice is the installation of a hard surface to the front of the premises; the installation of a white PVCu door to the front elevation of the premises and the installation of roof light on a roof slope fronting a highway.
- The requirements of the notice are;

a) remove the hard surface from, and dig/rip the land hatched black on the attached plan to a depth of 300mm and remove all arisings to ensure that the surface material comprises only topsoil; turf over the land hatched black on the attached plan and replace any turf that is dead or dying; plant a privet hedge along the line marked x on the attached plan;

b) remove the white PVCu door to the front elevation of the premises;

c) remove the front roof light and block up the hole with tiles to match those used on the roof.

- The period for compliance with the requirements is 3 months after the notice takes effect.
- The appeal is proceeding on the ground set out in section 174(2)[a] of the Town and Country Planning Act 1990 as amended.

Summary of Decision: A split decision is made. The appeal is allowed in respect of the front door and the roof light and the notice quashed in respect of these two elements. The appeal is dismissed in respect of the re-ordering of the front garden and the enforcement notice is upheld in this respect, together with variations and corrections.

Main Issue

1. The principal issue in this case is, jointly, the effect of the development on the street scene and whether it preserves or enhances the character or appearance of the designated St Andrews Conservation Area. In assessing this issue, I have carefully studied various relevant Built Environment policies of the Unitary Development Plan (2004) (UDP).

Development Plan Policy

2. UDP policies BE2 and BE25 reflect the duty placed upon the Council, summarised in the national guidance contained in PPG15, to have regard to the desirability of preserving or enhancing the appearance or character of a Conservation Area when considering development within it. Policy BE7 deals with "streetscape"; among other things, it seeks to resist changes in a residential area that would detract from its character, including the hardsurfacing of more than half of the area of any front garden.

Reasons

3. During my visit, apart from carefully noting the characteristics of the appeal site, I took the opportunity of spending some time walking around the wider area. Within the Conservation Area the dwellings are set within relatively spacious plots. Many still contain front gardens containing mature landscaping. I accept, however, that the frontages of a considerable number of properties have lost their "softer" appearance, through the replacement of the front gardens with hardstanding. It seems to me that the original character of the Area is being undermined and that, without robust control being applied by the Council, there is a danger that the important contribution of front gardens to the visual appearance of the Area will be irretrievably lost.
4. Tudor Close exemplifies these changes. A considerable proportion of the bungalows in the Close have extensive hardstandings with little or no landscaping. I acknowledge that some of the gardens exhibit signs of a lack of maintenance, however, I am satisfied that the presence of traditional gardens with drives and properties where front gardens still retain landscaping highlight the essence of the character and appearance of the locality.
5. In this case, the notice focuses on three elements; the new uPVC front door, the roof light and the recent reconstruction of the front garden. I turn first to matter of the front door. The Council in their statement make various criticisms of the replacement windows, which are part of the recent modernisation of the appeal property. However, the alleged breach of control in SCHEDULE 2 of the notice makes no mention of the replacement windows, nor do the requirements in SCHEDULE 4 highlight any action affecting these features. In the context of the uPVC material, the notice refers to the front door only. Accordingly, on this matter my attention is solely directed to the door.
6. I recognise that this type of modern feature has a different character to the original timber door. However, I noted that replacement uPVC doors have been installed in a significant number of dwellings along Tudor Close. Having carefully assessed the design detailing of the component openings in the Tudor Close properties throughout the cul-de-sac, my impression was that modern uPVC materials are a common constituent. In my view, the insertion of this one particular door fits within this noticeable trend and cannot be considered unacceptable in this context.
7. I acknowledge that the plans attached to the planning permission granted for alterations in 2008 show a roof light inserted in the rear roof slope of the dwelling. In the event, the roof light has been placed within a section of the roof slope facing Tudor Close. However, I am not convinced that this opening

has an adverse impact on the character of the area. It is modest in size; positioned to the rear part of the front-facing slope and can only be seen fleetingly from a short section of the cul-de-sac. I consider that it's effect is minimal and does not detract from the property or the wider area.

8. In my opinion, the key consideration here focuses on the changes to the forecourt and garden. I have earlier explicitly explained the importance I attach to the retention of landscaping to the front of dwellings in the defined Conservation Area. The "softer" landscaped setting to many properties has been lost over the years. The dwellings within the Close which are fronted by existing paved areas, with a token area of landscaping, have lost an essential element of their original character. Their rather arid setting to the front fails to retain any landscape interest and does not contribute to the positive, visual character of the street scene.
9. I recognise that striking the correct balance between the provision of sufficient landscaping and the understandable wish of householders to park vehicles off the road, in order to ensure that the character of the street scene and the wider area is not fundamentally undermined, is not easy. I acknowledge that, in this case, the arrangement of the landscaped area and the paving reflects, on a smaller scale, the pattern created on the forecourt of the neighbouring property at no.20 Tudor Close. The garden created is not insubstantial. However, the hardstanding that has been introduced on the appeal site occupies more than half of the front garden, contrary to UDP Policy BE7. In my judgement, general adherence to the policy imperative in many cases would give the correct balance. I consider that, in this case, the visual balance between the paved area and the landscaped element is tilted too far towards the relative extensive area of block paving. The area of the frontage which the notice requires to be landscaped, to my mind, would ensure that the appeal site frontage retains a substantial area of landscaping, thereby maintaining a positive contribution to the character of the street scene and the defined Area.

Conclusions

10. I am satisfied that the replacement uPVC front door and the new roof light do not adversely mar the street scene or the character of the wider Conservation Area. Accordingly, these two elements of the development do not conflict with the principal requirement attached to developments in Conservation Areas of preserving or enhancing the Area's character and appearance. To that extent, the appeal on ground (a) succeeds and I intend to delete references to those developments in SCHEDULES 2 and 4 of the notice. However, in respect of the treatment of the front garden, it is my judgement that the extent of the block paving fails to retain the softer front setting of the appeal property and detracts from the original character of the and the street scene. In my view, this aspect of the development fails to preserve or enhance the character or appearance of the Conservation Area. As a result, I intend to issue a split decision on this appeal.

The Requirements of the Enforcement Notice

11. The purposes to which the requirements of the notice may be directed, as set out in Section 173(4) of the Act, are limited to remedying the breach of control, or remedying any injury to amenity that has been caused by the

breach. The Courts have held that a notice cannot require additional works to be done. I take the view, that the laying and subsequent maintenance of turf, together with the planting of a privet hedge, however desirable, is an excessive requirement. Although no appeal was made on ground (f), I intend to correct this defect by the deletion of the final two sentences in STEP 1 set out in SCHEDULE 4. This would not have the effect of making the notice more onerous.

Formal Decision

12. I direct that the enforcement notice be corrected by the deletion of the final two sentences in STEP 1 in SCHEDULE 4. Subject to this correction, firstly, I allow the appeal insofar as it relates to the installation of a white uPVC door to the front elevation of the premises and the installation of a roof light on a roof slope fronting a highway. Accordingly, I direct that the notice be quashed in respect of these two elements and that references to those two developments in schedule 2 and the requirements (embodied in STEPS 2 and 3) in SCHEDULE 4 be deleted. I further grant deemed planning permission for the installation of a white uPVC door to the front elevation and the installation of a roof light on a roof slope fronting a highway at no. 19 Tudor Close, London, NW9 8SU. Secondly, I dismiss the appeal in respect to the installation of a hard surface to the front of the premises and uphold the notice, as varied and corrected, in respect of that development.

RE Watson

Inspector

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