



Planning Committee

Tuesday 22 May 2012 at 7.00 pm

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

Membership:

Members

Councillors:

Ketan Sheth (Chair)
Daly (Vice-Chair)
Aden
Baker
Cummins
Hashmi
John
CJ Patel
RS Patel
Krupa Sheth
Singh

first alternates

Councillors:

Thomas
Long
J Moher
Kansagra
Shaw
Cheese
Van Kalwala
Hopkins
Gladbaum
Oladapo
Hossain

second alternates

Councillors:

R Moher
Naheerathan
Moloney
HB Patel
Allie
Beck
Butt
Lorber
Harrison
Powney
Mashari

For further information contact: Joe Kwateng, Democratic Services Officer
020 8937 1354, joe.kwateng@brent.gov.uk

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:

www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

Members' briefing will take place at 5.30pm in Committee Room 4

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

| ITEM | WARD | PAGE |
|---|--------------|---------|
| 1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda. | | |
| 2. Minutes of the previous meeting | | 1 - 8 |
| Extract of Planning Code of Practice | | |
| APPLICATIONS DEFERRED FROM THE PREVIOUS MEETING | | |
| 3. Green Man, High Street, London, NW10 4TS (Ref. 11/0876) | Kensal Green | 13 - 22 |
| 4. Green Man, High Street, London, NW10 4TS (Ref. 11/0877) | Kensal Green | 23 - 30 |
| 5. 16B & 16C Callcott Road, London, NW6 7EA (Ref.12/0065) | Kilburn | 31 - 36 |
| SOUTHERN AREA | | |
| 6. 24 Creighton Road, London, London NW6 6ED (Ref.12/0372) | Queens Park | 37 - 44 |
| SPECIAL ITEMS | | |
| 7. Regal Court, Malvern Road, London, NW6 | Kilburn | 45 - 54 |
| 8. Planning and Enforcement Appeal Monitoring | All Wards | 55 - 60 |
| PLANNING APPEALS | | |
| 9. Planning Appeals 1 - 30 April 2012 | | 61 - 78 |
| 10. 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

SITE VISITS – SATURDAY 19 MAY 2012

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

| REF. | ADDRESS | ITEM | WARD | TIME | PAGE |
|------|---------|------|------|------|------|
|------|---------|------|------|------|------|

| | | | | | |
|---------|--|---|--------------|-------|---------|
| 11/0876 | Green Man, High Street, London, NW10 4TS | 3 | Kensal Green | 9:45 | 13 - 22 |
| 11/0877 | Green Man, High Street, London, NW10 4TS | 4 | Kensal Green | 9:45 | 23 - 20 |
| 12/0065 | 16B & 16C Callcott Road, London, NW6 7EA | 5 | Kilburn | 10:30 | 37 - 44 |

Date of the next meeting: 20 June 2012

The site visits for that meeting will take place the preceding Saturday 16 June 2012 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 17 April 2012 at 7.00 pm

PRESENT: Councillors Ketan Sheth (Chair), Daly (Vice-Chair), Cummins, Hashmi, McLennan, Mitchell Murray, CJ Patel and RS Patel

ALSO PRESENT: Councillor Alison Hopkins

Apologies for absence were received from Baker, Kabir and Singh.

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

4. Garages rear of 27-34 Oxgate Court, Coles Green Road, London NW2

Councillor Cummins declared that he had been involved with the applicant, Genesis Housing Group. He therefore indicated that he would withdraw from the meeting room during consideration of the application.

10 Storage land next to 75, St Pauls avenue, London NW2

Councillor Cummins declared that he had been involved with the applicant, Genesis Housing Group. He therefore indicated that he would withdraw from the meeting room during consideration of the application.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 14 March 2012 be approved as an accurate record of the meeting.

3. **Hay Lane Special School & Grove Park School, Grove Park, London, NW9 (Ref. 12/0654)**

PROPOSAL: Variation of condition 2 (development to be carried out in accordance with all plans and supporting documents) of full planning permission 10/2996 for part demolition of the existing special educational needs schools and erection of a replacement special educational needs school, comprising a two-storey main building (Use Class D1) and ancillary two-storey short-break centre (Use Class C2), including a sports hall, swimming pool, multi-use games area, external play space and associated landscaping as amended by plans received 20/01/10 to allow minor material amendments consisting of: (1) relocation of the sub-station compound to north-west corner of the site, on corner of Stag Lane and Grove Park.

RECOMMENDATION: Delegate authority to the Head of Area Planning to approve the application subject to consideration of any new substantive objections received.

DECISION: Granted delegated authority to the Head of Area Planning to approve the application subject to consideration of any new substantive objections received.

4. Garages rear of 27-34, Oxgate Court, Coles Green Road, London, NW2 (Ref. 12/0275)

PROPOSAL: Demolition of 14 no. existing garages and erection of a residential development of 14 units comprising six no. three-bed dwellinghouses and eight no. two-bed flats and associated means of enclosure and hard and soft landscape to provide 14 car parking spaces, secure cycle storage for 20 bicycles and refuse storage.

RECOMMENDATION:

- (a) Grant planning permission, subject to conditions, informatives and an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

With reference to the tabled supplementary report, Rachel McConnell, Area Planning Manager responded to a number of issues raised by local residents and Councillor Hopkins, ward member. In respect of concerns about highway safety and visibility of access, she informed the Committee that since a turning head would be provided within the site and all vehicles would be able to exit the site in forward gear, officers were satisfied that the development would not result a material change to highway and pedestrian safety. She continued that the provision of one parking space for each house and two visitors' spaces would be sufficient to meet the expected demand for parking generated by the development.

Rachel McConnell advised members that whilst there was a problem with anti-social behaviour, it was not related to the site and that there was no evidence that the residential development would lead to an increase in such behaviour. She continued that following consultations with the Metropolitan Police Crime Prevention Design Adviser, the applicants had made minor amendments to the scheme including revised bin store position for which condition 2 had been amended and boundaries with Crest Road for which a further condition was proposed to secure the provision of further details. She updated members that the applicant had confirmed that the rear and side wall would be retained and that

further details on low level lighting would be secured by condition. Members heard that the revised Sustainability Checklist score of 48% was marginally below the usual 50% sought for schemes of this nature, however, officers were satisfied that it represented an improvement sought by policy 5.2 of the London Plan 2011.

Mr Neil Walsh, an objector, expressed concerns about pedestrian safety, access to and from the estate and traffic congestion. He added that the situation would be exacerbated with two bus stops closely nearby to the estate, a situation which led to a fatality some three years ago.

In accordance with the Planning Code of Practice, Councillor Hopkins, ward member stated that she had been approached by objectors and residents. Councillor Hopkins stated that although she supported the principle of the development for affordable housing on the site, she expressed concerns about the density of the development which she considered to be excessive due to lack of a play area and smaller private gardens. She continued that access into and out of the estate would cause problems due to impaired visibility for motorists and with two bus stops closely nearby, the likelihood of serious accidents would be greater as motorists drove past parked buses. Councillor Hopkins requested that the arrangement for the road layout be revisited and that building work during construction should be properly controlled. With that in mind, Councillor Hopkins requested members to require the applicant to submit further details prior to commencement of construction.

Mr Stephen Davy, the applicant's architect stated that the density of the proposed development was within the London Plan with each dwelling unit having its own private garden in addition to the communal space. He added that traffic calming measures would be introduced to make the development safe for both residents and visitors. Mr Davy continued that as a registered social landlord, his client would carry out the development to specifications and conditions, adding that the client would also welcome additional conditions if they were felt necessary for the development.

In response to the Chair's enquiry about privacy and outlook, Mr Davy stated that privacy would be maintained throughout the development and as an added measure the high brick wall of the garages would be retained. He continued that by increasing the boundaries with properties in Crest Road to 2.4metres, the development would not result in overlooking, loss of outlook and loss of privacy. He advised members that access would not be a problem and that the Council's Transportation unit were satisfied with the access arrangements.

During question time, Councillor Mitchell-Murray enquired as to whether officers had consulted with Transport for London (TfL) about relocating the bus stops nearby. The Chair also invited officers to comment on measures to control construction work. Rachel McConnell stated that as no alterations were proposed to the bus stops and Coles Green Road not classified as a distributor road, there was no statutory requirement to consult with TfL. She advised members that condition 12 had been recommended to address concerns about construction work. Steve Weeks, Head of Area Planning, suggested that condition 15 could be

amended to require further consideration to the design and surface treatment of the access, with advice from the Head of Transportation. He acknowledged concerns regarding the safety of Coles Green Road and as a separate matter would request that Brent's Transportation liaise with TfL regarding safety concerns and mitigation.

DECISION:

- (a) Granted planning permission, subject to conditions, amendment to Condition 15 to require further consideration to the design and surface treatment of the access, informatives and an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

5. 227 All Souls Avenue, London, NW10 3AE (Ref. 11/2719)

PROPOSAL: Change of use of the premises to hot food takeaway (Use Class A5)

RECOMMENDATION: Defer for site visit.

Steve Weeks, Head of Area Planning informed members that subsequent to the request by the three ward members for a site visit, the applicant had withdrawn the application.

DECISION: Application withdrawn by the applicant.

6. Green Man, High Street, London, NW10 4TS (Ref. 11/0876)

PROPOSAL: Erection of glazed extension to the rear to replace existing unauthorised rear extension; creation of 5 flats at upper floors to replace existing unauthorised 10 bedsits; external stair replacement at the rear and refuse storage, reinstatement of the front and rear windows at 1st and 2nd floor level and replacement of side entrance doors on both side elevations and new gate to the front elevation, external lighting at residential entrance on Rucklidge Passage and provision of new CCTV camera at the junction of Rucklidge Passage and Rucklidge Avenue ("car-free" scheme).

RECOMMENDATION: Defer for a site visit.

Steve Weeks, Head of Area Planning informed members that the three ward members had formally requested a site visit. He therefore amended the recommendation adding that all interested parties would be notified in due course

about the arrangement for the site visit which would take place on Saturday 19 May 2012.

DECISION: Deferred for a site visit.

7. Green Man, High Street, London, NW10 4TS (Ref. 11/0877)

PROPOSAL: Listed building consent for removal of unauthorised works to the ground and first/second floors, erection of glazed extension to the rear to replace existing unauthorised rear extension; creation of 5 flats at upper floors to replace existing unauthorised 10 bedsits; external stair replacement at the rear and refuse storage, reinstatement of the front and rear windows at 1st and 2nd floor level and replacement of side entrance doors on both side elevations and new gate to the front elevation, external lighting at residential entrance on Rucklidge Passage and provision of new CCTV camera at the junction of Rucklidge Passage and Rucklidge Avenue.

RECOMMENDATION: Defer for a site visit.

Steve Weeks, Head of Area Planning informed members that the three ward members had formally requested a site visit. He therefore amended the recommendation adding that all interested parties would be notified in due course about the arrangement for the site visit which would take place on Saturday 19 May 2012.

DECISION: Deferred for a site visit.

8. Argo Business Centre, Kilburn Park Road, London, NW6 5LF (Ref. 11/2403)

PROPOSAL: Demolition and redevelopment of the site to provide a part 5-, 4-, (at southern end only) and 3- storey mixed use development comprising 93 residential flats; new replacement B1 office space (1,406sq.m) including one commercial unit for flexible B1/A1 business use; 51 car parking spaces; cycle spaces, hard and soft landscaping and revised access.

RECOMMENDATION: Grant planning permission subject to conditions as amended in conditions 3 and 5, informatives and the completion of a satisfactory Section 106 or other legal agreement as amended in the Heads of Terms and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

Andy Bates, Area Planning Manager referred to an e-mail received from Councillor Arnold, a ward member in which she expressed her support for the development but added that the S106 financial contribution should be carefully targeted to address the additional school places that would be generated by the development. In addition, a letter of support had also been received after the supplementary report had been prepared from a South Kilburn resident. With reference to the

supplementary report, Andy Bates informed the Committee that whilst there would be loss of employment floor space, the proposal would result in a more efficient use of floor space with an amendment made in the Heads of Terms to ensure that existing tenants were included in any future plans. He added that the Heads of Terms would also be revised to reflect the discussions on affordable housing and highways works.

The Chair invited the officer to comment on impact on Stuart Road residents and comments made by Westminster Council on the application. Andy Bates stated that the scheme was amended following comments by Westminster Council and that any impact on Stuart Road residents would be within acceptable limits. In reiterating the recommendation for approval he drew members' attention to revisions to conditions 3 and 6 as set out in the tabled supplementary report, on the advice of the Director of Legal and Procurement.

DECISION: Planning permission granted subject to conditions as amended in conditions 3 and 6, informatives and the completion of a satisfactory Section 106 or other legal agreement as amended in the Heads of Terms and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

9. Thames Water Depot , 225 Harlesden Road, London, NW10 3SD (Ref. 12/0144)

PROPOSAL: Residential development of 41 dwellings, consisting of a row of 2-storey terrace houses, a 2 to 3-storey block and a 4 to 5-storey block, with associated parking, infrastructure and landscaping.

RECOMMENDATION: Refuse planning permission with amendments to reasons 2 and 4.

Andy Bates, Area Planning Manager advised the Committee that the density of the proposed development exceeded recommended limits. He drew members' attention to amendments to reasons 2 and 4 as set out in the tabled supplementary report.

Mr Roger Arkell the applicant stated that the designs of the proposed development had been extensively consulted on and revised accordingly to comply with the council's objectives including affordable housing and shared ownership. He continued that the proposal would provide four disabled parking spaces and to maintain privacy, there would be no communal roof terrace. Mr Arkell noted that the Council's Highways officers had not expressed concerns about the scheme and added that he would be prepared to enter into a Section 106 legal agreement.

During members' question time, Councillor RS Patel asked the applicant to comment on the officer's view that the scheme would constitute an over-development of the site. The Chair also asked the applicant to comment on outlook and privacy for the development. Mr Arkell stated that by complying with

amenity space requirements, the scheme would not constitute an over-development and that no harm would result from the development. He continued that by reducing the height from 3 to 2 storey and with a set back and orientation towards the reservoir, the development would not give rise to issues of privacy and outlook.

DECISION: Planning permission refused with amended reasons 2 and 4.

10. Storage Land next to 75, St Pauls Avenue, London, NW2 5TG (Ref. 12/0247)

PROPOSAL: Variation of condition number 2 (plan numbers) to allow the following minor material amendment:

The inclusion of 8 parking spaces (for the use of the garage business or in association with the servicing and management of the proposed residential building only) within the proposed landscaped area at the southwest corner of the development site to the scheme granted by full planning permission 11/0051 dated 11/04/01.

RECOMMENDATION: Grant planning permission subject to conditions as amended in conditions 5, 6 and 13, an additional condition, informatives and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning and Development to agree the exact terms thereof on advice from the Director of Legal Services and Procurement.

Andy Bates, Area Planning Manager clarified that all references to the “southeast corner” should read “southwest corner”. He drew members’ attention to the revised and additional conditions as set out in the tabled supplementary report and clarified that the application only related to the introduction of parking spaces into the south west corner of the site, and all other aspects were as for the approval from last April.

Ms Ann Marie-Glynn in objecting to the proposal stated that any congestion in the garage forecourt would impact on to Park Avenue North, causing traffic to block the entire Park Avenue North entrance, with a greater risk of accident. She added that as the application failed to show the other seven parking spaces granted by the Court Order, it conflicted with the Court Order. In her view the layout was unsatisfactory and would infringe on her rights and requested that the forecourt should be used in the way they had been for the past 20 years

Mr Ben Thomas the applicant’s agent stated that his client had worked closely with the Council to arrive at a scheme that would generate affordable housing with added benefits to the area and in particular, its street scene. He informed the Committee that all residents consulted about the application responded except the objector whose objections raised civil issues rather than relevant planning issues. In respect of the layout, he stated that it was not uncommon to incorporate parking spaces in such applications.

Andy Bates advised the Committee that the proposal had been revised and carefully considered and, with associated conditions as amended and the additional financial contribution to off-site landscaping, would result in a different but nevertheless, on balance, an acceptable arrangement.

DECISION: Planning permission granted subject to conditions as amended in conditions 5, 6 and 13, an additional condition, informatives and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning and Development to agree the exact terms thereof on advice from the Director of Legal Services and Procurement.

11. Land surrounding Wembley Stadium, Royal Route, Wembley, HA9 (Ref. 12/0138)

PROPOSAL: Erection of an 8-storey car park for 734 cars with parking on roof and associated hard and soft landscaping and access and egress both from Royal Route and South Way.

RECOMMENDATION: Grant planning consent for the reserved matters relating to part of Plot W10 subject to conditions and informatives.

DECISION: Planning consent granted for the reserved matters relating to part of Plot W10 subject to conditions and informatives.

12. Planning Appeals - 1 February to 31 March 2012

RESOLVED:

that the planning and enforcement appeals for the period 1 February to 31 March 2012 be noted.

13. Date of next meeting

The date of the next meeting will be announced after the Annual meeting of the Council on 16 May 2012.

14. Any Other Urgent Business

None raised at the meeting.

The meeting ended at 8:10pm

COUNCILLOR KETAN SHETH
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

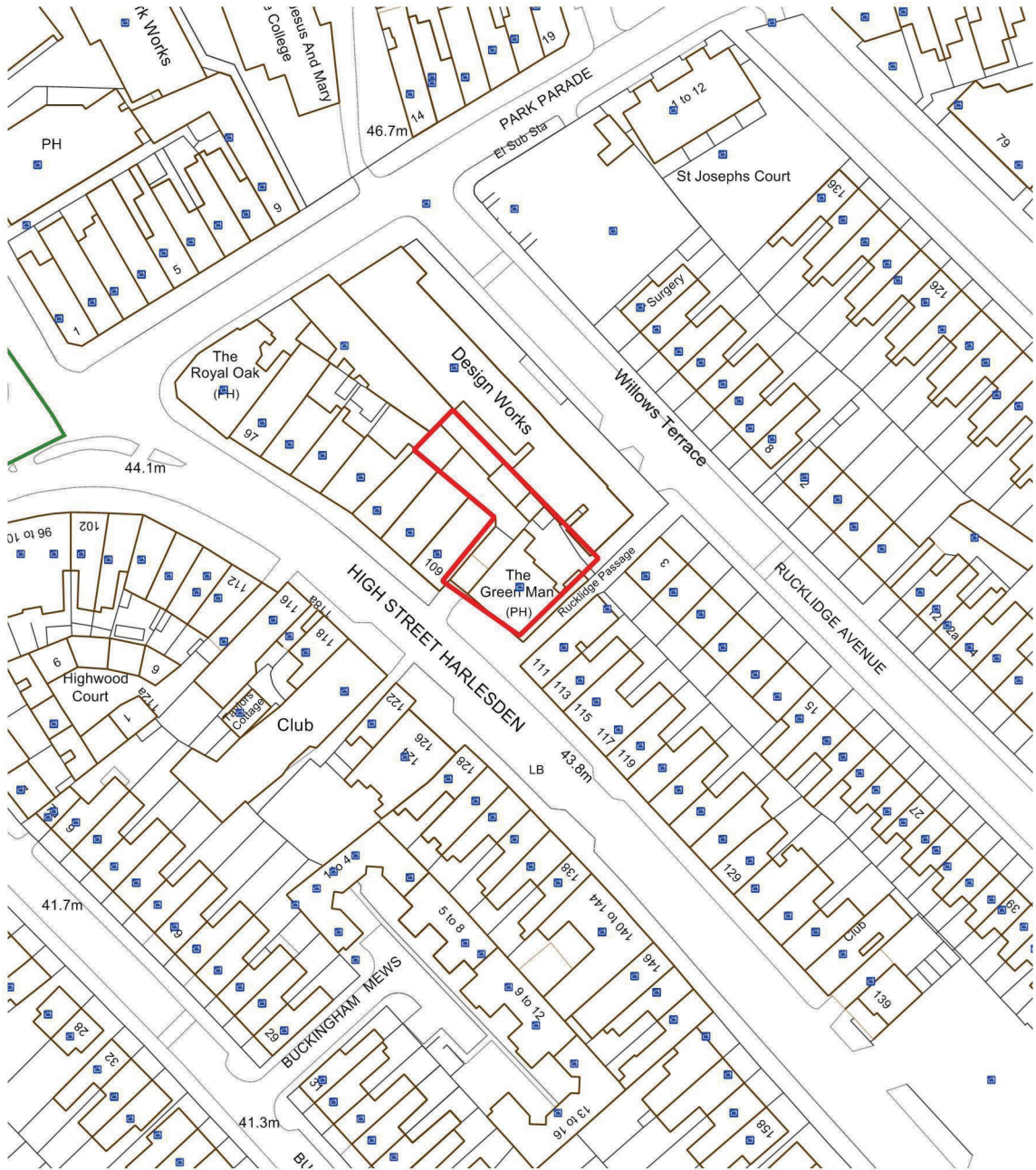
- (a) At meetings of the Planning Committee when reports are being considered on applications for planning permission any member of the public other than the applicant or his agent or representative who wishes to object to or support the grant of permission or support or oppose the imposition of conditions 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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 **Planning Committee Map**
Site address: Green Man, High Street, London, NW10 4TS
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This map is indicative only.

RECEIVED: 7 April, 2011

WARD: Kensal Green

PLANNING AREA: Harlesden Consultative Forum

LOCATION: Green Man, High Street, London, NW10 4TS

PROPOSAL: Erection of glazed extension to the rear to replace existing unauthorised rear extension; creation of 5 flats at upper floors to replace existing unauthorised 10 bedsits; external stair replacement at the rear and refuse storage, reinstatement of the front and rear windows at 1st and 2nd floor level and replacement of side entrance doors on both side elevations and new gate to the front elevation, external lighting at residential entrance on Rucklidge Passage and provision of new CCTV camera at the junction of Rucklidge Passage and Rucklidge Avenue ("car-free" scheme).

APPLICANT: Mr Akash Oraha

CONTACT: Heritage Architecture Ltd

PLAN NO'S:
See condition 2

This application was scheduled for Planning Committee on 17th April (along with listed building application 11/0876 elsewhere on this agenda) but was deferred as Ward Councillors Cllr Hector, Cllr Powney and Cllr Thomas requested a site visit.

Significant input from Councillors and neighbours as well as further discussion with streetcare officers and the CCTV control room manager has resulted in an increase in the size of the proposed bin store to improve the manoeuvrability of bins within the space and an increase in the contribution from the applicant to cover the cost of the purchase and installation of the proposed CCTV camera at the Rucklidge Avenue end of Rucklidge Passage. This is discussed below in the main report.

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal Services and Procurement

SECTION 106 DETAILS

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

- Contribution of £3,000 due on material start and index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area.
- Contribution of £14,000 to purchase and install a CCTV camera at the junction of Rucklidge Avenue and Rucklidge Passage.
- Car-free agreement
- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance

And, to authorise the Head of Area Planning, 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 is the Green Man Public House and is a Grade II Listed Building, listed in 1979. The Green Man and adjoining terrace were rebuilt on the site in 1906-1907 (architects Harrison and Ward) in Flemish style with wide flat arches at ground floor. The Green Man public house existed on the site in a different form

as early as 1746.

The site, on High Street Harlesden, also falls within Harlesden Conservation Area.

The current arrangement of the building is a restaurant at ground floor, many of the original features internally, most notably the bar, have been removed. The upper floors have been subdivided into 10 small studio units accessed by a staircase to the rear accessed through a gate on Rucklidge Passage. Officers consider that the original/lawful use of the building would be a bar/restaurant at ground floor with associated residential premises above, including storage and function rooms.

PROPOSAL

See description above.

HISTORY

11/0877 The associated Listed Building application is elsewhere on this agenda

E/06/0282 Appeal Dismissed

Without planning permission, the erection of a part single-storey, part two-storey rear extension and the change of use of the first and second floors into 10 self-contained flats.

04/0480 Certificate of Lawfulness Refused

Certificate of lawfulness for existing use of first and second floors as 10 self-contained units

02/2240 Withdrawn

Construction of part single-storey rear extension , part first-floor and second-floor extension and conversion to 5 self-contained flats (4 x. 1 bed, 1 x. 2-bed) Listed building consent associated with planning application 02/278

02/0278 Withdrawn

Conversion of first and second floors to 5 self-contained flats including roof extension, part first-floor and part second-floor extension and single-storey rear extension to public house

POLICY CONSIDERATIONS

National Planning Policy Framework

The NPPF was published on 27th March and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It is intended to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication is of significant weight.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. Core Strategy policies will also need to be in conformity with both the London Plan and the NPPF and have considerable weight.

Where PPG's, PPS's, LDF Core Strategy and UDP saved policies are referred to in the report below they have been considerations in the assessment of the application. However, the recommendation is considered to comply with the NPPF.

London Plan 2011 and Mayor's Community Infrastructure Levy (CIL)

This applies to relevant developments from 01/04/2012

UDP 2004

BE2 Townscape: Local Context & Character

BE3 Urban Structure: Space & Movements

BE5 Urban Clarity & Safety

BE6 Public Realm: Landscape Design

BE7 Public Realm: Streetscape

BE9 Architectural Quality

BE25 Development in Conservation Areas

BE26 Alterations & Extensions to Buildings in Conservation Areas

H12 Residential Quality - Layout Considerations
H20 Flats over and Adjoining Buildings in Shopping Centres
PS14 Residential Development (Car Parking Standards)
TRN11 London Cycle Network
TRN24 On-Street Parking
TRN34 Servicing in New Development

SPG17: Design Guide for New Development
SPD: S106

CONSULTATION

Neighbours were consulted on 21st April 2011 and again on 20th January 2012 following negotiation with the applicant and architect leading to some amendments. Although neighbours comments were made against the Listed Building application reference all the responses received are set down here as well.

- The proposed flats should not be accessed from Rucklidge Passage as this is a Public Thoroughfare – Do not believe this door existed prior to unauthorised works and it is not safe or suitable.
- There is nowhere for the storage of waste from the restaurant or flats – The passage has become a dumping ground making it unhealthy and unsightly.
- These issues affect the daily lives of residents who live close to this building.
- The entrance should be moved to the courtyard on the other side of the building where there is also space for rubbish storage.
- The number of flats on the proposed site is more than the site should accommodate.
- The flats have no amenity space on site – The garden space to the rear which has been built on with unauthorised works should be returned.

Neighbours were reconsulted on amendments to the proposed (discussed below) and many reiterated their comments. Following a meeting with a member of the Rucklidge Avenue Residents Association it was apparent that the alterations to the plans had not been fully noted (possibly due to the small scale of the plan viewable on the website). Subsequent to this meeting the following comments were received:

- What progress has been made about the original CCTV camera which disappeared?
- Seek confirmation that the refuse storage space is large enough for the flats and that the collection company will have access to and collect from this location.
- Seek confirmation that the commercial waste will be collected from the storage space shown.
- Remain opposed to the external metal staircase.

Cllr Hector has commented raising concern about the existing poor provision for refuse storage and the need for this to be improved.

Internal

Conservation & Design: Proposal is acceptable subject to requirement for specific details by condition
CCTV control room manager: Confirmed specification of CCTV camera sought and purchase and installation cost (discussed further below).

Secure By Design officer: No objection to location of residential entrance, improvements discussed below.

REMARKS

Proposal

As described in the 'history' the Green Man building has been subject to numerous unsympathetic alterations, the current arrangement consisting of 10 units is unlawful as are alterations and extensions to the ground floor commercial premises. The current application consists of further alterations and an extension which will allow the character of the Grade II Listed Building to be reinstated and will also reduce the amount of accommodation above to 5 self-contained flats.

The original layout of the upper floors of the property, providing ancillary space for the commercial use and accommodation for a single occupant/family is not an arrangement which is viable as a use in this location in the present day. Officers have no objection to the principle of the application, the scheme has been drawn up by an architectural firm which specialises in historic architecture. The submission, including a 'significance appraisal' is of good quality in terms of the attention given to the character of the building and the units provided and is considered to meet the guidance of the NPPF. Officers have worked to address a few outstanding points discussed below and are of the opinion that the proposed scheme, subject to a legal

agreement and conditions, should be supported.

Proposed alterations in the context of the Listed building

The unauthorised alterations to the building (those which have taken place since its listing), are stated comprehensively on pages 13 and 14 of the 'Historical Background Report'.

The application submission includes a 'significance appraisal' which, on floor plans, identifies the parts of the structure of the building which are of High Significance, Some Significance or of No Significance/Detrimental.

Ground floor

At ground floor there is a significant loss of the historic fabric. The proposal intends to partly reinstate lost features and fittings including the removal of the suspended ceiling to reveal the original and remove the modern floor tiles and replace with appropriate timber. The reinstatement of panelling, skirting and cornicing as well as a bar (using original parts where preserved). The food hatch from the kitchen will be closed, a new fire escape door will replace the existing.

The unauthorised rear extension which has been erected across the whole of the yard behind the building is proposed to be removed and replaced with a lightweight glazed extension, of a contemporary but subtle appearance. Compared to the existing structure which detracts from the building the replacement will have a minor impact and result in an enhancement.

The existing (unauthorised) rear staircase to the upper floors will be replaced with a new staircase constructed of steel and clad in artificial stone with a new glazed canopy over the top landing. The Rucklidge Avenue Residents Association object to the external staircase to the rear as the access to the upper floors, prior to unauthorised works were originally internal. This has been considered in detail and discussed with the architect but alternative workable solution is not forthcoming. The separation of the uses at ground and upper floors makes it very difficult to identify a practical arrangement for an internal staircase, separate to the ground floor use which does not require further significant alterations to the original structure of the building - in Listed Building terms this needs to be avoided. The existing staircase is of poor quality but a much improved replacement is proposed, as described above. Specific detail of the design and materials of this will be conditioned to ensure it is of high quality and appropriate to the building. A new gate will replace the entrance door onto Rucklidge Passage.

Upper floors

The existing partitions inserted to create very small individual kitchenettes and bathrooms in each studio room are highlighted as of no significance or detrimental to the character of the building. The proposal rationalises the layout and proposes minimum partitioning to facilitate the creation of the 5 new units. Original features of cornices, skirting and dado railing will be revealed, repaired and re-instated as appropriate. Parquet flooring is proposed in kitchen areas and carpet or tiling elsewhere.

All doors will be replaced with timber panelled doors and upvc windows with timber casement windows with leaded glass panes to the front. To the rear windows will also be replaced with timber frames and the door to the flat roof will be replaced with a window.

Original joinery will be repaired and re-decorated with egg-shell oil paint, while slate roofs will be repaired with slates replaced where necessary and any plastic pipes and gutter will be replaced with cast iron ones.

The principle of all of this work is acceptable however to ensure the quality, conditions are recommended to secure the submission of further details. This includes large scale drawings of the proposed windows, detail of the material of the glazed extension, detail of the treatment of the remaining rear yard space - soft landscaping recommended. Information will also need to be approved for all materials which will be used to repair/replace the features of the building internally.

The use of the space to the left of the Green Man building has been queried and the applicant has advised that it is used by himself only for storage. A condition is recommended that the space shall only be used in association with the subject building so if the storage use is to continue it should be used only in association with the building and not of storage from other sites and that storage should be under the roofed areas only. Alternatively the space could be identified as amenity space for residents. The applicant may want to consider other appropriate future uses which could may not be ancillary to the main building e.g. an office (B1) use but any such use would require a separate application.

Quality of accommodation

The existing 10 units are very small, failing to achieve the standards set in the London Plan and SPG17 and

provide a poor standard of accommodation. The proposed arrangement results in the creation of 3 x 1-bed flats and 2 x studio unit. As demonstrated in the table below the proposed units come close to or exceed the London Plans minimum space standards for new developments and will provide a good quality of accommodation.

| Unit | Floor area | London Plan standard |
|------------|------------|----------------------|
| 1 (1-bed) | 47.3sqm | 50sqm |
| 2 (1-bed) | 51sqm | 50sqm |
| 3 (1-bed) | 53sqm | 50sqm |
| 4 (studio) | 38sqm | 37sqm |
| 5 (studio) | 38sqm | 37sqm |

The site, in a constrained urban location, is not able to provide amenity space for residents, however the internal size of units is good and an acceptable level of residential amenity will be achieved. The extension will fill much of the yard to the rear, if an extension was not proposed the use of the yard by residents would be unlikely to be possible without a conflict between the ground floor and residential occupiers.

The quality of the residential access arrangements for the future occupants of the flats has been highlighted as a shortcoming of the scheme by neighbours and a Councillor. The proposed access is in the same location, on Rucklidge Passage, as in the existing unauthorised situation. Beyond the occurrence of fly tipping the passageway is identified as an area where anti-social behaviour has occurred and it therefore does not offer a good quality residential environment for an entrance. As noted in the 'consultation' section above, officers spoke to the secure by design police officer regarding this arrangement, the principle of residential access from the passage way was not objected to but the following measures for improvement were discussed and are now proposed.

Lighting

Rucklidge Passage has a street light at either end and one in the middle providing a standard level of illumination. Additional lighting is proposed to be attached to the side of the elevation around the residential entrance gate, details of the specific location, design and level of illumination will be required by condition but will be required to be of a residential scale rather appropriate to the building. The introduction of new lighting will make the entrance more welcoming to residents and as a better illuminated and therefore visible space it will be a less attractive place for antisocial activities and will improve the residential character.

CCTV

Officers have discussed the existing arrangement with the manager of the CCTV control room, it was advised that Rucklidge Passage does not currently have a dedicated camera and a camera positioned at the High Street end of the passage was vandalised so has not been available recently pending insurance for repairs. Other cameras provide coverage of the general High Street area.

The scope for the introduction of a new CCTV camera at the Rucklidge Avenue end of the passage, which is not currently covered, has been discussed and agreed with the secure by design officer, the control room manager and the applicant. From the point of view of the secure by design officer, the CCTV camera would discourage antisocial activity in Rucklidge Passage and around the quieter Rucklidge Avenue end and would make the passage a safer place for future residents. The control room operator is happy with the proposed camera and the principle of linking it to the Council's existing CCTV network and confirms that a contribution from the applicant of £14,000 will cover the purchase and installation cost quoted by the Council's contractor Tyco.

These proposed measures will notably improve the quality and feeling of safety for future occupants when accessing their flats from Rucklidge Passage and on this basis officers are of the opinion that the arrangement is acceptable. While these proposals are to ensure that access arrangements for future occupants are acceptable they will also be of benefit to residents in the wider area who use Rucklidge Passage. Rucklidge Avenue, which the camera would also be able to view, is identified by the CCTV control officers and the police as a blind spot in the CCTV network and its introduction would be very useful for their roles. The applicant will provide the significant lump sum to enable its purchase and installation, the maintenance of the camera will be covered by warranty for the first year and after this maintenance will be covered by the Council.

Refuse storage

The dumping of waste in Rucklidge Passage has been an issue which has caused considerable distress to neighbouring residents. The unauthorised units, as common for flats above shops, have had their rubbish

collected directly from the street. However, given the number of units and location adjacent to Rucklidge Passage this arrangement has triggered a problem of fly tipping also exacerbated by rubbish from the commercial unit.

Residential arrangement

A designated storage space is proposed directly next to the residential entrance on Rucklidge Passage. Collection services available for High Street properties at present does not include recycling and 'bring sites' (the public kerbside recycling facilities) must be used for recyclable waste. However this arrangement is currently being reviewed and it is expected that collection services for recycling will be introduced.

The waste storage capacity required for each unit is 120l, the proposal allows for 4x240l bins which is acceptable. The bins will most likely be split between refuse and recycling (either 3:1 or 2:2) dependent on the final outcome of the arrangements being drawn up currently by Streetcare, the required capacity will not alter. Collection may be twice a week, again this is pending final arrangements being drawn up by Streetcare who will be considering the level of service necessary.

It has been confirmed with Streetcare officers that the storage space provided is acceptable, it has been designed so that bins are independently manoeuvrable so this is no conflict between refuse and recycling collections. It has also been confirmed that Veolia (the collection contractor) will be able to collect from the designated space from vehicles on High Street and an arrangement will be made to provide them with access to the secured storage space which will be step free.

Objectors and Cllr Hector have if queried the location of the proposed bin store will be acceptable to refuse collectors. For clarity, officers have confirmed with Streetcare colleagues that size and location of the refuse store are acceptable to them.

Commercial arrangement

Commercial businesses have a legal responsibility, beyond the remit of planning legislation (Section 34 of the Environmental Protection Act 1990), to ensure waste is securely stored and legally disposed of. Bins for commercial waste are designated to the other side of the building behind a gate and the specific collection arrangements for this are the private responsibility of the tenant. The applicant has confirmed verbally that the tenant has a collection arrangement in place and that collection is currently agreed to take place twice a week.

S106

The original layout and number of bedrooms in the building is not clear but officers are of the opinion that there could easily have been 4. On this basis the proposal results in the introduction of one further bedroom in the building and the standard charge of £3000 for one bedroom will be required.

A car-free agreement will be applied to all units as High Street cannot accommodate increased residential parking.

Conclusion

Unacceptable and harmful alterations will be removed and the condition of the listed building will be significantly improved. The development will provide 5 good quality residential units and a commercial unit at ground floor, resolving waste storage problems, improving safety and securing the future conservation of a heritage asset.

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

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

National Planning Policy Framework

CONDITIONS/REASONS:

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

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

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

P-B-001 C REVISED
P-GF-002 C REVISED
P-FF-003 C REVISED
P-SF-004 E REVISED
P-RF-005
P-F ELEV-006
P-S ELEV-007
P-R ELEV-008 C REVISED
P-SEC-DD-009
P-EL/SC-CC-010 C REVISED

Design and access statement (March 2011)
Historical background report (February 2011)

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

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

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

- (4) The space to the left of the subject building shall be used only in association with the uses of the building including associated storage or amenity space for residents, any storage shall be kept in the covered areas. Any other use would require a separate planning application.

Reason: To ensure the use does not harm the integrity of the Listed Building or conflict with residential amenity.

- (5) Details of proposed signage, advertisements and signage illumination for the area identified on the front elevation, shall be submitted to and approved in writing by the LPA prior to installation.

Reason: To protect the character of Harlesden Conservation Area and the Listed Building

- (6) 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.

- (7) Details of proposed lighting on the Rucklidge Passage elevation of the building, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The approved details shall be fully implemented.

Details shall include:

- (a) Design
- (b) Exact position
- (c) Level of luminance

Reason: In the interests of safety, amenity and convenience.

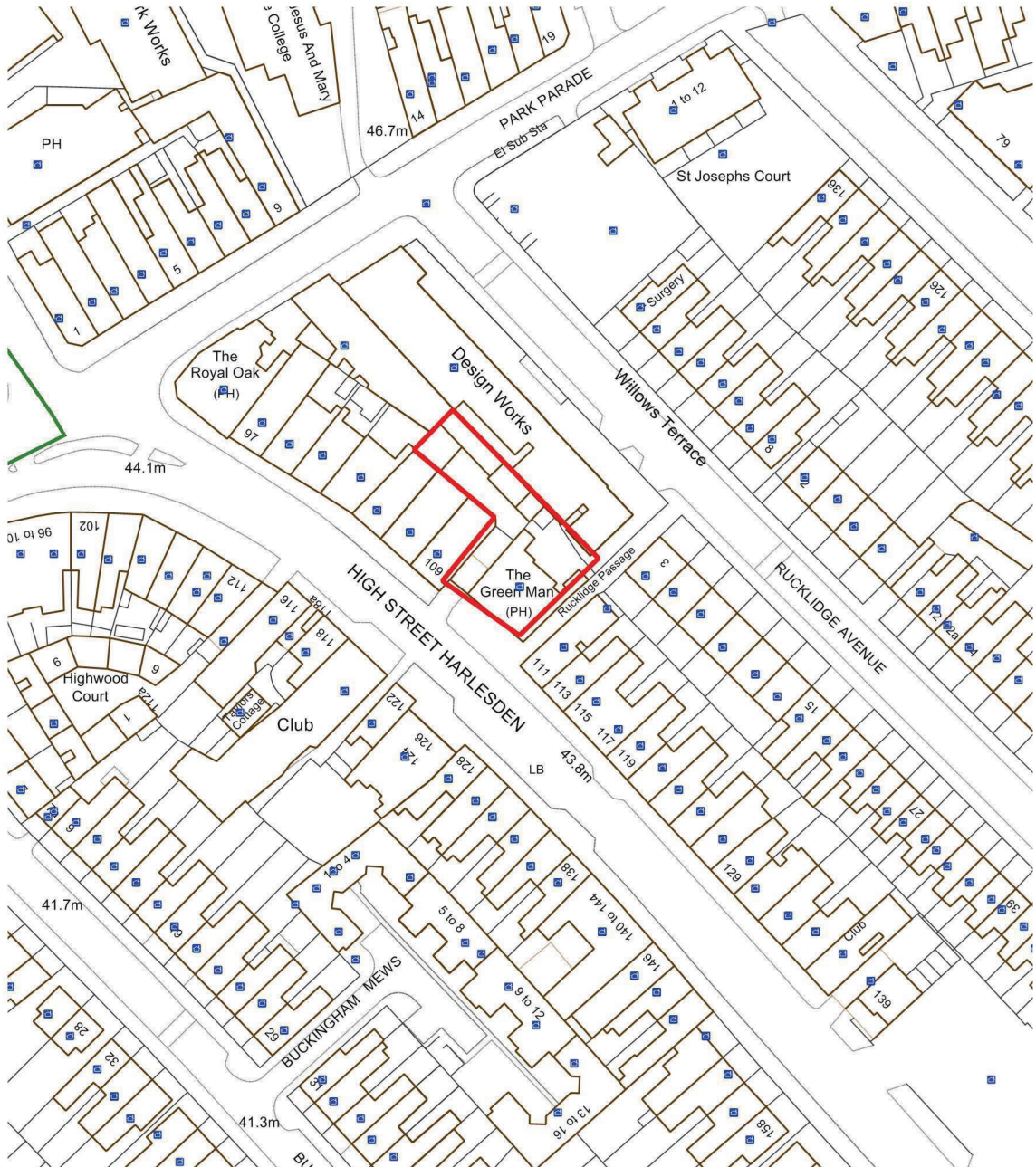
INFORMATIVES:

- (1) The applicant is advised that arrangements must be made directly with the refuse collection companies for both the residential and commercial bins to provide a key/fob system for access to the secure storage areas.
- (2) The applicant is informed that Enforcement Notice E/06/0282 dated 19 January 2007 requiring unauthorised works to be removed and the building made good remains valid and must be fully complied with as a matter of urgency.

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

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 **Planning Committee Map**
Site address: Green Man, High Street, London, NW10 4TS
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This map is indicative only.

RECEIVED: 7 April, 2011

WARD: Kensal Green

PLANNING AREA: Harlesden Consultative Forum

LOCATION: Green Man, High Street, London, NW10 4TS

PROPOSAL: Listed building consent for removal of unauthorised works to the ground and first/second floors, erection of glazed extension to the rear to replace existing unauthorised rear extension; creation of 5 flats at upper floors to replace existing unauthorised 10 bedsits; external stair replacement at the rear and refuse storage, reinstatement of the front and rear windows at 1st and 2nd floor level and replacement of side entrance doors on both side elevations and new gate to the front elevation, external lighting at residential entrance on Rucklidge Passage and provision of new CCTV camera at the junction of Rucklidge Passage and Rucklidge Avenue.

APPLICANT: Mr Akash Oraha

CONTACT: Heritage Architecture Ltd

PLAN NO'S:
See condition 2

This application was scheduled for Planning Committee on 17th April but was deferred as Councillors requested a site visit, this is discussed in more detail in the associated full planning application 11/0877.

RECOMMENDATION

Approval

EXISTING

The subject site is the Green Man Public House and is a Grade II Listed Building, listed in 1979. The Green Man and adjoining terrace were rebuilt on the site in 1906-1907 (architects Harrison and Ward) in Flemish style with wide flat arches at ground floor. The Green Man public house existed on the site in a different form as early as 1746.

The site, on High Street Harlesden, also falls within Harlesden Conservation Area.

The current arrangement of the building is a restaurant at ground floor, many of the original features internally, most notably the bar, have been removed. The upper floors have been subdivided into 10 small studio units accessed by a staircase to the rear accessed through a gate on Rucklidge Passage. Officers consider that the original/lawful use of the building would be a bar/restaurant at ground floor with associated residential premises above, including storage and function rooms.

PROPOSAL

See description above

HISTORY

11/0876 This is the associated Full Planning Application which is elsewhere on this agenda.

E/06/0282 Appeal Dismissed

Without planning permission, the erection of a part single-storey, part two-storey rear extension and the change of use of the first and second floors into 10 self-contained flats.

04/0480 Certificate of Lawfulness Refused

Certificate of lawfulness for existing use of first and second floors as 10 self-contained units

02/2240 Withdrawn

Construction of part single-storey rear extension , part first-floor and second-floor extension and conversion to 5 self-contained flats (4 x. 1 bed, 1 x. 2-bed) Listed building consent associated with planning application 02/278

02/0278 Withdrawn

Conversion of first and second floors to 5 self-contained flats including roof extension, part first-floor and part second-floor extension and single-storey rear extension to public house

POLICY CONSIDERATIONS

National Planning Policy Framework

The NPPF was published on 27th March and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It is intended to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication is of significant weight.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. Core Strategy policies will also need to be in conformity with both the London Plan and the NPPF and have considerable weight.

Where PPG's, PPS's, LDF Core Strategy and UDP saved policies are referred to in the report below they have been considerations in the assessment of the application. However, the recommendation is considered to comply with the NPPF.

London Plan 2011 and Mayor's Community Infrastructure Levy (CIL)

This applies to relevant developments from 01/04/2012

UDP 2004

BE2 Townscape: Local Context & Character

BE9 Architectural Quality

BE25 Development in Conservation Areas

BE26 Alterations & Extensions to Buildings in Conservation Areas

SPG17: Design Guide for New Development

National Planning Policy Framework

CONSULTATION

Neighbours were consulted on 21st April 2011 and again on 20th January following negotiation with the applicant and architect leading to some amendments. Although this is a Listed Building application all the responses received are set down here and in the planning application report.

- The proposed flats should not be accessed from Rucklidge Passage as this is a Public Thoroughfare – Do not believe this door existed prior to unauthorised works and it is not safe or suitable.
- There is nowhere for the storage of waste from the restaurant or flats – The passage has become a dumping ground making it unhealthy and unsightly.
- These issues affect the daily lives of residents who live close to this building.
- The entrance should be moved to the courtyard on the other side of the building where there is also space for rubbish storage.
- The number of flats on the proposed site is more than the site should accommodate.
- The flats have no amenity space on site – The garden space to the rear which has been built on with unauthorised works should be returned.

Neighbours were reconsulted on amendments to the proposed (discussed below) and many reiterated their comments. Following a meeting with a member of the Rucklidge Avenue Residents Association it was apparent that the alterations to the plans had not been fully noted (possibly due to the small scale of the plan viewable on the website). Subsequent to this meeting the following comments were received:

- What progress has been made about the original CCTV camera which disappeared?
- Seek confirmation that the refuse storage space is large enough for the flats and that the collection company will have access to and collect from this location.
- Seek confirmation that the commercial waste will be collected from the storage space shown.
- Remain opposed to the external metal staircase.

Cllr Hector has commented raising concern about the existing poor provision for refuse storage and the need for this to be improved.

Internal

Conservation & Design: Proposal is acceptable subject to requirement for specific details by condition

REMARKS

Policy Considerations

The National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significant damage has been done to the building but the structure of the building and enough key features remain intact for it to be possible for a sensitive scheme to recover the character and quality of the listed building externally and internally.

Impact on Listed Building

The unauthorised alterations to the building (those which have taken place since its listing), are stated comprehensively on pages 13 and 14 of the 'Historical Background Report'.

The application submission includes a 'significance appraisal' which, on floor plans, identifies the parts of the structure of the building which are of High Significance, Some Significance or of No Significance/Detrimental.

Ground floor

At ground floor there is a significant loss of the historic fabric. The proposal intends to partly reinstate lost features and fittings including the removal of the suspended ceiling to reveal the original and remove the modern floor tiles and replace with appropriate timber. The reinstatement of panelling, skirting and cornicing as well as a bar (using original parts where preserved). The food hatch from the kitchen will be closed, a new fire escape door will replace the existing.

The unauthorised rear extension which has been erected across the whole of the yard behind the building is proposed to be removed and replaced with a lightweight glazed extension, of a contemporary but subtle appearance. Compared to the existing structure which detracts from the building the replacement will have a minor impact and result in an enhancement.

The existing (unauthorised) rear staircase to the upper floors will be replaced with a new staircase constructed of steel and clad in artificial stone with a new glazed canopy over the top landing. The Rucklidge Avenue Residents Association object to the external staircase to the rear as the access to the upper floors, prior to unauthorised works were originally internal. This has been considered in detail and discussed with the architect but alternative workable solution is not forthcoming. The separation of the uses at ground and upper floors makes it very difficult to identify a practical arrangement for an internal staircase, separate to the ground floor use which does not require further significant alterations to the original structure of the building - in Listed Building terms this needs to be avoided. The existing staircase is of poor quality but a much improved replacement is proposed, as described above. Specific detail of the design and materials of this will be conditioned to ensure it is of high quality and appropriate to the building. A new gate will replace the entrance door onto Rucklidge Passage.

Upper floors

The existing partitions inserted to create very small individual kitchenettes and bathrooms in each studio room are highlighted as of no significance or detrimental to the character of the building. The proposal rationalises the layout and proposes minimum partitioning to facilitate the creation of the 5 new units. Original features of cornices, skirting and dado railing will be revealed, repaired and re-instated as appropriate. Parquet flooring is proposed in kitchen areas and carpet or tiling elsewhere.

All doors will be replaced with timber panelled doors and upvc windows with timber casement windows with leaded glass panes to the front. To the rear windows will also be replaced with timber frames and the door to the flat roof will be replaced with a window.

Original joinery will be repaired and re-decorated with egg-shell oil paint, while slate roofs will be repaired with slates replaced where necessary and any plastic pipes and gutter will be replaced with cast iron ones.

The principle of all of this work is acceptable however to ensure the quality, conditions are recommended to secure the submission of further details. This includes large scale drawings of the proposed windows, detail of the material of the glazed extension, detail of the treatment of the remaining rear yard space - soft landscaping recommended. Information will also need to be approved for all materials which will be used to repair/replace the features of the building internally.

Conclusion

For the above reasons, the contemporary extension and other internal and external alterations to the fabric of the buildings are considered to be consistent with the policy presumption in favour of preserving or enhancing the special architectural or historic interest of the listed building and its setting. This complies with policies BE2, BE7, BE9 of the Unitary Development Plan and guidelines within the NPPF.

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

National Planning Policy Framework

CONDITIONS/REASONS:

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

Reason: To conform with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

P-B-001 C REVISED
P-GF-002 C REVISED
P-FF-003 C REVISED
P-SF-004 E REVISED
P-RF-005
P-F ELEV-006
P-S ELEV-007
P-R ELEV-008 C REVISED
P-SEC-DD-009
P-EL/SC-CC-010 C REVISED

Design and access statement (March 2011)
Historical background report (February 2011)

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

- (3) All new works of making good to the retained fabric, whether internal or external, shall be finished to match the existing work with regard to the methods used and to colour, material, texture and profile unless otherwise agreed in writing by the LPA

Reason: In order to safeguard the special architectural or historic interest of the building.

- (4) The development as hereby permitted shall only commence when suitable precautions have been taken to secure and protect the interior elements against accidental loss or damage during building work, and no such elements may be disturbed or removed temporarily or permanently unless with prior written approval of the LPA.

Reason: In order to safeguard the special architectural or historic interest of the building.

- (5) Seven working days prior to the commencement of the works as hereby permitted written notification of the intended start date of works shall be sent to the Local Planning Authority.

Reason: In order that English Heritage and the Local Planning Authority may be given the opportunity to monitor the progress of works on site to ensure the preservation of the special interest of the building affected by the works hereby approved.

- (6) Any hidden historic features which are revealed during the course of the works shall be retained in situ, work suspended in the relevant area of the building and the LPA notified immediately.

Reason: To ensure that the historic characteristics of the building are not lost and to preserve and enhance the Grade II Listed Building.

- (7) The following method statements, including detailed plans and samples of work, for the following elements of the development shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of works on site, or in accordance with a schedule to be agreed in writing with the Local Planning Authority:-

- (a) The insertion of, or alteration to, any new or existing structural openings.
- (b) Repair and restoration of decorative ceilings, walls and other decorative elements.
- (c) Repair and/or restoration of external elevational treatments, including roofing and repointing of brickwork.
- (d) The alteration or installation of any new structural or service cabling.
- (e) Flooring

The development shall be carried out in compliance with the approved details.

Reason: To ensure a satisfactory development and in the interests of the historic environment and Grade II historic asset.

- (8) No Joinery construction work of any form should commence on site until all detail drawings (listed below) have been submitted and approved in writing by the Local Planning Authority. Once agreed the development must be implemented in strict accordance with the submitted and approved drawings. All drawings will be required to show the details of the element to be illustrated in plan, plan section, elevation and vertical section. The drawings should be supplied at a scale appropriate to the size of the element 1:20, 1:10, 1:5 and in some cases 1:1.

Detailed drawings will be required for internal repair and replacement to include:

- (a) Replacement repair and or new window detail drawings - including details of the sill, jamb, head, mullion transom and glazing bar mouldings. Drawings should illustrate the position of the window frame within the reveal.
- (b) A sample of the replacement windows will be required

- (c) Replacement external and internal replacement repair and or new door detail drawings - including details of the sill, jamb, head, rails, and muntin and glazing bar mouldings.
- (d) Internal panelling including mouldings to panel fields including vertical and horizontal framing skirting, plinth and capping mouldings.
- (e) Detail drawings to show all replacement, repair and or new door casing to include reveal head and architrave mouldings
- (f) Detail drawings for the replacement, repair or new plaster chair, dado and cornice. To include ceiling roses and other bracket castings.
- (g) Detail drawings of all independent replacement repair or new wooden skirting, chair, dado and cornice mouldings.
- (h) Detail drawings of the new bar to include sections through the bar illustrating sill, plinth and top rails, infill field, cornice and bar top.
- (i) Details drawings for repair, replacement and or new stairs to include sections illustrating mouldings for the stringer, risers, treads, balusters and handrails.

Reason: To protect the character and historic integrity of the green man and to ensure an accurately detailed restoration of historic Arts and Craft detailing.

- (9) No general construction work of any form should commence on site until all detail drawings (listed below) have been submitted and approved in writing by the Local Planning Authority. Once agreed the development must be implemented in strict accordance with the submitted and approved materials and drawings.

Detailed drawings will be required for internal repair and replacement to include:

- (a) New wall construction showing details of bonding and jointing at junctions of existing and new construction. All bricks are to match the originals exactly in size colour texture.
- (b) Details of roof eaves including mouldings to soffit, bargeboard and verges, where appropriate showing junction between existing and new.

Reason: To protect the character and historic integrity of the green man and to ensure an accurately detailed restoration of historic Arts and Craft traditional construction.

- (10) No general construction work of any form should commence on site until a demonstration panel of brickwork has been approved in writing by the Local Planning Authority. The panel should be a minimum of 1.0m wide by 1.0m tall. The panel should show accurately the coursing and bonding and mortar mix and colour (Mortar should match existing exactly in colour texture and mix).

Reason: To protect the character and historic integrity of the green man and to ensure sympathetic repair replacement and new brick construction.

- (11) No general construction work of any form should commence on site until samples of all new internal Window and door fittings have been submitted and approved by the Local Planning Authority. Samples will be required of replacement and or new:

1. Door handles
2. Window latches and stays

Reason: To protect the character and historic integrity of the green man and to ensure sympathetic repair replacement of historic architectural features.

INFORMATIVES:

- (1) The applicant is informed that Enforcement Notice E/06/0282 dated 19 January 2007 requiring unauthorised works to be removed and the building made good remains valid and must be fully complied with as a matter of urgency.

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: 16B & 16C Callcott Road, London, NW6 7EA

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This map is indicative only.

RECEIVED: 26 January, 2012

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 16B & 16C Callcott Road, London, NW6 7EA

PROPOSAL: Installation of juliet balcony to first floor rear window and proposed window to replace existing door at the second floor level of terraced property in use as three self-contained flats.

APPLICANT: Mr Ian Gerrard

CONTACT: The Gillett MacLeod Partnership

PLAN NO'S:
See Condition 2

MEMBERS CALL-IN PROCEDURE

In accordance with Part 5 of the Constitution and Section 10 of the Planning Code of Practice, the following information has been disclosed in relation to requests made by Councillors for applications to be considered by the Planning Committee rather than under Delegated Powers

Name of Councillor

Cllr Arnold
Cllr Jones
Cllr Temitayo

Date and Reason for Request

26 March 2012

The proposed development will have an unacceptable impact on neighbouring residents.

RECOMMENDATION

Approval

EXISTING

The subject property is a upper floor flat within a converted three storey terraced property with an existing two-storey rear projection. The site is not a listed building but it is within the North Kilburn Conservation Area.

PROPOSAL

See Above

HISTORY

E/10/0078. Enforcement investigation in the installation of decking and metal railings on the flat roofs of the premises to create roof terraces to the first floor and second floor flats. Enforcement notice served following the dismissal of an appeal on 21/03/2011. The enforcement notice set out the following steps to remedy the breach:

- Remove the decking and metal railings on the flat roofs and block up the access ways to the flat roofs so that the roof terraces are removed from the premises.

Enforcement action was taking to remove the decking and metal railings however the access ways to the flat roofs had a single timber board placed over them to restrict access.

10/2922. Retrospective application for retention of decking and metal railings on the flat roof (of first floor) of

the premises to create roof terrace to first floor flat. Refused 04/02/2011 for the following reasons:

1. *The existing roof terrace would result in unreasonable overlooking of nearby properties and gardens, which would be harmful to the amenity and privacy of neighbouring occupiers, contrary to saved policy BE9 of the London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 5: "Altering & Extending Your Home".*
2. *The existing roof terrace, by reason of its siting, would result in a loss of outlook from neighbouring property No 18 contrary to saved policy BE9 of the London Borough of Brent Unitary Development Plan 2004.*
3. *The existing roof terraces, decked roof and associated railings by reason of its siting and incongruous design and associated poor materials would have a detrimental impact on the character and appearance of the host building which would fail to preserve or enhance the character of the surrounding North Kilburn Conservation Area contrary to saved policies BE2, BE9, BE25 and BE26 of the London Borough of Brent Unitary Development Plan 2004 and the Queen's Park Conservation Area Design Guide.*

10/2725. Retrospective application for retention of decking and metal railings on the second floor flat roof of the premises to create roof terrace to second floor flat. Refused on 04/02/2011.

- *The existing roof terrace would result in unreasonable overlooking of nearby properties and gardens, which would be harmful to the amenity and privacy of neighbouring occupiers, contrary to saved policy BE9 of the London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 5: "Altering & Extending Your Home".*
- *The existing roof terrace, by reason of its siting, would result in a loss of outlook from neighbouring property No 18 contrary to saved policy BE9 of the London Borough of Brent Unitary Development Plan 2004.*
- *The existing roof terraces, decked roof and associated railings by reason of its siting and incongruous design and associated poor materials would have a detrimental impact on the character and appearance of the host building which would fail to preserve or enhance the character of the surrounding North Kilburn Conservation Area contrary to saved policies BE2, BE9, BE25 and BE26 of the London Borough of Brent Unitary Development Plan 2004 and the Queen's Park Conservation Area Design Guide.*

POLICY CONSIDERATIONS

National Planning Policy Framework

The NPPF was published on 27th March and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It is intended to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication is of significant weight.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. Core Strategy policies will also need to be in conformity with both the London Plan and the NPPF and have considerable weight.

Where PPG's, PPS's, LDF Core Strategy and UDP saved policies are referred to in the report below they have been considerations in the assessment of the application. However, the recommendation is considered to comply with the NPPF

UDP 2004

BE2: Townscape: Local Context & Character

BE9: Architectural Quality

SPG 5: 'Altering and Extending Your Home'

National Planning Policy Framework

The NPPF was published on 27th March and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It is intended to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour

of sustainable development in both plan making and decision making and its publication is of significant weight.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. Core Strategy policies will also need to be in conformity with both the London Plan and the NPPF and have considerable weight.

Where PPG's, PPS's, LDF Core Strategy and UDP saved policies are referred to in the report below they have been considerations in the assessment of the application. However, the recommendation is considered to comply with the NPPF.

CONSULTATION

All neighbouring properties have been consulted by letter, a site notice was installed outside the site and a press notice was served.

6 objections have been received on the following grounds:

1. Loss of privacy for neighbouring residents in rear gardens and through windows facing towards the propose roof terrace.
2. Noise and disturbance from residents using the proposed roof terrace and Juliet balcony.
3. The proposed terrace will be out of keeping with the character and appearance of the Conservation Area.
4. Detrimental impact on security of neighbouring residents.

In addition to these local councillors have raised the following concerns when calling in the application:

- Installation of a roof terrace (if still in the proposal) would intrude on privacy for neighbours
- Installation of the Juliet balcony outside the existing French windows will affect privacy and also cause noise and intrusion.
- Neighbours have pointed out that there has been no planning consent for the French windows and some other windows inserted and that the French window should be removed and replaced with an ordinary window to prevent overlooking and noise, currently experienced.

Officer Comments

The comments of residents relate to problems that resulted from residents of the flats at Nos. 16 using the unauthorised roof terraces on the roofs of the existing single storey and two storey rear extensions. The proposal now relates solely to the retention of the glazed door and the installation of railings to form a 'Juliet balcony' at the first floor level. This will not allow residents to step out onto the flat roofed sections of the building. While residents will be able to open the full height doors there will not be easy access to the roof due to the presence of the proposed railings. As such the level of disturbance from residents opening the doors will not be significantly different from if it was a window. In relation to the windows on the side elevation these windows are shown on the existing and approved plans of a planning application at this address made in 1992 (our ref 92/0377), there is no evidence that they have been recently changed.

REMARKS

Amendments since previous refusal

The previous applications were retrospective applications for the railings and roof terraces for the second floor flat and the first floor flat (separate applications were submitted for each flat). This application relates to both flats and involves the following amendments:

1. The roof terrace has been removed from the first floor flat and been replaced with a Juliet Balcony.
2. The access to the roof of the two-storey rear extension has been removed.
3. The railings have been removed from the roof of the two-storey rear extension.

Principle

Extensions and alterations to flats are acceptable provided that there is no detrimental impact on the amenity of neighbouring residents and the proposals preserve the character and appearance of the building within the North Kilburn Conservation Area.

Residential Amenity

The proposed 'Juliet Balcony' will involve the installation of bars over the existing doors on the rear elevation of the two-storey rear extension at the first floor level. The railings will be fixed to the rear wall of the existing two-storey rear extension and will not project out or provide any external platform. The doors will also open

inwards. This will not allow any further overlooking than would exist with a normal window in this position and will not result in a significant loss of amenity for neighbouring occupiers.

The proposed first floor rear terrace has been removed as a result of direct enforcement action. The existing door is to be removed and there will now be no direct access onto the roof of either the single storey or the two-storey. To ensure that this is the case a condition will be attached to ensure that the existing rear door is removed that the use of the flat roofs are restricted solely for the purposes of maintenance.

Character and appearance

The existing glazed door and the proposed railings to form the Juliet Balcony are both positioned on the rear elevation and are not visible from the streetscene. In the surrounding area there are a mix of different treatments on the rear elevations of neighbouring properties and others within the perimeter block. Given this and the position on the rear elevation the proposed works are considered to preserve the character and appearance of the property within the Conservation Area.

Conclusion

The proposed Juliet Balcony is considered to be in keeping with the character and appearance of the property and will not have a detrimental impact on the amenity of neighbouring residents. Accordingly the proposal is recommended for approval subject to 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
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):

11/2635/1RevB
11/2635/2
11/2635/3RevB

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

- (3) No access shall be provided to the roof of the extension by way of window, door or stairway and the roofs of the existing single storey rear and two-storey rear extensions shall not be used as a balcony or sitting out area.

Reason: To preserve the amenity and privacy of neighbouring residential occupiers.

- (4) The existing door on the second floor level shall be removed and replaced with a window in accordance with the approved plans within 2 months of the date of this permission unless

otherwise agreed in writing by the Local Planning Authority.

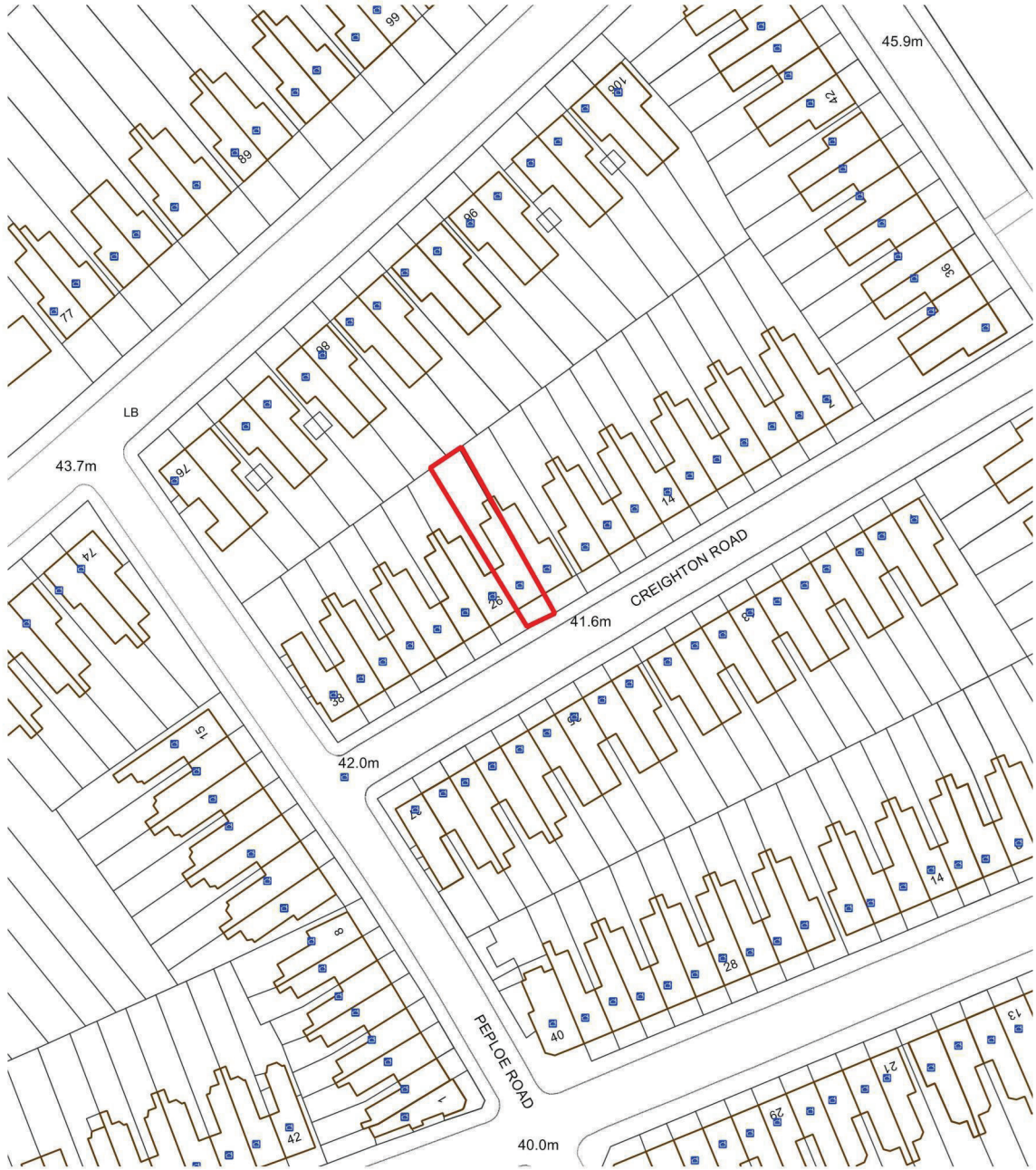
Reason: To ensure a satisfactory standard of appearance and to ensure that the amenity of neighbouring resident will be protected.

INFORMATIVES:

- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk

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: 24 Creighton Road, London, NW6 6ED | |
| © Crown copyright and database rights 2011 Ordnance Survey 100025260 | |



This map is indicative only.

RECEIVED: 14 February, 2012

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 24 Creighton Road, London, NW6 6ED

PROPOSAL: Creation of a basement level, erection of single storey side infill extension and rear dormer window, installation of single front and rear rooflights and replacement of all windows and front door to dwellinghouse.

APPLICANT: ADVANTAGE BASEMENT CO LTD

CONTACT: Indigo Blue Works Ltd

PLAN NO'S:
See condition 2.

RECOMMENDATION

Approve

EXISTING

The property is a two storey terraced dwellinghouse located on Creighton Road. It is in the Queens Park Conservation Area with additional Article 4 (1) Direction restrictions. It is not listed.

PROPOSAL

See above.

HISTORY

There are no planning decisions relating to this property but members may be aware that other basement proposals in this road have recently been granted by planning committee.

11/1835 - 14 Creighton Road, London, NW6 6ED granted 26/10/2011

10/2854 - 32 Creighton Road, London, NW6 6ED granted 14/01/2011

POLICY CONSIDERATIONS

National Planning Policy Framework

The NPPF was published on 27th March and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It is intended to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication is of significant weight.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. Core Strategy policies will also need to be in conformity with both the London Plan and the NPPF and have considerable weight.

Where PPG's, PPS's, LDF Core Strategy and UDP saved policies are referred to in the report below they have been considered in the assessment of the application. However, the recommendation is considered to comply with the NPPF.

Brent Unitary Development Plan 2004

STR11 - The quality and character of the Borough's built and natural environment will be protected and enhanced, and proposals which would have a significant harmful impact on the environment or amenities of

the Borough will be refused.

BE2 - Design should have regard to the local context, making a positive contribution to the character of the area. Account should be taken of existing landform and natural features, the need to improve the quality of existing urban spaces, materials and townscape features that contribute favourably to the area's character, or have an unacceptable visual impact on Metropolitan Open Land. Proposals should not cause harm to the character and/or appearance of an area. Application of these criteria should not preclude the sensitive introduction of innovative contemporary designs.

BE6 - High standard of landscaping required as an integral element of development, including a design which reflects how the area will be used and the character of the locality and surrounding buildings, new planting of an appropriate species, size, density of planting with semi-mature or advanced nursery stock, new integrally designed structural landscaping on appropriate larger sites, boundary treatments which complement the development and enhance the streetscene and screening of access roads and obtrusive development from neighbouring residential properties.

BE7 – The street environment should be enhanced.

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

BE26 – Alterations and extensions to buildings in conservation areas should, as far as is practicable retain the original design and materials or be sympathetic to the original design in terms of dimensions, texture and appearance having regard to any design guidance issued by the planning authority. Characteristic features such as doors, canopies, windows, roof details and party wall upstands should be retained. Extensions to buildings in conservation areas should not alter the scale or roofline of the building detrimental to the unity or character of the conservation area and be complementary to the original building in elevational features.

Supplementary Planning Guidance Note 5: "Altering and extending your home"

Queen's Park Conservation Area Design Guide

CONSULTATION

Neighbours/Representees

11 neighbouring owner/occupiers consulted, site notice put up and advert placed in local newspaper 29/03/2012. To date 21 letters of objection and a single letter of support have been received. Main points of concern related to;

- General Disruption, such as noise, dust, traffic caused by works to property.
- Risk of subsidence and flooding caused by basement works.
- Overlooking arising from proposed rear dormer window.
- Works would not be in keeping with the character of the Conservation Area.
- Cumulative impact of basement works occurring on Creighton Road detrimental to area.

Officers response

Issues of noise and disturbance are acknowledged by Officers - an informative will be placed on this permission advising whomever carries out the works of their obligations to comply in full with the standards set out in s60 of the Control of Pollution Act 1974 and the British Standard Codes of practice 5228:1997 Parts 1 to 4 which states that Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of: Monday to Friday 08:00 to 18:00, Saturday 08:00 to 13:00 and at no time on Sundays or Bank Holidays. In addition the Design Access statement sets out the developer will sign up to Considerate Contractors Scheme, and this will be controlled through condition.

Concerns about subsidence are not a consideration to be dealt with under Planning Acts, rather it is a matter to be addressed under Building Regulations. An informative will be placed on this permission advising applicants of their obligation to comply with the Party Wall Act 1996 etc in full.

In terms of concerns that works are not in keeping with the Queens Park Conservation Area and the Design Guide in particular, Officers note that the Design Guide does not refer to basement extensions and with that in mind, the Council needs to deal with such applications on a case by case basis. Further to this the report below sets out that measures have been taken in so far as landscaping and planting to mitigate the impact of the lightwell. Also the proposed front garden would improve significantly its contribution toward the character of the Conservation Area and so is considered an improvement.

In terms of the rear dormer, it is in keeping with the Queens Park guidance.

In terms of concerns relating to the cumulative impact of basements on the street, Officers note that the impact as far as the character of the Conservation Area is concerned will be minimal given that they are subterranean and the lightwells are significantly screened from the street. In terms of their impact beyond character considerations, whilst it is acknowledged that prolonged periods of work can cause disturbance to neighbouring properties, it would not constitute material planning grounds to resist an application and the council seeks to mitigate the impact through measures such as the Considerate Contractors Scheme

Officers are sympathetic to the concerns raised about impact of works but, as explained above, it would be difficult to refuse an application on these grounds.

Statutory Consults

QPARA consulted and responded with objection on grounds of disturbance to neighbouring properties and adverse affect on streetscape caused by front light well.

REMARKS

Officers consider there to be two issues that need to be addressed in this determination. These are;

- (i) the impact on neighbouring amenity and,
- (i) design in relation to the existing dwelling house and the character of the Queens Park Conservation Area

These will be addressed in turn where necessary in relation to the different elements of the proposed scheme.

Amendments

The applicant submitted revised plans 29/03/2012 showing;

- The removal of a single front rooflight so that front roof slope contains only a single Conservation Style rooflight
- Additional detail relating to the landscaping treatment in the front garden
- revised description for the basement media room.

Infill Extension

The design is a lean to extension spanning the width and length of the side return area. Its height at the eaves and on the boundary with no 26 Creighton Road is 2m and slopes up to 3m at its highest point where it meets the flank elevation of the side return. The roof contains 5 rooflights.

The proposed side infilling of an outrigger can be considered to be contrary to Supplementary Planning Guidance (SPG5) given that it can often result in a loss of amenity to properties who may already suffer from restricted outlook, however they are not refused in all instances. In response to, amongst other things, recent appeal decisions, the Councils Planning Committee 15/12/2010 resolved to allow certain infill extensions where the scale and design would not infringe neighbouring amenity. Agreed parameters are, infill extensions should not exceed 2m on the boundary measured from the neighbours ground floor level, be finished in light weight materials to reduce the impact and have a maximum height no higher than 3m. To achieve this, a lean to is often the only viable approach.

In respect of this position, Officers find the proposed extension to be in general conformity in terms of scale. The Council will control through condition that the rooflights set within 3m of the rear elevation wall be obscure glazed so as to safeguard neighbouring amenity. In terms of its design, its scale ensures it is

subsidiary as a domestic extension to the existing house, whilst the materials palette is in keeping with the character of the building and Conservation Area. The rear elevation of the extension is flush with the rear wall of the existing two storey projection and they will be consolidated into a single coherent elevation with large glazed doors providing access to the garden. This is an acceptable treatment.

Rear Dormer

The dormer is set up from the eaves by 500mm, is set down from the ridge by 600mm and is proportioned so that it is no wider than 2/3rds the width of the existing roof. The fenestration consists of painted timber sash frames whilst the roof materials are described as slate. This form and aesthetic accord with the requirements in the Queens Park Conservation Area Design Guide so are acceptable.

Rooflights/front door

A single rooflight is proposed on the front and rear elevation. They are Conservation style rooflights and their size and siting accord with the Queens Park Conservation Area Design Guidance. A condition will be placed on the decision notice to ensure rooflights are Conservation Style. In terms of the front door the chosen type is acceptable.

Basement

As Members may be aware, there is currently no adopted, or emerging, policy or guidance that discourages the development of basements, as a matter of principal. Such developments must, therefore, be assessed on their individual merits, and their effect on the character and appearance of the conservation area needs to be considered as the main issue.

The proposal is to create a basement level with a front light well and rear light well. The basement follows the form of the existing building and additionally the envelope of the proposed side infill extension. The proposed use of the space as shown on the submitted plans are as follows; 2 x bedrooms, media room, bathroom and services room.

The two bedrooms are positioned at either end of the basement extension so are served by the front and rear light wells respectively. The media room does not benefit from a source of natural light, although it is understood from the plans that it is an ancillary space which is not intended to function as the main living space which is on ground floor.

As a domestic extension that provides additional ancillary space for the dwelling house, the principle is acceptable. In terms of the scale of the extension, it follows the envelope of the existing building and also is sited underneath the proposed infill extension. This is not considered excessive as a domestic extension.

Impact on character of Conservation Area

Members will be aware of the sensitivity with which Officers treat basement extensions in terms of the emphasis placed on measures to mitigate the impact on the established street character. In pursuit of this revised plans were requested to show how this would be achieved.

The revised plans show the front light well projecting 1m from the front of the bay window within the front garden which is a maximum of 3m deep and 2.25m at the bay window. The existing timber sash ground floor front bay window is replicated in the proposed basement window, which would in any event not be easily viewed from street level. A walkable grille over the front light well is proposed, set flush with the existing ground level and following the profile of the bay window at the front. Officers find that these aspects are in keeping with the property and also as set out below, the front garden effectively screens it from the street.

The front garden, which currently does not comply with the Queens Park Design Guide or Policy BE7 by nature of the extent of hard surfacing, would be enhanced by new soft landscaping scheme and will also mitigate the visual impact of the light well and grille. The landscaping scheme sets out appropriate species and height specifications which aim to screen the grille from the street and in the context of the constrained front garden space, satisfy the Council's aspiration for 50% soft landscaping.

It is acknowledged that the front garden here is not large, but it is similar to other properties where front lightwells have been approved both by Officers and at Planning Committee (eg: similar schemes at No.32 and 14 Creighton Road). It is inevitable given the restricted site here that the potential impact of a lightwell will, relatively speaking, increase as compared to a larger plot, but as explained above, it is considered that, on balance, a range of measures have been proposed that successfully mitigate any visual impact.

The light well projects 1m from the rear elevation of the proposed extension and is hard up against the boundary of number 22 Creighton Avenue. It is flush with the ground level so is not visible from the

neighbours side - hence it is of no concern with regard to impact on neighbouring amenity. Also the material treatment are in keeping with the property.

Impact toward neighbouring amenity

The basement level would not create a new dwelling, any noise impact once complete would be minimal and at a domestic scale. Also by virtue of its subterranean character, it does not have an overbearing impact toward the visible residential scale of the building itself nor toward the neighbouring properties, as could be associated with an extension of the same depth were it to be provided at ground floor level.

Conclusion:

The side infill extension and rear dormer are considered to be acceptable on grounds relating to design and impact toward neighboring amenity. In terms of the basement, although the concerns of residents as far as the construction of basements are understood as explained above, these concerns fall outside the remit of planning control. Therefore, where basements are not original features, the appropriate test is whether they can be designed so as to not over dominate the front garden or building and allow other enhancements to the property frontage where these are appropriate. In pursuit of this, it is considered that the proposal maintains the integrity of the frontage and so is considered to comply with policies BE2 and BE7 of the UDP, SPG5 and the Queens Park Conservation Area Design Guide. Approval is therefore 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
Queens Park 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):

2232 - 1, 2233, 2234 rev 1, 2235.

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

- (3) Planning permission is granted for use of the basement incidental to the existing dwellinghouse as shown on plan no 2234. The basement will not be used as a self contained residential unit. Any change, or intensification of use of the basement will require planning permission.

Reason: To ensure the basement is not subject to unregulated intensification or change that could result in an unsatisfactory level of amenity for future occupiers.

- (4) The landscape works and planting shown on the approved plans shall be carried out:-

(a) prior to the occupation of the basement extension;

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 position, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the area.

- (5) The rooflights on the approved single storey infill extension within 3m of the rear elevation wall of the main dwellinghouse shall be obscure glazed and non opening.

Reason: To safeguard neighbouring amenity from light and noise pollution.

- (6) No development shall be carried out until what time as the person carrying out the works is a member of the Considerate Constructors Scheme and its code of practice, and the details of the membership and contact details are clearly displayed on the site so that they can be easily read by members of the public.

Reason: To limit the impact of construction upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy.

- (7) The proposed roof-lights shall be "conservation-style" and shall be detailed so as to be flush with the roof covering.

Reason: In the interest of visual amenity and character of the Queens Park Conservation Area.

- (8) Details of materials for external work as specified below, including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced, including:

(a) Details of the proposed grille.

The development must be carried out in accordance with the approved details.

Reason: To safeguard the character of the Conservation Area.

INFORMATIVES:

- (1) Whoever carries out the works is reminded of their obligation to comply in full with s60 of the Control of Pollution Act 1974 and the British Standard Codes of practice 5228:1997 Parts 1 to 4 which states that Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of: Monday to Friday 08:00 to 18:00, Saturday 08:00 to 13:00 and at no time on Sundays or Bank Holidays.
- (2) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk

Any person wishing to inspect the above papers should contact Samuel Gerstein, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5368

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Deed of Variation to the Section 106 legal agreement for full planning permission reference 00/2832 relating to affordable housing provision at Regal Court, Malvern Road, London, NW6

RECOMMENDATION

That the Planning Committee grant approval of the proposed Heads of Terms for the deed of variation and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice of the Director of Legal and Procurement.

SITE DESCRIPTION

This is the property known as Regal Court, a terrace of three-storey properties to the south-west of the junction of Malvern Road and Carlton Vale in the South Kilburn Regeneration Area. It currently provides 27 self-contained flats.

PROPOSAL

When planning permission was granted for the 27 units in 2001 it was subject to a legal agreement controlling, amongst other things, the tenure of the flats. The owners of the building have now undertaken a review of the accommodation and following this review they have now approached the Council with a view to renegotiate the Heads of Terms of the 2001 agreement, specifically as far as it relates to affordable housing provisions.

By way of background, when the 27 flats were granted consent the legal agreement required that 21 units be leased to a "social housing body" for a term of 10 years and that the remaining 6 flats be sold to a similar body for a terms of 999 years or on a freehold basis. These 6 units consist of 1 one and 5 two bed flats and for clarity, they are pepper-potted throughout the building.

In accordance with the legal agreement, all 27 flats were let to Shepherds Bush Housing Association for a period of 10 years. All tenancies are assured short-hold and the lease is due to expire in April 2013.

The owners of the building have now considered the obligation to retain the 6 units as affordable housing in perpetuity and have discussed options with Officers. Members will be aware that a reasonable proportion of affordable housing is sought in all schemes, but in this case it is considered that the legal agreement should be varied so as to no longer require these 6 units to be retained as affordable housing on the basis that a financial contribution to go towards affordable housing in South Kilburn is made in lieu.

POLICY CONSIDERATIONS

Brent Unitary Development Plan 2004

- STR11 Which seeks to protect and enhance the quality and character of the Boroughs built and natural environment and resist proposals that have a harmful impact on the environment and amenities.
- STR14 New development will be expected to make a positive contribution to improving the quality of the urban environment.
- STR19 New housing developments should provide adequate amenity, reduce need for car travel and improvement to public infrastructure.
- BE2 Townscape: Local Context & Character
- BE6 Public Realm: Landscape Design
- BE7 Public Realm: Streetscape
- BE9 Architectural Quality
- H9 Dwelling Mix
- H12 Residential Quality – Layout Considerations
- TRN23 Parking Standards – Residential Development
- PS14 Parking Standards

Core Strategy

- CP 9 – South Kilburn Growth Area
- CP21 - Balanced Housing Stock

Mayor's London Plan 2011

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

AFFORDABLE HOUSING ASSESSMENT

As explained above, the legal agreement only requires the provision of 6 units pepper-potted through the scheme, which is now not considered to be the favoured option for social housing providers, certainly in management terms. In addition, the units are not built to Scheme Development Standards and are also relatively small, with internal floor areas of approx 38 square metres for the one bed and 53 square metres for the 2 bed units. The six units were offered to Shepherds Bush HA when the short life lease ends, but they are not prepared to pursue their interest and no other RSL has come forward.

As a result, Officers have concluded that rather than insist on the retention of the scattered sub-standard units within the building it would be appropriate to obtain a

financial sum that could be used to provide good quality units elsewhere in South Kilburn. Officers have agreed on a figure of £480,000 that the owners would pay now (as explained above the lease will continue to April 2013). The sum of £480,000 is a share of the extra profit that the developer may gain after build costs and other overheads are taken into consideration and has been an approach used elsewhere in the Borough.

It is considered that the approach, and the total sum, is reasonable. One way of using the £480,000 would be to use the payment as 'grant' (at £40k a property) which could help to buy the Council at least 12 new well-sized affordable rent units or 5 brand new units (at £95k a property), whilst the existing affordable short-term occupants would stay with Shepherds Bush HA until April 2013. The HCA gives a grant of approx. £30k per unit and this allows an RSL, if they charge affordable rents, to build an affordable unit. The RSL pays for most of the build through capitalising the rent and taking a loan against it and there is nothing to stop Brent doing the same with any RSL, reflecting what the HCA does. Officers are of the view that if we put in our payment, this should incentivise an RSL to build and charge at target rents, with a grant of £95k covering a large proportion of the capital costs.

The variation of the S106 only relates to this particular point and there are no further changes to the scheme proposed at this time. However, for clarity, the original Committee report to Members in 2001 is repeated below:

ORIGINAL PLANNING COMMITTEE REPORT 00/2831

"PROPOSED

In March 2000, an application (99/2224) was approved which proposed the demolition of the existing rear additions to the building, the erection of smaller projections to replace these larger extensions and the conversion of the building into a total of 21 flats (19 two-bed, and 2 one-bed units). Each of the seven identifiable buildings, in visual terms, would provide flats on three floors. This application involved the removal of the existing ground floor shopfronts, and their replacement with detailing to reflect that currently evident on the upper-floor front elevation of the building.

A subsequent application (00/1757) proposed the erection of an additional storey on the building, in the form of a mansard roof, and the creation of six extra residential units in this floorspace. This application intended that the whole of the building be taken by a Housing Association. For Members' information, the original consent for 21 units on this site granted in March 2000, did not have any element of affordable housing.

This current proposal takes elements of both previous schemes, in that it seeks consent for the physical enlargement of the building in the form of an additional storey, along with the use of the extended building for a total of 27 residential units, with 6 of the units providing permanent affordable housing. The number of affordable units has effectively arisen from the additional flats, over and above the original consent for 21 units. The applicant has been in discussions with the Council's Housing Service during the lifetime of this application and it is now intended that all 27 of the units will be occupied as affordable housing for a period not less than 10 years from the date of any permission being implemented. At the end of this period, it is intended that the 6 units will continue as affordable housing, whilst the remainder will revert to general housing.

The Housing Service have expressed their full support for the application and the Shepherds Bush Housing Association have been chosen to work with them in developing this scheme.

HISTORY

99/2224 - Conversion of building into 21 self-contained flats. Granted 15/03/00.

For Members' information, at the time of this decision, it was considered that there was no requirement for any affordable housing provision on the site, on the basis that as the development effectively amounted to the conversion of each of the 7 individual units, it would be difficult to insist on any such provision.

00/1757 - Erection of an additional floor above existing premises containing 6 self-contained flats. Permission granted subject to a Section 106 legal agreement at Planning Sub-Committee of 21/11/00. Agreement was not signed and consent consequently not issued.

00/2831 - Demolition of rear additions and erection of replacement extensions and new mansard roof; conversion of existing building to provide 21 flats (19 two-bed and 2 one-bed) for general housing and provision of 6 flats (1 one-bed and 5 two-bed) in new additional storey for occupation by Housing Association. Granted at Planning Committee 12 June 2001. Planning permission issued 6 September 2001.

REMARKS

Members may be aware of the recent planning history of the site. An unauthorised hostel use (E97/0819) was considered at a Public Inquiry and the appeal dismissed. The hostel use, which was considered to cause significant problems for the locality, has now ceased. Subsequently, two proposals to create 21 self-contained general market, and 27 affordable flats on the site, the first has full planning consent and the later agreed in principle, subject to a Section 106 legal agreement, was considered

at the Planning Sub-Committee in November 2000. The planning history of the site is a material consideration in the assessment of this current scheme.

The background to this application is somewhat complicated, in that it takes elements of early decisions in principle, but now has Brent Housing Service involvement, who have been negotiating with the applicant to secure nomination rights to the Council. This application is now subject to a legal agreement in order to control the use to which the building will be put.

ERECTION OF ADDITIONAL STOREY

It has been accepted in application 00/1757 that the provision of an additional storey on this building and the creation of an additional 6 dwelling units in this additional floorspace, is acceptable, subject to a Section 106 agreement to affordable use. The proposed alterations are acceptable in terms of their impact on the building and the established streetscene. There was no objection in the past, in design terms, to the removal of the rear projections and their replacement with smaller extensions. In the circumstances, the physical changes to the building are considered to be acceptable.

HIGHWAY ISSUES

In terms of the parking requirement of the proposed development, it remains important to consider the proposal in comparison to the previously approved residential developments, as well as the original use of the building. Previously, it was considered that the proposed 21 residential units did not require any additional off-street parking provision, with the standards for the converted and the pre-converted buildings both requiring a total of 10.5 spaces.

In this particular case, whilst the circumstances are somewhat unusual, it is now proposed that the building be used for a total of 27 affordable units for the next 10 years. This would be controlled by means of a legal agreement and the Council's standards allow for the relaxing of parking requirements where the accommodation is for affordable purposes. Consequently, the requirements for these 27 affordable units are actually less than for the 21 units previously approved. Whilst no off-street parking is possible here, there is no additional requirement for the proposed works, certainly over the next 10 years.

As a result, what highway concerns there are, would only come into play when, potentially, 21 of these 27 residential units become market housing at the end of the period. It is obviously a difficult task to envisage what the planning framework will be so far in the future, but were standards to remain unchanged from those used currently, the proposed scheme would require a total of 12.0 parking spaces. This would represent an increase of 1.5 spaces over and above the current requirement, and has to be a material consideration in the assessment of this proposal.

The discussion is inevitably balanced but the Director of Transportation does not object to the planning application, on the grounds that the proposed parking shortfall would be minimal and that, in any event, it is unlikely that the planning policy framework will require increased parking provision in 10 years' time when the issue of potential parking increase would next be considered. The site has very good accessibility to public transport services, and whilst there is no controlled parking zone (CPZ) in force here at present, it is likely that the area will be the subject of a CPZ (accepting that it would need to be the subject of the necessary consultation) in the next batch of designations, which are likely to be at the end of this year.

As previously, the view is taken that a financial contribution should be paid here towards on-street parking controls, or non-car modes of transport, in the locality. This contribution would only need to relate to the additional 6 units over and above the original 21 units approved by 99/2224.

STANDARD OF ACCOMMODATION

The proposed building has not changed since the most recent application was considered by Committee in November 2000. It is evident, therefore, that this application continues to propose a somewhat intensive use of the site, with a total of 27 units arranged over a total of four floors. However, the proposed works comply fully with the internal space and stacking standards set out in SPG17 and are, therefore, acceptable. Those flats at ground floor level will be able to benefit from small patio areas to the rear, whilst there are opportunities to create some balcony areas at first-floor level on the roof of these ground-floor additions, as well as balconies at upper floors. As a result, future residents will be able to benefit from such facilities on all levels, whilst measures have been incorporated into the scheme in order to ensure no significant loss of amenity (via overlooking) between the different units within the development.

CONCLUSIONS

It is considered that the scheme has a number of benefits, including the provision of affordable homes and bringing this building back into an acceptable use. The Council's Housing Service have expressed significant support for the proposal and have negotiated with the applicants in order to generate the current somewhat unusual arrangements. In addition, the proposal provides for an element of amenity space for occupiers of the new flats, either by courtyard gardens, patios on the roof of extensions, or balconies.

The application effectively defers the consideration of the parking impact of the proposal until a later date. Any possible shortfall (which would only be 1.5 parking spaces, using 2001 standards) would need to be considered in terms of the future CPZ, as well as planning policy, which is unlikely to require increased parking provision.

This recommendation is subject to the signing of a satisfactory Section 106 Agreement. The Heads of Terms need to ensure that the scheme under consideration is the scheme actually implemented on site. Consequently, there is a need to ensure simultaneous signature of Agreement and relevant contracts to ensure the development is available and effectively managed for affordable housing. The Council would not wish to see certain of the units being occupied whilst physical works remained uncompleted.”

SUMMARY

Your Officers consider that the proposed amendments to the Section 106 legal agreement, as far as it relates to the provision of affordable housing on the site, are acceptable and that the changes can be dealt with under Section 106(1) of the Town and Country Planning Act 1990, as amended. The provision of a reasonable proportion of affordable housing on all sites remains the key aspiration of the Planning Authority, but on the basis of the assessment set out above, in terms of the quality of the existing accommodation and the benefits that an in lieu payment could provide for the wider South Kilburn area, Officers are content to consider the variation favourably. On this basis, it is recommended that authority be delegated to the Head of Area Planning to agree the exact terms of the deed of variation with the Director of Legal and Procurement.

BACKGROUND PAPERS

London Plan 2011

Brent LDF Core Strategy 2010


Brent UDP 2004

South Kilburn SPD 2005

CONTACT OFFICERS

Any person wishing to inspect the above papers should contact Andy Bates, Planning & Development, Brent House, 349 High Road, Wembley, HA9 6BZ (0208 937 5228).

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|  The logo of Brent Council, featuring a central coat of arms with a shield, a crown, and two lions, surrounded by the words 'BRENT COUNCIL' in a circular arrangement. | <p style="text-align: center;">Planning Committee 22 May 2012</p> <p style="text-align: center;">Report from the Director of Regeneration & Major Projects</p> |
| <p>Wards affected: All</p> | |
| <p>Planning and Enforcement Appeal Monitoring</p> | |

1.0 Summary

- 1.1 This report expands on the routine monthly reporting of appeals submitted and decisions received where the Inspector's decisions letters for those appeals that are allowed are included in full for Member's information. This report is intended to provide clearer information on performance as well as highlighting some issues that may be raised by the number of appeals received and their outcomes.
- 1.2 It is also important that appeal decisions are monitored as this can influence the future direction of policy and decision making, particularly in terms of future LDF development management policies. Appeal decisions also represent an important external scrutiny of the content and application of Brent's planning policies.

2.0 Recommendations

- 2.1 That the Planning Committee notes the information and issues set out in the report and indicate any particular issues that could be examined in more detail in future monitoring.

3.0 Background

- 3.1 Brent's planning appeal performance has historically compared well with other authorities in terms of the number that are dismissed (overall approx 80% compared with a national figure of approx 66%). However, Brent has also had a slightly higher appeal rate than other authorities (6+% compared to <5%) which may have been a reflection of both a generally lower planning approval rate in the past of some (approx 70% of applications submitted compared with a nation figure of approx 80%).

Previous analysis has linked this to Brent's detailed planning guidance as well as the desire by owners of generally higher value properties to seek to maximise the scope for development.

- 3.2 The number of appeals against Enforcement Notices remains much higher than most authorities as a direct result of the level of activity that Brent undertakes. However, the appeal outcomes have also remained high (80+% dismissed).
- 3.3 In previous years over 50% of all Notices are appealed and there has been a very direct link between the number of notices served and the number of appeals that this has generated. However, more recent analysis may be suggesting that this causal relationship is changing with a lower proportion of appeals being generated.

Current Overview

- 3.4 The number of planning appeals in Brent which are upheld by the Inspectorate has increased over the past year, despite Brent now approving a higher number of planning applications at the outset (approx 80%). While national figures are not available yet to give a clear comparison with other authorities, this may suggest a number of issues;

- The need to update Brent's development management policies

Brent's UDP was adopted in 2004 and the publication of the National Planning Policy Framework highlights the need to urgently progress the updating of planning policies.

- A trend towards Planning Inspectors being more permissive

This appears to predate the general thrust of the NPPF and has led to authorities, including Brent, increasingly having to log formal concerns about some decisions under the Inspectorate's Quality Assurance scheme. It has even led to authorities having to consider formally challenging some of the odder decisions.

- The need to look at staff training and processes

Staff are generally increasing in their experience but there have been changes to the handling of some types of appeals (eg Fast Track householder electronic appeals) which can add to other performance pressures within this largely demand led area of work.

2011/12 Appeal Statistics

Planning Appeals

| | Upheld | % | Dismissed | % |
|------------|--------|----|-----------|----|
| April-June | 11 | 34 | 21 | 66 |
| July-Sept | 14 | 39 | 22 | 61 |
| Oct-Dec | 11 | 33 | 22 | 67 |
| Jan-March | 12 | 44 | 15 | 56 |

Enforcement Appeals

| | Upheld | % | Dismissed | % |
|------------|--------|----|-----------|----|
| April-June | 16 | 16 | 84 | 84 |
| July-Sept | 13 | 16 | 66 | 84 |
| Oct-Dec | 10 | 18 | 45 | 82 |
| Jan-March | 2 | 8 | 23 | 92 |

Planning Appeal Types by Outcome

- 3.6 Brent is more successful with the more frequent types of appeals received eg extensions to houses or flats (approx 50% of appeals received and 70% dismissed), converting houses or subdividing flats (approx 15% rec'd/85% dismissed) and the creation of individual new infill houses (10% rec'd/90% dismissed).
- 3.7 The next appeal type by volume are news blocks of flats (10% rec'd/60% dismissed), works to front gardens (10% rec'd/30% dismissed) and extensions to business premises (6% rec'd/80% dismissed)
- 3.8 A new issue that has arisen relates to outbuildings where Brent has been trying to contain the problems associated with the impact and use of large buildings in rear gardens. 4 of the 6 appeals received we upheld and all 3 of the CLUD appeals we granted too. This represents one of the more significant factors in the change in the overall performance on appeals over previous years. It also indicates both a change in Inspectorate decision making and the continued strong demand for very large structures to be built in rear gardens.
- 3.9 Commercial changes of use represent less than 10% of appeals received but the only statistically significant figure is that all 4 appeals for changes of use to A3/A5 were dismissed.

Conclusions

- 3.5 We need to continue to monitor overall trends and performance but, in the short term, the priority seems to be to review the approach to outbuildings and works to front gardens. However, both these areas reflect issues which have given rise to concern for local residents and Councillors. Indeed, in terms of outbuildings, there is currently a

Government initiative in response to growing alarm about illegal residential use. This situation is also reflected in the high proportion of Enforcement Notices and appeals which relate to this issue and in which we tend to be successful. The implied policy of a soft initial approach to outbuildings and than a harder response to later proven misuse demonstrates how difficult it can be to use planning controls in a preventative way.

6.0 Diversity Implications

6.1 The use of the planning service in terms of planning applications and enforcement is monitored and appears to broadly reflect the Borough's demographics.

7.0 Staffing/Accommodation Implications

7.1 There are no staffing or accommodation implications arising directly from this report.

8.0 Environmental Implications

8.1 Many of the issues discussed above have a range of potential environmental implications. These would need to be further assessed in the production of LDF Development Management Policies.

9.0 Background Papers

Brent Core Strategy July 2010
Unitary Development Plan 2004 – Saved Policies

Contact Officers

Any person wishing to inspect the above papers should contact;
Stephen Weeks, Head of Area Planning, Planning & Development 020 8937 5238

Andy Donald, Director of Regeneration & Major
Projects

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Received PLANNING Appeals between 1-Apr-2012 and 30-Apr-2012

Planning Committee: 22 May, 2012

Application Number: 11/1668 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 09/04/2012 **Appeal Against:** Refusal of planning permission
Location: Flat 2, 8 Brondesbury Road, London, NW6 6AS
Proposal:

The conversion of flat 2 into two self contained flats (1 x two bed and 1 x one bed) and the erection of a single storey rear extension

Application Number: 11/1870 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 18/04/2012 **Appeal Against:** Refusal of planning permission
Location: 9 COLLEGE MANSIONS, Winchester Avenue, Kilburn, London, NW6 7TY
Proposal:

Redevelopment of the site including demolition of the existing B1 industrial structure, change of use to C3 – residential and construction of a new three storey building, containing six numbers one, two and three bedroom apartments with communal amenity space.

Application Number: 11/2641 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 10/04/2012 **Appeal Against:** Refusal of planning permission
Location: 549 Kingsbury Road, London, NW9 9EL
Proposal:

Retrospective application for the change of use of premises from retail (Use Class A1) to cafe (Use Class A3)

Application Number: 11/3053 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 05/04/2012 **Appeal Against:** Refusal of planning permission
Location: 393 North Circular Road, Stonebridge, London, NW10 0HS
Proposal:

Demolition of existing side extension and shed to dwellinghouse and erection of single storey rear extension and a new attached (side) two storey one bedroom dwellinghouse with associated external amenity space, bin storage area and two car parking spaces at the rear accessed off Scout Approach

Application Number: 11/3077 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 17/04/2012 **Appeal Against:** Refusal of planning permission
Location: 39 Pebworth Road, Harrow, HA1 3UD
Proposal:

First floor side extension and rear extension to dwellinghouse

Application Number: 11/3360 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 13/04/2012 **Appeal Against:** Refusal of planning permission
Location: 49 Brook Road, London, NW2 7BN
Proposal:

Erection of a single and two storey side extension to dwellinghouse

Application Number: 12/0082 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 17/04/2012 **Appeal Against:** Refusal of planning permission
Location: Flats A1, A2 & A3, 279 Willesden Lane, Willesden, London, NW2 5JA
Proposal:

Conversion of ground floor currently arranged as 3 self contained bedsits to 2 self contained flats

Received PLANNING Appeals between 1-Apr-2012 and 30-Apr-2012

Planning Committee: 22 May, 2012

Application Number: 12/0125 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 02/04/2012 **Appeal Against:** Refusal of planning permission
Location: 87 & 89 Kilburn High Road, London, NW6 6JE
Proposal:

The change of use from Retail (A1) to Adult Gaming Centre (Sui Generis)

Application Number: 12/0176 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 19/04/2012 **Appeal Against:** Refusal of planning permission
Location: 14D Wrotesley Road, London, NW10 5YL
Proposal:

Removal of existing hip to gable roof extension and rear dormer, and erection of side and rear dormer windows.

Application Number: 12/0267 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 17/04/2012 **Appeal Against:** Refusal of planning permission
Location: Ground Floor Flat, 1A Alric Avenue, London, NW10 8RB
Proposal:

Proposed partial change of use of the ground floor from shop (Use Class A1) to a studio flat (Use Class C3)

Received ENFORCEMENT Appeals between 1-Apr-2012 and 30-Apr-2012

Planning Committee: 22 May, 2012

Application Number: E/08/0160 **Appeal Against:** Enforcement Appeal **Team:** Western Team**Appeal Started:** 24/04/2012**Location:** 6 Brentfield Close, London, NW10 0QJ**Description:**

Without planning permission, the erection of a self-contained dwelling in the rear garden of premises.

("The unauthorised development")

Application Number: E/08/0491 **Appeal Against:** Enforcement Appeal **Team:** Southern Team**Appeal Started:** 30/04/2012**Location:** 231 Chamberlayne Road, London, NW10 3NX**Description:**

The erection of a single storey extension to the rear of the premises.

("The unauthorised development")

Application Number: E/10/0651 **Appeal Against:** Enforcement Appeal **Team:** Southern Team**Appeal Started:** 05/04/2012**Location:** 2 Baker Road, London, NW10 8UA**Description:**

Without planning permission, the change of use of the premises from a single family dwellinghouse to five self-contained flats and one non self-contained flat

("The unauthorised change of use")

The erection of a single storey extension to rear of the premises and the erection of a rear dormer window

("The unauthorised development")

Application Number: E/11/0003 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 11/04/2012**Location:** 91 Goldsmith Lane, London, NW9 9AR**Description:**

Without planning permission, the installation of uPVC windows to the front of the dwellinghouse.

("The unauthorised development")

Received ENFORCEMENT Appeals between 1-Apr-2012 and 30-Apr-2012

Planning Committee: 22 May, 2012

Application Number: E/11/0320 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 23/04/2012**Location:** Land rear of 270-288, Neasden Lane, London**Description:**

Without planning permission, the change of use of the premises from a car park to a mixed use as car park and storage yard.

("The unauthorised change of use")

The installation of two containers and a fencing to the premises.

("The unauthorised development")

Application Number: E/11/0533 **Appeal Against:** Enforcement Appeal **Team:** Southern Team**Appeal Started:** 13/04/2012**Location:** 144 Bathurst Gardens, London, NW10 5HX**Description:**

The erection of a rear dormer window roof extension and a dormer window extension on top of two storey rear projection, incorporating two side bricked walls with coping stones on roof.

("The unauthorised development")

Application Number: E/11/0544 **Appeal Against:** Enforcement Appeal **Team:** Southern Team**Appeal Started:** 26/04/2012**Location:** 32 High Road, London, NW10 2QD**Description:**

Without planning permission, the installation of a replacement shopfront, and the erection of a single storey timber-framed structure and canopy to the rear of the premises to form a seating area in connection with the existing restaurant.

("The unauthorised development")

Application Number: E/11/0670 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 30/04/2012**Location:** 51 Chartley Avenue, London, NW2 7QY**Description:**

Without planning permission, the erection of a part single and part two storey rear extension and the erection of a building in the rear garden of the premises.

("The unauthorised development")

Application Number: E/11/0692 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 12/04/2012**Location:** 30 Prout Grove, London, NW10 1PT**Description:**

Without planning permission, the change of use of the premises into two self-contained residential units, involving the conversion of the former garage and side extension as a self-contained flat.

("The unauthorised change of use")

Received ENFORCEMENT Appeals between 1-Apr-2012 and 30-Apr-2012

Planning Committee: 22 May, 2012

Application Number: E/11/0708 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 12/04/2012

Location: 12 St James Gardens, Wembley, HA0 4LJ

Description:

Without planning permission, the erection of an L-shaped building in the rear garden of premises, the erection of a smaller building in the rear garden of premises and the erection of a single storey rear extension onto the back of an existing extension to dwellinghouse.

("The unauthorised development")

Application Number: E/11/0725 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 03/04/2012

Location: 8 Chestnut Court, Wembley, HA0 2LT

Description:

Without planning permission, the erection of a building with attached canopy within garden area of premises.

("The unauthorised development")

Application Number: E/11/0728 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 16/04/2012

Location: 11 Park View, Wembley, HA9 6JY

Description:

Without planning permission, the erection of a front porch extension and front canopy extension over front bay window at front of dwellinghouse.

("The unauthorised development")

Application Number: E/11/0858 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 12/04/2012

Location: 103A-E Chatsworth Road, London, NW2 4BH

Description:

The change of use of the premises from two self-contained flats to five self-contained flats.

("The unauthorised change of use")

Application Number: E/12/0004 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 03/04/2012

Location: 3 Briar Road, Harrow, HA3 0DP

Description:

Without planning permission, the removal of a front boundary wall and the installation of a hard surface to the front garden of the premises.

("The unauthorised development")

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Decisions on PLANNING Appeals between 1-Apr-2012 and 30-Apr-2012

Planning Committee: 22-May-2012

Application Number: 11/1092 **PINSRefNo** X/11/2161184 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 26/04/2012

Location: All Units, Oriental City, Edgware Road, Kingsbury, London, NW9

Proposal:

Certificate of Lawfulness for 49.9% of the existing floorspace of the retail units implemented under planning permission 90/1727 can be used for unrestricted purposes within Use Class A1

Application Number: 11/2363 **PINSRefNo** D/12/2169794 **Team:** Western Team

Appeal Decision: Appeal part dismissed / part allowed **Appeal Decision Date:** 05/04/2012

Location: 44 Blenheim Gardens, Wembley, HA9 7NP

Proposal:

Retrospective application for conversion of garage into habitable room and erection of front boundary walls, pillars, railings and gates to dwellinghouse.

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Decisions on ENFORCEMENT Appeals between 1-Apr-2012 and 30-Apr-2012
Planning Committee: 22 May, 2012

Application Number: E/10/0576 **PINSRefNo** C/11/2165241

Team: Northern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 17/04/2012

Location: Flats 1-3, 64 Tanfield Avenue, London, NW2 7RT

Proposal:

The change of use of the premises to three self-contained flats.

("The unauthorised change of use")

Application Number: E/11/0463 **PINSRefNo** C/11/2167386/2167387

Team: Western Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 30/04/2012

Location: 25 Mount Pleasant, Wembley, HA0 1UA

Proposal:

Without planning permission, the erection of a building in the rear garden of the premises.

("The unauthorised development")

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**PLANNING SELECTED appeal DECISIONS between
1-Apr-2012 and 30-Apr-2012
Planning Committee: 22 May, 2012**

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: 11/2363 **Appeal Decision:** Appeal part dismissed / part allowed **Appeal Decision Date:** 05/04/2012

Team: Western Team

Location: 44 Blenheim Gardens, Wembley, HA9 7NP

Proposal:

Retrospective application for conversion of garage into habitable room and erection of front boundary walls, pillars, railings and gates to dwellinghouse.

Background Information

Any persons wishing to inspect an appeal decision not set out in full on the agenda should check the application details on our website or contact the Technical Support Team, Planning and Development, Brent House, 349 High Road, Wembley, HA9 6BZ. Telephone 020 8937 5210 or email

Chris Walker, Assistant Director - Planning and Development

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**ENFORCEMENT SELECTED appeal DECISIONS between
1-Apr-2012 and 30-Apr-2012**

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Appeal Decision

Site visit made on 21 March 2012

by **David Fitzsimon MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 April 2012

Appeal Ref: APP/T5150/D/12/2169794
44 Blenheim Gardens, Wembley HA9 7NP

- 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 Miss Naeema Akhtar against the decision of the Council of the London Borough of Brent.
 - The application Ref 11/2363, dated 6 September 2011, was refused by notice dated 3 November 2011.
 - The development undertaken is the conversion of garage into habitable room and erection of front boundary walls, pillars, railings and gate.
-

Procedural Matter

1. The development has been undertaken and I have taken its description from the Council's Decision Notice as this is more accurate.

Decision

1. The appeal insofar as it relates to the erection of front boundary walls, pillars, railings and gate at the front of the house is dismissed. The appeal insofar as it relates to the conversion of garage into habitable room is allowed and planning permission is granted in accordance with the terms of the application, Ref 11/2363, dated 6 September 2011 and the plans submitted with it so far as relevant to that part of the development hereby permitted.

Main Issues

2. The main issues in this case are the effect of the development undertaken on the character and appearance of the local area and its effect on highway safety.

Reasons

Character and appearance

3. The appeal relates to a semi-detached house which is located within a cul-de-sac of similar dwellings. The private areas at the front of the overwhelming majority of the properties within Blenheim Gardens are enclosed by low boundary walls, with some reinforced by vegetation. This is a very noticeable and pleasing element of the street scene, which is designated as an Area of Distinctive Residential Character.
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4. The boundary wall, pillars, railings and gate are of high quality and they are attractive in their own right. Nevertheless, this form of enclosure is much taller than the prevailing boundary treatments which dominate and make a positive contribution to the locality. As a result, the boundary wall, pillars, railings and gate appear out of keeping and overly prominent within the Blenheim Gardens street scene.
5. For this reason, I conclude that the boundary wall, pillars, railings and gate unduly harm the character and appearance of the local area. Accordingly, this element of the proposal conflicts with saved policies BE2 and BE29 of the adopted London Borough of Brent Unitary Development Plan, policy CP17 of the adopted Local Borough of Brent Core Strategy and the Council's adopted Supplementary Planning Guidance Number 5 titled '*Extending Your Home*'.
6. Planning permission was granted for a '*part single storey and two storey side/rear extension and first floor rear extension*' at the appeal property on 25 April 2007 (Ref 06/3547) and although I have not seen the approved plans, I understand that it has been implemented. Condition number 7 of the planning permission seeks to ensure that the garage is used solely for the parking of vehicles and it prevents the garage from being adapted for additional living accommodation.
7. The garage has been built as a study, with patio doors fitted to the front elevation. As the Council accepts, adequate off-street parking is provided within the curtilage of the appeal property. Furthermore, I am satisfied that the installation of patio doors rather than a garage door or window does not look out of place, given the variety of fenestrations within the Blenheim Gardens street scene. Accordingly, I conclude that this element of the development does not conflict with the policies referred to above.

Highway safety

8. The Council argues that the height of the boundary wall and pillars prevents motorists from seeing passing pedestrians when reversing out of the driveway of the appeal property. The Council's Supplementary Planning Guide Number 3 titled '*Forming an Access onto a Road*' (SPG3) indicates that in the case of domestic accesses, drivers need to see pedestrians clearly over a defined triangle, with the width of the triangle being 2.4 metres either side of the access and the depth being 2.4 metres from the property boundary in the centre of the access.
9. The access is some 4 metres wide and accounting for the width of a car, the width of the achievable triangle does not comply with this guidance. In addition, the tall pillars either side of the access cause some visual obstruction. From what I saw at my visit, however, the blind spot for both drivers and passing pedestrians is minimal due to the limited height of the solid wall and the gaps between the decorative railings which sit above it. Furthermore, I understand that the hedge which previously enclosed the front boundary of the appeal property was taller than the wall which has been built and it obstructed visibility for motorists reversing from the original access onto the highway.
10. In light of the above factors, I am satisfied that vehicles reversing from the driveway are adequately seen by passing pedestrians and the risk to their safety arising directly from the introduction of the boundary wall, pillars and

railings is minimal. Therefore, although the access arrangement conflicts with the specific design guidance endorsed by SPG3, I conclude that the development undertaken does not conflict with its overall aim.

Other matters

11. In reaching my decision, I am mindful that the boundary wall, pillars, railings and gate provide improved security for the appellant and her family, who have been the subject of criminality in the recent past and that a petition and some letters of support have been received by nearby residents. These positive aspects of this element of the development do not, however, outweigh the significant harm which has been caused to the character and appearance of the local area.
12. Many examples of similar forms of boundary treatment have been highlighted by the appellant, but the majority of these relate to other streets and differing contexts. Whilst I have been directed to some similar local examples including those at Nos. 18, 47 and 48 Blenheim Gardens and the corner property at No. 22 East Lane, these are very much the exception rather than the rule. Furthermore, I do not know the precise planning circumstances behind them and in any event, they only reinforce my concerns about the boundary treatment before me.

Conditions

13. As the garage conversion and the boundary wall, pillars, railings and gate are physically separate and functionally independent, I am able to issue a split decision in this case. The Council has not suggested any conditions in the event that the appeal succeeds and given that the garage conversion is complete and is of a satisfactory appearance, planning permission can be granted for this element unconditionally.

David Fitzsimon

INSPECTOR

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