



Planning Committee

Tuesday 14 January 2014 at 7.00 pm

Conference Hall - Brent Civic Centre, Engineers Way,
Wembley, HA9 0FJ

Membership:

Members

Councillors:

Ketan Sheth (Chair)
John (Vice-Chair)
Aden
Baker
Cummins
Hashmi
Kabir
Kataria
CJ Patel
Powney
Singh

first alternates

Councillors:

R Moher
Van Kalwala
J Moher
Kansagra
Sneddon
Cheese
Oladapo
Long
Brown
Gladbaum
Hossain

second alternates

Councillors:

Adeyeye
Ogunro
Moloney
HB Patel
Hopkins
Beck
Al-Ebadi
Naheerathan
Lorber
Harrison
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:

democracy.brent.gov.uk

The press and public are welcome to attend this meeting

Members' briefing will take place at 5.30pm in Boardrooms 7 and 8

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. Extract of Planning Code of Practice		
2. Minutes of the previous meeting (to follow) APPLICATIONS DEFERRED FROM THE PREVIOUS MEETING		
3. Preston Park Primary School, College Road, Wembley, HA9 8RJ (Ref. 13/2903) NORTHERN AREA	Preston	5 - 24
4. Land rear of 270-288 Neasden Lane, NW10 (Ref. 13/3199) WESTERN AREA	Dudden Hill	25 - 32
5. Valiant House, 365 High Road, Wembley, HA9 (Ref. 13/3216) PLANNING APPEALS	Wembley Central	33 - 44
6. Planning Appeals 1 November to 31 December 2013	All Wards	45 - 108
7. 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 VISITS – SATURDAY 11 JANUARY 2014

Members are reminded that the coach leaves the Civic Centre at 9.30am

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
13/3216	Valiant House, 365 High Road, Wembley, HA9	05	Wembley Central	9:35	33 - 44
13/3199	Land rear of 270 to 288, Neasden Lane, London	04	Stonebridge	9:55	25 - 32

Date of the next meeting: Wednesday 12 February 2014

The site visits for that meeting will take place the preceding Saturday 8 February 2014 at 9.30am when the coach leaves the Civic Centre.



Please remember to ***SWITCH OFF*** your mobile phone during the meeting.

- The Conference Hall is accessible by lift and seats will be provided for members of the public on a first come first served principle.

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EXTRACT OF THE PLANNING CODE OF PRACTICE

Purpose of this Code

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

Accountability and Interests

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

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

Meetings of the Planning Committee

24. If the Planning Committee wishes to grant planning permission contrary to officers' recommendation the application shall be deferred to the next meeting of the Committee for further consideration. Following a resolution of "minded to grant contrary to the officers' recommendation", the Chair shall put to the meeting for approval a statement of why the officers recommendation for refusal should be overturned, which, when approved, shall then be formally recorded in the minutes. When a planning application has been deferred, following a resolution of "minded to grant contrary to the officers' recommendation", then at the subsequent meeting the responsible officer shall have the opportunity to respond both in a further written report and orally to the reasons formulated by the Committee for granting permission. If the Planning Committee is still of the same view, then it shall again consider its reasons for granting permission, and a summary of the planning reasons for that decision shall be given, which reasons shall then be formally recorded in the Minutes of the meeting.

25. When the Planning Committee vote to refuse an application contrary to the recommendation of officers, the Chair shall put to the meeting for approval a statement of the planning reasons for refusal of the application, which if approved shall be entered into the Minutes of that meeting. Where the reason for refusal proposed by the Chair is not approved by the meeting, or where in the Chair's view it is not then possible to formulate planning reasons for refusal, the application shall be deferred for further consideration at the next meeting of the Committee. At the next meeting of the Committee the application shall be accompanied by a further written report from officers, in which the officers shall advise on possible planning reasons for refusal and the evidence that would be available to substantiate those reasons. If the Committee is still of the same view then it shall again consider its reasons for refusing permission which shall be recorded in the Minutes of the Meeting.

29. The Minutes of the Planning Committee shall record the names of those voting in favour, against or abstaining:
 - (i) on any resolution of "Minded to Grant or minded to refuse contrary to Officers Recommendation";
 - (ii) on any approval or refusal of an application referred to a subsequent meeting following such a resolution.

STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE

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

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

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

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Planning Committee Map

Site address: Preston Park Primary School, College Road, Wembley, HA9 8RJ

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This map is indicative only.

RECEIVED: 20 September, 2013

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: Preston Park Primary School, College Road, Wembley, HA9 8RJ

PROPOSAL: Demolition of existing dining room and kitchen block and the erection of a new two storey class room block incorporating replacement dining room and kitchen, a single storey extension to the existing nursery/reception year block, the removal of three temporary class room huts, increased cycle storage, new fencing, new landscaping, and the creation of a larger reception rear playground.

APPLICANT: Brent Council (Mr Henry Holman)

CONTACT: Curl la Tourelle

PLAN NO'S:
See condition 2

INTRODUCTION

This application was deferred from Planning Committee on 11 December 2013 in order to consult local residents on the Transport Statement that was submitted after the initial consultation letters were sent out. The Council's Supplementary Planning Guidance Number 2 advises that if the proposals are significantly revised those neighbours originally notified by letter will be notified about the revisions and given 14 days to comment. While the proposal hasn't been revised the Transport Statement is significant piece of additional information and it was considered appropriate to give local residents the opportunity to view and comment on it. As the Christmas and New Year holidays occurred during the consultation period it was considered appropriate to give residents 21 days to comment rather than the 14 days advised by SPA 2. The re-consultation period ends on the 10th of January and to date no additional comments have been received. Any additional comments received between now and the day of committee will be addressed in a supplementary report.

RECOMMENDATION

Grant consent.

CIL DETAILS

As this is an application for an extension to a school it is not liable for Mayoral or Brent Community Infrastructure Levy (CIL).

CIL Liable?

Yes/No: No

EXISTING

Preston Park Primary School is located on College Road, in the north west of the borough. The site is bound by residential gardens on all four sides. College Road and Glendale Gardens make up the south and western boundaries and Grassmere Avenue to the north and east. The residential properties are almost exclusively two-storey. The existing school buildings are situated in the middle of the site and the main entrance is from College Road. There is a secure fence running in front of the school with entrance to a car park in the middle. There are two access controlled pupil gates. Four additional manually locked gates are located around the perimeter. There is also separate vehicle access and gates to the area in front of the kitchen which serves as refuse area and school service yard.

The current kitchen/dining building is in disrepair and appears to be of single brick work construction with no thermal insulation. It is located several steps up off the ground and is, therefore, not easily accessible.

The main school building dates from the 1930s and reflects the suburban vernacular style of the period with brick work at ground floor and vertically hung clay tiles roof at first. The timber windows are filled with small

glass panes. The scale of the main school buildings as seen from College Road is in keeping with the domestic scale of the surrounding suburban housing. The school buildings behind this administration building are much taller, allowing for larger rooms and better light for classroom conditions. The larger building also provides two hall spaces with high ceilings. Roofs are a mixture of pitched and flat.

A number of additions were made to the school in the 2000s. A small single-storey/double height extension constructed to the left hand side of the main administration building, a single storey nursery/reception year building and the single storey children's centre.

There are five temporary class room huts located within the school grounds. One is in very poor condition and is to be removed. There are four other temporary huts arranged as if in a village in front of the reception/nursery building. These are in good condition and the landscaping around them is well maintained. Two of these huts are to be retained.

The school has well-tended ground with an exception habitat garden with adjoining outdoor science classroom. The school has its own bee hives. It also has a farm with goats and chickens and a World War II air raid shelter that has been made into a school museum. This is in addition to the standard soft and hard playground area normally expected in a school.

PROPOSAL

Demolition of existing dining room and kitchen block and the erection of a new two storey class room block incorporating replacement dining room and kitchen, a single storey extension to the existing nursery/reception year block, the removal of three temporary class room huts, increased cycle storage, new fencing, new landscaping, and the creation of a larger reception rear playground.

HISTORY

Relevant planning history:

- | | |
|------------|--|
| 23/07/2010 | Planning permission granted for the erection of a single-storey detached building to provide a children's centre (Ref: 09/3210). |
| 22/04/2009 | Planning permission granted for the erection of a two storey extension located in the school's internal courtyard to provide a lift and new toilets at ground and first floor level (Ref: 09/0288). |
| 03/10/2008 | Planning permission granted for the erection of an additional temporary classroom (Ref: 08/1849). |
| 14/08/2007 | Planning permission granted for the erection of an additional temporary classroom (Ref: 07/2094). |
| 29/07/2005 | Planning permission granted for the demolition of 2 portable buildings and part of existing main building erection of two-storey extension and new separate single storey nursery/reception year building, provision of new pedestrian access to College Road, play areas, landscaping and modification to car park to provide 22 spaces (revised version of scheme approved under |

POLICY CONSIDERATIONS

National Planning Policy Framework

The NPPF was published on 27 March and replaced Planning Policy Guidance and Planning Policy Statements with immediate effect. Its intention is 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.

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.

The NPPF places great importance on ensuring that sufficient school places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement. LPA's should give great weight to the need to create, expand or alter schools.

LDF Core Strategy and UDP saved policies referred to in the report below have been considered in the assessment of the application and the recommendation is considered to comply with the NPPF.

London Plan 2011

Strategic planning in London is the shared responsibility of the Mayor of London, 32 London boroughs and the Corporation of the City of London. Under the legislation establishing the Greater London Authority (GLA), the Mayor has to produce a spatial development strategy (SDS) – which has become known as ‘the London Plan’ – and to keep it under review. Boroughs’ local development documents have to be ‘in general conformity’ with the London Plan, which is also legally part of the development plan that has to be taken into account when planning decisions are taken in any part of London unless there are planning reasons why it should not.

The plan identifies six objectives to ensure that the vision is realised:

Objective 1: A city that meets the challenges of economic and population growth.

Objective 2: An internationally competitive and successful city.

Objective 3: A city of diverse, strong, secure and accessible neighbourhoods.

Objective 4: A city that delights the senses.

Objective 5: A city that becomes a world leader in improving the environment.

Objective 6: A city where it is easy, safe and convenient for everyone to access jobs, opportunities and facilities.

Key policies include:

Social Infrastructure

3.16 Protection and Enhancement of Social Infrastructure.

3.18 Education Facilities..

3.19 Sports Facilities.

London's Response to Climate Change.

5.1 Climate change mitigation.

5.2 Minimising carbon dioxide emissions.

5.3 Sustainable design and construction.

5.7 Renewable Energy.

5.8 Innovative energy technologies.

5.9 Overheating and cooling.

5.10 Urban Greening.

5.11 Green roofs and development site environs.

5.13 Sustainable Drainage.

London's Transport

6.3 Assessing effects of development on transport capacity.

6.7 Better streets and surface transport.

6.9 Cycling.

6.10 Walking.

6.13 Parking.

London's living places and spaces

7.2 An inclusive environment.

7.3 Designing out crime.

7.4 Local Character.

7.5 Public realm.

7.6 Architecture.

7.14 Improving air quality.

7.15 Reducing noise and enhancing soundscapes.

7.19 Biodiversity and access to nature.

7.21 Trees and woodlands.

London Plan SPG

The Mayor's Transport Strategy (May 2010)

Sustainable Design and Construction – Supplementary Planning Guidance (2006)

Accessible London: achieving an inclusive environment (April 2004)

Planning for Equality and Diversity in London (October 2007)

Local Policy

The development plan for the purposes of S54A of the Town and Country Planning Act is the Brent Unitary Development Plan 2004, the Brent Core Strategy 2010 and the London Plan 2011.

Brent Unitary Development Plan 2004

Within the 2004 UDP the following list of saved polices are considered to be the most pertinent to the application.

Strategic

STR5 Reduces the need to travel, especially by car.

STR6 Parking controls.

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

STR13 Environmentally sensitive forms of development will be sought.

STR14 New development should make a positive contribution to improving the quality of the urban environment.

Built Environment

BE2 Townscape: Local Context & Character

BE3 Urban Structure: Space & Movement

BE4 Access for Disabled People

BE5 Urban Clarity & Safety

BE6 Public Realm: Landscape Design

BE7 Public Realm: Streetscape

BE9 Architectural Quality

BE12 Sustainable Design Principles

Transport

TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.

TRN3 Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.

TRN4 Measures to make transport impact acceptable.

TRN10 Walkable environments.

TRN11 The London cycle network, schemes should comply with PS16.

TRN12 Road safety and traffic management.

TRN13 Traffic calming

TRN14 New highway layouts, visibility splayed and accesses to and within development should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.

TRN22 On parking standards for non-residential developments requires that developments should provide no more parking than the levels listed for that type of development.

TRN30 Coaches and taxis should be accommodated to ensure unloading or alighting does not obstruct the highway.

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

PS12 Car parking standards – Class D1.

PS15 Parking standards for disabled people.

PS16 Cycle parking standards.

Open Space, Sport & Recreation

OS9 Dual Use Open Space.

Community Facilities

CF8 School Extensions.

CF10 Development Within School Grounds.

Brent Core Strategy 2010

The following spatial policies are considered relevant to this application:

CP 1 Spatial development strategy. This sets out the spatial strategy, outlining where growth is to be focused.

CP 5 Place making. Sets out requirements for place making when major development schemes are

considered.

CP 6 Design & density in place shaping. Sets out the requirements for appropriate design and density levels for development.

CP 15 Infrastructure to support development. Requires that the infrastructure requirements of new development are met.

CP18 Protection and enhancement of Open Space, Sports & Biodiversity. Protects all open space from inappropriate development. Promotes enhancements to open space, sports and biodiversity, particularly in areas of deficiency and where additional pressure on open space will be created.

CP 19 Brent strategic climate mitigation and adaptation measures. Highlights the need for new development to embody or contribute to climate mitigation objectives, especially in growth areas.

CP 23 Protection of existing and provision of new community and cultural facilities. Encourages new accessible community and cultural facilities and protects existing facilities. Sets a standard for the provision of new community facilities.

Brent Supplementary Planning Guidance

SPG 17 "Design Guide for New Development" Adopted October 2001. Provides comprehensive and detailed design guidance for new development within the borough. The guidance specifically sets out advice relating to siting, landscaping, parking, design, scale, density and layout.

SPG19 "Sustainable Design, Construction & Pollution Control" Adopted April 2003. This supplementary planning guidance focuses on the principles and practice of designs that save energy, sustainable materials and recycling, saving water and controlling pollutants. It emphasises environmentally sensitive, forward-looking design, and is consistent with current government policy and industry best practice, aiming to be practicable and cost-effective.

CONSULTATION

Local Consultation

Consultation letters were sent out to 291 neighbouring properties on the 15/10/2013 including properties in College Road, Grasmere Avenue, Glendale Gardens, Longfield Avenue and Woodford Place. The South Kenton and Preston Park Residents Association and Ward Councillors have also been consulted. The application has also been advertised in the press (24.10.2013) and through site notices (07.11.2013).

2 objections have been received from local residents. A summary of the matters raised along with the officer's comment are set out in the table below:

Grounds of objection	Officer Comment
Local streets already suffer from congestion at the beginning and end of the school day. The proposed expansion of the school will only exacerbate the situation.	The school currently has a 'gold standard' Travel Plan in operation. As such, it is acknowledged that the school is proactively working very hard towards reducing car use amongst staff and parents. However, as a significant school expansion is proposed, the Travel Plan needs to be reviewed and revised targets need to be set to mitigate the proposed increase in the number students and staff. Data from other Brent schools indicate that the required shift from car use to other modes of transport to make this expansion acceptable is possible. This is dealt with in more detail in the Remarks section of the report.
Preston Park is a great school but any	Advice from colleagues in Transportation is that in their

expansion should be accompanied by improvements to local infrastructure such as roads, pavements, parking, soft verges, yellow lines and improved traffic management in College Road, Carlton Avenue East & Glendale Gdns.	assessment, the impact of the expansion on surrounding streets can be mitigated through a revised travel plan and that there will be no requirement to modify junctions. The only infrastructure works they are requesting is the removal of redundant crossovers along the schools College Road frontage and the installation of guard-railing to the front of the widened pedestrian access.
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A reply has also been received from a neighbour not wishing to object to the proposal but making the following comment:

Comment	Officer Response
If the application to extend Preston Park is approved will the use of the former Preston Library in Carlton Avenue East as a temporary primary school cease and what are the prospects of it reopening as a library.	There are no plans to reopen this building as a library. The authorised use of the former library remains D1 (community uses) and any alternative use of the building not falling within that use class would require planning permission.

Other Consultee comments

Environmental Health - No objections subject to conditions requiring further details of:

- (i) Kitchen ventilation/extraction system
- (ii) Noise insulation measures
- (iii) A construction & demolition method statement
- (iv) An informative advising of the possibility of contamination being present on site.

Transportation - This proposal can be supported on transportation grounds, subject to:

- (i) the submission and approval of a revised School Travel Plan for the site, setting more onerous targets of no more than 10% of pupils and 20% of staff travelling to the site by car alone, to be achieved across a five-year period. Reason: to mitigate and adverse impact arising from increased traffic and parking demand in the area as discussed above;
- (ii) reinstatement of all existing crossovers to the site from College Road to footway and installation of guard railing to the front of the widened pedestrian access at the applicant's expense prior to occupation of the development.

Landscape/tree officer - No objections to Landscape elements of this scheme, which have all been agreed prior to the submission of the application. Tree species shown for new planting are all acceptable.

Community Involvement

During the development of the design a range of stakeholders were consulted.

School Community

The scheme has been developed through discussion and continual involvement with the school's steering group consisting of the head teacher, senior staff and several parent governors. A series of engagement meetings took place where alternative options were reviewed with the school early in the process.

Local Community

Pre-application public consultation meeting was held on 16/09/13 where drawings were displayed and the scheme was explained to the public within the context of the wider expansion programme. The Chair of the School Governors attended the session and a dozen local residents dropped-in. A Local Councillor also attended. Feed-back and comments were recorded. See below, Traffic section.

Professionals

The guidance of the following professional consultants has also been sought as part of the design process:

- 1 Planning Case Officer
- 2 Tree Officer - ref to supporting information
- 3 Crime Prevention Design Advisor
- 4 Highways - ref to supporting information
- 5 Building Control Officer.

REMARKS

Introduction

Preston Park Primary School is a community school located in the north west of the borough. It provides school places to 630 boys and girls between the ages of 4 – 11. There is also a nursery with 60 part time places.

Currently, the demand for school places in Brent, as with many outer London boroughs, is increasing. The demand for primary places in the north of the borough specifically has led to the proposal to expand Preston Park Primary School. Therefore Brent Council in partnership with the Governing Body of Preston Park Primary School is proposing to expand the school by one form of entry. The expansion will provide an additional 30 places in each year group (210 new primary places in total). At full capacity the school will have 840 places (Reception to Year 6).

The school currently runs several temporary classes and a temporary satellite provision. Therefore the school already provides 810 places (630 permanent and 180 temporary). This proposal is to make all 840 places permanent places as demonstrated below.

The current places in the school 2012/13 academic year

	Reception	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total
Permanent	90	90	90	90	90	90	90	630
Temporary	60	0	30	0	30	30	30	180

The available places in the school by 2019/20 academic year

	Reception	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total
Permanent	120	120	120	120	120	120	120	840
Temporary	0	0	0	0	0	0	0	0

The proposal

Brent Council is proposing to expand Preston Park Primary School, College Road, Wembley, HA9 8RJ by one form of entry (210 additional places), taking the school capacity from 630 permanent places (Year R – Year 6) to 840 permanent places (Year R – Year 6). The school will continue to provide a nursery with 60 part time places.

The expansion of the school is intended to commence in September 2014 with an increase of 30 permanent places per academic year at Reception age.

The proposed accommodation for the expansion by one form of entry would be of a permanent high quality

construction linked to the main school building. It will be built to optimise educational standards.

A Pre planning consultation was held at the school on 16 September from 4pm - 7pm to enable local residents and parents to review the project proposal and highlight any issues or concerns prior to planning submission. Overall comments were positive with residents recognising the demand for places.

The growing number of primary school pupils

The number of children seeking a primary school in Brent is increasing year on year. This is due to several factors e.g. the renewed popularity of Brent schools, the inward migration of families into the borough, the new housing developments throughout the borough attracting new families and the rising birth and fertility rates. As a result, in areas of high demand there are insufficient school places.

New primary school places

In June 2011 the Local Authority consulted with all primary schools in the borough to explore the possibility of increasing the number of school places. It has been evident that the demand for Reception places would be greater than the number of available places. This assessment was based on the number of on-time and ad hoc admissions applications received by the Local Authority, the current forecast of student numbers and local factors such as feedback from schools.

Subsequently, the Local Authority reviewed capacity constraints at all primary schools and identified the maximum need for school places in the local areas. Discussions took place with schools which were suitable and willing for expansion. This was followed by an initial feasibility assessment.

Since 2005 the Local Authority has analysed the increased demand for school places and created a programme to increase primary places through permanent expansion of schools and temporary classes. The table below demonstrates how many permanent and temporary primary places have been created since September 2006.

Total number of additional places (Reception to Year 6)	Permanent places(Reception to Year 6)	Temporary places(Reception to Year 6)
4164	3423	741

Despite adding new places, there remains a shortfall of Reception places in the borough. As at 11 January 2013, there were 201 primary aged children without a school place for the 2012/13 academic year. Of which 54 were Reception age (4 years old).

The need for more primary school places in the future

In August 2011, Brent Council carried out a review of primary school places which estimated that an additional 15 forms of entry (15FE) will be required in Brent by 2014/15 - an estimate of 450 places in each year group. The pressure of increasing demand is already evident with few places available in Brent's 60 primary schools. Brent Council is supportive of the proposed expansion of Preston Park Primary School to help address the shortage of primary school places.

Demand continues to increase in the north of the borough and a permanent increase from 3 to 4 forms of entry will help satisfy some of that demand. It is also anticipated that the increased demand for primary school places will eventually create a shortage of secondary school places.

The rising demand for primary school places is posing a serious challenge in Brent. Brent Council is working closely with local schools and together we are doing everything we can to provide more places for the borough's pupils. Over the next four years, we will be investing around £90 million with aim of offering a primary place to every local child who needs one.

Size

The planned increase in capacity from 3 Form Entry (FE) up to 4FE, results in an increase in pupil numbers from c630 to 840, with a staff number of 128. To calculate the additional area requirements, a schedule of accommodation was developed in accordance with the Department for Education Baseline

Primary School Designs. This represents the recommendations in Building Bulletin 99 minus 5%, which are current reductions required for cost savings.

The existing buildings have a gross internal floor area of approximately 4059m² (including temporary buildings of 720 m²).

The proposed extension has a gross internal floor area of 1556.2m² . The area of existing demolished accommodation is 685.1m² (including 2 temporary buildings @ 282 m²); the extensions therefore represent a net increase of 871.1m² gross internal floor area.

Layout

The siting of the new buildings has been designed to have minimal impact on the wider site. At the same time, it creates appropriate adjacencies between learning areas. The layout of the new dining hall/KS2 classroom block enables all children to access the new dining room from circulation areas. It also enables the children to get to the playgrounds after lunch without going through learning areas. The kitchen is still located adjacent to the road, enabling efficient receipt of deliveries and secure line separation between kitchen staff and children. The layout also enables the after school club to be securely located in the dining room. The Dining Room and Kitchen could be used by the community out-of school hours while the rest of the school is effectively shut.

The Y5 and Y6 pupils have a positive learning environment provided in the new building with pairs of Y5 classrooms on ground and first floor and the four Y6 classrooms on the first floor. There are Group Rooms on each floor as well as WCs. Additional accommodation in the new building comprises

- A senior management office
- ICT office and store
- Specialist Teaching room
- Food Bay area in the Dining Room

WC accommodation is configured to ensure adequate provision to the new spaces in accordance with the Education (School Premises) Regulations 1999. WCs are organised to provide proximity to the classrooms and the dining hall. Two new AC/staff toilets are also provided entered directly from the corridor.

As has been described above, the proposed scheme for the additional Reception classroom maintains the correct adjacency between the nursery and its playground and the important sightlines from the interior. The new winter garden linking the Reception classrooms, provide additional indoor/outdoor resource teaching area. Other improvements assist the staff; there is now a door to access the kitchen from the winter garden negating the need for the staff to pass through the nursery. An additional staff toilet has also been provided for the same reason. Some remodelling in the existing Reception is proposed, primarily to bring the areas up to standard, to rationalise the entrances to the east and create a better sense of enclosure within each classroom, as currently they are open to one another.

Security

The Crime Prevention Design Advisor was consulted on the proposals and the applicants have taken on board their comments as far as possible. All doors will have locks that comply with Appendix A of Secured By Design Document. Cycle store is out of site of the main road. In particular the pupil security at Preston Park is robust with a double set of gates at under the canopy allowing the Hall to be accessed while the access to the rest of the school and playground is secure. During the school day, the first set of gates can be closed and access would be open between the existing school building and the new build.

Scale

It was understood from an early stage in the consultations with the key stakeholders that retention of as much of the existing playing areas/fields was of utmost importance. With the size of extra accommodation required this necessitated a new two-storey block. With the inclusion of a dining space and to comply with relevant national guidance for the design of schools with respect to day light etc, classroom heights all inform the size and height of the building.

The new build extension facade size is bigger than the original building front façade. However the 1930s street frontage has been purposely designed to a domestic scale to reflect the surrounding residential proportions, whilst the other elevations are of a more traditional 2 storey building scale. This domestic scale

of the existing building facing College Road has been achieved by placing non-teaching spaces, ie administration, in this part of the building. The new building scale closer resembles that of the back of the 1930s building, in order for it to be fit for purpose. From the street, however, the new build seems to embed in the landscape, which is due to the finished ground floor level having been dropped to allow accessible passage between the buildings. The building is, therefore, literally lower which helps to reduce its presence from the street.

Landscaping

The outdoor environment is equally important, for both education and social activities. The existing play areas are retained. Preston Park Primary has an established, extensive outdoor teaching space that includes an allotment, school farm and various different habitats. It was therefore proposed that any landscape proposals would be within close proximity of the new builds.

The climbing planting on the façade is to mirror the wisteria planting on the 1930s street façade. The planting will include Virginia creepers, wisteria and flowering, climbing hydrangeas, the purpose of these plants is to create seasonal interest.

There are a number of trees that need to be removed in order to establish the improved pupil route to the entrance and service yard. Eight total trees are to be removed (all Category C or below) and nine trees total are to be planted. Tree protection measures have been proposed which are considered acceptable by the Council's Tree Officer.

Appearance

The material palettes for both the main new building and the new reception classroom are different and have been developed in discussion with the school steering group to best complement the context of surrounding buildings.

The main new building is faced with brick at ground level, render at first floor level and also has areas of climbing planting. The change of material between the ground and the first floor relates to the change in material at the same level of the existing building, where it changes from brick to vertically hung clay tiles. A restrained palette of red brick and red/brown render is proposed to match and complement the existing brick palette. The new building is set lower in the ground than street level which helps to reduce its impact on the street scene.

From the street, the pupil entrance will be more legible. A timber screen with lettering on it leads to the entrance gates. The timber fence also screens the bins and service yard area. The entrance to the playground is wide and clearly identifiable. A new canopy acts as the connection from the new and the old, and also clearly marks the entrance: helping with the legibility of the school from the street.

The canopy provides protection from the elements when pupils are moving to and from the dining room. This wide covered entrance will also serve as a waiting area for parents and a safe pick up point in the evening for children at the after school club. It is made of galvanised steel frame with translucent polycarbonate covering.

The reception extension will be single storey matching the existing nursery building. It will be rendered blue to match the blue of the existing metal cladding but rendered to match the materiality of the children's centre building. Windows are to match existing.

Impact of new buildings

All the proposed new buildings meet the relevant guidelines set out in SPG17 in terms of its impact on the residential amenities of surrounding neighbours. The only property most effected is the existing care takers house which fronts College Road and will be adjacent to the new two storey block. This block replaces the existing dining room kitchen block and while significantly larger the new block is considered to have an exceptional relationship to the caretakers house.

Access

The new extensions will be designed to comply with Part M of the Building Regulations and the DDA regulations. All new entrances/exits are provided with level or ramped threshold routes. A platform lift is provided in the new two-storey building.

Community Access

It is proposed that the hall will be used within the community, there is also an established after school club. A condition is proposed requiring the submission of a community access plan.

BREEAM and Energy

As well as meeting the design targets set-out in BB101, the buildings have been designed to target BREEAM 'Very Good' standard. The buildings will be economical in use of energy and resources and are designed to be flexible in use and adaptable to future change.

Some of the low energy and environmentally positive measures that the buildings adopt are

- Natural ventilation to all classrooms
- Heat recovery throughout
- Night-time cooling through phase change board to naturally ventilated areas
- BREEAM 'A' rated materials
- Surface water attenuation
- PV Cells on roof (see section below)
- Low-E glazing to relevant doors and windows in addition to solar protecting glass to south facing elevations
- Low u-values commensurate with BB101 recommendations
- Maximising natural day lighting
- Sensor-switching to lights with manual override in teaching areas and offices

The energy strategy adopts London Plan 2011 and the proposed strategy provides an overall Carbon Emissions savings of 8.7T CO₂/annum approximately contributing to a 25% overall onsite Carbon reduction. These targets have been achieved in the scheme through proposing best practice U-value for the building fabric, optimising natural daylight, using natural ventilation through the use of passive ventilation where possible (offices, staff room areas and group rooms will all be mechanically ventilated), any mechanical ventilation will be installed with heat recovery and energy efficient heating. To ensure the carbon reduction, it is proposed that 50m² of photovoltaic cells along with Lean savings will satisfy the GLA target of 25% reductions.

Highways

This site is located on the eastern side of College Road, about 100 metres north of its junction with Glendale Gardens. College Road has traffic calming features and operates in a one-way direction northwards.

The site is occupied by a three-form entry primary school (630 pupils), with an attached nursery for up to 60 children. However, previous planning consent has been granted for temporary portable classroom blocks (refs: 07/2094 & 08/1849) to accommodate bulge years, which means the school currently caters for 810 pupils. There are a total of 112 staff employed at the school at present. There is also a Children's Centre on the site.

The main access is from College Road, comprising a gated vehicular access that serves a 20-space (incl. one disabled) car park and two pedestrian entrances on either side of the vehicular access. There are two further crossovers onto College Road to the south – one serving a refuse compound and the other a further gated access for service vehicles. A secondary 3m width (plus 2m margins) rear access is also available onto Grasmere Avenue for emergency vehicles, although this is generally closed with alleygates.

This application involves the demolition of the existing single-storey dining hall and kitchen block at the southern end of the site and the erection of a new two-storey block, incorporating a replacement dining hall and kitchen, eight classrooms, smaller group rooms and toilets in its place. A single-storey extension to the existing nursery/reception block is also proposed to provide an additional classroom.

As a result of these extensions, the school will increase to four-form entry (840 pupils); with the nursery still accommodating 60 children. The staff total will increase to 128.

Four new bicycle shelters are proposed within the site, accommodating up to 67 bicycles (plus provision for a further 20 scooters), in addition to the existing 12-space shelter. No alterations to car parking or vehicular access are proposed though, although the two crossovers to the southern end of the site will be rendered

redundant by these proposals, with refuse and delivery vehicles using the car park area to load/unload in future instead.

The rear emergency access for the school from Grasmere Avenue will be retained and Autotrack runs for service and emergency vehicles entering, turning and leaving the access in this location have been provided.

The southernmost of the two existing pedestrian accesses from College Road is also to be widened to 4.5m to act as a side entrance for out-of-hours use. All proposed new built areas will provide level disabled access, with access ramps provided at 1:20 gradients and no risers exceeding 500mm.

Preston Park is among the most proactive schools in the Borough in supporting sustainable forms of transport, with the school's Travel Plan having achieved gold status for many years.

The school has moderate access to public transport services (PTAL 3), with close access to Preston Road Underground station (Metropolitan line) and bus routes 79, 204 and 223.

The site lies within the Wembley Stadium area event day protective parking zone, with on- street parking on adjoining roads restricted to permit holders only on event days between 8am and midnight. Otherwise, on-street parking in the area is generally unrestricted. There is a free 28-space public car park opposite the site for Preston Park open space.

Parking

The car parking allowance for the school (use class D1) is set out in standard PS12 of the UDP 2004. The parking requirement for disabled people is given in standard PS15. The bicycle parking requirement is given in standard PS16.

The parking allowance for the school is therefore up to a maximum of 1 space per 5 staff, plus a further 20% for visitors. There are 112 existing staff, which will increase to 128 with the proposed development. The car parking allowance for the school will therefore increase from 26 spaces to 30 spaces.

The provision of 19 standard width spaces within the school frontage will therefore continue to accord with standards, with the provision of a disabled parking space meeting the requirements of standard PS15 (5% of spaces to be marked for disabled drivers).

Provision should also be made for electric vehicle charging and at least two spaces should therefore be provided with charging facilities as a condition of any approval.

The bicycle parking requirement for the school is a minimum of 1 space per 10 staff, with bicycle parking for children not being required. As such, the requirement will increase from 12 spaces to 13 spaces with this proposal. The proposed increase in bicycle storage from 12 spaces to 79 spaces plus 10 scooter spaces will therefore more than meet standards and will positively support the Travel Plan in encouraging greater use of bicycles for school journeys by staff and pupils.

Access & Servicing

The existing servicing route to the kitchen and dining area at the southern end of the site will be removed with this proposal, with servicing having to instead take place from the car park in future. Tracking diagrams have been provided to show that turning in this area is possible, although the vehicle will temporarily obstruct access to a number of parking spaces whilst delivering, which is not ideal.

The removal of the access at the southern end of the site means that the associated crossover will need to be reinstated to footway at the applicant's expense, along with the already redundant crossover that currently serves the refuse compound. These works must be undertaken prior to the school extension coming into use.

Otherwise, significant improvements are proposed to pedestrian and cyclist access within the site, which are generally welcomed. However, consideration should be given to installing guardrailing on the footway in front of the widened southernmost pedestrian access, if it is to be used more extensively in the future.

Emergency access will be retained via the route from Grasmere Avenue. Brent's Transportation Unit would also wish to see this access opened up for use by parents, staff and pupils, in order to help to reduce congestion on College Road and improve the accessibility of the site by foot and reduce walking distances to bus and Underground services on Preston Road. However, the presence of alley-gates on the access road

and questions over rights of way may make this difficult at the present time, but this option should continue to be explored.

Travel Plan

The school currently has a gold standard Travel Plan in operation. As such, it is acknowledged that the school is proactively working very hard towards reducing car use amongst staff and parents and promoting sustainable forms of transport for access to the school.

However, as a significant school expansion is proposed, the Travel Plan needs to be reviewed and revised targets need to be set to take mitigate the proposed increase in the number students and staff over the coming years. Any planning consent should therefore secure this by condition or Section 106 Agreement.

The Transport Statement that has been submitted with this application has considered requirements in more detail. In particular, surveys of existing journeys to and from the school undertaken in June 2012 have been examined. These showed 40% of pupils travelling to the school by car, of which 26% car shared with other children. 25.8% of staff travelled alone by car, with 15.7% car sharing. For other modes, 39% of pupils walked to school, 6% cycled and 16% used public transport. For staff, the proportions were 33% walking, 2% cycling and 24% on public transport.

For a three-form entry school (660 pupils), the above figures result in 178 vehicle trips to and from the school at opening and closing times by parents, plus 30 vehicle movements by staff. For the actual number of children registered at the school though (840), vehicular trips amongst parents rise to 227 trips at opening and closing times.

With no change to the percentage of pupils and staff travelling by car, vehicular trips could be expected to rise by 57 parent trips and 13 staff trips with the proposed increase from 660 pupils to 870 pupils. However, as the school has actually been operating with 840 pupils for some time now, the increase compared to the current situation would amount to just eight extra pupil journeys by car at the start and finish of the school day.

In addition, different starting times for the nursery and the availability of breakfast clubs to allow children to be dropped off earlier, mean the above increases are spread across a longer period than simply the half hour period spanning the start of the school day (8.45am). Similarly, after school activities mean that 10% of pupils are estimated to leave the school later than the usual closing time of 3.15pm. On this basis, the above predicted increases in pupil journeys by car in each peak hour are estimated to fall to about 52 trips and seven trips respectively.

The impact of these additional vehicular trips on road junctions in the local area has then been quantified. However, the area is predominantly residential and even though increased flows through some junctions may be large in percentage terms, the area is not considered to suffer from major congestion problems that would be significantly worsened by this proposal. No further junction modelling has therefore been undertaken.

In terms of parking impact, surveys undertaken in the vicinity of the school at opening and closing times by Brent's Transportation officers identified only 46 spare spaces in the morning drop-off period and 26 spare spaces in the afternoon pick up period (see attached) (n.b. although surveys contained within the Transport Statement suggest higher levels of spare parking, these calculations include parking along both sides of the College Road and Glendale Gardens, which are both too narrow to safely accommodate parking on both sides without obstructing traffic flow and/or damaging footways and verges). Parking problems around the school are therefore likely to increase without suitable mitigation.

As such, it is essential that the Travel Plan for the school is further enhanced to mitigate the proposed increase in pupil numbers by achieving a greater proportion of journeys by non-car modes of transport. Consideration has therefore been given to the modal shift away from car use that would be necessary to achieve a 'nil' impact on vehicular flows to and from the school.

To achieve this, the percentage of pupils travelling to and from the school by car alone would need to fall to about 10%, with the proportion car sharing with other pupils falling to about 20%, based on a rise from 660 pupils to 870 pupils (in practice, if these targets were met, actual car trips would fall from existing levels, given that the school already operates beyond its natural three-form entry capacity). For staff, modal share by car would need to fall to 20%, with 10% car sharing, to achieve a 'nil' increase in actual vehicular movements.

Data from Travel Plans for other schools in the Wembley area suggest that the required modal shift in school

trips is achievable and these targets therefore need to be secured by planning condition for the development, to be achieved over a suggested timeframe of five years and a revised and enhanced Travel Plan will need to be submitted and approved prior to occupation of the new buildings setting out these revised targets and a package of measures aimed at achieving them.

Demolition and Construction

Both the Council's Transportation officer and Environmental Health officer have requested a method statement be provided to cover the demolition and construction phase of the proposed development. As per arrangements for the children's centre, the rear access from Grasmere Avenue could be considered for construction access for the nursery extension.

Wheel washing facilities will need to be provided on-site and suitable off-street un/loading areas will be required for vehicles carrying materials to the site and waste from the site, along with on-site storage areas. Any hoardings that are provided alongside footpaths should have lighting and be covered by the school's CCTV cameras for security purposes.

In order to ensure that these matters are dealt with a condition is proposed requiring the submission and approval of a demolition and construction method statement prior to the commencement of work on site.

Conclusion

The proposal is considered acceptable and is recommended for approval subject to the conditions set out at the end of this report.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Core Strategy 2010
Brent Unitary Development Plan 2004
Central Government Guidance
London Plan 2011
Council's Supplementary Planning Guidance

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation
Transport: in terms of sustainability, safety and servicing needs
Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

(1) All existing redundant crossovers to the site from College Road shall be reinstated to footway the and guard railing installed to the front of the widened pedestrian access on to College Road to the satisfaction of the Council's Transportation Department at the applicant's expense prior to occupation of the development.

Reason: In the interests of pedestrian safety.

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

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

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

Drawings: 03/101; 03/102; 03/103; 03/104; 03/105; 03/106; 03/107; 03/108; 03/201B; 03/202; 03/203; 03/204; 03/205; & 03/207

Planning Statement by Metropolis - May 2012
Design and Access Statement (May 2012 Rev A)
Flood Risk Assessment (FRA) dated 25 May 2012 by WSP UK Ltd
Arboricultural Impact Assessment by Landscape Planning Ltd (April 2012)
Barham Primary School- Transport Assessment by Mott MacDonald (April 2012)
Barham Primary School- School Travel Plan by Mott MacDonald (April 2012)
Cultural Heritage Assessment by Prospect Archaeology Ltd - LPA 2012/8 April 2012
Barham Brook Primary School Project Phasing and Logistics Outline Requirements Version 1.1
Sustainable Development Checklist (revised 12 July 2012)

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

- (4) Before any construction work on site, excluding demolition and site clearance, further details of materials for all external work, including samples where specified, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The details shall include:

- (a) Brickwork - blended brick to match existing (including sample);
- (b) Render - Pure White (including sample);
- (c) Windows;
- (d) Doors;
- (e) Roof finishes (including sample).

The work shall be carried out in accordance with the approved details and retained thereafter for the lifetime of the development.

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

- (5) The landscape works and planting shown on the approved plans shall be carried out in accordance with a programme agreed in writing with the Local Authority.

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.

- (6) Prior to the commencement of the use, a Community Access Plan shall be submitted to and approved in writing by the Local Planning Authority. The Community Access Plan shall allow for a minimum of 15 hours of community use each week and shall include details of rates of hire (based upon those charged at other public facilities), terms of access, hours of use, access by non-school users/non-members and management responsibilities.

The approved Community Access Plan shall be brought into operation within 3 months of occupation of the development and it shall remain in operation for the duration of the use of the development.

Reason: To secure well-managed, safe community access to the sports facility, to ensure

sufficient benefit to the development of sport and to accord with Local Plan Policy

- (7) The protection of the retained trees shall be implemented in full accordance with the approved details set out in the Arboricultural Impact Assessment prior to the commencement of any preparatory work or development and retained throughout the duration of the construction works.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure the viability and health of the existing trees.

- (8) The development shall not be occupied until the car-parking, additional cycle and motor scooter spaces have been provided in accordance with the approved details and these shall be retained thereafter for the lifetime of the development.

Reason: In the interests of highway safety and encourage use of sustainable transport.

- (9) No development shall take place, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the parking of vehicles of site operatives and visitors;
- (ii) Construction traffic routes to the development site;
- (iii) loading and unloading of plant and materials;
- (iv) storage of plant and materials used in constructing the development;
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vi) wheel washing facilities and schedule of highway cleaning;
- (vii) measures to control the emission of dust and dirt during construction;
- (viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (ix) School and nursery access during the construction phase.

Reason: To protect residential amenity and ensure the development does not have an adverse impact on the highway.

- (10) Details of the extract ventilation system and odour control equipment for the commercial kitchen, including all details of external ducting, must be submitted to the Local Planning Authority for approval. The approved equipment shall be installed prior to the commencement of the use of the kitchen and shall thereafter be operated at all times during the operating hours of the kitchen and maintained in accordance with the manufacturers instructions.

Reason: To protect the amenity of nearby residents.

- (11) Within 12 months of occupation of the extension hereby approved, a review by a BRE approved independent body which verifies that the development has met or exceeded a BREEAM 'Very Good' rating shall be submitted to and approved in writing by the local planning authority. If the review specifies that the development has failed to meet the above levels, compensatory measures to ensure the development meets or exceeds a BREEAM 'Very Good' rating shall be submitted to and approved in writing by the local planning authority within 24 months of occupation of the extension hereby approved.

Reason: To ensure a satisfactory development which incorporates sustainability measures that are commensurate to the scale of development proposed.

- (12) Prior to the commencement of the use of the new buildings, a revised School Travel Plan for the site, setting more onerous targets of no more than 10% of pupils and 20% of staff travelling to the site by car alone, to be achieved across a five-year period shall be submitted and approved in writing by the Local Planning Authority.

Reason: to mitigate and adverse impact arising from increased traffic and parking demand in the area as discussed above;

(13) The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed in the FRA:

(i) Limiting surface water run-off generated by the 1 in 100 year (including an allowance for climate change) critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site as detailed in the FRA.

(ii) Surface water storage to be achieved through the use of Sustainable Drainage Systems as detailed in the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may be subsequently agreed in writing by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

(14) A scheme of mechanical services and any associated sound insulation measures shall be submitted to the Local Planning Authority for approval. The services and insulation shall be designed so that noise from the premises shall be at least 10 dB(A) below the measured background noise level at the nearest noise sensitive premises. The approved measures shall thereafter be implemented in full.

Reason: To protect acceptable local noise levels, in accordance with Brent Policy EP2

INFORMATIVES:

(1) It is important that the workers are vigilant for signs of potential contamination in the soil during excavation works. This may include obvious residues, odours, fuel or oil stains, asbestos, buried drums, buried waste, drains, interceptors, tanks or any other unexpected hazards that may be discovered during site works. If any unforeseen contamination is found during works Safer Streets must be notified immediately. Tel: 020 8937 5252. Fax 020 8937 5150. Email: ens.monitoring@brent.gov.uk

Any person wishing to inspect the above papers should contact Neil McClellan, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5243



Planning Committee Map

Site address: Land rear of 270 to 288, Neasden Lane, London

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This map is indicative only.

RECEIVED: 29 October, 2013

WARD: Dudden Hill

PLANNING AREA: Willesden Consultative Forum

LOCATION: Land rear of 270 to 288, Neasden Lane, London

PROPOSAL: Redevelopment of vacant land to form single storey office unit (use class B1a) with four associated parking spaces to land off Cairnfield Avenue, NW2 and to the rear of Neasden Lane

APPLICANT: Pinkrose Limited

CONTACT: Marc Rawcliffe - arc7

PLAN NO'S:
Refer to Condition 2

RECOMMENDATION

Grant Consent

CIL DETAILS

This application is liable pay the Community Infrastructure Levy (CIL). The total amount is £12,126.56 of which £6,400 is Brent CIL and £5,725.56 is Mayoral CIL.

CIL Liable?

Yes/No: Yes

EXISTING

The application site comprises a triangular piece of land located next to the rear service road behind Nos. 270 to 288 Neasden Lane. It abuts the rear gardens of Nos. 47 to 59 Chartley Avenue. The site is accessed via Cairnfield Avenue.

DEVELOPMENT SCHEDULE

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

Floorspace Breakdown

Primary Use	Existing	Retained	Lost	New	Net Gain
assembly and leisure	0		0	0	
businesses / research and development	0		0	0	
businesses and light industry	0		0	0	
businesses and offices	0		0	160	
drinking establishments (2004)	0		0	0	
financial and professional services	0		0	0	
general industrial	0		0	0	
hot food take away (2004)	0		0	0	
hotels	0		0	0	
non-residential institutions	0		0	0	
residential institutions	0		0	0	
restaurants and cafes	0		0	0	
shops	0		0	0	
storage and distribution	0		0	0	

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	0		0	160	

Monitoring Residential Breakdown**Existing**

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total

Proposed

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total

PROPOSAL

Redevelopment of vacant land to form single storey office unit (use class B1a) with one off street parking space and one servicing bay to land off Cairnfield Avenue, NW2 and to the rear of Neasden Lane

HISTORY4. Planning history

12/1443: Full Planning Permission sought for redevelopment and part change of use of vacant land (parking area) off Cairnfield Avenue, NW2 and to the rear of Neasden Lane to create new single storey B1 light industrial unit with associated improvements to existing parking and access roadway - **Dismissed on Appeal, 27/08/2013.**

312 - 314 Neasden Lane

13/2865: Removal of condition 3 (parking spaces to the rear of Cairnfield court) of planning permission 90/2038 granted 13/03/1991 for conversion to 6 self contained flats and managers accommodation (as accompanied by letter from Apcar Smith Planning dated 9 September 2013) - **Granted, 21/11/2013.**

POLICY CONSIDERATIONS

Brent's UDP 2004

BE3: Urban Structure - Space & Movement
 BE4: Access for Disabled People
 BE5: Urban Clarity & Safety
 BE9: Architectural Quality
 BE17: Building-Services Equipment
 EP2: Noise & Vibration
 EP3: Local Air Quality Management
 EMP2: Small and Medium Sized Enterprises
 TRN3: Environmental Impact of Traffic
 TRN22: Parking Standards - Non Residential Developments
 TRN34: Servicing in New Development

Supplementary Planning Guidance

SPG17 "Design Guide for New Development"

CONSULTATION

Consultation Period: 07/11/2013 - 28/11/2013

99 neighbours consulted

One petition with 9 signatures received raising the following objections to the proposal:

Objection	Officer Comment
Land used for parking without interruption for in excess of 25 years by business owners, staff and residents of 27-288 Neasden Lane and Cairnfield Court;	The lawful use of the land is as car parking for 312 to 314 Neasden Lane. This formed part of condition 3 of planning permission reference: 90/2038. An application was recently granted to remove this condition - LPA Ref: 13/2865.
Alley gating scheme - proposed to bring back into use as parking	See comments above.
Service road vital for loading and unloading	A servicing bay will be provided - See comments on servicing within the remarks section below.
Construction would impact on use of service road	A Construction Method Statement is recommended to be conditioned as part of any forthcoming planning consent that will require information to minimise the impact on the use of the service road during construction.
Land should be compulsory purchased by the Council	This falls outside the remit of the planning application site.
No turning, parking, space for loading, pedestrians	A servicing bay and car parking space will be provided - see comments in remarks section below.

Internal Consultation

Transportation - objections raised to the original car park layout proposing four off street parking spaces and no servicing facility on the following grounds:

- the building as shown is incapable of providing adequate servicing facilities contrary to Policy TRN34 of the UDP-2004
- provides excessive levels of car parking, which also does not comply with standard dimensions to the detriment of highway safety and contrary to Policy TRN22 of the UDP-2004
- poor pedestrian access to the site fails to comply with Policy TRN10 of the UDP-2004

Environmental Health - No objections subject to conditions in relation to air quality and construction and noise.

REMARKS

Existing

1. The application site comprises a triangular piece of land located next to the rear service road behind Nos. 270 to 288 Neasden Lane. It abuts the rear gardens of Nos. 47 to 59 Chartley Avenue. The site is accessed via Cairnfield Avenue.

2. The site is currently vacant and is subject to fly tipping. Its previous lawful use was as a car park for six flats at Nos. 312 to 314 Neasden Lane and managers accommodation. It formed part of the 1991 planning permission (LPA Ref: 90/2038) and was restricted as car parking to be used only by 312 to 314 Neasden Lane by a planning condition to the 1991 planning permission. This condition has recently been removed as part of application ref: 13/2865. It is noted from aerial photographs taken between 2005 and 2008 that this site had fencing around the perimeter.

Relevant planning history

3. Planning permission was refused on 01/08/2012 for the redevelopment and part change of use of vacant land (parking area) off Cairnfield Avenue, NW2 and to the rear of Neasden Lane to create new single storey B1 light industrial unit with associated improvements to existing parking and access roadway (12/1443). The reasons for refusal include:

The proposed change of use of the site from residential parking to B1 use class with erection of a commercial unit will cause the loss of dedicated parking required for flats provided at 312-314 Neasden Lane and as such the proposal will have an unacceptable impact to on-street parking in the locality contrary to UDP(2004)

policies TRN23, TRN27 and PS14.

The siting of the proposed B1 unit with its access footpath placed on the service road and its provision of four non-standard parking spaces and no disabled space will result in a reduction of road width for the servicing of existing shops and residences along 270-288 Neasden Lane and a loss of openness in character of this section of service road with a blurring of urban clarity in relation to walkability and safety, and lack of detail regarding refuse storage and collection considered detrimental to pedestrian and highway safety contrary to policies UDP(2004) policies BE2, BE3, BE4, BE5, TRN3, TRN10, TRN22 and TRN34

The proposed B1 unit by reason of its excessive size and scale and proximity to site boundaries would be detrimental to the amenities of the adjoining residents particularly nos. 51, 53, 55 and 57 Chartley Avenue and would have a detrimental impact to the enjoyment of the dedicated amenity space for residents at Cairnfield Court located adjacent to the proposed unit. As such, the proposal is contrary to policies BE9 and principles set out in Supplementary Planning Guidance 17 (SPG17).

4. The application was dismissed on appeal on 27/08/2013. The grounds for dismissing the appeal relate to access and servicing.

Proposal

5. This application proposes the same building as per the previous scheme but is now to be used as a B1(a) office rather than general B1 use. In principle the use is acceptable and complies with EMP2 which supports small scale enterprises.

Design of the building and impact upon neighbouring amenity

6. The building is of the same footprint and height as the previous application and is located in the same location within the site. The only difference to the elevations is that the shutter doors which face onto the service road have been removed and replaced with two windows. Whilst the previous application included a reason for refusal in relation to the building having a detrimental impact upon the amenities of adjoining residential occupiers, when considered at appeal the Inspector took the following view:

"The single storey flat-roofed building would not look substantially out of place in the context of existing local built development when viewed against the rear of adjacent buildings of mixed architectural style. Nor would it stand so close to the windows of dwellings in Chartley Avenue and Cairnfield Court to damage their outlook or appear overbearing, given the intervening distances and the presence of boundary fences and vegetation. The proposed development would strictly infringe Council's SPG17 with respect to the 45 degree principle. However, the evidence of the appellant, based on the accepted methodology of the BRE, is that, in practice, there would not be significant reduction in natural light reasoning neighbouring residential buildings". A Daylight and Sunlight assessment has also been included as part of this application.

7. Given that the building is no larger than the one considered on appeal, it is considered to not have an adverse impact upon the amenities of neighbouring occupiers through loss of outlook or light.

8. The Inspector also considered that the impact of the use of the building upon neighbouring amenity and states that neither is it likely that the proposed Class B1 use would give rise to a need for special noise insulation measures. The use still falls within use class B1, and as such special noise insulation measures for the building is not required.

9. However consideration needs to be given to servicing equipment such as air conditioning units which will be externally mounted and does have the potential to be harmful to neighbouring amenity through noise nuisance. To overcome this, it is recommended that a condition is attached to any forthcoming planning consent requiring details of all equipment to include a noise assessment which demonstrates that when in use the equipment will be 10dA below background noise level.

Car parking, servicing and access arrangements

- Car parking

10. The previous application was refused on the grounds of loss of parking for 312 to 314 Neasden Lane and the impact of overspill parking. The requirement for parking at 312-314 Neasden Lane within the site has since been removed, based on the findings of the appeal decision.

11. The main consideration of this application relates to the servicing and parking for the B1(a) use and impact upon highway and pedestrian safety.

12. The proposed B1 (a) unit car parking standards are set out in PS6 of the UDP-2004 where 1 car space can be permitted per 300sqm floor area, in major town centres where PTAL ratings are good. The site is located in Neasden Town Centre and PTAL4; the proposed unit has a floor area of 160sqm therefore one car space would be acceptable. Officers in Transportation raised concerns with the original layout which proposed four off street parking spaces due to the insufficient size and excessive number of parking spaces. They advised that cars overhanging spaces of insufficient size or struggling to manoeuvre into and out of spaces would lead to obstruction of the service road, to the detriment of highway and pedestrian safety.

13. To overcome the above concern, a revised car parking layout has been submitted which proposes one on site car parking space. This space measures 2.4m wide by 4.8m deep which is the size of a standard car parking space. Officers in Transportation had raised concerns with the limited width of the service road and difficulties for vehicles manoeuvring into and out of space; to overcome this concern an area of hatching is proposed which will increase the width for maneuvering to 4.1m , allowing more space to ensure the vehicle can park safely.

- *Servicing*

14. Servicing requirements for the building are set out in standard PS19 of the Unitary Development Plan 2004. This requires that units between 100m² and 280m² gross floor area to have loading bays that can accommodate an 8m rigid vehicle (i.e. a Luton Van or box van). The original proposal provided no service bay. The lack of servicing was of concern for officers in Transportation due to vehicles blocking the service yard. This was also raised by the Planning Inspector as part of the previous appeal. To overcome this concern a servicing bay has been provided on site (measuring 8m by 2.8m) which can accommodate a transit sized vehicle. It is considered that a transit sized vehicle is sufficient to service an office use which is likely to have smaller deliveries such as paper and other office equipment. As part of any forthcoming consent it is recommended that the use is restricted to use class B1(a).

- *Pedestrian access*

15. The service road is lit and is currently used to access the flats above the shops on Neasden Lane. It is also overlooked by windows within Cairnfield Court. Windows within the front elevation of the proposed building will also increase surveillance of the service road.

16. The main pedestrian access is via a recessed entrance on the front of the building next to the service road. Whilst visibility will be restricted due to the building being sited up to the service road, it should be noted that the service road is lit and vehicles travelling down the service road are restricted as there are alley gates to the service road.

Cycle parking and refuse facilities

17. The revised plans do include an area for refuse and recycling storage, and these details are acceptable. The storage area is at the eastern side of the building, and will be within carry-distances for both office workers and waste collection staff.

18. B1 units are required under PS16 of the UDP-2004 to provide cycle parking at a rate of 1 space per 125sqm, and with a minimum of two spaces. The Design & Access statement offers options for internal or external storage which are welcomed but this would need to be shown within the submitted plans. This could however be resolved via condition as part of any forthcoming planning consent.

Other matters

19. The site is located within an Air Quality Management Area. Environmental Health have requested that a Construction Method Statement is submitted. This can be conditioned to any forthcoming planning consent

Conclusion

In conclusion, the proposal will bring a vacant site that has been subject to fly tipping back into use. The building is not considered to have an adverse impact on the amenities of neighbouring occupiers and provides an acceptable level of on site servicing and car parking.

Approval is accordingly recommended subject to the conditions as set out in the decision notice.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Employment: in terms of maintaining and sustaining a range of employment opportunities
Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

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

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

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

3.001 - OS Site Location Plan
3.004 - Proposed Ground Floor and Roof Plans
3.005 - Proposed Elevations

IC/166/02/11
IC/166/02/12
IC/166/02/13
IC/166/02/14

Supporting Documents

Proposed daylight and sunlight effects of proposed commercial development, Neasden, London (Prepared by BRE)

Addendum - Sunlight to Gardens around proposed commercial development, Neasden (Prepared by BRE)

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

- (3) The premises shall be used only for purposes within Use Class B1(a) defined in the Town and Country Planning (Use Classes) Order 1987 as amended, unless otherwise agreed in writing by the Local Planning Authority.

Reason: No separate use should commence without the prior approval of the Local Planning Authority in order to ensure that use of the premises does not prejudice the amenity of the

area.

- (4) The car parking space and hatchings and loading bay which shall include "loading bay" marked on the floor in addition to the sign shall be marked out prior to first occupation of the development hereby approved and thereafter permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety.

- (5) Details of materials for all external work, including samples to be prearranged to be viewed on site, 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.

- (6) Prior to commencement of the development a Construction Method Statement shall be submitted to and approved by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The Statement shall also include information to minimise the impact on the use of the service road during construction.

Reason: To safeguard the amenity of the neighbouring occupiers by minimising impacts of the development that would otherwise give rise to nuisance.


- (7) Prior to the installation of any plant equipment such as air conditioning units, a noise assessment shall be submitted providing details of the noise level from any plant equipment together with any associated ducting, to be 10dB(A) or greater below the measured background noise level at the nearest noise sensitive premises. The method of assessment shall be carried out in accordance with BS4142:1997 'Method for rating industrial noise affecting mixed residential and industrial areas'. In the event that the predicted noise levels of the plant exceed 10dB(A), a scheme of insulation works to mitigate the noise shall be submitted to and approved by the Local Planning Authority prior to commencement of the use of the plant.

Reason: In the interests of the amenities of neighbouring residential occupiers.

INFORMATIVES:

None Specified

Any person wishing to inspect the above papers should contact Victoria McDonagh, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5337

 **Planning Committee Map**
Site address: Valiant House, 365 High Road, Wembley, HA9
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This map is indicative only.

RECEIVED: 4 November, 2013

WARD: Wembley Central

PLANNING AREA: Wembley Consultative Forum

LOCATION: Valiant House, 365 High Road, Wembley, HA9

PROPOSAL: Demolition of existing third floor and erection of new third, fourth and part fifth storey building with three storey rear extension and conversion into hotel, comprising 116 hotel rooms, ancillary bar/lounge, restaurant in basement, provision of 8 car parking spaces, 26 cycle stands, 5 motorbike spaces and associated parking for coaches

APPLICANT: Wembley Hotel Jersey

CONTACT: Dexter Moren Associates

PLAN NO'S:
See condition 2.

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning or other duly authorised person 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:-

1. Payment of the Council's legal and other professional costs in a) preparing and completing the agreement and b) monitoring and enforcing its performance
2. A detailed 'Sustainability Implementation Strategy' shall be submitted to the Local Planning Authority and approved in writing prior to the commencement of works and thereafter implemented. This shall demonstrate:
 - a. How the indicated Brent Sustainability Checklist measures will be implemented within the scheme (or other such measures approved by the Council which meet a level of at least 50%).
 - b. How the scheme will achieve a minimum CO2 reduction of 40 % from 2010 TER (regulated, with the TER calculated for the extension only and not the original parts of the building) including a minimum of reduction of 20 % through on-site renewables (after "be lean" and "be clean" measures have been applied) or other such revised measures as approved by the Council which achieve the same levels of CO2 reduction;
3. If any of these sustainability measures have not been implemented within the development, then the following will accordingly be required prior to first occupation following commencement:
 - c. the submission and approval in writing by the Local Planning Authority of measures to remedy the omission; or, if this is not feasible,
 - d. the submission and approval in writing by the Local Planning Authority of acceptable compensatory measures on site; or otherwise pay to the Council a sum equivalent to the cost of the omitted measures to be agreed by the Local Planning Authority, to be used by the Council to secure sustainability measures on other sites in the Borough.
4. That the scheme is "parking permit restricted" whereby the owners and occupiers of the development are not eligible for on-street parking permits.
5. Training and employment
 - e. To prepare and gain approval of a Employment and Training Plan prior to commencement and to implement the Plan
 - f. To offer an interview to any job applicant who is a resident in Brent and meets the minimum criteria for the job
 - g. To use reasonable endeavours to: achieve 1 in 10 of the projected construction jobs to be held by Brent residents and for every 1 in 100 construction jobs to provide paid training for a

- previously unemployed Brent resident or Brent school leaver for at least 6 months
- h. From material start, to provide monthly verification of the number of Brent Residents employed or provided training during construction and if the above targets are not being met, to implement measures to achieve them
- i. Prior to occupation, verify to the Council the number of Brent Residents employed during construction and unemployed/school leavers who received training.

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 London Plan 2011, Local Development Framework Core Strategy 2010, Unitary Development Plan 2004 and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

CIL DETAILS

The proposal includes more than 100 square metres of “new build” and as such, is CIL liable. The building is currently occupied and as such, the floorspace within the existing building will be CIL exempt providing it is occupied for 6 of the 12 months prior to the approval of the final pre-commencement condition.

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is **£261,114.08** of which **£192,300.00** is Brent CIL and **£68,814.08** is Mayoral CIL.

CIL Liable?

Yes/No: Yes

EXISTING

The subject site is situated on the corner of the Wembley High Road and Cecil Avenue. It comprises a purpose built office building that is currently being used by HMRC (ground floor only). It is situated within the designated Wembley Town Centre. The adjoining units to the west are designated as secondary retail frontage. However, the subject site does not have a primary or secondary designation and therefore is appropriate for a range of town centre uses. A public car park is situated to the rear of the site, with the basement car park of this building accessed via that car park.

The subject site is not within a Conservation Area, nor is the building Listed.

DEVELOPMENT SCHEDULE

The table(s) below indicate the existing and proposed uses at the site and their respective floorspace and a breakdown of any dwellings proposed at the site.

Floorspace Breakdown

Primary Use	Existing	Retained	Lost	New	Net Gain
businesses and offices	2490	0	2490	0	-2490
hotels	0	0	0	4413	4413

TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	2490	0	2490	4413	1923

Monitoring Residential Breakdown

Existing

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total

Proposed

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total

PROPOSAL

The proposal is described above.

HISTORY

A number of applications have been considered previously regarding the conversion of the existing office building to a hotel with bar/lounge and restaurant. They represent alternative schemes that the owners are looking at, with each application relating the use of the whole building.

In January 2013 permission was granted for the conversion of the office to a 49 bedroom hotel with ancillary facilities within the existing building envelope. This application did not affect the pay-and-display car park at the rear of the site which is leased to the Council (reference 12/2778).

Later in 2013, further applications were submitted for revised hotel conversions schemes within the existing building envelope. Two applications were submitted for 63 bed hotel conversions, one including on-site coach parking and one excluding it. Two applications were also submitted for a 68 bed hotel. Again, one included coach parking and the other didn't. The two applications that did not include coach parking were refused while the two that included it were approved. All four proposals included changes to the pay-and-display car park which resulted in the loss of the public car park and re-use of the space for parking and servicing for the hotel. Highways did not object to the loss of the public car park as it is a small car park and the nearby Elm Road car park is significantly underused.

Two applications were submitted which omitted coach parking on-site were refused while the two that included were approved subject to conditions, including a Grampian condition which required the applicant to demonstrate that the car and coach parking facilities can be delivered and to deliver and retain those facilities if the scheme is implemented.

12/2778 – Change of Use from Office (Use Class B1) to Hotel (Use Class C1), incorporating 49 hotel rooms and 2 staff bedrooms, ancillary bar/lounge, restaurant in basement and associated internal changes to building (**GRANTED**)

13/0691 – Conversion to 63 bed hotel and ancillary facilities with coach-drop off (**GRANTED**)

13/0693 – Conversion to 63 bed hotel and ancillary facilities without coach-drop off (**REFUSED**)

13/0732 – Conversion to 68 bed hotel and ancillary facilities with coach-drop off (**GRANTED**)

13/0733 – Conversion to 68 bed hotel and ancillary facilities without coach-drop off (**REFUSED**)

POLICY CONSIDERATIONS

NATIONAL

National Planning Policy Framework

REGIONAL

The Mayor of London

The London Plan 2011

The revised London Plan was adopted in July 2011 and sets out an integrated social, economic and environmental framework for the future development of London. Relevant Policies include:

- 4.5 London's Visitor Infrastructure
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.13 Sustainable Drainage
- 5.15 Water Use and Supplies
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime

- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.14 Improving Air Quality
- 7.15 Reducing Noise

They Mayor's Transport Strategy

Supplementary Planning Guidance – Sustainable Design and Construction (May 2006)

Supplementary Planning Guidance – Accessible London: Achieving an Inclusive Environment (April 2004)

LOCAL

Brent Local Development Framework Core Strategy 2010

- CP 1 Spatial Development Strategy
- CP5 Placemaking
- CP7 Wembley Growth Area
- CP15 Infrastructure to Support Development
- CP19 Brent Strategic Climate Mitigation and Adaptation Measures

Brent Unitary Development Plan 2004

Policies

- BE2 Local Context & Character
- BE3 Urban Structure: Space & Movement
- BE4 Access for disabled people
- BE5 Urban clarity and safety
- BE6 Landscape design
- BE7 Streetscene
- BE8 Lighting and light pollution
- BE9 Architectural Quality
- BE12 Sustainable design principles
- EP2 Noise and Vibration
- EP3 Local air quality management
- EP6 Contaminated land
- EP15 Infrastructure
- TRN2 Public transport integration
- TRN3 Environmental Impact of Traffic
- TRN4 Measures to make transport impact acceptable
- TRN9 Bus Priority
- TRN10 Walkable environments
- TRN11 The London Cycle Network
- TRN22 Parking Standards – Non-Residential Developments
- TRN25 Parking in Town Centres
- TRN27 Retention of Essential Off-street Parking
- TRN30 Coaches and Taxis
- TRN34 Servicing in new developments
- TRN35 Transport access for disabled people & others with mobility difficulties
- Appendix TRN2 Parking and Servicing Standards
- SH2 Major Town Centres
- SH10 Food and Drink (A3) Uses
- SH11 Conditions for A3 Uses
- SH19 Rear servicing
- TEA1 Location of large-scale Tourist, Visitor and ACE uses
- TEA6 Large Scale Hotel Development

Brent Council Supplementary Planning Guidance and Documents

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

SUSTAINABILITY ASSESSMENT

The application was initially supported by a Sustainability Checklist and energy statement which looked to achieve carbon dioxide reductions of 25 % below 2010 Building Regulations Target Emission Rate.

However, the London Plan now requires a 40 % reduction. A revised energy statement has now been

received and this is currently being considered. It will be discussed within the supplementary report.

CONSULTATION

Site notice: 25 November 2013

Press notice: 28 November 2013

97 letters were sent to adjoining and nearby owners and occupiers.

One letter of objection was received from a Cecil Avenue resident noting the following issues:

Issue	Discussion / paragraph
Insufficient parking	See paragraph 17-20
Congestion on local and nearby streets, and only one lane is open for cars in Wembley High Road throughout the week	See paragraph 17-20
High Road is already affected by revellers and drinkers on Friday and Saturday nights, with food and betting shops only making this worse	See paragraph 21
Inconvenience to residents with work process	See paragraph 22

Environmental Health/Safer Streets: Conditions are recommended.

Highways: No objection. Please see the remarks section of this report for further information regarding the Highways comments.

Landscape Design: The footprint takes up the entire plot and there is very little external landscaping.

REMARKS

1. As several consents have already been granted for the conversion of this building to a hotel, this report will concentrate on the elements of the proposal that differ from the previous consents. This relates to the scale, form and potential impact of the proposed extensions to the building, the implications of the higher number of hotel rooms and the sustainability implications.

General Principle of the use

2. The loss of the office space and conversion to a hotel has been accepted in principle through the previous (extant) planning consents. The policy position has not changed with regard to this change of use and your officers consider that the proposed use remains acceptable in principle.

3. The report for that application specified the following:

The Council's policies allow the loss of purpose built office floorspace when the unit(s) have been actively marketed for period of 2 years without success. The ground floor of the unit is still in use. However, the remainder of the building has been vacant for some time. The applicants have specified that the current occupiers of the ground floor (HMRC) are going to vacate the premises shortly, leaving them with a completely vacant building. They have submitted an assessment of the office market which examines the current levels of office vacancy within Wembley. Your officers are also aware that there is a large amount of office space that is currently occupied, but will become vacant early to mid this year. More specifically, this will take place when Brent Council vacate the various buildings that it currently occupies (Chesterfield House, Brent House, Brent House Annex and MG House) and moves to the new Civic Centre building which is currently under construction. At that time, many thousands more square metres of office space will become vacant within what is known to be a poor local market for such uses at present.

4. As such, your officers consider the loss of current office floorspace to be acceptable in principle. The alternative uses are considered to be acceptable given the town centre designation of the site and the inclusion of A3 and A4 floorspace within the scheme.

Hotel Layout

5. The Council does not have policies regarding the quality of hotel rooms. However, the layouts as proposed appear to be typical of such uses. No details have been provided of extract duct routing, as was the case for the extant consents. However, given the location of the kitchen and plant and the nature of the floors above (hotel rooms), the ducting can easily be provided. It may be close to some windows of the hotel rooms. However, as these are not residential units, this is not considered to be a significant issue. A condition is accordingly recommended.
6. The proposal includes a total of 15 wheelchair accessible rooms, which represents 12.9% of the 116 hotel rooms that are proposed. The proposal is in accordance with London Plan policy which requires a minimum of 10 % of the rooms to be wheelchair accessible.

Ancillary restaurant and bar

7. The proposal includes a ancillary bar at ground floor level which will provide visual surveillance and interaction with the High Road. Glazed “shop fronts” will be installed in the place of the existing windows within the High Road (northern) elevation to provide activity between the bar and street and natural surveillance of the High Road.
8. A ancillary restaurant is proposed at lower ground level, which is ground level at the rear of the building. This increases the range of uses within the building, which is considered to be positive. It also increases the level of natural surveillance within the Cecil Avenue frontage, albeit in a relatively minor way due to the part-basement nature of the lower ground floor.

Extensions to the building

9. The proposal includes the demolition of the existing third floor of the building (currently set-in from the main external walls) and construction of a new third floor together with a fourth and fifth floor extension above the existing building. A 2- to 3-storey extension is also proposed at the rear (south) of the existing building, with the parking and servicing area situated on the ground floor of this extension. The rear extension is 3-storeys in height within the Cecil Avenue frontage, reducing to 2-storeys in height where it adjoins 2 Rosemead Avenue (the adjoining house). The extensions align with the existing building lines within Cecil Avenue and Rosemead Avenue, with a landscaped strip provided within the Rosemead frontage.
10. The extensions have been designed to contrast rather than match the existing building, with Trespa panels proposed as the main cladding material. Whilst further discussions may be required regarding the selection of materials, your officers consider that the approach (to contrast rather than match the existing building) is acceptable. The 6-storey height of the building as extended is considered to be acceptable within the High Road frontage, whilst the lower (2- to 3-storey) height that is proposed to the rear of the site is considered to be appropriate to the rear of the site where the context is set by the Copland School buildings and the surrounding 2-storey residential dwellings with pitched roofs.
11. The proposed extensions are set to the side of the adjoining and nearby residential dwellings within Rosemead Avenue. The proposed extension above the existing building is situated to the side of the final 4.9 of the garden of 2 Rosemead Avenue. The garden is a total of 14.5 m in length. The applicant has submitted a section, based on a site survey, which examines the compliance with the 45 degree line as set out within SPG17. This shows that an element of the proposed third floor extension is 2.1 m above the 45 degree line. Whilst new buildings and extensions should normally be set below this line, your officers consider that it is acceptable in this instance as it only affects the final 5 m (around a third) of the adjoining garden and that there is a shed in the corresponding corner of the adjoining garden which limits the impact of the extension. The proposed 2- to 3-storey rear extensions to the building are set well below the 45 degree line.
12. The application is accompanied by a BRE 209 based Daylight and Sunlight assessment. This report tests the nearby sensitive windows that are likely to experience the greatest level of impact. Of the windows tested, 55 of the 56 windows meet the BRE guidance levels for the effects of development on levels of daylight. The one window that does not comply (a kitchen window within the side of 369 High Road) will experience a reduction in the levels of daylight that is only slightly (0.42 %) above the BRE target and as such it is considered to warrant amendment to the scheme. The report confirms that the scheme complies with the BRE guidance for sunlight in relation to the potential impact on surrounding windows.

13. Given the footprint of the building as extended, opportunities for landscaping are limited. Green roofs are proposed where possible and a landscaped strip is proposed within the Rosemead Avenue frontage. On balance this is considered to be acceptable.

Transportation

14. Comments from Highways have not been received yet regarding this application and therefore must be discussed within the Supplementary Report. Your officers do not recommend deferring this application to the next committee as that would result in the application being determined after the end of the statutory 13 week period. Nevertheless, the key principles of the proposal have already been accepted within the previous applications.
15. Highways did not object to the loss of the public pay and display car park. This small car park only represents 3 % of the town centre parking within Wembley and while it is reasonably well used, there is a significant amount of spare capacity within the nearby Elm Road car park which is significantly under-used.
16. Highways considered that Coach Parking should be provided on-site and that the car parking area is of a sufficient size to accommodate this. Detailed comments on the layout of the parking and servicing area (including the coach parking space) will be discussed within the Supplementary Report. The Council's Coach parking standards require 1 space per 50 hotel rooms and therefore would require 2 coach parking spaces. This area will also be used by servicing vehicles. A condition requiring the approval and implementation of a delivery and servicing plan which includes the management of coach drop-off and parking arrangements is accordingly recommended.
17. Parking is not possible on the High Road and the CPZ in the surrounding streets operates between 8am and 6:30pm Monday to Saturday. The Council's maximum parking standards would allow up to 23 parking spaces whilst the London Plan specifies that hotel parking in such locations (with PTAL rating of 4 to 6) should be limited to operational needs and disabled parking. As the PTAL rating of the site is 6a (where the highest possible PTAL is 6b), your officers expect parking to be limited to the minimum required for operational requirements. As such, the proposed inclusion of 8 parking spaces, including 2 wheelchair accessible spaces (25 % of spaces) and 2 with electric vehicle charging points (again 25 %) is considered to be acceptable. Five motorcycle parking spaces are also proposed.
18. Cycle parking is provided for 26 cycles. The UDP does not set a specific standard for bicycle parking for hotel uses, but the proposed provision of 26 spaces is nevertheless welcomed in terms of promoting cycle use amongst staff and guests. The London Plan sets a standard of 1 cycle parking space per 10 staff, which would result in a requirement for 4 cycle parking spaces given the projected number of full-time staff members (37). As such, the proposal significantly exceeds the London Plan cycle parking standards.
19. A draft Travel Plan has been submitted with this application which looks to promote non-car modes of access and minimise the potential transport impacts of the scheme. This will be discussed within the Supplementary Report. However, it is recommended that the implementation of the travel plan (and the submission of a revised travel plan if the submitted plan is not adequate) is secured through condition.
20. The letter of objection that has been received refers to the levels of parking provided within the scheme, the implications for congestion and the fact that the High Road has only one lane for cars (in either direction). Given that the proposal results in a reduction in the amount of car parking and will secure a Travel Plan where one is not required for the existing use of the building, it is likely that the level of congestion will reduce as a result of the proposal. The regeneration of Wembley has the potential to place a greater demand on parking in the local area if this is not managed and controlled, with many of the sites becoming more densely developed and used. The securing of Travel Plans through planning consents together with the presence of the Controlled Parking Zones in the surrounding area helps to ensure that the potential for overspill parking in the surrounding streets is minimised and mitigated. This has considered to be sufficient for consents that has been granted to date. While this is likely to address potential issues, longer CPZ restrictions could be introduced if significant over-night parking occurs (e.g. some areas are restricted between 8:30am and 9pm Monday to Sunday). Some Councils have introduced non-time limited residents only parking areas (i.e. operational 24 hours a day, 7 days a week). However, this is not likely to be necessary.

Other issues raised by the objector

21. The letter of objection also specifies that the High Road is already affected by revellers and drinkers on Friday and Saturday night and that further food and better shops will make this worse. The proposed small ancillary bar and restaurant are accessed from the High Road and not from Cecil Avenue. The High Road forms the primary element of the Wembley Major Town Centre where one would expect to find shops, bars, restaurants and other town centre uses. As such, these proposed uses are focussed in the right direction, away from the suburban housing within the smaller surrounding streets. As such, your officers consider that these uses will be in an appropriate location and they help to ensure that the town centres within Brent remain to be viable. Your officers do not consider necessary to restrict the number of restaurants or bars within Wembley and even if this was desirable, it is difficult to do within secondary shopping frontages. It should be noted that no betting shops are proposed.
22. The objector also specifies that the scheme will result in "inconvenience to residents with work process". It is assumed that this relates to the loss of the HMRC offices. The HMRC are to close a number of their offices across the country, including the one within this building. It would close whether or not this development is implemented. This application proposes an alternative use for a building that would otherwise be vacant following its closure.

Summary

The proposed change of use of the existing office to a hotel is considered to be acceptable in principle, as is the loss of the small town centre car park. The proposed provision of a small ancillary bar and restaurant is considered to be beneficial given the town centre location of the site. The design and appearance of the extensions is considered to be acceptable subject to conditions regarding materials and detailing. A small element of the proposed third floor extension projects above the 45 degree line as set out within SPG17. However, the presence of a shed within corresponding part of the adjoining garden is considered to mitigate against the potential impact. Further information regarding Transportation will be provided within the Supplementary Report.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

National Planning Policy Framework
London Plan 2011
Brent LDF Core Strategy 2010
Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance

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):

A 000 001 Rev P0
A 100 500 Rev P4
A 100 501 Rev P0
A 100 502 Rev P2
A 100 503 Rev P2
A 100 504 Rev P2
A 100 505 Rev P2
A 100 506 Rev P3
A 100 507 Rev P3
A 110 501 Rev P1

A 110 502 Rev P0
A 110 503 Rev P1
A 110 504 Rev P0
A 120 501 Rev P1
A 120 502 Rev P1
A 120 503 Rev P0

"Planning Statement" dated October 2013

"Design and Access Statement" dated October 2013

"Regeneration/Employment Statement" dated October 2013

"Transport Statement" dated September 2013

"Draft Travel Plan" dated September 2013

"Sustainability and Energy Statement Addendum" reference P3084 dated 24 September 2013

"Daylight and Sunlight Report Valiant House" reference 6925 dated 19 September 2013

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

- (3) The premises shall be used only for the purpose of Hotel and for no other purpose (including any other purpose in Use Class C1 specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the prior written permission of the Local Planning Authority with the exception of the ancillary restaurant and bar/lounge as detailed on the approved plans which may be used for those purposes.

Reason: To ensure that no other use commences without the prior permission of the Local Planning Authority and to enable other uses to be considered on their merits.

- (4) No guest or customer of the hotel hereby permitted may occupy any part of the accommodation for a period exceeding ninety days in any continuous period of six months. The operator of the hotel shall at all times maintain an accurate register of the full names and permanent addresses of all guests and of the dates of their occupancy of the accommodation. These registers shall be kept for not less than two years from the date of the last entry and shall be made available to be inspected by the Local Planning Authority upon reasonable demand.

Reason: To ensure the development provides an adequate standard of accommodation for guests.

- (5) All areas shown on the approved plans within the relevant part of the development shall be suitably landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority in prior to the commencement of works and the approved details shall be implemented in full. Such landscaping work shall be completed prior to first occupation of the development hereby approved and thereafter maintained.

The submitted scheme shall include details of:

- a) the planting scheme for the site, which shall include species, size and density of plants, sub-surface treatments (or planters / green roof substrate profiles where applicable), details of the extent and type of native planting, any new habitats created on site and the treatment of site boundaries and buffers around water bodies;
- b) walls, fencing and any other means of enclosure, including materials, designs and heights;
- c) treatment of areas of hardstanding and other areas of hard landscaping or furniture, including materials;
- d) details of levels and contours within and adjoining the site;
- e) a landscaping maintenance strategy, including details of management responsibilities;

Any trees and shrubs planted in accordance with the landscaping scheme and any plants which have been identified for retention within the relevant part of the development which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species and size to those originally planted.

Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality.

- (6) No development shall commence and the use hereby approved shall not operate unless detailed information demonstrating that the car, coach, cycle and motorcycle parking and drop-off facilities, including access and turning heads set out within drawing A100 500 Rev P4 (or as modified through the approval of details pursuant to a condition of this consent or a non-material or minor material variation to this consent) can be delivered in full and thereafter retained have been submitted to and approved in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

Reason: In light of the uncertainty regarding the ability of the owner to deliver the proposed works and facilities and the impact on the free and safe flow of traffic on the adjoining and nearby highways that would result if those facilities could not be delivered.

- (7) Further detailed confirming that a minimum of 12 hotel rooms are Wheelchair Accessible shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use and those rooms shall thereafter be maintained.

Reason: To ensure a sufficiently accessible development that complies with policy 4.5 of the London Plan 2011.

- (8) Prior to the commencement of the development, details of the kitchen extract system, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the following:

- Plans showing the route the extract duct will take through the building and associated layout of rooms and showing that the flue will terminate at least 1m above the roof height of the building
- Details of the types of food to be cooked and the odour abatement equipment to be installed;
- Calculation showing that acceptable noise levels (i.e. Good resting conditions) will be achieved in the most affected hotel rooms and specifications of any noise abatement equipment needed to achieve these conditions.

The kitchen extract shall be installed and operated in accordance with the approved details and thereafter maintained in accordance with the manufacturer's specifications.

Reason: To achieve good resting conditions for the hotel residents and to protect the amenity of neighbouring residents.

- (9) The draft Travel Plan hereby approved shall be implemented from commencement of the use hereby approved unless otherwise agreed in writing by the Local Planning Authority. The travel plan shall be reviewed at years 1, 3 and 5 from first occupation, and the reviews shall be submitted to and approved in writing by the Local Planning Authority as follows:

- a) A review of the Travel Plan measures over the first 12 months from first occupation shall be submitted to the Local Planning Authority within 15 months of the commencement of the use and the review shall be approved in writing within 18 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority;
- b) A review of the Travel Plan measures over the first 3 years from first occupation shall be submitted to the Local Planning Authority within 39 months of the commencement of the use and the review shall be approved in writing within 42 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority;
- c) A review of the Travel Plan measures over the first 5 years of operation shall be submitted to the Local Planning Authority within 63 months of the commencement of the use and the review shall be approved in writing within 66 months and associated measures implemented unless otherwise agreed in writing by the Local Planning Authority;

Reason: In order to promote sustainable transport measures and in the interest of the free and safe flow of traffic on the local road network.

- (10) Details of materials for all external surfaces of the building and all other external works

(including samples where necessary) and the detailing of the key fixings and junctions between different materials shall be submitted to and approved by the Local Planning Authority prior to the commencement of works and the works shall be carried out in full accordance with the approved details.

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

- (11) The use of the development hereby approved shall not commence unless a Delivery and Servicing Plan, including coach drop off and coach parking arrangements, is submitted to and approved in writing by the Local Planning Authority and the approved plan shall be implemented in full.

Reason: To ensure that the development is sustainable and in the interest of highway flow and safety.

- (12) Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior the installation of the lighting unless otherwise agreed in writing by the Local Planning Authority. This shall include details of the lighting fixtures, luminance levels within and adjoining the site. The approved details shall be implemented in full.

Reason: In the interests of safety and the amenities of the area.

- (13) Details demonstrating that the developer or constructor has joined the Considerate Constructors Scheme shall be submitted to the Local Planning Authority prior to commencement of works and the developer or constructor shall thereafter adhere to the requirements of the Scheme for the period of construction.

Reason: In the interest of the amenities of the adjoining and nearby owners and occupiers.

- (14) A Construction Logistics Plan, setting out how deliveries to the land during the construction of the relevant part of the Development will be managed so as to optimise traffic operations and minimise disruption as also minimise the environmental impact of freight activity, shall be submitted to and approved in writing prior to the commencement of the development and the approved plan shall thereafter be implemented.

Reason: In the interest of highway flow and safety.

- (15) Confirmation that a minimum of 2 wheelchair accessible parking spaces and two electric vehicle charging points have been provided shall be submitted to the Council prior to first occupation of the development hereby approved and shall thereafter be maintained.

Reason: To ensure that the development is accessible and sustainable.

INFORMATIVES:

- (1) If the development is carried out it will be necessary for a crossing to be altered over the public highway by the Council as Highway Authority. This will be done at the applicant's expense in accordance with Section 184 of the Highways Act 1980. The applicant is advised to contact the Head of Transportation with regard to this matter prior to the commencement of any works. The grant of planning permission, whether by the Local Planning Authority or on appeal, does not indicate that consent will be given under the Highways Act.
- (2) Should sufficient information be submitted to address condition No. 6, the applicant is advised to contact the Head of Transportation with regard to the decommissioning of the public car park, including the removal of all associated signs and ticket machines.

Any person wishing to inspect the above papers should contact David Glover, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5344

Agenda Item 6

PLANNING & ENFORCEMENT APPEALS

DATE / YEAR January 14 2014

Received	4/01
Decided	4/02
Selected Decisions	4/03
Copies of selected Decisions	4/04

SPECIAL ITEMS

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Received PLANNING Appeals between 1-Nov-2013 and 31-Dec-2013

Planning Committee: 14 January, 2014

Application Number: 13/0393 **Team:** Southern Team **Application Type** S78 FUL

Appeal Received: 21/11/2013 **Appeal Against:** Refusal of planning permission

Location: Land adjacent 23, Bolton Gardens, London, NW10

Proposal:

Demolition of three existing garages and erection of a two-storey dwellinghouse (amended scheme from application ref 106 of the Town and Country Planning Act 1990, as amended)

Application Number: 13/1028 **Team:** Southern Team **Application Type** S78 FUL

Appeal Received: 15/11/2013 **Appeal Against:** Refusal of planning permission

Location: Ground Floor, 54 Brondesbury Villas, London, NW6 6AB

Proposal:

Single storey detached timber outbuilding to rear of ground floor flat as revised by plans.

Application Number: 13/1639 **Team:** Northern Team **Application Type** S78 FUL

Appeal Received: 13/12/2013 **Appeal Against:** Refusal of planning permission

Location: FLAT 1-10 INC, 51 Anson Road, London, NW2 3UY

Proposal:

Part removal of block paving to be replaced with soft landscaping to front of flats

Application Number: 13/1716 **Team:** Northern Team **Application Type** S78 HSE

Appeal Received: 07/11/2013 **Appeal Against:** Refusal of planning permission

Location: 77 Review Road, London, NW2 7BH

Proposal:

Single storey front and side extension to dwellinghouse

Application Number: 13/1730 **Team:** Southern Team **Application Type** S78 FUL

Appeal Received: 09/12/2013 **Appeal Against:** Refusal of planning permission

Location: 56 Station Road, London, NW10 4UA

Proposal:

Change of use of existing shop unit (use class A1) to mixed use comprising A1 and data-controlled administrative book vehicles (Use Class Sui Generis)

Application Number: 13/1968 **Team:** Northern Team **Application Type** S78 HSE

Appeal Received: 20/12/2013 **Appeal Against:** Refusal of planning permission

Location: 67 Woodcock Hill, Harrow, HA3 0JH

Proposal:

Proposed single and two storey side and rear extension and front porch to dwellinghouse

Application Number: 13/1973 **Team:** Northern Team **Application Type** S78 HSE

Appeal Received: 20/12/2013 **Appeal Against:** Refusal of planning permission

Location: 5 Adams Close, London, NW9 8PT

Proposal:

Erection of two storey side extension behind existing garage to dwellinghouse (revised description).

Application Number: 13/2001 **Team:** Northern Team **Application Type** S78 HSE

Appeal Received: 27/11/2013 **Appeal Against:** Refusal of planning permission

Location: 29 Trevelyan Crescent, Harrow, HA3 0RN

Proposal:

Single and two storey side and rear extension, single storey rear extension and rear dormer window to dwellinghouse

Received PLANNING Appeals between 1-Nov-2013 and 31-Dec-2013

Planning Committee: 14 January, 2014

Application Number: 13/2133 **Team:** Southern Team **Application Type** S78 HSE
Appeal Received: 04/11/2013 **Appeal Against:** Refusal of planning permission
Location: 4A Chatsworth Road, London, NW2 4BN
Proposal:

Demolition of existing rear conservatory and erection of single storey rear extension

Application Number: 13/2226 **Team:** Southern Team **Application Type** S78 HSE
Appeal Received: 20/11/2013 **Appeal Against:** Refusal of planning permission
Location: 24A Brondesbury Villas, London, NW6 6AA
Proposal:

Full planning permission sought for erection of a single storey timber building for ancillary residential purposes within re revised by plans.

Application Number: 13/2302 **Team:** Southern Team **Application Type** Other ADV
Appeal Received: 21/11/2013 **Appeal Against:** Refusal of planning permission
Location: Street Record, Harrow Road, London
Proposal:

Replacement of one existing externally illuminated 96-sheet advertising hoarding and one exiting externally illuminated with two new internally illuminated 48-sheet advertising display units both mounted on a single mono-pole structure, on 252 Harrow Road, NW10.

Application Number: 13/2370 **Team:** Northern Team **Application Type** S78 HSE
Appeal Received: 08/12/2013 **Appeal Against:** Refusal of planning permission
Location: 34 Windsor Crescent, Wembley, HA9 9AW
Proposal:

Proposed first and second floor rear extension

Application Number: 13/2428 **Team:** Western Team **Application Type** S78 HSE
Appeal Received: 08/11/2013 **Appeal Against:** Refusal of planning permission
Location: 161 Norval Road, Wembley, HA0 3SX
Proposal:

Demolition of existing garage and erection of a single storey side extension to dwellinghouse

Application Number: 13/2431 **Team:** Southern Team **Application Type** Other CLU
Appeal Received: 18/11/2013 **Appeal Against:** Refusal of planning permission
Location: 30 Regal Building, 75 Kilburn Lane, North Kensington, London, W10 4BB
Proposal:

Certificate of lawfulness for existing use of live/work unit at no 30 Regal Building, 75 Kilburn Lane, W10 4BB as self co

Application Number: 13/2472 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 23/12/2013 **Appeal Against:** Refusal of planning permission
Location: All flats at 91, 93 & 95 Cricklewood Broadway, London, NW2 3JG
Proposal:

Erection of second and third floor rear extensions; erection of additional storey to main building with front mansard at ri building) to create three new self contained flats (2 x 2 bed, 1 x studio flat) and improvements to four existing studio fla including new bin store, soft landscaping and bicycle store in the rear service area (revised description).

Received PLANNING Appeals between 1-Nov-2013 and 31-Dec-2013

Planning Committee: 14 January, 2014

Application Number: 13/2493 **Team:** Southern Team **Application Type** Other CLD
Appeal Received: 01/11/2013 **Appeal Against:** Refusal of planning permission
Location: 64 Craven Park Road, London, NW10 4AE
Proposal:

Certificate of lawfulness for proposed change of use from residential use (Use Class C3) to ancillary retail storage (Use Class S78) change from one retail unit and 5 self-contained flats to 1 retail unit, 2 separately accessed storage areas and 2 self-contained flats

Application Number: 13/2561 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 20/12/2013 **Appeal Against:** Refusal of planning permission
Location: Flats 1-7 Inc, Vishnu Court, May Lane, Harrow, HA3
Proposal:

Retrospective application for installation of steel railings and gates for pedestrian and vehicular access to block of flats and to paint the railings and gates matt black

Application Number: 13/2617 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 03/11/2013 **Appeal Against:** Refusal of planning permission
Location: 18 & 18A Northview Crescent, London, NW10 1RD
Proposal:

Erection of a two storey side and rear extension to ground and first floor flat.

Application Number: 13/2649 **Team:** Northern Team **Application Type** S78 HSE
Appeal Received: 10/12/2013 **Appeal Against:** Refusal of planning permission
Location: 49 Park View Road, London, NW10 1AJ
Proposal:

Demolition of existing rear detached building and erection of single storey rear extension to dwellinghouse

Application Number: 13/2822 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 08/12/2013 **Appeal Against:** Refusal of planning permission
Location: 45 Wood Lane, London, NW9 7PD
Proposal:

Two storey side extension, single storey rear extension, rear dormer window, 2 front rooflights, 1 side and 1 rear rooflight

Application Number: 13/2873 **Team:** Western Team **Application Type** S78 PAH
Appeal Received: 25/11/2013 **Appeal Against:** Refusal of planning permission
Location: 27 Bassingham Road, Wembley, HA0 4RJ
Proposal:

Prior approval for a single storey rear extension to dwellinghouse, in metres:

Extending beyond the rear wall of the original house - 6 m

Maximum height - 3.3 m

Eaves height - 3 m

Received ENFORCEMENT Appeals between 1-Nov-2013 and 31-Dec-2013

Planning Committee: 14 January, 2014

Application Number: E/10/0268 **Appeal Against:** Enforcement Appeal **Team:** Western Team**Appeal Started:** 02/12/2013**Location:** 83 Manor Drive, Wembley, HA9 8EB**Description:**

The erection of a building for uses not incidental to the enjoyment of the dwellinghouse to the rear of the premises.
("the unauthorised development")

Application Number: E/12/0053 **Appeal Against:** Enforcement Appeal **Team:** Western Team**Appeal Started:** 05/11/2013**Location:** Harrowdene House, 86 Harrowdene Road, Wembley, HA0 2JF**Description:**

Without planning permission:

1. The change of use of the building to a house in multiple occupation for more than six people and three self-contained accommodation;
2. The erection of single storey extensions to the south-east and north-east corners of the building;
3. The change of use of the rear part of the premises to a storage yard; and
4. The construction of unauthorised hardstanding to the front of the premises.

("the unauthorised change of use and development")

Application Number: E/12/0217 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 26/11/2013**Location:** 10 Brookfield Crescent, Harrow, HA3 0UT**Description:**

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

("The unauthorised development")

Application Number: E/12/0563 **Appeal Against:** Enforcement Appeal **Team:** Southern Team**Appeal Started:** 08/11/2013**Location:** 53 Hardinge Road, London, NW10 3PN**Description:**

Without planning permission, the failure to build in accordance with Planning Permission 09/2835, which has resulted unit of residential accommodation in the extensions.

("The unauthorised development")

Received ENFORCEMENT Appeals between 1-Nov-2013 and 31-Dec-2013

Planning Committee: 14 January, 2014

Application Number: E/12/0636 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 05/11/2013**Location:** 802 North Circular Road, Neasden, London, NW2 7TD**Description:**

Without planning permission, the change of use of the premises from a dwellinghouse into SIX self-contained flats ("the unauthorised change of use")

AND

Without planning permission, the erection of a single storey rear extension and the erection of a rear dormer window ("the unauthorised development")

Application Number: E/12/0937 **Appeal Against:** Enforcement Appeal **Team:****Appeal Started:** 05/12/2013**Location:** Studios 1-6, 648 North Circular Road, Neasden, London, NW2 7QJ**Description:**

Without planning permission, the erection of a rear dormer window and rear single storey extension to the premises ("the unauthorised development")

Without planning permission, the change of use of the premises into 6 flats

("the unauthorised change of use")

Application Number: E/13/0094 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 26/11/2013**Location:** 137 Sandhurst Road, London, NW9 9LJ (extended over the boundary to 135 Sandhurst Road)**Description:**

The erection of a single storey rear extension (in the approximate location shown hatched on the attached plan)

("the unauthorised development")

Application Number: E/13/0226 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 25/11/2013**Location:** 4 Gladstone Parade, Edgware Road, Cricklewood, London, NW2 6JS**Description:**

Without planning permission, the erection of a metal container at the rear of the premises.

("the unauthorised development")

Application Number: E/13/0229 **Appeal Against:** Enforcement Appeal **Team:** Western Team**Appeal Started:** 20/11/2013**Location:** 10 Clayton Avenue, Wembley, HA0 4JU**Description:**

The erection of a building in rear garden of the premises.

("the unauthorised development")

LONDON BOROUGH OF BRENT

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Received ENFORCEMENT Appeals between 1-Nov-2013 and 31-Dec-2013

Planning Committee: 14 January, 2014

Application Number: E/13/0526 **Appeal Against:** Enforcement Appeal **Team:** Western Team
Appeal Started: 06/11/2013

Location: 15 Bamford Avenue, Wembley, HA0 1NA

Description:

The erection of the building in rear garden of the premises.

("the unauthorised development")

Application Number: E/13/0528 **Appeal Against:** Enforcement Appeal **Team:** Northern Team
Appeal Started: 26/11/2013

Location: 33 Chalkhill Road, Wembley, HA9 9DS

Description:

The erection of a building in the rear garden of the premises.

("the unauthorised development")

Application Number: E/13/0629 **Appeal Against:** Enforcement Appeal **Team:** Southern Team
Appeal Started: 04/11/2013

Location: 111 Leighton Gardens, London, NW10 3PS

Description:

The erection of a building in the rear garden of the premises.

("the unauthorised development")

Application Number: E/13/0701 **Appeal Against:** Enforcement Appeal **Team:** Western Team
Appeal Started: 05/12/2013

Location: 129 Monks Park, Wembley, HA9 6JP

Description:

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

("the unauthorised development")

Application Number: E/13/0776 **Appeal Against:** Enforcement Appeal **Team:** Northern Team
Appeal Started: 06/11/2013

Location: 45 Wood Lane, London, NW9 7PD

Description:

The erection of a two storey side, single storey rear extension and gable roof extension.

("the unauthorised development")

Application Number: E/13/0797 **Appeal Against:** Enforcement Appeal **Team:** Western Team
Appeal Started: 27/11/2013

Location: 1 Wembley Way, Wembley, HA9 6JJ

Description:

Without planning permission, the erection of a two storey side and rear extension.

("the unauthorised development")

Received ENFORCEMENT Appeals between 1-Nov-2013 and 31-Dec-2013

Planning Committee: 14 January, 2014

Application Number: E/13/0904 **Appeal Against:** Enforcement Appeal **Team:** Southern Team**Appeal Started:** 08/11/2013**Location:** 3A Manor Parade, Station Road, London, NW10 8TR**Description:**

The erection of a rear dormer loft extension, the erection of a rear extension and the material change of use from one contained flats.

("the unauthorised development")

Application Number: E/13/0919 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 09/12/2013**Location:** 29 Uxendon Crescent, Wembley, HA9 9TW**Description:**

The erection of a building in rear garden of the premises.

("The unauthorised development")

Application Number: E/13/0966 **Appeal Against:** Enforcement Appeal **Team:** Western Team**Appeal Started:** 04/12/2013**Location:** 2 and 4 Oldborough Road, Wembley, HA0 3PR**Description:**

The change of use of the building in the rear garden to a separate unit of residential accommodation.

("the unauthorised change of use")

Decisions on PLANNING Appeals between 1-Nov-2013 and 31-Dec-2013

Planning Committee: 14-Jan-2014

Application Number: 12/1294 **PINSRefNo** A/12/2181027 **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 04/11/2013

Location: Thanet Lodge Garages, Thanet Lodge, Mapesbury Road, London, NW2 4JA

Proposal:

Conversion of the four garages under the eastern corner of Thanet Lodge block into a 1 bed flat.

Application Number: 12/1921 **PINSRefNo** A/13/2196875 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 11/12/2013

Location: 513 & 515, High Road, Wembley, HA9

Proposal:

Proposed 3-storey rear extension to 513 & 515, roof extension including rear dormer window, conversion of upper floor self-contained flats with rear balconies, internal alterations at ground and lower ground floor to amalgamate these units installation of x4 front facing rooflights

Application Number: 12/2165 **PINSRefNo** A/13/2197819 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 20/11/2013

Location: 288 Neasden Lane, London, NW10 0AD

Proposal:

Conversion of rear storage building and single storey extension to facilitate the conversion to a residential unit (1x stud storey rear extension for additional storage for existing ground floor A1 unit

Application Number: 12/2225 **PINSRefNo** A/13/2199521 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 30/12/2013

Location: 200 Villiers Road, London, NW2 5PU

Proposal:

Change of use of the property and grounds from office and car parking to a 3 bed dwellinghouse, including installation obscure glazing to rear facing kitchen and bedroom at ground and first floor of flats in 200 Villiers Road, alteration to e hardstanding to create a parking space and amenity space for the dwellinghouse.

Application Number: 12/2539 **PINSRefNo** A/13/2200197 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 19/12/2013

Location: 72-74 Dudden Hill Lane, London, NW10 1DG

Proposal:

Demolition of the outbuilding and store on the ground floor, construction of 4 self contained flats, and refurbishment of existing A3 use on a semi-detached house at 72-74 Dudden Hill Lane, London NW10 1DG

Application Number: 12/2773 **PINSRefNo** A/13/2197086 **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 28/11/2013

Location: 44A & B Staverton Road, London, NW2 5HL

Proposal:

Creation of new self contained one bedroom flat in loft space above two existing self-contained flats, infilling of existng projecting hipped roofs, erection of side dormer window, erection of rear dormer window and two front rooflights, one fl new bin stores and two new cycle stands to front garden of flats.

Application Number: 12/2813 **PINSRefNo** A/13/2191452 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 04/11/2013

Location: 1-42 (inc) Thanet Lodge, Mapesbury Road, London, NW2 4JA

Proposal:

The erection of three flats (1x Two Bed and 2 x One Beds) to the North of Thanet Lodge

Decisions on PLANNING Appeals between 1-Nov-2013 and 31-Dec-2013

Planning Committee: 14-Jan-2014

Application Number: 12/3396	PINSRefNo A/13/2199503	Team: Southern Team
Appeal Decision: Appeal Dismissed		Appeal Decision Date: 03/12/2013
Location: 29B Huddlestone Road, London, NW2 5DL		
Proposal:		
Retention of 1st floor and roofspace as 2 x1 bed dwelling units, including alterations to forecourt to incorporate refuse : landscaping.		
Application Number: 13/0033	PINSRefNo APP/T5150/A/13/2199048	Team: Northern Team
Appeal Decision: Appeal Dismissed		Appeal Decision Date: 06/11/2013
Location: 281A Edgware Road, Kingsbury, London, NW9 6NB		
Proposal:		
Subdivision of existing maisonette to two no. self-contained flats and minor external alteration.		
Application Number: 13/0062	PINSRefNo A/13/2198001	Team: Northern Team
Appeal Decision: Appeal Dismissed		Appeal Decision Date: 11/12/2013
Location: 12 Ledway Drive, Wembley, HA9 9TQ		
Proposal:		
Demolition of existing car port and detached garage and erection of single storey side and rear extension to dwellinghc contained 'granny annexe'		
Application Number: 13/0130	PINSRefNo A/13/2199634	Team: Southern Team
Appeal Decision: Appeal Dismissed		Appeal Decision Date: 12/12/2013
Location: 10 St Marys Road, London, NW10 4AP		
Proposal:		
Conversion of property to three self-contained flats including erection of second floor rear extension, rear dormer wind rooflights.		
Application Number: 13/0679	PINSRefNo A/13/2200756	Team: Northern Team
Appeal Decision: Appeal Dismissed		Appeal Decision Date: 24/12/2013
Location: 57 Kinloch Drive, London, NW9 7JU		
Proposal:		
Two storey side to rear extension and single storey rear extension to ground and first floor flats in accordance with revi 30/05/2013		
Application Number: 13/1019	PINSRefNo D/13/2205094	Team: Northern Team
Appeal Decision: Appeal Allowed		Appeal Decision Date: 28/11/2013
Location: 13 Coniston Gardens, London, NW9 0BA		
Proposal:		
Single storey rear extension to dwelling house		
Application Number: 13/1063	PINSRefNo D/13/2209651	Team: Southern Team
Appeal Decision: Appeal Dismissed		Appeal Decision Date: 11/12/2013
Location: 836 Harrow Road, London, NW10 5JU		
Proposal:		
Rear dormer windows and 2 front rooflights to dwellinghouse		

Decisions on PLANNING Appeals between 1-Nov-2013 and 31-Dec-2013

Planning Committee: 14-Jan-2014

Application Number: 13/1116	PINSRefNo D/13/2207242	Team: Northern Team
Appeal Decision: Appeal Dismissed		Appeal Decision Date: 17/12/2013
Location: 39 Aylesbury Street, London, NW10 0AR		
Proposal:		
Retrospective application for installation of UPVC double glazed windows to front of dwellinghouse (Article 4 direction)		
Application Number: 13/1165	PINSRefNo D/13/2205766	Team: Northern Team
Appeal Decision: Appeal Dismissed		Appeal Decision Date: 19/11/2013
Location: 51 Chartley Avenue, London, NW2 7QY		
Proposal:		
Alterations to existing single storey detached outbuilding to rear of property.		
Application Number: 13/1240	PINSRefNo D/13/2206447	Team: Southern Team
Appeal Decision: Appeal Allowed		Appeal Decision Date: 25/11/2013
Location: 54 Brondesbury Park, Kilburn, London, NW6 7AT		
Proposal:		
First floor front extension to dwellinghouse		
Application Number: 13/1595	PINSRefNo D/13/2205758	Team: Western Team
Appeal Decision: Appeal Dismissed		Appeal Decision Date: 17/12/2013
Location: Ohm, 1 Queen Victoria Avenue, Wembley, HA0 4RW		
Proposal:		
Demolition of existing garden shed and erection of a single storey side and rear extension and erection of 1.8m high tir within the frontage to the front and to the side of the dwellinghouse		
Application Number: 13/1679	PINSRefNo D/13/2206792	Team: Western Team
Appeal Decision: Appeal Allowed		Appeal Decision Date: 06/12/2013
Location: 9 Tudor Court South, Wembley, HA9 6SQ		
Proposal:		
Two storey side extension, gable end roof extension, rear dormer window and 2 front rooflights to dwellinghouse		
Application Number: 13/1716	PINSRefNo D/13/2205004	Team: Northern Team
Appeal Decision: Appeal Dismissed		Appeal Decision Date: 16/12/2013
Location: 77 Review Road, London, NW2 7BH		
Proposal:		
Single storey front and side extension to dwellinghouse		
Application Number: 13/1999	PINSRefNo D/13/2206561	Team: Western Team
Appeal Decision: Appeal Allowed		Appeal Decision Date: 19/11/2013
Location: 44 Manor Drive, Wembley, HA9 8EF		
Proposal:		
Single storey side extension to dwellinghouse		

Decisions on ENFORCEMENT Appeals between 1-Nov-2013 and 31-Dec-2013

Planning Committee: 14 January, 2014

Application Number: E/10/0423 **PINSRefNo** C/13/2197578**Team:** Northern Team**Appeal Decision:** Appeal part dismissed / part allowed**Appeal Decision Date:** 11/11/2013**Location:** 2A Shaftesbury Avenue, Harrow, HA3 0QX**Proposal:**

Without planning permission, the installation of hard surface and the erection of gates and fences to the front of the premises ("the unauthorised development")

Application Number: E/10/0441 **PINSRefNo** C/13/2196524**Team:** Western Team**Appeal Decision:** Appeal Allowed**Appeal Decision Date:** 28/11/2013**Location:** 44 Lancelot Crescent, Wembley, HA0 2AY**Proposal:**

The erection of a building in rear garden of the premises.

("The unauthorised development")

Application Number: E/12/0486 **PINSRefNo** C/12/2188512**Team:** Southern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 04/11/2013**Location:** THANET LODGE GARAGES, THANET LODGE, Mapesbury Road, London**Proposal:**

Without planning permission, the change of use of the garages and car parking area to car repairs and the storage of vehicles ("the unauthorised change of use")

Application Number: E/12/0814 **PINSRefNo** C/13/2197369**Team:** Northern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 19/12/2013**Location:** 2 Melbury Road, Harrow, HA3 9RA**Proposal:**

The change of use of the premises from the single dwellinghouse into two residential units of accommodation.

("The unauthorised change of use")

Application Number: E/13/0204 **PINSRefNo** C/13/2198588**Team:** Northern Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 23/12/2013**Location:** 271 Kenton Road, Harrow, HA3 0HQ**Proposal:**

The erection of a building in rear garden of the premises used for residential purposes.

("The unauthorised development")

Application Number: E/13/0564 **PINSRefNo** C/13/2202092**Team:** Western Team**Appeal Decision:** Appeal Dismissed**Appeal Decision Date:** 26/11/2013**Location:** 90 Harrow Road, Wembley, HA9 6PL**Proposal:**

The erection of a conservatory on to an existing rear extension.

("The unauthorised development")

LONDON BOROUGH OF BRENT

Item 4/03

ENFORCEMENT SELECTED appeal DECISIONS between

1-Nov-2013

and 1-Dec-2013

Planning Committee: 14 January, 2014

Introduction

In order to keep Members fully informed of Enforcement Appeal decisions, copies of Inspector's decision letters concerning Enforcement action has been initiated and the appeal has been allowed or part allowed, are attached to the agenda.

Our reference: E/10/0423	Appeal Decision Date: 11/11/2013
Team: Northern Team	Appeal Decision: Appeal part dismissed / part allowed

Location: 2A Shaftesbury Avenue, Harrow, HA3 0QX

Proposal:

Without planning permission, the installation of hard surface and the erection of gates and fences to the front of the premises.

Our reference: E/10/0441	Appeal Decision Date: 28/11/2013
Team: Western Team	Appeal Decision: Appeal Allowed

Location: 44 Lancelot Crescent, Wembley, HA0 2AY

Proposal:

The erection of a building in rear garden of the premises.

Background Information

Any persons wishing to inspect appeal decision letters not set out in full on the agenda should contact the Planning Services Planning Service, Brent House, 349 High Road, Wembley, HA9 6BZ.
Telephone 020 8937 5210 or email: tps@brent.gov.uk.

Chris Walker, Assistant Director - Planning and Development

Appeal Decision

Site visit made on 15 October 2013

by **Anthony J Wharton BArch RIBA RIAS MRTPI**

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

Decision date: 4 November 2013

Appeal Ref: APP/T5150/A/12/2181027

Thanet Lodge Garages, Thanet Lodge 10 Mapesbury Road, London NW2 4JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Ashraf Borghol against the decision of the London Borough of Brent.
- The application Ref 12/1294, dated 16 May 2012, was refused by notice dated 11 July 2012.
- The development proposed is: Conversion of the four garages under the eastern corner of the Thanet Lodge block into a 1 bed flat.

Costs Application

An application for costs has been made by Mr Ashraf Borghol against the London Borough of Brent. This is the subject of a separate decision.

Decision

1. The appeal is allowed subject to conditions (see formal agreement below).

Background information and matters of clarification

2. In the appellant's final comments attention is brought to the fact that the Council has only latterly introduced the policies of the National Planning Policy Framework (NPPF) in relation to their case. However, I must consider the appeal on the basis of the relevant development plan and national policy at the time of my decision. I have taken into account policies H12 (Residential Layout); BE9 (Architectural Quality); TRN3 (Environmental Impact of Traffic); TRN4 (Measures to make Transport Impact Acceptable); TRN23 (Parking Standards) and TRN24 (On-Street Parking) of the Brent Unitary Development Plan 2004 (UDP)

3. I have also considered the relevant policies in the NPPF, including those set out in Section 1 (Building a strong and competitive economy); Section 4 (Promoting sustainable transport); Section 6 (Delivering a wide choice of quality homes) and Section 7 (Requiring good design). In particular I have taken into account the fact that the NPPF sets out a presumption in favour of sustainable development. Because the appeal site lies within the Brondesbury Conservation Area, I have also paid special attention to the requirements of Section 72 of the *Planning (Listed Buildings and Conservation Areas) Act 1990*.

4. Thanet Lodge comprises a large four storeys, (plus penthouse level), brick-built, block of mid 20C flats, located at the corner of Mapesbury Road and Mowbray Road in Kilburn. The four garages, proposed to be converted, are located at the eastern end of the block and are within the main structure of the building underneath the ground floor flat at this end of the block. The four garages are opposite to a free standing block of six lock-up garages and the adjacent access, from Mowbray Road, forms the main vehicular access to the Thanet Lodge grounds. Immediately to the north of the garages there is one 'disabled' marked parking space and five others. To the north of the block of six garages there are another four spaces. There is a large communal garden of around 1500m².

5. The four garages are not used as such because the gradient down to them and the junction with the level part of the access road currently precludes a reasonable access. For this reason the appellant has confirmed that they are currently used for storage purposes only. At the time of my visit all four garages were being used for the storage of what appeared to be household items including furniture and some heating radiators. Of the 6 lock-up garages the appellant (who lives elsewhere) has indicated that he uses the two most northerly ones for the keeping and maintaining of classic cars and that the other four are let out separately.

6. The appellant owns the freehold of the Thanet Lodge site and retains control of all of the garages on the land as well as the land used for parking spaces. He manages the garages and parking spaces separately and, as indicated above, uses some of them for his own purposes and rents others out. Residents of Thanet Lodge (with only one exception it seems) do not appear to have any rightful use of the garages and/or the parking spaces associated with the flats.

Reasons

7. The main issues in this case are: firstly the effect on the living conditions of the occupiers of the proposed development and, secondly, the effect on car parking in the locality having regard to the Council's third reason for refusal relating to the 'car-free' agreement and the CIL regulations.

Effect on the living conditions of the occupants of the proposed flat

8. On the first issue the Council contends that, although the required minimum space standards are met (52m² of floor space provided – 50m² minimum and external useable amenity space 45m² provided – 20m² minimum), the single aspect proposal does not comply with the Supplementary Planning Guidance (Design Guide for New Development) Policy, SPG17, because it only provides around a 5m separation from its own boundary wall, rather than the 10m required by the policy.

9. However, having seen the proposed drawings, it is evident that the boundary wall facing the windows to the proposed flat would be around 1.7m in height leaving more than adequate views of open sky from the single aspect flat. It would also be around 8.5m from the existing 6 block garages and I do not consider that this would result in any overbearing effect for those occupying the proposed flat. I also consider that, in terms of daylight and sunlight, the living conditions of the occupants of the proposed flat would be satisfactory. In effect the flat would be a 'semi-basement flat' and these are quite common in blocks such as these.

10. With regard to the Council's concerns about noise and disturbance being caused by use of the access, the effect will be no different, in my view, to the effect for the existing occupants of the flat above. With adequate insulation and double glazing noise transmission could be kept to perfectly reasonable levels. In any case the proposal will have to comply with current Building Regulation standards.

11. On the first issue, therefore, I find in favour of the appellant. The principle of residential development is acceptable; the relevant space standards are met and there are no design issues. Both local and national policies support the provision of delivering a wide choice of quality homes and there is no substantial evidence provided by the Council to suggest that services and infrastructure cannot cope with an additional flat unit at semi-basement level within the block. I deal with the Council's parking evidence below. I find that the proposal complies with policies BE9 and H12 of the UDP as well as to the relevant NPPF policies relating to housing and design. I am also satisfied that the character and appearance of the Brondnesbury Conservation Area would be preserved by the simple design of the scheme.

The effect on parking and on pedestrian and highway safety

12. At the time of my site visit (around midday) I noted the car parking restriction signs on the streets (10am to 3pm: Permit Holders or Pay and Display; 4 hour max) and the fact that the surrounding streets were very lightly parked. However, having been referred to the parking signage during the course of the site visit, I carried out an unaccompanied evening visit and the opposite was the case. However, at that time there were still a few on-street parking spaces available.

13. The Council indicates that Thanet Lodge comprises forty flats and that, with garages and parking spaces, there are 20 off street parking spaces and that the U-shaped driveway fronting Mapesbury Road can potentially accommodate two more cars. With the loss of four garage spaces this would indicate that there would be 18 spaces. There are 8 shared use residents/parking pay and display bays on Mowbray Road and Mapesbury Road.

14. In effect there are only 18 on-site spaces at present, since the four garages are not able to be reasonably used as such and are used for storage. Because the other garages are let out or used by the appellant and the parking spaces are also within his control as freeholder, residents (with one exception) of Thanet Lodge do not appear to have any rightful on-site (off-street) parking facilities. This means that resident car owners are likely to park on-street and this has implications generally within the locality. The site has a good Public Transport Accessibility Level (PTAL of 4) with two underground stations and seven bus routes within 8 minutes walk.

15. The relevant car-parking standards (PS14 in the UDP) is the reduced one of 0.7 spaces for a 1 bedroom flat and the Council indicates that this would increase the parking standard of the building from 28 spaces to 28.7. The Council's evidence also indicates that car ownership in the locality average 0.6 cars per household and that this would equate to 24 cars for the flats at Thanet Lodge.

16. From all of the evidence, it is clear that hardly any residents at Thanet Lodge have the benefit of on-site parking. However, there is no condition or policy which requires that Thanet Lodge's on-site parking should be retained for the use of residents and the Council cannot seek to remedy (through this proposal) what is clearly a shortage of parking spaces for the whole site. Despite this the matters relating to on-site parking are significant material considerations since any new development on the site is bound to have some effect on parking in the area. If residents are unable to use the garages or spaces they will park on street. Thus any new development will have a cumulative effect on on-street parking.

17. This proposal is for just one flat and only 0.7, or 1 space, in reality would be required. Any decision to grant planning permission for a proposal must be made in the public interest and that the overall implications relating to on and off-street parking need to be taken into account. In relation to proposals for any development, a decision should be made in accordance with the development plan, unless material considerations indicate otherwise.

18. I accept that with the number of flats on the site (even if car ownership was lower than the Council's suggested figure), the overall situation and lack of available off-road parking must place pressure on the on-street parking spaces and particularly in the evenings. One additional dwelling will add to this pressure. However, I do not consider that this proposal will significantly exacerbate the position to the extent that it would unacceptably harm the on-street parking situation in the locality.

19. I now turn to whether or not a legal agreement is required. I accept the Council's contention that the provision of a 'car-free' agreement would not be

unlawful in the overall circumstances of this case and that such an agreement could accord with Policy TRN23 of the UDP. I also agree that, on the facts of the case, this proposal cannot be directly compared to the *Westminster v SSCLG and Mrs Marilyn Acons (2013) EWHC 690* case. Policy TRN23 is different to Policy TRANS 23 of the Westminster UDP which does not include the same 'exceptional' criterion. Policy TRN23 indicates that the Transportation Service will accept 'car-free' development '*in exceptional circumstances in areas where occupation is restricted by condition to those who have signed binding agreements not to be car owners*'. I also consider that an agreement could meet the statutory tests in Regulation 122 of CIL Regulations (Para 23).

20. However, I do not consider that such an agreement is necessary in this case in order to mitigate the impact of just one additional dwelling on the site. Irrespective of the fact that it would be adding one more flat, resulting in a likely increase in on-street parking, I find that the proposal is acceptable and conclude that this particular scheme for 1 flat should be granted planning permission.

Other Matters

21. In reaching my conclusions I have taken into account all of the other matters raised by the Council and on behalf of the appellant. These include the full planning history of the site; the Committee Report; all references to UDP policies and the SPG17 (Design Guide for New Development); the detailed statements of the parties and the final comments. However, none of these carries sufficient weight to alter my conclusions and nor is any other matter of such significance so as to change my decision that the appeal must fail.

Conditions

22. As well as the need for the unilateral agreement relating to a financial contribution and commencement, I consider that conditions relating to commencement; approved drawings; materials; landscaping and refuse, recycling and bicycle storage are all necessary and appropriate.

Formal Decision

23. The appeal is allowed and planning permission is granted for the Conversion of the four garages under the eastern corner of the Thanet Lodge block into a 1 bed flat at Thanet Lodge Garages, Thanet Lodge, 10 Mapesbury Road, London NW2 in accordance with the terms of the application, Ref 12/1294 dated 16 May 2012, and the plans submitted with it, subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings: TP15; TP11; TP09; TP10; TP14; TP13; TP12; TP08; TP06; TP04; TP03; TP05; TP02; TP07 and TP01.
3. Details of all materials for 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.
4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels; means of enclosure; hard surfacing materials; proposed and existing functional services above and below ground. Soft landscape works shall include planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

All hard and soft landscape works shall be carried out in accordance with the approved details. Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying or seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing by the local planning authority.

5. Prior to the commencement of any works on site details of refuse, recycling and bicycle storage shall be submitted to and agreed in writing with the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Anthony J Wharton

Inspector



Costs Decision

Site visit made on 15 October 2013

by **Anthony J Wharton BArch RIBA RIAS MRTPI**

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

Decision date: 4 November 2013

Costs application in relation to Appeal Ref: APP/T5150/A/12/2181027 Thanet Lodge Garages, Thanet Lodge 10 Mapesbury Road, London NW2 4JA

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Ashraf Borghol (Java Properties International) against the London Borough of Brent.
 - The appeal was in relation to a failure to a refusal of planning permission for the conversion of four garages under the eastern corner of Thanet Lodge block into a 1 bed flat.
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Decision

1. The application for an award of Costs is refused.

Reasons

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and, thereby caused another party to incur unnecessary or wasted expense.

The case for the appellant

3. In the application for Costs, dated 1 May 2013, the appellant refers to the following paragraphs of Circular 2009: A3, B4, B15, B16, B27 and B29. The reasons for the claim are that the Council failed to stick to the appeal timetable; that its reasons for refusal do not stand up to scrutiny; that it did not consider the imposition of conditions and did not notify the appellant from the outset that the application required a s106 agreement. It is contended that the Council behaved unreasonably in many aspects of the case and that a full award of costs is justified.
4. The Council's supporting documents and Questionnaire were 5 weeks late and thus the appellant did not have an immediately accessible view of the material that the Council relied upon. Failure to produce the Questionnaire material until after the 6 week statement had been submitted required the appellant to '*research this material from scratch*' thereby increasing his costs. It is claimed that the Council fails to understand the purpose of the questionnaire which is to allow an appellant to prepare the 6 week statement from a common base. If there is no questionnaire an appellant has to guess what it might refer to as supporting material for a refusal and to '*that the 6 week statement can be comprehensive*'.
5. The appellant indicates that the Council failed to deal with the National Planning Policy Framework (NPPF) in making its decision and only dealt with it in a cursory way in its appeal statement. It did not assess the case against the presumption in favour of sustainable development. The appellant believes that the proposal is clearly consistent with the NPPF and the Council failed to assess it against this central material consideration. The single reference to the NPPF is not reasonable.

The policies the Council refers to were prepared on the basis of earlier guidance which was found to be *'unfit for purpose'*.

6. The Council accepts that the application meets the relevant space standards. It has misapplied the 10m garden standard in the Supplementary Planning Guidance 17 document (SPG17) in relation to a proposed 1 bedroom flat. There is ample communal space on the Thanet Lodge site. Its concerns about overlooking are also ill-founded and in any case could have been overcome by a condition. So too are the concerns raised about 'stacking' since any issues relating to noise transmission between flats would be resolved by the requirements of the building regulations. SPG17 was produced in 2001. The NPPF was introduced in 2012. The London Plan Housing SPD has replaced SPG17. To apply SPG17 as a rule book is unreasonable.

7. With regard to car parking it is claimed that the Council's material is hard to follow. It accepts that the PTAL rating is good (4). It has misapplied its parking standards in UDP Policy PS14. The policy identifies the standards as a 'maxima' whereas the Council has applied them as though they are a minimum standard. It has judged this proposal differently to the 2002 application for penthouse flats and the 2004 application to demolish garages. Neither required parking to the full standard. Furthermore the Council has failed to have regard to the fact that the garages are currently not available to Thanet Lodge residents. Opposing the loss of garages in the overall circumstances (less than 1 extra space; standards are maxima; no policy to preclude loss of spaces; local streets not heavily parked and in CPZs with vacant spaces; no conditions requiring use by Thanet Lodge residents) is unreasonable.

8. The Council's assessment of on-street parking fails to recognise that surrounding streets are not identified as being heavily parked in Policy TRN3 of the UDP. There are many on-street parking spaces available within a short distance from the proposed site. The Council does not deny many of the points raised by the appellant. The Council is also wrong about the condition No 6 of the 2002 permission which requires that the width of the access between the front edge of Thanet Lodge and the front property boundary to be increased to 4.1m in width and not that the space between the other garages and the appeal site be increased in width.

9. The Council did not initially indicate that a s106 agreement was necessary and did not later substantiate the requirement. In any case the requirements are inconsistent with the CIL Regulation 122. The request for a 'car-free' agreement has not been explained and is not required. A 1 bed flat will not result in any children and no education contribution should be required. The Council's justification for open space and other contributions is too vague to meet the relevant statutory standards. The case officer did not indicate that such an agreement was required.

10. Relatively little of the Council's response to the application deals with whether it has been unreasonable. This reinforces the unreasonableness of its approach. It is also unreasonable that the Council relies on the officer report relating to the width of the access; the application to replace 6 garages with 10 parking spaces; the notion that no more parking should be allowed in Mowbray Road and the misapplication of policy which require spaces to be in front of application sites. The lengthy costs application reinforces the Council's unreasoned and muddled consideration of the case and there is nothing in it which erodes the appellant's opinion that a full award of costs should be made against the Council.

The Council's response

11. In response the Council indicates that the information in the Questioner (Questionnaire) had either been previously issued (that is in the Decision Notice, Delegated Report etc) and had been in the public domain since the date of refusal. In any case, it is contended that irrespective of the timing of any information, once an appeal had been made the necessary work on behalf of the appellant would have had to have been carried out. It is not accepted that this constitutes a ground for costs being awarded against the Council.

12. The Council's indicates that its statement makes specific reference to the NPPF and gives due consideration to its requirements. It is factually incorrect to say that the Council has not considered the NPPF (see Council's appeal statement). The same degree of consideration has been given to other appeals defended by the Council and its approach has always been found to be a sound approach.

13. The Council has not raised an objection in relation to sunlight and daylight and is perplexed by this comment. Nor has the Council misapplied the SPG17 guidance. There is no other 'guidance' for conversion schemes; SPG17 went through a consultation process and was duly adopted as a guidance note and should be awarded due weight in any decision.

14. It is disputed that the question of overlooking could be overcome by condition. Any screening method would be over dominant and the matter of the access width has not been resolved. Nor is it accepted that the existing use causes more harm to residential amenity. There will be noise and disturbance for residents of the proposal from the flat above. The 2004 Building Regulations have been superseded and the Council requires robust details and sound testing. Without a sound test the appellant is not in apposition to assume that the proposal will comply with the Regulations.

15. On Car parking the Council denies misapplying the PS14 standards. Policy PS2 of the UDP explains that standards are '*maxima*' but that '*minimal operational parking is required...*'. The 2002 and 2004 applications were dealt with on their merits and all applications have been suitably considered. On the question of the surrounding streets not being heavily parked Mowbray Road is not indicated as such but Mapesbury Road is 'the road frontage' and this is a Local Distributor road where it is not appropriate to allow an increase in on-street parking. The Mowbray Road frontage would allow 8 cars but this is far below the requirements of Thanet Lodge.

16. The Council has had numerous enforcement issues relating to the use of the garages, which in the Council's opinion, should be used by residents in order to alleviate on-street parking. There are no permissions in place for any change of use relating to the garages. In any case the provision of another dwelling where there is already a critical lack of car parking at the site will exacerbate overspill car parking problems.

17. With regard to the s106 matters the Council again refers to the fact that the area is an '*area of parking strain*'. It is stressed that in relation to s106 agreements, the Council enters into negotiations if the application is to be allowed. If the application is to be refused the Council does not enter into negotiations, primarily to ensure that an applicant does not incur legal fees. With regard to charges, the Council has provided a SPD on s106 agreements. This is in the public domain. It clearly explains the educational, open space and other reasons for the requirements. The SPD 106 (page 11) relates specifically to the educational facilities for different site units which include 1 - bedroom units. It is common for

young couples to live in a 1 bedroom flat with a child and even if this is of a temporary nature young children require crèche and school facilities.

Assessment and conclusions

18. In relation to the Council's delays in the process of the appeal and the fact that their references to the NPPF were initially minimal, I consider that their actions constituted unreasonable behaviour. Once an appeal has been made it is critical that parties adhere to the programmes fixed by the Planning Inspectorate. It cannot be a defence to plead that staffing levels are low or over-stretched. The Questionnaire is a critical starting point and it is essential that Council's provide the information in a full and timely manner.

19. However, it is not clear to me how this unreasonable behaviour resulted in unnecessary expense for the appellant. Irrespective of the Council's delays in the process, once the appeal was made the appellant was going to incur costs. Whether these costs were sooner or later they were going to be incurred and although the appellant refers to '*having to trawl widely*' it seems to me that with the delegated report and the reasons for refusal (6 August 2012) the necessary 'trawling' should have been obvious and whilst accepting that the Council had been unreasonable in relation to '*administrative efficiency*', from my reading of the documentation prior to the questionnaire I cannot envisage that the appellant could have been subject to '*ambush*' by the authority as suggested.

20. With regard to the NPPF, the Council's statement under 'Planning Policy Context' deals sufficiently, in my view, with the matters relating to design and amenity and also reference is made to the presumption in favour of sustainable development. It then links the NPPF with the UDP policies and it is entitled to consider that the latter is consistent with the former. Again it is not clear to me how these references led to any unnecessary expense.

21. On the merits of the case, again the Council set out its three reasons for refusal and substantiated those reasons. I did not agree with their conclusions on the quality of accommodation issues, amenity or parking, but this does not alter the fact that they were entitled to take this stance. In any case, having read the relevant comments and the specific guidance, I do not consider that the Council misapplied the SPG17 guidance; they merely placed too much weight upon it in reaching their decision. Again, that is a matter for them but it does not, in my view, conclusively show that the appellant suffered additional expense in the appeal process due to this.

22. The Council's third reason for refusal clearly sets out their view that the lack of a 'car-free' agreement was contrary to policy. Their evidence in relation to parking in the locality is dealt with in my decision on the appeal. Having read the Council's parking standards and PS2 of the UDP I do not consider that these were misapplied and I agree with their view relating to the question of 'consistency' with the previous applications. Each must be considered on its merits. Any proposal for development of additional residential accommodation on this site is bound to have a knock-on effect for on-street parking. This is due to the fact that the residents are precluded from the use of the garages and on-site spaces.

23. With regard to the 'car free' agreement the Council clearly took the view that neither the imposition of conditions nor a s106 agreement would overcome the harm that they considered the proposal would cause. Whilst the timing and some details of this could be considered 'unreasonable behaviour', again I do not consider that it has been shown how this led to unnecessary loss and expense in

the appeal process. In section 5 of the application form it is indicated that no assistance or pre-application advice was sought by the appellant from the Council.

24. With regard to charges, the Council has provided a SPD on s106 agreements. And it explains the educational, open space and other reasons for the requirements. The SPD 106 (page 11) relates specifically to the educational facilities for different site units which include 1 – bedroom units. I do not consider, therefore that the Council acted unreasonably in relation to this matter.

25. In conclusion, although I find some of the Council's actions to have been unreasonable I do not consider that it has been shown by the appellant how these unreasonable actions led to unnecessary loss and expense. The application for an award of costs is, therefore, refused.

Anthony J Wharton

Inspector



Appeal Decision

Site visit made on 29 October 2013

by **S M Holden** BSc MSc CEng TPP MICE MRTPI FCIHT

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

Decision date: 28 November 2013

Appeal Ref: **APP/T5150/A/13/2197086**

44 Staverton Road, London NW2 5HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jonathan Kustow against the decision of the Council of the London Borough of Brent.
 - The application Ref 12/2773, dated 11 October 2012, was refused by notice dated 11 December 2012.
 - The development proposed is extension and alteration of existing house converted into 2 No self contained flats into 3 No self contained flats, consisting of 2 No 3 bedroom flats and 1 No 1 bedroom flat formed in the loft space.
-

Procedural matter

1. The Council's decision notice and the appeal form describe the development as: 'creation of new self-contained one bedroom flat in loft space above two existing self-contained flats, infilling of existing valley between the two side projecting hipped roofs, erection of side dormer window, erection of rear dormer window and two front rooflights, one first floor flank wall window, two new bin stores and two new cycle stands to front garden of flats.' With the exception of the reference to the cycle stands I have determined the appeal using this more accurate description of the development.

Decision

2. The appeal is allowed and planning permission is granted for creation of a new self-contained one bedroom flat in loft space above two existing self-contained flats, infilling of existing valley between the two side projecting hipped roofs, erection of side dormer window, erection of rear dormer window and two front rooflights, one first floor flank wall window and two new bin stores at 44 Staverton Road, London NW2 5HL in accordance with the application, Ref: 12/2773, dated 11 October 2012, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the external surfaces of the development hereby permitted shall match those in the existing building.
-

- 3) Otherwise than as set out in Condition (4) the development shall not be carried out other than in complete accordance with the following approved plans: Job No 12002, Drawing Nos. E-100 and P-100, Rev B.
- 4) Prior to the commencement of the development hereby permitted details of secure cycle storage shall be submitted to and approved in writing by the local planning authority. The cycle storage shall be implemented as approved prior to first occupation of the development hereby permitted and retained thereafter as approved.
- 5) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a. the proposed hours of working on the site;
 - b. measures to be employed to minimise emission of noise from the site;
 - c. arrangements for on-site storage of vehicles, plant, machinery and materials associated with the development;
 - d. measures to control the emission of dust and dirt during construction;
 - e. a scheme for recycling/disposing of waste resulting from construction works.

Main Issues

3. Since this application was determined the Council has adopted the Community Infrastructure Levy. A legal agreement to contribute towards investment in local transport infrastructure is therefore no longer required and this reason for refusal is not relevant to my deliberations. The main issues are therefore the effects of the proposal on:
 - a) the character and appearance of the host property and the surrounding area;
 - b) highway and pedestrian safety;

Reasons

Character and appearance

4. Staverton Road is characterised by large detached and semi-detached houses in well-proportioned plots. No 44 is a substantial semi that has already been subdivided into two three bedroom flats, both of which have sizeable rooms. To the rear is a good-sized garden, which is solely used by the occupants of the ground floor flat. The proposal seeks to insert a dormer window in the side roof slope in order to enable an additional one-bedroom flat to be provided in the roof space. The resultant accommodation would comply with the minimum space standards set out in the London Plan.
5. The Brent Unitary Development Plan (UDP) recognises that conversions of existing buildings provide an important means of increasing the number of dwellings and the range of accommodation available in the Borough. Saved

Policy H18 sets out a series of criteria which flat conversions are required to meet if they are to be acceptable. One of the over-arching objectives is to prevent over-intensification of development in relation to the number of units, but the policy does not specifically suggest how this will be assessed. Criterion (j) seeks to ensure that excessively large extensions are not added to existing dwellings with the sole purpose of increasing the number of units within a conversion. Such situations can result in over-intensive use of sites and unacceptable changes to the character of an area.

6. I note that the appellant suggests that the proposal would result in a residential density of 185 habitable rooms per hectare. However, density is not a measure of the design quality of a scheme and should not be the determining factor in relation to its acceptability. The critical issue is whether the proposed roof alterations can be accommodated without harm to the host property and the character and appearance of the surrounding area.
7. The houses in Staverton Road have long side elevations that are generally well concealed from public view, partly because of the modest gaps between them. No 44 currently has a double pitched roof with a valley between the front and rear elements, which can be glimpsed from the opposite side of the street. The proposal would introduce a large dormer window to infill this valley. In addition there would be a good-sized dormer on the rear roof slope and two rooflights on the front roof slope.
8. In the context of a substantial house that is well proportioned and with a long flank elevation, in my view the insertion of the proposed side dormer window would not appear excessive. It would not be prominent in the street scene as it would be well set back from the front elevation and would be partially screened by the presence of the front chimney, which would be retained. Views of the side elevation of the proposed dormer would also be obscured by the proximity of No 46. Neither would the side dormer window appear to dominate the roof when viewed from the garden as this is at a lower level than the house. The rear-facing gable with its pitched and hipped roof would remain as the distinguishing and dominant feature at the rear of the dwelling.
9. Furthermore, on my site visit I saw that side dormer windows of varying shapes and sizes were a feature of a number of the properties in Staverton Road. In most instances these were proportionate and well integrated into the host property. They did not dominate the buildings or appear out of place in the context of this mature residential street characterised by its mix of dwellings and street trees.
10. I therefore conclude that the proposal would not be harmful to the character and appearance of the host property or the surrounding area. It would therefore comply with saved Policies H18, BE2 and BE9 of the UDP, which require development to be well designed having regard to the local context.

Highway and pedestrian safety

11. Most of the houses in Staverton Road have off-street parking available within the front gardens. However, the area is also subject to parking regulations and a residents' parking scheme is in operation. At the time of my site visit there was no evidence of parking stress and the Council define the street as 'not heavily parked'.

- 12.No 44 has space for two vehicles to park off-street. The Council's parking standards indicate the current two flats have a requirement for 3.2 spaces. I do not know if any of the existing occupants have a resident's parking permit. The proposed development would increase the requirement for car parking spaces to 4.2. As this could not be provided on-site there would be an entitlement to a resident's parking permit.
- 13.However, the Council contend that the development should be 'car-free' to reduce the risk of increasing pressure on the area's supply of on-street parking. No detailed or substantive evidence was presented to suggest that the Council is not prepared to issue additional permits for this area or that an extra vehicle could not be satisfactorily accommodated within the existing residents' parking scheme. Any vehicle that was parked illegally would be liable to incur the appropriate sanction for so doing. I am therefore not persuaded that the proposal would result in unacceptable pressure on parking or be prejudicial to highway safety.
- 14.In any event I understand that Staverton Road is in an area that has been given a PTAL rating of 3 (moderate). It is already a bus route and just a short walk from Willesden High Road and Willesden Lane, which also have regular bus services. It is about 15 minutes walk to Willesden Green Station on the Jubilee Line. It therefore seems to me that the area is well served by public transport and residents would have a reasonable choice as to whether or not to own a car.
- 15.Notwithstanding these factors, the appellant submitted a Unilateral Undertaking that seeks to restrict the rights of owners and residents of the proposed flats from applying for a Resident's Parking Permit. The Council is not satisfied that this obligation would address its concerns, particularly as it would fail to remove the parking permit rights of future owners. Having studied the agreement I consider that the obligation would not meet the requirements of S106 of the Town and Country Planning Act, 1990. A promise not to apply for a parking permit, as the drafting suggests, is little more than a personal undertaking and provides an insufficient restriction on the use of the land to be effective.
- 16.In coming to this view I am mindful of the recent court case involving *Westminster City Council v Secretary of State for Communities and Local Government and Acons (2013)*, where a similar obligation was found not to meet the requirements of S106. However, as I consider there is every possibility that the demand for additional parking could, should it arise, be accommodated within the current Controlled Parking Zone, I consider that the obligation is neither necessary nor justified in this case.
- 17.I note that the appellant has offered to provide secure cycle storage on the site and this is to be welcomed. However, I am not persuaded that the two cycle stands shown on the plan would be adequate, since they would not provide protection from the elements and would not offer sufficient security. Nevertheless, it seems to me that there is sufficient space on the site to design a scheme to provide suitable facilities for secure cycle storage. This could be secured through the imposition of an appropriate condition requiring details to be agreed with the Council prior to the commencement of the development.

18. I therefore conclude that the proposed development would not adversely affect highway or pedestrian safety and, subject to the imposition of a suitable condition to secure adequate cycle storage on the site, the proposal would be acceptable. It would comply with saved Policies TRN3, TRN23 and TRN24, which requires development to provide appropriately for the likely traffic and parking demand it will generate.

Conditions

19. In addition to the standard time limit and a condition to provide secure cycle parking, the Council has suggested other conditions that it considers to be required in the event that the appeal is allowed. I have also had regard to the appellant's comments on these proposed conditions, which I have considered alongside the provisions of Circular 11/95: *The Use of Conditions in Planning Permissions*. A materials condition is required in the interests of the appearance of the development. It is necessary that the development shall be carried out in accordance with the approved plans and a condition to this effect is justified for the avoidance of doubt and in the interests of proper planning.

20. I have amended the condition suggested by the Council in relation to the construction period to provide for the preparation of a construction method statement to be agreed prior to the commencement of the development. I have included within this condition only those elements that I consider necessary having regard to the nature of the development.

21. The Council suggested conditions relating to highways works and landscaping. However, none are associated with the appeal proposal and I concur with the appellant that they are not required. The Council also suggested a condition restricting the use of the roof that the appellant would be willing to accept. However, the scheme would not create any window, door or staircase that would provide direct access to an area that could be used as a balcony. I am therefore not persuaded that such a condition is necessary or justified.

Conclusions

22. The Government is seeking to significantly boost the supply of housing and requires applications for housing development to be considered in the context of the presumption in favour of sustainable development. The proposed loft conversion at No 44 would provide an additional one bedroom flat, which would meet the space standards for new accommodation set out by the Mayor. In addition I have found that the proposal would not be harmful to the character and appearance of the area, would not lead to highway safety problems or give rise to unacceptable pressure on parking provision in the vicinity. The need for investment in local infrastructure would be met through a CIL contribution.

23. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed, subject to conditions.

Sheila Holden

INSPECTOR



Appeal Decision

Site visit made on 21 November 2013

by **D Cramond** BSc MRTPI

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

Decision date: 28 November 2013

Appeal Ref: APP/T5150/D/13/2205094

13 Coniston Gardens, Kingsbury, London, NW9 0BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Dariusz Walczak against the decision of the Council of the London Borough of Brent.
 - The application Ref 13/1019 was refused by notice dated 25 June 2013.
 - The development proposed is a rear single storey extension to the dwelling house.
-

Decision

1. The appeal is allowed and planning permission is granted for a rear single storey extension to the dwelling house at 13 Coniston Gardens, Kingsbury, London, NW9 0BA in accordance with the terms of the application, Ref 13/1019, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 3. The development hereby permitted shall be carried out in accordance with the following approved plans: P-02P1, P-03P1, P-04P1, P-05P1 & P-06P1.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbours.

Reasons

3. The appeal property is a semi-detached two storey dwelling within an established mid density suburban area of pleasing appearance. The property sits on sloping ground which falls markedly away from its adjoined dwelling to the north east. The proposal is a flat roofed single storey extension across the whole of the rear of the subject property to offer an open plan enlargement to the existing kitchen and dining rooms.
4. The Council is concerned that the scheme would be unneighbourly to the attached unit by reason of its depth at about 4 metres from the rear wall, its height at about 3 metres on the boundary and its proximity to the adjoining rear window. However the neighbouring ground level is higher than the subject site and its main window is also set a little above that on the appeal

property. Furthermore it is a bay window and thus its main face is set out from the wall such that it is closer to the end of the proposed extension than the 4 metre measurement might suggest. Given ground levels, the appellant has set the flat roof close to its minimum to achieve a level floor; I notice that internally the ceiling height is planned to drop over the new floor area. There would be some degree of blinkering effect and change of outlook for the neighbours, as there would with any extension on the boundary, but I am satisfied that this would not be undue in extent and that these occupiers will continue to enjoy sufficient daylight and an aspect which will, for the most part, remain open.

5. I give some weight to the appellant's points raised in relation to the available scale of extension within 'permitted development' limits; I can appreciate the fall-back position here.
6. Saved Policy BE9 of the Council's Unitary Development Plan (2004) seeks, amongst other matters, to ensure protection of the residential amenities for people neighbouring new development. I conclude that the appeal scheme would not run contrary to this objective. I should add that I recognise the Council's Supplementary Planning Guidance No.5 generally seeks to limit single storey extensions on common boundaries to 3 metres in length at this height but on this occasion, as explained above, I am satisfied as to the merits of the case and the guidance document cannot be expected to cover every eventuality.

Conditions

7. The Council suggests the standard commencement condition along with the requirement for materials to match the existing building. I agree this latter condition would be appropriate in the interests of visual amenity. There should also be a condition that works are to be carried out in accordance with listed, approved, plans; for the avoidance of doubt and in the interests of proper planning.

Overall conclusion

8. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on the living conditions of neighbours. Accordingly the appeal is allowed.

D Cramond

INSPECTOR

Appeal Decision

Site visit made on 11 November 2013

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 25 November 2013

Appeal Ref: APP/T5150/D/13/2206447

54 Brondesbury Park, London NW6 7AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A R M Pour against the decision of the Council of the London Borough of Brent.
 - The application Ref 13/1240, dated 7 May 2013, was refused by notice dated 11 July 2013.
 - The development proposed is the extension of the first floor front bedroom.
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Decision

1. The appeal is allowed and planning permission is granted for the extension of the first floor front bedroom at 54 Brondesbury Park, London NW6 7AT in accordance with the terms of the application, Ref 13/1240, dated 7 May 2013, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 13.746 PL-01, 13.746 PL-02, 13.746 03.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issues

2. The issues in this case are whether the proposed extension would be harmful to the character and appearance of the area and whether it would adversely affect the living conditions of adjacent occupiers.

Reasons

Character and Appearance

3. Brondesbury Park is characterised by large detached dwellings of traditional design typically with front bay windows and hipped roofs. These are set back from the road frontage which is tree lined. The houses are built relatively close to each other. Although this type of development defines the character, there is some variation to the architecture with a number of larger properties and blocks of flats along the street.

4. The appeal property has rendered elevations with quoins and a hipped roof covered in plain tiles. This has previously been extended by the addition of single storey flat roofed side extensions, extensions to the rear and dormer extensions to the side and rear facing roof slopes. There is a porch on the front elevation incorporating a pitched roof and false pitch in front of a single storey flat roofed side extension. The proposed extension would be at first floor level and would infill the recess situated behind the false pitch and above the flat roofed extension.
5. Saved policy BE2 of the Brent Unitary Development Plan (UDP) (2004) requires proposals to be designed with regard to their local context and make a positive contribution to the character of the area including the need to respect or improve the quality of existing townscape. Saved policy BE9 of the UDP requires extensions to be of appropriate scale, massing and height and to respect local design characteristics and be consistent with them.
6. The Council's Supplementary Planning Guidance 5 (SPG5): Altering and Extending Your Home advises that first floor side extensions should be subordinate in appearance to the main house and should avoid the creation of a terracing effect. The roof should match the pitch angle and materials of the house and the ridge line should be set below that of the main house. Extensions should be set back from the main front wall of the house by 1.5 metres if there is a gap of 1 metre to the side boundary.
7. The proposed roof ridge would be below that of the main roof, set back from the front roof slope and using a similar pitch angle and materials as the main roof. This aspect would be in accordance with SPG5. The front wall of the proposed extension would be recessed by 0.3 metre from the front wall of the house, which in combination with the roof design would provide a subordinate appearance to the proposal.
8. The detached houses along the street although built relatively close together are clearly separated. A gap of approximately 2 metres would be maintained between the side of the house and the adjacent house. This gap would ensure that there would be no terracing effect. For this reason and that in the preceding paragraph I consider that a rigid adherence to the 1.5 metre set back recommended in SPG5 would not be necessary in this case.
9. The roof of the proposed extension would be of an appropriate scale in relation to the main roof and its design would match that of the main roof. Although it would add a further element to the roof form, it would harmonise with the existing design and would be visually acceptable in my view.

Living Conditions

10. The adjacent property at No 56 has a first floor front facing window recessed from its main front wall. The side wall of the proposed extension would be to the side of that window and separated by the gap between the houses. Given the relatively modest length of the extension and its distance from the window, the proposal would be unlikely to adversely affect the outlook from that window. On this basis the proposal would be in accordance with saved policy BE9 (e) of the UDP.
11. The 2:1 rule in SPG5 is used for assessing the impact of two storey rear extensions on ground floor habitable rooms in adjacent properties. Because

the proposed extension would be at the same level as the adjacent window, it would not be appropriate to apply the 2:1 rule in this case.

Conclusion and Conditions

12. I conclude that the proposed extension would not be harmful to the character and appearance of the area and that it would not adversely affect the living conditions of adjacent occupiers. The proposal would be in accordance with saved policies BE2 and BE9 of the UDP. On this basis I conclude that the appeal should succeed.
13. It is necessary that facing materials match those of the existing dwelling to ensure that the development is visually acceptable and I have imposed a condition in this respect.

Nick Palmer

INSPECTOR



Costs Decision

Site visit made on 26 November 2013

by **Jonathan Hockley BA (Hons) DipTP MRTPI**

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

Decision date: 11 December 2013

Costs application in relation to Appeal Ref: APP/T5150/D/13/2206792 9 Tudor Court South, Wembley, Middlesex HA9 6SQ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr & Mrs Greg & Mary Moylette for a full award of costs against the Council of the London Borough of Brent.
 - The appeal was against the refusal of planning permission for a loft conversion and two storey side extension.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. Planning appeals often involve matters of judgement concerning the character and appearance of an area or a design issue. Paragraph B19 of the Circular states that where planning authorities rely on adopted supplementary planning guidance on design, an award of costs is unlikely to be made on the grounds on an unreasonable planning objection.
4. As set out in my appeal decision I have found that the appeal proposal conflicts with various guidance provided within the Brent Council "Altering and Extending Your Home" supplementary planning guidance but that overall the proposals did not conflict with the relevant policies contained within the Brent Core Strategy or Unitary Development Plan. The policies referred to in the Council's decision are adopted policy, remain valid policies and do not conflict with the National Planning Policy Framework.
5. The Council considered the local character and appearance of the area when deciding the application. Although I considered that some previous nearby conversions from hip to gable had been carried out and they were more prominent than the proposed scheme, the Council's Planning Officer took a different view in their delegated report. Whilst the nearby appeal reference was not specifically mentioned within the Officer's report, the address of the appeal decision and the effect of that appeal decision at 2 Tudor Court North in allowing a side extension to a previous hip to gable extension was considered. The weight attached to the character of the surrounding area (or size of that

surrounding area), and the actual effect of the previous appeal decision were therefore considered by the Council. These were subjective conclusions and did not mean that the Council behaved unreasonably.

6. The appellant considers that the Council acted unreasonably in providing information about possible alternative schemes, including a hip to gable extension, which could have achieved under permitted development powers. I do not consider this to be unreasonable – indeed it could be argued that the Council were fulfilling their function in ensuring constructive pre-application discussions and advice is provided to ensure all of the appellant's options were considered.
7. While I have come to a different view to the Council on the effect of the proposed development on the character and appearance of the area, the Council nevertheless provided realistic and specific evidence for the appeal. This provided a respectable basis for the authority's stance.
8. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has not been demonstrated.

Jon Hockley

INSPECTOR



Appeal Decision

Site visit made on 26 November 2013

by **Jonathan Hockley BA (Hons) DipTP MRTPI**

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

Decision date: 6 December 2013

Appeal Ref: APP/T5150/D/13/2206792

9 Tudor Court South, Wembley, Middlesex HA9 6SQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Greg & Mary Moylette against the decision of the Council of the London Borough of Brent.
 - The application Ref 13/1679, dated 7 June 2013, was refused by notice dated 12 August 2013.
 - The development proposed is a loft conversion and two storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a loft conversion and two storey side extension at 9 Tudor Court South, Wembley, Middlesex HA9 6SQ in accordance with the terms of the application, Ref 13/1679, dated 7 June 2013, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: PL1.0 (A), PL2.1 (C), PL2.2 (E), PL 2.3 (D), PL2.4 (D), PL2.5 (E), PL2.6 (B).

Application for costs

2. An application for costs was made by Mr & Mrs Greg & Mary Moylette against the Council of the London Borough of Brent. This application will be the subject of a separate Decision.

Main Issue

3. The main issue in this case is the effect of the proposed development on the character and appearance of Nos 9 and 11 Tudor Court South and the surrounding area.

Reasons

4. The appeal property is set at the eastern edge of Tudor Court South, which forms part of an oval shaped street with Tudor Court North. Grand Avenue East lies just to the north of the appeal site, and the rear of the site backs on

to the rear of properties on Victoria Avenue. The area is characterised by quite large semi-detached dwellings set in reasonably sized plots. Many of the surrounding properties have been extended in varying forms. The predominant roof design of the area is hipped, some with front gables and some without, but there are several nearby examples of conversions to gable roofs, some of which are set in prominent locations.

5. The proposal seeks to extend 9 Tudor Court South on its north east elevation with a two storey extension and provide living accommodation in the roof of the property by remodelling to convert the hipped roof to a gable. A rear dormer window is also proposed. The appeal property is the last house on the southern side of the street, and as such the property marks the end of the row of houses on Tudor Court South. The dwelling is bordered to its north east by the rear of a property on Grand Avenue East. The western side gable of this Grand Avenue East property is set significantly closer to the Tudor Court South footway edge than the front of the appeal property.
6. The boundary between the appeal property and the neighbouring Grand Avenue East dwelling is formed of a fence, with substantial coniferous planting sited on the adjacent properties' land. This planting, estimated by the appellant to be 5.5 to 6.5 metres in height, together with the set back nature of the house frontage compared to the adjacent property has the effect of screening the north side of 9 Tudor Court South from views from the north.
7. The Brent Council "Altering and Extending Your Home" supplementary planning guidance (adopted September 2002) (the SPG) contains guidance as a basis for considering household extensions within the Borough. The SPG states that conversions from hipped roofs to gables will not normally be permitted, and considers that the effect is magnified if the property already has, or is proposed to have a side extension. This is to ensure that roof alterations complement existing street character.
8. I consider that in this one particular case, the combination of the setting of the appeal property on the end of the street, the set back location behind the gable end of the neighbouring dwelling to the north east, and the extensive screening on the north east boundary mean that the proposed change in roof form and extension would not look out of place and would complement rather than detract from the existing street character. Due to the end nature of the street and the limited visibility of the proposal the proposed extensions would also not significantly unbalance the pair of semi-detached dwellings within the wider streetscape. I am also mindful in this respect of other nearby properties in more prominent local locations which have converted hipped roofs to gables, including 2 Tudor Court North and several properties on Victoria Avenue directly facing the entrance to Grand Avenue East.
9. The SPG also states that the second storey of side extensions should be set back by 2.5 m, unless the extension is over 1m from the boundary, where a set back of 1.5m is a guideline. The purpose of this is so that two storey side extensions complement rather than dominate the host property. In this case the set back would be 1.7m, and would be built to within 20cm of the boundary, so the proposal would not fit this guideline overall. However I consider that the 1.7m set back and the lower ridge line of the proposed extension, when combined with the end street nature of the appeal property would ensure that the proposed extension would remain subordinate and

complement rather than dominate the original dwelling, thus meeting the aims of the SPG. I also note in this respect that the Council consider that this reduced setback is acceptable in this instance.

10. The proposal also contains a small flat front dormer as part of the two storey side extension, contrary to the SPG. This dormer is required to allow the stair access to the loft conversion. The dormer is small, would not in my view be significantly noticeable, and its inclusion allows the ridge line of the proposed extension to remain subordinate to the host property. I therefore consider the proposed front dormer to have a negligible effect on the overall design of the dwelling. The proposed rear dormer would also remain subordinate to the original dwelling.
11. I therefore conclude that the proposed development would not have an adverse effect on the character and appearance of Nos 9 and 11 Tudor Court South or the surrounding area. As such, the proposal would not be contrary to the aims of policies CP17 of the London Borough of Brent Local Development Framework Core Strategy (July 2010), or of policies BE2 and BE9 of the London Borough of Brent Unitary Development Plan 2004, which together seek to ensure that the design of new development respects the setting of existing dwellings, has regard to their local context and embody a creative and appropriate design solution specific to their sites shape, size and location. Nor do I consider that the proposed development would be contrary to the overall purpose of the SPG that extensions are well designed and complement the original home and neighbourhood.

Conditions

12. The Council have suggested conditions in the event of approval to cover implementation, and materials to match the existing building. I agree with all these suggested conditions and have also imposed a condition to ensure compliance with plans.

Conclusion

13. For the reasons given above I conclude that the appeal should be allowed.

Jon Hockley

INSPECTOR

Appeal Decision

Site visit made on 12 November 2013

by D Spencer BA (Hons) DipTP MRTPI

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

Decision date: 19 November 2013

Appeal Ref: APP/T5150/D/13/2206561

44 Manor Drive, Wembley, Middlesex HA9 8EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr W A Abbasi against the decision of the Council of the London Borough of Brent.
 - The application Ref 13/1999 was refused by notice dated 9 September 2013.
 - The development proposed is the erection of a single storey side extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension at 44 Manor Drive, Wembley, Middlesex HA9 8EF in accordance with the terms of the application, ref 13/1999, dated 20 May 2013, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SB/B36/1 and SB/B36/2
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main issue

2. The main issue is the effect of the proposed extension on the character and appearance of No 44 Manor Drive and its surroundings.

Reasons

3. Manor Drive is a residential street comprising typically of semi-detached houses, a number of which have been extended and altered. Whilst there is not a strong uniform appearance or degree of separation between properties, the front building line between Nos 36 and 54 Manor Drive, containing the appeal property, remains reasonably consistent. The line I have used follows the ground floor porches and bay windows which are set slightly forward of the front elevation. Between the houses there are typically garages of the same period, which again are generally set slightly forward to align with the projected front porches and bay windows.
4. A number of properties around the appeal site have been extended or altered to incorporate the garaging to create further accommodation. Where this has

occurred the alteration is typically flush to the building line described above and the garage opening has been filled in and generally a single window has been inserted. No 44 Manor Drive is unusual in that it is one of only a handful of properties that do not have a garage to the side of the property. In utilising this space, the proposed extension would provide for a consistent appearance with many surrounding properties, including the adjoining house at No 46 where the garage has been incorporated to create a two storey side extension flush to the front building line.

5. No 44 Manor Drive has already been significantly altered by way of a rear extension, a rear box dormer and a raised roof. There is no evidence before me that these amendments are unlawful. Therefore as a consequence of the significant degree of change that has already taken place at No 44 I am satisfied that the proposed single storey extension would not detract from the remaining original character of the dwelling. Moreover, a number of the original garages on Manor Drive have a small false pitched roof onto the street. The proposed similar arrangement on the extension would therefore reflect the local appearance.
6. The Council has submitted that the examples of comparable side extensions in Manor Drive provided by the appellant do not form the predominant character and pre-date changes to policy. In terms of the local character I disagree for the reasons set out above. I note that the Council's Supplementary Planning Guidance 5 'Altering and Extending Your Home' sets out at section 3.1 that side extensions should be set back from the front elevation by at least 250mm. However, I have found that not incorporating such a setback at No 44 Manor Drive would not result in an overdevelopment causing significant harm to the character and appearance of the property and the surrounding area. Accordingly, the proposals would not conflict with the design aims of policies BE2, BE7 and BE9 of the adopted London Borough of Brent Unitary Development Plan (2004). They would also accord with the objective of the National Planning Policy Framework to secure high standards of design.
7. Concerns were raised regarding the impact of the extension on the outlook from No 42 Manor Drive. This did not form one of the Council's reasons for refusal and from my observations on site I agree with the Council's assessment that there would be no significant harm in this respect.

Conclusions and Conditions

8. For the reasons set out above, I conclude that the appeal should succeed.
9. Other than the standard time limit condition, the Council has further suggested a condition controlling the external materials and finishes, which is considered necessary to ensure a satisfactory appearance. I have also imposed a condition requiring that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.

David Spencer

INSPECTOR



Appeal Decision

Hearing held on 29 October 2013

Site visit made on 29 October 2013

by Sara Morgan LLB (Hons) MA Solicitor (Non-practising)

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

Decision date: 11 November 2013

Appeal Ref: APP/T5150/C/13/2197578
2a Shaftesbury Avenue, Harrow HA3 0QX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Sam Tamam against an enforcement notice issued by the Council of the London Borough of Brent.
 - The notice was issued on 26 March 2013.
 - The breach of planning control as alleged in the notice is without planning permission, the installation of hard surface and the erection of gates and fences to the front of the premises.
 - The requirements of the notice are:
 - STEP 1 Demolish the front gates and fences to the front of the premises, remove all materials arising from that demolition and remove all materials associated with the unauthorised development from the premises.
 - STEP 2 Remove the hard surface and dig it over so that it comprises soil.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f) and (g) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The enforcement notice is corrected as follows:

In Schedule 2: delete "the installation of hard surface and the erection of gates and fences" and replace with "the erection of wooden fence panels and metal and polycarbonate fence panels on top of concrete walls, solid metal gates and a metal and polycarbonate sliding gate".

2. The appeal is allowed insofar as it relates to the erection of wooden fence panels on top of concrete walls and solid metal gates and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the erection of wooden fence panels on top of concrete walls and solid metal gates at 2a Shaftesbury Avenue, Harrow HA3 0QX.

3. The enforcement notice is varied as follows:

- (a) In Schedule 4 delete "STEP 1 Demolish the front gates and fences to the front of the premises, remove all materials arising from that demolition and remove all materials associated with the unauthorised development from the premises" and replace it with "STEP 1 Demolish the metal and polycarbonate fence panels and the metal and polycarbonate sliding gate to the front of the premises, remove all

materials arising from that demolition and remove all materials associated with the unauthorised development from the premises.”

- (b) In Schedule 4 delete “AND STEP 2 Remove the hard surface and dig it over so that it comprises soil.”
 - (c) In Schedule 5 substitute 9 months for 6 months as the period for compliance.
4. The appeal is dismissed and the enforcement notice is upheld as corrected and varied in respect of the metal and polycarbonate fence panels and the metal and polycarbonate sliding gate to the front of the premises, and planning permission is refused in respect of the metal and polycarbonate fence panels and the metal and polycarbonate sliding gate to the front of the premises, on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary

5. In addition to the grounds of appeal set out in the heading above, an appeal on ground (e) was also made originally. The ground (e) appeal was withdrawn before the hearing.
6. At the hearing the Council indicated that policy H21 of the Brent Unitary Development Plan 2004 (UDP), referred to in the enforcement notice, had not been saved and was not relevant to the appeal.
7. The allegation refers in part to the erection of gates and fences to the front of the premises. However, what has been erected is wooden fence panels and metal and polycarbonate fence panels on top of concrete walls, solid metal gates and a metal and polycarbonate sliding gate. For clarity, the enforcement notice allegation should refer to these constituent parts of the development, and I shall correct the notice accordingly. The requirements will also need to be varied for this reason.

The appeal on ground (c)

The hard surface

8. The Council confirmed at the hearing that the enforcement notice was intended to attack the whole of the area of hard surface lying between the front elevation of the property and its boundary with the back of the footway of Shaftesbury Avenue, apart from the area of hardstanding lying between the appellant's office and the original gateway to the property.
9. The appellant argues that the hardstanding is permitted by virtue of Article 3 of, and Class F of Part 1 of Schedule 2 to, the Town and Country Planning (General Permitted Development) Order 1995 as amended (GPDO). This permits the provision within the curtilage of the dwelling house of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such.
10. But that is subject to the condition that where the hard surface is between the principal elevation of the dwelling and the highway and exceeds five square metres, either the hard surface must be made of porous materials, or provision must be made to direct runoff water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

11. In this case, the hard surface is at the front of the property and does exceed five square metres. Consequently, the issue is whether what has been laid is porous or directs runoff water to a permeable or porous area within the curtilage.
12. Attached to the appellant's appeal statement is a drawing showing the areas of hardstanding within the curtilage of his property. This layout is consistent with what I saw on my site visit. It shows the hard surfacing at the front of the property comprising several areas of permeable gravel, an area between the house and the new sliding gate marked on the drawing as hardstanding, and a patio.
13. It was clear on the site visit that most of the gravelled areas had been formed by laying a cellular base mat on the ground, into which the gravel was placed. From what I could see on site, I am satisfied that these areas satisfy the GPDO requirement for porous materials. An area of planting near the front boundary and the area round a tree was covered with larger pebbles; I am also satisfied that these areas are porous.
14. The hardstanding leading from the front door to the sliding gate comprises slabs cemented together. These are not porous; but three drainage channels within the hard surface direct run-off from most of the slabbed area into the gravelled areas on either side of the slabs. A small part of this slabbed area closest to the sliding gate did not direct run-off into the drainage channels, but the guide rail for the sliding gate, which stands proud of the slabs, would direct run-off from this small area of slabs into the gravelled areas.
15. Because of the depth and construction of the drainage channels, taken with the effect of the guide rail on run-off, I am satisfied that this slabbed area provides for run-off to be directed to a permeable or porous area within the curtilage.
16. As to the patio, that comprises slabs, some of which are cemented (although the cement did not appear to be in particularly good condition in some places). This patio is surrounded by either the gravelled area or a channel filled with large pebbles, and which appeared to me to be porous or permeable. Although much of the patio itself is not porous, because of the surrounding materials it also satisfies the GPDO requirement for run-off to be directed to permeable or porous areas within the curtilage.
17. For these reasons I conclude that the hardstanding enforced against is permitted development under Class F, not requiring planning permission.

The gates and fences

18. The essence of the appellant's argument is that the gates and fences replaced a fence that was of the same or similar height, and that it too, therefore, amounted to permitted development - in this case by virtue of Article 3 of, and Part 2 Class A to, Schedule 2 to the GPDO.
19. The appellant says that originally there was a fence along the front boundary of the property comprising a concrete boundary wall with a wooden close-boarded fence on top, around 2m high. The fence and wall had been in place for some 30 years at least. At one end there was a drive and entry gates between two brick piers. Because of subsidence problems it was necessary to replace part of the concrete wall with a new concrete wall. The timber fence was replaced along much of the frontage. A sliding gate was also installed, some 4m in

- length, where part of the wall and fence had been. The brick piers at one end were retained but painted grey, and new metal gates were installed between them, also in grey.
20. Photographs produced by the Council show the original fence and wall, gates and brick piers. The fence and wall appears to have comprised close boarded fence panels, very similar to what is now in place but stained a darker colour. The wall and gate piers appear to be painted a dark red, and the gates are dark stained probably timber (the photographs are somewhat unclear).
 21. The gate piers are still in place, as I saw on site. The original fence appeared from the photographs to have been higher than the gate piers by a small amount; the replacement fence was measured on site as being some 6 - 8 inches above the height of the piers. My conclusion on the basis of the photographs and what I saw on site is that if there is any difference in height between the new fence and the original fence it is insignificant.
 22. I take a similar view of any difference between the original gates and the new grey metal gates. In form and height they are very similar to the original gates. They are replacement gates between existing gate piers. The concrete wall where replaced entirely is very similar in height and appearance to the original wall apart from its colour, and to the wall still in place on the boundary of the neighbouring property.
 23. Taking all these matters into account, I consider that the works to erect the new concrete walls, the fence and the gates between the existing brick piers amounted to works of maintenance, improvement or alteration.
 24. However, the new sliding gate, which is around 4m wide according to the appellant's plan, clearly did not replace an existing gate, but took the place of an original stretch of fence. That is so different in form from what was there before that its erection did not amount to works of maintenance, improvement or alteration, and so would not be permitted development.
 25. The works to the front boundary in all appear to have formed one building or engineering operation; if one element of the operation is not permitted development, then the whole operation is unlawful. Consequently, the erection of gates and fences at the front of the property, as alleged, did not amount to permitted development.
 26. In reaching this conclusion I have taken account of the conversation the appellant had with an officer of the Council, in which according to his note of the conversation he was told there was no need to apply for permission for the new gate¹. But there are two new gates and it is not clear whether the conversation related to one or both of them.
 27. The e-mail produced by the appellant from a Council officer relates to the hardstanding and does not mention the gates or fences. In any event, even if the appellant had been advised that the sliding gate did not require planning permission, that would not alter the fact that the gate is not permitted development.

¹ His note reads "Spoke with Vict McD [a Council officer] no need to apply re new g."

Overall conclusions on ground (c)

28. I conclude that the hardstanding comprises permitted development. The fences and gates, however, do not comprise permitted development, and their erection amounted to a breach of planning control. The appeal on ground (c) therefore succeeds in part only, and I shall correct and vary the notice to exclude references to the hardstanding.

The ground (a) appeal

29. The ground (a) appeal relates to the allegation as corrected consequent upon the outcome of the appeal on ground (c), ie it does not relate to the hardstanding. The main issues are the effect of the fences and gates enforced against on the character and appearance of the dwelling, the surrounding area and the setting of the Mount Stewart Conservation Area.

30. A number of the panels comprising the fence are of close-boarded wood. The two panels on either side of the sliding gate, and the sliding gate itself, are of grey metal rails with pale-coloured opaque polycarbonate backing panels. The gates by the original driveway are of solid metal in a dark grey colour to match the adjoining brick piers.

31. The wooden fences and new concrete walls are very similar in form to what was in place before the works took place. Although the panels are stained in a paler brown than the original panels appear to have been, they are already weathering, and there are similar coloured fence panels nearby. They have the appearance of typical garden fence panels, they are similar to the fence panels around the boundary of the adjoining property and they are typical of the fence panels seen along the side boundaries of corner properties in the area, both within and outside the conservation area. In this context they do not look out of place.

32. The new concrete walls are very similar in appearance to the walls that have not been replaced, and to those at the neighbouring property. Neither the timber fence panels nor the concrete walls harm the character and appearance of either the dwelling itself or the surrounding area.

33. The site adjoins the Mount Stewart Conservation Area, whose character is largely if not wholly residential. The conservation area in the immediate vicinity of the appeal site comprises dwellings dating from the last century and of traditional design, with front gardens and in the main low walls or fences along their front boundaries. However, tall wooden fences, some on top of walls, can be seen in a number of corner locations in the conservation area.

34. Although the site forms part of the setting of the conservation area, the wooden fences and walls do not detract from that setting to any greater extent than the original fence and walls or the fence and wall around the neighbouring property. They preserve the setting of the conservation area.

35. The solid metal gates at the original access to the site do not appear to be materially different in height from the original gates. Although they are of a different material, their subdued colour means that they do not stand out or otherwise appear incongruous. They too do not cause unacceptable harm to the dwelling itself or its surroundings; and they also preserve the setting of the conservation area. Neither the wooden fences and the new concrete walls nor the solid metal gates conflict with relevant policies of the UDP or its

- supplementary planning guidance. Planning permission should therefore be granted for them.
36. However, the sliding gate and the panels on either side are very different in character and appearance to anything else seen in the area. They are in stark contrast to the metal gates and the wooden fence panels. Because of the combination of metal railings and pale polycarbonate, and because of the height and width of the panels and gate combined, they stand out when seen from the footway and the carriageway, appearing highly incongruous and out of character.
37. Consequently they harm the character and appearance of the dwelling and the surrounding area. For the same reasons they also fail to preserve the setting of the conservation area. The advantages to the appellant of using long-lasting materials are significantly outweighed by the harm these materials have caused to the character and appearance of the area.
38. The metal and polycarbonate gate and fence panels therefore conflict with saved policies BE2, BE6, BE7, BE9 and BE25 of the UDP, which require development not to cause harm to the character and appearance of the area or to have an unacceptable visual impact on a conservation area, to provide high quality design for the street environment, to be appropriate to their setting and to pay special attention to the preservation or enhancement of the character or appearance of conservation areas. They also conflict with the advice in the Council's Supplementary Planning Guidance Note 5 *Altering and extending your home*, which requires boundaries to complement the character of the rest of the street.
39. The appellant has argued that, because of the unusual layout of his property, which was originally a doctor's surgery at the rear of the doctor's house at 228 Preston Hill, there is a need for a fence of the height of that being enforced against to provide privacy and security to the house and garden. I recognize that the layout of the dwelling and its garden does not reflect the layout of other dwellings in the surrounding area and that much of the private garden area is to the front and side of the dwelling.
40. However, I have concluded that planning permission should be granted in respect of the remainder of the front boundary fence other than the metal and polycarbonate gate and fence panels. That can form the basis for providing a significant degree of privacy and security to the property. Given the much shorter length of boundary treatment which I have found to be unacceptable, the appellant's need for security and privacy is not a sufficiently significant factor to outweigh the harm caused by that shorter length.
41. I therefore conclude that planning permission should not be granted for the metal and polycarbonate gate and fence panels, and I shall uphold the enforcement notice to this extent.
42. The Council has argued that, if planning permission is granted for the development, it should be subject to a condition requiring a landscaping scheme to be carried out. However, it would not normally be appropriate to require a landscaping scheme in the garden of a private dwelling.
43. Whilst the development appears to have led to the loss of planting along the boundary of the property (some of which had to be removed in order to

address the subsidence issues) the appellant has already carried out planting at the front of the property which can be seen from the street above the wooden fence. This is already having a softening effect on the appearance of the fence. In these circumstances, and given that further shrub or tree planting is unlikely to be appropriate in the area where the subsidence occurred, I conclude that it would not be reasonable to impose a landscaping condition as suggested.

The ground (f) appeal - the metal and polycarbonate gate and fence panels

44. The Council confirmed at the hearing that its object in issuing the enforcement notice was to remedy the breach of planning control by requiring the unauthorised development to be removed. The appellant has argued that the Council should have asked for the original means of enclosure to be re-instated, but the allegation does not allege the removal of the original fence and so it would exceed the matters alleged in the notice to ask for the original fence to be put back rather than what is there to be removed.
45. The appellant has also suggested a requirement to remove the small curved section of open railing on the gate, in order to bring the height of the gate down to 2 metres. But that would not remedy the breach of control, and nor would it overcome the harm to the character and appearance of the surrounding area.
46. I conclude that only a requirement to remove the metal and polycarbonate gate and fence panels would overcome the harm to the character and appearance of the surrounding area. However, no planning purpose would be achieved by requiring the concrete wall beneath the fence panels to be removed, as it is less than 1m high and does not contribute towards the harmful impact of the metal and polycarbonate elements.

The ground (g) appeal

47. The appellant has requested a period of 18 months with which to comply with the original requirements of the notice. He has long-term medical conditions, and I take full account of his need to recover from those. However, it would not be appropriate to extend the period for compliance to the extent he has suggested, given the harm being caused by the gate and fences.
48. Nonetheless, in view of the appellant's medical conditions it would be appropriate to extend the period for compliance to nine months. That would achieve an appropriate balance between the public interest in having this unauthorised and harmful development removed, and the appellant's current personal circumstances. It would also give the opportunity for the works to be carried out after the winter is over.

Overall conclusions

49. For the reasons given above I conclude that the appeal should succeed in part only. I will grant planning permission for parts of the matters the subject of the enforcement notice, but otherwise I will uphold the notice with corrections and variations and refuse to grant planning permission on the other parts.

Sara Morgan

INSPECTOR



Appeals Decisions

Site visit made on 30 October 2013

by D A Hainsworth LL.B(Hons) FRSA Solicitor

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

Decision date: 28 November 2013

Appeals Refs: APP/T5150/C/13/2196524 & APP/T5150/C/13/2196525 44 Lancelot Crescent, Wembley, Middlesex HA0 2AY

- The appeals are made by Miss Z A Ansari and Mr S H Ansari under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: E/10/0441) issued by the Council of the London Borough of Brent on 26 March 2013.
- The breach of planning control alleged in the notice is 'The erection of a building in rear garden of the premises'.
- The requirements of the notice are to 'Demolish the building in the rear garden of the premises and remove all items, materials and debris arising from the demolition'.
- The period for compliance with these requirements is three months.
- The appeals were made originally on the grounds set out in section 174(2)(a) and (b). Following the lapse of Mr Ansari's ground (a) appeal and the changes made in the appellants' appeal statement, Miss Ansari's appeal is now proceeding on the grounds set out in section 174(2)(a), (c) and (f) and Mr Ansari's appeal is proceeding on the grounds set out in section 174(2)(c) and (f).

Decisions

1. The appeals are allowed and the enforcement notice is quashed.

Reasons for the decisions

Ground (c)

2. The Town and Country Planning (General Permitted Development) Order 1995, Article 3(1) and Schedule 2, Part 1, Class E, grants planning permission for the building, provided it is within the limitations set out in E.1 and it is 'required for a purpose incidental to the enjoyment of the dwellinghouse as such'.
3. The Council have given two reasons relating to Class E for the issue of the notice. The first is that the height limit of 2.5m in E.1(d)(ii) has been exceeded because the height of the building is 3.05m. The second is that the Council consider the building not to be incidental to the dwellinghouse because it has its own independent access, shower and toilet facilities.
4. The building is not on level ground. Its height should therefore be measured from the level of the highest part of the surface of the ground adjacent to it (see Article 1(3)). The Council appear to have measured it from the lowest part. When it is measured in accordance with Article 1(3) its height does not exceed 2.5m. I find therefore, as a matter of fact, that the building is within the height limit specified in E.1(d)(ii).

5. My understanding of the principles that apply to the term 'required for a purpose incidental to the enjoyment of the dwellinghouse as such', as it is used in the Order, is as follows: -
- The concept of Class E is broad and a wide range of incidental purposes is permitted.
 - The incidental purposes must be connected with the running of the house or the domestic or leisure activities of its occupiers and the building must be required for those purposes, but it is primarily for the occupiers to decide what incidental purposes are to be enjoyed in the building.
 - In order to assess whether the purposes are incidental to the enjoyment of the house, their nature and scale are to be considered. The size of the building in comparison to the size of the house is a relevant, but not a decisive, factor in this assessment. The comparison should be with the whole of the house as it exists at present, since this is the house in respect of which Class E permits development.
 - The issues are to be decided with an element of objective reasonableness, as a matter of fact and degree. This was the basis on which the appeal decision quoted by the Council was reached. In *Peche d'or Investments v Secretary of State for the Environment* [1995] J.P.L. B63, [1996] J.P.L.311 the High Court held that an inspector had been wrong to rule, as a matter of law, that a curtilage building containing a study or music room, a passage hall, and W.C. and shower facilities, was outside the class. The court stressed that it must be a matter of fact and degree in each case.
6. I do not consider that the building has 'its own independent access'. It is wholly within the curtilage of the house and its main entrance and windows face the rear of the house, clearly demonstrating that its intended use is closely linked with the house and its rear garden. The existence of a door in the building giving access to the alleyway is not significant; all the rear gardens in this area border rear alleyways, the estate having been laid out in this manner, and the door simply maintains a way through the building to and from the alleyway.
7. The size of the building is not disproportionate to the size of the house. The appellants indicate that it was erected by a previous owner and is required by the present occupiers of the house as a music/gym/rest/play room and for storage. The photographs taken by the Council, and what I saw at my visit, confirm that it is used for these purposes. These are incidental purposes connected with the running of the house and the domestic and leisure activities of the occupiers. The shower and toilet are useful adjuncts to the gym and play uses. In my opinion, they are facilities that are ancillary to these uses and do not, in this instance, constitute primary living accommodation in themselves or make the building primary living accommodation as a whole.
8. When the issues are examined with an element of objective reasonableness, I consider that the building is, as a matter of fact and degree, 'required for a purpose incidental to the enjoyment of the dwellinghouse as such' within the meaning of Class E. Since it complies with all the limitations in E.1, planning permission has been granted for it by the Order and the appeals have therefore succeeded on ground (c).

Grounds (a) and (f)

9. As a result of the success of the appeals on ground (c), the notice has been quashed. No further action is being taken in connection with the appeals on grounds (a) and (f) or the planning application deemed to be made by section 177(5).

D.A.Hainsworth

INSPECTOR

