



Planning Committee

Wednesday 14 May 2014 at 7.00 pm

Board Room 1&2 - Brent Civic Centre, Engineers Way,
Wembley HA9 0FJ

Membership:

Members

Councillors:

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

first alternates

Councillors:

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

second alternates

Councillors:

Daly
Ogunro
Moloney
Naheerathan
HB Patel
Hopkins
Beck
Al-Ebadi
Brown
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 6.00pm in Boardroom 2

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.		
2. Minutes of the previous meeting		1 - 10
Extract of Planning Code of Practice		
APPLICATIONS DEFERRED FROM THE PREVIOUS MEETING		
3. 44 High Road, London NW10 2QA (Ref. 14/0082)	Willesden Green	15 - 22
NORTHERN AREA		
4. 61 Beverley Gardens, Wembley, HA9 9RB (Ref. 14/0948)	Barnhill	23 - 32
SOUTHERN AREA		
5. Garages opposite 2, Woodville Road, London, NW6 (Ref. 12/3232)	Kilburn	33 - 40
6. Garages opposite 2, Woodville Road, London, NW6 (Ref. 12/3235)	Kilburn	41 - 44
PLANNING APPEALS		
7. Planning and Enforcement Appeal 1 March - 31 March 2014	All Wards	45 - 68
8. 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.		

Date of the next meeting: Tuesday 17 June 2014 (subject to confirmation).

The site visits for that meeting will take place the preceding Saturday, 14 June 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.



LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE Wednesday 9 April 2014 at 7.00 pm

PRESENT: Councillors Ketan Sheth (Chair), Aden, Baker, Cummins, Hashmi, Kabir, Kataria (alternate for Councillor CJ Patel), Long (alternate for Councillor John) and Powney

ALSO PRESENT: Councillors Mashari, HB Patel and Shaw

Apologies for absence were received from Councillors Adeyeye, John, CJ Patel and Singh

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

Councillor Cummins declared that he resigned from a teaching appointment at Moberly Sports Centre in July 1988.

2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 12 March 2014 be approved as an accurate record of the meeting.

3. **Thames Water Utilities, St Michaels Road, London, NW2 6XD (Ref. 14/0301)**

PROPOSAL:

Variation of Condition 2 (approved plans) of full planning permission reference 11/1135 dated 30/12/2012 for demolition of existing industrial buildings and erection of a residential development comprising 23 houses (19 x 4 bed, 3 x 3 bed and 1 x 2 bed) and 16 flats (2 x 3 bed, 10 x 2 bed and 4 x 1 bed) , with 44 parking spaces and associated landscaping and cycle storage with combined vehicular and pedestrian access via existing access from St Michael's Road and pedestrian access onto Olive Road accompanied by a Design & Access Statement and as amended by revised plans received 29/02/12 and subject to a Deed of Agreement dated 30 March 2012 under Section 106 of the Town and Country Planning Act 1990, as amended for the following minor material amendments:

- alterations to western most terrace and its reduction from 5 to 4 bedroom family houses;
- on site car parking numbers to remain unchanged accommodating 44 cars.

RECOMMENDATION:

- (a) Grant planning permission, subject to an additional condition detailing measures that the development would not impact on Network Rail's safe operation of the railway during and after construction, an additional condition to secure the measures set out in the Section 106 details section of the report, or

- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Planning, or other duly authorised person, to refuse planning permission.

Andy Bates, Area Planning Manager in reference to the tabled supplementary report responded to additional concerns from a local resident about car parking. He clarified that the proposal would result in one less residential unit on the site and that the number of car parking spaces (44) would remain unchanged. In order to address the concern expressed by Network Rail as set out in the main report, he recommended an additional condition detailing measures that would ensure the development would not impact on the safe operation of the railway during and after construction.

DECISION: Planning permission granted as recommended with an additional condition requesting detailed measures to ensure that the development would not impact on the safe operation of the railway during and after construction.

4. 44 High Road, London, NW10 2QA (Ref. 14/0082)

PROPOSAL: Retrospective application for single storey rear extension.

RECOMMENDATION: Grant planning permission subject to conditions.

Andy Bates, Area Planning Manager informed the Committee that the press notices for the application had not expired and therefore the consultation was still live. With that in mind he amended the recommendation to deferral to enable the press notices to expire.

DECISION: Deferred to enable the press notices to expire.

5. Moberly Sports and Education Centre, Kilburn Lane, London, W10 4AH (Ref.13/3682)

PROPOSAL:

Demolition of all existing buildings and erection of a part 7/part 6/part 5/part 4-storey building with 9293sqm of Sports and Leisure Centre (Use Class D2), 56 flats (22 x 1-bed, 34 x 2-bed) and 240sqm of retail floor space (Use Class A1/A2/A3) and erection of 15 terraced townhouses (15 x 4-bed) with associated car and cycle parking and landscaping.

RECOMMENDATION:

Grant planning consent in principle subject to amended conditions 2 and 6 and the following;

- (a) any direction by the Mayor of London to refuse the application. In accordance with Article 5 of the Town & Country Planning (Mayor of London) Order 2008 following the Council's determination of the application, the Mayor is allowed

- 14 days to decide whether to allow the draft decision to proceed unchanged or direct the Council under Article 6 to refuse the application;
- (b) prior completion of a satisfactory Section 106 legal agreement under the Town & Country Planning Act 1990 and/or other form(s) of agreement/undertaking in order to secure the S106 matters as detailed in the report.

With reference to the tabled supplementary Andy Bates, Area Planning Manager informed members that the site had public transport accessibility level (PTAL) rating of 6a which was considered to be excellent and parking provisions which accorded with transport planning policies. He continued that the proposed parking provision would provide satisfactory parking facilities including 3 mini-bus parking bays for the sports centre, parking bays for disabled residents and disabled users of the leisure centre and a single space for each of the town houses with servicing to be provided within the car park. The Transport Assessment demonstrated that refuse vehicles and delivery vehicles would have sufficient space to manoeuvre in the turning space provided. Members heard that the proposed facilities which would be of a significantly improved quality would allow for a wide range of sporting and recreational activities to take place for the residents of both Brent and Westminster. He added that the applicant had sought to reduce the impact of the massing and scale by locating the larger parts away from the more domestic residential environment on Kilburn Lane.

The Area Planning Manager noted the concerns expressed about the lack of affordable housing and submitted that an independently assessed viability report in support of the £20m investment in public sporting facilities was being reviewed by an independent consultant. He continued that the review would establish that should there be any surplus at the end of the project as a result of increases in residential values, there would be a claw back arrangement within the Section 106 so that the Council would receive a proportion of any surplus for the provision of offsite affordable housing. Members heard that the approach had been accepted by the GLA in the Stage 1 response. Andy Bates drew members' attention to additional concerns raised by the ward member for Queens Park in Westminster City Council as set out in the supplementary report, adding that those issues had been addressed in the main report. It was noted that Sport England had expressed their support and that English Heritage had not raised significant concerns regarding the scheme.

In reiterating the recommendation for an in principle approval subject to referral to the Mayor of London and the satisfactory completion of a Section 106 legal agreement, Andy Bates drew members' attention to amendments to conditions 2 and 6 as set out in the tabled supplementary report.

A number of local residents spoke in objection to the application highlighting the lack of affordable housing within the scheme, loss of daylight, sunlight and overshadowing to neighbouring properties due to its height, loss of football pitch and inadequate parking facilities. The Committee also heard that the lack of affordable housing would result in overcrowding and homelessness with additional traffic impact and congestion. Particular reference was made to Chamberlayne

Road which, members were informed, would experience a high level of congestion and pollution as it was a major bus route with bus stands and passing motor vehicles.

Mr Martin Ward speaking in support of the application stated that the proposed sports facilities would replace the existing building which had become costly to maintain. He outlined the health benefits including a teaching swimming pool for residents including the disabled.

Councillor Mashari, Lead Member for Environment and Neighbourhood also spoke in support of the application and drew members' attention to the improved sporting facilities with concessionary fees which would increase uptake and consequently lead to improved health and well-being of Brent residents.

Alison Gayle of Westminster City Council and Simon Taylor representing Wilmot Dixon, the applicant, addressed the Committee. They informed members that the applicant had fully engaged with residents in drawing up the scheme that incorporated their feedback for a quality replacement sporting facility with no extra cost to both Westminster Council and Brent Council. Members heard that the scheme had the support of the GLA, English Heritage and Sport England. They emphasised that under the Section 106 legal agreement, concessionary fees and charges would be offered to residents for use of the facility.

In response to members' questions, they pointed out that the range of facilities and community rooms would have flexible uses. They continued that the £20m investment in the public facility would outweigh the lack of affordable housing adding that an independent viability assessment had supported this view. The built in claw back clause would also enable the Council to receive a proportion of any surplus from the sale of the flats for the provision of offsite affordable housing. It was noted that although the development would be "car free", provision had been made for disabled parking and that each of the town houses would have its own parking space. In addition the site had high PTAL rating (6A). A consultant daylighting specialist in answering queries raised by members clarified the methodology used in assessing potential loss of daylighting and concluded that on balance, there would be good levels of daylighting to all living rooms in nearby properties.

Prior to voting, Councillor Cummins suggested that an informative be added reminding the applicant to make available part of the premises for use as a polling station in future elections. The applicant's agent indicated their consent.

DECISION: Granted planning permission as recommended.

6. 1-42 INC, Thanet Lodge, Mapesbury Road, London, NW2 4JA (Ref. 13/3902)

PROPOSAL:

Erection of a 2 storey 1 x 4 bedroom dwellinghouse to the north of Thanet Lodge.

RECOMMENDATION: Grant planning permission subject to an additional condition requiring details of the green roof, 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 and Procurement.

Andy Bates, Area Planning Manager, in reference to the tabled supplementary report addressed the queries raised by members at the site visit. He stated that details of how the trees would be protected would be secured by condition 5. He continued that the stability of the existing boundary wall would need to be considered and that any alteration, loss and or replacement of boundary treatments were covered by the Party Wall Act and drew members' attention to informative 1 that reminded the applicant of their obligations. Members noted that the boundary treatment between the existing community space and private community space would be 2m in height. Andy Bates added that a further condition had been added to secure details of the green roof. He then addressed the issues raised in a further letter of objection from a resident and reiterated the recommendation for approval subject to an additional condition and a Section 106 legal agreement.

Several residents raised the following objections to the proposed development;

- Officers had placed a disproportionate amount of weight on the views expressed by the Planning Inspector on the decision for application reference 12/2813.
- Lack of community engagement in arriving at the scheme which residents did not consider acceptable.
- Loss of mature trees, communal garden space and residential amenity
- The development would lead to a destruction of communal gardens thus setting an undesirable precedent for future applications.
- Devaluation of the value of properties within Thanet Lodge
- Due to loss of amenities, the development should have resulted in a reduction in service charges however, this had not taken place.
- The development would result in a profit to Java Properties and a loss to residents of Thanet Lodge.

The residents also urged members to either defer the application to a future meeting or to impose the following additional conditions to secure the following, if they were minded to grant planning permission;

- Replacement of mature trees.
- Construction of pedestrian access for self-containment.
- Reinstatement of landscaping after construction.
- Party wall agreement should be in place prior to construction.
- Agreement for Considerate Construction Scheme (CCS).
- Use of brick work to model Mapesbury Conservation Area.

In accordance with the provisions of the Planning Code of Practice, Councillor Shaw, ward member stated that she had been approached by residents and that

she had contacted the freeholder. Councillor Shaw spoke in agreement with the requests made by the residents and endorsed their request for deferral of the application.

Mr Michael Burroughs, the applicant's agent, confirmed the applicant's agreement with the requests for landscaping, tree replacement and to enter into the Considerate Contractors' Scheme (CCS).

Members then debated the application. The legal representative advised that service charge levels and devaluation of property values were not material planning considerations and should therefore be disregarded. He took a view that loss or diminution of communal open space was a material planning consideration in this context and cautioned members about the possibility of a potential judicial review if that was ignored and the committee was found to have acted unlawfully. With that in view he advised members to consider deferring the application to encourage community engagement and further negotiations given that the developer had recently met with residents to discuss those pertinent issues on matters raised by them and on balance this seemed a reasonable approach to take.

DECISION:

Deferred for further negotiations between the applicant and the residents, noting the desire of the residents to have the site self-contained from the rest of the Thanet Lodge site and to consider the following:

- Creation of revised pedestrian access via Mapesbury Road.
- Reinstatement of landscaping on the site after the implementation of the development.
- Consider an enhanced tree planting scheme on the site so that the one-to-one ratio mentioned in the draft condition was improved upon.
- Construction management plan to cover matters relating to how the development would be implemented (predominantly off Mapesbury Road).
- Need to consider how the development would impact on communal amenity space/delineation of the rear private terrace area.
- Enter into a Considerate Contractors' Scheme (CCS).

7. Car Park at Olympic Office Centre, 8 Fulton Road, Wembley, HA9 0NU (Ref. 14/0363)

PROPOSAL:

Construction of a part 2-, part 19-storey building comprising student accommodation (704 bedrooms and ancillary facilities) and two Use Class A1/A2/A3/A4/A5 and/or leisure units at ground and first floor level and associated landscaping, parking, servicing, public realm works and accesses to the highway. This application has been submitted pursuant to conditions 1 (the Reserved Matters), 9 (car parking), 12 (wind environment assessment) and 30 (student demand assessment) of outline planning permission reference 13/1522.

RECOMMENDATION:

Grant consent for the submitted details pursuant to conditions 1 (the Reserved Matters), 9 (car parking), 12 (wind environment assessment) and 30 (student demand assessment) of outline planning permission reference 13/1522.

With reference to the tabled supplementary report, Neil McClellan, Area Planning Manager clarified the issues raised by members during the site visit. Members heard that the proposed building would be 54m (compared to the Civic Centre at 44m) in height and was in accordance with the outline planning consent for the site. The Area Planning Manager informed members that revised drawings and a revised Design and Access Statement had been received which amended the floor spaces and the total number of student rooms from 704 to 699 which complied with the London Plan standards. He continued that as the Sustainability Statement and Energy requirements were set out within the Section 106 legal agreement he advised that they would not be approved as part of the Reserve Matters application. He clarified that the figures for Brent and Mayoral Community Infrastructure Levy (CIL) would be amended to reflect the revised floor space figures submitted by the applicant. The Area Planning Manager undertook to convey a member's request for highways improvement to create a crossing from Fulton Road to the Highways Committee.

DECISION: Granted consent as recommended subject to revisions to the description reducing the number of student rooms from 704 to 699.

8. Preston Manor High School, Carlton Avenue East, Wembley, HA9 8NA (Ref.13/3946)

PROPOSAL:

Removal of two existing modular classroom huts and the erection of a permanent three-storey extension to the side of the existing high school sports hall to accommodate the schools 6th form building.

RECOMMENDATION: Grant planning permission subject to conditions and 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 and Procurement.

Neil McClellan, Area Planning Manager addressed the issues raised during the site visit in reference to the tabled supplementary report. He stated that the Council had consulted widely with some 300 residents in the neighbouring area and in accordance with normal practice, notice of the meeting and the site visit was sent to those who had made representations. He then outlined separation distances between the proposed building and residential properties and concluded that the extension was considered to have an acceptable relationship with neighbouring properties and their gardens without causing unreasonable glare and noise nuisance from the pupils. He added that although the replacement trees proposed would not obscure the views of adjoining properties, they would provide a natural buffer to the development that would not result in a significant overlooking. Members heard that the Construction Management Plan set out the

access of construction traffic without using Hollycroft Avenue access. The Area Planning Manager pointed out that restrictive covenants were not a valid planning consideration.

Mr Chris Musto, in objection, stated that the proposed extension would constitute an overdevelopment of the site which would result in significant glare, overlooking and loss of privacy to neighbouring residents. He continued that the school had paid little regard to the views expressed by residents about the application.

In accordance with the provisions of the Planning Code of Practice, Councillor HB Patel, ward member stated that he had been approached by residents. Councillor HB Patel raised objections to the proposed extension on the grounds that it would constitute an overdevelopment of the site with inadequate Section 106 legal obligations to compensate for the consequent adverse impact. He continued that the Travel Plan and the conditions recommended would not be sufficient to address residents' concerns.

Mr Matthew Lantos, head teacher of Preston Manor High School outlined the need for the Council to provide additional school places to meet the growing demand, particularly as a result of the expected temporary closure of Copland Community School. He added that the expected pupil numbers and construction traffic would not be excessive and reaffirmed the school's commitment to sustainability.

In response to members' questions, Mr Lantos stated that exit via Hollycroft Avenue would be restricted thus causing insignificant construction traffic impact on the residents. He added that the building would be constructed in accordance with Building Regulations to avoid unreasonable glare. Mr Lantos undertook to review the Travel Plan in order to improve traffic and general safety.

DECISION: Planning permission granted as recommended.

9. Planning Appeals 1 - 28 February 2014

Noted the schedule of appeals for the period 1 – 28 February 2014.

10. Any Other Urgent Business

Neil McClellan

The Committee paid tribute to Neil McClellan, Area Planning Manager who would be leaving the Council, after a considerable number of years' service with Brent Planning Services. Members were unanimous in wishing him every success for the future.

Note:

- i) At 9:30pm the meeting was adjourned for 5 minutes.
- ii) At 10:30pm the Committee voted to disapply the guillotine procedure to enable all applications to be considered.

The meeting closed at 10.45 pm

K SHETH
Chair

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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

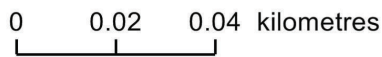
Site address: 44 High Road, London, NW10 2QA

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This map is indicative only.

RECEIVED: 16 January, 2014

WARD: Willesden Green

PLANNING AREA: Willesden Consultative Forum

LOCATION: 44 High Road, London, NW10 2QA

PROPOSAL: Retrospective application for single storey rear extension

APPLICANT: Woody Grill

CONTACT: ANVA Ltd

PLAN NO'S:
See condition 2.

This application was deferred at the Planning Committee of 9th April 2014 in order to allow the consultation period required by the Press Notice to expire.

RECOMMENDATION

Grant consent.

CIL DETAILS

The GIA of the new build is less than 100sqm and as such is exempt minor development, in accordance with Regulation 42(1).

CIL Liable?

Yes/No: No

EXISTING

The site is the an A3 unit on the northern side of High Road, Willesden, NW10. The building is 3-storey in height with residential above. The site is within Willesden conservation area as well as the primary shopping frontage of this town centre.

PROPOSAL

See above.

HISTORY

13/2775 - Refused 06th February 2014

Variation of condition 5 (opening hours) of full planning permission reference 87/1195 dated 12/01/88 for single storey rear extension and change of use to take-away and restaurant, to allow extension of opening hours from between 08:00 - 23:00 Sunday to Thursday and 08:00 - Midnight Friday to Saturday, to 07:00 - 05:00 Monday to Sunday. Enforcement Officers are continuing to pursue the issue of the premises operating outside of its approved hours.

POLICY CONSIDERATIONS

National Planning Policy

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. Its includes a presumption in favour of sustainable development in both plan making and decision making. It is considered that the saved policies referred to in the adopted UDP and Core Strategy are in conformity with the NPPF and are still relevant. Accordingly, the policies contained within the adopted SPG's, London Borough of Brent Unitary Development Plan 2004 and Core Strategy 2010 carry considerable weight in the determination of planning applications and appeals.

Unitary Development Plan 2004 - Policies Saved by direction

CONSULTATION

External

66 neighbouring owner/occupiers were consulted, Advert placed in local newspaper 03/04/2014, site notice put up 27/03/2014. The earliest decision date was, therefore, 24/04/2014 and the matter was deferred from the last Planning Committee in order to allow the consultation period to expire

For the information of Members the Council has received no additional comments in relation to the application since the matter was deferred on 9th April 2014.

As a result, the situation, as far as neighbour comments are concerned, remains that same as it was previously in that four objections to the application have been received. The points raised are as follows;

- extensions an eyesore, roof is strewn with debris
- does not benefit from a landscape buffer
- occupies too much of the site
- water drains off of the building into the adjoining Metropolitan Court

Internal

Highways and Environmental Health Officers consulted and they have raised no objections.

REMARKS

1. Prior to the April Committee, this application was recommended by members to be deferred to the May Committee to allow the consultation period to conclude prior to the Committee taking place. In addition, Members considered that in the event of permission being granted, it was necessary to include a condition that required the extension to be painted in the interest of visual amenity. It was also pointed out that the proposed drainage condition was not practical and it should be reviewed. A new condition requiring future treatment of the extension and a revised drainage condition are now included in this report.
2. The site has been the subject of a number of refused planning applications to extend the opening hours, including an application this year seeking near 24 hour opening times, which received significant local opposition and was refused. The refused application is now the subject of a Planning Appeal. There is a Planning Enforcement case open in relation to the untidy condition of the rear of the property. Enforcement have notified the owner/manager and warned that failure to rectify the situation could result in Untidy Land Notice under Section 215 Town and Country Planning Act being served.
3. This application seeks permission for the existing single storey rear extension only and needs to be dealt with on its planning merits alone. The main issues which will be addressed in turn are;
 - Design and impact on character of Conservation Area.
 - Impact to neighbouring amenity.
 - Consideration of objections.
4. The extension is sited at the rear of Woodys Grill on Willesden High Road. It accommodates a boiler room and three WC's. It has a depth of 6m, extends the full width of the site and adjoins the vehicular entrance to Metropolitan Court, which is the development on the site of the former Spotted Dog public House. The site falls within the designated Willesden Conservation Area, a mixed use centre marked by a common, distinctive retail based architectural vocabulary. The main Victorian commercial centre contains many significant buildings by several well-known architects, for example the nearby Old Library building and recently redeveloped Sexton's Spotted Dog pub.
5. In terms of design, the rear of these premises generally contain small extensions for utilities and the ground is concreted over providing additional yard space for the commercial premises above. No 48 is accessed via a passage way that runs behind the buildings. The environment is typical of a rear yard environment serving commercial uses in the area and does not have a particularly uniformed appearance, hence the extension is not at odds with a defined character. In terms of impact to the character of the Conservation Area, given the extension is located off street at the rear, it is not

considered to interfere with the front of the buildings which most define the character of the Conservation Area.

6. It is acknowledged that the cement rendered appearance does not preserve or enhance the character of the Conservation Area and therefore a condition will be placed on this permission that requires the extension to be painted white to match the render in the existing neighbouring Metropolitan Court.
7. In terms of residential amenity, the adjoining Spotted Dog redevelopment adjoins the site and objections have been raised on grounds that the appearance of the extension on the boundary is an eye sore and the roof is often strewn with debris and rubbish. The extension however does not directly abut habitable room windows on same level in close proximity, hence it is not considered to be overbearing in terms of outlook. In addition, decisions have to be based on adopted planning policies, and there are other avenues as explained above, that the Council have for pursuing the untidy condition of properties.

Objections

Officers response

8. roof is strewn with debris.

As highlighted above, the Council have a Planning Enforcement case open in relation to the untidy condition of the rear of the property. Enforcement have notified the owner/manager of this, and failure to respond could result in Untidy Land Notice under Section 215 of the Town and Country Planning Act being served.

In relation to the determination of this application, it is difficult to make a planning decision based on considerations such as this. Determination has to be based on adopted planning policy.

9. Does not benefit from a landscape buffer.

A landscape buffer would not necessarily be required for an extension of this size, particularly since it adjoins an entrance to the adjoining building rather than somebodys private amenity space.

10. Occupies too much of the site.

The retention of a 6m² area at the rear of the property, considering the relatively small size of the entire rear yard, is considered acceptable.

11. Water drains off of the building into the adjoining Metropolitan Court.

Officers have been unable to find any Building Regulations history for the extension and have informed the Councils Building Control Department who will be writing to the applicant to seek to regularize this, with particular regard for Approved Document H *Drainage*.

12. Extension is an eyesore.

As set out above, the rear of this stretch of properties along High Road are not particularly uniformed, hence the extension is not particularly at odds with a defined character. It is visible as you enter Metropolitan Court, however its off street location means that it has very little impact on the street frontage which most defines the character of the Conservation Area. In terms of views from Metropolitan Court, the extension does not directly abut habitable room windows on same level in close proximity, hence it is not considered to be overbearing in terms of outlook. On this basis, the impact of the extension on the outlook of adjoining first floor habitable room windows is not extensive enough to warrant a reason for refusal.

13. Extension is already built and disregards proper planning procedure Whilst it is always unfortunate when any applicant implements their development before seeking the necessary permission, the assessment here must be based on adopted planning policies, and is unaffected by whether or not the works have already been carried out or not.
14. In conclusion, this report has explained that there are proceedings underway that relate to the untidy condition of the rear yard, and that the determination is for the single storey extension only. The siting and scale are not considered to overbearing or detrimental to the amenity of adjoining occupiers, and owing to the extension being off street, it is not considered to harm the character of the Conservation Area. Approval is therefore recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

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

Built Environment: in terms of the protection and enhancement of the environment

CONDITIONS/REASONS:

- (1) The development hereby permitted is approved in accordance with the following approved drawing(s) and/or document(s):

05.14/01
05.14/02
05.14/03

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

- (2) The roof of the extension hereby approved shall not be used as an external terrace.

Reason: To safeguard the amenity and privacy of adjoining occupiers.

- (3) The existing extension hereby approved shall be painted white to match the white render used in the adjoining Metropolitan Court Development, and shall be completed no later than 3 months after the date of this decision. Once completed it shall be permanently maintained unless agreed in writing by the Local Planning Authority.

Reason: In the interest of the visual amenity of the locality.

INFORMATIVES:

- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- (2) The applicant is informed that the Council have no Building Control records in connection with the existing single storey rear extension, and Planning Officers have notified the Councils Building Control department who will write to the applicant in connection with this, with

particular regard for Building Regulations Approved Document H *Drainage and Waste Disposal*.

- (3) The applicant is informed that this consent only relates to the single storey rear extension. The matter of the opening hours of the main commercial premises fronting High Road remains to be resolved and is subject to enforcement proceedings.

Any person wishing to inspect the above papers should contact Samuel Gerstein, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5368

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 **Planning Committee Map**
Site address: 61 Beverley Gardens, Wembley, HA9 9RB
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This map is indicative only.

RECEIVED: 14 March, 2014

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 61 Beverley Gardens, Wembley, HA9 9RB

PROPOSAL: Removal of condition 7 (use as single family dwellinghouse Use class C3a only) of full planning permission reference 10/1478, approved under appeal ref: APP/T5150/A/11/2146393 dated 15/07/2011 for Erection of two-storey, end-of-terrace dwellinghouse with single-storey rear and side extension and front porch, installation of vehicle access, provision of car-parking, refuse-storage to front and landscaping

APPLICANT: Mr Ray & Ms Jane Dwek & Brannan

CONTACT: Christopher Wickham Associates

PLAN NO'S:
Refer to Condition 2

RECOMMENDATION

Grant Consent

CIL DETAILS

As this application is a Section 73 application, it is not liable to any CIL Levy as no additional floorspace is to be created.

CIL Liable?

Yes/No: No

EXISTING

The application site concerns land next to No. 61 Beverley Gardens. Planning permission was granted in 2011 under appeal for a new dwellinghouse attached to No. 61 Beverley Gardens. This new dwellinghouse is known as 61A Beverley Gardens and is the subject of this application.

The site is not located within a conservation nor is it a listed building. The Barn Hill Conservation Area is located to the south of the site.

PROPOSAL

Removal of condition 7 (use as single family dwellinghouse Use class C3a only) of full planning permission reference 10/1478, approved under appeal ref: APP/T5150/A/11/2146393 dated 15/07/2011.

HISTORY

Planning history for new dwellinghouse known as 61a Beverley Gardens

E/13/0160: Enforcement investigation into the erection of a new dwelling without planning permission - **enforcement notice served on 22 August 2013, currently being appealed.**

12/0867: Details pursuant to conditions 8 (landscaping), 9 (i) windows, (ii) chimney stack, (iii) ground levels, (iv) bin storage, 10 (materials), 11 (implementation of roof), 12 (construction method statement) of full planning permission reference 10/1478, approved under appeal - **Granted, 14/06/2012.**

10/1478: Full Planning Permission sought for erection of two-storey, end-of-terrace dwellinghouse with single-storey rear and side extension and front porch, installation of vehicle access, provision of car-parking, refuse-storage to front and landscaping (alteration to previously approved scheme 09/1888 to include single-storey side extension) - **Allowed on appeal (ref: APP/T5150/A/11/2146393) dated 15/07/2011.**

09/1888: Full Planning Permission sought for erection of two-storey, end-of-terrace dwellinghouse with single storey rear extension and front porch, installation of vehicle access, provision of car-parking, refuse storage to front and landscaping to site subject to a Deed of Agreement dated 19th October 2009 under Section 106 of the Town and Country Planning Act 1990, as amended - **Granted, 21/10/2009.**

Planning history for original dwellinghouse known as 61 Beverley Gardens

E/13/0882: Enforcement investigation into the change of use of the premises to 2 flats - **no breach established, enforcement case closed on 09/08/2013.**

E/12/0574: Enforcement investigation into the installation of a vertical vent on the roof of the premises - **no breach established, enforcement case closed on 09/10/2012.**

09/0876: Full Planning Permission sought for erection of single storey rear extension with 1 skylight to dwellinghouse - **Granted, 09/06/2009.**

09/0877: Certificate of Lawfulness sought for proposed rear dormer window, 2 front rooflights and new front porch to dwellinghouse - **Lawful, 09/06/2009.**

07/3047: Full Planning Permission sought for formation of a vehicular crossover to front elevation of dwellinghouse - **Granted, 07/12/2007.**

POLICY CONSIDERATIONS

Brent's Core Strategy 2010

CP21: Maintaining a Balanced Housing Stock

Brent's UDP 2004

H10: Containment of Dwellings

H22: Protection of Residential Amenity

BE7: Public Realm - Streetscape

BE9: Architectural Quality

TRN11: The London Cycle Network

TRN23: Parking Standards - Residential Developments

CONSULTATION

Consultation Period: 20/03/2014 - 10/04/2014

39 neighbours consulted - 39 objections received on the following grounds:

- Property will be more intensely used as HMO;
- Increased parking and pressure in already congested road;
- More rubbish created;
- Loss of privacy as a result of overlooking from first floor windows to neighbouring gardens;
- Use of living room at first floor level will impact on neighbouring properties - increased noise levels from TVs, audio and household noise;
- Loss of family house which is a shortage in the area;
- Loss of character in area as a result of conversion of property into flats;
- Layout of property including two boiler flues (one on front and one on back of house) and separate lights on front entrance suggest that it will be converted into flats.

Barn Hill Residents Association - Proposal would generate additional traffic pressures in the area due to 6 unrelated people living in one household.

Internal Consultation

Environmental Health - no objections raised.

Transportation - no objections raised.

REMARKS

Background

1 Planning permission was allowed on appeal for a new dwellinghouse with a single storey side extension attached to No. 61 Beverley Gardens on 15 July 2011. The appeal was allowed subject to a number of planning conditions. This application follows a previous planning permission for a new dwellinghouse (which did not include the single storey side extension) in 2009.

2 One of the Conditions (condition 7) attached to the planning permission restricted the use of the property to only be used as a single family dwellinghouse and for no other purpose (including any other purpose in Use Class C3 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. The reason for imposing this condition was to prevent the use of the property as flats due to concerns regarding intensifying pressure for on street parking and associated level of activity for use in connection with flats that would be out of keeping with the locality. It should be noted that this condition replicated a condition imposed on the first planning permission in 2009.

3. It should be noted that no reference is made within the appeal decision to the use of the property within use classes C3(b) or (c) or a House in Multiple Occupation including one falling within Use Class C4.

Recent planning history

4. The new dwellinghouse allowed under appeal is the process of being constructed with the new building significantly complete. The new house has not been built in accordance with the approved plans for application ref: 10/1478 and associated discharge of conditions application ref: 12/0867. The areas which differ from the approved plans relate to the roof of the dwellinghouse, front porch and entrance door.

5. An enforcement notice was served on 22 August 2013 due to come into effect on 1 October 2013 with three month period for compliance (E/13/0160). This required the new house as built to be demolished or to be rebuilt to accord with the approved plans for application ref: 10/1478 and associated discharge of conditions application ref: 12/0867. The enforcement notice has however been appealed by the applicant and at the time of writing this report no decision had been made by the Planning Inspectorate.

Proposal

6. This application seeks to remove Condition 7 of planning permission ref: 10/1478 to allow it to be used within use classes C3(a), (b) and (c) and use class C4. The planning considerations of the removal of the condition are discussed below:

Changes to planning legislation

7. The Government introduced an amendment to the Use Classes Order on 6th April 2010. This split the former Class C3: Dwellinghouse into two classes - C3: Dwellinghouses and C4: Houses in multiple occupation.

8. The wording of 'Class C3. Dwellinghouses' now relates to: "Use as a dwellinghouse (whether or not as a sole or main residence) by –

- (a) a single person or by people to be regarded as forming a single household;
- (b) not more than six residents living together as a single household where care is provided for residents; or
- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

9. The wording of 'Class C4. Houses in multiple occupation' covers: "Use of a dwellinghouse by not more than six residents as a 'house in multiple occupation'." In broad terms this use occurs where tenanted living accommodation is occupied by persons as their only or main residence, who are not related, and who share one or more basic amenities.

10. This separation into two distinct uses was made as a result of problems caused by high concentrations of HMO's in a number of towns and cities across the country, particularly towns and cities with

universities. Local Planning Authorities can introduce an Article 4 Direction to remove the permitted change from dwellinghouse (Use Class C3) to an HMO (Use Class C4) where it can justify doing so. There are no such Article 4 Directions in Brent.

11. An amendment was also made on 6 April 2010 to Part 3 of Schedule 2 of the General Permitted Development Order to allow permitted development rights (i.e. development that does not require planning permission) for a change of use from C4 to C3 and a further amendment in October 2010 allowed further permitted development rights from C3 to C4. It should be noted that large scale HMOs (i.e. over 6 occupants) will still require planning permission from use class C3.

Planning considerations of removing condition 7 at No. 61A Beverley Gardens

12. As described in paragraph 2 above, Condition 7 restricts the use of the new dwellinghouse for use by a single family dwellinghouse only (i.e. falling within use class C3(a)). The reason why the Planning Inspector imposed this condition was to prevent the use of the property as flats due to concerns regarding intensifying pressure for on street parking and associated level of activity for use in connection with flats that would be out of keeping with the locality. This reflects a condition imposed on the original planning permission in 2009.

13. Whilst it is acknowledged that this condition was imposed by the Planning Inspectorate at the request of the local planning authority to replicate those conditions imposed on the 2009 permission, following review of the reasoning for the imposition of this condition, it is not considered that it is reasonable as planning permission would be required to convert the property to flats. Further consideration of this is set out below. It is noted that in both the 2009 planning permission and within the appeal decision, no reference is made to concerns regarding the use of the property within use classes C3(b) or (c) or a small scale HMO within use class C4. [

14. In considering whether the removal of condition 7 can be supported consideration needs to be given to the character of the application property and the wider area. Your officers are of the opinion that there are not sufficient grounds to justify retaining condition 7 for the reasons as described below:

- The new dwellinghouse is relatively small compared to other properties in the area.
- The planning permission for the new dwellinghouse includes a condition that restricts permitted development rights under Part 1, Schedule 2 of the GPDO. This means that no additions, external alterations or extensions can be undertaken to the new dwellinghouse without needing planning permission (including roof extensions and roof lights). This allows the Local Planning Authority to not only consider the design implications of such extensions but also consider the intensification of use and impact on the occupants of the dwellinghouse and wider area. It should be noted that other dwellinghouses in the area outside of the Conservation Area can undertake larger roof extensions without needing planning permission.
- Brent does not have an Article 4 Direction in place to remove permitted development rights from use class C3 to C4 within the Borough. This means that any dwellinghouse within the area can be converted into a small scale HMO without needing planning permission.
- Converting the property either from a dwellinghouse within use class C3 or a small scale HMO within use class C4 into self contained flats will require planning permission. This has been the case since before the Inspector allowed the appeal in 2011. Any planning application will be considered in accordance with the statutory development plan and will have regard to local amenity and highway pressures.
- As the property will still be in use as one household there has not been an significant increase in parking standards. The UDP requires 1.6 spaces for a three bedroom house. One off street parking will still be provided as approved as part of application ref: 10/1478. Even though this application is not proposing a large scale HMO, it should also be noted that the Council's parking standards for large scale HMOs only require 1 car parking space per 16 bedrooms.
- If further rooms on the ground floor are used as additional bedrooms, the parking standard would increase to 2 spaces for a four bedroom+ house. This is an increase of 0.4 spaces which is not considered to be detrimental on the local highway network.

Response to objections raised

15. A total of 39 objections have been received from properties in Alverstone Road, Beverley Gardens, West Hill and Uxendon Hill. A table setting out the objections together with response to the objections is set out below:

Point of objection

Property will be more intensely used as HMO including more rubbish

Increased parking and pressure in already congested road.

Loss of privacy as a result of overlooking from first floor windows to neighbouring gardens.

Use of living room at first floor level will impact on neighbouring properties - increased noise levels from TVs, audio and household noise.

Loss of family house which is a shortage in the area.

Loss of character in area as a result of conversion of property into flats.

Layout of property including two boiler flues (one on front and one on back of house) and separate lights on front entrance suggest that it will be converted into flats.

Response

The property would still be used in effect as one household as a small scale HMO and is not considered to result in a significant intensification of use compared to a C3 dwellinghouse. Please refer to paragraph 14 above.

The degree of overlooking will be no worse than the use of the property as a single family dwellinghouse. This degree of overlooking was considered acceptable by the Planning Inspector. Furthermore permitted development rights have been removed so any additional windows etc will require planning permission.

The layout of the property does not suggest that there will be a living room at first floor level. It however should be noted that a living could be introduced to any house in the area at first floor level with it still operating as one household and the increased noise levels will be no greater to that of any other house in the area.

The Planning Inspector did not secure condition 7 due to shortage of family houses within the area. The layout and nature of the property as a small scale HMO would allow it to revert back into a family house. This application does not seek to convert the property into flats. Such works will require planning permission. Please see paragraph 14 and the response above.

Planning conditions and Section 106 Agreement

16. With the exception of condition 7 it is recommended that all of the conditions imposed as part of planning permission ref: 10/1478 are attached to any forthcoming consent. It is recommended that they are appropriately reworded to take into account the details approved as part of the discharge of conditions application ref: 12/0867.

17. Planning permission ref: 10/1478 was subject to an unilateral undertaking for a financial contribution of £9000. This contribution has been paid to the Council. No further contributions are required nor is the scheme liable to Community Infrastructure Levy as no new floorspace will be created as a result of this application.

Conclusions

18. In conclusion, it is considered that the removal of condition 7 of full planning permission ref: 10/1478 to allow the property to be used within use class C3(a), (b) or (c) or use class C4 would not have a significant impact on the local area in terms of character of a significant increase in vehicle traffic .

19. Approval is accordingly recommended for the reasons as outlined above and 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
Housing: in terms of protecting residential amenities and guiding new development

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on 15 July 2011.

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):

Please refer to application ref: 10/1478 for the following plans:

DS/513B S01a 1:1250 location plan
DS/513B S02c 1:200 existing site plan
DS/513B S03a 1:100 existing site as seen from Beverley Gardens
DS/513B S04b 1:200 existing site cross sections
DS/513B S05d 1:200 proposed site plan
DS/513B S06c 1:100 proposed layout plan
DS/513B S07e 1:100 proposed front elevation as seen from Beverley Gardens
DS/513B S08d 1:100 proposed side and rear elevations

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

- (3) Notwithstanding the provisions of Classes A, B, C, D, E and F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the dwelling shall not be extended, the roof altered or ancillary buildings erected unless a formal planning application is first submitted to and approved by the Local Planning Authority.

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

- (4) Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows or glazed doors, other than those expressly authorised by this permission, shall be constructed on the southern flank wall of the development hereby permitted.

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

- (5) The first floor windows on the western rear wall of the development hereby permitted shall not be converted to glazed doors.

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

- (6) The roof of the rear extension hereby permitted shall not be used for a roof terraced.

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

- (7) The hard and soft landscaping scheme approved as part of application ref: 12/0867 on 14 June 2012 shall be completed in full accordance with the approved details. The hard landscaping shall be completed prior to first occupation of the dwellinghouse hereby approved and the soft landscaping shall be completed within the first available planting season following

first occupation of the dwellinghouse hereby approved. A list of approved plans include:

- Condition 8 (i): Arboricultural Implications Assessment;
- Condition 8. Hard and Soft Landscaping Scheme; Proposed Soft Landscaping Plan (March 2012)
- Drawings - S01b; P02f; P04e; and P05c

Any trees, shrubs or hedging plants which form part of the approved landscaping scheme and die, are removed, are seriously damaged or become diseased within five years of the initial planting shall be replaced with trees, shrubs or hedging plants of the same species and of similar height unless the local planning authority agrees to any variation. Any walls and fences which form part of the approved landscaping scheme shall be retained thereafter.

- (8) Details of the windows and chimney to the new dwellinghouse, existing and proposed ground levels and details of the bin store as part of application ref: 12/0867 on 14 June 2012 shall be completed in full accordance with the approved details. A list of approved plans include:

- Condition 9. Details of specified elements (i) to (iv);
- Drawings - S01b; S02c; S03, S04; S05; P04e; P06c; P07c

Reason: In the visual interest of the locality.

Heather brick- Hanson London Brick supplied by Keyline

Redland antique rustic concrete roofing tile

Buxton Charcoal - concrete paving slab

- (9) The external materials for the new dwellinghouse hereby approved shall be completed in accordance with the details approved as part of application ref: 12/0867 on 14 June 2012. A list of approved materials include:

- Heather brick- Hanson London Brick supplied by Keyline
- Redland antique rustic concrete roofing tile
- Buxton Charcoal - concrete paving slab

Reason: In the visual interest of the locality.

- (10) Construction of the new dwellinghouse hereby approved shall be carried out in full accordance with the construction method statement approved as part of application ref: 12/0867 on 14 June 2012.

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

- (11) In accordance with the details approved as part of application ref: 12/0867 dated 14 June 2012, the dwellinghouse hereby approved shall not be occupied until the roof of No. 61 Beverley Gardens has been completed. Fourteen days written notice shall be provided to the local planning authority of the occupation of the dwellinghouse hereby permitted.

Reason: To ensure a satisfactory development.

INFORMATIVES:

None Specified

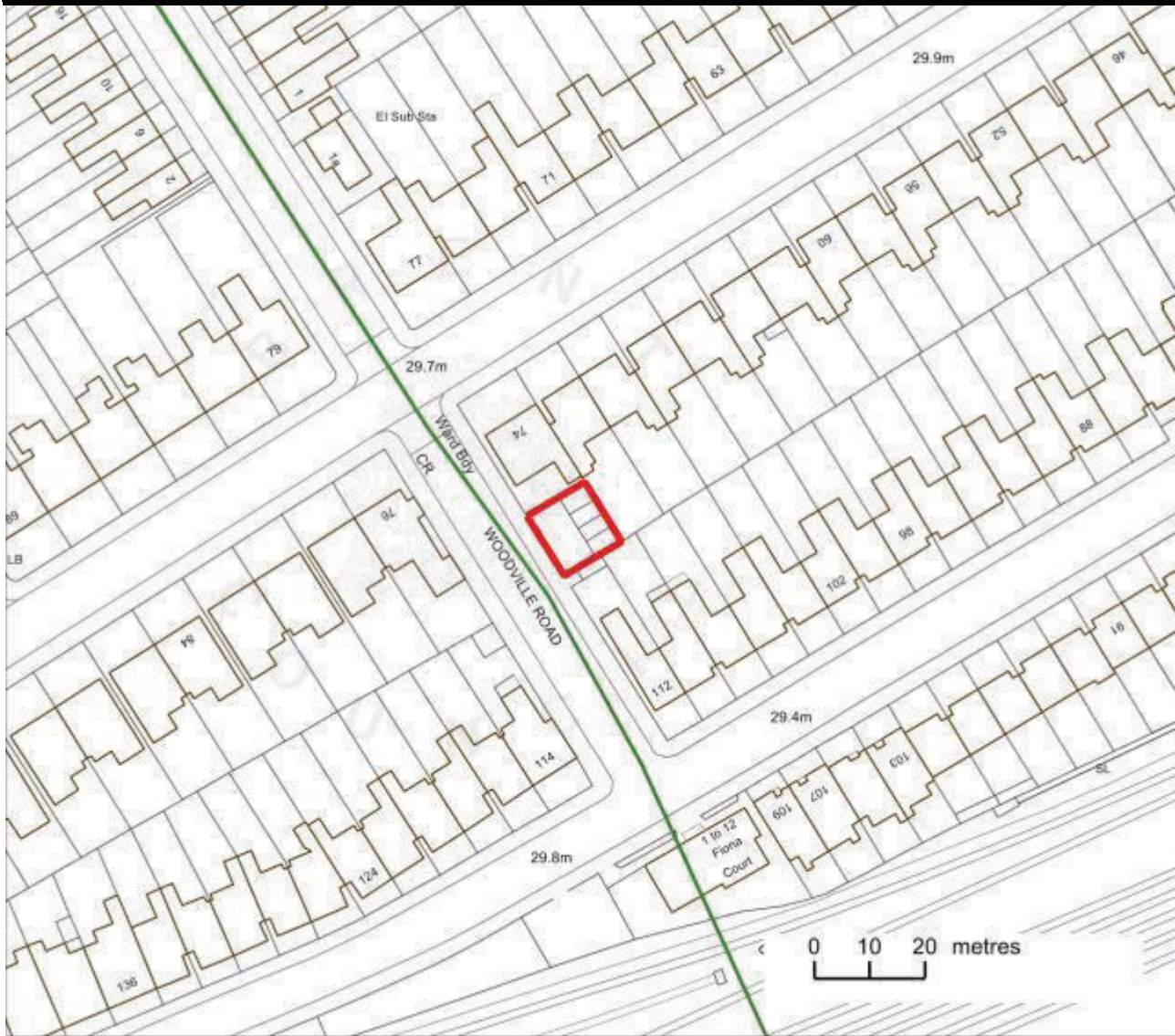
Any person wishing to inspect the above papers should contact Victoria McDonagh, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5337

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Planning Committee Map

Site address: Garages opposite 2, Woodville Road, London, NW6

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This map is indicative only.

RECEIVED: 15 January, 2013

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Garages opposite 2, Woodville Road, London, NW6

PROPOSAL: Demolition of existing 3 single storey garages and erection of a proposed two-storey dwellinghouse with basement fronting onto 2 Woodville Road with associated landscaping.

APPLICANT: Tansy Ltd

CONTACT: Groves Natcheva Architects

PLAN NO'S:

1054/P/100/001 Proposed Lower Ground and Ground Floor Plan
1054/P/100/002 Proposed Roof Plan
1054/P/100/003 Proposed Section AA and BB
1054/P/100/004 Proposed North and West Elevation
1054/P/100/005 Proposed East and South Elevation
1054/P/100/006 Existing Site Plan
1054/P/100/007 Existing West Elevation
1054/P/1250/001 Site Location Plan
Design and Access Statement Dated November 2012
Details of OKAWOOD Timber Louvers
GNA Daylight Study 2

MEMBERS CALL-IN PROCEDURE

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

Name of Councillor

Councillor Mary Arnold

Date and Reason for Request

10/04/2014

The application is for an innovative design based on a new house in Donaldson Rd on the other side of Brondesbury Rd, just nearby.

It fills an unsightly area of disused garages between Victorian housing and will raise the standard of housing in the associated streets.

It is important that the committee has a chance to take a holistic view of the application – both the benefits of good quality design and a modern approach to much needed housing which is sympathetic to the area.

Details of any representations received

The applicant (who lives locally)

Name of Councillor

Councillor James Denselow

Date and Reason for Request

10/04/2014

The application is for an innovative design based on a new house in Donaldson Rd on the other side of Brondesbury Rd, just nearby.

It fills an unsightly area of disused garages between Victorian housing and will raise the standard of housing in the associated streets.

It is important that the committee has a chance to take a holistic view of the application – both the benefits of good quality design and a modern approach to much needed housing which is sympathetic to the area.

Details of any representations received

The applicant (who lives locally)

Name of Councillor

Councillor Tayo Oladapo

Date and Reason for Request

10/04/2014

The application is for an innovative design based on a new house in Donaldson Rd on the other side of Brondesbury Rd, just nearby.

It fills an unsightly area of disused garages between Victorian housing and will raise the standard of housing in the associated streets.

It is important that the committee has a chance to take a holistic view of the application – both the benefits of good quality design and a modern approach to much needed housing which is sympathetic to the area.

Details of any representations received

The applicant (who lives locally)

RECOMMENDATION

Refusal

EXISTING

The existing site contains a row of three garages which are all currently vacant. It was most recently used as a builders yard. It is located on Woodville Road which is a side street between Brondesbury Road and Brondesbury Villas. It is not listed but it is within the Kilburn Conservation Area.

PROPOSAL

See description above.

HISTORY

12/3235. Conservation Area Consent sought for the demolition of existing 3 single storey garages and erection of a proposed two-storey dwellinghouse with basement fronting onto 2 Woodville Road with associated soft landscaping. Under consideration elsewhere on this committee agenda.

H3809/3342. Full planning permission sought for the conversion of five self-contained flats and erection of three garages. Granted 1976.

POLICY CONSIDERATIONS

NPPF 2012

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It includes a presumption in favour of sustainable development in both plan making and decision making. It is considered that the saved policies referred to in the adopted UDP and Core Strategy are in conformity with the NPPF and are still relevant. The NPPF states that good quality design and a good standard of amenity for existing and future occupants of land and buildings are required. Of particular reference to this CAC application, the NPPF outlines policies for the historic environment and heritage assets. It emphasises the importance of being able to assess the significance of heritage assets that may be affected by a development.

Accordingly, the policies contained within the adopted SPG's, London Borough of Brent Unitary Development Plan 2004 and Core Strategy 2010 carry considerable weight in the determination of planning applications and appeals.

London Plan 2011

London Plan Housing SPG 2012

London Borough of Brent Core Strategy 2010

CP17 Protecting and enhancing the Suburban Character of Brent

London Borough of Brent Unitary Development Plan 2004

BE2 Townscape: Local Context & Character
BE3 Urban Structure: Space & Movement
BE5 Urban Clarity & Safety
BE6 Public Realm Landscape design
BE7 Public Realm: Streetscape
BE9 Architectural Quality
BE25 Development in Conservation Areas
BE27 Demolition and Gap Sites within Conservation Areas
H12 Residential Quality - Layout Considerations
TRN3 Environmental Impact of Traffic
TRN15 Forming an Access to a Road
TRN23 Parking Standards - Residential Developments

Supplementary Planning Guidance 17:Design Guide For New Development

CONSULTATION

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

No objections received.

Internal consultation letters were sent to Highways and Environmental Health.

Transportation object to the proposal on the following grounds:

The proposed access will not provide suitable pedestrian visibility splays, and will thereby endanger highway and pedestrian safety contrary to Policies TRN3 and TRN10 of the UDP 2004. In addition the proposed double gates result in an inadequate size of car parking space and should be replaced with a suitable sliding gate to provide off-street parking which complies with Policy TRN23 of UDP 2004. Lastly the chosen access will not maximise on-street parking bays contrary to the Domestic Vehicle Footway Crossover Policy (2008).

Landscape Design are concerned that the proposed amenity space will be shady and enclosed. This is slightly compensated for by the proposal for an extensive green roof but does not provide useable outside space.

Environmental Health have no objection to the proposed development subject to conditions being attached to any permission in relation to site contamination and air quality management.

REMARKS

Principle of Development

1. The main considerations when considering whether the proposed development is acceptable or not are:
 - Whether the proposed demolition of the garages within the Conservation Area is acceptable
 - Whether the proposed building would preserve or enhance the character of the Conservation Area.
 - Whether the proposed development would have an acceptable impact on the amenity of neighbouring residents.
 - Whether the proposed development provides an acceptable quality of residential accommodation.
 - Whether the proposed development would have an acceptable impact on local highway conditions.

Application Process

2. This application was submitted in February 2013 following some pre-application advice in which the Council highlighted its concerns with the proposed development. These related to the relationship of the proposed building to the neighbouring flats at No. 74 Brondesbury Road and the need for the proposal to comply with SPG17. The applicants submitted the application and Council officers sought to work with the applicants to revise the proposals to come up with an acceptable scheme. Despite revisions being made to the proposed development it has unfortunately not been possible to develop a scheme which addresses the Council's concerns and satisfies all parties. The applicants have now requested that the application be determined on the original plans that were submitted in 2013 rather than those that have been produced since that time.

Demolition of existing building

3. Policy BE27 of Brent's UDP 2004 states that consent will not be given for the demolition of a building in a conservation area unless the building positively detracts from the character or appearance of the Conservation Area. Any replacement buildings should be seen as a stimulus to imaginative, high quality design and an opportunity to enhance the area.
4. The existing buildings are not original and were constructed as garages for the flats at 74 Brondesbury Road when the building was converted into 5 separate flats. The garages were then sold separately from the flats and became occupied as a builders yard. The existing buildings located in the rear garden are of a poor quality and design and detract from the open character of the property. As such the proposal is considered to be in accordance with the first part of policy BE27, although the Conservation Area Consent application also found on this committee agenda is recommended for refusal for the reasons set out. An assessment of the quality of the proposed replacement building in terms of the impact on the character and appearance of the Conservation is set out in the section below.

Character and appearance of the Conservation Area

5. Policies, BE2, BE3, BE7, BE9 and BE25 are the central policies in relation to the design and appearance of the replacement building. These seek to ensure that the character of the Conservation Area is preserved or enhanced and that any replacement building is of a size, scale and design which is appropriate to its setting and townscape location and that respects the positive local design and landscape characteristics.
6. The site is located in what would have originally been the rear garden of No. 74 Brondesbury Road which is the corner property on the junction of Brondesbury Road and Woodville Road. The existing garages are not original and were constructed to provide off-street parking for the flats within the Brondesbury Road property. The garages are sited towards the back of the site, away from the back of the public footpath. The site is located within the Kilburn Conservation Area.
7. The character appraisal for the Kilburn Conservation Area notes that the special character of the area is based not only on the design of buildings and that of the open space but also on their street setting and the street scenes. It also states that the area benefits from long vistas along tree lined roads to the horizon, creating attractive views. The prevalent material is yellow stock brick.
8. The existing garages are not original and their most recent use as a building storage yard is not considered to be appropriate within a residential location such as this. As such their demolition is acceptable provide that the replacement building is of an acceptable standard.
9. The proposed building is a modern flat roofed structure with the accommodation arranged over the basement and ground floor level. While the accommodation is arranged over basement and ground level

a square lantern roof type structure constructed of glazing and wood panels will be used to provide additional daylight through to the living space on the ground floor.

10. The proposed building has an area of 95sqm at the basement level and 61sqm at the groundfloor. This is significantly larger than the existing garages which have a footprint of 45sqm.
11. The proposed groundfloor element will have a flat roof positioned behind a parapet wall at which has a height of 3m. A proposed lantern feature constructed from timber hardwood framed glazing projects 2m above the parapet for full width of the ground floor part of the building and for a depth of 5m from the main front wall on Woodville Road. The building will be constructed in brick to match the characteristics of the main property on Brondesbury Road and will be situated behind a 2m high brick wall of the same material.
12. The proposed building will have a footprint which covers the majority of the site and leaves minimal opportunity for soft landscaping in an area where mature soft landscaping is a prominent feature in the rear gardens of the properties within the Conservation Area and which makes a significant contribution to the streetscape when viewed from Woodville Road. The proposed lantern roof will also appear prominent when viewed from Woodville Road and will have a detrimental impact and is not considered to preserve or enhance the character of the Kilburn Conservation Area. In terms of the buildings presence and contribution to the character of the Conservation Area, although the design philosophy is to implement a modern design the proposal would significantly increase the visual impact of what is on the site. It is considered that the increase in overall height compared to the existing garages, which are set back from the edge of the footpath, and the changes to the appearance of the site, together fail to provide an acceptable quality of development. This point is most clearly demonstrated by the large lantern feature, but the difficulties are not exclusive to this particular element. As such it is considered that the proposal does not achieve what it sets out to on account of its overall scale, appearance and design. Furthermore, it is considered that the proposed replacement building by reason of its excessive coverage of the site, lack of soft landscaping and prominent front lantern feature will fail to preserve or enhance the character of the Kilburn Conservation Area contrary to planning policy BE2, BE3, BE7, BE9 and BE25 of Brent's UDP 2004.

Residential Amenity

12. The main planning policy in terms of residential amenity is BE9 of Brent's UDP 2004. This states that new development should be laid out to ensure that buildings and spaces are of a scale, design and relationship to each other which promotes the amenity of users, providing a satisfactory level of sunlighting, daylighting, privacy and outlook for existing and proposed residents. Further clarification of standards in relation to these matters is set out in SPG 17:Design Guide for New Development.
13. The nearest neighbouring resident property is the three storey building at 74 Brondesbury Road which is in use as 5 self-contained flats. The proposed dwelling house is situated approximately 11m to the south of the main rear elevation of this property and 7m from the rear wall of the existing rear projection to No. 75 (this does not contain a facing window).
14. The proposed building is mainly single storey in size except for the lantern roof which projects 2m above the groundfloor parapet and has a width of 4.2m. Given there are existing garage structures in this space there will be no detriment impact on the residents of the flats at No. 74 in terms of daylight, sunlight and outlook.
15. In relation to privacy SPG 17 states in general there should be a minimum of 20m between directly facing habitable rooms windows on main rear elevations unless it can be maintained through design. The main rear elevation of No.74 Brondesbury Road is situated 11m from the north facing and main elevation of the proposed dwelling house. This would fail to comply with the Council's Design guidelines in relation to privacy.
16. The applicants have proposed to use timber louvres on the proposed north elevation to reduce overlooking and any detrimental impact on amenity of neighbouring residents and the prospective residents of the dwellinghouse. While this may eliminate some overlooking it will not completely remove it and will have no impact on overlooking of the amenity space from No. 74. In addition to this the proposed louvres are not considered to be an acceptable design solution on a building where the main windows to the living space within the proposed residential unit are north facing. As such the proposed residential unit by reason of the inadequate distance between the facing habitable room windows on No 74 Brondesbury Road and the proposed development would result in unacceptable levels of privacy for existing residents of 75 Brondesbury Road and prospective residents of the proposed residential unit,

contrary to planning policy BE9 of Brent's UDP 2004 and SPG 17: 'Design Guide for New Development.'

Quality of Proposed Residential Accommodation

17. The proposed residential unit has a floor space of 130sqm which is well in excess of the minimum floor space standards for a 5 person/3-bed house (97sqm) set out in the London Plan Housing Supplementary Guide and has demonstrated that the dwelling will accommodate the furniture, access, and activity space requirements relating to the declared level of occupancy. This would also comply with the Council's standards set out in SPG 17.
18. The proposed unit is dual aspect and has the main kitchen/living space on the groundfloor and the three bedrooms located at the basement level. The applicants have demonstrated that the proposed development will have acceptable levels of daylight and sunlight for some of the rooms. The main windows through to the habitable rooms on the groundfloor and one of the bedrooms at the basement level face towards the rear elevation of No 74 Brondesbury Road.
19. As set out above recognising that there will be a detrimental impact in terms of privacy the applicants have proposed introducing a timber louvre system which would be situated within the cavity of the double glazing so that it is an integral part of the fenestration. The applicants have not specified the size of louvre or the spacing between timber bars however the examples they have submitted show timber bars fixed close together which will limit outlook from the main living space. While the proposed main windows to the living space are shown to have acceptable levels of daylight and sunlight with the proposed louvres, two of the basement bedrooms are shown to have low levels of daylight and sunlight.
20. The proposed development will provide private amenity space in the form of private courtyard at basement level and a terrace at the groundfloor level this will provide suitable levels of amenity space for the proposed residents. However the majority of this space will be directly overlooked by the neighbouring residential flats in the upper floors of 74 Brondesbury Road. The front terrace is also proposed to act as the off-street parking space for one car.
21. It is considered the proposed development by reason of the inadequate levels of outlook for prospective residents and poor levels of daylight and sunlight to basement level bedrooms as well as the use of the spaces around the proposed buildings will result in a poor quality of residential accommodation contrary to planning policy BE9 of Brent's UDP 2004.

Highways

22. The main policies relating to Transportation are TRN3, TRN15, TRN23. These seek to ensure that the proposal has an acceptable impact on pedestrian and highway safety and conditions, that any access is at a safe point with adequate visibility and that there is an acceptable parking provision.
23. The proposed development is located in an area with very good public transport accessibility level (PTAL 5), is within a controlled parking zone which operates 08:30-18:30 Monday to Friday and is within walking distance of the Queens Park Station and ten bus routes locally. Woodville Road is not Heavily Parked.
24. The existing garages are not associated with the existing flats at 74 Brondesbury Road. They were originally completed when planning permission was granted for the conversion of No. 74. A condition was attached requiring the garages to be used "only for the garaging of private vehicles". The applicants have confirmed that since 1976 the garages have been used mainly for private storage and the storage of building equipment. As such the loss of the existing garages would not result in additional on-street parking.
25. The applicants proposed one off-street parking space which is in accordance with the parking standard for a three bedroom house. The proposed parking space would be situated behind the 2m high front boundary wall and will be accessed through a 2.15m wide access point with hardwood double doors. The gates and front boundary wall directly abut the pedestrian pavement on Woodville Road. The position of the access point directly adjacent to the 2m high solid boundary treatment means that there will be very limited visibility of the pedestrian pathway for vehicles exiting the site. This will have a detrimental impact on the safety of pedestrians using the pathway on Woodville Road.
26. The Council's Highways Engineer has objected to the proposals on these grounds as the proposed access will not provide suitable pedestrian visibility splays and will thereby endanger highway and pedestrian safety contrary to Policies TRN3 and TRN10 of the UDP 2004. They also state that the proposed double gates result in an inadequate size of car parking space and should need to be replaced with a suitable sliding gate in order to provide off-street parking which complies with Policy TRN23 of the

Conclusion

The proposed dwelling house while it is considered to be a contemporary design fails to provide a development that would be acceptable in visual, and streetscene, terms, fails to provide an acceptable quality of residential accommodation for future occupiers, has a detrimental impact on the amenity of neighbouring residents and results in the creation of inadequate and unsafe parking as set out in the remarks above. Accordingly the application is recommended for refusal for the reasons set out below.

RECOMMENDATION: Refuse Consent


CONDITIONS/REASONS:

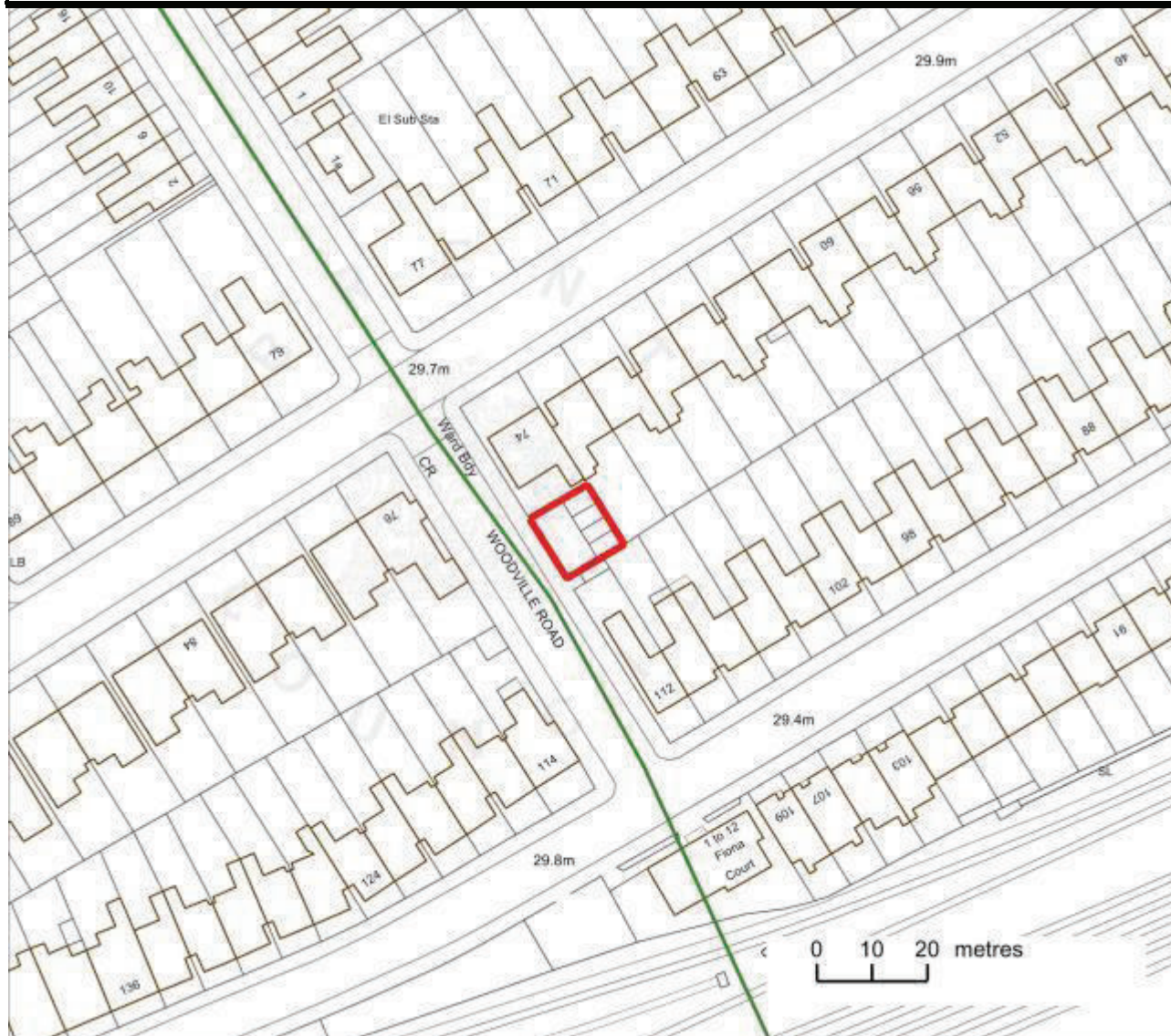
- (1) The proposed residential unit by reason of the inadequate distance between the facing habitable room windows on No 75 Brondesbury Road and the proposed development, would have unacceptable levels of privacy for existing residents of 75 Brondesbury Road and prospective residents of the proposed residential unit, contrary to planning policy BE9 of Brent's UDP 2004 and SPG 17: 'Design Guide for New Development.'
- (2) The proposed development by reason of the inadequate levels of outlook, poor levels of daylight and sunlight to basement level bedrooms and lack of usable amenity space around the proposed building will result in a poor quality of residential accommodation contrary to planning policy BE9 of Brent's UDP 2004.
- (3) The proposed development by reason the siting of the vehicular access point, insufficient depth of the parking space and insufficient pedestrian visibility splays will create a dangerous access point detrimental to highway and pedestrian safety contrary to planning policies TRN3 and TRN15 of Brent's UDP 2004.
- (4) The proposed replacement building by reason of its overall height, design, appearance and scale in relation to the site in particular, and the streetscene in general, would fail to preserve or enhance the character of the Kilburn Conservation Area contrary to planning policy BE2, BE3, BE7, BE9 and BE25 of Brent's UDP 2004. These concerns would be exacerbated by the excessive overall coverage of the site area, the absence of any significant soft landscaping and the unduly prominent roof lantern feature.

INFORMATIVES:

None Specified

Any person wishing to inspect the above papers should contact Robin Sedgwick, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5229

 **Planning Committee Map**
Site address: Garages opposite 2, Woodville Road, London, NW6
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This map is indicative only.

RECEIVED: 15 January, 2013
WARD: Kilburn
PLANNING AREA: Kilburn & Kensal Consultative Forum
LOCATION: Garages opposite 2, Woodville Road, London, NW6
PROPOSAL: Conservation Area Consent for demolition of existing 3 single storey garages.
APPLICANT: Tansy Ltd
CONTACT: Groves Natcheva Architects

PLAN NO'S:

1054/P/100/001 Proposed Lower Ground and Ground Floor Plan
1054/P/100/002 Proposed Roof Plan
1054/P/100/003 Proposed Section AA and BB
1054/P/100/004 Proposed North and West Elevation
1054/P/100/005 Proposed East and South Elevation
1054/P/100/006 Existing Site Plan
1054/P/100/007 Existing West Elevation
1054/P/1250/001 Site Location Plan
Design and Access Statement Dated November 2012
Details of OKAWOOD Timber Louvers
GNA Daylight Study 2

RECOMMENDATION

Refuse

EXISTING

The existing site has three single storey garages which are currently vacant. It was most recently used as a builders yard. It is located on Woodville Road which is a side street between Brondesbury Road and Brondesbury Villas. It is not listed but it is within the Kilburn Conservation Area.

PROPOSAL

See description above.

HISTORY

12/3232. Full planning permission sought for the demolition of existing 3 single storey garages and erection of a proposed two-storey dwellinghouse with basement fronting onto 2 Woodville Road with associated soft landscaping. Under consideration elsewhere on this committee agenda.

H3809/3342. Full planning permission sought for the conversion of five self-contained flats and erection of three garages. Granted 1976.

POLICY CONSIDERATIONS

NPPF 2012

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. Its includes a presumption in favour of sustainable development in both plan making and decision making. It is considered that the saved policies referred to in the adopted UDP and Core Strategy are in conformity with the NPPF and are still relevant. The NPPF states that good quality design and a good standard of amenity for existing and future occupants of land and buildings are required. Of particular reference to this CAC application, the NPPF outlines policies for the historic environment and heritage assets. It emphasises the importance of being able to assess the

significance of heritage assets that may be affected by a development.

Accordingly, the policies contained within the adopted SPG's, London Borough of Brent Unitary Development Plan 2004 and Core Strategy 2010 carry considerable weight in the determination of planning applications and appeals.

London Borough of Brent Core Strategy 2010

CP17 Protecting and enhancing the Suburban Character of Brent

London Borough of Brent Unitary Development Plan 2004

BE25 Development in Conservation Areas

BE27 Demolition and Gap Sites within Conservation Areas

CONSULTATION

All neighbouring properties have been notified by letter, a site notice was installed outside of the site and a press notice was served. Internal consultation letters were sent to Urban Design.

No objections received.

REMARKS

Principle

1. This application relates to the demolition of the existing garages on the site which are sited within the within the Kilburn Conservation Area. The application to redevelop the site appears elsewhere in this agenda.
2. The existing garages are not considered to be of significant architectural merit and do not make a significant contribution to the Conservation Area and as such the demolition would generally be considered acceptable. However the proposed replacement building is not considered to be acceptable. Therefore the proposed demolition is not considered to be in accordance with policy BE27 which states that replacement building should be seen as a stimulus to imaginative, high quality design and an opportunity to enhance the area.
3. The proposal is contrary to BE27 for the reason identified above and is therefore recommended for refusal in accordance with the normal approach to applications of this nature.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) In the absence of an acceptable replacement building or alternative surface treatment, the proposal to demolish this existing garages in the Kilburn Conservation Area would be detrimental to the character and appearance of the locality and is therefore contrary to policy BE27 of Brent's Unitary Development Plan 2004.

INFORMATIVES:

None Specified

Any person wishing to inspect the above papers should contact Robin Sedgwick, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5229

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Received PLANNING Appeals between 1-Mar-2014 and 31-Mar-2014

Planning Committee: 14 May, 2014

Application Number: 13/1280 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 19/03/2014 **Appeal Against:** Refusal of planning permission
Location: 41 Gresham Road, London, NW10 9DA
Proposal:
Demolition of existing attached garage and utility room and erection of a 2 storey one bedroom dwellinghouse

Application Number: 13/1555 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 24/03/2014 **Appeal Against:** Refusal of planning permission
Location: Flats 1A & 1B, 99 Clarendon Gardens, Wembley, HA9
Proposal:
Conversion of ground floor flat into 2 self contained flats

Application Number: 13/1807 **Team:** Southern Team **Application Type** S78 REM
Appeal Received: 28/03/2014 **Appeal Against:** Refusal of planning permission
Location: 89 Kilburn High Road, London, NW6 6JE
Proposal:
Removal of condition 4 - operating hours (should not be open to customers outside the hours of 0700 to 2300) of appeal APP/T5150/A/12/2173766 granted 17/10/12, following refusal of planning application 12/0125 for The change of use from Retail (A1) to Adult Gaming Centre (Sui Generis)

Application Number: 13/2179 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 31/03/2014 **Appeal Against:** Refusal of planning permission
Location: BARHAM PARK BRANCH LIBRARY & PARKS OFFICE, Harrow Road, Wembley, HA0 2HB
Proposal:
Change of use of parts of the Barham Park complex of buildings from Use Class D1 (library) and Sui Generis (parks office) to Artists Studios (Use Class B1) and the change of use from Sui Generis (parks office with some community use) to Use Class D1 (Community).

Application Number: 13/2803 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 19/03/2014 **Appeal Against:** Refusal of planning permission
Location: 391 Kilburn High Road, London, NW6 7QE
Proposal:
Full planning permission sought for retention of existing decking and enclosure around decking in front of pizza shop

Application Number: 13/2842 **Team:** Southern Team **Application Type** S78 CON
Appeal Received: 20/03/2014 **Appeal Against:** Refusal of planning permission
Location: Workshop rear of 18, Craven Park, London, NW10 8TD
Proposal:
Details pursuant to condition 3 (materials) of Full Planning Permission reference 09/3055 dated 10 January, 2011, for Erection of 3 storey building comprising of 3 self contained flats (2 x two bedroom and 1 x one bedroom), provision of 2 off-street car parking spaces, cycle store and associated landscaping and subject to a Deed of Agreement dated 22nd July 2010 under Section 106 of the Town and Country Planning Act 1990, as amended

Received PLANNING Appeals between 1-Mar-2014 and 31-Mar-2014

Planning Committee: 14 May, 2014

Application Number: 13/2917 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 10/03/2014 **Appeal Against:** Refusal of planning permission
Location: Offices 1st 2nd 3rd Floors, 101A Kilburn High Road, London, NW6 6JE
Proposal:

Conversion of first, second and third floors into 3 self contained flats (2 x 1-bed and 1x2-bed), with rear extension and terrace at first floor, replacement of first floor rear window with glazed doors and provision of bin store within entrance

Application Number: 13/2974 **Team:** Northern Team **Application Type** S78 HSE
Appeal Received: 06/03/2014 **Appeal Against:** Refusal of planning permission
Location: 47 Paxford Road, Wembley, HA0 3RQ
Proposal:

Proposed reduction in height and retention of existing single storey outbuilding

Application Number: 13/3232 **Team:** Northern Team **Application Type** S78 HSE
Appeal Received: 31/03/2014 **Appeal Against:** Refusal of planning permission
Location: 33 & 35 Verney Street, London, NW10 0AY
Proposal:

Proposed single storey rear infill extensions to both dwellinghouses

Application Number: 13/3431 **Team:** Northern Team **Application Type** S78 HSE
Appeal Received: 11/03/2014 **Appeal Against:** Refusal of planning permission
Location: 131 Sudbury Court Drive, Harrow, HA1 3SS
Proposal:

Demolition of existing garage and erection of part single and part double storey side and rear extension, side dormer window, widening of existing vehicular crossover and alterations to front garden to create additional off-street parking space to dwellinghouse

Application Number: 13/3463 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 07/03/2014 **Appeal Against:** Refusal of planning permission
Location: 634-640 Kingsbury Road, London, NW9 9HN
Proposal:

Alteration to existing shopfront canopy to also include raising the canopy height from 700mm to 1.250mm to the front of retail unit.

Application Number: 13/3466 **Team:** Northern Team **Application Type** Other ADV
Appeal Received: 07/03/2014 **Appeal Against:** Refusal of planning permission
Location: 634-640 Kingsbury Road, London, NW9 9HN
Proposal:

Installation of 3 illuminated and 2 non-illuminated fascia signs, and 2 non-illuminated vinyls signs to the front elevation of the retail unit

Application Number: 13/3626 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 24/03/2014 **Appeal Against:** Refusal of planning permission
Location: 954 & 954A Harrow Road, Wembley, HA0
Proposal:

Demolition of existing single storey side garage and erection of a single and two storey side and rear extension and conversion of building into 4 self contained flats, erection of a single storey dwelling unit in rear garden, sub-division of garden, formation of 2 off street car parking spaces and associated landscaping

Received PLANNING Appeals between 1-Mar-2014 and 31-Mar-2014

Planning Committee: 14 May, 2014

Application Number: 13/3880 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 07/03/2014 **Appeal Against:** Refusal of planning permission
Location: Flats A-F Inc, and 70-72 Walm Lane, London, NW2 4RA
Proposal:
Erection of mansard roof extension to create a 1 bedroom self-contained flat

Application Number: 13/3890 **Team:** Northern Team **Application Type** S78 PAH
Appeal Received: 17/03/2014 **Appeal Against:** Refusal of planning permission
Location: 5 St Michaels Avenue, Wembley, HA9 6SJ
Proposal:
Prior approval for a single storey rear extension to dwellinghouse, in metres:
Extending beyond the rear wall of the original house - 6 Metres
Maximum height - 2.9 Metres
Eaves height - 2.9 Metres

Application Number: 14/0087 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 26/03/2014 **Appeal Against:** Refusal of planning permission
Location: 40 Byron Avenue, London, NW9 0EP
Proposal:
Demolition of existing garage and erection of two storey end of terraced dwellinghouse attached to No.
40 Byron Avenue

Application Number: 14/0228 **Team:** Northern Team **Application Type** S78 PAH
Appeal Received: 19/03/2014 **Appeal Against:** Refusal of planning permission
Location: 143 Carlton Avenue East, Wembley, HA9 8PU
Proposal:
Prior approval for a single storey rear extension to dwellinghouse, in metres:
Extending beyond the rear wall of the original house - 6 Metres
Maximum height - 3 Metres
Eaves height - 2.4 Metres and 3 Metres

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Received ENFORCEMENT Appeals between 1-Mar-2014 and 31-Mar-2014

Planning Committee: 14 May, 2014

Application Number: E/11/0129 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 20/03/2014

Location: Flats 1-6, 438 North Circular Road, Stonebridge, London, NW10 1SP

Description:

Without planning permission, the change of use of the premises into six self-contained flats

("the unauthorised change of use")

AND

Without planning permission, the erection of a single and two storey rear extension to the premises

("the unauthorised development")

Application Number: E/12/0505 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 20/03/2014

Location: 34 Kingsmere Park, London, NW9 8PL

Description:

Without planning permission, the erection of a building in the rear garden of the premises and the erection of a patio attached to the single storey rear extension

("the unauthorised development")

Application Number: E/12/0623 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 06/03/2014

Location: 3 Forest Gate, London, NW9 0SP

Description:

Without planning permission, the change of use of building in rear garden of the premises to self-contained unit of residential accommodation.

("the unauthorised change of use")

Application Number: E/13/0172 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 21/03/2014

Location: 34 Sidmouth Road, London, NW2 5HJ

Description:

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

("the unauthorised development")

Application Number: E/13/0224 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 19/03/2014

Location: 114 Harrow Road, Wembley, HA9 6PN

Description:

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

("The unauthorised development")

Received ENFORCEMENT Appeals between 1-Mar-2014 and 31-Mar-2014

Planning Committee: 14 May, 2014

Application Number: E/13/1184 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 11/03/2014

Location: 54 Whitmore Gardens, London, NW10 5HJ

Description:

Without planning permission, the erection of an additional rear conservatory extension onto an existing rear extension.

("the unauthorised development")

Application Number: E/14/0003 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 21/03/2014

Location: 15 Queenscourt, Wembley, HA9 7QX

Description:

The erection of a detached building in the rear garden in order to create primary residential accommodation.

("the unauthorised development")

Application Number: E/14/0042 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 05/03/2014

Location: Flats 1-8, 58 Nightingale Road, London, NW10 4SA

Description:

Without planning permission, the change of use of the premises into eight self-contained flats

("the unauthorised change of use")

AND

Without planning permission, the erection of a rear dormer window

("the unauthorised development")

Application Number: E/14/0043 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 05/03/2014

Location: Flats 1-8, 41 Tubbs Road, London, NW10 4RA

Description:

Without planning permission, the change of use of the premises into eight self-contained flats

("the unauthorised change of use")

AND

Without planning permission, the erection of a rear dormer window

("the unauthorised development")

Decisions on PLANNING Appeals between 1-Mar-2014 and 31-Mar-2014

Planning Committee: 14-May-2014

Application Number: 13/0318 **PINSRefNo** A/13/2205046 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 17/03/2014

Location: 412B High Road, Wembley, HA9 6AH

Proposal:

Retrospective application for a side to rear dormer window and insertion of double glazed doors with juliet balcony within the front gable at third floor level of existing second floor flat

Application Number: 13/1065 **PINSRefNo** A/13/2206594 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 05/03/2014

Location: Marada House, Brondesbury Park, Kilburn, London

Proposal:

Retrospective application for an existing single storey one bedroom flat and ancillary store to rear of Marada House

Application Number: 13/1460 **PINSRefNo** A/13/2204330 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 25/03/2014

Location: 34A Village Way, London, NW10 0LL

Proposal:

Erection of single storey studio flat attached to 34 Village Way, demolition of existing garages and retention of rear parking area, subdivision of existing garden to form an additional rear garden to ground floor studio flat with associated landscaping and installation of new vehicular access onto Elm Way, NW10, to provide an additional off-street parking space

Application Number: 13/1549 **PINSRefNo** A/13/2203056 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 24/03/2014

Location: 16B Victor Road, London, NW10 5XE

Proposal:

Rear dormer window and two front roof lights to first floor flat

Application Number: 13/1639 **PINSRefNo** APP/T5150/A/13/2210159 **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 04/03/2014

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: 13/1704 **PINSRefNo** A/13/2206958 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 19/03/2014

Location: 4 Central Road, Wembley, HA0 2LH

Proposal:

Demolition of existing garage and erection of a 2 storey side extension to create a 2 bedroom dwellinghouse with associated hard and soft landscaping, bin enclosure and off-street car parking

Application Number: 13/2111 **PINSRefNo** A/14/2211299 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 19/03/2014

Location: 52A The Avenue, London, NW6 7NP

Proposal:

Part removal of rear out rigger roof and new inset balcony and glass balustrade

Decisions on PLANNING Appeals between 1-Mar-2014 and 31-Mar-2014

Planning Committee: 14-May-2014

Application Number: 13/2561 **PINSRefNo** A/13/2210921 **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 17/03/2014

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 with proposed modification to paint the railings and gates matt black

Application Number: 13/2712 **PINSRefNo** A/14/2213193 **Team:** Northern Team

Appeal Decision: Appeal withdrawn **Appeal Decision Date:** 06/03/2014

Location: 85, 87, 87A, next to 87 & 89 Ealing Road, Wembley, HA0 4BN

Proposal:

Demolition of the existing buildings (85-89 Ealing Road,) and the construction of a 4-storey mixed-use development consisting of ground-floor and first-floor retail/ financial/ professional services/ restaurants (Use Classes A1, A2, A3,) and 9 residential flats (Use Class C3,) on second and third floors, (2 x 1-bed units; 5 x 2-bed units and 2 x 3-bed units) with associated parking and landscaping.

Application Number: 13/2777 **PINSRefNo** D/14/2212836 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 06/03/2014

Location: 34 Honiton Road, London, NW6 6QD

Proposal:

Full planning permission sought for erection of a rear dormer roof extension with linked second floor extension, single storey side to rear extension and insertion of 2 front rooflights to dwellinghouse.

Application Number: 13/3254 **PINSRefNo** D/14/2213043 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 27/03/2014

Location: 11 Maybank Avenue, Wembley, HA0 2TG

Proposal:

Prior approval for a single storey rear extension to dwellinghouse, in metres:
 Extending beyond the rear wall of the original house - 5 metres
 Maximum height - 3.8 metres
 Eaves height - 2.7 metres

Application Number: 13/3314 **PINSRefNo** D/14/2213284 **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 17/03/2014

Location: 6 Chapman Crescent, Harrow, HA3 0TE

Proposal:

Conversion of attached garage into a habitable room to include replacement of garage door with two windows and erection of a single storey front extension to include a porch to front of dwellinghouse

Application Number: 13/3872 **PINSRefNo** D/14/2214118 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 28/03/2014

Location: 20 Exeter Road, London, NW2 4SP

Proposal:

Retrospective application for retention of hard and soft landscaping and associated alterations to front of dwellinghouse

Decisions on ENFORCEMENT Appeals between 1-Mar-2014 and 31-Mar-2014
Planning Committee: 14 May, 2014

Application Number: E/11/0860 **PINSRefNo** C/13/2201645 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 05/03/2014

Location: Marada House, Brondesbury Park, Kilburn, London, NW6 7BS

Proposal:

Without planning permission, the erection of a single storey detached dwellinghouse and store to rear of the premises.

("The unauthorised development")

Application Number: E/13/0094 **PINSRefNo** C/13/2207963 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 24/03/2014

Location: 137 Sandhurst Road, London, NW9 9LJ (extended over the boundary to 135 Sandhurst Road)

Proposal:

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

("the unauthorised development")

Application Number: E/13/0229 **PINSRefNo** C/13/2207832 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 03/03/2014

Location: 10 Clayton Avenue, Wembley, HA0 4JU

Proposal:

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

("the unauthorised development")

Application Number: E/13/0629 **PINSRefNo** C/13/2207825 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 26/03/2014

Location: 111 Leighton Gardens, London, NW10 3PS

Proposal:

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

("the unauthorised development")

Application Number: E/13/0797 **PINSRefNo** C/13/2208273 **Team:** Western Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 03/03/2014

Location: 1 Wembley Way, Wembley, HA9 6JJ

Proposal:

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

("the unauthorised development")

Application Number: E/13/0919 **PINSRefNo** C/13/2209269 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 14/03/2014

Location: 29 Uxendon Crescent, Wembley, HA9 9TW

Proposal:

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

("The unauthorised development")

Decisions on ENFORCEMENT Appeals between 1-Mar-2014 and 31-Mar-2014
Planning Committee: 14 May, 2014

Application Number: E/13/0966 **PINSRefNo** C/13/2208413

Team: Western Team

Appeal Decision: Appeal withdrawn

Appeal Decision Date: 12/03/2014

Location: 2 and 4 Oldborough Road, Wembley, HA0 3PR

Proposal:

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

("the unauthorised change of use")

**PLANNING SELECTED appeal DECISIONS between
1-Mar-2014 and 31-Mar-2014
Planning Committee: 14 May, 2014**

Introduction

In order to keep Members fully informed of Planning Appeal decisions, copies of Inspector's decision letters concerning those applications that have been allowed or partly allowed on appeal, are attached to the agenda. These include the following:

Our reference: 13/1639 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 04/03/2014
Team: Southern Team
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

Our reference: 13/2561 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 17/03/2014
Team: Northern Team
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 with proposed modification to paint the railings and gates matt black

Our reference: 13/3314 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 17/03/2014
Team: Northern Team
Location: 6 Chapman Crescent, Harrow, HA3 0TE
Proposal:
Conversion of attached garage into a habitable room to include replacement of garage door with two windows and erection of a single storey front extension to include a porch to front of dwellinghouse

Background Information

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

Chris Walker, Assistant Director - Planning and Development

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LONDON BOROUGH OF BRENT

Item 4/03

**ENFORCEMENT SELECTED appeal DECISIONS between
1-Mar-2014 and 31-Mar-2014**

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Appeal Decision

Site visit made on 13 February 2014

by **R J Maile BSc FRICS**

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

Decision date: 4 March 2014

Appeal Ref: APP/T5150/W/13/2210159

51 Anson Road, London, NW2 3UY.

- 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 Michael Kenton against the decision of the Council of the London Borough of Brent.
 - The application ref: 13/1639, dated 13 June 2013, was refused by notice dated 16 October 2013.
 - The development proposed is the retention of part of the front brick hardstanding and removal of part to create a planted area.
-

Application for Costs

1. An application for costs was made by Mr Michael Kenton against the Council of the London Borough of Brent. This application is the subject of a separate decision.

Procedural Matters

2. There are no powers under the Town and Country Planning Act 1990 (as amended) for granting planning permission for retention, since this does not constitute an act of development as defined under section 55 of the Act. I have framed my decision accordingly.
3. At the time of my site visit the whole of the front garden had been surfaced with brick paviors without the benefit of planning permission. The scheme before me seeks to overcome the Council's objections by the removal of a portion of the brick hardstanding and the provision of soft landscaping.

Decision

4. The appeal is allowed and planning permission is granted for "retention of" part of the front brick hardstanding and removal of part to create a planted area at 51 Anson Road, London, NW2 3UY, in accordance with the terms of the application, ref: 13/1639, dated 13 June 2013, subject to the conditions set out in Annex A to this decision.
-

Main Issues

5. The main issues in this case are:

- a) The effect of the development upon the character and appearance of the Mapesbury Conservation Area.
- b) Whether the proposed layout provides adequate access to the front door of the property.

Reasons

a) *Effect upon conservation area.*

6. The property comprises a detached Victorian house that has been converted to provide ten flats. It is located within an area of similar properties forming part of the Mapesbury Conservation Area.
7. The appellant states that the brick paviers have replaced a previous concreted hardstanding that covered the whole of the front garden area. I am satisfied from the observations made during my site visit that the dropped kerb has been in place for some years, which lends support to the assertions made on behalf of the appellant as to the existence of this earlier hardstanding.
8. It is now proposed to create a landscaped area in front of the bay window and to provide a single disabled parking space within the remainder of the front garden.
9. The Council has referred to the Mapesbury Design Guide, which states that any new hardstanding should be for one car only and should not cover more than 50 per cent of the front garden. Original boundary walls should be retained, or replaced, where possible.
10. Whilst the erection of a front boundary wall would deliver further benefits to the character and appearance of the conservation area, no such structure has been present at the appeal site for some years. The proposed hedge will provide an appropriate alternative boundary treatment as it matures.
11. The appeal proposal contains approximately 40 per cent of the front garden as landscaping. This is slightly below the figure of 50 per cent as required under "saved" Policy BE7 of the UDP¹ and by the Mapesbury Design Guide. It would nevertheless represent a considerable enhancement, in visual terms, over the pre-existing situation, which comprised entirely of concrete hardstanding.
12. For these reasons I have found on the first issue that the development, which incorporates a significant area of landscaping and a boundary hedge, would enhance the character and appearance of the Mapesbury Conservation Area as required by "saved" Policy BE7 of the UDP.

b) *Access to property.*

13. The layout provides for a single disabled parking bay. I note that the Council's Highway Officer objects to the lack of a clear means of access to the front door of no. 51.

¹ The Brent Unitary Development Plan 2004.

14. I am nevertheless satisfied that this can be achieved as demonstrated by the submitted layout drawing (no. 13/2740/102), which indicates a cross-hatched area between the back edge of pavement and the entrance doorway.
15. I therefore find on the second main issue that the proposed layout provides adequate access to the front door of the property, as required by "saved" Policies BE5 and TRN3 of the UDP.

Conditions

16. The Council has put forward a single condition should I be minded to allow the appeal. I have considered this against the tests of Circular 11/95² and find it to be reasonable and necessary in the circumstances of this case. I have also imposed two further conditions (nos. 1 and 3) for the reasons given below.
17. Condition 1 is the standard commencement condition imposed in accordance with section 91(1) (a) of the Town and Country Planning Act 1990. Condition 2 will ensure a satisfactory appearance to the completed development in the interests of the visual amenities of the area.
18. As to Condition 3, otherwise than as set out in this decision and conditions it is necessary that the development shall be carried out in accordance with the approved plans, both for the avoidance of doubt and in the interests of proper planning.

Conclusion

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

R. J. Maile

INSPECTOR

² Circular 11/95: The Use of Conditions In Planning Permissions.

Schedule of Conditions

Annex A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until full details of a scheme of soft landscape works has been submitted to and approved in writing by the Local Planning Authority. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the date of such approval; and any plants which within a period of five years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written approval to any variation.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. 13/2740/100: Site Plan – scale 1:200; Existing Layout and North West Elevation – scale 1:100.

Drawing no. 13/2740/102 Rev B: Proposed Site Plan – scale 1:200; Proposed Plan and North West Elevation – scale 1:100.

Costs Decision

Site visit made on 13 February 2014

by **R J Maile BSc FRICS**

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

Decision date: 4 March 2014

Costs application in relation to Appeal Ref: APP/T5150/W/13/2210159 51 Anson Road, London, NW2 3UY.

- 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 Michael Kenton for a full award of costs against the Council of the London Borough of Brent.
 - The appeal was made against the refusal of planning permission for the retention of part of the front brick hardstanding and removal of part to create a planted area.
-

Decision

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

Reasons

2. Circular 03/2009¹ 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 or wasted expense in the appeal process.
3. It is suggested by the appellant that the Council refused the application because it wished a front boundary wall to be erected. There has been no pre-existing front boundary wall at the property for many years, such that this requirement is considered to be unreasonable. Planning permission should therefore have been granted.
4. The appellant also refers to a recent planning permission at 14 Anson Road for the installation of new soft landscaping to front forecourt and the replacement of timber entrance doors. However, the informatives to the planning permission require the submission of a further planning application for the hard surfaced element of the front garden and for front boundary treatment.
5. For this reason, the detailed wording of that permission does not support the appellant's contention as to the Council's stance in respect of the provision of a front boundary wall at the subject property.

¹ Circular 03/2009: Costs Awards in Appeals and Other Planning Proceedings.

6. Given the location of the appeal site within the Mapesbury Conservation Area, the Council was justified in seeking further benefits to the appearance of the area by requiring the erection of a dwarf or low brick wall. Such features were noted on many of the dwellings nearby and are obviously an original feature.
7. My decision was finely balanced. Although the proposal did not include a dwarf or low brick boundary wall, I have nevertheless been influenced by the benefits of providing an area of landscaping to the existing large expanse of unrelieved brick paviers.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Circular 03/2009, has not been demonstrated.

R. J. Maile

INSPECTOR

Appeal Decision

Site visit made on 6 March 2014

by **R J Maile BSc FRICS**

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

Decision date: 17 March 2014

Appeal Ref: **APP/T5150/A/13/2210921**

1-7 Vishnu Court, May Lane, Harrow, Middlesex, HA3 9DG.

- 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 Bharat Kerai against the decision of the Council of the London Borough of Brent.
 - The application ref: 13/2561, dated 4 September 2013, was refused by notice dated 28 October 2013.
 - The development proposed is retrospective application for the installation of steel railings and gates for pedestrian and vehicular access to block of flats – resubmission within 12 months.
-

Procedural Matter

1. I have considered this appeal having regard to the recently issued Planning Practice Guidance, which came into force on 6 March 2014. However, in the light of the facts in this case its content does not alter my conclusions.

Decision

2. The appeal is allowed and planning permission is granted for retrospective application for the installation of steel railings and gates for pedestrian and vehicular access to block of flats – resubmission within 12 months at 1-7 Vishnu Court, May Lane, Harrow, Middlesex, HA3 9DG, in accordance with the terms of the application ref: 13/2561, dated 4 September 2013 and the plans submitted with it, subject to the following condition:
 - 1) Within a period of 8 weeks from the date of this decision the steel railings and gates shall be painted to provide a matt black finish and permanently retained in that condition.

Main Issue

3. The main issue here is the impact of the gates and railings upon the character and appearance of the surrounding area.

Reasons

4. The property comprises a modern, two storey block of flats located within a mixed residential area. The flats are set back from the main road (The Mall)
-

and have frontage to May Lane, a narrow carriageway that serves a community centre to the rear.

5. The gates that have been erected are of galvanised steel and allow access to the flats for both vehicles and pedestrians. The railings to the flank boundary fronting May Lane are largely screened by an existing mature hawthorn hedge.
6. The metal gates and railings are an appropriate form of enclosure to the hard surfaced area in front of the flats. Furthermore, they are marginally lower than the close boarded fence that provides the adjacent boundary to the rear gardens of Magnolia Court. I nevertheless agree with the Council that it would be preferable for them to be painted in a matt black finish, which would render them less prominent in the street scene. I have included a condition to give effect to this.
7. In addition to their appropriate design and appearance the gates and railings also provide increased security. This is a matter referred to in a letter from a local resident. That same resident has provided two further letters of support in her capacity as Vice Chair of the Kenton Homeowners Association and as Secretary of the adjacent Preston & Mall Youth and Community Centre in May Lane.
8. I therefore find on the main issue that subject to the condition I have imposed the metal gates and railings will not have a harmful impact upon the character and appearance of the surrounding area, as required by "saved" Policies BE2, BE6 (f) and BE7 of the UDP¹.

R. J. Maile

INSPECTOR

¹ The London Borough of Brent Unitary Development Plan 2004.

Appeal Decision

Site visit made on 3 March 2014

by **A U Ghafoor BSc (Hons) MA MRTPI**

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

Decision date: 17 March 2014

Appeal Ref: APP/T5150/D/14/2213284

6 Chapman Crescent, Harrow HA3 0TE

- 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 Dr Roheet Mehta against the decision of the Council of the London Borough of Brent.
 - The application Ref 13/3314, dated 30 October 2013, was refused by notice dated 24 December 2013.
 - The development proposed is single-storey front extension and garage conversion to create additional bedroom at ground floor for ambulant disabled person, together with internal alterations and redecoration.
-

Decision

1. The appeal is allowed and planning permission is granted for single-storey front extension and garage conversion to create additional bedroom at ground floor for ambulant disabled person, together with internal alterations and redecoration at 6 Chapman Crescent Harrow HA3 0TE in accordance with the terms of the application, Ref 13/3314, dated 30 October 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: 201222.P.301 Rev 0, 201222.P.002 Rev A, 201222.P.101 Rev 0 and 201222.P.001 Rev 0 all dated 24 September 2012.
 - 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

Reasons

2. The main issue to consider is the impact of the proposed development upon character and appearance of the host dwelling and that of the locality. No. 6 is a semi-detached dwelling located within a mainly residential area. The property includes a two-storey side element with integral garage. The garage is flush with the front bay feature. The development would involve the conversion of the garage into residential accommodation, the replacement of the front garage door with two windows, and the erection of a single-storey front extension to include a porch.

3. The Council's supplementary planning guidance 5: *Altering and Extending your Home*, adopted 2002, advises that front extensions will not normally be permitted unless these are the predominant character of the area. However, for the following reasons, I consider that a pragmatic approach can be taken in this particular case.
4. The recessed front entrance has already been in filled with a door and glazing. The front extension to the garage and entrance would project from the street-facing elevation and it would include a pitched roof. However, its overall height and scale would be limited. Given the architectural merits of the proposal, in my view the development would improve the external appearance of the host dwelling. The arrangement, size and layout of the new openings would be similar to the existing windows. In addition, the proposal would retain the distinctive brick parapets and domestic Dutch-style architecture.
5. I acknowledge that the front extension to the adjoining property predates the Council's SPG5. However, when considered in combination, the proposed extensions would not materially harm the external appearance of the host dwelling or the pair of semi-detached dwellings, because of the limited bulk, mass and volume.
6. The quality of the street scene is defined by a variety of dwelling types. The architectural styles are also different and front projecting extensions are not that uncommon. In this location, I take the view that the development would not be visually intrusive or out-of-keeping with the character of the street scene, because of the front extension's design and layout.
7. Next, the imposition of conditions in the light of guidance¹. In addition to the standard commencement condition, it would be reasonable to require the development to be carried out in accordance with the submitted plans in order to avoid any doubt. In the interests of safeguarding the character and appearance of the host dwelling and locality, it would be reasonable to require the development to be carried out in matching materials.
8. Taking all of the above points together, I find that the proposed front extension to the garage and front pitched roof entrance design would not materially detract from the appearance of the host dwelling or harm the character of the street scene. The development would not conflict with the main aims and objectives of SPG5.
9. Accordingly, the development would comply with the main aims and objectives of Policy BE9 of the London Borough of Brent Unitary Development Plan 2004, which seeks architectural quality in all developments. This local planning policy is broadly consistent with advice contained within paragraphs 17, 56, 61 and 64 of the National Planning Policy Framework.
10. For all of the above reasons and having considered all other matters, I conclude that the proposed development would not have a detrimental impact upon the character and appearance of the host dwelling and that of the street scene.

A U Ghafoor

INSPECTOR

¹ On 6 March 2014, the Planning Practice Guidance was issued by the Government. Apart from Annex A (model conditions), the rest of Circular 11/95: *The use of conditions in planning permissions* is cancelled.

Agenda Item 9

Agenda Item 04

Supplementary Information

Planning Committee on 14 May, 2014

Case No.

14/0948

Location	61 Beverley Gardens, Wembley, HA9 9RB
Description	Removal of condition 7 (use as single family dwellinghouse Use class C3a only) of full planning permission reference 10/1478, approved under appeal ref: APP/T5150/A/11/2146393 dated 15/07/2011 for Erection of two-storey, end-of-terrace dwellinghouse with single-storey rear and side extension and front porch, installation of vehicle access, provision of car-parking, refuse-storage to front and landscaping

Agenda Page Number: 23

Further representations from Barn Hill Residents Association

Officers in Transportation received an email directly from Barn Hill Residents Association querying why no representations have been made by the Council's Transportation Department concerning this planning application. The Residents Association goes on to set out their concerns that Beverley Gardens is one of the narrowest roads on the Barn Hill estate and it has many existing houses that have been turned into flats and parking is already very bad in the road.

Your officers can confirm that Transportation was consulted on the application and they provided a response on 4 April 2014 where they advised there are no objections on transportation grounds to the removal of condition 7. As part of their consideration of the application officers in Transportation considered the parking implications and concluded that there would be unlikely to be any significant increase in parking demand arising from the a relaxation of permitted development rights of the property falling within either use class C3 (dwellinghouse) or C4 (small scale HMO). The Council's car parking standard for a 3-bedroom house (as originally allowed on appeal) is 1.6 spaces, whilst for a HMO the standard is one space per 16 bedrooms. This reflects the low levels of car ownership amongst tenants of HMO's, who might typically comprise students.

Recommendation: Remains approval

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