



## Planning Committee

**Tuesday 17 June 2014 at 7.00 pm**

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

### Membership:

#### Members

Councillors:

Marquis (Chair)  
Agha  
S Choudhary  
Colacicco  
Filson  
Hylton  
Kansagra  
Mahmood

#### Substitute Members

Councillors:

Chohan, Choudry, Colwill, Conneely, Duffy,  
Daly, Ezeajughi, Willhelmina Mitchell Murray,  
BM Patel

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

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

**Members' briefing will take place at 6.00pm (to be confirmed) in Boardrooms 7 and 8**

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Election of Vice-Chair		
2. 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.		
3. Minutes of the previous meeting		1 - 4
<b>Extract of Planning Code of Practice</b>		
<b>NORTHERN AREA</b>		
4. Land next to Harrod Court, Stag Lane, London, NW9 (Ref. 14/1108)	Queensbury	9 - 18
5. Land next to Harrod Court, Stag Lane, London, NW9 (Ref. 14/1327)	Queensbury	19 - 32
6. 254 & 256 Woodcock Hill, Harrow, HA3 0PH (Ref. 14/0701)	Kenton	33 - 40
7. 87 & 89 Wembley Park Drive, Wembley, HA9 8HF (Ref. 14/1335)		41 - 46
<b>SOUTHERN AREA</b>		
8. Former Kensal Rise Branch Library, Bathurst Gardens, London, NW10 5JA (Ref. 14/0846)	Kensal Green	47 - 64
<b>PLANNING APPEALS</b>		
9. Planning Appeals 1 May to 31 May 2014		65 - 162
10. Any Other Urgent Business Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.		

Site Visits - 14 June 2014

## SITE VISITS – SATURDAY 14 JUNE 2014

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

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
14/1335	87 & 89 Wembley Park Drive, Wembley, HA9 8HF	7	Preston	9:35	41 - 46
14/1108	Land next to Harrod Court, Lane, London, NW9	4	Queensbury	10.00	9 - 18
14/1327	Land next to Harrod Court, Lane, London, NW9	5	Queensbury	10:00	19 - 32
11/2416	Former Kensal Rise Branch Library, Bathurst Gardens, London, NW10 5JA	8	Kensal Green	10:30	47 - 64

### **Date of the next meeting: Thursday 1 July 2014**

As that meeting will consider reports on policy issues only, there will be no prior site visits. The next ordinary meeting that will consider planning applications will take place on **Wednesday 16 July 2014.**

The site visits for that meeting will take place the preceding Saturday 12 July 2014 at 9.30am when the coach leaves the Civic Centre.



- Please remember to ***SWITCH OFF*** your mobile phone during the meeting.
- The Conference Hall is accessible by lift and seats will be provided for members of the public on a first come first served principle.

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## LONDON BOROUGH OF BRENT

### MINUTES OF THE PLANNING COMMITTEE Wednesday 14 May 2014 at 7.00 pm

PRESENT: Councillors Ketan Sheth (Chair), Aden, Adeyeye, Baker, Cummins, Hashmi, Hossain (alternate for Councillor Singh), Kabir, Kataria (alternate for Councillor CJ Patel) and Ogunro (alternate for Councillor John).

ALSO PRESENT: Councillors Arnold and Choudhary

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

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

None.

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

RESOLVED:-

that the minutes of the previous meeting held on 9 April 2014 be approved as an accurate record of the meeting subject to Councillor Long being shown as the alternate for Councillor Adeyeye.

#### 3. **44 High Road, London NW10 2QA (Ref. 14/0082)**

PROPOSAL: Retrospective application for single storey rear extension.

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

The application was deferred from consideration at the last meeting to enable press notices to expire. The Area Planning Manager, Andy Bates, informed the Committee that no additional representations had been received since the deferral. He however recommended an additional condition on material treatment in order to improve the appearance of the building.

DECISION: Granted planning consent as recommended.

#### 4. **61 Beverley Gardens, Wembley, HA9 9RB (Ref. 14/0948)**

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.

RECOMMENDATION: Grant planning permission subject to conditions.

With reference to the tabled supplementary report, Rachel McConnell, Area Planning Manager confirmed that officers in Transportation were consulted on the application and advised that there were no transportation grounds to justify refusal of this application. Their conclusion was that no significant increase in parking demand was likely to arise as a result of a relaxation of the use of the property falling within either use class C3 (dwellinghouse) or C4 (small scale HMO). Rachel McConnell clarified that bin storage was considered under the original approval to the front of the building and was considered satisfactory.

Mr John Parker, Vice Chair of Barnhill Residents Association (BHRA) informed members that the removal of condition 7 would intensify the use of the building and worsen the parking situation of Beverley Gardens which was characterised by narrow roads. He added that the use of the house as a house in multiple occupation (HMO) would cause additional noise nuisance, parking intensity and was likely to set a precedent for similar undesirable developments to the detriment of the character of the area.

***In accordance with the Planning Code of Practice***, Councillor Shafique Choudhary, ward member stated that he had been approached by the residents. Councillor Shafique Choudhary raised objections to the application on the grounds that an HMO would lead to traffic congestion and additional pressure on existing parking situation. He urged members to refuse the application for the removal of condition 7 which restricted the house to single family dwelling use as the narrowness of Beverley Gardens would not be able to cope with additional traffic and parking demand.

The applicant's agent, Christopher Wickham informed members that condition 7 was initially imposed in order to allay residents' fears about the impact of any future change of use to 2 separate flats in the area. He clarified the amendment to the Use Class Order 2010 which split Use Class C3 (dwelling houses) into C3 (dwelling houses) and C4 (HMO). Mr Wickham continued that there was no Article 4 Direction in place to prevent the change of use of other properties in the area from C3 to C4. In response to a member's question, Mr Wickham stated that the building would retain its current single entrance door as approved.

DECISION: Granted planning permission as recommended.

## **5. Garages opposite 2, Woodville Road, London, NW6 (Ref. 12/3232)**

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.

RECOMMENDATION: Refuse planning permission.

*In accordance with the provisions of the Planning Code of Practice*, Councillor Arnold ward member stated that she had been approached by the local residents. Councillor Arnold informed the Committee that she had called in the application to enable members to assess its innovative design, similar to an award winning new house in Donaldson Road. She continued that the proposed development with its good quality design would replace an unsightly area of disused garages between Victorian housing and thus raise the standard of housing in the area. Councillor Arnold noted that there were no local objections to the proposed development.

The applicant's agent Adriana Natcheva, informed members that integrated panel of timber louvers (shown to members at the meeting) would be used throughout the development to address issues of privacy and overlooking whilst maintaining daylighting within BREEAM levels. In addition a 2 metre high wall would be erected to further prevent overlooking. She continued that the massing and appearance of the proposed development would be lower than those of the neighbouring properties, thus enhancing the streetscene. Ms Natcheva continued that the proposal incorporated traffic prevention scheme including the creation of a new access to Donaldson Road. She also explained that the overall height of the boundary from the basement would be about 5m which would eliminate overlooking.

In the discussion that followed, members generally felt that the application was an innovative architectural scheme which would offer adequate amenity spaces to the residents. They also considered that car parking was not an issue as controlled parking was in force in the area. They were therefore minded to grant planning permission contrary to officers' recommendation for refusal for reasons set out in the decision column below.

DECISION:

Granted planning permission contrary to officers' recommendation for refusal for the following reasons and subject to further details on materials, lantern, green roof and additional lighting;

The innovative and detailed design by an award winning architect with experience of similar developments;

The size and scale of the proposal in relation to the Conservation Area and surrounding properties;

The creation of a high quality residential unit which were considered to balance the consideration of the policies and issues raised in the recommended reason for refusal.

**6. Garages opposite 2, Woodville Road, London, NW6 (Ref. 12/3235)**

PROPOSAL:

Conservation Area Consent for demolition of existing 3 single storey garages.

RECOMMENDATION: Refuse planning permission.

Andy Bates, Area Planning Manager amended the original recommendation from refusal to grant conservation area consent on the basis of the previous application (item 5) which members were minded to grant planning approval.

DECISION: Granted conservation area consent.

**7. Planning and Enforcement Appeal 1 March - 31 March 2014**

The schedule of planning and enforcement appeals for 1 March to 31 March 2014 was noted.

**8. Any Other Urgent Business**

Vote of thanks.

The Chair expressed his thanks to other members for their contribution to the quality of debates and to existing and former officers for their guidance over the past years.

The meeting closed at 8.40 pm

K SHETH  
Chair

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

### **Purpose of this Code**

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

### **Accountability and Interests**

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

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

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

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

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

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

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

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

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 **Planning Committee Map**  
Site address: Land next to Harrod Court, Stag Lane, London, NW9  
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This map is indicative only.

**RECEIVED:** 26 March, 2014

**WARD:** Queensbury

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

**LOCATION:** Land next to Harrod Court, Stag Lane, London, NW9

**PROPOSAL:** Details pursuant of condition 4 (Reserved Matters in relation to Appearance, Scale, Landscaping and Layout design of the Medical Centre including Pharmacy) of hybrid planning application ref 13/2103 for full planning permission for the erection of a three storey building with a pitched roof to accommodate 11 affordable residential units for shared ownership (5 x 1-bed, 5 x 2-bed and 1 x 3-bed) with associated car parking, cycle storage, landscaping and amenity space; and outline planning permission for the erection of a medical centre of approximately 1,256sqm, including a pharmacy of approximately 90sqm, together with associated car parking, subject to a Deed of Agreement dated 10 February 2014 under Section 106 of the Town and Country Planning Act 1990, as amended.

**APPLICANT:** General Practice Investment Corporation Ltd

**CONTACT:** Murphy Philipps Architects

**PLAN NO'S:**  
Refer to Condition 1

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## **RECOMMENDATION**

To approve the Reserved Matters in relation to Phase 2 (medical centre) of the hybrid planning consent at Land next to Harrod Court, Stag Lane (LPA Ref: 13/2103).

## **SECTION 106 DETAILS**

The hybrid planning consent was subject to a section 106 legal agreement and this development would be subject to that agreement. Details of the agreement are available in the committee report for the hybrid planning consent (reference 13/2103).

## **CIL DETAILS**

The Outline planning permission would be liable to both Mayoral CIL and Brent CIL. However, as an affordable housing scheme, the applicant can apply for affordable housing relief meaning that the development would not be required to pay CIL.

This reserved matters scheme does not change the above and as such no further CIL is triggered.

### **CIL Liable?**

Yes/No: No

## **EXISTING**

This application relates to the approval of the details for the reserved matters relating to appearance, scale, landscaping and layout design of the medical centre. The medical centre forms part of Phase 2 of hybrid application ref: 13/2103, granted on 11 February 2014. Phase 1 was for full planning permission for a three storey building with a pitched roof to accommodate 11 affordable residential units for shared ownership (5 x 1-bed, 5 x 2-bed and 1 x 3-bed) with associated car parking, cycle storage, landscaping and amenity space; and phase 2 was for outline planning permission for the erection of a medical centre of approximately 1,256sqm, including a pharmacy of approximately 90sqm, together with associated car parking.

The medical centre is located at the front of the site facing Stag Lane. The site shares an access road with Harrod Court. Harrod Court is a care home for the elderly comprising 40 flats.

The Roe Green Village Conservation Area is located on the opposite side of Stag Lane to the west and the site abuts a residential property to the north (366 Stag Lane). Further into the site, it adjoins The Village School both the north and east.

## **PROPOSAL**

Details pursuant to condition 4 (Reserved Matters in relation to Appearance, Scale, Landscaping and Layout design of the medical centre including pharmacy) of hybrid planning application ref 13/2103 for full planning permission for the erection of a three storey building with a pitched roof to accommodate 11 affordable residential units for shared ownership (5 x 1-bed, 5 x 2-bed and 1 x 3-bed) with associated car parking, cycle storage, landscaping and amenity space; and outline planning permission for the erection of a medical centre of approximately 1,256sqm, including a pharmacy of approximately 90sqm, together with associated car parking, subject to a Deed of Agreement dated 10 February 2014 under Section 106 of the Town and Country Planning Act 1990, as amended.

## **HISTORY**

**14/1327:** Variation of condition 22 (change opening hours from 8:00 - 20:00 Mon-Sat to 7:00 - 22:00 Mon-Sun), of application ref: 13/2103 dated 11/02/2014 - under consideration.

**14/1050:** Details pursuant to condition 13 (i) (minor alignment of the southern kerblines), (ii) (extension of the footway) and (iii) (car park management plan), of planning permission reference 13/2103 dated 11/02/2014 - Granted, 20/05/2014.

**14/1082:** Details pursuant to condition 18 (i) (planting plan), (ii) (external works plan), (iii) (materials), (iv) (street furniture), (v) (enclosure and boundary treatments), (vi) (external lighting), (vii) (programme of works) and (viii) (landscape management plan) relating to Phase one only of planning permission reference 13/2103 dated 11/02/2014 - Refused, 22/05/2014.

aaa

**14/1008:** Details pursuant to condition 15i (relating to cycle parking facilities for phase one only), of planning permission reference 13/2103 dated 11/02/2014 - Granted, 06/05/2014.

**14/0894:** Details pursuant to condition 16i (refuse and recycling scheme for phase one only), of planning permission reference 13/2103 dated 11/02/2014 - Granted, 06/05/2014.

**14/0824:** Details pursuant to condition 9 (wheel washing facility for phase 1 - residential element), of planning permission reference 13/2103 dated 11/02/2014 - Granted, 23/04/2014.

**14/0627:** Details pursuant to condition 17 (i) (external materials for phase 1 development), of application ref: 13/2103 dated 11/02/2014 - Granted, 27/03/2014.

**13/2103:** A hybrid planning application for full planning permission for the erection of a three storey building with a pitched roof to accommodate 11 affordable residential units for shared ownership (5 x 1-bed, 5 x 2-bed and 1 x 3-bed) with associated car parking, cycle storage, landscaping and amenity space; and outline planning permission for the erection of a medical centre of approximately 1,256sqm, including a pharmacy of approximately 90sqm, together with associated car parking, subject to a Deed of Agreement dated 10 February 2014 under Section 106 of the Town and Country Planning Act 1990, as amended - Granted, 11/02/2014.

## **POLICY CONSIDERATIONS**

### ***Central Government Guidance***

#### *National Planning Policy Framework*

The National Planning Policy Framework (NPPF) was adopted in March 2012. The NPPF sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

It establishes a presumption in favour of sustainable development: local planning authorities should plan positively for new development, and approve all individual proposals wherever possible. Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. Core Strategy policies will also need to be in conformity with both the London Plan and the NPPF and have considerable weight.

Sections 4 (promoting sustainable transport) and 7 (requiring good design) are of particular relevance to this application: The Government recognises that good design is a key aspect of sustainable development.

### **Regional Policy Guidance**

#### *London Plan 2011*

The London Plan 2011 forms the spatial development strategy for London and was adopted in July 2011. The following policies are considered relevant to this application:

#### Chapter 3 - London's People

Policy 3.17 - Health and Social Care Facilities

#### Chapter 7 - London's Living Places and Spaces

Policy 7.2 - An Inclusive Environment

Policy 7.3 - Designing out Crime

Policy 7.6 - Architecture

### **Local**

#### *Brent's Core Strategy 2010*

*The Council's Core Strategy was adopted by the Council on 12th July 2010. As such the policies within the Core Strategy hold considerable weight. The following policies are considered to be relevant for this application:*

CP6: Design & Density in Place Making

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

In addition to the Core Strategy, there are a number of policies which have been saved within the Unitary Development Plan (UDP), which was formally adopted on 15 January 2004. The saved policies will continue to be relevant until new policy in the Local Development Framework is adopted and, therefore, supersedes it. The relevant policies for this application include:

BE2: Townscape - Local Context & Character

BE4 : Access for Disabled People

BE5: Urban Clarity & Safety

BE6: Public Realm - Landscape Design

BE7: Public Realm - Streetscape

BE8: Lighting and Light Pollution

BE9: Architectural Quality

TRN10: Walkable Environment

TRN11: The London Cycle Network

TRN22: Parking Standards - Non Residential Developments

TRN35: Transport Access for Disabled People & Others with Mobility Difficulties

CF13: Primary Health Care/GP Surgeries

#### *Brent Supplementary Planning Guidance*

#### SPG17 – “Design Guide for New Development” adopted October 2001

Provides comprehensive and detailed design guidance for new development within the Borough. The guidance specifically sets out advice relating to siting, landscaping, parking, design, scale, density and layout.

## **SUSTAINABILITY ASSESSMENT**

The medical centre is proposed to achieve a BREEAM Level 'Excellent'. These levels have already been secured as part of the legal agreement as part of hybrid application ref: 13/2103.

## **CONSULTATION**

**Consultation Period: 16/04/2014 - 07/05/2014**

**Site Notice: 24/04/2014 - 15/05/2014**

**Press Notice: 24/04/2014 - 15/05/2014**

195 neighbours consulted - two comment received providing the following comments:

- Detail is mostly excellent, but can find no mention of the precise number of parking spaces. This is an important factor in an area already dangerously overparked.
- The design of the building has not taken into account the nearby conservation area and the fact that it is a medical centre. It is a real pity that the architecture has produced a dull, dark square building designed with no imagination.

Queensbury Ward Councillors - no comments received.

### Internal Consultation

Landscape - Given the limited amount of space for landscaping around the site, the landscape scheme should be of good quality.

Transportation - There are no objections on transportation grounds to these reserved matters details for the medical centre, subject to a reduction in the depth of the proposed canopy above the main entrance to retain 450mm clearance from the access road and set down area.

## **REMARKS**

1. This application seeks the approval of Reserved Matters in pursuant of condition 4 of the hybrid application ref: 13/2103. It relates to the medical centre which has outline planning permission as part of the hybrid application. Matters such as highway considerations and car park layout and management have already been agreed as part of the hybrid application. As such these matters will not be re-considered in this report. Approval is sought for the following reserved matters:

- (a) scale of the medical centre building;
- (b) layout of the medical centre building;
- (c) external appearance of the medical centre building;
- (d) landscaping of private and public space around the medical centre

Each one is discussed below:

### **Scale of the medical centre**

2. Part (a) requires details of the scale of the medical centre building in accordance with the approved Design and Philosophy (the 'Design Code') set out in the approved Design and Access Statement of the hybrid application. This Design Code provided an outline of the medical centre building showing the overall heights and footprint. The medical centre was approved as a part two part three storey building with the pharmacy next to No. 343 Stag Lane at a single storey. A single storey element was also proposed next to the access road shared with Harrod Court and the southern end of the building proposed at three storeys high. The impact of the height of the building on neighbouring properties including No. 343 Stag Lane was considered as part of the hybrid application.

3. The detailed elevation plans submitted with this reserved matters application are in accordance with the heights as shown within the approved Design Code.

### **Layout of the medical centre building**

4. The layout of the medical centre building follows the indicative layout as shown as part of the hybrid application. This includes 10 consulting rooms, 4 nurse consulting rooms, 2 counselling rooms, minor surgery/treatment room, recovery room, phlebotomy, 2 meeting rooms, pharmacy, reception area, waiting areas and ancillary facilities such as office rooms, storage and WCs. The hybrid application proposed 50 staff to occupy the building and the detailed floor layout plans are in accordance with the layout and number of rooms agreed as part of the hybrid application.

5. The footprint of the medical centre building follows the footprint as shown in the approved plans for the hybrid application. It will maintain a set in of 1.45m from the boundary with the residential development which form part of phase 1, a set in of 2.2m to 2.85m from No. 343 Stag Lane and will not project closer to Stag Lane Frontage than Harrod Court.

6. To maintain sufficient levels of privacy with No. 343 Stag Lane it is recommended that the window to the recovery room and the western window to the treatment/minor surgery room are obscured glazed to not result in overlooking to No. 343 Stag Lane. The windows sited further from No. 343 Stag Lane overlook the car park to the Village School and it is considered acceptable for these windows to remain clear glazed.

#### **External appearance of the medical centre building**

7. Part (c) requires details of the external appearance of the medical centre building in accordance with the approved Design and Philosophy (the 'Design Code') set out in the approved Design and Access Statement of the hybrid application. This included details of the external materials used for the residential element that can be reflected in the external elevations of the medical centre to have consistency between the two buildings. The external materials included facing bricks and aluminium windows. The elevation plans submitted with this application proposes the medical centre to have 2 types of facing bricks, aluminium windows, aluminium brise soleil, glass balustrades, spandrel panels and glass and louver at second floor level. The proposed palette of materials does take on board the approved Design Code. Full details of external materials including samples are already conditioned as part of condition 17 of hybrid application.

8. It is recommended that a condition is secured to this application for further details of the various elements including windows, spandrel panels and glass, louver to achieve a high quality finish to the building.

9. A canopy is proposed over the main entrance. This was shown on the indicative plans for the hybrid application. The canopy has since been relocated to the south elevation facing the access road rather than wrapping around the corner of the building and facing Stag Lane. In accordance with the recommendations set out by officers in Transportation, the canopy has been reduced to achieve 450mm set back from the access road. Full details of the design and materials of the canopy are recommended to be conditioned as part of this consent.

#### **Landscaping of private and public space around the medical centre**

10. There is limited areas around the medical to provide soft landscaping. The layout plan does however show pockets of soft landscaping in front of the building along the access road frontage, and to the north of the medical centre together with landscaping along the northern boundary. Landscaping will be provided along the Stag Lane Frontage together with the retention of the Red Oak. To provide disabled access to the pharmacy from Stag Lane is via a disabled access ramp is proposed which will sit within the soft landscaped area. Your Tree Officer has confirmed that the position of this ramp is acceptable in principle to the Red Oak Tree but has recommended a condition for a methodology statement to show a low impact construction, preferably a lightweight structure on pads rather than concrete paths/ramps. Full details of the design of the access ramp are also recommended to be conditioned.

11. Further details of the hard and soft landscaping are already conditioned as part of condition 18 of the hybrid application.

#### **Response to comments received**

12. The following comments have been received:

Comment	Officer Response
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Detail is mostly excellent, but can find no mention of the precise number of parking spaces. This is an important factor in an area already dangerously overparked.	The car park layout for the site was approved as part of the hybrid application and included 12 spaces for the medical centre. This number of spaces was considered acceptable by your officers in transportation. The scale and layout of the medical centre has not altered since the hybrid application. The provision of 12 spaces is therefore considered to be appropriate.
The design of the building has not taken into account the nearby conservation area and the fact that it is a medical centre. It is a real pity that the architecture has produced a dull, dark square building designed with no imagination.	The design of the building reflects its function as a medical centre. There is a variety of building styles in proximity to the site including The Village School, the residential development which forms part of phase 1 of the hybrid application and Harrod Court. The external materials for the medical centre are required to follow the approved Design and Philosophy (the 'Design Code') set out in the approved Design and Access Statement of the hybrid application.

## Conclusion

13. The proposal is considered to represent a high quality development that will deliver a significant a new medical centre in this part of the Borough. Further detail is to be secured through conditions that are attached to the outline consent, such as the external facing materials for the proposed buildings and landscape details. Additional conditions are recommended regarding the details of the deign features such as the canopies and windows and access ramp.

14. Accordingly is accordingly recommended.

**RECOMMENDATION:** Grant Consent

## REASON FOR GRANTING

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

Central Government Guidance  
London Plan (2011)

Brent's Core Strategy (2010)  
Brent's Unitary Development Plan (2004)  
Council's Supplementary Planning Guidance

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

Built Environment: in terms of the protection and enhancement of the environment  
Community Facilities: in terms of meeting the demand for community services  
Design and Regeneration: in terms of guiding new development and Extensions

## CONDITIONS/REASONS:

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

2634/00\_004 Rev B  
2634/00\_005 Rev G  
2634/00\_100 Rev G  
2634/00\_101 Rev F  
2634/00\_102 Rev D

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

- (2) The window to the recovery room (3.03) and the western window to the minor surgery/treatment room (3.04) as shown on Drawing No: 2634100\_101 Rev F on the first floor level of the northern face of the building shall be constructed with obscure glazing and non-opening or with openings at high level only (not less than 1.8m above floor level) and shall be permanently returned and maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained.

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

- (3) Prior to commencement of works on site for the medical centre, further external details shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include drawings, including sections where appropriate, at a suitably large scale (e.g. 1:5, 1:10, 1:20 1:50) or manufacturer's literature which shows:

(a) the window and door reveals, headers and sills, including the depth of the reveals and the junction of materials around returns

(b) the entrance canopy including materials

(c) the aluminium brise soleil, including method of fixing to the building

(d) the spandrel glass and panels and coloured aluminium solar shade fins, including the depth of the reveals and the junction of materials around returns (e) Drain pipes and gutters including materials

(f) the junction around any wall mounted external vents

(g) the location of the external plant equipment together with details of the design and materials of any screening to the external plant equipment

(h) the hand rail details for the glass balustrade

The development shall be completed in accordance with the approved details before first occupation of the medical centre.

Reason: These details are required to ensure that a satisfactory development is achieved.

- (4) Details of the roof plan showing the areas of the proposed photovoltaic panels (including the size, location and orientation of the photovoltaic panels) in accordance with the sustainability strategy secured as part of the hybrid application ref: 13/2103, shall be submitted to and approved in writing by the Local Planning Authority within three months of commencement of works on site for the medical centre, and installed in accordance with the approved details prior to first occupation of the medical centre.

Reason: To demonstrate these are adequate and suitable to provide the level of carbon offset sought.

- (5) Further details of the external access ramp to the pharmacy including details of the design and material of the railings, length and surface treatment of the ramp, and gradient shall be submitted to and approved in writing by the Local Planning Authority within three months of commencement of works on site for the medical centre. The scheme shall be carried out in accordance with the approved details prior to first occupation of the medical centre.

Reason: In the interests of inclusive access and ensuring a satisfactory appearance.

- (6) Prior to commencement of works on site for the medical centre, a methodology statement shall be submitted to and approved in writing by the Local Planning Authority providing details of a low impact construction, preferably a lightweight structure on pads rather than concrete paths/ramps, for the access ramp to the pharmacy in relation to the Red Oak Tree. The access ramp shall thereafter be constructed in accordance with the agreed methodology statement.



Reason: In the interests of protecting the Red Oak Tree on the frontage.

- (7) Notwithstanding the details of the landscape scheme as shown in Drawing Ref: LS 001 Rev A, full details of hard and soft landscaping to accord with the requirements of condition 18 of hybrid application ref: 13/2103 shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works on site. The hard and soft landscaping shall be implemented in accordance with the implementation timetable as set out in condition 18 of hybrid application ref: 13/2103.

Reason: In the interests of the visual amenities of the site.

**INFORMATIVES:**

- (1) The applicant is reminded of the planning condition relating to phase 2 (medical centre) set out in the decision notice for hybrid application ref: 13/2103. In particular, the following conditions need to be discharged prior to commencing works on site:

- Condition 9 - Wheelwash facilities
- Condition 15 (ii) - Cycle facilities
- Condition 16 (ii) - Refuse and Recycling facilities
- Condition 17 (ii) - External materials
- Condition 18 (ii) - Hard and Soft Landscaping
- Condition 23 - Signage

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 4657

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 **Planning Committee Map**  
Site address: Land next to Harrod Court, Stag Lane, London, NW9  
© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

**RECEIVED:** 7 April, 2014

**WARD:** Queensbury

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

**LOCATION:** Land next to Harrod Court, Stag Lane, London, NW9

**PROPOSAL:** Variation of condition 22 (change opening hours from 8:00 - 20:00 Mon-Sat to 7:00 - 22:00 Mon-Sun), of application ref: 13/2103 dated 11/02/2014 for A hybrid planning application for full planning permission for the erection of a three storey building with a pitched roof to accommodate 11 affordable residential units for shared ownership (5 x 1-bed, 5 x 2-bed and 1 x 3-bed) with associated car parking, cycle storage, landscaping and amenity space; and outline planning permission for the erection of a medical centre of approximately 1,256sqm, including a pharmacy of approximately 90sqm, together with associated car parking, subject to a Deed of Agreement dated 10 February 2014 under Section 106 of the Town and Country Planning Act 1990, as amended.

**APPLICANT:** Network Housing Group and General Practice Investment Corporation Ltd

**CONTACT:** Murphy Philipps Architects

**PLAN NO'S:**  
Refer to Condition 3

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## **RECOMMENDATION**

Grant Consent

## **SECTION 106 DETAILS**

The hybrid planning consent was subject to a section 106 legal agreement which has provision for any subsequent varied planning permission. This development would be subject to that agreement. Details of the agreement are available in the committee report for the hybrid planning consent (reference 13/2103).

## **CIL DETAILS**

The Outline planning permission would be liable to both Mayoral CIL and Brent CIL. However, as an affordable housing scheme, the applicant can apply for affordable housing relief meaning that the development would not be required to pay CIL.

This application does not change the above and as such no further CIL is triggered.

### **CIL Liable?**

Yes/No: No

## **EXISTING**

The application site currently contains the access road from Stag Lane to Harrod Court and a vacant piece of land to the north of Harrod Court. Harrod Court is a care home for the elderly comprising 40 flats.

A hybrid application ref: 13/2103 was granted on 11 February 2014. Phase 1 was for full planning permission for a three storey building with a pitched roof to accommodate 11 affordable residential units for shared ownership (5 x 1-bed, 5 x 2-bed and 1 x 3-bed) with associated car parking, cycle storage, landscaping and amenity space; and phase 2 was for outline planning permission for the erection of a medical centre of approximately 1,256sqm, including a pharmacy of approximately 90sqm, together with associated car parking.

The Roe Green Village Conservation Area is located on the opposite side of Stag Lane to the west and the site abuts a residential property to the north (366 Stag Lane). Further into the site, it adjoins The Village

School both the north and east.

## **PROPOSAL**

Variation of condition 22 (change opening hours from 8:00 - 20:00 Mon-Sat to 7:00 - 22:00 Mon-Sun), of application ref: 13/2103 dated 11/02/2014.

## **HISTORY**

**14/1108:** Details pursuant of condition 4 (Reserved Matters in relation to Appearance, Scale, Landscaping and Layout design of the Medical Centre including Pharmacy) of hybrid planning application ref 13/2103 - under consideration.

**14/1050:** Details pursuant to condition 13 (i) (minor alignment of the southern kerbline), (ii) (extension of the footway) and (iii) (car park management plan), of planning permission reference 13/2103 dated 11/02/2014 - Granted, 20/05/2014.

**14/1082:** Details pursuant to condition 18 (i) (planting plan), (ii) (external works plan), (iii) (materials), (iv) (street furniture), (v) (enclosure and boundary treatments), (vi) (external lighting), (vii) (programme of works) and (viii) (landscape management plan) relating to Phase one only of planning permission reference 13/2103 dated 11/02/2014 - Refused, 22/05/2014.

aaa

**14/1008:** Details pursuant to condition 15i (relating to cycle parking facilities for phase one only), of planning permission reference 13/2103 dated 11/02/2014 - Granted, 06/05/2014.

**14/0894:** Details pursuant to condition 16i (refuse and recycling scheme for phase one only), of planning permission reference 13/2103 dated 11/02/2014 - Granted, 06/05/2014.

**14/0824:** Details pursuant to condition 9 (wheel washing facility for phase 1 - residential element), of planning permission reference 13/2103 dated 11/02/2014 - Granted, 23/04/2014.

**14/0627:** Details pursuant to condition 17 (i) (external materials for phase 1 development), of application ref: 13/2103 dated 11/02/2014 - Granted, 27/03/2014.

**13/2103:** A hybrid planning application for full planning permission for the erection of a three storey building with a pitched roof to accommodate 11 affordable residential units for shared ownership (5 x 1-bed, 5 x 2-bed and 1 x 3-bed) with associated car parking, cycle storage, landscaping and amenity space; and outline planning permission for the erection of a medical centre of approximately 1,256sqm, including a pharmacy of approximately 90sqm, together with associated car parking, subject to a Deed of Agreement dated 10 February 2014 under Section 106 of the Town and Country Planning Act 1990, as amended - Granted, 11/02/2014.

## **POLICY CONSIDERATIONS**

The following policies are considered to be relevant for this application:

### **London Plan 2011**

The London Plan forms the spatial development strategy for London and was adopted on 22 July 2011. The relevant policy for this application is provided below:

Policy 3.16 - Protection and Enhancement of Social Infrastructure

### **Brent's Unitary Development Plan 2004**

There are a number of policies which have been saved within the Unitary Development Plan (UDP), which was formally adopted on 15 January 2004. The saved policies will continue to be relevant until new policy in the Local Development Framework is adopted and, therefore, supersedes it. The relevant policies for this application include:

CF13: Primary Health Care/GP Surgeries

## CONSULTATION

**Consultation Period: 07/05/2014 - 28/05/2014**

**Site Notice: 07/05/2014 - 28/05/2014**

**Press Notice: 15/05/2014 - 05/06/2014**

195 neighbours consulted - one objection received objecting on the following grounds:

- Unclear how many parking spaces will be allocated to the medical centre and residential flats.
- Concerned with overspill parking onto surrounding streets.
- Justification for extended hours of use not provided by the applicant.
- Potential for extended hours to impact on nearby residential occupiers - Harrod Court and new flats which form part of phase 1
- Architecture of medical centre building not in keeping with character of building.

### Brent Clinical Commissioning Group

Supports medical centre on the site as it will develop primary care services and out of hospital care. It will allow Willow Tree Surgery to move into new premises allowing them to provide a full range of primary care services.

## REMARKS

### Background

1. A hybrid application was granted on 11/02/2014 (LPA Ref: 13/2103) for two phases. Phase 1 related to full planning permission for the erection of a three storey building with a pitched roof to accommodate 11 affordable residential units for shared ownership (5 x 1-bed, 5 x 2-bed and 1 x 3-bed) with associated car parking, cycle storage, landscaping and amenity space; and phase 2 related to outline planning permission for the erection of a medical centre of approximately 1,256sqm, including a pharmacy of approximately 90sqm, together with associated car parking. The application was subject to a Deed of Agreement dated 10 February 2014 under Section 106 of the Town and Country Planning Act 1990, as amended.

2. As discussed within the hybrid application the new medical centre will be occupied by Willow Tree Family Doctors & Fryent Medical Centre who will both relocate to the new premises. The new premises will serve both practices and their combined patient lists of around 13,500 patients. The Willow Tree Family Doctors and Fryent Medical Centre currently provide a range of health services in Kingsbury. Over recent years, service demand has far exceeded capacity with both premises being substantially under-sized, particularly at a time when more services are being transferred from secondary to primary care. The existing medical centres do not comply with current guidance for modern primary care.

### Proposal

3. Condition 22 of the hybrid application restricted the opening hours for the medical centre from 08:00 - 20:00 Mondays to Saturdays. This application seeks to extend the opening hours for the medical centre from 07:00 - 22:00 Mondays to Sundays.

4. A letter has been submitted from Dr Sewlyn on behalf of Willow Tree Family Doctors setting out the reasons why the extended hours are sought. The letter explains that in their current premises (301 Kingsbury Road) the practice already offers appointments until 9.00pm in the evening on a Monday. They wish to continue offering this service in the new medical centre. In addition to this, there are wider structural changes taking place across the NHS. Part of the modernisation of the service in England is for 24/7 hours of operation with a large part of this being provided from extended hours in GP surgeries. Greater availability and choice of appointments is something the population is now demanding. The letter sets out that as a practice they are committed to meeting the requirements of their patients and this includes being flexible with appointments to allow patients to see their GP both before and after work. The business case to NHS England was predicated on the new premises providing them with the flexibility to operate and offer this extended service.

5. The main considerations of the extended hours relate to highway considerations and impact on neighbouring amenities. These are discussed below:

*Highway considerations and neighbouring amenity*

6. The car park layout approved as part of the hybrid application included 10 spaces for the residential development, 12 spaces for the medical centre and 8 spaces for Harrod Court care home. The provision of 12 spaces for the medical centre was on the basis of a maximum of 50 staff operating within the medical centre. This application only relates to extended hours and does not propose to increase the number of staff operating within the medical centre. It is likely that the out of hours service will be at less busy times of the day when the number of staff are not at their peak. Officers in Transportation have already advised that the number of car parking spaces is acceptable based on the maximum number of staff. A travel plan is already secured for staff of the medical centre within the Section 106 Agreement and this will continue to be secured as part of this variation of conditions application.

7. As the medical centre will operate for longer hours it is recommended that details of the car park management plan for the medical centre to take in account the increased opening hours is updated and conditioned to any forthcoming planning consent. This will take into account neighbouring amenity to ensure that it is not unduly impacted upon.

Response to objections raised

8. The following objections have been raised:

Unclear how many parking spaces will be allocated to the medical centre and residential flats.	This is discussed in paragraph 6 above.
Concerned with overspill parking onto surrounding streets.	Overspill parking from the medical centre has already been considered as part of the hybrid application. This is discussed in paragraph 6 above.
Justification for extended hours of use not provided by the applicant.	This is discussed in paragraph 4 above.
Potential for extended hours to impact on nearby residential occupiers - Harrod Court and new flats which form part of phase 1.	This is discussed in paragraph 7 above.
Architecture of medical centre building not in keeping with character of building.	This application only relates to extended hours. A reserved matters application has been submitted which relates to the design details of the medical centre (LPA Ref: 14/1108).  It should be noted that there is a variety of building styles in proximity to the medical centre site.

Conditions

9. The conditions attached to hybrid application ref: 13/2103 will be re-provided as part of this decision and updated accordingly where conditions have already been discharged. In addition a new condition in relation to car park management for the medical centre is proposed.

Conclusions

10. The extended hours of use of the medical centre will meet the strategic aims of the NHS in modernising the service in England. It will provide greater flexibility and wider service for patients within the new medical centre. For the reasons as set out above the extended hours of use are not considered to have a detrimental impact on neighbouring amenity or local highway conditions.

11. Approval is accordingly recommended.

**RECOMMENDATION:** Grant Consent

**REASON FOR GRANTING**



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

Central Government Guidance  
London Plan (2011)

Brent's Core Strategy (2010)  
Brent's Unitary Development Plan (2004)  
Council's Supplementary Planning Guidance

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

Built Environment: in terms of the protection and enhancement of the environment  
Environmental Protection: in terms of protecting specific features of the environment and protecting the public  
Housing: in terms of protecting residential amenities and guiding new development  
Transport: in terms of sustainability, safety and servicing needs  
Community Facilities: in terms of meeting the demand for community services  
Design and Regeneration: in terms of guiding new development and Extensions

#### **CONDITIONS/REASONS:**

- (1) The development hereby permitted shall be carried out in the following Phases:

- (a) Phase 1: Full planning permission for the erection of a three storey building with a pitched roof to accommodate 11 affordable residential units for shared ownership (5 x 1-bed, 5 x 2-bed and 1 x 3-bed) with associated car parking, cycle storage, landscaping and amenity spac.
- (b) Phase 2: Outline planning permission for the erection of a medical centre of approximately 1,256sqm, including a pharmacy of approximately 90sqm, together with associated car parking.

Reason: In the interests of clarity and proper planning

- (2) The development to which this permission relates must be begun not later than the expiration of three years beginning on 11 February 2014.

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

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

Letter from Willow Tree Family Doctors

Please refer to 13/2103 for the following:

JLL1  
1309\_PL\_001  
1309\_PL\_002  
1309\_PL\_100  
1309\_PL\_101  
1309\_PL\_200  
1309\_PL\_201  
1309\_PL\_250  
1309\_PL\_103  
442-03 Tree Protection Plan

Supporting Documents



Sustainability Strategy dated July 2013 prepared by Carbon Plan in partnership with John Rowan and Partners  
Arboricultural Impact Assessment dated 29 July 2013 prepared by SJ Stephens Associates  
Ecological Appraisal dated July 2013 prepared by LUC  
Planning Statement dated July 2013 prepared by Jones Lang LaSalle  
Design and Access Statement dated July 2013 prepared by PCK  
Transport Statement dated 23 July 2013 prepared by Waterman Transport & Development Limited  
Residential Travel Plan dated 23 July 2013 prepared by Waterman Transport & Development Limited  
Affordable Housing Statement prepared by Network Group

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

- (4) Approval of the details of the following reserved matters shall be obtained from the local planning authority in writing in respect of Phase 2 of the development (hereinafter called "the reserved matters") except where details are approved as part of this permission as noted below:
- (a) scale of the medical centre building in accordance with the approved Design and Philosophy (the 'Design Code') set out in the approved Design and Access Statement;
  - (b) layout of the medical centre building;
  - (c) external appearance of the medical centre building in accordance with the approved Design and Philosophy (the 'Design Code') set out in the approved Design and Access Statement;
  - (d) landscaping of private and public space around the medical centre

Reason: To ensure the development is carried out in accordance with the prevailing relevant policy

- (5) Approval of the plans and particulars of the Reserved Matters for Phase 2 (medical centre) referred to in Condition 4 shall be obtained from the local planning authority in writing prior to the commencement of any part of the development to which those Reserved Matters relate except that this shall not prevent works of site clearance, ground investigation and site survey works, erection of temporary boundary fencing or hoarding and works of decontamination and remediation (hereafter 'preparatory works') and shall be carried out only as approved.

Reason: To ensure full details of each phase are provided to ensure an acceptable standard of development

- (6) The details of Phase 2 (medical centre) submitted in relation to Condition 4 shall be in accordance with the Design and Philosophy (the 'Design Code') specified in Condition 3 and any subsequent reviews and updates to that document and the works shall be carried out as approved.

Reason: To ensure the scale, form, massing, appearance and design detail of the development results in a high quality and co-ordinated design for the development and that the different Phases adhere to that co-ordinated design.

- (7) Application for approval of the Reserved Matters shall be made to the local planning authority before the expiration of three years from the date of the hybrid planning consent (11 February 2014).

Reason: To ensure planning applications are carried out within a reasonable time period in accordance with Section 92 of the Town and Country Planning Act 1990.

- (8) The development to which the outline planning permission relates be begun either before the

expiration of five years from the date of the hybrid planning consent (11 February 2014), or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later

Reason: To ensure planning applications are carried out within a reasonable time period in accordance with Section 92 of the Town and Country Planning Act 1990.

- (9) (a) The vehicle wheel washing facilities for the residential development (phase 1) shall be carried out in accordance with the details approved as part of application ref: 14/0824. The vehicle wheel washing facilities shall be installed prior to the commencement of the development and used by all vehicles leaving the site and shall be maintained in working order until completion of the appropriate stages of development or such other time as may be agreed in writing with the local planning authority.

(b) No works at all including 'preparatory works' shall commence in relation to the medical centre (phase 2) until details of vehicle wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority and such facilities shall be installed prior to the commencement of the development and used by all vehicles leaving the site and shall be maintained in working order until completion of the appropriate stages of development or such other time as may be agreed in writing with the local planning authority.

Reason: To ensure construction activity does not result in waste and spoil on the public highway

- (10) No mechanical plant shall be installed within Phase 2 (medical centre) until further details of such mechanical plant, including but not limited to refrigeration, air-conditioning and ventilation system, have been submitted to and approved in writing by the local planning authority.

Such details shall:

- (i) Include the particulars and or specification of noise levels of each item of mechanical plant;
- (ii) demonstrate that the individual and cumulative predicted noise levels from any mechanical plant together with any associated ducting, shall be 10 dB(A) or greater below the typical background noise level. The method of assessment should be carried out in accordance with BS4142:1997 'Method for rating industrial noise affecting mixed residential and industrial areas'; and
- (iii) include a scheme of mitigation in the event the predicted noise levels of the plant exceed the criteria in part (ii)

The approved apparatus shall be installed in accordance with the approved details and maintained thereafter for the lifetime of the development.

Reason: To ensure that users of the surrounding area do not suffer a loss of amenity by reason of noise nuisance.

- (11) All the residential premises shall be designed in accordance with BS8233:1999 '*Sound insulation and noise reduction for buildings-Code of Practice*' to attain the following internal noise levels:

<i>Criterion</i>	<i>Typical situations</i>	<i>Design range LAeq, T</i>
Reasonable resting conditions	Living rooms	30-40 dB (day: T=16hrs 07:00 – 23:00)
Reasonable sleeping conditions	Bedrooms	30-35 dB (night: T= 8hrs 23:00 – 07:00)

No part of the development shall be occupied prior to submission to and approval in writing of the results of a sound test which demonstrates that the above required internal noise levels have been met. The sound insulation measures shall be retained thereafter for the lifetime of the development.

Reason: To obtain required sound insulation and prevent noise nuisance harming the amenity of future occupants

- (12) Prior to first occupation of Phase 1 (residential development) hereby approved, details of all domestic boilers installed demonstrating that the rated emissions of Oxides of Nitrogen (NO<sub>x</sub>) do not exceed 40 mg/kWh, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To obtain required sound insulation and prevent noise nuisance.

- (13) (a) The car park and access road layout and car park management plan for the residential and care home shall be completed in accordance with the details approved as part of application ref: 14/1050. The areas designated for car-parking shall be laid out in accordance with the details hereby approved prior to occupation of the Phase One development or any part thereof and the car-parking area shall be retained for the lifetime of the development.

(b) A car park management plan for the medical centre (phase 2) which includes the extended hours of use shall be submitted to and approved in writing prior to first occupation of the medical centre hereby approved. The car park management plan shall be in place for the lifetime of the medical centre unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the amenities of nearby residential occupiers, and to ensure sufficient car parking for the various uses.

- (14) All parking spaces, turning areas, access roads and footways associated with a relevant Phase shall be constructed and permanently marked out in accordance with the approved plans prior to occupation of any part of the relevant Phase and shall be retained thereafter.

Parking space R1 located outside the wheelchair unit (Unit 1) shall be marked as a disabled space and allocated to the wheelchair unit only and Parking space R2 shall be allocated to the middle ground floor residential unit (Unit 2) and permanently retained for the lifetime of the development.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety within the site and along the neighbouring highway

- (15) (a) The cycle parking facilities for the residential development (phase 1) shall be carried out in full accordance with the details approved as part of application ref: 14/1008. Phase 1 shall not be occupied until the cycle parking facilities are provided and thereafter retained for the lifetime of the development.

(b) Prior to commencement of Phase 2 (medical centre) with the exception of 'preparatory works' further details of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The medical centre shall not be occupied until the cycle parking facilities are provided and thereafter retained for the lifetime of the development. Such details shall include but not be limited to:

(i) details of the bike store(s) including elevation and floor plans and details of external materials;

(ii) relocation of bike store for staff within the medical centre to be relocated to the rear of the building

(iii) relocation of bike store for the public within the medical centre to be relocated close to the pharmacy and main entrance of the medical centre

Reason: To ensure the cycle parking spaces provide a sufficient amount of cycle parking for the residential occupiers and encourage alternative modes of transport.

(16) (a) The refuse and recycling facilities for the residential development (phase 1) shall be carried out in full accordance with the details approved as part of application ref: 14/0894. The refuse and recycling facilities shall be provided in full prior to first occupation of Phase 1 and shall be retained thereafter for the lifetime of the development.

(b) Prior to commencement of Phase 2 with the exception of 'preparatory works' further details of refuse and recycling scheme shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include arrangements for the storage and disposal of refuse and recyclable materials. The refuse facilities shall be provided in full prior to first occupation of the Phase 2 and shall be retained thereafter for the lifetime of the development.

Reason: To protect amenity and ensure adequate provision for the storage of refuse.

(17) (a) The exterior materials for Phase 1 shall be carried out in full accordance with the details approved as part of application ref: 14/0627 unless otherwise agreed in writing by the Local Planning Authority. A list of the approved materials include:

Facing Brick - Hanson "Thoresby Red Multi"  
Window and colour of balconies from Velfac - grey colour (RAL 7016)  
Zinc Cladding - VMZinc pigmento Red  
Roofing material - Marley Eternit in Thruone Blue-Black

(b) Prior to commencement of Phase 2 with the exception of 'preparatory works' further details of all exterior materials including samples and/or manufacturer's literature shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include but not be limited to:

- (i) building envelope materials e.g. bricks, cladding, roof tiles;
- (ii) windows, doors and glazing systems including colour samples; and
- (iii) balconies and screens

Phase 2 shall be carried out in accordance with the approved details and shall be retained thereafter for the lifetime of the development.

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

(18) Prior to commencement of the relevant Phase with the exception of 'preparatory works' further details of the landscape works and treatment of the surroundings for:

(i) Phase 1

(ii) Phase 2

shall be submitted to and approved in writing by the Local Planning Authority.

Such a scheme shall provide details for the treatment of all areas of hard and soft landscaping in public, private and semi-private/public external space and shall include:

- (i) a planting plan showing all areas of soft landscaping specifying species, plant sizes and planting densities to include native plant species and/or those that are of known wildlife value that will attract insects and birds, together with the provision of nesting boxes;
- (ii) an external works plan showing all areas of hard landscaping specifying materials and finishes: these should be of a permeable construction;
- (iii) details of all materials, including samples and/or manufacturer's literature, for those areas to be treated by means of hard landscape works;
- (iv) details of street furniture including but not limited to raised planters/beds, benches, steps, signs;
- (v) details of means of enclosure and boundary treatments;
- (vi) details of external lighting (including proposed sitting within the site and on buildings and light spillage plans showing details of lux levels across the surface of the site and at residential windows);
- (vii) a programme of works for the implementation of the above landscape works
- (viii) a detailed (minimum 5-year) landscape-management plan showing requirements for the ongoing maintenance of hard and soft landscaping.

The works shall be completed in accordance with the approved details prior to the occupation of any part of the development or in accordance with the programme of works agreed in writing with the local planning authority and shall be retained thereafter for the lifetime of the development.

Any planting that is part of the approved scheme that within a period of five years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions.

- (19) Details of the roof plan for the residential development (Phase 1) showing the areas of the proposed photovoltaic panels in accordance with the sustainability measures secured as part of this development, shall be submitted to and approved in writing by the Local Planning Authority, prior to completion of construction work and shall be installed prior to occupation of the development hereby approved.

Reason: To demonstrate these are adequate and suitable to provide the level of carbon offset sought.

- (20) All residential units within the development (Phase 1) hereby approved shall be built to Lifetime Home Standards and the ground floor unit (Unit 1) shall be wheelchair accessible, and permanently retained throughout the lifetime of the development.

Reason: In the interests of securing inclusive access.

- (21) During construction on site:-
- (i) The operation of site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1800 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays;
  - (ii) The hours of demolition and construction limited to 0800 - 1830 Mondays - Fridays, 0800-1300 Saturdays and at no other times on Sundays or Bank Holidays.

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

- (22) The proposed medical centre shall only be used between 0700 - 2200 Mondays to Sundays, with the premises cleared within 30 minutes after these times, except for routine maintenance or administrative purposes.

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

- (23) Prior to commencement of Phase 2, details of signage for the medical centre shall submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- (i) details of the design and position of signage and advertising including signs attached to the building fabric or free-standing within the site

The works shall be carried out in accordance with the approved details.

Reason: To ensure the appearance of the medical centre is in keeping with the character of the surrounding area.

- (24) The temporary vehicular crossover on Stag Lane shall be reinstated to footway at the applicants expense, in compliance with a scheme to be submitted to and approved in writing by the Highway Authority, with the works carried out and completed in accordance with these approved detail, prior to the first occupation of Phase 2 (medical centre).

Reason: In the interests of highway conditions within the vicinity of the site.

- (25) The proposed tree-protection details as outlined in the Arboricultural Impact Assessment dated 29 July 2013 prepared by SJ Stephens Associates and plan ref: 442-03 Tree Protection Plan shall be adhered to throughout all stages of the construction period for both Phases One and Two. Works shall not commence on site until the Local Planning Authority has been on site and inspected the required tree protection measures in relation to the relevant phase.

Reason: To ensure retention and protection of trees and other landscape features on the site in the interests of amenity.

- (26) Prior to the first occupation of the residential development (Phase One), a Travel Plan of sufficient quality to score a PASS rating using TfL's ATTrBuTE programme, to incorporate targets for minimising car use, monitoring of those targets and associated measures to meet those targets, shall be submitted to and approved in writing by the Local Planning Authority and shall be fully implemented in accordance with the approved details.

Reason: In the interests of reducing reliance on private motor vehicles.

- (27) No windows or glazed doors (other than any shown in the approved plans) shall be

constructed in the flank wall of the residential building (Phase One) without the prior written consent of the Local Planning Authority.

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


**INFORMATIVES:**

None Specified

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

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 **Planning Committee Map**  
Site address: 254 & 256 Woodcock Hill, Harrow, HA3 0PH  
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This map is indicative only.

**RECEIVED:** 25 March, 2014

**WARD:** Kenton

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

**LOCATION:** 254 & 256 Woodcock Hill, Harrow, HA3 0PH

**PROPOSAL:** Single storey detached gymnasium to the rear of a residential block of 14 flats approved under outline planning permission reference 06/3267

**APPLICANT:** Horizon Construction

**CONTACT:** Mr Philip Bennington

**PLAN NO'S:**  
Refer to Condition 2

---

## **RECOMMENDATION**

Grant Consent

## **CIL DETAILS**

This application is not liable to pay the Community Infrastructure Levy (CIL) as it falls within the definition of minor development under Regulation 42.

## **CIL Liable?**

Yes/No: No

## **EXISTING**

The application site known as 254 and 256 Woodcock Hill formally contained a pair of semi detached dwellinghouses. Outline planning permission was granted on 19 September 2008 to demolish the 2 dwellinghouses and erect residential building with associated car-parking and landscaping with the matters to be determined including siting and means of access (LPA Ref: 06/3267). Approval of reserved matters relating to siting, design, external appearance and landscaping of the outline planning permission for the residential development were approved on 9 July 2009 (LPA Ref: 09/0343).

Work has commenced on site on the construction of the approved residential development for 14 flats.

The site is located on the southern side of Woodcock Hill. The eastern boundary abuts Woodcock Court which contains 49 private retirement flats. The southern and western boundaries abut Woodcock Park.

## **PROPOSAL**

Single storey detached gymnasium to the rear of a residential block of 14 flats approved under outline planning permission reference 06/3267.

## **HISTORY**

**13/2347:** Details pursuant to condition 13 (materials to include windows in white uPVC, Weinerberger Rudgwick Multi Stock for the facing bricks and White through-colour render) of outline planning permission 06/3267 dated 17/09/08 - Granted, 24/10/2013.

**12/0983:** Certificate of Lawfulness to determine whether Outline Planning Permission (ref: 06/3267), subsequent Reserved Matters approval (Ref: 09/0343) and the discharge of the relevant conditions (Refs: 09/0558, 11/1206 and 11/1207) for development at 254 and 256 Woodcock Hill, Harrow, HA3 0PH in respect of the demolition of 2 dwellinghouses and erection of residential block comprising of 14 self contained flats, 14 car-parking spaces, communal roof terrace and associated landscaping has been lawfully implemented - 08/06/2012.

**11/1206:** Details pursuant to condition 4 (details of wheel washing facilities), condition 5 (details of facilities to

enable disabled people to use and escape from the building), condition 6 (refuse strategy) and condition 13 (materials) of outline planning permission 06/3267 dated 19/09/08 - Granted, 20/07/2011.

**11/1207:** Details pursuant to condition 1 (Refuse Strategy) and 2 (Landscape), of reserved matters to outline permission reference 09/0343 dated 09 July 2009- Granted, 20/07/2011.

**09/0558:** Details pursuant to condition 8 (site investigation) of outline planning permission 06/3267 dated 19/09/08 - Granted, 21/04/2009.

**09/0343:** Approval of reserved matters relating to siting, design, external appearance and landscaping of the residential development outline planning permission reference 06/3267 dated 19/09/08 - Granted, 09/07/2009.

**06/3267:** Outline planning application for demolition of 2 dwellinghouses and erection residential block building with associated car-parking and landscaping matters to be determined siting and means of access and subject to a Deed of Agreement dated 22nd August 2008 under Section 106 of the Town and Country Planning Act 1990, as amended - Granted, 19/09/2008.

## **POLICY CONSIDERATIONS**

### **Core Strategy**

The Council's Core Strategy was adopted by the Council on 12th July 2010. As such the policies within the Core Strategy hold considerable weight.

**CP17: Protecting and Enhancing the Suburban Character of Brent** - The distinctive suburban character of Brent will be protected from inappropriate development. Development of garden space and infilling of plots with out of scale buildings that do not respect the setting of the existing dwellings will not be acceptable.

### **Brent's UDP 2004**

**BE2: Townscape: Local Context & Character** - Proposals shall be designed with regard to their local context, making a positive contribution to the character of the area.

**BE9: Architectural Quality** - Extensions and alterations to existing buildings shall be designed to:- (a) be of a scale, massing and height that is appropriate to their setting, civic function and/or townscape location; (b) have attractive front elevations which have a direct relationship with the street at ground level, with well proportioned windows, and habitable rooms and entrances on the frontage, wherever possible; (c) 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; and (d) employ materials of high quality and durability, that are compatible or complementary colour and texture, to the surrounding area.

## **CONSULTATION**

### **Consultation Period: 27/03/2014 - 18/04/2014**

59 Neighbours consulted - one petition from the residents of Woodcock Court with 29 signatures (submitted on their behalf by the Scheme Manager) has been received raising the following concerns:

- Gym not shown in the original scheme
- Building of 14 flats has already taken away light, views of the park, loss of trees and other natural features when viewed from the residents flats.
- New gym will further block views.

### **Internal Consultation**

**Council's Tree Officer** -Recommended that the Pear Tree is retained on site or if the Pear tree is to be removed, a replacement ornamental Pear, Pyrus 'chanticleer' with a stem girth of 12-14cm should be planted in approximately the same location. and a condition is secured for the installation of a non-permeable sheet at the base of the reinforced raft foundations. A methodology should be submitted along with photographic

evidence of the sheet being fitted prior to the reinforcement being re-secured. The applicant should continue to implement the approved landscape plan despite the addition of the gymnasium.

## REMARKS

1. This application seeks planning permission for a single storey outbuilding to be built on the south west corner of the communal garden to accommodate a gym for the residents of the new residential development. There are three considerations relevant to the determination of this application and they are set out below:

- (i) whether the design and use of the outbuilding is acceptable
- (ii) whether the proposed gym will adversely impact on the communal garden and landscaping
- (iii) whether the proposed gym will adversely impact on neighbouring amenity

*Whether the design and use of the outbuilding is acceptable*

2. As discussed above, the proposed outbuilding will be located in the south west corner of the communal garden. This corner is closest to the boundary with Woodcock Park. The building is proposed with width of 7m and depth of 3.5m. It has a footprint of 24.5sqm. It is proposed with a flat roof at 2.9m high. The building will be finished in timber Cedar Cladding with a felt flat roof. The windows and doors will be in uPVC. It will maintain a minimum set in of 1.6m to the western boundary with Woodcock Park and a minimum set in of 2.1m to the southern boundary with Woodcock Park.

3. In design terms the outbuilding is considered acceptable. Its external finish with Cedar Cladding and a felt roof resembles a garden building and its footprint of 24.5sqm is not considered excessively large. The siting of the outbuilding at the bottom of the communal garden and set in from the boundaries result in minimal impact to the communal garden, landscaping and neighbouring amenity - see comments below.

4. The outbuilding will be used as a gym for residents for the residential development containing 4 items of equipment and 2 mats. It is recommended that a condition is secured for it to be restricted to use by residents of the new block of flats only.

*Whether the proposed gym will adversely impact on the communal garden and landscaping*

5. The landscape plan for the communal garden was approved as part of application ref:11/1207. The area where the outbuilding is to be located included an small area of hardstanding to accommodate some compost bins. This area of hardstanding will be increased to accommodate the new outbuilding together with a new footpath running through the grassed area. The communal garden will still provide over 700sqm of external amenity space which significant exceeds the minimum requirements of 280sqm for 14 flats. It is also considered that a footpath running through the grass area will improve access for all areas of the communal garden. Previously residents would have had to walk over the grass area which would be potentially unusable and muddy after rainfall and during winter months. It is recommended that further details of the materials of the footpath are conditioned as part of any forthcoming consent.

6. The majority of the approved landscaping will be maintained including the Viburnum tinus Hedge along the park boundaries, the existing pear tree and the proposed Alder which can be planted within the hedging along the park boundary. The areas to the east and north of the outbuilding will be unaffected by the proposal. Your Tree Officer has requested for the existing pear tree along the southern boundary within the site to either be retained or for a replacement ornamental Pear, Pyrus 'chanticleer' with a stem girth of 12-14cm should be planted in approximately the same location.

7. To protect the roots of the existing pear tree or new pear tree when constructing the base of the outbuilding, your Tree Officer has requested that a condition should be imposed requiring the installation of a non-permeable sheet at the base of the reinforced raft foundations. A methodology is required to be submitted along with photographic evidence of the sheet being fitted prior to the reinforcement being re-secured and any concrete being poured. The agent has agreed to this condition and has provided a section plan showing the installation of a non-permeable sheet at the base of the reinforced raft foundations.

*Whether the proposed gym will adversely impact on neighbouring amenity*

8. A distance of 12m is maintained from the outbuilding to the boundary with Woodcock Court. Windows and doors will face Woodcock Court but as a distance of over 10m is maintained to the boundary with Woodcock Court, the outbuilding is not considered to compromise the privacy of the residents. It should also be noted that the flank elevation of Woodcock Court that faces the outbuilding contains windows that serve stair wells rather than habitable room windows of the flats. As such the outbuilding is not considered to adversely impact

on outlook or visual amenities of the residents of Woodcock Court.

9. The outbuilding will be screened from the park by a 1.8m high screen and hedging along the boundary. It is therefore considered to not adversely impact on the setting of the park.

10. An indicative plan of the proposed gym suggests that it is of a size that will accommodate 4 items of equipment and 2 mats. It will only be used by residents of the residential development and it is recommended that a condition is secured restricting this. Given that it will only be used by residents within the development and is located at the bottom of the communal garden away from habitable room windows within Woodcock Court, it is not considered to adversely impact on neighbouring amenity through noise or disturbance. It is also recommended that a condition is secured to not have any music audible at the site boundaries.

#### Response to objections raised

11. The following objections have been raised:

<b>Point of Objection</b>	<b>Response</b>
Gym not shown in the original scheme	The gym was not proposed as part of the original scheme. It has been assessed on its individual merits in accordance with the Council's planning policies having regard to the design of the building, communal garden and neighbouring amenities
Building of 14 flats has already taken away light, views of the park, loss of trees and other natural features when viewed from the residents flats.	The approved planning permissions would have considered the impact of the residential development on neighbouring amenity and landscape features.
New gym will further block views.	The gym is not located in close proximity to habitable room windows within Woodcock Court. The nearest windows serve stairwells.

#### Conclusion

12. In conclusion, the proposed outbuilding to be used as a gym for residents of the residential development is considered acceptable. It is of an appropriate design that will not have a adverse impact on the communal garden or landscape setting, and is of sufficient distance from neighbouring properties to not adversely impact on their amenity.

13. Approval is accordingly recommended.

**RECOMMENDATION:** Grant Consent

#### **REASON FOR GRANTING**

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

Brent Core Strategy 2010  
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 the date of this permission.

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

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

0413/61

0413/60 Rev B

0413/63 Rev A

Brief Design Statement for Proposed New Gym - Dated 24 February 2014

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

- (3) The outbuilding hereby approved shall only be used as a gym for residents of the residential development approved as part of application ref: 06/3267. It shall not contain a kitchen, toilet, or shower room.

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

- (4) The external faces of the building shall be finished in timber Cedar Cladding with a felt roof, unless otherwise agreed in writing by the local planning authority.

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

- (5) (a) No works shall commence on site until details of the installation of a non-permeable sheet at the base of the reinforced raft foundations have been submitted to and approved in writing by the Local Planning Authority. The details shall include a methodology.

(b) No concrete shall be poured until the above details have been approved in writing by the Local Planning Authority together with photographic evidence of the sheet being fitted prior to the reinforcement being re-secured.

Reason: In the interests of existing trees within the application site.

- (6) Prior to commencement of works on site, full details of hard and soft landscape plan within the communal garden taken on board the approved landscape plan as part of application ref:11/1207 and the resulting changes as a result of this proposal shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:

(a) full details of all existing soft landscaping to be retained and proposed soft landscaping including species, densities, numbers and location

(b) details of all boundary treatments including materials and heights

(c) details of compost bins showing new location

(d) details of areas of hardstanding including pathways (details to include materials and permeable construction measures)

Any planting that is part of the approved scheme that within a period of *five* years after completion is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

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

#### **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: 87 & 89 Wembley Park Drive, Wembley, HA9 8HF

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This map is indicative only.

**RECEIVED:** 6 May, 2014

**WARD:** Preston

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 87 & 89 Wembley Park Drive, Wembley, HA9 8HF

**PROPOSAL:** Change of use of No 87 from an estate agent (Use class A2) into a restaurant (Use class A3) to run in conjunction with the existing A3 use at No 89 Wembley Park Drive

**APPLICANT:** Eccola Pizzeria Ltd.

**CONTACT:** Sai Architects and Associated

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

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## **RECOMMENDATION**

Grant Consent

## **CIL DETAILS**

This application is not liable to pay the Community Infrastructure Levy (CIL).

### **CIL Liable?**

Yes/No: No

## **EXISTING**

The subject site is an empty unit located within a Secondary Shopping frontage on the northern side of Wembley Park Drive at the junction of Oakington Avenue, Wembley. The last authorised use of the property was an estate agents. The adjoining premises, at no 89 Wembley Park Drive, is a restaurant (A3). To the north- west are residential flats at Wayside Court.

## **PROPOSAL**

Change of use of No 87 from an estate agent (Use class A2) into a restaurant (Use class A3) to operate in conjunction with the existing A3 use at No 89 Wembley Park Drive

## **HISTORY**

*Relating to 87 Wembley Park Drive:*

09/2302 - Retention of change of use of premises from retail (Use Class A1) to a shisha cafe (Use Class A3)  
*Application withdrawn 24/10/2012*

E/09/0380 - Without planning permission, the material change of use of premises from retail (Use Class A1) to Shisha café (Use Class A3), the erection of a timber and corrugated plastic framed covered seating area to the rear of the premises and the installation of a door to the side of the premises. *Enforcement notice complied with and case closed in November 2010*

07/0224 - Change of use from A1 use class (computer shop) to A2 use class (estate agents). *Granted 12/03/2007*

*Relating to 89 Wembley Park Drive:*

08/1785 - Change of use from estate agent (Use Class A2) to cafe (Use Class A3) (as amended by plans and e-mail received 01/08/2008) *Granted 07/08/2008*

## **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. 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. 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

BE2 Townscape: Local Context & Character  
BE9 Architectural Quality  
SH9 Secondary Shopping Frontages  
SH10 - Proposed food and drink uses  
SH11 – Conditions for A3 Uses  
SH19 – Rear Servicing  
H22 – Protection of Residential Amenity  
EP2 - Noise and vibration  
TRN22 Parking Standards non residential development  
TRN34 Servicing in new Development

## **CONSULTATION**

### *External*

36 neighbouring owner/occupiers were consulted by letter dated 7 May 2014. A petition with 11 signatories from residents of Wayside Court against the proposal has been received. Issues raised are summarised as follows:

- Noise and disturbance and smell from smoking from the back yard of no. 87 [referring to the previous unauthorised use of the premises as a 'Shisha Café' circa 2009];
- Concern dividing fence between 89 & 87 will be taken down to extend the beer garden and smoking area
- Beer garden and smoking area behind no 89 is not shown on the current plan
- Fire exit – the previous occupiers illegally opened a gate in the fence into our private property
- Stated in the application that there is parking for 2 cars - need to be assured that the customers will not be direct to a private car park which has allocated spaces for the residents of Wayside Court.

Two people have written in support of the application making the following comments:

- No. 87 has been empty now for many years whereas no 89 has been a perfect shop/restaurant in Wembley Park Drive with no noise or trouble ever
- Food and drink service to the community, especially to special needs adults
- Result in more business rates being raised;
- Premises at no 87 have been empty for a number of years and the proposal is welcomed
- This type of businesses should be supported as they were a benefit to the area and community.

### *Internal*

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

## **REMARKS**

1. The current application proposes to change the use of the premises at 87 Wembley Park Drive to an A3 use in association with the adjoining restaurant at 89 Wembley Park Drive. Essentially, it is proposed to extend the use of the existing restaurant at 89 Wembley Park Drive into the adjoining premises at 87 Wembley Park Drive. This would provide extra seating area for patrons of the existing restaurant. There will be no additional kitchen/cooking facilities to be provided; the existing kitchen, and cooking and associated external flue would be retained at no. 89 Wembley Park Drive
2. Revised plans have been submitted to clarify certain aspects of the proposal. This includes a revised site plan outlining the adjacent property at no 89 Wembley Park Drive in blue, indicating that the site is within



the same ownership as that at number 87. This is to clarify that although the current application is for the proposed change of use of no. 87, it is submitted in association with this adjoining property. The existing beer garden to the rear of no 89 Wembley Park Drive is also indicated on revised drawings. The drawings also show two on-street parking spaces, directly to the front of 87 Wembley Park Drive. These spaces are not within the application site.

### Principle of Change of Use

3. In accordance with *Policy SH9: Secondary Shopping Frontages* the principle of the change of use of the premises at no 87 Wembley Park Drive can be supported, providing it would not result in a harmful impact on nearby residential amenity, and result in unacceptable highway and traffic impacts. Normally, where a proposal relates to a change of use to a restaurant (Use Class A3) satisfactory external extract flue details are required to control odour from cooking that will take place on site. However, the current proposal is to expand the internal seating area for the adjoining restaurant, and it is not proposed that cooking will take place within no 87. There is an external extract flue already in situ at the rear of no 89 and the Council's Environmental Health officer is satisfied that this equipment meets their requirements.

### Neighbouring Amenity

4. The proposal is to extend the internal seating area for the existing restaurant. The existing seating is to remain to the rear of no 89 and no external seating at no. 87 is proposed. As such, the main consideration in terms of the change of use of this premises relates to the coming and going of patrons and whether this will significantly impact on neighbouring amenity. It is considered that given the location within a Secondary Shopping Frontage and taking into account the existing use, the proposal would not have a significant impact on neighbouring amenity. It is recommended that a condition is imposed to restrict the hours of use to accord with the approval at no 89.
5. To ensure the application does not result in use of the outside area on no 87 by patrons (either as a seating or smoking area), a condition is suggested requiring a dividing fence to be retained between the two rear curtilages at 87 and 89 Wembley Park Drive. In addition, the condition will set out that the outside area of no.89 shall not be used by patrons.

### Transportation

6. The transport officer has no objections to the proposal on transportation grounds. The site has very good access to public transport, with PTAL 5. There are 8 bus routes available locally as well as Wembley Park and Wembley Stadium stations. The site does not have any off-street parking or servicing. However, if the two units at 87 and 89 Wembley Park Drive were used as separate businesses, the parking standards would require one parking space per unit. However, this standard would fall to just one space for both units if they are merged to one. There is no off-street parking available or possible within the site therefore the impact is considered to be no worse than the existing situation. Similarly, the use of the two units as separate businesses generates a need for transit sized servicing bays for each unit – a requirement that will fall to just one transit sized bay for the enlarged café use. There is no service yard at the back of the unit so all servicing is from the public highway. However, the existing shortfall in off-street servicing for the two properties would be reduced by this proposal to provide one enlarged unit, which is a benefit in highway terms
7. As the application is for a restaurant, visitors are likely to safely park their vehicles in legal bays because they will be at the restaurant for a period of time. As such, pedestrian and highway safety concerns should not arise. There are also two cycle stands on the public footway outside the site which provides cycle parking spaces for this site

### Objections

### Officers response

- |                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>8. Concerns over experiencing noise and odour disturbance as with previous unauthorised use</li> </ol> | <p>The unauthorised use of the site as a Shisha Café has now ceased, and the enforcement notice complied with. The current application does not propose such a use, and would also not have any additional external seating, - only the existing rear beer garden at no 89 will remain. This part of the site is not immediately adjoining the neighbouring residents at Wayside Court. A dividing fence</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

between the rear gardens at 87 and 89 Wembley Park Drive will also be required to be retained by condition should the application be supported.

9. The existing beer garden and smoking area behind no 89 is not shown on the current plan  
Revised plan no.14/301/PL Rev B shows that there is an existing beer garden/external smoking area for patrons to the rear of no. 89 Wembley Park Drive.
10. There is a concern about the fire exit – the previous occupiers illegally opened a gate in the fence into our private property to use as a fire exit and access. It is hoped that this would not happen again  
This is not a material planning consideration. Any such issues would be civil matter. However, the proposal is for the merging of the existing restaurant with the adjacent premises, and any fire exits should be via any existing means
11. It is stated in the application that there is parking for 2 cars. We would like to know where, as we need to be assured that the customers will not be direct to a private car park which has allocated spaces for the residents of Wayside Court.  
The applicants have confirmed that there is no existing on-site parking provision and the spaces indicated are those on-street. The transport officer is satisfied that the proposal meets the parking standards, and in fact the proposal would result in a decrease in these standards, (see paras 6 & 7) and that patrons of the restaurant would have to use existing paid parking on-street. The control of any parking on private property would be a civil matter, and not within the control of the Council.
12. In conclusion, this application to expand the existing restaurant at 89 Wembley Park Drive into the adjoining site at no 87 Wembley Park Drive can be supported, subject to relevant conditions. It is accordingly recommended for approval.

**RECOMMENDATION:** Grant Consent

#### **REASON FOR GRANTING**

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

Brent Unitary Development Plan 2004

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

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

Environmental Protection: in terms of protecting specific features of the environment and protecting the public

Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness

Transport: in terms of sustainability, safety and servicing needs

#### **CONDITIONS/REASONS:**

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

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

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

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

- (3) The A3 use shall only operate between the times of 0600 hours and 2000 hours, unless the prior written consent of the Local Planning Authority is obtained for any variation.

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

- (4) Prior to the use hereby granted consent, the existing projecting box sign at 87 Wembley Park Drive shall be removed.

Reason: To avoid an excessive display of advertisements on the property that would be detrimental to the visual amenities of the area or the conditions of general safety along the neighbouring highway.

- (5) The premises subject of this application shall be used solely in association with the existing ground floor premises at 89 Wembley Park Drive with internal access provided as shown on the approved plan (unless a further application has been submitted to and approved in writing by the Local Planning Authority). The use hereby approved shall be discontinued and premises revert to Use Class A2 should it no longer be required in association with the premises at 89 Wembley Park Drive.

Reason: To protect neighbouring residential amenity and highway safety.

- (6) Prior to the commencement of the use hereby granted consent, a close boarded boundary fence at a height of at least 1.5m and no higher than 2.0m shall be erected and retained at all times between the rear curtilage of 87 and 89. There shall be no external seating provided to the front of 87 Wembley Park Drive and no access shall be provided to the rear (including seating and smoking area) by patrons to 87 Wembley Park Drive.

Reason: In the interests of the general amenities of the locality and in the interests of the free flow of traffic and conditions of highway safety within the site and on the neighbouring highways.

#### **INFORMATIVES:**

- (1) The applicant is advised that no material alteration to the shop front may be carried out, nor the addition of certain forms of advertisement sign, without the prior consent of the Local Planning Authority.

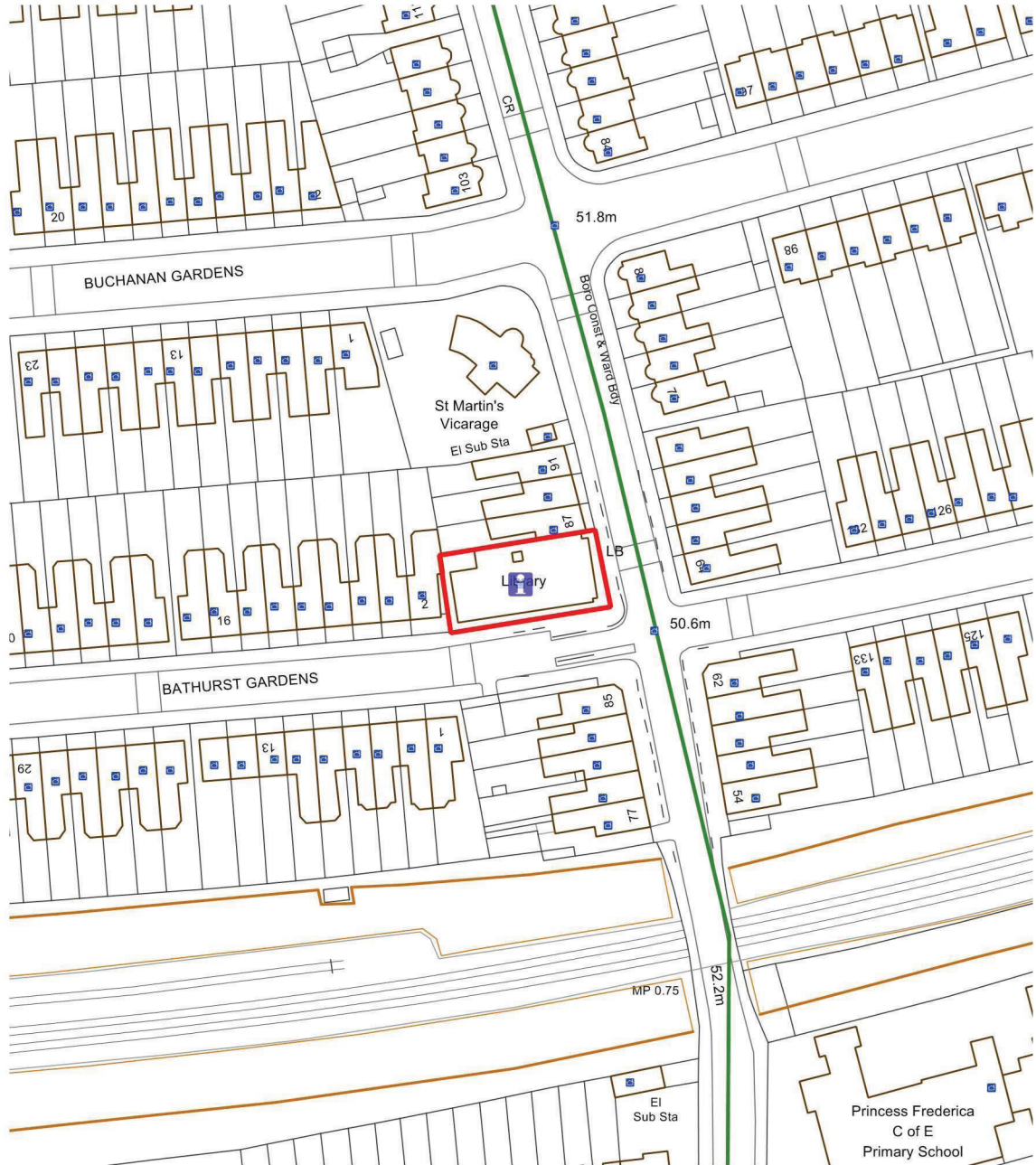
Any person wishing to inspect the above papers should contact Avani Raven, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5016



## Planning Committee Map

Site address: Former Kensal Rise Branch Library, Bathurst Gardens, London, NW10 5JA

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This map is indicative only.

**RECEIVED:** 7 March, 2014

**WARD:** Kensal Green

**PLANNING AREA:** Harlesden Consultative Forum

**LOCATION:** Former Kensal Rise Branch Library, Bathurst Gardens, London, NW10 5JA

**PROPOSAL:** Conversion of the existing vacant building to provide 5 residential units (2 x studios, 1 x 1 bed duplex flat and 2 x 2 bed duplex flats) on part ground and upper floors and 186m<sup>2</sup> community space (Use Class D1) on the ground floor. Single storey ground floor extension to west elevation, provision of roof extension and communal residential roof terrace fronting onto Bathurst Gardens and creation of basement for bin/cycle store. Provision of new entrance door on Bathurst Gardens serving D1 space, with associated cycle parking and landscaping to Bathurst Gardens and College Road. Erection of temporary site hoarding to protect site for period of vacancy.

**APPLICANT:** Kensal Properties Limited

**CONTACT:** Nicholas Taylor & Associates

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

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## **RECOMMENDATION**

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

## **SECTION 106 DETAILS**

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance.
- The provision of the D1 space for uses that fall within public hall/community type activities.
- Details of the disposal of the community space to include (but not exclusively):
  - Marketing of the community space within 6 months of construction commencing
  - The space being let to an organisation to run and maintain the D1 space
  - Provision of community space at peppercorn rent
  - Condition of the structure at disposal to include shell, core, fixtures such as toilets/sinks/storage space.
  - If, within 8 months or such other period agreed with the Local Planning Authority of the start date of the marketing campaign, Kensal Properties receive no offer that is acceptable to them, (acting reasonably in the circumstances and such acceptance shall not be unreasonably withheld or delayed) Kensal Properties shall be under no restriction by virtue of this Agreement in relation to the disposal of the residential units.
- If following the marketing campaign an occupier for the community space is not found the Council will be offered first refusal on the community space.
- Prior to the marketing of the community space community access agreement will be submitted to an approved in writing by the LPA detailing, but shall not be limited to the following
  - Access arrangements for the local community
  - Reasonable hours of use so as to not disturb neighbouring residential
  - Service/management charge
- The proposed residential use will be car free.



- Considerate Constructors Scheme

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

### CIL DETAILS

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is **£127,198.99** of which **£102,523.99** is Brent CIL and **£24,675.00** is Mayoral CIL.

### CIL Liable?

Yes/No: Yes

### EXISTING

The subject site, located on the north-western corner of the junction between College Road and Bathurst Gardens, is occupied by a part single, two and three storey detached building. The building has been vacant since 2011 before which time it was most recently used as a public library. The building is not Statutorily Listed nor does it appear on the list of locally listed buildings published within Brent's Unitary Development Plan 2004. However, in December 2012 the building was listed, under the provisions of the Localism Bill 2011, as an Asset of Community Value.

### DEVELOPMENT SCHEDULE

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

#### Floorspace Breakdown

Primary Use	Existing	Retained	Lost	New	Net Gain
assembly and leisure	0		0	0	
businesses / research and development	0		0	0	
businesses and light industry	0		0	0	
businesses and offices	0		0	0	
drinking establishments (2004)	0		0	0	
financial and professional services	0		0	0	
general industrial	0		0	0	
hot food take away (2004)	0		0	0	
hotels	0		0	0	
non-residential institutions	612		426	-426	
residential institutions	0		0	0	
restaurants and cafes	0		0	0	
shops	0		0	0	
storage and distribution	0		0	0	

#### TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	612		426	-426	

#### Monitoring Residential Breakdown

##### Existing

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
Flats û Market										
Bedsits/Studios & Market										

## Proposed

Description	1Bed	2Bed	3Bed	4Bed	5Bed	6Bed	7Bed	8Bed	Unk	Total
Flats û Market	1	2								3
Bedsits/Studios & Market	2									2

## PROPOSAL

See description above.

## HISTORY

13/2058. Conversion of the existing vacant building to provide 7 residential units (3 x one-bed flats, 3 x two-bed flat & one x two-bed house) on the ground and upper floors and 175m2 multi-functional community space (Use Class D1) on ground floor and basement. Alteration to roof pitch over and increase in height of rear wall of central section of main building, proposed new roof with flank wall windows to existing west wing. Provision of new entrance doors on College Road and replacement rear and flank wall windows with associated waste storage, cycle parking and solar panels.

Refused for the following reasons:

- 1. The applicant has failed to demonstrate that the proposed community hub would be of a size, layout and quality that sufficiently and suitably meets the local need for community facilities, to a degree that it would adequately compensate for the loss of the existing community facility on site, which has been listed as an Asset of Community Value. As such, the proposal would be harmful to the future provision of community and cultural facilities for local residents contrary to policy CP23 of the London Borough of Brent LDF Core Strategy 2010.*
- 2. The proposed development would fail to provide sufficient amenity space, or compensate for this deficiency through the provision of larger internal space standards, and would include habitable rooms on the ground floor that would suffer from substandard levels of outlook. As such the development would provide a substandard quality of accommodation and amenity for future occupiers contrary to policy BE9 of the London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 17:- Design Guidance for New Development."*
- 3. The proposed extension of the building at first floor and roof level would have an overbearing impact on the adjacent residential property at 87 College Road harming the outlook from habitable room windows for neighbouring occupiers contrary to policy BE9 of the London Borough of Brent Unitary Development Plan 2004 and advice contained in Supplementary Planning Guidance 17:- Design Guide For New Development.*
- 4. The proposed mansard roof extension, by reason of its bulk and prominent siting in relation to existing gable end features, would harm the character and appearance of the building, in particular, and the locality, in general, contrary to policies BE2 and BE9 of the London Borough of Brent Unitary Development Plan 2004.*
- 5. In the absence of the legal agreement to control the matter, the proposed development would result in an increased demand for car-parking that cannot be accommodated on site or within the surrounding streets, which have been identified as being heavily parked, giving rise to conditions that would be prejudicial to highway and pedestrian safety contrary to policies TRN3 and TRN24 of the London Borough of Brent Unitary Development Plan 2004*

## POLICY CONSIDERATIONS

The following planning policies and guidance are considered to be of particular relevance to the determination of the current application.

### National Planning Policy Framework 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.

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**

- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.16 Protection and enhancement of Social Infrastructure
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 8.2 Planning Obligations

#### **Core Strategy 2010**

- CP2 Housing Growth
- CP14 Public Transport Improvements
- CP15 Infrastructure to Support Development
- CP17 Protecting and Enhancing the Suburban Character of Brent
- CP18 Protection and Enhancement of Open Space, Sports and Biodiversity
- CP21 A Balanced Housing Stock
- CP23 Protection of existing and provision of new Community and Cultural Facilities

#### **UDP 2004**

- BE2 Townscape: Local Context and Character
- BE3 Urban Structure: Space & Movement
- BE4 Access for Disabled People
- BE5 Urban Clarity & Safety
- BE6 Public Realm: Landscape Design
- BE7 Public Realm: Streetscape
- BE9 Architectural Quality
- H12 Residential Quality – Layout Considerations
- H18 Quality of Flat Conversions
- TRN3 Environmental Impact of Traffic
- TRN11 The London Cycle Network
- TRN22 Parking Standards – Non-residential Developments
- TRN23 Parking Standards – Residential Developments
- TRN34 Servicing in New Development

#### **SPG17: 'Design Guide for New Development'**

#### **CONSULTATION**

##### **Public Consultation**

The application has been subject to widespread public consultation. Consultation letters were sent out to 1336 addresses in the local area on 21 March 2014, 8 site notices were installed on the streets neighbouring the subject property on the 7 April 2014 and the application was advertised in the local press on 17 April 2014. Local politicians and local community groups were also consulted on the planning application.

There has been a significant response to the consultation. So far, in total, 483 representation in support of the proposal have been received, 14 objections and one petition with 1 general comment have been received from members of the public in relation to the proposed development.

Representations have also been received from a number of local Councillors as follows:-

- Cllr Shaw (Brondebury Park) - Support
- community space being used as a library

- Friends of Kensal Library are tenants of the community space
- Cllr Hector (Kensal Green) - Support subject to:
  - increase in D1 space and reduction in the number of flats
- Friends of Kensal Library are tenants of the community space
- The D1 space having an entrance through the main entrance.
- Cllr Denselow (Queen's Park) - Support subject to:
  - community space being used as a library
- Friends of Kensal Library are tenants of the community space
- Cllr Jones (Willesden Green) - Support
  - community space being used as a library
- Friends of Kensal Library are tenants of the community space
- Former Cllr Cheese (Brondesbury Park) - Support
  - community space being used as a library
- Friends of Kensal Library are tenants of the community space
- The D1 space having an entrance through the main entrance.

**Friends of Kensal Rise Library (FKRL)** consider that a community use of the proposed space of 186sqm, while restrictive, is viable. They state that they have a Business Plan and the necessary skills and experience - from within the Trustees and the wider community - for the operation of the space as a community space and library. It would be the objective of FKRL to use the space allocated for a community library, as per its charitable objectives:

*"To advance public education by running and/or assisting in the running of a library at Bathurst Gardens, Kensal Rise, London, NW10 5JA, for the benefit of the residents of the London Borough of Brent.*

They also believe that there is widespread support within the community for local provision of library and community space. They have been involved in negotiations with the applicant and All Souls College and are supporting the proposal after being guaranteed that the Friends are the preferred putative tenants of the College and the developer of the dedicated space. The agreement between FKRL, All Souls College and the development, and the planning application contain a significantly increase amount, and improved quality, of space for community use than that which was designated in the unsuccessful planning application of last year.

They have further emphasised their concern that FKRL should be the tenants of the community space and that the Asset of Community Value legislation and regulations would allow for them to be named as the actual tenant rather than the preferred.

**All Souls College** have provided comments confirming that the College's intention has always been to see library services continue to be provided from the site. They have confirmed that the College will be allocated the community space, and although a sub-lease has yet to be negotiated, it is the College's intention to let the space to FKRL. They also confirm that they do not see a problems with the principles by which the space shall be let as set out in the applicants planning documents.

**Kensal Rise Residents Association** have provided the following comments:

- 1). We support the position of FKRL in their support of the current application
- 2). We support the current planning application on the proviso that it provides the best achievable outcome whereby FKRL will be the tenants of the proposed D1 ground floor space for the long term (Inasmuch as Brent Council Planning team are able to achieve this within their own powers).
- 3). We support the application providing the building remains accessible to the community for the lifetime of the proposed 999 year lease

We request that the section 106 agreement will ensure (as far as is achievable) that the building remains in community use, as a library and run by FKRL.

### **Public Letters of Support**

Those in support of the application have written on the basis that:

- The D1 community library and space is provided
- Friends of Kensal Library are the tenants of the space
- The entrance to the D1 space is revised so that those using the facility can access it through the main entrance.

### **Representations in objection**

In summary the concerns of the objectors relate to the following issues:-

#### Community Use:

1. The proposed use of the building would harm the status of the building as an Asset of Community Value.
2. There will be a loss of community space and civic amenity in an area where these facilities are already lacking.
3. The loss of community facility is not offset by the provision of new homes
4. The proposed community hub is insufficient, unsuitable and impractical for meeting community needs.
5. The development would harm local employment as a facility which could be used for social enterprise or to developed skills would be lost.
6. Arrangements for the future ownership of the community space are unclear.
7. The applicant has failed to consult the local community in developing the proposals for the community hub
8. The entrance to the community space is too small and should be through the main residential entrance.
9. The application should be referred to the secretary of state for clarification on changes to planning legislation in relation to community use

#### Residential Accommodation

10. The quantum of residential development with no outside space is an overdevelopment of the site
11. The development will increase parking and traffic problems within the locality of the site.
12. The development does not provide adequate facilities for the storage of refuse/recycling and bicycles.

#### Building Alterations

13. The development would harm the character and appearance of the building
14. The development will harm both the external and internal character of a locally listed building

#### Other

15. There has been inadequate consultation on the planning application.

#### **Petition**

A petition with 288 signatories has been received. This is addressed to Brent Council and requests that Brent

"Prohibit Change of USE for Assest of Community Value (ACV) so they are able to be actively used and enjoyed by Brent locals rather than threatened with closure, or left by private developerts.

Brent Council must urgently create guidelines to protect ACV and mandate community access so that current listed assets are not at risk."

#### **Internal Consultation**

Transportation Unit - No objections subject to a Section 106 Legal Agreement confirming that the residential dwellings shall all be entirely car-free, removing the rights of future occupiers to obtain residents parking permits, in order to comply with Policy TRN23 of the UDP-2004. A condition requiring the provision of secure, covered cycle parking spaces at ground floor level is also requested, to comply with PS16 standards.

Urban Design - No objections to the principle of development. Further details of community entrance and front balcony details will be required.

#### **REMARKS**

##### **Main Considerations**

1. This planning application is a revised proposal from that which was previously refused at the Council's Planning Committee on 18/09/2013. The revisions that have been made are set out in paragraph 4 below.
2. The proposed development would involve the conversion of the vacant building, most recently used as a library(Use Class D1), into 186sqm of community space (Use Class D1) and five self-contained flats. It also seeks consent for the existing hoardings which currently surround the site. It is considered that the main planning consideration in relation to the determination of the application are:-
  - Whether sufficient mitigation is provided for any loss of community or cultural facilities
  - Whether the proposed residential units provide an acceptable quality of residential accommodation and amenity for future occupiers.
  - Whether any proposed alterations to the existing building and its surroundings are in keeping

- with the character and appearance of the existing building and surrounding streetscene and whether they would have an acceptable impact on the amenity of adjoining residents
  - Whether the proposed development would have an acceptable impact on local highways and parking conditions
  - Whether the existing temporary hoardings are acceptable
3. The above is a summary of the main planning considerations affecting the current proposal. The application should be determined in accordance with the development plan and any other material planning considerations as set out in this report.

#### **Amendments Since Previous Refusal**

4. The main alterations to the proposed development since the previous refusal are as follows:

##### Community Space

- The total floor space has been increased from 176sqm to 186sqm.
- The community floor space is situated solely on the ground floor (except for waste storage which is in the basement).
- The entrance to the community floor space is through a proposed entrance in the chimney breast onto Bathurst Gardens and not from College Road as previously proposed.
- Further details of community consultation, existing community space availability in the local area and the management of the community space have been provided.
- Indicative examples of the proposed layout and a matrix of uses drawn up in conjunction with the FKRL group have been provided

##### Residential

- The number of residential units proposed has decreased from 7 units to 5.
- The size and layout of the proposed units have been all +10% above the minimum floor space standards for their respective unit sizes.
- A roof terrace is proposed at the second floor level fronting onto Bathurst Gardens.
- Alterations to roof on Bathurst Road front but not to rear.
- The height of the west wing is retained as existing.

#### **Replacement of Community Facilities**

5. The existing building has been vacant since the former use of the building as a public library ceased in 2011. The cessation of the former use was as a result of the Council's Library Transformation Project. The applicant states in their submission that through this process, adequate mitigation has already been provided, in the form of new and improved library facilities, to justify the loss of the existing building. The Library Transformation Project does provide a comprehensive and efficient library service in the borough. Whilst the Council's library use has ceased, the building remains capable of being used to meet other wider community needs and therefore sufficient mitigation would need to be provided if the loss of the community use is to be supported.
6. In terms of local demand for community facilities it is important to note that in December 2012 the building was listed, at the request of the Friends of Kensal Rise Library, as an Asset of Community Value under provisions contained in the Localism Act 2011 ("The Act"). This listing is designed to support the community right to bid by requiring the owner of the asset to provide sufficient time to community groups to prepare and submit a bid, if they wish, should the owner of the asset decide to dispose of the asset. Whilst ultimately this listing cannot prevent the owner selling the asset to whom ever they want, at whatever price they want, it does offer an opportunity for community groups to make a bid for the asset in advance of any agreement to sell to a third party. This process also applies for all non-residential parts of a proposed development which will be sold or leased as the ACV listing remains for all areas of non-residential floor space. Residential uses cannot be subject of an ACV listing.
7. The Department for Communities and Local Government has produced non-statutory guidance on the Community Right to Bid. Paragraph 2.20 sets out that "the fact that the site is listed may affect planning decisions - it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case." Whilst regard must be had to the development plan in the determination of the application it is considered that in this case the fact that the building is listed as a Asset of Community value is also a material planning consideration as it reasonably demonstrates that there is a local demand for community facilities within the locality and in particular a demand that those facilities should be provided on the subject site.



8. The listing as an Asset of Community Value is also relevant in this particular case as a partial change of use to residential is proposed. Residential uses are normally exempt from being listed as Assets of Community Value and therefore, if permission were to be granted, this would have an impact on the extent of the current listing.
9. The existing building has a gross internal floor area (GIA) of 612m<sup>2</sup> (543sqm NIA) arranged over 3 floors. Under its previous use the ground floor acted as the main reading room and reception area, with ancillary staff areas and storage space on the first floor and storage on the second floor. The ground floor of the property has a floor area of approximately 276sqm (GIA).
10. The revised proposal would involve the formation of a D1 use of 186sqm (GIA) which would occupy most of the ground floor of the building. In terms of the proposed area this is 10sqm more than the previous proposal and while such an increase would not appear to be significant in terms of area the quality and useability of the space is a significant improvement on the previous proposal as it is all provided on the groundfloor level and is arranged in a manner which supports the flexible use of this space for a variety of different users.
11. The applicants have prepared a statement of community involvement which sets out the level of consultation they have undertaken with the local community since the previous refusal. This has included an initial consultation with FoKRL in October 2013, open public consultation in November 2013, a follow up workshop with FKRL in December 2013. They have also highlighted the alterations that have been made to address the concerns raised.
12. The applicants have provided plans showing how the groundfloor could be laid out. The space is accessed from a new entrance which is to be provided from Bathurst Gardens through the existing chimney breast. This will be provided with a ramped access from the corner of Bathurst Gardens and College Road. This space will be Disability Discrimination Act (DDA) compliant. The indicative floor layouts show a main open plan space, which could be used as a traditional library space with book shelves, desks, seating area and main front desk in the east wing of the groundfloor. The west wing of the groundfloor, which is access via a corridor at the rear, could then be laid out with two meeting rooms, toilets and storage area. These plans have been developed in conjunction with FKRL following consultation events.
13. The applicants in consultation with FKRL have also provided a use matrix and indicative layouts showing how a range of community uses could be accommodated at different times during the course of a normal week. The layout including the provision of desks, bookshelves, meeting rooms and storage would allow for uses such as book lending, IT services, studying, language classes, childrens/toddler story time and other community uses throughout the week.
14. To ensure that the community space is accessible to the local community the applicants have provided information as to how the space will be managed and how the end user will be determined. The applicants have confirmed that the community space will be provided in shell and core including toilets, sinks and storage space with the responsibility of fitting out the accommodation falling to the future occupants. The future occupants will also be obliged to meet a reasonable service charge for use and maintenance of storage space and lift which will be in the form of an annual charge. The applicants have suggested that this is likely to be in the region of £2500.
15. The space is accessed from a new entrance which is to be provided from Bathurst Gardens through the existing chimney. This will be provided with a ramped access from the corner of Bathurst Gardens and College Road. This space will be DDA compliant.
16. The applicant has advised the Council that it has entered into contractual obligations to lease the space back to All Souls College while the freehold for the building will be retained by the applicant. The applicant in conjunction with All Souls College will determine who the future occupants following a bidding process in which all interested parties can bid to occupy the space. The space will then be let in accordance with the following terms and conditions:
  - The space will be offered to a single lessee on a peppercorn rent in perpetuity
  - A reasonable service charge will be applied to maintain the communal/entrance area including repairs to building.
  - Minimum hours of operation will be required to ensure that the maximum range of uses, as identified in the use matrix, are provided throughout the week.

- The lessee must be responsible for and operate the D1 space in the interest of the local community and not limited to any specific interest group (e.g. not exclusive religious and/or other groups).
  - Use of the facility will be limited to D1 uses only, as defined by the T&CP Use Classes Order.
  - No operation should be for profit generation or related to business use/business; all funds generated by the operator will remain within the organisation to enhance its services and allow the provision of additional community services.
  - The proposed uses should not cause nuisance to the flats above, or other adjoining neighbours (no excessive noise, traffic generation, late night/early morning activity etc).
17. All Souls College have confirmed that it is their intention to see library services continue to be provided from the site. A sub-lease has yet to be negotiated and agreed but it is the intention of the College to let the space to Friends of Kensal Library at a peppercorn rate for a very long period.
18. The proposed alterations and additional information provided have shown that the proposed community floor space is of a size and layout which could sufficiently and suitably meet the needs of local community to compensate for the loss of the existing facility. The most recent use of the Groundfloor as a library use ceased almost two years ago. However this facility was open to all members of the local community. The applicants have proposed use of a management agreement through section 106 to establish the principles of how the D1 community space will be provided tfor the benefit of the loca community.
19. The majority of letters of support have been submitted on the basis that the community use is let to the Friends of Kensal Rise Library. It is not within the powers of planning to specify an end user of the proposed facility and therefore this cannot be secured through the current planning. However the applicants have specified in the planning submission documents and All Souls College have confirmed that FKRL are the intended tenant of the community space.
20. The Council have proposed appropriately worded conditions and section 106 Heads of Terms in order to secure the provision of the community space for use by the local community.

#### **Quality of Residential Accommodation**

21. The proposed residential accommodation will be provided in the form of five self-contained flats 3 x 1-bedroom and 2 x 2-bedroom. The flats would be arranged over the three floors. On the ground floor one one-bedroom flat/duplex is proposed in the space that forms part of the annexe extension to the original building. The remaining four flats are proposed on the upper floors of the main building. The main access to the flats will be from the existing main entrance Bathurst Gardens.
22. On the first floor level there are three self-contained flats (2 x studio and 1 x 2-bed) accessed from a central core. The further 2-bed flat is situated on the second floor.
23. In terms of the internal space standards set out in the Mayor's Housing SPD, the minimum standards are generally met as set out in the table below.

Flat No.	Unit Type	Unit Size (Sqm)	London Plan Minimum Standard	Amenity Space (sqm)
2.03	1bed 2person	75.7	50	20
2.02	Studio	50.3	38	0
1.01	Studio	60.69	38	0
2.01	2bed 4person	99.35	71	0
5	2bed 4person	92	71	0

24. In terms of external amenity space there is a small space at the ground floor level which has been allocated to the groundfloor residential unit. This unit would meet the 20sqm required by SPG 17. The residential units within the main building would have access to a communal roof terrace at the second floor level fronting onto Bathurst Gardens. This space would have an area of 14sqm. Therefore the proposed units would fall short of the 20sqm normally required. However as the proposed residential flats are all above and in most cases significantly above minimum floor space standards this can be considered as suitable mitigation on a site where external space is limited.
25. The layouts of the proposed flats have been altered so as to ensure that all habitable rooms have suitable levels of daylight, sunlight, outlook and privacy. Most of the habitable room windows are on the east and south elevations fronting onto College Road and Bathurst Gardens. As such these units will have suitable levels of daylight, sunlight, outlook and privacy. There are two facing bedroom windows



between unit 2.01 and 2.03 which would not comply with the 20m separation distance proposed in SPG17. To ensure that these rooms have sufficient privacy levels the applicants proposed to install partially frosted glazing. This is considered to be acceptable in this instance.

26. Overall, it is considered that the proposed development provides an acceptable quality of residential accommodation for prospective residents.

### **Transport, Parking and Servicing**

27. The subject site is located in an area where the surrounding streets have been identified as being heavily parked and, as such, no further demand for on-street parking can be accommodated without giving rise to conditions that could prejudice highway and pedestrian safety. No on site parking is proposed and it does not appear that it would be practical to do so. The proposed development would significantly increase the parking standard for the site, by 4.5 spaces, and therefore, without mitigation, this would be unacceptable in this location. However, the site does benefit from very good access to public transport facilities (PTAL4) and the site is located within a controlled parking zone and therefore a 'permit-free' agreement would be appropriate in this case. This would prevent future occupiers of the development from obtaining residents parking permits thus negating any impact on parking congestion within the locality of the site. The applicants have agree to this in principle
28. The proposed community space would have similar parking and servicing standards to the former use of the building and therefore the transport impact of this facility would be likely to be comparable to the previous use when it was in operation.
29. Cycle storage for the residential units is proposed within a basement store. This is not considered to be particularly convenient as residents would be required to carry their cycles to and from the basement level. The applicants have confirmed that they will have access to the lift which would allow them to do this without having to use the stairs. The community use will also have access to the lift and the groundfloor storage and waste storage space.
30. Refuse storage areas have been indicated inside of the building at the basement level. The refuse bins will have to be moved to the street on collection day and returned on the same day following collection to ensure that they do not create additional clutter within the street scene. Whilst the locations of the stores are acceptable from a collection perspective further details of the management of this space will be required to ensure that refuse is collected and bins do not create additional clutter within the streetscene. Full details of the storage spaces and the waste management strategy will be sought by condition.

### **Character and Appearance**

31. The existing building was built in 1900 in a late Victorian Elizabethan Revival Style. The frontage on Bathurst Gardens has three front gables constructed in red brick. The main entrance is situated on the Bathurst Garden frontage and is defined by a pediment supported by a pair of Ionic columns. There are also prominent timber framed leaded glass casement windows on both the Bathurst Gardens and College Road elevations. The roof is hipped with strong gable features on Bathurst Garden The roof is constructed of slate. The building is a distinctive building within the local streetscene given its size and location on the corner of a prominent junction, adjacent to the smaller two-storey terraced properties on Bathurst Gardens and College Road. Whilst the building is clearly of architectural merit, there is no record of the building being Listed, either statutorily or locally.
32. In terms of proposed external alterations, the most significant alterations include the provision of a roof terrace at the second floor level fronting onto Bathurst Gardens and the installation of an entrance to the community space at the groundfloor level. The installation of the proposed roof terrace on Bathurst Gardens will involve removing the existing front roof plane between the two front gables and replacing it with full height glazed doors which will be flush with the ridgeline of the building. The proposed terrace will have an area of approximately 14sqm and will have a glazed balustrade to the front. The proposed alterations will have a limited visual impact from the main streetscene and will be subservient to the prominent front gables within the streetscene.
33. The proposed front entrance for the community use is through the redundant chimney breast on Bathurst Gardens. The main entrance on this elevation will be retained for the proposed residential uses on the upper floor. The applicants have provided some images and plans of the proposed entrance to show that it will be an elegant and visually unobtrusive intervention in the street frontage. The proposed entrance will be defined by a projecting metal canopy attached to the chimney breast and this could be supplemented by a slender sign to the side highlighting the entrance point. The access from the main street is from a ramp on the corner of College Road and Bathurst Gardens sloping up to the community

entrance and the main entrance to the residential.

34. The proposed entrance is situated close to the existing pay telephone box on Bathurst Gardens. This is situated directly in front of the entrance on the other side of the existing boundary wall. The applicants propose to remove this but it will be subject to this being agreed with British Telecom. However if this cannot be agreed the applicants believe that the entrance will work even with the presence of the telephone box. While some views of the entrance would be limited if the telephone box was not resited the revised entrance from the corner would ensure that it was legible and visible from the main pedestrian routes.
35. Other alterations would include the installation of rooflights on the roofplanes of the main building. 11 rooflights are proposed in all and these will be of a variety of sizes based on the rooms which they serve (the larger rooflights for bedrooms and the smaller rooflights for bathrooms and other non-habitable rooms. These rooflights will not be prominent in the roofplan and will have an acceptable impact on the character of the building.
36. The development would rely on the formation of a new basement level. No light-well to this basement is proposed and therefore, on completion, this alteration would not be visible externally.
37. The proposed alterations to the building are of a size, scale and design that will preserve the character and appearance of the building and the surrounding streetscene in accordance with the relevant planning policies and guidance. Conditions will be attached requiring the submission and approval of all external materials and the detailed design of the proposed community entrance.

**Impact on Adjoining Occupiers**

38. The subject site adjoins the residential properties at 2 Bathurst Gardens, a dwellinghouse, and 87 College Road, a dwellinghouse converted to flats.
39. The amendments from the refused scheme do not result in any significant alterations to the existing building and as such there will be no detrimental impact on the daylight and sunlight to neighbouring residences. The applicants daylight report concludes that in terms of daylighting, given the current arrangement, the proposed alterations to the roof of the building would not have a noticeable effect on the daylight to neighbouring windows.
40. The flank wall of 2 Bathurst Gardens would face the subject site but this elevation does not appear to contain any habitable room windows that would directly face the site. As such, it is not considered that there would be any unreasonably adverse impact on the amenity of occupiers of 2 Bathurst Gardens as a result of the development.
41. In terms of 87 College Road, it appears that there would be sole habitable room windows facing the subject site at ground and first floor levels at a distance of 1.5m to the joint boundary. At present the first floor of the subject building is set back from the joint boundary at first floor level by approximately 3m, 4.5m from the neighbouring windows . However, officers considered that the further enclosure of this already constrained relationship would intensify the sense of overbearing in terms of views from these habitable room windows, particularly on the ground floor, and that the outlook of neighbouring occupiers would be adversely affected.

**Hoarding**

42. This application seeks approval for the temporary hoardings which have been installed around the site. The hoardings were installed to secure the vacant site and are approximately 2m high painted black. The hoardings will be removed once any development works hereby approved are completed. A condition will be attached requiring their removal following construction.

**Consultation Responses**

CONSULTATION ISSUE	OFFICERS RESPONSE
Community Use	
The proposed use of the building would harm the status of the building as an Asset of Community Value.	The most recent use of the building for community use ceased over two years ago. The proposed replacement facility would provide space which could meet the needs of the local community. The size and layout of the community space, and proposed opening hours would allow for flexibility in terms of

	the groups who could use the space and how it is used.
There will be a loss of community space and civic amenity in an area where these facilities are already lacking.	The proposal will involve the conversion of D1 space into residential. The applicants have provided information of other D1 spaces within the local area which are not fully occupied at present while the proposed use will allow for a more intensive use of the facilities than existed with the previous library use.
The loss of community facility is not offset by the provision of new homes	Officers recognise that there is a demand for new homes within the borough, as set out in the Core Strategy. However, the need for new homes needs to be balanced against the need to protect and provide community facilities that meet a local demand.
The proposed community hub is insufficient, unsuitable and impractical for meeting community needs.	Please see paragraph 13
Arrangements for the future ownership of the community hub is unclear.	Paragraphs 16-18
The applicant has failed to consult the local community in developing the proposals for the community hub	Paragraph 11
The loss of the community facility will have a detrimental impact on local employment and skills.	No business or employment use is proposed with the application. There is no requirement that this space be provided and the financial sustainability of the preferred tenant is not a consideration of this application.
The proposed D1 space is not much bigger than that which was previously proposed.	The proposed community space is marginally larger than that which was previously proposed. This space is however more usable than previous proposal and is shown could be laid out in a manner which meets the needs of the local community.
The entrance to the community space is too small and should instead be through the residential entrance.	The architectural merits of the entrance are considered to be acceptable and separate entrance for the residential will minimise conflict between the different end users.
The application should be referred to the Secretary of State for clarification on changes to the planning legislation relating to community use	There is no requirement for the application to be referred to the Secretary of State.
The entire building should be retained for community use and does not need to be used as a library.	The proposed use is as community space and is not restricted solely to a library use. The conversion of the annexe and upper floors into residential is considered to be acceptable for the reasons set out above.
<b>Residential Accommodation</b>	
There is no affordable housing proposed	Relevant planning policy normally only required contributions towards affordable housing in developments proposing 10 or more units
There is no parking provision and as such the proposal will result in significant increase in on-street parking.	The prospective residents will have their rights for parking permits removed through the section 106 agreement. As the proposed community use is for the local community in an area of good public transport accessibility it is anticipated that most visitors will travel by non-car modes of transport.
The proposed development will increase population in an already densely populated part of London.	The proposed development will provide 5 new residential units with a total of 7 new bedrooms. This will not result in a significant increase as to have a detrimental impact on quality of life for neighbouring residents.

<b>Building Alterations</b>	
The proposed alterations will result in overlooking of No. 4 Bathurst Gardens.	There will be no direct overlooking of neighbouring properties.
The proposed alterations are not in keeping with the character of the property.	The applicants have sought to minimise external alterations. The Council's Urban Designer has been consulted and has no objection to the alterations.
The existing hoarding is unauthorised and unsightly	Paragraph 42
<b>Other</b>	
There is an existing fraud investigation which is currently ongoing.	A significant number of bogus comments were submitted in support of the original application from false addresses and from addresses which did not exist. There is a current police investigation into this matter however the Council have decided that it cannot refuse to determine the application on the basis of there being an ongoing investigation.

## CIL

43. The following table provides a summary of the development schedule for the proposed scheme.

Use	Existing Floorspace (sqm GIA)	Proposed Floor Space (sqm GIA)	Net Difference (sqm GIA)
Community (D1) Use	612	186	-426
Residential (C3) Use	0	484	+484
<b>TOTAL</b>	<b>612</b>	<b>670</b>	<b>+58</b>

44. If approved, the application would attract a liability for both Brent and Mayoral CIL as the building has not been in use for 6 months of the previous 12.
45. In terms of Brent CIL this would only be applicable on the residential element of the scheme as community uses are charged at a zero rate. Based on the above floor areas the Brent CIL liability is estimated as £101,500.
46. In terms of Mayoral CIL this would be chargeable on the whole development. Based on the above floor the Mayoral CIL liability is estimated as £24,675

## Summary

47. Overall, for the reasons set out above it is considered that the proposal provides sufficient mitigation for the loss of the existing Asset of Community Value, would provide an acceptable quality of residential accommodation and amenity for future and neighbouring occupiers and the alterations would be in keeping with the character and appearance of the existing building. As such, officers recommend that the application be approved subject to the signing of a section 106 agreement to secure the benefits set out above and subject to the conditions set out below.

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

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

Brent Unitary Development Plan 2004

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

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

Environmental Protection: in terms of protecting specific features of the environment and protecting the public

Housing: in terms of protecting residential amenities and guiding new development

Transport: in terms of sustainability, safety and servicing needs

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

**CONDITIONS/REASONS:**

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

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

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

B1\_EXT\_02\_001  
B1\_EXT\_02\_002  
B1\_EXT\_02\_003  
B1\_EXT\_02\_004  
B1\_EXT\_02\_005  
B1\_EXT\_04\_001  
B1\_EXT\_04\_002  
B1\_EXT\_05\_001

B1\_00\_001  
B1\_02\_000  
B1\_02\_001  
B1\_02\_002  
B1\_02\_003  
B1\_02\_004  
B1\_02\_005  
B1\_04\_001  
B1\_04\_002  
B1\_05\_001  
B1\_10\_001  
B1\_10\_002

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

- (3) The use of the D1 space hereby approved shall only be permitted between:

Mon-Fri: 0800 - 2200 hours  
Saturday: 09:00-2100 hours  
Sundays and bank holidays: 1000-1800

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

- (4) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the use hereby permitted shall only be for the purpose of public hall/community type activities (excluding places of worship and such other religious activities) within Use Class D1.

Reason: No separate use should commence without the prior approval of the Local Planning Authority in order to ensure that the use does not prejudice the amenity of the area and complies with the Council's adopted policies.

- (5) The cycle parking spaces and refuse recycling storage facilities shall be fully installed in accordance with details to be submitted to and approved in writing by the local planning authority prior to the commencement of the proposed community space or the first occupation of a residential flat. Thereafter the cycle parking spaces and refuse recycling storage facilities shall be retained and used solely for the specified purposes in connection with the development hereby approved and shall not be obstructed or used for any other purpose/s.

Reason: To ensure safe, efficient and adequate servicing of the site and to ensure satisfactory facilities for cyclists in accordance with the Council's policy TRN11 of the adopted Unitary Development Plan 200

- (6) The last remaining residential unit shall not be occupied until the D1 space has been completed in accordance with the planning application and the search for a suitable D1 occupier has commenced.

Reason: To ensure that all reasonable action is undertaken to secure a community use within the site.

- (7) During demolition and construction works on site:

- The best practical means available in accordance with British Standard Code of Practice B.S. 5228: 1997 shall be employed at all times to minimise the emission of noise from the site.
- The operation of the site equipment generating noise and other nuisance causing activities, audible at the site boundaries or in nearby residential properties shall only be carried out between the hours of 0800 – 1800 Mondays-Fridays, 0800 -1300 Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- Vehicular access to adjoining and opposite premises shall not be impeded.
- All vehicles, plant and machinery associated with such works shall be stood and operated within the curtilage of the site only. A barrier shall be constructed around the site, to be erected prior to demolition.

Reason

To ensure that and occupiers of neighbouring premises do not suffer a loss of amenity by reason of nuisance caused by construction and demolition works.

- (8) The existing security hoarding around the site shall be removed prior to the occupation of the first residential unit hereby approved.

Reason

To ensure that the proposed development has a satisfactory impact on the character and appearance of the building within the streetscene.

- (9) Further details of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the buildings are occupied. Such details shall include:-

(a) materials (samples of which shall be submitted for approval by the Local Planning Authority) to be used on all external surfaces of the building(s);

(b) the proposed boundary treatment including all fences, walls and gateways;

(c) proposed planting including (plant species, sizes and number)

Reason: These details are required to ensure that a satisfactory development is achieved.

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

Reason: To safeguard the amenities of the occupiers.

- (11) Details of proposed entrance and signage for the proposed community use identified on the Bathurst Road elevation, shall be submitted to and approved in writing by the LPA prior to commencement of use.

Reason: To ensure that the proposed details preserve the character and appearance of the building.

- (12) No amplified sound systems shall be used unless details of the proposed system and associated insulation measures are submitted to and agreed in writing by the Local Planning Authority prior to the installation, and thereafter such a system shall be installed and maintained in accordance with the approved details

Reason: To prevent noise nuisance to adjacent occupiers.

- (13) Development shall not take place until a refuse management strategy for the moving of bins to and from a collection point, to be agreed in writing with Highways, no further than 9m from , is submitted to and approved in writing by the local planning authority. Once the strategy has been approved it must be fully implemented.

Reason: To ensure that the proposed development has adequate standards of hygiene and refuse collection are provided.

**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-Apr-2014** and **31-May-2014**

**Planning Committee: 17 June, 2014**

**Application Number:** 13/1665      **Team:** Southern Team      **Application Type** S78 FUL  
**Appeal Received:** 01/04/2014      **Appeal Against:** Refusal of planning permission  
**Location:** 129A & 129B High Street, London, NW10  
**Proposal:**

First floor rear extension, installation of new door and creation of roof terrace to rear of second floor

**Application Number:** 13/1676      **Team:** Southern Team      **Application Type** S78 FUL  
**Appeal Received:** 07/04/2014      **Appeal Against:** Refusal of planning permission  
**Location:** Jehovahs Witnesses Hall rear of 1A, Dyne Road, London, NW6 7XG  
**Proposal:**

Demolition of existing building and replacement with two storey building for place of worship

**Application Number:** 13/1976      **Team:** Southern Team      **Application Type** S78 FUL  
**Appeal Received:** 17/04/2014      **Appeal Against:** Refusal of planning permission  
**Location:** 11B Hartland Road, London, NW6 6BG  
**Proposal:**

The erection of a rear dormer window to the main rear plane of the roof with additional dormer window to two storey rear projection (outrigger) of first floor flat.

**Application Number:** 13/2259      **Team:** Southern Team      **Application Type** S78 FUL  
**Appeal Received:** 04/04/2014      **Appeal Against:** Refusal of planning permission  
**Location:** 31B Gladstone Park Gardens, London, NW2 6LA  
**Proposal:**

Extension to existing side and rear dormer windows to first floor flat

**Application Number:** 13/2775      **Team:** Southern Team      **Application Type** S78 VAR  
**Appeal Received:** 29/05/2014      **Appeal Against:** Refusal of planning permission  
**Location:** 44 High Road, London, NW10 2QA  
**Proposal:**

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.

**Application Number:** 13/2950      **Team:** Northern Team      **Application Type** S78 REM  
**Appeal Received:** 08/04/2014      **Appeal Against:** Refusal of planning permission  
**Location:** 49 Valley Drive, London, NW9 9NJ  
**Proposal:**

Removal of condition 3 (replacement of existing secondary front door with casements window) & 4 (front garden layout) of planning application reference 13/0908 granted 10/07/2013 for 'Removal of condition 7 (restricting the use of the garage for the parking of private motor vehicles only) of full planning permission reference 05/0412 dated 12/04/2005 for erection of two-storey side and rear extension to dwellinghouse'.

**Application Number:** 13/3217      **Team:** Northern Team      **Application Type** S78 HSE  
**Appeal Received:** 07/04/2014      **Appeal Against:** Refusal of planning permission  
**Location:** 24 Preston Road, Wembley, HA9 8JY  
**Proposal:**

Proposed single storey rear extension to dwellinghouse

Received PLANNING Appeals between 1-Apr-2014 and 31-May-2014

## Planning Committee: 17 June, 2014

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**Application Number:** 13/3562      **Team:** Southern Team      **Application Type** S78      HSE  
**Appeal Received:** 29/04/2014      **Appeal Against:** Refusal of planning permission  
**Location:** Brooklyn, 1A Brook Road, London, NW2 7BB  
**Proposal:**  
Construction of second floor extension to dwellinghouse

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**Application Number:** 13/3651      **Team:** Northern Team      **Application Type** S78      HSE  
**Appeal Received:** 11/04/2014      **Appeal Against:** Refusal of planning permission  
**Location:** 29 Barn Hill, Wembley, HA9 9LF  
**Proposal:**  
Proposed extension to infill the existing front porch of dwellinghouse

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**Application Number:** 13/3708      **Team:** Southern Team      **Application Type** S78      FUL  
**Appeal Received:** 29/04/2014      **Appeal Against:** Refusal of planning permission  
**Location:** 19 Charteris Road, London, NW6 7EY  
**Proposal:**  
Demolition of existing rear extension and erection of a two storey rear extension to dwellinghouse

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**Application Number:** 13/3737      **Team:** Southern Team      **Application Type** S78      FUL  
**Appeal Received:** 24/04/2014      **Appeal Against:** Refusal of planning permission  
**Location:** Land next to 98, Wakeman Road, London  
**Proposal:**  
Erection of a part single, part two-storey dwellinghouse with basement level

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**Application Number:** 13/3800      **Team:** Southern Team      **Application Type** S78      FUL  
**Appeal Received:** 15/04/2014      **Appeal Against:** Refusal of planning permission  
**Location:** 181B Cricklewood Broadway, London, NW2 3HT  
**Proposal:**  
Erection of facing mansard roof extension, rear dormer window and 2 front rooflights to second floor flat

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**Application Number:** 13/3967      **Team:** Northern Team      **Application Type** S78      HSE  
**Appeal Received:** 15/04/2014      **Appeal Against:** Refusal of planning permission  
**Location:** 147 Salmon Street, London, NW9 8NG  
**Proposal:**  
Removal of existing gable end extension and rear dormer window. Erection of two storey/part two storey side and part single storey rear extension plus rear dormer window incorporating 1 x side, 1 x back and 1 x front rooflights to dwellinghouse.

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**Application Number:** 14/0088      **Team:** Southern Team      **Application Type** S78      HSE  
**Appeal Received:** 03/04/2014      **Appeal Against:** Refusal of planning permission  
**Location:** RUTLAND, 18T Brondesbury Park, Kilburn, London, NW6 7DL  
**Proposal:**  
Retention of two storey side extension to dwellinghouse

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**Application Number:** 14/0090      **Team:** Southern Team      **Application Type** S78      HSE  
**Appeal Received:** 02/04/2014      **Appeal Against:** Refusal of planning permission  
**Location:** RUTLAND, 18T Brondesbury Park, Kilburn, London, NW6 7DL  
**Proposal:**  
Retention of front boundary wall and gates and side boundary fence above walls of dwellinghouse

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Received PLANNING Appeals between 1-Apr-2014 and 31-May-2014

## Planning Committee: 17 June, 2014

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**Application Number:** 14/0181      **Team:** Southern Team      **Application Type** S78      HSE  
**Appeal Received:** 10/04/2014      **Appeal Against:** Refusal of planning permission  
**Location:** 17 Wren Avenue, London, NW2 6UG  
**Proposal:**

Demolition of existing single storey garage and single storey rear extension, erection of a two storey side extension and part two, part single storey rear extension to dwellinghouse

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**Application Number:** 14/0260      **Team:** Northern Team      **Application Type** S78      HSE  
**Appeal Received:** 16/05/2014      **Appeal Against:** Refusal of planning permission  
**Location:** 95 Slough Lane, London, NW9 8YB  
**Proposal:**

Proposed hip to gable conversion and extension to existing rear dormer with insertion of two front rooflights

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**Application Number:** 14/0349      **Team:** Northern Team      **Application Type** S78      HSE  
**Appeal Received:** 10/04/2014      **Appeal Against:** Refusal of planning permission  
**Location:** 49 Paxford Road, Wembley, HA0 3RQ  
**Proposal:**

Retrospective application for erection of a single storey outbuilding in rear garden of dwellinghouse

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**Application Number:** 14/0365      **Team:** Northern Team      **Application Type** S78      PAH  
**Appeal Received:** 08/05/2014      **Appeal Against:** Refusal of planning permission  
**Location:** 19 Woodcock Dell Avenue, Harrow, HA3 0PW  
**Proposal:**

Prior approval for a single storey rear extension to dwellinghouse, in metres:  
 Extending beyond the rear wall of the original house - 7 Metres  
 Maximum height - 3 Metres  
 Eaves height - 3 Metres

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**Application Number:** 14/0896      **Team:** Southern Team      **Application Type** S78      HSE  
**Appeal Received:** 21/05/2014      **Appeal Against:** Refusal of planning permission  
**Location:** 103 Rucklidge Avenue, London, NW10 4QB  
**Proposal:**

Demolition of existing single storey rear extension and erection of a first floor rear extension to dwellinghouse

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Received ENFORCEMENT Appeals between 1-Apr-2014 and 31-May-2014

Planning Committee: 17 June, 2014

**Application Number:** E/10/0329 **Appeal Against:** Enforcement Appeal **Team:** Western Team  
**Appeal Started:** 16/04/2014

**Location:** 59 Harrow Road, Wembley, HA9 6DG

**Description:**

The erection of a building at the rear of the premises for use as primary living accommodation.

("the unauthorised development")

**Application Number:** E/10/0640 **Appeal Against:** Enforcement Appeal **Team:** Northern Team  
**Appeal Started:** 29/04/2014

**Location:** 214A-D Walm Lane, London, NW2 3BS

**Description:**

Without planning permission, the removal of soft landscaping, including a privet hedge to the front and side garden, and the installation of a gravel hard surface to the front and side garden of the premises

("the unauthorised development")

**Application Number:** E/10/0877 **Appeal Against:** Enforcement Appeal **Team:** Southern Team  
**Appeal Started:** 02/04/2014

**Location:** 187 Holland Road, London, NW10 5AX

**Description:**

The erection of a building in the rear garden of the premises laid out as a dwelling.

("the unauthorised development")

**Application Number:** E/12/0381 **Appeal Against:** Enforcement Appeal **Team:** Northern Team  
**Appeal Started:** 14/04/2014

**Location:** 12A-E, Anson Road, London, NW2 3UT

**Description:**

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

("the unauthorised development")

**Application Number:** E/13/0831 **Appeal Against:** Enforcement Appeal **Team:** Southern Team  
**Appeal Started:** 16/05/2014

**Location:** 758 Harrow Road, London, NW10 5LE

**Description:**

Without planning permission, the installation of a large metal extraction pipe to the outside of the building, in connection with the ground floor premises.

("the unauthorised development")

Received ENFORCEMENT Appeals between 1-Apr-2014 and 31-May-2014

Planning Committee: 17 June, 2014

**Application Number:** E/13/1145 **Appeal Against:** Enforcement Appeal **Team:** Western Team

**Appeal Started:** 04/04/2014

**Location:** 53 Elmstead Avenue, Wembley, HA9 8NS

**Description:**

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

AND

Without planning permission, the creation of a new self-contained unit at the premises in part of the side extension

AND

Without planning permission, the erection of a rear dormer window

AND

Without planning permission, the widening of access on to the highway, the erection of new boundary walls and the formation of a hard surface to the front garden of the premises.

("the unauthorised development")

**Application Number:** E/13/1244 **Appeal Against:** Enforcement Appeal **Team:** Western Team

**Appeal Started:** 14/05/2014

**Location:** 8 Park Road, Wembley, HA0 4AT

**Description:**

Without planning permission, the erection of a building in the rear garden, the erection of a wooden canopy structure on to that building and the erection of a wooden rear extension to the premises.

("the unauthorised development")

AND

Without planning permission, the material change of use of the premises from a dwellinghouse to a mixed use as a dwellinghouse and as storage.

("the unauthorised change of use")

**Application Number:** E/13/1265 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

**Appeal Started:** 29/04/2014

**Location:** 90 Walm Lane, London, NW2 4QY

**Description:**

Without planning permission, the installation of a new shop front and the erection of signs on the flank wall of the premises.

("the unauthorised development")

Received ENFORCEMENT Appeals between 1-Apr-2014 and 31-May-2014

Planning Committee: 17 June, 2014

**Application Number:** E/13/1272 **Appeal Against:** Enforcement Appeal **Team:** Southern Team  
**Appeal Started:** 08/05/2014

**Location:** 155 Purves Road, London, NW10 5TH

**Description:**

The change of use of the premises from a dwellinghouse to a mixed use as a dwellinghouse and a child care centre/nursery

("the unauthorised change of use")

**Application Number:** E/13/1295 **Appeal Against:** Enforcement Appeal **Team:** Western Team  
**Appeal Started:** 28/04/2014

**Location:** 60 Charterhouse Avenue, Wembley, HA0 3DB

**Description:**

The erection of a building in the rear garden in use as primary residential accommodation.

("the unauthorised development")

**Application Number:** E/14/0108 **Appeal Against:** Enforcement Appeal **Team:** Northern Team  
**Appeal Started:** 28/04/2014

**Location:** 49 Valley Drive, London, NW9 9NJ

**Description:**

The erection of a dwellinghouse in the rear garden of the premises

("the unauthorised development")

**Application Number:** E/14/0163 **Appeal Against:** Enforcement Appeal **Team:** Southern Team  
**Appeal Started:** 27/05/2014

**Location:** 32 Tunley Road, London, NW10 9JS

**Description:**

The erection of a single storey rear extension. This includes the extension down the side of the original rear projection.

("the unauthorised development")

**Application Number:** E/14/0169 **Appeal Against:** Enforcement Appeal **Team:** Southern Team  
**Appeal Started:** 16/04/2014

**Location:** 89 Kilburn High Road, London, NW6 6JE

**Description:**

The opening of the site to customers outside the hours of 0900 hours to 2300 hours, in breach of condition 4 of planning permission ref. APP/T5150/A/12/2173766 (12/0125), granted on 17 October 2012.

("the unauthorised breach of condition")

Received ENFORCEMENT Appeals between 1-Apr-2014 and 31-May-2014

Planning Committee: 17 June, 2014

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**Application Number:** E/14/0207 **Appeal Against:** Enforcement Appeal **Team:**  
**Appeal Started:** 27/05/2014

**Location:** 36 - 38 Ealing Road, Wembley, HA0 4TL

**Description:**

The erection of a hot food counter at the front of the premises and the change of use of the forecourt of the premises from retail to mixed use as retail and hot food take away.

("The unauthorised development")



## Decisions on PLANNING Appeals between 1-Apr-2014 and 31-May-2014

Planning Committee: 17-Jun-2014

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**Application Number:** 12/3233 **PINSRefNo** A/13/2207723 **Team:** Southern Team

**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 28/04/2014

**Location:** Flats 1-6 at 51, 53, 57, Flats 1-5 at 55, 63, Flats 1-4 at 59, Flats 1-8 at 61 INC, 51-63

**Proposal:** High Road, London, NW10

Demolition of existing pitched roofs, removal of existing chimney pots to nos 51-63 High Road, demolition of existing gable to no 51-53 and erection of replacement Dutch gable, to enable the erection of a third floor roof extension to provide 6 self contained flats with private external terraces, plus the installation of replacement windows to all flats facing High Road, installation of Communal satellite dishes and terrestrial ariels to each property, reduction of side brickwork panel to no.63 High Road, removal of brick pilaster to side elevation of No.63 High Road (as amended 30/01/2013).

---

**Application Number:** 12/3234 **PINSRefNo** A/13/2208494 **Team:** Southern Team

**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 28/04/2014

**Location:** Flats 1-6 at 51, 53, 57, Flats 1-5 at 55, 63, Flats 1-4 at 59, Flats 1-8 at 61 INC, 51-63

**Proposal:** High Road, London, NW10

Conservation Area consent for reduction of side brickwork panel to no.63 High Road, removal of brick pilaster to side elevation of No.63 High Road, removal of existing chimney pots to nos 51-63 High Road, removal of all pitched roofs to nos 51-63 High Road, removal of pitched gable to nos 51 & 53 High Road, removal of all windows fronting Willesden Green High Road in association with full planning application ref:12/3233 ...erection of a third floor roof extension to provide 6 self contained flats with private external terraces, plus the installation of replacement windows to all flats facing High Road, installation of Communal satellite dishes and terrestrial ariels to each property, reduction of side brickwork panel to no.63 High Road, removal of brick pilaster to side elevation of No.63 High Road (as amended 30/01/2013).

---

**Application Number:** 12/3350 **PINSRefNo** D/13/2192396 **Team:** Southern Team

**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 29/04/2014

**Location:** 14 Irwin Gardens, London, NW10 3AS

**Proposal:**

Conversion of garage to habitable space, including removal of garage door and installation of new front window, and new first floor side and rear extension to dwellinghouse

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**Application Number:** 13/0393 **PINSRefNo** A/13/2200504 **Team:** Southern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 13/05/2014

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

**Proposal:**

Demolition of three existing garages and erection of a two-storey dwellinghouse (amended scheme from application ref: 11/2884)(subject to Section 106 of the Town and Country Planning Act 1990, as amended)

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**Application Number:** 13/0422 **PINSRefNo** A/13/2205129 **Team:** Southern Team

**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 14/04/2014

**Location:** 1-58 (inc) Kingsley Court, Park Avenue, London, NW2 5TH

**Proposal:**

Installation of six replacement antennas, a proposed 600mm dish and installation of three equipment cabinets to replace the existing two cabinets on the roof of existing six storey residential building at Kingsley Court.

## Decisions on PLANNING Appeals between 1-Apr-2014 and 31-May-2014

Planning Committee: 17-Jun-2014

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**Application Number:** 13/0549 **PINSRefNo** X/13/2202147 **Team:** Northern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 02/04/2014

**Location:** 92 Kingsbury Road, London, NW9 0AX

**Proposal:**

Certificate of lawfulness for proposed detached outbuilding in rear garden of dwellinghouse

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**Application Number:** 13/0612 **PINSRefNo** X/13/2207846 **Team:** Northern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 11/04/2014

**Location:** Former Oriental City, 399 Edgware Road, Kingsbury, London, NW9

**Proposal:**

Certificate of lawfulness for proposed use of retail floorspace approved under permission 90/1727 dated 14 January 1992 for unrestricted purposes within the Use Class A1

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**Application Number:** 13/1028 **PINSRefNo** A/13/2208928 **Team:** Southern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 30/04/2014

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

**Proposal:**

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

---

**Application Number:** 13/1190 **PINSRefNo** /A/13/2206954 **Team:** Northern Team

**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 14/05/2014

**Location:** Garages Merley Court rear of 11-13, Mallard Way, London

**Proposal:**

Demolition of existing garages and erection of 5 No. x 1 bedroom two storey dwellinghouses with associated hard and soft landscaping and amendments to existing parking/ landscaping layout to Merley Court.

---

**Application Number:** 13/1299 **PINSRefNo** **Team:** Southern Team

**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 14/04/2014

**Location:** Kingsley Court, St Paul's Avenue, NW2 5TH

**Proposal:**

Application for Listed Building Consent for development to replace 6 No. antennas on existing supports, add 1No 600mm Dish on an existing support pole, remove 2No equipment cabinets and install 3No. Equipment Cabinets on the existing steel grillage and ancillary development, to include a cable tray to be placed on the roof.

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**Application Number:** 13/1358 **PINSRefNo** A/13/2205179 **Team:** Southern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 02/04/2014

**Location:** 169-171 Cricklewood Broadway, London, NW2 3JB

**Proposal:**

Erection of additional floor to create 1 self contained flat

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**Application Number:** 13/1711 **PINSRefNo** D/13/2205377 **Team:** Southern Team

**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 30/04/2014

**Location:** 126 Herbert Gardens, London, NW10 3BP

**Proposal:**

Certificate of lawfulness for proposed side roof extensions, rear dormer window and 2 front and 2 rear rooflights to dwellinghouse

## Decisions on PLANNING Appeals between 1-Apr-2014 and 31-May-2014

Planning Committee: 17-Jun-2014

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**Application Number:** 13/1712 **PINSRefNo** X/13/2204818 **Team:** Southern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 24/04/2014

**Location:** 64 Okehampton Road, London, NW10 3EP

**Proposal:**

Certificate of lawfulness for proposed removal of existing dormers and erection of a side to rear dormer window and 6 rooflights to the roofslope of dwellinghouse

---

**Application Number:** 13/1730 **PINSRefNo** A/13/2210196 **Team:** Southern Team

**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 08/05/2014

**Location:** 56 Station Road, London, NW10 4UA

**Proposal:**

Change of use of existing shop unit (use class A1) to mixed use comprising A1 and data-controlled administrative booking office for private hire vehicles (Use Class Sui Generis)

---

**Application Number:** 13/1742 **PINSRefNo** D/13/2207400 **Team:** Southern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 06/05/2014

**Location:** 40A The Avenue, London, NW6 7NP

**Proposal:**

Demolition of storage area and raised terrace to the rear, conversion of the garage into a habitable room and erection of a single storey side to rear extension with a basement level to ground floor flat.

---

**Application Number:** 13/1830 **PINSRefNo** D/13/2207469 **Team:** Southern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 19/05/2014

**Location:** 33C Brondesbury Road, London, NW6 6BA

**Proposal:**

Enlargement of existing rear roof terrace to first floor flat

---

**Application Number:** 13/1946 **PINSRefNo** A/14/2212838 **Team:** Southern Team

**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 22/05/2014

**Location:** 51 Salusbury Road, London, NW6 6NJ

**Proposal:**

Proposed change of window to side elevation of restaurant facing Brondesbury Road

---

**Application Number:** 13/1977 **PINSRefNo** A/13/2205500 **Team:** Southern Team

**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 29/04/2014

**Location:** GARAGES N/T 14, GLADSTONE COURT, Anson Road, London, NW2

**Proposal:**

Erection of a two storey two bedroom dwellinghouse with associated hard and soft landscaping

---

**Application Number:** 13/2133 **PINSRefNo** A/13/2207636 **Team:** Southern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 20/05/2014

**Location:** 4A Chatsworth Road, London, NW2 4BN

**Proposal:**

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

## Decisions on PLANNING Appeals between 1-Apr-2014 and 31-May-2014

Planning Committee: 17-Jun-2014

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**Application Number:** 13/2157 **PINSRefNo** X/13/2205979 **Team:** Southern Team

**Appeal Decision:** Appeal withdrawn **Appeal Decision Date:** 24/04/2014

**Location:** 55 Ballogie Avenue, London, NW10 1SU

**Proposal:**

Certificate of lawfulness for proposed single storey rear extension to dwellinghouse.

---

**Application Number:** 13/2472 **PINSRefNo** A/13/2211020 **Team:** Southern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 16/04/2014

**Location:** All flats at 91, 93 & 95 Cricklewood Broadway, London, NW2 3JG

**Proposal:**

Erection of second and third floor rear extensions; erection of additional storey to main building with front mansard at roof level (to create 4 storey building) to create three new self contained flats (2 x 2 bed, 1 x studio flat) and improvements to four existing studio flats and associated alterations including new bin store, soft landscaping and bicycle store in the rear service area (revised description).

---

**Application Number:** 13/2970 **PINSRefNo** **Team:** Northern Team

**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 11/04/2014

**Location:** 14 Westward Way, Harrow, HA3 0SE

**Proposal:**

proposed outbuilding to dwellinghouse

---

**Application Number:** 13/3251 **PINSRefNo** A/14/2213313 **Team:** Northern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 21/05/2014

**Location:** 34 & 35 Burns Road, Wembley, HA0 1JR

**Proposal:**

Extension and conversion of a House in Multiple Occupation (Use Class C4) and a dwelling house (Use Class C3) to create four self-contained flats (1x3-bed & 3x2-bed) at 34-35 Burns Road

---

**Application Number:** 13/3328 **PINSRefNo** A/14/2211535 **Team:** Southern Team

**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 02/05/2014

**Location:** 43 Dollis Hill Lane, London, NW2 6JH

**Proposal:**

Retrospective application for retention of a single storey rear extension to dwellinghouse

---

**Application Number:** 13/3431 **PINSRefNo** APP/T5150/D/14/2214565 **Team:** Northern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 11/04/2014

**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:** 13/3651 **PINSRefNo** APP/T5150/D/14/2216491 **Team:** Northern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 13/05/2014

**Location:** 29 Barn Hill, Wembley, HA9 9LF

**Proposal:**

Proposed extension to infill the existing front porch of dwellinghouse

## Decisions on PLANNING Appeals between 1-Apr-2014 and 31-May-2014

Planning Committee: 17-Jun-2014

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**Application Number:** 13/3828 **PINSRefNo** APP/T5150/D/14/2215016 **Team:** Northern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 16/05/2014

**Location:** 48 Mount Stewart Avenue, Harrow, HA3 0JU

**Proposal:**

Retention of replacement of windows and door with double glazed UPVC to front elevation of dwellinghouse (Article 4 Direction) (revised description)

---

**Application Number:** 13/3890 **PINSRefNo** APP/T5150/D/14/2214968 **Team:** Northern Team

**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 15/04/2014

**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:** 13/3967 **PINSRefNo** D/14/2216768 **Team:** Northern Team

**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 14/05/2014

**Location:** 147 Salmon Street, London, NW9 8NG

**Proposal:**

Removal of existing gable end extension and rear dormer window. Erection of two storey/part two storey side and part single storey rear extension plus rear dormer window incorporating 1 x side, 1 x back and 1 x front rooflights to dwellinghouse.

---

**Application Number:** 14/0088 **PINSRefNo** APP/T5150/D/14/2216171 **Team:** Southern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 07/05/2014

**Location:** RUTLAND, 18T Brondesbury Park, Kilburn, London, NW6 7DL

**Proposal:**

Retention of two storey side extension to dwellinghouse

---

**Application Number:** 14/0090 **PINSRefNo** APP/T5150/D/14/2216174 **Team:** Southern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 07/05/2014

**Location:** RUTLAND, 18T Brondesbury Park, Kilburn, London, NW6 7DL

**Proposal:**

Retention of front boundary wall and gates and side boundary fence above walls of dwellinghouse

---

**Application Number:** 14/0181 **PINSRefNo** D/14/2216431 **Team:** Southern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 14/05/2014

**Location:** 17 Wren Avenue, London, NW2 6UG

**Proposal:**

Demolition of existing single storey garage and single storey rear extension, erection of a two storey side extension and part two, part single storey rear extension to dwellinghouse

Decisions on PLANNING Appeals between 1-Apr-2014 and 31-May-2014

Planning Committee: 17-Jun-2014

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**Application Number:** 14/0228 **PINSRefNo** APP/T5150/D/14/2214759 **Team:** Northern Team**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 17/04/2014**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

**Decisions on ENFORCEMENT Appeals between 1-Apr-2014 and 31-May-2014**  
**Planning Committee: 17 June, 2014**

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**Application Number:** E/11/0566 **PINSRefNo** C/12/2173850 **Team:** Southern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 22/05/2014

**Location:** Flats 1-5, 76 Donnington Road, London, NW10 3QU

**Proposal:**

Without planning permission, the erection of a single storey extension to existing outbuilding in rear garden of the premises.

("The unauthorised development")

---

**Application Number:** E/12/0053 **PINSRefNo** C/13/2208180 **Team:** Western Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 22/05/2014

**Location:** Harrowdene House, 86 Harrowdene Road, Wembley, HA0 2JF

**Proposal:**

Without planning permission:

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

("the unauthorised change of use and development")

---

**Application Number:** E/12/0241 **PINSRefNo** C/13/2204990 **Team:** Southern Team

**Appeal Decision:** Appeal part dismissed / part allowed **Appeal Decision Date:** 08/04/2014

**Location:** 91 Neasden Lane, London, NW10 2UE

**Proposal:**

Without planning permission, the erection of a two storey extension to the side of the premises

("the unauthorised development")

AND

Without planning permission, the change of use of the premises into 4 self contained flats.

("the unauthorised change of use")

---

**Application Number:** E/12/0347 **PINSRefNo** C/13/2203112 **Team:** Southern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 17/04/2014

**Location:** 25 Rowdon Avenue, London, NW10 2AJ

**Proposal:**

Without planning permission, the erection of solar panels located on top of the roof, erection of side dormer window facing No. 23 Rowdon Avenue and installation of 2 side windows at first floor level to the premises

("the unauthorised development")



**Decisions on ENFORCEMENT Appeals between 1-Apr-2014 and 31-May-2014**  
**Planning Committee: 17 June, 2014**

**Application Number:** E/13/0141 **PINSRefNo** APP/T5150/C/13/2206740 **Team:** Northern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 29/04/2014

**Location:** 2 Beverley Gardens, Wembley, HA9 9QY

**Proposal:**

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

("the unauthorised development")

**Application Number:** E/13/0146 **PINSRefNo** C/13/2201393&A/13/2192396 **Team:** Southern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 29/04/2014

**Location:** 14 Irwin Gardens, London, NW10 3AS

**Proposal:**

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

("The unauthorised development")

**Application Number:** E/13/0160 **PINSRefNo** C/13/2206227&2206228 **Team:** Northern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 16/05/2014

**Location:** 61A Beverley Gardens, Wembley, HA9 9RB

**Proposal:**

Without planning permission, the erection of a new dwelling.

("the unauthorised development")

**Application Number:** E/13/0169 **PINSRefNo** C/13/2198526 **Team:** Western Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 02/04/2014

**Location:** 21 Eton Avenue, Wembley, HA0 3AZ

**Proposal:**

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

("The unauthorised development")

**Application Number:** E/13/0226 **PINSRefNo** C/13/2208508 **Team:** Northern Team

**Appeal Decision:** Appeal Dismissed **Appeal Decision Date:** 16/04/2014

**Location:** 4 Gladstone Parade, Edgware Road, Cricklewood, London, NW2 6JS

**Proposal:**

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

("the unauthorised development")

**Application Number:** E/13/0284 **PINSRefNo** C/13/2203468 **Team:** Northern Team

**Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 25/04/2014

**Location:** 25 Limesdale Gardens, Edgware, HA8 5JD

**Proposal:**

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

The unauthorised erection of a raised terrace in the rear garden of the premises.

("The unauthorised development")



Decisions on ENFORCEMENT Appeals between 1-Apr-2014 and 31-May-2014  
Planning Committee: 17 June, 2014

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**Application Number:** E/13/0508 **PINSRefNo** C/13/2210267

**Team:** Western Team

**Appeal Decision:** Appeal Dismissed

**Appeal Decision Date:** 07/05/2014

**Location:** 15 Park Road, Wembley, HA0 4AS

**Proposal:**

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

("The unauthorised development")

---

**Application Number:** E/13/0586 **PINSRefNo** C/13/2203292

**Team:** Northern Team

**Appeal Decision:** Appeal Dismissed

**Appeal Decision Date:** 02/04/2014

**Location:** 61 Sunnymead Road, London, NW9 8BS

**Proposal:**

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

("the unauthorised development")

---

**Application Number:** E/13/0926 **PINSRefNo** C/13/2206778&2206782

**Team:** Northern Team

**Appeal Decision:** Appeal part dismissed / part allowed

**Appeal Decision Date:** 02/04/2014

**Location:** 9 Whitby Gardens, London, NW9 9TU

**Proposal:**

Without planning permission, the erection of a rear dormer window, roof extension and the increase in height of the ridge of the roof.

("the unauthorised development")

---

**Application Number:** E/13/0927 **PINSRefNo** C/13/2206782

**Team:** Northern Team

**Appeal Decision:** Appeal part dismissed / part allowed

**Appeal Decision Date:** 02/04/2014

**Location:** 12 Whitby Gardens, London, NW9 9TT

**Proposal:**

Without planning permission, the erection of a rear dormer window, roof extension and the increase in height of the ridge of the roof.

("the unauthorised development")

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**PLANNING SELECTED appeal DECISIONS between  
1-Apr-2014 and 31-May-2014  
Planning Committee: 17 June, 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:

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**Our reference:** 12/3233 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 28/04/2014

**Team:** Southern Team

**Location:** Flats 1-6 at 51, 53, 57, Flats 1-5 at 55, 63, Flats 1-4 at 59, Flats 1-8 at 61 INC, 51-63

**Proposal:** High Road, London, NW10

Demolition of existing pitched roofs, removal of existing chimney pots to nos 51-63 High Road, demolition of existing gable to no 51-53 and erection of replacement Dutch gable, to enable the erection of a third floor roof extension to provide 6 self contained flats with private external terraces, plus the installation of replacement windows to all flats facing High Road, installation of Communal satellite dishes and terrestrial ariels to each property, reduction of side brickwork panel to no.63 High Road, removal of brick pilaster to side elevation of No.63 High Road (as amended 30/01/2013).

---

**Our reference:** 12/3234 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 28/04/2014

**Team:** Southern Team

**Location:** Flats 1-6 at 51, 53, 57, Flats 1-5 at 55, 63, Flats 1-4 at 59, Flats 1-8 at 61 INC, 51-63

**Proposal:** High Road, London, NW10

Conservation Area consent for reduction of side brickwork panel to no.63 High Road, removal of brick pilaster to side elevation of No.63 High Road, removal of existing chimney pots to nos 51-63 High Road, removal of all pitched roofs to nos 51-63 High Road, removal of pitched gable to nos 51 & 53 High Road, removal of all windows fronting Willesden Green High Road in association with full planning application ref:12/3233 ...erection of a third floor roof extension to provide 6 self contained flats with private external terraces, plus the installation of replacement windows to all flats facing High Road, installation of Communal satellite dishes and terrestrial ariels to each property, reduction of side brickwork panel to no.63 High Road, removal of brick pilaster to side elevation of No.63 High Road (as amended 30/01/2013).

---

**Our reference:** 12/3350 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 29/04/2014

**Team:** Southern Team

**Location:** 14 Irwin Gardens, London, NW10 3AS

**Proposal:**

Conversion of garage to habitable space, including removal of garage door and installation of new front window, and new first floor side and rear extension to dwellinghouse

---

**Our reference:** 13/0422 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 14/04/2014

**Team:** Southern Team

**Location:** 1-58 (inc) Kingsley Court, Park Avenue, London, NW2 5TH

**Proposal:**

Installation of six replacement antennas, a proposed 600mm dish and installation of three equipment cabinets to replace the existing two cabinets on the roof of existing six storey residential building at Kingsley Court.

---

**Our reference:** 13/1190 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 14/05/2014

**Team:** Northern Team

**Location:** Garages Merley Court rear of 11-13, Mallard Way, London

**Proposal:**

Demolition of existing garages and erection of 5 No. x 1 bedroom two storey dwellinghouses with associated hard and soft landscaping and amendments to existing parking/ landscaping layout to Merley Court.

---

**Our reference:** 13/1299 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 14/04/2014

**Team:** Southern Team

**Location:** Kingsley Court, St Paul's Avenue, NW2 5TH

**Proposal:**

Application for Listed Building Consent for development to replace 6 No. antennas on existing supports,

**PLANNING SELECTED appeal DECISIONS between  
1-Apr-2014 and 31-May-2014  
Planning Committee: 17 June, 2014**

add 1No 600mm Dish on an existing support pole, remove 2No equipment cabinets and install 3No. Equipment Cabinets on the existing steel grillage and ancillary development, to include a cable tray to be placed on the roof.

---

**Our reference:** 13/1711 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 30/04/2014

**Team:** Southern Team

**Location:** 126 Herbert Gardens, London, NW10 3BP

**Proposal:**

Certificate of lawfulness for proposed side roof extensions, rear dormer window and 2 front and 2 rear rooflights to dwellinghouse

---

**Our reference:** 13/1730 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 08/05/2014

**Team:** Southern Team

**Location:** 56 Station Road, London, NW10 4UA

**Proposal:**

Change of use of existing shop unit (use class A1) to mixed use comprising A1 and data-controlled administrative booking office for private hire vehicles (Use Class Sui Generis)

---

**Our reference:** 13/1946 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 22/05/2014

**Team:** Southern Team

**Location:** 51 Salusbury Road, London, NW6 6NJ

**Proposal:**

Proposed change of window to side elevation of restaurant facing Brondesbury Road

---

**Our reference:** 13/1977 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 29/04/2014

**Team:** Southern Team

**Location:** GARAGES N/T 14, GLADSTONE COURT, Anson Road, London, NW2

**Proposal:**

Erection of a two storey two bedroom dwellinghouse with associated hard and soft landscaping

---

**Our reference:** 13/2970 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 11/04/2014

**Team:** Northern Team

**Location:** 14 Westward Way, Harrow, HA3 0SE

**Proposal:**

proposed outbuilding to dwellinghouse

---

**Our reference:** 13/3328 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 02/05/2014

**Team:** Southern Team

**Location:** 43 Dollis Hill Lane, London, NW2 6JH

**Proposal:**

Retrospective application for retention of a single storey rear extension to dwellinghouse

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**Our reference:** 13/3890 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 15/04/2014

**Team:** Northern Team

**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

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**Our reference:** 13/3967 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 14/05/2014

**Team:** Northern Team

**Location:** 147 Salmon Street, London, NW9 8NG

**Proposal:**

Removal of existing gable end extension and rear dormer window. Erection of two storey/part two storey side and part single storey rear extension plus rear dormer window incorporating 1 x side, 1 x back and 1 x front rooflights to dwellinghouse.

**PLANNING SELECTED appeal DECISIONS between  
1-Apr-2014 and 31-May-2014  
Planning Committee: 17 June, 2014**

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**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](mailto:tps@brent.gov.uk)

Chris Walker, Assistant Director - Planning and Development

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**ENFORCEMENT SELECTED appeal DECISIONS between**  
**1-Apr-2014 and 31-May-2014**  
**Planning Committee: 17 June, 2014**

**Introduction**

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

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<b>Our reference:</b> E/12/0241	<b>Appeal Decision Date:</b> 08/04/2014
<b>Team:</b> Southern Team	<b>Appeal Decision:</b> Appeal part dismissed / part allowed

**Location:** 91 Neasden Lane, London, NW10 2UE

**Proposal:**  
Without planning permission, the erection of a two storey extension to the side of the premises

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<b>Our reference:</b> E/13/0284	<b>Appeal Decision Date:</b> 25/04/2014
<b>Team:</b> Northern Team	<b>Appeal Decision:</b> Appeal Allowed

**Location:** 25 Limesdale Gardens, Edgware, HA8 5JD

**Proposal:**  
The unauthorised erection of a building in the rear garden of the premises.

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<b>Our reference:</b> E/13/0926	<b>Appeal Decision Date:</b> 02/04/2014
<b>Team:</b> Northern Team	<b>Appeal Decision:</b> Appeal part dismissed / part allowed

**Location:** 9 Whitby Gardens, London, NW9 9TU

**Proposal:**  
Without planning permission, the erection of a rear dormer window, roof extension and the increase in height of the ridge of the roof.

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<b>Our reference:</b> E/13/0927	<b>Appeal Decision Date:</b> 02/04/2014
<b>Team:</b> Northern Team	<b>Appeal Decision:</b> Appeal part dismissed / part allowed

**Location:** 12 Whitby Gardens, London, NW9 9TT

**Proposal:**  
Without planning permission, the erection of a rear dormer window, roof extension and the increase in height of the ridge of the roof.

**Background Information**

Any persons wishing to inspect appeal decision letters not set out in full on the agenda should contact the Planning Service Technical Support Team, The Planning Service, Brent House, 349 High Road, Wembley, HA9 6BZ.

Chris Walker, Assistant Director - Planning and Development

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## Appeal Decision

Site visit made on 19 February 2014

by **Susan Wraith DipURP MRTPI**

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

Decision date: 8 April 2014

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**Appeal Ref: APP/T5150/C/13/2204990**

**91 Neasden Lane, London, NW10 2UE**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr S Chana against an enforcement notice issued by the London Borough of Brent.
- The notice was issued on 30 July 2013.
- The breach of planning control as alleged in the notice is:
  - Without planning permission, the erection of a two storey extension to the side of the premises AND Without planning permission, the change of use of the premises into 4 self contained flats.
- The requirements of the notice are:
  - STEP 1 Cease the use of the premises as 4 flats, remove all kitchens/cooking facilities, except ONE, remove all associated materials and debris associated with the unauthorised use from the premises and restore the premises back into a single flat.
  - STEP 2 Demolish the two storey extension to the side of the premises, remove all materials arising from that demolition and remove all materials associated with the unauthorised development.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a)(f) and (g) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: The appeal succeeds in part and permission for that part is granted, but otherwise the appeal fails, and the enforcement notice as corrected is upheld as set out below in the Formal Decision.**

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### The enforcement notice

1. In Schedule 2 the Council has framed the allegation in two parts. Firstly the erection of a two storey side extension is alleged and, secondly, the allegation identifies a change of use of the premises to 4 self contained flats. From the evidence of both parties and the appellant's response to the planning contravention notice it appears the works to erect the extension and convert the property to flats were undertaken at the same time as a single development. However, the two elements are identified separately and I shall consider each accordingly.
2. At Schedule 4 Step 1 the enforcement notice requires cessation of the use of the premises as "4 flats". However, under s173(11) of the Act where a notice could have required activities to cease but does not do so planning permission shall be treated as having been granted for the remainder once the requirements of the notice have been complied with. In other words, by

specifying the cessation of "4 flats", 3 or 2 flats could continue. Clearly this is not what the Council intended or what the appellant has understood. I shall correct the notice by removing reference to the number of flats. I can do so without injustice to either of the main parties under the powers of s176(1)(a) of the Act.

3. I also intend, at Schedule 4 Step 1, to correct the notice by deleting the words "and restore the premises back into a single flat". An enforcement notice cannot require a former use to be reinstated or introduce a new use. This is an excessive requirement which goes further than is necessary to remedy the breach. I shall, however, include a requirement that the property and land is returned to its condition prior to the breach. It would be more appropriate for this to follow the requirements at Step 2. These are also corrections I can make without injustice to either of the parties under the powers of s176(1)(a).

### **The appeal on ground (a)**

#### *Main issues*

4. In respect of the two storey extension, the main issue is the effect upon the character and appearance of the area.
5. In respect of the use as 4 flats, the main issues are:
  - i. Whether the development provides for acceptable living conditions for the occupiers; and
  - ii. The effect upon neighbouring residents in terms of accessibility to on street parking.

#### *The extension – effect upon the character and appearance of the area*

6. The Council considers that the two storey extension alters the character of the building, is an excessive addition to the original roof plane and adds significant bulk. However, the Council granted planning permission in 2005 for a two storey extension (application number 05/1715) (the 2005 permission) which in terms of its external appearance, size and design was the same (in all material respects) as that which has been built. I am not aware of any material change in circumstances since the time of that earlier decision.
7. The area has a mixed residential and commercial character with a variety of building styles. There is a prevalence of terraced properties fronting Neasden Lane in the vicinity of the site, the appeal property itself being at the end of a terrace of similar properties.
8. The two storey side extension continues in the same front plane as the rest of the terrace and to the same ridge height and eaves level. It appears as a natural part of the terrace. Whilst built to the boundary, a visual gap is maintained between it and the differently designed flat roofed building of the adjacent petrol filling station.
9. I note that the Council's design guidance generally encourages that extensions to residential properties are set back from the frontage and down from the ridge. However, in this particular case the extension is seen as part

of the terrace and is not unduly dominant. It forms an acceptable addition to the property within the street scene.

10. The extension is of appropriate design and fits well within its context. It does not cause harm to the character and appearance of the area. There is no conflict with the aims of policies BE2 and BE9 of the London Borough of Brent Unitary Development Plan.

*Use as 4 flats - occupiers living conditions*

11. The appellant has not taken issue with the requirement to cease the use as 4 flats. At the time of my visit I saw that all but one of the kitchens had been removed and that works were in progress to discontinue the use as flats.
12. The Council is broadly supportive of conversions as a means of increasing the overall housing stock within the Borough. However, this is only where acceptable living standards for the occupiers can be met. In this case the room size and floor space of the residential units does not meet the standards set out in the Council's supplementary planning guidance and the London Plan. The units are cramped and do not provide for comfortable living. There is very little outside space which lacks bin storage and cycle storage facilities.
13. The development does not provide adequate living standards for the occupiers of the 4 flats. The development is thus contrary to policy H18 of the London Borough of Brent Unitary Development Plan, policy 3.5 of the London Plan and Supplementary Planning Guidance No.17, Design Guide for New Development.

*Use as 4 flats – effect upon on street car parking*

14. The property has no off street parking. The development cannot meet the parking standards which are set out in the Unitary Development Plan.
15. The area is well served by public transport. The occupiers of the property have a choice of transport modes. Even so, it is likely that the use as 4 flats will place some additional demands for on street car parking.
16. The surrounding streets are heavily parked. Even a small increase in the demand for on street parking is likely to give rise to inconvenience to other residents in the area and the use will add to the already high demand for parking in the locality.
17. For these reasons the change of use to 4 flats is unacceptable because of its lack of car parking. It is thus contrary to policies H19 and PS14 of the London Borough of Brent Unitary Development Plan.

*Conclusions on ground (a)*

18. Although there is no harm to the character and appearance of the area arising from the extension there is substantial harm arising from the use as 4 flats in terms of the substandard living conditions for occupants and inconvenience to local residents arising from additional on street parking demands. As the two elements of the allegation (the extension and the change of use to 4 flats) are severable one from the other it is possible for me to issue a split decision. Therefore, I conclude that the appeal on ground (a) should succeed in relation to the two storey side extension. However, in

relation to the change of use to 4 flats, I conclude that the appeal on ground (a) should fail.

19. In respect of the two storey extension, I consider that to protect the privacy of the occupiers of the adjacent property a condition restricting the construction of windows in the flank elevation is necessary (similar to that imposed by the Council on the 2005 permission). It is also necessary to impose a condition limiting the use of the extension to living accommodation associated with the main dwellinghouse, that being the use intended by the 2005 permission. I shall grant planning permission with conditions for that part of the application deemed to have been made under s177(5) of the Act as amended. I shall refuse to grant permission for the remainder, that is the change of use to 4 flats.
20. In making this decision I am mindful that, under the provisions at s180 of the Act, the requirements of the upheld notice will cease to have effect so far as they are inconsistent with the planning permission granted.
21. As I am granting permission for the extension there is no need for me to consider the appeal on grounds (f) and (g) so far as it relates to the extension. I shall proceed to consider the appeal on grounds (f) and (g) with particular regard to the change of use to 4 flats.

#### **The appeal on ground (f)**

22. S173 of the Act states that there are two purposes which the requirements of an enforcement notice can seek to achieve. The first (s173(4)(a)) is to remedy the breach of planning control which has occurred. The second (s173(4)(b)) is to remedy any injury to amenity which has been caused by the breach. An appeal on ground (f) is constrained by the Council's purpose in issuing the notice.
23. It is clear from the requirements of the notice that the Council is seeking a complete remedy of the breach. Its purpose in issuing the notice thus falls within (s173(4)(a)). It follows, therefore, that the appeal under ground (f) is confined to the consideration of whether the requirements exceed what is necessary to achieve that purpose.
24. The requirements of Schedule 4 Step 1 (as I intend to correct them), to cease the use and remove the kitchens except one, do no more than is necessary to secure the cessation in the use of the premises as flats. They are not excessive for the purpose of remedying the breach.
25. The appellant has drawn attention to the requirement to restore the premises back to a single flat. As stated in paragraph 3 above this is a matter which I intend to deal with as a correction to the notice. I will remove this part of the requirement.
26. The appellant has requested a requirement that the former dwellinghouse use is reinstated. Under s57(4) of the Act, where an enforcement notice has been issued in respect of development of land planning permission is not required for its use for the purpose for which it could lawfully have been used if that development had not been carried out. In other words, any previous lawful rights to use the property as a dwellinghouse have not been taken away by the enforcement notice. It is not necessary, and would be excessive



in any event, to include a requirement to reinstate the former use within the notice.

27. For the reasons given above I conclude that there are no lesser steps for remedying the unauthorised change of use to 4 flats than those set out in the notice. The appeal on ground (f) fails.

#### **The appeal on ground (g)**

28. The appellant considers that a period of 6 months for compliance is too short, taking into account the obligations under the Housing Act 2004 and the need to serve notice on tenants. At my site visit I saw that works were already in progress towards discontinuing the use as flats and all but one of the kitchens had already been removed. Whilst a longer period might be helpful to the appellant and the occupiers this has to be balanced with the public interests of remedying the harm which has been identified in the enforcement notice. A period of 6 months is a reasonable time period to discontinue the use and carry out the works required by the notice bearing in mind that works are already in progress towards compliance. The appeal on ground (g) fails.

#### **Other matters**

29. Planning Guidance was published on 6 March 2014. A number of guidance notes and circulars (including Circular 10/95 referred to by the appellant) have been cancelled. I have considered the content of the Planning Guidance. In the light of the facts in this case the guidance does not alter my conclusions on any of the issues in this appeal.
30. The appellant has requested confirmation that the appeal fee is correct. I have seen correspondence between the parties and the Planning Inspectorate on this matter. The terms of the deemed application (and thus the fee) are derived from the allegation in the enforcement notice. The allegation relates to the formation of 4 flats. I have no reason to believe that the fee asked for was incorrect.

#### **Conclusion**

31. For the reasons given above I conclude that the appeal should succeed in part only, and I will grant planning permission for one part of the matter the subject of the enforcement notice, but otherwise I will uphold the notice with corrections and refuse to grant planning permission on the other part. The requirements of the upheld notice will cease to have effect so far as inconsistent with the permission which I will grant, by virtue of s180 of the Act.

#### **Formal Decision**

32. The enforcement notice is corrected by:
- (a) Deleting the wording of Schedule 4 Step 1 in its entirety and substituting the words "Cease the use of the premises as flats, remove all kitchens/cooking facilities, except ONE and remove all associated materials and debris associated with the unauthorised use from the premises."

- (b) Deleting the wording of Schedule 4 Step 2 in its entirety and substituting the words "Demolish the two storey extension to the side of the premises, remove all materials arising from that demolition and restore the premises to its condition before the unauthorised development took place".

The appeal is allowed insofar as it relates to the erection of the two storey extension to the side of the premises, and planning permission is granted on the application deemed to have been made under s177(5) of the 1990 Act as amended for the erection of the two storey extension to the side of the premises subject to the following conditions:

- (i) The use of the extension shall be limited to use as living accommodation associated with the dwellinghouse at 91 Neasden Lane.
- (ii) No windows or glazed doors shall be constructed in the flank elevation of the extension.

The appeal is dismissed and the enforcement notice is upheld as corrected for the change of use of the premises into 4 self contained flats, and planning permission is refused in respect of the change of use of the premises into 4 self contained flats, on the application deemed to have been made under s177(5) of the 1990 Act as amended.

*Susan Wraith*

Inspector

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## Appeal Decision

Site visit made on 19 February 2014

by **Susan Wraith DipURP MRTPI**

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

Decision date: 25 April 2014

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**Appeal Ref: APP/T5150/C/13/2203468**  
**25 Limesdale Gardens, Edgware, HA8 5JD**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr V H Khetani against an enforcement notice issued by the London Borough of Brent.
- The notice was issued on 29 July 2013.
- The breach of planning control as alleged in the notice is:
  - The unauthorised erection of a building in the rear garden of the premises.
  - The unauthorised erection of a raised terrace in the rear garden of the premises.
- The requirements of the notice are:
  - STEP 1 Demolish the building in the rear garden and remove all items and debris arising from that demolition and remove all materials associated with the unauthorised development from the premises.
  - STEP 2 Remove the raised platform/terrace in the rear garden and remove all materials associated with the unauthorised development from the premises.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

**Summary of decision: The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.**

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### Preliminary matter

1. Appeals were lodged by Mr V H Khetani and N V Khetani. In respect of the appeal by N V Khetani the prescribed fee was not paid within the specified period. The appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended do not fall to be considered. No further action is taken in respect of the appeal by N V Khetani.

### The deemed planning application

2. The deemed planning application under s177(5) takes its terms from the wording of the allegation.
3. The first allegation of the enforcement notice (at Schedule 2) concerns the erection of a building in the rear garden of the premises. The Council has not stated the intended use of the building in its description of the breach.



4. In its reasons for issuing the notice (at Schedule 3) the Council says that the building is not permitted development under Class E<sup>1</sup> because of its size and scale. Another reason given by the Council is that it suspects the creation of a separate residential unit of accommodation which is not incidental to the enjoyment of the dwellinghouse. The Council develops this argument in its statement and introduces another alternative, that the building could have been built with the intention of use for primary living accommodation (e.g. bedroom, bathroom, kitchen).
5. Irrespective of what the Council says it suspects, there doesn't appear to be any evidence of the building being used as a dwelling or being used for any other purpose at the present time. At my site visit I saw that the interior of the building was unfinished.
6. The allegation is the erection of a building. The deemed planning application is simply for that. I shall deal with the appeal accordingly.
7. The second allegation is the erection of a raised terrace. Again I shall deal with the deemed planning application and appeal accordingly.

#### **Main issues**

8. The main issue in respect of the building is the effect upon the living conditions of the occupiers of 23 and 27 Limesdale Gardens and 2 Birchwood Court with particular regard to outlook and daylight and sunlight.
9. The main issue in respect of the raised terrace is the effect upon the living conditions of the occupiers of 27 Limesdale Gardens with particular regard to privacy.

#### **Reasons**

##### *Effect upon outlook, daylight and sunlight (the building)*

10. The building is located at the end of the rear garden of the property. Because of the length of the rear gardens on Limesdale Gardens and 2 Birchwood Court, the building is some distance from neighbouring properties. The ground level slopes shallowly downwards in a south westerly direction from the main dwelling to the appeal building, and also downwards in a south easterly direction with the garden at number 27 being slightly higher and the garden at 23 being slightly lower than the appeal land.
11. The building is of single storey hipped roof design and set in from the boundaries. The roof rises from its eaves inwards so that its highest part, at the ridge, is some distance away from the neighbouring boundaries.
12. Taking into account the distance of the building from neighbouring dwellings, the slope of the land and the hipped roof design sloping inwards from the boundaries I do not consider that the building has an unreasonable effect upon the living conditions of neighbours in terms of outlook.
13. Bearing in mind the path of the sun the building is unlikely to result in unacceptable shadowing of the gardens of 23 Limeswood Gardens and 2

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<sup>1</sup> Class E of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 sets out permitted development rights for the erection of buildings within a dwelling curtilage required for a purpose incidental to the enjoyment of the dwellinghouse as such.

Birchwood Court. Although sited south of the boundary with number 27, taking into account its lower ground level and hipped roof design the building is not likely to unreasonably affect sunlight and daylight within the garden area of that property either.

14. The Council has expressed concern about the size of the building which spans much of the width of the garden, and its proximity to the boundaries. Similar concerns have been expressed by a neighbour. However, a building of this size and in this position could be erected without the need for planning permission, subject to a limitation on its height.
15. Under Class E the height limitation for a building within 2 metres of the boundary is 2.5 metres. I am told the appeal building is 2.5 metres at its eaves, rising to 3.9 metres at its ridge. At its eaves the building is at the permitted height. The extent to which works could have been undertaken under Class E and the extent of any additional impacts arising would have been matters for me to consider, had I not already found the building to be acceptable on its individual merits.
16. I acknowledge the Council's concerns about how the building may be used in the future. I note that the building has been constructed with electric and water supplies. The Council should be in a position to control future uses that are not incidental to the enjoyment of the dwellinghouse. I will ensure that this is possible through the imposition of a condition which limits the use.
17. The Council is concerned that such a condition would be onerous and difficult to monitor. However, all buildings constructed under permitted development rights are subject to such a limitation under the Town and Country Planning (General Permitted Development) Order 1995. It therefore follows that a similar restriction for development requiring planning permission would not be unreasonable.
18. I conclude that the building does not unreasonably affect the living conditions of neighbours in terms of outlook, daylight and sunlight. I find no conflict with policy BE9 of the Brent Unitary Development Plan, nor with policy CP1 of the Adopted Core Strategy.

*Effect upon privacy (the raised terrace)*

19. The terrace abuts the boundary with number 27. There is a fence to the boundary already which substantially screens views into the neighbouring garden. I find that there will be no unacceptable loss of privacy so long as a fence of 1.7 metre height measured from the surface of the terrace is in place. This can be required by a condition.
20. The Council have expressed concern that such a condition would give rise to an increased sense of enclosure for the occupants of the neighbouring property and would result in loss of light and amenity. However, taking the terrace and fence together, the overall height would not be unreasonable on a boundary between properties in a residential area. Having regard to the path of the sun, the daylight and sunlight enjoyed by the occupiers of number 27 would not be unduly affected.
21. Because of its distance to the boundary with number 23, and the existing boundary screening, there is no unreasonable effect upon the privacy of the occupiers of that property.

22. The Council has raised concerns about the terrace facilitating a more intense use. However, it is not unreasonable that a residential property has outside space which the occupiers can use for recreational purposes. This is not a consideration which alters my view on the acceptability of the terrace.
23. I conclude that there is no unreasonable effect upon the privacy of number 27 arising from the raised terrace that cannot be overcome by a condition. I find no conflict with policy BE9 of the Brent Unitary Development Plan, policy CP1 of the Adopted Core Strategy or Supplementary Planning Guidance no.5 "Altering and Extending Your Home".

#### *Other matters*

24. It has been suggested that the building is out of keeping with the character and appearance of the area. However, its materials are similar to those of the main dwelling and other nearby properties and there are other similar garden buildings in the locality. I do not find harm to the character and appearance of the area or any conflict with policy BE2 of Brent Unitary Development Plan.
25. The deemed application does not concern use of the building as a dwelling. I find no conflict with Policy H15 which relates to backland development.
26. The Council is concerned that, if allowed, the developments will set undesirable precedents. However, I have only found the developments acceptable in the particular circumstances of this case. Any other cases would need to be determined on their individual merits.

#### **Conclusion**

27. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted.

#### **Formal decision**

28. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a building in the rear garden of the premises and the erection of a raised terrace in the rear garden of the premises on the land at 25 Limesdale Gardens, Edgware, HA8 5JD referred to in the notice, subject to the following conditions:
- (i) The use of the building shall be limited to use for purposes incidental to the enjoyment of the dwellinghouse as such.
  - (ii) Unless within 1 month of the date of this decision a scheme for a screen fence of 1.7 metre height positioned to the boundary between the raised terrace and 27 Limesdale Gardens, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 2 months of the local planning authority's approval, the raised terrace shall be removed and all debris arising from that demolition shall be removed from the site; and if no scheme is approved within 12 months of the date of this letter, the raised terrace shall be removed and all debris arising from that demolition shall be removed from the site.

- (iii) Following implementation of any scheme approved pursuant to condition (ii) above, the fence shall thereafter be retained.

*Susan Wraith*

Inspector





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## Appeal Decision

Site visit made on 8 January 2014

**by Miss A Morgan BSc (Hons) MSc UP MRTPI**

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

Decision date: 2 April 2014

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**Appeal Ref: APP/T5150/C/13/2206778**

**9 Whitby Gardens, London, NW9 9TU**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr M Ali against an enforcement notice issued by the London Borough of Brent.
  - The notice was issued on 30 August 2013.
  - The breach of planning control as alleged in the notice is *without planning permission, the erection of a rear dormer window, roof extension and the increase in height of the ridge of the roof.*
  - The requirements of the notice are to *demolish the unauthorised rear dormer and roof extension, and return the ridgeline of the roof and the remaining (sic) of the roof to its original condition before the unauthorised development took place and to remove all materials and debris associated with that demolition from the premises.*
  - The period for compliance with the requirements is 6 months.
  - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
- 

### Decision

1. The enforcement notice is corrected by deletion of the word "remaining" in Schedule 4 and substitution with the word "remainder" and the insertion of "Step 2" before the second paragraph in Schedule 4. Subject to these corrections the appeal is allowed insofar as it relates to the rear dormer and roof extension and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the erection of a rear dormer window and roof extension at 9 Whitby Gardens, London, NW9 9TU subject to the following condition:
  - 1) Within 6 months from the date of this permission, the rear dormer window and roof extension shall be reduced in height in accordance with the drawing submitted, number WG9-1001, so as not to exceed the ridge height of the original dwellinghouse.
2. The appeal is dismissed and the enforcement notice is upheld as corrected insofar as it relates to the increase in the height of the ridge of the roof, and planning permission is refused in respect of the increase in height of the ridge of the roof on the application deemed to have been made under section 177(5) of the 1990 Act as amended.



### **Preliminary Matters**

3. It is apparent that the requirements of the enforcement notice contain a typing mistake and some missing text. I can correct the notice without injustice by deleting the word "remaining" and its substitution with the word "remainder" and inserting "Step 2" before the second paragraph in Schedule 4.
4. Planning Practice Guidance was published on 6 March 2014 and the content of the guidance has been considered but in light of the facts in this case the Planning Practice Guidance does not alter my conclusions.

### **Ground (a) and deemed application**

#### ***Main Issue***

5. The main issue is the effect of the development on the character and appearance of the dwelling and the surrounding area.

#### ***Reasons***

6. No.9 Whitby Gardens is a semi-detached house on an estate of similar houses. The road, Whitby Gardens, consists of hipped semi-detached houses. The unauthorised development has been built off the side and rear walls of the dwelling and takes up nearly the whole width of the roof and the ridge has been raised. The roof was originally hipped and has been 'gabled' as part of the development. The Council have argued that the development is neither appropriately designed nor sensitive to the character of the host dwelling or the locality, giving the dwelling a top heavy, incongruous appearance.
7. The rear dormer, particularly because of the increase in overall height above the original ridge, results in a large and bulky addition to the roof which appears too dominant on the host building and too visually disruptive to the rhythm of the roofscape and built form in the immediate neighbourhood of the appeal property. It unacceptably harms the character and appearance of the area. In so doing there is conflict with the relevant policies of the development plan and in particular with those which seek to achieve a high standard of design such as Unitary Development Plan Policy BE9 and the design advice set out in Supplementary Planning Guidance 5 – Altering and Extending your Home (SPG 5).
8. In its reasons for issuing the notice the Council says that the development is not permitted development because of the increase in the height of the roof. It is acknowledged that it is not possible to claim permitted development rights retrospectively. The time to determine whether an extension was permitted is at the time it was built. Nonetheless, the Appellant has offered to reduce the height so that it is commensurate with what might have been built as permitted development. Bearing in mind that the intention of the enforcement regime is remedial rather than punitive, it is considered that the appropriate response in this case would be to require the removal of that part of the development which, the Council says, took the whole beyond what could have been built without express permission.
9. Section 177(1) (a) of the Act enables the grant of planning permission for the matters alleged in the notice, whether in relation to the whole or any part. It is my intention to grant planning permission for the dormer window and roof



extension subject to a condition requiring a reduction in height in accordance with the drawing submitted, within the 6 months as suggested, and to refuse the increase in the height of the ridge of the roof.

10. To avoid the possibility of an inconsistent permission being granted by way of s173 (11), I will leave the enforcement notice as it is since, by virtue of s180 it would cease to have effect insofar as it is inconsistent with the planning permission being granted.
11. The appellant has referred me to a number of other similar developments in the surrounding area, in particular to a recent appeal decision, at Brinkburn Gardens. However these do not assist since I have considered this development in the specific context of the Whitby Gardens street scene.

#### **Other Matters**

12. I have also considered a letter and petition, signed by several neighbours, which have been submitted in support of the development, but these do not outweigh my conclusion on the main issue.

#### ***Conclusion on ground (a) and deemed application***

13. For the reasons given above I conclude that the appeal should succeed in part only, and I will grant planning permission for one part of the matter the subject of the enforcement notice, but otherwise I will uphold the notice with corrections and refuse to grant planning permission on the other part. The requirements of the upheld notice will cease to have effect so far as inconsistent with the permission which I will grant by virtue of S180 of the Act.

*Miss A Morgan*

Inspector





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## Appeal Decision

Site visit made on 8 January 2014

by Miss A Morgan BSc (Hons) MSc UP MRTPI

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

Decision date: 2 April 2014

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**Appeal Ref: APP/T5150/C/13/2206782**

**12 Whitby Gardens, London, NW9 9TT**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr N Yadev against an enforcement notice issued by the London Borough of Brent.
  - The notice was issued on 30 August 2013.
  - The breach of planning control as alleged in the notice is *without planning permission, the erection of a rear dormer window, roof extension and the increase in height of the ridge of the roof.*
  - The requirements of the notice are to *demolish the unauthorised rear dormer and roof extension, and return the ridge line of the roof and reinstate the rear part of the roof to its original condition before the unauthorised development took place and to remove all materials and debris associated with that demolition from the premises.*
  - The period for compliance with the requirements is 6 months.
  - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
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### Decision

1. The appeal is allowed insofar as it relates to the rear dormer and roof extension and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the erection of a rear dormer window and roof extension at 12 Whitby Gardens, London, NW9 9TT subject to the following condition:
  - 1) Within 6 months from the date of this permission, the rear dormer window and roof extension shall be reduced in height in accordance with the drawing submitted, number WG12-1001, so as not to exceed the ridge height of the original dwellinghouse.
2. The appeal is dismissed and the enforcement notice is upheld as corrected insofar as it relates to the increase in the height of the ridge of the roof, and planning permission is refused in respect of the increase in height of the ridge of the roof on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### **Preliminary Matters**

3. Planning Practice Guidance was published on 6 March 2014 and the content of the guidance has been considered but in light of the facts in this case the Planning Practice Guidance does not alter my conclusions.

### **Ground (a) and deemed application**

#### **Main Issue**

4. The main issue is the effect of the development on the character and appearance of the dwelling and the surrounding area.

#### **Reasons**

5. No.12 Whitby Gardens is a semi-detached house on an estate of similar houses. The road, Whitby Gardens, consists of hipped semi-detached houses. The unauthorised development has been built off the side and rear walls of the dwelling and takes up nearly the whole width of the roof and the ridge has been raised. The roof was originally hipped and has been 'gabled' as part of the development. The Council have argued that the development is neither appropriately designed nor sensitive to the character of the host dwelling or the locality, giving the dwelling a top heavy, incongruous appearance.
6. The rear dormer, particularly because of the increase in overall height above the original ridge, results in a large and bulky addition to the roof which appears too dominant on the host building and too visually disruptive to the rhythm of the roofscape and built form in the immediate neighbourhood of the appeal property. It unacceptably harms the character and appearance of the area. In so doing there is conflict with the relevant policies of the development plan and in particular with those which seek to achieve a high standard of design such as Unitary Development Plan Policy BE9 and the design advice set out in Supplementary Planning Guidance 5 – Altering and Extending your Home (SPG 5).
7. In its reasons for issuing the notice the Council says that the development is not permitted development because of the increase in the height of the roof. It is acknowledged that it is not possible to claim permitted development rights retrospectively. The time to determine whether an extension was permitted is at the time it was built. Nonetheless, the Appellant has offered to reduce the height so that it is commensurate with what might have been built as permitted development. Bearing in mind that the intention of the enforcement regime is remedial rather than punitive, it is considered that the appropriate response in this case would be to require the removal of that part of the development which, the Council says, took the whole beyond what could have been built without express permission.
8. Section 177(1) (a) of the Act enables the grant of planning permission for the matters alleged in the notice, whether in relation to the whole or any part. It is my intention to grant planning permission for the dormer window and roof extension subject to a condition requiring a reduction in height in accordance with the drawing submitted, within the 6 months as suggested, and to refuse the increase in the height of the ridge of the roof.

9. To avoid the possibility of an inconsistent permission being granted by way of s173 (11), I will leave the enforcement notice as it is since, by virtue of s180 it would cease to have effect insofar as it is inconsistent with the planning permission being granted.
10. The appellant has referred me to a number of other similar developments in the surrounding area, in particular to a recent appeal decision, at Brinkburn Gardens. However these do not assist since I have considered this development in the specific context of the Whitby Gardens street scene.

#### **Other Matters**

11. I have also considered a letter and petition, signed by several neighbours, which have been submitted in support of the development, but these do not outweigh my conclusion on the main issue.

#### ***Conclusion on ground (a) and deemed application***

12. For the reasons given above I conclude that the appeal should succeed in part only, and I will grant planning permission for one part of the matter the subject of the enforcement notice, but otherwise I will uphold the notice with corrections and refuse to grant planning permission on the other part. The requirements of the upheld notice will cease to have effect so far as inconsistent with the permission which I will grant by virtue of S180 of the Act.

*Miss A Morgan*

Inspector





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## Appeal Decisions

Site visit made on 1 April 2014

by **Stephenie Hawkins BSocSc(Hons) MPhil MSc MRTPI**

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

Decision date: 28 April 2014

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### **Appeal A: APP/T5150/A/13/2207723 51-63 High Road, Willesden, London NW10 2SU**

- 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 Harsuns Ltd against the decision of the Council of the London Borough of Brent.
  - The application Ref 12/3233, dated 30 November 2012, was refused by notice dated 2 May 2013.
  - The development proposed was originally described as: Reduction of side brickwork panel to No 63 High Road down to first floor height to match side elevation of 51 High Road. Removal of brick pilaster to side elevation of No 63 High Road. Removal of existing chimney pots to Nos 51-63 High Road. Removal of all pitched roofs to Nos 51-63 High Road. Removal of pitched gable to Nos 51 & 53 High Road. Removal of all satellite dishes, aerials, redundant pipework and redundant wiring. Removal of all windows fronting Willesden Green High Road. Erection of new roof top addition to front building and rear outriggers. Render applied to front elevation of Nos 51-55 with scribed stonework detailing. Brickwork and render to all elevations cleaned. New Dutch gable built over gable wall to Nos 51 and 53 High Road to match Dutch gables to Nos 55-61 High Road. Private external terraces to front and rear of property. Balustrades to rear outriggers. Communal satellite dishes and terrestrial aerials to each property. Bicycle storage block built within the garden of No. 51 High Road. Replacement of existing timber fence with timber doors to access bicycle store. Zero parking development with Unilateral Undertaking to prevent additional units from applying for a parking permit.
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### **Appeal B: APP/T5150/E/13/2208494 51-63 High Road, Willesden, London NW10 2SU**

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
  - The appeal is made by Harsuns Ltd against the decision of the Council of the London Borough of Brent.
  - The application Ref 12/3234, dated 30 November 2012, was refused by notice dated 2 May 2013.
  - The demolition proposed was originally described as: Reduction of side brickwork panel to No 63 High Road down to first floor height to match side elevation of 51 High Road. Removal of brick pilaster to side elevation of No 63 High Road. Removal of existing chimney pots to Nos 51-63 High Road. Removal of all pitched roofs to Nos 51-63 High Road. Removal of pitched gable to Nos 51 & 53 High Road. Removal of all satellite dishes, aerials, redundant pipework and redundant wiring. Removal of all windows fronting Willesden Green High Road.
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## **Decision**

### *Appeal A*

1. The appeal is allowed and planning permission is granted for demolition of existing pitched roofs, removal of existing chimneys to the ridges of Nos 51-63 High Road, demolition of existing gable to Nos 51-53 and erection of replacement Dutch gable, to enable the erection of a third floor roof extension to provide 6 self contained flats with private external terraces, plus the installation of replacement windows to all flats facing High Road, installation of communal satellite dishes and terrestrial aerials to each property, reduction of side brickwork panel to No 63 High Road and removal of brick pilaster to side elevation of No 63 High Road, at 51-63 High Road, Willesden, London NW10 2SU in accordance with the terms of the application, Ref 12/3233, dated 30 November 2012, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: C152-00 (Rev A); C152-53 (Rev A); C152-54 (Rev C); C152-55 (Rev C); C152-56 (Rev C); C152-57 (Rev C); C152-52 (Rev B); C152-70 (Rev A); and C152-59 (Rev C).
  - 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, including the replacement windows, have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.
  - 4) No construction activity, including demolition, shall take place until the site and/or company carrying out the works has registered with the Considerate Constructors Scheme. The site and/or company shall remain registered for the duration of the works hereby permitted.

### *Appeal B*

2. The appeal is allowed and conservation area consent granted for reduction of side brickwork panel to No 63 High Road, removal of brick pilaster to side elevation of No 63 High Road, removal of existing chimneys to the ridges of Nos 51-63 High Road, removal of all pitched roofs to Nos 51-63 High Road, removal of pitched gable to Nos 51 & 53 High Road and removal of all windows fronting Willesden Green High Road, at 51-63 High Road, Willesden, London NW10 2SU in accordance with the terms of the application, Ref 12/3234, dated 30 November 2012, subject to the following conditions:
  - 1) The works hereby authorised shall begin not later than three years from the date of this consent.
  - 2) The works hereby authorised shall not be carried out before a contract for the carrying out of the works of redevelopment of the site, hereby permitted under Appeal A, has been made.



### **Procedural Matters**

3. The descriptions of development and demolition, as used in the case details above, are taken from the application forms. However, I have edited the latter to omit works that are not acts of demolition.
4. The proposal was amended following submission of the applications to the Council, but prior to their determination. The Council dealt with the proposal on this basis and, accordingly, so have I. Consequently, I have amended the descriptions of development and demolition in my formal decision to reflect those used on the decision notices and appeal forms. In addition to reflecting amendments to the proposal, notably omission of proposed render to the front elevation of Nos 51-55 High Road, the amended description of development better reflects the proposal in that it would create six self contained flats. For clarity, I have made a minor amendment to the descriptions of development and demolition as used in my formal decisions to reflect that not all chimneys would be removed and, that where they are, the whole chimney would be, not just the pots. I have also omitted the date of the amended proposal as this is superfluous to the descriptions and, in relation to Appeal B, works that are not acts of demolition.
5. The second reason for refusal on the decision notice for Appeal A refers to Policy TRAN22 of the Unitary Development Plan (UDP). However, Policy TRAN22 relates to non-residential development and the Council's case has relied on Policy TRAN23, which relates to residential development. Accordingly, I have taken Policy TRAN23, rather than Policy TRAN22, into account in my consideration of the appeal.
6. As far as is relevant, I have taken the Planning Practice Guidance (PPG), issued 6 March 2014, into account in reaching my decision.

### **Main Issues**

7. The main issue in both appeals is the effect of the roof top additions to the rear outriggers on the character and appearance of the appeal premises and the Willesden Green Conservation Area.
8. An additional issue in Appeal A is the impact of any parking demand generated by the proposed development on the safe and efficient operation of the highway.

### **Reasons**

#### *Character and appearance*

9. Nos 51-63 comprise a group of terraced properties spanning the entire block between Richmond Avenue and Ellis Close. The premises are three storey in height to the High Road, with four storey rear outriggers. The rear outriggers have dual pitched roofs, with chimneys to the ridges and sides. Whilst a pitched gable is to the end of Nos 51-53, Dutch gables are to the ends of Nos 55-57 and 59-61. The premises accommodate commercial uses on the ground floor and residential uses on the upper floors. A supermarket and associated car park is to the rear of the premises, separated by Ellis Close. The premises form part of mixed use centre covered by the Willesden Green Conservation Area. To me, the significance of the Conservation Area lies in the architecture of its buildings, which is varied including in terms of roof forms. The appeal

premises contribute to the significance of the Conservation Area, dating from late 1800s/early 1900s and remaining fairly intact externally, a main exception being the application of stucco render over the original red brick of the front elevation of Nos 57-63. The Spotted Dog, opposite the site, is worthy of note and has recently been subject to a contemporary redevelopment.

10. I acknowledge that the proposed roof top additions to the rear outriggers would alter the appearance of the appeal premises and would be visible from the rear, including across the supermarket car park, and when approaching in both directions along High Road. However, they would primarily comprise of glazing and, as such, would appear as fairly lightweight structures. I consider they would sit comfortably against the original buildings, being set in from the sides and from the rear gables. Whilst they would extend above the proposed additions to the front, they would be set back from the High Road and would also sit below the highest part of the rear gables. In this respect, a Dutch gable would be provided to Nos 51-53, increasing the cohesiveness of the group of buildings. Together with the proposed retention of the chimneys to the sides, including their pots, I consider the original form of the buildings would continue to be read. Overall, I consider the proposed roof top additions would follow the example set by the contemporary redevelopment of the Spotted Dog, by successfully striking a balance between contrasting with, and complementing, the original group of buildings.
11. For the reasons given above, I conclude that the proposed roof top additions to the rear outriggers would not materially harm the character and appearance of the appeal premises. It therefore follows that they would not materially harm the significance of the Conservation Area, given that this lies in the architecture of its buildings, which is varied including in terms of roof forms. Overall, I conclude they would preserve and enhance the character and appearance of the Willesden Green Conservation Area. As such, I find the proposed roof top additions to the rear outriggers would accord with Policies BE2, BE9 and BE26 of the UDP 2004. These policies seek to protect the character and appearance of areas, with particular attention to conservation areas, whilst supporting innovative contemporary design and creative and appropriate alterations to buildings, provided alterations to the roofline of buildings in conservation areas are not detrimental to the character of the conservation area and characteristic features such as chimneys, and their pots, are retained.
12. The decision notices also refers to Supplementary Planning Guidance (SPG 17) Design Guide for New Development, which the Council states supplements the UDP policies that encourage high quality design. However, the Council has not drawn my attention to any specific provisions within this document and, as such, I have afforded it little weight.

*Safe and efficient operation of the highway*

13. Nos 51-63 does not provide for any off-street parking spaces. It was intended that the proposed development be car-free, whereby occupiers of the additional flats would not be entitled to parking permits for the local Controlled Parking Zones. In this respect, Unilateral Undertakings were submitted in support of the proposal, although I note that these are incomplete. Whilst Policy TRAN23 of the UDP offers support for such car-free development, the Council has concerns about the practicality of such an arrangement in this instance. Whilst I note the main parties' submissions on this matter, in light of

my findings on the parking demand that would be generated by the proposal and the likelihood that this could be accommodated on-street, as discussed below, I do not consider it necessary for the proposed development to be car-free and, as such, do not intend to address this matter further.

14. Under standard PS14 of the UDP, the proposed development would generate a requirement for 4.2 parking spaces. However, under Policy TRAN23 of the UDP, these are maximum standards. In addition, the standards do not take account of car ownership within a locality and, in this respect, taking account of 2011 Census data, the Council expects the proposed development to generate a requirement for 1-2 parking spaces. Whilst the Council points out that householders are generally entitled to purchase as many as three parking permits, plus visitor permits, I see no reason why they would purchase more permits than required. Consequently I consider it reasonable to conclude that, on a day-to-day basis, the proposed development would generate a need for up to two parking spaces.
15. Policy TRAN23 of the UDP does allow for on-street parking, on local access roads outside heavily parked streets, for the frontage of the development only. In this respect, the Council points out that High Road is a major distributor, rather than local access, road, with parking designated as short term pay and display and not for the use of permit holders. However, the supporting text for Policy TRAN23 suggests that on-street parking should be frontage only so as not to intrude on neighbouring frontages. In this respect, Ellis Close, to the rear of site is an adopted service road and does not serve such a frontage. Whilst Ellis Close may have a limited number of parking spaces, despite the existing flats at Nos 51-63 having no off-street parking, the Council states that it is not heavily parked. Consequently, I consider it reasonable to conclude that it is likely that the fairly limited parking demand that would be generated by the proposed development could be satisfactorily accommodated on-street.
16. For the reasons given above, I conclude that the parking demand that would be generated by the proposed development would not materially harm the safe and efficient operation of the highway. As such, I do not find conflict with Policy TRAN23 and standard PS14 of the UDP, which set maximum parking standards and allow for on-street parking.

### **Other Matters**

17. The reasons for refusal of the grant of planning permission included the absence of a legal agreement to secure financial contributions towards public infrastructure. However the Council's Community Infrastructure Levy (CIL) Charging Schedule took effect on 1 July 2013, after the application for planning permission was determined, but prior to consideration of this appeal. The Council has not published a list of infrastructure that it wants to fund by CIL and, as such, its CIL applies to any infrastructure. There is no dispute between the main parties that the issue of an infrastructure obligation has fallen away. Notwithstanding this, I note the Council's concerns about ensuring payment of the CIL contribution. However, the collection of the CIL contribution is undertaken by the relevant charging authority on service of a notice that planning permission has been granted in relation to a chargeable development. As such the requirement for, and enforcement of, the payment of a contribution is not a matter for consideration in this appeal.

18. Turning to concerns raised by neighbours, the proposed addition of render was omitted from the amended scheme, addressing strong objections. The Council has accepted other design elements of the proposed development, such as replacement windows, by granting planning permission for a similar alternative scheme that omitted the roof top additions to the rear outriggers (Application Ref 13/1517). The Council are satisfied that sufficient space would be provided within the flats created for future occupiers, with the proposed floorspace exceeding the minimum requirements of the London Plan, and I see no reason to take a different view. Cycle parking is proposed, as shown on Drawing No C152-52 (Rev B). I have no substantive evidence before me that the existing drainage system could not accommodate the additional flats.

### **Conclusion and Conditions**

19. I have found that the proposed roof top additions to the rear outriggers would not materially harm the character and appearance of the appeal premises and would preserve and enhance the character and appearance of the Willesden Green Conservation Area. I have also found that the parking demand that would be generated by the proposed development would not materially harm the safe and efficient operation of the highway. Consequently, Appeal A should be allowed. Given my findings in respect of the character and appearance of the appeal premises and the Conservation Area, Appeal B should be allowed.

20. I have considered the conditions suggested by the Council against paragraph 206 of the National Planning Policy Framework and the advice in the PPG. In respect of Appeal A, in the interests of the character and appearance of the appeal premises and the Conservation Area, I consider it necessary to attach a condition requiring the materials to be used in the construction of the external surfaces of the development, including the replacement windows, to be approved by the local planning authority. To safeguard the living conditions of neighbouring occupiers, in terms of noise and disturbance, I consider it necessary to attach a condition to require the site and/or construction company to register with the Considerate Constructors Scheme. As a consequence, all works should then be carried out in accordance with the Scheme's requirements, including in respect to the display of signage. I have also attached the standard time limit condition and, for the avoidance of doubt and in the interest of proper planning, a condition requiring that development be carried out in accordance with the approved plans. However, in light of my findings in respect of parking demand and the availability of on-street parking, together with the Council's concerns about the practicality of a car-free development in this instance, I consider a condition restricting occupiers of the flats created from obtaining parking permits neither necessary nor enforceable. As referred to above, I do not consider a condition to require payment of the CIL contribution of relevance to this appeal. I note reference to a condition to secure noise insulation in accordance with Building Regulations, but do not consider such a condition, requiring compliance with other regulatory requirements, to be relevant. In respect to Appeal B, to safeguard the character and appearance of the appeal premises and the Conservation Area, I consider it necessary to link the consent to the planning permission, as applied for. In addition, I have attached the standard time limit condition.

*Stephenie Hawkins*

INSPECTOR





## Appeal Decision

Site Inspection on 23 April 2014

by **John Whalley**

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

Decision date: 29 April 2014

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**Appeal reference: APP/T5150/A/13/2192396**

**Land at 14 Irwin Gardens, London NW10 3AS**

- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a decision to grant a planning permission subject to conditions.
- The appeal was made by Mr Haseeb Aslam against the decision of the London Borough of Brent Council.
- The application, ref. 12/3350, dated 19 December 2012, was granted planning permission subject to conditions by a decision dated 4 February 2013.
- The development granted planning permission was: Conversion of garage to habitable space, including removal of garage door and installation of new front window, and new first floor side and rear extension to dwellinghouse at 14 Irwin Gardens, London NW10 3AS.
- The condition the subject of this appeal is Condition 4. Condition 4 said: "This permission shall only be implemented if no works have been carried out to enlarge the roofspace under Class B of Schedule 2 of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995."

**Summary of Decision: The appeal succeeds. A new planning permission is issued without Condition 4 applied to planning permission 12/3350**

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### The appeal property

1. The appeal property, No. 14 Irwin Gardens, London NW10 3AS, is a large semi-detached house. The 2 storey hipped roofed house has a slightly lower 2 storey side extension. The side extension, which was part of the original house, also has a hipped roof. A large dormer extension has been built on the main roof at the rear of the house.

### Planning history

2. Planning permission ref. 12/3350 was granted in February 2013 to convert the single garage in the side extension to habitable space within the dwelling, replacing the garage door with a domestic window. The permission also included a proposed first floor side and rear extension.
3. A Certificate of Lawful Development, ref. 12/3351, has been granted for an enlargement of the main roof. That would consist of the replacement of the much of the main roof hip by a gable end with a corresponding alteration to the roof of the side extension.

4. The lawfulness of this work was derived from the concessions under Class B of Schedule 2 of Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 as amended.

### **Planning policy**

5. The parties referred to Brent Unitary Development Plan, (UDP), saved policies BE2 and BE9. Policy BE2, in dealing with the townscape, says that proposals should be designed with regard to their local context, making a positive contribution to the character of the area. Policy BE9 referring to architectural quality, says that new buildings, extensions and alterations to existing buildings, should embody a creative and appropriate design solution, specific to their site's shape, size, location and development opportunities.
6. The Council's Supplementary Planning Guidance (SPG) Notes provide further guidance. SPG 5 "Altering Your Home" was adopted in 2002. That states on page 10 of the guidance that: "Permission will not be granted for a side extension to a house that has a conversion from a hipped roof to a full gable end.". That, therefore, must be the derivation of the appeal condition 4 attached to the garage conversion, side and rear first floor extension granted planning permission on 4 February 2013 under ref: 12/3350.

### **Considerations**

7. Page 10 of SPG 5 contains a paragraph headed "Hips and Gables". That paragraph says the conversion of a hipped roof into a full gable will not normally be permitted because it would result in a significant change to the character and appearance of the street scene. That is despite the fact that most such conversions would be development permitted by the Order. However, a list of conditions in SPG 5 does allow for such conversions. Nevertheless, the sentence; "Permission will not be granted for a side extension to a house that has a conversion from a hipped roof to a full gable end.", ends the paragraph. But it is not substantiated. Nor does it make reference to what may be permitted by the Order or to any consequent withholding of permitted development rights.
8. The large rear dormer extension referred to in para. 1 above is not that granted planning permission in February 2013 under ref: 12/3350. That project has not been built. Whether Mr Aslam now wishes to build that extension is a matter for him. But I see little point in continuing to attach condition 4 to the permission. That is because the street scene would be unaffected by the 12/3350 project, except for the unobtrusive replacement of a garage door by a domestic window. The rear side and first floor extension would be hard to see from the fronting road. Any effect would be of no consequence. There would be no conflict with UDP policies BE2 or BE9.
9. If planning permission 12/3350 is not implemented, Mr Aslam could, under Class B permitted development rights, carry out works to the roof of the house as set out in the approved Certificate of Lawfulness under ref: 12/3351. The effect on the street scene would be no different if the planning

permission ref. 12/3350 for the side and rear extension was built. Therefore condition 4 is unnecessary.

10. For the reasons given above I conclude that the appeal should succeed. I will grant a new planning permission without the disputed condition but retaining the relevant non-disputed conditions from the previous permission.

**FORMAL DECISION**

11. The appeal is allowed and planning permission is granted for the Conversion of garage to habitable space, including removal of garage door and installation of new front window, and new first floor side and rear extension to the dwellinghouse at No. 14 Irwin Gardens London NW10 3AS in accordance with the application, ref. 12/3350, dated 19 December 2012, without compliance with condition number 4 previously imposed on planning permission ref. 12/3350 dated 4 February 2013, but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect.

*John Whalley*

Inspector





## Appeal Decision

Site visit made on 14 March 2014

by **R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL**

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

Decision date: 14 April 2014

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### **Appeal A Reference: APP/T5150/A/13/2205129 'Kingsley Court', Park Avenue, London NW2 5TH**

- 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 Everything Everywhere Limited against the decision of Brent Council.
  - The application (reference 13/0422, dated 22 August 2012) was refused by notice dated 12 April 2013.
  - The development proposed is described in the application form as follows: "*The like for like replacement of 6 No. antennas with 6 No. new antennas at the same height in the same locations, the addition of 1 No. 0.6m dish on an existing support pole, and the like for like replacement of 2 No. cabinets and addition of 1 No. cabinet on the existing grillage*".
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### **Appeal B Reference: APP/T5150/E/13/2205159 'Kingsley Court', Park Avenue, London NW2 5TH**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Everything Everywhere Limited against the decision of Brent Council.
  - The application (reference 13/1299, dated 15 May 2013) was refused by notice dated 11 July 2013.
  - The works proposed are described in the application form as follows: "*Application for listed building consent for development to replace on a like-for-like basis 6 No. antennas on existing supports, add 1 No. 600mm Dish on an existing support pole, remove 2 No. equipment cabinets and install 3 No. Equipment Cabinets on the existing steel grillage and ancillary development, to include a cable tray to be placed on the roof*".
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### **Decision**

1. The planning appeal (Appeal A) is allowed and planning permission is granted for "the like for like replacement of 6 No. antennas with 6 No. new antennas at the same height in the same locations, the addition of 1 No. 0.6m dish on an existing support pole, and the like for like replacement of 2 No. cabinets and addition of 1 No. cabinet on the existing grillage", at 'Kingsley Court', Park Avenue, London NW2 5TH, in accordance with the terms of the application
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(reference 13/0422, dated 22 August 2012), subject to the conditions set out in the attached Schedule of Conditions.

2. The listed building consent appeal (Appeal B) is allowed and listed building consent is granted for the construction of "... development to replace on a like-for-like basis 6 No. antennas on existing supports, add 1 No. 600mm Dish on an existing support pole, remove 2 No. equipment cabinets and install 3 No. Equipment Cabinets on the existing steel grillage and ancillary development, to include a cable tray to be placed on the roof", at 'Kingsley Court', Park Avenue, London NW2 5TH, in accordance with the terms of the application (reference 13/1299, dated 15 May 2013), subject to the conditions set out in the attached Schedule of Conditions.

### **Main issue**

3. The main issue to be determined in both these appeals is the effect of the proposals on the appeal building and its setting.

### **Reasons**

4. The appeal site is located in north-west London, in a lively but predominantly residential locality, with nineteenth and twentieth century housing but including more modern blocks of flats and some commercial development. The railway passes immediately to the north of the appeal site, on an embankment, crossing Park Avenue over a bridge.
5. 'Kingsley Court' stands at the acute angled corner of Park Avenue and St Paul's Avenue, which are both busy roads. It is a block of 54 flats built in 1933-1934 and designed by Peter Caspari for Davis Estates, one of the earliest examples of a block of flats designed in England in the Expressionist style. 'Kingsley Court' makes a bold modern architectural statement, with sweeping curves and banded horizontal lines and it is listed (Grade II) as a building of special architectural or historic interest. Even so, the building is plainly in need of significant maintenance work.
6. The roof of the listed building already supports a cluster of telecommunications antennas as well as sundry domestic television aerials. These are visible from some distance away, though they are obscured by the building itself in some close perspectives. While it was, obviously, not contemplated in the original design, the telecommunications installation is not wholly alien to the modernist aesthetic of the architecture.
7. The current proposals would involve the replacement of six existing antennas, the addition of one new satellite dish and the replacement of two existing equipment cabinets with three new cabinets. Some additional ancillary work would also be involved (including a cable tray).
8. Provisions in the Planning (Listed Buildings and Conservation Areas) Act 1990 impose obligations on those considering whether to grant planning permission and listed building consent for development or works (respectively) that would affect a listed building. In such cases, it is necessary to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.

9. That statutory framework is reinforced by the 'National Planning Policy Framework', especially at Section 12, which also points out the desirability of putting a heritage asset to its "optimum viable use". Policies in the Development Plan do not have the same weight in respect of applications for listed building consent but they are material considerations in both these appeals and are also aimed at achieving good design and at protecting the historic environment (notably Policy BE9 of the Brent Unitary Development Plan).
10. The proposed cabinets would be larger than the existing, as well as including an additional unit, but they would be located away from the edge of the roof, behind a chimney stack, where they would have only a limited visual impact. The proposed new antennas would be more obvious than the existing cluster, with the addition of a new satellite dish, especially in longer distance views. Nevertheless, the overall visual impact of the finished installation would not be significantly worse than that of the existing installation.
11. A previous scheme that was rejected on appeal in 2006 would have involved the installation of new antennas more prominently (close to the edge of the flat roof and close to the curved edge features) whereas the current proposals adapt the previous installation. The criticisms of the earlier scheme do not apply to this scheme, therefore.
12. In connection with these appeals, concerns about health risks have been raised by residents. However, the applicants have submitted evidence to show that the proposed equipment would not conflict with recognised health criteria, relating to exposure to electric and magnetic fields, and that evidence is accepted. Health considerations are not a main issue in these appeals, therefore.
13. Concerns have also been raised by residents about the physical impact of the necessary works on the fabric of the building. Nevertheless, conditions can be imposed to require full construction details of the proposed works to be submitted to and approved by the local planning authority prior to the commencement of the work, which ought to control any impact on the fabric of the listed building (including any impact made by the construction operations themselves) and prevent harm to the fabric.
14. The 'National Planning Policy Framework' makes it plain (at paragraph 42) that "advanced, high quality communications infrastructure is essential for sustainable economic growth". In this case, the new installation would improve existing telecommunications services, based on an existing installation, rather than introducing a new installation elsewhere, and the benefits of the scheme would outweigh the very limited harm to the listed building (and any other harm).
15. In short, I am persuaded that the scheme before me can properly be permitted, in accordance with the applicable planning policies, taken as a whole, subject to conditions. Although I have considered all the matters that have been raised in the representations, as well as the recently published national planning practice guidance (which has not affected the issues in this case), I have found nothing to cause me to alter my decision.

16. I have, however, also considered the need for conditions and I have concluded that conditions are necessary, to define the planning permission and to ensure that quality is maintained in the detailed construction work.

*Roger C Shrimplin*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

### **Appeal A (the Planning Appeal)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
  - drawing number 101B (Location Plan and Block Plan);
  - drawing number 102B (Existing Equipment Layout and Site Plan);
  - drawing number 102B (Proposed Equipment Layout and Site Plan);
  - drawing number 103B (Existing and Proposed Site Elevation 'A');
  - drawing number 104B (Existing and Proposed Plan View of OPCS Antenna);
  - drawing number 200B (Proposed Plan View of OPCS Antenna and Equipment Layout).
3. No development shall take place (including any demolition work or any removal of existing installations) until detailed drawings (at appropriate scales) of the construction details to be used in the construction of the new development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

### **Appeal B (the Listed Building Consent Appeal)**

1. The works hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The works hereby permitted shall be carried out in accordance with the following approved drawings:
  - drawing number 101B (Location Plan and Block Plan);
  - drawing number 102B (Existing Equipment Layout and Site Plan);
  - drawing number 102B (Proposed Equipment Layout and Site Plan);
  - drawing number 103B (Existing and Proposed Site Elevation 'A');
  - drawing number 104B (Existing and Proposed Plan View of OPCS Antenna);
  - drawing number 200B (Proposed Plan View of OPCS Antenna and Equipment Layout).
3. No works shall be commenced (including any demolition work or any removal of existing installations) until detailed drawings (at appropriate scales) of the construction details to be used in the construction of the new works hereby permitted have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.





## Appeal Decision

Site visit made on 19 March 2014

by **A Banks BA(Hons) DipUD PGCM MRTPI**

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

Decision date: 14 May 2014

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**Appeal Ref: APP/T5150/A/13/2206954**

**Merley Court, Church Lane, London NW9 8JR**

- 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 Basil Gordon (Investments) Limited against the decision of the Council of the London Borough of Brent.
  - The application Ref 13/1190, dated 3 May 2013, was refused by notice dated 16 July 2013.
  - The development proposed is Demolition of existing garages. Erection of 5 x 1 bedroom dwellings with associated works.
- 

### Application for costs

1. An application for costs was made by Basil Gordon (Investments) Limited against the Council of the London Borough of Brent. This application is the subject of a separate Decision.

### Decision

2. The appeal is allowed and planning permission is granted for Demolition of existing garages. Erection of 5 x 1 bedroom dwellings with associated works at Merley Court, Church Lane, London NW9 8JR in accordance with the terms of the application, Ref 13/1190, dated 3 May 2013, subject to the attached Schedule of Conditions.

### Preliminary Matters

3. On the appeal form the site address is given as 'Land to the rear of 11-13 Mallard Way, Kingsbury, London NW9 8JR'. I have used the address provided on the original application form and the plans clearly identify the site.
4. The Government's Planning Practice Guidance (PPG) was published on 6 March 2014. This supersedes guidance relied on by both parties. However, I have considered the content of the Guidance and in the light of the facts of this case the document does not alter my conclusions.
5. Despite having validated the application the Council appear to have refused it on the basis of invalidity and failure to comply with relevant policies in the development plan. The Council does not state which policies. The sole reason for refusal refers to a flaw because part of the proposed works, which in the main includes parking provision, lie outside the appeal site. These works would be located on land adjoining the appeal site which is owned and controlled by the appellant. The Council explain that the application is flawed because the parking area revisions to Merley Court were not included within the red line site plan and the leasehold properties were not served with notice.



6. PPG Paragraphs 023 and 024 Reference ID: 14-023-2014036 clarifies that as a minimum applicants need to submit a location plan which shows the application edged clearly in red and that the application site should include all land necessary to carry out the proposed development, including car parking, and a blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site. This is not unlike the DCLG's publication "Guidance on information requirements and validation", which was current at the time the application was made and has been superseded by the PPG.
7. Although this supports the Council's argument, the appellant denies that there is any flaw. In July 2013 an offer was made to alter the blue line, stating '*There will still be no need to serve notice to occupiers in Merley Court as they have a shorthold tenancy agreements and are not "owners" in the eyes of the planning system*'. This claim was supported by a letter and plan submitted with the appeal statement. Further to this the appellant has suggested two approaches. Firstly, that the appeal is considered as a car free proposal. Secondly, in the event that a car free scheme proves unacceptable, that a Grampian style condition would resolve the concerns as illustrated by the proposed site parking in Merley Court. The Council has not responded to the appellant's case, nevertheless I will consider the appeal on this basis.
8. The proposed site parking in Merley Court provided 36 off road parking spaces. A second option showing an alternative layout for 26 spaces was provided with the appeal. The Council has not commented on the alternative layout. Notwithstanding the evidence provided indicates that the Highway Authority would be satisfied with the second option, I cannot be certain that statutory consultees and third parties have had a proper opportunity to consider the revisions. Accordingly I will consider this appeal on the basis of the plans determined by the Council.

### **Main Issue**

9. Based on the evidence before me, the main issue is the effect of the proposed development on highway safety with particular regard to parking.

### **Reasons**

10. The appeal site comprises a garage courtyard located within an urban area of mixed housing, including bungalows, houses and blocks of flats. It has vehicle access from Mallard Way and a pedestrian access via Merley Court. The site currently comprises two single storey buildings that provide 11 (eleven) single garages and hardstanding. The proposal would result in the loss of this area of off-street parking, along with the development of five new dwellings.
11. I saw, when I visited the site, that there was extensive parking on the unrestricted streets, both on Mallard Way and within Merley Court. In addition I saw that cars park on the pavements leading into Merley Court. As my site visit took place during office hours, it is highly likely that parking would be heavier after normal working hours. This is supported by the views of local residents who have raised many concerns in respect of parking. Average car ownership for the area is 0.84 cars per household. 44 dwellings within Merley Court have no off-street parking apart from the appeal site and 18 flats within Mallard Court, close to the appeal site, have no off-street parking provision. There is thus substantial parking pressure in the vicinity of the appeal site.

12. The appellant states that there is no condition limiting the use of the garages or requiring them to be made available for any of the local residents. I have no reason to doubt this claim. In addition it would not be appropriate to seek the provision of a remedy to a parking problem that is not the result of the proposed development. However, the matters relating to on-site parking are significant material consideration since any new development on the site is bound to have some effect on parking in the area. If residents are unable to use the garages or spaces they will park on-street. Thus any new development would have a cumulative effect on on-street parking.
13. Where streets suffer heavy parking, the Council seeks the full parking allowance. In this case in accordance with the Brent Unitary Development Plan (UDP) Appendix TRN2 Parking and Servicing Standards PS14, 1 space per dwelling is required. Added to this the site has fairly poor access to public transport. I conclude therefore, that a car free development would not be suitable and as such it would be contrary to UDP Policy TRN23.
14. A proposal plan detailing the provision of on-site parking in Merley Court was submitted with the application and shows that 36 off road parking spaces could be provided on land within the appellant's ownership. Based on the officer's report and evidence provided by the Highway Authority it appears that the scheme was not acceptable because of the loss of soft landscaping. However, I consider that the plan shows an acceptable solution is possible. Although the works would lead to some loss of soft landscaping, this would not be significant and additional planting would take place, thus the overall character of the area would be retained.
15. Despite the land not falling within the application site boundary, the appellant states that their control of the land demonstrates a very reasonable prospect of these works being carried out within the time-limit imposed by the permission. As such a 'Grampian' style condition could be imposed to overcome the Council's concerns. In their justification, the appellant refers to the "Letter to Chief Planning Officers (2002): Circular 11/95 – Use of Negative Conditions". This has been superseded by the PPG, which refers to the use of a Grampian style condition in respect of when conditions can be used relating to land not in control of the applicant (my underlining), reference ID: 21a-009-20140306. Whilst this is not the situation in this case, the parking area necessary to make the proposed new development acceptable was not provided within the application site (land edged red). Therefore, I consider that the spirit of the PPG advice on the use of a Grampian conditions could be applied under the unusual circumstances of this appeal and would meet the tests in the National Planning Policy Framework (the Framework).
16. I note that the application proposal would provide more spaces than would be required by the Council's Parking Standards. However, it is not clear how off-site parking provision could be provided within Merley Court without also addressing the needs of Merley Court itself. Therefore I consider that such a condition would fairly and reasonably relate to the development.
17. I conclude that subject to an appropriately worded condition to ensure the provision of off-site parking, the proposed development would not result in a detrimental impact on highway safety relating to parking. Consequently it would comply with UDP Policy TR23 on parking standards.

### *Other Matters*

18. I have given consideration to the other concerns raised by local residents. These include outlook, privacy, noise, damage to trees and plants, potential crime, sewerage and waste facilities. The variance in levels, along with the siting of the new dwellings and their openings, and the distances maintained around the new buildings, would satisfactorily avoid any significant impact on outlook or privacy. Whilst noise would occur during construction works, it would only be for a temporary period. There is no evidence before me that the development would result in any substantial damage to trees and plants, or an increase in crime. Thames Water has no objection regarding sewerage and details for bin storage can be dealt with by condition.

### **Conditions**

19. The Council has suggested a number of conditions in the event that the appeal succeeds. I have considered them having regard to the Framework and the PPG. I have amended them where necessary and in the interests of precision.
20. In the interests of proper planning and for the avoidance of doubt, it is necessary to impose a condition to require the development to be carried out in accordance with the approved plans. In the interests of character and appearance it is necessary that samples of materials to external walls, and details of landscaping, including the means of enclosure to prevent vehicle access via Mallard Way, and of refuse storage, are agreed with the local planning authority. Similarly and to encourage sustainable travel, details of the cycle storage are necessary. In the interests of highway safety it is necessary to ensure off-site parking provision is provided and the drop kerb is reinstated. It is necessary to require obscure glazing in the first floor windows on the east elevation to prevent overlooking. Given the potential for contamination as the site has been used as garages and historic maps indicate that there is likely to be an in-filled pond on the site, a contamination condition is necessary. Also, given the close proximity of the site to residential housing a condition to minimise noise and dust during construction works is necessary.
21. There are no exceptional circumstances to justify the removal of permitted development rights, as there is limited room for additional window openings and a small extension or outbuilding is unlikely to have a significant impact on neighbouring properties.

### **Conclusions**

22. I consider there is no evidence that the proposed development, including the off-site parking provision, would be contrary to the development plan and it would comply with the aims of the Framework. Therefore, for the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*A Banks*

INSPECTOR

(Schedule of Conditions attached)

### **Schedule of 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: 12113/001; 12113/002; 12113/003; 12113/004; 12113/005; 12113/006.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include details of means of enclosure, including to Mallard Way to prevent vehicular access.
- 5) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.
- 6) Before the first occupation of the dwellings hereby permitted the windows at first floor level in the east elevation shall be fitted with obscured glass and shall be permanently retained in that condition.
- 7) No dwelling shall be occupied until space has been laid out within the site in accordance with details agreed in writing by the local planning authority for bicycle parking and refuse and recycling storage.
- 8) No development shall take place until a scheme to provide off-site parking in Merley Court has been approved in writing by the local planning authority and if necessary the appropriate consent obtained. The scheme shall include a management plan which details the allocation of parking spaces for the development hereby approved and for existing properties in Merley Court. No dwelling shall be occupied until the off-site parking in Merley Court has been provided in accordance with the approved scheme and shall be retained thereafter.
- 9) No dwelling shall be occupied until the drop kerb to Mallard Way has been reinstated.
- 10) Following demolition of the garages and prior to the commencement of building works;
  - a contaminated land assessment report to assess the actual/potential contamination risks shall be submitted to and approved in writing by the local planning authority;
  - where suitable remediation/protection measures are required, a detailed remediation strategy shall be submitted and approved in writing by the local planning authority;
  - where remediation is required, the approved remediation strategy shall be carried out within timescales agreed with the local planning

authority. A verification report shall be provided by the local planning authority stating that remediation has been carried out in accordance with the approved remediation strategy prior to the development being brought into use.

- 11) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for measures to control the emission of noise, dust and dirt during construction.



## Appeal Decision

Site visit made on 24 February 2014

by **Ian Currie BA MPhil MRICS MRTPI<sup>(Retired)</sup>**

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

Decision date: 30 April 2014

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**Appeal Ref:- APP/T5150/X/13/2205377**

**Land and buildings at 126 Herbert Gardens, Kensal Rise, London NW10 3BP**

- The appeal is made under section 195 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, against a refusal to grant a lawful development certificate (LDC).
- The appeal is made by Mr & Mrs Matt Fell against the London Borough of Brent Council.
- The application, Ref:- 13/1711, was dated 24 June 2013.
- The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
- The development for which a lawful development certificate is sought is described on the application form as loft conversion (roof extension) within permitted development; replacement of windows on rear elevation.

**Summary of decision:- The appeal is allowed and a lawful development certificate is granted.**

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### Preliminary Matters

1. I am satisfied that this decision is unaffected by the Planning Practice Guidance issued on 6 March 2014.
2. I have taken into account the local planning authority's letter of 18 March 2014 and e-mail of 14 April 2014 and the appellant's agent's e-mails of 25 and 31 March 2014 in response to the Planning Inspectorate's letter to both main parties dated 6 March 2014.
3. For the avoidance of doubt, I should explain that the planning merits of any future operations are not relevant and they are not, therefore, an issue for me to consider, in the context of an appeal under section 195 of the Town and Country Planning Act 1990 as amended, which relates to an application for a lawful development certificate. My decision rests on the facts of the case, and on relevant planning law and judicial authority.

### Main Issue

4. I consider that the main issue is whether the Council's refusal to grant a lawful development certificate (LDC), for the loft conversion and rear windows, was well-founded. Where a LDC is sought, the onus of proof is on the appellants and the standard of proof is the balance of probabilities.

## Reasons

5. At paragraph 3.7 of its statement, the local planning authority conceded that a part hip to gable conversion could be considered a roof alteration under Class B of the Schedule to the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (GPDO 2008) and issued a LDC (Ref:- 13/2864 dated 28 October 2013) to that effect. However, even though this constitutes the bulk of the proposed permitted development, the question remains whether any addition to any side wall falls within the ambit of Class A.
6. As the Department for Communities and Local Government Permitted Development for Householders Technical Guidance of August 2010 (PDTG) states, at page 8, *"It is therefore essential that any proposed household development is considered in the context of the permitted development rules as a whole in order to determine whether it benefits from permitted development rights and therefore does not require an application for planning permission."*
7. Class A of the Schedule to the GPDO 2008 states that the enlargement, improvement or other alteration of a dwellinghouse is permitted development subject to certain limitations.
8. Limitation A.1(h) states that development is not permitted if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would:-
  - (i) exceed 4m in height;
  - (ii) have more than one storey, or;
  - (iii) have a width greater than half the width of the original dwellinghouse.
9. The PDTG states, at page 22 on limitation A.1(h), that a wall forming a side elevation of a house will be any wall that cannot be identified as being a front wall or a rear wall. Houses will often have more than two side walls and an accompanying illustrative diagram shows three side walls in different planes all forming one side elevation. All of the side walls on the diagrams demonstrated as approved under permitted development on pages 17, 18, 23 and 24 are shown expanding sideways rather than upwards.
10. PDTG goes on to say that, where an extension projects beyond **any** (PDTG's emphasis) side wall, the restrictions in limitation A.1(h) will apply. Any extension can only be single storey, be limited to four metres in height and can only be half the width of the original house.
11. At the time of my inspection of the site, I made the observation, based on its method of construction, that I thought that the first floor flat roofed side extension over a garage was contemporary with the original inter-war semi-detached house, or at least predated 1 July 1948, the start date for determining the size of an original dwelling, even though this unbalanced the symmetry of the pair of houses. Despite any subsequent representations made, I consider that, on the balance of probabilities, this remains the case.



12. It is best exemplified in the drawing showing the flank elevation taken from the rear at a time when work to extend the building considerably was at a preparatory stage. It results in there being three flank walls in the original flank elevation. That to the flat roofed two-storey portion to the front remains unaltered. This remains the wall closest to the boundary.
13. The wall that the local authority finds in breach of Class A.1(h) is behind the front flat roofed portion. It would be extended upwards to provide the portion of the flank wall up to eaves level in the hip to part gable end conversion, for which the local planning has issued a LDC. This wall would undoubtedly be two-storeys high and more than 4m high but it would be an extension upwards, in the same plane as the original middle section flank wall, not sideways, as shown on the diagrams in the PTDG.
14. Because this upward extension would not involve any sideways encroachment of the original middle side wall and would be well inside the line of the unaltered original flank wall of the two-storey flat-roofed front portion, I conclude that, despite this part of the enlargement of the side elevation being more than single-storey and over 4m high, limitation A.1(h) would not be breached and the proposed development overall would fall within classes A and B of the Schedule to the 2008 GPDO.
15. For the reasons given above, I conclude, on the evidence now available, that the Council's refusal to grant a lawful development certificate, in respect of a loft conversion (roof extension) within permitted development and replacement of windows on the rear elevation at 126 Herbert Gardens, Kensal Rise, London NW10 3BP, was not well-founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me under section 195(2) of the 1990 Act as amended.

**Formal decision**

**Appeal Ref:- APP/T5150/X/13/2205377**

16. The appeal is allowed and, attached to this decision, is a lawful development certificate describing the extent of the proposed development, which is considered to be lawful.

*Ian Currie*

INSPECTOR



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## Lawful Development Certificate

APPEAL REFERENCE APP/T5150/X/13/2205377

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192

(as amended by section 10 of the Planning and Compensation Act 1991)

THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)

ORDER 2010: ARTICLE 35

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**IT IS HEREBY CERTIFIED** that on 24 June 2013 the use described in the First Schedule hereto, in respect of the land specified in the Second Schedule hereto, and edged in black on the plan attached to this certificate, would have been lawful within the meaning of section 192(1)(b) of the Town and Country Planning Act 1990 as amended, for the following reason:-

The proposed loft conversion, including the formation of rooms in the roof of a part gable ended hipped roof and the upward extension of an original flank wall of this dwelling house, would constitute permitted development not requiring planning permission by virtue of the provisions of Classes A and B of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

*Ian Currie*

INSPECTOR

Date: 30 April 2014

Reference: APP/T5150/X/13/2205377

### ***First Schedule***

A loft conversion (roof extension) within permitted development and replacement of windows on the rear elevation.

### ***Second Schedule***

Land and buildings at 126 Herbert Gardens, Kensal Rise, London NW10 3BP.

**NOTES**

1. This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990 as amended.
2. It certifies that the operational development described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, would not have been liable to enforcement action, under section 172 of the 1990 Act, on that date.
3. This certificate applies only to the extent of the development described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use, operation or matter, which is materially different from that described, or which relates to any other land, may result in a breach of planning control, which is liable to enforcement action by the local planning authority.
4. The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.

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## Plan

This is the plan referred to in the Lawful Development Certificate dated:- 30 April 2014

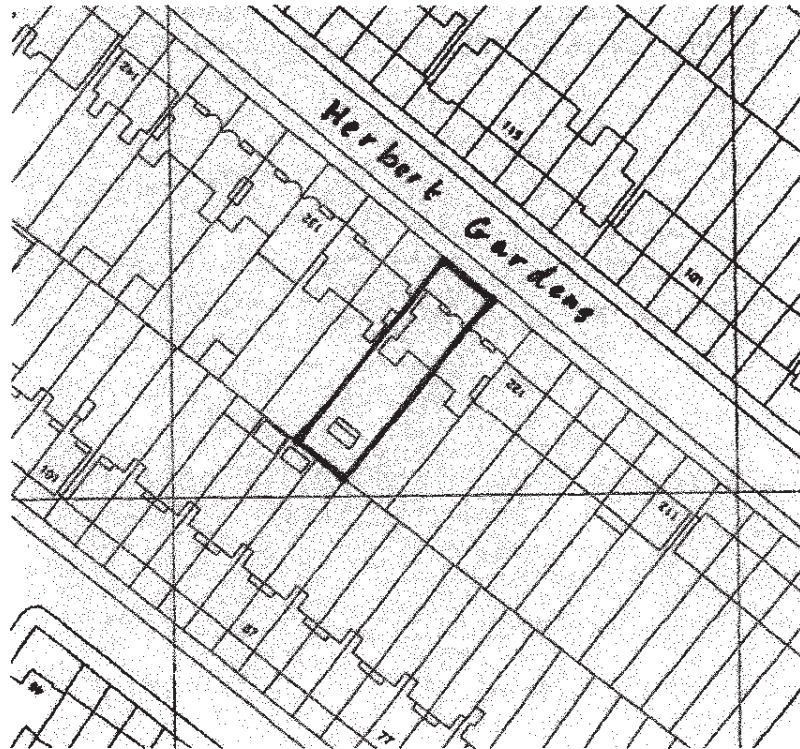
by Ian Currie BA MPhil MRICS MRTPI (Retired)

Land and buildings at:- 126 Herbert Gardens, Kensal Rise, London NW10 3BP

Appeal ref:- APP/T5150/X/13/2205377

Scale:- 1:1,250

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## Appeal Decision

Site visit made on 31 March 2014

by **G D Jones BSc(Hons) DMS DipTP MRTPI**

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

Decision date: 8 May 2014

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### Appeal Ref: APP/T5150/A/13/2210196 56 Station Road, London NW10 4UA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
  - The appeal is made by Mr Ali against the decision of the Council of the London Borough of Brent.
  - The application Ref 13/1730, dated 20 June 2013, was approved on 15 August 2013 and planning permission was granted subject to conditions.
  - The development permitted is described as 'change of use of existing shop unit (use class A1) to mixed use comprising A1 and data-controlled administrative booking office for private hire vehicles (Use Class Sui Generis)'.
  - The condition in dispute is No 4 which states that: 'no signage or reference to the mini-cab office shall be displayed at the premises'.
  - The reason given for the condition is: 'to ensure that patrons are not attracted to the premises and in the interest of residential amenity'.
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### Decision

1. The appeal is allowed and the planning permission Ref 13/1730 for 'change of use of existing shop unit (use class A1) to mixed use comprising A1 and data-controlled administrative booking office for private hire vehicles (Use Class Sui Generis)' at 56 Station Road, London NW10 4UA granted on 15 August 2013 by the Council of the London Borough of Brent, is varied by deleting condition 4.

### Procedural Matters

2. Prior to the determination of the appeal the government's planning guidance came into force on 6 March 2014. The content of the guidance has been considered but in the light of the facts in this case it does not alter my conclusion.

### Background and Main Issues

3. The change of use permitted by the planning permission in question has occurred. In essence this has resulted in the creation of a mixed use of the premises through the addition a small administrative booking office for private hire vehicles and the continued use of the remain floor space as a shop. Condition 4 of the planning permission prohibits the display of signage or reference to the mini-cab booking office. The Council's statement indicates that the condition is necessary to protect the living conditions of neighbours in regard to noise and disturbance and in the interests of highway safety.
4. The main issues are, therefore, the effect that retaining the mixed use, including the data-controlled administrative booking office for private hire

vehicles, would have on the living conditions of neighbours in regard to noise and disturbance and on highway safety having particular regard to the effectiveness and appropriateness of the condition in dispute and the remaining conditions of the planning permission along with any other conditions that could reasonably be imposed.

### **Reasons**

5. The appeal site is a mid-terrace property located at the back of the pavement of a busy thoroughfare, Station Road. At ground floor the nearby units that line this street are largely in commercial use, including shops, bars, bookmakers and cafes. There is also a fairly large Royal Mail sorting office a little way to the north. There appear to be residential uses on the floors above the units that front Station Road and the predominant use in the wider area is also residential.
6. The principal entrance to the appeal property is via the Station Road shop front. There is also a pedestrian access to the rear from Harley Road via a narrow passage and a private yard which appears to be shared with a flat. The site has no off-street parking or any form of vehicular access. On-street parking and loading in the surrounding streets is very limited. In Station Road to the front of the site parking and loading are prohibited. On the opposite side of the Station Road and to the rear in Harley Road there is short stay pay and display street parking. Nearby residential streets are largely restricted to residents' only parking during the day. The evidence indicates that the area is well served by public transport.
7. When I conducted my site visit I observed that the data-control administrative booking office for private hire vehicles element of the mixed use is confined to a small ground floor room, which appeared to be consistent with the details shown on drawing number SR-01 rev A. When viewed from Station Road, from Harley Road, from the rear yard and from within the shop I saw nothing to indicate the presence of the booking office.
8. Due to the proximity of residential uses and as the evidence indicates that appeal use has no limits on the hours of operation, an unrestricted use would have the potential to affect the living conditions of neighbours resulting from noise and disturbance associated with the coming and going of customers and mini-cab drivers. Due to the site's location on a heavily trafficked road close to a pedestrian crossing and the junctions of several roads, along with the presence of a number of commercial uses, an unrestricted booking office use would also have the potential to effect highway safety as a result of cab-drivers visiting the premises and customers being dropped off nearby.
9. In addition to the condition in dispute, three conditions are attached to the planning permission. In summary, condition 1 limits the private vehicle hire element of the use to a period of 1 year expiring on 15 August 2014; condition 2 requires the development to be carried out in accordance with approved drawing number SR-01 rev A; and condition 3 restricts the private hire use to radio-controlled communication between the 'despatcher' and the drivers of the mini-cab vehicles only.
10. Given the site's location, I recognise that the introduction of signage or referencing as currently restricted by condition 4 would have the potential to attract customers to the premises. Nonetheless, if condition 4 was to be



removed, the other three conditions could remain in place. Condition 3 limits the private vehicle hire use to an extent that customers and drivers are not permitted to visit the premises. The floor area of the private vehicle hire use is also restricted by condition 2. Any breach of conditions 2 or 3 would be a matter for the Council. In this scenario the remaining conditions would, therefore, be sufficient to protect the living conditions of neighbouring residents and highway safety and consequently the disputed condition is unnecessary.

11. For the foregoing reasons, the continuation of the appeal use subject to conditions 1, 2 and 3 only, would not harm the living conditions of neighbouring residents or highway safety. Therefore, in this regard there would be no conflict with Policies SH4, SH14, SH16, EP2, TRN3, TRN16, TRN23, TRN24, TRN25 or TRN34 of the Brent Unitary Development Plan 2004, or with the National Planning Policy Framework.

### **Conclusions**

12. For the reasons given above, I conclude that the appeal should succeed. I shall vary the planning permission by deleting the disputed condition as indicated in my decision.

*G D Jones*

INSPECTOR

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## Appeal Decision

Site visit made on 23 April 2014

by **A Banks BA(Hons) DipUD PGCM MRTPI MRTPI**

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

Decision date: 22 May 2014

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**Appeal Ref: APP/T5150/A/14/2212838**

**Mr Fish, 51 Salusbury Road, London NW6 6NJ**

- 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 Shafiq Jivraj against the decision of the Council of the London Borough of Brent.
  - The application Ref 13/1946, dated 12 July 2013, was refused by notice dated 11 November 2013.
  - The development proposed is change of window to front and side elevation of restaurant.
- 

### Decision

1. The appeal is allowed and planning permission is granted for change of window to front and side elevation of restaurant at Mr Fish, 51 Salusbury Road, London NW6 6NJ in accordance with the terms of the application, Ref 13/1946, dated 12 July 2013, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: SA524-12-P3.

### Preliminary Matter

2. The appellant has requested that the appeal is determined on the basis of revised plans - P4. However, P4 is a substantial departure from the scheme the Authority determined. Whilst the appellant states that letters were sent to the original residents consulted on the application and accordingly third parties would not be prejudiced by this, I cannot be sure that statutory consultees as well as all third parties have been offered an opportunity to comment on the modified scheme. Therefore, whilst it was clear from my site visit that matters have moved on, I have considered the proposal as determined by the Authority.

### Main Issue

3. It is clear from the Officer's report that the Council has no issue with the design of the windows. Their concern relates to the window on the side elevation which would be fully opening and the main issue is its effect on the living conditions of the occupiers of the adjoining first floor dwelling with particular regard to noise.

### **Reasons**

4. The appeal site is located on the corner of a crossroad junction. It fronts onto the busy Salusbury Road, which has a noisy and lively commercial character. Its side elevation faces Brondesbury Road, which beyond the properties fronting onto Salusbury Road, has a quieter residential character.
5. The proposal would change the main window facing onto Brondesbury Road, so that it could potentially open to its full extent. The proximity of the window to Salusbury Road along with its slightly angular alignment towards it creates a stronger association with that road rather than the quieter residential Brondesbury Road. In this context, an opening window would not be dissimilar from The Alice House Restaurant, opposite the site and which has sliding windows or other nearby eating places which have outside seating areas. Noise levels are already higher in this area and it is unlikely that the additional noise arising from having an open window at the appeal site would be discernible. The measurements taken for the Noise Impact Assessment submitted with the appeal support this.
6. I therefore conclude that the proposed development would not unacceptably affect the living conditions of the occupiers of the adjoining first floor dwelling with particular regard to noise. Consequently the proposal would not be contrary to Brent's Saved Unitary Development Plan (UDP) Policy EP2 which seeks to maintain acceptable noise levels. UDP Policy BE9 and the Council's Design Guide for New Development Supplementary Planning Guidance 17 are not directly relevant to this case as they are concerned with architectural quality and design.

### *Other Matters*

7. I have considered the concerns of residents in neighbouring 134 Brondesbury Road. In particular I note their comments in respect of The Alice House Restaurant. But I saw that this has sliding windows which are opposite No 134 whereas the proposed window at Mr Fish is at a sharp angle facing away from No 134. Given the conclusions above I consider there would be no significantly increased impact on the occupiers of No 134.
8. The Government's Planning Practice Guidance (PPG) was published on 6 March 2014. The content of the Guidance has been considered but in the light of the facts of this case the document does not alter my conclusions.

### **Conditions**

9. In the interests of proper planning and for the avoidance of doubt, it is necessary to impose a condition to require the development to be carried out in accordance with the approved plans.

### **Conclusion**

10. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*A Banks*

INSPECTOR

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## Appeal Decision

Site visit made on 1 April 2014

by **Stephenie Hawkins BSocSc(Hons) MPhil MSc MRTPI**

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

Decision date: 29 April 2014

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**Appeal Ref: APP/T5150/A/13/2205500**  
**Gladstone Court, Anson Road, London NW2 4LA**

- 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 Charles Raval against the decision of the Council of the London Borough of Brent.
  - The application Ref 13/1977, dated 17 July 2013, was refused by notice dated 11 September 2013.
  - The development proposed is erection of a two bedroom three storey dwelling house.
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### Decision

1. The appeal is allowed and planning permission is granted for erection of a two bedroomed three storey dwelling house at Gladstone Court, Anson Road, London NW2 4LA in accordance with the terms of the application, Ref 13/1977, dated 17 July 2013, subject to the conditions in the attached schedule.

### Procedural Matters

2. The decision notice refers to Policy 5.17 of the London Plan. However, the Council has confirmed that this is an error and that it should read as Policy 5.13. Whilst Revised Early Minor Alterations to the London Plan were published in October 2013, after the application was determined, these do not constitute a material change to Policy 5.13.
3. As far as is relevant, I have taken the Planning Practice Guidance (PPG), issued on 6 March 2014, into account in reaching my decision.

### Main Issues

4. The main issues are:
  - the effect of the proposed development on the character and appearance of the area;
  - whether the proposed development would provide acceptable living conditions for future occupiers in terms of amenity space provision and outlook, together with privacy;
  - the effect of the proposed solar panels on the living conditions of occupiers of Gladstone Court in terms of outlook; and

- whether the proposed development would make adequate arrangements for waste water drainage.

## **Reasons**

### *Character and appearance*

5. The appeal site comprises a triangular shaped plot of land, which fronts Melrose Avenue and tapers to the rear. The site is located to the side of a block of flats known as Gladstone Court. This block is four storeys in height, with the top floor set within pitched roofs with dormer windows. It has a traditional, and symmetrical, appearance, which includes projecting brick bays and use of render. Melrose House, a fairly recent residential care home development, is to the south. Next to the site, this has replaced a three storey development with a mono-pitched roof, with one of four storeys with a flat roof.
6. The appeal site has a planning history that includes previous appeals arising from similar proposals to erect a dwellinghouse in a similar position, which were dismissed in March 2000, October 2001 and January 2003. I have been provided with some details of the last appeal (Ref APP/T5150/A/02/1098612), which I consider is a material consideration in this appeal.
7. The previous Inspector found the proposal before them would detract from the space that is part of the established setting of Gladstone Court and which gives it a degree of separation from the development to the south. The Council suggests that, on this basis, infill development on the site should be resisted in principle. However, the previous Inspector pointed out that the first appeal failed on grounds of amenity space and highway safety, not character and appearance. As such, I consider the issue is not one of principle, but one of the scale and massing of the proposal and whether sufficient space would be retained to provide visual separation between Gladstone Court and Melrose House.
8. The proposal before the last Inspector was for a two storey dwelling that would extend across the full width of the plot. Whilst the proposal before me is for a three storey dwelling, it would retain space to the side with a wide frontage to Melrose Avenue. This space would largely be framed by the side elevation of Melrose House, which is prominent within the street scene. However, the planting of trees, as proposed, would soften and filter views of the built form. In my view, this would emphasise that space exists between Gladstone Court and Melrose House. Such tree planting could be secured as part of a landscaping condition, as suggested by the Council. Whilst the space would taper into the site, at this point there would be a clear gap between the proposed dwelling and Melrose House. Consequently, whilst the proposed dwelling would reduce the space, I am satisfied that sufficient space would be retained to overcome the concerns of the last Inspector.
9. Turning to appearance, I consider the proposed development would have much to commend it, especially when viewed from Melrose Avenue. I consider the contemporary design would provide a striking contrast to the traditional design of Gladstone Court, whilst complementing it, for example, by drawing on its scale and proportions and use of render. Whilst the design includes substantial glazing to the front, with vertical fins reflecting the vertical emphasis of the projecting brick bays of Gladstone Court, there would be horizontal breaks at



each floor level following the openings of Gladstone Court. The proposed dwelling would adjoin Gladstone Court by a recessed glazed strip, which would provide a visual break. The flat roof would lend subservience to Gladstone Court and, given the use of such within the Melrose House development, I consider it would sit comfortably within the setting. In my view, the visual break and subservience, together with the contrasting design, would enable the symmetry of Gladstone Court to continue to be read.

10. For the reasons given above, I conclude that the proposed development would not materially harm the character and appearance of the area. As such, it would accord with Policies BE2, BE7, BE9 and H12 of the Unitary Development Plan 2004 (UDP). These policies generally require developments to have regard to the local context and not cause harm to the character and appearance of the area, resisting the excessive infilling of spaces between buildings and supporting contemporary design that respects and satisfactorily relates to the adjoining development.
11. The decision notice also refers to Policy BE3 of the UDP and Supplementary Planning Guidance Design Guide for New Development (SPG17). However, Policy BE3 relates to space and movement, and I find it of limited relevance to this appeal. In respect to character and appearance, the Council has not drawn my attention to any specific provisions within SPG17 and, as such, I give it little weight in this regard.

*Living conditions – future occupiers*

12. The Council considers the quantity of proposed amenity space would accord with the standards as set out in SPG17, but considers it would not be of sufficient quality. I concur with the Council in respect to the proposed rear amenity space, which given its size, shape and enclosure by close boarded fencing, would be cramped and overshadowed. However, the main amenity space would be provided to the side of the dwelling. This would be set back from the street by the proposed car parking space, refuse stores and cycle parking, which would act as a buffer to passing pedestrians and vehicles. Whilst habitable room windows to the side elevation of Melrose House would enable overlooking of this space, some overlooking of amenity space is unavoidable in urban areas and, in this instance, it would tend to be oblique. In addition, it would, to an extent, be filtered by the planting of trees as proposed. Consequently, I consider the proposed development would provide amenity space of sufficient quality.
13. The Council contends that the proposed development would breach SPG17's separation distance standards between habitable room windows to the side and rear elevations and the site's boundaries. These standards relate to privacy. However, given habitable room windows to these elevations would only be on the ground floor, and the relationship with adjacent developments, I consider the potential for overlooking to be satisfactorily limited. I acknowledge that these windows may offer a somewhat restricted outlook for future occupiers of the proposed dwelling, especially to the rear. However, they would serve an open plan kitchen/living room, which would also be served by the substantially glazed frontage that would have an unrestricted outlook. Consequently, in this case, I do not consider the Council's concerns about conflict with SPG17's separation distances between habitable room windows and the site's boundaries sufficient to justify withholding planning permission.

14. For the reasons given above, I conclude that the proposed development would provide acceptable living conditions for future occupiers in terms of amenity space provision and outlook, together with privacy. As such, it would accord with Policy BE9 of the UDP, in that it requires developments to promote the amenity of users. In addition, notwithstanding the technical conflict with numerical guidelines, I consider the proposed development acceptable when considered against SPG17.

*Living conditions – occupiers of Gladstone Court*

15. The proposed solar panels would be in close proximity to a dormer window to Gladstone Court, with one set in direct view. Whilst this would be set fairly low to the window, given its proximity, I consider it would be particularly noticeable to occupiers of the flat and, as such, would materially harm their living conditions in terms of outlook. However, the appellant has suggested that the panels could be lowered, which could be secured by condition, and I am satisfied that this would overcome the harm that I have identified.
16. For the reasons given above, I conclude that the proposed solar panels would not materially harm the living conditions of occupiers of Gladstone Court in terms of outlook. As such, the proposed development would accord with the aforementioned provision of Policy BE9 of the UDP, which specifically refers to developments providing a satisfactory level of outlook for existing residents.

*Waste water drainage*

17. I note the concerns of Thames Water in respect of there being insufficient capacity within the existing waste water infrastructure to accommodate additional demand from the proposed development, especially in respect to surface water. In this respect, I note that the application form states that surface water disposal would be via the main sewers, whereas Thames Water would prefer sustainable drainage measures. Notwithstanding the details on the application form, the proposed development would incorporate such measures, including a green roof. Given the fairly minor scale of the development, I consider such measures could be secured as part of the suggested landscaping condition. As such, I do not consider this matter justifies planning permission being withheld.
18. For the reasons given above, I conclude that the proposed development would make adequate arrangements for waste water drainage and would accord with Policy 5.13 of the London Plan 2011, which requires developments to incorporate sustainable urban drainage systems.

**Other Matters**

19. I acknowledge that the proposed development would alter the immediate environment of Gladstone Court and have addressed matters of outlook and privacy above. Any works affecting the building itself would be covered by separate legislation and, as such, has no material bearing on the planning merits of the case. Similarly access across the frontage would be a private matter. Notwithstanding this, the proposed development would be set back in line with Gladstone Court and Drawing No P-101 indicates that the right of way is to be retained and resurfaced. In my view, concerns about the maintenance of the site, including problems of fly-tipping, weigh in favour of bringing the site into use. I note preferences for the site to be used for parking, or gardens,



associated with Gladstone Court, and ongoing efforts to achieve this, but such a proposal is not before me.

### **Conclusion and Conditions**

20. For the reasons given above, the appeal should be allowed.
21. The Council has not provided a list of conditions that they consider should be imposed if planning permission is granted. However, conditions are suggested within the evidence of the main parties, which I have considered against paragraph 206 of the National Planning Policy Framework and the advice in the PPG. In addition, I sought the views of the main parties on the use of conditions to address issues of living conditions of occupiers of Gladstone Court and waste water drainage, but neither responded.
22. I have already referred to the necessity for a landscaping condition as suggested by the Council, incorporating details of tree planting and sustainable drainage measures. In addition, in the interests of sustainable travel and the safe and efficient operation of the access, I consider it necessary for this to incorporate details of the cycle storage and the gate to the parking area, as suggested by the Council's transportation officer. Also as referred to above, I consider it necessary to attach a condition for the re-siting of the solar panels, as suggested by the appellant to overcome concerns in terms of the outlook of occupiers of Gladstone Court. In addition, in the interests of the character and appearance of the area, I consider it necessary to attach a condition requiring the materials to be used in the construction of the external surfaces of the development to be approved by the local planning authority. I have also attached the standard time limit condition and, for the avoidance of doubt and in the interest of proper planning, a condition requiring that development be carried out in accordance with the approved plans.
23. I note that the transportation officer seeks a financial contribution towards improving highway safety, new parking controls and enhancing non-car access. However, lack of such a contribution did not form part of the reasons for refusal and I have no reasoned assessment that it is necessary. In addition, the proposed development would be liable for the Council's Community Infrastructure Levy and it is not clear as to whether such infrastructure would be funded by this.

*Stephenie Hawkins*

INSPECTOR

### **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: L-100; S-101; P-101 and P-301.
- 3) No development shall take place until full details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to, and approved in writing by, the local planning authority. These details shall include: the size, species and positions of all trees to be planted, and the proposed time of planting; sustainable drainage measures, including specifications for the green roof; hard surfacing materials; cycle storage; and proposed means of enclosure including gates. The works shall be carried out as approved prior to first occupation of the dwelling hereby permitted or in accordance with a timetable agreed by the local planning authority.
- 5) With reference to condition 4, all the works carried out as part of the approved sustainable drainage measures shall thereafter be retained as such.
- 6) With reference to condition 4, if within a period of two years from the date of the planting of any tree, that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written approval to any variation.
- 7) Notwithstanding condition 2, no development shall take place until details of the siting of the solar panels have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.

## Appeal Decision

Site visit made on 8 April 2014

by **J D Westbrook BSc(Hons) MSc MRTPI**

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

Decision date: 11 April 2014

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### **Appeal Ref: APP/T5150/D/14/2212560 14 Westward Way, Kenton, Harrow, HA3 0SE**

- 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 Satishbhai against the decision of the Council of the London Borough of Brent.
  - The application Ref 13/2970, dated 25 September 2013, was refused by notice dated 28 November 2013.
  - The development proposed is an outbuilding to the dwelling house.
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### **Decision**

1. The appeal is allowed and planning permission is granted for an outbuilding to the dwelling house at 14 Westward Way, Kenton, Harrow, HA3 0SE, in accordance with the terms of the application, Ref 13/2970, dated 25 September 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: 270 1/R1, 270 2/R1.
  - 3) The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 14 Westward Way, Kenton, Harrow, HA3 0SE.

### **Main Issue**

2. The main issue in this case is the effect of the proposed outbuilding on the character and appearance of the area around Westward Way.

### **Procedural Matter**

3. In reaching my decision I have had regard to the recently published and updated National Planning Practice Guidance.

### **Reasons**

4. No 14 is a detached house situated on the south side of Westward Way. The houses on this side of the road have long rear gardens, as do the houses to the
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rear on Hampton Rise. No 14 has no rear extension, although a number of the houses in the vicinity have sizeable rear extensions. The proposed outbuilding would be constructed at the bottom end of the long rear garden, some 20 metres from the house. It would be around 6.5 metres wide by 5.5 metres deep. It would be sited 1.2 metres away from the side and rear boundaries, and it would have a height to eaves of 2.5 metres, with an overall height of 3 metres, utilising a very shallow hipped roof. It would have timber cladding on the walls and a green felt roof.

5. The appellant contends that if the outbuilding had a flat roof it would meet permitted development requirements. I consider this a significant fall-back position.
6. In view of its limited height and its distance from the rear elevations of the host building and its neighbours on all sides, I do not consider that the proposed outbuilding would have any significant impact on the generally spacious character of the surrounding area. It would not be prominent from any perspective and it would leave a substantial amount of garden unobstructed.
7. The Council contends that the size of the building would be uncharacteristic of the area and would fail to respect the garden setting. It would be a large outbuilding, but the garden is also large. Furthermore, I am mindful of the fact that a similar building with a flat roof could be constructed using permitted development rights. I find that the proposed low hipped roof would be a more appropriate design than a flat roof, particularly in the context of the surrounding houses, which also have hipped roofs.
8. On the basis of the above, I find that the proposed outbuilding would not be significantly harmful to the character and appearance of the surrounding area. It would also, therefore, not conflict with Policy CP17 of the Council's Core Strategy, or with Policies BE2 or BE9 of the Council's Unitary Development Plan, all of which require a development to respect its setting and local context, and not cause harm to the character of an area.
9. Finally, concern has been expressed that the size of the building and the inclusion of a toilet within the building indicates a potential that the outbuilding could be used other than as ancillary to the main dwelling. This issue and the concern resulting from it can be dealt with using a relevant condition, and I have attached such a condition accordingly.

### **Conditions**

10. I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have attached a further condition relating to ancillary use in the interests of the residential amenities of neighbouring occupiers, and in the interests of protecting the established character of the area.

*J D Westbrook*

INSPECTOR

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## Appeal Decision

Site visit made on 10 April 2014

by **G Powys Jones MSc FRTPI**

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

Decision date: 2 May 2014

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**Appeal Ref: APP/T5150/A/14/2211535**

**43 Dollis Hill Lane, London, NW2 6JH**

- 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 Andre Araujo against the decision of the Council of the London Borough of Brent.
  - The application Ref 13/3328, dated 1 November 2013, was refused by notice dated 27 December 2013.
  - The development is a single storey rear extension.
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### Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 43 Dollis Hill Lane, London, NW2 6JH in accordance with the terms of the application Ref 13/3328, dated 1 November 2013, subject to the following condition:

*Within 3 months of the date of this decision the windows in the flank wall of the extension hereby permitted shall be fixed shut and obscurely glazed, and no further windows shall thereafter be inserted in the flanks walls of the extension.*

### Preliminary matters

2. The single storey rear extension has already been built and the appellant, in effect, wishes to retain it. I shall proceed on this basis. The discrepancies in the submitted plans pointed out by the Council are noted, but since the extension already exists, the discrepancies do not materially affect my assessment.
3. The Council's second reason for refusal refers to the property being used as a House in Multiple Occupation (HMO). An enforcement notice was served which came into effect on 26 October 2013. The notice required the use as a HMO to cease, and the demolition of the rear extension. The appellant says that the use of the property as a HMO has ceased. However, the use made of the property is not a matter within my remit since the appeal is concerned solely with the rear extension.

### Main issues

4. The main issues are the effects of the proposed development on: (a) the character and appearance of the host property and surrounding area, and



(b) the living conditions of the residents of 41 & 45 Dollis Hill Lane with particular reference to outlook, privacy and visual intrusion.

## **Reasons**

### *Character and appearance*

5. The appeal property is a semi-detached dwelling set in a predominantly residential area of distinct suburban characteristics. The extension, built at the rear of the dwelling, has no impact on the public realm since it is shielded from view by the bulk of extant properties. The extension is clad in white UPVC panels although the material of construction is not immediately apparent until one is close to it. Its colour matches the painted render of the main rear wall of the dwelling, and its shape is not unlike other rear extensions in the locality, albeit that it is longer. Fences and vegetation on or near to the appeal site's boundaries are such as to provide good screening from adjacent gardens. Whilst the extension may not be of a particularly high quality of design, it is unobtrusive both from the front and from adjacent properties, and causes no harm.
6. I conclude that the proposed extension would sit unobtrusively and acceptably in its visual context without harming the character and appearance of either the host property or surrounding area. Accordingly, there is no conflict with those provisions of policies BE7 & BE9 of The London Borough of Brent Unitary Development Plan (UDP) requiring building proposals to be designed with regard to their local context. Policy BE7 relates specifically to the public realm, upon which the development has no perceptible effect.

### *Living conditions*

7. The Council's concern in respect of potential loss of privacy to the residents of No 41 Dollis Hill Lane, may be acceptably addressed by condition requiring the windows on the flank wall of the extension to be obscurely glazed, and fixed.
8. The fences and other enclosures along the boundaries with the adjacent properties are of an adequate height to ensure that the extension is not particularly noticeable from neighbouring properties at close quarters, internally or externally, and certainly not sufficiently noticeable to cause harm by reason of visual impact or loss of outlook.
9. I conclude that the proposed extension would not give rise to unacceptable effects on neighbouring living conditions. Accordingly, there is no conflict with those provisions of UDP policy BE9 requiring development to be designed to promote a satisfactory level of privacy and outlook for existing residents.

## **Conditions**

10. The Council's proposed conditions in respect of fenestration shall be imposed in the interests of protecting neighbouring privacy, albeit in a different form. Since the extension has already been built, no further conditions are necessary.

## **Other matters**

11. The new national *Planning Practice Guidance* has been published recently, but having regard to the facts in this case and the main issues identified at the outset, it has no material bearing on my conclusions.

12. All other matters raised in the representations have been taken into account, including the references to the Council's Supplementary Guidance on 'Altering and Extending your Home' and also to what may be possibly built under permitted development rights. I give little weight to this latter aspect, given that the extension is already built, and required planning permission, and I am not convinced that a reasonable prospect exists of a new extension being built on the lines suggested. No other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

*G Powys Jones*

INSPECTOR





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## Appeal Decision

Site visit made on 8 April 2014

by **J D Westbrook BSc(Hons) MSc MRTPI**

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

Decision date: 15 April 2014

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**Appeal Ref: APP/T5150/D/14/2214968**  
**5 St Michaels Avenue, Wembley, HA9 6SJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A4 of the Town & Country Planning General Permitted Development Order 1995 (as amended).
  - The appeal is made by Mr B Rahman against the decision of the Council of the London Borough of Brent.
  - The application Ref 13/3890, dated 8 December 2013, was refused by notice dated 10 January 2014.
  - The development proposed is a single-storey rear extension to the dwellinghouse.
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### Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 1, Paragraph A4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)(GPDO) for a single-storey rear extension to the dwellinghouse at 5 St Michaels Avenue, Wembley, HA9 6SJ in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A4 (2) of the GPDO.

### Procedural matters

2. The provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises - taking into account any representations received. My determination of this appeal has been made in the same manner.
3. I have been provided with plan drawing no. SB/30/1, which is referred to in the Council's decision notice, and on which my decision is based.
4. In reaching my decision I have had regard to the recently published and updated National Planning Practice Guidance.

### Reasons

5. No 5 St Michaels Avenue is a semi-detached house, situated on the western side of the road. It has a very small rear extension to the kitchen. The adjoining No 3 has an L-shaped extension at the rear, some 3 metres in depth at the boundary with No 5, and around 4 metres in depth some 2 metres away from the boundary. It has a pitched roof. No 7 St Michaels Avenue is separated from the appeal property by a 1 metre wide passageway. It also has

a full-width rear extension some 3 metres deep. The houses on this side of the road have very long rear gardens, sloping down somewhat from east to west.

6. The extension at No 5 would be full width and would have a depth of 6 metres. It would have a flat roof and be 2.9 metres high. It would be sited to the north of No 3 and would, therefore, have no significant impact on the light received by that property. No 3 has large patio doors in that part of its rear extension closest to the appeal property and a large window in the deeper part, further away from the boundary. The extension at No 5 would project some 3 metres beyond the shallowest point of the extension at No 3 and only 2 metres from the deeper part. There are extensive and unobstructed views down the garden and over the properties further to the south and west.
7. The extension at No 7 is 1 metre distant from the side elevation of the appeal property. It has an obscure-glazed door closest to the boundary with No 5 and large patio doors further away. Again, there are unobstructed views down the garden and over houses to the rear.
8. In view of its limited projection beyond the rear elevations of the extensions in Nos 3 and 7, and the distance of the main ground-floor rear windows in those houses from the boundary with the appeal property, I find that the proposed extension at No 5 would not have any significant detrimental impact on the outlook from the neighbouring dwellings.
9. The Council notes that the ground slopes away from the rear elevation of the houses on this side of the road, and that the extension would therefore appear more oppressive. However, the slight drop in ground level over the length of the extension would not affect the view from the windows in the adjacent houses, since the proposed extension itself would remain at the same horizontal level as the extensions at Nos 3 and 7. It would be marginally more prominent from outside of the buildings, but this would have no significant detrimental impact on outlook due to the restricted length of the extension beyond that of the existing extensions on the neighbouring properties.
10. The appellant notes a number of cases where other long extensions have been recently approved but, on the limited information before me, the circumstances in these cases would not appear to reflect those of this current proposal. In any case, I have treated it on its own merits.

### **Conclusion**

11. On the basis of the above, I conclude that the appeal should be allowed and approval granted. In granting approval the Appellant should note that the GPDO requires at Paragraphs A4 (10), (11) and (12) that the development shall be completed on or before 30th May 2016 and that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer; the address or location of the development, and the date of completion.

*J D Westbrook*

**INSPECTOR**

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## Appeal Decision

Site visit made on 7 May 2014

by **J Westbrook BSC(ECON) MSC PGCE MRTPI**

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

Decision date: 14 May 2014

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**Appeal Ref: APP/T5150/D/14/2216768**

**147 Salmon Street, Kingsbury, LONDON, NW9 8NG**

- 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 Mrs Mary Healy against the decision of the Council of the London Borough of Brent.
  - The application Ref 13/3967 was refused by notice dated 13 February 2014.
  - The development proposed is a two-storey side extension, part single-storey rear extension and part two-storey side extension.
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### Decision

1. The appeal is allowed and planning permission is granted for a two-storey side extension, part single-storey rear extension and part two-storey side extension at 147 Salmon Street, Kingsbury, LONDON, NW9 8NG, in accordance with the terms of the application, Ref 13/3967, dated 19 December 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: 131104-10-P1, 131104-11-P1, 131104-12-P2.
  - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

### Procedural matter

2. In reaching my decision I have had regard to the recently published and updated National Planning Practice Guidance.

### Main issue

3. The main issue in this case is the effect of the proposed extensions on the character and appearance of the area around Salmon Street.

### Reasons

4. No 147 Salmon Street is a semi-detached house within a row of properties that is set back from the main carriageway of Salmon Street behind a service road and a mature landscaped strip. The properties along this section of the road are a mix of detached and semi-detached houses with a variety of styles and displaying a number of different types of extension to the front, side and rear. The prevailing roof style in the area is hipped.

5. The site is within a designated 'Area of Distinctive Residential Character' (ADRC) and is therefore subject to the provisions of Policy BE29 of the Council's Unitary Development Plan (UDP), which indicates that particular attention will be paid to the design, height and space between buildings in order to protect their individual qualities and character.
6. No 147 has a small detached garage to the side and has previously been extended using a hip to gable method, allowing for the construction of a very large rear dormer window, the side elevation of which is clearly visible from the service road to the front. The proposed development would involve the demolition of the garage and the construction of a part single-storey, part two-storey front and side extension, which would also wrap around part of the rear of the house. It would also involve the replacement of the side gable with a hipped roof and a new subservient hipped roof to the side and rear extensions. As a result, the wide rear dormer window would be reduced in width by around 50%. It would be a little deeper than the existing dormer, but would be set down lower from the ridge and would be hidden from view by the hipped roof of the side extension.
7. The Council accepts that the proposed development meets certain of the criteria for the preferred design of extensions as laid down in its Supplementary Planning Guidance: "Altering and extending your home" (SPG5). It contends, however, that the front extension, which takes the form of a canopy wrapping round the existing front door and following the line of the front bay window, would conflict with that guidance and would detract from the appearance of the house. The appellant points to a large number of similar front extensions in the row of properties of which it is a part.
8. From my site visit, I note that there are front extensions on a large number of houses in the vicinity of the appeal property, including the adjoining No 149 and also at Nos 153 and 155 to the north, as well as Nos 143 and 145 to the south and Nos 131, 133 and 139 beyond. Whilst these are of differing designs and some are clearly of longstanding, nevertheless this feature is characteristic of the houses in the area and I do not consider that the proposed front extension at the appeal property would be out of character, nor would it be significantly harmful to the appearance of this part of the ADRC.
9. The Council also contends the replacement dormer would breach guidelines on size and positioning as laid down in the SPG. However, the new dormer would be only around half of the size of the existing dormer and it would be positioned well below the ridge of the side extension. It would, therefore, not be visible in the street scene. Since the existing dormer and gable side elevation of the house are uncharacteristic of and unsympathetic to the character and appearance of their surroundings, I find that the reconfigured hipped roof and the smaller hidden dormer would be beneficial to the general appearance of the area.
10. Finally, the Council contends that the single-storey element of the rear extension would be excessive in length. It would be a little under 6 metres beyond the existing main rear elevation of the house but only around 0.5 metres beyond the depth of the rear extension at the adjacent No 145. Furthermore, this element of the proposal apparently benefits from a ruling by the Council that Prior Approval would not be required for a single-storey extension of this length. This is a significant fall-back position.

11. In conclusion, I find that the disputed elements of the proposal, namely the front extension, the dormer and the length of the single-storey rear extension, would not be harmful to the character and appearance of the area around Salmon Street. The front extension would reflect what is, in fact, a common feature of the surrounding area; the dormer and side-hipped roof would be a visual improvement on the current appearance of the side of the house and prominent rear dormer; and the single-storey rear extension would not be dissimilar to other rear extensions in the vicinity, including at the neighbouring No 145. On this basis, therefore, I find that the proposal would not conflict with Policies BE2, BE9 and BE29 of the Council's UDP, which relate to protection of townscape and architectural quality, including protection of the ADRC, nor would it significantly conflict with guidance in the SPG5.

**Conditions**

12. I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have attached a further condition relating to materials in the interests of the visual amenities of the area.

*J Westbrook*

INSPECTOR





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## Appeal Decision

Site visit made on 10 April 2014

by **G Powys Jones MSc FRTPI**

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

Decision date: 17 April 2014

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### Appeal Ref: **APP/T5150/D/14/2214759**

#### **143 Carlton Avenue East, Wembley, Middlesex, HA9 8PU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph 4A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
  - The appeal is made by Mr Hussain Obaydi against the decision of the Council of the London Borough of Brent.
  - The application Ref 14/0228, dated 24 January 2014, was refused by notice dated 3 March 2014.
  - The development proposed is a single storey rear extension to original dwelling house.
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### Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 1, Paragraph A4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)(GPDO) for a single storey rear extension to original dwelling house at 143 Carlton Avenue East, Wembley, Middlesex, HA9 8PU in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A4 (2) of the GPDO.

### Procedural matters

2. The provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises - taking into account any representations received. My determination of this appeal has been made in the same manner.
3. The original form submitted by the appellant to the Council is undated. Accordingly, the date used by the Council in its decision letter and by the appellant in the appeal form has been adopted as the date on which the original application was made.

### Reasons

4. The Council considers that the proposal satisfies the empirical requirements of what currently qualifies as permitted development, and I have no reason to arrive at a different conclusion. The Council refused prior approval on the basis that the impact of the proposed development on the amenity of the residents of the next door properties, 141 & 145 Carlton Avenue East, would be unacceptable on the grounds of loss of light, outlook and visual intrusion.

5. The extension would be 6m deep for the most part, but has been designed so that for much of its length either side it would be set away from the adjoining boundaries by at least 2m. Where it adjoins the neighbouring boundary with No 145, it would have a height of approximately 3m. This would be higher than the solid fence that currently demarcates the boundary, but not so much higher as to materially affect the amount of daylight and sunlight currently enjoyed by No 145 residents, particularly in their rear rooms. The proposed extension's roof has been designed so as to minimise the potential impact of height, and to allow as much sunshine as practicable to shine through to the property to the north.
6. The other adjacent property, No 141 has a single storey extension built along the common boundary with the appeal property, and a high fence continues along this boundary. The development would have no material impact on the level of daylight or sunlight entering No 141.
7. The extension would be seen from the adjacent properties, particularly from their gardens and obliquely from rear windows. However, since the bulk of the extension would be set well away from the side boundaries and since its roof would not be inappropriately high, I do not consider that it would materially harm outlook or prove to be overbearing.
8. The single objection raised by one neighbour relates mainly to potential issues of flooding, which is not part of my remit in determining this appeal. I have already dealt with the other matter planning-related point raised.
9. Although I understand the reason for the Council's references to its Supplementary Planning Guidance on Altering and Extending Your Home (SPG), I attach limited weight to its contents since it considerably predates the introduction of the revised permitted development limits. I have therefore dealt with the appeal on its merits solely on the basis of its impact on the amenity of the adjoining properties taking account of the representations made.

### **Conclusion**

10. I conclude that the appeal should be allowed and approval granted. In granting approval the Appellant should note that the GPDO requires at Paragraphs A4 (10), (11) and (12) that the development shall be completed on or before 30th May 2016 and that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer, the address or location of the development, and the date of completion.

*G Powys Jones*  
INSPECTOR