



## Planning Committee

**Wednesday, 4 November 2009 at 7.00 pm**

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

### Membership:

#### Members

Councillors:

Kansagra (Chair)  
Powney (Vice-Chair)  
Anwar  
Baker  
Cummins  
Green  
Hashmi  
Hirani  
J Moher  
R Moher  
HM Patel  
Thomas

#### first alternates

Councillors:

Mrs Fernandes  
Beswick  
Jackson  
Eniola  
Pervez  
CJ Patel  
Dunn  
Tancred  
Mrs Bacchus  
Butt  
Colwill  
Long

#### second alternates

Councillors:

Mistry  
Bessong  
Joseph  
Jackson  
Corcoran  
Leaman  
CJ Patel  
Arnold  
Ahmed  
Steel  
Eniola

**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:

**[www.brent.gov.uk/committees](http://www.brent.gov.uk/committees)**

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

**Members' briefing will take place at 6.15pm in Committee Room 4**

# Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda. <b>Extract of Planning Code of Practice</b>		
2. Minutes of the previous meeting 21 October 2009 The minutes of the meeting held on 13 October 2009 (to follow)		5 - 8
<b>APPLICATIONS DEFERRED FROM THE PREVIOUS MEETING</b>		
3. 37 Geary Road, London, NW10 1HJ (Ref. 09/1962)	Dudden Hill;	9 - 16
4. Public Convenience, Victoria Road, London, NW6 (Ref. 09/0968)	Kilburn;	17 - 22
<b>NORTHERN AREA</b>		
5. 2A Preston Way & 283-287 odd, Preston Road, Harrow (09/2136)	Barnhill;	23 - 36
6. 2 Highfield Avenue, London, NW9 0PA (09/1880)	Fryent;	37 - 42
<b>SOUTHERN AREA</b>		
7. 110-118 inc, Kilburn Square, London, NW6 6PS (09/0410)	Kilburn;	43 - 54
8. 50A & 50C, Cavendish Road, London, NW6 7XP (Ref. 09/2099)	Brondesbury;	55 - 60
9. Brilliant Kids, 8 Station Terrace, London, NW10 5RT (09/2176)	Queens Park;	61 - 66
10. 1-82 Inc, Landau House, Chatsworth Road, London, NW2 (Ref. 09/1691)	Brondesbury;	67 - 70
<b>WESTERN AREA</b>		
11. 46 Hillfield Avenue, Wembley, HA0 4JP (Ref. 09/2124)	Alperton;	71 - 74
12. 1-4 & Garages Holmfield & 2, Crawford Avenue, Wembley, HA0 2HT (Ref. 09/3080)	Sudbury;	75 - 84
13. 14 Blenheim Gardens, Wembley, HA9 7NP (Ref. 09/2194)	Preston;	85 - 92
14. Unit 1, Wharfside, Rosemont Road, Wembley, HA0 4PE (Ref. 09/2102)	Alperton;	93 - 100

15. 1A-E 2A-F-14 A-F Inc, MIDDLESEX HOUSE, Northwick Alperton; 101 -  
Road, Wembley (Ref. 09/2223) 110

16. 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 65.

Site Visit Details

## LONDON BOROUGH OF BRENT PLANNING COMMITTEE – 4 NOVEMBER 2009

### SITE VISITS – SATURDAY, 31 OCTOBER 2009

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

ITEM	ADDRESS	REF.	WARD	TIME	PAGE
4	Public Convenience, Victoria Road, London NW6	09/0968	Kilburn	9.40am	19-24
3	37 Geary Road, London NW10 1HJ	09/1962	Dudden Hill	10.00am	11-18
6	2 Highfield Avenue Kingsbury London NW9 0PA	09/1880	Fryent	10.20am	39-44
5	2A Preston Waye & 283-287 odd, Preston Road Harrow	09/2136	Barnhill	10.50am	25-38
12	1-4 & Garages Holmfield & 2 Crawford Avenue, Wembley, Middlesex HA0 2HT	09/3080	Sudbury	11.10am	77-86
15	1A-E, 2A-F, 14A-F inc. Middlesex House, Northwick Road, Wembley	09/2223	Alperton	11.30am	103-112

**Date of the next meeting: Wednesday, 25 November 2009**

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



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.
  - Toilets are available on the second floor.

- Catering facilities can be found on the first floor near the Grand Hall.
- A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge

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

### **Purpose of this Code**

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

### **Accountability and Interests**

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

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

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

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

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

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



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

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

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# Agenda Item 2

## LONDON BOROUGH OF BRENT

### MINUTES OF THE PLANNING COMMITTEE Wednesday, 21 October 2009 at 7.00 pm

PRESENT: Councillors Kansagra (Chair), Cummins, Hashmi and Hirani

Apologies for absence were received from Councillor James Powney, Councillor Mohammad Anwar, Councillor Eddie Baker, Councillor James Moher, Councillor Ruth Moher, Councillor Harihar Patel and Councillor Bobby Thomas

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

None at this meeting.

#### 2. **LDF - progress and proposed changes for examination**

The Committee considered a report that explained and provided an update on the Council's Local Development Framework (LDF), particularly the Core Strategy and Site Specific Allocations documents which would form the new development plan. In his introduction the Policy & Projects Manager, Ken Hullock informed the Committee that the Council's Core Strategy and representations made following the consultation was submitted on 30 September to the Secretary of State for examination by a planning inspector. He drew members' attention to minor changes in response to a recommendation by the Government Office for London (GOL) and the key issues arising from the representation as set out in appendix 2 to the report.

He continued that the first change proposed was to encapsulate the objective of achieving the London Plan target for affordable housing (70% social housing and 30% intermediate). This was in part, in response to a recommendation from the Government Office for London (GoL) and a requirement of Government planning policy. He pointed out that the response did not alter any of the objectives of the strategy.

The remaining two changes concerned policy on climate mitigation and, in particular, how this related to Wembley (policies CP19 and CP7). This was in response to a number of objections received to policy CP19 in particular, that development would have to connect to decentralised energy networks. In recognition that further development work would be needed before developers could be asked to connect to such networks, it was recommended that the wording of policy CP19 be changed to allow developers the opportunity to demonstrate that connecting to decentralised networks was not feasible. He added that these relatively minor changes were likely to overcome some of the objections relating to the soundness of the Core Strategy

In response to members' queries Ken Hullock stated that the 70%:30% split of affordable and intermediate housing which was part of the targets and objectives which officers aimed to achieve was flexible and subject to market forces. The

Chair clarified that the figures related to an overall target and not to any single to any single application.

RESOLVED:-

That the Executive be recommended to agree the proposed changes to the Core Strategy as set out in appendix 1 to the report for consultation.

### **3. Detailed proposals and draft regulations for the introduction of the community infrastructure levy: consultation**

The Committee considered a report that informed them that as from April 2010, local authorities in England and Wales would be empowered, but not required, to introduce a new charge known as the Community Infrastructure Levy (CIL). The Head of Policy and Projects Dave Carroll explained that the CIL would be levied on most types of new development within the local authority area and would be based on set formulae which related the size of the charge to the size and type of the development. He continued that the principal aim of the new charge was to help provide the infrastructure required for growth and development and would work as a set charge to be applied to all non-householder developments in an area. The proceeds of the levy would be spent on local and sub-regional infrastructure to support the development of the area. He then outlined the key points of the CIL as follows;

- Uniform charge across the borough

- Rate per square metre

- Non negotiable

- Widening of remit, including sustainability measures

- Paring back of S106 to Affordable Housing and direct mitigation (i.e. footways, landscaping etc)

- 2 years to implement before S106 is scaled back

- Reporting information back on CIL to central government and administration efficiencies and regulation.

- Mayor CIL, Crossrail and more

- Viability testing

Dave Carroll drew members' attention to the Council's proposed responses and comments to the consultation document in particular, the support for a discount for affordable housing units, on the grounds that affordable housing was likely to come under significant pressure from CIL and reductions in grant. He continued that affordable housing delivery would be encouraged by allowing about a 20% reduction. In conclusion he submitted that whilst the Council welcomed the proposed details of CIL and its regulations there were a number of concerns including the deadline date for introducing the CIL by April 2010, the Mayor of London's role and the future of planning obligations.

During discussion members welcomed officers' support for a discount for affordable housing and expressed a view for charities, schools and hospitals to be included in the discount scheme for CIL. In response to questions about how to address the issue of defaulters, Dave Carroll stated that there already existed the Infrastructure & Investment Framework which would facilitate the implementation of the CIL. He undertook to add an amendment to the responses to include discounts also for charities, schools and hospitals.

RESOLVED:-

That the comments on Community Infrastructure Levy (CIL), set out in paragraph 3.13 of the report from the Chief Planner (as amended with recommended scope to grant discounts for CIL to charitable organisations, hospitals and schools) be agreed to be sent to Communities and Local Government, the Mayor of London and London Councils as part of their consultation process on the proposals for implementing the CIL.

#### **4. Draft revised London plan - public consultation by the Mayor of London**

This report informed members that the Mayor of London's draft new London Plan had been published for public consultation. Members heard from the Policy and Projects Manager Ken Hullock that the revised London Plan, recently released by the Mayor's office, was the overall strategic plan for London. It would form part of the development plan for each London borough and would need to be taken into account in determining planning applications. He circulated a paper that summarised the key policy issues in the draft London Plan which included the following, to members;

##### **Opportunity Areas (Policy 2.13)**

Colindale/Burnt Oak area straddling the Brent and Barnet boundary was now recognised as an opportunity area.

##### **Town Centres (Policy 2.15)**

Kingsbury was now recognised as a District Centre.

##### **Strategic Outer London Development Centres (Policy 2.16)**

Wembley had been identified with a strategic function related to leisure and tourism of greater than sub-regional importance.

##### **Increasing Housing Supply (Policy 3.3)**

Brent's annual new housing target for 2011-2021 but been revised from 1120 to 1065, a 5% reduction.

##### **Affordable Housing (Policies 3.11-3.14)**

The affordable housing target per annum had been revised from 50% to 39.5% (13,200) over the term of the plan. The current social rental and intermediate affordable housing ration had been revised from 70:30 to 60:40. The current requirement that the maximum reasonable amount of affordable housing should be sought on sites with a capacity of 10 or more homes was retained.

##### **Climate change mitigation (Policy 5.1)**

A commitment to reducing London's CO2 emissions 60% below 1990 levels by 2025 (double the target in the existing London Plan)

##### **Decentralised energy networks DEN (Policy 5.5)**

Boroughs were now required to produce energy master plans for specific DEN opportunities.

##### **Cycling (Policy 6.9)**

Proposed new cycle super highway would include Edgware Road from Cricklewood to Marble Arch.

**Tall Buildings (Policy 7.7)**

Boroughs were required to identify appropriate areas for tall buildings, in collaboration with the Mayor of London.

**Land for food (Policy 7.22)**

Boroughs were to encourage the use of land including allotments and community gardening for growing food nearer to urban communities.

RESOLVED:-

That the key points made by the Mayor of London in proposing changes in strategic planning in London be noted.

**5. London strategic housing land availability assessment - Brent**

The Committee received a report that informed them of the outcome of the London Strategic Housing Land Availability Assessment (SHLAA), recently undertaken to identify land and buildings suitable for new housing development in Brent. The Head of Policy and Projects outlined the methodology of the SHLAA and highlighted the implications of the assessment for Brent. He continued that Brent's participation in the London SHLAA should place it in a favourable position at the forthcoming Examination in Public of the LDF. Members heard that in addition, SHLAA would reinforce Brent's land use strategy and prevent the loss to housing development of existing employment, the loss of open space sites as well as generate additional Government grant for achieving the Borough's housing target.

RESOLVED:-

That it be agreed that the outcome of the Strategic Housing Land Availability Assessment (SHLAA) represents an acceptable basis for negotiating Brent's new London housing target with the Mayor of London.

**6. Any Other Urgent Business**

None.

**7. Date of next meeting**

Wednesday 4 November 2009 at 7.00pm. The site visits will take place on the preceding Saturday, 31 October 2009 from 9.30 when the coach leaves from Brent House.

The meeting ended at 8.15pm

S KANSAGRA  
CHAIR

## Committee Report

Planning Committee on 4 November, 2009

Case No.

09/1962

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**RECEIVED:** 10 August, 2009

**WARD:** Dudden Hill

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** 37 Geary Road, London, NW10 1HJ

**PROPOSAL:** Erection of a two-storey side extension to the dwellinghouse (as amended by plans received 02/10/2009)

**APPLICANT:** Jevenor Ltd

**CONTACT:** Architect: DAS

**PLAN NO'S:** E'01 Rev. B, E'02 Rev. B, E'03 Rev. A, E'04, P'01 Rev. B, P'02 Rev. B, P'x'01, P'x'02, E'x'01, E'x'02, E'x'03

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This application was presented to the committee meeting on 13/10/2009. It was decided to defer the application to allow committee members to visit the site.

### RECOMMENDATION

Approval

### EXISTING

Two-storey detached dwellinghouse located on the south side of Geary Road in Dollis Hill. The site is bounded by a semi-detached dwelling to the east, Geary Road to the North and the rear gardens of 49-55 Kendal Road to the west and those of 44 & 46 Fleetwood Road to the south. It is not a Listed Building nor is it within a Conservation Area.

### PROPOSAL

Full planning permission is sought for the erection of a two-storey side extension.

### HISTORY

09/1128: Certificate of lawfulness sought for proposed single-storey rear extension and two-storey rear extension to dwellinghouse. Granted 08/07/2009.

08/2157: Full planning permission sought for the erection of a single-storey and 2-storey side and 2-storey rear extension and covered area to front and side of dwellinghouse. Refused 26/09/2008 for the following reasons:

1. *The proposed two-storey side extension, by virtue of its inadequate set-back from the main front wall at ground-floor level, and its relationship with the proposed loft conversion and ridged roof construction, constitutes a dominant and visually obtrusive form of development that does not appear subservient to the original dwellinghouse, and would be detrimental to the character and appearance of the dwellinghouse and surrounding streetscape. The proposal is therefore contrary to policies BE2, BE7, and BE9 of Brent's Unitary Development Plan 2004 and Supplementary Planning Guidance 5: "Altering & Extending Your Home".*

2. *The proposed first-floor rear extension, by reason of its excessive depth and width, would appear as a bulky and incongruous extension to the property, resulting in a detrimental impact on the character of the original dwellinghouse. As such, the development would be contrary to policies BE2, and BE9 of Brent's Unitary Development Plan 2004, as well as the provisions of Supplementary Planning Guidance No. 5: "Altering and Extending Your Home".*

08/0309. Full planning permission sought for the erection of a 2-storey side and rear extension to dwellinghouse. Refused 26/03/2008, for the following reasons:

3. *The proposed two-storey side extension, by virtue of its inadequate set-back from the main front wall at ground-floor and first-floor levels, and its relationship with the proposed loft conversion and ridged roof construction, constitutes a dominant and visually obtrusive form of development that does not appear subservient to the original dwellinghouse, and would be detrimental to the character and appearance of the dwellinghouse and surrounding streetscape. The proposal is therefore contrary to policies BE2, BE7, and BE9 of Brent's Unitary Development Plan 2004 and Supplementary Planning Guidance 5: "Altering & Extending Your Home".*
4. *The proposed first-floor rear extension, by reason of its excessive depth, width and flat roof design, would appear as a bulky and incongruous extension to the property, resulting in a detrimental impact on the character of the original dwellinghouse. As such, the development would be contrary to policies BE2, and BE9 of Brent's Unitary Development Plan 2004, as well as the provisions of Supplementary Planning Guidance No. 5: "Altering and Extending Your Home"*

07/2413: Certificate of lawfulness sought for the erection of a rear dormer window to dwellinghouse. Granted 27/09/2007.

## **POLICY CONSIDERATIONS**

### ***Brent UDP 2004***

- *BE2 Local Context*
- *BE7 Streetscene*
- *BE9 Architectural Quality*

### ***SPG***

- *SPG5 Altering and Extending you Home*
  
- Appropriate Design
- Character of dwelling and surrounding area
- Light, outlook and privacy of neighbouring dwellings

## **CONSULTATION**

13 neighbours were consulted on this application. Four objections were received from neighbouring residents on Geary Road, Hamilton Road and Fleetwood Road on the following grounds:

1. Loss of light to the ground floor and first-floor bedrooms at No 41 Geary Road
2. Loss of privacy in neighbouring gardens.



3. Detrimental impact on the character of the dwelling and surrounding streetscene.
4. Detrimental visual impact.
5. Lack of parking.
6. Loss of rear green space.

Prior to the last committee meeting a further petition was received from all residents who have a direct boundary with the site. They have further emphasised their objections to the proposed development on the following grounds:

1. That the proposed development, taking into account certificates of lawfulness granted at this site, would result in an excessively sized development out of keeping the character of the dwellings in the area.
2. Car parking is insufficient given the potential number of bedrooms at the dwelling.
3. Loss of green space as a result of the existing rear patio.
4. A condition should be attached to ensure that the use of the property is restricted to use as a single family dwellinghouse.

In relation to these points:

1. The objectors make reference to existing certificate of lawfulness approvals at this property. While the proposal will result in a dwellinghouse that is larger than that of the neighbouring properties it should be noted that the plot for the house is also larger than that of the neighbouring dwellinghouses. The proposed development seeks to increase the size of the bedroom and rooms within the dwelling without providing a significant number of additional bedrooms. It should be noted that no construction of the extensions have been started on the property and with regards to the loft it should be noted that this will have to be completed prior to any work on the two storey side extension. An informative will be attached informing the applicants of this.

The proposed certificates of lawfulness combined with the current proposal show the provision of 1 large room in the loft and 5 bedrooms on the first floor. (There was an additional bedroom shown on the first floor of the certificate of lawfulness (ref 09/1128) but with the current application the applicant has confirmed that the room in the South East corner on the first floor will be a bathroom). Therefore from an original 4 x bedrooms on first floor and 1 x bedroom in the loft there will be 5 x bedrooms on first floor and 1 x bedroom in the loft.

2. The proposed dwelling, given the paved front forecourt completed over 4 years ago, will still be able to accommodate at least 2 off-street parking spaces and would therefore still be in keeping with the required parking standard. There is also restricted parking on Geary Road and the neighbouring Hamilton Road.
3. The patio referred to has existed since at least 2001 as it shows up in the aerial photos. This covers an area of approximately 46.3m<sup>2</sup> of the rear garden. The proposed extension will project 3m to the rear of the building and have a width of 3m, It will cover land that is currently covered by the patio therefore it is considered that there will not be a significant loss of green space in the rear garden.

A condition will be attached to the planning permission to ensure that the property is used as a single family dwellinghouse. However it should be noted that if the property is to be used for use that is not a single family dwellinghouse then it is likely that it would need full planning permission and be subject to the relevant policy and standards for that use.

## REMARKS

### *Planning History*

There have been a number of various proposals to extend No. 37 Geary Road that the Local Planning Authority have considered over the past 2 years. Two applications were refused for reasons relating to the detrimental impact on the character and appearance of the dwellinghouse by reason of the lack of setback from the main front wall of the dwellinghouse resulting in an extension not subservient to the original dwelling, and the loss of amenity for neighbouring residents as a result of the excessive depth, width and bulk of the proposed extensions.

The current proposal has been amended in the following way:

1. The two-storey rear extension has been removed from the majority of the rear of the proposal part from the section directly to the rear of the two storey side element.
2. The proposed side extension has been setback 2.5m from the main front wall of the dwellinghouse on the ground floor and the first floor.

It should however be noted that a Certificate of Lawfulness application has been approved for a 3m depth two-storey rear extension where it is set in 2m from the side boundaries of the dwelling.

### *Residential Amenity*

The current proposal is for a two-storey side extension adjacent to the boundary with No. 41 Geary Road. This will also project 3m beyond the rear wall of the dwelling. Due to the difference in building lines the rear wall of number 41 projects 1.9m beyond the rear wall of No. 37 Geary Road. Therefore the proposed 2-storey rear extension projects 1.1m beyond the rear wall of No. 41.

The rear elevation of No. 41 Geary has a living-room window on the ground floor and two windows through to the same bedroom on the first floor. The midpoint of the ground-floor window is 2.5m from the flank wall of the extension and thus in line with the 2:1 rule as the depth of the extension from the rear wall of No. 41 is 1.1m.

The nearest bedroom window has a midpoint 2m from the flank wall of the extension. This would not comply with the 2:1 rule but there is a similar-sized window through to the same bedroom with a midpoint 3.2m from the flank-wall window. Therefore it is considered that there will not be a detrimental loss of light through to this habitable room. There is also a flank wall habitable-room window on the flank wall of No. 41, however, this is not the principal window through to the room as there is another window through to the same room from the front elevation. The proposal is not close to the other boundaries of the site. Therefore there will not be a detrimental impact on the amenity of neighbouring residents.

### *Character and Appearance*

37 Geary Road is a distinctive detached dwellinghouse in an area characterised by terraced and semi-detached dwellinghouses. Furthermore the existing dwelling has a dual-pitched roof with gable-ends facing the street and the rear, which is different from the predominantly hipped roofs of the surrounding residential properties. The proposed extension has been assessed in light of this and the principles guiding the specifications set out in SPG 5.

The proposed two-storey side extension replicates the existing roof shape but on a smaller scale to ensure that it is subsidiary to the main dwellinghouse. It is set back 2.5m from the main front wall at ground-floor level and at first floor level. The proposed roof ridgeline is significantly set down from the main roof ridgeline and it is set in from the side boundary to provide space for guttering similar to that of the existing roof within the curtilage of the site.

It is therefore considered that the roof is suitably subservient to the original dwellinghouse while also in keeping with the dwelling's character and appearance.

### *Response to the Concerns of Objectors*

1. Loss of light: The depth of the proposed extension is in keeping with the guidelines set out in SPG5 as set out in the section above, therefore it is considered that there is no detrimental impact on the neighbouring properties.

2. Privacy: The nearest habitable-room windows to the boundary as a result of the proposal are the proposed bedroom and kitchen windows. These will be 10m from the rear boundary and over 20m from the nearest facing habitable-room window at No. 46 Fleetwood Road. There is also an existing, thick, planted boundary treatment that reduces overlooking. Therefore the proposal is in keeping with the privacy standards set out in SPG 17 which requires 10m to the boundary and 20m between directly facing habitable-room windows.

3. Detrimental impact on the character of the dwelling and surrounding streetscene: The subject property is already a distinctive property and the extension is considered to be of a size and scale that is in keeping with the character and appearance of the dwelling. While there is an existing Certificate of Lawfulness, this is a determination that planning permission is not needed for such works and as these works have not commenced they cannot be considered as material to this proposal. Furthermore the proposal results in the creation of larger bedrooms rather than significantly increasing the number of bedrooms. A condition will be attached to ensure that the proposal is used in conjunction with a single family dwellinghouse.

4. Detrimental visual impact from rear gardens of neighbouring properties: The proposed extension being considered under this application is subsidiary to the main dwellinghouse and, given that it complies with the parameters set out in SPG 5 and SPG17, it is considered that there will not be a detrimental impact on the visual amenity of the neighbouring properties.

5. Lack of parking: The proposed extension will result in an increase in bedrooms from 4 to 5, in line with the Council's policy on parking as set out in UDP there will not be a significant increase in the parking impact for the dwellinghouse.

6. Loss of rear green space: The proposed extension will cover an area of 9.6m<sup>2</sup> of green space from a rear garden with an area of 195m<sup>2</sup>. The loss of green space anticipated is not considered to be significant.

#### *Conclusion*

The proposed two-storey side and rear extension is in keeping with the design and appearance of the dwellinghouse and will not have a detrimental impact on the residential amenity of neighbouring residents.

**RECOMMENDATION:** Grant Consent

#### **REASON FOR GRANTING**

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

Brent Unitary Development Plan 2004

Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home

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

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

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

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

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

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

- (2) All new external work shall be carried out in materials that match, in colour, texture and design detail, those of the existing building.

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

- (3) The extension hereby approved shall be used solely in connection with the existing house as a single family dwelling.

Reason: To ensure that the premises are not sub-divided or used for multiple occupation without the prior written permission of the Local Planning Authority.

**INFORMATIVES:**

- (1) For the works of the Certificate of Lawfulness reference 07/2413, to be considered valid, they would need to be completed prior to works commencing on the works subject of this application.

**REFERENCE DOCUMENTS:**

UDP 2004  
SPG 5  
SPG 17

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



# Planning Committee Map

Site address: 37 Geary Road, London, NW10 1HJ

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## Committee Report

**Planning Committee on 4 November, 2009**

Case No.

09/0968

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**RECEIVED:** 20 April, 2009

**WARD:** Kilburn

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** Public Convenience, Victoria Road, London, NW6

**PROPOSAL:** Change of use of public convenience to staff office for street cleaning operatives (Sui Generis) and alteration to the layout of doors and windows

**APPLICANT:** Veolia Environmental

**CONTACT:** Cadital Ltd

**PLAN NO'S:** KIL/03/03/11/01

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This application was deferred from the Committee meeting, held on the 8th July 2009, at the request of Members in order to enable Officers and the applicant to investigate alternative sites for the proposal and to obtain further information on the site from the Council's Property and Asset Management Team. **MEMBERS CALL-IN PROCEDURE**

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

### **Name of Councillor**

Councillor Lesley Jones

### **Date and Reason for Request**

12 June 2009. The Committee should consider whether consultation needs to be extended and the potential use debated.

### **Details of any representations received**

Yes. Councillor Arnold.

### **Name of Councillor**

Councillor Mary Arnold.

### **Date and Reason for Request**

11 June 2009. Consultation has been insufficient. The disused toilets should be considered for potential community use. A more strategic approach to community facilities in the locality needs to be taken.

## **Details of any representations received**

Local residents, BRAT and BEST residents groups and the North Kilburn (youth partnership) Focus Group.

## **RECOMMENDATION**

Approval

## **EXISTING**

The subject site, located to the rear of the Primary Shopping Frontage along Kilburn High Road, is currently occupied by a single-storey disused public convenience building. The subject site is accessed from the southern side of Victoria Road and is bound to the south by a vehicular access to an underground car-park. A freestanding public convenience has been erected in front of the subject site, on Victoria Road, as a replacement for the disused public convenience.

## **PROPOSAL**

The proposal is for the change of use of public convenience to staff office for street cleaning operatives (*sui generis*) and alteration to the layout of doors and windows

## **HISTORY**

Planning permission for the erection of the now disused public convenience was granted in 1974. In 1999 a planning application for the change of use of the public convenience to a store was refused planning permission for failing to provide a use compatible with the function of the town centre and for failing to provide adequate servicing facilities for the proposed use.

Further history relating to the ownership of the site is detailed in the report below.

## **POLICY CONSIDERATIONS**

### **London Borough of Brent Adopted Unitary Development Plan 2004**

The development plan for the purpose of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004. Within that plan the following list of policies, which have been saved in accordance with the Planning and Compulsory Purchase Act 2004, are considered to be the most pertinent to the application.

BE2 Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features.

BE9 Creative and high-quality design solutions specific to site's shape, size, location and development opportunities.

SH6 Sets out the type of uses that are appropriate in a Primary Shopping Frontage

## **SUSTAINABILITY ASSESSMENT**

N/A

## **CONSULTATION**

Consultation letters, dated 7th May 2009, were sent to 34 neighbouring owner/occupiers. No representations have been received directly from local residents. However, the application has been called-in for determination by Cllr Mary Arnold and Cllr Lesley Jones. They are concerned that local residents and community groups have not been properly consulted on the current proposals and consider that the site may be more suitably used to provide a community facility.

## **TRANSPORTATION ENGINEER**

No objections.



## **REMARKS**

### Consideration of Alternative Sites

Since the application was deferred from the meeting held on the 8th July 2009 both Officers, Ward Councillors and the applicants have explored the possibility of locating the proposed facility on a number of alternative sites. As Members will be aware this process included the submission of a planning application on an alternative site at the Rathbone House garages on Algernon Road which to date remains undetermined. However, thus far all of the alternative sites considered have raised significant concerns that would outweigh their suitability for accommodating the proposed facility in comparison to that of the subject site. Having considered all of the available options the applicant has now respectfully requested that Members consider the proposals to located staff and storage facility on the site of the disused public convenience on Victoria Road.

As reported previously, Officers have spoken to colleagues within the Council's Property and Asset Management Team (P&AM) who have confirmed that they have been looking to let the subject site for some time as in the past the disused public convenience has attracted anti-social behaviour and was recently occupied by squatters. P&AM have been in discussions with a community group, supported by Cllr Arnold, with a view to providing a community use on site. However, funding for a community use on the site has not yet been secured and it was decided by P&AM that letting the subject property to Veolia for the proposed use would represent the best prospect of bringing the disused building back into use, and maintaining it as such, in the short to medium term. Veolia intend to spend a significant amount of money refurbishing the existing building for their intended use.

Since the application was deferred Officers have again been in contact with colleagues in P&AM who have confirmed, in addition to the reiteration of the above, that in the past attempts were made to obtain s106 funding for community groups to utilise the site. However, unfortunately insufficient s106 funds were available at the time of the request. P&AM have expressed concern that should the current proposal fail to go ahead that the disused public convenience would remain vacant for years to come.

### Proposed Change of Use

The proposal envisages the refurbishment and change of use of the existing disused public convenience building into a staff office for street cleaning operatives. The site itself, according to the UDP proposals map, falls within land that is designated as a Primary Shopping Frontage. This means that only non-retail uses that fall within Use Classes A2 (financial and professional services), A3 (cafe & restaurants), A4 (public houses) or A5 (hot food takeaways) would normally be accepted. However, given that the public convenience is located on a constrained backland site it would appear unlikely that in the future there would be significant demand to use the site for such a purpose, particularly given the availability of more suitable commercial units along the frontage of Kilburn High Road. Indeed, from inspection, it would appear that this designation is more relevant to the protection of the frontage properties which are of greater value to the overall vitality of the town centre. As such, it is considered that in principle the proposed change of use would not result in the loss of any retail floorspace and would, on balance, introduce an appropriate use to this derelict site.

### External Alterations

In terms of external alterations to the existing building, these would be minimal, consisting of the blocking and opening up of windows and doorways to the flank elevations. The rest of the building, including the front elevation would remain unchanged. Overall, the proposed alteration would facilitate the proposed change of use without unduly disturbing the existing streetscene.

In the interests of visual amenity it is recommended that any permission be subject to a condition requiring further details of landscaping for the subject site.

## Transportation

The proposed site has excellent accessibility to public transport (PTAL 6) and is located within a controlled parking zone. Whilst the existing use, when operational, would have attracted unlimited members of the general public to the site the proposed use would now restrict this to a finite number of employees reducing the overall pressure on local transportation infrastructure. Employees would not be entitled to residents parking permits so it is considered that the proposed change of use would have little impact on existing on-street parking pressures.

The proposed development would be required to provide a minimum of two secure cycle spaces. No cycle storage has been indicated on the plans provided. However, it is envisaged that this could be accommodated on site and further details should be required by condition.

## Alternative Uses for the Site

The application has been called-in for determination by Members at the request of Cllr Mary Arnold and Cllr Lesley Jones who have raised concerns regarding the extent of the consultation on the subject application. Cllr Arnold and Cllr Jones have expressed a view that they consider the site may be more appropriately used to provide a community facility.

Notwithstanding the concerns of Cllr Arnold and Cllr Jones, Officers consider that the extent of the consultation has been appropriate for a development of this scale and, as Members will be aware, the current planning application needs to be determined on its own planning merits. As a result, it is considered that it would be difficult to make a decision based on other proposals that may or may not be forthcoming for the site. Similarly, if planning permission were approved for the current proposal this would not prejudice any further applications for the site for alternative uses if they were to be progressed at some stage in the future.

As indicated above, the consultation procedure for the application has been carried out in accordance with the guidance set out in SPG2.

In terms of funding for local community uses, any capital receipt may allow the opportunity to provide some funding for future community provision, but this would have to be considered as part of wider corporate budgeting. It is not felt appropriate in policy terms to seek to control this through Section 106.

**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

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) All new external work shall be carried out in materials that match, in colour, texture and design detail those of the existing building.

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

- (3) Landscape proposals for the treatment of the undeveloped land within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site. The landscape works shall be completed in accordance with the approved details prior to the occupation of the building or in accordance with a programme agreed in writing with the Local Planning Authority.

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.

- (4) Details of the provision of a minimum of 2 secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

- (5) The premises shall be used only for the purpose of staff office for street cleaning operatives and for no other purpose (including any other purpose in Use Class B1a specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the prior written permission of the Local Planning Authority.

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

## **INFORMATIVES:**

None Specified

## **REFERENCE DOCUMENTS:**

Brent's Unitary Development Plan 2004  
Two call-in requests from Councillors.

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



# Planning Committee Map

Site address: Public Convenience, Victoria Road, London, NW6

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## Committee Report

Planning Committee on 4 November, 2009

Case No.

09/2136

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**RECEIVED:** 26 August, 2009

**WARD:** Barnhill

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

**LOCATION:** 2A Preston Waye & 283-287 odd, Preston Road, Harrow

**PROPOSAL:** Demolition of 4 existing dwellings and erection of a two-, three- and four-storey building to provide 33 flats (17 one-bedroom, 10 two-bedroom and 6 three-bedroom) and a basement car-park, with formation of new vehicular access from Preston Waye, associated services and landscaping

**APPLICANT:** Ashmount Properties Ltd

**CONTACT:** Softlimiter Architecture

**PLAN NO'S:** 0101RevA; 0102RevA; 0103RevA; 1101RevA; 1102RevB; 1103RevB, 1104RevB; 1105RevB; 1106RevB; 1107RevA; 1108RevA; 2101RevB; 3101RevB; 3102Rev B; 3103 RevB; 3104Rev B and supporting Planning Statement, Design and Access Statement, Transport Assessment, Energy Statement and Code for Sustainable Homes Statement

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### RECOMMENDATION

Refusal

### SECTION 106 DETAILS

A signed unilateral agreement has been submitted by the applicant.

The key heads of terms for this are:

- 28% (hab room) Affordable Housing - to be agreed with the council, if Material Start (MS) within 15 months of committee. and Practical Completion (PC) within 2 years of MS. If MS not within 15 months, resubmit a toolkit on PC and provide either on site units or off site contribution.
- A contribution of £118,200 (£3,000 / £2,400) per additional bedroom due on Material Start and index-linked from the date of committee: for Education, Sustainable Transport, Open Space and Sports improvements in the local area.
- Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes level 3 , with compensation should it not be delivered.
- Join and adhere to the Considerate Contractors scheme.

Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.

If this application is subsequently appealed, the Council's Legal Officer has confirmed that as there is a signed unilateral undertaking there is no need for this to be added as a reason for refusal.

**EXISTING**

The site for the proposed development is located on the western side of Preston Road and currently contains 2 detached dwellinghouses (2a Preston Way & 283 Preston Road) and 2 semi-detached dwellinghouses (285 & 287 Preston Road) dwellinghouses and associated gardens. The site is bounded by No. 281 Preston Road and Preston Way to the south, the rear garden of 2 Preston Way to the west, a Council owned landscaping strip and access road to Tenterden sports ground to the North and Preston Road to the east.

The site has an area of 0.185ha and a level drop of approximately 2.9m from east to west towards 2 Preston Way. The site has a Public Transport Accessibility Level (PTAL) rating of 3 which is classified as moderate and is within 150m of Preston Road tube station. Contrary to the information given in the planning statement the site is not within a Controlled Parking Zone.

**PROPOSAL**

Full planning permission is sought for the demolition of 4 existing dwellings and erection of a 3 and 4 storey building housing 35 self-contained flats, basement car park, formation of new vehicular access from Preston Way, associated services and landscaping.

The proposed building is L-shape in plan and divided into 2 residential blocks, one containing the private accommodation fronting onto Preston Road and the other containing the affordable housing fronting onto the access road to the sports ground. The breakdown of the flats in terms of size and tenure is set out in the table below:

Tenure	Units	1-bed/2 person	2-bed/4 person	3-bed/5-6person
Private	26	16	9	1
Social Rent	2	0	0	2
Shared	5	1	1	3
Ownership				
Total	33	17	10	6

The main access road is from Preston Way providing access to the part basement/part undercroft car park which has 23 car parking spaces while there are also 2 additional parking spaces located adjacent to the residential unit with entrance at the basement level.

The main pedestrian entrance for the private residential block is from Preston Road while there is also a stairway from this block linking it with the basement car park. The main access to the affordable housing block is also from Preston Road adjacent to the side boundary with No. 281 Preston Road with the entrance to the block on the rear courtyard facing towards 281 Preston Road. This access is approximately 40m from Preston Road and 48m from Preston Way. The only access to the car park from this block is along a side pathway with steps adjacent to the boundary with No. 281.

The main building is a three storey block, Block A, with a recessed fourth storey. The three storey block has a height of 9.3m fronting onto Preston Road with forward projecting elements with a height of 9.7m. The recessed fourth storey set in 1.3m at a height of 11.7m measured from the ground-level at the Preston Road frontage.

The affordable block, Block B, due to the drop in ground level is a four storey building with a height of 12.2m where it is set in 9.5m from the boundary with the rear garden of No. 2 Preston Way. The recessed third floor is set in 20.3m from the boundary with the rear garden of 2 Preston Way. This block has a width of 11.7m and is approximately 13m from the side boundary with 281 Preston Road and set in 2.2m from the boundary to the north.

The residential units are arranged as follows on the different floors:

Unit Type	Private			Affordable		
	1-bed (43-45 m <sup>2</sup> )	2-bed (55m <sup>2</sup> )	3-bed (80m <sup>2</sup> )	1-bed	2-bed	3-bed
Ground Floor	3	2	-	-	-	3
First Floor	6	1	-	1	1	1
Second Floor	5	3	-			1
Third Floor	2	3	1			
Total	16	9	1	1	1	5

Amenity space is provided in the form of private and communal spaces. The ground floor residential units facing onto the courtyard and onto Preston Road all have their own private amenity space with between 18.75 and 43m<sup>2</sup> each. The ground floor communal amenity space has an area of approximately 250m<sup>2</sup>. There is a further strip of landscaping fronting onto Preston Road which has an area of approximately 65m<sup>2</sup> although this is not classified as usable amenity space. Balconies and roof terraces are provided for 13 of the upper floor flats, therefore the amount of amenity space provided will amount to 191m<sup>2</sup> of private amenity space for the upper floor flats. All but one of the affordable residential units will have private amenity space.

## HISTORY

09/0316. Full planning permission is sought for the demolition of 4 existing dwellings and erection of a 3 and 4 storey building housing 35 self-contained flats, basement car park, formation of new vehicular access from Preston Way, associated services and landscaping.

- This application was withdrawn on the day of the committee in May 2009. However if the Council members had had the opportunity to decide the application they would have refused for the following reasons:
  1. *The proposed access route to Block B and the lower ground level residential unit by reason of the excessive distance from the principal highways and lack of informal surveillance fails to provide a safe, convenient and attractive walking route to the entrance contrary to policies BE5, H12 and TRN 10 of Brent's UDP 2004 and SPG 17.*
  2. *The proposed 3/4 storey building by reason of its excessive height in proximity to the rear garden of No. 2 Preston Road would have a detrimental impact on the visual amenities of the residents of this property contrary to policy BE9 of Bent's UDP 2004 and SPG17.*
  3. *The proposed residential development by reason of the inadequate area and quality of amenity space and the excessive distance from the flats to the bin store and is therefore considered to provide a substandard form of accommodation contrary to policies BE6, BE7, H12 and TRN10 of Brent's UDP 2004 and SPG 17.*
  4. *In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure and education, without any contribution towards sustainable transport improvements or school and nursery places and increased pressure for the use of existing open space, without contributions to enhance open space or make other contributions to improve the environment or toward measures to monitor or improve air quality and would not result in the adequate provision of affordable housing. As a result, the proposal is contrary to policies TRN3, TRN4, TRN10, TRN11, CF6, EP3, H1, H2, H3 and BE7 of Brent's adopted Unitary Development Plan 2004.*
  5. *The proposed layout of the residential accommodation by reason of the excessive provision of single aspect north facing residential units and the positioning of habitable rooms on the*

*north elevation for dwellings provides inadequate daylight and sunlight to a high proportion of the residential units and fails to maximise solar gain to the proposed habitable rooms contrary to policies BE9 of Brent's UDP 2004 and SPG 17.*

6. *The proposed lower groundlevel flat by reason of the proximity to the side boundary of and the lower ground level from, the rear garden of No. 2 Preston Waye and the proximity to the neighbouring parking spaces the residential unit would appear cramped with a detrimental impact on the amenity of the prospective residents in terms of privacy and would not therefore provide an acceptable form of residential accommodation contrary to policies BE9 and H12 of Brent's UDP 2004 and the specifications set out in SPG 17.*

07/2864. Full planning permission was sought for the demolition of four dwellings and erection of 3-, 4- and 5-storey building with basement level car park, comprising 42 self-contained dwellings, consisting of 21 x one bedroom flats, 18 x two-bedroom flats and 3 x three-bedroom flats, formation of new access onto Preston Waye, provision of 30 car-parking spaces, including 5 disabled bays, refuse and recycling store, cycle store and landscaping to site.

This application was withdrawn on 03/12/2007 following a negative response to the scheme from the Council's Major Cases Forum.

There have been various other minor planning applications decided for alterations to the existing dwellinghouses on the site. Planning permission was refused for the change of use of No. 285 Preston Road from a dwellinghouse into a nursery in February 2004 (ref 03/3192). The dwellinghouse at No. 2A Preston Waye that is proposed to be demolished was granted full planning permission in 1957 (ref 23123 5836).

#### *Planning history of neighbouring sites*

##### 281 Preston Road

Planning permission was granted for the erection of a two storey, three bedroom dwellinghouse in the rear gardens of 281 and 283 Preston Road which expired on 01/07/2009 (ref 03/2558). No details relating to any of the conditions requiring the submission of further details have been submitted and no material start has been made on the planning permission therefore it is considered to have expired.

There have also been a number of planning applications for the demolition and redevelopment of No. 281 Preston Road for a flatted development.. The most recent application for 15 flats was in 2008 and was withdrawn before being presented to committee with recommendation for refusal in June 2008.

## **POLICY CONSIDERATIONS**

### **National Planning Policy Guidance**

#### *Planning Policy Statement 1 – Creating Sustainable Communities*

PPS1 sets out the Government's vision for planning and the key policies and principles which should underpin the planning system. These are built around three themes – sustainable development – the purpose of the planning system; the spatial planning approach; and community involvement in planning.

#### *Planning Policy Statement 3 – Housing*

PPS3 establishes the Government's objectives for housing and reinforces the commitment to more sustainable patterns of development. PPS3 sets broad guidelines for the provision of affordable



housing, placing emphasis on the importance of high quality design and creating mixed, balanced and integrated communities with wider opportunities for home ownership and improved affordability through an increase in supply of housing. The guidance also requires Local Authorities to deliver sustainable development objectives.

### **Regional Planning Policy Guidance**

#### *The London Plan - Consolidated with Alterations since 2004*

Policy 2A.1 Developments should optimise the use of previously developed land; use a design-led approach to optimise the potential of sites and improve the quality of life; ensure that development takes account of existing or planned infrastructure; and should promote safety and security.

Policy 2A.9 Sustainable communities should be supported in suburban areas of London.

Policy 3A.3 Development proposals should achieve the highest intensity of use compatible with local context, the design principles in policy 4B.1, with public transport capacity and the density ranges as set out in Table 3A.2.

Policy 3A.5 New developments should offer a range of housing choices, in terms of housing sizes and types; all new housing should be built to 'Lifetime Homes' standards; and 10% of new housing should be designed to be wheelchair accessible or easily adaptable for wheelchair users.

Policies 3A.9 and 3A.10 The maximum reasonable amount of affordable housing should be negotiated on private housing scheme. Boroughs should meet the Mayor's strategic target for affordable housing provision of 50%.

Policy 3A.11 Boroughs should normally require affordable housing provision on a site which has capacity to provide 10 or more homes, applying the density guidance set out in policy 3A.3

Policy 4A.3 Developments should meet the highest standards of sustainable design and construction.

Policy 4B.1 Developments should maximise the potential of sites; are accessible, usable and permeable for all users; are sustainable, durable and adaptable; and respect local context, character and communities.

### **London Borough of Brent Adopted Unitary Development Plan 2004**

The development plan for the purpose of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004. Within that plan the following list of policies are considered to be the most pertinent to the application.

STR 3 This policy attempts to maximise the use of previously development land to achieve a sustainable development.

STR11 Which seeks to protect and enhance the quality and character of the Boroughs built and natural environment and resist proposals that have a harmful impact on the environment and amenities.

STR14 New development will be expected to make a positive contribution to improving the quality of the urban environment.

STR19 New housing developments should provide adequate amenity, reduce need for car travel and improvement to public infrastructure.

- BE2 Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area or have an unacceptable visual impact on Conservation Areas.
- BE3 Proposals should have regard to the existing urban grain, development patterns and density in the layout of the development sites, and should be designed to ensure that spaces are satisfactorily enclosed by the built form; its layout is defined by pedestrian circulation; emphasis is placed upon prominent corner sites, entrance points etc; it respects the form of the street of which it is part by building to established frontages unless there is a clear urban design justification; connections are established where appropriate to open space.
- BE4 Access for disabled people.
- BE5 Development shall be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE6 High standards of landscape design is required as an integral element of development schemes.
- BE9 Creative and high-quality design solutions specific to site's shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.
- BE12 Encourages adherence to sustainable design principles in terms of design, construction and pollution control.
- H12 Seeks to ensure that all residential development has a high-quality layout, has an appropriate level of car parking and features housing facing onto streets.
- H13 The appropriate density for housing development will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.
- H15 Development should have concern for the density and height of frontage development, the privacy and outlook of neighbouring residents, sufficient garden depth should be retained.
- H26 New and converted dwellings should be designed for use by the elderly and people with disabilities.
- TRN10 All new development should have safe walking routes which are overlooked, convenient and attractive within the site and to surrounding facilities and areas
- TRN11 Major development would be expected to contribute towards improvements to the London Cycle Network and comply with the minimum Cycle Parking Standard (PS16) with secure

and convenient cycle parking.

TRN23 Parking standards for residential developments. The level of residential parking permitted will be restricted to no greater than the standards in PS14 and 'car-free' housing developments may be permitted in areas of good and very good public transport accessibility.

TRN34 Required adequate servicing in line with standards.

PS16 Relates to the standard for cycle parking.

#### *Supplementary Planning Guidance Note 17 - Design Guide for New Development*

Provides comprehensive and detailed design guidance for new development and seeks to raise the design quality of buildings, and to protect the character of properties and streets.

#### *Supplementary Planning Guidance Note 19 – Sustainable Design, Construction & Pollution Control*

Provides design and planning guidance on complying with Policy BE12 of the adopted UDP which requires developments to embody sustainable design principles. The guidance covers measures to ensure energy and water conservation, selection of sustainable materials, environmentally friendly landscape design, sustainable demolition and construction practices and reduction of pollution in the operation of developments.

### **SUSTAINABILITY ASSESSMENT**

The applicants have submitted a sustainability checklist with a self-assessed rating of 68%. The Council's own sustainability officer has assessed the checklist and given the development a rating of 51%. This is in-line with the requirement for all major residential schemes.

### **CONSULTATION**

5 objections have been received in relation to this application on the following grounds:

1. Exacerbation of existing parking problems on Preston Waye.
2. Out of character with the surrounding area
3. Loss of 4 houses without adequate replacement
4. Loss of light to neighbouring property
5. Detrimental impact on traffic safety for neighbouring residents
6. Increased security problems for No. 2 Preston Waye.

The Council's Highways Engineer has concerns about access (dealt with later in this report) but otherwise has no objections to the proposed subject to the following conditions being attached:

- (a) a Section 106 Agreement to secure: (i) a financial contribution of £36,000 towards non-car access improvements in the vicinity of the site; and (ii) a right of vehicular access over the proposed car park access road into any redevelopment of No. 281 Preston Road; together with
- (b) conditions requiring: (i) the reinstatement of all redundant crossovers onto Preston Road to footway at the developers expense prior to occupation of the development; and (ii) the submission and approval of further details of the junction of the proposed vehicular access road with Preston Waye, including the provision of 4m kerb radii and the resiting of the vehicular access gate at least 5m from the highway boundary; (iii) provision of a rear access door to the refuse storage room; and

- (c) an informative advising the applicant to contact the Head of Transportation to arrange for the site access works (incl. the removal of an on-street parking bay) to be carried out,

The Council's Landscape Design officer has the following comments:

The main landscape issue with this proposal is that there is a landscape amenity deficit of 220m<sup>2</sup>. The only offset of this substantial deficit is the provision of 6 No flats with small (4 No 3m<sup>2</sup>, 2 No 4m<sup>2</sup>) balconies.

There are playing fields nearby the site; however the nearest park (Preston Park) is 800m distance.

Nearly half of the flats (14 No) within this proposal have access to only half the required minimum outdoor amenity space as stated in SPG 17. Considering the location this is unacceptable.

SPG 17 states that a minimum of 20m<sup>2</sup> will be provided for each unit in a block of flats.

Although many of the flats are provided with amenity space in excess of the minimum requirement by the provision of generous private terraces, this cannot justify, or reasonably offset the large deficit of amenity space of which the majority of the flats will suffer.

The proposed landscape scheme, at this stage, looks satisfactory and of reasonable consideration and quality.

I strongly suggest that more, if possible all, of the flats on the first and second floors are provided with balconies (the larger the better).

The Council's Urban Design has the following comments:

This scheme appears to have been reasonably well considered and the agent has clearly attempted to address the issues raised throughout the planning process. The use of high quality materials is essential to the success of this scheme and should be secured at this stage of the process.

## **REMARKS**

### *Amendments from previous application*

Following the withdrawn application the applicants have sought to address the previous reasons for refusal and have made the following amendments:

- The rear wall of block B has been set 300mm further away from the boundary with 2A Preston Way and 3.5m away on the third floor. A canopy feature is now proposed on the second floor and the finish of the rear wall has been changed from white render to brick.
- The basement unit has been removed and incorporated into a 3 bedroom unit on the basement and groundfloor levels.
- The number of residential units has been reduced from 35 to 33.
- The level of affordable housing has been reduced from 11 units to 9 units.
- An additional green buffer has been provided along the access road.

Furthermore the applicants have provided further explanation for the design approach taken and how they feel the proposals are in compliance with the relevant planning policy. This report will examine the remaining planning issues from the previous application.

### *Visual Impact of the Rear Elevation*

The site is located in a transition zone between the more urban Preston Road district centre and the more suburban character of the residential areas beyond on Preston Way and further up Preston Road. The frontage in terms of its size and scale is generally in keeping with the surrounding character and appearance, however, to the rear the proposed block B will be of a

height of 11m with and will be significantly greater than the height of the ridgeline of No. 2 Preston Way. Furthermore the block form of the building and the change in ground levels across the site further accentuates the massing of the rear elevation. This part of the building is located close to the existing boundary of the rear garden of 287 Preston Road with 2A Preston Way. While the impact of the building has been partially alleviated by the reduced depth of the building on the first floor the excessive height of the block with the canopy in proximity to the neighbouring garden is such that it would appear visually prominent from the rear garden of 2 Preston Way out of keeping with its suburban character.

#### *Access to the Affordable Block B*

While the proposed access to the affordable block has not been amended from the previous application, the applicants have provided further justification for why they feel that this is the only acceptable entrance to the scheme. Further details of the access point from Preston Road have also been provided. The four proposed access strategies detailed in the Design and Access Statement all have a separate entrance for the affordable housing from the entrance to the private housing. While no clear justification for this is given verbal discussions with the applicant suggest that it is for ease of management of the two separate types of accommodation as the affordable housing will be managed by a separate Housing Association.

The four proposed access options have been presented with this application however they all have aspects which give rise for concern in terms of how they will operate. Therefore the Council were not in a position to select any of the proposed options as acceptable. The proposed access arrangements have been assessed as to whether they provide an acceptable access to the block.

As raised in the previous scheme the proposed access arrangements will result in an access to the affordable block which is over 40m away from the main access points to the site and an entrance to the building that is secondary to the access to the private block. Furthermore the residents to the affordable block if arriving from Preston Way would have a 48m route from the entrance of the site to the entrance of the affordable housing. The route would also include climbing a flight of stairs from basement level to groundlevel. Therefore the proposed access is not considered to be convenient and given the lack of informal surveillance is not considered to be safe either. Therefore by reason of the distance from the main pedestrian routes and location on a secondary elevation of the building the proposed accessway to the proposed development.

#### *Quality of Residential Accommodation*

There are three issues of concern with regards to the proposed residential accommodation, these are:

- a) The privacy of the residents of the groundfloor residential units adjacent to the access road to the car park.
  - b) The quality of the amenity space provided.
  - c) Access to the refuse storage area
- 
- a) While it is regrettable that this was not directly referred to in the previous reasons for refusal, as it should have been, it was raised in subsequent meetings and correspondence with the applicant. The distance from the sole habitable room windows on the groundfloor of the north elevation to the side boundary varies between 1m-2.5m. Given that it is public space on the other side of the boundary it is considered that these distances are not large enough to ensure adequate privacy for the residents without restricting daylight and sunlight from entering the rooms. Therefore these units are considered to provide a substandard form of accommodation.
  - b) The level of amenity space provided has been increased through the provision of more communal space on the groundfloor and additional private spaces in the form of roof terraces and balconies. In line with comments from the Council's Landscape Designer it is considered that the deficit in amenity space has not been adequately addressed and therefore while the proposed scheme is of a reasonable quality there is still an inadequate

provision of landscaping.

- c) The proposed access to the refuse collection point is still over 10m from a number of the residential units and is still considered to be unacceptable.

The removal of the basement unit and its incorporation in a larger unit over two floors addresses the reason for refusal relating to the groundfloor unit.

However by reason of the inadequate distance between the sole habitable room windows and the boundary with the accessway it is considered that the proposed development would not provide an acceptable level of privacy for the prospective residents contrary to policy BE9 of Brent's UDP 2004 and SPG 17. The proposed development by reason of the excessive distance from the upper floor residential units to the bin store above recommended carry distances would result in a substandard form of accommodation contrary to policy TRN34 and SPG 17.

#### *Proportion of North facing units*

The proposed development includes 7 single aspect north facing residential units out of the 33 units proposed. This proportion of north facing residential units is considered to be unacceptable due to the poor quality of daylight and sunlight available to the residential units. While precedent is cited in relation to applications at Atlip Road and Windsor House it should be noted that these sites are within contexts that have different constraints from the 283-287 Preston Road. The objective here is to ensure a high quality development in keeping with the suburban character of the neighbouring sites not a high density development appropriate to the locations of the two applications cited. The trees along the car park access road would also reduce the available daylight to the sole aspect units particular during the summer months. As it stands the proportion of North facing single aspect units is unacceptable and therefore would be added as a reason for refusal.

#### *Highways and Access*

Further consideration has also been given to the access to the site from Preston Waye. An access way to the site should have a maximum width of 5m to allow for a refuse collection vehicle to access the site. The proposed access way to the site has a width of 6.1m including a pedestrian pathway on a shared surface. The pedestrian pathway has a width of 1.3m which is demarcated by floor lights. The proposed crossover would have to have a width of approximately 14-15m, which is considered to be excessive. In addition to this the access way due to its excessive width could be used for additional parking uncontrolled parking which would take it over the maximum parking standard for the site which is 29 spaces. Therefore it is considered that by reason of its excessive width and area of hard-landscaping the proposed accessway would have a detrimental impact on the character and appearance of the surrounding streetscene, contrary to policy BE7. It would also prejudice the development of the neighbouring site at No. 281 Preston Road as no additional crossovers would be permitted onto Preston Waye if the proposed crossover was implemented.

#### *Affordable Housing*

The London Plan as amended in 2008 sets out within Policy 3A.9 that the Mayor's strategic target for affordable housing is 50% of units unless a toolkit showing that this cannot be achieved is submitted and agreed. Of the 33 residential units proposed a total of 7 units will be affordable (21% of total) while the proportion of affordable habitable rooms will be 28% of the total proposed. Of the units two 3-bedroom units are proposed for social rent while 3 x 3-bed, 1 x 2-bed and 1 x 1-bed flats are proposed for New Build Home Buy flats. This mix is substantiated by a financial appraisal submitted as part of a GLA Development Control Toolkit. The toolkit has been assessed and it is considered that the applicants have demonstrated that this is the highest level of affordable housing provision within which the scheme can be considered viable. It should be noted that if the application was to be approved a clawback mechanism would be introduced to ensure that 50% affordable housing is provided if a material start is not made within 15 months of approval and it is not then completed within two years of the material start.

## *Conclusion*

The proposed development at 283-287 Preston Road is still considered to be unacceptable for the reasons set out below and expanded upon in the remarks above. The proposed development was subject to pre-application discussions and the applicants have worked to address the previous reasons for refusal however they have stated that they are unable to further reduce the scale of the proposed development without fundamentally affecting the viability of the proposed scheme. While viability issues are important they do not outweigh the concerns that the proposed development would have a detrimental impact on the neighbouring residents and the prospective residents as outlined above, and therefore this application is recommended for refusal for the reasons set out below.

## **RECOMMENDATION:** Refuse Consent

### **CONDITIONS/REASONS:**

- (1) The proposed access route to Block B by reason of the excessive distance from the principal highways and lack of informal surveillance fails to provide a safe, convenient and attractive walking route to the entrance contrary to policies BE5, H12 and TRN 10 of Brent's UDP 2004 and SPG 17.
- (2) The proposed 3/4 storey building by reason of its excessive height in proximity to the rear garden of No. 2 Preston Road would have an overbearing detrimental impact on the visual amenities of the residents of this property contrary to policies BE9 and H15 of Brent's UDP 2004 and SPG17.
- (3) The proposed layout of the residential accommodation by reason of the excessive provision of single aspect north facing residential units and the positioning of habitable rooms on the north elevation for dwellings provides inadequate daylight and sunlight to a high proportion of the residential units and fails to maximise solar gain to the proposed habitable rooms contrary to policies BE9 of Brent's UDP 2004 and SPG 17
- (4) The proposed residential development by reason of the inadequate area and quality of amenity space and the excessive distance from the flats to the bin store and is therefore considered to provide a substandard form of accommodation contrary to policies BE6, BE7, H12 and TRN10 of Brent's UDP 2004 and SPG 17.
- (5) The proposed groundfloor residential units adjacent to the access road to the public car park by reason of the siting of ground-floor, habitable-room windows in proximity to the site boundary, would fail to provide acceptable levels of outlook and privacy for prospective residents and would have an inadequate relationship with adjoining space, contrary to planning policy BE9 of Brent's Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide for New Development".
- (6) The proposed design and layout of the access arrangements by reason of:
  - (a) the failure to provide adequate access for refuse vehicles,
  - (b) failure to provide a safe means for pedestrian egress and access,
  - (c) lack of control for overspill parking resulting in parking above maximum parking standards;

(d) failure to provide a means to secure access arrangements to facilitate access the neighbouring site thus prejudicing the ability for future development of No. 281 Preston Road, without necessitating an excess number and width of vehicle access points;  
(e) provision of an excessive area of hard landscaping.

is considered to be contrary to planning policies TRN3, TRN4, TRN10, TRN14, TRN 15, TRN 23, TRN 34 and BE7 of Brent's UDP 2004.

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

UDP 2004, SPG 17

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





# Planning Committee Map

Site address: 2A Preston Way & 283-287 odd, Preston Road, Harrow

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## Committee Report

Planning Committee on 4 November, 2009

Case No.

09/1880

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**RECEIVED:** 7 August, 2009

**WARD:** Fryent

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

**LOCATION:** 2 Highfield Avenue, London, NW9 0PA

**PROPOSAL:** Retention and completion of single storey side and rear extension to dwellinghouse

**APPLICANT:** Mr Gorasia

**CONTACT:** Saloria Architects

**PLAN NO'S:** 9290-91-P1;  
Site plan (Scale 1:1250).

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This application is reported to the Planning Committee as Councillors Crane and J. Moher have requested the application be called in.

### RECOMMENDATION

Refuse Planning Permission

### EXISTING

The site is located on the southern side of Highfield Avenue and is bounded to the west by the rear gardens of properties on Roe Green. The dwelling has been extended through the provision of a substantially completed single storey side and rear extension, which forms the subject of this application.

Single storey rear extensions of similar materials and ages have been built on the neighbouring properties at no.s 4 and 6 Highfield Avenue as part of Application 09/0239.

No. 22 Roe Green has a detached rear outbuilding located in its rear garden adjacent to the common boundary with the site address and a large, detached pitched roof storage structure, projecting forward of the established building line is located to the west of the site property.

Land levels fall significantly towards the south and west, with the eastern side of the property approximately 1.4m higher than to the west.

### PROPOSAL

The application seeks retention of the single storey side and side rear wraparound extension which links to no. 4 Highfield Avenue. The depth of the building behind the rear elevation is 3.5m adjacent to no. 4 Highfield Avenue (matching the depth of the extension on this property) and 4m adjacent to the Common Boundary with properties on Roe Green. The height of this extension at its greatest point (at the south western extent of the side extension), is 4.2m.

The extension is set back behind the main frontage of the dwelling by 250mm and has a flat roof. Construction is primarily brick, one window is inserted in the flank elevation of the side extension facing properties on Roe Green, and windows and doors are provided to rear. A window would also be provided in the front elevation.

## **HISTORY**

- An application for full planning permission at no.s 2,4 & 6 Highfield Avenue for single storey rear extensions to all three properties and a single storey side extension was approved under 09/0239 on 20/03/2009.

An application for the erection of a two storey side extension under application C5641 1543 was approved on 26/10/1971

## **POLICY CONSIDERATIONS**

The following policies contained within the Adopted London Borough of Brent Unitary Development Plan 2004 are applicable to this application:

- Policy BE2
- Policy BE9

Also applicable are the provisions of Supplementary Planning Guidance No. 5 "Altering and Extending Your Home".

## **CONSULTATION**

8 Neighbouring occupiers on Highfield Avenue and Roe Green were consulted as part of the application. Three objections were received as part of the application from the occupiers of 20 and 22 Roe Green (two from this address). Objections contained within the application are as follows:

- Loss of privacy, daylight, quality of life and enjoyment of their properties.
- Concerns over the total height and length of the extension and its visual impact.
- Materials do not match main dwelling.

## **REMARKS**

### Development history:

A single storey side and rear extension (reference 09/0239) was approved for this site earlier this year and involved extensions to the site address as well as no. 4 and no. 6 Highfield Avenue.

Details within the application did not adequately indicate the correct ground level adjacent to the boundary with properties on Roe Green. Plans showed an extension of a height of 3.1m above ground level at the corner of the side rear extension, whilst the approved development would actually have been some 3.8m in height at this point. It is acknowledged that the changes in levels onsite may have been difficult to appreciate without specialist equipment and it appears that this misrepresentation was not fully appreciated at the time of consideration of the original application.

Notwithstanding this, it appears that the development proposed within application 09/0239 would have resulted in difficulty in providing internal access for the extended building as it would have required internal changes in levels to attain adequate ceiling heights and would have obstructed existing doorways. The officer understands that the development was constructed some 400mm higher than approved in order to address these issues.

### Current development:

The dominance of the structure is most noticeable on the rear corner of the side rear extension, adjacent to the boundary with properties on Roe Green. The structure is significantly higher than the existing 1.6m high boundary fence and results in a significant and overbearing extension for No's 20 and especially no. 22 Roe Green.

The extension splays outwards along the side boundary of the property so that at its rearmost point it is some 5m wide as opposed to 3.2m at the front. The rear elevations of dwellings on Roe Green are over 20m distant and generally such a distance would be sufficient to mitigate the impact of such an extension on the rear windows of these dwellings.

Additionally, the extension would be substantially screened from no. 24 Roe Green, which is closest to Highfield Avenue, by virtue of the large pitched roof outbuilding to the south of the site. This structure also effectively screens much of the impact of the extension from view from Highfield Avenue itself.

Notwithstanding these mitigating factors, it is considered that the significantly lower ground level of the properties on Roe Green, the relative height of the extension, and its location close to the common boundary, with these properties, the development would result in a significant impact on the amenity of neighbouring occupiers on Roe Green (particularly no's 20 and 22) which would also be significantly greater than that approved under application 09/0239.

It is considered that the development would have a significant overbearing and monolithic appearance for these occupiers and that the outlook and general amenity of their rear elevation windows and rear garden areas have been detrimentally impacted by the development.

#### Provision of side elevation window:

The application proposes a side elevation window within the side elevation of the structure. Plans accompanying the application show this to be proposed to use obscure glazing and to serve a secondary shower room. It is considered that the provision of such a window would be unlikely to result in a material loss of privacy for neighbouring occupiers and can be considered to be acceptable in this respect. It is however noted that a window in this flank wall may cause problems due to access for maintenance and could be blocked by development in Roe Green

#### Surrounding properties:

The officer notes the presence of an existing garage structure existing to the side boundary of the property opposite the site address at no. 1 Highfield Avenue.

This extension was approved in 2000 and proposed a pitched roof single storey side extension which would partially replace an existing structure and a single storey rear extension. It appears that the structure itself may not have been built in accordance with approved plans as it appears higher and has a flat roof. The structure also includes a dummy pitch roof on the frontage of the building and a front extension including roman pillars may have been relatively recently erected to the front of this dwelling. This matter has been referred to planning enforcement for further investigation.

The officer acknowledges that the extensions to no. 1 Highfield Avenue may have resulted in detriment to neighbouring occupiers on Roe Green similar to that within the subject site, however the existence of this extension cannot be considered to negate the practical impacts resulting from the application under consideration within the current application. As such, this consideration is given limited weight in the consideration of the application.

With regard to the outbuilding existing in the rear garden of no. 22 Roe Green, the officer notes that its height appears to be of a height greater than would have been permitted under permitted development at the time of construction (sometime after 2005). In light of this, the matter has been forwarded to planning enforcement for further investigation.

#### Conclusion:

Given the above consideration, the impacts on adjoining occupiers are considered to be so significant that the application cannot be supported and it is recommended that the development should be refused and referred to Planning Enforcement for remedial action.

**RECOMMENDATION:** Refuse Consent

**CONDITIONS/REASONS:**

- (1) The existing unauthorised extension, by virtue of the change of ground levels onsite, and the resultant total height of the development, in conjunction with its proximity to the boundary with properties on Roe Green, would result in a significant loss of outlook from the rear facing windows of these properties, as well as a generally overbearing impact, loss of daylight and consequently diminished enjoyment for the back gardens of these dwellings and would be contrary to policies BE2 and BE9 of the Adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance No.5 "Altering and Extending Your Home".

**INFORMATIVES:**

- (1) The applicant is advised that this matter has been referred to Planning Enforcement for further action.

Any person wishing to inspect the above papers should contact Ian Hyde, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5241



# Planning Committee Map

Site address: 2 Highfield Avenue, London, NW9 0PA

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## Committee Report

**Planning Committee on 4 November, 2009** Case No. 09/0410

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**RECEIVED:** 21 April, 2009

**WARD:** Kilburn

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** 110-118 inc, Kilburn Square, London, NW6 6PS

**PROPOSAL:** Re-modelling of existing 9 second- and third-floor maisonettes into 18 new self-contained flats, two-storey front extension with new bridge, walkway and ramps to provide access, third-floor extension on top of stairs at front, new entrance and bin store doors at side with new glass canopy

**APPLICANT:** Sandpiper Securities Ltd

**CONTACT:** Michael George Design Ltd

**PLAN NO'S:**

- KSQ/07/01 Existing Plan of Duplexs @ 2nd Level
- /02 Survey Elevations
- /03 Survey Elevations
- /04 Proposed Elevation
- /05 Proposal Plans for 9 no. Additional Flats
- /06A Proposed Elevation
- /07A Existing & Proposed G.A. Plans @ 2nd Level
- /08 Detailed Elevations
- /09B Part Grd & 1st Floor Proposal Plans

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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 Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor

### SECTION 106 DETAILS

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

- (a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) A contribution of £27,000 (9 additional bedrooms at £3000 per room) due on material start and index-linked from the date of Committee for Education, Sustainable Transportation and Open Space & Sports in the local area.
- (c) "Permit Free" - Removal of the rights of residents to apply for car parking permits.
- (d) Join and adhere to the Considerate Contractors scheme.
- (e) To ensure that if this planning permission (ref: 09/0410) is implemented, that a previous consent for Kilburn Square (ref: 06/3094) is not.

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

## **EXISTING**

The Kilburn Square site is within the Kilburn Town Centre. It is on a corner site with the main frontage facing Kilburn High Road and the side on the return to Brondesbury Road. This application only relates to a single part of the site.

Kilburn Square was constructed in the early 1970s on the site of an original London Square. Fronting the High Road the Square consists of eight retail/commercial units with vacant office/storage above. At the rear are nine three-bed maisonettes. These have one entrance and share their circulation area with the retail units. It is these maisonettes that are the subject of this particular planning application.

Members will be aware that there is an existing market here which was refurbished a good number of years ago. For the avoidance of doubt, the market does not form part of this application and is unaffected by it. The market stalls are occupied and represent the last of this kind of market in the area. This extends onto the footpath but is separated by metal railings restricting access.

The site has an existing two storey underground basement with ramped vehicular access from Victoria Road. This provides 103 car parking spaces and a lorry delivery area. There is a public right of way between the market and the Argos retail unit measuring 5m in width which has been the subject of a good deal of discussion over the years, but which, again, is unaffected by this particular development. There is an extremely wide (14.5m) public footpath in front of the Square with a number of existing trees, as well as other street furniture.

Kilburn High Road is a London Distributor Road and, at this point, forms the boundary between Brent and Camden Councils.

## **PROPOSAL**

This application seeks consent for the re-modelling of the existing 9 second- and third-floor 3 bed maisonettes into 18 new 2 bed self-contained flats, a two-storey front extension with new bridge, walkway and ramps to provide access, third-floor extension on top of stairs at front, new entrance and bin store doors at side with new glass canopy and new balcony areas, along with a green roof.

## **HISTORY**

There are no planning applications that relate specifically to the maisonettes that are the subject of this proposal. However, Members may well be aware that the site of Kilburn Square has been the subject of a long and relatively complex planning history, which culminated in the granting of planning application 06/3094 at the Committee meeting of 31 May 2007. This application was far less intense than what had gone before and sought consent for 14 flats on the front of the site, the enlargement of the ground floor commercial floorspace and the remodelling of the existing market involving the re-routing of the established right of way through to the Square.

For the avoidance of doubt, the applications relating to the wider Kilburn Square are set out below:-

04/3559 proposed the partial demolition and refurbishment of existing building; extensions and alterations to 7 existing retail units; change of use of first floor retail to health club and serviced offices; construction of 69 flats (including 22 affordable units); re siting of existing market and enclosure with permanent stalls; formation of cycle parking bays and ancillary works including new entrance, CCTV cameras and street furniture. It was refused consent in February 2005 and an appeal against this refusal was dismissed on 15 December 2005.

A similar previous proposal (LPA ref: 00/1953) proposing a total of 72 flats on the site was also dismissed at appeal by the Planning Inspectorate in April 2004.

The appeal proposal (04/3559) involved the provision of a centralised market square, with the width of the Kilburn High Road frontage being reduced from 14.5m to 8.5m from the front façade of the retail units and the edge of the footway, given the proposed 6m forward projection of the retail units.

In the Inspectors' decision letter in April 2004 on 00/1953 he concluded that the appeal proposal was unacceptable for a number of reasons. These included a failure to make the proposed communal amenity area available to all residents; loss of trees; loss of sunlight and daylight to occupants of Kilburn Tower; concerns over the method of disposal of refuse; loss of High Road footway width; and the loss of views through to the trees and retained 'green' area of Kilburn Square.

The second appeal Inspector made a number of key statements in deciding to dismiss the scheme which also need to be taken into account in any future considerations.

1. positive attributes of the scheme included "the provision of mixed uses at an appropriate urban density in an accessible location and the achievement of investment that would aid local regeneration."
2. forward projection of the building by the distance shown completely unacceptable. Would result in overdevelopment leading to a loss of quality in the publicly accessible public realm.
3. less than 50% affordable housing would be acceptable, given case made by the appellant at the time.
4. sustainability of the design and its subsequent construction very important. More discussion would be needed before this could be achieved.
5. Problems with the S106 legal agreement. There had been a failure to agree the contents of the agreement between the parties.

## **POLICY CONSIDERATIONS**

- STR14 - New development will be expected to make a positive contribution to improving the quality of the urban environment.
- STR15 - Major development should enhance the public realm, by creating or contributing to attractive and successful outdoor areas.
- BE2 - Proposals should be designed with regard to their local context, making a positive contribution to the area, taking account of existing landform, and the need to improve existing urban spaces and townscape.
- BE3 - Proposals should have regard for the existing urban grain, development patterns and density and should be designed so that spaces between and around buildings should be functional and attractive to their users, layout defined by pedestrian circulation, with particular emphasis on entrance points and creating vistas, it respects the form of the street by building to the established line of the frontage, unless there is a clear urban design justification.
- BE6 - High standard of landscaping required as an integral element of development, including a design which reflects how the area will be used and the character of the locality and surrounding buildings, boundary treatments to complement the development and enhance the streetscene.
- BE7 - A high quality of design and materials will be required for the street environment.
- BE9 - New buildings should be designed to embody a creative and high quality design solution specific to the sites shape, size, location and development opportunity and be of a scale, massing and height appropriate to their setting, civic function and location.
- BE12 - Expects proposals to embody sustainable design principles, commensurate with the

scale and type of development, including taking account of sustainable design, sustainable construction and pollution control criteria, etc. Regard will be had to the SPG in assessing the sustainability of schemes.

- H2 - Housing development in the borough capable of providing 10 or more units gross, or 0.3 hectares or more in size (irrespective of the number of units) should where suitable accordingly to policy H3, include provision for affordable housing on-site. This should contribute towards the borough wide target for affordable housing and be available to borough residents.
- H12 - Layout and urban design of residential development should reinforce/create an attractive/distinctive identity appropriate to the locality, housing facing streets, have access and internal layout where cars are subsidiary to cyclists and pedestrians, appropriate car parking and cycle parking ,where dedicated on-street parking is maximised as opposed to in curtilage parking and avoids excessive tarmac and provides an amount and quality of open landscaped area appropriate to the character of the area, local availability of open space and needs of prospective residents.
- MOS4 - Site specific policy seeking enhanced retailing, comprehensive approach, improvements to public domain, retention of adequate footway width and trees where possible, replacement trees, no loss of open space, servicing from rear, retain shoppers car park, housing and small business units on upper floors acceptable subject to quality design.

### **Brent Supplementary Planning Guidance**

#### **SPG 17 "Design Guide for New Development" Adopted October 2001**

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

#### **Kilburn Square Supplementary Planning Document (SPD).**

The Council produced an SPD for this site following the recommendations of the Planning Inspector in dismissing the 2004 appeal on the site.

The purpose of the SPD is:

- To promote the redevelopment of 103 - 123 Kilburn High Road whilst ensuring the highest standards of urban and architectural design;
- To provide a framework for an integrated and comprehensive development of the site and for improvement to the environment;
- To provide clear and usable guidance in the form of a supplementary planning document (SPD) that will be used to assess any planning application(s) for the site.

The SPD was prepared following extensive consultation with local residents and groups during winter 2004/2005 and adopted by the Council in April 2005.

### **SUSTAINABILITY ASSESSMENT**

Not applicable.

### **CONSULTATION**

A total of 320 residents were consulted about the application on 14 May 2009. Those same addresses were re-consulted on 16 September 2009 once amended plans were received by the

Council. Ward Councillors for both Kilburn and Queens Park Wards were notified about the planning application on both occasions.

Originally, 2 letters of objection were received in connection with the application. One of these was from the Kilburn Square Housing Co-Op and it was accompanied by a petition signed by 34 signatures. The issues raised were as follows:-

- impact of design on the environment and Kilburn Square housing estate.
- variation from original plans which included improvements to the market place.
- the area has suffered from neglect and lack of proper upkeep over many years.

For clarity, no responses have been received since re-consultation took place in September 2009.

Councillor Mary Arnold has written two letters in connection with the planning application. Originally, she raised a number of points, many of which were matters of clarification having spoken to the Housing Co-Op:-

- increasing the number of housing units will put undue pressure on the Kilburn Square Co-Op. The outstanding planning permission needs to be taken into account.
- how will the design compliment Kilburn Square housing?
- existing access arrangements are poor. What proposals are there to improve access/security?
- residents concerned that work associated with the original planning permission is outstanding.
- confirmation needed that "right of way" is recognized and respected.

Councillor Arnold then wrote again following a meeting with the Co-Op and the representative of the applicants.

- Overriding concern of the Co-Op is that the maisonettes conversion will not be any higher than the existing building, that the right of way will remain and that there will no no loss of space to the pavement or the Square.
- previous concerns about the lack of progress on other aspects of the development of the Square and the operation of the market were repeated. A cleaning contract was considered to be essential.

#### CAMDEN COUNCIL

The application has no strategic impact on Camden. No objections.

#### TRANSPORTATION ENGINEER

No objections, subject to a Section 106 Agreement securing a "car-free" scheme. The highway implications of the development are discussed below.

#### LANDSCAPE DESIGNER

There is an issue about the difficulties of securing outside space here, given the constraints of the site. What opportunities there are should be maximised.

#### ENVIRONMENTAL HEALTH OFFICER

A number of conditions are suggested in order to ensure that residential amenities are protected.

#### KILBURN TOWN CENTRE MANAGER

No comments received.

#### STREETCARE OFFICER

Following revisions to the scheme the proposal is now acceptable in terms of waste storage and refuse and recycling provision.

#### THAMES WATER

No objection to the scheme on the basis of impact on sewerage or water infrastructure.

## ENVIRONMENT AGENCY

No objections.

### REMARKS

#### INTRODUCTION

This application seeks planning permission to convert the existing 9 three-bed maisonettes on the rear part of the Kilburn Square frontage block into a total of 18 two-bed units. A number of other relatively minor external changes are proposed to the building in order to facilitate access to the upper level of flats (eg: ramp and external walkway), provide external amenity space and increase the internal floor area of the proposed flats by means of a two storey extension along the length of the maisonettes.

Many Members will be familiar with the various proposals for Kilburn Square that have been submitted to the Council over time and which culminated with permission being granted for a mixed use scheme and a reconfiguration of the existing market. Although the planning permission was issued in connection with this proposal (06/3094) after the applicants signed the required Section 106 legal agreement, it does appear as though it is unlikely that this development will be implemented in the near future. The applicants are now seeking permission for a smaller scheme that relates to a different part of the site to that covered by 06/3094. For clarity, the maisonettes in question were specifically stated in 06/3094 as falling outside the application site at that time.

Over time there has been much discussion between architects, Brent Planning Service and the Kilburn Square residents in an attempt to ensure that any proposal for this site was not prejudicial to the amenities of those people who live nearby, the businesses that operate from the area (including the market) and that its impact on the wider environment was an acceptable one. Given the fact that an application to reconfigure the market, extend the existing commercial units and to provide additional residential units on the site has now been approved (06/3094), any subsequent application also needs to be seen within the context of that permission. This is both in terms of ensuring that the permitted scheme and the current scheme do not prejudice the success of the other, but also in so far as the two development proposals need to be seen as part of the single development of the same Kilburn Square site.

It is evident that many of the comments from third parties relate to matters that fall outside the scope of this application (eg: references to the market and the width of the Kilburn High Road footpath) possibly because of an initial misunderstanding about precisely what is being proposed. However, the issues raised about the need to ensure that the different elements of development are considered in association with the others is a reasonable one, but has not been an easy argument to get the landowners to appreciate. There is more on this point below.

#### Highway Issues.

The proposed scheme increases the number of flats on site from 9 to 18 and increases the number of bedrooms by 9. As a result, the car parking standard also increases (10.8 spaces to 12.6) and this is not something that can be accommodated on the site. This would not be considered to be acceptable given on-street highway conditions nearby. However, given the fact that public transport accessibility is good in this part of the Borough and that there is a Controlled Parking Zone (CPZ) in place in order to control on-street parking, a "car-free" scheme restricting the right of future occupiers to be able to apply for a residents car parking permit must be in place here. The "car-free" nature of the development would need to be controlled through a Section 106 legal agreement and the applicants have agreed to this. For information, the proposed flats agreed as part of the recent Kilburn Square development (06/3094) were approved on the basis that they were also "car-free" in this way.

The Transportation Engineer has commented that ideally the proposed flats should provide a total of 18 secure, covered bicycle parking spaces in order to meet adopted Council policy. He has also stated that the spaces should be provided at ground floor level in developments wherever possible, although it is accepted that this will not always be possible. In this case, a bicycle store has been added to the development at first floor level which could accommodate 12-14 cycles. The

existence of a lift and ramps, on balance, overcome any concern about the location above the ground floor. Similarly, whilst the Engineer would ideally like to see the store larger to accommodate all 18 bicycles (1 space per flat), he accepts, as do Planning Officers, that the specific constraints of the site need to be recognised and that the proposed store would be more than sufficient to cater for the additional 9 flats.

#### Refuse/recycling Issues.

The applicants have been in discussion with the Council's Streetcare Section to discuss this particular aspect of the development. One of the original concerns, coming back to the issue of how different elements of the development of the site relate to each other, is that the recently approved Kilburn Square development 06/3094 had its refuse/recycling storage to serve the new flats along the Brondesbury Road frontage of the new building in a similar location to where this current scheme was also proposing such facilities. Furthermore, the recent approval involved the demolition of the existing ramp, whereas this latest scheme envisaged it staying.

Revisions have led to an understanding about how the two proposals would relate to each other and also what would happen to this current development in the event that the more comprehensive development approved last year was to come forward. The Streetcare Officer has now confirmed that the proposals are acceptable. There is an existing refuse shoot at the level of the maisonettes which has plainly been underused and which this proposal seeks to bring back into use. Again, this element of the scheme has been agreed by Streetcare.

#### Design Considerations.

The proposed design and elevational treatment of the reconfigured building are considered to be acceptable. The additional height of the stair core has no impact on people living nearby and relates well to the building itself. The proposed front extension (1.8 metre in depth) arranged over two storeys would also relate well to the existing building and have limited impact on anybody else. As indicated below, the extension is required in order to increase the size of the proposed flats. In the event that an approval is forthcoming, further details of the treatment of the external walkways, enclosures, ramps, entrance canopy and other external space would need to be conditioned. Provided that this is done, an acceptable quality of design should be capable of being achieved which serves to enhance the character and appearance of this part of the building. The maisonettes currently represent a building of limited architectural quality and the development proposal is considered to provide an opportunity to enhance this.

#### Residential Amenity for future occupiers.

The impact that the proposed changes would have on the quality of residential amenity likely to be enjoyed by future occupiers of the new flats is a key consideration. The Council's adopted SPG17 document "Design Guide for New Development" includes minimal internal floor areas required for flats of different bedroom numbers. This states that a two-bed (3 person) flat should be a minimum of 55 square metres internal floor area and a two-bed (4 person) unit should be a minimum of 65 square metres. The submitted plans show 3 person units with the flats meeting the minimum floorspace for a 3 person flat, albeit by providing the 55 square metres set down as the minimum allowable. This means that the proposal complies with adopted guidance in pure qualitative terms. However, a further consideration in the assessment of all schemes of this nature is the likely residential quality likely to be enjoyed by occupiers through a combination of internal and external space. The amount of external space likely to be available to future residents has been an issue here, with SPG17 including minimum standards for external amenity space (20sqm per flat), and the constraints of the application site meaning that it is difficult to meet this guidance.

The proposal has been amended to maximise the amount of space available to future occupiers, with an area currently used as a walkway providing access to the maisonettes being turned into external balcony areas each providing 10 square metres of outside space for the proposed lower level flats. This is possible due to the change in access arrangements proposed and, subject to the precise details of the treatment of the areas, is considered to be a welcome improvement to the proposal. These lower level units also have access to an area to the front of the building providing 16 square metres of patio area, although this is reduced in size from the existing situation on site due to a combination of the proposed front extension and the widening of the existing walkway.

This patio is less likely to be used as a useful, useable outside space, partly because the walkway allowing access to the top level flats will be directly above this area. On a related point, this walkway also has an impact on the lower level windows serving the living and dining areas at the lower flats. However, the fact that the structure would be sited 2.3 metres from the front wall of the building, thus allowing a reasonable amount of light to be available to this internal space, means that the external access arrangements are considered to be acceptable.

Returning to the question of amenity space provision, it is considered that a combination of the two (front and back) outside spaces means that the quality of environment for future occupiers will be acceptable. The issue for the upper level units is more balanced because they do not benefit from the external space, but it is considered that, on balance, this should not result in the scheme being objected to when the High Road location and the physical constraints of the site are taken into account, along with the proposed legal agreement would allow funding for improvements which could make a positive contribution to the local area.

There is the scope for the area at first floor level adjacent to the new ramp to be treated in a better way than is shown on the submitted plans, which give little indication of the way in which the area will be used, and it is considered that the condition that requires further details of the external spaces be expanded to incorporate this part of the application site. There is a possibility that the front garden areas of the last 3 lower level flats could be increased in size/planted up and this is something that should be explored by the applicants.

A green roof is proposed here on all of the extended building. This is an approach which is welcomed, providing that further construction details and planting details of the green roof (whether intensive or extensive) are submitted for approval. It is considered that the opportunities for using this space, or some of it, for additional external space should be explored, given the need to maximise amenity provision. Such external space would need to be carefully planned in such a way so as not to increase any loss of privacy to, or create an overbearing impact on, people living nearby. A condition is proposed to be attached to any consent asking the applicant to explore these opportunities and bring any physical changes back to the Council for formal consideration.

#### Affordable Housing/Housing mix.

The proposal to convert 9 units into 18 flats does not constitute a "major" case because it involves an additional 9 units, under the threshold of 10 where affordable housing is normally required.

This fundamental issue relates to the total number of units being proposed for the Kilburn Square site and is the key question that the applicants have needed to accept when continuing with a piecemeal (as opposed to comprehensive) approach to the development of the site. A combination of the additional flats in this scheme and the extant planning permission 06/3094 for 14 units means that the affordable threshold of 10 units is exceeded on the site (of Kilburn Square) and a level of affordable housing would normally be required as part of this development. Members will be aware that the currently adopted Mayor's London plan requires 50% of all units to be affordable and the issue does need to be dealt with as part of this application.

The applicants have indicated that they wish this application to be determined as a free-standing planning application. The question that has been raised is whether the Section 106 legal agreement could be worded in such a way so as to deal with the situation whereby one phase of the development of the site were to happen, but the others were not. The applicants are concerned at having to consider affordable housing on this second phase, if it were to be considered alongside the approved scheme (including reconfigured market) and take the number of units on the total Kilburn Square site to over 10. The Council would be looking at 50% of the proposed flats in this current scheme as being "affordable" in the event that there was a requirement for such.

Having discussed the matter with the Council's Section 106 Officer, it is possible to draft a legal agreement that allows the implementation of one scheme (whichever that might be), but not the other. The applicants have confirmed that this is the course of action that they wish to pursue. In doing this they have acknowledged that they are aware that if in the future they do subsequently come back with a new scheme for the front of the Kilburn Square site that includes new flats then it



is likely that an affordable housing requirement may "kick in" at that stage, even if it did not form part of the 2006 approval.

#### Section 106 legal agreement

The Council has an adopted SPD on "Planning Obligations" and uses a standard charge system for calculating financial contributions in schemes of this nature and this figure is £3000 per additional bedroom. Therefore, this current scheme would require a total of £27,000 which would need to be controlled by way of Section 106 Legal Agreement. In addition, as mentioned above, the development would be "car-free" and the phasing of the development of Kilburn Square also needs to be controlled for the reasons set out above. The applicants have indicated their agreement to the proposed Heads of Terms.

### **REASONS FOR CONDITIONS**

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

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

- Brent Unitary Development Plan 2004
- Central Government Guidance
- Council's Supplementary Planning Guidance and other policy documents

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
- Site-Specific Policies

### **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 approved shall be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted therewith, prior to occupation of the buildings.

Reason: To ensure that the proposed development will be carried out as approved so as to avoid any detriment to the amenities by any work remaining incomplete.

(3) Details of materials for all external work with samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development carried out in accordance with the approved details.

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

- (4) Notwithstanding the plans hereby approved, a scheme for the landscape works and treatment throughout the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any demolition/construction works on the site. Any approved planting included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed, in writing, with the Local Planning Authority. Such a scheme shall include:-

- (a) proposed railings, walls and fences, indicating materials and heights
- (b) adequate physical separation, such as protective walls and fencing between landscaped and paved areas
- (c) areas of hard landscape works and proposed materials
- (d) additional details of the treatment of the area adjacent to the ramp at lower floor level, including the possibility of increasing the external amenity spaces of the proposed flats.
- (e) details of the proposed arrangements for the maintenance of the landscape works.

Reason: To ensure a satisfactory appearance and setting for the proposed development, to ensure that it enhances the visual amenity of the area and in the interests of future residential occupiers of the scheme.

- (5) A dropped kerb shall be provided on Brondesbury Road adjacent to the proposed bin store in a location to be submitted to and approved in writing by the Local Planning Authority. The details shall be agreed before any works commence on the site and the crossover shall be in place prior to the first occupation of the residential accommodation hereby approved.

Reason: In order to ensure adequate control over the development in the interests of highway safety.

- (6) Further details of the green roof hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of this feature. Once installed, it shall be maintained in a healthy condition and any planting that is part of the approved scheme that, within 5 years of being planted, is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season with other planting of a similar size and species, unless the Local Planning Authority gives written consent otherwise.

Reason: To ensure a high standard of landscape design.

- (7) Further to condition 6 of this permission, the applicant shall consider the possibility of creating roof terraces to be used alongside the green roof proposed, details of which (including access arrangements and means of protecting privacy) shall be submitted to, and approved in writing by, the Local Planning Authority prior to any external works taking place to the roof of the building.

Reason: In the interests of the quality of the development and in order to maximise the amenities enjoyed by future residents.

- (8) 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 building is occupied. Such details shall include:-

(a) screening to the balconies of the lower floor flats, including between these private terraces.

(b) external walkways and ramps.

(c) entrance canopy

(d) bin storage areas.

NOTE - Other conditions may provide further information concerning details required.

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

- (9) The details of arrangements for the storage of refuse and recycling, in accordance with the Council's requirements contained in the document *Waste and Recycling Storage and Collection Guidance*, hereby approved shall be implemented prior to occupation of the development hereby approved and shall be permanently maintained as such.

Reason: To ensure that refuse and recycling matters are adequately dealt with and that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- (10) The bicycle parking spaces shown on the drawings hereby approved must be provided prior to first occupation of the flats the subject of this application and retained thereafter for such a purpose, unless agreed with the Local Planning Authority.

Reason: To ensure the provision and permanent retention of bicycle spaces so as to ensure a balanced approach to non-car access.

#### **INFORMATIVES:**

None Specified

#### **REFERENCE DOCUMENTS:**

- Brent UDP 2004
- SPG17
- Kilburn Square SPD
- 2 letters of objection.

Any person wishing to inspect the above papers should contact Andy Bates, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5228



# Planning Committee Map

Site address: 110-118 inc, Kilburn Square, London, NW6 6PS

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This map is indicative only.

## Committee Report

Planning Committee on 4 November, 2009

Case No.

09/2099

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**RECEIVED:** 3 September, 2009

**WARD:** Brondesbury Park

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** 50A & 50C, Cavendish Road, London, NW6 7XP

**PROPOSAL:** Conversion of garage into habitable room and erection of single storey rear extension to lower ground floor flat, removal of windows to existing rear dormer window, to create an internal balcony, installation of two side rooflights and enlargement of existing front rooflight to first and second floor maisonette

**APPLICANT:** Mr David Jones

**CONTACT:** Claridge Architects

**PLAN NO'S:**

GA.01 RevA	GA.02
GA.03	GA.04
GA.05 RevA	GA.06
GA.07 RevA	GE.01
GE.02	GE.03
GE.04	GE.05
GE.06 Rev A	GE.07
GS.01	GS.02

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### RECOMMENDATION

Approval.

### EXISTING

The subject site, located on the south-eastern side of Cavendish Road, is occupied by a three-storey semi-detached dwellinghouse that has been converted into four self-contained flats. The property is not located in a Conservation Area, nor is it a Listed Building.

### PROPOSAL

The proposal is for the conversion of the existing garage into habitable space and the erection of a single storey rear extension to the lower ground floor flat, the formation of an internal balcony to the existing rear dormer window, the installation of two side rooflights and the enlargement of the existing front rooflight to the first and second floor maisonette.

### HISTORY

Planning permission for the conversion of the property into four flats and the erection of a single-storey extension was approved in 1961.

### POLICY CONSIDERATIONS

London Borough of Brent Unitary Development Plan 2004

BE2	Townscape: Local Context & Character
BE6	Public Realm: Landscape Design
BE7	Public Realm: Streetscape
BE9	Architectural Quality
H12	Residential Quality - Layout Considerations
H18	The Quality of Flat Conversions

## **Supplementary Planning Guidance**

Supplementary Planning Guidance 5:- Altering & Extending Your Home  
 Supplementary Planning Guidance 17:- Design Guide for New Development

## **SUSTAINABILITY ASSESSMENT**

Not applicable.

## **CONSULTATION**

### **External**

Consultation letters, dated 14th September 2009, were sent to 41 neighbouring owner/occupiers. Two letters of objection have been received in response.

The concerns of the objectors relate to the formation of additional off-street parking within the front garden of the property and the impact that this would have on both the appearance and character of the existing streetscene and on-street parking provision within the locality.

It should be noted that the proposals have been revised since the original application was received. On the advice of Officers, revised plans were received on 20th October 2009, which removed proposals to provide additional off-street parking within the front garden of the premises. These amendments are considered to address the concerns of objectors. Both objectors have been informed of the amendments.

### **Internal**

#### Transportation

No objection on condition that any cycle parking provided is covered in accordance with policy TRN11 of the UDP 2004.

#### Landscape

Landscape Officers had initially objected to the proposal due to the increase in the proportion of hardstanding for parking to the front garden. As stated above, the application has been revised to retain the existing area of soft landscaping addressing this concern.

## **REMARKS**

The proposal envisages a number of alterations to the existing building. The impact of each of these alterations is considered below.

#### Single-Storey Rear Extension

The property has an existing single storey rear extension located between the original attached side garage, which projects rearwards from the main building, and the site boundary with 52 Cavendish Road which also has an existing single-storey rear extension. The existing extension has a stepped building line, projecting from the main rear wall by 2.7m on the side closest to 52 Cavendish Road and 4.3m against the side garage. On the respective flanks, the existing extension does not project beyond the side garage or the extension to 52 Cavendish Road.

The proposed single-storey extension would have a single rear building line that projects 4.4m from the main rear wall of the building. The proposed extension would not project beyond the side garage and therefore there would be no additional impact on the daylight or outlook of 48 Cavendish Road. The proposed extension would project beyond the rear of 52 Cavendish Road by 1.3m. Whilst it is acknowledged that a single-storey rear extension with a depth of 4.4m to a semi-detached property would be contrary to the Council's guidance contained in SPG5, it is considered that given the limited impact on the adjoining property at 52 Cavendish Road, due to its existing extension, that the proposal would not cause unreasonable harm to the daylight and outlook of neighbouring occupiers. In design terms, whilst extensions to extensions are normally resisted, in this case it is considered that the scale of the extension would complement the scale of the main building and that the introduction of a single rear building line would be more in keeping with the surrounding area.

### Balcony & Roof Alterations

The existing building has three dormer windows, one front, one side and one rear, and two rooflights, one front and one rear. The proposal will involve the formation of an external balcony within the envelope of the existing rear dormer window, the installation of two side rooflights and the enlargement of the existing front rooflight.

A balcony will be formed within the envelope of the existing rear dormer window by removing the existing dormer fascia and replacing it with a recessed fascia consisting of sliding doors. As the balcony would be recessed within the dormer it is not considered that existing levels of overlooking to the neighbouring properties would be significantly increased as a result of the proposal. It is also considered that as the envelope of the dormer would remain unchanged that the proposal would only have a minimal impact on the existing roofscape.

The proposed side rooflights would both serve non-habitable rooms and, as such, would have little impact on the privacy of neighbouring occupiers. The siting of the proposed side roof lights would not be particularly prominent and would have a reasonable impact on the streetscene. The increased size of the existing front roof-light is also considered acceptable.

### Internal Alterations

The external alterations to the property, discussed above, form part of a wider refurbishment of the property which will include internal alterations to both the lower ground floor flat and the first and second floor maisonette. The existing attached side garage will be converted to habitable space which will, in part, facilitate an increase of the lower ground floor flat from two to three bedrooms. The layout of the existing first and second floor maisonette will be altered to reduce the number of bedrooms from four to three.

Whilst internal alterations are usually beyond the remit of planning, it is noted that both of the resultant units will exceed the Council minimum internal floorspace standards and will provide adequate daylight and outlook to all habitable room. As there is no net increase in the number of bedroom within the property as a whole it is therefore considered that the proposals would be unlikely to place any significant additional demand on local infrastructure and services and consequently no s106 agreement is sought here.

Whilst, secured cycle storage would not normally be a policy requirement for this type of development, the applicant has indicated the provision of cycle storage on the proposed plan, four space within the front garden of the property and two space to the side. Whilst, cycle storage is generally welcomed as part of development proposals this should be covered and located sensitively so as not to cause harm to the appearance of the property and/or streetscene. As such, a condition should be placed on any permission prevent the prominent siting of cycle storage within the front garden until suitable details have been agreed in writing.

**RECOMMENDATION:** Grant Consent

**REASON FOR GRANTING**

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

Brent Unitary Development Plan 2004  
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home

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

Built Environment: in terms of the protection and enhancement of the environment  
Housing: in terms of protecting residential amenities and guiding new development

**CONDITIONS/REASONS:**

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

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

- (2) All new external work shall be carried out in materials that match, in colour, texture and design detail those of the existing building.

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

- (3) Notwithstanding the approved plans no cycle storage shall be provided within the front garden of the property unless further details are submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development would not harm the character and appearance of the property and streetscene.

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

Brent Unitary Development Plan 2004  
Supplementary Planning Guidance 5:- Altering & Extending Your Home  
Supplementary Planning Guidance 17:- Design Guide For New Development.  
2 letters of objection.

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





# Planning Committee Map

Site address: 50A & 50C, Cavendish Road, London, NW6 7XP

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## Committee Report

Planning Committee on 4 November, 2009

Case No.

09/2176

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**RECEIVED:** 2 September, 2009

**WARD:** Queen's Park

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** Brilliant Kids, 8 Station Terrace, London, NW10 5RT

**PROPOSAL:** Variation of condition 3 of full planning permission 06/0712, granted 29/06/2006, for change of use from Use Class A1 (retail) to mixed-use A1 and A3 (retail & cafe), to allow operating hours on Monday to Saturday 0800 to 2300 and Sunday 1000 to 2230

**APPLICANT:** Hell Yes Limited

**CONTACT:**

**PLAN NO'S:** Proposed ground floor plan

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### RECOMMENDATION

Approval

### EXISTING

The subject site, located on the southern side of Station Terrace, is occupied by a two-storey terraced property consisting of a vacant cafe unit on the ground floor with a self-contained flat above. This application relates to the vacant cafe unit.

To the east the site is adjoined by 9 Station Terrace which consists of a shop unit and separate self-contained flat on the ground floor and a second self-contained flat on the first floor. To the west the site is adjoined by 7 Station Terrace which consists of a ground floor shop unit and a first floor flat.

### PROPOSAL

Variation of condition 3 of full planning permission 06/0712, granted 29/06/2006, for change of use from Use Class A1 (retail) to mixed-use A1 and A3 (retail & cafe), to allow operating hours on Monday to Saturday 0800 to 2300 and Sunday 1000 to 2230

### HISTORY

Planning permission (06/0712) was granted in June 2006 for the change of use of the existing shop unit (Use Class A1) to a mixed use cafe/shop unit (Use Classes A3 and A1). Planning permission was granted subject to a number of conditions designed to restrict noise levels, the use of the rear garden of the premises and the hours of operation.

A breach of condition notice (E/06/0670) was served on the previous occupier of the cafe following the formation of a customer seating area in the rear garden of the premises. A subsequent application (07/1716) to remove condition 4, which prevented the use of the garden for such a purpose, was also refused. A recent site visit confirmed that the previous occupier has vacated the premises.

## **POLICY CONSIDERATIONS**

### **The London Borough of Brent Unitary Development Plan 2004**

SH10 Food and Drink (A3) Uses  
SH11 Conditions for A3 Uses

## **Relevant National Guidance**

Circular 11/95: Use of Conditions in Planning Permission

## **SUSTAINABILITY ASSESSMENT**

N/A

## **CONSULTATION**

### **External**

Consultation letters, dated 16th September 2009, were sent to Ward Councillors and 12 neighbouring owner/occupiers. In response three letters of objection have been received. The concerns of objectors include:-

- The extended hours of operation will cause unreasonable disturbance to neighbouring occupiers. The internal transmission of noise to adjoining residential units has been raised as a particular concern.
- The applicant has recently applied for a licence to permit the sale of alcohol and to play recorded music on the premises which could give rise to unreasonable disturbance and anti-social behaviour.

The applicant has submitted a petition in support of the application containing 15 signatures.

### **Internal**

#### Transportation Engineer

No objections

#### Environmental Health

No objections

## **REMARKS**

### Background

The use of the subject premises for the purposes of a cafe/restaurant was established under planning permission (06/0712). This planning permission was subject to a number of conditions which were agreed with the applicant at the time of the decision. Condition 3 of planning permission 06/0712 stated that:-

*"The premises shall not be used or open to customers except between the hours of:*

*0800 to 2000 Monday to Sunday and Bank Holidays.*

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

The operators of the original cafe have since vacated the premises and the current applicant now seeks to amend the terms of condition 3 before the premises are reoccupied as a cafe/brasserie. The current applicant seeks to amend condition 3 to allow operating hours of 0800 to 2300 Monday to Saturday and 1000 to 2230 on Sunday.

### Impact on Residential Amenity

At present, condition 3 of planning permission 06/0712 prevents the premises from being operated after 2000 on any day of the week. The applicant proposes to extend the closing time to 2300 Monday to Saturday and 2230 on Sunday. It is also noted that the proposed variation to the condition would prevent the premises opening before 1000 on a Sunday which is currently possible under the existing condition.

The subject site is located within Station Terrace, close to the district centre of Kensal Rise. As such, there are a number of similar food and drink uses within close proximity to the site with adjoining residential properties that operate late into the night. In such a location, where a mixture of uses co-exist, it is important to ensure that local planning decisions seek to secure an appropriate balance between the viability of businesses and the protection of residential amenity. As such, where planning permission has been permitted for food and drink uses in close proximity to residential properties it is common practice for planning conditions, limiting the hours of operation, to be imposed. However, it is unusual to restrict the opening hours of such uses to the same degree of that applied to the subject premises by the current provisions of condition 3. Notwithstanding the agreement of the previous occupier to accept more restrictive operating hours, the hours of operation now being proposed would normally be accepted if full planning permission were now being applied for by the current applicant.

It is also noted that the approval of recent planning applications at 16 & 20 Station Terrace (08/3314 and 09/1107, respectively) for the formation of external customer seating to the front of the properties were both subject to conditions preventing the use of the approved seating beyond 23.00 on any night of the week. The conditions attached to these previous applications are consistent with the hours proposed as part of the current application in terms of maintaining a reasonable balance between the viability of local businesses and the protection of residential amenity within the locality of Station Terrace.

As part of the proposals the applicant has agreed to fit additional sound proofing along the full length of the wall at ground floor level between the subject premises and 9 Station Terrace. The applicant has agreed to provide technical details of the proposed sound-proofing scheme prior to determination of the application and this matter will be reported to Members in a supplementary report. It is considered that this additional sound proofing will serve to protect, still further, residential amenity.

### Consideration of Objections

The impact of the proposal on residential amenity has been addressed, in part, in the above report. However, it is acknowledged that the behaviour of the previous occupants of the site, who breached the condition that stated that the rear garden would not be used for seating or customer service, has heightened the concerns of neighbours that the current occupant will also seek to use the rear garden for a similar purpose. However, the proposed layout of the premises is different to that of the previous occupants in that the kitchen is to the rear with the customer area contained to the front of the unit. This layout would prevent public access to the rear garden. Furthermore, for the avoidance of doubt the applicant has stated in a letter, dated 7th September, that they are not applying for the use of the rear exterior space and are aware that use of the outside space is unacceptable to the Council.

With regards to the concern that the applicant intends to play music within the premises, it is noted that a condition was attached to the previous approval stating that no sound of this sort shall be audible at the boundary of any noise-sensitive premises attached to or in the immediate vicinity of the site. The applicant has not applied to remove, or vary, this condition in any way. The Council's Licensing Officer has confirmed that the current application for a licence to supply alcohol on the site, which is under consideration, does not seek to permit the playing of recorded or live music.

**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:-

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

**CONDITIONS/REASONS:**

**INFORMATIVES:**

- (1) This approval supersedes condition no. 3 of the planning permission granted under ref. no. 06/0712
- (2) When operating the premises the applicant must have regard to all other conditions attached to planning consent 06/0712.

**REFERENCE DOCUMENTS:**

Brent Unitary Development Plan 2004

3 letters of objection

1 petition of support

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



# Planning Committee Map

Site address: Brilliant Kids, 8 Station Terrace, London, NW10 5RT

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## Committee Report Planning Committee on 4 November, 2009

Case No. 09/1691

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**RECEIVED:** 24 August, 2009

**WARD:** Brondesbury Park

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** 1-82 Inc, Landau House, Chatsworth Road, London, NW2

**PROPOSAL:** Replacement of all existing aluminium-framed windows with double-glazed white aluminium windows to building (revised description 16/09/2009)

**APPLICANT:** Brent Housing Partnership

**CONTACT:** Baily Garner LLP

**PLAN NO'S:** 23429 01  
23429 02  
23429 03  
23429 04  
23429 05  
23429 06  
23429 11

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### RECOMMENDATION

Approval

### EXISTING

The subject site contains a 4-storey block of flats on land adjacent to the junction of Chatsworth and Christchurch Avenue. The site is not within a conservation area and does not contain a listed building.

### PROPOSAL

Full planning permission is sought for replacement of all single glazed aluminum windows with double glazed aluminium windows to building.

### HISTORY

No relevant planning history.

### POLICY CONSIDERATIONS

#### Unitary Development Plan 2004

**BE2:** Townscape: Local Context & Character: Proposals should be designed with regard to their local context, making a positive contribution to the area and should respect or improve the quality of existing urban spaces, materials, townscape or historical features which contribute favourably to the character of an area.

**BE7:** Public Realm: Streetscape: A high quality of design and materials will be required for the street environment.

**BE9:** Architectural Quality: New buildings, extensions, and alterations to existing buildings should embody a creative and appropriate design solution which respects the positive local design and landscape characteristics of adjoining development, and satisfactorily relate them, have attractive front elevations which have a direct relationship with the street at ground level with well-proportioned windows, employing materials of high quality and durability, that are of compatible and complementary colour and texture, to the surrounding area.

## **SUSTAINABILITY ASSESSMENT**

Not applicable.

## **CONSULTATION**

A public consultation was undertaken between 03/09/2009 - 24/09/2009. 159 neighbouring properties were consulted. 2 objections were received which outlined the following concerns and points:

- The use of aluminium would not respect the character of the building which has timber frames according to the description.
- The replacement of the existing windows is not necessary as adequate insulation is already provided and the proposal incurs significant costs for the private householders.

At the request of Councillor Shaw, the consultation was extended to the 3 Ward councillors on 24/09/2009 which meant no decision could be made until 08/10/2009.

One letter was also sent in by an occupier in the flats supporting the removal of the existing windows due to the difficulty in maintaining them.

### Response to objectors comments

The first objection resulted from an error in the description initially attributed to the application by the council which stated that the existing windows carried timber frames when in fact they were anodised aluminium. The description was duly revised.

With regards to the second objection, the issue of the precise relationship between the individual owners within the block of flats and the freeholder of the flats is not a planning consideration that could be taken into account in deciding the planning application. The likely costs of the works is a matter for the parties to resolve between themselves.

## **REMARKS**

### Amendments

There has been discussion with the applicants about the colour of the proposed windows. Having considered the character of the wider area, it has been considered that the use of white coloured window frames would be acceptable in this context and the proposal is recommended for approval on this basis.

### Proposal

Members may be aware that this application is one of a number of similar window replacement schemes submitted by Brent Housing Partnership (BHP) some of which have been considered at previous Planning Committees. The existing block of flats in this case have sliding anodised aluminium windows, and it is proposed to replace them with powder coated double-glazed aluminium windows, some which are side and some which are top hung.

The replacement windows will be similar in appearance, in terms of material, and fenestration. Although the openings do not carry the sliding mechanism of the existing windows, it is not considered that this would detract from the character of the building or the wider locality, particularly given that all windows in the building are proposed to be changed. Whilst there were no fanlights in the existing windows, the proposal still largely respects the character of the building

and that of the wider locality.

It is considered that the proposed replacement windows would enhance the overall appearance of the existing building and therefore are considered to be in compliance with policies BE2, BE7 and BE9 of the UDP 2004.

**REASONS FOR CONDITIONS**

Not applicable.

**RECOMMENDATION:** Grant Consent

**REASON FOR GRANTING**

- (1) The proposed development is in general accordance with policies contained in the:-  
Brent Unitary Development Plan 2004

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

Built Environment: in terms of the protection and enhancement of the environment  
Housing: in terms of protecting residential amenities and guiding new development

**CONDITIONS/REASONS:**

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

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

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

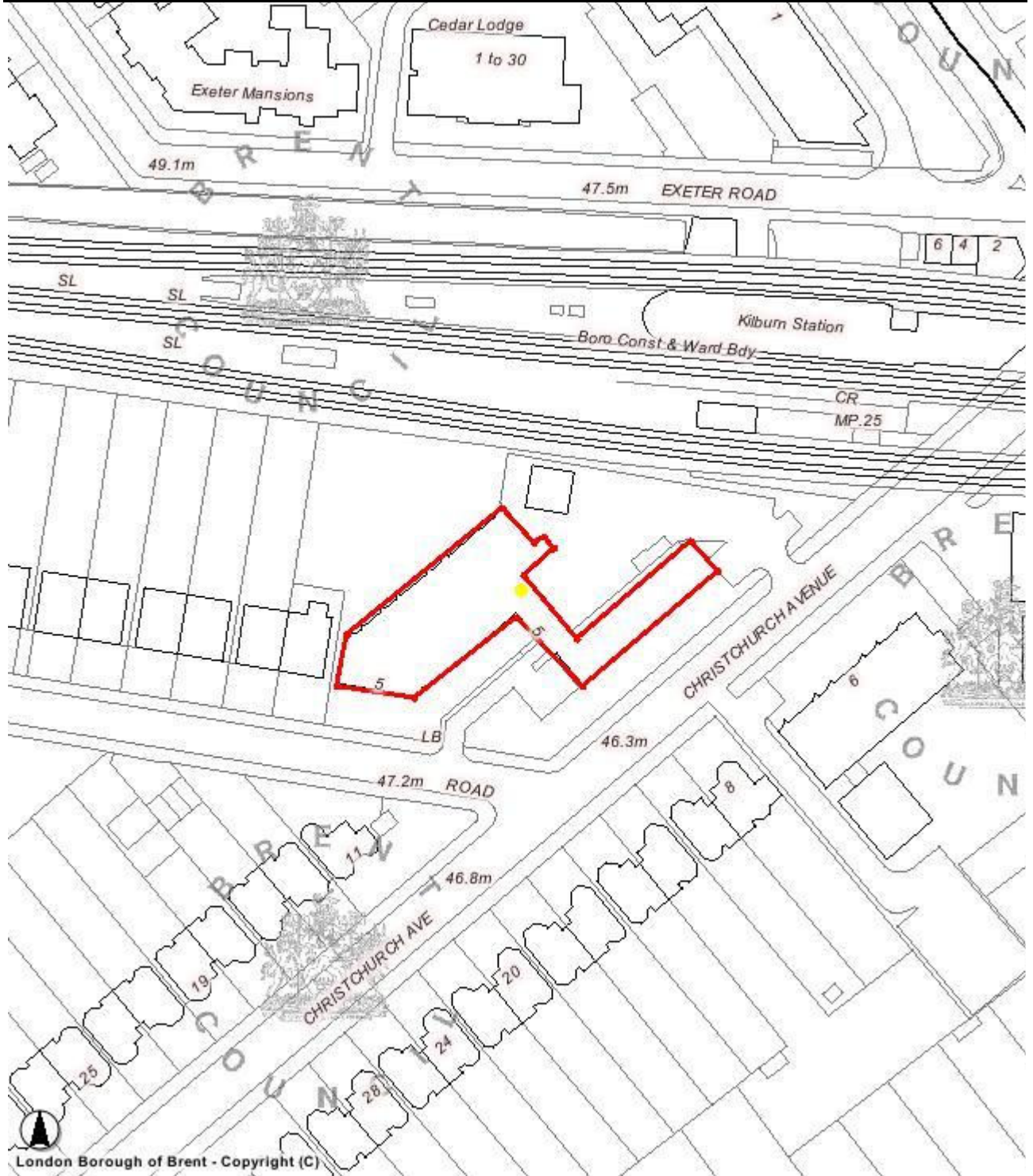
Any person wishing to inspect the above papers should contact Roland Sheldon, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5232



# Planning Committee Map

Site address: 1-82 Inc, Landau House, Chatsworth Road, London, NW2

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## Committee Report

Planning Committee on 4 November, 2009

Case No.

09/2124

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**RECEIVED:** 25 August, 2009

**WARD:** Alperton

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 46 Hillfield Avenue, Wembley, HA0 4JP

**PROPOSAL:** Erection of outbuilding (retrospective consent) and alterations to reduce its size

**APPLICANT:** Mr Chaitanya K Desai

**CONTACT:** ABA Chartered Surveyors

**PLAN NO'S:** Site location plan; 0951-pl-02

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### RECOMMENDATION

Approval

### EXISTING

The application site is a ground floor flat within a two storey property, located on Hillfield Avenue, Wembley. It is not a listed or located within a conservation area.

### PROPOSAL

Retrospective planning permission is sought for a reduction to the existing unauthorised outbuilding

### HISTORY

09/1607 – Retention of detached building in rear garden of ground floor flat – *Refused 14/08/2009*

E/09/0328 – Without planning permission the erection of a building in rear garden of the premises. *Ongoing Enforcement Case*

### POLICY CONSIDERATIONS

Brent UDP 2004

BE2 – Townscape: Local Context & Character

BE9 – Architectural Quality

### SPG

SPG 5 – Altering and extending your home

- Respect for design, scale and character of existing building and surrounding streetscene.
- Respect for the amenity, privacy, outlook, daylight and sunlight of neighbouring properties.

## **CONSULTATION**

Consultation period: 03/09/2009 – 24/09/2009. 6 neighbouring properties were notified.

Two letters were received from neighbouring properties objecting to the large size of the outbuilding having an adverse impact on their outlook. There was another concern that the building does not look like a shed but more as though it may be intended for renting out for living accommodation.

## **REMARKS**

The site exists as a ground floor and first floor flat located within a two-storey semi detached property. The domestic garden to the rear of the site is divided into two, so that each flat has their own portion of the garden.

The existing single storey detached outbuilding measures 8.31m by 4.01m has a footprint of 33.3m<sup>2</sup>, and is located along three neighbouring boundaries at the rear of the garden. At the time of the site visit, made on 5<sup>th</sup> August 2009, the building was partially built, with four walls erected and the timber frame of the roof already constructed, as well as one of the windows inserted. The previously proposed plans showed that the building was to have a height of 2.25 metres to the eaves and the height to the ridge to be 3.7 metres. This was the subject of the previous application ref 09/1607, which was refused under delegated powers on 14/08/2009.

The applicants have submitted an amended application which now shows that the outbuilding would be used for storage purposes, and is to have a reduced footprint, measuring 4.005 m by 4.305 m and set in by 2.0 metres from the two side boundaries, giving an area of 17.24m<sup>2</sup>. It is not proposed to be set in from the rear boundary, which is along an access road used for access to the garages to the rear of properties along Hillfield Avenue and Victor Grove. The proposed height of the outbuilding is to be 2.25 metres to the eaves and 3.7 metres to the ridge, which is unchanged from the previously refused application. (09/1607).

The previous application showed that the building was to be used as a gymnasium with a shower room facility. This amended application shows that the building is to be used for as a 'store', as annotated on the plans.

The previous application, ref 09/1607, was refused due to its excessive size and height and proximity to the side and rear boundaries. This amended application proposes to reduce the size of the outbuilding, with a reduced footprint from 33.3m<sup>2</sup> to 17.24m<sup>2</sup>. However, it is not proposed to be set in from the rear boundary, or have a reduction in height. However, the reduction in footprint, would reduce the impact on both neighbouring boundaries, and also on residential properties to the rear. Also, the proposed building is not to be used as a gymnasium with shower facilities, as the previous application showed.

It is considered that this amended application for the part retention of the reduced outbuilding can be supported, subject to conditions. As the existing building is larger than that which is the subject of this application, the applicants will be required to reduce the size to be in compliance with this application within 3 months of the date of decision. Also, a landscaping condition will be attached, requiring a landscaping scheme to be provided, in order to ensure sufficient screening is provided to protect the amenities of neighbouring properties. The applicants have agreed to this condition being attached.

An informative will also be attached to any approval for this application regarding the use of the building as 'incidental to the use of the main dwelling', which in this case being the ground floor flat. This means that the building would not be permitted to be used for any habitable accommodation.

Subject to conditions, the application can be supported, and is therefore considered to be consistent with the relevant parts of the adopted London Borough of Brent's Unitary Development Plan 2004 and guidance contained within Brent's Supplementary Planning Guidance 5 – Altering and Extending Your Home, and is therefore recommended for approval.

**RECOMMENDATION:** Grant Consent

**REASON FOR GRANTING**

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

Brent Unitary Development Plan 2004

Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home

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

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

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

**CONDITIONS/REASONS:**

- (1) The alterations to the outbuilding, as shown on the submitted plans and hereby approved, shall be completed within 3 months of the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 and to safeguard the amenities of neighbouring residents.

- (2) Notwithstanding the hereby approved plans, further details of a landscape scheme for the planting of shrubs along the shared neighbouring boundaries where the outbuilding is located and a tree or shrub to the front of the outbuilding, (details to include plant species, size and densities), shall be submitted to and approved in writing by the Local Planning Authority before any works commence on site. The landscape work, as approved, shall be completed during the first available planting season following completion of the rest of the development hereby approved and shall be so maintained in accordance with the approved details. Any plant that dies within a period of five years from the date of planting shall be replaced by a plant of the same species, 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.

**INFORMATIVES:**

- (1) The outbuilding can only be used for purposes incidental to the main residential unit. This excludes use as a bedroom, kitchen, bathroom/wc, living room or any other primary residential use even if it is in connection with the main dwellinghouse. If in any doubt over the permitted use of the outbuilding please contact the Planning Service on 020 8937 5210.

**REFERENCE DOCUMENTS:**

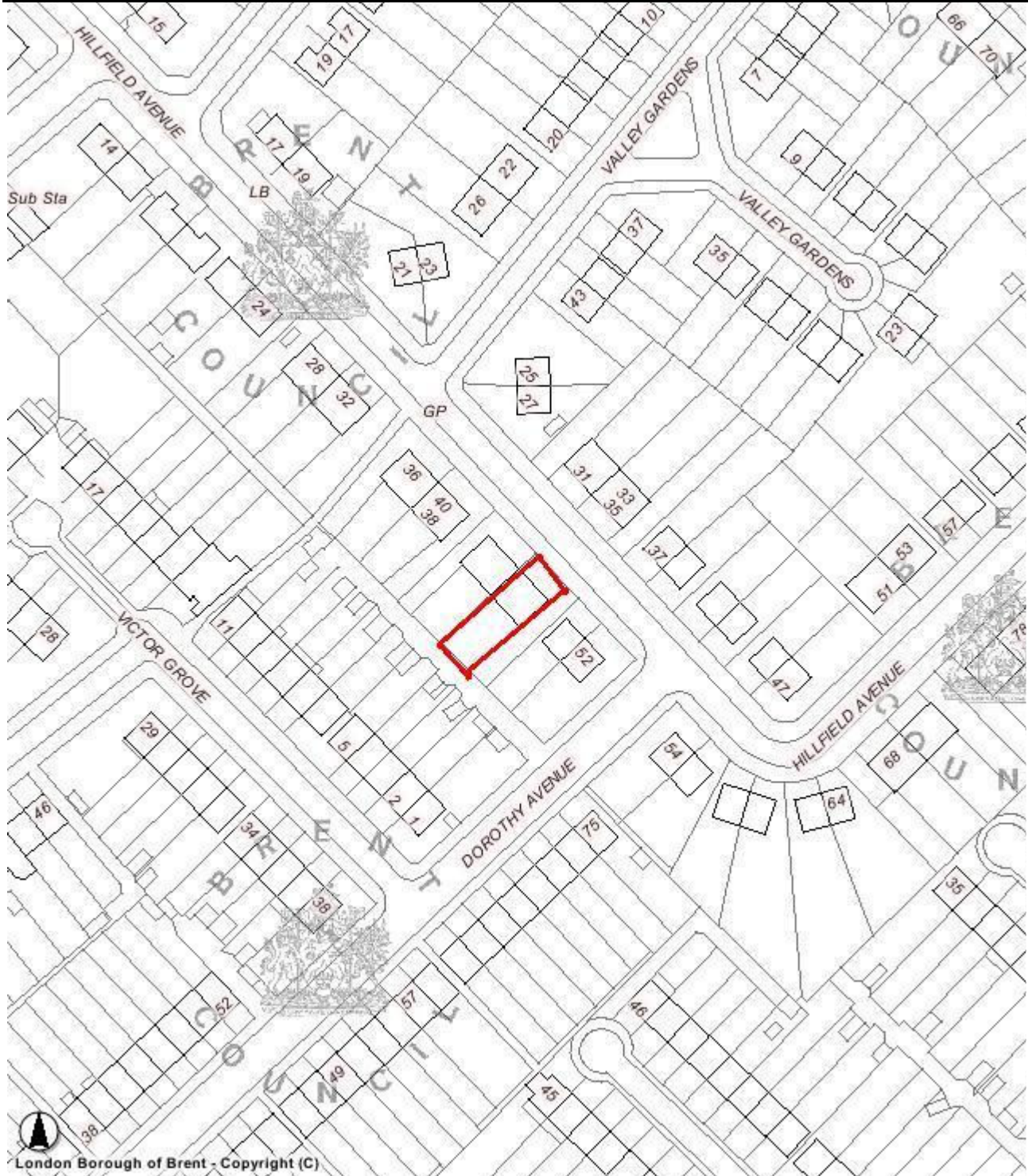
Any person wishing to inspect the above papers should contact Avani Raven, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5016



# Planning Committee Map

Site address: 46 Hillfield Avenue, Wembley, HA0 4JP

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## Committee Report Planning Committee on 4 November, 2009

Case No. 09/3080

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**RECEIVED:** 21 September, 2009

**WARD:** Sudbury

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 1-4 & Garages Holmfield & 2, Crawford Avenue, Wembley, HA0 2HT

**PROPOSAL:** Proposed erection of 2 storey residential block at rear of site forming 6 self contained flats comprising 6 x 2 bedroom flats at ground and first floor level and rear balconies with provision of 6 additional car parking bays and 6 cycle spaces to side, landscaping and associated amenities

**APPLICANT:** Mr N Patel

**CONTACT:** Whymark & Moulton

**PLAN NO'S:** 08/137-01 C - Site and Location Plans  
08/137-04 A - Floor plans and elevations  
08/137-05 A - Boundary Relationship sections

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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 Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor

### SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- A contribution of £36,000 (£3,000 per bedroom), due on material start and index-linked from the date of committee for Education, Sustainable Transportation and Open Space & Sports in the local area
- That future residents of the development are not eligible for on-street parking permits

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

(b) If the legal agreement has not been entered into by the application's statutory expiry date of the 16 November 2009, to delegate authority to the Director of Environment and Culture, or other duly authorised person, to refuse planning permission; and

(c) If the application is refused for the reason in (b) above to delegate authority to the Director of Environment and Culture, or other duly authorised person to grant permission in respect of a further application which is either identical to the current one, or in his opinion is not materially different, provided that a satisfactory Section 106 has been entered into.

## **EXISTING**

The subject site consists of the rear gardens of No. 2 Crawford Avenue and Nos. 1-4 Holmfield, also situated on Crawford Avenue. The site adjoins residential parking areas to the west and south and No. 6 Crawford Avenue to the North. The subject site is not within a conservation area or the ground of a listed building.

## **PROPOSAL**

Planning permission is sought for the erection of a two storey building comprising 6 self contained two bedroom flats, 6 parking spaces, cycle parking, refuse store and associated landscaping.

Access is proposed via the existing crossover which benefits the four maisonettes within Holmfield providing access to four garage. This access route will be upgraded and utilised for access to the proposed flats.

## **HISTORY**

07/1078 - The erection of 2 storey residential block forming 8 self contained flats comprising 2 x 1 bedroom flat and 2 x 2 bedroom flat at ground floor level and 2 x 1 bedroom flat and 2 x 2 bedroom flat at first floor level, provision of 5 car parking bays and 8 cycle spaces to side, landscaping to site.

### ***Application Refused***

This application proposed a building that was 3-5m from the boundaries with Treganna Court, Oak Lodge and the rear gardens that are to be retained for 2 Crawford Avenue and Holmfield.

This application was refused for the following reasons:

- 1. The proposal, by reason of the inadequate provision of external amenity space for some units and the poor outlook for units 1.2, 1.3 and 1.4 and the reliance on adjoining properties that are outside the application site for outlook for flats 2.2, 2.3 and 2.4 constitutes the provision of a substandard form of residential accommodation to the detriment of the amenities of future residents of these units, also limiting the development potential of adjoining sites through the potential impact on light, outlook and privacy that may be associated with the development of these sites or resulting in a significant impact on the light or outlook of future residents of the proposed development. Furthermore, the proposal results in a significant reduction in the quantity and quality of the external amenity space for Nos. 1-4 Holmfield due to the proximity of this space to the parking and refuse areas of the proposed development and to the ground floor windows of 1-4 Holmfield, resulting in a loss of privacy for residents of these dwellings. This is contrary to policies BE2, BE9 of the Brent Unitary Development Plan 2004 and Supplementary Planning Guidance No. 17.*
- 2. The proposal, by reason of the siting and size of the proposed building in relation to the size of the site and the associated proximity to site boundaries and relationship with surrounding buildings, constitutes a cramped form of development that fails to pay the appropriate regard for the patterns and rhythms of development within the locality. This is contrary to policies BE2, BE9 of the Brent Unitary Development Plan 2004 and Supplementary Planning Guidance No. 17.*
- 3. The proposed development, by reason of the siting of the access road, its proximity to the adjoining dwellings, the increase in intensity of use of that access road and the poor relationship between the proposed footpath and the entrance within the northern wall of Holmfield, is likely to result in an excessive level of noise and disturbance of the residents of No 6 Crawford Avenue and Nos. 3 and 4 Holmfield, Crawford Avenue and a significant impact to the quality of the entrances for the residents of Holmfield contrary to Policies H15 and TRN3 of the Brent Unitary Development Plan 2004.*

4. In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure and education, without any contribution towards sustainable transport improvements or school and nursery places and increased pressure for the use of existing open space, without contributions to enhance open space or sports, or to towards the improvement the environment. As a result, the proposal is contrary to policies TRN3, TRN4, TRN10, TRN11, CF6 and BE7 of Brent's adopted Unitary Development Plan 2004.

This application was also appealed and the appeal was **dismissed**.

#### **POLICY CONSIDERATIONS**

BE2 - Townscape: Local Context & Character  
BE7 - Public realm: Streetscape  
BE9 - Architectural Quality  
H12 - Residential Quality - Layout considerations  
H13 - Residential Density  
H14 - Minimum residential density  
H15 - Backland Development  
TRN23 - Parking standards - Residential Developments  
TRN11 - The London Cycle Network  
PS14 - Parking standards - Residential Developments  
PS16 - Cycle Parking Standards

#### **SPG**

SPG17 - Design Guide for New Development

#### **SPD**

Planning Obligations

#### **SUSTAINABILITY ASSESSMENT**

n/a

#### **CONSULTATION**

Standard three week consultation period carried out between 22 September 2009 and 13 October 2009 in which 64 properties were notified. Ward councillors have also been notified about the application. 4 objections have been received from neighbouring properties. One councillor objection has also been received regarding the application. The following concerns are raised:

- The proposed building is too near other properties and is in an already congested area.
- Cumulative loss of garden habitat
- Noise and disturbance from access
- Parking inadequate
- Inadequate amenity space provision for the site
- Loss of trees
- Insufficient community facilities (healthcare/schools) in the locality
- Increase in traffic and congestion

#### **Internal Consultees**

Transportation - No objections subject to S106 agreement and conditions

Environmental Health - No objections subject to conditions

Landscape Design - No objections subject to conditions

#### **External Consultees**

Thames Water - No objections

## REMARKS

The proposed block of flats would occupy the rear garden of No. 2 Crawford Avenue and the rear garden/parking area of Nos. 1-4 Holmfield, a block of 4 maisonettes which front Crawford Avenue. The proposed building is two storeys providing 6 x 2-bedroom flats. The building reaches a maximum height of 8.9m. The ground floor units would be afforded private rear gardens. First floor units are afforded private balconies. Secure cycle parking is provided between the building and the rear gardens of number 4 Crawford Avenue. A communal refuse store is proposed adjacent to the new parking area which provides 6 new car parking spaces.

A block of four garages are currently situated within the north-west corner of the site. These are to be retained as the applicant has stated that an existing lease on one of these structures currently prevents their removal.

The site is situated to the east of the land to the rear of Treganna Court where planning permission for a backland development similar in scale to that proposed was approved by members in 2008. (Ref: 07/2297)

### *Principle of Development*

The site has been the subject of an appeal of a previous refusal given by the council in December 2007. The inspector dealing with this matter raised no objection to the general principle of redeveloping the land to the rear of frontage buildings. The Inspector did, however, raise concerns regarding the standard of accommodation previously proposed. The density of proposed development is approximately 208 HR/Ha, which falls within the London Plan density range and slightly below the SPG17 density range. However it should be noted that this calculation is only one tool used to assess a scheme and is subject to acceptable design, bulk and massing, layout, access and parking.

### *Quality of Accommodation*

The floor area of the proposed units is above the minimum standard specified within SPG17 being between 5 and 13 sqm above the minimum sizes specified within this guidance document.

The internal layout results in the stacking of like for like rooms above or below each other. Outlook from habitable accommodation is onto rear gardens and parking areas. Ground floor units are provided a significant landscaping buffer to ensure defensible space from the communal parking area and to soften the impact of a hardsurfaced area.

Rear gardens are provided for the ground floor units which significantly exceed the 20sqm amenity space provision recommended for flats in SPG17. Upper floor units are provided with some private amenity space provision in the form of balconies which have an area of approximately 3.5sqm. This is less than SPG17 guidance recommends. However, the proposed private amenity space will be supplemented by Barham Park, situated approximately 400m from the site. Within this context, this provision is, on balance, considered acceptable.

The windows on the rear elevation (south facing) are between 8.5m and 9m from the rear boundary with the flats in Oak Lodge. This falls short of standards in SPG17 as we normally seek this distance to be 10m in the interests of outlook and privacy. However this level of separation is not always achievable on all sites especially backland development sites, and where it can be demonstrated there is no resultant harm then a shortfall can be justified. It is clear that a shortfall of less than 2m in this instance will not reduce the outlook for prospective occupants to an unacceptable level. Secondly this shortfall will not result in overlooking or a loss of privacy to occupiers of Oak Lodge at the rear, as the outlook from the proposed flats is towards a designated parking area associated with Oak Lodge which is unlikely to be developed in the future. It should also be noted that similar situations have been granted approval within the locality recently. This includes the development to the rear of Treganna Court where an 8m garden depth was secured where the outlook from the proposed flats was towards a designated parking area. As a similar

relationship exists here with the rear gardens abutting a parking area at Oak Lodge, this shortfall is not considered to result in undue harm to warrant a refusal of the scheme.

SPG17 specifies a minimum distance of 20m between directly facing habitable room windows. Consideration has been given to first floor windows situated in the northern elevation of Oak Lodge which would be only 17m from the nearest first floor rear habitable window in the proposed building. However, this window is not directly facing the existing habitable room window as it is situated at an angle of 57 degrees. In view of this relationship, a shortfall of 3m is not considered to result in significant harm in terms of loss of privacy to the occupiers of Oak Lodge. Moreover it is considered that this relationship can be further improved by the planting of mature trees. A condition is recommended to ensure details of appropriate planting are provided prior to the commencement of works.

The windows on the front elevation overlook the communal parking area for the site. The distance between these front windows and the northern boundary of the site is 14m. Beyond this northern boundary is a disused tennis court. The presence of this feature means that the front windows are separated from neighbouring windows by 45m affording adequate privacy to both existing neighbours and potential occupiers of the proposed building. The rear elevation of number 6 Crawford Avenue is 26m away from habitable windows in the front of the proposed building and at an acute angle which would not provide an easy view into this property. The separation distances with the properties to these north are significantly in excess of SPG17 standards and are therefore considered to provide adequate privacy for existing residents and the occupants of the new building.

No habitable room openings are proposed in the eastern flank wall of the building in order to ensure a satisfactory relationship with the occupants of 1-4 Holmfield and 2 Crawford Avenue.

One final relationship which requires consideration is the relationship between the proposed building and the building recently approved to the rear of Treganna Court. Although development has not yet commenced on this site, consent has only recently been granted for this building with a condition allowing development to commence within the next 3 years. Full height screening on the western side of the first floor private balconies has been provided in order to ensure satisfactory privacy for the future occupants of both schemes. There are no habitable room windows within the facing flank elevation of the development to the rear of Treganna Court. As a result it is considered that an acceptable relationship has been achieved between both buildings which ensure a satisfactory level of privacy to future occupants.

### *Design and Massing*

The design approach adopted has an identity of its own and does not look to replicate surrounding forms of development, as an approach this is considered appropriate as the building form around the site is a mixture of building styles and ages.

The revised scheme is considered to retain a satisfactory setting reducing the footprint from the previous proposal and providing a greater degree of spaciousness around the building. Amendments have been sought to reduce the number of units from 7 to 6 in order to remove the bulk and massing of the roof which was original proposed.

Amendments have also been agreed which incorporate architectural devices which break down the bulk and massing of the building including a series of stepped gables which are similar to the development approved at the rear of Treganna Court and a number of different materials. A condition is recommended requiring samples to ensure good quality of materials are secured. As such, the building is considered appropriate in form and in design quality to avoid adversely affecting the character of the area.

### *Impact on amenities of neighbouring residential properties*

As already discussed, the proposed two storey building is considered to have a satisfactory relationship with neighbours in terms of outlook and privacy however further consideration of whether the proposed building would result in an overbearing impact or loss of light is required. The scale and massing of the development meets SPG17 standards in terms of 30 and 45 degree angles which are in place to ensure the scale of the new development respects the height of adjoining buildings. The size and scale of the proposed 2-storey building ensures an appropriate relationship between neighbouring building and adjoining private amenity areas.

It is recognised that the proposal reduces the size of the gardens for number 2 Crawford Avenue and numbers 1-4 Holmfield. Nevertheless the minimum garden depths and areas exceed SPG17 standards. As an intensification of the use of the communal garden area to the rear of 1-4 Holmfield would result from the loss of existing amenity space, a landscaping buffer has been provided for ground floor units which would ensure a satisfactory degree of privacy for existing occupants.

### *Landscaping*

The objection raised regarding the cumulative loss of garden habitat is noted however the council's Landscape Design Team raise no objection in principle to this application as there are no significant landscaping features worthy of a greater degree of protection on the site. As there are a number of mature trees around the perimeter of the site a condition is recommended which requires an Arboricultural Method Statement prior to the commencement of development. In addition a condition is recommended which requires the submission of details relating to hard and soft landscaping in order to ensure a satisfactory standard of planting is achieved and a sustainable urban drainage system is secured.

### *Parking and Access*

Objections have been raised regarding noise and disturbance for the residents of 4 Crawford Avenue as a result of an increase in the use of the existing access. This matter was considered by the Inspector during the appeal of the 2007 decision and concluded that the increase in vehicle movements as a result of additional car parking spaces would be small and would have a limited impact on the amenities enjoyed by the occupants of this building. The previous reason for refusal regarding noise and disturbance relating to the use of the access was overturned by the Inspector.

The proposal retains parking provision for the four existing maisonettes in the form of the garage block. 6 new car parking spaces are provided including one disabled parking space. One parking space is therefore provided per unit Although this exceeds parking standards for properties of this size in this location, this is in response to objectors concerns regarding inadequate parking provision. In addition the S106 agreement includes a clause preventing potential occupants of the building from obtaining on-street parking permits in order to prevent increase parking pressures within the locality.

A refuse and recycling store and cycle storage is shown on the proposed plan. These are considered to be appropriately cited. The details of the materials proposed for these structures can be secured by condition. The bin storage area has been screened from amenity area of the Holmfield properties by a brick wall and soft landscaping. Details of this planting will be secured by condition.

### *Infrastructure Contributions*

Contributions have been sought to mitigate the impact of the development on education, sustainable transport and road safety, environmental and open space improvements and sports. The SPD regarding Section 106 specifies contributions at a rate of £3,000 per additional bedroom. As a total of 12 bedrooms have been proposed, this would equate to a total contribution of £36,000. This matter has been agreed with the application and is the subject of a legal agreement.

## Summary

The proposal is significantly different in its form and layout from that previously refused. It is considered to be appropriate in scale for the site and provides an appropriate setting for the new building with a satisfactory level of amenity being achieved for both existing neighbours and future occupants of the new building. Given the site constraints the current scheme is considered to be acceptable in terms of layout, scale, massing, design and quality of environment. The proposal is considered to be consistent with the requirements outlined by the council's planning policies within the London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance Note 17 "*Design Guide for New Development*". Accordingly, it is recommended that planning permission be **granted, subject to conditions**.

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

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

Brent Unitary Development Plan 2004  
Central Government Guidance  
Council's Supplementary Planning Guidance

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

Built Environment: in terms of the protection and enhancement of the environment  
Housing: in terms of protecting residential amenities and guiding new development  
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) Notwithstanding any description of materials given in the application, further details of the materials for all external work, including samples, proposed for:

- (a) all external surfaces of the building (including windows)
- (b) all areas of hard landscape works (including pathways)
- (c) boundary treatments, fencing and any other means of enclosure (i.e. balconies, bin stores)

shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site. The work shall thereafter be carried out in accordance with the approved details.

Reason: In order for the Local Planning Authority to retain control over the exact materials to be used for the proposed development and to assess the suitability of the samples submitted in the interests of visual amenity.

- (3) Notwithstanding any landscaping details submitted with the application, prior to commencement of works on site, a detailed scheme of landscaping for the areas within the site surrounding the building and garages, depicting the size, density and number of trees, shrubs and plants, rooting systems, retention of any existing landscaping, means of enclosure, areas of hard and soft landscaping and any other features on the site shall be submitted to and approved in writing by the Local Planning Authority, such details shall also include tree planting along the southern site boundary. The landscape work shall be fully completed during the first available planting season following completion of the development hereby approved. Any trees or shrubs which, within 5 years of planting, die, are removed or become seriously damaged or diseased, shall be replaced with others of the same species and size and in the same locations, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance, to provide a suitable setting for the development, so that the proposal enhances the visual amenity of the locality, and to provide suitable tree planting.

- (4) Prior to commencement of any works on site (including demolition), a tree survey, tree root protection plan and method statement, to include the protection of any hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS3857 and shall indicate exactly how and when the trees will be protected during the site works. The development shall be carried out strictly in accordance with the agreed details.

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

- (5) Further details of a covered refuse and recycling storage facility and covered bicycle storage facility providing 6 cycle parking spaces 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 building(s) are occupied.

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

- (6) Prior to the occupation of the development, a scheme of external lighting to the footways and vehicle access areas shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the external lighting scheme within the development site does not result in nuisance to adjoining residential properties and provides a safe environment for residents.

- (7) The areas of car-parking and the access road servicing them, as indicated on the submitted drawing, shall be laid out and available for use prior to the first occupation of any of the dwellings hereby permitted and thereafter should not be obstructed or used for any other purpose except with the prior written permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: To ensure adequate car-parking is provided and retained in the interests of the conditions of general highway and pedestrian safety and the free flow of traffic on the neighbouring highways and the general amenities of the locality.



## **INFORMATIVES:**

- (1) During construction on site:-
  - (a) 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.
  - (b) 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 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays.
- (2) The loading and transfer of all materials shall be carried out so as to minimise the generation of airborne dust with all material kept damp during handling. Road vehicles loaded with crushed materials shall be sheeted or otherwise totally enclosed before loading the site.
- (3) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
- (4) The applicant is reminded that refuse and recycling will not be collected from the storage facility and that items should be placed at the bin collection point shown on approved plan 08/137-01 Rev C in advance of the relevant scheduled collection time.

## **REFERENCE DOCUMENTS:**

Brent's Unitary Development Plan - 2004  
Supplementary Planning Guidance Note 17 "*Design Guide for New Development*"  
Supplementary Planning Document - *Planning Obligations*

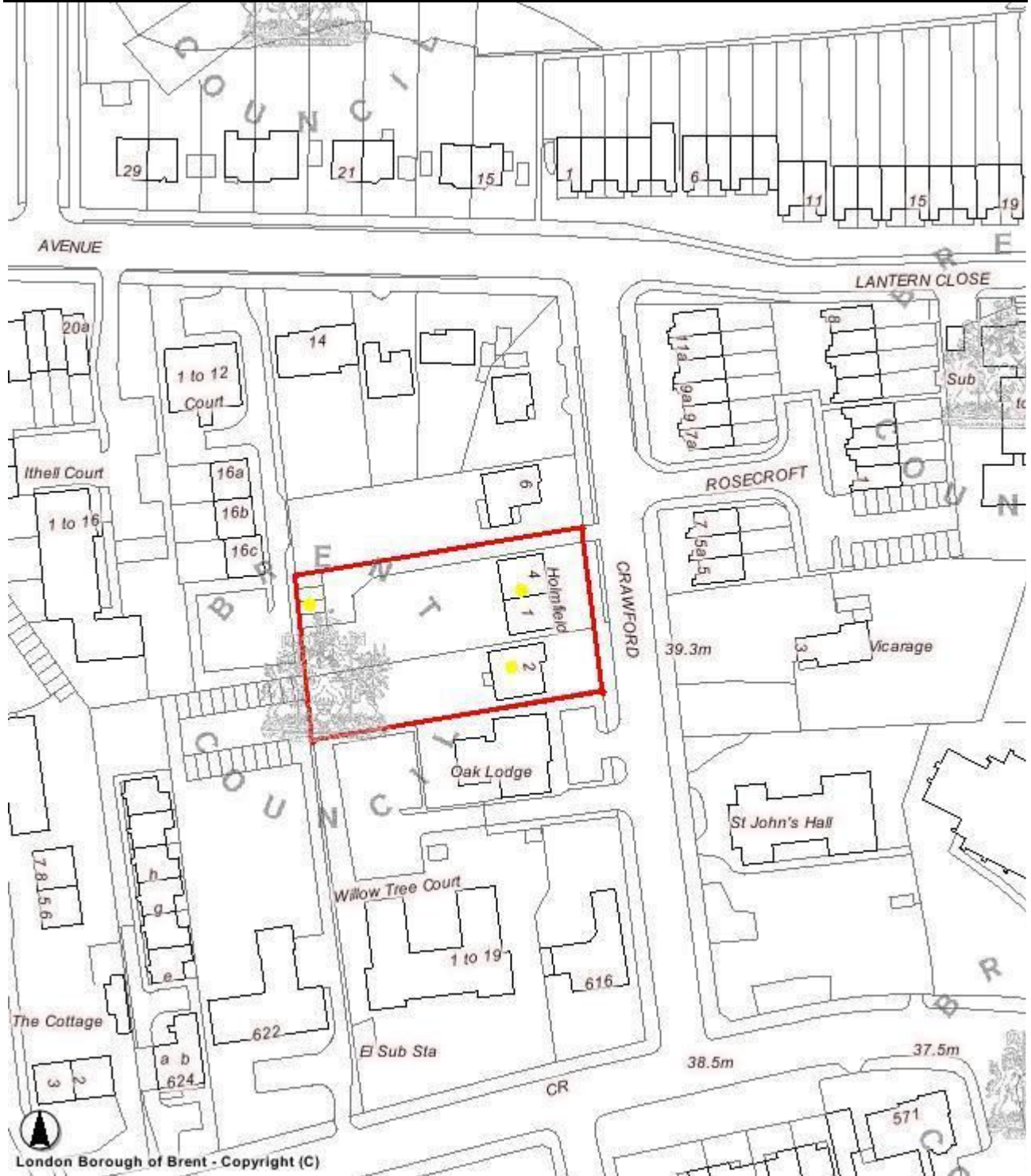
Any person wishing to inspect the above papers should contact Sarah Crew, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5234



# Planning Committee Map

Site address: 1-4 & Garages Holmfield & 2, Crawford Avenue, Wembley, HA0 2HT

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## Committee Report

Planning Committee on 4 November, 2009

Case No.

09/2194

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**RECEIVED:** 3 September, 2009

**WARD:** Preston

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 14 Blenheim Gardens, Wembley, HA9 7NP

**PROPOSAL:** Conversion of garage into a habitable room and erection of a single storey detached outbuilding in rear garden of dwellinghouse, as amended

**APPLICANT:** Mrs C Elizabeth Kost

**CONTACT:** Mr Harjinder Singh

**PLAN NO'S:** Design & Access Statement  
CK/09/G/100, CK/09/G/101, CK/09/G/102, CK/09/G/103, CK/09/G/104  
harjuttla@hotmail.co.uk email dated 22/10/09

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### RECOMMENDATION

Approval

### EXISTING

The site is a semi-detached dwelling, located on the eastern side of Blenheim Gardens, Wembley. The surrounding uses are residential. The property is not in a conservation area.

### PROPOSAL

Conversion of garage into a habitable room and erection of a single storey detached outbuilding in rear garden of dwellinghouse

### HISTORY

**02/04/09 - 08/1674 - Granted**

Erection of first-floor side, single-storey rear extension, 1 rear dormer window and installation of 2 front rooflights to dwellinghouse

**04/07/95 - 95/0687 – Granted**

Single storey rear extension

**18/09/95 – 94/0829 – Allowed on appeal**

Part single storey and part 2 storey side extensions

### POLICY CONSIDERATIONS

**Unitary Development Plan [UDP] 2004**

**BE2-** Townscape: Local Context and character

**BE7-** Public Realm streetscene

**BE9-** Architectural quality  
**BE33** – Tree Preservation Orders  
**H17** – Flat conversions  
**TRN23** – Parking standards- residential developments

### **Supplementary Planning Guidance**

**SPG5** ‘Altering and Extending your home’  
**SPG17** – Design Guide for new development

### **Considerations**

- Loss of car parking resulting from garage conversion
- Impact on local amenity and streetscene
- Impact on amenity, outlook and privacy of neighbours
- Impact on local trees

### **SUSTAINABILITY ASSESSMENT**

N/a

### **CONSULTATION**

Consultation letters were sent out on the 14/09/09 in which 6 properties were consulted.  
2 letters of objection received raising the following issues:

- The application form is incorrect. Several large trees are located within the vicinity of the proposed outbuilding. The construction of the outbuilding will harm the existing trees, which are well-established and fruit-bearing. The trees contribute to local amenity.
- The existing tree roots in the area are likely to lead to heave of the proposed store.
- Concerned that any extension does not extend beyond the rear of the adjoining dwelling, number 15. (Officer note- no extension to the main dwelling is proposed.)
- The proposed shed is sizeable, and may be at risk of being used as living accommodation, particularly due to its size and the proposed permanent materials. This has been the case at another local site, 21 Beechcroft Gardens.

**Council’s Tree Officer-** A Construction Method Statement in accordance with “*BS 5837: 2005 Trees in Relation to Construction-Recommendations*,” is required, and recommendations for this report are suggested.

### **REMARKS**

The application proposes the conversion of garage into a habitable room and erection of a single storey detached outbuilding in rear garden of dwellinghouse. The dwelling has been extended in the past and has existing 2-storey and single storey rear extensions. Earlier this year, application 08/1674 granted permission for a first-floor side, single-storey rear extension, 1 rear dormer window and installation of 2 front rooflights to dwellinghouse. This application has not been implemented.

### **Conversion of garage to habitable room**

The application proposes the conversion of the garage to a living room for a proposed Granny Annex. No extension to the building at the front or rear is proposed, although an external door is proposed at the rear. The property is the full width of the application site and therefore the door is not accessible to the street. The proposal entails the replacement of garage doors with a window, which matches the style of the original property. The proposed Granny Annex will occupy the existing ground-floor side extension and garage. It will consist of a large bedroom with linked internal room, enlarged bathroom and the existing garage is proposed as a lounge. The proposed Annex space is currently accessed internally by a door from the porch and a door from the kitchen. The proposal continues to propose the porch door access, but moves the other existing door within the kitchen.

The proposed Granny Annex occupies an area that exceeds SPG17 guidelines for a one-bedroom flat. However, as the original, unextended size of the dwelling is less than 110sqm the Local Planning Authority could not support the principle of the property being subdivided into flats in the future, which is contrary to Policy H17. Therefore the principle of an Annex may only be supported on the basis of that it remains strictly ancillary to the main dwellinghouse. In order to ensure the incidental nature of the proposed Annex, the applicants have been asked to infill the existing garage pedestrian door accessed from the porch. An amended drawing is awaited at the time of writing this report. Furthermore the applicant has been asked to agree to a condition that would restrict the right to insert additional doors within the front elevation. The applicant has agreed to this, and amended drawings are awaited.

The conversion of the garage will lead to displacement car parking within the front garden of the property. The existing hard surfaced area is large and has capacity for the parking of 2 vehicles in compliance with Policy TRN23 of Brent's Unitary Development Plan 2004. The applicants have confirmed that no change is proposed to the hard surfaced area. This will be reported in the supplementary. A parking area will be maintained by a condition.

Your officer's site visit confirmed that the front garden already has a significant amount of soft landscaping, which will be required to be retained in accordance with Policy BE7 and SPG5. The area of soft landscaping within the front garden is slightly less than 50% guided by local planning policies but overall is a high quality consisting of an area of lawn, trees, hedges and sizeable shrubs. The applicants have confirmed that this area will be maintained, with some infill planting and this would be subject to a condition in order to safeguard the character of the area and local amenity.

### **Erection of outbuilding**

The application also proposes an outbuilding, to be sited 14.5m from the existing furthest rear wall of the house. The outbuilding as originally submitted measures 4m wide by 7.5m long, with a 30sqm footprint. It has a hipped roof to a maximum height of 3.6m. The submitted drawing demonstrates that the proposed outbuilding is to be set in from both side boundaries and the rear boundary by a metre. The applicant has indicated that they would be willing to reduce the size of the outbuilding to 6m by 4m, creating a 24sqm footprint. These dimensions comply with the Local Planning Authority's standard approach to outbuildings. In addition, the applicants have been asked to consider introducing a new timber cladding section to the outbuilding's walls, particularly the western elevation facing the original dwelling. This revised wall treatment and new planting around the proposed outbuilding are anticipated to soften the visual impact of the outbuilding. Amended drawings are awaited.

The Design and Access Statement accompanying the application states that the building will be used for storage, and this is considered an appropriate use. The applicants have confirmed that it will be used for storage and gym equipment. An informative will remind the applicant that the outbuilding may only be used for purposes incidental to the dwellinghouse, for the avoidance of doubt.

A neighbouring landowner has raised concerns regarding the possible use of the outbuilding for living accommodation. They refer to another application to retain an outbuilding on at 21 Beechcroft Gardens, which also borders land under their ownership. The structure measured 4.15m high and the outbuilding and attached altered garage had a combined footprint of 75sqm. An application was received to retain this outbuilding with alterations, reference 09/2142. This application was refused because of the design, size, dimensions, and location of the outbuilding, which was considered harmful to the local visual amenities and out of character with the area contrary to Policies BE2 and BE9 of Brent's Unitary Development Plan. Your officers consider that the application site is materially different to 21 Beechcroft Gardens. The current application site has a longer rear garden and the proposed outbuilding is significantly smaller than that referred to by the neighbouring owner.

Your Officer's site visit revealed a change in ground levels with a step up across the entire width of the rear garden that covers the rear 2 to 3m of garden area. The applicant has been asked to confirm that the outbuilding will be sited at the lower ground-level and not elevated by raising the

ground levels to match those at the rear of the garden. A condition will require the submission of levels details. This will ensure that the outbuilding's impact may be fully assessed and that neighbouring amenities may be safeguarded.

### **Trees**

There are a number of trees within the vicinity of the proposed outbuilding. Several of these are within neighbouring gardens and sizeable shrubs form both side and rear boundaries. The size of the trees within the vicinity means that tree roots originating in neighbouring gardens are likely to be present in the area that the outbuilding is proposed to be sited in. The trees have been assessed by the Council's Tree Officer. None of the local trees are considered worthy of Tree Preservation Orders. Nevertheless the presence of tree roots means that the Tree Officer recommends the submission of a Construction Method Statement in accordance with "BS 5837: 2005 Trees in Relation to Construction-Recommendations."

The Council's Tree Officer has made recommendations for inclusion within the Construction Method Statement, which have been given to the applicant. The applicant has agreed to submit this. It is considered that a Method Statement is required in order to demonstrate how roots from neighbouring trees will be protected throughout the construction process. A condition would require that all works would need to be undertaken in accordance with any approved report. The proposed reduced building footprint will result in the outbuilding being positioned further away from shared boundaries, neighbouring trees and provide an opportunity to maintain/ improve existing side/ rear hedges. It is considered that a satisfactory method statement and reduced building footprint will overcome neighbour's concerns regarding impact upon trees within their own garden. It should be noted that under common law the applicant may undertake works to trees that overhang/ intrude onto land under their ownership. However, the failure to consider tree roots appropriately may otherwise lead to future harm to the outbuilding by roots, or subsidence of the proposed building. An appropriate construction methodology is therefore needed to ensure the outbuilding's longevity.

Overall, it is considered that the application may be supported subject to required amendments.

**RECOMMENDATION:** Grant Consent

### **REASON FOR GRANTING**

- (1) The proposed development is in general accordance with policies contained in the:-  
Brent Unitary Development Plan 2004  
Council's SPG 5 - Altering and Extending Your Home  
Council's SPG 17 - Design Guide for 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) All new external work to the dwellinghouse shall be carried out in materials that match, in colour, texture and design detail those of the existing building.

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

- (3) The front garden shall be retained as hard and soft landscaped areas in accordance with the approved drawings. Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced in the same positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation.

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

- (4) Notwithstanding the provisions of Class A of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification) no additional doors may be inserted within the front elevation of the dwelling unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason: In order to ensure that the Granny Annex remains incidental to the use of the main dwellinghouse when a separate, independent flat would be considered contrary to adopted local planning policies

- (5) No development shall take place until a Construction Method Statement in accordance with "*BS 5837: 2005 Trees in Relation to Construction-Recommendations*" for the protection during construction of the tree roots on the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be undertaken in accordance with the details so approved.

Reason: To ensure that the existing landscaping features are retained and protected from damage during the course of construction works.

- (6) No development shall take place until details of existing ground levels (in relation to an existing datum point); proposed finished ground levels; floor slab levels and thresholds for the proposed outbuilding have been submitted to and approved in writing by the Local Planning Authority, and the development shall be completed in strict accordance with such approved details thereafter.

Reason: To ensure the precise height of the development can be considered in relation to adjoining gardens for amenity and townscape purposes.

- (7) Prior to development commencing details of external materials for the proposed outbuilding, shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

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

- (8) The internal door between the front porch and proposed Granny Annex lounge shall be removed and the area shall be sealed up and permanently maintained in accordance with the approved drawings prior to the use of the garage as a habitable room, unless otherwise agreed in writing by the Local Planning Authority

Reason: In order to ensure that the Granny Annex remains incidental to the use of the main dwellinghouse when a separate, independent flat would be considered contrary to adopted local planning policies

- (9) The hard-surface within the front garden shown on the approved drawing shall be permanently retained for parking and used solely in connection with the dwelling 14 Blenheim Gardens, unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure that the approved standards of parking/garage provision are maintained in the interests of local amenity and the free flow of traffic in the vicinity.

#### **INFORMATIVES:**

- (1) The outbuilding can only be used for purposes incidental to the main dwellinghouse. This excludes use as a bedroom, kitchen, bathroom/wc, living room or any other primary residential use even if it is in connection with the main dwellinghouse. If in any doubt over the lawful use of the outbuilding please contact the Planning Service on 020 8937 5210.
- (2) The applicants are reminded that this property is within planning use class C3 whereby up to 6 unrelated residents may live together as one single household. Any increase in residents above 6 people living together other than as a single family is likely to constitute a material change of use which would require the grant of a further planning permission from the Local Planning Authority.

#### **REFERENCE DOCUMENTS:**

Brent's Unitary Development Plan [UDP] 2004  
SPG5 'Altering and Extending your home'  
SPG17 – Design Guide for new development

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

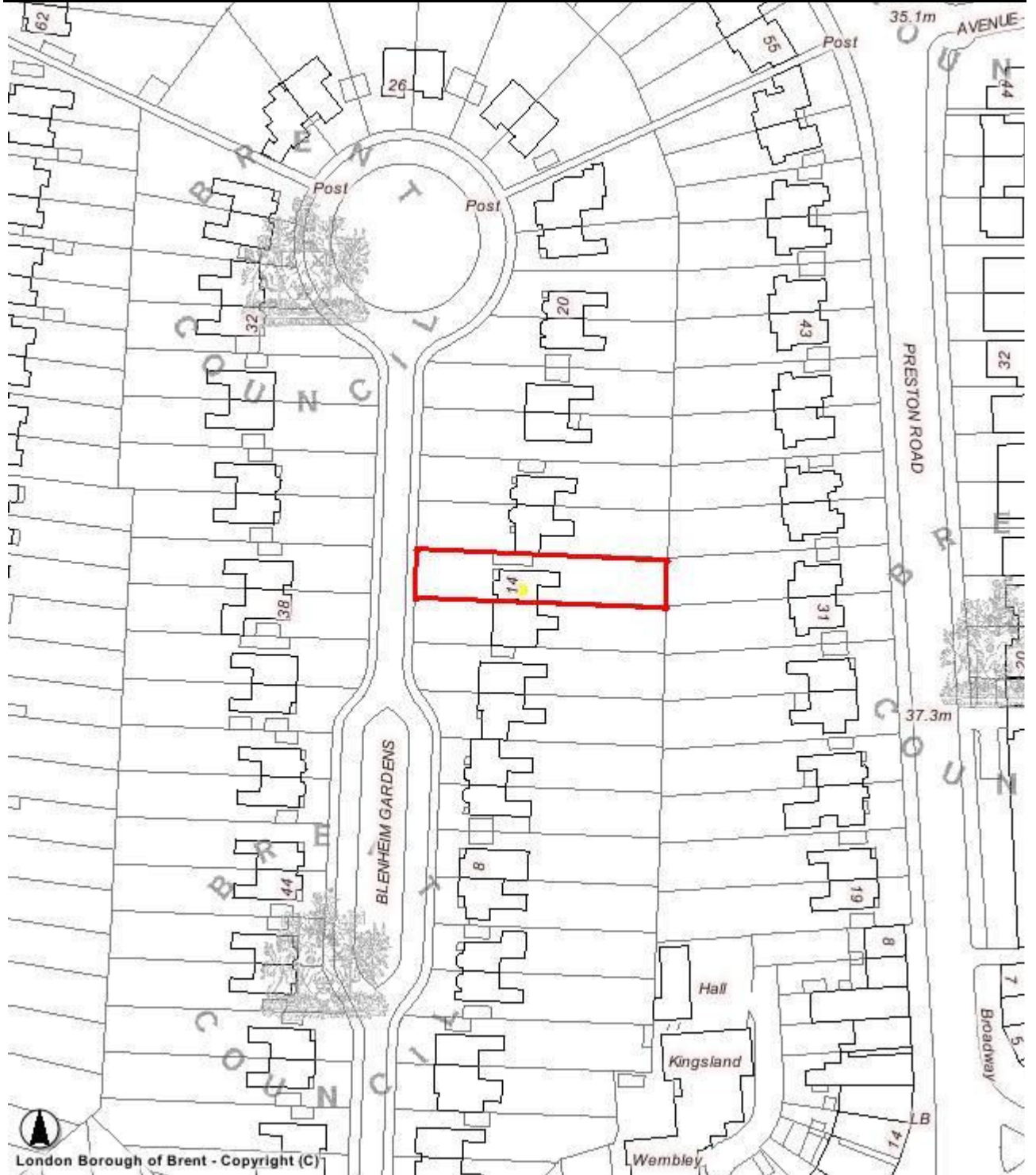




# Planning Committee Map

Site address: 14 Blenheim Gardens, Wembley, HA9 7NP

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## Committee Report

**Planning Committee on 4 November, 2009** Case No. 09/2102

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**RECEIVED:** 2 September, 2009

**WARD:** Alperton

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** Unit 1, Wharfside, Rosemont Road, Wembley, HA0 4PE

**PROPOSAL:** Change of use of premises from hot food takeaway (Use Class A3/A5) to a Turkish bath spa (Use Class D2)

**APPLICANT:** Mr Hassan Abdel-Salam

**CONTACT:** MONALISA

**PLAN NO'S:** 01 Revision A - Showing Existing Front and Rear Elevation of the Application Building  
01 Revision A - Showing Existing Left and Right Side Elevation of the Application Building  
01 Revision A - Showing Site Plan  
01 Revision A - Showing Existing Floor Plan  
-Un-numbered Proposed Ground Floor Plan  
-Un-numbered Proposed First Floor Plan  
-Ordnance Survey Map Showing the Site Location

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### RECOMMENDATION

Approval

### EXISTING

The proposal relates to a vacant single storey detached building located at the entrance to Alperton Wharfside Trading Estate, opposite Alperton Bus Garages and next to the elevated section of the Piccadilly Line.

The building is a detached rectangular structure forming part of a complex of industrial buildings with a similar colour and style. It has an arched roof with prominent front gable facing Ealing Road. There is a customer car park for three vehicles including 1 disabled space in front of the building. The main entrance to the Wharfside Development is off Ealing Road directly adjacent to the property and is the access for all vehicles entering and exiting the Wharfside Estate.

The premises was last use as hot food take-away/restaurant within the A3/A5 use classes.

The premises lies within a Borough Employment Area and forms part of the MOS8 Major Opportunity Site designation in the Council's 2004 UDP.

### PROPOSAL

The proposal is for the change of use of the premises from hot food takeaway/restaurant (Use Class A1/A5) to Turkish bath spa (Use Class D2).

## **HISTORY**

- 06/05/2005 Renewal of temporary consent for continued use of the premises as a restaurant - Approved (ref: 05/0691)
- 30/12/2004 Formation of mezzanine level to warehouse to provide additional seating and toilets for restaurant on ground floor - Withdrawn (ref: 04/3323)
- 21/12/2004 Formation of mezzanine area for use as office unit - Refused (ref: 04/3324)
- 11/03/2004 Continued use of the premises as restaurant - Approved (ref: 04/0073)
- 24/02/2004 Removal of sections of footpath, alterations to vehicular accesses and the retention of alterations to north elevation of building that remove roller-shutter door and retain window for proposed drive-through, take-away facility for restaurant - Refused (ref: 04/0073)
- 10/04/2003 Alterations to north and east elevations of building - Refused (ref: 03/0242)
- 20/01/2003 Installation of an internally illuminated fascia sign on the front and side elevations of the shop - Refused (ref: 02/3041)
- 04/07/2002 Variation of condition 2 and 3 of planning permission ref: 00/2006 dated 13th March 2000 to permit the use of part of the shop floorspace for the consumption of hot and cold food and drink on the premises - Approved (ref: 02/0215)
- 29/05/2001 Detail pursuant to Condition 7 & 8 (details of air-conditioning or extractor unit) and Condition 12 (noise assessment) of planning permission ref: 00/2006 granted 13/03/2001 for change of use to Class A3 (sale of hot food for consumption off the premises) - Approved (ref: 01/0817)
- 13/03/2001 Change of use to Class A3 (sale of hot food for consumption off the premises) - Approved (ref: 00/2006)

## **POLICY CONSIDERATIONS**

### Adopted Unitary Development Plan 2004

<i>EMP7</i>	<i>Borough Employment Areas</i>
<i>EMP8</i>	<i>Protection of Strategic and Borough Employment Areas</i>
<i>EMP11</i>	<i>Regeneration of Employment Areas</i>
<i>EMP13</i>	<i>Bad-Neighbours Uses</i>
<i>TEA2</i>	<i>Location of Small-Scale Tourist, Visitors and ACE Uses</i>
<i>OS19</i>	<i>Location of Indoor Sports Facilities</i>
<i>TRN22</i>	<i>Parking Standards - Non-Residential Developments</i>
<i>TRN34</i>	<i>Servicing in New Development</i>

## **SUSTAINABILITY ASSESSMENT**

Not Applicable

## **CONSULTATION**

The following have been consulted on the proposal:

- Nos. Unit 1, 2, 3, 4, 5, 6, 7, 8a, 8B, 9, 10, 11, 12-14 & 15 Wharfside, Rosemont Road, Wembley
- Minavil House, Unit 1 & 2 at 2 Rosemont Road, Wembley
- Ward Councillors

In total 4 e-mails (from neighbouring Unit 5, 6, 7 & 11 Wharfside, Rosemont Road) have been received raising objections to the proposal on the grounds that the use is inappropriate with the Industrial Estate and that it would result in the increased car parking, traffic & congestion problems in the estate.

Transportation - There is no transportation objections to the proposal subject to a condition requiring details of refuse and recycling storage.

Thames Water - Has no objection to the planning application.

Environmental Health - Has no objection to the proposal.

## REMARKS

The unit was built approximately ten years ago as part of the Wharfside Industrial Estate, it was however never conceived as an industrial unit. Instead it was built initially as a retail premises within the A1 Use Class. Since then it has been used for a variety of purposes including an Indian sweet and savoury shop, Kentucky fried chicken type shop and as a restaurant and takeaway. Therefore although the unit falls within a designated Borough Employment Area its use for a non industrial, warehouse or related use is considered acceptable.

The site also forms part of the MOS8 major Opportunity Site designation in the adopted UDP, this seeks a comprehensive redevelopment incorporating employment and live work uses along with public realm improvements to the adjacent canalside. The Council's draft Site Specific Allocations to be submitted to the Secretary of State in the new year proposes to modify this allocation including removing the application site from it.

The application is proposing to change the use of the unit to a Turkish Spa which according to Use Classes Order 2005, falls within Use Class D2 (Assembly and Leisure). The proposal being related to a small unit (156m<sup>2</sup>) is considered to be a small scale Leisure Use. According to the Council's policy OS19 "*Proposal for small-scale sport, leisure and recreation facilities, that do not attract a lot of people, should accord with the principles set out in Policy TEA2*" of the adopted Unitary Development Plan 2004.

Council's policy TEA2 relating to "*Location of Small-Scale Tourist, Visitors and ACE Uses*" states that:

*"Proposals for small-scale tourist, visitors and ACE uses should be located in or adjoining town or district centres. Where this is not appropriate, small-scale tourist, visitors and ACE uses should be located on sites with moderate or better public transport accessibility (as defined in the Transport Chapter section 6.7) and which are easily and safely accessible by cycling and walking. When proposed within residential areas or in mixed-use schemes with residential accommodation, this is subject to the protection of neighbourhood amenity."*

The proposed site is located on the eastern side of Ealing Road, a local Distributor road which has good accessibility with a PTAL rating of level 4. Alperton Station (Piccadilly tube) is very close to the site, and six bus routes are locally available. The location of the application site therefore in accordance with the Council's policy TEA2 is considered to be acceptable for the proposed use.

The applicants estimate that the bath/spa could employ up to ten people. The number of customers anticipated has not been specified but given the size of the unit it is not expected that it would attract more than 20 customers at a time.

The site given that it is largely surrounded by non-residential premises is not considered to have any adverse impact on residential amenity.

No alterations are proposed to the exterior of the building which is in a fairly good state of repair. However if the applicant should wish to enhance the building's facade in the future then this would be welcomed.

### Transportation

The application proposes to provide a total of 5 car parking spaces of which 3 car parking spaces (including 1 disabled bay) is located at the front and 2 (including 1 further disabled bay) at the side. The access to the car parking spaces would be from Rosemont Road which serves a private commercial/industrial estate located behind the unit.

The site comprises 156sqm. of floor space. Under parking standards PS9 of the adopted Unitary Development Plan 2004, the existing food and drink use can be permitted 1 car space per up to 400sqm., meaning that the existing parking provision is excessive for the existing use. These uses also have servicing requirements as set out in PS20 for a "Transit"-sized bay, and this is available to the side/rear of the site.

There are no specific servicing requirements associated with a D2 use, and so the use of this area for car parking may be acceptable. The parking standard for this use is set out in PS10 which specifies 1 car parking space per 60 patrons, based on maximum capacity. This has not been specified but it seems unlikely that more than this number of people could use the site. Additionally there can be 1 car space provided per 5 staff. 10 staff will be employed at the site, and so 2 car spaces may be provided for these. This gives an overall parking provision of 3 car spaces – which is the level specified in plans. This is acceptable therefore.

There are also 2 disabled parking bays shown in plans. This exceeds the minimum level set out in PS15, and is acceptable.

Details of refuse and recycling storage have not been included and will be required and therefore a condition requiring details of refuse and recycling storage to be submitted for consideration at a later date is attached. Five cycle standards have been shown at the rear of the site, which will accommodate up to 10 bicycles. This is a very generous provision of cycle parking and is welcomed. Transportation has no objections to the proposal.

### Comments on Objections Received

With regards to objections received, the site has good public transport accessibility (PTAL 4) and therefore in accordance with the Council's policy TEA2 is considered to be an appropriate location for a use of this type and scale. The proposal as discussed in the transportation section of this report would fully meet the Council's car parking and servicing requirements as set out in the adopted Unitary Development Plan. The Wharfside Industrial Estate is covered by CCTV cameras and any unauthorised parking in the estate is vigilantly enforced by the estate owner which results in either a car being clamped or being towed away by a private company. The existing measures by the estate owner to deter other unauthorised car users to park in the estate would further ensure that the proposal would not cause any adverse highway problems in the estate. The application in terms of its proposed use, location, car parking and servicing requirements and having no impact on the residential amenity is considered to be acceptable.

**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
- Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation

- Tourism, Entertainment and the Arts: the need for and impact of new tourists and visitor facilities
- Transport: in terms of sustainability, safety and servicing needs
- Design and Regeneration: in terms of guiding new development and Extensions

#### **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) Details of arrangements for the storage and disposal of refuse and recyclable materials, and vehicle access thereto, within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site. The approved arrangements shall be implemented in full prior to first occupation of the development and permanently retained as approved unless the prior written consent of the Local Planning Authority is obtained.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection.

- (3) No water tank, air conditioning plant, lift motor room or other roof structure shall be erected above the level of the roof hereby approved without the further written consent of the Local Planning Authority.

Reason: To ensure that such further structure(s) do not prejudice the amenity of the neighbouring occupiers or the appearance of the development in the interests of the visual amenities of the locality.

- (4) Notwithstanding the plans hereby submitted and approved further details of the units forceout and servicing area including landscaping, proposed vehicular access and car parking spaces within the application site shall be submitted to and approved in writing by the Local Planning Authority, before the development hereby approved is commenced. The approved details shall be fully implemented as part of this permission.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway and to ensure a satisfactory standard of amenity by providing and retaining adequate on site car parking.

- (5) Details of any future changes to the buildings facade and external elevations shall be submitted to and approved in writing by the Local Planning Authority prior to being carried out.

Reason:

In the interests of the visual amenity and to ensure that the building makes a positive contribution to the character of the area.

#### **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.

- (2) Detailed design of the building should take appropriate account of the British Standard Code of Practice on Access for the Disabled to Buildings (B.S.5810: 1979) and Schedule 2 of Building Regulations 1985. It should be taken into account that consideration must be given to the needs of ambulant people having other disabilities and to those with sight or hearing problems, as well as to those of wheelchair users.

**REFERENCE DOCUMENTS:**

1. Adopted Unitary Development Plan 2004
2. 4 e-mails from neighbouring industrial units in the estate raising objections to the proposal.

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

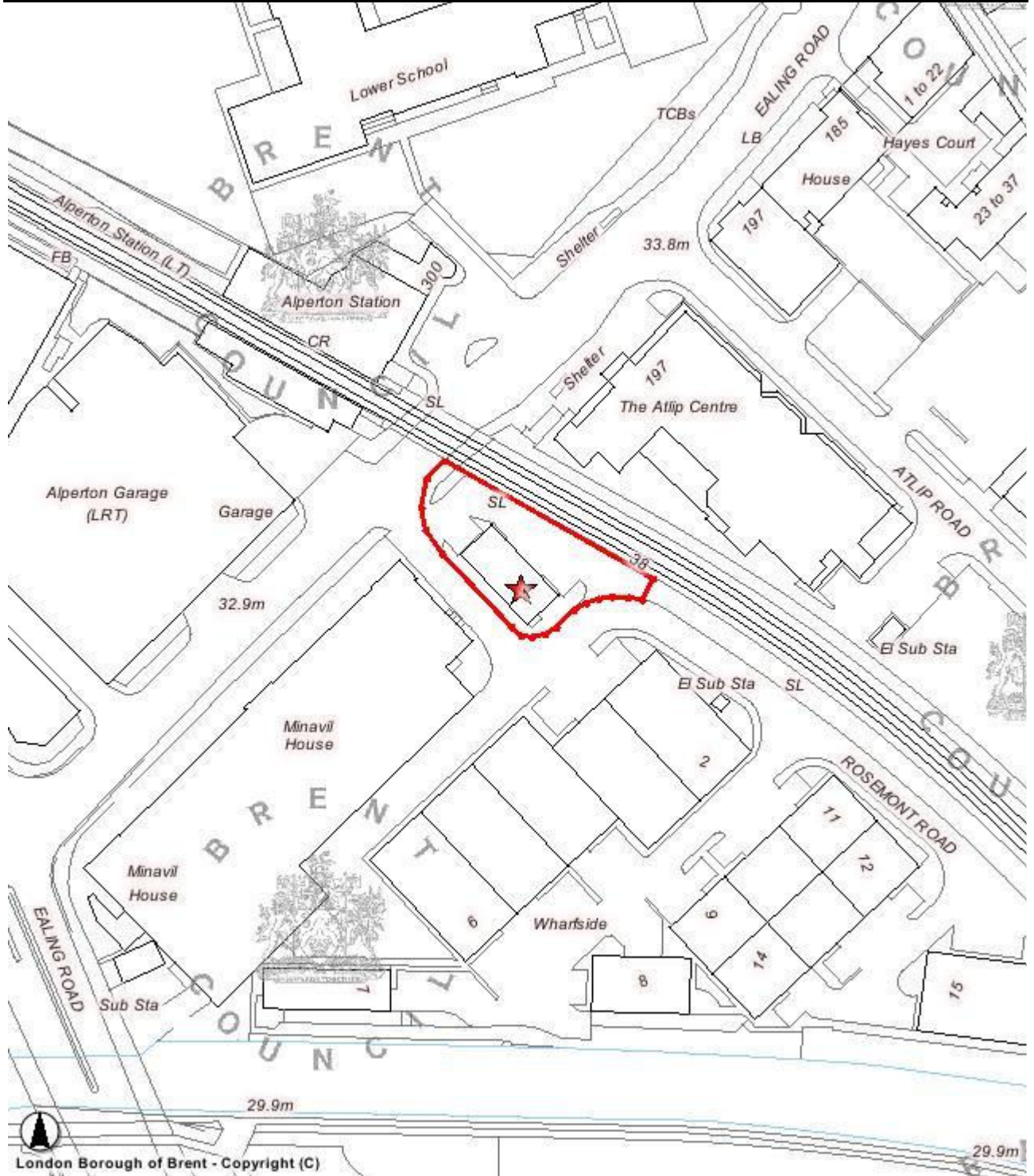




# Planning Committee Map

Site address: Unit 1, Wharfside, Rosemont Road, Wembley, HA0 4PE

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## Committee Report

Planning Committee on 4 November, 2009

Case No.

09/2223

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**RECEIVED:** 8 September, 2009

**WARD:** Alperton

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 1A-E 2A-F-14 A-F Inc, MIDDLESEX HOUSE, Northwick Road, Wembley

**PROPOSAL:** Proposed renovation of existing 14-storey building housing 84 flats, recladding of exterior with insulated render system, demolition and replacement of ground-floor entrance canopies, new third-floor roof terrace, 6 first-floor balconies, proposed pedestrian-access gates from Northwick Road and facing Grand Union Heights, with associated amenities and landscaping

**APPLICANT:** Stadium Housing Association

**CONTACT:** King Sturge LLP

**PLAN NO'S:** 01: Site Photographs, 02: Site Photographs, 03: Existing location plan, 04: Existing site plan, 05: Proposed site plan, 06: Block Plan, 07: Existing site sections (north/south), 08: Proposed site sections (north/south), 09: Existing south elevation, 10: Existing east elevation, 11: Proposed north elevation, 12: Proposed west elevation, 13A: Proposed south elevation, 14: Proposed east elevation, 15: Proposed north elevation, 16: Proposed west elevation, 17: Perspective 1, 18: Perspective 2, 19: Existing ground floor plan, 20: Existing first floor plan, 21: Existing typical floor plan, 22: Roof plan, 23A: Proposed ground floor plan, 24A: Proposed first floor plan, 25A: Proposed 2-3-4 floor plan, 26A: Proposed typical floor plan, 27A: Proposed roof plan, 28: Proposed roof terrace, 29A: Proposed landscape plan, 30: Proposed ground floor unit plan, 31: Proposed first floor unit plans, 32: Proposed first floor unit plans, 33: Proposed 5th to 14th floor unit plan, 101: Proposed wall tie, 102: Proposed cladding detail, 103: Proposed cladding detail, 104: Proposed cladding detail, 105: Proposed fins plan and elevation, 106: Proposed fins detail, Location Plan, Statement of Community Involvement as at September 2009, Planning Statement as at September 2009, Transport Statement (dated September 2009), Design and Access Statement (dated September 2009), Form TP6 - Sustainable Development Checklist (dated 01/09/2009), Energy Assessment (dated October 2009), SAP assessment (dated 16/10/2009), SAP assessment (dated 15/10/2009)

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### RECOMMENDATION

Approval, subject to conditions.

### EXISTING

The subject site contains Middlesex House, a fourteen-storey building bounded by Ealing Road to the east, Northwick Road to the south and the Grand Union Canal to the north. Originally an

office block constructed in the 1960s, planning permission was granted for a change of use to 84 temporary residential accommodation units in 1987. At this time, the building was clad in a blue/grey cladding with red aluminium box windows.

The residential units are 100% affordable. The applicants have advised, however, that many of the residents have resided within the building for a significant period of time and the building is currently overcrowded. As a result, these works are proposed to improve living conditions for the existing residents.

One section of the building is also dedicated to Brent Play, a specialist childcare facility. Part of the ground floor of the building would be retained for this facility.

## **PROPOSAL**

Proposed renovation of existing 14-storey building housing 84 flats, recladding of exterior with insulated render system, demolition and replacement of ground-floor entrance canopies, new third-floor roof terrace, 6 first-floor balconies, proposed pedestrian-access gates from Northwick Road and facing Grand Union Heights, with associated amenities and landscaping.

## **HISTORY**

98/0234 - Formation of 4 additional flats at first-floor level, and creation of meeting area, kitchen and office within ground-floor block.

Granted – 18 March 1998

BC 88/6546 - Conversion of office block to 80 flats (Building Regulations record)

87/1645 – Change of use to 78 flats with communal facilities

Granted – 14 October 1987

## **POLICY CONSIDERATIONS**

### **Brent UDP 2004**

**BE2** – Townscape: Local Context & Character

**BE6** – Public Realm: Landscape Design

**BE7** – Public Realm: Street scene

**BE9** – Architectural Quality

**BE12** – Sustainable Design Principles

**BE14** – Grand Union Canal Corridor

**H12** – Residential Quality – Layout Considerations

**TRN 23** – Parking standard Residential Developments

### **SPG**

**SPG 17** – Residential Design Standards

### **SPD**

Planning Obligations

## **SUSTAINABILITY ASSESSMENT**

A TP6 form has been with a score of 51%. This is currently being reviewed by officers and will be reported in more detail within the supplementary.

## CONSULTATION

Standard three-week consultation period carried out between 18 September 2009 and 09 October 2009, in which 312 properties were notified. Ward councillors were also notified. Notices were posted at the site, advertising the application, and a press notice was produced. No objections have been received regarding the scheme.

### Internal Consultees

Transportation – Raise objection due to loss of off-street parking.

## REMARKS

This application does not involve a change in the use of the existing building rather a refurbishment and improvement of the existing accommodation in response to housing need.

The scheme proposes the re-cladding of the building with an insulated rendering system which will improve the energy efficiency of the building. The cladding also seeks to improve the existing appearance of the building, proposing sharp fins on the ends of the building and a providing a modern finish to the external appearance of the building.

Other works proposed include infilling the existing canopy to provide new units suitable for disabled persons, improvements to the ground-floor amenity space and the formation of a new third-floor roof terrace. Internal alterations will also be undertaken to reconfigure the accommodation to provide larger units and externally, private balconies will be installed at first-floor level.

Finally, landscaping and boundary treatment improvements are proposed. Works are proposed along the northern boundary of the site which abuts the canal path and along the southern boundary.

### *Principle of Use*

The mix of units will be changed as a result of this scheme. These changes are shown in the table below:

Existing Accommodation Mix		Proposed Accommodation Mix	
1-bed/2 persons	26	1-bed/2 persons	6
2-bed/3 persons	31	2-bed/3 persons	16
2-bed/4 persons	27	2-bed/4 persons	48
3-bed/6 persons	0	3-bed/6 persons	14
<b>Total Flats</b>	<b>84</b>	<b>Total Flats</b>	<b>84</b>

As this mix is more appropriate for the existing residents of the building, no significant issues are considered to result from this.

### *Quality of Accommodation*

The existing accommodation is overcrowded and the reconfiguration of the development is necessary in order to improve living conditions for the existing residents. Although the scheme proposes an increase in residential floorspace and an increase in the number of bedrooms within the building, the number of units will remain at 84.

All of the reconfigured units exceed SPG17 minimum unit-size guidelines by between 10 and 15 square metres. The units which will not be subject to the layout changes marginally fail to meet these standards being approximately 1.5 square metres less than the recommended standard. Nevertheless, as there is no reduction in the existing floor area for these units, this is not considered to raise any significant concerns regarding the quality of accommodation offered to residents.

With regards to amenity space provision, this is offered through the creation of private balconies for six of the first-floor units, private gardens for ground-floor units and a roof terrace at the third-floor level. The ground-floor communal amenity space will also be improved. This area includes play equipment in the south-eastern corner of the site.

The private gardens proposed for the ground-floor units are between 20 and 50 square metres in area exceeding SPG17 standards. The proposed balconies have an area of approximately 4 square metres however this would be supplemented through the use of the communal roof terrace. The roof terrace has an area of approximately 435 square metres. The amenity space provision within that roof terrace would be approximately 5.4 square metres per upper-floor unit.

Currently, the ground-floor communal play-space cannot be classed as communal amenity space for the residents as no separate provision has been provided for the nursery facility on the site. Amendments have been requested to provide a private area for the nursery facility in order to ensure adequate secure play-space for the use. If this is provided, then the ground-floor communal area can be considered to contribute towards the amenity space provision for the flats increasing the provision per unit to 7.8 square metres. Whilst both circumstances result in a significant shortfall in amenity space standards, which unlikely to be supported in the case of a new-build development, this is a significant improvement on the existing provision to the existing residents and is therefore welcomed. Details of the subdivision of the amenity space will be provided in the supplementary report.

The new ground-floor units are provided with landscaping buffers from the entrance pathway to ensure adequate privacy. Currently a number of the units have kitchens with no natural light. This is contrary to policy and amendments have been requested to ensure a satisfactory layout is achieved. Confirmation of these amendments will be reported in the supplementary report.

#### *Design and Appearance*

The proposed cladding is considered to significantly improve the appearance of the existing building providing a modern finish to a building which currently fails to positively contribute to the character of the area and improving its thermal efficiency.

Detailed sections have been provided showing how the cladding would be attached to the building in order to prevent awkward junctions. These details are considered to result in a satisfactory appearance.

As the quality of the development rests on providing good quality materials, details of samples will be secured by condition prior to the commencement of works on site.

#### *Landscaping*

Landscaping improvements on the site are proposed. Details of these will be secured by condition. This includes improvements to the boundary treatment around the perimeter of the site, along the pathway to the main entrance and where possible, within the parking area.

Improvements are also being made along the northern boundary of the site to improve the link between the site and the canal. Whilst the applicants note it is not possible to provide public access to the canal without the consent of British Waterways, a gate is proposed which provides a possible link in the future and fencing improvements will also improve the canal path from Ealing Road, providing a more attractive link which encourages the use of this path by both residents of the building and members of the public. The applicants have agreed to provide these measures and a condition is recommended to ensure satisfactory details would be secured.

#### *Parking and Access*

The site is situated within an area of good accessibility to public transport due to close proximity to the Piccadilly line at Alperton and Alperton bus garage. The PTAL level for the area is therefore 4 which is considered a good level of accessibility.

The scheme does not increase the number of residential units on the site. As a result, Transportation have specified that the replacement of the existing parking provision would be sufficient. The existing parking provision of 39 parking spaces has been retained in the form of 32 parking spaces on the western portion of the site and 7 new spaces on Northwick Road. The applicant has stated that the existing provision is under-utilised and no increase in demand is

envisaged as no new residential units are proposed. Furthermore, although 39 spaces are currently available on site, the applicants state that this provision does not include disabled parking and presents a number of constraints for vehicles turning, and the proposed layout is therefore considered to an improvement to the existing parking arrangement.

Transportation have raised objection to this, however, due to the need to create 7 spaces on Northwick Road. It should, however, be recognised if the parking provision on-site was insufficient, there are very few places within the vicinity of the site that on-street parking is available, due to parking controls in the area. The nearest on-street parking would be in Carlyon Road which is over 350m walk from the site. This significant distance is considered sufficient to discourage residents to park on-street. The Council's maximum parking standards would allow up to 52.6 spaces including the reduction for affordable housing. However, had this site been situated within a Controlled Parking Zone, this would reduce to a maximum of 32.9 spaces. Given the aforementioned distance to the nearest area of uncontrolled parking, your officers consider it appropriate to apply the reduced parking standard. The proposed provision of 32 parking spaces is therefore 0.9 below the maximum permissible and is accordingly considered acceptable. As a result the provision proposed is not considered to warrant a refusal of the scheme.

Refuse arrangements for the units are in the form of a refuse-chute system on every floor of the building. As such, the location of the bins store away from the entrance of the building is considered acceptable. Confirmation of satisfactory servicing provision for the building has not yet been provided by Transportation and will be supported in the supplementary.

#### *S106 Provision*

The scheme does not increase the number of residential units on the site, however, it is noted that 34 new bedrooms will be created which, in turn, increases the potential child yield by 30 children. This would normally require a financial contribution in accordance with the standard tariff set out within the Planning Obligations SPD. No contributions have been proposed and the applicants have highlighted financial viability as the reason for this.

Nevertheless the primary aim of this proposal is to improve the standard of accommodation for the existing residents. The increase in the number of bedrooms responds to the housing needs of the existing residents, alleviating overcrowding issues within the building. In addition, new amenity space provision is offered to residents, including playspace for children. The thermal efficiency of the building would also be significantly improved through the recladding, improving living conditions for residents and mitigating the impact of the building on climate change. The scheme also benefits the visual amenities of the area more generally through the modernisation of the building and improving the access to the canal from Ealing Road through the provision of new, better-quality fencing and landscaping.

Evidence is being sought which demonstrates that the scheme would result in a loss. Financial viability alone cannot, however, be used as justification for a scheme which may potentially result in harm which would need to be mitigated.

However, the proposal results in significant benefits as previously specified, and does not increase the number of units on site. As such, the benefits are considered to outweigh the harm which would arise from the development and as such, on balance, the lack of financial contributions is not considered to warrant a refusal of the scheme.

#### *Sustainability*

Information regarding the benefits of the cladding has been provided which demonstrate approximately a 50% improvement in the Dwelling Emission Rate. This is a significant improvement in energy efficiency.

As the scheme is a refurbishment rather than a new-build development, there is no requirement to comply with the London Plan sustainability policies. A feasibility study has been supplied which justifies focusing on energy efficiency rather than renewable technologies. This is considered to be appropriate for the refurbishment scheme proposed.

### *Summary*

The proposal is considered to offer significant benefits to the existing residents of the building, the visual amenities of the area, reducing the impact of the building on climate change and improving the existing access to the canal from Ealing Road. As such, the proposal is considered, on balance, to comply with relevant policies within Brent's Unitary Development Plan adopted 2004 and it is therefore recommended that planning permission be granted, subject to conditions.

**RECOMMENDATION:** Grant Consent

### **REASON FOR GRANTING**

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

Brent Unitary Development Plan 2004  
Central Government Guidance  
Council's Supplementary Planning Guidance  
Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment  
Housing: in terms of protecting residential amenities and guiding new development  
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) No development shall commence unless details of materials for all external work, including samples, have been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

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

- (3) All areas shown on the plan and such other areas as may be shown on the approved plan, including the roof terrace, shall be suitably landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any work on the site. Such landscaping work shall be completed in full during the first available planting season following completion of the rest of the development hereby approved.

Such scheme shall also indicate:-

- (i) The planting scheme for the site, which shall include species, size and density of plants.  
(ii) All proposed walls, fencing and boundary treatments, detailing materials, designs and heights, which shall include the replacement of the boundary treatment along the northern site boundary.



(iii) All hard landscaping, including materials and the means by which the parking spaces will be marked out.

(iv) The provision of green/living roofs within the roof terraces detailed on the submitted drawings.

(v) Other appropriate matters within the context of a landscaping scheme, such as details of signboards, seating, footways and other paved pedestrian pathways.

(vi) The detailed size, siting, design and layout of the children's playspace, including all equipment.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted, unless otherwise agreed in writing with the Local Planning Authority.

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

- (4) Details of the provision of a minimum of 84 secure, weatherproof, cycle-parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any work on the site. These details shall include the configuration and layout and the external appearance of any such areas. Thereafter the development shall not be occupied until the cycle-parking spaces have been laid out in full accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists and a sustainable development.

- (5) The development shall not be occupied unless a detailed car-park management plan has been submitted to and approved in writing by the Local Planning Authority. The management plan shall include the means by which the parking spaces will be allocated, secured and enforced and the approved plan shall be implemented in full for the life of the development. The car park shall be used only for the parking of private motor vehicles for the residents of the building and shall not be used for any other purposes.

Reason: To ensure a satisfactory development that does not result in overspill parking within the surrounding area.

- (6) Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of any works on site and the approved details shall be implemented in full, unless otherwise agreed in writing with the Local Planning Authority.

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

- (7) No development shall commence unless a detailed Sustainability Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall demonstrate how the measures that have been identified in the TP6 Sustainability Checklist hereby approved shall be incorporated into the development. The approved Strategy shall be implemented in full prior to first occupation.

Reason: To ensure a sustainable development.

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

Brent's Unitary Development Plan - 2004  
SPG17 - *Design Guide for New Development*  
SPD - *Planning Obligations*

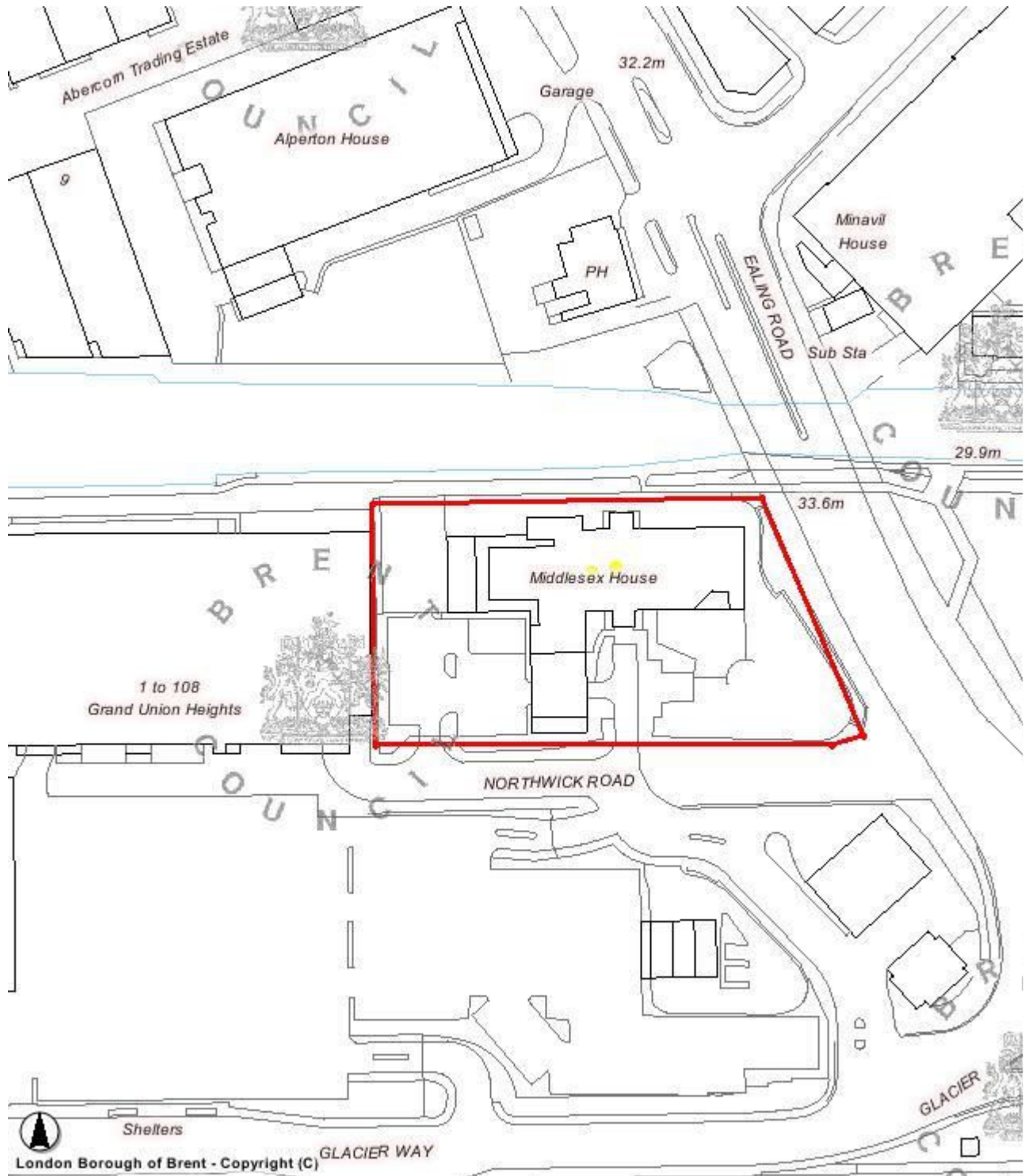
Any person wishing to inspect the above papers should contact Sarah Crew, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5234



### Planning Committee Map

Site address: 1A-E 2A-F-14 A-F Inc, MIDDLESEX HOUSE, Northwick Road, Wembley

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This map is indicative only.

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