

Committee Report

Planning Committee on 25 November, 2009

Case No.

09/3191

RECEIVED: 8 October, 2009

WARD: Wembley Central

PLANNING AREA: Wembley Consultative Forum

LOCATION: 111 Swinderby Road, Wembley, HA0 4SE

PROPOSAL: First floor side extension to dwellinghouse

APPLICANT: Mr P Shah

CONTACT: Mr Brian Berlemont

PLAN NO'S: Location plan (1:1250)
Drg 210909 (1:100)
Drg 061109 (1:100)

RECOMMENDATION

Approve

EXISTING

The subject site is in a suburban residential street which comprises a variety of property types. The 3-bedroom semi-detached property sits within an unusually wide plot, this results in a significant gap between the flank wall of the property and 113 Swinderby Road (5m wide), which is currently laid as hardstanding and utilised for off-street parking.

It is proposed to demolish an existing garage and extend the property at ground floor level and to construct single storey side and rear extensions utilising permitted development rights. An application for a Certificate of Lawfulness has been submitted at the same in order to confirm the ground floor extensions are lawful (ref; 09/3190). Officers have assessed the certificate and recommend that a certificate be granted for the ground floor extensions.

PROPOSAL

Planning permission is sought for the erection of a first floor side extension.

HISTORY

- 09/3190** Certificate of Lawfulness for the proposed demolition of a single storey attached rear garage and erection of single storey side and rear extension to dwellinghouse. ***Recommended for approval.***
- 06/0045** Erection of a part single-storey and two-storey side extension to provide a one-bedroom flat on the ground floor and a studio flat on the first floor, with 3 car-parking spaces on the frontage of the existing property. ***Refused 07/03/2006***
- 02/3171** Erection of 3-storey detached house with 2 car-parking spaces. ***Refused and Appeal Dismissed***

POLICY CONSIDERATIONS

Brent Unitary Development Plan [UDP] 2004

- **STR11** the quality and character of the Borough's built and natural environment will be protected and enhanced; and proposals which would have a significant harmful impact on the environment or amenities of the borough will be refused.
- **BE2** on townscape: local context & character states that proposals should be designed with regard to their local context, making a positive contribution to and should not harm the character and appearance of the area.
- **BE7** seeks a high quality of design and materials for the street environment and to resist development detracting from the character of area involving the excessive infilling of space between buildings or involving hardsurfacing covering more than half the front garden or excessive forecourt parking.
- **BE9** seeks to ensure new buildings, alterations and extensions should embody a creative and appropriate design solution and should be designed to ensure that buildings are of an appropriate scale and design and respects the sunlighting, daylighting, privacy and outlook for existing and proposed residents.

Brent Supplementary Planning Guidance

Supplementary Planning Guidance (SPG) Note 5: "Altering and Extending Your Home" provides comprehensive and detailed design guidance for extensions to residential properties and seeks to raise the design quality of extensions, and to protect the character of properties.

CONSULTATION

7 surrounding properties were consulted on **14th October 2009**.

Two neighbouring objections have been received, with the following concerns raised;

1. *The proposed extensions will cast a shadow over the rear garden of 113 Swinderby Road, resulting in a loss of enjoyment of that space.*
2. *Windows will overlook the rear garden of 113 Swinderby Road*
3. *A party wall agreement will be required as the proposed extensions are within 3m of neighbouring dwelling 113, on this basis objection is raised.*

REMARKS

The scheme is assessed against the Councils policies and standards in Supplementary Planning Guidance Note 5 'Altering and Extending Your Home'.

First floor side extension;

The first floor side extension is to be built along the southern flank wall of the property. It is to be constructed directly on top of the ground floor side extension which the applicant intends to construct as permitted development (*see section below*). The first floor side extension is fully compliant with SPG5 in the following respects;

1. It is 3.5m wide, this is no wider than the internal width of the main front living room.
2. The front wall of the extension is set back 1.5m from the main front wall, as required by SPG5. This reduced set back is supported as the extension maintains a set in of 1.5m from the boundary with 113 Swinderby Road.
3. The extension projects 1.75m beyond the rear building line of 113 Swinderby Road. This projection complies with the "1:2" rule as the closest habitable window to the rear of 113 is positioned 3.5m away.

SPG5 refers to the "1:2" rule, with this being the test to determine whether or not a first floor extension beyond the rear of a neighbouring building line will have an unacceptable adverse impact on neighbouring occupiers due to loss of light and outlook. In terms of Council policy on such extensions there is no conflict as the projection beyond the existing rear building line, is half the distance between the extension and the mid-point of the closest habitable room window, for the avoidance of doubt the distance is 3.5m. As a result of compliance with the "1:2" rule, and in the absence of any windows in the flank wall of 113 Officer's do not consider the extension will result in harm by way of loss of light, outlook or privacy.

Comments on Objections Received:

The proposed extensions will cast a shadow over the rear garden of 113 Swinderby Road, resulting in a loss of enjoyment of that space.

The objections raised are in relation to the extensions overshadowing the rear garden of 113 Swinderby Road. Whilst due consideration has been given by your Officer's these concerns are not shared as the first floor extension demonstrates full compliance with SPG5. The extent to which it projects beyond the rear of 113 has also been discussed in the above 'remarks' section. The ground floor extensions are permitted development, and the first floor extension is considered to be of a size and scale which is in keeping with the original property. Whilst there may be a degree of overshadowing to the rear garden it is important to note that the bulk of the extensions are sited to the side of the property and refusal on these grounds alone would be unreasonable.

Windows will overlook the rear garden of 113 Swinderby Road.

Windows are proposed at first floor level. These will directly face the garden, however the window is to a bathroom and would be obscure glazed, therefore there will be no overlooking of the neighbouring rear gardens.

A party wall agreement will be required as the proposed extensions are within 3m of the boundary shared with 113, on this basis objection is raised.

Objection has been raised in terms of the implications such extensions have on the Party Wall Act as digging of foundations will be carried out within 3m of the neighbouring building. However this is not a material planning consideration and neighbour's concerns in relation to this cannot be controlled through the planning process. This matter will have to be pursued by the objector through the Party Wall Act.

Lawful Development Certificate (09/3190):

Members should note that the applicant proposes to extend the ground floor of this property, utilising permitted development rights. A side extension which is 3m high and 3.5m wide is intended, this will run along the flank wall of the property. To the rear of the original kitchen projection a 3m deep and 3m high extension is also intended. Upon assessment of the extensions proposed as permitted development Officer's consider these to be lawful, and accordingly planning permission is not required for these. The applicant is reminded by way of informative of the need to complete the ground floor extensions in their entirety prior to commencement of any other approved extensions.

Conclusion:

The proposal is compliant with policies BE2, BE7 and BE9 of the UDP, the amount of development is considered to be in keeping with the scale of the existing dwelling and surrounding streetscene and will not result in a loss of amenity to the neighbouring occupiers.

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 not be occupied at any time other than for purposes ancillary to the existing house.

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.

- (4) No access shall be provided from first floor level to the roof of the ground floor extension by way of window, door or stairway and the roof of the extension hereby approved shall not be used as a balcony or sitting out area.

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

- (5) No windows or glazed doors shall be constructed in the flank wall of the building as extended without the prior written consent of the Local Planning Authority.

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

INFORMATIVES:

- (1) The applicant is advised that the works granted under certificate of lawfulness application, reference 09/3190 for a single storey side and rear extension must be fully completed on site prior to the commencement of works hereby approved under planning reference 09/3191, or any subsequent planning permissions for that matter. Failure to do so may render the ground floor extensions unlawful, and planning permission may be required.

REFERENCE DOCUMENTS:

London Borough of Brent Unitary Development Plan, Adpoted 2004
Supplementary Planning Guidance 5 'Altering & Extending Your Home'

Any person wishing to inspect the above papers should contact Gary Murphy, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5227



Planning Committee Map

Site address: 111 Swinderby Road, Wembley, HA0 4SE

Reproduced from Ordnance Survey mapping data with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Brent, DBRE201 2005



This map is indicative only.