

## Committee Report

Planning Committee on 16 December, 2009 Case No. 09/3391

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**RECEIVED:** 2 November, 2009

**WARD:** Kilburn

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

**LOCATION:** 2A Brondesbury Road, London, NW6 6AS

**PROPOSAL:** Erection of first-floor rear extension to create a one-bedroom flat (revised scheme from application 09/1624) (car-free development)

**APPLICANT:** Navera Trading Ltd

**CONTACT:** Michael George Design Ltd

**PLAN NO'S:** Site plan  
RKHR/09/01  
RKHR/09/02  
RKHR/09/03  
RKHR/09/04  
RKHR/09/05C  
RKHR/09/06C  
RKHR/09/07B  
RKHR/09/08C

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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 Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- (b) A contribution of £3,000, 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 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.

### EXISTING

The site is on the southern side of Brondesbury Road close to the junction with Kilburn High Road. There is a 4-storey building fronting Kilburn High Road and the application site is a single storey building to the rear of this containing a commercial unit (currently an employment agency).

## **PROPOSAL**

Erection of first floor rear extension to create a 1 bedroom self contained flat (Revised scheme of application 09/1624) CAR FREE scheme

## **HISTORY**

09/1624 Withdrawn

Erection of first floor rear extension to create 1 bedroom self contained flat

## **POLICY CONSIDERATIONS**

Brent Unitary Development Plan 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.

**STR14** – New development will be expected to make a positive contribution to improving the quality of the urban environment in Brent by being designed with proper consideration of key urban design principles relating to townscape (local context and character), urban structure (Space and movement), urban clarity and safety, the public realm (landscape and streetscape), architectural quality and sustainability.

**BE2** – Proposals should be designed with regard to their local context, making a positive contribution to the character of the area.

**BE3** – Relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.

**BE7** – A high quality of design and materials will be required.

**BE9** – New buildings should embody a creative and appropriate design solution, specific to their site's shape, size, location and development opportunities.

**H13** – An appropriate residential density will be determined by achieving an appropriate urban design

**H16** – Frontage development should make an equal or greater contribution to the character of the streetscene

**TRN3** – Planning permission will be refused where it would cause or worsen an unacceptable environmental impact from traffic.

**TRN11** – Developments should comply with the Plan's minimum cycle parking standards with cycle parking situated in a convenient, secure and, where appropriate, sheltered location.

## **Supplementary Planning Guidance 17: Design Guide for New Development.**

### **Supplementary Planning Document: S106 Planning Obligations**

## **CONSULTATION**

Neighbouring properties were consulted on 11th November 2009 . 3 objections have been received raising the following issues:

- The extension would be built on a grass area which would effect the character of the area and surrounding Victorian properties (for clarity the extension would be on an existing roof and would not effect a grassed area).
- It would create an increase in noise in a dense residential area.
- Security of land at Addison Court would be compromised.
- There is no access available to provide refuse collections, storage is not acceptable to the rear of Kilburn High Road as there are no rights of access other than to Addison Court.
- There may be an increase in dumping on the land which belongs to Addison Court.
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## **Internal**

Transportation: No objection subject to s106 "car-free" agreement

## **REMARKS**

The proposal is for the erection of first floor rear extension to create a 1 bedroom self contained flat.

The existing single storey building is a commercial unit. No. 101 Kilburn High Road, to which this site is attached contains a commercial unit at ground floor and offices for the 3 storeys above. The offices are accessed from a side entrance on Brondesbury Road which the proposed unit would share, details of the exact layout of the entrance are required as a condition.

## **Design**

The proposed first floor extension includes the existing small first floor rear projection. It would project beyond the flank wall of 101 Kilburn High Road to share the front building line on Brondesbury Road with the existing building below, stepping slightly back in from this elevation as it continues along the Brondesbury Road elevation.

Above the office entrance, where the bedroom is proposed, there is a single window and floor to ceiling glazing is proposed along the rest of the Brondesbury Road elevation. White stucco is proposed which would match 101 Kilburn High Road and there is a projecting cornice to all elevations.

Given the elevational treatment of 101 Kilburn High Road and Addison Court to the west the proposed white stucco is suitable.

The western elevation of the extension is proposed to be curved, relating to the existing curve at ground floor. The proposed external material is rusticated white stucco but also involves vertical planting is proposed which would result in an attractive elevation when viewed from the west on Brondesbury Road.

The proposal involves a green roof to the remaining roof above the existing single storey building.

Solar panels are proposed on the roof in the location where there is an existing first floor extension.

## **Quality of accommodation**

The proposal results in a 1-bed unit with a useable floorspace of over 45sqm. In layout a large open plan living/kitchen area is proposed, and while north facing in orientation it benefits from floor to ceiling windows on Brondesbury Road. Three steps lead to a small bedroom from which the bathroom is also accessed.

A rooflight is proposed above the shower, which must be obscure glazed. The 2 proposed windows which do not face Brondesbury Road must also be obscure glazed but provide additional light facing west.

Whilst amenity space is normally sought in all residential proposals it is considered that the introduction of an outside terrace here could impact on the amenity of neighbouring occupiers and the unit does provide adequate space internally in accordance with SPG17. Furthermore a single 1-bed unit is proposed and the requirement for amenity space for such a unit would be significantly less than if a family unit was proposed. A S106 contribution to mitigate this impact of this scheme is discussed below.

Refuse storage as well as storage for a bicycle can be accommodated within the entrance area, this is indicated on plans but specific details will also be requested by condition.

## **Neighbouring amenity**

The earlier withdrawn application was considered to be unacceptable due to the significantly greater depth which was proposed and resultant potential impact on outlook from surrounding windows.

The identified windows, which are considered to be to habitable rooms, are to the front and flank wall of Addison Court and in the rear of the neighbouring Kilburn High Road property.

In depth from the rear of Kilburn High Road, the extension reaches a maximum of 10m. It is considered that this scheme would have no notable impact on outlook from windows to the front of Addison Court. The extension is positioned at least 6m to the north of the east facing flank wall windows of Addison Court and therefore does not impact on direct outlook, at an angle of 45° from these windows the extension is 12m away.

At first floor in 97-99 Kilburn High Road, which contains flats, there are a number of habitable room windows, the centre of the closest is 6.5m from the nearest part of the extension. As the extension projects it steps further in along this elevation and at an angle of 45° from the window in question the proposed extension does not impinge on the line of outlook until beyond a distance of 10m measured from the closest and therefore most affected window which is a kitchen. There is otherwise open outlook from these habitable rooms with no extensions above ground floor to the south and this relationship, with one additional storey proposed to the north, is considered to be acceptable.

The rear of 97-99 Kilburn High Road has a single storey rear extension which could be used as a terrace by the occupants of the flats above. The proposed extension complies with SPG17 in terms of its requirement for the structure to fall below an angle of 45° when measured from 2m above the floor level of the amenity space. It is also a consideration that the proposed site is to the north of the potentially sensitive windows and possible amenity space and should therefore not impact on light to an unacceptable degree.

## **S106**

The road is defined as being "Heavily parked" and an increase in car-parking could not be accommodated on street, as such a "car-free" agreement is required restricting the right of occupiers to obtain a parking permit. In addition, in order to mitigate the impact of the new unit on local transport, education, open space and sport a contribution of £3000 is required.

Officers consider the proposal to comply with Policies contained in Brent's UDP 2004 as well as Supplementary Planning Guidance 17: Design Guide for New Development and Supplementary Planning Document: S106 Planning Obligations.

## **REASONS FOR 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  
Council's Supplementary Planning Guidance 17 - Design Guide for New Development

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

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

**CONDITIONS/REASONS:**

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

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

- (2) The proposed rooflight and west facing windows must be obscure glazed.

Reason: In the interest of privacy of neighbouring and future occupiers.

- (3) Further details of the proposed layout of the shared entrance including storage for refuse and recycling and one cycle 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.

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

- (4) Further details of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced the landscape work to be completed during the first available planting season following completion of the development hereby approved. 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.. Such details shall include:-

(a) Construction details of green roof

(b) Details of the green roof plant species

(c) Species, size, location and number of climbing plants

(d) Construction details of climber support cables and of growing medium

(e) Maintenance arrangements for all planting

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.

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

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

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

Any person wishing to inspect the above papers should contact Liz Sullivan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5377



## Planning Committee Map

Site address: 2A Brondesbury Road, London, NW6 6AS

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