

	<b>Planning Committee Map</b>
Site address: 10 Rushout Avenue, Harrow, HA3 0AR	
© Crown copyright and database rights 2011 Ordnance Survey 100025260	



This map is indicative only.

**RECEIVED:** 13 November, 2012

**WARD:** Northwick Park

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 10 Rushout Avenue, Harrow, HA3 0AR

**PROPOSAL:** Demolition of detached garage and erection of a four storey four bedroom dwellinghouse including basement, formation of 1 off street parking space and associated landscaping.

**APPLICANT:** Mr A Shah

**CONTACT:** Construct 360 Ltd

**PLAN NO'S:**  
See Condition 2.

---

## **RECOMMENDATION**

To:

- (a) Resolve to Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission

## **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 £3,000 per bedroom (totalling £12,000) index-linked from the date of committee and due on Material Start for Transportation, Education, Air Quality and Open Space in the local area.

## **EXISTING**

The application site is located between number 10 and number 12 Rushout Avenue; No. 10 Rushout Avenue to its north, a detached inter-war two storey dwellinghouse with a hipped roof, and No. 12 Rushout Avenue to its south, also a detached two storey dwellinghouse with a hipped roof of a similar age to No. 10. The site measures approximately 8 metres in width and 50 metres in depth and contains a single storey dual pitched garage. The garage and associated land previously part of the curtilage of 10 Rushout Avenue and has been subdivided as a separate plot.

The wider area of Rushout Avenue comprises predominantly of inter-war semi detached and detached properties of varied architectural form and detailing. The original plot of number 10 Rushout Avenue, including the subject site, has previously had planning approval for an additional infill dwellinghouse (see planning history for more information).

The site is not located within a Conservation Area, and there are no Listed Buildings within the vicinity of the site.

## **DEVELOPMENT SCHEDULE**

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

## Floorspace Breakdown

### USE

Number	Primary Use	Sub Use
1	dwelling houses	housing - private

### FLOORSPACE in sqm

Number	Existing	Retained	Lost	New	Net gain
1	0	0	0	240	240

### TOTALS in sqm

Totals	Existing	Retained	Lost	New	Net gain
	0	0	0	240	240

Mayoril CIL multiplier is £35 per SQM of total net gain floorspace, therefore Amount Payable is £8,400.00.

### PROPOSAL

This application seeks to erect one four bedroom, four storey dwellinghouse with one off-street car parking space including a basement.

The new dwelling would have a total maximum depth of 14.71m and a width of 5.97m. It would be set off the northern boundary with No. 10 Rushout Avenue by 1m and also set off the southern boundary with No. 12 Rushout Avenue by 1m. It would have a similar property line to No. 12 Rushout Avenue to the south, and would project approximately 1.4m beyond the front wall of No 10 Rushout Avenue when including the proposed open porch; not including the porch, it would have the same property line as number 10 Rushout Avenue to the north.

The dwellinghouse would have four storeys with a basement level which would cover the footprint of the proposed dwellinghouse.

One parking space is proposed to the front elevation which would include bin storage and a proportion of soft landscaping.

### HISTORY

**11/2832:** Demolition of detached garage and erection of a four storey five bedroom dwellinghouse including basement, formation of 2 off street parking spaces within garage and driveway to front, associated landscaping and reposition of vehicle crossover - application withdrawn, 24/02/2012

**09/0626:** Demolition of detached garage and erection of a two storey dwellinghouse, formation of 1 off street parking space to front and associated landscaping and subject to a Deed of Agreement dated 18th May 2009 under Section 106 of the Town and Country Planning Act 1990, as amended – Granted, 19/05/2009

**08/0679:** Demolition of existing 2 storey dwelling and detached garage and erection of 3 storey building comprising 8 self contained flats with balconies at front and rear at 2nd floor level and balcony to rear at 1st floor level, installation of vehicle crossover and hardstanding with 1 car park to front, 7 car parks and cycle store to rear, refuse storage to side and associated landscaping to site – refused and dismissed at appeal, 19/11/2008

### POLICY CONSIDERATIONS

#### **National Planning Policy Framework (NPPF)**

- *Delivering a wide choice of quality homes*
- *Requiring good design*

#### **Brent Core Strategy 2010**

CP17 Protecting and Enhancing the Suburban Character of Brent

**Brent UDP 2004**

BE2	Townscape: Local Context and Character
BE3	Urban Structure: Space & Movement
BE7	Public Realm: Streetscape
BE9	Architectural Quality
BE12	Sustainable Design Principles
BE29	Areas of Distinctive Residential Character
H12	Residential Quality – Layout Considerations
H13	Residential Density
H22	Protection of Residential Amenity
TRN2	Public Transport Integration
TRN3	Environmental Impact of Traffic
TRN11	The London Cycle Network
TRN23	Parking Standards – Residential Developments
PS14	Parking Standards – Residential Developments
CF6	School Places

**Supplementary Planning Guidance**

SPG17	Design Guide for New Development
SPG5	Altering and Extending your Home

**CONSULTATION**

Northwick Park Ward Councillors and fifteen residents were consulted by letter on 13/11/2012 alongside the Council's Landscape, Transportation, Design and Environmental Health departments.

Four residents have objected to the scheme on the following grounds:

- A contemporary design would be out of character with the existing dwellings and wider area;
- Lack of car parking on site, resulting in on-street parking and exacerbating congestion;
- The new dwellinghouse is too deep and would result in loss of light and outlook at the adjoining properties;
- The top floor rear window would result in high level overlooking adjoining the gardens of 12 and 10 Rushout Avenue;
- The house is set too close to either boundary with 10 and 12 Rushout Avenue and should maintain a gap either side of the boundary by 1.8m to allow side access and maintenance;
- The dwellinghouse fails to respect the front property lines of its adjoining dwellings;
- The guttering is not contained within the site boundary and would overhang its neighbouring properties;
- Any construction works should not result in any impacts to neighbouring boundaries, fences or walls as this would compromise security to these properties;
- The application is for a house however the proposed layout could easily lead to a future change of use to flats;
- The design fails to comply with SPG17 and SPG5;
- Noise insulation which exceeds current Part E of Building Regulations should be conditioned;
- The proposal would result in the re-location of the crossover and the loss of a street tree;
- The proposed building proposes to have a balcony at the rear resulting in overlooking and privacy to the property's adjoining gardens;
- The construction of the basement would cause subsidence at the adjoining properties

**Environmental Health**

No objections raised subject to conditions; see remarks section for further details.

**Transportation**

No objections raised subject to the retention of the existing crossover and a proportion soft landscaping retained to the front boundary.

## **Landscape**

No objections raised subject to the following being provided:

- A good proportion of soft landscaping is retained to forecourt.
- Provision for covered cycle storage meeting the council's cycle parking standards, screened as necessary.
- A bin store, suitably and attractively screened.
- All plant species, pot size, numbers and location to be provided across all elevations.
- All hard materials and boundary treatments including types, colours and finishes to be provided.

Permeable paving.

## **REMARKS**

### ***Key considerations***

The key considerations are as follows:

1. Principle of Development;
2. Massing, form, design and materials;
3. Standard of proposed accommodation;
4. Impact on neighbouring residents;
5. Trees and landscaping;
6. Transportation and highway safety;
7. Other considerations;
8. Response to objections;
9. Conclusion.

### ***1. Principle of Development***

The site has been the subject of three previous planning applications, two of which were to erect a new dwellinghouse and one of which was to erect flats. The proposal for 8 flats (LPA Ref: 08/0679) was refused by the Council and subsequently dismissed at appeal in 2009.

The most recent application for a new dwellinghouse was withdrawn because of detailed design issues (LPA Ref: 11/2832). However, the principle of a new dwellinghouse on the site has been accepted by the extant planning permission for a two storey five bedroom dwellinghouse with the formation of one off-street parking space in 2009 (LPA Ref: 09/0626). The proportions of the plot were considered to replicate the general pattern of development in the area in compliance with Policy CP17 of the Core Strategy which seeks to protect the suburban character of Brent.

### ***2. Massing, form, design and materials***

The proposed dwellinghouse would be four storeys in height including the basement level. It would sit on the same property line as No. 12 Rushout Avenue providing sufficient front garden space to allow for a parking space, bin storage, path to the front entrance and the provision of soft landscaping.

The proposed house is of a modern design but does take reference from the more traditional character of neighbouring dwellings. The proposed dwellinghouse comprises a dual pitched roof which would match the height of its neighbouring dwellings at both eaves and ridge height. The front elevation is stepped with the projecting element comprising flashed black brick continuing around the southern flank of the property to a depth of 2.3m. Beyond this, the house would be white rendered. Within the front elevation of the dwellinghouse, two large windows at ground and first floor are proposed. To the right hand side of the house at ground floor, the modern front door would be entirely glazed and framed by a cedar clad timber porch. The porch would project slightly beyond the forward projecting element of the house but would not appear disproportionate. Above this, the right hand first floor part of the dwellinghouse would be white rendered. To the front elevation at second floor, triangular shaped glazing, appearing almost as part of the roof, is proposed.

Although the proposed dwellinghouse has three storeys of residential accommodation above ground level, it has the proportions of a two storey property with additional accommodation provided in the gable roof. The design of the dwellinghouse would not replicate that of its neighbours but is well considered, and is an appropriate balance between respecting the existing character of the area whilst proposing attractive contemporary features. This is considered acceptable in the locality. The timber cladding proposed to the

porch can age quickly and appear unsightly; a material should be secured through condition which is durable and high quality. In addition, full section and elevation details will be required of the new dwelling's constructional junctions to ensure appropriate quality is maintained.

The original plans proposed a separation distance of 1m and 300mm between the new dwelling and No. 12 and No. 10 respectively. Amendments have been received and the dwelling has been reduced in width, maintaining a distance of 1m between the boundaries of both No. 10 and No. 12.

### **3. Standard of proposed accommodation**

The proposed unit has a gross internal floor area of 240.15sqm, which is in excess of the minimum required for a 4-bed three storey plus house as set out in the London Plan (113 sqm), and it is noted all of the rooms meet the minimum floorspace standards as required within the Interim London Housing Design Guide.

The additional dwellinghouse would be dual east/ west aspect with no north facing rooms and its sunlight would therefore be of an acceptable level. It is noted the basement contains no habitable rooms and would have a 2.4m deep, 5.73m wide lightwell to its rear and is therefore considered acceptable. To the habitable room windows on the upper floors, the outlook at the new dwellinghouse would be acceptable as it allows for a minimum of 10m between the rear wall of the dwellinghouse and site boundary as required in SPG17, and more than 20m to two directly facing habitable rooms.

The proposed amenity space would significantly exceed the Council's minimum requirements as set out within SPG17, totalling more than 200sqm located to the rear of the property.

### **4. Impact on Neighbouring Residents**

The proposed house has been designed to ensure that the impact on the neighbouring properties is within reasonable limits. The single storey element of proposed house will extend 3.2m rearwards of the neighbouring dwelling at 10 Rushout Avenue and 4m rearwards of 12 Rushout Avenue; this is a relationship generally accepted when single storey rear extensions to detached properties are proposed and is considered appropriate as a guide in this context. The single storey rear element would have a height of 3.8m sloping to 2.65m at its eaves and would be just over an average of 3m in height and therefore acceptable in terms of its impact on amenity. The covered lightwell extends further rearwards into the garden though is not considered to give rise to any amenity impacts.

The first and second floors of the new dwelling would project 1.4m beyond the rear wall of number 12, thus complying with SPG5's 2:1 guideline in consideration that the nearest *sole* habitable room window is over 4.5m away from the side of the second floor element of the new dwelling (N.B. flank windows which are not sole habitable room windows are not considered). On the northern boundary, the dwelling would project 0.55m beyond the rear wall of number 10 with the middle of the nearest habitable room window being more than 3m away and as such complies with SPG5's 2:1 guideline.

SPG17 states that the building envelope of proposed new development should be set below a line of 30 degrees from the nearest rear habitable room window of an adjoining existing property, measured 2m above ground level, and that where the proposed development adjoins private amenity/ garden areas the height of new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of 2m. It is noted these policies are complied with to the front and rear elevations.

### **5. Trees and landscaping**

The site currently contains a good proportion of soft landscaping and there is a large tree lying on the boundary No. 12 Rushout Avenue to the south. A condition will be included to ensure that this tree is retained.

Suitable replacement hard and soft landscaping will also be required to be provided including permeable paving, a screened bin store, hard landscaping materials and soft landscaping including plant species, pot sizes, numbers and locations are provided alongside a bin store that is suitably and attractively screened. Although this detail has been included, a revised front landscaping plan is required to allow for the retention of the existing crossover. An amended front landscaping plan, therefore, will be required by condition.

### **6. Transportation and highway safety**

Rushout Avenue, a local access road, is unrestricted and as such there is resident parking along both sides of the road. Night time parking on the road is low, but the road has high daytime on-street parking as a result

of its proximity to stations and consequent commuter parking.

The site has good access to public transport services (Public Transport Accessibility Level 4), with close access to Kenton station (London Overground and Bakerloo lines) and Northwick Park station (Metropolitan line). There is also close access to the bus routes Nos. 114, 183, 223, H9/H10 and H18/H19 on Kenton Road. Rushout Avenue is enroute to bus route No H9.

Car parking allowances for dwellinghouses are given in standard PS14 of the UDP. Policy BE7 and Brent's Crossover Policy are also applicable. The parking allowance for the new 4 bedroom house is up to a maximum of 2 spaces. One off-street parking space is proposed to be provided on a new driveway on the southern side of the front garden.

In consideration that Rushout Avenue is a wide road that can safely accommodate on-street parking along both sides and as is not heavily parked at night, the second space can be acceptably provided on-street. Transportation have raised concerns over the re-location of the crossover which would result in the loss of an existing street tree, contrary to Brent's crossover policy. A condition has therefore been included to ensure the existing crossover is retained and that hard and soft landscaping details and bin storage details are submitted to the council.

Two cycle parking spaces are proposed within a shed to the rear of the dwelling which is acceptable. Further details will be required to be submitted to the council with regard to its size and height.

### 7. Other considerations

The case officer has consulted the Environmental Health department on the proposal, who have requested that some additional conditions are included in consideration that the site is in an Air Quality Management Area and that part of the site may be contaminated. The requests include:

- Measures to mitigate dust and fine particles to be submitted
- A site investigation to determine the nature and extent of any soil contamination
- An appraisal of remediation options should any contamination be found that presents an unacceptable risk to future site users.
- A verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use.

These conditions will be included as part of any approval.

### 8. Response to objections

The Officer has responded to each of the objections as set out in the table below:

<b>Objection</b>	<b>Officer's response to objection</b>
A contemporary design would be out of character with the existing dwellings and wider area	See Section 2. 'Massing, form, design and materials' above. Conditions will be included to ensure that high quality materials are used.
There is a lack of car parking on site which would result in more on street parking, exacerbating congestion	See Section 6. 'Transportation and highway safety' above.
The new dwellinghouse is too deep and would result in loss of light and outlook at the adjoining properties	The house has been reduced in depth and width to comply with the general principles of SPG5 "Altering and Extending your Home" (used as a guide as this is for residential extensions) and SPG17 "Design Guide for new Development". The council uses these policies to assess applications to ensure no unacceptable loss of light and outlook occurs to neighbouring properties.
The top floor rear window would result in high level overlooking adjoining the	The second floor of the new dwelling complies with the requirements of

gardens of 12 and 10 Rushout Avenue	SPG5's 2:1 rule and it is not considered to result in any additional impact on amenity that would normally be expected from an extension, such as a rear dormer window
The house is set too close to either boundary with 10 and 12 Rushout Avenue and should maintain a gap either side of the boundary by 750mm to allow side access and maintenance	The house has now been set in from either boundary by 1m.
The dwellinghouse fails to respect the front property lines of its adjoining dwellings	The dwellinghouse is set slightly forward from No. 10 Rushout Avenue but is on the same property line as No. 12 and is therefore considered acceptable.
The guttering is not contained within the site boundary and would overhang its neighbouring properties	The house has now been set in from either boundary by 1m.
Any construction works should not result in any impacts to neighbouring boundaries, fences or walls as this would compromise security to these properties	The house has now been set in from either boundary by 1m and the owner of the site will be reminded of their Party Wall Act requirements within an informative.
The application is for a house, however the proposed layout could easily lead to a future change of use to flats	Any change of use from one single family dwellinghouse to flats would require planning permission.
The proposed building proposes to have a balcony at the rear resulting in overlooking and privacy to the property's adjoining gardens	No balcony is proposed to the second floor, and it is not considered that a three storey dwellinghouse would result in any additional problems than a rear dormer window would.
The construction of the basement would cause subsidence at the adjoining properties	The excavation of any basement would have to comply with Building Regulations and is outside the control of the planning system. However, the applicant will be reminded of the Party Wall Act as an informative.

## 9. Conclusion

Subject to conditions and a signed S106 agreement, approval is recommended in accordance with the above policies of the UDP, Core Strategy and relevant SPGs.

**RECOMMENDATION:** Grant Consent

### REASON FOR GRANTING

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

Brent Unitary Development Plan 2004  
 Brent Council's Supplementary Planning Guidance 17 - Design Guide for New Development  
 Brent 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



Transport: in terms of sustainability, safety and servicing needs

**CONDITIONS/REASONS:**

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

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

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

RA10A-1001B received 03/01/2013  
RA10A-1002B received 03/01/2013  
RA10A-1003B received 03/01/2013  
RA10A-1004A received 03/01/2013  
RA10A-1005A received 03/01/2013  
RA10A-1006 received 03/01/2013

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

- (3) No further extensions or buildings shall be constructed within the curtilage of the dwellinghouse(s) subject of this application, notwithstanding the provisions of Classes A & B 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) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

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

- (4) No windows, rooflights or glazed doors (other than any shown in the approved plans) shall be constructed in the flank walls of the building as extended without the prior written consent of the Local Planning Authority. Those window(s) shown in the approved plans shall be glazed with obscure glass and the window(s) shall open at high level only (not less than 1.8m above floor level) and top hung and shall be so maintained unless the prior written consent of the Local Planning Authority is obtained.

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

- (5) Except as may be agreed in writing by the Local Planning Authority, there shall be no obstruction over 850 mm in height within the site within a visibility splay either side of the vehicular access defined by lines joining points on the edge of the public highway at a distance of 2.4m from the edge of the access to a point on the centre line of the access way 2.4m back from the public highway.

Reason: To ensure that the front boundary treatment and landscaping does not prejudice conditions of safety for pedestrians on the public highway.

- (6) Notwithstanding the approved plans, further details of materials for all external work, including samples and elevations/sections of the constructional junctions of the property, 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.

- (7) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the front garden of 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 site clearance, demolition or construction works on the site. Any approved planting, turfing or

seeding 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) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained, in particular the tree in the south-east corner of the site adjacent to the boundary with No. 12 Rushout Avenue;

(b) proposed means of enclosure (e.g. walls, fences) indicating materials and heights to include the boundary of No. 10 Rushout Avenue;

(c) screen planting along the west, east and south boundary to include the boundary with the garden of No. 10 Rushout Avenue;

(d) areas of hard landscape works including permeable paving and proposed materials including samples where necessary;

(e) details of the proposed arrangements for the maintenance of the landscape works;

(f) details of the proposed rear shed to accommodate the two cycle spaces, including materials, plans and elevations;

(g) the retention of the existing crossover to be maintained to the north of the site boundary with the existing street tree to be retained.

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

- (8) The development is within an Air Quality Management Area and construction and demolition works are likely to contribute to background air pollution levels. The applicant must employ measures to mitigate the impacts of dust and fine particles generated by the operation, the details of which must be submitted to the Local Planning Authority for approval, prior to commencement of the development.

Reason: To minimise dust arising from the operation.

- (9) a) Prior to the commencement of building works, a soil contamination report shall be submitted to and approved in writing by the local planning authority. The site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with the principles of BS 10175:2011 and include the results of any research and analysis undertaken as well as an assessment of the risks posed by any identified contamination, and an appraisal of remediation options should any contamination be found that presents an unacceptable risk to future site users. Any remediation measures required by the Local Planning Authority shall be carried out in full accordance with the approved details.

b) A verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use (unless the Planning Authority has previously confirmed that no remediation measures are required) prior to occupation of the development.

Reason: To ensure the safe development and secure occupancy of the site

#### **INFORMATIVES:**

- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring

property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)

Any person wishing to inspect the above papers should contact Laura Jenkinson, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5276