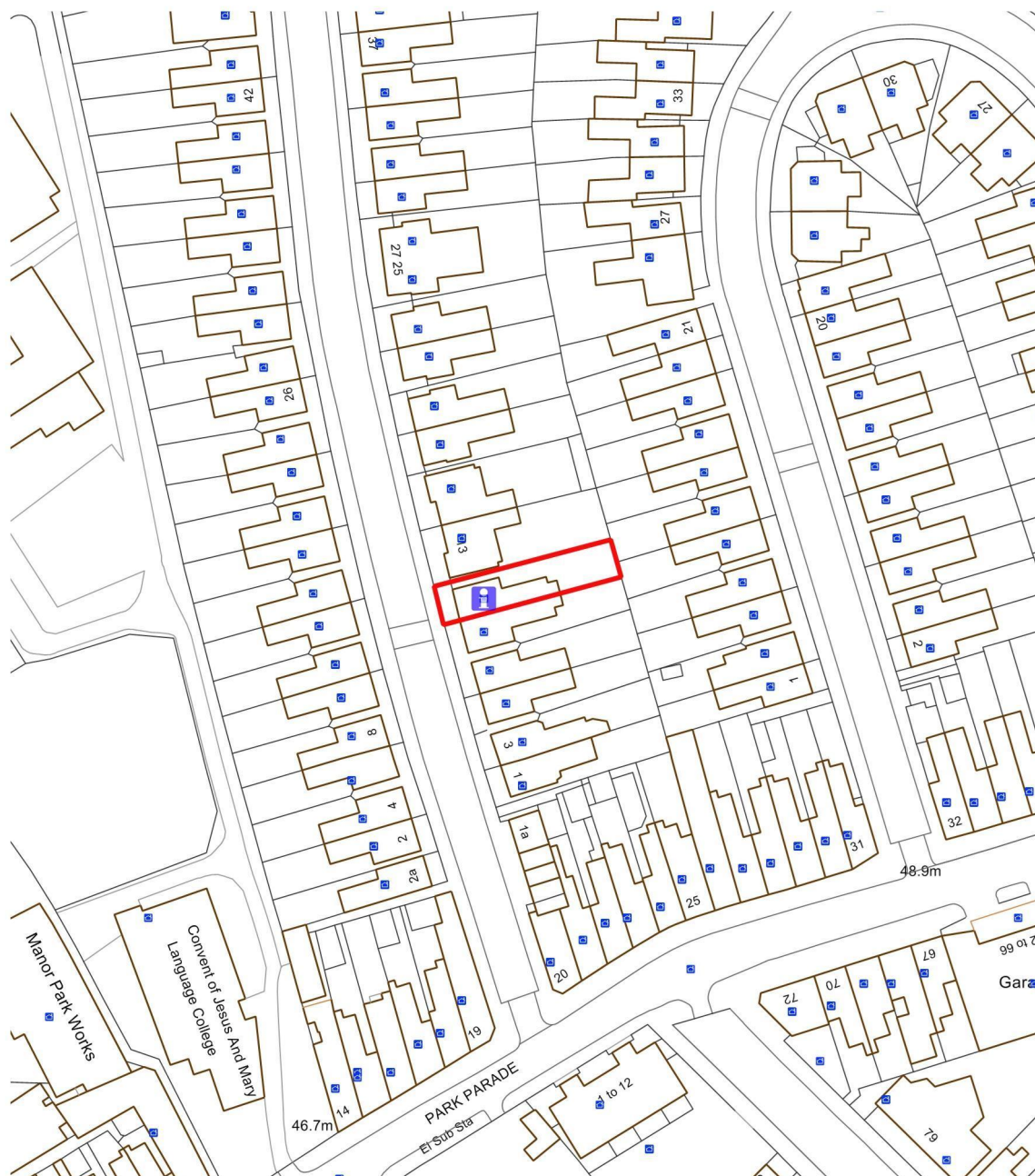




Planning Committee Map

Site address: 11A & 11B Harlesden Gardens, London, NW10 4EY

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This map is indicative only.

RECEIVED: 2 January, 2013

WARD: Kensal Green

PLANNING AREA: Harlesden Consultative Forum

LOCATION: 11A & 11B Harlesden Gardens, London, NW10 4EY

PROPOSAL: Conversion of a ground floor 2-bedroom unit into a three bedroom unit and the conversion of first floor flat 3-bedroom unit into two 1-bed units ("CAR-FREE" DEVELOPMENT).

APPLICANT: Mr Paul Giggin

CONTACT: Homes Design Ltd

PLAN NO'S:
Please see condition 2

RECOMMENDATION

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

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Car Free Development for all three flats

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

EXISTING

The site located on Harlesden Road is occupied by a semi-detached property. The property is in use as two self contained flats. The site is not located within a Conservation Area, nor is any part of the property a listed feature.

PROPOSAL

Please see above

HISTORY

Full Planning application (04/0419) for the Conversion of existing house into one two-bedroom flat and one three-bedroom flat was granted permission on 11 February 2005.

POLICY CONSIDERATIONS

National Planning Policy Framework (NPPF)

The NPPF was published on 27 March 2012 and replaced Planning Policy Guidance and Planning Policy Statements with immediate effect. It seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. It includes a presumption in favour of sustainable development in both plan making and decision making. The NPPF is intended to provide a framework within which local people and Councils can produce their own distinctive Local and Neighbourhood Plans. It aims to strengthen local decision making and reinforce the importance of keeping plans up to date.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. The Core Strategy will also need to be in conformity with both the London Plan and the NPPF. In doing so it has significant weight attached to it.

Unitary Development Plan 2004

- BE2** Townscape: Local Context & Character
- BE9** Architectural Quality
- H17** Flat Conversions
- H18** The Quality of Flat Conversions
- H19** Flat Conversions – Access & Parking

Supplementary Planning Guidance Note 5: Altering and Extending your Home
Supplementary Planning Guidance Note 17: Design Guide for New Development
Supplementary Planning Document: S106 Planning Obligations

CONSULTATION

External

34 Neighbouring properties were consulted on 3 January 2013. An additional 14 day consultation period was carried out on 28 February 2013. Whilst the description clearly states changes to the ground and upper floors, the re-consultation was required to ensure the neighbouring properties were clear the development related to the entire property at No 18 ('A' and 'B') and not just No. 18b

The Council has received 6 objections. These are outlined as:

- The intensification of the property will lead to further social problems such as drugs and fly tipping
- The street contains too many HMO's
- The property will not be adequately serviced (Refuse and recycling)
- Strain on Parking
- Strain on public facilities (Schools)

Response

- The proposed development does not increase the number of bedrooms in the property and therefore does not attract a financial contribution toward schools as required by the Supplementary Planning Guidance of S106.
- The proposed development will be a 'permit free development' and therefore impact on parking is not considered to be a reason for refusal.
- A HMO is not proposed.

All other objections are addressed in the 'Remarks' section of this report

Internal

Highways:

Transportation no objections subject to a Section 106 Legal Agreement confirming that all three flats shall be car-free, in order to comply with Policy TRN23 of the UDP-2004. A condition would also be sought requesting details of secure and covered cycle parking for all three flats, preferably in the form of a shed within the communal rear garden, in order to comply with Policy TRN11 and Parking Standard PS16 of the UDP-2004.

Environmental Health:

Further details of Insulation to limit noise transmission to be secured by condition.

REMARKS

Principle of Conversion

The proposed development will result in the existing 3- bedroom unit being converted into 2 x 1 bedroom units and the existing 2- bed being converted into a three bedroom unit. Policy CP21 of the Council's Core Strategy seeks to redefine the UDP definition of family sized accommodation to units containing 3-bedrooms or more. The UDP definition considered units with two or more bedroom to be suitable for family occupation. This change in definition is intended to assist the Council in addressing the identified shortage of housing for

the unusually high number of larger households within the Borough. The loss of a family sized unit (first floor) has been mitigated by the new groundfloor three bed unit that will have sole access to the rear garden. The new arrangement is considered to produce a better quality development than that of the existing situation and is therefore considered to comply with the aspirations of policy CP21 which seeks to achieve a balanced housing stock for the Borough.

Quality of Accommodation

The Mayors London Plan 2011 details internal floor area requirements for proposed self contained units. The current standards require 1-bedroom (2-person) flat to be a minimum of 50 square metres and 3-bedroom (5 person) flats to be a minimum of 86 square meters. All proposed units exceed floor areas for their intended occupancies.

| Flat No | No of Rooms | No of Occupants | Flat size |
|----------------|--------------------|------------------------|------------------|
| Flat 1 | 3 Bed | 5 Person | 87sqm |
| Flat 2 | 1 Bed | 3 Person | 60sqm |
| Flat 3 | 1 Bed | 3 Person | 55sqm |

External amenity space in the form of the rear garden (In excess of 100 square meters) is only provided to the groundfloor family unit. This is considered to be an acceptable approach, given the remaining units are located on the upper floors only.

All units are at the very least dual aspect which helps to maximise the amount of light and outlook available to them so that the internal space is considered acceptable. No external alterations are proposed to fenestration. Whilst the headroom space of the upper floor could be better, owing to the existing angle of the roof this space accommodated two bedrooms, whereas now there is only one.

There is an issue about the stack between units, (i.e. Living space of Flat C located directly above Bedroom 3 of Flat A and Bedroom 1 of Flat C located above kitchen of Flat B). SPG17 does permit some flexibility in this respect by way of requiring adequate enhanced insulation (In addition to Part E of Building Regulations). As such detail could be secured by condition, and officers are not of the view the inappropriate stacking of rooms could form a reason in itself to refuse the application.

(Note: Insulation details to limit noise transmission, provided as a part of this submission are not considered to be sufficient in itself)

Highways

The existing properties at the site can be permitted up to 0.7 car spaces (2-bed) and up to 1.2 car spaces (3-bed). These are the stricter car parking standards set out in PS14 of the UDP-2004, which can be applied when sites lie within a CPZ and have good PTAL ratings. The proposal will retain a 3-bed dwelling and provide 2 x 1-bed dwellings. These 1-bed flats will also be permitted up to 0.7 car spaces each. The overall standard for the site will rise from 1.9 to 2.6 car spaces which is deemed a significant increase. The site cannot provide off-street car parking, whilst an increase in on-street car parking cannot be provided on an already heavily-parked street.

According to the information submitted with the application on drawing number HD623/5005 neither of the existing flats have parking permits, however having contacted the APCOA Parking Shop to check, 11b currently has a resident permit and 11a currently has a permit for visitor parking. As such the applicant has subsequently confirmed that whilst this may be the case, the tenants of the units are on a short term lease and have not actually applied for the permits. That said the applicant is happy to sign up to a Car-Free scheme to cover all three flats. Owing to the short term lease of the tenants (Both of which expire within the next 12 months), it is considered that the existing tenants are unlikely to be significantly prejudiced. As explained, up to now they have not applied for permits. On balance this arrangement is considered to be acceptable.

Refuse and recycling storage will be placed within the front yard according to the submitted site layout plan (HD623/5005) which is acceptable. No acceptable secure and covered cycle parking details have been provided. Details of which will be secured by condition.

Conclusion

The proposal is considered to comply policies set out in Brent's Core Strategy 2010 and UDP Supplementary Guidance 17 as such a recommendation to approve subject to a Legal Agreement is set forward

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
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) The development hereby permitted shall be carried out in accordance with the following approved drawings:

HD623/5000
HD623/5001
HD623/5002
HD623/5003
HD623/5004
HD623/5005 REV a
HD623/5006
Email from applicant dated 27 February 2013

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

- (3) Further details of Refuse and Recycling enclosure, shall be submitted to and approved in writing by the Local Planning Authority, prior to occupation of the premises and shall be 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.

- (4) Further details of cycle storage enclosure, shall be submitted to and approved in writing by the Local Planning Authority, prior to occupation of the premises and shall be permanently retained as approved unless the prior written consent of the Local Planning Authority is obtained.

Reason: To ensure a satisfactory development for future occupiers

- (5) Prior to occupation of the dwellings results of the post-completion testing undertaken in the noise affected dwellings closest to the road to demonstrate that reasonable resting conditions (Living rooms) LAeq, T 30 – 40 dB (day: T =16 hours 07:00 –23:00), reasonable sleeping conditions (Bedrooms) LAeq, T 30 – 35 dB (night: T = 8 hours 23:00 – 07:00) LAmx 45 dB (night 23:00 – 07:00) have been met should be submitted and approved in writing by the Local Planning Authority and thereafter the development shall not be occupied until the approved scheme has been fully implemented.

Reason: To ensure that the occupiers are not subjected to excessively high noise levels and

to ensure an adequate standard of amenity.

INFORMATIVES:

(1)

In light of the proposed stacking arrangement (and the potential for noise nuisance from transmission between dwellings) the applicant will be required to submit an insulation scheme which exceeds Part E of the Building Regulations. It is likely that a successful Scheme/ mitigation plan will be compliant with Robust Details or similar. Where the applicant proposes a different approach they must verify that this will achieve a standard of sound insulation similar to that of Robust Details. The applicant should be advised that they will be required to undertake all of the above BEFORE the dwellings can be occupied.

(2)

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

Any person wishing to inspect the above papers should contact Tanusha Naidoo, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5245