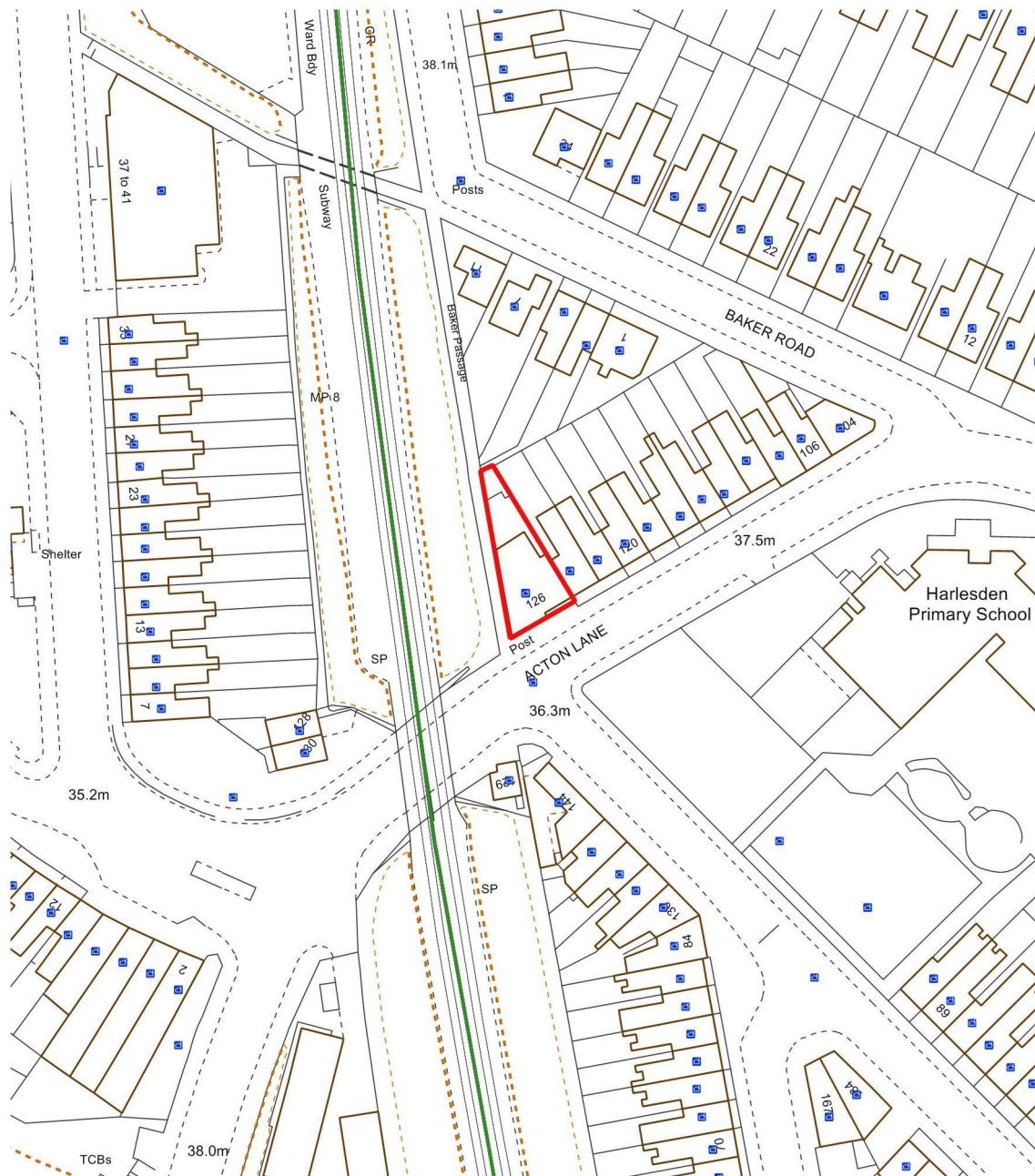
 **Planning Committee Map**  
Site address: 126 Acton Lane, London, NW10 8TX  
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This map is indicative only.

**RECEIVED:** 14 November, 2012

**WARD:** Harlesden

**PLANNING AREA:** Harlesden Consultative Forum

**LOCATION:** 126 Acton Lane, London, NW10 8TX

**PROPOSAL:** Proposed conversion of building into three self contained flats ( 2 x 1-bed and 1 x 3-bed units), erection of rear dormer window, replacement of rear windows and doors at ground and first floors, alteration to single storey rear extension to accommodate cycle store with retention of existing commercial unit at ground floor (as amended by plans received 04/04/2013)

**APPLICANT:** Dimeville Ltd

**CONTACT:** westeyesolution

**PLAN NO'S:**  
See condition 2

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## **RECOMMENDATION**

Approval

## **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 agreement

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 existing property is a two-storey end of terrace, mixed use property that contains a commercial use and two bedsits on the groundfloor and 6 bedsits on the first floor. It is not a listed building nor is it within a Conservation Area.

## **PROPOSAL**

See description above.

## **HISTORY**

**00/1205.** Installation of side and rear dormer windows to provide rooms within roofspace to enlarge existing ground and first-floor residential premises. Refused 01/09/2000.

**99/1907.** Installation of side and rear dormer windows to provide rooms within the roofspace to enlarge first-floor flat (as amended by plans received on 28/03/2000). Refused 12/04/2000.

**E/09/0723.** Enforcement Investigation in relation to the change of use of the ground floor of the premises to two self-contained flats. Action has been suspended on this case pending the outcome of the current

application. Enforcement Officers encouraged the submission of this application as a means of improving the quality of existing housing conditions to a standard which will satisfy the Council's Housing Department.

## **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.

### **London Plan 2011**

- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing out Crime
- 7.4 Local Character
- 7.6 Architecture
- 8.2 Planning Obligations

### **Core Strategy 2010**

- CP2 Housing Growth
- CP15 Infrastructure to Support Development
- CP17 Protecting and Enhancing the Suburban Character of Brent
- CP21 A Balanced Housing Stock

### **UDP 2004**

- BE2 Townscape : Local Context & Character
- BE6 Public Realm: Landscape Design
- BE7 Public Realm: Streetscape
- BE9 Architectural Quality
- H12 Residential Quality – Layout Considerations
- TRN11 The London Cycle Network
- TRN23 Parking Standards – Residential Developments
- PS14 Residential Developments

SPG17: 'Design Guide for New Development'

## **CONSULTATION**

All neighbouring properties, transportation and landscape design were consulted.

5 objections have been received from members of the public. No reason has been given for the objections.

Transportation have no objections to the proposed development provided the applicant agrees to the removal of the right to a parking permit for prospective residents through a section 106 agreement.

Landscape design have no objections to the proposed development. Further details of how the amenity space is to be treated should be sought by condition.

## **REMARKS**

### *Principle*

Alterations to dwellings and the creation of additional residential units is considered acceptable provided that

there is no loss of family accommodation, there is an appropriate mix of residential accommodation, the property does not need to be significantly extended to increase the number of units proposed, there is an acceptable quality of residential accommodation provided and there is an acceptable transport impact.

#### *Amendments during the planning process*

The application has been amended during the planning process in the following manner:

- The width of the rear dormer window has been reduced.
- The floor areas of the proposed residential units have been altered and have been shown to comply with London Plan Minimum Floor spaces.
- Additional information has been provided to clarify how the property has been used over the past 10 years

#### *Existing*

The existing use is described in the application form as a 4+ bedroom house but the existing plans show two bedsits on the groundfloor and a 6 bedroom HMO on the first floor. Site visits have confirmed that this is the existing use and there have been additional site visits by other Council Departments in relation to concerns with the condition of the residential accommodation provided.

However there is no planning history for the creation of the bedsits and the upper-floor HMO. A full planning application made in 2000 which is the most recent planning record for this address and relates only to the first floor. This showed that the first floor was in use as a 3-bed flat in 2000 and provided no details of the groundfloor. The applicant contends that the property has been used as an HMO for a continuous period of 10 years or more and has provided details of tenancy agreements showing that there were 3 or more residents at the address at the same point in time for different years. This indicates that the property has been used as an HMO for a period of time however it does not demonstrate continuous use over the past ten years that would be required to certify this as the authorised use.

Nevertheless the applicants have stated that the existing use as an HMO is unviable and have made the current application to allow for a change of use to 3 self-contained flats. The loss of an HMO is considered acceptable where it does not meet a specific need. The existing HMO does not meet a specific need and is in a poor condition. Its conversion into self-contained residential units is considered to be an acceptable alternative use.

#### *Quality and mix of Proposed Residential Accommodation*

The proposed development would result in the provision of 2 x 1-bed flats and 1 x 3-flats. The proposed 3-bed (4 person) flat is situated on the first and second floors and has a floor area of 92 sqm, which is significantly above the 74sqm minimum floor area set out in London Plan policy 3.5. The 1-bed ( 2 person) first floor flat has a floor area of 51.1sqm and the groundfloor one-bed flat has a floor area of 55.29sqm. Again both of these proposed flats are above the 50sqm minimum requirements set out in the London Plan 2011. All of the units provide an acceptable level of outlook as they are all dual aspect. The layout of the proposed units results in noise sensitive rooms such as bedrooms being positioned above or below similar rooms to ensure there are no noise problem as a result of inappropriate stacking. There is a communal amenity space to the rear of the property which has an area of 79sqm. This would comply with the 20sqm per flat set out in SPG 17. Full details of the landscaping proposals will be sought by condition. There is also appropriate bin storage and cycle storage for prospective residents.

As such they are considered to provide an acceptable quality of accommodation for prospective residents.

#### *Proposed Extension*

Flat conversions are acceptable where they do not require significant extensions to the existing property to provide the additional flats. This proposal involves the provision of a proposed rear dormer window. The proposed dormer is modest in size with a width of 3.4m which is below half the average width of the rear roof plane. The existing roof plan has an average width of 8.77m. The proposed dormer window is mainly glazed and is in accordance with the requirements of SPG 5 in terms of the width, set up from the roof eaves and set down from the roof ridge line.

#### *Parking*

The subject property is located on a local distributor road with no access to off-street parking and there is no opportunity to provide any offstreet parking. The site has a PTAL rating of level 5 (very good) and is within walking distance of Harlesden Station and nine local bus routes. As a result of the very good access to public transport a reduced parking standard is permitted of 0.7 spaces per 1-bed unit and 1.2 spaces for the 3-bedroom unit (2.6 spaces). As this is an increase on the existing situation the applicants have agreed to a section 106 clause requiring that prospective residents have no access to parking permits.

### *Infrastructure*

The proposed development will not result in the provision of any additional bedrooms within the property as such there will not be a significant impact on local infrastructure and no additional contribution will be required.

### *Conclusion*

The proposed conversion of the property into three self-contained flats, erection of rear dormer window and other alterations is considered to be in accordance with the Council Planning Policy. Accordingly the application is recommended for approval subject to the signing of a section 106 legal agreement and the conditions set out below.

**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 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) Landscape proposals for the treatment of the designated areas 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 first residential unit. 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.

- (2) 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.

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

100-X01  
100-X02  
100-x02G  
100-X03  
100-X04  
100-X05  
100-X06  
100-X07  
100-X08  
100-X09

100-P02  
100-P02G  
100-P03RevB  
100-P04RevB  
100-P05RevB  
100-P06RevB  
100-P07  
100-P08RevA  
100-P09RevB  
100-P10RevA

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

- (4) 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.

**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)
- (2) The applicants are advised to contact the Council's Planning Enforcement Team within 2 weeks of the date of decision and provide them with a programme of works to undertake the proposed development within a specified timeframe, to ensure that no further enforcement action is necessary.

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