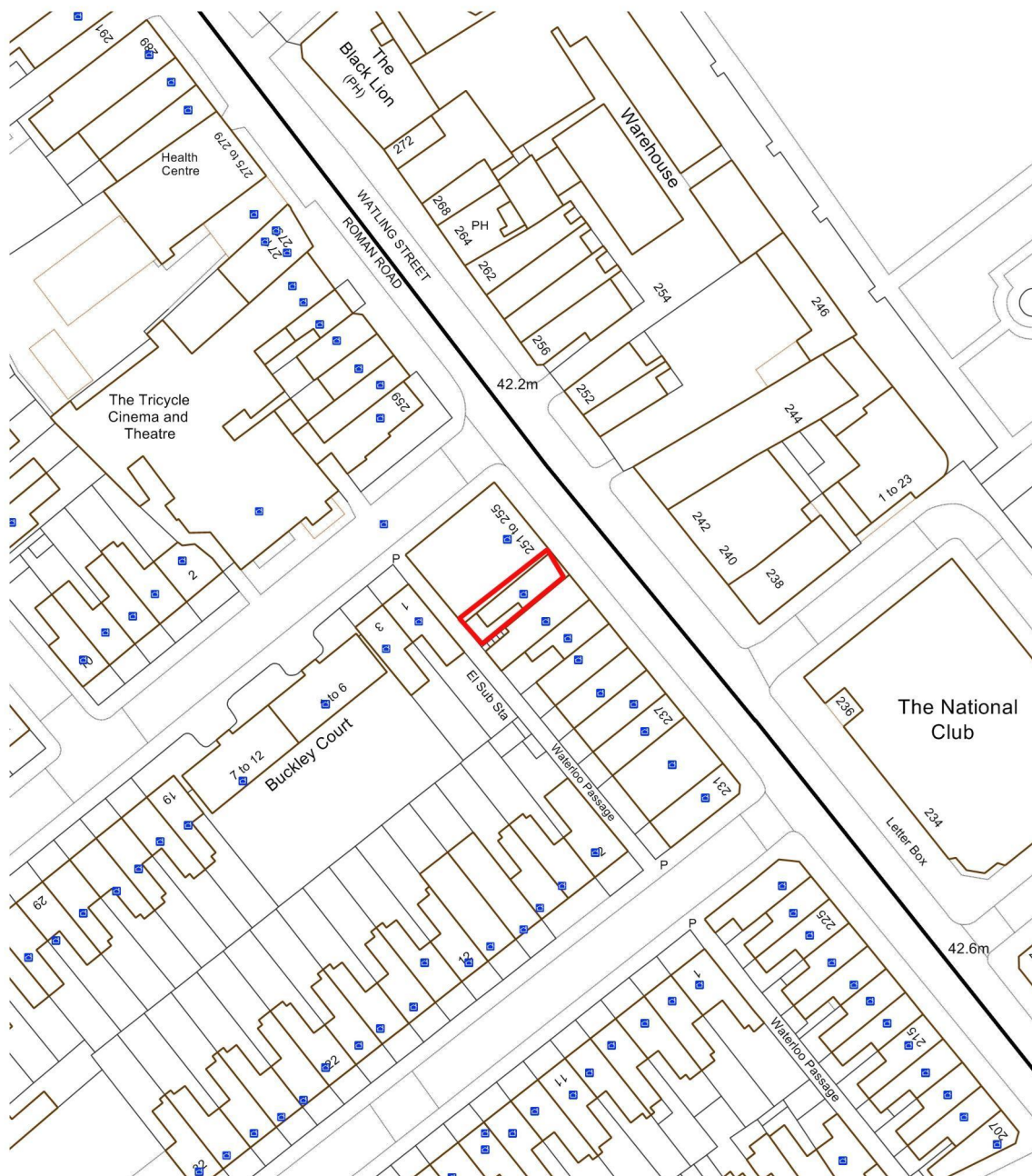




Planning Committee Map

Site address: 249 Kilburn High Road, London, NW6 7JN

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This map is indicative only.

RECEIVED: 14 October, 2012

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 249 Kilburn High Road, London, NW6 7JN

PROPOSAL: Erection of first floor rear extension to take-away restaurant

APPLICANT: Charcol Grill

CONTACT: Genesys Designs

PLAN NO'S:
Please see condition 2

RECOMMENDATION

Grant Consent

EXISTING

The site currently comprises an A3/A5 restaurant on the ground and part first floors of a four-storey building. Council records suggest that the upper floors have authorised use as a single maisonette. The site does not benefit from any off-street parking, but a rear service access route is available in the form of Waterloo Passage. The property is not located within a Conservation Area, nor is any part of the property considered to be a listed feature

PROPOSAL

Please see above

HISTORY

A Planning Enforcement Notice (Ref: E/12/0724) for 'Without Planning permission, the erection of a first floor structure housing a freezer unit and incorporating a timber-framed and plastic around to the rear of the premises' was served on 23 August, 2012. The Notice came into effect 2 October, 2012 and was required to be complied with by the 2 November 2012. The unauthorised extension was altered to comply with the Enforcement Notice.

A Certificate of lawfulness for existing use of premises as take away and restaurant (Ref No: 05/2134) was granted on 4 January 2006.

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.

Brent Unitary Development Plan 2004 - Adopted Policies

BE2 – Proposals should be designed with regard to their local context, making a positive contribution to the character of the area. Account should be taken of the need to respect or improve the quality of existing urban spaces, materials, townscape or historical features which contribute favourably to the character of the area

BE9 – Creative and high-quality design solutions (for extensions) specific to site's shape, size, location and development opportunities Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.

PS9 - Parking Standard for food and drink

PS15 - Parking Standard for Disabled Parking

PS16 - Cycle Parking Standard

PS20 - Parking Standard for food and drink (Servicing)

The Council also produces a series of Supplementary Planning Guidance (SPG) Notes that give additional information on a variety of issues and which are intended to be read in conjunction with the adopted UDP. Supplementary Planning Guidance Note 17 'Design Guide For New Development' The Planning Authority place considerable weight on the contents of SPG17

CONSULTATION

External

21 Neighbouring residents were consulted on 15 October 2012. The Local Authority has received 3 objections to date. The principle objections are:

- The use of the first floor as an extension to the ground floor restaurant causes a great deal of noise and disturbance
- The extension will amplify the already bad problem of rats.
- If allowed the development will set an unsympathetic precedent

Response

- A condition requiring adequate sound insulation so to prevent noise transmission is proposed
- The matter of rats and other vermin is not covered by the Town and Country Planning Act. However the issue will be passed on to colleagues in Environmental Health for further investigation

The matter of precedent is addressed in the 'Remarks' section of the report.

Internal

Highway Engineer: No Objection, subject to further details of doors opening inward.

Environmental Health: No objection, subject to a condition requiring suitable insulation.

REMARKS

Context

Historically, this property has had a ground and first floor extension in situ. In 2011/12 it seems as though the footprint of the first floor extension was extended without planning permission and it was this larger first floor extension that was the subject of the Enforcement Notice outlined in the 'History' section of this report.

The Enforcement Notice required the new extension to be reduced in size to what originally existed and it is this reduced addition that is now in situ. The current proposal seeks to remove the existing first floor extension and erect a new more uniform, larger development. This proposed extension to the restaurant will accommodate 4 toilets, a storeroom and access to the upper floor units. The proposed extension will span

the entire depth of the side return, 3.5m in width and 2.8m in height (when measured from the roof of the ground floor extension).

Comparing the proposed extension with the extension that was the subject of the Enforcement Notice, the following differences are noted

Proposed Extension

- 1m set off common boundary
- Brick built structure
- Uniform height, better design.

Extension the subject of the Enforcement Notice

- Extension occupied entire site (excluding access to upper floor units)
- Extension constructed of plastic, wood and brick
- Staggered height

Whilst the Council does not object in principle to the extension of any property, there remains a need to ensure that the extension is appropriate and that would not result in a significant adverse impact on the amenities of any neighbouring property. Similarly the Local Authority require proposals to be designed with regard to their local context, making a positive contribution to the character of the area. This is specified in Policy BE9 and BE2 of Brent's UDP 2004.

Assessment

An extension has historically existed on the site and this forms a material consideration in the assessment of any new development proposed.

The existing extensions vary in height and materials (wood, plastic and brick) and are not considered to be of the architectural quality required. In an attempt to bring about a degree of uniformity, the extension nearest to the main body of the house will be increased in height by 0.8m and will be constructed of facing brick only. The additional height will help the extension to be read as a single development and not two segments as it does at present. No objection is raised with the principle of facing brick, however further detail on the brick type and overall materials shall be secured by condition. The applicant's design approach is considered to be acceptable.

Impact on Neighbouring Amenity

The flank wall at No.245 (facing the proposed extension) contains habitable windows and doors. Owing to the presence of the existing extension and the adjoining two storey rear projection, the existing levels of neighbouring amenity are already considered to be somewhat compromised, as is often the situation in these sorts of Town Centre, mixed use, areas. The proposed extension albeit some 0.8m higher than that of the existing extension would still be set away 1m from the common boundary and, although things will change for people nearby, the additional 0.8m height is not considered to cause a detrimental impact on neighbouring amenity, certainly one that could justify refusing planning consent.

Three flank windows are proposed. However, these are at high level and are located at the further most part of the extension. Owing to their high level and location, on balance, the proposed windows are not considered to cause a loss of neighbouring windows

Impact on the Character of the Area

Most properties in this parade have been extended in a similar fashion. As such no objection is raised in principle to the extension of the subject property. The new proposed development will replace the plastic, wood and brick structure, thereby promoting uniformity, and providing a more attractive addition in design and appearance terms. The proposed extensions are designed with regard to their local context, making a positive contribution to the character of the area

Highways

The existing A3/A5 premises according to the submitted plans has a floor area of approximately 130sqm. Under PS9 this can be permitted 1 car space (1 per up to 400sqm). The floor area will not change

significantly enough to affect the parking standard. Servicing requirements for A3/A5 uses are set out in PS20 of the UDP-2004. A "Transit" sized vehicle bay is required, but there is nowhere on site that this can currently be provided. However, as rear servicing is possible via Waterloo Passage this can continue, with deliveries being taken into the premises via the rear doors.

The proposed plans show outwards-opening doors to the refuse and recycling area and to the rear access door. Although similar doors already exist at the rear of the premises, Officers would strongly favour improvements being made as a result of this application. Waterloo Passage is an adopted public highway and, as such, it is unacceptable to have doors opening into this route, endangering highway and pedestrian safety. A condition requiring further details of doors shall be attached to the permission if Members are minded to approve the application.

The location of the refuse and recycling storage is acceptable. It will not be feasible to provide on-site cycle parking, but on-street stands are available in the locality.

Environmental Health

The proposal, by reason of the extension to the restaurant, will result in an intensification of the use. The intensified use has the potential to cause noise to adjoining residents (both from staff and cooking activities) and a condition requiring suitable sound insulation, in the interest of protecting neighbouring amenity, is suggested here.

Other

The existing 'chilling units' will be repositioned on the roof of the now higher extension. No objection is raised to the new position of existing equipment.

The proposal also seeks some internal alterations to the basement and the proposed changes do not require planning permission.

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

Existing All
Proposed All - Rev B

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

(3) The flat roof of the extension shall not be used as a roof terrace at any time.

Reason: To protect the privacy and amenity of neighbouring properties.

(4) Details of doors including opening mechanisms 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: In the interest of Highway and Pedestrian safety

(5) Details of insulation to minimise noise transmission 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 safeguard the amenity of the neighbours from the transmission of noise

(6) Details of materials for all external work 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

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