

RECEIVED: 18 February, 2013
WARD: Willesden Green
PLANNING AREA: Willesden Consultative Forum
LOCATION: Flat 2, 2 Buxton Road, London, NW2 5BJ
PROPOSAL: Single storey rear extension to ground floor flat
APPLICANT: Mr Ivan Goh
CONTACT: Ahmed Rahim
PLAN NO'S:
Please see condition 2

MEMBERS CALL-IN PROCEDURE

In accordance with Part 5 of the Constitution and Section 10 of the Planning Code of Practice, the following information has been disclosed in relation to requests made by Councillors for applications to be considered by the Planning Committee rather than under Delegated Powers

Name of Councillor

Councillor Reg Colwill

Date and Reason for Request

13 March 2013. The application is a gross overdevelopment of the site, the extension would overlook neighbours and the garden is too small to accommodate it.

Details of any representations received

None given.

Name of Councillor

Councillor Suresh Kansagra

Date and Reason for Request

13 March 2013. The application is a gross overdevelopment of the site, the extension would overlook neighbours and the garden is too small to accommodate it.

Details of any representations received

None Given.

Name of Councillor

Councillor BM Patel

Date and Reason for Request

13 March 2013. The application is a gross overdevelopment of the site, the extension would overlook neighbours and the garden is too small to accommodate it.

Details of any representations received

None Given.

RECOMMENDATION

Grant Consent

EXISTING

The site occupied by an end of terrace property is in use as 4 flats. The application relates to the groundfloor flat (No. 2). The property is not located within a Conservation Area, nor is any part of the property are a listed feature.

PROPOSAL

As above

HISTORY

Certificate of Lawfulness for the existing use as 4 studio flats (Ref No: 07/3028) was deemed lawful on 4 December 2008.

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.

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. SPG5 "Altering and Extending Your Home" was adopted by the Council in July 2002 and was subject to widespread public consultation at the time, before adoption. The Planning Authority place considerable weight the contents of SPG5

CONSULTATION

14 Neighbouring properties were consulted on 6 March 2013. The Local Authority has received 4 objections and 1 petition against the development. Cllr Anne Hunter also queried the status of the development on behalf of her constituents, but has not raised a formal objection.

The objections are outlined as:

- The proposals envisages a gross over-development of the site.
- The gardens on Buxton Road are tiny at approximately 8m x 4m and as such any development (Irrespective of its size) here would appear intrusive
- The new extension will overlook neighbouring properties and gardens
- The new extension will reduce the size of the garden giving it a closed feeling.
- Reduction in sunlight to plants
- The building works will disrupt existing residents within 2 Buxton Road
- Loss of sunlight and additional noise to neighbouring amenity.

As explained at the head of this report, Cllr Reg Colwill, Cllr BM Patel and Cllr Suresh Kansagra echo the above objections and have requested the application be determined by Committee

REMARKS

Principle

Whilst the Council does not object in principle to the extension of any dwelling, there remains a need to ensure that the extension is appropriate, ensures adequate external amenity space remains for occupiers 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.

Residential Amenity

The proposed single storey rear extension will be 3m deep and 3m high (to the top of the parapet) with a flat roof. The flat roofed extension will have a single rooflight. The new extension will be set in from the common boundary with rear gardens at Balmoral Road by 300mm and will not span any further than the width of the the existing rear projection (3.2m). The dimensions of the extension complies with the Councils adopted approach.

Members will no doubt be aware that if this were a house, then an extension of this size would fall within the realms of permitted development and would not, therefore, need planning permission. However, the application property is a flat, not benefiting from Permitted Development rights and as a result it falls to be determined on its individual planning merits.

Concern with the impact on neighbouring amenity has been raised. Viewing the proposal from rear gardens at Balmoral Road, the proposed 3.0m high extension will be located approximately 8m away from the main flank wall of these properties. The existing 8m separation is considered to be sufficient to protect neighbouring amenity. No flank windows are proposed and as a result the possibility of overlooking into these gardens, as has been claimed, is difficult to support.

The rear garden at the subject property is approximately 8.3m deep. If Members are minded to approve the development, the resulting depth of the garden will be 5.3m. The directly adjoining rear garden 81 Balmoral Road is 13m (at its closest point). The resulting separation is considered to be sufficient to protect amenity here. Single storey rear extensions such as this one no wider than the width of the outrigger are routinely approved across the Borough. Inevitably things will change for No 4 Buxton Road, however in terms of impact it will be within the normal limits considered acceptable by this Council. There is no reason to take a different view here.

The proposed extension is considered to preserve an acceptable level of amenity for neighbouring residents.

Character and appearance

Objection has been raised with the amount of development proposed for the site, with particular concern raised with the scale and mass of the development on the rear garden at the subject site. The existing garden has a depth of 8.3m. If approved, the resulting depth of the garden will be 5.3m and this will still allow there to be at least 20sqm of external amenity space for the groundfloor flat as required in the Council's adopted SPG17 document. The Council is concerned about overlarge extensions filling garden space and Officers are always keen to ensure an appropriate balance between internal and external space. Although some garden space will be lost, the amount retained will, as explained above, continue to be capable of meeting the needs of the occupants.

The proposed extension is of a size and scale that is in keeping with the Council's approach towards rear extensions and is of a form that is routinely allowed across the Borough. The extension is to be constructed in

materials to match the existing and it is considered to preserve the character and appearance of the property within the locality.

Conclusion

The proposed extension preserves the character and appearance of the property and will not have a detrimental impact on the amenity of neighbouring residents. It will result in the loss of some garden space, but is considered to retain enough to meet future needs. As a result, the application is, on balance, recommended for approval, subject to the conditions set out below.

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 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:

P-101
P-100

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

(3) 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.

(4) 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.

(5) The roof-lights shall be detailed to be flush with the roof covering.

Reason: In the interest of visual 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

REFERENCE DOCUMENTS:

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