



Planning Committee Map

Site address: 227B, 229B, 231B & 233B, All Souls Avenue, London, NW10 3AE

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This map is indicative only.

RECEIVED: 19 June, 2013

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 227B, 229B, 231B & 233B, All Souls Avenue, London, NW10 3AE

PROPOSAL: Erection of mansard roof extension to accommodate 2 x two-bedroom flats with associated landscaping and car parking.

APPLICANT: Mr J Feldman

CONTACT: Jones Town Planning

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval

This application is liable for Community Infrastructure Levy.(CIL) . The Mayor's contribution would be £30,000.00£5,367.71.

EXISTING

The subject site is occupied by a terrace of four 3-storey buildings, fronting on to the eastern side off All Souls Avenue and with rear access onto Chamberlayne Road (part of the London Bus Priority Network). Each building currently comprises of a commercial use on the ground floor with four residential units above. There are no site specific planning policy designations on the site.

PROPOSAL

See above

HISTORY

In 2003 planning permission (01/2618) was approved for the 'Replacement of existing flat roof with mansard roof to provide 4 new one-bedroom self-contained flats, new bin enclosure and 6 car-parking spaces'. This permission was never implemented and has now expired.

More recently, in May 2012, a planning application (12/1519) was refused for the 'Erection of mansard roof extension and creation of 4 one bed flats, 4 parking spaces and associated landscaping'. The application was refused for the following reasons:-

- 1. The proposal would fail to provide an acceptable quality of accommodation, in terms of internal floor areas significantly below those set out in the London Plan 2011 further emphasised by the ceiling heights proposed as well as the quantity and quality of amenity space to be shared by all flats particularly given the introduction of a telecom structure, contrary to SPG17: Design Guide for New Development.*
- 2. The scale and design of the mansard roof combined with the existing prominence of the building, particularly on Chamberlayne Road, would result in a bulky and overbearing development contrary to policies BE2 and BE9 of Brent's UDP 2004 and SPG17: Design Guide for New Development.*
- 3. The proposed parking layout would compromise pedestrian safety within the site by reason of the conflict of the spaces and the pedestrian gate and pathway contrary to BE3 and TRN5 of Brent's UDP 2004.*

4. The omission of the re-provision of space for unloading for commercial units would result in increased demand for on-street servicing detrimental to highway safety and the omission of waste and recycling storage for commercial units as well as an insufficient quantity of waste and recycling storage for residential units would have detrimental environmental implications harming residential amenity, contrary to policies H22, TRN3, TRN34 and PS17 of Brent's UDP 2004 as well as Waste and Recycling Storage and Collection Guidance for Residential Properties.

The decision to refuse permission was upheld on appeal on 9th March 2013.

POLICY CONSIDERATIONS

The following planning policy documents and guidance are considered to be of particular relevance to the determination of the current application

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It includes a presumption in favour of sustainable development in both plan making and decision making. It is considered that the saved policies referred to in the adopted UDP and Core Strategy are in conformity with the NPPF and are still relevant. The NPPF states that good quality design and a good standard of amenity for existing and future occupants of land and buildings are required. Of particular reference to this CAC application, the NPPF outlines policies for the historic environment and heritage assets. It emphasises the importance of being able to assess the significance of heritage assets that may be affected by a development.

Accordingly, the policies contained within the adopted SPG's, London Borough of Brent Unitary Development Plan 2004 and Core Strategy 2010 carry considerable weight in the determination of planning applications and appeals.

The London Plan, 2011

The London Borough of Brent LDF Core Strategy 2010

CP2 Population and Housing Growth
CP21 A Balanced Housing Stock

The London Borough of Brent Unitary Development 2004 ('saved' policies)

BE2 Townscape: Local Context & Character
BE7 Public Realm: Streetscape
BE9 Architectural Quality
H12 Residential Quality – Layout Considerations
TRN23 Parking Standards – Residential Development
PS14 Parking Standards

Supplementary Planning Guidance Note 17: Design Guide for New Development

SUSTAINABILITY ASSESSMENT

The scale of the development does not trigger a requirement to submit a 'Sustainability Checklist'.

CONSULTATION

External

Consultation letters, dated 18th July 2013, were sent to Ward Councillors and 50 neighbouring owner/occupiers. In responses objection were received from four representees. In summary, the issues raised by the objectors includes:-

- The proposed roof extension will be bulky, unsightly and overbearing.
- There is insufficient parking for the proposed flats which will result in unsafe and congested parking conditions within the locality of the site.
- Landowner permission will not be given to construct the proposed parking area.
- If the existing phone mast is placed on top of the proposed roof extension this will be even more unsightly.
- The site is already overcrowded and suffers from problems with refuse and sewerage.

- The existing building is not capable of supporting the additional roof structure.

These issues are addressed directly in the 'Remarks' section of this report.

Internal

Transportation

The Council's Transportation Unit do not raise any objection to the proposal subject to conditions requiring the reinstatement of redundant crossovers

Environmental Health

Raised no objection to the proposal

Urban Design

Raised no objection to the proposal

REMARKS

Recent Planning Appeal (12/1319)

1. As discussed in the 'History' section of the report, the site has been subject to a recent appeal against the decision of the Council to refuse planning permission for proposals to erect a mansard roof extension to the properties in order to form four 1-bedroom flats with associated car-parking and landscaping. Whilst the appeal was dismissed, in reaching that decision the Inspector made a number of observations about the merits of the proposals and these are considered relevant to the determination of the current application which seeks permission for a similar form of development. Given the Council's reasons for refusal the Inspector considered the appeal on three main issues, the impact of the development on the character and appearance of the building and surrounding area, the residential quality of the proposed accommodation and the adequacy of the rear garden area to provide sufficient amenity and parking facilities for future occupiers of the properties. Whilst the Inspector supported the Council in their concerns regarding the quality of the residential accommodation and the rear garden area it is important to note that the Inspector did not agree with the Council that the proposed mansard roof extension would cause harm to the character and appearance of the building and surrounding area.

Character and Appearance

2. The proposed development would involve the erection of a mansard roof extension across all four properties, effectively creating an additional storey of accommodation. The scale, siting and general appearance of the proposed extension would be similar to that proposed under the previous planning application, other than alterations to the treatment of the rear elevation to provide external balcony access. Despite these alterations the proposed extension is likely to have a similar appearance to the previous extension, particularly in terms of its scale and massing, when viewed from the surrounding area. As discussed above, although concerns were previously raised by the Council regarding the impact on a mansard roof extension on the character and appearance of the locality, these concerns were not shared by the appeal Inspector who remarked "*I consider that the change arising from the proposed mansard roof would not be visually unacceptable or harmful*". Therefore it is not considered expedient to raise similar concerns in relation to the current proposal.
3. Under the previous application the Council did not raise any particular concerns regarding the impact of the proposed extension on the amenity of neighbouring occupiers. In accordance with SPG17, the current application has also been assessed for its impact on the light, outlook and privacy of adjoining occupiers and the view remains that the proposed extension would not result in any unreasonably adverse impact on neighbouring occupiers.

Quality of Residential Accommodation and Amenity

4. Although the extent of the proposed roof extension is similar to the previous application, this would now accommodate only two 2-bedroom flats. This is a significant change from the previous proposal which sought permission for four 1-bedroom flats.
5. The proposed units are designed to be 2-bedroom 3-person apartments. The Mayors Housing SPD design guide sets out that 2-bedroom 3 person units should have a minimum internal floor area of

61sqm. The proposed units have a gross internal floor area (GIA) of 68sqm, which using the definition given by the Royal Institute of Chartered Surveyors (RICS) includes all of the floor area with a headroom of at least 1.5m. Of this floor area approximately 61sqm has internal headroom of at least 2m. On balance, it is considered that whilst in some areas the units would experience limited headroom that overall, the proposals satisfy the Housing SPD standards in respect of the floorspace provided

6. Both units would be dual aspect, with bedrooms facing out on to All Souls Avenue and the living/dining room facing Chamberlayne Road, providing an east-west outlook to the unit that would be likely to provide a satisfactory levels of daylight for future occupiers.
7. The applicant has provided only limited information regarding the layout of the existing units located on the second floor. As such, it is possible that extra sound insulation may be required in order to avoid any issues of unreasonable noise transmission between units. If the application is approved further details should be required by condition.
8. In terms of external amenity space each unit would be provided with a private balcony with an area of approximately 6m². A landscaped communal garden with an area of approximately 69sqm would be formed to the rear of the property although this would be likely to be shared with the existing flats. If the existing flats are to be considered then the new flats would be provided with approximately 13sqm of external amenity space (6sqm private and 7 sqm communal). The private spaces could be increased to make up this shortfall but that could give rise to unreasonable overlooking of neighbouring properties. Whilst the SPG17 standard of 20sqm of amenity space per flat would not be fully met, it should be noted that in determining the recent appeal the Inspector remarked that "*that it is not uncommon for flats within urban areas such as this to have limited or no amenity space*". On balance, it is considered that the overall provision would provide a satisfactory standard of amenity within the context of the site and that the development would be likely to benefit the existing residents who do not currently have any amenity provision.

Parking and Servicing

9. At present the rear of the site is currently in a poor condition being used informally for parking and servicing of the existing building. The area appeared rather unsightly at the time of the officers site visit. The proposal would involve the formation of a new parking and servicing area to the rear of the site, including the provision of new facilities for the storage of refuse/recycling and bicycles. The proposed parking layout would include 4 residential parking spaces and an area that can be used for servicing vehicles to park whilst unloading.
10. The proposed development would increase the parking standard for the site by 2.4 spaces. As such, it is considered that overall the development should provide 2 additional spaces for residential use. Four spaces in total are proposed and the Council's Transportation Unit are satisfied that this would provide sufficient parking provision for both the new units and any demand that is currently met through the informal arrangements to the rear of the property.
11. The proposed development provides space for one transit sized vehicle to service the site and the Council's Transportation Unit have confirmed that this would provide sufficient servicing facilities, to plan standards, for the existing commercial uses within the properties.
12. As part of the proposal the existing refuse/recycling store would be demolished and replaced by a new storage area that would accommodate new 1100l communal bins (at present refuse/recycling is stored in numerous wheelie bins). The new refuse storage area would meet Council standards and the arrangements for collection would remain unchanged, with refuse collected from Chamberlayne Road at the rear of the property.
13. Cycle storage for the proposed and existing flats is also indicated within the rear yard.
14. Whilst these improved facilities are welcomed, referring to paragraph 8, it should be noted that these would be provided at the expense of the provision of increased amenity areas for residents. However, on the basis that the more limited amenity areas would be landscaped to a good standard it is considered that the proposed layout for the rear yard would strike an appropriate balance between the provision of amenity space and the provision of other parking and servicing facilities that would benefit the occupiers of the development.
15. At present, the rear of the site is served by an existing crossover which will be narrowed as part of the

proposal. There is also a stretch of redundant crossover to the rear of the site and it is considered that this should be restored to kerb and channel as part of the development.

Consideration of Objections

16. The following table sets out to address the concerns raised by objectors to the application.

Objection	Officer Comment
The proposed roof extension will be bulky, unsightly and overbearing.	The design of the proposed roof extension is discussed above in paras' 2 & 3
There is insufficient parking for the proposed flats which will result in unsafe and congested parking conditions within the locality of the site.	This issue is discussed in paras 8-10 of the above report
Landowner permission will not be given to construct the proposed parking area.	Issues of land ownership are a civil matter that would be dealt with outside of the planning process.
If the existing phone mast is placed on top of the proposed roof extension this will be even more unsightly.	The applicant has not indicated the re-siting of the telecom masts as part of the proposals. Should the applicant wish to install a telecommunications mast on the building after the development is completed this would be subject to the relevant planning legislation. It is not considered that there are sufficient grounds for the Council to impose a condition that would interfere with the application of this legislation.
The site is already overcrowded and suffers from problems with refuse and sewerage.	The proposal would involve the formation of a new refuse store to Council standards. The development would need to adhere to current Building Regulations which would require satisfactory arrangements for drainage and sewerage.
The existing building is not capable of supporting the additional roof structure.	Again, this would be a matter for the Building Regulations but there is no suggest that this is the case.

S106/CIL

17. Following the adoption of the Council's Community Infrastructure Levy, the Council are no longer able to seek tariff based general infrastructure contributions through s106, with CIL now being the appropriate mechanism to secure such contributions. The proposed development is likely to attract a borough CIL liability of £30,000.

18. The development is also likely to attract a Mayoral CIL liability of £5367.71.

19. As sufficient parking for the proposed units would be secured to the rear of the property there would be no need to impose a 'permit-free' agreement on these units.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

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:

- Location Plan
- PL100 Rev A
- PL102
- PL103 Rev B
- PL104
- PL105
- PL106
- PL107
- PL108

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

- (3) The areas so designated within the site shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before any works commence on site. The approved landscape work shall be completed during the first available planting season following completion of the development hereby approved. 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 in the same positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory standard of appearance and setting for the development.

- (4) Prior to the occupation of the residential units hereby approved, the following works shall be carried out and completed in all respects.

a) The parking spaces shown on the approved plans shall be constructed and marked out and shall be permanently retained as such for the lifetime of the development. Two spaces shall be marked out and used solely in connection with the dwellings hereby approved.

b) The redundant lengths of vehicular crossover onto Chamberlayne Road shall be restored to footway with full height kerbs at the developer's expense.

Reason: To ensure that the approved standards of parking provision are maintained in the interests of local amenity and the free flow of traffic in the vicinity.

- (5) 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.

- (6) Notwithstanding the approved plans, further details of the refuse/recycling storage area and

cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the occupation of the dwellings hereby approved.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- (7) Prior to the commencement of works further details of the layout of the units on the second floor of the existing property and details of works to ensure sufficient sound insulation between the residential units, hereby approved, and those existing units on the second floor shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that sufficient sound insulation is provided to prevent unreasonable noise transmission between units.

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
- (2) The applicant is reminded that the provisions of Part 24, Schedule 2 of the The Town and Country Planning (General Permitted Development) Order 1995, as amended, will apply to any re-siting of telecoms equipment on the existing or proposed building.

REFERENCE DOCUMENTS:

2 letters of objection (one counter-signed by 3 addresses)
Appeal Decision 12/1319

Any person wishing to inspect the above papers should contact Ben Martin, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5231