

**Committee Report**  
**Planning Committee on 14 May, 2014**

**Item No.**

**03**

**Case No.**

**14/0082**



**Planning Committee Map**

Site address: 44 High Road, London, NW10 2QA

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1:1250

0 0.02 0.04 kilometres



This map is indicative only.

**RECEIVED:** 16 January, 2014

**WARD:** Willesden Green

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** 44 High Road, London, NW10 2QA

**PROPOSAL:** Retrospective application for single storey rear extension

**APPLICANT:** Woody Grill

**CONTACT:** ANVA Ltd

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

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This application was deferred at the Planning Committee of 9th April 2014 in order to allow the consultation period required by the Press Notice to expire.

#### **RECOMMENDATION**

Grant consent.

#### **CIL DETAILS**

The GIA of the new build is less than 100sqm and as such is exempt minor development, in accordance with Regulation 42(1).

#### **CIL Liable?**

Yes/No: No

#### **EXISTING**

The site is the an A3 unit on the northern side of High Road, Willesden, NW10. The building is 3-storey in height with residential above. The site is within Willesden conservation area as well as the primary shopping frontage of this town centre.

#### **PROPOSAL**

See above.

#### **HISTORY**

13/2775 - Refused 06th February 2014

Variation of condition 5 (opening hours) of full planning permission reference 87/1195 dated 12/01/88 for single storey rear extension and change of use to take-away and restaurant, to allow extension of opening hours from between 08:00 - 23:00 Sunday to Thursday and 08:00 - Midnight Friday to Saturday, to 07:00 - 05:00 Monday to Sunday. Enforcement Officers are continuing to pursue the issue of the premises operating outside of its approved hours.

#### **POLICY CONSIDERATIONS**

##### **National Planning Policy**

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. Its 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. 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.

##### **Unitary Development Plan 2004 - Policies Saved by direction**

## CONSULTATION

### *External*

66 neighbouring owner/occupiers were consulted, Advert placed in local newspaper 03/04/2014, site notice put up 27/03/2014. The earliest decision date was, therefore, 24/04/2014 and the matter was deferred from the last Planning Committee in order to allow the consultation period to expire

For the information of Members the Council has received no additional comments in relation to the application since the matter was deferred on 9th April 2014.

As a result, the situation, as far as neighbour comments are concerned, remains that same as it was previously in that four objections to the application have been received. The points raised are as follows;

- extensions an eyesore, roof is strewn with debris
- does not benefit from a landscape buffer
- occupies too much of the site
- water drains off of the building into the adjoining Metropolitan Court

### *Internal*

Highways and Environmental Health Officers consulted and they have raised no objections.

## REMARKS

1. Prior to the April Committee, this application was recommended by members to be deferred to the May Committee to allow the consultation period to conclude prior to the Committee taking place. In addition, Members considered that in the event of permission being granted, it was necessary to include a condition that required the extension to be painted in the interest of visual amenity. It was also pointed out that the proposed drainage condition was not practical and it should be reviewed. A new condition requiring future treatment of the extension and a revised drainage condition are now included in this report.
2. The site has been the subject of a number of refused planning applications to extend the opening hours, including an application this year seeking near 24 hour opening times, which received significant local opposition and was refused. The refused application is now the subject of a Planning Appeal. There is a Planning Enforcement case open in relation to the untidy condition of the rear of the property. Enforcement have notified the owner/manager and warned that failure to rectify the situation could result in Untidy Land Notice under Section 215 Town and Country Planning Act being served.
3. This application seeks permission for the existing single storey rear extension only and needs to be dealt with on its planning merits alone. The main issues which will be addressed in turn are;
  - Design and impact on character of Conservation Area.
  - Impact to neighbouring amenity.
  - Consideration of objections.
4. The extension is sited at the rear of Woodys Grill on Willesden High Road. It accommodates a boiler room and three WC's. It has a depth of 6m, extends the full width of the site and adjoins the vehicular entrance to Metropolitan Court, which is the development on the site of the former Spotted Dog public House. The site falls within the designated Willesden Conservation Area, a mixed use centre marked by a common, distinctive retail based architectural vocabulary. The main Victorian commercial centre contains many significant buildings by several well-known architects, for example the nearby Old Library building and recently redeveloped Sexton's Spotted Dog pub.
5. In terms of design, the rear of these premises generally contain small extensions for utilities and the ground is concreted over providing additional yard space for the commercial premises above. No 48 is accessed via a passage way that runs behind the buildings. The environment is typical of a rear yard environment serving commercial uses in the area and does not have a particularly uniformed appearance, hence the extension is not at odds with a defined character. In terms of impact to the character of the Conservation Area, given the extension is located off street at the rear, it is not

considered to interfere with the front of the buildings which most define the character of the Conservation Area.

6. It is acknowledged that the cement rendered appearance does not preserve or enhance the character of the Conservation Area and therefore a condition will be placed on this permission that requires the extension to be painted white to match the render in the existing neighbouring Metropolitan Court.
7. In terms of residential amenity, the adjoining Spotted Dog redevelopment adjoins the site and objections have been raised on grounds that the appearance of the extension on the boundary is an eye sore and the roof is often strewn with debris and rubbish. The extension however does not directly abut habitable room windows on same level in close proximity, hence it is not considered to be overbearing in terms of outlook. In addition, decisions have to be based on adopted planning policies, and there are other avenues as explained above, that the Council have for pursuing the untidy condition of properties.

#### Objections

#### Officers response

8. roof is strewn with debris.

As highlighted above, the Council have a Planning Enforcement case open in relation to the untidy condition of the rear of the property. Enforcement have notified the owner/manager of this, and failure to respond could result in Untidy Land Notice under Section 215 of the Town and Country Planning Act being served.

In relation to the determination of this application, it is difficult to make a planning decision based on considerations such as this. Determination has to be based on adopted planning policy.

9. Does not benefit from a landscape buffer.

A landscape buffer would not necessarily be required for an extension of this size, particularly since it adjoins an entrance to the adjoining building rather than somebodys private amenity space.

10. Occupies too much of the site.

The retention of a 6m<sup>2</sup> area at the rear of the property, considering the relatively small size of the entire rear yard, is considered acceptable.

11. Water drains off of the building into the adjoining Metropolitan Court.

Officers have been unable to find any Building Regulations history for the extension and have informed the Councils Building Control Department who will be writing to the applicant to seek to regularize this, with particular regard for Approved Document H *Drainage*.

12. Extension is an eyesore.

As set out above, the rear of this stretch of properties along High Road are not particularly uniformed, hence the extension is not particularly at odds with a defined character. It is visible as you enter Metropolitan Court, however its off street location means that it has very little impact on the street frontage which most defines the character of the Conservation Area. In terms of views from Metropolitan Court, the extension does not directly abut habitable room windows on same level in close proximity, hence it is not considered to be overbearing in terms of outlook. On this basis, the impact of the extension on the outlook of adjoining first floor habitable room windows is not extensive enough to warrant a reason for refusal.

13. Extension is already built and disregards proper planning procedure      Whilst it is always unfortunate when any applicant implements their development before seeking the necessary permission, the assessment here must be based on adopted planning policies, and is unaffected by whether or not the works have already been carried out or not.
14. In conclusion, this report has explained that there are proceedings underway that relate to the untidy condition of the rear yard, and that the determination is for the single storey extension only. The siting and scale are not considered to overbearing or detrimental to the amenity of adjoining occupiers, and owing to the extension being off street, it is not considered to harm the character of the Conservation Area. Approval is therefore recommended.

**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

**CONDITIONS/REASONS:**

- (1) The development hereby permitted is approved in accordance with the following approved drawing(s) and/or document(s):

05.14/01  
05.14/02  
05.14/03

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

- (2) The roof of the extension hereby approved shall not be used as an external terrace.

Reason: To safeguard the amenity and privacy of adjoining occupiers.

- (3) The existing extension hereby approved shall be painted white to match the white render used in the adjoining Metropolitan Court Development, and shall be completed no later than 3 months after the date of this decision. Once completed it shall be permanently maintained unless agreed in writing by the Local Planning Authority.

Reason: In the interest of the 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](http://www.communities.gov.uk)
- (2) The applicant is informed that the Council have no Building Control records in connection with the existing single storey rear extension, and Planning Officers have notified the Councils Building Control department who will write to the applicant in connection with this, with

particular regard for Building Regulations Approved Document H *Drainage and Waste Disposal*.

- (3) The applicant is informed that this consent only relates to the single storey rear extension. The matter of the opening hours of the main commercial premises fronting High Road remains to be resolved and is subject to enforcement proceedings.

Any person wishing to inspect the above papers should contact Samuel Gerstein, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5368