

**Committee Report  
Planning Committee on 30 June, 2010**

**Item No. 3**  
**Case No. 10/0932**

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**RECEIVED:** 17 April, 2010

**WARD:** Brondesbury Park

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** Garages rear of 55 Mount Pleasant Road, Henley Road, London

**PROPOSAL:** Demolition of an existing single-storey, double-garage building to rear of 55 Mount Pleasant Road, NW10; and erection of a new single-storey, flat-roofed, two-bedroom dwellinghouse with basement storage accommodation, removal of the existing vehicular access onto Henley Road with associated landscaping of the garden amenity area

**APPLICANT:** Mr Rayburn

**CONTACT:** Ambo Architects

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

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At the Planning Committee meeting on the 8th June 2010, Councillor Kataria moved that this application be deferred for a site visit. Members endorsed this and resolved to defer consideration of this application in order to allow for such a site visit to be undertaken.

**RECOMMENDATION**

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor

**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
- A contribution of £6,000 (£3,000 per bedroom), due on material start, index-linked from the date of decision for Education, Sustainable Transportation and Open Space & Sports in the local area.

And, to authorise the Director of Environment and Culture, 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 application refers to the site at the rear of No 55 Mount Pleasant Road which sites a detached double garage. The ownership of the application site have been separated from the dwellinghouse at No 55 for over 7 years.

The predominant surrounding character is residential, mainly with semi detached properties along Mount Pleasant Road and terraced properties along Hanover Road. The rear gardens of Mount Pleasant Road and Hanover Road make up the street frontage of Henley Road with access to the detached garages at the rear of those properties. There are four detached garages in total, including the application site, fronting Henley Road.

## **PROPOSAL**

Demolition of an existing single-storey, double-garage building to rear of 55 Mount Pleasant Road, NW10; and erection of a new single-storey, flat-roofed, two-bedroom dwellinghouse with basement storage accommodation, removal of the existing vehicular access onto Henley Road with associated landscaping of the garden amenity area.

For clarity, as set down later in this report, this application follows an appeal against the Council's refusal for a single dwelling on the site (our ref: 08/1976). A number of issues were rehearsed at the appeal, including the impact that the erection of a house would have on the character of the area, the impact that such a proposal would have on the amenity of people living nearby and on the established streetscene. The views expressed by the Inspector are set down below and it is clear that the principle of erecting a new dwelling on the site has been agreed. As a result, the issue for consideration here is whether the current proposals increase the impact as compared to the appeal scheme in any way and not whether, or not, the site is capable of accommodating a dwelling.

For the reasons set down in the two reports relating to the site, Officers have taken the view that one of the applications is acceptable (having taken on board the views of the Inspector), whereas the other is not.

## **HISTORY**

The application site has been subject to various applications in previous years.

00/1475 - An application was refused for the demolition of existing double garage and the erection of a two storey detached house in the rear garden, in 2000. The applicant appealed the Council's decision and the Appeal was subsequently dismissed.

06/0254 - A change of use application for the use of the garage as a design studio was refused on 06/04/06

07/1004 - An application for the demolition of the garage to erect a two storey dwellinghouse was withdrawn on 02/08/2007

08/0150 - A similar application to 07/1004 was refused on 31/3/08

08/1976 – Demolition of an existing single-storey double garage to the rear of 55 Mount Pleasant Road, NW10, and erection of a new two-storey (basement and ground-floor level), 3-bedroom dwellinghouse, replacement of boundary fences and walls, removal of existing vehicular access onto Henley Road, NW10, and formation of new pedestrian access onto Henley Road, with associated landscaping. Dismissed at appeal.

Another application was submitted simultaneously, the principle difference being the form of the roof:

10/0933 - Demolition of an existing single-storey, double-garage building to rear of 55 Mount Pleasant Road, NW10; and the erection of a new single-storey, **pitched-roof**, two-bedroom dwellinghouse with basement storage accommodation, removal of the existing vehicular access onto Henley Road with associated landscaping of the garden amenity area.

Officers recommended this application for refusal and it was subsequently withdrawn by the applicant on 18th June 2010.

## **POLICY CONSIDERATIONS**

### Brent Unitary Development Plan 2004

**STR11** – The quality and character of the Borough's built and natural environment will be protected and enhanced; and proposals which would have a significant harmful impact on the environment or amenities of the Borough will be refused.

**STR14** – New development will be expected to make a positive contribution to improving the quality of the urban environment in Brent by being designed with proper consideration of key urban design principles relating to townscape (local context and character), urban structure (space and movement), urban clarity and safety, the public realm (landscape and streetscape), architectural quality and sustainability.

**BE2** - Design should have regard to the local context, making a positive contribution to the character of the area. Account should be taken of existing landform and natural features, the need to improve the quality of existing urban spaces, materials and townscape features that contribute favourably to the area's character, or have an unacceptable visual impact on Metropolitan Open Land. Proposals should not cause harm to the character and/or appearance of an area. Application of these criteria should not preclude the sensitive introduction of innovative contemporary designs.

**BE3** – Relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.

**BE6** - High standard of landscaping required as an integral element of development, including a design which reflects how the area will be used and the character of the locality and surrounding buildings, new planting of an appropriate species, size, density of planting with semi-mature or advanced nursery stock, new integrally designed structural landscaping on appropriate larger sites, boundary treatments which complement the development and enhance the streetscene and screening of access roads and obtrusive development from neighbouring residential properties.

**BE7** – A high quality of design and materials will be required.

**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.

**H11** - Housing will be promoted on previously developed urban land which the Plan does not protect for other land uses.

**H12** – The layout and urban design of residential development should comply with the policies in the Built Environment Chapter, and in addition they should have a site layout which reinforces or creates an attractive and distinctive identity, have housing facing onto streets and defining roads, have access to and layout which achieves traffic safety, have appropriate car parking, and avoid

excessive coverage of tarmac or hard

**TRN11** – Developments should comply with the plan's minimum Cycle Parking Standard (PS16), with cycle parking situated in a convenient, secure and, where appropriate, sheltered location.

**TRN23** – Residential developments should not provide more parking than the levels as listed in standard PS14 for that type of housing, with its maximum assigned parking levels. Lower standards apply for developments in town centres with good and very good public transport accessibility. Where development provides or retains off-street parking at this level then on-street parking will not be assessed. Car-free housing developments may be permitted in areas with good or very good public transport accessibility where occupation is restricted by condition to those who have signed binding agreements not to be car owners. Such persons will not be granted residents' parking permits.

### Supplementary Planning Guidance

SPG17 – Design Guide For New Development

### **CONSULTATION**

Neighbouring occupiers were consulted on 28th April 2010. Neighbours have commented on both this application and 10/0933 without specifically differentiating between them, therefore the objections are considered as relating to both applications. There are 13 in total, plus a petition of 90 signatures from the local area raising the following issues:

- Increased noise - impacting on tranquility and use of gardens.
- Effect on character of the area and local distinctiveness - suburban and open character would be harmed, existing buildings are ancillary. There is no precedent for a dwelling on Henley Road but this would set a precedent for the area.
- Loss of privacy - location of a master bedroom in close proximity to neighbours gardens would impact on their use and enjoyment.
- Loss of trees - if permission is given it would likely lead to requests to remove or severely lop neighbouring trees.
- Development has a cramped 'chicken coop' design and site is too small for a residential dwelling.
- Light would emanate from the proposed rooflights harming residential amenity - an approved 'lantern' at the Tiverton centre has been conditioned to be lit only between 7am and 10pm in the interest of neighbouring amenity.

Another issue regarding fencing at the site has been raised, stating that the fence between the site and number 55 Mount Pleasant Road is not to be removed and is to remain at 3m in height. A 3m high fence would not affect the acceptability of this scheme and the issue of it not being removed i.e. during construction would be a civil matter which both parties would need to negotiate, this would not be a planning consideration.

Councillor Shaw has confirmed that she endorses the objections of the residents.

A letter in support of the two applications on this site has been received from a resident of Hanover Road. They feel that the proposal would be an improvement on what is there at the moment.

### **Internal**

Transportation:

- Existing garages providing 2 off-street spaces will be lost, however these are in separate ownership from 55 Mount Pleasant Road and are not in use.
- Proposed dwelling will attract a maximum of 1.2 car spaces.

The applicant has confirmed that the dropped kerb will be reinstated which will allow for a single on-street space.

## REMARKS

The proposal is for the demolition of an existing single-storey, double-garage building to rear of 55 Mount Pleasant Road, NW10; and erection of a new single-storey, flat-roofed, two-bedroom dwellinghouse with basement storage accommodation, removal of the existing vehicular access onto Henley Road with associated landscaping of the garden amenity area

### Introduction

The application site comprise a double domestic garage which once belonged to the dwellinghouse at No 55 Mount Pleasant Drive. The site has been subdivided for more than 7 years. The garage and the dwellinghouse are now under separate ownership.

As indicated in the history section above, the application site has been the subject of several development proposals none of which have been successful. However, two have been taken to appeal and the views of the Inspector become material to the consideration of this proposal. The difficulties in the past have, in part, been due to privacy and overlooking impact from the proposed first floor level. However, in an appeal outcome for the demolition of the garage and the building of a new coach house at the bottom of the garden (Council's ref 00/1475), the Inspector had made the following comment.

*'...there is no overriding reason why, in principle, part of the existing curtilage of 55 Mount Pleasant Road should not be put into more efficient use, by the erection of a new dwellinghouse, of a suitable design. A substantial garage currently occupies most of the site and the footprint of the proposed dwelling would cover a similar area. The development would not impinge significantly, on the existing garden area for 55 Mount Pleasant Road and thus, I do not consider that it would detract significantly from the spaciousness of the area.....'*

In these circumstances, it is considered that the principle of erecting a separate house on the site has been established and it consequently falls to deal with the related details to ensure local amenity is not harmed.

### Proposal - design

Application reference 08/1976, for a 2-storey dwellinghouse (basement and ground floor) was refused by the Council. The main reasons for refusal were for its size, scale, siting and design. This decision was taken to appeal and while the Planning Inspector dismissed the appeal it was not for the reason of design stating:

*'...the setting of the appeal site would be able to successfully accommodate the low profile contemporary design proposed, it would add interest to the locality and contribute positively to its character and appearance'.*

The existing garage on the site is 3.45m high and its footprint covers the western two-thirds of the plot with its front elevation within 2m of Henley Road.

The proposal has an innovative contemporary design with a green flat roof. The proposed dwellinghouse is L-shaped allowing for usable amenity space at the front and is designed sensitively to reduce any impact to the nearby neighbours. While its elevations are close to the boundaries its sits easily within a 45 degree angle from 2m in height at the boundaries as per the guidance of SPG17. At its closest point to the neighbouring garden boundaries it is 2m, at a distance of 1m from the boundary with 100 Hanover Road the height steps up to 3m and at 0.9m from the rear of 55 Mount Pleasant it steps to approximately 2.5m - this height difference is due to the ground level change along Henley Road.

The proposed building steps up to its maximum height at about 3.8m from the rear boundaries of

Hanover Road and about 2m from the side boundary of 57 Mount Pleasant. From ground level this maximum height is approximately 3.6m and falls well below the 45 degree angle.

The dwelling is proposed at ground floor with a basement for storage. The previous scheme included a habitable basement and raised ground level with a maximum height of 3.9m. In height and bulk the current proposal, without the raised ground floor appears more modest and sympathetic to its restricted location.

The highest 'step' of the current proposal is smaller in width than the previously refused scheme. While officers considered the height and siting to be harmful to neighbouring amenity previously, the Planning Inspector disagreed stating that it would be *'unlikely to appear overdominant when seen from neighbouring dwellings or gardens'* and this was not held as a reason for the dismissal of the appeal. As discussed above the maximum height of the proposal is less and it sits more easily below the 45 degree angle demonstrating that its impact would be less significant. Given that this relationship is improved and the Planning Inspector did not think that the previous scheme would be harmful, officers are clearly of the opinion that the current scheme is satisfactory in terms of any neighbouring impacts.

The front elevation includes large glazed windows/doors facing the frontage of the site and the main fenestration from bedroom 2 faces the garages at the rear of 98 Hanover Road, no part of the scheme would impact on the privacy of neighbouring occupiers in terms of overlooking.

As noted above objections have been received with regard to noise, privacy and outlook, however as described the proposal is considered to comply with the Council's policies and guidance. Moreover the Planning Inspector for the previous scheme stated

*'..the effect of the proposal on the living conditions of neighbouring residents, with particular reference to outlook, privacy as well as noise and disturbance, would be acceptable'*.

There are no new issues in the current scheme which would lead to this outcome being different.

Policy BE9 states that the new buildings should embody creative and appropriate design solutions, specific to their site's shape, size and location. The proposal does this and promotes the amenity of the users providing a satisfactory level of daylight, sunlight, outlook and privacy for existing nearby residents and future residents.

The proposal provides 2 bedrooms, a family sized dwelling, with its internal floor area exceeding the minimum requirement of 65sqm. The proposal provides approximately 78sqm plus a basement storage area of 18.5sqm. The reason for the Planning Inspector's dismissal of the previous scheme was the quality of accommodation which would be provided by the basement level habitable accommodation. In the current design the basement would be a utility and storage room, not requiring windows and as such the level of amenity in terms of light and outlook provided by the proposed dwellinghouse would be acceptable.

### Streetscene

The detached garages and rear gardens set the streetscene for Henley Road. The existing garage is set back slightly from the boundary along Henley Road and the adjacent garage at the rear of No 98 Hanover Road is sited flush along the boundary. The majority of the proposed dwellinghouse is separated from the street by the amenity space at the front, with the smaller element containing bedroom 2 having a set back of 1.2m. The height of the proposed structure, ranging from 2m to 3.6m is not significantly different to the existing 3.45m high garage and would not dominate the streetscene. Furthermore the northern elevation of the highest element of the proposed building is largely glazed, minimising its impact. The dwelling would have an active and attractive appearance.

### Amenity space

The amenity space for the proposed dwellinghouse is located to the front which provides over 50sqm which is the minimum required by SPG17. In addition, the floor plan currently indicates new silver birch trees and a high quality landscaping scheme will be sought through a condition to further enhance the amenity space and streetscene. The location of the amenity space also reduces the potential overlooking and privacy impact to the nearby neighbours.

### Transportation

The existing garage can accommodate 2 off street parking spaces however the site is under separate ownership to No 55 Mount Pleasant Road and it is not currently in use. The proposed dwelling will result in an increase in parking attracting up to 1.2 spaces in accordance with the Parking Standard 14 of Unitary Development Plan 2004. In order to ease the parking spaces on Henley Road, the existing 6m dropped kerb serving the garages will be reinstated to pedestrian footway and would allow room on street for a vehicle space to serve the dwelling, although this will not be restricted in anyway.

Details of the bicycle parking storage and refuse storage is integrated within the design of the dwellinghouse, located closer to the highway, which provides satisfactory storage and is screened from the street.

### Conclusion

The proposed development would utilise the site in a more efficient and attractive way adding to the housing stock in the Borough. The proposed design is innovative and well designed to minimise any potential impact to the existing occupiers of the nearby dwellings and the character and appearance of the streetscene. The proposal is in accordance with policies contained in Brent's Unitary Development Plan 2004 and the design standards in SPG 17. Therefore, the proposal is duly recommended for approval subject to conditions and S106 agreement.

### **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) 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 drawing(s) and/or document(s):

OS Sitemap

350/020

350/022

425/GA.2A

425/GA.4

425/GA.6

425/GA.8

425/GA.10

425/GA.13

350/021

350/023A

425/GA.3

425/GA.5

425/GA.7

425/GA.9

425/GA.11

425/GA.15

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

- (3) The area 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 landscape work to 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.

The scheme shall include species, sizes and numbers as well as details of hardstanding materials.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality, in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- (4) No further extensions or buildings shall be constructed within the curtilage of the dwellinghouse(s) subject of this application, notwithstanding the provisions of Class(es) A, B, C, D & E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason(s):

To prevent an over development of the site and undue loss of amenity to adjoining occupiers.

- (5) No off-street parking shall be allowed at the site at any time in the future.

Reason:

To ensure the modest amenity space is not eroded by vehicle parking.

- (6) The roof shall not be accessed other than for maintenance and shall not be used as a roof terrace at any time.

Reason: In the interest of neighbouring privacy.

- (7) Before the development hereby approved is occupied, the redundant vehicular access and crossover shall be stopped up and reinstated to footway, and a new



on-street parking bay installed including the removal of the single yellow line, at the applicant's expense.

Reason: In the interests of pedestrian and highway safety, and to provide suitable car parking for the scheme in compliance with Policy TRN24 of the UDP 2004.

- (8) Details of materials, including samples, for all external work including fencing, 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.

- (9) A full tree survey and tree protection statement complying with BS5837:2005 'Trees in relation to construction' shall be submitted to and approved in writing by the Local Planning Authority before any works commence on site, the work shall then be carried out in accordance with the approved details.

Reason: To ensure that the development does not result in the damage or death of nearby trees which would result in the loss of amenity and biodiversity.

**INFORMATIVES:**

None Specified

Any person wishing to inspect the above papers should contact Liz Sullivan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5377



## Planning Committee Map

Site address: Garages rear of 55 Mount Pleasant Road, Henley Road, London

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