

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

**Item No. 5  
Case No. 10/1000**

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**RECEIVED:** 28 April, 2010

**WARD:** Brondesbury Park

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

**LOCATION:** 149 Chatsworth Road, London, NW2 5QT

**PROPOSAL:** Erection of a single and two storey rear extension, installation of a rear dormer window with juliette balcony, two front rooflights, 4 side rooflights, installation of new first floor side window, 2 ground floor side windows, installation of additional front door and conversion of extended dwellinghouse into 2 self-contained flats

**APPLICANT:** Mr Javed Taimuri

**CONTACT:** Saloria Architects

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

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**RECOMMENDATION**

Approve.

**RECOMMENDATION**

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services 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 £3,000 (£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 site is occupied by a two-storey semi-detached dwellinghouse situated on Chatsworth Road. The property is located just outside Mapesbury Conservation Area and is adjacent to a designated wildlife corridor, which runs along the railway line to the rear. The dwellings on Chatsworth Road are generally large detached or semi-detached, properties.

## **PROPOSAL**

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## **HISTORY**

Full Planning permission (Ref No: 09/1699) for the erection of single-storey and two-storey rear extension, rear dormer window with juliet balcony, installation of 4 facing windows at second floor level towards 147 Chatsworth Road and conversion of dwellinghouse into 1 three-bedroom maisonette, 1 two-bedroom flat and 1 studio flat, with formation of vehicular access onto Chatsworth Road and associated landscaping was refused by the Council and was dismissed at appeal on the 25th of May 2010

Full planning permission (Ref No: 09/0462) for the Erection of a 2 storey rear extension and internal alterations to dwellinghouse was approved on the 8th of May 2009

Certificate of Lawfulness (Ref No 08/0484) for a proposed rear dormer window with Juliet balcony and gable-end roof extension with 4 new windows at second-floor level to side of dwellinghouse was granted on the 12<sup>th</sup> of August 2008 as not requiring formal planning permission.

Full planning permission 03/1341 for a single storey rear extension to the dwellinghouse was approved on the 8<sup>th</sup> of August 2008

## **POLICY CONSIDERATIONS**

### **Unitary Development Plan 2004**

<b>BE2</b>	Townscape: Local Context & Character
<b>BE9</b>	Architectural Quality
<b>H17</b>	Flat Conversions
<b>H18</b>	The Quality of Flat Conversions
<b>H19</b>	Flat Conversions – Access & Parking
<b>TRN23</b>	Parking Standards
<b>TRN24</b>	On-street parking

**Supplementary Planning Guidance Note 5: Altering and Extending your Home**  
**Supplementary Planning Guidance Note 17: Design Guide for New Development**  
**Supplementary Planning Document: S106 Planning Obligations**

## **SUSTAINABILITY ASSESSMENT**

Not applicable.

## **CONSULTATION**

### **External:**

The Owner/Occupiers of the neighbouring properties were consulted on 17<sup>th</sup> of May 2010. The Local Authority has received 6 objections to the application. A summary of the objections is listed below:

- Poor internal layout, resulting in noise transmission
- Family units should be located on the ground floor
- The living area in flat B is too small
- Flat A has too many living areas
- The ground floor flat (A) has the potential to be converted into a three bedroom flat

- The infilling of the roof is unacceptable
- Balustrades on the dormer window will affect matters of privacy
- Uncertainty as to how the garden will be accessed
- The bathroom on the ground floor is unnecessary
- Ambiguity as to which windows will be non-opening
- Ambiguity in the means of escape
- The conversion into flats will harm the character of the area
- Only 1 vehicle space is available, not 2 as suggested
- Ambiguity as to what the two storey extension will be used for
- The two storey extension will result in a loss of daylight on neighbouring properties
- The upper floor flat will negatively impact the privacy and enjoyment of neighbouring gardens
- The fireproofing and soundproofing will have a detrimental impact on the neighbouring property
- Scale and size of extensions contradict policy BE2 and BE9
- Overlooking caused by proposed flank windows and Juliet balcony
- Increased Parking strain
- Front garden should contain some soft landscaping
- Back garden should not be divided up into smaller portions
- Loss of family sized accommodation without compensation

### Internal

Transportation Engineer - No objection.

## **REMARKS**

### **Introduction**

As indicated above, an Inspector has recently considered an appeal for a similar scheme, including a number of extensions to this house and the conversion of the property into 3 flats. The appeal was dismissed and, as is always the case in situations of this kind, the views expressed by the Inspector in reaching their conclusions become the starting point in any subsequent consideration of further proposals. Although the issues are set out below, in summary, the conclusions of the Inspector were as follows:

- the principle of development, and the conversion of the house into flats, is accepted, although 3 units were considered to be overintensive.
- the proposed extensions and alterations (with the exception of the windows in the flank wall to No.147 Chatsworth Road) were acceptable.
- the quality of accommodation for future occupiers of the flats, by way of outlook, daylight, privacy and amenity space, was considered to be acceptable
- there would be no detrimental impact on neighbouring properties, by way of loss of privacy and outlook.
- the impact on the character of the area was considered to be acceptable

### **Principle of development**

Members will note that the appeal Inspector made a number of comments in relation to the proposal to convert the building into 3 flats. Whilst not objecting to the principle of converting the building, he did raise specific objections to the intensity of development proposed.

"From what I saw on my visit, it appeared that some buildings to the west may have been converted, but those to the east were generally in single family occupation."

"Policy H18 of the UDP includes a number of provisions that should also be complied with. In my opinion, bearing in mind the character of the area (that I have set out above) the proposal would result in an over-intensive scheme, which would not sit comfortably in its surroundings. The three units would result in a relatively high level of activity in what appears to be a generally quiet, suburban street."

The current scheme now only includes two flats and it is considered that whereas the Council clearly felt that a 3 unit proposal would be unacceptably intense, it would be difficult to reach a similar conclusion on the basis of a conversion into 2 flats. This is on the basis that, as clearly explained by the Inspector, the criteria of policy H18, in terms of the quality of flat conversions, are complied with.

It should be noted that the Council's Core Strategy of its Local Development Framework is nearing adoption having been through its Examination in Public (EiP) and the Council having agreed in principle to changes recommended by the Secretary of State. The final step before full adoption is to get agreement for the Secretary of States' proposed changes from the Full Council which is scheduled to take place on the 11th July 2010. The Core Strategy will supersede some of the saved policies of the existing UDP. Policy CF21 of the Core Strategy seeks to protect family housing which it defines as being properties with three or more bedrooms. This will supersede policy H18 of the UDP which defines family housing as being two or more bedrooms. This means that upon formal adoption of the Core Strategy future flat conversions will have to provide at least one three bed or larger unit. An assessment of the proposal in relation to the emerging policy is set down below.

The proposal now includes a 3 bed unit in the lower of the two flats which responds to the types of concerns that will need to be considered in all conversion proposals once the Core Strategy has been formally adopted. Whilst strictly speaking, the requirement for a 3 bed family unit at this stage is not necessary in order to comply with adopted policy, Officers consider that the fact that the scheme does include such a large unit is welcomed, in the context of the acknowledged housing need within the Borough.

## **Extensions**

A number of extensions are proposed as part of this application and each will be dealt with in turn. 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 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.

For the avoidance of doubt, the extensions are all identical to the proposal considered by the appeal Inspector and where he made specific comments about particular elements of the scheme they are set out below.

### **Single Storey Extension**

Members will be aware that SPG 5 requires single story extensions to a semi-detached property to be no deeper than 3m with a maximum height of average height of 3m in order to minimise impact. The proposed single storey extension will be located across the rear of the property between the boundary with No.151 and the two storey extension described below. It would be approx 4.2m wide and will comply with SPG5 guidance. The roof of the extension accommodates the existing bay feature, by way of a sloping roof with rooflights. The proposed extension is acceptable, in terms of impact on neighbours and also design.

### **Two storey extension**

The two storey rear extension is sited towards No.147, having a similar width to the single storey element. SPG5 employs a "2 to 1" guidance assessment which requires two storey rear extensions to be no deeper than 1/2 the distance from the flank wall of the extension to the middle of the nearest habitable room window in the neighbouring property. Again, this is to allow the impacts of the extension to be minimised. The applicant has applied SPG5 guidance to this proposal and has

confirmed that the proposed extension would comply with it. The roof of the extension is, as previously, set down from the main roof of the house in order to ensure that it appears subservient. Officers consider this arrangement to be acceptable.

#### Dormer Window

The design of the proposed dormer window is in general compliance with SPG5, both in terms of its bulk, size and appearance. It is not considered that the proposed rear dormer window with Juliet balcony would result in a significant increase in overlooking to neighbouring properties beyond that possible from the rear facing windows of the existing property. The appeal Inspector did not raise objections to the dormer window.

#### Other Roof Extensions

An extension proposes to infill the two pitches of the roof resulting in what is effectively a flat roof. The proposals for this property originally proposed 4 windows in the flank wall at roof level facing No.147, but the appeal Inspector found these windows to be unacceptable, leading to a loss of privacy. As a result, the applicant has removed all windows from this part of the building and instead proposes two rooflights that will sit flush on the top of the roof, as well as two in the front roofslope.

The Inspector stated that:

"Turning to the infilling of the roof between the two ridges while I accept that in design terms it would be a radical step, I do not consider that it would have a harmful effect on the character of the building or on the street scene."

#### **Conversion to flats**

The proposed conversion of the property to into 2 self contained flats is considered acceptable in principle. The house meets the requirement set out in policy H17 of the Council's Unitary Development Plan that its original unextended floor area is no less than 110 m<sup>2</sup>. The proposed flats all meet the minimum floor areas set out in SPG17. The proposed internal layouts of the rooms are considered acceptable. All the proposed flats are considered to have sufficient outlook, daylight and privacy.

#### Impact on future occupiers

As indicated, both units significantly exceed the prescribed internal floor area requirement set out in SPG 17. The property has been "stacked" appropriately, further the applicant has confirmed the development will meet sound proofing requirements set out in Part E of Building Regulations. Officers are satisfied that the noise transmission between floors will not cause detrimental harm to future occupiers.

Flat A will have access to the external amenity space (in excess of 50sqm). Flat B is not proposed to have access to any private external amenity space, however it is considered that the internal floor area is large enough (approx. 100 sqm) to offset the shortfall in amenity space and that the financial contribution required through the Section 106 would help to off-set this concern. Members will be aware that SPG17 does set out the circumstances in which the inability to provide outside garden space can be mitigated against.

The proposal dismissed at appeal envisaged two bedrooms and two bathrooms with a staircase in the loft. As indicted elsewhere, the Inspector considered that the insertion of windows in the flank would relate poorly to neighbours. He also considered whether making these openings obscure glazed, which would overcome the concerns for neighbours, would provide an acceptable quality of accommodation for future residents. His conclusion was that he was not convinced the obscure

glazed flank windows to this area would create an acceptable standard of living for future occupiers by way of inadequate natural light.

The applicant has responded by proposing two bedrooms and one bathroom with a staircase in the loft. All obscure glazed non opening flank windows have been removed. Bedroom 1 will be served by two front rooflights and two further rooflights that will be positioned on the flat roof of the extension. The front rooflights will be positioned so as to provide adequate outlook, as demonstrated via a section through the roof.

#### Impact on Neighbouring properties

The impact of the extensions on neighbouring properties is considered to be acceptable, for the reasons set out above. A condition restricting all new windows to be obscure glazed and non-opening is attached to this recommendation.

#### Transportation Issues

A 4 bedroomed house such as the existing dwelling attracts a maximum car parking standard of 2.0 spaces and the proposed flats (2.8 spaces) will not represent a significant increase in the car parking requirements. The Inspector considered the appeal scheme for 3 flats, which required 3.8 spaces applying PS14 of the UDP, to be unacceptable.

"The proposal is therefore likely to generate addition (sic) parking demand, putting pressure on existing on-street provision, which would be likely to result in conditions that were prejudicial to highway and pedestrian safety."

One off-street car parking space has been indicated within the site and one further on-street space can be counted towards the parking standard. Transportation Officers find this arrangement to be acceptable on a street that is not defined as "heavily parked" within the UDP. For clarity, a "car-free" scheme is not possible here because the access to public transport is not good enough to provide an alternative to the use of the private car.

The refuse and recycling storage shown on the frontage of the site is acceptable, although details of how the bins will be screened are required. There are details of secure cycle parking for the proposed dwellings, however it is not covered storage as sought within Parking Standard PS16 of the UDP-2004. Further details will, therefore, be secured by condition.

#### Conclusion

The proposal has taken on board the comments of the appeal Inspector in dismissing a 3 unit conversion scheme earlier this year and it now complies with policies BE2, BE9, H18 and TRN23 of Brent's UDP 2004. In addition, the scheme complies with the guidance contained within SPG5 and SPG17, and on that basis this application is recommended for approval, subject to a Section 106 legal agreement.

#### REASONS FOR CONDITIONS

**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 5 - Altering and Extending Your Home

## 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):

7105-51-P4

7105-52-P7

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

- (3) All proposed flank windows shall be constructed with obscure glazing and non-opening and shall be permanently retained, and maintained, in that condition thereafter, unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupiers.

- (4) 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.

- (5) 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 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. This scheme shall include details of screening for the proposed bin storage area.

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.

- (6) Details of the provision of a minimum of 2 secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. Thereafter, the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

**INFORMATIVES:**

None Specified

**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



## Planning Committee Map

Site address: 149 Chatsworth Road, London, NW2 5QT

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This map is indicative only.