



**Planning Committee Map**

Site address: Building rear of 48, Haycroft Gardens, London

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This map is indicative only.

**RECEIVED:** 24 July, 2014

**WARD:** Kensal Green

**PLANNING AREA:** Harlesden Consultative Forum

**LOCATION:** Building rear of 48, Haycroft Gardens, London

**PROPOSAL:** Demolition of existing garage to the front and gym block to the rear and erection of a 3 bedroom bungalow on land to the rear of 48 Haycroft Gardens, NW10, with associated access, provision for car and cycle parking, bin stores and landscaping

**APPLICANT:** Mr Aaron Fuest

**CONTACT:** Drawing and Planning Ltd

**PLAN NO'S:**

See Condition 2.

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## RECOMMENDATION

Grant Permission subject to the conditions listed after paragraph 14.

## CIL DETAILS

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is **£19,242.98** of which **£16,366.07** is Brent CIL and **£2,876.91** is Mayoral CIL.

### CIL Liable?

Yes/No: Yes

## EXISTING

This site is located on the southern side of Haycroft Gardens (a local residential access road), about 210m west of its junction with Furness Road and close to the end of this cul-de-sac. The application site would have originally been part of the curtilage of the semi-detached house at No.48 that was converted into two 2-bedroom flats in 2008 under planning reference 08/0530.

At the same time planning permission was sought for the retention of a martial arts complex known as a 'Dojo' to form a separate planning unit (Brent Ref: 08/1810 - see 'History' below) to the rear of the site. This consent was granted at the Council's Planning Committee with a number of controls about the intensity of the use. The Dojo has clearly not been used for some time and is in a poor state of repair with the remainder of the site overgrown. It is this part of the site which is the subject of this application to create a new single storey two bedroom dwellinghouse.

The site lies within Controlled Parking Zone "HW", operational between 8am-6.30pm Mondays to Saturdays. On-street parking is generally restricted to residents' permit holders during these times and there is a residents' parking bay in front of the property. The road is not noted in Appendix TRN3 of the UDP as being heavily parked and recent overnight parking surveys from 2013 suggest that is still the case. Public transport access to the site is poor (PTAL 1), with just one bus service within 640 metres (8 minutes' walk).

## PROPOSAL

See above.

## HISTORY

The relevant planning applications in relation to this proposal are as follows:

### **2008: Retention of the existing 'Dojo' building**

*Retention of single storey outbuilding to R/O 48 Haycroft Gardens for use as a Dojo (which is a building*

where martial arts training takes place). Granted 8 October 2010 subject to a number of conditions controlling the use:

Condition 3 states:

The maximum number of persons present at any time in association with the use shall not exceed 4 people.

Condition 4 states:

This permission allows the use of the application premises by Mr Aaron Fuest only and cannot be transferred with the land or used by any other person or persons obtaining an interest in it.

**2008: Conversion of 48 Haycroft Gardens into two self-contained flats**

08/0530: Conversion of the dwellinghouse into 2 self-contained flats, including the erection of a single storey rear extension. Granted 25 June 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.

The development plan for the purpose of S38 (6) The Planning & Compulsory Purchase Act 2004 is the Brent Unitary Development Plan 2004, Core Strategy 2010 and the London Plan 2011. Within those documents the following list of policies are considered to be the most pertinent to the application:

***London Plan 2011***

Policy 3.5 Quality and Design of Housing Developments

***Brent Core Strategy 2010***

- CP 2 Population and housing growth  
Sets out the appropriate level of growth across the borough, including the number of new homes and proportion of affordable housing sought
- CP 17 Protecting and enhancing the suburban character of Brent  
Balances the regeneration and growth agenda promoted in the Core Strategy, to ensure existing assets (e.g. heritage buildings and conservation areas) are protected and enhanced. Protects the character of suburban housing and garden spaces from out-of-scale buildings.
- CP 21 A balanced housing stock  
Seeks to maintain and provide a balanced dwelling stock to accommodate the wide range of Brent households by: ensuring appropriate range of dwellings and mix; defining family accommodation as units capable of providing three or more bedrooms; requiring new dwellings be 100% Lifetime Homes and 10% wheelchair accessible; contributes to non-self contained accommodation and care & support housing where needed.

***Brent UDP 2004***

- BE2 Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area or have an unacceptable visual impact on Conservation Areas.
- BE3 Proposal should take regard for the existing urban grain, development pattern and density in the layout of development site.
- BE4 Access for disabled people
- BE6 A high standard of landscape design is required as an integral element of development schemes.
- BE7 A high quality of design and materials will be required for the street environment.

- BE9 Creative and high-quality design solutions 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 uses.
- H12 Residential site layout to reinforce/create an attractive/distinctive identity appropriate to its locality, housing facing streets, appropriate level of parking, avoids excessive ground coverage and private and public landscaped areas appropriate to the character of area and needs of prospective residents.
- H13 The appropriate density should be determined by achieving an appropriate urban design, make efficient use of land and meet the amenity needs of potential residential, with regards to context and nature of the proposal, constraints and opportunities of the site and type of housing proposed.
- TRN23 Parking standards for residential developments. The level of residential parking permitted will be restricted to no greater than the standards in PS14.
- PS14 Parking standards for residential uses

### **Brent Supplementary Planning Guidance**

#### **SPG17 Design Guide for New Developments**

Sets out the general design standards for development and has regard to the character, design and appearance of developments, the design layout with respect to the preservation of existing building lines, size and scale of buildings and structures, and privacy and light of adjoining occupants. This policy guidance document addresses residential densities, minimum sizes for residential dwellings, external finishing materials, amenity spaces and parking related issues.

### **CONSULTATION**

Letters were sent to neighbouring properties on 6 August 2014 and Ward Councillors on 26 August 2014. 17 objections have been received on the following basis:

<b>Objection</b>	<b>Officer Response</b>
Development within back garden contrary to the suburban character of the area and local urban grain (Policy H15).	See Paras 5-8.
Increased noise and disturbance associated with occupancy of the site as a dwelling (Policy H6).	See Paras 10-11.
Impact on local parking conditions	See Para 13.
Previous reasons for refusal for an application in 1994 are still valid.	Refer to site history section, which shows that previously two dwellings were approved (compared to 4 which were refused).
Foot print larger than a terraced house and larger than existing 'Dojo'.	Whilst the footprint may be larger than other houses in the area (given its single storey nature) this would not be demonstrably harmful and would be smaller than the 'Dojo'.
Increased security risk	The proposal would increase natural surveillance of the area and would have a boundary treatment.
Existing restrictions on the use of the 'Dojo' building to reduce impact on neighbours.	Noted but not materially more harmful than existing (see Para 10-11).
Loss of habitats	There are no biodiversity designations applicable to the site or no evidence of existing habitats of significance on the site.
How would the site be serviced in the event of a fire?	See Para 14.
Loss of Privacy to 48 Haycroft Gardens as a result of increased overlooking from the rear	Disagree, proposal complies with SPG17 (see Paras 10-11).

facing windows of Dairy Close.	
Loss of existing vegetation would result in loss of visual amenity and privacy.	Acknowledge, but high quality replacement would be secured (see Para 12).
What restrictions will be placed on the future development of the site?	Restrictions would be placed on permitted development rights to control future development of the site.

**Transportation:** No objection

**Landscape and Design:** Support the landscaping scheme, subject to minor amendments

**London Fire Brigade:** No objection, subject to further details of a horizontal dry riser.

## REMARKS

### **Background**

1. A number of changes have been requested by Officers since the proposal was initially submitted in order to reduce the impact on neighbouring properties and enhance the quality of the development to make the proposal acceptable in planning terms. A summary of these changes are:

- A reduction in the number of bedrooms from three to two (and a decrease in the overall footprint of the building);
- Reduction in the number of parking spaces from two to one (as a result of the decrease in the number of bedrooms);
- The submission of an arboricultural assessment in order to properly assess the quality of the trees to be removed; and
- The submission of an enhanced landscaping scheme in the interest of residential amenity.

### **Key considerations**

2. The key considerations of this proposal are as follows:

- (1) Principle of development
- (2) Design, Layout & Impact on Street Scene
- (3) Standard of accommodation
- (4) Impact on neighbouring amenity
- (5) Landscaping
- (6) Parking & access
- (8) Servicing by the London Fire Brigade

#### **1. Principle**

3. The sub-division of the application site from the original property, 48 Haycroft Gardens, was established in 2008 when permission was granted for the existing 'Dojo' building, albeit on a personal basis to the current applicant and with controls over the occupancy of the building in order to give the Council substantial control over the future use of the site. Prior to this permission had been granted for a pair of two storey semi-detached houses which clearly was never implemented. In any event, this decision is not considered to be material to the current proposal as it was made twenty years ago and since this time there has significant changes national planning policy and the Council's development plan. However, the existence of the Dojo building in a sub-divided piece of land to the rear of the Haycroft Gardens properties is a significant material consideration in the discussion as to whether, or not, this current proposal is acceptable.

4. With reference to the general character of the area the proposal has a number of characteristics of 'backland' development whereby the development is proposed in a former back garden within the setting of adjoining residential back gardens. As such protection is offered by policy CP17 of the Core Strategy which seeks to protect the suburban character of the Borough and through policy H15 of the UDP which seeks to ensure such proposals are sensitively designed to respect the character and appearance of the area. Thus the context of the site and, in particular, its relationship with surrounding residential properties is a sensitive one (which has been highlighted through numerous representations) However, the policy context does not preclude a development of this nature and the merits of the proposal are discussed below.

#### **2. Design, Layout & Impact on Street Scene**

5. The proposed dwelling would be single storey in nature, containing two bedrooms (reduced from the three bedrooms that were originally proposed in the larger building that was originally submitted here). The footprint of the replacement building would be smaller than the existing building and the overall height would be slightly reduced compared to the existing situation. The building would be of a simple, contemporary domestic design being constructed in facing brick work (Thames multi stock), aluminum framed windows, timber

panelled cladding and louvers as well as a mono pitch green roof. It is noted that the proposed dwelling would not be a prominent feature within the local townscape, on this basis the general approach of the design of the building is considered acceptable subject a condition to secure details of the materials to secure a quality finish to the proposal given its simple appearance.

6. It is acknowledged that the proposal would not replicate exactly the prevailing pattern of development, however, in this instance this is not considered to be harmful given that the proposal would not be largely visible from the public realm. What would have been the original garden space of No. 48 Haycroft Gardens is much larger in terms of its width than surrounding gardens which offers the opportunity for a sensitive development that would not be present in surrounding gardens. Furthermore for the purposes of policy H15 the density and height of the proposal would be subservient to frontage housing on Haycroft Gardens and would retain sufficient gardens space so as to maintain the spaciousness of the area.

7. To the front of the site the existing garage (associated with the 'Dojo') would be demolished and an area of hardstanding created for the parking of one vehicle and soft landscaping. It is acknowledged that the occupiers of the property would need to walk approximately 50m from the parking space to the front of the door. However, the submitted plans demonstrate that this would be safe and attractive given the enhanced landscaping proposed.

8. It is suggested that Permitted Development rights are removed from the house so that any future extensions to it would need formal planning permission from the Council and the impact of those additions can then be fully assessed. It is considered that this restriction is needed in this case given the delicate balance between building and outside space on the site which forms the basis of this positive recommendation.

### **3. Standard of accommodation**

9. The size of the unit and rooms would comply with the guidance in the Mayor's Housing SPG. The rooms would look onto the garden space of the development which exceeds the recommended size in SPG17. The garden would be the subject of a comprehensive landscaping scheme so as to provide a good outlook to the habitable rooms of the development. Overall the proposal would provide a good quality residential environment in accordance with policy BE9 of the UDP.

### **4. Impact on neighbouring amenity**

10. In terms of the physical impact of the replacement building, this would be smaller than the existing building whereby the overall footprint and height has been reduced than the existing structure. In any event the building would be set below a 30 degree line from neighbouring habitable room windows and 45 degree from adjoining garden areas in accordance with the SPG17 guidance. The building would be at least 13m from neighbouring properties to the rear on Dairy Close and at least 29m from the nearest residential property on Haycroft Close. This complies with all of the relevant SPG17 criteria in respect of privacy (even though the proposal is single storey in nature). Significant concerns have been raised in relation to general noise and disturbance from the proposal and officers have sought to reduce the number of bedrooms within the dwelling to two so that the number of persons present within the site would be similar to the 'Dojo' which was restricted to four persons by condition. It is noted that the vehicular parking would be restricted to the front of the site adjacent to existing parking for other properties as such no vehicles would enter the rear part of the site. Thus given the separation distances between neighbouring properties it is not considered that the development would have a materially harmful impact on noise and disturbance to neighbours given the general pattern of development elsewhere.

11. The relationship between existing and proposed forms of development would be different from what might normally be found in the Borough, but the report explains why that is the case and in the very specific circumstances here it is considered that it would be difficult to argue that existing residents would have their amenity impacted upon to an unacceptable degree by the creation of this single storey two bedroomed house. The removal of permitted development rights would allow future control over building extensions and outbuildings in the interests of residential amenity.

### **5. Landscaping**

12. The existing site benefits from substantial soft landscaping, however, this is currently overgrown but it does serve to provide a verdant setting to surrounding residential properties. The proposal would result in the removal of the existing landscaping including some trees to facilitate the development. However, the Tree Officer has confirmed that the proposed trees to be removed are not of a sufficient quality to warrant their retention subject to mitigation through an appropriate landscaping scheme. Given the sensitivity of the site which is surrounded by back gardens, Officers consider that it is essential that any landscaping scheme is of a high quality to support the development. The Landscape & Design team have confirmed that the amended,

enhanced landscaping scheme is of an excellent quality (subject to some minor alteration which can be secured by condition). In particular, the proposed trees would provide screening and a setting to the proposed dwelling and would also bring the existing landscaping under good management.

#### **6. Parking & access**

13. Car parking allowances for residential use are set out in standard PS14 of the adopted UDP 2004. As the site does not have good access to public transport services, the full allowance set out in the main table of the standard applies. The proposed 2-bedroom house at the rear of the site will generate a requirement for 1.2 spaces. The proposed plan shows parking for a single vehicle in compliance with the standards and no alterations will be required to the existing vehicular crossover onto Haycroft Gardens. A storage area for the bins is shown within 20m of the highway and cycles could be stored within the garden if required.

#### **7. Servicing by the London Fire Brigade**

14. Given the distance from the footway the London Fire Brigade (in connection with the Council's Building Control department) have been consulted on the proposal. Given the distance from the public highway and the inability of a fire appliance to enter the site, LFB have requested that a horizontal dry riser be installed. A horizontal dry rise is a pipe buried beneath the ground which connects to the existing fire hydrant in the street and runs into the site. In the event of a fire LFB would be able to connect their hose to this pipe enabling them to extinguish any fire.

**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 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):

HYCGRD\_D201 Rev A; HYCGRD\_D202 Rev A; HYCGRD\_E201 Rev A; HYCGRD\_E202 Rev A; HYCGRD\_E203 Rev A; HYCGRD\_E204 Rev A; HYCGRD\_E205 Rev A; HYCGRD\_L201 Rev A; HYCGRD\_P201 Rev A; HYCGRD\_P202 Rev A; HYCGRD\_S201 Rev A; Design & Access Statement; Landscaping Plan - JN659 x3 (prepared by PBA consulting); and Tree Report (prepared by PBA consulting).

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

(3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse(s) hereby permitted, or any detached building erected, without the express permission in writing of the council.

Reason: The further extension of this dwelling or erection of detached building requires

detailed consideration to safeguard the amenities of the surrounding area.

- (4) 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.

- (5) Notwithstanding the information shown on the submitted landscaping plan, all areas shown on the plan and such other areas as may be shown on the approved plan shall be suitably landscaped with trees/shrubs/grass in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed during the first available planting season following completion of the development hereby approved. Such scheme shall also indicate details of proposed walls and fencing, indicating materials and heights and a revised hard landscaping treatment for the vehicular parking area. Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

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) Prior occupation of the dwelling hereby approved further information shall be submitted to and approved in writing by the local planning authority of a horizontal dry riser which shall be installed in full accordance with the approved details prior to occupation of the dwelling and permanently retained at all times thereafter unless otherwise agreed in writing.

Reason: In the interests of the safety of the occupier of the proposed dwelling in the event of a fire.

- (7) No building or use hereby permitted shall be occupied or the use commenced until the refuse store, and area/facilities allocated for storing of recyclable materials, as shown on the approved plans have been completed in accordance with the approved plans. Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection.

Reason: To safeguard the amenity of the occupiers of adjoining premises, protect the general environment, and prevent obstruction to pedestrian movement, and to ensure that there are adequate facilities for the storage and recycling of recoverable materials.

#### **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 advised to contact the Building Control department on 020 8937 5210 to understand the full requirements for the provision and installation of the required horizontal dry riser.
- (3) The applicant is advised to refer to the case officer's email dated 27.11.14 in respect of the details required pursuant to the landscaping condition.

Any person wishing to inspect the above papers should contact Matthew Harvey, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 4657



