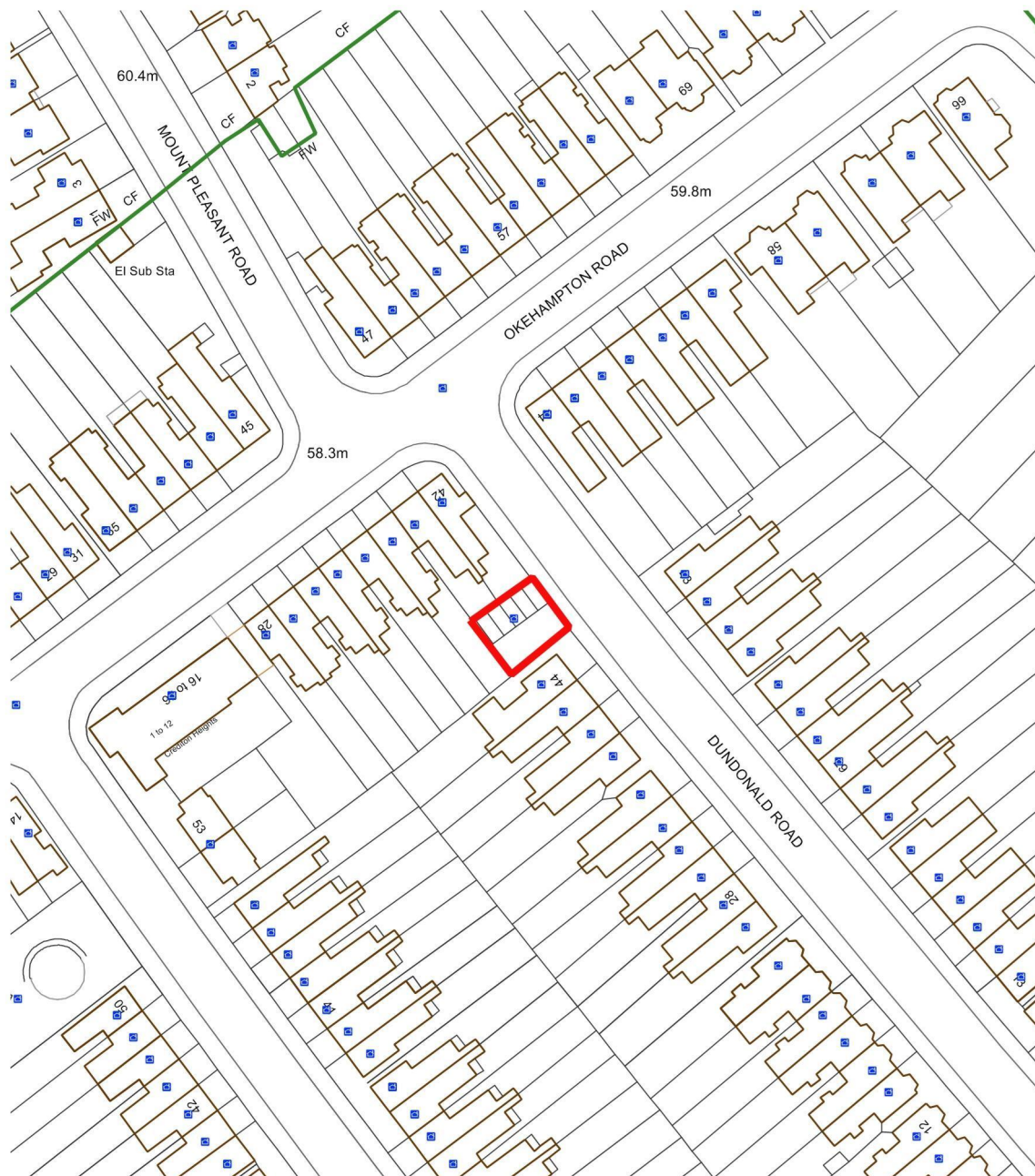




Planning Committee Map

Site address: Land rear of 40-42, Okehampton Road, London

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This map is indicative only.

RECEIVED: 31 July, 2014

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Land rear of 40-42, Okehampton Road, London

PROPOSAL: Demolition of 4 garages and erection of a two-storey, 3/4-bedroom dwellinghouse with basement containing habitable rooms, timber fencing (1.8m high) to boundary, installation of vehicular and pedestrian gate to front, formation of new pedestrian access, alterations to narrow existing vehicular access to site and raise part of existing dropped kerb, with provision of 1 car-parking space

APPLICANT: Rayner Estates & Investments Limited

CONTACT: ROH Architects

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval subject to conditions set out below paragraph 15.

CIL DETAILS

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is **£34,227.93** of which **£29,110.71** is Brent CIL and **£5,117.22** is Mayoral CIL.

The existing garages have not be taken into account when calculating the CIL liability as they appear to have been out of use for some time. The onus would be on the applicant to demonstrate that the garages had been in lawful use for a continuous period of 6 months over the past 3 years in order for the existing floor space within the garages to be considered.

CIL Liable?

Yes/No: Yes

EXISTING

The site is located to the rear of Nos. 40 and 42, Okehampton Road, but is accessed off Dundonald Road and abuts the flank wall of No. 44 Dundonald Road. The site is bounded to the rear by the garden of No. 38 Okehampton Road.

The site is currently 4 disused garages, formerly associated with Nos. 40-42 Okehampton Road.

The site is located within an Area of Distinctive Residential Character, as designated in the Council's Unitary Development Plan 2004.

PROPOSAL

As above

HISTORY

Planning permission (ref 07/2012) was approved on 02/10/2009 for the "Demolition of existing 4 garages and erection of a 2-storey 2-bedroom dwellinghouse, 1.8m high, timber fencing to boundary, installation of 0.8m high, vehicular and pedestrian gate to front, formation of new pedestrian access, alterations to narrow the existing vehicular access, with provision of 1 car-parking space, refuse and recycling store".

Planning permission (ref.10/0310) was approved on 24/12/2010 for the "Demolition of 4 garages and erection of a two-storey, two-bedroom dwellinghouse with basement, timber fencing (1.8m high) to boundary, installation of vehicular and pedestrian gate to front, formation of new pedestrian access, alterations to narrow existing vehicular access to site and raise part of existing dropped kerb, with provision of 1 car-parking space and subject to a Deed of Agreement dated 16th December 2010 under Section 106 of the Town and Country Planning Act 1990, as amended".

The main difference between the 2009 permission and the 2010 permission was the introduction of an area of basement beneath the proposed dwelling to be used as storage.

The current application proposes a similar form of development to that approved under the previous permissions.

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.

London Plan 2011 (as amended)

Mayors Housing SPG 2012

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

BE2	Townscape: Local Context and Character
BE3	Urban Structure: Space and Movement
BE7	Public Realm: Streetscape (a)
BE9	Architectural Quality
BE29	Areas of Distinctive Residential Character
H12	Residential Quality – Layout Considerations
H16	Frontage Redevelopment
TRN11	The London Cycle Network
TRN23	Parking Standards – Residential Developments

Supplementary Planning Guidance 17:- Design Guide For New Development

CONSULTATION

Consultation letters, dated 18th August 2014, were sent to 26 neighbouring owner/occupiers. 10 letters of objection have been received in response.

In summary the concerns of the objectors relate to the following issues:-

- The contemporary design of the dwellinghouse would be out of keeping with the locality and would harm the character and appearance of the surrounding area which is an Area of Distinctive Residential Character.
- The proposal would result in the loss of trees
- The proposed basement could cause subsidence.

REMARKS

Differences between approvals 07/2012 & 10/0310 and the current scheme.

1. As indicated above, this application is similar to proposals that have previously been granted planning permission on the site in both 2009 and 2010. Although these permissions have since expired, where planning policy has remained broadly consistent, they are material planning considerations in the determination of the current application. The main difference between the most recent 2010 approval and the current proposal is that the applicants are now seeking to increase the area of basement accommodation underneath the dwelling to provide habitable space and are introducing a rear lightwell to allow light and outlook to the basement. There are some other minor external changes proposed but overall, the appearance of the proposed dwelling, particularly when viewed from the street, would be consistent with the 2010 permission. A basement was originally introduced as part of the proposals under the 2010 permission although this was smaller (approx 39sqm) and was to be used solely for storage. The basement now proposed would have a floor area of 49sqm and the rear lightwell would have an area of 15sqm.

2. Given the differences between the current proposal and the previous permissions, it is considered that the main issues that these changes raise are whether the basement accommodation and lightwell would maintain a suitable standard of residential amenity for future occupiers and whether the increased size of the proposed accommodation would be likely to result in any other significant transport or amenity impacts on the surrounding area. It is not considered that the changes significantly alter the proposal in terms of the other impacts that were considered under the previous permissions. However, for completeness the proposed development is considered in its entirety below.

Principle of development

3. The application site is currently occupied by 4 vacant garages in a single block which were originally within the ownership of the associated properties on Okehampton Road. It is fairly evident that it is some time since they were used for the parking of vehicles, and in any event do not provide a particularly attractive or practical environment for the keeping of cars. In this respect they are no different to a number of other examples of such garage courts throughout the Borough that have become unused.

4. The principle of redeveloping this site for residential development, therefore, needs to be assessed on the matter of the loss of the garages. They are not currently in use, and have not recently been used, for parking cars. The Okehampton Road households have had to rely on parking on-street for some time and the proposed house would have its own off-street provision. As such, it is considered that there would be little justification for requiring the retention of the existing garages and that the principle of residential development on the site can be supported.

Basements

5. Although the concerns of the objectors relating to the structural impact of the proposed basement are acknowledged and understood, the principle of including a basement within the development has been established under the previous permission. Whilst there has been no change in planning policy that would resist the principle of a basement as part of the development, the Council have since introduced further requirements for applicants to include a level of technical detail within applications for basements that demonstrate reasonable consideration of the likely structural and construction impacts of the proposed development. This additional detail has been submitted with the current proposal and therefore, whilst the proposed basement would be larger than that previously approved, there is greater comfort that the likely impacts will be suitably mitigated. Any approval should be subject to a condition requiring the developer to join and adhere to the Considerate Constructors Scheme and to adhere to the submitted construction method statement.

Design

6. The main issue raised within the objections received relates to concerns regarding the contemporary design of the proposed development and impact that this may have on the character and appearance of the surrounding area, which has been designated as an Area of Distinctive Residential Character. The external appearance of the proposed dwellinghouse is broadly the same as those which received permission in 2009 and 2010. Under the previous applications, the impact of these proposals on the character and appearance of the surrounding area were assessed against the relevant design policies within the Council's Unitary Development Plan 2004 and the development was found to be acceptable in design terms. These saved UDP policies, which are considered to be compliant with the NPPF, are still the relevant local policies against which the proposal should be assessed and therefore it is considered unlikely that there would now be sufficient grounds to resist the proposal on the basis of design.

7. Whilst acknowledging that the style of architecture proposed would be different to that of the existing neighbouring properties, the proposal has an innovative contemporary design, using a combination of vertical cedar timber boards and a metal standing seam roof. The proposed dwellinghouse has a true two storey element to the front with a roof that gradually slopes away to the rear of the site. It incorporates a single storey element to the rear of the house. The height of the building would be significantly below that of the adjacent No.44 Dundonald Road but would be sited forward of the main front wall of properties on this side of the road. They do have two storey bay features and the proposed house would be no nearer to the footpath than those. The design is considered to represent a high quality building based on well composed elevations, high quality architectural detailing and has an acceptable palette of materials.

Impact on residential amenity

8. The proposal has been designed in accordance with the guidance contained within SPG17. The bulk is limited in order to minimise the potential to have an overbearing impact, with the submitted drawings indicating how the building would relate to adjacent sites. It is considered that a combination of the distance between the building and the site boundaries and the height of the building itself means that the relationship with adjacent sites would be acceptable in terms of the impact on light and outlook. At first floor level windows are limited to the front elevation and consequently privacy issues do not arise. There are two rooflights to the rear within the metal standing seam roof but these would not result in unacceptable overlooking.

Quality of residential environment for future occupiers

9. The proposal provides 2 bedrooms at first floor level, with the potential to provide two further bedrooms, one at ground floor level and one at basement level. As a result, it is considered to be a family sized dwelling, with its internal floor area needing to be a minimum of between 106-113sqm in order to meet the minimum standards of the Mayors Housing SPG. The proposal provides approximately 143sqm which is significantly above the minimum guidance. Furthermore, all of the habitable rooms on the ground and first floor have an outlook from them and allow adequate light to them meaning that the quality of environment for residents will comply with the standards the Council sets for residential development.

10. In terms of the basement accommodation the habitable rooms, comprising of a bedroom/study and a kitchen diner, would be served by a lightwell to the rear of the property. The lightwell is 3m long and 5m wide and is orientated towards the western side of the building. Outlook from habitable rooms would be in both directions across the lightwell and given the dimensions of this space this would be limited. Considered in isolation the outlook from these two basement rooms would be below what would be normally considered appropriate for new development. However, as the majority of the habitable rooms would be located on the ground and first floor, and would enjoy sufficient daylight and outlook, it would be difficult to justify the refusal of planning permission on the basis of the limited outlook to these two rooms.

11. SPG17 would require the provision of 50sqm of amenity space for occupiers of the dwellinghouse. The proposed dwelling would have a courtyard within the lightwell (15sqm) and a garden to the side and front of the property. Front gardens are not normally taken into consideration when assessing amenity space and therefore the area of garden to the side of the property would be in the order of 32sqm, taking the overall provision to 47sqm, 3sqm below the guidance in SPG17. However, SPG17 sets out that a shortage of amenity space can be off-set by providing larger internal areas and, as set out above, the proposed dwellinghouse is significantly above the minimum standards. A landscaping scheme for the garden space has been submitted and is considered to provide a good standard of amenity for future occupiers. This should be secured by condition.

Transportation Issues

12. The application site is located on the western side of Dundonald Road, a local access road which is defined as being heavily parked (as is Okehampton Road). It lies within a CPZ which operates between 0800 and 1830 on Monday to Fridays. It is classed as having moderate accessibility to public transport with a PTAL of 3.

13. The issue on the loss of the garage court is discussed earlier in this report. In terms of the proposed house, the provision of a single off-street car parking space meets the policy PS14 standards. In addition, the proposal involves reducing an existing vehicular crossover into the site from 5.5 metres in width to 3.0 metres, increasing the amount of on-street parking available. The reduction in the crossover will be the subject of a condition and will need to be implemented at the applicants expense.

14. Refuse and recycling storage will be provided in a storage area to the front of the property which is

considered acceptable. This can be secured through condition.

Consideration of Objections

15. The following table addresses the concerns raised by the objectors

Objection	Officers Comments
The contemporary design of the dwellinghouse would be out of keeping with the locality and would harm the character and appearance of the surrounding area which is an Area of Distinctive Residential Character	See paras 6-7
The proposal would result in the loss of trees	The is only one tree on the site, a small Elder Tree, which unfortunately would be removed to enable the development. However, a replacement tree is proposed within the landscaping proposals for the site which is considered suitable mitigation for loss of the existing tree.
The proposed basement could cause subsidence	See para 5

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 drawings and documents:

Plans

- LOC 01
- P-100
- P-200
- P-201
- P-300
- S-100
- J-100
- A [21] 01 Rev B1
- A [21] 02 Rev B1
- A [21] 17 Rev B1

Document

Construction Method Statement

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 or re-enacting that order with or without modification) no development within Classes A, B, C, D or E of Class 1, Schedule 2 to the said Order shall be carried out to the dwellinghouse hereby permitted, except with the prior written permission of the Local Planning Authority obtained through the submission of a planning application.

Reason : To enable the Local Planning Authority to maintain control over future extensions and works to the property in the interests of the visual amenities of the locality

- (4) The existing vehicular crossover shall be reduced to 3.0 metres in width prior to the first occupation of the dwelling and that part of the crossover rendered redundant by the development shall be made good, and the kerb reinstated, at the expense of the applicants, also prior to the first occupation of the development.

Reason: In the interests of highway safety and in order to allow the Council to secure proper control over the development.

- (5) No development shall be carried out unless the person or company carrying out the works is a member of the Considerate Constructors Scheme and its code of practice, and the details of the membership and contact details are clearly displayed on the site so that they can be easily read by members of the public.

Reason: To limit the impact of construction upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy.

- (6) The refuse/recycling store, as indicated on approved plan P-100, shall be constructed prior to first occupation of the development hereby approved.

Reason: To ensure suitable facilities for the storage of refuse/recycling.

- (7) Prior to the occupation of the development, the site shall be landscaped in accordance with the details set out on approved drawing J-100.

Reason To ensure a suitable setting for the development and in the interests of the amenity of future occupiers of the development.

- (8) The development, hereby approved, shall be carried out in accordance with the Construction Method Statement (ref 14013) which forms part of the application.

Reason: To ensure reasonable mitigation of the impacts of works on the amenity of the surrounding area.

- (9) 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. Samples of materials shall be made available for inspection on reasonable request.

Reason: To ensure a satisfactory development which does not prejudice the 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

Any person wishing to inspect the above papers should contact Ben Martin, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5231