



### Planning Committee Map

Site address: 11A, 11B, 13A & 13B Buller Road, London, NW10 5BS

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This map is indicative only.

**RECEIVED:** 15 July, 2014

**WARD:** Queen's Park

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

**LOCATION:** 11A, 11B, 13A & 13B Buller Road, London, NW10 5BS

**PROPOSAL:** Demolition of rear outbuildings and rear external staircases, and erection of two storey side and rear extensions to include alterations to front and rear elevations, creation of first floor terraces with glass balustrades to the rear, landscaping to the front and rear, and conversion of four flats at 11A, 11B, 13A & 13B into two single family dwellinghouses

**APPLICANT:** Mr Tuckey

**CONTACT:** WEBB ARCHITECTS LIMITED

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

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## **RECOMMENDATION**

Grant planning permission subject to the conditions listed after paragraph 15.

## **EXISTING**

The subject site consists of two adjacent end of terrace properties on Buller Road. Number 11 has an existing rear dormer window and neither is a listed building. The site is not within a Conservation Area. Both buildings are currently sub-divided into two self-contained flats.

## **PROPOSAL**

See description above.

## **HISTORY**

### 13 Buller Road

03/1772. Full planning permission sought for the conversion of the dwellinghouse into two self-contained flats. Granted 14/08/2003.

07/2933. Full planning permission sought for erection of rear dormer window and 3 front rooflights to first floor flat. Refused and appeal dismissed 24/11/2008.

### 11 Buller Road

There is no planning history for the conversion of the property into two flats therefore it is unclear as to when the conversion took place as the building is unlikely to be purpose built flats. However 11 Buller Road has been registered as two separate flats since May 1984.

89/1352. Full planning permission sought for installation of rear dormer to provide room in roof space. Granted 28/09/1989

## **POLICY CONSIDERATIONS**

The following planning policy documents and guidance are considered to be of particular relevance to the determination of the current application

### **The National Planning Policy Framework (NPPF)**

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaces Planning Policy Guidance and Planning Policy Statements with immediate effect. It includes a presumption in favour

of sustainable development in both plan making and decision making. It is considered that the saved policies referred to in the adopted UDP and Core Strategy are in conformity with the NPPF and are still relevant. The NPPF states that good quality design and a good standard of amenity for existing and future occupants of land and buildings are required. Of particular reference to this CAC application, the NPPF outlines policies for the historic environment and heritage assets. It emphasises the importance of being able to assess the significance of heritage assets that may be affected by a development.

Accordingly, the policies contained within the adopted SPG's, London Borough of Brent Unitary Development Plan 2004 and Core Strategy 2010 carry considerable weight in the determination of planning applications and appeals.

### **The London Plan, 2011**

#### **The London Borough of Brent LDF Core Strategy 2010**

CP2            Population and Housing Growth  
CP21          A Balanced Housing Stock

#### **The London Borough of Brent Unitary Development Plan 2004**

The development plan for the purpose of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004. Within that plan the following list of policies, which have been saved in accordance with the Planning and Compulsory Purchase Act 2004, are considered to be the most pertinent to the application.

**BE9**            Architectural Quality  
**H8**              Loss of Residential Accommodation  
**PS14**          Parking Standards – Residential Development  
**TRN23**        Parking Standards – Residential Development

### **CONSULTATION**

A total of 30 neighbouring properties were consulted about this application on 31 July 2014.

7 objections from 5 addresses have been received on the following grounds:

- Overlooking and loss of privacy.
- Overdevelopment of the site out of keeping with the character of the street
- There have been existing problems with the unauthorised use of the terrace at these properties
- Noise and disturbance from those using the terrace.

### **REMARKS**

#### **Principle**

1. It is considered that the main planning considerations in the determination of this development are:
  - whether the proposed development would provide an acceptable mix of accommodation;
  - whether the proposed development would have an acceptable impact on the amenity of neighbouring residents;
  - whether the proposed development would have an acceptable impact on the character and appearance of the locality.

#### **Amendments**

2. During the lifetime of this planning application Officers have asked that the scheme be amended in the following ways in order to improve the quality of the development and reduce possible impact on people living nearby. The two principle changes have been:
  - The two-storey infill extension has been set back further from the main front wall of the properties;
  - The proposed rear terraces have been set back further from the rear wall of the existing outrigger in order to reduce impact.

## Housing

3. The Council's planning policy towards housing is set out in CP21 of Brent's Core Strategy 2010. This seeks to maintain and provide a balanced housing stock in Brent by protecting existing accommodation that meets known needs and by ensuring that new housing appropriately contributes towards the wide range of borough household needs, including an appropriate range and mix of self-contained accommodation types and sizes including family sized accommodation.
4. The proposed development involves the conversion of the existing one 2-bed and three 1-bed flats into two single family dwellinghouses, one with 3 and the other with 4 bedrooms. Both of these are classified as family accommodation and the proposed development will, therefore, provide the type of family accommodation that Brent is keen to secure. Although the proposal will result in the net loss of housing units on the site, it is smaller flats that will be incorporated into the new development and the proposal, therefore, meets current Brent housing needs in accordance with policy CP 21 of Brent's Core Strategy 2010.

## Amenity of Neighbouring residents

5. The relevant policy against which extensions to dwellinghouses are assessed in relation to character and appearance is policy BE9 of Brent's UDP 2004. This requires that extensions should, amongst other criteria, be laid out to ensure that buildings and spaces are of a scale, design and relationship to each other which promotes the amenity of users, providing a satisfactory level of sunlighting, daylighting, privacy and outlook for existing and proposed residents.
6. The proposed development involves the infilling of the gap between two end of terrace properties at ground floor and first floor levels and infilling the ground floor to the rear between the existing two-storey rear outriggers. Part of the flat roof of the infill extensions to the rear will be used as a roof terrace for both properties. The existing rear garage/outbuilding will be demolished and the existing external rear steps to both properties will also be removed. These last two particular changes will actually improve the quality of the environment here.
7. The proposed infilling of the space between the two terraces fronting onto Buller Road will have no impact on neighbouring properties in terms of daylight, sunlight, outlook and privacy and will not have a detrimental impact on the amenity of neighbouring residents as it is set back from the front wall of the building and also does not project beyond the main rear wall of the property at the first floor level.
8. The proposed single storey side infill extensions will comply with the Council's approach towards joint single storey side infills. The proposed extension finishes flush with the main rear wall of the outrigger, so as not to project into the rear garden space. It will have a shared party wall and will have a parapet wall of a height of 2.83m. A condition will be needed to ensure that one of the rear extensions cannot take place without the other. If this were to happen then the impact on the unextended property would be unacceptable and the control over the phasing of the works is something that it is normally applied in these sorts of joint applications. There is a terrace area proposed on top of each of these single storey extensions located between the existing outriggers which has caused some concern to neighbours living nearby. Originally the terraces were sited only 0.8 metres from the end of the two storey outriggers and Officers considered that this would have resulted in both a real and a perceived sense of being overlooked from people living behind the application properties. As a result the scheme has been amended so that the terrace area is now set back a total of 3.1m from the rear wall of the outrigger. The terrace would not fill the space between the buildings and would be set 1m off the joint boundary running between the properties. The dimensions of each of the proposed terrace areas would be approx. 1.9 metres in width and approx. 3.8 metres in length (total area=7.2 square metres). Although these houses do have relatively small gardens the terrace will be sited approx. 15 metres from the nearest building in the street to the rear of the application properties and approx 9.5 metres from the rear garden boundary. As a result of these changes it is considered that the terrace areas will be appropriately set back from the rear wall of the outrigger and will not have a detrimental impact on the overlooking and privacy of neighbouring residents. The limited size of the reduced outside space should also mean that potential disturbance from people using the space will be limited.
9. The demolition of the rear outbuilding and the removal of the rear steps to the first floor level will improve the amenity conditions for neighbouring residents as well as the appearance of the locality.
10. It is considered that the proposed development will preserve the amenity of neighbouring residents in

accordance with Brent Planning Policy and guidelines.

### Character and Appearance

11. The relevant policy against which extensions to dwellinghouses are assessed in relation to character and appearance is policy BE9 of Brent's UDP 2004. This requires that extensions to be of a scale, massing and height that is appropriate to their setting, civic function and/or townscape location. They should employ materials of high quality and durability that are of compatible or complementary colour and texture, to the surrounding area.
12. The single storey rear extensions mentioned above are acceptable in terms of design, appearance and relationship to the house. The proposal to infill the space at the front of the site is rather more balanced. Two-storey extensions infilling a gap between two end of terrace properties are not normally considered to be acceptable, given that often they would result in an unacceptable visual impact and would detrimentally impact on the character of the streetscene. However in this particular street, which is a cul-de-sac, the built environment is mixed with Victoria style terraces as well as more modern brick buildings. The proposed extension is set back from the front of the building by 0.2m at groundfloor and by 1m at first floor meaning that the visual impact of the addition will be minimised as far as possible. This with the flat roof will ensure that the proposed development is suitably subservient to the original buildings and subject to a condition requiring further details of the front elevation and the parapet detailing Officers consider that this element of the development can be supported.
13. As explained above, the proposed single storey infill extensions to the rear will not be visible from the street and will not have a detrimental impact on the character and appearance of the property. The proposed development will be finished in brick to match the existing and will also reflect the detailing of the existing dwelling.

### 14. Consideration of Objections

The following table sets out to address the concerns raised by objectors to the application.

| Objection  | Officer Comment   |
|--|---|
| Overlooking and loss of privacy.   | See paragraph 8.  |
| Overdevelopment of the site out of keeping with the character of the street                    | See paragraph 12.   |
| There have been existing problems with the unauthorized use of the terrace at these properties | This application needs to be considered on the particular planning merits of the scheme. It would be difficult to make a decision based on what might have taken place in the past. |
| Noise and disturbance from those using the terrace.  | See paragraph 8.  |

### Conclusion

15 The proposed development will have an acceptable impact on housing provision, residential amenity and the character and appearance of the streetscene. As such approval is recommended subject to the conditions set out below.

**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:

1137.01.00  
11.37.01.01(A)  
11.37.01.02(A)  
11.37.01.03(A)  
1137.01.04(A)

11.37.02.01(A)  
11.37.02.02

1137.03.01  
1137.03.02  
1137.03.03  
1137.03.04

1137.01.11(B)  
1137.01.12(B)  
1137.01.13(B)  
1137.01.14(B)  
1137.02.11(A)  
1137.02.12(B)  
1137.03.11(A)  
1137.03.12(B)  
1137.03.13(B)  
1137.03.14(A)

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

- (3) 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.

- (4) Works on the single-storey rear infill extensions hereby approved shall not progress beyond a height of 1.5m at one property until works at both properties have commenced and reached the same level.

Reason: To safeguard the amenities of neighbouring occupiers.

- (5) Further details of the proposed front elevation of the two storey infill extension, including the proposed parapet detailing, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out fully in accordance with the approved details.

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](http://www.communities.gov.uk)
- (2) The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- (3) The applicant is informed that this consent is granted on the basis that the demolition of rear outbuildings and rear external staircases referred to in the formal decision notice take place prior to the first occupation of the new dwellinghouses hereby approved.

Any person wishing to inspect the above papers should contact Robin Sedgwick, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5229