

MINUTES OF THE PLANNING COMMITTEE
Wednesday, 26th August 2009 at 7.00 pm

PRESENT: Councillor Kansagra (Chair), Councillor Powney (Vice Chair) and Councillors Anwar, Baker, Hashmi, Hirani, Jackson (alternate for Cummins), J Moher, R Moher and H M Patel.

Apologies for absence were received on behalf of Councillors Cummins, Green and Thomas.

Councillors Gupta and Lorber also attended the meeting.

1. Declarations of Personal and Prejudicial Interests

None declared.

2. Minutes of the Previous Meeting held on 28th July 2009

RESOLVED:-

that the minutes of the meeting held on 28th July 2009 be received and approved as an accurate record.

3. Requests for Site Visits

The Committee agreed to Councillor J Moher's request for a site visit to enable members to assess the planning impact of the following application:-

1/02 09/1556 24 Valley Drive, London, NW9 9NP

4. Planning Applications

RESOLVED:-

that the Committee's decisions/observations on the following applications for planning permission under the Town and Country Planning Act 1990 (as amended), as set out in the decisions below, be adopted. The conditions for approval, the reasons for imposing them and the grounds for refusal are contained in the report from the Chief Planner and in the supplementary information circulated at the meeting.

ITEM NO	APPLICATION NO	APPLICATION AND PROPOSED DEVELOPMENT
	(1)	(2)

NORTHERN AREA

1/01	09/1438	332-336, 332A-C inc, Neasden Lane, London, NW10
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Demolition and rebuilding of rear extension to accommodate stairway to cellar of premises, including retention of 5 no. condenser units, and associated works to rear external stairway.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

1/02 09/1556 24 Valley Drive, London, NW9 9NP

Retention of single storey rear extension, two storey side to rear extension to dwellinghouse and conversion of garage into a habitable room (variation to scheme approved on 04/07/2006 - Ref: 06/1275).

OFFICER RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Chief Planner to agree the exact terms thereof on advice from the Borough Solicitor.

DECISION: Deferred for a site visit

SOUTHERN AREA

2/01 09/1546 117, 119A & 119B, Malvern Road, London, NW6

Amendment to reserved-matters planning permission 07/1950, dated 26/09/2007, pursuant to condition 3 (appearance) of outline planning permission 06/2144 (granted on appeal 14/05/2007) for erection of a four-storey and five-storey building consisting of 58 residential units (13 studio flats, 27 one-bedroom flats, 15 two-bedroom flats and 3 three-bedroom flats), 20 of which would be affordable, along with provision for 12 car-parking spaces and refuse stores, to change the design/appearance of the building, in order to allow the ground-floor and first-floor windows on the rear elevation to be clear-/plain-glazed, rather than the originally approved obscure-glazing.

OFFICER RECOMMENDATION: Refuse planning permission.

Andy Bates (Planning Manger) drew Members' attention to the supplementary information circulated at the meeting which confirmed that Westminster City Council was formally objecting to the scheme.

Duncan Gibson, speaking on behalf of the applicant, acknowledged that the proposals would lead to some reciprocal overlooking of the applicant's and neighbouring dwellings, however this was not uncommon for such locations. He asserted that no residents from Westminster had registered objections on the grounds of overlooking.

DECISION: Planning permission refused.

2/02 09/1452 104 Hanover Road, London, NW10 3DP

Erection of a single storey rear extension, rear dormer window, 2 front rooflights and landscaping to front of dwellinghouse as revised by plans received 03/08/2009 and as per Agents letter dated 06/07/2009.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and an informative.

Maris Silis, in objecting to the applicant, stated that the rear dormer would be excessive in width, contrary to SPG5, and the proposals were out of keeping with the area as most other rear dormers were smaller, whilst the 6 windows in total was more than double the normal and would be an invasion of his privacy. He argued that the proposals also represented an overdevelopment of the site and would increase noise. Maris Silis also expressed concern about the intended use, stating that as separate access would be provided, this could enable use other than the stated family use of dwelling. In response to a query from Members concerning overlooking, Maris Silis stated that the windows from the rear dormer would provide a direct view of the patio and block sky light into his property.

During discussion, the Chair sought clarification of the allowable depth of the ground floor of the rear extension and further comments with regard to the view from the rear dormer window. He also expressed concern that an existing extension was being extended further. Councillor H M Patel enquired whether single family dwelling use could be assured.

In reply, Andy Bates advised Members that the issue of use had been raised with the applicant who had provided written confirmation that the site would be used as a single family dwelling. Furthermore, an informative drew attention to a condition that the property could only be used as a single family dwelling and the Committee noted that enforcement action could be taken if this condition was breached. Andy Bates stated that the revised plans had resulted in a larger rear extension being proposed, however guidance needed to be considered flexibly, with the surroundings being taken account and a refusal on the grounds of the application being out of character with the area was unjustified. Members heard that the depth of the ground floor allowable was more than normal as the applicant was able to take advantage of the fact that a single storey extension already existed, enabling them to extend to up to 3.6 metres in depth. It was also noted that the proposals were to demolish the existing extension and replace it with a larger extension. Andy Bates stated that he could not provide detail on what may be overlooked from the rear dormer window, however Maris Silis property could already be overlooked from the applicant's in any case.

DECISION: Planning permission granted subject to conditions.

2/03 09/1414 4 Beechworth, Willesden Lane, Kilburn, London, NW6 7YZ

Installation of replacement upvc windows and installation of new door to ground floor flat.

OFFICER RECOMMENDATION: Grant planning permission subject to an informative.

Andy Bates drew Members' attention to a condition relating to a time limit in relation to the permission as set out in the supplementary information circulated at the meeting and responses to further concerns raised by objectors.

Graziella Baceeta, in objecting to the application, stated that the applicant was not permitted to make any alterations to their dwelling and confirmation of this was awaited from the leaseholder of the building. In particular, Graziella Baceeta objected to the installation of the door as it would impact upon the use of the community garden and reduce its' size further. She expressed concern that if other properties similarly applied to install doors, this would reduce the size of the garden even further and could result in the loss of the bicycle storage space.

Nora O'Donoghue also objected to the application on the grounds that it would impact upon other residents' use of the community garden, in particular children.

During debate, Councillor Anwar enquired whether the proposed door would connect to the main hallway and suggested that by opening outwards, it would present a safety risk to anyone cycling through the garden amenity area. Councillor J Moher also expressed concern about the door, feeling that it provided them with a disproportionately greater access to the communal garden than other residents and that it could set a precedent for similar applications to be made in future. The Chair sought clarification of whether the door opened inwards or outwards.

In reply, Andy Bates confirmed that the proposed door opened outwards and faced the footpath, providing access from the flat to the communal garden. The door was intended as a fire escape route and did not connect to the hallway.

Chris Walker (Chief Planner) added that the proposed door's location was not in a directly visible area.

Members then voted to refuse the application contrary to the officer's recommendation with the following statement of reason: the proposed door would have a detrimental impact on the quality of residential amenity currently enjoyed and would create a separate self-contained private pedestrian access out of character with the rest of the building.

In accordance with the provisions of the Planning Code of Practice, voting on the officers' recommendation for approval of this application was recorded as follows:-

FOR: Councillors Hashmi and Powney (2)

AGAINST: Councillors Anwar, Hirani, Jackson, J Moher and R Moher (5)

ABSTENTIONS: Councillors Baker, Hirani and Kansagra

(3)

DECISION: Planning permission refused on the grounds that the proposed door would have a detrimental impact on the quality of residential amenity currently enjoyed and would create a separate self-contained private pedestrian access out of character with the rest of the building.

2/04 09/0756 School Main Building, Capital City Academy, Doyle Gardens, London, NW10 3ST

Details pursuant to condition 3 (landscaping), 4 (fencing) and 8 (management plan) for full planning permission reference 03/2943 dated 04/12/03 for construction of an all-weather pitch on school sports grounds, located towards the centre of the Academy site (minimum of 75 metres from Doyle Gardens and 35 metres from Uffington Road), along with associated floodlighting and fencing (further details provided in letter from Capital City Academy 3rd August 2009).

OFFICER RECOMMENDATION: Grant planning permission subject to informatives.

Carol Nicholls stated that although she welcomed the all-weather pitch for the school, she sought assurance that the applicant would undertake a number of measures as agreed in the terms of the planning permission. In particular, she asked that the applicant undertake landscaping features such as planting of trees and shrubs, especially in view that the all-weather pitch could be used on any day of the year, including late into the summer evenings and therefore such planting was essential to prevent noise disturbing neighbouring residential properties.

Councillor Powney suggested that residents be informed of the conditions relating to the use of the all-weather pitch and who to contact if these were breached. Councillor Hashmi acknowledged residents concerns, particularly as the all-weather pitch was used frequently.

In reply, Andy Bates advised that the applicant had submitted a sound plan with regard to the all-weather pitch, however they had not undertaken it fully and breached conditions, leading to enforcement officers pursuing the case with the headteacher of the Academy concerning non-compliance. The informative in this application reaffirmed the applicant's need to comply with conditions 3, 4 and 8 and that they would be subject to enforcement action if this was not achieved. Andy Bates felt that the headteacher was fully aware of their obligations in terms of planning aspects of this site.

DECISION: Planning permission granted subject to informatives.

2/05 09/1368 25 Dobree Avenue, London, NW10 2AD

Erection of part single, part two storey rear extension and rear dormer window and installation of three windows to side of dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

Members agreed to discuss this item and 2/06 below as the applications related to the same site.

Mrs Strauss, in objecting to the applications 2/05 and 2/06, stated that the proposals were disproportionate in size and out of character in an Area of Distinctive Residential Character. Mrs Strauss asserted that the proposed rear extension would go beyond the current building line and would block sunlight to her garden and patio in the evening and all day to her kitchen, whilst the proposed dormer window would represent an invasion of privacy.

Andy Bates advised Members that the application had been revised from the original proposals including withdrawing proposals to include a window on the side door.

The Chair commented that there were numerous applications of this nature in the borough and that it complied with planning guidance.

DECISION: Planning permission granted subject to conditions.

2/06 09/1369 25 Dobree Avenue, London, NW10 2AD

Erection of front boundary wall, landscaping of front garden and erection of outbuilding in rear garden of dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

2/07 09/1208 Site of former White Hart pub, junction of Church Road and High Road, London, NW10

Erection of a part 2-, 3-, 4- and 6-storey building, comprising 76 flats (33 x one-bedroom, 35 x two-bedroom, 7 x three-bedroom and 1 x four-bedroom) with 27 affordable units, commercial space (Use Class A1/A2/B1) on the ground floor and provision of 45 car-parking spaces with access off Cobbold Road.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and the completion of a satisfactory Section 106 as amended in the Heads of Terms or other legal agreement and delegate authority to the Director of Environment and Culture or other Officer within Authority to agree the exact terms thereof on advice from the Borough Solicitor.

Andy Bates drew Members' attention to the supplementary information circulated at the meeting confirming that the recommendation was for approval and detailing amendments to the Section 106 Agreement's Heads of Terms. He also

referred to comments with regard to comparison of the approved development and surrounding buildings and a further letter of objection.

Kay Malhotra, the applicant's architect, confirmed that the application was for mixed use and that it had been amended to overcome issues concerning build quality and sustainability with the previous scheme. The application meant that less excavation would be required in order to construct the court yard and car park which would be naturally ventilated. In reply to a query from Members concerning trees, Kay Malhotra confirmed that a tree would be located centrally on site and that the building was slightly higher as the design of the roof had been revised from a flat roof to a sloping one. Members also heard that there had been discussions with regard to the Section 106 Agreement due to changing circumstances in the property market and it was noted that the development was parking permit free.

DECISION: Planning permission granted subject to conditions and the completion of a satisfactory Section 106 as amended in the Heads of Terms as set out in the supplementary information or other legal agreement and delegate authority to the Director of Environment and Culture or other Officer within Authority to agree the exact terms thereof on advice from the Borough Solicitor.

2/08 09/1601 8B Lechmere Road, London, NW2 5BU

Rear dormer window with Juliet balcony and 1 front rooflight to first floor flat.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions

Mr Mellor, in objecting to the application, was given permission by the Chair to circulate photographs to support his representation. He asserted that if the application was approved there would be a significant loss of privacy in visual and in noise terms. Mr Mellor stated that there would be a direct view into his garden, dining room and living room, whilst there would be no trees or shrubs to absorb additional noise.

Andy McNeish, the applicant's architect, asserted that the distance between the applicant's and Mr Mellor's properties was too great to present loss of privacy issues, that there was no line of sight into Mr Mellor's house and that there was no view into the garden from the proposed rear dormer window. Andy McNeish added that there were numerous rear facing dormer windows in other properties in the area. Members heard that the proposed balcony was set within the rear dormer and would not be large enough, for example, to hold a barbeque and therefore noise would not be an issue.

Councillor Anwar enquired if the height of the rear dormer was sufficient to be able to overlook neighbouring properties and he suggested that it was possible to view a greater area from a Juliet balcony as included in the proposals as it was possible to lean over the balcony barrier. Councillor Powney sought clarification of the distance between the rear dormer of the applicant and the rear windows of Mr Mellor's property. The Chair commented that applications for rear dormers of this type were fairly common.

In reply to the issues raised, Andy Bates advised the Committee that the proposals included a set back rear dormer window to allow access to a small balcony that would not be overhanging from the building. He confirmed that the proposed rear dormer window was approximately 27 metres from Mr Mellor's property and planning guidance suggested a distance of 20 metres.

DECISION: Planning permission granted subject to conditions.

2/09 09/0732 Park House, Manor Park Road, London, NW10 4JW

Demolition of existing building and erection of a 5-storey building, comprising an estate agent (Use Class A2) on the ground floor and 15 flats (3 one-bedroom, 9 two-bedroom, 3 three-bedroom) on upper floors.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture or other Officer within Authority to agree the exact terms thereof on advice from the Borough Solicitor.

DECISION: Planning permission granted subject to conditions and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture or other Officer within Authority to agree the exact terms thereof on advice from the Borough Solicitor.

2/10 09/1528 106 Christchurch Avenue, London, NW6 7PE

Demolition of existing house and erection of two 2 storey buildings comprising a total of 7 two-bedroom and 1 one-bedroom self-contained flats.

OFFICER RECOMMENDATION: Refuse planning permission.

Andy Bates drew Member's attention to the additional reason for refusal and additional objections as set out in the supplementary information circulated at the meeting.

David Inglis, the applicant's architect, stated that a revised application had been submitted taking into account the comments made by the Planning Inspectorate. The number of proposed rooms had been reduced from 40 to 23 including 3 family units and the building would be of 2, rather than 3, storeys with a building footprint 35% smaller than the previous application. David Inglis asserted that amenity space had been increased to 410 square metres, whilst the community gardens were 170 square metres larger than mentioned in the report. Members also heard that proposals for balconies to the rear of the building had been withdrawn in order to address the concerns of those in neighbouring properties.

The Chair sought clarification regarding size and dimensions as had been referred to by David Inglis. In reply, Andy Bates advised that the amenity space

had been calculated by the Landscape Design Team whose assessment was detailed in the report and he thought it unlikely that these measurements would be inaccurate. Andy Bates stressed that the site was situated at an important location and that the application, although improved, still needed further changes before it could be acceptable in his view.

DECISION: Planning permission refused with an additional reason as set out in the supplementary information.

WESTERN AREA

3/01 08/3171 99, Flats 1-4 99,99B-101B,101,103,103B,Public Convenience & Car Park rear of 99-103, Ealing Road, Wembley, HA0

"Car Free" development for the erection of third-floor extension to provide 4 self-contained 2-bedroom flats with balconies, communal roof terrace and ground-floor amenities, including demolition of existing public convenience and erection of relocated replacement public convenience and new public cycle stands as accompanied by Design & Access Statement (amended by revised plans dated 13/08/09).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions, informatives and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture or other Officer within Authority to agree the exact terms thereof on advice from the Borough Solicitor.

Neil McClellan (Planning Manager) drew Members' attention to the supplementary information circulated at the meeting, in particular amendments to conditions 5 and 6 and comments with regard to the site visit. Members also heard that the Planning Inspectorate had confirmed in writing that the applicant had withdrawn their appeal against the Council's failure to determine the application within 8 weeks.

Jay Patankar, the applicant's architect stated that the present application included proposals for 4 flats, 3 less than the previous application. There had been considerable negotiations between the applicant and Building Control in respect of design, whilst there had also been input from the Planning Service, Transportation, StreetCare and Estate Management for a number of aspects of the application. Members heard that the new application offered improved access, including disabled access and provision for cycling spaces and waste recycling. In reply to a query from Members, Jay Patankar confirmed that the car-free aspect of the application referred only to the proposed extension. He stated that a safety rail and landscaping represented the boundary for the proposed balconies and he felt that the balcony design would ensure minimal disturbance to neighbouring dwellings.

DECISION: Planning permission granted subject to conditions, amendments to conditions 5 and 6 as set out in the supplementary information, informatives and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture or other Officer within Authority to agree the exact terms thereof on advice from the Borough Solicitor.

3/02 09/1419 979-981, Harrow Road, Wembley, HA0

Demolition of existing petrol station and erection of part 2- and 4-storey residential block comprising 10 flats (6 three-bedroom, 4 two-bedroom), 14 cycle spaces, 6 parking spaces, bin stores, associated landscaping and alteration of access from Harrow Road.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture of other Officer within Authority to agree the exact terms thereof on advice from the Borough Solicitor.

Neil McClellan drew attention to responses to Members' queries as set out in the supplementary information circulated at the meeting.

Jim Lafferty, representing Thomas A Beckett Close Residents' Association, objected to the application and stated that the parking provision was inadequate and therefore exacerbate existing parking problems. He disagreed that 4 cars could be accommodated in the side to Thomas A Beckett Close due to the lack of width and in addition refuse vehicles already found it difficult to collect bins from this area. In addition, the area was already heavily parked due to visitors to a nearby public house, whilst elderly persons living in Close would be further inconvenienced. Jim Lafferty stated that residents were not aware that a part 4 storey application had initially been approved and suggested that the notice in the consultation may not have included this detail. He also objected to the application on the grounds of over density and invasion of privacy.

David Poolary also commented that residents had not been aware that the application was for 4 storeys until the new notice was circulated and that initially only a few objections had been made to the application as it had been assumed that the application was for 3 storeys.

In accordance with the Planning Code of Practice, Councillor Lorber, a ward member, confirmed that he had been approached by residents of Thomas A Beckett Close and that he had made written representations to officers. He stated that the objections were not against proposals for flats in principle, however there was concern with regard to height, design and parking. Councillor Lorber felt that the original application, which included proposals for a part 2, 3 and 4 storey building, would have less impact on the surroundings as it included a stepping down from 4 to 3 storeys at the western end of the site adjacent to Thomas A Beckett Close, whilst the new application did not include this stepping down feature. He suggested that the new application was some 2.5 metres higher than the consented scheme which would mean a larger impact on the neighbourhood. Councillor Lorber suggested that Thomas A Beckett Close and

surrounding streets were already heavily parked as he had witnessed from experience and also because of the popular public house in the vicinity, and in view that the area was also not served well by public transport, he felt the parking provision in the application was insufficient. It was commented that the bicycle racks were likely to be underused as was the case with such facilities that were located in Barley Close.

Peter Smith, the applicant's architect, confirmed that the site already had planning consent for 4 storeys. The new application would mean less flats, more amenity space and the design would provide greater sustainability, whilst Transportation had approved the parking provision. Peter Smith suggested that parking spaces were being used by visitors to the current site which operated as a commercial business and he added that there would also be work to widen the pavement. Members heard that the application complied with planning regulations in respect of overlooking and the building would not be any closer to Thomas A Beckett Close dwellings than the consented scheme.

During discussion by Members, Councillor Anwar felt that the balconies in the proposals were too close to the dwellings opposite and that the road was already heavily parked. Councillor J Moher expressed concern that the building was excessive in size and its design and appearance out of character with the neighbouring area. He acknowledged that the changes in the application had improved the design, but not sufficiently in his view.

Neil McClellan clarified that the consultation notice in respect of the consented scheme had stated that the proposals were up to 4 storeys, however he acknowledged that due to the number of consultations undertaken with the planning application history of this site, that there was potential for confusion. Members also heard that there were windows in the consented scheme that were of similar proximity to neighbouring habitable room windows as the balconies in the proposed scheme. It was pointed out that the proposed balconies were recessed and that the Council's Design Team were satisfied with the overall design of the scheme.

Members then voted to refuse the application contrary to the officer's recommendation with the following statement of reasons: excessive height, location of balconies and the design, scale and massing being out of character with the neighbouring area.

In accordance with the provisions of the Planning Code of Practice, voting on the officers' recommendation for approval of this application was recorded as follows:-

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|---------------------|---|------------|
| FOR: | Councillors Baker and H M Patel | (2) |
| AGAINST: | Councillors Anwar, Hashmi, Jackson, J Moher, R Moher and Powney | (6) |
| ABSTENTIONS: | Councillors Hirani and Kansagra | (2) |

DECISION: Planning permission refused on grounds of height, location of the balconies and that the design, scale and massing is out of character with the neighbouring area.

6. Date of Next Meeting

It was noted that the next meeting of the Planning Committee would take place on Wednesday, 16th September 2009 at 7.00pm and the site visit would take place on the preceding Saturday, 12th September 2009 at 9.30 am when the coach leaves from Brent House.

The meeting ended at 9.30 pm.

S KANSAGRA
Chair