



# LONDON BOROUGH OF BRENT

## MINUTES OF THE PLANNING COMMITTEE Tuesday, 20 July 2010 at 7.00 pm

PRESENT: Councillors R Patel (Chair), Sheth (Vice-Chair), Adeyeye, Baker, Cummins, Hashmi, Kataria, Long, McLennan and CJ Patel

ALSO PRESENT: Councillor Muhammed Butt, Councillor Kana Naheerathan and Councillor James Powney

Apologies for absence were received from Daly

### 1. **Declarations of personal and prejudicial interests**

Item 7 Dollis Hill House (Ref 09/1470)

Councillor Cummins declared that he was a member of Dollis Hill Trust. He vacated the meeting room and did not take part in the discussion or voting on this application.

### 2. **Minutes of the previous meeting - 30 June 2010**

RESOLVED:-

that the minutes of the previous meeting held on 30 June 2010 be approved as an accurate record of the meeting.

### 3. **22 Wembley Park Drive, Wembley, HA9 8HA (Ref. 10/0054)**

Retrospective application for a single storey outbuilding and proposed reduction in height to outbuilding in rear garden of dwellinghouse.

OFFICER RECOMMENDATION: Refuse planning permission.

This application was deferred at the last meeting for a site visit to enable members to assess the outbuilding and its impact. The Area Planning Manager Neil McClellan informed members that the removal of all internal walls would not alter officers' recommendation as the overall footprint of the building, at 57 square metres, was considered by officers to be too large for it to be ancillary to the main dwelling house. He continued that in addition to its excessive size the outbuilding would result in a negative visual impact and an intensity of use that could result in an unacceptable level of nuisance and disturbance to neighbours.

In response to members' request for clarification on the status of outbuildings with similar footprints provided by the applicant and referred to in the main report (101

Chaplin Road, 207 Harrow Road and 9 Stewart Close), the Planning Manager submitted that all 3 sites had Certificates of Lawfulness issued for large outbuildings ranging in area from 48 sqm to 56 sqm. However, the last certificate was issued in 2008 when Brent began to adopt a much more rigorous interpretation of the requirement for outbuildings to be for purposes incidental to the enjoyment of the dwellinghouse. The change in approach followed the national change in householder permitted development rights and was a direct response to problems that were being created by the trend for ever-larger outbuildings in domestic rear gardens and the increasing number of those outbuildings being used as self-contained living accommodation. He added that the outbuilding referred to at 9 Stewart Close was itself the subject of an enforcement action following the discovery that it too was being used as a separate dwelling. He reiterated the recommendation for refusal.

Mr Dignesh Patel the applicant drew members' attention to properties within the Borough that had been granted certificate of lawfulness of use for similar outbuildings due to the size of the gardens. He added that with a garden size of about 360sq metres, the outbuilding could not be considered to be excessive as it occupied about a third of the garden. He continued that as the outbuilding was about 30 metres away from the nearest neighbouring property, its use could not give rise to noise nuisance and disturbance. Mr Patel submitted extenuating circumstances that the unauthorised use of the outbuilding was carried out by a tenant whilst he was out of the country. In response to members' questions, Mr Patel stated that he had been granted building control certificate and a certificate of lawfulness of use for the outbuilding.

***In accordance with the provisions of the Planning Code of Practice, Councillor Butt*** a ward member stated that he had been approached by the applicant and confirmed that he had no prejudicial interest in the application as a friend of the applicant, as alleged. Councillor Butt stated that a certificate for lawfulness of use was granted to the applicant for the use of the outbuilding which had remained incidental to the use of the main building. He continued that the applicant was prepared to comply with all requirements made by officers including the reduction of the height and the removal of the internal walls of the outbuilding. Councillor Butt added that he understood that the unauthorised use of the outbuilding was carried out by a tenant when the applicant was away in India. He therefore urged members to be minded to grant planning consent for the outbuilding.

During debate members expressed differing views on the application. It was expressed that conditions could be imposed to control future use of the outbuilding as its removal would be too costly for the applicant. It was also expressed that the size was excessive to be considered reasonable and that the appearance and height of the outbuilding was suggestive of a self contained dwelling unit.

The Head of Area Planning, Steve Weeks, in response to some of the issues raised stated that the certificate of lawfulness of use was granted on the condition that the outbuilding would be built and remain incidental to the use of the main dwelling house. He continued that as the structure had not been built or used in this way, the certificate did not apply. He added that the size of the outbuilding (57

sq metres) constituted a substantial development contrary to the general approach to encourage smaller outbuildings unless the character of the area had already changed substantially.

Members then voted on the application which was declared carried on the Chair's casting vote, contrary to the officer's recommendation for refusal. ***In accordance with the Planning Code of Practice***, the application was deferred to the next meeting for a report from officers for members to consider whether they still remained of this view.

***In accordance with the Planning Code of Practice***, voting on the recommendation for refusal of the application was recorded as follows:

FOR Councillors Adeyeye, Baker, Long, Kataria and McLennan (5)

AGAINST: Councillors RS Patel, Hashmi, Naheerathan, CJ Patel and Sheth (6)

ABSTENTIONS: Councillor Cummins (1)

Note: The Chair exercised his casting vote against the officer's recommendation for refusal

DECISION: Minded to approve and therefore deferred to the next meeting for Committee to consider whether it still remains of this view following a report from officers.

#### **4. Chalkhill Estate Redevelopment, Chalkhill Estate, Wembley (Ref. 10/0774)**

Demolition of Chalkhill Medical Centre, Rook Close, and creation of public park with play, performance and wildlife areas and formation of new pedestrian accesses on land adjacent to Chalkhill Road and Dugolly Avenue, HA9 (as accompanied by Chalkhill Park Community Consultation Final Report prepared by Groundwork London).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions and informatives.

The Area Planning Manager, Rachael McConnell referred to additional objections received from the Queensbury Area Residents' Association (QARA) Group of Associations which raised objections to dogs being allowed in the park and from residents on parking facilities. She stated that as the provision of facilities/access for dogs was a park-management issue, the concerns expressed by QARA had been passed on to the Parks Service. She added that supporting statement submitted with the application advised that a 1.2m high fence would be erected to prevent dogs accessing those areas where there was likely to be a higher concentration of people, including the formal gardens, play areas and water fountain areas. This was considered to provide an acceptable balance to meet the needs of the variety of users of the park. In reiterating the recommendation for

approval the Area Planning manager drew members' attention to an amendment to condition 6 as set out in the tabled supplementary.

Mr Jatin Grover a local resident raised objections on grounds of parking adding that the area was already suffering from commuter parking to the detriment of the residents a situation that would not be helped by the grant of this planning permission. He requested members to provide about 30-40 parking spaces to meet the needs of local residents.

Mr Robert Dunwell on behalf of the QARA Group of Associations (Brent & Chalkhill Branch) stated that whilst his members did not object in principle to the proposal, they raised objection to dogs being allowed in the park. He therefore requested that a small designated exercise area be provided for dogs with the remainder of the park being made available for people only.

In response to some of the issues raised, the Area Planning Manager stated that under the Council's Unitary Development Plan (UDP) policies the area was designated as an open space adding that and that the application was unlikely to give rise to parking problems as on-street parking was available in the area.

DECISION: Planning permission granted subject to conditions as amended in condition 6 and informatives.

## **5. 3 Burnt Oak Broadway, Edgware, HA8 5LD (Ref. 10/1088)**

Extension to time limit of application 05/0380 dated 12/05/05 for demolition of existing building and replacement with a 5- and part 6-storey building to provide a mixed-use development including basement car-parking, retail at ground and mezzanine levels, and 73 flats in 2 separate blocks and subject to a Deed of Agreement dated 12th May 2005 under Section 106 of the Town and Country Planning Act 1990, as amended. This represents a car free development.

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

With reference to the tabled supplementary report, Rachel McConnell the Area Planning Manager referred to issues raised by the representatives of QARA including a request to put in secure infrastructure for the area prior to the grant of planning consent, adequate school places and the regularisation of the service roads. She responded that as part of the infrastructure planning for this Growth Area, a number of sites for new health provision had been secured from other planning permissions however, the impact of this proposal for a 70+ unit scheme in this location on the borough boundary was not sufficient to require a health contribution at this point in time. In respect of school places, the Area Planning Manager submitted that the impact of this renewal of permission on the education provision was fairly and reasonably mitigated through the £266,400 standard charge. She noted that by making the rear service road to adoptable standards

the on-going problems with fly-tipping to the rear of the sites had significantly improved. The Planning Manager added that as the land to the rear of No. 1 Burnt Oak Broadway was not part of the application site, it would be unreasonable to require the applicants to reconstruct this section to adoptable standards. In reiterating the recommendation for approval subject to a section 106 legal agreement the Planning Manager drew members' attention to the amendment suggested by the Borough Solicitor as set out in the tabled supplementary.

Mr Robert Dunwell speaking on behalf of QARA Group of Associations requested a deferral of the application for further consideration of the concerns expressed about inadequate health infrastructure and the provision of school places within the Burnt Oak/Colindale Growth Area. He added that the service road behind No. 1 Burnt Oak Broadway should be made up to adoptable standards to ensure that fly-tipping problems to the rear of the businesses on this section of Burnt Oak Broadway were addressed.

Mr Mark Pender the applicant's agent stated that his client would not be able to provide health infrastructure and educational facilities for this application for extension of time but would continue to make the section 106 contribution and honour the agreed variation of deed to progress the service road.

DECISION: Planning permission granted subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor but to refuse the application if the section 106 agreement has not been entered into by 6 August 2010, but if the application is refused for this reason, to delegate authority to the Director of Environment and Culture, or other duly authorised person, to grant permission in respect of a further application which is either identical to the current one or in his opinion is not materially different, provided that a section 106 agreement in the terms set out above is entered into.

## **6. 61 Exeter Road, London, NW2 4SE (Ref. 10/0868)**

Demolition of existing rear conservatory, erection of single-storey rear extension with green roof and extension of terrace area to the rear; installation of external cladding to flank and rear wall, raising of the height of the roof by 100mm to allow for additional insulation in the loft and installation of 2 additional rooflights adjacent to 59 Exeter Road and 1 rooflight adjacent to 61 Exeter Road; replacement of door with window and installation of 2 new ground-floor windows to side of dwellinghouse (as amended by plans received 07/07/2010).

OFFICER RECOMMENDATION: Refuse planning permission.

With reference to the tabled supplementary information, the Northern Area Planning Manager, Rachel McConnell submitted the following responses to additional issues raised by the applicant's architect;

- The sketch showing the visibility of the cladding from the streetscene failed to take into account the wider views of the flank walls as the dwelling was

situated directly opposite the junction of Exeter Road with St Gabriel's Road. Furthermore the Article 4 direction included alterations to all elevations and did not just control elevations visible from the street.

- The detailed drawings of the proposed window reveals were considered to have detrimental impact on the character and appearance of the building within the Conservation.
- Detailed drawings would increase the height of the roof by 210mm and its thickness thus making it visible from the streetscene and in contrast to the uniform appearance with the 3 neighbouring dwellings on Exeter Road.
- The architect had not provided a breakdown of the difference between internal and external insulation
- The primary consideration for applications within a Conservation Area was the impact on the character and appearance of the building and in this instance the proposed development failed to preserve or enhance the character and appearance of the dwellinghouse.

She also referred to additional comments received from a ward member and the Mapesbury Residents Association (MAPRA) adding that they reinforced concerns already made. In conclusion Rachel McConnell submitted that the proposed measures from the architect were inappropriate and unsympathetic, and reiterated the recommendation for refusal.

Ms Sheelagh Putnam on behalf of MAPRA objected to the proposed development on the grounds that it would be out of keeping with the character and appearance of the dwellinghouse which would fail to preserve or enhance the dwelling within the Conservation Area, thus resulting in a detrimental impact on the amenity. On the external cladding and the roof Ms Putnam stated that the proposal would also fail to preserve or enhance the character and appearance of the dwellinghouse within the streetscene adding that the difference between internal and external insulation in terms of energy savings was negligible.

Mr Nick Martin (MAPRA) speaking in a similar vein stated that the external cladding was not desirable as it would affect the character of the Conservation Area and set a precedent for similar undesirable precedents in the Conservation Area. He added that the reduction in carbon emission in respect of external rendering should not override Conservation Area guidelines.

Mr Alexis Rowel the applicant's agent referred to additional submissions made including a sketch on the visibility of the cladding, detailed drawings of the proposed windows and the roof eaves to support the improvements he had made to the scheme. He then gave a breakdown of the potential energy savings attributed to the dwellinghouse and outlined the benefits and the disadvantages of the internal and external insulation. Mr Rowel urged members for more energy efficient houses through cladding as proposed.

DECISION: Planning permission refused.

**7. Dollis Hill House Gladstone Park, Dollis Hill Lane, London, NW2 6HT (Ref. 09/1470)**

Listed Building Consent for demolition of Dollis Hill House.

OFFICER RECOMMENDATION: Grant listed building consent for the demolition subject to referral to the Government Office for West Midlands.

With reference to the tabled supplementary information the Northern Area Planning Manager Rachel McConnell addressed issues raised by Dollis Hill House Trust (DHHT) on the consultation process following a report by the Council's consultants, DPP Heritage. She stated that as the report by DPP Heritage was an analytical process which considered the application under PPS5 and did not change the nature or provide new information regarding the proposal, there was no procedural requirement for the Council to carry out further consultation. The Planning Manager then drew members' attention to the list of issues raised by additional letters of objection which included claims that the Council failed to protect or identify an alternative viable use for Dollis Hill House. In response, Rachel McConnell stated that despite repeated efforts by experienced and well-resourced professionals, it had not been possible to develop a viable, sustainable, long-term commercial proposition for the remaining structure. She added that the viability of the House for reuse was seriously compromised by its current condition and the relatively remote location in terms of public transport and lack of parking which restricted the accessibility and versatility of the site.

Ms Gill Close on behalf of DHHT circulated a paper in support of the Trust's position against demolition of Dollis Hill House. She claimed that reports by DPP Heritage and officers had not made a clear case for the demolition of the Grade 2 listed building and that the Council had not made any attempt to retain part of the building which would be required for Heritage Lottery Funding. Ms Close added that the Council had not taken the opportunity offered by English Heritage to work together to consider options for retention, re-use or re-working including the possibility of a new feasibility study or marketing campaign on a wider basis than previously considered. She therefore urged members to defer the application until the Council had worked together with English Heritage for a satisfactory solution.

***In accordance with the Planning Code of Practice***, Councillor Powney, Lead Member for Environment, Planning & Culture stated that he had spoken to objectors about the application during the site visit. Councillor Powney expressed a view that Dollis Hill House although listed was of no architectural merit and as a derelict building had little relationship with Gladstone Park. He added that it was uneconomic in financial terms to continue to provide scaffolding for the building.

During discussion, Councillor Long concurred with the view that poor access and parking facilities could not justify the retention of the building for alternative uses. Councillor Adeyeye expressed a differing view that due to its historical and architectural significance Dollis Hill House should be retained. He moved an amendment for its deferral which was voted upon and declared lost. Members then voted on the substantive recommendation for approval of the demolition

subject to referral to Government Office for West Midlands which was declared carried.

DECISION: Granted listed building consent for the demolition subject to referral to the Government Office for West Midlands.

**8. ELMWOOD HOUSE, Harlesden Road, London (Ref. 10/0949)**

Demolition of existing three-storey building and erection of new part four-, part five- and part six-storey building comprising 38 flats (8 one-bedroom, 18 two-bedroom, 12 three-bedroom, all affordable), with private amenity space at lower ground-floor level, terrace areas and balconies at upper-floor levels, 25 off-street parking spaces, communal garden, play space and associated landscaping to site.

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

The Area Planning Manager, Andy Bates drew members' attention to an amendment to condition 9 and the Section 106 legal agreement as set out in the tabled supplementary report.

DECISION: Planning permission granted subject to conditions as amended in condition 9, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor and to refuse planning permission if the section 106 agreement has not been entered into by 4 August 2010 but if the application is refused for this reason to delegate authority to the Director of Environment and Culture, or other duly authorised person, to grant permission in respect of a further application which is either identical to the current one or in his opinion is not materially different, provided that a section 106 agreement in the terms set out above is entered into.

**9. 91 Dyne Road, London, NW6 7DR (Ref. 10/1221)**

Two-storey rear extension at lower and upper ground-floor level, creation of a sunken garden terrace and upper ground-floor balcony, removal of side chimney and insertion of side rooflight, enlargement of 2 existing rear dormer windows, replacement of roof tiles and insulation to side and rear roof, raising its height, installation of solar panel to roof and creation of vehicular access and formation of hard and soft landscaping to front, and reversion to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.



The Area Planning Manager, Andy Bates informed the Committee that the applicant had submitted revised plans which addressed each of the proposed reasons for refusal. In addition the architect had provided a revised full planting plan for the garden that was now considered to be, on balance, acceptable subject to a further condition if members were minded to grant planning permission. Andy Bates stated that Part 27 of the Planning Code of Practice allowed for the recommendation to be changed as long as revisions have been submitted a reasonable time in advance of the Committee meeting, fully appraised by officers and any necessary consultation has been completed. He added that in this case it was not considered that additional consultation was required given the extent of the revisions.

DECISION: Planning permission granted subject to conditions and delegated the exact wording of these to the Chief Planner.

**10. 91 Dyne Road, London, NW6 7DR (Ref 10/1173)**

External insulation to side and rear elevations, two-storey rear extension at lower and upper ground-floor level, creation of a sunken garden terrace and upper ground-floor balcony, removal of side chimney and insertion of side rooflight, enlargement of 2 existing rear dormer windows, replacement of roof tiles and insulation to side and rear roof, raising its height, installation of solar panel to roof and creation of vehicular access and formation of hard and soft landscaping to front, and reversion to dwellinghouse.

OFFICER RECOMMENDATION: Refuse planning permission.

With reference to the supplementary report tabled at the meeting the Area Planning Manager, Andy Bates informed members that the applicant's architects had made a further submission setting out their criticisms of the Council's stance, and included more detailed drawings of the various aspects of the proposal. The issues raised included internal and external insulation and roof detail. Andy Bates submitted that whilst the benefits and disadvantages of the insulation were not in dispute, the primary consideration when considering applications within a Conservation Area was the impact on the character and appearance of the building. He considered that the proposed development would fail to preserve or enhance the character and appearance of the dwellinghouse. He stated that the roof details submitted were on balance considered to be acceptable as the differences in the height between buildings would not have a significant impact in the streetscene.

The Planning Manager continued that in view of a number of late changes made by the applicant including the retention of the chimney, the restriction of access to the roof of the rear extension in order to prevent overlooking and further details of the front garden treatment, reason for refusal numbers 2 and 4 should be deleted and reason for refusal 1 should be replaced with the wording as set out in the tabled supplementary. In conclusion, Andy Bates submitted that having considered the implications of the proposal on the conservation area as well as the benefits

for energy savings the proposed measures would be inappropriate and unsympathetic.

Mr Alexis Rowel the applicant's architect speaking in support of the application reiterated the relative merits and benefits of insulation. He highlighted the ever increasing prices of fossil fuel and the need for energy efficient homes, making references to practices in support of energy efficient homes in the London Borough of Camden.

DECISION: Planning permission refused with amended reasons.

**11. 24E Brondesbury Road, London, NW6 6AY (Ref. 10/0726)**

Erection of single-storey ground-floor extension at rear of 24E Brondesbury Road.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

Mr Scott objected to the proposed development on the following grounds;

- As the extension would be spread across the whole width of No. 24A Brondesbury Road it would be disproportionate and out of character.
- The height of the proposed development would have a detrimental impact on neighbouring properties in terms of residential amenities.

Mr Scott indicated that he would not have objections to a more modest conservatory type building.

Mr Christopher Jones the applicant stated that the proposal which he considered to be modest in size accorded with planning policies and standards adding that in terms of its size, the proposal could be carried out under permitted development criteria.

The Head of Area Planning Steve Weeks added that planning policies routinely agreed smaller extensions of the size proposed within Conservation Areas.

DECISION: Planning permission granted subject to conditions.

**12. 6 Montrose Avenue, London, NW6 6LB (Ref. 10/1286)**

Erection of a single storey side extension, installation of new ground floor rear window and erection of a rear dormer window to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions as amended in condition 2.

**13. 42A & 42B Okehampton Road, London, NW10 3ER (Ref. 10/0915)**

Rear dormer window, new timber fence to subdivide existing rear garden and erection of a two storey side extension to rear projection facilitating self containment of two existing flats.

OFFICER RECOMMENDATION: Refuse planning permission.

Mr Brazier, the applicant's father stated that the proposed development which had not received any objection from the neighbours was intended to create an improved amenity space for the applicant without resulting in corresponding increases in the demand for local infrastructure. In urging members for approval, he drew attention to precedents in Okehampton Road and Dundonald Road.

In responding to the issues raised, Andy Bates stated that the proposed two-storey side extension was considered to be an inappropriate form of development in terms of its impact on the character of the locality. In respect of the precedents he submitted that the properties along Okehampton Road, on the opposite side of the junction with Dundonald Road were different from the proposed development and had their own distinct character.

DECISION: Planning permission refused.

**14. 60 Milverton Road, London, NW6 7AP (Ref. 10/1160)**

Erection of a ground-floor side extension, ground-floor rear extension, installation of first-floor rear doors and juliet balcony and new first-floor side window.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

**15. 41 Littleton Road, Harrow, HA1 3SY (Ref. 10/1149)**

Erection of a single storey detached building in rear garden of dwellinghouse (retrospective application).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

**16. Storage rear of 397 High Road & Rear Part of 397A, Rosemead Avenue, Wembley, HA9 (Ref. 10/0413)**

Demolition of existing buildings and erection of a part 2-, 4-, 5- and 6-storey building to provide in total 29 self-contained residential units (comprising 7 one-bedroom flats, 10 two-bedroom flats, 2 two-bedroom maisonettes and 10 three-bedroom flats of which 13 units would be affordable) with balconies, undercroft courtyard, communal and private garden area; 2 new pedestrian accesses onto Rosemead Avenue, provision of cycle and refuse storage and associated landscaping (a car-free development) (as amended by revised plans received on 14/06/2010, e-mail received on 16/06/2010).

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

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

**17. Any Other Urgent Business**

Mr Robert Vale

The Chair informed the Committee that this was the last meeting for Robert Vale, Principal Commercial Lawyer, as he would be leaving the employment of the Council in September 2010. The Committee was unanimous in expressing their sincere appreciation for the quality of legal advice and support given to them and asked that this be placed on record.

The meeting ended at 9.30pm

COUNCILLOR R PATEL  
CHAIR