

**Committee Report  
Planning Committee on 18 August,  
2010**

**Item No.** 2/06  
**Case No.** 10/1314

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**RECEIVED:** 21 June, 2010

**WARD:** Kilburn

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

**LOCATION:** Ground Floor Flat, 98 Willesden Lane, Kilburn, London, NW6 7TA

**PROPOSAL:** Retention of first floor extension to maisonette

**APPLICANT:** Emyvale Ltd

**CONTACT:** Building Designs

**PLAN NO'S:**

4525/1  
4525/2  
4525/3  
4525/4

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**RECOMMENDATION**

Approval

**EXISTING**

The subject site, located on the north-eastern corner of the junction between Willesden Lane and Torbay Road, is occupied by an end-of-terrace property with a shop unit on the ground floor, fronting Willesden Lane, with residential accommodation above. The front of the site forms part of the Willesden Lane Local Centre. To the rear, along the Torbay Road frontage, the building steps down to two-storeys in height. This part of the building has recently been extended to project the first floor building towards the adjacent terraced properties along Torbay Road which lie within the North Kilburn Conservation Area. The subject site does not fall within the Conservation Area.

**PROPOSAL**

Retention of first floor extension to maisonette

**HISTORY**

Planning permission (07/3021) was granted in December 2007 for the erection of a first floor extension above an existing single-storey projection to the rear of the property. The extension has been constructed but not in accordance with the approved plans. This matter is currently being investigated (E/10/0220) by the Council's Enforcement Team and the current application has been submitted to retain and regularize the extension as built.

## **POLICY CONSIDERATIONS**

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

BE2	Townscape: Local Context & Character
BE9	Architectural Quality
BE25	Development In Conservation Areas

## **SUSTAINABILITY ASSESSMENT**

Not Applicable

## **CONSULTATION**

### **EXTERNAL**

Consultation letters, dated 29th June 2010, were sent to 33 neighbouring owner/occupiers. Given the close proximity of the site to the North Kilburn Conservation Area it was also considered appropriate to advertise the application by way of site and press notices. It was observed by Officers that two site notices, posted on the 2nd and 7th June 2010, were removed prior to the completion of the 21 day consultation period. A third notice was posted on the 13th June 2010 and, having monitored the notice, Officers are satisfied that this notice has been displayed for the required period of 21 days. The press notice was published on 8th June 2010.

Two letters of objection have been received in response to the external consultation. The concerns of objectors include:-

- The building is the wrong size and design and has a detrimental effect on the character of the end of Torbay Road and is out of keeping with the Conservation Area
- The previous works have been carried out without consultation or negotiation with the owners of the adjoining property. No structural survey has been carried out to the flank wall of the adjoining property.
- The development could affect the house insurance policy of adjoining occupiers.
- The extension will block sunlight to neighbouring properties
- The development would cause noise disturbance to neighbouring occupiers
- Pollution caused by the construction works would harm the crops of neighbouring occupiers

### **INTERNAL**

Transportation Unit - The Council's Transportation Unit have inspected the proposals and have not raised any objection to the application on the basis that the development would be unlikely to have any significant impact on highway and parking conditions within the locality of the site.

## **REMARKS**

As discussed in the 'history' section of this report, a first floor extension has recently been added to the property. However, the extension has not been constructed in accordance with the plans approved under planning application 07/3021 and the current application seeks to regularize this issue.

## **URBAN DESIGN**

At the time of the previous application, the property included a single-storey projection to the rear which abutted the flank wall of 1 Torbay Road, a two-storey end-of-terrace property. Planning permission was approved for a first floor extension above this existing ground floor projection but a

gap of 1m was to be retained between the flank wall of the proposed extension and the flank wall of 1 Torbay Road. However, the first floor extension has not been constructed in accordance with the approved plans and the first floor extension adjoins the flank wall of 1 Torbay Road. The section of the extension which adjoins the flank wall of 1 Torbay Road, has a reduced depth from that of the main body of the extension. The reduced depth results in the front of this section of the extension being set back by approximately 2.6m from the front of the extended application property and 1.5m the main front wall of the adjoining property at 1 Torbay Road.

In considering the previous planning application for a first floor extension, it was considered that the retention of a gap between the buildings at first floor level was important in terms of providing a visual break between the subject and adjoining property at 1 Torbay Road. Although the gap has been partially infilled by the enlarged extension, given the significant set back from the front of both the subject and neighbouring properties it is considered that a reasonable visual break between the properties is still retained, particularly when viewed from up and down the street. Having viewed the development on site, it is the opinion of Officers that the development as built does not caused unreasonable harm to the setting of the adjacent Conservation Area and that its character and appearance would be preserved.

#### **IMPACT ON ADJOINING OCCUPIERS**

In terms of any direct impact on the outlook, daylight or sunlight of adjoining occupiers it is noted that the extension adjoins a flank wall which does not contained any windows. It is also noted that the enlarged part of the approved extension does not project beyond the front or rear of the adjoining property and therefore the extension as built would not have any greater impact on the outlook, daylight or sunlight of neighbouring occupiers than that of the approved extension. In terms of the building works which have been carried out, concerns have been raised in relation to the structural impact of the development on the adjoining property and insurance premiums paid by its occupants. Whilst it is regrettable that the building works carried out may have caused problems for neighbouring occupiers, as Members will be aware, such matters are not a material planning considerations that can be taken account of in the determination of the current planning application.

#### **CONSIDERATION OF OBJECTIONS**

The impact of the proposed extension on the character and appearance of the surrounding area and the impact of the development on the living conditions of neighbouring occupiers have been considered in the report above. In relation to concerns regarding the impact of building works on neighbouring occupiers in terms of noise and pollution these would not normally be material planning consideration. In any case, it was noted during a recent site visit that the development, the subject of the current application, appears to have been generally completed.

#### **REASONS FOR CONDITIONS**

**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 5 - Altering and Extending Your Home

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

**CONDITIONS/REASONS:**

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

London Borough of Brent Unitary Development Plan 2004  
Two letters of objection

Any person wishing to inspect the above papers should contact Ben Martin, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5231



# Planning Committee Map

Site address: Ground Floor Flat, 98 Willesden Lane, Kilburn, London, NW6 7TA

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