

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

Item No. 3/01
Case No. 10/1317

RECEIVED: 3 June, 2010

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: 17 Dennis Avenue, Wembley, HA9 8AZ

PROPOSAL: Conversion of property from a house in multiple occupation (HMO) and 9 self-contained studio flats to 10 self-contained flats, replacement of integral garage door with a new window, installation of 2 front rooflights and provision of 5 off-street parking spaces and refuse storage area to front garden

APPLICANT: Mr Sunil Badiani

CONTACT: Robson Walsh Chartered Surveyors

PLAN NO'S:
See Condition 2

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor

SECTION 106 DETAILS

The application requires a Section 106 Agreement, in order to secure the following benefits:-

- (a) Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) Given the existing use as a care home, a contribution £20,000 (£2,000 per additional bedroom), due on material start an, index-linked from the date of committee for Education, Sustainable Transportation, Open Space & Sports in the local area.
- (c) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved. The EcoHomes assessment can be applied to conversions and require a minimum "Very Good" EcoHomes rating to be achieved.
- (d) Join and adhere to the Considerate Contractors scheme.

And, to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

EXISTING

The proposal relates to a large two-storey detached dwellinghouse located on the west side of Dennis Avenue at the junction with Linden Avenue. The property has been substantially extended. The area surrounding the site is entirely residential in character comprising terraced and semi-detached houses. The property is unusual in that it is detached and occupies a larger plot than surrounding properties.

The front garden of the property is entirely brick paved and provides 7 off-street car parking spaces served with 2 vehicular accesses from Dennis Avenue. As well as being in a Controlled Parking Zone Dennis Avenue due to its proximity to Wembley Stadium is also subject to event day parking restrictions.

The established use of the premises is for a care home however since 2006 it has been used without planning permission as a House in Multiple Occupation (HMO) comprising 9 self-contained flats and 12 non-self-contained flats. Enforcement Action against this unauthorised use is currently being pursued. prosecution proceedings and trial date has been set for June 2010.

PROPOSAL

The proposal is for the conversion of the building from a house in multiple occupation (HMO) and 9 studio flats to 10 self-contained flats (comprising 7 x 1-bedroom and 4 studio flats), external alterations to the building elevations involving the replacement of the integral garage door with a new window, installation of 2 front rooflights, replacement windows and doors, alterations to the front garden area to provide additional landscaping, provision of 5 off-street car parking spaces, provision of a refuse and recycling storage area and the provision of covered cycle storage.

HISTORY

The following planning history is relevant to the proposal:

- 15/04/2010 Retrospective application submitted for change of use and conversion of the premises to a house in multiple occupation (HMO) and 9 self-contained studio flats - Refused (ref: 09/2542)
- 15/04/2010 Application submitted for conversion from unauthorised HMO (House in Multiple Occupation) and 9 studio flats to 17 flats (7 one-bedroom and 10 studio flats), the provision of 7 off-street car parking spaces, the creation of a refuse storage area and external alterations including replacement of front garage door with a new front window and creation of two additional ground floor windows to the side elevation - Refused (ref: 09/3261)
- 11/02/2010 Application for the conversion from unauthorised HMO (House in Multiple Occupation) to 8 self-contained flats with associated installation of 2 front rooflight, 2 rear rooflight and replacement of 2 rear doors with 2 new ground-floor rear windows - Application Withdrawn (Ref: 09/3258)
- 05/12/2008 Retention of and reduction in height of existing boundary wall and pillars at front of property - Approved (ref: 08/2408)
- 15/11/2006 Enforcement Notice served against the unauthorised change of use and conversion of the premises into a HMO and 9 self-contained flats and the erection of a side boundary fence and front boundary walls and pillars to premises - (ref: E/06/1584)
- 06/06/1990 Outline application for demolition of existing and erection of 3 storey elderly persons home - Refused (Ref: 88/2202)

- 15/02/1989 Application for the erection of a two-storey side and rear extensions and conversion to 8 self-contained flats - Withdrawn (Ref: 87/2853)
- 30/03/1988 Erection of two-storey side extension, single storey rear extension, installation of front, side and rear dormers to provide room in roof space and change of use to elderly person's home and provision of parking spaces - Appeal Allowed (Ref: 87/0230)
- 12/02/1976 Erection of single detached house with integral garage and a domestic garage - Approved (Ref: H1333 892)

POLICY CONSIDERATIONS

Adopted Unitary Development Plan 2004 Policies

BE2 Townscape: local Context & Character
BE7 Public Realm Streetscape
BE9 Architectural Quality
H8 Resisting Loss of Housing
H17 Flat Conversions
H18 Quality of Flat Conversion
H19 Flat Conversions - Access & Parking
TRN23 Parking Standards for Residential Development

Local Development Framework Core Strategy Policy

CP21

Supplementary Planning Guidance 17 relating to "Design Guide for New Development"

SUSTAINABILITY ASSESSMENT

The scope for sustainability are limited for the proposal involving conversion only. The EcoHomes assessment can be applied to conversions and therefore require a minimum "Very Good" EcoHomes rating to be achieved.

CONSULTATION

The following have been consulted on the proposal:

- Nos. 9 to 18 Dennis Avenue
- Nos. 1 to 4 and 21 to 24 Linden Lawns

In total 4 letters from occupiers of No. 18 Dennis Avenue have been received raising objections to the proposal on the grounds that 2 proposed front rooflights would directly overlook their property and result in loss of their privacy. There should be restricted parking for the tenants due to only 5 car parking spaces available.

Transportation - has no objections to the proposal subject to the following conditions:

1. The present vehicular access should be widened to at least 4.1m width to allow vehicles to pass each other and also allow the vehicle to turn around and leave in forward gear. The aisle widths in the car park ought also to be increased to 6m.
2. Ten cycle parking spaces should be provided within the proposed cycle shed. The present

provision should be increased.

A revised site layout should be provided. It should show the cycle parking and the widened vehicular access as required.

Landscape - There is no objections to the proposal in principal. However, cannot recommend approval in terms of landscaping as no landscape plan has been provided.

Thames Water - No objection. Ask for informatives to be provided on any decision notice advising the developer of the relevant contact details for arranging sewage and water supply to the site.

REMARKS

Background

The proposal relates to a large two-storey detached dwellinghouse located on the west side of Dennis Avenue at the junction with Linden Avenue. The property has been substantially extended. The area surrounding the site is entirely residential in character comprising terraced and semi-detached houses. The property is unusual in that it is detached and occupies a larger plot than surrounding properties.

The front garden of the property is entirely brick paved and provides 7 off-street car parking spaces served with 2 vehicular accesses from Dennis Avenue. Dennis Avenue due to its proximity to Wembley Stadium is subject to parking restrictions with a bay provided for permit holders.

Planning permission was granted in 1988 for its change of use to a care home. The property since 2006 has been in unauthorised use as House in Multiple Occupation (HMO) comprising 9 self-contained flats and 12 non-self-contained flats. Enforcement Action against this unauthorised use is currently being pursued. Prosecution proceedings and trial date was set for June 2010 where the owner of the premises were convicted following breaching the Council's enforcement notice and were fined £6000 and also ordered to pay the Council's cost in the matter. The applicant following the conviction approached Senior Council Officers and entered into pre-application negotiation. This application is now submitted following pre-application advice sought from the Council's Senior Officers.

This application is submitted following three previous planning applications submitted under planning ref: 09/3261, 09/3258 & 09/2542. One of the planning applications (ref: 09/3258) for the conversion of the dwellinghouse to 8 self-contained flats had been withdrawn. The other two planning applications (ref: 09/3261 for "*conversion of dwellinghouse to 17 self-contained flats, provision for 7 off-street car parking and refuse recycling bins storage area and external alterations*" and 09/2542 for *the retention of the premises as an (HMO) and 9 self contained flats* were reported to the Planning Committee on 14/04/2010 at the request of both Councillor Muhammed Butt and Councillor Zaffar Van Kalwala and were refused..

The Proposal

Conversion of the building to 10 self-contained flats (comprising 7 x 1-bedroom and 3 x studio flats), the provision of 5 off-street car parking spaces, the creation of a refuse and recycling bin storage area, conversion of integral garage into a habitable room including the replacement of the garage door with a window, installation of two rooflights to the front roof elevation to provide light into the proposed kitchens of studio flats within roof space and external alteration involving removal of some of the existing doors and windows to the side and rear elevation of the building and their replacement with new windows and doors to suit the proposed arrangements of the flats within the building.

The proposed ground floor plan proposes main entrance into the building, a plant room, 3 x 1-bedroom flats and 1x studio flat. The first floor plan proposes 4 x 1-bedroom flats and second floor proposes 2 studio flats. The frontage layout of the property proposes a car park for 5 off-street car parking spaces, an area for refuse and recycling bins storage area and 2 areas as lawn area with 300mm flower border to kerb. The rear garden of the property is proposed as communal garden with 300mm flower border to paved areas. The rear/side of the property would provide 8 cycle parking spaces and privet hedge at the side boundary.

Assessment

The proposal is assessed against the Council's policies and standards as follows:

Flat Conversion

Originally built as a large detached dwellinghouse, planning permission was allowed on appeal for the extension and conversion of the property and its change of use to a care home. Policy H17 which sets out the requirements for the conversion of single family dwellinghouses to flats does not apply. In any case the size of what was the original dwellinghouse does meet the minimum set out in H17 with an original internal floor area well over the minimum 110m² set out in H17. However, the proposal also needs to comply with the requirements of Council Policies H18 relating to "*The Quality of Flat Conversion*" and H19 relating to "*Flat Conversions – Access and Parking*" as set out in the adopted UDP.

Policy H18 requires flat conversions to provide an acceptable standard of accommodation for future residents. The conversion should not be over-intensive, in terms of the number and size of the proposed units. The layout of the rooms within conversion schemes should have appropriate stacking and should avoid differing types of room being "stacked over or under each other. All rooms should have regard to room size standards as set out in Supplementary Planning Guidance (SPG) 17 relating to "Design Guide for New Development". All units should be fully self contained. Conversion schemes should be accessible to disabled people, have adequate circulation and storage space, and should meet the Council's standards for refuse and recycling storage and car and cycle parking standards.

Schemes should where practicable include a range of unit sizes suitable for various needs. However as the authorised use of the premises is for a care home the proposal does not result in the loss of any existing family housing the requirement that a family unit of 3 or more bedrooms be included is not therefore necessary.

Unit Sizes – The scheme comprises 10 self-contained units (comprising 7 x 1-bedroom flats and 3 studio flats). The proposed 1-bedroom flats would have an internal floor area ranging between 45 to 48 square metres. The proposed studio flats would have an internal floor area ranging between 33 to 36 square metres. According to the Council's "Minimum Unit Size" standards set out in SPG 17, studio and 1-bedroom flats need to have a minimum unit size of at least 33 sqm and 45 sqm respectively. In this instance all the proposed flats would comply with the Council's minimum room sizes requirements set out in the Council's SPG 17 relating to "Design Guide for New Development".

Range of Units – The property is large enough to provide a range of family and non-family units suitable for various needs. However, in this instance the scheme provides only non-family accommodation in the form of studio and 1-bedroom flats.

Light Aspect – 5 out of 10 units proposed would have single aspect (i.e. either east or west facing) and this represents a significant improvement on previous schemes for this site. All the units in the proposal would have windows that provide an acceptable level of outlook and light into the units. The proposal therefore complies with the criteria (l) of the policy H18.

Layout and Stacking - The internal layout of rooms within each unit is generally considered to be acceptable. However, there is a some inappropriate stacking of rooms between different floors in that bedroom in flat 8 would be directly over a bathroom and kitchen in studio flat no. 4. Similarly living rooms in studio flat 9 and 10 would be partly over the bedroom in flat 5 and 8. The proposal in the absence of any sound insulation measures is considered to result in the transmission of noise and vibration between units to the detriment of the future occupants of the units and therefore would fail to comply with the criteria (a) of the policy H18. However, in this instance a condition is attached requiring adequate sound insulation to walls and/or floors between units in separate occupation in addition to Building Regulation requirements to ensure amenities of the future occupants with regards to transmission of noise and vibration is safeguarded.

Storage Space – All the units in the building would have storage space and therefore would meet the requirement of the criteria (d) of the policy H18.

Bin Storage and Screening – The front garden layout of the property indicates that there would be an area approximately 5m² to the side of the front garden area to provide storage of refuse and recycling bins for the proposed flats. The position of the proposed bins located within 3m of the adjoining highway is considered to be acceptable for refuse and recycling material collection by its service provider from the adjoining highway.

The proposal needs to make provision for a 120L of refuse and recycling storage per flat. The area proposed for refuse storage is therefore considered to be adequate to meet the needs of 10 self contained units. The proposal therefore would meet the criteria (f) of the Policy H18.

Amenity Space – The application is proposing 10 units and therefore in accordance with the Council's "Amenity Space" standards set out in the SPG 17 is required to provide a minimum of 200 sqm of communal amenity space based on 20m sqm of amenity space requirements per unit created. The property has a rear garden of ~255 sqm. The plans accompanying the application does indicate that the rear garden would be used as a communal amenity area for the proposed flats and therefore would comply with the Council's minimum amenity space requirement as set out in the SPG 17.

Car and Cycle Parking and Access – The plan indicates 5 off-street car parking spaces and a small bin area in the frontage of the property which is all hardsurfaced. The parking area would be served by existing (3.5m wide) vehicular access from Dennis Avenue. There is also a separate pedestrian access close to the north flank of the property.

The proposed 10 units (comprising 7 x 1-bedroom flats and 3 studio flats) would need to provide 7 spaces (based on reduced standard of 0.7 spaces per unit for both 1-bedroom and studio flats) and it is a maximum allowance. However, in this instance provision is being made for 5 car parking spaces and this will meet the Council's current parking allowances as set out in standard PS14 of the adopted UDP 2004.

According to the Council's Cycle Parking Standards PS16 set out in the adopted UDP 2004, the proposed 10 units would need to provide 10 safe and secured cycle parking spaces to meet the Council's standard of one per unit. In this instance revised plans proposing 10 cycle parking spaces in a covered cycle shed at the rear of the site would now comply with the Council's Cycle Parking requirement for the proposal and it is therefore considered to be acceptable.

The existing vehicular access to the frontage of the property is 3.7m wide. However, in this instance it is suggested by transportation that the existing vehicular access shall be widened to 4.1m and the aisle width in the car park shall be increased to 6m to assist vehicles to pass each other when leaving the parking area and also allow the vehicle to turn around and leave in forward

gear. Revised plans to this effect have been submitted to address the transportation concerns and are now considered to be acceptable.

Emergency and Refuse Access – Fire Appliance need to gain access to a point that is within 45m of a suitable entrance to any given dwelling. The new dwellings will meet this requirement. Access point for refuse vehicles should not normally be further away than 10m from Eurobins enclosures in flats. The bin store is located close to the pedestrian access and will meet this requirement.

In view of the above considerations the application can be supported on transportation grounds subject to certain requirements for provision of cycle parking and adequate access from the highway as discussed above.

Soft Landscaped Area – The frontage of the property at present is all hard surfaced and it is largely used as a car park for 7 cars and bin storage area. The proposal is now to reduce the number of car parking spaces from 7 to 5 and convert part of the frontage as a soft landscaped area. Although it would not provide 50% percent soft landscaping to the sotes frontage it would result in a significant improvement on the existing situation. However, to enhance the effect of proposed soft landscaped area a condition would be attached requiring further details of soft landscaping to be submitted for consideration at a later date.

External Alterations - The proposed external alterations involving replacement of 3 rear doors with windows and a single door, replacement of single door on the south elevation with a window, replacement of small window in the north elevation with a single door, replacement of front garage door with windows to match the existing windows in the property is considered to be acceptable. However, the replacement of garage door with a window which would mean that the proposal would result in a loss of garage. It should be note that the garage at present is internally converted into a room without planning permission. It appears that garage conversion has taken place over 4 years ago and therefore is immune from enforcement action. However the loss of the garage is considered to be acceptable given that frontage car parking for 5 cars would satisfy the Council's car parking requirements for the proposal.

Summary

The current proposal is considered to be a significant improvement on the existing situation and on previous refused proposals to replace the current unauthorised use. The number of units will be significantly reduced and the scheme now complies with the criteria for assessing the quality of flat conversions set out in Policy H18 and satisfies transportation requirements for access, refuse storage and for cycle and car parking. The proposal is therefore recommended for approval subject to the conditions set out in this report.

RECOMMENDATION: Grant Consent subject to Legal agreement

(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 drawing(s) and/or document(s)

-5487/10 - Ordnance Survey Extract showing Location of the Site
-5487/21 - Proposed Ground, First and Second Floor Plan and Section AA
-5487/22 - Proposed Front, Rear, North and South Elevation
-5487/27a - Plan Showing Proposed Hard and Soft Landscaped Area, Car Parking, Cycle, Refuse and Recycling Provision.
-5487/24 - Existing Front, Rear, North and South Elevations
-5487/25 - Existing Ground, First and Second Floor Plan

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) A dustbin enclosure, providing for the storage of refuse and recycling bins for the proposed flats, shall be constructed in accordance with details and in a location to be submitted to and approved in writing by the Local Planning Authority, prior to occupation of the premises as self-contained flats. The enclosure shall be built of brick (to match existing brick work of the building or garden wall as appropriate), roofed and fitted with ledged, braced and battened doors and shall be permanently retained as approved unless the prior written consent of the Local Planning Authority is obtained.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection.

- (5) No part of the development shall be occupied until existing vehicular access has been widened to at least 4.1m and the aisle width in the car park increased to 6m in accordance with the details to be submitted and approved by the Local Planning Authority.

Reason: To assist vehicles to pass each other when leaving the parking area, to allow the vehicle to turn around and leave in forward gear and in the interests of the general amenities of the locality and the free flow of traffic and general conditions of the highway safety on the neighbouring highway.

- (6) No development shall take place before a scheme for adequate sound insulation to walls and/or floors between units in separate occupation hereby approved has been submitted in addition to BRGs and approved in writing by the Local Planning Authority. Thereafter none of the flats shall be occupied until the approved scheme has been fully implemented.

Reason: To safeguard the amenities of the occupiers.

- (7) Notwithstanding the plans hereby submitted and approved details of the provision of a minimum of 10 secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

- (8) Notwithstanding what is shown on the plans hereby approved, a landscaping scheme showing full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried as approved. The details shall include the definition of the car parking space, and a planting plan (including plant species, size, densities, and access gates).

All hard and soft landscaped works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development. If within five years of planting, any trees or shrubs die, are removed or become seriously damaged or diseased, they shall be replaced with others of the same species and size and in the same position, unless the written permission of the local planning authority is obtained.

Reason: To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality in accordance with the Council's policies BE6 and BE7 in the Adopted Unitary Development Plan 2004.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

1. Adopted Unitary Development Plan 2004
2. LDF Core Strategy Policies 2010
3. Supplementary Planning Guidance 17 relating to "Design Guide for New Development"
4. 4 letters of objections from neighbouring no. 18 Dennis Avenue

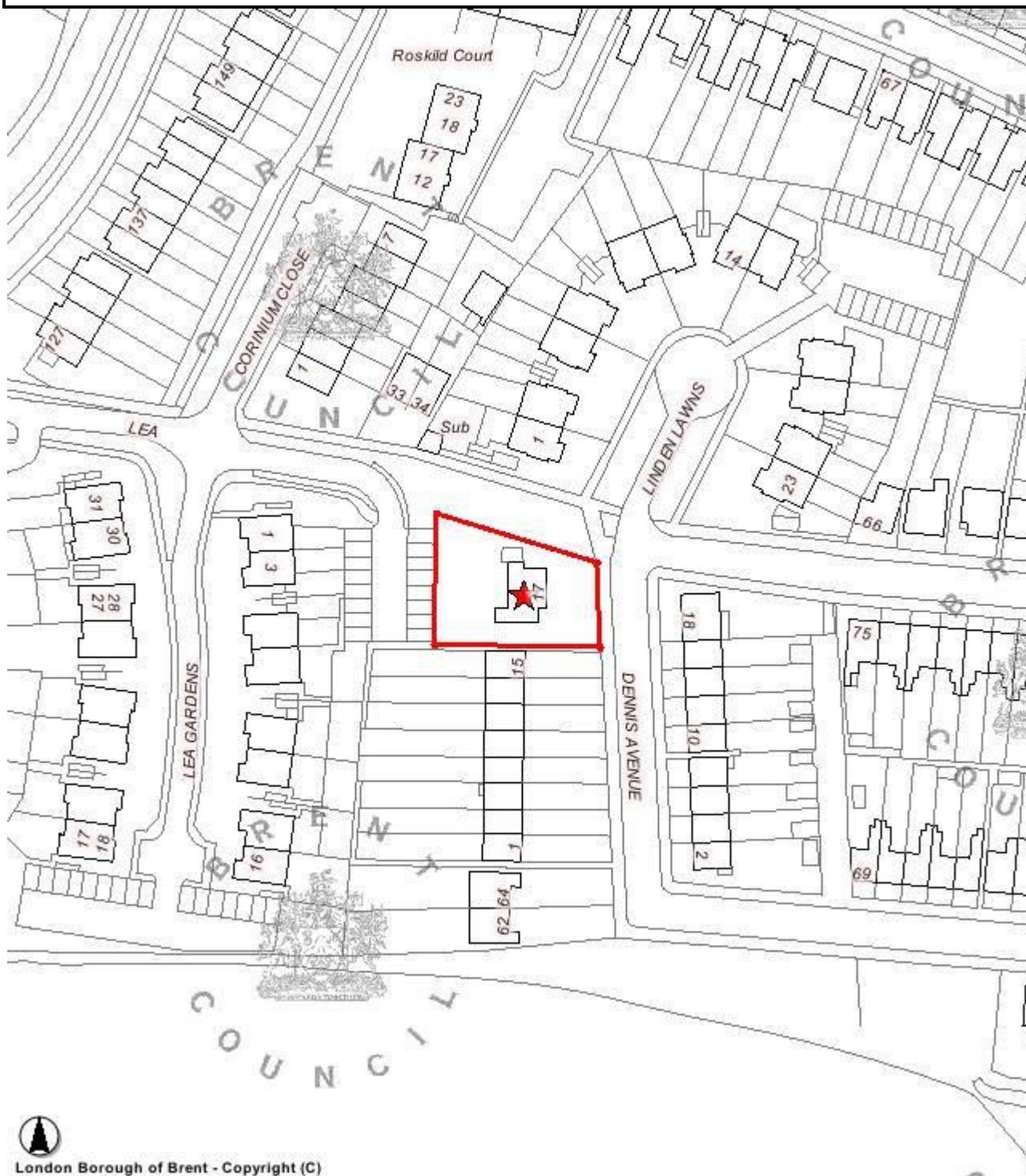
Any person wishing to inspect the above papers should contact Mumtaz Patel, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5244



Planning Committee Map

Site address: 17 Dennis Avenue, Wembley, HA9 8AZ

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