

**Committee Report
Planning Committee on 15 September, 2010**

**Item No. 5
Case No. 09/1616**

RECEIVED: 14 July, 2009

WARD: Mapesbury

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 14 Heber Road, London, NW2 6AA

PROPOSAL: Erection of single-storey detached outbuilding in garden ground-floor flat (14b Heber Road) as amended by plans received 16/11/2009 and 20/08/2010

APPLICANT: Camross Investment Management

CONTACT: Mr Michael Burnand

PLAN NO'S:
See Condition 2

RECOMMENDATION

Approval

EXISTING

The application relates to 14b Heber Road in Cricklewood. This is the ground floor flat which comprises 2 bedrooms with sole use of the rear garden. The surrounding uses are predominantly residential. The site is not located in a conservation area nor is it a listed building. Heber Road is designated as a Heavily Parked Street.

PROPOSAL

Full planning permission is sought for the erection of a single storey detached outbuilding to be used for domestic storage purposes.

HISTORY

93/1674. Full planning permission was refused for the erection of a detached two bedroom residential dwelling in side of garden No. 14, on 01/12/1993 (06/1466).

96/2046. Full planning permission was refused and a subsequent appeal dismissed for the erection of a detached 2 bedroom residential dwellinghouse inside garden of No. 14, on 15/07/1997 (Planning ref: 96/2046).

97/0176. Full planning permission was refused and a subsequent appeal dismissed for the erection of a detached bungalow for a disabled person, on 20.10.1997 (Planning ref: 97/0176). The three reasons for refusal were:

- 1. The proposed development would result in an incongruous and cramped form of development and would be detrimental to the amenities of adjoining residents by reason of obtrusive appearance contrary to policies E1 & H6 in the Council's Unitary Development Plan.*
- 2. The proposal does not make adequate provision for the parking of vehicles within the*

curtilage of the site, in accordance with the standards adopted by the Local Planning Authority as such is likely to give rise to the conditions which are prejudicial to the free flow of traffic on the adjoining highway contrary to Policies H6, T13 and standard PS12 in the Council's Unitary Development Plan.

- 3. The proposal would constitute an overdevelopment of the site resulting in inadequate amenity area for both the existing and proposed dwellings contrary to Policies H6 & H14 in the Council's Unitary Development Plan.*

06/1466. Full planning permission sought for the retention of detached outbuilding incorporating residential accommodation and prayer-room to be used in connection with the ground floor flat. The application was refused on 04/07/2007 for the following reasons and was also dismissed on subsequent appeal:

- 1. The proposed detached outbuilding by reason of its siting, size, obtrusive appearance, and close proximity to the side and rear boundaries represents a substantial building within the garden of this property that is out of character of the area, and is detrimental to the amenities of neighbouring occupiers, by virtue of its scale and massing which results in the unacceptable loss of outlook, contrary to policies BE2, BE7, BE9 and H21 of the Unitary Development Plan 2004.*
- 2. The proposed detached outbuilding represents a form of self contained residential development considered substandard by reason of the failure to provide a dwelling that meets the Council's minimum floor area standard or to provide adequate provision for off-street parking, refuse storage and cycle parking creates an unacceptable impact on adjoining properties by reason of outlook, privacy and use of the amenity area and would therefore fail to provide an adequate living environment for future occupiers contrary to policies H12 and TRN23 of the adopted Brent Unitary Development Plan 2004 and the advice of Supplementary Planning Guidance No. 17: "Design Guide for New Development".*

E/04/0326: An existing detached outbuilding was demolished as part of Enforcement Action related to the erection of a building and fence

09/0816. Full planning permission sought for the erection of detached outbuilding in the rear garden of 14 Heber Road. .Refused 29/05/2009 for the following reasons:

- 1. The proposed single-storey detached outbuilding, by reason of its siting, size, obtrusive appearance and close proximity to the boundary with the rear gardens of other properties, would result in a development that is out of keeping with its backland setting and which would be detrimental to the amenities of neighbouring residents, contrary to policy BE9 of Brent's Unitary Development Plan 2004*

POLICY CONSIDERATIONS

Brent UDP 2004

BE2 - Local Context

BE9 - Architectural Quality

CONSULTATION

11 neighbours were consulted, three representations have been received objecting to the proposal from residents on Oaklands Road on the following grounds:

- Loss of light;
- Noise and disturbance;

- Lack of parking;
- Loss of trees;
- Too close to boundary with neighbouring properties;
- Loss of privacy.

These issues are addressed in the *Remarks* section of this report

REMARKS

Context

The site has a significant planning history as set out in the *History* section above. In 2006, a single storey detached outbuilding was found to be in use as an unauthorised dwelling and was demolished by the Council following an enforcement appeal. A subsequent application was made for the erection of an outbuilding and was refused in 2009. The current planning application was submitted taking into account some of the amendments suggested by your officers. The amendments are as follows:

- The area of the proposed building reduced from 21m² to 15 m²;
- The height of the ridgeline reduced from 4m to 2.5m;
- The height at the eaves reduced from 2.8m to 2.1m;
- The position of the building set in 2m from the boundary with the rear gardens on Oaklands Road and average of 3.05m from the splayed boundary with no. 16 Heber Road.

After further dialogue with the applicant, additional amended plans and information regarding the proposed use and the status of the site have been provided. The amended plans and additional information confirm the following:

- The proposal relates solely to 14b Heber Road;
- The use is for storage purposes incidental to the use 14b Heber Road as a 2-bed residential flat;
- The building has been reduced in size and positioned further from the boundaries with neighbouring properties;
- The existing fence sub-dividing the rear garden of 14b Heber Road will be removed prior to the commencement of development;
- The existing single storey lean-to structure attached to the flank wall of 14 Heber Road (applicant refers to this as 14c) does not form part of the application site. The current use of this structure has not been clarified as officers have not been permitted access to this part of the site.

Whilst there is uncertainty regarding the use of other parts of 14 Heber Road (in particular the single storey lean-to structure referred to by applicant as 14c), it is important to note that the applicant has clarified that this application relates solely to 14b Heber Road and the external amenity space associated with this flat. The status of this outbuilding will be pursued by the Enforcement Team in view of the applicants inability to do so.

Siting and Design

14b Heber Road is a 2-bedroom groundfloor flat with sole access to a rear garden of approximately 150 sqm. The proposed outbuilding measures 3m x 5m (15m²) and positioned 2m from the boundary with No.77 Oaklands Road and a minimum of 2.5m from the angled boundary with No. 16 Heber Road. Currently the garden serving the ground floor flat at no. 14b Heber Road is subdivided by a fence. This is to be removed as part of this proposal. The outbuilding will have a dual pitched roof with the eaves height at 2.1m and the ridge height at 2.5m. It will have shiplap timber cladding to the exterior and is screened from the road by the existing side lean-to structure to no 14 Heber Road (referred to by applicant as 14c Heber Road). There are existing 1.8 m high fences along the side and the rear boundaries.

It is considered that the reasons for refusal of the previous application (09/0816) have been overcome and that the proposed single storey detached outbuilding will be in keeping with the character and appearance of the rear garden and will not have a detrimental impact on the amenity of neighbouring residents. The footprint of the outbuilding is of a size commonly seen in residential gardens and, given its size, could not readily be used for purposes other than those incidental to the enjoyment of the flat. Notwithstanding this, a condition will be attached to the permission restricting the use of the premises to domestic purposes. This includes usage for domestic storage, garden storage and as a summer house. Any use for the storage of materials relating to business or use as separate living accommodation is expressly forbidden.

An additional landscaping condition is also to be attached as the existing rear garden is predominantly hard landscaping. The reason for this condition is to ensure that the proposed development is in keeping with the visual amenities of the site and surrounding area.

Other Issues raised by Objectors

In relation to the issues of loss of light and proximity to the neighbouring boundaries, the revised scheme is not considered to have any adverse impact in view of the modest height of the outbuilding and proximity to the boundaries. Similar size buildings are not uncommon in residential areas and are lawful when they are for incidental use to the dwellinghouse.

In terms of noise and disturbance, the application relates to an outbuilding in a domestic garden. It is not considered that its use for purposes incidental to the enjoyment of the flat would lead to noise and disturbance exceeding that generally associated with the use of a residential property. Noise nuisance is covered by Environmental Health legislation.

There are no protected trees on this site and no trees within close proximity of the proposed building. As stated above, additional landscaping will be sought by condition if the application is to be approved.

Given that the proposed outbuilding is for storage purposes only there will be no increase in the number of bedrooms or the size of the living accommodation, it is not considered that the proposal will result in an increase of on-street parking. In relation to privacy, the window and door of the proposed building face towards the rear elevation of 14b Heber Road thus there will be no overlooking of neighbouring residents.

Conclusion

The proposed single storey detached outbuilding is of a scale and appearance that is in keeping with its location and will not have a detrimental impact on the amenity of neighbouring residents. Accordingly approval is recommended subject to the conditions set out below.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

(1) The proposed development is in general accordance with policies contained in the:-

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 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
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 to the requirements of Section 91 of the Town and Country Planning Act 1990.

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawings and/or documents:

Site Plan received on 20 August 2010 and 2810/1'D'

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

- (3) External work shall be carried out in the following materials:

-Walls: Timber Shiplap Boarding
-Roof: Green Mineral Felt
-Windows & Door: Timber

Unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

- (4) The outbuilding hereby permitted shall be used solely for purposes incidental to the enjoyment of the residents of the groundfloor flat and for no other purposes, including use as any form of residential accommodation or in conjunction with any business, without the prior permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: In order to ensure that the outbuilding is not used for business use or separate living accommodation, which could harm the amenities of residential occupiers.

- (5) Notwithstanding any details of landscaping works referred to in the submitted application, a scheme for the landscaping works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any demolition/construction works on the site. The landscape work as approved shall be completed during the first available planting season following completion of the development hereby approved and so maintained in accordance with the details so approved. Any plant that dies within a period of five years from the date of planting shall be replaced by a plant of the same species unless otherwise agreed in writing by the local planning authority. Such a scheme shall include:-

- (a) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;
- (b) screen planting along the side boundaries and in front of the outbuilding;
- (c) removal of the existing boundary fence that subdivides the existing rear garden;
- (d) areas of hard-landscaped works and proposed materials.

Reason: To ensure a satisfactory appearance and setting for the proposed development so that it enhances the visual amenity of the conservation area.

INFORMATIVES:

- (1) The applicant is informed that prior to submitting any further applications for development on this site, an appropriate application should be made to ensure that the conversion of the former dwellinghouse into flats is regularised by making a Certificate of Lawfulness if there exist evidence that the 3 flats are self contained have existed for 4 years or more. Please note a planning permission to retain the flats is required if the flats have not been in existence for 4 continuous years.

Any person wishing to inspect the above papers should contact Robin Sedgwick, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5229



Planning Committee Map

Site address: 14 Heber Road, London, NW2 6AA

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