

Committee Report
Planning Committee on 15 September, 2010

Item No. 11
Case No. 10/1782

RECEIVED: 6 July, 2010

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: 50 Ambleside Gardens, Wembley, HA9 8TL

PROPOSAL: Erection of a single storey detached outbuilding including proposed alterations to reduce the width in rear garden of dwellinghouse (part retrospective application)

APPLICANT: Mr R Varsani

CONTACT: Mrs Jaini Shah

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval, subject to conditions

EXISTING

The subject site contains a two storey semi-detached dwellinghouse situated on Ambleside Gardens. This site is not situated within a conservation area nor is it a listed building. Surrounding uses are predominantly residential.

PROPOSAL

Erection of a single storey detached outbuilding including proposed alterations to reduce the width in rear garden of dwellinghouse (part retrospective application)

HISTORY

10/0121 - Single storey out building in rear garden of dwellinghouse (retrospective application)
Refused 19/03/2010

E/10/0199 - The formation of a hard surface to the front garden of the premises. *Letter sent to owners advising that the breach is unacceptable. No formal action taken as yet.*

E/09/0664 - The erection of a building in the rear garden of the premises. *Enforcement Notice Issued. Compliance dated 30/04/2010*

09/1980 - Certificate of Lawfulness for a proposed single-storey rear extension, gable-end roof extension and rear dormer window to dwellinghouse. *Granted 12/10/2009*

POLICY CONSIDERATIONS

LDF Core Strategy 2010

CP17 - Protecting and Enhancing the Suburban Character of Brent

Brent UDP 2004

BE2 - Townscape: Local Context & Character

BE7 - Public Realm: Streetscape

BE9 - Architectural Quality

Supplementary Planning Guidance

SPG5 - Altering and extending your home

Material Considerations:

- Impact on neighbouring residential amenity
- Scale and Design of the Proposal and Impact on the Character of the Area

SUSTAINABILITY ASSESSMENT

n/a

CONSULTATION

Standard three week consultation period carried out between 20 July 2010 and 10 August 2010 in which 5 properties were notified.

2 objections have been received regarding this application which raise the following concerns:

- Objection raised to the brick appearance of the structure rather than a timber finish.
- Concerns raised regarding the potential use of the building for living accommodation.
- Size of the building is not inkeeping with the surrounding properties.
- Loss of trees due to position of the outbuilding in an area where mature trees were present. Concerns raised regarding loss of outlook to 36 Rydal Gardens due to the loss of trees and shrubbery.
- Loss of privacy to 36 Rydal Gardens and increased noise and small if building is to be used as living accommodation.
- Concern that a flat roof would increase risk of crime to 36 Rydal Gardens. However concerns are raised regarding the pitched roof due to the proximity to the fencing causing drainage issues.

REMARKS

The existing unauthorised outbuilding is the subject of an enforcement notice which required the removal of the unauthorised structure by 30 April 2010. An application for the retention of the building was submitted earlier in 2010 (ref:10/0121). This application was refused for the following reason:

The existing outbuilding, by virtue of its excessive size and height, its proximity to neighbouring garden boundaries and its overbearing appearance, has a detrimental impact on the amenities of occupiers of neighbouring properties and appears as an obtrusive addition to this back garden area contrary to policies BE2 and BE9 of the London Borough of Brent's adopted Unitary Development Plan 2004.

The existing structure measures 6.8m in width and 3.95m in depth. The building has a dual-pitched roof which measures 2.3m to the eaves and 3.6m to the ridgeline however the building is situated on a concrete plinth which is not original to the site. This has a height of 0.7m therefore the building would appear to have a total height of 4.65m when seen from neighbouring gardens. Currently the building is 0.9m from the rear boundary of the site and 0.6m from the side boundary shared with

number 52 at its nearest point.

The applicants now seek to amend the building in order to address the previous refusal reason. The proposed amendment was originally to remove the pitched roof and replace this with a flat roof however this raises concerns regarding the design of the structure. At the request of officers, the scheme has been amended to retain the dual-pitched roof and instead, reduce the width of the structure so that it maintains a minimum of 2m from the boundary shared with 52 Ambleside Gardens. Accordingly the new proposed width is 5.4m.

Principle of Development

It is accepted that residential gardens often contain storage buildings. In many circumstances, national legislation allows the construction of such a building without the need for planning permission. This would apply to buildings which comply with certain height limitations depending on their location within a site in addition to the scale and use restrictions which, under the Town and Country Planning (General Permitted Development) Order 1995 as amended, must be incidental to the main dwellinghouse. As planning permission is being sought for the structure, it is not reasonable to assess whether the building is incidental to the main dwelling but rather that the structure would be used for purposes which are ancillary to the main building.

The building in question has a footprint of less than 22 square metres which is not considered excessive in scale when considered in comparison with the footprint of the main dwellinghouse and the size of the plot. The scale of the building is such that it can be considered to be a reasonable storage building for a domestic property. The use of the building as ancillary to the main dwellinghouse can be secured by condition.

Fallback Position

The implication of refusing this application is that the existing enforcement notice which requires the removal of the building could be enforced. In this circumstance, the applicants would have the fall back position of being able to erect a replacement outbuilding providing it complies with the requirements of Town and Country Planning (General Permitted Development) Order 1995 as amended in 2008 following the demolition of the unauthorised structure.

The 2008 amendments to the Order made various changes to the permitted development rights of householders. In regard to outbuildings the changes impose a height limit of 2.5 metres if any part of an outbuilding is within 2 metres of a boundary. Any replacement outbuilding would therefore either have to be lower or be set further in from the boundary.

In assessing this application it is therefore necessary to consider whether this course of action would be reasonable and justifiable. The main justification would be the harm to neighbouring residential amenity.

Impact on neighbouring residential amenity

The reduction in width has been sought in order to provide a greater degree of separation between the outbuilding and the boundary shared with number 52 Ambleside Gardens. This provides a greater degree of separation from this neighbouring garden whilst also providing an opportunity of landscaping which would mitigate the impact of the outbuilding on outlook. As this neighbour experiences the most harm from the unauthorised outbuilding this amendment is welcomed and is considered to address the previous reason for refusal.

The concerns regarding loss of trees and landscaping affecting the outlook from properties fronting Rydal Gardens are noted. Furthermore it is recognised that the building exceeds permitted development heights for a building which is only 0.9m from a boundary. However the properties fronting Rydal Gardens have generous garden depths of around 35m. This distance is significantly

longer than the minimum SPG17 standard for new development which would typically secure a garden with a depth of 10m and a distance of 20m between two storey dwellinghouses. As such concerns regarding outlook cannot be supported given this relationship. Your officers also considered the generous garden depths to be sufficient justification to allow the existing relationship between the building and this boundary to be retained as no unduly detrimental impact is considered to occur in circumstances where amenity spaces significantly exceed council standards.

In terms of objections regarding noise, disturbance, smells and loss of privacy, a condition is recommended to ensure the building remains ancillary to the dwelling as a store. This is the current use of the building confirmed through an officers site visit.

Scale and Design of the Proposal and Impact on the Character of the Area

As previously discussed, the scale of the outbuilding is not considered so excessive as to harm the setting of the dwelling or the character of the area due to its footprint being typical in size for a domestic store. It should be noted that the Town and Country Planning (General Permitted Development) Order 1995 as amended does not require all domestic outbuildings to be constructed in timber. As such, it would be unreasonable for the Local Planning Authority to require this.

The appearance of the building is considered to be an improvement on the original submission by virtue of the retention of a dual-pitched roof. Furthermore the increased space around the building provide opportunities for landscaping to soften the appearance of the building from the closest affected neighbours, number 52 Ambleside Gardens and the gardens to the rear belonging to properties fronting Rydal Gardens. A condition is recommended to secure a suitable planting scheme. Accordingly, your officers do not considered significant harm to occur to the character of the area to warrant a refusal of the scheme.

Other matters

Concerns have been raised by objectors regarding the impact of pitched roof on drainage. The distance between the building and the boundaries allows any runoff to drain within the curtilage of the application site and would not raise any concerns to neighbouring sites.

Summary

Whilst the alterations to the outbuilding result in a building which remains larger than would be allowed under permitted development, no significant harm is considered to occur to either neighbouring residential amenity or the character of the area. The proposal is therefore considered to comply with policies BE2, BE7 and BE9 of Brent's Unitary Development Plan 2004 and policy CP17 of the LDF Core Strategy 2010. Accordingly it is recommended that planning permission be **granted, subject to conditions.**

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Local Development Framework Core Strategy 2010
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 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):

AMBG50/R/2 Rev A dated 24 August 2010
AMBG50/R/1
Location Plan unnumbered

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

- (3) The outbuilding hereby approved shall be used solely for purposes ancillary to 50 Ambleside Gardens. No business or industry shall be carried out therein, nor shall this building be used for additional living accommodation or be sold, let or occupied separately from the main dwellinghouse.

Reason: In the interests of neighbouring residential amenity.

- (4) The areas immediately to the side and rear of the outbuilding shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority within three months of the date of this consent, the landscape work to be completed during the first available planting season following completion of the development hereby approved. Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced in the same positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality, in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

INFORMATIVES:

- (1) The applicant is advised to ensure that the works on the approved outbuilding are completed in full within 6 months of the date of this decision in order to avoid direct action being taken by the Planning Enforcement Team. Any works undertaken by the council would be charged to the applicant.

REFERENCE DOCUMENTS:

Brent's Unitary Development Plan 2004
LDF Core Strategy 2010
SPG5 *"Altering and Extending your Home"*

Any person wishing to inspect the above papers should contact Sarah Ashton, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5234



Planning Committee Map

Site address: 50 Ambleside Gardens, Wembley, HA9 8TL

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