

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

**Item No. 14
Case No. 10/1698**

RECEIVED: 30 June, 2010

WARD: Alperton

PLANNING AREA: Wembley Consultative Forum

LOCATION: Land next to 25, Craigmuir Park, Wembley, HA0 1NY

PROPOSAL: Erection of a two storey dwellinghouse with provision of an off street car parking space to the rear garden, refuse storage area to the front garden facing Craigmuir Park and associated landscaping

APPLICANT: T MOHAN & CO LTD

CONTACT: ADTC

PLAN NO'S:
(See Condition 2 for the approved plans)

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 and Culture 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:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- A contribution of £3000 per bedroom, index linked from the date of committee and due on material start towards the provision and/or improvement of education facilities in the Borough, non car access/highway, sports and public space improvements in the area.

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 application relates to a vacant plot of land to lying to the east of and adjoining 25 Craigmuir Park. It is the case this land was previously within the curtilage of No. 25, but part of the site has been separated off from No.25 with its own curtilage formed. This occurred over twenty years ago.

The application site is situated at the turning end of this cul-de-sac but is not located within a Conservation Area.

PROPOSAL

Erection of a two storey dwellinghouse with provision of an off street car parking space to the rear garden, refuse storage area to the front garden facing Craigmuir Park and associated landscaping.

HISTORY

09/2174 Erection of a two storey dwellinghouse with provision of an off street car parking space to the rear garden, refuse storage area to the front garden facing Craigmuir Park and associated landscaping. **Application withdrawn**

99/0620 Erection of detached single-storey 3-bedroom bungalow. **Refused**

97/0948 Erection of 2 semi-detached two-bedroom houses with integral garages and alteration of existing vehicular access from Craigmuir Park. **Appeal dismissed**

POLICY CONSIDERATIONS

National

PPS 3 – Housing

Previously developed land is still a priority for new development however a Ministerial Statement (June 2010) announced the re-issue of PPS3 with amendments, the most notable being the exclusion of 'private residential gardens' from the definition of previously developed land. This is intended to prevent overdevelopment of neighbourhoods and to prevent 'garden grabbing'. However it is not considered this site meets the definition of a private residential garden any longer as it has been sectioned off from No. 25, with its own curtilage formed over twenty years ago and as such still meets with the definition of 'previously developed land'.

Brent

- **BE2** Townscape: Local Context & Character
- **BE5** Urban Clarity & Safety
- **BE6** Public Realm: Landscape Design
- **BE7** Public Realm: Streetscape
- **BE9** Architectural Quality
- **H12** Residential Quality – Layout Considerations
- **H15** Backland Development
- **PS14** on residential parking standards

Brent Supplementary Planning Guidance

Supplementary Planning Guidance (SPG) Note 17: “Design Guide for New Development”

Supplementary Planning Document 'S106 Planning Obligations'

Brent Core Strategy – Adopted July 2010

SUSTAINABILITY ASSESSMENT

N/A

CONSULTATION

A total of 22 surrounding properties were consulted on **12th July 2010** and internal consultation was sent to Brent's Transportation Unit, Landscape Team, Environmental Health, Thames Water and Local Ward Councillor's.

3 letters of objection has been received, with the following grounds of objection raised;

- The proposed design is not in keeping with other houses on Craigmuir Park.*
- The proposal will result in an increase in noise.*

- Will lead to an increase in pollution.
- The proposal will lead to an increase in parking.
- The proposed access from the rear will lead to congestion problems
- Will result in harm to the amenities of No.23 particularly in the use and enjoyment of their garden.
- The proposed building appears overbearing.

Statutory Consultees;

Thames Water; No objections raised.

Landscape; No objection is raised in principle. In the event of planning permission being granted conditions are requested to approve details of hard surfacing, boundary treatments, soft landscaping and boundary treatments.

Transportation;

- Pedestrian access will be created onto Craigmuir Park while a rear access from Mount Pleasant will be used leading to a single garage and driveway.
- The site lies outside any area of parking control and has a low accessibility with a PTAL rating of Level 1.
- According to parking standard PS14 a 4-bed house can be permitted up to 2 car parking spaces. The proposed provision of a single garage plus a driveway length of approximately 8m is therefore acceptable in fulfilment of the standard.
- Car parking access is proposed at the rear, accessed from Mount Pleasant, in this location this access road is maintained as public highway (approximately 3m wide), and despite being narrow is deemed suitable for light use by residents.
- Various properties along Mount Pleasant, Craigmuir Park, Beresford Avenue and Newcombe Park already use the access road to access garages.
- There is space to reverse and leave the site onto Mount Pleasant in forward gear.
- Pedestrian access from the front of the site is acceptable.
- Details of refuse and cycle storage are considered to be acceptable.
- No transportation objection subject to a s106 agreement to secure contribution towards improving highway safety, new parking controls and better non-car access.

REMARKS

The proposal is assessed against the Council's UDP policies, Core Strategy policies and standards in Supplementary Planning Guidance Note 17 "Design Guide for New Development".

History

The vacant plot of land which forms the application site was sub-divided and sectioned off from the garden of 25 Craigmuir Park over twenty years ago, it has since been left to become overgrown and used at times for storage. There have been a number of unsuccessful applications to develop the site for residential purposes submitted throughout the 1990's. These were mostly for the construction of a pair of semi-detached houses. An appeal considered following the refusal of application 97/0948 dismissed the appeal for the reasons that;

- (a) The access arrangements to the pair of properties would result in a loss of amenity to prospective occupiers as the residents of one of the pair would pass directly pass the other pair, this would be likely to result in conditions harmful to residential amenity.
- (b) The proposal would result in unacceptable vehicle access for the pair of semi-detached properties, proposed via the rear access road.

Subsequent to the appeal decision an application for the construction of a bungalow was refused on the grounds that it would appear as an incongruous adjacent to 2-storey properties, that the

proposed house would be deficient in private amenity space and that there was insufficient provision for visitor parking likely to result in additional parking pressure on Craigmuir Park.

In 2009 an application for a detached 2-storey dwelling was withdrawn following comments from your Officer's that the proposed design could not be supported. There was no objection in principle to the sites development.

Design

The proposal is for a 2-storey flat roof contemporary house with integral garage, and with an "L" shaped footprint. The proposed design is not attempting to replicate the type of architecture found locally however in the past previous proposals to replicate the surrounding forms of development and types of architecture have been unsuccessful. Given that the site does not present a direct frontage onto Craigmuir Park it is considered appropriate that this infill site adopts a more modern approach as a response to the site constraints.

The flat roof design helps to reduce the scale and massing of the house, resulting in a maximum height of 5.5m which is less than the pitched roof properties either side which are typically a maximum of 8.5m high. The elevations have been broken down through the use of brick, render and cedar cladding. The palette of materials combines to add visual interest and create a more interesting building. The scale and massing of the proposed house is considered to be in keeping with surrounding forms of development in the locality.

The proposed contemporary dwelling is considered to be an appropriate design approach as it would be extremely difficult to successfully replicate the size, scale and proportions of the dwellings either side as these are pairs of semi detached properties and short rows of terraced properties. Approval is subject to a condition (submission of details) to ensure that the proposed design quality, and detailing, is carried through to the scheme once implemented.

SPG17 standards

The proposed 4-bedroom house will have an internal floor area of 139 square metres which significantly exceeds the minimum floor area standard to provide 90 square metres for a 4-bedroom dwelling.

The internal layout ensures that all rooms will benefit from reasonable levels of light and outlook and the ground floor living area has direct access to the rear amenity space. The rear windows will be at varying distances to the rear boundary, because of the shape of the site window distances will be between 8.7m and 10.1m from the boundary. SPG17 standards normally require 10m as a minimum to maintain reasonable standards of privacy. The marginal shortfall from this elevation can be justified because there is an access road to the north of the rear boundary and not another residential dwelling immediately adjoining. Windows on the front elevation, facing south are only habitable on the ground floor, and will be 9.2 from the boundary shared with No.23. Because of the "L" shaped layout the kitchen window on a return flank wall has a west facing aspect directly towards the flank wall of No.25, sited some 8.2m from the boundary and 9.6m from the flank wall of this adjoining property. In the absence of any habitable room windows within the flank wall of No.25 this is considered to be an acceptable relationship as the separation is still great enough to provide reasonable outlook, and secondly the absence of habitable windows ensures no loss of privacy will occur to the occupiers of No.23.

No habitable windows are proposed within the first floor with a south facing aspect (facing towards 23 Craigmuir Park and its amenity space). This is deliberate so as to avoid any direct overlooking of No.23, the only windows facing south are to a bathroom and high level windows to a circulation corridor. The window to "bedroom 4" is on the return flank wall, facing west and is 10m from the boundary which complies with SPG17 privacy distances.

The proposed dwelling will be separated from 23 Craigmuir Park by a distance of 2.9m, and is to project 0.7m beyond the existing rear building line, therefore the proposed building will not result in a loss of light and outlook as it comfortably meets the "2:1" rule.

The size and scale of new buildings should not be detrimental to the amenities of neighbouring properties and should result in acceptable relationships between buildings and private amenity spaces. To ensure new buildings do not become detrimental by being over dominant certain tests within SPG17 should be met. Where proposed development adjoins private amenity space/rear gardens then the height of the new development should normally be set below a line of 45 degrees at the garden edge, when measured from a height of 2m. By applying this test to the proposed development it is evident that the height of the new house sits comfortably below the 45 degree development line. This is a constrained site however the demonstration of compliance with the 45 degree rule suggests that the size and scale of the house is appropriate for the site, will result in an acceptable relationship to adjoining amenity spaces and will not be overbearing.

Amenity space & landscaping

The proposed house would benefit from a generous rear garden approximately 94sqm, with the addition of a balcony connected to "bedroom 3" therefore comfortably meeting with SPG17 standards which require 50sqm as a minimum area of amenity space for family sized accommodation. The access to parking is adjacent to the amenity space, therefore to avoid any potential harm to the quality of the private amenity some form of separation by way of a hedge or fence will be required. This detail can be secured through a landscaping condition.

In terms of boundary treatments the existing brick wall along the southern and eastern boundaries is to be retained. New boundary edge planting is proposed along eastern and southern boundaries and 6 new trees are proposed for planting. Some form of boundary treatment will need to be erected along the pedestrian footpath between the access way and No.23, details of which can be secured through a landscaping condition.

Landscape Officer's raise no objection but request that any planning permission is subject to a standard landscape condition to control hard and soft landscaping and boundary treatments.

Parking

The site lies outside any area of parking control and has low accessibility with PTAL Level 1. The proposed property will attract a maximum parking standard of 2 spaces, this can be accommodated within the integral garage and the 8m deep hardstanding directly in front of this.

The proposed vehicle access is to be from the rear of the site, accessed directly from Mount Pleasant, this service road which serves Mount Pleasant, Craigmuir Park and Highcroft Avenue properties is maintained as public highway. The access width is only 3m, but despite being narrow is deemed suitable for light use by residents, and various properties along Mount Pleasant, Craigmuir Park and Highcroft Avenue already use this access to rear garages. In this sense the proposed dwelling will be no different to the existing situation, furthermore it will be possible for vehicles reversing out of the site to then turn and leave the access road onto Mount Pleasant in forward gear.

Pedestrian access and the access routes for refuse and recycling storage is more suitable directly from Craigmuir Park, as proposed. Details of the means of refuse and recycling storage will be secured through condition.

Response to objections

The proposed design is not in keeping with other houses on Craigmuir Park.

The contemporary design is considered to be an acceptable approach. The plot has semi-detached properties to the west and terraced housing to the east. Officers are of the opinion that it would not be possible to successfully replicate either style of property due and it is considered to be appropriate to adopt a contemporary style approach which is of an acceptable size and scale.

The proposal will result in an increase in noise and pollution.

It is inevitable there will be additional noise during any construction, however Environmental Health legislation on working hours controls when it is acceptable to carry out work on-site. Should there be such problems in the future then the Council's Environmental Health department will have powers to enforce the relevant legislation.

The noise generated from one extra dwelling is not considered to be such that it would result in conditions harmful to neighbours' amenities. It is perfectly normal in suburban neighbourhoods to have housing in close proximity to each other.

The proposal will lead to an increase in parking and the proposed access from the rear will lead to congestion problems.

The maximum parking standard, which is for 2 spaces can be met fully on-site and it is not anticipated that additional on-street parking pressure will follow. The proposed access is no different to the existing situation utilised by a number of properties on Mount Pleasant, Craigmuir Park, Newcombe Park and Highcroft Avenue, and it is not envisaged that one additional dwelling will result in a significant amount of vehicle activity along this access road. If anything the siting of the dwelling and the position of the access is far more practical than many of the other properties in the area who use this as an access to rear garages.

Will result in harm to the amenities of No.23 particularly in the use and enjoyment of their garden and the proposed building appears overbearing.

The site is constrained but it has been demonstrated that the proposed dwelling comfortably falls under the 45 degree development line, ensuring an acceptable relationship to adjoining amenity spaces and ensuring that the dwelling does not appear overbearing or harmful to neighbouring amenity.

Conclusion

The proposal is considered to be acceptable in terms of its scale, design and character and will make a positive contribution to the area as well as adding to the stock of family housing within the Borough. Accordingly, it is recommended that this application be approved subject to the attached conditions and signing of the S106 legal agreement to secure a financial contribution of £12,000 (£3000 per bedroom) towards transport infrastructure, education and improvements towards open space, sports and the environment. It has been confirmed that the applicants are agreeable to the principle of this contribution.

REASONS FOR CONDITIONS

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
Central Government Guidance
Council's Supplementary Planning Guidance

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
Transport: in terms of sustainability, safety and servicing needs

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):

Location plan (1:1250)
CPW/P/01 (1:100)
CPW/P/02 (1:100)

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

- (3) No further extensions or buildings shall be constructed within the curtilage of the dwellinghouse(s) subject of this application, notwithstanding the provisions of Class(es) A, B, C, D & E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason(s): In view of the restricted nature and layout of the site for the proposed development, no further enlargement or increase in living accommodation beyond the limits set by this consent should be allowed without the matter being first considered by the Local Planning Authority. Furthermore to prevent an over development of the site and undue loss of amenity to adjoining occupiers.

- (4) Details of materials for all external work (including brick, windows, doors, roof and timber cladding) including samples, shall be submitted to and approved by the Local Planning Authority before any work is commenced.

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

- (5) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes, planting densities including the number and location of new trees) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any site clearance, demolition or construction works on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

- (a) proposed walls, fences and gates and any other form of boundary treatment or means of enclosure indicating materials and heights;
- (b) screen planting along each of the site boundaries;
- (c) adequate physical separation, such as protective walls and fencing between landscaped and paved areas;
- (d) provision for the satisfactory screening of bin store at the front
- (e) details for the areas of hard landscape works and proposed materials;
- (f) details of the proposed arrangements for the maintenance of the landscape works.
- (g) details of the location of new planting (including new trees) within the front garden area

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 with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

London Borough of Brent, UDP 2004
Brent Core Strategy - July 2010
SPG17 'Design Guide for New Development'

Any person wishing to inspect the above papers should contact Gary Murphy, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5227



Planning Committee Map

Site address: Land next to 25, Craigmuir Park, Wembley, HA0 1NY

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