

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

2 July, 2015
06
15/1295

SITE INFORMATION

RECEIVED: 7 April, 2015

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 385 Kilburn High Road, London, NW6 7QE

PROPOSAL: Proposed erection of single storey rear extension and 1 rooflight to existing roof

APPLICANT: Mr Goury

CONTACT: Bancil Partnership Ltd

PLAN NO'S: See condition 3

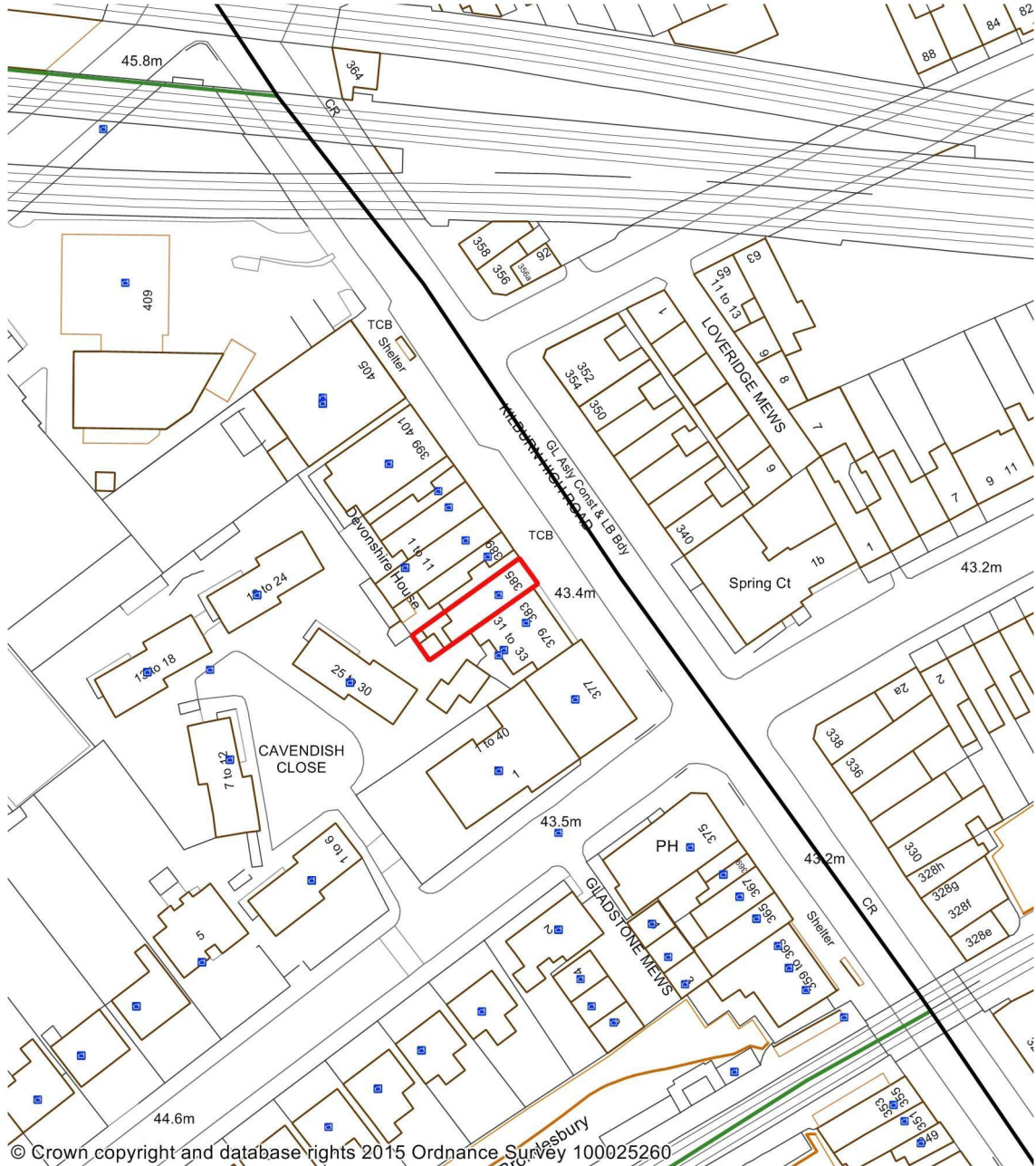
SITE MAP



Planning Committee Map

Site address: 385 Kilburn High Road, London, NW6 7QE

© Crown copyright and database rights 2011 Ordnance Survey 100025260



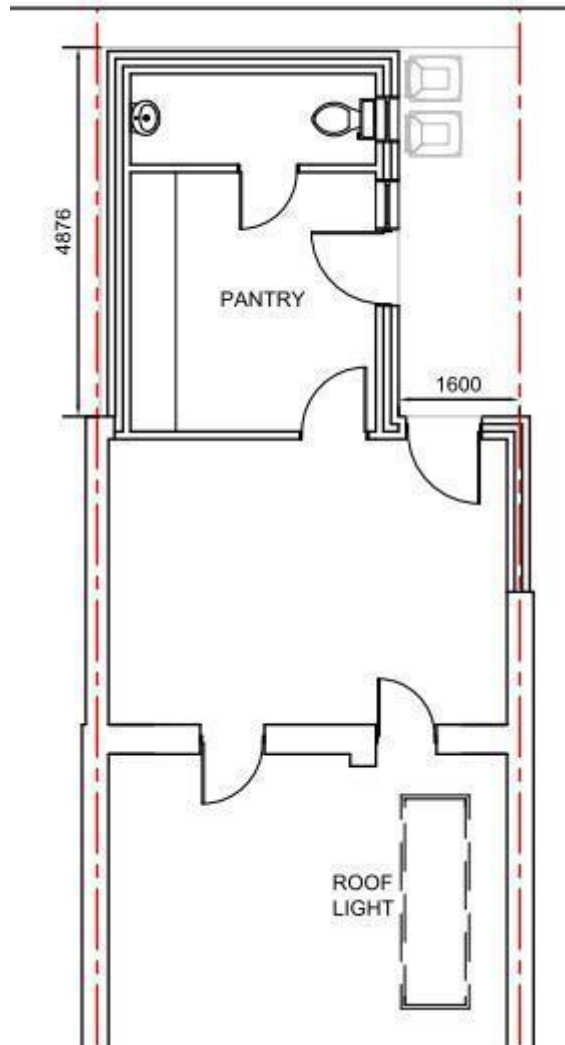
This map is indicative only.

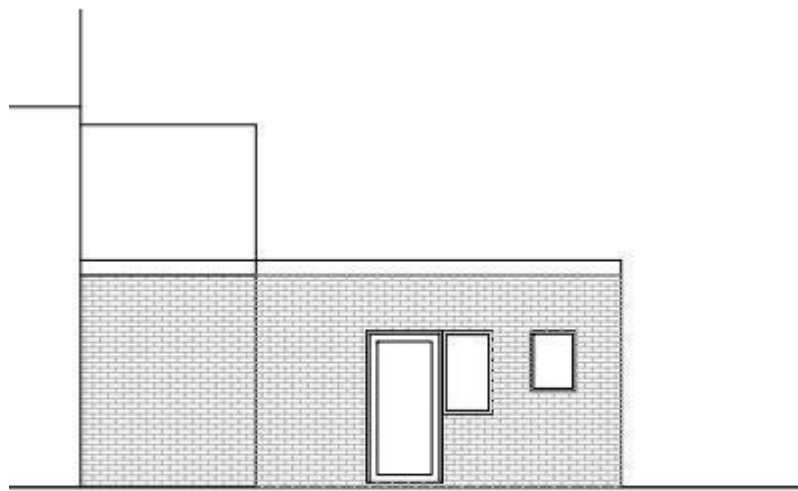
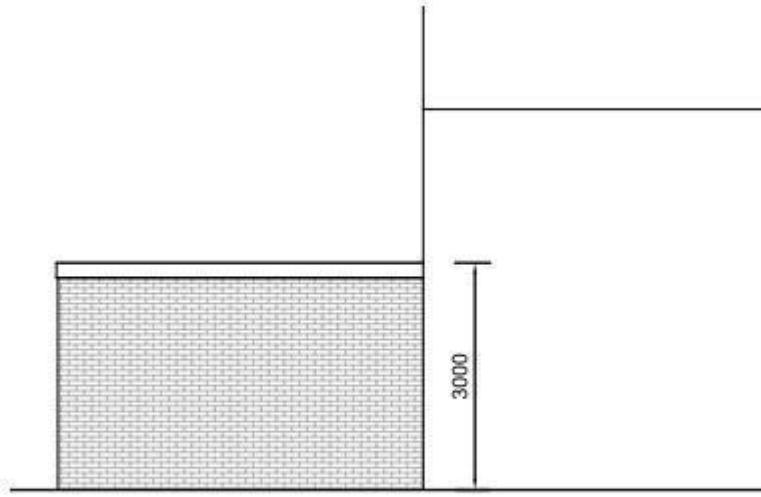
SELECTED SITE PLANS

SELECTED SITE PLANS

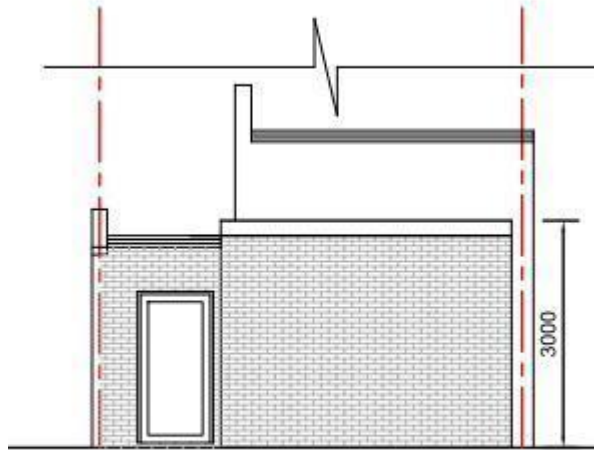
Approval subject to conditions

Proposed Elevations and Floor Plans



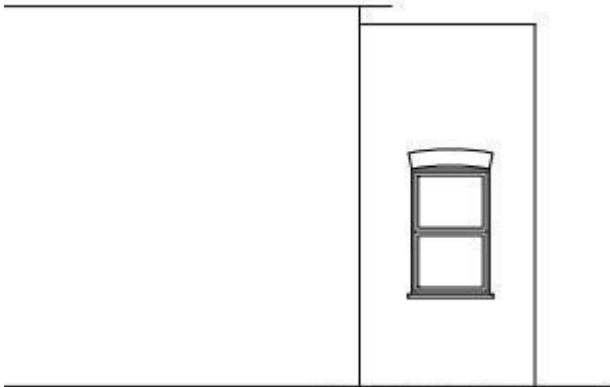
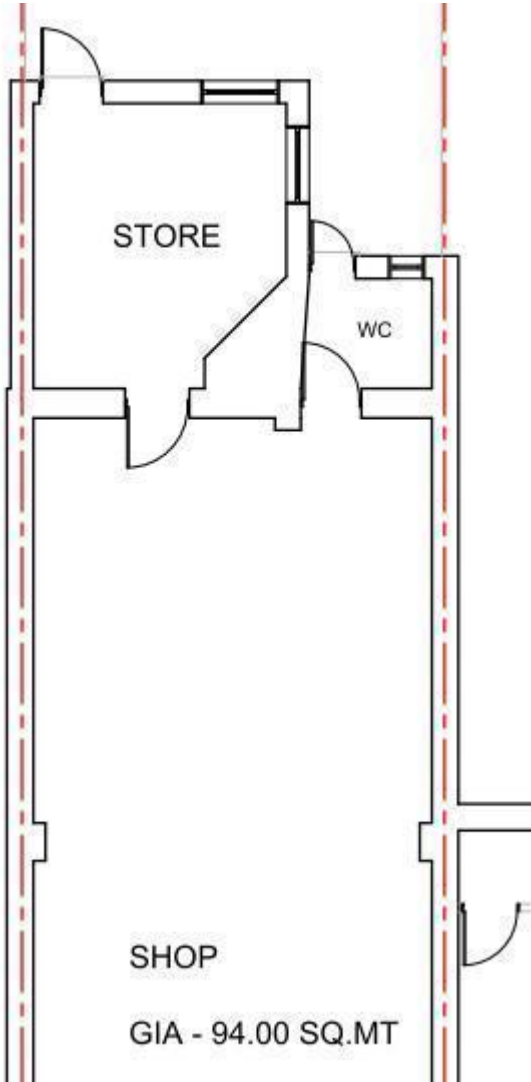


PROPOSED SIDE
ELEVATION

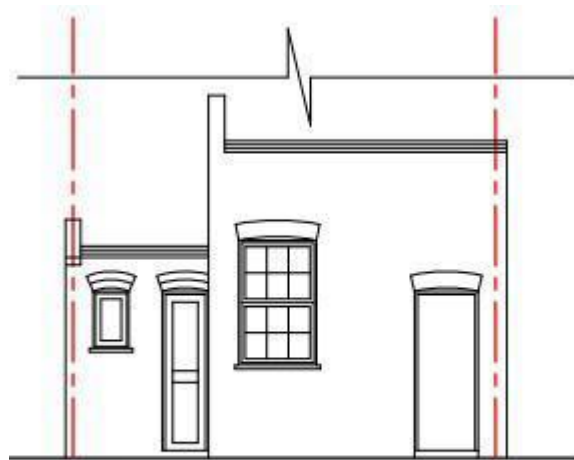


PROPOSED REAR
ELEVATION

Existing Elevations and Floor Plans



EXISTING SIDE ELEVATION



EXISTING REAR
ELEVATION

RECOMMENDATIONS

Approval subject to conditions, subject to the conditions set out in the Draft Decision Notice.

A) PROPOSAL

The proposal is for a single storey extension to the existing premises. The height of this is 3m, the depth is 4.876 and the width is party 3.8m and part the full width of the property (5.6m). The proposed floor plans illustrates this. The existing rear boundary wall will be removed and the applicant is doing this because there are parts of the wall which are in a poor state or repair. The height of the new boundary will be 3m high, slightly higher than the rear boundary wall at 389 Kilburn High Road. The extension is proposed to have similar materials to the existing.

B) EXISTING

The existing property is a ground floor commercial unit facing onto Kilburn High Road. To the rear of the property is Cavendish Close. There is no access to the rear of 385 Kilburn High Road from Cavendish Close. The rear of the property is enclosed by a wall which is approximately 2m high. The rear yard extends 4.8 m back from the existing outrigger extension.

C) AMENDMENTS SINCE SUBMISSION

None

D) SUMMARY OF KEY ISSUES

The key planning considerations when assessing the application are the following:

- Whether the proposed development would have a detrimental impact on the vitality and viability of the town centre.

Whether the proposed extension would have an acceptable impact on residential amenity and the character and appearance of the property.

RELEVANT SITE HISTORY

14/3816 – CLR

Certificate of lawfulness for erection of single storey extension to rear of shop

This application was deemed to be unlawful in that it fails to comply with the requirements for permitted development under Schedule 2, Part 42, Class A of the Town and Country Planning (General Permitted Development) Order as amended, specifically the application fails to demonstrate that development does not fall within 2m of a boundary that adjoins with buildings that are under Use Class C3 (residential).

14/1552 – REF

Single storey rear extension and conversion of the rear part of the commercial unit into a 1 bedroom self-contained flat

This application was refused for the following reasons:

The proposed development by reason of the lack of daylight, sunlight and outlook from the main living room would provide a substandard form of accommodation detrimental to the amenity of prospective residents contrary to planning policies BE9 and SH9 of Brent's UDP 2004 and the guidance set out in the London Plan Housing SPG 2013

In the absence of a legal agreement to control the matter the proposed development will generate a demand for on-street parking that cannot be accommodated within the surrounding area, which has been identified as being heavily parked, and as such the development would give rise to highway conditions that would be prejudicial to highway and pedestrian safety contrary to saved policies TRN3, TRN24 and H19 of the London Borough of Brent Unitary Development Plan 2004

CONSULTATIONS

The application has received 5 objections including one from Councillor Shaw. Neighbour Consultee letters were sent out on 07/05/2015.

The objections are below;

Objection	Response
Increase in the amount of rats	The EHO has confirmed that there is no evidence to suggest that any extension will cause an increase in vermin.
Overflowing bins and general waste in the vicinity	This is elaborated on in Paragraph 4.4
Blocking out of light from the neighbouring properties	This is elaborated on in Paragraph 4.2.*
Objection to a block of flats being built	The Chairperson of the Cavendish Close Residents Association has been reminded of the description of the application
Environmental Health concerns due to the development	Environmental Health Officers have confirmed that there was one noise complaint from 1995 arising from this property. There have been no complaints or investigations registered recently with regards to hygiene, noise or rubbish.

Councillor Shaw has also objected; stating that the proposal would block the light of residents in Cavendish Close leaving them sandwiched between the proposed development. Also, the objection is on the grounds of rats, noise and rubbish. The points are addressed above and paragraph 4.2 and 4.4 of the 'remarks' section.

POLICY CONSIDERATIONS

National Planning Policy Framework 2012

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaces Planning

Policy Guidance and Planning Policy Statements with immediate effect. It includes a presumption in favour of sustainable development in both plan making and decision making. It is considered that the saved policies referred to in the adopted UDP and Core Strategy are in conformity with the NPPF and are still relevant. The NPPF states that good quality design and a good standard of amenity for existing and future occupants of land and buildings are required.

Accordingly, the policies contained within the adopted SPG's, London Borough of Brent Unitary Development Plan 2004 and Core Strategy 2010 carry considerable weight in the determination of planning applications and appeals.

National Planning Policy Framework (2012):

- Section 7 – Requiring Good Design

Core Strategy (2010):

- CP17 – Protecting and Enhancing the Suburban Character of Brent
- CP16 - Town Centres and the Sequential Approach to Development

Brent's UDP (2004):

- BE2 – Townscape: Local Context and Character
- BE9 – Architectural Quality

DETAILED CONSIDERATIONS

1) Site and surroundings

The application site, currently occupied by a vacant shop unit at ground floor level, is located on Kilburn High Road. The character of the area is predominantly commercial premises at ground floor level with residential accommodation located on the upper floors. There are also a large number of residential units located beyond the rear site boundary wall. The rear of the application site and neighbouring units contain small yards which are not defined due to the lack of boundary walls. Access to the application site is currently via the front door of what would have been the street level. Access to the residential units on the upper floors is via an entrance in the neighbouring property No. 387 Kilburn High Road.

2) Key issues

The main considerations when assessing the application are the following:

- Whether the proposed development would have a detrimental impact on the vitality and viability of the town centre.
- Whether the proposed extension would have an acceptable impact on residential amenity and the character and appearance of the property.

3) Vitality and viability of Town Centre

The proposed development includes the increase in floor space of the existing vacant commercial unit on the ground floor of 385 Kilburn High Road. This would result in the net gain of approximately 19.5sqm of floorspace associated with the commercial unit. It is considered that this will have no detrimental impact on the vitality and viability of the town centre. The applicant has indicated that this area will be used for storage in connection with the commercial use to the front.

4) Impact on neighbouring residential amenity and character and appearance of the property

4.1) The proposal seeks to erect a single storey rear extension to the existing building that will extend to a depth of 4.876 metres from the existing building and have a flat roof with a height of 3 metres. The proposed extension will be built up to the shared boundary to the rear of No 31-33 Cavendish Close, but will be set in from the other shared neighbouring boundary at No. 389 Kilburn High Road by 1.6 metres giving a total width

of 3.84 metres.

4.2) There are no ground floor residential properties on either side of the proposed development site. The nearest residential properties are those within Cavendish Close to the rear of the site. The rear elevation of this is 5.5m from the rear boundary of the site at its closest point. The proposed extension with a width of 3.84 metres will not have a significant impact on the amenity of neighbouring residents at Nos. 25-33. Its situation north east of this block means there will be no loss of sunlight and because of its size and scale there would be a very limited impact on daylight and outlook. There are no windows in the boundary walls so there will be no impact on privacy.

4.3) The rooflight proposed will be glazed and non opening and will not face onto any habitable rooms and therefore is considered acceptable.

4.4) The proposals include details of bin storage to the rear. Waste is collected from Kilburn High Road and this storage area will ensure that rubbish is kept in a secure area until it is walked to the front of the building via the existing passage to be collected.

4.5) Given the site history, the applicant has been asked what the intended use will be for. It is confirmed that the extension will be used for a small WC and storage area for a future re-occupation and use of the premises.

5) Conclusion

The proposed single storey rear extension is of a size, scale and design which is in keeping with the character and appearance of the property and will not have a detrimental impact on the amenity of neighbouring residents nor the character of the surrounding area. A condition will be put on any approval restricting the conversion of the extension to a habitable room. It is considered that this is important given the background to the site set out in the planning history section above. A condition will also be attached ensuring a Method Statement is submitted prior to the commencement of the development with details of how the extension will be built in order to allay any fears from residents of Cavendish Close. Part of this should consider how the applicant intends to protect the soft landscaping on the adjacent boundary within the curtilage of Cavendish Close and is, therefore, outside the site.

The proposed single storey rear extension is of a size, scale and design which is in keeping with the character and appearance of the property and will not have a detrimental impact on the amenity of neighbouring residents nor the character of the surrounding area. This is consistent with policies BE2, BE7 and BE9 of the saved Brent's UDP (2004)

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 15/1295

To: Mr Bancel
Bancel Partnership Ltd
27-29
2nd Floor
The Broadway
Southall, Middlesex
UB1 1JY

I refer to your application dated 27/03/2015 proposing the following:
Proposed erection of single storey rear extension and 1 rooflight to existing roof
and accompanied by plans or documents listed here:
See condition 3
at 385 Kilburn High Road, London, NW6 7QE

The Council of the London Borough of Brent, the Local Planning Authority, hereby GRANT permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date:

Signature:

Head of Planning, Planning and Regeneration

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

1 The proposed single storey rear extension is of a size, scale and design which is in keeping with the character and appearance of the property and will not have a detrimental impact on the amenity of neighbouring residents nor the character of the surrounding area. This is consistent with policies BE2, BE7 and BE9 of the saved Brent's UDP (2004)

1 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.

2 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.

3 The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

PA2/PP/2523-03
PA2/PP/2523-01

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

4 The extension shall not be used for any type of residential accommodation or habitable space without the formal consent of the London Borough of Brent Council.

Reason: This is in the interests of proper planning as the accommodation may not be capable of providing residential accommodation that provides an acceptable quality of environment.

5 Prior to the commencement of demolition and construction works on the site, a Method Statement detailing how the extension will be constructed on site, including the protection of soft landscaping within the neighbouring site. The Statement must be submitted to, and approved in writing by the Local Planning Authority prior to any work commencing on the site. Once approved the details must be fully implemented.

Reason: To protect the environment of neighbouring residents.

6 Prior to the commencement of construction of the proposal, details of the height, materials and appearance of the replacement wall adjacent to the extension must be submitted to the Local Authority and approved in writing.

Reason: To ensure that the residential amenity of the neighbouring properties is protected and in order to allow the Council to exercise proper control over the development.

INFORMATIVES

1 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk

- 2 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.

Any person wishing to inspect the above papers should contact Robert Reeds, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 6726