

**Committee Report
Planning Committee on 13 October, 2010**

**Item No. 10
Case No. 10/1711**

RECEIVED: 13 July, 2010

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 45 &45A Torbay Road, London, NW6 7DX

PROPOSAL: Demolition of existing single-storey rear extension and erection of a new single-storey rear extension, single-storey side extension, formation of basement level with rear lightwell and conversion of two self-contained flats into a single family dwellinghouse

APPLICANT: Suburban Builders (UK)

CONTACT: Andrew Coulter Associates

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval

EXISTING

The subject site, located on the north-eastern side of Torbay Road, close to the junction with Clarence Road, is occupied by a two-storey terraced dwelling that has been converted into two self-contained flats. The subject site is located within the North Kilburn Conservation Area.

PROPOSAL

Demolition of existing single-storey rear extension and erection of a new single-storey rear extension, single-storey side extension, formation of basement level with rear lightwell and conversion of two self-contained flats into a single family dwellinghouse

HISTORY

Many of the works applied for under the current planning application have recently been granted planning permission under a previous planning application (10/0502) which Members approved during the Committee meeting held on the 30th June 2010. The description of this previous permission reads:-

"Demolition of existing single-storey rear extension and erection of a new single-storey rear extension, single-storey side extension and conversion of two self-contained flats into a single family dwellinghouse"

As this previous permission has not yet been implemented the approved works cannot be described as being "existing" and this is why they form part of the current proposal. The difference between the previous and current application is that current proposal would also involve the formation of a basement level and rear lightwell.

Another planning application (10/1877) was recently submitted on the site seeking permission for an enlarged version of the single-storey rear extension approved under the previous planning permission (10/0502). This application was refused under delegated powers on the 17th September 2010. This application was refused on the grounds that the enlarged extension would have an overbearing impact on the adjoining property at 43 Torbay Road and that the enlarged extension would have a harmful impact on the character and appearance of the property and surrounding Conservation Area.

In May 2004, planning permission was granted for the erection of a single-storey rear extension to the ground-floor flat. This permission has been implemented and this extension is to be demolished as part of the current proposal.

A Certificate of Lawful Use for the established use of the property as two self-contained flats was issued in 1992.

POLICY CONSIDERATIONS

London Borough of Brent Unitary Development Plan 2004

BE2	Townscape: Local Context & Character
BE9	Architectural Quality
BE25	Development in Conservation Areas
BE26	Alterations & Extensions to Buildings in Conservation Areas.

North Kilburn Conservation Area Design Guide

SUSTAINABILITY ASSESSMENT

The application does not exceed the threshold that would require the submission of a sustainability assessment

CONSULTATION

Consultation letters, dated 3rd August 2010, were sent to 18 neighbouring owner/occupiers, a site notice, dated 3rd August 2010, was displayed outside of the site and a notice was published in the local press on 22nd July 2010. Following amendments to the original proposal, a further 49 letters were sent to neighbouring owner/occupiers. In response 35 letters of objection and 3 letters of support have been received. The concerns of the objectors include:-

- The proposed development would compromise the structural integrity of the subject and surrounding buildings.
- The proposed development would harm the character and appearance of the property and the surrounding North Kilburn Conservation Area.
- The proposed development would compromise local hydrology.
- The proposed development would require major building works, harming the quality of life of the surrounding neighbours.
- The applicant may wish to use the basement as a self-contained flat in the future
- The separation between the proposed side and rear extension and the neighbouring property would cause problems of damp.

REMARKS

THE PROPOSAL

As discussed in the 'History' section of this report, much of the works being proposed already benefit from planning permission approved under a previous planning application (10/0502). As such, it is considered that the current application should be determined on the merits of those works which do not already benefit from planning permission. The works that do not already benefit from planning permission involve the excavation of a basement level, with the same footprint as the building as extended, and the formation of a light-well to the rear of the property measuring 1.5m in width, 2.5m in length and 2.2m in depth. The proposed light-well will be set in from the joint boundary with 43 Torbay Road by 400mm and will be enclosed by the building, as extended, and a glass balustrade to the rear.

ASSESSMENT

As Members will be aware, in Brent there is no adopted, or emerging, policy or guidance that discourages the development of basements as a matter of principal. Such developments must, therefore, be assessed on their individual merits, and, in this case, the impact of the proposal on the character and appearance of the North Kilburn Conservation Area needs to be considered as the main issue.

At the time of submission, the application involved the formation of a basement level with light-wells to both the front and rear of the property. However, the subject property has a only a modest front garden, approximately 3m in depth, and concerns were expressed by Officers and residents regarding the visual impact of a front light-well on the character of the property and surrounding Conservation Area. In response to the concerns of Officers, the applicant has amended the proposal to omit the front light-well from the proposal.

As no alterations are proposed to the front of the property the potential for the development to affect the character and appearance of the Conservation Area is very limited. The only visual manifestation of the proposed basement would be the excavation of a lightwell to the rear, which is modest in scale and not visible from the public realm. The rear lightwell which would only be visible from a limited number of private vantage points, is not considered to be particularly prominent in terms of its scale and siting and would be enclosed by a simple glass screen. Officers consider that the proposed alterations, required to facilitate the proposed basement, would preserve the character and appearance of the North Kilburn Conservation Area.

For the information of Members, this is an approach that has been adopted in other Conservation Areas, most notably Queens Park, where a number of proposals for new basements have been submitted in recent times.

CONSIDERATION OF OBJECTIONS

The concerns raised by objectors in relation to the impact of the proposed development of the character and appearance of the property and surrounding Conservation Area have been addressed in the report above.

A number of objectors have expressed concerns regarding the potential effect of the development on the structural stability of the site and neighbouring properties, the disturbance caused by works during construction and the effects on the development on local hydrology and drainage. As Members will be aware, although these concerns are clearly understandable, these matters are not issues that can be used as material planning considerations that would justify a refusal to grant planning permission. If the development were to go ahead these issues would be subject to further consideration under other statutory controls including Building Regulations that would ensure the structural integrity of the works.

For the avoidance of doubt, Officers confirm that the basement level is proposed as a floorspace extension to use of the property as a single dwellinghouse. The current proposal does not involve formation of a new self-contained basement flat. Amenity in the proposed basement space would be acceptable within the context of being an extension to a house, but this may not be the case if a self-contained unit were to be proposed in the future and having looked at the plans, it is certainly the case that the living space with no light or outlook (as is now the case following the removal of the front lightwell) would not be acceptable to the Planning Service on amenity grounds.

CONCLUSIONS

As discussed above, all other works proposed under this application, including the single-storey side extension, have already been considered, against objections, and approved under planning application 10/0502. As such, it is considered that it would be difficult to raise objections to these elements of the development at this stage, particularly given that the Committee approved them as recently as June 2010. For the information of Members, the extract from the "Remarks" Section of the report on 10/0502 is repeated below, in full, setting out the reasons why the proposal, without the basement, was considered to be acceptable.

"CONVERSION OF FLATS INTO A SINGLE DWELLINGHOUSE

The proposed development will result in the two existing two-bedroom flats being converted into a single 3-/4-bedroom dwellinghouse. Policy H8 of the Unitary Development Plan 2004 (UDP) seeks to resist the net loss of dwelling units unless comparable replacement is provided. Policy CP21 of the Council's emerging Core Strategy seeks to redefine the current UDP definition of family sized accommodation to units containing 3-bedrooms or more. Previously the UDP definition considered units with two or more bedrooms to be suitable for family occupation. This change in definition is intended to assist the Council in addressing the identified shortage of housing for the unusually high number of larger households within the Borough. Therefore, whilst the proposed development would result in the loss of two smaller flat units, which is contrary to the general provisions of UDP policy H8, this loss is considered to be adequately compensated for through the creation of a form of accommodation for which there is an established and significant demand both in general and in North Kilburn in particular. As such, the proposed development is considered to comply with the aspirations of policy CP21 which seeks to supply a balanced housing stock to meet the housing demands of the Borough.

SINGLE-STOREY REAR EXTENSION

The subject property has an existing single-storey rear extension which will be demolished and replaced by a new single-storey rear extension as part of the proposal. The existing extension to be demolished is 3.5m in width, to match the existing outrigger, 2.5m in depth and has a pitched roof with an average height of approximately 3m. The proposed single-storey rear extension will have the same footprint as the existing extension to be demolished but will instead have a flat roof with a constant height of 3m. The proposed extension would have a simple contemporary appearance with aluminium-framed, sliding glass doors set within the side and rear walls finished externally with brick work to match the existing building. Although openings are proposed to the flank wall of the extension, facing 43 Torbay Road, it should be noted that the existing extension already has similar openings and therefore an increased loss of privacy is unlikely to occur. The appearance of the extension is considered sympathetic to the character of the existing property and surrounding Conservation Area. The dimensions of the proposed single-storey rear extension would be in general accordance with guidance contained in Supplementary Planning Guidance 5:- Altering & Extending Your Home (SPG5) but in any case it would have a similar impact on the neighbouring occupiers to that of the existing extension to be demolished.

SINGLE STOREY SIDE EXTENSION

The proposal would involve the erection of a single-storey extension to the side of the existing outrigger. This extension would run the full length (6.3m) of the existing outrigger. In the past, this type of full side "infill" extension has usually been resisted where properties lie within Conservation Areas on the grounds that they can alter the general character of the property and surrounding

area. However, every application for planning permission should be assessed on its own merits and in this case there are particular circumstances which are relevant to the determination of the application.

Whilst the subject property itself is a reasonably standard two-storey Victorian terraced property, characteristic of the surrounding North Kilburn Conservation Area, the adjoining property at 43 Torbay Road is not. The properties at 43, 41 and 39 Torbay Road are later, post-war, additions to the street which consist of an original two-storey terraced element to the front with a variety of single-storey extensions which have been added on at a later date. The existing single-storey rear extension to the adjoining property at 43 Torbay Road runs along the joint boundary with the subject site to a depth of approximately 5.2m, 0.9m short of the outrigger to 45 Torbay Road. This existing extension has a flat roof height of approximately 2.9m and there are no windows in the flank elevations facing the subject site. The relatively modest scale of the existing extension to 43 Torbay Road means that the relationship between the two buildings lacks the same sense of enclosure that is generally characteristic of the properties within the wider Conservation Area. On this basis, it is not considered that there would be sufficient grounds to argue that the proposed extension, albeit a full length side extension, would cause significant harm to the character of the surrounding Conservation Area. It should also be noted that the proposed side extension would be distinct from the proposed rear extension which would help to reduce the perceived bulk of the of the development and its impact on the character of the existing property. The proposed single-storey side extension would only project beyond the existing extension to the neighbouring property by 1m and, as stated above, the adjoining property at 43 Torbay Road does not have any flank-wall windows facing the proposed extension. As such, it is considered that any impact on the daylight or outlook of the neighbouring occupiers would be reasonable."

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

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

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 drawings:-

- 01 (Existing Floorplans, Roof Plan, Elevations and Sections)
- 01 (Proposed Floorplans, Roof Plan, Elevations and Sections)

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.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

London Borough of Brent Unitary Development Plan 2004

35 letters of objection

3 letters of support

Any person wishing to inspect the above papers should contact Ben Martin, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5231



Planning Committee Map

Site address: 45 &45A Torbay Road, London, NW6 7DX

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