

# COMMITTEE REPORT

Planning Committee on  
Item No

22 October, 2015

Case Number

**15/2200**

## SITE INFORMATION

**RECEIVED:** 9 June, 2015

**WARD:** Queen's Park

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** Flat 1-6 INC, 9 Regent Street, London, NW10 5LG

**PROPOSAL:** Construction of a new floor to existing four storey mixed used building to provide two additional self-contained flats (2x 1bed) "CAR FREE DEVELOPMENT".

**APPLICANT:** Hamilton Court Developments

**CONTACT:** Claridge Architects

**PLAN NO'S:** See condition 2

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# SITE MAP



## Planning Committee Map

Site address: Flat 1-6 INC, 9 Regent Street, London, NW10 5LG

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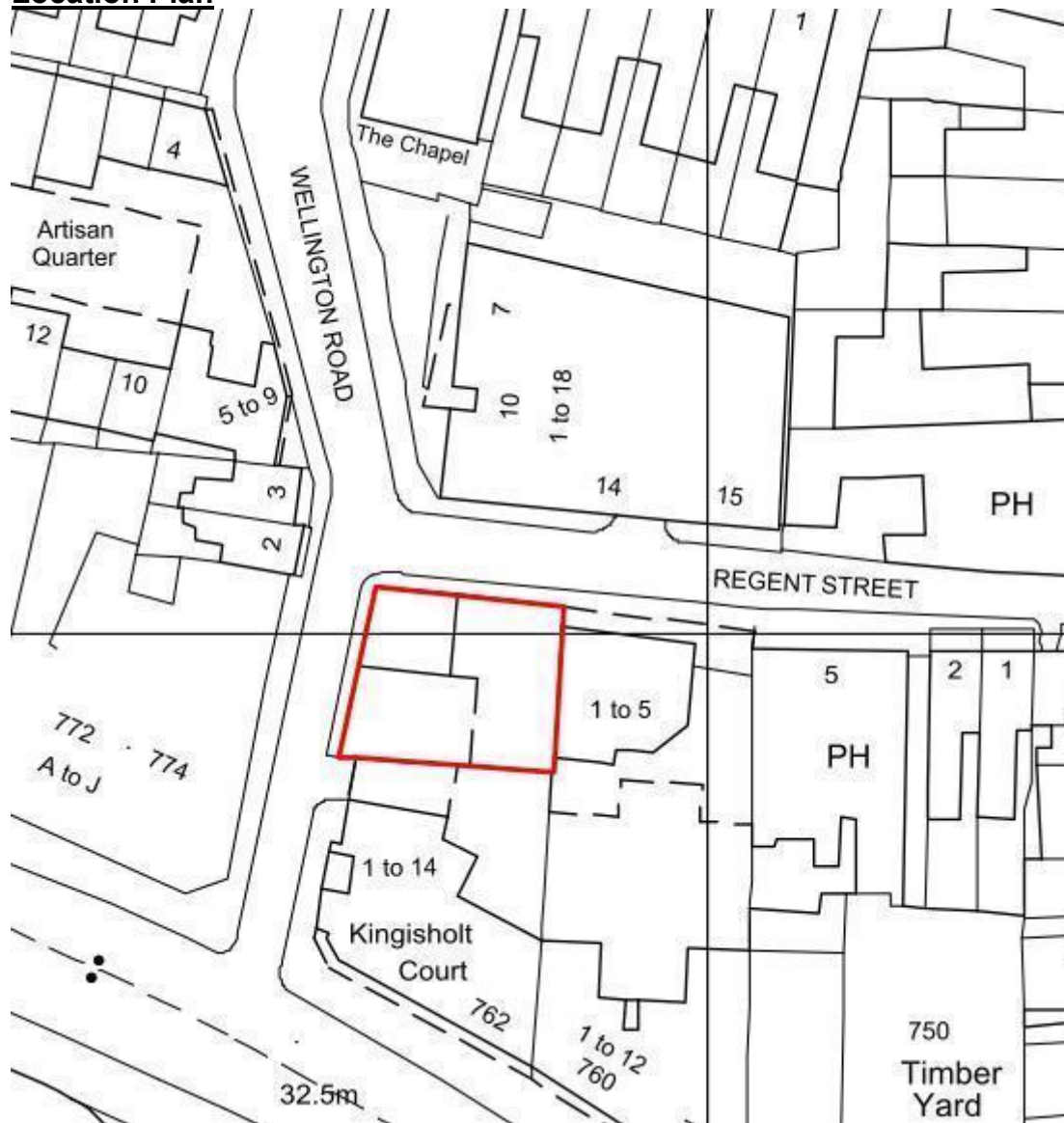


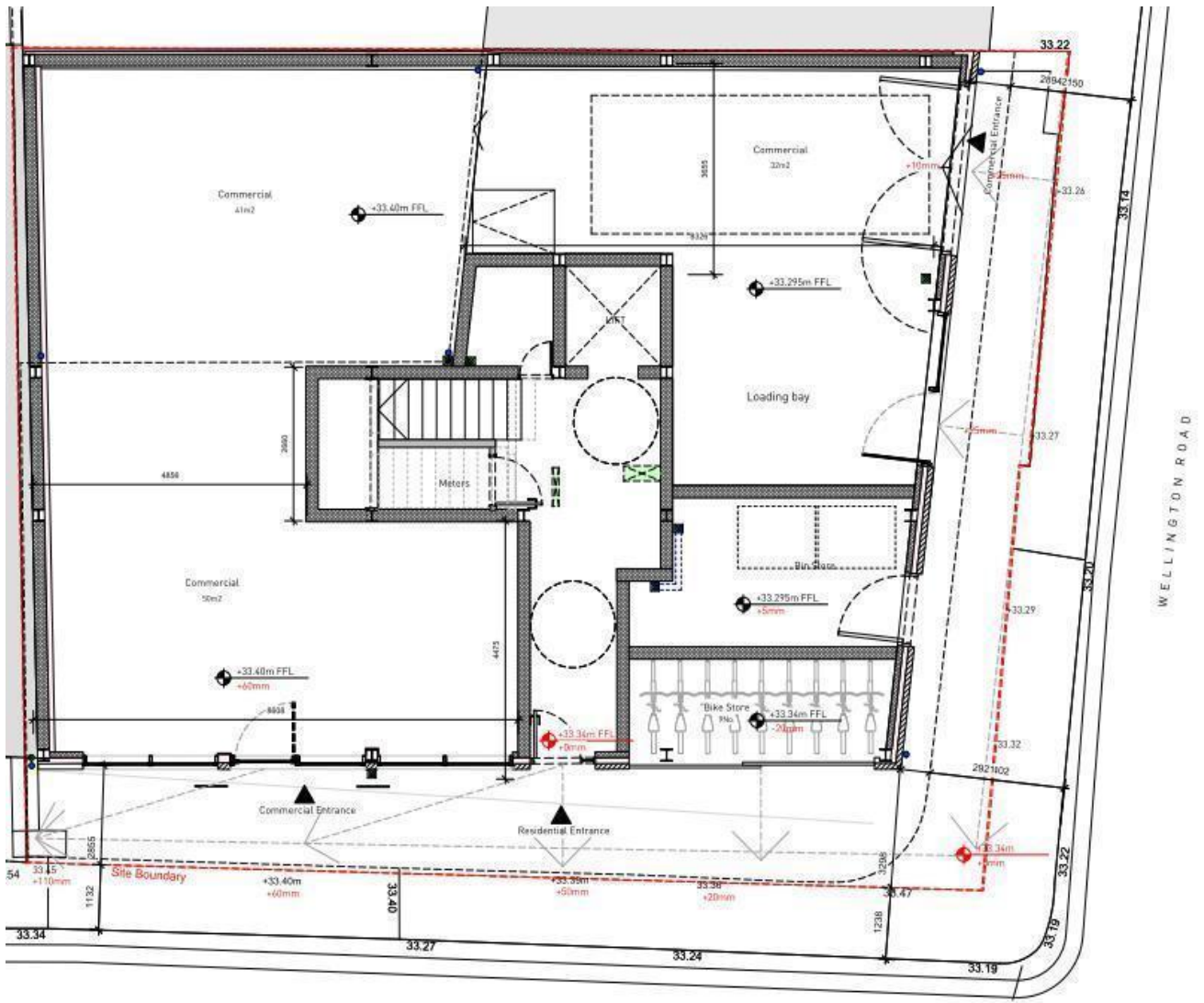
This map is indicative only.

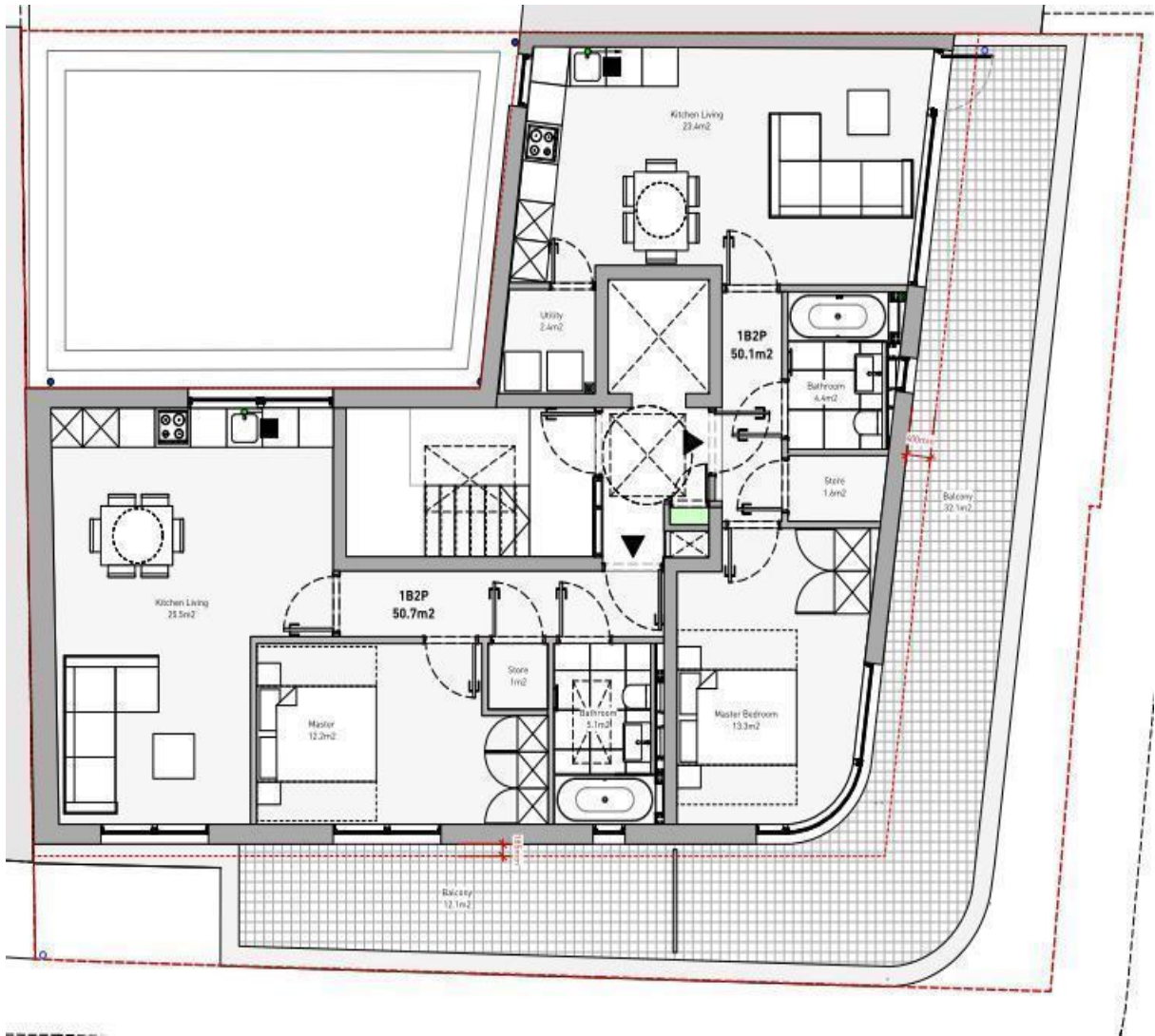
# SELECTED SITE PLANS

## SELECTED SITE PLANS

### Location Plan









## RECOMMENDATIONS

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

### A) PROPOSAL

See above.

### B) EXISTING

The application site, occupied by a four storey mixed use building, is located on the corner of Regent Street and Wellington Road. The building currently consists of offices at ground floor level and six self-contained flats located on the upper floors. The application site is not located within a conservation area nor does any

part contain a listed building.

## **C) AMENDMENTS SINCE SUBMISSION**

### **D) SUMMARY OF KEY ISSUES**

The key issues are as follows:

1. The height of the additional storey in the context of the existing building and neighbouring buildings.
2. The impact of the additional storey on the neighbouring buildings with regard to loss of light, outlook.
3. The impact of the proposed roof terrace with regard to loss of privacy and overlooking to neighbouring residents
4. The impact of the proposal on transport (this is negated due to the proposal being 'car-free')

## **RELEVANT SITE HISTORY**

### **14/0094 – GTD**

Variation of condition 2 (approved drawings) of full planning permission ref: 12/0525 Extension to time limit of planning consent no. 07/0954, granted on 27 April 2009, for demolition of existing garage/workshop and erection of replacement 4-storey block of 6 self-contained flats and a B1 unit on the ground floor, subject to a Deed of Agreement dated 15th April 2009 under Section 106 of the Town and Country Planning Act 1990, as amended and subject to the Deed of Variation dated 17th July 2014, involving the following changes;

Regents Street elevation;

- External terrace on third floor
- ground floor is set back from the back of pavement by up to 800mm more than the consented scheme.
- first and second floor overhang pavement 300mm more than the consented scheme.
- third floor overhangs pavement by between 300mm - 900mm more than the consent scheme and contains corner set back section.

Wellington Road elevation;

- building on all floors set back by up to 500mm more than the consented scheme.

Internal elevations, first second and third floor;

- east elevation extended 2.7m further outward than consented scheme,
- south elevation building set back by up to 850mm more than consented scheme.

Other changes;

- alterations to planned pavement widening.
- reorganisation of internal floor plans, mix remaining the same (6 x 2 bed units).
- inclusion of secure residential and commercial bike store
- relocation of balconies to Wellington Road elevation.
- alterations to approved elevations involving revised window sizes and location.

### **13/3816 – GTD**

Details pursuant to condition 9 (materials) of variation of condition application reference 13/0921 and full planning permission extended under reference 12/0525, originally granted under planning consent no. 07/0954 dated 27 April 2009, for demolition of existing garage/workshop and erection of replacement 4-storey block of 6 self-contained flats and a B1 unit on the ground floor and subject to a Deed of Agreement dated

15th April 2009 under Section 106 of the Town and Country Planning Act 1990, as amended and subject to the Deed of Variation dated 29th August 2012, involving the following changes;

There are some planned enlargements and reductions to the approved building massing as follows;

Regents Street elevation;

- ground floor is set back from the back of pavement by up to 800mm more than the consented scheme.
- first and second floor overhang pavement 300mm more than the consented scheme.
- third floor overhangs pavement by between 300mm - 900mm more than the consent scheme and contains corner set back section.

Wellington Road elevation;

- building on all floors set back by up to 500mm more than the consented scheme.

Internal elevations, first second and third floor;

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Other changes;

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- reorganisation of internal floor plans, mix remaining the same (6 x 2 bed units).
- inclusion of secure residential and commercial bike store
- relocation of balconies to Wellington Road elevation.

alterations to approved elevations involving revised window sizes and location.

### **13/2801 – GTD**

Details pursuant to condition 6 (site investigation and contamination report) and 7 (completion and certification report) of planning permission reference 12/0525 dated 14/09/2012 for extension to time limit of planning consent no. 07/0954, granted on 27 April 2009, for demolition of existing garage/workshop and erection of replacement 4-storey block of 6 self-contained flats and a B1 unit on the ground floor and subject to a Deed of Agreement dated 15th April 2009 under Section 106 of the Town and Country Planning Act 1990, as amended and subject to the Deed of Variation dated 29th August 2012

### **13/0921 – GTD**

Variation of condition 2 (approved drawings) of full planning permission ref: 12/0525 Extension to time limit of planning consent no. 07/0954, granted on 27 April 2009, for demolition of existing garage/workshop and erection of replacement 4-storey block of 6 self-contained flats and a B1 unit on the ground floor and subject to a Deed of Agreement dated 15th April 2009 under Section 106 of the Town and Country Planning Act 1990, as amended and subject to the Deed of Variation dated 29th August 2012, involving the following changes;

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Internal elevations, first second and third floor;



- east elevation extended 2.7m further outward than consented scheme,
- south elevation building set back by up to 850mm more than consented scheme.

Other changes;

- alterations to planned pavement widening.
- reorganisation of internal floor plans, mix remaining the same (6 x 2 bed units).
- inclusion of secure residential and commercial bike store
- relocation of balconies to Wellington Road elevation.
- alterations to approved elevations involving revised window sizes and location.

#### **12/0525 – GTD**

Extension to time limit of planning consent no. 07/0954, granted on 27 April 2009, for demolition of existing garage/workshop and erection of replacement 4-storey block of 6 self-contained flats and a B1 unit on the ground floor and subject to a Deed of Agreement dated 15th April 2009 under Section 106 of the Town and Country Planning Act 1990, as amended and subject to the Deed of Variation dated 29th August 2012

#### **07/0954 – GTD**

Demolition of existing garage/workshop and erection of replacement 4-storey block of 6 self-contained flats and a B1 unit on the ground floor and subject to a Deed of Agreement dated 15th April 2009 under Section 106 of the Town and Country Planning Act 1990, as amended

## **CONSULTATIONS**

A total of 84 neighbouring properties were consulted. To date there have been fifteen objections to the proposal including one from the local residents group Kensal Triangle Residents Association (KTRA) and one from Councillor Denselow. The representations raised the following concerns:

<b>Objection</b>	<b>Response</b>
Height of proposal	See paragraph 3 and 4
Over development of area	See paragraph 4
Impact on parking and lack of cycle storage	See paragraph 15, 16 and 17
Impact on existing flats during construction	See paragraph 14
Impact on light and privacy	See paragraph 10, 11, 12 and 13
Overlooking from windows and balcony	See paragraph 13
Enclosure of communal space on two sides in	See paragraph 12

Kingisholt Court	
Design, massing and scale not in keeping with the area	See paragraph 3 and 4
Impact on streetscene	See paragraph 3 and 4
Impact on two storey units on Wellington Road	See paragraph 11
Potential precedent set for other buildings to erect higher extensions	See paragraph 3 and 4

*Notes:*

*Reference has been made to that fact that previously the addition of an extra storey was refused by the Council. However it must be noted that an application was withdrawn prior to a decision being made and that this was in 2005.*

**Internal consultation**

Transport & Highways – no objections

Urban Design Officer – no objections

## **POLICY CONSIDERATIONS**

**NPPF (2012)**

**London Plan (2015)**

Policy 3.5

**Core Strategy (2010)**

CP2 Population and Housing Growth

CP17 Protecting and Enhancing the Suburban Character of Brent

CP21 A Balanced Housing Stock

**UDP (2004)**

BE2 - Townscape: Local context & Character

BE3 – Urban Structure: Space & Movement

BE5 – Urban Clarity & Safety

BE6 – Public Realm: Landscape Design

BE7 – Public Realm: Street scene

BE9 – Architectural Quality

H12 – Residential Quality – Layout Considerations  
H13 – Residential Density

TRN11 – The London Cycle Network  
TRN23 – Parking Standards – Residential Developments

**Brent Supplementary Planning Guidance (SPG)**  
SPG 17 – Design guide for new development

## **Other Supplementary Planning Guidance**

Mayor of London Housing Supplementary Planning Guidance

# **DETAILED CONSIDERATIONS**

## Introduction

1. Application 15/2200 proposes the construction of an additional storey to the existing four storey mixed use building to provide two additional self-contained flats consisting of two one bedroomed units. As explained in the 'History' section of this report permission was originally granted for the demolition of an existing garage/workshop and the erection of a replacement 4-storey block of 6 self-contained flats and a B1 unit on the ground floor under planning reference 07/0954 dated 27/04/2009. Following this applications were submitted to extend the life of the permission which was granted under reference 12/0525 and also a number of subsequent variations to the original permission were approved.

## Site layout and access

2. Currently the building consists of offices at ground floor level and there are six self-contained flats located on the upper floors which consist of six two bedroomed units. The current application proposes the addition of another storey to accommodate two one bedroomed units with a terrace to provide outdoor amenity space. The proposed flats will be accessed via the existing street level door with the existing central stairway and lift shaft extending to the proposed additional floor to provide access to the proposed flats.

## Design, scale and massing

3. The scale of the development is considered to be appropriate when the character and context of the surrounding area is taken into account. The area is characterised by a number of tall buildings located to the north, south and east of the site. These buildings vary in height from four to six storeys with the building located directly to the south, Kingisholt Court which fronts Harrow Road, being the tallest.

4. The height of the proposed addition will be 0.6 metres lower than the height of the four storey building to the north and 1.6 metres lower than Kingisholt Court located directly to the south. The proposed addition will extend 1.9 metres higher than the existing building to the east. Concerns have been raised by objectors about the scale and massing of the proposal however when the context of the surrounding area is taken into consideration and the varying scale of buildings, the proposal would be level if not smaller in height than the existing buildings. Concerns have been raised about setting a precedent of larger buildings and additional storeys in the area. However the area is characterised by buildings with various heights which has changed the context and character of this area through contemporary design and infill development.

## Materials

5. The materials of the existing surrounding buildings consist of a variety of styles and appearances. To the north of the site Wellington House contains a mixture of white render and grey window frames. Whilst Kingisholt Court consists of render, terracotta panels and brickwork to the south. The proposed materials of the additional storey consist of light grey zinc panelling which differ slightly from the existing white render and

Grafton grey brick found at street level.

### Standard of accommodation

6. Policy 3.5 of the London Plan (2015) sets out the minimum internal space standards that are appropriate for new developments in order to provide a satisfactory standard of accommodation for future occupants. The application proposes the addition of two one bedroomed units with Gross Internal Areas (GIA) of 50.7 sqm and 50.1 sqm respectively which meet the minimum standard.

7. The Mayor of London's Housing SPG contains guidance with regard to the standard of accommodation that new development should provide. With regard to private amenity space a minimum of 5 sqm of private outdoor space should be provided for 1-2 person dwellings. The application has proposed a roof terrace that will wrap around the face of the additional unit and provide the proposed flats with 12.1 sqm and 32.1 sqm of private amenity space which exceed the minimum standard of amenity space that is required for new residential development.

8. Both bedrooms and the kitchen/living room areas are of generous sizes and exceed the minimum size standard as contain in the Housing SPG. With regard to outlook and access to natural light all rooms are well served by windows with both kitchen/living rooms containing dual aspect windows. There are some concerns with stacking with one of the units as the kitchen/living room area will be located over two existing bedrooms on the third floor. However this could be mitigated against with adequate soundproofing and could be secured by condition.

### Impact on neighbouring amenity

9. Residential units are located on all sides of the application site with Wellington House to the north; Kingsholt Court to the south; Nos. 2 and 3 Wellington Road, a pair of two storey houses, to the west located 8 metres across the road; 772-774 Harrow Road located to the south-west; and 1-5 Regent Street located immediately to the east. Concerns have been raised by a number of objectors with regard to the potential loss of light and outlook and also the potential for overlooking from the proposed roof terrace

10. The proposed additional storey will be set back by 2.3 metres from the northern side of the application site. When considering the impact of the proposal on Wellington House located to the north and the habitable room windows on its southern elevation, the set back of 2.3 metres would ensure that the additional storey would not result in an overbearing feature. The gap between the existing buildings is 7.85 metres which already results in quite a confined space with a limited gap between habitable windows which is typical of buildings in built up urban areas. Therefore it is considered that the addition of an extra storey with a further set back of 2.3 metres would not be detrimental by being over dominant or overbearing to this particular residential unit. Further to this the applicant has submitted a Daylighting Assessment which considers all 21 windows located in the southern elevation of Wellington House facing the application site. This assessment has found that the windows located closest to the development proposals are predicted to experience a modest reduction to the Vertical Sky Component (VSC) compared to existing values. VSC is defined as a measure of the amount of skylight occurring on vertical plane which in this case would be the elevation facing the application site. It is most commonly applied to the amount of light at the centre of windows and is used to measure the potential for good daylighting. The worst affected window located on the left hand side of the building would experience an 8% reduction which is still significantly below the BRE threshold of 27%. The report therefore concludes that any loss of skylight would be within acceptable limits.

11. During the original application for the four storey building (07/0954) the impact of the building was considered in terms of its impact on Nos. 2 and 3 Wellington Road. During the course of the application it was found that there would have been an effect on both of these properties but that the effect would be minor. This was because only the windows in the front elevation of these houses would suffer any significant effect and given the fact that the properties were in use as single dwellings it was considered that the level of effect was acceptable as the houses have access to natural light through other windows including the rear elevation. Variations to the original permission were also subsequently approved which saw the building set back by a further 0.5 metres than originally approved. When considering the current application and the existing buildings height, the proposed addition of another storey will be set back by 2.1 metres from the edge

of the existing building and therefore it is considered that this is a sufficient amount to reduce any impact on either Nos. 2 or 3 Wellington Road.

12. Concerns have been raised about the impact that the additional storey would have on the communal roof terrace located to the immediate south of the application site belonging to the Kingisholt Court complex. However given the nature of roof terraces in built up areas and the fact that it is a communal area and not actual residential accommodation or private space, in this case the impact is not deemed to be unacceptable. The roof terrace would still maintain views to the east and west and is typical of this kind of feature in an urban setting which can often be restricted due to close proximity of neighbouring buildings.

13. Concerns have been raised by objectors about potential overlooking from the proposed roof terrace and the potential congregation of people. Due to the confined nature of the streets and the fact that the existing buildings are located in close proximity to each other some overlooking from existing windows already takes place. However the inclusion of roof terraces can in some instances exacerbate this problem and have implications for residents in other buildings with regard to loss of privacy and overlooking. Taking this point into consideration amendments have been requested with regard to the roof terrace as people accessing it could potentially walk right up to the edge of the building due to the narrow outer wall of the proposed roof terrace. Suggestions have therefore been made to include a barrier in the form of either a thicker wall or planting (or both) which would mean that people are restricted from standing at the very edge of the building and reduce the potential for overlooking. A condition has therefore been suggested to submit further details of the roof terrace for assessment by the Council.

14. Concerns have been raised by objectors with regard to potential noise nuisance and disturbance during construction however this is not a planning consideration that can be taken into account and is controlled by other legislation. In the event that permission is granted conditions can be attached requiring the applicant to sign up to the Considerate Contractors Scheme whilst a Construction Method Statement will also be required.

#### Transport Considerations

15. The original application did not propose car parking and a Section 106 'car-free' agreement was applied to the six flats within the building which removed the right of future occupants to on-street parking permits. The proposed addition of two further one-bedroom flats to the previously approved building would increase the residential car parking allowance by 1.4 spaces to 5.6 spaces, with a further space allowed for the ground floor commercial unit.

16. To again ensure that there would be no adverse impact on parking conditions in the area and to ensure that a consistent approach is taken to permits within the building any additional units would also be subject to a 'car-free' agreement to remove the right to parking permits in the future. Concerns have been raised by an objector about the potential impact on car parking in the area however the applicant has proposed making the additional units 'car free' which is deemed as being acceptable.

17. With regard to cycle storage although two additional flats are now proposed, the previously agreed provision of nine bicycle parking spaces within a secure store for residents would still be sufficient to satisfy standard PS16 of one space per flat, with the external Sheffield stands beneath the building overhang satisfying requirements for the commercial unit. Concerns have been raised by an objector about the lack of cycle storage that would be afforded to residents however the current cycle storage in the building meets the required standard and as such is deemed to be acceptable.

#### Refuse storage

18. There is adequate room for additional refuse storage in the existing bin storage area located on the ground floor.

#### Conclusion

19. Taking the height of the existing building into consideration and the fact that the proposed addition of an

extra storey will be set in from the edge of the building it is not considered that the proposal would have a detrimental impact on the amenity of any neighbouring residents by means of overlooking, loss of privacy or loss of light.

20. The proposed additional storey will provide two additional units that are of an acceptable standard in terms of the standard of accommodation they would provide and comply with the necessary policies and guidance as contained in the London Plan (2015). The proposal will provide an appropriate addition to the existing building that meets parking standards and the new floor area will be liable to CIL.

21. Consideration has been given to the context of this area and the varying styles and sizes of the existing buildings in the streetscene. When considering the addition of an extra storey to the building it is not considered that this would create an unacceptable addition to this area.

## CIL DETAILS

This application is liable to pay **£37,086.52\*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible\*\* floorspace which on completion is to be demolished (E): sq. m.

Total amount of floorspace on completion (G): 138 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
Dwelling houses	138		138	£200.00	£35.15	£31,542.86	£5,543.66
			0	£0.00	£0.00	£0.00	£0.00

BCIS figure for year in which the charging schedule took effect (Ic)	224	224
BCIS figure for year in which the planning permission was granted (Ip)	256	
<b>Total chargeable amount</b>	<b>£31,542.86</b>	<b>£5,543.66</b>

\*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

\*\***Eligible** means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

**Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.**

# DRAFT DECISION NOTICE



# Brent

## DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

### DECISION NOTICE – APPROVAL

=====  
Application No: 15/2200

To: Mr Lee Fox  
Claridge Architects  
6 Lonsdale Road  
London  
NW6 6RD

I refer to your application dated 21/05/2015 proposing the following:  
Construction of a new floor to existing four storey mixed used building to provide two additional self-contained flats (2x 1bed) "CAR FREE DEVELOPMENT".  
and accompanied by plans or documents listed here:  
See condition 2  
at Flat 1-6 INC, 9 Regent Street, London, NW10 5LG

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 development is in general accordance with policies contained in the:-  
Brent Unitary Development Plan 2004  
Council's Supplementary Planning Guidance 17 Design Guide for New Development  
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  
Environmental Protection: in terms of protecting specific features of the environment and protecting the public  
Housing: in terms of protecting residential amenities and guiding new development  
Employment: in terms of maintaining and sustaining a range of employment opportunities  
Transport: in terms of sustainability, safety and servicing needs
  
- 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):  
GA.00  
GE.00  
GE.01  
GS.01  
S.00  
S.01  
Reason: For the avoidance of doubt and in the interests of proper planning.
  
- 3 No development shall be carried out until the person carrying out the works is a member of the Considerate Constructors Scheme and its code of practice, and the details of the membership and contact details are clearly displayed on the site so that they can be easily read by members of the public.  
Reason: To limit the impact of construction upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy.
  
- 4 Occupiers of the residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within the Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. For the lifetime of the development a notice, no smaller than 30cm in height and 21cm in width, clearly informing



occupants of this restriction shall be displayed within the ground floor communal entrance lobby, in a location and at a height clearly visible to all occupants. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

Reason: In order to ensure that the development does not result in an increased demand for parking that cannot be safely met within the locality of the site.

- 5 Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- 6 Notwithstanding the hereby approved plans, further details of the roof terrace, including physical measures and/or planting, to ensure that potential overlooking of neighbouring properties is minimised shall be submitted to and approved in writing by the Local Planning Authority before any works commence on site. Once approved the details must be fully implemented and permanently maintained.

Reason: To ensure that the proposed development does not prejudice the amenity of neighbouring residents

- 7 No development shall take place before a scheme for adequate sound insulation to walls and/or floors between units in separate occupation hereby approved has been submitted in addition to building regulations and approved in writing by the Local Planning Authority. Thereafter none of the flats shall be occupied until the approved scheme has been fully implemented.

Reason: In the interests of residential amenity

- 8 Prior to the commencement of works, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority detailing measures that will be taken to control dust, noise and other environmental impacts of the development and the routing and timing of construction vehicles and the approved details shall thereafter be implemented.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance and to mitigate against highways impacts.

## 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](http://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 roof/guttering treatment is carried out entirely within the application property.

Any person wishing to inspect the above papers should contact Barry Henn, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5232