

# COMMITTEE REPORT

Planning Committee on  
Item No

18 November, 2015

Case Number

**14/1494**

## SITE INFORMATION

**RECEIVED:** 27 July, 2015

**WARD:** Kilburn

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

**LOCATION:** 40 Donaldson Road, London, NW6 6NG

**PROPOSAL:** Demolition of rear garage and change of use of the ground floor from launderette (sui generis use) to a 2 bedroom self-contained flat with proposed entrance off Lonsdale Road and associated external alterations to include replacement of shopfront with brickwork and windows, new windows and doors to the side and rear, front garden landscaping with new boundary wall and new boundary wall with gate to the side

**APPLICANT:** Mr Taghi Oraee

**CONTACT:** Direct Planning Limited

**PLAN NO'S:** See Condition 2.

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# SITE MAP



## Planning Committee Map

Site address: 40 Donaldson Road, London, NW6 6NG

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This map is indicative only.

# SELECTED SITE PLANS

# SELECTED SITE PLANS

## Existing Front Elevation



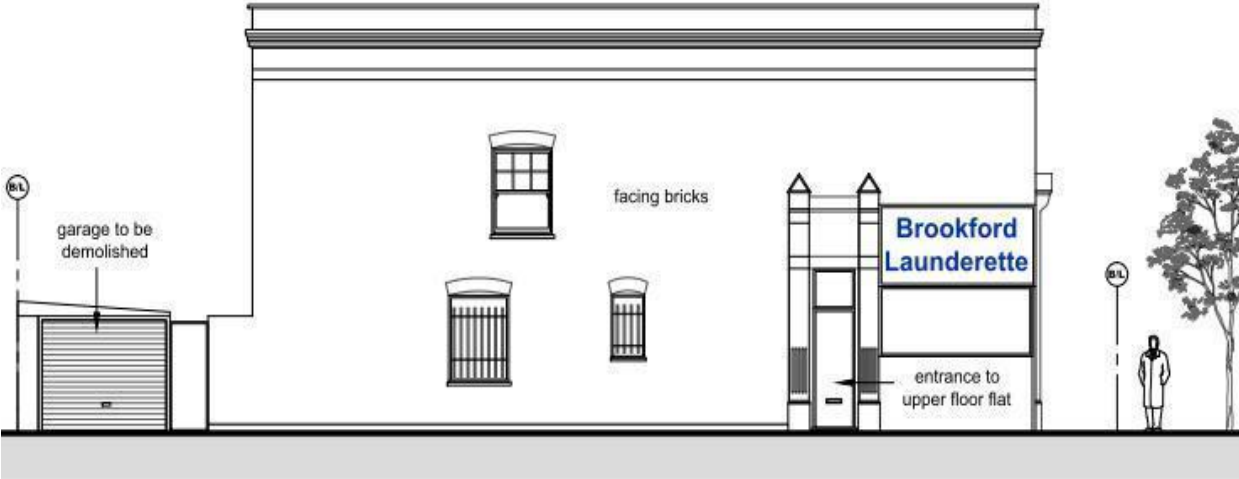
Existing Front Elevation

## Proposed Front Elevation



Proposed Front Elevation

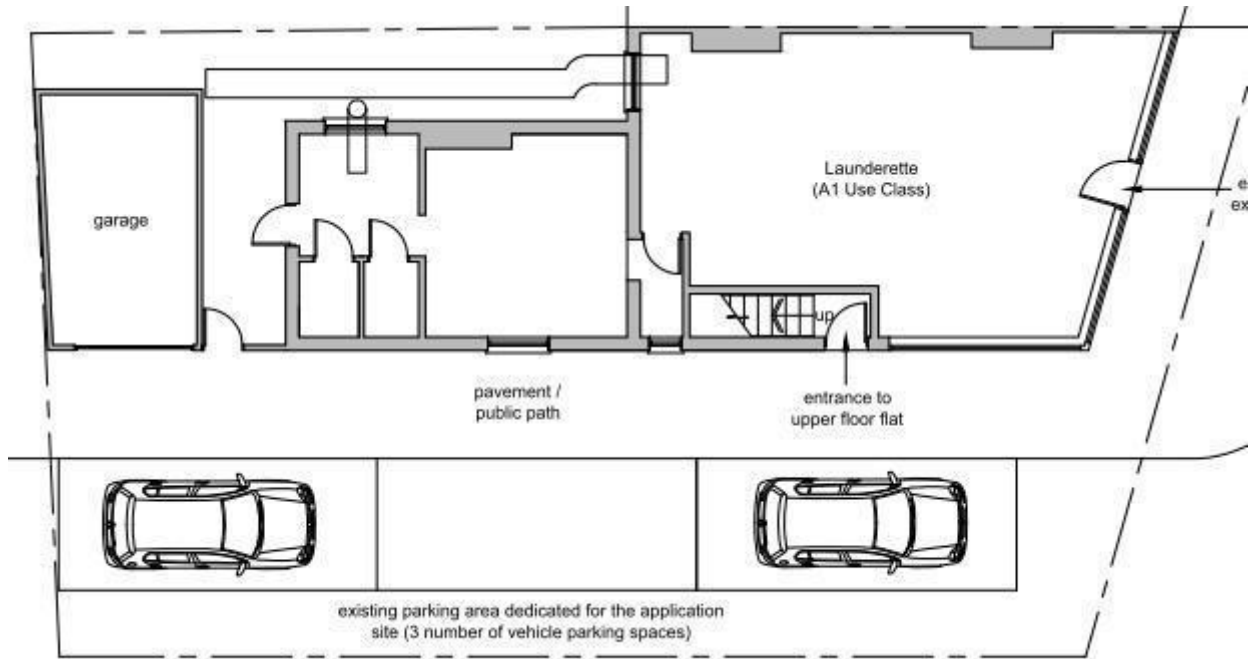
**Existing Side Elevation**



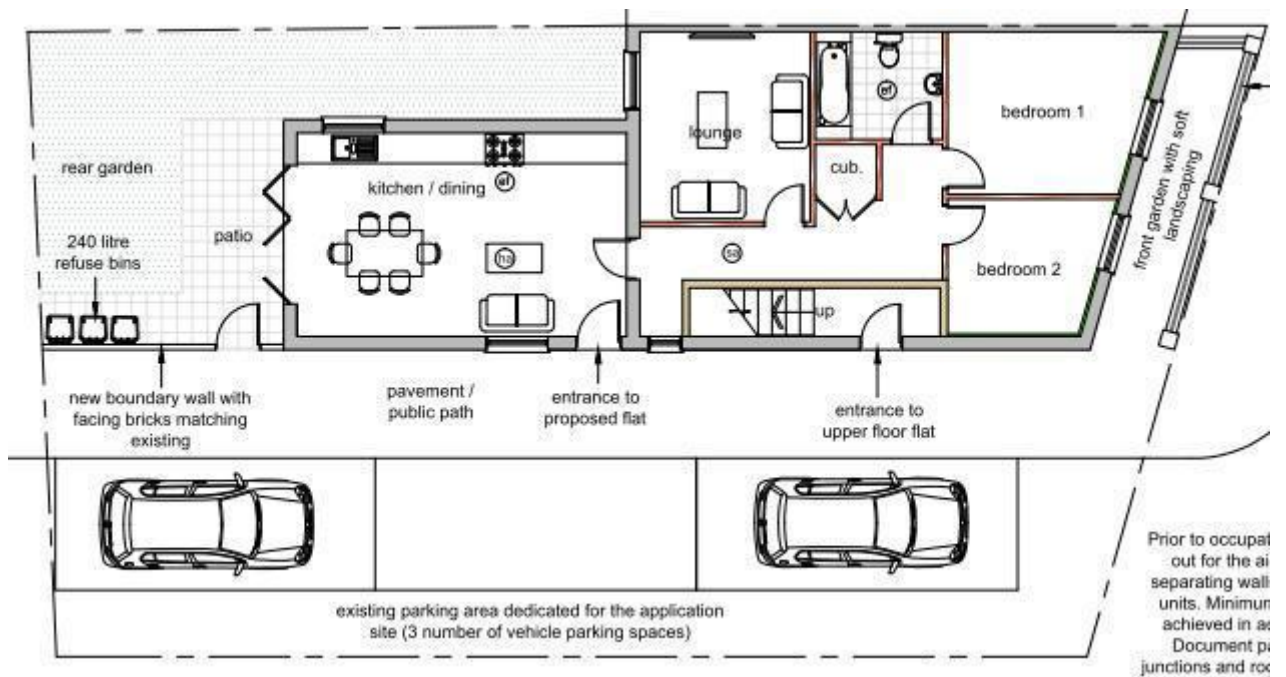
**Proposed Side Elevation**



## Existing Floor Plan



## Proposed Floor Plan



## RECOMMENDATIONS

GRANT planning permission

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

### A) PROPOSAL

The proposal is for the demolition of a rear garage and the change of use of the ground floor from laundrette (sui generis use) to a 2 bedroom self-contained flat with proposed entrance off Lonsdale Road and associated external alterations to include replacement of shopfront with brickwork and windows, new

windows and doors to the side and rear, front garden landscaping with new boundary wall and new boundary wall with gate to the side

## **B) EXISTING**

The proposal relates to a launderette located on the ground floor of a two storey-end-of-terrace Victorian building located on the corner of Lonsdale Road and Donaldson Road. The property is finished in brickwork with a modern shopfront design on both the front and side elevations and a single garage is located to the rear of the property accessed from Lonsdale Road. Donaldson Road is characterised predominately by terraced residential properties. The immediate neighbour at No.42 is a newsagents (A1 use) and Lonsdale Road is characterised by a variety of commercial uses. The host property is not listed nor is it within a Conservation Area or a designated shopping frontage.

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

The key planning considerations in this case are as follows:

- Principle of Change of Use – The proposal is considered an acceptable change of use in principle
- Standard of Accommodation – The proposed flat is considered to achieve an acceptable residential environment for future occupiers
- Impact on Character – The proposal is considered have an acceptable impact on the character of the host building and surrounding area
- Impact on Neighbouring Amenity – The proposal is considered to form an acceptable relationship with neighbouring occupiers
- Transportation Impact – The proposal is considered acceptable in transportation terms

## **RELEVANT SITE HISTORY**

12/3309 – Demolition of garage and erection of single storey rear extension to facilitate change of use of rear of laundrette to self-contained 1-bed flat, creation of recessed front entrance facing Lonsdale Road, in flank elevation of 40 Donaldson Road, with 1.1m high galvanised black wrought iron gated security fence with straight bar railings, and re-routing of existing extractor ducts – **Refused** 21/03/13 for the following reasons:

1. *The proposed residential unit, within a constrained plot, would provide a poor quality of natural light and outlook, the outside space would be restricted in terms of quantity and quality given its proximity to the highway, and as such the unit would fail to provide an acceptable quality of accommodation detrimental to the amenity of future occupants contrary to policy BE9 and H18 of Brent's UDP and SPG17.*
2. *The ground floor residential interface with Lonsdale Road, specifically the recessed defensible front garden space, owing to its residential orientation and cantilever in the building flank elevation, is not in keeping with the established commercial character of Lonsdale Road which is comprised of flush front elevations with garages with well preserved fenestration. As such it does not comply with saved Townscape policies in Brents 2004 Unitary Development Plan BE2 and BE9 Architectural quality.*
3. *In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure, without a contribution to sustainable transport improvements in the area, an increased pressure for the use of existing open space in an area of open space deficiency, without contributions to enhance open space, an increased pressure for public sports facilities, without any contribution to the provision of sports facilities, and an increased pressure on education infrastructure, without any contribution to educational improvements. As a result, the proposal is contrary to policies TRN4, TRN23 and OS7 of the adopted London Borough of Brent Unitary Development Plan 2004, CP18 of Brent's Core Strategy and Supplementary Planning Document: "S106 Planning Obligations".*

12/0118 - Demolition of garage and erection of single storey rear extension to facilitate change of use of rear of laundrette to self-contained studio flat, installation of front door fronting Lonsdale Road, new upvc windows and doors in flank wall of opposite elevation and removal of existing external extractor ducts – **Refused** on 13/03/2012 for the following reasons and appeal subsequently dismissed on appeal on 06/11/2012 (appeal ref: APP/T5150/A/12/2175365):

1. *The proposed residential unit, within a constrained plot, is limited in size and would provide a poor quality of natural light and outlook, the amenity space would be restricted in terms of quantity and quality dominated by high structures and as such the unit would fail to provide an acceptable quality of accommodation detrimental to the amenity of future occupants contrary to policy BE9 and H18 of Brent's UDP and SPG17.*
2. *By reason of the limited distance between the windows of the proposed unit and the existing first floor flat, the proposal would be detrimental to the privacy of neighbouring occupiers contrary to policy BE9 of Brent's UDP 2004 and SPG17.*
3. *The proposed studio flat would generate additional parking demand, while losing an existing garage, the proposed private bays would be marked in a space which is already used for parking and there is no proposed mechanism to regulate the proposed arrangement with the likely result that the additional parking demand created would be prejudicial to pedestrian and highway safety contrary to policies TRN24 and PS14 of Brent's Unitary Development Plan 2004.*
4. *In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure, without a contribution to sustainable transport improvements in the area, an increased pressure for the use of existing open space in an area of open space deficiency, without contributions to enhance open space, an increased pressure for public sports facilities, without any contribution to the provision of sports facilities, and an increased pressure on education infrastructure, without any contribution to educational improvements. As a result, the proposal is contrary to policies TRN4, TRN23 and OS7 of the adopted London Borough of Brent Unitary Development Plan 2004, CP18 of Brent's Core Strategy and Supplementary Planning Document: "S106 Planning Obligations".*

11/2068 - Demolition of garage and erection of single storey rear extension to facilitate change of use of rear of laundrette to self-contained 1-bed flat, installation of front door fronting Lonsdale Road, new upvc windows and doors in flank wall of opposite elevation and re-routing of existing extractor ducts - **Refused** for the following reasons:

1. *The proposed residential unit, within a constrained plot, is limited in size and would provide a poor quality of natural light and outlook, the amenity space would be restricted in terms of quantity and quality dominated by high structures and ducts and as such the unit would fail to provide an acceptable quality of accommodation detrimental to the amenity of future occupants contrary to policy BE9 and H18 of Brent's UDP and SPG17.*
2. *By reason of the limited distance between the windows of the proposed unit and the existing first floor flat, the proposal would be detrimental to the privacy of neighbouring occupiers contrary to policy BE9 of Brent's UDP 2004 and SPG17.*
3. *In the absence of detail about noise, vibration and fumes from the proposed extractor duct equipment the proposal could result in unacceptable levels of noise, vibration and fumes, harmful to existing and future residential neighbours contrary to policy EP2 of Brent's UDP 2004.*
4. *The loss of the existing garage in addition to the proposed new dwelling, would lead to an increase in unsafe and/or illegal car parking contrary to Policies TRN3, TRN23 and TRN24 of Brent's UDP 2004.*
5. *In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure, without a contribution to sustainable transport improvements in the area, an increased pressure for the use of existing open space in an area of open space deficiency, without contributions to enhance open space, an increased pressure for public sports facilities, without any contribution to the provision of sports facilities, and an increased pressure on education infrastructure, without any contribution to educational improvements. As a result, the proposal is contrary to policies TRN4, TRN23 and OS7 of the adopted London Borough of Brent Unitary Development Plan 2004, CP18 of Brent's Core Strategy and Supplementary Planning Document: "S106 Planning Obligations".*

## CONSULTATIONS

Statutory neighbour consultation period (21 days) started on 19/05/2014 The application was made

subsequently invalid and once re-validated neighbours were re-consulted on 03/08/2015 for a period of 21 days. In total, 12 representations have been received objecting to the proposal and the concerns raised are summarised below:

| <b>Objection raised</b>   | <b>Response</b>   |
|---|---|
| Proposal would result in the loss of a community facility and useful service to local residents   | See paragraphs 2-8  |
| Proposal would impact detrimentally on parking  | See paragraphs 16-18  |
| Construction works would cause disruption to neighbours and local businesses  | See paragraph 15  |
| Proposal would be unsightly   | See paragraphs 13-14  |
| Proposal should have a separate front door to the existing first floor flat   | See paragraph 15<br><br>Officer note: the first floor flat would retain its separate access |
| An objection has been received from an individual who rents the garage for storage in relation to their business which is proposed to be demolished objecting to its demolition | This is considered a civil matter and would not warrant refusal of the proposal             |

## **POLICY CONSIDERATIONS**

### **National Planning Policy Framework (2012):**

Section 7 – Requiring Good Design

Section 8 – Promoting Healthy Communities

### **Technical Housing Standards – Nationally Described Space Standard (2015)**

#### **The London Plan (2011):**

Policy 3.1 – Ensuring Equal Life Chances for All

Policy 3.5 – Quality and Design of Housing Developments

Housing Supplementary Planning Guidance (2012)

#### **Core Strategy (2010):**

CP17 – Protecting and Enhancing the Suburban Character of Brent

CP21 – A Balanced Housing Stock

#### **Brent's UDP (2004):**

BE2 – Townscape: Local Context and Character

BE7 – Public Realm: Streetscape

BE9 – Architectural Quality

H17 – Flat Conversions

H18 – The Quality of Flat Conversions

H19 – Flat Conversions – Access and Parking

SH17 – Isolated Shop Units

SH18 – Other Shopping Parades

TRN3 – Environmental Impact of Traffic

TRN23 – Parking Standards – Residential Developments

#### **Supplementary Planning Guidance:**

SPG17 – Design Guide for New Developments



# DETAILED CONSIDERATIONS

## **Background:**

1. As outlined in the planning history section of this report, there have been several applications in the past to sub-divide the ground floor unit to create a new dwelling, all of which have been refused and one dismissed at appeal. These proposals however involved the retention of the existing launderette use and the formation of a flat to the rear of the property. These proposals were considered to result in a cramped development with a poor quality outlook to the proposed flats for example. The current proposal relates to the change of use of the entire ground floor which gives more opportunity to achieve outlook to the dwelling.

## **Principle of Development:**

2. The proposal relates to a launderette located on the corner of Lonsdale Road and Donaldson Road. The launderette is positioned adjacent to a convenience store (A1 use) but is not within a shopping frontage or shopping parade as defined by the Brent UDP (2004). Concerns have been raised in representations regarding the loss of the launderette and the valuable function it offers to the community. Although the use class of the launderette is 'sui generis' and not specifically protected by policy, officers appreciate this level of concern and recognise that the launderette provides a useful service to the local community.
3. The unit can be considered an 'isolated shop unit' as defined by policy SH17 of the Brent UDP (2004). This policy states that:

*Change of use of isolated shop units to non-retail use will not be permitted if there are no other protected retail frontages within 400 metres. Where an isolated shop has been vacant for over a year appropriate alternative uses will be permitted. In considering applications for such uses, particular regard will be paid to the possible effect on the amenity of adjoining residential properties.*

4. In this case the launderette is positioned approximately 250m from the Queens Park Primary Shopping Frontage on Salusbury Road. The proposed change of use can therefore be considered compliant with policy SH17.
5. Policy SH18 applies to shops in parades outside of designated shopping parades and is considered relevant. This policy states that:

*In shopping parades outside the primary and secondary areas and protected local parades identified in Appendix SH1, change of use to appropriate alternative use will be permitted. Priorities for alternative use are set out in Policy STR1.*

*A more flexible approach towards development standards will be applied, subject to maintenance of a quality residential environment (Policy H18).*

6. Residential use is considered acceptable in principle in this location and as discussed in this report, the unit would achieve an acceptable quality of residential accommodation.
7. Officers consider that the ability of the local community to meet its day-to-day needs is a material planning consideration and both the NPPF (2012) paragraph 70 and London Plan (2011) policy 3.1 state local planning authorities should guard against the loss of facilities where this would reduce the community's ability to meet its day-to-day needs. As discussed above, the Salusbury Road Primary Shopping Frontage is located approximately 250m from the site which would be considered sufficient in meeting the wider day-to-day needs of the community although it does not include a launderette. However, at least four other laundrettes exist in the area, three of which are within half a mile of the site and all are within a designated shopping frontage as outlined below:
  - No.14 Willesden Lane - 650m away in designated Secondary Shopping Frontage
  - No 59 Kilburn High Road - 650m away in designated Secondary Shopping Frontage
  - No.299 Kilburn Lane - 800m away in designated Local Centre
  - No.345 Kilburn High Road - 1.3km away in designated Secondary Shopping Frontage
8. Overall the proposed change of use is considered compliant with policy and acceptable in principle subject to the material planning considerations detailed below.

## **Standard of Accommodation:**

9. Previous proposals to create a dwelling on the site have been refused although the concerns related to

the poor quality of creating a dwelling with the launderette retained in terms of very limited outdoor space and a poor quality outlook with habitable room windows fronting directly onto the highway. The current proposal relates to the entire ground floor level of the unit and would remove the existing launderette use. The proposal is to remove the existing shopfronts and insert brickwork and conventional windows on the front elevation, to insert a side-facing window on the side elevation and demolish an existing garage to the rear to create an enlarged outdoor space.

10. The proposed two bedroom unit would have a floor area of 78m<sup>2</sup>. This exceeds the London Plan (2011) and National Housing Standards (2015) minimum requirement of 70m<sup>2</sup> for a flat of this size. The property features a 1.6m deep section of hardstanding to the frontage of the site which is within the ownership of the applicant. The proposal is to erect a boundary wall and railings to the front boundary of the site which would provide an area of defensible space and would preserve the amenity and privacy of the 2x proposed windows in the front elevation which would serve the two bedrooms. This arrangement exists at No.44 Donaldson Road which has also been converted from a shop unit to residential use. These windows are therefore considered to achieve an acceptable quality of amenity and outlook. The lounge and kitchen/diner would feature rear-facing windows which would look out onto the amenity space of the unit which is considered acceptable. The proposal includes the insertion of a side-facing window directly abutting the adjacent pavement which would serve the kitchen/dining room. Although the outlook from this window would be limited, this would act as a secondary window to the abovementioned rear-facing window. The remaining proposed side-facing window would serve a hallway.
11. The proposal includes a relatively limited rear courtyard area and single garage. The proposal is to demolish the garage in order to provide an enlarged amenity space for the flat. This would be approximately 42m<sup>2</sup> in area which is considered acceptable and contributes to the overall quality of accommodation. The existing ducting to the rear which serves the launderette would also be removed.
12. The current proposal is considered to have overcome the previous reasons for refusal concerning the standard of accommodation of the unit. Overall the proposed flat is considered to achieve an acceptable size and standard of accommodation with reasonable quality of outlooks to habitable rooms and access to private amenity space.

***Impact on Character:***

13. The proposal relates to a prominent corner site comprising an end-of-terrace two storey Victorian property. The proposal is to replace the existing shopfronts with matching brickwork and two windows on the front elevation. The existing shopfronts are modern and their removal is considered acceptable in principle providing the resulting appearance of the development is acceptable. No.44 Donaldson Road nearby was permitted a change of use from a shop to a residential unit under 99/2689; this has been done successfully with appropriate materials and window sizes/proportions utilised. The proposed plans mirror what has been achieved at No.44 with two equally sized sash style windows with decorative stone surrounds to align and match with original first floor windows above. On the side elevation two existing window openings which are currently blocked-up would be replaced with timber sash windows and a new entrance would be created on this elevation with an arched soldier course above. The garage to the rear would be demolished and replaced with a brick boundary wall which is considered appropriate. The low-level brick boundary wall and railings to the frontage would reflect the existing arrangement at No.44 and of dwellings in the surrounding area. Further details of boundary treatments and landscaping enhancements can be secured by condition.
14. Overall the proposed development is considered to respect the character of the host building and the surrounding area. Details such as the choice of materials and the depth of window reveals for example would be important in achieving an acceptable overall quality of development. Further details can therefore be secured by condition.

***Impact on Neighbours:***

15. Donaldson Road is predominately residential in nature and the first floor contains a self-contained flat. Access to the first floor would be retained unaltered as part of the proposal. The proposed additional window openings would be at ground level and do not raise any undue overlooking concerns and the proposal would not include any extensions to the property. The proposed use is likely to generate less activity and noise compared to the existing commercial use. The impact of the amenity of neighbours during construction works is not considered so harmful as to warrant refusal and would be temporary in nature. Overall the proposal is considered to have an acceptable impact on the amenity of neighbours.

***Transportation Impact:***

16. The proposal site is positioned on the corner of Lonsdale Road and Donaldson Road which is listed as a

'heavily parked street' in Brent's UDP (2004). Lonsdale Road is privately owned and managed and so falls outside Council parking controls. The site has moderate access to public transport services (PTAL 3).

17. Previous proposals were refused partly due to their transportation impact. These proposals however included the addition of a residential unit as well as the retention of the launderette. Parking standards for the existing and proposed uses are set out in sections PS7 and PS14 respectively of appendix TRN2 of the Brent UDP (2004). The proposal would marginally increase the parking standard for the site from 1space to 1.2spaces however the servicing requirement for the existing use would be removed. An off street parking space would be lost through the demolition of the existing garage although the proposed plans show space for 3x cars to the side of the property on Lonsdale Road. This area is within the demise of the property and would be sufficient to provide for the parking requirements of the new unit. In any case, parking on Lonsdale Road is privately managed. It should also be borne in mind that in deciding the appeal against Brent's refusal of application ref: 12/0118 the Inspector felt that the proposal for a new dwelling in addition to the launderette would have an acceptable transportation impact given the parking adjacent to the unit on Lonsdale Road. The dwelling would have access from the amenity space onto Lonsdale Road which provides opportunity for adequate cycle and bin storage.
18. Brent's Transportation Unit has been consulted and raise no objection to the proposal on the basis of the above. Overall the proposal is considered to have an acceptable transportation impact compared to the existing situation.

**Conclusion:**

19. Overall the proposed change of use is considered acceptable in principle and is considered to achieve an acceptable standard of accommodation for future occupiers, an acceptable impact on the character of the host building and surrounding area and on the amenities of neighbours and is considered acceptable in transportation terms. The proposal is therefore considered to comply with saved UDP (2004) policies BE2, BE7, BE9, H17, H18, H19, SH17, SH18 and TRN3, Core Strategy (2010) policies CP17 and CP21, SPG17 'Design Guide for New Developments', The London Plan (2011) and the NPPF (2012) and is recommended for approval.

# DRAFT DECISION NOTICE



# Brent

## DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

### DECISION NOTICE – APPROVAL

Application No: 14/1494

To: Mr Eralp Semi  
Direct Planning Limited  
95-97 Riverbank House  
High Street  
Orpington  
Kent  
BR5 3NH

I refer to your application dated 17/04/2014 proposing the following:  
Demolition of rear garage and change of use of the ground floor from launderette (sui generis use) to a 2 bedroom self-contained flat with proposed entrance off Lonsdale Road and associated external alterations to include replacement of shopfront with brickwork and windows, new windows and doors to the side and rear, front garden landscaping with new boundary wall and new boundary wall with gate to the side and accompanied by plans or documents listed here:  
See Condition 2.  
at 40 Donaldson Road, London, NW6 6NG

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 change of use is considered acceptable in principle and is considered to achieve an acceptable standard of accommodation for future occupiers, an acceptable impact on the character of the host building and surrounding area and on the amenities of neighbours and is considered acceptable in transportation terms. The proposal is therefore considered to comply with saved UDP (2004) policies BE2, BE7, BE9, H17, H18, H19, SH17, SH18 and TRN3, Core Strategy (2010) policies CP17 and CP21, SPG17 'Design Guide for New Developments', The London Plan (2011) and the NPPF (2012).
  
- 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):  
  
DP/2157/ES – 1  
DP/2157/ES – 2  
DP/2157/ES – 3  
DP/2157/ES – 4  
DP/2157/ES – 5  
Unnumbered plan showing a Location Plan  
  
Reason: For the avoidance of doubt and in the interests of proper planning.
  
- 3 Prior to the first occupation of the dwelling hereby approved, the existing garage and ducting shall be removed from the site in their entirety.  
  
Reason: In the interests of the amenity of future occupants of the dwelling.
  
- 4 Prior to the application of any external materials, details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details.  
  
Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.
  
- 5 A detailed soft landscaping scheme for the front and rear garden areas shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved. All detailed works shall be carried out as approved prior to the first occupation of the development. Such details shall include:
  - (i) Soft landscaping details for the amenity space and frontage of the property
  - (ii) The materials to be used in any areas of hard surfacing
  - (iii) Details of boundary treatments including materials
  - (iv) Details of cycle and bin storage  
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 position, 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 area.

- 6 Prior to the installation of the windows hereby approved, further details of the windows including detailed section drawings at 1:50 scale and details of window reveals, shall be submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with the approved details.

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

#### 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)

Any person wishing to inspect the above papers should contact David Raper, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 020 8937 5368