

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

16 December, 2015
08
15/4484

SITE INFORMATION

RECEIVED: 16 October, 2015

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 31 Montrose Avenue, London, NW6 6LE

PROPOSAL: Proposed excavation of basement, installation of front lightwell, internal glass panels to form rear lightwells, insertion of three rear rooflights to existing single storey addition and replacement and enlargement of first floor rear facing window and alteration to first floor side facing window to dwellinghouse

APPLICANT: Mr Adrian Taylor

CONTACT: Pelican Architecture & Design

PLAN NO'S: See condition 2.

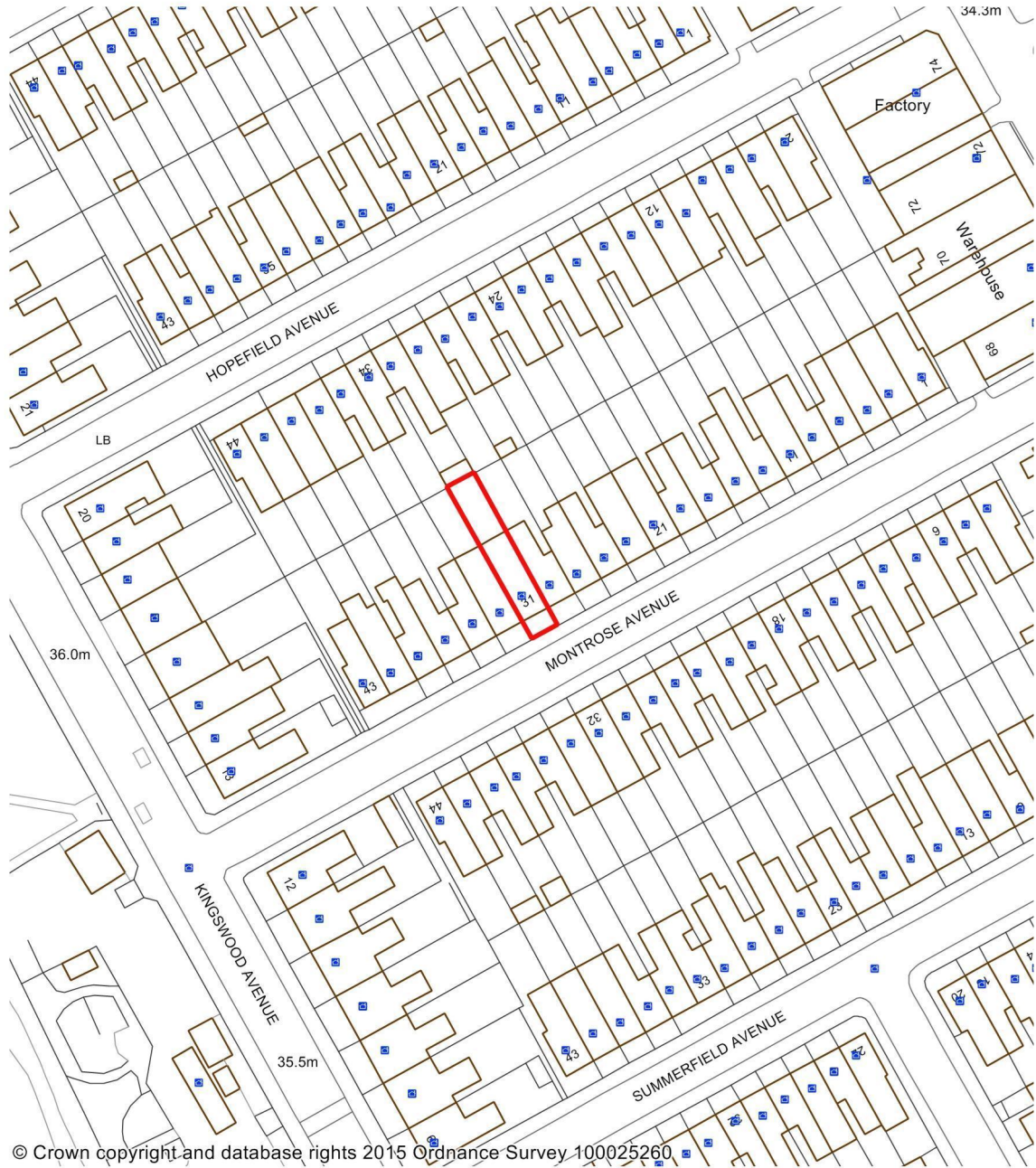
SITE MAP



Planning Committee Map

Site address: 31 Montrose Avenue, London, NW6 6LE

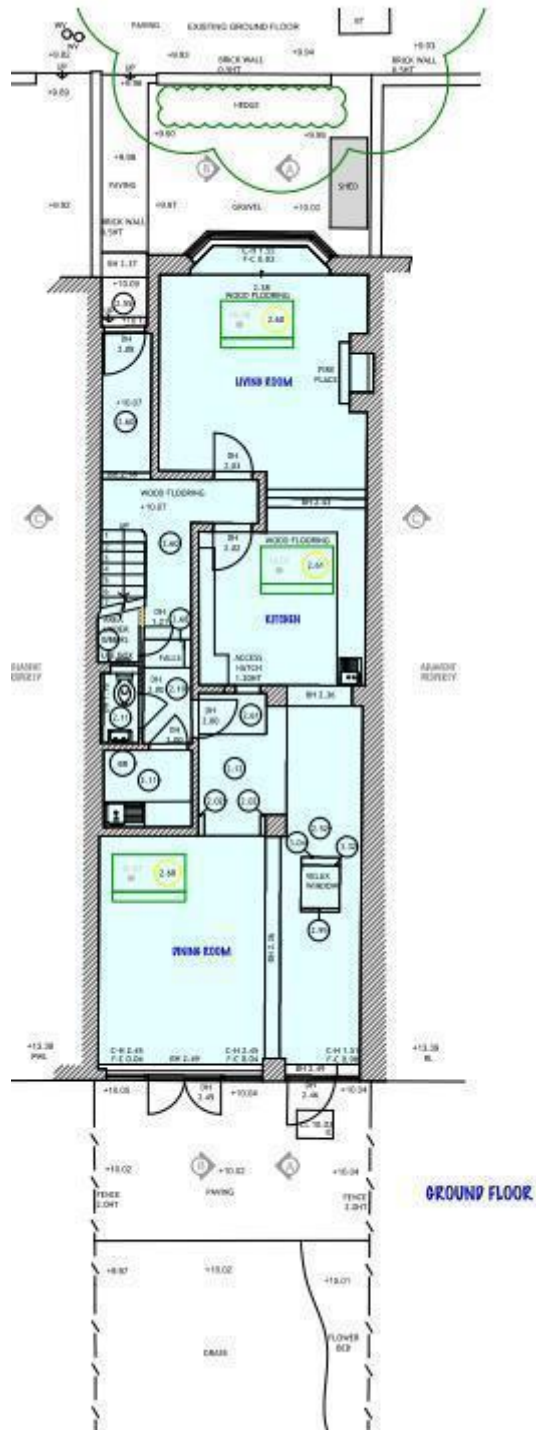
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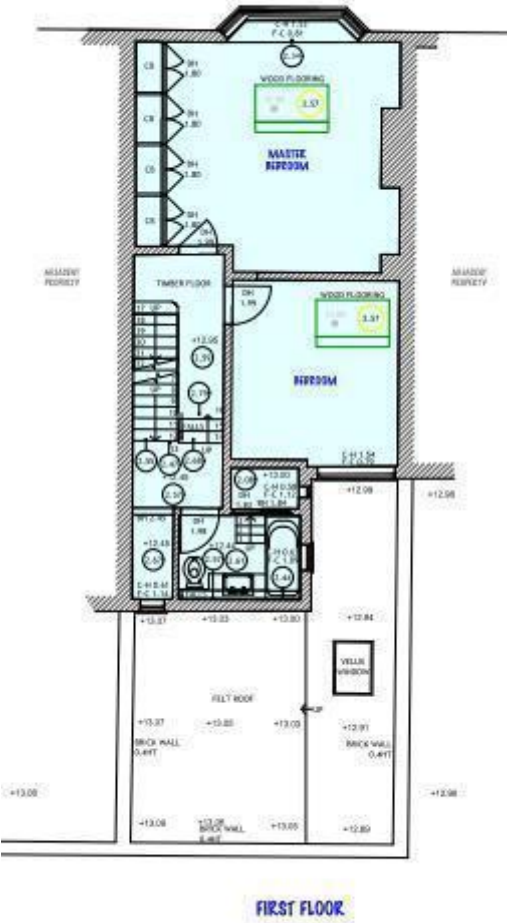
This map is indicative only.

SELECTED SITE PLANS SELECTED SITE PLANS

Existing ground floor plan



Existing first floor plan

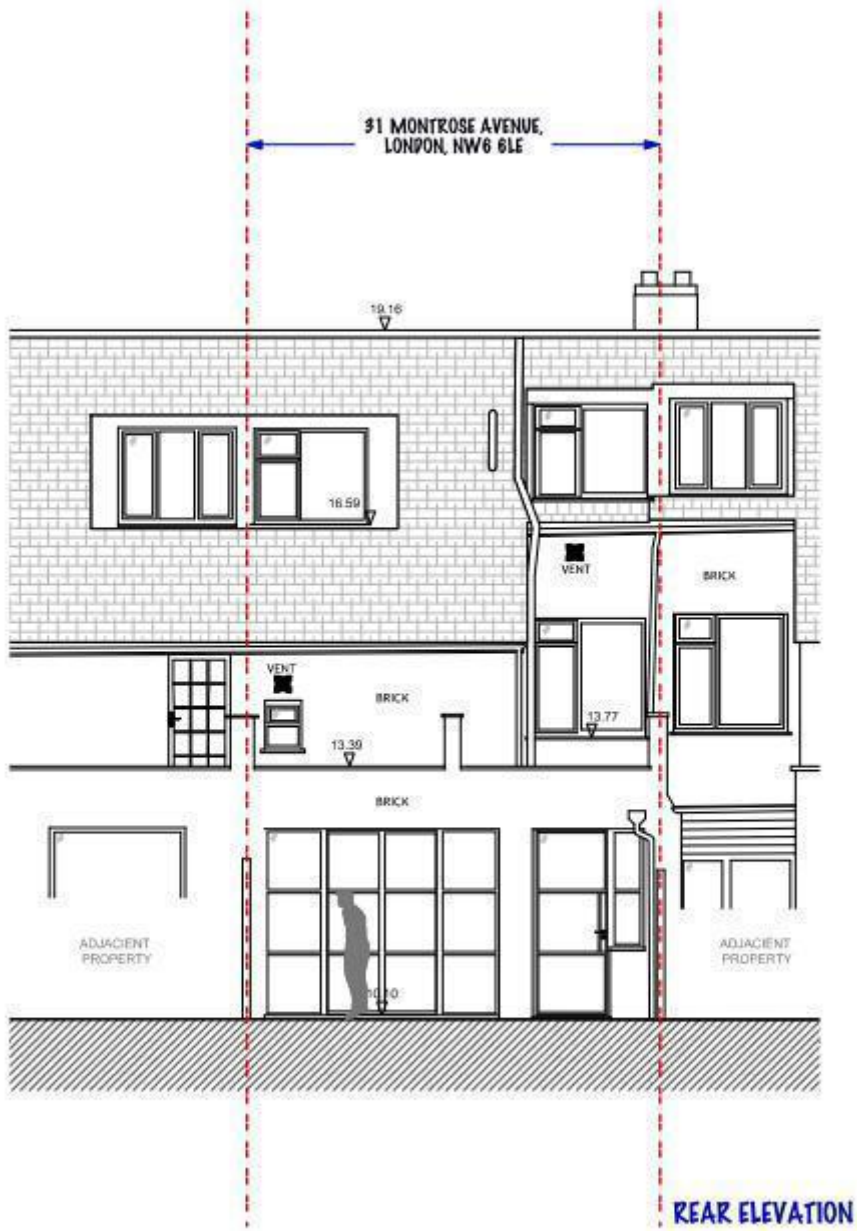


Existing front elevation.

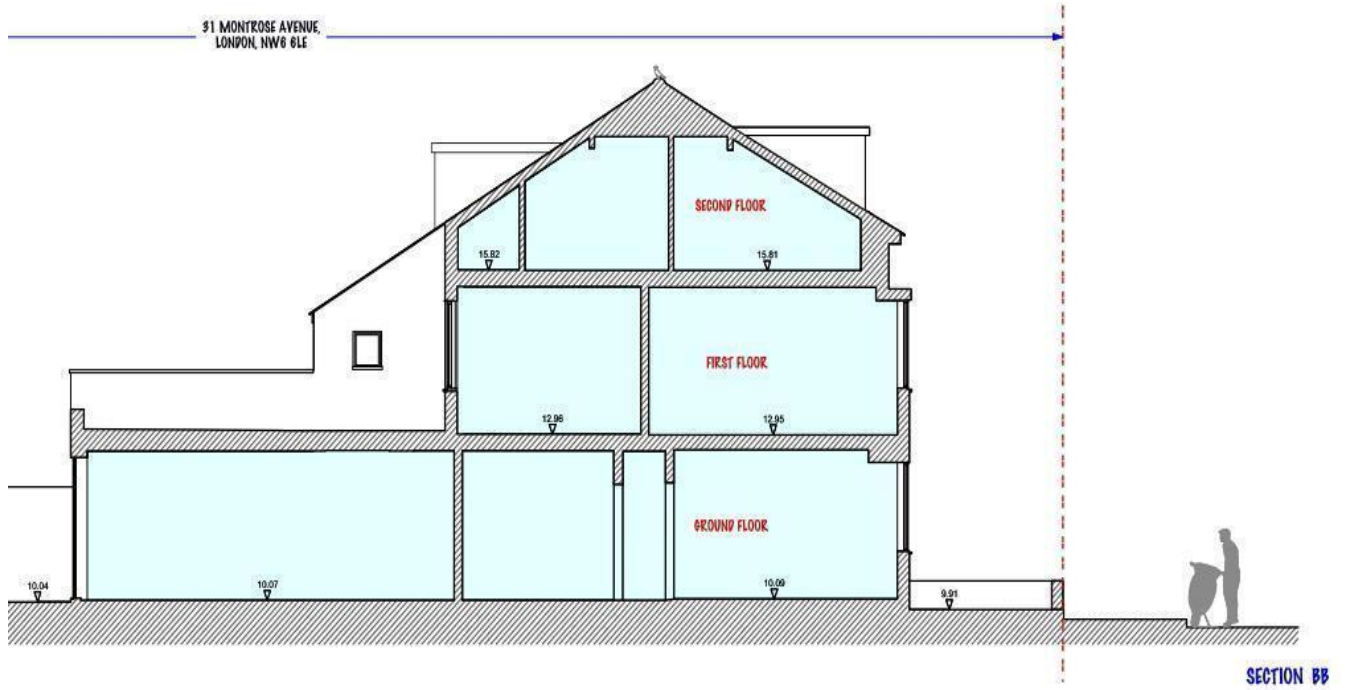
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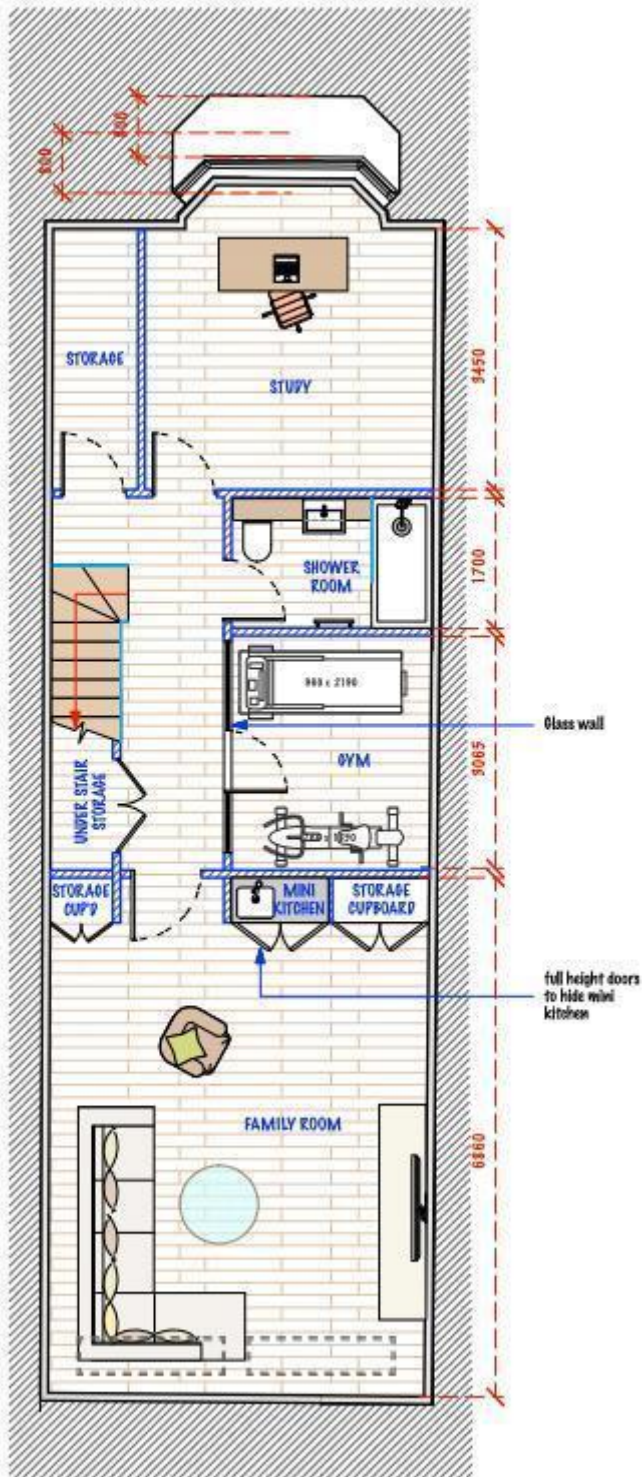
Existing rear elevation.



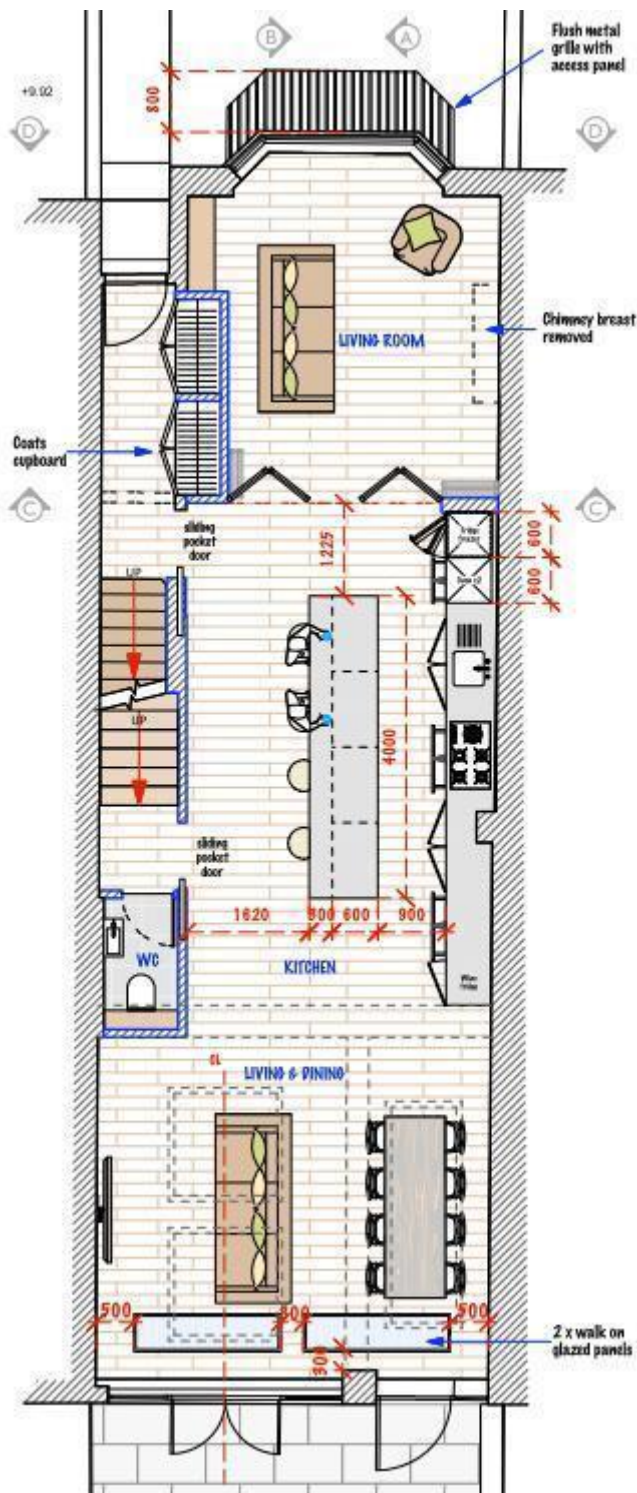
Existing section B-B



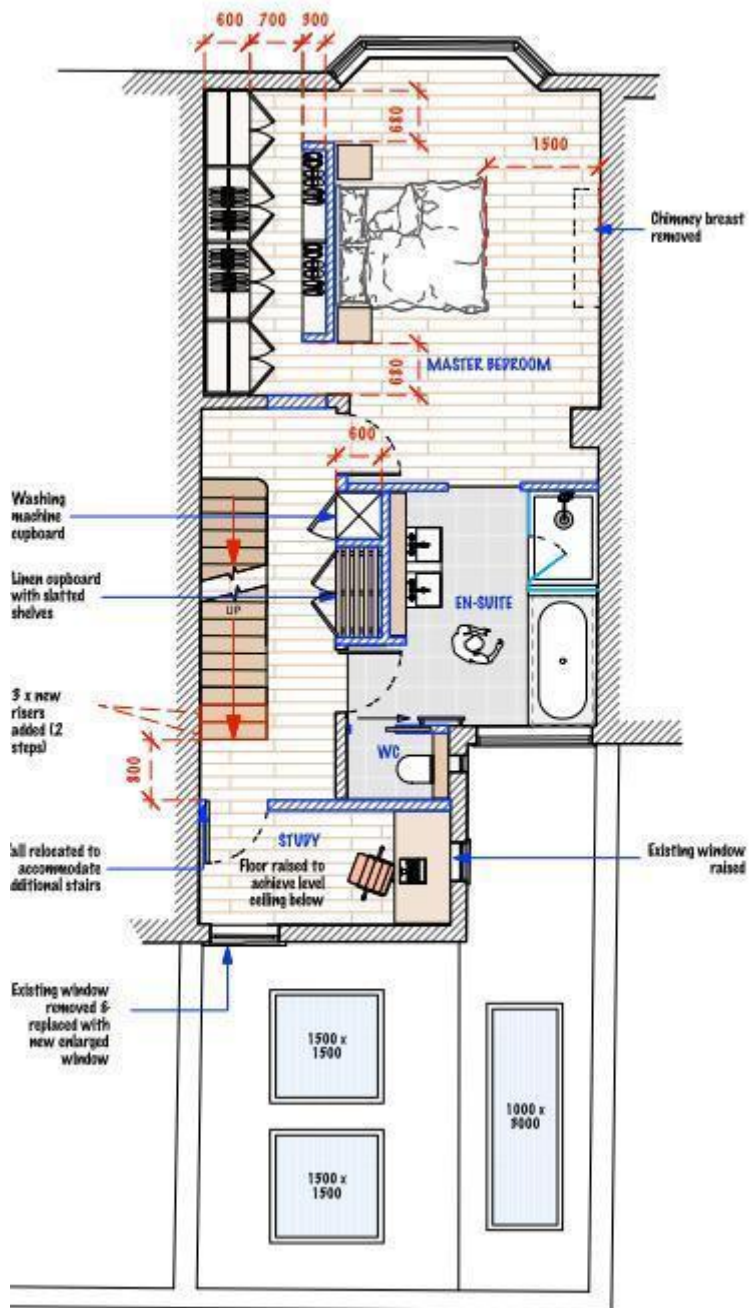
Proposed basement floor plan



Proposed ground floor plan

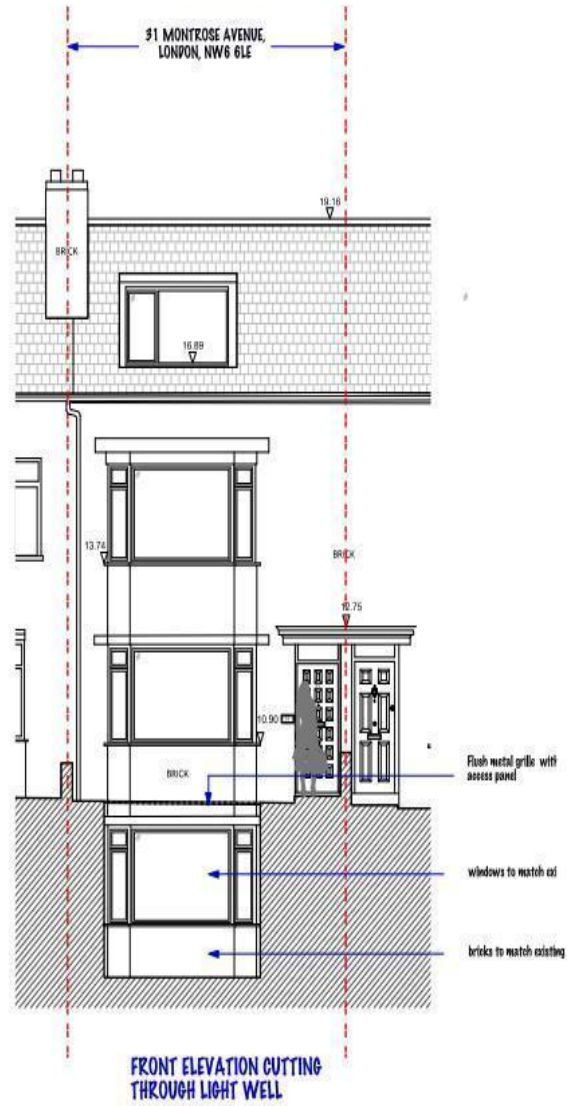
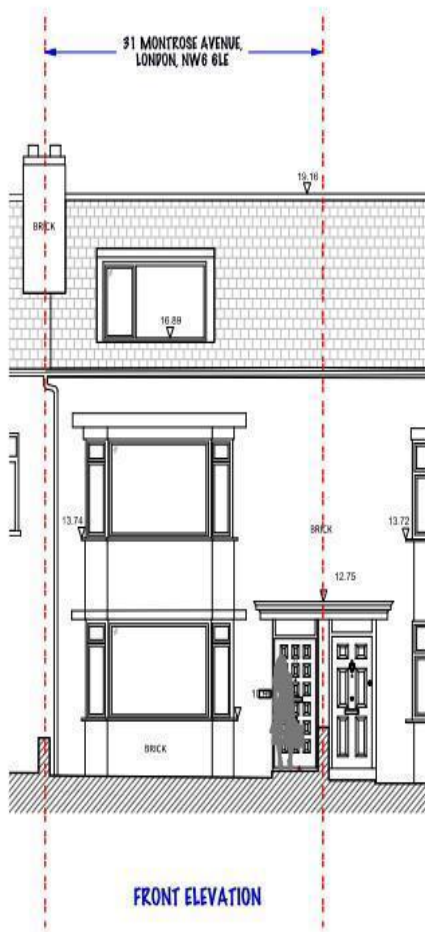


Proposed first floor plan

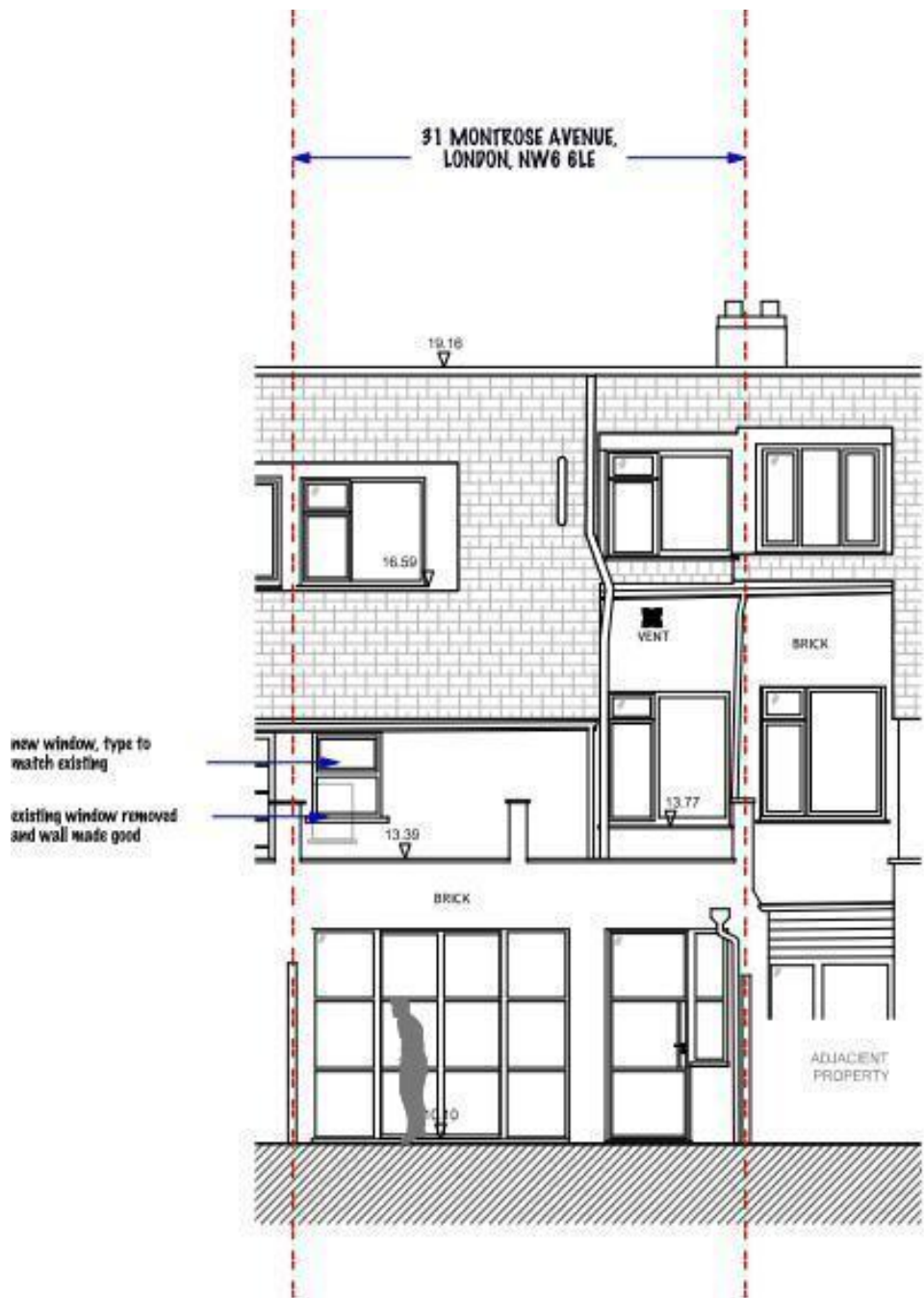


Proposed front elevation

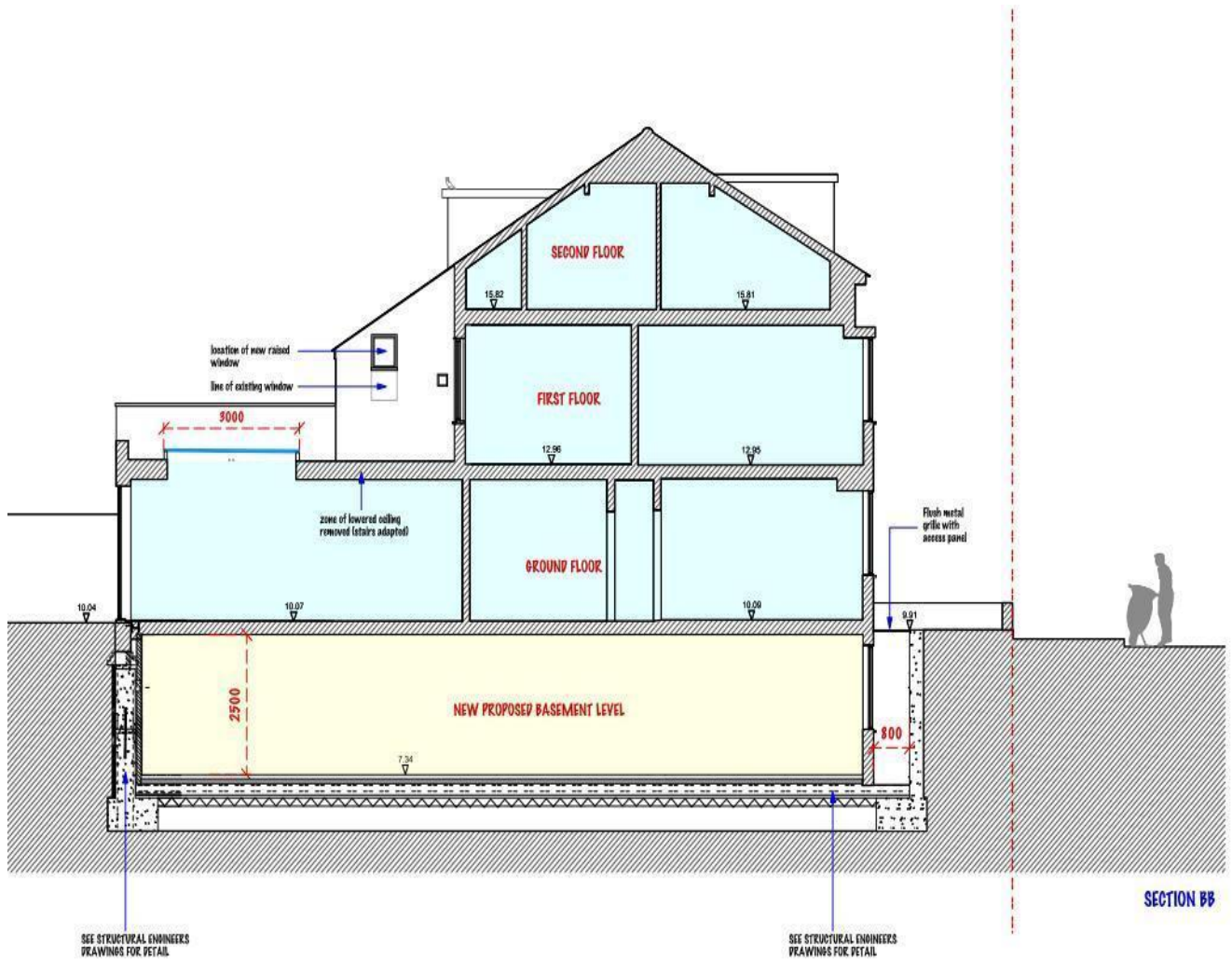
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Proposed rear elevation



Proposed section B-B



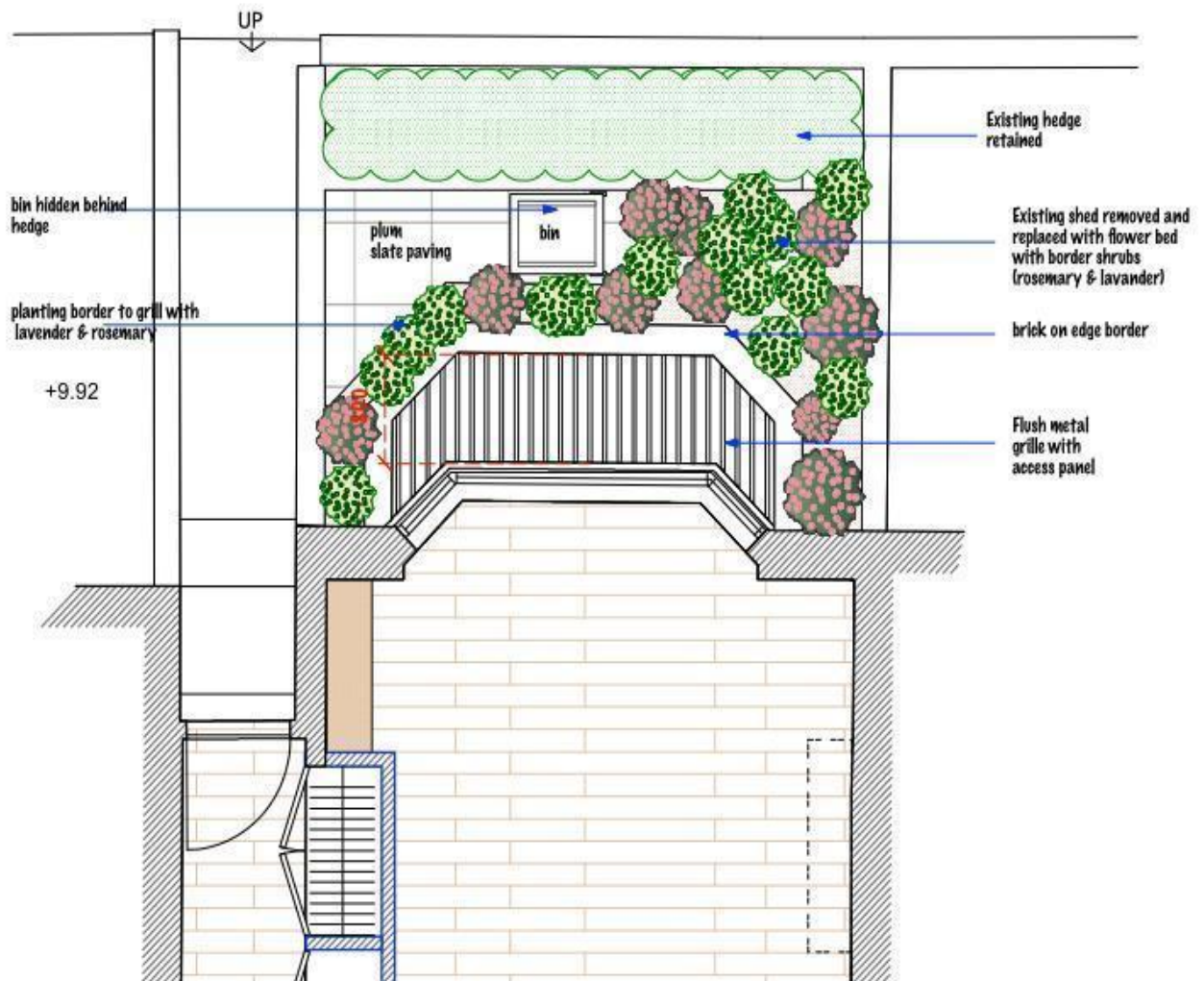
Proposed front garden layout



BORDER SHRUB
rosemary



BORDER SHRUB
lavender



RECOMMENDATIONS

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

A) PROPOSAL

The proposal is for the excavation of a basement level directly beneath the existing house with the exception of a light well which extends to the front of the property, following the profile of the existing bay window.

The application also proposes minor changes to the rear of the property including two glass panels set into the ground to form rear lightwells and three rear rooflights to the existing single storey addition. Minor alterations are also proposed to two existing first floor windows, one facing to the rear and the other to the side.

B) EXISTING

The property is a two storey mid terrace house from the post-war era and is situated on the northern side of Montrose Avenue.

This part of Montrose Avenue is characterised by similar post-war properties. The proposal site is not a listed building but is within the Queens Park Conservation Area.

The house has a single storey rear extension similar to its adjoining neighbours and it is likely that this is a later addition although planning records do not show when this occurred.

C) AMENDMENTS SINCE SUBMISSION

- The front lightwell has been amended to follow the profile of the ground floor bay window. (Amendments received 25/11/2015).

The front garden has been amended to include additional soft landscaping (Amendments received 30/11/2015)

D) SUMMARY OF KEY ISSUES

The key planning considerations in this case are as follows:

- Impact on Character – The proposal is considered to result in a visually acceptable development which has an acceptable impact on the character of the area and preserves the special Character of the Conservation Area
- Impact on Neighbouring Amenity – The proposal is not considered to have an unacceptable effect on neighbouring amenity both during the construction works and the completed development
- Impact on Trees – Officers are awaiting a tree survey from the applicant to demonstrate how the impact on a street tree to the front will be mitigated however a condition will be imposed requiring its replacement should it be lost.

RELEVANT SITE HISTORY

No relevant planning history.

CONSULTATIONS

Statutory neighbour consultation period (21 days) started on 23/10/2015, in total 35 properties were consulted.

There were seven representations received objecting to the original proposal including objections from Ward Councillors Nerva, Southwood and Denselow. Objections have also been received from the Queens Park Residents' Association and a tree representative on behalf of the Queens Park Residents' Association.

The representations raised the following concerns.

Objection raised	Response
Excessive development to the detriment of the conservation area and architectural harmony of the street	See paragraph 1.2-1.6
Lack of reassurance that applicant is aware of the scale of the development and concern about damage during construction and after to neighbouring properties	See paragraph 2.1-2.4
Dirt, noise and nuisance caused by building work especially as there has been development on Montrose Ave recently with 2 being basements	See paragraph 2.1-2.4
Traffic congestion caused by builders.	See paragraph 2.1-2.4
Lack of information regarding the impact to a mature cherry street tree to the front of the dwelling and how the applicant intends to mitigate any damage to this tree	See paragraph 1.11-1.14

A Site Notice was displayed on 24/10/2015 and a press notice published on 05/11/2015 as the site is within a Conservation Area.

POLICY CONSIDERATIONS

National Planning Policy Framework (2012):

Section 7 – Requiring Good Design

Section 12 – Conserving and Enhancing the Historic Environment

Core Strategy (2010):

CP17 – Protecting and Enhancing the Suburban Character of Brent

Brent's UDP (2004)

BE2 – Townscape: Local Context and Character

BE7 – Public Realm: Streetscape

BE9 – Architectural Quality

BE25 – Development in Conservation Areas

BE26 – Alterations and Extensions to Buildings in Conservation Areas

Supplementary Planning Guidance:

SPG5 – Altering and Extending Your Home

Queens Park Conservation Area Design Guide (2013)

Basements Practice Guide

DETAILED CONSIDERATIONS

Key considerations:

The main planning considerations when assessing this application are:

1. Whether the proposed development preserves or enhances the character of the property and the Conservation Area.
2. Whether the proposed development would have an unacceptable impact on the amenity of neighbouring residents.

1. Impact on Character:

1.1 The proposed development would need to have an acceptable impact on the character of the property and surrounding area and would need to preserve or enhance the special character of the Queens Park Conservation Area in order to be considered acceptable. Each part of the proposed development is assessed below:

Basement:

1.2 The proposed development would involve the excavation of a basement level under the footprint of the existing dwelling (including the single storey rear addition). Light would reach the basement level via a front lightwell and two internal glass panels set into the floor of the existing single storey rear addition. As the basement would predominately follow the footprint of the house, your officers consider it to be of an acceptable scale and proportion and raise no objection to the principle of a basement of this nature.

1.3 The front lightwell would be the only externally visible feature of the basement. It would follow the profile of the ground floor bay window and would have a depth of 800mm which complies with the guidance contained within the Queens Park Conservation Design Guide. (Section 3.7 pg. 20-21). It would be screened by the existing and proposed landscaping and the front boundary wall. Your officers consider the front lightwell to be a relatively discreet and unobtrusive addition to the front elevation.

1.4 Light to the rear of the extension is to be provided by glass panels set into the ground close to the glazed rear elevation.

1.5 The basement would only be accessed from inside the existing dwelling and is identified as a gym, study, family room and shower room. The uses described are considered ancillary to the residential use of the main dwelling and a condition can be attached to ensure that the proposed development is not occupied

separately.

1.6 Overall the proposed basement, front light well and internal glass panels to the rear are considered to sustain the special character of the Conservation Area.

Other basements on Montrose Avenue:

1.7 To date two basements have been approved to dwellings on Montrose Avenue, nos. 13 and 15 (LPA references 14/4653 and 14/4281 respectively). Both involved excavating basements underneath the entire footprint of the dwelling with front and rear lightwells. Both properties differ to the application site in that they date from the Edwardian era.

Rooflights:

1.8 To maximise light to the basement and the existing single storey rear addition; the applicant proposes to remove the existing single rooflight and install three rooflights. 2 of the rooflights would be 1.5m x 1.5m and would be located directly above the 'living' area. The longer rooflight would be 1m x 3m and would be located above the 'dining' area. Given the size of the rooflights proposed a condition could be placed to ensure the rooflights are obscurely glazed to mitigate against light spillage to neighbouring occupiers.

First floor rear and side facing windows:

1.9 The proposed development would involve removing and replacing a first floor window with a larger window to the existing two storey projection. The existing rear window is relatively small measuring 0.7m x 0.4m. The proposed window would be 1m x 0.8m and would be located just below the parapet of the sloping roof. The plans indicate it would match the existing first floor windows in material and type. In principle there is no objection to enlarging the window. Officers note no.30 also has a larger first floor window though this differs in style and material.

1.10 The side window would be moved 0.5m in height directly above its current position and would maintain its existing dimensions. The window alterations are not considered to have a significant impact upon neighbouring amenity as additional windows are not proposed.

Landscaping

1.11 There is an existing mature cherry street tree to the front of the property. The applicant has instructed a tree specialist to conduct a tree survey and develop a plan to mitigate any damage to this tree during construction, which would be secured by planning condition. Further information on this will be included in the supplementary planning report; however, should the survey indicate that the tree would not survive the proposed works, your officers consider that it would be acceptable for a replacement tree to be provided once works are complete, subject to further approval under a planning condition.

1.12 Whilst it would be preferable for mature planting to be retained, your officers propose a further planning condition be imposed such that a replacement tree of sufficient stature be planted should the development result in the loss of the tree over a reasonable time period.

1.13 The front garden also has a rather tall privet hedge with the remaining front garden mostly hard standing. A shed is situated along the boundary with no. 33 Montrose Road. The proposed front garden layout would involve the removal of the shed, retaining the front privet hedge and additional soft landscaping in the form of lavender and rosemary shrubs. There would be a small area of plum-coloured slate paving to accommodate the bins. This is an increase in soft landscaping and is considered an improvement on the existing situation and would help soften the appearance of the front lightwell.

1.14 Considering the points discussed above, your officers consider the proposed development would have an acceptable impact on the character of the host dwelling and would sustain the special character of the Conservation Area.

2. Impact on Neighbours:

2.1 Your officers recognise that basement excavations can affect neighbouring amenity during construction through dust, noise and vibrations. Your officers also appreciate the concerns surrounding the impact of basement excavations on structural and soil stability for example. Brent's approach to such development

proposals is to seek to minimise these impacts and applicants are expected to provide a Construction Method Statement as required by Brent's 'Basements Practice Guide'.

2.2 The applicant has provided a Construction Method Statement which details how the potential impacts of the proposal during construction will be mitigated and details of build methodology. This includes for example establishing hoarding around the site and precautions in terms of soil stability and structural stability of neighbours. In terms of nuisance, some disruption is unavoidable but limited to usual hours of working for construction sites. Should Members decide to grant consent your officers propose a condition be attached requiring the contractor to be a member of the Considerate Constructors Scheme.

2.3 Ward Councillors have raised concerns about the proposal on the grounds of impact of construction on quality of life and longer term fears as to the impact of subterranean constructions on stability and integrity of neighbouring properties and questioned whether a long term bond could be secured against potential negative consequences. Your officers have investigated this and have been advised that a bond is unlikely to be a practical solution, notwithstanding that it would not be possible to secure it via the planning process.

2.4 In addition the alterations to the two first floor windows are not considered to affect neighbouring amenity in terms of overlooking given that what is proposed is not too dissimilar to what is there currently.

2.5 In summary, the applicant has shown due consideration to the construction and building process of the basement in relation to neighbouring amenity and as such your officers do not consider the effect of the development on the amenity of adjoining neighbours to be a reason for refusing planning permission.

3. Conclusion:

3.1 Considering the points discussed above and subject to conditions, your officers consider the proposal would not have an unacceptable impact on the character of the property and on the amenities of neighbours and would sustain the special character of the surrounding Conservation Area.

3.2 The proposal therefore accords with relevant policies and your officers recommend that planning permission be granted.



Brent

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 15/4484

To: Mr Baines
Pelican Architecture & Design
5 Kings Parade
Oakhampton Parade
London
London
NW10 3ED

I refer to your application dated 16/10/2015 proposing the following:
Proposed excavation of basement, installation of front lightwell, internal glass panels to form rear lightwells, insertion of three rear rooflights to existing single storey addition and replacement and enlargement of first floor rear facing window and alteration to first floor side facing window to dwellinghouse

and accompanied by plans or documents listed here:
See condition 2.
at 31 Montrose Avenue, London, NW6 6LE

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

- \$ Central Government Guidance
- \$ Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home
- \$ Queens Park Conservation Area Design Guide

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment

Housing: in terms of protecting residential amenities and guiding new development

- 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):

7100 01
7100 02
7100 03
7100 04
7100 05
7100 06
7100 08 C
7100 09 B
7100 11 B
7100 14 D

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

- 3 No development shall be carried out unless the person carrying out the works has signed up to the Considerate Constructors Scheme and its code of practice, and the details of the membership and contact details shall be 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 The basement hereby approved shall only be used for purposes incidental to the use of No.31 Montrose Avenue as a single family dwellinghouse and shall not be used as separate residential accommodation at any time.

Reason: To ensure the basement is not subject to unregulated intensification of use.

- 5 The soft and hard landscaping, including the hedge to the frontage, identified on approved plan numbered 7100 -14 D shall be provided in full prior by the end of the first planting season following completion of the development or by the end of the first planting season following first occupation of the development, whichever is sooner. 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 Queens Park Conservation Area.

- 6 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.

- 7 Details of the front garden layout shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement 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 of the front garden area with shrubs;
- (ii) the retention of existing hedges and shrubs;

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 Queens Park Conservation Area.

- 8 Prior to the demolition and replacement of the front boundary wall hereby approved, details of the proposed wall, including elevations at scale 1:50 and a full specification of the materials to be used including bricks, caps and coping, 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 unless otherwise agreed in writing by the Local Planning Authority.

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
- 2 The applicant is advised that that construction and demolition work is controlled by the Council under Section 60 and 61 of the Control of Pollution Act 1974, and the British Standard Codes of practice 5228:1997 Parts 1 to 4. In particular, building work that is audible at the boundary of the site shall only be carried out between the following hours:
- Monday to Friday - 08.00 to 18.30
Saturdays – 08.00 to 13.00
Sundays and Bank Holidays – No noisy works at all
- 3 The application has demonstrated that appropriate consideration in terms of build methodology in relation to the basement has been undertaken by the qualified Engineer in accordance with the Councils Good practice guidance for basement construction. The Council has used its best endeavours to determine this application on the basis of the information

available to it, however the granting of planning permission does not provide any warranty against damage of adjoining or nearby properties, and the responsibility and any liability for the safe development of the site rests with the developer and/or landowner.

- 4 The applicant is reminded that the proposal site is included within an Article 4 Direction which means that any alterations to the frontage of the property, including lightwells for example, would require further planning permission.

MEMBERS CALL IN PROCEDURE

In accordance with Part 5 of the Constitution and Section 10 of the Planning Code of Practice, the following information has been disclosed in relation to requests made by Councillors for applications to be considered by the Planning Committee rather than under Delegated Powers

Name of Councillor

Councillor Denselow

Date and Reason for Request

18/11/2015, concerns relating to impact of construction on quality of life and longer terms fears as to the impact of subterranean constructions on stability and integrity of neighbouring properties in the absence of a long term bond against potential negative consequences.

Details of any representations received

Representation received from 30 Montrose Avenue

Name of Councillor

Councillor Nerva

Date and Reason for Request

18/11/2015, as above

Details of any representations received

As above

Name of Councillor

Councillor Southwood

Date and Reason for Request

18/11/2015, as above

Details of any representations received

As above

Any person wishing to inspect the above papers should contact Katrina Lamont, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1905