

RECEIVED: 23 September, 2010

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 101A & 101B Chatsworth Road, London, NW2 4BH

PROPOSAL: Demolition of an attached garage and erection of proposed two-storey side and single storey rear extension to the ground-floor and first-floor flats

APPLICANT: Goodies Properties Ltd

CONTACT: Exactness Design

PLAN NO'S:
Please See condition 2

RECOMMENDATION

Grant Consent

EXISTING

The subject site is a two storey semi detached building located on Chatsworth Road. The surrounding uses are predominantly residential with similar type dwellings. The property is not within a Conservation Area, nor is it a listed building but is within an Area of Distinctive Residential Character.

PROPOSAL

See Above

HISTORY

Of particular relevance to this application is the Enforcement Appeal (Ref No: E/04/0029) of 2004 for the material change of use into seven self contained flats. This appeal succeeded in part and the enforcement notice was upheld as varied in the Inspectors formal decision notice. In particular a first floor flat was found to be older than 4 years and therefore immune to enforcement action. This resulted in the lawful use being two flats.

Full Planning Permission (Ref No: 04/3610) for the conversion into 3 self contained flats was refused in 2005 for the following two reasons.

The proposed development results in the over intensification of the site by reason of the increased activity and comings and goings of occupants which would be detrimental to the character and amenity of the area, contrary to Policies H12 and H18 of the Brent Unitary Development Plan 2004.

The proposed development fails to provide safe and convenient access to the frontage and fails to make satisfactory on-site car-parking provision that would comply with the Council's adopted

standards and as such, would prejudice conditions of general safety and the free flow of traffic on the adjoining highway, contrary to Policies H18, H19 and TRN23 of the Brent Unitary Development Plan 2004.

POLICY CONSIDERATIONS

Brent UDP 2004

BE2 – Townscape: Local Context & Character

BE9 – Architectural Quality

SPG

SPG 5 – Altering and extending your home

CONSULTATION

31 Neighbouring properties were consulted on the 7 October 2010. To date the Local Authority has received 9 objections. The principle objections are outlined below:

- The proposed extension is not sympathetically designed
- The loft has been unlawfully converted
- The proposed development constitutes a 'change of use'
- The existing floor plans are incorrect
- Inadequate soft landscaping
- No allocated space for refuse and recycling
- First floor family unit will not have access to the garden
- Front garden has inadequate space for two cars
- The repositioning of the staircase could cause structural instability to neighbouring properties
- The extension will allow the property to be converted into a house of multiple occupancy
- The conversion will result in a substandard form of accommodation
- Some parts of the property will experience poor levels of daylight
- The property will not be appropriately accessed
- The upper floor kitchen and reception are too small
- The conversion is out of character with the area.
- The upper floor flat will be converted into a family unit of sub-standard size
- The development appears to be an over development of the property

REMARKS

Context

The property was built as a single family dwellinghouse. In December 2003, the property was unlawfully converted into 7 self contained flats. The Council served an Enforcement Notice on 30 January 2004. This notice was partially allowed at appeal. For the avoidance of doubt, the Inspector found the lawful use to be two flats. The single storey side and rear extensions insitu appear to be older than 4 years and therefore immune to enforcement action.

A site visit confirmed the layout of rooms as shown on the existing floor plans (Some rooms have work tops but these are not considered to be kitchens as they do not contain kitchen equipment eg hobs). The existing internal arrangement is not considered to be practical. The entrance to both flats are located far into the existing structure causing the front room to be unusable by either flat. Further as a part of unauthorised works carried out in the past, a number of the bedrooms appear to have the potential to be self contained.

The proposal aims to internally reconfigure the existing flats, so all parts of the existing structure are useable. At ground floor the extended space will be used as a bedroom, dining room and an extension to the existing kitchen. At first floor a bedroom and an extension to the kitchen will be created. In the loft space the extension provides additional space to the existing bedroom

For the avoidance of doubt, the proposed internal alterations do not constitute a change of use as the property will remain as two self contained flats. The only matters therefore requiring consideration are those relating to extensions.

Extensions

Whilst the Council does not object in principle to the extension of any building, there remains a need to ensure that the extension is appropriate and that would not result in a significant adverse impact on the amenities of any neighbouring property. Similarly the Local Authority require proposals to be designed with regard to their local context, making a positive contribution to the character of the area. This is specified in Policy BE9 and BE2 of Brent's UDP 2004. SPG5 recommends that the first floor of side extensions be set 2.5m back from the main front elevation of the building and requires the ground floor element to be flush with the main front wall.

In this instance the property has a two storey front bay projection of 5m in depth, with the front entrance door set back from this projection. The proposed single storey element of the side extension would be rebuilt in line with the two storey bay feature and would also have a window as its opening to the front. The proposed side extension will be 2.7m in width between the flank wall of the building and the common boundary. A single roof light is proposed in the pitched single storey roof. Officers do not object with the single storey side element of the extension.

The first floor will be set back by approximately 1m from the main front elevation with the proposed roof 1.5m lower than the ridge of the original roof. The proposed low, set back roof is similar in height and design to the ridge of the front gable. Owing to the depth of the bay and the proposed set back low roof which prevents any threat of a terracing affect and results in a subservient feature to the original property, on balance officers find the proposed extension to be appropriate to the context of the area.

The non-attached neighbouring property (which somewhat confusingly is numbered 95 given that the application property is no. 101), has a garage structure at ground floor between its flank wall and the boundary, at first floor there are 4 windows which serve a landing, bathroom and W/C, with the second floor having one window to the landing. As such there are no flank wall windows which will be affected in terms of outlook.

SPG 5 requires single storey rear extensions to semi detached properties to be a maximum 3m deep and 3m high. The proposed single storey extension is approximately 3.5m deep and 3m high so to replicate the existing lean to structure. Neighbouring property No 95 has a number of similar extensions insitu. These extensions do not benefit from express planning permission but are older than 4 years and therefore immune from enforcement action. Owing to its location, the proposed single extension will not be visible from the street or neighbouring properties. Whilst this is larger than usually permitted, on balance officers are not of the view that the extension will cause detrimental harm to neighbouring properties or the character of the area, particularly as No 95 has larger extensions. Details of materials have not been provided therefore these will be secured by condition

The building has a single storey side and rear extension insitu. These structures do not benefit from planning permission, but are considered to be older than four years and are therefore immune from enforcement action. In addition, the loftspace has been converted to habitable space but Members will be aware internal works of this kind do not, in themselves, require planning permission. A number of comments have been made about the extent of additions to this building and, indeed, Officers do acknowledge that the alterations and extensions result in two self-contained flats that are unusually large, in terms of the total amount of floorspace that they provide. In these circumstances, the concerns about an unacceptable over-intensification are understood, but the fact remains that this application clearly indicates that it proposes extensions to (lawful) flats and it needs to be considered on this basis. For the avoidance of doubt, it is unlikely that the Council will grant permission for any future scheme that does result in a further intensification in the use of the site, certainly in terms of an increase in unit numbers.

Response to objections

Whilst officers understand concerns relating to the quality of accommodation, including access to the rear garden and treatment of the forecourt, unfortunately these can not be considered in the life of this application as the proposal does not seek permission for a change of use but rather for extensions only (As detailed above)

The requirements for structural safety and the conversion of loft space are not covered by the Town and Country Planning Act and therefore can not form a reason for refusal. However the development will be required to provide such facilities under Building Regulations. The applicant will be reminded of his responsibilities by way of an informative

Owing to the site history including unlawful development that were considered to cause harm to neighbouring amenity, as expressed in the strength of objection, your officers suggest an informative stating that this consent is only granted on the basis that the building is in use as 2 flats any further intensification of the property would require planning permission

All other matters have been addressed in the body of the application

Conclusion

The design and scale of the 2-storey side and single storey rear extension is considered to be a subsidiary extension and its size and set back at first floor complements the house, as such it is not considered that the appearance would be detrimental to the appearance of this semi-detached building. The proposal complies with Policies contained in Brent's UDP 2004 and SPG5: altering and extending your house.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home

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

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 drawing

7-10-001
7-10-002

7-10-003
7-10-004
7-10-005 REV E
7-10-006 REV E
7-10-007 REV E
7-10-008 REV E

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:

- (1) The applicant is advised any further intensification (Including the increase in bedrooms) of the property will require planning permission which is unlikely to be granted

Reason: To safe guard the amenity of future occupiers and neighbouring properties

- (2) The applicant is advised to contact Brent Building Control regarding structural safety of all alterations and the loft conversion on 020 8937 5499.

Any person wishing to inspect the above papers should contact Tanusha Naidoo, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5245



Planning Committee Map

Site address: 101A & 101B Chatsworth Road, London, NW2 4BH

Reproduced from Ordnance Survey mapping data with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Brent, DBRE201 2005



This map is indicative only.