

**Committee Report  
Planning Committee on 16 September, 2009**

**Item No.  
Case No.**

**1/05  
09/1708**

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**RECEIVED:** 29 July, 2009

**WARD:** Dudden Hill

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** 169 Melrose Avenue, London, NW2 4NA

**PROPOSAL:** Erection of a single storey side extension, timber fence and gates and formation of new vehicular access to rear garden of dwellinghouse (as accompanied by 3 pages of site photographs)

**APPLICANT:** Ms Tamala Anderson

**CONTACT:**

**PLAN NO'S:** Sheet 1(Sketch and Site Plan);Sheet 2 (Plans); Sheet 3 (Elevations); Unnumbered Rear Garden Access Plan; Location Plan (Scale 1:1250)

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**RECOMMENDATION**

Approval

**EXISTING**

The application site is one half of a semi detached pair of dwellings located on the west side of Melrose Avenue. The property is currently being extended by alterations to its roof.

The neighbouring unattached property at no. 171 has been historically extended by the provision of a side extension which infills the rear outrigger.

The property has no vehicle access from Melrose Avenue but has a construction access existing onto Gay Close at the rear.

**PROPOSAL**

Single storey side rear extension:

The application proposes the erection of a 5m deep single storey side extension with a monopitch roof. This would infill an area to the side of the existing dwelling. The extension would also project beyond the existing rear outrigger by 1200mm, however this element would be set in from the boundary with the unattached property by 900mm.

This extension would be of a similar floor area and depth to that existing at no. 171 Melrose Avenue.

The height of the building would be slightly over 3.1m at the boundary with no.171 Melrose Avenue, extending to a height of 4.1m away from this common boundary. Five rooflights are proposed within the pitched roof element of the extension facing the no 171 Melrose Avenue.

### Proposed access onto Gay Close:

The application proposes the fitment of inward opening gates over a width of 2.5m to provide vehicular access to the site from Gay Close.

### **HISTORY**

- Certificate of lawfulness application 09/1493 relating to a gable end roof extension rear dormer window and 1 front rooflight, was considered to be lawful under application on 27/07/09
- Full Planning Application 09/0237 relating to a single storey rear extension and conversion of dwelling house into 2 self-contained flat, dated 03/04/2009.
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Related History:

- Gay Close appears to have been granted planning permission in the early 1960s, prior to the formation of the London Borough of Brent. Planning Officers have attempted to locate and review details of the relevant permission, however the relevant documents appear to be missing.

### **POLICY CONSIDERATIONS**

Brent Council Adopted Unitary Development Plan 2004 Policies:

- **BE 2**  
Requires proposals to make a positive contribution to their local context, making a positive contribution to the character of the area.
- **BE 9**  
Requires extensions and alterations to existing buildings to embody a creative and appropriate design solution, and specifically be of a scale massing and height appropriate to setting and respect, whilst not necessarily replicating positive design and landscape characteristics of adjoining development
- **TRN 3**  
Requires planning applications which cause or worsen an unacceptable environmental impact from traffic to be refused.
- **TRN 15**  
Requires applications for access onto a highway to be at a safe location with adequate visibility, and to be visually acceptable.
- **TRN 23**  
Requires onsite parking to not exceed parking standards.

The following planning guidance is also considered to be applicable to this application:

Supplementary Planning Guidance No. 5 "Altering and Extending Your Home"

### **CONSULTATION**

Consultations were undertaken by letter on 12 August 2009 to 13 neighbouring occupiers on Gay Close and Melrose Avenue. Objections were received from 6,7,8,9,11,13,15,16,17,18, and 27 Gay Close as well as the United Reform Church.

All of these objections expressed concerns relating to loss of parking and an increase in traffic on Gay Close, as well as a precedent that may be set as a result of such development.

Objections also related to safety concerns as a result of increased traffic and impacts on the character of Gay Close arising from this traffic and also the creation of additional crossing points.

Objections also suggested an error in the application form of the application with regards to alterations to parking.

A comment was also received from Mr Thorpe at 71a Dartmouth Road, which queried the impact of rooflights on neighbours and also noise if open.

Transportation Unit:

The Transportation Team made the following comments:

- *No current offstreet parking or vehicular access (authorised)*
- *The width (2.5m) of the access and the inward opening gates are acceptable.*
- *No pedestrian issue arising from the access as there is no footway or pedestrian path affected.*

The Transportation Unit expressed concern over the potential of material being spilled onto the road from vehicles parked in the rear garden of the property and requested conditions be imposed requiring details of the hardstanding prior to commencement of works.

## **REMARKS**

### Single storey side rear extension:

It is noted that extensions of this type which infill outrigger extensions are not generally permitted as they tend to result in significant enclosure of the habitable rooms of neighbouring properties. In this instance however, the neighbouring unattached property at no. 171 Melrose Avenue has benefited from a similar sized extension through historic Permitted Development allowances (a certificate of lawfulness for the development was granted in 2000 under application 99/2509).

The proposed extension would match the extension at no. 171 Melrose Avenue in terms of its depth and as such would not result in detrimental impacts on this neighbouring property.

The design of the extension is contemporary in nature, it provides a monopitch roof angled away from the boundary with 171 Melrose Avenue with its highest point facing 167 Melrose Avenue. Whilst the height of this extension would be greater than the 3m proscribed within SPG 5, it is noted that the depth of the extension would be minor at 1.4m and overall impact of the extension is not considered to result in detriment to either neighbouring occupier.

In relation to the proposed rooflights on the angled section of the main roof, it is noted that there is the potential for both light spill to the upper floor windows of the neighbouring property at no. 171 and loss of privacy to the occupiers of the building. As such, should members approve the application, it is recommended that a condition be imposed to require treatment of the rooflights to ensure that they are non opening and that they do not spill light or result in loss of privacy for occupiers of any property.

Subject to the imposition of the above condition, it is considered that this element of the application can be approved.

### Formation of access:

The proposed development would seek to provide a vehicle access onto Gay Close through the provision of a 2.5m wide access with inward opening gates on the southern part of the common boundary.

The property has no current offstreet parking and the principle of one additional onsite parking space is considered to be acceptable in terms of Parking Standard 14 of the Adopted Unitary Development Plan 2004.

The objections from Gay Close are noted, however there is no parking restriction on Gay Close adjacent to the site property at this time. Gay Close is adopted highway and there is no restriction on vehicle movements up and down this Close.

Several physical (pedestrian and vehicular) accesses are available on Gay Close onto properties on Melrose Avenue and it is entirely possible that residents of these properties currently use the undefined parking in Gay Close for their own purposes, either daily or as required. It is suggested that such use would in fact contribute to the parking demand on Gay Close.

The Planning Officer, in conjunction with officers of the Transportation Unit, have identified an area of Gay Close which should be kept clear to provide a turning head in which heavy (delivery, refuse and emergency) vehicles could maneuver. It is noted that the western side of Gay Close, in front of numbers units 10-13, indents the road frontage of these properties. This would appear to have been undertaken in order to accommodate heavy vehicles at the time of development of Gay Close.

Having conducted this assessment, the officer is satisfied that the provision of an access, in the location proposed, would not hinder the movements of vehicles and may in fact result in greater maneuvering space for service vehicles. It is also considered that the location of the crossing point could reduce potential obstruction of the access to units 23-27 Gay Close.

It is therefore considered that the imposition of the access, the loss of (undefined) parking spaces and the insignificant increase in traffic flows will not detrimentally affect the occupiers of Gay Close

Notwithstanding the above, given that the site is not a classified road, is not converted into flats and that there is no evidence available to the officer that access has been restricted in planning terms, members are asked to note that the formation of an access to the site property from Gay Close appears to be permitted development which would not require planning permission. Nevertheless, the Council's Transportation officers have no objection to the scheme.

The officer notes that objectors have referred in conversations with the officer, to a "ransom strip" between the proposed access and the public highway. A ransom strip is a piece of land (usually narrow) which is in independent ownership and which can be used to frustrate access to a site through the prohibition of legal and physical access. Consideration of such issues is not a material planning consideration and should be addressed through more appropriate legislation.

#### Landscaping:

It is noted that no detailed landscaping scheme has been submitted within the application, Transportation Officers have expressed concern that no hardstanding has been proposed within the application and that material (mud) could be taken onto the road from vehicles parking in the rear garden. As such they have recommended that details of a hard standing be submitted prior to commencement of works. Should Members approve the application, it is suggested that a condition requiring details of the hard surfacing arrangements be attached to the decision.

The officer notes that the fencing arrangements proposed within the application appear to differ with fencing designs adjoining Gay Close. Given this consideration, it is considered appropriate that if approved, a condition be attached requiring the boundary fence to match that existing on adjoining properties.

Should these conditions be imposed, the officer is satisfied that any significant adverse elements of this scheme would be avoided or mitigated.

**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  
Transportation: in terms of ensuring development does not harm the flow of traffic or safety of road users

**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) Details of landscaping of the rear garden area of the site, including a hard stand area for one vehicle shall be submitted to and approved in writing by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved and the approved hard surfacing implemented prior to first use of the access by occupiers of the dwelling. 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 in the same positions with others of a similar size and species, 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 locality, in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- (3) Notwithstanding information contained within the application, further details of the proposal are required. Specifically, prior to commencement of works relating to the side extension onsite, the applicant shall submit to the Planning Service, details of treatment of the rooflights in the extension showing how adverse glare and other lighting impacts on the neighbouring occupiers at no. 171 Melrose Avenue will be mitigated (eg. through the use of antiglare glazing or other treatments).

Reason: In order to ensure that the development does not result in detriment to the amenities of neighbouring occupiers.

- (4) That no vehicle shall be accommodated within the rear garden area except, within the area designated as hard surfacing in approved drawings without the prior written

permission of the Local Planning Authority

Reason: In order to ensure a high quality appearance which is in keeping with the character of the area.

- (5) Notwithstanding details contained within submitted drawings, the proposed boundary fence and gate adjoining Gay Close, shall match as closely as possible, in design, materials, and height, the fencing used on the neighbouring properties fronting Gay Close.

Reason:

To ensure a high level of visual amenity for neighbouring occupiers and the streetscene.

**INFORMATIVES:**

- (1) This consideration is based on the use of the property as a single dwelling house (as confirmed within the application documents). Conversion of the dwelling into flats or other such use would require planning permission which may not be approved.
- (2) Council would advise the consent holder that there is the possibility of a "ransom strip" existing between the site boundary and Gay Close.

**REFERENCE DOCUMENTS:**

Adopted London Borough of Brent Unitary Development Plan 2004.

London Borough of Brent Supplementary Planning Guidance No. 5 "Altering and Extending Your Home".

Any person wishing to inspect the above papers should contact Ian Hyde, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5241



# Planning Committee Map

Site address: 169 Melrose Avenue, London, NW2 4NA

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