

Committee Report
Planning Committee on 16 September, 2009

Item No. 2/04
Case No. 09/1385

RECEIVED: 6 July, 2009

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 112A & B, Brondesbury Road, London, NW6

PROPOSAL: Proposed single storey rear extension

APPLICANT: Mr Julian Nugent

CONTACT: Thomas de Cruz

PLAN NO'S: PA01
PA02 Rev A
PA03 Rev A
PA04 Rev A
PA05 Rev A

RECOMMENDATION

Approval

EXISTING

The subject site, located between the southern side of Brondesbury Road and the northern side of Brondesbury Villas, is occupied by a two-storey residential dwelling that has been converted into two self-contained flats. The subject property, which fronts Brondesbury Road, is located within the Kilburn Conservation Area.

PROPOSAL

The proposal is for the erection of a single-storey rear extension to the ground floor flat.

HISTORY

Planning permission (06/3667) was approved in December 2006 for the erection of a single-storey rear extension to the existing ground floor flat. At the time of this application there was already a single-storey rear extension to the property which, according to the Council records, appears to have been constructed lawfully in the late 1980's. Planning permission (07/2108) was also granted in July 2007 for the creation of a basement level including a rear extension and 3 rooflights.

A recent site visit confirmed that neither recent permission has been implemented and that the previous single-storey rear extension, erected in the 1980's, has now been demolished.

POLICY CONSIDERATIONS

The London Borough of Brent Unitary Development Plan 2004

The development plan for the purpose of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004. Within that plan the following list of policies,

which have been saved in accordance with the Planning and Compulsory Purchase Act 2004, are considered to be the most pertinent to the application.

BE2	Townscape:Local Context & Character
BE9	Architectural Quality
BE25	Development in Conservation Area
BE26	Alterations & Extensions to Buildings in Conservation Areas

Supplementary Planning Guidance 5:-'Altering & Extending Your Home

Whilst SPG5 constitutes the Council's adopted guidance on domestic extensions and alterations, following the implementation by Central Government of a 'impact' based criteria for permitted development, on 1st October 2008, this document is currently under review.

SUSTAINABILITY ASSESSMENT

N/A

CONSULTATION

Consultation letters, dated the 15th July 2009, have been sent to five neighbouring owner/occupiers and a site notice, dated 22nd July 2009, has been posted outside of the site. In response two letters of objection have been received. The concerns of the objectors include:-

- The plans and information submitted as part of the application contain a number of inaccuracies, and in particular those which indicate the extent of the existing building.
- The proposed excavations could affect the structural stability of the neighbouring properties.
- It is unclear whether the proposed development will affect the light to 114 Brondesbury Road

REMARKS

Background and "Fall-back" Position

The subject site has an extant planning permission (06/3667) for a single-storey rear extension that expires on 22nd February 2010. The single storey rear extension approved under this application would span the entire width of the existing property and have a flat roof 2.65m in height. The general depth of the approved extension would be 5m towards the detached side of the property, facing 110 Brondesbury Road, which was considered justifiable on the basis of existing extensions to both the subject and neighbouring property. On the opposite side, towards the joint boundary with 114 Brondesbury Road, the approved extension would be set back to a depth of 3m in compliance with the guidance contained in SPG5. The approximate footprint of the approved scheme has been indicated on plans "PA03 revB" and "PA04 revB" submitted with the current application.

Design and Impact of Proposed Extension

The current planning application also envisages the erection of a single-storey rear extension to the existing ground floor flat. However, instead of proposing a stepped rear building line the single-storey rear extension would have a unified depth of 5m. Whilst the 5m depth of the proposed single-storey rear extension would fail to comply with the guidance contained in SPG5, which suggest a maximum depth of 3m for such proposals, the applicant intends to off-set the impact of this additional depth by reducing the overall height of the extension to 1.8m, above ground level, towards the side adjoining the boundary with 114 Brondesbury Road. This reduction in height would be possible through the excavation of the area towards the rear of the property which would allow the floor level of the proposed extension to be set 1m below the existing ground level. This 1m excavation will also continue 6m towards the rear of the proposed extension to create a sunken garden area. The sunken garden will adjoin the boundary with 114 Brondesbury Road but will respect the flank building line of the property and be set in by 1.2m from the boundary with 110 Brondesbury Road.

As Members will be aware, it is usually possible to erect a solid back garden boundary treatment to a height of 2m without requiring planning permission. The existing boundary treatment between the subject site and 114 Brondesbury Road consists of a brick wall approximately 1.5m in height with trellis projecting above. On balance, it is considered that any additional impact on the daylight, sunlight and outlook of occupiers of 114 Brondesbury Road, that would result from the additional depth of the proposed extension, would be sufficiently off-set by the relatively modest height along this side of the extension so as to have a comparable impact to that of the previously approved scheme.

In terms of the impact of the proposed extension on the daylight, sunlight and outlook of occupiers of the neighbouring property at 110 Brondesbury Road, despite increasing the overall height to 2.65m above ground level the proposed extension would have a similar impact to the scheme previously approved. The impact of the proposed extension on 110 Brondesbury Road would be minimal as this property still has an existing single-storey rear extension of a similar depth to the proposed extension. In terms of privacy there would be a side facing kitchen window within the proposed extension. However, this would overlook a side passage within the subject site and would face the flank wall of the existing extension to 110 Brondesbury Road which does not contain habitable room windows. In any case, this window would be secondary and could be conditioned to contain obscured glazing.

The overall design of the proposed extension is contemporary with expansive areas of glazing to the rear elevation within a fenestration that subtly articulates the change in roof level. Whilst acknowledging that the subject site is located within the Kilburn Conservation Area, it is considered that provided sufficient quality is maintained that contemporary design principles can be appropriate in such a location. In fact the scheme previously approved also adopted a contemporary design approach. The appearance of the proposed extension, mainly when viewed from the upper floors of neighbouring properties, would be softened by the introduction of a green roof, further details of which should be required by condition. The existing boundary treatment along the Brondesbury Villas makes it unlikely that the proposed extension will have prominent visibility from the street. Overall, the design of the proposed extension would result in the sympathetic introduction of a contemporary element that would preserve and enhance the traditional character of both the existing building and surrounding Conservation Area.

Consideration of Objections

Any concerns of objectors relating to the impact of the proposed development on the daylight, outlook and privacy of adjoining occupiers has been considered in the above report.

In response to concerns that the plans and information submitted contain a number inaccuracies, this issue has been addressed by the applicant who, at the request of Officers, has submitted a revised set of details. Officers have inspected the revised details and consider that the current plans and information present an accurate reflection of the proposed development.

As discussed in the above report, the proposed development will involve the excavation of an area to the rear of the property to reduce the overall height of the proposed extension and provide level access to the garden. Objectors have raised concerns that the proposed excavation could cause structural problems for the neighbouring properties. As detailed in the 'history' section of this report the applicant already has an extant planning permission (07/2108) for the creation of a full basement to the rear of the property which would require a more significant excavation to be carried out. In any case, structural stability is an issue normally beyond the consideration of planning and all building works will be subject to compliance with current Building Regulations.

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) Details of materials for all external work, including samples, and details for the treatment of the boundary wall with 114 Brondesbury Road 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.

- (3) The window in the eastern flank wall of the building (as extended) shall be glazed with obscure glass with any openings at high level only (not less than 1.8m above floor level). The window shall be so maintained unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupiers and in the future interests of good neighbourliness.

- (4) Landscaping proposals for the treatment of the sunken garden area (labelled as 'Rear Garden Below' on the approved plans) so designated within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site. The landscape works shall be completed in accordance with the approved details in accordance with a programme agreed in writing with the Local Planning Authority.

Any planting that is part of the approved scheme that within a period of *five* years after completion 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 positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development and to ensure that it enhances the visual amenity of the surrounding Conservation Area.

- (5) No access shall be provided to the roof of the extension by way of window, door or stairway and the roof of the extension hereby approved shall not be used as a balcony or sitting out area.

Reason: To preserve the amenity and privacy of neighbouring residential occupiers.

- (6) Further details of the 'green roof' system, including membrane type and planting species, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site and the development shall be completed in accordance with the approved details.

Reason: To ensure that the proposed development enhances the visual amenity of the surrounding Conservation Area.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

London Borough of Brent Unitary Development Plan 2004
Supplementary Planning Guidance 5:- Altering and Extending Your Home
Two letters of objection

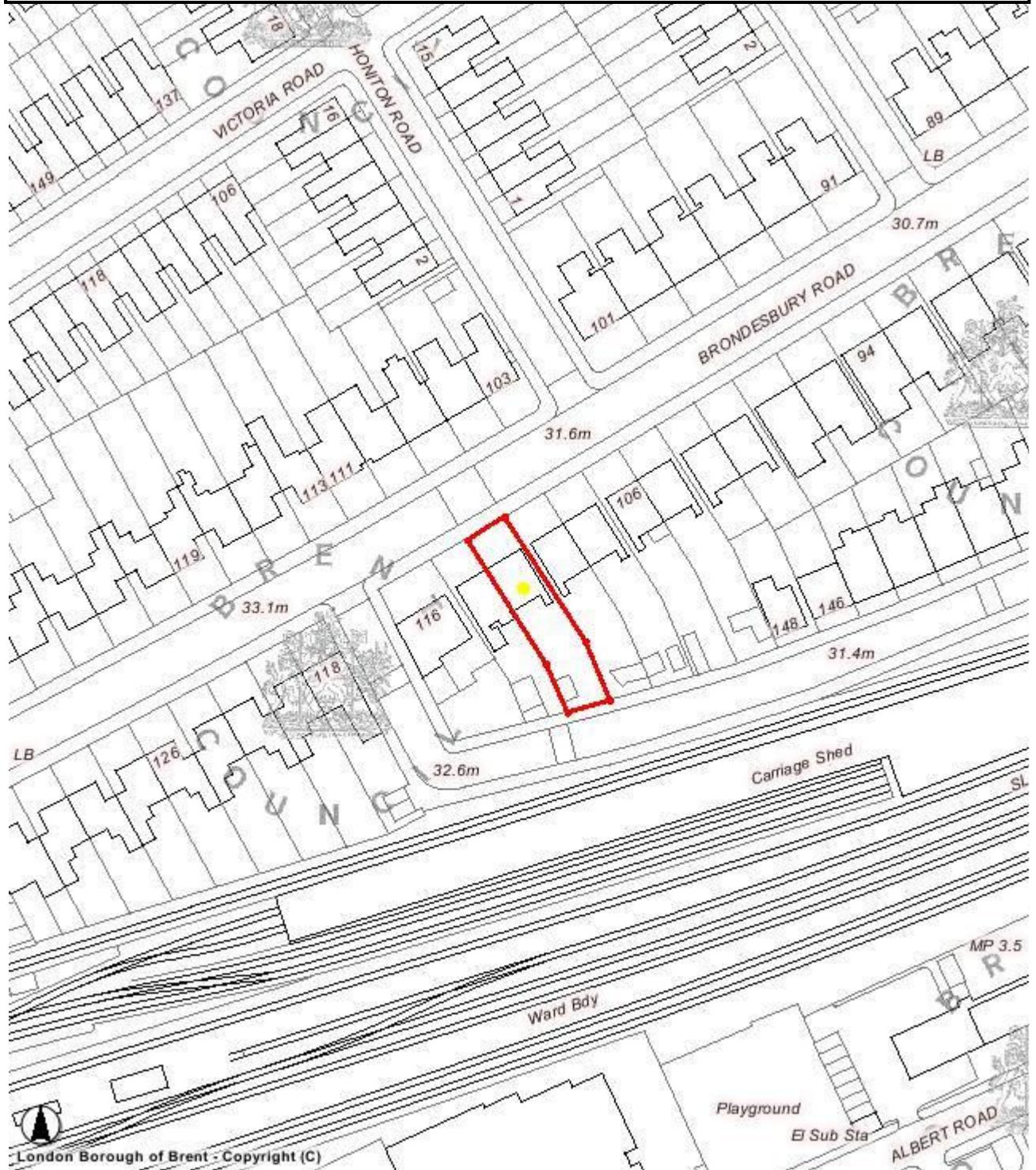
Any person wishing to inspect the above papers should contact Ben Martin, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5231



Planning Committee Map

Site address: 112A & B, Brondesbury Road, London, NW6

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