

Committee Report
Planning Committee on 15 December, 2010

Item No. 5
Case No. 10/2490

RECEIVED: 14 October, 2010

WARD: Queensbury

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 33 Manor Close, London, NW9 9HD

PROPOSAL: Installation of vehicular access and formation of hardstanding to front of dwellinghouse (Article 4 direction)

APPLICANT: Surendra Patel

CONTACT:

PLAN NO'S:
See Condition 2

RECOMMENDATION

Approval

EXISTING

The subject site contains a two storey semi-detached dwelling on the cul-de-sac of Manor Close. The surrounding uses are residential. The site does not contain a listed building and is not within a conservation area but is subject to an Article 4 direction which removes permitted development rights for the construction of hardstanding for vehicles.

PROPOSAL

Installation of vehicular access and formation of hardstanding to front of dwellinghouse (Article 4 direction). The proposal includes the re-provision of soft landscaping comprising boundary hedges, lawn and a tree.

HISTORY

10/1329 -Replacement of front wall and formation of hard and soft landscaping at front of dwellinghouse Refused, 26/07/2010. There were two reasons for refusal:

1. The proposed landscaping to the front of the dwelling, by virtue of its lack of soft landscaping, planting and soft boundary treatment, and poor design and layout, would be out of character with front garden treatments within Manor Close, to the detriment of the character of the dwelling and the visual amenities of the streetscene, contrary to policies BE2, BE6, BE7 and BE9 of the adopted Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 5: "Altering and Extending Your Home".

2. The proposed front garden treatment, by virtue of its layout and the positioning of the hardstanding, would give rise to vehicles mounting the pavement and restrict pedestrian access to the entrance of the property, to the detriment of highway and pedestrian safety in the locality, contrary to policy TRN15 of the Adopted Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 3: "Forming an Access onto a Road."

E/10/0026 (Enforcement case): Without planning permission, the formation of a hard surface to the front garden of the premises- Notice served on 02/03/2010, coming into effect on 11/04/2010 for the following reasons:

- The unauthorised development results in an excessive hard surface of poor quality materials on the frontage of the dwellinghouse which is out of character with the property and street-scene, and fails to preserve or enhance the character and appearance of Manor Close. The development is contrary to Policies BE2, BE7, and BE9 of Brent's Unitary Development Plan, 2004 and the Manor Close Article 4 Direction.

- The unauthorised development, if permitted, would create an undesirable precedent which would make it more difficult for the local planning authority to resist similar undesirable developments within Manor Close, Article 4 Direction area.

The notice gave 3 months for compliance and required removal of the hardstanding to be replaced in accordance with a soft and hard landscaping scheme that was attached to the enforcement notice. This period for compliance has now passed.

POLICY CONSIDERATIONS

Adopted Brent Unitary Development Plan 2004

BE2: Townscape

BE6: Landscaping

BE7: Streetscape

BE9: Architectural Quality

TRN15: Forming an Access onto A Road

Supplementary Planning Guidance

SPG 3 - Forming an access onto a road

SPG 5 - Altering and extending your home

CONSULTATION

Consultation Start Date: 8 Nov - 28 Nov 2010

External (public): 9 neighbouring properties

Objections (x 2) - from neighbouring properties. The complainant's are upset about the loss of vegetation that has taken place without planning permission contrary to the Article 4 Direction. As such these 2 objections reflect the neighbours' upset of what has occurred rather than objecting to the applicant seeking the installation of a vehicular crossover and a forecourt parking space. The complainants' mention:

- The fact that this property also possess a garage which could be used for off-street parking as well as other car spaces around the property.
- Suggestions for improving the submitted plan including replacement of trees and hedge and installation of a crossover no more than 3.6m in width. Many of the suggestions have already been accounted for as part of council policy
- Need/want to improve the character of the street

Support (x 3) - these letters recount the problems Manor Close has in terms of parking and that the crossover and parking space to the forecourt would benefit the street

Internal:

Transportation - No Objection

Landscape - No objection in principle but required further details about planting. These were requested and amended plans were received

Officers Response : Given the history behind this case and the complainants' letters, it would seem that the installation of a crossover to the site with necessary landscaping would assuage existing issues/problems with the forecourt of the site. The proposed plan complies with the Manor Close Treatment Plan and therefore acceptable in terms of planning. However, given the appearance of the existing site the applicants will be requested to re-instate landscaping within 4 months of this permission being granted in order to be within the current planting season.

REMARKS

Background

Due to past unlawful development of the forecourt in which vegetation comprising boundary privet hedges, trees and lawn were removed and replaced with 100% hardstanding, an Enforcement Notice (EN) was served which took effect on 11 April 2010. Since then the forecourt has been partly excavated leaving enough temporary hardstanding on which to park a vehicle. Boundary treatments fronting the highway and adjacent service road remain absent.

The previous planning application (10/1329) submitted as a result of the EN was refused for reasons of inadequate soft landscaping and unsuitable parking layout which did not comply with Manor Close Front Garden Treatment Plan drawn up in 2008. According to the Case Officer's report amendments for this application were requested but none were received. As such the application had to be refused which has resulted in the submission of the current proposal.

Current Proposal

The overall layout of the proposed plan complies with the Manor Close Front Garden Treatment Plan. However, amendments were requested because details of vegetation were absent from the plan. Amended plans were received 01 Dec 2010

Design & Soft Landscaping

Plans illustrate a forecourt layout with the re-instatement of 50% soft landscaping comprising boundary hedges, lawn and a tree. There is also the positioning of hardstanding for parking on the opposite side of the front door. The layout and features are compliant with the Article 4 Direction for Manor Close and the Front Garden Treatment Plan (2008).

Transportation

Because of the restrictive road layout of Manor Close in terms of on-street parking it is deemed pragmatic to allow properties on this road to have forecourt parking provided sufficient landscaping features remain, as indicated in the Manor Close Front Garden Treatment Plan.

Parking Allowance : In the absence of first floor plans for the site an estimate of the number of bedrooms within the property was made in order to determine parking requirements in line with UDP(2004) policy TRN23 and PS14. It is estimated that the property would have 3 to 4 bedrooms allowing its maximum parking standard to be 2 off-street spaces. In terms of existing parking provision the property does have the benefit of least 1 off-street parking space in the form of a detached garage which lies to the rear side of the house with access from the shared service /private road. There is potentially another space available in front of the garage although this is not indicated on plan (parking in this area may encroach onto the shared access/private road). In the context of the problems created by the poor on-street parking capacity of Manor Close and the layout of the Manor Close Front Garden Treatment Plan, the Council considers 2 off-street parking spaces as acceptable for no. 33 Manor Close.

Position of New Parking Space: The proposed forecourt parking space will allow re-instatement of 50% soft landscaping and will comply with the layout of the Manor Close Front Garden Treatment Plan. As such, the position of the parking space is acceptable and compliant with UDP(2004) policy BE7 and SPG5

Position of New Vehicular Crossover: The proposed vehicular crossover will be 2.6m in width (measured horizontally). Although it could be argued that access to the proposed parking space could be gained from the existing shared crossover with re-arrangement of garden layout), the parking scenario would entail a vehicle to drive into the shared access road and then reverse back into the parking space with the likelihood of the pavement being used. This is considered prejudicial to highway safety and as such the new crossover is considered appropriate and compliant with SPG3.

Conclusion

The proposed re-instatement of 50% soft landscaping with appropriate boundary treatment and the construction of a new vehicular crossover is considered acceptable and compliant with UDP(2004) policies BE7, TRN23, PS14, SPG3 and SPG5 and the Manor Close Front Garden Treatment Plan

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

(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
Manor Close Article 4 Direction

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
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

(1) The proposed vehicular crossover on Manor Close as shown on the approved plans shall be carried out at the applicants expense, in compliance with a scheme to be submitted to and approved in writing by the Highway Authority, with the works carried out and completed in accordance with these approved details, prior to use of the hardstanding for parking.

Reason: In the interests of highway conditions within the vicinity of the site.

(2) The development to which this permission relates must be begun not later than the expiration of four months of the beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 and for prompt remedy of breach in planning control

- (3) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

Unnumbered plan titled 33 Manor Close, Kingsbury NW9, Proposed Front Garden Layout 1:50 (Revised)

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

- (4) The landscape works and planting shown on the approved plans shall be carried out and completed by 31 March 2011 in accordance with the submitted plans.

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 appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the area.

INFORMATIVES:

- (1) The applicant is advised to carry out all the planting shown on the approved plans before April 2011

REFERENCE DOCUMENTS:

UDP(2004)
Article 4 Direction for Manor Close
Manor Close Front Garden Treatment Plan (2008)
SPG5
SPG3

Any person wishing to inspect the above papers should contact Harini Boteju, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5015



Planning Committee Map

Site address: 33 Manor Close, London, NW9 9HD

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