

Committee Report
Planning Committee on 15 December, 2010

Item No. 7
Case No. 10/2266

RECEIVED: 1 November, 2010

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 63 & 63A Beverley Gardens, Wembley, HA9

PROPOSAL: Works proposed to No. 63 and 63A Beverley Gardens involving the following:

No. 63 Beverley Gardens

Rebuilding of ground and lower ground floor rear extension, raised terrace with steps down to garden level and alterations to garden level together with the removal of one front roof light to dwellinghouse

No. 63A Beverley Gardens

Rebuilding of new dwellinghouse next to No. 63 Beverley Gardens with ground and lower ground floor rear extensions, raised terrace with steps down to garden level and alterations to garden level together with rear dormer window and one front roof light and removal of shed in rear garden.

APPLICANT: Mrs McGarvey

CONTACT: Saloria Architects

PLAN NO'S:
Refer to Condition 2

RECOMMENDATION

Grant planning consent

EXISTING

The application site originally contained a semi detached dwellinghouse located on the western side of Beverley Gardens. The site is not situated within a conservation area but the Barn Hill Conservation Area lies to the south and east of the site. This section of Beverley Gardens is classified as a heavily parked street.

Planning permission was granted in 2007 for a new dwellinghouse attached to No. 63 Beverley Gardens. The new house is known as No. 63A Beverley Gardens. The new dwellinghouse (No. 63A) has not built in accordance with the approved planning permission. There is an ongoing enforcement case in relation to the unauthorised works which is discussed in detail within the remarks section of this report.

The original dwellinghouse (No. 63) has been substantially extended with a lower ground and ground floor rear extension, full width rear dormer window and three roof lights on the front roof slope. The works were carried out without the benefit of planning permission. There is an also ongoing enforcement case in relation to these works which is discussed in detail within the remarks section of this report.

PROPOSAL

This application has been submitted to address the concerns raised by both the Council and Planning Inspector in relation to the enforcement appeal (see planning history). The following works are proposed:

No. 63 Beverley Gardens

- Rebuilding of ground and lower ground floor rear extension (no habitable accommodation in the lower ground floor);
- Terrace with steps down to garden level;
- Increase the rear garden level;
- Removal of one front rooflight; and
- Alterations to front garden layout.

Rebuilding of new dwellinghouse next to No. 63 Beverley Gardens (No. 63A Beverley Gardens)

- Rebuilding of ground and lower ground floor rear extensions;
- Reduce the size/floorspace of the lower ground floor (no habitable accommodation in the lower ground floor);
- Terrace with steps down to garden level;
- Increase the rear garden level and side passageway;
- Removal of one front rooflight;
- Reduction in size of the rear dormer;
- Alterations to front garden layout;
- Lowering of eaves on the front elevation;
- Relocation of boiler flue from front to side roof slope; and
- New Chimney stack to main roof.

HISTORY

Relevant Planning History

63 Beverley Gardens

E/10/0312: Enforcement investigation into the change of use of the premises to a House in Multiple Occupation - Further Action awaiting the decision of this planning application.

09/3423: Full Planning Permission sought for retention of lower ground floor and ground floor extensions and rear dormer, removal of front canopy and alterations to front garden layout - Refused, 14/01/2010.

E/09/0520: Enforcement investigation into the erection of a rear dormer window, single and two storey rear extension and front canopy to premises and the formation of a hard surface to the front of the premises without the benefit of planning permission - Appeal dismissed and enforcement notice upheld by the Planning Inspectorate, 18/03/2010.

The enforcement notice required the single and two storey rear extensions to be removed within a period of six months from 18 March 2010. To date no works have been carried out. In the event that members are minded to grant planning permission, officers recommend that the period for

compliance is extended to April 2011, so that the works approved as part of this application can be completed within a reasonable timeframe.

No. 63A Beverley Gardens

E/09/0313: Enforcement investigation into the erection of a part 3/ part 4 storey building attached to No. 63 Beverley Gardens comprising two self contained flats and the erection of a bungalow to the rear of the premises without the benefit of planning permission - Appeal dismissed and enforcement notice upheld by the Planning Inspectorate, 18/03/2010.

The enforcement notice required either (a) the demolition of the part 3/part 4 storey building attached to 63 Beverley Gardens or (b) alter the building to comply with the terms of planning permission 07/3513; and for the bungalow to the rear of the premises to be demolished. The period for compliance was eight months from 18 March 2010. To date the bungalow has been demolished by the Local Planning Authority on 9 October 2010. No works have been carried out to the main house. In the event that members are minded to grant planning permission, officers recommend that the period for compliance is extended to April 2011, so that the works approved as part of this application can be completed within a reasonable timeframe.

07/3513: Full Planning Permission sought for erection of a 3 bedroom dwelling adjoining 63 Beverley Gardens including hardstanding, landscaping and new vehicle crossover to front of both new and existing dwelling and subject to a Deed of Agreement dated 11 February 2008 under section 106 of the Town and Country Planning Act 1990, as amended - Granted, 11/02/2008.

POLICY CONSIDERATIONS

Brent's UDP 2004

BE7 - Public Realm: Streetscape

Hardsurfacing occupying more than half of a front garden area and forecourt parking that would detract from the streetscape or setting of the property, or create a road/pedestrian safety problem would be resisted.

BE9 - Architectural Quality

New buildings, extensions and alterations to existing buildings should be of a scale, massing and height that is appropriate to their setting; and be laid out to ensure that buildings and spaces are of a scale, design and relationship to each other, which promotes the amenity of users, providing a satisfactory level of sunlighting, daylighting, privacy and outlook for existing and proposed residents.

H10 - Containment of dwellings

New residential accommodation should be self contained unless it is designed to meet the known needs of a named institution and suitable management arrangements are secured. Non self contained accommodation should be located within an area of good or very good public transport accessibility.

TRN15 - Forming an access to a road

An access from a dwelling to a highway is acceptable where the location of the access would be at a safe point with adequate visibility; the access and amount of off street parking provided would be visually acceptable; and on a heavily parked street the proposal should not result in the loss of more than one on-street space.

TRN23 - Parking Standards: Residential Developments

Residential development should not provide more parking than the levels listed in standard PS14.

Supplementary Planning Guidance

SPG5 "Altering and Extending Your Home"

Domestic Vehicle Footway Crossing Policy

CONSULTATION

Consultation Period: 10/11/2010 - 01/12/2010

Public Consultation

52 neighbours consulted - 28 letters of objection raised on the following grounds:

- Houses will only be used for commercial letting purposes and multi occupation. This is out of character with the surrounding area which primarily consists of family houses.
- Extensions do not sit comfortably within the environment. It is too large and out of keeping with the character of the area
- Building will have a top heavy rear elevation with four stories in appearance when viewed from Alverstone Road
- Increased numbers of household will have an effect on the amount of refuse generated and increased demand for cars parking on the road
- Terraces will be overbearing and will overlook the properties to the rear
- If permission is granted it will set a precedent for this type of development in the area
- Basements are not in keeping with the other properties in Beverley Gardens
- Appearance from the front elevation is out of keeping with the character of other properties in Beverley Gardens
- These application are intended to delay the requirements of the previous enforcement notices

The above objections have been addressed within the remarks section of this report.

External Consultation

Barn Hill Residents Association - objections raised on the following grounds:

- Current appearance of the property is out of keeping with the character of the streetscene
- Terracing affect makes it appear as a block of flats
- Removal of one roof light will not assist in enhancing the streetscene
- Internal layout is very little changed
- Properties will be rented out as individual rooms or as flats
- Increased parking congestion and rubbish

The above objections have been addressed within the remarks section of this report.

Internal Consultation

Transportation - No objections raised.

Environmental Health - No objections raised.

REMARKS

Site and surroundings

The application site comprises a two storey three bedroom semi-detached dwellinghouse. Prior to the works being carried out to the original property (No. 63), the property had a rear conservatory which sat on an existing raised terrace. Stepped access was provided down to garden level from the terrace and a separate stepped access was also provided to the garden at the side of the dwellinghouse. The use of a terrace and/or stepped access is a common feature to the properties on this side of Beverley Gardens due to the difference in levels from the front to the rear of the site.

The attached neighbour (No. 61 Beverley Gardens), has not been extended to the rear although planning permission has been granted for a 3.0m deep single storey rear extension (LPA Ref: 09/0876). Planning permission has also been granted for a new house attached to No. 61 Beverley Gardens (LPA Ref: 09/1888). To date this permission has not been implemented.

Proposed alterations to No. 63 Beverley Gardens

This application proposes a number of substantial alterations to the dwellinghouse to overcome the concerns raised by the Council and the Planning Inspector with regards to the unauthorised works carried out. These are set out below:

- Removal of window and door to basement (lower ground floor) rear extension and replacement of pitched roof with flat roof to ground floor rear extension
- Raised terrace with steps down to garden level and increase in the rear garden level

As referred to earlier in this report, the properties on this side of Beverley Gardens generally have the use of terraces and stepped access to provide access to the garden level. The garden levels fall towards the rear. The above amendments have been made to reflect the general design principles of properties on this side of Beverley Gardens. The garden level will be built up to be more in line with the levels at No. 61 Beverley Gardens so that the basement level will be obscured by the raised garden level. Stepped access is provided from the centre of the terrace down to garden level.

The roof of the ground floor rear extension will be replaced with a flat roof measuring 2.6m high from terrace level. Sky lights are proposed within the roof of the ground floor extension. The ground floor extension will remain at 3.0m deep. The extension complies with the guidance as outlined in SPG5, and is not considered to have an adverse impact upon neighbouring occupiers, including the properties on Alverstone Road. Similarly, it is not considered that the terrace will have a significant impact upon the amenities of No. 61 Beverley Garden as a result of overlooking to the rear garden and dwellinghouse.

The proposed alterations will alter the appearance of the property when viewed from the rear. The property as altered will have the appearance of a two storey property with a terrace rather than a part 3 part 4 storey building as currently seen. The alterations are considered to overcome the concerns raised by the Planning Inspector as set out in the appeal decision notice.

The alterations will in turn change the internal layout. The habitable rooms within the lower ground floor element will be removed and replaced with a store/utility room and WC. The existing window and door will be removed as a result of the works. Internal access via the main house will only be provided. As the proposed rooms will be non-habitable and used in connection with the main house, the use of the basement space is considered acceptable.

- Retention of rear dormer window and removal of one front rooflight

The rear dormer is to be retained as existing. The rear dormer was removed from the enforcement notice as the Planning Inspector took the view that a dormer similar to the one constructed could be built as permitted development, and thus would not require the benefit of planning permission. The Inspector concluded that it would be unreasonable to refuse planning permission for the

retention of the dormer. As such its retention is proposed as part of this application and considered acceptable.

The front elevation of the property has three roof lights. One of the roof lights is to be removed. SPG5 permits a maximum of two roof lights per roof plane. It is considered that the retention of two roof lights is considered acceptable and meets the guidance as outlined in SPG5.

Proposed alterations to No. 63A Beverley Gardens

It should be noted at this stage that the principle of a new dwellinghouse attached to the side of No. 63 Beverley Gardens has been accepted on the site. This was considered as part of the 2007 application. This application refers to the unauthorised works that have been carried and the proposed alterations that are now being sought to overcome the concerns raised by the Council and the Planning Inspector. The proposed alterations are set out below:

- Extension of basement (lower ground floor) rear extension to act as terrace and reducing the internal space of the basement
- Rebuilding the ground floor rear extension by setting in the flank wall in from the main house by 1.0m and replacing the pitched roof with flat roof
- Raised terrace with steps down to garden level and increase in the rear garden level

As proposed at No. 63 Beverley Gardens, the above amendments to the lower and ground floor rear extensions have been made to reflect the characteristic design feature of properties on this side of Beverley Gardens. As seen at No. 63 Beverley Gardens, the garden level of the new house will be built up to be more in line with the levels of Nos. 63 and 65 Beverley Gardens. The basement level will be extended out by 1.0m to line up with No. 63 Beverley Gardens and act as a terrace to provide access from the ground floor extension to the garden level. The basement itself will be predominantly hidden by the raised garden level and wall of the terrace. Stepped access is provided from the centre of the terrace down to garden level. The side passageway will also be raised to reflect the new ground levels.

The roof of the ground floor rear extension will be replaced with a flat roof measuring 2.6m high from terrace level. Sky lights are proposed within the roof of the ground floor extension. The ground floor extension will remain at 3.0m deep but it will be set in 1.0m from the main flank wall of the house. This is required to break up the bulk of the flank elevation of combined terrace and ground floor rear extension that faces No. 65 Beverley Gardens. The extension complies with the guidance as outlined in SPG5, and is not considered to have an adverse impact upon neighbouring occupiers including those on Alverstone Road.

The proposed alterations will significantly change the appearance of the property when viewed from the rear. The property will have the appearance of a two storey house with a terrace rather than a part 3 part 4 storey building as currently seen. The alterations are considered to overcome the concerns raised by the Planning Inspector as set out in the appeal decision notice.

The alterations will in turn change the internal layout. The one bedroom flat within the lower ground floor element will be removed and replaced with a store/utility room. New internal walls are proposed to reduce the size of this space so that it reflects the size of storage/utility space required for a family house. The existing window and door on the rear elevation and flank elevation will be removed as a result of the works. Glass blocks are however proposed on the flank elevation to allow a limited amount of light to this space. Internal access via the main house will only be provided. As the proposed rooms will be non-habitable and used in connection with the main house, the use of the basement space is considered acceptable.

- Reduction in the size of the rear dormer and removal of one front rooflight

The rear dormer is to be reduced in width from 2.6m to 1.7m. It will be set just below the ridge of the roof and set up 1.0m from the eaves to match the dormer that is to be retained as No. 63 Beverley Gardens. The width has been amended to be less than half the width of the original plane and thus complies with SPG5. Whilst the set down from the ridge does not meet the guidance as outlined in SPG5, given that it will match the dormer window on the neighbouring property, the overall siting and appearance of the dormer window is considered acceptable.

One roof light is proposed to be removed on the front roof plane. One will remain which meets the guidance as outlined in SPG5.

- Other alterations to the front of the property

The eaves on the front elevation will be lowered to match the existing house. It will be in keeping with the design of the existing properties where the eaves are sited directly above the first floor windows.

The boiler flue that projects from the front roof plane of the house will be removed and resited on the flank roof slope. Whilst it still will be visible from the street, it will have an upright appearance rather than project directly out from the front roof plane, and overall is an improvement.

A chimney stack is proposed on the main roof to replicate the existing chimney stack to the original house.

Front Garden Alterations to both properties

There is an existing crossover for the original dwellinghouse (No. 63) located outside the attached dwellinghouse (No. 63A). This whole area would have previously formed the front garden for the original dwellinghouse.

It was observed from the site visit that there is an area of gravel hardstanding for both the original and attached property to accommodate an off street parking space for both properties. However, there is no crossover to gain access from the road to the original property and thus vehicles have been overriding the pavement. The current arrangement is unacceptable and is detrimental to pedestrian and highway safety.

This application seeks to regularise the situation by providing a shared crossover for both properties and provide soft and hard landscaping to the front gardens of both properties. The main area of hard and soft landscaping will be at street level. Stepped access will be provided from street level to the front entrances of the properties which are at a lower level.

One off street parking space is proposed for each property accessed off a shared crossover of 4.2m wide. Officers in transportation have advised that the level of parking proposed is acceptable. The existing crossover that is to be made redundant is required to be build back to kerb and channel. Boundary walls are proposed along the frontage to prevent additional vehicles parking on the front forecourt and to assist in defining the frontage. An area of hardstanding to accommodate a bin store for both properties will be provided screened behind the front boundary wall.

Full details of the front garden layout are recommended to be secured by condition.

Future use of the properties

A number of concerns have been raised regarding the possibility of the property being converted into flats or multi occupation. Your officers can advise that following on from a visit to the properties in October of this year, neither property was in use as flats or multiple occupation.

With regards to this application, the layout of the floor plans do not suggest that the property will be converted into flats, and planning permission would be required to permit the change of use from a single family dwellinghouse. Without prejudicing any future application, officers consider that the change of use of the property to flats would likely be unacceptable as it would fail to comply with the Council's policies for flat conversions in Heavily Parked Streets which requires a minimum original floor area of 140sqm. There would also be other policy concerns with a potential conversion.

Conclusions

In conclusion, it is considered that the proposed alterations to both properties will significantly improve their appearance when viewed from both the front and rear elevations. They will replicate the characteristic design features for the properties on this side of Beverley Gardens. Both properties will be used as single family dwellinghouses, and the alterations to the both the internal layout and means of access reflect the use as a single family dwellinghouse.

The proposal is considered to comply with the requirements as set out in Brent's UDP 2004 and the guidance as outlined in SPG5.

Approval is accordingly recommended.

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(s) and/or document(s):

100509-01-P10
100509-02-P8
100509-03-P3

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.

- (4) No windows or glazed doors other than any shown in the approved plans shall be constructed in the flank wall of the building as extended without the prior written consent of the Local Planning Authority.

Reason: To minimise interference with the privacy of the adjoining occupiers.

- (5) Notwithstanding the submitted plans otherwise approved, further details of the front forecourt layout shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of this permission. The approved hard landscape works shall be completed within six months of the date of this permission and the approved soft landscape works shall be completed within six months of the date of this permission. The hard and soft landscaping shall be carried out in accordance with the approved scheme.

Such details shall include:-

- (i) Hard surfaces including details of materials and finishes. These should have a permeable construction.
- (ii) Proposed boundary treatments including walls and fencing, indicating materials and heights.
- (iii) All planting including location, species, size, density and number.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

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.

- (6) The proposed alterations to the vehicular crossover on Beverley Gardens 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 within a period of six months following the date of the planning permission hereby approved.

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

INFORMATIVES:

- (1) The applicant is reminded that there are outstanding enforcement notices that is required to be complied with. The applicant is therefore advised to implement this planning permission within the next month and complete the works within a period of four months following the date of this permission. If this planning permission is not implemented within the timescales as set out above or the enforcement notices are

not complied with the Council will take prosecution proceedings or direct action to obtain compliance with the enforcement notices.

REFERENCE DOCUMENTS:

Brent's UDP 2004
SPG5 "Altering and Extending Your Home"
Letters of Objection

Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



Planning Committee Map

Site address: 63 & 63A Beverley Gardens, Wembley, HA9

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