

Committee Report
Planning Committee on 15 December, 2010

Item No. 8
Case No. 10/2582

RECEIVED: 28 September, 2010

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 18 Oxenpark Avenue, Wembley, HA9 9SZ

PROPOSAL: Erection of part single-, part two-storey side extension and single-storey rear extension to dwellinghouse with associated hard and soft landscaping to front garden.

APPLICANT: Mr Viral Mehta

CONTACT: R P Architectural Services

PLAN NO'S:

See condition 2

RECOMMENDATION

Approve

EXISTING

The property is a two-storey semi-detached single family dwellinghouse on the east side of Oxenpark Avenue. It is not in a conservation area nor is the property listed. Surrounding uses are residential. The adjoining property is No. 20. The unattached neighbouring property (No.16), to the south, is a detached property on a different building line than the application property. No. 16 was extended with a two-storey side extension almost to the boundary in 1969 (P8337 6897). The rear elevation of the property is approximately 3m forward of the rear of No. 20; three bedrooms have their sole outlook from the windows on the first floor rear elevation. The ground floor closest to the boundary projects farther back until it is almost level with the rear of No. 18. The window here serves a kitchen, based on the approved plans for a 3.5m extension to No. 16, 04/1916, which was seemingly only partly implemented.

PROPOSAL

The application proposes a two-storey side extension which would replace the existing detached garage and come within 150mm from the boundary with No. 16. It would be set back from the main front wall of the house by 225mm at ground floor and 2.5m at first floor. The first floor element of the side extension would be set back from the rear wall of the house by 300mm. The ground floor element would extend back 3m and wrap around the rear of the house; it would be 100mm off the boundary with No. 20. Steps would descend from the extended reception room, 1m from the boundary with No. 20. Due to the ground levels, the rear part of the extension would be a maximum of 3.5m high, measured above ground level.

The ground floor extension would contain a room marked as a study, an adjoining WC/shower room--served by a high level window--and extended kitchen and reception room. The first floor would provide a further two bedrooms, with outlook to front and rear, taking the total bedrooms to six.

The existing front garden is entirely hard landscaped. Policy BE7 applies as the garage is to be removed, and the applicant has submitted an indicative layout showing half the front garden given over to soft landscaping.

HISTORY

10/0603

Withdrawn

POLICY CONSIDERATIONS

Brent UDP 2004

The statutory development plan for the area is the London Borough of Brent Unitary Development Plan (UDP), which was formally adopted on 15 January 2004.

The following are the policies within the UDP relevant to this decision:

- **BE2 Local Context**
 - relates to design within the local context and character and the need to take into account existing landforms and respect and improve existing materials and townscape.
- **BE7 Public Realm: Streetscape**
 - states that a high quality of design and materials will be required for the street environment. Proposals that involve excessive infilling of space between buildings, the loss of paving, front walls and railings and forecourt parking that would detract from the streetscape will be resisted.
- **BE9 Architectural Quality**
 - relates to extensions and alterations to existing buildings and requires them to embody a creative and appropriate design solution specific to the site's shape, size, location and development opportunities. They should be designed to be of a scale, massing and height appropriate to their setting and the townscape location. It also requests that development respects without necessarily replicating the positive local design characteristics and satisfactorily relate to them. The design should exhibit a consistent and well considered application, and be laid out to ensure that building and spaces are of a scale design and relationship to each other that promote the amenity of users, provide satisfactory levels of sun and day light, privacy and outlook for existing and proposed residents.
- **TRN23 Parking Standards - Residential Development**
 - relates to maximum parking standards for residential units, 'car-free' development where public transport accessibility and controlled parking zones allow and on-street parking on outside of Heavily Parked Streets
- **PS14 Residential Parking Standard**
 - 4+ bedroom houses maximum parking standard is 2 spaces

NOTE: Since 27th September 2007 a number of the adopted Brent Unitary Development Plan 2004 policies have been deleted. This is part of a national requirement (introduced in the Planning & Compulsory Purchase Act 2004). The policies that remain valid are described as 'saved' policies and will continue to be relevant until new policy in the Local Development Framework is adopted and, therefore, supersedes it. Only saved policies are considered in determining this application.

SPG

The Council produces a series of Supplementary Planning Guidance Notes that give additional information on a variety of issues and which are intended to be read in conjunction with the adopted UDP. These SPG were subject to widespread public consultations as part of the UDP process before being adopted by the Council and given this widespread public consultation the Planning Authority would suggest that considerable weight be attached to them.

- **SPG 5 Altering and extending your home**
Adopted September 2002

CONSULTATION

Local consultees

Local residents were consulted on 13/10/10. Three objections have been received, one from the adjoining property No. 20 and two from houses elsewhere on the street; one of these properties is located opposite the application site and claims to be on behalf of two other properties. This has been logged as a petition.

The objections are on the following grounds:

- Out of character with the area
- Overdevelopment
- Too close to the boundary with resulting difficulty in fitting in the eaves
- The roof of the front extension should be pitched
- No openings on the side wall
- Traffic impact
- Applying only so the property can be sold on at an inflated price
- Noise and disturbance from works

These comments will be addressed within the *Remarks* section, below.

Internal consultees

Transportation

The proposal can be supported on the transportation grounds. The landscaping and the hard paving within the forecourt is acceptable as they meet the development standards within the BE7 and the Domestic Vehicle Footway Crossover Policy .

REMARKS

Key considerations

The main planning issues are considered to be

- (a) whether the proposed alterations and extensions would have an unacceptable visual impact on the character of the property and of the area.
- (b) whether the proposed alterations and extensions would have an unacceptable impact on the amenities of neighbouring occupants;

Visual impact

The purpose of Supplementary Planning Guidance No. 5 (SPG5) is to ensure that extensions and alterations to homes are well-designed, complement the home and neighbourhood and do not have an unacceptable impact on neighbours (SPG5, p2). In terms of design, it is clearly stated that extensions should be "*positioned and attached to your home in a manner that suits your street, neighbour and garden; is of a size, shape and height which will not unbalance the appearance and character of your existing house (is the extension too big?); complements your existing house – it should take into consideration the design of the existing windows, doors and other features; will not require the removal or building over of existing character features...*" (p3).

Local residents have objected that the extensions represent is overdevelopment and are out of character with the area, too close to the boundaries and the front extension should have a pitched roof. The extensions comply with the objectives of SPG5 and your officers judge the proposal does

not constitute over-development. These types of extensions are common to the borough and are not considered to be out of character with the two-storey, suburban nature of the street. There is no requirement to have a pitched roof to the front extension and your officers do not believe that not having a pitched roof is a reason for refusing the scheme.

Impact on the amenities of neighbouring occupants

The impact of the extensions would be felt by Nos. 20 and 16 in terms of outlook, privacy, daylight & sunlight.

No. 20 does not have a rear extension and due to the ground levels the proposed extension would be 3.5m high above ground level on its boundary, as the ground level is 0.9m lower than the finished floor level of the house. This is higher than normally permitted by SPG5, which seeks a maximum of 3m. Where ground levels change, however, the guidance can be applied flexibly. The impact on the habitable rooms would be no different than if the extension were only 2.6m high since the finished floor level in No. 20 is raised to match that in No. 18. Therefore the impact would be felt on the amenity space only. At this part of the garden, the amenity space is raised in a similar manner to the terrace at the rear of No. 18. The submitted plans show this terrace to be approximately 0.7m high, however the officer's site visit measured this to be approximately 0.4-0.5m high, taking into account the slope. As such the extension is not likely to appear as a 3.5m high wall from the patio of No. 20, and it would be closer to the normal 3m. On balance this is considered acceptable.

Turning to the impact on No. 16, there are no flank habitable room windows. The single storey extension of No. 16 extends to be in line with the rear wall of No. 18; as such the depth of the proposed single storey extension would be only 3m beyond the rear window, which serves a kitchen. Again the ground levels mean the extension would appear higher than the normally permitted 3m above the amenity space of No. 16, but not relative to the kitchen window; the extension to No. 16 is itself higher than 3m to eaves, and then has a lean-to roof above that. No 16 has a raised patio to the other side of the kitchen extension and a ground level patio to the rear of that. Close to the boundary there is a raised element, about 2m wide, which is not obviously used as amenity space and which has a small garden store along the boundary. On balance your officers do not think the height of the extension at this point would cause material harm to the amenity of residents of No. 16.

One high level flank window is proposed facing No.16, which serves the WC/shower room. This is considered acceptable but a condition will be applied to ensure it remains obscured glazed and does not open except above 1.7m.

SPG5 allows two-storey rear extensions where appropriate (p8). Considerations include the visual impact of the extension, its impact on the character and appearance of the property and the impact on neighbouring residential amenity in terms of loss of light and outlook. In particular it seeks to ensure the depth of the extension is not greater than half the distance from the side of the extension to the mid-point of the nearest neighbouring habitable room window. This is referred to as the 2:1 guide.

The impact of the first-floor side extension on No. 16 would be assessed in most part by applying the 2:1 guide to the closest windows serving habitable rooms. All three rear first floor windows are habitable rooms to a bedroom. The closest window is to bedroom four of No. 16, which also has a window to the front. This bedroom was added as part of the side extension of No. 16 in 1969. The proposed first floor side extension would fail the 2:1 guide in respect of this window but the 2:1 guide is not a rule. In instances where a neighbouring property is not in line with the subject property and has been extended and thus removed the possibility of the subject property extending as normal, the Council takes a flexible approach. In this case, bedroom four would also have outlook to the front and as such your officers have measured the 2:1 guide from the middle window, which was originally the closest window to No. 18.

The mid-point of the middle window is approximately 5.5m to the side of the first floor side extension, which is approximately 3m deep, so it does not strictly comply with the 2:1 guide; however the relationship between the houses means the subject property cannot be extended in full compliance with SPG5 and in these cases a more flexible application of the 2:1 guide can be made. In this instance the relationship of the first floor extension is better than the relationship with the ground floor extension, since the first floor extension is also 3m deep but the distance to the middle window is 5.5m. On balance your officers do not believe the proposed extensions would result in unacceptable harm to the outlook of occupants of No. 16.

No raised rear terrace is proposed to the back of the single storey rear extension and thus no undue overlooking is expected from the garden. The applicant has been advised on site that the terrace would likely require planning permission and this is added as an informative.

Parking and landscaping

The proposed side extension involves the demolition of the existing garage; as such policy BE7 applies and a front garden layout showing 50/50 soft/hard landscaping is provided. Further details of the specific planting proposed can be conditioned.

The objection that the extension would result in increased traffic impact is noted, but the proposal includes a plan for two off-street parking spaces within the landscaped front garden. Thus the proposal complies with the relevant UDP policies on parking. Your officers do not expect the proposal would generate a significant increase in traffic.

Response to objectors

Most objections are addressed in the above sections, but two others remain: (1) applying only so the property can be sold on at an inflated price; and (2) noise and disturbance from works. Neither of these are material planning considerations. Noise and disturbance during construction works is covered by Environmental Health legislation.

Conclusion

The proposal complies with policies BE2, BE7 and BE9 of the UDP and SPG5. Approval is 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):

RPA/18/OPA/100; RPA/18/OPA/101; RPA/18/OPA/102; RPA/18/OPA/103;
RPA/18/OPA/104; RPA/18/OPA/105; RPA/18/OPA/106 Rev A

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) The area(s) so designated within the front garden of the site shall be landscaped in accordance with a scheme (including species, plant sizes and planting densities) to 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. 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.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Angus Saunders, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5017



Planning Committee Map

Site address: 18 Oxenpark Avenue, Wembley, HA9 9SZ

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