

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

10 August, 2016  
06  
**15/4787**

## SITE INFORMATION

**RECEIVED:** 3 November, 2015

**WARD:** Dollis Hill

**PLANNING AREA:** Brent Connects Willesden

**LOCATION:** 57 & 59 Brook Road, London, NW2 7DR

**PROPOSAL:** Erection of two (x3 bed) two-storey semi-detached dwellinghouses in the rear gardens of 57 and 59 Brook Rd, accessed from Crest Road with associated vehicular crossover, car and cycle parking spaces, bin stores, landscaping and amenity space

**APPLICANT:** Mr M Patel

**CONTACT:** Eamon O'Sullivan Architects

**PLAN NO'S:** See condition 2

### LINK TO DOCUMENTS ASSOCIATED TO THIS APPLICATION

[When viewing this on an Electronic Device](#)

Please click on the link below to view **ALL** document associated to case

[https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR\\_124898](https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_124898)

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Please use the following steps

1. Please go to [pa.brent.gov.uk](http://pa.brent.gov.uk)
2. Select Planning and conduct a search tying "15/4787" (i.e. Case Reference) into the search Box
3. Click on "View Documents" tab

## SITE MAP



### Planning Committee Map

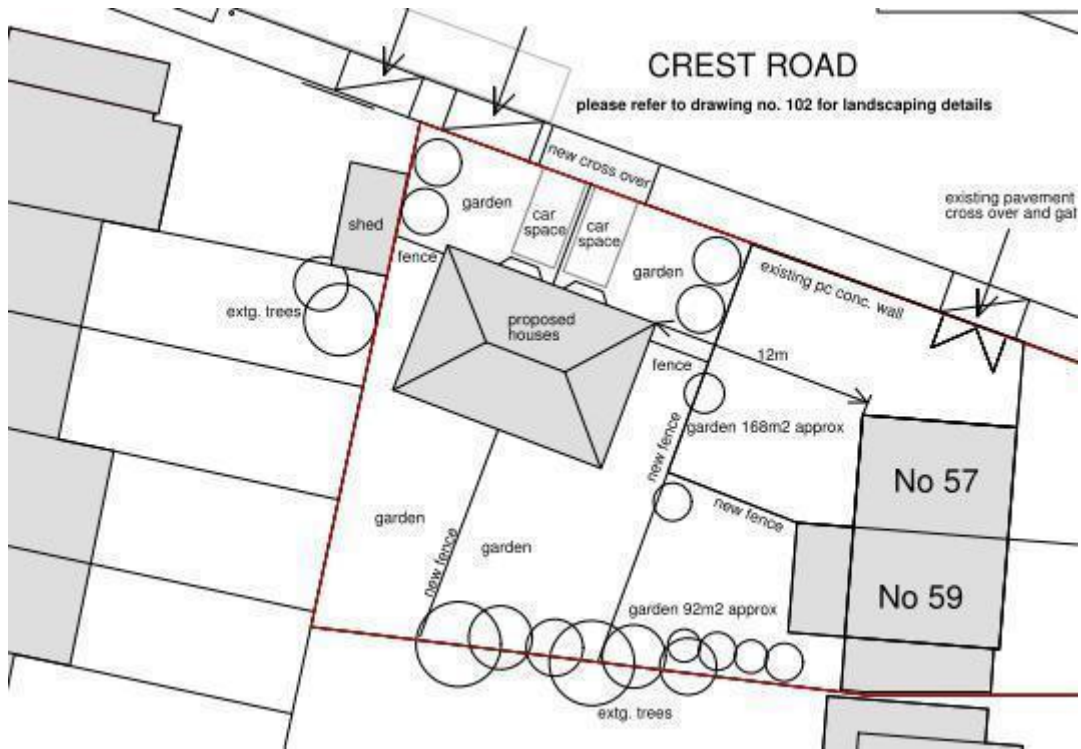
Site address: 57 & 59 Brook Road, London, NW2 7DR

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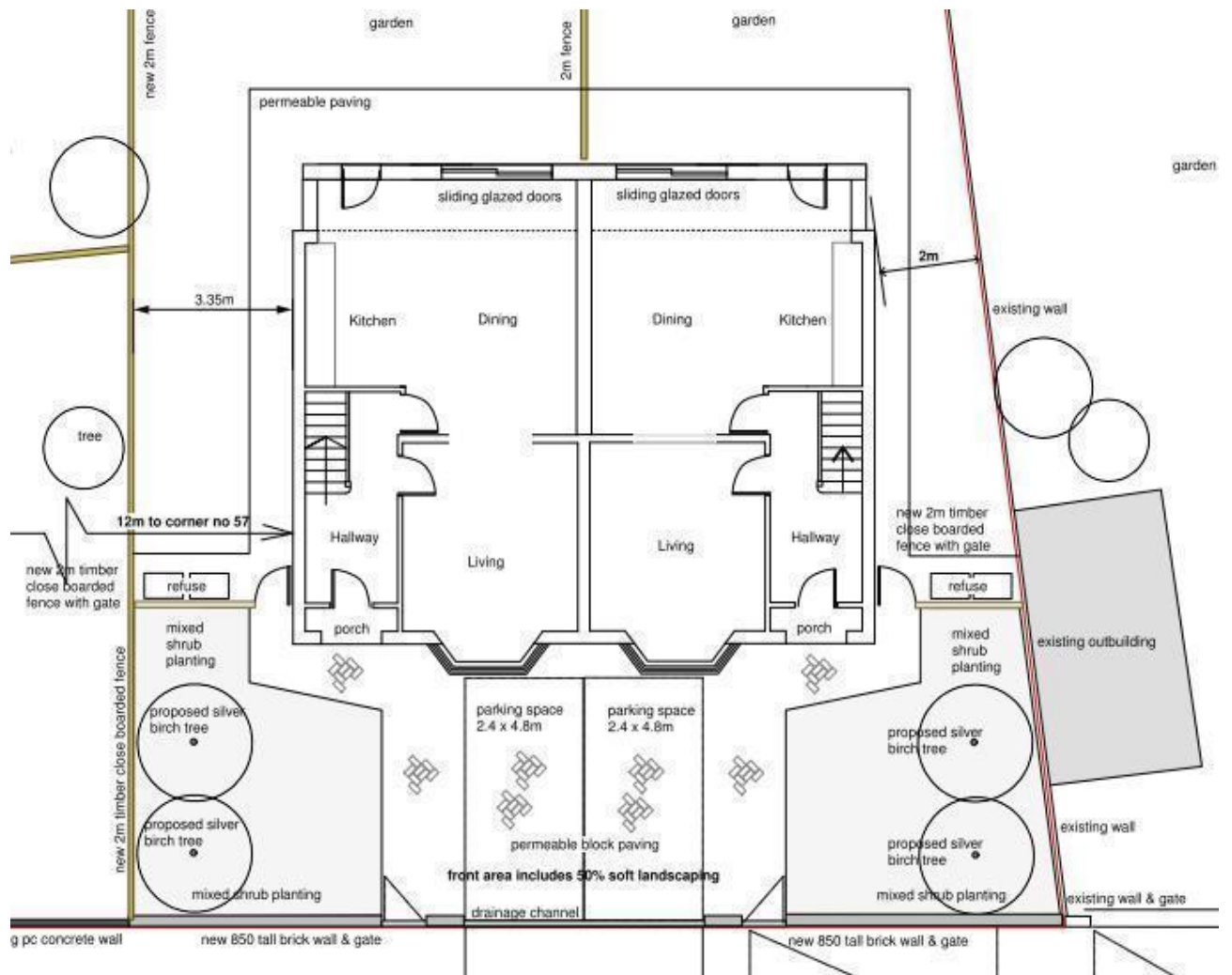
This map is indicative only.

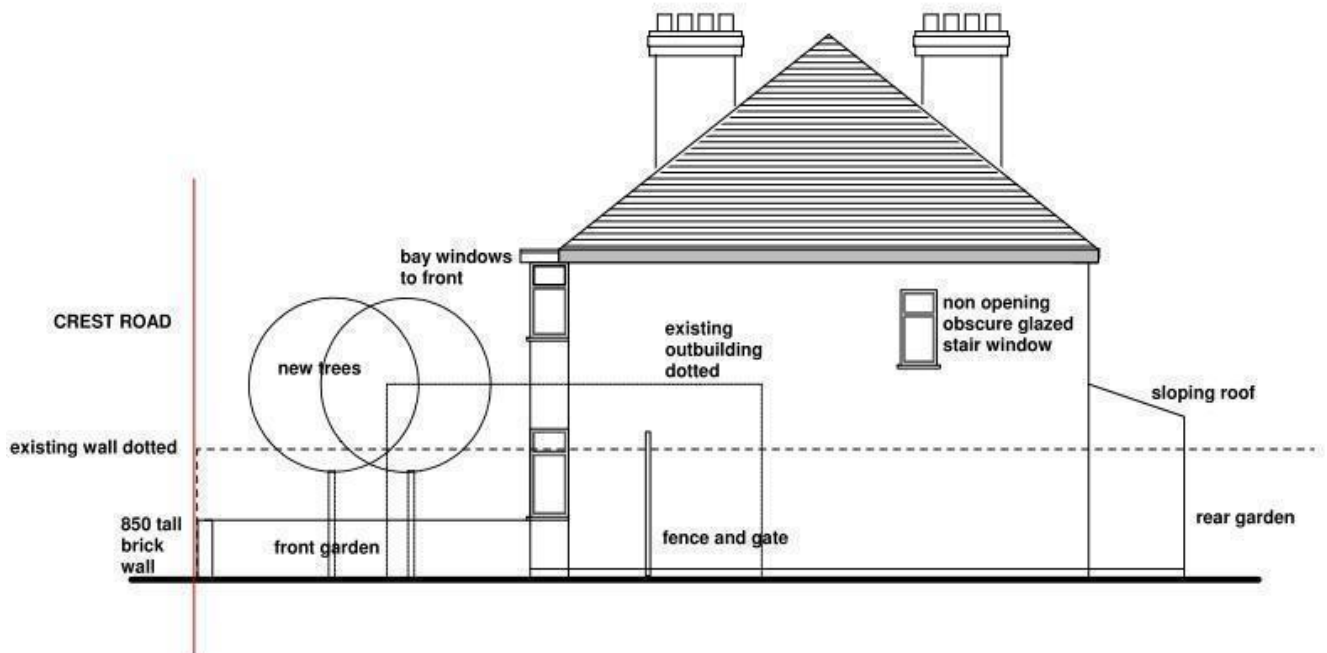
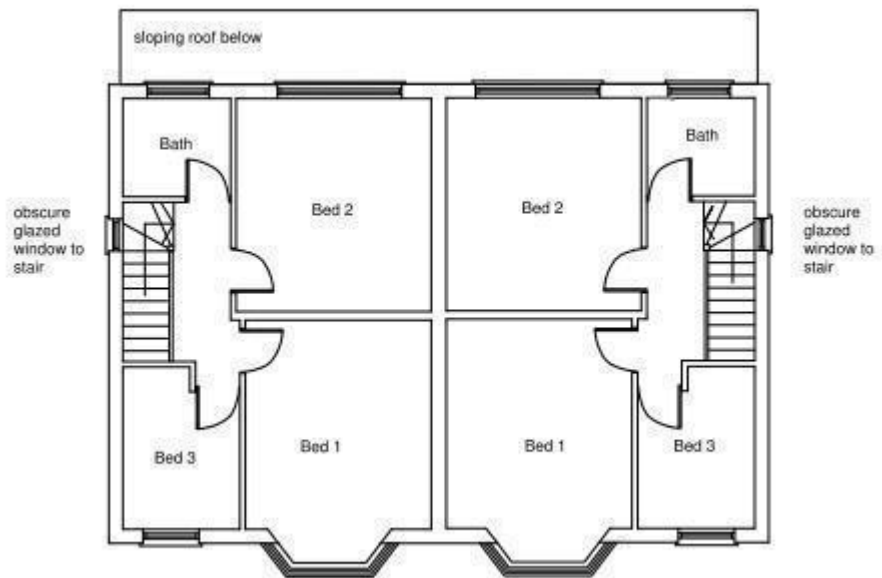
# SELECTED SITE PLANS

## SELECTED SITE PLANS

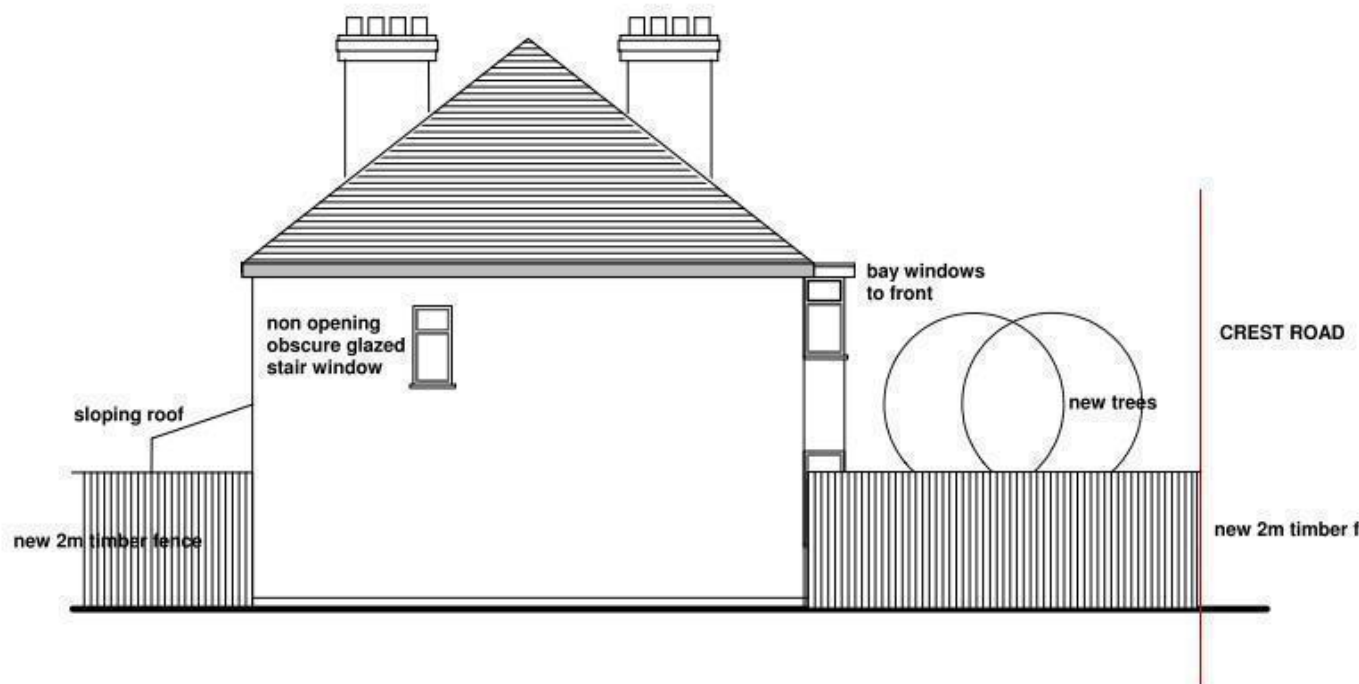








pair of semi-detached houses to match those at no.s 57 & 59 Brook Road,  
 but without the difference (step) between their floor and roof levels.  
 materials: off-white render walls, grey window frames and fascia, red/brown roof tiles



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## RECOMMENDATIONS

### RECOMMENDATION

1. That the Committee resolve to GRANT planning permission and that the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

#### Conditions

1. Time
2. Built as per the approved drawings
3. Materials
4. Landscaping to be implemented
5. Front Garden layout (wall heights)
6. Obscure glazing on side elevations
7. Removal of PD rights
8. Cycle parking (secure)
9. Vehicular access (crossover width)
10. Fencing surrounding the site

11. Crossovers reinstated at the site
12. Any other planning conditions considered necessary by the Head of Planning

#### Informatives

2. Party Wall
3. Any other informatives considered necessary by the Head of Planning

And that the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

### **A) PROPOSAL**

Erection of two (x3 bed) two-storey semi-detached dwellinghouses in the rear gardens of 57 and 59 Brook Road, accessed from Crest Road with associated vehicular crossover, car and cycle parking spaces, bin stores, landscaping and amenity space

### **B) EXISTING**

The site is within the confines of the rear gardens of 57-59 Brook Road. The property is not in a Conservation Area and the properties are not listed buildings.

Brook Road, Crest Road and the surrounding area is residential in nature. The subject site is surrounded by large concrete walls and there are 2 x existing crossovers leading to the site.

### **C) AMENDMENTS SINCE SUBMISSION**

The applicant has made several amendments during the submission of the application, including:

Amendments to the frontage to provide more landscaping and to revise the parking layout;  
The minor re-siting of the proposal to comply with SPG17;  
Further details requested with regards to distances, angles and areas to comply with adopted policy

The amendments are considered to be appropriate and within the context of this application.

### **D) SUMMARY OF KEY ISSUES**

The key considerations of the proposal are:

- Principle of the development; *The proposal seeks the erection of two residential units within a predominately residential area, contributing towards the Boroughs housing stock, in line with Policy CP21 of the Core Strategy.*
- Design, impact on street scene and locality; *Your officers consider that the design, siting, scale and massing of the building is appropriate in its locality*
- Quality of accommodation; *The proposal meets the minimum requirements for the quality of accommodation as outlined in policy 3.5 of the London Plan, the technical housing standards and SPG17- Design Guide for New Developments.*
- Impacts on neighbouring amenity; *The proposal complies with all aspects of SPG17 with regards to protecting the amenity of neighbouring occupiers*
- Car parking provision, access and highway safety- *Your highway officers consider the proposals respond appropriately to all highway concerns.*

Whether the previous reasons for refusal have been addressed- *Your officers consider that the proposal has overcome the previous officer and inspector reasons for refusal.*

### **RELEVANT SITE HISTORY**

15/3124- Erection of part single and part three storey detached building in the rear gardens of 57 and 59 Brook Rd, providing 5 self-contained flats (4 x 1bed and 1 x 2bed) accessed from Crest Road with associated vehicular crossover, car and cycle parking spaces, bin stores, landscaping and amenity space- APS,



Dismissed

E/15/0090 Without planning permission, the material change of use of premises to a mixed use as residential and skip transferring and storage.

14/4205 Certificate of lawfulness for proposed single story rear extension, single storey side extension and roof extension *CLR*

03/1091 Erection of a single-storey rear extension and a part single-storey, part 2-storey side extension to the dwelling house *GTD*

02/2337 Erection of a single-storey rear extension and a part single-storey, part 2-storey side extension to the dwellinghouse and erection of a single-storey detached house in the rear garden area of 57 Brook Road, including the formation of a new vehicle access to Crest Road *REF*

## CONSULTATIONS

Neighbour consultation letters were dispatched on 10/11/2015.

There have been 4 x objections to the application from neighbouring residents.

The objections are listed below and responded to within the report.

Representation	Paragraph Response
Proposed dwelling houses are close to the boundaries of Nutfield Avenue, compromising privacy, views and will result in overshadowing and loss of residential amenity.	See paragraph 5.1.- 5.5.
The proposal will result in increase in parking around the site	See paragraph 6.
The parking arrangements will be dangerous at the site.	See paragraph 6.
Site is too small for the number of proposed dwellings.	See paragraph 3.6 and 5.7
Visual impacts of the development	See paragraph 3.6.

Your officers have also received objections on non-planning related issues such as noise and disturbance during construction work.

## POLICY CONSIDERATIONS

### National Planning Policy Framework (2012):

- Section 7 – Requiring Good Design

### The London Plan (2011):

- Policy 3.5 – Quality and Design of Housing Developments

### Core Strategy (2010):

- CP17 – Protecting and Enhancing the Suburban Character of Brent
- CP21 – A Balanced Housing Stock

### Brent's UDP (2004):

- BE2 – Townscape: Local Context and Character
- BE7 – Public Realm: Streetscape
- BE9 – Architectural Quality

### Supplementary Planning Guidance:

- SPG 5 – Altering and Extending Your Home (2002)
- SPG17 – Design Guide for New Development (2001)

# DETAILED CONSIDERATIONS

## 1. Key considerations

1.1. The main issues of relevance in regard to this application are:

- Principle of the development;
- Design, impact on street scene and locality;
- Quality of accommodation;
- Impacts on neighbouring amenity;
- Refuse and storage;
- Car parking provision, access and highway safety; and
- Whether the previous reasons for refusal have been addressed.

## 2. Principle of development

2.1. Brook Road, Crest Road and the surrounding area is residential in nature and as such the introduction of the proposed residential unit is acceptable in terms of the character and use. Additionally the proposal would see the creation of two x two storey, three bedroom dwelling houses which would contribute towards the borough's need for family sized housing in line with policy CP21. Your officers give this element of the application significant weight.

2.2. Policy CP17 of Brent's Core Strategy does seek to "limit inappropriate development of back gardens that erode the character of suburban areas" however this proposal would have its own frontage and the host properties (57 and 59) would have suitable amounts of garden space retained.

2.3. Additionally, for a residential development to be acceptable on this site, Policy H15 (Backland Development) would need to be satisfied. The proposal broadly satisfies the points within H15 as the proposal has its own frontage, the access arrangements are acceptable (as discussed further in this report) and sufficient garden depths are retained.

2.4. Your officers consider that the proposal for two x three bed dwellinghouses in this location is considered to be acceptable, subject to further detailed considerations.

## 3. Design, impact on street scene and locality

3.1. The area in the vicinity of the application site is characterised by earlier 20th century houses. Their design is relatively simple and they comprise a mixture of two-storey, semi-detached and terraced properties. The properties are set back from their adjacent streets with small gardens/driveways to the front and larger gardens to the rear. The topology of the site slopes slightly down towards Crest Road.

3.2. Your officers consider that the frontage to the site is particularly poor in terms of its aesthetics and function. The existing situation provides little interaction to the street and this proposal would facilitate the removal of the concrete pre-cast fencing and replace it with a frontage of planting with the dwellinghouses set back. This would result in a significant enhancement in the appearance of the streetscene

3.3. The siting of the building is appropriately set back from the street and fits comfortably between Brook Road and Nutfield Road and would not appear overly dominant when viewed from up and down Crest Road.

3.4. The proposed building is traditional in design with a pitched tiled roof, projecting bays and gardens to the front and rear. The materials proposed are render, grey window frames and fascia and red roof tiles. Specific details are subject to a recommended condition set out within the Draft Decision Notice.

3.5. Your officers consider that substantial improvements to the street frontage would be achieved as a result of this proposal, the siting of the proposed dwellings are appropriate in their context and the design, bulk and scale is acceptable with regard to the local streetscene. As a result, your officers consider the proposal is in accordance with the NPPF Chapter 12, CP17 of the Core Strategy and BE2 and BE9 of the UDP.

## 4. Standard of accommodation

4.1. The proposed Gross Internal Area (GIA) for the dwelling meets the London Plan floor space standards

as stipulated within table 3.3 of Policy 5.3. The proposals both provide 95sqm GIA and the London Plan stipulates that 95sqm is required.

4.2. The internal layout is very usable with a practical and square plan form. All habitable rooms have main window facing the frontage (street) or back garden. All room sizes are adequate for London Plan standards.

4.3. Brent's Supplementary Planning Guidance 17 for New Development (SPG17), stipulates that family housing should have a minimum of 50sqm of private amenity space and the proposed units are well above this level. The submitted block plan shows the provision of a back garden space of 75sqm and 111sqm of amenity space. The existing dwellings would retain 92sqm (number 59) of amenity space in the rear garden and 170 sqm (number 57).

4.4. There is ample defensible space to the front of the proposed dwelling with over 50% soft landscaping and one car parking space being provided. This would help provide privacy to the properties from the street scene without removing natural surveillance.

4.5. It is not considered that the new properties would be overlooked by the adjacent dwellings, due to their orientation in relation to the new houses and the location of habitable room windows on the new property.

4.6. The proposed dwelling is considered to provide an acceptable standard of accommodation and amenity for future occupiers whilst complying with policy 3.5 of the London Plan, the Technical Housing Standards and SPG17- Design Guide for New Developments.

## **5. Impact on neighbouring amenity**

5.1. The dwellinghouses are situated at a minimum of 2m off the boundary of neighbouring properties as down in the proposed ground floor plan and front/rear elevations.

5.2. The flank walls of the dwelling houses are located at a minimum distance of 12m from the rear elevation (unextended) of properties 57 and 59.

5.3. The properties on Nutfield Road are at a distance of 14.85m and 16.7m from the proposed building.

5.4. The siting of the proposal is set off the boundary of the properties on Nutfield Road by 2m and the properties of Brook Road by 3.4m. There are no habitable windows in the flank elevations of the proposed building and the proposed windows would be obscure glazed and non opening to a height of 1.8m. Therefore the proposal would overlook the properties to the sides.

5.5. Additionally, the internal configuration of the units are sensitively designed- the windows closest to boundaries of those properties on Nutfield Road and Brook Road are bathroom windows which would be obscure glazed.

5.6. The proposal would comply with the standard set out in section 3.2 of SPG 17 which states that where proposed developments adjoins private amenity garden areas then the height of the new building should be set below a line of 45 degrees at the garden edge. This is demonstrated in the proposed elevation drawings.

5.7. The proposal presently meets the requirements within SPG17 however the allowances of permitted development could result in an increased massing and footprint, resulting in adverse impacts on the living conditions of neighbours. Therefore, if members were resolved to grant consent a condition restricting permitted development rights is recommended.

5.8. Overall, it is considered that the development would not have a significant overbearing impact, result in overlooking, loss of light or overshadowing to neighbouring properties. The proposal would therefore maintain a satisfactory standard of environment at the adjoining properties in line with SPG17- Design Guide for New Development.

## **6. Parking**

6.1. The parking allowance for dwellings is given in the Standard PS14 of the UDP. Policy BE7 may be applicable.

6.2. The maximum allowance for the existing 3 bedroom properties is 1.6 spaces, totalling one off street parking space per property 57 and 59. Both properties have parking meeting or exceeding this standard

within their front and side gardens, so there would be no concern in principle to the loss of any further parking space at the rear of these properties.

6.3. The addition of two new 3-bedroom dwellinghouses would significantly increase the parking allowance by 3.2 spaces. On-street parking on Brook Road and Crest Road is not available to meet standards, due the proximity of the junction, crossing points and bus stop, so adequate parking needs to be provided within the site. Although the proposal for 1 x parking space per unit does not meet the required standard, when considering the constraints of the site officers consider this provision to be acceptable as the benefits to providing new dwellings would outweigh the lack of provision in this instance.

6.4. Given the location of the crossovers at a bus stop, where full height kerbs should be provided for as much of the length of the stop as possible to assist elderly and disabled passengers to board and alight buses, the widths of crossover need to be kept to a minimum. It is recommended that a shared 4.8m wide crossover straddling the two properties be provided (which has been illustrated on the plans) with the parking spaces positioned side-by-side on either side of the proposed boundary between the two houses. The existing crossover at the western end of the site should then be reinstated to footway with full height kerbs. This part of the proposal would be ensured by a recommended condition.

6.6. The site layouts show 50% soft landscaping and suitable boundary treatment to a height not exceeding 850mm to ensure vehicles do not illegally cross the footway to access further parking in the frontages.

6.7. In conclusion, the site proposes a parking space each for the new dwellings and parking will be retained for the existing properties. This provision is acceptable for the site and its location.

## 7. Addressing the previous reasons for refusal

7.1. In conclusion, the site does propose a parking space each for the new dwellings and parking will be retained for the existing properties.

7.2. Your officers consider that the reasons for refusal (related to quality of accommodation, impact on neighbouring amenity, impact on the streetscene and highway safety) which were supported by the Planning Inspectorate at appeal, have been satisfactorily addressed through the measures outlined within this report.

## 8. Summary

8.1. The proposed semi-detached dwellings will provide increased family sized accommodation within the Borough of a good standard in terms of the quality of the accommodation. The design of the new dwellinghouse is considered acceptable and is not considered to adversely impact on the amenities of surrounding properties. The proposed layout and parking provision for the site is considered acceptable.

8.2. For the reasons as outlined above, and as set out in the decision notice, approval is accordingly recommended.

## CIL DETAILS

This application is liable to pay **£54,651.38\*** under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible\*\* floorspace which on completion is to be demolished (E): sq. m.

Total amount of floorspace on completion (G): 190 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
Dwelling houses	190	0	190	£200.00	£35.15	£46,482.14	£8,169.24
			0	£0.00	£0.00	£0.00	£0.00

BCIS figure for year in which the charging schedule took effect (Ic) | 224

| 224

BCIS figure for year in which the planning permission was granted (lp)	274	
<b>Total chargeable amount</b>	£46,482.14	£8,169.24

\*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

\*\***Eligible** means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

**Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.**

**DRAFT DECISION NOTICE**



**Brent**

**DRAFT NOTICE**

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 15/4787

To: Mr Eamon O'Sullivan  
Eamon O'Sullivan Architects  
47 Burghley Road  
London  
NW5 1UH

I refer to your application dated 03/11/2015 proposing the following:  
Erection of two (x3 bed) two-storey semi-detached dwellinghouses in the rear gardens of 57 and 59 Brook Rd, accessed from Crest Road with associated vehicular crossover, car and cycle parking spaces, bin stores, landscaping and amenity space  
and accompanied by plans or documents listed here:  
See condition 2  
at 57 & 59 Brook Road, London, NW2 7DR

The Council of the London Borough of Brent, the Local Planning Authority, hereby GRANT permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date:

Signature:

A handwritten signature in black ink, appearing to read 'Aktar Choudhury'.

**Mr Aktar Choudhury**  
Operational Director, Regeneration

**Notes**

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

## SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in general accordance with policies contained in the:-  
  
Brent Unitary Development Plan 2004  
Council's Supplementary Planning Guidance 17 - Design Guide for New Development  
  
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
  
- 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):  
  
103A  
105D  
102D  
107C  
106A  
108A  
  
Reason: For the avoidance of doubt and in the interests of proper planning.
  
- 3 The areas so designated within the site shall be landscaped in accordance with a scheme 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.
  
- 4 The window on the 1st floor of the side elevations of the building shall be constructed with obscure glazing and non-opening or with openings at high level only (not less than 1.8m above floor level) and shall be permanently returned and maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained.  
  
Reason: To minimise interference with the privacy of the adjoining occupier(s).
  
- 5 No further extensions or buildings shall be constructed within the curtilage of the dwellinghouse(s) subject of this application, notwithstanding the provisions of Class(es) A, B, C, D & E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason: To prevent an over development of the site and undue loss of amenity to adjoining occupiers.

- 6 No part of the development shall be occupied until the proposed access has been constructed in accordance with the details hereby approved and as shown on drawing 102D at a width not exceeding 4.8 m.

Reason: In the interests of the general amenities of the locality and the free flow of traffic and general conditions of the highway safety on the neighbouring highway.

- 7 The existing vehicular crossovers on Crest Road shall be reinstated to footway with full height kerbs and shall be undertaken by the Local Highway Authority at the applicant's expense prior to occupation of the development. The approved details shall be retained for the lifetime of the development.

Reason: In the interests of visual amenity and highway safety

- 8 Details of materials for all external work 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.

- 9 Details of the front garden layout shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. All detailed works shall be carried out as approved prior to the occupation of the premises.

- (i) planting of the front garden area with shrubs and/or trees;
- (ii) the retention of existing hedges and shrubs;
- (iii) provision of front garden wall or walls or other form of boundary treatment;
- (iv) car parking space for 2 cars, the defined points of access and the surfacing materials to be used;
- (v) waste and recycling storage facilities;

Reason: To ensure a satisfactory appearance and in the interests of local amenity.

- 10 Details of the provision of a minimum of 2 secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

- 11 Details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is completed and the work shall be carried out prior to occupation, in accordance with the details so approved, and the fencing, walls, gateways and means of enclosure shall thereafter be retained at the height and position as approved.

Reason: In the interests of the privacy and amenity of the occupants of the application site and neighbouring properties.

## INFORMATIVES

- 1 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
- 2 The applicant must ensure, before work commences, that the treatment/finishing of flank



walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.

- 3 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).

Any person wishing to inspect the above papers should contact Robert Reeds, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 6726