

**Committee Report**  
**Planning Committee on 23 February, 2011**

**Item No.** 2/07  
**Case No.** 10/3031

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**RECEIVED:** 24 November, 2010

**WARD:** Brondesbury Park

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** Garages rear of 55 Mount Pleasant Road, Henley Road, London

**PROPOSAL:** Variation of condition number 2 (plan numbers) to allow the following minor material amendments:

- Increase in size of basement area;
- Alteration to rooflight over bathroom from flat to domed.

to the scheme granted by full planning permission 10/0932 dated 13/07/10 for the demolition of an existing single-storey, double-garage building to rear of 55 Mount Pleasant Road, NW10; and erection of a new single-storey, flat-roofed, two-bedroom dwellinghouse with basement storage accommodation, removal of the existing vehicular access onto Henley Road with associated landscaping of the garden amenity area and subject to a Deed of Agreement dated 8th July 2010 under Section 106 of the Town and Country Planning Act 1990, as amended).

**APPLICANT:** Mr Rayburn

**CONTACT:** Ambo Architects London

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

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**RECOMMENDATION**

Approval

**EXISTING**

The application refers to the site at the rear of No 55 Mount Pleasant Road which sites a detached double garage. The ownership of the application site has been separated from the dwellinghouse at No 55 for over 7 years. The site benefits from planning permission for the erection of a single storey dwellinghouse.

**PROPOSAL**

See description above

**HISTORY**

10/0932 Approved at planning committee on 13th July 2010

Demolition of an existing single-storey, double-garage building to rear of 55 Mount Pleasant Road, NW10; and erection of a new single-storey, flat-roofed, two-bedroom dwellinghouse with basement

storage accommodation, removal of the existing vehicular access onto Henley Road with associated landscaping of the garden amenity area and subject to a Deed of Agreement dated 8th July 2010 under Section 106 of the Town and Country Planning Act 1990, as amended

10/2601 Refused on 25th October 2010

Non material amendment (for extension of the proposed basement storage accommodation) of planning permission 10/0932.

While there is no statutory definition of 'non-material' officer's consider that in order to be considered as a non-material amendment any proposal should be so minor as to not require any detailed consideration or consultation, in this instance this was not considered the case and the application was refused for the following reason:

"The proposed increase in the size of the basement and its proportion in terms of the area defined as habitable accommodation is considered to be too great to be non-material in the context of the approved scheme (10/0932)."

For clarity this decision states that the proposal failed to meet the non-material criteria and not that if considered in a different situation the principle of the amendment could not be supported.

## **POLICY CONSIDERATIONS**

### **Brent Unitary Development Plan 2004**

**BE2** - Design should have regard to the local context, making a positive contribution to the character of the area. Account should be taken of existing landform and natural features, the need to improve the quality of existing urban spaces, materials and townscape features that contribute favourably to the area's character, or have an unacceptable visual impact on Metropolitan Open Land. Proposals should not cause harm to the character and/or appearance of an area. Application of these criteria should not preclude the sensitive introduction of innovative contemporary designs.

**BE3** – Relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.

**BE6** - High standard of landscaping required as an integral element of development, including a design which reflects how the area will be used and the character of the locality and surrounding buildings, new planting of an appropriate species, size, density of planting with semi-mature or advanced nursery stock, new integrally designed structural landscaping on appropriate larger sites, boundary treatments which complement the development and enhance the streetscene and screening of access roads and obtrusive development from neighbouring residential properties.

**BE7** – A high quality of design and materials will be required.

**BE9** – Creative and high-quality design solutions (for extensions) specific to site's shape, size, location and development opportunities Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.

**H12** – The layout and urban design of residential development should comply with the policies in the Built Environment Chapter, and in addition they should have a site layout which reinforces or creates an attractive and distinctive identity, have housing facing onto streets and defining roads, have access to and layout which achieves traffic safety, have appropriate car parking, and avoid excessive coverage of tarmac or hard

### Supplementary Planning Guidance

SPG17 – Design Guide For New Development

### **CONSULTATION**

Neighbouring occupiers and Ward Councillors were consulted on 13th January 2011, 6 objections have been received with the following comments:

- The basement must not affect the foundations of the neighbouring property.
- While it states the basement will be for a gym and utility room there is no certainty that it would not be a bedroom in the future resulting into a more cramped property out of character with its surroundings.
- More inhabitants would add to the congestion of Henley Road.
- The proposed domed rooflight would be obtrusive and affect the privacy of the neighbour's property and radiate more light.
- Provisions in the local area mean there is no necessity for a basement gym.
- In the latest drawings the foundations of the basement are only 1cm away from the boundary of no. 55 Mount Pleasant and it is likely the basement will lead to the loss of the leylandii hedge.
- There is no answer to how it will be built without gaining access to the neighbouring properties and causing further damage.

### **REMARKS**

As Members will be aware and as noted above the proposed dwelling was approved at Planning Committee in 2010. This application proposes 2 amendments to the scheme.

#### **Basement area increase**

The approved plans include a basement for storage and utility measuring 18.5sqm, the proposed basement measures approximately 42sqm effectively doubling its area.

The proposal has no external impact on the appearance of the dwellinghouse so the proposal would not affect the streetscene or have any different relationship with neighbouring dwellings.

#### *Landscaping*

The Council's landscape officers have been consulted about the extent of the basement and relationship with surrounding landscaping. Officers have noted that the basement would project closer to a neighbouring tree however as this is largely below the existing garages it is not expected that the trees roots would be extensive in this area. It should be possible to carry out the development without significant damage to the tree provided that the work is undertaken in accordance with BS5837:2005. The Tree Protection condition put on the original approval is considered to be suitable and necessary to ensure trees are sufficiently protected and work is carried out in such a way as to minimise its impact on tree roots.

#### *Amenity of future occupiers*

The proposed increased size of the basement would provide much more scope for the regular use of the space by future occupiers. The expanded space is proposed to be used as a gym. In new developments the Council is concerned about the level of light and outlook provided to habitable rooms and officers are clear that the proposed basement would not be acceptable as habitable space, however other rooms do not have the same requirement for amenity of this sort including

utility rooms, storage and gyms. The application is clear that the proposed basement is ancillary to the main habitable uses which are allocated to the ground floor and officers do not object to the additional floor area to the non-habitable basement. A condition is recommended requiring that this remain the case.

In addition to these considerations it has been confirmed with Building Control officers that in order for a basement to be used as habitable accommodation it must have a means of escape in the form of a window and lightwell. As this is not the case in this instance the space would not meet Building Regulations requirements for habitable rooms further preventing any possible future change of the proposed use of the space.

#### *Highways*

Neighbours have expressed concern about increased demand from parking if the basement is utilised as another bedroom. Notwithstanding what is stated above the parking standard attributed to the approved 2-bed dwelling is 1.2 spaces, if the unit increased to 3-beds the standard would be 1.6 which could be considered significant. This is another reason to insist upon the condition preventing the use of the basement as another bedroom. The increased basement would not impact on the demand for parking.

#### **Rooflight**

The rooflight over the bathroom was approved as a flat rooflight, the proposal is to change this to a circular rooflight which would be convex and so slightly protrude above the flat roof. The rooflight is located in the section of the building proposed to be towards the rear boundary of no. 55 Mount Pleasant Road. The total projection is a maximum of 20cm, from some points this may be visible but it is not considered to make a significant difference to the design of the building. Any light emitted from the rooflight would be minimal as with the originally proposed flat rooflight and the fairly generous depth of surrounding gardens means that it is a significant distance from neighbouring properties.

The proposal is considered to be acceptable as an amendment to the approved scheme and 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 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

#### **CONDITIONS/REASONS:**

(1) The development hereby approved shall be commenced within 3 years of 13th July 2010.

Reason: 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):

425/GA.1A  
425/GA.2.1E  
425/GA.2.2B  
425/GA.3B  
425/GA.4B  
425/GA.5B  
425/GA.6B  
425/GA.7C  
425/GA.8B  
425/GA.9C  
425/GA.10B  
425/GA.15B  
425/GA.16B

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

- (3) Planning permission is granted for use of the basement as a store room, utility room and gym (i.e. as indicated on plan no: 425/GA.2.2B). The basement will not be used as additional bedrooms or living space. Any change of use of the basement will require planning permission.

Reason: To safe guard the amenity of future occupiers

- (4) The area 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.

The scheme shall include species, sizes and numbers as well as details of hardstanding materials.

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.

- (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(s):

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

- (6) No off-street parking shall be allowed at the site at any time in the future.

Reason:

To ensure the modest amenity space is not eroded by vehicle parking.

- (7) The roof shall not be accessed other than for maintenance and shall not be used as a roof terrace at any time.

Reason: In the interest of neighbouring privacy.

- (8) Before the development hereby approved is occupied, the redundant vehicular access and crossover shall be stopped up and reinstated to footway, and a new on-street parking bay installed including the removal of the single yellow line, at the applicant's expense.

Reason: In the interests of pedestrian and highway safety, and to provide suitable car parking for the scheme in compliance with Policy TRN24 of the UDP 2004.

- (9) Details of materials, including samples, for all external work including fencing, 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.

- (10) A full tree survey and tree protection statement complying with BS5837:2005 'Trees in relation to construction' shall be submitted to and approved in writing by the Local Planning Authority before any works commence on site, the work shall then be carried out in accordance with the approved details.

Reason: To ensure that the development does not result in the damage or death of nearby trees which would result in the loss of amenity and biodiversity.

- (11) Details of ventilation and extraction systems including particulars of noise levels shall be submitted to and approved in writing by the Local Planning Authority before any works commence on site. The approved details shall thereafter be fully implemented.

Reason: In order to allow the Local Planning Authority to exercise proper control over the development and to safeguard the amenities of the adjoining occupiers.

**INFORMATIVES:**

- (1) This application does not grant permission for for proposed materials, these are to be considered separately under a submission to agree the details required by condition.
- (2) The applicant is advised that the Council would be unlikely to look at any proposal to use the basement as habitable accommodation favourably.

Any person wishing to inspect the above papers should contact Liz Sullivan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5377



## Planning Committee Map

Site address: Garages rear of 55 Mount Pleasant Road, Henley Road, London

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