

**Committee Report  
Planning Committee on 16 March, 2011**

**Item No. 7  
Case No. 11/0082**

---

**RECEIVED:** 28 January, 2011

**WARD:** Kenton

**PLANNING AREA:** Kingsbury & Kenton Consultative Forum

**LOCATION:** 1A Dorchester Way, Harrow, HA3 9RF

**PROPOSAL:** Erection of a 2 storey building comprising 3 terraced dwellinghouses, installation of hardstanding, 3 parking spaces and refuse storage to front, garden space to rear and associated landscaping to site

**APPLICANT:** Mr Vekaria

**CONTACT:** Saloria Architects

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

---

**RECOMMENDATION**

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning or other authorised person to agree the exact terms thereof on advice from the Borough Solicitor

**SECTION 106 DETAILS**

The application requires a Section 106 Agreement, in order to secure the following benefits:-

- (a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) A contribution of £21,000 (£3,000 per bedroom) due on material start and index-linked from the date of committee for Education, Sustainable Transportation, Open Space in the local area
- (c) Join and adhere to the Considerate Contractors Scheme

And, to authorise the Head of Area Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Core Strategy, Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

**EXISTING**

The subject site is a brownfield site to the rear of the properties on Dorchester Way. The properties on Dorchester Way are predominantly suburban two storey semi-detached dwellinghouses. The site is located to the south west of the rear elevations of the properties at No. 1 and 3 Dorchester Way. To the immediate south of the site there is a public footway linking the Mall with Preston Hill. The site is not located within a conservation area.

**PROPOSAL**

Full planning permission is sought for the erection of 3 x two-storey terraced dwellinghouses,

installation of hardstanding, provision of 3 parking spaces and refuse storage to front, garden space to rear and associated landscaping to site.

## **HISTORY**

09/3077 – Erection of a 2-storey building comprising 3 terraced dwellinghouses, installation of hardstanding, 3 parking spaces and refuse storage to front, garden space to rear and associated landscaping to site. *Refused on 23rd November 2009. Appeal dismissed on 15<sup>th</sup> October 2010.*

*The Inspector in her decision concluded that the appeal did not succeed for one overriding issue, which was the identified harm to the living conditions of the residents of no. 3 Dorchester Way in respect of noise and disturbance due to the proximity of the turning area for vehicles to the residential property.*

08/2669 – Erection of a 2-storey building comprising 3 terraced dwellings, installation of hardstanding and refuse storage to front, provision of 2 car parks, 1 disabled car park and associated landscaping to site. *Refused on 15th December 2008. Appeal dismissed 14<sup>th</sup> July 2009*

08/1025 – Erection of a 2-storey building comprising 3 terraced dwellings, installation of hardstanding and refuse storage to front, provision of 2 car parks, 1 disabled carpark and associated landscaping to site. *Application withdrawn*

## **POLICY CONSIDERATIONS**

### **Core Strategy**

The Council's Core Strategy was adopted by the Council on 12th July 2010. As such the policies within the Core Strategy hold considerable weight.

**CP17** – Protecting and Enhancing the Suburban Character of Brent

### **Brent UDP 2004**

**BE2** – Townscape: Local Context and Character  
**BE3** – Urban Structure: Space and Movement  
**BE5** – Urban Clarity and Safety  
**BE6** – Public Realm: Landscape Design  
**BE7** – Public Realm: Street scene  
**BE9** – Architectural Quality  
**EP6** – Contaminated Land  
**H11** – Housing on Brownfield  
**H12** – Residential Quality – Layout Considerations  
**H15** – Backland Development  
**TRN 23** – Parking standard Residential Developments  
**TRN 34** – Servicing Standards for New Development

### **SPG/SPD**

**SPG 5** – Altering and Extending Your Home  
**SPG 17** – Residential Design Standards  
**SPD** – S106 Planning Obligations

## **CONSULTATION**

Consultation period: 2<sup>nd</sup> February 2011 – 22<sup>nd</sup> February 2011. 17 neighbouring properties were notified.

### 3 Objections received on the following grounds:

- Insufficient parking in an area where there is unrestricted parking exacerbated by students from the nearby school who park on Dorchester Way. Most of the households on Dorchester Way seem to have at least two vehicles.
- The access road is a shared drive-way and the other owner has not given permission for the driveway to be used by the prospective residents of the proposed dwellings
- Overlooking into neighbouring gardens and rooms
- Detrimental impact on amenity of neighbouring residents from location of the bin storage
- Objection to the increase in the number of wheelie bins as a result of the development
- Insufficient drainage and unpleasant smells from the drainage
- Plot of land is too small for landscaping and buildings, and therefore the proposed accommodation would be sub-standard
- The proposal is an overdevelopment of the site
- Disturbance from construction vehicles

### **Internal comments**

#### Landscape Officer

No objections in terms of landscape but require the following details:

- Evidence that permeable construction will be used with the block paving
- Details of all hard materials including paving, boundary treatment, lighting etc
- Details of all soft landscaping, including plant species, size, number, density, position.
- Would encourage living roofs if feasible

#### Design Officer

No objections to the development in terms of design. The design officer has recommended that measures should be taken to minimise the impact of the development on adjacent properties. These measures should include providing further landscaping to the front of the proposed dwellings, and also through the use of high quality materials to mitigate the visual impact of the development.

#### Transportation Officer

The proposal as revised is acceptable subject to the retention of a turning area east of the entrance to dwellinghouse No.2.

The parking allowance for a dwellinghouse is given in parking standards PS14 of the UDP. The parking allowances for the proposed dwellinghouse include 1.2 spaces for each of the 2 two bedroom units and 1.6 spaces for the 3 bedroom unit. The total requirement being 4 spaces. As the allowances are maximum the requirement can be reduced to 3 spaces. The spaces should measure 2.4 metres by 4.8 metres.

The parking and access provisions which include auto track of the vehicles entering and leaving the site as shown on the revised drawing, meet the access requirements. As adequate turning area should be retained for the cars entering and leaving the parking spaces, there should be turning area retained in front of the new dwellinghouse no. 2, with cross hatching to restrict any parking in that area.

The relocation of the bin stores closer to the access to the site is acceptable.

The following requirements also need to be met as conditions:

- Pedestrian access to Sandy Lane as detailed and shown on the site plan
- Soft landscaping should be provided just east of the entrance to dwellinghouse No. 2

adjoining the turning area to be retained where the occupants should not park their cars

## **REMARKS**

### *Introduction*

The application proposes the erection of a 2-storey building comprising 3 terraced dwellinghouses, with associated parking, landscaping and refuse storage. Two of the dwellings comprise 2 bedrooms, and the third comprises 3 bedrooms. The application site is located to the rear of numbers 1 and 3 Dorchester Way, and is accessed via a shared drive between these two properties. To the immediate south of the site there is a public footway linking the Mall with Preston Hill.

### *Appeal Decision*

The previous application for a similar proposal was refused under planning application ref 09/3077 and the Council's decision was appealed by the applicants. This appeal was dismissed by the Inspector on 15<sup>th</sup> October 2010. The Inspector concluded that the appeal did not succeed for one overriding issue, which was the identified harm to the living conditions of the residents of no. 3 Dorchester Way in respect of noise and disturbance from vehicles manoeuvring in close proximity to the boundary

In her decision, the Inspector also considered other material planning considerations, and concluded that the development did not result in harm in respect of the character and appearance of the proposed development, daylight and outlook, and impact on public and highway safety.

In relation to the proposed parking provision of three vehicles within the site, the Inspector concluded that this is sufficient for the development, and that any additional parking or traffic arising from three dwellings would be small and would not significantly increase any risk to the safety of pedestrian and children. Also, the position of the enclosed refuse store next to the access would be sufficiently removed from nearby dwellings that there would be no material harm to residents living conditions in respect of unacceptable odours or noise.

### *Amendments to previous application*

The site plan indicates that the applicants also own the dwelling at number 3 Dorchester Way. This has allowed them greater scope to alter the boundary lines between the proposed new development and the garden of 3 Dorchester Way.

The applicants have taken into account the Inspector's decision as well as other issues raised by officers, and have submitted the current revised scheme with the following amendments:

- The boundary line to the rear of no 3 Dorchester Way has been altered so that the proposed new dwellings would have a reduced impact on the residential amenities of this property
- The car-parking arrangement on the site has also been altered, which means that the parking space closest to the rear boundary of no 3 Dorchester Way is set further away with a landscaped buffer. Combined with the alterations to the rear boundary of no 3 Dorchester Way, this would result in a reduced impact on the residential amenities of this property in terms of noise and disturbance.
- The location of the bin storage area for the proposed dwelling has been improved, and an area has been identified for them to be placed on collection day.
- The altered layout of the area in front of the proposed terraced dwellings allows for the provision of three parking spaces, with room for turning and associate landscaping

### *Principle of Residential Development*

The site of the proposed development was formally a builder's yard with a workshop and office. At present the site is vacant and buildings cleared. While the most recent use was industrial, the change of use to residential is considered to be appropriate given the proximity of residential uses on neighbouring sites.

Policy CP17 of Brent's adopted Core Strategy, sets out the Council's approach to protecting and enhancing the suburban character in Brent. The policy states that infilling plots with out-of-scale buildings will not be acceptable.

The proposed dwellings are of a scale considered appropriate in view of the neighbouring residential dwellings on Dorchester Way, and the site is considered to be in an acceptable location for residential development. As such, the principle of residential development can be supported.

### *Quality of Design*

The proposed dwellings are of a contemporary design and form a two storey block of three terraces. The block has a slightly staggered building line with the front elevations facing north east.

The proposed terrace would be set back from the street (Dorchester Way) at the rear of the existing dwellings, and consequently would not appear prominent from the street, or be read in context of the dwellings fronting the street. It is therefore considered that the proposed development would not harm the character and appearance of the area.

The proposed design approach for this development is the same as the previously refused scheme which has been accepted by the Inspector in her appeal decision, other than the reversal of 'house 2' to take into account of revised parking arrangement. Significant weight is placed on the Inspector's decision which supported this design approach.

### *Quality of Residential Accommodation*

The proposed residential units all have a floor area above the minimum recommended floor area set out in SPG17. The size of each proposed garden is also in keeping with the standards set out in SPG17.

In terms of amenity for future occupants, the proposed dwellings do not comply with the requirements of SPG17 as each one of the dwellings is within 10m of the rear boundary, which SPG17 sets as the minimum distance between the rear wall and rear boundary. However, in her appeal decision, the Inspector was satisfied with these distances as the shortfall is not excessive, and that this would not be harmful to prospective residents living conditions in respect of outlook.

The proposed dwellings would all have dual aspects at ground floor with large areas of glazing at the rear.

### *Impact on Neighbouring Residents*

In her report, the Inspectorate did not have any concerns with the proposal in terms of impact on the privacy or any loss of daylight to neighbouring dwellings. The current application proposes to position the new building will in the same location and therefore this relationship is considered acceptable.

The neighbouring property at no 1 Dorchester Way has an outbuilding within the rear garden which is located between the house at no 1 Dorchester Way and the proposed location of the new terrace. Also, the rear end of no. 1's garden would be at an oblique angle to the terrace.

The applicants have shown that the proposal complies with SPG17 guidance in terms of impact on the neighbouring property at number 5 Dorchester Way. The height of the new development will be set below 45 degrees at the garden edge, measured from a height of 2m.

The Inspector had no concerns on the impact of the development on the neighbouring dwelling at number 3 Dorchester Way in terms of the height of the proposed new building. The concerns raised by the Inspector were in terms of noise and disturbance. To overcome concerns relating to noise and disturbance from the parking area, the rear boundary to number 3 Dorchester Way has been repositioned, extending the garden for this property. In addition, the re-location of a parking space, which would have been close to the rear boundary as originally proposed, moves the vehicular activity further from this property. These revisions are considered sufficient to overcome the Inspector's concerns.

As such, it is considered that the proposed development would not have a harmful impact on the neighbouring dwellings in terms of privacy, loss of daylight or noise and disturbance.

#### *Parking and access*

Three parking spaces are proposed in the front forecourt, with sufficient turning space within the site. An area to the east of the front entrance of house number 2 will be used as a turning area for cars within the site. The applicant has provided swept path plans for each of the parking spaces, showing that there is sufficient space within the site for turning. The Transportation Department were consulted on the proposal and are satisfied with the arrangements for parking and access into and around the site. The area immediately to the east of house number 2 will be required to be retained for a turning area, and a condition will be imposed requiring further details as to how this will be treated to ensure appropriate demarcation.

The Inspector in her decision was satisfied that three parking spaces is sufficient for the proposed three dwellings, and that any overspill parking would be limited.

To the south of the site gated pedestrian access is proposed onto Sandy Lane, this will make the site more accessible.

The proposal includes provision for bicycle storage within the proposed dwellings. However, a further provision of external, secure and covered bicycle storage will be sought through a condition.

#### *Refuse Storage and Collection*

The proposed bin storage is to be located close to the access road within the site and close to the boundary with no 3 Dorchester Way, to the north of the site. A landscape buffer will be provided between the location of the bins and the boundary fence for no 3 Dorchester Way. On collection day, the bins would be temporarily located at the head of the cul de sac. As this is a temporary arrangement for collection days, this is not likely to result in an adverse impact on nearby residents or on public and highway safety. A condition will be attached to the decision requiring further details of the arrangements and management of storage and collection of refuse. This approach was supported by the planning Inspectorate.

#### *Landscaping*

The landscaping has been maximised on the site considering the requirement for sufficient space for turning in front of the proposed dwellings. This includes a landscaped strip along the north-eastern boundary, adjacent to the rear boundary with 1 Dorchester Way, as well as along the shared boundary with 3 Dorchester Way. A detailed landscaping scheme, including both details of the materials for all hard surfaces, which will be required to be of permeable construction, as well as a full planting schedule, will be required as part of a landscape condition.

## S106

In order to mitigate the impact of the increased number of occupants on the local area specifically in terms of education, sustainable transport, open space and sports a contribution of £3000 per new bedroom is required in accordance with SPD: S106 Planning Obligations.

## REASONS FOR CONDITIONS

**RECOMMENDATION:** Grant Consent subject to Legal agreement

- (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  
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  
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 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 drawings:

Site location plan  
8155-02-P5  
8155-03-P1

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

- (3) 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), no extensions or buildings shall be constructed within the curtilage of the dwellinghouse(s) subject of this application, 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

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

- (5) Full details of arrangements for the storage and disposal of refuse and recyclable materials, within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site. The approved arrangements shall be implemented in full prior to first occupation of the development and permanently retained as approved unless the prior written consent of the Local Planning Authority is obtained.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection.

- (6) Prior to the commencement of the development

a) a site investigation shall be carried out by an appropriate qualified person (approved by the local planning authority) to determine the nature and extent of any contamination present. The investigation shall be carried out in accordance with the scheme, which shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken as well as details of remediation measures required to contain, treat or remove any contamination found. Any proposed remediation must be sustained for the life of the development and this must be justified by the applicant. No works may commence on site until a remediation strategy has been submitted and approved in writing by the Local Planning Authority. The approved remediation strategy must be fully implemented.

b) A verification report shall be provided to the Local Planning Authority by an appropriate qualified person (approved by the local planning authority) stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use.

Reason: To ensure the safe development and secure occupancy of the site proposed for use in accordance with UDP policy EP6.

- (7) Notwithstanding the plans hereby approved, further details of the provision of secure cycle parking 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 has been provided in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

- (8) All areas shown on the plan and such other areas as may be shown on the approved plan shall be suitably landscaped with trees/shrubs/grass in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed during the first available planting season following completion of the development hereby approved.



Such scheme shall also indicate:-

- (i) Areas of hard landscape works, including details of materials and finishes. These shall have a permeable construction
- (ii) all planting including location, species, size, density and number;
- (iii) any sustainable construction methods which are to be used;
- (iv) a detailed (minimum 5-year) landscape-management plan showing requirements for the ongoing maintenance of hard and soft landscaping.

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.

- (9) Details of all fencing, walls, gateways and means of enclosure, including details of the new gated access from the site to Sandy Lane, 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, and of pedestrian and highway safety.

#### **INFORMATIVES:**

- (1) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or surface water sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water, Developer Services will be required. They can be contacted on 08454 850 2777. Reason: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

#### **REFERENCE DOCUMENTS:**

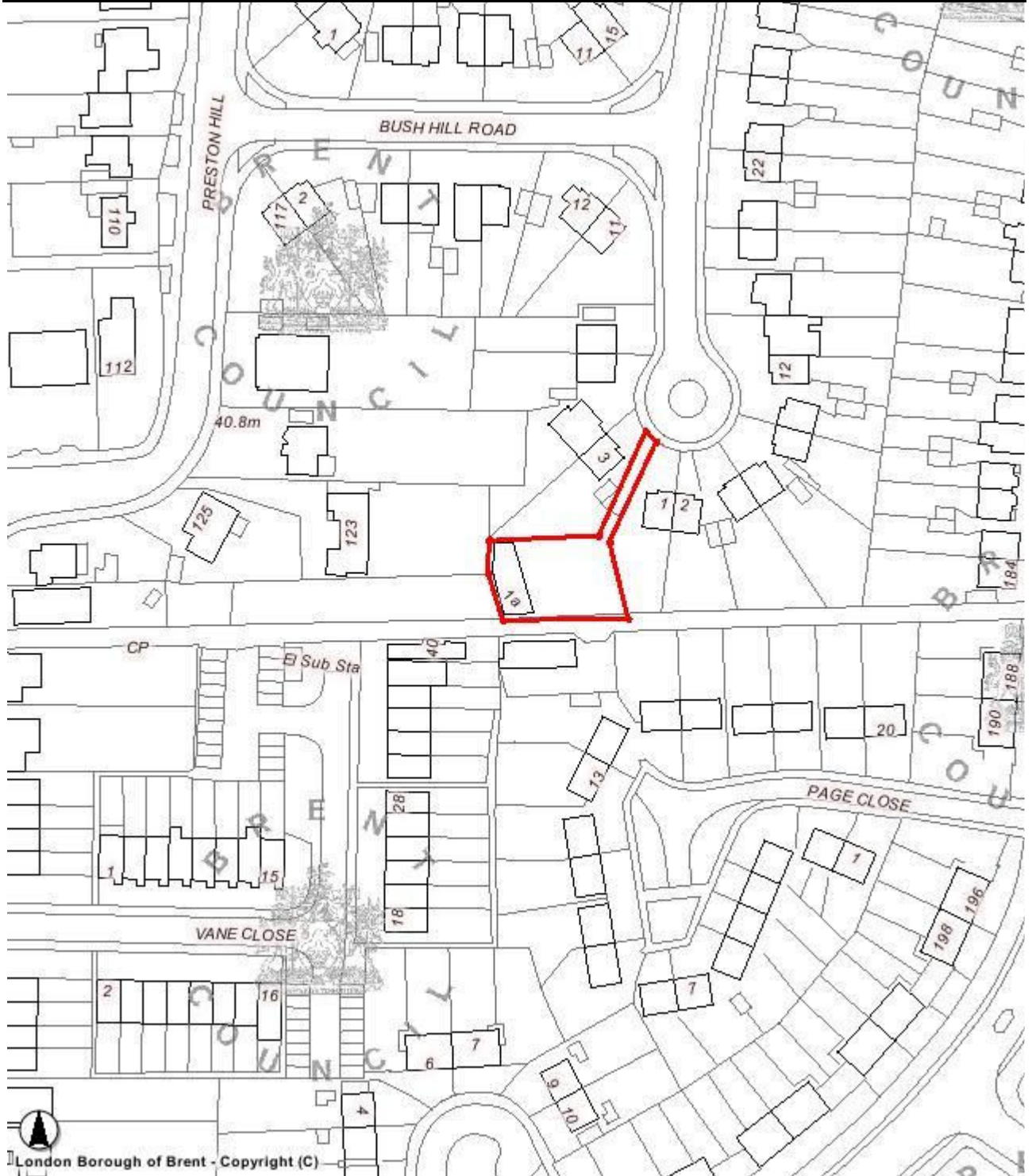
Any person wishing to inspect the above papers should contact Avani Raven, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5016



# Planning Committee Map

Site address: 1A Dorchester Way, Harrow, HA3 9RF

Reproduced from Ordnance Survey mapping data with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Brent, DBRE201 2005



London Borough of Brent - Copyright (C)

This map is indicative only.