

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

24 May, 2017
10
17/1000

SITE INFORMATION

RECEIVED	6 March, 2017
WARD	Brondesbury Park
PLANNING AREA	Brent Connects Kilburn
LOCATION	19 Christchurch Avenue, London, NW6 7QP
PROPOSAL	Conversion of single dwelling into 5 self-contained flats (2 x studio, 1 x 1bed, 1 x 2bed and 1 x 3bed), with associated refuse storage and cycle parking
APPLICANT	Datoo Partner Ltd
CONTACT	DS Sqaured Architects
PLAN NO'S	See Condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>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_133024</p> <p><u>When viewing this as an Hard Copy .</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none">1. Please go to pa.brent.gov.uk2. Select Planning and conduct a search tying "17/1000" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

RECOMMENDATIONS

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. Compliance condition for landscaping
4. Details of boundaries
5. No right to secure residents parking permit
6. No use of roof as terrace
7. Restriction condition on lighting
8. Restriction on use of outbuilding
9. Any other planning conditions considered necessary by the Head of Planning

Informatives:

1. Party Wall
2. Building near boundary
3. CIL liable
4. Advice to applicant on need to occupy the completed extended building as a single family dwellinghouse prior to conversion to flats, to avoid negating the lawfulness of the extensions
5. 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.

SITE MAP



Planning Committee Map

Site address: 19 Christchurch Avenue, London, NW6 7QP

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This map is indicative only.

PROPOSAL IN DETAIL

Conversion of existing three-storey building to five flats consisting of 1x1-bed, 1x2-bed, 1x3-bed and 2x studio flats, with associated cycle parking spaces, bin stores, landscaping and amenity space.

Other than the proposed bin and bicycle stores, no further construction or additions to the property are proposed.

An extant permission exists for the conversion to five flats, dated 12/4/16. The principle of this application is whether the developments carried out under Permitted Development Rights i.e. the ground floor extension and dormer loft conversion, may be integrated into the conversion. The effect of this is to provide more spacious flats at lower ground floor and second floor level.

EXISTING

Three-storey dwellinghouse on the north-west side of Christchurch Avenue, not in a conservation area and not a listed building. Recent extensions constructed are a rear dormer roof extension with glazed patio doors and a window, and a ground floor rear extension with rear patio doors and a flat roof.

SUMMARY OF KEY ISSUES

Principle of development

The principle of the conversion has been previously assessed as acceptable under reference 15/3527. There are some changes to the plans however as extensions have been added under permitted development rights, and also a new Development Management Plan has been in force since October 2016. The proposal is therefore re-examined.

Representations received

Material objections have been received regarding:

- -reported lack of use as a family dwellinghouse following the addition of permitted development extensions; -possible parking issues following occupation;
- -removal of a tree on the site;
- -the possibility of the use of the roof of the rear extension as a sitting out space.

Representations were received that are not material to the application in terms of party wall matters, construction vehicle movements and parking, soundproofing (a Building Control matter) and and outbuilding given a certificate of lawfulness under a previous application.

RELEVANT SITE HISTORY

15/3527: Conversion of single dwelling house into five self-contained flats including external works and cycle parking. Granted, 12/4/16.

16/0402: Certificate of lawfulness for proposed rear dormer incorporating a Juliet balcony. Granted, 31/3/16

15/3427: Certificate of lawfulness for proposed rear outbuilding to dwellinghouse: Allowed at appeal, 8/6/16

16/3358: Prior approval for a single storey rear extension to dwellinghouse, in metres: Extending beyond the rear wall of the original house – 6; Maximum height - 2.9; Eaves height - 2.9. Prior approval granted, 8/9/16

CONSULTATIONS

Statutory publicity

Initial neighbour consultation letters were dispatched on 17/3/17, to 14 neighbours and nearby residents.

5 objections were received, on the following grounds:

<i>Objection</i>	<i>Referred to in paragraph(s)</i>	<i>Comment</i>
Permitted development extensions require use as a single family dwellinghouse	1.1 to 1.5	Material
Tree has been removed without permission		Material
Black window frames not in keeping with other properties	2.3	Not part of the application
Parking issues following occupation	5.1-5.3	Material
Flat roof of ground floor extension could be used as a terrace	4.3	Material
Erection / possible future usage of outbuilding	3.9	Material in so far as amenity space is concerned
Party wall notice not issued		Civil matter
Parking issues during construction		Highways matter
Soundproofing requirements should be met		Building Control matter

Internal consultation

Highways Officers were also consulted and their comments are considered within section 5, Parking and Access.

POLICY CONSIDERATIONS

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the 2010 Brent Core Strategy, the 2016 Brent Development Management Policies Document and the 2016 London Plan (Consolidated with Alterations since 2011). The specific policies applicable to this application are:

Brent Development Management Policy 1- General Planning Policy, 12- Parking, 16- Resisting Housing Loss, 17- Conversion of Family-Sized Dwellings, 18-Dwelling Size and Residential Outbuildings, and 19- Residential Amenity Space; Core Strategy 2010: CP17- Protecting and Enhancing the Suburban Character of Brent; CP21: A Balanced Housing Stock

Other material planning considerations include:

- National Planning Policy Framework (2012)
- SPG17 – Design Guide for New Developments

The London Plan Housing SPG (2012)

DETAILED CONSIDERATIONS

Key considerations

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

1. Principle of the development;
2. Design, impact on street scene and locality;
3. Quality of accommodation;
4. Impacts on neighbouring amenity;
5. Parking, refuse and cycle storage;
6. Summary

1. Principle of development

1.1 The principle of the development is acceptable. Permission has already been granted for conversion of

the property to flats (our reference 15/3527). Since then, the Council has adopted its Development Management Policies DPD (Nov 2016), whilst the building has been extended under permitted development with a rear extension (our reference 16/3358) and a dormer loft conversion (our reference 16/0402). The key question is whether the Council's new policies would now prevent the conversion to flats.

1.2 The relevant policy is DMP17, 'Conversion of Family Sized Dwellings', which states that conversion of a family sized home will only be permitted where it results in at least one 3-bedroom dwelling being created with direct access to the garden and where the size of the previous dwellinghouse was at least 130sqm.

1.3 The size of the property prior to extension was more than 300m² and a large 3-bedroom flat with a generous amenity space is being created. Therefore the principle of the conversion is acceptable.

1.4 A secondary question is the validity of the extensions carried out under permitted development. Whilst that does not affect the consideration of this application, the applicant will be reminded via an informative that if the works to convert the property to flats are commenced before the property is reoccupied as a single family dwellinghouse, that could invalidate the lawfulness of those extensions.

2. Design, impact on street scene and locality

2.1 There are no external alterations aside from to the front garden, including the bin store and the cycle store. The proposed store would be 2.3m in height and built in timber, and would not be considered harmful to the street scene.

2.3 A comment has been received regarding the use of black window frames. These works are completed under permitted development and are not part of this application.

2.4 A comment was received regarding the removal of a tree, TPO reference 08.00055. This has been investigated with the borough Tree Officer and it is established that permission to remove this was granted on arboricultural grounds, with a condition that a replacement tree is planted. The replacement tree is to be a Heavy standard Ginkgo bilboa to be planted in the next available planting season within the rear garden. The tree preservation order will then be amended to reflect the change in species and position.

3. Standard of accommodation

3.1. The development would result in a good standard of accommodation for future occupants.

3.2 The proposed floor area for the dwellings meet the London Plan floor space standards as stipulated within table 3.3 of Policy 3.5 as required by DMP policy DMP 18. There is a provision of a family unit to the ground floor, with access to a large garden. The requirements for Policy CP21 in the Core Strategy and DMP17 are therefore met.

3.2. The accommodation is spacious and logically laid out with room uses generally stacked with like uses above each other. The addition of the rear extension means that the lower ground flat now has an improved layout compared to the previous permission, and the loft flat is a one-bedroom, 2-person flat rather than a studio.

3.3 The third bedroom of the lower ground floor flat (Flat 1) has an outlook directly onto the communal side walk, which is acceptable only on the basis that this is the third of three bedrooms and the quality of overall accommodation and size of the unit can mitigate against this. Flat 4 is north facing which is acceptable as the size and quality of the overall accommodation mitigates against this. The flat within the roof (Flat 5) satisfies the requirement of at least 75% of floor area at 2.3m head height and above.

3.9. A communal garden would be provided to the rear of the property for Flats 2-5, totalling 140sqm around a 100sqm outbuilding (allowed at appeal, our reference 15/3427). This is not subject to this application and as with the extensions, the property would need to be occupied as a single family dwellinghouse before the conversion is implemented, to prevent the outbuilding becoming unlawful. After the outbuilding has been lawfully established, the applicant plans for this to be a leisure facility for the residents comprising a pool and gym. A restrictive condition is proposed that would limit the use of the outbuilding for purposes incidental to the enjoyment of the residents of the property.

3.11. The proposed dwellings are considered to provide an acceptable standard of accommodation and amenity for future occupiers whilst complying with policy 3.5 of the London Plan and policies cited above in the Brent Development Management Plan, and the flats created will provide flexible accommodation of a mix

of sizes in line with CP21-Balanced Housing Stock.

4. Impact on neighbouring amenity: privacy / overshadowing/noise

4.1. The increase in flats is unlikely to increase noise or disturbance to unacceptable levels. The type of accommodation would be typical of this street.

4.3. An objection was received regarding possible use of the roof of the rear extension as a terrace. As the room above has a window not a door, to the rear, which is 1.2m above the roof of the extension, this is not considered to be something especially enabled by the arrangements of the build, and also the residents of Flat 2 would have access to the communal rear amenity area. However a condition would be added precluding its use as a sitting-out area.

4.4. Officers consider that normal use of the garden and planned indoor leisure facility by the residents is unlikely to cause undue disturbance.

5. Parking and servicing

5.1. The parking and servicing impacts of the proposal would be acceptable.

5.2 Car parking allowances for residential use are set out in Appendix 1, Parking Standards, to Policy DMP 12 of the Development Management Plan (2016). The existing house is therefore permitted up to 1.2 off-street parking spaces and the proposed conversion of the property into 3 x 1-bed, 1 x 2 bed and 1 x 3-bed flats will increase this allowance to 4.2 spaces, which is considered to be a significant increase. With no off-street parking available or proposed within the site, standards would continue to be complied with.

5.3. However, where parking standards increase as a result of flat conversions, Policy DMP12 requires the impact of additional on-street parking to be assessed, and sets out the circumstances under which on-street parking can be considered to be acceptable. To this end, on-street parking space can be taken into account along the site frontage only on local access roads that are not heavily parked and have sufficient width to accommodate parking on both sides. Christchurch Avenue is not noted as being a heavily parked street, so is able to safely accommodate two parking spaces along the site frontage. However, this is insufficient to meet the standard for five flats, leading to the potential for parking to extend along the frontage of neighbouring properties.

5.4. A condition is therefore recommended, removing the future rights of occupiers to on-street parking permits in the area. This will be secured via a condition.

5.5. The London Plan requires the provision of one secure bicycle parking space for each studio or 1-bed flat, and 2 spaces for each larger flat. This equates to seven spaces. The cycle store indicated would provide covered secure storage and now provides seven spaces following amendment so satisfies the requirement.

5.6. Refuse storage for 14 wheeled bins is indicated in the front garden of the site, allowing easy access for collection staff from the highway. Shared use of four wheeled bins plus organic recycling boxes should actually be sufficient to serve these five flats though. These are proposed to be stored in large structures that would be 2.3m in height; this is excessive for refuse and cycle storage and further details will be required to reduce the scale of these whilst also ensure existing landscape features are preserved and new planting added to mitigate for the increased use of the front garden for these purposes.

5.6. External storage space is provided for the flats to the rear of the property.

5.6. Subject to a condition to remove the right of future occupiers of these flats to on-street parking permits in the area, there would be no objections on transportation grounds to this proposal.

6. Summary

6.1. The proposed dwellings will provide additional homes within the Borough, including a family home, of a good standard in terms of the quality of the accommodation and amenity space. The proposal would preserve the property's character, subject to further details of the front garden layout, and the conversion and use as flats would not be considered to adversely impact on the amenities of surrounding properties.

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

CIL DETAILS

The proposal is liable to pay CIL as set out below despite providing less than 100sqm of new floorspace because the proposal comprises at least one new residential unit, in accordance with Reg 42(2) of the CIL Regulations 2010 (as amended), the provisions of which supersede the provisions of Reg 42(1) 'exemption for minor development'.

This application is liable to pay **£28,222.20*** 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): 381 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	381	287	94	£200.00	£35.15	£24,003.57	£4,218.63

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 (Ip)	286	
Total chargeable amount	£24,003.57	£4,218.63

*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: 17/1000

To: Miss Collaro
DS Squared Architects
DVS House
4 Spring Villa Road
London
HA8 7EB

I refer to your application dated 06/03/2017 proposing the following:
Conversion of single dwelling into 5 self-contained flats (2 x studio, 1 x 1bed, 1 x 2bed and 1 x 3bed), with associated refuse storage and cycle parking
and accompanied by plans or documents listed here:
See Condition 2
at 19 Christchurch Avenue, London, NW6 7QP

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: 12/05/2017

Signature:

Alice Lester
Head of Planning, Transport and Licensing

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 the Development Plan.
- 1 To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website. The Council also offers a pre-application advice service, which was not used in this case. Amendments were secured to assist in working towards a positive outcome.
- 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 Occupiers of the residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within any existing or future Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. For the lifetime of the development a notice, no smaller than 30cm in height and 21cm in width, clearly informing occupants of this restriction shall be displayed within the ground floor communal entrance lobby, in a location and at a height clearly visible to all occupants. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

Reason: In order to ensure that the development does not result in an increased demand for parking that cannot be safely met within the locality of the site.

- 3 The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

Received 7/3/17: 15026PJ01.01; Received 26/4/17:; Received 2/5/17: 15026PJ02.01 revB;
Received 12/5/17: 15026PJ02.02 revB; 15026PJ02.00 revB

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

- 4 No access shall be provided to the roof of the extension by way of window, door or stairway and the roof of the extension hereby approved shall not be used as a balcony or sitting out area.

Reason: To preserve the amenity and privacy of neighbouring residential occupiers.

- 5 Any external lighting is required to meet with CIBSE and ILE criteria of a maximum 2 lux at the nearest neighbouring residential window.

Reason: In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to neighbouring properties.

- 6 The landscape works and planting shown on the approved plans shall be carried out prior to the occupation of any part of the development, in accordance with a programme agreed in writing with the Local Authority.

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 with others of a similar size and species and in the same position, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the area.

- 7 The outbuilding approved under Certificate of Lawful Development 15/3427 on appeal shall be used only for purposes of the amenity of the residences hereby approved, and not as a separate dwelling for overnight occupation of any kind, whether on a permanent, temporary or short lets basis.
- 8 Details of materials for all external work in the form of a colour photomontage, keyed to elevational drawings, to include but not limited to: window details including finishes, door design and finish and drainage goods, shall be submitted 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 visual amenity of the locality.

- 9 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(s):

in the interests of the privacy and amenity of the occupants of the application site and neighbouring properties., and in the interests of the visual amenity and character of the locality.

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
- 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.
- 4 The applicants are reminded that if the the works to convert the property to flats are commenced before the property is re-occupied as a single family dwellinghouse, that could invalidate the lawfulness of the extensions completed under permitted development.

Any person wishing to inspect the above papers should contact Michele Katzler, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5231