


**Committee Report
Planning Committee on 15 February,
2012**

Case No.

11/2959

 **Planning Committee Map**
Site address: 123 & 125 Preston Hill, Harrow, HA3 9SN
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This map is indicative only.

RECEIVED: 14 November, 2011

WARD: Kenton

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 123 & 125 Preston Hill, Harrow, HA3 9SN

PROPOSAL: Demolition of existing two bungalows and erection of six x four-bedroom two-storey detached dwellinghouses with accommodation in the roof and associated changes to existing two vehicular crossovers, new access road, eleven off-street parking spaces and hard and soft landscaping accompanied by Design & Access Statement and completed Brent Sustainable Development Checklist

APPLICANT: Mr Hamid Mirza

CONTACT: DS Squared Architects

PLAN NO'S:

08021 P 0101; 08021 P 0102; 08021 P 0103; 08021 P 0104; 08021 P 0105; 08021 P 0106 Rev A; 08021 P 0107

RECOMMENDATION

Refusal

EXISTING

The application site comprises two detached single-storey dwellinghouses (Nos. 123 and 125) on the east side of Preston Hill with a combined site area of approximately 0.19ha. The site lies within a suburban area that is characterised by predominantly inter-war two-storey houses, many on generous sized plots, although there are a wide variety of designs of properties within the road, with a mixture of detached and semi-detached dwellings and some single-storey dwellinghouses. In general houses have generous rear gardens with substantial landscaping.

The site has a narrow (approximately 15m) wide frontage with Preston Hill and the majority of the site comprises backland development beyond the plot of No. 125 Preston Hill. Further, much of the site comprises the gardens to the detached houses and as such is not previously developed land (PDL) as defined by PPS3 (3rd edition). The northern boundary is shared with No. 121 Preston Hill, a detached house in use as a doctor's surgery on the ground floor and residential above. The eastern boundary is shared with the rear gardens of Nos. 3 & 5 Dorchester Way and 1a Dorchester Way, a yard that recently received planning permission for erection of three terraced houses (LPA ref: 11/0082). The southern boundary abuts Sandy Lane, a footpath, with Vane Close beyond.

The site has low access to public transport (Public Transport Accessibility Level (PTAL) of 1) with Preston Hill serviced by one bus route, 204, and The Mall by route 79.

PROPOSAL

The proposal involves the demolition of the existing detached houses and the erection of six two-storey (with accommodation in the roof) detached houses. One would be positioned in a similar location to the original No. 125 and the remainder would be positioned within the backland part of the site, accessed via a new road to the north of the frontage property.

The houses are numbered 1-6 on the plans. Although differences in internal layout means there are three house types proposed, each house is the same as the next in terms of dimensions and area. The houses would be 8.6m deep, 6.8m wide and 9.2m to the ridge with eaves at 5.4m. All houses would have four bedrooms in an area of 143sqm, with two bedrooms apiece on the first and second floors.

House 1 would be located at the front of the site, with an individual vehicular access from the highway. It would be positioned between 2-3m from the boundary with the neighbouring property No. 127 and would have a relatively small, irregularly shaped garden.

Houses 2-6 would be positioned to the rear of House 1, on the backland. These would be accessed via a 4.8m access road with 500mm margins on either side. This leads to a cul-de-sac with the five detached houses arranged neatly on either side, with two to the west and three to the east. Each house would sit on a 10m wide x 23-24m deep plot with a 10m deep garden and two off-street parking spaces within the forecourt.

HISTORY

In April 2011 permission was sought for the demolition of the two dwellings and their replacement with a eight two-storey dwellinghouses with associated hard and soft landscaping (11/0859). This was withdrawn prior to determination.

POLICY CONSIDERATIONS

The development plan for the purposes of S38 (6) of The Planning and Compulsory Purchase Act 2004 is the Adopted Brent Unitary Development Plan 2004, the Brent Core Strategy 2010 and the London Plan 2011.

Brent Unitary Development Plan 2004

Within the 2004 UDP the following list of polices are considered to be the most pertinent to the application.

Strategic

- STR3 In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).
- STR5 A pattern of development which reduces the need to travel, especially by car, will be achieved.
- STR12 Planning decisions should protect public health and safety and in particular, support the achievements of targets within the National Air Quality Strategy.
- STR13 Environmentally sensitive forms of development will be sought.
- STR14 New development to make a positive contribution to improving the quality of the urban environment in Brent
- STR15 Major development should enhance the public realm.

Built Environment

- BE2 On townscape: local context & character states that proposals should be designed with regard to their local context, making a positive contribution to the character of the area.
- 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.
- BE4 States that developments shall include suitable access for people with disabilities.
- BE5 On urban clarity and safety stipulates that developments should be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.

- BE6 Discusses landscape design in the public realm and draws particular attention to the need to create designs which will reflect the way in which the area will actually be used and the character of the locality and surrounding buildings. Additionally, this policy highlights the importance of boundary treatments such as fencing and railings which complement the development and enhance the streetscene.
- BE7 Public Realm: Streetscene
- BE9 Seeks to ensure new buildings, alterations and extensions should embody a creative, high quality and appropriate design solution and should be designed to ensure that buildings are of a scale and design that respects the sunlighting, daylighting, privacy and outlook for existing and proposed residents.
- BE12 States that proposals should embody sustainable design principles commensurate with the scale and type of development.

Housing

- H9 Requires developments capable of 15 or more dwellings to have a mix of family and non-family units.
- H12 States that the layout and urban design of residential development should reinforce or create an attractive and distinctive identity appropriate to the locality, with housing facing streets, and with access and internal layout where cars are subsidiary to cyclists and pedestrians. Dedicated on-street parking should be maximised as opposed to in-curtilage parking, and an amount and quality of open landscaped area is provided appropriate to the character of the area, local availability of open space and needs of prospective residents.
- H13 Notes that the appropriate density for housing development will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.
- H14 The appropriate land density should be achieved through high quality urban design, efficient use of land, meet housing amenity needs in relation to the constraints and opportunities of the site.
- H15 Special regard should be paid to certain issues where backland development is proposed
- H15 Planning permission should be refused where development underutilises a site
- H29 On accessible housing proposes that new and converted housing should be fully accessible for elderly and disabled residents.

Transport

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- TRN2 Development should benefit and not harm operation of public transport and should be located where access to public transport can service the scale and intensity of the proposed use
- TRN3 Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.
- TRN14 New highway layouts, visibility splayed and accesses to and within development should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.
- TRN23 On parking standards for residential developments requires that residential developments should provide no more parking than the levels listed in PS14 for that type of housing.
- TRN34 The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.
- TRN35 On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.
- PS14 Residential car parking standards

- PS15 Parking standards for disabled people
- PS16 Cycle parking standards

Brent Core Strategy 2010

The following spatial policies are considered relevant to this application:

- CP 1 Spatial development strategy
This sets out the spatial strategy, outlining where growth is to be focused.
- CP 2 Population and housing growth
Sets out the appropriate level of growth across the borough, including the number of new homes and proportion of affordable housing sought
- CP 5 Place making
Sets out requirements for place making when major development schemes are considered
- CP 6 Design & density in place shaping
Sets out the requirements for appropriate design and density levels for development
- CP 15 Infrastructure to support development
Requires that the infrastructure requirements of new development are met
- CP 17 Protecting and enhancing the suburban character of Brent
Balances the regeneration and growth agenda promoted in the Core Strategy, to ensure existing assets (e.g. heritage buildings and conservation areas) are protected and enhanced. Protects the character of suburban housing and garden spaces from out-of-scale buildings.
- CP 21 A balanced housing stock
Seeks to maintain and provide a balanced dwelling stock to accommodate the wide range of Brent households by: ensuring appropriate range of dwellings and mix; defining family accommodation as units capable of providing three or more bedrooms; requiring new dwellings be 100% Lifetime Homes and 10% wheelchair accessible; contributes to non-self contained accommodation and care & support housing where needed.

Brent Supplementary Planning Guidance

SPG3 Forming an access onto a road

Sets out the standards for the formation of an access onto a highway.

SPG17 Design Guide for New Developments

Sets out the general design standards for development and has regard to the character, design and appearance of developments, the design layout with respect to the preservation of existing building lines, size and scale of buildings and structures, and privacy and light of adjoining occupants. This policy guidance document addresses residential densities, minimum sizes for residential dwellings, external finishing materials, amenity spaces and parking related issues.

The above policies and guidance seeks to ensure that development should not significantly affect the amenities of the occupiers of the neighbouring properties and should be in keeping with the design, scale and character of the surrounding area.

SPD S106 Obligations

Regional

London Plan 2011

Strategic planning in London is the shared responsibility of the Mayor of London, 32 London boroughs and the Corporation of the City of London. Under the legislation establishing the Greater London Authority (GLA), the Mayor has to produce a spatial development strategy (SDS) –

which has become known as 'the London Plan' – and to keep it under review. Boroughs' local development documents have to be 'in general conformity' with the London Plan, which is also legally part of the development plan that has to be taken into account when planning decisions are taken in any part of London unless there are planning reasons why it should not.

Policies relevant to this application include:

Policy 3.3	Increasing Housing Supply
Policy 3.4	Optimising Housing Potential
Policy 3.5	Quality and Design of Housing Developments
Policy 7.4	Local Character
Policy 7.6	Architecture

National

Draft National Planning Policy Framework, July 2011

The draft National Planning Policy Framework (NPPF) sets out the Government's economic, environmental and social planning policies for England, seeking to replace existing planning policy guidance and statements. The NPPF sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

It establishes a presumption in favour of sustainable development: local planning authorities should plan positively for new development, and approve all individual proposals wherever possible. Local planning authorities should: (1) prepare Local Plans on the basis that objectively assessed development needs should be met, and with sufficient flexibility to respond to rapid shifts in demand or other economic changes; (2) approve development proposals that accord with statutory plans without delay; and (3) grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.

All of these policies should apply unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Planning Policy Statement 1: Creating Sustainable Communities

PPS1 sets out the Government's vision for planning and the key policies and principles which should underpin the planning system. These are built around three themes – sustainable development – the purpose of the planning system; the spatial planning approach; and community involvement in planning.

Planning Policy Statement 3: Housing

PPS3 establishes the Government's objectives for housing and reinforces the commitment to more sustainable patterns of development. PPS3 sets broad guidelines for the provision of affordable housing, placing emphasis on the importance of high quality design and creating mixed, balanced and integrated communities with wider opportunities for home ownership and improved affordability through an increase in supply of housing. The guidance also requires Local Authorities to deliver sustainable development objectives.

See revised PPS3 (3rd edition) published 9 June 2010: In essence, private residential gardens are now excluded from the definition of previously developed land in Annex B. Local Planning Authorities and the Planning Inspectorate are expected to have regard to this new policy position in

preparing development plans and, where relevant, to take it into account as a material consideration when determining planning applications (Letter to Chief Planners, 15 June 2010).

Planning Policy Guidance 13: Transport, 3 January 2011

PPG13 outlines the Government's aim of achieving reduced car dependency via transport and planning policies that are integrated at the national, strategic and local level. The objectives of this guidance are to integrate planning and transport at the national, regional, strategic and local level to: (a) promote more sustainable transport choices for both people and for moving freight; (b) promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and (c) reduce the need to travel, especially by car. The guidance places an emphasis on putting people before traffic, indicating that new development should help create places that connect with each other sustainably, providing the right conditions to encourage walking, cycling and the use of public transport.

SUSTAINABILITY ASSESSMENT

Due to the scale of the proposed scheme, the application is not required to comply with the Council's policies regarding sustainable development. Recent developments in national policy, with the publishing of the draft National Planning Policy Framework, have increased the emphasis on sustainable development and establishing a presumption in favour of sustainable development unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits.

The application is supported by a completed Brent Sustainability Checklist which by the applicant's score achieves a rating of Very Positive. Officers do not agree with this rating and the total is likely to be less than the 50 required to achieve Very Positive. The applicant also states that the scheme is designed to achieve Lifetime Homes standards and Code for Sustainable Homes Level 3; renewable energy is to be provided by solar panels to heat water and rainwater harvesting is proposed.

These provisions are welcome and, subject to further details being provided and these standards being secured by a clause within a s.106 agreement, can be considered a planning merit when judging the overall impact of the scheme.

CONSULTATION

Local consultees

Local residents and ward councillors were notified by letter on 02/12/11. All Ward Councillors--Cllrs Kansagra, Colwill and Patel--have written a joint letter to object to the scheme and to request that it be called in for Members to make the final decision. Their reasons for objecting are:

- It is unclear whether the application meets the correct distances set out in the guidance with reference to habitable rooms and the rear boundary fence
- It is a gross overdevelopment of the site
- The new building will overlook neighbouring properties and gardens
- The proposed new entrance will generate an increased amount of traffic on the bend in the road

A total of 6 local residents have objected and a petition with 29 signatories has been received. The reasons for objecting are:

- Impact on character of area
- Impact on neighbouring amenity
- Increase in traffic and congestion

- Safety of proposed access
- Loss of landscape and trees
- Increase demand for local services

Internal consultees

Landscape

No objections subject to further details including:

- (a) Arboricultural survey and report;
- (b) Tree Root Protection plan and method statement to BS:5837;
- (c) Existing contours and levels and any alteration of the ground levels;
- (d) Hard surfaces details including locations, materials and finishes;
- (e) The location, details of materials and finishes of all proposed street furniture, storage facilities, signage and lighting;
- (f) Proposed boundary treatments including screening, walls and fencing, indicating materials and dimensions;
- (g) All planting including location, species, size, density and number;
- (h) A detailed (min 5 year) landscape management plan showing requirements for the ongoing maintenance of hard and soft landscape.

Transportation

No objection subject to:

- (a) a Section 106 Agreement to secure:
 - (i) a financial contribution of £9,000 towards non-car access improvements to the site;
 - (ii) funding of works to provide amended vehicular access to the development and to resurface the footway to the front of the site;
- (b) a condition to secure minor amendments to the site layout to:
 - (i) a minor alteration to the site layout to reduce the margin in front of the driveway for house no. 5 to 500mm in order to provide a 4.8m deep driveway; and
 - (ii) a condition requiring the submission and approval of further details of shared surface and driveway materials, lighting and drainage, there would be no objections on transportation grounds to this proposal.

Environmental Health

Works to accord with BS Code of Practice 5228:1997 parts 1 to 4.

REMARKS

Key considerations

Your officers consider the main planning issues are:

1. Principle, including backland development
2. Impact on character of area
3. Impact on neighbouring amenity
4. Standard of accommodation
5. Parking and access
6. Landscape and trees
7. Other

1. Principle

1.1 Development of gardens

Until June 2010, private residential gardens were classified as previously development land (PDL) in *Planning Policy Statement 3: Housing* (PPS3). This meant that gardens were subject to the same policy direction to make effective and efficient use of land, albeit with the caveat that “there is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.” (CLG, 2010: para 41).

Revised PPS3 (3rd edition) was published 9 June 2010; in this revised document, the Government has amended the definition of previously developed land as follows:

Previously-developed land (often referred to as brownfield land)

‘Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.’

The definition includes defence buildings, but excludes:

- *Land that is or has been occupied by agricultural or forestry buildings.*
- *Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures.*
- *Land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.*
- *Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings).*

There is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.
(PPS3, 9 June 2010: p26)

Local Planning Authorities and the Planning Inspectorate were directed by the Chief Planner (Steve Quatermain, CLG) to have regard to this new policy position in preparing development plans and, where relevant, to take it into account as a material consideration when determining planning applications (Letter to Chief Planners, 15 June 2010). The Chief Planner also wrote that the Government was seeking to decentralise planning “*by giving Local Authorities the opportunity to prevent overdevelopment of neighbourhoods and ‘garden grabbing’.*” (15 June 2010).

Your officers are of the opinion that the changes to the definition of PDL do not mean development of private residential gardens is no longer possible; instead, your officers judge that the changes increase the weight given to the need to ensure development respects the character of the area. Paragraph 49 of PPS3 relates to efficient use of land and intensification, stating that “careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate” (CLG, 2010). In the case of Brent, the adopted Core Strategy sets out the chosen local strategy as one of directing new housing to the identified growth areas (policy CP1, CP2) and to protect and enhance the suburban character of Brent (policy CP17). It is clear that the chosen local strategy is one which requires more weight to be given to the protection of suburban character than under the policy regime in place prior to June 2010.

At the regional level, Policy 3.4 *Optimising Housing Potential* within the London Plan 2011 replaces policy 3A.3 *Maximising the Potential of Sites* of the 2008 Plan, which indicates a similar more to ensure local context and character are given greater weight than, for example, the density of a scheme.

As a result of this clear direction in the Core Strategy and the significant change in emphasis at the national level on the development of gardens, it is reasonable that the manner in which

applications for backland development on residential gardens are considered should change and the judgements made in respect of relevant UDP policies may change; therefore it is reasonable that development which might have been acceptable before the change to PPS3 and the adoption of the Core Strategy may not now be acceptable and thus other decisions made before 2010 cannot be a wholly accurate guide to future decisions.

1.2 Backland policies

The application involves the demolition of existing houses and the redevelopment of this frontage and the gardens to the rear; in this case these rear gardens would constitute backland development (see para 5.13.2, UDP 2004: p94). Brent Council policies do not prevent development of gardens, nor does any national or regional planning policy, but the supporting text for the backland development policy in the UDP states that “such development can have a severely detrimental impact on the character of the surrounding residential area and on the amenities of adjoining dwellings.” (para 5.13.1: p94)

Where backland development is proposed, Policy H15 requires special regard to be had to, amongst other things, (a) the density and height of the proposal which should be subsidiary to the frontage housing; (b) the privacy and outlook from existing dwellings and in particular gardens; (c) any proposed demolition of existing dwellings or parts of dwellings to form access - if this would create an unattractive breach in a consistent street frontage this will not be permitted; (d) access arrangements which would cause significant nuisance to neighbouring properties; and (f) the effect and cumulative impact of the development on the loss of garden habitat. Criteria (e) and (g) are not relevant in this case.

Regard should also be had to policy CP17 *Protecting and Enhancing the Suburban Character of Brent* which reads:

The distinctive suburban character of Brent will be protected from inappropriate development. The Council will bring forward design guidance that limits development, outside of the main town centres and away from corner plots on main road frontages, which would erode the character of suburban housing. Development of garden space and infilling of plots with out-of-scale buildings that do not respect the settings of the existing dwellings will not be acceptable. The Council supports emerging London Plan policy to limit the inappropriate development of back gardens that erode the character of suburban areas.

Criteria (a) - subsidiarity

Policy H15 relates to backland development which requires special regard be had to, amongst other things, the height and density of the proposal which should be subsidiary to the frontage housing. Policy CP17 seeks to limit development which would erode the character of suburban housing and prevent the development of garden space with out-of-scale buildings that do not respect the settings of the existing dwellings.

The use of the word ‘subsidiary’ in Policy H15(a) indicates an underlying objective that backland development, whilst related, auxiliary or supplementary to the frontage housing, should also be secondary in importance, having regard to its density and height.

Each backland house is the same in height and bulk as the frontage house and each has a similar sized plot. Your officers are of the view that it is likely that the rear houses will appear to be as significant as the frontage house in terms of height, bulk and scale.

The rear houses would not be secondary in importance or subordinate to the frontage house. In this respect the proposed scheme would not comply with policy H15(a) of the UDP nor policy CP17 of the Core Strategy.

Policy H15(a) also requires a comparative analysis of density within the scheme between the backland development and the frontage housing. The applicant has provided comparative densities of the respective areas for the frontage housing and backland development which indicates the following:

	<i>Frontage</i>	<i>Backland</i>
Area:	0.0246ha	0.1688ha
Hab rooms:	7	35
Density:	284hrh	207hrh

The density of the backland part of the site would be subsidiary to the density of the frontage house; as such the respective densities are considered acceptable. This does not change the opinion of officers that the rear houses themselves are not secondary in importance to the frontage house.

Criteria (b) - privacy and outlook

Other matters to be given special consideration include the privacy and outlook from existing dwellings and in particular their gardens, for which some guidance is given in SPG17. The borough's key policy objective for development of this type is for the backland development to be subsidiary: as a result, in the borough's less dense suburban locations schemes may be subject to a stricter interpretation of those policies and the objectives of SPG17.

Houses 2, 3, 5 and 6 are forced to be close to the boundaries--between 1.5m and 2.5m--of the site in order to accommodate their number. This fails the 45 degree line when measured from neighbouring amenity space. The relationship between Houses 5 and 6 and neighbouring amenity space is of particular concern. From the garden of No. 127 the flank of House 6 would be overbearing and harmful to the enjoyment of their amenity space. Similarly, from the garden of No. 121, which is presumed to be used by the occupants of the first floor flat, the flank of House 5 would be overbearing and harmful to their enjoyment of their amenity space.

The proposed rear houses would substantially change the outlook for all neighbouring residents from their houses and gardens but, other than No. 127 and No. 121, the development would not have an overbearing effect on the outlook from most properties or their gardens.

At 10m, each house is as close to the boundary as SPG17 suggests is normally permissible to maintain privacy, indicating that a degree of discretion is needed in the application of the guidance. At least six windows of the development would overlook, at a distance of 10m, neighbouring rear gardens (including 3 and 5 Dorchester Way and the development site at 1a Dorchester Way) and the offending windows would include several second storey level windows, the height of which would cause an even greater potential for overlooking than first floor windows.

Although this overlooking would be of the ends of the neighbouring gardens, residents should have an expectation of some privacy within their gardens, particularly towards the rear away from neighbouring windows and consequently your officers conclude that the proposal would be likely to result in a loss of privacy for a number of neighbouring residents and that this would cause significant harm to their living conditions.

Your officers judge the scheme to be unacceptably harmful in respect of privacy and outlook.

Criteria (c) & (d) - access arrangements

The proposal enlarges an existing access so there would be no breach in a consistent streetscene and the additional vehicular movements would not be so close to sensitive residential accommodation as to cause a disturbance. In this respect the application is acceptable.

Criteria (f) - loss of garden habitat

Trees along Sandy Lane boundary would be lost without scope for a replacement landscape buffer, however the gardens would be large enough to accommodate new tree planting. In this respect the application is acceptable.

1.3 Density

National, regional and local policies seek to maximise the potential of the site, with PPS3 and the London Plan encouraging the efficient use of land. Policy 3.4 of the London Plan aims to optimise the potential of a site taking account of local context and character, London Plan design principles and public transport capacity. Policy H13 of the UDP relates to density and states that the primary consideration in determining the appropriate density of new development will be achieving an appropriate urban design which makes efficient use of land and meets the amenity needs of future residents. It goes on to say that density should have regard to context and nature of the proposal, the constraints and opportunities of the site and the type of housing proposed. The recently adopted Core Strategy policy CP6 also seeks to ensure developments have proper regard to policy 3A.3 (the predecessor to policy 3.4) and states that “a notional density figure is not the only consideration, and the quality of design, location of the site and the need to provide family housing are all important”.

The proposed scheme has a site area of 1948sqm (0.1948ha), as stated in the application form. The scheme proposes 6 units with a total of 42 habitable rooms. Habitable rooms are counted using the method in the Glossary of the UDP, whereby rooms over 18sqm are counted as two habitable rooms (UDP 2004: p288). The area for calculating density includes the frontage to the midpoint of the highway (Appendix 3, UDP 2004: p104); this increases the site area to 1,971qm (0.1971ha). The overall density is 213 habitable rooms per hectare (hrh), or 30 dwellings per hectare (dph).

The density of 213hrh is within the relevant density range in SPG17 but above the range of the London Plan density matrix for a suburban site with low public transport accessibility. In light of this your officers do not raise an objection to the density figure; the policy position is clear that urban design and not density is the main driver of what can be considered acceptable. The change to policy 3.4 (see above, section 1.1)—which is followed by changes to the emphasis in the text of the policy to give greater prominence to “taking account of local context and character”—suggests arguments promulgated within the Design and Access Statement about the low density of the scheme should not sway Members in reaching their decision (see para 2.2, Design & Access Statement: p6 and para 4.18: p13).

2. Impact on character of area

The proposed scheme differs substantially to the existing two detached houses in terms of architectural style and materials. Your officers raise no objection to the design approach taken in terms of a contemporary approach and judge it to be appropriate to the area. There are matters relating to bulk, mass and form, however, that raise concerns and these are addressed below.

As discussed above, in section 1.2, the proposed rear houses are the same height as the frontage house to ridge and to eaves; this, combined with their footprint, plot size and orientation, means they would appear to be a bulky and out of scale addition to the area, to the detriment of the suburban character of the area and the settings of the existing dwellings.

The houses are arranged either side of an access road in a regimented manner; your officers are particularly concerned with this regimented layout which contrasts strongly with the surrounding suburban housing. A nearby development to the south of Sandy Lane has a similarly regimented layout, although that is a more comprehensive site with sufficient space for a more substantial road width.

Your officers recognise that views of the rear of the proposal from the public realm of Preston Hill and Dorchester Way would be limited and consequently little harm would be caused to the appearance of these roads' streetscenes. However, the scheme would be clearly seen from the rear windows and back gardens of many houses in these streets and from Vane Close and your officers consider that the proposal's dominant and alien appearance would cause significant harm to their residents' appreciation of the neighbourhood in which they live, to the detriment of the character and appearance of the area. Further, the front house, by virtue of its projecting gable front, overhanging eaves and proximity to the back edge of the footpath would be harmful to the appearance of the streetscene.

Your officers conclude therefore that the proposal conflicts with policies BE2, BE3, BE9, H12 and H15(a) of the adopted Brent Unitary Development Plan and policy CP17 of the Core Strategy. The development would fail to make a positive contribution to the character of the area, or to have regard to the existing urban grain or be of a scale, height and attractive layout appropriate to its setting, whilst the rear houses would not be secondary in importance or subordinate to the frontage house.

It also conflicts with the requirement of H13 of the UDP that in seeking to make efficient use of land residential development should be of an appropriate urban design. In this manner your officers consider the recent change to the London Plan policy to optimise rather than maximise the use of land (see section 1.1, above) is relevant.

Regard should also be had to the amount of hard landscaping particularly to the front of each of the rear houses and the extent of road required to service the site and the lack of scope this cramped layout has to provide replacement soft landscaping; thus the scheme is also contrary to policies BE6, BE7 and H12(e).

In your officers' opinion the application site is too small to support the number of units proposed and the manner in which they are arranged; the scheme constitutes overdevelopment and is out of keeping with the character of the area.

3. Impact on neighbouring amenity

The Council seeks to protect the amenity of neighbouring occupants to acceptable standards whilst recognising the right of land-owners to develop their property. On new developments such as this the main impact on amenity arises from (i) overbearing impact of the size and scale of the building(s); (ii) loss of outlook, which is related to overbearing impact; (iii) loss of privacy; and (iv) loss of sunlight. The Council has published supplementary planning guidance which establishes generally acceptable standards relating to these matters, although site specific characteristics will mean this must be treated as guidance and could be tightened or relaxed accordingly. Overbearing impact arising from the height of blocks is controlled via 30 degree and 45 degree planes from neighbouring habitable rooms and relevant boundaries; privacy is quoted as distances between directly facing habitable windows and from boundaries. Neither outlook nor light have specific values, although light is generally controlled to BRE standards.

In addition to the amenity issues discussed above, the Council has policies to protect residential amenity from noise and disturbance if these are likely to be generated at an unacceptable level. Development for residential purposes can cause noise and disturbance but it is necessary to consider the existing use and the site characteristics, and vehicle movements are significant generators of disturbance.

Privacy and outlook have already been considered above, in section 1.2(b).

Given the relationship between House 5 and the boundary of the garden of No. 121, a significant amount of overshadowing will occur to that garden; however the garden is large and as such the relative impact would not be so great as to harm the enjoyment of the amenity space.

Noise and disturbance from traffic been considered above, in section 1.2(c). Whilst a greater intensity of activity on the site would increase the potential for noise and disturbance, there is no evidence to suggest that the level of activity would differ from other suburban detached houses and no material harm to residents is expected in this regard.

Following from the discussions regarding privacy and outlook in section 1.2(b), above, your officers conclude that in terms of neighbouring amenity, the proposal does not comply with policies BE9, H13 and H15(a) and the objectives of SPG17.

4. Standard of accommodation

A good standard of accommodation is a combination of several factors including basic space standards, outlook, privacy, daylight and sunlight and amenity space. A good living environment is subject to more subjective matters such as the quality of that amenity space, the design of the scheme and the relationship with car parking, cycle storage and external factors such as noise and pollution.

The houses all comply with the minimum space standards as set out in SPG17 and policy 3.5 of the London Plan 2011. Each has a private rear garden which exceeds the 50sqm minimum.

Each of the rear houses has at least 10m rear outlook, whereas House 6 at the front relies on outlook to the side due to the size of its rear garden and proximity with Houses 1 and 2. As a consequence House 6 would have an overbearing relationship with the rear gardens of Nos. 1 and 2. Although there would be no loss of privacy as the interior arrangement of House 6 avoids habitable room windows to the rear, it is a cramped relationship indicative of overdevelopment: the rear of House 6 would comply with the 30 degree line but would break the 45 degree line when measured from House 1.

Your officers conclude that the relationship between Houses 1 & 2 and House 6 would be materially harmful to the living environment of occupants of Houses 1 & 2 and the proposal does not comply with policies BE9 and H13 of the UDP and the objectives of SPG17.

5. Parking and access

5.1 Access

The location of the new vehicular access for the service road will be at the same location as the existing vehicular crossover for No. 123, but it will be widened with 6m kerb radii and a raised entry treatment to accommodate access by commercial vehicles. In providing and adjusting the access points to the site, the applicant should also repave the footway along the site frontage. Local residents and Councillors have expressed concerns about the safety of the access but your officers agree with the borough Highway and Transportation officer that the position of the entrance will provide good visibility as vehicles access and egress the site and this, combined with the low volume of vehicle movements expected, would not result in a danger to highway or pedestrian safety.

The access road layout incorporates a 4.8m wide (plus 500mm margins) shared surface and a turning head for emergency, refuse and delivery vehicles. This is sufficient to address previous concerns over access for delivery vehicles, subject to the submission of further details of the surfacing materials for the access road.

5.2 Parking

The parking standard for the proposed houses allows up to a maximum of two spaces for each of the six no. four-bedroom houses, giving a total allowance of 12 spaces. The proposed provision of

12 spaces as shown is therefore acceptable. If the access road is to be adopted as public highway, it is unlikely that the remote parking space shown for house No. 5 would be able to specifically allocated to that property.

The depths of the driveways generally meet standards, but in the case of House 5 adjacent to the turning head, the provision of a 1m margin reduces the driveway depth to 4.3m. This increased margin is not required in front of the driveway though, so can be reduced to 500mm to accommodate a 4.8m long parking space, as long as a 1m margin is retained around the back of the turning area.

Greater provision of soft landscaping is required for the five houses at the rear of the development to comply with the requirements of Policy BE7, whereby at least 50% of the frontages should be soft landscaped. This may result in the reduction of the amount of parking.

5.3 Cycle storage

Standard PS16 requires at least one secure bicycle parking space per unit. The six houses will each have private garden space within which bicycles can be stored.

5.4 Bin storage

Binstores are shown to the front of each property; further details of these would required by condition to ensure they comply with the *Brent Waste and Recycling Storage and Collection Guidance for Residential Properties 2011* and that the stores themselves are not intrusive.

6. Landscape and trees

The application is supported by plans with only indicative soft landscaping.

6.1 Landscape

Further details of the hard and soft landscaping of the site would be required by condition, to include substantial amounts of soft landscaping in the forecourts of each of the five rear houses. The extent of hard landscaping required to provide sufficient off-street parking and to access those spaces, the regimented manner in which the site is laid out and the proximity of the new houses to the boundaries of the site reduces the scope to provide meaningful replacement landscaping. This is important as substantial landscaping is required to soften the scheme and maintain the character of the area in light of its backland nature and at present the scheme fails to comply with policies BE6, BE7 and H12(e).

6.2 Trees

There are a number of existing trees on site, particularly along the southern boundary with Sandy Lane, and it is likely that the majority of those could not be retained with the development. No information has been submitted to support the removal of those trees which make a contribution to the character of the area from both the street and from neighbouring gardens.

7. Other

7.1 Response to objectors

Most of the concerns raised by objectors and Councillors are addressed in the discussion above. Residents have also raised concerns about the increased demand for local services arising from the development. The Council recognises that development of any scale can have an impact on local infrastructure as new population enters an area; this impact is particularly keenly felt on local schools, healthcare facilities and the road network. In recognition of this fact the Council can enter

into a S106 legal agreement to secure financial contributions to enable the Council to provide improvements and enhancements of local facilities to accommodate the new population. This application would, if approved, require a contribution of £51,000 to provide improvements to local infrastructure; this is in line with the standard charge set out in the Council's SPD on S106 contributions.

7.2 S106

For clarity for Members and the applicant, the application would require the following planning obligations to be secured by a Section 106 Agreement:

- (a) Payment of the Council's legal and other professional costs in a) preparing and completing the agreement and b) monitoring and enforcing its performance
- (b) A contribution of £3,000 per net additional bedroom, (totalling £51,000), index-linked from the date of committee and due on Material Start for Education, Transportation, Air Quality and Open Space in the local area.

The applicant has agreed in principle to the above. As no agreement will be completed as the application is recommended for refusal for other matters, the lack of a legal agreement is listed as a reason for refusal; should the other matters be resolved, however, the agreement could be progressed.

Conclusion

Recent developments in national policy, with the publishing of the draft National Planning Policy Framework, have increased the emphasis on sustainable development and establishing a presumption in favour of sustainable development unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits. This scheme complies with national, regional and local policies to provide new family housing and for development to be sustainable, but your officers do not believe this is sufficient to outweigh the harm of the scheme.

In the opinion of your officers the recent changes to the national and local policy framework, including the policy on private residential gardens, increases the weight which the Council should give to protecting the character of an area. PPS3 has always had a requirement to balance efficient use of land with the character of an area; the change in status of private residential gardens so they are not classified as PDL has added weight to that side of the balance which seeks to prevent harm to the character of suburbia and gardens. The adoption of the Core Strategy shows clearly the intention of Brent Council in seeking to direct development to growth areas and town centres and to protect the suburban character from inappropriate development.

The primary requirement of backland development is that it be subservient to the frontage development. In this case the height, bulk and plot sizes of the houses are not subservient to the frontage house, with each house being effectively the same size and the rear plots arguably being more generous and less cramped than the frontage plot. Your officers also have concerns about the position and form of the frontage house, particularly the gable front, and the arrangement of the rear houses, with corresponding problems with the relationship of the houses with the properties and the boundaries and with each other, in terms of the character of the area and neighbouring residential amenity. In your officers opinion these concerns outweigh the need to provide additional, sustainable, family housing and refusal is recommended.

REASONS FOR CONDITIONS

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed rear houses, by virtue of their height, bulk, form, plot size and prominence when viewed from neighbouring properties, would neither secondary in importance nor subordinate to the frontage house and the layout, by virtue of its regimented arrangement, excessive hard landscaping and lack of replacement soft landscaping, would be out of keeping with and harmful to the suburban character of the area. In these matters the proposed scheme would be contrary to policies BE2, BE3, BE6, BE7, BE9, H12, H13 and H15 of the adopted Brent Unitary Development Plan 2004, policy CP17 of the adopted Brent Core Strategy 2010 and Supplementary Planning Guidance No. 17 "Design Guide for New Development".
- (2) The proposed front house, by virtue of its form--in particular its overhanging gable front and projecting eaves--and its proximity to the highway, would be an overbearing addition to the streetscene and out of character with the area, contrary to policies BE2, BE3, BE9 and H12 of the adopted Brent Unitary Development Plan 2004 and policy CP17 of the adopted Brent Core Strategy 2010 and the objectives of Supplementary Planning Guidance No. 17 "Design Guide for New Development".
- (3) The proposed houses, by virtue of their height, relationship with the boundaries and number of main habitable rooms facing neighbouring gardens, would result in material harm to the privacy enjoyed by neighbouring occupants in their gardens and, in respect of Houses 5 and 6, to the outlook from neighbouring gardens. As a result, the proposal is contrary to policies BE9, H13 and H15 of the adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance No. 17 "Design Guide for New Development".
- (4) The proposed scheme, by virtue of the relationship between House 6 and Houses 1 & 2 and their amenity spaces, would result in unacceptable living environment for the future occupants of those houses, contrary to policies BE9 and H13 of the adopted Brent Unitary Development Plan 2004 and the objectives of Supplementary Planning Guidance No. 17 "Design Guide for New Development".
- (5) In the absence of a legal agreement to control the matter, the proposed development would result in:
 - additional pressure on transport infrastructure, without any contribution to sustainable transport improvements in the area;
 - increased pressure for the use of existing open space, without contributions to enhance open space or make other contributions to improve the environment;
 - increased pressure on education infrastructure without any contribution to education improvements

As a result, the proposal is contrary to policies TRN3, TRN4, TRN10, TRN11, OS7, OS18, BE12 and CF6 of the adopted Brent Unitary Development Plan 2004, Supplementary Planning Guidance No. 19 "Sustainable Design", Supplementary Planning Document "S106 Planning Obligations"

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

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