


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

Case No.

11/3171

	Planning Committee Map
Site address: 49 Lavender Avenue, London, NW9 8HG	
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This map is indicative only.

RECEIVED: 2 December, 2011

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 49 Lavender Avenue, London, NW9 8HG

PROPOSAL: Full planning permission sought for erection of part single, part two-storey side and rear extension to dwellinghouse and the division of the property to two self-contained dwelling houses, comprising one three-bed and one one-bed, with associated landscaping.

APPLICANT: Mr Dharendra Patel

CONTACT: Saloria Architects

PLAN NO'S:
100313-50-P2; 100313-51-P3

RECOMMENDATION

Refusal

EXISTING

The application relates to a semi-detached corner property which replicates the frontage of its linked neighbouring property, No. 51 Lavender Avenue, with a hip-end roof, front projecting gable roof feature, bay windows on both floors and linked canopies above the entrance to the property. The eastern flank of the property is open in character and carries a distinctive original 2-storey hip roof projection and chimney stack. The main flank wall is approximately 7 metres away from the splayed side boundary of the site which is bounded by a fence hedges and trees. The eastern flank of the site is highly visible from both Glenwood Grove when approaching the junction with Lavender Avenue and looking northwards from Lavender Avenue itself. There is an existing vehicular access from Glenwood Grove to the rear of the plot.

The surrounding uses are residential. The site does not contain a listed building and is not located within a Conservation Area.

PROPOSAL

The application is for the erection of a part single, part two storey side and rear extension to the dwellinghouse and the division of the property to two self-contained dwellinghouses, comprising 1 x 3 bedroom house and 1 x 1 bedroom house, with associated landscaping.

HISTORY

10/3238 - Erection of part single-, part two-storey side and rear extension to dwellinghouse, the division of the property into two separate dwellinghouses, one 3-bedroom and one 5-bedroom, with associated works including new vehicular access onto Glenwood Grove landscaping and bin-storage provision (revised description 22/02/2011)- refused 2/03/2011for the following reasons:

1. *The proposal by virtue of its excessive bulk, massing, scale and design, notably the loss of side bay feature without replacement, would be out of character with the scale, form and design of the existing semi-detached dwelling on a prominent corner location, resulting in the creation of a terrace in a section of the street defined by semi-detached properties, to*

the detriment of the character of the original dwelling and the character and visual amenities of the streetscene, contrary to policies BE2, BE7 and BE9 of the Adopted Brent Unitary Development Plan 2004, policy CP17 of the Adopted Brent Core Strategy 2010 and Supplementary Planning Guidance 5 - "Altering & Extending Your Home."

2. *The proposal does not make adequate means of access for the parking of vehicles within the curtilage of the site for the proposed dwellinghouse, in accordance with the standards adopted by the Local Planning Authority and as such is likely to give rise to conditions which are prejudicial to the free flow of traffic on the adjoining highway and highway safety, contrary to policies TRN15 of the Adopted Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 3 - "Forming an Access onto a Road."*
3. *The proposal would result in the loss of existing mature trees, shrubs and hedges which form part of the character of the area on a prominent corner location without any details provided of replacement landscaping and fails to provide satisfactory details of means of enclosure and boundary treatments, contrary to policy BE6 of the adopted Brent Unitary Development Plan 2004.*
4. *In the absence of a legal agreement to control the matter, the development would fail to secure contributions to education, open space and sustainable transport, as required by policies CF6, TRN2, TRN3 and TRN11 respectively of the adopted Brent Unitary Development Plan 2004 and policy CP18 of the adopted Brent Core Strategy 2010. It also fails to comply with the guidance of Supplementary Planning Document: "S106 Planning Obligations".*

Appeal dismissed on appeal on 18 July 2011.

10/1859: Erection of two-storey dwellinghouse incorporating ground and first floor side and rear extensions to 49 Lavender Avenue, installation of vehicular access onto Glenwood Grove and associated landscaping - refused - 28/09/2010

87/0244: Full planning permission sought for erection of detached house at rear - refused 24/03/1987

POLICY CONSIDERATIONS

For the purposes of Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the statutory development plan for the area is the Unitary Development Plan (UDP), which was formally adopted in 2004, and the Core Strategy, adopted in 2010.

Brent UDP 2004

The following are the policies within the UDP relevant to this decision:

- STR14 New development will be expected to make a positive contribution to improving the quality of the urban environment in Brent by being designed with proper consideration of key urban design principles relating to: townscape (local context and character) urban structure (space and movement), urban clarity and safety, the public realm (landscape and streetscape), architectural quality and sustainability.
- BE2 Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area or have an unacceptable visual impact on

- Conservation Areas.
- BE3 Proposal should the regard for the existing urban grain, development pattern and density in the layout of development site.
- BE4 Access for disabled people
- BE6 A high standard of landscape design is required as an integral element of development schemes.
- BE7 A high quality of design and materials will be required for the street environment.
- BE9 Creative and high-quality design solutions specific to site's shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.
- H12 Residential site layout to reinforce/create an attractive/distinctive identity appropriate to its locality, housing facing streets, appropriate level of parking, avoids excessive ground coverage and private and public landscaped areas appropriate to the character of area and needs of prospective residents.
- H14 The appropriate density should be determined by achieving an appropriate urban design, make efficient use of land and meet the amenity needs of potential residential, with regards to context and nature of the proposal, constraints and opportunities of the site and type of housing proposed.
- TRN23 Parking standards for residential developments. The level of residential parking permitted will be restricted to no greater than the standards in PS14.
- PS14 Parking standards for residential uses

Brent Core Strategy 2010

- 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 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*
- SPG5 *Altering and Extending Your Home*
- SPG17 *Design Guide for New Developments*
- SPD *S106 Obligations*

Regional

London Plan 2011

Policy 3.5 Quality and design of housing developments
 Minimum internal floor areas for residential units

CONSULTATION

A total of 16 adjoining owner/occupiers were consulted regarding the application.

10 letters of objection and 1 petition containing 43 signatories have been received. Cllr Judith Beckman and Cllr. Shafique Choudhary have also highlighted concerns raised by local residents.

The following objections have been made:

- Out of character with semi-detached properties in the Salmon Estate;
- Re-siting front door to side does not overcome objections;
- Proposed bay window out of character with original design – not proportionate;
- Building will become more prominent;
- Loss of mature trees;
- Detrimental to local streetscene;
- Inadequate living space and storage facilities;
- Ground floor as previously proposed without internal divisions;
- Increased on street parking, particularly on Wembley event days;
- Highway safety concerns as a result of use of access;
- Drain on Brent's resources;
- Extra traffic – congestion;
- Loss of privacy;
- Loss of amenity space;
- Concerns during construction;
- Opportunities for crime arising from the development

Officer Comment: These matters will be considered in the Remarks Section of the report.

- Application for a house, not flat as described;

Officer Comment: The application description is to provide two self contained dwellinghouses and the application has been assessed on this basis.

- Development cited at 17 Waltham Drive not similar – different site characteristics;

Officer Comment: The application property and site characteristic do differ from a proposal at 17 Waltham Drive. Notwithstanding this, each application must be considered on its own merits.

- Likely to be for rental;

Officer Comment: The application is to provide two dwellinghouses. Whether the property is occupied by the owner or is rented out, the use would still be within Class C3: Dwellinghouse.

- Consultation not as extensive as previously carried out.

Officer Comment: The properties consulted for this application are the same as those consulted for application 10/3238.

Internal Consultation

Transportation- The application can be supported on transportation grounds.

REMARKS

This planning application follows the refusal of planning permission in 2011 for the erection of extensions to create 1 x 3 bedroom and 1 x 5 bedroom dwellinghouses - LPA Reference: 10/3238 [see Planning History]. The Planning Inspectorate agreed with the Council's decision to refuse planning permission on the grounds that the extension would not be subordinate to the existing building; it would detract from the appearance of this area; the parking layout would compromise the safety of road users; and, the payment of a contribution for improvements to educational, open space and sustainable transport facilities was required.

The main differences between this proposal and the previously refused scheme are:

- The extension has been reduced and design revised;
- The proposal is now for a 1 x 1 bedroom and 1 x 3 bedroom dwellinghouse;
- The parking arrangements have been revised.

Your officers consider the main planning issues are:

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

1. Principle of development

The principle of residential development is accepted as part of making an efficient use of land and meeting Brent's housing needs and in particular the need for family housing, as supported by PPS3, the London Plan and Brent's UDP and Core Strategy policies STR3, H11 and CP2. Whilst changes to the definition of garden land in the June 2010 revision to PPS3 means the garden of the property is no longer considered previously developed land (PDL), that does not mean gardens cannot be developed. In this case consideration will need to be given to whether the proposal provides an acceptable standard of accommodation and is in keeping with the character of the area and meets other policy objectives.

2. Impact on character of area

The previous proposal was to extend the existing pair of semi-detached properties to create a terrace of three dwellings, replicating the design features of the adjoining semi-detached properties. With regard to the previously refused proposal, the Planning Inspectorate commented that:

'...The extension would not be subordinate to the existing building but would be a prominent feature. It would change the semi-detached pair into a terrace of three dwellings, with three projecting bays along the front elevation. This would be out of character with the adjacent semi-detached housing. The attractive two storey bay on the flank elevation would be lost.'

This proposal adopts a different approach by proposing an extension which follows the guidance set out in SPG5, to retain the appearance of a pair of semi-detached pair of properties but with a two storey extension to create the new dwelling. This extension complies with the guidance in SPG5 for corner properties in terms of the set in from the boundary; the main flank wall of the side extension is set in 2.7m at its closest point which complies with the 2m minimum detailed in SPG5. In terms of the set back from the front elevation, the proposed 2m set back would ensure that the extension does not result a terraced appearance. Whilst using SPG5 guidance as a basis for the extension is considered to overcome some concerns regarding the appearance, the full extent of the proposed extension would still be highly visible in the locality in particular when viewed from Glenwood Grove and when travelling along Lavender Avenue. The property is especially prominent due to its elevated position, therefore careful consideration must be given to the appearance of all elevations of the proposal.

The scale, massing and design of the extension is not considered to be acceptable given the prominence of this property in the locality. The proposal will subsume the existing attractive bay feature of the flank elevation and makes a poor attempt to replicate this feature. It does not reflect the design and proportions of this original bay and creates an awkward feature on this flank elevation. There is no objection in principle to providing the main entrance on this elevation however this would be dependent on an acceptable design. The visible bulk and massing of the extension -which projects 2.2m rearwards of the original house at first floor level and the single storey rear projection to both the original house and new dwelling which extends 3.8m rearwards- would detract from the original character of the property and character of the area.

As such, the proposal fails to comply with policy BE2 of the UDP which indicates that development schemes should be designed with regard to their local context and Policy BE9 which provides that extensions should be appropriate to their setting.

3. Impact on neighbouring amenity

The single storey rear extension spans the full width of the existing and proposed dwelling, projecting 3.8m out from the rear wall of No. 49. As the rear wall of No. 51 has a rear building line projecting 0.8m further rearwards from that of No. 49, the proposed depth of the single storey rear element would be acceptable, projecting 3m rearwards of the neighbouring property. However, due to the change in ground levels, the height of the proposed single storey rear extension would be 3.4m at the boundary which exceeds the guidance set out in SPG5. Whilst the neighbouring property has a patio, the relative height and relationship with the neighbouring property has not been shown to enable a full assessment of the impact of this extension. In addition, raised rear patios are proposed to both houses projecting a further 2m rearwards at an elevated position, albeit 2.3m at its closest point from the shared boundary with no. 51. It is considered that the proposal will have an adverse impact on the neighbouring property due to loss of light and outlook and will result in a loss of privacy due to the raised patio.

The two storey rear extension complies with the 1:2 guidance set out in SPG5 in terms of its relationship with the nearest habitable room at No.49. As such, any loss of amenity and light is considered to be within reasonable limits.

The properties on the opposite side of Glenwood Grove are over 20m from the flank elevation of the proposed development. Given the distance from those properties on Glenwood Grove and that the relationship with the property at 48 Glenwood Grove to the rear would not significantly change, the proposal is not considered to give rise to any significant amenity impacts.

4. Standard of accommodation

The floor area for the proposed new house is 66 sq m. The London Plan and SPG17 do not provide space standards for 1 bed houses but do not provide a standard for a 1 bed flat, the minimum space standards are 50 sq m and 45 sq m respectively. The development exceeds this

minimum standard and the rooms are of a reasonable size and clearly laid-out with good outlook, privacy and sunlight/daylight.

The floor area for the 3 bedroom house is 109 sq m which significantly exceeds the minimum standards set out in the London Plan and SPG17 (London Plan requires minimum 95 sq m for 3b 6p house and SPG17 requires minimum 85 sq m).

Both the existing and proposed property would benefit from over 50 sq m of useable amenity space which is compliant with SPG 17 standards.

5. Parking and access

Lavender Avenue and Glenwood Grove are local access roads. They are within the Wembley Event Day Protective Parking Zone, whereby on-street parking is restricted to permit holders only on Event Days between 10am and midnight. There are parking bays marked along both roads. Night time parking on the roads is low, but as the site is close to a junction, on-street parking can be restrictive for dwellinghouses.

The proposed development would provide parking space for 2 vehicles within the site. This would require the extension of the existing access onto Glenwood Grove, providing a crossover measuring 4.8m. It is also noted that this would be combined with the neighbouring crossover at 49 Glenwood Grove.

The parking allowance for the existing dwellinghouse is up to a maximum of 1.6 spaces and the existing provision of two spaces to the site which marginally exceeds the standards. The car parking allowance for the new house is 1 space. Transportation have confirmed that the provision of one space for each dwelling is acceptable and is in line with Council standards.

Policy TRN15 of the UDP requires that new accesses should be at safe locations, where there would be adequate visibility. The Planning Inspectorate raised the following concerns regarding the previous application and the safety of road users:

'There would be no turning space within the appeal site, so drivers would have to manoeuvre to or from the highway in reverse gear. One of the proposed parking spaces would be at a particularly awkward angle in relation to the proposed access. As a result of this and the roadside vegetation, drivers reversing from the appeal site into the highway would have restricted visibility.'

In this case, as the number of parking spaces has been reduced and no longer proposes the angled parking space within the site which gave rise to safety concerns, there is no objection to the proposal on highways safety grounds.

6. Landscaping

Policy BE6 of the UDP requires a high standard of landscape design, with a retention of trees and shrubs that contribute to the character of the area. In the previous appeal, the Planning Inspectorate commented that:

'The existing vegetation along the appeal site's frontage to Glenwood Grove is an attractive townscape feature. Some of this would be lost as a result of the proposed development'

The proposal would not lead to a significant loss of landscaping in the frontage of the development. However, it would result in the loss of a significant proportion of the trees and hedges on the eastern flank which contribute to the character of the corner plot. Whilst there is scope for better landscaping than could have been provided in the previous scheme, the opportunity along the boundary adjacent to the flank elevation of the house is still limited. No landscaping details have been provided nor details of the means of subdivision of the gardens.

7. Section 106

The proposal would lead to an 1 additional bedroom on site, which would equate to a requirement for a £3,000 contribution as per the adopted Council SPD on S106 contributions. As an agreement has not been completed, this will be included as a reason for refusal.

Conclusion

The proposed development is not considered to satisfactorily address the previous reasons for refusal. By virtue of its detrimental impact on the character of the existing dwelling and streetscene; its loss of boundary landscaping; impact on neighbouring amenity; and, the absence of a section 106 agreement, refusal is recommended.

REASONS FOR CONDITIONS

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed extensions, by virtue of their excessive bulk, massing and design, including the loss of side bay feature without a suitable and proportionate replacement, would detract from the character of the existing semi-detached dwelling and the character of the streetscene, in particular as the site is in a prominent corner location. As such, the proposal is contrary to policies BE2, BE7 and BE9 of the Adopted Brent Unitary Development Plan 2004, policy CP17 of the Adopted Brent Core Strategy 2010 and Supplementary Planning Guidance 5 - "Altering & Extending Your Home."
- (2) The proposal, by reason of the height of the single storey rear extension and the provision of a raised patio, will have an adverse impact on the neighbouring property at no. 51 Lavender Avenue causing loss of light and outlook and loss of privacy due to the elevated position of the patio. As a result, the proposal is contrary to policies BE9 and H15 of the adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 5: Altering and Extending our Home.
- (3) The proposal would result in the loss of existing mature trees, shrubs and hedges which form part of the character of the area on a prominent corner location without any details provided of replacement landscaping and fails to provide satisfactory details of means of enclosure and boundary treatments, contrary to policy BE6 of the adopted Brent Unitary Development Plan 2004.
- (4) In the absence of a legal agreement to control the matter, the development would fail to secure contributions to education, open space and sustainable transport, as required by policies CF6, TRN2, TRN3 and TRN11 respectively of the adopted Brent Unitary Development Plan 2004 and policy CP18 of the adopted Brent Core Strategy 2010. It also fails to comply with the guidance of Supplementary Planning Document: "S106 Planning Obligations".

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Roland Sheldon, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5232