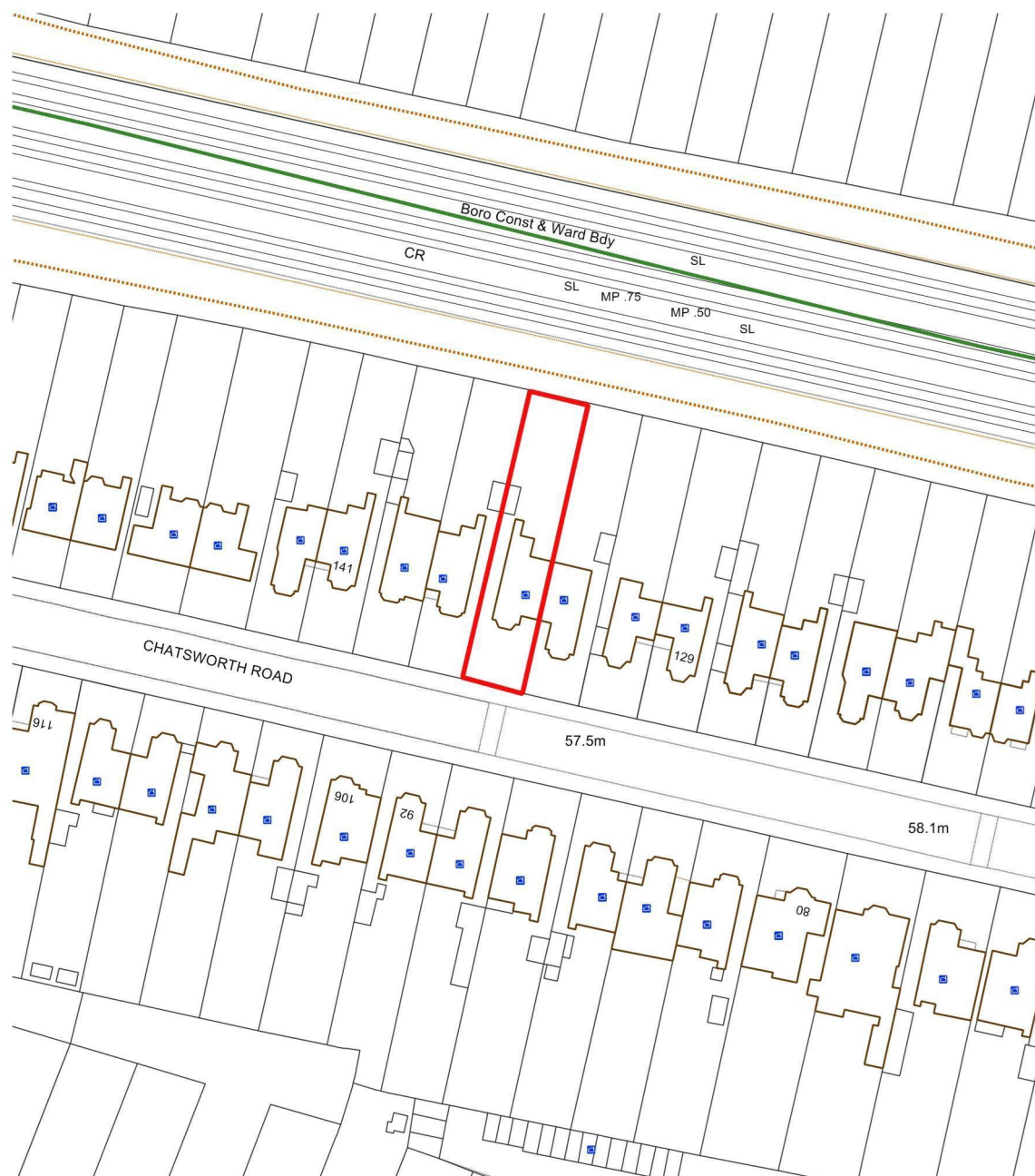
 **Planning Committee Map**
Site address: 135 Chatsworth Road, London, NW2 5QT
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This map is indicative only.

RECEIVED: 9 May, 2011

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 135 Chatsworth Road, London, NW2 5QT

PROPOSAL: Erection of a two storey side extension, single storey rear extension, rear roof dormer and installation of two rear roof lights and two side roof lights to dwellinghouse

APPLICANT: Mr Vekaria

CONTACT:

PLAN NO'S:
110304/01/P5, 110304/02/P1, 10304/00/P1

MEMBERS CALL-IN PROCEDURE

In accordance with Part 5 of the Constitution and Section 10 of the Planning Code of Practice, the following information has been disclosed in relation to requests made by Councillors for applications to be considered by the Planning Committee rather than under Delegated Powers

Name of Councillor

Cllr Kansagra

Cllr Colwill

Cllr BM Patel

Date and Reason for Request

24/05/2012

The reasons for this are that the adjoining property appears to be an unauthorised HMO and an unauthorised conversion to 2 flats and as such should not be a reason to disprove what otherwise appears to comply with all guide lines.

RECOMMENDATION

Refuse

EXISTING

The property is a 2 storey semi detached dwelling house on Chatsworth Road. The property is not in a Conservation Area nor is it listed.

PROPOSAL

See above

HISTORY

00/1524 Certificate of lawfulness granted for proposed single storey side extension, use of garage to habitable room.

POLICY CONSIDERATIONS

Brent UDP 2004

BE2 – Townscape; Local Context & Character

BE9 – Architectural Quality

SPG

SPG 5 – Altering and Extending Your Home

Considerations;

Design & appearance of extension
Effects on neighbouring properties
Character of existing dwellinghouse and streetscene

CONSULTATIONNeighbours/Representees

8 neighbouring owner occupiers consulted 23/05/2011. Following the submission of revised plans 14/06/2011 a further round of consultation was undertaken. To date one representation has been received which reiterated previous objection from no 137. Main points raised are;

- a) Loss of light to habitable rooms
- b) Effect on character of the area
- c) Loss of privacy
- d) noise and dust
- f) discrepancy on the plans regarding labeled neighbouring property
- g) overbearing scale
- h) planned internal alterations to separate the ground floor kitchen so that it will have only a single flank elevation window, potentially obstructed by the planned extension.

Officers response

- a) See report below
- b) The application complies with the Councils adopted guidance for two storey side extensions in relation to providing a set back in order to retain the detached character. However the following report will demonstrate that the extension results in loss of amenity to an adjoining habitable room flank window
- c) See report below
- d) In the event of a permission being granted, an informative would be added reminding the owner of their obligations under the relevant construction regulations concerning hours of work.
- f) Officers have noted the discrepancy on the plan and acknowledge that where the plans refer to no 133 on the side extension boundary, the correct property is actually no 137.
- g) See report below
- h) The Council cannot base assessment on planned works

As referred to above, Cllr Kansagra, Cllr Colwill and Cllr BM Patel have called this application into committee.

REMARKS**BACKGROUND**

In relation to the proposed 2 storey side extension at no 135 Chatsworth Road, during original consideration of the scheme it transpired there is a first floor Kitchen habitable room window in the flank elevation of the neighbouring property no 137, directly opposite the proposed extension. This arrangement is fairly uncommon but is not unique. As such Officers requested the proposed extension be set back away from the window so as to safeguard its amenity. Applicant in response indicated to Officers that the property itself was an unlawful HMO, the implications of this being that Planning should not require the extension to be set back as the window should be treated as it would be before the change, which served a bathroom. Accordingly Enforcement Officers investigated the property at no 137 and found that it was functioning as a lawful HMO within the use Class C4, ie it was considered that no more than 6 people permanently lived there.

As the use of the no 137 CR was lawful, it therefore fell to consider the status of the side facing window. This is expanded upon below. The report will firstly deal with the two storey side extension and then address other aspects of the scheme.

Two storey side extension

The extension is proposed up to the boundary with no 137. The ground floor is set back from the front elevation by 1.5m, whilst the 1st floor is set back by 3.650m. This is in accordance with SPS5 which requires the first floor to be set back by at least 2.5m if the extension is proposed on the boundary whilst the ground floor element can be flush with the front of the house.

On its ground floor, it runs the entire length of the property and projects a further 3m into the garden - then wrapping around the rear elevation to form a ground floor rear extension

Impact to neighbouring Amenity

As discussed above, Officers have assessed the impact of the extension on the amenity of neighbouring property no 137. In relation to the ground floor flank kitchen window, the room is also served by a large rear window so provides reasonable light and outlook.

In relation to the first floor Kitchen window, the proposed extension would be directly in front of it, and significantly impact on its outlook and light. To be precise, the flank wall of the extension would be sited 2.3m from the kitchen window. The outlook from the mid point of the window would be restricted by 4.95m looking out to the right and by 6.75m looking out to the left, a total of 11.7m. This is considered to be a significant impact.

Where the two storey side extension projects beyond the rear building line of neighbouring property no 137, its impact on neighbouring rear windows is negligible given the small level of projection - according with the Council 2:1 guidelines. However as set out above, the length of the extension serves to worsen the conditions for the first floor flank kitchen window.

Enforcement context

Enforcement Officers investigated the alleged breach of planning and concluded the property was functioning as a lawful HMO under Use Class C4. On the 14th March 2012, Planning Enforcement wrote to the complainant stating the following;

"I visited the property on 7th March 2012. The premises is clearly being occupied as a Class C4 House in Multiple Occupation. As you are no doubt aware planning permission is not required to change from C3 Dwellinghouse to a C4 HMO. The maximum number of residents in a C4 HMO is 6 as there are insufficient bed spaces.

The ground floor is not self contained. Whilst it is possible to close the living room and bedroom off from the rest of the house, the kitchen would have to be accessed via a communal area.

Having fully investigated the matter, it is clear the premises are operating in a lawful manner and the Council does not intend to pursue any further action in respect of this case."

Single Storey rear extensions on boundary with no 133

the proposed rear extensions are pitched roofed and have an average height of 2.980m and 2.765 respectively, and both have a depth of 3m. These dimensions are in accordance with the Councils guidelines relating to single storey rear extensions. The full height glazed doors on the side of the extension are set off the boundary significantly so are not of concern with regard to amenity, providing they were conditioned as obscure glazed in the event of planning permission being granted.

Dormer/roof light

A rear dormer window is proposed on the existing rear facing roof plane. Its width is 2.5m, less than half the width of the roof which has an average width of 5.15 and it is set down from the ridge by 1m and up from the eaves by 0.8m. These proportions are in accordance with SPG5 so is acceptable. Also the rooflights on the front elevation are acceptable whilst the side elevation roof lights have been specified as obscure glazed.

Conclusion

The proposal complies with the normal design guidance in all respects bar its relationship with the first floor window of no 137 which is in use as a kitchen and so is habitable. Where habitable rooms exist in adjoining flank walls, the normal approach has been to reduce the extension to limit the impact. While the window may not have been designed to serve an original habitable room, the investigation has revealed that the use is not unauthorised. It is therefore considered that the normal approach of seeking to limit the impact on this room should apply.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

Document Imaged

- (1) The proposed two storey extension, by virtue of its height, bulk and siting directly opposite first floor habitable room window of adjoining occupiers at no 137 Chatsworth Road, would have a detrimental impact toward the amenity of these said occupiers, contrary to saved Unitary Development Plan Policies BE9 and the advice of Supplementary Planning Guidance 5 *Altering and Extending your Home*.

INFORMATIVES:

None Specified

Any person wishing to inspect the above papers should contact Samuel Gerstein, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5368