

 **Planning Committee Map**  
Site address: 1A Elmside Road, Wembley, HA9 8JB  
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This map is indicative only.

**RECEIVED:** 18 April, 2012  
**WARD:** Preston  
**PLANNING AREA:** Wembley Consultative Forum  
**LOCATION:** 1A Elmside Road, Wembley, HA9 8JB  
**PROPOSAL:** Erection of two additional floors of office accommodation.  
**APPLICANT:** Mr S Homsy  
**CONTACT:** Mr J Benaim

**PLAN NO'S:**  
SB/B372/1; SB/B372/2; Design and Access Statement

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## **RECOMMENDATION**

Refusal

## **EXISTING**

The application site comprises single storey commercial premises, within use class B1 office uses, located on Elmside Road, Wembley. The site is adjacent to residential properties on Elmside Road, and also flats at Wayside Court, Oakington Avenue. To the south are commercial shops, located on Wembley Park Drive. The site is not a listed building and is not located within a conservation area

## **PROPOSAL**

Erection of two additional floors of office accommodation.

## **HISTORY**

There is no recent planning history for this site. The last planning application for this site dates from 1990:

Ref 881738 – Erection of 1<sup>st</sup> floor extension to office – *Refused but allowed on appeal on 04/04/1990*. This application is considered of limited relevance to the current proposal, due to it dating back over 22 years ago. Differences in design, and changed local circumstances.

## **POLICY CONSIDERATIONS**

London Plan 2011

Brent Core Strategy 2010

CP17 – Protecting and Enhancing the Suburban Character of Brent

London Borough of Brent Adopted Unitary Development Plan 2004 (UDP)

BE2 – Townscape: Local Context and Character

BE3 – Urban Structure: Space & Movement

BE4 - Access for disabled people.

BE5 – Urban Clarity & Safety

BE6 – Public Realm: Landscape Design

BE7 – Public Realm: Streetscape

BE9 – Architectural Quality

TRN3 – Environmental Impact of Traffic

TRN10 – Walkable Environments

TRN22 – Parking Standards – Non Residential Developments

TRN34 – Servicing in New Development

*Parking Standards*

PS6 – Parking Standards for Use Class B1 (maximum 1 space per 300m<sup>2</sup>)  
PS15 – Standard for Disabled People (minimum 1 space for B1 use)  
PS16 – Cycle Parking (minimum 2 spaces for B1 use)  
PS19 – Service Parking Standards (loading bay that can accommodate at least an 8m rigid vehicle for units between 100m<sup>2</sup> - 280m<sup>2</sup>)

### London Borough of Brent's Supplementary Planning Guidance

#### Supplementary Planning Guidance Note 17 - Design Guide for New Development

Provides comprehensive and detailed design guidance for new development and seeks to raise the design quality of buildings, and to protect the character of properties and streets.

### **SUSTAINABILITY ASSESSMENT**

N/A

### **CONSULTATION**

Consultation letters, dated 2<sup>nd</sup> May 2012, were sent out to 47 neighbouring properties and Ward Councillors for Preston Ward.

#### External

4 letters of objection have been received to date, raising the following issues:

- The immediate neighbours at no 1B The Links, Elmside Road, object to the application for the erection of two additional floors to the building.
- Elmside Road is a small cul de sac, and a quiet residential area. The business is already causing noise and parking problems
- Additional space will increase these existing problems by 400%.
- The applicant's property has already damaged their gate by their pillar and heavy delivery vehicles
- Furthermore the proposed development will reduce our natural light and view.
- Other neighbours on Elmside Road object to the proposal due to the loss of light to their properties, exacerbation of existing parking problems
- The commercial property should be limited to the stadium area and industrial estate. There is no reason why a small residential cul-de-sac has to be turned commercial.
- Noise levels would increase.
- A resident from the block of flats at Wayside Court, Oakington Avenue, has also objected. This resident has highlighted that the plans are inaccurate and out of date, as they do not show Wayside Court, and therefore do not clearly show the proximity of this new development and the aspect to which the two new floors face these flats.
- The 2-storey extension will be directly opposite the living room, kitchen and bedroom windows of the flat of the resident at 17 Wayside Court.
- The proposed development would also block out light to flats 1, 2 and 16 as well as 17 Wayside Court.
- The development will also block out light to and be an intrusion on the shared garden area for all the Wayside court flats, as it is south facing, and the building will be directly in the way.
- Making this a bigger commercial property will increase the noise levels in what is currently a solely residential cul-de-sac.
- The new extension will obscure the views from the living room, kitchen and bedroom windows at 17 Wayside Court – in particular it will be right in the way of their view of Wembley Stadium, which was one of the attractions of buying the flat.

No letters of representation have been received from Ward Councillors consulted on this application.

#### Internal

It should be noted that the following comments from the Transport Officer are based on plans submitted by the applicants, which your Officers consider are inaccurate. Further details of the inaccuracy of these plans are discussed in the 'Remarks' section of this report.

*Transportation* – The Transportation Officer has made the following comments:

- The site has good access to public transport services (PTAL 4) – with close access to 5 bus routes as well as Wembley Park station (Metropolitan and Jubilee lines).
- There are pay and display parking bays on Elmside Road. Otherwise, on street parking in the area is generally restricted from Monday to Saturday, between 8am-9.30am to deter commuter parking.
- As the site is located adjacent to a district centre with good access to public transport services, a reduced parking allowance of one space per 300m<sup>2</sup> applies to this site. As such the existing office standard would normally be no more than one parking space, the proposed extension would not alter the current provision of 4 spaces, although the plans need to be amended to retain as a wide bay to allow use by disabled persons as and when required, in accordance with standard PS15.
- The proposed car parking layout is not in any case feasible, due to the lack of turning space for a number of the parking spaces.
- The present servicing requirement for the single storey office is for loading by a transit sized vehicle, as the floorspace is below 100m<sup>2</sup>. This is available in the yard area. With the extension to the building, this requirement will increase to an 8m rigid lorry. Sufficient space is available within the yard to accommodate this requirement and a suitable bay (3.5m x 8.0m) should be marked out and kept clear for this purpose. In addition, the crossover and opening into the yard should be widened to 4.5m to ease reversing into and out of the yard.
- The cycle parking requirement for the extending office is 1 space per 125m<sup>2</sup>, with a minimum provision of 2 spaces. As such, a suitable bicycle stand should be provided within the site as a condition of any approval.
- The proposal can be generally supported on transportation grounds, subject to amendments to the service yard and access to show no more than one car parking space, an 8 long loading bay, two bicycle parking spaces and a widened crossover.

#### *Tree Officer*

The Council's Tree Officer has stated that the proposed development is not likely to have an harmful impact on existing trees on, or in proximity to, the application site. However, it is not clear on the submitted plans, whether any replacement hard-surfacing is likely to be carried out on the site as part of the development. If such works are proposed, then further details of trees, including tree protection measures, shall be required.

#### *Environmental Health*

- No objections.

### **REMARKS**

#### Summary

The application proposes to extend an existing single storey building to provide an additional two storeys for office use, located on Elmside Road, Wembley. The current use of the building is B1 office use. The site shares a side boundary with a residential property at 1B Elmside Road to the north, and a residential block of flats, known as Wayside Court, are located to the north-west. To the south of the site are commercial properties located on Wembley Park Drive.

According to the submitted plans, the proposed extensions to the building would provide approximately 100m<sup>2</sup> of additional new office space (gross internal floors pace), in addition to the existing 61m<sup>2</sup>. This would comprise of approximately 60m<sup>2</sup> at first floor and approximately 40m<sup>2</sup> on the second floor, if the plans are accurate.

The main considerations for the proposed development are the principle of the increase in office space provision in this location; the impact on the character and appearance of the area and streetscene; the impact on neighbouring residential properties; and the impact of the development on parking and servicing for the site.

#### Existing premises

The application site comprises a single storey flat roofed building located on the western side of a residential cul-de-sac, Elmside Road, Wembley. The site is adjacent to the rear of a parade of shops located on Wembley Park Drive; more directly to the rear of the commercial property at 97 Wembley Park Drive.

Properties on Wembley Park Drive are located within a Secondary Shopping Parade (within Brent's Unitary Development Plan), and Wembley Park District Centre (Brent Core Strategy 2010). However, the application

site is outside this designated area.

The site shares a side boundary with a 2-storey detached dwellinghouse, 1B Elmside. To the north-west of the site is a block of flats, known as Wayside Court, accessed from Oakington Avenue. The existing use of the application premises is office use.

The existing site has off-street parking provision accessed from Elmside Road, adjacent to the dwelling at no. 1B Elmside Road. This would also allow access for servicing provision to the site.

### Proposed Development

#### *Proposed extensions*

- The application proposes an additional 2 storeys (including with the roof space) to the existing single storey office building.
- The proposed roof includes a rear dormer.
- Car-parking provision for 4 off-street car parking spaces is shown on the submitted plans
- The extensions would result in additional gross internal floor space of approximately 100m<sup>2</sup>, over the proposed new first and second floors, as shown on the submitted plans.

### Appraisal

#### *Principle of Proposed Development*

It is considered an extension to these commercial premises may be supported in principle. There is no change of use proposed, and the use of the premises is considered appropriate in this location. The main considerations for the proposal is therefore the impact on the character and appearance of the area and streetscene; the scale of the development, impact on neighbouring properties and impact on parking and servicing.

#### *Inaccurate Plans*

It is considered that the submitted plans do not accurately reflect the application site. There are a number of inaccuracies, and also lack of information, which include the following:

- The plans submitted do not show that there is a second building, located towards the western boundary of the site, and it is not clear on the drawings whether this building is to be retained, or removed.
- The size and scale of the existing site, and existing single storey building (proposed to be extended), do not appear to be the same as that which currently exists. Specifically the location of the existing building within the application site, and its footprint, including the scale of the footprint. The proximity of the building to site boundaries also does not appear to be accurate on initial inspection of plans, compared to records of the site, and its boundaries held by the Council.
- The floor plans also appear to be inaccurate in terms of the dimensions do not appear to be consistent with each other. Such as, the external width of the building measures 7.4m on the ground floor plan of the scaled drawings, and that of the first and second floors measures 7.3m
- The site location plan submitted is out of date, and therefore does not show that there is a 2-storey detached dwellinghouse, known as 1B Elmside, situated along the northern boundary. It also does not show the existing residential development, comprising of 17 flats/maisonettes, located to the north-west of the application site, known as Wayside Court, accessed from Oakington Avenue.

Your Officers consider that the above inaccuracies within the submitted plans result in the failure to demonstrate that the proposed development complies with relevant planning policies and guidances. The following section relates the outcome of the Officer's site visit, during which dimensions were taken.

#### *Officer's Site Visit (and measurements taken)*

Due to the inaccuracy of the plans submitted, measurements have been taken by officers on site in order to accurately assess the impact of the development on adjoining boundaries. Distances to boundaries were measured, as well as the existing porta cabin with canopy, attached to the application building. The majority of the measurements, in relation to the existing building, and distances to boundaries, appeared to be accurate, with on average the difference in measurements being to the nearest 0.05m. However, the area beyond the rear of the existing porta cabin, which is shown on the submitted plans (both existing and

proposed plans) to be within the boundary of the site, as shown on the existing floor plans, is not in reality within the application site. This area is actually within the adjacent site at Wayside Court, and forms part of the communal amenity area of this development.

On closer inspection of the plans, however, it appears as though the submitted site location plan, shown on the same drawing no. SB/B372/1, is accurate, and correlates with records of the site held by the Council, as well as what appears to be the case in reality.

In conclusion, whilst the submitted site location plan (red line boundary ordnance survey plans) appears to be correct, and correlates with Council records, the existing and proposed ground floor layout, which also show the boundaries of the site, are inaccurate. This is misleading, as it appears as though the communal garden area for residents of Wayside Court is further away than that which is the case in reality. Officers could not get precise measurement to the boundary at the rear of the site, adjoining Wayside Court, due to the existing porta cabin, but were able to determine the proposal clearly will not comply with the 45 degree rule as set out in Brent's SPG17 (see section below on Impact on neighbouring boundaries) In any case, it is Officer's belief that measurements taken reveal that this difference is approximately 4.5m. This extra 4.5m in length is in reality within the boundary of the adjacent Wayside Court site, and not within the application site.

### *Design Considerations*

The proposed extensions would essentially result in a 3-storey building, including a pitched roof. The rear roof slope is also to have a dormer. This design approach is not in keeping with the design and character of the other properties on Elmside Road. The properties located on Elmside Road are characterised by residential properties with hipped roofs. As the application site is located at the end of a row of residential properties, the design and scale of the development should follow this character. However, it is also considered that due to the commercial nature of the application site, this design approach is not appropriate. The application site marks a separation between the commercial properties located on Wembley Park Drive, and the residential dwellings on Elmside Road, and it may be inappropriate to introduce a commercial building which attempts to imitate the design of the dwellings on Elmside Road. In any case, the proposed extensions to this building result in a development with a design, scale and height which is out of keeping with the surrounding properties and character of the streetscene.

### *Existing Trees on site*

The applicants have stated on their submitted application form that there are no trees on the application site, or in proximity to the site. However, an Officer's site visit has revealed that there are trees on site which may or may not be affected by development, which are not shown on the submitted plans. The Council's Tree Officer, however, is not concerned about the impact on the trees on or in proximity to the site, unless there are works to be done to the hard-standing areas within the site boundaries. If any such works were to be carried out, then tree protection would be required during construction works.

### *Highways issues*

The Council's transportation officer has been consulted on this application, and his detailed comments are related in the 'Consultations' section of this report.

The B1 use would require parking provision for an 8m long service vehicle, as well as one parking space to meet the Council's parking standards for the site and use. The car-parking space should be wide enough to meet the standards of a disabled bay. However, the submitted plans are considered to be inaccurate, and therefore the applicants have not demonstrated whether the site can accommodate an 8m long service vehicle which is able to safely enter and reverse out of the site. Therefore, despite the transportation officer's comments, the submitted plans do not demonstrate that the application site can accommodate sufficient off-street parking provision which meet the Council's parking standards, including car parking, service vehicle parking and cycle-parking. The proposal is therefore contrary to policies TRN11, TRN22, TRN34 of Brent's Unitary Development Plan 2004, as well as London Plan Policies 6.9 and 6.13 and table 6.3 of the London Plan 2011, in relation to cycle parking.

### *Impact on neighbouring properties*

The proposed 2-storey extension, resulting in a 3-storey building would be close to adjoining neighbouring boundaries, and in particular to the boundary with flats and maisonettes at Wayside Court. At its closest point, the building will be less than 4.0m from the rear boundary (shared boundary) with Wayside Court.

Brent's Supplementary Planning Guidance 17 on Design Guide for New Development (SPG17), deals with impact of new development on neighbouring residential gardens. The proposed extension does not comply with the 45 degree rule set out in this guidance in relation to the communal garden of residents of Wayside Court. Officers therefore consider that the development would have a harmful impact on the residential amenities of neighbours in terms of loss of light and outlook. It is also considered that even an additional storey, (which would result in a 2-storey building) may not comply with the 45 degree rule set out in Brent's SPG17 in relation to the communal gardens of Wayside Court.

#### CIL Liability (Community Infrastructure Levy)

Due to inaccurate plans submitted for this application, it is possible that the proposed new/additional gross internal floor space could exceed 100m<sup>2</sup>. If this is the case, then the development would qualify for the Community Infrastructure Levy (CIL) imposed by the Mayor of London. This came into effect on 01 April 2012. This levy is applicable to all eligible development across London and is primarily intended to raise contributions towards the funding of cross rail. The rate of Mayoral CIL for Brent is charged at £35 per square metre of gross internal floor space and will be collected by the Council on behalf of the Mayor.

Given the plans submitted for this application that the proposed additional gross internal floor area would be 100m<sup>2</sup>, and that the plans submitted are proven to be inaccurate, it appears that the development may exceed the CIL threshold. This is being pursued with the applicant.

#### Response to objections (not discussed elsewhere in this report)

This section of the report will discuss any matters raised by objections not already discussed elsewhere in this report. Objections in relation to the loss of views to Wembley Stadium cannot be considered as there are no relevant policies which protect this view from this location.

Officers do not consider that the proposal would result in undue increase in noise disturbance to neighbouring properties. This is due to the nature of the proposed use not likely to lead to high levels of noise disturbance. Should officers have been minded to support the application, relevant conditions restricting hours of use, including delivery times for service vehicles, would have been attached to the decision.

With regard to the intensification of the existing use of the premises; the existing use of the building is B1 office use, and is located between commercial properties on Wembley Park Drive, and residential properties on Elmside Road. It may therefore be considered appropriate to allow the extension to the existing premises in principle. However, due to the transitional nature of the location of the site, it may also be considered appropriate not to allow any significant further intensive use of the application site.

On balance, Officers consider that a modest extension may be supported to the application site. However, in this particular case, it has not been possible to accurately assess whether the proposal results in too great an intensive use of the site to warrant a refusal for that reason (intensification of the use of the site), due to the significantly inaccurate plans submitted. In this case, Officers would recommend refusal for the reason of inaccurate plans leading to the failure to demonstrate the impact of the proposal.

#### Conclusion

The existing plans submitted for this application do not accurately reflect the size and layout of the application site, and therefore they fail to demonstrate that the proposed development would not have a harmful impact on the residential amenity of adjoining neighbouring properties. The development is therefore not in accordance with Brent's Core Strategy Policy CP17, Brent's Unitary Development Plan policies BE2, BE9, TRN11, TRN22 and TRN34 of Brent's Unitary Development Plan and guidance contained within Brent's Supplementary Planning Guidance 17 on Design Guide for New Development.

Despite the inaccuracy of the plans submitted, your Officer's consider it likely that the proposed development is likely to have a harmful impact on the residential amenities of the surrounding area, as well as the character and appearance of the streetscene. Officers therefore recommend that the application be refused.

**RECOMMENDATION:** Refuse Consent

## **CONDITIONS/REASONS:**

- (1) The proposal, by reason of its design and appearance, its excessive size and scale and proximity to site boundaries, is an overbearing and obtrusive form of development, harmful to the amenities of the occupiers of neighbouring residential properties, and out of keeping with the character of the surrounding residential area, and is therefore contrary to Policy CP17 of Brent's Core Strategy 2010, policies BE2 and BE9 of Brent's adopted Unitary Development Plan 2004 and guidance within Brent's Supplementary Planning Guidance 17 on Design Guide for New Development.
- (2) The proposal, by reason of the failure to demonstrate the ability to provide adequate servicing for the site, in line with Brent Council's Standards, results in increased pressure for parking in the area, prejudicial to the free-flow of traffic and general highway safety in the area, contrary to policies TRN22 and TRN34 and Parking Standard PS19 of Brent's Unitary Development Plan 2004.
- (3) The proposal, by reason of the failure to demonstrate the adequate provision of secure, weatherproof cycle store, constitutes an unsustainable form of development that is contrary to Policy TRN11 and Parking Standard PS16 of the Brent Unitary Development Plan 2004 and Policies 6.9, 6.13 and table 6.3 of the London Plan 2011.
- (4) The submitted plans are significantly inaccurate, such as incorrect distances of the existing building to site boundaries shown and size of the application site, and therefore they fail to demonstrate that the proposed development would have a satisfactory relationship with neighbouring properties, nor not have an harmful impact on the residential amenity of neighbouring properties, and the development would comply with relevant Council policies. The development is therefore contrary to Brent's Core Strategy Policy CP17, Brent's Unitary Development Plan policies BE2, BE9, TRN22 and TRN34 of Brent's Unitary Development Plan, and guidance within Brent's Supplementary Planning Guidance 17 on Design Guide for New Development.

## **INFORMATIVES:**

None Specified

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