

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

24 June, 2020
05
19/4351

SITE INFORMATION

RECEIVED	11 December, 2019
WARD	Barnhill
PLANNING AREA	
LOCATION	62 Dunster Drive, London, NW9 8EL
PROPOSAL	Retrospective planning application for a two storey building and proposed conversion into a residential development comprising 2 self-contained flats, including the creation of a side entrance, rear amenity space, cycle storage, 2 car parking spaces and associated soft landscaping; removal of boundary fence
PLAN NO'S	See Condition 2
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_148147</p> <p><u>When viewing this as an Hard Copy _</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none">1. Please go to pa.brent.gov.uk2. Select Planning and conduct a search tying "19/4351" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

RECOMMENDATIONS

Recommendation

A. That the Committee resolve to GRANT planning permission.

B. That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions:

1. 3 Year time period
1. Approved plans / drawings
2. Removal of permitted development rights relating to change of use to C4
3. Requirement for details of cycle parking to be submitted

Informatives:

1. CIL approval
1. Building near a boundary
2. Party Wall etc Act
3. Damage to the highway during works
4. Any other informative(s) considered necessary by the Head of Planning

1. That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

2. That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

SITE MAP

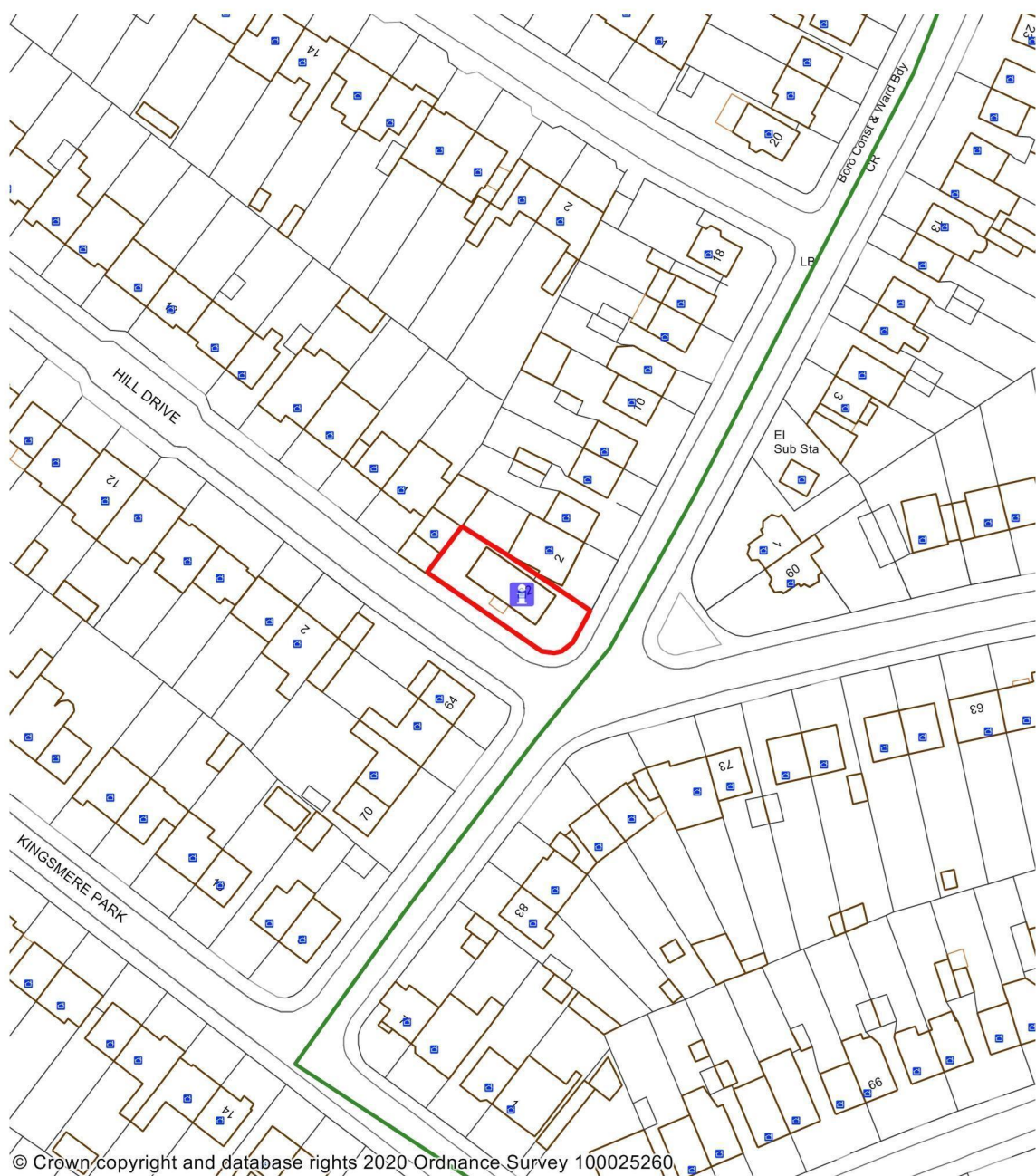


Brent

Planning Committee Map

Site address: 62 Dunster Drive, London, NW9 8EL

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This map is indicative only.

PROPOSAL IN DETAIL

The application seeks retrospective planning application for the retention of a two storey building and proposed conversion into a residential development comprising 2 self-contained flats, including the creation of a side entrance, rear amenity space, cycle storage, 2 car parking spaces and associated soft landscaping.

EXISTING

The application site is a two storey detached property on the corner of Dunster Drive and Hill Drive. It is not located within a conservation area nor are there any listed buildings within the curtilage of the application site or in proximity to the application site. The site lies within an Air Quality Management Area.

The property was originally built as a single family dwellinghouse. Recent works have been undertaken to enlarge the house and convert it into three flats outside of the scope of permissions set out below. The unauthorised works are subject to an active enforcement notice which is discussed in further detail below within the "history" and "remarks" section of this report.

AMENDMENTS SINCE SUBMISSION

During the course of the application, the following amendments were received:

- Alterations to layout to change from 2 x 3 bedroom flats to 1x 4 bedroom unit and 1 x Studio unit
- Addition of cycle parking provision
- Alteration of description to indicate removal of unauthorised fence

SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below within the context of the statutory duty contained in section 38(6) of the Planning and Compulsory Purchase Act 2004.

Representations received: A number of local representations (6 objections) have been made to this application for a variety of reasons. Officers consider that the proposal is acceptable for the reasons set out in this report.

Principle of Development: The proposal would not result in any net loss of family housing as a four bedroom flat is proposed over the ground and first floors. In addition a studio flat is proposed adding to the borough's housing stock. It is supported in principle.

Design and Appearance: The design is the same as considered by the Planning Inspector in the recent enforcement appeal. The design and appearance of the property is considered to be acceptable in terms of the impact upon the character and appearance of the locality.

Residential Amenity: There would be no undue impact on the amenity of neighbouring occupiers and it would be acceptable in this regard.

Quality of Accommodation: The layout of the 4 bed unit is considered to be in accordance with policy and is acceptable. The studio unit would not meet the minimum requirements in terms of floor-to ceiling height or amenity space. However, it would be over-sized and open planned. Furthermore it would be of a low occupancy. On balance this has been considered to be acceptable.

Transport impacts: The scheme proposes two off street parking spaces which is considered acceptable level of provision for this scheme, and is not considered to result in a significant detrimental impact upon the local highway network.

RELEVANT SITE HISTORY

The following planning history is relevant background to the consideration of this current planning application:

E/17/0654 - Enforcement Notice

Contravention: Without planning permission, the alteration and partial demolition of a dwellinghouse, amounting to the erection of a building containing self-contained flats.

Enforcement notice served on 23/09/2018 with compliance due by 27/09/2020.

The enforcement notice was appealed under reference APP/T5150/C/18/3214275. The enforcement appeal was dismissed and the enforcement notice was upheld with variation to the steps to comply with the enforcement notice. The appeal was dismissed on 27 September, 2019 with 12 month period for compliance i.e. by 27 September 2020.

16/2057: Planning Application

Demolition of chimney breast and extensions and alterations to existing bungalow to create a two storey dwelling with habitable loft space, including front porch, two storey side extension, single storey front extension, side dormer window, two rooflights, side door and associated alterations to windows on the front and side elevations - Granted, 15/12/2016.

Whilst this planning permission has not been implemented and the 3 year time period for implementation has now passed, it is referred to within the appeal decision above as one of the steps for compliance, and therefore is still a material consideration.

CONSULTATIONS

Public Consultation

Initial consultation letters were sent to 5 nearby properties and the application property on 17th December 2019.

Additional consultation letters were sent out on to properties on the opposite side of Dunster Road and on the corner of Hill Drive on 13th January 2020. In total 21 neighbouring properties plus the application address were consulted.

Subsequent consultation letters were sent to all 22 properties referred to above on 18th February 2020 to notify them of amendments made to the scheme. Details of the changes set out within the plans is discussed within "amendments" section below.

6 objections have been received from individual properties. The objections are summarised below:

An email was received from Dawn Butler MP in response to a complaint from a resident. The email requested the Council look into the matters raised in the complaints. A direct response was issued however, the contents of the original complaint are the same as those raised in the objections received to the current application. These issues have been summarised below and are addressed in the main body of the report. DG DO YOU HAVE ANY FURTHER COMPLAINT LETTERS/MEMBERS/MP ONES THAT YOU WANT TO COVER. I ONLY INCLUDED THOSE ON IDOX.

Objection	Response
There is a loss of a family unit Objection to allowing flats in this area	Addressed in paragraphs 12-14
The proposal is too tall and out of character It does not match the character of the local area.	Addressed in paragraphs 15-18

Disagree with Inspectors view that the building did not present a dominating presence or complement the neighbourhood.	
Potential impact in terms of noise and nuisance	Addressed in paragraphs 19-24
Potential for anti-social behaviour	There is no evidence to suggest that the conversion of a property into two flats would result in anti-social behaviour. Adequate provision has been provided for bin storage for both flats.
Concern over existing parking impact on the local road network, especially on Wembley Stadium Event Days. This was not considered by the Inspector.	Addressed in paragraphs 37-45
Application site located on a junction which is an accident black spot. Any enlarged building compared to original would make this worse.	
The original permission should be adhered to	The Enforcement notice which has been served remains valid and the requirements of this notice still need to be complied with unless new permission is granted.
The property is in breach of planning and the enforcement notice should be complied with	
The application is the same as that enforced against	Notwithstanding that, the current application differs from the scheme which was enforced against in that it has a different layout and unit mix
Objection to allowing retrospective application	Section 73A of the Town and Country Planning Act allows for planning permission to be applied for even if development has been carried out before the date of the application. This is known as retrospective planning permission.
Proposal will set an unwanted precedent	
This sets a precedent that residents can build what they want and apply retrospectively	Whilst acknowledging the frustration of residents observing unauthorised works, the applicant has sought to engage constructively with the Council in tackling issues identified in the enforcement notice and appeal decision.
Council is inconsistent with applying planning policies i.e. strict on residential extensions but allow developments of this form.	
Disagree with allowing amended plans, should have been a new application	The NPPF requires that Local Planning Authorities work positively with applicants in order to achieve favourable outcomes.

The Council is working with the developers/ is biased in favour of the developers	<p>One method of doing this is to request amended plans in order to bring a scheme in line with planning policy.</p> <p>Neighbouring properties were consulted when amendments were received to ensure that they were able to make comments on the amended scheme.</p>
Disagree with inspector's findings	This is noted. However, the Appeal Decision is a material consideration and must be taken into account in the assessment of any subsequent scheme.
<p>The property is being rented out, the owner does not live there</p> <p>Will be rented out as a HMO</p> <p>Has the potential for 16 residents if used as a HMO., based on potential for 8 bedrooms</p>	<p>The tenancy of the proposed development is not a material planning consideration.</p> <p>A condition has been applied preventing the use of the flats as use class C4 Houses in multiple occupation (3-6 people) without planning permission. A larger HMOs would in this case need express planning permission as a material change of use.</p>

Internal Consultations

Environmental Health – Application is retrospective therefore there are no requirements for a construction management plan or relating to land contamination. No objections are raised

POLICY CONSIDERATIONS

As indicated above, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of this application should be in accordance with the development plan unless material considerations indicate otherwise.

The development plan is comprised of the London Plan 2016, Brent Core Strategy 2010 and Brent Development Management Policies 2016.

Material Considerations include the National Planning Policy Framework 2019, Technical housing standards - nationally described space standard and the Council's Supplementary Planning Guidance 2 "Residential Extensions and Alterations" 2018.

Key policies include:

London Plan (2016)

3.5: Quality and Design of Housing Developments

Core Strategy (2010)

CP2: Population and Housing Growth

CP17: Protecting and Enhancing the Suburban Character of Brent

CP21: A Balanced Housing Stock

Development Management Policy (2016)

1: General Policy

12: Parking

17: Conversion of Family Sized Dwellings

18: Dwelling Size and Residential Outbuildings

19: Residential Amenity Space

The council is currently reviewing its Local Plan. Formal consultation on the draft Brent Local Plan was carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between 24 October and 5 December 2019. At its meeting on 19 February 2020 Full Council approved the draft Plan for submission to the Secretary of State for examination. It was formally submitted to the Secretary of State in March 2020. Therefore, having regard to the tests set out in paragraph 48 of the NPPF it is considered by Officer's that greater weight can now be applied to policies contained within the draft Brent Local Plan.

The draft London Plan has recently been subject to an Examination in Public, and is at the intend to publish stage.

These documents collectively carry increasing weight in the assessment of planning applications as they progress through the statutory plan-making processes.

Key policies include:

Draft Local Plan

DMP1 - Development Management General Policy

BD1 - Leading the way in good design

BH1 - Increasing Housing Supply

BH11 - Conversion of Family Sized Dwellings

BH13 - Residential Amenity Space

BT2 - Parking and Car Free Development

Draft London Plan

Policy D6 Housing quality and standards

Policy T5 Cycling

Policy T6 Car parking

Policy T6.1 Residential parking

DETAILED CONSIDERATIONS

Background

1. The pre-existing property was a chalet style detached dwellinghouse with accommodation the roof. It is located on the junction of Dunster Drive, Hill Drive and Glenwood Drive. Its front entrance faced onto Hill Drive. This elevation also contained a prominent bay feature. On the Dunster Drive elevation was a prominent chimney feature and a small bay window. There was an existing rear dormer window. The building was constructed in brick work on the Hill Drive elevation with a white render over the bay window feature. The other elevations were predominantly in rough cast render with a plain clay tiled roof.
2. The surrounding properties in the vicinity of the application site are predominantly two storey semi-detached houses. They typically have prominent bay window features on the front elevation with a gabled roof over the bay projection. In terms of materials they are generally constructed with brick work at

ground floor and rough cast render (a number painted white) on the first floor and side/rear elevations. There are level changes with the levels rising up Hill Drive and up Glenwood Drive.

3. Planning permission was granted in 2016 under application reference: 16/2057 for a number of extensions and alterations to the property. These included:
 - Ground floor rear extension with bay window fronting Hill Drive
 - New porch on Hill Drive
 - New bay window and front door on Dunster Drive
 - First floor added over original footprint of house with pitched roof.
 - Side dormer next to No. 2 Glenwood Drive and roof lights facing Hill Drive
4. Works were carried out to the property that were not in accordance with these approved plans for 2016 permission, and furthermore it was noted during the enforcement investigation that an unauthorised conversion into self-contained flats had taken place. The resulting building is almost entirely new with very little of the original structure remaining. The materials did not match those of the original property, the new building was constructed higher than shown in the approved plans, the size and design of the first floor windows, bay windows and dormer were all different, amongst other changes.
5. An enforcement notice was issued in relation to the unauthorised development under reference E/17/0654. It was then subject to an appeal to the Planning Inspectorate. Following the issuing of the enforcement notice and the Inspector's site visit, further work was undertaken to the property which included fenestration alterations, different colour rendering, bricks being dyed a darker and less uniform colour, and the porch demolished.
6. The Planning Inspector agreed that the works as carried out during the time of issuing the enforcement notice was harmful to the character and appearance of the area. In particular the Inspector agreed that the porch, fenestration and use of materials resulted in a poor quality building that had a cluttered and disjointed appearance. He also raised concerns with the colour of materials making the building appear particularly conspicuous which did not complement the locality. He also agreed that the loss of the existing family sized unit with no suitable re-provision would be harmful to local housing stock by not maintaining a balanced housing stock, and that the first and second floor flats would be unsatisfactory in terms of their living conditions as a result of failing to provide private outdoor space for these flats.
7. However, the Inspector had regard to the subsequent works carried out since issuing the enforcement notice and as viewed on their site visit. He formed the view that the alterations made to the fenestration and the appearance of the materials used, resulted in the building no longer being conspicuous or harmful to the character and appearance of the area. He recognised that they were restricted to consider the breach that existed at the time of the enforcement notice being served, and that the alterations do not form part of the development alleged.
8. The Planning Inspector therefore dismissed the appeal and upheld the enforcement notice (with a variation to the steps required for compliance) based on the unauthorised development as it existing at the time of issuing the enforcement notice, and not the subsequent alterations carried out.
9. The steps for compliance are as follows:

STEP 1 Demolish the unauthorised development, remove all associated debris, items and materials arising from that demolition and all materials associated with the unauthorised development from the premises.

STEP 2 Reconstruct the dwellinghouse using identical materials and finishes to exactly replicate the dwellinghouse as shown in plans (DRG. No. 001, 002, 003 and 004) and photographs attached to this notice.

OR

STEP 1a Make alterations to the building, including any necessary demolition, so that internally and externally it strictly accords with the submitted plans and details granted planning permission on 15 December 2016 under Council reference 16/2057.

STEP 2a Remove all materials and debris resulting from carrying out step 1a of this Notice from the land affected.

10. The period for compliance with the requirements is 12 months from the date of the appeal decision (i.e.

from 12 August 2019). The appeal decision is a material planning consideration that carries significant weight and has been taken into account during the assessment of this planning application as discussed below.

11. Having regard to the above matters it is considered that the following matters are the key issues in determining this matter:

- Suitability of Conversion of a family dwelling
- Quality of proposed accommodation
- Character and Appearance

Conversion of a family sized dwelling

12. Policy BH1 of the Draft Local Plan states that the Council will maximise the opportunities to provide additional homes.

13. Policy DMP 17 of the local plan and Policy BH11 of the Draft Policies, require that the conversion of family houses is resisted unless the conditions as follows are met: that the existing home is at least 130m², and that the conversion results in at least one 3-bedroom dwelling, preferably with access to a garden or amenity space.

14. The development as assessed by the Inspector contained 3 flats sized as 2 x 2 bed and 1 x 1 bed respectively. As such it resulted in the loss of a family sized unit and this was a reason noted in the dismissed appeal by the Inspector. The proposed scheme would provide a 3-bed unit with direct access to private amenity space. The floorspace of the property is over 130sqm required by the above policy (the ground and first floors alone are over 150sqm). As such there would be no net loss in family-sized units and the principle of the development is considered to be acceptable and this reason for refusal has been successfully overcome.

Character and Appearance

15. Policy DMP1 and Draft Policy BD1 seek to ensure that developments respect and complement historic character of their contexts.

16. As noted above, during the appeal related to the Enforcement Notice the inspector assessed the character and appearance of the structure as it exists currently. As part of this submitted application, no further extensions or alterations are proposed to the build form. In making their decision, the Inspector noted:

19. I appreciate the building is more imposing than the original bungalow, given its height, but in light of its individual location on a corner plot, and overall mass, the building is not bulky and does not result in it having a dominating presence. It therefore does not appear out of scale with the proportions and pattern of neighbouring buildings. In my view it does not readily read as a three-storey building given its overall proportions and roof line.

20. The dormer window is sited on an inconspicuous roof slope. This reduces the perception of its size and proximity to the main roof ridge. It therefore does not add unnecessary volume at roof level that is harmful when viewed from the street. I also observed during my site visit a number of box style dormer windows on properties in the immediate area. Whilst they may have been permitted development, they were nevertheless visible within the street-scene. The building therefore does not relate poorly to the surrounding streetscape, despite its reasonably prominent location.

17. The inspector noted that the materials used in the development as enforced against were not in keeping with the local area. However, he noted that:

.....the appellant has gone to considerable efforts to alter the fenestration of the building and the appearance of the materials that have been used. I am satisfied that these changes can reasonably be regarded as forming part of the development and thus can be considered under the deemed planning application.

24. The fenestration and wider design detailing are therefore no longer awkward or of a poor quality in terms of size, ratio or positioning and the porch has been demolished. Accordingly, the building now complements and respects the local context and streetscape. The painted render and muted brickwork also reflect that of buildings within the immediate vicinity. On the basis of what I observed during my site visit, the building is no longer conspicuous or harmful to the character and appearance of the area. It consequently

now accords with the aforementioned policies, supplementary planning documents and the good design objectives of the Framework.

18. These comments are a material consideration in the assessment of the current proposal. The current policy context as described above does not introduce factors which point to a different conclusion to that reached when this appeal decision was made. As such, the proposal is considered to be acceptable in terms of character and appearance and therefore complies with Policies 7.4 and 7.6 of the London Plan 2016, CP17 of the Core Strategy 2010 DMP1 of the Development Management Policies 2016 and the guidance contained in SPD1 2018. Additionally, it would comply with Policies DMP1 and BD1 of the draft local plan.

Residential Amenity

19. Policy DMP1 as well as Draft Policies DMP1 of the Draft Local plan and D4 of the Draft London Plan all emphasise that new development should not result in unacceptable harm to the residential amenities of neighbouring properties. SPD1 and SPD2 provide further guidance on the layout of new development to avoid such impacts.
20. The building as constructed broadly occupies the same footprint approved under 16/2057. At first floor level, the building does not project further forward or rearward of the neighbouring property than this approved scheme. This impact was considered to be acceptable in that application and there have been no material changes to policy or guidance which would alter the outcome of this assessment. Furthermore, the impact on neighbouring amenity was not included in the reasons for issuing the enforcement notice.
21. At ground level the subject property would extend approximately 3.2m beyond the rear elevation of the immediate neighbour no. 2 Glenwood Grove. This would be in accordance with SPD2 which allows for 4m rear extensions at ground floor level on detached properties. Furthermore this part of the proposal is set away from the shared boundary and has an eaves height of 2.8m with a sloped roof. As such, this element would not result in any harm to neighbouring amenity in terms of loss of light, outlook or overshadowing.
22. It is acknowledged that the dormer on the side elevation is larger than approved and located closer to the side of the neighbouring property. However, this looks across onto the roofslope of that neighbouring property and does not result in excessive levels of overlooking or loss of privacy. Similarly, due to the location of the dormer it would not result in any loss of light or outlook to neighbouring properties. The Inspector did not also raise any concerns with the impact of the side dormer upon neighbouring properties.
23. Similarly, it is acknowledged that the structure is taller than as approved by approximately 2m. However, given the distance of the subject property to neighbouring houses, and the lack of significant forward or rearward projection in comparison to the immediate neighbour, it is not considered that this additional height results in material harm to neighbouring amenity.
24. Overall, the impact of the proposal on neighbouring residential amenity is considered to be acceptable, and is in accordance with policy DMP1 of Brent's Development Management Policies 2016

Quality of Accommodation

25. Policies 3.5 of the London Plan and DMP 18 of the Local plan as well as policy D6 of the Draft London Plan set out the minimum space required for adequate quality of accommodation.
26. The 4 bedroom unit would have a Gross Internal Area (GIA) of 167sqm and the studio unit would have a GIA of 45sqm . Both flats would therefore exceed the minimum space standards as required by the London Plan in terms of GIA and would contain purpose built storage space. All of the rooms would meet the minimum room sizes required by the National Described Space Standards.
27. It is noted that the studio flat would fall short of the minimum floor-to-ceiling height required by the National Described Space Standards. However, approx. 28sqm would meet 2.3m headroom height, which accounts for 75% of a studio flat that meets minimum space standards (33sqm). It is considered that on balance, the open-plan nature in conjunction with the over-sized flat would mitigate the low ceiling height and would result in an acceptable layout.
28. All of the primary habitable rooms would have an external window and would receive sufficient daylight

and outlook.

29. The layout of the proposed flats are therefore considered to be acceptable, and in material accordance with policies 3.5 of the London Plan and DMP 18 of the Local plan as well as policy D6 of the Draft London Plan .

Amenity Space

30. Policy DMP19 states the following:

"All new dwellings will be required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This will normally be expected to be 20sqm per flat and 50sqm for family housing (including ground floor flats)."

The policy requirement in relation to external private amenity space is for it to be "sufficiency of size". Whilst there is a normal "expectation" for 20qm per flat and 50sqm for family housing (including ground floor flats), that is not an absolute policy requirement in all cases. This is reinforced by the supporting text to the policy which provides that:

"10.39 New development should provide private amenity space to all dwellings, accessible from a main living room without level changes and planned within a building to take a maximum advantage of daylight and sunlight. Where sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space".

31. The wording of the policy means that there is more than one means by which the policy requirement for sufficiency may be met and this includes, where necessary and appropriate, the use of communal amenity space. Furthermore, the reference to "normally" within the policy, allows for a departure from the target of 20sqm and 50sqm respectively, without giving rise to a policy conflict.
32. 60sqm of private amenity space would be provided for the ground floor flat which is in accordance with the above policy.
33. It is noted that in the previous appeal decision the inspector considered the amenity space provided for the upper flats was insufficient:

Policy DMP19 of the LBBP makes it clear that all new dwellings, including flats, will be required to have external private amenity space of a sufficient size and type to satisfy resident's needs. This is normally expected to be 20sqm per flat. Whilst the ground floor unit has access to a private garden area, which is adequate in terms of its size and relationship with neighbouring properties, the other units do not have any access to private outside space.

I have little evidence to indicate how or where the needs of occupiers of these flats, including future occupiers, would be met in this regard, such as to persuade me that private outside space for these two units is not required to be provided.

34. It is noted that no private amenity space has been provided for the upper flat. However, it is acknowledged that due to the layout of the scheme and amount of amenity space available, it would be difficult to subdivide the existing garden any further.
35. Additionally, the upper flat has an occupancy of 1 person where as the appeal scheme consisted of 3 flats, of which 2 flats did not have access to amenity space and were of a higher occupancy level having the potential for 4 and 2 people respectively. When balancing the proposed amenity space it is considered that provision for the family sized unit is a priority over the smaller flat.
36. Given the site circumstances, low occupancy of the upper flat and close proximity to the Fyrent Country Park (5mins walk) it is considered that on balance, the lack of amenity space for the upper flat can be acceptable in this instance.

Highways and Parking, Refuse, Cycle Parking

37. Policy DMP12 of the Local Plan and Policy BT2 require that development is designed not to have a detrimental impact on the traffic and highways network of the surrounding area.
38. The parking allowance for residential use is given in appendix 1 of the Development Management Policies. The pre-existing 4-bedroom dwelling is permitted a maximum of 2 spaces and the site can

currently accommodate up to two parking spaces within the front garden, which does satisfy parking standards.

39. The two proposed self-contained flats will have a maximum parking allowance of three spaces. Emerging policy BT2 (and Appendix 4) seeks to further reduce parking allowance to be consistent with the emerging London Plan and provide a maximum of 0.75 spaces per unit. This would result in a maximum of 1.5 spaces.
40. The two proposed retained existing spaces would be sufficient to meet likely demand (and indeed would exceed emerging parking standards). However, census data indicates that the average car parking ownership for flats does not normally exceed 1:1. The proposal is therefore unlikely to result in overspill to nearby streets. However, it is considered that the surrounding area would have capacity to take overspill if it occurred.
41. The enlarged building will not have an impact on sight lines for either pedestrians or vehicles, only if changes to the front boundary are being proposed, which they are not. No changes to the existing vehicle access are being proposed and so the proposals will have no detrimental impact on the operation of the junction.
42. The impact of overspill parking onto the local road network was considered by the Planning Inspector. This was on the basis of the property containing 2 x two bedroom flats and 1 x one bedroom flat with the maximum parking allowance for the three flats also being three spaces. Extract from the appeal decision is set out below:

25. I could see during my site visit that some immediate roads in the area have demarcated parking areas with only limited parking restrictions. I have been provided with little in the way of evidence concerning parking saturation within the immediate area, or indication of other planning harms, to persuade me that the increase in demand for on-street parking arising from the development would be unsatisfactory, or that existing demand cannot be met. Some on-site parking provision has also been retained.

26. I conclude that the development is not harmful to the provision of on-street parking and so accords with Policies DMP1 and DMP12 of the LBBP. These policies, amongst things, require development to be satisfactory in terms of parking and to not add to on-street parking demand where on-street parking spaces cannot meet existing parking demand. For the same reasons it would accord with the parking objectives of the Framework.

It is not therefore considered that the development would be likely to create any significant parking problems on-street in the vicinity of the site.

43. The front forecourt is proposed with 50% soft landscaping in line with policy DMP1 and DMP12. Further details of the front garden landscaping would be secured as a condition.

Cycle parking

44. A minimum of 3 cycle parking spaces are required, 2 for the 4 bed unit and 1 for the studio flat. The plans show a cycle shelter with space for 2 cycles in the rear garden and this is acceptable. 1 space is provided for the studio flat in the front driveway. The location for this is acceptable in principle. However it needs to be in a covered, secure shelter. It is recommended that such details are covered under a front garden landscape plan condition to any forthcoming consent.

Equalities

45. In line with the Public Sector Equality Duty, the Council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation). Moreover, all planning policy documents produced by the Council are subject to equalities impact assessments to ensure compliance with these requirements.

Conclusion

46. Following the above discussion, officers consider that taking the development plan as a whole, the proposal is considered to accord with the development plan, and having regard to all material planning considerations, should be approved subject to conditions. Whilst the studio flat does not benefit from any private or communal external amenity space as specified within Policy DMP19 or emerging London Plan

policy D6, given the low occupancy of this flat and the proximity to nearby public open space (Fryent Park), the quality of accommodation for future residents is considered to be satisfactory. Intentional unauthorised development is a material consideration that should be weighed in the determination of planning applications and appeals. However, in this case, the Inspector held the view that the building was acceptable in design terms, with their concerns expressed over the loss of a family sized unit and poor quality accommodation for the upper floor flats through lack of external amenity space. The planning application must be determined based on the performance of the submitted scheme against the policies identified and relevant material considerations. On balance it is considered that the amended proposals do bring about a satisfactory scheme and accordingly approval is recommended.

CIL DETAILS

This application is liable to pay **£11,733.59** * under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible* floorspace which on completion is to be demolished (E): 194.43 sq. m.

Total amount of floorspace on completion (G): 227 sq. m.

Use	Floorspace on completion (Gr)	Eligible* retained floorspace (Kr)	Net area chargeable at rate R (A)	Rate R: Brent multiplier used	Rate R: Mayoral multiplier used	Brent sub-total	Mayoral sub-total
(Brent) Dwelling houses	227		32.57	£200.00	£0.00	£9,712.84	£0.00
(Mayoral) Dwelling houses	227		32.57	£0.00	£60.00	£0.00	£2,020.75

BCIS figure for year in which the charging schedule took effect (Ic)	224	323
BCIS figure for year in which the planning permission was granted (Ip)	334	
TOTAL CHARGEABLE AMOUNT	£9,712.84	£2,020.75

*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

**Eligible means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 19/4351

To: Mr Stewart
Stewart M&PS Ltd
The Windmill Studio Centre
106 Pembroke Road
Ruislip
HA4 8NW

I refer to your application dated **11/12/2019** proposing the following:

Retrospective planning application for a two storey building and proposed conversion into a residential development comprising 2 self-contained flats, including the creation of a side entrance, rear amenity space, cycle storage, 2 car parking spaces and associated soft landscaping; removal of boundary fence

and accompanied by plans or documents listed here:
See Condition 2

at **62 Dunster Drive, London, NW9 8EL**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **GRANT** permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 15/06/2020

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in general accordance with policies contained in the:-

National Planning Policy Framework (2019)
The London Plan (2016)
Brent Development Management Policies (2016)
Council's adopted Supplementary Planning Document 2 - Residential Extensions Design Guide (2018)

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

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

A1.0 Rev A, 001, 002, 003, 004, A1.2 Rev A

Design and Access Statement

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

- 3 The residential units hereby approved shall at no time be converted from C3 residential to a C4 small HMO, notwithstanding the provisions of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) without express planning permission having first been granted in writing by the Local Planning Authority.

Reason: To ensure that an adequate standard of accommodation is maintained in all of the residential units and in view of the restricted space in the front garden to accommodate additional bin or cycle storage.

- 4 Prior to first occupation of the two flats hereby approved, further details of the front garden layout shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:

(i) Details of the front garden layout shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development (excluding any demolition, site clearance and the laying of foundations), Such details shall include:

(i) A planting plan for of the front garden area, including the provision of shrubs and/or trees

(ii) any hedges and shrubs to be retained

(iii) any front garden wall, fences or other form of boundary treatment to be provided or retained together with the removal of the close boarded timber fencing on top of the boundary wall facing Hill Drive;

(iv) any car parking spaces, including the size and siting of the parking area, defined points of access and the surfacing materials to be used [which shall include the provision of parking for 2

cars;

(v) any waste and recycling storage facilities;

(vi) secure undercover lockable cycle store compound for studio flat with minimum ground floor dimensions of 750mm x 2,000mm

The hard and soft landscape works shall be carried out in full accordance with the approved details prior to the use of the building as two flats hereby approved, unless alternative timescales have been submitted to and approved to be agreed in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved timescales .

Reason: To ensure a satisfactory appearance and in the interests of local amenity.

INFORMATIVES

- 1 The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- 2 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 3 The applicant is reminded that the requirements of Enforcement Notice E/17/0654 remain in effect. The applicant is advised that the enforcement notice should be complied with by 27th September, 2020 or that this planning permission should be implemented and complied with in full by 27th September, 2020, unless agreed otherwise by the local planning authority in writing.

Any person wishing to inspect the above papers should contact Liam McFadden, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 3299