

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

12 March, 2025
06
24/3532

SITE INFORMATION

RECEIVED	10 December, 2024
WARD	Queens Park
PLANNING AREA	Brent Connects Kilburn
LOCATION	75 Chamberlayne Road, London, NW10 3ND
PROPOSAL	Proposed erection of single-storey rear extension and associated landscaping works to lower ground floor; Installation of mechanical plant and extraction flue/ducting to rear of building, and installation of rear side infill canopy to lower ground floor that forms a covered passage
PLAN NO'S	See condition attached in Schedule B.
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_171301</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 "24/3532" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

INTRODUCTION

Under Part 4 (Terms of reference for Council committees and sub-committees) of the Council's Constitution, a planning application for a minor development for a non-residential extension would not normally be determined by Planning Committee. However, under paragraph 2, an application for planning permission is required to be determined by Planning Committee where at least three Brent Councillors have requested, in accordance with the criteria set out below, that the application be considered by the Planning Committee (i.e. a call-in application).

An application will fall within paragraph 2 and will be referred to the Planning Committee for determination if, in the opinion of the Corporate Director or the Head of Planning, all of the following criteria are met within the Councillor's request:

- it clearly states that the Councillor wishes the application to be determined by the Planning Committee and explains why it is not appropriate for the application to be determined under officer delegated powers;
- it states whether or not the Councillor has been in contact with the applicant, agent, objector(s) or any other interested party concerning the application and, if so, provides details of the approach(es), including the identity of the person(s);
- it is in response to a current application that has been publicised by the Council; and
- it raises planning considerations that are material and related to the application.

Call-in requests were received in relation to this planning application from three councillors i.e. Cllrs Steve Crabb, Neil Nerva and Lesley Smith.

The call-in request follows Cllr Crabb's contact with multiple local residents. Cllr Crabb considers that in his view that it is not appropriate for this application to be determined under officer delegated powers due to the complex history of planning applications at this subject site and the concerns that local residents have about the application of planning regulations in this case. He felt that it would be helpful for community cohesion and in the interests of restoring trust in the Council for this to be discussed in Committee hence the request for Planning Committee to determine the application has been made.

Cllr Crabb also disclosed that he had previously spoken to an agent working on behalf of an applicant regarding this site, but it did not relate to this specific application as he is not certain if ownership/management of the property has changed since then.

RECOMMENDATIONS

- A. That the Committee resolve to GRANT planning permission; and
- 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 limit to commence development
2. Approved plans / drawings
3. Materials to match
4. Noise and vibration control measures
5. Odour control measures

Informatives:

1. Grant of planning permission does not replace separate building control approvals
2. Party Wall etc Act
3. Building near boundary
4. Any other informative(s) considered necessary by the Head of Planning

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.

SITE MAP



Brent

Planning Committee Map

Site address: 75 Chamberlayne Road, London, NW10 3ND

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This map is
indicative
only.

PROPOSAL IN DETAIL

Proposed erection of single-storey rear extension and associated landscaping works to lower ground floor; Installation of mechanical plant and extraction flue/ducting to rear of building, and installation of rear side infill canopy to lower ground floor that forms a covered passage.

EXISTING

The application site is a four-storey terraced building with a basement, commercial unit (restaurant) on the ground floor and residential flats above on the eastern side of Chamberlayne Road. There is an outdoor seating area at the front entrance.

The subject site lies within Kensal Rise Conservation Area and to its rear the site adjoins Queen's Park Conservation Area. The site forms the primary shopping frontage of Kensal Rise Town Centre.

SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application:

Representations received: Objection comments from 6 parties were received on this application, in addition to objections from the Queen's Park Residents' Association (QPRA) and the Kensal Rise Residents' Association (KRRRA). These comments are summarised within the Consultation section below.

Principle of development: The development would facilitate the operation of commercial premises (currently a restaurant) located to the primary shopping frontage of the Kensal Rise Town Centre as designated within the Brent Local Plan 2019-2041. It is an objective of both national planning policies and development plan policies to encourage strong town centres and ensuring their vitality.

Character, appearance and impact to the designated conservation areas: The subject site has become part of the newly designated Kensal Rise Conservation Area since 28 May 2024. The subject site also adjoins the designated Queen's Park Conservation Area to its rear. Officers assessed that the development would have a less-than-substantial degree of harm of the character and setting of the conservation areas, and that the public benefits associated with the development would outweigh the less than substantial harm.

Impact on neighbouring residential amenities: The development would not result in a harmful impact on neighbouring amenities, in terms of noise, disturbance and odour, and the development would be subject to planning conditions in relation to noise and vibration, and odour controls.

Fire safety: Policy D12a of the London Plan 2021 requires all development proposals must achieve the highest standards of fire safety. The proposed extension is assessed to have met the requirements of Policy D12a.

RELEVANT SITE HISTORY

Relevant Planning History

23/2544: Retrospective application for the retention of rear external flue and ducting and existing single storey rear extension with proposed alterations to external cladding and fenestration of the existing rear extension and removal of side return canopy and rear pergola to restaurant - Refused, 08/12/2023.

E/23/0104: Without planning permission, the erection of a single storey rear extension and side infill extension at the rear of the premises ("the unauthorised development")

Enforcement notice served on 31/03/2023 taking effect on 10/05/2023. Direct action was then taken by the Council resulting in the demolition of the unlawful extension.

22/2887: Retention of single storey rear extension, pergola with slate roof, air conditioning condenser and retention of external flue and ducting and the removal of rear side infill canopy to restaurant - Refused, 28/03/2023.

22/0450: Retrospective application to retain existing single storey and side infill extension, external flue and ducting, pergola and canopy to rear of restaurant and Air Conditioning Condenser - Refused 07/04/2022.

CONSULTATIONS

Neighbouring addresses were first notified of this application by letters on 19/12/2024. A site notice was affixed in vicinity of the subject premises on 23/12/2024 and a press notice was publicised on 02/01/2025.

Following the receipt of revised application information including revised drawings and supporting reports, the application was given a revised description. Neighbouring addresses were sent new letters informing them of the revised application description on 15/01/2025. A replacement site notice was affixed in vicinity of the subject premises on 17/01/2025 and a press notice was publicised on 23/01/2025.

Objection comments from 5 individuals (some of which submitted multiple comments), together with the Queen's Park Residents' Association (QPRA) and the Kensal Rise Residents' Association (KRRA), were received and they are summarised as follows:

Reasons for objection	Officers' considerations
Adverse impact to the character and appearance of the conservation area due to the extraction flue.	Please see detailed assessment on this matter in the remarks below.
Adverse impact to neighbouring amenity due to the extraction flue, in terms of noise, vibration and odour.	Please see detailed assessment on this matter in the remarks below.
Fire risk associated with the development.	Please see detailed assessment on this matter in the remarks below.
Installation of a tent within the rear courtyard and associated noise and disturbance impacts.	<p>It is understood a tent has been installed in the rear courtyard following the Council taking direct action on 28 August 2024 to remove an unauthorised rear extension pursuant to the requirements of planning enforcement notice ref E/23/0104. The enforcement team has concluded that the tent does not need planning permission.</p> <p>The current application concerns the erection of a new rear extension to the subject premises which sits on part of site where such tent is currently situated.</p>
The new rear extension would consist of a small window which would introduce noise.	Detailed consideration of impacts on neighbouring residential amenity is set out in the

	remarks below.
Alleged unauthorised works to a tree within the garden of an adjoining property to the rear of the subject site (114 Keslake Road), which is subject to conservation area control.	<p>This issue had been addressed in the assessment of a previous planning application under ref 23/2544. It does not appear that this position has changed since the determination of the previous application.</p> <p>The objector reports and alleges that their tree (which is within CA boundary) had been unknowingly pruned. The Council's Principal Tree Officer previously determined that they sought to investigate this matter separately.</p> <p>For the purpose of the current application, it does not appear that carrying out the works proposed within this application would affect neighbouring trees.</p>

POLICY CONSIDERATIONS

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications should be in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises:

- London Plan 2021; and
- Brent Local Plan 2019-2041

Key relevant policies include:

LONDON PLAN 2021

D4 Delivering good design

D12a Fire safety

D14 Noise

HC1 Heritage conservation and growth

SD6 Town centres and high streets

SD7 Town centres: development principles and Development Plan Documents

BRENT LOCAL PLAN 2019-2041

DMP1 Development Management General Policy

BD1 Leading the Way in Good Urban Design

BE4 Supporting Strong Centres

BGI1 Green and Blue Infrastructure

BGI2 Trees and Woodlands

BHC1 Brent's Heritage Assets

BSUI4 On Site Water Management and Surface Water Attenuation

OTHER MATERIAL CONSIDERATIONS

The following are also relevant material considerations:

National Planning Policy Framework

National Planning Practice Guidance

Supplementary Planning Guidance / Documents:

- SPD1 Brent Design Guide 2018
- London Plan Guidance (LPG) Fire Safety (2022 draft guidance)

DETAILED CONSIDERATIONS

BACKGROUND MATTERS

Site history

1. There is extensive planning application and enforcement history at the subject site, the relevant history is summarised as follows:
2. In April 2022, an application seeking retrospective planning permission for a single storey and side infill extension, external flue and ducting, pergola and canopy to rear of restaurant and air conditioning condenser. This application was refused for five reasons as follows:

1. The proposal, by reason of the design, external materials, size and siting of the extract equipment and the pergola would fail to preserve or enhance the character and appearance of the adjoining Queens Park Conservation Area, resulting in less than substantial harm to the significance of the conservation area which is not outweighed by benefits of the proposal. The proposal is contrary to policy HC1 of the London Plan 2021 and BHC1 of the Brent Local Plan 2019-2041 and section 16 of the National Planning Policy Framework.

2. The proposal, by reason of the design, external materials, size and siting of the extract equipment and the pergola and the external materials of the rear extension would be out of keeping with and detrimental to the character and appearance of the building and the area. The proposal is contrary to policy BD1 and DMP1 of the Brent Local Plan 2019-2041.

3. The proposal fails to appropriately demonstrate that the proposed extraction equipment would not have a detrimental impact on nearby residents and occupiers by way of excessive noise, vibration and odour, nor does it demonstrate that the use of the pergola would not have a detrimental impact on nearby residents and occupiers by way of noise and associated nuisance, and, by reason of the proximity of these features to sensitive receptors, is likely to result in such impact. The submission fails to demonstrate that the proposal will comply with Policy DMP1 of the Brent Local Plan 2019-2041.

4. The proposal fails to demonstrate a net gain in biodiversity and as such, fails to demonstrate that the scheme will make an appropriate contribution to biodiversity and ecology. This is contrary to London Plan Policy G6.

5. The proposal fails to include sufficient information to demonstrate that the development will ensure the safety of all building users in the event of a fire and as such is contrary to Policy D12A of the London Plan 2021.

3. Subsequently, an amended scheme was submitted under application ref 22/2887. This application sought to remove the side return canopy while retaining the external flue and duct and single storey rear extension with replaced materials of brick panels in yellow stock brick with a slate roof. The materials of the pergola would also be changed to include a slate roof. Additionally, planters are proposed in the rear garden.

4. This application was refused on 28 March 2023 for the following one reason only:

The proposal fails to demonstrate that the development achieves adequate standards for fire safety and as such is contrary to Policy D12A of the London Plan 2021.

5. In the consideration of application ref 22/2887, officers were of a view that despite the flue equipment was considered to cause some level of visual harm and less-than-substantial harm to the setting of the Queen's Park Conservation Area. Having engaged with the test of the balance of public benefits, the installation of equipment in facilitating the operation of a business within a primary shopping frontage was considered to outweigh the modest harm associated with the flue. This assessment was consistent with the approach set out within the National Planning Policy Framework (NPPF) which requires any less-than-substantial harm to significance of designated heritage assets being weighed against public benefits of the proposal including, where appropriate, securing its optimum viable use.
6. Nonetheless, whilst the application was considered to be acceptable in relation to design policies in terms of impact on character, appearance and neighbouring amenities. it was found to be unacceptable due to

insufficient information being provided in relation to the fire safety considerations set out within Policy D12A. Overall, officers concluded that the submission had failed to demonstrate that the development achieves adequate standards for fire safety in accordance with policy D12A. As such, application ref 22/2887 was refused.

7. On 31 March 2023, the Council served a planning enforcement notice ('the EN') under ref E/23/0104 in relation to the unauthorised single-storey rear extension and side-infill extension. The EN required the following steps to be undertaken to remedy the breach of planning control within 4 months from 10 May 2023:

STEP 1 Remove the single storey rear extension and side infill extension at the rear of the premises.

STEP 2 Remove all associated fixings, items, debris and materials, arising from compliance with STEP 1, from the premises.

8. No appeal to the Secretary of State has been made in relation to the EN. The applicant instead made a further planning application (ref 23/2544) to seek planning permission for the flue and the extensions, with the removal of the pergola and canopy cover. This application was refused on 8 December 2023 for the following one reason only:

The proposal and details submitted have failed to demonstrate that the development achieves adequate standards of fire safety and is therefore contrary to criterion A of Policy D12 of the London Plan (2021).

9. Following this refusal and due to the non-compliance to the requirements of the EN, the Council took direct action on 28 August 2024 pursuant to the requirements of the EN to remove the single-storey rear extension.

The current application

10. Following the demolition of the previous rear extension, this application seeks planning permission for the proposed erection of a new single-storey rear extension constructed with brickwork.
11. Since the initial submission of the application, the applicant has provided revised application details with agreed to a new description of development as follows:

'Proposed erection of single-storey rear extension and associated landscaping works to lower ground floor; Installation of mechanical plant and extraction flue/ducting to rear of building, and installation of rear side infill canopy to lower ground floor that forms a covered passage'

CHARACTER, APPEARANCE AND IMPACT ON HERITAGE ASSETS

12. The existing property is a four-storey, terraced brick building with a pitched roof and a four-storey pitched rear outrigger. The application concerns the ground floor and lower ground floor in use as a restaurant. The site now located within the Kensal Rise Conservation Area (KRCA) and is adjacent to the Queen's Park Conservation Area (QPCA) to the rear. The character is one of outriggers and open rear back gardens which are mostly soft landscapes.
13. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
14. National Planning Policy Framework (NPPF) (December 2024) paragraph 135 b) and c) outlines that planning decisions should ensure developments are visually attractive as a result of good architecture and sympathetic to local character. Paragraph 139 of Framework states 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes'.
15. Paragraph 202 of the NPPF recognises that heritage assets are an irreplaceable resource and seeks to conserve them in a manner appropriate to their significance. It is appropriate to consider the desirability of new development making a positive contribution to the local character and distinctiveness [paragraph 210]. Paragraph 212 of the NPPF states that when considering the impact of development on the

significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

16. NPPF paragraph 215 states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. This approach is echoed by Policy BHC1 of the Brent Local Plan 2019-2041.
17. Policies DMP1 and BD1 of the Brent Local Plan 2019-2041 and the Brent Design Guide SPD1 provide guidance on principles of good design. Policy BHC1 seeks the highest quality of architectural and urban design, including innovative contemporary design that respects and complements historic character.

Rear extension

18. The proposal consists of the erection of a new single-storey rear extension to the outrigger that measures 5m in depth, with a flat roof a maximum height of 3m, or 2.4m in relation to the rear ground level. From the proposed plans, the extension would host the cooking preparation area for the restaurant use connected the kitchen internally.
19. At 5m, this new proposal is +2m greater in depth than the pre-existing (now demolished) extension and would have an increased eaves height from c.2m to 2.4m.
20. The proposed drawings have set out the proposed choice of materials for the extension. Principally, the extension would be built with brickwork to match the host building (with a product imagery supplied within the drawings) with its flat roof finished in a single-ply membrane with a lead flashing over roof finish and bed in the mortar joints of brickwork.
21. Overall, the bulk and scale of the proposed extension would be a generally subservient addition to the host building and the locality. Equally, is not considered to have an adverse impact to the living conditions of adjoining or neighbouring occupiers nor would the new extension impact the viability of vitality of neighbouring commercial uses. There is c.3.5m of separation distance to the rear end of the garden and the footprint of the proposed extension would take up less than half of the rear garden area. The modest height at 2.4m is not considered to introduce harmful living conditions to neighbouring occupiers.
22. The proposed extension, with its matching brickwork and modest bulk and scale and its subservient relationship with the host building and neighbouring buildings, is not considered introduce harm to the character and appearance QPCA. Considering the limited visibility to this proposed extension from street vantage, this element of the proposal is not considered to prejudice of the setting and character of KRCA.
23. The proposal also seeks to retain the in situ side return canopy cover that forms a covered passage. Drawings shown this to be a plain sheet that overhangs the passage and records indicate such canopy cover is made of Perspex plastic materials. Although canopy covers as such are not a traditional feature of either CA or along this row of terrace, considering its lightweight appearance with a thin profile and minimal visibility of such canopy from elsewhere beyond the site, this element of the proposal would preserve the character and appearance of the QPCA and the KRCA.

Extraction flue and mechanical plant

24. This part of the current application remains the generally the same as previously assessed in applications ref 22/2887 and ref 23/2544 – comprising an extraction flue that runs along the rear façade for the host building to roof level and mechanical plant to the roof of the ground floor extension. The equipment is cylindrical and has a metallic finish.
25. The external flue serves the kitchen within the single storey rear extension. The flue runs the height of the outrigger on the rear wall extending slightly above the party wall with No.73 Chamberlayne Road adjacent to rear outrigger windows on the upper floors.
26. It is acknowledged that the flue would be visible from neighbouring gardens and residential windows within the QPCA. Along this commercial parade of nine properties, there are two other visible external flues, one to the northern end of terrace No.83 and one to the adjoining property No.73.

27. For No.83, the equipment is visible from Chevening Road and residential gardens however the adjoining property's is less prominent as it is positioned on the flank wall adjacent to the chimney breast. While it is noted that the external flue would be bulky and dominant given that the row of buildings serves a primary shopping frontage it is not uncommon for this equipment to be required for the functioning of businesses.
28. The previous reason for refusal under ref 22/0450 noted that by reason of the design, external materials, size and siting, the extract equipment and the pergola would be out of keeping and detrimental to the character and appearance of the building and would fail to preserve or enhance the QPCA, resulting in less than substantial harm. The outstanding design concerns regarding the rear pergola have been addressed as it has been removed.
29. While the view from neighbouring properties and rear gardens do form part of the QPCA and have a bearing on its overall quality, the harm of the flue equipment is considered to be less-than-substantial as it would only have an impact on a localised part of the QPCA. As with the previous refused application, when considering the operation of the site and the benefits of the unit being occupied by a use that adds to the viability and vitality of the Town Centre. This is considered to provide a public benefit that would outweigh the limited harm to the Conservation Area.
30. The equipment would not be visible from the street level within the KRCA to the front of the building. The limited visibility of the equipment from vantages within the rest of the KRCA means there is de minimis to nil impact to the integrity of this Conservation Area.

IMPACT ON NEIGHBOURING AMENITIES

Rear extension

31. Policies DMP1 and BD1 of the Brent Local Plan collectively seeks to ensure new development is of a location, use, concentration, siting, layout, scale, type, density, materials, detailing and design that provides high levels of internal and external amenity and complements the locality.
32. The proposed rear extension, given its modest height at the boundary and overall bulk, is not considered to lead to an adverse impact to the overall living condition of adjoining occupiers.

Noise and vibration

33. Policy DMP1 of the Brent Local Plan seeks to ensure new development, amongst other things, does not unacceptably increase exposure to noise, light and general disturbance. Policies D13 and D14 of the London Plan collectively seeks to ensure an acceptable impact in terms noise in development proposals for example by good design and mitigation measures, whilst ensuring established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them.
34. Officers note at the time of writing of this report there have been no changes in site conditions that would materially alter the assessment previously made. The previous application was accompanied with a noise impact assessment (prepared by KP Acoustics dated 28 January 2022) which the Council's Environmental Health officers had reviewed, and the same noise impact assessment has been provided in the current application. As there has not been a change to the equipment nor is one proposed, this report would remain relevant.
35. The extraction and flue system are required to disperse the cooking odours and fumes and ventilate the restaurant kitchen. The flue is positioned above the outrigger roof to reduce exposure for neighbouring properties. The applicant has submitted details of the components of the equipment. The report suggests the mitigation measures of an acoustic silencer in order for the equipment to meet acceptable noise levels. The report includes information for the anti-vibration mounting strategy. The applicant has also provided evidence from the installer of the ductwork that the silencers have been installed and thus the noise from the equipment is measured at 10dB below the background noise levels.
36. Environmental Health officers have advised that there had been previous noise complaints made on the subject premises, regarding the use of the rear courtyard (washing pots) and music from the premises. However, those complaints were not relevant to the operation of the mechanical plant or the extraction system in situ.

Odour

37. The applicant has submitted an odour assessment (prepared by Compliance 4 Buildings Ltd dated 7 November 2022). This report is the same as submitted in the previous application and the Council's Environmental Health officers had reviewed this submission.
38. The applicant has advised that carbon filtration will be installed with an odour extraction system installed in line with EMAQ guidance on odour from commercial kitchens as stipulated in the odour assessment. Paragraph 3.2.7 of the report has also recommended additional mitigation measures in the form of a pre-filter/panel filter, or an electrostatic precipitator should be installed before the carbon filtration system.
39. In the interest of mitigating the harmful impacts already introduced to neighbouring amenity and a lasting level of acceptable amenity impact to the locality for the lifetime of the development, a condition is recommended to ensure the additional EMAQ+ mitigation measures outlined in the above report would be implemented in full in a timely manner following any decision to grant consent to the development.

FIRE SAFETY

40. Policy D12 of the London Plan requires all new development to take account of fire safety in design. The submission of the fire safety information pursuant to criterion A of Policy D12 is intended to ensure fire safety is considered early in the development process and accordingly deals with fire safety matters that could relate to land use planning. However, it is not intended to replace the detailed information required through the Building Regulations or other fire or building safety legislations.
41. The draft LPG sets out that to comply with criterion A of Policy D12, development proposals should demonstrate, including in a Planning Fire Safety Strategy (PFSS) and on plans that they meet the following criteria, proportionate to their size and complexity:
- Identify suitably positioned unobstructed outside space for fire appliances to be positioned on
 - Identify suitably positioned unobstructed outside space appropriate for use as an evacuation assembly point
 - Are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire, including appropriate fire alarm systems and passive and active fire safety measures
 - Are constructed in an appropriate way to minimise the risk of fire spread
 - Provide suitable and convenient means of escape, and associated evacuation strategy for all building users
 - Develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in
 - Provide suitable access and equipment for fire fighting which is appropriate for the size and use of the development
42. Failure to demonstrate sufficient compliance to Policy D12a was the main reason that the previous applications had been refused. However, the early refusals related to an extension that was already built and had not been subject to building regulations. The extension has since been removed and this application proposes the erection of a new rear extension constructed with brickwork. The proposed materials have been indicated within the proposed drawings.
43. The current application is accompanied with a PFSS and a fire risk assessment (prepared by a registered fire safety assessor dated 22 November 2024). The PFSS submitted follows the recommendation provided in the fire risk assessment, and outlines general measures to fulfil the six requirements under Policy D12 and sets out measures to limit fire spread. The fire risk assessment has recommended a list of actions that would be required to reduce fire risk at the premises, including the installation of a Grade A L3 fire detection system, emergency lighting and replacement fire action signages. Escape route has been outlined within fire assessment report – for the new extension occupiers would exit via the courtyard and then through the building and make their way on the ground floor using the main front entrance.
44. With such measures implemented, the proposal would demonstrate sufficient information to comply with the requirements of policy D12a of London Plan 2021.
45. It should also be noted that there is a legal requirement to ensure the proposal would comply with Building Regulations and other building safety legislations that sit outside of the remit of the planning

permissions regime, including detailed requirements of Approved Document B (fire safety).

TREES AND LANDSCAPING

46. Policy BGI1 of the Brent Local Plan and Policy G6 of the London Plan sets out that all development should achieve a net gain in biodiversity.
47. The rear garden is entirely occupied by paving and the proposal would include planters to the rear garden. While these areas are small, they do provide a net increase biodiversity within the site over the existing arrangement. When the site was visited the rear garden was paved and did not include any landscaping or trees. The proposed planters, in this case, do represent an improvement in biodiversity over the existing hard landscaped area.
48. An objection comment was received alleging that the objector's tree (which is within conservation area boundary) had been unknowingly pruned, without the proper notification being served to the Local Planning Authority. In this case, this is not a relevant consideration to the development proposed in this application as it does not appear that carrying out the works proposed within this application (as captioned within the description) would directly affect neighbouring trees.

FLOOD RISK, DRAINAGE AND ON-SITE WATER ATTENUATION

49. Policy BSUI4 of the Brent Local Plan sets out proposals for minor development should make use of sustainable drainage measures wherever feasible and must ensure separation of surface and foul water systems.
50. The site is not within an area prone to flooding or in a Critical Drainage Area therefore a flood risk assessment was not required. The site is entirely hard surfaced, and the proposed extension would go over existing hardstanding. The proposal would include planters to the rear garden which would aid some natural drainage of the site.
51. Although no information has been provided in terms of sustainable drainage, having taken into account the nature and scale of the proposal, such impact is generally considered, on balance, relatively minimal. Thus, on this occasion, the lack of such information is not considered to be a sufficient reason on its own to withhold permission.

EQUALITIES

52. 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).

CONCLUSION

53. The retention of the external flue is considered to cause some level of visual harm and less than substantial harm to the setting of the adjoining conservation area. However, on balance, the benefits of the scheme in facilitating the operation of a business within a primary shopping frontage are considered to outweigh the modest harm associated with the flue. The rear extension and side canopy are considered to sufficiently comply with design policies without compromising neighbouring amenity or the setting of the conservation area. The application would be in general accordance with the development plan when taken as a whole. Approval is accordingly recommended.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 24/3532

To: Mr Mohammed
SM10 Studio Architecture
2 West Chantry
Harrow
London
HA3 6NX

I refer to your application dated **10/12/2024** proposing the following:

Proposed erection of single-storey rear extension and associated landscaping works to lower ground floor; Installation of mechanical plant and extraction flue/ducting to rear of building, and installation of rear side infill canopy to lower ground floor that forms a covered passage

and accompanied by plans or documents listed here:

See condition attached in Schedule B.

at **75 Chamberlayne Road, London, NW10 3ND**

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: 04/03/2025

Signature:

David Glover
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 the:

- National Planning Policy Framework (December 2024)
- London Plan 2021
- Brent Local Plan 2019-2041

- 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):

20-SM-XX-S-DR-A-001	Location Plan
20-SM-XX-S-DR-A-002	Site Plans
SM-XX-00-DR-A-101	Existing Plans and Elevations
SM-XX-00-DR-A-102	Proposed Plans and Elevations (revisions received on 14/01/2025)

Supporting documents:

A600 Design Access Heritage Statement (prepared by SM10 Studio Architecture dated 02/12/2024)

Fire Risk Assessment (prepared by Zain Saqib dated 22/11/2024)

A602 Planning Fire Safety Strategy (prepared by SM10 Studio Architecture dated 02/12/2024)

23933.PCR.01 Planning Compliance Report (Acoustic Report) (prepared by KP Acoustics Ltd)

20222925M925C/1 Odour Assessment (prepared by Compliance 4 Buildings Ltd dated 07/11/2022)

Product specifications Purified Air Limited sitesafe carbon filters

Product specifications S&P cylindrical cased axial flow fans TCBB/TCBT series

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

- 3 The materials used in any exterior work must match those indicated in the drawings hereby approved.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

- 4 The extraction equipment and mechanical plant hereby approved shall only operate in full accordance with the recommendations and measures set out within the acoustic report (ref 23933.PCR.01 prepared by KP Acoustics Ltd dated 28/01/2022), unless the Local Planning Authority gives written consent indicating otherwise.

Reason: In the interest of neighbouring amenities in terms of noise and disturbance.

- 5 Within one month from the date of this decision notice for the grant of planning permission, the odour abatement recommendations and measures as set out within the Odour Assessment report (ref 20222925M925C/1 prepared by Compliance 4 Buildings Ltd dated 07/11/2022) including the implementation of further EMAQ+ measures (e.g. panel filters and electro-static precipitator) in full accordance with the report, and thereafter retained in accordance with such details.

Reason: In the interest of neighbouring amenities in terms of odour.

INFORMATIVES

1 - The applicant is reminded that separate regulatory regimes may be applicable for the implementation of the proposed development. 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 (as amended). The grant of planning permission and the approval of the fire safety information submitted for the purpose of an application for planning permission, whether by the Local Planning Authority or on appeal, does not indicate that consent will be given under the Building Regulations and other applicable legislations.

The applicant is advised to ensure the proposed works and plans would conform to Part B of Approved Document of the Building Regulations and that the application is submitted to Building Control/Approved Inspector who in some circumstances may be obliged to consult the Fire Authority.

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 government website:

<https://www.gov.uk/government/publications/preventing-and-resolving-disputes-in-relation-to-party-walls/the-party-wall-etc-act-1996-explanatory-booklet>

3 - 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.

Any person wishing to inspect the above papers should contact Ryan Wong, Planning and Regeneration,
Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2343