

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

11 September, 2019  
03  
19/0670

## SITE INFORMATION

RECEIVED	20 February, 2019
WARD	Queens Park
PLANNING AREA	
LOCATION	758-760 Harrow Road, London, NW10 5LE
PROPOSAL	Erection of roof level extension to create 2 x self-contained flats with external balconies to 758 and 760 Harrow Road and provision of new refuse and bicycle storage
PLAN NO'S	PAD/182/01; 02-A; 03; 04A
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_144059">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_144059</a></p> <p><b><u>When viewing this as an Hard Copy .</u></b></p> <p><b>Please use the following steps</b></p> <ol style="list-style-type: none"><li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li><li>2. Select Planning and conduct a search tying "19/0670" (i.e. Case Reference) into the search Box</li><li>3. Click on "View Documents" tab</li></ol>

## RECOMMENDATIONS

Resolve to **grant** planning permission subject to conditions.

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

1. Time limit for commencement
2. Approved drawings/documents
3. Materials to match those of the existing building
4. Parking Permit restricted flats
5. Implementation of bin and cycle storage
6. Removal of permitted development rights to change properties into small HMOs

Informatives:

1. CIL liability informative
2. Party Wall Act
3. Fire safety
4. London Living Wage
5. Notify Brent Highways prior to works taking place

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.

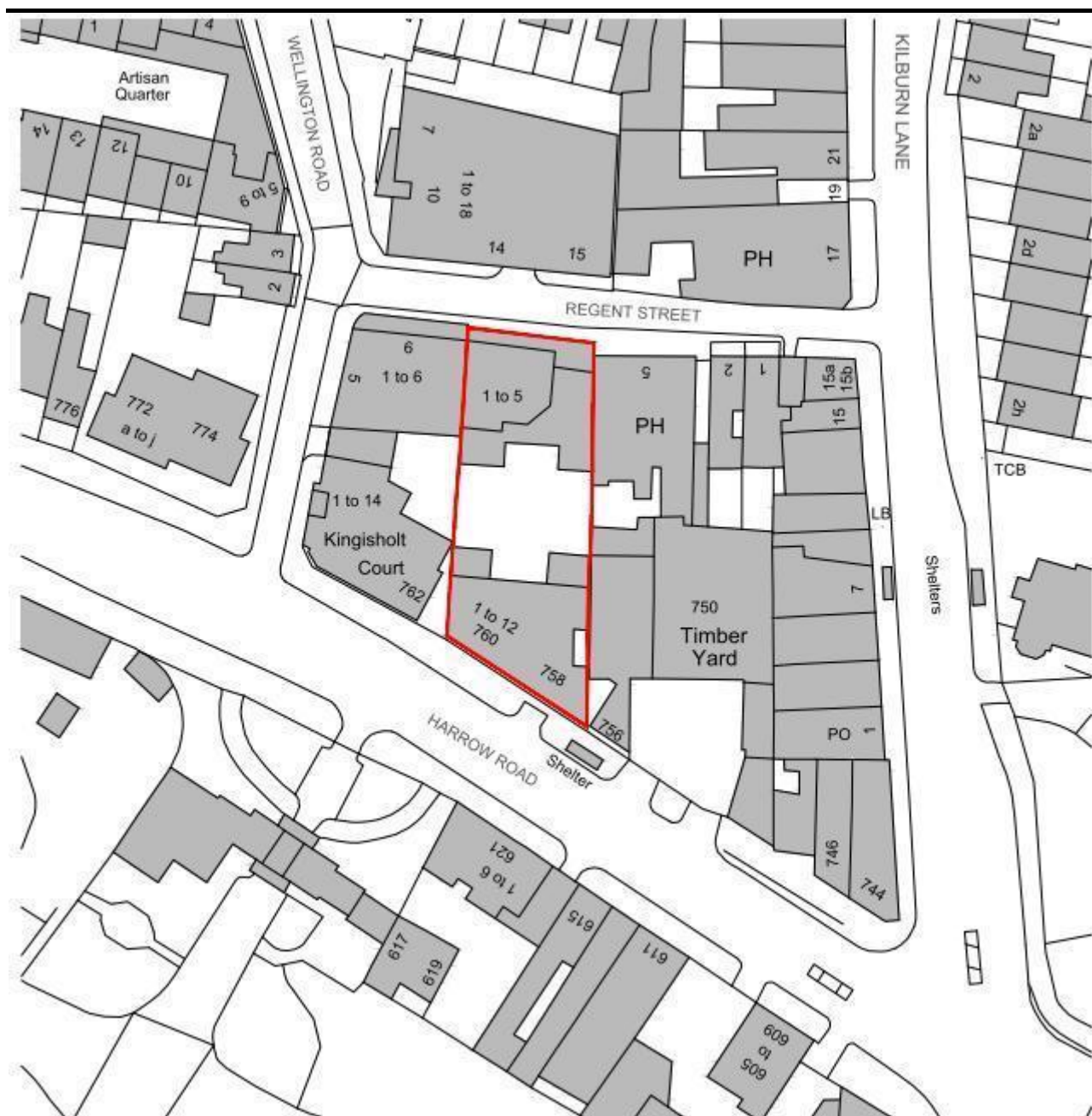
## SITE MAP



### Planning Committee Map

Site address: 758-760 Harrow Road, London, NW10 5LE

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This map is indicative only.

## PROPOSAL IN DETAIL

The current proposal seeks permission for the erection of roof level extension to create 2 x self-contained flats with external balconies to 758 and 760 Harrow Road and provision of additional refuse and bicycle storage

## EXISTING

The application site relates a four storey building, located on the northern side of Harrow Road. The ground floor consists of vacant commercial premises, with residential properties situated above. The site is not situated within a Conservation Area or designated town centre and it does not contain or affect any listed buildings.

## SUMMARY OF KEY ISSUES

**The key planning issues for Members to consider are set out below. Objections have been received regarding some of these matters. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application.**

### Principle

The existing site mixed use site comprising commercial space at ground floor with residential above. The proposal would -provide two additional residential units in a location with very good access to facilities and public transport and would add to the Borough's Housing stock.

### Standard of accommodation

It is considered that the scheme would provide a good standard of accommodation, generally consistent with Development Plan Policies in the quality of the living environment.

### Design/Character and appearance

It is considered that the proposal would be in keeping with the character and appearance of the wider area.

### Impact on neighbouring amenity

It is considered that the proposal will result in no material harm to the amenities of neighbouring occupiers in terms of impacts on privacy, light and outlook,

### Highways/parking

Subject to a condition restricting parking permits for future residents of the units, it is considered that the proposal is acceptable in highways and transport terms.

## RELEVANT SITE HISTORY

**17/4229:** Change of use of the ground floor retail unit (Class A1) to 2 x 1 bedroom flats (Class C3) with associated front and rear external alterations, winter garden and glazed screening. **Refused.**

**10/3088:** Erection of 2 four storey buildings comprising 2 retail units and 1 office unit at ground floor level with 14 self-contained flats with roof terraces above, associated car-parking, bicycle storage, refuse storage and alterations to existing pedestrian and vehicular accesses. **Approved.**

**06/3514:** Demolition of existing buildings and erection of a four storey building comprising two retail units and

an office unit at ground floor level and 14 self-contained flats (3 x 1 bed, 7 x 2 bed and 4 x 3 bed) with communal roof terraces above, together with associated car parking, bicycle storage, refuse storage and alterations to the pedestrian and vehicular accesses. **Approved.**

## CONSULTATIONS

Individual notification letters were sent to the occupiers of 48 neighbouring properties. 20 objections have been received. The issues raised can be summarised as follows:

Objection	Response
Lack of consultation from the applicant to leaseholders	Ownership Certificate A was incorrectly submitted with the initial application. After this issue was brought to the attention of Officers the application was made invalid until all lease holders were correctly notified by the applicant and Certificate B was submitted.
Overdevelopment of the site	Discussed in character and appearance section of main report.
Visual amenity - neighbouring 5th floor development is set back from front elevation	Discussed in neighbouring amenity section of report.
Loss of light and outlook to neighbouring properties, particularly along Regent Street	Discussed in neighbouring amenity section of report.
Potential structural damage to the property	This is not a material planning consideration.
Insufficient space on site for parking and refuse provision	Discussed in transport section of report.
Proposed cycle provision is a fire safety/evacuation hazard	The cycle storage as shown would not block any emergency exits.
Harmful impact on existing highways and parking provision	Discussed in transport section of report.
Proposal would not be wheelchair accessible	The proposal involves the creation of 2 residential units. The London Plan requires 10 per cent of new build dwellings to be wheelchair accessible. It would therefore be difficult to apply the 10 per cent requirement in this instance given the scale of the proposal.
Noise and disturbance during construction	This is dealt with under separate legislation.
Proposed materials are a fire hazard	The resulting building is not high rise (less than 18m in height) which means that combustible materials are not prohibited. This will largely be dealt with at building control stage.
Insufficient refuse storage	This has been assessed as meeting standards.
Application should be postponed until ongoing legal action between lease holders and applicant is resolved (E/15/0134).	This application can be determined without any impact on this enforcement case.

## POLICY CONSIDERATIONS

## **London Plan (2016)**

Key policies include:

3.5 Quality and Design of Housing Developments

6.9 Cycling

## **Core Strategy (2010)**

CP2: Population and Housing Stock

CP17: Protecting and Enhancing the Suburban Character

CP21: A Balanced Housing Stock

## **Local Plan (2016)**

DMP1: Development Management General Policy

DMP12: Parking

DMP16: Resisting Housing Loss

DMP18: Dwelling Size and Residential Outbuildings

DMP19: Residential Amenity Space

## **Other**

Technical Housing Standards (2015)

SPD 1: Brent Design Guide (2018)

# **DETAILED CONSIDERATIONS**

## **1.0 Principle**

1.1 London Plan Table 3.1 sets an annual target of 1,525 net additional dwellings for Brent. This is supported by Core Strategy Policy CP2 and Local Plan Policy DMP16.

1.2 The existing site contains a mixed use building with residential units on the upper floors, which is consistent to this part of Harrow Road. The application seeks to provide a total of two net additional residential units, contributing towards local and national housing targets. Given the existing use of the site, the principle of the development is acceptable, subject to detailed criteria considered below.

## **2.0 Quality of Residential Accommodation**

2.1 Local Plan Policy DMP1 states that new development must provide high levels of internal and external amenity. Furthermore, DMP18 states the size of dwellings should be consistent with London Plan Policy 3.5, Table 3.3 'Minimum Space Standards for New Dwellings' and 'Technical Housing Standards and DMP 19 requires adequate external amenity space to be provided.

2.2 The proposal is to create two, two bedroom/three person flats. Both of the proposed units are considered to provide a good standard of accommodation for potential residential occupiers and be in accordance with the policies outlined above. Both of the dwellings would meet minimum space standards. The minimum internal floor area for a two bedroom/three person single storey unit is 61sqm. The flat annotated on the plans as 'Plot 1' measures 70sqm and the flat annotated as 'Plot 2' measures 77sqm. Both would therefore be acceptable in terms of layout, room size, and storage. Furthermore, the flats would both be either dual or multi-aspect and the internal living spaces would receive good levels natural light, outlook and ventilation.

2.3 In terms of internal amenity, Local Plan Policy DMP1 and DMP19 requires family sized units to have access to 50sqm metres of private outdoor amenity space and smaller units to have access to 20sqm of amenity space. The smaller flat, 'Plot 1' would be provided with 8sqm of balcony space. This is below the required provision however as the unit is not a family dwelling the need for large amounts of outdoor space is less pressing, and the property also provides very good internal amenity. Consequently, the under provision of outdoor amenity space, whilst not ideal, is regarded as acceptable on balance. The flat 'Plot 2' provides

20sqm of terrace space, which is compliant with Council policy.

2.4 The proposed development would therefore ensure good levels of internal and external amenity for future occupants of the site.

### **3.0 Design**

3.1 Core Strategy Policy CP17 states that the distinctive suburban character of Brent will be protected from inappropriate development. Local Plan Policy DMP1 states that development will be acceptable provided it is of a location, siting, layout, scale, type, materials, detailing and design, and complements the local area. This is supported by the design guidelines set out in SPD1. SPD1 states that the height and massing of new development should respond positively to the existing context. Roofscapes should fit in with the existing character of roof types within the street scene and that flat roofs, where appropriate, should be set back to minimise their visual impact.

3.2 The proposal is to erect an additional floor at roof level to the existing four storey building in order to create two new self-contained units. The new development will be set back from the front elevation along Harrow Road, with the exception of modest front balconies.

3.3 The urban grain of the surrounding area is of recently built five storey developments. The approved development at 750-756 Harrow Road (15/2653) is five storeys, meanwhile to the rear, the blocks of flats on the corner of Wellington and Regent Road are all five storeys. The block of flats at 762-764 Harrow Road (known as Kingsholt Court) is also part five/part six storeys tall. Across Harrow Road, the row of much older terraces properties from 611-621 Harrow Road are only three stories tall, whilst almost directly opposite the site is the entrance to Kensal Green Cemetery.

3.4 Considering the significant amount of five storey structures on the northern side of Harrow Road, the proposed extension would not result in a form of development out of keeping with the scale of surrounding development. Moreover, the two proposed units would be set 2.6m back from the front elevation, negating potential massing issues, and ensuring the extension appears as a suitably subservient addition. The extension is proposed to be timber clad, which is acceptable, particularly given that materials are generally varied to this part of Harrow Road.

3.5 Consequently, the works are regarded as being modest in scale and sympathetically designed. Furthermore, the proposal is deemed as being subservient to the original building and compatible with its neighbours and setting. It is therefore considered to be visually acceptable and in accordance with Core Strategy Policy CP17, Local Plan Policy DMP1 and SPD1.

### **4.0 Neighbour Amenity**

4.1 Local Plan Policy DMP1 seeks to ensure new development does not unacceptably increase exposure to noise, light and general disturbance. This is supported by SPD1.

4.2 The proposed development could potentially impact the sunlight and daylight enjoyed by nearby occupiers, most notably Flats 1-5 6 Regent Street, but also the flats at 5-6 Wellington Road, 5 Regent Street and 619-621 Harrow Road. In considering this, the applicant has submitted a BRE Daylight/Sunlight Assessment. The Council follows guidance set out in Building Research Establishments' (BRE) Report 2011 "Site Layout Planning for Daylight and Sunlight - A guide to good practice". This guidance is used as aid to prevent and/or minimise the impact of a new development on the availability of daylight and sunlight in the environs of the site

4.3 Vertical Sky Component Assessment (VSC) - The VSC assessment represents the amount of available daylight received directly from the sky at a particular window, expressed as a percentage of the amount of direct sky a horizontal unobstructed roof-light would receive. Where a VSC value of 27% is achieved, then enough skylight (direct daylight) should reach the window of an existing building. If the existing value is less than 27%, then a 20% reduction will cause a noticeable difference. The submitted Daylight/Sunlight Report demonstrates that all windows meet the BRE guidelines.

4.4 Daylight Distribution (DD) - The DD Assessment represents the change in skyline when viewed through a subject window. The working plane level is set at 0.85m above floor level. Daylight to an existing

building, as a result of a proposed development, may be reduced by 20% before the loss becomes noticeable. The BRE report demonstrates that all of the rooms meet the BRE guidelines, save for the first floor bedroom to 5 Regent Street, which falls only fractionally below.

4.5 Average Daylight Factor (ADF) - An ADF assessment takes into account the amount of direct sky visibility incident on a window serving a subject room, the transmittance of the light through the glass, and the reflectance of that resultant light from the entire surface area of the room, which is then expressed as a percentage. The recommended values are: 2% for kitchens or open plan living areas, 1.5% for living rooms and 1% for bedrooms. The results show that all main habitable rooms are in excess of the minimum ADF values.

4.6 To ensure that development does not appear overly dominant or appear overbearing for any nearby occupiers, SPD1 states that in general, the building should be set below a line of 30 degrees from the nearest rear habitable room window of adjoining existing property, and should normally be set below a line of 45 degrees at the garden edge, measured from a height of 2m.

4.7 The proposal would comply with the 30 degree line taken from the first floor of 6 Regents Street (the ground floor is not in residential use), and from the first floor of 621 Harrow Road (again, the ground floor is in use as retail rather than residential).

4.8 Given that the subject site primarily adjoins blocks of flats, rather than individual houses and therefore the areas adjoining the site, at ground floor area are communal spaces which appear to be used for parking and storage purposes. The proposed roof extension would measure 3m in height and whilst noting that there are balconies to neighbouring buildings, none of these would be directly affected by the additional of the roof extension.

4.9 SPD1 states that windows for new development should remain at least 18m away from existing habitable windows of neighbouring properties in order to ensure no overlooking or loss of privacy occurs. The distance to the Flats 1-5 at 6 Regents Street to the rear measures 20m. The distance to the flats at 621 Harrow Road to the front is approximately 18m. The proposal is acceptable in regards to privacy.

4.10 Local Plan Policy DMP1 states development is acceptable where it does not unacceptably increase exposure to noise. In this case the roof terraces are modest in size and front Harrow Road, which is a busy main road. It is also noted that the roof terraces are associated with single dwellings and reasonable use would not result in any significant impact to neighbouring occupiers. The potential for the creation of unacceptable noise and disturbance would therefore likely be negligible and the reasonable use of the proposed units and their outdoor spaces should not result in any significant disturbance to the neighbouring occupiers.

## **5.0 Highways**

5.1 Local Plan Policy DMP1 states development will be acceptable providing it is satisfactory in terms of means of access for all, parking, manoeuvring and servicing, and does not have an adverse impact on the movement network

5.2 As the site has excellent access to public transport, the lower residential parking allowance set out in Table 6 at Appendix 1 of the adopted DMP 2016 applies. The 15 existing flats (6 x 1-bed, 7 x 2-bed & 2 x 3-bed) are therefore allowed up to 12.15 spaces, with up to two further spaces allowed for the shop unit (total 14 spaces). Servicing for the shops and offices by vans is also required. The existing rear car park/service yard is large enough to satisfy existing standards.

5.3 The addition of two further 2-bedroom flats would increase the residential parking standard by 1.5 spaces to 13.65 spaces. The existing car park at the rear, which has 12 car parking spaces, will continue to provide sufficient parking to satisfy over 75% of the maximum residential standard. Daytime parking for the shops and office can dovetail with the residential use at night, so there is generally considered to be sufficient off-street parking within the development to meet the increased demand for parking.

5.4 Nevertheless, the existing upper floor flats within the block at the front of the site are subject to a 'car-free' agreement and to ensure a consistent approach, the proposed additional flats on the upper floors should also be subject to a similar agreement. This has been accepted by the applicant in their Design &

Access Statement and a condition is proposed to this effect.

5.5 The London Plan requires four secure bicycle parking spaces for these new flats. During the course of the application amended plans were received showing a revised cycle parking layout which is considered acceptable. In order to provide adequate refuse, an additional bin store is proposed within the courtyard area, within 20m of Regent Street as required, which is acceptable.

## 6.0 Equalities

6.1 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).

## CIL DETAILS

This application is liable to pay **£65,116.08\*** 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): sq. m.

Total amount of floorspace on completion (G): 170 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
Dwelling houses	170		170	£200.00	£60.00	£50,089.29	£15,026.79

BCIS figure for year in which the charging schedule took effect (Ic)	224	224
BCIS figure for year in which the planning permission was granted (Ip)	330	
<b>Total chargeable amount</b>	<b>£50,089.29</b>	<b>£15,026.79</b>

\*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: 19/0670

To: Ms Clark  
Hedley Clark Ltd  
Yew Tree House  
Sandy Lane  
Kingsley  
Bordon  
GU35 9NH

I refer to your application dated **20/02/2019** proposing the following:

Erection of roof level extension to create 2 x self-contained flats with external balconies to 758 and 760 Harrow Road and provision of new refuse and bicycle storage

and accompanied by plans or documents listed here:

PAD/182/01; 02-A; 03; 04A

at **758-760 Harrow Road, London, NW10 5LE**

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: 02/09/2019

Signature:

**Gerry Ansell**

Interim Head of Planning, Transport and Licensing

### 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:-

Core Strategy (2010)  
Local Plan (2016)  
Technical Housing Standards (2015)  
SPD 1: Brent Design Guide (2018)  
SPD 2: Residential Extensions and Alterations (2018)

Relevant policies in the Adopted Development Management Plans are those in the following chapters:-

CP2: Population and Housing Stock  
CP17: Protecting and Enhancing the Suburban Character  
CP21: A Balanced Housing Stock  
DMP1: Development Management General Policy  
DMP12: Parking  
DMP16: Resisting Housing Loss  
DMP18: Dwelling Size and Residential Outbuildings  
DMP19: Residential Amenity Space

- 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):

PAD/182/01; 02-A; 03; 04A

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

- 3 All new external work shall be carried out in materials that match, in colour, texture and design detail those detailed on the approved drawings/application form.

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

- 4 Occupiers of the residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within the Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. For the lifetime of the development a notice, no smaller than 30cm in height and 21cm in width, clearly informing occupants of this restriction shall be displayed within the ground floor communal entrance lobby, in a location and at a height clearly visible to all occupants. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.

Reason: In order to ensure that the development does not result in an increased demand for parking that cannot be safely met within the locality of the site.

- 5 The details of the secure cycle parking provision and bin storage shall be carried out in accordance with the details as approved, prior to occupation of the development hereby approved and these facilities shall be retained in perpetuity.

Reason: To ensure satisfactory facilities for cyclists and refuse collection and in the interest of visual amenity.

- 6 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 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.

## INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at [www.brent.gov.uk/CIL](http://www.brent.gov.uk/CIL).
- 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](http://www.communities.gov.uk)
- 3 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 4 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer, constructor and end occupiers of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction and end use of development.
- 5 The required highway works along the Regent Street frontage contained within the S106 Agreements dated 6th September 2007 and 31st May 2012 for the redevelopment of this site remain outstanding and the existing development is therefore in breach of its planning consent. The applicant is therefore advised to contact the Head of Highways & Infrastructure to resolve this matter".

Any person wishing to inspect the above papers should contact Paige Ireland, Planning and Regeneration,  
Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 3395