

LONDON BOROUGH OF BRENT

EXECUTIVE

DATE: 29th March 2004

FROM THE DIRECTOR OF ENVIRONMENT

FOR ACTION

NAME OF WARD: KILBURN

PETITION FOR THE DESIGNATION OF A NEW CONSERVATION AREA IN KILBURN

1.0 SUMMARY

1.1 The Council has received a petition from some residents of Victoria Road, Algernon road, Brondesbury Road, Hazlemere road, and Donaldson Road, Kilburn. The petition contains 119 signatures requesting the designation of the area defined by the above roads as a new Conservation area. The petition also requests that the Council increase the resources it applies to the conservation of the existing Kilburn Conservation Area. More than the required 50 petitioners have been identified as residents of the Borough, which requires that the petition is reported to the Executive. This report responds to the issues raised in the petition.

2.0 RECOMMENDATION

- 2.1 That, the Executive notes the petition from and the concerns of, the 119 Petitioners.
- 2.2 That Hazlemere, Donaldson, Victoria and Algernon roads should not be considered for designation as a new statutory Conservation Area.

3.0 FINANCIAL IMPLICATIONS

Retention of present Conservation Area Designations

3.1 If no further Conservation Areas are designated there will be no extra financial implications for the Councils Planning and Conservation resources.

Increase in designated Conservation Areas

3.2 There would be an increase in the number of homes within Conservation Areas that would be subject to reduced Levels of "Permitted Development" this means that the Council would experience an increase in the number of applications for Planning Permission.

4.0 STAFFING IMPLICATIONS

4.1 There would be an increase in existing heavy work loads for planning and Conservation staff.

5.0 ENVIRONMENTAL IMPLICATIONS

- 5.1 The Area in question is an attractive residential area of Kilburn and enjoys the same protection as any other part of the Borough. A new Conservation Area would reduce the environmental decline of the area through a reduction in permitted development rights. However, a number of the houses have already had the sort of alteration that detracts from the historic quality that would have otherwise justified a designation. However, if the area were to be designated the extra controls would only have a limited impact on the type of development in rear gardens - It is this area of decline that most concerns residents. (Please see Appendix A)

6.0 LEGAL IMPLICATIONS

- 6.1 Under Standing Order 69, a petition with more than 50 valid signatures which does not relate to a specific planned policy decision, must be referred to the Executive, unless the subject matter of the petition falls within the terms of reference of a Council committee or sub-committee - It is considered that this petition does not.
- 6.2 The Council has a duty under the Planning (Listed Building and conservation Areas) Act 1990 to determine from time to time which parts of its area are areas of special architectural or historic interest the character and appearance of which it is desirable to preserve or enhance and to designate those areas as conservation areas. The Council has a broad discretion in carrying out this duty but if it took wrong considerations into account or acted unreasonably in failing to designate an area as a conservation area it could be open to legal challenge.

7.0 DETAIL

The petition

- 7.1 The Council has received a petition requiring the following:

"We are petitioning for increased resources within the Planning department to:

- 1. Maintain the existing Kilburn/Queens park Conservation area*
- 2. Create a second one for selected streets including Hazlemere Road, Donaldson road, Victoria road and Algernon Road."*

- 7.2 All the petitioners reside in the roads named in the petition above. However, there are 683 individual homes within the area covered by the four roads. This means that the 119 petitioners represent 17.25% of the residents living in these streets.

Background

Resident issue

- 7.3 Principally, the petition has come about from resident concerns over insensitive extensions in rear gardens. They are of the opinion that the type of extensions being erected would not be given Planning permission if the area was a designated Conservation Area.

Council response

- 7.4 A Conservation Area designation would only reduce the size of extensions allowed without Planning Permission and even the extra controls of an Article 4(2) Direction (which enables the Council to remove certain permitted development rights in a conservation area) would not apply to the rear of properties in the roads under discussion.

Furthermore, statutory Conservation Areas should not be designated simply to prevent development they are intended to protect the surviving character of historic areas

Resident issue

- 7.5 The residents are concerned that the existing Kilburn Conservation Area may be de-designated as part of the Conservation review and those resources for Conservation may be reduced.

Council response

- 7.6 The Council resolved through the Executive of the 8th December 2003 to de-designate certain conservation areas but Kilburn Conservation Area was not one of these. The Executive also agreed an increase in the allocation of resources to the Councils Conservation Activities. The reduction of the number of designated Conservation Areas will also enable the Council to concentrate its resources in the remaining areas.

8.0 CONCLUSION

8.1 The Council is keen to encourage its residents to be involved with the protection of its historic environment and recognises the efforts made by the residents of Kilburn. However, it is considered that the historic character of this part of the Borough is appropriately protected by the existence of the Kilburn, Queens Park and Brondesbury Conservation Areas close to the area covered by the petition. Any new Conservation Area must display an appropriate level of preservation to justify Statutory Conservation area status and it is considered that this is not met in the current case.

9.0 BACKGROUND INFORMATION

Details of Documents:

- 9.1 Report to Executive 30th March 2003
Report to Executive 8th December 2003
Planning Policy Guidance Note 15 and 16
Unitary Development Plan Adopted 1994 and Revised UDP 2000 - 2010
Planning (Listed Buildings and Conservation areas) Act 1990
Preservation Status: Survey Summary Sheets for all 32 Existing Conservation Areas
- 8.2 Any person wishing to inspect the above papers should contact Mark Smith, Design and Conservation Officer, Planning Service, Brent House, 349 High Road, Wembley, Middlesex HA9 6BZ, Telephone: 020 8937 5302

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