

**RECEIVED:** 25 June, 2009

**WARD:** Fryent

**PLANNING AREA:** Kingsbury & Kenton Consultative Forum

**LOCATION:** 24 Valley Drive, London, NW9 9NP

**PROPOSAL:** Retention of single storey rear extension, two storey side to rear extension to dwellinghouse and conversion of garage into a habitable room (variation to scheme approved on 04/07/2006 - Ref: 06/1275).

**APPLICANT:** Mr A H Porath

**CONTACT:** Mr J Benaim

**PLAN NO'S:** SB/B376/1; and SB/B376/2 Rev A

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#### **RECOMMENDATION**

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture or other Officer with authority to agree the exact terms thereof on advice from the Borough Solicitor.

#### **SECTION 106 DETAILS**

The application requires a Section 106 Agreement, in order to secure the following benefits:-

- (a) Payment of the Councils reasonable legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance (reasonable cap on costs to be agreed).
- (b) Prior to occupation of the development enter into a S38/S278 of the Highways Act agreement with the Council to provide the reinstatement of one of the 2 cross overs outside of the Development on Valley Drive as public footway leaving only one cross-over.

And, to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

#### **EXISTING**

The application site contains a semi detached dwellinghouse located on Valley Drive. The site is not located within a conservation area nor is it a listed building.

#### **PROPOSAL**

Retention of single storey rear extension, two storey side to rear extension to dwellinghouse and conversion of garage into a habitable room (variation to scheme approved on 04/07/2006 - Ref: 06/1275).

#### **HISTORY**

**E/09/0345:** Enforcement investigation into the breach of condition 2 (built in accordance with

approved plans) of planning permission ref: 06/1275 dated 04/07/2006 - ongoing.

**06/1275:** Full Planning Permission sought for erection of front extension 2 storey side to rear and single storey rear extension to dwellinghouse - Granted, 04/07/2006.

## **POLICY CONSIDERATIONS**

### **Brent UDP 2004 - adopted on 14th January 2004**

**BE2: Local Context & Character** - Proposals should be designed with regard to their local context, making a positive contribution to the character of the area.

**BE7: Public Realm - Streetscape** - Forecourt parking should not detract from the streetscape or setting of the property, or create a road/pedestrian safety problem.

**BE9: Architectural Quality** - Requires new buildings to embody a creative and high quality design solution, specific to the sites shape, size, location and development opportunities and be of a design, scale and massing appropriate to the setting. Proposals should be laid out to ensure that buildings and spaces are of a scale, design and relationship to each other, which promotes the amenity of users, providing a satisfactory level of sunlighting, daylighting, privacy and outlook for existing and proposed residents.

### **Supplementary Planning Guidance**

SPG5 – Altering and Extending your Home (adopted September 2002)

## **SUSTAINABILITY ASSESSMENT**

N/A

## **CONSULTATION**

**Consultation Period: 02/07/2009 - 23/07/2009**

### **Public Consultation**

3 neighbours consulted - 2 objections received on the following grounds:

- loss of light and outlook to neighbouring properties
- loss of privacy from flank wall windows and door
- development is of a significant size
- extension being built on the boundary line - overhanging guttering
- extension exceeds the guidance as outlined in SPG5 in terms of the depth of the ground floor rear extension and distance from flank wall of first floor rear extension to No. 26 Valley Drive
- porch does not follow the established building line and is out of character with the street
- porch will restrict the available depth of forecourt for off street parking
- property to be converted into flats

These objections have been addressed within the remarks section of this report.

### **Internal Consultation**

Enforcement team - no objections raised

## **REMARKS**

### **Introduction**

Planning permission was previously granted for a two storey side and part single, part two storey rear extension together with a front porch extension with an integral garage at ground floor to No. 24 Valley Drive (LPA Ref: 06/1275).

A minor amendment was agreed to the approved scheme on 7 January 2008. This included the relocation of the flank wall of the first floor rear extension to a distance of 5.76m from the mid point of the bay window at No. 26 Valley Drive. This is to mirror the first floor rear extension which was under construction at No. 26 Valley Drive which was approved at the Planning Committee meeting on 28/11/2007.

Works have commenced on site and following on from a site inspection by your enforcement officers it was evident that the extension was not being built in accordance with the approved plans. A summary of the main variations from the approved plans are set out below:

- single storey rear extension being built an additional 1.5m in depth (total depth of 4.5m) next to No. 22 Valley Drive
- flat roof replaced with a pitched roof for the single storey rear extension next to No. 26 Valley Drive
- conversion of garage into a habitable room

These issues are addressed in further detail later in this report.

### **Neighbouring properties**

The adjoining semi, No. 26 Valley Drive, has a two storey side and part single, part two storey rear extension together with a front porch extension. Planning permission was originally granted on 21/07/2005 (LPA Ref: 05/1685) and a subsequent application for variations to the approved scheme was approved on 29/11/2007 (LPA Ref: 07/2856). The latter application was presented to the Planning Committee on 28/11/2007. The variations which were approved by members included the replacement of the flat roofed single storey rear extension with a pitched roof; conversion of the garage into a habitable room; and the width of the first floor rear extension as built was wider than shown on the approved plans which resulted in the extension exceeding the 1:2 guidance in relation to the nearest habitable room at No. 24 Valley Drive.

The other neighbouring property, No. 22 Valley Drive, has a single storey side to rear extension. There is a planning record for this extension (LPA Ref: 93/0095).

### **Current application**

#### *Single storey rear extension*

The approved plans proposed the single storey rear extension next to No. 26 Valley Drive at 3.0m in depth with a flat roof at 3.0m high. Work has commenced on the rear extension with the depth of the extension being built in accordance with the approved plans. A pitched roof is now proposed instead of a flat roof. The roof was not constructed when officers visited the site but the plans indicate that it will match the height of No. 26 Valley Drive, measuring 3.5m adjoining the main rear wall of the house descending to approx. 2.5m (measuring 3.0m at its mid point). The height of the pitched roof complies with the guidance as outlined in SPG5 and as such the pitched roof is considered acceptable.

An additional 1.5m deep and 3.0m wide ground floor rear extension has been built next to No. 22 Valley Drive. This addition did not form part of the approved scheme. The roof was not completed when officers visited the site but the plans indicate that it is proposed with a flat roof at 3.0m high with parapet walls at 3.4m high. The height and depth of the extension will match the neighbouring extension at No. 22 Valley Drive. Whilst the depth of the extension does exceed the height and depth of the guidance as outlined in SPG5, given that it will be in line with the extension at No. 22 Valley Drive and is a considerable distance away the boundary with No. 26 Valley Drive at 5.6m, it is not considered to cause significant harm to the amenities of either of the neighbouring properties to warrant a refusal. Furthermore, it is not considered to cause significant harm to the

character of the property and a garden area of over 50sqm will remain after the extension is complete, which exceeds the minimum standards for family sized accommodation.

#### *Conversion of garage into a habitable room*

The approved scheme proposed a linking porch and front extension. This feature was approved in line with the bay window projecting 1.1m from the main front wall of the house. At ground floor a garage was proposed.

The extension as currently being built includes a habitable room at ground floor instead of a garage. The garage door has been replaced with a casement window divided into three sections. The projection from the main front wall and height and design of the roof remains as per the approved plans and it was noted from the site visit that the height and forward projection are being generally built in accordance with the approved plans.

The conversion of the garage into a habitable room is considered acceptable. The window is considered to be of an appropriate design and proportions that relates to the main house.

As the proposal will result in the loss of the garage and the need for off street parking, your officers have requested that 50%/50% soft hard landscaping is provided within the front forecourt. The agent has confirmed that this will be provided and sent in a plan of the front forecourt.

#### *Distance to neighbouring boundaries*

There is a gap of 12cm between the flank wall of the extension and the side extension at No. 22 Valley Drive. Although this is less than the gap as shown on the approved plans at 20cm, it is not in itself considered to warrant a reason for refusal. The agent has confirmed that a box guttering arrangement is proposed to prevent the guttering from overhanging onto the neighbouring property.

A gap of 20cm is proposed between the single storey rear extensions at Nos. 24 and 26 Valley Drive which should allow sufficient space for the guttering.

#### **Response to objections raised**

- *loss of light and outlook to neighbouring properties*

The objections relate to both the rear extension and front porch. In terms of the ground floor rear extension, although the additional element next to No. 22 Valley Drive exceeds the guidance as outlined in SPG5, it is flush with the extension at No. 22 Valley Drive and significantly set in from the boundary with No. 26 Valley Drive. As such it is not considered to adversely impact upon the availability of light or outlook to either of the neighbouring properties.

The front porch extension is in line with the bay window. The neighbouring property at No. 22 Valley Drive, has a garage next to the porch extension. The bay window is approx. 5m from the front extension, and as such the front porch extension is not considered to adversely impact upon outlook or light from the bay window.

- *loss of privacy from flank wall windows and door*

There are no windows proposed on the flank walls. Windows were shown in the submitted plans but have since been removed.

A door is proposed in the flank wall of the additional single storey rear extension facing No. 26 Valley Drive. A timber boundary fence is located along this boundary. This door is set off the boundary by approx. 5m and as such meets the minimum guidance for privacy as set out in SPG17.

- development has added significant size extension and exceeds the guidance as outlined in SPG5 in terms of the depth of the ground floor rear extension and distance from flank wall of first floor rear extension to No. 26 Valley Drive

The objectors have referred to a volume in the building control records. This is not an assessment which is used by the planning service is assessing whether an extension is an overdevelopment of the site. With the exception of the additional single storey rear extension next to No. 22 Valley Drive, the proposal is in general conformity with the Council's policies and guidance and is a scale of extension which is seen across the borough.

Whilst the depth of the ground floor rear extension next to No. 22 Valley Drive exceeds SPG5, this document is a guidance document and each application needs to be assessed on its individual merits. The extension in question is not considered to adversely impact upon neighbouring properties nor is it considered to represent an overdevelopment of the site. This has been addressed in further detail above.

The distance of the first floor rear extension to the middle of the bay window at No. 26 Valley Drive has been reduced to 5.76m. This is to mirror the extension at No. 26 Valley Drive. This alteration was treated as a minor amendment to the approved scheme.

- *extension being built on the boundary line - overhanging guttering*

There is a gap of 12cm to the extension at No. 22 Valley Drive. The agent has provided details of a box guttering arrangement which indicates that the guttering will be maintained within the boundary of No. 24 Valley Drive. A gap of 20cm has been maintained between the single storey rear extensions at Nos 24 and 26 Valley Drive which should allow for the guttering to be maintained within the boundary of No. 24 Valley Drive.

- *porch does not follow the established building line and is out of character with the street*

The front porch does not project beyond the bay window and as such is considered to follow the established building line. The impact of the front porch extension upon the character of the street was considered during the assessment of the previous planning application ref: 06/1275 where it was considered acceptable.

- *porch will restrict the available depth of forecourt for off street parking*

The available depth of front forecourt is approx. 4.8m. This is considered sufficient to accommodate an off-street parking space. The agent has submitted a plan providing 50% soft landscaping.

The neighbouring property, No. 26 Valley Drive, also has planning permission to convert the garage into a habitable room. This property also has a front porch extension and a similar depth of front forecourt. 50% soft landscaping was also approved as part of the planning application for No. 26 Valley Drive (LPA Ref: 07/2856). It is noted that a condition is outstanding concerning the submission of details for the front boundary treatment. These details will be followed up by your officers.

- *property to be converted into flats*

The layout of the floor plans do not suggest that the property will be converted into flats, and planning permission would be required to permit the change of use from a single family dwellinghouse.

## **Conclusion**

In relation to policies **BE2** and **BE9** (UDP 2004) and the guidance as outlined in SPG5, the proposal is considered acceptable in respect to the scale and architectural design of the existing dwellinghouse and the amenities of the occupants of neighbouring properties.

**RECOMMENDATION:** Grant Consent subject to Legal agreement

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

Brent's Unitary Development Plan 2004  
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment  
Housing: in terms of protecting residential amenities and guiding new development

## **CONDITIONS/REASONS:**

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

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

- (2) All new external work shall be carried out in materials that match, as closely as possible, in colour, texture and design detail those of the existing building.

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

- (3) The extension hereby approved shall be used solely in connection with the existing house as a single family dwelling.

Reason: To ensure that the premises are not sub-divided or used for multiple occupation without the prior written permission of the Local Planning Authority.

- (4) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any future enactment of that Order, no windows or glazed doors (other than any shown on the approved plan) shall be constructed in the flank walls of the building.

Reason: In the interests of the privacy of adjoining occupiers.

- (5) Notwithstanding the submitted plans otherwise approved further details of the front forecourt should be submitted to and approved in writing by the Local Planning Authority within one month of the date of this decision. The approved access arrangements, hardstanding areas and boundary wall should be implemented prior to occupation of the development hereby approved and the soft landscaping shall be completed during the first available planting season following completion of the development hereby approved. Any trees and shrubs planted in accordance with the

landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority. Such details shall include:

- (a) defined vehicular access point
- (b) details of the extent of the hardstanding (including samples of materials)
- (c) details of 50% soft landscaping within the front forecourt (including details of species, numbers and densities)
- (d) details of the front boundary wall including elevations and details of materials

Reason: To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality.

- (6) The development shall not be occupied unless the existing crossover and access from Valley Drive has been reinstated in accordance with details submitted to and approved by the Council in writing. The existing access shall not be re-opened for use following its closure.

Reason: In the interests of pedestrian and general highway safety.

#### **INFORMATIVES:**

- (1) The applicant is advised to contact the Council's Head of Transportation regarding the reinstatement of the existing crossover works and that such works are required to be implemented at the expense of the applicant.

#### **REFERENCE DOCUMENTS:**

Brent's UDP 2004  
SPG5 "Altering and Extending Your Home"  
SPG17 "Design Guide for New Development"  
2 letters of objection

Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



# Planning Committee Map

Site address: 24 Valley Drive, London, NW9 9NP

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