



Planning Committee

Tuesday, 7 June 2011 at 7.00 pm

Committee Rooms 1, 2 and 3, Brent Town Hall, Forty Lane, Wembley, HA9 9HD

Membership:

Members

Councillors:

Sheth (Chair)
Daly (Vice-Chair)
Baker
Cummins
Hashmi
Kabir
McLennan
Mitchell Murray
CJ Patel
RS Patel
Singh

First alternates

Councillors:

Thomas
Long
Kansagra
Cheese
Castle
Oladapo
J Moher
Van Kalwala
Lorber
Gladbaum
Hossain

Second alternates

Councillors:

R Moher
Naheerathan
HB Patel
Allie
Beck
Powney
Moloney
Butt
Castle
Harrison
Mashari

For further information contact: Joe Kwateng, Democratic Services Officer
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www.brent.gov.uk/committees

The press and public are welcome to attend this meeting

Members' briefing will take place at 6.15pm in Committee Room 4

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members

ITEM	WARD	PAGE
1. Declarations of personal and prejudicial interests Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.		
2. Minutes of the previous meeting		1 - 14
Extract of Planning Code of Practice		
NORTHERN AREA		
3. 75 Bush Grove, Kingsbury, London NW9 8QX (Ref 11/0743)	Fryent;	19 - 30
4. 475 Kenton Road, Harrow, Middlesex HA3 0UN (Ref. 11/0378)	Kenton;	31 - 36
5. 17 Brampton Grove, Wembley, Middlesex HA9 9QX (Ref. 11/0289)	Barnhill;	37 - 44
SOUTHERN AREA		
6. Islamia School Centre, Salisbury Road, London, NW6 6PE (Ref. 10/2389)	Queens Park;	45 - 66
7. Units 1, 2, 11 & 12 100 Villiers Road and Villiers Motors Car Park, London, NW2 5PJ (Ref. 11/0193)	Willesden Green;	67 - 76
8. 38 Dunster Gardens, London, NW6 7NH (Ref. 11/0886)	Kilburn;	77 - 82
9. 66B Salusbury Road, London, NW6 6NR (Ref. 11/0653)	Queens Park;	83 - 88
10. 2-8 Malvern Road, London NW6 5PP (Ref. 10/0047)	Kilburn;	89 - 102
11. 233 Willesden Lane, Willesden, London NW2 5RP (Ref. 10/0683)	Brondesbury Park;	103 - 112
12. 77 Kilburn High Road, London, NW6 6HY (Ref. 11/0464)	Kilburn;	113 - 118
WESTERN AREA		
13. 3-7 Lincoln Parade, Preston Road, Wembley, HA9 8UA (Ref. 11/0555)	Preston;	119 - 130
14. 3-7 Lincoln Parade, Preston Road, Wembley, HA9 8UA (Ref. 11/0556)	Preston;	131 - 136
15. 20 Stadium Business Centre, North End Road, Wembley, HA9 0AT (Ref. 10/2498)	Tokington;	137 - 144
16. 3C Ranelagh Road, Wembley, Middlesex HA0 4RW (Ref. 11/0345)	Wembley Central;	145 - 154

17.	6 & 8 Queen Victoria Avenue, Wembley, Middlesex HA0 4RW (Ref. 11/0925)	Wembley Central;	155 - 160
18.	14 Stapleford Road, Wembley, Middlesex HA0 4RN (Ref. 11/0588)	Wembley Central;	161 - 166
19.	Garages rear of 84, Bowrons Avenue, Wembley, HA0 (Ref. 10/2288)	Wembley Central;	167 - 178

PLANNING APPEALS- March to April 2011

20.	Planning Appeals March to April 2011		179 - 232
21.	Any Other Urgent Business		

Notice of items to be raised under this heading must be given in writing to the Democratic Services Manager or his representative before the meeting in accordance with Standing Order 64.


SITE VISITS – SATURDAY 4 JUNE 2011

Members are reminded that the coach leaves Brent House at 9.30am

REF.	ADDRESS	ITEM	WARD	TIME	PAGE
10/2389	Islamia School Centre, Salisbury Road, London, NW6 6PE	10	Queens Park	9:45	44 - 66
11/0345	3C Ranelagh Road, Wembley, Middlesex HA0 4RW	16	Wembley Central	10:40	145 - 154
10/2288	Garages rear of 84, Bowrons Avenue, Wembley, HA0	19	Wembley Central	11:15	167- 178

Date of the next meeting: Wednesday, 6 July 2011

The site visits for that meeting will take place the preceding Saturday 2 July 2011 at 9.30am when the coach leaves Brent House.



Please remember to **SWITCH OFF** your mobile phone during the meeting.

- The meeting room is accessible by lift and seats will be provided for members of the public.
- Toilets are available on the second floor.
- Catering facilities can be found on the first floor near The Paul Daisley Hall.
- A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge

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LONDON BOROUGH OF BRENT

MINUTES OF THE PLANNING COMMITTEE

Thursday, 12 May 2011 at 7.00 pm

PRESENT: Councillors Sheth (Chair), Daly (Vice-Chair), Baker, Cummins, Hashmi, Kabir, McLennan, Mitchell Murray, CJ Patel and RS Patel

ALSO PRESENT: Councillor Joyce Bacchus and Councillor Kana Naheerathan

Apologies for absence were received from Councillor Singh.

1. Minutes of the previous meeting held on 6 April 2011

RESOLVED:-

that the minutes of the previous meeting held on 6 April 2011 be approved as an accurate record of the meeting.

2. Declarations of personal and prejudicial interests

Kingsbury High School Annexe, Bacon Lane, London NW9 9AT

Councillor Kabir declared a personal interest as a Governor of Village School. She therefore withdrew from the meeting room and did not take part in the discussion or voting during consideration of both applications for Kingsbury High School Annexe.

856-858 Harrow Road, Wembley, Middlesex HA0 2PX

Councillor Daly declared a personal interest that she had been closely involved with the community on the application. She therefore withdrew from the meeting room did not take part in the discussion or voting during consideration of this application.

3. Alpine House, Honeypot Lane, London, NW9 9RU (Ref. 11/0156)

PROPOSAL: Extension to time limit of planning permission 08/1427 dated 13/08/2008 for demolition of existing commercial units and erection of 3 x four-storey blocks and 1 x five-storey block, comprising 120 self-contained flats, 1,823m² of commercial floorspace (Use Class B1) and 5 live/work units, with 86 car-parking spaces, bicycle and bin storage and associated landscaping (accompanied by Design and Access Statement, Energy Assessment, Noise Assessment, Flood Risk Assessment, Arboricultural Report, Transportation Assessment and Planning Statement)

RECOMMENDATION: Grant planning permission subject to the completion of a deed of variation to the Section 106 or other legal agreement and delegate authority to the Head of Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

DECISION: Planning permission granted subject to conditions and the completion of a deed of variation to the Section 106 or other legal agreement and delegate authority to the Head of Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

4. Westly Court 1-17 & 112 Walm Lane, London, NW2 4RS (Ref. 11/0444)

PROPOSAL: Extension to time limit of planning application 07/3806 dated 08/05/2011, for demolition of 2-storey building at 112 Walm Lane and erection of a 5-storey building, comprising 12 self-contained residential units creating 6 two-bedroom flats, 1 two-bedroom maisonette and 5 one-bedroom flats, removal of boundary fence between 112 Walm Lane and adjacent Westly Court to create a shared rear amenity space, reinstatement of existing parking to Westly Court and ancillary works and subject to a Deed of Agreement dated 8th May 2008 under Section 106 of the Town and Country Planning Act 1990, as amended.

RECOMMENDATION:

- (a) Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

Councillor Hashmi requested confirmation that consideration had been given to issues raised by his constituent. Rachel McConnell, Area Planning Manager, confirmed that as a renewal application, consideration should be given to development plan policies and other material planning considerations that may have changed since the original grant of planning permission. She advised that as there had been no significant changes and because the development had previously been judged acceptable by Members, the recommendation was to grant planning permission. She advised that details of the objection were set out in the report.

DECISION:

- (a) Planning permission granted, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

5. First Floor Function Room, Finbars - The Zone, 332-336 Dudden Hill, Neasden Lane, London, NW10 0AD (Ref. 11/0425)

PROPOSAL: Conversion of first floor function room into two no. 1-bedroom flats and one studio flat with external alterations including new windows on rear and flank elevations and external lighting to building and refuse facilities and cycle parking in the rear service yard (as per revised plans on 4th April 2011).

RECOMMENDATION: (a) Grant planning permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or

(b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission

Councillor Cummins noted that the report made no mention of permit free parking for a proposal that would result in 3 new flats within an area with parking problems and emphasised the need for such controls. Councillor Daley raised concerns regarding the loss of communal space in respect of the function room. In response, Rachel McConnell stated that the existing flats in the block were able to apply for parking permits and advised that there are genuine practical problems when issuing permits where it is proposed that only some units within a block will be permit free. Stephen Weeks, Head of Area Planning, added that the demand for additional parking that would result from the proposal would not be significant as to warrant imposing such a condition particularly taking into account its authorised use as a function room.

DECISION:

(a) Planning permission granted subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or

(b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

6. Kingsland Hotel, Kingsbury Circle, London, NW9 9RR (Ref. 10/3262)

PROPOSAL: Demolition of the existing 28 bedroom hotel and external store and erection of a new 3, 4, 5 and 6 storey, 92 bedroom hotel with associated alterations to car park layout and vehicular access off The Mall and landscaping along the frontage.

RECOMMENDATION:

- (a) Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

Rachel McConnell, Area Planning Manager, confirmed that the external area at 6th floor of the proposed building would not be used as amenity space but rather for maintenance and emergency access only. She therefore recommended imposition of a further condition as set out in the tabled supplementary report to restrict the use of that external area. Members noted that there was no standard contribution for hotel bedspace to mitigate the impacts of the development. Rachel McConnell stated that the section 106 financial contributions had been amended to provide training and employment for local residents and still ensure funding was available towards improvements in the local area including funding for highway improvements.

She then referred to the consultation and the responses received including those from QARA Group of Associations and added that the objections raised had been addressed within the remarks section of the committee report. She advised that although Policy CP17 was not directly referred to in the report, full consideration was given to character of the surrounding area. Rachel McConnell also confirmed that the recent developments within the vicinity of the site were taken into consideration when assessing the impact of overspill parking on the adjoining highway.

Rachel McConnell confirmed that consultation letters were not sent to the properties in the adjoining borough of Harrow as detailed in the supplementary report and she advised that letters were to be sent with the revised consultation period expiring on 3 June 2011. It was requested that authority be delegated to the Head of Area Planning to consider any significant substantive issues raised in objection to the scheme following this additional consultation. In addition, Members were advised that a letter of objection had been received from the London Borough of Harrow stating that the building would detract from the character of the area.

Mr Robert Dunwell Chairman of QARA Group of Associations raised objections to the proposed development on the following grounds;

- a) Lack of on-site car parking spaces which would exacerbate traffic congestion and parking problems to the detriment of current and future residents in the nearby streets, the development under construction at 1-3 The Mall and the local Jewish Free School (JFS).
- b) No traffic and transport assessment had been conducted or provided to give an overall assessment of the parking and traffic flow from JFS, the new 143 block of flats at 1-3 The Mall and around the vicinity of the Kingsbury roundabout.

- c) The scale massing and density of the proposed development would be contrary to UDP policy CP17 which sought to protect and enhance the suburban character of Brent.

Mr Andrew Long the applicant's architect stated that the scale and massing of the proposed development respected and acknowledged the surrounding buildings. He added that the development would assist in the regeneration of the area would be similar in height to Azure Court. Mr Long continued that the scheme had been designed to discourage car usage due to the proximity of the site to good and accessible public transport network in the area and there is provision for an on-site coach parking space. He added that the provision of 7 car parking spaces on-site would be adequate to cope with parking demands without giving rise to traffic problems in the area.

Steve Weeks, Head of Area Planning, in responding to a query by Councillor RS Patel clarified that the use of section 106 financial contribution would not be restricted to a particular ward. He added that the scale, massing, height and materials were considered acceptable.

DECISION:

- (a) Planning permission granted subject to a section 106 agreement as recommended with delegated authority to Head of Area Planning to consider any new substantive objections received during the extending consultation period,
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

7. 3 Burnt Oak Broadway, Edgware, HA8 5LD (Ref. 11/0403)

PROPOSAL: Demolition of existing building and erection of a seven-storey mixed use building comprising 76 flats (23 x 1-bed, 38 x 2-bed, 11 x 3-bed and 4 x 4-bed units), 925m² of commercial floorspace (Use Class A1 and A2), with 75 parking spaces, first floor rear communal roof terrace and associated landscaping (as amended by plans received (19 April 2011)

RECOMMENDATION:

- (a) Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

Rachel McConnell advised that consultation letters were not sent to the properties in the adjoining borough of Barnet as detailed in the supplementary report and that consultation letters had been sent with the revised consultation period expiring on 1 June 2011. It was requested that authority be delegated to the Head of Area Planning to consider any significant substantive issues raised in objection to the scheme following this additional consultation.

DECISION:

- (a) Planning permission granted subject to a section 106 agreement as recommended with delegated authority to Head of Area Planning to consider any new substantive objections received during the extending consultation period, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

8. 171-173, 171A, 173A, 175 & 175A Church Lane, London, Welsh Harp, NW9 8JS (Ref. 11/0266)

PROPOSAL: Erection of a first-floor and second-floor extension above existing shops on Church Lane to create 2 x 2-bedroom flats and erection of a part ground-, first- and second-floor extension to create a three-storey building fronting Merley Court to provide 6 x 2-bedroom self-contained flats, provision of 8 car parking space and cycle parking (revised description).

RECOMMENDATION:

- (a) Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

In response to Councillors' Daly and Kabir's' queries, Rachel McConnell, Area Planning Manager stated that the storage space available was considered sufficient to accommodate the bin store requirements as set out in Waste and Recycling Storage and Collection Guide for Residential Properties. A condition was proposed to request further details to confirm this. Councillor Daly requested clarification as to whether a noise assessment should be carried out during the night as well as the day. Rachel McConnell advised that a noise assessment should include the night time and that condition 11 would be updated to reflect this.

DECISION:

- (a) Planning permission granted subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission.

9. 2 Donnington Road, Harrow, HA3 0NA (Ref. 11/0230)

PROPOSAL: Erection of a single storey side and rear extension incorporating roof extensions to bungalow to facilitate loft conversion and associated alterations (amended plans received 5 April 2011).

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

10. Kingsbury High School Annexe, Bacon Lane, London, NW9 9AT (Ref. 11/0992)

PROPOSAL: Discharge of condition 13 (MUGA Management and Maintenance Plan) and condition 24 (Surface Water Drainage Strategy) of full planning permission 10/2994 dated 04/02/11 for permission for phased development comprising Phase 1: erection of two-storey temporary school building with associated internal access road, car park, hardstanding play area, landscaping and new means of vehicular egress onto Bacon Lane (south) (3-year permission); and Phase 2: erection of single-storey permanent school building with associated hardstanding for sport and recreation, associated ancillary development and retention of means of vehicular egress onto Bacon Lane (south).

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted as recommended with delegated authority to Head of Area Planning to consider any new substantive objections received.

Note: Councillor Kabir declared a personal interest as a Governor of Village School. She therefore withdrew from the meeting room and did not take part in the discussion or voting during consideration of this application.

11. Kingsbury High School Annexe, Bacon Lane, London, NW9 9AT (Ref.11/0961)

PROPOSAL: Details pursuant to condition 14 (Access) and 15 (construction Method Statement), of full application reference 10/2994 dated 4 February 2011 for: Permission for phased development comprising Phase 1: erection of two-storey temporary school building with associated internal access road, car park, hardstanding play area, landscaping and new means of vehicular egress onto Bacon Lane (south) (3-year permission); and Phase 2: erection of single-storey permanent school building with associated hardstanding for sport and recreation, associated ancillary development and retention of means of vehicular egress onto Bacon Lane (south).

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted as recommended with delegated authority to Head of Area Planning to consider any new substantive objections received.

Note: Councillor Kabir declared a personal interest as a Governor of Village School. She therefore withdrew from the meeting room and did not take part in the discussion or voting during consideration of this application.

12. 139 Kilburn High Road, London, NW6 7HR (Ref. 11/0346)

PROPOSAL: Installation of replacement shopfront and roller shutter.

RECOMMENDATION: Grant planning subject to conditions.

Mr Chris Grix in objecting to the proposal stated that there was an over-concentration of A2 uses on the retail function of Kilburn High Road and that the use of the premises for pawnbroking business was not an A1 use class. He added that the occupation of the unit by H&T pawnbrokers was encouraging criminal and/or anti-social behaviour in the area. Mr Grix continued that the proposed use would set an undesirable precedent to the detriment of the area. He circulated information which supported his view that the use was not A1.

Steve Weeks, Area Planning Manager stated that, on the information received with the application, Officers had formed the view that the use was within Use Class A1 although the applications themselves referred to a shopfront and signage rather than a change of use. He noted some of the information referred to by Mr Grix that may support this view. However, he recommended that authority be delegated to him to grant approval subject to a review and advice by Legal Services.

DECISION: Delegated authority be given to the Head of Area Planning to grant planning permission subject to conditions and advice from the Director of Legal and Procurement.

13. 139 Kilburn High Road, London, NW6 7HR (Ref. 11/0347)

PROPOSAL: Advertisement Consent for the display of three internally illuminated fascia signs, one internally illuminated projecting box sign and one ornate projecting sign.

RECOMMENDATION: Grant advertisement consent subject to conditions.

See item 12 for the preamble.

DECISION: Delegated authority be given to the Head of Area Planning to grant advertisement consent subject to conditions and a review by Legal Services.

14. 271-273 Kilburn High Road, London, NW6 7JR (Ref. 11/0349)

PROPOSAL: Change of use from shop (Use Class A1) to restaurant (Use Class A3), with erection of extract duct to rear and new shopfront with additional door.

RECOMMENDATION: Grant planning permission subject to conditions and informatives.

Andy Bates Area Planning Manager in reference to the tabled supplementary report stated that one further objection had been received which raised concerns on environmental and parking grounds as well as the relationship between the applicant and the neighbours. He added that the issues raised were similar to those that had been addressed in the main report and that conditions recommended to control the use of the A3 use were acceptable. He drew members' attention to a submitted revised plan showing the proposed duct on the rear elevation with the omission of the cowl as required by Environmental Health Officers. Andy Bates continued that the condition imposed for waste disposal was similar to other uses in the area and that if it was felt to be inadequate for this particular use, Environmental Health Officers would be requested to review the situation. He added that an informative would be added on the use of the pavement area which was a matter for the Council's Highways and Transportation Department as highway authority.

DECISION: Planning permission granted subject to conditions and informatives.

15. 1-10 inc. Wood House, Albert Road, 1-16 inc. Bond House, Rupert Road, 1-8 inc. Hicks Bolton House, Denmark Road & 1-2 Denmark Road NW6

PROPOSAL: Demolition of Bond House, Hicks Bolton House, 1-2 Denmark Road and Wood House and redevelopment to provide 64 affordable residential units (13x one-bedroom, 26x two bedroom, 17x three-bedroom and 8x. four-bedroom) and one retail unit (Use Class A1) within 3, 4, 5 and 6 storey buildings with private and communal amenity space, play space, on street parking, landscaping, a public open space and temporary open space. The development will involve the stopping up and realignment of Rupert Road and Denmark Road and the phased connection of Rupert Road to Carlton Vale.

RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

DECISION: Planning permission granted subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement

16. 12 Dudley Road, London, NW6 6JX (Ref. 11/0535)

PROPOSAL: The erection of a rear dormer window with 1 rear and 1 front rooflight to the dwellinghouse.

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

17. 856-858 Harrow Road, Wembley, HA0 2PX (Ref. 11/0568)

PROPOSAL: Retrospective change of use of 2 dwellinghouses (Use Class C3) to place of worship/ community centre (Use Class D1) and ancillary residential use, with the erection of single-storey rear extensions, and erection of outbuilding in rear garden with alterations to the site to regularise the development by:

- removing the rear "store" adjoining the eastern boundary
- removing the parapet walls on top of the rear extensions
- reducing the height of the single storey rear extension to a flat roof with a maximum height of 3m
- removing the middle section of the pitched roof on the detached library building, so that it appears as two buildings
- introducing planting to both sides, front and rear of the outbuilding
- introducing enhanced soft landscaping to the front garden
- introducing secure cycle parking on site
- installation of 6 brick piers within front garden along highway edge

RECOMMENDATION: Grant planning permission subject to conditions.

Neil McClellan the Area Planning Manager informed members about the following undertakings made by the applicant;

- (i) To submit an I-Trace survey which would monitor movements to and from the site to ensure that the agreed travel plan was complied with.
- (ii) The front forecourt would be used for drop-off only and would not be used for permanent parking, apart from one dedicated space for disabled parking.
- (iii) The approved Noise Mitigation Strategy measures would be undertaken on an ongoing basis.

- (iv) The services within the centre were usually on Thursday evenings between 7.30pm and 10.00pm and Fridays between 12 noon and 2.00pm with additional meetings for festivals.

The Area Planning Manager recommended a further condition requiring the survey information to be submitted prior to August, thus allowing 3 months for the submission of data. As this was a requirement of the previous planning permission but was not complied with, failure to comply again could lead to enforcement action and ultimately prosecution. He continued that in order to prevent the outbuilding from being used as living accommodation a new condition 14 had been recommended.

DECISION: Planning permission granted subject to conditions.

Note: Councillor Daly declared a personal interest that she had been closely involved with the community on the application. She therefore withdrew from the meeting room did not take part in the discussion or voting during consideration of this application.

18. Unit 10, 253A Ealing Road, Wembley, HA0 1ET (Ref. 10/3161)

PROPOSAL: Change of use from vehicle-repair garage (Use Class B2) to vehicle-repair garage and MOT-testing centre (Use Class Sui Generis).

RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

19. Former Palace of Arts & Palace of Industry Site, Engineers Way, Wembley, HA9 (Ref. 10/3032)

PROPOSAL: Outline application, accompanied by an Environmental Impact Assessment, for the demolition of existing buildings and the mixed-use redevelopment of the site to provide up to 160,000m² of floorspace (GEA, excluding infrastructure) comprising:

- Retail/financial and professional services/food and drink (Use Class A1 to A5): 17,000m² to 30,000m²
- Business (Use Class B1): up to 25,000m²;
- Hotel (Use Class C1): 5,000m² to 20,000m²;
- Residential dwellings (Use Class C3): 65,000m² to 100,000m² (815 to 1,300 units);
- Community (Use Class D1): 1,500m² to 3,000m²;
- Leisure and Entertainment (Use Class D2): up to 5,000m²;
- Student accommodation/serviced apartments/apart-hotels (Sui Generis): 7,500m² to 25,000m²;

and associated infrastructure including footways, roads, parking, cycle parking, servicing, open spaces, landscaping, plant, utilities and works to Olympic Way.

RECOMMENDATION: Grant planning permission subject to the referral to the Mayor of London under article 5 of the Town and Country Planning (Mayor of London) Order 2008 and any amendments, revisions, Heads of Terms and/or conditions that the Mayor may choose to amend, add or remove, and subject to the completion of a satisfactory Section 106 or other legal agreement and to delegate authority to the Head of Area Planning, or other duly authorised person, to agree the exact terms thereof on advice from the Director of Legal and Procurement.

And, to authorise the Head of Area Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the Section 106 Heads of Terms set out within this report and to meet the policies of the Unitary Development Plan, Local Development Framework Core Strategy and Section 106 Planning Obligation

In reference to the tabled supplementary report, Neil McClellan Area Planning Manager informed members that the assessment of the Affordable Housing Cascade multipliers submitted for this application had not yet been received from the Valuation Office Agency (VOA). He requested therefore that authority be delegated to the Head of Area Planning to agree any changes to the multipliers and commuted sum that were considered necessary following receipt of the report from the VOA. He continued that in addition to the parking provided for wheelchair accessible affordable units, parking would be provided to RSLs at a discounted rate for use by residents of affordable housing units and with that in view he requested delegated authority to agree the proportion of spaces. The Area Planning Manager also recommended an amendment to the Heads of Terms of the section 106 agreement to enable the Council to call for the adoption of the remainder of Wealdstone Road (i.e. carriageway and footways) if the operation of Wealdstone Road impacted negatively on the adopted highway.

He then drew members' attention to a number of issues raised by Transport for London (TfL) together with amendments to conditions as set out in the tabled supplementary report. With reference to comments by Thames Water Authority, he requested that delegate authority be given to the Head of Area Planning, or other duly authorised person, to agree the precise wording of that condition. He added that the comments made by the Metropolitan Police (Met) set out in the supplementary report highlighted the need to engage with the Met Police and other key stakeholders during the detailed design process and when assessing the Event Day Strategy.

Mr Nigel Hawkey speaking on behalf of the applicant stated that the application responded to the objectives set out in the Wembley Master Plan with particular emphasis on family size accommodation and amongst others, would successfully assist in the regeneration of Wembley. He added that Olympic Way would be transformed into a tree lined area with 150 new trees. He continued that the scheme would restore Wembley as a major retail centre incorporating major retailers of national repute. Nigel Hawkey informed members that the section 106 financial contribution would be used partly for transport improvements and towards the provision of education.

Members then questioned Nigel Hawkey on his presentation. Councillor Daly asked about negotiations that had taken place between the applicant and NHS

Brent on the provision of health facilities. Councillor Kabir sought clarifications on the size and the end user of the community hall. Councillor Hashmi expressed concerns about the level of contribution towards education and the level of affordable housing.

In responding to the above, Nigel Hawkey stated that previous attempts by the applicant to offer plot WO4 for local health facilities had not materialised. He added that the applicant was willing to engage with the Primary Care Trust (PCT) to deliver a new health facility utilising part of Stage 1 of the development. He continued that the size of the hall was likely to be about 300sq m, subject to detail specification and that the end user of the hall was likely to be a Registered Social Landlord (RSL). In respect of the contribution towards education Nigel Hawkey stated that an agreed yield had been established and a formula based on quantified impact accepted, although there was an option for the Council to adopt the site for educational use. He added that the level of affordable housing had been determined by an independent assessor appointed by the Council and that the agreed level was currently 10% with a possibility of independent review in future.

DECISION: Planning permission granted subject to the referral to the Mayor of London under article 5 of the Town and Country Planning (Mayor of London) Order 2008 and any amendments, revisions, Heads of Terms and/or conditions that the Mayor may choose to amend, add or remove, and subject to the completion of a satisfactory Section 106 or other legal agreement and to delegate authority to the Head of Area Planning, or other duly authorised person, to agree the exact terms thereof on advice from the Director of Legal and Procurement.

And, to authorise the Head of Area Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the Section 106 Heads of Terms set out within this report and to meet the policies of the Unitary Development Plan, Local Development Framework Core Strategy and Section 106 Planning Obligation.

20. Any Other Urgent Business

None raised at this meeting.

The meeting ended at 8:55pm

K SHETH
CHAIR

Note: At 8:20pm the meeting was adjourned for 5 minutes.

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EXTRACT OF THE PLANNING CODE OF PRACTICE

Purpose of this Code

The Planning Code of Practice has been adopted by Brent Council to regulate the performance of its planning function. Its major objectives are to guide Members and officers of the Council in dealing with planning related matters and to inform potential developers and the public generally of the standards adopted by the Council in the exercise of its planning powers. The Planning Code of Practice is in addition to the Brent Members Code of Conduct adopted by the Council under the provisions of the Local Government Act 2000. The provisions of this code are designed to ensure that planning decisions are taken on proper planning grounds, are applied in a consistent and open manner and that Members making such decisions are, and are perceived as being, accountable for those decisions. Extracts from the Code and the Standing Orders are reproduced below as a reminder of their content.

Accountability and Interests

4. If an approach is made to a Member of the Planning Committee from an applicant or agent or other interested party in relation to a particular planning application or any matter which may give rise to a planning application, the Member shall:
 - a) inform the person making such an approach that such matters should be addressed to officers or to Members who are not Members of the Planning Committee;
 - b) disclose the fact and nature of such an approach at any meeting of the Planning Committee where the planning application or matter in question is considered.
7. If the Chair decides to allow a non-member of the Committee to speak, the non-member shall state the reason for wishing to speak. Such a Member shall disclose the fact he/she has been in contact with the applicant, agent or interested party if this be the case.
8. When the circumstances of any elected Member are such that they have
 - (i) a personal interest in any planning application or other matter, then the Member, if present, shall declare a personal interest at any meeting where the particular application or other matter is considered, and if the interest is also a prejudicial interest shall withdraw from the room where the meeting is being held and not take part in the discussion or vote on the application or other matter.
11. If any Member of the Council requests a Site Visit, prior to the debate at Planning Committee, their name shall be recorded. They shall provide and a

record kept of, their reason for the request and whether or not they have been approached concerning the application or other matter and if so, by whom.

Meetings of the Planning Committee

24. If the Planning Committee wishes to grant planning permission contrary to officers' recommendation the application shall be deferred to the next meeting of the Committee for further consideration. Following a resolution of "minded to grant contrary to the officers' recommendation", the Chair shall put to the meeting for approval a statement of why the officers recommendation for refusal should be overturned, which, when approved, shall then be formally recorded in the minutes. When a planning application has been deferred, following a resolution of "minded to grant contrary to the officers' recommendation", then at the subsequent meeting the responsible officer shall have the opportunity to respond both in a further written report and orally to the reasons formulated by the Committee for granting permission. If the Planning Committee is still of the same view, then it shall again consider its reasons for granting permission, and a summary of the planning reasons for that decision shall be given, which reasons shall then be formally recorded in the Minutes of the meeting.
25. When the Planning Committee vote to refuse an application contrary to the recommendation of officers, the Chair shall put to the meeting for approval a statement of the planning reasons for refusal of the application, which if approved shall be entered into the Minutes of that meeting. Where the reason for refusal proposed by the Chair is not approved by the meeting, or where in the Chair's view it is not then possible to formulate planning reasons for refusal, the application shall be deferred for further consideration at the next meeting of the Committee. At the next meeting of the Committee the application shall be accompanied by a further written report from officers, in which the officers shall advise on possible planning reasons for refusal and the evidence that would be available to substantiate those reasons. If the Committee is still of the same view then it shall again consider its reasons for refusing permission which shall be recorded in the Minutes of the Meeting.
29. The Minutes of the Planning Committee shall record the names of those voting in favour, against or abstaining:
 - (i) on any resolution of "Minded to Grant or minded to refuse contrary to Officers Recommendation";
 - (ii) on any approval or refusal of an application referred to a subsequent meeting following such a resolution.

STANDING ORDER 62 SPEAKING RIGHTS OF THE PLANNING COMMITTEE

- (a) At meetings of the Planning Committee when reports are being considered on applications for planning permission any member of the public other than the applicant or his agent or representative who wishes to object to or support the grant of permission or support or oppose the imposition of conditions may do

so for a maximum of 2 minutes. Where more than one person wishes to speak on the same application the Chair shall have the discretion to limit the number of speakers to no more than 2 people and in so doing will seek to give priority to occupiers nearest to the application site or representing a group of people or to one objector and one supporter if there are both. In addition (and after hearing any members of the public who wish to speak) the applicant (or one person on the applicant's behalf) may speak to the Committee for a maximum of 3 minutes. In respect of both members of the public and applicants the Chair and members of the sub-committee may ask them questions after they have spoken.

- (b) Persons wishing to speak to the Committee shall give notice to the Democratic Services Manager or his representatives prior to the commencement of the meeting. Normally such notice shall be given 24 hours before the commencement of the meeting. At the meeting the Chair shall call out the address of the application when it is reached and only if the applicant (or representative) and/or members of the public are present and then signify a desire to speak shall such persons be called to speak.
- (c) In the event that all persons present at the meeting who have indicated that they wish to speak on any matter under consideration indicate that they agree with the officers recommendations and if the members then indicate that they are minded to agree the officers recommendation in full without further debate the Chair may dispense with the calling member of the public to speak on that matter.

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**Committee Report
Planning Committee on 7 June, 2011**

Item No. 1/03
Case No. 11/0743

RECEIVED: 11 April, 2011

WARD: Fryent

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 75 Bush Grove, London, NW9 8QX

PROPOSAL: Demolition of existing garage and erection of two-storey, three-bedroom detached house with basement in rear garden of 75 Bush Grove and associated hard and soft landscaping and bin store and new off-street parking space and crossover for No. 75 as amended by plans received 26/05/11.

APPLICANT: Mr Mark Cluett

CONTACT: ADA Architecture

PLAN NO'S:
See condition 2

RECOMMENDATION

To:

- (a) Resolve to Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission

SECTION 106 DETAILS

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

1. Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
2. A contribution of £3,000 per bedroom, (totalling £9,000), index-linked from the date of committee and due on Material Start for Transportation, Air Quality and Open Space in the local area.

And, to authorise the Head of Planning, 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 by 7th September 2011.

EXISTING

The application site comprises the garden of No. 75 Bush Grove, which is a two-storey semi-detached house on the east side of Bush Grove, which becomes a cul-de-sac. The site is not

located in a conservation area nor is the building listed. Surrounding uses are residential; the site is bound to the north by the rear gardens of Nos. 2-6 Maple Grove, and to the south by the remaining garden of No. 75.

The garden currently has a single storey double garage on the northern boundary. No. 2 Maple Grove has a single garage on its rear boundary and No. 6 has a large outbuilding (no planning history, not built on 2005/06 aerial photos). As the land falls to the north, the gardens of properties on Maple Grove are lower than the application site.

The dwelling house has low access to public transportation with PTAL Level 1. Bush Grove is a local access road. On-street parking on the road is generally unrestricted and used by the residents. According to the UDP definition, the night time parking on the road is low but there is evidence from aerial photos (and anecdotal evidence from local residents who have objected) that parking occurs with vehicles mounting the pavement along this stretch of highway.

PROPOSAL

The application proposes the demolition of an existing garage and the dividing of the existing plot of No. 75 in to two smaller plots and erecting a detached dwellinghouse on the northern plot. In association with these works a new vehicular crossover and off-street parking space would be provided to No. 75, requiring the demolition of a small outbuilding.

The proposed house would be a two-storey, three-bed house with a basement and large rear lightwell/sunken garden. It would be of contemporary design of two sections, comprising a main rectangular, flat-roofed block aligned to Bush Grove and a small, cat-slide roofed element aligned to Bush Grove as it changes direction slightly. The main section would be 7.8m wide and 5.94m deep and be positioned 2.5m from the boundary with the original dwellinghouse No. 75; the width is marginally wider than the original dwellinghouse, which is 7.5m wide, but the new house would be shallower than the original by approximately 1m. It would be 5.45m high, which matches the eaves of the original dwellinghouse. The smaller section would be to the north of the main section and it would be positioned 2m from the boundary with Nos. 2 and 4 Maple Close, and be 3m high to the underside of eaves and 7.1m to the ridge; this is 1m below the ridge of the original dwellinghouse.

An integral garage would be provided within the smaller element, utilising the existing vehicular crossover. An off-street parking space would be provided with at least 5.5m space from the back edge of the highway for vehicles to park clear whilst allowing the garage door to operate.

HISTORY

Planning permission was granted for a two-storey house on this site in 1989. Significant policy changes have occurred in the intervening two decades, in particular the adoption of the Brent UDP 2004 and SPG17, both of which put greater emphasis on design of new buildings. A recent proposal was withdrawn.

10/2327 Demolition of existing garage and erection of two-storey detached house in rear garden of 75 Bush Grove, including erection of joint garages for existing and proposed dwelling, with associated access **Withdrawn** 21/10/2010

89/0129 Demolition of existing garage and erection of 2 storey detached house, erection of garage at rear of existing dwelling and construction of vehicular access **Granted** 05/07/1989

POLICY CONSIDERATIONS

Local

Brent Unitary Development Plan 2004

The development plan for the purposes of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004 and the Brent Core Strategy 2010 (see below). Within the 2004 UDP the following list of policies are considered to be the most pertinent to the application.

Built Environment

- BE2 On townscape: local context & character states that proposals should be designed with regard to their local context, making a positive contribution to the character of the area.
- BE3 Relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.
- BE5 On urban clarity and safety stipulates that developments should be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE6 Discusses landscape design in the public realm and draws particular attention to the need to create designs which will reflect the way in which the area will actually be used and the character of the locality and surrounding buildings. Additionally, this policy highlights the importance of boundary treatments such as fencing and railings which complement the development and enhance the streetscene.
- BE7 Public Realm: Streetscene
- BE9 Seeks to ensure new buildings, alterations and extensions should embody a creative, high quality and appropriate design solution and should be designed to ensure that buildings are of a scale and design that respects the sunlighting, daylighting, privacy and outlook for existing and proposed residents.
- BE12 States that proposals should embody sustainable design principles commensurate with the scale and type of development.

Housing

- H12 States that the layout and urban design of residential development should reinforce or create an attractive and distinctive identity appropriate to the locality, with housing facing streets, and with access and internal layout where cars are subsidiary to cyclists and pedestrians. Dedicated on-street parking should be maximised as opposed to in-curtilage parking, and an amount and quality of open landscaped area is provided appropriate to the character of the area, local availability of open space and needs of prospective residents.
- H13 Notes that the appropriate density for housing development will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.
- H14 The appropriate land density should be achieved through high quality urban design, efficient use of land, meet housing amenity needs in relation to the constraints and opportunities of the site.

Transport

- TRN23 On parking standards for residential developments requires that residential developments should provide no more parking than the levels listed in PS14 for that type of housing.
- TRN34 The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.
- PS14 Residential car parking standards
- PS15 Parking standards for disabled people
- PS16 Cycle parking standards

Brent Core Strategy 2010

Adopted in July 2010, the Core Strategy has 12 strategic objectives:

The following spatial policies are considered relevant to this application:

- CP 2 Population and housing growth
also none
Sets out the appropriate level of growth across the borough, including the number of new homes and proportion of affordable housing sought
- CP 6 Design & density in place shaping
also none
Sets out the requirements for appropriate design and density levels for development
- CP 17 Protecting and enhancing the suburban character of Brent
also STR11, STR16, STR17
Balances the regeneration and growth agenda promoted in the Core Strategy, to ensure existing assets (e.g. heritage buildings and conservation areas) are protected and enhanced. Protects the character of suburban housing and garden spaces from out-of-scale buildings.

Brent Supplementary Planning Guidance

SPG 17 "Design Guide for New Development" Adopted October 2001

Provides comprehensive and detailed design guidance for new development within the borough. The guidance specifically sets out advice relating to siting, landscaping, parking, design, scale, density and layout.

SPD "Section 106 planning obligations"

Regional

London Plan 2008

National

Planning Policy Statement 3: Housing

See revised PPS3 (3rd edition) published 9 June 2010

In essence, private residential gardens are now excluded from the definition of previously developed land in Annex B. Local Planning Authorities and the Planning Inspectorate are expected to have regard to this new policy position in preparing development plans and, where relevant, to take it into account as a material consideration when determining planning applications (Letter to Chief Planners, 15 June 2010).

CONSULTATION

Local consultees

21 letters were sent to neighbours on Bush Grove and Maple Grove and ward councillors were consulted on 22 September 2010.

Six objections have been received from local residents. Their comments can be summarised as:

- Loss of privacy

- Loss of light
- Visual impact
- Out of character with the area
- Loss of outlook
- Overdevelopment
- Loss of on-street
- Increase in traffic
- Lack of adequate water supply and drainage
- Structural implications of basement construction
- Impact on Oak trees on the green
- Noise and disturbance
- Impact on bats

Internal consultees

The Council's transportation and landscape departments were consulted.

Transportation

The application can be generally supported on the transportation grounds, subject to the setting back of the garage further from the highway boundary and a replacement off-street parking space for the original dwellinghouse. All these details should be provided on a revised site plan.

Landscape

Raise no objection to the application in principal, however the applicant will need to submit the following details, to be secured via condition:

Full landscape plan to include the following information:

- All existing planting existing on site, specifically all trees, the species, size and location
- All proposed planting to include species, size, location quantity and planting density.
- Front garden landscape should comply with BE7 and SPG5 50/50 hard and soft landscape
- Details of all hard landscape materials, which should be of permeable construction and all boundary treatments.
- Bin storage area that is screened from the street

External consultees

Thames Water

No objection

REMARKS

Key considerations

Officers consider the following to be the main planning issues in this case:

1. Principle of development
2. Design and character of the area
3. Impact on neighbouring amenity
4. Standard of accommodation
5. Parking and access
6. Landscaping and trees
7. Other matters

1. Principle of development

The application involves the demolition of an existing garage and erection of a new dwellinghouse on this land and part of the remaining garden; in this case this does not constitute backland development in respect of policy H15. Brent Council policies do not prevent development of gardens, nor does any national or regional planning policy in principle, but do afford them a degree of protection.

Until June of last year, private residential gardens were classified as previously development land (PDL) in *Planning Policy Statement 3: Housing* (PPS3). This meant that gardens were subject to the same policy direction to make effective and efficient use of land as, for example, a former factory, albeit with the caveat that “there is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.” (CLG, 2010: para 41).

Revised PPS3 (3rd edition) was published 9 June 2010; in this revised document, the Government has amended the definition of previously developed land to specifically exclude private residential gardens even if they feature other buildings (including garages) (PPS3, 9 June 2010: p26).

Officers are of the opinion that the changes to the definition of PDL do not mean development of private residential gardens is no longer possible; instead, it is judged that the changes increase the weight given to the need to ensure development respects the character of the area. Paragraph 49 of PPS3 relates to efficient use of land and intensification, stating that “careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate.” (CLG, 2010). In the case of Brent, the recently adopted Core Strategy sets out the chosen local strategy as one of directing new housing to the identified growth areas (policy CP1, CP2) and to protect and enhance the suburban character of Brent (policy CP17). It is clear that the chosen local strategy is one which requires more weight to be given to the protection of suburban character than under the policy regime in place prior to June of this year.

Moreover the general approach of Brent's UDP (2004) and SPG is that good urban design and architecture will enable development and/or higher densities.

On the basis of this, the proposal to erect a new dwellinghouse on this land is considered acceptable in principle.

2. Design and character of the area

The area is characterised by wide, two-storey semi-detached houses with hipped roofs. Gaps between the properties are consistent at about 3m (1.5m to boundary). The main section of the proposed house follows the structural pattern of development with a rectangular form which broadly follows the dimensions of the wide houses, with a more generous set-in from the boundaries. The parapet of the flat roofed structure matches the height of the eaves of the original dwellinghouse and thus the scale of development is considered to be in keeping with the general character of the area. Whilst the proposal adopts a contemporary design approach which is markedly different from the design of properties in the area, this difference is not in itself a reason for refusing the proposal. In general the Council supports contemporary design (UDP, para 3.7.35,; p33 & SPG17, section 4.0: p19) and in respect of the local design characteristics set out in the UDP (ibid: p33), your officers judge the scheme to meet the siting, orientation, plot width, foot-print, major proportions and rhythm as much as possible given the site constraints.

Some residents have objected on the basis of the impact the development would have on the character of the area and in particular the loss of openness which this large plot gives the area. Whilst this is a material consideration, significant weight is given to the fact the proposal is well-designed and represents an efficient use of land, which complies with local, regional (London Plan 2008) and national (PPS3) policies in such matters.

3. Impact on neighbouring amenity

The Council seeks to protect the amenity of neighbouring occupants to acceptable standards whilst recognising the right of land-owners to develop their property. On new developments such as this the main impact on amenity arises from (i) overbearing impact of the size and scale of the building(s); (ii) loss of outlook, which is related to overbearing impact; (iii) loss of privacy; and (iv) loss of sunlight. The Council has published supplementary planning guidance which establishes generally acceptable standards relating to these matters, although site specific characteristics will mean these standards could be tightened or relaxed accordingly.

Overbearing impact arising from the height of blocks is controlled via 30 degree and 45 degree planes from neighbouring habitable rooms and relevant boundaries respectively; privacy is quoted as distances between directly facing habitable windows and from boundaries. Neither outlook nor light have specific values, although light is generally controlled to BRE standards (see SPG17 sections 3.2 to 3.4).

In addition to the amenity issues discussed above, the Council has policies to protect residential amenity from noise and disturbance if these are likely to be generated at an unacceptable level. Development for residential purposes can cause noise and disturbance but it is necessary to consider the existing use and the site characteristics. In this instance there is no evidence that a further three-bedroom house would result in unacceptable levels of noise and disturbance.

The proposed dwellinghouse would comply with the quantitative requirements of SPG17 in terms of the 30 and 45 degree planes and the distances to the boundary and between habitable room windows. The cat-slide roof, by virtue of its height, width and distance from the boundary, is not judged to be of a size and scale which would have an overbearing impact on the amenity of occupants of Nos 2 & 4 Maple Grove. The distance between the rear windows and the boundary, and thence the rear faces of adjoining properties, is such that the impact on Nos. 6-12 Maple Grove would be within accepted tolerances; weight is given to the presence of the large outbuilding in the garden of No. 6 and the trees on the boundary of No. 8 in making this assessment.

In addition, the impact on the existing and future occupants of No. 75 must be considered. Whilst they are the applicants, the standards do still apply as developments are required to maintain a good living standard throughout the borough. In this instance the proposed building would have an acceptable impact on the outlook and privacy of existing and future occupants.

4. Standard of accommodation

The minimum floor area for a three-bed house as normally required by SPG17 is 85sqm; the proposed house comfortably exceeds this minimum requirement; the house has a basement which makes up a large proportion of the overall floor area but the basement has a generous sized kitchen with a large lightwell/sunken garden and so the outlook would be acceptable and the proportion is judged to provide an acceptable standard of accommodation.

The large (approximately 84sqm) garden is in excess of the normal standard of 50sqm for a family dwellinghouse albeit part of it is sunken.

5. Parking and access

Residents have objected that the proposed dwellinghouse would result in an increase in traffic and on-street parking on Bush Grove. The parking allowance for dwellinghouses is given in Standard PS14 of the UDP; for a three bedroom house it is 1.6 spaces. The provision of one off-street space and a garage would meet the standard which is applied consistently to new dwellinghouses across the borough. On the matter of increased traffic, the additional dwellinghouse would not result in a significant increase in traffic for the area and junctions would remain unaffected.

The demolition of the existing garage will result in loss of the parking for the main house, which has been replaced with an off-street parking space. This is acceptable in principle but further details are required and a suggested condition is attached. With regards the new crossover for the original dwellinghouse No. 75, the Domestic Vehicle Footway Crossover Policy is applicable. The proposed vehicular access onto Bush Grove is acceptable in principle, but will need to be provided with adequate visibility splays. To this end, 2m x 2m visibility splays need to be provided to the back of the footway at the site entrances, above which there must be no obstruction over the height of 850mm within the splay areas.

As the Domestic Vehicle Footway Crossover Policy is applicable 50% of the front area of the property should have 'soft' landscaping to allow for natural drainage. This has been provided as shown on the site plan.

The bin stores as shown near the northern boundary is acceptable as they are close to the vehicular access and easily accessible. Cycle parking for both properties can be provided in the gardens of each.

6. Landscape and trees

There is an indicative layout which shows planting along all boundaries. This will be acceptable but further details are required by condition, to include screen planting on the northern and southern boundaries to provide some additional privacy for future and adjoining occupants. A small tree should be provided in the rear garden. Materials for the hardsurfacing at the front should be detailed; these should be of permeable construction. The layout of the front garden should be adjusted so that at least half of the area is soft landscaped.

7. Other matters

S106

The application involves the construction of a new dwellinghouse and the net increase in bedrooms; as such it requires a s106 to secure the standard charge of £3,000 per bedroom (total £9,000) to mitigate for the impact of the development on education, transportation, open spaces and sports provision. The applicant has agreed in principle to this but further work is required to complete the agreement; in the absence of a legal agreement the application would have to be refused, as per the above *Recommendation* and *S.106 Notes*.

Implications of the basement

Residents have objected due to the structural implications of the basement and the impact on trees on the green. On the first point, the basement is approximately 5m from the boundary with Nos. 2, 4 & 6 and would be unlikely to have any effect on the outbuildings or properties themselves; in any event the development would have to comply with building regulations. On the second point, the distance to the green, which lies beyond the Maple Grove properties, is such that no impact would be felt on the root systems of the Oaks mentioned by residents.

Bats

A resident has objected to the proposal on the basis of impact on bats; it is not considered likely that the development would have any material impact on bat habitat but an informative advising caution when demolishing the existing garage and advising that bats are a protected species is suggested.

Drainage and water supply

Local residents have also expressed concern about the impact of the development in terms of sewerage, drainage and water supply. These matters are a material planning consideration in respect of flooding and attenuation but not in terms of the infrastructure provided by the relevant statutory body; in this case Thames Water and Veolia Water. If there are water supply problems in the area, this is not a reason to refuse planning permission as the Water Supplier has a statutory

duty under Section 52 of the Water Industry Act 1991 to provide a water supply for domestic purposes (subject to certain conditions); as there is other legislation provided to control this aspect of development, planning legislation is not the appropriate control measure.

Conclusion

The principle of the proposal meets the relevant national, regional and local tests and the specific design, subject to a number of conditions requiring further details, meets the relevant chapters and policies of the UDP 2004, the Core Strategy 2010 and the objectives of SPG17. Subject to a s.106 legal agreement, approval is recommended.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004
Brent Core Strategy 2010
Central Government Guidance: PPS3
Council's Supplementary Planning Guidance Nos. 3 and 17

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
Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

- (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):

Site plan; PL/01 Rev A; PL/02; PL/03 Rev A; PL/04 Rev A; PL/05 Rev A; PL/06;
PL/07 Rev A; PL/08; CGI/01; CGI/02; CGI/03; CGI/04; CGI/05; CGI/06; CGI/07

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

- (3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (the "GPDO") (or any order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the premises shall be carried out under Schedule 2, Part 1, Classes A and B of the GPDO, unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason: In view of the restricted size of the site for the proposed development no further enlargement or increase in volume beyond the limits set by this permission should be allowed without the matter being first considered by the Local Planning Authority, to prevent an over development of the site and loss of amenity to adjoining occupiers.

- (4) Notwithstanding the approved plans, prior to the commencement of any works further details showing the proposed vehicular access to the original dwellinghouse No. 75 and an associated off-street parking space and soft landscaping (including species, plant sizes and planting densities) within the front garden of that property shall be submitted and approved by the local planning authority and no part of the development shall be occupied until the works have been completed in accordance with the approved details and the parking space shall remain in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of the general amenities of the locality and the free flow of traffic and general conditions of the highway safety on the neighbouring highway.

- (5) Details of materials for all external work, including samples of the render colour and finish and roofing material(s), shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- (6) Further details of the proposed windows and doors shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the building is occupied. Such details shall include the front door, garage door and window type, material, colour, means of opening and depth of reveals and details of any sills.

Reason: These details are required to ensure that a satisfactory development is achieved.

- (7) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any site clearance, demolition or construction works on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

- (i) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;
- (ii) proposed means of enclosure (e.g. walls, fences or hedges) indicating materials and heights;
- (iii) higher (e.g. 1.8m or higher) species for screen planting along the northern and southern boundary;
- (iv) adequate physical separation, such as protective walls and fencing between landscaped and paved areas;
- (v) provision for the satisfactory screening of the front lightwell;

- (vi) provision of at least one small tree, species and size to be agreed, in the rear garden;
- (vii) areas of hard landscape works and proposed materials including samples if necessary.

Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development and ensure that it enhances the visual amenity of the area.

- (8) Further details of the proposed solar panels/photovoltaic cells shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the building(s) are occupied. Such details shall include the manufacturer, number, position, height and orientation of the panels.

Reason: These details are required to ensure that a satisfactory development is achieved.

INFORMATIVES:

- (1) If the development is carried out it will be necessary for a crossing to be formed over the public highway by the Council as Highway Authority. This will be done at the applicant's expense in accordance with Section 184 of the Highways Act 1980. Application for such works should be made to the Council's Streetcare Section, Brent House, 349 High Road Wembley Middx. HA9 6BZ Tel 020 8937 5050.
- (2) The applicant is advised to exercise caution when undertaking demolition of the garage to ensure no bat roosts are disturbed. Bats are a protected species protected by the Wildlife and Countryside Act (1981) (as amended); the Countryside and Rights of Way Act, 2000; the Natural Environment and Rural Communities Act (NERC, 2006); and by the Conservation of Habitats and Species Regulations (2010).

REFERENCE DOCUMENTS:

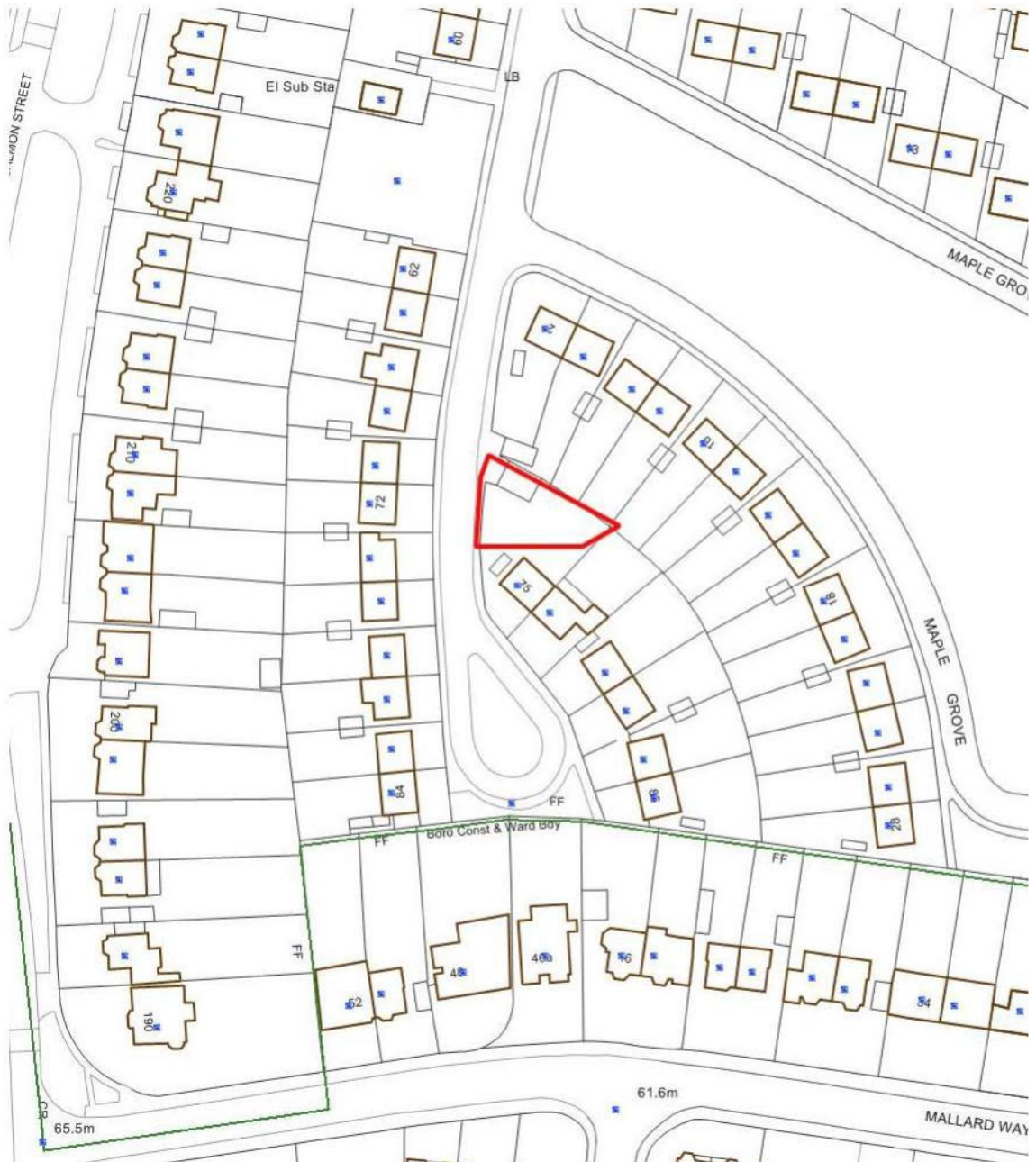
Any person wishing to inspect the above papers should contact Angus Saunders, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5017



Planning Committee Map

Site address: 75 Bush Grove, London, NW9 8QX

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This map is indicative only.

**Committee Report
Planning Committee on 7 June, 2011**

Item No. 1/04
Case No. 11/0378

RECEIVED: 16 February, 2011

WARD: Kenton

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 475 Kenton Road, Harrow, HA3 0UN

PROPOSAL: Installation of side dormer window, rear dormer window, 2 front rooflights, 2 ground floor flank wall windows, one roof level flank wall window and erection of a detached single-storey outbuilding to storage facilities in garden of doctor's surgery.

APPLICANT: Dr A Shah

CONTACT: Tecon Ltd

PLAN NO'S:
See Condition 2

RECOMMENDATION

Grant Consent

EXISTING

The application site is a doctor's surgery situated within a converted semi-detached dwellinghouse on the south side of Kenton Road. The application site is not located in a conservation area nor is it locally listed.

PROPOSAL

Erection of side dormer window, rear dormer window, 2 front rooflights and erection of a detached single storey outbuilding to provide storage facilities in garden of doctor's surgery. Amended plans were received on 13 May 2011 reducing the size of the outbuilding.

HISTORY

10/1854 - erection of side dormer window, rear dormer window, 2 front rooflights and erection of a detached single storey outbuilding to provide office and storage facilities in garden of doctors surgery (as amended by plans received 28/09/2010). Refused on 30/09/2010 for the following reasons:

1. *The applicant has failed to demonstrate that the proposed development would meet an identifiable need for expanded medical/GP services within the predominantly residential surroundings on Kenton Road. As such, this proposal fails to comply with policy CF13 of Brent's Unitary Development Plan 2004.*
2. *The proposed use of the outbuilding as an office and for storage purposes, and the proposed rear pram/buggy storage area would result in an intensification of activities within the rear garden, which would adversely impact upon the amenities of neighbouring properties through increased noise, disturbance and traffic. This is contrary to policies CF13 and H22 in the adopted London Borough of Brent Unitary Development Plan 2004.*

05/3424 - Full planning permission sought for erection of first-floor rear extension, side dormer and rear dormer window, 2 front rooflights, 2 air-conditioning units to rear ground-floor flat roof, 2 rear double doors to ground floor, installation of 1 first-floor window and 3 ground-floor windows to side elevation of surgery - granted 02/02/06

02/0541 - Full planning permission sought for the erection of a first floor rear extension m side and rear dormer windows and 2 front rooflights and erection of a garden shed - granted 28/06/02

POLICY CONSIDERATIONS

Brent's UDP 2004

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.

CF13 Primary Health Care/GP Surgeries - The development or extension of primary health care facilities/ GP surgeries will be permitted in residential areas where there is no significant loss of residential amenity; there would be no significant highway safety and traffic problems; and, the facilities are accessible.

SPG 5: 'Altering and extending your home'.

CONSULTATION

Public Consultation

9 neighbouring properties consulted- 3 objections received raising the following points:

- 1) Existing parking problems exacerbated resulting in decline in highway safety for pedestrians and vehicles;
- 2) Loss of privacy
- 3) Blockage of access to sewage pipes;
- 4) Position of proposed window not safe due to position next to gas boiler
- 5) Flooding exacerbated due to proposed outbuilding.
- 6) Noise from waste collection.

Officer Comment: The objections are addressed in the *remarks* section of the report.

- The blockage of sewerage pipes is a civil matter if it occurs to a private sewer or the responsibility of the managing company if it is to a public sewer;
- The position and safety of the boiler is a matter for building regulations;
- The site is not in a location at risk from flooding and given the size of the proposed outbuilding, it will not result in a significant increase in flood risk through water runoff particularly given the soft landscaping surrounding it;
- The application does not propose to alter the existing waste collection. It would be unreasonable to impose planning conditions as this is not part of the application however an informative will be attached to advise that noisy activities should not be carried out at night.
-

Internal Consultation

Transportation - stated that they have no objections to the proposal as there are considered to be an adequate number of parking spaces.

REMARKS

Amendments to scheme since previous refusal (10/1854)

Following the refusal of planning permission in 2010, amendments have been made to the scheme to overcome the objection. The following amendments have been made:

1. A letter of support has been submitted with the application from Brent PCT. In addition, a petition of support with 234 signatories has been submitted with the application;
2. The size of the outbuilding has been reduced to 25 sqm and confirmation has been provided that it will be used solely for storage. The rear windows have also been removed and the building will have a timber finish.

Principle of extensions to the surgery

Policy CF13 in the UDP 2004 advises that in partnership with the health care providers, the improvement of primary health care facilities is supported. The application proposes additional storage in the outbuilding (including archive files and consumables) and reconfiguration of the layout of the surgery to provide an additional consulting room on ground floor and a staff room in the roofspace.

Brent PCT has confirmed the proposed extension is essential to meet operational requirements of the practice and will provide improved facilities for disabled persons with an additional consulting room on the ground floor. There are no plans to increase the list of patients for the practice and Brent PCT has confirmed that it would not be practical for the surgery to share facilities with other practices. Therefore the proposed extension is considered to be in compliance with planning policy CF13 subject to other policy considerations.

Proposed extensions

The application proposes the erection of a side dormer window, a rear dormer window and two front rooflights. Whilst this is not a residential property, given that it is a converted dwellinghouse in a predominantly residential area, it is considered appropriate to apply the design principles set out in SPG5. The side dormer window is required to provide access to the loft is adequately set up from the roof eaves (by 0.3m). The rear dormer window is mainly glazed with the proportions of the windows reflecting those in the main property. The dormer window is considered to be appropriately positioned on the roofslope and complies with the guidance set out in SPG5. The two front rooflights are modest in size and not considered to detract from the character of the property.

In terms of the amenities of adjoining residents, it is not considered that the rear dormer window will significantly impact on the existing levels of privacy. These are two storey properties where the rear gardens are overlooked and the addition of dormer window is not uncommon. The side dormer window is proposed to be obscure glazed along with the two windows proposed to be inserted at ground floor level in the flank elevation. This will protect the privacy of adjoining residents.

Proposed outbuilding

The outbuilding has been significantly reduced in size from 40 sqm to 25 sqm (5.6m x 4.4m). It has a flat roof with a height of 2.4m. The use of the outbuilding for storage will not result in a significant increase in activity in the rear garden. The proposal will also involve the demolition of the existing storage sheds in the rear garden. These buildings are closer to the side boundary with No. 473 Kenton Road and have a combined area of approximately 25sqm. The proposed outbuilding is located in the rear quarter of the garden and is set in 1m from each side boundary and 3m from the rear boundary. A condition will be attached restricting the use of the outbuilding for storage purposes only in order to protect the amenity of neighbouring residents. It is considered that the proposed outbuilding will not have a detrimental impact on the privacy of neighbouring residents and is of a scale and design commonly seen in residential gardens.

Parking

Transportation have been consulted on this proposal and have no objections noting that there is sufficient parking spaces in compliance with the Council's maximum parking standard. It should be noted that the proposal does not intend to facilitate an increase in the list of patients for the practice as confirmed by Brent PCT. It is acknowledged that the provision of better services may result in an increase in activity however Transportation have confirmed that this can be accommodated on the surrounding streets. With regard to parking on the footpath, this is a matter controlled by parking enforcement. The Parking Enforcement team have been advised of residents concerns that there is a problem in the area.

Conclusion

The proposed development is in keeping with the relevant policies and planning guidance. Accordingly the proposal is recommended for approval subject to the conditions set out below.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

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

Transport: in terms of sustainability, safety and servicing needs

Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

- (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 drawings and documents:

5648P502

5648P503

5648P504RevB

5648P505RevB

5648P506RevC

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

- (3) All new external work for the extensions shall be carried out in materials that match, in colour, texture and design detail those of the existing building. The external faces of the outbuilding shall be timber cladded as shown on drawing 5648/P/506 Rev C.

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

- (4) The proposed rear outbuilding shall be used for storage purposes only in relation to the use of the main building as a doctors surgery.

Reason: To protect the amenity of neighbouring residents.

- (5) The windows proposed in the flank elevation and side dormer window shall be constructed with obscure glazing and non-opening or with openings at high level only (not less than 1.8m above floor level) and shall be permanently maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupier(s).

- (6) The area adjacent to the outbuilding shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved. Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced in the same positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality, in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

INFORMATIVES:

- (1) The applicant is advised that noisy activities should not be carried out at night, in particular the collection of refuse, as this may result in disturbance to adjoining residential occupiers.

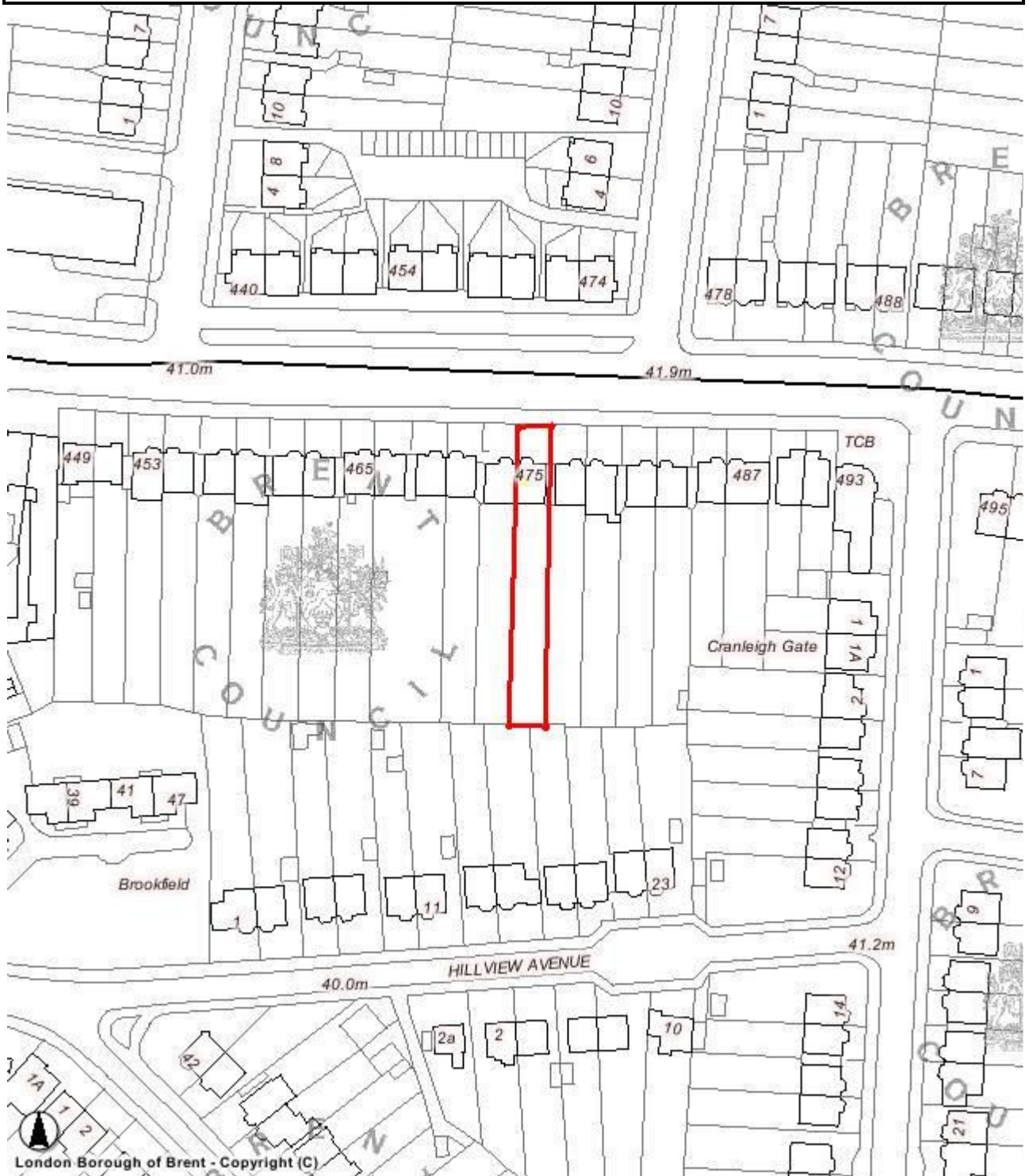
Any person wishing to inspect the above papers should contact Robin Sedgwick, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5229



Planning Committee Map

Site address: 475 Kenton Road, Harrow, HA3 0UN

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This map is indicative only.

Committee Report
Planning Committee on 7 June, 2011

Item No. 1/05
Case No. 11/0289

RECEIVED: 14 March, 2011

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 17 Brampton Grove, Wembley, HA9 9QX

PROPOSAL: Retrospective application for development comprising a part single-storey, part two-storey side and rear extension to the dwellinghouse, with the following modifications:

- Replacement of the ground-floor and first-floor windows on the front elevation of the side extension
 - Removal of front rooflight and its relocation to the rear roof plane
 - Alterations to the pitch angle of the roof over the side extension
- Reduction in the depth of the first-floor rear extension

APPLICANT: Mr R Al Saraff

CONTACT: Mr C M Sawden

PLAN NO'S:
Refer to Condition 2

RECOMMENDATION

Grant Consent

EXISTING

The application site comprises a two storey semi detached dwellinghouse located on Brampton Grove. The site is situated within the Barn Hill Conservation Area but is outside the control of the Article 4 Direction.

PROPOSAL

Retrospective application for development comprising a part single-storey, part two-storey side and rear extension to the dwellinghouse, with the following modifications:

- Reduction in the depth of the first floor rear extension to 2.55m deep.
- Roof of the first floor side and rear extension to be rebuilt to match with the pitch angle of the main roof of the house.
- The roof light on the front roof slope to be relocated to the rear roof slope.
- The ground floor window on the front elevation of the side extension is to be reduced to 1.4m wide. It will have two top fanlights and the height of the window will line up with the top and cill of the ground floor window to the main house.
- The first floor window is to be increased in height so that it cill lines up with the first floor windows to the main house. A top fanlight is proposed.

HISTORY

10/2405: Retrospective application for development comprising a part single-storey, part two-storey side and rear extension to the dwellinghouse, with the following modifications:

- Replacement of the ground-floor and first-floor windows on the front elevation of the side extension
- Removal of front rooflights
- Alterations to the pitch angle of the roof over the side extension
- Reduction in the width of the first-floor rear extension

This application was refused on 05/11/2010 and dismissed on appeal on 25/01/2011.

E/09/0253: Enforcement Investigation into the formation of a hardstanding comprising crazy paving material to the front garden area of the premises - No breach of planning occurred, 12/01/2010.

E/06/0564: Enforcement Investigation into the installation of a large satellite dish on the front elevation of the premises - No action taken as satellite dish has been there for over four years, 25/10/2010.

04/2427: Full Planning Permission sought for the retention of part single storey side extension, part two storey side and rear and single storey rear extension to dwellinghouse - Refused, 29/09/2004.

E/04/0226: Enforcement Investigation into the erection of a part single storey side extension, part two storey side extension and rear extension and single storey rear extension - Enforcement notice served. Dismissed on appeal, 25/03/2009.

02/2174: Full Planning Permission sought for part single storey and part two storey side and rear extension to dwellinghouse - Allowed on appeal, 05/09/2003.

POLICY CONSIDERATIONS

Brent UDP 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. Proposals should not cause harm to the character and/or appearance of an area, or have an unacceptable visual impact on Conservation Areas.

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.

BE25: Development in Conservation Areas - Development proposals in conservation areas shall pay special attention to the preservation or enhancement of the character or appearance of the area; and regard shall be had for design guidance to ensure the scale and form is consistency.

BE26: Alterations and Extensions to Buildings in Conservation Areas - Alterations to elevations of buildings in conservation areas should retain the original design and materials; be sympathetic to the original design in terms of dimensions, texture and appearance; characteristic features should be retained; extensions should not alter the scale or roofline of the building detrimental to the unity or character of the conservation area; should be complementary to the original building and elevation features.

Design Guide

Barn Hill Conservation Area Design Guide

Supplementary Planning Guidance

CONSULTATION

Consultation Period: 18/03/2011 - 08/04/2011

Site Notice Displayed: 22/03/2011 - 12/04/2011

Public Consultation

5 neighbours consulted - 4 letters of objection received raising the following points:

- Proposal as amended is not in compliance with the decisions made on the previous appeals.
- The amendments do not comply with the Barn Hill Conservation Area Design Guide
- First floor rear extension does not conform to the 2:1 rule as set out in SPG5
- Depth and width of the extension has not been built in accordance with the original planning permission

External Consultation

Barn Hill Residential Association - Objections raised to the rear extension which still appears over dominant and likely to impact upon the amenities of the neighbouring property.

REMARKS

Site and Surroundings

The application site comprises a two storey semi detached dwellinghouse located on Brampton Grove. The land levels fall from east to west. The property has been extended with a part single part two storey side and rear extension, details of which are discussed below.

The other pair of the semi, No. 19 Brampton Grove, has a single storey rear extension (LPA Ref: M9318 B1696). The other neighbouring property, No. 15 Brampton Grove has a part single part two storey side and rear extension (LPA Ref: 02/0233).

Relevant Planning History

Planning permission was allowed on appeal on in 2003 for a part single part two storey side and rear extension to the dwellinghouse (LPA Ref: 02/2174). It became evident during the construction works that the extension was not being built in accordance with the approved plans. A summary of the main differences between the approved plans and extension as built is provided below:

- Ground floor side extension wider than the approved plans and flush with the front wall of the house rather than set back
- First floor side extension built with a setback of 2.65m rather than 5.0m
- Windows to front of side extension not built in accordance with approved plans
- Front rooflight installed and pitch angle of the roof of side extension not matching pitch of main roof
- Ground and first floor rear extension wider and deeper than approved

A subsequent application was submitted for retain the extension as built but was refused in 2004 (LPA Ref: 04/2427) for reasons relating to the design and roof materials of the extension; roof light in the front roofslope; and window design of the first floor window in the front elevation of the two storey side extension.

An enforcement notice was then served on 15 May 2008, taking effect on 24 June 2008 with a six month compliance period. The enforcement notice was appealed and upheld on appeal (LPA Ref:

E/04/0226).

An application was submitted in 2010 (LPA Ref: 10/2405) proposing a number of amendments which sought to resolve the objections raised by the Planning Inspector during the enforcement appeal. This application was refused as the first floor rear extension failed 2:1 guidance in relation to No. 15 Brampton Grove. The application was appealed and dismissed by the Inspectorate.

Current proposal

This application seeks a number of amendments to the extension with the aim of overcoming the objections raised by the Planning Inspector during the enforcement appeal and the 2010 planning application. Each element of the scheme is addressed below:

Two storey side extension

This application seeks to retain the width and set back of the two storey side extension as built. At ground floor, the side extension has been built at 2.5m wide rather than 2.4m and is flush with the front wall of the house rather than set back 250mm. At first floor a setback of 2.65m has been provided rather than 5.0m.

The side extension was considered at the enforcement appeal and the Inspector concluded that neither of the departures at ground floor were of great visual significance. At first floor it was noted that the extension complied with SPG5, and the departure from the approved plans was not considered to cause visual harm. Giving significant weight to the comments made by the Planning Inspector, it is considered that the width and set back of the side extension as built is acceptable.

Windows to the front elevation of the side extension.

The windows to the front elevation of the side extension as built are not in keeping with the design of the fenestration on the front elevation of the dwellinghouse. This application seeks to alter the design of these windows so that they are in keeping with the overall uniformity of fenestration on the front elevation. The amendments involve increasing the height of the first floor window and reducing the width of the ground floor window to 1.4m, providing two casements with fanlights. These amendments are considered acceptable.

Roof light

The roof light on the front roof slope of the side extension is proposed to be removed. It will be relocated to the rear roof plane. This amendment is considered acceptable and is not considered to visually detract from the appearance of the property when viewed from the rear.

Realignment of roof to side extension

This roof is proposed to be realigned to match the pitch angle of the main roof of the dwellinghouse. This amendment is considered acceptable as it will reduce the visual harm that has been caused to the building and the streetscene.

Ground and first floor rear extension

The ground floor rear extension was approved at 2.6m deep and 3.0m high. A projecting bay feature was also proposed near the boundary with No. 15 Brampton Grove. The extension as built is 3.0m deep and 3.0m high with the projecting bay measuring 3.65m deep from the main rear wall of the house. No alterations are proposed at ground floor. Whilst the depth exceeds the approved plans by 0.4m, the main part of the ground floor rear extension complies with the guidance as outlined in SPG5 and the Barn Hill Conservation Area Design Guide. Furthermore, as the projecting bay is sited close to the boundary with No. 15 Brampton Grove which also has been

extended to the rear, the projecting bay is not considered to cause significant harm to the amenities of No. 15 Brampton Grove. The ground floor rear extension as built is considered acceptable and not considered to adversely impact upon neighbouring occupiers. No concerns were raised by the Inspector with regards to the depth of the single storey rear extension (including the projecting bay).

At first floor level, the rear extension has been built closer to No. 19 Brampton Grove and deeper than approved. The two storey rear extension was considered by the Inspector at the enforcement appeal. It was noted that the increased bulk and closer siting of the two storey rear extension to the boundary with No. 19 Brampton Grove, was considered to significantly impact on the level of amenity and light enjoyed by the occupants of No. 19 Brampton Grove. The Inspector look into account the differences in levels between the two properties (No. 19 Brampton Grove is approx. 1.0m higher than the application property), making reference to the 2:1 rule. A similar view was taken by the Inspector during the course of the 2010 planning appeal, as this element still failed the 2:1 rule.

This application proposes to reduce the depth of the first floor rear extension to 2.55m deep. This depth meets the 2:1 guidance as there is a gap of 5.13m measured from the flank wall of the first floor rear extension to the middle of the nearest habitable room window at No. 19 Brampton Grove. The reduction in the depth of the first floor rear extension would overcome previous concerns with regards to this element having a harmful impact upon the amenities of No. 19 Brampton Grove and the character of the house. The reduction in the depth of the first floor rear extension to 2.55m will not project beyond the rear wall of the two storey rear extension at No. 15 Brampton Grove. As such, the first floor rear extension is not considered to adversely impact upon the amenities of No. 15 Brampton Grove.

Timescale for completing the proposed works

Due to the lengthy planning and enforcement history associated with this site, your officers are of the view that the works proposed as part of this application should be implemented within four months of the date of planning permission being granted and completed within 12 months of the date of planning permission being granted. The suggested timetable is considered reasonable by your officers, enabling adequate time for a building regulations application to be submitted. As there is a current enforcement notice, if such works are not implemented within the required timescales, your officers will consider further prosecution proceedings.

Conclusions

In conclusion, the proposed amendments to the side extension and front of the property will improve the appearance of the extension when viewed from the streetscene. The reduction in the depth of the first floor rear extension will reduce its bulk and will improve the amenities for No. 19 Brampton Grove.

Approval is accordingly recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home
Barn Hill Conservation Area Design Guide

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 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):

1477/1
1477/2 Rev C

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 of the existing building.

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

- (4) The replacement windows to the front elevation of the two storey side extension hereby approved shall contain even sight lines between the fixed and opening lights.

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

INFORMATIVES:

- (1) You are reminded that there is an outstanding enforcement notice that is required to be complied with. You are therefore advised to implement this planning permission within the next four months and complete the works within 12 months from the date of planning permission being granted. If you do not implement this planning permission or if you do not comply with the enforcement notice within the next four months, the Council will consider initiating further prosecution proceedings or direct action to obtain compliance with the enforcement notice.

REFERENCE DOCUMENTS:

Five letters of objection
SPG5 "Altering and Extending Your Home"
Barn Hill Conservation Area Design Guide

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: 17 Brampton Grove, Wembley, HA9 9QX

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Committee Report
Planning Committee on 7 June, 2011

Item No. 2/06
Case No. 10/2389

RECEIVED: 20 September, 2010

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Islamia School Centre, 129 Salusbury Road, London, NW6 6PE

PROPOSAL: Erection of a part two-storey and part three-storey primary school building with a playground at roof level

APPLICANT: Mrs Zahida Shaheem

CONTACT: Marks Barfield Architects

PLAN NO'S:
See condition 2

For clarification, this planning application was previously reported to the Planning Committee meeting held on the 15th December 2010. At the meeting the Planning Committee resolved that planning permission should be granted for the development, subject to the completion of a satisfactory s106 legal agreement. However, before planning permission could be issued by the Council a Judicial Review Pre-Action Protocol Letter (hereafter referred to as the JRPPL) in response to the resolution to grant planning permission was received from Forsters LLP on behalf of a group of local residents called 'We Love Queen's Park'. Having considered the content of the challenge the Council decided not to act on Members previous resolution to grant planning permission. For the avoidance of doubt, a summary of the grounds contained within the JRPPL, and the Council's response to these grounds, is provided below:-

- The Council failed to consult on amendments to the application in breach of its own Statement of Community Involvement

The proposals submitted within the planning application were subject to minor changes prior to the application being reported to Planning Committee on 15th December 2010. The JRPPL contends that the Council were required to formally re-consult on the changes and failed to do so. Whilst Officers would still contend that no additional public consultation was required as the changes constituted minor alterations to the development, in order to address this issue further public consultation has been undertaken on the proposals contained within the planning application, as amended. Furthermore, additional statutory notices have been displayed/published in response to concerns regarding the sites proximity to Listed structures and Conservation Areas. Further details are contained in the "Consultation" section of this report.

- The Council failed to state in the committee report how the requirements of the Statement of Community Involvement have been satisfied in breach of the legitimate expectation created by the Statement.

A summary of all public consultation undertaken by both the Council and the applicants, in accordance with the Statement of Community Involvement (SCI), was presented in the previous Committee reports along with a summary of responses received. As such, whilst no explicit statement has been provided of how the SCI requirements have been satisfied the consultation

has been carried out in accordance with the SCI. Reference to the requirements of the SCI is made under the "Consultation" section of this report.

- The Council failed to have regard to a material consideration, namely whether the scheme was viable and would be funded, as the consequence of granting planning permission for an unviable scheme would be to hinder planning permissions and development for other schools.

Officers previously stated in the Committee report that the issue of funding was not a material planning consideration and it is now acknowledged that this was incorrect. This issue is now properly addressed in the "Funding Issues & Delivery of the Project" section of the report.

- The Council have failed to adopt an Environmental Impact Assessment screening opinion, contrary to the Town & Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

Following the submission of the planning application the boundary (the "red-line") was amended by the applicant in order to allow for the imposition of planning conditions on land which had previously fallen outside of the planning application site. In doing so the size of the site was increased to exceed the 0.5ha threshold for urban development's beyond which the Local Planning Authority are required to issue a screening opinion as to whether they consider that an Environmental Impact Assessment (EIA) of the proposal should be submitted as part of the planning application. Having increased the size of the application site, the applicant has requested a screening opinion from the Local Authority and this has now been issued and made available for public inspection on the Council's website. In the opinion of the Local Planning Authority, having regard to the characteristics of the development, its location and potential impact, the Local Planning Authority does not consider that the proposal requires an EIA. Further reference to the screening opinion is made in the "Sustainability" section of the report.

- The Council failed to provide the public notice of the application to English Heritage in breach of Regulation 5A of the Planning (Listed Buildings and Conservation Areas) Regulations 1990

Whilst Officers had previously been of the opinion that formal consultation with English Heritage was not required in this case, English Heritage have now been formally consulted on the application by way of a letter dated 6th April 2011. A formal response, dated 18th April 2011, has been received stating that the recommendation of English Heritage is that they do not wish to offer any comments on the application and that the Local Planning Authority should determine the application on the basis of national and local policy guidance. As mentioned above additional statutory notices have been displayed/published due to concerns regarding the proximity of the site to Listed structures and Conservation Areas. Further reference is made to this in the "Consultation" and "Remarks" section of the report.

- The Council have failed to make the proposed planning obligation available to the public.

In response to the above concerns, a draft copy of the proposed planning obligation has been made available for public inspection, since 19th April 2011, on both the physical planning file and the planning application page of the Council's website. The draft agreement has not been updated since the 19th April 2011.

Having addressed the above issues raised in the JRPPL Officers are now reporting the application to Planning Committee for Members to consider the application again. Officers confirm that the proposals previously reported to Planning Committee on the 15th December 2010 remain unchanged although Members are obliged to reconsider the planning merits of the proposals in their entirety without giving any weight to the previous resolution. For clarity, the main changes between the previous and current Committee reports are indicated in *italics*. However, Members are advised to review the entire report in order to refresh themselves with all of the issues to be considered.

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal & Procurement

SECTION 106 DETAILS

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

- Prior to Occupation submit, gain approval for and adhere to a Community Access Plan, which includes details of community accesses to the development, particularly the Gym facilities which shall be made available to any community groups for not less than 20 hours a week, at rates covering administration costs only and not more than other Council facilities.
- A financial contribution of £10,000 towards the highway works, including bus cage works and the reinstatement of the footway adjoining the school, required to mitigate the impact of the development on local transport infrastructure and provide street tree planting, index-linked from the date of committee and due on Material Start.
- Sustainability – BREEAM Excellent Construction Assessment and Certificate shall be submitted prior to occupation; achieve 50% on the Brent Sustainable Development Checklist, demonstrated through submission of a Detailed Sustainability Implementation Strategy prior to construction; compliance with the ICE Demolition protocol, demonstrated by submission of an independent report detailing demolition and new build material use and recycling; and 20% on site renewable energy details to be submitted and approved, which shall be maintained throughout the lifetime of the development.
- Join and adhere to the Considerate Constructors scheme.
- Prior to Occupation, submit gain approval for and adhere to a Travel Plan.
- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance

And, to authorise the Head of Area Planning, 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 subject site, located towards the northern end of Salusbury Road on the eastern side of the street, has an area of a little over 0.5ha and is currently occupied by both the Islamia Primary School and the Islamia Girl's Secondary School. The existing school buildings on the site comprise of the original part two, part three storey Victorian school building located generally towards the northern side of the site and along the north-eastern boundary. Since, the application was previously reported to Planning Committee, a number of smaller buildings on the site have been demolished. For the avoidance of doubt the act of demoltion, in this instance, does not appear to require planning permission. The central area of the site is generally occupied by the existing playground with a small car-park located on the southern tip of the site.

Due to the expansion of pupil numbers in 2007, the Islamia Primary School also currently lease classroom accommodation at nearby Winkworth Hall, located on the western corner of the junction between Salusbury Road, Chevening Road and Brondesbury Park, some 100m to the north of the site. At present all pupils are dropped off and collected from the main school site with pupils

escorted in groups to the overspill classrooms as necessary. The lease on the accommodation at Winkworth Hall is due to expire in July 2012. Winkworth Hall also provides the accommodation for the Hopscotch Nursery whose lease expires in July 2013.

The site fronts on to Salusbury Road, a local distributor road running from north to south connecting the largely residential area of Brondesbury Park to the north with Queen's Park town centre in the south. The opposite side of Salusbury Road, facing the subject site, has a predominately residential character, underpinned by a terrace of three storey Victorian properties. Beyond the rear of these properties lies the Queen's Park Conservation Area, a Victorian residential estate arranged around a centrally located park. Towards the rear, the subject site adjoins the boundary with Paddington Cemetery, a Registered Park and Garden and Conservation Area, at the centre of which lies two Grade II Listed chapels. To the south of the subject site lies the Vicarage and the domed Inter-faith Centre/Church of St Anne's. Towards the north lies the Quadrant Business Centre, comprising of a mixture of office and light industrial uses.

For the avoidance of doubt, although located in close proximity to both the Paddington Cemetery and Queen's Park Conservation Areas, the subject site and other properties along Salusbury Road are not located within a Conservation Area.

PROPOSAL

The proposal would involve the erection of a new part two, part three-storey primary school building on the existing school site. The proposed building would adjoin the existing main school buildings on site. The proposed building would be constructed on the site of the existing playground and the single-storey dining hall, which has been demolished. As the proposal would involve building over part of the existing playground, the proposal involves the formation of a new playground on the roof of the proposed building.

HISTORY

The planning history for the site consists primarily of planning applications for minor extensions to the main school building (02/0981, 02/0586, 99/0202 & 92/0327)and the siting of a temporary classroom (00/0626), which has since been removed from the site. Most recently planning permission (10/1534) was approved on a temporary basis for the erection of a single-storey canopy structure to provide a covered play area.

POLICY CONSIDERATIONS

London Borough of Brent Core Strategy 2010

The following policies in the recently adopted Core Strategy are considered relevant to the current application.

CP17	Protecting and Enhancing the Suburban Character of Brent
CP19	Brent Strategic Climate Mitigation and Adaptation Measures
CP23	Protection of existing and provision of new Community and Cultural Facilities

London Borough of Brent Unitary Development Plan 2004

The following saved policies contained in the Unitary Development Plan are considered relevant to the current application.

BE2	Townscape: Local Context & Character
BE3	Urban Structure
BE5	Urban Clarity & Safety
BE6	Public Realm: Landscape Design
BE7	Public Realm Streetscape
BE9	Architectural Quality

BE12	Sustainable Design Principles
BE25	Development in Conservation Areas
TRN1	Transport Assessment
TRN3	Environmental Impact of Traffic
TRN4	Measures to Make Transport Impact Acceptable
TRN11	The London Cycle Network
TRN22	Parking Standards - Non-Residential Developments
PS12	Parking Standards: Non-Residential Institutions (Use Class D1) and Hospitals (Use Class C2)
CF8	School Extensions

**Supplementary Planning Guidance 17:- Design Guide For New Development
Supplementary Planning Guidance 19:- Sustainable Design, Construction & Pollution Control
Supplementary Planning Document:- s106 Planning Obligations**

The London Plan (Consolidated with Alterations Since 2004)

**PPS5: Planning & the Historic Environment
PPG17:- Planning for Open Space, Sport & Recreation**

SUSTAINABILITY ASSESSMENT

As the proposal would involve the creation of more than 1000m² of floor space the application is classified as a 'Major Development'. Consequently regard needs to be had to advice contained in Supplementary Planning Guidance 19:- Sustainable Design, Construction & Pollution Control (SPG19) and, as such, the applicant has submitted a Sustainability Checklist as part of the application. The submitted checklist indicates that the development would score 78% which would give the development an 'excellent' sustainability rating. However, Council's Sustainability Officer has reviewed the checklist and has recommended that further evidence would be required to adequately demonstrate that this score could be achieved. The Sustainability Officer considers that subject to the submission of further evidence that the development should comfortably exceed the Council's minimum requirement, achieving a score in excess of 50% thus achieving at least a 'very positive' rating. It is recommended that the sustainability checklist score should be secured by way of a s106 legal agreement to ensure that the development would realise the predicted sustainability benefits of the proposal.

The design of the proposed development would incorporate a number of sustainability measures which seek to reduce the impact of the development in terms of its energy efficiency. These include the provision of both ground and air source heat pumps and solar PV panels alongside other passive measures which seek to reduce the developments overall CO² emissions. The applicant has submitted an energy report as part of the application which sets out that the above measures would achieve a 44.7% reduction in overall CO² emissions in comparison to the notional building which would comfortably exceed the London Plan target of achieving a minimum 20% reduction in CO² emissions. The applicant has also stated that they intend for the development to achieve a BREEAM 'excellent rating' which would comply with the targets set by policy CP19 of the Council's adopted Core Strategy. Again, in order to ensure that the development would realise the anticipated sustainability benefits it is recommended that compliance with these minimum targets are secured in a s106 agreement should planning permission be granted.

ENVIRONMENTAL IMPACT ASSESSMENT

The Council has produced a Screening Opinion, dated 21st April 2011, to determine whether the proposed development of the site would require an Environmental Impact Assessment (EIA) before development consent can be given. An EIA is usually required where development is likely to have a significant effect on the environment. The Council has considered whether the development is of

more than local importance, in an environmentally sensitive or vulnerable location, or whether it produces complex or hazardous environmental effects. The conclusion of a Screening Opinion is that the scheme does not warrant EIA.

AIR QUALITY

The subject site is located within an air quality management area (AQMA), as confirmed by the Council's Environmental Health Officer in their formal consultation response to the application. The Council's Environmental Health Officer has stated that although the site is located within an AQMA that they do not consider the development would pose a significant risk to air quality. Having reviewed the application the Environmental Health Officer believes that the submission of an air quality assessment should not be required as part of the application.

CONSULTATION

INITIAL PUBLIC CONSULTATION

In terms of statutory consultation on the planning application, consultation letters, dated 28th September 2010, were sent to 417 local addresses, Ward Councillors and the Queen's Park Residents Association. The application was also advertised as being 'In the Public Interest' by way of a number of site notices, dated 8th October 2010, displayed outside of the site and by way of a press notice, published on the 7th October 2010.

The applicants have also undertaken their own programme of consultation which has involved attending a local fun day, arranging meetings with key stakeholder's, including the local residents association, publishing an article on the proposals in the Brent Magazine and setting up a website to provide information on the proposals. Full details of the consultation to date have been provided in a consultation report submitted as part of the application.

Overall, it is considered that the initial consultation process has been carried out in general accordance with the Council's Statement of Community Involvement.

In response to the initial consultation, 178 letters of support and 268 letters of objection have been received (this is an increase on the 249 letters reported to Members in the previous Committee Report as a further 19 objections were received in the period after the Committee meeting, held on the 15th December 2010, but before the "Further Consultation" described below). The objections include letters from the Queen's Park Residents Association and an action group called 'We Love Queen's Park'. In summary the concerns of the objectors include:-

- The proposed development, and absence of stop and drop facilities, would exacerbate existing parking and traffic problems within the vicinity of the school, particularly during school pick up/drop off times, and would harm pedestrian/highway safety.
- The site location is not suitable for a school intended to serve the entire Borough
- There is inadequate public transport for an enlarged school
- The proposed building would have an overbearing appearance, would overshadow Salusbury Road and would not be in keeping with the character of the surrounding area, including nearby Conservation Areas and Listed Buildings
- The increase in pupil numbers would exceed those stated in the planning application
- The proposal would constitute an overdevelopment of the site
- The proposed building would have a poor relationship with the neighbouring vicarage and Inter-faith/Church buildings causing harm to existing views, outlook and daylight.
- The proposed rooftop play area would cause unreasonable noise disturbance
- The proposed rooftop play area would be unsafe for pupils
- The use of the rooftop play area for ball games would require increased enclosure or would

cause highway safety problems.

- There has not been adequate consultation on the proposals
- The proposed school will be used as a place of worship outside of school hours
- The proposed building will not provide community access for those outside of the Islamic community.
- The proposals will harm existing trees
- The close proximity of a plant room to the Vicarage could cause problems of fumes and noise to neighbouring occupiers.
- The proposed development could have negative consequences for the funding of other school expansion projects.

The majority of the letters of support received highlight the existing shortage of school places across the Borough and welcome the refurbishment and expansion of the existing school. Practical problems with the existing split site arrangement and the existing sites lack of facilities, particular for pupils with special needs, have been set out as grounds of support for the application.

A letter, dated 1st December 2010, was sent to the 821 addresses, comprising of all of the original consultees and other registered objectors/supporters at that time, to inform them of minor design alterations to the proposals. The revised plans indicating these alterations have been displayed on the Planning Service website.

As the subject site shared a joint boundary with Paddington Cemetery both The Friends of Paddington Cemetery and the Garden History Society have been consulted. No response has been received.

Prior to the Planning Committee meeting held on the 15th December 2010, objectors raised concerns with regards to the reported figures, in terms of letters of support for the application, contained in the Committee report. The Planning Service will aim to acknowledge all letters received either in support or against planning applications and whilst every effort is made to ensure that the reported figures represent an accurate reflection of the degree of public support and/or objection to an application invariably, where there are a large number of responses, there is likely to be a marginal degree inaccuracy in the reported figures. Having been reported to Officers, a small number of duplicate letters of support have been removed from the consultation figures. Having inspected the responses Officers do not consider that there has been any deliberate attempt to significantly alter the reported public response to the application. The current figures held on the consultation response database indicate that there have been approximately 178 letters of support and 268 letters of objection. Officers would also like to clarify to Members that the majority of the letters of support received have come in the form of a standard letter where the main text is replicated but the letters are signed and addressed individually by the sender.

Objectors have mapped the location of public consultation responses which indicates that generally the objections received have come addresses clustered around the subject site whereas letters of support have generally been received from a wider area.

FURTHER PUBLIC CONSULTATION

In response to the JRPPL received by the Council, further public consultation has been undertaken. This included a new consultation letter, dated 18th April 2011, which was sent to 840 individuals, comprising of all those originally consulted on the planning application as well as all of those not originally consulted who have registered their objection/support to the application, as well as Ward Councillors and the Queen's Park Residents Association. The letter offers a period of 21 days to submit comments on the proposals, which had previously been subject to minor amendments, but also makes clear that all comments already received will be included in the report to Members (see above). In response 7 additional letters of objection have been received, including one from the Queen's Park Residents Association. The additional letters of objection generally reiterate existing concerns regarding the proposal which have been summarised above.

One letter raises concerns regarding the schools ability to successfully deliver projects and this concern will be addressed in the "Funding Issues & Delivery of the Project" section of the report.

A further letter of objection, dated 25th May 2011, was received from Forsters LLP on behalf of their client "We Love Queen's Park". The letter sets out that, whilst their client welcomes the measures taken to remedy some of the deficiencies identified in the JRPPL, they continue to query the funding and viability of the project and raise concerns that this issue has not been adequately considered by Members. This issue is now addressed in the current report (see "funding Issues and Delivery of of the Project").

Further statutory notices have been displayed/published in order to satisfy the requirements of sections 67 and 73 of the Planning (Listed Buildings & Conservation Area) Act 1990 for the advertisement of developments in close proximity to Listed Buildings or Conservation Areas. This includes the following.

- Site Notices, dated 7th April 2011, were displayed along the site frontage on Salusbury Road and at the sole public entrance to the Paddington Cemetery which advertised the development as being in close proximity to a building listed for its historic architectural or historic interest and to a Conservation Area. These notices were replaced on 11th May 2011 by new notices in order to ensure that the notices refer to section 73 , as well as section 67, of the Planning (Listed Buildings & Conservation Areas) Act 1990.*
- A press notice was published on the 14th April 2011 advertising the development as "affecting a listed building".*
- A press notice was published on the 12th May 2011 advertising the development as affecting a Conservation Area.*

Any further representations received within the 21 day consultation period set out under these notices will be reported to Members in a Supplementary Report

ENGLISH HERITAGE

English Heritage has been formally consulted on the Planning Application by way of a notice dated 18th April 2011. In response English Heritage have confirmed that they do not wish to offer any comments on the application and have recommended that the application be determined in accordance with national and local policy guidance and on the basis of the Council's specialist Conservation advice (see below "Urban Design & Conservation Officer")

SPORT ENGLAND

It has been suggested by objectors that Sport England should have been consulted on the planning application as a statutory consultee. Sport England is a statutory consultee on all planning applications affecting playing fields, including applications affecting any land that has been used as a playing field in the last five years and any replacement of a grass pitch with a synthetic surface. A playing field is defined as the whole of a site that encompasses at least one playing pitch. Officers do not consider that the existing playground meets with the definition of a playing pitch, both in terms of use and in terms of size, and therefore it is not considered that statutory consultation with Sport England is required as part of the application. The Planning Manager at Sport England has (14 December 2010) endorsed this view.

INTERNAL CONSULTATION

TRANSPORTATION UNIT

The Council's Transportation Unit have considered the proposals in detail and have stated that they would not object to the application provided that the applicant enter into a s106 agreement confirming the adoption of the new Travel Plan. The Council's Transportation Unit would also expect the redundant vehicular crossover to be reinstated at the applicants' expense, secured by a

s106 contribution, and that the remaining vehicular access would comply with the Council's normal standards.

URBAN DESIGN & CONSERVATION OFFICER

The Urban Design and Conservation Officer has considered the proposals within the context of the surrounding area, including the historic context, and has expressed support for the application subject to agreement of suitable materials for external finishes.

LANDSCAPE DESIGN OFFICER

The Landscape Design Officer raises no objection in principle to the proposed development

TREE PROTECTION OFFICER

The Tree Protection Officer is satisfied that the development could go ahead with little or no impact to surrounding trees, provided that adequate tree protection measures are taken. The planting of three new street trees along Salusbury Road is welcomed.

ENVIRONMENTAL HEALTH

The Council's Environmental Health Officer has raised the noise from the playground and disturbance from construction works as potential issues. These issues will be addressed in the main report. The application site is within an Air Quality Management Area but not specific concerns have been raised (See "Air Quality" section of the report

SUSTAINABILITY OFFICER

Is satisfied that the development would exceed the minimum sustainability requirements for such developments. Has recommended that this is secured by way of a s106 legal agreement (See 'Sustainability' section of this report).

CHILDREN & FAMILIES DIRECTORATE

The pupil admissions unit have confirmed that the proposal is for a 2 form entry school accommodating a maximum of 420 pupils and that the capacity to accommodate a higher number is not being considered due to the site restrictions and resource constraints. The admissions unit have also confirmed that the school will be subject to a catchment area, south of the North Circular Road and bound by the Borough boundary. Applications from pupils residing within this catchment area will be given a higher priority than those residing outside. The Local Authority are able to monitor the implementation of this admissions policy to ensure that this is applied before any offers of places are made.

STREETCARE

No response received.

BRENT CEMETERIES

No response received.

REMARKS

SCHOOL EXPANSION

The Council's development policies, contained in the UDP and Core Strategy, set out a general

presumption in favour of the expansion of existing school facilities, particularly where this is required for the Council to meet their statutory obligations. Across Brent, as of the 29th July 2010, there were 164 unplaced primary school pupils and it is generally acknowledged that the existing demand for school places is most acute towards the south of the Borough. The proposed redevelopment and expansion of the Islamia Primary School is part of the planned expansion of five Borough Primary Schools which seek to address the current shortage of primary school places. The proposed development seeks to secure the permanent expansion of the Islamia Primary School to a two form entry school with 420 pupils.

In terms of previous expansion of pupil numbers at the school, in 2007, under the statutory process, the pupil numbers at the school were expanded from 210 to 350 pupils. This expansion was partly in response to the closure of the nearby Avenue School. For the current academic year, in response to the on-going lack of school places, the Council have requested the school to further increase their pupil numbers to 390 places. In order to accommodate these extra pupils the school has had to sacrifice their dedicated ICT suite. The current pupil population of 390 are accommodated within the existing school buildings and through the use of temporary accommodation at the nearby Winkworth Hall.

The proposed development would provide a new primary school building on the site which would allow the existing 390 pupils to be relocated from within the existing school building (299 pupils), currently shared with the independent Islamia Girls Secondary School, and from the temporary accommodation at Winkworth Hall (91 pupils). The redevelopment would also allow the existing pupils to be joined by an additional 30 pupils taking the overall number of pupils attending the Islamia Primary School to 420.

Whilst, it is acknowledged that the proposed development would only increase the overall primary school pupil numbers by 30 places, from the current 390 to a proposed 420, the potential to accommodate further pupils within the vacated accommodation also requires consideration. The accommodation in the existing school building could provide the potential to expand pupil numbers at the Islamia Secondary School in the future although it has been stated by the applicant that there are currently no plans to do so. However, given this potential, it is considered that any future expansion of pupil numbers on the school site would need to be controlled in order to ensure that the impact of any further expansion is properly considered and controlled through the planning process. As such, it is recommended that any permission for the proposed erection of a new primary school building should be subject to a condition limiting the existing number of pupils across the site to 580 pupils, equivalent to the current capacity of the Secondary school, stated to be 160 pupils, combined with the capacity of the proposed Primary School (420 pupils). The temporary accommodation at Winkworth Hall is currently leased to the school by Brent Council, and this arrangement is due to end in July 2012. Beyond this the proposed future use and/or redevelopment of the site would be at the discretion of the Council. The impact of any future development of Winkworth Hall would be considered under the provision of any necessary planning applications.

TRANSPORTATION

The site is accessed from Salusbury Road, a local Distributor Road, and lies within Controlled Parking Zone "KQ", which operates between 8am and 6.30pm Mondays to Fridays during which time on-street parking is generally restricted to permit holders only. There are also a limited number of pay-and-display spaces available both along Salusbury Road and in the nearby side streets. Public transport access to the site is good (PTAL 4), with Brondesbury Park and Queen's Park stations and two bus services within walking distance of the site. The subject site has an existing car-park that provides 18 spaces, 10 allocated to the Islamia Girls School and 8 allocated to the Islamia Primary School. The schools are also currently allocated a total of 22 business parking permits which are used to allow staff to park in on-street permit holder bays.

As with any proposal for the provision of a new or expanded school, the impact of the development on highway conditions, particularly during drop-off and collection times, is a key consideration. The proposed development would also result in the loss of the existing on-site parking facilities for staff and the impact of this on-street parking conditions in the surrounding area will also be an important consideration

The majority of objectors to the application have raised concerns regarding existing parking and traffic problems that are associated with the dropping off and collection of pupils from the school. Objectors are concerned that the proposed increase in pupil numbers will only seek to exacerbate existing problems. However, whilst it is considered inevitable that there will be some traffic and parking impact associated with the operation of a school, the applicants have indicated a willingness to improve the current situation and mitigate the impact of the additional pupil numbers through a number of measures set out in a new school Travel Plan.

A travel survey carried out in January 2010 indicated that at present approximately 76% of pupils and 54% of staff travel to the school by either car or carshare. If the proportion of pupils and staff travelling to school by car/carshare were to remain constant then it is expected that the proposed development would generate, on an average school day, an additional 26 trips to the school by car/carshare. The measures contained in the revised travel plan seek to reduce congestion around the school site during drop off/collection times and reduce the overall proportion of pupils and staff that travel to the school by private car in accordance with the targets set out below.

Pupil/Staff Travelling by car/carshare

	September 2010	3 Year Target (2013)	5 Year Target(2015)
Pupils*	76% (297)	66% (277)	58% (244)
Staff*	54% (30)	49% (30)	44% (27)

*note that from 2013 onwards total staff numbers increase from 57 to 61 and total pupil numbers increase from 390 to 420

These targets have been worked up in consultation with the Council's Transportation and are considered to be realistic and achievable provided that the measures set out in the Travel Plan are fully implemented. These measures include:-

- The implementation of an admissions catchment area, defined as being the area south of the North Circular Road, bound by the Borough boundary. This policy would seek to increase the proportion of pupils living locally to the school. Applications for potential pupils living within the catchment area would be given a higher priority than those who do not. The Council's Admissions Unit have confirmed that they are able to ensure that this policy is effectively applied (see 'Consultation').
- The school will actively promote sustainable methods of transport to the school through a number of programmes.
- A School Patrol will be set up whereby members of staff will help manage the drop off and collection of pupils from outside of the site.
- Carsharing database
- The introduction of a wide range of breakfast and after-school clubs. This initiative seeks to spread the arrival/departure of pupils across a greater period of time.

Objectors to the application have raised doubts regarding the effectiveness of the proposed school catchment area and have plotted the residence of the current pupils highlighting that many live outside of the proposed catchment area. It is acknowledged that currently there is no catchment area for the school and this, in part, has led to the dispersal of the current pupils. However, it has been confirmed by the Council's Admissions Officer that a catchment area will be applied to school applications from September 2011 To this effect from September 2011 admission would be prioritised on the basis of faith, siblings and the catchment area which over the course of time would increase the proportion of pupils living within a closer proximity to the school. Whilst, this catchment area would not affect existing school pupils, it would over the course of time seek to

increase the proportion of the pupils that live locally to the school thus reducing the need to travel to the school by car.

Objectors have also suggested that the school should consider the use of mini-buses in order to reduce the number of pupils being brought to the school by car. The applicants have confirmed that they have made initial enquires although at present the provision of a bus service is likely to be unviable due to funding issues and therefore this has not been included as one of measures with the current Travel Plan. However, following the implementation of the catchment area this may be a measure that could be given further consideration in the future

Following consultation with the Council's Transportation Unit, it is considered that the proposed Travel Plan should, at very least, mitigate the impact of the increase in pupil numbers on parking and traffic within the locality of the site in the short term, and would be likely to improve on the existing situation in the medium to long term. The Travel Plan would be subject to on-going review to ensure that the measures set out are sufficiently meeting the targets. If the targets are not met then the school will be required to consider further measures that can be incorporated to address any failings. Furthermore, the applicants have also agreed to incorporate a £20,000 penalty clause into the proposed Travel Plan which will be paid should the school fail to meet the targets set in the Travel Plan. The penalty clause would be split so that £10,000 would be required should the school fail to meet the 3 years targets with another £10,000 required should the 5 years targets also fail to be met. Officers consider that this indicates a firm commitment by the school to ensuring the successful implementation of the Travel Plan and a willingness to improve the existing impact of the school at drop off and collection times on local highway conditions. If required, these monies could go towards local highway improvements. It is recommended that in order to ensure that the Travel Plan is fully implemented and the targets met that any permission should be subject to the applicant entering into a s106 legal agreement containing an undertaking to implement and carry out an on-going review of the school Travel Plan, including the provision of penalty clauses if the targets are not met.

In terms of the loss of the existing on-site parking facilities, it is clear, given the on-street parking restrictions in the surrounding area, that some staff will need to seek alternative means of transport to and from the school and the measures set out in the Travel Plan will assist with this process. The Council's Transportation Unit have confirmed that they would not permit additional on-street parking permits to be issued to compensate for the loss of the existing parking facilities and this can be secured through the school Travel Plan. However, due to the absence of on-site parking, it is also noted that there would be no dedicated disabled parking provision for staff. If required, the Council would consider suitable proposals for providing such facilities on-street.

Concerns have been raised regarding the impact of the proposed development on highway safety within the locality of the site. An inspection of the personal injury accident data available for a 500 metre radius around the subject site shows that there have been five accidents within the vicinity of the site in the past three years. None of these incidents make reference to school related traffic and, in fact, one of these incidents occurred at the weekend. As discussed above, it is not considered that the proposals will result in a significantly increase of traffic and therefore it is considered that highway safety is also unlikely to be significantly affected.

The proposed school building would also be used for a range of community uses outside of the standard school hours (see the 'COMMUNITY USE' section of this report). However, these would generally be of a small scale and provide that they are incorporated into the Travel Plan it is considered that they would be unlikely to have a significant impact on the local highway conditions.

Ten secure bicycle parking spaces are proposed which would be double the Council's minimum standards for the Primary School. As the site is a primary school it is considered that pupils would be unlikely to use these spaces and that staff would be more likely to benefit from their provision.

Refuse bins will be stored within a dedicated store, located close to the main vehicular access to

the site. The Council's Transportation Unit consider these arrangements to be satisfactory

The Council's Transportation Unit have recommended that financial contributions are secured from the development in order to provide adequate infrastructure to mitigate the direct highways impact of the development. This would include contributions to provide street trees, reinstate redundant crossovers and amend the existing bus cage along Salusbury Road. The applicant has agreed to make a contribution of £10,000 in order to cover the cost of the required works. As discussed above, this contribution could increase through a penalty payment arrangement should the school fail to meet the targets of the Travel Plan.

URBAN DESIGN

The proposal envisages the construction of a part-two, part three storey school building, adjoining the existing school building which is also generally two to three storeys in height. The footprint of the building would generally take the form of a perimeter block set around a central courtyard. Towards the southern side of the site, the wings of the block are staggered to narrow the space between them and reduce the impact on the adjoining Vicarage building. Fundamentally, the main body of the building has a rather straightforward form with the interest and architecture expressed mainly through the elevational detailing and finishes. The most notable element of the proposed design is the angled prayer hall, located towards the north western side of the building. The angle of the prayer hall is designed to ensure that worshippers are orientated to face Mecca during prayers, a requirement of the Muslim faith, and this design element underpins the Islamic identity of the school. Furthermore, the dislocation of the prayer hall from the normal axis of the building is considered to add visual interest to the building. The main elevations of the prayer hall have been staggered in order to introduce a rhythm which will allow the prayer hall to sit more comfortably with the elevations to the main body of the building and reduced the perceived mass of this element. The building would primarily be finished externally with yellow stock bricks which are considered a wholly appropriate material within the context of the surrounding area.

In terms of the overall scale and massing, it is noted that the streetscene along Salusbury Road, with the exception of the Vicarage building, is generally characterised by buildings of two to three storeys in height. As such, it is considered that in scale and massing terms that the proposed development would respect the generally form of the existing streetscene. Whilst, it is acknowledged that the scale of the proposed building could be considered at odds with the adjacent Vicarage building, particularly in terms of its forward projection, it should be noted that the scale of the Vicarage itself is at odds with the general character of the streetscene and it is considered that the general difference in scale is further justified on the basis of the civic nature of the proposed building. On balance, although it is clear that there will be a significant change to the existing streetscene as a result of the proposed development, it is considered that this change would have an acceptable impact on the character and appearance of the surrounding area.

Concerns have been raised by objectors regarding the accuracy of the 3-D computer generated images (CGI) that have been submitted by the applicants although having been inspected by Officers it is considered that these provide a useful interpretation of the proposed building in its realised form. In any case, Members will be aware, whilst acknowledging the usefulness of CGI images, that the proposals should be considered on the basis of the plans listed in condition 2, recommended at the bottom of this Committee Report.

HERITAGE ASSETS

The subject site is located adjacent to Paddington Cemetery which is a Conservation Area and Registered Park and Garden. The character of the cemetery is under pinned by the Grade II Listed Chapels located at its centre. Whilst the subject site itself does not fall within a Conservation Area nor are any of the buildings on site Listed, it is important that the impact on the setting of these historic assets is considered as part of the assessment of the application. As such, the applicant has submitted a Heritage Assessment as part of the planning application.

The proposed development has been designed in order to avoid the need to carry out works to the cemetery wall which form part of the listing on the site. Instead, play walls will be erected within the break out play areas located adjacent to the cemetery wall, in order to provide a narrow separation between these play spaces and the cemetery wall. As well as preserving the character of the cemetery wall this would also avoid any damage to the wall as a result of the use of the proposed play spaces. As discussed above, the scale and massing of the proposed building is considered in keeping with the surrounding area and it is noted that the cemetery is surrounded by a number of other developments, both historic and modern, which could be considered to affect the setting of the cemetery in a similar, or in some cases, greater way. The impact of the proposed development on the setting of these historic assets has been thoroughly inspected by the Council's Conservation Officer who considered that the proposed development, due to its scale, siting and materials, would have an acceptable impact on the setting of the Conservation Area and Listed Buildings.

As set out above, English Heritage have been formally consulted on the proposals and they do not object to them stating that they do not want to offer any specific comments on the application. They have recommended that regard be given to national and local policy guidance and the Council's own specialist Conservation advice. On this basis, it is recommended that Members give substantial weight to the views expressed by the Council's Conservation Officer with regards to the likely impact of the development on nearby historic assets.

LANDSCAPING/PLAY AREAS

When considering the merits of the proposed landscaping and play areas on the site, Officers would refer Members to the guidance contained in PPG17: Planning for open space, sport and recreation and in particular highlight the guidance contained in paragraph 13 which states:-

“Development may provide the opportunity to exchange the use of one site for another to substitute for any loss of open space, or sports or recreational facility. The new land and facility should be at least as accessible to current and potential new users, and at least equivalent in terms of size, usefulness, attractiveness and quality. Wherever possible, the aim should be to achieve qualitative improvements to open spaces, sports and recreational facilities.”

At present the play space for the existing primary school is provided by way of a dedicated hard surfaced play area and a larger tarmac playground, which is shared with the Secondary School. The existing total provision of play space is 1199m². The play areas for the proposed Primary School would be provided primarily by way of a roof top play area, a ground floor courtyard, smaller break out areas to the front and rear of the building whilst the pupils of the Secondary School would use the Morning Entrance Courtyard for recreational activities. Overall, the proposed provision of play areas would occupy an area of 1867.9m², whilst other external areas including a staff garden would bring the overall provision of external space to 2109m². As such, it is considered that in quantitative terms the proposed development would improve the overall provision of amenity and play areas.

Whilst it is acknowledged that the concept of a roof top play area is relatively uncommon within the Borough it should be noted that there are several examples across London of where the utilisation of roof spaces to provide play areas have been successfully achieved. The provision of a play area at roof level also has the added benefit of providing a more effective use of the available site.

In qualitative terms, a detailed landscaping scheme for the proposed development has been submitted as part of the application and this has been inspected by the Council's Landscape Design Team who consider the proposals suitable. In particular, the proposed rooftop play area would incorporate three character/activity zones that would allow pupils to run, play and climb

safely. The school have confirmed that the roof top play area would not be used for ball games and this would need to be secured by way of a planning condition if the planning permission were to be granted. The roof terrace would be enclosed by balustrade panels which are of a suitable height to ensure the safety of the pupils whilst respecting the character and appearance of the proposed building.

Objectors have argued that by imposing a condition on the roof top play area prohibiting balls games or other similar activities that the qualitative value of the overall play space provision is diminished from that of the existing. However, Officers consider that the qualitative value of the play spaces is best judged by those who they are intended to serve and it is noted that in the submitted Landscape Proposals (pages 5 and 6), provide details of the consultation undertaken with both pupils and staff in order to ensure that the spaces meet the demands of the intended users

As discussed in the 'consultation' section of the report, the proposals have been inspected by the Council's Tree Protection Officer who is satisfied that, subject to suitable tree protection measures during construction, that the development would not harm existing trees. The applicant has agreed in principle to make a provision for the planting of new street trees and a contribution to enable this would be included in to £10,000 to be secured as part of any s106 agreement.

IMPACT ON ADJOINING OCCUPIERS

In terms of the impact of the proposed development on nearby residential properties, the applicants have submitted a daylight and sunlight report, carried out in compliance with BRE guidance, which analyses the impact of the proposed building on the daylight and sunlight to the properties at 110-130 Salusbury Road, located opposite the site, and the adjoining Vicarage at 125A Salusbury Road. In terms of the impact on 110-130 Salusbury Road the report confirms that the potential impact on light would be in general compliance with the BRE standards. It is also noted by Officers, that a number of these properties are currently used to provide more temporary forms of residential accommodation. In considering the impact on the existing Vicarage, which is much closer to the proposed development the report noted that the proposed development would have a noticeable impact on the daylight to two side facing windows, one serving a kitchen on the ground floor and one serving a bedroom on the first floor. However, as the layout of the Vicarage is known, it has been confirmed that the rooms of that are served by these windows are also served by at least one other window with acceptable daylighting conditions. As such, the submitted daylight and sunlight report concludes that the proposed building would have an acceptable impact on the daylight to habitable room windows of neighbouring properties. In terms of sunlighting it is noted that the Vicarage is located towards the south of the proposed building and therefore unreasonable overshadowing would not occur.

Whilst it is noted that objectors have also raised concerns regarding the impact on daylight into the Inter-faith centre/Church it is noted that the centre is located to the southern side of the Vicarage building. As such, the proposed school building, being located to the north of the Inter-faith Centre, could not affect the sunlight to this building. It is also considered that the relationship between the proposed building and existing side windows to the Inter-faith centre, although not covered in the daylight/sunlight report, would comply with the Council's guidance contained in SPG17 and therefore any impact on daylight would be acceptable.

In terms of outlook, it is considered that the properties on the opposite side of Salusbury Road would not be unduly affected as the distance between the existing frontage and proposed building would be at least 23m. In terms of outlook to the Vicarage it is acknowledged that outlook from side facing windows would clearly be affected although as mentioned before these windows are generally secondary and do not provide the sole means of outlook to a single room. The wings of the proposed building have been pulled in towards the centre of the site to minimise the forward and rearward projection beyond the front and rear of the Vicarage and the proposal has been amended to provide screens which will allow the provision of climbing plants along the boundary.

Whilst it is acknowledged that concerns have been raised regarding the impact of the proposals on existing views from a number of locations, as Members will be aware, unless strictly defined in policy terms which the views referred to are not, the right to any particular view is not normally a justified consideration on which to base the refusal of a planning application..

In terms of noise disturbance, the impact of pupil play areas has been raised as potential issue as it would be with any school proposal. However, in this case it should be noted that there is already an existing school on the site which contains a relatively large playground areas directly exposed to Salusbury Road, which itself generates substantial noise. Whilst, the proposed development would increase the overall provision of play space it is noted that this would take the form of several smaller separate play areas. As such, it is considered that the form of the proposed play spaces would only serve to distribute the noise generated by children's play and that any noise disturbance would be unlikely to significantly exceed existing levels. In terms of external noise generated by plant machinery, the applicants have included an assessment of this in a submitted noise report. The report acknowledges that some noise attenuation, such as insulation to plant rooms, may be required to ensure that appropriate levels are met and it is recommended that post installation testing and any further attenuation should be controlled by condition.

Concerns have been raised by objectors regarding the impact of the proposed development on property prices within the vicinity of the site. Whilst this is an understandable concern for local residents, paragraph 29 of 'The Planning System: General Principles' sets out that Paragraph 29 of 'The Planning System: General Principles' set out that in determining planning applications "The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest". As such, it is not considered that the potential impact of the development on property prices is a consideration that would justify the refusal of planning permission.

COMMUNITY USE

The facilities created by the proposed development will allow the school to open up and expand their current community use programme. A Community Use strategy has been submitted alongside the application which sets out an indicated programme including adult education classes, keep fit classes and meeting and lectures. The particular facilities that will be available for community use include the Prayer Hall, the Dining Hall/Gym and the classrooms. As a Brent funded school it is expected that the school should provide inclusive community access to all members of the wider community regardless of faith. Whilst, clearly the potential for the Prayer Hall to be used for wider community use will be limited, it is considered that the dining hall/gym and classroom would provide suitable facilities for wider community use. It is recommended that should planning permission be granted that this should be subject to a s106 legal agreement requiring the school to make available least 20 hours of general community access per week for any community group.

FUNDING ISSUES AND DELIVERY OF THE PROJECT

Officers acknowledge that issues relating to funding can be a material planning consideration in respect of this application. Concerns have been raised that by funding the expansion of the Islamia School, the Council may be reducing the opportunity to fund the expansion of other schools and facilities throughout the Borough. As discussed earlier, the proposed expansion of the Islamia Primary School is part of a wider schools expansion programme across the Borough with planning permission recently being secured for the redevelopment of Brentfield Primary School, Preston Manor Primary School and Newfield Primary School. The aim of the expansion programme is to enable the Borough to fulfil their statutory obligations with regards to providing school places and sites have been chosen for expansion based on the assessment of a wide range of criteria. The programme is reliant on public funding which, particularly under the current economic conditions, may be subject to some level of uncertainty. However, in this case, the proposed expansion forms

part of a wider expansion programme which is being managed comprehensively and includes a number of projects and funding streams including government grant and contributions from the School. As part of the management of this programme there is an on-going dialogue with the PFS on conditions and time limits for each of these funding streams. Clarifying the planning status of this proposal would, as with many schemes, be a milestone in securing the necessary funding. The programme also assumes that should permission be granted then the school, and the Local Authority, will be able to realise the potential benefits of expanding the site without unduly harming the viability of other proposals required to meet the current and future demand for school places within the Borough.

It is not envisaged that adequate funding will not be available to allow the development to be completed if approved and the public contribution envisaged would be contingent on agreement of the availability of overall funds. However, Forsters have highlighted the potential implications of not completing an approved development. If these circumstances were to arise then the likely planning consequences would be the visual impact of any work remaining incomplete on the character and appearance of the surrounding area. Depending on the extent of works carried out this may, or may not; also involve an impact on the setting of the adjoining Conservation Area and nearby Listed structures. Any Health and Safety or Environmental Health issues as a result of work remaining incomplete would be likely to be adequately addressed under powers held by Officers in the Council's Environmental Health & Health, Safety and Licensing Units. The degree of any impact would subject to a number of factors, and in particular the extent and progress of any work carried out. However, it is not reasonable to assume in the circumstances of an interruption to construction that a responsible landowner would leave the development in such a condition as to cause unacceptable harm to the interests referred to above, or be such, as to not warrant granting planning permission. In any event, these considerations also have to be weighed against the envisaged positive planning benefits of the scheme, such as the provision of much needed school places within the Borough, the provision of a DDA compliant school environment, the provision of a new school building constructed to the standard of BREEAM 'excellent' and the provision of new high quality school play area, designed in conjunction with the views of the pupils of the school. On balance, it is considered that in this case the planning benefits would outweigh any queries raised regarding the funding and viability of the project and therefore Officers do not consider that the application should be refused on this basis.

Other objectors also raised concerns regarding the Islamia Trust's ability to deliver the project citing another development that they claim is underfunded and behind schedule. However, specific problems associated with another site would not provide sufficient evidence that would lead Officers to believe that there is now a substantial risk that the current proposal cannot be delivered. As such, it is considered that in terms of the delivery of the project there are no reasonable grounds to justify a refusal to grant planning permission.

CONSIDERATION OF OBJECTIONS

The concerns of objectors have generally been addressed in the above report. However, a number of objectors have also raised concerns that there has been inadequate consultation on the proposals. The statutory consultation undertaken by the Planning Service on the application, as set out in the 'Consultation' section of this report. is considered to be in accordance with the standard approach to consultation on planning applications of this nature. Furthermore, the applicants have also undertaken a substantial consultation programme in order to further engage and seek the views of local residents on the proposals. Given the large number of response both in favour and against the application, it is the opinion of Officers that despite criticism of the consultation undertaken that it is clear that a large number of local residents are aware of the planning application and the proposals contained therewith. As such, it is not considered that any further consultation is required in order for Members to make an informed decision on the application taking into account the concerns of the objectors.

CONCLUSION

Overall, Officers consider that the proposed development would make an effective use of subject site, in terms of maximising potential pupil numbers, which are in severe demand across the Borough. Whilst, acknowledging that there are significant highways concerns from local residents, Officers consider that the provisions made within the new school Travel Plan will ensure that the additional pupil capacity will not significantly exacerbate any existing problems and that in the longer term may help change attitudes towards more sustainable forms of transportation. It is also considered an important factor that the development, if permitted, would allow the imposition of condition on the site which would allow greater consideration and regulation of any further proposed expansion of pupil numbers through the planning process. The building is considered to respect its setting and context, particularly in terms of conservation and heritage, being of an appropriate design, scale and massing to the site whilst maximising the potential of the site to provide high quality facilities, including innovative external play spaces, for future pupils. On balance, whilst acknowledging local concerns, it is considered that the proposed development has set out appropriately address these concerns and that the proposals are in general compliance with the Council's Development Plan, As such, approval, subject to the recommended conditions and s106 agreement Heads of Terms, is recommended.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Core Strategy 2010
Brent Unitary Development Plan 2004
Central Government Guidance
The London Plan (consolidation with alterations since 2004)
Council's Supplementary Planning Guidance 17:- Design Guide for New Development
Council's Supplementary Planning Guidance 19:- Sustainable Design, Construction & Pollution Control
Council's Supplementary Planning Document:- s106 Planning Obligations

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
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Transport: in terms of sustainability, safety and servicing needs
Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

(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 drawings:-

451_A_010_PL RevA 451_A_101_PL Rev C
451_A_120_PL 451_A_130_PL
451_A_131_PL 451_A_140_PL
451_A_141_PL
451_A_210_PL RevA 451_A_211_PL Rev A
451_A_212_PL RevA 451_A_213_PL Rev A
451_A_310_PL RevA 451_A_311_PL RevA
451_A_312_PL RevA 451_A_313_PL RevA
451_A_320_PL RevA 451_A_321_PL RevA
451_A_333_PL RevA 451_A_335_PL RevA

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

- (3) Following first occupation of the primary school building, hereby approved, the pupil roll for the site shall not exceed 580 pupils, including no more than 160 secondary school pupils and no more than 420 primary school pupils, unless agreed in writing with the Local Planning Authority

Reason: To ensure proper consideration of the impact on amenity and highway conditions of any further expansion of pupil numbers on the site

- (4) All new external work shall be carried out in materials that match, 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.

- (5) The proposed refuse/recycling storage area, indicated on the approved plans, shall be constructed prior to the first occupation of the building and shall be maintained for the purposes of storing refuse/recycling unless agreed in writing with the Local Planning Authority.

Reason: To ensure that adequate facilities for the storage and collection of refuse/recycling are maintained.

- (6) The roof top play area, as indicated on the approved plans, shall not be used for any form of play that involves the use of balls or any other projectiles unless agreed in writing with the Local Planning Authority

Reasons: In the interests of health and safety.

- (7) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development, including the roof play area, (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any site clearance, demolition or construction works on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme

agreed in writing with the Local Planning Authority. Such a scheme shall include:-

- (a) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;
- (b) proposed walls and fences indicating materials and heights;
- (c) adequate physical separation, such as protective walls and fencing between landscaped and paved areas;
- (d) existing contours and any proposed alteration to ground levels such as earth mounding;
- (e) areas of hard landscape works and proposed materials;
- (f) details of the proposed arrangements for the maintenance of the landscape works.

Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development and ensure that it enhances the visual amenity of the area.

(8) An acoustic report including:-

- the location of the nearest residential windows that may be affected by noise from the proposed plant room, indicating the distance of the window from the source in metres
- the proposed operational hours of the plant room
- the background-noise level assessment (LA90, 15 minutes) over the proposed hours of operation, including the time, date and weather conditions, instrumentation and calibration, noise-sampling locations and a copy of the noise survey data
- manufacturer's specifications: octave or 1/3 octave band analysis of noise for the proposed plant
- calculations for the predicted noise level 1 metre from the window of the nearest residential property
- details of any proposed attenuation measures to ensure a level of 10dB below the lowest measured background-noise level (LA90, 15 minutes), as measured one metre from the nearest affected window of the nearest affected residential property

shall be submitted to and approved in writing to the Local Planning Authority within 3 months from first occupation of the development and the development shall be carried out and completed in accordance with the details of the acoustic report.

Reason: To ensure that the plant room would not cause unreasonable disturbance to neighbouring occupiers.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

London Borough of Brent Core Strategy 2010

London Borough of Brent Unitary Development Plan 2004

The London Plan (Consolidated with Alterations Since 2004)

Supplementary Planning Guidance 17:- Design Guide For New Development

Supplementary Planning Guidance 19:- Sustainable Design, Construction and Pollution Control

Supplementary Planning Document;- s106 Planning Obligations

266 letters of objection

179 letter of support

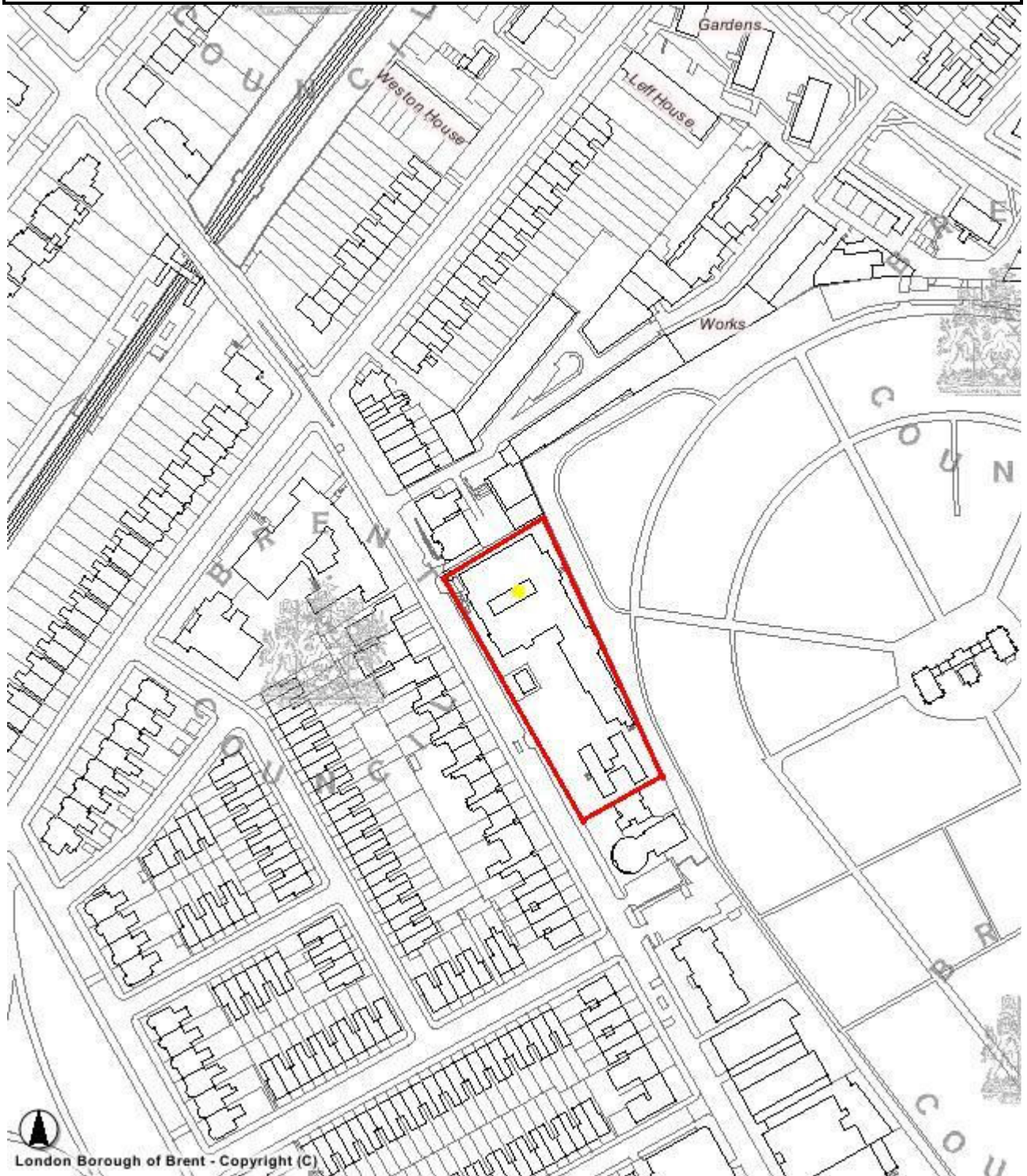
Any person wishing to inspect the above papers should contact Ben Martin, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5231



Planning Committee Map

Site address: Islamia School Centre, 129 Salusbury Road, London, NW6 6PE

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This map is indicative only.

**Committee Report
Planning Committee on 7 June, 2011**

Item No. 2/07
Case No. 11/0193

RECEIVED: 10 February, 2011

WARD: Willesden Green

PLANNING AREA: Willesden Consultative Forum

LOCATION: Units 1, 2, 11 & 12 100 Villiers Road and Villiers Motors car park, Villiers Road, London, NW2 5PJ

PROPOSAL: Conversion of four commercial (Class B1) units for use as 5 residential apartments with associated amenity space in the form of terraces at ground and roof level and landscaped amenity area.

APPLICANT: Alpha 211

CONTACT: Rolfe Judd Planning

PLAN NO'S:
See condition 2

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- A contribution of £30,000 (10 x £3000 per additional bedroom) index-linked from the date of Committee and due on Material Start to be used for the provision of education/training, sustainable transportation, open space and sports within the local area
- The proposed development shall be 'permit-free', where future occupiers are not entitled to on street car parking permits.

And, to authorise the Head of Area Planning, 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 Core Strategy 2010, Unitary Development Plan 2004 and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

EXISTING

The application relates to an irregular shaped site with an area of 0.2ha, fronting and accessed from the north-eastern side of Villiers Road. The main site area is occupied by a mixture of two and three-storey buildings located around a central courtyard which are used for office, light industrial and storage purposes. Towards the west of the site is a car-park which is ancillary to the main employment function of the site. The surrounding area is predominantly residential and the site is

generally bound by the terraced residential properties on Villiers Road, Deacon Road and Sandringham Road.

PROPOSAL

See above

HISTORY

The existing use of the site follows the implementation of planning permission 07/2744 which was approved on the 27th December 2007 for the following development

"Change of use from warehousing (Use Class B8) to Class B1, including part demolition of existing building, erection of 3-storey glazed extension forming lift shaft and stairwell access tower, 2 x two-storey glazed extensions forming new atria, first-floor extension forming second storey, internal alterations, installation of new timber-cladding facade to all elevations, provision of 6 car-parking spaces and cycle store & as accompanied by Transport Statement, Green Travel Plan, Record Photographs, Design And Access Statement and subject to a Deed of Agreement dated 27th December 2007 under Section 106 of the Town and Country Planning Act 1990, as amended"

The approved development was also amended following the grant of planning permission (09/2452) on the 4th February 2010 for the erection of a first-floor extension, installation of external staircase to the western elevation and replacement of existing windows with opaque glass blocks to northern elevation of building.

Planning permission (08/3199) was also approved, on the 6th February 2009, for the change of use of the adjoining site, formerly a motor repair centre known as Villiers Motors, to a car park, comprising of 13 parking spaces, for use in connection with the subject site. Planning conditions prevent vehicular access from the proposed car-park to the subject site but pedestrian access is provided.

A variation of condition 13 of planning permission 07/2744 (see above) was permitted on the 15th September 2010. This variation amended restrictions on which units within the scheme were permitted to be used solely as office space (Use Class B1a).

POLICY CONSIDERATIONS

London Borough of Brent LDF Core Strategy 2010

CP2	Population and Housing Growth
CP15	Infrastructure to Support Development
CP20	Strategic Industrial Locations and Locally Significant Industrial Sites
CP21	A Balanced Housing Stock

London Borough of Brent Unitary Development Plan 2004

BE2	Townscape: Local Context & Character
BE6	Public Realm: Landscape Design
BE9	Architectural Quality
H12	Residential Quality - Layout Considerations
EMP9	Local Employment Sites
TRN23	Parking Standards - Residential Developments

Supplementary Planning Guidance 17:- Design Guide For New Development Supplementary Planning Document:- s106 Planning Obligations

SUSTAINABILITY ASSESSMENT

N/A

CONSULTATION

EXTERNAL

Consultation letters, dated 18th February 2011, were sent to Ward Councillors and 118 neighbouring owner/occupiers. In response 4 letters of objection have been received from local residents and a letter of support has been received from Ward Councillor Lesley Jones.

Following amendments to the submitted scheme further consultation letters, dated 21st April 2011, were sent to all consultees advising of the changes and offering a further 14 days to comment on the application. No further representations were received in response to this additional consultation nor have any of the original objections been retracted. The concerns of the objectors include:-

- Concerns that the proposed use will result in more frequent comings and goings which will cause noise disturbance to neighbouring occupiers.
- Concerns that the use will result in additional illumination of the site at night
- The creation of roof terraces may lead to increased noise.
- The fencing to the roof terrace will restrict views from neighbouring properties.
- The proposed use will cause traffic and parking problems.
- The development would have a negative effect on the character/use of the building and surrounding area
- The development would increase opportunities for crime/anti-social behaviour
- The development would result in the loss of employment land.
- The proposed development would cause a loss of privacy for neighbouring occupiers

INTERNAL

Highways and Transport Delivery

The Council's Highways and Transport Delivery Unit objected to original proposals which involved the provision of two off-street parking bays at the front of the property, parallel to the road, which would have caused highway safety issues. However, following amendments to the proposals including the removal of these parking spaces the Highways and Transport Delivery Officers have withdrawn their objection to the proposal, subject to the completion of a s106 agreement ensuring the development is 'permit-free'.

Environmental Health

Environmental Health have not raised any objection to the application.

REMARKS

PRINCIPLE OF CHANGE OF USE

There is a history of employment uses (see 'history' section) on the site which has recently been redeveloped to provide 18 office/light industrial units on the site. The site is located within a predominantly residential area and it is noted that prior to the recent redevelopment that the site had been designated in the Unitary Development Plan 2004 site allocations, which have now been superseded by the LDF Site Specific Allocations document, for redevelopment to provide affordable housing. However, under its current use the site is considered to constitute a Local Employment Site and UDP policy EMP9 sets out to protect local employment uses unless it can be demonstrated that there is no effective demand for the use or where there are adverse environmental impacts associated use.

The proposed development would result in the loss of 4 of the 18 commercial units on the site to provide 5 residential units. During a recent site visit it was observed that the development is currently part occupied although all of the units to be lost are currently vacant. The applicant has submitted supporting evidence from their letting agent, Dutch & Dutch, in order to demonstrate that despite vigorous marketing efforts the subject units remain unlet. The marketing efforts, which commenced prior to the completion of the current development, have included advertisement on the letting agents website since August 2009, a marketing brochure produced in July 2009 which was sent to 700 local companies and a number of high profile press advertisements. Over time the advertised ground rents have been incrementally reduced in an attempt to let the vacant units. Overall, having inspected evidence submitted and considered the constraints of the site, which suffers from being located in a sequentially poor location, it is the view of Officers that, in this case, the loss of four commercial units should not be resisted, particularly if this partial loss of employment floor space would help secure the long term viability of the employment use on the remainder of the site. As such, it is recommended that the principle of the proposed change of use should be accepted and the proposed development supported provided that all other material planning considerations are satisfied.

RESIDENTIAL QUALITY

As discussed, the development would result in the provision of 5 residential units comprising of 2 x 1-bedroom, 1 x 2-bedroom and 2 x 3-bedroom apartments which would be located in the units towards the site frontage along Villiers Road. This mixture provides two family sized units and is considered compliant with policy CP21 of the LDF Core Strategy. All of the units are substantially above the minimum internal floor space standards set out in SPG17. All of the habitable room windows would have an adequate form of outlook and daylight, with most having a south facing aspect across Villiers Road. In terms of access, three of the five units would have direct access from Villiers Road. The two remaining units would partially share secured access with the commercial elements of the scheme before having their own dedicated access within the site. The shared element of the access consists of a secured lobby which leads from the street through to the internal courtyard. It is envisaged that mailboxes for the two residential unit would be provided within this lobby. However, a dedicated pedestrian access gate, which would bypass this lobby, would also be provided within the main access gate. Once within the courtyard occupiers would have only a short distance to cover to their own private entrance. On balance, although access to these units would involve crossing the shared courtyard it is not considered that access arrangements would give rise to undue conflicts between the commercial and residential uses on site.

In terms of amenity space, the three units to be located on the first floor would each have a private roof terrace of between 59m² and 86m² satisfying the minimum amenity spaces standards set out in SPG17. The two ground floor units on the ground floor would each benefit from a private front garden area, which although not considered amenity space, would provide useful defensible space between the units and Villiers Road. A communal amenity space, with an area of 56m², would be provided within the existing courtyard for occupiers of the proposed residential units. Overall, it is considered, that in conjunction with the generous internal areas, that the proposed development would provide sufficient amenity space for potential residential occupiers.

IMPACT ON NEIGHBOURING OCCUPIER

With the exception of the proposed roof terraces, the proposed development would generally be contained within the envelope of the existing building and therefore there is unlikely to be any significant impact on the outlook and daylight of neighbouring occupiers in the surrounding area. The 1.8m high screening to the front and side of the roof terraces would be set back from the Villiers Road frontage by 2.6m and the flank wall boundary with 102 Villiers Road by 2.5m. As such, it is unlikely to cause any significant loss of outlook and daylight.

In terms of privacy, the majority of habitable room windows would face across Villiers Road. The window to window distance across Villiers Road would be approximately 16.5m at first floor level and 18.3m at ground floor level, as the ground floor of the subject building is recessed. SPG17 states that acceptable window to window distances between front elevations will be defined by the width of the road and it is considered that in this case, the distances are reasonable to maintain privacy. In terms of the roof terraces, as discussed above, these have been set back from the front and side elevations. This would allow a direct distance of 20m to be maintained between the front of terrace (measured from inside the proposed screening) and the windows to properties on the opposite side of Villiers Road. The terraces would also be screened to the front and side by 1.8m screens and preventing any overlooking to the property along the opposite side of Villiers Road and the rear of properties along same side of Villiers Road and it is considered that reasonable privacy will be maintained. Towards the rear the terraces would face the commercial units on the site which would restrict any views to the residential properties beyond the rear site boundary. In any case, the distance from the rear of the roof terraces to windows within the rear elevations of the properties along Deacon Road would be in excess of 20m in compliance with SPG17.

Concerns have been raised regarding potential disturbance associated with the use of the roof terraces. It is noted that the two largest roof terraces are screened and located at least 20m from the properties on the opposite side of Villiers Road. The smaller roof terrace would be screened and would be set in by approximately 3m (measured from the inside of the screen) from the flank wall of the building which acts as the boundary with 102 Villiers Road. The roof terrace would also be set above the eaves level of the main roof at 102 Villiers Road.

Whether or not the use of these roof terraces results in excessive noise disturbance to neighbouring occupiers is largely a matter of personal behaviour which the planning system cannot determine or control. On balance, assuming reasonable behaviour, it is considered unlikely that neighbouring occupiers would experience unreasonable noise disturbance as a result of the use of the proposed roof terraces. However, should unreasonable behaviour result in excessive noise disturbance then it is considered that this would be a matter for the Council's Environmental Health Officers to enforce through their statutory powers.

On a related matter, concerns have been raised regarding disturbance relating to comings and goings associated with the residential use of the site. In terms of pedestrian comings and goings it is not considered that unreasonable disturbance would be caused as access is provided primarily from the street frontage. However, the proposal would involve the provision of two car-parking spaces for residential occupiers within the existing car park used by occupiers of the commercial uses. This car park is bound on three sides by the rear gardens of neighbouring residential properties and concerns are raised that the use of this car park by residential occupiers outside of office hours could cause unreasonable disturbance to neighbouring occupiers.

Given that only two spaces would be given over to residential occupiers it is not considered that the likely frequency of vehicle movements would in itself give rise to unreasonable disturbance to adjoining occupiers. However, the use of the car park after dark does present a potential problem of light pollution from the car-park into neighbouring properties as the area would need to be lit to ensure that it is safe and secure when in use by residential occupiers. The existing lighting to the car-park was agreed as a condition of planning permission (08/3199). The existing lighting was approved on the basis that it would not be operated between the hours of 10pm and 6am as to do otherwise may give rise to unreasonable light pollution to neighbouring occupiers. Clearly residential occupiers who have use of the car park may wish to use the spaces outside of these hours and therefore it is recommended that a condition be placed on any permission requiring the approval and implementation of an acceptable low level lighting scheme to be operated, when required, outside of the operating hours of the main car park lighting system.

TRANSPORTATION

The subject site is located within a controlled parking zone which operates between the hours of

08.30 and 18.30 on Monday to Friday. The site is also located within an area of good public transport accessibility (PTAL 4) and therefore a 'permit-free' agreement can be accepted on the site whereby future occupiers would not be entitled to on-street residential parking permits. The existing development on site is already subject to a similar agreement with parking on site parking available to occupiers of the site. The proposed development would not alter the overall provision of parking on the site but would result in two spaces, including one which is suitable for disabled parking, to be allocated to occupiers of the proposed residential accommodation. As such, it is not considered that the proposed development would significantly alter existing traffic levels within the surrounding area. It is also considered that there would be unlikely to be problems with overspill parking as any approval would be subject to a 'permit-free' agreement, to be secured through a s106 legal agreement.

The existing site already benefits from secure cycle storage facilities which have independent access from the courtyard area. As such, these can easily be made accessible to future residential occupiers. 30 secure stores are provided and therefore even if one store were allocated to each residential unit, in compliance with the plan standards, 25 spaces would still remain available for occupiers of the commercial units.

Refuse/recycling storage facilities are also already provided in a convenient location, close to the main site entrance. Again, these facilities can be easily adapted for use by residential occupiers.

S106 PLANNING OBLIGATIONS

The proposed development would result in a net increase of 10 residential bedroom on the site. The Council's SPD of s106 planning obligations sets out that where developments result in a net increase in residential bedrooms/bedspaces, that a contribution of £3,000 per additional bedroom/bedspace will be sought towards mitigating the impact of the development on sustainable transportation, education, open space and sport infrastructure within the locality of the site. Under the standard charge approach, the proposed development would be required to make a contribution of £30,000 (10 x £3000) towards mitigating the impact of the development. As such, it is recommended that any permission be subject to the completion of a s106 legal agreement securing the required contribution.

CONSIDERATION OF OBJECTIONS

The main concerns of the objectors, as listed in the 'Consultation' section of the report, have been addressed in the above report. In response to concerns that the development would give rise to increased crime and anti-social behaviour within the locality, Officers do not consider that there is any strong evidence to suggest that this will be the case.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent LDF Core Strategy
Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 17:- Design Guide For New Development
Council's Supplementary Planning Document:- s106 Planning Obligations

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

Employment: in terms of maintaining and sustaining a range of employment opportunities

Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

- (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 drawings:-

- A90 A
- A100
- A101D
- A102D
- A103B
- A104A
- A105C
- A150A
- A151
- A152A

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

- (3) Secure storage for at least 5 cycles shall be made available within the existing bike store for use by occupiers of the residential accommodation hereby approved.

Reason: In the interests of promoting sustainable forms of transportation.

- (4) Sufficient space for the storage of refuse and recycling bins, provided for occupiers of the approved residential accommodation by the Local Authority, shall be made available within the existing refuse store on site.

Reason: In the interests of servicing and environmental health.

- (5) Notwithstanding the approved plans, further details of the treatment of all external residential amenity areas, including all terraces, gardens and landscaped areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The submitted details shall include details of all external materials, planting, furniture, boundary treatments and means of enclosure. The approved details shall be fully implemented prior to the occupation of the development hereby approved.

Reasons:

- i) To ensure a satisfactory setting for the approved development
- ii) In the interests of the amenity and privacy of future and neighbouring occupiers.

- (6) Further details of a low level lighting system to be installed to the car park area and pedestrian access routes to the approved residential units shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The approved lighting system shall be implemented prior to any use of the car-parking area by occupants of the approved residential development.

Reasons:

i) In order to ensure the safety of residential occupiers using the car park between the hours of 10pm and 6am when the existing lighting system is prohibited from use by virtue of the details approved(09/2041) under condition 6 of planning permission 08/3199.

ii) In order to ensure that neighbouring occupiers do not suffer from unreasonable light pollution.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

London Borough of Brent LDF Core Strategy 2010
London Borough of Brent Unitary Development Plan 2004
Supplementary Planning Guidance 17:- Design Guide For New Development
Supplementary Planning Document:- s106 Planning Obligations
4 letters of objection
1 letter of support

Any person wishing to inspect the above papers should contact Ben Martin, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5231



Planning Committee Map

Site address: Units 1, 2, 11 & 12 100 Villiers Road and Villiers Motors car park, Villiers Road, London, NW2 5PJ

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This map is indicative only.

Committee Report Planning Committee on 7 June, 2011

Item No. 2/08
Case No. 11/0886

RECEIVED: 7 April, 2011

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 38 Dunster Gardens, London, NW6 7NH

PROPOSAL: Erection of a single storey side extension.

APPLICANT: Mr & Mrs Rizk

CONTACT: Mc Carthy Architects

PLAN NO'S:
See condition 2.

RECOMMENDATION

Grant Consent.

EXISTING

The site is occupied by a 3 storey terraced dwellinghouse located on Dunster Gardens in the North Kilburn Conservation Area. The building is not listed.

PROPOSAL

See above.

HISTORY

08/0440 Permission granted 04/04/2008 for erection of rear dormer window and one front rooflight to dwellinghouse.

POLICY CONSIDERATIONS

- **Brent Unitary Development Plan 2004**

BE2 Townscape: Local character and context

BE9 Public Realm: Streetscape

BE25 Development in Conservation Areas

- **Adopted Core Strategy 2010**

CP17 Protecting and enhancing the suburban character of Brent

- **Supplementary Planning Guidance**

Supplementary Planning Guidance 5:- Altering and Extending your home (SPG5)
North Kilburn Conservation Area Design Guide.

CONSULTATION

Neighbours/Representees

8 Neighbouring owner/occupiers consulted. To date two letters of objection have been received. The main points raised are;

- (i) The extension will lead to increased noise disturbance.
- (ii) North Kilburn Conservation Area Design Guide resists infill extensions.
- (iii) North Kilburn Conservation Area Design Guide requires works of the highest quality and previous work in respect of planning permission 08/0440 for a rear dormer was not carried out in accordance with the plans and lacked the quality - also resulting in damage to the respective neighbouring property.

Officers Response

(i) Planning acknowledges the concerns raised with regard to noise disturbance. However for the determination of this planning application, Officers find the proposals are in accordance with the Councils policies and requirements for this kind of extension - which seek to balance the need to enlarge a dwelling without prejudicing neighbouring amenity. Such extensions are not generally considered to create or exacerbate issues of noise disturbance for neighbouring owner/occupants. As such Officers consider the issue of noise disturbance raised as an issue to be taken up separately from this planning application.

(ii) Please see report for Officers response.

(iii) Officers have asked the Enforcement Service to consider whether planning permission ref: 08/0440 has been carried out in accordance with the approved plans. In terms of this current application, Officers have to base their assessment on the plans submitted and consider them on their own planning merits. To make decisions based on the quality of workmanship, for example, would begin to go beyond the remit of the Planning Authority. The Council will condition the materials to match the existing dwelling house so that the onus will be on whoever carries out the works to preserve the character of the Conservation Area.

In respect of concerns about damage caused to neighbouring property during previous works, an informative will be placed on this permission to emphasise that works be carried out in full in accordance with the Party Wall Act 1996 etc.

REMARKS

Amendments

At the request of Officers, the agent submitted amended drawings which reduced the height of the extension so that it was no higher than 2m in height when measured from the neighbour's lower ground floor level as opposed the previous version which took the measurement from the higher level.

Discussion

Permission is sought for the part side infilling of the side return area. The adjoining neighbour has no existing extensions. Officers consider there to be two issues that need to be assessed for the determination of this application. These are;

- (i) the impact on neighbouring amenity and,
- (i) design in relation to the existing dwelling house and the character of the Conservation Area

These will be addressed in turn.

Proposals

The extension would be a total of 3.35 metres in length and would have a width of 2.1 metres, effectively filling part of area between the side boundary and the flank wall of the outrigger. It will not project beyond the rear wall of the existing outrigger. Additionally the proposal would be sited 3.7 metres from the back wall of the main building meaning that it would effectively create an enclosed light well/courtyard 2.1m (wide) by 3.7 m (long).

Applicants have proposed a 0.5m width wall on their side of the boundary wall. The extension is set off the internal elevation of this additional wall. It is a lean to design, and although terminating at the internal wall line, the line it establishes leads to the main boundary wall ensuring the height is no higher than 2m when measured from the neighbour's lower ground floor level. As the height at the top of the lean to is 2.7m, its average height as a whole is 2.45m.

The flank wall of the extension is proposed as brickwork to match existing whilst the roof is specified as being glazed. An existing window on the flank elevation of the outrigger is being replaced by new door providing access from the kitchen into the courtyard. The rear elevation of the outrigger is being altered, existing windows and doors removed and new sliding doors inserted.

(i) Impact toward neighbouring amenity

Members have become familiar with the issues relating to extensions of this kind in recent months and the Council approach to them has evolved over time in response to, amongst other things, appeal decisions. Therefore whilst the proposed side infilling of an outrigger is contrary to Supplementary Planning Guidance (SPG5) and the North Kilburn Conservation Area Design Guide (given that it can often result in a loss of amenity to properties who may already suffer from restricted outlook) they are not refused in all instances. In light of recent appeal decisions where inspectors have found infill's to be acceptable subject to them meeting certain requirements with regard to height on the boundary and light weight materials, the Councils Planning Committee 15/12/2010 resolved to allow certain infill extensions that adhere with such specifications. To be precise these are that the extension be no higher than 2m on the boundary with the neighbouring property (measured from the neighbours ground floor level) and that it be finished in light weight materials to reduce the impact. To achieve this, a lean to is often the only viable approach. The Council still insist, as per SPG5 requirements, that the average height be no higher than 3m.

In respect of this position, Officers find the proposed extension to be in general conformity as it has a height on the boundary no more than 2m when measured from the neighbours ground level and it is finished in lightweight materials. The light well/courtyard serves to reduce the impact further toward neighbouring amenity.

With regard to the new doorway leading into the new courtyard, Officers find that these do not create any additional issues with regard to overlooking than is already posed by windows orientated in this direction.

(ii) Design in relation to the existing dwelling house and Conservation Area

Officers find that the extension establishes a subservient relationship with the existing dwelling house, consistent with the guidance within SPG5. Also the materials are such that it both matches the existing dwelling whilst the glazed roof reduces the perceived bulk, adding to its subservience.

In respect of its impact toward the character of the Conservation Area, the North Kilburn Conservation Area Design Guide does say that this type of extension will not normally be permitted owing to the affect on neighbouring properties. However as explained above, the Councils Planning Committee has resolved to allow infill extensions, providing certain measures are taken to mitigate their impact. Following revisions, the final plans adhere with these requirements in respect of impact toward neighbouring amenity - and Officers consider that the overall quality of the works to be such that it does not detract from the Character of the Conservation Area.

Summary

The application by virtue of its scale, location and design is in accordance with the Councils policies relating to domestic extensions so therefore addresses UDP policies BE2, BE9, SPG5 and the North Kilburn Conservation Area.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home
North Kilbrun Conservation Area Design Guide

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 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):

2098/S01, 2098/S03, 2098/S03, 2098/S04, 2098/P01, 2098/P01, 2098/P02,
2098/P03A, 2098/P04A, 2098/P05A, 2098/P06 Site Plan as proposed, 2098/P06A.

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 of the existing building.

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

INFORMATIVES:

- (1) Applicant is reminded that they must comply in full with the requirements of the Party Wall Act 1996 etc when carrying out the works.

Any person wishing to inspect the above papers should contact Samuel Gerstein, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5368



Planning Committee Map

Site address: 38 Dunster Gardens, London, NW6 7NH

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This map is indicative only.

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Committee Report
Planning Committee on 7 June, 2011

Item No. 2/09
Case No. 11/0653

RECEIVED: 30 March, 2011

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 66B Salusbury Road, London, NW6 6NR

PROPOSAL: Installation of 2 front rooflights, 1 rear rooflight and 1 new window to side gable end of first floor flat

APPLICANT: Alchemy Homes

CONTACT: Beecham Morre Partnership

PLAN NO'S:
Please see condition 2

RECOMMENDATION

Grant consent

EXISTING

The site currently contains a 2-storey terraced consisting of 4 purpose built flats. The design of the property is distinctive and turns the corner of Salusbury Road into Montrose Avenue with an L-shaped form which addresses both frontages. This results in the rear elevation projecting some 6m further into the rear garden than the adjoining rear wall of the adjoining property at 64 Salusbury Road. The additional length of the building appears to be a characteristic of the terrace with a similar feature at the opposite end of terrace (i.e. no 58 Salusbury Road). The garden of no 66 abuts the flank wall at no 2 Montrose Avenue which is positioned approximately 1m from the site boundary. Although the property is not located in a conservation area it is immediately adjacent to the Queens Park Conservation Area.

PROPOSAL

See above

HISTORY

Full Planning permission 10/3155 for the alterations to roof and formation of roof terrace to rear, installation of 2 rooflights facing Salusbury Road and 1 to the rear was granted permission on 24 February 2011. These works related to the existing first floor flat adjacent to this one.

Full planning permission 09/1723 for a single storey rear extension was approved in September 2009

Full planning permission 09/2269 for conversion of roof space into 1 self contained flat, formation of roof terrace, 2 rooflights adjacent to Salusbury Road, 4 rooflights adjacent to Montrose Avenue, 3 rear rooflights and installation of railings to boundary wall adjacent to Montrose Avenue of building was refused in December 2009

Full planning permission 10/0219 for conversion of roof space into 1 two-bedroom flat, with

formation of roof terrace, including demolition of chimney stack, installation of 2 rooflights facing Salusbury Road, 4 rooflights facing Montrose Avenue and 3 rear rooflights, addition of railings to boundary wall adjacent to Montrose Avenue and provision of new refuse-bin storage and cycle-parking area for 4 bicycles was refused by the Council on 19 March 2010. An appeal against this refusal was dismissed on 27 September 2010.

POLICY CONSIDERATIONS

Unitary Development Plan 2004

BE2 Townscape: Local Context & Character

BE9 Architectural Quality

Supplementary Planning Guidance Note 5: Altering and Extending your Home

Supplementary Planning Guidance Note 17: Design Guide for New Development

CONSULTATION

16 neighbouring properties on 15 April 2011. The Local Authority has received 3 objections. These are summarised as:

Objections:

- Loss of privacy created by additional window
- The proposed flank window is incongruous
- The proposal will have a detrimental impact on Queens Park Conservation Area.
- Owing to the sites' proximity with Queens Park Conservation Area careful attention should be paid to any development
- Proposed works will cause disturbance by way of noise to lower floor units.

The requirements to minimise disturbance during construction works are not covered by the Town and Country Planning Act and therefore cannot form a reason for refusal.

All other objections will be addressed in the body of this report.

REMARKS

Introduction

As Members will note from the planning history section of this report, an appeal on this building was recently (September 2010) dismissed. As a result, the views of the Inspector at that time need to be considered carefully in the determination of this current application.

For clarity, the appeal proposal 10/0219 was a more intense proposal than the current scheme and envisaged creating a separate 2 bedroom flat in the roofspace of the building. This application now proposes enlarging the accommodation for the existing rear-most top floor flat into the roofspace. As explained above, a similar proposal to enlarge the other first floor flat, sited towards Salusbury Road, was considered earlier this year. The scheme includes additional rooflights and a new window to the flank gable wall (west Elevation) to serve the enlarged flat. Any views the Inspector had on these particular elements are, of course, material here.

Although the appeal is discussed further below, the Inspector considered that the roofspace was not capable of providing a separate residential unit and would result in additional pressure for on-street car parking without mitigation, but that the number of rooflights proposed (9) was acceptable.

As explained, a similar application was approved earlier this year (February) to the adjacent first floor flat. In the enlargement of that particular unit, the applicant sought to move the living room into the roofspace resulting in more space for the bedrooms, kitchen and bathrooms on the first floor. The subject application seeks to move the kitchen/living and lounge space into the roof leaving

more space on the first floor for the bedrooms, bathroom and creating a new dressing shower area on the first floor.

Context and Character of the Area

The subject end-of-terrace property is visually prominent from the public realm, being bound on the front and side by highways. The existing property has an L-shaped foot print and located on the fringe of the Queens Park Conservation Area.

Rooflights

The appeal proposal envisaged a total of 9 new rooflights in the existing roofslope. The number was required in order to try and improve, as far as practicable, the quality of internal accommodation in the new flat. Notwithstanding the Council's objections to this element of the scheme, the Inspector concluded that:

"The side elevation of the appeal property is long and the roofslope is partially obscured by a mature tree. I do not consider, therefore, that the number or position of the proposed rooflights would be significantly detrimental to the appearance of the area."

For clarity, this current proposal only proposes two rooflights on the front (Salisbury Road) elevation of the building and one in the rear roofslope. It is considered that this aspect of the development is now acceptable and would not result in any material harm. *(For members information the 2011 February permission also gained permission for two front rooflights)*

The proposal rooflights attempt to address the sensitivity and established character of Salisbury Road and indeed the properties on the Montrose Avenue by way proposing only two front rooflights (LxB) (0.9m x 0.8m) on the street facing elevation. Whilst these rooflights are marginally larger than normally permitted, given the unusually long roofplane of this corner property as noted by the Inspector on balance your officers do not consider the size of the rooflights to warrant a reason for refusal in itself.

On the South elevation two rear rooflights are proposed. In order to facilitate these rooflights an existing large rooflight will be removed. One inconspicuous rooflight will be positioned behind the existing chimney. The remaining rooflight will be positioned on the far left hand site of the Southern elevation. This rooflight will not be positioned directly above existing fenestration however owing to this Southern elevation not being visible from the streetscene, your officers consider the positioning of the rooflight on balance to be acceptable.

Officers do however take issue with the size of the rooflight. As such details of the rooflight will be secured by condition. During the discharge of the condition officers will ensure the size of the rooflight will be reduced to replicate those on the front elevation. Overall the rooflights are considered to be acceptable

Flank Window

The proposal intends to install a window with timber frames and detail to the flank wall on the west elevation. The use of timber is strongly supported as it is considered to respect characteristics of the neighbouring Conservation Area.

The applicant has adopted a design which reflects the design of existing windows in the form of a sash detailed window. This window style is considered to maintain the character of the existing building and Queens Park Conservation Area. The size and scale of proposed window is similar to those in situ below and is considered to be acceptable.

Neighbouring residents have voiced concern that the new window will result in a loss of privacy. However the Council shares the Inspector's view in finding the new window to be acceptable. In Paragraph 21 of the decision notice, the Inspector states:

'...Whilst the introduction of an additional window in the gable elevation would not significantly add

to any overlooking that exists from other windows in the lower floors of the property"

Other

Use

The proposal would allow the three bedroom unit to have an internal floor area significantly larger than the minimum guidance set down in adopted SPG 17 (135sqm as compared to 80sqm). As a result, although it is likely that the extended unit would be occupied by a single family, the size of the flat does mean that renting it out for a level of multiple occupancy, with less than 6 people living together as a family, is also a possibility. However, for clarity, either of these possibilities would mean that the extended property would remain in the C3 (dwellinghouse) use class which is acceptable in policy terms. The application must be determined on this basis.

Highways

Previously, the proposed 2-bed flat (plus study/office room) resulted in a significant increase in car parking requirements within the building as a whole and was a ground for refusal on this basis. The site cannot provide off-street car parking, while on-street parking cannot provide a solution either, since Salusbury Road is a Distributor Road and Montrose Avenue is defined in the UDP as being "heavily parked".

The Inspector supported the Council on this particular point, considering that the additional on-street parking pressure created by the extra flat would cause harm to highway safety. However, as explained above, the proposal now incorporates additional floorspace for an existing residential unit and there is no longer an issue arising from any increased parking requirement.

Conclusion

A previous refusal on this site was considered at appeal in September 2010. The appeal was dismissed and the proposal is resubmitted excluding all the issues in which the Inspector supported the Council (eg: the provision of an additional flat being unacceptable in principle), whilst continuing to include those elements that the Inspector did not take issue with (eg: number of rooflights, flank wall window). As a result, whilst the concern of residents is understood, the current proposal does need to take into account all material considerations, including the views of the appeal Inspector, and on this basis the recommendation is for permission to be granted.

For the avoidance of doubt, as this application no longer includes an additional dwelling unit there is no requirement for a Section 106 legal agreement as had been the case at the time that the appeal scheme was considered.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent 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 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 drawings:

2226/12
2226/13
2226/03

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

- (3) Details of rooflights on the Southern Elevation including a reduction in the size of the larger of the two proposed shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

INFORMATIVES:

None Specified

Any person wishing to inspect the above papers should contact Tanusha Naidoo, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5245



Planning Committee Map

Site address: 66B Salusbury Road, London, NW6 6NR

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This map is indicative only.

**Committee Report
Planning Committee on 7 June, 2011**

Item No. 2/10
Case No. 10/0047

RECEIVED: 20 January, 2010

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 2-8 Malvern Road, London, NW6 5PP

PROPOSAL: Demolition of single storey doctors surgery and erection of 5 storey building comprising Use Class D1 floorspace on ground floor and 4 self contained flats (3 x 3 bedroom & 1 x 2 bedroom) on upper floors

APPLICANT: Mr Clarke

CONTACT: Makespace Architects

PLAN NO'S:
See condition 2.

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- A contribution of £3,000 per additional bedroom, due on material start and index-linked from the date of Committee for Education, Sustainable Transportation, Open Space & Sports in the local area.
- Join and adhere to the "Considerate Contractors scheme".

And, to authorise the Head of Area Planning, 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 site is on the east side of Malvern Road, immediately to the south of the roads' junction with Chippenham Gardens. Immediately to the south of the site is the boundary with the City of Westminster. It is not within a Conservation Area and nor is it a Listed Building.

The site is within the South Kilburn Trust Regeneration Area. Within the adopted South Kilburn SPD, the site falls in the "Village Quarter". It is referred to (page 81) in the "Private Sites" section of the SPD stating that "the Council will only accept the loss of health facilities on the doctors surgery on Malvern Road if suitable provision is made elsewhere in South Kilburn." On page 78 of the

SPD, the "building heights" plan indicates that a 4-5 storey building would be acceptable on this site.

PROPOSAL

This application seeks planning permission for the demolition of the existing vacant single storey doctors surgery and the erection of 5 storey building comprising Use Class D1 floorspace on ground floor and 4 self contained flats (3 x 3 bedroom & 1 x 2 bedroom) on upper floors.

HISTORY

No formal planning decisions relate to this site. However, application 09/0385 proposed the demolition and rebuilding of the single storey surgery (vacant D1) and replacement with a new build part 4 part 7 storey building comprising of 9 flats, 2 maisonettes and a D1 unit. It was withdrawn prior to any decision being made on it.

POLICY CONSIDERATIONS

The following policy documents need to be taken into account in the assessment of this application:

- London Borough of Brent adopted LDF Core Strategy 2010
- London Borough of Brent Unitary Development Plan 2004 (saved policies)
- Supplementary Planning Document (SPD) for South Kilburn (Adopted April 2005).
- Supplementary Planning Guidance Note (SPG) 17 "Design Guide for New Development"
- Supplementary Planning Guidance Note (SPG) 19 "Sustainable Construction & Pollution Control"
- Supplementary Planning Document:- s106 Planning Obligations
- The Masterplan for the Regeneration of South Kilburn (2004)
- The London Plan (Consolidated with Alterations since 2004)

London Borough of Brent adopted LDF Core Strategy 2010

Within the adopted LDF Core Strategy the following policies are considered to be the most pertinent to the application.

CP1 Spatial Development Strategy

Brent's Spatial Development Strategy is to concentrate housing growth in well located areas that provide opportunities for growth, creating a sustainable quality environment that will have positive economic impacts on deprived neighbourhoods that may surround them. The policy identifies the Council's five Growth Areas which includes South Kilburn.

CP2 Population & Housing Growth

Defines the minimum housing targets required to meet the expected population growth and housing demand within the Borough. 85% of housing growth is expected to be provided within Growth Areas, including 2400 new homes in South Kilburn by 2026.

CP5 Placemaking

Sets out the placemaking objectives that should be considered for major proposals within Growth Areas.

CP6 Design & Density in Placeshaping

Sets out the factors that will be taken into account in determining density and requiring good design

CP9 South Kilburn Growth Area

Provides the spatial strategy for the South Kilburn area including specific details of the aims and objectives for the transformation of the area.

CP14 Public Transport Improvements

Promotes improvements to orbital public transport routes which link the strategic centres in North West London and the Growth Areas

CP15 Infrastructure to Support Development

The council has set out, in an Infrastructure and Investment Framework, the infrastructure requirements necessary to support new development in the growth areas. Appropriate contributions will be sought to ensure that the necessary infrastructure to support development is provided.

CP21 A Balanced Housing Stock

The Plan seeks to maintain and provide a balanced housing stock in Brent in support of Policy CP2 by protecting existing accommodation that meets known needs and by ensuring that new housing appropriately contributes towards the wide range of borough household needs

London Borough of Brent Unitary Development Plan 2004

Within the adopted Unitary Development Plan 2004 plan the following list of 'saved' policies are considered to be the most pertinent to the application.

- BE1 Requires the submission of an Urban Design Statement for all new development proposals on sites likely to have significant impact on the public realm or major new regeneration projects.
- BE2 Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area.
- BE3 Proposals should have regard to the existing urban grain, development patterns and density in the layout of the development sites, and should be designed to ensure that spaces are satisfactorily enclosed by the built form; its layout is defined by pedestrian circulation; emphasis is placed upon prominent corner sites, entrance points etc; it respects the form of the street of which it is part by building to established frontages unless there is a clear urban design justification; connections are established where appropriate to open space.
- BE4 Access for disabled people.
- BE5 Development shall be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE7 A high quality of design and materials will be required for the street environment.
- BE9 Creative and high-quality design solutions specific to site's shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or

complementary colour/texture to the surrounding area.

BE12 Proposals should embody sustainable design principles, taking account of sustainable design, sustainable construction and pollution control

BE17 Building service equipment should be located to be visually inconspicuous

EP3 Local air quality

H12 Seeks to ensure that all residential development has a high quality layout, has an appropriate level of car parking and features housing facing onto streets.

H13 The density of development is design led, where higher density developments are more appropriate in areas where there is very good public transport accessibility. Surrounding densities should be at least matched unless this would harm residential amenity.

TRN3 Environmental Impact of Traffic

TRN4 Set out measures to make transport impacts acceptable

TRN10 Walkable Environments

TRN11 The London Cycle Network

TRN13 Traffic Calming

TRN14 Highway Design

TRN15 Forming an Access to a Road

TRN23 Parking Standards – Residential Developments

TRN34 Servicing in New Developments

TRN35 Transport Access for Disabled People and others with Mobility Difficulties

PS14 Car Parking Standards – Residential Development

PS15 Parking for Disabled People

PS16 Bicycle Parking

CF3 Protection of Community Facilities (use class D1).

A Masterplan for the Regeneration of South Kilburn – Adopted July 2004

South Kilburn New Deal for Communities (SKNDC) and the Council originally agreed a Masterplan for South Kilburn. The Masterplan proposals were intended to change South Kilburn from a monolithic housing estate back into four high quality neighbourhoods each with their own character and facilities:

- where people are proud to live, learn and work;
- which are safe, free from crime and the fear of crime; and
- which are sustainable and meet the needs of its diverse communities.

The Masterplan proposed 2,953 new homes for South Kilburn, 1534 of which would be

replacement and 1,419 new private homes. All applications, including those for new residential units, should be determined in accordance with this Masterplan which sets out criteria for development which regard to sustainability, building heights, space standards, quality of architecture, amenity space and management.

As indicated above, the SPD essentially revolved around building over 1500 for sale units in order to cross subsidise the provision of over 1400 affordable homes. Members may be aware that the Council's chosen consortium was not able to deliver the comprehensive redevelopment package, given that Government offered only about half the financial support that was required in order to get the scheme underway. In response to this, the Council is now trying to complete the first phase of the development on its own by developing individual sites within South Kilburn. This should allow enough units to decant other parts of the South Kilburn estate and make them ready for demolition and rebuild. The application site is a private site and falls outside of this particular process.

The Masterplan is currently being reviewed in the light of the changed circumstances in South Kilburn and the Council is working with the selected Masterplanners to seek to bring it forward.

SUSTAINABILITY ASSESSMENT

Not applicable.

CONSULTATION

A total of 125 letters were sent out to nearby properties notifying them about the application on 29 January 2010. All these addresses, along with any objectors, were re-notified on 1 October 2010 about amended plans that were received.

The grounds of objection are as follows:

- Overlooking and loss of privacy will occur between buildings.
- Loss of light will result.
- The site should be used for green space instead.
- This will be a missed opportunity. The Council should redevelop the whole of this island site.
- Building is too big and high for the site, with no space around it. Over-dense.
- Concern over crime. CCTV might be blocked by the building. The area adjacent to the site is well known to police.

The Paddington Waterways and Maida Vale Society Planning Sub-Committee (a Westminster Amenity Society) object to the application on the grounds of loss of amenity for local residents, extra demand for street parking and invasion of privacy for residents in Westminster.

Ward Councillor Mary Arnold has commented on the application. She states that she is representing comments about concerns she has received, as well as her own concerns.

- increased density in an already unsafe and poorly designed environment.
- residents do not want to lose their view and there should be no reduction in light to these small living spaces.
- site is on the Borough boundary. It has suffered from criminal activity over time, as have other areas nearby.
- site is next to Chippenham Gardens open space which has been neglected for many years, but has recently been transformed by creating a public square' community project.
- Better policing and designing out crime in the environment is needed before consenting to

additional housing on this neglected borough boundary.

CITY OF WESTMINSTER

The site is immediately adjacent to the Borough boundary. The City of Westminster objected originally and have re-confirmed their objection to the scheme. Their concerns relate to; 1. The likely impact of the building on the accommodation above the building to the immediate south of the site. 2. The design and appearance of the building is not of a sufficient quality. 3. A case has not been made for the loss of a doctors surgery.

Members will have heard at a recent Committee about the need for occupiers in an adjoining Borough to be consulted on proposed developments (in addition to the Planning Authority itself). This is in accordance with the requirements of the Consultation Protocol agreed by the Association of London Borough Planning Officers.

Although the views of City of Westminster are set out above, 5 consultation letters were only sent to properties neighbouring the site in Westminster in Shirland Road on 26 May 2011. Members will note the unusual Borough boundary line on the plan at the end of this report. Those Westminster properties are within the consultation area that would usually be applied to such a development and they have been given 21 days to comment. It is not envisaged that this further consultation will raise significant new substantive issues to those already made. As such, the recommendation remains approval subject to the signing of a satisfactory Section 106 Agreement, but to delegate to the Head of Area Planning to consider any significant substantive issues that are raised following this additional consultation.

TRANSPORTATION ENGINEER

No objections. See "Remarks" section below.

URBAN DESIGN MANAGER

No objections. See "Remarks" section below.

REMARKS

The application raises a number of issues:

VACANT DOCTORS SURGERY

Members will be aware that one of the Council's key policy considerations is a concern to protect health uses such as doctors' surgeries, given the important contribution they make to communities. As a result, it would be normal to resist the loss of such facilities through the planning process, unless an adequate replacement was able to be provided. This is a point raised by the City of Westminster in relation to this application.

The situation here is that the doctor who used to occupy this building passed away approx. 5 years ago and no surgery has been provided since that time with the single storey building remaining vacant. There is no mechanism in these circumstances for the surgery to be replaced, unless the PCT assists in such replacement, and consequently, it is likely that what will have happened when the surgery closed was that patients would have had no option but to seek alternative health provision where they were able to. The agent has been asked if he is aware how this took place, but he does not have the information.

The application proposal does now include approx 100 square metres of D1 floorspace at ground floor level which helps to retain a community use presence on the site and this will be controlled by condition. Officers have considered if there are other non-D1 uses that would still be able to provide a benefit to the wider community, for example a relocated, improved Post Office facility, but there is no agreement on this and it would need to be controlled through a Section 106 legal agreement, so at the moment the provision of D1 floorspace, in the circumstances set out above, is considered to be acceptable.

In the longer term, it remains the aspiration of the Council to provide a Healthy Living Centre (HLC) in the heart of South Kilburn which would bring together a range of health services for the benefit of all residents and which will be needed in order to accommodate the planned growth for the area.

WIDER SOUTH KILBURN REGENERATION

As mentioned above, this is a private site (referred to in the South Kilburn SPD) that is being considered for development within a part of the Borough that is beginning to see the physical changes that will improve the environment for residents. Members have considered a number of larger sites that have been brought forward by the Council in an effort to kick-start these changes, but it is hoped that over time the more comprehensive changes originally envisaged by the Masterplan will be delivered. As a result, it is critical that decisions made on these free-standing sites do not prejudice anything that the Council may wish to do further down the line.

To this end, the application proposal has had to have recognition of what might happen around it. It now seems unlikely that anything will happen with John Ratcliffe House, the large tower to the east of the site, until 2018 at the earliest and consequently whilst it remains important that the possible impacts of this scheme on any future development are taken into account, it is also considered that the application proposal needs to be free-standing in its own right and have the necessary quality that would be expected on any other proposal throughout the Borough. Similarly, there may be a situation in the future where a development would be attached to the north side of this building through future regeneration proposals coming forward (this is indicated in the SPD) and the application proposal has had to consider how it would relate to that, particularly in terms of balcony areas and the designing out of openings on the north facing elevation.

IMPACT ON RESIDENTIAL AMENITY

In terms of the impact upon residential amenity there are two areas of concern. Firstly, the impact of the development upon existing neighbours within Malvern Road and Westminster and secondly, the impact upon the living conditions of future occupants of the proposed flats.

In terms of the impact on the amenities of future occupants of the proposed flats, the main considerations would be the sizes of each unit, and the relationship between units and adjacent development. Members may be aware that within the South Kilburn Trust area the more generous internal space standards for new flats supersede those set down in the Council’s previously adopted SPG 17 with a view to providing as spacious accommodation as possible. Officers have sought to achieve these larger unit sizes across the area, regardless of tenure. For clarification, the standards are:-

Unit Size	SPG17	SPD
Studio	32 sq metres	Not allowed
One bed	45 sq metres	53 sq metres
Two bed	55/65 sq metres	80 sq metres
Three bed	80 sq metres	98 sq metres
Four bed	90 sq metres	120 sq metres

The proposed flats are extremely generous, proposing one unit per floor over 4 floors comfortably

meeting the SPG17 guidance and also exceeding the required SPD standard. The lower 3 floors show 121 square metres for each flat with the top unit slightly smaller at 86 square metres. As a result, as far as the future occupants of the flats are concerned this is likely to provide an acceptable level of internal accommodation. This fact needs to be considered in the context of the amount of external space, which is limited as a result of the site constraints. The lower 3 flats envisage 12 square metres of balcony space, with the top floor allowing approx. twice as much as that. It is a balance to strike, but it is considered that in this case the internal space does help to ameliorate the limited outside space.

The agent has indicated that they believe the accommodation proposed would be at the higher end of the housing market which explains the size of units and the facilities proposed within them. Officers have to accept this point and are considering a scheme for 4 single family dwelling units. In the event that they were built and used for any other purpose, it would be for the Council to consider if that purpose fell outside the remit of the planning permission.

The site is a tight one and the agent has done their best to maximise outlook for future occupiers. To this end, the main living space has both front and rear facing windows and the rear bedroom has an outlook orientated along the back of the building, maximising views. This leaves the kitchen located in the centre of the building at the back as the one room where outlook is an issue. The room would be site approx 2.8 metres from the rear boundary with John Ratcliffe House. There is no poor relationship with JRH itself (there would still be in excess of 22 metres between existing and proposed windows) and the area to the rear of this site is a car park serving JRH. It is a balanced consideration in that the Council would normally be looking for a distance of at least 5 metres between windows and the boundary which is not achieved here, however, given the quality of accommodation discussed above and the likelihood that views out from the building will be retained for sometime, no objection to this is raised here. For clarity, in the event that a scheme for JRH were to come forward at some stage in the future the existence of these 4 kitchen windows (one on each floor) would in no way be seen to prejudice what might be allowed there and this recommendation is made on that basis.

With regard to the stacking arrangement, the proposal would result in an acceptable configuration of properties with living rooms and kitchens arranged above main habitable rooms and bedrooms above bedrooms of separate flats. This would comply with the guidance within SPG 17 and would afford future residents a satisfactory level of accommodation.

In terms on the impact of the development upon the privacy and amenity of nearby residential properties in Malvern Road it is considered that the application would not lead to significant problems associated with overlooking, overshadowing and over dominance to those properties. The buildings on the opposite side of Malvern Road would be approx. 15.5 metres from the front of the building across a road and whilst it is inevitable that matters would change for those living around the site this is considered to be a reasonable distance to ensure that privacy and amenity would not be compromised. The relationship with JRH is discussed above. As explained elsewhere in this report, the City of Westminster has objected to this application and one of the grounds of objection is the impact on the building to the immediate south of the site. Notwithstanding the point made elsewhere in this report, that the South Kilburn SPD envisaged a building of this height in approximately this location, the agent has been asked to look again at the relationship between existing and proposed buildings. There are no windows or other openings proposed for the elevation that face the public house in Westminster, the top floor has been set well away from the edge of the building and is also treated differently in terms of materials proposed. The development would be 8.8 metres from the nearest ground floor part of the existing building (no habitable

windows in it) and a minimum of 11.0 metres from the nearest window at upper floor level. On this basis, the scheme would not unduly harm the amenities of adjacent occupants.

DESIGN CONSIDERATIONS

The height, size and design of the proposed building are all key issues in the determination of this application. It proposes a building of 5 storeys in height, with the top floor set back and set in. It would adopt something of a different approach as far as the choice of materials is concerned, certainly when compared to what is around. To the rear of the site is the high rise John Ratcliffe House, public space to the north and Westminster to the south. The opposite side of Malvern Road provides 3 storey buildings, although many of those have extended the roofspace to provide a fourth storey of accommodation. It is considered that although the building would be different to Malvern Road opposite or the higher rise buildings nearby, being different is not in itself objectionable. Indeed, of more importance is whether the resultant building would be acceptable in design terms, but also if it would constitute an acceptable visual introduction to the former NDC area, particularly given the prominence of the site.

The Team Manager of the Design Section has been involved with the evolution of the proposal and has concluded that the scale, form and height are appropriate to the site and the broader streetscape for this part of the Borough. The design is considered to represent a reasonably high quality building based on well composed elevations, architectural detailing and an acceptable palette of materials.

The design is of a contemporary approach and the City of Westminster has expressed the view that it is not of good enough quality. It is somewhat unusual for adjoining Boroughs to express views on architecture and design quality of schemes that fall outside their area, but Westminster have raised a concern on this basis. Members will have seen a number of contemporary buildings over time and be aware of the range of views that this sort of scheme can generate. Although people may often prefer buildings to be more traditional in appearance, Officers are keen to avoid pastiche and do not, in any event, feel that this would be the right approach in a regeneration area such as this. It is considered that subject to further details about the development being conditioned, with particularly emphasis on the quality of materials needed, Officers are of the view that the building would help to contribute to the long-term regeneration of the area and that this is a development that constitutes an acceptable intervention in the existing townscape. Conditions would allow for a full assessment of the merits of the chosen materials. It is considered that a refusal on design grounds would be difficult to support.

HIGHWAY ISSUES

The site is located on the south-eastern corner of Malvern Road and Chippenham Gardens, two local residential access roads. It lies within Controlled Parking Zone "KM" operational between 8am and 6.30pm on Mondays to Saturdays. One of the two bays in front of the site is marked for disabled drivers. The parking spaces opposite are dual use (ie: pay & display/resident permit holders). Neither parking nor loading are permitted to the south of the site due to the proximity of the signal controlled junction with Shirland Road. Public transport access to the site is good (PTAL 4) with Kilburn Park and Queens Park stations within 960 metres (12 minutes walk). Seven bus services are within 640 metres (8 minutes walk).

The scheme has evolved over time, partly in response to comments made by the Council's Highway Engineer. Vehicles reversing out onto Malvern Road would not be acceptable, in traffic safety terms, and the plans have now been changed to deal with this point. Car parking standards allow up to 4.3 spaces to be provided for the four proposed flats and one space for the community facility (assuming fewer than five staff would be employed) giving a total allowance of five spaces. The proposed provision of four spaces again complies with standards. The widening of the existing crossover to 4.1 metres is welcomed and the revised parking layout an improvement on the previous scheme. It would allow cars to pass one another at the site entrance. For clarity, alterations to the crossover must be carried out at the applicant's expense prior to occupation of

the new building.

The setting of the car parking spaces further into the building allows adequate turning space to be provided, so all four of the proposed car parking spaces are now considered to be useable. The bicycle store has now been shown in greater clarity, with four spaces now detailed. With doors to the store being indicated, sufficient security and shelter will be provided to make the facility attractive to residents of the flats. The Highway Engineer expresses the view that a further publicly accessible bicycle stand should be provided for the community facility and this should be indicated in a location to be agreed as a condition of any approval. The refuse store is again shown close to Malvern Road, allowing easy collection of refuse from the highway and Streetcare colleagues have confirmed their acceptance to it.

It would also be preferable to delete the sliding entrance gate from the plans so that cars waiting to enter the site do not have to stop in Malvern Road. Failing this, they could be remote controlled and a condition is suggested to deal with this particular point. Similarly, the plans show the refuse store gate opening out across the highway and this would not be acceptable.

The new building is now shown set back 3.25m from the kerb edge of Malvern Road, again allowing the footway to be widened. The Highway Engineer considers that it would be beneficial if the additional footway width through this area were adopted as public highway through an agreement under Section 38 of the Highways Act 1980.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

- Brent Unitary Development Plan 2004
- Council's Supplementary Planning Guidance

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
- Transport: in terms of sustainability, safety and servicing needs
- Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

(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):

1131-X-200; 1131-X-201; 1131-X-202; 1131-X-203.

1131-30-200F (Malvern Road elevation); 1131-30-200F (North Elevation B);
1131-30-200F (East Elevation C); 1131-30-200F (South Elevation D); 1131-30-100F;
1131-30-101F; 1131-30-102F; 1131-30-103F

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

- (3) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the ground floor use hereby permitted shall only be for the purpose of Use Class D1.

Reason: No separate use should commence without the prior approval of the Local Planning Authority so as to enable other uses to be considered on their merits.

- (4) The sliding gate to the car park must be remote controlled, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority prior to first occupation of the flats. Once approved, the details must be implemented and permanently maintained.

Reason: In the interests of highway safety.

- (5) The proposed gate to the refuse store must not open out across the highway. The gate must be altered from that shown on the approved drawings in order to ensure that this does not take place.

Reason: In the interests of highway safety.

- (6) No water tank, air-conditioning or ventilation plant, extraction equipment or other roof structure (other than those shown on the drawings hereby approved) shall be erected above the level of the roof hereby approved without the further written consent of the Local Planning Authority. Details of any air-conditioning, ventilation and flue extraction systems including particulars of noise levels shall be submitted to and approved in writing by the Local Planning Authority prior to the systems being installed and the approved details should be fully implemented.

Reason: To safeguard the amenities of the adjoining occupiers and in the interests of visual amenity.

- (7) The widening of the vehicular access onto Malvern Road (to 4.1 metres) shall be carried out in accordance with the approved scheme before any of the residential units the subject of this application shall be first occupied.

Reason: In the interests of highway safety.

- (8) No access shall be provided to the roof of the ground floor element of the development, by way of window, door or stairway and the roof of this element of the development shall not be used as a balcony or sitting out area at any time.

Reason: To preserve the amenity and privacy of neighbouring residential occupiers.

- (9) The car parking spaces and turning areas shown on the approved plans shall be constructed prior to the first occupation of the new building and shall be permanently retained and used solely in connection with the use of the site.

Reason: To ensure that the approved standards of parking provision are maintained in the interests of local amenity and the free flow of traffic in the vicinity.

- (10) Further details of materials for all external work including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall be carried out in accordance with the approved details. These details shall include:-

- front projection bay.
- balustrades.
- windows/doors.
- roof details.
- canopies.
- privacy screens.

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

- (11) In order to mitigate against the possibility of numerous satellite dishes being installed on the buildings hereby approved, details of a communal television system/satellite dish provision shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be fully implemented.

Reason: In the interests of the visual appearance of the development in particular and the locality in general.

INFORMATIVES:

- (1) The applicant is informed that, for the avoidance of doubt, this permission does not give consent for any shopfront or advertisements on the building which would require formal approval in their own right.

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Andy Bates, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5228



Planning Committee Map

Site address: 2-8 Malvern Road, London, NW6 5PP

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Committee Report
Planning Committee on 7 June, 2011

Item No. 2/11
Case No. 10/0683

RECEIVED: 26 April, 2010

WARD: Brondesbury Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 233 Willesden Lane, Willesden, London, NW2 5RP

PROPOSAL: Second floor roof extension to form 9 additional bedrooms, conversion of gymnasium block into conference room on lower ground floor, 20 additional bedrooms on two upper floors, formation of external seating area and pedestrian access ramp to north elevation, provision of 19 car parking spaces and 1 coach space, bin store and various external alterations

APPLICANT: Hillspring Lodge

CONTACT: Robert O'Hara Architects Ltd

PLAN NO'S:
See condition 2.

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning to agree the exact terms thereof on advice from the Director of Legal and Procurement.

SECTION 106 DETAILS

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

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- Financial contribution of £20,000 for open space, sport and sustainable transport.
- Travel Plan.

And, to authorise the Head of Area Planning, 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

This building was formerly used as a police section house and is located on the northern side of Brondesbury Park. It also fronts onto Willesden Lane to the north and it is from here that the site benefits from vehicular access. Pedestrian access is gained from both Willesden Lane and Brondesbury Park.

The wing of the hotel facing Brondesbury Park has four upper storeys excluding the basement area, whilst the central wing has two upper floor levels and leads off the Brondesbury Park wing

level at right angles. There is a further wing that has been used as a conference centre in the past at the southern end of the building.

The building is currently occupied as "Hillspring Lodge" providing hotel-type occupation for predominantly young people according to the applicant, although it advertises itself as a hostel internationally.

PROPOSAL

This application seeks consent for a second floor roof extension to form 9 additional bedrooms, the conversion of the (currently unused) gymnasium block into a conference room on lower ground floor, 20 additional bedrooms on two upper floors, formation of external seating area within the central courtyard area and pedestrian access ramp to north elevation, provision of 19 car parking spaces and 1 coach space, bin store and other various external alterations.

For clarity, the use of the building does not form a part of this application.

HISTORY

There have been 2 relatively recent planning decisions that are useful in putting this current proposal in context. They are:

05/0740-Change of use from hotel (Use Class C1) to residential training centre (Use Class C2).
Granted at Planning Committee 8 June 2005.

01/1416-Second-floor roof extension to form 9 additional bedrooms, conversion of conference hall into conference room and 20 additional bedrooms on two upper floors, installation of bin store and various external alterations and associated car-parking spaces. Granted at Planning Committee 13 November 2001.

In addition to these two applications:

10/2690-Retrospective consent for a single storey structure on the eastern side of the building.
Granted 8 December 2010.

POLICY CONSIDERATIONS

BE2 - Proposals should be designed with regard to their local context, making a positive contribution to the area, taking account of existing landform, and the need to improve existing urban spaces and townscape.

BE3 – Proposals should have regard for the existing urban grain, development patterns and density and should be designed to ensure that spaces between and around buildings should be functional and attractive and respect the form of the street. Layouts should be defined by pedestrian circulation with development layouts prioritising movement by foot, cycle and public transport.

BE5 - Development should be designed to be understandable to users, free from physical hazards and reduce the opportunities for crime, incorporating the aims of both "Secured by Design" and "Designing Out Crime".

BE7- High quality of design and materials are required for the street environment. In existing residential areas, the excessive infilling of space between buildings, between buildings and the road, boundary treatments of character common to the street should be restored and reproduced and hard surfacing / forecourt car parking which detracts of the street scene, setting of the property of road safety will be resisted.

BE9 - New buildings and extensions should be designed to embody a creative and high quality design solution specific to the site's shape, size and development opportunities. Scale / massing should be appropriate with respect to setting and townscape location.

TRN1 - Planning applications will be assessed as appropriate for their transport impact, including cumulative impacts on the road network, and all transport modes including public transport, walking and cycling.

TRN11 - Developments shall comply with the Councils minimum cycle parking standard (PS16); with parking situated in a convenient, secure, and where appropriate sheltered location.

PS11 - Car parking standards for hotel uses.

PS13 - Car parking standards for residential institutions (C2) and hostels.

PS15 - Requires the provision of disabled car parking spaces.

SPG17 - "Design Guide for New Development".

SPD - "Planning Obligations".

SUSTAINABILITY ASSESSMENT

Not applicable.

CONSULTATION

A total of 128 neighbours, and the 3 Ward Councillors, were consulted about this application on 11 May 2010.

A total of 6 letters of objection, including one signed by 11 occupiers of Henley Court, have been received raising some, or all, of the following points:

- coaches visiting the site already cause a nuisance to residents.
- large groups of people already visit the site and wait around outside blocking the pavements. The proposal will result in more young people frequenting the area.
- the second floor roof extension will lead to overlooking and lead to loss of daylight.
- the proposed car parking areas will result to a loss of privacy and lead to further disturbance.
- recent increase in capacity of each room by use of bunk beds. This has led to instances where views of occupants are available from adjoining residential properties. This could be a child protection issue.
- increased traffic would be a nuisance for residents.
- refuse collection is already an issue.
- there is an unsightly unauthorised structure on the site.

ENVIRONMENTAL HEALTH OFFICER

Makes no comments on the application.

HIGHWAY ENGINEER

A full assessment of the highway implications of the proposal can be found in the "Remarks" section below.

LANDSCAPE DESIGNER

Concern about the possible impact of any widened vehicular access on existing well-established trees. Previous applications were approved on the basis of a landscaping condition.

REMARKS

As set out above, this application proposes the erection of a second floor roof extension to form 9 additional bedrooms, conversion of conference hall into conference room, 20 additional bedrooms on two upper floors, the formation of an external seating area, the installation of a bin store and the creation of car/coach parking spaces. In every respect, with the exception of the external seating area, it is identical to an application which was granted permission in 2001.

The current scheme seeks to increase the number of bedrooms by a total of 9 involving the extension of the second floor resulting in a further 2.3 metres additional height, and also change the existing vacant conference hall/gymnasium to a conference room at lower ground floor level and the creation of a new mezzanine floor that would allow the introduction of 20 new bedrooms.

Use

As explained above, this application does not seek planning permission for the use of the building itself. It is described by the applicant as a hotel and, although there may be something of a semantic discussion about this given the description of the current enterprise as a hostel in its own publicity material, there is little doubt that the site is run as a hotel and that people stay there for short periods as would be expected. The application is considered on this basis.

In the past the Council has granted consent for changes of use to this building with no objection, in principle, to amongst other things the change from hotel use to residential training centre (see history section above). The continued use of the site for a hotel use is acceptable in policy terms, given the history of the site, although for Members information this fringe Town Centre location may not be considered as the most appropriate for a hotel use were a new application be submitted on the site now without the planning background relevant here.

Second Floor extension

It is proposed to create a second floor extension to the central wing to provide a further nine bedrooms while some of the existing first floor rooms are to be increased in size to provide en-suite facilities. Windows to the western and eastern elevation will have clear glazing at part of the top level and obscured glazing to the remainder of the elevation. This would be controlled by way of condition. As a result of these physical measures it is not anticipated that there will be any increased overlooking into the neighbouring properties in Honeyman Close, which is immediately adjacent to the site, but, as explained, further clarification of the treatment of the elevations is sought via condition. As is evident from a visit to the site, the eastern elevation already has a number of windows within it at both ground and first floor level. The boundary with Honeyman Close is 7.5 metres from the subject building and there are a number of well-established trees between the two sites. In addition, the new storey is also set back behind the existing parapet wall, allowing a recess of approx. 0.6-0.7 metres. This serves to reduce any impact further and, whilst matters will change for people living nearby as a result of this proposal, the additional storey is acceptable both on design grounds and in terms of its relationship with neighbours.

For the information of Members, and notwithstanding that this current proposal needs to be considered on the basis of its own merits at this time, before the 2001 approval on this site, an appeal in relation to the Council's refusal of the creation of a second floor to create 8 additional bedrooms was dismissed. Despite dismissing the scheme the Inspector had no objections to the additional floor, or number of bedrooms, and he considered that the nearby occupiers at Honeyman Close would suffer no loss of amenity from the proposal. He commented at paragraph 10 that:

"The principal windows in the house at 37 Honeyman Close face north and south. There is a rear garden to that house, as well as a side garden which separates it from the appeal site. The hotel's central wing is in the order of 10 metres from the side of that neighbouring property. While the corridor serving the proposed bedrooms would face No.37, the windows to it would be at high level and it would not be readily possible to look out from those windows into that neighbouring garden

or its rear conservatory. In any event, there are already windows in the hotel which overlook that property and I do not consider that the proposal would have an unacceptable effect on the privacy of its occupiers."

He continued at paragraph 11:

"The windows to the proposed bedrooms would face the rear garden of the house at 63 Brondesbury Park. However, the Central wing is set well away from the boundary with that property and I do not consider that it would lead to an unacceptable degree of overlooking of the house or garden on that neighbouring site."

The Inspectors concern at the time related solely to the design of the new floor and its relationship with the existing building. This specific issue was resolved and on that basis the 2001 permission was issued. Although the decision was made a number of years ago, the views of the Inspector at the time remain of relevance at this time.

Conference room, 20 additional bedrooms and other external changes

The application also continues to propose the conversion of the existing vacant conference hall/gymnasium at the northern end of the building to a conference room at lower ground floor level, along with the introduction of a mezzanine floor to allow the creation of 20 additional bedrooms. The conference facility will not be capable of having any window openings on its eastern side facing Honeyman Close. The proposal effectively involves re-using an existing conference hall and, on this basis, it is considered that there will be no overall increase in the levels of activity likely to impact on neighbours amenity. In fact, as the proposal effectively results in a reduction in the extent of the conference hall it could be argued that the likely future activity generated by the accommodation could be less than is possible at present.

The creation of a new covered external terrace area, which is already in place, is additional to the 2001 permission. It is located within the central courtyard area of the building adjacent to the reception area and provides an outside seating area. Its location means that it is unlikely to have any impact on any third party, even allowing for the fact that by being covered it does provide opportunities for guests to sit outside at more times than they can at present.

Landscaping

The Council's Landscape Designers have considered the alterations to the access off Willesden Lane. Although it is acknowledged that the widening of the access was agreed previously, they have identified that the trees that may be affected by those works have had a significant amount of growth in the intervening 9 year period. A large additional amount of construction work details would be needed in order to demonstrate that the works to the access would not impact on the overall vitality of the trees. This is one of the areas where Officers need to have recognition of a change in circumstances since the 2001 decision.

Although Transportation colleagues have indicated that they would welcome the increase in the width of the access from a technical point of view (eliminating any possibility of vehicles having to reverse out onto Willesden Lane) Officers have taken the view that the evidence seems to indicate that the creation of a widened access to allow two-way traffic is not necessary in highway terms at this stage, given the traffic generation associated with the use, and the absence of problems in Willesden Lane associated with the use. On this basis the need to ensure the retention of the well-established tree planting along the western side of the access, on balance, takes precedence over the widening of the access road.

Highway Issues

This application is essentially a resubmission of an application which expired in 2006. As before, 29 new guest rooms will be provided within a new second floor extension and above the existing gymnasium area, which combined with an enlargement of several of the existing rooms at first floor level (reducing the number of bedrooms by four) will result in an overall increase in accommodation from 61 bedrooms to 86 bedrooms. As before, a new conference room will be provided on the ground floor of the existing vacant gymnasium.

Staffing numbers are estimated to increase from eight to twelve and car parking provision is to increase to 19 spaces (including one disabled) and a coach parking space, accessed via Willesden Lane.

Waiting and loading are prohibited in Willesden Lane during weekday peak hours and the road thus tends to be very lightly parked. The surrounding side streets are within Controlled Parking Zones (CPZ), but are not generally heavily parked. Public transport access to the site is moderate (PTAL 3), with Willesden Green Underground station (Jubilee line) and five bus services within 640 metres (8 minutes' walk).

Car parking allowances for hotels are set out in standard PS11 of the adopted UDP 2004. This allows up to one space per five bedrooms and one space per five staff. This proposal would, therefore, increase the overall parking allowance for the hotel from 13.8 spaces to 19.6 spaces and the proposed provision of 19 marked spaces would accord with standards. The widening of one of those spaces to the front of the reception area satisfies the requirements of standard PS15 for disabled parking, whilst the new access ramp also help to make the building accessible to wheelchair users. The provision of a new coach parking space with adequate turning space again satisfies requirements for a hotel of more than 50 bedrooms, whilst the turning space will also accommodate refuse vehicles accessing the bin storage area at the rear of the building.

TfL have produced guidance on Travel Plans and this sets a threshold of 50 bedrooms above which hotels should produce a Travel Plan. This hotel exceeds that threshold and, as a result, any permission should be subject to a S106 Agreement to secure a Travel Plan, prior to occupation of the extended building. The suggested financial contribution as set out in the draft Heads of Terms could go towards improvements to non-car access/highway safety and/or parking controls in the vicinity of the site, to reflect the additional trips attracted to the site.

Conclusions

This application seeks consent for a development that was granted consent in 2001, but was never implemented. The key issues centre on revisiting the proposal to see if there have been any material changes in circumstances, or planning policy, that would justify making a different decision to the one that was made in 2001. For the reasons set down in this report it is considered that the proposal remains acceptable.

Concerns have been raised by local residents about, amongst other things, increased parking, noise, disturbance and loss of privacy and outlook. As explained above Officers are satisfied that the development (the use of the site having been established) will not compromise residential amenities and that the highway impacts can be successfully mitigated. The physical changes to the building are considered to be of an appropriate design, relating well to the existing building and the retention of a relatively small conference facility, plus the additional 29 bedrooms will not cause an over-intensive use of the site. As a result, the application is recommended for approval, subject to a Section 106 legal agreement.

Section 106

The Council is seeking, and the applicants have agreed to pay, a sum of £20,000 to mitigate the impact of the development. Hotel users can, and do, make use of open spaces in the area, whilst it is likely that they will also wish to take advantage of public transport facilities. It is accepted that it is not necessary for contributions to be made to school provision. As a result, the figure is considered to be a reasonable contribution towards sustainable transport and open spaces in the local area.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

- Brent Unitary Development Plan 2004
- Council's Supplementary Planning Guidance

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
- Environmental Protection: in terms of protecting specific features of the environment and protecting the public
- Housing: in terms of protecting residential amenities and guiding new development
- Tourism, Entertainment and the Arts: the need for and impact of new tourists and visitor facilities
- Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

(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 drawings:

- 10003 (site plan).
- E-100, E-101, E-102, E-103, E-104, E-105, E-106, E-107 (existing).
- L-100A, L-101, L-102 P2, L-103, L-104, L-105, L-106 P1, L-107, L-108 P1, L-109 (proposed).

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

(3) The development hereby approved shall be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted therewith, prior to occupation of the extended building.

Reason: To ensure that the proposed development will be carried out as approved so as to avoid any detriment to the amenities of the locality.

(4) During demolition and construction on site:-

- (a) The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site;
- (b) The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays;
- (c) Vehicular access to adjoining and opposite premises shall not be impeded;
- (d) No waste or other material shall be burnt on the application site;
- (e) A suitable and sufficient means of suppressing dust must be provided and maintained.

Reason: To limit the detrimental effect of construction works on adjoining residential occupiers by reason of noise and disturbance.

(5) Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced on site. Following approval of the materials, all works shall be carried out and completed in accordance with this approval, prior to the occupation of the premises.

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

(6) Further details of the windows proposed for the western and eastern elevation of the additional storey, indicating that they will have clear glazing at part of the top level and permanently closed, obscured glazing to the remainder of the elevation, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the development commencing. Once approved the details shall be permanently maintained.

Reason: In the interests of residential amenity.

(7) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order (or any order revoking and re-enacting that Order with or without modification) the extension hereby permitted is approved in connection with the use of the building as a C1 (hotel) use.

Reason: No separate use should commence without the prior approval of the Local Planning Authority so as to enable other uses to be considered on their merits.

(8) The car parking spaces (including disabled space), and turning areas, shown on the approved plans shall be constructed prior to the occupation of the extended building and shall be permanently retained and used solely in connection with the use of the site.

Reason: To ensure that the approved standards of parking provision are maintained in the interests of local amenity and the free flow of traffic in the vicinity.

- (9) The remainder of the undeveloped land within the site shall be suitably landscaped in accordance with the scheme to be submitted to and approved by the Local Planning Authority before any works commence on the site. The approved scheme/work shall thereafter be carried out and completed during the first available planting season following completion of the development hereby approved. Any planting and/or works that are part of the approved scheme that within a period of 5 years after completion are removed, die or become seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation.

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

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

- London Borough of Brent Unitary Development Plan 2004
- SPG17 "Design Guide for New Development."
- 7 letters of objection.

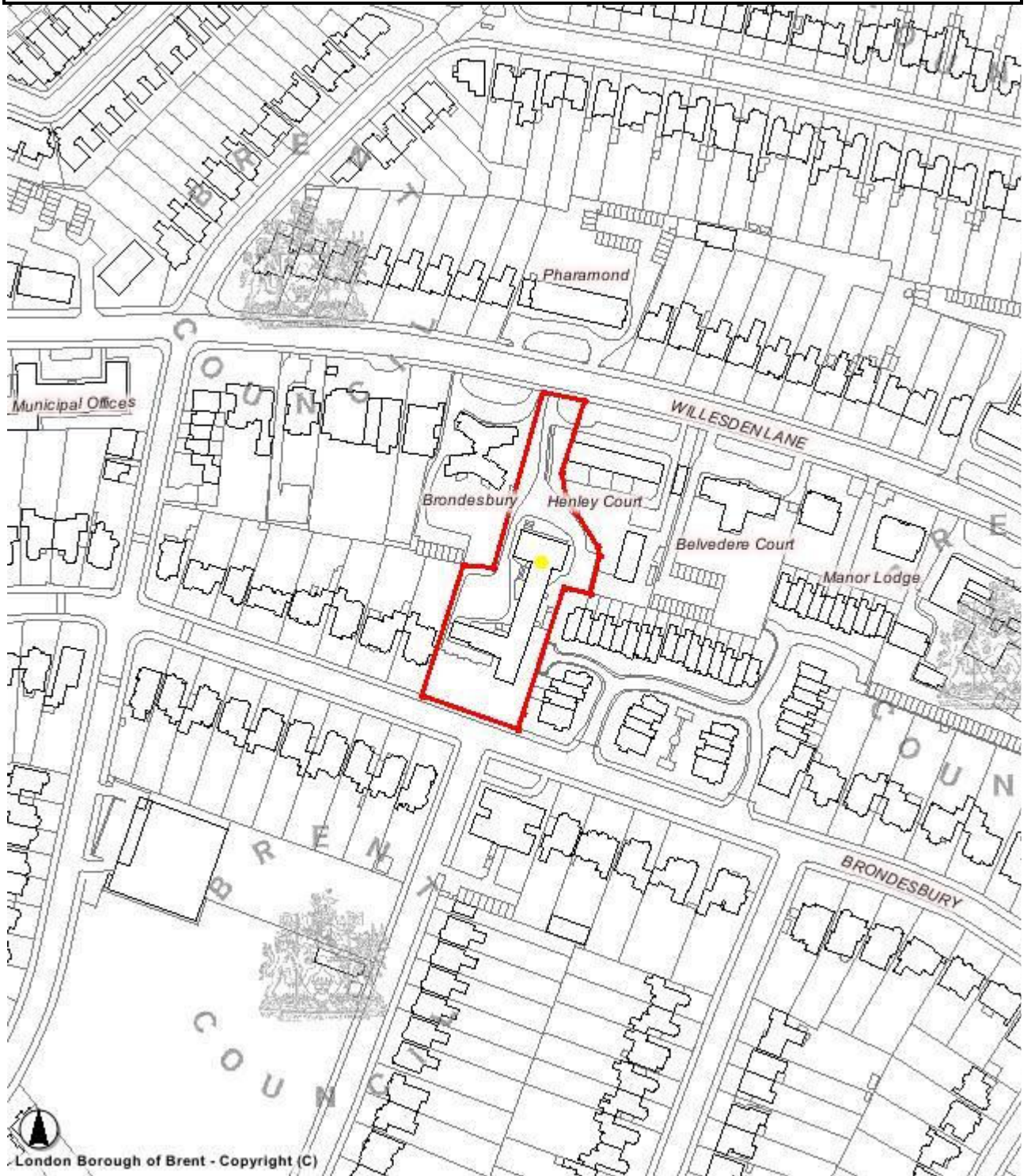
Any person wishing to inspect the above papers should contact Andy Bates, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5228



Planning Committee Map

Site address: 233 Willesden Lane, Willesden, London, NW2 5RP

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**Committee Report
Planning Committee on 7 June, 2011**

Item No. 2/12
Case No. 11/0464

RECEIVED: 17 February, 2011

WARD: Kilburn

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 77 Kilburn High Road, London, NW6 6HY

PROPOSAL: Erection of enclosed decking to front of public house

APPLICANT: Mr Costa Tofan

CONTACT: Office Sian Architecture

PLAN NO'S:
See condition 2

RECOMMENDATION

Approval

EXISTING

The subject site, located on the southern corner of the junction between Kilburn High Road and Brondesbury Villas, is occupied by a three-storey public house. The public house has active frontages, including customer access, to both Kilburn High Road and Brondesbury Villas. Along Kilburn High Road the subject site forms part of the designated secondary shopping frontage which is characterised by a wide range of town centre uses. Other than where it meets Kilburn High Road, Brondesbury Villas is predominately of a residential character and forms part of the Kilburn Conservation Area.

PROPOSAL

The proposed development would involve the erection of an area of decking to the front of the public house adjacent to Kilburn High Road.

Since the receipt of the application, Officers have advised that the proposals be amended to omit a second proposed area of decking to the side of the public house adjacent to Brondesbury Villas. The amendments have also involved the replacement of balustrading to the decking with planters.

HISTORY

There is a lengthy planning history on the site consisting primarily of applications for minor alterations in conjunction with the use of the premises as a public house. These applications are considered to be of limited relevance to the determination of the current application as there have been no planning applications on the site since 1995.

POLICY CONSIDERATIONS

London Borough of Brent Unitary Development 2004

The following 'saved' policies contained within the Unitary Development Plan are considered most relevant to the determination of the current application.

BE2 Townscape: local Context & Character
BE6 Public Realm: Landscape Design
BE7 Public Realm: Streetscape

SUSTAINABILITY ASSESSMENT

N/A

CONSULTATION

EXTERNAL

Consultation letters, dated 8th March 2011, were sent to 30 neighbouring owner/occupiers. In response six letters of objection have been received. The concerns of the objectors include:-

- The proposed development would increase instances of noise disturbance and anti-social behaviour associated with the use of the existing public house.
- The proposed development will set a precedence for other similar forms of development along Kilburn High Road.
- The proposed development would interfere with the operation of a nearby bus stop.
- The development will restrict visibility which could increase crime.
- The development would restrict pedestrian use of the pavement

It should be noted that since the receipt of the above objections that the applicant has, on the advice of Officers, amended the proposals to omit a second proposed area of decking to the side of the public house adjacent to Brondesbury Villas. The amendments also involve the replacement of balustrades to the decking with planters.

CAMDEN COUNCIL

No comments received.

INTERNAL

Highways & Transport Delivery

No objections to the proposal have been raised by the Highways and Transport Delivery Officers. It has also been confirmed that the land to the front of the public house, on which the proposed decking would be sited, is privately owned and that it does not form part of the public highway.

Environmental Health

Environmental Health Officers have confirmed that they have no record of formal complaints regarding noise from the use of the pub or the area outside for smoking and that they have no objection to the proposed development. Environmental Health have recommended that Informative be placed on any permission advising the applicant of the legal requirements should they intend to allow the outside seating area to be used by smokers.

REMARKS

IMPACT ON NEIGHBOURING OCCUPIERS

The curtilage of the existing public house extends beyond the front and side of the building on site. It is on this private land to the front of the building, adjacent to Kilburn High Road, that the proposed decking would be sited. The submitted proposal had originally envisaged a second area of decking on the private land to the side of the public house, adjacent to Brondesbury Villas. However, the application has since been amended by the applicant to remove the proposed second area of decking in response to concerns raised regarding its proximity to residential dwellings along Brondesbury Villas which is a predominately residential street. As such, it is considered that the residential occupiers most likely to be affected by the proposal are those living on the upper floors of the properties along Kilburn High Road.

Although Environmental Health have confirmed that there is no record of formal complaints regarding noise from the public house, Officers acknowledge the concerns that have been raised by objectors with regards to instances of noise disturbance and anti-social behaviour associated with the use of the public house. However, whilst sympathetic to these concerns, it should be noted that the outside area can already be used, without permanent fixtures and fittings, as a sitting out area without requiring planning permission, as is the case for the adjacent coffee shop at 75 Kilburn High Road. The Council's Licensing Officers have confirmed, that although the premises is licence to operate until 5am, a condition of the license is that all outside drinking should cease at 11pm. Kilburn High Road is a busy town centre with a number of uses which contribute to the night time economy and therefore it is considered reasonable to expect that during the evenings residents living within the centre will experience some level of disturbance beyond that expected within predominantly residential areas. What is important is to ensure that any disturbance is kept to a reasonable level and, in this case, it is considered that the terms of the licence on the premises already seek to ensure that this should be the case.

Whilst the provision of decking to the front of the public house would formalise the space as a customer seating area, given the above it is not considered likely that this would, in itself, result in a significant change to the existing use of the area in terms of the hours of operation and the number of customers using the area. As such, the provision of decking itself is unlikely to result in any significant increase in noise disturbance and/or anti-social behaviour beyond existing levels. On balance, it is considered that the provision of decking to the front of the premises would have an acceptable impact on the amenity of neighbouring residential occupiers.

CHARACTER & APPEARANCE

The subject site is located close to, but outside of, the Kilburn Conservation Area. The siting of the proposed decking at the front of the premises mean that it would be unlikely to have any significant affect on the views into or the setting of the nearby Conservation Area. The existing public house is not listed, either statutorily or locally.

The proposed development would involve the erection of a section of decking to the front of the premises which would be approximately 8.4m in width and 5.3m in depth. The decking would generally be enclosed by planters with a height of approximately 0.6m, whilst the decking itself would have a height of approximately 0.1m. The decking would be accessed by a ramp from street level allowing for disabled access.

Overall, it is considered that the proposed decking would be unlikely to have a substantial impact on the character and appearance of the public house whilst the provision of planters would constitute a pleasant addition to the streetscene.

CONSIDERATION OF OBJECTIONS

The concerns of the objectors, so far as they relate to noise disturbance and anti-social behaviour, have been addressed in the main report above.

Officers do not consider that the approval of this proposal would set a precedent for other similar forms of development within the surrounding area as each planning application should be determined on its individual merits.

In terms of the impact on pedestrian routes and the nearby bus stop it should again be clarified that the development is to be sited on private land. Whilst in the past the public may have benefited from the site being open to the public footpath, it should be noted that there is no public right of way over this land and should the applicant decide to enclose this land then it would be possible for them to do so, subject to maximum height requirements, without requiring planning permission. In any case, the Council's Highway and Transport Delivery Officers have confirmed that adequate footpath width would be maintained.

Since submission the scheme has been amended so that the proposal would have a lesser impact on visibility and site lines around the site. It is considered unlikely that the development would result in any significant increase in crime within the surrounding area.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

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

CONDITIONS/REASONS:

(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 drawings:-

- C02
- C03
- C04
- C10 Rev A
- C11
- C12 Rev A

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

INFORMATIVES:

- (1) The applicant is advised that under the Smoke-free (Premises and Enforcement) Regulations 2006, smoking is not permitted in premises that are enclosed or substantially enclosed. An enclosed or substantially enclosed area is one which has a roof and more than 50% of the wall area enclosed. The Council's Environmental Health Officers advise that for the purposes of these regulations they would consider an awning and hedging as a roof and walls, respectively. In order to comply with the regulations the applicant is advised that the hedging should not be allowed to grow above half of the height of the space available below the awning.

- (2) The applicant is informed that the Council's Licensing Officers have confirmed that a condition of the license relating to these premises is that all outside drinking should cease by 11pm.

REFERENCE DOCUMENTS:

London Borough of Brent Unitary Development Plan 2004
Six letters of objection
Consultation responses from Highway & Transport Delivery and Environmental Health

Any person wishing to inspect the above papers should contact Ben Martin, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5231



Planning Committee Map

Site address: 77 Kilburn High Road, London, NW6 6HY

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This map is indicative only.

Committee Report Planning Committee on 7 June, 2011

Item No. 3/13
Case No. 11/0555

RECEIVED: 17 March, 2011

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: 3-7 Lincoln Parade, Preston Road, Wembley, HA9 8UA

PROPOSAL: Proposed change of use from offices to a mixed use Use Class A1 (retail) and Use Class A3 (cafe), including single storey rear extension, erection of rear extract duct, installation of new shopfront with external awning, formation of new front entrance and rear fire exit doors, along with the creation of an outside cafe seating area to the front surrounded by 1m high fence.

APPLICANT: t/a Oasis

CONTACT: Zachary Design

PLAN NO'S:
(See Condition 2 for the approved plans)

RECOMMENDATION

Approve

EXISTING

The subject premises is a part single, part two storey building on the corner of Carlton Avenue East and Preston Road. Currently vacant it has most recently been used as offices for a charitable organisation called 'Refugees Into Jobs'. The property lies just on the periphery of a designated secondary shopping frontage, properties immediately adjacent to and opposite fall within this designated parade.

PROPOSAL

Proposed change of use from offices to a mixed use retail (Use Class A1) and cafe (Use Class A3), including single storey rear extension, erection of rear extract duct, installation of new shopfront with external awning, formation of new front entrance and rear fire exit doors, along with the creation of an outside cafe seating area to the front surrounded by 1m high fence.

HISTORY

Planning applications of relevance to this application include the following;

11/0556 - Proposed installation of 3 internally illuminated fascia signs, and non-illuminated signage to be fixed to ground floor glazing panels. **Current application recommended for approval.**

07/1927 - Demolition of 2 existing detached garages to rear of building and erection of single-storey building to be used as classroom. **Granted on 26/09/07**

05/2466 - Renewal of temporary planning consent 03/3113 for the use of a portable building as temporary offices at the rear of the "Refugees Into Jobs" site. **Granted on 13/10/05**

03/3113 - Erection of temporary portable building in the rear parking area for use as offices in conjunction with main building. **Granted on 15/01/04**

POLICY CONSIDERATIONS

Planning Policy Statement 6 - Planning for Town Centres (PPS6)

Brent Unitary Development Plan 2004

- **STR11** Protection and enhancement of the built and natural environment
- **STR29** Development should sustain and enhance the vitality and viability of the Borough's town and District Centres
- **BE2** Townscape local context and character
- **BE4** Access for Disabled People
- **BE6** Public Realm: Landscape Design
- **BE9** Architectural Quality
- **BE17** Building-Services Equipment
- **BE20** Advertisements on Buildings
- **EP2** Noise & Vibration
- **TRN3** Environmental Impact of Traffic
- **TRN11** The London Cycle Network
- **TRN22** Parking Standards Non-Residential Development
- **TRN25** Parking in Town Centres
- **TRN34** Servicing in New Development
- **TRN35** Transport Access for Disabled People
- **PS7** Parking – Shops (Use Class A1) less than 200m2.
- **PS9** Parking - Food & Drink Uses (Use Class A3)
- **PS16** Cycle Parking Standards
- **PS17** Servicing – Shops (Use Class A1)
- **PS20** Servicing - Food & Drink (Use Class A3)
- **EMP17** Reuse of Redundant Offices
- **SH1** Network of Town Centres
- **SH9** Secondary Shopping Frontages
- **SH10** Food & Drink (A3) Uses
- **SH11** Conditions for A3 Uses
- **SH18** Other Shopping Parades
- **SH19** Rear Servicing
- **SH21** Shopfront Design

Brent Core Strategy – July 2010

CP16 Town Centres and the Sequential Approach to Development

SPG12 'Access for Disabled People; Designing for Accessibility'

Main Policy Considerations;

Principle of A1/A3 uses

Transportation implications of use

Impact on neighbouring occupiers and surrounding area

Effect of proposal on streetscene and character of building

SUSTAINABILITY ASSESSMENT

n/a

CONSULTATION

In total 25 neighbouring and surrounding properties were consulted on 18 March 2011 along with

Brent's Transportation Unit, Environmental Health Team, Property & Asset Management and Ward Councillors.

Two letters objecting to the change of use of have been received. The concerns raised in the objection letters are summarised as:-

- An additional café/restaurant will have a negative impact on the area.
- The use will increase levels of noise and disturbance
- There are already too many A3 uses in Preston Road which affects the business of existing A3 outlets.

Transportation supports the change of use subject to further details of a revised site plan demonstrating a minimum of 1 disabled parking space, 1 transit sized loading bay and cycle parking.

Environmental Health – No comments received.

Ward Councillors – No representations received.

REMARKS

Previous Applications

This property has previously been used as an office for a charitable organisation known as 'Refugees into Jobs', they have now vacated the premises. The site which is owned by Brent Council is on the market, as a leasehold premises.

The previous users had sought permission for the erection of temporary structures within the rear service yard. The first of these approved in 2003 was to be used as offices ancillary to the main use of the building. This was initially granted a temporary consent that was renewed in 2005, but this permission has now expired. Following the grant of these planning permissions for a single storey classroom within the service yard was granted on a temporary 5 year consent (due to expire in 2012). As this classroom was directly linked to 'Refugees into Jobs' it is no longer required.

Any consent permitting a change of use will apply to the main building only, and not the detached single storey temporary portacabin structures. These are restricted in terms of their use by previous consents and any intended use of these in the future will need to be the subject of an application for planning permission. Both portacabins were only granted temporary planning permission, one has already expired and the other expires in 2012. The Council's Property Services have been contacted to resolve the future of these temporary buildings.

Policy Context and Principle of Change of Use to A1/A3;

The borough's main network of town centres, consisting of Major Town, Main District and Other District Centres, is generally formed through the designation of Primary and Secondary Shopping Frontages. Within these designated frontages the Council's planning policies, set out in the adopted Unitary Development Plan 2004 (UDP), seek to promote a diverse and appropriate mix of both retail and non-retail uses which can add vitality to the town centre.

The premises in question are situated on the periphery of a Secondary Frontage, with 3-7 Lincoln Parade being the first property outside of this designated frontage. Given its proximity to the frontage it is considered appropriate to apply policies relating to Secondary Shopping Frontages to determine the appropriateness of the proposed A1/A3 uses as it could not be described as an isolated unit. Retail uses are preferred in such frontages, however Policy SH9 of Brent's Unitary Development Plan, 2004 sets out the criteria upon which a proposed non-retail use will be considered within a secondary frontage. The policy does not consider the concentration of

non-retail uses within the frontage, nor does it consider the proportion of non-retail uses within the entire frontage. Rather the policy says that the non-retail use should provide a service to visiting members of the public and that the use is subject to residential amenity, highway and traffic considerations.

Policy SH10 is specific to A3 uses and states that such uses should not result in the creation of traffic congestion, car parking problems or a reduction in highway safety in surrounding areas and not adversely affect the amenity of residential occupiers.

Overall it is considered that, in principle, the proposed change of use would comply with the policy SH9 contained in the UDP in terms of the appropriateness of the use. However, before the proposed change of use can be considered acceptable in all respects the other, more direct, impacts of the proposed development must first be considered.

The change of use covers an existing office building which is vacant. UDP Policy supports the use of redundant offices where these lie outside of Strategic and Borough Employment Areas. Given the site is located within Preston Road Centre with Secondary Frontages immediately adjacent to and opposite the site, the introduction of a mixed A1/A3 use is considered to be an appropriate alternative use and in principle there is no objection. It is considered the proposed use will complement the function of Preston Road Centre.

Impacts of the Proposed Use on Surrounding Area

Policy SH10 of the UDP sets out the specific issues associated with food and drink (Use Class A3) uses which must be considered if the proposal is to be considered acceptable. These issues generally include the impact of the proposal on residential amenity and local highway conditions. Policy SH11 suggests that conditions may be imposed on any new A3 use to ensure a satisfactory standard of development.

There are no residential units located above the building, nor are there any immediately adjacent to the premises. The closest residential units would be further to the north above 180 Preston Road, and directly opposite above No's 1-4 Carlton Parade. There are also residential properties towards the rear of the site, along Elmstead Avenue but these are considered to be less directly affected by the proposals due to the size and depth of the rear service yard which is approximately 30m deep, and the rear gardens which back on to this being in excess of 20m deep. This means the premises are over 50m away from the backs of the nearest houses in Elmstead Avenue, this distance is significant and should mitigate the impacts from noise and disturbance.

Extract Duct/Customer Seating Area & Impact on Surrounding Amenity;

The proposed kitchen/flue duct is to be fixed to the rear elevation and will rise vertically up against the rear façade, terminating 1m above the ridge of the roof. This is not adjacent to any residential units so should not result in harm to surrounding residential amenities. However as no details of the equipment specification have been submitted for assessment then it is recommended that a condition requiring further technical details of the extract system should be attached to any permission to ensure that the proposed duct would not cause unreasonable noise, vibration or odours.

The subject site is located on the edge of a busy frontage, and is close to a busy London Distributor Road and therefore some level of disturbance arising from the general activities of commercial operations is to be expected. Given the concerns raised by objectors about late night noise and disturbance, and the need to preserve the residential amenities it is important to ensure that any disturbance is kept to a reasonable minimum. It is therefore recommended a condition restricting the hours of use of the A3 element be applied, from 0800-2300 on Monday to Saturday and 0800-2230 on Sundays and Bank Holidays.

A small outdoor seating area is proposed along the Carlton Avenue East frontage which would also provide an outside area for smokers. This area is modest in size, and for this reason is unlikely to attract large numbers of people at any one time. This area is not directly adjacent to any residential accommodation and is therefore not expected to impact adversely on neighbouring amenities, but as it is overlooked by residential units above 1-4 Carlton Parade immediately opposite the site a condition is recommended to control the hours of use of the outside seating area.

Proposed Alterations to the Building & Impact on Character of Area:

To assist with the proposed mix of uses alterations to the frontage of the building are proposed to make it more conducive to the intended uses.

It is proposed to remove the existing sash windows and install a new predominantly glazed façade at ground floor along the length of the building. Full height glazing is proposed, with panels and opening broken up by pilasters. This approach is considered to be acceptable and will complement the intended A1/A3 uses, providing a more attractive, active shopfront which would meet the intentions of UDP policies BE2, BE9 and SH21.

The proposed installation of retractable awnings is considered to be an appropriate addition that will complement the intended use of the outside seating area, so too is the erection of 1m high fencing around the edge. Further details of the materials will be required as a condition of any approval.

The proposed extract duct will be sited to the rear of the building and will have minimal impact on the surrounding area.

The proposed single storey rear extension is modest in size with dimensions 8.8m deep, 3.7m wide and 2.2m high. This extension is proposed with a flat roof. It is small in scale in comparison to the host building and will not be visible from the public realm.

The new front entrance is in keeping with the approach to the rest of the front façade, new double width, sliding opening doors are proposed with a level access to make this accessible to wheelchair users.

Parking & Traffic:

The application site is located close to the junction of Preston Road with Carlton Avenue East, it has a large rear service yard that provides 24 car parking spaces. There is direct vehicular access to this from Carlton Avenue East.

The site has moderate access to public transport, with a PTAL Level 3. There are pay and display on-street parking bays on either side of Carlton Avenue East, close to the Preston Road junction. These bays are effective from Mon-Sat, between the hours of 8am and 6.30pm. On event days these same bays are effective from 8am to midnight.

The parking allowance for the current use is 1 space per 150 square metres, so with the existing floor area the parking allowance for the use would be two spaces. The parking provision for the building is significantly in excess of this.

The maximum parking allowance for the proposed A1 use is 1 space as the floor area does not exceed 400 square metres. The parking allowance for the A3 element would also be in the order of 1 space. As such there is not a significant increase in the parking standard for the site.

It is acceptable for customer parking to take place on-street as there are pay and display bays on both sides of Carlton Avenue East, and time limited parking bays on Preston Road. The revised

site plan demonstrates that a disabled parking space will be provided to the rear to meet the standard.

The servicing requirement for the A1/A3 uses is a reduced standard, and the requirement is for a loading area for a transit sized vehicle. The loading area should measure 3m by 6m, and this has been demonstrated on the revised site plan.

Transportation has advised that the refuse store should be re-sited close to the entrance for collection purposes. However the applicant has explained that this is the existing location for it and that it is shared by other properties along this parade so moving this would be problematic in terms of accessibility for other users.

Cycle parking provision has not been demonstrated. The cycle parking standard would require a minimum of four spaces. Ten spaces have been mentioned on the submitted application form, however as these have not been demonstrated than a condition is recommended to submit further details of cycle parking. Subject to this condition then there would be no objection to the proposal on transport grounds.

In summary the council's parking standards and servicing standards for an A1/A3 use are met, no change in current standards is triggered. Also it is considered the proposal will not result in detrimental impacts on traffic, parking or highway safety, it is within an area where similar uses are found so it could not be refused on transportation/parking grounds.

Proposed A1/A3 Uses

The gross internal floor area of the ground floor is 338 square metres, of this 300 square metres will be retail, with 38 square metres to be used for the A3 element. This amounts to 89% of the floor area being used for retail, with the remainder (11%) being in the A3 use class. A planning condition is recommended to ensure that the proportion of uses do not deviate from the proposed plans, this is in order to control the size and scale of any A3 use and to control any future intensification.

It is proposed that the A1 element will be used as a food and grocery store, while the A3 element will be used as a café with fresh baking carried out on site, customer seating for this is to be provided internally and externally.

Response to Objections:

Concerns have been raised that the use proposed would have a negative impact on the area. There is no evidence to support this, officers find the proposed A1/A3 uses to be acceptable in policy terms. These uses will provide further choice and variety, complimenting Preston Road District Centre. Furthermore this would make good use of a vacant building.

Another of the concerns that have been raised is that the use will increase levels of noise and disturbance in the surrounding area. The subject site is located on the edge of a busy frontage, and is close to a busy Local Distributor Road and therefore some level of disturbance arising from the general activities of commercial operations is to be expected. Given the concerns raised by objectors about late night noise and disturbance, and the need to preserve the residential amenities it is important to ensure that any disturbance is kept to a reasonable minimum. It is therefore recommended a condition restricting the hours of use of the A3 element and the customer seating area be applied.

Concerns that have been raised on the grounds of increased competition cannot be taken as material planning considerations. Officers have assessed the uses against the Council's Town Centre & Shopping policies chapter and have found that these uses are acceptable in principle in this location

Conclusion

The proposed change of use is acceptable in policy terms, is considered to an appropriate use on the edge of Preston Road Primary Frontage that will make use of a vacant building, and will not have an unacceptable impact on the general amenities of the area. Approval is accordingly recommended with conditions attached.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Central Government Guidance

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
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness
Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

- (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):

0591-001-A (1:200)
0591-002 (1:100)
0591-003-A (1:100)
0591-102-A (1:100)
0591-103-B (1:100)
Site Location Plan (1:1250)

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 of the existing building.

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

- (4) All amplified sound equipment shall have noise-limiters fitted in order to ensure that no music, public-address system or any other amplified sound shall be audible outside the premises above normal hourly background levels.

Reason: To safeguard the amenities of the adjoining occupiers.

- (5) Access and other facilities for disabled people shall be provided prior to occupation of the premises for A1/A3 purposes and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To ensure satisfactory facilities for disabled people.

- (6) The emergency exit doors shall be used only in genuine emergencies, and at all other times shall be kept shut. The front entrance door(s) shall be made self-closing to minimise emission of odours and/or noise to the neighbouring area.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- (7) The A3 element of the premises shall only be open and used for the preparation or sale of hot food on the premises, and accept deliveries to the premises between the hours of:

0800 to 2300 Monday to Saturday (Excluding Bank Holidays)
0800 to 2230 Sundays & Bank Holidays

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- (8) The ground floor of the premises shall only be used as a sit-down restaurant/cafe, in accordance with the provision of Class A3 of the Schedule attached to the Town and Country Planning Use Classes (Amendment) Order 2005, or in accordance with any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification. The premises shall not be used as a hot-food take-away, except with the prior written permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: In the interest of general highway safety and the free flow of traffic in the locality of this site fronting a well-trafficked route and a London Distributor Road and in close proximity to the junction of Harrow Road with Wembley High Road and Wembley Hill Road.

- (9) The rear service yard of the premises shall not be used as an area for outside storage or as a customer seating area in connection with the uses, hereby approved, unless prior written approval is first obtained from the Local Planning Authority.

Reason: In the interests of residential amenity

- (10) The internal layout of the building and the areas designated for each purpose therein on the approved plan(s) shall not be altered or modified nor any part of the building(s) sub-divided or otherwise altered without the prior approval of the Local Planning Authority.

Reason: To ensure that no separate use commences and that no aspect of the approved use is inappropriately intensified without the approval of the Local Planning Authority.

- (11) The customer seating area shall only be used between the hours of 0800 and 2200 on Mondays to Sundays.

Reason: To protect and preserve the amenity of surrounding occupiers

- (12) (a) Details of any plant/extraction equipment to be installed (including manufacturer's specification) together with any associated ducting and the expected noise levels to be generated, shall be submitted to and agreed in writing by the Local Planning Authority prior to development commencing and thereafter shall be installed in accordance with the approved details. Ducts should outlet at least 1m above eaves level, unless otherwise agreed in writing.

(b) The noise level from any plant (e.g. refrigeration, air-conditioning), together with any associated ducting, shall be maintained at a level 10 dB (A) or greater below the measured background-noise level at the nearest noise-sensitive premises. The method of assessment should be carried out in accordance with BS4142:1997 "Rating industrial noise affecting mixed residential and industrial areas".

(c) Should the predicted noise levels exceed those specified in this condition, a scheme of insulation works to mitigate the noise shall be submitted to and approved in writing by the Local Planning Authority and shall then be fully implemented.

Reason: In order to ensure adequate insulation and noise-mitigation measures to safeguard the amenities of adjoining occupiers.

- (13) Details of the provision of a minimum of 4 secure cycle-parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site. Thereafter the development shall not be occupied until the cycle-parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

- (14) Notwithstanding the approved plans further details (including samples) of the barrier/perimeter fence around the customer seating area, to prevent patrons from congregating on the public highway and to prevent obstruction of the entrance to the A1 unit shall be submitted to and approved in writing by the local planning authority. The outdoor seating area is to be laid out fully in accordance with the approved details prior to the commencement of the approved use and shall be retained thereafter.

Reason; To ensure an acceptable standard of development and to prevent obstruction of the public highway and other parts of the building.

INFORMATIVES:

- (1) The applicant is advised that this grant of planning consent for a change of use to A1/A3 does not extend to the use of Portacabin 1 or Portacabin 2 (as shown on dwg no 0591-001-A). Both of these structures benefit from temporary planning permission only, for a purpose ancillary to the previous occupiers of the building '*Refugees into Jobs*'. An application for planning permission will need to be made for the continued use of either which will be assessed on its merits.

REFERENCE DOCUMENTS:

London Borough of Brent, UDP 2004
Brent Core Strategy - July 2010

Any person wishing to inspect the above papers should contact Gary Murphy, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5227



Planning Committee Map

Site address: 3-7 Lincoln Parade, Preston Road, Wembley, HA9 8UA

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**Committee Report
Planning Committee on 7 June, 2011**

Item No. 3/14
Case No. 11/0556

RECEIVED: 3 March, 2011

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: 3-7 Lincoln Parade, Preston Road, Wembley, HA9 8UA

PROPOSAL: Proposed installation of 1 x internally illuminated fascia sign, and non-illuminated signage to be fixed to ground floor glazing panels (as amended by revised plans).

APPLICANT: t/a Oasis

CONTACT: Zachary Design

PLAN NO'S:
0591-003 (1:100)
0591-103-B (1:100)
Site Location (1:1250)

RECOMMENDATION

Approve

EXISTING

The subject premises currently vacant is a part single and part two-storey building on the corner of Carlton Avenue East and Preston Road. It has most recently been used as offices for a charitable organisation called 'Refugees Into Jobs'. The property lies just on the periphery of a designated secondary shopping frontage, properties immediately adjacent to and opposite fall within this designated parade.

This is not in a Conservation Area, nor is the building listed.

PROPOSAL

Advertisement consent is sought for the proposed installation of 1 x internally illuminated fascia sign, and non-illuminated signage to be fixed to ground floor glazing panels (as amended by revised plans).

Although no objections have been received in relation to the display of adverts this application has been submitted in association with the proposed change of use to A1/A3 (ref; 11/0555) which also appears on this Committee agenda. Therefore it is considered appropriate for this to be considered at the same time as the principle of the use.

HISTORY

11/0555 -Proposed change of use from offices to a mixed use Use Class A1 (retail) and Use Class A3 (cafe), including single storey rear extension, erection of rear extract duct, installation of new shopfront with external awning, formation of new front entrance and rear fire exit doors, along with

the creation of an outside cafe seating area to the front surrounded by 1m high fence. **Current application recommended for approval.**

07/1927 - Demolition of 2 existing detached garages to rear of building and erection of single-storey building to be used as classroom. **Granted on 26/09/07**

05/2466 - Renewal of temporary planning consent 03/3113 for the use of a portable building as temporary offices at the rear of the "Refugees Into Jobs" site. **Granted on 13/10/05**

03/3113 - Erection of temporary portable building in the rear parking area for use as offices in conjunction with main building. **Granted on 15/01/04**

POLICY CONSIDERATIONS

Brent UDP 2004

BE2 – Local Context & Character

BE9 – Architectural Quality

BE20 – Advertisements on Buildings

SH21 – Shopfront Design

SPG

SPG 7 – Shopfront and Shop Signs

Main Policy Considerations;

Impact on highway safety

Impact on character of area

Impact on surrounding amenities

SUSTAINABILITY ASSESSMENT

n/a

CONSULTATION

Transportation have not objected.

No third party representations.

REMARKS

The premises which are currently vacant are the subject of a separate application for a change to A1/A3 which also appears on this committee agenda (ref; 11/0555).

The subject site is situated on Preston Road, but just outside of the designated Primary and Secondary frontage. In this commercial area there is a wide variety of fascia and box signs.

This single storey white rendered building already has signage in the form of a non-illuminated fascia above the main entrance.

This advertisement application seeks advertisement consent for the following to be displayed;

- New centrally positioned fascia sign, which measures 3 metres by 0.6 metres. The sign is proposed to be internally illuminated.
- Either side of the central fascia the existing fascia boards are proposed for retention, these display the property address.
- New signage is also proposed to be fixed to the glass shopfront; this will be non-illuminated.

As the signage will consist of static luminance then luminance levels should accord with the levels set out in SPG 7 'Shopfronts and Shop Signs'.

The Council's Transportation Unit has formally responded advising that from a general highway safety point of view the luminance levels are acceptable, and the proposal can be supported on transportation grounds.

Summary

As the proposed external alterations are minor in nature and have been kept to a minimum it is considered the works will respect the character and appearance of the original building. The proposal is therefore considered to be in accordance with policies BE2, BE9, BE20 and SH21 of Brent's Unitary Development Plan 2004 and SPG 7 *Shopfronts and Shop Signs*. As such, this application does not present any material harm to the existing building or the surrounding occupiers. It is recommended that advertisement consent be *granted*.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 7 -'Shopfronts & Shop Signs'

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
Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

(1) This permission is granted subject to the requirements of Regulation 14(7)(b) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 which states that every grant of express consent shall operate for a period of five years from the date of consent and is subject to the following standard conditions stipulated in Schedule 2 to the said Regulations:-

(i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(ii) no advertisement shall be sited or displayed so as to endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military).

(iii)no advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air.

(iv) no advertisement shall be sited or displayed so as to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(v)any advertisement displayed, and any site used for the display of advertisements,

shall be maintained in a condition that does not impair the visual amenity of the site.

(vi) any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public

(vii) where an advertisement is required under the Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Following the expiration of the period of five years, to which this permission relates, the advertisement(s) and all fixtures and fittings associated with it (them) shall be removed.

Reason: To conform with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

London Borough of Brent, UDP 2003
SPG7 ' Shop fronts & shop signs'
Brent Core Strategy - July 2010

Any person wishing to inspect the above papers should contact Gary Murphy, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5227



Planning Committee Map

Site address: 3-7 Lincoln Parade, Preston Road, Wembley, HA9 8UA

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Committee Report
Planning Committee on 7 June, 2011

Item No. 3/15
Case No. 10/2498

RECEIVED: 7 February, 2011

WARD: Tokyngton

PLANNING AREA: Wembley Consultative Forum

LOCATION: 20 Stadium Business Centre, North End Road, Wembley, HA9 0AT

PROPOSAL: Outline application for erection of extensions to existing building to create a 3-storey building (Use Classes B2 & B8) entailing raising the roof, partial first floor extension, and new second floor with new windows to front and side elevations (matters to be determined access, appearance, layout and scale).

APPLICANT: Mr Yechezkel Moses

CONTACT: Mr David Silverman

PLAN NO'S:
(See Condition 2 for the approved plans)

RECOMMENDATION

Approve

EXISTING

20 Stadium Business Centre consists of two separate units - Units 1 and 2. This application relates solely to Unit 1 which is a single storey commercial unit situated within an industrial estate located on North End Road. The unit is currently used for the storage of meat products, and falls within Use Class B8.

Immediately to the west and to the south east of the site are other industrial units. 21-26 Stadium Business Centre which adjoin the unit to the south east have recently been increased in height following the grant of planning permission (Ref: 09/1539).

The site is within a designated Strategic Employment Area as defined in the 2004 UDP and is designated as a Strategic Industrial Location (SIL) in the Adopted Core Strategy.

PROPOSAL

Outline application to extend an existing industrial building (Use Classes B2 & B8) entailing raising the roof in order to create a new first and second floor and the installation of new windows to the front and side elevations (matters to be determined access, appearance, layout and scale with landscaping reserved). The proposal will increase the floor space from 200 to 600 square metres.

HISTORY

24.01.2002 Planning permission granted for external alterations to the front and side elevations including new windows and doors, and bricking up).(Ref: 01/2713)

POLICY CONSIDERATIONS

Policy Considerations

Brent Unitary Development Plan 2004

BE2 – Townscape Local Context & Character

BE3 – Urban Structure: Space & Movement

BE5 – Urban Clarity & Safety

BE7 – Public Realm – Streetscape

BE9 – Architectural Quality

BE17 – Building-Services Equipment

EP2 – Noise & Vibration

EP12 – Flood Prevention

H22 – Protection of Residential Amenity

TRN3 – Environmental Impact of Traffic

TRN10 – Walkable Environments

TRN11 – The London Cycle Network

TRN22 – Parking Standards – non-residential developments

TRN34 – Servicing in New Development

TRN35 – Transport Access for Disabled People & others with Mobility difficulties

PS19 – Servicing Standards

EMP2 – Small and Medium Sized Enterprises

EMP5 – Designation of Strategic Employment Areas

EMP8 – Protection of Strategic & Borough Employment Areas

Brent Core Strategy – July 2010

CP3 – Commercial Regeneration

CP20 - Strategic Industrial Locations and Locally Significant Industrial Sites

Supplementary Planning Guidance

SPG17 - Design Guide for New Development

Main Considerations;

Principle of use

Impact on local amenities and adjoining businesses

Impact on parking/ servicing/ access

Flood Risk

SUSTAINABILITY ASSESSMENT

n/a

CONSULTATION

Consultation letters dated 1 March 2011 were sent to 59 properties.

4 letters of objection have been received raising the following issues:

- The proposed side windows will overlook the adjoining unit, all side windows should be obscure glazed.
- Will worsen parking and access is already restricted.
- There is not enough parking to cater for the increase in this size of the unit.
- How will the unit accommodate servicing vehicles.
- Large delivery vehicles may obstruct the access road which would be a problem for other vehicles and emergency vehicles.

Environment Agency – In this case the proposed development is in Flood Zone 2 and is not within 20 metres of a watercourse. The Environment Agency standing advice should be referred to for a development in this location.

Brent Transportation Unit – The site has low access to public transport with PTAL Level 1.

The parking allowance for the units is in the order of 1 space per 150 square metres of floor area. With the additional floor space proposed raising the total floor space of Unit 20 to 600 square metres the parking allowance for the unit will be 4 spaces. At least 1 of these spaces should be dedicated for disabled use to comply with SPG12.

Cycle parking should be provided, at a rate of 1 space per 500 square metres of floor space.

The servicing standard for industrial and warehouse uses is set out in policy PS19 of the UDP. It requires units with floor areas of between 280 and 2000 square metres to provide 1 fully sized loading bay. Therefore the proposed increase in floor space does not raise the servicing standard. The provision of a loading bay to the front will meet this requirement. Transportation request that a site plan be submitted to demonstrate the front loading bay, capable of accommodating a fully sized vehicle.

Environmental Health – No objection is raised.

REMARKS

The proposal is an outline planning application to increase the height of Unit 1, 20 Stadium Business Centre by raising the height of the unit creating a new first floor and second floor resulting in approximately 400 square metres of additional floorspace. The matters for determination are **Access, Appearance, Layout** and **Scale** (Landscaping is Reserved).

The applicant has confirmed in writing that the additional floor space is to be used for storage purposes only in relation to their existing business. A condition is recommended to ensure no sub-division of the premises be undertaken unless otherwise agreed in writing by the Council.

Access

In terms of access to the unit the existing vehicle access is to remain. The industrial estate access road provides access for cars and delivery vehicles, and this arrangement will continue. No access onto North End Road is possible from this end of the Stadium Business Centre but this restriction applies to all users of the estate. This route has been gated to restrict access along North End Road.

Servicing already take place from the front of the building, however a loading bay has never been formally marked out. It has been demonstrated on plan that land immediately to the front of the unit will be marked out and reserved as a loading bay, capable of accommodating full sized lorries. Having said this, the applicants have indicated that the majority of servicing and delivery vehicles to the unit are much smaller 'transit' type vehicles.

Internally a new staircase and goods lift are to be installed to provide access to the proposed additional floors.

10 parking spaces will be formally marked out to the side of the unit satisfying the UDP parking standard for this type of use.

Appearance

The existing building is brick built and of little architectural merit. It is proposed to raise the height of the building to add a first and second floor, a flat roof design is proposed which is considered to be in keeping with the existing character and appearance of the estate.

The elevations are kept simple with window openings on the front elevation which follow a simple rhythm that is matched on first and second floors. This gives a coherent appearance to the elevations of the building. Additional flank wall windows are also proposed at first and second floor,

these provide light and outlook for the extended unit.

The proposed increase in height would match the height of adjoining units, 21-26 Stadium Business Centre. These adjoining units were recently extended as a result of planning permission 09/1539. Given the site context it is considered to be acceptable from a streetscene and character point of view to increase the height of Unit 1, 20 Stadium Business Centre. This would give a uniform appearance to these adjoining buildings.

Layout

There will be no change to the site layout apart from formally marking out the loading bay to the front and the parking spaces to the side.

The building is surrounded by other commercial uses within the industrial estate. The relationships to these buildings will not be significantly affected by the proposal.

Scale

The proposal would increase the height of the building at its highest point from 6.2m to 8.5m. The height increase is considered to be in keeping with 21-26 Stadium Business Centre, and this will result in a uniform appearance in keeping with the scale of neighbouring buildings.

It is not considered that this increase in scale will lead to conditions detrimental to neighbouring properties, nor would the increase in scale be harmful to the character of the area. The immediate neighbours who would be most likely to be affected are commercial properties and used for a range of industrial/warehousing purposes. In this location the increase in size and scale of the building is found to be acceptable when judged against Built Environment policies, and on balance would not unduly harm the amenity of neighbouring properties.

Consideration of objections

Most of the concerns raised relate to the impact of the proposal on parking and vehicle access, these have been discussed above. In terms of parking both the units that form 20 Stadium Business Centre would have a combined requirement for 6 parking spaces under UDP standards. This will be more than satisfied by the marking out of 10 parking bays along the side of the building.

There is no increase in the servicing standard, which is for a full sized vehicle. There is a loading bay to the front, this roller shutter is 2.7m high and can easily accommodate smaller 'transit' sized vehicles. The building currently operates without a loading bay that can cater for full sized vehicles, this application proposes to improve things in this regard as a fully sized loading bay area is to be marked out immediately to the frontage of the unit. This servicing arrangement mirrors the same approach as Units 21-26, and is considered to be an acceptable solution to the site servicing requirements.

Flood Risk

The site falls within Flood Zone 2, meaning there is a 'medium probability' of the site experiencing flooding. As the proposal is for non-residential development and is not within 20 metres of a watercourse the Environment Agency raise no objection.

Summary

The current application proposes raising the roof of Unit 1 to form additional first and second floors, and the insertion of additional front and side windows. Drawings demonstrate minimum compliance with parking/ servicing standards in compliance with Policies TRN22 and TRN34 of Brent's Unitary Development Plan. The visual impacts of the proposals are in keeping with the units surroundings. The development is considered to satisfy the policy provisions and is acceptable provided the conditions attached to the decision are complied with. Approval is accordingly recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

- (1) The proposed development is in general accordance with policies contained in the:-
Brent Unitary Development Plan 2004

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
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Employment: in terms of maintaining and sustaining a range of employment opportunities
Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

- (1) In the case of any reserved matter, application for approval must be made not later than the expiration of three years beginning with the date of this permission, and that the development to which this permission relates must be begun not later than whichever is the later of the following dates:-

- (i) the expiration of three years from the date of this permission; or
- (ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 92 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):

OS Sitemap (1:1250)
10/149/1 (1:100)
10/149/2 (1:100)
10/149/1B (1:100)
10/149/3B (1:100)
10/149/4B (1:100)
10/149/5A (1:100)
Site Plan,RevA (1:200)
Flood Risk Assessment (dated 03/12/10)
Design and Access Statement

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 of the existing building.

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

- (4) There shall be no subdivision of 'Unit1', 20 Stadium Business Centre into additional units without the prior written approval of the Local Planning Authority

Reason: To prevent an over-intensive use of the site and to safeguard against a level of development that will result in conditions harmful to the free flow and safe movement of traffic on the adjoining highway without mitigation measures.

- (5) Prior to the commencement of the development hereby approved;
- a) the depicted 10 parking spaces and the loading/servicing area hereby approved shall be constructed and permanently marked out in accordance with the approved site plan Rev A. Thereafter, these areas shall be retained and used solely for parking and servicing ancilliary to the development hereby approved and for no other purpose.
 - b) The loading/ servicing bay shall be maintained free from obstruction and free from long-term parking and not used for storage purposes (whether temporary or permanent), unless prior written approval has been obtained from the Local Planning Authority. All loading and unloading of goods and materials shall be carried out entirely within the curtilage of the property, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure that vehicles waiting or being loaded or unloaded are parked in the designated loading area so as not to interfere with the free passage of vehicles or pedestrians along the highway and to ensure that the proposed development does not prejudice the free-flow of traffic or the conditions of general safety along the neighbouring highway.

- (6) Prior to occupation of the extended building:
- 2 bicycle parking stands providing 4 cycle spaces, which shall be secure Sheffield stands, unless otherwise agreed in writing by the Local Planning Authority, shall be installed in the location and orientation shown on drawing number Site plan, Rev A

Reason: These details are required to ensure that a satisfactory development is achieved, to encourage sustainable transportation methods. and to prevent unsightly refuse accumulation in the interests of local amenity

- (7) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987(or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the use of the premises shall only be for the purpose of Use Class B2 and Use Class B8.

Reason: No separate use should commence without the prior approval of the Local Planning Authority for the following reasons:-

- (a) so as to enable other uses to be considered on their merits;
- (b) so that the use does not prejudice the amenity of the area by reason of over intensive use of the property;

- (8) (b) Limitation of Flank Wall Window Details
The window(s) in the flank wall of the building (as extended at first and second floor)

shall be glazed with obscure glass and shall be so maintained unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupiers and in the interests of good neighbourliness.

- (9) Details of any new plant machinery and equipment (including air conditioning systems/ mechanisms for mechanical ventilation) associated with the use of the building and the expected noise levels to be generated, shall be submitted to and agreed in writing by the Local Planning Authority prior to installation and thereafter shall be installed in accordance with the approved details and maintained in accordance with the relevant manufacturer's guidance.

The noise level from this plant together with any associated ducting, shall be maintained at a level 10 dB (A) or greater below the measured background-noise level at the nearest noise-sensitive premises. The method of assessment should be carried out in accordance with BS4142:1997 "Rating industrial noise affecting mixed residential and industrial areas".

Should the predicted noise levels exceed those specified in this condition, a scheme of insulation works to mitigate the noise shall be submitted to and approved in writing by the Local Planning Authority and shall then be fully implemented.

Reason: In order to ensure adequate insulation and noise mitigation measures and to safeguard the amenities of adjoining occupiers and future occupiers

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Unitary Development Plan 2004
Core Strategy 2010

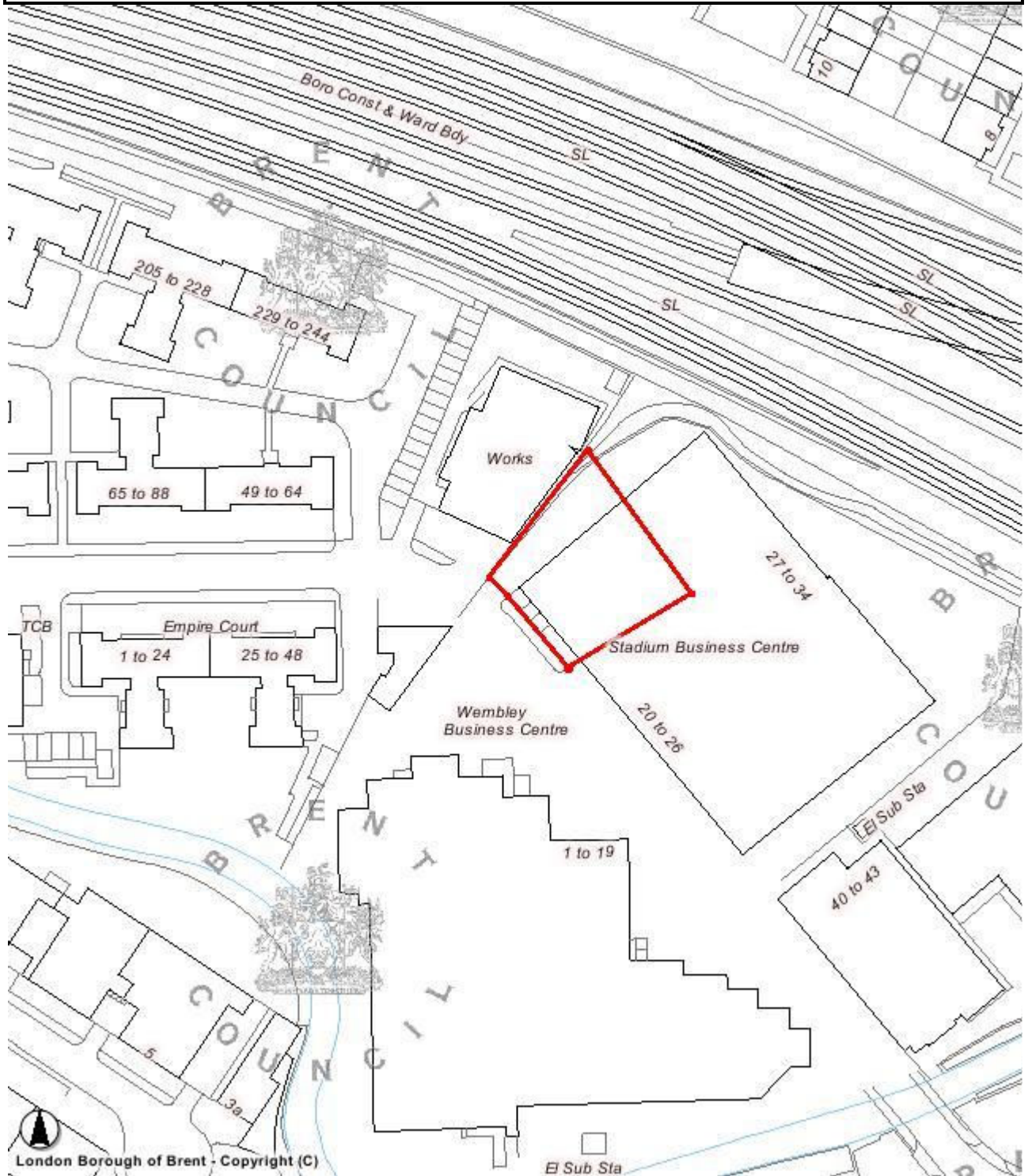
Any person wishing to inspect the above papers should contact Gary Murphy, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5227



Planning Committee Map

Site address: 20 Stadium Business Centre, North End Road, Wembley, HA9 0AT

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This map is indicative only.

Committee Report Planning Committee on 7 June, 2011

Item No. 16
Case No. 11/0345

RECEIVED: 8 February, 2011

WARD: Wembley Central

PLANNING AREA: Wembley Consultative Forum

LOCATION: 3C Ranelagh Road, Wembley, HA0 4TW

PROPOSAL: Demolition of existing temple and the erection of a new temple including an ancillary two storey accommodation block and landscaping

APPLICANT: Sivayogam Trust

CONTACT: Darnton EGS Architects

PLAN NO'S:
See condition 2

RECOMMENDATION
Grant planning permission

EXISTING

The existing site contains two single storey buildings and a large marquee. The site has been in use since 2006 as the Sivayogam Temple. The site fronts Ranelagh Road a largely residential street located off the High Road, Wembley. To the north and east of the site are the rear service areas of commercial properties fronting the High Road and Ealing Road. To the south is an end of terrace property currently in use as two flats.

The site is not located within a conservation area nor is it a listed building.

PROPOSAL

Demolition of the existing temple and the erection of a new temple, an ancillary two storey accommodation block and landscaping

HISTORY

- 25/07/2008 Planning permission granted for the retention of marquee (Ref: 08/1645).
- 18/06/2008 Permanent planning permission granted for the retention of the site as a place of worship (Ref: 08/1232).
- 29/06/2006 Temporary planning permission granted for the change of use of existing office to place of worship (use class D1) (Ref: 05/2387).

POLICY CONSIDERATIONS

Brent's Unitary Development Plan 2004

BE2 - Townscape: Local Context & Character
BE3 - Urban Structure: Space & Movement
BE4 - Access for Disabled People
BE6 - Public Realm: Landscape Design
BE7 - Public Realm: Streetscape
BE9 - Architectural Quality
BE12 - Sustainable Development Principles
TRN3 - Environmental Impact of Traffic
TRN4 - Measures to make transport impact acceptable
TRN22 - Parking Standards - Non-residential Developments
CF2 - Location of small scale community facilities
CF4 - Community Facilities capable of holding functions
CF14 - Places of Worship

Core Strategy 2010

CP23 - Protection of existing and provision of new community and cultural facilities

SPGs

SPG17 - Design Guide for New Development

CONSULTATION

Standard three week consultation period carried out between 23 February 2011 and 16 March 2011 in which 115 properties and ward councillors were notified.

4 letters of objection have been received from neighbouring properties and one from Councillor Al-Elbadi who is a councillor for the Wembley Central ward. These objections raise the following concerns:

- Problems caused by people parking in Ranelagh Road obstructing traffic whilst praying.
- Residents' driveways blocked by worshippers. Parking is increasingly difficult since the temple was granted permission.
- Problems caused by a recent wedding with large number of people which would only be more frequent if a new building was approved.
- Problems of large groups of people congregating on Ranelagh Road shouting and littering driveways.
- Overdevelopment of the site.
- Increased pressure for parking within the area.
- Maximum number of worshippers incorrect, over 100 people have used the centre in one night.
- Large number of complaints within last 6 months received by ward councillors regarding places of worship within this area.

One letter of support has also been received from a neighbouring resident. 11 emails of support have been received from residents residing outside of the local area.

The applicants have also provided petitions in support of the application containing 71 signatures from the immediate neighbourhood and 200 signatures from devotees in and around the London Borough of Brent.

Internal Consultees

Transportation - Raise no objection

Urban Design - Recommend link between frontage building and rear building is reviewed to create some separation and character of the rear block is reviewed (particularly the front elevation) in order to create a sense of identity.

Environmental Health - Raise no objection. No record of complaints regarding the existing use of the site.

REMARKS

This application proposes the demolition of all existing structures on the site and redevelopment to provide a new, larger temple on the site frontage together with an ancillary rear block linked to the main temple. The rear block provides additional public space, offices, kitchens and toilets at ground floor and priest's accommodation at first floor.

The main considerations relevant to this application are the principle of the use, the impact on neighbouring residential amenity, the quality of accommodation provided for future occupants, the scale and design of the proposal and the impact on the character of the area and the transportation implications of the intensification of the site.

Principle of the Use

The use of the site as a place of worship is already established through the granting of a permanent permission in 2008 following the monitoring of the use since temporary consent was granted in 2006. The aim of the application is to invest in a more attractive and fitting temple for its deities and provide a building which conforms to traditional Hindu design.

Whilst it is noted that this application proposes a larger temple than is existing, the applicants have advised that this is in order to provide better facilities for existing worshippers rather than to increase the number of devotees that can be accommodated. This has been supported by the resubmission of the existing management plan which does not indicate any increase in the intensity of the existing temple. However the temple will have a larger capacity than the existing facility and we have to assume that a brand new purpose built building may prove more attractive to potential devotees. However given the site's location adjacent to the High Road and Wembley Town Centre, the size and layout of the site and the existing approved management arrangements, officers are satisfied that such an increase can be accommodated without causing harm to local amenity. It should be noted that the temple has been operating from this site now for over 5 years without significant complaint.

The management plan notes that the temple provides 6 fixed worship times between 8am and 8pm where, in general, no more than 20 people would be expected to attend. It is noted however that Friday services at midday and 7.30pm would attract around 30-40 devotees.

Since the receipt of the application your officers have been monitoring the use of the temple particularly focusing on Fridays which is the main religious day highlighted by the applicants. The level of devotees utilising the site on a regular basis are in accordance with the numbers specified within the management plan and does not appear to be exceeding these levels at a regular frequency. Whilst the comments from the ward councillor and some local residents regarding attendance levels are noted, the level of activity they refer to does not appear to be such a regular occurrence as to warrant refusing the improvement of facilities at the site.

Impact on neighbouring residential amenity

Residential neighbours surround the site on the upper floors of buildings which front the High Road and to the south of the site where properties front Ranelagh Road. Properties fronting the High Road are situated at a higher level than the site in question and are separated by at least 10m from the rear elevation of the rear block as such will not receive any significant detrimental impact from the proposal in terms of loss of light and outlook. The layout of the rear block has been designed to orientate windows into the site in order to preserve the privacy of neighbouring occupiers and of visiting priests using the proposed accommodation. Accordingly the proposal is considered to respect the amenities of these neighbouring properties.

It is noted that the applicants proposed two high level openings within the rear wall of the rear block which is situated on the boundary of the site. These openings will contain glass bricks and will be non-opening. The applicant has requested these be retained in order to provide light to the rear kitchen and provide outlook for the deity. As the openings do not open onto the neighbouring servicing road, they are considered acceptable in this instance however the applicant has been advised that any outlook cannot be safeguarded in the future as it is not considered appropriate to rely on light and outlook from neighbouring land. This position has been accepted by the applicant in writing.

The most sensitive relationship is the relationship with the residential units immediately to the south of the site within number 11 Ranelagh Road. This property has been subdivided into flats with habitable room windows looking onto the site. The proposal has been designed to respect the 45 degree line and the 30 degree line taken from the around this site and accordingly is not considered to raise any significant issues to this neighbour in terms of loss of light and outlook. The new temple building and ancillary buildings will be separated from this neighbouring site by landscaping areas which soften the impact of the development on this building. The path running through the site, close to this sensitive boundary is annotated on the plans as a private route for use by off-duty priests only and will not be accessed by the public who would be required to access the rear of the site via the main building. Accordingly, the use of this pathway is at a level which is not considered to give rise to excessive noise and disturbance to the occupants of either unit contained within 11 Ranelagh Road. Details of a satisfactory landscaping scheme are required to be submitted by condition to ensure a good outlook is achieved from habitable room windows within the flank wall of number 11 which looks onto the site. A condition is also recommended restricting the use of this external pathway for use by priests only to prevent excessive noise and disturbance.

It is noted that the rear block provides first floor accommodation for priests which could overlook the rear garden and rear windows of 11 Ranelagh Road. The two windows closest to the rear boundary which do not achieve a separation of 10m from the boundary have been angled towards the rear of the temple and away from 11 Ranelagh Road in order to ensure existing levels of privacy enjoyed by these residents are maintained. On this basis, the proposal is considered to have an acceptable relationship with neighbouring properties.

Quality of Accommodation

The proposal provides 5 single rooms annotated as Priest's rooms. These will have communal washroom facilities and a kitchen at ground floor level. Access is via a private gate to the side of the temple. The rooms, whilst small, are intended to house priests on a temporary basis (not exceeding 12 months) and accordingly it is not considered wholly relevant to apply council unit size standards in this instance. For this reason, it is also not considered relevant to apply the standard £3,000 per bedroom charge to these rooms as temporary accommodation should not result in increased pressure on local infrastructure. For these reasons however a condition restricting the use of these rooms is recommended to prevent them becoming permanent accommodation.

Scale and Design of the Proposal and the Impact on the Character of the Area

The main building occupying the front section of the site has been set back from the street sufficiently to provide opportunities for soft landscaping on the frontage together with minimal tarmac for parking. This provides a suitable setting for the new temple. The design of the main temple building is similar in terms of detailing to that already situated on the site but seeks to provide a larger facility and as such, does not raise significant issues in terms of its impact on the character of the area.

The rear portion of the building, being two storeys is subsidiary to the frontage building and is simpler in design. Whilst it is connected to the main temple building, the single storey link element

will not be easily visible from the street scene and as such the buildings will read as two separate buildings within the street scene. The fenestration within the front elevation of the rear block has been increased in order to provide a more conventional appearance within the street scene. This amendment is welcomed by officers. As the success of the redevelopment will however be heavily reliant on the quality of materials and detailing, a condition is recommended which secures details of materials including samples and key sectional drawings to show junctions between moulded detailing and the main building.

A condition requiring details of soft landscaping provision including the green roof is also recommended to ensure compliance with policy BE6 which seeks to ensure a good quality setting for any new development which positively contributes to the street scene.

Transportation Implications

The existing site makes provision for one disabled parking space. Two spaces are proposed following the redevelopment of the site, one being a designated disabled space. Typically parking standards allow for a provision of 2 spaces per 5 visitors which would attract a maximum parking standard of 24 spaces.

Previously however a low level of parking has been agreed for the site. This is partly due to the good access to public transport (the site has a PTAL rating of 6) but is more due to the existing management plan which seeks to minimise disruption to Ranelagh Road through the use of stewards and advertising of local car parking facilities. A degree of protection is also afforded to residents through the existing CPZ which operates from 08:00-18:30 Monday to Saturday. From observational site visits, it is clear that residents parking bays remain largely unaffected at lunchtimes with the majority of worshippers arriving on foot. Whilst a greater number of cars arrive for evening acts of worship, no illegal parking across driveways has been observed and Ranelagh Road parking bays have not reached full capacity. Moreover, consultation with the police has confirmed that they have not received a significant number of complaints from local residents regarding illegal parking. Some illegal parking has been witnessed by officers however this seems to be limited to the northern end of Ranelagh Road where people park in order to utilise shopping facilities on the High Road. Moreover, it should be noted that residents could request the operating hours of the CPZ be extended to prevent worshippers from parking within Ranelagh Road through the evening.

It is noted that no stewards have been observed during officers site visits however the level of worshippers visiting the Temple at the time of officers' site visits would not require any such management as attendance has been sufficient low to not raise issues in relation to parking or people congregating outside of the use. On the basis of the high public transport accessibility of the site together with observations by officers during the course of assessing this application, the existing management plan is considered sufficient to deal with the future use of the site without having any significant detrimental impact on parking pressures within the immediate locality.

Other matters

Objectors have also raised concerns regarding groups congregating within Ranelagh Road shouting and littering and generally disturbing local residents. Your officers have not observed any such activity arising from the use in question. It is noted that worshippers currently utilise the external marquee for storage of shoes whilst worshipping within the Temple and as a result, your officers have queried where such facilities will be situated within the new building to ensure no congregating outside of the Temple arises in the future. The applicants have highlighted a designated store to the north of the Temple within the building which will replace the existing marquee. This facility, together with the use of stewards during busy periods is considered sufficient to prevent excessive disturbance arising from the use.

Following receipt of the objection which raises concerns regarding the level of attendance and problems associated with a recent wedding, the applicants have advised that wedding blessings occur only 4-5 times per year and would typically involve only 10 people within normal service hours as detailed within the management plan. The recent wedding that has caused inconvenience to neighbours will not be repeated and the applicants have apologised for disturbance to neighbours. Future private events appear to be attended by a sufficiently low number of people that can easily be accommodated within the new building to avoid raising issues regarding noise and disturbance.

Summary

The existing use of the site appears to be operating at an intensity which does not raise significant issues in terms of impact to neighbouring residential amenity or impact on existing parking pressures. As a result, it is considered appropriate to allow the redevelopment of the site to improve existing facilities for devotees. The proposed buildings have been designed to respect the amenities of residential neighbours and are appropriate in scale and design to respect the character of the area. Future management arrangements have also been provided in the form of a management plan ensuring compliance with transportation policies. For these reasons, the proposal is considered to satisfy the requirements of development plan policies and it is therefore recommended that planning permission be **granted, subject to conditions**.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

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

Transport: in terms of sustainability, safety and servicing needs

Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

- (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):

7137-PP-0283 Rev B

7137-PP-081 Rev B

7137-PP7082 Rev A

7137-PP-080 Rev A

7137-PP-070

7137-PP-050

7137-PP-072

7137-PP-084

7137-PP-071

Management Plan - 7137-PP-085 dated 01/02/2011

Design & Access Statement - 7137-PP-086 dated 01/02/2011

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

- (3) Activities within the designated building/site shall only be permitted between 0800 - 2100 hours on any day, with the premises cleared within 30 minutes after these times (unless the Local Planning Authority agrees other hours in writing).

Reason: To ensure that the proposed use does not prejudice the enjoyment of the neighbouring occupiers.

- (4) The premises shall be used only for the purpose of a Place of Worship within Use Class D1, as specified in the Schedule to the Town & Country Planning (Use Class) Order 1987, as amended, and not for any other purpose without the prior written permission of the Local Planning Authority.

Reason: To protect the residential amenities of the locality and to ensure that no other use commences without the prior permission of the Local Planning Authority and to enable other uses to be considered on their merits.

- (5) The use shall be conducted in full accordance with the submitted Management Plan (7137-PP-085 dated 01/02/2011) accompanying this application, and no other events, festivals or activities, except those listed, shall occur at the site without the prior written consent of the Local Planning Authority.

Reason: To ensure that the use is carried out as approved so as to avoid any detriment to the amenities of occupiers of neighbouring sites, the movement of traffic on neighbouring roads and on the visual amenity of the area, and allow for a safe and accessible use.

- (6) No music, public-address system or any other amplified sound shall be audible at any boundary either attached to or in the vicinity of the subject premises.

Reason: To safeguard the amenities of the adjoining occupiers.

- (7) The area(s) so designated within the site (including the green roof) shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved. Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced in the same positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality, in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- (8) The windows in the eastern wall of the rear block shall be glazed with obscure glass and non-opening and shall be so maintained unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupiers and in the interests of good neighbourliness.

- (9) The external access route to the rear block situated on the southern part of the site shall be used solely by occupants of the priests accommodation at the rear and shall not be used as a public access route unless agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbouring residential amenity.

- (10) The priest's accommodation hereby approved shall be used as temporary accommodation to house resident priests at the site and shall not be used independently of the Temple hereby approved or to provide general needs housing.

Reason: To ensure a satisfactory standard of accommodation in the event that permanent housing were required.

- (11) Details of materials for all external work, including samples of windows, bricks and render, and sectional drawings showing junctions between moulded detailing and brickwork, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- (12) Prior to the commencement of the development hereby approved, further details of the proposed gated access (including the design and materials) to the rear block on the southern side of the site shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved before the buildings are occupied.

Reason: To ensure there is secure, well-designed and managed access.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent's Unitary Development Plan 2004
Core Strategy 2010
SPG17

Any person wishing to inspect the above papers should contact Sarah Ashton, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5234



Planning Committee Map

Site address: 3C Ranelagh Road, Wembley, HA0 4TW

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This map is indicative only.

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Committee Report Planning Committee on 7 June, 2011

Item No. 17
Case No. 11/0925

RECEIVED: 11 April, 2011

WARD: Wembley Central

PLANNING AREA: Wembley Consultative Forum

LOCATION: 6 & 8 Queen Victoria Avenue, Wembley, HA0 4RW

PROPOSAL: Proposed single storey rear extensions to No's 6 & 8 Queen Victoria Avenue (joint application) (as amended)

APPLICANT: M.K.Y. Mehta

CONTACT: Mr J Singh

PLAN NO'S:
(See Condition 2 for the approved plans)

RECOMMENDATION

Approve

EXISTING

The subject site comprises a pair of semi-detached houses sited on the western eastern side of Queen Victoria Avenue, these properties back onto One Tree Hill Recreation Ground. Both properties have been extended at roof level, having converted original hipped roofs to gable ends, along with full width rear dormers. These works to both properties were carried out as permitted development.

Single storey outriggers are original features of these properties.

The surrounding area is predominantly residential. It is not a listed building nor is it within a Conservation Area.

PROPOSAL

Proposed single storey rear extensions to No's 6 & 8 Queen Victoria Avenue (joint application) (as amended).

HISTORY

No.6 Queen Victoria Avenue

07/2095 - Certificate of Lawfulness for proposed erection of hip to gable end roof extension, rear dormer and 2 front rooflights to dwellinghouse. **Granted**

No.8 Queen Victoria Avenue

04/3329 - Certificate of lawfulness for proposed alterations and extensions to convert hipped roof to gable end with window and erection of rear dormer window extension and installation of 2 front rooflights to dwellinghouse. **Granted**

POLICY CONSIDERATIONS
Brent Unitary Development Plan 2004
BE7 Public Realm: Streetscape
BE9 Architectural Quality
PS14 Residential Parking Standards

Brent Core Strategy – July 2010
Policy CP17

Supplementary Planning Guidance Note 5 ‘Altering & Extending Your Home’

Main Considerations;

Impact of extensions on character and appearance of property.

Impact of extension on amenity of neighbouring occupiers.

Size and scale of extension.

Impact on parking.

SUSTAINABILITY ASSESSMENT

n/a

CONSULTATION

Neighbouring occupiers were consulted by letter on 27 April 2011.

Two comments received (from No.4 & No.10) which raise the following grounds of objection;

- The extension will cause loss of light and daylight.
- The proposed depth of 3.6m represents an overdevelopment.
- The existing loft extensions do not comply with SPG17.
- There are large outbuildings which are in both gardens and the garden level of No.8 has been raised which is causing flooding in adjoining gardens.
- The overall size of extension is not in keeping with surrounding area

Site visit; 17-05-11 and 20-05-11

Amended plans requested by email on 23-05-11

REMARKS

The application proposes single storey rear extensions to No's 6 & 8 Queen Victoria Avenue. Both these attached semis are owned and occupied by members of the same family.

The existing properties have both had roof extensions providing 4-bedroom dwellings. The joint application is submitted to extend both properties at ground floor in order to provide larger kitchen/dining rooms.

On site it was observed that the site levels fall away from the house, as a result the garden at No.6 is approximately 300mm below patio level. This natural fall in levels is common to all the houses along this stretch of Queen Victoria Avenue. No.8 has constructed a patio, this is approximately 550mm high. As the neighbours either side of application pair also have raised patio areas then the level difference does not present any issues on site.

Single Storey Rear Extensions (No 6 & 8);

The application proposes identical extensions to both properties which will project to the rear of the existing outrigger and also infilling to the side of the outrigger to form a large wrap around extension. The result is an extension 3m deep beyond the rear wall of the existing outrigger extension and 7.2m when measured from the recessed wall (i.e. the deepest part of the infill)

The potential impact of this extension on No.4 and No.10 will only be felt by the part of the extension that projects beyond the outrigger. As originally proposed this was to be 3.6m deep, which is contrary to SPG5, and furthermore the average height of this exceeded 3m, also contrary to SPG5.

To ensure compliance with SPG5, and to reduce the potential for the proposal to impact on neighbouring occupiers the scheme has been amended. The amendments reduce the depth on both sides to 3m, beyond the outrigger and the roof has been lowered so that now it has an average of 3m (measured from the mid-point). The proposal is now considered to be acceptable, and it is not considered the extensions would unduly harm the neighbours' amenity by way of loss of light, outlook or privacy.

Although the extension would extend 7.2m in part, this projection is to the side of the outrigger, in what's described as the infill. As much of this will be set behind the existing outriggers officers are of the view that such works would have no appreciable impact on the neighbours either side.

No.4, which is north of the application site has a flat roof extension which projects 2.4m beyond their original outrigger, then beyond this a canopy which is 3.3m has been erected. This canopy is more than 4 years old and is considered to be lawful. The two structures combined project beyond the rear wall of the proposed extension to No.6. The 3m deep extension that is proposed would project beyond the flat roof extension at No. 4 by approximately 600mm, and when you account for the fact that the extension is set off the shared boundary it is not considered that an extension of this size would impact unduly impact on the amenity of these neighbouring occupiers.

To the south of the site No.10 is un-extended, but officers consider that the extension to the rear of the neighbouring outrigger would broadly comply with SPG5, being no more than 3m beyond and no higher than 3m, and in demonstrating compliance Officers can see no reason to resist the proposal because of concerns related to impact on neighbouring properties.

Comments on objections:

The extension will cause loss of light and daylight;

As amended the extensions will project 600mm beyond the rear of No.4, and 3m beyond the rear of No.10. In either case the size, and extent of projection is within SPG5 limits and the height will not exceed 3m (measured at the mid-point).

The proposed depth of 3.6m represents an overdevelopment;

Both houses have been extended at roof level, even so Officer's do not consider the size of the extensions represent overdevelopment of the site. It is not unusual to see this level of extensions to semi-detached properties across the Borough. Furthermore it should be noted that both properties could be extended to the rear using permitted development rights.

The existing loft extensions do not comply with SPG17;

These were built as permitted development, with Certificates of Lawfulness having been granted to extend the roof at both properties.

SPG17 does not strictly apply to proposals to extend individual houses.

There are large outbuildings which are in both gardens and the garden level of No.8 has been raised which is causing flooding in adjoining gardens;

These outbuildings are sited at the rear end of either garden and pre-date October 2008, meaning when constructed they were subject to the now superseded permitted development legislation in the General Permitted Development Order. On site it was evident that at that time they are being used for storage which is incidental to the main houses. There was no evidence that the outbuildings are being used as permanent living accommodation.

The neighbour at No.10 has been advised that the issue of flooding, which he believes is directly linked to the raising of the garden level at No.8 is a civil matter. There are no planning controls over this.

The overall size of extension is not in keeping with surrounding area;

Officers are comfortable with the proposed size of the extensions, these are sited to the rear and will not be visible from the streetscene. The surrounding area displays a variety of extension which vary in terms of size and design.

Summary:

As the proposal is broadly in compliance with policies **BE2 and BE9** (UDP 2004), and the guidance laid out in SPG5 the amount of development is considered to be in keeping with the scale of the existing dwelling and surrounding streetscene and will not result in a loss of amenity to the neighbouring occupiers approval is accordingly recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent 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 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):

11/6-8/QVAW/101 (1:100)
11/6-8/QVAW/102A (1:100)
11/6-8/QVAW/103 (1:100)
11/6-8/QVWA/104A (1:100)
Location plan (1:1250)

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 of the existing building.

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

- (4) No windows or glazed doors shall be constructed in the flank wall(s) of the building(s) as extended without the prior written consent of the Local Planning Authority.

Reason: To minimise interference with the privacy of the adjoining occupiers.

- (5) The extension(s) to both 6 & 8 Queen Victoria Avenue hereby approved shall not be occupied at any time other than for purposes ancillary to the existing house(s).

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.

- (6) No access shall be provided to the roof of the extension(s) by way of window, door or stairway and the roof of the extension(s) hereby approved shall not be used as a balcony or sitting out area.

Reason: To preserve the amenity and privacy of neighbouring residential occupiers.

- (7) Works on one of the single storey rear extensions hereby approved for 6 & 8 Queen Victoria Avenue are not to progress beyond window sill height on the ground floor until works on the other extension have commenced and reached the same level.

Reason: To safeguard the amenities of both properties.

INFORMATIVES:

- (1) The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.

REFERENCE DOCUMENTS:

London Borough of Brent, UDP 2004
SPG5 'Altering & Extending Your Home'
Brent Core Strategy July 2010

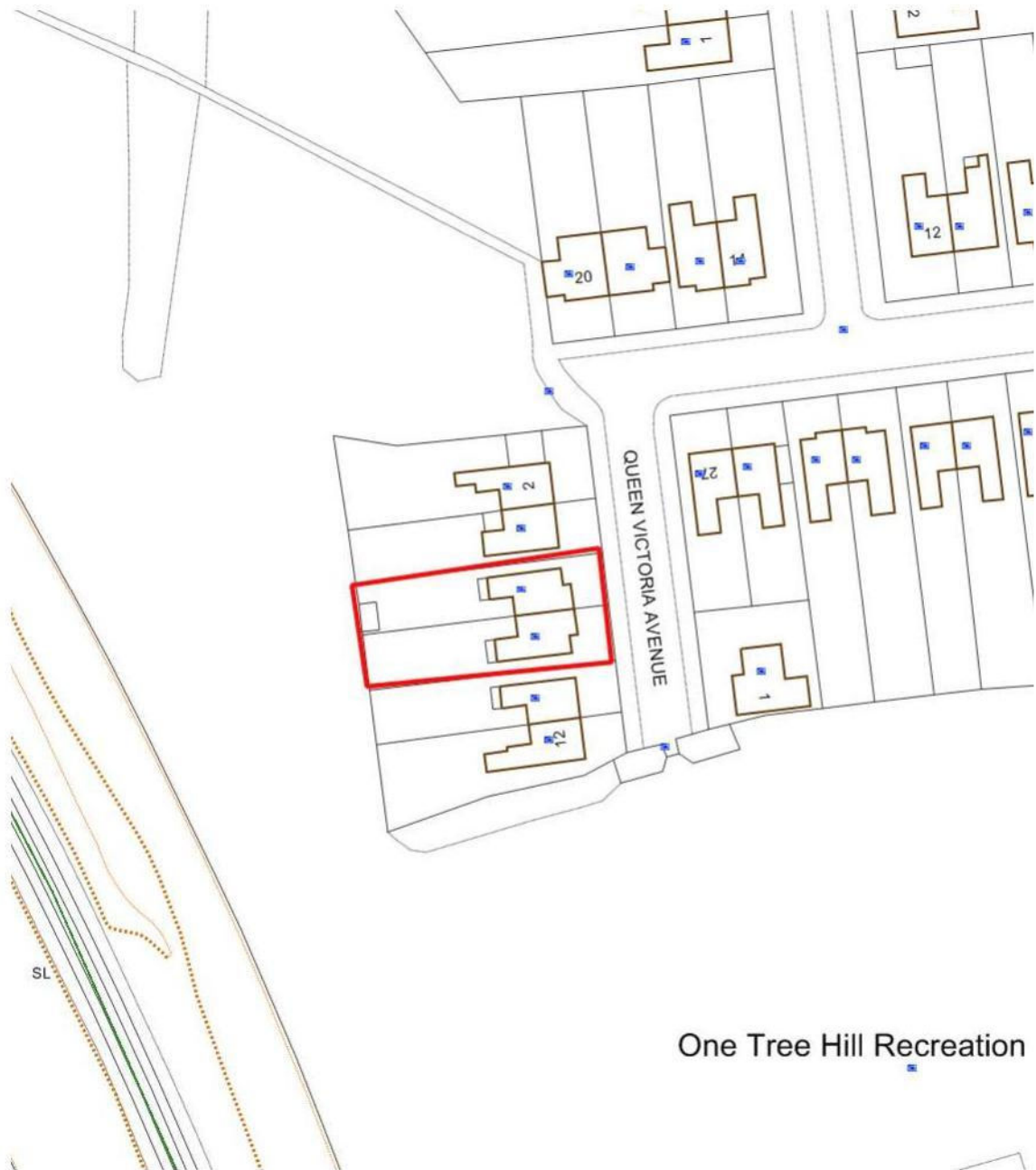
Any person wishing to inspect the above papers should contact Gary Murphy, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5227



Planning Committee Map

Site address: 6 & 8 Queen Victoria Avenue, Wembley, HA0 4RW

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This map is indicative only.

**Committee Report
Planning Committee on 7 June, 2011**

Item No. 18
Case No. 11/0588

RECEIVED: 8 March, 2011

WARD: Wembley Central

PLANNING AREA: Wembley Consultative Forum

LOCATION: 14 Stapleford Road, Wembley, HA0 4RN

PROPOSAL: Erection of part-single, part-two storey side and rear extension, rear dormer and two front rooflights and alterations to existing porch of single family dwellinghouse

APPLICANT: Mr Chandresh Shah

CONTACT: A & N Architects Ltd

PLAN NO'S:
See condition 2

RECOMMENDATION

Grant consent

EXISTING

Situated within a corner plot, the subject site contains a two storey, semi-detached dwellinghouse. The property fronts Stapleford Road while the eastern boundary of the site abuts Bassingham Road. To the north of the site is number 1 Bassingham Road. Surrounding uses are predominantly residential. The property is not situated within a conservation area nor is it a listed building.

PROPOSAL

Erection of part-single, part-two storey side and rear extension, rear dormer and two front rooflights and alterations to existing porch of single family dwellinghouse

HISTORY

No relevant planning history

POLICY CONSIDERATIONS

Brent's Unitary Development Plan 2004

BE2 - Townscape: Local Context & Character

BE7 - Public Realm: Streetscape

BE9 - Architectural Quality

TRN23 - Parking Standards - Residential Developments

SPGs

SPG5 "*Altering and Extending your Home*"

SUSTAINABILITY ASSESSMENT

n/a

CONSULTATION

Standard three week consultation period carried out between 18 March 2011 and 08 April 2011 in which 6 properties were notified.

Two letters of objection have been received in response to this exercise which raise the following concerns:

1. Size of proposed extension is too big and out of character with the area
2. Increased demand for parking
3. Existing garage is being knocked down without permission (*Officer's Note: Planning permission is not required for the demolition of the garage*)
4. An atmosphere of crowdedness would be created
5. Size of property would reduce light to 21 Stapleford Road
6. Existing boundary fence at rear of the site already encroaches onto 1 Bassingham Road and would be lost once the proposal is built
7. Loss of natural light to 1 Bassingham Road

REMARKS

The proposal is for a part single storey, part two storey side and rear extension and installation of a rear dormer and two front rooflights to a single family dwellinghouse. Minor alterations are also proposed to the existing infilled porch. The relevant material planning considerations are the impact to neighbouring residential amenity, the scale and design of the proposal and the impact on the character of the area and the impact on parking provision.

Impact on neighbouring residential amenity

As the property is situated within a corner plot, the main property to be affected by the proposal is the adjoining neighbour, number 16 Stapleford Road. The proposed ground floor extensions project 3m from the original rear wall of the property, maintaining the current rear building line. The single storey elements will have a flat roof which reach a height of 2.7m. As this is consistent with extensions which can be carried out under permitted development, this is considered to have a reasonable impact on neighbouring residential amenity. The first floor element has been designed to comply with the 1:2 guideline specified by SPG5 which seeks to achieve a satisfactory relationship with neighbouring habitable room windows and is also not considered to raise significant concerns regarding an unduly detrimental impact to the adjoining neighbour in terms of loss of light and outlook.

As the property is separated from others in the street by the road. No other neighbours would receive an unduly detrimental impact as a result of the proposal. No windows are proposed in the flank wall of the rear extension which faces the neighbour and as such no loss of privacy would arise from the proposal.

The concerns regarding loss of light to 1 Bassingham Road are also noted however the extensions will be over 17m from the side wall of this property. This distance is considered more than adequate to ensure that no discernible detrimental impact would occur to the amenities currently enjoyed by the occupants of this property in terms of loss of light and outlook.

Scale and Design of the Proposal and Impact on the Character of the Area

Minor amendments have been made to the original submission to ensure that the proposal complies with SPG5 fully. The proposed extension maintains 1m from the side boundary and has a setback of 1.5m behind the main front wall of the dwelling. The plot width is less than 5m and

therefore a 1m set-in from the boundary is accepted in this location. The width of the two storey side extension is considered appropriate to the dwellinghouse and not disproportionate in a way which detracts from the character of the original property. The proposed rear dormer is half the width of the original roofslope and situated within a suitable location within the rear elevation. Whilst it is noted that these changes are a significant change to the original property, compliance with SPG5 ensures that the approach taken to extend the property is consistent with the council's recognised approach to domestic extensions and is accordingly not considered out of scale with the property or harmful to the character of the area.

The works to alter the existing infilled porch are relatively minor in terms of their impact in the street scene and could be done under permitted development. Accordingly these are also not considered to raise concerns in a way which would warrant a refusal of the application.

The loss of the property's garage represents an opportunity to secure improvements to the existing soft landscaping provision on the site frontage. It is recognised that there is a lawned area already in situ however the requirement to comply with policy BE7 provides an opportunity to secure shrub planting and hedging which makes more of an impact within the street scene. A condition is recommended requiring a detailed planting scheme prior to the commencement of any works.

Parking Provision

It is noted that the proposal results in the loss of a garage and the area to the side of the property which is currently used for parking. Nevertheless, sufficient space remains on site for one car to be parked. A further space can be accommodated on street within Stapleford Road which is not designated as a heavily parked street. As such, the loss of on-site parking provision is not considered to raise sufficient concerns which would warrant a refusal of these grounds on this occasion.

Other matters

One objection raises concerns regarding the positioning of the rear boundary fence which allegedly encroaches on land belonging to number 1 Bassingham Road. The issue of land ownership and boundaries is a civil matter and the Local Planning Authority does not have powers to intervene in such matters. Moreover, the extensions proposed will be attached to the existing dwellinghouse, some 17 metres from the boundary in question and as such this boundary would remain unaffected by the proposal. Accordingly your officers do not consider this concern to be relevant to the application in question. The objector has been advised to seek legal advice regarding this issue as the Local Planning Authority cannot assist with this type of complaint.

Summary

With reference to council policies, the proposal is considered to comply with policies BE2, BE7, BE9 and TRN23 of Brent's Unitary Development Plan 2004 and associated Supplementary Planning Guidance Note 5 "*Altering and Extending your Home*". Accordingly it is recommended that planning permission be **granted, subject to conditions**.

REASONS FOR CONDITIONS

n/a

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

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 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):

Location Plan
AR-01
AR-02
AR-03 Rev A
AR-04 Rev A

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 of the existing building.

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

- (4) No windows or glazed doors (other than any shown in the approved plans) shall be constructed in the eastern and western walls of the building as extended without the prior written consent of the Local Planning Authority.

Reason: To minimise interference with the privacy of the adjoining occupiers.

- (5) Prior to the commencement of any works hereby approved, a detailed scheme for new soft landscaping on the site frontage shall be submitted to and approved in writing by the Local Planning Authority. The landscape work shall then be completed during the first available planting season following completion of the development hereby approved. Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced in the same positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality, in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

INFORMATIVES:

- (1) The applicant is reminded that this property is within planning Use Class C3, whereby up to 6 unrelated residents may live together as a single household. Any increase in residents above 6 people living together, other than as a single family, is likely to constitute a material change of use which would require the grant of a further planning permission from the Local Planning Authority.

REFERENCE DOCUMENTS:

Brent's Unitary Development Plan 2004
SPG5 *"Altering and Extending your Home"*

Any person wishing to inspect the above papers should contact Sarah Ashton, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5234

**Committee Report
Planning Committee on 7 June, 2011**

Item No. 19
Case No. 10/2288

RECEIVED: 3 September, 2010

WARD: Wembley Central

PLANNING AREA: Wembley Consultative Forum

LOCATION: Garages rear of 84, Bowrons Avenue, Wembley, HA0

PROPOSAL: Demolition of existing block of 6 garages and erection of a two storey detached dwellinghouse (4 bedrooms) with integral garage garden space to rear, formation of vehicular access to Norton Road, erection of external bin store to new house and external bin store for existing flats (as amended by plans)

APPLICANT: Ace Real Estate Ltd

CONTACT: Mr John Evans

PLAN NO'S:
(See Condition 2 for the approved plans)

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area Planning 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:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- A contribution of £3000 per bedroom, index linked from the date of committee and due on material start towards the provision and/or improvement of education facilities in the Borough, non car access/highway, sports and public space improvements in the area

And, to authorise the Head of Area Planning, 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 relates to a plot of land lying immediately to the north of 84 Bowrons Avenue, which is a three storey block of flats. At the present time the site houses a row of six lock-up garages. It is thought this land, and the garages built on it was originally intended to serve the flats but over time this part of the site has been separated off from the front block. These garages are on a separate 999 year lease meaning they are a completely separate entity to the six flats.

The garages are accessed from Norton Road, and accessed via an existing service road.

The site is not within a Conservation Area, nor is it a Listed Building.

PROPOSAL

Demolition of existing block of 6 garages and erection of a two storey detached dwellinghouse (4 bedrooms) with integral garage, garden space to rear, formation of vehicular access to Norton Road, erection of external bin store to new house and external bin store for existing flats (as amended by plans).

HISTORY

10/0233 - Demolition of existing block of garages and erection of a two storey detached dwellinghouse with integral garage, garden space to rear, vehicular access to front and creation of 6 off street parking spaces. **Application withdrawn.**

POLICY CONSIDERATIONS

National

PPS 3 – Housing

Previously developed land is still a priority for new development however a Ministerial Statement (June 2010) announced the re-issue of PPS3 with amendments, the most notable being the exclusion of 'private residential gardens' from the definition of previously developed land. This is intended to prevent overdevelopment of neighbourhoods and to prevent 'garden grabbing'. However it is not considered this site meets the definition of a private residential garden and as such still meets with the definition of previously developed land.

Brent

- **BE2** Townscape: Local Context & Character
- **BE3** Urban Structure: Space & Movement
- **BE5** Urban Clarity & Safety
- **BE6** Public Realm: Landscape Design
- **BE7** Public Realm: Streetscape
- **BE9** Architectural Quality
- **H12** Residential Quality – Layout Considerations
- **H13** Residential Density
- **H15** Backland Development
- **TRN3** Environmental Impact of Traffic
- **TRN11** The London Cycle Network
- **TRN15** Forming an Access to a Road
- **TRN23** Parking Standards Residential Developments
- **TRN34** Servicing in New Development
- **PS14** on residential parking standards
- **PS16** cycle parking standards

Brent Supplementary Planning Guidance

Supplementary Planning Guidance (SPG) Note 17: "Design Guide for New Development"

Supplementary Planning Document 'S106 Planning Obligations'

Brent Core Strategy – Adopted July 2010

Policy CP17

CONSULTATION

A total of 20 surrounding properties were consulted on **24 September 2010** and internal consultation was sent to Brent's Transportation Unit, Landscape Team, Environmental Health, Thames Water and Local Ward Councillor's.

Six letters of objection has been received two of which are by the same person who apparently owns two of the flats at 84 Bowrons Avenue. The other four objections are from properties in Norton Road and Eagle Road. The following grounds of objection are raised;

- A 2-storey detached house will result in loss of light and outlook
- The proposal will result in an increase in noise.
- The proposal will lead to an increase in parking and traffic
- The proposal will result in a loss of garden area for the residents of the existing block of flats (84 Bowrons Ave)
- The land on which the house is proposed belongs to the residents of the block of flats (84 Bowrons Avenue)
- Loss of privacy
- The proposed access from the rear will lead to congestion problems
- Will result in harm to the amenities of No.23 particularly in the use and enjoyment of their garden.
- The proposed building appears overbearing.

Statutory Consultees;

Thames Water; No objections raised.

Landscape; No objection is raised in principle but further detail is required. In the event of planning permission being granted conditions are requested to secure the approval of the following;

- Full tree report and tree protection plan according to BS5837 which should show all trees which may be affected by the proposed works on site and on neighbouring properties.
- Further details of rear garden layout to include as a minimum, 1 medium tree.
- The front garden area should include bin storage area, a minimum of 1 tree and appropriate soft and hard landscaping.

Transportation;

- The application site is located on the eastern side of Norton Road, which is not defined as being heavily parked.
- The site lies within CPZ "E" which operates 08:00 - 21:00 Monday to Sunday, and has moderate accessibility with a PTAL Level 3.
- It is clear that the 6 garages are in separate ownership from the flats, and therefore their loss is not held as material.
- The proposed scheme does not include re-provision of parking; there is however an abundance of on-street parking in the locality.
- The proposed 4-bedroom dwelling will attract a parking standard of 2 spaces, in accordance with PS14. The proposal will include an integral garage (4.8m x 2.4m) and in front of this will be hardstanding which is 5m in depth. This will provide the necessary level of parking off-street, and will be accessed via a suitable single width 3m wide crossover. Transportation have raised a concern that the hardstanding is not deep enough to allow a car to wait free of the public highway whilst the garage door is open and closed, and accordingly advises a standing area of 5.5m should be provided.
- The proposal includes refuse and recycling storage close to Norton Road which is acceptable.
- The cycle parking, shown in the rear garden is acceptable.
- Any grant of planning should be subject to a s106 agreement to secure contribution towards improving highway safety, new parking controls and better non-car access.

Environmental Health: Officers have assessed the proposal and have advised that there is potential for the site to be contaminated because of its previous use as garages. In the event of planning permission being granted then a condition is recommended requiring the applicants to undertake a site investigation to determine the nature and extent of any soil contamination present.

REMARKS

The proposal is assessed against the Council's UDP policies, Core Strategy policies and the standards set out in Supplementary Planning Guidance Note 17 "Design Guide for New Development".

The main areas for consideration are whether this development is acceptable in terms of;

- the design scale and massing of the building
- the impact it has on the privacy and amenity of neighbouring residents
- the loss of garages and transportation impacts

Background

The application site is on a separate 999 year lease, this relates entirely to the row of 6 garages and not to the adjoining block of 6 flats, at 84 Bowrons Avenue. The applicants and site owners are also the freeholders of the adjoining block of flats.

Design, Scale & Massing

The proposal is for a 2-storey detached house with 4-bedrooms and integral garage. The proposed design is not attempting to replicate the type of architecture found locally as there is a varied mix of buildings in the vicinity of the site. Immediately to the north of the site is a fairly modern two-storey detached building (106 Norton Road) which is rectangular in form, the elevations are broken up through the use of front gables and corresponding bay window features. South of the application site is 84 Bowrons Avenue, which is a 3-storey block of flats, rectangular in form with simple elevations that have a consistent rhythm on each floor. Further a field there are a variety of detached and semi-detached dwellinghouses in surrounding roads. It is considered that the size, scale and design of the proposed dwelling would be in keeping with the suburban character of the area, and would be appropriate in this setting.

The dwelling would be 7.5m wide with a depth of 9m, the main bulk of the dwelling is two-storey with a pitched roof, to the front and rear single storey projections are proposed with mono-pitched roofs. It is felt that these single storey elements help to break down the scale of the building provide articulation and greater interest to the building. The scale and massing of the proposed house is considered to be in keeping with surrounding forms of development in the locality and would fit in comfortably with its suburban setting.

Approval is subject to a condition (submission of details) to ensure that the proposed design quality, and detailing, is carried through to the scheme once implemented.

SPG17 Standards & Impact on Neighbouring Properties

The proposed 4-bedroom house will have an internal floor area of 113 square metres which significantly exceeds the minimum floor area standard to provide 90 square metres.

The internal layout ensures that all habitable rooms will benefit from reasonable levels of light and outlook and the ground floor living area has direct access to the rear amenity space. The rear facing windows will be 10m from the rear boundary, thus ensuring compliance with SPG17 standards to maintain reasonable standards of privacy and outlook in new development. In the absence of any habitable room windows within the flank wall(s) this proposal is considered to have an acceptable relationship to neighbouring occupiers in terms of maintaining privacy.

The size and scale of new buildings should not be detrimental to the amenities of neighbouring properties and should result in acceptable relationships between buildings and private amenity spaces. To ensure new buildings do not have a negative impact on neighbouring residential occupiers the relevant tests within SPG17 should be met. Where proposed development adjoins

private amenity space/rear gardens then the height of the new development should normally be set below a line of 45 degrees at the garden edge, when measured from a height of 2m. By applying this test to the proposed development it is evident that the height of the rear 3 metres of the new house would project above the 45 degree development line when measured from the garden edge of 83 Eagle Road (abutting the site). However a large detached outbuilding has been constructed at the rear part of this adjoining garden, because this exists the height of the proposed dwelling will not unduly affect the amenity of these adjoining occupiers as it will not be sited immediately adjacent to usable amenity space.

The footprint of the dwelling will project 6m beyond the rear of 106 Norton Road, which is sited 6m to the north. In between the application site and the neighbouring property is an electronic sub-station and due to the distances that will be maintained and the extent of the projection it is considered that the proposal will not unduly harm the amenity of these neighbouring occupiers. There is a first floor window which would face towards the flank wall, but as this window is positioned to the rear of 106 then the view of Officer's is that sufficient outlook will still be maintained, the outlook from this window obliquely will not be materially harmed.

The proposed dwelling will maintain a separation distance of 14m to rear windows on the neighbouring block of flats. As no habitable windows are proposed within this flank wall it is considered the proposal will maintain an acceptable relationship that does not contravene SPG17 privacy standards.

Amenity space & landscaping

The proposed house would benefit from a 10m deep rear garden with an area of approximately 85 square metres. This comfortably meets the SPG17 guidance which requires 50sqm as a minimum area of amenity space for family sized accommodation. Further details of the layout of the rear garden and proposed planting will be secured as part of a landscaping condition.

The existing access/servicing road which serves the garages is to remain, this will be adjacent to the amenity space, therefore to avoid any potential harm to the quality of the private amenity area some form of separation by way of a hedge or fence will be required. The applicants have suggested a 'v arched' timber fence running along the boundary which is considered to be acceptable, however details of planting behind this and all boundary treatments around the edges of the site will need to be secured through a landscaping condition.

Landscape Officer's raise no objection in principle but request that any planning permission is subject to a standard landscape condition to control hard and soft landscaping and boundary treatments. It is not evident that any trees would have to be removed, but as there are a number around the edges of the site Landscape Officers advise any consent should be subject to a tree survey identifying all trees (if any) for removal. To satisfy policy BE6 the Council will also require the planting of new trees on site, as a minimum 1 new tree in the front garden and 1 new tree in the rear garden should be planted. This detail will be secured through a landscaping condition.

The existing block has a lawn area around the building which is used on an ad-hoc basis by the residents, although officers do not consider this to be formal outside amenity space it clearly is used by the residents and has a level of benefit. The proposal will not see the removal of this lawned area, and if the garages are removed then this area may well benefit as there would be less likelihood of disturbance to this space through vehicle noise and manoeuvring close by.

There is an opportunity to provide improved bin storage for the existing flats close to the edge of Norton Road. It was observed on site that residents are currently forced to line the bins up along the Bowrons Avenue frontage which is unsightly and detracts from the amenities of the area. A formal bin store area is proposed along the western boundary, with a new footpath also to be provided. This will be a measurable improvement for the existing residents, will help to tidy up the site and improve the visual amenities of the area which is welcomed.

Parking

The proposed property will attract a maximum parking standard of 2 spaces, this can be accommodated within the integral garage and the 5m deep hardstanding that will be directly in front of this.

The proposed vehicle access is to be from a newly created 3m wide crossover, accessed directly from Norton Road. The width and location of this access is deemed to be acceptable from a highway safety point of view.

It is critical to focus on the parking impacts associated with this proposal. Six garages would be lost, however the applicants have submitted evidence to demonstrate that none of these garages are used by the occupiers of 84 Bowrons Avenue, nor do they have any right over the use of them. In fact these garages are not even being rented out to local residents.

Copies of tenancy agreements have been submitted which confirms these garages are rented out on a monthly basis, and that none of the tenants reside at 84 Bowrons Avenue. Indeed none of the lessees of the garages appear to reside in the area. It has been confirmed in writing by a firm of solicitors acting for the site owners that none of the individual leases of the flats at no.84 include the demise of any of the garages. To demonstrate this point a copy of an under lease title for one of the flats confirms that the title relates only to that flat, and not to the garages.

It seems logical that the garages were built originally at the same time as the block, presumably in order to serve occupiers of these flats. Over time the site has been broken up and the garages are now part of a separate title, this title is on a separate 999 year lease which is a separate entity to the flats. From the evidence presented it is clear that the loss of these garages would not remove parking for existing residents, so their loss is not held to be a material one.

The existing block is served by 2 spaces fronting Bowrons Avenue, these are being kept. The service road which serves the garages, which has an access from Norton Road is also to remain. This area of hardstanding is currently used informally by flat owners for parking, it is stated by the applicant that this has been the case for at least 30 years even though lessees of the flats have no rights to park. The applicant wishes to retain the hardstanding for occasional parking and for use of contractors engaged in maintaining the flats. From a practical point of view this appears to make sense, on the other hand the Council is unlikely to raise any objection were this to be included as soft landscaping or if this was used to provide some kind of formal parking bay area for the flats. Residents parking permit restrictions are in force along Bowrons Avenue and Norton Road, but Transportation Officers have advised there is an abundance of on-street parking available in the locality, and that these roads would be able to cope with any additional pressure to park on-street.

The parking standard for the proposed dwelling can be met off-street, further to this the removal of the garages would not result in the loss of parking for existing residents as evidenced by the applicant's submissions. For these reasons it is not considered that the proposal would lead to unacceptable, additional levels of on-street parking or conditions detrimental to general highway safety.

Conclusion

The proposal is considered to be acceptable in terms of its scale, design and character and will make a positive contribution to the area as well as adding to the stock of family housing within the Borough. The proposal is not considered to be harmful to the amenity of neighbouring occupiers and will provide an acceptable living environment for future occupiers. The loss of the garages is considered acceptable on parking and highway safety grounds, and their loss would not directly affect any existing residents of the area. Accordingly it is recommended that this application be approved subject to the attached conditions and signing of the S106 legal agreement to secure a

financial contribution of £12,000 (£3000 per bedroom) towards transport infrastructure, education and improvements towards open space, sports and the environment. It has been confirmed that the applicants are agreeable to the principle of this contribution.

RECOMMENDATION: Grant Consent subject to Legal agreement

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance

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
Transport: in terms of sustainability, safety and servicing needs

CONDITIONS/REASONS:

(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):

Location plan (1:1250)
OS Sitemap (1:500)
Drg 2259/1 (1:50 & 1:100)
Proposed Landscaping Details
Design & Access Statement
'V' Arched timber fence brochure

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

(3) No further extensions or buildings shall be constructed within the curtilage of the dwellinghouse(s) subject of this application, notwithstanding the provisions of Class(es) A, B, C, D & E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason(s): In view of the restricted nature and layout of the site for the proposed development, no further enlargement or increase in living accommodation beyond the limits set by this consent should be allowed without the matter being first considered by the Local Planning Authority. Furthermore to prevent an over development of the site and undue loss of amenity to adjoining occupiers.

- (4) No part of the development hereby approved shall be occupied on-site until a vehicular access, at a width not exceeding 3m, has been constructed in full.

Reason: In the interests of the general amenities of the locality and the free flow of traffic and general conditions of safety on the neighbouring highway.

- (5) The window(s) in the flank wall(s) of the building shall be glazed with obscure glass and shall be permanently returned and maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupier(s).

- (6) The garage hereby approved shall be used solely for the housing of private vehicles. No business or industry shall be carried out therein nor shall the garage(s) be adapted or used for additional living accommodation or be sold, let or occupied separately from the dwelling(s).

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the amenities of the locality by the introduction of commercial vehicles or uses which would be a source of nuisance to neighbouring occupiers by reason of noise, unsightly appearance or which would result in the loss of adequate off-street car parking for this property.

- (7) Details of materials for all external work (including samples), shall be submitted to and approved by the Local Planning Authority before any work is commenced and the development shall be carried out in accordance with the approved details.

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

- (8) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes, planting densities including the number and location of new trees) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any site clearance, demolition or construction works on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

(a) proposed walls, fences and gates and any other form of boundary treatment or means of enclosure indicating materials and heights;

(b) screen planting along each of the site boundaries;

(c) adequate physical separation, such as protective walls and fencing between landscaped and paved areas;

(d) provision for the satisfactory screening of bin store(s)

(e) details for the areas of hard landscape works and proposed materials;

(f) details of the proposed arrangements for the maintenance of the landscape works.

(g) details of the species and location of all new planting (including new trees) within the front and rear garden area

(h) a tree report and tree protection plan in accordance with BS:5837

Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development and ensure that it enhances the visual amenity of the area.

- (9) Following the demolition of the garages and prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken, as well as an assessment of the risks posed by the contamination and an appraisal of remediation options required to contain, treat or remove any contamination found. This written report is subject to approval in writing by the Local Planning Authority.

Reason; To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with Policy EP6 of Brent's Unitary Development Plan 2004.

- (10) Any remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

Reason: To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with Policy EP6 of Brent's Unitary Development Plan 2004

- (11) The dwelling hereby approved shall not be occupied unless details are submitted to the Local Planning Authority which confirms that the dwelling has been constructed to lifetime homes standard.

Reason: In the interest of providing accessible and adaptable accommodation for future users.

INFORMATIVES:

- (1) The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- (2) If the development is carried out it will be necessary for a crossing to be formed over the public highway by the Council as Highway Authority. This will be done at the applicant's expense in accordance with Section 184 of the Highways Act 1980. Application for such works should be made to the Council's Streetcare Section, Brent House, 349 High Road Wembley Middx. HA9 6BZ Tel 0181 937 5050.

REFERENCE DOCUMENTS:

London Borough of Brent, UDP 2004
Brent Core Strategy - July 2010
SPG17 'Design Guide for New Development'

Any person wishing to inspect the above papers should contact Gary Murphy, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5227



Planning Committee Map

Site address: Garages rear of 84, Bowrons Avenue, Wembley, HA0

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PLANNING & ENFORCEMENT APPEALS

Mar & Apr / 2011

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Received PLANNING Appeals between 1-Mar-2011 and 30-Apr-2011

Planning Committee: 7 June, 2011

Application Number: 08/1079 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 14/03/2011 **Appeal Against:** Refusal of planning permission
Location: 47 Flats 1-3 & 49, Byron Road, Wembley, HA0
Proposal:

Retention of 1 studio flat, 1 three-bedroom flat, 1 two-bedroom flat and 1 two-bedroom maisonette

Application Number: 09/1616 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 27/04/2011 **Appeal Against:** Refusal of planning permission
Location: 14 Heber Road, London, NW2 6AA
Proposal:

Erection of single-storey detached outbuilding in garden of ground-floor flat (14b Heber Road) (as amended by plans received 16/11/2009 and 20/08/2010)

Application Number: 10/1357 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 10/03/2011 **Appeal Against:** Refusal of planning permission
Location: 32 Evelyn Avenue, London, NW9 0JH
Proposal:

Erection of a single storey outbuilding to rear garden of dwellinghouse

Application Number: 10/1652 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 03/03/2011 **Appeal Against:** Refusal of planning permission
Location: 30 Beaumont Avenue, Wembley, HA0 3BZ
Proposal:

Extension to time limit of planning permission 07/2080, dated 27/09/2007, for demolition of existing three-bedroom bungalow and erection of 2-storey building comprising 2 x three-bedroom, semi-detached dwellinghouses, with alterations to move and widen existing vehicular access and provision of 2 off-street car-parking spaces

Application Number: 10/2058 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 08/03/2011 **Appeal Against:** Refusal of planning permission
Location: 91 Dyne Road, London, NW6 7DR
Proposal:

External insulation to side and rear elevations, two-storey rear extension at lower and upper ground-floor level, creation of a sunken garden terrace and upper ground-floor balcony, insertion of side rooflight, enlargement of 2 existing rear dormer windows, replacement of roof tiles and insulation to side and rear roof, raising its height, installation of solar panel to roof, creation of vehicular access and formation of hard and soft landscaping to front, and reversion to dwellinghouse

Application Number: 10/2279 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 03/03/2011 **Appeal Against:** Refusal of planning permission
Location: 110 Wembley Park Drive, Wembley, HA9 8HP
Proposal:

Change of use from internet cafe (Use Class A1) to mixed use internet cafe (Use Class A1) and radio cab office (Use Class Sui Generis)

Received PLANNING Appeals between 1-Mar-2011 and 30-Apr-2011

Planning Committee: 7 June, 2011

Application Number: 10/2440 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 26/04/2011 **Appeal Against:** Refusal of planning permission
Location: 68 Cranleigh Gardens, Harrow, HA3 0UW
Proposal:

Demolition of two-storey side extension and erection of a new two-storey side and rear extension and single storey rear extension to an end-of-terrace property and the division of the property into two separate dwellinghouses with associated works.

Application Number: 10/2442 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 15/03/2011 **Appeal Against:** Refusal of planning permission
Location: 100 Pound Lane, London, NW10 2HY
Proposal:

Creation of new area of hardstanding for the parking of a vehicle, with access off Bertie Road.

Application Number: 10/2450 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 27/04/2011 **Appeal Against:** Refusal of planning permission
Location: 44 Park Avenue North, London, NW10 1JY
Proposal:

Erection of single storey side extension to dental surgery.

Application Number: 10/2631 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 28/03/2011 **Appeal Against:** Refusal of planning permission
Location: Garage rear of 70 Minet Avenue, Fairlight Avenue, London
Proposal:

Change of use of a garage into a two-bedroom maisonette

Application Number: 10/2704 **Team:** Southern Team **Application Type** Other ADV
Appeal Received: 14/03/2011 **Appeal Against:** Refusal of planning permission
Location: 2 Scrubs Lane, London, NW10 6RB
Proposal:

Continued display of free-standing, internally illuminated sign, incorporating non-illuminated signage for the City Mission Church' to the rear, on site of church on south side of Harrow Road, adjacent to existing petrol station

Application Number: 10/2736 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 15/03/2011 **Appeal Against:** Refusal of planning permission
Location: 229 & 231 Church Road, London, NW10
Proposal:

Proposed single-storey rear extension

Application Number: 10/2781 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 08/04/2011 **Appeal Against:** Refusal of planning permission
Location: 21 Eagle Road, Wembley, HA0 4SH
Proposal:

Change of use of existing dwellinghouse to a House in Multiple Occupation (HMO), enlargement of existing single storey side projection and installation of flank wall kitchen window on the ground floor.

Received PLANNING Appeals between 1-Mar-2011 and 30-Apr-2011

Planning Committee: 7 June, 2011

Application Number: 10/2847 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 08/04/2011 **Appeal Against:** Refusal of planning permission
Location: 1 Christchurch Green, Wembley, HA0 4DP
Proposal:

Demolition of garage and erection of a two storey dwellinghouse, installation of vehicular access and associated landscaping

Application Number: 10/3025 **Team:** Western Team **Application Type** Other ADV
Appeal Received: 22/03/2011 **Appeal Against:** Refusal of planning permission
Location: 576-584 Even, High Road, Wembley, HA0
Proposal:

Erection of 3 billboards to roof of property

Application Number: 10/3054 **Team:** Southern Team **Application Type** Other ADV
Appeal Received: 17/03/2011 **Appeal Against:** Refusal of planning permission
Location: 813 Harrow Road, London, NW10 5NJ
Proposal:

Replacement of existing, non-illuminated 6m x 3m advertisement unit located on first floor flank wall of No.813 Harrow Road with an internally illuminated 3m x 4.5m advertisement unit

Application Number: 10/3086 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 18/04/2011 **Appeal Against:** Refusal of planning permission
Location: 128 Salmon Street, London, NW9 8NT
Proposal:

Demolition of existing single storey side extension and erection of proposed two-storey side and rear extension, 5 flank wall windows, flank wall door and four side rooflights and one rear rooflight to dwellinghouse

Application Number: 10/3115 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 21/04/2011 **Appeal Against:** Refusal of planning permission
Location: 138 Anson Road, London, NW2 6AU
Proposal:

First floor side and rear extension and formation of hard and soft landscaping to front of dwellinghouse

Application Number: 10/3131 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 06/04/2011 **Appeal Against:** Refusal of planning permission
Location: 37 Hazelmere Road, London, NW6 7HA
Proposal:

Erection of single storey side extension and installation of 1 side timber window on ground floor and 4 side timber windows to side elevation of dwellinghouse

Application Number: 10/3139 **Team:** Northern Team **Application Type** Other ADV
Appeal Received: 10/03/2011 **Appeal Against:** Refusal of planning permission
Location: 3, 1000 North Circular Road, Neasden, London, NW2 7JP
Proposal:

Erection of a free-standing internally illuminated double-faced advertising tower

Received PLANNING Appeals between 1-Mar-2011 and 30-Apr-2011

Planning Committee: 7 June, 2011

Application Number: 10/3140 **Team:** Northern Team **Application Type** Other ADV
Appeal Received: 11/03/2011 **Appeal Against:** Refusal of planning permission
Location: 2, 1000 North Circular Road, Neasden, London, NW2 7JP
Proposal:
Erection of a free-standing internally illuminated 48-sheet advertising hoarding

Application Number: 10/3148 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 18/04/2011 **Appeal Against:** Refusal of planning permission
Location: Joy House, 69-85 Rucklidge Avenue, London, NW10 4QA
Proposal:
Change of use from offices (Use Class B1) to a 49-bedroom hostel for the homeless (sui generis) on a permanent basis

Application Number: 10/3175 **Team:** Northern Team **Application Type** Other TLF
Appeal Received: 18/04/2011 **Appeal Against:** Refusal of planning permission
Location: Street Record, Shaftesbury Avenue, Harrow, HA3
Proposal:
Installation of a 12.5m high telecommunications telegraph pole accommodating 3 antennas and ancillary equipment on pavement adjacent to Woodcock Park bowling green, Shaftesbury Avenue, HA3 (as accompanied by "Cornerstone: Supporting Technical Information for Vodafone:- Shaftesbury Avenue, Kenton - Vodafone Site 46997"; "Declaration of Conformity with ICNIRP Public Exposure Guidelines"; "Heath and Mobile Phone Base Stations" and "General Background Information on Radio Network Development for Planning Applications")

Application Number: 10/3195 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 11/03/2011 **Appeal Against:** Refusal of planning permission
Location: Garden Flat, 88 Brook Road, London, NW2 7DU
Proposal:
Erection of single storey extension to self-contained flat

Application Number: 10/3213 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 27/04/2011 **Appeal Against:** Refusal of planning permission
Location: 14 Windermere Avenue, London, NW6 6LN
Proposal:
Single storey side/rear extension to dwellinghouse

Application Number: 10/3228 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 07/04/2011 **Appeal Against:** Refusal of planning permission
Location: 66 Woodhill Crescent, Harrow, HA3 0LZ
Proposal:
Erection of a two-storey detached dwellinghouse to rear of 66 Woodhill Crescent (fronting Southwell Road), including formation of one off-street parking space and associated landscaping.

Application Number: 10/3274 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 28/04/2011 **Appeal Against:** Refusal of planning permission
Location: 1 Opal Mews, London, NW6 7UP
Proposal:
Conversion of an existing B1 building into 8 self contained residential flats with basement level

Received PLANNING Appeals between 1-Mar-2011 and 30-Apr-2011

Planning Committee: 7 June, 2011

Application Number: 10/3276 **Team:** Northern Team **Application Type** Other CLD
Appeal Received: 07/04/2011 **Appeal Against:** Refusal of planning permission
Location: 7 Jeymer Avenue, London, NW2 4PJ
Proposal:

Certificate of lawfulness for a proposed erection of new pitched roof extension, rear dormer window and installation of 3 front and 1 rear rooflights to dwellinghouse

Application Number: 10/3282 **Team:** Western Team **Application Type** S78 FUL
Appeal Received: 21/03/2011 **Appeal Against:** Refusal of planning permission
Location: 30 Nathans Road, Wembley, HA0 3RX
Proposal:

Proposed demolition of existing single storey rear extension and erection of part single, part two storey rear extension to dwellinghouse.

Application Number: 11/0073 **Team:** Southern Team **Application Type** S78 FUL
Appeal Received: 05/04/2011 **Appeal Against:** Refusal of planning permission
Location: 1078 Harrow Road & Flats A-F inc 1078 Harrow Road, London, NW10 5NL
Proposal:

Retrospective application for erection of a first and second floor rear extension comprising 2 self-contained flats

Application Number: 11/0074 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 27/04/2011 **Appeal Against:** Refusal of planning permission
Location: 6 Highmeadow Crescent, London, NW9 0XH
Proposal:

Erection of two storey two bedroom detached dwellinghouse in the rear garden of No. 6 Highmeadow Crescent

Application Number: 11/0133 **Team:** Northern Team **Application Type** S78 FUL
Appeal Received: 20/04/2011 **Appeal Against:** Refusal of planning permission
Location: 6 Briar Road, Harrow, HA3 0DR
Proposal:

Conversion of existing garage into habitable room, linking front porch and garage extension, first floor side extension, rear dormer and 4 roof lights (two front and one on each flank roof slope) to dwellinghouse.

Application Number: 11/0186 **Team:** Northern Team **Application Type** Other CLD
Appeal Received: 19/04/2011 **Appeal Against:** Refusal of planning permission
Location: 30 Park View Road, London, NW10 1AL
Proposal:

Certificate of Lawfulness for the erection of a rear dormer window, a gable end roof extension, insertion of window to flank gable wall and 2 front roof lights to dwellinghouse

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Received ENFORCEMENT Appeals between 1-Mar-2011 and 30-Apr-2011

Planning Committee: 7 June, 2011

Application Number: E/09/0790 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 21/04/2011

Location: The Salusbury Foodstore, 56 Salusbury Road, London, NW6 6NN

Description:

The installation of an extract system and duct

Application Number: E/10/0096 **Appeal Against:** Enforcement Appeal **Team:** Western Team

Appeal Started: 15/03/2011

Location: British Legion Hall, Union Road, Wembley, HA0 4AU

Description:

Without planning permission, the change of use of the premises from a hall (Use class Sui Generis) to a temple/place of worship (Use Class D1), the erection of a canopy structures to the side and front of the premises, the erection of a marquee to the rear and the installation of signage to the premises.

Application Number: E/10/0180 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 13/04/2011

Location: 6 Furness Road, London, NW10 4PP

Description:

The change of use of the premises to eight self-contained flats.

("The unauthorised change of use")

Application Number: E/10/0211 **Appeal Against:** Enforcement Appeal **Team:** Northern Team

Appeal Started: 20/04/2011

Location: 36 & 36A Alverstone Road, Wembley, HA9 9SB

Description:

Without planning permission, the change of use of the premises from one house to two units of residential accommodation incorporating one house and one flat to the side of the house.

("The unauthorised change of use")

Application Number: E/10/0393 **Appeal Against:** Enforcement Appeal **Team:** Southern Team

Appeal Started: 18/04/2011

Location: 6 A-C Leopold Road, London, NW10 9LP

Description:

The change of use of the ground floor of the premises from one to two self-contained flats, the erection of a single storey outbuilding and the change of use of the rear garden of the premises from residential to a mixed use as residential and commercial storage of building materials.

("The unauthorised change of use and development")

Received ENFORCEMENT Appeals between 1-Mar-2011 and 30-Apr-2011

Planning Committee: 7 June, 2011

Application Number: E/10/0397 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 20/04/2011**Location:** 1 Dicey Avenue, London, NW2 6AR**Description:**

Without planning permission, the erection of side dormer and rear dormer windows, raising of the height of part of the roof to provide a crown roof, installation of three front rooflights, two side rooflights and one rear rooflight to dwellinghouse.

Application Number: E/10/0491 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 07/03/2011**Location:** 7 Wickliffe Gardens, Wembley, HA9 9LG**Description:**

Without planning permission, the erection of a two storey side and single storey rear extensions to the premises and the erection of a raised patio to the rear of the premises.

("The unauthorised development")

Application Number: E/10/0589 **Appeal Against:** Enforcement Appeal **Team:** Southern Team**Appeal Started:** 13/04/2011**Location:** 1094 A and B Harrow Road, London, NW10 5NL**Description:**

The change of use of the first floor of the premises from one flat to two self-contained flats.

("The unauthorised change of use")

Application Number: E/10/0618 **Appeal Against:** Enforcement Appeal **Team:** Southern Team**Appeal Started:** 12/04/2011**Location:** 80 Sandringham Road, London, NW2 5EN**Description:**

The erection of a single storey wooden outbuilding in rear garden of the premises.

("The unauthorised development")

Application Number: E/10/0627 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 21/03/2011**Location:** 95 Lindsay Drive, Harrow, HA3 0TH**Description:**

Without planning permission, the change of use of the premises into two self-contained flats.

("The unauthorised change of use")

Received ENFORCEMENT Appeals between 1-Mar-2011 and 30-Apr-2011

Planning Committee: 7 June, 2011

Application Number: E/10/0671 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 31/03/2011**Location:** ASHFORD OFFICES, Ashford Road, London, NW2 6TR**Description:**

Without planning permission, the change of use of the first floor of the premises from offices to two units of residential accommodation.

("The unauthorised change of use")

Application Number: E/10/0674 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 20/04/2011**Location:** 17 Springfield Gardens, London, NW9 0RT**Description:**

Without planning permission, the erection of a fence in the rear garden and the erection of a building to the rear of the premises

Application Number: E/10/0719 **Appeal Against:** Enforcement Appeal **Team:** Southern Team**Appeal Started:** 20/04/2011**Location:** 26 Park Avenue, London, NW2 5AP**Description:**

The material change of use of part first floor and second floor of the premises from one to three self-contained flats.

("The unauthorised change of use")

Application Number: E/10/0762 **Appeal Against:** Enforcement Appeal **Team:** Western Team**Appeal Started:** 12/04/2011**Location:** 230 East Lane, Wembley, HA0 3LQ**Description:**

Without planning permission, the installation of roof tiles and one rooflight to front elevation of dwellinghouse.

("The unauthorised development")

Application Number: E/10/0794 **Appeal Against:** Enforcement Appeal **Team:** Southern Team**Appeal Started:** 15/03/2011**Location:** 12 Greyhound Road, London, NW10 5QG**Description:**

The erection of a decking and fence enclosure and a close-boarded perimeter fence screen to form a roof terrace on top of the two storey rear extension, the erection of a rear dormer window to the premises and change of use of premises from a single dwellinghouse to five self-contained flats.

("The unauthorised development and use")

Received ENFORCEMENT Appeals between 1-Mar-2011 and 30-Apr-2011

Planning Committee: 7 June, 2011

Application Number: E/10/0802 **Appeal Against:** Enforcement Appeal **Team:** Western Team**Appeal Started:** 08/03/2011**Location:** 49 Elm Road, Wembley, HA9 7JA**Description:**

Without planning permission, the change of use of the premises from two houses to six self-contained flats.

("The unauthorised change of use")

Application Number: E/10/0830 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 11/03/2011**Location:** Alleyway rear of 25-51, Blackbird Hill, London, NW9**Description:**

Without planning permission, the change of use from an alleyway to mixed use as access way, car repair, car servicing and storage of car-repair equipment, car parts and other equipment associated with the repair and servicing of vehicles.

("The unauthorised change of use")

Application Number: E/10/0943 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 08/03/2011**Location:** 85 The Avenue, Wembley, HA9 9PQ**Description:**

Without planning permission, the erection of a first floor rear extension, a roof over the front of single storey elevation of two storey side extension and the erection of a porch to front of premises.

("The unauthorised development")

Application Number: E/11/0076 **Appeal Against:** Enforcement Appeal **Team:** Northern Team**Appeal Started:** 19/04/2011**Location:** 19 Tanfield Avenue, London, NW2 7SA**Description:**

Without planning permission, the erection of a building in the rear garden and its use as a self-contained flat, the erection of rear dormer window and the change of use of the house into nine self-contained flats.

("The unauthorised development and change of use")

Application Number: E/11/0084 **Appeal Against:** Enforcement Appeal **Team:** Western Team**Appeal Started:** 15/04/2011**Location:** 1- 4 Moulin Terrace, College Road, Wembley, HA9 8RJ**Description:**

Without planning permission the erection of terrace comprising 4 x 3-bedroom houses.

("the unauthorised development")

Decisions on PLANNING Appeals between 1-Mar-2011 and 30-Apr-2011

Planning Committee: 7-Jun-2011

Application Number: 09/1204 **PINSRefNo** A/10/2127696/WF **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 02/03/2011

Location: 10 Alverstone Road, London, NW2 5JT

Proposal:

Demolition of conservatory at rear patio level, increase in height of patio by 0.07m, retention of single-storey rear extension with reduced height, installation of boundary treatment between No. 10 and No. 12 Alverstone Road, and introduction of boundary fence

Application Number: 10/0167 **PINSRefNo** A/10/2140738/NWF **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 14/03/2011

Location: J J House rear of 243-247, Edgware Road, Kingsbury, London, NW9 6LU

Proposal:

Retrospective change of use from warehouse to community centre (Use class D1)

Application Number: 10/0677 **PINSRefNo** A/10/2138049/NWF **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 14/03/2011

Location: Storage Land next to 75, St Pauls Avenue, London, NW2 5TG

Proposal:

Redevelopment of the site to provide part 2, 3, 4 and part 6 storey building comprising 20 (5 one, 10 two and 5 three bed) affordable units and associated access, landscaping, car parking and cycle parking provision

Application Number: 10/1406 **PINSRefNo** A/10/2142156/NWF **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 22/03/2011

Location: 134 Manor Park Road, London, NW10 4JP

Proposal:

Conversion of the dwellinghouse into 2 flats, with installation of 1 rear dormer window, 2 front rooflights and erection of a single-storey rear extension

Application Number: 10/1819 **PINSRefNo** H/10/2138580 **Team:** Southern Team

Appeal Decision: Appeal withdrawn **Appeal Decision Date:** 15/03/2011

Location: 2 Scrubs Lane, London, NW10 6RB

Proposal:

Continued display of free-standing, internally illuminated sign on site of church on south side of Harrow Road, adjacent to existing petrol station

Application Number: 10/1853 **PINSRefNo** X/10/2139015 **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 02/03/2011

Location: 12 Bulmer Gardens, Harrow, HA3 0PA

Proposal:

Certificate of lawfulness for 2 proposed outbuildings in the rear garden of the dwellinghouse

Application Number: 10/2214 **PINSRefNo** A/10/2140269/WF **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 02/03/2011

Location: Ground, First & Second Floor Flats, 89 Walm Lane, London, NW2

Proposal:

Demolition of existing garages and stores to the rear of 89 Walm Lane and erection of a single-storey, detached, wheelchair-accessible dwellinghouse with associated landscaping and front cycle-parking spaces

Decisions on PLANNING Appeals between 1-Mar-2011 and 30-Apr-2011

Planning Committee: 7-Jun-2011

Application Number: 10/2225 **PINSRefNo** /A/11/2143811/WF **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 14/04/2011

Location: 17A Southview Avenue, London, NW10 1RE

Proposal:

Erection of a first floor rear conservatory to first floor flat

Application Number: 10/2319 **PINSRefNo** A/11/2143629/WF **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 07/04/2011

Location: 35D Mowbray Road, London, NW6 7QS

Proposal:

Erection of side and rear dormer windows and 1 front rooflight to top floor flat

Application Number: 10/2356 **PINSRefNo** D/11/2146264 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 22/03/2011

Location: 47 Wentworth Hill, Wembley, HA9 9SF

Proposal:

Conversion of the garage to a habitable room, erection of a front porch, demolition of existing rear conservatory and erection of a single storey rear extension

Application Number: 10/2385 **PINSRefNo** A/10/2142308/WF **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 01/03/2011

Location: Garden Flat, 88 Brook Road, London, NW2 7DU

Proposal:

Erection of single storey extension to flat

Application Number: 10/2573 **PINSRefNo** D/11/2147271 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 15/04/2011

Location: 48 Sedgcombe Avenue, Harrow, HA3 0HN

Proposal:

First floor side extension and rear dormer window to dwellinghouse

Application Number: 10/2577 **PINSRefNo** D/11/2145056 **Team:** Northern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 28/03/2011

Location: 6 The Mount, Wembley, HA9 9EE

Proposal:

Alterations to the roof of the dwellinghouse, including the raising of the height of the roof over the existing extension, alterations to the pitch angle of the roof, erection of a rear dormer window and installation of two rooflights on the flank roof slopes and front roof slope

Application Number: 10/2695 **PINSRefNo** H/11/2145119 **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 11/04/2011

Location: 7 & 7A Bridge Road, Wembley, HA9

Proposal:

Installation of an internally illuminated advertisement board to the side wall of 7 and 7A Bridge Road

Decisions on PLANNING Appeals between 1-Mar-2011 and 30-Apr-2011

Planning Committee: 7-Jun-2011

Application Number: 10/2857 **PINSRefNo** D/11/2146176 **Team:** Western Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 01/04/2011

Location: 31 Meadow Way, Wembley, HA9 7LB

Proposal:

Retrospective application for erection of a single storey outbuilding in rear garden of dwellinghouse

Application Number: 10/3114 **PINSRefNo** D/11/2147694 **Team:** Northern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 05/04/2011

Location: 3 The Avenue, Wembley, HA9 9QH

Proposal:

Demolition of garage, erection of part single-, part two-storey side and rear extensions, front extension and new porch and erection of rear dormer window and installation of one rear and two front rooflights as amended by revised plans received 28/01/11

Application Number: 10/3223 **PINSRefNo** D/11/2147470 **Team:** Northern Team

Appeal Decision: Technically Deleted Record **Appeal Decision Date:** 09/03/2011

Location: 49 Alington Crescent, London, NW9 8JL

Proposal:

Retrospective application for two outbuildings in rear garden of dwellinghouse.

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Decisions on ENFORCEMENT Appeals between 1-Mar-2011 and 30-Apr-2011
 Planning Committee: 7 June, 2011

Application Number: E/08/0404 **PINSRefNo** APP/T5150/C/10/2140499 **Team:** Southern Team

Appeal Decision: Appeal Allowed **Appeal Decision Date:** 30/03/2011

Location: 32A Victor Road, London, NW10 5XG

Proposal:

The erection of a single storey extension in rear garden of the premises.

Application Number: E/09/0182 **PINSRefNo** C/10/2129458 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 02/03/2011

Location: 46 Charteris Road, London, NW6 7ET

Proposal:

Without planning permission, the material change of use of the single storey rear extension (currently known as 46 F) from a storage room ancillary to the use of the premises to a self contained flat.

Application Number: E/09/0266 **PINSRefNo** C/10/2129405 **Team:** Western Team

Appeal Decision: Appeal part dismissed / part allowed **Appeal Decision Date:** 31/03/2011

Location: 30 & Adjacent Land, Rowley Close, Wembley, HA0

Proposal:

Without planning permission, the erection of a building in the rear garden of the premises and the material change of use of the premises from residential to a mixed use as residential and the storage of building materials.

("The unauthorised development")

Application Number: E/09/0464 **PINSRefNo** C/10/2129822 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 07/04/2011

Location: 68 Churchill Road, London, NW2 5EE

Proposal:

The change of use of the premises to a House in Multiple Occupation (HMO).

("The unauthorised change of use")

Application Number: E/09/0465 **PINSRefNo** C/10/2133569 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 15/03/2011

Location: 52 Churchill Road, London, NW2 5EE

Proposal:

The change of use of the premises to a House in Multiple Occupation (HMO).

("The unauthorised change of use")

Application Number: E/09/0466 **PINSRefNo** C/10/2129819 **Team:** Southern Team

Appeal Decision: Appeal Dismissed **Appeal Decision Date:** 07/04/2011

Location: 62 Churchill Road, London, NW2 5EE

Proposal:

The change of use of the premises to a House in Multiple Occupation (HMO).

("The unauthorised change of use of the premises")

Decisions on ENFORCEMENT Appeals between 1-Mar-2011 and 30-Apr-2011
 Planning Committee: 7 June, 2011

Application Number: E/09/0467 **PINSRefNo** C/10/2129823 **Team:** Southern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 07/04/2011

Location: 74 Churchill Road, London, NW2 5EE

Proposal:

The change of use of the premises to a House of Multiple Occupation (HMO).

Application Number: E/09/0596 **PINSRefNo** C/10/2140931

Team: Western Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 31/03/2011

Location: 141 Ealing Road, Wembley, HA0 4BP

Proposal:

The change of use of the forecourt of the premises from retail to sale of hot food to be consumed on and off the premises, and the erection of stalls to the front of the premises to sell hot food from.

("The unauthorised development")

Application Number: E/09/0853 **PINSRefNo** C/10/2131158

Team: Western Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 11/03/2011

Location: 5 Highfield Avenue, Wembley, HA9 8LE

Proposal:

Without planning permission, the change of use of a rear extension to self-contained residential flat.

("The unauthorised change of use")

Application Number: E/10/0094 **PINSRefNo** C/10/2125749

Team: Western Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 24/03/2011

Location: 46 Oakington Manor Drive, Wembley, HA9 6LZ

Proposal:

Without planning permission, the erection of a building, not incidental to the enjoyment of the dwellinghouse, in the rear garden of the premises.

("The unauthorised development")

Application Number: E/10/0183 **PINSRefNo** C/10/2129817

Team: Southern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 07/04/2011

Location: 18 Churchill Road, London, NW2 5EA

Proposal:

The change of use of the premises to a House in Multiple Occupation (HMO).

("The unauthorised change of use")

Application Number: E/10/0277 **PINSRefNo** C/10/2133887

Team: Western Team

Appeal Decision: Appeal part dismissed / part allowed

Appeal Decision Date: 04/04/2011

Location: 65 Crabtree Avenue, Wembley, HA0 1LW

Proposal:

The unauthorised erection of a part single, part two-storey side extension and change of use of the premises to two self-contained residential dwellings.

("The unauthorised development and change of use")

Decisions on ENFORCEMENT Appeals between 1-Mar-2011 and 30-Apr-2011
 Planning Committee: 7 June, 2011

Application Number: E/10/0390 **PINSRefNo** C/10/2141902

Team: Western Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 28/03/2011

Location: Yard next to 19, Hazel Grove, Wembley, HA0

Proposal:

Without planning permission, the change of use of the premises from the parking and cleaning of hire vehicles to a mixed use as mini-cab storage, car repairs and tyre storage.

Application Number: E/10/0443 **PINSRefNo** C/10/2141929

Team: Northern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 14/04/2011

Location: Car Wash, 470 Church Lane, London, NW9 8UA

Proposal:

Without planning permission, the change of use of the premises to a mixed use as car wash business and car park, and the erection of a canopy structure and metal container in association with the unauthorised change of use.

("The unauthorised change of use and development")

Application Number: E/10/0474 **PINSRefNo** C/10/2143141

Team: Northern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 18/04/2011

Location: Garages rear of 8-14, Slough Lane, London, NW9

Proposal:

The breach of conditions 1 and 3 of planning permission 07/1760 dated 06/09/2007 for "Erection of 3 single-storey garages on land to the rear of 8-14 Slough Lane and provision of a landscaped communal area."

Condition 1 states: "The development hereby approved shall be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted therewith."

Condition 3 states: "The garage(s) hereby approved shall be used solely for the housing of private vehicles or for domestic storage solely in connection with 8-14 Slough Lane. No business or industry shall be carried out therein, nor shall the garage(s) be adapted or used for additional living accommodation."

Application Number: E/10/0827 **PINSRefNo** C/10/2143133

Team: Northern Team

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 18/04/2011

Location: Garages rear of 8-14, Slough Lane, London, NW9

Proposal:

Without planning permission, the change of use of the premises to a carpet, flooring and material storage business and associated office, and the erection of a plastic roof canopy structure with timber and metal frame in rear garden of the premises.

("The unauthorised change of use and development")

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**PLANNING SELECTED appeal DECISIONS between
1-Mar-2011 and 30-Apr-2011
Planning Committee: 7 June, 2011**

Introduction

In order to keep Members fully informed of Planning Appeal decisions, copies of Inspector's decision letters concerning those applications that have been allowed or partly allowed on appeal, are attached to the agenda. These include the following:

Our reference: 10/1853 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 02/03/2011
Team: Northern Team
Location: 12 Bulmer Gardens, Harrow, HA3 0PA
Proposal:
Certificate of lawfulness for 2 proposed outbuildings in the rear garden of the dwellinghouse

Our reference: 10/2695 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 11/04/2011
Team: Northern Team
Location: 7 & 7A Bridge Road, Wembley, HA9
Proposal:
Installation of an internally illuminated advertisement board to the side wall of 7 and 7A Bridge Road

Our reference: 10/2857 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 01/04/2011
Team: Western Team
Location: 31 Meadow Way, Wembley, HA9 7LB
Proposal:
Retrospective application for erection of a single storey outbuilding in rear garden of dwellinghouse

Our reference: 10/3114 **Appeal Decision:** Appeal Allowed **Appeal Decision Date:** 05/04/2011
Team: Northern Team
Location: 3 The Avenue, Wembley, HA9 9QH
Proposal:
Demolition of garage, erection of part single-, part two-storey side and rear extensions, front extension and new porch and erection of rear dormer window and installation of one rear and two front rooflights as amended by revised plans received 28/01/11

Background Information

Any persons wishing to inspect an appeal decision not set out in full on the agenda should check the application details on our website or contact the Technical Support Team, Planning and Development, Brent House, 349 High Road, Wembley, HA9 6BZ. Telephone 020 8937 5210 or email

Chris Walker, Assistant Director - Planning and Development

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**ENFORCEMENT SELECTED appeal DECISIONS between
1-Mar-2011 and 30-Apr-2011**

Planning Committee: 7 June, 2011

Introduction

In order to keep Members fully informed of Enforcement Appeal decisions, copies of Inspector's decision letters concerning those cases where Enforcement action has been initiated and the appeal has been allowed or part allowed, are attached to the agenda. These include the following:

Our reference: E/08/0404	Appeal Decision Date: 30/03/2011
Team: Southern Team	Appeal Decision: Appeal Allowed

Location: 32A Victor Road, London, NW10 5XG

Proposal:

The erection of a single storey extension in rear garden of the premises.

Our reference: E/09/0266	Appeal Decision Date: 31/03/2011
Team: Western Team	Appeal Decision: Appeal part dismissed / part allowed

Location: 30 & Adjacent Land, Rowley Close, Wembley, HA0

Proposal:

Without planning permission, the erection of a building in the rear garden of the premises and the material change of use of the premises from residential to a mixed use as residential and the storage of

Our reference: E/10/0277	Appeal Decision Date: 04/04/2011
Team: Western Team	Appeal Decision: Appeal part dismissed / part allowed

Location: 65 Crabtree Avenue, Wembley, HA0 1LW

Proposal:

The unauthorised erection of a part single, part two-storey side extension and change of use of the premises to two self-contained residential dwellings.

Background Information

Any persons wishing to inspect appeal decision letters not set out in full on the agenda should contact the Planning Service Technical Support Team, The Planning Service, Brent House, 349 High Road, Wembley, HA9 6BZ.

Chris Walker, Assistant Director - Planning and Development

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Appeal Decision

by Alan Woolnough BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 March 2011

Appeal Ref: APP/T5150/X/10/2139015

12 Bulmer Gardens, Harrow, Middlesex HA3 0PA

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr Kiran Shah against the decision of the Council of the London Borough of Brent.
- The application ref no 10/1853, dated 23 July 2010, was refused by notice dated 14 September 2010.
- The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
- The proposed development for which a LDC is sought is described on the application form as: 'Outbuildings to rear of garden'.

Summary of Decision: The appeal is allowed and a certificate of lawful use or development is issued in the terms set out below in the Formal Decision.

The Proposal

1. The appeal property is a single dwellinghouse. The proposal, as described in drawing no 0714.3 Rev A dated July 2010, comprises the erection of two flat roofed outbuildings within the property's rear garden and positioned 1 metre apart. Both would have a maximum height as measured from ground level of 2.5 metres and, projecting towards the rear boundary of the site, would be 6 metres long. One, to be used as a gymnasium, would be 4 metres wide. The other, to be used as a garden store, would have a width of 3 metres.
2. The Appellant confirms his intention that both buildings would be used solely for purposes incidental to the enjoyment of the dwellinghouse as such. I therefore consider that, notwithstanding the description of development used on the application form, the proposal would be more accurately described as: *The erection of two outbuildings to be used as a gymnasium and garden store incidental to the enjoyment of a dwellinghouse as such.* I will determine the appeal on this basis and am satisfied that there is no prejudice to the interest of any party in doing so.

Reasoning

3. The Appellant contends that, on the date of the subject application, the proposed development would have benefited from deemed planning permission pursuant to Article 3 of and Class E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 as amended (the GPDO). Class E conveys permitted development rights to provide within the curtilage of a dwellinghouse any building required for a purpose incidental

the enjoyment of the dwellinghouse as such, subject to certain limitations. The Appellant and the Council are in agreement that the location and dimensions of the proposed buildings comply with the limitations set out in Class E, and I concur. The matter in dispute between the parties, and which is determinative in this appeal, is whether or not the buildings are required for purposes incidental to the enjoyment of the dwellinghouse as such.

4. Paragraphs 8.12 and 8.26 of Annex 8 to Circular 10/97: *Enforcing Planning Control: Legislative Provisions and Procedural Requirements* make it clear that the onus of proof in a LDC application made under section 192 of the 1990 Act as amended is firmly on the Applicant. The same applies to the Appellant at the appeal stage. The Council contends that, in this case, the Appellant has not demonstrated that buildings of the sizes proposed are required for the purposes cited. However, no clear indication is given as to the type of evidence the Council would expect to be produced.
5. The Courts have long held that the term 'required' in successive versions of Class E should be interpreted as 'reasonably required'. The dwellinghouse is a four bedroom property and thus capable of accommodating a large family. In such circumstances, a home gymnasium with a footprint of 24 square metres is, in my judgement and experience, a perfectly reasonable requirement and could readily be used solely for purposes incidental to the enjoyment of the dwellinghouse as such. Although the Appellant has not provided cogent evidence to substantiate his assertion that the gymnasium is required for health reasons, there is no need for a special justification in this case.
6. The proposed garden store would have a footprint of 18 square metres. This approximates in scale to a single vehicle garage and, having regard to the substantial length of the rear garden, is by no means excessive for the purposes of storing modern gardening equipment appropriate to the size of the property. It is not apparent to me why the Council should require further evidence of need for a building of this kind.
7. The Council draws unfavourable comparisons between the combined footprint of the proposed outbuildings and that of the original dwellinghouse. However, the latter has been extended such that its footprint is now far larger than that of the appeal development. Whilst the original footprint might be pertinent in a case where the planning merits of a proposal fall to be considered, the extended footprint is more relevant to my deliberations. In any event, I note that separation between dwelling and outbuildings would be at least 17 metres. In such a context, I find no reason to suspect that buildings of the size envisaged might not be genuinely required for incidental purposes.
8. The Council draws my attention to two appeal decisions concerning other properties, which it considers to be comparable to the present case. Each proposal must be assessed independently with reference to its particular circumstances, and I do not know the full circumstances of either of the examples cited. Nonetheless, it is apparent that in one (ref no APP/R5510/X/10/2122954) the footprint of the proposed outbuilding would have been larger than that of the dwelling itself and the size of the remaining garden would have been minimal, whilst in the other (ref no APP/T5150/C/08/2065350) the building was to be used, at least in part, for business purposes and was larger than the combined footprint of the current proposals.

9. In those cases, there was clearly good reason to question the incidental nature of the developments. However, with regard to the current scheme, I find the Council to have applied the guidance in the Circular concerning the burden of proof with unreasonable stringency. Were there grounds to suspect that the proposed buildings might not reasonably or genuinely be required for incidental purposes, a call for further evidence might be justified. However, the size of this property is such that the suitability of these buildings to their stated uses, and the incidental nature of those uses, is self evident. The Appellant has therefore fulfilled the burden of proof in an acceptable manner. Other considerations raised by neighbouring residents, including external appearance, effects on amenity, flooding and an appeal against a refusal of planning permission for similar development, are not material to the lawfulness of the proposal.
10. I conclude on the balance of probabilities that, on the date of the subject application, the proposed development would have benefited from deemed planning permission pursuant to Article 3 of and Class E of Part 1 of Schedule 2 to the GPDO. It would therefore have been lawful. Ultimately, should the buildings be erected and put to uses which do not fall within the scope of Class E, the Council would be able to pursue enforcement action.

Conclusion

11. For the reasons given above I conclude on the evidence now available that the Council's refusal to grant a LDC was not well-founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me under section 195(2) of the 1990 Act as amended.

Formal Decision

12. I allow the appeal, and I attach to this decision a certificate of lawful use or development describing the proposed operations which I consider to be lawful.

Alan Woolnough

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER
2010: ARTICLE 35

IT IS HEREBY CERTIFIED that on 23 July 2010 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in black on the plan attached to this certificate would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 as amended, for the following reason:

The purposes to which the proposed buildings would be put, as described in the application and associated plan, would be incidental to the enjoyment of the dwellinghouse as such and the buildings are required for those purposes. The provision of the buildings would therefore have benefited from deemed planning permission pursuant to Article 3 of and Class E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 as amended.

Signed

Alan Woolnough

Inspector

Date: 02.03.2011

Reference: APP/T5150/X/10/2139015

First Schedule

The erection of two outbuildings to be used as a gymnasium and garden store incidental to the enjoyment of a dwellinghouse as such, as depicted in drawing no 0714.3 Rev A dated July 2010.

Second Schedule

Land at 12 Bulmer Gardens, Harrow, Middlesex HA3 0PA

NOTES

1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, were not liable to enforcement action, under section 172 of the 1990 Act, on that date.
3. This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.
4. The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.



Plan

This is the plan referred to in the Lawful Development Certificate dated: 02.03.2011

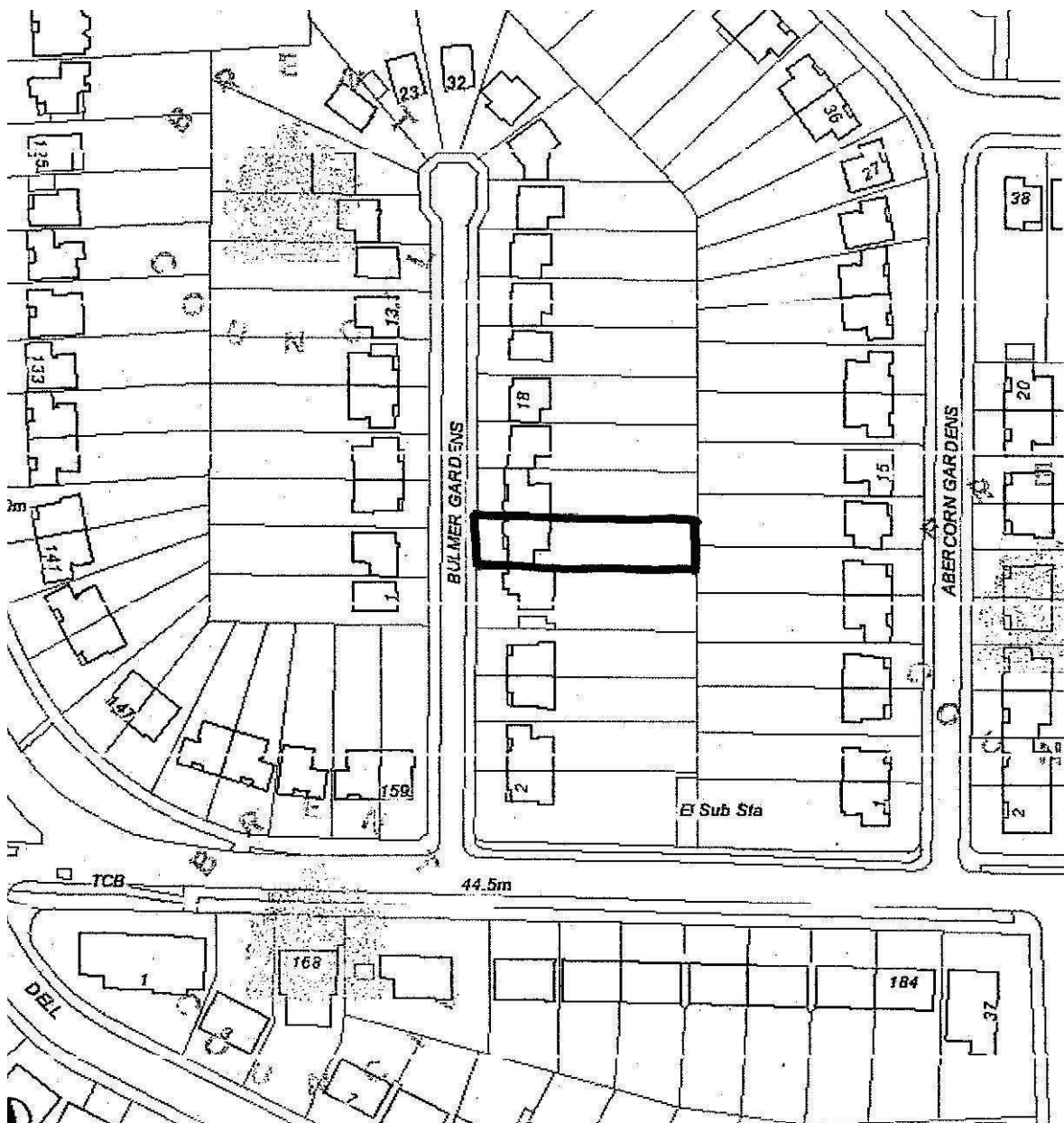
Alan Woolnough

Alan Woolnough BA(Hons) DMS MRTPI

Land at 12 Bulmer Gardens, Harrow, Middlesex HA3 0PA

Reference: APP/T5150/X/10/2139015

Scale not stated





Appeal Decision

Site visit made on 29 March 2011

by **S R G Baird BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 April 2011

Appeal Ref: APP/T5150/H/11/2145119

7 Bridge Road, Wembley, Middlesex HA9 9AB

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by JC Decaux Limited against the decision of the Council of the London Borough of Brent.
 - The application Ref 10/2695, dated 15 October 2010, was refused by notice dated 10 December 2010.
 - The advertisement proposed is the erection of an internally illuminated sequential advertising display.
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Preliminary Matter

1. As submitted, the application comprised 2 elements, a wall mounted internally illuminated panel featuring the sequential display of static advertisements measuring some 6.4m by 3.7m and the associated cladding of the side elevation of No. 7. The appellant has indicated that the appeal relates only to the advertisement panel and not the cladding. No party would be prejudiced by continuing with the appeal on this basis.

Decision

2. The appeal is allowed and consent granted for the display of an internally illuminated sequential advertising display from the date of this decision and is subject to the 5 standard conditions set out in the Regulations and the following additional condition that the maximum level of luminance for the display hereby approved shall not exceed 600 cdm².

Reasons

3. The Council refer to Unitary Development Plan Policies BE20 and BE21 and Supplementary Planning Guidance No. 8 Advertisements (Other Than Shops). Powers under the regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In the determination of this appeal, these policies have not therefore, by themselves, been decisive. Notwithstanding the construction of the reason for refusal and the restatement of national policy in relation to public safety in the Council's statement, it is clear that the Council's concern relates solely to the impact on amenity.
4. The panel would be to the top right hand corner of the almost blank side elevation of No. 7, which is located at the end of a row of 2-storey commercial units. Bridge Road is a busy, largely commercial road and part of the Wembley Park shopping area. The site is not within a Conservation Area; No. 7

is not a Listed Building nor is it identified as a building of particular local character. The layout and finish of the side elevation displays no features of or is finished in a way that has any townscape merit.

5. The panel would broadly align with the first-floor of No. 7 and the position towards the top right-hand quarter of the elevation would acceptably relate to the scale of the host and surrounding buildings, it would be consistent with the general character of the area and would not be unduly dominant. In these circumstances an advertisement panel in this location would not unacceptably the amenity of the area.

Conditions

6. The consent is subject to the standard 5 conditions set out in Part 2 of the Annex to Circular 03/2007 and these mirror the 7 conditions referred to by the Council. The suggested additional conditions relate to levels of luminance and the development being carried out in accordance with the approved plans. The imposition of a condition relating to approved drawing in S78 appeals is to allow for minor amendments to an approved scheme before it is carried out. As far as I am aware there is no similar provision under Regulation 17 and as such the condition is unnecessary. The Council suggests graduated levels of luminance depending on the colour of the sign varying from 250 to 1000 cdm². The appellant suggests a fixed maximum level of luminance of 600 cdm². In this case, as the permission relates to an internally illuminated panel featuring the sequential display of static advertisements, a fixed maximum level of luminance is more appropriate.

George Baird

INSPECTOR



Appeal Decision

Site visit made on 29 March 2011

by **S R Baird BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 April 2011

Appeal Ref: APP/T5150/D/11/2146176
31 Meadow Way, Wembley, HA9 7LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Raza Anwar against the decision of London Borough of Brent.
 - The application Ref 10/2857, dated 5 November 2010, was refused by notice dated 30 December 2010.
 - The development proposed is a single-storey detached building at the bottom of garden for storage and gym use only.
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Preliminary Matters

1. As the development had been carried out before the date of the application it is treated as one made under S73 of the Act. Although the application sought planning permission for a detached outbuilding, the appellant says, "the building was permitted development when built in 2009" and implies that planning permission is not required. Whether or not planning permission is required is not a matter to be determined in the context of an appeal made under S78 of the above Act. It is open to the appellant to apply for a determination under S191/192 of the above Act to determine this matter. A determination of this appeal under S78 of the above Act does not affect the issuing of a determination under S191/192 of the same Act.

Decision

2. The appeal is allowed and planning permission granted for a single-storey detached building at the bottom of garden for storage and gym use only at 31 Meadow Way, Wembley, HA9 7LB in accordance with the terms of the application, Ref 10/2857, dated 5 November 2010.

Main Issue

3. The effect on the character and appearance of the area.

Reasons

4. I am aware that an enforcement notice relating to the use of the outbuilding for a purpose not incidental to the main dwellinghouse was upheld on appeal in October 2010 and that at the time of the current application was being considered the use of the main house as a House in Multiple Occupation was the subject of an enforcement investigation. However, the consideration of the merits of this appeal has to be based on the application as it was submitted and what was seen on the site visit.

5. The development plan seeks to ensure that development within a residential garden respects the setting of existing dwellings and does not unacceptably affect the character and appearance of the area. Whilst in the past the building may have been used as a self-contained residential unit, that is not the basis of the proposal the subject of this appeal, nor is there any evidence to show that the main dwelling is being used as anything other than a single dwelling house. The building comprises one room, which contains several items of personal fitness equipment, a toilet and a shower. The fact that the detached building contains a shower room does not automatically mean that it cannot be for a purpose ancillary to the house. It is not unreasonable that a purpose-built detached gym building should have a toilet and shower facilities. Whilst a gym is not an essential part of the primary use, it could be a purpose ancillary to the primary use.
6. I can understand, given the previous history, the concern that a separate planning unit might be created. However, the outbuilding is within the curtilage of No.31, no physical separation is proposed that could lead to the formation of a separate planning unit. If independent occupation did occur it is open to the Council to take further enforcement action as the ancillary link to the main dwelling house would be lost.
7. Although in this case, the building almost fills the width of the plot, I saw similar sized buildings in several surrounding gardens and such buildings appear to be part of the character of this residential area. The building is subordinate in scale to the surrounding dwellings and does not appear dominant, overbearing or intrusive. There is a tall evergreen hedge on the boundary with No. 29, tall dense shrubbery to the rear and a lower evergreen hedge on the boundary with No. 33 all of which helps to mitigate the visual impact of this building. Accordingly, the building does not have an unacceptable impact on the character and appearance of the area and would not conflict with the objectives of development plan policy.

Conditions

8. The Council suggest 3 conditions. The first relates to the development being carried out in accordance with the submitted plans. The purpose of such a condition is to provide an opportunity to seek minor amendments to an approved scheme before it is carried out, rather than an alteration to an already completed development. Here, such a condition is unnecessary. The second condition seeks to restrict the use of the building. Depending on the scale of the operation, working from home does not necessarily need planning permission. Thus, given the guidance in Circular 11/95 The Use of Conditions in Planning Permissions, a blanket restriction on such activity by way of a planning condition is unreasonable. As with independent residential occupation, where the ancillary link to the main dwelling is lost, it is open to the Council to take enforcement action. Accordingly, I consider the suggested condition is unnecessary. The third condition relates to additional landscaping. Given the conclusions about the existing boundary planting, such a condition is also unnecessary.

George Baird

INSPECTOR



Appeal Decision

Site visit made on 29 March 2011

by **S R G Baird BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 April 2011

Appeal Ref: APP/T5150/D/11/2147694

3 The Avenue, Wembley, Middlesex HA9 9QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Siddiqui against the decision of the Council of the London Borough of Brent.
 - The application Ref 10/3114, dated 6 December 2010, was refused by notice dated 31 January 2011.
 - The development proposed is the demolition of a garage, the erection of part single, part 2-storey side and rear extensions, a front extension and a new porch and the erection of a rear dormer window and the installation of one rear and 2 front roof lights as amended by revised plans received on 28 January 2011.
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Preliminary Matter

1. Some detail contained on Drawing No. 3/1110/2 Rev A showing the proposed rear elevation is inconsistent with Drawing No. 3/1110/02A Rev A which shows the proposed side elevations and Drawing No. 3/1110/01B Rev A the proposed roof plan. Whilst the drawings of the side elevation and the roof plan show a smaller, hipped roof over the 2-storey side extension this detail is omitted from the drawing of the rear elevation. In addition, the proposed rear elevation shows 2 roof lights whereas the floor layout drawing and the roof plan show only one, in a slightly different position. Notwithstanding these omissions, it is clear from the submitted plans what the appellant's intentions are and, as the Council indicates, this matter could be controlled by a planning condition.

Decision

2. The appeal is allowed and planning permission granted for the demolition of a garage, the erection of part single, part 2-storey side and rear extensions, a front extension and a new porch and the erection of a rear dormer window and the installation of one rear and two front roof lights as amended by revised plans received on 28 January 2011 at 3 The Avenue, Wembley, Middlesex HA9 9QH in accordance with the terms of the application, Ref 10/3114, dated 6 December 2010, subject to the following conditions:
 - 1) the development hereby permitted shall begin not later than 3 years from the date of this decision;
 - 2) the materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building;
 - 3) the development hereby permitted shall be carried out in accordance with Drawing Nos. 3/1110/01 Rev A; 3/1110/01A Rev A; 3/1110/01B Rev A;

- 3/1110/01C Rev A; 3/1110/02 Rev A and 3/1110/02A Rev A and an unnumbered location plan;
- 4) notwithstanding the detail shown on the submitted plans, before the commencement of any works details of, the vehicle crossover widened to 4.2m, the rear elevation showing the roof form and position of skylights and the treatment, including species, plant sizes and planting density, of the boundaries with Nos. 1 and 5 The Avenue as shown on Drawing No. 3/1110/01C Rev A shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details before the first occupation of the extension hereby permitted;
 - 5) any plants forming part of the boundary treatment scheme approved under condition 4, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Main Issues

3. The proposed extensions to No. 3 are substantial and comprise several elements, which the Council indicates comply with or do not conflict with the objectives of Unitary Development Plan (UDP) Policies BE2 and 9 and Supplementary Planning Guidance 5 – Altering and Extending Your Home (SPG). These acceptable elements comprise, the enlarged porch/study room, the setback of the first floor of the proposed side extension, the proposed rear dormer window, the number and position of the roof lights, the depth of the single-storey rear extension and the depth of the first-floor rear extension. There are no reasons to disagree with the Council's conclusions on these elements. The 2 elements the Council object to are, the stepped first floor rear extension and the resulting pitched and hipped roof forms and the front single-storey element of the proposed prayer room.
4. In light of the above, the main issues are (a) the effect of the front single-storey extension on the street scene and (b) the effect of the proposed first-floor rear extension and roof form on the appearance of the existing house.

Reasons

Front Extension and Street Scene

5. No. 3 is one of several large detached houses set in wide plots on the eastern side of The Avenue. The house is L-shaped with a substantial 2-storey bay, forming the toe of the L, projecting to the front. This 2-storey bay and the deep rendered horizontal band immediately below the first-floor windows mark the presence of No. 3 in the street. SPG is general guidance which, as the Council have done with several other elements, has to be applied in the context of the subject property and not as a strict set of rules. Moreover, the application of the guidance requires the application of subjective judgement regarding the impact of a proposal on the street scene and or the host dwelling.
6. For single-storey side extensions, the SPG suggests that they are set back from the front wall of the house. Here, the Council identify the main front wall to be that which contains the door. However, as the Council acknowledges the 2-

storey bay is large and that it is a prominent feature of the property. Thus, although the single-storey element of the prayer room would project forward of the existing front elevation, by the depth of the new porch, the scale and prominence of the 2-storey bay is such that the extension would not be seen in the same context as the main front wall. Moreover, in views from the north-west this element would be partly screened by the substantial bay window to the front of No. 1. As a result, the single-storey element of the proposed prayer room would not be a prominent feature and would not unbalance the appearance of the house. As such the proposed extension would not have an adverse effect on the street scene.

Rear Extension and Appearance

7. The stepped nature of the rear extension would produce a complicated roof form. However, despite the omission of the smaller hipped roof from the drawing, it is clear that the visual impact of the proposed works have been carefully thought out to reduce the visual mass of the extension. The rear projecting extension would be positioned just off-centre of the extended house and the stepped nature of the 3 hipped gables exhibits some symmetry in terms of form and appearance. In this context, the overall impact of the proposed rear extensions on the appearance of the dwelling would not be unacceptable.

Conclusions

8. For the above reasons, the proposed extensions would not have an unacceptable effect on the street scene or the appearance of the dwelling. As such the proposal would not conflict with the objective of development plan policy or Supplementary Planning Guidance.

Conditions

9. In the interests of clarity, the appearance of the area, highway safety and the protection of neighbours' living conditions, the suggested conditions relating to the specification of the plans, the use of matching materials, the provision of a wider vehicle crossover, the submission of corrected rear elevation details and the details of boundary planting to the rear and, if necessary, the restoration of any planting are reasonable and necessary. The layout drawing shows the provision of a landscaped area to the front. However, the suggested condition requiring approval of the planting of this area is unnecessary and unduly onerous and is a matter best left to the personal choice of the appellant.

George Baird

INSPECTOR



Appeal Decision

Site visit made on 28 February 2011

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 March 2011

Appeal ref: APP/T5150/C/10/2140499
32A Victor Road, London NW10 5XG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by the Council of the London Borough of Brent.
- The appeal is made by Maeve Bhavan.
- The Council's reference is E/08/0404.
- The notice was issued on 4 October 2010.
- The breach of planning control as alleged in the notice is the erection of a single storey extension in rear garden of the premises.
- The requirements of the notice are to:
 1. Demolish the single storey extension in the rear garden of the premises, and remove all items, materials and debris arising from that (sic) the demolition and associated with the unauthorised development.
 2. Restore the ground back to the condition before the unauthorised development took place which was a mixture of soft and hard landscaping.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended also falls to be considered.

Decision

1. I allow the appeal, and direct that the enforcement notice be quashed. I grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a single storey extension in rear garden of the premises at 32A Victor Road, London NW10 5XG referred to in the notice.

The appeal on ground (a) and the deemed planning application

2. An appeal on ground (a) is that planning permission should be granted for what is alleged in the notice. A retrospective planning application (10/2671) was originally submitted to the Council in October 2010, shortly after this enforcement notice was issued. I have been provided with the plans numbered VR32.00 and VR32.01 and a Design Statement. I have taken them into account in determining this appeal. The planning application was still undetermined when the statement of case from the Council was submitted.

3. The development plan policies of most relevance to this appeal are saved Policies BE2 and BE9 of the Brent Unitary Development Plan (UDP) adopted in 2004.
4. The parties also refer to Supplementary Planning Guidance (SPG) documents – SPG5 Altering and Extending Your Home and SPG17 Design Guide for New Development. The gist of this guidance (SPG5) relied on by the Council is that single storey rear extensions to terraced houses should be no more than 2.5m in depth and no more than 3.0m in height for a flat roof. In addition, there should normally be a minimum of 50 sq. m of external amenity space for a ground floor flat suitable for a family (SPG17).
5. Having regard to the policies and guidance, the Council’s reasons for issuing the notice and the written submissions on this appeal, including those from third parties, I consider the main issue to be the impact of this development on the local residential environment, taking into account the availability of amenity space, the character and appearance of the host property and area and the living conditions of neighbouring residents.
6. No. 32A is a ground floor, two-bedroom flat in a two-storey terraced property dating from the Victorian period like many of the other terraced residential properties nearby. The appellant indicates that the original property was converted to two flats over 20 years ago. Owing to its location on a corner, at the junction of Victor Road and Napier Road, the frontage of the property is far wider than the rear and the area behind the two-storey rear building line is very compact and triangular in shape. Even if there were no buildings or structures behind that building line, I see from the submitted plans there would be less than 20 sq. m of external amenity space available. The ground floor flat is occupied by a family – two adults with two young sons.
7. From Victorian times until around July 2008 there was a single storey, brick-built, rear-projecting wing containing a kitchen and an outside lavatory. Around that wing were various covered sheds. The rear wing and covered sheds were demolished in approximately July 2008, although a substantial part of the south-facing wall of that rear-projecting wing remains and forms part of the new extension. The subject flat-roofed, single storey extension roughly follows the outer line of the former covered sheds. Given that the rear wing and covered sheds were demolished in the very recent past to directly make way for the extension and they are recorded on the two plans before me, I find them to be an important material consideration in this appeal.
8. In judging the impact of the subject extension, attention needs to be paid to the pre-existing situation. It is also important to record what would have been deemed to be acceptable in July 2008 under SPG5. Given the date of construction (before July 1948) I would have taken the rear wing to be part of the original building. In these circumstances a flat-roofed extension (not exceeding 3m high) covering virtually all the land in the rear curtilage beyond and to the side of that rear wing would have been deemed to be broadly acceptable under SPG5, section 3.3.
9. The availability of amenity space at no. 32A is not specifically identified in the reasons for issuing the notice at Schedule 3 of the notice. Nonetheless, it is identified as a concern in the Council’s statement. From the submitted plans I

calculate that there is about 2.63 sq. m of outdoor amenity space available in the triangular area to the north of the patio doors. This is a significant shortfall when compared to the Council's adopted standard but prior to the extension being built the plans indicate that there was only about 2.1 sq. m of uncovered outdoor amenity space in that same triangular part of the land. Moreover, that smaller space does not appear to have been accessible from the flat. A long-standing resident of 54B Napier Road, the adjoining property to the north-west, recalls that the former small triangle of space was too restricted to serve either as a proper backyard or garden; rather it was used as a small repository for rubbish.

10. Given these circumstances, an objection on the grounds of a lack of amenity space cannot be sustained. At the same time, the internal living conditions for host families or other occupiers have been improved significantly. In particular, the habitable living room/kitchen area is more spacious and receives more daylight. The current tenants report that it has taken them a very long time to find such good accommodation and that they like the flat as it is.
11. On the matter of amenity space, the notice says that the extension "...provides a lack of amenity space to the rear gardens of 34 Victor Road and 54 Napier Road" This could only be the case if the extension had encroached onto those adjoining lands; there is no suggestion in any of the representations or from what I saw that it has.
12. In visual terms the subject extension presents a more coherent built form compared to the assorted structures that previously occupied the rear yard. The extension reflects the shape of the site and according to the measurements taken by the parties at the site visit the top of the parapet in the north-western corner of the extension does not exceed 3m in height. If other faces of the extension exceed 3m in height they do so only by a nominal amount. The extension does not extend deeper into the rear garden than the previous rear wing and covered sheds. Whilst the extension may largely fill the very small yard at the rear, its scale, height and massing are not notably different to the pre-existing structures. The design is more logical and the chosen bricks are a suitable match for those used in the main building. As a result, the character and appearance of the host property have not been adversely affected.
13. The extension cannot be seen from any public vantage points on the roads hereabouts and has not caused harm to the character or appearance of the area. The occupier at 54B Napier Road asserts that "the extension is, frankly, a great improvement on what was there before." This reinforces my findings on character and appearance.
14. I have carefully studied the previous arrangement of buildings to the rear, the orientation of adjacent properties and the physical impact of the main two-storey building on this densely developed and very compact residential environment at the rear. In so doing, I am not convinced on the available evidence that the development has had such a detrimental impact on the level of sunlighting, daylighting, outlook and visual amenities enjoyed by existing neighbouring residents as to warrant the refusal of planning permission.
15. It is a telling point that no neighbouring residents have lodged objections to this extension in response to this appeal. Rather, the occupiers of 54A and 54B

Napier Road and 34 Victor Road have written to positively declare that they do not wish to see the extension demolished. This reinforces my findings on neighbours' living conditions.

16. Having regard to the above, I conclude on the main issue that the development is an acceptable addition within this local residential environment. There is no conflict with the relevant development plan policies and there is no other ground for refusing planning permission. Any other proposals for similar developments would have to be assessed on their own merits against the prevailing development plan policies and in the light of all material considerations.
17. I have noted the appellant's offer to install a green-planted roof over the extension in the event of the appeal being successful. I find the development to be acceptable as built; a condition requiring such a roof is not therefore necessary in this case.

Conclusion

18. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should succeed on ground (a) and planning permission will be granted.

Andrew Dale

INSPECTOR



Appeal Decision

Inquiry held on 15 March 2011

Site visit made on 15 March 2011

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 March 2011

Appeal Ref: APP/T5150/C/10/2129405

30 and adjacent land, Rowley Close, Wembley, HA0 4HE.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr H S Roopra against an enforcement notice issued by the Council of the London Borough of Brent.
- The Council's reference is E/09/0266.
- The notice was issued on 15 April 2010.
- The breach of planning control as alleged in the notice is "Without planning permission, the erection of a building in the rear garden of the premises and the material change of use of the premises from residential to a mixed use as residential and the storage of building materials".
- The requirements of the notice are to demolish the building in the rear garden of the premises and cease the use of the premises for the storage of building materials; and remove all debris, materials and items associated with the unauthorised development from the premises.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (b), (c) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended must also be considered.

Summary of Decision: the appeal under ground (b) is allowed and the part of the notice related to the mixed use including the use for the storage of building materials is corrected, however, the substantive appeal under grounds (c) (a) and (g) is dismissed, the corrected notice is upheld, and planning permission is refused on the deemed application.

Application for costs

1. At the Inquiry an application for costs was made by the Council against Mr Roopra. This application is the subject of a separate Decision.

Procedural matters

2. At the opening of the inquiry, Mr Keen on behalf of Mr Roopra, voiced his concerns, previously put in writing, that the proof of evidence prepared by Mrs Ashton for the Council contained references to other appeal decisions which had not been referred to in the Council's Statement of Case, as required by the Regulations. He said if these matters were considered at the inquiry, it would disadvantage his client and an adjournment would be requested or an alternative procedure suggested whereby other cases in the appellant's favour could be raised. I advised that I had

not read the appeal cases referred to but was aware of the case of *Townsley*¹ as established legal authority. In the circumstances, the Council decided to withdraw the reference to the other appeal decisions from their case and these were not discussed at the inquiry nor have I had regard to them in my decision. For the avoidance of doubt, these cases refer to land at 22 Wembley Park Drive, Wembley; 34 Oxenpark Gardens, Wembley; and 34 Birchen Grove, Kingsbury.

3. All oral evidence at the inquiry was given on oath.

The appeal site and background

4. The Statement of Common Ground (SCG) indicates that planning permission was granted in October 2003 for the erection of a three-bedroom semi-detached house adjacent to 30 Rowley Road under ref. 03/2610. Further, evidence presented at the inquiry from Building Control records indicates that the construction of the additional property started in late Sept. 2008 and was substantially completed about early January 2010. This new property is now occupied and is called no. 32 Rowley Close.
5. The enforcement notice relates to the construction and use of a building within an area defined on the plan accompanying the notice as the original curtilage of no. 30, described as "the premises" (i.e. it includes the curtilage of what is now no. 32 as well). I shall from now on refer to the building as the 'outbuilding' to distinguish it from the new dwelling. The SCG includes the dimensions of the outbuilding as 8.213m by 8.220m with a maximum height to the ridge of the roof of 3.97m and a height to eaves of 2.3m. The outbuilding is constructed in brick under a tiled pitched roof.
6. The appellant does not contest the Council's evidence that the construction of the outbuilding was first brought to the Council's attention by a neighbour in April 2009 with an officer site visit made in May 2009 where photographs of the largely completed fabric of the outbuilding were taken. Mr Keen understands that the main structure of the outbuilding was virtually complete about April 2009 although the building had not been finished off internally by that time. The notice relates to the premises as at the time of issue on the 15 April 2010.

The appeal on ground (b)

7. This ground is that as a matter of fact the matters alleged in the notice have not taken place. Further, the appellant has stated that this ground only applies to the allegation that the premises have been used in part for the storage of building materials.
8. Evidence of the allegation as presented by the Council is in two parts; firstly Mrs Ashton said on oath that the appellant, Mr Roopra, had advised her during a telephone conversation with her on the 5 March 2010 that the outbuilding had been let to builders and was in use as a store, and it transpired later in the same conversation that it was his commercial building firm that was using the store. Secondly, Mrs Ashton produced photographs of the inside of the outbuilding taken on the 17 February 2010.
9. As a witness for the appellant, Mr Robinson, (who acts as a type of accommodation manager working between property owners and companies requiring accommodation for their workers) said he was aware of the new property (no. 32) from about September 2009 and that he had arranged for the let of the property to

¹ *R (oao Townsley) v SSLG HC [2009] EWHC 3522 (Admin)*

- 5 tenants. He had seen the outbuilding and felt that this ancillary building would be beneficial to the tenants for their recreation as there was only one communal room in the main property. He had visited the property on average every 2 weeks, but had not seen the outbuilding used as a commercial builder's store. He had, however, used the outbuilding for about 2 or 3 weeks in total to store surplus furniture and 'white goods' gathered from or going to other properties. That aside, he has only known a few pots of paint in the outbuilding and never any storage of builders materials that could be described as a commercial use.
10. Mr Rojohn, a nearby resident said that he had lived in the area for many years and had visited the site 40 or 50 times, to chat with the builders when the new house was being built and subsequently with the new occupiers, but had never known the outbuilding be used for storage of building materials.
11. In assessing the evidence on the alleged mixed use as at the 15 April 2010, and especially the use for the storage of building materials, the burden of proof to establish that this has not happened lies with the appellant. Mr Keen casts doubt over the recollection of Mrs Ashton of her conversation with Mr Roopra, on the basis that it was not recorded, nor transcribed, nor did she caution Mr Roopra. Nevertheless Mr Roopra was not called to give evidence on his own behalf, even though he attended the inquiry all day and appeared to understand the proceedings.
12. Further, I have to bear in mind that the construction of the new dwelling now forming no. 32 had only been substantially completed a few months earlier and it would not have been unusual for some quantity of remnant and unused materials to still remain on site. Nevertheless, no such materials were recalled by Mr Robinson or Mr Rojohn around or within the outbuilding around February 2010. Further, the photographs taken by Mrs Ashton on the 17 February 2010 do not show to me clear evidence of the presence of building materials in any of the three rooms in the outbuilding, given that the photographs were taken for that purpose. There is evidence of a large volume of chairs, mattresses and assorted, mainly household, 'jumble', some of which may have been stored by Mr Robinson at that time. This evidence does not demonstrate a mixed use involving storage of building material as alleged in the notice or by a commercial building firm as alleged to have been said by Mr Roopra.
13. Overall, I consider on the balance of probability on the evidence presented that the premises were not being used for a mixed use involving the storage of building materials at the time the notice was issued. The part of the appeal related to this ground therefore succeeds.

The appeal on ground (c)

14. This ground of appeal is that there has not been a breach of planning control. The appellant says that the work carried out in the erection of the outbuilding was work permitted under the Town and Country Planning (General Permitted Development) Order 1995 (GPDO), as amended (with the recent amendments coming into force on the 1 October 2008). It was said on behalf of the appellant that the erection of the outbuilding fell within the provisions of Schedule 2, Part 1, Class E of the GPDO in respect of development within the curtilage of a dwellinghouse.

GPDO rights in principle

15. It is established law, as for example held in the *Townsley* case mentioned earlier, that before Schedule 2, Part 1, GPDO rights can be exercised there must be a

dwelling house in existence. It appears to me that when the outbuilding was started, the dwelling now known as no. 32 was still under construction and was therefore not a dwellinghouse. The outbuilding was sited in the original large curtilage of no. 30, but this was in the process of being sub-divided into two separate planning units and the outbuilding is clearly not sited in the much smaller residual curtilage to that property. The principle of benefiting from the GPDO therefore did not arise at the time when the construction of the outbuilding was commenced.

16. It was said by Mr Keen on behalf of Mr Roopra that the correct time to assess whether a specific building operation is 'permitted development' is at the time of completion. In this case the new house of no. 32 was substantially complete by the time that the outbuilding was completed. However, such argument has no foundation in planning law. Planning permission, either express or by a development order, is a pre-requisite for the carrying out of any development of land as set out in s57 of the Act. It is therefore unlawful to carry out development without planning permission as applies in this case of the erection of the outbuilding.

GPDO rights in Class E

17. Notwithstanding the above assessment of the principle of 'permitted development', for GPDO rights to apply to the new dwelling, the planning permission would have had to have been implemented in full. In this case, the approved plans with permission 03/2610 indicate that the original curtilage would be subdivided with distinct curtilages created for both the old and new properties of roughly similar proportions. Each rear garden was delineated by a boundary fence between the two plots. A similar approach was taken with the detailed plans submitted and approved pursuant to the requirements of conditions 3 and 4 regarding landscaping and fencing. However, Mr Keen stated in answer to my question that he was not aware that the required boundary fence between the two plots had ever been erected in accordance with either of the approved plans. As the new house is occupied there is therefore a breach of the terms of condition 4. This breach, even though it may be of a technical nature, results in the GPDO not now having effect by virtue of section 3 part (4) and (5) of the Order.
18. Further, I noted at my site visit that the majority of the land of the original garden of no. 30 has been included within the curtilage of no. 32 together with some land previously in the rear gardens of the adjacent houses nos. 29, 31 and 33 Marquis Close, which are also said to be in Mr Roopra's ownership. This arrangement accords with the layout shown on drawing no. RCB33/ rev.B as submitted in evidence by Mr Keen.
19. While a landowner may swap around different parcels of garden land, without being subject to planning control, I agree with the Council there is a clear expectation that the land indicated to be part of the curtilage of a new dwelling, and the residual curtilage of the existing dwelling, within a planning application submission, should be put in place prior to the completion of that permission, and retained for a reasonable period thereafter, prior to any further land exchange. On that basis, the siting of the outbuilding lies over at least two of the boundaries of the lawful curtilage of no. 32. This means that the erection of the outbuilding with a height over 2.5m is not permitted development by virtue of the lack of compliance with E.1 (d)(ii).
20. Finally, there is the issue over who can exercise the rights given in Class E to erect a building or enclosure required for a propose incidental to the enjoyment of the

dwelling house. In this case, I agree with the Council that it is not reasonable for the builder/developer to anticipate the requirements of the subsequent occupiers of the new dwelling by designing and starting construction of the outbuilding some 9/10 months before the occupiers of the house took up residence.

21. For all or any of the reasons given above I find that the erection of the outbuilding did not fall within the provisions of Class E of the GPDO. The outbuilding is unauthorised development and there has therefore been a breach of planning control. This ground of appeal therefore fails.

The appeal on ground (a) and the deemed planning application

22. The main issue in the planning merits of the case is the effect of the outbuilding on the character and appearance of the area.
23. The appeal site lies at the end of a cul-de-sac of mainly terraced properties which are two normal stories in height although some of the properties have accommodation in the roof with attic conversions. The adjoining street to the south-east, Marquis Close lies parallel to Rowley Close and has a similar form. To the north-east of the site lies operational railway land. The properties that front Rowley Close and Marquis Close have rear gardens of a modest size which back on to a rear un-surfaced track. This access way provides rear-access to the properties, including the appeal site, and some of the properties have simple garages and/or single storey outbuildings. The appeal site does not have any special designation or classification.
24. The character of development around the site is therefore quite plain with the area of rear gardens between the groups of terraced houses being mainly open and with any ancillary building being small in scale. Although the outbuilding on the appeal site is of single storey form, and constructed in brick and tile generally to match the adjacent houses, I find that the overall proportions of the building to be large in scale, with a footprint of about 64 sq. m.. I consider that the bulk, massing and siting of the building to be out of scale with its surroundings. It is visually imposing and its physical presence harms the character and appearance of the area. It therefore does not accord with saved policies BE 2, BE 9 and STR 11 of the Brent Unitary Development Plan 2004 which require new development to be designed with regard to its local context and be of an appropriate scale and massing for its setting, and not have a harmful impact on the local environment.
25. Mr Keen on behalf of the appellant, stressed that the decision on the planning merits of the case must take into account the appellant's fallback position where the owners/occupiers of the new house of no. 32 would now be able to exercise their GPDO rights. This could lead to the construction of new outbuildings not exceeding 50% of the total area of the curtilage, even if the present outbuilding was demolished in accordance with the notice. Whilst the general provisions of the GPDO which apply nationally are acknowledged, there was no specific evidence from the occupiers of no. 32 presented at the inquiry as to what their 'requirements' may actually be and whether such development would be likely to happen. Accordingly, I attach little weight to the fallback position and I do not consider that it outweighs the local harm that arises with the outbuilding that I have already identified.
26. This ground of appeal therefore fails and I will not grant planning permission on the deemed application.

The appeal on ground (g)

27. This ground of appeal is that the time given to comply with the notice (3 months) is too short and that a longer period would be more reasonable. Mr Keen suggests 9 months in order that alternative proposals, possibly involving some modification to the outbuilding, could be put forward to the Council. That may involve a formal application and if necessary an appeal. However, Mr Keen agreed that the outbuilding could be demolished, in its simplest meaning, in a couple of days or dismantled within a month.
28. Whilst I appreciate that Mr Roopra does not want to demolish the outbuilding and waste the materials and resources already spent, I have found that the erection of the outbuilding is unauthorised development and therefore is in breach of planning control. I am satisfied that three months is a reasonable period in which to undertake its demolition in accordance with the requirements of the notice. This ground of appeal therefore fails.

Conclusions

29. The appeal on ground (b) succeeds in relation to the alleged material change of use. Normally when an appeal succeeds on this ground it is appropriate to quash the notice. However, that is not possible here because the appeals are dismissed in respect of the other grounds (c) (a) and (g) and I will uphold the notice in relation to the operational development of the erection of the building and refuse to grant planning permission on the deemed application for this development. Accordingly, it is appropriate that I correct the notice by deleting the reference in schedule 2 to the making of a material change of use to a mixed use involving storage of building materials. I also need to make consequential changes to the requirements specified in schedule 4. I can make this correction under s176 (1) (a) of the Act as I am satisfied that the correction will not cause injustice to the appellant or the LPA because the notice, as upheld, requires the demolition of the building in any event.

Decision

30. I direct that the notice be corrected in so far as the allegation refers to the mixed use including the storage of building materials and the words "and the material change of use of the premises from residential to a mixed use as residential and the storage of building materials" be deleted from the allegation in schedule 2. Consequently, the words "and cease the use of the premises for the storage of building materials." shall be deleted from the steps required as specified in schedule 4.
31. Subject to this correction to the notice, I dismiss the appeal and uphold the enforcement notice. I refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

David Murray

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr A Keen, BA, MSc, Dip. Phil, Advocate and witness,
MRICS, MRTPI.

He called Mr R Robinson, Director, Solet Ltd.,

FOR THE LOCAL PLANNING AUTHORITY:

Mr N Wicks, MRTPI. Enforcement Services Ltd., acting for the London
Borough of Brent Council.

He called

Mrs S Ashton, BA, MA Planning Officer, London Borough of Brent
Council.

INTERESTED PERSONS:

Mr S Rojohn Local Resident.

Documents handed in at the inquiry

- 1 Copy of Councils letter of notification of the inquiry and list of persons notified (NW)
- 2 Statement of Common Ground – final version (NW)



Appeal Decision

Inquiry held on 22 March 2011

by Derek Thew DipGS MRICS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 April 2011

Appeal Ref: APP/T5150/C/10/2133887 & 2133888
65 Crabtree Avenue, Wembley, HA0 1LW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs E Mangar (deceased) & Mr T Mangar against an enforcement notice issued by the Council of the London Borough of Brent.
 - The Council's reference is E/10/0277.
 - The notice was issued on 7 July 2010.
 - The breach of planning control as alleged in the notice is, the unauthorised erection of a part single, part two-storey side extension and change of use of the premises to two self-contained residential dwellings.
 - The requirements of the notice are:
 1. Cease the use of the premises as two self-contained residential dwellings, its occupation by more than ONE household and remove all items, materials, fixtures and fittings associated with the unauthorised use from the premises.
 2. Demolish the part single, part two-storey side extension, remove all debris and materials arising from that demolition and remove all items and materials associated with the unauthorised development from the premises OR alter it to accord with the plans and conditions approved in the planning permission no.06/3145 dated 28 December 2006.
 3. Restore the premises back to its original condition before the unauthorised development took place.
 - The period for compliance with the requirements is 6 months.
 - The appeal was made on the grounds set out in section 174(2)[a],[b],[c],[d],[f] and [g] of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does fall to be considered.
-

Decision

1. I allow the appeal on ground [d] insofar as it relates to the use of the premises as two self-contained residential dwellings.
2. I direct that the enforcement notice be varied by the deletion from Schedule 4 of STEPS 1 to 3 and their replacement with the following:

WHAT YOU ARE REQUIRED TO DO TO REMEDY THE BREACH

Either

Demolish the part single, part two-storey side extension, remove all debris and materials arising from that demolition, and restore the premises back to their condition before the unauthorised operational development took place.

or

Alter the fabric of the property either to accord with the approved drawings and conditions 1,2,3 and 5 of planning permission no.06/3145 dated 28 December 2006, or to accord with any alternative scheme for which approval in writing is granted by the local planning authority.

3. Subject thereto, I dismiss the appeal and uphold the enforcement notice, as varied, insofar as it relates to the unauthorised erection of a part single, part two-storey side extension. I refuse planning permission in respect of the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural Matters

4. At the inquiry the following grounds of appeal were withdrawn: [b],[f] and [g].

Relevant Planning Background

5. The appeal property was originally built as a 3-bedroom semi-detached house.
6. In December 1992 a certificate of lawfulness was granted (ref. 92/1617) for the use of an attached garage as a habitable room. Works to replace the garage with a habitable room, containing a shower and wc, were undertaken in 1999.
7. In 2006 planning permission was granted (ref. 06/3145) for the "*erection of a first floor side extension to dwellinghouse*" over the habitable room formed in 1999. The permitted scheme also included a modest extension of the ground floor accommodation at the rear of the property in order to support the proposed upper floor.

The Appeal on Ground C

8. For the appeal to succeed on this ground it need to be shown that there has been no breach of planning control.
9. The conversion of the property into 2 dwellings has resulted in it being used in a manner materially different from its original use as one 3-bedroom house. As such, the conversion amounts to a material change of use for which planning permission is required. No such permission has been obtained and so the change of use has been undertaken in breach of planning control.
10. There is no dispute that the building works to which the notice relates are those works that have been undertaken both over and around the habitable room built in 1999. I understand it to have been the appellants' intention for these works to be an implementation of the scheme permitted in 2006. However, due to practical difficulties in constructing what is shown on the approved drawing and a desire to maintain reasonable first floor headroom at the rear of the extension, the scheme was varied. Those variations were made without planning officers of the Council being notified of the intended change. Rather than a sloping roof at the rear, as shown in the drawings approved in 2006, this part of the extension has been enlarged and finished with a flat roof. Furthermore, a narrow, irregular shaped single-storey addition has been

constructed between the extended property and the side boundary of the site. This ground floor addition was not shown on the drawings approved in 2006.

11. In my view these alterations, whether considered individually or cumulatively, are sufficiently large to have resulted in a scheme that is materially different from the one permitted in 2006.
12. I am mindful that these works were approved by the Council under the Building Regulations. However, those Regulations are made under the provisions of the Building Act 1984 and have no direct connection to the Town & Country Planning Act 1990. For the purposes of the 1990 Act, no planning permission has ever been granted for the development in the form it has been built. Those building works are, therefore, in breach of planning control.
13. For each of the above reasons the appeal on ground [c] fails.

The Appeal on Ground D

14. For the appeal to succeed on this ground it needs to be demonstrated that the building works were substantially completed 4 years or more before the notice was issued and/or that the change of use of the property to two dwellings occurred 4 years or more occurred before the notice was issued. The notice was issued on 7 July 2010 and so the relevant date is 7 July 2006 (4 years).
15. With regard to the use of the premises, I was told at the inquiry that the works undertaken in 1999 to replace the garage with a habitable room (containing a shower and wc) also involved the sub-division of the house into two dwellings. This was achieved by forming a small self-contained dwelling from the accommodation provided in the re-built garage plus the kitchen in the original house. Within the residual house, a new kitchen was installed in what had been the dining room. That new kitchen and the ground floor lounge of the original house, plus 3 bedrooms and a bathroom at first floor level, formed another larger self-contained dwelling. The appellants retained the smaller unit for their own personal use and leased the larger unit to Pathmeads Housing Association. An e-mail received from Pathmeads confirms that it has leased the property since 10 July 2000.
16. I understand that, having sub-divided the house into two dwellings, the appellants spent most of each year in Mrs Mangar's home country, Jamaica. During the first few years the appellants may have only spent one month a year resident at the premises, but their small unit was always furnished and their personal belongings were left at the property when they went away. However, in 2004, Mrs Mangar was diagnosed with cancer and, in order to receive the requisite medical treatment in England, the time spent in the smaller unit progressively increased. Mrs Mangar died in 2010 and that unit is now the permanent home of Mr Mangar.
17. At the inquiry the Council did not seek to challenge the above evidence as to how the premises have been used since 2000. The first floor extension, which has been constructed over the smaller of the dwellings, is accessed via a new internal staircase and the additional floorspace provides a bedroom and bathroom for the exclusive use of that unit. These unauthorised works have enlarged that particular unit but do not appear to have changed the essential nature of how the premises have been used since 2000: namely as two self-contained dwellings.

18. In the light of the above evidence, and the supporting e-mail from Pathmeads Housing Association, I am satisfied, on the balance of probability, the premises have been used as two self-contained residential dwellings since 2000. On this basis, the appeal on ground [d] in respect of the use of the property succeeds.
19. As for the building works referred to in the notice, the Council's records under the Building Regulations show that in March 2008 these works had started but were not complete. On this basis, substantial completion must have been well within the relevant 4 year period. Accordingly the appeal on ground [d] in relation to these works must fail.

The Appeal on Ground A & the Deemed Application

Main Issue

20. In this case the main issue is the effect of the unauthorised building works upon the character and appearance of both the appeal premises and the street scene.

Reasons

21. There are two parts of the extension as built which are a cause for concern: the first floor element that is used as a bathroom at the rear of the property and the ground floor porch structure adjacent to the side boundary.
22. With regard to the first floor element at the rear of the property, this is a bulky flat-roof structure that looks out-of-place on a building where all other roofs at this height are tiled structures with a fairly steep pitch. The Council's supplementary planning guidance 5: "Altering and Extending Your Home" requires that two-storey rear extensions should be designed to respect the character of the existing house and the extension built at the appeal premises does not achieve that aim. The side of the unauthorised structure is readily seen from Crabtree Avenue and, as a result, it harms the character and appearance of both no.65 and the street.
23. I am mindful that the extension as permitted in 2006 would be problematic to construct, because of the irregular shape of the existing ground floor structure. I am also mindful that the extension as built allows for a bathroom with good headroom to be provided at first floor level. But neither of these factors are good reasons for permitting a scheme that is visually harmful.
24. As for the porch, this is a long, irregular shaped, flat-roofed structure built of materials that do not match the main house. By reason of its form and external appearance it looks incongruous in this location. The structure is readily seen from Crabtree Avenue and, as a result, it harms the character and appearance of both no.65 and the street.
25. In summary, I find that the scheme as built is contrary to the provisions of policy B9 of the Brent Unitary Development Plan. The harm caused by the development could not be overcome by planning conditions and, consequently, this element of the appeal should not succeed. I shall, therefore, uphold the enforcement notice and refuse to grant planning permission on the deemed application in respect of the unauthorised building works.

Ground F Matters

26. Even though the appeal on this ground was withdrawn, the partial success of the appeal on ground [d] necessitates variations being made to the requirements of the notice. As I have found the use of the premises as two self-contained dwellings to be lawful, Step 1 should be deleted in its entirety. Steps 2 and 3 provide the option of either demolishing all the unauthorised works or altering them to comply with the terms of the 2006 planning permission. In the interest of clarity, I have combined Steps 2 and 3 into one single requirement whilst retaining the option contained in the notice as issued.
27. If Mr Mangar wishes to alter rather than totally demolish all the unauthorised building works, and if it is agreed with the Council that the roof of the first floor extension cannot be constructed as shown on the drawings forming part of the 2006 permission, a revised scheme will need to be prepared. Depending upon the extent of the revisions contained in that scheme, a new planning application may be required. If planning permission were to be granted for that revised scheme then it could be implemented instead of the 2006 proposal¹. However, if planning permission for that revised scheme were to be refused, then the demolition of all the revised works and the restoration of the property to its condition before the unauthorised operational development took place is likely to be necessary.
28. I have also varied the reference to the planning conditions attached to the 2006 permission, so as to exclude any requirement to comply with condition no.4 which allows the property to be used only as a single dwelling.
29. These variations can all be made without causing injustice.

Conclusions

30. For the reasons given above I conclude that the appeal should be allowed insofar as it relates to the change of use of the premises and dismissed insofar as it relates to unauthorised building works.

Derek Thew

Inspector

¹ Section 173A of the 1990 Act gives the Council the power to extend the compliance period in the notice should this be necessary.

APPEARANCES

FOR THE APPELLANT:

Mr T Mangar	Appellant
Mr J Mangar	Son of appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr N Wicks	Enforcement Services, 27 Station Road, Winslow
Mr R Sheldon	Planning Officer

DOCUMENTS SUBMITTED DURING & AFTER THE INQUIRY

- 1 Swale Borough Council -v- First Secretary of State [2005] transcript
- 2 E-mail correspondence between Council & Pathmeads