



## LONDON BOROUGH OF BRENT

### MINUTES OF THE PLANNING COMMITTEE Tuesday, 13 October 2009 at 7.00 pm

PRESENT: Councillors Kansagra (Chair), Powney (Vice-Chair), Baker, Butt, Cummins, Green, Hashmi, Hirani, HM Patel and Thomas

ALSO PRESENT: Councillor Irwin Van Colle

Apologies for absence were received from Councillors Anwar, J Moher and R Moher

#### 1. **Declarations of personal and prejudicial interests**

15 09/1854 1-30 Peascroft House, Willesden Lane, NW6

Councillor Hashmi declared that he was a Director on the Board of Brent Housing Partnership (BHP). He withdrew from the meeting room and took no part in the discussion or voting during consideration of this application.

#### 2. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 16 September 2009 be approved as an accurate record of the meeting.

#### 3. **49 Alington Crescent, London, NW9 8JL (Ref. 09/1836)**

09/1836 Single and two storey rear extension, first floor side extension, rear dormer window and 1 front rooflight to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

In reference to objectors' concerns over loss of sunlight, the Head of Area Planning Steve Weeks acknowledged that given the orientation of the first floor extension some loss of sunlight may result. He added that the proposal was within the Council's Adopted Guidance for two-storey rear extensions, which seeks to balance and limit any potential loss of sunlight, especially to the habitable-room windows of neighbouring dwellings. He pointed out that by providing two parking spaces the proposal complied with policy TRN23 and PS14 of the adopted unitary development plan (UDP). In reiterating the recommendation for approval Steve Weeks drew members' attention to an amendment to condition 7 (the deletion of "as closely as possible") as set out in the supplementary information tabled at the meeting.

DECISION: Planning permission granted subject to conditions as amended in condition 7.

**4. 61 Beverley Gardens, Wembley, HA9 9RB (Ref. 09/1888)**

09/1888      Erection of two-storey, end-of-terrace dwellinghouse with single storey rear extension and front porch, installation of vehicle access, provision of car-parking, refuse storage to front and landscaping to site subject to a Deed of Agreement dated xxx under Section 106 of the Town and Country Planning Act 1990, as amended.

OFFICER RECOMMENDATION: Grant consent in principle subject to the completion of a satisfactory Section 106 legal agreement and request that Members delegate authority to the Director of Environment and Culture, or duly authorised person, to agree the exact terms thereof on advice from the Borough Solicitor; but if the agreement has not been entered into within a time to be agreed, to refuse permission but delegate authority to the Head of Area Planning to grant permission in respect of a further application which is either identical to the current one or, in his opinion, not materially different, provided that a section 106 agreement containing the above terms has been entered into.

With reference to the tabled supplementary, Steve Weeks clarified the relationship between the application site and No. 59 Beverley Gardens adding that the proposal was considered to provide sufficient levels of outlook from the kitchen window of No. 59 Beverley Gardens. He informed the Committee that enforcement notices (2) had been served on 63 Beverley Gardens and the adjoining land for breaches of planning conditions as set out in the tabled supplementary. He updated the Committee that the Borough Solicitor had confirmed that a signed copy of the S106 legal agreement had been received by the Council's legal department and that the agreement was ready to be sealed should Members resolve to grant planning permission. Steve Weeks drew members' attention to an amendment in condition 8 on bin storage and recommended a further condition in order to ensure that the alterations were carried out satisfactorily, as set out in the tabled supplementary.

Mrs Marcar an objector raised concerns about the application on the following grounds:

Excessive massing and density would be uncharacteristic

Loss of privacy

Loss of sunlight and daylight

Parking problems in the area would be aggravated

The extended property could be used as a house in multiple occupation.

Mr John Parker an objector speaking on behalf of Barnhill Residents Association circulated some photographs of the property and raised concerns that the proposed development in terms of its massing and density would constitute an overdevelopment of the site. He continued that as the applicant was also the owner of No. 63 Beverley Gardens which was currently the subject of enforcement notices for various breaches, it was likely that those breaches would be repeated

at No. 61 Beverley Gardens, the application site. The breaches which included unauthorised extensions would uncharacteristically encourage multiple occupation.

***In accordance with the provisions of the Planning Code of Practice***, Councillor Van Colle one of the ward members stated that he had not been approached by the applicant or the objectors. Councillor Van Colle submitted that as the applicant had a history for flouting planning laws, the Committee might feel appropriate to impose an additional condition restricting the use of the property to a single family dwelling only.

During the discussion that followed some members expressed a view that the proposal, which they considered to be an overdevelopment, would be out of character with the area. However it was generally felt that the imposition of the additional condition for use as a single family dwelling could address some of the concerns expressed. In recommending the additional condition Steve Weeks added that the development would be monitored closely in conjunction with the Council's Building Control unit. In respect of the concerns expressed about parking, he stated that the 2 car parking spaces provided to the front of the property complied with the Council's parking standards. The legal representative, Tony Vincett advised the Committee that the material change at No.63 and ownership were not valid planning reasons for refusal adding that members needed to base their decisions on planning policies only.

In summing up the discussion, the Chair referred to the concerns and suspicions expressed by the local residents including the concern that the proposal would be out of character. He added that for those reasons he would not be supporting the application.

DECISION: Planning permission granted subject to conditions as amended in condition 8, an additional condition on the use of the property as a single family dwelling, the completion of a satisfactory Section 106 legal agreement and request that Members delegate authority to the Director of Environment and Culture, or duly authorised person, to agree the exact terms thereof on advice from the Borough Solicitor; but if the agreement has not been entered into within a time to be agreed, to refuse permission but delegate authority to the Head of Area Planning to grant permission in respect of a further application which is either identical to the current one or, in his opinion, not materially different, provided that a section 106 agreement containing the above terms has been entered into.

## **5. Garages 4-21, Rear of St Davids Close Wembley HA9 (Ref. 09/0621)**

09/0621 Demolition of existing garages and erection of a part three-/part four-storey building, comprising 3 three-bedroom townhouses (Site C) (as amended by plans received on 16/07/2009).

OFFICER RECOMMENDATION: Refuse planning permission.

With reference to the tabled supplementary information, Steve Weeks referred to additional letters of objection from residents of St David's Close on grounds of

detrimental impact on parking, pedestrian safety, sewerage system, overcrowding and out of character adding that those concerns had been covered in the main report. The concern about loss of property values was not a valid planning consideration. He added that although London Underground (LU) and TFL had no objections, LU would want to review the foundation arrangements for the development before any work commenced, if the application was approved. Steve Weeks drew members' attention to an amendment in the second reason for refusal as set out in the tabled supplementary.

Mr Richard Wimberley an objector started by emphasising that there was a need for the retention of the garages as their demolition would worsen the parking problems in the area and thus lead to a detriment to the quality of life of the residents. He added that one of the ways by which the deterioration of the parking situation could be prevented was by restoring the garages to satisfactory condition which would in turn encourage usage by local residents. In respect of the planning application for Garages 1-3, Mr Wimberley stated that there were no off-street parking provisions to address the resultant congestion and parking problems.

The Committee heard from Mr Luke Warren the applicant's agent that he intended to file for a 3-stage complaint against the Planning Service for its failure to decide on the applications for an unusually long period.

The Chair in response reiterated that the Committee always decided all applications based on planning grounds and applicable policies and that threats of complaints against any part of the Council's services was not a planning consideration.

DECISION: Planning permission refused with an amended reason.

## **6. Garages 1-3, Rear of 1 St Davids Close Wembley HA9 (Ref. 09/0634)**

09/0634 Demolition of existing garages and erection of a two-storey, three-bedroom dwellinghouse (Site B).

OFFICER RECOMMENDATION: Refuse planning permission.

See above for discussion on this application.

DECISION: Planning permission refused with amended reasons.

## **7. 37 Geary Road, London NW10 1HJ (Ref. 09/1962)**

09/1962 Erection of a two storey side extension to dwellinghouse (as amended by plans received 02/10/2009).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

With reference to the tabled supplementary information Steve Weeks drew members' attention to additional concerns raised by the adjoining neighbour and

officers' responses to them. He clarified the position on the certificate of lawfulness of use adding that the issue of the scale of development had to be considered against the original building and plot size as well as the local area. He continued that the paved front forecourt, would be able to accommodate at least 2 off-street parking spaces and in keeping with the required parking standard. He recommended an additional condition to ensure that the property was restricted to use as a single family dwellinghouse.

Mr Jeff Munton objected to the proposed development on the following grounds;

The plans submitted with the application did not clearly describe the existing property in respect of floor area and accommodation.

The property had been the subject of five previous applications by the same applicant/agent for extensions to the roof, side and rear of the property and change of use to bed and breakfast accommodation for homeless families.

Although two of the applications had been granted Certificate of Lawfulness Development, the applicant had not implemented them to date and when he did, the property would resemble a small hotel or boarding house rather than a family dwelling unit.

There were already in the area a large number of properties in the area which following extensions were being used as houses in multiple occupation.

The proposal and the possible use would be out of character and could result in loss of quality of life of the local residents.

The development would constitute an overdevelopment of the site to the detriment of residential amenities.

At the start of members' discussion, Councillor Thomas moved an amendment for a site visit to enable members to assess the impact of the development. Prior to voting, Steve Weeks advised the Committee that in design terms the proposal complied with policies adding that fear of a possible future event was not a valid planning reason to warrant a recommendation for refusal. Members voted on the amendment for a site visit which was declared carried.

DECISION: Deferred for a site visit in order to assess the impact of the proposal.

## **8. Gladstone Park, Parkside, London NW2 (Ref. 09/1673)**

09/1673 Installation of 4 floodlights to Kendal Road and Anson Road side of park.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

In response to an objection from the residents of Kendal Road, Steve Weeks clarified that the floodlights would allow the local rugby club to provide training for up to 6 hours in a week and in the evenings only. He added that the park had

benefitted from a drainage system installed over the summer months to ensure that the pitches were usable during the winter months. This had assisted in addressing the concerns over problems with water-logging. Steve Weeks informed members that following the comments of the Council's Legal Officer, the condition relating to the restriction of the hours of operation had been changed so that the hours of use would be between 18.30 and 20.30 rather than 16.00-20.00 hours.

DECISION: Planning permission granted subject to conditions as amended in the hours of operation.

**9. 34 Oxenpark Avenue, Wembley HA9 9SZ (Ref. 09/2014)**

09/2014 Demolition of garage and erection of single- and two-storey side and rear extension to dwellinghouse with new rear terrace, two rooflights, associated parking and front landscaping alterations AS AMENDED BY REVISED PLANS RECEIVED 30/09/09.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Head of Area Planning Steve Weeks informed members that a separate application for a certificate of Lawfulness for a proposed outbuilding with internal layout of 4 rooms had been received. He added that Officers were considering the size of the internal floor area of the proposed outbuilding in relation to the size of the original dwellinghouse and whether the proposed fixtures and fittings would be "incidental" to the use of the main building. He drew members' attention to textual errors in the main report as set out in the tabled supplementary.

Mrs Laura Levy an objector raised concerns on the following grounds;

The proposed development which would be out of character within the area would constitute an overdevelopment of the site.

The proposal would result in an unreasonable amount of shade, causing loss of light to adjoining residents.

The extended property could result in overcrowding and noise nuisance in the vicinity.

The proposal would aggravate the car parking situation in the area.

Mr Budzar the applicant's architect started by saying that the proposal which complied with Council policies and guidelines with the ground floor set back to preserve the character of the area and the first floor also set back 1metre from the boundary in accordance with Supplementary Planning Guidance Note 5 (SPG5). He continued that matching materials would be used and that the windows would be obscure glazed to prevent loss of privacy. In response to members' enquiries, Mr Budzar confirmed that the extended property would be maintained as a single family dwelling unit, although he could not confirm that the applicant lived at the property.

**In accordance with the provisions of the Planning Code of Practice,** Councillor van Colle, a ward member stated that he had not been approached.

Councillor van Colle submitted that the proposal would not only constitute an overdevelopment of the site, but also would also alter the character of the road. He therefore requested members to refuse the application.

Members noted that the extended property would remain a single family dwelling unit and were minded to make that an additional condition if the application was granted planning approval.

In response to comments and some of the issues raised, the Head of Area Planning advised that whilst the enlarged property would result in a 7 bedroom dwelling unit all with en suite facilities, it was not a valid reason for refusing the application.

DECISION: Planning permission granted subject to conditions as amended with an additional condition to ensure use of the property as a single family dwelling.

#### **10. Red Pepper, Edgware Road, Kingsbury NW9 6LL (Ref. 09/1191)**

09/1191 Demolition of the existing public house and erection of a 3-, 4-, 5- and 6-storey building for use as a 83-bedroom nursing home, formation of new vehicular access, with provision of 11 car-parking spaces, including 2 disabled bays and associated landscaping to site (revised version of the scheme previously granted permission under application no. 07/2128).

OFFICER RECOMMENDATION: Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor and to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

With reference to the tabled supplementary, the Head of Area Planning, Steve Weeks drew members' attention to amendments in conditions 5, 9, 11 and 14. He clarified the rationale for the reduction in the section 106 contribution to £1,000, in response to queries by Councillors Green and Hashmi.

DECISION: Planning permission granted subject to conditions as amended in conditions 5, 9, 11, 14 and 15, the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor and to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

**11. 10 Grenfell Gardens, Harrow HA3 0QZ (Ref. 09/1615)**

09/1615 Demolition of side chimney next to No. 12 Grenfell Gardens, conversion of garage into a habitable room, erection of single and two storey side to rear extension, rear dormer window, two flank and one rear roof light to dwellinghouse together with an outbuilding in the rear garden of the dwellinghouse (as per revised plans received on 02.10.2009).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

With reference to the tabled supplementary, the Head of Area Planning Steve Weeks informed members about two additional letters which raised objections to the demolition of the chimney located towards the rear of the property and the depth of the ground-floor rear extension. He submitted the following in response;

Given the generally sympathetic design of the proposed alterations to the building, the loss of the chimney, on balance, could be supported. He continued that the retention of this feature would rather result in the chimney breast rising through habitable rooms.

The loss of the chimney and the introduction of a sympathetic side extension would, on balance, preserve the character and appearance of the Mount Stewart Conservation Area, and as such would comply with policies BE25 and BE26.

Whilst the additional 0.5m would exceed permitted development for a semi-detached house and the guidance as outlined in SPG5 and the Design Guide, its height and set-in from the boundary was considered sufficient to allow No. 8 Grenfell Gardens to maintain adequate levels of light and outlook.

Mr Sharif Hasnain an objector stated that the proposed development would lead to loss of light, outlook and detrimental impact on residential amenities.

In response, the Head of Area Planning stated that as the roof would be marginally above average (0.1m) with an insignificant impact on natural light and outlook, the proposal was on balance, considered acceptable subject to conditions as set out in the main report.

DECISION: Planning permission granted subject to conditions.

**12. 27 Waltham Avenue, London NW9 9SH (Ref. 09/1705)**

09/1705 Erection of single and two storey side extension and single storey rear extension and installation of two front and two side roof lights and a rear dormer window to dwellinghouse.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.



### **13. Shrine of Our Lady of Willesden, Nicoll Road, NW10 9AX (Ref. 09/2092)**

09/2092 Details pursuant to condition 7 (boundary treatment) of full planning permission reference 03/3432, dated 25 August 2005, for demolition of the existing hall and erection of a single-storey rear extension to provide a new hall with kitchen and toilet facilities.

OFFICER RECOMMENDATION: Grant planning permission subject to an informative.

In his introduction, the Planning Manager Andy Bates referred to correspondence received from Councillor Long regarding the issue of the security of New Crescent Yard and the height of the wall as built along the boundary. He went on to state that although the height of the wall as built was significantly lower than what was there previously, it achieved a satisfactory appearance in the context of listed buildings. He added that in planning and listed building terms the wall as built discharged condition 7 of the original application (reference 03/3432). Andy Bates continued that although a 2.4 metre high structure had been approved to the rear of the New Crescent Yard, it would not be appropriate to the front. He added that although the landscaped area to the front and side of the Church it did not extend the full length of the wall, the provision of an area of defensible planting would provide a buffer area between the pedestrian access in the church grounds and the wall in question and with that in view, he recommended an informative as set out in the tabled supplementary.

James Williamson an objector stated that the boundary wall did not conform to the drawings submitted. He added that due to issues of security including theft and robberies, there was a need for the height of the wall to be increased and possibly the installation of a CCTV camera. In response to an enquiry from the Chair, Mr Williamson expressed his preference for a 2.4m high wall.

Father Stephen Willis started by saying that the rebuilding of the wall was as a result of a request by the residents of New Crescent Yard to replace what was considered to be a dangerous and an inferior structure. He stated that whilst the wall would be built to its original height, the Diocese Church did not have the financial means to erect a 2.4m high fence wall or metal railing. In addition a fence wall would not be in keeping with the listed building status of the Church.

Mr Peter Fishenden a supporter and a contractor for the Church stated that the new wall as built maintained the same height as before and in his view, had improved visibility and egress from New Crescent Yard. He added that the concerns raised by the objector were not supported by the residents of New Crescent Yard.

In response to the issues raised including a suggestion by Councillor Cummins for a 2m high metal railing, Andy Bates stated that the wall, as built, satisfied the relevant condition, thus ensuring that it did not prejudice the appearance of the locality in the context of the Listed Building. It was felt that as it would be difficult to deal with the concerns raised by New Crescent Yard residents through the remit of this particular application, the residents should meet with the Church leaders

and the local ward members to explore further means of reaching a mutually satisfactory conclusion.

DECISION: Planning permission granted subject to an informative.

**14. 1-65 & Amenity & Laundry Rooms, Avonhurst House, Coverdale Road, NW2 (Ref. 09/1853)**

09/1853 Installation of replacement double-glazed, powder-coated-aluminium-framed windows to the building.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

**15. 1-30 inc. Peascroft House, Willesden Lane NW6 (Ref. 09/1854)**

09/1854 Installation of replacement grey-powder-coated-aluminium-framed, double-glazed windows to the building (revised description 30/09/2009).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Planning Manager, Andy Bates corrected the description of the proposal, as set out in the tabled supplementary report, following the receipt of additional information from the applicant.

DECISION: Planning permission granted subject to conditions.

***Note: Councillor Hashmi, having declared that he was on the Board of BHP, withdrew from the meeting room and did not take part in the discussion or voting on this application.***

**16. Church of Transfiguration, Chamberlayne Road NW10 3NT (Ref. 09/1744)**

09/1744 Erection of a front porch to the church.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

**17. Unit Y, 272 Abbeydale Road, Wembley HA0 1PU (Ref. 09/1746)**

09/1746 Change of use of the vacant single storey annexe to 260 Abbeydale Road to an industrial bakery (Use Class B2) and the erection of a corridor and enclosed conveyor belt link between 260 and 272

Abbeydale Road.

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

DECISION: Planning permission granted subject to conditions.

**18. Land Adjacent to Kodak Court, Nightingale Avenue Harrow HA1 (Ref. 09/1659)**

09/1659 Erection of a 4-storey building on land adjacent to Kodak Court, comprising 26 self-contained flats (11 one-bedroom, 13 two-bedroom, 2 three-bedroom) and communal garden; amended to include provision of access to the public footpath running alongside Northwick Park Golf Course via Northwick Close.

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

The Planning Manager Andy Bates informed the Committee that the applicants had submitted further details on landscaping and a revised Design and Access Statement. He added however that further detailed information would be required on landscaping scheme to satisfy a landscape condition and condition 12 in respect of balconies.

DECISION: Planning permission granted subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environment and Culture to agree the exact terms thereof on advice from the Borough Solicitor.

**19. 57 The Fairway, Wembley HA0 3TN (Ref. 09/1843)**

09/1843 Replacement of single glazed timber framed windows and porch with double glazed upvc windows and door to front elevation of dwellinghouse (Article 4 Direction).

OFFICER RECOMMENDATION: Grant planning permission subject to conditions.

The Committee heard from the Planning Manager Andy Bates that the applicant's agent had confirmed that the porch doors would be internally mounted to avoid external brackets and thus maintain the existing character of the property. He added that detailed sections of the proposed porch also requested had not been received and whilst it would be preferable for this information to be provided at the application stage, this can be secured by a condition requiring the submission of the information prior to the commencement of works. The Planning Manager drew members' attention to a new condition as set out in the tabled supplementary report.

DECISION: Planning permission granted subject to conditions and an additional condition requiring detailed sections of the proposed porch to be submitted.

**20. Any other urgent business**

At this meeting there were none.

**21. Date of the next meeting**

Wednesday 21 October 2009 at 7.00pm.

As that meeting will consider reports on policy issues only there will be no prior site visits.

The meeting ended at 9.15

S KANSAGRA  
CHAIR