

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

10 March, 2021
06
20/3502

SITE INFORMATION

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| RECEIVED | 29 October, 2020 |
| WARD | Barnhill |
| PLANNING AREA | |
| LOCATION | 167 Preston Hill, Harrow, HA3 9UY |
| PROPOSAL | Demolition of dwellinghouse and erection of a three storey building comprising 6 self-contained flats, hard and soft landscaping to front creating two off-road parking spaces, extended crossover, refuse and cycle storage to front and subdivision of rear garden |
| PLAN NO'S | Please see Condition 2. |
| LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION | <p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_<systemke">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_<systemke</p> <p><u>When viewing this as an Hard Copy</u> .</p> <p>Please use the following steps</p> <ol style="list-style-type: none">1. Please go to pa.brent.gov.uk2. Select Planning and conduct a search tying "20/3502" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab |

RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to the conditions set out below.

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

Conditions

Compliance

1. 3 year rule
2. Approved plans
3. Withdraw PD rights for conversion to C4 small HMO
4. Parking etc to be provided and retained
5. Obscure side windows
6. Crossover works

Pre-commencement

7. Construction Method Statement

During construction

8. Contaminated land investigation and remediation
9. Materials samples including balcony screening
10. Landscaping scheme

Pre-occupation

11. Internal noise levels.

Informatives as listed at the end of this report.

That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informatives or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

That the Committee confirms that adequate provision has been made, by the imposition of conditions and obligations, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

SITE MAP



Brent

Planning Committee Map

Site address: 167 Preston Hill, Harrow, HA3 9UY

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This map is indicative only.

PROPOSAL IN DETAIL

The proposal is to demolish the existing building and construct a three-storey building consisting of six flats (one x 3bed, one x 2bed, two x 1bed and two x studios). Amendments to the vehicle crossover are proposed, together with two off-street parking spaces, bin storage, cycle storage and soft landscaping.

Amended plans were received on 25 January 2021 and 9 February 2021, to secure the following amendments requested by officers:

- Building shifted marginally to the west, to provide a 1.2m wide pathway on the eastern boundary to allow access to cycle storage in the rear garden;
- Cycle storage relocated from frontage to lockable covered compound in rear garden;
- Windows on flank elevations marked as obscure glazed;
- Front entrance porch added;
- Parking spaces relocated to eastern boundary of site and proposed crossover reduced to 4.5m width;
- Footpath to front entrance added;
- Bin storage relocated to against front garden wall;
- Area of soft landscaping on frontage increased;
- Rear garden layout altered to create communal area and private areas for two ground floor flats;
- On top floor, side and rear areas of parapet infilled to prevent access and use as balcony;
- Room layouts for top floor flats clarified.

These amendments did not materially alter the scheme and so did not require reconsultation.

EXISTING

The site consists of a large 3bed detached house and its residential curtilage, located on the southern side of Preston Hill within an established residential area. Ground levels fall from west to east by about 1m across the site.

The site is not in a conservation area and does not contain any listed buildings. Surrounding buildings include a flatted development, Bellamy House, adjacent to the site to the west, the Birchwood Grange Care Home further to the west, the Brent Hotel adjacent to the site to the east, and residential properties on Kinch Grove, a cul-de-sac, to the south. The rear boundary of the site is adjacent to the side boundary of No 2 Kinch Grove.

SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Sixteen letters of objection were received regarding some of these matters. Members will have to balance all of the planning issues and objectives when making a decision on the application, against policy and other material considerations.

Neighbour objections: Fifteen neighbour objections have been received, raising concerns about the proposal's similarity to a previous application, over-development and over-intensification of the site, the design, height and bulk of the building, loss of light, outlook and privacy to neighbouring properties, the standard of accommodation proposed, and the level of parking provision. These issues are considered at the relevant points in the report.

Principle of development: The proposal would provide six new homes on an existing residential site including a family-sized unit. The proposal is acceptable in principle subject to other material planning considerations.

Design, scale and appearance: The proposed building would be three stories in height, in keeping with the prevailing character of the area, and of a scale appropriate to the size of the site. The bulk and mass would be well modulated by the contemporary architectural approach and use of contrasting materials. The design would contribute to a high quality development that would complement the existing street scene.

Relationship with neighbouring properties: The proposal would retain an adequate separation distance to the rear boundary and would comply with all relevant policies and standards so as not to cause any

significant adverse impacts to neighbouring properties in terms of light, outlook or privacy.

Residential living standards: The proposed homes would comply with minimum floorspace standards and other requirements, and would be well-designed to provide a good standard of accommodation. A combination of private and communal external amenity space would be provided in accordance with DMP19 standards.

Environmental health considerations: All relevant matters would be addressed through the imposition of conditions.

Transport considerations: The proposal would provide two on-site parking spaces. Transport officers have confirmed that an additional car could be accommodated on-street along the site frontage, and that based on 2011 Census data on car ownership amongst flats in the area, three parking spaces would be sufficient to meet the demand for parking generated by this development. Cycle storage and bin storage would be provided in accordance with policy, and works to existing crossovers would be carried out at the developers' expense.

RELEVANT SITE HISTORY

20/1844

Full Planning Permission

Demolition of dwellinghouse and erection of a three storey building comprising 6 self-contained flats, hard and soft landscaping to front creating two off-road parking spaces, new crossover, refuse storage to front, cycle and amenities storage to rear, and subdivision of rear garden

Refused 03/09/2020

Reasons for refusal:

1. The proposed development would result in the loss of a family dwelling within the borough, and fails to re-provide family sized accommodation (three or more bedrooms) within the scheme with direct access to external amenity space. This would be contrary to policies CP2 and CP21 of Brent's adopted Core Strategy (2010), policy DMP16 of Brent's Development Management Policies (2016), and Policy BH6 of the emerging Local Plan (2020).
2. The proposed development, by reason of its incongruous design comprising false front gable features, would result in an unsympathetic form of development which would fail to respect the architectural design of the neighbouring properties, and pattern of development in the surrounding area. It would therefore be contrary to Policy DMP1 of the Brent Development Management Policies (2016) and the guidance in Supplementary Planning Document 1 (2018).
3. The proposed development, by reason of its scale, depth, and proximity to the shared boundary with neighbouring properties No. 165 Preston Hill, No. 2 Kinch Grove, and Bellamy House, would result in an overbearing and unduly detrimental impact on the amenities of the occupiers of these neighbouring properties with regard to loss of outlook and appearing visually obtrusive when viewed from their rear habitable room windows, rear gardens, and balconies. Further, the siting and proximity of the proposed upper floor balconies to the shared boundaries with neighbouring properties would result in significant levels of overlooking and loss of privacy for these neighbouring properties. This is contrary to Policy DMP1 of the Brent Development Management Policies (2016), and the guidance in Supplementary Planning Document 1 (2018).
4. The proposal, by reason of the provision of insufficient external amenity space for the proposed new upper floor flats (Flats 3-6), would result in a substandard form of accommodation to the detriment of its occupiers. It would therefore be contrary to policy DMP19 of the Development Management Policies (2016), together with Supplementary Planning Document 1 Brent's Design Guide (2018).

19/4461

Householder

Proposed two storey rear extension, first floor side extension on the right side, conversion of existing ground floor garage and utility room in to habitable room by replacing garage shutter with window and erection of first floor side extension on the left side, construction of front porch, to dwellinghouse

Withdrawn 13/02/2020

19/1774

Householder

Appeal Dismissed 21/11/2019

Demolition of existing ground floor garage and utility room side extension, erection of 2 x two storey side extensions, two storey rear extension, roof extension including a crown roof and addition of 9 dormer windows, and front porch to dwellinghouse

CONSULTATIONS

21 neighbouring properties were consulted by letter on 13 November and 3 December 2020. 15 objections were received and are summarised as follows:

| Comment | Officer response |
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| Extent of neighbour consultation | Neighbour consultation has been in accordance with statutory requirements |
| Proposal is similar to previous application and has not addressed previous reasons for refusal | Previous reasons for refusal are discussed in the context of this proposal in the relevant sections of the report. |
| Additional pressure on local amenities and services | The proposal would be liable for Community Infrastructure Levy payments to contribute towards local infrastructure improvements. |
| Proposal treated more favourably than similar application at No 163 Preston Hill (ref 19/3057), where only four units were allowed. | Each application is assessed on its own merits against current adopted and emerging policies. Four units were proposed and approved under Ref 19/3057 and the assessment of a case does not generally consider whether an additional number of units beyond that proposed would be acceptable. No previous applications for a larger number of units on that site have been made. |
| The proposal is town cramming and overdevelopment of the site (235% increase in floorspace) in low density area, and will impact on the ambience and character of Preston Hill. | See 'Principle of Development' section of report. |
| Building is excessive in scale and would be obtrusive, unbalanced and bulky, overbearing on the streetscene, out of scale with the plot, out of character with the lower density in the neighbourhood which is mainly family dwellings. Bulk, massing, detailing and materials are of poor design. Reference to development at Alexander Place is misleading and disingenuous as this is an area of different character with lots of flatted developments. | See 'Design, Scale and Appearance' section of report. The development at Alexander Place is part of John Perrin Place, which is located opposite the application site on Preston Hill. |
| Area would be over-dominated by flats as application for flats has already been granted at No 163 Preston Hill. | See 'Design, Scale and Appearance' section of report. |
| Front building line protrudes beyond neighbouring properties. Bin store and cycle store protrude from front entrance, and lack of private front gardens and individual front doors, conflicts with SPD1 guidance on active frontages. | See 'Design, Scale and Appearance' section of report. |
| Rear building line protrudes beyond neighbouring | See 'Relationship with neighbouring properties' |

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| properties. | section of report. |
| Impact on light and overshadowing to neighbouring gardens and buildings | See 'Relationship with neighbouring properties' section of report. |
| Overlooking from first and second floor windows and balconies, noise from balconies and resultant impact on residential privacy. | See 'Relationship with neighbouring properties' section of report. |
| Impact on flank wall habitable room windows at No 165. | See 'Relationship with neighbouring properties' section of report. |
| No professional risk assessment re loss of amenity light, trees will not resolve privacy issues due to issues with tree roots and high hedges act | See 'Relationship with neighbouring properties' section of report. A professional risk assessment is not a requirement for this application. |
| Flats do not meet London Plan minimum standards for flat sizes and amenity space. | See 'Residential Living Standards' section of report. |
| Not clear whether 1.5m deep front garden and 0.5m deep planting strip recommended in SPD1 is provided for ground floor units. | See 'Residential Living Standards' section of report. |
| Loss of green space and right to enjoy quiet and safe environment. | The site does not contain any designated or publicly accessible green space, only a residential garden. Impacts on noise and safety in the area are considered to be similar to those arising from the existing residential use. |
| Impact on flooding due to loss of soft landscaping and site being within 100m of flood risk area. | The site is not in a Flood Risk Zone and the proposal does not require a Flood Risk Assessment. |
| Application form inaccurate, states existing site has one parking space and no new accesses are required, whereas there are two existing spaces and amendments to access will be required. | These points have been clarified during the course of the application. See 'Transport Considerations' section of report. |
| Inadequate on-site parking in PTAL 2 area, and overspill parking impacts including impact on refuse vehicle access to Kinch Grove. Parking survey undertaken during lockdown and does not factor in visitor parking to Wembley Stadium, Brent Hotel, nearby nursing home and other commercial destinations or to Preston Road station. | See 'Transport Considerations' section of report. |
| Parking on frontage conflicts with SPD1 guidance on parking layout, would block communal entrance. Not clear how parking affects legibility of entrance. Dimensions of parking spaces unclear, not adequate for disabled users and not including electric charging points. | See 'Transport Considerations' section of report. Disabled parking and electric vehicle charging points are not policy requirements for this application. |
| Increase in traffic including construction traffic. Impact on highway safety and convenience of road users. Concerns re construction access and parking. | See 'Transport Considerations' section of report. Construction traffic issues would be addressed through a Construction Method Statement. |

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| Noise and disturbance from construction work. | These issues would be addressed through a Construction Method Statement. |
| Increased rubbish overflow due to inadequate space for bin store, leading to rodent nuisance. | See 'Transport Considerations' section of report. |
| Building flats will increase anti-social behaviour, increase risk of incidents and security concerns. | There is no evidence to suggest that building flats in itself leads to these outcomes. |
| Existing property is in use as a HMO, resulting in social and amenity impacts. | This is not a material planning consideration in relation to this application. |
| Impact on neighbouring property values. | This is not a material planning consideration. |
| Loss of view to neighbouring properties. | This is not a material planning consideration. |
| Construction hours | This is not a material planning consideration. Construction hours are controlled under environmental nuisance regulations. |

Internal consultees

Environmental Health: No objection subject to conditions (these are discussed in the main body of the report).

POLICY CONSIDERATIONS

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Development Plan in force for the area is the 2010 Brent Core Strategy, the 2016 Brent Development Management Policies DPD, the 2011 Site Specific Allocations DPD and the 2016 London Plan (Consolidated with Alterations since 2011). Relevant policies include:

London Plan 2016

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 7.4 Local character
- 7.6 Architecture

Brent Core Strategy 2010

- CP1 Spatial Development Strategy
- CP2 Population and Housing Growth
- CP17 Protecting and Enhancing the Suburban Character of Brent
- CP21 A Balanced Housing Stock

Brent Development Management Policies 2016

- DMP1 Development Management General Policy
- DMP9b On Site Water Management and Surface Water Attenuation
- DMP11 Forming an Access on to a Road
- DMP12 Parking
- DMP18 Dwelling Size and Residential Outbuildings
- DMP19 Residential Amenity Space

The following are also relevant material considerations:

The National Planning Policy Framework 2019
 Planning Practice Guidance

The Council is at a significant stage in reviewing its Local Plan. The draft Brent Local Plan was subject to examination in public during September and October 2020. The planning Inspectors are still considering the Plan prior to undertaking a final stage of consultation on a set of proposed main modifications before the Plan can be adopted. Therefore, having regard to the tests set out in paragraph 48 of the NPPF it is considered by officers that greater weight can now be applied to policies contained within the draft Brent Local Plan.

The draft London Plan has recently been subject to an Examination in Public, and is at publication stage. It has now been agreed by the Secretary of State, and is intended to be adopted on 2 March. At the time of the Planning Committee meeting, the London Plan is likely to be adopted policy.

These documents collectively carry increasing weight in the assessment of planning applications as they progress through the statutory plan-making processes. Relevant policies include:

Draft London Plan Publication version (2020)

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| D1 | London's form, character and capacity for growth |
| D3 | Optimising site capacity through the design-led approach |
| D4 | Delivering good design |
| D5 | Inclusive design |
| D6 | Housing quality and standards |
| H1 | Increasing housing supply |
| H2 | Small sites |
| S13 | Sustainable drainage |
| T6 | Car parking |
| T6.1 | Residential parking |

Draft Local Plan (Regulation 19 version)

| | |
|-------|--------------------------------------------------------|
| DMP1 | Development management general policy |
| BP3 | North |
| BD1 | Leading the way in good urban design |
| BH1 | Increasing housing supply in Brent |
| BH4 | Small sites and small housing developments in Brent |
| BH13 | Residential amenity space |
| BSUI4 | On-site water management and surface water attenuation |
| BT2 | Parking and car free development |
| BT4 | Forming an access on to a road |

DETAILED CONSIDERATIONS

Principle of development

1. The NPPF 2019 expects the planning system to significantly increase the supply of housing, and Core Strategy Policy CP2 sets out a target for delivering 22,000 new homes in Brent over the 2007-2026 period including a target of 25% family sized homes. Draft London Plan Policy H1 sets out new ten-year targets, of which Brent is required to deliver 23,250 new homes, and draft Policy H2 encourages well-designed homes on small sites (below 0.25ha).
2. Brent's emerging policies reflect these aims and also emphasise the need for family-sized homes in the Borough. Policy BH4 supports draft London Plan Policy H2 but also gives weight to the existing character of the area when considering applications on small sites outside priority locations, whilst emerging Policy BH6 requires one of every four units to be family-sized.
3. Objections have been received from neighbours which specify that this would be the over-development of the site. However, the policy context supports the sensitive intensification of small sites in existing residential use to provide a greater number of housing units. A previous application for a building containing six flats (Ref 20/1844) was refused as it did not include a family-sized dwelling to compensate

for the loss of the existing house on the site. The proposal would provide six new dwellings including one family-sized home (3 bedroom home) on the ground floor with direct access to external amenity space, which would address the reason for refusal of the previous application.

4. The proposal would comply with adopted and emerging policy and is considered to be acceptable in principle.

Design, scale and appearance

5. Policy CP17 aims to protect suburban areas from inappropriate development including development of garden space and infilling of plots with out-of-scale buildings that do not respect the settings of the existing dwellings, while Policy DMP1 requires the scale, type and design of development to respect and complement the character of the surrounding area. The NPPF also emphasises that good design involves responding to local character and history and reflecting the identity of local surroundings and materials, while not discouraging appropriate innovation. Emerging policy BH4 in Brent's Draft Local Plan sets out that for proposals on small sites outside priority locations greater weight will be placed on the existing character of the area amongst other considerations when determining the appropriate intensity of development. The Brent Design Guide SPD1 provides further advice on principles of good design.
6. In this case, this section of Preston Hill is part of a primary route and bus route between Kenton and Kingsbury stations. Whilst the buildings along this route are predominantly residential, they are slightly different in character to those on the surrounding side streets and do include examples of three-storey flatted developments as well as large detached and semi-detached houses and buildings in other uses, such as the Brent Hotel adjacent to the proposal site to the east, which consists of a two-storey building with dormer windows providing accommodation in the roof. Adjacent to the site to the west is Bellamy House, a three-storey flatted development. Further to the west, Birchwood Grange is a three-storey residential care home with an extensive frontage and opposite this John Perrin Place is a partly two-storey partly three-storey large flatted development.
7. The architectural style of the surrounding area is mixed, with both traditional pitched roof construction and more contemporary flat roofs. Detached and semi-detached houses generally face onto the street with limited separation distances between them, whilst larger developments have a variety of layouts with the built form generally more concentrated and surrounded by more extensive areas of open space. Consequently there is no strong building line along the street and little sense of a coherent and consistent architectural character. The existing building on the site is two-storey, in a combination of red brick and white render, with a tiled hipped roof. It has single-storey elements to both sides which extend to the side boundaries and have large hipped roofs adding to the overall bulk and mass.
8. The proposed building would be three stories high, however the top storey would be set back on all sides and in an aluminium cladding material to contrast with the brickwork of the main building and to reduce the impact of the additional height and mass. Its height would be further mitigated by the first floor brickwork continuing up to provide a balustrade for the second floor balconies. In relation to the surrounding area it would mediate between the slightly lower height of the Brent Hotel and the slightly greater height of Bellamy House. The building height is considered to be acceptable in this context.
9. The front building line would be generally in keeping with the staggered building line of Brent Hotel and the angled building line of Bellamy House. Given the lack of a strong building line within the street and the retention of a 5m deep setback from the road, the building line is not considered to be unduly obtrusive or out of character with the area. The overall mass and bulk of the building would be greater than that of the existing dwelling, however distances to the side boundaries of 0.8m and 1.2m respectively would be retained and this is acceptable in the context of the adjoining buildings and other properties in the area.
10. The bulk and mass of the building are considered to be acceptable and would be effectively modulated by the interaction between projecting and recessed elements, whilst the addition of a front entrance porch would create a legible entrance and a strong sense of arrival for residents. Whilst neighbour objections have suggested that the proposal does not comply with some of the design guidelines set out in SPD1, these are intended as guidance which needs to be interpreted according to the context. A communal entrance is considered appropriate in this case and private front gardens are not characteristic of the streetscene on Preston Hill.
11. The previous proposal was for a building in a similar contemporary style but with the addition of false front gable end features, which were considered to be incongruous and unsympathetic design features

resulting in a detrimental impact on the street scene. The proposal was refused on design grounds, however there were no objections to the contemporary style itself, the bulk and mass of the building or any other architectural features. The current proposal does not include these features and consequently is considered to have addressed this reason for refusal.

12. Overall, the contemporary design approach is considered to provide a building of high quality that would contribute positively to the streetscene. Further details of materials would be required by condition.

Relationship with neighbouring properties

13. Any development will need to maintain adequate levels of privacy and amenity for existing residential properties, in accordance with Policy DMP1 and the detailed guidance set out in SPD1. Proposed buildings should sit within a 30 degree line of existing rear habitable room windows (measured at 2m high above internal floor level) and a 45 degree line of existing private rear garden boundaries (measured at 2m above ground level) in order to avoid appearing overbearing and causing loss of outlook to neighbouring properties. Windows serving habitable rooms should retain separation distances of 18m to neighbouring habitable room windows and 9m to boundaries with adjoining properties or development sites should be maintained, to ensure adequate privacy for existing and new residents. SPD1 also requires compliance with the 2:1 rule, that rear building lines at first floor level and above should not project any further to the rear than half the distance to the nearest rear habitable room window on adjacent properties, to ensure adequate outlook to these is retained.
14. The rear building line would be 9m distant from the rear site boundary with the garden of No 2 Kinch Grove, and the building would sit well within a 45 degree line from that boundary. As the rear windows of that property are at right angles to the proposed building, it is not relevant to apply the 30 degree line or 18m separation distances. It is considered that the position of the building would not have any material impact on light and outlook to those windows, and would not result in any harmful degree of overlooking. Revised plans have been received, closing off an area of balcony on the second floor that would not have been easily accessible from the proposed units, and the one remaining first floor balcony would maintain a distance of 9m to the boundary. Other properties on Kinch Grove would not be directly affected.
15. The proposal would comply with the 2:1 rule with respect to the Brent Hotel (although it should be highlighted that this is not a residential property so the 2:1 rule would not need to be applied) and Bellamy House, as the centre of the nearest rear habitable room windows in these properties would be approx 4m and 5.7m respectively from the flank walls of the proposed building, which would project at first floor level by approx 1.6m and 2.8m (including balcony) respectively from these existing rear elevations. The second floor level would be further set back on all sides so as to prevent any additional impact from this floor. A previous site visit confirmed that neither adjacent property has any primary habitable room windows in the flank wall that would be affected in terms of light and outlook.
16. The previous application was refused due to its impact on neighbouring properties, primarily because the rear of the building (including the first floor balconies) was less than 9m from the rear boundary and so did not provide sufficient privacy for No 2 Kinch Grove. Due to the positioning of the building in relation to the adjacent properties, overlooking onto gardens from the balconies was also a concern. The current proposal retains a 9m separation distance to the rear boundary, as noted above. Furthermore, only one rear balcony is proposed and, whilst this would allow for some overlooking onto the garden of Bellamy House, a condition is recommended for a high level screen to be provided along the side of the balcony to prevent direct overlooking. The proposal has addressed the reason for refusal of the previous application.
17. Notwithstanding neighbour objections in relation to overlooking and loss of light and outlook, the proposal is fully compliant with Brent's adopted policies and guidance in this respect, and is considered not to have any materially adverse impacts on neighbouring properties. Side-facing windows in the proposed building would not provide sole outlook for habitable rooms, and are indicated on the plans as being obscured and non-opening which would be secured by condition.

Residential living standards

18. All development is required to comply with internal space standards set out in Policy D6 of the Draft New London Plan and Brent's Policy DMP18, and Policy D4 also sets out further detailed criteria to secure a generally high quality of accommodation.
19. Brent's Policy DMP19 establishes that all new dwellings are required to have external private amenity

space of a sufficient size and type to satisfy proposed residents' needs. This will normally be expected to be 20sqm for a studio, one or two-bedroom home and 50sqm for family housing (homes with 3 or more bedrooms). The requirement for external private amenity space established through DMP19 is for it to be of a "sufficient size and type". This may be achieved even when the "normal expectation" of 20sqm or 50sqm of private space is not achieved. The supporting text to the policy clarifies that where "sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space". Proximity and accessibility to nearby public open space may also be considered when evaluating whether the amenity space within a development is "sufficient", even where a shortfall exists in private and/or communal space.

20. With regard to the quality of the space, the supporting text to Policy DMP19 specifies that private amenity should be accessible from a main living room without level changes and planned within a building to take the maximum advantage of daylight and sunlight, whilst Brent's SPD1 specifies that the minimum depth and width of the space should be 1.5 m.
21. Emerging London Plan Policy D6 specifies that where there is no higher local standard, a minimum of 5sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. The minimum depth of 1.5m is reconfirmed in the emerging policy.
22. The proposed dwellings would all have a good standard of light and outlook with dual aspect onto the front and rear, bedrooms exceeding minimum space standards, adequate internal storage and ceiling heights of 2.5m. They would all comply with minimum floorspace standards as follows:

| Unit | Type | Floorspace proposed | Minimum floorspace |
|------------------|-----------------------|---------------------|--------------------|
| 1 (ground floor) | 1b2p | 50.2sqm | 50sqm |
| 2 (ground floor) | 3b4p | 75.8sqm | 74sqm |
| 3 (first floor) | 2b3p | 61.7sqm | 61sqm |
| 4 (first floor) | 1b2p | 50.3sqm | 50sqm |
| 5 (second floor) | 1b1p with shower room | 37sqm | 37sqm |
| 6 (second floor) | 1b1p with shower room | 37.3sqm | 37sqm |

23. The front-facing bedroom windows on Units 1 and 2 would be provided with defensible planting strips of approx 0.8m depth to provide an element of privacy for residents. Whilst this is below the recommended 1.5m depth, it is considered acceptable in this instance as the windows would not face directly onto the street and pedestrian flows outside these windows would be limited to other residents accessing the pathways along the sides of the building.
24. External amenity space is proposed to include private areas for each unit as follows:

| Unit | space proposed | policy standard | shortfall |
|-----------------------------|----------------|-----------------|--------------|
| 1 | 6.4sqm | 20sqm | 13.6sqm |
| 2 | 49.3sqm | 50sqm | 0.7sqm |
| 3 | 6.2sqm | 20sqm | 13.8sqm |
| 4 | 6.1sqm | 20sqm | 13.9sqm |
| 5 | 6.8sqm | 20sqm | 13.2sqm |
| 6 | 8.2sqm | 20sqm | 11.8sqm |
| Cumulative shortfall | | | 67sqm |

25. When assessed against the standards set out in Policy DMP19, Unit 2 would require 50sqm of amenity space and the other units would all require 20sqm each. The proposal would therefore result in a cumulative shortfall of 67sqm. This shortfall would be mitigated by the provision of a communal rear garden of 68.6sqm which would be available to all residents and accessed via the side of the building. Consequently there would be no residual shortfall against the policy standard.

26. The separate areas of rear garden would be demarcated by boundary hedging, and the private garden areas for Units 1 and 2 would provide an adequate amount of defensible space to provide privacy for ground floor windows of these units. Further details of hedging and other proposed planting would be secured through the submission of a landscaping scheme required by condition.
27. The previous application proposed dividing the rear garden area into private garden areas for the two ground floor flats and providing private balconies for the four upper floor flats. This resulted in the level of external amenity space for the upper floor flats being significantly below Policy DMP19 standards, and the application was refused on this basis. The proposal has addressed this reason for refusal.
28. The proposal is considered to provide a good standard of internal accommodation and to comply fully with the requirements of emerging London Plan Policy D6 and Brent Policy DMP18 in this respect. Furthermore, the proposal would provide external amenity space that is sufficient in size and type to satisfy the needs of future residents and fully accords with Brent Policy DMP19 and emerging London Plan Policy D6 in relation to the provision of external amenity space.

Environmental health considerations

29. The site is within an Air Quality Management Area and located very close to other residential properties. Demolition and construction therefore have the potential to contribute to background air pollution and cause nuisance to neighbours. A construction method statement would be required by condition, outlining measures to control dust, noise and other environmental impacts and to safeguard residential amenity in this regard. This would need to be a pre-commencement condition, and the applicants have agreed to this being imposed.
30. The surrounding area has been identified as previously contaminated and therefore a full assessment of land contamination should be undertaken. This would be secured by condition.
31. Environmental Health officers have also requested that a scheme of sound insulation measures designed to meet the relevant British Standards be submitted to the Local Planning Authority for approval. This would be required by condition, to ensure acceptable noise levels for future residents.

Flood risk

32. Notwithstanding neighbour objections relating to flood risk nearby, the application site is located within Flood Zone 1 and the proposal does not therefore raise concerns regarding flooding or require submission of a Flood Risk Assessment.

Transport considerations

33. Brent's maximum parking allowances are set out in Policy DMP12 and Appendix 1 of the Development Management Policies. Emerging London Plan Policy T6.1, which sets out maximum parking allowances across London, is also a material consideration of significant weight. Emerging Policy T5 provides standards for cycle parking and Brent's Waste Planning Guidance provides requirements for refuse and recycling bin storage for new developments.
34. Preston Hill is a local distributor road and Kinch Grove is a narrow road, approx. 5m wide. The site has moderate public transport accessibility (PTAL 2), with two bus routes available locally, and Preston Road tube station within walking distance. The maximum parking allowance for the existing house is 1.5 spaces and the existing forecourt is able to accommodate at least this amount.
35. The maximum parking allowance for the proposed six units is 6.5 spaces. Two spaces are proposed, which accords with the maximum allowance. However, Policy DMP12 also states that new developments should not add to on-street parking demand where on-street parking spaces cannot meet existing demand, such as on heavily parked streets. To address this point, a car parking survey has been submitted in support of the application. This was undertaken in the early hours of both a Thursday and a Friday in May 2020, and indicates that no vehicles were parked on either night within the seven available unrestricted kerbside spaces fronting the site between Kinch Grove and Bellamy House.
36. Furthermore, Transport officers have interrogated 2011 Census data, which demonstrate that average car ownership amongst the 45 flats in the immediate area equates to 0.5 cars per flat. Consequently it is expected that the demand for car parking arising from this development would be three spaces. The

proposal would provide two spaces on site, and an additional vehicle could be accommodated on-street along the site frontage, so the parking demand could be met without impacting on the availability of on-street parking in the wider area.

37. The proposal originally involved replacing the two existing crossovers with one located more centrally, with two parking spaces also in the centre of the site. Transport officers requested amendments to the layout, repositioning the vehicle crossover and two parking spaces to one of the side boundaries, with the existing associated crossover widened accordingly to 4.2m and the other crossover removed. These amendments were secured in revised plans. The redundant vehicle crossover would be reinstated to footway at the developers' expense, and this would be secured as a condition.
38. Cycle storage was originally proposed on the site frontage. Following the submission of revised plans, nine cycle parking spaces would be provided in a cycle store located in the communal rear garden. This would be accessed via the 1.2m wide side pathway, and is in accordance with emerging Policy T5. Further details of cycle storage would be required by condition.
39. Two x 1,100l Eurobins would be provided in a store on the site frontage. This would provide sufficient refuse storage capacity for both recyclable waste and general waste, and would be convenient for residents and for collection operatives. A separate pedestrian path to the front entrance would be provided, and the remaining areas of the frontage would be soft landscaped in accordance with Policy DMP12. Details of bin storage and hard and soft landscaping would be required as part of the landscaping condition.

Equalities

40. In line with the Public Sector Equality Duty, the Council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

Conclusion

41. The proposal would make efficient use of a small residential site to contribute to the Borough's housing targets. Notwithstanding the number of neighbour objections, the proposal would comply fully with all relevant policies and is considered to have satisfactorily addressed the reasons for refusal of the previous application. The proposal is considered to accord with the development plan and it is recommended that permission is granted.

CIL DETAILS

This application is liable to pay **£74,575.38** * under the Community Infrastructure Levy (CIL).

We calculated this figure from the following information:

Total amount of eligible* floorspace which on completion is to be demolished (E): 144 sq. m.

Total amount of floorspace on completion (G): 351.87 sq. m.

| Use | Floorspace on completion (Gr) | Eligible* retained floorspace (Kr) | Net area chargeable at rate R (A) | Rate R: Brent multiplier used | Rate R: Mayoral multiplier used | Brent sub-total | Mayoral sub-total |
|---------------------------|-------------------------------|------------------------------------|-----------------------------------|-------------------------------|---------------------------------|-----------------|-------------------|
| (Brent) Dwelling houses | 351.87 | | 207.87 | £200.00 | £0.00 | £61,989.80 | £0.00 |
| (Mayoral) Dwelling houses | 351.87 | | 207.87 | £0.00 | £60.00 | £0.00 | £12,585.58 |

| | | |
|------------------------------------------------------------------------|------------|------------|
| BCIS figure for year in which the charging schedule took effect (Ic) | 224 | 330 |
| BCIS figure for year in which the planning permission was granted (Ip) | 334 | |
| TOTAL CHARGEABLE AMOUNT | £61,989.80 | £12,585.58 |

*All figures are calculated using the formula under Regulation 40(6) and all figures are subject to index linking as per Regulation 40(5). The index linking will be reviewed when a Demand Notice is issued.

**Eligible means the building contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development.

Please Note : CIL liability is calculated at the time at which planning permission first permits development. As such, the CIL liability specified within this report is based on current levels of indexation and is provided for indicative purposes only. It also does not take account of development that may benefit from relief, such as Affordable Housing.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 20/3502

To: Mr Carroll
Dave Carroll Planning Limited
30 Altenburg Avenue
London
W13 9RN

I refer to your application dated **29/10/2020** proposing the following:

Demolition of dwellinghouse and erection of a three storey building comprising 6 self-contained flats, hard and soft landscaping to front creating two off-road parking spaces, extended crossover, refuse and cycle storage to front and subdivision of rear garden

and accompanied by plans or documents listed here:
Please see Condition 2.

at **167 Preston Hill, Harrow, HA3 9UY**

The Council of the London Borough of Brent, the Local Planning Authority, hereby **GRANT** permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date: 02/03/2021

Signature:

Gerry Ansell
Head of Planning and Development Services

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposal is in general accordance with the following documents:

Adopted Policy

The National Planning Policy Framework (2019)
The London Plan (2016)
Brent's Core Strategy (2010)
Brent's Development Management Policies (2016)

Emerging Policy

The Publication Version London Plan (2020)
Brent's Draft Local Plan (2020)

Supplementary Planning Guidance / Documents

SPD1 Brent Design Guide (2018)

- 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):

021/EX/001
021/EX/002
021/EX/100
021/EX/101
021/EX/102
021/EX/103
021/EX/104
021/EX/120
021/EX/121
021/EX/160
021/EX/161
021/PL/200 REV E
021/PL/201 REV D
021/PL/202 REV D
021/PL/203 REV C
021/PL/204 REV E
021/PL/220 REV C
021/PL/221 REV C
021/PL/222 REV D
021/PL/223 REV D
021/PR/240
Parking stress survey

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

- 3 The residential units hereby approved shall at no time be converted from use class C3 residential to a use class C4 small HMO, notwithstanding the provisions of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) Order 2015 (or any equivalent provision in any order revoking and re-enacting that Order) without express

planning permission having first been granted by the Local Planning Authority.

Reason: To ensure that an adequate standard of accommodation is maintained in all of the residential units and in view of the restricted space within the site to accommodate additional bin or cycle storage.

- 4 The parking spaces, cycle storage and bin storage facilities as shown on the approved plans shall be installed prior to occupation of the development and thereafter retained and maintained for the life of the development and not used other than for purposes ancillary to the occupation of the development hereby approved, unless alternative details are agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is fit for purpose.

- 5 Any upper-floor window located in a wall forming a side elevation of the building must be—
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed;

and shall be permanently maintained in that condition thereafter unless planning consent is obtained from the Local Planning Authority.

Reason: To ensure the development does not unduly impact the privacy of the adjoining occupier(s).

- 6 Prior to first occupation of the development, works to increase the width of the vehicle crossover on the eastern site boundary to 4.2 and to remove the vehicle crossover on the western site boundary and reinstate the footway shall be carried out to the satisfaction of the local highway authority, at the developer's expense.

Reason: To ensure adequate access to the site.

- 7 Prior to the commencement of the development a Demolition and Construction Method Statement shall be submitted to and agreed by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development.

Reason: To safeguard the amenity of the neighbours by minimising impacts of the development that would otherwise give rise to nuisance.

Reason for pre-commencement condition: Adverse impacts of demolition and construction can arise at any time after works commence, and adequate controls will need to be in place from this time.

- 8 (a) Following the demolition of the existing building on site and prior to the commencement of building works:

(i) 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 the principles of BS 10175:2011.

(ii) a report 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 any identified contamination. The report shall include an appraisal of remediation options should any contamination be found that presents an unacceptable risk to any identified receptors.

(b) Any soil contamination remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation or use of the development, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is suitable for end use (unless the local Planning Authority has previously confirmed that no remediation measures are required).

Reason: To ensure the safe development and secure occupancy of the site.

- 9 Prior to the commencement of construction works (excluding demolition, site clearance and the laying of foundations), details of materials of the development, for all external work, including samples, and including details of a privacy screen of not less than 1.8m in height above finished floor level to be installed on the western side of the balcony to Unit 4, shall be submitted to and approved in writing by the Local Planning Authority.

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.

- 10 Within six months of works commencing, and notwithstanding the approved plans, a detailed landscaping scheme shall be submitted to and approved in writing by the local planning authority through the submission of an application for approval of details reserved by condition. The scheme shall include detailed proposals for the following aspects:

- Hard landscaped areas including materials samples and details of any proposed level changes;
- A planting scheme including species, locations and densities for all grass, shrubs and trees;
- Bin storage and cycle storage;
- Boundary treatments including gates.

The approved landscaping scheme shall be completed prior to the first occupation of the development hereby approved, or in the case of planted elements, within the first planting season after the occupation of the development hereby approved and thereafter maintained, unless alternative details are first agreed in writing by the Local Planning Authority.

Any trees and shrubs planted in accordance with the landscaping scheme and any plants or trees which have been identified for retention within the development which, within 5 years of planting, are removed, dying, seriously damaged or become diseased, shall be replaced to the satisfaction of the Local Planning Authority, by trees and shrubs of similar species and size to those originally planted.

Reason: To ensure a satisfactory standard of appearance and to ensure that the proposed development enhances the visual amenity of the locality and provides functional external spaces.

- 11 Prior to first occupation of the development, the results of sound tests to show that the required internal noise levels, as set out below, have been achieved shall be submitted to and approved in writing by the local planning authority.

All residential premises shall be designed in accordance with BS8233:2014 Guidance on sound insulation and noise reduction for buildings, to attain the following internal noise levels:

| Time | Area | Maximum noise level |
|-----------------------------|---------------------------|---------------------|
| Daytime 07:00 – 23:00 | Living rooms and bedrooms | 35 dB LAeq (16hr) |
| Night time 23:00 – 07:00 | Bedrooms | 30 dB LAeq (8hr) |

Reason: To obtain required sound insulation and prevent noise nuisance.

INFORMATIVES

- 1 The applicant is advised that this development is liable to pay the Community Infrastructure Levy; a Liability Notice will be sent to all known contacts including the applicant and the agent. Before you commence any works please read the Liability Notice and comply with its contents as otherwise you may be subjected to penalty charges. Further information including eligibility

for relief and links to the relevant forms and to the Government's CIL guidance, can be found on the Brent website at www.brent.gov.uk/CIL.

- 2 Under the Control of Pollution Act 1974, noisy construction works are regulated as follows:

Monday to Fridays - permitted between 08:00 to 18:00

Saturday - permitted between 08:00 to 13:00

At no time on Sundays or Bank Holidays

For work outside these hours, the Control of Pollution Act 1974 allows the council to set times during which works can be carried out and the methods of work to be used. Contractors may apply for prior approval for works undertaken outside of normal working hours. They should email the noise team at ens.noiseteam@brent.gov.uk to obtain a section 61 application form. Please note that the council has 28 days to process such applications.

- 3 Brent Council supports the payment of the London Living Wage to all employees within the Borough. The developer and constructor of the building are strongly encouraged to pay the London Living Wage to all employees associated with the construction of the development.
- 4 The Council recommends that the maximum standards for fire safety are achieved within the development.
- 5 In relation to the conditions requiring the submission of details pertaining to land contamination, the quality of imported soil must be verified by means of in-situ soil sampling and analysis. We do not accept soil quality certificates from the soil supplier as proof of soil quality.
- 6 Given the age of the building to be demolished it is possible that asbestos may be present. The applicant should be reminded of their duties under the Control of Asbestos Regulations and must ensure that a qualified asbestos contractor is employed to remove all asbestos and asbestos-containing materials and arrange for the appropriate disposal of such materials
- 7 The developer is advised to contact Brent's Head of Highways and Infrastructure to make arrangements for works to the vehicle crossovers to be undertaken on their behalf.

Any person wishing to inspect the above papers should contact June Taylor, Planning and Regeneration,
Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2233