

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

15 December, 2021
05
21/2705

SITE INFORMATION

RECEIVED	13 July, 2021
WARD	Mapesbury
PLANNING AREA	Brent Connects Kilburn
LOCATION	Land rear of 65, Teignmouth Road, London
PROPOSAL	Retrospective application for demolition of garage and proposed construction of a single-storey residential unit (Use Class C3), provision of cycle and refuse storage, associated landscaping and renewed boundary fencing (revised description)
PLAN NO'S	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 https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_156110</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 "21/2705" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

RECOMMENDATIONS

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

Conditions

1. Timescales for the commencement of the development
2. Built as per the approved drawings
3. External facing materials
4. Cycle parking and refuse provided prior to occupation
5. Removal of permitted development rights - extensions, alterations and outbuildings
6. Removal of permitted development rights – to Use Class C4 HMO
7. Air source heat pump- noise levels
8. Footway reinstatement
9. Tree protection measures – referral to document approved on 19/4130.
10. Landscape scheme- submission of details of planting and boundaries

Informatives:

1. CIL liable; notice will be sent.
2. Removal of crossover to be funded by applicant
3. Building near boundary
4. Party Wall Act 1996.
5. Code of Construction Good Practice

And 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, planning obligations 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.

SITE MAP

	Planning Committee Map Site address: Land rear of 65, Teignmouth Road, London © Crown copyright and database rights 2011 Ordnance Survey 100025260
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This map is indicative only.



PROPOSAL IN DETAIL

To rebuild the previous garage as a one-bedroom dwellinghouse, incorporating a new side extension adjacent to the boundary of 94 Dartmouth Road. There would be no change to existing access arrangements, with the site fronting onto Lydford Road.

The proposal is identical in size, siting and scale to the previous consent to convert the garage into a house with extensions and alterations to the structure, with the exception of minor amendments to some details.. The submission follows the demolition of the garage, which has occurred during the works to construct the dwelling. The applicants have stated that the demolition was not intentional.

The ground floor would consist of a lounge/kitchen/diner, and one double bedroom with en-suite bathroom. The total area (gross internal area) would be 50.5m². The bedroom area would be 14.6m².

The building would be extended further south compared to the previous garage, by a further 1.52m wide at the frontage, extending to 2.1m wide to the rear. The height on the boundary with 94 Dartmouth Road would be 2.6m. The front (east) elevation would have glazing, behind timber louvred shutter doors.

The north, side elevation, would have one window, one timber door with side window, and a set of patio doors, all in timber/ aluminium composite in a dark beige tone. Details have been provided of the relationship with the wall; there would be a small external cill to the window, with the window frame itself minimally recessed by 2cm. The patio doors would be in the same material, up one step 20cm high, set in by 6cm.

To the west, a ground door would lead to a small area of permeable paving, of 2.6m² and adjacent to this would be a water butt. There would be no windows placed in this, or the south, elevations.

The south elevation would form part of the boundary with no. 94, and would be 2.6m high. Whereas previously (in the garage) this elevation had three windows, only visible from the garden of 94a, for the rebuild consisting of dwelling, it would not have windows on this elevation.

The frontage would consist of a pedestrian gate, 2m, and fencing repaired and replaced to match the existing, at a height of 3.3m as existing.

The landscaping would consist of quarry paving path to front with soft landscaping to front of glazing and to corner segueing into the soft landscaping of the side garden, with patio to side.

Covered cycle storage would be provided for one cycle. Frontage would contain housing for refuse and recycling bins and air source heat pump.

Materials other than those already mentioned would be: Bricks: Northcot, Costwold blend; timber door to be painted in RAL 7033 cement grey; Paving: Wienerberger aquata grey; Roof tiles: Dreadnought, Rustic Red; north elevation to be painted in white. A soldier course brickwork line would be included above each door and window on the north elevation.

EXISTING

The application site was previously occupied by detached garage, located on the west side of Lydford Road, between Teignmouth Road and Dartmouth Road. It is at the rear of 65 Teignmouth Road, which occupies a corner plot at its junction with Lydford Road in Mapesbury

Conservation Area. The previous garage had a footprint of 44.3sqm, and the plot has a curtilage of 194sqm. There are a number of mature trees within the garage plot and the site is bounded by timber fencing at its frontage and access onto Lyndford Road.

The Mapesbury Conservation area is characterised by large detached and semi-detached Edwardian properties (some of which have been sub-divided into flats) two storeys in height, with generous front and rear gardens. Its turn of the century town-houses are of high architectural quality with intricate detailing. Front elevations have articulate entrances and porches, dwellings are set back in the plots and front gardens are bounded by low rise walls or hedges.

The applicant has advised that the build had started for the previous consent 19/4130 for the conversion and extension of the garage, but that the garage collapsed in the process of site preparation. The applicant has submitted a statement explaining that this was accidental.

AMENDMENTS SINCE SUBMISSION

30/9/21: Labelling revised on proposed plans, addendum to Design Access and Heritage Statement added, details of roof hip-irons and bonnet hip tiles added.

SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Members will need to balance all of the planning issues and the objectives of relevant planning policies when making a decision on the application:

1. **Representations received:** 8 objections have been received and these have been considered and discussed within the report.
2. **Principle:** Permission was previously granted for the conversion of the garage to a house with extensions and alterations. The proposal now involves the retrospective permission for the demolition of the previous garage and construction of the proposed dwelling as the garage was demolished without permission. However, the proposed garage is identical to the previous approval other than minor period detailing addition to the roof, with plans and elevations that were approved within the previous consent, to convert and extend the garage. While it is specified within the conservation area design guide that garden buildings must have an ancillary use to the main house and garden and that permission will not be granted for separate dwellings, the garage previously had its own curtilage and the previously approved conversion and extension were not considered to result in any harm to the conservation area. The current proposal also is not considered to result in any harm to the conservation area.
3. **Design and impact on the Conservation Area:** As discussed above, the proposed building would reflect the previous garage as extended and altered through the previous consent. The drawings are identical to those approved by the planning committee through the previous consent save for some minor amendments to detailing. While there will typically be some visual differences between a new building and the original building due to the use of newer materials and construction techniques, the existing building contained limited period detailing and any differences will be minor and would not be considered to be harmful to the character of the conservation area. Although a new building, with its similarity in scale and design to the original garage as extended and altered through the previous consent, it would not appear in the streetscene as significantly different.
3. **Neighbouring amenity:** The development has been assessed against the guidance in SPD 1 and would be compliant. There would not be a significant impact on the overall living conditions of the neighbouring occupiers.
4. **Trees and landscaping:** An Arboricultural impact assessment was submitted which sets out that no trees are proposed to be lost, with one Category C tree proposed to be pruned. A

condition is recommended to ensure that the works are carried out appropriately with the required tree protection measures implemented, to prevent any adverse impact on the health and longevity of the surrounding trees.

- Highways and Transportation: As with the previous consent, the garage was not previously used as such for some years, and its loss as parking is acceptable. Cycle parking is proposed within the garden of the dwelling and the reinstatement of the crossover to footway and extension of the parking bay is recommended to be secured through condition.

RELEVANT SITE HISTORY

95/0499: Demolition of existing garage and erection of a two bedroom house, alteration to existing vehicular access with access off Lydford Road and provision of 2 parking spaces. Refused, appealed, dismissed 2/4/96.

19/4130: Conversion of garage into a residential unit (Use Class C3) and works to include a single storey extension, 2 rooflights, provision of cycle and refuse storage, associated landscaping and alterations to boundary. Granted, 10/9/20.

CONSULTATIONS

10 nearby and adjacent occupiers were consulted, and Mapesbury Residents' Association. A site notice was erected and an advert placed in the local newspaper. Objections from 8 parties were received, including the Mapesbury Residents' Association. The submissions can be summarised as follows:

Nature of objection	Discussed in section:
The proposal should have at least 50% soft landscaping and a clear path to the front door.	Design
The garage was demolished without planning permission / due to failure to take adequate precautions during construction.	Land use and Principle of Development
The proposal should not be built on the boundary of 94a Dartmouth Road	Neighbour Amenity
The proposal harms the character of the Conservation area by way of the subdivision, fencing and the paved areas The new development does not attempt to make any positive contribution to this character and distinctiveness the area with regard to "the green and open street scene".	Design
The development exceeds the criteria for an outbuilding within the Mapesbury Conservation Area Design Guidance	Land use and Principle of Development
The Article 4 Direction is in place and requires planning permission to build in back gardens	Land use and Principle of Development
The outbuilding is too large for the existing garden	Design/ neighbour amenity/ Land use and principle of development

Concern re permitted development rights to extend- these should be removed	As with the previous consent, this would be prevented via condition
The application would create an undesirable precedent	Land use and Principle of Development
No 37 Lydford Road was not built in accordance with its permission and this was used as a precedent in the planning statement	The application is being assessed on its merits. While no.37 Lydford Road was mentioned in the planning statement submitted with the application, this is not a factor in the assessment.
Relevant policies have not been quoted in the application (SPG20/SPG17/Nationally Described Space Standard)	SPG17 has been replaced by SPD1. All relevant policies and guidance have been considered in the assessment.
The planning service should work more closely with Building Control to ensure supervision of works	The onus is on the applicant and their construction team to ensure that the works are carried out in accordance with the planning permission, and any breaches in planning control may be subject to enforcement against the owners of a site. Site owners are able to choose whether to seek Building Regulations approval from the Council's Building Control service or from an Approved Inspector.
The documentation has been reused from the previous application	The proposal would result in a similar development as the previous application, so although re-labelling of some drawings was required, this is acceptable.

Borough Heritage, Transportation and Tree Officers were also consulted and their responses are considered within the assessment.

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 Document and the 2021 London Plan. The key policies applicable to this proposal are:

Brent Development Management Policy 1- General Planning Policy, 7- Brent's Heritage Assets, 12- Parking and 19- Residential Amenity Space

London Plan 2021: Policies D4-Delivering Good Design, D6: Quality and Design of Housing; H1 Increasing housing supply, T5 Cycling, T6 Car parking, T6.1 Residential parking, HC1- Heritage conservation and growth

Core Strategy 2010: CP17- Protecting and Enhancing the Suburban Character of Brent.

Also relevant is the Listed Buildings and Conservation Areas Act 1990.

Draft Local Plan

The Council is at an advanced stage in reviewing its Local Plan. The draft Brent Local Plan was subject to examination in public during September and October 2020. Planning Inspectors appointed on behalf of the Secretary of State have considered the draft Plan and have requested that the Council undertake consultation on a number of Main Modifications which is taking place between 8 July and 19 August 2021. Therefore, having regard to the tests set out in paragraph 48 of the NPPF, it is considered that greater weight can now be applied to policies contained within the draft Brent Local Plan.

The draft Local Plan carries significant weight in the assessment of planning applications given the progress through the statutory plan-making processes.

Key policies from the draft Local Plan are:

DMP1: Development Management General Policy
BSUI4: Onsite water management and surface water attenuation
BH13 Residential Amenity Space
BHC1: Brent's Heritage Assets
BT2 Parking & Car Free Development

Other material considerations include:

Supplementary Planning Guidance:
Brent SPD1 - Design Guide for New Development
Mapesbury Conservation Area Design Guidance

Other Brent Guidance
Waste planning guide

Other GLA guidance:
London Cycling Design Standards

NPPF 2021

DETAILED CONSIDERATIONS

Land Use and Principle of Development

1. A residential use in a residential area is acceptable in land use planning terms. However, a key principle in this instance is the effect of the proposal on the conservation area; whether it would preserve or enhance the character or appearance of the Conservation Area, or cause harm. It is noted that the land on which the previous garage was located is a separate entity on the property register and the site visit indicates that it has been physically sectioned off for some considerable time. Nevertheless, the garage and associated land would have once formed part of a residential garden, and the Mapesbury Design Guide states that the Council will not grant permission for a 'new and separate dwellinghouse', within a back garden. The original permission 19/4130 consisted of the repurposing, refurbishment and extension of the

previous garage building to create a one-storey dwelling, and would have resulted in the creation of a dwelling within a garden. However, having considered the proposal, it was found that the development would not have resulted in harm to the Conservation Area and permission was granted. That proposal was for alterations and extensions to an existing structure which were considered to improve its appearance and bring it back into use without resulting in harm. However, the building was demolished rather than refurbished, converted and extended.

2. The applicant has stated that the garage, whilst site preparation was taking place, was found to be unstable and collapsed. However, the reason why the garage was demolished cannot be considered when evaluating this planning application, and the Council must assess whether or not planning permission should be granted for the new building.
3. The proposal would be similar in appearance to the proposal approved under granted consent 19/4130. The difference is that 19/4130 stated on the drawings 'existing roof tiles and structure repaired and replaced where required' whereas the new application would use tiles reclaimed from the roof, and specifies bonnet hip tiles and scrolled hip irons. Apart from the modest addition to the previous garage adjacent to no. 94, no garden space is being lost. The proposal also includes a new gate, repaired fence, and the refurbishment of the building. There would not be a significant or noticeable change to the massing which would be apparent from the street, and the open character of the existing garden to the rear of no. 65 and the garden of the site itself, would not be compromised.
4. The proposal would result in a building similar to appearance to the previous garage, which would also supply one good quality residential unit, without any significant further coverage of land beyond that of the original garage. The existing garden between the site and 65 Teignmouth Road would remain and would be landscaped. This landscaping would include boundaries, and would be reserved by condition, the intention being that an appropriately soft appearance would be required particularly to the boundary with 65 Teignmouth Road.
5. Reference is made by objectors to the Article 4 direction, which requires that the construction of outbuildings in rear gardens requires planning permission. Article 4 directions restrict the ability to undertaken works under "permitted development", with planning permission required for the development that is covered by the Article 4 direction. Whether or not planning permission is granted or refused is not dictated by the Article 4 direction, and every application must be considered individually, on its own merits.
6. In summary it is considered that while the proposal would result in the replacement of the former garage with a new house within what was original a back garden, which in itself is contrary to the design guide, this will not result in harm to the character of the conservation area for the reasons set out above and this is not considered to be contrary to policies DMP7 or HC1. The proposal would result in the creation of a new home in a residential area, which is considered to be acceptable in principle, subject to the consideration of other material planning considerations.

Design and Character / Context including Heritage Considerations

7. The site is within the Mapesbury Conservation Area and therefore the consideration of design must have regard to the status of the area as a designated heritage asset. As discussed above, the proposal reflects the previous consent for extensions and alterations to the garage and conversion to a house with the exception of minor amendments to some details. However, as the building has been demolished and is proposed to be re-built, there are likely to be some changes to the original appearance of the building when compared to the original structure associated with modern construction techniques and materials. Nevertheless, the original building contained limited period detailing and the previous consent also included the refurbishment and repair of many elements of the building together with an extension and new fenestration.

Statutory Background and the NPPF

8. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“Listed Buildings Act”) confirm that special attention shall be paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (s.66) and preserving or enhancing the character or appearance of that area (s.72). As confirmed by the Court of Appeal (Civil Division), the decision in *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* [2014] EWCA Civ 137 confirmed that where an authority finds that a development proposal would harm the setting of a listed building or the character and appearance of a conservation area, it must give that harm “considerable importance and weight”. Further case law has reconfirmed the Barnwell decision and the considerations to be undertaken by a planning authority: *The Forge Field Society & Ors, R v Sevenoaks District Council* [2014] EWHC 1895 (Admin), *Pugh v Secretary of State for Communities and Local Government* [2015] EWHC 3 (Admin).
9. Section 16 of the NPPF (“Conserving and enhancing the historic environment”) (para. 189) advises Local Planning Authorities to recognise heritage assets as an “irreplaceable resource” and to “conserve them in a manner appropriate to their significance”. In determining applications, LPA’s are advised at para.197 take into account of:
 - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
10. It is considered that the contribution of the previous garage building was of significance within the Conservation area, however the replacement with the building of similar mass and form, would make a positive contribution to local character.
11. When considering the impact of a proposed development on the significance of a designated heritage asset, it is advised at para.199 that “great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”. Consent should be refused where there is substantial harm or total loss of significance, unless there are substantial public benefits that outweigh that harm or loss (NPPF, para.201). Where there is less than substantial harm, the harm is to be weighed against the public benefits of the proposal (NPPF, para.202) and with regard to non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (NPPF, para.203). It is also advised at para. 207 that not all elements of a Conservation Area will necessarily contribute to significance.
12. Policy HC1 of the London Plan (“Heritage, conservation and growth”) advises what boroughs should do at a strategic level to identify, preserve, and enhance London’s heritage assets. Policies DMP1 (“Development Management General Policy”) and DMP7 (“Brent’s Heritage Assets”) confirms the statutory duty of the Council and provides some guidance on how to present and assess applications affecting heritage assets.
13. The heritage asset that this application involves is the Mapesbury Conservation Area.
14. What must therefore be determined is whether the proposed development will harm the significance of the aforementioned heritage asset, having regard to the statutory requirement to give special attention to the desirability of preserving or enhancing the character or appearance of a conservation area (s.72).

Assessment Against Significance of Heritage Assets

15. In terms of the assets significance, an assessment of the site, main property and has been made. This site is to the rear garden of a well-proportioned and detailed detached house dating from the inter-war period in the vaguely Arts and Craft style which is situated within the Mapesbury Conservation Area - a heritage asset. Mapesbury is one of the largest of the Conservation Areas in Brent and is characterised by largely unaltered town-houses from between 1895-1920. It retains many original features including windows, pargeoting and brackets. The main dwelling is a handsome property and it contributes positively to the conservation area as well as the streetscene.
16. The garage previously present is not considered to have been a significant contributor to the character of the Conservation Area. It was old, but it is unclear whether it was original as it appears on the 1935 OS maps but not the 1915 OS maps. While the design guide encourages the retention of original garages, it does not preclude their loss. However, when addressing this, it is specified that the Council may consider proposals for a replacement if the garage is too small to accommodate a car, whereas the proposed use is not for parking. The appearance of the garage did not have any aged characteristics or design features which could not be easily recreated to have a neutral impact on the appearance of site and conservation area. The loss of the garage is not considered to noticeably denigrate the overall character of the Conservation Area. In relation to replacement garages, it is specified within the Design Guide that these must be in keeping with the house and should have a steep pitched roof with wooden side hung doors that incorporate top hung windows. It is then specified that a decorative gable-end with half timbering will ensure that the garage will preserve the character of the Conservation Area and that it should be set back from the front wall of the house. However, the existing garage on site does not reflect a gable fronted design and it is situated within a rear garden that adjoins a road, and it is proposed to re-construct the building in the same design, size and location as the previously consented building including the previously consented extensions and alterations. The proposal would recreate the proportions and roof features, and recreate the appearance of the previous garage from the surrounding views. Externally within the submitted plans and elevations, the proposal appears identical to the previous consent, but naturally is likely to result in some differences in appearance given that re-construction is proposed. Nevertheless, this is not considered likely to result in harm to the conservation area.
17. The borough Heritage Officer was consulted on the proposal and returned no objections to the proposal, noting that the development very similar in appearance to that already approved and to the original garage. The materials would be of a natural and traditional appearance, and the new windows proposed, although contemporary in design, have good proportion and will not be especially visible. Although the elevations and construction of the proposal would be new, the previous building did not have significant or particularly prominent historic features, aged characteristics or patina and the replacement would not result in a loss of the historic character in the appearance of the site. The fence would preserve the appearance of the site as if it were an entrance to a garage still, which is the aim of the proposal's design vernacular. As many of the materials as possible would be reused. Overall it is considered that the visual impact of the change would not be overtly obvious and hence would not be consequential to the appearance of the Conservation Area.
18. It should be noted that it is specified within the design guide that "The Council will not grant planning permission for the creation of a new and separate dwellinghouse: the building must have an ancillary use to the main house and garden". The proposal is clearly not in line with this statement as permission is sought for a new dwellinghouse. However, having considered the impacts associated with the proposal which looks to reconstruct the building with the previously approved extensions, the proposal is considered acceptable as it would bring the site into use providing a dwelling without resulting in harm to the conservation area.

19. The proposal as before, includes a lawned area to the side garden. Of a total curtilage of 130m² approx, 77m² would consist of soft landscaping (lawn and low planter). This is slightly more than 50% and confirms to adopted policy. A landscaping condition will be imposed requiring a full plan to ensure planting is suitable and sufficient and that boundaries are appropriate, which addresses the objection received in this respect.
20. Overall the proposal is unchanged in terms of the physical form and visual impact from the previous consented proposal, and it is considered that similar to the previous consented proposal, it would be a sensitively composed development that would enhance the conservation area. The materials recovered from the previous garage would be re-used in the building of the dwelling. Details of external facing materials have been submitted with the application, and the later submission though condition is not required.

Standard of Accommodation

21. The acceptability or otherwise of any new dwelling is assessed against the requirements of the National Housing Technical Standards, and London Plan, policy D6, Quality and Design of Housing Developments.
22. The area required for a 1-bedroom, two person unit is 50m². The unit would satisfy this requirement, giving a GIA of 50.6m² and the bedroom exceeds minimum requirements. Accommodation would be double aspect with an open and spacious layout.

External Amenity Space

23. Policy DMP19 establishes that all new dwellings are required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This will normally be expected to be 20 sqm studio, one or two-bedroom home and 50 sqm for family housing (homes with 3 or more bedrooms).
24. The DMP19 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 20 or 50 sqm 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 evaluated whether the amenity space within a development is "sufficient", even where a shortfall exists in private and/or communal space.
25. With regard to 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 a maximum advantage of daylight and sunlight, whilst Brent SPD1 specifies that the minimum depth and width of the space should be 1.5 m.
26. London Plan (2021) policy D6 specifies that where there is no higher local standard, a minimum of 5 sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1m² should be provided for each additional occupant.
27. The proposal would provide 100m² external amenity space, which is sufficient in size and type to satisfy the needs of future residents and fully accords with Brent policy DMP19 and London Plan policy D6 in relation to the provision of external amenity space.

28. A comment was received regarding CP18- a Core Strategy policy- 'Protection and Enhancement of Open Space, Sports and Biodiversity'. The site in question is a garden and not open space, and the proposal does not result in a loss of open space.

Residential Amenity

29. The size and siting of the building is as previously approved (through the conversion and extension consent), with the majority of the proposed development within the same envelope as the previous garage building and a small element of additional massing in the location and form of the extension that was previously approved. The size and siting of that development was previously considered to be acceptable by the Planning Committee.
30. The new wall to the border of 94 Dartmouth Road would be at the far end of that property's amenity space, and also would be bordered along most of its length by that property's garage. It is considered that the 2m of wall at 2.5m high on one side, and 1m of wall on the other side, would not cause a significant overbearing impact, or feeling of enclosure. No windows would be included in this elevation, as in the previous consent, so there is no privacy impact upon the occupiers of 94 Dartmouth Road.
31. Concerning no. 67, Teignmouth Road, the rear of the building would face the side of that property's existing garden shed, and apart from this small extension which would be set back from the boundary by 1.6m, there would be no change in the relationship. The kitchen door would look out to the rear boundary along the back of no. 67's shed. It is not considered there would be any significant impact on this neighbour.
32. Regarding the north elevation, the side of the property (where the entrance would be) would be 20m away from the rear wall of 65 Teignmouth Road. This would be at ground floor level and is not considered therefore to introduce any significant negative impact in terms of privacy. Generally speaking in terms of foot traffic, use of garden, etc, the reasonable use of the site, considering the small scale of the development, is unlikely to result in any significant impact on surrounding properties.
33. The building would not be changing in massing or height when compared to the previous garage, from the point of view of 65 Teignmouth Road, so there would not be any material impact in terms of overshadowing or feeling of enclosure. Overall the proposal is acceptable in terms of residential / neighbour amenity.
34. An Air Source Heat pump is proposed. It has been appropriately located within bin and cycle storage enclosure and to ensure that any noise from it is maintained at an appropriate level a condition has been recommended.

Transport: - Parking, Servicing and Access

35. As with the previous consent, the proposal would result in the loss of the garage, but this has not been used for off-street parking for some time. A covered cycle storage unit has been proposed within the garden to ensure sufficient levels of cycle parking. A condition has been recommended requiring the removal of the existing crossover to the site and its reinstatement to footway, with full height kerbs together with an extension to the adjoining on-street parking bay to provide additional on-street parking capacity, which is to be funded by the applicant prior to occupation of the development. The proposal is considered to accord with adopted and emerging policy in relation to transportation and highways.

Flooding

36. The site is within a critical drainage area, as identified in the West London Strategic Flood Risk Assessment. The amount of additional footprint of built form would be limited to the side extension element only. The rest of the site would be either soft landscaped or permeable as marked on the drawings. As such it is considered that the proposal would not cause an increased risk of flooding or surface water drainage problems.

Landscape and Trees

37. Due to the presence of trees on site, and this being a conservation area, an arboricultural implications assessment, tree protection plan and arboricultural method statement were provided for the previous application, and a compliance condition carrying over the required adherence to these is included. The report and method statement were previously consulted on with the Borough Tree Officer, who is satisfied with the methodology. The demolition and reconstruction can be carried out within the same requirements and therefore have no greater impact on trees, with no trees proposed to be lost, and the pruning of one category C tree proposed.

Fire Safety

38. Policy D12A is now applicable to applications for planning permission, which looks to ensure that developments achieve high standards of fire safety and include suitably positioned unobstructed outside spaces for fire appliances and evacuation points, are design to incorporate appropriate features including fire alarm systems and fire safety measures, are constructed in an appropriate way to minimise the risk of fire spread, provide suitable and convenient means of escape and have a robust evacuation strategy. Fire safety information has not been included within the submission. However, the proposal is for a single storey building within a street frontage with open areas to the front and side of the proposed building and there is no reason to believe that the proposal could not achieve approval under the Building Regulations.

Public Sector Equality Duty

39. 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.

Conclusion

40. The proposal would provide a good quality residential unit without resulting in harm to the significance of the conservation area or materially harming the amenities of adjoining occupiers. The proposal would result in a new home being provided in a site which was once the garden of a building. While this is contrary to the design guide, this is not considered to result in any harm to the conservation area for the reasons discussed above and is considered to accord with adopted policy. The proposal involves the demolition of the previous garage (which has already occurred), but its loss is not considered to be harmful to the conservation area. The proposed replacement building reflects the size, siting and design of the previously consented development and the new building is considered to have an appropriate appearance within this conservation area setting. The proposal is considered to preserve the character and appearance of the Conservation Area and it is recommended that consent is granted.

CIL DETAILS

The proposal is liable to pay CIL as set out below despite providing less than 100sqm of new floorspace

because the proposal comprises at least one new residential unit, in accordance with Reg 42(2) of the CIL Regulations 2010 (as amended), the provisions of which supersede the provisions of Reg 42(1) 'exemption for minor development'.

This application is liable to pay **£18,108.06** * 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): sq. m.

Total amount of floorspace on completion (G): 50.6 sq. m.

The calculation includes the cycle and bin store which is considered CIL liable.

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	50.6		50.6	£200.00	£0.00	£15,044.46	£0.00
(Mayoral) Dwelling houses	50.6		50.6	£0.00	£60.00	£0.00	£3,063.60

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)	333	
TOTAL CHARGEABLE AMOUNT	£15,044.46	£3,063.60

*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: 21/2705

To: Mr Olive
Michael Olive Architects
2A Duke Street
Aspley Guise
MK17 8EF

I refer to your application dated **13/07/2021** proposing the following:

Retrospective application for demolition of garage and proposed construction of a single-storey residential unit (Use Class C3), provision of cycle and refuse storage, associated landscaping and renewed boundary fencing (revised description)

and accompanied by plans or documents listed here:
See condition 2

at **Land rear of 65, Teignmouth Road, London**

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: 07/12/2021

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 proposed development is in material accordance with:

Brent Core Strategy 2010
Brent Development Management Policies 2016
London Plan 2021

National Planning Policy Framework 2021

- 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:

19100_E01_E: LOCATION PLAN
19100_E02_D: PRE-EXISTING SITE PLAN
19100_E03_D: PRE-EXISTING GROUND FLOOR AND ROOF PLANS
19100_E04_D PRE-EXISTING ELEVATIONS
19100_P00_A: PROPOSED SITE PLAN
19100_P01_H: GROUND FLOOR ROOF PLANS PROPOSED
19100_P02_F: PROPOSED ELEVATIONS
19100_P03_E: PRE-EXISTING AND PROPOSED SECTIONS
19100_P04_E PRE-EXISTING AND PROPOSED STREET ELEVATIONS
19100_P05_C: PROPOSED DOOR AND WINDOW DETAILS
19100_P06_B: MATERIALS PALETTE: PROPOSED
Design access & heritage statement, 19100_LRSDAHS_01 revC
Addendum to Design, Access & Heritage Statement
Arboricultural report and method statement (Greenwood, November 2019).

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

- 3 The development shall be constructed using external facing materials and detailing that accord with the drawings and documents hereby approved including 19100_P06_B Rev B "Material Palette - Proposed" 19100_P05_C Rev B "Door & Window Detail - Proposed" unless alternative materials are submitted to and approved in writing by the Local Planning Authority and the development is completed in accordance with the subsequently approved materials.

Reason: To ensure a high standard of materials and detailing having regard to the character and appearance of the conservation area.

- 4 The cycle parking and refuse storage facilities as approved shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In order that the local planning authority may be satisfied with the provisions for refuse storage and cycle parking and in the interests of safeguarding the amenities of occupiers and the area in general.

- 5 No extensions, alterations or outbuildings shall be constructed or undertaken within the curtilage of the dwelling subject of this application, notwithstanding the provisions of Classes A - H of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (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: To ensure a satisfactory standard of accommodation, an acceptable level of impact to the amenities of surrounding occupiers and in the interest of the character and appearance of the building and conservation area.

- 6 The residential dwelling hereby approved shall at no time be converted from C3 residential to a 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 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 the residential unit, and in view of the restricted space within the site to accommodate additional bin or cycle storage.

- 7 The air source heat pump shall not be installed unless the rating level of the noise emitted from the fixed mechanical plant together with any associated ancillary equipment on the site is 10dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:2014.

Reason: To safeguard the amenities of the adjoining occupiers in accordance with the with London Plan (2021) and Brent's Development Management Policies (2016)

- 8 The development hereby permitted shall not be occupied unless the following highways works have been carried out in full:
- Removal of the existing crossover to the site and its reinstatement to footway, with full height kerbs; and
 - an extension to the adjoining on-street parking bay.

Reason: To provide an appropriate provision of pedestrian access to the site and to ensure that the development does not result in levels of on-street parking that are detrimental to highway flow and safety.

- 9 The proposed development shall only be carried out in accordance with the tree protection and method details set out with the Arboricultural Impact Assessment (Greenwood Arboriculture, 19 November 2019) and all tree protection and other measures set out within the Assessment (including the appendices) shall be carried out in full throughout the construction of the development.

Reason: To ensure the safe and healthy retention of all retained trees both within and in close proximity to the application site

- 10 The areas so designated within the site shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before any above ground works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved. The submission must include all hard and soft landscaping, the frontage to include a minimum of 50% soft landscaping, hedged boundaries between the proposal and adjoining properties, and positioning of cycle storage and air source heat pump.

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, and preserves the character and context of the Conservation area, in the interests of the amenity of the occupants of the development and to provide urban greening and preserve the character of the garden within the Mapesbury Conservation area.

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 Removal of the existing crossover to the site and its reinstatement to footway, with full height kerbs together with an extension to the adjoining on-street parking bay, is to be funded by the applicant prior to occupation of the development. The applicants must contact transportation@brent.gov.uk or call on 020 8937 5600 to arrange the highways works, to a specification to be agreed by the Highways Authority, with all works to be at the applicants' expense in accordance with Section 184 of the Highways Act 1980.
- 3 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.
- 4 The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 5 The applicants are reminded of the requirements of the Code of Construction Good Practice, which requires that no activities shall be carried out and no commercial vehicles may arrive, depart, be loaded or unloaded within the general site, except between the hours of 0800 and 1800 Mondays to Fridays, 0800 and 1300 Saturdays and at no time on Sundays or Bank Holidays, in order to comply with the Environmental Protection Act 1990 with regards to noise and nuisance. Please see <https://www.ccscheme.org.uk/ccs-ltd/code-of-considerate-practice-2/>

Any person wishing to inspect the above papers should contact Michele Katzler, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5231