

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

23 March, 2022  
06  
21/3349

## SITE INFORMATION

RECEIVED	2 September, 2021
WARD	Welsh Harp
PLANNING AREA	Brent Connects Willesden
LOCATION	1 Hillway, London, NW9 7LS
PROPOSAL	Proposed demolition of garage and erection of a single storey dwelling comprising a one bedroom house to the land to the rear of 1 Hillway, including the provision of car parking, cycle parking and the insertion of a front wall to enclose the dwelling
PLAN NO'S	Please see condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><b><u>When viewing this on an Electronic Device</u></b></p> <p>Please click on the link below to view <b>ALL</b> document associated to case <a href="https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_156815">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_156815</a></p> <p><b><u>When viewing this as a Hard Copy</u></b></p> <p>Please use the following steps</p> <ol style="list-style-type: none"><li>1. Please go to <a href="https://pa.brent.gov.uk">pa.brent.gov.uk</a></li><li>2. Select Planning and conduct a search typing "21/3349" (i.e. Case Reference) into the search Box</li><li>3. Click on "View Documents" tab</li></ol>

## 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. Removal of permitted development rights – to Use Class C4 HMO
4. Obscure glazing for specific windows
5. Removal of permitted development rights - extensions, alterations and outbuildings
6. Water consumption
7. Construction management
8. External facing materials
9. Landscape scheme- submission of details of planting and boundaries

### Informatives:

1. CIL liable; notice will be sent.
2. Party Wall Act 1996.
3. Building near boundary
4. Code of Construction Good Practice
5. Dealing with asbestos

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

	<b>Planning Committee Map</b>
<b>Brent</b>	Site address: 1 Hillway, London, NW9 7LS
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This map is indicative only.



## PROPOSAL IN DETAIL

The application proposes the demolition of the existing garage situated to the rear of 1 Hillway and the redevelopment of the site to provide one bedroom dwelling house, with associated car parking, cycle storage, refuse storage amenity space and landscaping.

## EXISTING

The application site is approx. 0.015 hectares in size facing onto Kinloch Drive and is close to the junction with Hillway. It comprises a detached garage and part of the rear garden within the curtilage of No. 1 Hillway. Looking through aerial photos it would appear that the garage has been fenced off from the main garden since around 2018.

The site is not located within a conservation area and there are no listed buildings within the sites curtilage.

There are no specific site constraints at the application site.

## AMENDMENTS SINCE SUBMISSION

The following amendments were made to the plans during the application:

The windows situated above the height of 2.5m were confirmed on the drawings to be obscure glazed.

## 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: Representations were received from the owners/occupiers of 8 neighbouring properties on Kinloch Drive and Hillway in response to the consultation. The objections predominantly relate to concerns with the building being out of character with the local area, increased pressure for on street parking, loss of privacy, and building on garden space. Further discussion on the matters raised by the objectors is set out within the "consultation" section of the committee report.
2. Principle: The site is defined as a small housing site within the London Plan and Local Plan. The policy position supports the use of such sites to deliver a net increase of self-contained dwellings through more intensive and efficient use of sites, where consistent with other policies in the development plan. The general principle of a residential development is supported in this location, subject to the evaluation of all other relevant material planning considerations.
3. Design: The proposal is considered to represent a good standard of design within an infill site and would not result in harmful impact on the character and appearance of the local area. The dwelling has been designed to provide a good standard of residential living accommodation. It has overcome the earlier reasons for refusal and matters raised by the Inspector for the scheme that was dismissed at appeal.
3. Neighbouring amenity: The proposal would not result in a significant impact on the residential amenities of neighbouring occupiers in terms of noise and disturbance, daylight and sunlight or overlooking.
5. Highways and Transportation: The demolition of the garage is acceptable, the level of off street car parking considered is sufficient, and not result in over-spill parking. Whilst there is an area indicated for refuse, vehicular and cycle parking, revisions have been required by Transport. The revised forecourt plan is recommended to be secured through condition.

## RELEVANT SITE HISTORY

### Relevant planning history

21/0516. Full Planning Permission. Refused. 28/05/2021.

Proposed demolition of garage and erection of one 2 bedroom dwelling to rear of 1 Hillway, provision for off-street car parking space, cycle parking and the insertion of a front wall

Refusal Reason:

- (i) *The proposal, by reason of the submerged siting of the dwelling and height of the boundary treatments would appear cramped within the plot due to the dwellings proximity to the neighbouring dwellings and its tight relationship with the site boundaries. The proposal is contrary to CP17 of Brent's Core Strategy, DMP1 of Brent's Development Management Policies 2016 and policy BD1 of Brent's Draft Local Plan 2020.*
- (ii) *The proposal, by reason of the enclosed and submerged external amenity space would result in an inadequate standard of residential accommodation that would be unacceptable for the future occupiers of the dwelling. This is contrary to policy D6 of London Plan 2021, policy DMP19 of the Brent Development Management Policies 2016, and emerging policy BH13 of Brent's Draft Local Plan 2020.*
- (iii) *The proposal, by reason of the poor levels of outlook and light to the proposed dwellings from the ground floor habitable room windows, together with the shortfall in floor to ceiling heights proposed within the two-storey unit would constitute the provision of a substandard unit with poor ventilation, cooling and a cramped sense of space to the detriment of the future occupiers. The proposed units are therefore contrary to Policy D6 of The London Plan and Policy DMP1 of Brent's Development Management Policies 2016.*

20/1190. Full Planning Permission. Refused, 09/06/2020.

Demolition of garage and erection of one 2 bedroom dwelling to rear of 1 Hillway, provision for off-street car parking space and insertion of front wall

Refusal Reason:

- (i) *The proposal, by reason of the height and siting of the dwelling would appear cramped within the plot and incongruous within the wider streetscene due to the dwellings proximity to the neighbouring dwellings and its tight relationship with the site boundaries, failing to pay an appropriate regard to the patterns of development in the locality. The proposal is contrary to CP17 of Brent's Core Strategy, Policy BH4 of Brent's emerging Local Plan and Policy DMP1 of Brent's Development Management Policies 2016.*
- (ii) *The proposal, by reason of size of the unit proposed would constitute the provision of a substandard unit resulting in a poor standard of residential accommodation to the detriment of the future occupiers. The proposed units are therefore contrary to Policy 3.5 of The London Plan and The draft London Plan Policy D4.*

19/2450. Full Planning Permission. Refused – Appeal Dismissed, 06/02/2020.

Proposed erection of a detached, two-storey dwelling comprising one 3 bedroom family house to the land to the rear of 1 Hillway, including the provision of car parking, cycle parking and the insertion of a front wall to enclose the dwelling

Refusal Reason:

- (i) *The proposal, by reason of the height and siting of the dwelling would appear cramped within the plot due to the dwellings proximity to the neighbouring dwellings and its tight relationship with the site boundaries. The proposal is contrary to CP17 of Brent's Core Strategy and DMP1 of Brent's Development Management Policies 2016.*
- (ii) *The proposal, by reason of the inadequate provision of external amenity space, would provide an inadequate standard of residential accommodation. This is contrary to policies DMP1 and DMP19 of the Brent Development Management Policies 2016.*

Appeal Decision APP/T5150/W/19/3238174 is discussed in more detail within the report, however, the concluding comments are as follows:

*'The proposal would cause harm to the character and appearance of the area and would fail to provide adequate living conditions for future residents on account of the size and configuration of the outdoor space. The proposal is contrary to the relevant policies of the development plan and the Framework in those respects and the harm arising would significantly and demonstrably outweigh the benefits.'*

## CONSULTATIONS

18 nearby properties were consulted on 7th September 2021. Objections have been received from 8 individual addresses. A summary of the objections is set out below:

Grounds of objection	Officer response
Out of character with the surrounding dwellings and local area which predominantly consist of bungalows	Please see paragraphs 11-19
Proposal would set a precedent for others to construct dwellings within their gardens, leading to overcrowding and unsightly buildings	Please see paragraph 9
Proposal would result in a loss of parking, resulting in displacement of parking onto adjoining streets that are already heavily parked.	Please see paragraphs 33-39
Area has existing problems with flooding. The proposal would result in loss of garden space and no "run off".	Please see paragraphs 40-42
Loss of privacy to neighbouring gardens	Please see paragraph 24
Increased pollution from vehicles	Please see paragraph 39
Planning permission already granted to develop the bungalow at No. 1 Hillway	Please see paragraph 25
Foundations will impact on underground spring which the objector has said affects 95 and 97 Wood Lane	Please see paragraph 40-42
Proposal would adversely impact on Welsh Harp SSSI	Please see paragraph 43-45
The development may be rented out and for profit only	Please see paragraph 10

### Internal Consultees

Brent's Environmental Health Officer - No objections subject to conditions.

## POLICY CONSIDERATIONS

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of this application should be in accordance with the development plan unless material considerations indicate otherwise.

The development plan is comprised of the  
London Plan 2021  
Brent Local Plan 2019-2041\*

Key policies include:

### London Plan 2021

Policy D3 Optimising site capacity through the design-led approach  
Policy D4 Delivering good design  
Policy D6 Housing quality and standards  
Policy D7 Accessible housing  
Policy D12a Fire Safety  
Policy H1 Increasing Housing Supply  
Policy H2 Small sites  
Policy G6: Biodiversity and access to nature  
Policy T5 Cycling  
Policy T6 Car parking

### Brent Local Plan 2019-2041

DMP1: Development Management General Policy  
BD1 – Leading the way in good design  
BH1: Increasing Housing Supply in Brent  
BH4: Small Sites and Small Housing Developments in Brent

BH13: Residential Amenity Space  
BGI1: Green and Blue Infrastructure in Brent  
BGI2: Trees and Woodlands  
BSUI4: On site water management and surface water attenuation  
BT2: Parking and Car Free Development  
BT4: Forming Access to a road

Other material considerations

The following are also relevant material considerations:

National Planning Policy Framework  
National Planning Practice Guidance

Supplementary Planning Guidance / Documents:

SPD1 "Brent's Design Guide" 2018

\* Local Plan 2019-2041

The Council adopted the new Brent Local Plan 2019-2041 at Full Council on 24 February 2022. The following documents have now been revoked:

- The Brent Core Strategy 2010
- Brent Site Allocations Development Plan Document 2011
- The Wembley Area Action Plan 2015
- The Development Management Policies Plan 2016.

## DETAILED CONSIDERATIONS

### Principle of Development

1. Hillway is mostly comprised of semi-detached bungalows with front gardens and driveways and well-proportioned rear gardens. The properties are arranged around a perimeter block such that the rear gardens run back to back which gives the area an open and spacious feel.
2. There is no objection in principle to the demolition of the existing garage as it is not considered to make a significant positive contribution to the character of the area. It is noted from google earth and streetview that the garage appears to be have been divided off from the main rear garden around 2018, but remains within the curtilage of the dwellinghouse at No. 1 Hillway.
3. Brent's Housing targets have significantly increased as part of London Plan 2021, with the target increasing to 2,325 dwellings per annum for the period 2019/20-2028/29 in Policy H1 of the London Plan recognising the increasing demand for delivery of new homes across London. Local Plan policy BH1 reflects this target.
4. Policy D3 of London Plan 2021 required developments to make the best use of land by following a design-led approach that optimises the capacity of the site, with development that is the most appropriate form and land use for the site, with the policy recognising that small sites make a significant contribution towards increasing housing supply within London. This policy position is set out in further detail within policy H2 of London Plan which states that boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to amongst other considerations significantly increase the contribution of small sites to meeting London's housing needs.
5. In response to the strategic policy position above, within Brent's Local Plan, the Council has set out its own policy on small housing sites under policy BH4. This policy relates to small housing sites (below 0.25 hectares or 25 dwellings in size) and recognises that such sites can assist in delivering a net addition of self-contained dwellings through the more intensive and efficient use of sites. Such proposals will be considered where consistent with other policies in the development plan and within priority locations (i.e. PTAL 3-6, intensification corridors, or a town centre boundary). Outside of priority locations greater weight will be placed on the existing character of the area, access to public transport and a variety of social infrastructure easy accessible on foot when determining the intensity of development appropriate.
6. The site is not within a priority location as noted above. Therefore there is a requirement for greater weight will be placed on the existing character of the area, access to public transport and a variety of social infrastructure easy accessible on foot when determining the intensity of development appropriate.

7. It is noted that a number of objectors have raised concerns with the principle of the garden space being developed upon. It is noted that within the National Planning Policy Framework rear gardens are excluded from previously developed land. This does not mean that no development can be carried out within rear gardens but that Local Planning Authorities should include policies that resist inappropriate development of residential gardens. Policy BH4 highlights the need outside of priority area for great weight to be placed on the existing character of the area, when determining the intensity of development within the site.
8. In this case, the site currently partly accommodates a garage for the use of No. 1 Hillway which is disused and in a poor state of repair. There is no objection to the loss of the garage (as outlined above and also in the Transport section of this report) and the net addition of a new self-contained dwelling would provide a minor contribution to the Borough's housing targets. Whilst the site does result in the loss of part of the garden space for 1 Hillway, the reduction in garden space is considered acceptable as discussed in further detail within the "design" and "amenity" sections below.
9. A number of objectors have also raised concerns that this proposal would set a precedent for other dwellings to be constructed in gardens. Each application is assessed on its individual merits in accordance with planning policies and guidance. The redevelopment of this site which fronts onto a street frontage to accommodate a new dwellinghouse would therefore not set a general wider precedent for dwellings to be constructed within garden spaces.
10. An objection has also been received that the proposed home may be rented out in the interest of profit. There is no requirement to provide Affordable Housing for schemes of this size. Private dwellings may be rented or sold, and there are no planning policies which would prohibit the renting of this new dwelling if approved. Nor are there planning policies which prevent profit from being made on new developments.

#### Layout, Design and Appearance

11. Policy BD1 of the Local Plan sets out that all new development must be of the highest architectural and urban design quality. Innovative contemporary design will be supported where it respects and complements historic character but is also fit for the future. In delivering high quality design, development proposals will be expected to show how they positively address all the relevant criteria within London Plan design policies and the Brent Design Guide SPD1.
12. Policy BH4 seeks to ensure that the development in suburban areas outside of priority areas should be of a scale and character that respects the suburban character of Brent. A comparison of the design and layout of the earlier applications is summarised below:

Application reference	No.of storeys	Footprint	Distance to boundaries	Key issues raised at appeal/refusal
19/2450	2 storeys with accommodation within the roof	68.76sqm at ground floor	Built up to boundary with remainder garden at No. 1 Hillway at ground floor level with set in of 1.3m at first floor  Set in of 1.26m from boundary with No. 3 Hillway  Set in of 1.4m from garage to the south	Due to limited size of the rear garden, the Inspector highlighted that the proposal would be surrounded by significantly less open amenity space compared to other dwellings. It would have a cramped appearance in contrast to the spacious feel of surrounding plots. Even though set down from existing ground level, the maximum height at two storeys would be significantly taller in contrast to other bungalows in the area.
20/1196	2 storey flatted roof building	44.21sqm at ground floor	Set in of 1.16m to boundary with remainder of rear garden at 1 Hillway	Proposal would appear cramped in the plot due to height and siting of the dwelling



			Set in of 4.28m to boundary with 3 Hillway  Set in of 1.69m to garage site to the south	
21/0516	Single storey with accommodation in steep gabled roof	55.26sqm at ground floor	Set in of 1.2m to remainder of rear garden at 1 Hillway  Set in of 3.12m to boundary with 3 Hillway  Set in of 1.2m to boundary with garage site to the south	Proposal would appear cramped within the plot due to proximity to site boundaries

13. The application has been amended to address the earlier reasons for refusal. It has been designed as a single storey bungalow with a chalet style pitched roof.
14. The new pitched roof dwelling presents a more contemporary design than the surrounding traditional suburban housing nearby. However, given the limitations of the site, it is considered that contemporary designs would be acceptable at this site in order to optimise the sites capacity.
15. It should be noted that the proposed development would be backland infill, and as such it is considered that the building form should be of a scale that reflects the backland nature of the plot, and should appear subservient to the surrounding properties.
16. The building is a single-storey pitched roof building, fronting Kinloch Drive. It is situated to the rear of No. 1 Hillway's rear garden and No. 95 Wood Lane's rear garden. As such, it presents its own distinct character, yet with the pitched roof of the single storey building it draws connections with the surrounding single storey bungalows helping to reintegrate it into the suburban fabric.
17. The building proposes a rectangular with a maximum width as viewed from the streetscene of 7.15m and a depth of 8.5m. The site has a maximum width of 9.2m with a maximum depth of 17.3m. The building is set back a maximum of 5.9m from Kinloch Drive, as the frontage is splayed the reduced set back is 4m, which is still considered sufficient to ensure the building sits comfortably within the plot. The pitched roof has a maximum ridge height of 5.5m and an eaves height of 2.5m, the eaves are set in from both No. 1 Hillway and No. 95 by 1m and 1.16m respectively. Whilst it is noted that the building has not been set in further from the neighbouring boundaries compared to the earlier refusals, it is considered that earlier concerns in relating to the building appearing cramped within the plot have been overcome due to the height of the eaves and top of the roof reading as a subservient feature to the bungalows on either side. The elevations are broken up by the use of glazing which is considered to present an approach that would be visually acceptable.
18. The use of durable and attractive materials is essential in order to create development that is appealing, robust and sustainable and fits in with local character. The application form has identified the materials as white render with grey powder coated aluminium windows, with grey roof tiles. Whilst large areas of render is not always supported given its potential to age poorly, the dwellinghouse is proposed to be mostly glazed on the front and rear elevations with a contemporary window design which would sufficiently break up the rendered massing. The materials should be robust and of high quality. The approval of final materials and key construction details is sought via planning condition. The scheme has been assessed by the Council's Urban Design Officer who considers the scheme to be acceptable terms of design.
19. It is acknowledged that objections have been received regarding the design of the proposal which differs

from that of the surrounding houses. However, the design of the homes and gardens responds to the shape of the site and makes effective and efficient use of the land whilst minimising potential impacts to the amenity of neighbours. In this instance a more contemporary design is considered to be an appropriate response to the site specific context and the proposal is considered to represent a high standard of design.

#### Neighbouring Residential Amenity

20. Policy DMP1 of the Local Plan both emphasise that new development should not result in unacceptable harm to the residential amenities of neighbouring properties. SPD1 provides further guidance on the layout of new development to avoid such impacts.
21. The flank wall of the proposed dwelling is located 1m from the rear wall of No.1 Hillway and it is located 1.6m beyond the rear extension as existing at No. 3 Hillway. Whilst the dwelling would be visible from the surrounding properties at No. 1 and 3's rear garden, the eaves height of 2.5m with the 5.5m ridge height would be set well within the site as a result of the pitched roof design.

#### *Outlook*

22. SPD1 states that the building envelope of new development should be set below a line of 30 degrees from the nearest rear habitable room window of adjoining existing property, measured from height of two metres above floor level. Where proposed development adjoins private amenity / garden areas then the height of new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of two metres.
23. Sectional drawings have been provided with the application which demonstrate that these requirements would be complied with, both in terms of 30 and 45 degree lines when measured from No. 1 Hillway and Nos. 93 and 95 Wood Lane. It is noted that the top of the ridge would marginally breach 45 degree line when measured from the rear garden of No. 3 Hillway (the top 0.6m of the ridge). Given that the breach would be minor and only relates to the highest point of the ridge, the overall impact upon the rear garden of No. 3 Hillway would be acceptable, and the proposal would not appear overbearing.

#### *Privacy*

24. SPD1 requires a minimum distance of 9m from habitable room window and balconies to neighbouring private external amenity spaces and a minimum distance of 18m between directly facing habitable room windows. As the accommodation is at ground floor level only, despite being less than 9m from the site boundaries, overlooking will be restricted to neighbouring sites at Nos. 1 and 3 Hillway through the use of 2m high boundary fences. The high level glazing on the western elevation facing No. 3 Hillway is proposed to be obscured glazed and non opening. Such details would be conditioned to any forthcoming consent.

#### *External Amenity Space for No. 1 Hillway*

25. The dwelling is proposed in the existing rear garden of No. 1 Hillway. Policy BH13 highlight that all new dwellings will be required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This is normally expected to be 50sqm per home for family housing (3 bedrooms or more) situated at ground floor level and 20 sqm for all other housing. The retained garden would meet the a 20sqm required for a two person dwelling. As such, the proposal is in accordance with BH13. It is noted that objectors have highlighted that No. 1 Hillway has planning permission to be extended. Planning permission was granted on 05/05/2017 for single storey side to rear extension to the bunaglow (LPA Ref: 17/0881). However, this permission has now expired, and the applicant would need to re-apply for planning permission for the wrap around extension.

#### Standard of Accommodation

26. The acceptability or otherwise of any new dwelling is assessed against the requirements of Policy D6 of The London Plan (2021) which requires new housing to be of high quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners.
27. A number of the earlier refusals raised concerns with the quality of the accommodation in terms of the dwelling failing to meet internal space standards, minimum headroom heights and poor levels of outlook and natural light. This current scheme has sought to address these concerns. The dwelling proposes a 51sqm GIA which meets the minimum space standards as required by the London Plan for a one bedroom 2 person home, and the unit includes the provision of purpose built internal storage. The new

dwelling has been designed to not be sunken into the ground compared to the earlier refusals, and in turn this has improved outlook from habitable rooms and levels of natural daylight. The scheme has been designed with a front to rear aspect living/kitchen/dining space with full height glazing at ground floor and within a void in the roof space. The bedroom also has full height glazing with a floor to ceiling height of 2.5m.

#### External Amenity Space:

28. Policy BH13 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).
29. The BH13 requirement for external private amenity space requires 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.
30. With regard to quality of the space, the supporting text to policy BH13 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.
31. 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 1m<sup>2</sup> should be provided for each additional occupant.
32. The amenity space provided achieves 28sqm, with a depth from the rear wall of 3m allowing for an area of sufficient quality which is sufficient in size and type to satisfy the needs of future residents. The external amenity space is no longer sunken into the ground so it is now enclosed by fence at 2.35m high. The earlier refusals had boundary fences of upto 3m high due to the sunken ground levels. The proposal accords with Brent policy BH13, and London Plan policy D6 in relation to the provision of external amenity space.

#### Transport and Highways:

33. The proposal for the demolition of the garage and the removal of the hardstanding in front of the garage would reduce the provision of off-street car parking for the existing house. The proposal does not include replacement parking within the site.
34. Nevertheless, Kinloch Drive has sufficient spare capacity to accommodate two cars along the property frontage, so displacement of parking from the existing house onto the street would be acceptable.
35. The proposed 1-bed house would be allowed up to one space, so the proposed provision of a space would accord with standards. The position of the space would allow it to use the existing crossover for access. Transport require at least 50% of forecourts to be covered in soft landscaping. Details of soft landscaping and its maintenance have not been included as part of this submission, however, details would be sought through a planning condition.
36. To comply with the London Plan a minimum of 2 cycle spaces should be provided within a secure and covered location to protect against theft and weather. Drawing number P401 proposes a cycle store to the side of the building, which is welcomed.
37. Bin storage has not been indicated on the plan, but appears to obstruct the vehicular access. A front boundary treatment should be provided, within 0.6m from the edge of the crossover, to ensure vehicles do not illegally crossover the footway to access the parking and that pedestrian sight line visibility is still maintained (in compliance with section 6 and 15 of the Crossover Policy. The requirement to provide an updated front forecourt plan incorporating the above will be secured through a planning condition.
38. The transport team have recommended the condition should require the following revisions:
  - i) relocation of bin storage;
  - ii) soft landscaping within the front garden of the new property and;

iii) details of front boundary treatment showing pedestrian visibility splays (2mx2m above a height of 0.8m) at the vehicular access.

39. Comments have been received in relation to the increase in pollution associated with vehicles associated with the development. The development accords with planning policy in relation to parking, with one parking space proposed. The degree of additional pollution associated with this is not likely to be significant.

#### Flooding

40. It is noted that a number of objectors have raised concerns with increased flood risk due to existing flood problems within the area, and lack of provision of run-off from the site, and an objector has commented that they consider that the foundations will affect an underground spring. The objectors have highlighted that the Council's Park Department have undertaken flood alleviation works at Silver Jubilee Park. The works proposed to Silver Jubilee Park have involved the provision of a rain garden and additional drainage was installed on the edge of the car park and by the main pathway. Further planting is still being carried out to improve the appearance of the drainage measures.

41. The site does not lie within a Flood Zone for either fluvial or surface water flooding as identified within the proposal map that forms part of the Local Plan. However, policy BSUI4 sets out planning policy for on site water management and surface water attenuation. It requires proposals for minor developments to make use of sustainable drainage measures wherever feasible, and must ensure separation of surface and foul water systems. It highlights that proposal that would fail to make adequate provision for the control and reduction of surface water run-off will be refused .

42. Policy BSUI4 also requires developments to achieve a target for mains water consumption of 105 litres or less per person per day. This would be conditioned to any forthcoming consent. The submission has demonstrated the extent of permeable paving and has confirmed that the drainage would not be a combined system which is acceptable.

#### Ecological and Biodiversity Considerations

43. Objectors have raised concerns with the potential impact of this development upon the Welsh Harp Site Special Scientific Interest (SSSI). The site itself does not lie within land or adjoins land that is designated for its ecological importance i.e. SSSI, a Site of Importance for Nature Conservation (SNIC) or wildlife corridor. However, given that the site currently occupied a garage with a poor state of repair and is in proximity to the Welsh Harp SSSI, there may be potential for the garage to accommodate roosting bats. Bats are protected under legislation, and therefore it is recommended that an informative is added to remind the applicant to apply for, and obtain, a European Protected Species Licence before works commence.

44. The NPPF specifies the need to protect and enhance biodiversity. London Plan Policy G6 relates to biodiversity and access to nature. Paragraph D asserts that development should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process. This is also reinforced in policy BG11 of Brent's Local Plan.

45. The submission includes a plan identifying landscaping through Hornbeam hedging and a semi-mature tree, a calculator has been provided to demonstrate that the UGF score has been improved from 0.076 on site to 0.146 and the planting is therefore considered to increase net biodiversity on site.

#### Fire Safety

46. The application has not been accompanied with the fire safety information set out within D12a of London Plan. However, formal approval under the Building Regulations will be required if the scheme goes ahead, and therefore given the scale and location of the development, the absence of the fire statement does not render the scheme unacceptable.

#### Equalities

47. 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

48. Following the above discussion, officers consider that taking the development plan as a whole, the proposal is considered to accord with the development plan, and having regard to all material planning considerations, should be approved subject to conditions.

49. The application is therefore recommended for approval subject to the conditions set out in this report.

## CIL DETAILS

This application is liable to pay **£13,487.85** \* 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): 51 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	51		51	£200.00	£0.00	£10,323.64	£0.00
(Mayoral) Dwelling houses	51		51	£0.00	£60.00	£0.00	£3,164.21

BCIS figure for year in which the charging schedule took effect (Ic)	330	323
BCIS figure for year in which the planning permission was granted (Ip)	334	
<b>TOTAL CHARGEABLE AMOUNT</b>	<b>£10,323.64</b>	<b>£3,164.21</b>

\*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: 21/3349

To: Mr Borowiecki  
Matthew Borowiecki Architect  
30 Ringmore Rise  
London  
SE23 3DE

I refer to your application dated **02/09/2021** proposing the following:

Proposed demolition of garage and erection of a single storey dwelling comprising a one bedroom house to the land to the rear of 1 Hillway, including the provision of car parking, cycle parking and the insertion of a front wall to enclose the dwelling

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

at **1 Hillway, London, NW9 7LS**

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: 15/03/2022

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 general accordance with policies contained in the:-  
  
National Planning Policy Framework 2021  
London Plan 2021  
Brent's Local Plan 2019-2041
  
- 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):  
  
One Hillway: Design and Access Statement (September 2021), P401 Rev D - Proposed Plans Elevations and Sections, P403 - Site Sections, P300 - Location Plan, P402 - Block Plan and Street Elevations.  
  
Reason: For the avoidance of doubt and in the interests of proper planning.
  
- 3 The residential unit 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 all of the residential units and in view of the restricted space in the front garden to accommodate additional bin or cycle storage.
  
- 4 The windows within the western elevation situated 2.4 m (or greater) above internal finished floor level as denoted within drawing P401D shall be obscure-glazed and non-opening and shall be retained and maintained as such.  
  
Reason: To minimise any overlooking or loss of privacy to neighbouring properties.
  
- 5 No further extensions or buildings shall be constructed within the curtilage of the dwellinghouses subject of this application, notwithstanding the provisions of Class(es) A, B, C, D, E and F 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 the surrounding area.
  
- 6 The development shall be designed and constructed so as to limit the internal consumption of water to 105 litres or less per head per day, in line with part G, regulation 36 of the Building Regulations.  
  
Reason: To promote water conservation and efficiency measures in all new developments in accordance with Policy SI5 of the London Plan, and DMP9b of the Development Management Policies.

- 7 Prior to the commencement of the development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development and the approved statement shall be implemented throughout the construction 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: These impacts can arise at any time from the start of construction works, and adequate controls need to be in place at this time.

- 8 Prior to commencement of works (excluding any demolition, site clearance and laying of foundations), details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- 9 Prior to commencement of works (excluding any demolition, site clearance and laying of foundations), and notwithstanding any details of landscape works referred to in the submitted application, a scheme for the hard and soft landscape works 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. Such a scheme shall include:

- (a) all planting provision including location, species, size, density and number, incorporating native species
- (b) details of the car parking space;
- (c) areas of all hard landscaped works including details of materials and finishes, which shall have a permeable construction;
- (d) proposed boundary treatments including walls, fencing and retaining walls, indicating materials and height, with visibility splayed 2m x 2m above a height of 0.8m for the front boundary treatment;
- (e) details of materials proposed for the bin storage;
- (f) details of materials for the proposed cycle storage in accordance with London Cycling Design Standards;

The approved hard and soft landscape works shall be implemented in full prior to first occupation of the development or other timescales as agreed by the Local Planning Authority.

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

Reason: To ensure a satisfactory appearance and setting for the proposed development and to

## 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](http://www.brent.gov.uk/CIL).
- 2 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](http://www.communities.gov.uk)



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 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 out of hours work/ S61 application, 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](mailto:ens.noiseteam@brent.gov.uk) to obtain a section 61 application form. Please note that the council has 28 days to process such applications.

5 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.

Any person wishing to inspect the above papers should contact Nicola Blake, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5149