

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

16 November, 2022
06
22/1282

SITE INFORMATION

RECEIVED	6 April, 2022
WARD	Brondesbury Park
PLANNING AREA	Brent Connects Kilburn
LOCATION	7 & 7A Sidmouth Road, London, NW2 5HH
PROPOSAL	Proposed erection new two-storey dwellinghouse with basement level, works including associated off road cycle and car parking, private amenity, waste storage, landscaping and boundary treatment
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_159773</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 "22/1282" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

RECOMMENDATIONS

That the committee resolve to GRANT planning permission subject to conditions.

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. Time Limit
2. Approved Plans
3. Cycle and bin storage
4. Rear and Side Windows Obscured
5. Removal of PD rights
6. Landscaping
7. Trees
8. Details of Materials
9. Construction Method Statement
10. Drainage and Attenuation Tank Details

Informative

1. Party Wall Agreement
2. Building Near a Boundary
3. CIL Liability
4. Fire Statements
5. Thames Water - Groundwater
6. Thames Water - assets
7. Thames Water - pressure

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

SITE MAP

	Planning Committee Map
Brent	Site address: 7 & 7A Sidmouth Road, London, NW2 5HH
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This map is indicative only.

PROPOSAL IN DETAIL

The application proposes the erection of a new two-storey dwellinghouse with basement level, works including associated off road cycle and car parking, private amenity, waste storage, landscaping and boundary treatment.

EXISTING

The site comprises the rear garden of 7 Sidmouth Road, adjoining 60 Milverton Road on the side and 9 Sidmouth Road at the rear. The site is within a residential area. The site is not within a Conservation area as designated in Brent's Local Plan, nor does it impact a Listed Building.

AMENDMENTS SINCE SUBMISSION

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

- Revised drawings to show alterations to internal layout, rear windows and attenuation tank
- Submission of a Fire Strategy
- Submission of Drainage Strategy

Submission of Preliminary Ecological Appraisal, Biodiversity information, Urban Greening details and revised Arboricultural Report

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

- Representations received: 11 objections have been received. Officers have considered the comments and the planning merits of the proposal and consider that the proposal is acceptable.
- Principle: The application would create a three bedroom family dwelling within a residential area with a PTAL of 3/4. The general principle of the development accords with planning policy and is supported in this location.
- Design and Appearance: The proposal is considered to represent a good standard of contemporary design within the infill site and would not result in harmful impact on the character and appearance of the local area.
- Standard of Accommodation and External Amenity Space: The proposal would provide well proportioned, well lit habitable rooms and generous internal dimensions. Appropriate garden space would be provided between a rear courtyard and a soft landscaped front garden.
- Residential Amenity: The proposal would not result in a significant impact on the residential amenities of neighbouring occupiers in terms of daylight and sunlight or overlooking.
- Highway Impact: The development would provide 1 off street car parking space by extending an existing crossover. This would be within the maximum car parking allowance.
- Urban Greening, Biodiversity and Trees: The proposed development would be situated on an existing garden area. As such, the proposal would result in a net loss of trees. Replacement shrubs, plants and three replacement trees are provided to meet the required urban greening factor. The proposed planting is considered to sufficiently mitigate the loss of biodiversity on site.

Drainage: The site is in an area with a low risk of flooding. An attenuation tank is proposed in the front garden to limit surface water run off.

RELEVANT SITE HISTORY

Reference	Proposal	Decision	Date
21/2341	The erection of 1 x dwelling house with habitable loft space, provision of bin storage, car and cycle parking, private amenity space and associated landscaping	Withdrawn	25/08/2021
21/2344	The erection of 2 x two-storey, semi-detached dwellinghouses with habitable loft space, private amenity space, cycle and waste storage and landscaping	Refused, Appeal Dismissed	04/04/2022
20/4081	The erection of two storey dwellinghouse to rear of 7& 7A Sidmouth road; with habitable loft space, provision of bin storage, car and cycle parking, private amenity space and associated landscaping	Withdrawn	04/02/2021
20/2755	Erection of 2 x two-storey, semi-detached dwellinghouses with habitable loft space, provision of bin storage and cycle parking, private amenity space and associated landscaping to rear	Refused, Appeal Dismissed	19/05/2021

CONSULTATIONS

12 neighbouring and nearby properties were consulted along with Brondesbury Park Residents Association for a 21-day period commencing 27/04/2022.

11 objections were received in this period including those from Cllr Hack and Cllr Gbajumo.

One comment of support was received in support. The comment is supportive of the character and design of the property, the lack of parking issue and as a resolution for fly-tipping in this location.

Reasons for objecting	Officer's Comment
Concerns regarding the height, mass, proportions, scale, siting, materials and design of the building	Please see section 5. Character and Appearance .
Concerns regarding impact to neighbouring amenity including privacy, aspect, daylight, constraint relationship, overlooked garden, noise, additional windows and enjoyment of garden	Please see section 6. Impact to Residential Amenity .
Concerns regarding impact to character of the area including urban grain, plot size, and suburban character	Please see section 5. Character and Appearance
Drainage concerns including associated proposed basement	Please see section 9. Drainage and Flood Risk
Loss of trees including resultant nature, character, climate, biodiversity and air pollution impact	Please see section 8. Trees, Landscaping and Biodiversity
Lack of comparable consent on nearby development sites	The planning department must consider the merits and concerns of each site proposed.
Concerns regarding further subdivision of the property/site No.7	The principle of development is discussed within section 2. Local Planning policy does not preclude the principle of the conversion of a dwellinghouse or infill within the curtilage of a dwelling subject to suitable criteria.
Overdevelopment	
Lack of affordable housing	There is no requirement for the provision of affordable housing for developments of one dwelling.
Concerns regarding damage to neighbouring property	The Party Wall Act 1996 provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings. Due to there being other primary legislation which controls these impacts they cannot be considered as a part of the planning assessment.
Concerns regarding changes to shared walls	

Concerns regarding loss of garden including amenity value and uncharacteristic	The principle of development is discussed within section 2. The retained garden is discussed in paragraph 4.8.
Concerns regarding inadequate proposed garden	Please see section 4. External Amenity Space
Concerns regarding proposed layout including basement accommodation and distances to boundaries	Please see section 5. Character and Appearance
Concerns regarding subsidence	It is not the purpose of the planning system to assess the structural stability of works, this is assessed through other controls including Building Regulations and the Party Wall Act.
Concerns regarding parking	Please see section 7. Transport Considerations

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

Relevant policies include:

London Plan 2021

D1 London's form, character and capacity for growth
D3 Optimising site capacity through the design-led approach
D4 Delivering Good Design
D6 Housing quality and standard
D10 Basement development
D12 Fire Safety
H1 Increasing housing supply
H2 Small sites
HC1 Heritage conservation and growth
G5 Urban greening
G6 Biodiversity and access to nature
G7 Trees and woodlands
SI1 Improving Air Quality
SI 12 Flood risk management
SI 13 Sustainable drainage
T5 Cycling
T6 Car Parking
T6.1 Residential parking

Brent Local Plan 2019-2041

DMP1 Development Management General Policy
BD1 Leading the Way in Good Urban Design
BH1 Increasing Housing Supply in Brent
BH2 Priority Areas for Additional Housing Provision within Brent
BH4 Small Sites and Small Housing Developments in Brent
BH13 Residential Amenity Space
BGI1 Green and Blue Infrastructure
BGI2 Trees and Woodlands
BT1 Sustainable Travel Choice
BT2 Parking & Car Free Development
BSUI3 Managing Flood Risk

Other material considerations

The following are also relevant material considerations:

- National Planning Policy Framework
- National Planning Practice Guidance
- Supplementary Planning Guidance / Documents:
 - SPD2 Residential Alterations and Extensions 2018
 - SPD1 Brent Design Guide 2018

DETAILED CONSIDERATIONS

1. Background

1.1 The site has had previous planning applications lodged for various residential proposals, please see the planning history section for more detail. An application was submitted in 2020 (ref: 20/2755) for the following development:

'Erection of 2 x two-storey, semi-detached dwellinghouses with habitable loft space, provision of bin storage and cycle parking, private amenity space and associated landscaping to rear.'

1.2 This application was refused, it was subsequently appealed and dismissed by the Planning Inspectorate. The Inspector found that the proposed development would significantly harm the character and appearance of the area. They concluded that the additional family sized dwellings and resultant economic benefits given their small scale did not outweigh the significant harm identified.

1.3 An application was later submitted (ref: 21/2344) for the following development.

'The erection of 2 x two-storey, semi-detached dwellinghouses with habitable loft space, private amenity space, cycle and waste storage and landscaping.'

1.4 This application was refused, it was subsequently appealed and dismissed by the Planning Inspectorate. It is important to note that during the appeal the Brent Local Plan 2019-2041 (Local Plan) was adopted (in February 2022) revoking the Brent Core Strategy 2010 and the London Borough of Brent Local Plan Development Management Policies.

1.5 The Inspector found that the proposed development would unacceptably harm the character and appearance of the area. In addition they found that by reason of bedrooms failing to comply with the Technical Housing Standards that the proposed development would not provide appropriate living conditions for the occupiers of the proposed dwellings with regard to internal space.

1.6 This scheme is significantly different from the previously dismissed proposals. The differences and relevant assessments within each Appeal Decision are discussed within the relevant sections of this report.

2. Principle of Development

2.1 Delivery of Additional Housing

2.2 Policy H1 of the London Plan identifies a target for Brent's housing stock to be increased by 2,325 dwellings per annum for the period 2019/20-2028/29, reflecting a high demand for the delivery of new homes across London. Brent Local Plan policy BH1 reflects this target.

2.3 Policy D3 of London Plan requires 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 is also set out in policy H2 of London Plan.

2.4 In response to the strategic policy position above, the Council has set out priority areas for new housing under Brent Local Plan policy BH2. This policy identifies that new housing will be prioritised for delivery in growth areas, site allocations, town centres, edge of town centre sites, areas with higher levels of public transport accessibility and intensification corridors. Although the site is not located in a priority area on the basis of the above criteria, the principle of development could be supported, subject to other planning

considerations within the detailed considerations set out below.

2.5 Policy BH4 relates to small sites and small housing developments in Brent and supports the delivery of small housing developments, where consistent with other policies in the development plan. It acknowledges that in priority locations (of PTAL 3-6), intensification corridors, or a town centre boundary the character may change over the Local Plan period. The policy also notes that development can be through infill within the curtilage of a dwelling. The site falls in a priority location as defined by as defined by Policy BH4 in that it has moderate to good accessibility with PTAL rating of 3 to 4.

2.6 To summarise the principle of development is considered acceptable, subject to an assessment of all other planning considerations outlined in the following sections of this report.

3. Standard of Accommodation

3.1 Policy DMP1 requires development to demonstrate it achieves high levels of internal and external amenity. London Plan policy D6 sets standards for total size, bedroom size and built-in storage.

3.2 The proposed dwelling would be a three bed six person dwelling set over 3 floors, at 279.09 sqm, the proposed dwelling far exceed the relevant minimum space standard of 108sqm.

3.4 Brent's Basements SPD emphasises that basements provide poor light and outlook and as such do not lend themselves well to habitable rooms. The lower ground floor in this instance would accommodate mostly non-habitable rooms such as a study, gym, W.C, utility and storage room.

3.5 Although most of the basement rooms have access to a lightwell the light and outlook would be restricted, however the basement accommodates non habitable rooms, with the exception of an entertainments room, yet in this instance, given that residents would have access to a large kitchen/living/dining area at ground floor with good light and outlook, the overall standard of accommodation is considered acceptable.

3.6 All habitable rooms at ground and first floor provide reasonable levels of light and outlook. It is acknowledged that the outlook from some windows at ground floor is limited given proximity to boundaries yet this has been mitigated by using multiple windows and where this is the case the rooms are dual aspect and the overall light and outlook afforded by the windows is acceptable.

3.7 At first floor the windows to the rear must be obscure glazed and non-opening to prevent overlooking to neighbouring gardens. However given the layout and uses of rooms that the windows serve, this would not result in unacceptable levels of light and outlook to habitable rooms.

3.8 The London Plan advocates that 75 % of the floor area of new dwelling be 2.5m in height. Sections confirm the floor to ceiling heights of each floor to be 2.46m. The nominal non-compliance is considered acceptable in this instance as habitable rooms and large and well lit. As such, the reduction is not considered to negatively impact the living conditions of future occupants.

4. External Amenity Space

4.1 Policy BH13 of the Local Plan establishes 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 20sqm for all other housing.

4.2 The BH13 requirement is for amenity space to be of a "sufficient size and type". This may be achieved even when the 'normal expectation' of 20 or 50sqm of private space is not achieved. The supporting text to the policy clarifies that where 'sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space'. Proximity and accessibility to nearby public open space may also be considered when evaluated whether the amenity space within a development is 'sufficient', even where a shortfall exists in private and/or communal space.

4.3 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.

4.4 London Plan policy D6 specifies that where there is no higher local standard, a minimum of 5sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. The minimum depth and 1.5m requirement is reaffirmed in the policy.

4.5 A front garden is proposed measuring approximately 56sqm (not including the side passage). To the rear is a courtyard area providing approximately 14sqm of usable space. A lower ground lightwell is provided, this measures approximately 16sqm and is accessed from the lower ground floor rooms. All of the amenity areas described have a depth of at least 1.5m.

4.6 Given that the larger front garden amenity space is located to the street frontage, the privacy of this space is a consideration in the quality of this space for future residents. Objections have been received to this effect. However, in this case, a 1.7m high wall is proposed to the front and side of this space, thereby providing a private amenity space for future residents. In combination with the privacy for the further enclosed rear courtyard space.

4.7 It is acknowledged that the lightwell and rear courtyard may have limited light and outlook, yet the front garden located to the east would receive sufficient levels of light and outlook. As such the proposed external amenity space is considered to provide private amenity space of a "sufficient size and type" suitable for future residents. The proposed development is considered to be in accordance with Policy BH13 of the Brent local Plan and Policy D6 of the London Plan.

4.8 In terms of retained garden for the existing properties No.7 and No.7a Sidmouth Road, while it is noted that the site is now under separate ownership, the garden would exceed 120 sqm. While objections have been raised regarding this size as uncharacteristic, the retained space is considered sufficient in size and type to provide amenity for occupants.

5. Character and Appearance

5.1 The NPPF seeks developments of high quality design that will function well and add to the overall quality of the area, responding to local character and history, reflecting the identity of local surroundings while not discouraging appropriate innovation, establishing or maintaining a strong sense of place, and optimising the potential of the site to accommodate an appropriate amount and mix of development. London Plan Policy D3, D4 sets out a design-led approach to new development that responds positively to local context and optimises the site's capacity for growth, supporting higher densities in well-connected locations.

5.2 Brent's Policy DMP1 and the Brent Design Guide SPD1, provide further guidance on principles of good design. Local Plan Policy BD1 seeks the highest quality of architectural and urban design, including innovative contemporary design that respects and complements historic character.

5.3 The site lies to the rear of a property on Sidmouth Road with a frontage onto Milverton Road, within a residential area of interwar-built dwellings whose generous proportions and siting within good sized plots contribute strongly to the attractive, suburban character and appearance of the area.

5.4 The proposed development would be sited between a semi-detached dwelling of a mock Tudor style with deep projecting bays and a large detached subdivided Edwardian dwelling at no 7/7A Sidmouth Road which has a double fronted elevation with a shallower projecting bay and its original main entrance onto Milverton Road.

5.5 The Brent Design Guide (2018) seeks to ensure that proposals reflect existing building lines. The proposed house would have a slightly stepped front building line with the southern side of the house sited broadly in line with the projecting bay of the adjacent semi and set back from the front elevation of 7/7A Sidmouth Road. It would then step forward by 0.7m at a distance of 7m from its southern elevation. As such it would create a stepped building line, sitting between the two adjacent buildings. It is noted that the adjacent Edwardian property at 60 Milverton Road, due to its projecting bay has a stepped elevation, yet the width of the bay is a significant proportion of the overall frontage of the house. It is considered that the proposed siting of the property sufficiently respects the predominant building lines. Its siting would not be unduly prominent within the streetscene.

5.6 Paragraph 7 of appeal decision reference APP/T5150/W/20/3263372 [20/2755] the Inspector noted '*the proposal has a different layout within its plot than much of the surrounding development, that would not be clearly discernible from the street or from the rear given the existing high boundary along the rear of the site which could be retained by a condition if the appeal were acceptable in all other regards. Therefore, whilst the layout of the proposal would differ from that of the surrounding development, the impact on the character of*

the area would not be clearly discernible in this respect and the proposed layout would be acceptable.' On this basis, the approach to the building lines set out above is considered acceptable.

5.7 The appeal scheme referred to above did differ from the current proposal and was for 2 x two storey dwellings as opposed to one and included a larger footprint, it was also higher, more bulky in scale owing to its roof form and proposed a quasi-traditional approach. Paragraph 10 of the appeal decision stated *'By reason of their contrived design and discordant size and scale, the resulting dwellings would appear neither truly contemporary nor authentically traditional and would fail to harmonise with their setting.'*

5.8 A further appeal APP/T5150/W/21/3283144 [21/2344] also proposed the erection of 2 x two storey semi-detached dwelling houses with habitable roof (loft) space, private amenity space and landscaping. These dwellings took a similar appearance to the previous refusal. In Paragraph 10 of the appeal decision the inspector stated *'Consequently, rather than appearing as a modern interpretation of the properties adjacent, the proportions, mass and features of the proposed dwellings would be at odds with and erode the current pleasing regularity on this side of the street.'* Consequently, the development would be considered to *'unacceptably harm the character and appearance of the area.'*

5.9 The current proposal incorporates a contemporary, predominantly brick, two-storey building and basement with a flat roof. There are elements of vertical dark coloured cladding to the ground floor elevations. To the principal elevation fronting Milverton Road, the building has a staggered front elevation, broadly aligned to the bay window of No.60 Milverton Road. To the rear, the southern wing extends further at ground floor while a sizeable portion of the rear space is occupied by the lightwell, as well as a courtyard to the rear.

5.10 The footprint of the building provides a narrow gap to the southern curtilage with a minimum distance of approximately 0.94 m towards No.60 Milverton Road and a maximum distance of 1.25 m to the front. The proposed building has a stepped elevation to the rear with distances to the rear boundary of approximately 0.89m and 3.7m from the dining area and living room respectively. To the north of the building there a gap of approximately 2.26m is maintained and forms the connection between the courtyard space and front amenity area. The front elevation would have a stepped elevation with the north east corner of the house set back from the front boundary by 5.95m and the south east corner set back by 6m and forming a front garden for future occupants.

5.11 The flat roof and total height is broadly in line with the eaves of adjacent number 60 Milverton Road and it is considered that this relates sufficiently and given that a flat roof is proposed, the bulk and mass would not appear unduly prominent within the streetscene. While a much greater width is proposed than neighbouring houses, the lack of dominant roof form and simple massing would create a development that appears compact subordinate in scale.

5.12 The Basement SPD advises that basements should not be wider than the original house and not extend further than 3m from the rear of the property or involve excavation of more than 1 storey. The basement would comply in this regard. Further, external elements should not create visual clutter and should be modest in scale with lightwells located to the rear of the property. While the lightwell is large it is located to the rear and not considered to result in harm to the overall design of streetscene as it would be hidden from public vantage points.

5.13 In terms of materials, the proposal is predominantly clad in red bricks with large glazed elements. Elements of the ground floor would be charred timber with dark metal window frames and a green roof is proposed. The prevailing architectural language comprises brick, white render and black timber detailing and the approach to materiality has references to red brick elements and black timber detailing of the locality in a contemporary fashion.

5.14 With regards to the front elevation, a brick wall at 1.7m in height of the boundary treatment provides privacy for the front garden space. While it is noted that the proposed wall would create a relatively high boundary treatment, a balance of providing a useable family sized amenity area must be struck. Furthermore, part of the site frontage remains open and this provides a sufficient interface with the streetscene, particularly given the existing situation which consists of a boundary wall along the whole length of the site on Milverton Road.

5.14 The front garden area accommodates one parking space and a landscaped area (15sqm), which represents approximately 35% of the front garden. Some planting is shown indicatively and a detailed landscape plan would be conditioned. However, the proposed level of landscaping is considered to result in a sufficiently verdant appearance to the frontage whilst also offering some benefits to biodiversity and slowing

surface water runoff.

5.15 Overall the development creates a dwelling that would appear truly contemporary, creating a transitional contrasting element between the two neighbouring properties while drawing cues from the timber and brick mock Tudor and Edwardian details of the locality.

6. Impact to Residential Amenity

6.1 Local Plan Policy DMP 1 seeks to ensure new development, amongst other things, provides high levels of internal and external amenity and does not unacceptably increase exposure to noise, light and general disturbance. This is supported by SPD1 (2018), which includes guidance on privacy and also ensuring that development does not impact unacceptably on other nearby dwellings' privacy and outlook.

6.2 SPD 1 asserts 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.

6.3 SPD1 advises that directly facing habitable room windows will normally require a minimum separation distance of 18m, except where the existing character of the area varies from this. A distance of 9m should be kept between gardens and habitable rooms or balconies. Reduced distances between new frontages may be acceptable subject to consideration of overlooking and privacy as well as high quality design and solutions which can sometimes mitigate impacts and allow for efficient use of land.

6.4 The site is bordered by No.7 and 7a Sidmouth Road to the north, No.9 Sidmouth Road to the west and No.60 Milverton Road to the south. The proposal is considered with regards to the relationship of each neighbouring property below:

7 & 7a Sidmouth Road

6.5 The site is located south of number's 7 & 7a Sidmouth Road, which is a two storey property that has been split into flats. The proposal would reduce the original garden area of these properties to an area in excess of 120qm inclusive of the existing outbuilding within the garden. As such the proposed development would reduce the garden amenity space to an unacceptable degree and residents would still enjoy a private amenity space of a sufficient type and size. The envelope of the proposed development would not breach the 45 degree line prescribed in SPD 1 with reference to the retained garden at number 7& 7a Sidmouth Road.

6.6 Although there are two windows located on the side (north) elevation facing number 7 & 7a Sidmouth Road, they are labelled as 'obscure glass' and are secondary windows to Bedroom 1. In order to prevent overlooking, a condition is recommended to ensure these windows would be fully obscure glazed and non-opening up to a level of 1.7m above the finished floor room in the room they serve.

9 Sidmouth Road

6.7 To the east, the site borders the garden associated with 9 Sidmouth Road, a two storey dwelling. The proposed building envelope would not breach the 45 degree line prescribed in SPD 1. Given that the relationship of the building to the habitable room windows of the house at number 9 Sidmouth Road, the 30 degree line prescribed in SPD 1 is not an appropriate measure. The separation of the proposed dwelling from the boundary would not result in adverse harm to the light or outlook of number 9 Sidmouth Road.

6.8 At first floor the windows to the rear must be obscure glazed and non-opening below a height of 1.7m from the respective rooms they would serve in order to prevent overlooking to neighbouring gardens. However given the layout and non-habitable uses of rooms that the windows serve, this would not result in unacceptable levels of light and outlook to habitable rooms.

60 Milverton Road

6.9 Milverton Road is a two storey dwelling located adjacent to the proposed dwelling and to the south of site. The proposed building would project to a similar depth to the adjacent bay at number 60 Milverton Road, given the minimal step forward and distance (approximately 4m), it would not harm the light and outlook to the rooms served by the front bay windows at 60 Milverton Road. The majority of windows on the side of 60 Milverton Road are either obscure glazed or open into non-habitable rooms based of the latest plans for the

property found under application 10/1160. The first floor bedroom to the rear benefits from dual aspect and would maintain good light and outlook to the rear. A clear window is located at second floor, yet the total height of the proposed development would sit lower than this window.

6.10 No windows are proposed to the southern side elevation and the windows to the rear at first floor would be obscure glazed and non-opening below a height of 1.7m. As a result no concerns of overlooking to number 60 Milverton Road or its garden would arise as a result of the development.

6.11 In summary, the proposed development would not give rise to significant adverse harm to the neighbouring amenity of any nearby properties and the proposed development accords with Policy DMP 1 of the Brent Local Plan and the guidance outlined on SPD 1.

7. Transport Considerations

Car Parking

7.1 The site lies within a Controlled Parking Zone operating between 8am-6.30pm Mondays to Saturdays and there are six residents' permit parking bays and two Car Club bays along the site frontage, which are not noted as being heavily used. Public transport access is good (PTAL 3/4). The Local Plan car parking standards outlined in appendix 4 of the Brent Local Plan align with London Plan car parking standards set out in Table 10.3 of Policy T6.1. Three bed dwellings in a PTAL of 4 are permitted up to 0.5-0.75 spaces per dwelling whereas three bed dwelling in areas of PTAL 3 are permitted up to one space per dwelling. As the property is on the cusp, the provision of one off street car parking space is not considered to exceed the maximum allowance.

7.2 Furthermore, as Milverton Road is very lightly parked, there would be no concerns regarding overspill parking related to the development.

7.3 The location of the proposed crossover is positioned to the south-eastern side of the frontage so that it can share a widened crossover with 60 Milverton Road, thus minimising any loss of on-street parking. The higher element of the front boundary wall is set away from the vehicular access to provide suitable pedestrian visibility splays.

Cycle and Refuse Provision

7.4 The London Plan requires at least two secure and sheltered bicycle parking spaces for the house and a secure locker is proposed in the front garden to satisfy this requirement. A condition would be recommended to capture that the approved details must be installed prior to occupation of the development.

7.5 Bin storage is also indicated to the front of the site to allow easy access for collection from Milverton Road.

8. Trees, Landscaping and Biodiversity

8.1 Brent Local Plan Policy BGI1 Green and Blue Infrastructure and the London Plan Policy G6 sets out that development should aim to secure a net biodiversity gain. Brent Local Plan Policy BH4 in line with London Plan Policy G5 requires all minor development proposals to achieve an UGF score of 0.4 on site. This score needs to be demonstrated through a landscape masterplan that incorporates green cover into the design proposal. It should be accompanied by a score table measuring the UGF leading to better quality green cover on site. Policy BGI2 requires submission of a BS5837 or equivalent tree survey detailing all trees that are on, or adjoining the development site. Existing trees are to be retained on site as far as possible. Where it is agreed retention is not possible, appropriate replacement trees will need to be provided on-site.

8.2 The site contains five trees within the site (T4 -T7 and G8) and four trees within the retained gardens of No.7/7a Sidmouth Road (T1-T3 and T9). These trees are of value both in terms of visual amenity and wildlife benefit.

8.3 An Arboricultural Impact Assessment (AIA), Method Statement (AMS) and Tree Protection Plan (TPP). Brent's external tree consultants raised no objections subject to conditions. As part of the survey 9 trees and 1 group were identified with 2 category B (T4 and T7 a mature purple leaf plum and mature pear tree) and 7 category C (T1-T3, T5, T6, G8 and T9) categorisations in accordance with BS5837:2012 cascade chart. T4-G8 would require removal to facilitate the scheme. This includes two category B mature trees which are defined as moderate quality.

8.4 The submitted tree protection plan shows how retained trees would be protected and includes a construction exclusion zone where protected fencing would be installed. It is considered that this would mitigate damage to off-site trees during construction.

8.5 Paragraph 11 of Appeal decision APP/T5150/W/21/3283144 states that 'Although several trees at the site would be lost, were the appeal to be allowed conditions could be imposed to provide further details of proposed planting'. The applicant has provided a Planting Scheme including three trees (2no Liquidambar styraciflua and 1no Sorbus aucuparia cashmiriana) and a number of shrubs, climber and herbaceous plants. The variation of foliage along the perimeter of the garden will add screening from the streetscene and from the boundary with No.7 and 7a.

8.6 In terms of Urban Greening, the UGF calculator demonstrates that the scheme achieves a score of 0.415, as such the landscaping proposals would be in compliance with Brent Local Plan Policy BH4.

8.7 With regards to biodiversity net gain, the submitted Biodiversity Net Gain Assessment prepared by arbtech outlines that the current landscaping proposals indicate a net loss of habitat units, due primarily to the removal of immature trees to facilitate the development. This is less than the 10% target of biodiversity net gain for area units. The net gain for hedgerow units is 100%, as no hedgerows currently exist on site and the landscaping proposals include a new native species-rich hedgerow. The assessment outlines it will be extremely difficult to achieve net gain on this site as the proposals are for the construction of a new dwelling and the site is currently vegetated. The applicant is prepared to provide a payment to a third party habitat bank or to the Council directly. While it is acknowledged that biodiversity net gain has not been provided, the landscaping plan and replacement planting and trees demonstrate extensive urban greening on site while allowing for a functional three bedroom home with a useable amenity area. In this case, given the existing nature on site and the difficulty to provide a net gain on this site while noting that Local Plan Policy for new homes does not preclude infill development within the curtilage of a dwelling and the benefits of an additional family sized home, the lack of compliance with Brent Local Plan Policy BG1 is not considered to outweigh the benefits of the scheme.

8.8 A Preliminary Ecological Appraisal has been submitted with the application. The appraisal outlines the site has a low suitability for roosting bats and hedgehogs with no direct impact to any noticeable habitats. The recommended measures include an inspection of trees prior to felling, lighting mitigation, careful construction methodology and works to be undertaken to avoid bird nesting period.

8.9 On balance, the proposed landscaping, replacement trees and recommended measures are considered to partly mitigate the loss of trees on site in terms of visual amenity wildlife, ecology biodiversity and surface water. In addition, the proposal would result in the significant benefit of a new family sized dwelling.

9. Drainage and Flood Risk

9.1 Policy BSUI4 sets out proposals for minor developments, householder development, and conversions should make use of sustainable drainage measures wherever feasible and must ensure separation of surface and foul water systems. Proposals that would fail to make adequate provision for the control and reduction of surface water run-off will be refused.

9.2 The site is in flood zone 1 at low risk of flooding and objections have been received demonstrating instances of poor localised drainage. The basement contains a basement which can be vulnerable to flooding.

9.3 The applicant has advised that they would seek to connect to the existing combined sewer in Milverton Road, this would be subject to Thames Water approval and protocols. Whilst Local Plan policy seeks to ensure proposed development incorporates soakaways and other infiltration mitigation for example, the submitted Drainage Strategy prepared by Hull Raiser Ltd dated September 2022 has identified that these measures are not considered to be practical due to the Bedrock being London Clay and proximity of the foundations of the structure. It is acknowledged that there would be an increase in discharge, given the undeveloped condition of the land.

9.4 The report states that a small attenuation tank (2.85 m³) would be provided within the grounds. This is shown on page 79 of the Drainage Strategy. Its position has been indicated in an area in the front garden shown on an updated Ground Floor Plan 760-PL-100-P3. A condition is recommended to require the submission of further details of the attenuation tank.

9.5 In summary, the site is in an area of low risk in terms of flooding. Although Brent Local Plan policies seek to provide forms of sustainable urban drainage and to separate surface water and foul water there is limited scope to do so on the site. The existing site is undeveloped and it is acknowledged that introducing the proposed development would increase surface water runoff, yet on balance due to the scale of development this is not considered to be significant within this area of low flood risk. Furthermore, it is considered that the level of soft landscaping has been well maximised when balancing the need for the footprint of the house and functional pathways/patio areas.

10. Fire Safety

10.1 Policy D12A of the London Plan (as well as the draft London Plan Fire Safety Guidance) requires all development proposals to achieve the highest standard of fire safety and requires submissions to demonstrate that they:

- 1) identify suitably positioned unobstructed outside space:
 - a) for fire appliances to be positioned on
 - b) appropriate for use as an evacuation assembly point
- 2) are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures
- 3) are constructed in an appropriate way to minimise the risk of fire spread
- 4) provide suitable and convenient means of escape, and associated evacuation strategy for all building users
- 5) develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in
- 6) provide suitable access and equipment for fire fighting which is appropriate for the size and use of the development.

10.2 A fire strategy has been submitted and outlines some fire safety measures. The site is located close to the road and represents a similar situation to that of the neighbouring row of development in this regard. The application is considered to be in general accordance with Policy D12a, yet the applicant is advised that the development would be subject to complying with Building Regulations on fire safety also, which would assess the construction of the development in detail.

11. Equalities

11.1 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).

12. CONCLUSION

Whilst the shortfall in biodiversity gain falls slightly short of Brent's policy standard, this is considered to be adequately compensated for by the overall quality of the proposed accommodation, the amenity space provided, the replacement trees, the urban greening factor and the additional family sized home. The proposal is considered to respond well to design policies without compromising neighbouring amenity. The proposal therefore complies with the Development Plan and guidelines set out within SPD1.

Approval is accordingly recommended.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 22/1282

To: Mr Kelly
GPAD
130 Old Street
London
EC1V 9BD

I refer to your application dated **06/04/2022** proposing the following:

Proposed erection new two-storey dwellinghouse with basement level, works including associated off road cycle and car parking, private amenity, waste storage, landscaping and boundary treatment

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

at **7 & 7A Sidmouth Road, London, NW2 5HH**

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: 08/11/2022

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 the:-

National Planning Policy Framework 2021
The London Plan 2021
Brent 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):

760-PL-010-01 Site Location Plan & Block Plan
760-PL-011-01 Existing Site Plan
760-PL-100VS-01 Visibility Splays
760-PL-301-P2 East Elevation
760-PL-302-P1 West Elevation
760-PL-303-P1 South Elevation
760-PL-304-P1 North Elevation
760-PL-305-P1 South Elevation - Bins and Bike Store
760-PL-200-P1 Section AA
760-PL-201-P1 Section BB
760-PL-099-P2 Basement Plan
760-PL-100-P3 Ground Floor Plan
760-PL-101 First Floor Plan
760-PL-102 Roof Plan

Biodiversity Net Gain Assessment prepared arbtech
Preliminary Ecological Appraisal prepared by arbtech dated 17/10/2022
Arboricultural Report prepared by ACS Trees Consulting dated 2 December 2020
Planting Plan - front garden
Planting Scheme dated 25 April 2022
Planting Scheme Spreadsheet
Biodiversity Metric
UGF Calculator
Fire Strategy Report prepared Magnus Opifex LTD dated 22/08/2022
Drainage Strategy prepared by Hull Raiser Ltd dated September 2022

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

- 3 The approved cycle parking and refuse storage arrangements shall be implemented in full prior to first occupation of the development and permanently retained as approved unless the prior written consent of the Local Planning Authority is obtained.

Reason: To ensure satisfactory facilities for future occupiers.

- 4 Any upper-floor window located in a wall or roof slope forming a side or rear elevation of the building must be—

- (i) obscure-glazed, and
- (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed;

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

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

- 5 No further extensions or buildings shall be constructed within the curtilage of the dwellinghouse subject of this application, notwithstanding the provisions of Class(es) A, B, C, D & E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 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: In view of the restricted nature and layout of the site for the proposed development, no further enlargement or increase in living accommodation beyond the limits set by this consent should be allowed without the matter being first considered by the Local Planning Authority.

- 6 The landscape works and planting shown on the approved plans shall be carried out prior to the occupation of any part of the development.

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

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

- 7 Prior to first occupation of the development hereby approved, full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details prior to first occupation of the development.

Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policy BGI2 of the Brent Local Plan.

- 8 Details of materials for all external work, including specification and technical sections illustrating how specific elements of the façade may be constructed, 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 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. The development shall be constructed in accordance with the approved statement.

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

- 10 Further details of the proposed attenuation tank 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 makes appropriate provision for the control and reduction of surface water run-off.

INFORMATIVES

- 1 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 government website: <https://www.gov.uk/government/publications/preventing-and-resolving-disputes-in-relation-to-party-walls/the-party-wall-etc-act-1996-explanatory-booklet>
- 2 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.
- 3 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.
- 4 The submission of the Fire Safety Statement does not replace the need for building regulation approval in relation to fire safety, nor does it convey or imply any approval under those regulations.
- 5 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade_effluent@thameswater.co.uk . Application forms should be completed on line via <http://www.thameswater.co.uk>. Please refer to the Wholesale; Business customers; Groundwater discharges section.
- 6 The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read the guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.
<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes> . Should you require further information please contact Thames Water. Email: developer_services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB
- 7 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1

bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development

Any person wishing to inspect the above papers should contact Sarah Dilley, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 2500