

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

8 February, 2023
06
22/3273

SITE INFORMATION

RECEIVED	21 September, 2022
WARD	Wembley Central
PLANNING AREA	Brent Connects Wembley
LOCATION	5 Stanley Avenue, Wembley, HA0 4JA
PROPOSAL	Proposed two first floor rear extensions to building
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_161960</p> <p><u>When viewing this as a 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 "22/3273" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to:

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

Conditions


1. Three year commencement rule
2. In accordance with approved plans
3. External Materials to Match

Informatives

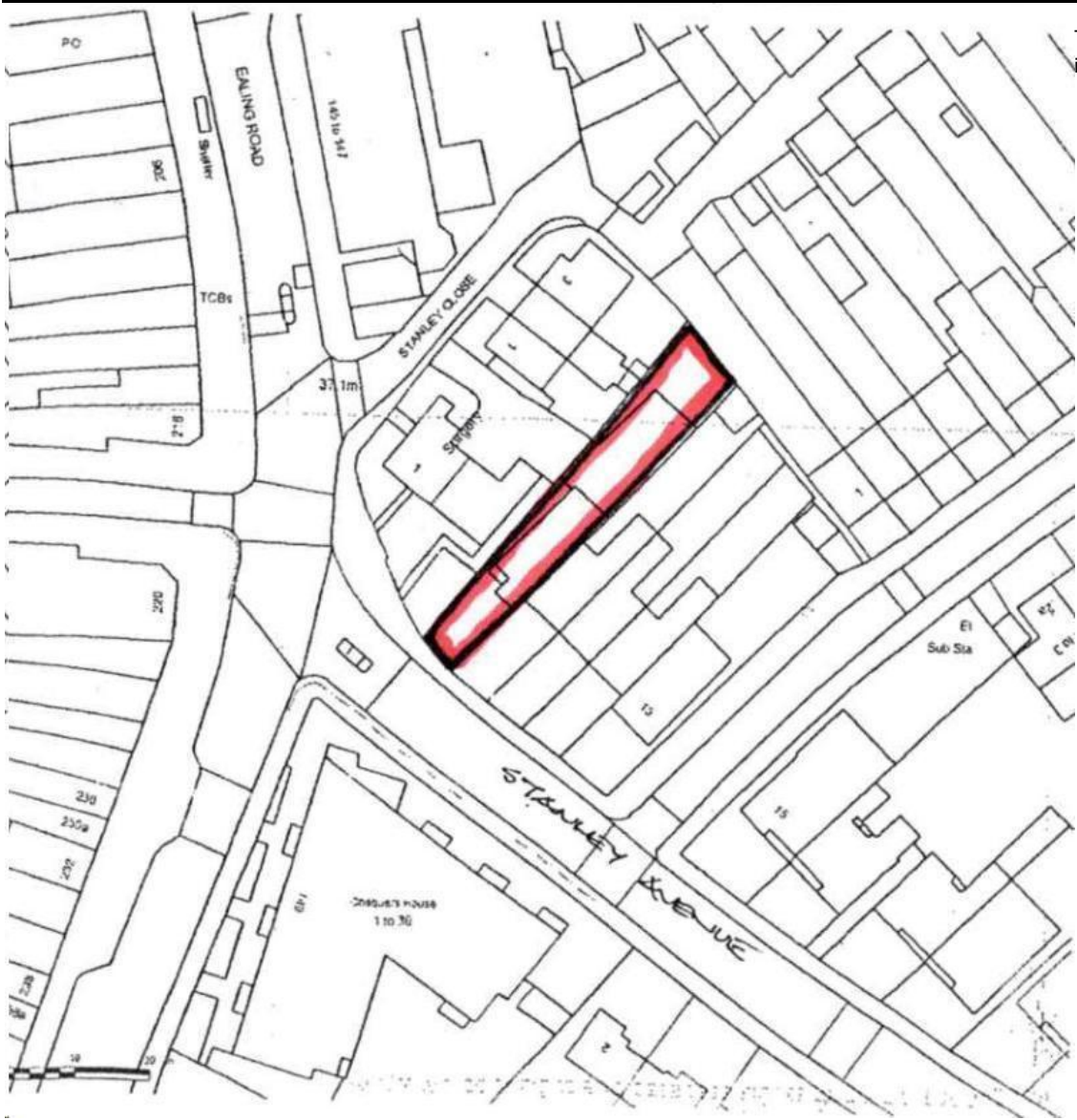
1. Party Wall Act
2. Building Near Boundary
3. Noisy Works
4. Fire Statements

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

SITE MAP

	Planning Committee Map Site address: 5 Stanley Avenue, Wembley, HA0 4JA © Crown copyright and database rights 2011 Ordnance Survey 100025260
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This map is indicative only.



PROPOSAL IN DETAIL

Proposed two first floor rear extensions to building

EXISTING

The application site consists of a two storey end terraced property located along Stanley Avenue. The application property is not situated within a Conservation Area nor is the building listed. The areas to the east of the site mainly comprises of traditional two storey properties while Ealing Road contains more commercial style properties.

AMENDMENTS SINCE SUBMISSION

During the course of the application an amended drawing was provided to annotate a prayer room at first floor level. Further to this, an additional plan was provided illustrating the existing and proposed southern elevation. Additional drawings were also provided with an updated rear elevation.

SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Members will have to balance all of the planning issues and objectives when making a decision on the application, against policy and other material considerations.

Representations Received

9 objections were received during the course of the application. A summary of the objections have been provided within the consultation section of the report.

Use of the Building

The proposal would not change the use of the building. A Certificate of Lawfulness for existing use was previously considered lawful in relation to the use of the building as a mosque on the ground floor with residential accommodation on the second floor and a mixed use as a mosque and residential accommodation on the first floor was issued on 21/05/2021 (LPA Ref: 20/4093).

Ground Floor Rear Projection

The ground floor structure to the rear of the property is not considered under this application as the proposal is seeking permission for two first floor rear extensions which would remain separate to the ground floor projection. This structure is currently under investigation by the Planning Enforcement Team.

Design, Character and Impact on the Street Scene

The proposed infill extension would contain a suitable roof design and eaves that would match the design of the existing property and complement the roof profile of the neighbouring property. On this basis the application overcomes reason 2 linked to the previously refused application. Given the overall scale and siting of the proposed extensions, there would be no negative impact on the row of Locally Listed Buildings at 1-3 Stanley Avenue to the west of the site. The proposed extensions complement the character of the terrace row of properties located along this part of Stanley Avenue.

Impact on Residential Amenities

The proposed infill extension would not extend beyond the first floor rear wall of No. 7 Stanley Avenue and therefore allow for a suitable relationship with this neighbouring property overcoming the previous reason for refusal. The extension further north west of the property would allow for a suitable relationship with No. 1-3 Stanley Avenue. Furthermore based on the planning history linked to this adjacent site, the subject property No. 1-3 Stanley Avenue occupies a Medical Centre and does not support a residential property.

Transport Considerations

The proposed extensions would not materially alter the number of visitors to the premise given the overall scale of each extension. The location of the site within a CPZ would also help to ensure the proposal has no adverse impact on parking conditions in the area.

Environmental Health Considerations

Officers from Noise Nuisance Control team have previously engaged with the Trustees of the Mosque and provided advice and recommendations on how to manage noise at the premises. The Officer outlined that there is no supporting information to suggest that the proposed rear extensions would not generate any additional noise. The Environmental Health Officer requested additional documents (i.e. An Air Quality Neutral Assessment and Construction Method Statement) to be provided via conditions however these were not considered appropriate given the scale and nature of the minor first floor additions to the rear of the property.

Fire Safety

A Fire Statement was provided during the course of the application which considers the guidelines set out in Policy D12a of the London Plan.

RELEVANT SITE HISTORY

Relevant planning history

22/0802 - Proposed two first floor rear extensions to building – **Refused – 24/05/2022.**

Reasons: _

- 1. The proposed infill first floor extension due to the excessive depth would have negative impact on the occupiers of No. 7 Stanley by way of an overbearing impact and loss of light. The proposal would therefore fail to comply with Policy DMP1 of the Local Plan 2019-2041 and the guidance set out within Supplementary Planning Document 2 –Residential Extensions Design Guide (2018).*
- 2. Due to inaccuracies within the submission including the failure of the side elevations to clearly show the stepped eaves height of the existing property, the proposal has failed to demonstrate that the first floor infill rear extension would be designed to be in keeping with the character of the host building and wider terrace. As such, the proposal fails to comply with policy DMP1 of Brent's Local Plan 2019-2041 and the guidance set out within SPD2 "Residential Extensions and Alterations" (2018).*
- 3. The application was not accompanied by a Fire Strategy and as a result the proposal has failed to comply with Policy D12a of the London Plan 2021.*

E/21/0398 - The alleged erection of a large structure with hazardous materials at the rear of the premises – **Under Investigation**

20/4093 - Certificate of lawfulness for existing use of the building as a mosque on the ground floor, residential accommodation on the second floor and a mixed use as mosque and residential accommodation on the first floor – **Lawful, 21/05/2021.**

CONSULTATIONS

13 properties within the vicinity of the site were notified by letter of this proposal for a 21 day period on 05/10/2022.

9 objections were received during the course of the application.

Summary of Objections	Officers Response

<p>No dimensions are indicated on the plans and the intention is not clear.</p>	<p>The plans indicate the two first floor extensions and the drawings scale correctly. The dimensions are identified within the assessment below.</p>
<p>The neighbourhood has been and will be directly affected by long duration of double parking, traffic congestion, blocked driveways and pavements and congested public footpath.</p>	<p>Refer to paragraphs 19-20 of the report. Any unauthorised parking should be reported to the Highways Team.</p>
<p>Traffic congestion and pollution.</p>	<p>Refer to paragraphs 19-20 of the report. Given the nature of the extensions no further congestion is anticipated when considering the existing situation in the area.</p>
<p>Additional parking issues to the area.</p>	<p>Refer to paragraphs 19-20 of the report.</p>
<p>Loud speakers are currently being used</p>	<p>This is not relevant to the current application. The use of the building has been considered lawful as identified within the background section of the report. The proposed works would not dramatically change the existing situation on site. Noise complaints in relation to the loud speakers are being reviewed by the Council's Nuisance Control Team.</p>
<p>The extensions are not in keeping with other properties in the vicinity.</p>	<p>Refer to paragraphs 6-14 of the report.</p>
<p>Overlooking into neighbouring properties.</p>	<p>Refer to paragraphs 15-18 of the report.</p>
<p>Loss of light and privacy to neighbours.</p>	<p>Refer to paragraphs 15-18 of the report.</p>
<p>The impact the large development on the value of neighbouring properties.</p>	<p>This matter is not a material planning consideration.</p>
<p>It should be highlighted that the development would effectively ensure yet another HMO on Stanley Avenue.</p>	<p>The proposal is not seeking to convert the property to an HMO.</p>
<p>The plans should show bird's-eye view and views of all sides not just one side as the rear of the property is not level it ends at different areas of each floor.</p>	<p>The plans provide an outline of the full extend of the proposed works. During the course of the application an additional side elevation (i.e. south eastern elevation) was provided to help with the assessment.</p>

Internal consultation

Environmental Health - no objections subject to conditions relating to air quality, noise and construction management.

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

D12a: Fire Safety

T4 Assessing and mitigating transport impacts

T6 Car parking

Brent Local Plan 2019-2041

DMP1: Development Management General Policy

BP8: South West

BD1: Leading the Way in Good Urban Design

BSI1: Social Infrastructure and Community Facilities

BHC1: Brent's Heritage Assets

BSUI4: On Site Water Management and Surface Water Attenuation

BGI1: Green and Blue Infrastructure

BT2 Parking and Car Free Development

Other material considerations:

The following are also relevant material considerations:

National Planning Policy Framework 2021

National Planning Practice Guidance

Supplementary Planning Guidance / Documents:

Supplementary Planning Document 2 –Residential Extensions Design Guide (2018)

DETAILED CONSIDERATIONS

Proposal in Detail

1. The application is seeking planning permission to construct two first floor extensions to the rear of the property. A first floor extension would infill the area along the north eastern part of the property. This extension would contain a depth of approximately 1.8m. The proposal would also include an extension to the existing first floor rear projection positioned along the north eastern segment of the property by 1m.
2. The agent has clarified during the course of the application that the infill extension would support prayers and educational use on the first floor. The additional extension would extend the kitchen area serving the residents on the second floor.

Background

3. The lawful use of the building is as a mosque on the ground floor with residential accommodation on the second floor and a mixed use as a mosque and residential accommodation on the first floor and a Certificate of Lawfulness was issued on 21/05/2021 (LPA Ref: 20/4093) confirming this. It is not proposed within this application that the use of the building would change.
4. Application Ref: 22/0802 was previously refused due to the excessive depth of the proposed infill extension resulting in a poor relationship with No. 7 Stanley Avenue by way of an overbearing impact and loss of light. Further to this the plans submitted with the application failed to demonstrate the stepped eaves height of the existing property and therefore the proposal failed to demonstrate that the first floor infill rear extension would be designed to be in keeping with the character of the host building and wider terrace. Additionally, the application was not accompanied by a Fire Strategy in line with Policy D12a of the London Plan. The re-submission is considered to overcome the reasons for refusal of the previous application as discussed in detail below.
5. The ground floor structure to the rear of the property is not considered under this application as the proposal is seeking permission for two first floor rear extensions which would remain separate to the ground floor projection. This structure is currently under investigation by the Planning Enforcement Team.

Design, Character and Impact on the Street Scene

6. Given the nature of the works and traditional residential context of the properties within the direct vicinity of the application site the design guidance set out within Supplementary Planning Document 2 (SPD2) was used to assess the proposed alterations.
7. SPD2 outlines that first floor rear extensions should contain a maximum depth of 3m. Furthermore, the design, shape and materials of the roof must match the original roof. Every effort to retain roof features should be made. It is often not possible to erect a two storey rear extension where there is an existing rear dormer window as this can result in an unacceptable design.
8. The infill extension would contain a depth of approximately 1.8m, width of 2.4m and the extension would contain a slanted roof design to match the profile of the existing roof. Furthermore, the extension would also mirror the eaves of the existing projection along the north western part of the site. The proposed extension to the existing first floor rear projection would have a depth of approximately 1m and contain a width that would mirror that of the existing first floor projection currently occupying this portion of the site. This extension would also feature a flat roof design.
9. It is noted that the extension north west of the property would contain a flat roof design which would not mirror the main roof of the existing property however it is noted that numerous properties further south east of the site contain large two storey rear projections with flat roof features. Given that this relationship is an established design characteristic along this particular portion of Stanley Avenue the proposed flat roof design of the extension on site is considered acceptable on this occasion. The proposed extensions would be constructed in materials to match the host property. Both extensions would not be readily visible from the street scene.
10. The current application has now identified the stepped eaves to the rear elevation. The proposed infill extension would contain an eaves height that would reflect the existing first floor rear projection. This would be acceptable in design terms given the existing relationship to the rear of the property and would overcome this previous reason for refusal associated with application 22/0802.
11. It is noted that the properties directly north west of the site are designated as Locally Listed Buildings i.e. No's 1-3 Stanley Avenue. These properties are not statutory listed or positioned within a Conservation Area and not within area of archaeological interest. Paragraph 189 of the NPPF recognises that heritage

assets are an irreplaceable resource and seeks to conserve them in a manner appropriate to their significance. It is appropriate to consider the desirability of new development making a positive contribution to the local character and distinctiveness. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

12. The Council's Heritage Officer raised no concerns via the previously refused application. It is noted that the Heritage Statement submitted with the application is limited, nevertheless the proposed works would be to the rear of the property. The proposed extensions are considered relatively small and will not be seen in the context with the front or side facades of 1-3 Stanley Avenue which are considered the most significant elements of these heritage assets.
13. It is noted that the extension to the existing projection would be seen in the context from Stanley Close (at the rear) but however it does not extend considerably further than the existing projection to the properties further south east of Stanley Avenue, it would not be seen as harmful to the locally listed building in this respect.
14. Overall it is considered that the proposed extensions would not have a negative impact on the character of the host property nor have a negative impact on the character of the area and street scene.

Impact on Residential Amenities

15. SPD2 generally allows two storey rear extensions where they comply with the 1:2 rule in respect of the nearest first floor habitable room windows on neighbouring properties. The depth of any two storey rear extension is restricted to half the distance between the side wall and the middle of any neighbours nearest habitable room window. This rule ensures that the loss of amenity and light to the neighbouring properties is kept within reasonable limits.
16. The proposed infill extension would mirror the first floor rear building line of No. 7 Stanley Avenue. Therefore this extension would not have a negative impact on the residents of this neighbouring property. Overall the proposal would overcome the previously refused application in this regard.
17. The existing first floor projection contains a similar rear building line to that of No. 3 Stanley Avenue. The proposed 1m extension to this projection would be positioned approximately 4m from the side elevation of No. 3 and therefore would comply with 1:2 rule set out in SPD2. Given the relationship and overall separation distances achieved, this extension would not significantly harm the occupiers of this property or the residents at No. 7. Furthermore, 1-3 Stanley Avenue contains a Medical Centre.
18. The proposed extension would facilitate windows but these would be directed towards the rear of the application site and therefore no harmful overlooking would occur when considering the neighbouring properties surrounding the application site.

Transport Considerations

19. It is noted that a Certificate of Lawfulness was granted under 20/4093 for the continued use of the ground floor of the property as a mosque, with a flat above. This application is a resubmission of recently refused application 22/0802, but with a slightly smaller extension behind each of the rooms identified as a kitchen and living room. Transport implications are therefore similar.
20. The Certificate of Lawfulness application suggests that the ground floor and part of the first floor is used as a mosque, the proposal would result in the extension of the mosque and residential kitchen area at first floor. Nevertheless, this would be unlikely to have a material impact on the number of visitors to the site. The location of the site within a CPZ would also help to ensure the proposal has no adverse impact on parking conditions in the area.

Environmental Health Considerations

21. Under the previous application the Noise Nuisance Control Officer outlined that complaints have been made regarding the amplified calls to prayer and use of a loud speaker in the rear garden area. Officers from Noise Nuisance Control team have previously engaged with the Trustees of the Mosque and provided advice and recommendations on how to manage noise at the premises. The Officer outlined that there was no supporting information within that application to suggest that the proposed rear

extensions would not generate any additional noise.

22. It is noted that Environmental Health Officer originally requested conditions seeking the submission of an Air Quality Neutral Assessment, a noise assessment and a Construction Method Statement to be provided. However, the proposal is for first floor extensions with an area of approximately 8 square metres (Gross External), and therefore is very minor in its scale and nature. The proposal is unlikely to result in significant impacts on air quality whilst the construction of the extension is unlikely to result in a significant degree of impact (with many home extensions being larger than this, and not normally subject to construction method statements. In terms of noise, the proposal would only result in a small increase in the amount of floorspace, and the majority of the relevant rooms would maintain the existing relationship with the adjoining properties. As such, it is not considered proportionate or necessary to require an Air Quality Neutral Assessment, Construction Method Statement or Noise Assessment through condition. An informative has been included to remind the applicant of the required working hours.

Trees & Landscaping

23. There are no significant trees on site or within neighbouring properties that are likely to be affected by the proposal. The application form submitted with the application also outlined that no trees or hedges would be affected by the proposed development.

Flood Risk and Drainage

24. The application site does not fall within a Floodzone, therefore a flood risk assessment (FRA) is not required. The proposed works would not result in additional surface water run off on site.

Fire Safety

25. Policy D12a of the London Plan highlights the importance for all development proposal achieving the highest standards of fire safety. A Fire Statement was provided during the course of the application which covers the objectives of Policy D12a of the London Plan.

Equalities

26. 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

27. Following the above discussion the proposed first floor rear extensions comply with the design objectives set out the Local Plan 2019-2041 and design criteria set out within Supplementary Planning Document 2 -Residential Extensions Design Guide (2018). The application has successfully overcome the reasons for refusal associated with application Ref: 22/0802.
28. To conclude, the first floor extensions would not have a detrimental impact on the character of the existing property or street scene nor would the extensions have a negative impact on the amenities enjoyed by occupiers of the neighbouring properties surrounding the application site. As such the application should be recommended for approval subject to the conditions set out below.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 22/3273

To: Mr Silverman
David Silverman
70 Mill Hill
Watford
WD17 3BZ

I refer to your application dated **21/09/2022** proposing the following:

Proposed two first floor rear extensions to building

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

at **5 Stanley Avenue, Wembley, HA0 4JA**

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: 31/01/2023

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
The 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):

Plans: _
20/312/1 - Existing Plans and Elevations
20/313/2 B - Proposed Plans and Elevations
20/312/3A - Existing and Proposed Roof Plans
20/313/3 A (Received 30/01/2023)
Proposed Site Plan

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

- 3 All new external work shall be carried out in materials that match, in colour, texture and design detail those of the existing building.

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

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 Construction/refurbishment and demolition works and ancillary operations which are audible at the site boundary shall be carried only between the hours of:

Monday to Fridays 08:00 to 18:00

Saturday 08:00 to 13:00

At no time on Sundays or Bank Holidays.

- 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.

Any person wishing to inspect the above papers should contact Denis Toomey, Planning and Regeneration,
Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1620