

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

19 April, 2023  
05  
22/4030

## SITE INFORMATION

RECEIVED	29 November, 2022
WARD	Queens Park
PLANNING AREA	Brent Connects Kilburn
LOCATION	62 & 62A-D, Salusbury Road, London, NW6
PROPOSAL	Change of use of ground floor residential unit to commercial (Use Class E) with single storey rear and side extension, rear dormer windows and 3 front rooflights to convert loft into a self-contained dwelling, alteration to shop front and provision for cycle storage
PLAN NO'S	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_162820">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_162820</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 "22/4030" (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 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. Refuse and Bicycle Storage
4. Restriction of Use Class
5. Use of External Amenity Space
6. Approval of Materials
7. Approval of Landscaping
8. Air Source Heat Pump

### Informatives

1. Party Wall Agreement
2. Building Near a Boundary
3. CIL Liability
4. Fire Statement

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

	<b>Brent</b>	<b>Planning Committee Map</b> Site address: 62 & 62A-D, Salusbury Road, London, NW6 © Crown copyright and database rights 2011 Ordnance Survey 100025260
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This map is indicative only.

## PROPOSAL IN DETAIL

The application proposes the change of use of ground floor residential unit to commercial (Use Class E) with single storey rear and side extension, rear dormer windows and 3 front rooflights to convert loft into a self-contained dwelling, alteration to shop front and provision for cycle storage.

## EXISTING

The subject property is a two-storey terraced property located on the eastern side of Salusbury Road. The property borders Queens Park Conservation Area as designated in Brent's Local Plan to the rear. It is not a Listed building. The existing property contains residential units and Class E use. The site is within Queens Park Town Centre primary shopping frontage.

## AMENDMENTS SINCE SUBMISSION

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

- Submission of a Fire Strategy Statement
- Submission of proposed section to indicate setbacks of the dormer from both the ridge and eaves
- Revision of width to rear central door to allow cycle access
- Revised Design and Access Statement
- Revised annotations on floor plans from Office to Commercial, front elevation added detail

## 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: 26 objections from neighbouring residents. Officers have considered the comments and the planning merits of the proposal and consider that the proposal accords with adopted policies and guidance.
- Principle: There is no net loss of dwellings and the introduction of a commercial frontage within the primary shopping frontage of Queens Park Town Centre is supported.
- Character and Appearance: The rear ground floor extensions, roof extensions and shopfront alterations are considered acceptable in size, design and materials. The development is not considered to prevent the designation of the proposed extension to the Queens Park Conservation Area.
- Residential Amenity: The proposed external extensions are acceptable in massing to avoid significant impact to neighbouring properties. The proposed commercial use will be restricted within Class E (a), (c), (d), (e) and (g). The noise from the proposed air condensing unit is not likely to cause undue levels of harm.
- Urban Greening, Biodiversity and Trees: The proposed development includes landscaping to the rear garden and will retain existing trees and lawn area. Further landscaping will be secured via condition.
- Drainage: The site is in an area with a low risk of flooding. No additional measures are required

## RELEVANT SITE HISTORY

Reference	Proposal	Decision	Date
15/1996	Alterations to the shop front including replacement of front windows and door	Granted	07/07/2015
14/0139	Single storey rear extension to premises	Granted	13/03/2014
90/0843	Retention of alterations to ground floor, front window,	Refused	08/08/1990

	new fascia & new entrance door		
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## CONSULTATIONS

23 neighbouring and nearby properties were consulted along with Queens Park Area Residents' Association for a 21-day period commencing 04/01/2023.

26 objections were received in this period.

Reasons for objecting	Officers Comment
Concerns regarding visual/heritage impact to Salusbury Road and proposed Conservation Area extension  Concerns regarding installation of shopfront and loss of existing heritage frontage	See paragraph 4.52 and 5.7 of the main report.
Concerns regarding change from residential to commercial use	See section 1. Principle of the main report.
Concerns regarding change of uses to restaurant/bar/café with an outside terrace/seating area  Noise from music/ opening hours and proposed restaurant/bar/café use	The application does not propose a restaurant/bar/café use. There will be a condition on the application limiting the proposed Class E uses.
Concerns regarding impact to neighbouring amenity with regards to privacy, noise and disturbance	See section 6. Impact to Neighbouring Amenity of the main report.
Concerns regarding garden privacy and loss of enjoyment to space  Concerns regards loss of outdoor space for residential properties	Please see section 3. External Amenity Space
Concerns regarding late license	Licensing is covered under separate primary legislation. As above, there will be a condition limiting the commercial unit to selected Class E uses.
Concerns regarding excessive light pollution to neighbouring properties concerns glazed side infill extension	Glazed roofs to side infill extensions are a common building material. There are precedents in the immediate vicinity on Summerfield Avenue and Montrose Avenue. As such, the proposed material choice is not considered likely to cause excessive light pollution or excessive harm to neighbouring amenity.
Concerns regarding additional vehicles, traffic related pollution and parking aggravation	Please see section 10. Transport Considerations.
Concerns regarding an inappropriate location for restaurant  The area is already oversubscribed with similar commercial uses	As above, the application does not propose a restaurant.  The property is within the Primary Frontage of the designated Queens Park centre, where this type of commercial use are expected and supported by planning policy. The existence of other commercial uses nearby does not preclude similar development.

<p>Loss of greenery, with detrimental impact on local wildlife and birdlife</p> <p>Loss of ivy hedge</p> <p>Increased footfall and impact to wildlife</p>	<p>The proposal seeks to retain existing trees and the lawn area and the application does not significantly increase activity to the rear garden area. The application has been reviewed by the Council's Principal Tree Officer and is considered acceptable. Further details of landscaping will be secured via condition.</p>
<p>Unpleasant odour from proposed extractor / food smells/ smoke</p> <p>Concerns regarding air pollution from new plant equipment</p>	<p>The applicant contains an air condensing unit to the rear of the site to support the operation of the commercial unit. There is no extractor proposed as part of this application.</p>
<p>Concerns regarding noise from heat pump/extraction</p>	<p>A Noise Impact Assessment has been assessed by Environmental Health colleagues and will comply with nearest noise sensitive premises.</p>
<p>Concerns regarding impact of renovation on noise and disturbance</p>	<p>Construction and demolition works are essential for the growth and redevelopment of Brent. However the noise and disturbance associated with such works can affect those living and working in close proximity.</p> <p>The Control of Pollution Act 1974 gives powers to the Council which can restrict working hours and allow conditions to be stipulated on the types of machinery/ plant that are used on construction sites and complaints can be made to the Council's noise team where nuisances occur. Due to there being other primary legislation which controls this work, these issues cannot be considered within the planning assessment.</p>
<p>Loss of property value</p>	<p>These comments are noted, however are not material planning considerations.</p>
<p>Concerns regarding lack of consultation</p>	<p>The consultation undertaken for this application was in line with statutory and local requirements.</p>
<p>Concerns regarding loss of light to residential rooflights</p>	<p>See paragraph 6.32 of the main report.</p>
<p>Concerns regarding leaking pipes and damage to exiting property</p>	<p>These comments are noted, however are not material planning considerations.</p>

## 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 relevant policies include:

## **London Plan 2021**

D1 London's form, character and capacity for growth  
D4 Delivering Good Design  
D6 Housing quality and standard  
D12 Fire Safety  
H1 Increasing housing supply  
T5 Cycling  
T6.1 Residential parking  
T6.3 Retail 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  
BH10 Resisting Housing Loss  
BE4 Supporting Strong Centres  
BE7 Shopfront Design and Forecourt Trading  
BHC1 Brent's Heritage Assets  
BGI1 Green and Blue Infrastructure in Brent  
BGI2 Trees and Woodlands  
BSUI4 On Site Water Management and Surface Water Attenuation  
BT1 Sustainable Travel Choice  
BT2 Parking & Car Free Development

### 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
  - SPD3 Shopfronts 2018

## **DETAILED CONSIDERATIONS**

### **1. Principle**

1.1 The application concerns the conversion of the ground floor residential unit to a commercial use, with single storey rear and side extension, rear dormer windows and 3 front rooflights to convert loft into a self-contained dwelling, alteration to shop front and provision for cycle storage. The key policy considerations are the impact of the ground floor conversion on town centre vitality, if the loss of the residential flat is justified and the principle of residential intensification.

#### *1.2 Change of use at ground floor*

1.21 The application proposes the conversion of the 2 bedroom flat (62D) into a Class E unit with a shopfront. The existing property is a mixture of part commercial at ground floor (Class E - estate agent) and residential (2 bed flat) and two three to four bedroom flats at first floor level. It is noted that Flat A is denoted with four bedrooms but no living room in the existing and proposed drawings).

1.22 Whilst the ground floor 2-bedroom flat will be lost, the proposal will re-provide a 2-bedroom flat within the loft conversion and as a whole results in no net loss of residential accommodation. On this basis, having regard to Local Plan policy BH10 (Resisting Housing Loss), an alternative use of the existing dwelling is acceptable in principle.

1.23 The premises are in a primary shopping frontage. The applicant has identified that commercial use at ground floor in this building would help complement the remainder of the centre and the offer on Lonsdale

Road, an area of Local Employment Sites and other social facilities which is undergoing a process of public realm and other improvement works. From a policy perspective, there is no objection to the increase in commercial floorspace in use class E at ground floor as the re-activation of the primary shopping area within Class E is supported, and will support the vitality and viability of the town centre consistent with Local Plan policy BE4.

1.24 In light of the introduction of use class E, the Local Plan has removed threshold policies which require a proportion of frontage to be in retail use. As such, while there are no objections to a flexible permission for uses within the E use class with regards to land use, the impact of any potential uses on the existing and proposed residential above and nearby, in terms of noise and nuisance will be discussed below.

1.25 Whilst the information provided states the existing premises is offices, it is important to clarify the existing premises is an estate agent within use class E(c) (former use class A2).

### *1.3 Principle of residential re-provision*

1.31 London Plan Policy H1 proposes a higher target of 23,250 new homes across the ten-year plan period for Brent. London Plan Policy H2 encourages the redevelopment of small residential sites (under 0.25ha) to provide increased housing, setting ten-year targets for the delivery of new homes on such sites, with the target for Brent being 4,330. Brent's Local Plan Policy BH4 reinforces this emphasis on small sites as an additional important source of new housing and supports small housing developments through the more intensive and efficient use of sites, within the priority locations of PTAL 3-6, intensification corridors, or a town centre boundary.

1.32 The site is within town centre location with a PTAL of 5. Therefore, the principle of optimising the site for residential is supported, subject to a suitable level of internal and external amenity being provided and the proposal being sympathetic to the character of the area.

## **2. Standard of Accommodation**

2.1 Local Plan Policy DMP1 states that new development must provide high levels of internal and external amenity. The size of dwellings should be consistent with London Plan Policy D6 specifically Table 3.1 'Minimum internal space standards for new dwellings'.

2.2 London Plan Policy D6 also requires at least 75% of the GIA of each flat to have an internal floor-to-ceiling height of 2.5m. This exceeds the national standard of 2.3m as higher housing and the urban heat island effect are more prevalent in London, and a higher standard is required to ensure adequate quality in terms of daylight penetration, ventilation and cooling, and sense of space.

2.3 The application proposes one x 2 bedroom 4 person (2b4p) flat in the converted loftspace. The existing three bedroom flats at first floor will be retained as the same layout.

2.4 With regards to the proposed second floor/loft plan, the loft conversion provides a 2b4p unit of 82.2 sqm habitable space. An additional 2.9 sqm is also provided at the entrance door on the first floor plan. The proposed 2 bed 4 person flat exceeds spacing standards for Gross Internal Area (GIA) in London Plan policy D6. Sections have been provided demonstrating that more than 75 % of the minimum floorspace required for a 2b4p flat would achieve a floor to ceiling height of at least 2.5 m.

2.5 Additionally there is an area of 28.16 sqm under the eaves with an area of less than 1.5 used solely for storage. Given that the unit comfortably exceeds minimum space standards, this area has not been added to the GIA.

2.6 Both the front and rear bedroom are indicated with double bedspaces with floor areas that exceed 11.5 sqm. 2 sqm of built-in storage is indicated within the floor area adjacent to the staircase.

2.7 In terms of light and outlook, the main kitchen/living room is well sized with dual aspect served by a rear dormer window and a front rooflight. The double bedroom to the rear is also served by the rear dormer window providing good levels of light and outlook. To the Salusbury Road frontage, the bedroom is served solely by a rooflight. While rooflights are not considered to provide good levels of outlook for future occupants, the overall floor area is oversized and the main living area is well lit and spacious to provide good levels of internal amenity. Furthermore, the unit replaces the existing ground floor 2b3p unit, creating a further



bedspace and more generous internal dimensions.

### **3. External Amenity Space**

3.1 Local Plan 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 50 sqm for family housing (homes with 3 or more bedrooms) at ground floor level and 20 sqm for all other homes. London Plan policy D6 sets a lower standard, which in this case would be 6sqm of external private amenity space per flat, with a minimum depth of 1.5m.

3.2 Private amenity space should be accessible to all dwellings from a main living room, ideally without level changes. It should also be planned to take maximum advantage of daylight and sunlight. Where sufficient private amenity space cannot achieve the full requirement of the policy, the remainder should be provided in the form of communal amenity space. Communal space will need to be particularly high to show it can meet residents' needs.

3.3 The existing rear garden is undivided open space of approximately 125 sqm that can be accessed from the central doorway that provides shared amenity space. This space can be accessed by both the commercial and residential uses currently. The proposed development would create an area of 18 sqm for the new commercial unit at ground floor with a retained communal residential garden of 90 sqm. The proposed dwelling in the roof space does not have any private amenity space as is the case for the existing flats on the ground and first floor. However, the communal residential garden would exceed the minimum amount of space required by Policy BH13 (minimum of 20 sqm per flat, total of 60 sqm for the three flats). It is considered that due to the character and design of the existing building, there are limitations for providing private external amenity through a terrace or balcony. The access to the space is a continuation of the existing arrangement, via the communal corridor which will now solely serve the flats. As such it is considered that the provision of the communal garden which exceeds policy targets for private space mitigates the absence of private amenity space within the scheme and that the external amenity space is of a sufficient size and quality to meet the residents needs.

### **4. Character, Design and Appearance**

4. The application proposes a single storey rear and side extension, a rear dormer window with three front and one rear rooflight, alterations to the shopfront and provision of cycle storage to the rear.

4.1 Brent's Policy DMP1 and the Brent Design Guide SPD1 provide 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. SPD2 Residential Alterations and Extensions 2018 provides guidance on residential extensions. The ground floor extension would be commercial in its nature, but the ground floor is currently in mixed commercial and residential use. Furthermore, the neighbouring property to the north No.64 at ground floor, and upper floors at No.60 are in use as residential. As such, the proposed ground floor extensions have been discussed in relation to both guidance documents while the roof extensions, which solely serve residential properties, have been discussed in relation to SPD2.

4.2 Local Plan Policy BE7 requires shopfronts to be of high quality design. Brent Shopfronts SPD 3 provides guidance on key design principles to be followed.

#### *4.3 Single storey rear and side infill extensions*

4.31 SPD2 generally allows for single storey side return extensions to terraced properties that are subservient to the main dwelling and do not have an adverse effect on the living conditions of the neighbouring occupiers. This is provided they have a maximum height of 2m above the adjacent ground level at the side boundary of the plot sloping up to a maximum of 3m in height where the proposed roof meets the side elevation of the outrigger. SPD1 sets out that extensions and alterations should be set under a 45 degree line taken from a height of 2 m at the boundary with adjoining residential gardens, and under a 30 degree line taken from a 2 m height from nearby residential windows.

4.32 These additions may connect to a single storey rear extension and replicate the maximum SPD2

dimensions at this connection. SPD2 generally allows single storey rear extensions on attached houses of up to 3m in depth from the existing rear building line of neighbouring properties. Up to 6m in depth may be acceptable where the extension is set in from the side by 1m for every 1m of additional depth. Roof heights should not exceed 3m for a flat roof including parapets, and an average of 4m for pitched roofs, and infill extensions on side boundaries should be no higher than 2m high on the boundary.

4.33 There is no specific guidance on single storey rear extensions to commercial properties, other than the 30 and 45 degree guidance set out above, however, consideration should be made for the character and appearance of the subject property and wider locality as well as any impact on adjoining occupiers.

4.34 The application proposes a side infill extension to northern side of the side return areas that fills the area meeting a single storey rear extensions. The infill extension has a sloping roof with a height of 2m to the boundary with No. 64, with a height of 3m where the extension meets with flank wall. The rear extension would exceed 3m in depth beyond the rear wall with flat roof and a height of 3m. The extension therefore accords with the dimensions set out in SPD2, and the 30 and 45 degree guidance set out in SPD1.

4.35 The extension features rear double doors and rooflights to the sloped roof element. The extension would be constructed on buff stock brick with light/buff natural stone details around the rear doors. The sloped roof would be finished in slate roof tiles with a dark grey single-ply membrane to the flat roof.

4.36 The extension is considered well designed and is subordinate to the existing appearance the Victorian rear profile of the building. The chosen palette corresponds to the materiality and character of the existing building. Overall the extension is contemporary while respecting the historic character.

#### *4.4 Roof extensions with full width rear dormers, front and rear rooflights*

4.41 SPD2 generally permits rear dormers, which can be the full width of the original roof plane. They should be set down from the ridge by at least 0.3m and set up from the eaves by at least 0.5m. Dormers that project onto or over a rear projection (whether it is original or an extension to the house) will not normally be permitted.

4.42 The proposed roof extensions to the main rear roof would span the width of the two rear roof profiles, retaining the central party ridge. The rear dormer on the rear roof is set down from the main ridge by 0.3m and set up from the rear eaves by 0.5m. The dormer would project partly over the roof of the two-storey "outriggers" to the property and as such would not accord with SPD2 guidance in this respect. However, this would be limited to the area where the outriggers meet the main rear roof plane. Given the siting of the dormer, this is not considered to be harmful to the character of the property or area.

4.43 The dormer would feature three flush front rooflights and one rear rooflight. The dormer would be clad in dark grey/black standing steam cladding. The extension complies with guidance and complements the existing character and appearance of the property and there are precedents of rear dormers in the locality along Salusbury Road and Summerfield Avenue.

#### *4.5 Alterations to the existing shopfront and installation of new shopfront*

4.51 Principle 1 of the Shopfronts SPD3 requires development to consider the quality, style and merit of existing shopfronts. Principle 4 requires shopfronts to relate in scale, proportion and architectural style to the host building and wider streetscene, while Principle 5 should allow safe, easy and convenient access for all users of the building including disabled groups, elderly people and those with prams. Principle 6 requires high quality materials to be used on all shopfronts.

4.52 The application proposes the rationalisation of the existing facade. The existing shopfront is not symmetrical due to the residential unit at ground floor, with the existing signage extending over the central residential entrance located at the frontage. The application creates symmetrical shopfronts, simplifying the design by adding in an additional shopfront and removing two existing ground floor windows. The shopfront addition would be in scale and proportion to the existing design, providing a traditional timber appearance of mullions, transoms and a stallriser with quoin detailing while retaining original features. The fascia would sit below the cornice and would be set in from the party wall, corbel and brick detailing. The shopfront would allow for suitable Town Centre uses to operate from the entirety of the ground floor. The design relates well to the character of Salusbury Road and the provides a high quality design.

4.53 The applicant has indicated that an occupier has not been confirmed for either of the units. The applicant is reminded that advertisement consent may also be required to display any proposed shop

signage.

#### *4.6 Associated rear alterations*

4.61 To the rear garden, the application proposes a subdivision of garden, the provision of cycle storage and landscaping with lawn, planting beds, paving and timber decking.

4.62 These would be subtle alterations at ground floor and would enhance the rear garden area.

### **5. Heritage Considerations**

5.1 Section 72(1) of the Planning (Listed Building and Conservation Area) Act 1990 (as amended) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. National Planning Policy Framework Paragraph 189 recognises that heritage assets are an irreplaceable resource and seeks to conserve them in a manner appropriate to their significance. Brent Local Plan policy BHC1 states that proposals affecting heritage assets must demonstrate a clear understanding of the archaeological, architectural, or historic significance of the wider context to the site.

5.2 The existing property is a two storey, terraced brick building with a pitched roof and a two storey pitched rear outrigger.

5.3 The application site is situated on the boundary of the Queen's Park Conservation Area beginning to the rear of the property. The site is also within the Queens Park Proposed Conservation Area.

5.4 A heritage statement has not been submitted, however there is some detailing the Design and Access Statement and Planning Statement and the application has been considered by the Council's Principal Heritage Officer.

5.5 The side and rear extensions are considered to have limited impact on the Conservation Area given they are single storey set away from the rear boundary and masked by the boundary fences and tree planting.

5.6 With regards to the dormers, the extent of the proposal will not easily be seen by a passer by on any of the roads/streetscene within the Conservation Area. Nevertheless, vantages from surrounding properties as well as the rear gardens also form views within the Conservation Area and therefore have a bearing on its overall quality. The rear dormers are full width and will be seen from within the Conservation Area. However, the rear dormers are contained within the main roof, set down from the existing roofline. The proposal is not considered to result in any harm to the setting of the Conservation Area.

5.7 To the front elevation, the shopfront has been carefully designed to respect the characterful facade of the existing facade. While the proposal would result in the loss of two windows at ground floor, the loss is not considered to be harmful as the proposed development will be read as a continuation of the shopping frontage to the south. As mentioned above, the shopfront will not disturb other historic features on the frontage. The shopfront will restore symmetry and the chosen timber finish is traditional in nature following the advice in SPD3 Shopfronts. To the roof, the front rooflights will be flush fitting. The development will not prevent the area from being designated.

### **6. Impact to Neighbouring Amenity**

6.1 Local Plan Policy DMP1 seeks to ensure new development, amongst other things, does not unacceptably increase exposure to noise, light and general disturbance. This is supported by SPD1 and SPD2 which both contain guidance that seeks to protect neighbour amenity. It is always necessary for developments to take into account the residential amenity of neighbours and impact on the environment.

#### *6.2 Single storey rear and side infill extensions*

6.21 The rear building line of No.62 project further than its neighbouring properties No.60 to the south and No.64 to the north of Salusbury Road. No.64 is comprised of four residential properties A-D. No.60 contains commercial uses at ground floor with residential units above.

6.22 The ground floor extensions comply with the maximum dimensions set out within SPD2 with regards to height and depth. As such the amenity to the rear residential windows of the ground floor of No.64 are considered suitably protected with regards to light and outlook.

### *6.3 Roof extensions with full width rear dormers, front and rear rooflights*

6.31 The rear dormers would be set back from the eaves and set down from the ridge, therefore would not exceed on the existing massing of the building. The rear facing windows would provide similar views to the existing upper floor rear residential windows and are not considered to significantly increase overlooking. In terms of the rooflights, the glazing would project upwards offering limited views of neighbouring properties.

6.32 Objections have been raised regarding the conversion of the loftspace and subsequent loss of existing rooflights for first floor dwellings. The rooflights have been indicated on the existing floor plans and serve hallway areas for flats 62B and 62A. It is acknowledged that the rear dormer would remove the windows that serve the hallways. However, these windows do not serve habitable rooms and sufficient light and outlook would be maintained to all habitable rooms, as such, the loss of light is not considered detrimental to the overall living conditions of existing occupiers.

### *6.4 Change of Use, alterations to the existing shopfront and installation of new shopfront*

6.41 The physical alterations and additions to the frontage are not considered to impact the amenity of neighbouring properties. In terms of the change of use, objections have been raised about the concerns of a potential use of the ground floor Class E floorspace as a restaurant or bar. The applicant has outlined that the proposed development will not make provision for the Class E unit at ground floor level to be used as a drinking establishment nor a café/restaurant. The applicant does wish to ensure that the commercial unit has suitable flexibility for a range of town centre uses. They have proposed the unit be restricted to the following use classes: Class E(a) Display or retail sale of goods, other than hot food; Class E(c) provision of financial services, professional services (other than health or medical services), or other appropriate services in a commercial, business or service locality; Class E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,) Class E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner) Class E(g) Uses which can be carried out in a residential area without detriment to its amenity, Offices to carry out any operational or administrative functions, Research and development of products or processes, Industrial processes. The proposed uses are considered compatible with surrounding residential uses. These will be confirmed via condition.

### *6.5 Associated rear alterations*

6.51 While the landscaping would enhance the existing rear garden. Objections have been raised about the use of the commercial courtyard space for the commercial ground floor unit. It is noted that the current ground floor commercial use, an Estate Agent has access to the rear garden, albeit indirect access. As above, the use of the unit will be restricted to certain Class E uses. As such, any noise and disturbance would likely be limited to working hours and is not considered to cause additional nuisance for neighbouring occupiers over the existing arrangement or use as a residential garden.

6.52 An air source heat pump is proposed to the rear of the site, to support the operation of the commercial units at ground floor. This would be located within the commercial courtyard area, and is proposed to be operational within the standard operational hours of the proposed commercial units. A Noise Impact Assessment has been submitted which examines background noise levels and evaluates potential for noise impacts associated with the proposed air source heat pump. The assessment shows that the noise from the proposed plant are not expected to result in an unduly detrimental impact to the amenities of nearby occupiers. The assessment has been undertaken on the basis of a specific air source heat pump which is proposed to be installed. However, the time period for implementation of a consent is three years, and it is possible that models may be discontinued within that period. It is therefore recommended that a condition is attached which requires further information to be submitted should a different air source heat pump be installed to ensure that it also will achieve a satisfactory noise environment.

## **7. Trees and Landscaping**

7.1 Local Plan Policy BGI1 and London Plan policy G6 sets out that all development should achieve a net gain in biodiversity.

7.2 There are two Category C Trees located within the site boundary. The trees growing within this property are neither protected either by a Tree Preservation Order nor by virtue of being within a designated Conservation Area.

7.3 T1 a pollarded Horse Chestnut is situated on the street outside of the property. It is near to the front elevation of the property which directly abuts the pavement. T4 the Apple is growing within the rear garden of 2 Montrose Avenue and is protected as part of the Queens Park Conservation Area. However it is not considered to be detrimentally affected by the proposals given the separation. The other two trees T2 and T3 are not particularly significant from outside of the site. Overall, there is no objection to the proposal on arboricultural grounds.

7.4 Local Plan policy BH4 seeks a 0.4 Urban Greening Factor score from small residential site developments delivering a net addition of self contained dwellings. The site will not provide a net increase in dwellings as such this is not a requirement. Nevertheless, the outline landscaping proposal includes a combination of timber decking, permeable paving, paving, planting beds to compliment the existing trees to be retained and a lawn area. Final detail of the landscaping will be secured via condition.

## **8. Flood Risk and Drainage**

8.1 Local Plan Policy BSUI4 sets out proposals for minor development should make use of sustainable drainage measures wherever feasible and must ensure separation of surface and foul water systems.

8.2 The site is not within an area prone to flooding or in a Critical Drainage Area therefore a flood risk assessment was not required. The existing garden area is comprised of a large timber decking structure across half of the site, with minimal landscaping to the rest of the area.

8.3 The proposed landscaping would include a combination of timber decking, permeable paving, paving, planting beds and retention of the existing trees and lawn area. This strategy would ensure the surface water infiltration and urban greening can be maximised, whilst also retaining sufficient hard landscaping to allow for movement and circulation. This is considered an acceptable approach.

## **9. Fire Safety**

9.1 Policy D12 of the London Plan requires all new development to take account of fire safety in design. The submission of the fire safety information pursuant to Policy D12A is intended to ensure fire safety is considered early in the development process and accordingly deals with fire safety matters that could relate to land use planning. However, it is not intended to replace the detailed information required through Building Regulations. Policy D12A requires the consideration of the following matters:

- 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 firefighting which is appropriate for the size and use of the development.*

9.2 The applicant has submitted a fire statement which has addressed the above requirement, in accordance with policy D12A of the London Plan.

## **10. Transport Considerations**

10.1 The site is located within a CPZ operating between 8.30am-6.30pm on weekdays and there are pay and display parking bays along the site frontage. Nearby residential streets are heavily parked at night.

### *10.2 Access and Parking*

10.21 The site has very good access to public transport services (PTAL 5).

10.22 Car parking allowances for the existing and proposed uses of the building are set out in adopted Local Plan and London Plan and as the site has excellent access to public transport, the offices and residential units would both be expected to be car-free.

10.23 Consideration does need to be given to the impact of any additional on-street parking though. In this case, there is no increase in the number of flats overall, so there should be no additional demand for residential parking in the area. As such, there is no requirement to restrict the ability of future occupants to apply for on-street parking permits.

10.24 The ground floor commercial units would not be required to provide parking, but there would be a servicing requirement for a 'transit' sized loading bay. As there is no off-street loading space, servicing needs to take place from Salusbury Road. Whilst not ideal, this is already the case and the proposal does not significantly worsen matters in this respect.

### *10.3 Cycle and Refuse Storage*

10.31 Cycle parking should be provided in compliance with the London Plan and drawing number 123-ANO-XX-00-DR-A-05100-S2-P02 proposes 6 cycle spaces to the rear of the site. Bicycles would need to be brought through the building as there is no side passage, which is not ideal. However, the rear door has been widened to 1m which would improve matters.

10.32 Bin storage for the residential units has not been shown, but the site is within a timed collection zone anyway to allow bags to be brought out to the street each day for collection. As such, there is no requirement for bin storage.

10.33 The Design & Access states that the commercial waste will be provided internally within the unit.

## **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**

12.1 The proposed development would not result in the net loss of residential dwellings and would create a good quality dwelling within the extended building. The proposed additional commercial unit and shopfront within a Town Centre is supported. The proposal is considered to comply with all relevant policies and to be acceptable in planning terms subject to conditions.

Approval is accordingly recommended.

## DRAFT DECISION NOTICE



# Brent

## DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

## DECISION NOTICE – APPROVAL

Application No: 22/4030

To: O'Donoghue  
Iceni Projects  
Da Vinci House  
44 Saffron Hill  
London  
EC1N8FH

I refer to your application dated **29/11/2022** proposing the following:

Change of use of ground floor residential unit to commercial (Use Class E) with single storey rear and side extension, rear dormer windows and 3 front rooflights to convert loft into a self-contained dwelling, alteration to shop front and provision for cycle storage

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

at **62 & 62A-D, Salusbury Road, London, NW6**

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: 11/04/2023

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 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):

123-ANO- XX XX -DR-A- 02000 P01 Site Location Plan  
123-ANO- XX XX -DR-A- 02010 P01 Site Plan (Existing)  
123-ANO- XX 00 -DR-A- 02100 P01 Existing Ground Floor & First Floor Plan  
123-ANO- XX 00 -DR-A- 02101 P01 Existing Loft Floor Plan & Roof Plan  
123-ANO- XX XX -DR-A- 02300 P01 Existing Section A-A  
123-ANO- XX XX -DR-A- 02301 P01 Existing Section B-B  
123-ANO- XX XX -DR-A- 02400 P01 Existing Elevations (Front & Rear)  
123-ANO- XX XX -DR-A- 02401 P01 Existing North Elevation  
123-ANO- XX XX -DR-A- 02402 P01 Existing South Elevation  
123-ANO- XX 00 -DR-A- 05100 P03 Proposed Ground Floor & First Floor Plan  
123-ANO- XX 00 -DR-A- 05101 P02 Proposed Second Floor & Roof Plan  
123-ANO- XX 00 -DR-A- 05300 P01 Proposed Section A-A  
123-ANO- XX 00 -DR-A- 05301 P01 Proposed Section B-B  
123-ANO- XX 00 -DR-A- 05302 P02 Proposed Section C-C  
123-ANO- XX 00 -DR-A- 05400 P01 Proposed Elevation (Front & rear)  
123-ANO- XX 00 -DR-A- 05401 P01 Proposed North Elevation  
123-ANO- XX 00 -DR-A- 05402 P01 Proposed South Elevation  
123-ANO- XX 00 -RP-A- 00000 P02 Design and Access Statement

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 The commercial floorspace within the site shall not be used other than for purposes within Use Class E (a) (c) (d) (e) and E (g) and shall not be used other than for purposes, notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) unless an application for planning permission for an alternative use is firstly submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of proper planning and to ensure the use of the building is appropriate



for the location and to enable other uses to be considered on their merits and impact.

- 5 The rear garden area, with the exception of the area shown immediately adjoining the rear of the northern commercial unit as shown within drawing 123-ANO-XX-00-DR-A-05100-S2-P03 (Proposed Ground Floor & First Floor Plan), shall be made available for use by the residents of the residential dwellings within the site from first occupation of the development, shall be retained for such purposes and shall not be used other than as a communal garden for the those residents.

Reason: To ensure a suitably quality of residential accommodation for occupants of the flats.

- 6 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.

- 7 Within 6 months of works commencing on site, and notwithstanding the approved plans, a detailed landscaping scheme shall be submitted to and approved in writing by the local planning authority through the submission of an application for approval of details reserved by condition. The scheme shall include detailed proposals for the following aspects:

- a. Hard landscaped areas including materials
- b. Details of plants and soft landscaped areas including the provision of any new trees

The approved landscaping scheme shall be completed prior to the first use of the development hereby approved and thereafter maintained, unless an alternative programme is first agreed in writing by the Local Planning Authority.

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

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

- 8 The air source heat pump shall not be installed other than in the location indicated within Appendix D of the Plant Noise Impact Assessment (Rev 00, ref 90982 dated 2 November 2022) and shall comprise a Panasonic CU-5Z90TBE unless details of an alternative heat pump and/or location together with sufficient information to demonstrate that the proposed heat pump will not have an unduly detrimental impact on the amenities of nearby sensitive premises has been submitted to and approved in writing by the local planning authority and the heat pump is thereafter installed in accordance with the approved details.

Reason: To achieve a suitable noise environment in the interest of the amenities of occupiers of nearby sensitive premises.

## 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](http://www.brent.gov.uk/CIL).
- 4 The submission/approval 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 Lena Summers, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5233