

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

10 May, 2023
06
22/3634

SITE INFORMATION

RECEIVED	21 October, 2022
WARD	Harlesden & Kensal Green
PLANNING AREA	Brent Connects Harlesden
LOCATION	Fairfield Court, Longstone Avenue, London, NW10 3TS
PROPOSAL	Proposed two second floor extensions and third floor extension to create six new self-contained dwellings including 4 rear dormer windows and new solar panel. Construction of two rear access staircases. Associated enlargement of refuse storage, provision of additional car and cycle parking spaces to front and improvements to soft landscaping to communal garden
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_162368</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 typing "22/3634" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

RECOMMENDATIONS

A. That the Committee resolve to GRANT planning permission subject to the prior completion of a legal agreement to secure the following planning obligations:

1. Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
2. Notification of material start 28 days prior to commencement
3. Financial contribution of £300,000 towards affordable housing provision in Brent.

That the Head of Planning is delegated authority to negotiate the legal agreement indicated above.

B. That the Head of Planning is delegated authority to issue the planning permission and impose conditions to secure the following matters:

Conditions

1. Time Limit
2. Approved Plans
3. Bin and Bicycle Storage
4. Construction Management Statement
5. Landscaping
6. External materials
7. Sustainability
8. Tree protection

C. That the following Informatives are attached to the decision

Informative

1. Party wall act
2. Building near a boundary
3. Surface water drainage
4. CIL liability
5. Fire statements
6. Hours for noisy works

D. 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, informative, 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



Brent

Planning Committee Map

Site address: Fairfield Court, Longstone Avenue, London, NW10 3TS

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This map is indicative only.

PROPOSAL IN DETAIL

Proposed two second floor extensions and third floor extension to create six new self-contained dwellings including 4 rear dormer windows and new solar panel. Construction of two rear access staircases. Associated enlargement of refuse storage, provision of additional car and cycle parking spaces to front and improvements to soft landscaping to communal garden

EXISTING

The area for redevelopment is Fairfield Court, located 0.5 miles to the north east of Harlesden High Street. The existing site consists of a mix of residential types. The site is within the Harlesden Neighbourhood Plan Area.

AMENDMENTS SINCE SUBMISSION

Amendments have been made to the proposed landscaping plan and a proposed parking plan has been set-out to address queries-concerns raised in relation to trees, landscaping, and transport. These are set out below.

Landscaping and Trees

- Size of new trees amended to be 12-14cm diameter standard trees
- Additional Yew tree to replace the lost T7 in a similar vicinity provided
- Hawthorns omitted from hedge and increased proportion of *Acer campestre* and *Viburnum opulus*
- Permeable block paving to parking spaces instead of grasscrete, as requested
- Additional planting/ hedge surrounding the new parking areas

Transport

- Disabled compliant parking space provided
- Three electric vehicle charging points provided
- Aco drainage channel provided
- External bicycle stand for visitors provided

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 deciding on the application:

- **Representations received:** In total one Cllr objection from Cllr Jumbo Chan, a petition containing 105 signatures objecting to the development and a separate 16 objections which have been discussed within the report. Officers have considered the comments and the

planning merits of the proposal and consider that the proposal accords with adopted policies and guidance and is acceptable.

- **Principle:** The application would result in the creation of a 6.no residential units, 4 of which would be family-sized units within an existing residential development. The site does not lie within a priority area for housing however it is still considered that the general principle of the creation of these additional flats is acceptable.
- **Quality of accommodation:** The proposal includes 4x3-bedroom flats and 2x2-bedroom flats which all meet the relevant standards for internal and external space and quality.
- **Highways and transportation:** The proposal would provide an additional 7 parking spaces which would be positioned at the front of the site. Further, the proposal includes 14 new cycle parking spaces to be contained within 2 secure cycle storage spaces also at the front of the site, as well as an enlargement to the existing bin store.
- **Physical external changes:** The physical changes to the building and the curtilage that are proposed, as discussed in more detail later in this report, are not considered to result in a significant impact to surrounding residents or the character of the area.

RELEVANT SITE HISTORY

None relevant

CONSULTATIONS

Two-hundred and thirty two (232) nearby properties have been notified as part of the public consultation for this application. In total one Cllr objection from Cllr Jumbo Chan, a petition containing 105 signatures objecting to the development and objections from occupants of 22 different properties have been received which object to the proposed development on the following grounds:

Reasons for objecting	Officer Comment
Loss of daylight/sunlight and overshadowing	This is assessed under the neighbouring amenity section of this report. Please see section 4 of this report.
Overly dominant and overbearing	This is assessed under the neighbouring amenity section of this report. Please see section 4 of this report.
Loss of privacy/overlooking	This is assessed under the neighbouring amenity section of this report. Please see section 4 of this report.
Additional pressure on local infrastructure	The proposal is not considered likely to result in a significant impact on infrastructure in terms of the services to the building. This development would be

	<p>subject to the Community Infrastructure Levy which may be used to fund infrastructure required to support new development.</p>
Increased pressure on parking	<p>This is assessed under the transport section of this report. Please see section 7 of this report.</p>
Adverse impact on existing trees, neighbouring garden areas and wildlife	<p>This is assessed under the trees and landscaping section of this report. Please see section 6 of this report.</p>
Out of character with wider locality, would be visually intrusive	<p>This is assessed under the design and visual impact section of this report. Please see section 3 of this report.</p>
Poor quality of accommodation	<p>This is assessed under the quality of accommodation section of this report.</p>
Excessive air and noise pollution/disruption during construction	<p>This is assessed under the air quality section of this report. Please see section 10 of this report. Some disturbance is expected with most construction projects. Reasonable working and construction hours are set through the Control of Pollution Act. A Construction Management Plan with has been submitted and is accepted-compliance of this will be secured by planning condition.</p>
No increase to social housing stock	<p>A financial contribution towards the provision of Affordable Housing is recommended to be secured in line with Brent Local Plan policy and guidance. Please see section 2 of this report.</p>
Loss of existing communal garden area (through additional parking and refuse spaces)	<p>This is assessed under section 2.6 of this report.</p>
Concerns with environmental impact of new development	<p>This is addressed in section 11 of this report. A sustainability assessment has been provided which demonstrates measures to reduce CO2 emissions.</p>
Would set a negative precedent for future development	<p>Each scheme must be considered on its individual merit. This is assessed under the design and visual impact section of this</p>

	report. Please see section 3 of this report.
Asbestos issues in existing building would be worsened	This is not a material planning consideration and is controlled through other legislation. The Council's Environmental Health Officers have recommended that an informative is added regarding asbestos.

POLICY CONSIDERATIONS

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

The development plan is comprised of the

London Plan 2021

Brent Local Plan 2019-2041*

Key policies include:

London Plan 2021

Policy D12: Fire Safety

Policy D4: Delivering good design

Policy D6: Housing quality and standards

Policy D7: Accessible Homes

Policy H1: Increasing housing supply

Policy H2: Small sites

Policy T5: Cycling

Policy T6: Car parking

Local Plan 2019-2041

DMP1 – Development Management General Policy

BD1 – Leading the way in good design

BH1 – Increasing Housing Supply

BH2 – Priority Areas for Additional Housing Provision within Brent

BH4 – Small Sites and Small Housing Developments in Brent

BH5 – Affordable housing

BH13 – Residential Amenity Space

BSUI3 – Managing Flood Risk

BSUI4 – On Site Water Management and Surface Water Attenuation

BGI1 – Green and Blue Infrastructure

BGI2 – Trees and Woodlands

BT2 – Parking and Car Free Development

Other material considerations include:

National Planning Policy Framework 2021

Council's Supplementary Planning Document 1 “Brent’s Design Guide” 2018

Council's Supplementary Planning Document 2 – Residential extensions and alterations 2018

Harlesden Neighbourhood Plan 2019-2034

* Local Plan 2019-2041

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

The Brent Core Strategy 2010

Brent Site Allocations Development Plan Document 2011

The Wembley Area Action Plan 2015

The Development Management Policies Plan 2016.

These documents are no longer considered Development Plan Documents for the purposes of determining planning applications within the area that the Council remains the Local Planning Authority and also their associated policies map.

DETAILED CONSIDERATIONS

1. Principle

1.1 Delivery of Additional Housing

1.2 Policy H1 of the London Plan which recognises the increasing demand for delivery of new homes across London.

1.3 Policy BH1 of the Local Plan states that the Council will maximise the opportunities to provide additional homes in the period to 2041 and beyond. To achieve this, it will grant planning permission to support the delivery of the Growth Areas, site allocations and appropriate windfall

sites to provide a minimum 27,482 homes in the period 2019/20-2028/29. It will positively plan to promote a further minimum of 18,074 homes from 2029/30 to the end of the Plan period in 2041.

1.4 Policy BH4 relates to small sites and small housing developments in Brent (defined as sites below 0.25 hectares or schemes below 25 dwellings) and supports the delivery of small housing developments, where consistent with other policies in the development plan.

1.5 The site does not lie within a priority area for housing as set out within this policy and therefore whilst the principle of the redevelopment of the site for a net increase in residential home is acceptable, the policy sets out that greater weight would be placed on the existing character of the area, access to public transport and a variety of social infrastructure easily accessible on foot when determining the intensity of development appropriate. The site is approximately 275 m from the closest part of the designated Harlesden Town Centre and approximately 550 m from the Primary Frontage of the centre. It is in very close proximity to the Roundwood Community Centre and Roundwood Park. Despite the lower Public Transport Accessibility Level (PTAL 2), the site is considered to have good access to social infrastructure. Detailed consideration of other aspects of the scheme, such as character, is discussed below.

2. Housing

2.1 Affordable housing and dwelling mix

2.2 Policy BH6 of the Local Plan seeks for 1 in 4 new homes in the borough to be family sized homes. Following advice at pre-application stage, the proposal now includes 4 no family-sized homes, comprising 2 x 3-bedroom 5-person and 2 x 3-bedroom 4-person flats. The remaining units are 2 x 2-bedroom 3-person flats. The dwelling mix therefore accords with adopted Brent policy.

2.3 Policy BH5 of the Local Plan outlines that developments of between 5-9 dwellings will be required to make a financial contribution for the provision of affordable housing off-site. This is set out within the adopted Brent planning obligations SPD (2022). This takes into consideration viability and is considered to be a conservative approach to ensure all sites can deliver whilst remaining viable. This has set two fixed rates across the borough, depending on their values.

2.4 The site is within the lower value land area. The SPD has identified that applicants should provide a financial contribution in lieu of on-site delivery of £50,000 per home delivered. This is calculated as £50,000 per unit for developments delivering between 5 - 9 dwellings, as set out in the Brent Planning Obligations SPD. As such, the proposed development here would be required to provide a contribution of £300,000 It is recommended that the contribution is secured within a section 106 agreement in accordance with adopted policy and guidance. Some objections have highlighted that the proposal does not include any Social Housing. Planning policy does not require the on-site provision for schemes of less than 10 homes, and the financial contribution that is required through policy would be used for the provision of Affordable Housing elsewhere in the borough.

2.6 Standard of accommodation

2.7 Internal amenity space

2.8 Policy D6 of London Plan 2021 relates to housing quality and standards. It includes a requirement to meet adequately sized rooms in line with table 3.1 of London Plan 2021. It goes onto say that all new homes should be provided with adequate levels of outlook, daylight, and

natural ventilation.

2.9 The proposal would create 6 residential units with 2 x 3-bedrooms 4-person flats, 2 x 2-bedroom 3-person flats and 2 x 3-bedroom 5-person flats. The internal floor areas (GIA) are set out below and confirm that each flat would meet the minimum standards for units of their size in accordance with table 3.1 of the London Plan.

- Unit A (2B/3P) 64 sqm GIA, 3sqm surplus on 61sqm requirement
- Unit B (2Bed/3P) 64 sqm GIA, 3sqm surplus on 61sqm requirement
- Unit C (3Bed/5P) 98sqm GIA, 5sqm surplus on 93sqm requirement
- Unit D (3Bed/4P) 98sqm GIA, 24sqm surplus on 74sqm requirement
- Unit E (3Bed/4P) 98sqm GIA, 24sqm surplus on 74sqm requirement
- Unit F (3Bed/5P) 98sqm GIA, 5sqm surplus on 93sqm requirement

2.10 All proposed units would be dual-aspect and would benefit from good levels of outlook with an east-west orientation.

2.11 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. All of the proposed units would meet this requirement.

2.12 The level of light expected to be received by the habitable rooms within the proposed development has been evaluated and discussed within the submitted daylight and sunlight report. It provides a quantitative assessment of the amount of light expected to be received by the associated rooms within the homes. This shows that all rooms will exceed target levels for light.

External Amenity Space

2.13 Policy BH13 establishes that all new dwellings are required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This will normally be expected to be 20 sqm studio, one or two-bedroom home and 50 sqm for family housing (homes with 3 or more bedrooms) at ground floor level.

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

2.15 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.

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

2.17 The proposal would not involve any private amenity space for the proposed units, however, there is a substantial amount of communal external amenity space existing within the site, with approximately 1500sq.m of shared gardens space to the rear of the buildings and additional areas to the front. This could clearly cater for the existing and proposed residents (exceeding current standards) and would provide high quality external space. Therefore, in this instance the absence of private external amenity space is accepted. It is noted that the site is also in close proximity of Roundwood Park which provides other good quality external amenity space.

3. Character and Design

3.1 Policy BD1 of Brent's Local Plan reinforces the need for all new development to be of the highest architectural and urban design quality. Innovative contemporary design will be supported where it respects architectural and urban design quality. Innovative contemporary design will be supported where it respects and complements historic character but is also fit for the future. In delivering high quality design, development proposals will be expected to show how they positively address all the relevant criteria within London Plan design policies and the Brent Design Guide SPD1.3.2 Policy H2 of the Harlesden Neighbourhood Plan states that density of new housing development should be optimised taking account of the development site's connectivity and accessibility and subject to the proposals being acceptable in terms of local context and design. It is set out within policy BH4 of the Brent Local Plan that outside of the priority locations for housing (identified in that policy), greater weight will be placed on the existing character of the area.

3.2 The development would involve connecting the existing building to form a single large block. Although this would remove the existing gaps between the buildings, the resultant building would be well articulated, with sufficient open areas surrounding the development to prevent the building from appearing overly dominant or prominent.

3.3 The proposal would create additional floors to the building accommodating no's 5-6 and 20-21 Fairfield Court increasing the height of the building from two- to three-storeys. The other additional floor would be above no's 7-12 and 14-19 block of units, increasing the height from 3 to 4-storeys. Accommodation would also be provided in the roof of that block. The blocks would be composed to increase from 2 to 3 and then 4-storeys with the taller blocks situated further into the site.

3.4 The immediate locality to the north and southern boundaries of the site along Longstone Avenue typically consists of two-storey traditional hipped roof buildings. To the east of the site are Knowles House and Anansi House, which are new buildings of a modern flat roof design and are 4-5 and 6-storeys in height (respectively). While the proposal would result in the Fairfield House buildings being taller than the two-storey homes discussed above, the scale and massing is not considered to be out-of-character when considering the height and massing of the buildings to the east which also form a part of the context of this site. As such, officers consider that the overall height of the proposal is in keeping with the massing of the existing pattern of development within the immediate locality of the site.

3.5 The proposal maintains the predominant style of the area and the host buildings where it replicates design features of the existing building. The proposed front and rear windows (including rear dormer windows) and rooflights would be aligned with the below window arrangements, while the proposal would maintain the chimney and the hipped roof form and respects the scale of the host buildings as it is built over the existing footprint. The buildings are arranged following the symmetrical composition of Fairfield Court with the aim of forming an integral and proportional appearance to the host building for a coherent street scene and appears to be sensible to the

character of the area.

3.6 While officers note that the proposal would be built over some (non-designated) green space within the site, the extent of this is minimal and the submitted revised landscaping plan confirms the planting of new trees and shrubs within the site which officers consider would mitigate against impacts associated with this. Further, the proposed parking arrangements would be made of permeable paving which would be beneficial in terms of drainage.

3.7 SPD1 also states that building materials should be durable, attractive and respect local character. It has been stated that the materials would match the existing courts, consisting of similar brickwork, painted smooth render and roof tiles, with white uPVC framed windows, all to match existing. The proposal would therefore be in keeping which is considered to be appropriate. A condition will be added requesting further details of materials are agreed to ensure a suitable match is approved prior to construction.

4. Neighbouring amenity

4.1 The proposal site adjoins neighbouring residential properties of no's 36-44 Springwell Avenue to the west of the site. There are also existing residential properties within Fairfield Court which would be located below and directly adjacent to the proposed development.

4.2 The proposed new residential units would be built above the existing building and include a similar layout to the existing floors. Therefore, the window positions and levels of privacy between properties would be similar to the existing arrangement of properties within the building, which is considered to be acceptable. It has been noted that some windows would be positioned with a sideways view to the rear of existing properties. This would reflect the distance between these properties, which is considered to be sufficient and the angle between the windows would prevent any significant loss of privacy. It has been noted that flat A and flat B would conflict with the 1:2 guidance within SPD2, however, considering the dual aspect layouts of these properties and the existing form of the building, this arrangement would not have a significant impact on the overall living conditions of the adjacent properties.

4.3 The construction of the new stairwells would affect the outlook from the adjoining units. However, the outlook from the associated windows is already limited by the presence of the existing blocks and the remainder of the view remains open, with good outlook achieved for the associated units. On balance, the level of impact to the outlook of adjoining units is considered to be acceptable.

4.4 According to SPD 1 the building envelope should be set below a line of 30 degrees (from the horizontal) from the nearest rear habitable room window of adjoining existing properties which would face towards the development, 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.

4.5 The submission considers the varied topography on the site and to the neighbouring no's 36-44 Springwell Avenue to the west which have varying ground-level heights. This has been demonstrated on the submitted drawing no. FC-PP1-07. This plan also demonstrates that the proposal would fall outside both the 30 degree line measured from the 2m point of the habitable room window of properties within Springwell Avenue and would be below outside of the 45-degree line to the garden edge. This accords with the guidance as set-out in the council's SPD1.

4.6 A revised daylight/sunlight impact assessment has been submitted as part of this application, in accordance with BR 209 2022 guidelines. The revisions have included further information of the No-Sky-Line (NSL)/ Direct daylight (DD) impact to the existing occupiers within Fairfield Court.

4.7 For impact to neighbouring buildings, the BRE Guidelines recommend two measures for daylight. Firstly, the Vertical Sky Component (VSC) assesses the proportion of visible sky and is measured from the centre of the main window. If this exceeds 27% or is at least 0.8 times its former value, residents are unlikely to notice a difference in the level of daylight. Secondly, the No Sky Contour or Daylight Distribution assesses the area of the room at desk height from which the sky can be seen. If this remains at least 0.8 times its former value, the room will not experience a noticeable level of impact.

4.8 To assess impacts on sunlight to existing south-facing windows and amenity spaces, assessment of Annual Probable Sunlight Hours (APSH) is recommended. Adverse impacts occur when the affected window receives less than 25% of total APSH including less than 5% in winter months, or when amenity spaces receive less than two hours sunlight on 21 March or less than 0.8 times their former value.

4.9 However, the BRE guidance also recognises that different criteria for daylight and sunlight may be used in dense urban areas where the expectation of light and outlook would normally be lower than in suburban or rural areas. The NPPF recognises that a flexible approach should be taken when applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site, and the resulting scheme would provide acceptable living standards.

4.10 The assessment has been undertaken using the VSC, NSL, and APSH (sunlight) tests set out within the 'BRE Daylight and Sunlight Planning Guide (2022)'. It is considered that the impact of the proposal to adjoining homes through the use of VSC, NSL and APSH is acceptable when measured against the requirements of this guidance. It is set out in the submitted Daylight and Sunlight report that the proposed development would set below a 25 degree line taken from the habitable room windows of the properties surrounding the site, including those which front Springwell Avenue, and the proposal therefore accords with the guidance in relation to those windows and the associated rooms. A neighbouring resident of Springwell Avenue has commented that they consider that the daylight and sunlight analysis is flawed in relation to this statement, and that the proposed development projects above the 25 degree line. The findings of the daylight and sunlight report have been evaluated by officers from site visits and digital tools including Vu City (digital 3D modelling system) and Google Earth. Vu City contains a 3D model of London produced to 15 cm accuracy.

Sections have been provided with the application which show a distance of 20 m between the Springwell Avenue property and the proposed development. However, the section does not specify the property that has been shown. Measurements from the Council's GIS system show a distance of approximately 17 m from the rear extension of No. 40, 18 m from the rear extension of No. 38, and 19.6 to 19.8 m from the ground floor rear wall of Nos. 34-36. However, the closest ground floor rear facing windows of Nos. 38 and 40 appear to serve non-habitable rooms (i.e. not kitchens, living rooms, dining rooms or bedrooms) and the nearest other ground floor windows are some distance further away. The relative height between the ground level immediately to the rear of each of these properties and the ridge of the proposed extension have been estimated using Vu City (noting that these are accurate to within 15 cm). It should be noted that the 25 degree line is taken from the middle of the affected window rather than ground level, but the following figures provide an indication of whether it would comply. It has been estimated that the ridge of the proposed extension to Fairfield would be approximately 2.5 m and 2.2 m respectively above a 25 degree line from ground level to the rear of No. 36 and 38. This means that the proposal is therefore likely to project above a 25 degree line taken from the middle of the windows of those properties (as the middle of those windows are not 2.2 to 2.5 m above ground level). This would indicate that further testing potentially should have been undertaken on these windows. Nevertheless, there are very large trees immediately to the rear of these two properties which would have a significant impact on daylight received by these windows and it is therefore not

considered likely that the proposal will have an unduly detrimental impact on the daylight received by these windows.

4.11 Testing has been undertaken in relation to the windows of the existing homes within the scheme. This shows that for Vertical Sky Component, none of the affected windows will experience reductions to less than 0.8 times their previous value, demonstrating that the scheme will not have a noticeable impact in relation to this test.

4.12 In terms of the no sky line (NSL) calculation, the proposal would ensure that the impact would be within the recommended limits set by the BRE guide, as in all cases the ratio is greater than 80% for all rooms. The NSL has also been tested for all existing habitable rooms within Fairfield Court and the reduction of was no more than 0.8 times its former value in terms of the NSL area of each room.

4.13 In relation to annual sunlight, the submitted assessment demonstrates that the windows within the site also will not experience a reduction to less than 0.8 times the previous value, and as such, the proposal would not result in a noticeable reduction in annual sunlight.

4.14 Tests have also been done to calculate the minimum amount of daylight received by habitable rooms on a selected date between 1st February and 21st March, in-line with the BS EN 17037 [1], as well as tests to the effect of the proposal on neighbouring garden areas during this time period. The submitted study demonstrates that the proposal would comply in both these regards.

4.15 This is confirmed by the full BRE compliance rate to all of the relevant residential windows and rooms neighbouring the scheme. The effects of the proposal are therefore in full accordance with the BRE guidance, and the development is not considered to result in a noticeable impact to the daylight and sunlight received by surrounding homes or existing homes within the site.

4.16 The BRE guide also sets out that 'at least half of the area of a garden to receive at least 2 hours of sunlight on the 21st of March'. The submitted information demonstrates that the proposal will only result in minor changes in the proportion of the gardens (both within and surrounding the site) which achieve 2 hours or more of sunlight, with gardens expected to significantly exceed the minimum requirement.

4.17 The proposal will result in some very localised impacts in relation to light received by rooms and spaces, but the level of change accords with BRE guidelines and the proposal will not result in a significant impact on surrounding properties or those within the site, including the windows, rooms, and gardens of those properties. Further in relation to the properties to the rear between no's 34-44 Springwell Avenue, it is noted that these areas are eastward-facing and the ground-floor rooms that would be most affected by the proposal are typically dual-aspect so would not rely on one window for its sole access to daylight. Thus, it is considered that the impact of the proposal in terms of daylight/sunlight would not be significantly harmful.

4.18 SPD1 outlines that new development should provide adequate privacy and amenity for new residents and protect those of existing ones. Development should ensure a good level of privacy inside buildings and within private outdoor space. Directly facing habitable room windows will require a minimum separation distance of 18m, and habitable room windows should be positioned 9m away from neighbouring rear gardens. Brent's SPD 1 Design guide states that balconies should not overlook the habitable room windows or gardens of adjoining properties.

4.19 The proposed additional floor to 7-19 Fairfield Court would face the rear dwellinghouses of no's 6, 38, 40, 42 and 44 Springwell Avenue. The proposed habitable windows to the rear would have a distance of 18 metres and more towards the habitable room windows of these properties and as such compliant with SPD 1 design guide. Moreover, the proposal would maintain the 9

metres distance to the boundary fence of the rear gardens and as such there would not be a significant detrimental impact in terms of privacy or overlooking on to the neighbouring sites.

4.20 The same is for additional floor for 5-6 and 20-21 Fairfield Court with more than 20 metres from the proposed rear bedrooms to the garden boundary fence of No.44 and 32 Springwell Avenue dwellings and as such compliant with SPD 1 design guide. There are side windows proposed as part of this extension, however they are towards the front communal garden areas and there is a separation distance of 34 metres between them.

5. Trees and landscaping

5.1 The site is not currently affected by a Tree Preservation Order and nor is it situated within a designated Conservation Area. However, there are mature trees both within and outside of the site.

5.2 An Arboricultural Impact Assessment has been submitted to support the application which highlights the removal of 4 trees (two category B-C, one category C and one category U tree) and some impact to 5 further trees (two category B, two B-C and one category C) together with some hedging. The following trees will be impacted as follows to accommodate the following aspects of the proposals:

- T28 a Category U tree has been proposed removed
- T16 a category B-C Holly, T17a category C Elder and T18 a category B-C Holly are proposed removed to accommodate a proposed rear access staircase
- G5 Hedge to the front of the property is proposed to be removed to accommodate additional car parking and cycle storage to the front of the property
- T1 a category B Sycamore and T2 a category B-C Box elder will be impacted by the proposed car parking to the front of the property and the installation of a larger locked refuse enclosure within their RPA. While no dig construction methods are shown, the construction will still impact on the trees to some degree.
- T6 a category B Yew will be impacted by proposed new parking to the front of the property and T7 a category B-C Yew and T8 a category C Sycamore together with a small section of G5 to the front are proposed to be felled to accommodate the same parking area.

5.3 Officers consider that the removal of the T28 tree is sensible due to its poor condition. The other trees to be removed (T16, T17 and T18) are situated to rear of the property and while these contribute to the landscaped gardens, they don't contribute significantly to the streetscene. Where some soft landscaping would be lost to accommodate new parking spaces, these parking spaces would be made of permeable paving and would be less harmful to some of the existing healthy trees to the front of the site.

5.4 While it is noted that there would be some harm to the existing T1, T2, T6, T7 and T8 trees to the front of the site, this would be mitigated to some degree by the provision of additional planting/ hedge be planted surrounding the new parking areas to improve to compensate for some of the loss of soft landscaping here.

5.5 In total, 11 new trees and a native hedge are proposed, resulting in a net increase of 7 trees. Following amendments, the size of the proposed new trees has been increased to a 12-14cm diameter with one of the proposed new trees being a Yew Tree to replace the lost T7 in a similar vicinity.

5.6 Overall, it is considered that while trees are to be removed (4 trees) or otherwise affected (5 trees and some hedging) by the development, the proposed planting scheme is considered to be sufficient to mitigate the loss or harm to these trees. It is considered that the proposal would be

acceptable when considered against policies BH4 and BGI2 of the Local Plan.

5.7 The submission includes supporting information to demonstrate that the scheme would achieve an urban greening factor score that would exceed the minimum 0.4 as required under policy BH4 of the Local Plan. Landscaping details have been submitted which set out how the urban green factor would be achieved. Some additional soft landscaping would be provided such as the provision of new plant and flower beds and replacement trees and green roofs would be added to the proposed cycle and refuse stores. A condition is recommended to ensure that this is carried out.

Flood Risk and Drainage

6.1 Brent Local Plan 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.

6.2 The site is in flood zone 1 with a low risk of flooding. The site is within a critical drainage area. When considering the areas of new hard surfacing would be located at the new stair cores and majority of the development would sit above the existing building, the increase in surface water drainage would be very minor. In addition, the site is largely landscape, and the development would involve improvements in soft landscaping. Therefore, although a drainage strategy has not been provided, the impact on surface water drainage would be very minor and the proposed landscaping would provide good opportunities to assist surface water attenuation.

7. Transport

7.1 The site has a low Public Transport Accessibility Level (PTAL 2), and the maximum parking standards would allow up to 0.75 spaces per 2-bed flat and one space per 3-bed flat. It is specified within the submission that all of the flats on-site have 2-bedrooms and the proposal would therefore increase the maximum parking allowance of the site from 18 spaces to 24 spaces. 8 parking spaces are shown to the rear of the site, and these are unaffected by the proposal. The proposal includes changes to the frontage parking area to accommodate seven car parking spaces, which, in addition to the eight spaces at the rear would result in a total of 15 spaces. Parking levels which would remain within the maximum allowance, so is in line with policy.

7.2 Policy BT2 requires that consideration be given to the impact of any overspill parking generated on-street by development though. In this respect, data from the 2011 Census suggests that car ownership for flats in this area averages 0.44 cars/flat, equating to about 13 cars for the 30 flats. As such, based on these levels, likely future parking demand would be able to be accommodated within the site and little to no overspill parking would be expected to occur on Longstone Avenue.

7.3 A parking survey has not been provided to support the proposal. However, the changes to the frontage parking area will increase the parking capacity within the site while levels of on-street parking are such that should over-spill parking occur, this is likely to be accommodated on street.

7.4 Following amendments, one of the new spaces at the front of the site has been widened and marked as a disabled parking space, and 3 no electric vehicle parking spaces have been provided in accordance with Local Plan policy BT2.

7.5 The amended car parking layout will also provide more space for turning, which is welcomed in terms of helping drivers to enter and leave the site safely in a forward gear.

7.6 The London Plan requires a minimum of twelve secure bicycle parking spaces for the new dwellings, plus two visitor spaces. Two secure bicycle shelters to accommodate a total of 14 bicycles are proposed alongside the amended car park to meet the minimum requirement for the new flats, and this has been supplemented by an external 'Sheffield' stand (or similar) for use by visitors following amendments.

7.7 The bin stores at the front of the site are also to be amended and enlarged and will provide sufficient storage capacity for the central block of flats (the flats on the two wings have their own separate bin stores) within easy reach of Longstone Avenue for collection.

7.8 The proposals also include other alterations to the landscaping, but these retain suitable pedestrian routes to the building and plenty of soft landscaping to maintain an attractive and well drained site frontage. A drainage channel has also been added at the highway boundary across the car park entrance following amendments.

7.9 No site set-up plan has been provided at this stage, but the submitted Construction Management Plan confirms that the main site compound will be located to the rear of the site, with storage of materials at the front, all secured using 2.3m high hoardings. Unloading of materials is also confirmed as taking place within the site at the front of Fairfield Court, with banksmen on hand to guide vehicles into and out of the site safely.

7.10 Deliveries will be pre-scheduled to ensure there is sufficient space for unloading and large vehicles will be expected to follow routeing via High Street, Park Parade, Harlesden Road, and Longstone Avenue when travelling to and from the site. This will keep such vehicles away from residential streets, so is welcomed.

7.11 It is confirmed that wheel washing facilities will be provided and that adjoining roads will be swept as necessary, so that muck is not left on the public highway. The current condition of the public highway will also be verified before works start, so that any damage caused during construction can be identified and repaired.

7.12 Finally, only limited parking will be available on site, so workmen will be encouraged to use public transport to travel to and from the site. This is welcomed and the presence of the site within a Controlled Parking Zone will ensure on-street parking by staff can be regulated.

7.13 The submitted Construction Management Plan is therefore welcomed and its implementation will be secured through a planning condition.

8. Fire Safety

8.1 London Plan policy D12 indicates that the fire safety of developments should be considered from the outset. This includes measures to demonstrate space identified for the appropriate positioning of fire appliances, appropriate evacuation assembly points and floor layouts and cores planned around issues of fire safety for all building users.

8.2 The policy states that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety and ensure that they:

- 1) identify suitably positioned unobstructed outside space: for fire appliances to be positioned on 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

8.3 The applicant has provided a fire statement which has addressed the above concerns, in accordance with policy D12 of the London Plan (2021).

9. Accessibility

9.1 The existing staircases to the flats would be maintained while additional stepped accesses to the new flats are proposed. The proposal would not include step-free access in the form of lifts. While this is not compliant with M4(2) or M4(3) standards, para 3.7.6 under policy D7 of the London Plan states that an exception to this can be applied in the following instances:

- Specific small-scale infill developments (see Policy H2 Small sites)
- Flats above existing shops or garages
- Stacked maisonettes where the potential for decked access to lifts is restricted

9.2 Further, para 3.7.7 of this policy states that:

"If it is agreed at the planning stage (for one of the reasons listed above) that a specific development warrants flexibility in the application of the accessible housing standards M4(2) and M4(3), affected dwellings above or below ground floor would be required to satisfy the mandatory building regulations requirements of M4(1) via the Building Control process."

9.3 The subject proposal would be a small-scale infill development. Although larger than a small site (below 0.25 hectares in size), the application site would otherwise be a small scale infill development as defined by Brent policy (0.25 hectares or less than 25 homes). In addition, the proposed properties on the upper floors would be split between the third floor and roof space giving maisonette layout. Considering the arrangement proposal with the existing properties, it is reasonable for lifts to not be provided within the new development. Otherwise, the internal layout of the proposed units allows for sufficient passages / width and door thresholds to meet the requirements of Part M of the Building Regulations

10. Air Quality

10.1 An air quality impact assessment (AQIA) has been submitted in support of the application given that the proposal site lies within an air quality management area. The AQIA concludes that the proposal would not cause a significant impact on local air quality. The report also concludes that:

- Both long term and short term air quality standards are within the targets set by the Air Quality Standards Regulations 2010.
- The site is air quality neutral with respect to building-related emissions by default.
- Transport-related emissions from the site have also been assessed as air quality neutral in line with the latest guidance from the Mayor's office.

10.2 A construction management plan has been provided which details measures to minimise disruption during construction. This is considered to be acceptable and will be secured through condition.

11. Environmental impact, sustainability, and energy

11.1 Minor developments should seek to reduce potential overheating and reliance on air conditioning system through good design. For residential development, a Water Efficiency Assessment will be required providing evidence the development will need the target of 105 litres or less per head per day, excluding an allowance of 5 litres or less per head per day for external water use.

11.2 The development would achieve a maximum water consumption of 105 litres or less per head per day, in accordance with policy BSUI1 of the Local Plan. A sustainability statement has also been submitted which demonstrates low-carbon energy sources to reduce CO2 levels have been included such as PV roof panels. It is considered that the proposal has incorporated good sustainable measures to reduce environmental harm.

12. Equalities

12.1 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).

13. Conclusion

13.1 The proposal would result in the creation of six new homes, including 4 family sized homes, and a contribution towards the provision of off-site Affordable housing would be secured in line with policy. The proposal would increase the height of the existing buildings above that of some of the homes in the area. However, the resulting scale is considered appropriate when considering the full context of the site including the taller buildings on the eastern side of Longstone Avenue. An objector has commented that the submitted daylight and sunlight assessment incorrectly assesses whether the development projects above a 25 degree line from the middle of windows of Springwell Avenue properties. This has been examined by officers and while the proposal is likely to comply with the 25 degree line taken from the objector's property, it appears likely that it will project above a 25 degree line taken from the middle of the nearest windows of two other properties (Nos. 34 and 36). However, the presence of very large trees is likely to already significantly impact the light received by these windows and it is considered unlikely that the proposal will result in a material additional impact. Additional parking capacity would be provided through changes to the frontage parking area, and while over-spill parking is not anticipated, it is likely to be easily accommodated on street. The proposal is considered to accord with the development plan when read as a whole and it is recommended that planning permission is granted.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 22/3634

To: Mr Shahar
Tal Arc Ltd.
2a Crescent Road
London
N3 1HP

I refer to your application dated **21/10/2022** proposing the following:

Proposed two second floor extensions and third floor extension to create six new self-contained dwellings including 4 rear dormer windows and new solar panel. Construction of two rear access staircases. Associated enlargement of refuse storage, provision of additional car and cycle parking spaces to front and improvements to soft landscaping to communal garden

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

at **Fairfield Court, Longstone Avenue, London, NW10 3TS**

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: 28/04/2023

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 policies contained in the:-

London Plan 2021
Brent Local Plan 2019-2041
Harlesden Neighbourhood Plan 2019-2034

- 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):

FC-PP1-05 REVA, FC-PP1-06, FC-PP1-07, FC-PP1-08, FC-PP1-09, FC-PP1-10, FC-PP1-12 REVA, Supporting Documents- Construction Management Plan created by 'TAL ARC LTD' (submitted October 2022), Supporting Documents- Fire Safety Strategy created by 'Lawrence Webster Forrest' (dated September 2022), Supporting Documents- Air Quality Assessment created by 'The PES' (dated August 2022), Supporting Documents- Energy and Sustainability Assessment created by 'The PES' (dated September 2022), Supporting Documents- Daylight Impact Study created by 'EcoDesign Ltd' (dated September 2022)

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

- 3 The cycle parking and refuse storage areas as shown on the approved drawing no's 'FC-PP1-05 REVA' shall be implemented in full prior to first occupation or use of the development and shall be retained in use solely for the purposes approved thereafter.

Reason: In order to ensure the development provides adequate on-site parking cycle parking and refuse storage.

- 4 The measures set out within the Construction Management Plan hereby approved shall be implemented in full throughout the construction of the building.

Reason: To minimise the potential impacts associated with construction in the interest of the amenities of nearby occupiers.

- 5 The hard and soft landscaping proposals as detailed on the approved drawing no. 'and 'FC-PP1-12 REVA' (including all accesses, parking and the EV charging points) shall be implemented in full prior to first occupation or use of the development and shall thereafter be retained and maintained.

The areas shown for parking shall not be used other than for the provision of parking associated with the dwellings within the application site.

Any trees and shrubs planted in accordance with the landscaping scheme or to be retained which, within 5 years of planting are removed, dying, seriously damaged or

become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure the development provides adequate green space, landscaping and outdoor amenity areas for future occupiers and in the interest of ecology and biodiversity.

- 6 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.

- 7 The measures out within the Energy & Sustainability Statement dated 1 September 2022 hereby approved shall be implemented in full prior to first occupation of the dwellings hereby approved.

Reason: To ensure that the development achieves satisfactory standards for sustainability.

- 8 The tree protection measures set out in the Arboricultural Impact Assessment dated 20 September 2022 hereby approved shall be implemented in full throughout the construction of the development hereby approved, which shall include but not be limited to the use of the no-dig methodology within the Root Protected Areas as identified within the assessment.

Any trees identified to be retained which, within 5 years of the completion of the works, are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted, unless otherwise agreed in writing with the Local Planning Authority.

Reason: to ensure that trees of value are protected and retained within the development and in the interest of ecology and biodiversity.

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 Arrangements should be made to ensure that no surface water from the proposed development will drain onto the public highway.
- 4 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.
- 5 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.

6 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

Any person wishing to inspect the above papers should contact Curtis Thompson, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 1807