

# COMMITTEE REPORT

Planning Committee on  
Item No  
Case Number

15 November, 2023  
07  
23/0841

## SITE INFORMATION

RECEIVED	16 March, 2023
WARD	Kingsbury
PLANNING AREA	Brent Connects Kingsbury & Kenton
LOCATION	1 Hillside, Kingsbury, London, NW9 0NE
PROPOSAL	Retrospective application for retention of single storey rear extension with patio and hip to gable roof extension with rear dormer and three front rooflights to the existing dwellinghouse including proposed construction of new two storey dwellinghouse adjacent to 1 Hillside with rear dormer and juliet balcony roof extensions, new front rooflights, subdivision of rear garden, front boundary treatment, relocation and extension to vehicle crossover for off-street car parking spaces, associated landscaping, cycle and refuse storage
PLAN NO'S	in 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_164107">https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=DCAPR_164107</a></p> <p><b><u>When viewing this as an Hard Copy</u></b> .</p> <p><b>Please use the following steps</b></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 tying "23/0841" (i.e. Case Reference) into the search Box</li><li>3. Click on "View Documents" tab</li></ol>

## RECOMMENDATIONS

A. That the Committee resolve to GRANT planning permission.

B. 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. 3 year time period
2. Approved plans / documents
3. No use of flat roof of extensions
4. Removal of permitted development rights
5. Restriction of water consumption
6. Implementation of car parking, cycle + refuse storage
7. Implementation of rear gardens
8. M4(2) compliance
9. Submission of details for external materials
10. Submission of soft and hard landscape details

### Informatives:

Any informative(s) considered necessary by the Head of Planning

## SITE MAP



**Brent**

### Planning Committee Map

Site address: 1 Hillside, Kingsbury, London, NW9 0NE

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This map is indicative only.



## PROPOSAL IN DETAIL

This application seeks the retention of the single-storey rear extension with raised patio and hip to gable-end roof extension with rear dormer and three front rooflights to the existing dwellinghouse. The application also proposes the construction of a new two-storey dwellinghouse, adjacent to No. 1 Hillside, which would also have a rear dormer with Juliet balcony roof extensions, new front rooflights. As well as, the subdivision of the rear garden, new front boundary treatment, relocation and extension to vehicle crossover for off-street car parking spaces, associated landscaping, cycle and refuse storage.

## EXISTING

The application site relates to a two-storey semi-detached dwellinghouse, located on the western side of Hillside, Kingsbury. The site is not located within a conservation area, nor is it in proximity to a listed building. The site is in a residential area.

The existing dwellinghouse (No. 1 Hillside) is currently undergoing building works to include a single-storey rear extension and other roof extensions and alterations. The application site also includes land to the north which is within the ownership of the applicant but outside the curtilage of the existing dwellinghouse.

## 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:** Representations were received from eleven individuals raising objections in response to the consultation. A number of issues were raised including the principle of development, accuracy of the location map / site boundary, accuracy of the drawings submitted, design, impact on trees, impact on the highway safety, and non-compliance with planning policies. These objections have been summarised in more detail in the 'CONSULTATIONS' section (below) and further discussed in this report.

**Principle of Development:** Brent Local Plan (Policy BH4) and London Plan recognise the role of small sites in the delivery of the new homes that are needed in the borough. The general principle of residential development is supported in this location, contributing towards the Council's housing targets.

**Design and Appearance:** The proposal is considered to represent a good standard of design within the site, relates well to the existing context and would not result in harmful impact on the character and appearance of the local area.

**Residential Amenity:** The proposal would not result in an impact on the residential amenities of neighbouring occupiers in terms of noise and disturbance, daylight and sunlight or overlooking.

**Highway Impacts:** The application proposes two off-street parking spaces (one per dwelling). As such, the proposed development is not likely to result in overspill parking on the surrounding streets. Refuse and cycle storage would also be provided.

## RELEVANT SITE HISTORY

### Relevant planning history

<b>App Type</b>	Householder	<b>Ref</b>	22/1934
<b>Decision</b>	Granted	<b>Date</b>	22/07/2022
<b>Description</b>	Part single and part two storey side and rear extensions and hip to gable end roof extension with rear dormer window, Juliet balcony and three front rooflights to dwellinghouse		

## CONSULTATIONS

Initially, 31 nearby properties along Hay Lane and Hillside were notified by letter of this proposal on 24/03/2023 together with The Friends of Eton Grove Park.

### Reconsultation

On the 04/04/2023, new neighbour consultation letters were sent out as the location map and block plan for the application had been revised.

On the 06/07/2023, new neighbour consultation letters were sent out as the description of the proposal and the drawings (including the red boundary line of the location map) had been revised.

On the 17/07/2023, new neighbour consultation letters were sent out as the application site boundary line had been updated, in line with the Title Plan and ordnance boundary survey (OS map) plans submitted. Subsequently, the existing and proposed drawings have been amended to reflect the boundaries within the submitted OS location plans.

Cumulatively, objections were received from eleven individuals have been received (some of which submitted multiple objections). The reasons for objection have been included in the table below.

Reasons For Objection	Officers Comments
Principle of new dwelling lying outside a priority area for new homes within policy BH4	This has been discussed in the ' <i>Principal of Development</i> ' section of this report (below).
The existing plans were incorrect	Site visits were carried out in July and September, which show the single-storey rear extension present; therefore, the existing plans are considered to be accurate.
Works have already begun on site	It is noted that some works to the property have already started. This has been included in the description of the development.
Inaccurate application site boundary / Land Registry / OS Map	It is noted that the initial red-line boundary around the application site was drawn incorrectly. This has been addressed with revised plans and new consultation letters were sent. The site boundary reflects land registry plans, despite being in a different location from the existing boundary fence.
Erection of boundary fence (hoarding)	The application site has a hoarding licence [28931] for a 3.3m by 6.6m fence around the front/side of the site from July 2023. There is an extant consent for extensions to the existing house, and the erection of hoardings associated with works does not normally require planning permission.
Removal of trees along the site boundary / loss of green space	This has been discussed in the 'Tree Considerations' section below.
CIL Calculations	Officers will calculate the CIL contribution associated with the development, and this will be assessed and monitored by the Council's CIL Team.

Inaccuracies on the application form	The inaccuracies on the application form have been noted. However, the loss of the landscaped area to the north of the curtilage of the existing dwellinghouse has been assessed within the remarks section below and this application does not seek to remove any trees.
Previous applications were not consulted on	All of the required consultations were carried out correctly for the previous applications.
Non-compliance with BH13 – Residential Amenity and guidance set out within the Residential Amenity Space SPD	The changes to the amenity space have been discussed in the ‘ <i>External Amenity Space</i> ’ section in this report (below). The removal of external access to the rear garden of No. 1 Hillside is not a concern, as the occupiers would still have internal access to their rear garden.
The proposed new dwelling would be built up to the boundary	The proposed plans show that all of the proposed works would be within the application site boundary, which is acceptable. An informative would be added to the decision notice to remind the applicant that all works would need to be kept with the site boundary for clarity.
Impact on character of the area	This has been discussed in the ‘ <i>Design, Character and Impact on the Streetscene</i> ’ section of this report (below).
Transparency of planning applications	It is noted that parts of the initial application were found to be incorrect. However, all inaccuracies have been resolved and the application re-consultation letters were sent. The original objections submitted in April 2023 remain on the Council's website and have not been removed.
Parking / other concerns raised by the Transport Team	These have been discussed in the ‘ <i>Parking</i> ’ section of this report (below).
No information about Urban Greening Factor	Further information regarding the urban greening factor was requested. This has been discussed in the ‘ <i>Urban Greening Factor</i> ’ in this report (below).
No energy strategy	The application has not submitted an energy strategy. However, as this is minor application there is no requirement for an energy strategy.
Missing consultations	The consultation was undertaken in line with statutory and local requirements and all comments that were received have been taken into consideration. No comments have been deleted from the system.
Impact water pressure	The proposed additional dwelling is not likely to materially affect water supply or pressure.
Decrease the value of neighbouring properties	The issue of value is not a material planning consideration.

## **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) and Brent Local Plan (2019-2041).

Key policies include:

### London Plan (2021)

Policy H1 Increasing Housing Supply  
Policy D6 Housing quality and standards  
Policy D7 Accessible housing  
Policy D12a: Fire Safety  
Policy H1 Increasing housing supply  
Policy G5 Urban greening  
Policy G6 Biodiversity and access to nature  
Policy SI 13 Sustainable drainage  
Policy T5 Cycling  
Policy T6 Car parking  
Policy T6.1 Residential parking

### Brent Local Plan (2019-2041)

DMP1 - Development Management General Policy  
BD1 – Leading the Way in Good Urban Design  
BH1 – Increasing Housing Supply in Brent  
BH4 – Small sites and small housing developments in Brent  
BH13 – Residential Amenity Space  
BGI1 - Blue and Green Infrastructure in Brent  
BGI2 - Trees and Woodland  
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 (2023)
- National Planning Practice Guidance

### Supplementary Planning Guidance / Documents:

SPD1 –Brent Design Guide (2018)  
SPD2 –Residential Extensions Design Guide (2018)  
Residential Amenity Space and Place Quality Supplementary Planning Document (2023)  
Sustainable Environment and Development Supplementary Planning Document (2023)  
Domestic Footway Vehicle Crossover Policy (2018)

## **DETAILED CONSIDERATIONS**

### **Proposal in Detail**

1. The application is seeking planning permission for the retention of the single-storey rear extension with patio and hip to gable-end roof extension with rear dormer and three front rooflights to the existing dwellinghouse at No. 1 Hillside.
2. The proposal also relates to the erection of an attached two-storey dwellinghouse with associated landscaping works and off-street parking, to the north of No. 1 Hillside.

### **Retention of works to No. 1 Hillside**

3. Household planning application [22/1934] granted planning permission for part-single and part-two-storey side and rear extensions, a hip to gable-end roof extension, 1x rear dormer with Juliet balcony and three front rooflights to the existing dwellinghouse, in July 2022. It is noted from the site visit that works have commenced with the property undergoing the hip to gable roof extension, rear dormer window, front roof lights and single storey rear extension. Whilst these works are similar to the works as approved under 2022 consent, with the addition of the new dwellinghouse to the side of the property, the two storey side and rear extension that was approved under 2022 consent could not be implemented. As such, a full assessment for the retention of the works to the host property has been made below.

#### Single Storey Rear Extension with Patio

4. 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, an average of 3.5m for pitched roofs and infill extensions on side boundaries should be no higher than 2m high on the boundary.
5. The existing ground-floor plan shows the host property benefits from a single-storey rear extension, with a rear depth of 4.5m. It is noted that the adjoining property No. 2 Hillside also benefits from a single-storey rear extension, which has a depth of 1.5m from the original rear elevation of the dwellinghouse. Consequently, the rear extension at No. 1 Hillside would protrude 3m past the existing rear elevation of No. 2 Hillside and therefore is compliant with SPD2. The existing ground-floor plan shows the rear extension has a width of 6.1m and enlarges the kitchen / living/ dining room. The extension features include rear bi-folding doors, which provide access to the raised patio and 2x rooflights. The proposed external materials could be conditioned to match the existing dwellinghouse. The proposed elevations show the rear extension as built has a flat roof with a height of 3.3m to 3.5m from the natural ground level. This height does exceed SPD2, which supports a maximum height of 3m for a flat roof extension. In this case the neighbouring property (No. 2 Hillside) has an existing flat roof extension which is commensurate with the height of the extension as built at No. 1 Hillside, as well the site levels at No. 2 Hillside are slightly raised, which also helps in terms of off-setting any impacts arising from the roof height being over 3m high. Furthermore the depth is the same as approved under 2022 application and the height along the boundary with No. 2 Hillside would be approx. 0.1m lower than approved within 2022 consent.
6. The proposed plans show the rear patio would have a depth of 3m and a height of 0.3m. The proposed elevations show the application site slopes down towards Hay Lane. As such, the land at No. 1 Hillside is slightly lower than the site levels for No. 2 Hillside, which also has a patio area to the rear of their existing extension. The levels change mitigates any potential impact the rear patio at No. 1 Hillside might have on the occupiers of No. 2 Hillside. Furthermore, a patio of upto 0.3m high could be constructed under permitted development.
7. Overall, the rear extension broadly complies with SPD2, and where it does not the site circumstances have been given due consideration and on balance, it is not considered the additional height above 3m would have an unduly detrimental impact on the residential amenity of the neighbouring property. It has also been designed to preserve the character and appearance of the host property and surrounding area and therefore considered acceptable.

#### Hip To Gable-End Roof Extension with Rear Dormer and Three Front Rooflights

8. Hip-to-gable roof extensions are generally permitted unless there is an existing two-storey side extension with a hipped roof. The host property does not benefit from a two-storey side extension; therefore, the retention of the existing hip to gable-end roof extension is acceptable in design terms.
9. 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 are not normally permitted.
10. The rear dormer (as built) has a depth of 3.1m, total width of 5.3m and a height of 2.5m. The proposed elevations show a set-up of 0.5m from the eaves and a set-down of 1m from the ridge of the main dwellinghouse roof. The dormer features include 2x rear windows. Three front rooflights are proposed (there are currently two present on site). The elevations show that all proposed materials will match the existing dwellinghouse and would be used as an additional bedroom with en-suite shower-room. Whilst



the roof tiles are grey concrete tiles rather than more traditional red plain tiles, replacing roof tiles could be undertaken through permitted development. It is therefore not considered that the works would be harmful to the character of the area.

11. Overall, the proposed roof extensions to No. 1 Hillside comply with SPD2 and would be acceptable in terms of its impact on the residential amenity of the neighbouring properties. It has also been designed to preserve the character and appearance of the host property and surrounding area and therefore considered acceptable.

## **Erection of attached two-storey dwellinghouse**

### Principle of development

12. The London Plan Policy H1 sets out a new target of 2,325 new homes per year and this is reflected in Policy BH1 in Brent's Local Plan (2019-2041). London Plan Policy D3 Optimising site capacity through design-led approach requires all developments to make the best use of land by optimising the capacity of sites. Policy H2 of the London Plan relates to small sites (below 0.25 hectares in size) and requires Boroughs to pro-actively support well-designed new homes on small sites to assist in meeting housing targets. In response to this strategic policy, Brent has set out its own policy on small housing sites under policy BH4 of the Local Plan (2019-2041). In line with Policy H2, Brent Local Plan Policy BH4 Small sites and small housing development in Brent supports the delivery of self-contained dwellings on small sites below 0.25ha or 25 dwellings through intensive and efficient use of sites.
13. In line with the National Planning Policy Framework (NPPF) (2023), gardens are excluded from the definition of previously developed land. This does not mean that no development can be carried out within rear gardens, but that Local Planning Authorities should include policies that resist inappropriate development of residential gardens. As mentioned above, Policy BH4 of Brent's Local Plan relates to small housing sites and recognises that such sites can assist in delivering a net addition of self-contained dwellings through the more intensive and efficient use of sites. Such proposals will be considered where consistent with other policies in the development plan and within priority locations (i.e. PTAL 3-6, intensification corridors, or a town centre boundary). Outside of priority areas, greater weight will be placed on the existing character of the areas, access to public transport and a variety of social infrastructure easily accessible on foot when determining the intensity of development appropriate.
14. The application site has an existing PTAL 2 and is therefore not within a priority location (PTAL 3-6) for additional housing provision as referred to in policy BH4. This does not mean that new housing is not promoted in such areas, but rather than when considering proposals for housing, "greater weight will be placed on the existing character of the area, access to public transport and a variety of infrastructure easily accessible on foot when considering the intensity of development appropriate" as set out in policy BH4. While the site is in close proximity to the Hay Lane Neighbourhood Parade and is served by the 204 bus route, it is considered appropriate for the intensity of development should reflect the existing character of the area. The proposal would result in an additional dwelling of the same form and scale as the existing dwelling on the site and would be in keeping with the character of the area, in line with the requirements of policy BH4. The proposal would retain the main dwellinghouse at No. 1 Hillside (as recently altered) and subdivide the original side and rear gardens to provide an attached two-storey detached dwellinghouse, containing four bedrooms. The principle of intensifying the site for increased residential development is considered acceptable in line with the above policy, and taking account of the established residential character, which would be respected.

### Standard of Accommodation

15. Policy D6 of London Plan sets out standards for housing quality. It requires new homes to be of high-quality design and provide adequately sized rooms with comfortable and functional layouts. Policy D6 also requires new housing developments to maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings.

### *Internal Amenity Space*

16. The proposed plans show 4x double-bedrooms for 8 people, across three floors, which requires 130sqm of gross internal amenity space (GIA). The proposed GIA of 143 sqm would be compliant with policy D6 of London Plan.
17. It is considered that the proposal would provide a high standard of accommodation for the future occupants

of the proposed dwelling, with a layout that closely mirrors the host property (No. 1 Hillside).

18. The proposed ground-floor plan shows 1x bedroom with en-suite shower-room that faces towards the street and large living and dining room, which overlooks the rear garden. The proposed first-floor plan shows 2x double-bedrooms, with 1x bathroom and small home office. The proposed second-floor would provide another double-bedroom with en-suite shower-room.
19. It is considered that the proposed internal layouts are well-planned and net internal areas are indicated on all plans, with sufficient space for storage (although not indicated on the plans).

#### *Bedroom Size*

20. In order to provide one bed-space, a single bedroom has a floor area of at least 7.5sqm and is at least 2.15m wide and to provide two bed-spaces, a double (or twin bedroom) has a floor area of at least 11.5sqm. All of the bedrooms meet the minimum floor-space requirements.

#### *Ceiling Height*

21. The proposed section shows the floor to ceiling heights would range between 2.4m and 3m. The ground floor would have a floor to ceiling of 2.6 m under the two-storey elements of the house and 2.4 m in the single storey projecting element. The first floor is shown to have a floor to ceiling of 2.43 m, as is the majority of the loft floor. The need (for design reasons) to respond to the height and proportions of the existing house result in some very minor shortfalls below the 2.5 m height. While the house would not more achieve the policy D6 target of having more than 75% of the floorspace with a height of 2.5m, the shortfall is very minor (7-10 cm) and is not considered to result in a poor standard of accommodation.

#### *Accessibility*

22. Occupier access to the proposed building is provided from ground-floor level, through a central core. In line with London Plan Policy D7, the proposal would need to be delivered to an M4(2) level of fit out, as defined within Part M of the Building Regulations and a condition is recommended regarding this. This policy is used to ensure that step-free access is provided between the street to new developments and that the new dwelling would meet the needs of occupants with differing needs, including some older or disabled people and to allow adaptation of the dwelling to meet the changing needs of occupants over time.

#### *External Amenity Space*

23. 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 50sqm for family housing (homes with 3 or more bedrooms) located at ground floor level, and 20sqm in all other cases.
24. The BH13 requirement for external private amenity space is for it to be of a "sufficient size and type". This may be achieved even when the "normal expectation" of 20sqm or 50sqm of private space is not achieved due to site constraints. 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.
25. 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 1.5m.
26. London Plan Policy D6 specifies that where there is no higher local standard, a minimum of 5sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. The minimum depth and 1.5m is reconfirmed in the policy. Whilst Brent's local standard is more stringent, as discussed above, there is also an expectation that the core requirements of D6 would be met alongside achievement of Brent's BH13 policy.
27. The proposed dwelling would require 50sqm of private external amenity space, as per policy BH13. The

proposed site plan shows a triangular-shaped rear garden with 46.5sqm with a side garden of 32.1sqm, resulting in a total of 78.6sqm. Both of which would be accessed from the ground- and is considered to provide an acceptable provision of private external amenity space. Though the side garden would have more limited use due to its size and unconventional shape, but it could still function as an amenity space. With regard to the existing dwelling (No. 1 Hillside), the rear garden space would be reduced from approx. 125sqm to 77sqm, which is still sufficient in size for a 3-bed single-family dwellinghouse.

28. Overall, the proposed external amenity spaces are compliant with BH13 and the quality of the private external amenity spaces are considered to be acceptable for both the existing and future occupiers of the site.

#### Design, Character and Impact on the Streetscene

29. The NPPF emphasises that good design involves responding to local character and history and reflecting the identity of local surroundings and materials, while not discouraging appropriate innovation. Policy DMP1 requires the scale, type and design of development to complement the locality. Policy BD1 of the Local Plan stipulates that innovative contemporary design will be supported where it respects and complements the historic character but is also fit for the future. All new development must be of the highest architectural and urban design quality. Additional design guidance can be found within the Council's SPD1 - Design Guide for New Development.
30. The properties along Hillside are typically characterised by detached and semi-detached properties, which are set-back from the road behind front gardens/driveways. It is noted that the application site slopes down towards Hay Lane. The proposed elevations show the new dwelling would replicate closely the design, character and appearance of the host property, with red bricks on the ground-floor, rendered walls and a grey roof tiles. As such, the proposed dwelling would complement the design and appearance of the attached and nearby properties and would be in-line with the front building line. As such it would integrate well into the existing street. The proposed site plan shows the development would also mirror the front forecourt of the attached neighbour with 1x off-street parking space, cycle parking, bin storage and some soft-landscaping. The proposed site plan shows a maximum depth of 4.4m to the side boundary, which provides sufficient space for the development to appear less cramped on the site. The main entrance to the new dwellinghouse is proposed to be positioned in a logical and legible location.
31. SPD1 highlights the importance of the use of durable and attractive materials is essential in order to create development that is appealing, robust, sustainable and fits in with local character. The proposed external finish of the buildings would be constructed with red brick (below the window-line) with grey roof-tiles, white painted rendered walls and black uPVC windows and doors. The proposed materials would reflect the character of the attached property (No. 1 Hillside) and surrounding area. Further details of external materials could be conditioned in the event that consent was forthcoming. The proposed design is considered to be acceptable, as it would relate well to the surrounding context and prevailing character of the area, with matching windows and similar facades.
32. Overall, the proposed development is considered to comply with the Council's policy and guidance on design impacts and would not result in harm to the character and appearance of the application site or wider streetscene, which is acceptable.

#### Impact on Residential Amenities of Adjoining Occupiers

33. It is always necessary for developments to take into account the residential amenity of neighbours and impact on the environment. Local Plan Policy DMP1 seeks to ensure new development does not unacceptably increase neighbours' exposure to noise, light and general disturbance.

#### *Privacy & overbearing appearance*

34. Any development will need to maintain adequate levels of privacy and amenity for existing residential properties, in line with the guidance set out in the Brent Design Guide SPD1. Separation distances of 18m between habitable room windows and 9m to existing private rear boundaries should be maintained in order to ensure privacy for existing and new residents.
35. The proposed site plan shows No. 1 Hillside would have a maximum depth of 20.7m from the rear elevation of the host property to the rear boundary and a maximum of 13.5m from the proposed rear elevation of the new dwellinghouse to the rear boundary. This depth would decrease to less than 3m

along the northern end, but views into the neighbouring site at ground floor level would be restricted by the boundary fence. At first floor level this would increase to a minimum distance of 7.5m to the boundary with Father O'Callaghan Centre, increasing to 17.6m. Whilst a small element of the proposal would fall short of 9m distance set out within SPD1 by upto 1.5m, given that the new home would overlook a non-residential site, it is not considered that the proposal would result in an unacceptable relationship, or unduly compromise any redevelopment of the adjoining site. To the north of the application site is the four-storey block of flats; Hindhurst Court, on the opposite side of Hay Lane. The proposed dwellinghouse would be over 32m away from these flats. To the east of the application site is No. 36 Hay Lane, which is a two-storey detached dwellinghouse. The proposed front windows would be approx. 20m to the dwellinghouse on the opposite side of Hillside. To the south of the application site is No. 2 Hillside, which is the attached two-storey dwellinghouse. As mentioned above, the proposal does not propose any side window facing towards No. 2 Hillside. The proposed upper-floor rear windows are not considered to result in an increase in overlooking of the neighbouring properties' gardens or habitable room windows, in comparison to the existing first-floor windows at No. 1 Hillside.

36. The proposed elevations show a 1.7m high fence along the application site boundaries and between the rear gardens. Given the siting, site levels and the separation distance between the properties, it is considered that the proposal would not result in an unacceptable level of overlooking or loss of privacy to the neighbouring properties.

#### *Light & outlook*

37. To ensure light and outlook to existing properties is not significantly affected; proposed buildings should sit within a 30-degree line of existing habitable room windows and a 45-degree line of existing private rear garden boundaries. Where buildings would be within a 25-degree line of existing windows, the Building Research Establishment considers that levels of light to these windows could be adversely affected and recommends further analysis of the impacts. The neighbouring property at the rear of the site is not residential in nature. As such, there is no requirement to apply the 30 or 45-degree line rules, as set out within SPD1, as these requirements would not be applicable in this instance. Overall, the development would not be harmful from a residential amenity perspective, given the surrounding context of the site.

#### **Parking, Access and Refuse Storage**

38. Hillside is a residential cul-de-sac where on-street parking is generally unrestricted and the road is wide enough to park both sides. The application site contains a +3 bedroom dwelling with a 2.2m wide crossover on the northern edge leading to a long driveway for 3 or more vehicles.

#### Car Parking

39. Parking standards are given in Appendix 4 of the adopted Local Plan, which for residential use requires compliance with Table 10.3 of the London Plan. As the site has low access to public transport (PTAL 2), a maximum of one space is permitted for the existing property. The existing long driveway for three or more vehicles significantly exceeds parking standards. The proposed new dwelling will also have a parking allowance of 1 space, giving a total allowance of 2 spaces for the site as whole.
40. The removal of the long driveway and proposed provision of one space per house will eliminate the overprovision of parking within the site, so is welcomed in principle.
41. The application seeks to retain the existing crossover to provide one parking space for the new dwellinghouse. This parking space will be at a 90-degree angle to the carriageway and will have a depth of 4.8m
42. The new 2.4m crossover on the southern side, to serve the existing house will provide one parking space for the existing dwelling. The crossover is not quite at the edge of the site, and this is assumed to be because of the location of the existing street tree. The crossover is proposed at 2.4m wide in line with the crossover policy. The parking space would need to be 4.8m deep.
43. Officers in Transportation have requested that a front boundary wall within 0.6m of the crossover to prevent illegal crossing of the footway and the wall should be no higher than 0.85m to provide pedestrian visibility. As the hard standing falls towards the highway a drainage channel connected to a soak away should also be provided. Such details could be conditioned to any forthcoming consent.

#### Cycle Storage

44. Cycle storage requirements are set out in table 10.2 of the London Plan. The scheme proposes two cycle spaces per dwelling within both the proposed front gardens. This complies with cycle parking standards set out in the London Plan.

#### Bin Storage

45. Residential households will require 240l of residual waste, 240l of dry recycling and 23l of organic waste bins per household. The proposed site plan shows a bin storage area, along the central boundary of the site, containing 4x bins (2 per property), enclosed in housing, which is satisfactory in design terms.

#### Soft Landscaping

46. The Council's adopted BT2 requires a minimum of 30% of forecourts to be covered in soft landscaping to improve natural drainage. The proposal includes approx. 15.5sqm of soft landscaping, within the front forecourt (which is approx. 61.4sqm overall), resulting in approx. 25% coverage. Whilst it is under 30% sought within the policy, the front gardens also need to accommodate bin and bicycle storage, together with an off street parking space, which limits the scope to provide soft landscaping. It is therefore recommended that further details are conditioned as part of the landscape scheme to maximise the amount of soft landscaping whilst balancing this with the need to provide bin and bike stores and off street parking.

#### **Impact on existing landscaping and trees**

47. As discussed above, part of the application site is currently in use as a green space that forms part of a vegetated verge that faces onto Hillside and Hay Lane. Part of this green space lies within the ownership of the applicant but sits outside the existing curtilage of the dwellinghouse. The application seeks include this piece of land within the curtilage of the new dwellinghouse (and thus change its use into a residential use) and separate it from the wider landscaped verge (adopted highway land) with a new boundary fence. It is acknowledged that the landscaped verge may have some local value in visual amenity terms, but does not fall within the boundaries of a designated public open space, nor is it a designated site of ecological importance. The benefits of delivering a new family sized home within the Borough is considered to outweigh the limited harm associated with the loss of part of the landscaped verge.
48. A large proportion of this land would remain as amenity space for the new dwellinghouse and shown to contain soft landscaping. Opportunities to provide native planting and wildlife friendly planting could be secured by condition to promote biodiversity enhancements within the site.
49. It is noted that from earlier google images that two trees have been removed within the landscaped verge close to the former boundary of the curtilage of No. 1 Hillside. Neither of the trees are protected, and there would therefore not be a requirement to re-provide these trees as part of this application.
50. It is noted that a number of trees still exist within the adopted highway land of the landscaped verge. Whilst the scheme has potential to impact on these remaining trees, it is noted that the earlier 2022 scheme for a two storey side and rear extension could also impact on the existing trees. No Arboricultural Impact Assessment was required for the 2022 consented scheme, and therefore in this instance, the tree officer has advised that they do not consider it necessary to require one for this case. They did however raise concerns with the potential impact of the new crossover sited close to the street tree outside 1 Hillside, and further details of the location of the access and crossover would be secured within the landscape condition.
51. It is also noted that a temporary hoardings license has been granted by the Council's Highways Team in relation to a temporary hoarding within the landscaped verge that forms part of the adopted highway land together with a temporary crossover. The license requires the land to be restored to grass once the works have been completed and the hoarding removed and the temporary crossover reinstated to pavement.

#### **Urban Greening Factor**

52. Policy BH4 of the Local Plan require developments to contribute to Urban Greening and a target Urban Greening Factor (UGF) of 0.4 is recommended. The application has been accompanied by some details of the UGF targeting a score of 0.4. However, no urban greening masterplan was submitted to support the targeted score of 0.4. It is recommended that given the scale of the development proposed it is

recommended that further details are secured via condition.

### **Flood Risk and Drainage**

53. BSUI3- Managing Flood Risk states that proposals requiring a Flood Risk Assessment (FRA) must demonstrate that the development will be resistant and resilient to all relevant sources of flooding including surface water. The application site does not fall within a Floodzone; therefore, a flood risk assessment is not required. The site does however lie within a Critical Drainage Area (not one designated by the Environment Agency). Policy BSUI4 sets out that 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. The proposal would include areas of soft landscaping and soakaways for the driveways.

### **Fire Safety**

54. Policy D12A of the London Plan now requires all development proposals to achieve the highest standard of fire safety and requires submissions to demonstrate that they:

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

55. No information has been provided to demonstrate compliance with this policy. Nevertheless, given the scale of the proposal for 1x new dwellinghouse and its location next to the road frontage (Hillside), it is considered that such matters could reasonably be achieved through building control regulations.

### **Sustainability**

56. Local Plan Policy BSUI4 applies substantial weight for minor developments to 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 meet 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, which is recommended to be conditioned to any forthcoming consent.

### **Equalities**

57. In line with the Public Sector Equality Duty, the Council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

### **Conclusion**

58. The proposal is considered to accord with the development plan as a whole, having regard to all material planning considerations. It is noted that the floor to ceiling heights would fall marginally below policy targets, but the degree of shortfall is such that the quality of accommodation is not compromised. The proposal would deliver the provision of one new family-sized home, contributing positively towards the Council's housing targets. The design of this new dwelling is appropriate for the location and would be in keeping with the established character of the street. Retention of the built extensions to 1 Hillside would not harm neighbouring amenity, and relate well to the character of the host property and surrounding area. Whilst the proposal does not clearly set out whether the scheme would achieve an UGF of 0.4 in

line with policy BH4 (as no UGF masterplan has been submitted), the benefits of the scheme including the delivery of a family sized home would outweigh any limited harm in conflict with this policy.

59. Planning permission is therefore recommended to be granted subject to conditions.



**DECISION NOTICE – APPROVAL**

Application No: 23/0841

To: Mr Reilly  
RPR Planning Ltd  
RPR Planning Studio  
42 Rutherford Way  
Bushey Heath  
Hertfordshire  
WD23 1NJ

I refer to your application dated **16/03/2023** proposing the following:

Retrospective application for retention of single storey rear extension with patio and hip to gable roof extension with rear dormer and three front rooflights to the existing dwellinghouse including proposed construction of new two storey dwellinghouse adjacent to 1 Hillside with rear dormer and juliet balcony roof extensions, new front rooflights, subdivision of rear garden, front boundary treatment, relocation and extension to vehicle crossover for off-street car parking spaces, associated landscaping, cycle and refuse storage

and accompanied by plans or documents listed here:  
in Condition 2.

at **1 Hillside, Kingsbury, London, NW9 0NE**

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: 07/11/2023

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.





## SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed development is in general accordance with policies contained in the:-

National Planning Policy Framework (2023)  
The London Plan (2021)  
Brent Local Plan (2019-2041)  
Supplementary Planning Document 1 – Brent's Design Guide (2018)  
Supplementary Planning Document 2 – Residential Extensions Design Guide (2018)  
Domestic Footway Vehicle Crossover Policy (2018)  
Planning Obligations SPD (2022)

- 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 drawings and documents:

Location Map (1:1250)  
PL-100 - OS Map & Block Plan (1:200)  
PL-101 - Existing & Proposed Ground-Floor Plans  
PL-102 - Existing & Proposed First-Floor Plans  
PL-103 - Existing & Proposed Loft Plans  
PL-104 - Existing & Proposed Roof Plans  
PL-105 - Existing & Proposed Front & Side Elevations  
PL-106 - Existing & Proposed Rear & Side Elevations  
PL-107 - Existing & Proposed Sections  
PL-108 - Existing & Proposed Site Plans

Supporting Documents

Boundary Survey - 76235\_SPSURVEY Rev.1  
Design & Access Statement, prepared by RPR Planning

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

- 3 No access shall be provided to the roof of the single-storey rear extensions, by way of window, door or stairway and the roof of the extension hereby approved, shall not be used as a balcony, terrace or sitting out area.

Reason: To preserve the amenity and privacy of neighbouring residential occupiers.

- 4 No extensions or buildings shall be constructed within the curtilage of the dwellinghouses subject of this application, notwithstanding the provisions of Classes A, B, D, E & F of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015, as (amended), (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason: To prevent an over development of the site and undue loss of amenity to adjoining occupiers.

- 5 The development hereby approved shall be designed so that mains water consumption for the new dwelling does not exceed a target of 105 litres or less per person per day, using a fittings-based approach to determine the water consumption of the development in accordance with requirement G2 of Schedule 1 to the Building Regulations (2010).

Reason: In order to ensure a sustainable development by minimising water consumption.

- 6 The development hereby approved shall not be occupied unless the car parking, vehicular access to the highway (completed at the applicant's own expense), cycle storage and refuse stores have been completed, in full accordance with the approved drawings and the facilities shall thereafter be made available to residents of the development and shall not be used other than for purposes ancillary to the dwellinghouses hereby approved.

Reason: To ensure a satisfactory standard of accommodation.

- 7 The development hereby approved shall not be occupied unless the external amenity spaces have been completed in full accordance with the approved drawings and those spaces shall thereafter be made available to residents of the development and shall not be used other than for purposes ancillary to the dwellinghouses hereby approved.

Reason: To ensure a satisfactory standard of accommodation.

- 8 The new dwellinghouse hereby approved shall be built to achieve Building Regulations requirement M4(2) - 'accessible and adaptable dwellings'.

Reason: To ensure that the development achieves an inclusive design in accordance with London Plan Policy D7.

- 9 Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development (excluding any demolition, site clearance and the laying of foundations). 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.

- 10 Details of the hard and soft landscaping within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the new dwellinghouse (excluding any demolition, site clearance and the laying of foundations), Such details shall include:

- I. A scaled plan showing vegetation to be retained and trees and plants to be planted including the use of native and/or wildlife attracting species
- II. Details of all proposed hardstanding
- III. Details of garden wall, fences or other form of boundary treatment to be provided within the site (including details of external materials and heights) including details of pedestrian visibility splays (2m x 2m above a height of 0.85m) at the vehicular accesses
- IV. The provision of 2 car parking spaces (each measuring 4.8m deep x 2.4m wide), including the size and siting of the parking area, defined points of access (including an assessment of the location of the new crossover in relation to the street tree on Hillside) and the surfacing materials to be used together with drainage channel showing connection to soakaway,
- V. Details to maximise the urban green factor (UGF) for the site in line with policy BH4 of Brent's Local Plan 2019-2041, including the requirement to submit a UGF Masterplan
- VI. Details of cycle storage through the provision of 2 no. 1m x 2m lockers within the front garden,
- VII. Details of bin stores for each dwellinghouse within the front garden
- VIII. Details of any external lighting and overspill diagram
- IX. A schedule of landscape maintenance for a period of 5 years. which shall include details of the arrangements for its implementation and sufficient

specification to ensure successful establishment and survival of new planting.

The hard and soft landscape works shall be carried out in full accordance with the approved details prior to the use of the dwellings hereby approved, unless alternative timescales have been submitted to and approved to be agreed in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved timescales.

Any new trees(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning authority gives its written consent to any variation).

Reason: To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with policies DMP1 and BGI2 of Brent's Local Plan (2019-2041).

## 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)

Any person wishing to inspect the above papers should contact Jasmin Tailor, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5341