

Committee Report
Planning Committee on 13 January, 2010

Case No. 09/2313

RECEIVED: 9 November, 2009

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 63A Beverley Gardens, Wembley, HA9 9RB

PROPOSAL: Retention of existing ground and lower ground floor rear extensions, rear dormer window and front and flank roof lights, removal of flank wall window at ground floor, internal alterations including an internal staircase from ground to lower ground floor and the removal of an internal wall, alterations to the front garden layout and vehicle access; and the removal of the outbuilding in the rear garden and front canopy.

APPLICANT: Mr Cormac Mc Garvey

CONTACT: Homes Design

PLAN NO'S: HD01/8000; 8001; 8002; 8003; 8004; 8005; 8006; and 8007

RECOMMENDATION

Refusal

EXISTING

The application site involves a new property attached to No. 63 Beverley Gardens. Planning permission was granted on 11/02/2008 for a new 3 bedroom dwellinghouse attached to No. 63 Beverley Gardens including hardstanding, landscaping and new vehicle access to the front of both the new and existing dwellings (LPA Ref: 07/3513).

The site is not situated within a conservation area but the Barn Hill Conservation Area lies to the south and east of the site. This section of Beverley Gardens is classified as a heavily parked street.

PROPOSAL

Retention of existing ground and lower ground floor rear extensions, rear dormer window and front and flank roof lights, removal of flank wall window at ground floor, internal alterations including an internal staircase from ground to lower ground floor and the removal of an internal wall, alterations to the front garden layout and vehicle access; and the removal of the outbuilding in the rear garden and front canopy.

HISTORY

Land N/T 63 Beverley Gardens

E/09/0313: Enforcement investigation into without planning permission, the erection of a part 3/part 4 storey building attached to 63 Beverley Gardens comprising two self contained flats and the erection of a bungalow to the rear of the premises - enforcement notice served.

E/08/0551: Enforcement investigation into the breach of condition 3 of planning permission 07/3513.

07/3513: Full Planning Permission sought for erection of a 3 bedroom dwelling adjoining 63 Beverley Gardens including hard standing, landscaping and new vehicle crossover to front of new and existing dwelling - Granted, 11/02/2008.

No. 63 Beverley Gardens

09/3410: Certificate of lawfulness for existing hip to gable end roof extension and installation of rear dormer window to dwellinghouse - Unlawful, 22/12/2009.

09/3423: Full Planning Permission sought for retention of lower ground floor and ground floor extensions, removal of front entrance canopy and new soft landscaping to front garden - under consideration.

E/09/0520: Enforcement investigation into without planning permission, the erection of a rear dormer window, single and 2 storey rear extension and front canopy to premises and the formation of a hard surface to the front of the premises - enforcement notice served.

POLICY CONSIDERATIONS

Brent's UDP 2004

BE7 - Public Realm: Streetscape

Hardsurfacing occupying more than half of a front garden area and forecourt parking that would detract from the streetscape or setting of the property, or create a road/pedestrian safety problem would be resisted.

BE9 - Architectural Quality

New buildings, extensions and alterations to existing buildings should be of a scale, massing and height that is appropriate to their setting; and be laid out to ensure that buildings and spaces are of a scale, design and relationship to each other, which promotes the amenity of users, providing a satisfactory level of sunlighting, daylighting, privacy and outlook for existing and proposed residents.

H10 - Containment of dwellings

New residential accommodation should be self-contained unless it is designed to meet the known needs of a named institution and suitable management arrangements are secured. Non self-contained accommodation should be located within an area of good or very good public transport accessibility.

TRN15 - Forming an access to a road

An access from a dwelling to a highway is acceptable where the location of the access would be at a safe point with adequate visibility; the access and amount of off street parking provided would be visually acceptable; and on a heavily parked street the proposal should not result in the loss of more than one on-street space.

TRN23 - Parking Standards: Residential Developments

Residential development should not provide more parking than the levels listed in standard PS14.

Supplementary Planning Guidance

SPG5 "Altering and Extending Your Home"

SPG17 "Design Guide for New Development"

Domestic Vehicle Footway Crossing Policy

SUSTAINABILITY ASSESSMENT

N/A

CONSULTATION

Consultation Period: 17/11/2009 - 09/12/2009

Public Consultation

16 neighbours consulted - 42 letters of objection received on the following grounds:

- The works to the loft including the rear dormer and roof lights and the rear extensions do not benefit from planning permission.
- Alterations to the front forecourt would still result in vehicles driving over the pavement.
- The house as built exceeds 3 bedrooms and has the capacity for far too many occupants, increasing the problems of noise, parking, traffic, refuse and general congestion.
- The use of the property as a HMO is out of character with the area.
- Front garden layout needs to reprovide 50% soft landscaping.
- Velux windows and flue terminal in the roof are out of character with the area.
- The building has a top heavy elevation (4 storeys) which is overbearing when viewed from the properties to the rear, affecting the ability of these occupants to enjoy their gardens.
- Outbuilding being used as a bungalow.

Internal Consultation

None sought

External Consultation

Barn Hill Residents Association - objected on the following grounds:

- The original planning application (07/3513) has been vastly exceeded with a four storey building which appears to contain several flats.
- Roof lights did not form part of the original application and are unsightly and do not enhance the streetscene.
- The property has a number of ongoing enforcement cases.
- The alterations have increased car parking congestion in an already over-parked narrow road.
- Outbuilding being used as a bungalow without the benefit of planning permission.

The original planning application (07/3513) was granted in exchange of a payment for £9,000 (section 106 contribution) - cannot see what the payment has to do with ameliorating the effects of overdevelopment on this particular property.

REMARKS

New dwelling next to No. 63 Beverley Gardens as approved

Planning permission was granted on 11/02/2008 for a new 3 bedroom dwelling next to No. 63 Beverley Gardens (LPA Ref: 07/3513). The approved plans included a two storey dwelling with a sunken single storey ground floor rear extension. Steps were provided internally to provide access from the main ground floor level to the lower floor level of the rear extension. Two bedrooms were approved on the first floor and an additional bedroom was approved in the loft. A rear dormer was also approved which measured 1.95m wide and was set up 0.5m from the eaves of the roof and set down 0.3m from the ridge. The eaves line, windows and door on the front elevation were designed to be in keeping with the existing dwellinghouse.

A new 4.2m wide vehicle crossover was approved which was to be shared by both No. 63 Beverley Gardens and the new dwellinghouse. One off street parking space was provided for both of the properties and the remaining area of the front garden was to be soft landscaped. The existing crossover to No. 63 Beverley Gardens was to be made redundant.

New dwelling next to No. 63 Beverley Gardens as built

The new dwelling has been constructed next to No. 63 Beverley Gardens but has not been built in accordance with the approved plans. Externally the following additions/alterations have been built without the benefit of planning permission:

- A front canopy to the entrance door and alteration to front door design
- Eaves line of the new dwelling higher than the existing dwelling (No. 63)
- A two storey lower ground and ground floor rear extension with basement accommodation
- Windows on the flank wall
- Two front rooflights and a flank rooflight
- Rear dormer larger than approved
- Outbuilding in rear garden used as self contained residential accommodation.
- Alterations to the front garden layout to provide two off street parking spaces for the new dwelling

Internally, the layout of the dwelling as built varies significantly from the approved plans. The lower ground floor is not connected to the ground floor above. It was evident from the officer site visit that it is being used as a separate self-contained flat. The layout of the ground and first floors as built do not conform with the approved plans and it was observed from the officer site visit that excluding the lower ground floor, seven bedrooms have been provided instead of three bedrooms as approved on the original plans. The layout suggests that the property is in use as a House in Multiple Occupation (HMO) rather than a single family dwellinghouse.

An enforcement notice has been served on the unauthorised works (LPA Ref: E/09/0313) involving without planning permission, the erection of a part 3/part 4 storey building attached to 63 Beverley Gardens comprising two self-contained flats and the erection of a bungalow to the rear of the premises. The enforcement notice was issued on 12th October 2009 and was due to come into effect on 21 November 2009. An appeal was lodged by the applicant before the notice came into effect which is currently being considered by the Planning Inspectorate.

Alterations proposed as part of this application to the new dwelling next to No. 63 Beverley Gardens.

A number of internal and external alterations are proposed to the new property, together with the retention of some of the additions that do not benefit from planning permission. These are set out in detail below:

Alterations to the rear of the property

Lower ground and ground floor rear extensions

The lower ground and ground floor rear extensions are proposed to be retained as part of this application. Their combined height is 6.2m at the top of the pitched roof and 5.3m to eaves. The depth of the rear extensions is 3.0m.

The bulk and scale of the lower ground and ground floor extensions is considered to be significant, resulting in an extension which is out of proportion with the main dwelling and the surrounding properties. The extension would appear obtrusive and overbearing when viewed from the gardens of surrounding residential properties. Its bulk and over-dominating appearance is exacerbated by

the large dormer window which results in the rear having an appearance of a 4 storey building. Whilst it is recognised that there is a significant variation in the levels from the houses to the gardens along Beverley Gardens, the surrounding properties in the area are designed as modest two storey properties with features such a terrace and stepped access to garden level. The new dwelling as built and sought to be retained as part of this application is out of character with the surrounding properties.

Rear dormer

The rear dormer is proposed to be altered to be set up from the eaves by 0.7m and set down from the ridge by 0.4m. Its width is to remain as existing at 2.1m wide and its front face is to be predominantly glazed with three casement reflecting the proportions of the windows below. The dormer as amended is considered to be of an appropriate design and scale .

Outbuilding in rear garden

The outbuilding is proposed to be removed as part of this application and reinstated to external amenity space with timber decking. No details of the timber decking have been provided but officers are of the view that decking is acceptable subject to details of its height which could be agreed through a planning condition.

Internal alterations

A number of internal alterations are proposed to the ground and lower ground floors including a new stair case to provide an internal connection from the ground to the lower ground floor. At first and second floor levels no alterations are proposed. The property as proposed to be retained will have five bedrooms. This is an increase of two bedrooms compared to the approved scheme in 2007. The additional number of bedrooms will result in an increased demand for parking on an already heavily parked street. The implications of the additional parking is discussed below.

Alterations to the front/side of the property

Front canopy and entrance door

The front canopy is to be removed. It was observed from the officer site visit that the front canopy has already been removed.

The front door is proposed to be retained as built. This does vary from the approved plans as the door should have mirrored No. 63 Beverley Gardens. Whilst this has not occurred the front door as built is not considered in itself to cause significant harm to the streetscene.

Roof lights

The rooflights on the front roof plane and flank roof plane are proposed to be retained. SPG5 advises that a maximum of two rooflights can be permitted per roof plane subject to the size and location. The rooflights that are proposed to be retained on the front elevation combined with the rooflights to No. 63 Beverley Gardens are considered to be excessive and appear cluttered and adversely impact upon the character of the property when viewed from the streetscene. It was observed during officer site visit that few properties have roof lights on the front roof plane. The absence of roof lights in the vicinity of the site exacerbates the harmful impact that the rooflights at the application property have upon the streetscene.

Front garden layout

The front garden layout as proposed to be retained varies significantly from the approved scheme. Instead of providing one off-street parking space accessed off a shared crossover with No. 63

Beverley Gardens, two off-street parking spaces are proposed to be retained within the front garden of the new property accessed off the existing crossover. An area of soft landscaping is proposed in front of the parking spaces. Access is provided on the left of the parking spaces through a ramped access to the property.

The area of soft landscaping now proposed is only 8.46sqm. This accounts for approximately 15% of the front garden which is substantially less than approved as part of the approved scheme and the requirement for 50% of the front garden as set out in BE7 and SPG5. In addition no front boundary treatment is proposed and the existing crossover at 3.0m wide is not considered sufficient to accommodate two vehicles without the need to drive over the pavement/grass verge. It was observed from the site visit that vehicles have been driving over the grass verge. The lack of soft landscaping and absence of a front boundary treatment is considered to be detract from the visual amenity of the property and the streetscene and is also considered to create a highway/pedestrian safety problem with vehicles overriding the pavement.

Based on the layout as submitted as part of this application 5 bedrooms are proposed to be retained. PS14 requires two parking spaces for dwellings with 4 bedrooms or more. Policy TRN15 states that on a heavily parked street no more than one on-street parking space should be lost. Whilst this application proposes to retain the existing crossover, consideration also needs to be given to the combined impact with No. 63 Beverley Gardens. The approved layout sought to address this by providing a shared access between the two properties which would allow for one off street parking space for each property. This level of parking was considered acceptable as each property only had three bedrooms. As the existing crossover was to be made redundant and the pavement reinstated sufficient on-street parking would be retained. However, the alteration that is now proposed would result in the need for No. 63 Beverley Gardens to have a separate access which would result in the loss of an on-street parking space on a heavily parked street. The loss of an on-street parking space coupled with the increased demand for parking due to the additional number of bedrooms is considered to have an unacceptable impact upon the heavily parked street.

Windows on flank wall

Three windows have been constructed on the flank wall of the property which were not approved as part of the application. One of these is to be removed but two are proposed to be retained. They are to be obscured glazed with top opening fanlights. As the windows are located 1.0m off the boundary and are to be obscured glazed with high level top openings, they are not considered to have a harmful impact upon the adjoining occupants through a loss of privacy.

Other matters not shown on the submitted plans

It was observed from the officer site visit that the eaves line of the new dwelling is higher than the existing dwelling. The approved plans showed them at the same level so that it maintains continuity between the new dwelling and the existing semi detached properties. This variation is considered to create an incongruous feature that is out of character with the existing dwelling and the streetscene.

A flue from the boiler has also been installed projecting out from the front roof plane. It is considered that the flue is unsightly and an obtrusive feature.

Conclusions

In conclusion, this application is unacceptable for a number of reasons. The retention of the lower ground floor and ground floor rear extension and the front rooflights are considered to be harmful to the character of the property and the visual amenities of the locality. The existing crossover is considered to be of insufficient width to safely accommodate two off-street parking spaces and the resulting front garden layout would result in the loss of an on-street parking space on an heavily parked street. The proposal is considered to be contrary to policies BE7, BE9 and TRN15 of

Brent's UDP 2004 and the guidance as outlined in SPG5 and Brent's Domestic Vehicle Footway Crossover Policy.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The lower ground floor and ground floor rear extension, by reason its combined height, bulk and scale, would appear as an overdominant and obtrusive feature, which is out of character with the property and the surrounding properties. It would appear as an overbearing feature that is harmful to the visual amenities of the surrounding residential properties, and as such is contrary to policy BE9 of Brent's UDP 2004 and the guidance as set out in SPG5 "Altering and Extending Your Home".
- (2) The proposed alteration to the front garden layout, to provide two offstreet parking spaces accessed via the existing crossover, by virtue of the substandard width of the crossover and lack of front boundary treatment, would result in vehicles overrinding the pavement to the detriment of highway and pedestrian safety. Furthermore, the resulting front garden layout and associated underprovision of soft landscaping and lack of front boundary treatment would be detrimental to the visual amenities of the street scene and the area in general. The proposal is thus contrary to policies BE2, BE7 and TRN15 of adopted Unitary Development Plan 2004 and Supplementary Planning Guidance No. 5: "Altering and Extending Your Home".
- (3) The retention of the front rooflights, by reason of their number, size and siting, is considered to be harmful to the character and appearance of the property and the visual amenities of the locality. This would be contrary to policy BE9 of Brent's Unitary Development Plan 2004 and the guidance as outlined in the adopted SPG5 "Altering and Extending Your Home".
- (4) The proposed alteration to the front garden layout resulting in the need for No. 63 Beverley Gardens to have an seperate vehicle access, would result in the loss of on-street parking on a heavily parked street to the detriment of the safety of pedestrians and users of the adjacent highway. This is contrary to policies BE7 and TRN15 of adopted Unitary development Plan 2004, Supplementary Planning Guidance No. 5 "Altering and Extending Your Home" and Brent's Domestic Vehicle Footway Crossover Policy.

INFORMATIVES:

- (1) The applicant is advised that the plans submitted as part of this application do not include the boiler flue projecting out of the front roof plane or the variation in the height of the eaves of the new dwelling. These variations do not have the benefit of planning permission.

REFERENCE DOCUMENTS:

Brent's UDP 2004
SPG5 "Altering and Extending Your Home"
SPG17 "Design Guide for New Development"
Letters of objection

Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



Planning Committee Map

Site address: 63A Beverley Gardens, Wembley, HA9 9RB

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