

**Committee Report
Planning Committee on 13 January, 2010**

Case No.

09/3423

RECEIVED: 27 October, 2009

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 63 Beverley Gardens, Wembley, HA9 9RB

PROPOSAL: Retention of lower ground floor and ground floor extensions and rear dormer window, removal of front entrance canopy and alterations to the front garden layout.

APPLICANT: Mr Cormac McGarvey

CONTACT: Homes Design

PLAN NO'S: HD01/6000; 6001; 6002; 7000; and 7001

RECOMMENDATION

Refusal

EXISTING

The application site comprises a semi detached dwellinghouse located on Beverley Gardens. 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.

A new two storey house has recently been constructed next to the application property, resulting in a terrace of three properties. The new house was granted planning permission as part of planning application ref: 07/3513.

PROPOSAL

Retention of lower ground floor and ground floor extensions and rear dormer window, removal of front entrance canopy and alterations to the front garden layout.

HISTORY

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, 22/12/209.

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.

Land N/T 63 Beverley Gardens

09/2313: Full Planning Permission sought for 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 - under consideration.

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.

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"

Domestic Vehicle Footway Crossing Policy

SUSTAINABILITY ASSESSMENT

N/A

CONSULTATION

Consultation Period: 11/11/2009 - 03/12/2009

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

Site and surroundings

The application site comprises a two storey three bedroom semi-detached dwellinghouse. Prior to the works being carried out to the property that are the subject of this application, the property had a rear conservatory which sat on an existing raised terrace. Stepped access was provided down to garden level from the terrace and a separate stepped access was also provided to the garden at the side of the dwellinghouse. The use of a terrace and/or stepped access is a common feature to the properties on this side of Beverley Gardens due to the difference in levels from the front to the rear of the site.

A new house has been built to the side of No. 63 Beverley Gardens, which is the subject of planning application refs: 07/3513 and 09/2313. The other pair of the semis, No. 61 Beverley Gardens, has not been extended to the rear although planning permission was granted for a 3.0m deep single storey rear extension (LPA Ref: 09/0876).

Alterations/extensions carried out to the property which are the subject of this application

A number of extensions have been constructed to the house without the benefit of planning permission. The works were carried out at the same time when the new adjoining house was being built. These works have increased the number of bedrooms within the property from three to four bedrooms. Details of these works are set out below:

Retention of lower ground floor and ground floor rear extension

This application proposes to retain the lower ground floor and ground floor rear extensions. The lower ground floor extension is 5.0m deep and the ground floor extension is 3.0m deep. Their combined height of the extensions is 6.2m at the top of the pitched roof and 5.3m to eaves. An internal staircase provides access from the ground floor to the lower ground floor.

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 harmful impact upon the character of the house is exacerbated by the large dormer window which result in the rear having an appearance of a four 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, like this house before extended, are designed as modest two storey properties with features such a terrace and stepped access to garden level.

This application seeks to replace a door on the ground floor rear extension with a window. The door currently provides access onto the roof of the lower ground floor extension which is being used as a terrace. The replacement of the door with a window would restrict the use of the roof of the lower ground floor extension being used as a terrace.

Front canopy

This application proposes to remove the front entrance canopy which was constructed without the benefit of planning permission. It was observed from the officer site visit that the front canopy has already been removed.

Front garden layout

The front garden layout as proposed to be retained varies significantly from the layout approved as part of planning application ref: 07/3513. Instead of providing one off-street parking space accessed off a shared 4.2m wide crossover with the new dwelling adjoining No. 63 Beverley Gardens, one off-street parking space is proposed within the front garden of No. 63 Beverley Gardens accessed off a new separate crossover located in the centre of the front garden. Access to the new house is proposed via the existing crossover. An area of soft landscaping is proposed to the side and in front of the parking space. Access to the house is provided to the right of the parking space via stepped access.

The area of soft landscaping now proposed is only 12.61sqm. This accounts for approximately 30% 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 which assists in defining the access points and contributing to the streetscene. 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.

As referred to earlier in this report, this section of Beverley Gardens is classed as a heavily parked street. Policy TRN15 states that on a heavily parked street no more than one on-street parking

space should be lost. 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.

Based on the layout submitted as part of this application 4 bedrooms are proposed to be retained which results in the need for an additional parking space. As the proposed layout can only accommodate one off-street parking space the additional parking space is required to be provided on-street. The proposed location of the crossover in the centre of the site and in close proximity to existing crossovers would result in the loss of on-street parking along this stretch of Beverley Gardens which is 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.

Other matters

Your officers have also received a lawful development certificate for the existing hip to gable roof extension, rear dormer window and three front rooflights to the property. This application has been determined and the works were considered to be unlawful. The works to the roof including the rear dormer and front roof lights therefore require planning permission.

The rear dormer is 4.75m wide. It is set up 0.7m from the eaves of the roof and set down 0.4m from the ridge of the roof. Whilst the set up and set down from the eaves and ridge is considered adequate, the width, design and associated bulk results in an obtrusive feature that appears excessive within the roof plane. The lack of fenestration within the front face of the dormer coupled with the poor proportions of the fenestration that does exist in relation to the main house contributes to its bulk.

The rooflights on the front 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 the new dwelling adjoining 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 the officer site visit that few properties in the area 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.

Enforcement matters

An enforcement notice has been served on the unauthorised works (LPA Ref: E/09/0520) involving 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. 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.

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 rear dormer and front rooflights is considered to be harmful to the character of the property and the visual amenities of the locality. The proposed vehicle access would result in the loss of an on-street parking space on an heavily parked street, and the resulting front garden layout would be harmful to the visual amenities of the streetscene. 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 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".
- (3) The proposed rear dormer, by reason of its size, bulk and design, is out of keeping with the character of the existing dwelling and adversely affects the appearance of the property and the visual amenity 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 vehicle access, by reason of its central position within the site and close proximity to existing access points, 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. 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" and Brent's Domestic Vehicle Footway Crossover Policy.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent's UDP 2004
SPG5 "Altering and Extending Your Home"
Domestic Vehicle Footway Crossing Policy
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: 63 Beverley Gardens, Wembley, HA9 9RB

Reproduced from Ordnance Survey mapping data with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Brent, DBRE201 2005



London Borough of Brent - Copyright (C)

This map is indicative only.