

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

15 January, 2025
05
24/2180

SITE INFORMATION

RECEIVED	5 August, 2024
WARD	Northwick Park
PLANNING AREA	Brent Connects Wembley
LOCATION	17 Shelley Gardens, Wembley, HA0 3QF
PROPOSAL	Erection of a part two storey and part single storey side extension; a single storey rear extension; hip-to-gable roof extension including rear dormer window and rooflights; gabled roof over side extension; and a front porch; partial demolition of garage; and conversion of the building into 2 self-contained flats (Part Retrospective, Part Proposed)
PLAN NO'S	See condition 2.
LINK TO DOCUMENTS ASSOCIATED WITH THIS PLANNING APPLICATION	<p><u>When viewing this on an Electronic Device</u></p> <p>Please click on the link below to view ALL document associated to case https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_169802</p> <p><u>When viewing this as an Hard Copy</u></p> <p>Please use the following steps</p> <ol style="list-style-type: none">1. Please go to pa.brent.gov.uk2. Select Planning and conduct a search tying "24/2180" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

RECOMMENDATIONS

Recommendation

- 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. Time period
2. Approved plans / drawings
3. Materials to match
4. Water Consumption
5. Crossover construction
6. Implementation and retention of car parking spaces, cycle parking storage and refuse storage
7. No access to roof of extension
8. Implementation of tree protection measures
9. Implementation of electric vehicle charging
10. Requirement for details of hard and soft landscaping

Informatives:

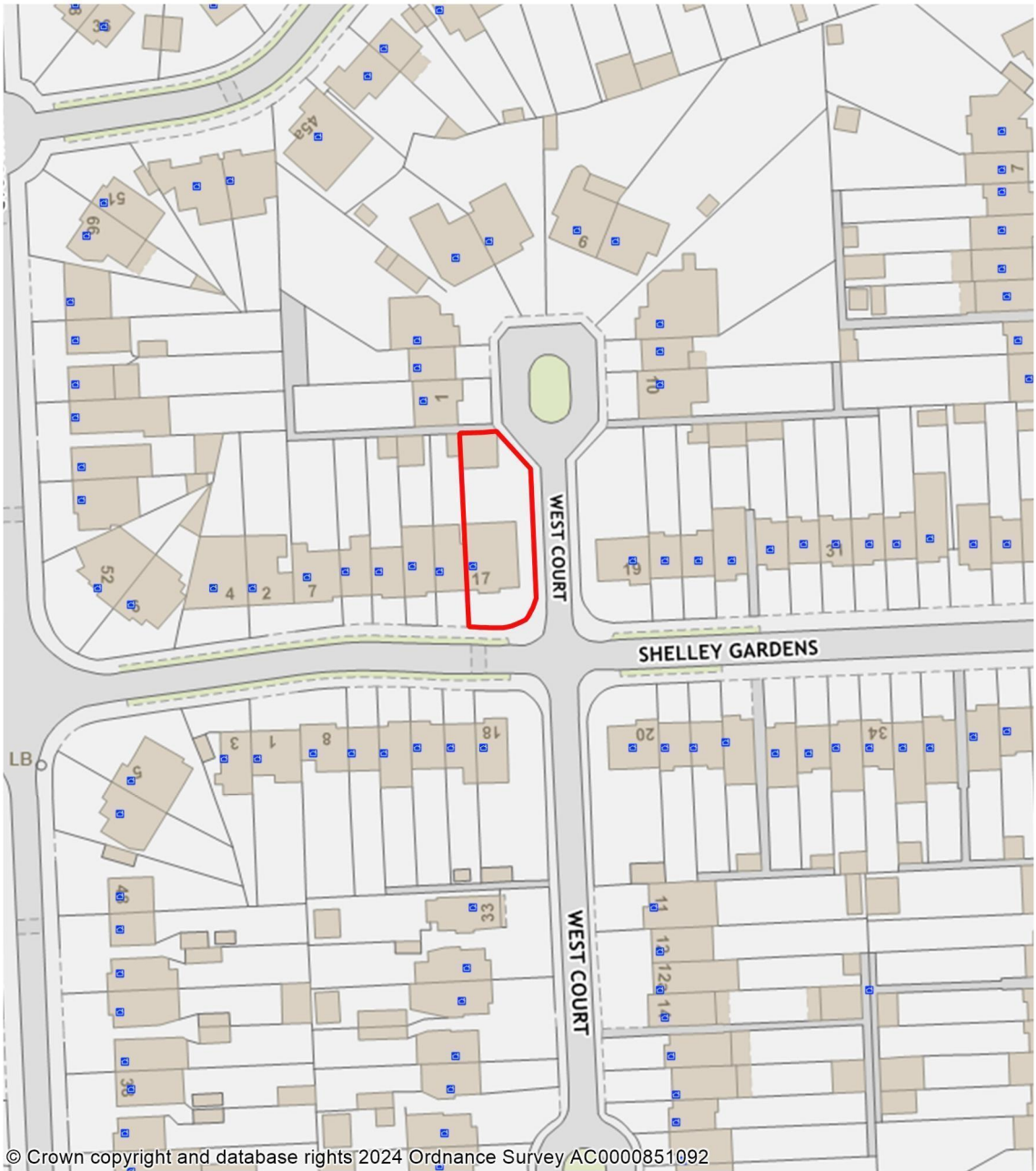
1. CIL approval
2. Building near a boundary
3. Party Wall Act
4. Highway works
5. Any other informative(s) considered necessary by the Head of Planning

That the Head of Planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, Informatives, or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

SITE MAP

	Planning Committee Map Site address: 17 Shelley Gardens, Wembley, HA0 3QF © Crown copyright and database rights 2011 Ordnance Survey 100025260
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This map is indicative only.

PROPOSAL IN DETAIL

The application proposes the erection of a part two storey and part single storey side extension; a single storey rear extension; hip-to-gable roof extension including rear dormer window and rooflights; gabled roof over side extension; and a front porch; partial demolition of garage; and conversion of the building into 2 self-contained flats (Part Retrospective, Part Proposed)

EXISTING

The subject property is a two-storey, end of terrace dwellinghouse situated on the northern side of Shelley Gardens. The property is situated in a residential area. The property is not situated within a conservation area, nor is it a listed building.

SUMMARY OF KEY ISSUES

The key planning issues for Members to consider are set out below. Members will have to balance all of the planning issues and objectives when making a decision on the application.

Representations received: A number of local representations (10 objections) have been made to this application for a variety of reasons. Further details of the comments received are discussed within the “consultation section” below.

Principle of Development: The proposal would not result in a net loss of family housing as a two three bedroom flats are proposed within the conversion. Whilst the site is located within PTAL 2 and therefore would not accord with policy BH11, the Inspector within the earlier appeal for application reference 22/3944 found the conversion to still be acceptable having regard to a range of local amenities and public transport links within the vicinity of the site.

Design and Appearance: The design and appearance of the proposal is considered to be acceptable in terms of the impact upon the character and appearance of the locality. It would include alterations to the roof over the main house and side extension for them both to be gabled in line with SPD2 and address the earlier reason for refusal.

Residential Amenity: There would be no undue impact on the amenity of neighbouring occupiers and it would be acceptable in this regard.

Quality of Accommodation: The layout of the two flats are considered to be broadly in accordance with adopted policy, and where there are conflicts with policy, these were found to be acceptable at appeal under application reference 22/3944 and is acceptable on balance.

Transport impacts: The scheme proposes two off street parking spaces which is considered acceptable level of provision for this scheme, and is not considered to result in a significant detrimental impact upon the local highway network. Adequate provision is made for cycle storage and bin stores.

RELEVANT SITE HISTORY

23/1452 Refused and Appeal Dismissed 22/11/2023

Retrospective application for erection of two-storey side extension, two-storey rear extension, roof extension including rear dormer with 4x rooflights; proposed erection of front porch extension and part demolition of existing garage to dwellinghouse.

Refusal Reason:

The roof over the two-storey side to rear extension as built due the angles of the roof not matching the main roof of the house together with the lack of adequate set down from the original ridgeline of the dwellinghouse, resulted in an incongruous and overly bulky roof form, failing to read as a subordinate addition to the main

dwellinghouse. Overall, it was considered to be harmful to the character of the property and wider streetscape on a prominent open corner plot. The development was therefore considered to be contrary to Policy DMP1 and BD1 of Brent's Local Plan 2019-2041 and the guidance within Brent's Supplementary Documents 2 and 1 (2018).

22/3944 Refused but Allowed on Appeal, 05/12/2023

Conversion of an existing dwellinghouse into 2 self-contained flats, new vehicular crossover, associated hardscaping, soft landscaping and refuse store.

E/21/0347 Notice Issued 01/12/2023 – Under Appeal

Enforcement investigation against the construction of extensions without planning permission.

17/0250 Granted 13/04/2017

Erection of a part two storey and part single storey side extension, a single storey rear extension, rear dormer window, front rooflight and front porch to the dwellinghouse.

CONSULTATIONS

14 nearby properties and the Sudbury Court Residents' Association were notified by letter of this proposal on 29/08/2024 for a 21 day period. A total of 10 representations were received, objecting to the proposal.

The reasons for objection are summarised in the table below:

Reasons For Objection	Officers Comments
<p>The proposed conversion to flats would be out of character in a neighbourhood characterised mainly by single family's dwellings and would be a significant overdevelopment.</p> <p>Loss of a family sized unit</p> <p>Low PTAL Location</p>	<p>Discussed in the <i>Conversion of a family sized dwelling</i> section below.</p>
<p>The proposal would lead to increased noise levels, antisocial behaviour and disturbance to a quiet community</p>	<p>The size of the proposed flats is considered to be suitable, and reasonable use would not result in overcrowding. There is no evidence to suggest that the scheme would create problems of this type as it would consist of standard residential dwellings.</p>
<p>The rear dormer would lead to impact on privacy and loss of light.</p> <p>The addition of more unit on the site would impact amenity.</p>	<p>This is discussed within the <i>Residential Amenity</i> section below</p>
Process	
<p>Works have already begun on site</p>	<p>The Town and Country Planning Act allows for planning permission to be applied for even if development has been carried out before the date of the application. This is known as retrospective planning permission.</p>

The build does not conform to Brents Supplementary Planning Document 2 – Residential Extensions and Alterations	The current application has been assessed against Brent's Local Plan, namely DMP1, and the guidance set out within SPD2 which supports policy DMP1. The proposed development is discussed in the body of this report.
The works have not been built in line with the approved drawings – breach in planning laws Deviation from condition 3 which has removed the original detail from property.	As noted above the Town and Country Planning Act allows for planning permission to be applied for even if development has been carried out before the date of the application. This is known as retrospective planning permission. Whilst acknowledging the frustration of residents observing unauthorised works, the applicant has sought to engage constructively with the Council in tackling issues identified in the enforcement notice and appeal decision.
Why has another application been submitted / why not apply for what they wanted	Each application is assessed on its own merits against planning policies and guidance. It is not for the Council to dictate what applicants can apply for. The applicant has applied for retrospective permission to regularise and alter the works which have already been completed.
Should the building have been checked at each stage.	The application would be subject to building regulations who do checks at stages of the build but this is not a requirement of the planning process.
Enforcement notice should be enforced to ensure original permission is carried out.	The Enforcement notice which has been served remains valid and the requirements of this notice still need to be complied with unless a new permission is granted and complied with. Notwithstanding, the current application seeks to bring the works in line with policy, to resolve the matters within the enforcement notice.

Design Considerations

The rear dormer set down, width and positioning within the original roof plane does not match policy or the approved drawings.	This is discussed in the <i>Design, Character and Impact on the Street Scene</i> section below.
The two storey side extension has ridge heights which are substantially higher than the approved plans and also more width than the approved plans.	This is discussed in the <i>Design, Character and Impact on the Street Scene</i> section below.
The proposal would be in conflict with the character, heritage and design principles set in Brent's Local Plan. Prominent location on a crossroads makes the design more important It would be a few hundred yards from the Conservation Area	This is discussed in the Design, Character and Impact on the Street Scene section below. This is discussed in the <i>Design, Character and Impact on the Street Scene</i> section below. The property is not within a Conservation Area, so the guidance which applies to these areas is not applied here. The proposed development is not considered to harm the setting of character of the Sudbury Court Conservation Area which

	is situated approximately 250 m west of the application site.
Transport Considerations	
A second parking area has been formed at the front of the property providing a third/fourth off street parking space and exceeds the London Plan and Brent's Local Plan. Congestion from additional parking	This is discussed in <i>Highways and Parking, Refuse, Cycle Parking</i> section below.
Landscaping to the front is not adequate and a hedge has been removed	This is discussed in <i>Highways and Parking, Refuse, Cycle Parking</i> section below.
Other Considerations	
Fire	A fire statement has been submitted to set out the measures to be employed within this site. The full consideration of fire safety will take place pursuant to the Building Regulations with approval required should permission be granted.
Garage to be demolished and converted to another two flats	The proposal would retain one garage at the rear of the site for use as a parking space.

POLICY CONSIDERATIONS

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

The development plan is comprised of the
London Plan 2021
Brent Local Plan 2019-2041

Key policies include:

London Plan 2021

Policy D6 Housing quality and standards
Policy H1 Increasing housing supply
Policy T5 Cycling
Policy T6 Car parking
D12a: Fire Safety

Brent Local Plan 2019-2041

DMP1: Development Management General Policy
BD1: Leading the Way in Good Urban Design
BH1: Increasing Housing Supply
BH2: Priority Areas for Additional Housing Provision within Brent
BH4 : Small Sites and Small Housing Developments in Brent
BH 11: Conversion of Family Sized Dwellings
BH13: Residential Amenity Space
BT2: Parking and Car Free Development
BSUI4: On Site Water Management and Surface Water Attenuation
BGI1: Green and Blue Infrastructure

Other material considerations

The following are also relevant material considerations:
National Planning Policy Framework 2024

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

Background

1. Planning permission was previously granted for "erection of a part two storey and part single storey side extension, a single storey rear extension, rear dormer window, front rooflight and front porch to the dwellinghouse" under reference 17/0250.
2. Works were carried out which did not accord with the approved plans and an enforcement investigation was set up under reference E/21/0347 in relation to the breach of planning. A subsequent planning application was submitted under reference 23/1542 to retain the unauthorised works. This was refused by the LPA on 10/07/2023 due to the roof design over the two-storey extension, which was also dismissed at appeal on 22/11/2023 (APP/T5150/D/23/3327369).
3. An enforcement notice was served in relation to the unauthorised extensions on 01/12/2023, which is currently under appeal. The notice was in relation to the following works: Without planning permission, the erection of a part two-storey and part single storey side extension, a single storey rear extension, roof extension including rear dormer and rooflights, and a front porch extension to the dwellinghouse.
4. The steps for compliance with the notice are as follows:
 - STEP 1 Demolish the unauthorised part two storey and part single storey side extension, single storey rear extension, roof extension, including the rear dormer and rooflights, and front porch to the dwellinghouse.
 - STEP 2 Remove all associated debris, items and materials arising from that demolition, and remove all materials associated with the unauthorised development from the premises.
 - STEP 3 Re-instate the premises to its former state before the unauthorised works were carried out. (Photograph attached to enforcement notice of premises prior to works being carried out).
5. The period for compliance within the enforcement notice is 9 months which was due to come into effect from 10 January 2024, unless an appeal is received prior to the effective date. An appeal was submitted and is still under consideration by the Planning Inspectorate.
6. An application was also submitted under reference 22/3944 to convert the dwellinghouse into two self contained flats, with associated works. This was refused by the LPA but allowed on appeal by the Planning Inspectorate on 05/12/2023 (APP/T5150/W/23/3319102).
7. It is noted that the appeal was allowed to convert the property into flats. However, the conversion relied on extensions to the property that did not have the benefit of planning permission. This application seeks to make alterations to the roof to the dwellinghouse to address the concerns raised by the LPA and Planning Inspector as part of application reference 23/1542, as well alterations to the conversion layout to ensure it can be achieved within the proposed changes.

Discrepancies in existing plans

8. The submitted as built plans are noted as having some inaccuracies when comparing to what was on site at the officers visit on 11/09/2024. These include:
 - The third bedroom at first floor is fitted out as a kitchen
 - There is a bathroom within the loft bedrooms eaves space

- There is a front wall, pillars and gate already constructed
9. These issues are rectified within the proposed plans, so these discrepancies are not considered to have a material impact on the proposal and warrant the need to re-consult on the proposal.

Conversion of a family sized dwelling

10. The conversion of existing housing stock into smaller dwellings assists in providing additional self-contained dwellings through the more intensive and efficient use of sites. Nevertheless, family housing to meet local needs is also a Brent priority, and in recognition of this priority, policy BH11 sets out circumstances where the loss of family housing is likely to be acceptable. Policy BH11 highlights that to maintain family size housing conversion of a family sized home (3 bedrooms or more) to two or more other dwellings will only be allowed where all the following criteria are met:
- a) the existing home is 130 sq.m. or more or could acceptably be extended to be that size;
 - b) it results in at least a 3-bedroom dwelling, preferably with direct access to a garden/ amenity space; and
 - c) it is within an area of PTAL 3 or above.
11. The existing home is more than 130sqm so would be compliant with part a. The proposed plans show 2x3 bedroom units, one on the ground and another across first floor and loft floor with access to the garden. This is therefore compliant with part b.
12. Policy BH4 and BH11 of the Brent Local Plan and the 2021 London Plan prioritise a development which reduces reliance of private car ownership/use and encourages intensification in areas with better public transport provision. In this instance the site has a low PTAL of 2 with poor public transport accessibility, and the conversion of a house into flats in this location would be contrary to policy BH11.
13. However, the inspector under the appeal for application reference 22/3944 (APP/T5150/W/23/3319102) noted that there are "various shops and services, including convenience stores, a church and pharmacy, accessible by foot via a cut-through between East Court and Byron Road. The site is also well connected to London public transport network, with bus stops on East Lane (No's 245 and 483) and Wembley Station rail link located approximately 10 minutes' walk from the appeal site, via the cut-through. In addition, the proposal includes secure cycle parking which further supports sustainable travel options."
14. Therefore, notwithstanding that the appeal site is in an area which has a PTAL rating of 2 it was considered that it does offer access to public transport and a variety of social infrastructure on foot, which is supported by policy BH4. Given that there have been no material changes in policy since the appeal was determined and that the appeal decision is a material consideration, the principle of the conversion of the dwellinghouse into flats continues to be acceptable under the current application.

Design, Character and Impact on the Street Scene

15. DMP 1 asserts that development will be accepted provided it is; 'of a location, use, concentration, siting, layout, scale, type, density, materials, detailing and design that provides high levels of internal and external amenity and complements the locality. This application seeks to make alterations of the roof to the dwellinghouse to address the concerns raised by the LPA and Planning Inspector as part of application reference 23/1542. No alterations are proposed to the ground and first floor of the part single part two storey side and rear extension as built and these did not form a reason for refusal under this permission, but nevertheless as they do not have the benefit of planning permission, they have been considered below. The plans also show a front porch, which was also included within application reference 23/1542. Once again, this has been considered below.
16. SPD2 generally allows two storey side extensions where these are no wider than two thirds the width of the original house, and where the first-floor element is set back from the main front wall by 2.5m, or by 1.5m if a distance of 1m to the side boundary is retained. A two-storey side extension may be unacceptable if it would result in the obstruction of an existing side window solely serving a habitable room to a neighbouring residential property. The roof should match the pitch angle and roof form of the main roof and be set down by at least 0.5m from the ridgeline.
17. The two-storey side extension as built has a width of 3.64m, set back by 0.95m at ground floor level from the main front wall of the property and 2.45m at first floor from the main front wall of the property, and

maintains a set in from the side boundary of over 2m. The alterations to the roof mean that it would retain at set down of 0.6m from the ridge on the original house. At ground floor the extension would have an eaves height of 3.2m and a maximum height of 4m and in this instance the increased eaves height is considered to be acceptable, and would not have an unacceptable impact on the character and appearance of either the host property or wider streetscene.

18. SPD2 generally allows single storey rear extensions on attached houses of up to 3m in depth from the existing rear building line of neighbouring properties. Up to 6m in depth may be acceptable where the extension is set in from the side by 1m for every 1m of additional depth. Roof heights should not exceed 3m for a flat roof including parapets, and an average of 3.5m for pitched roofs. Two storey rear extensions are allowed where they comply with the 1:2 rule in respect of the nearest first floor habitable room windows on neighbouring properties, to a maximum depth of 3m. The roof design should match that of the main roof.
19. The as built single storey rear extension has a depth of 3.7 metres creating a wraparound which was as previously approved with flat roof height of 3 metres. A small parapet has been added, making the height on the boundary 3.1m. At first floor, the built extension would join with the side extension and protrude rearwards from the original rear wall by 3.7m. This element was granted within the 2017 application and the depth was considered to be acceptable. The additional height would be marginal, and therefore would not be considered to be harmful to the character and appearance of the development.
20. SPD2 generally does not permit front extensions such as porches linked to front bays or garages, or front extensions to garages, unless these are the predominant character of the area. The porch infill as built has a modest depth of 0.9m which does not project beyond the bay. There are other porch infills within the vicinity of the site and the street. The porch has a footprint of 1.52 sqm and would not alter the existing porch roof and height so is considered acceptable.
21. Turning to the alterations at roof level, the proposal is seeking a gabled end roof to the original roof and for the roof over the two-storey side extension to also be gabled to match. A larger full width rear dormer has been built with a hipped roof being retained over the first-floor rear extension.
22. SPD2 sets out that the conversion of a hipped roof into a full gable is generally acceptable. It also sets out that if a roof is gabled, the roof to a two storey side extension should also be gabled, so that the roof forms would complement one another. SPD2 states that the ridgeline of the new extension should be set to a minimum of 0.5m below the ridgeline of the original house to ensure it appears suitably subservient. The proposed would gable both the main roof and the roof of the two storey side extension, ensuring a set down of 0.6m. Whilst it is acknowledged that the proposed is on an open corner location, at a crossroads, the proposed would retain a set in of 2.6m from the side boundary and would be further than this from the road to retain its openness. It is also considered that the resulting roof forms would appear uniform, and would respect the character and appearance of the building and wider street scene. The alterations to the roof form would address the earlier reason for refusal and the concerns raised by the Planning Inspector under application reference 23/1452.
23. In relation to rear dormers, SPD2 advises that rear dormers can be the full width of the original roof plane outside Conservation Areas. They should be set down from the ridge by at least 0.3m and must be set up from the eaves line by at least 0.5m measured along the roof plane. Dormers that project onto or over a rear projection (whether it is original or an extension to the house) will not normally be permitted. It is noted in this case that the rear dormer is kept away from the roof of the first floor rear extension, which is acceptable. The dormer is considered to be appropriately set up from the eaves at 0.7m and set down from the ridge at 0.4m, and are considered to be acceptable.
24. The two front roof lights are modest in size and not considered to over dominate the roof slope.
25. The original planning application reference 17/0250 was granted with extensions in brick to the front facade matching the brick front two storey projection and render for the side and rear of the property. The extension as built have been built with render and no brick work as shown on the approved plans. Large portions of the original house already had a white rendered finish with coloured red brick framing the front projection. There are also similar rendered finish dwellings within the locality of the application site and in this instance it would be considered that the rendered finish of the whole property would not be harmful to the character of the property or wider streetscene as the architectural features remain intact.
26. The grey roof tiles used in the development are of a similar appearance to the pre-existing roof tiles, however lighter in colour which may darken due to weathering. The terrace of 7-17 Shelley Gardens also

have differing colours and tones of roof appearance along its length. Moreover, permitted development rights would allow for dwellinghouses to replace roof tiles and window without the need for planning permission if the property is not within a conservation area nor a listed building, as is the case in this instance. The changes to the design detail of the property are not considered to be harmful on balance.

Heritage

Heritage policy background

27. Paragraph 207 of the NPPF highlights that when determining application, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 208 goes on to say that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

28. When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 212 of the NPPF highlights that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (paragraph 212).

29. Where a proposed development will lead to substantial harm to (or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss (paragraph 214).

30. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use

31. Policy BHC1 sets out that proposal for or affecting heritage assets should:

- a) demonstrate a clear understanding of the archaeological, architectural or historic significance and its wider context;
- b) provide a detailed analysis and justification of the potential impact (including incremental and cumulative) of the development on the heritage asset and its context as well as any public benefit;
- c) sustain or enhance the significance of the heritage asset, its curtilage and setting, respecting and reinforcing the streetscene, frontages, views, vistas, street patterns, building line, siting, design, height, plot and planform and ensure that extensions are not overly dominating;
- d) contribute to local distinctiveness, built form, character and scale of heritage assets by good quality, contextual, subordinate design, and the use of appropriate materials and expertise, and improving public understanding and appreciation;
- e) seek to avoid harm in the first instance. Substantial harm or loss should be exceptional, especially where the asset is of high significance. Any proposed harm to or loss of a heritage asset (including to its setting) should require clear and convincing justification and can be outweighed by material planning considerations in the form of public benefits but only if these are sufficiently powerful.
- f) where demolition is proposed detailed plans for any replacement building will be required to allow consideration of whether the replacement would contribute positively to the character or will be applied to ensure construction of the approved scheme is implemented together with agreed mitigation measures appearance of the area. In cases where demolition is permitted conditions and/or legal agreements will be applied to ensure construction of the approved scheme is implemented together with agreed mitigation measures.

Heritage discussion

32. Neither the subject building nor its curtilage is a designated or non-designated heritage asset, but it is approximately 250 m to the east of the Sudbury Court Conservation Area, which is a designated heritage asset.

33. The submission is not accompanied by information relating to the potential impact on the conservation area. However, given the scale, nature and location and the proposal, it is not considered to result in harm to the setting of the conservation area, or to views into the conservation area.

Residential Amenity

34. Policy DMP1 of Local plan emphasise that new development should not result in unacceptable harm to the residential amenities of neighbouring properties. SPD2 provide further guidance on the layout of new development to avoid such impacts.
35. The building as constructed broadly occupies the same footprint approved under 17/0250. At first floor level, the building does not project further forward or rearward of the neighbouring property than this approved scheme. This impact was considered to be acceptable in that application and therefore continues to be considered acceptable. Furthermore, the impact on neighbouring amenity was not included in the reasons for refusal of 23/1452 which sought permission for the extensions.
36. At ground level the subject property would not extend beyond the existing single storey rear extension at the neighbouring property, however it is noted that the neighbouring extension is set slightly away from the boundary, and features a small window in the rear elevation of the main part of the house. This window serves the kitchen but from the Council's planning records, it is noted that the kitchen continues into the extension to be served additionally by a set of full glazed patio doors. It is considered that the extension as built at the application site with a parapet height at 3.1m instead of 3m as approved within 2017 application, is unlikely to result in significant additional impact to the occupants at No. 15 Shelley Gardens compared to the 2017 consent.
37. SPD2 generally allows two storey rear extensions where they comply with the 1:2 rule in respect of the nearest first floor habitable room windows on neighbouring properties, to a maximum depth of 3m. The roof design should match that of the main roof.
38. The built two storey rear extension would join with the side extension and protrude rearwards from the original rear wall by 3.7m. Whilst the applicants have not demonstrated that the 1:2 rule has been applied; officers measurements show that the nearest first floor habitable room is approximately 8m from the edge of the proposed rear extension (given that the first window of No. 15 at first floor level is obscurely glazed) thus the measurements have been taken from the next window. The depth of the rear extension is considered acceptable and follows the same dimensions as 2017 consent.
39. The dormer on the rear elevation is larger than approved and located closer to the side of the neighbouring property. However, this affords similar views to a rear window and does not result in excessive levels of overlooking or loss of privacy. The changes from hip to gable of the main roof and the side extension would be away from any shared boundary and is not considered to result in amenity impact.
40. Overall, the impact of the proposal on neighbouring residential amenity is considered to be acceptable, and is in accordance with policy DMP1 of Brent's Local Plan 2019-2041.

Quality of Accommodation

41. New residential units are assessed according to the relevant policies in the London Plan and Local Plan 2019-2041, Brent SPD1 (Brent Design Guide). London Plan 2021 policy D6 ensures that new residential units provide an acceptable standard of accommodation for potential residential occupiers. This means an acceptable standard of space, light and air within the home, and an acceptable amount of amenity space.
42. Part F of Policy D6 sets out that housing developments are required to meet the minimum standards below which apply to all tenures and all residential accommodation that is self-contained.
43. Dwellings must provide at least the gross internal floor area and built-in storage area set out in Table 3.1.
 - A dwelling with two or more bedspaces must have at least one double (or twin) bedroom that is at least 2.75m wide. Every other additional double (or twin) bedroom must be at least 2.55m wide.
 - A one bedspace single bedroom must have a floor area of at least 7.5 sq.m. and be at least 2.15m wide.
 - A two bedspace double (or twin) bedroom must have a floor area of at least 11.5 sq.m
 - The minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling.

Flat 2

44. Flat 2 would be dual aspect and for a three-bedroom five person unit located at the ground floor would have 93.5 sqm of internal GIA meeting the London Plan policy D6. The plan shows 2 double bedrooms complying with 11.5 sqm of internal GIA and one single bedroom which would be large enough for a single according to the London Plan D6 policy. This has slightly changed from the appeal application with the entrance hallway being increased so that the front bedroom has become a single but this remains acceptable.
45. The plans show that all habitable rooms have outlook to the front or rear of the property and have adequate levels of daylight and outlook.
46. The submitted plans within this application indicates that the ground floor flat would achieve an internal floor to ceiling height of 2.5m.

Flat 1

47. Flat 1 would be dual aspect shown as a 3-bedroom 6 person unit located at first floor and second floor requiring 102 sqm of internal floor space, however this unit is considered to be on three floors as the porch is on the ground floor requiring 108sqm according to London Plan D6 policy. The unit would measure approximately 117 sqm in internal floor area which would be acceptable.
48. The cross section indicates that flat 1 would achieve an internal floor to ceiling height of 2.4 with parts of the loft at 1.5m, but the GIA required and floorspace for the bedroom can be achieved. Whilst the upper floor flat would not achieve an internal floor to ceiling height at 2.5m, it is recognised that this is due to the constraints of the site and working within an existing building and this is not unusual for flat conversions. The scheme would still comply with the minimum of 75% of the internal floor to ceiling height achieving over 2.3m as required by National Technical Space Standards, and given that the flat would have dual aspect it would still receive good levels of natural light and cross ventilation.

Amenity Space

49. Policy BH13 of the Local Plan establishes that all new dwellings are required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This will normally be expected to be 20 sqm studio, one or two-bedroom home and 50 sqm for family housing (homes with 3 or more bedrooms).
50. The requirement for external private amenity space established through BH13 is for it to be of a "sufficient size and type". This may be achieved even when the "normal expectation" of 20 or 50 sqm of private space is not achieved. The supporting text to the policy clarifies that where "sufficient private amenity space cannot be achieved to meet the full requirement of the policy, the remainder should be applied in the form of communal amenity space". Proximity and accessibility to nearby public open space may also be considered when evaluated whether the amenity space within a development is "sufficient", even where a shortfall exists in private and/or communal space.
51. With regard to quality of the space, the supporting text to policy BH13 specifies that private amenity should be accessible from a main living room without level changes and planned within a building to take a maximum advantage of daylight and sunlight, whilst Brent SPD1 specifies that the minimum depth and width of the space should be 1.5 m.
52. London Plan policy D6 specifies that where there is no higher local standard, a minimum of 5 sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant. The minimum depth and 1.5 m is reconfirmed in the emerging policy.
53. The proposal has shown approximately 50sqm of private usable space for ground floor flat with direct access provide from the living space and 66 sqm for the first floor flat with separate access to the garden. The shared access arrangement to the front door for flat 2 and the gate to access the amenity space for flat 1 was established under the allowed appeal. The rest of the garden and existing garage is shown to be fenced and used as car parking spaces for Flat 2. The spaces include a combination of paving and grassed areas with hedging around the edges. The spaces would be usable in relation to their dimensions, and given that they are private gardens, the quality of the spaces would be sufficient. The proposal would be compliance with policy BH13.

Highways and Parking, Refuse, Cycle Parking

54. The site has a public transport rating of PTAL 2 (low).
55. Car parking standards in Brent are set out in Appendix 4 of the Local Plan and for residential development, this requires compliance with Table 10.3 of the London Plan. The low access to public transport services means up to one space is permitted per 3+bed dwelling.
56. The existing house therefore has a maximum car parking allowance of one space. At present, the double garage to the rear provides two car parking spaces in the garage, plus a further space across the front of the garage, so the site is overprovided with parking.
57. The maximum allowance for the two proposed 3-bed flats would be 2 spaces. The proposals include the retention of one rear parking within a reduced sized garage for flat 2.
58. Flat 1 has proposed parking at the front of the site, which would accord with maximum allowances and so would be acceptable. A similar arrangement was allowed under appeal for application reference 22/3944 subject to tree protection measures being secured in relation to construction of the crossover in proximity the street tree within the grass verge. Similar arrangements would be secured as part of this application. The space should also be provided with an electric vehicle charging point, which would be conditioned. A similar condition was secured under the appeal allowed for application reference 22/3944.
59. The proposals would require four cycle parking spaces located in a secure, undercover lockable compound as close to the flats entrances as possible. The proposals include two cycle lockers within reasonable distances to each of the flat entrances.
60. Satisfactory details of refuse storage have been submitted.
61. The forecourts proposed soft landscaping is just under 50% which on balance is acceptable.

Trees

62. Policy BGI2 states that development with either existing trees on site or adjoining it that could affect trees will require:
 - Submission of a BS5837 or equivalent tree survey detailing all tree(s) that are on, or adjoining the development site;
 - In the case of minor development which results in the loss of trees provision of appropriate replacements on site;
63. It is considered that there are no trees on site or within neighbouring properties that would be harmed.
64. However, there is a street tree for which the tree protection plan which was conditioned as part of application reference 22/3944 (which was allowed on appeal) and has been resubmitted for this application. The tree officer considers that this is again appropriate and will ensure that the vehicle crossover is a suitable distance away from the T1 White Mulberry tree growing within the street. As such, the proposal is considered to be acceptable in this regard and the tree protection plan would be conditioned.

Biodiversity and Urban Greening

65. Policy BGI1 sets out that all development should achieve a net gain in biodiversity and avoid any detrimental impact on the geodiversity of an area.
66. Local Plan Policy BH4 identifies all minor residential developments are required to deliver a UGF of 0.4 on site. In addition, Policy BG11 Green and Blue Infrastructure in Brent expects all development to achieve a net gain in biodiversity. No information has been provided of any attempts to increase biodiversity or to meet the urban greening factor score required.
67. The submission includes an indicative landscaping scheme which includes ground cover planting, lawn,

areas for multiple new trees, hedges and shrubs and permeable paving as well as bird boxes and the creation of hedgehog holes in the fences. Whilst the application has not provided details of the Urban Green Factor in line with policy BH4 the plans show that the site is to be enhanced for biodiversity, details of hard and soft landscaping would be conditioned. It is therefore considered that details of urban green factor could also be conditioned to any forthcoming consent.

68. The scheme would also not be subject to the mandatory biodiversity net gain of 10% as it relates to a retrospective planning permissions made under section 73A.

Sustainable Drainage Measures

69. Minor developments should seek to reduce potential overheating and reliance on air conditioning system through good design. London Plan Policy S15 Water infrastructure and Policy BSUI4 On-Site Water Management and Surface Water Attenuation requires proposals to minimise the use of mains water achieving water consumption of 105 litres or less per head per day.
70. Policy BSUI4 sets out proposals for minor developments, householder development, and conversions should make use of sustainable drainage measures wherever feasible and must ensure separation of surface and foul water systems.
71. A water usage calculation is provided for both flats which demonstrates that consumption is not above 105 litres a day. The site is not subject to surface water flooding, and given that the scheme would include provision for soft landscaping, it is considered that adequate provision for sustainable drainage measures could be accommodated within the site.

Fire Safety

72. Policy D12a of London Plan sets out that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety and ensure that they:

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

73. A fire strategy has been submitted and provides details of passive and active fire safety systems, materials and construction, means of escape, fire evacuation assembly points and access. Furthermore, the arrangements would be similar to that of a dwellinghouse, with the ability to exit the property to the front and rear. Policy D12a is considered to be complied with. Further details would also be considered under building regulations.

Equalities

74. 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

75. Following the above discussion, officers consider that taking the development plan as a whole, the proposal is considered to sufficiently accord with the development plan, and having regard to all material

planning considerations, should be approved subject to conditions. Whilst the PTAL location would not usually be considered to be acceptable, a previous Planning Inspector took a holistic approach to the available amenities and the provision of secure cycle stores and concluded that the site would still provide adequate access to public transport and a variety of social infrastructure on foot. Again, the access to a bedroom from the living space within the ground floor flat would not usually be acceptable but the inspector considered that levels of amenity for future occupiers were acceptable. A few aspects of the as built extensions do not accord with those as approved under 17/0250, however on balance these would have been acceptable, and the changes proposed at roof level overcome the reason for refusal under 23/1452. On balance it is considered that the amended proposals do bring about a satisfactory scheme and accordingly approval is recommended.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 24/2180

To: Mr Avery
WEA Planning
14 Windermere Rd
2nd Floor
Islington
London
N19 5SG

I refer to your application dated **05/08/2024** proposing the following:

Erection of a part two storey and part single storey side extension; a single storey rear extension; hip-to-gable roof extension including rear dormer window and rooflights; gabled roof over side extension; and a front porch; partial demolition of garage; and conversion of the building into 2 self-contained flats (Part Retrospective, Part Proposed)

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

at **17 Shelley Gardens, Wembley, HA0 3QF**

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: 07/01/2025

Signature:

David Glover
Head of Planning and Development Services

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

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

National Planning Policy Framework (2024)
The London Plan (2021)
Brent Local Plan (2019 -2041)
Council's adopted Supplementary Planning Document 2 - Residential Extensions Design Guide (2018)

- 1 The development to which this permission relates must be commenced not later than the expiration of six months and completed not later than the expiration of twelve months beginning on the date of this permission.

Reason: To remedy the unlawful works identified within Enforcement Investigation ref: E/21/04347 in a timely manner.

- 2 The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:

Location Plan

SG-001 Rev A Pre Existing Ground Floor and Block / Roof Plan

SG-002 Rev A Pre Existing First and Loft Plan

SG-003 Rev A Pre Existing Elevations and Section

SG-301 As Built Ground Floor and Block / Roof Plan

SG-302 As Built First and Loft Plan

SG-303 As Built Elevations and Section

SG-404 Rev D Proposed Ground Floor and Block / Roof Plan

SG-405 Proposed First and Loft Plan

SG-406 Proposed Elevations and Section

Drawing TH/A3/3646/TPP within the Arboricultural Impact Assessment Method Statement & Tree Protection Plan, produced by Trevor Heaps, dated 2 November 2022.

Supporting Documents:

Arboricultural Impact Assessment Method Statement & Tree Protection Plan, produced by Trevor Heaps, dated 2nd November 2022.

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

- 3 The materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing building.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

- 4 The building shall be designed so that mains water consumption 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.

- 5 The development hereby approved shall not be occupied until the construction of a new crossover to serve the parking space within the frontage (denoted as "Parking Flat 1" within drawing SG-404 Rev D) has been carried out by the Local Highway Authority, at the applicants expense.

Reason: In the interest of highway safety.

- 6 The development hereby approved shall not be occupied unless the car parking spaces (including the garage), cycle storage and refuse stores have been completed in full accordance with the approved drawings as detailed within plan reference SG-404 Rev D and made available to residents of the development and shall not be used other than for purposes ancillary to the flats hereby approved throughout the lifetime of the development. The parking space within the frontage (denoted as "Parking Flat 1" within drawing SG-404 Rev D) shall not be used other than for purposes incidental to the upper floor flat (Flat 1) and the garage and associated area (denoted as "Garage Flat 2", "permeable paving" and "semi-natural vegetation" within drawing SG-404 Rev D) shall not be used other than for purposes incidental to the ground floor flat (Flat 2).

Reason: To ensure a satisfactory standard of accommodation.

- 7 No access shall be provided to the roof of the extension 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.

- 8 Prior to the construction of the dropped kerb, as shown on approved plan no. SG-404 Rev D, the tree protection measures as shown on drawing TH/A3/3646/TPP (relating to the tree located within the grass verge to the front of the site), shall have been implemented in accordance with the approved Arboricultural Impact Assessment Method Statement & Tree Protection Plan, produced by Trevor Heaps, dated 2nd November 2022.

Reason: To ensure the retention of trees and biodiversity.

- 9 Prior to the occupation of any of the flats hereby approved, one electric charging point (which shall have a power rating of at least 7kW) shall be installed for each flat as detailed within drawing SG-404 Rev D and available for use by the occupiers of the proposed development and shall thereafter be retained and maintained.

Reason: In the interest of sustainability.

- 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 development (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
- ii. A schedule detailing sizes and numbers of all proposed trees and use of native and/or wildlife attracting species
- iii. Sufficient specification to ensure successful establishment and survival of new planting

- iv. Details of all proposed hardstanding
- v. Details of garden wall, fences or other form of boundary treatment to be provided within the site (including details of external materials and heights)
- vi. 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.
- vii. Details of wildlife features (nesting boxes / hedgehog holes) to provide habitat for wildlife
- viii. A detailed urban greening factor (UGF) plan and calculation for the site in line with policy BH4 of Brent's Local Plan 2019-2041 demonstrating the UGF has been maximised;

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.

Prior to first occupation of the dwellings, the area denoted as "Flat 1 Private Amenity Space" within drawing SG-404 Rev D shall be made available for use by the occupants of flat 1 and the area denoted as "Flat 2 Private Amenity Space" shall be made available for use by the occupants of Flat 2, and the spaces thereafter shall not be used other than for purposes incidental to the use of the respective flats.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. 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 BGI 2

INFORMATIVES

1 - 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.

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 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>

4 - The applicant is advised to contact Brent's Highways Service in relation to the construction of the new crossover using the following link:-

<https://www.brent.gov.uk/parking-roads-and-travel/roads-and-streets/vehicle-crossings-and-dropped-kerb>

Any person wishing to inspect the above papers should contact Brooke Storey-Vowles, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 3738