

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

12 November, 2025
05
25/0357

SITE INFORMATION

RECEIVED	6 February, 2025
WARD	Cricklewood & Mapesbury
PLANNING AREA	Brent Connects Kilburn
LOCATION	37 Lydford Road, London, NW2 5QN
PROPOSAL	Variation of condition 2, development built in accordance with approved drawings/documents (internal and external alterations to layout, heights, footprint, ground levels, fenestration and lightwells of dwellinghouse, addition of attached water tank storage and detached bin and cycle storages, alterations to front boundary treatment, soft and hard landscaping, and arrangement of photovoltaic panels to main roof, removal of green roofs) of full planning permission 14/2952 dated 14/11/2014, for the demolition of existing office to builders' yard and erection of a 3 bedroom, three storey (including basement) dwellinghouse erection of a boundary treatment and associated hard and soft landscaping. (Revised Description)
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_172071</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 "25/0357" (i.e. Case Reference) into the search Box3. Click on "View Documents" tab

RECOMMENDATIONS

That the Committee resolve to GRANT planning permission subject to:

That the Head of Planning is delegated authority to issue the planning permission and impose conditions and attach the following informatives in relation to the following matters:

Conditions

1. Six Month completion rule
2. In accordance with approved plans
3. Landscaping Implementation
4. Footway reinstatement

Informatives

1. Party Wall Act
2. Building near boundary
3. Biodiversity Net Gain

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

SITE MAP

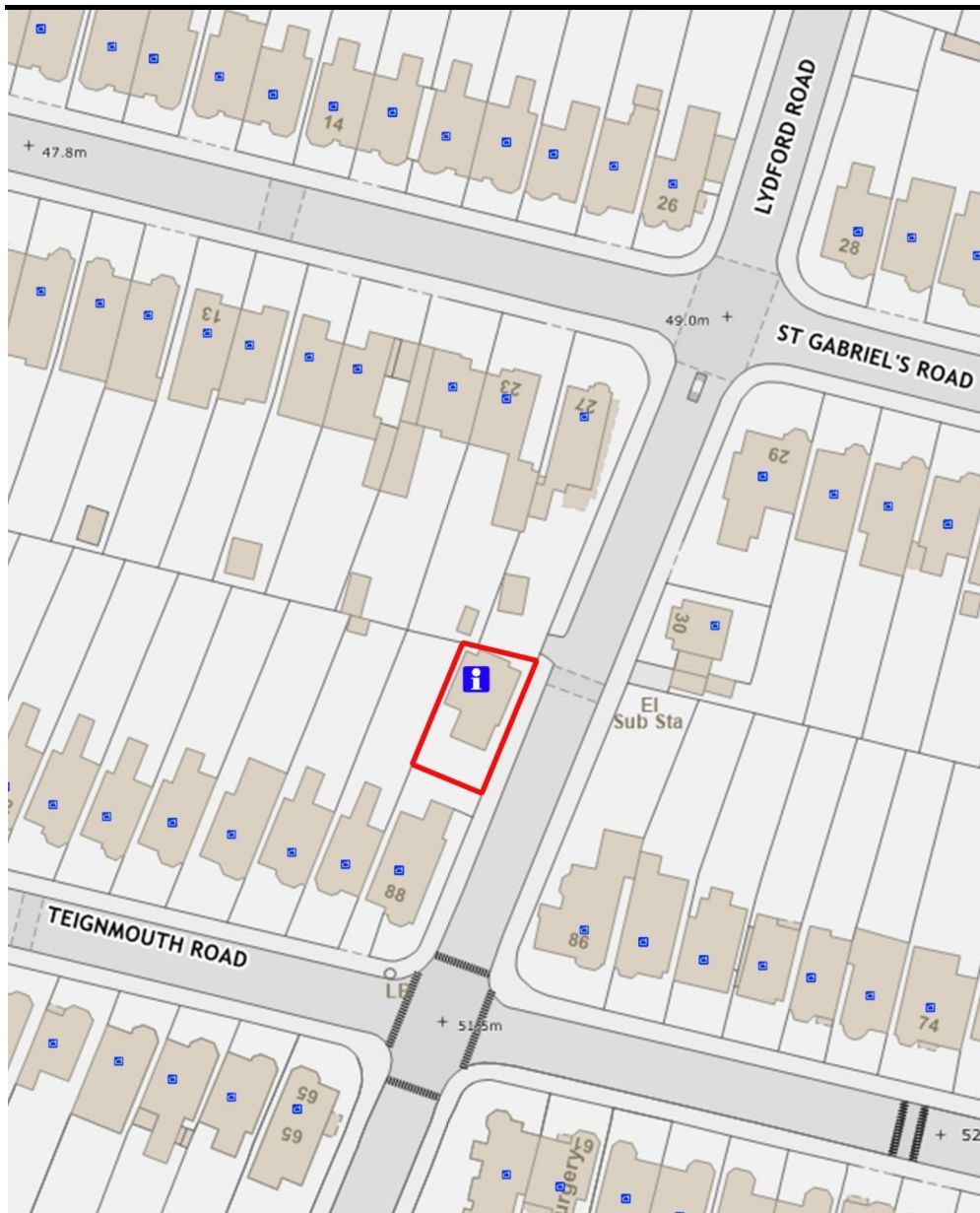


Brent

Planning Committee Map

Site address: 37 Lydford Road, London, NW2 5QN

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This map is indicative only.

PROPOSAL IN DETAIL

Variation of condition 2, development built in accordance with approved drawings/documents:

- internal and external alterations to layout, heights, footprint, ground levels, fenestration and lightwells of dwellinghouse,
- addition of attached water tank storage and detached bin and cycle storages,
- alterations to front boundary treatment, soft and hard landscaping, and arrangement of photovoltaic panels to main roof, removal of green roofs;

of full planning permission 14/2952 dated 14/11/2014, for the demolition of existing office to builders' yard and erection of a 3-bedroom, three storey (including basement) dwellinghouse erection of a boundary treatment and associated hard and soft landscaping.

During the course of the application amended plans were received which include a replacement brick boundary wall to the front of the plot.

EXISTING

The application site is located on Lydford Road and lies within the Mapesbury Conservation Area (a designated heritage asset). The application site would have originally formed part of the curtilage of No. 88 Teignmouth Road. The site previously contained an outbuilding and concrete yard which benefitted from a Lawful Development Certificate for its use as a Builder's Yard (B8) and ancillary office (B1) (see History section below for further information).

Planning permission was granted for the construction of a new dwellinghouse on the site under application reference: 14/2952. Whilst a dwellinghouse has been constructed within the site, it was not built in accordance with the approved plans for planning permission reference. There is an active Enforcement Notice (LPA Ref: E/19/0794) in relation to the unauthorised development.

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, against policy and other material considerations.

Representations Received: As of the date of this report, 18 representations were received, from 13 registered addresses, objecting to the proposal. The overarching objections were on the basis that the retrospective proposal (as built) within this application and associated variations do not address the requirements within the outstanding enforcement notice and associated appeal decisions. Comments were also raised in general discontent of the approval of the original scheme.

Impact on Neighbouring Amenity: The existing dwellinghouse was established within the planning appeal inspector's report to be considered acceptable with regards to impact on the neighbouring amenities of adjoining occupiers. The proposed development, as varied by this application, is not considered to result in any further material impacts to neighbouring amenity.

Conservation, Character and Appearance:

The proposed alterations and additions proposed comprising internal and external alterations to layout, heights, footprint, ground levels, fenestration and lightwells of dwellinghouse; addition of attached water tank storage and detached bin and cycle storages; alterations to front boundary treatment; alterations to soft and hard landscaping; alteration to arrangement of photovoltaic panels to main roof; and removal of green roofs, are considered to be improvements that preserve the appearance of the conservation area.

Highway Impact: The proposed development would provide for no on-site parking spaces which is line with policy. The existing crossover is required to be removed and the footway reinstated. Cycle parking and bin storage would also be provided to comply with standards.

RELEVANT SITE HISTORY

Relevant planning history

24/0878 – Refused, 23/05/2024 (Appeal Dismissed – 23/12/2024)

Variation of condition 2 (internal layouts, building height and refuse storage) for retrospective works not built in accordance with approved plans of full planning permission 14/2952 dated 14/11/2014, for the demolition of existing office to builders' yard and erection of a 3 bedroom, three storey (including basement) dwellinghouse erection of a boundary treatment and associated hard and soft landscaping.

23/2322 – Refused, 11/01/2024

Variation of condition 2 (internal layouts, building height and refuse storage) for retrospective works not built in accordance with approved plans of full planning permission 14/2952 dated 14/11/2014, for the demolition of existing office to builders' yard and erection of a 3 bedroom, three storey (including basement) dwellinghouse erection of a boundary treatment and associated hard and soft landscaping.

15/1031 – Granted, 01/06/2015

Details pursuant to condition 4 (brickwork), condition 6 (contamination risk assessment), condition 8 (landscaping), condition 9 (window details) and condition 10 (materials and roof finish), of full planning permission 14/2952 dated 14/11/2014, for the demolition of existing office to builders' yard and erection of a 3 bedroom, three storey (including basement) dwellinghouse erection of a boundary treatment and associated hard and soft landscaping.

14/2952 – Granted, 14/11/2014

Demolition of existing office to builders' yard and erection of a 3 bedroom, three storey (including basement) dwellinghouse erection of a boundary treatment and associated hard and soft landscaping

Planning Enforcement History

E/19/0794 – Enforcement Notice Served, 24/08/2020 (*Dismissed on Appeal and Enforcement Notice upheld, 15/12/2021*)

Without planning permission, the erection of a dwellinghouse and the erection of a timber outbuilding to the premises. ("the unauthorised development")

CONSULTATIONS

117 nearby properties, including the Mapesbury Residents' Association (MapRA), Wembley History Society and the Watling Gardens Tenants Management Organisation were consulted on this proposal for a minimum of 21 days on 12/02/2025. A subsequent re-consultation was undertaken on 06/05/2025 following a revised development description.

During these periods, 18 representations were received, from 13 registered addresses, objecting to the proposal.

Specific comments raised in objection to this application are summarised below:

Objection Comments	Officer Remarks
The development is established to be unlawful and the applicant should comply with the requirements of the enforcement notice.	<p>The Enforcement appeal did establish that the development was not completed in accordance with the approved drawings. However, the most recent appeal has assessed the dwelling as proposed and not raised any objections to the design and scale. It is reasonable to consider whether the applicant can overcome the harm that required an enforcement notice to be served.</p> <p>The Enforcement notice which has been served remains valid and the requirements of this notice still need to be complied with unless new permission is granted.</p>

	<p>This application seeks to address the matters raised within the earlier appeal decisions, more recently, under application reference 24/0878.</p> <p>Section 73A of 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> <p>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 decisions.</p>
The as built development exceeds the approved scheme in size.	This is acknowledged and has been considered and discussed both within the enforcement appeal and the appeal for the 2024 application. This is assessed in further detail within the “Relevant Planning History” and “Current Applications” sections of this report.
Excess scale creates impact on outlook of neighbouring properties.	The impact of the development upon neighbouring amenity including outlook was considered within the enforcement appeal and found to be acceptable. This is discussed within the remarks section of the report below.
Design does not accord with the Conservation Area Design Guidance and would result in harm to the Conservation Area.	The impact of the development upon the character and appearance of the conservation area was considered within both the enforcement appeal and the appeal for the 2024 application. This is discussed within the remarks section of the report below.
The trivial reduction in height following the planning inspector’s interventions does not remedy the planning breach to the extent required by the enforcement notice and appeal decisions.	The reduction in height was found to be acceptable within the appeal for 2024 application. This is assessed within the Relevant Planning History and Internal and external alterations to dwellinghouse section of this report.
Little to no soft landscaping around the site to the detriment of habitats for wildlife.	This application proposes alterations to the landscaping around the property. This is assessed within <i>Alterations to soft and hard landscaping and alterations to front boundary treatment</i> section below.
This application simply seeks to remove parking and the vehicular gate.	The application seeks permission to retain the dwellinghouse but with amendments to address the concerns raised within the appeal decision for 2024 application, together with other ancillary structures such as bin and bike stores.

Site Notice

A notice advertising the proposal was displayed on a lamppost outside the property from 20/02/2025 followed by another site notice with the revised development description on 15/04/2025. This provided a minimum of three weeks visibility to local residents prior to determination.

Press Notice

A notice advertising the proposal with the revised development description was placed in the local press on 10/04/2025. This provided a minimum of three weeks public visibility prior to determination.

POLICY CONSIDERATIONS

Section 73 of the Town and Country Planning Act 1990 (as amended).

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

Relevant policies include:

London Plan 2021

D12a: Fire Safety

D3 Optimising site capacity through the design-led approach

D6 Housing Quality and Standards

T5: Cycling

T6: Car Parking

HC1: Heritage Conservation and Growth

Brent Local Plan 2019-2041

DMP1: Development Management General Policy

BD1: Leading the Way in Good Urban Design

BH1: Increasing housing supply in Brent

BH4: Small Sites and Small Housing Developments in Brent.

BSUI4: On Site Water Management and Surface Water Attenuation

BGI1: Green and Blue Infrastructure

BH13: Residential Amenity Space

BHC1: Brent's Heritage Assets

Other material considerations

The following are also relevant material considerations:

- National Planning Policy Framework
- National Planning Practice Guidance
- Supplementary Planning Guidance / Documents:
 - SPD1 Brent Design Guide 2018
 - Mapesbury Conservation Area Design Guide

DETAILED CONSIDERATIONS

Introduction

1. Section 72(1) of the Planning (Listed Building and Conservation Area) Act 1990 (as amended) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 205 of the NPPF recognises that heritage assets are an irreplaceable resource and seeks to conserve them in a manner appropriate to their significance.

2. It is appropriate to consider the desirability of new development making a positive contribution to the local character and distinctiveness [203c].

3. The variation of condition application been supported with a Heritage Statement to describe the significance of the heritage asset and to understand the potential impact of the proposal [NPPF 200].

Background

4. An application can be made under Section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a Section 73 application is to seek a material amendment, where there is a relevant condition that can be varied. Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.

5. For the avoidance of doubt, this application has been made under s.73 of the Town and Country Planning Act 1990, which allows the Local Planning Authority to vary or remove conditions attached to an existing planning permission. The scope of assessment is therefore confined to the effects of the proposed variation(s) and any consequential impacts; it is not an opportunity to reconsider the principle of the approved development or to amend the operative description of development, which cannot lawfully be changed via s.73.

Relevant Planning History

6. Planning application 14/2952 was for the demolition of existing office to builders' yard and erection of a 3-bedroom, three storey (including basement) dwellinghouse erection of a boundary treatment and associated hard and soft landscaping. The application was granted on 14 November 2014.

7. Specifically Condition 2 of the approval stated that:

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

D100 Rev C; D101 Rev C; D102 Rev C; D200 Rev C; D202 Rev C; D300 Rev C; D1301 Rev C; D302 Rev C; D303 Rev C; Petersesen TEG L D48 (proposed brick); Design and Access Statement (prepared by Christopher Campbell Architects).

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

8. The dwellinghouse was not implemented in accordance with the approved plans. A summary of the differences is set out below:

- Design of the dwelling in relation to its height and width, fenestration and detailing.
- Internal layout
- Green roof and PVs were not implemented
- Hard and soft landscaping were not in accordance with the approved details, including provision of an off street parking space, vehicle access gate and boundary wall detailing and height.

9. An enforcement notice was served in relation to the unauthorised works and subsequently upheld at appeal. Within the enforcement appeal the inspector considered the impact of the development upon the character and appearance of the Mapesbury Conservation Area, and the impact to neighbouring amenity, in particular with regard to outlook.

10. The Inspector noted that the approved dwellinghouse was of a contemporary design and that the unauthorised dwellinghouse as built was broadly similar to the consented dwellinghouse in terms of shape, form and materials. It was however larger, primarily in terms of height. The Inspector set out within paragraph 26:

Notwithstanding the precise height differences, the dwelling as built extends above the boundary walls by a substantial and appreciable amount compared with the approved scheme. This overall increase in height and massing has resulted in an overly bulky and obtrusive form which rather than appearing subordinate within, dominates the streetscene. In my view, the resulting dwelling, viewed in this predominantly traditional context,

has a discordant appearance which detracts from and therefore neither preserves nor enhances the character or appearance of the Conservation Area.

11. In relation to the impact on neighbouring amenity, the Inspector concluded that the dwellinghouse as built would not result in a harmful impact to neighbouring amenity in terms of outlook or overbearing appearance. The appeal decision discussed the relationship with Nos. 88, 90 and 92 Teignmouth Road and No. 27 St Gabriels Road. The Inspector also concluded that the dwellinghouse as built would not result in a materially harmful loss of privacy or overshadowing to neighbouring dwellings and their gardens.

12. The enforcement appeal also concluded that a timber outbuilding erected within the curtilage of the site (included within the enforcement notice) would also cause harm to the character and appearance of the conservation area, although this was subsequently demolished, and no longer exists on site.

13. The appeal was dismissed and the enforcement notice upheld. The requirements of the enforcement notice are to:

STEP 1 Demolish the dwellinghouse and the timber outbuilding. Or, carry out alterations to the dwellinghouse so that it complies with the terms of planning permission reference 14/2952, dated 14 November 2014 and demolish the timber outbuilding.

STEP 2 Remove all associated items, debris and materials arising from that demolition from the premises.

14. The time period for compliance with the enforcement notice was 9 months from 15th December 2021. To date the enforcement notice has not been complied with.

15. A number of subsequent section 73 applications were submitted to retain the unauthorised dwellinghouse but make amendments to address the concerns raised within the enforcement notice and enforcement appeal decision. Relevant to the consideration of this application is application reference: 24/2952.

16. The 2024 application proposed a number of alterations to retain the dwellinghouse and address the concerns raised within the earlier enforcement notice and subsequent appeal decision. These included:

- Overall height of the building to be lowered by approx. 225mm by removal of 3 courses of brickwork of first floor parapet wall (already implemented by the Applicant)
- Ground floor parapet wall lowered by approx. 225mm by removal of 3 courses of brickwork (apart from the location of lift)
- Introduction of additional trees to the front garden providing intensified screening of the property
- Existing boundary wall to remain, be repainted matching colour of the neighbouring properties walls for more in-keeping appearance
- Timber store replacement with a high-quality design brickwork storage to accommodate water tank
- New external bin store of high quality design, discreet appearance and location, screened by proposed planting
- Single space on-site car parking to remain

17. Whilst officers found the revised internal layout of the dwellinghouse, provision of new trees and retention and repainting of existing boundary treatment to be acceptable, officers did consider the provision of the off street parking space, bin store and water tank store and reduction in the height of the building at ground and first floor level to not be acceptable, and the application was refused. It was refused due to the height of the building having a harmful impact on the character and appearance of the Mapesbury Conservation Area and the off street parking space resulting in a harmful impact to highway and pedestrian safety.

18. The 2024 application was subsequently appealed. Within the appeal, the Inspector agreed that the offstreet parking space would cause harm to pedestrian safety. They noted that as a result of the proximity of the proposed parking space to the front boundary wall, drivers in turn would not have sufficient visibility of pedestrians on the footway when egressing from the site, thereby compromising the safety of pedestrians. However, the inspector found the height of the dwellinghouse to be acceptable in term of its impact on the character and appearance of the conservation area. Key extracts from the appeal decision (paragraphs 9 to 12) are set out below:

I am mindful that the previous Inspector concluded that a 0.22 metre reduction in height of the building would

not overcome the harm that they identified to the CA. However, the lack of contextual analysis informed by robust evidence, such as that described by the Inspector, would have made it difficult to reasonably conclude otherwise than that the dwelling was not appropriate to its context. Having reviewed the submitted evidence, which was not before the previous Inspector, I am satisfied that it addresses their concerns regarding dominance of the dwelling in the street scene by virtue of its height and massing, for the reasons below.

Evidence has been submitted with the proposal which demonstrates why the dwelling, as built, is appropriate to its context through detailed analyses. The Analysis document prepared by Studio Kyson (dated March 2024) provides the results of a building height analysis which shows that despite the increased height of the dwelling, it is still significantly lower than neighbouring dwellings. The subordinate height of the building was readily observable at my site visit.

The Analysis Document also demonstrates that the increased volume is within the constraints envelope that has informed the scale and massing of the building. The house is positioned to the north of the site to maximise the distance between the closest neighbouring property at 88 Teignmouth Road (No 88). The gap between the properties maintains the spacious character of the area and the planting in the garden contributes positively to the street environment of Lydford Road.

The contextual analyses undertaken in relation to height and massing clearly demonstrate that the dwelling, as built, would remain subordinate within the street scene, addressing the main concern of the previous Inspector.

Current application

19. This application seeks to address previous concerns raised with the as built development and the subsequent appeal inspector assessment of the previous 24/0878 application. This application provides a series of proposed alterations to the approved 14/2492 scheme for council consideration. This includes part retention of some as built works deemed to be accepted by appeal inspectors and some alterations to the as built works to remedy previous concerns by council officers and appeal inspectors.

A summary of the works is set out below:

Internal and external alterations to dwellinghouse

Internal alterations:

20. The dwellinghouse as built is still 2 storeys with a basement level (3 storeys in total). There are some differences in the lightwell arrangement but sufficient levels of outlook and natural light would be achieved to the two bedrooms at basement level. The third bedroom would be retained at first floor level. The dwellinghouse as built would be of a high quality layout with good levels of natural daylight and outlook. It would benefit from dual aspect, meets the internal space standards of 108sq.m set out in policy D6 and achieve an internal floor to ceiling height of over 2.5m. It should be noted that the internal layout of the dwellinghouse was not raised as a concern within the earlier enforcement appeal or subsequent variation of condition applications.

External alterations:

21. The footprint of the dwellinghouse, materials and fenestration would be retained as built. A reduction in height has been made by lowering the as built parapet walls by 3 brickwork courses (approx. 225mm) at ground and first floor levels with the exception of the walls around the lift.

22. As aforementioned, the appeal inspector for 2024 considered this alteration to reduce the height as acceptable with regards to character and appearance and impact on the conservation area, and the overall design of the dwellinghouse was considered to be acceptable. The proposal would subsequently be considered to preserve the character and appearance of the conservation area.

Impact on Neighbouring Amenity

23. The existing dwellinghouse (as per the inspector site visit) was established within the planning appeal inspector's report to be considered acceptable with regards to impact on the neighbouring amenities of adjoining occupiers. The proposed development, as varied by this application, is not considered to result in any further material impacts to neighbouring amenity.

Addition of attached water tank storage and detached bin and cycle storages

24. The attached water tank storage is proposed to be a brick structure attached to the side of the dwellinghouse in a discreet position set in from the street. It is considered to be an acceptable addition to the side elevation of the host property.
25. The cycle storage is proposed within the rear garden in a location that would be set away from the street and such that would not compromise the useability of the resultant amenity provisions for the occupiers of the dwellinghouse.
26. Bin storage is proposed within the front garden and situated along the side boundary. It is proposed to be a brick structure and acceptable with regards to character and appearance.
27. Overall, the three ancillary structures are considered to be appropriate with regards to character and appearance and furthermore preserve the appearance of the Conservation Area.

Alterations to soft and hard landscaping and alterations to front boundary treatment

28. The proposal would remove the off street car parking space, and replace with new area of soft landscaping and a hard surfaced pathway. The removal of the off street parking space addresses the remaining matter within the appeal decision to the 2024 application. The approved scheme was subject to a landscaping condition (Condition 8) which was subsequently approved (ref: 15/1031). This application is supported by a proposed landscaping plan alongside a palette of planting features proposed to be included.
29. The general landscaping plan as proposed (Drawing no. L90-300 Rev B) is broadly similar to the approved (15/1301) scheme with large-grassed areas and periphery planting with a corresponding landscaping palette provided.
30. The front boundary treatment is proposed to replace the as built appearance, which has been implemented not in accordance with approved drawings. The proposal comprises of a full-length 1.2m height brick wall with end piers and piers to the proposed pedestrian gate. The vehicle gate would be removed. A new pedestrian timber gate painted dark brown is proposed and the walls and piers are capped with stone coping throughout. Visualisations have been provided in conjunction with the formal drawings to illustrate the proposed appearance. Details of brickwork and stone coping have been provided and considered acceptable preserving the appearance of the Conservation Area.

Alteration to arrangement of photovoltaic panels to main roof

31. The photovoltaic panels are contained within the raised parapet perimeter walling and would not be visible from street level. They are suitably hidden and discreet in appearance. Sustainable energy solutions are typically supported in the borough.

Removal of green roofs

32. The 2014 application included a green roof over both the ground and first floor roofs. The current scheme seeks to retain the green roof on the roof at ground floor level but removes the green roof at first floor level. Whilst the additional green roof would have been welcomed from a biodiversity and urban greening perspective, this has been balanced against the inclusion of photovoltaic panels at this level. Furthermore, it is considered that the ground level landscaping strategy sufficiently provides greening to the host site.
33. Overall, the proposed elements sought to be varied are considered appropriate for the host site and in general compliance with relevant planning policies and mother material considerations.

Transport Considerations

34. The site lies within a Controlled Parking Zone on a street that is not noted as being heavily parked at night. It also has moderate access to public transport services.
35. As before, the moderate access to public transport services means that up to one off-street car parking space would be allowed for the dwelling.

However, the parking space that has been provided on site is substandard in terms of its depth and alignment to the public highway and as noted by the Planning Inspector handling the recent appeal, this would result in conditions prejudicial to highway safety. With regard to parking, standards are maximum, so the site would still comply with standards if no off-street car parking were provided, so there are no concerns in principle with this proposal.

36. It should be noted that condition 3 of approved planning application 14/2952 stated:

“No building hereby permitted shall be occupied or the use commenced until the existing vehicular access to the development site has been permanently stopped up and the footway reinstated in accordance with the approved plans.”

37. With the crossover still in place, this condition has yet to be complied with. Any planning consent therefore needs to retain the condition. In addition, the removal of the crossover will allow the adjoining on-street parking bay to be extended along the site frontage to provide an extra parking space, which can then be used by the occupier of the dwelling (as well as other residents in the area) if they wish.

38. Bicycle and bin stores are to be provided within the site, in line with standards.

Equalities

39. 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

40. For the reasons detailed within this report the development as varied is considered to be acceptable. The proposal would preserve the character and appearance of the Mapesbury Conservation Area and would not result in harm to this heritage asset. The application is considered to have addressed the earlier concerns raised within the enforcement appeal and subsequent 2024 appeal decision.

41. Therefore, the application is considered to comply with the Development Plan and is recommended for approval.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: **25/0357**

To: Mr Watts
Kyson Design Ltd
Studio Kyson
28 Scrutton Street
London
EC2A 4RP

I refer to your application dated **06/02/2025** proposing the following:

Variation of condition 2, development built in accordance with approved drawings/documents (internal and external alterations to layout, heights, footprint, ground levels, fenestration and lightwells of dwellinghouse, addition of attached water tank storage and detached bin and cycle storages, alterations to front boundary treatment, soft and hard landscaping, and arrangement of photovoltaic panels to main roof, removal of green roofs) of full planning permission 14/2952 dated 14/11/2014, for the demolition of existing office to builders' yard and erection of a 3 bedroom, three storey (including basement) dwellinghouse erection of a boundary treatment and associated hard and soft landscaping.(Revised Description)

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

at **37 Lydford Road, London, NW2 5QN**

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: 04/11/2025

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)

- 1 The development to which this permission relates must be completed no later than the expiration of six months beginning on the date of this permission.

Reason: To ensure that the breach of planning control is remedied in a timely manner.

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

0500 – Site Location Plan
D100 Rev D – Proposed Basement Plan
D101 Rev D – Proposed Ground Floor Plan
D102 Rev D – Proposed First Floor Plan
D103 Rev D – Proposed Roof Plan
D300 Rev D – Proposed Front (east) Elevation
D301 Rev A – Proposed Side (south) Elevation
D302 Rev A – Proposed Rear (west) Elevation
D303 Rev A – Proposed Side (north) Elevation
D200 Rev D – Proposed Section A-A
D202 Rev D – Proposed Section C-C
2400 – Proposed attached water tank store
2500 – Proposed Bin Store
5000 rev A – Proposed Front Boundary Wall Plan and Details
5001 rev A – Proposed Front Boundary Wall Elevation and Details
5002 – Proposed Boundary Wall Sections
L90-300 Rev B – Proposed Landscaping Plan + Planting Palette (pages 111, 112, 113)

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

- 3 The hard and soft landscape works as shown on the approved "Proposed Landscape Plan" Drawing no. L90-300 Rev B. shall be carried out within the first planting season of the date of this permission. Any planting that is part of the approved scheme that within a period of five years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same position, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the area.

- 4 No later than 6 months after the date of this permission, the existing vehicular crossover to the development site shall be removed and the footway reinstated together with the adjoining on-street parking bay to be extended along the site frontage, in accordance with a scheme to be approved by the Local Highway Authority.

Reason: In the interests of pedestrian safety.

INFORMATIVES

1 - The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the government website:

<https://www.gov.uk/government/publications/preventing-and-resolving-disputes-in-relation-to-party-walls/the-party-wall-etc-act-1996-explanatory-booklet>

2 - The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.

3 - Based on the information available, in accordance with the Environment Act 2021 and the Town and Country Planning Act 1990, this development is exempt from Biodiversity Net Gain (BNG) requirements. This exemption applies as the development falls within the specified criteria outlined in legislation and regulations. The applicants are advised to review the statutory guidance for further details on exemptions and any other environmental obligations that may apply.

Any person wishing to inspect the above papers should contact Parag Dhanani, Planning and Regeneration,
Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 6007