



Planning Committee Map

Site address: 1 Lydford Road, London, NW2 5QY

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This map is indicative only.

RECEIVED: 11 April, 2013

WARD: Willesden Green

PLANNING AREA: Willesden Consultative Forum

LOCATION: 1 Lydford Road, London, NW2 5QY

PROPOSAL: Retention of and alterations to existing single and two storey side and rear extension, removal of front porch, existing paved surfacing to driveway to be replaced with block paving and additional soft landscaping to front of Dental Surgery

APPLICANT: Mr Munther Mansour

CONTACT: Mr A Abood

PLAN NO'S:
12-01-101 Rev01
12-01-112 Rev01
12-01-113 Rev01
12-01-114 Rev01
12-01-115 Rev01

MEMBERS CALL-IN PROCEDURE

In accordance with Part 5 of the Constitution and Section 10 of the Planning Code of Practice, the following information has been disclosed in relation to requests made by Councillors for applications to be considered by the Planning Committee rather than under Delegated Powers

Name of Councillor

Councillor El-Abadi

Date and Reason for Request

6 June 2013. Wishes to call this application to the Planning Committee for a decision.

Details of any representations received

Approached by client.

Name of Councillor

Councillor Kataria.

Date and Reason for Request

6 June 2013. Would like the matter to be referred to the Planning Committee.

Details of any representations received

None given.

Name of Councillor

Councillor Cheese.

Date and Reason for Request

6 June 2013. "I would like the Committee to make the decision on the long-standing disagreement and consider independently whether the amended proposals offer a practical solution to placate both applicant and planners".

Details of any representations received

Approached by the applicant.

Name of Councillor

Councillor Hunter.

Date and Reason for Request

6 June 2013. "I would like the Committee to make the decision on the long-standing disagreement and consider independently whether the amended proposals offer a practical solution to placate both applicant and planners".

Details of any representations received

Approached by the applicant recently and, over a year ago, Cllr. Emad Al-Ebadi.

Name of Councillor

Councillor Jones

Date and Reason for Request

6 June 2013. "I would like the Committee to make the decision on the long-standing disagreement and consider independently whether the amended proposals offer a practical solution to placate both applicant and planners".

Details of any representations received

Approached by the applicant.

In accordance with Part 5 of the Constitution and Section 10 of the Planning Code of Practice, the following information has been disclosed in relation to requests made by Councillors for applications to be considered by the Planning Committee rather than under Delegated Powers

Name of Councillor

Cllr Hunter
Cllr Jones
Cllr Cheese
Cllr El-Abadi
Cllr Kataria

Date and Reason for Request

10 June 2013

To allow the Planning Committee to make the decision on the long-standing disagreement and consider independently whether the amended proposals offer a practical solution to placate both applicant and planners.

RECOMMENDATION

Refuse

EXISTING

The subject property is a detached property on the western side of Lydford Road on the junction with Willesden Lane. It is in use as a dentist on the groundfloor and a flat on the upper floor. It is not a listed building nor is it within a Conservation Area.

PROPOSAL

See description above.

HISTORY

12/0856. Retrospective application for existing part single storey/part two storey side and rear extension and hard-surfacing to front forecourt of property in use as a dentist surgery on ground floor and first floor flat, with alterations to include the reduction in height of existing single storey side and rear extension, reduction in width of first floor element to part two storey side extension and erection of pitched roof, removal of open side porch and provision of landscaping in front courtyard. Refused for the following reasons:

1. *The part single-storey/part two-storey side extension by reason of lack of set back from the front wall of the property, the excessive height of the single storey element, the excessive height and depth hipped roof of the proposed first floor side extension and its prominence in the street scene, is not suitably subservient to and appears out of keeping with the character and appearance of the original building and the surrounding streetscene contrary to planning policy BE2 and BE9 of Brent's UDP 2004 and the guidance set out in SPG 5:'Altering and Extending Your Home'*
2. *The part single-storey/part two-storey side extension by reason of its excessive height and forward projection at the first floor level on the boundary with the property at Nos 1-12 Mapeshill Place has a detrimental impact on the amenity of neighbouring residents in terms of loss of outlook and overbearing impact contrary to planning policy BE9 of Brent's UDP and the guidance set out in SPG5: 'Altering and Extending Your Home'.*

In spite of the proposed changes to the structures on site this application was dismissed on appeal on 03/01/2013 . The Inspector dismissed the appeal on the grounds that the extensions would have a detrimental impact on the amenity of neighbouring residents in terms of over-bearing impact and loss of daylight.

11/2661. Retention of and alterations to existing part single storey/part two storey side and rear extension and hard-surfacing to front forecourt of property in use as dentist surgery on ground floor and first floor flat.

The alterations involve reduction of height to existing single storey side extension, removal of open side porch and provision of landscaping in front garden.

Refused for the following reasons:

- 1 The part single-storey/part two-storey side extension by reason of lack of set back from the front wall of the property, the excessive height of the single storey element, the flat roof of the first floor with the hipped roof of the original building and its prominence in the street scene, is not suitably subservient to and appears out of keeping with the character and appearance of the original building and the surrounding streetscene contrary to planning policy BE2 and BE9 of Brent's UDP 2004 and the guidance set out in SPG 5:'Altering and Extending Your Home'
- 2 The part single-storey/part two-storey side extension by reason of its excessive height and forward projection at the first floor level on the boundary with the property at Nos 1-12 Mapeshill Place has a detrimental impact on the amenity of neighbouring residents in terms of loss of outlook and overbearing impact contrary to planning policy BE9 of Brent's UDP and the guidance set out in SPG5: 'Altering and Extending Your Home'.
- 3 The alterations to the front forecourt by reason of the excessive area of hard-standing and the failure to provide 50% soft landscaping, are out of keeping with the character and appearance of the dwellinghouse and the surrounding streetscene contrary to planning policy BE7 and BE9 of Brent's UDP and the guidance set out in SPG 5:'Altering and Extending Your Home'

E/08/0588. Enforcement investigation on the erection of a single storey side and rear extension on side/front porch on the side of the premises adjacent to 1-12 Mapeshill Place and the formation of a hard surface to the front and side garden area of the premises. Appeal dismissed on 06/07/2011.

The Council issued an enforcement notice on 31st December, 2010 which amongst other things required the demolition of the side and rear extension. Dr Mansour appealed the enforcement notice to the Secretary of State whose Inspector subsequently dismissed the appeal. Dr Mansour then appealed the Secretary of States decision to the High Court. The matter has been adjourned in the high court pending the outcome of this application and any subsequent appeal that is made against it. If this application is refused and no appeal is made or if the appeal is dismissed, the High Court will continue its deliberations on the matter. If the High Court finds in favour of the Council, the side and rear extension will have to be demolished.

08/1251. Full planning permission sought for the erection of a rear dormer window and side dormer window to dwellinghouse. Withdrawn 13/06/2008.

07/3316. Details pursuant to condition 6 (self-containment of first-floor flat) of Full Planning Permission reference 07/1787, dated 20 August 2007, for erection of single-storey rear extension to dental surgery. Granted 26/11/2007.

07/1787. Full planning permission sought for erection of a single storey rear extension to dental surgery. Granted 20/08/2007.

06/0777. Full planning permission sought for change of use of ground floor from residential (use class C3) to dental surgery (Use Class D1), with retention of residential use on first floor (as accompanied by Dental Practice Proposal Statement). Granted 13/06/2006.

POLICY CONSIDERATIONS

National Planning Policy Framework

The NPPF was published on 27th March 2012 and replaced Planning Policy Guidance and Planning Policy Statements with immediate effect. It is intended to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. It includes a presumption in favour of sustainable development in both plan making and decision making and its publication.

Saved policies from the adopted UDP will have increasingly less weight unless they are in conformity with the NPPF and can be demonstrated to be still relevant. Core Strategy policies will also need to be in conformity with both the London Plan and the NPPF and have considerable weight.

Where PPG's, PPS's, LDF Core Strategy and UDP saved policies are referred to in the report below they have been considerations in the assessment of the application. However, the recommendation is considered to comply with the NPPF.

Brent's Core Strategy 2011

CP17: Protecting and Enhancing the Suburban Character of Brent

Brent's UDP 2004

BE2: Townscape: Local Context & Character - Proposals shall be designed with regard to their local context, making a positive contribution to the character of the area.

BE7: Public Realm: Streetscape - 50% soft landscaping should be provided in the front garden.

BE9: Architectural Quality - Extensions and alterations to existing buildings shall be designed to:- (a) be of a scale, massing and height that is appropriate to their setting, civic function and/or townscape location; (b) have attractive front elevations which have a direct relationship with the street at ground level, with well proportioned windows, and habitable rooms and entrances on the frontage, wherever possible; (c) be laid out to ensure that buildings and spaces are of a scale, design and relationship to each other, which promotes the amenity of users, providing a satisfactory level of sunlighting, daylighting, privacy and outlook for existing and proposed residents; and (d) employ materials of high quality and durability, that are compatible or complementary colour and texture, to the surrounding area.

TRN23: Parking Standards: Residential Developments - Residential developments should not provide more parking than the levels as listed in standard PS14.

PS14 - 2 parking spaces should be provided for dwellings with 4+bedrooms.

SPG 5: 'Altering and Extending Your Home'

CONSULTATION

All neighbouring properties have been consulted.

Five representations have been received objecting on the following grounds:

- Detrimental impact on amenity of neighbouring residents due to loss of light and outlook
- Out of keeping with the character and appearance of the property and surrounding streetscene.
- Landscaping proposed is not of an appropriate size or quality

These objections will be considered further in the *Remarks* section of this report.

REMARKS

Introduction

1. The key considerations for this application are:

- Planning History
- Impact on neighbours
- Design of Extensions

Planning History

2. The current application is in relation to the unauthorised extensions at 1 Lydford Road. Details of the other applications and Enforcement Investigations are set out in the *History* section above. The submission of the latest application follows an unsuccessful appeal by the owner against a refusal of planning permission (12/0856), which was dismissed on 3 January 2013. The Inspector dismissed the appeal on the grounds that the proposed alterations to the existing extensions would have a detrimental impact on the amenity of neighbouring residents in terms of the loss of outlook and daylight as a result of the proposed extensions overbearing visual impact.

3. In the conclusion to their decision the Inspector stated:

I conclude that the extension would result in harm to the living conditions of occupants of the ground floor flats with side facing windows at Mapeshill Place, in terms of its overbearing effect and loss of daylight. It would therefore be contrary to Saved UDP Policy BE9(e) and SPG5.

4. The building does benefit for planning permission for a single storey rear addition granted in 2007, but the extensions that were built on the site are plainly larger than what was given consent, and include works to the side of the property which were not even part of the 2007 permission. The Council continues to take the view that the harm from the larger extensions is clear and this is why recent applications which do not significantly alter the size and appearance of the extensions have been refused and defended on appeal.

5. Previously, the appellants have argued that the extensions built on site were actually no higher than what was originally in place before works took place. The Inspector in his Enforcement decision letter helpfully gave his own view on this and clearly set out that what was built on site was of "a significantly greater height" than what was shown on any approved drawing.

Amendments since Planning Appeal Decision for 12/0856

6. Following the receipt of the appeal decision the applicants met with Council Planning and Enforcement Officers to discuss the amendments that would be required to address the concern raised by the Planning Inspector in their decision. Council Officers recommended that the following alterations should be made to make the existing extension acceptable:

- Each element of the single storey side extension should be reduced in height by 1m for its full length, to reduce the impact on the amenity of neighbouring residents at Mapeshill Place and take the structure back to its height before the unauthorised works took place.
- The height and width of the first floor side extension should be reduced.

7. Unfortunately the applicant has not agreed to the recommendations of Council Officers and while the proposals have been amended they have not fully addressed the detrimental impact of the existing extensions on the amenity of neighbouring residents at Mapeshill Place. The application has been amended in the following ways since the previous refusal:

- Instead of reducing the width of the first floor side extension and introducing the proposed hipped roof the

first floor side extension is to be retained as existing so that it retains the flat roof and remains flush with the ground floor flank wall.

- The single storey side extension has been reduced by 1m in height measured down from its highest point and has a level flank wall instead of stepped.
8. Thus the proposed development is very similar to the proposal which was refused in 2012 under planning reference 11/2661(see History Section above).

Amenity of Neighbouring Residents

9. The ground floor side extension projects up to the boundary of the site with the blocks of flats at 1-12 Mapeshill Place. The ground floor flats of Mapeshill Place have sole habitable room windows through to kitchens on the flank wall facing towards the boundary with No. 1 Lydford Road. These windows are positioned approximately 2.5m from the flank wall for the front flat and 2.2m for the rear flat. The side extension with the proposed alterations would have a height of 5.25m above the ground level of Mapeshill place. This in conjunction with the full width first floor side extension, which has a depth of 4.25m and a flat roof at a height of 7.8m, would have an overbearing impact on the neighbouring residents and would significantly limit daylight to and outlook from these sole habitable rooms.
10. The changes that the applicant has made since the dismissed appeal do not overcome these objections. As such the heights are excessive and have a detrimental impact on the amenity of neighbouring residents in terms of their visual amenity and outlook. The proposal fails to comply with policy BE9 and SPG5 specifications.

Design of Extensions

11. The ground floor element of the extension is positioned next to the front bay feature in line with the main wall of the bay but back from the projecting element. It has a width of 4m from the main side wall of the dwellinghouse on the frontage, for a depth of 3m and then a width of 3.1m for a depth of 18.9m. The single storey side element of the extension has a stepped parapet wall on the boundary of the site with Nos. 1-12 Mapeshill Place. The steps follow the decreasing height of ground level from front to rear so that it is between 5.5 and 5.4m above ground level of the neighbouring property for its full length. The alteration proposed is to reduce this height to between 5.35 and 5.25m. At the front the single storey side element has a partially hipped roof which has a eaves height of 4.4m and a ridge of 4.9m. There are also two larger sash windows on the front elevation.
12. The front part of the extension is a lobby which provides access to the first floor flat, the rear provides additional rooms for the dentist surgery. To accommodate the stairs providing access to the upper floor flat a full additional storey has been added. The first floor side extension is set back 3.4m from the front bay, has a width of 3m and a depth of 4.25m. It has a flat roof with a parapet wall at a height of 7.2m above ground-level at the front and 7.8m above the ground level of the neighbouring amenity space for the residential blocks at Nos. 1-12 Mapeshill Place.
13. The flat roof of the first floor element of the side extension is not in keeping with the character and appearance of the original dwellinghouse which has a hipped roof. The ground floor side extension is also out of keeping with the character and appearance of the original dwellinghouse as it is not adequately set back from the main front wall of the dwellinghouse, has an excessive height and width and with the large front sash windows fails to be suitably subservient to the original dwellinghouse. Furthermore the prominent position of No.1 Lydford Road provides clear views of the extensions from Lydford Road, Willesden Lane and the rear of Mapeshill Place. The extensions appear incongruous and out of keeping with the character and appearance of the surrounding street scene. As such the extensions fail to comply with policies BE2 and BE9 of Brent's UDP 2004 and the guidance set out in SPG 5.

Response to Objections

14. In response to each of the concerns raised:

Objection	Officer Comment
The proposed alterations will still result in a detrimental impact on the amenity of neighbouring residents due to loss of light and outlook.	Council Officers consider that the proposed development will have a detrimental impact on the amenity of neighbouring residents as set out in paragraph on residential amenity. This view has recently been supported at appeal.
The proposal is out of keeping with the character	Council Officers consider that the proposed development

and appearance of the property.	will be contrary to Council Planning Guidelines and out of keeping with the character and appearance of the surrounding street scene for the reasons set out above.
Landscaping is not of an appropriate size or quality.	The landscaping as proposed is similar to that which was required as one of the Enforcement Steps to remedy the breach of planning. This would be similar to what was in place prior to works commencing and would include the provision of 2 small trees. If the application were to be approved full details of the proposed landscaping would be sought by condition.

Conclusion

The proposed development will have a detrimental impact on the amenity of neighbouring residents and is out of keeping with the character and appearance of the existing property and surrounding street scene. This application fails to overcome the material issues that were considered by an appeal Inspector as recently as January 2013. Accordingly the application is recommended for refusal for the reasons set out below.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The part single-storey/part two-storey side extension by reason of lack of set back from the front wall of the property, the excessive height of the single storey element, the flat roof of the first floor with the hipped roof of the original building and its prominence in the street scene, is not suitably subservient to and appears out of keeping with the character and appearance of the original building and the surrounding streetscene contrary to planning policy BE2 and BE9 of Brent's UDP 2004 and the guidance set out in SPG 5: 'Altering and Extending Your Home'

- (2) The part single-storey/part two-storey side extension by reason of its excessive height and forward projection at the first floor level on the boundary with the property at Nos 1-12 Mapeshill Place has a detrimental impact on the amenity of neighbouring residents in terms of loss of outlook and overbearing impact contrary to planning policy BE9 of Brent's UDP and the guidance set out in SPG5: 'Altering and Extending Your Home'.

INFORMATIVES:

None Specified

Any person wishing to inspect the above papers should contact Robin Sedgwick, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5229