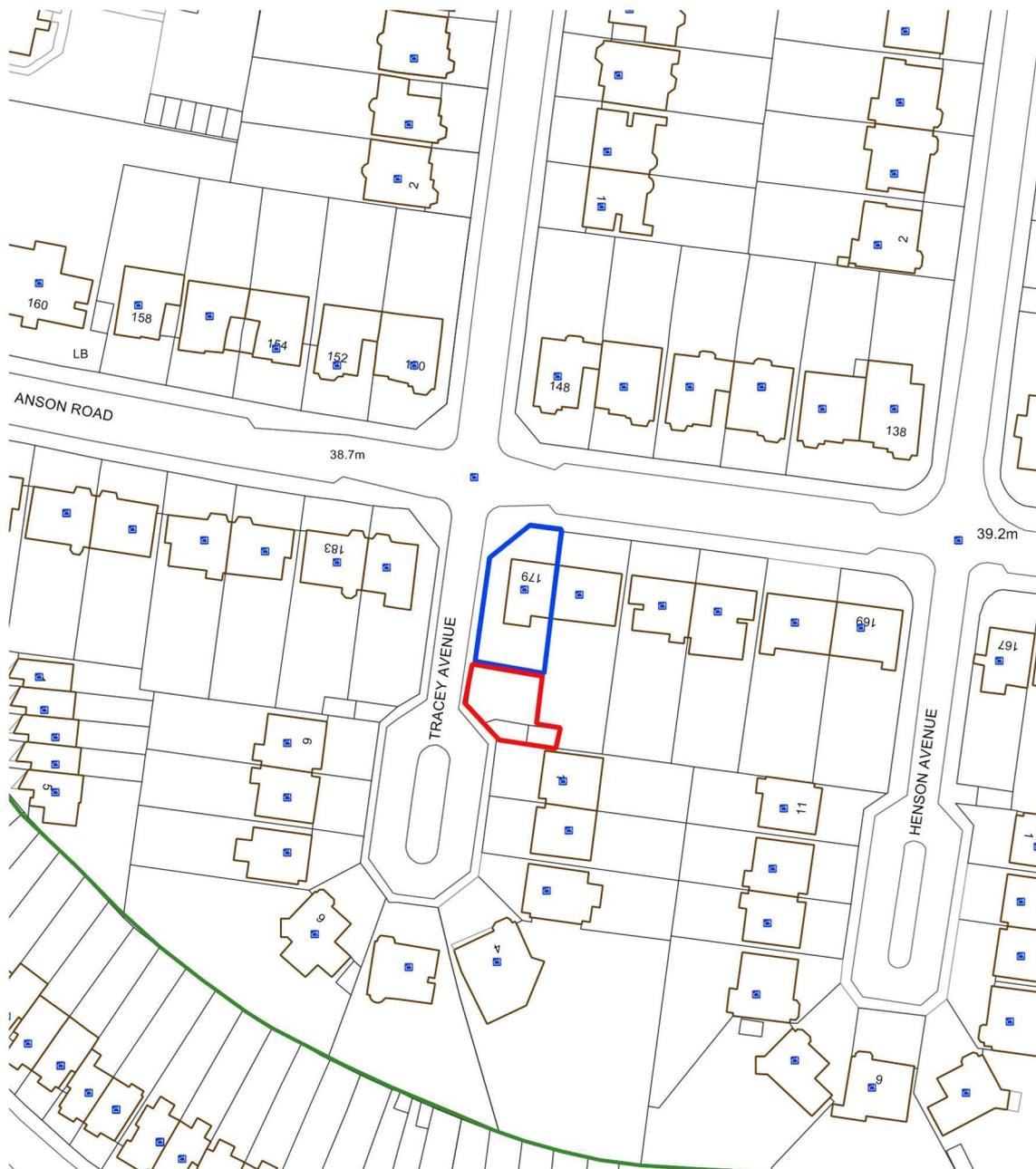




**Planning Committee Map**

Site address: 179 Anson Road, London, NW2 4AS

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This map is indicative only.

**RECEIVED:** 1 August, 2013

**WARD:** Mapesbury

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** 179 Anson Road, London, NW2 4AS

**PROPOSAL:** Erection of a detached ground and subterranean storey single bedroom dwelling house with fully accessible accommodation and associated hard and soft landscaping

**APPLICANT:** Ms Masters

**CONTACT:** MZA Planning

**PLAN NO'S:**

3644-200.01;  
3644-200.02;  
3644-200.03;  
3644-200.04;  
3644-200.05;  
Light diagrams; and  
Design and Access Statement.

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## **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 Jones

### **Date and Reason for Request**

12.09.13 - application is a specialist form of disabled accommodation with precedents for other buildings in the area.

### **Details of any representations received**

Approached by the applicant (Lara Masters)

### **Name of Councillor**

Councillor Leaman

### **Date and Reason for Request**

14.09.13 - precedent for similar style buildings

### **Details of any representations received**

Approached by the applicant (Lara Masters)

### **Name of Councillor**

Councillor Hunter

### **Date and Reason for Request**

13.09.13 - application is a specialist form of disabled accommodation with precedents for other buildings in the area.

### **Details of any representations received**

Approached by the applicant (Lara Masters)

**Name of Councillor**

Councillor Hopkins

**Date and Reason for Request**

14.09.13 - quality of design, corner plot in suburban location and lack of amenity space should be given greater consideration.

**Details of any representations received**

Approached by the applicant (Lara Masters)

**RECOMMENDATION**

Refuse Permission.

**EXISTING**

The application site comprises land to the rear of 179 Anson Road, a domestic semi-detached property located on the south side of Anson Road on the junction with Tracey Avenue. To the rear of the site (along the southern boundary with No. 1 Tracey Avenue) is a single garage.

The character of the area is residential in nature with has coherent feel which is characterised by consistent plot depths and widths with traditional inter-war suburban housing.

The site lies within CPZ "GA" which operates 10:00 – 15:00 Monday to Friday, but has low accessibility with a PTAL rating of level 1. No tube or rail services are within walking distance of the site, and only one bus route is locally available. Both local access roads which are not defined as being heavily parked.

**PROPOSAL**

Erection of a detached ground and subterranean storey single bedroom dwelling house with fully accessible accommodation and associated hard and soft landscaping.

**HISTORY**

**13/0893** - Demolition of detached garage at the rear and erection of a single storey 2 bedroom dwellinghouse with a basement level, associated hard and soft landscaping and access provided off Tracey Avenue.  
**REFUSED** 31.05.13

*The proposed dwelling by reason of its position within a rear residential garden, restricted plot and use of unsympathetic materials would result in an uncharacteristic sub-division and poor quality development that would fail to respect the established urban grain to the detriment of the character and appearance of the surrounding area contrary to Paragraph 53 of the NPPF (2012), Policy 3.6 of the London Plan (2011), Policy CP17 of the Core Strategy (2011) and Policies BE2, BE3 & BE9 of the Unitary Development Plan (2004).*

*2 The proposed dwelling would fail to provide a good standard of accommodation by reason of it's cramped position within the plot which would fail to achieve a satisfactory levels of light and outlook to the main living areas contrary to Policy BE9 of the Unitary Development Plan (2004) and guidance contained with Supplementary Planning Guidance 17 'Design Guide for New Development' nor has the proposal demonstrated to the Council's satisfaction that the proposed dwelling would be fully wheelchair accessible in accordance with guidance contained within the 'Wheelchair Housing Design Guide' (GLA, 2007) .*

*3 The proposed parking space by reason of its lack of visibility splays and orientation at an acute angle would be detrimental to highway and pedestrian safety and it has not been demonstrated that sufficient parking would be available for the existing dwelling contrary to Policies TRN3 and TRN23 of the Unitary Development Plan (2004) and the Domestic Vehicle Footway Crossover Policy (2008).*

*4 In the absence of a legal agreement to control the matter, the proposed development would result in:*

- additional pressure on transport infrastructure, without any contribution to sustainable transport improvements in the area;*
- increased pressure for the use of existing open space, without contributions to enhance open space or make other contributions to improve the environment; and increased pressure on education infrastructure*

*without any contribution to education improvements.*

*As a result, the proposal is contrary to saved policies TRN3, TRN4, TRN11, OS7 and CF6 of the adopted Brent Unitary Development Plan 2004 and guidance contained with the 'S106 Planning Obligations' SPD.*

## **POLICY CONSIDERATIONS**

The development plan for the purpose of S38 (6) The Planning & Compulsory Purchase Act 2004 is the Brent Unitary Development Plan 2004, Core Strategy 2010 and the London Plan 2011. Within those documents the following list of policies are considered to be the most pertinent to the application:

### **Brent UDP 2004**

- BE2 Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area or have an unacceptable visual impact on Conservation Areas.
- BE3 Proposal should the regard for the existing urban grain, development pattern and density in the layout of development site.
- BE4 Access for disabled people
- BE6 A high standard of landscape design is required as an integral element of development schemes.
- BE7 A high quality of design and materials will be required for the street environment.
- BE9 Creative and high-quality design solutions specific to site's shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.
  
- H11 Housing will be promoted on previously developed urban land which the plan does not protect for other uses.
- H12 Residential site layout to reinforce/create an attractive/distinctive identity appropriate to its locality, housing facing streets, appropriate level of parking, avoids excessive ground coverage and private and public landscaped areas appropriate to the character of area and needs of prospective residents.
- H13 The appropriate density should be determined by achieving an appropriate urban design, make efficient use of land and meet the amenity needs of potential residential, with regards to context and nature of the proposal, constraints and opportunities of the site and type of housing proposed.
- TRN3 Where an application would cause or worsen an unacceptable environmental impact of traffic it will be refused.
- TRN4 Where transport impact is unacceptable measures will be considered which could acceptably mitigate this.
- TRN11 Developments should comply with the plan's minimum cycle parking standard.
- TRN23 Parking standards for residential developments. The level of residential parking permitted will be restricted to no greater than the standards in PS14.
- PS14 Parking standards for residential uses
- PS16 Cycle parking

### **Brent Core Strategy 2010**

- CP 17 *Protecting and enhancing the suburban character of Brent*  
Balances the regeneration and growth agenda promoted in the Core Strategy, to ensure existing assets (e.g. heritage buildings and conservation areas) are protected and enhanced. Protects the character of suburban housing and garden spaces from out-of-scale buildings.

### **Brent Supplementary Planning Guidance**

#### *SPG17 Design Guide for New Developments*

Sets out the general design standards for development and has regard to the character, design and appearance of developments, the design layout with respect to the preservation of existing building lines, size

and scale of buildings and structures, and privacy and light of adjoining occupants. This policy guidance document addresses residential densities, minimum sizes for residential dwellings, external finishing materials, amenity spaces and parking related issues.

## **London Plan**

Policy 3.5 Minimum unit sizes

### The Mayor's Housing Supplementary Planning Guidance (adopted November 2012)

This guidance relates to the housing policies within the London Plan and covers policies on housing provision and policies on affordable housing. It gives detailed guidance for boroughs on how to develop sites for housing and how to determine housing mix and density for any individual site.

## **CONSULTATION**

6 letters were sent to neighbouring properties and ward councillor on 16.08.13. Three representations have been received, one in support, one in objection and one comment as set out below.

<b>Objection (1 Tracey Ave)</b>	<b>Officer Response</b>
<ul style="list-style-type: none"> <li>• Proposal could undermine structural foundations of property</li> <li>• Proposal would result in the loss of garden space which would adversely affect the character of the area.</li> </ul>	<ul style="list-style-type: none"> <li>• Structural matters are not normally a planning consideration.</li> <li>• The harm caused to the character and appearance of the area is set out in the officer report below.</li> </ul>
<b>Support (177Anson Road)</b>	<b>Officer Response</b>
<ul style="list-style-type: none"> <li>• Interesting design which by reason of its single storey nature would not be harmful to character of street.</li> </ul>	<ul style="list-style-type: none"> <li>• Proposal would be visible above boundary treatment which would fail to respect plot ratios and local urban grain.</li> </ul>
<b>Comment (71A Dartmouth Road)</b>	<b>Officer Response</b>
<ul style="list-style-type: none"> <li>• Landscaping to the frontage should be sought</li> </ul>	<ul style="list-style-type: none"> <li>• This is not considered to outweigh the harm caused by the proposal but could be sought in the event of approval – although the area for landscaping is limited.</li> </ul>

**Councillor Leaman:** Given that the applicant is unable to meet her specific housing needs through the existing housing stock - special consideration needs to be given specialist nature of the proposed dwelling.

**Transportation:** No objection

**Design:** Objection

**Landscape:** No objection

## **REMARKS**

### **1. Background**

2. The application has been submitted following an earlier application which was refused for the reasons set out above. The proposal has been amended such that the impact on the neighbouring property has been reduced, additional information and annotated plans have been provided to show how the dwelling would be wheelchair accessible as the concerns raised by Transportation being resolved. However, there remain concerns regarding the principle of developing the back garden in this manner, which would be harmful to the character and appearance of the area and result in a poor quality living environment as set out below.

### **3. Key considerations**

4. The key considerations of this proposal are as follows:

- Principle of development
- Design and Layout
- Standard of accommodation
- Impact on neighbouring amenity

- Parking & access
- Community Infrastructure Levy

## **5. Principle**

6. With respect to residential development, Paragraph 53 of the National Planning Policy Framework (NPPF) (2012) states:

*"Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."*

7. This position is reflected in Policy CP17 of the Core Strategy (2011) which seeks to protect and enhance the suburban character of Brent by resisting inappropriate development, including limiting development on back gardens. This is also in line with Policies contained within the London Plan for this type of development in Policy 3.5. Whilst the policy context does not preclude the development of back gardens, it does seek to ensure development proposals protect an established suburban/residential character.

8. The Design, Access & Planning Statement makes reference to the specialist nature of the proposed accommodation for a disabled occupant and the existing lack of such accommodation available in the Borough and London more generally. Whilst the personal circumstances of the applicant are capable of being a material planning consideration, this needs to be considered against the provisions of the statutory development plan, associated guidance and other material considerations. In practice planning decisions based solely on the personal circumstances of the applicant are exceptional, therefore whilst standards may be interpreted flexibly, proposals are still required to be in general conformity with the development plan.

9. In this case, whilst the personal needs of the disabled applicant are understood, this is not considered to be outweighed by the harm which is caused to the character of the area through the development of this back garden for a new dwelling that would fail to comply with the Council's detailed planning policies for the reasons set out below. The proposal is therefore considered to be contrary to Paragraph 53 of the NPPF and Policy CP17 of the Core Strategy and it is recommended that permission should therefore be refused.

## **10. Design and Layout**

11. The design of the proposal has changed since the refused scheme, with the principal building material being brick, which is considered to better relate to surrounding properties. However, in order to address the Council's guidance contained in SPG17 with respect to containing the building envelope within a 45 degree line drawn from the property boundaries, a contrived roof design is needed which would appear incongruous and be harmful to the character and appearance of the area. The footprint of the dwelling has changed and now it is proposed to retain the garage and convert it to form part of the main dwelling. Nevertheless, the nature of the plot remains restricted which would use part of the rear garden of 179 Anson Road to create a single storey dwelling (but with an additional storey of accommodation contained within a basement level). The subdivision of the plot in this manner and introduction of a new dwelling is considered to be uncharacteristic and detrimental to the general pattern of prevailing development in the surrounding area.

12. As set out earlier in the report, the general character of the area, is of suburban housing with consistent plot ratios. The proposed dwelling would be situated centrally within the plot, which would be considerably shorter than those plot sizes surrounding the site, contrary to the local urban grain. The proposed dwelling, notwithstanding its single storey appearance, would be situated forward of the established building line along Tracey Avenue. This would reduce the cohesive character of the area contrary to Policy CP17 which seeks to protect the suburban character of Brent and advice contained in SPG17 which states the front building line and distance between adjoining properties should generally respect the layout of the adjoining buildings and street. Overall, the proposal would fail to achieve a satisfactory setting to the development by reason of the restricted nature of the plot subdivision and resultant impact on the character of the area and street scene.

13. Previously the proposal would also require the removal of 3 existing large specimen trees along the rear boundary adjacent to the existing garage as well as an existing and substantial Cherry Tree, however, these trees have now been removed since the last application.

14. It is proposed to construct the dwelling to Code for Sustainable Homes Level 4 or 5 (Ground Sun letter dated 26.07.13) - this exceeds the requirements set out in the Building Regulations and in the development plan. Should the application be considered for approval, further information to secure these sustainability enhancements could be sought via condition.

## **15. Standard of accommodation**

16. It is considered overall the proposed dwelling would result in a poor standard of accommodation. Given the cramped nature of the proposed dwelling within the plot, the proposed dwelling would be situated in close proximity to the site boundaries. This would serve to restrict outlook from all main habitable rooms, including the kitchen and living rooms. SPG17 states that side facing habitable room windows (where they provide the sole outlook) and rear facing windows should have an outlook of at least 10m (to the boundary treatment) which this proposal would fail to achieve. The proposed two bedrooms by reason of their location within a basement storey would also be served by a poor outlook. Whilst light diagrams have been provided which show that rooms would receive acceptable levels of light, the lack of outlook into the small courtyard is considered to result in an unsatisfactory standard of accommodation.

17. The proposal would achieve approximately 45 sqm which is just below the Council's standard of 50sqm of amenity space for the proposed dwelling. The plot for the dwelling is also considerably below the general size of plots elsewhere in the area which are typically 15-25m in depth, which whilst this in itself is not a reason to refuse the proposals, it is indicative of the cramped form of development. The proposal would retain sufficient amenity space for the existing dwelling that would be of a satisfactory size and standard.

18. The tracking diagrams submitted with the application, alongside the specification contained in the Design, Access and Planning demonstrate that the layout of the dwelling would be able to accommodate a disabled occupier in a satisfactory manner.

## **19. Impact on Neighbouring Amenity**

20. The neighbouring properties most affected by the proposals would be No. 177 Anson Road and No. 1 Tracey Avenue as well as the existing dwelling at No.179. The proposed plans indicate that the dwelling would comply with the Council's standards contained in SPG17 with respect to size and scale for new development by being situated below a 45 degree line from the at the garden edge. Overall the proposed building would be within an envelope which is not considered to be physically overbearing to surrounding residential properties, in particular those highlighted above.

21. With respect to privacy, the proposed dwelling would not have any first floor windows, therefore the outlook from habitable room windows would be on to boundary treatments all of which are a minimum of 1.8m in height. As such it is not considered that the proposed dwelling would give rise to a significant direct loss of privacy.

## **22. Parking & Access**

23. Loss of car parking for the existing 4-bed dwellinghouse will not cause a problem for this revised scheme, as since the previous application an area of hardstanding and two off-street car parking spaces have been formed in the front garden of the existing property, served by an authorised new crossover. The maximum car parking standard is 2.0 car spaces for a 4-bed dwelling set out in PS14 of the UDP-2004. This is the full standard which is applied when sites have low PTAL ratings. This will be fully complied with following development. The proposed 1-bed dwellinghouse can be permitted up to 1.0 car spaces under the same PS14 standard. The proposal includes an off-street disabled parking bay measuring 3.6m in width and 4.8m in length, which is suitable for purpose.

24. The off-street car parking bay will utilise the existing crossover at the rear of the site, and so will not cause additional harm. The use of the existing crossover follows advice of Transportation officers, having looked at several alternatives following the previous refused scheme. Visibility splays exiting the site will not be more problematic than existing situation, as the access is already established.

25. Refuse and recycling storage for the new property is shown adjacent to the site frontage which is acceptable. There will be no need to provide cycle parking at this time however there is sufficient amenity space to provide a locker or similar treatment if desired by another occupier in the future.

## **26. Community Infrastructure Levy**

27 The CIL liability should be based on the gross proposed residential floor space (given that the existing garage would not count as existing residential floor space). As such the liability would be £21,400 for Brent and £3,745 for the Mayor.

## **28. Conclusion**

29. The proposal, which results in the subdivision of an existing garden plot, would be harmful to the character of the area. In addition, it is considered that the design of the proposed dwelling would erode the established suburban character of this location. The proposed residential accommodation would be substandard and by reason of its cramped position within this small plot and would fail to provide an outlook to the main habitable rooms and should therefore be refused permission. Whilst consideration has been given to the needs of the applicant and the sustainable design of the proposed dwelling, it is not considered that this outweighs the harm arising for this development.

**RECOMMENDATION:** Refuse Consent

**CONDITIONS/REASONS:**

- (1) The proposed dwelling, by reason of its inappropriate plot size, design, position within the plot and relationship to neighbouring properties, would result in an uncharacteristic development that would fail to respect the established urban grain and the character and appearance of the surrounding area contrary to Paragraph 53 of the NPPF (2012), Policy 3.6 of the London Plan (2011), Policy CP17 of the Core Strategy (2011) and Policies BE2, BE3 & BE9 of the Unitary Development Plan (2004).
- (2) The proposed dwelling would fail to provide a good standard of accommodation by reason of its cramped position within the plot which would fail to achieve a satisfactory levels of outlook to the main living areas contrary to Policy BE9 of the Unitary Development Plan (2004) and guidance contained with Supplementary Planning Guidance 17 'Design Guide for New Development'.

**INFORMATIVES:**

None Specified

Any person wishing to inspect the above papers should contact Matthew Harvey, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5368