

Committee Report
Planning Committee on 16 March, 2010

Case No. 09/2634

RECEIVED: 17 December, 2009

WARD: Dudden Hill

PLANNING AREA: Willesden Consultative Forum

LOCATION: 8 Prout Grove, London, NW10 1PT

PROPOSAL: Erection of part single storey, part two-storey rear extension and conversion of dwellinghouse into 4 flats (2 two-bedroom, 1 three-bedroom and 1 studio), with provision of cycle and bin storage and associated landscaping

APPLICANT: Mr Antonious James

CONTACT: ASK Planning

PLAN NO'S:
Refer to Condition 2.

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental Services to agree the exact terms thereof on advice from the Borough Solicitor

SECTION 106 DETAILS

The application requires a Section 106 Agreement, in order to secure the following benefits:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance.
- Contribution of £9,000 to be utilised by the Council towards Education, sustainable transportation, open space and sports improvements in the local area.

And, to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

EXISTING

The premises consist of a large 2-storey semi-detached dwelling with rooms in the roof space, located on Prout Grove. The property has been converted into a house in multiple occupation (HMO), however its lawful use is as a single family dwellinghouse. The application site is not located within a Conservation Area, and does not contain any listed buildings.

PROPOSAL

Erection of part single storey, part two-storey rear extension and conversion of dwellinghouse into 4 flats (2 two-bedroom, 1 three-bedroom and 1 studio), with provision of cycle and bin storage and associated landscaping

HISTORY

Installation of rear dormer window to roof space and internal alterations to premises (6 and 8) – **Granted, 1969.**

H6468 4581 – Alterations to form 2 self-contained flats and dustbin enclosure – **Granted, 1987.**

E/07/0312 - Without planning permission, the material change of use of the premises from two self-contained flats to a house of multiple occupation incorporating 15 non self-contained flats and the erection of a rear dormer extension – **Enforcement notice appealed – Appeal dismissed.**

09/1900 - Two storey rear extension and conversion of building into five self contained flats, provision of cycle and bin storage and associated landscaping – **Application withdrawn.**

POLICY CONSIDERATIONS

Brent UDP 2004

BE2 - Local context and character

BE7 - Public Realm - Streetscene

BE9 - Architectural quality

H17 - Flat conversions

H18 - Quality of flat conversions

H19 - Flat conversions - access and parking

TRN3 - Environmental impact of traffic

TRN4 - Measures to make transport impact acceptable

PS14 - Parking standards for residential development

SPG

SPG5 - Altering and Extending Your Home;

SPG17 - Design Guide for New Development.

CONSULTATION

Consultation period began 17 December 2009. 11 neighbouring properties consulted. 2 objections received, on the following grounds:

- Increased intensity of use would lead to noise and disturbance, anti-social behaviour etc, and would require excessive amounts of refuse storage etc;
- Inadequate amenity space for proposed number of flats;
- Increased parking pressure and traffic congestion, especially in conjunction with other new residential schemes in area;
- Poor standard of accommodation in terms of light;
- Concern that approval would set precedent for further conversions in street, exacerbating above concerns.

Transportation unit consulted - Object, unless car-free scheme implemented in order to address parking and traffic pressures.

Landscape Design team - No objection, but amendments to landscaping scheme recommended.

Environmental Health - No objection, condition proposed.

REMARKS

Existing:

The property is currently in use as a house in multiple occupation (HMO). This use is unauthorised, and is the subject of an extant enforcement notice requiring this use to cease, and revert back to the lawful use as a single dwellinghouse. The property has an original 2-storey rear projection. The roof space has been converted and extended with a full-width rear dormer window.

Principle of conversion:

Brent's UDP recognises the benefit that the conversion of large dwellings into self-contained flats can have in terms of meeting demand for new housing within the Borough. Proposals for flat conversion are therefore supported in principle, provided that they do not result in the loss of purpose-built small family dwellings (which are in shortage), and would not result in unacceptable transportation impacts. The original property has an original floor area in excess of 140 square metres, and is therefore not considered to be a small family dwelling. Transportation impacts are considered acceptable, on balance, and will be addressed later in the report. The principle of conversion of the property is therefore considered acceptable.

Quality of accommodation provided:

The proposal involves the provision of a ground floor 3-bed family unit, a first floor studio unit, a first floor 2-bed unit, and a second floor 2-bed unit. All of these comply with minimum floor space standards as out in SPG17. Extensions to the property are required in order to provide these flats, however these are not considered to be excessive or harmful, and will be addressed separately below. All flats are considered to have adequate layouts with suitable access, circulation and storage space. All habitable rooms have adequate outlook and daylighting. The quality of accommodation proposed is considered generally acceptable, although a balanced view has been taken in respect of the following elements of the proposed conversion:

- The rear-facing window of bedroom 2 of the ground floor family unit will be obscured to some degree by the proposed rear extension (which is wider than the original rear projection). This impact is considered to be, on balance, acceptable given that the bedroom is secondary and that this arrangement will not be imposed on existing residents.
- Units 1 and 3 have a degree of 'stacking', which may result in noise and disturbance issues. It is considered acceptable to address such issues through suitable insulation measures, details of which will be required by condition.
- The outlook and daylighting of the kitchen/ living room of the second floor 2-bed flat is limited to flank windows (facing neighbouring property at approx 2m distance) and rooflights. Layout changes and additional rooflights have been proposed since the initial submission to address these concerns, and the quality of accommodation is now considered to be acceptable, on balance.

Extensions:

The proposal involves a part single-storey, part 2-storey rear extension to the existing 2-storey rear projection. The single-storey element is 3m deep as measured from the original rear wall of the rear projection. As the site falls to the rear, the extension will be 4.6m above ground level at the rear wall. This exceeds SPG5 guidance, however the neighbouring property has the same finished floor and ground levels as the application site, therefore the height is considered acceptable. The extension is proposed to be wider than the original rear projection, however a gap of 0.9m will be retained between the extension and the boundary.

The proposed first floor extension is to be the same width as the original rear projection, and is proposed to be 1.2m deep. The depth of the extension complies with 2:1 guidance relative to neighbouring rear habitable windows in the original rear projection. The depth does not comply with this guidance relative to the windows on the main rear wall of the neighbouring dwellings, however neither does the original rear projection. A judgement must be made, therefore, as to whether the 1.2m depth extension would materially increase any impact on these windows. Officers consider that it would not.

Transportation/ parking:

The property is situated on a Heavily Parked Street, within a Controlled Parking Zone (CPZ), and has good access to public transport (PTAL 4). There is currently no off-street parking on the property, nor is any practicable due to the small front garden area. In this situation, the number of flats acceptable in a conversion scheme would normally be limited, under UDP policy H19, to a level that would be considered to not have a detrimental impact on local traffic and parking. This would be one flat per 75 square metres of original floor area of the property - 2 flats in this instance. As more than 2 flats are proposed, additional control over on-street parking must be applied in order to ensure that the proposal does not result in excessive additional impacts on local traffic and parking.

This additional control is usually applied through a car-free scheme, secured by legal agreement. For administrative reasons, it is not practicable to apply such an agreement to some flats within a property, and not others. Therefore all flats within the proposed site must either car-free or not car-free. As this application is being considered concurrently with an almost identical application for the neighbouring property 6 Prout Grove (09/2622), which is under the same ownership as 8 Prout Grove, a solution is proposed which allows retention of normal rights to parking permits for residents of one property, and removes those for the other property. This is considered to be an acceptable solution, as it will result in no greater parking pressure than would result from the strict application of policy H19. This arrangement would also not be considered prejudicial to the future occupants of the car-free property, as they would take residence in full knowledge of the situation. The site also has very good access to public transport.

Officers wish to note that the particular relationship between the two applications at 6 and 8 Prout Grove creates a unique opportunity for this solution to be reached. If these applications were to be considered individually, or by different applicants or owners, each would require a car-free agreement in order to be considered acceptable in terms of transportation impacts.

Landscaping:

A front garden layout is proposed which incorporates refuse storage and additional soft landscaping, which is a significant improvement on the current front garden layout. The proposed rear garden will provide a private amenity area for the ground floor family-sized unit, and a communal amenity area for the upper flats to the rear. Cycle storage facilities will also be provided in the communal area. Access to the communal area is via the side alley. There are few flank windows in the proposed ground floor flat that would result in any disturbance or loss of privacy from this access arrangement, however a small amount of fencing/screening will be required adjacent to the proposed kitchen windows. Details of this, along with specifics of proposed planting, hardsurfacing materials etc are proposed to be required by condition.

Impact on neighbouring amenity:

As explained above, the proposed extensions are of an acceptable size, and are unlikely to result in a significant impact on the amenities of neighbouring residents.

Response to objections:

Concerns relating to transportation and quality of proposed accommodation have been addressed already. With regard to the increased intensity of use, it is not considered that the levels of activity generated by the proposal would be inappropriate in a normal residential street, and it does not necessarily follow that increased numbers of residents would result in an increase in anti-social behaviour. The amount of refuse storage proposed is adequate, and enclosure and screening of this area will be required by condition as part of the front garden landscaping. Amenity space meets guideline requirements for the family unit, and is considered acceptable on balance for the smaller units. In terms of setting a precedent, any future application for flat conversion in the area would be considered on its own merits.

Planning obligations:

Financial contributions are sought toward education, sustainable transportation, open space and sports improvements in the local area. The standard charge would apply in this respect, which would be £3000 for each additional bedroom resulting from the conversion of the original dwelling. The Council has on record what can be considered to be original floor plans of the premises, which would indicate that the property had no more than 5 bedrooms, prior to the unauthorised change of use. The proposed development would have 8 bedrooms, therefore it is considered that a contribution of £9000 is appropriate.

A car-free agreement will not be required for this property, as discussed above.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home
Council's Supplementary Planning Guidance 17 - Design Guide for New Development

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Housing: in terms of protecting residential amenities and guiding new development

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

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

Design, Access, and Planning Statement Dated December 2009;
Renewables Feasibility Study dated July 2009;

TP6 Sustainable development checklist;
2009/634/P/01; 2009/634/P/11 Rev A;
2009/634/P/02; 2009/634/P/12 Rev A;
2009/634/P/03; 2009/634/P/13 Rev B;
2009/634/P/04; 2009/634/P/14 Rev A;
2009/634/P/05; 2009/634/P/15 Rev A;
2009/634/P/06; 2009/634/P/17 Rev A;
2009/634/P/07; 2009/634/P/18 Rev A;
2009/634/P/08; 2009/634/P/19 Rev A;
2009/634/P/09; 2009/634/P/01;

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

- (3) All new external work shall be carried out in materials that match, in colour, texture and design detail those of the existing building.

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

- (4) The proposed ground floor flank wall windows shall be constructed with obscure glazing and be non-opening, or with openings and clear glazing at high level only (not less than 1.8m above floor level) and shall be permanently maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained. No windows or glazed doors (other than any shown in the approved plans) shall be constructed in the flank walls of the building as extended without the prior written consent of the Local Planning Authority.

Reason: To minimise interference with the privacy of the adjoining occupiers.

- (5) All areas shown on the plan and such other areas as may be shown on the approved plan shall be suitably landscaped with trees/shrubs/grass in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to commencement of any demolition/construction work on the site. Such landscaping work shall be completed within 6 months of the occupation of the development hereby approved.

Such scheme shall also indicate:-

(i) Walls and fences

Proposed walls and fencing, indicating materials and heights. This shall include privacy fencing/ screening between ground floor bedroom 2 and side accessway to rear garden.

(ii) Planting details

Including species, densities, and locations.

(iii) Physical separation

Adequate physical separation, such as protective walls and fencing, between landscaped and paved areas.

(iv) Hardsurfacing

Details of proposed areas of hardsurfacing (including within private and communal amenity areas), including proposed materials, and means of achieving sustainable drainage.

(v) Refuse enclosure

Details of design and appearance of proposed refuse bin enclosure in front

garden.

(vi) Cycle storage

Details of secure covered cycle storage at the rear of the property.

(vii) Maintenance details

Details of the proposed arrangements for maintenance of the landscaping.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.

- (6) No development shall take place before a scheme for adequate sound insulation to walls and/or floors between units in separate occupation hereby approved has been submitted in addition to BRGs and approved in writing by the Local Planning Authority. Thereafter none of the flats shall be occupied until the approved scheme has been fully implemented.

Reason: To safeguard the amenities of the occupiers.

- (7) No access shall be provided to the roof of the extensions by way of window, door or stairway and the roof of the extensions hereby approved shall not be used as a balcony or sitting out areas.

Reason: To preserve the amenity and privacy of neighbouring residential occupiers.

INFORMATIVES:

- (1) The applicant is reminded that the current use of this property as a House in Multiple Occupation is unlawful, and is the subject of an extant Enforcement Notice. Steps should be taken immediately to either comply with the Enforcement Notice, or implement the permission hereby granted (bearing in mind that conditions must be discharged prior to the commencement of works). It is recommended that the applicant contact the Planning Enforcement Team on 0208 937 5280 to agree an acceptable timeframe for implementation, in order to avoid further enforcement action being taken.

REFERENCE DOCUMENTS:

Brent Unitary Development Plan 2004;
SPG5 - Altering and Extending Your Home;
SPG17 - Design Guide for New Development.

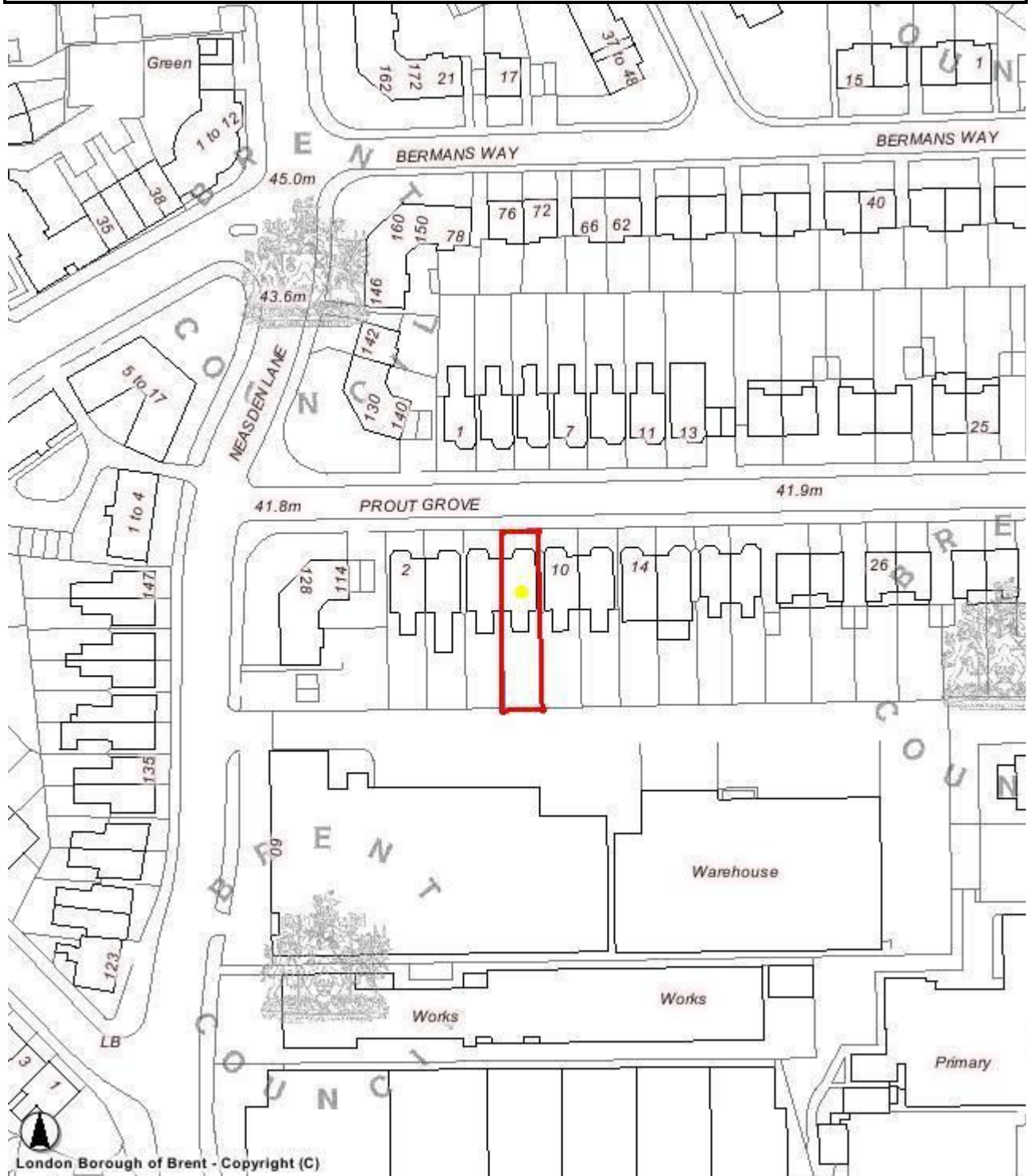
Any person wishing to inspect the above papers should contact Hayden Taylor, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5345



Planning Committee Map

Site address: 8 Prout Grove, London, NW10 1PT

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