



Planning Committee Map

Site address: Flats 1 & 2, Pember House, Pember Road, London, NW10 5LP & 35B
Kilburn Lane, North Kensington, London, W10 4AE

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This map is indicative only.

RECEIVED: 11 July, 2013

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Flats 1 & 2, Pember House, Pember Road, London, NW10 5LP & 35B Kilburn Lane, North Kensington, London, W10 4AE

PROPOSAL: Demolition of existing building and external staircase, retention of the facade and construction of 5 bed dwelling with basement and commercial office space on the ground floor

APPLICANT: Mr Anthony Macllwaine

CONTACT: Washbourne Field Planning Ltd

PLAN NO'S:
Please see condition 2

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
Cllr James Denselow

Date and Reason for Request
24 February 2014

Details of any representations received
Concern over impact on local residents

Name of Councillor
Cllr Mary Arnold

Date and Reason for Request
8 February 2014

Details of any representations received
Concern over impact on local residents

Name of Councillor
Cllr James Allie

Date and Reason for Request
8 February 2014

Details of any representations received
Not specified

Name of Councillor
Cllr Claudia Hector

Date and Reason for Request

7 February 2014

Details of any representations received

Not specified

RECOMMENDATION

Grant Consent

EXISTING

The site is currently occupied by a 2-storey industrial warehouse, which has been converted into two self-contained flats. The site also includes an office/workshop facility to the east of Pember House, known as 35b Kilburn Lane. The site has one vehicular access, which is located adjacent 35b Kilburn Lane. The site is not located within a conservation area, nor is any part of the property listed.

PROPOSAL

Please see above

HISTORY

The property has an extensive site history, however only the following 2012 application is considered to be relevant in the assessment of that proposal that is before the Local Authority.

Conversion of 1x 2 bed and 1 x3 bed to 1 x 5 bed, the creation of a basement, erection of single storey side/rear extension resulting in reduced commercial space, erection of a second floor extension and roof terrace with the installation of rooflights, solar panel, new windows and doors (Ref No: 12/0200) was refused permission on 13 February 2013 for the following reasons:

The proposed second floor extension, roof terraces, projecting PV panels, pool and associated plant equipment by reason of their design, excessive height, scale, siting, bulk, proximity to site boundaries and prominence results in an overly dominant and bulky addition, detracting from the character of the streetscene and relates poorly to the original property. As a result, the proposal would be contrary to policies BE2, BE9 and H18 of the adopted Brent Unitary Development Plan 2004

The proposed roof terrace with external cooking area, pool and associated plant equipment, by reason of its relationship to neighbouring properties and gardens, would be likely to result in potential noise, nuisance, overlooking and a loss of privacy to the detriment of neighbouring amenity contrary to policy BE2 and BE9 of the Brent UDP 2004 and guidance SPG17 "Design Guide for New Development

The proposal would result in excessive car parking and results in a reduction in the scope for landscaping, amenity and circulation space contrary to policies TRN23 and PS14 of the Brent UDP 2004

The proposed car lift by reason of its location would result in a lack of pedestrian and vehicle safety, provision of amenity space, a detrimental impact on servicing and access arrangements to adjoining properties contrary to policies TRN3 and TRN10 of the Brent UDP 2004

Following an assessment of the submission, including a site visit, it was found that the plans are inconsistent and it is not possible to fully assess the implication of the proposal in particular a proposed first floor extension, as such it is contrary to policy BE2, BE7 and BE9 of Brent's UDP 2004.

POLICY CONSIDERATIONS

The following planning policy documents and guidance are considered to be of particular relevance to the determination of the current application

The National Planning Policy Framework (NPPF)

National Planning Policy Framework (NPPF)

The NPPF was published on 27 March 2012 and replaced Planning Policy Guidance and Planning Policy Statements with immediate effect. It seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. It includes a presumption in favour of sustainable development in both plan making and decision making. The NPPF is intended to provide a framework within which local people and Councils can produce their own distinctive Local and Neighbourhood Plans. It aims to strengthen local decision making and reinforce the importance of keeping plans up to date.

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. The Core Strategy will also need to be in conformity with both the London Plan and the NPPF. In doing so it has significant weight attached to it.

Mayors London Plan 2011

The London Borough of Brent LDF Core Strategy 2010

CP2 Population and Housing Growth
CP21 A Balanced Housing Stock

The London Borough of Brent Unitary Development 2004 ('saved' policies)

BE2 Townscape: Local Context & Character
BE7 Public Realm: Streetscape
BE9 Architectural Quality
H12 Residential Quality – Layout Considerations
TRN23 Parking Standards – Residential Development
PS14 Parking Standards

Supplementary Planning Guidance Note 17: Design Guide for New Development

CONSULTATION

50 Neighbouring properties were consulted on 9 August 2013 and on 31 January 2014 as the Council received an amended submission. The Local Authority has received 9 objections, 1 support and 1 comment. These are outlined as:

- The development would create additional parking and traffic pressures
- The ambiguity raised by 'commercial use' is worrying to residents.
- The development will create an overbearing impact neighbouring gardens
- The development will reduce sunlight to neighbouring properties
- The architectural merit of the existing building should be retained as it fits in with the character of the street.
- Building works will endanger persons at neighbouring properties and negatively impact neighbouring commercial insurance
- The installation of a basement is likely to interrupt the structural stability of neighbouring properties which is likely to have a ripple effect on adjoining properties.
- Concerns over refuse and recycling facilities as the existing arrangements do not appear to be effective
- No details of parking have been provided

Comment

- Residents have not been consulted on the subject planning application - The Councils area of consultation is led by SPG2. The named properties fall out of the required consultation area.

Support:

- The proposal is likely to result in an improvement to Pember Road.

REMARKS

Introduction

As detailed in the 'History' Section of this report, a previous application (Ref No: 12/200) was refused permission. The main changes in the schemes are noted as:

- Reduced second floor extension
- Removal of second floor external cooking area and pool
- Removal of excessive park including car lift and basement parking

Principle of Conversion

1. The proposed development will result in the existing 2 flats (1 no. 2-bed, 1 no. 3-bed) being converted into a 1 x 5 bedroom unit and commercial office space at ground floor level. Policy CP21 of the Council's emerging Core Strategy seeks to redefine the UDP definition of family sized accommodation to units containing 3-bedrooms or more. The UDP definition considered units with two or more bedrooms to be suitable for family occupation. This change in definition is intended to assist the Council in addressing the identified shortage of housing for the unusually high number of larger households within the Borough. The loss of a family unit of which there is an acute demand in general is considered to be adequately compensated for through the creation of a 5-bedroom unit. As such, the proposed development is considered to comply with the aspirations of policy CP21 which seeks to achieve a balanced housing stock for the Borough.

2. As detailed above part of the site is in use as offices. Policy EMP9 restricts the loss of employment sites, as such the proposal seeks to retain the office use thereby meeting aspirations of EMP9. As such the format of the development is accepted. The site benefits from a very good Public Transportation Accessibility Level (6) and as such is considered to be appropriately located in terms of access. Concern has been raised over the use of the B1 use as commercial. The proposal seeks to retain the existing use as B1. If Members are minded to approve the use of the development will be condition to B1 only.

Loss of the building and design and appearance of the development.

3. The building is not sited within one of the Council's designated Conservation Areas nor an ADRC (area of distinctive residential character). As a result, the area does not provide the same level of protection to existing buildings as would be the case if it was so designated or, even more sensitive, the building was statutorily listed.

4. This is not to say that the area does not have a character worthy of acknowledgement, but it does mean that it would be difficult for the Council to say that the demolition of buildings will never be allowed in this locality. Instead, the Council's approach should be that if building is to be removed, any replacement building should be of the necessary design quality, relating well to what is in the area.

5. Policies BE2, BE3, BE7, BE9 and H12 of the UDP seek to ensure that new development positively enhances the character and amenity of an area. The character here is mixed with Epcot Mews to the East, two storey houses to the North, South and West. Further East of the site a garage (Pember Road) and retail/commercial (Kilburn Lane) uses are operational. It is therefore considered that there is no objection to a mixed development, per se, in this location is raised. However, this would be on the basis that the resulting development would not detract from the character of the area, and would positively enhance the area thereby.

6. The design of the development is fairly traditional, which is not, in itself, something that the Council would object to in principle. For the avoidance of doubt, your Officers would not object to a contemporary architectural approach here, but whichever approach is adopted, it would be on the basis that the quality of the development is acceptable.

7. The footprint and façade of the building will be retained. The only external change to the building will be in the form of the second floor extension. The design of the proposed development is better than the original submissions in that the new second floor is now set away from the North, South and West elevations so to better articulate the upper floor development. The proposal envisages a simple roofscape with a light weight obscure glazed structure placed at second floor level. The elevational treatment of the building has been retained in an attempt to respect the established character of the street. The Design format is considered to be acceptable and no objection is raised.

Impact on Neighbouring Amenity

8. As the building foot print remains unchanged, any additional impact will arise from the additional floor, detailed above. The Council's SPG17 guidance, specifically the 30 and 45 degree guides new development. Policy BE2 requires new development to consider existing features, as such the existing building forms a material consideration in officers assessment. It is noted that the existing building breaches the Council's existing Guidance. Nevertheless it is still necessary to assess whether the proposal has any significant increased impact that would make the proposal unacceptable. An assessment of the second floor extension is therefore necessary. The proposed second floor extension can be seen in four elevations and these are addressed below:

9. The Southern façade (fronting Pember Road) will be retained. Viewing the development from this elevation, the proposed extension will be set away from the Western elevation and will not project any further

than the neighbouring dormer window or front rooflights at No 2 Pember Road. The existing front building line is located some 5m forward of properties at Epcot Mews. The proposed extension will project less than half of this depth at 2m. The South facing balcony will contain obscure glazing and be set away from the Eastern and Western Elevations so to protect neighbouring amenity at Epcot Mews and 2 Pember Road. High level glazed windows are proposed on the Eastern elevation, however these too will be obscure glazed. Owing to the building in situ, this element of the proposed extension is not considered to cause detrimental planning harm No. 2 Pember Road or Epcott Mews.

10. The Eastern and Western Elevations will contain a glazed structure. This structure will be located 0.5m away (Min 2m away from boundary) from the lightwell located on the Western Elevation. The glazing of which will be obscured so to prevent a loss of amenity. Owing to the positioning of the extension (Now with increased set off, than that of the previously refused scheme) and lightweight materials employed, your officers are not of the view that this element of the extension will result in a loss of neighbouring amenity. The Extension will not be set off the Eastern elevation.

11. The third element of the extension located to the North of the roof will be set off the Northern and Western boundaries. This is considered to be the most contentious of the relationships discussed, owing to the short Gardens at Buller Road (6.5m) and the rear garden at No 2 Pember Road. The applicant has responded to the tight relationships by constructing an extension that is lightweight by reason of its materials, sought to set the extension away from the boundaries (as detailed above) and has removed balconies for amenity. The outside areas of the roof are demarcated by railings and are for maintenance purposes only. They will be duly conditioned if Members are minded to grant permission for the development.

12. Particular concern has been raised to the loss of daylight/sunlight and an overbearing impact of the extension. As stated above the existing building must form a material consideration in your officers assessment. The existing building occupies the entire footprint of the site and this remains unchanged in the proposal.

13. The applicants Daylight, Sunlight and Overshadowing report describes relevant planning policies with respect to daylight, sunlight and overshadowing, the methods used to assess the impacts, the baseline conditions currently existing at the Site, the potential direct and indirect impacts of the Development and the residual impacts of the development. The calculations follow the guidance set out by the BRE Report "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" and the "Daylight, Sunlight. Adherence to these guidelines gives the potential to achieve good daylight and sunlight conditions in new buildings and also to retain acceptable conditions for existing buildings nearby.

14. The report concludes that the existing surrounding residential properties assessed will receive daylight and sunlight levels comparable to or any reduction will be within the relevant BRE guidance i.e. no loss of sunlight or daylight greater than 20% of the former condition. This largely due to the set back nature of the upper floor extension and its lightweight glazed appearance. It should be noted that if the existing building (which occupies the footprint of the building) had not been insitu, your officers would not find the proposal to be acceptable.

15. The proposal seeks permission for a new basement. The basement will accommodate storage area, media room, sauna, gym and changing rooms to the house. These will be serviced by a series of lightwells. As such no objection is raised to the quality of space proposed. In constructing the basement, some concern has been raised with the structural stability of such a development and its impact on neighbouring properties. Brents approach to basements recognises these concerns and seeks information from applicants to clarify implications of the basement construction. Further information around potential contradiction and methodology has been provided and as Members are aware the implications on stability are not direct planning considerations but are covered by the Building Regulations. The applicant will be reminded of their Party Wall Act responsibilities by way of an informative and will need to sign up to considerate contractors scheme.

Highways

16. The site is located on the northern side of Pember Road, a local access road which is defined as being heavily parked. However, vehicular access to the site is proposed via the existing passageway from Kilburn Lane. The site lies within Controlled Parking Zone which operates 08:30 – 18:30 Monday to Friday, and has excellent accessibility with a PTAL rating of level 6. Kensal Green and Kensal Rise Stations are both within walking distance of the site, while eleven bus routes are locally available.

17. Under parking standard PS14 of the Unitary Development 2004 (UDP-2004) a single 5-bedroomed

property can be permitted a maximum of 1.2 car parking spaces (which is a reduction from the existing attraction of 1.9 bays). This is the stricter standard which is applied when sites lie within a Controlled Parking Zone and have excellent PTAL ratings. As such, the proposed provision of one car space within the yard off Kilburn Lane is acceptable. The retained B1 unit adjacent to the proposed dwelling can also be permitted one car space plus one servicing bay (PS6 and PS19 of the UDP-2004), which is fulfilled by the provision of a second space within the same yard.

18. Whilst the provision of 2 car parking space as proposed can be accepted, it is noted that the property has the capacity to park 3 cars on site. Assessing the amount of space available your officers are of the view the spaces can be accessed independently. Details of the parking layout should therefore be secured by condition.

19. Given that Pember Road is heavily parked and Kilburn Lane is a local Distributor road, it is preferred that off-street parking is provided for this dwelling. The access route remains of an acceptable width, being 3m wide plus 0.9m footways each side.

20. Refuse and recycling storage is shown on the Pember Road frontage which is welcomed as this is the more suitable access point for waste collection.

21. Cycle parking is shown at ground floor level (4 spaces), which is acceptable and comfortably exceeds PS16 requirements. The storage appears to be enclosed and covered, which improves security and weather protection.

22. There is a redundant vehicular crossover on the Pember Road frontage which still needs to be restored to kerb-and-channel at the developer's expense prior to occupation of the new dwelling. Details of which shall be secured by condition

Summary

Objection	Response
The development would create additional parking and traffic pressures	The resulting development will attract less park existing development
The ambiguity raised by 'commercial use' is worrying to residents	Please see par 2
The development will create an overbearing impact neighbouring gardens	See paragraph 12
The development will reduce sunlight to neighbouring properties	See paragraph 12
The architectural merit of the existing building should be retained as it fits in with the character of the street.	Please see paragraph 3-7
Building works will endanger persons at neighbouring properties and negatively impact neighbouring commercial insurance	Building works do not form a material consideration for assessment of this a planning application as defined in the Town and Country Planning Act
The installation of a basement is likely to interrupt the structural stability of neighbouring properties which is likely to have a ripple effect on adjoining properties	Please see paragraph 13
Concerns over refuse and recycling facilities as the existing arrangements do not appear to be effective	Please see paragraph 18
No details of parking have been provided	Please see paragraph 14-16

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

(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

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 drawings:

Proposed North Elevation - 22 January 2014
Proposed West Elevation - 22 January 2014
Proposed South Elevation - 22 January 2014
Proposed East Elevation - 22 January 2014
Proposed Roof Plan - 22 January 2014
Proposed Second Floor Plan - 22 January 2014
Existing Site Plan
Existing ground floor plan
Existing Roof Plan
Existing North and South Elevation
Existing West Elevation

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

- (3) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the use of the area denoted as B1 on the ground floor plan hereby approved shall only be for purposes within Use Classes B1, unless otherwise agreed in writing by the Local Planning Authority, providing that any extraction equipment required by the uses are approved by the Local Planning Authority in advance of the unit being served by the required extract equipment being occupied.

Reason: To allow an appropriate level of flexibility in the use of this floorspace and in the interests of amenity.

- (4) The redundant vehicular crossover on Pember Road adjacent to the property frontage shall be restored to kerb-and-channel at the developer's expense prior to occupation of the new dwelling

Reason: In the interests of highway and pedestrian safety.

- (5) The railings located to the North, West and East elevations will be used for maintenance purposes only.

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

- (6) Details demonstrating that the developer or constructor has joined the Considerate Constructors Scheme shall be submitted to the Local Planning Authority prior to commencement of works and the developer or constructor shall thereafter adhere to the requirements of the Scheme for the period of construction.

Reason: In the interest of the amenities of the adjoining and nearby owners and occupiers.

- (7) Details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

- (8) Details of car parking layout shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

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

INFORMATIVES:

- (1) The developer is advised to contact the Head of Transportation, in order to arrange for the necessary works to remove the redundant vehicular crossover and restore kerb-and-channel.
- (2) 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 Communities and Local Government website www.communities.gov.uk

Any person wishing to inspect the above papers should contact Tanusha Naidoo, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5245