

RECEIVED: 6 January, 2010

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: 59 Oakington Avenue, Wembley, HA9 8HX

PROPOSAL: Erection of two 2 storey detached dwelling houses (1 x 4 bed and 1 x 3 bed) within rear garden of 59 Oakington Avenue, with parking and refuse in the proposed front gardens, a new vehicle access and pedestrian access to the side of 18 Forty Close and associated landscaping.

APPLICANT: Gateway Joint Investment LLP

CONTACT:

PLAN NO'S:

C074-10, rev P3, (1:200)

C074-11, rev P4, (1:100)

C074-12, rev P4, (1:100)

C074-14, rev A (1:100)

RECOMMENDATION

Refuse

SECTION 106 DETAILS

The applicants have indicated their willingness to agree Heads of Terms but as the application is recommended for refusal it fails to secure the necessary s106 contributions. Clearly this reason for refusal could be overcome. For the avoidance of doubt this 2 dwelling scheme would attract the following requirements;

1. Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance.
2. Contribution of £3000 per bed space, towards the provision and/or improvements of education facilities in the Borough, non-car access/highway, sports and public space improvements in the area.

EXISTING

The subject site consists of the rear garden of a detached dwellinghouse which fronts Oakington Avenue (number 59) together with part of No. 18 Forty Close within which the vehicle access to the proposed semi-detached pair of houses is to be gained. The subject site is not within a Conservation Area or the grounds of a listed building.

PROPOSAL

Erection of two 2 storey detached dwelling houses (1 x 4 bed and 1 x 3 bed) within rear gardens of 59 Oakington Avenue, with parking and refuse in the proposed front gardens, a new vehicle access and pedestrian access to the side of 18 Forty Close and associated landscaping.

HISTORY

06/3356 – Refused 15 February 2007

Erection of 2-storey detached dwellinghouse within rear garden of No. 59 Oakington Avenue with new vehicular access adjacent to 18 Forty Close

07/1466 – Refused 28 September 2007

Erection of 2-storey detached dwellinghouse within rear garden of 59 Oakington Avenue, demolition and replacement of garage to the side of 18 Forty Close, and new vehicle access and pedestrian access to the side of 18 Forty Close, with access onto Forty Close.

08/1867 – Refused 22 August 2008

Partial demolition of dwellinghouse and erection of 2 storey side and rear extensions and conversion of dwelling into 4 self contained flats and linked self-contained house with 5 car parking spaces and bin storage to front, cycle storage to side and associated landscaping to site.

08/3192 – Approved at Committee subject to completion of s106 legal agreement which has not yet been signed.

Conversion of dwellinghouse into 5 self contained flats comprising 1 x 3 bedroom house, 2 x 2 bedroom flats and 2 x studio flats, 2-storey front extension to existing annex, 2-storey side and rear extension and formation of 4 off-street parking spaces, bin storage, cycle storage and associated landscaping.

09/1599 – Refused 28 August 2009

Erection of two 2-storey dwellinghouses in the rear garden of the existing dwellinghouse, with parking and refuse storage in the proposed front gardens, new vehicular access to Forty Close and associated landscaping.

POLICY CONSIDERATIONS

Brent UDP 2004

- STR11 Quality & Character of the Borough's Built & Natural Environment
- BE2 Local Context
- BE5 Urban Clarity & Safety
- BE7 Streetscene
- BE9 Architectural Quality
- BE33 Tree Preservation orders
- EP2 Noise & Vibration
- H11 Housing on Brownfield Sites
- H12 Residential Quality – Layout Considerations
- H13 Residential Density
- H14 Minimum Residential Density
- H15 Backland Development
- TRN11 The London Cycle Network
- TRN14 Highway Design
- TRN15 Forming an Access to a Road
- TRN23 Parking Standards – Residential Developments
- PS14 P arking Standards – Residential Developments

SPG

- SPG13 Layout standards for access roads

- *SPG17 Design Guide for New Development*

Policy Considerations

- Appropriate design, massing and siting of houses
- Principle of backland development
- Character of the area
- Effect on street scene
- Design and appearance of proposed houses
- Light, outlook and privacy of neighbouring dwellings
- Provision of off-street parking and impact on the free-flow and safety of traffic.
- Impact on neighbouring amenity
- Residential density
- Quality of residential accommodation
- Impact on existing trees

SUSTAINABILITY ASSESSMENT

n/a

CONSULTATION

Consultation period: **14th Jan to 4th Feb 2010**

Date consultation letters sent: **14th Jan 2010**

Ward Councillors, Transportation, Environmental Health, Urban Design, Landscape, Thames Water, and Environment Agency notified; **14th Jan 2010**

Date site notice erected: **N/A**

Date advertised in local press: **N/A**

Public

54 letters of notification sent.

41 individual letters of objection were received. A petition with 162 signatures has been submitted objecting the proposal.

The letters and petitions raised some or all of the following issues:

- Proposal is an overdevelopment
- Loss of privacy to neighbouring properties
- Increase in on-street parking due to inadequate parking provision on-site
- Noise and pollution from additional vehicles using the access road
- Increased opportunities for crime due to access road being created
- Proposed 2-storey dwellings out of keeping with surrounding bungalows
- Proposal will overlook nos 18 & 20 Forty Close
- Questions regarding refuse collection and objection to collection from outside neighbouring properties
- Loss of existing protected trees and associated impact on wildlife
- Access not sufficient for construction and emergency vehicles
- Approval and creation of access would establish a precedent for further backland development served by this access.
- Impact on local water pressure
- Neighbouring residents will suffer from disruption during construction

1 letter of support has been received. It is considered the proposal makes effective and efficient use of the land which would help meet Brent's housing need.

Internal

Transportation:

- On-street parking in Forty Close is generally unrestricted (other than on Wembley Stadium event days), at the time of the site visit the road was about one-third parked.
- Public transport to the site is moderate (PTAL 3).
- Full parking standards apply, as set out in PS14. 2 spaces are permitted for the 4-bed and 1.6 spaces for the 3-bed, as 3 parking spaces are proposed, one for each dwelling and one shared visitor space the proposal complies with standards.
- The provision of a single shared access is fine to serve 2 dwellings.
- The access complies with fire brigade access requirements. For refuse storage a bin collection point is indicated about 25 metres from Forty Close, to comply with guidance this should be moved slightly closer to Forty Close so that bins are no more than 20m away.
- More details is needed of the replacement parking provision for 18 Forty Close (i.e. will the spaces be accessed from the new driveway or will a new crossover be provided for 18).
- No objection subject to standard s106 contributions towards sustainable transport improvement and the submission and approval of the access road showing the proposed layout of the front garden and parking space for 18 Forty Close, and resiting of bin store within 20m of Forty Close.

Environmental Health:

- No comments submitted in response to this application however no objection raised to previous application (09/1599)
- The noise report submitted is considered to be satisfactory.

Landscape;

- Landscape Officers and the Council's Tree Protection Officer are concerned with the proposed removal of trees which are covered by a Tree Protection Order.
- A Tree Protection Order includes T1 Ash, T2 Lime and T3 Lime. Both Lime trees are required to be removed in order to allow the proposed development.

External

Councillors Blackman, Mendoza and Patel object to the proposal on the following grounds:

- The proposals represent a gross over-development of the site;
- The proposed plans would result in an overly cramped development which would be detrimental to the character of the area;
- The development will result in unacceptable noise and disturbance for surrounding residents.

Environment Agency; Confirmed this as low risk development and declined to comment.

REMARKS

The proposed pair of dwellings would be sited in the rear section of garden currently forming part of No. 59 Oakington Avenue, with vehicle access to the site to be gained via an access proposed to the side of 18 Forty Close. An existing garage within the curtilage of 18 Forty Close would require demolition.

History;

Previous applications to develop this site have been refused for the following reasons:

1. The proposal will have a detrimental impact on the amenities enjoyed by the residents of the adjoining dwellings, Nos. 18 and 20 Forty Close, with regard to the light and outlook from their rear garden and will have an overbearing impact on the residents of these dwellings.

2. The proposal, by reason of the siting and height of the kitchen and bedroom 2 windows and the siting of the dining room and study windows and the associated poor provision of outlook and/or light, constitutes a substandard form of residential accommodation to the detriment of the future occupiers of the proposed unit.

3. Poor design which is detrimental to the character and appearance of the locality.
4. The siting of the access road and its proximity to the adjoining dwellings, is likely to result in an excessive level of noise and disturbance of the residents of Nos. 16 and 18 Forty Close.

A most recent application (**09/1599**) for a semi-detached pair of dwellings was refused under delegated powers for the following reasons;

1. Loss of Protected Trees and failure to demonstrate adequate replacement of these.
2. Proposal detrimental to amenities of neighbouring residents and intensity of development out of character with this rear garden location.
3. Poor roof design detrimental to visual amenities of the area.
4. Absence of s106 contributions.

The main issues for consideration with this revised application are;

1. Principle of backland development.
2. Siting of proposed dwellings and impact on neighbouring amenity.
3. Design & appearance of proposed dwellings.
4. Impact of vehicular access on neighbouring amenity.
5. Impact on existing protected trees.

Principle of backland development;

There is no objection in principle to backland development, but to meet the intentions of policy H15 such development must be designed so as to be subsidiary to the frontage housing, to ensure no unacceptable loss of privacy or outlook from existing dwellings, to include satisfactory access which does not cause nuisance to neighbouring properties and to retain sufficient garden depth with regard paid to the cumulative impact on the loss of existing garden habitats.

The character of the area is defined by large detached and semi-detached properties on Oakington Avenue and semi-detached pairs of bungalows on Forty Close. There are more dense forms of infill development on Crown Walk but generally backland development of the type proposed is not found in the surrounding area. The area has a generally open character of generous rear gardens at a suburban density.

PPS3 has a key objective that Local Planning Authorities should continue to make effective use of land by reusing land that has previously been developed. Recent Government guidance on development of garden land, set out in a recent Ministerial statement will clarify the current advice in PPS3 to say that there is no presumption that previously developed land is suitable for housing. It is the role of local authorities to take decisions on the most suitable locations for housing and, if appropriate, resist development on existing gardens.

Siting and scale of development:

The proposed pair of semi-detached dwellings are to be set 10m from the rear boundary to No. 18 Forty Close, allowing habitable room windows to be included within the northern wall of the proposed dwellings without causing an unduly detrimental loss of privacy for the residents of No. 18 Forty Close. Direct window-to-window distances of 20m will be observed, which is in accordance with SPG17 guidance.

The proposed dwellings are 2-storey with accommodation in the roof. The buildings will sit below the SPG17, 45 degree line taken from the boundary (at a height of 2m) with adjoining residential gardens and the 30 degree line taken from the habitable room windows of adjoining and nearby dwellings. These technical tests are complied with and accordingly the size and scale of development should ensure that in massing terms the proposal does not harm the surrounding amenity spaces. However policy H15 seeks to ensure that the height of backland development is subsidiary to the frontage housing. It is not considered that two-storey semi-detached housing

which is proposed as chalet style bungalows will not be subsidiary to frontage housing on Forty Close which is typically pairs of bungalows of a lower scale.

Overall design, appearance & quality of accommodation:

The proposal is considered to be acceptable in terms of design and appearance. The northern elevation addressing the access road is acceptable in terms of design, appearance and appropriateness of materials. The rear elevation has been redesigned it now appears symmetrical and previous criticisms of the awkward roof design and the lack of symmetry associated with this elevation are considered to have been addressed.

The internal floor areas for the 3 and 4-bedroom property will meet minimum SPG17 standards for this size of property. There are flank wall windows at ground floor, however these are secondary only and as they are at ground floor will not result in overlooking.

Access Road:

The vehicle access route is proposed in between Nos 16 & 18 Forty Close. The applicant has detailed a 4.1 m wide access road which narrows to 3.1m at the junction with Forty Close. A shared pedestrian access, 1m wide is proposed along the boundary with 18 Forty Close. Timber fencing is proposed either side of the access road, fencing to be 1.8m high. Replacement parking is proposed for 18 Forty Close within the front garden, a plan illustrating this has been submitted to address Transportation concerns.

The access arrangements have been a reason for refusal on earlier applications, the Councils concern being the proposed access will result in noise and disturbance to 16 & 18 Forty Close. To address the issue and demonstrate there will be no harm the application is supported by a Noise and Vibration report, the report submitted by NVP measures noise levels at the nearest residence to the development site, and assesses the noise from vehicles using the new access road and vehicle turning area. In conjunction a separate statement on the findings of the NVP report have been submitted by acoustic consultants Sharps Redmore Partnership.

In its findings the NVP report estimates likely noise from vehicle movements to adjacent properties, these indicate that kerbside levels of approximately 70 dB(A) for approximately 10 seconds as vehicles manoeuvre. It is also necessary to factor in attenuation due to the distance from the access road/parking area, and also attenuation due to screening fences. The 1.8m timber fence will result in 10 dB(A) reduction and the windows a further attenuation of 15 dB(A). The impacts of car door slams are also considered, an individual noise event should not exceed 45dB(A). Past measurements have shown that maximum noise levels of 66dB(A) can be expected at a distance of 10m from parking areas. When the attenuation effect of the boundary fence and increased distance is applied it is found that peak levels from doorslams will be 52dB (A) in the gardens of 16 & 18 Forty Close. Windows on the rear also provide attenuation of 15dB(A) meaning that the individual noise event will not exceed 45dB(A) as set out in World Health Organization guidelines.

While the noise levels may comply with WHO minimum guidelines officers consider that the associated additional activity to the rear of existing dwellings and visual disturbance particularly at night would have a detrimental impact on surrounding properties. Associated sounds such as the sound of engines, vehicles manoeuvring, raised voices together with glare of head lights would represent an unacceptable level of additional disturbance to this relatively quiet back garden area. It is therefore the increase in activity, particularly at night that officers consider potentially harmful to surrounding properties as well as the negative impact of the increase in intensity of activity on the character of this back garden area and on neighbours enjoyment of their back gardens.

Amenity space, landscaping & trees:

Each of the proposed houses will have private gardens 10m deep and 104m². The development results in the loss of amenity space for the conversion scheme granted at 59 Oakington Ave (08/3192). The property has planning permission, subject to completion of an s106 agreement for conversion into 5 flats, the amenity provision includes private gardens for ground floor flats and a

generous communal space to the rear, which would partly be lost to the proposed development. Despite the loss of garden space at 59 Oakington Avenue SPG17 minimum standards on amenity space will be maintained.

The area is characterised by large generous rear gardens. The introduction of backland dwellings, the breaking up and intensification of the site will lead to a form of development which is out of character within this rear garden location, and which fails to reflect the prevailing rhythms and patterns of development. By virtue of the reduction in size of existing rear gardens, the introduction of smaller rear gardens, and the relationship between the size of buildings and their setting is not in keeping with the character of the area generally.

An Arboricultural Impact Assessment has been submitted which confirms the loss of 8 trees, commenting that the majority of trees are mature with relatively short remaining contributions, are of small scale and not publicly visible. The landscaping plan includes provision for semi-mature replacements (x5) on-site however on balance it is considered that these will not provide the same high value contribution that the existing group do. There is an existing group of high quality, mature trees between the rear boundaries of 18 Forty Close and 59 Oakington Avenue, this group provides a natural screen and separation between gardens and collectively is considered to be of significant amenity value. The Council's Tree Protection Officer has visited the site and considers that the trees contribute to the attractiveness of the area, are of considerable individual beauty, important for their contribution to biodiversity and form an integral part of a larger shelter belt clearly visible from various view points. To this effect a Tree Protection Order has been made this covers 1 Ash (T1), 2 Lime's (T2 & T3). The development proposes the removal of protected trees T2 and T3, which as part of the group of protected trees provide a significant contribution to the area. These trees are visible from Forty Close.

RECOMMENDATION:

That planning permission be *refused*. This proposed form of backland development resulting in the loss of a group of protected trees and additional activity and disturbance to surrounding occupiers is considered unacceptable and is therefore recommended for refusal.

REASONS FOR CONDITIONS

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed development would result in the loss of protected trees on-site which are considered to be of high amenity value and also provide the function of screening and separating back-to-back gardens. Furthermore, the applicants have failed to demonstrate that the proposed development will provide adequate replacement trees. This is contrary to policies BE6 and BE33 of the Brent Unitary Development Plan 2004.
- (2) The proposed backland development would introduce a level of additional activity and visual disturbance that, particularly at night, would have a detrimental impact on the amenities of surrounding neighbouring residents and would result in an intensity of development out of character with this rear garden location, contrary to policies BE2, BE3, BE6 and BE7 of the adopted Brent Unitary Development Plan.
- (3) 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 policies TRN3, TRN4, TRN11, OS7 and CF6 of the adopted Brent Unitary Development Plan 2004.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

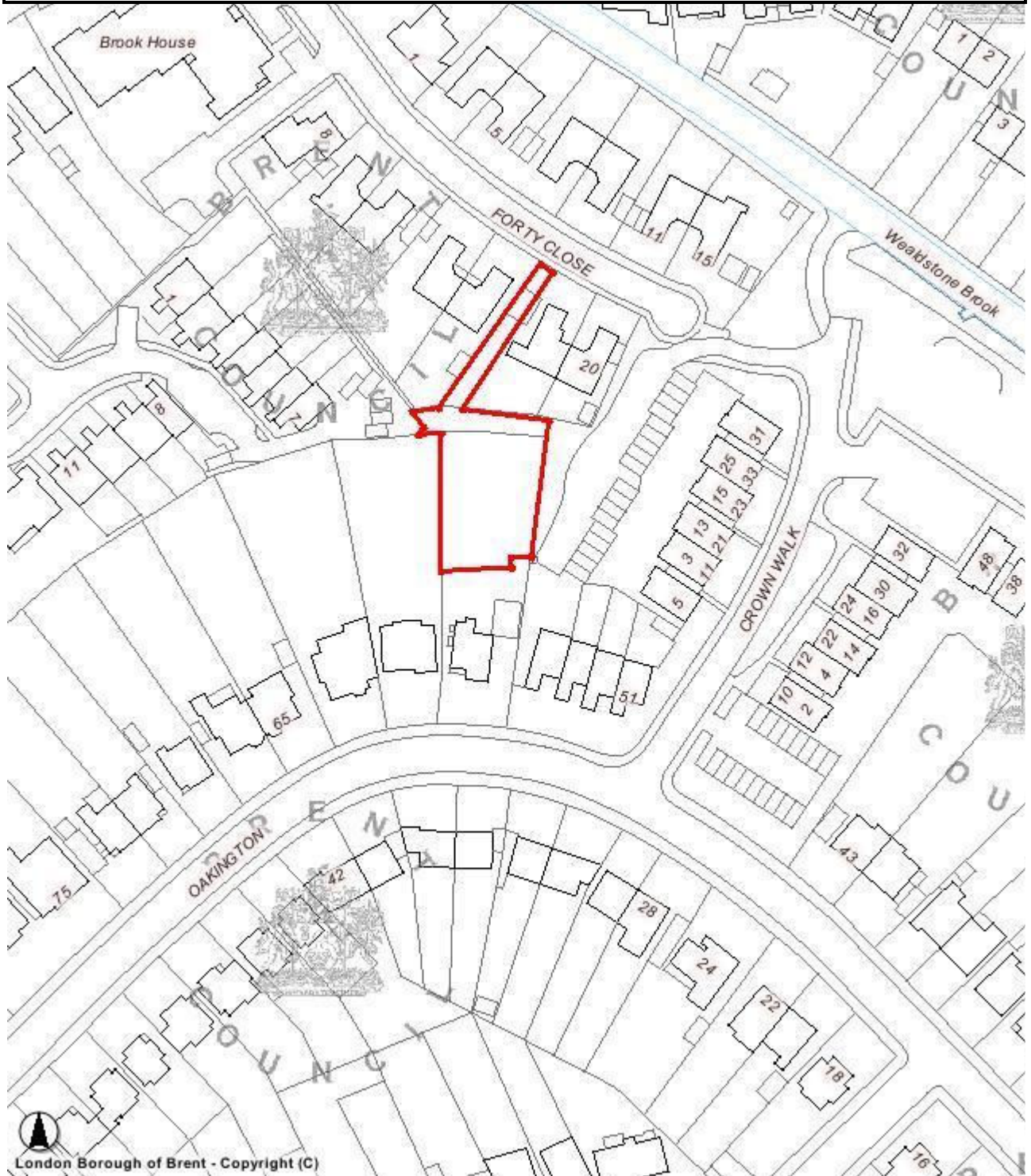
Any person wishing to inspect the above papers should contact Gary Murphy, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5227



Planning Committee Map

Site address: 59 Oakington Avenue, Wembley, HA9 8HX

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