

**Committee Report  
Planning Committee on 14 April, 2010**

**Item No.** 17  
**Case No.** 09/3261

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**RECEIVED:** 28 October, 2009

**WARD:** Tokyngton

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 17 Dennis Avenue, Wembley, HA9 8AZ

**PROPOSAL:** Conversion of the dwellinghouse to 17 self-contained flats (comprising 7 x 1-bedroom and 10 x studio flats), the provision of 7 off-street car parking spaces, the creation of a refuse storage area and external alterations including the conversion of integral garage to a habitable room, the replacement of the garage door with a window, and creation of two additional ground floor windows to the side elevation

**APPLICANT:** Mr Sunil Badiani

**CONTACT:** Robson Walsh

**PLAN NO'S:**

-5487/10 - Ordnance Survey Extract - Site Location Plan  
-5487/12 - Existing Ground, First and Second Floor Plan  
-5487/14 - Existing Front, Sides and Rear Elevations  
-5487/16 - Existing Forecourt Plan  
-5487/17 - Proposed Forecourt Plan  
-5487/18a - Proposed Front, Sides and Rear Elevations Plan  
-5487/19 - Proposed Ground, First and Second Floor Plans

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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 Muhammed Butt

**Date and Reason for Request**

8th January 2010

Approached by the applicant.

**Details of any representations received**

Has made no representations

**Name of Councillor**

Councillor Zaffar Van Kalwala

**Date and Reason for Request**

8th January 2010

Approached by the applicant.

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

Has made no representations

### **RECOMMENDATION**

Refusal

### **EXISTING**

The proposal relates to a large two-storey detached dwellinghouse located on the west side of Dennis Avenue at the junction with Linden Avenue. The property has been substantially extended. The area surrounding the site is entirely residential in character comprising terraced and semi-detached houses. The property is unusual in that it is detached and occupies a larger plot than surrounding properties.

The front garden of the property is entirely brick paved and provides 7 off-street car parking spaces served with 2 vehicular accesses from Dennis Avenue. Dennis Avenue due to its proximity to Wembley Stadium is subject to parking restrictions with a bay provided for permit holders.

The established use of the premises is a dwellinghouse although an appeal was allowed in 1988 for its change of use to a care home, however this was never implemented. The property since 2006 has been in unauthorised use as House in Multiple Occupation (HMO) comprising 9 self-contained flats and 12 non-self-contained flats. Enforcement Action against this unauthorised use is currently being pursued. prosecution proceedings and trial date has been set for June 2010.

### **PROPOSAL**

Conversion of the dwellinghouse to 17 self-contained flats (comprising 7 x 1-bedroom and 10 x studio flats), the provision of 7 off-street car parking spaces, the creation of a refuse storage area and conversion of the garage to a habitable room including the replacement of the garage door with a window and creation of two additional ground floor windows to the side elevation.

### **HISTORY**

The following planning history is relevant to the proposal:

- 28/1/2009 Application submitted for conversion from unauthorised HMO (House in Multiple Occupation) and 9 studio flats to 17 flats (7 one-bedroom and 10 studio flats) with associated replacement of front garage with a new front window and replacement of 2 rear doors with 2 new ground-floor rear windows - To be considered (ref: 09/3261)
- 11/02/2010 Application for the conversion from unauthorised HMO (House in Multiple Occupation) to 8 self-contained flats with associated installation of 2 front rooflight, 2 rear rooflight and replacement of 2 rear doors with 2 new ground-floor rear windows - Application Withdrawn (Ref: 09/3258)
- 05/12/2008 Retention of and reduction in height of existing boundary wall and pillars at front of property - Approved (ref: 08/2408)
- 15/11/2006 Enforcement Notice served against the unauthorised change of use and conversion of the premises into a HMO and 9 self-contained flats and the erection of a side boundary fence and front boundary walls and pillars to premises - (ref: E/06/1584)
- 06/06/1990 Outline application for demolition of existing and erection of 3 storey elderly persons home - Refused (Ref: 88/2202)

- 15/02/1989 Application for the erection of a two-storey side and rear extensions and conversion to 8 self-contained flats - Withdrawn (Ref: 87/2853)
- 23/01/1987 Erection of two-storey side extension, single storey rear extension, installation of front, side and rear dormers to provide room in roof space and change of use to elderly person's home and provision of parking spaces - Appeal Allowed (Ref: 87/0230)
- 12/02/1976 Erection of single detached house with integral garage and a domestic garage - Approved (Ref: H1333 892)

## **POLICY CONSIDERATIONS**

### Adopted Unitary Development Plan 2004 Policies

*BE2 Townscape: local Context & Character*  
*BE7 Public Realm Streetscape*  
*BE9 Architectural Quality*  
*H8 Resisting Loss of Housing*  
*H17 Flat Conversions*  
*H18 Quality of Flat Conversion*  
*H19 Flat Conversions - Access & Parking*  
*TRN23 Parking Standards for Residential Development*

*Supplementary Planning Guidance 17 relating to "Design Guide for New Development"*

## **SUSTAINABILITY ASSESSMENT**

Not Applicable

## **CONSULTATION**

The following have been consulted on the proposal:

- Nos. 9 to 18 Dennis Avenue
- Nos. 1 to 4 and 21 to 24 Linden Lawns
- Ward Councillors

In total 5 letters (1 from 17 and 3 from No. 18 Dennis Avenue and 1 from 1 Linden Lawns) have been received raising objections to the proposal on the grounds that occupiers of the application premises are not allowed to park in the forecourt of the premises and therefore they are using up most of the parking available in the street thus causing parking problems in Dennis Avenue and Linden Lawns. The proposal would worsen the parking situation in the street, increased traffic, noise, pollution and pedestrian safety. The property is currently let to a number of people some of whom act in an un-neighbourly way.

Transportation - object to the proposal on the grounds that no cycle parking is proposed, inadequate vehicular access to the site and insufficient off-street parking is being provided.

## **REMARKS**

### Background

The proposal relates to a large two-storey detached dwellinghouse located on the west side of Dennis Avenue at the junction with Linden Avenue. The property has been substantially extended. The area surrounding the site is entirely residential in character comprising terraced and semi-detached houses. The property is unusual in that it is detached and occupies a larger plot than surrounding properties.

The front garden of the property is entirely brick paved and provides 7 off-street car parking spaces served with 2 vehicular accesses from Dennis Avenue. Dennis Avenue due to its proximity to Wembley Stadium is subject to parking restrictions with a bay provided for permit holders.

The established use of the premises is a dwellinghouse although an appeal was allowed in 1988 for its change of use to a care home, however this was never implemented. The property since 2006 has been in unauthorised use as House in Multiple Occupation (HMO) comprising 9 self-contained flats and 12 non-self-contained flats. Enforcement Action against this unauthorised use is currently being pursued. prosecution proceedings and trial date has been set for June 2010.

This application is one of the three planning applications that have recently been submitted. One of the planning applications (ref: 09/3258) for the conversion of the dwellinghouse to 8 self-contained flats has now been withdrawn. Both this and the other remaining planning application (ref: 09/2542) for the retention of the premises as an (HMO) and 9 self contained flats is reported to the Planning Committee at the request of both Councillor Muhammed Butt and Councillor Zaffar Van Kalwala.

### The Proposal

Conversion of the dwellinghouse to 17 self-contained flats (comprising 7 x 1-bedroom and 10 x studio flats), the provision of 7 off-street car parking spaces, the creation of a refuse storage area and conversion of the garage to a habitable room including the replacement of the garage door with a window and creation of two additional ground floor windows to the side elevation.

The proposed ground floor plan proposes main entrance into the building, small office, small store room, plant room 3 x 1-bedroom flats and 3 studio flats. The first floor plan proposes 3 x 1-bedroom flats and 4 studio flats and second floor proposes 4 studio flats. The frontage layout of the property proposes a car park for 7 off-street car parking spaces with a small bin storage area.

### Assessment

The proposal is assessed against the Council's policies and standards as follows:

#### Flat Conversion

The existing property being a large detached extended dwellinghouse with an original internal floor area of more than 110m<sup>2</sup> is considered in principle to be large enough to be converted into flats as set out in Policy H17 of the adopted Unitary Development Plan (UDP) 2004. However, the proposal also needs to comply with the requirements of Council Policies H18 relating to *"The Quality of Flat Conversion"* and H19 relating to *"Flat Conversions – Access and Parking"* as set out in the adopted UDP.

Policy H18 requires flat conversions to provide an acceptable standard of accommodation for future residents. The conversion should not be over-intensive, in terms of the number and size of the proposed units. The layout of the rooms within conversion schemes should have appropriate stacking and should avoid differing types of room being "staked over or under each other. All rooms should have regard to room size standards as set out in Supplementary Planning Guidance (SPG) 17 relating to "Design Guide for New Development". All units should be fully self contained. Conversion schemes should be accessible to disabled people, have adequate circulation and storage space, and should meet the Council's standards for refuse and recycling storage and car and cycle parking standards.

Except where a dwelling is located on a large plot, significant side or rear extensions should not be erected to raise the number of flats permitted in a conversion scheme and the roof-space or existing habitable basements should, without extension, be large enough to contain a one-bedroom unit to Plan standards.

Schemes should where practicable, include a range of unit sizes suitable for various needs, and where the dwelling to be converted has a rear garden, then a family unit (2 or more bedrooms) on

the ground floor, sub-basement floor should be included, with direct access to the garden. The subdivision of floors between flat units will be permitted only where the size and layout of units is satisfactory and no units have a solely north facing aspect, or include wholly internal kitchens.

The proposed conversion scheme when assessed against the Council's Policy H18 (mentioned above) it would fail to comply in the following respect:

Unit Sizes – The scheme comprises of 17 self-contained units (comprising 6 x 1-bedroom flats and 11 studio flats). The proposed 1-bedroom flats would have an internal floor area ranging between 25.32 square metres and 36.26 square metres. The proposed studio flats would have an internal floor area ranging between 17.6 square metres and 31.38 sqm. According to the Council's "Minimum Unit Size" standards set out in SPG 17, studio and 1-bedroom flats need to have a minimum unit size of at least 33 sqm and 45 sqm respectively. In this instance all the proposed flats fall significantly below the minimum required floor areas. In some cases the floor areas are almost half the required standard.

Range of Units – The property is large enough to provide a range of family and non-family units suitable for various needs. However, in this instance the scheme provides only non-family accommodation in the form of studio and 1-bedroom flats. The proposal therefore fails to comply with the criteria (k) of the policy H18.

Light Aspect – 10 out of 17 units proposed would have single aspect (i.e. either east or west facing). Two of the units (unit14 and 16) in the loft space has no outlook as these units would be served with 2 rooflights each. Flat 1 & 8 include wholly internal kitchen with no outlook. The proposal therefore fails to comply with the criteria (l) of the policy H18.

Layout and Stacking - The internal layout of rooms within each unit is generally considered to be acceptable. However, there is inappropriate stacking of rooms between different floors in that bedroom in flat 1 would be directly over living room in flat 7, similarly bedroom in flat 7 would be directly underneath the living room in Flat 1, bedroom in unit 6 would be over a kitchen and bathroom of unit 13 and bedroom in unit 15 would be partly above the living room in unit flat 8. The proposal in the absence of any sound insulation measures is considered to result in the transmission of noise and vibration between units to the detriment of the future occupants of the units and therefore fail to comply with the criteria (a) of the policy H18.

Storage Space – There is no indication of storage space in any of the units proposed and therefore it can be deduced that the scheme does not provide any storage space for the units and therefore would result in a sub-standard form of accommodation for its future occupants and fail to comply with the criteria (d) of the policy H18.

Bin Storage and Screening – The front garden layout of the property indicates that there would be 2m x 1.1m area for bins. The proposal needs to make provision for a 120L of refuse and recycling storage per flat. The small area proposed for refuse storage is therefore not considered to be adequate to meet the needs of 17 self contained units. The proposal therefore fails to meet the criteria (f) of the Policy H18.

Amenity Space – The application is proposing 17 units and therefore in accordance with the Council's "Amenity Space" standards set out in the SPG 17 is required to provide a minimum of 340 sqm of communal amenity space based on 20m sqm of amenity space requirements per unit created. The property has a rear garden of ~255 sqm. The plans accompanying the application do not make it clear whether the rear garden would be used as a communal amenity area. In any case it falls well below the minimum level of amenity space required to meet the Council's standards for 17 units. The proposal therefore fails to meet the Council's minimum amenity space standards and would result in a sub-standard form of accommodation for its future occupants.

Car and Cycle Parking and Access – The plan indicates 7 off-street car parking spaces and a small bin area in the frontage of the property which is all hardsurfaced. The parking area would be served by existing (3.5m wide) vehicular access from Dennis Avenue. There is also a separate pedestrian access close to the north flank of the property.

The proposed 17 units (comprising 6 x 1-bedroom flats and 11 studio units) would need to provide 11.9 spaces (based on reduced standard of 0.7 spaces per unit for both 1-bedroom and studio flats). However, in this instance provision is being made for only 7 car parking spaces. The proposal therefore would fall short of 4.9 spaces and fail to comply with the Council's Car Parking standards set out in the adopted UDP 2004. It is therefore suggested that in this instance a car free agreement would be required and this will need to be secured through Section 106 Agreement. This would mean that occupants of the new units will not be allowed to apply for resident parking permits within the resident parking bays (in the Controlled Parking Zone). However, in the absence of any Heads of Terms being agreed or Section 106 Agreement signed, the development is considered to be unacceptable on transportation grounds.

According to the Council's Cycle Parking Standards PS16 set out in the adopted UDP 2004, the proposed 17 units would need to provide 17 safe and secured cycle parking spaces to meet the Council's standard of one per unit. In this instance as there is no proposal to provide cycle parking spaces, the proposal would fail to comply with the Council's Cycle Parking Standards for the proposed development.

The existing vehicular access to the frontage of the property is 3.7m wide. However, it should be ideally widened to 4.5m so the vehicles can pass each other and turn around. The access should be placed centrally to the car park. The proposed development fails to comply with this requirement and therefore is not considered to be acceptable on transportation grounds.

Emergency and Refuse Access – Fire Appliance need to gain access to a point that is within 45m of a suitable entrance to any given dwelling. The new dwellings will meet this requirement. Access point for refuse vehicles should not normally be further away than 10m from Eurobins enclosures in flats. The bin store is located close to the pedestrian access and will meet this requirement. However as mentioned earlier, the proposal fail to make adequate provision for refuse and recycling bin storage area with adequate screening in the frontage of the property and therefore in order to satisfy this requirement it could also have impact on the proposed car parking spaces as shown on the plans.

In view of the above considerations the application can not be supported on transportation grounds due to insufficient off-street parking provision, inadequate access width for the car park and lack of cycle parking for the development.

Soft Landscaped Area – The frontage of the property is all hard surfaced and would be used largely as a car park and bin storage area. The proposal therefore has no soft landscaping contrary to Council policy and guidelines.

External Alterations - The proposed external alterations involving replacement of 2 rear, 1 side and front garage door with windows to match the existing windows in the property is considered to be acceptable. However, the replacement of garage door with a window which would mean that the proposal would result in a loss of garage. It should be note that the garage at present is internally converted into a room without planning permission. It appears that garage conversion has taken place over 4 years ago and therefore is immune from enforcement action. However the loss of the garage would add to inadequate car parking provision provided for the proposed flat conversion scheme which is discussed below.

### Summary

The development overall fails to comply with the criteria for assessing flat conversions set out in Policy H18 to provide good quality accommodation for its future occupants, TRN11 relating to

Cycle parking, TRN15 relating to Forming an Access to a Road, TRN23 relating car parking and SPG 17 standards relating to inadequate unit sizes, lack of range of units suitable for various needs, inappropriate stacking, inadequate refuse and recycling bin storage area with screening, cycle provision and storage area, lack of amenity space, units containing wholly internal kitchens and no windows providing reasonable outlook. The proposal therefore demonstrates that it would be an over-development and over-intensive use of the site resulting in sub-standard accommodation to the detriment of the amenities for its future occupants.

**RECOMMENDATION:** Refuse Consent

**CONDITIONS/REASONS:**

- (1) The proposed conversion by virtue of all units having floor areas significantly below the Council's minimum room size standards, poor vertical stacking of rooms likely to result in the excessive transmission of airborne and impact sound between the living rooms and bedrooms in different units, poor outlook and lack of natural light to a number of habitable rooms, inadequate amenity space, inadequate refuse and recycling provision and inadequate off-street car and cycle parking would result in an over-intensive and sub-standard form of accommodation to the detriment of the amenities of the future occupants of the premises contrary to the Council's policies H18, TRN11, TRN15, TRN23 in the adopted Unitary Development Plan 2004 and Supplementary Planning Guidance 17 relating to "Design Guide for New Development".
- (2) The development, by virtue of failing to provide an appropriately-sized family dwelling within the proposed conversion scheme, would result in an inappropriate dwelling mix that would create housing provision not meeting the Borough's household needs for new family-sized housing, contrary to Policy H18 of the Council's Unitary Development Plan 2004.
- (3) The proposal, by virtue of the whole of the existing front garden being used for off-street car parking and the lack of any proposed alterations to the frontage to create any soft landscaped area, would be detrimental to the appearance of the original property and the visual amenity of the streetscene, contrary to the Council's policies BE2, BE6, BE7 and H12 in the adopted Unitary Development Plan 2004 and standards for "Front Garden and Boundaries" in the Supplementary Planning Guidance 17 relating to "Design Guide for New Development".
- (4) The proposal does not make adequate provision for the parking of vehicles within the cartilage of the site, in accordance with the standards adopted by the Local Planning Authority and as such is likely to give rise to conditions which are prejudicial to the free flow of traffic on the adjoining highway. The proposal as such would be contrary to the Council's policy TRN23 and standard PS14 of the adopted Unitary Development Plan 2004.
- (5) The proposals do not provide any cycle parking or refuse and recycling storage in compliance with the Council's standards and therefore would be contrary to policies TRN11, H12 and H18 of the adopted London Borough of Brent Unitary Development Plan 2004.

- (6) In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure and education, without any contribution towards sustainable transport improvements or school and nursery places and increased pressure for the use of existing open space, without contributions to enhance open space or make other contributions to improve the environment or toward measures to monitor or improve air quality and would not result in the adequate provision of affordable housing. As a result, the proposal is contrary to policies TRN3, TRN4, TRN10, TRN11, CF6, EP3, and BE7 of Brent's adopted Unitary Development Plan 2004.

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

1. Adopted Unitary Development Plan 2004
2. Supplementary Planning Guidance 17 relating to "Design Guide for New Development"
3. 5 letter of objections from No. 17 & 18 Dennis Avenue and 1 Linden Lawn

Any person wishing to inspect the above papers should contact Mumtaz Patel, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5244





## Planning Committee Map

Site address: 17 Dennis Avenue, Wembley, HA9 8AZ

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