

**Committee Report
Planning Committee on 8 June, 2010**

**Item No. 9
Case No. 10/0515**

RECEIVED: 4 March, 2010

WARD: Fryent

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Caretakers House, Kingsbury High School Annexe, 75 Roe Green, London, NW9 0PN

PROPOSAL: Retrospective application (and completion of works) for the erection of 3 x 3 bedroom terraced dwellinghouses, with creation of 2 vehicular accesses, hard and soft landscaping to front and provision of private amenity space to rear as accompanied by Deed of Agreement dated 22nd August 2008 under Section 106 of the Town and Country Planning Act 1990 (as amended)

APPLICANT: Mr Eugene Hickey

CONTACT: Lamont Planning Associates

PLAN NO'S:
Refer to condition 1

RECOMMENDATION

Approval

EXISTING

This application seeks retrospective planning permission for 3 x 3 bedroom terraced dwellinghouses located on Roe Green. The site was previously occupied by the caretakers house for Kingsbury High School. The site is not located in a conservation area nor is it a listed building.

Planning permission was originally granted for the three terraced properties on the site in August 2008. It was revealed during the construction of the properties, that they were not being built in accordance with the approved plans. This application seeks to retain the three properties as built.

PROPOSAL

Retrospective application (and completion of works) for the erection of 3 x 3 bedroom terraced dwellinghouses, with creation of 2 vehicular accesses, hard and soft landscaping to front and provision of private amenity space to rear

HISTORY

E/09/0680: Enforcement investigation into the erection of a terrace of dwellings without planning permission - ongoing.

09/2117: Details pursuant to conditions 4 (Tree Protection Method) and 5 (Landscape works) of full planning permission ref: 08/0850 - Granted, 08/10/2009.

09/1848: Details pursuant to conditions 3a-c (materials), 8 (cycle parking), 9 (refuse) and 11 (wheel wash) of full planning permission ref: 08/0850 - Granted, 24/09/2009.

08/0850: Full Planning Permission sought for demolition of existing dwellinghouse and erection of 3 no. three-bedroom terraced dwellinghouses, with alterations to existing means of access to create two separate vehicular accesses and provision of 3 parking spaces to front and associated landscaping to site, subject to a Deed of Agreement dated 22 August 2008 under Section 106 of the Town and Country Planning Act 1990 - Granted, 29/08/2008.

POLICY CONSIDERATIONS

Brent's UDP 2004

BE2: Townscape: Local Context & Character - Proposals shall be designed with regard to their local context, making a positive contribution to the character of the area.

BE6: Public Realm (Landscape Design) - A high standard of landscape design is required as an integral element of development schemes. This shall include the retention of existing mature trees and landscaping, particularly where these form part of the character of the area; new planting and boundary treatment which complement the development and enhance the streetscene.

BE7: Public Realm (Streetscape) - In residential areas the following will be resisted where they detract from the character of the area:- (a) excessive infilling of space between buildings and the road; (b) forecourt parking which would result in the loss of boundary treatment of character and common to the street; (c) hardsurfacing occupying more than half of a front garden area; and (d) forecourt parking which would detract from the streetscape or setting of the property, or create a road/pedestrian safety problem.

BE9: Architectural Quality - Extensions and alterations to existing buildings shall be designed to:- (a) be of a scale, massing and height that is appropriate to their setting, civic function and/or townscape location; (b) have attractive front elevations which have a direct relationship with the street at ground level, with well proportioned windows, and habitable rooms and entrances on the frontage, wherever possible; (c) be laid out to ensure that buildings and spaces are of a scale, design and relationship to each other, which promotes the amenity of users, providing a satisfactory level of sunlighting, daylighting, privacy and outlook for existing and proposed residents; and (d) employ materials of high quality and durability, that are compatible or complementary colour and texture, to the surrounding area.

H12: Residential Quality (Layout considerations) - The layout of residential development shall have a site layout which reinforces or creates an attractive and distinctive identity; face onto streets; have an appropriate level of car-parking and cycle parking; and avoid excessive coverage of hard landscaping and have an amount and quality of open landscaped areas appropriate to the character of the area.

TRN15: Forming an access to a road - An application for the creation of an access from a dwelling to a highway is acceptable where the location of the access would be at a safe point with adequate visibility and the access and amount of off-street parking proposed would be visually acceptable (having regard to existing highway verges and trees and policy BE7).

TRN23: Parking standards (residential development) - Residential developments should not provide more parking than the levels as listed in standard PS14 (maximum of 1.6 spaces per 3 bedroom house).

Supplementary Planning Guidance

SPG5 – Altering and Extending Your Home

Provides comprehensive and detailed guidance for domestic extensions and seeks to raise the design quality of buildings, and to protect the character of properties and streets.

SPG 17 - Design guide for new developments

Provides comprehensive and detailed design guidance for new development and seeks to raise the design quality of buildings, and to protect the character of properties and streets.

Supplementary Planning Document “S106: Planning Obligations”

CONSULTATION

Public Consultation

Consultation Period: 16/03/2010 - 06/04/2010

Consultation Period on revised plans: 10/05/2010 - 24/05/2010

73 neighbours consulted - one letter of support received during the initial consultation period and one letter raising objections received during the initial consultation period with further objections on the revised plans. Details of the objections are set out below:

1. Properties as built result in a flank wall which projects significantly beyond the rear wall of No. 77 Roe Green leading to an unsightly overbearing wall
2. Loss of midday sun to veranda and garden of No. 77 Roe Green
3. The new dwellings are on a higher level than 77 Roe Green leading to overlooking and a loss of privacy from the patios of the new houses

The above objections are addressed in the remarks section of this report.

Internal Consultation

Transportation Unit - No objections on transportation grounds as there will be sufficient parking provision for the new dwellinghouses and will meet the Council's maximum standards. The parking layout and access arrangements and refuse bins are acceptable as they were previously approved as part of application ref: 08/0850.

Landscape Team - No objections raised as the proposal is in accordance with the previously approved landscape details and the minor amendments are considered acceptable.

REMARKS

Background

In summary, the reason for the difference between the approved plans and the development as built relate to inaccuracies when surveying the site and the adjoining property (No. 77 Roe Green). These inaccuracies have resulted in the following variations:

- The application site is deeper overall than shown in the approved plans.
- The front gardens of both the new development and No. 77 Roe Green are deeper than shown on the approved plans.
- The house at No. 77 Roe Green is smaller than shown in the approved plans.
- The house at No. 77 Roe Green is located further away from the shared boundary with the development.

The key issue is the changed relationship with the house at No. 77 Roe Green, and the impact this has. An assessment of the revised relationship and the siting of the development is discussed in detail below.

Proposal

Design and siting

The development as approved was designed to follow the front building line of the house at No. 77 Roe Green. The development as built does follow the front building line, but due to the inaccuracies with the plans both the front gardens of No. 77 Roe Green and the application properties are deeper, resulting in a greater setback from the street. The development as built is considered to respect the streetscene and satisfactory relate to No. 77 Roe Green when viewed from the streetscene.

The plans approved in 2008 show the house at No. 77 Roe Green set away from the site boundary by 0.5m and having an overall gap of 0.8m between the new development and No. 77 Roe Green. The house at No. 77 Roe Green is in fact set in from this boundary by 0.85m at the front increasing to 1.0m at the rear (due to the splayed angle of the site), and the overall gap between the two buildings varies from 1.37m at the front in increasing to 1.52m at the rear. In reality, there is a larger gap between the two buildings which is considered acceptable.

The plans as approved show the house at No. 77 Roe Green with a total depth (including the front porch and rear canopy) of 11.7m. The approved plans indicated that the new dwellinghouses would not project beyond the rear building line of No. 77 Roe Green. However, the house at No. 77 is smaller than shown on the approved plans with a total depth of 10.54m. As the new dwellinghouse have been built to the same depth as shown on the approved plans, the resulting relationship with the house at No. 77 Roe Green has changed. The new dwellinghouse projects beyond the rear main building line of the house at No. 77 Roe Green by 2.5m from the main rear wall and 0.66m beyond the rear canopy as measured on site. The resulting relationship on the surrounding residential properties is discussed in detail below.

Impact of the development upon surrounding residential properties

The development does not result in direct overlooking into rear habitable rooms windows of surrounding properties. The relationship with Park View Court, which is located to the west of the new dwellinghouses, was previously considered acceptable and this relationship has not materially changed.

As mentioned above, the key difference in the relationship with the house at No. 77 Roe Green is that the development as built projects beyond the main rear wall of the house at No. 77 Roe Green by 2.5m. Whilst this application is not considering a two storey rear extension to a domestic property, your officers consider that reference should be made to the 1:2 guidance as set out in SPG5 "Altering and Extending Your Home". This states that the depth of the first floor rear extension should be restricted to half the distance between its side wall and the middle of the neighbours nearest habitable room window (this includes kitchens but excludes bathrooms, storage cupboards etc). This guidance ensures that the loss of amenity and light to the neighbouring properties is kept within reasonable limits.

In terms of the impact to the ground floor rooms in the house at No. 77 Roe Green, the distance from the middle of the glazed kitchen door to the flank wall of the terraced dwellinghouses is 2.4m. This would normally permit the projection beyond the rear wall to 1.2m. As built, the development exceeds this guidance by 1.3m. Your officers have visited the site on a number of occasions to assess the impact of the terraced properties on the availability of light and the outlook to the kitchen at No. 77 Roe Green at different times. However, the existing rear canopy at No. 77 Roe Green which is a fixed and permanent structure with a rigid and opaque roof. Given the existence of this feature, your officers are of the view that the new dwellinghouses do not have a significant additional impact in terms of reducing outlook and light to the original kitchen. At first floor level, the house at No. 77 Roe Green, has a non-habitable room nearest to the new development and the houses as built would therefore comply with the 1:2 guidance.

Your officers have also viewed the development from the rear garden of No. 77 Roe Green. There is a level difference of approx. 0.2m between the two properties with No. 77 Roe Green at the lower level. Your officers are of the view that the development does not appear overbearing when viewed from the rear garden of No. 77 Roe Green. Sunlight to the rear garden will only be marginally affected during late afternoon, but once again the loss is not considered to be of significant to warrant a reason for refusal.

The impact of the raised patios to the new dwellinghouses has also been considered. Due to the close proximity of the patio to No. 77 Roe Green, the plans have been revised to remove the corner element of this patio and provide some planting along this boundary. Such details are recommended to be secured by condition.

Residential quality

These reflect the original approval and meet the Council's standards and guidance.

A condition has been attached removing permitted development rights for the properties, due to the relatively small area of the gardens.

Landscaping

The front forecourt as approved provided comprise soft landscaping, a shared pathway and three parking spaces. Bordering the site are trees with TPO's. A condition was attached requiring a tree survey and tree protection method statement in compliance with BS 5837. These details were approved as part of planning application ref: 09/2117.

During the course of the previous application, the proposed front forecourt landscaping was considered to be a significant improvement on the existing situation and was considered to enhance the visual amenities of the locality. Details of soft landscaping, boundary treatment and hard surfacing materials were approved as part of application ref: 09/2117. The works have been carried out and are considered to be acceptable.

Parking

The parking and access arrangements are as previously approved with one off street parking space located at the northern end of the site accessed off 3.0m wide crossover and to the south of the site, two off street parking spaces accessed off 3.5m wide crossover. This meets Council requirements.

Section 106 agreement

In line with the requirements as set out in Supplementary Planning Document "S106: Planning Obligations", the original planning application was approved subject to a Section 106 Agreement, which secured a contribution of £18,000 towards the provision and/or improvement of education facilities in the Borough, non-car access/highway, sports and public space improvements in the area. The obligations and requirement have been complied with. However, as this application seeks retrospective planning permission for the three terraced properties as built, the deed of agreement has been transferred over to this application.

Conclusions

In summary the proposed scheme is considered to be provide good quality accommodation and satisfactorily relates to the character and appearance of the locality. Whilst it is noted that the relationship with No. 77 Roe Green differs to the approved plans, your officers are of the view that

the resulting relationship does not have such a harmful impact upon the amenities of No. 77 Roe Green to warrant refusal, and would reflect a normal interpretation of design guidance.

Approval is accordingly recommended.

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

RG/01A
RG/04A
AP-U0-0010-01 A1
AP-00-9000-10 A1
AP-U1-0010-01 A1
AE-00-0040-01 A1
AE-00-0040-01 A1 (Revised Site Plan)
AP-00-0300-06 A4

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

- (2) The existing vehicular crossover along Roe Green that will become disused shall be reinstated to a footway at the applicant's expense to the Council's satisfaction, prior to occupation of the development hereby approved.

Reason: To ensure that the redundant crossover does not prejudice conditions of safety for pedestrians on the public highway.

- (3) Notwithstanding the provisions of Classes A, B & E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended, no further extensions or buildings shall be constructed within the curtilage of the dwellinghouses hereby approved, unless a formal planning application is first submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent any over-development of the site and loss of amenity to adjoining occupiers.

- (4) Notwithstanding the siting of the three terraced properties and No. 77 Roe Green as shown in Plan Nos: AP-00-9000-10 A1; AP-U0-0010-01 A1; AP-U1-0010-01 A1; and AE-00-0040-01 A1, the three terraced properties shall be retained in the position as shown on Drawing Nos: RG/01A and RG/04A, and shall not be altered without the prior written approval of the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and in the interests of neighbouring occupiers.

- (5) The landscape scheme and bin store location as shown in revised site plan AP-00-9000-01A1 shall be fully completed within six months of the date of this permission and retained in accordance with the approved details. Any trees or shrubs planted in accordance with the approved landscaping scheme which, within five years of planting, are removed, die, or become seriously damaged or diseased, shall be replaced by trees and shrubs of a similar species and size as those originally planted, unless the Local Planning Authority agrees otherwise.

Reason: To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality and in the interests of neighbouring occupiers.

- (6) Notwithstanding the details submitted as part of Drawing No: RG/04A, further details of the removal of the patio next to No. 77 Roe Green and the planting of soft landscaping along this boundary shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of this approval. The approved landscaping shall be planted within three months of the date of the approved details and thereafter maintained in accordance with the approved plans.

Reason: To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality and in the interests of neighbouring occupiers.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent's UDP 2004

SPG5 – Altering and Extending Your Home

SPG 17 - Design guide for new developments

Supplementary Planning Document "S106: Planning Obligations"

One letter of support and one letter of objection

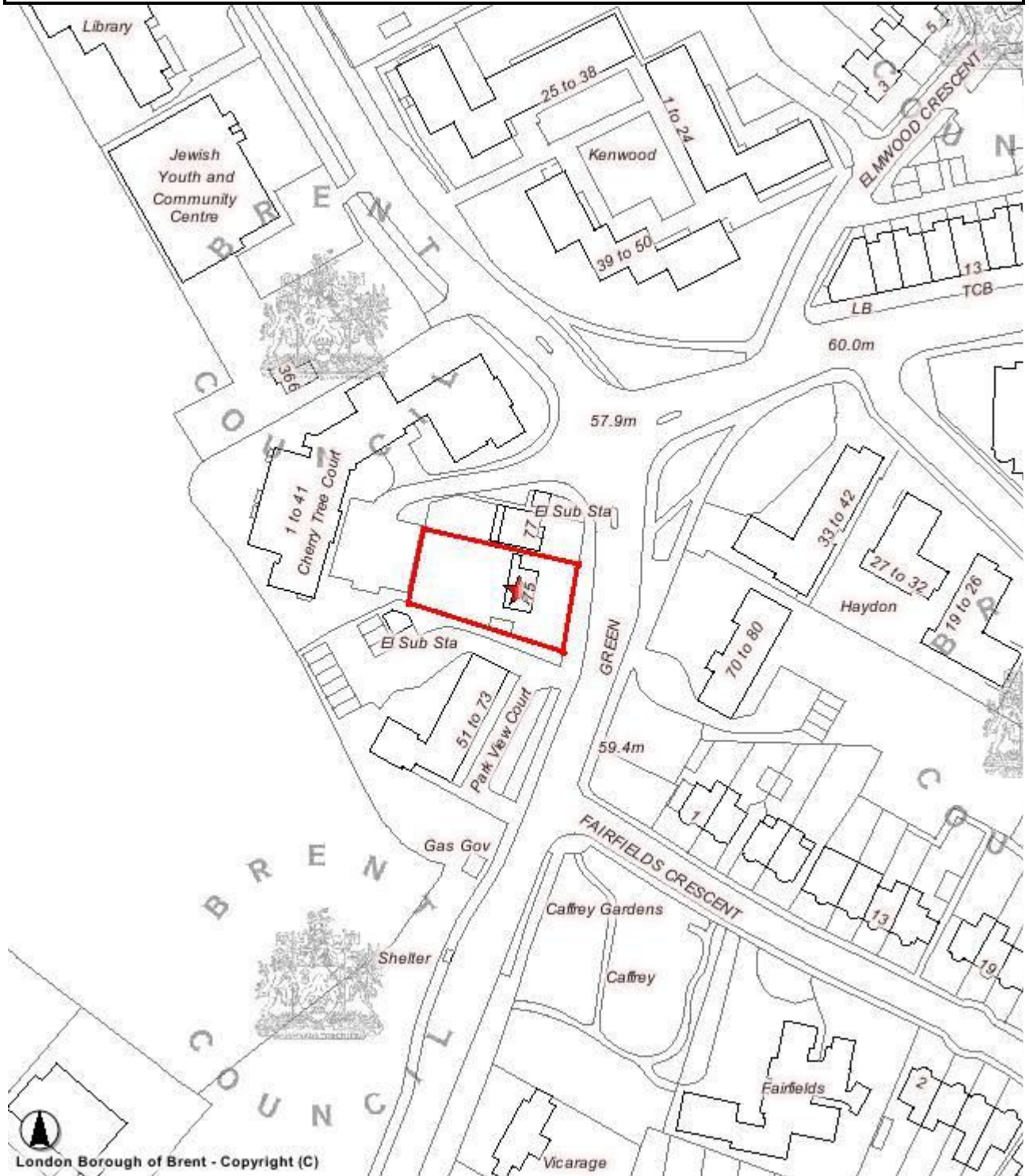
Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



Planning Committee Map

Site address: Caretakers House, Kingsbury High School Annexe, 75 Roe Green, London, NW9 0PN

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This map is indicative only.