

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

**Item No. 12  
Case No. 10/0310**

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**RECEIVED:** 15 March, 2010

**WARD:** Queen's Park

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** Land rear of 40-42, Okehampton Road, London, NW10

**PROPOSAL:** Demolition of 4 garages and erection of a two-storey, two-bedroom dwellinghouse with basement, timber fencing (1.8m high) to boundary, installation of vehicular and pedestrian gate to front, formation of new pedestrian access, alterations to narrow existing vehicular access to site and raise part of existing dropped kerb, with provision of 1 car-parking space

**APPLICANT:** Mr Mike Brasier

**CONTACT:** Inglis Badrashi Ltd

**PLAN NO'S:**  
See condition 2.

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**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
- £9000 to go towards open space, education and non-car access improvements in the local area due on material start, index-linked from the date of Committee.

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 site is located to the rear of Nos. 40 and 42, Okehampton Road, but is accessed off Dundonald Road and abuts the flank wall of No. 44 Dundonald Road. The site is bounded to the rear by the garden of No. 38 Okehampton Road.

The site is currently 4 disused garages, formally associated with Nos. 40-42 Okehampton Road.

## **PROPOSAL**

This application seeks consent for the demolition of the 4 garages on the site and the erection of a two-storey, two-bedroom dwellinghouse with basement, timber fencing (1.8m high) to boundary, installation of vehicular and pedestrian gate to front, formation of new pedestrian access, alterations to narrow existing vehicular access to site and raise part of existing dropped kerb, with provision of 1 car-parking space.

For the information of Members the application is identical in every way to planning permission 07/2012 (see "Relevant planning History" section below) with the exception that this proposal includes a basement area below the house.

## **HISTORY**

07/2012 - Demolition of existing 4 garages and erection of a 2-storey 2-bedroom dwellinghouse, 1.8m high, timber fencing to boundary, installation of 0.8m high, vehicular and pedestrian gate to front, formation of new pedestrian access, alterations to narrow the existing vehicular access, with provision of 1 car-parking space, refuse and recycling store. Permission granted, subject to legal agreement, at the Planning Committee of 17 June 2009.

## **POLICY CONSIDERATIONS**

### **UDP 2004**

BE2	Townscape: Local Context and Character
BE3	Urban Structure: Space and Movement
BE7	Public Realm: Streetscape (a)
BE9	Architectural Quality
H12	Residential Quality – Layout Considerations
H16	Frontage Redevelopment
TRN11	The London Cycle Network
TRN23	Parking Standards – Residential Developments

### **Other policy guidance**

SPG17	Design Guide for New Development
SPD	Planning Obligations.

## **SUSTAINABILITY ASSESSMENT**

Not applicable.

## **CONSULTATION**

A total of 25 addresses were consulted about this proposal on 23 March 2010. Ward Councillors were also notified of the application at that time.

Two letters have been received in response to the consultation. These raise the following issues:-

- materials proposed are incongruous in the streetscene.
- building would result in a loss of privacy.
- height of the building will be overbearing and will impact on Okehampton Road properties leading to a loss of light.
- basement will create subsidence. Concern that to allow this would result in a full basement in the future creating further problems.
- Party Wall Act and insurance policies should be fully complied with by the applicant.

## TRANSPORTATION ENGINEER

No objections.

## LANDSCAPE DESIGNER

No objections.

## URBAN DESIGNER

No objections.

## REMARKS

The proposal is for a two-storey, 2-bed dwellinghouse with associated landscaping and one car parking space.

### Differences between approved 07/2012 and the current scheme.

As indicated above, this application is identical to a proposal that was formally considered at the Planning Committee in June of last year. The difference here is that the applicants are now seeking to introduce an area of basement accommodation underneath part of the dwelling to provide a storage area. The basement would have a floor area of 39 square metres and the submitted plans indicate that the area would be used for storage. Light to the storage area would be gained from a skylight to the rear of the building and there would be no change to the appearance of the front of the building as compared to the approved 07/2012.

As a result of this limited change to the scheme approved last year, it is considered that the discussions at this time can only reasonably relate to the differences between the two proposals, rather than revisit matters which were considered when the Planning Committee approved the proposal for a house on the site less than 12 months ago. Essentially, these changes relate to the introduction of the basement and, consequently, any concerns about the impact of the building on neighbours or the established streetscene, whilst understood, were considered last year and were deemed to be acceptable.

In terms of the basement itself, the fact that it would have no outlook and restricted light would mean that it would not be considered as appropriate for habitable room accommodation in itself. As a result, Officers are clear that they are only considering this application on the basis that is non-habitable and that any other use would be in breach of the permission. A condition is suggested to be attached to this permission to control the matter.

For Members information, there is no adopted, or emerging, policy or guidance that currently discourages the development of basements as a matter of principal. Such developments must, therefore, be assessed on their merits, and their effect on the character and appearance of any area needs to be considered as one of the main issues.

As no alterations are proposed to the front of the property here the potential for the development to affect the character and appearance of the area is very limited. Objectors have expressed concern over the potential effect of the development on the structural stability of the site and neighbouring properties and disturbance works during construction, which would apply generally in the Borough, and across London. Although these are understandable concerns, Officers are of the view that they are not areas which would sustain a reason for refusal on planning grounds.

As explained above, there was a full discussion of the merits of the proposal to erect a dwellinghouse of this size and design on this site when the matter came before Members in Summer 2009. Although the concerns that were expressed at that time were understood, it was decided that those concerns were not sufficient in order to justify refusing planning consent. However, for the information of Councillors, the issues are fully rehearsed below in order to understand the context within which the previous decision was made.

The issues raised were:

#### Principle of development

The application site is currently occupied by 4 vacant garages in a single block which were until recently within the ownership of Okehampton Road properties. It is fairly evident that it is some time since they were used for the parking of vehicles, and in any event do not provide a particular attractive environment for the keeping of cars. In this respect they are no different to a number of other examples of such garage courts throughout the Borough that have become unused.

The principle of redeveloping this site for residential development, therefore, needs to be assessed on the matter of the loss of the garages. They are not currently in use, and have not recently been used, for parking cars and so the loss of the 4 off-street spaces is not considered to be such a concern so as to withhold consent on this basis. The Applicant has previously provided a letter stating that two of the garages have most recently been used for the storage of household effects and the remaining two have been vacant (previously also used for storage). In these circumstances, the Okehampton Road households have had to rely on parking on-street for some time and the proposed house proposes to have its own off-street provision. It is the case that the garages have not been used for their "proper" purpose for some time and can be lost. Officers consider that a refusal based on a loss of off-street parking, given these circumstances, may be difficult to sustain.

#### Design comments

The proposal has an innovative contemporary design, using a combination of vertical cedar timber boards and a metal standing seam roof. The proposed dwellinghouse has a true two storey element to the front with a roof that gradually slopes away to the rear of the site. It incorporates a single storey element to the rear of the house. The height of the building would be significantly below that of the adjacent No.44 Dundonald Road but would be sited forward of the main front wall of properties on this side of the road. They do have two storey bay features and the proposed house would be no nearer to the footpath than those.

The Team Manager of the Design & Regeneration Section has been involved with the evolution of the proposal and has concluded that the scale, form and height are appropriate to the site and the broader streetscape for this part of the Borough, whilst accepting that it is different to what is around. The design is considered to represent a high quality building based on well composed elevations, high quality architectural detailing and an acceptable palette of materials.

As indicated above, the design is of a contemporary approach and Officers hope that it will set the standard for future similar development sites, whilst acknowledging that this is but one way in which sites of this nature can be approached. Officers remain of the view that this modern approach to a site like this is preferable to a more traditional, pastiche development, although that is not to say that this would not also be possible of working successfully. In townscape terms, the proposed scheme is considered to represent a development that constitutes an acceptable intervention in the existing townscape. Officers consider that the design and appearance of the building is acceptable, with conditions allowing for a full assessment of the merits of the chosen materials.

The building is set forward of Dundonald Road properties, as described above, but lines up with the flank of No.42 Okehampton Road. It is considered that this forward siting would be acceptable and that, indeed, the house would provide added interest to the streetscene. The first floor is shown as a cantilever over the car parking space which would also serve to break up this end elevation.

### Impact on residential amenity

The proposal has been designed in accordance with the guidance of SPG17 and following amendments to the previous scheme now fully complies with the document. The bulk is limited in order to minimise the potential for overbearing impact, with the submitted drawings indicating how the building would relate to adjacent sites. It is considered that a combination of the distance between the building and the site boundaries and the height of the building itself means that the relationship with adjacent sites would be acceptable. At first floor level windows are limited to the front elevation and consequently privacy issues do not arise. There are two rooflights to the rear within the metal standing seam roof but these would not result in unacceptable overlooking.

Obviously the situation will change for people living in the vicinity of this site, given that it has previously been occupied by a block of garages, but it is the view of Officers that the building would relate acceptably to people around and the wider streetscene in general. The forward siting of the building has no particular impact on No.44, as there is a gap of approx 2.0 metres between the flank of the existing and proposed buildings (No.44 has its parking space in this location) and the development itself would be only 1.0 metre in front of the adjacent building.

### Quality of residential environment for future occupiers

The proposal provides 2 bedrooms at first floor level with a study (which could be used as a bedroom) at ground floor level. As a result, it is considered to be a family sized dwelling, with its internal floor area needing to be a minimum of 85 sq.m in order to meet SPG17 guidance. The proposal provides in excess of this figure by approximately 5 sq.m. Furthermore, all of the habitable rooms have an outlook from them and allow adequate light to them meaning that the quality of environment for residents will comply with the standards the Council sets for residential development.

The external amenity space also achieves SPG17 guidance. 50 sq.m is normally sought for houses and the building would meet this. In every instance there is also the need to check that even if the amount of space meets this figure in quantitative terms it also provides the necessary quality and useability so as to provide a useful amenity for occupiers. In this case, following suggestions by Officers the applicants have removed a portion of the ground floor rear of the building so as to create a sizeable square of external space (part of it covered) that could have provided an area that could have been used by occupiers for a range of activities. It is this part of the site that will now provide a skylight to allow light to the basement level. Although this would result in a reduction in the amount of outside space that would be available for day-to-day use, it is considered that the area to the rear, along with the area of land to the side of the building which would be landscaped, would provide both the quantity and quality of external space that would provide an appropriate amenity for future residents. Any approval would be subject to a condition requiring a landscaping scheme and this would further allow for an enhancement of the appearance of the site. Members should be aware that there are opportunities to provide for additional planting to the front of the building that would serve to both enhance the streetscene but also soften the visual impact of the new house.

### Transportation Issues

The application site is located on the western side of Dundonald Road, a local access road which is defined as being heavily parked (as is Okehampton Road). It lies within a CPZ which operates between 0800 and 1830 on Monday to Fridays. It is classed as having moderate accessibility to public transport with a PTAL of 3.

The issue about the loss of the garage court is discussed earlier in this report. In terms of the proposed house, the provision of a single off-street car parking space meets the policy PS14 standards. In addition, the proposal involves reducing an existing vehicular crossover into the site from 5.5 metres in width to 3.0 metres, increasing the amount of on-street parking available. The

reduction in the crossover will be the subject of a condition and will need to be at the applicants expense. The gates into the site need to have a width of 3.0 metres between gateposts in order to avoid restricting the access and, again, this will be conditioned.

There is space for refuse and recycling storage to be provided on site in an acceptable location and this also needs to be the subject of a condition.

**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 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):

- 704 P 01.
- 704 P 02.
- 704 P 03.
- 704 P 04.
- 704 P 05.
- 704 P 06.
- 704 P 07.
- 704 P 08.

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

(3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 ( or any order revoking or re-enacting that order with or without modification) no development within Classes A, B, C, D or E of Class 1, Schedule 2 to the said Order shall be carried out to the dwellinghouse hereby permitted, except with the prior written permission of the Local Planning Authority

obtained through the submission of a planning application.

Reason : To enable the Local Planning Authority to maintain control over future extensions and works to the property in the interests of the visual amenities of the locality.

- (4) The gates into the site need to have a width of 3.0 metres between gateposts in order to avoid restricting the access.

Reason: In the interests of highway safety.

- (5) Planning permission is granted for use of the basement as a storage area (i.e. as indicated on plan no: 704 P 08). The basement shall not be used as additional bedrooms or living space and any change in the use of the basement will require planning permission.

Reason: To safeguard the amenity of future residential occupiers

- (6) Details of materials for all external work, including samples, 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.

- (7) Notwithstanding the plans hereby approved, a scheme for the landscape works and treatment throughout the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development (to exclude demolition works) on the site. Any approved planting included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed, in writing, with the Local Planning Authority. Such a scheme shall include:-

- (a) proposed railings, walls and fences indicating materials and heights
- (b) adequate physical separation, such as protective walls and fencing between landscaped and paved areas.
- (c) areas of hard landscape works and proposed materials

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 by trees and shrubs of similar species.

Reason: To ensure a satisfactory appearance and setting for the proposed development, to ensure that it enhances the visual amenity of the area and in the interests of future residential occupiers of the scheme.

- (8) The existing vehicular crossover shall be reduced to 3.0 metres in width prior to the first occupation of the dwelling and that part of the crossover rendered redundant by the development shall be made good, and the kerb reinstated, at the expense of the applicants, also prior to the first occupation of the development.

Reason: In the interests of highway safety and in order to allow the Council to secure proper control over the development.

- (9) Further details of adequate arrangements for the storage and disposal of refuse and recycling, in accordance with the Brent Streetcare's Draft Waste Planning Policy, shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved. The refuse and recycling facilities shall be provided and available for use prior to the first occupation of the dwelling.

Reason: To ensure adequate refuse and recycling facilities are provided in conjunction with the development and in pursuance of the policies in the adopted Unitary Development Plan.

**INFORMATIVES:**

- (1) The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.

In addition, they are reminded of the need to comply with the requirements of the Party Wall Act and that all matters relating to the Building Regulations are fully addressed.

- (2) The applicant is informed that there may be asbestos in the existing garages to be demolished as part of this application. Members of the public may contact the Health and Safety Executive infoline, 0845 345 0055, for general advice on asbestos and its disposal.

**REFERENCE DOCUMENTS:**

- Brent UDP 2004.
- SPG17
- Two letters of objection.

Any person wishing to inspect the above papers should contact Andy Bates, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5228





# Planning Committee Map

Site address: Land rear of 40-42, Okehampton Road, London, NW10

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