

Committee Report
Planning Committee on 8 June, 2010

Item No. **20**
Case No. 08/1712

RECEIVED: 18 July, 2008

WARD: Dudden Hill

PLANNING AREA: Willesden Consultative Forum

LOCATION: 212-214 Church Road, London, NW10 9NP

PROPOSAL: Retention of a single-storey rear extension to the community centre with set back from rear of Ilex Road across whole extension, landscaping of exposed area, lowered and non-opening roof lantern windows, air-conditioning units to flat roof and planters at end of rear extension

APPLICANT: Afghan Islamic Cultural Centre

CONTACT: Mr Omar Shahzadah

PLAN NO'S:
See condition 1

This application was previously considered at Planning Committee on 7th October 2008. It was deferred by Councillors who were of the opinion, following a Committee Site Visit, that the reduction in the depth of the existing extension had the potential to lead to further issues such as noise from the proposed windows and wanted this to be further considered. This issue is discussed in detail below.

Since the proposal was last seen at Committee, the current scheme has been amended to include airconditioning units on the roof (removing any need for windows to be opened for ventilation) and planters on the roof of the extension at the rear elevation.

RECOMMENDATION
Approval

EXISTING

The three-storey mid terrace property is in use as the 'Afghan Cultural Centre' at ground floor level, this use was given permission in 2002. A single storey extension covers the whole rear curtilage of both 212 and 214 Church Road.

PROPOSAL

Retention of a single-storey rear extension to the community centre with set back from rear of Ilex Road across whole extension, landscaping of exposed area, lowered and non-opening roof lantern windows, air-conditioning units to flat roof and planters at end of rear extension

HISTORY

02/3289 Granted - Change of use from Use Class A1 to community centre and internal alterations to provide reception, library, cafe and kitchen facilities

03/2399 Refused - Erection of single-storey rear extension and external staircase to community centre (part retrospective)

Enforcement

Following the refusal of application 03/2399, enforcement proceedings were undertaken as the extension had been constructed without planning permission.

An appeal was made against an enforcement notice, and the findings of the Inspector were that the staircase and extension to the rear of no. 214 had been in place for a significant amount of time and should not be included in the enforcement notice, however the extension to the rear of no. 212 should be removed.

Following this officer's decision that enforcement would not be immediately taken but that the applicant would be given the opportunity to submit a further proposal to improve the situation which may not require the total demolition of the extension to the rear of no. 212.

Other relevant history

The applicant's of the current application have advised that no. 210 Church Road, the neighbouring property, is in their ownership, the following is an enforcement record at no. 210 Church Road:

2007 - E/07/0415 - Without planning permission, the change of use from shop to D1 (Non-residential institutions - including places of worship) and a rear extension. The extension referred to in this enforcement record has since been removed.

2010 - A further enforcement record has since been created - E/10/0143, the alleged breach is 'The change of use of the premises to a mosque and 4 self-contained flats (temporary description)'

The principle of the change of use of no. 210 Church Road will be considered following the outcome of this current application at 212-214 Church Road.

POLICY CONSIDERATIONS

STR11 The quality and character of the Borough's built and natural environment will be protected and enhanced.

EP2 Noise & Vibration

BE2 Townscape: Local Context & Character

BE9 Architectural Quality

CF4 Community Facilities Capable of Holding Functions

CONSULTATION

Neighbours have been consulted on the various iterations of the current application and were consulted on the current proposal on 21st May 2010. 4 objections from neighbours have been received during the lifetime of the application. Any additional representations will be reported to Members at the meeting.

The issues raised are as follows:

- The structure was built with no planning permission
- The centre was ordered to stop building on 3 occasions
- The centre lost their appeal against the council's order
- Brent took out a court order for the demolition of the illegal and totally inappropriate structure
- The centre is now extending across another building
- The structure is inappropriate in a residential area – noise and other activities cause disturbance,
- Children play on the roof so privacy is lost
- Traffic and parking - visitors to the centre cause congestion in Ilex Road and large emergency vehicles cannot access the road

- Sycamore trees and other bushes etc. which were between the rear of the properties have been removed destroying outlook
- Loss of security
- Overlooking into French doors in rear of Ilex road

REMARKS

As discussed above in the history section, it is a consideration that the half of the rear extension which is to the rear of no. 214 is deemed to be lawful following the Appeal decision. The proposal seeks permission for the element of the extension to the rear of no. 212, balancing the overall impact of this by pulling the extension away from the rear boundary across both units.

The key issues raised by this application are considered to be:

- is the scale and nature of the use acceptable in this location
- is the scale and appearance of the extension acceptable
- can the noise be reasonably controlled in relation to nearby dwellings

The Scale and Nature of the Use

It has been raised as a point of objection that when the centre is in use by large numbers of people, parking and congestion is a particular problem. However, as discussed above permission has been granted for the existing use at this site and the half of the extension which projects the full depth of the plot to the rear of no. 214 is lawful. The difference in floor space between the lawful extension and the currently proposed alteration to the existing extension is estimated at about 50sqm, the proposed alteration is a reduction of about 35sqm from the existing extension. It is not considered that the extension being considered within this application would have a significant impact on transportation and parking.

The site is within a town centre location and on balance the nature and scale of the use is considered to be acceptable.

With regard to the change of use at number 210 Church Road, which is expected to be considered in the near future in a separate application, officers are of the opinion that the impact on transportation and parking in the local area would require further assessment due to the additional increase in floor area. It is likely that if the use is considered to be acceptable in principle a Travel Plan will be sought from the Centre.

The Scale and Appearance of the Extension

The extension is proposed to be set back by 2.5m from the rear of Ilex Road and 2m for a 3.5m wide section which is to the rear of 212 Church Road and to the rear of numbers 29 and 31 Ilex Road. This would have the impact of reducing the dominance of the extension to properties to the rear.

Members of the Planning Committee previously considered this reduction in depth and the consequent introduction of windows increased the number of possible locations for noise to escape creating nuisance for neighbours. Officers are of the opinion that this issue is thoroughly dealt with and controlled by condition, which is discussed in detail below. However the option of improving the existing extension without altering its size was considered. Since this earlier Committee meeting an appeal decision has been received regarding 196 Church Road, which is pertinent to this scheme. This application related to an extension which is not as large as the existing structure at 212-214 Church Road, but the Planning Inspector still concluded that it was a disproportionate enlargement to the property at ground floor. In view of this recent appeal decision officers are clearly of the opinion that an extension entirely filling the plot is contrary to the Council's policies and harmful to the character of the site and area. As a result, the idea of siting the extension away from the rear boundary, with the controls set out below, has been retained.

Along the edge of the reduced extension planters are proposed with Pittisporum (Tom Thumb) as recommended by the Council's landscape officers as a low maintenance and hardy plant. Other than for maintenance there shall be no use of the flat roof, this is to be controlled by a condition.

The height of skylight will be reduced significantly from 0.85m in height to approximately 0.45m by removing the vertical panes which include opening windows leaving the top of the structure only. This will reduce its visual impact from the rear of Ilex Road.

There are residential units above both 212 and 214. No comments have been received from occupiers. Although the size of the extensions would inevitably have an impact on outlook from rear facing windows, it is not considered that the current application would impact on occupiers significantly other than in slightly improving outlook with planting to the rear of the extension.

The reduction in the depth of the extension and the proposed landscaping is considered to be a significant improvement to the character and appearance of the site and immediate area as well as the visual amenity of neighbouring occupiers.

Control of Noise in Relation to Nearby Dwellings

Noise from the use of the extension has been raised as a significant issue, it is therefore necessary for all windows to be non-opening and doors to be for emergency and maintenance access only. This is labelled on the proposed plans and is also the subject of a condition.

In the rear elevation there will be a number of windows, all non-opening, providing light to the extension. The boundary/wall/fence and additional screening of planting will ensure there is no impact on the privacy of neighbours from these windows. There will be one door for emergency and maintenance access only.

A condition also requires that the window to the side elevation will also be made non-opening and the side door leading to the staircase will only be opened for emergency or maintenance access.

The removed part of the rear of the extension adjoining the rear gardens of Ilex Road properties is proposed to be landscaped including some trees. The amount of hardstanding is minimal and the landscaping proposed appears comprehensive, and should limit the concern that it will become a place where people congregate. A single door being for emergency and maintenance use only is proposed.

A greater set back has been requested by residents of Ilex Road. Whilst this could have a positive impact in terms of the character of the building it would also further increase the size of the open space to the rear. It is expected that this may be more likely to lead to the use of the space as amenity or sitting out space which would worsen the impact on Ilex Road in terms of privacy and noise.

Ventilation is required to enable windows to remain closed all year. The proposed external units of the air-conditioning system are proposed on the roof adjacent to the skylight and will be orientated so as not to face the rear of Ilex Road. Noise details for the particular Mitsubishi units proposed have been submitted along with an 'Environ acoustic enclosure' to further reduce their noise level, these details have been considered by an Environmental Health Officer who has confirmed that they comply with the Council's requirements, it will also be covered by a condition.

Subject to conditions the proposal is considered to comply with policies contained in Brent's UDP 2004, as such approval is 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
Central Government Guidance

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
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

- (1) 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.

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

- (2) All proposed and existing windows to the extension, including the roof light lantern will be non-opening. Doors will provide access for emergency and maintenance reasons only and will not be opened for any other reason.

Reason: To protect the amenity of neighbours in terms of noise.

- (3) The flat roof of the extension shall not be used as a roof terrace at any time and shall only be accessed for maintenance reasons.

Reason: To protect the privacy and amenity of neighbouring properties.

- (4) Notwithstanding the submitted landscape plan, the area so designated within the site shall be suitably landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before any works commence on site, the landscape work shall be completed during the first available planting season following completion of the development hereby approved and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

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

- (5) The air-conditioning equipment shall be installed in accordance with the submitted details including an acoustic enclosure. If the equipment is found to not comply with the Council's requirement that it is '10dB(A) or greater below the measured background-noise level at the nearest noise-sensitive premises' details of further noise attenuation measures will be required. Details of this shall be submitted to and approved in writing by the LPA and implemented in accordance with the approved details.

Reason: To ensure that the proposed ventilation plant and equipment will not be harmful to residential amenity.

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

General Map
2008/AICC/LAPL/01
2008/AICC/LAPL/02
2008/AICC/LAPL/03F
Sound Acoustics Ltd report
Environ Acoustic Enclosures

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

INFORMATIVES:

- (1) The applicant is advised that works to implement this scheme should be undertaken within 3 months of the date of this decision. Failure to do so will be likely to result in the Council considering taking enforcement action to ensure compliance with the consent.

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Liz Sullivan, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5377



Planning Committee Map

Site address: 212-214 Church Road, London, NW10 9NP

Reproduced from Ordnance Survey mapping data with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Brent, DBRE201 2005



London Borough of Brent - Copyright (C)

This map is indicative only.