



**Planning Committee Map**

Site address: 37 Lydford Road, London, NW2 5QN

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This map is indicative only.

**RECEIVED:** 1 April, 2014

**WARD:** Mapesbury

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

**LOCATION:** 37 Lydford Road, London, NW2 5QN

**PROPOSAL:** Demolition of existing office to builders' yard and erection of a 3 bedroom, three storey (including basement) dwellinghouse, re-location and reduction in width of existing crossover, one off-street parking space, and associated hard and soft landscaping

**APPLICANT:** Campbell Architects

**CONTACT:** Campbell Architects

**PLAN NO'S:**

*Existing Drawings:*

E000; E100; E101; E200; E201; E202; E300

*Proposed Drawings:*

D100 Rev A; D101 Rev A; D102 Rev A; D103 Rev A; D200 Rev A; D201 Rev A; D202 Rev A; D300 Rev A; D301 Rev A; D302 Rev A; D303 Rev A.

*Supporting Documents:*

Tree Survey, Arboricultural Impact Assessment , Preliminary Arboricultural Method Statement & Tree Protection Plan Dated 16/09/2013;

Tree Survey, Arboricultural Impact Assessment , Preliminary Arboricultural Method Statement & Tree Protection Plan Executive Summary Dated 16/09/2013;

3745-D;'

SAP Report – Target Emissions;

SAP Report – Dwelling Emissions;

Sustainability Checklist.

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**RECOMMENDATION**

Refuse Permission.

**CIL DETAILS**

This application is liable to pay the Community Infrastructure Levy (CIL). The total amount is £83,750 of which £75,000 is Brent CIL and £8,750 is Mayoral CIL.

**CIL Liable?**

Yes/No: Yes

**EXISTING**

The 305sqm site is located on Lydford Road, within the Mapesbury Conservation Area. The application site would have originally formed part of the curtilage of No. 88 Teignmouth Road. The site currently contains an outbuilding and concrete yard which benefits from a Lawful Development Certificate for its use as a Builder's Yard (B8) and ancillary office (B1) (see History section below for further information).

Lydford Road is a north-south spine road juxtaposed between the east-west oriented roads of the Mapesbury Estate. It is predominantly green in character with vistas across the rear gardens of the properties (from north to south) of Walm Lane; St. Gabriel's Road; Teignmouth Road and Dartmouth Road. This green and open character is largely intact with close boarded fences and brick walls of varying heights and a large amount of mature soft landscaping.

The site does not contain any features that are of considerable attractive character that should be retained. There is no soft landscaping on the site, and the existing boundary treatment to Lydford Road contains a 2m high, white rendered wall which is not typical of the features of Lydford Road (i.e. which is typically close

boarded timber fences, walled gardens with hedges behind). The existing "office" building, a dual pitched, white rendered addition which does not form part of the original attractive Victorian/ Edwardian properties.

## **PROPOSAL**

See above.

## **HISTORY**

**13/2367:** Demolition of existing single storey office to builders' yard/store and erection of a three bedroom, three storey (including basement) dwellinghouse, re-location and reduction in width of existing crossover, one off-street parking space and associated hard and soft landscaping (description revised 02/09/2013). Refused 20.11.13

- *The proposed dwellinghouse, by virtue of its excessive scale and design, fails to represent a development that sits comfortably within its plot, wider context and appearing excessively large and obtrusive from the highway. As such the proposal neither preserves or enhances the Mapesbury Conservation Area, contrary to policy CP17 of Brent's Core Strategy, policies H12, H13, H15, BE2, BE3, BE7, BE9, BE25 ad BE26 of Brent's Unitary Development Plan, 2004, and Brent's Supplementary Planning Guidance Note 17, "Design Guide for New Development" and the Mapesbury Conservation Area Design Guide.*
- *The proposed dwellinghouse, by virtue of its proximity to the western (rear) and northern (flank) boundary of the site and excessive footprint, results in loss of light and will appear overbearing when viewed from the neighbouring gardens of No. 90 Teignmouth Road and 27 St. Gabriel's Road, thus failing to comply with policy CP17 of Brent's Core Strategy, 2010, policies H12, H13, H15, BE2, BE7, BE9, BE25 ad BE26 of Brent's Unitary Development Plan, 2004 and Supplementary Planning Guidance Note 17 "Design Guide for New Development".*
- *The proposed dwellinghouse, by virtue of the orientation of the proposed western facing bedrooms, fails to provide appropriate outlook to these habitable rooms thus providing a sub-standard form of accommodation contrary to policies BE2, BE7, BE9 and Supplementary Planning Guidance Note 17, "Design Guide for New Development".*

**13/2368:** Conservation Area Consent for demolition of existing single storey office to builders' yard/store and erection of a three bedroom, three storey (including basement) dwellinghouse, re-location and reduction in width of existing crossover, one off-street parking space and associated hard and soft landscaping (description revised 02/09/2013) – Refused 18.11.13

- *The Local Planning Authority considers it inappropriate to grant consent for the demolition of the existing outbuilding without the formal approval of a replacement structure which addresses the altered appearance of the outbuilding in the street scene. As a result, the proposal fails to preserve and enhance the character of the Mapesbury Conservation Area. This is contrary to policy BE27 of Brent's adopted Unitary Development Plan 2004.*

**13/0464:** Certificate of lawfulness for existing operational use of site as self contained B8 use (Builders Yard and Storage) and ancillary B1 use within existing single storey building and as per submitted evidence: "Utility Bills; Accountant and Insurance Documents; HMRC/ Corporation Tax/ Business Rates/ Company Registration Number; Statutory Declaration/ Witness Statements; Invoices/ Security Notes; Title Plan; Site Photographs" – *Certificate Granted, 15/04/2013*

**99/1702:** Retention of portakabin for office ancillary to builder's yard – Enforcement Notice Served 04/10/1999, *Dismissed on Appeal and Enforcement Notice upheld, 20/06/2000*

## **POLICY CONSIDERATIONS**

### ***National policy considerations***

The NPPF, published in March 2012, sets out a "presumption in favour of sustainable development" including the economic, social and environmental impacts of new development. The relevant objectives within the NPPF are to:

- Promote high quality design
- Deliver a wide choice of quality homes

### ***London Plan***

Policy 3.5, in particular Table 3.3 - 'Minimum residential floorspace standards'

### **Local Plan**

The local development plan for the purposes of S54A of the Town and Country Planning Act is the Brent Unitary Development Plan 2004 and the Brent Core Strategy 2010.

#### *Brent Unitary Development Plan 2004*

BE2 Townscape: Local Context & Character  
BE3 Urban Structure: Space & Movement  
BE4 Access for Disabled People  
BE5 Urban Clarity & Safety  
BE6 Public Realm: Landscape Design  
BE7 Public Realm: Streetscape  
BE9 Architectural Quality  
BE12 Sustainable Design Principles  
BE19 Telecommunications  
BE25 Development in Conservation Areas  
BE27 Demolition and Gaps in Conservation Areas  
BE33 Tree Preservation Orders

#### *Transport*

TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.

TRN23 Parking Standards - Residential Developments

PS14 Residential Development (Use Class C3)

PS16 Cycle parking standards

#### *Brent Core Strategy 2010*

CP17 - Protecting and Enhancing the Suburban Character of Brent

#### *Brent Supplementary Planning Guidance*

SPG 17 "Design Guide for New Development" Adopted October 2001

Provides comprehensive and detailed design guidance for new development within the borough. The guidance specifically sets out advice relating to siting, landscaping, parking, design, scale, density and layout.

SPG19 "Sustainable Design, Construction & Pollution Control" Adopted April 2003

This supplementary planning guidance focuses on the principles and practice of designs that save energy, sustainable materials and recycling, saving water and controlling pollutants. It emphasises environmentally sensitive, forward-looking design, and is consistent with current government policy and industry best practice, aiming to be practicable and cost-effective.

Mapesbury Conservation Area Design Guide.

## **CONSULTATION**

### **Statutory Public Consultation**

The council placed a press notice in the local paper on 01.05.14, a site notice was placed in the vicinity of the area on 25.04.14 and 58 neighbours and the Mapesbury Residents Association were consulted by letter on 25.04.14.

The proposal has generated significant public attention with a total of 89 representations received by the council (107 were received for the previous planning application). 67 of these representations were objections to the proposal and 22 were in support. Former Councillor Chris Leaman also objected to the proposal, although it is noted that he no longer represents the Mapesbury ward. A number of the issues raised by the consultation were similar to the issues raised by the previous application, which is summarised as follows:

*Mapesbury Resident's Association:* The Mapesbury Residents Association have objected to the proposal and a petition in objection to the proposal has been submitted by them with 49 signatories. A summary of the objection received is as follows:

- To build a house on this particular plot runs contrary to the Article 4(1) (an outbuilding of a similar proposed size would not be acceptable) protection in place to prevent development upon what is,

- essentially, a back garden space;
- The conservation status in Mapesbury, as propounded by Brent itself, seeks to conserve the original estate design;
- Certificate of lawful development does not automatically mean a house is acceptable in principle;
- Proposed contemporary design inappropriate and stands too near the road and its impact cannot be addressed by proposed landscaping which should be much smaller in scale.
- Other uses such as an artist's studio; home office; garden design studio etc. would be more appropriate
- Lydford Road forms a "spine" road within the grid layout of the Mapesbury Roads characterised by long gardens with fences or walls and the occasional ancillary garage. This is part of the original estate plan. The proposed building interferes aggressively with the intended vistas and layout and the openness of the estate;
- Contrary to conservation area appraisal and application fails to preserve or enhance Mapesbury.

*Representations in support:*

The proposal would preserve and enhance the character of the Conservation Area and would improve the visual appearance of Lydford Road which has long been out of character with the rest of the Conservation Area, specifically through the creation of an attractive planted boundary treatment.	The creation of an enhanced boundary treatment would not be outweighed by the harm caused to the openness of the back garden setting and vistas across.
Proposed use is more consistent with surrounding area than current use as a builder's yard.	The proposed use more consistent with prevailing uses, however, the bulk, scale and massing of the proposal is not acceptable.
The development promotes sustainable design.	The creation of a sustainable dwelling is welcome, but not outweighed by the harm identified to the conservation area.
Self-build is currently being promoted by the Mayor.	Self-build is encouraged where proposals would preserve the character and appearance of the conservation area.
The current layout/use of the site detracts from the character and appearance of the area.	It is not considered that the current use of the site positively detracts from the character and appearance of the area, however, a sensitive redevelopment could enhance the street frontage.
The design is sensitive to the area, would improve its attractiveness from Lydford Road and would allow for a proposal that is more soft landscaped than the existing.	Use of soft landscaping welcome, but not outweighed by identified harm.
The contemporary design also shows an empathy for the feeling of Mapesbury Conservation Area and preserves/enhances it whilst proposing a modern building, with many references made to the sensitive use of brick.	The site has the capacity to accommodate a well detailed contemporary dwelling, but the bulk and massing needs to pay greater regard to its setting.
The proposal improves an uninteresting, commercial-looking site that is totally out of character with the residential area surrounding it.	Principle of residential development agreed, but the bulk and massing needs to be sensitive to its context.

*Representations in objection:*

Proposal would fail to preserve character and appearance of the Mapesbury conservation area.	Agreed (see section 2a in 'remarks' section below)
Loss of visual amenity (from nearby rear facing windows).	It is not considered that the proposal would result in material harm to the visual amenities of neighbouring properties (see Paras 20-22)

Contrary to London Plan policies to limit development in back gardens.	Proposal is not considered to form part of a residential garden given certificate of lawful development
New development needs to be balanced against harm to conservation area	Agreed (see section 2a in 'remarks' section below)
Infilling of spaces between gardens would erode the open and spacious character of the conservation area	Agreed (see section 2a in 'remarks' section below)
Aggressive, modern design is incongruous and out of keeping with surrounding buildings.	Government policy does not preclude modern design in conservation areas (see Section 2b below)
Harmful to amenities of neighbouring properties.	It is not considered that the proposal would result in material harm to the visual amenities of neighbouring properties (see Paras 20-22)
Despite lawful use as a builders yard, the site has never been used as such.	The evidence submitted in support of the Certificate application would have demonstrated that at the time of the application this site had been in continuous use for a period of 10 or more years.
Lydford Road forms a "spine" road within the grid layout of the Mapesbury Roads characterised by long gardens with fences or walls and the occasional ancillary garage. This is part of the original estate plan	This is noted (see section 2a in 'remarks' section below)
Lydford Road forma spine road within the grid layout of Mapesbury, characterised by long gardens with fences or walls, which is part of the original layout. Proposed building would interfere with this layout obstructing views and vistas.	This is noted (see section 2a in 'remarks' section below)
Alternative uses could be proposed which would better preserve the character of the Conservation Area	The council has to consider the acceptability of the current use proposed, which is more consistent with the surrounding area than the current lawful use.
To build a house on this particular plot runs contrary to the very principle of not developing what is back garden space.	The site does not form part of a residential curtilage as its lawful use is as a builders depot. The principle of residential development is considered acceptable (see Para 3-8)
The plan form of the proposal is contrary to the general layout of properties in the conservation area.	Acknowledged, but consideration also needs to be given to how the development would be perceived from the street scape.
Loss of spaciousness and proposal would appear 'cramped' within its plot.	Agreed (see section 2a in 'remarks' section below)

### ***Internal Consultation***

Transportation: No objection (subject to minor alterations).

### **REMARKS**

#### **Summary of proposals and context**

1. This application proposes a new dwelling within a piece of land located to the rear of No. 88 Teignmouth Road, on the corner of Teignmouth Road and the western side of Lydford Road. The site is 305sqm in area and benefits from a Lawful Development Certificate for the use land as a self contained B8 use (Builders Yard and Storage) and ancillary office use.

2. Following the refusal of the previous application a number of pre-application enquires were submitted to the planning department and officers engaged with the applicant to make changes to the design of the proposal in an attempt to address the previous reasons for refusal. Whilst the proposal is considered to be an enhancement over the previously refused proposal, for the reasons set out below, it is not considered that the new dwelling would preserve the character and appearance of the Mapesbury conservation area and

accordingly it is recommended that planning permission be refused.

## **Key considerations**

The main issues in relation to this development are considered to be:

1. Principle of residential development
2. Whether the proposal preserves or enhances the Mapesbury Conservation Area
3. Whether the proposal has an acceptable impact on amenity and privacy
4. Quality of proposed residential accommodation
5. Highways, parking and traffic safety
6. Trees and landscaping
7. Sustainability and renewable energy
8. Other considerations
9. Conclusion

## **Principle of residential development**

3. The principle of developing this site for a new dwelling was previously considered acceptable on the basis that the lawful use of the site is as a builders yard with ancillary office, falling within use class B8 (see History). There are a number of policies contained within the development plan which are salient to these proposals with respect to development in suburban areas.

4. Policy CP17 of the Core Strategy states that: "*the distinctive suburban character of Brent will be protected from inappropriate development. The council will bring forward design guidance that limits development, outside of the main town centres and away from corner plots on main road frontages, which would erode the character of suburban housing. Development of garden space and infilling of plots with out-of-scale buildings that do not respect the settings of the existing dwellings will not be acceptable*".

5. More generally, policy BE2 of Brent's Unitary Development Plan (2004) seeks to ensure that proposals are designed with regard to their local context and to respect or improve the existing townscape and do not harm Conservation Areas. Policy BE2 states that proposals should have regard to the existing urban grain, development patterns and density and that development is designed to respect the form of street of which it is a part particularly prominent corner locations. Policy BE7 resists the excessive infilling of space between buildings and buildings and the road. Policy BE9 states that new buildings should embody a creative and appropriate design solution, specific to their site's shape, size location and development opportunities and should be designed to be of a scale, massing and height that is appropriate to their setting and respect and be laid out to ensure that buildings and spaces are of a scale, design and relationship to each other. Policy BE25 requires that development either preserves or enhances the Conservation Area and Policy BE27 states that consent will not be given for the demolition of a building which does not positively detract from the Conservation Area, with replacement buildings required to be of an imaginative, high quality design and an opportunity to enhance the area.

6. A number of representations have been received which have made reference to the Article 4 Direction which exists which restricts permitted development rights for the construction of outbuildings within the Mapesbury conservation area and the development of 'garden land'. However, it is noted that the lawful use of the site is as a builders yard which does not form part of a residential garden and therefore the existence of the Article 4 is not of direct relevance in land use planning terms. The Article 4 Direction does serve to highlight the importance and sensitivity of these back gardens to inappropriate development on account of their mature nature and generous scale which is discussed in detail below.

7. Whilst the principle of residential development is thus accepted within this site, this would be subject to specific considerations including whether the proposal preserves or enhances the Mapesbury Conservation Area; whether the proposal has an acceptable impact on amenity; quality of proposed residential accommodation and highways, parking and traffic safety; impact on trees and landscaping and sustainability implications covered in sections 2 to 8 of this report. In this case, the view is taken that on balance, the proposal is unacceptable, for the reasons discussed below.

## **Whether the proposal preserves or enhances the Mapesbury Conservation Area**

### (a) Bulk, scale, siting and massing

8. As noted earlier, new development is required to be appropriate to the size and scale of its context and

should preserve or enhance the open and green character of the Conservation Area. In this particular context, it is important to preserve the existing gaps between buildings and views across gardens, alongside ensuring any backland development is subservient to the existing dwellings. Whilst it is noted that the existing site contains an outbuilding, this is sited to the north-westernmost part of the plot and is 56.5sqm in size, has a dual pitched roof with a maximum height of 4.8m sloping to 2.8m. Although the existing boundary wall as existing restricts views into the site, it does provide for vistas over the wider rear gardens and greenery of the Conservation Area which should be maintained by ensuring any building is of an acceptable width, height and depth to ensure this remains the case.

9. The footprint of the proposed development would be 109sqm (reduced from 144sqm) which represents 35% of the total site area (previously this was 44%). The overall massing of the building has been broken up since the previous proposal, this has the effect of producing a visually more interesting building and the siting of the ground floor of the building further towards the rear of the site (towards the boundary with No. 90) reduces its visual prominence to a certain extent. The applicant has reduced the width of the first floor from 14m to 9.5m, this assists in terms of the setting of the building within the context of the back gardens and the provision of vistas across which are characteristic of the Mapesbury CA as described above.

10. In terms of scale and massing, Supplementary Planning Guidance 17 "Design Guide for New Development" states that in general, building envelopes should be set below a line of 30 degrees from the nearest rear habitable room window of adjoining existing property, measured from height of 2m above floor level. Where proposed development adjoins private amenity/garden areas then the height of new development should normally be set below a line of 45 degrees at the garden edge, measured from a height of 2m. It is noted that the proposal complies with this guidance. SPG17 also states that existing property lines should be respected. It is noted that, as Lydford Road is a spine road, the flanks of properties generally adjoin it and although some properties have extended up to their boundaries, this does not define the character of the street.

11. The Mapesbury Conservation Area Character Appraisal states:

*"The large rear gardens of the dwellings within the Conservation Area, visible from most roads and streets, play a vital role in supporting the soft natural context of the street scene. The generous plot sizes have allowed the proliferation of mature vegetation within these rear gardens, establishing an almost park-like character which has become an integral part of the areas setting."* (Page 6).

12. The appraisal also states:

*"Most importantly in Mapesbury are the views between the houses the open nature of each plot means that unlike most other residential areas within the borough the rear gardens of the houses are relatively exposed to public view. These views are mainly unobstructed by buildings or later intervention which has helped to preserve character"* (Page 9).

13. Para 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Within this context the overall bulk, scale and massing of the first floor of the proposal is considered to be excessive in respect of the setting of the site of residential back gardens. Notwithstanding the reductions made to this part of the proposal, with a width of 9.5m and a depth of 6.5m, it would result in significant harm to the views across these rear gardens. This adds considerable bulk to the depth and width of the site resulting in a development that would provide little relief to the wider open and green character of the Mapesbury Conservation Area.

14. It is noted that the proposed development would enhance its boundary by introducing an attractive brick wall with a hedge. However, in consideration of the excessive width of the proposed dwelling, the boundary improvements do not outweigh the detrimental impact that the excessive expanse of single and two storey development will have on the Conservation Area.

15. The development is thus considered to appear excessive in width and depth, failing to respect its plot, restricting vistas from Lydford Road across the mature landscaped character of the Mapesbury Conservation area and thus in terms of scale, bulk and siting, fails to either preserve or enhance the Mapesbury Conservation Area, nor with the principles of the Mapesbury Conservation Area Design Guide and in accordance with Para 133 of the NPPF where a proposal results in significant harm to a heritage asset permission should be refused.

(b) Design, materials and impact on character



16. The design of the building is clearly a modern one which does not seek to replicate the traditional style of building within the Conservation Area. Nevertheless the principle of a contemporary building with the Mapesbury CA where of a suitable design and of sufficient quality could be considered acceptable. This reflects the approach of Para 60 of the NPPF which states

*“planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness”.*

17. It is clear that a great deal of consideration has been paid to the design of the building and the Design and Access Statement provides clarification on the rationale behind the proposed design which the applicant claims has been influenced by the ‘Arts and Crafts’ style through the use of matching and perforated brickwork. The design also uses punctured windows which are set back within their reveals in order to create interest and depth to elevations. The use of a cantilever also breaks up the massing of the building to produce a more varied and interesting composition than the proposal previously considered and refused by the council. The design of the proposed building has generated both support and opposition from local residents, however, it is considered that the general approach to the design of the building has been informed by its context. However, the prominent forward position of the first floor within the street scene, in relation to neighbouring building lines, would result in a development which would fail to preserve the character and appearance of the Mapesbury CA. This in conjunction with the harm identified above as a result of the bulk and massing of the building would result in substantial harm to this heritage asset and as such fails to comply with Policies BE25 and BE26 of the UDP.

18. The proposal would offer a number of enhancements to the character and appearance of the Mapesbury CA in terms of the removal of a commercial activity from a residential area as well as the enhancement of the boundary treatment with Lydford Road and many of the representations in support of the proposal have made reference to these points. However, these benefits are not outweighed by the harm of the proposal on the openness of the rear gardens of the conservation area which has also been frequently raised in objections to the proposal.

#### (c) Demolition of existing building

19. Policy BE27 of Brent's UDP 2004 states that consent will not be given for the demolition of a building in a conservation area unless the building positively detracts from the character or appearance of the Conservation Area. Any replacement buildings should be seen as a stimulus to imaginative, high quality design and an opportunity to enhance the area. Until such a time that a suitable replacement building can be provided the demolition of the existing garage is considered premature which does not positively detract from the character and appearance of the conservation area.

#### **Whether the proposal has an acceptable impact on amenity and privacy**

20. SPG17 states that the minimum distance between habitable room windows on the flank wall and a site boundary is 5.0m. Where windows on a flank wall are the sole habitable room windows of the residence then a minimum distance of 10m to the side boundary is required. The minimum direct distance between habitable rooms on the main rear elevation (not extensions) and the rear boundary, or flank wall of adjoining development, should normally be 10m or more, and the minimum distance between habitable room windows on the flank wall and a site boundary is 5.0m. Where windows on a flank wall are the sole habitable room windows of the residence then a minimum distance of 10m to the side boundary is required. The minimum distance between non-habitable room (and/or obscure glazed) windows and a site boundary is 1.0m. Windows of any kind will not be permitted in a wall directly or approximately located on a site boundary except where, the flank windows face onto public spaces, streets, or footpaths. The proposal complies with this guidance.

21. In respect of privacy, the window of ‘bedroom 1’ would partially face the rear garden of No. 88, but given its forward position towards the street with oblique views into this rear garden would be provided and as such this would not be materially harmful. A window is proposed along the rear elevation (fronting No. 90), however, this would serve a landing as given that this is not a habitable room it is not considered that there would be a material loss of privacy.

22. With regard to impact on amenity, in consideration that the outbuilding will adjoin residential garden spaces within the Conservation Area the proposals should not worsen the situation in terms of overbearing impact and should comply with SPG17. The ground floor part of the proposal would project 0.5m above the

boundary treatment, but would be positioned 1m away from the boundary with No. 90. The first floor part of the proposal would also be set away 5m from this boundary and on this basis it is not considered that the proposal would have a harmful impact on neighbouring properties. The proposal complies with SPG17 in this respect.

### **Quality of proposed residential accommodation**

23. The proposal meets the minimum floor space requirements as set out within the London Plan (i.e. 107sqm) and provides adequate outlook to the ground floor rooms. The proposed amenity space, at 75sqm (approx.), meets the requirements of SPG17. All of the habitable rooms would benefit from a good outlook. Whilst the proposed master bedroom (within the basement) would be served by a light well it is noted that this would be served by a relatively generous courtyard and is considered acceptable on the basis of the reasonably generous size of the proposed garden which would form the basis of the outlook for the remainder of the rooms (in addition to views onto Lydford Road). In other similar cases where the new dwelling relies on sunken external spaces there is concern about the quality of these spaces, in terms of the amount of light and restricted views likely to be enjoyed. However, for the avoidance of doubt that is not the situation here.

### **Highways, parking and traffic safety**

24. One car parking space is provided and would be located slightly to the north of the existing crossover, which is considered acceptable. In the event that parking demand is higher, an additional space could be accommodated on street which is acceptable as the street is not defined as being heavily parked. Adequate bin storage, cycle parking and servicing arrangements have been provided. The Transportation department have requested details in relation to (i) pedestrian visibility splays of 2m by 2m in each direction over a height of 0.85m, in the interests of highway and pedestrian safety and (ii) Minimum 30% soft landscaping provided in the front garden to provide natural sustainable drainage. This information could be sought by condition and therefore does not form part of the basis for the recommendation for refusal of this proposal.

### **Trees and landscaping**

25. It is noted that there are four trees within the proximity of the site that may be affected by the proposal. A Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan has been submitted with the application and it is noted that the council's Tree Officer finds the proposed works to the trees acceptable, and welcomes the introduction of two new trees. The council's Landscape Design Team have also previously commented on the proposal, and are generally supportive of the landscaping scheme which would enhance a site currently bereft of any soft landscaping.

### **Sustainability and renewable energy**

26. The proposal lies within an Air Quality Management Area (AQMA) therefore a Sustainability Checklist is required to be submitted with this planning application. It is recognised that the proposal clearly demonstrates a commitment to sustainability measures including a green/ living roof, grey water recycling, permeable paving, low energy lighting, a commitment to adhere to the Considerate Constructors scheme, part use of some FSC materials and water butts amongst others, and is considered to have a very positive contribution to achieving a genuinely sustainable development. Referring specifically to renewable energy, it is noted that a CHP system is proposed alongside PV panels, and thus the scheme achieves over 25% improvement on Target Emission Rate. The proposal thus fully complies with the council's sustainability and renewable energy requirements.

### **Other considerations**

27. It is noted that, as the site has been used as a builder's yard for some time, there may be some potential contamination on the site. Environmental Health have previously been consulted on the proposal who have no objection to the scheme subject to contamination investigation works prior to commencement of development. As such, this has not been included as a reason for refusal.

### **Conclusions**

28. The development of a well detailed, contextual contemporary dwelling within Mapesbury CA (a designated heritage asset) is supported in principle by the NPPF. It is considered that the design of the current proposal is an enhancement over the previously refused proposal. However, the scale of the reduction to the bulk, scale and massing of the proposed dwelling is not sufficient to overcome the harm

identified above, in particular by reason of its excessive depth and width which would restricts views across the Conservation Area and fails to preserve its open character.

29. A previous Planning Committee (May 2014) granted planning permission for a house on a former domestic garage site within the North Kilburn Conservation Area. Consideration has been given to this recent approval, however, the two schemes are considered to be materially different. This proposal is more prominent (by reason of its proximity to the street frontage) and the scale of the first floor element is much larger than the approval referred to above. As a result, it is considered that the recommendation to refuse this application is the correct one.

**RECOMMENDATION:** Refuse Consent

**CONDITIONS/REASONS:**

- (1) The proposed dwelling, by virtue of its siting, excessive scale and design, fails to represent a development that sits comfortably within its plot, wider context and appearing excessively large and visually obtrusive. As such the proposal neither preserves or enhances the Mapesbury Conservation Area, contrary to policy CP17 of the Core Strategy (2011), policies BE2, BE3, BE7, BE9, BE25 and BE26 of Brent's Unitary Development Plan (2004), and Supplementary Planning Guidance 17 - 'Design Guide for New Development'.
- (2) The Local Planning Authority considers it inappropriate to grant consent for the demolition of the existing outbuilding without the formal approval of a replacement structure which addresses the altered appearance of the outbuilding in the street scene. As a result, the proposal fails to preserve and enhance the character of the Mapesbury Conservation Area. This is contrary to policy BE27 of Brent's adopted Unitary Development Plan 2004.

**INFORMATIVES:**

None Specified

Any person wishing to inspect the above papers should contact Matthew Harvey, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 4657