
RECEIVED: 27 July, 2010

WARD: Kenton

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 88, 90 & 92 Draycott Avenue, Harrow, HA3 0BY

PROPOSAL: Demolition of 3 detached dwellings, erection of 6 x 5-bedroom semi-detached dwellinghouses and 2 blocks of flats totalling 14 units to rear, comprising 2 x studio, 7 x 1-bedroom and 5 x 2-bedroom flats, with formation of new access road from Draycott Road, parking, cycle and refuse store and associated landscaping as accompanied by Design & Access Statement, Landscape Strategy Report, Affordable Housing Report & Toolkit, Arboricultural Report, Sustainability Checklist, Energy Strategy Revised and Sustainability Statement Revised

APPLICANT: Gateway No 1 LLP

CONTACT:

PLAN NO'S:

C071-01 Rev A	C071-02 Rev A
C071-03 Rev A	C071-04 Rev A
C071-05 Rev A	C071-06 Rev A
C071-07 Rev A	C071-08 Rev A
C071-09 Rev A	C071-010 Rev A
C071-011 Rev A	C071-012 Rev A
C071-013 Rev A	

RECOMMENDATION

Refuse planning permission

EXISTING

The application site comprises three detached houses on the west side of Draycott Avenue, Kenton. The site lies within a suburban area that is characterised by predominantly inter-war mock-Tudor two storey houses, many with long rear gardens, although there are a wide variety of designs of properties within the road, with a mixture of detached and semi-detached dwellings and a mix of hipped and gabled roofs and some flatted developments. There are some more recent flatted developments in the wider area (76-78 Draycott Avenue). The housing has reasonably consistent set-backs, spacing and rhythm. Front gardens, many with forecourt parking areas, are common with regular plot-widths.

The majority of the site comprises back gardens to the detached houses and as such is not previously developed land (PDL) as defined by PPS3 (3rd edition).

The site is accessible to public transport (Public Transport Accessibility Level (PTAL) of 3) and other local services and is therefore in a sustainable location. The site backs on to the Metropolitan, Bakerloo and overground railway lines. It is some 500m from Kenton Sainsbury's, beyond which lies Kenton District Town Centre. It is 625m from Kenton station and 550m from Northwick Park station.

PROPOSAL

The proposal involves the demolition of the existing detached houses and the erection of three pairs of two-storey (with accommodation in the roof) semi-detached houses along the site frontage, which is classified as previously developed land, and two blocks of flats in the backland; these two blocks would be to the north of an access road which leads to parking in the south-west corner of the site. The flat blocks would be two storeys high with accommodation in the roof.

Houses

The houses are numbered H1-6 on the plans, and are paired 1-2, 3-4 and 5-6. Houses H1-2 are located approximately 1m from the boundary with No. 86 Draycott Avenue. They would be 15.5m deep (including bays) and 9.6m wide as a block (4.8m each). The blocks would be 63.049m above ordnance datum (AOD) to the ridge. The eaves would be 58.469m AOD. Each has a car parking space to the front. The front door to H1 is between the two bays of the block and H2 would be accessed from the side. The block would be set about 8m from the back-edge of the footpath and the front gardens would be divided by a hedge. Both houses would have 11m deep gardens.

Houses H3-4 would be 2m apart from H1-2 at the front and would be 10.4m wide (5.2m each) and including bays they would be 14.5m deep as a block; the block would be 62.869m to ridge and 57.894m to eaves AOD. H3 would have a parking space directly accessed from Draycott Avenue and a door between the two bays. H4 would have a parking space position parallel to Draycott Avenue, accessed from the new road. This block would be about 10m from the back edge of the footpath and again the front gardens would be divided by a hedge. Both houses would have 11m deep gardens.

The access road would lead from Draycott Avenue at this point. This road would be 4.8m with a 1.5m footpath on the northern side, adjacent to H3-4. This path would follow the flank wall of H4, where the entrance to H4 would be, with a 500mm margin. The south side of the road would have a 500mm margin leading to a 1m wide footpath serving the entrance door to H5, also positioned in the flank wall of block H5-6. The access road would be parallel to the flank wall of H5-6, which is in turn parallel to the boundary with No. 94 Draycott Avenue. H5-6 would be 15.5m deep and 9.6m wide as a block (4.8m each) and be about 0.85m from the boundary with No. 94, and 1.75m from the flank of No. 94. The block would be 62.049m to ridge and 57.469m to eaves AOD.

The access road would narrow to 3m after 35m from the junction with the road. Some landscaped areas and a parking space would be positioned on the northern side of the access road before it narrows, and the footpath would be on the other side of these features. This path would lead to the central courtyard between Blocks A and B, the northern and southern blocks of flats to the rear of the houses.

Flats

Block A, comprising flats 1-6, would be 10m deep and 16.7m wide, facing the garden of No. 86 Draycott Avenue; it would be 61.748m high to ridge and 57.533m to eaves. It would be 12m from the boundary with No. 86 and 12.5m from the rear of proposed block H3-4 and 2.5-4m from the western boundary. The courtyard would be 10m wide and Block B would be positioned on the southern side, facing No. 94 Draycott Avenue. An L-shaped block also 16.7m wide it would be 11m deep at its narrower leg and 15.5m deep at its wider leg; it would be about 12.5m from the

boundary with No. 94 and between 6-9m from the western boundary (with the railway). Block B would be about 15m from block H5-6 but not located behind it; instead, Block B would be positioned on the axis of the access road, about 41m from the back-edge of footpath. It would be 61.275m to ridge and 57.060m to eaves.

HISTORY

In November 2004 permission was sought for the demolition of the three dwellings and their replacement with a three storey block of flats comprising 26 x 2-bed flats (04/3521). This was withdrawn prior to determination.

In June 2005 permission was sought for the demolition of the three dwellings and their replacement with a 3-storey block of flats comprising 21 x 2-bed and 5 x 3-bed flats (05/1732). Members refused planning permission on 25 August 2005 on grounds of density (253hrh), design, insufficient affordable housing and sub-standard housing:

1. *The subject site is located within an area only moderately well served by public transport according to map BE1 of the adopted London Borough of Brent Unitary Development Plan 2004, and is located within a suburban area of large family size, inter-war housing. The proposed development would have a calculated density of 253 habitable rooms per hectare, towards the lower end of all development within 600 metres of a town centre, in accordance with Supplementary Planning Guidance 17: "Design Guide for New Development" adopted 2001. The proposal fails in terms of encouraging public transport use and walking and cycling, and discouraging private car use. Furthermore, due to its scale and design, it is at odds with the surrounding development within a predominantly suburban setting, contrary to policy BE12 of the adopted London Borough of Brent Unitary Development Plan 2004.*
2. *It is considered that the proposed development is of an insufficiently high quality of design and fails the requirements of policies BE2, BE3, BE5 BE9 and H15 of the adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide for New Development" for the following reasons:*
 - (a) *It comprises an uneasy jumble of styles, such as an incongruous mix of roof styles with half-hips and half gables, levels of the storeys at odds with those of the existing buildings and a lack of the rhythm, scale and clarity which is apparent with the existing houses in the streetscene, leading to a loss of views of sky and views through the blocks and a distinct lack of integration with the suburban setting and site.*
 - (b) *The blocks are overscaled and fail to address the lack of detailing and the proposal's incongruous mass which, coupled with the bulky roof details with a mix of gable-ends and half-gables, serves to accentuate the roof volume and contrasts with the dormer windows on the existing buildings in the street.*
 - (c) *The entrances are tightly accessed via the narrow access road and would be overshadowed by the proposed development, which would be at odds with the existing suburban setting; in addition, little attempt has been made to address issues of site security and safety.*
3. *The Urban Design Statement itself provides insufficient details of the proposed development, with limited or a lack of information regarding important existing features on site and forming edges of the site, the location of the existing and potential links to and through the site, important views within and out of the site, the relationship of the site to the surrounding area and how it relates to and enhances the urban context and contributes to*

urban sustainability. Consequently the proposed development fails policy BE1 of the adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide for New Development".

4. *The proposed development, by reason of its location outside of areas well served by public transport, the lack of details submitted with regard to hard and soft landscaping and planting and sustainable construction techniques and their implementation, has resulted in a scheme that fails to demonstrate its compatibility with the principles of sustainable development. The sustainability of the proposal was appraised in accordance with SPG19 and was rated "Fairly Detrimental" with a score of 115 (11.5%), which is considered to be unsatisfactory and thus fails the requirements of strategy STR5, and policies BE12, TRN2 and TRN3 of the adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 19: "Sustainable Design, Construction & Pollution Control" (2004).*
5. *The proposed development, with an affordable-housing share of 8 units out of the 24 in total, would have a proportion beneath that normally expected for development of this nature unless there are exceptional cost issues. The applicants have not demonstrated sufficiently that the costs incurred through the implementation of the scheme would be such as to justify this low threshold. Accordingly, the proposed development fails to comply with the provisions of policy H3 of the adopted London Borough of Brent Unitary Development Plan 2004.*
6. *The proposed development, by reason of the location of the proposed family-sized residential units, with only one at ground floor level and a lack of any associated private amenity space, would result in substandard housing, contrary to policy H8 of the adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide for New Development".*

This decision was appealed but the appeal was withdrawn prior to determination.

At this point the application site was expanded to include the two properties to the south, Nos. 94 & 96. Permission was sought for the demolition of the five dwellings and their replacement with 6 no. 3- and 4-storey blocks of flats comprising 66 units in total (06/2750). This was withdrawn prior to determination.

In January 2007 permission was sought for the replacement of the five dwellings with 6 no. 4-storey blocks of flats comprising 56 flats in total (07/0272). Members refused planning permission on July 2007 on the grounds of the effect on the character and appearance of the area due to the scale of the proposal and traffic generation:

1. *The proposed scheme by reason of the height, size and overall scale of development proposed would appear as an obtrusive development that relates poorly to the existing buildings around it, appearing out of context with its suburban setting and out of character with the street scene to the detriment of the character and appearance of the area and the visual amenities of local residents. The proposal is therefore considered to be an overdevelopment of the site, contrary to policies BE2, BE3, BE7, BE9, BE11 and H16 of the London Borough of Brent's Unitary Development Plan and the Council's Supplementary Planning Guidance 17: 'Design Guide for New Development'.*
2. *The proposed development by reason of the size and density of new residential accommodation proposed would result in an unacceptably high increase in the volume of traffic using Draycott Avenue, a relatively narrow suburban street that already experiences significant levels of traffic congestion, to the detriment of the free flow of traffic, the local environment and the residential amenities of the occupiers of properties along Draycott Avenue, contrary to policies H13, TRN3 and TRN4 of the London Borough of Brent Unitary*

Development Plan.

This decision was appealed but the appeal was dismissed at public inquiry in January 2008 on the grounds of effect on the character and appearance of the area and the lack of a signed legal agreement, the Inspector citing the width of the two frontage blocks, their height (particularly in relation to No. 98) and views along the proposed access road into the site. The Inspector was, however, satisfied in respect of traffic and highway matters although this reason for refusal was withdrawn by the Council in the Statement of Common Ground.

In October 2007 permission was sought for 5 no. 4-storey and 4 no. 3-storey blocks of flats comprising 54 flats in total (07/2978). Members refused planning permission in February 2008 on grounds of the effect on the character and appearance of the area due to the massing, setting and siting of the rear blocks and the residential amenity of future occupants:

- 1. The scale of the proposed redevelopment, in terms of the massing, setting and siting of the rear buildings, with minimal separation gaps between buildings together with the height, bulk and relationship to boundaries, would create a cramped form of development adversely affecting the character of the area and leading to a poor living environment and amenity for the future occupiers. This would also relate poorly to the existing buildings around it, appearing dominant with excessive bulk in scale to the existing setting in the local area. The proposal is therefore considered to be an overdevelopment of the site, contrary to policies BE2, BE3, BE7, BE9, BE11 and H16 of the London Borough of Brent's Unitary Development Plan and the Council's Supplementary Planning Guidance 17: 'Design Guide for New Development'.*

This decision was appealed but the appeal was dismissed at public inquiry in December 2008 on the grounds of effect on the character and appearance of the area, the Inspector citing the lack of subservience scale and density of the backland element of the proposal. The Inspector was satisfied in respect of living conditions of future occupants the impact on the outlook and privacy of neighbouring residents. Councillor Dunwell acted as a Third Party Witness and raised the matter of traffic and highways and overall density at the inquiry. The Inspector remained satisfied with the implications of the proposal on these matters.

On 6 November 2009 a further application was made for the erection of 6 x 5-bedroom semi-detached dwellinghouses and 2 blocks of flats totalling 14 units to rear, comprising 2 x studio, 7 x 1-bedroom and 5 x 2-bedroom flats (ref: 09/2233). This was withdrawn on 5 January 2010 before it was reported to committee.

Summary

A number of applications for redevelopment of the three dwellings, some with the addition of two dwellings to the south, have been submitted and refused over the past 5 years. Although the two of the most recent applications have Inspector's decisions to guide further development, this proposal relates more closely in terms of size to those earlier applications for only the three dwellings. It is fundamentally the same application that was withdrawn in January of this year.

POLICY CONSIDERATIONS

The policy framework remained fundamentally unchanged until the most recent application. In the months since the withdrawn application (09/2233) Brent's Core Strategy has been adopted and the definition of Previously Developed Land has been changed in PPS3 (3rd edition, June 2010).

Local

Brent Unitary Development Plan 2004

The development plan for the purposes of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004 and the Brent Core Strategy 2010 (see below). Within the 2004 UDP the following list of policies are considered to be the most pertinent to the application.

Strategic

- STR3 In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).
- STR5 A pattern of development which reduces the need to travel, especially by car, will be achieved.
- STR12 Planning decisions should protect public health and safety and in particular, support the achievements of targets within the National Air Quality Strategy.
- STR13 Environmentally sensitive forms of development will be sought.
- STR14 New development to make a positive contribution to improving the quality of the urban environment in Brent
- STR15 Major development should enhance the public realm.

Built Environment

- BE2 On townscape: local context & character states that proposals should be designed with regard to their local context, making a positive contribution to the character of the area.
- BE3 Relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.
- BE4 States that developments shall include suitable access for people with disabilities.
- BE5 On urban clarity and safety stipulates that developments should be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE6 Discusses landscape design in the public realm and draws particular attention to the need to create designs which will reflect the way in which the area will actually be used and the character of the locality and surrounding buildings. Additionally, this policy highlights the importance of boundary treatments such as fencing and railings which complement the development and enhance the streetscene.
- BE7 Public Realm: Streetscene
- BE9 Seeks to ensure new buildings, alterations and extensions should embody a creative, high quality and appropriate design solution and should be designed to ensure that buildings are of a scale and design that respects the sunlighting, daylighting, privacy and outlook for existing and proposed residents.
- BE12 States that proposals should embody sustainable design principles commensurate with the scale and type of development.

Environmental Protection

- EP3 Requires developments within Air Quality Management Areas to support the achievement of National Air Quality Objectives.

Housing

- H9 Requires developments capable of 15 or more dwellings to have a mix of family and non-family units.
- H12 States that the layout and urban design of residential development should reinforce or create an attractive and distinctive identity appropriate to the locality, with housing facing streets, and with access and internal layout where cars are subsidiary to cyclists and pedestrians. Dedicated on-street parking should be maximised as opposed to in-curtilage parking, and an amount and quality of open landscaped area is provided appropriate to the character of the area, local availability of open space and needs of prospective

- residents.
- H13 Notes that the appropriate density for housing development will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.
- H14 The appropriate land density should be achieved through high quality urban design, efficient use of land, meet housing amenity needs in relation to the constraints and opportunities of the site.
- H15 Special regard should be paid to certain issues where backland development is proposed
- H15 Planning permission should be refused where development underutilises a site
- H29 On accessible housing proposes that new and converted housing should be fully accessible for elderly and disabled residents.

Transport

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- TRN2 Development should benefit and not harm operation of public transport and should be located where access to public transport can service the scale and intensity of the proposed use
- TRN3 Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.
- TRN14 New highway layouts, visibility splayed and accesses to and within development should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.
- TRN23 On parking standards for residential developments requires that residential developments should provide no more parking than the levels listed in PS14 for that type of housing.
- TRN34 The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.
- TRN35 On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.
- PS14 Residential car parking standards
- PS15 Parking standards for disabled people
- PS16 Cycle parking standards

Brent Core Strategy 2010

Adopted in July 2010, the Core Strategy has 12 strategic objectives:

- Objective 1: to promote economic performance & regeneration
- Objective 2: to meet employment needs and aid the regeneration of industry and business
- Objective 3: to enhance the vitality and viability of town centres
- Objective 4: to promote the arts and creative industries
- Objective 5: to meet social infrastructure needs
- Objective 6: to promote sports and other recreational activities
- Objective 7: to achieve housing growth and meet housing needs
- Objective 8: to reduce the need to travel and improve transport choices
- Objective 9: to protect and enhance Brent's environment
- Objective 10: to achieve sustainable development, mitigate & adapt to climate change
- Objective 11: to treat waste as a resource
- Objective 12: to promote healthy living and create a safe and secure environment

The following spatial policies are considered relevant to this application:

- CP 1 Spatial development strategy
also STR1, EMP4
 This sets out the spatial strategy, outlining where growth is to be focused.
- CP 2 Population and housing growth
also none
 Sets out the appropriate level of growth across the borough, including the number of new homes and proportion of affordable housing sought
- CP 5 Place making
also none
 Sets out requirements for place making when major development schemes are considered
- CP 6 Design & density in place shaping
also none
 Sets out the requirements for appropriate design and density levels for development
- CP 15 Infrastructure to support development
also STR19
 Requires that the infrastructure requirements of new development are met
- CP 17 Protecting and enhancing the suburban character of Brent
also STR11, STR16, STR17
 Balances the regeneration and growth agenda promoted in the Core Strategy, to ensure existing assets (e.g. heritage buildings and conservation areas) are protected and enhanced. Protects the character of suburban housing and garden spaces from out-of-scale buildings.
- CP 19 Brent strategic climate mitigation and adaptation measures
also none
 Highlights the need for new development to embody or contribute to climate mitigation objectives, especially in growth areas
- CP 21 A balanced housing stock
also STR19, STR21, H7, H8, H9, H10, H18, H23, H25, H27
 Seeks to maintain and provide a balanced dwelling stock to accommodate the wide range of Brent households by: ensuring appropriate range of dwellings and mix; defining family accommodation as units capable of providing three or more bedrooms; requiring new dwellings be 100% Lifetime Homes and 10% wheelchair accessible; contributes to non-self contained accommodation and care & support housing where needed.

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.

SPD “Section 106 planning obligations”

Regional

London Plan 2008

The London Plan, which was adopted in February 2004 and revised in 2006 and 2008, sets out an

integrated social, economic and environmental framework for the future development of London. The vision of the Plan is to ensure that London becomes a prosperous city, a city for people, an accessible city, a fair city and a green city. The plan identifies six objectives to ensure that the vision is realised:

- Objective 1: To accommodate London's growth within its boundaries without encroaching on open spaces
- Objective 2: To make London a healthier and better city for people to live in;
- Objective 3: To make London a more prosperous city with strong, and diverse long term economic growth
- Objective 4: To promote social inclusion and tackle deprivation and discrimination;
- Objective 5: To improve London's accessibility;
- Objective 6: To make London an exemplary world city in mitigating and adapting to climate change and a more attractive, well-designed and green city.

The London Plan sets targets for the provision of new homes and the proportion of Affordable dwellings together with the accessibility of dwellings in relation to the Lifetime Homes standards and the proportion of Wheelchair or easily adaptable units.

The London Plan sets out policies relating to climate change, setting out the Mayor's energy hierarchy (using less energy, supplying energy efficiently, using renewable energy) which includes consideration of the feasibility of CHP/CCHP and a reduction in carbon dioxide emissions of 20% from on site renewable energy generation.

National

Planning Policy Statement 3: Housing

See revised PPS3 (3rd edition) published 9 June 2010

In essence, private residential gardens are now excluded from the definition of previously developed land in Annex B. Local Planning Authorities and the Planning Inspectorate are expected to have regard to this new policy position in preparing development plans and, where relevant, to take it into account as a material consideration when determining planning applications (Letter to Chief Planners, 15 June 2010).

SUSTAINABILITY ASSESSMENT

The application was accompanied by a Sustainability Strategy and an Energy Strategy, prepared by AJ Energy Consultants Ltd (both dated July 2010) and a completed Sustainability Checklist which shows an indicative score of 58.5.

Your officers are in the process of assessing this information and will update Members in a supplementary report.

CONSULTATION

Local consultees

Local residents, Northwick Park Residents Association, QARA Group of Associations and ward councillors were notified by letter on 23/08/10. A site notice and press notice was posted on 25/08/10 and 26/08/10 respectively.

A total of 29 local residents have objected--18 from Draycott Avenue, seven from The Ridgeway, three from Aston Avenue and one from Woodcock Hill--and a petition with 68 signatories has been received, objecting to the effect of the proposal on the character of the area and local amenities.

The reasons for objecting are:

Principle

- Previous applications have been refused
- Conflicts with Government and Brent policy about building on back gardens

Impact on character of area

- Out of keeping with character of area
- Close to conservation area

Impact on neighbouring amenity

- Loss of views
- Loss of light
- Loss of privacy
- Noise, in particular vehicle stackers

Standard of accommodation

- Small bedrooms
- Lack of amenity space

Parking and access

- Increase in traffic and congestion
- Safety of proposed access

Landscape and trees

- Loss of trees
- Loss of green space

Other

- Existing houses are of good quality
- Increase demand for local services
- Impact on drainage and sewerage
- Increase in crime
- Dust
- Pollution

Internal consultees

Landscape

No objections in principle however, I would not recommend approval for the development in terms of landscape for a number of reasons including loss of trees without adequate replacement, lack of ecological report and mitigation measures and lack of play space.

Transportation

No objection subject to:

(a) a Section 106 Agreement to secure:

- (i) a financial contribution of £23,000 towards non-car access improvements in the vicinity;
- (ii) resurfacing of the Draycott Avenue footway along the site frontage at the applicant's expense, to include reinstatement of all redundant lengths of existing crossover to footway and formation of new accesses (incl. the provision of a speed table across the bellmouth of the shared access road); and

(b) a condition to secure minor amendments to the site layout to:

- (iii) move the parking space for house 2 alongside that for house 3 with access over a shared crossover;
- (iv) provide a front garden path from Draycott Avenue into the entrance to house 5;

- (v) set the rear garden fence for house 5 450mm from the kerb line of the road;
- (vi) provide radius kerbs on the inside of the bends in the driveway, with an increased 4.1m wide passing place halfway along the narrow length; and
- (vii) indicate sufficient secure and covered cycle storage to accommodate 14 bicycles,

External consultees

Thames Water

No objection

REMARKS

Key considerations

Your officers consider the main planning issues are:

1. Principle, including density
2. Impact on character of area
3. Impact on neighbouring amenity
4. Standard of accommodation
5. Parking and access
6. Landscape and trees
7. Other

The site as Nos. 88-92 has a history of two applications (one withdrawn, one refused) in 2004 and 2005. The expanded site of Nos. 88-96 has a history of three applications (one withdrawn, two refused and dismissed at public inquiry) in 2006-2008.

The history is relevant to this application but the substantial differences between the proposed scheme and the two schemes dismissed at public inquiry mean little weight can be attached to the Inspectors decision letters other than the fact they offer some indication of what is considered materially harmful, albeit this is a matter of subjective judgement. In both inquiries the Inspector considered the effect of the proposal on the character and appearance of the area as the main issue:

07/0272

"I have therefore identified one main issue in this case: the effect of the proposal on the character and appearance of the area." (Inspectors Decision Letter, 07/0272, 8 January 2008)

07/2978

"I consider the main issues in this appeal to be the effects of the proposed development on: (a) The character and appearance of the area; (b) the living conditions of future occupiers and neighbours, with particular reference to amenity space and privacy." (Inspectors Decision Letter, 07/2978, 9 December 2008)

1. Principle

1.1 Principle

The application involves the demolition of existing houses and the redevelopment of this frontage and the gardens to the rear; in this case these rear gardens would constitute backland development. Brent Council policies do not prevent development of gardens, nor does any national or regional planning policy.

Until June of this year, private residential gardens were classified as previously development land (PDL) in *Planning Policy Statement 3: Housing* (PPS3). This meant that gardens were subject to the same policy direction to make effective and efficient use of land, albeit with the caveat that “there is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.” (CLG, 2010: para 41).

Revised PPS3 (3rd edition) was published 9 June 2010; in this revised document, the Government has amended the definition of previously developed land as follows:

Previously-developed land (often referred to as brownfield land)

‘Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.’

The definition includes defence buildings, but excludes:

- Land that is or has been occupied by agricultural or forestry buildings.
- Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures.
- Land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.
- Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings).

There is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.
(PPS3, 9 June 2010: p26)

Local Planning Authorities and the Planning Inspectorate were directed by the Chief Planner (Steve Quatermain, CLG) to have regard to this new policy position in preparing development plans and, where relevant, to take it into account as a material consideration when determining planning applications (Letter to Chief Planners, 15 June 2010). The Chief Planner also wrote that the Government was seeking to decentralise planning “*by giving Local Authorities the opportunity to prevent overdevelopment of neighbourhoods and ‘garden grabbing’.*” (15 June 2010).

Your officers are of the opinion that the changes to the definition of PDL do not mean development of private residential gardens is no longer possible; instead, your officers judge that the changes increase the weight given to the need to ensure development respects the character of the area. Paragraph 49 of PPS3 relates to efficient use of land and intensification, stating that “careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate.” (CLG, 2010). In the case of Brent, the recently adopted Core Strategy sets out the chosen local strategy as one of directing new housing to the identified growth areas (policy CP1, CP2) and to protect and enhance the suburban character of Brent (policy CP17). It is clear that the chosen local strategy is one which requires more weight to be given to the protection of suburban character than under the policy regime in place prior to June of this year.

As a result of this clear direction in the Core Strategy and the significant change in emphasis at the national level on the development of gardens, it is reasonable that the manner in which applications for backland development on residential gardens are considered should change and the judgements made in respect of relevant UDP policies may change; therefore it is reasonable that development which might have been acceptable before the change to PPS and the adoption of the Core Strategy may not now be acceptable.

1.2 Backland policies

Where backland development is proposed, Policy H15 requires special regard to be had to, amongst other things, (a) the density and height of the proposal which should be subsidiary to the frontage housing; (b) the privacy and outlook from existing dwellings and in particular gardens; (c) any proposed demolition of existing dwellings or parts of dwellings to form access - if this would create an unattractive breach in a consistent street frontage this will not be permitted; and (f) the effect and cumulative impact of the development on the loss of garden habitat.

The recent adoption of the Core Strategy (July 2010) means regard should also be had to policy CP17 *Protecting and Enhancing the Suburban Character of Brent* which reads:

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. The Council supports emerging London Plan policy to limit the inappropriate development of back gardens that erode the character of suburban areas.

Your officers have considered the above two policies and the history of the sites, including the previous Inspectors' decisions, in assessing this application.

(a) Subsidiarity

Policy H15 relates to backland development which requires special regard be had to, amongst other things, the height and density of the proposal which should be subsidiary to the frontage housing. Policy CP17 seeks to limit development which would erode the character of suburban housing and prevent the development of garden space with out-of-scale buildings that do not respect the settings of the existing dwellings.

The most recent appeal decision expanded on the matter of subsidiarity, stating: “...it seems to me that the use of the word ‘subsidiary’ in Policy H15(a) indicates an underlying objective that backland development – whilst related, auxiliary or supplementary to the frontage housing, should also be secondary in importance, having regard to its density and height.” It goes on to say that “The backland development [of the refused scheme] comprises five four-storey blocks, four of which would have significantly greater bulk than the three-storey frontage blocks.” (Inspectors Decision Letter, 07/2978, 9 December 2008).

Your officers consider it significant that the Inspector identified the bulk of the rear blocks relative to the bulk of the frontage blocks as a material consideration, as this does not limit the consideration of subsidiarity to height alone. The Inspector concluded his assessment of this aspect of the proposal by saying “I consider that the backland development would be perceived from Draycott Avenue as the main or predominant part of the scheme.” (Inspectors Decision Letter, 07/2978, 9 December 2008).

An analysis of the submitted documents show the following height relations between the relevant frontage housing and rear blocks:

Block A compares with H3-4:

H3-4 heights:	62.869m to ridge and 57.894m to eaves
Block A heights:	61.748m to ridge and 57.533m to eaves
Block A is lower by:	1.121m to ridge and 0.361 to eaves

Block B compares with H5-6:

H5-6 heights:	62.049m to ridge and 57.469m to eaves
Block B heights:	61.275m to ridge and 57.060m to eaves
Block B is lower by:	0.774m to ridge and 0.409m to eaves.

The Inspector at the recent appeal found that the marginal difference in height between the relevant frontage blocks and rear blocks was not sufficient to mark the backland development as appearing secondary in nature. In that case the rear blocks were lower to ridge by 0.25m, 0.5m, 0.55m, 0.75m and 0.8m. Your officers are of the view that the 0.77m and 1.12m difference in heights between the frontage blocks H3-4 and H5-6 and the rear blocks A and B are also marginal and, when combined with the height difference between the eaves (0.36m and 0.41m), it is likely that the rear blocks will appear to be as significant as the frontage blocks in terms of height.

Turning to bulk, this is a function of the relationship of the blocks with the rear boundary: larger blocks which are farther from the boundary may be less harmful than smaller blocks which are closer. The key differences between the proposed scheme and the earlier refused schemes are the fact the application site is reduced due to the loss of Nos 94 & 96. This means it is difficult for the development to maintain sufficient distance from the boundaries with Nos 86 and 94 whilst maintaining adequate separation between the two rear blocks. The rear blocks are wider than nearby building typologies and any of the previous refused schemes' rear blocks and they are closer to the boundary; consequently the buildings would not appear to be of secondary importance when viewed from neighbouring gardens.. This difficulty in positioning the rear blocks also means that Block B, with its long flank wall, would be particular prominent when viewed from Draycott Avenue.

The rear blocks would not be secondary in importance or subordinate to the frontage housing. In this respect the proposed scheme would not comply with policy H15(a) of the UDP nor policy CP17 of the Core Strategy.

Policy H15(a) also requires a comparative analysis of density within the scheme - between the backland development and the frontage housing. The lack of a subsidiary density on the backland part of the site was part of the reason the Inspector considered the rear blocks of the most recent refused scheme (07/2978) would not be secondary in importance to the frontage housing: *“There is no evidence to indicate that this secondary status would be achieved by a significant difference in density.”* (Inspectors Decision Letter, 07/2978, 9 December 2008)

The applicant has provided comparative densities of the respective areas for the frontage housing and backland development which indicates the following:

<i>Frontage</i>	
Area:	0.1363ha
Hab rooms	48
Density	352hrh

<i>Backland</i>	
Area:	0.1854
Hab rooms	44
Density	237hrh

The above calculation does not account for the street frontage which the applicant has used to calculate density for the whole site (see section 1.3, below). The area for calculating density includes the frontage to the midpoint of the highway (p104, Appendix 3, UDP 2004). If this is allocated to the frontage housing it changes the figures thus:

<i>Frontage</i>	
Area:	0.1570ha
Hab rooms	48
Density	306hrh

<i>Backland</i>	
Area:	0.1854

Hab rooms	44
Density	237hrh

Even in this scenario the density of the backland would be subsidiary to the density of the frontage housing; as such the respective densities are considered acceptable. This does not change the opinion of officers that the rear blocks themselves are not secondary in importance to the frontage housing.

(b) Privacy and outlook

Other matters to be given special consideration include the privacy and outlook from existing dwellings and in particular their gardens. This matter was considered by both Inspectors and they found the schemes under consideration would not fail this part of policy H15:

07/0272:

"I also accept that, due to the distance between the boundaries and the nearest elevations, there would generally be adequate separation to neighbouring properties." (Inspectors Decision Letter, 07/0272, 8 January 2008)

07/2978:

"The proposed backland blocks would alter the views from the gardens of Nos.86 and 98 and other nearby properties. However, given the separation distances, I do not consider that the four-storey blocks, by reason of their height and siting, would have an unacceptable overbearing or dominating effect on the outlook from neighbouring properties. Nor would any overlooking result in an unacceptable standard of privacy for this suburban area. I do not consider that these blocks would unduly impact upon the living conditions of neighbours". (Inspectors Decision Letter, 07/2978, 9 December 2008)

In terms of privacy, SPG17 suggests a minimum distance of 10m from main habitable rooms to the boundary would be sufficient to maintain privacy. The rear blocks are 12m from the boundary and screen landscaping could be incorporated to reduce overlooking, but it is likely that the occupants of Nos. 86 and 94 would perceive a significant loss of privacy in the lower part of their garden, where privacy can reasonably be expected to be at its maximum. In reaching this judgement your officers have considered the fact the proposed rear blocks have accommodation on only three storeys instead of four as in the refused schemes but that the focus of the flats and their habitable rooms will be towards the boundary due to the limited outlook between Blocks A and B. Your officers are of the view that the application fails policy H15(b) and would result in material harm to the privacy of existing gardens.

Turning to outlook, the proposed rear blocks would substantially change the outlook for neighbouring residents from their houses and gardens but it would not be to the extent that their living conditions would be materially harmed: their view may have worsened but that is not in itself a reason for refusal. The bulk of the blocks and their overbearing impact on neighbouring residents is considered a reason for refusal, but this is in respect of the impact on the character of the area (see section 1.2(a), above, and 2.2, below).

(c) Access arrangements

Access arrangements should not cause significant nuisance to neighbouring properties. Previous schemes have located the majority of parking to the rear of the site but accessed via a central road which would have benefitted from the distance to the boundaries and the intervening blocks to buffer noise and disturbance from vehicle movements. In this application the access road is directed to close to the boundary with No. 94 and the majority of parking is provided in the 12-vehicle stackers which would be located just 1.5m from the boundary with No. 94.

It is likely that the movement of vehicles along the access road, to and from the vehicle stacker and

the operation of the stacker itself would result in significant noise and disturbance, resulting in material harm to the amenity of neighbouring occupants and their enjoyment of their gardens. Whilst the Council has acknowledged in the past that vehicle parking in the rear of the site is acceptable and that a degree of disturbance is to be expected where the principle of backland development is accepted, it is not clear that this particular arrangement is the only way in which parking and access can be arranged to service backland development.

(f) Loss of garden habitat

As discussed in sections 6.2 and 6.3, *Trees and Ecology*, below, the proposed layout would result in the loss of a number of trees without adequate replacement. This is a matter which could be addressed via submission of further details either at this stage or in a condition; as such it is not proposed that this be a reason for refusal, however it should be noted that future applications should address this aspect of policy H15.

1.3 Density

National, regional and local policies seek to maximise the potential of the site, with PPS3 and the London Plan encouraging the efficient use of land. Policy 3A.3 of the London Plan aims to maximise the potential of a site taking account of local context, London Plan design principles and public transport capacity. Policy H13 of the UDP relates to density and states that the primary consideration in determining the appropriate density of new development will be achieving an appropriate urban design which makes efficient use of land and meets the amenity needs of future residents. It goes on to say that density should have regard to context and nature of the proposal, the constraints and opportunities of the site and the type of housing proposed. The recently adopted Core Strategy policy CP6 also seeks to ensure developments have proper regard to policy 3A.3 and states that “a notional density figure is not the only consideration, and the quality of design, location of the site and the need to provide family housing are all important”.

The proposed scheme has a site area of 3,217sqm (0.3217ha), as stated in the Design & Access Statement. The scheme proposes 20 units with a total of 92 habitable rooms. The area for calculating density includes the frontage to the midpoint of the highway (p104, Appendix 3, UDP 2004); this increases the site area to 3,424sqm (0.3424ha). The overall density is 269 habitable rooms per hectare (hrh), or 58 dwellings per hectare (dph). This is lower than the recent refused applications, which had a density of 330hrh (07/0272) and 299hrh (07/2978). In neither case did the Council object to the density and in both cases this was supported by the Inspector's decision:

07/0272

“The proposal would achieve higher densities than the prevailing pattern of development, and despite the objections of some local residents, I consider it would make efficient use of previously developed land which would comply with the general thrust of UDP Policies STR3 and STR19.” (Inspectors Decision Letter, 07/0272, 8 January 2008)

“The proposal would increase the density of the appeal site from about 65 hr/ha to 330 hr/ha which would be within the density range within the SPG. However, Table 4B.1 Density location and parking matrix of the London Plan (LP) indicates a density range of 200-250 hr/ha for a suburban site with a PTAL 3 to 2. Whilst I accept that the SPG predates the LP, it is specific to the Borough and, therefore, of greater relevance. In my view, subject to an acceptable design, the density of the proposal would make efficient use of the site and need not result in harm to the character and appearance of the area.” (Inspectors Decision Letter, 07/0272, 8 January 2008)

07/2978

“In this context, given that the site backs onto railway lines and a large utility building, along with the proximity of local services and public transport, I consider that, subject to an acceptable design which complied with relevant policy, a scheme of the density [299hrh] should not be rejected on this ground alone.” (Inspectors Decision Letter, 07/0272, 8 January 2008)

2008)

The density of 269hrh is within the relevant density range in SPG17 but outside the range of the London Plan density matrix. In light of this and the above Inspectors comments, your officers do not raise an objection to the density figure; the policy position is clear in that urban design and not density is the main driver of what can be considered acceptable; although the application displays many symptoms of overdevelopment--proximity to boundaries and gap between the blocks, over-reliance on obscured glazed windows and windows in unusual positions, necessity of vehicle stackers and route of access road--this does not mean the density itself is a reason for refusal.

1.4 Affordable housing

A toolkit has been submitted which claims the site cannot provide any affordable housing. Policy officers are still considering the information and their findings will be reported in a supplementary report to Members. The applicant has offered to enter into an agreement whereby a post-construction appraisal would be undertaken with the intention of making a provision towards affordable housing should financial conditions allow. The Council has entered into a similar agreement in recent months and your officers believe that if no fault is found with the submitted toolkit information, this represents a fair means of securing contributions to affordable housing in light of the current UK recession.

2. Impact on character of area

2.1 Design

The proposed scheme differs substantially to the previous two refused schemes in its design. The frontage blocks have been replaced with three pairs of semi-detached houses and the rear blocks follow a similar architectural language. Your officers raise no objection to the design approach taken and judge it to be appropriate to the area. Matters relating to bulk and mass are addressed elsewhere in this report.

2.2 Bulk and mass

As discussed above, in section 1.2, the proposed rear blocks are only marginally lower in height than the frontage blocks to ridge and to eaves; this, combined with their footprint and orientation, means they would appear to be a bulky and out of scale addition to the area, to the detriment of the suburban character of the area and the settings of the existing dwellings.

The rear blocks would not be secondary in importance or subordinate to the frontage housing. In this respect the proposed scheme would: (a) harm the character of the area; (b) not have regard to the existing urban grain and development patterns; (c) not be of a scale, massing and height that is appropriate to their setting; (d) not be appropriate to its locality of would not comply with policies BE2, BE3, BE9, H12 and H15(a) of the UDP nor policy CP17 of the Core Strategy.

The frontage housing is considered generally acceptable, however.

3. Impact on neighbouring amenity

This is also discussed in section 1.2(b) and (c), above.

The Council seeks to protect the amenity of neighbouring occupants to acceptable standards whilst recognising the right of land-owners to develop their property. On new developments such as this the main impact on amenity arises from (i) overbearing impact of the size and scale of the building(s); (ii) loss of outlook, which is related to overbearing impact; (iii) loss of privacy; and (iv) loss of sunlight. The Council has published supplementary planning guidance which establishes generally acceptable standards relating to these matters, although site specific characteristics will

mean this must be treated as guidance and could be tightened or relaxed accordingly. Overbearing impact arising from the height of blocks is controlled via 30 degree and 45 degree planes from neighbouring habitable rooms and relevant boundaries; privacy is quoted as distances between directly facing habitable windows and from boundaries. Neither outlook nor light have specific values, although light is generally controlled to BRE standards.

In addition to the amenity issues discussed above, the Council has policies to protect residential amenity from noise and disturbance if these are likely to be generated at an unacceptable level. Development for residential purposes can cause noise and disturbance but it is necessary to consider the existing use and the site characteristics, and vehicle movements are significant generators of disturbance.

Privacy and outlook have already been considered above, in section 1.2(b). In addition to the problems of the rear blocks identified in that section, the frontage housing (H1-2) is now closer to the boundary and extends further back into the site than previous refused schemes. Whilst this replaces the bulk of No. 88, it does mean that unlike previous refused schemes, the occupants of No. 86 would not gain any respite from the overbearing impact of the redevelopment which arises from the rear blocks by having some of their outlook improved. Although it remains the case that your officers do not think their outlook would be harmed to the extent that their living conditions would be materially harmed, this does add weight to the view that this proposal constitutes overdevelopment and would have an overbearing impact on neighbouring occupants.

Any impact on sunlight and daylight is expected to be within acceptable norms.

Noise and disturbance have been considered above, in section 1.2(c).

In terms of neighbouring amenity, the proposal is deemed not to comply with policies BE9, H13 and H15(a) and (c).

4. Standard of accommodation

A good standard of accommodation is a combination of several factors including basic space standards, outlook, privacy, daylight and sunlight and amenity space. A good living environment is subject to more subjective matters such as the quality of that amenity space, the design of the scheme and the relationship with car parking, cycle storage and external factors such as noise and pollution.

The houses and flats all comply with the minimum space standards as set out in SPG17. The 5-bed houses are between 153-165msqm. The 2-bed flats are between 59-65sqm, the 1-bed flats between 45-47sqm and the studios are both 35sqm.

4.1 Houses

Each house has at least 12.5m rear outlook, where House 3 backs directly onto the flank of Block A, with most benefitting from more. To the front the houses benefit from outlook to Draycott Avenue encumbered only with typical suburban interruptions such as a car or landscaping. The houses are arranged so that one of each pair is accessed from the side. The internal layouts of the houses are generally acceptable with rooms of functional size and arrangement. Bed 3 of H5 has a flank window for outlook in order to avoid a privacy clash with Flat 10 of Block B, but on its own this is considered acceptable.

Each has a minimum 50sqm private garden.

4.2 Flats

Turning to the blocks of flats and Flat 1 of Block A. This has flank windows to habitable rooms but they are secondary and therefore acceptable. The principle outlook is provided to the north for the kitchen/living/dining room and the main bedroom and to the south for the secondary bedroom. To the north the outlook is 12m to the boundary with No. 86 and to the south the outlook is 10m to the rear of Block B. The situation is similar for Flat 2, except this is a 1-bed flat. Due to the predominantly north-facing aspect and the fact Block B hinders outlook to the south and the railway building hinders outlook and daylight to the west, the resulting standard of accommodation is likely to be compromised; the fact the outlook to the north would be over a landscaped amenity area and landscape buffer serves to counter this, however, and on balance the standard of accommodation provided to these two ground floor flats is considered acceptable.

The ground floor flats of Block B would not suffer from the same restrictions and the landscaping surrounding Flat 7 means it is unlikely to suffer from a lack of privacy or outlook, despite the proximity of the windows to the access road and the circulation footpaths.

Part of the Council's reason for refusal of the most recent refused scheme (ref 07/2978) included the poor living environment arising from the cramped nature of the site. The Inspector did not support the Council's view on this matter, finding that: "*The proposed development would include substantial amenity areas behind the rear blocks. I am satisfied that these could be landscaped in such a way so as to maintain a reasonable standard of privacy for those occupying flats close to these amenity areas. I do not, therefore, agree with the Council that the scheme would lead to a poor living environment and amenity for future occupiers.*" (Inspectors Decision Letter, 07/2978, 9 December 2008). With this in mind your officers are of the opinion that the proposed scheme could be landscaped in such a way that privacy could be maintained for those windows which overlook the amenity space, which may include provision of private amenity areas for ground floor flats.

The fundamental problem with this smaller site is that the distance between the northern and southern boundary has been reduced with the loss of Nos. 94 & 96. As a result it is harder to maintain a sufficient distance from those boundaries to minimise the impact on Nos. 86 and 94 whilst also providing a sufficient distance between the flat blocks to give adequate privacy; obscured windows and windows directing outlook to the flanks are used to address this. Outlook to the flanks is hindered to the west by the railway building and to the east by the proximity of the gardens and habitable room windows of the proposed houses.

An additional concern is the entrance for the flat blocks. These are located up to 60m from the main car parking area. It may be possible to amend the scheme so access to both blocks is through Block B, but a better solution would be to ensure a closer relationship between the parking and the entrances to the flat blocks.

Whilst these are problems with the scheme they are not considered reasons for refusal, rather they are further indications of the overdevelopment of the site and should be addressed in any future applications.

Turning to amenity space, the 14 flats would require 280sqm of amenity space in total. Your officers are satisfied that this would be provided with this scheme, even taking into account the fact much of the landscaped area is restricted.

5. Parking and access

5.1 Parking

Each of the houses has an allocated space and a further 14 spaces (incl. one disabled) are provided to the rear of the site, twelve of which are in a stacker system.

Full residential car parking allowances apply to this site, giving a total maximum allowance of up to

27 parking spaces for these 20 dwellings. The proposed provision of 20 spaces would therefore accord with standards, with the stacked parking system allowing independent access to all vehicles.

Consideration again needs to be given to the impact of any generated overspill parking on the free and safe flow of traffic in the area though. On-street parking in Draycott Avenue is generally unrestricted in terms of parking controls and lightly parked during the day and at night, whilst public transport access to the site is moderate (PTAL 3). Demand for about 21 spaces is considered likely; therefore to accommodate an additional space on-street along the site frontage a condition of any approval would be the parking space for H2 would be transposed with the footpath to the property to provide sufficient room between crossovers to retain an on-street space in front of H1-2.

Standard PS15 requires one space in twenty to be widened and marked for disabled persons and the proposed space in the centre of the site is again sufficient to satisfy this requirement. The provision of a footpath to the rear of the space now provides sufficient room to manoeuvre a wheelchair around the vehicle.

Local residents have objected on the basis that there would be a lack of parking for the number of cars the site would generate and the resulting overspill would jeopardise highway safety; in addition they are of the view that the traffic movements would increase congestion in the area. As discussed above, your officers do not agree with this and this conclusion is supported by both recent Inspectors decisions, which were for substantially more units:

07/0272

"In my view, due to the proximity of stations, bus routes and other services the proposed parking provision would be adequate. Moreover, as there are no parking restrictions on Draycott Avenue, any overspill parking could be accommodated on the street. While I appreciate the concerns of local residents, I have found nothing in the evidence presented to suggest that the level of parking proposed, and any overspill parking, would have any significant impact on highway safety." (Inspectors Decision Letter, 07/0272, 8 January 2008)

07/2978

"I am satisfied that the proposed on-site parking provision would be adequate given the proximity of local services and public transport." (Inspectors Decision Letter, 07/2978, 9 December 2008)

5.2 Cycle storage

Standard PS16 requires at least one secure bicycle parking space per unit. The six houses will each have private garden space within which bicycles can be stored. However, the communal storage area for the flats now accommodates only about nine bicycles. Further details of bicycle storage showing a minimum of 14 spaces would therefore be required as a condition of any approval.

5.3 Bin storage

A communal bin storage point for the flats shown about 20m from Draycott Avenue (and within 30m of the entrances to the two blocks of flats), entailing refuse vehicles reversing into the site from Draycott Avenue; the retention of 6m kerb radii will facilitate this. Fire appliances would also need to reverse into the site from Draycott Avenue to get to within 45m of the flat entrances and the acceptability of this should be confirmed with the local Fire Safety officer.

5.4 Access

With regard to the shared access road, the proposed width of 4.8m (plus 1.5m footway on the north side) for the initial 35m length is considered acceptable for this level of development. As before though, the 450mm margin on the south side needs to be continued its entire length, which will necessitate setting the rear garden fence for H5 back from the kerbline of the road. This could be controlled via condition.

The narrowing of the driveway width to 3m over its last 30m, combined with the tightening of the bends in the driveway, causes some concern particularly given the limited intervisibility along this length. It is therefore suggested that suitable radius kerbs be provided on the inside of the bends in the road (rather than the sharp angles indicated) and that the driveway be widened to 4.1m over a 6m length immediately beyond the bicycle store to provide a passing place.

Sightlines onto Draycott Avenue from the main access and individual driveways would be acceptable although visibility on the exit from H5 would again be limited. A speed table entry treatment should be provided across the bellmouth of the access. The works to provide the new accesses will again need to incorporate the reinstatement of all redundant lengths of crossover and given that most of the footway along the site frontage will thus be affected, the whole footway along the site frontage should be resurfaced at the applicant's expense as a condition of any approval.

Local residents have objected to the position of the access road on the basis it would increase traffic accidents in the area. As noted above, your officers do not agree with this and this is supported by both recent Inspectors decisions, which were for substantially more units:

07/0272

"To my mind, the proposed vehicular access would have good visibility, being situated on the outside of the bend. Therefore, I consider that the increase in traffic flows resulting from the proposal would not result in harm to highway safety." (Inspectors Decision Letter, 07/0272, 8 January 2008)

072978

"However, I believe that there is scope within the scheme to make the necessary adjustments [to the access arrangements], and therefore a reasonable prospect that a satisfactory scheme could be devised." (Inspectors Decision Letter, 07/2978, 9 December 2008)

6. Landscape and trees

A Landscape Strategy Report, prepared by LizLake (dated 21 June 2010, ref 1193 Draycott Avenue, Kenton) was submitted with the application.

6.1 Landscape

The amenity space should be designed to ensure quality usable space for residents; currently there some ambiguity regarding the division of the space and if it is private or semi-private. This is particularly relevant to areas where the doors from the flats open out onto the communal open space. Access to these areas is also unclear and the design lacks defined areas for residents to use and a variety of spaces. This is a matter which could be addressed via condition and is not, therefore, a reason for refusal.

6.2 Trees

The application was supported by an Arboricultural Report, prepared by Andrew Day Arboricultural Consultancy Ltd (dated 13 July 2009, ref 016). This report states most of the trees on site are to be removed with only 18 replacements shown on the submitted plans. Although as individuals these

trees may not be the best specimens as a group in a rear garden context they provide a valuable amenity both visually and from an ecological perspective.

It has been suggested that T8 Oak (just off site, to the south of the railway building) could be removed and replaced. This is unacceptable, and officers are concerned about the effect of the excavation for vehicle stackers on its root system.

The proposals for tree loss on this site may be acceptable if the applicant is willing to specify suitable replacement trees species on a 1 to 1 basis. In the absence of that agreement this application would be resisted on the basis of loss of mature landscape features without adequate replacement, although should permission be granted this could be controlled via a landscape condition. To that end, the row of trees along the western boundary should be extended along the whole boundary to screen the adjoining rail yard from the development, and a small tree should be planted in the front gardens of H1-2 and the rear gardens of each of the houses.

The trees specified in the landscape report are all streetwise; the native species in their natural forms should be used as first preference on all occasions.

6.3 Ecology

The site abuts a Site of Borough (Grade 1) Nature Conservation Importance (as defined on the Proposals Map and policy OS12 of the UDP) and part of the site lies within a Wildlife Corridor (as defined on the Proposals Map and policy OS14 of the UDP).

The proposed buildings appear to encroach on this wildlife corridor and as such mitigation measures should be investigated. Ideally the application should be accompanied by an ecological survey and the layout and landscaping should be informed by its findings and recommendations. Regrettably the wildlife significance of the railway corridor has not been discussed in any of the applications within the past decade. As a result your officers do not believe it appropriate to demand this at this stage in the application, although any future plans for the site should recognise the need to have ecological matters inform the design at an early stage. It is considered that if permission is granted, some mitigation measures could be included in a landscape condition.

6.4 Play

Housing developments of this size require on-site provision of age-appropriate play areas to meet the estimated child yield. The calculations are set out in the London Plan supplementary planning guidance, Providing for Children and Young People's Play and Informal Recreation (GLA, 2008). Similar to the situation with regards ecology, no such play area has been sought for previous applications and your officers are satisfied that the six semi-detached houses would be able to meet incidental play requirements in their generous private gardens and the mix of flats is not likely to generate a significant number of children to merit the imposition of a children's play area; in any event it would be difficult to position one in this space without causing harm to the amenity of neighbouring and future occupants. Rather than being a reason for refusal in itself, this is further indication of the cramped nature of the development.

7. Other

7.1 Response to objectors

Drainage

Local residents have raised concerns about sewer capacity. Thames Water have been consulted and have raised no objections. Surface water should be attenuated before entering the public sewers and a condition can be imposed to require a sustainable drainage scheme. This is in line with the most recent public inquiry decision:

“There is local concern about drainage. The scheme would significantly increase the proportion of the appeal site covered by impervious structures or hardstanding, and so would alter site infiltration and runoff. Nonetheless, I am satisfied that this is a matter that could be reasonably addressed by the imposition of a condition requiring prior approval and implementation of a sustainable drainage scheme.” (Inspectors Decision Letter, 07/2978, 9 December 2008)

Increase demand for local services

The Council recognises that development of any scale can have an impact on local infrastructure as new population enters an area; this impact is particularly keenly felt on local schools, healthcare facilities and the road network. In recognition of this fact the Council can enter into a S106 legal agreement to secure financial contributions to enable the Council to provide improvements and enhancements of local facilities to accommodate the new population. This application would, if approved, require a contribution of £102,000 to provide improvements to local infrastructure; this is in line with the standard charge set out in the Council’s SPD on S106 contributions.

Crime & antisocial behaviour

Some local residents have objected to the proposed development on the basis that the development would bring about an increase in crime and anti-social behaviour. There is no evidence that housing generates crime although the immediate neighbours may be concerned that access could now be given to their side boundaries. Development of the back gardens for residential purposes would mean the boundaries would be well-observed and opportunities for crime would not necessarily increase.

Dust

It is presumed that this refers to dust arising from the demolition and construction works. Appropriate measures could be put in place to minimise dust emissions from the demolition and construction phases and a condition could be imposed to ensure a Construction Method Statement is provided and the applicants have agreed in principle to sign up to both the Considerate Contractors Scheme and the ICE Demolition protocols. As such this is not considered a reason for refusal.

Pollution

Your officers are of the view that the site is not likely to generate sufficient traffic to affect air quality in the area.

7.2 Noise Survey

A Noise Survey, prepared by Noise and Vibration Partnership Ltd (dated 30th June 2010, ref: 1331/2) was submitted with the application. The noise survey suggests that standard double glazing will be suitable for bedrooms facing the railway. Acoustic ventilation is recommended for bedrooms to enable window closure at night. Living rooms can be fitted with standard double glazing. The daytime noise exposure is such that additional acoustic ventilation should be provided for living rooms in the flat blocks. This is a matter which can be controlled via condition prior to commencement.

7.3 S106

For clarity for Members and the applicant, the application would require the following planning obligations to be secured by a Section 106 Agreement:

- (a) Payment of the Councils legal and other professional costs in:
 - (i) preparing and completing the agreement and
 - (ii) monitoring and enforcing its performance
- (b) At least 50% Affordable Housing (habitable rooms) to be agreed or other agreement (including cascade agreement) to be determined

- (c) A contribution £102,000, due on material start and index-linked from the date of committee, for Education, Sustainable Transportation, Open Space & Sports in the local area
- (d) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and Code for Sustainable Homes level 3, with compensation should it not be delivered. In addition to adhering to the Demolition Protocol.
- (e) Offset 20% of the site's carbon emissions through onsite renewable generation. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the council who will provide that level of offset renewable generation.
- (f) Join and adhere to the Considerate Contractors scheme.
- (g) Resurfacing of the Draycott Avenue footway along the site frontage at the applicant's expense, to include reinstatement of all redundant lengths of existing crossover to footway and formation of new accesses (including the provision of a speed table across the bellmouth of the shared access road)

The applicant has agreed in principle to the above with the exception of points (b) and (g). As no agreement will be completed as the application is recommended for refusal for other matters, the lack of a legal agreement is listed as a reason for refusal; should the other matters be resolved, however, the agreement could be progressed subject to agreement on points (b) and (g).

Conclusion

This site (and the larger one) has always been a finely-balanced site in terms of the type and quantum of development that could be achieved; this is reflected by the different judgments of officers, members and the Inspectorate over the past six years. In the opinion of your officers the recent changes to the national and local policy framework and the emerging changes to the regional policy on private residential gardens increases the weight which the Council should give to protecting the character of an area. PPS3 has always had a requirement to balance efficient use of land with the character of an area; the change in status of private residential gardens so they are not classified as PDL has added weight to that side of the balance which seeks to prevent harm to the character of suburbia and gardens. The adoption of the Core Strategy shows clearly the intention of Brent Council in seeking to direct development to growth areas and town centres and to protect the suburban character from inappropriate development.

Your officers are of the view that the proposed scheme would constitute inappropriate development which harms the character of the area. It would fail to comply with the policies relating to new development and specifically to those relating to backland development and development in gardens in suburbia; in particular the rear blocks would not be subordinate to the frontage housing in terms of height or bulk and mass, they would harm the amenity of neighbouring residents in terms of privacy and the layout would harm the enjoyment of the gardens of residents due to the position of the access road and vehicle stackers. The application is also recommended for refusal due to the absence of an agreement to secure certain undertakings to mitigate for the impact of the scheme, although the applicant agrees in principle and this could be addressed via the submission of a unilateral undertaking. At present a reason is also included regarding the lack of affordable housing provision but this may be the subject of a supplementary report.

REASONS FOR CONDITIONS

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed rear blocks, by virtue of their height, bulk, position and prominence when viewed from Draycott Avenue and neighbouring properties, would have an adverse impact on the suburban character of the area as a consequence of being neither secondary in importance nor subordinate to the frontage housing. In these matters the proposed scheme would be contrary to policies BE2, BE3, BE9, H12, H13 and H15 of the adopted London Borough of Brent Unitary Development Plan 2004, policy CP17 of the adopted London Borough of Brent Core Strategy 2010 and Supplementary Planning Guidance No. 17 "Design Guide for New Development".
- (2) The proposed rear blocks, by virtue of their height, relationship with the boundaries and number of main habitable rooms facing neighbouring gardens, would result in material harm to the privacy enjoyed by neighbouring occupants in their gardens. Further more the proposed access road and vehicle stackers, by virtue of their proximity to the boundary and the intensive use of the stackers, would result in unacceptable disturbance to the residents of No. 94 when using their garden. As a result, the proposal is contrary to policies BE9 and H15 of the adopted London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance No. 17 "Design Guide for New Development".
- (3) The applicant has failed to demonstrate adequately that the proposed scheme can make no contribution towards meeting the aims of the Borough and the London Mayor regarding affordable housing provision, contrary to policy STR20 of the adopted London Borough of Brent Unitary Development Plan 2004, policy CP2 of the adopted London Borough of Brent Core Strategy 2010 and policies 3A.9 3A.10 of the consolidated London Plan (2008).
- (4) In the absence of a legal agreement to control the matter, the proposed development would result in:
 - additional pressure on transport infrastructure, without any contribution to sustainable transport improvements in the area;
 - increased pressure for the use of existing open space, without contributions to enhance open space or make other contributions to improve the environment;
 - increased pressure on education infrastructure without any contribution to education improvements;
 - no provision of sustainable design features or renewable energy sources

As a result, the proposal is contrary to policies TRN3, TRN4, TRN10, TRN11, OS7, OS18, BE12 and CF6 of the adopted London Borough of Brent Unitary Development Plan 2004, Supplementary Planning Guidance No. 19 "Sustainable Design", Supplementary Planning Document "S106 Planning Obligations" and policy 4A.7 of the consolidated London Plan (2008).

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Angus Saunders, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5017



Planning Committee Map

Site address: 88, 90 & 92 Draycott Avenue, Harrow, HA3 0BY

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