

Committee Report
Planning Committee on 13 October, 2010

Item No. 8
Case No. 10/1995

RECEIVED: 26 July, 2010

WARD: Welsh Harp

PLANNING AREA: Willesden Consultative Forum

LOCATION: 41-43, Mallard Way, London, NW9

PROPOSAL: Variation of condition 2 (development to be carried out in accordance with all plans and supporting documents) to allow minor material amendments consisting of:

- Enlargement of lower ground floor footprint to match that of ground floor (as amended by revised plans received 15/09/10)

to planning permission reference 08/3405 dated 21/10/09 for demolition of existing rear garage and erection of part two-storey and part two-and-a-half-storey detached dwelling in rear garden of 41 & 43 Mallard Way, NW9, with formation of new vehicular access from Alington Crescent, 2 off-street parking spaces, bin stores and associated landscaping

APPLICANT: Mr & Mrs E Dixon

CONTACT: David Kann Associates

PLAN NO'S:
See Condition 2

RECOMMENDATION

Approve

EXISTING

The subject site is comprised of the rear gardens of No.s 41 and 43 Mallard Way. There is a garage within the rear garden of No. 43 Mallard Way, and a large outbuilding immediately to the south of the subject site at 24 Alington Crescent. The surrounding uses are residential consisting of a mix of semi detached and detached dwellinghouses.

Planning permission (ref 08/3405) was allowed at appeal, for the demolition of the garage and the erection of a part two-storey and part two-and-a-half-storey detached dwelling in rear garden of 41 & 43 Mallard Way, NW9, with formation of new vehicular access from Alington Crescent, two off-street parking spaces, bin stores and associated landscaping. This included a basement under approximately half of the proposed new dwellinghouse.

PROPOSAL

Condition 2 reads:

The development hereby approved shall be carried out and completed in all respects in accordance with the proposals contained in the application, and any plans or other particulars submitted therewith including the Design and Access Statement, prior to occupation of the building.

It is proposed to vary this condition to list specific plans and documents to allow minor material amendments involving the enlargement of lower ground floor footprint to match that of ground floor (as amended by revised plans received 15/09/10).

HISTORY

08/3405 Demolition of existing rear garage and erection of part two-storey and part two-and-a-half-storey detached dwelling in rear garden of 41 & 43 Mallard Way, NW9, with formation of new vehicular access from Alington Crescent, 2 off-street parking spaces, bin stores and associated landscaping **Appeal Allowed** 23/10/2009

08/0932 Demolition of a single storey detached garage to rear of 43 Mallard Way and erection of new detached bungalow to rear of 41 & 43 Mallard Way, repositioning of existing vehicular access and new pedestrian access onto Alington Crescent, NW9, formation of front car parking space, cycle shed, provision of bin storage and associated landscaping **Refused** 14/08/2008

The proposed scheme fails to contribute and engage with the existing established suburban character of the area which consists of a regular pattern of uniform and attractive properties within large plots. This is further exacerbated by the inherent constraints of the created site in terms of its width and depth ratio leading to a contrived form of development, and thus detracting from the amenities of the locality, contrary to policies BE2, BE7 and BE9 of Brent's Unitary Development Plan 2004 and the advice of Supplementary Planning Guidance 17: "Design Guide for New Development"

08/0099 Demolition of a single-storey detached garage to rear of 43 Mallard Way and erection of a new, three-storey, 4-bedroom, detached dwellinghouse with internal garage to the rear of 41 & 43 Mallard Way, formation of vehicular and pedestrian access onto Alington Crescent, NW9, and associated landscaping **Appeal Dismissed** 06/10/2008

The proposed scheme would be out of keeping with the open character of the local area, by reason of the inappropriate design and bulk of the building leading to a cramped form of development, and thus detracting from the amenities of the locality, contrary to policies BE2, BE7 and BE9 of Brent's Unitary Development Plan 2004 and the advice of Supplementary Planning Guidance 17: "Design Guide for New Development"

07/1163 Erection of a two-storey, 3-bedroom dwellinghouse with an attached garage in the rear garden area of 41 & 43 Mallard Way, facing onto Alington Crescent, with installation of solar panels on the roof, formation of new vehicular and pedestrian accesses, with provision of a refuse store to the front and amenity space to the rear **Refused** 15/06/2007

The proposed dwellinghouse, by virtue of its unsympathetic design and scale in relation to the existing dwellinghouses along Alington Crescent, would result in a cramped form of infill development that is out of keeping with the open character of the local area, contrary to policies BE2, BE7, BE9 and H16 of Brent's Unitary Development Plan 2004 and the advice of Supplementary Planning Guidance 17: "Design Guide for New Development."

06/3584 Erection of a two-storey, 3-bedroom house in the rear garden area of 41 & 43 Mallard Way, facing onto Alington Crescent **Withdrawn** 27/02/2007

06/1858 Erection of a detached two storey self contained dwelling in the rear garden area of 41 & 43 Mallard Way **Withdrawn** 31/08/2006

05/3463 Erection of a single-storey detached bungalow in the rear garden area of 41 & 43 Mallard Way, facing onto Alington Crescent **Refused** 27/01/2006

The proposed bungalow, by virtue of its unsympathetic design and scale in relation to the existing

dwellinghouses along Alington Crescent, would result in a cramped form of infill development that is out of keeping with the open character of the local area, contrary to policies BE2, BE7, BE9 and H16 of Brent's Unitary Development Plan 2004 and the advice of Supplementary Planning Guidance 17: "Design Guide for New Development

02/0073 Outline application for erection of a 2-storey dwellinghouse in rear gardens to 41/43 Mallard Way **Appeal Dismissed** 06/02/2003

The proposed development is considered to result in a cramped form of development, contrary to the local open character of the area and is thus contrary to policies E1, E4, H6 and H15 of the adopted Unitary Development Plan and policies BE2, H12 and H17 of the Unitary Development Plan Replacement 2000-2010.

POLICY CONSIDERATIONS

Brent UDP 2004

BE2, BE9

Supplementary Planning Guidance No. 17

In addition:

Greater flexibility for planning permissions Guidance, Department for Communities and Local Government, November 2009.

CONSULTATION

Local residents were consulted on 16/08/10.

A letter was received which listed the following objections:

- Bulk, design and position
- Overdevelopment
- Impact on scale and character of original properties
- The variation is not minor as it is a significant change to the size and internal design
- Concerned it could be turned into flats

This letter was signed by eight local residents.

REMARKS

Key considerations

Your officers consider the following to be the key planning issue:

(a) whether the proposed alterations would cause harm to the amenity of neighbouring residents

Background

The site has been the subject of a number of applications for a new dwellinghouse over the past eight years; the Council has objected to most due to the design, scale and character of the dwellinghouses proposed. The most recent refused scheme, 08/3405, was allowed at appeal. The Planning Inspector held the view that "...the proposal would achieve an exciting architectural solution in keeping with the scale and residential character of its surroundings." (Inspector's decision letter, 23 October 2009).

This application is for minor material amendments. Recent changes to Government policy recognises that some things matter more than others; since 2009 applicants have been able to submit applications for amendments "whose scale and nature results in a development which is not substantially different from the one which has been approved." (CLG, 2009).

Proposed changes

The front lightwell would be the only alteration to the front of the property. This would be 3.7m wide and 0.9m deep. It would have a metal grille over the top and it would be screened with landscaping and boundary treatments. It is not likely to have any effect on neighbouring residential amenity in terms of light spill or noise leakage beyond normally acceptable levels.

The addition of the bedroom would not cause any amenity impact beyond a slight intensification of the use of the building due to it being a three-bed instead of two-bed house. The site can comfortably sustain a three-bedroom property without harm being caused to neighbouring amenity in terms of noise or unusually intensive activities. Similarly the additional en-suite and dressing room would not result in harm to neighbouring amenity.

The utility room would be incidental to the enjoyment of the dwellinghouse and is also considered a minor addition to the scheme.

The bedroom would have a rear-facing window; due to its position low to the ground and distance (10m) from the boundary, it would not result in any overlooking of neighbouring gardens or properties.

A minor change is proposed to the external staircase and retaining wall at the rear of the property; the wall would be angled down to follow the staircase. This would not affect neighbouring amenity.

Response to objectors

Local residents have objected to the scheme on the basis of its bulk, design and position; that it constitutes overdevelopment; its impact on scale and character of original properties; the variation is not minor as it is a significant change to the size and internal design; concerned it could be turned into flats.

Since this application is for amendments to include a basement extension--and is thus below ground--they do not add to the bulk of the dwellinghouse nor change its impact on the character of the area. In this case it is right to assess this as a minor material amendment and your officers, for the reasons described above, consider it to be acceptable.

In terms of the change to the size and internal design, planning is not particularly concerned with the internal design of the dwellinghouse provided a good standard of accommodation is provided and the layout does not harm neighbouring amenity; your officers believe this is achieved in the proposed layout. The floor area has increased, but as discussed above, this is not expected to result in any material harm to neighbouring residential amenity.

There is no evidence that the building would be converted to flats or multiple occupation; if such a use were intended it would require planning permission and the Council would be able to exercise control as appropriate.

Conditions and s106

The other conditions attached to the Inspectors decision are repeated, although the standard time condition is amended to reflect the original decision date and where further details have been approved, these are included in the condition.

The unilateral undertaking has been paid and no further amendment is required. Although the application would increase the number of bedrooms from two to three and this would ordinarily require an additional payment of £3,000 as per the standard charge, your officers recognise the Inspector's comments querying the need for the applicant to pay the full standard charge in this instance. When weighed with the fact any legal fees to arrange the additional payment your officers consider it would be unduly onerous to demand any further financial contribution.

Conclusion

The application complies with the relevant UDP policies and supplementary planning guidance; approval is recommended.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

- (1) The proposed development is in general accordance with policies contained in the:-

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Housing: in terms of protecting residential amenities and guiding new development

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of permission 08/3405, dated 23 October 2009.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

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

D/AC/01 ; D/AC/02 Rev A; D/AC/03 Rev A; D/AC/04 Rev A

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

- (3) All new external work shall be carried out in the materials shown on the approved plans and specifically:

Brick Type A - Wienerberger 65mm Florid Red
Brick Type B - Wienerberger 65mm Tawny Buff
Paving - Marshalls Tegula paving in Traditional colour
Windows, fascia, soffits, rainwater goods - Powder coated aluminium in Window Grey (RAL 7040)
Roof - Sarnafil (or similar) in Lead Grey (no RAL provided)

Unless otherwise approved in writing by the Local Planning Authority

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

- (4) Notwithstanding the provisions of Classes A, B and C of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no extensions or buildings permitted by those Classes shall be constructed within the curtilage of the property subject to this permission without the grant of planning permission by the Local Planning Authority.

Reason: in view of the restricted size of the site, to prevent an over development of the site and loss of amenity to adjoining occupiers.

- (5) The landscape works and planting shown on the approved plans shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Authority.

If within a period of 5 years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place unless the local planning authority gives its written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the area.

- (6) During demolition and construction the best practical means available in accordance with British Standard Code of Practice BS 5228:1984 shall be employed at all times to minimise the emission of noise from the site, and the operation of site equipment generating noise audible at the site boundaries shall be carried out only between 08.00-17.00hrs on Mondays to Fridays, 08.00-13.00hrs on Saturdays and at no time on Sundays and Bank Holidays.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

- (7) During demolition and construction no waste or other material shall be burnt on the site and an effective means of suppressing dust must be provided and maintained.

Reason: in the interests of the amenity of adjoining occupiers

- (8) Other than those shown in the approved plans, no windows or glazed doors shall be inserted in the top storey elevations of the building.

Reason: To minimise interference with the privacy of the adjoining occupiers.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

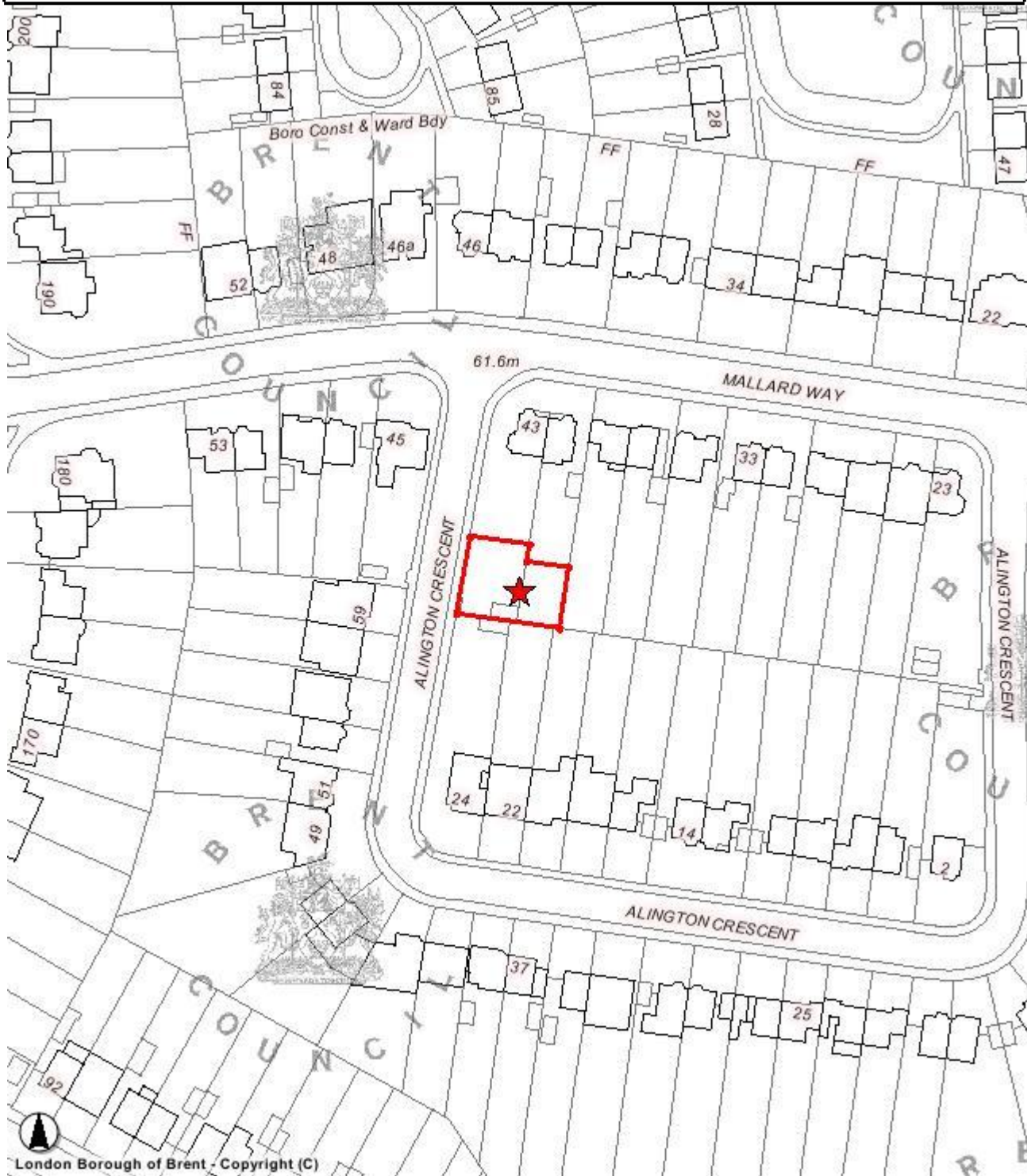
Any person wishing to inspect the above papers should contact Angus Saunders, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5017



Planning Committee Map

Site address: 41-43, Mallard Way, London, NW9

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