

**Committee Report**  
**Planning Committee on 13 October, 2010**

**Item No. 11**  
**Case No. 10/2022**

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**RECEIVED:** 28 July, 2010

**WARD:** Willesden Green

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** 66 Walm Lane, London, NW2 4RA

**PROPOSAL:** Erection of a new single-storey rear infill extension, installation of a new extraction flue to the rear of the property and retention of air conditioning unit.

**APPLICANT:** Mr Sevvat Bahceci

**CONTACT:** Mr Safa Alattar

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

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**RECOMMENDATION**

Approval

**EXISTING**

The subject site, located on the south-eastern side of Walm Lane, is occupied by a three-storey terraced property comprising of a restaurant/cafe (Use Class A3) unit on the ground floor with residential accommodation above. The property is located within the Willesden Green Conservation Area and the designated Primary Shopping Frontage for Willesden Green town centre.

**PROPOSAL**

Erection of a new single-storey rear infill extension, installation of a new extraction flue to the rear of the property and retention of air conditioning unit.

**HISTORY**

The premises are subject to an on-going enforcement investigation (E/10/0530) relating to the erection of a single-storey infill extension and the installation of an extract flue and air conditioning unit to the premises without planning permission. The Council's Environmental Health Unit have also received complaints regarding the operation of the premises and in particular the noise, vibration and odours caused by the extract flue. A planning application (09/1455) for the retention of the extension and ducting was refused on the 8th July 2010. The application was refused for the following reasons:-

*1. The existing side infill extension, by virtue of its poor design and poor choice of materials, has a detrimental impact on the visual amenities of the residential occupiers within the upper parts of the building, and on the character of the building itself. It cannot be considered to preserve or enhance the character of the Conservation Area. The proposal is therefore detrimental to the*

*visual amenities of the locality and is contrary to policies BE2, BE9 and BE26 of the Adopted Brent Unitary Development Plan 2004."*

*2. The retention of the kitchen extractor system and duct would, in the absence of the submission of an assessment relating to noise, vibration and nuisance, be likely to result in an unacceptable impact on the amenities of people living nearby. Furthermore, it would, by reason of its size, siting and materials, detract from the character and appearance of the Willesden Conservation Area. The proposal is therefore contrary to policies BE17, BE25, EP2 and EP4 of the Adopted Brent Unitary Development Plan 2004.*

There have also been recent enforcement issues (E/08/0628 & E/08/0661) and subsequent applications for regularisation (09/0734 & 09/0744) relating to the shop front and shop signs to the premises. However, matters relating to the shop front and shop signs are not considered to be of particular relevance to the determination of the current application.

The planning history for the site confirms the historic uses of the premises as a restaurant (D365) and a previous extract system was approved in 1987 (87/1197).

## **POLICY CONSIDERATIONS**

### **London Borough of Brent Unitary Development Plan 2004**

BE2	Townscape: Local Context & Character
BE9	Architectural Quality
BE17	Building Services Equipment
BE25	Development in Conservation Areas
BE26	Alterations & Extensions to Buildings in Conservation Areas

## **SUSTAINABILITY ASSESSMENT**

The application does not exceed the threshold that would require the submission of a sustainability assessment

## **CONSULTATION**

### **EXTERNAL**

Consultation letters, dated 18th August 2010, were sent to Ward Councillors and owner/occupiers of 31 neighbouring properties. As the site is located within a Conservation Area a site notice, dated 18th August 2010, was displayed outside of the site. This notice was replaced by Officers on the 25th August and the 1st September 2010 following complaints that the notice had been removed. Officers consider that the statutory requirement for the display of a site notice has now been satisfied. A press notice advertising the application was published on the 26th August 2010. In response to this consultation two letters of objection were initially received although one of these objections has now been formally withdrawn. Ward Councillor Lesley Jones has written to Officers highlighting the concerns of the objector. For clarification the concerns of the objector include:-

- There is an absence of information to adequately demonstrate that the proposed extract system would not cause unreasonable noise and vibration disturbance to residential occupiers above the premises.
- Noise from the existing extension, which is used as part of the kitchen, already causes noise problems for neighbouring occupiers.
- The proposed extension would not be sympathetic to the Conservation Area in terms of materials and its placement.
- The subject premises have used the shared garden at the rear of the property as their own back yard.

## INTERNAL

### Environmental Health

The Council's Environmental Health Officers have confirmed that in the past they have received complaints regarding noise and vibration caused by the existing extract system installed to the premises. Officers have visited the site and have inspected the existing duct which has recently been modified to address these concerns. However, in terms of the proposed ducting Environmental Health Officers have stated that subject to the imposition of conditions ensuring a satisfactory specification and installation for the new system, including post installation noise testing, that the siting of the proposed ducting would be appropriate. No concerns have been raised with regards to the existing air conditioning unit

## **REMARKS**

### **BACKGROUND**

As discussed in the 'History' section of this report, there has been a history of complaints regarding the operation of the premises and in particular relating to the transmission of noise, vibration and odours. The current application seeks permission to demolish and remove the existing extension and ducting to the building, which have formed a central part of the complaints received, and erect a new extension and install a new extract duct to the building. The application also seeks permission for the retention of an existing air conditioning unit that has been installed to the rear of the premises.

### **SINGLE-STOREY REAR EXTENSION**

A single-storey extension has been erected, without planning permission, to the rear of the premises which infills the space between the side wall of the property and the joint boundary with 64 Walm Lane. As stated in the 'History' section of this report, a planning application for the retention of this application was refused permission on the grounds that the poor design and external materials used on the extension have a harmful impact on the visual amenity of residents on the upper floor and the character of the subject property. The current proposal would involve the demolition of the existing extension and the erection of a new extension on the same footprint but with a reduced height of 3m (from 3.4m) and which would be finished externally with brickwork to match that of the original property. As a result of the reduced height the proposed extension would have a lesser impact on the visual amenity of occupiers on the upper floors than the existing extension. The use of materials to match the existing building would also result in an extension that would better complement the character of the existing building and help preserve the character of the surrounding Conservation Area. Overall, it is considered that the proposed extension would generally overcome the concerns relating to the extension in situ. It should be noted that the ground floor of the adjoining property at 64 Walm Lane is a shop unit and therefore there are no residential habitable room windows on the ground floor that would be adversely affected by the proposal.

The applicant has indicated that the proposed extension would be sound-proofed in order to reduce problems of noise transmission that have been associated with the current structure which is poorly constructed. It is also recommended that the door to be inserted into the rear of the extension should be conditioned to be self closing.

### **BUILDING SERVICES EQUIPMENT**

The current application seeks permission for the erection of new extract flue to the rear of the premises. As discussed in the 'History' section of this report, a planning application for the retention of the existing extract flue, which has been erected without planning permission, was refused on

the grounds that the applicant had failed to demonstrate that the flue would not cause unreasonable disturbance to neighbouring occupiers and that the extract flue would detract from the character of the Willesden Conservation Area.

In terms of its appearance the proposed extract duct would be sited in a similar location to the existing extract duct. However, the applicant has indicated that they intend to enclose the extract flue using insulated cladding that would be finished externally to give the appearance of matching brickwork. This would help to minimise the visual impact of the proposed flue on the character and appearance of both the subject property and the surrounding Conservation Area. Officers have seen this type of cladding being used successfully elsewhere.

As discussed in the 'Consultation' section of this report, the proposals for the installation of a new extract duct have been inspected by Officers from the Council's Environmental Health Unit. The applicant has submitted technical drawings and a noise assessment report in support of the proposed extract flue. In principle, the positioning of the proposed extract duct is considered appropriate to provide adequate mitigation against noise and odours although Environmental Health have recommended that further technical details of the system to be installed should be secured by way of condition. This would enable Officers to ensure that the proposed extract duct would have an acceptable impact in terms of noise, vibration and odours. It is also recommended that following the installation of a new extract duct that a noise assessment should be carried out to ensure that the system has been installed to comply with the requirements of Environmental Health.

The current application would also involve the retention of an air-conditioning unit to the rear of the property at ground floor level. Following a recent site visit the Council's Environmental Health Officers have not raised any objection to the retention of this unit.

#### CONSIDERATION OF OBJECTIONS

The concerns of objectors regarding the impact of the proposed development on the living conditions of neighbouring occupiers and the character and appearance of the property and surrounding Conservation Area have been considered in the above report. In response to objections that the applicant has used the shared garden at the rear of the property as their own yard, the applicant has provided a Land Registry map confirming the areas covered under their lease. This indicates that the proposed extension would be constructed on land which belongs solely to the subject premises.

#### 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

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

#### CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawings:

- 01 Rev A
- 02 Rev A
- 03 Rev A
- 04 Rev A
- 05 Rev A
- 06 Rev A
- 07 Rev A

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

- (3) The external door to the extension, hereby approved, shall be constructed to be self-closing and shall be maintained as such unless agreed in writing with the Local Planning Authority

Reason: To protect the amenity of neighbouring residences

- (4) Notwithstanding the approved plans, further details of fume extraction and odour control equipment, including any external ducting, flues and servicing hatches, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. The development shall be carried out in accordance with the approved details and the approved fume extraction and odour control equipment shall be maintained in accordance with the manufacturers instructions and shall be operated at all times when cooking is being carried out.

Reason: To protect the amenity of neighbouring residences

- (5) Further to condition 4, an acoustic assessment shall be submitted to and approved in writing within 3 months from the date of installation of approved extraction and odour control equipment. The acoustic assessment should be carried out in accordance with BS4142:1997 'Rating Industrial Noise Affecting Mixed Residential and Industrial Areas' and should verify that noise levels from the installed extract and odour equipment are 10dB(A), or greater, below the measured background noise level at the nearest residential properties.

Reason: To ensure that the extraction and odour control equipment does not cause unreasonable disturbance to neighbouring occupiers.

- (6) Details of materials for all external work (including the proposed cladding to the extract ducting), including samples, shall be submitted to, and approved in writing by, the Local Planning Authority within 3 months of the date of this decision. Once approved, those details must be fully implemented and permanently maintained. The work shall be carried out in accordance with the approved details.

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

**INFORMATIVES:**

- (1) The applicant is informed that they must fully implement this permission as soon as possible as the extension currently on site and the extract ducting are both the subject of Planning Enforcement investigations.

**REFERENCE DOCUMENTS:**

London Borough of Brent Unitary Development Plan 2004  
Two letters of objection

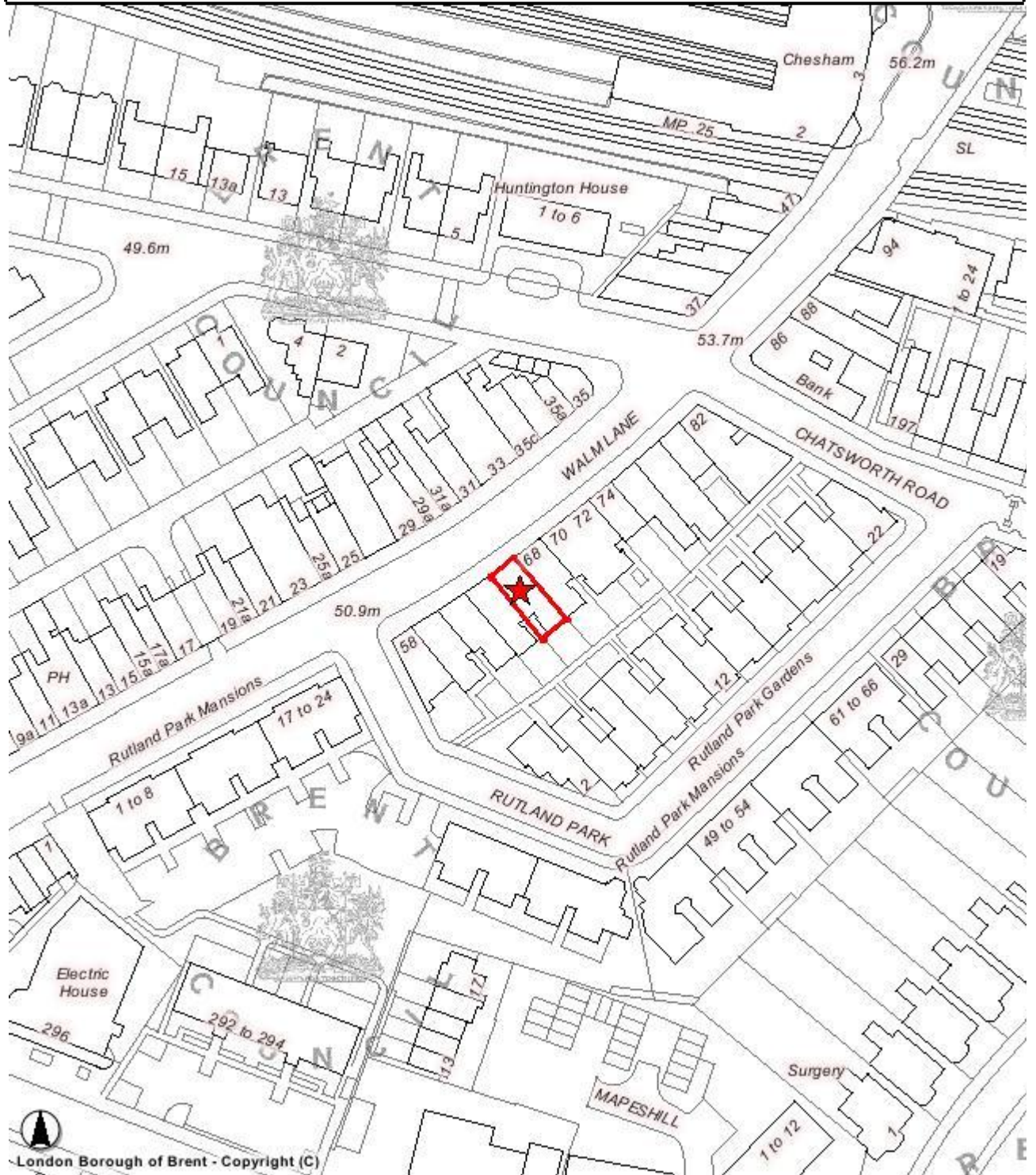
Any person wishing to inspect the above papers should contact Ben Martin, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5231



# Planning Committee Map

Site address: 66 Walm Lane, London, NW2 4RA

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