

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

24 September, 2015
05
15/1452

SITE INFORMATION

RECEIVED: 8 April, 2015

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 12 Carlisle Road, Kilburn, London, NW6 6TS

PROPOSAL: Proposed excavation of basement level with reinforced glass panels set into the ground to form rear lightwells, demolition of existing detached garage and replacement with detached brick-built outbuilding, insertion of first floor rear window and rear patio doors and demolition and rebuilding of part of existing boundary wall to dwellinghouse (amended plans and description)

APPLICANT: PFG Design

CONTACT: PFG Design Ltd

PLAN NO'S: See Condition 2.

SITE MAP



Planning Committee Map

Site address: 12 Carlisle Road, Kilburn, London, NW6 6TS

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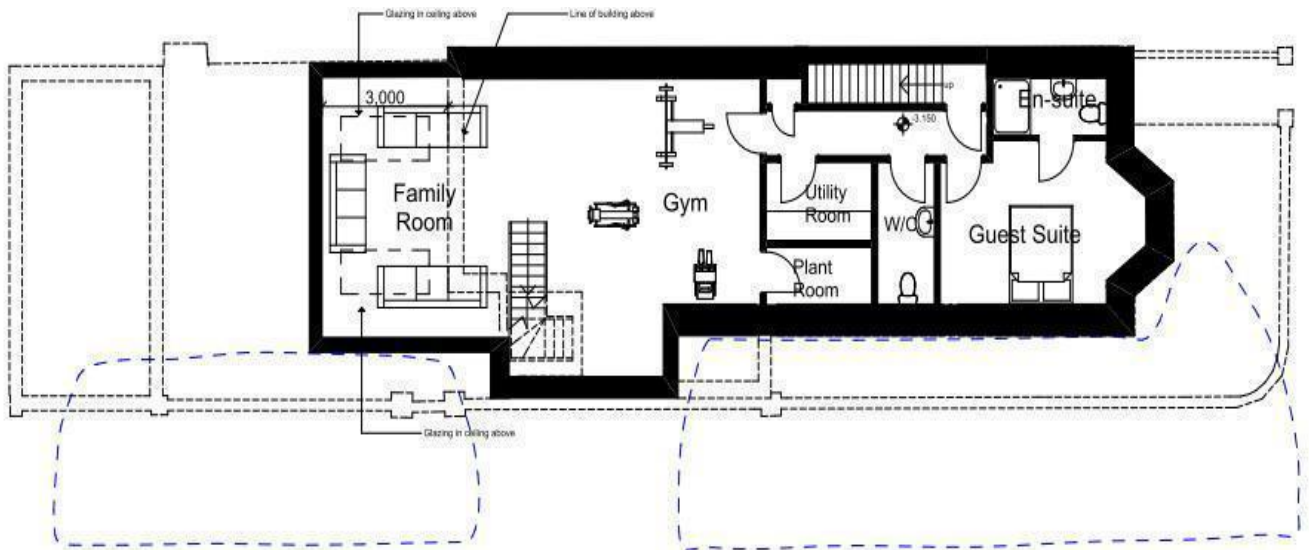


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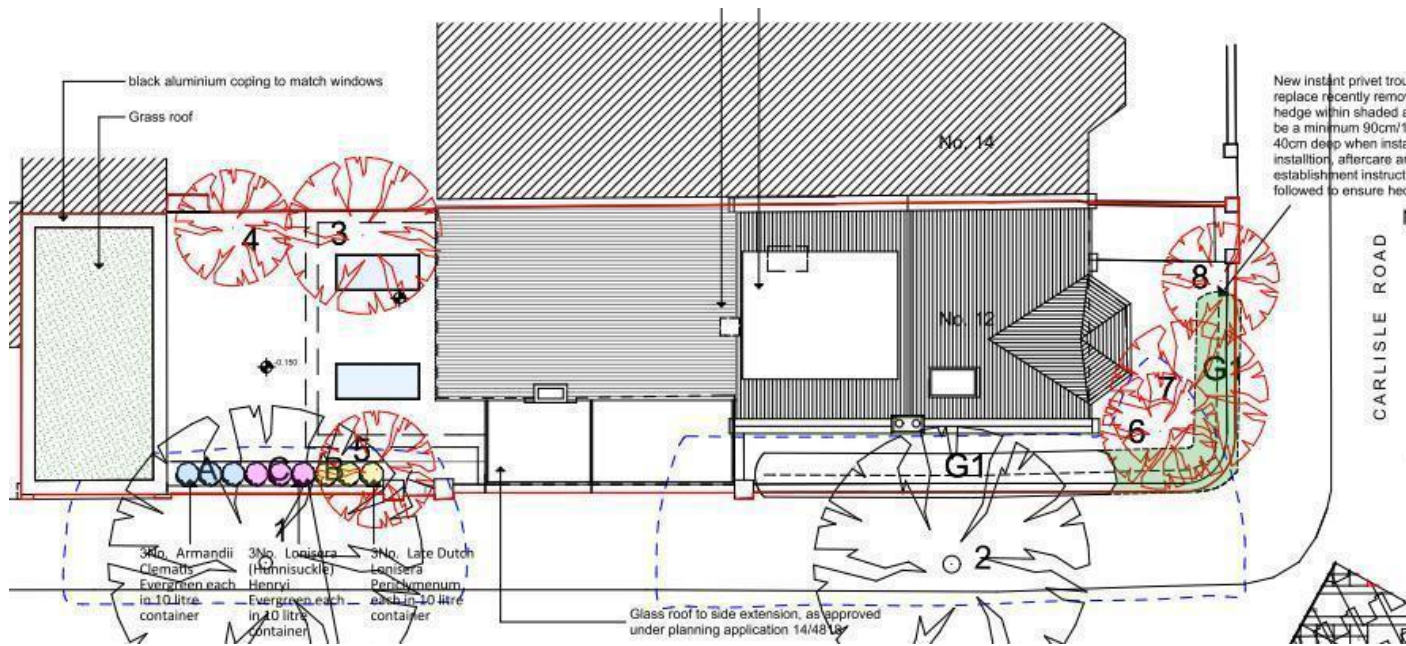
This map is indicative only.

SELECTED SITE PLANS SELECTED SITE PLANS

Proposed Basement Plan



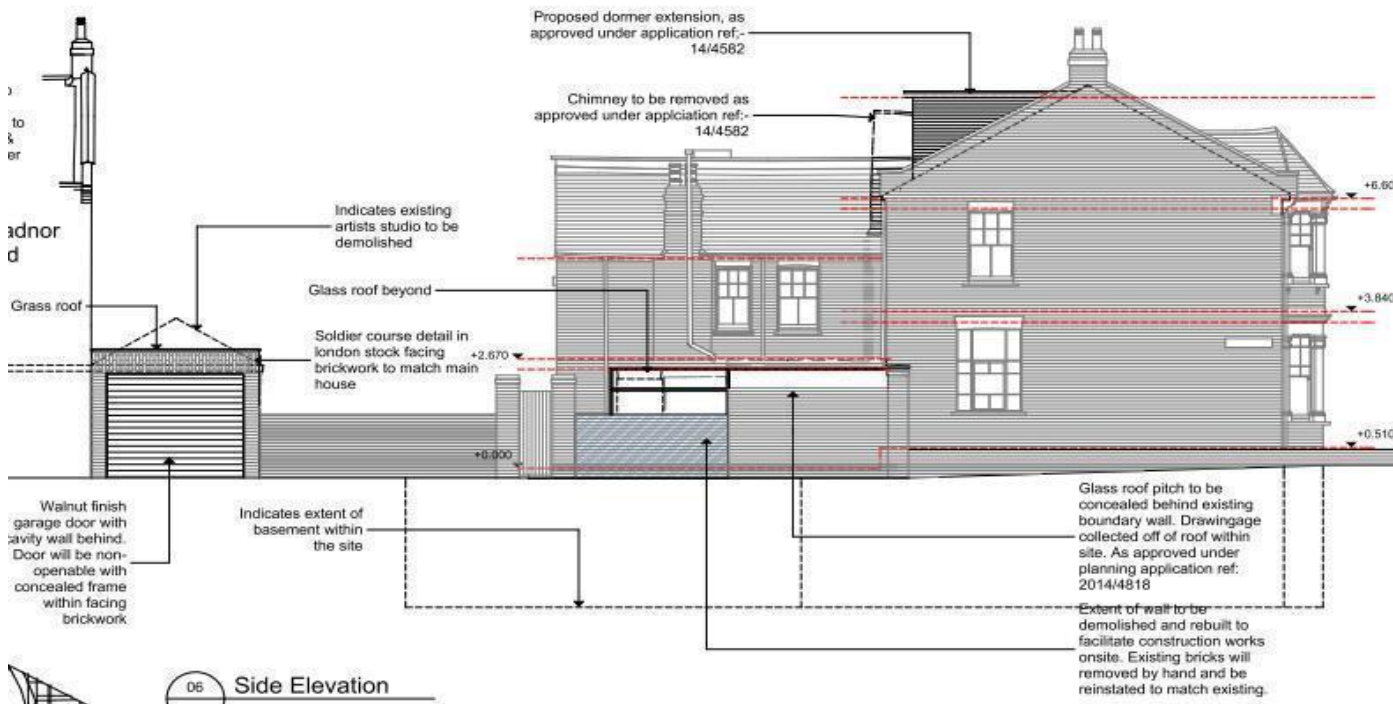
Proposed Ground Floor Plan and Site Plan

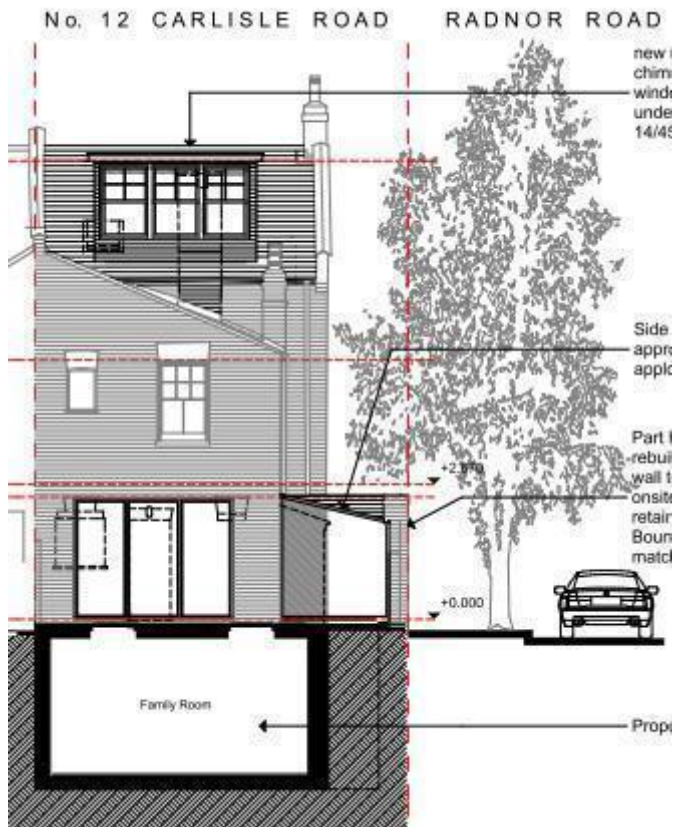
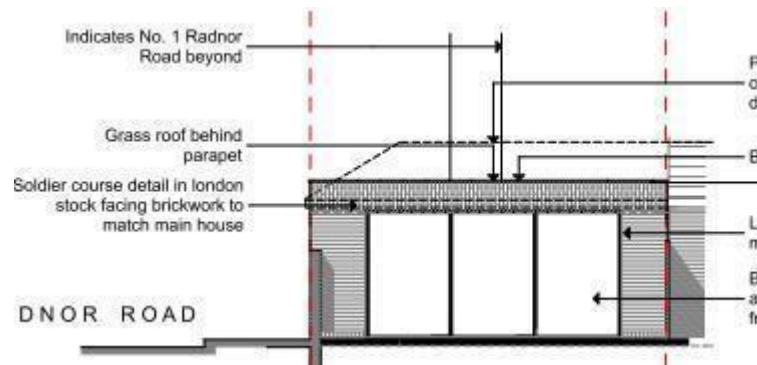
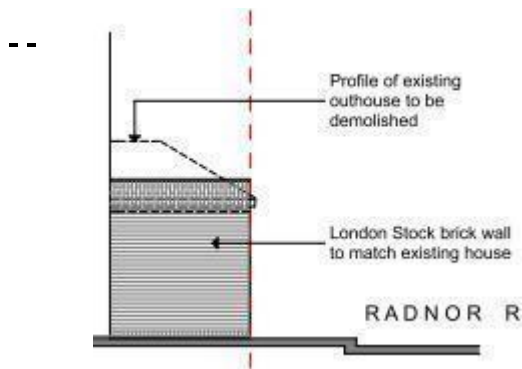


Existing Elevations



Proposed Elevations





RECOMMENDATIONS

GRANT planning permission, subject to the conditions set out in the Draft Decision Notice.

A) PROPOSAL

The proposal is for the excavation of a basement level with reinforced glass panels set into the ground to form rear lightwells, demolition of existing detached garage and replacement with detached brick-built outbuilding, insertion of first floor rear window and rear patio doors and demolition and rebuilding of part of existing boundary wall to dwellinghouse

B) EXISTING

The host dwelling is a two storey end-of-terrace dwelling dating from the Victorian/Edwardian era. The host dwelling is on a prominent corner plot with Carlisle Road and Radnor Road with a 1.6m-2.2m high brick wall to the side boundary with Radnor Road. The host dwelling benefits from a detached garage to the rear accessed via Radnor Road. The proposal site is not a listed building but is within the Queens Park Conservation Area.

C) AMENDMENTS SINCE SUBMISSION

Revised plans were received on 08/07/2015 which made the following amendments:

- The size of the proposed basement was reduced in size from 106m² to 96m² and the position of the basement changed to be predominately under the footprint of the dwelling rather than extending underneath the entire rear garden
- The size of glass panels to provide light to the basement have been reduced
- The external finish of the proposed rear outbuilding has been changed from copper cladding to London stock brickwork.
- The design of the rear outbuilding has been amended to include a false garage door opposed to a window opening on the Radnor Road frontage

Neighbours were re-consulted for 14days on the amended plans and the proposal has been assessed based on these plans.

D) SUMMARY OF KEY ISSUES

The key planning considerations in this case are as follows:

- Impact on Character – The proposal is considered to result in a visually acceptable development which has an acceptable impact on the character of the area and preserves the special Character of the Conservation Area
- Impact on Neighbouring Amenity – The proposal is considered to form an acceptable relationship with neighbouring occupiers
- Transportation Impact – The proposal is considered acceptable in transportation terms
- Impact on Trees – Subject to conditions the proposal is considered to have an acceptable impact on nearby trees

RELEVANT SITE HISTORY

Reference No	Proposal	Decision
15/0371	Certificate of lawfulness for existing use of garage outbuilding to rear of property for ancillary domestic use	Certificate granted
14/4818	Proposed demolition of existing outbuilding and part demolition of existing side extension, erection of side extension and increase in height of boundary to dwellinghouse	Granted
14/4582	Proposed replacement of roof, erection of rear dormer window, removal of chimney breast, replacement of windows on all elevations, installation of folding sliding doors to rear elevation and removal of trees to dwellinghouse	Granted
99/1327	Demolition of existing garage and rebuilding of detached garage in rear garden (as revised by plans received 3/9/99 and amplified in letter dated 7/9/99)	Granted

CONSULTATIONS

Statutory neighbour consultation period (21 days) started on 21/04/2015, in total 36 properties were consulted.

14x representations received objecting to the original proposal including objections from Ward Councillors Nerva, Southwood and Denselow. Objections have also been received from the Queens Park Residents' Association. Neighbours were re-consulted on amended plans on 08/07/2015. Five further representations were received from neighbours reiterating their concerns. The representations raised the following concerns.

Objection raised	Response
Proposed basement would be out of scale with the house	See paragraphs 5-6
Outbuilding to rear could be occupied separately	See paragraph 18

Copper is an inappropriate external material for the proposed outbuilding and out of character with the Conservation Area, building should be finished in brick	<i>Officer note: copper cladding is no longer proposed</i>
Existing shrubs and trees to the front and rear should be retained	See paragraphs 10-12
Garage should be retained for parking	See paragraph 17
Basement could cause structural damage to neighbouring properties. The Party Wall Act would not protect all neighbours and an insurance bond should be secured by S106 Agreement	See paragraphs 13-15
Coupled with previously permitted extensions, the proposal represents an overdevelopment of the site	See paragraph 1-9
Construction of the basement would impact on parking and neighbouring amenity	See paragraphs 13-15
The proposal does not preserve or enhance the character of the Conservation Area	See paragraph 1-9
There used to be streams which are now underground which would affect construction of the basement	See paragraphs 13-15
The front boundary hedge has been removed without permission	See paragraph 10-12
The green roof of the outbuilding is likely to appear brown and unattractive	See paragraph 3
If the garage is not used for parking the parking bays should be extended	See paragraph 17
There is no point in pretending the building is a garage with 'fake' garage doors	See paragraphs 2-4

A Site Notice was displayed on 28/04/2015 as the site is within a Conservation Area.

Officer note: some comments referred to the extension and rear dormer window shown on the plans. These were approved under previous applications and do not form part of the current proposal. Many comments also relate to aspects which are no longer proposed such as the copper cladding of the outbuilding

Consultees:

Transportation: No objection subject to conditions.

Tree Officer: No objection subject to conditions requiring landscaping scheme including re-planting of front boundary hedge and further tree protection measures.

POLICY CONSIDERATIONS

National Planning Policy Framework (2012):

Section 7 – Requiring Good Design

Section 12 – Conserving and Enhancing the Historic Environment

Core Strategy (2010):

CP17 – Protecting and Enhancing the Suburban Character of Brent

Brent's UDP (2004)

BE2 – Townscape: Local Context and Character

BE7 – Public Realm: Streetscape

BE9 – Architectural Quality

BE25 – Development in Conservation Areas

BE26 – Alterations and Extensions to Buildings in Conservation Areas

DETAILED CONSIDERATIONS

Impact on Character:

1. The proposed development would need to have an acceptable impact on the character of the host dwelling and surrounding area and would need to preserve or enhance the special character of the Queens Park Conservation Area in order to be considered acceptable. Each part of the proposed development is assessed below:

Outbuilding:

2. The host dwelling benefits from an existing detached single garage to the rear of the plot served by a vehicular access onto Radnor Road. The garage was permitted in 1999 and is finished in London stock brickwork, a dark brown garage door and a shallowly hipped roof finished in slates. Although detached garages are not a characterful feature of the Conservation Area, the use of appropriate materials is considered to result in a building which is relatively unobtrusive and is considered to have a neutral impact on the character and appearance of the Conservation Area. It is considered acceptable in principle in this instance for the building to be demolished and replaced providing the replacement is also visually acceptable and finished in appropriate materials.
3. The proposed replacement outbuilding would have the same footprint as the existing but would have a flat roof disguised by a parapet opposed to the existing hipped roof form. A parapet roof is considered a visually acceptable roof treatment and is commonly found on detached garages in similar situations. London stock brick is proposed and a soldier course detail and with aluminium coping to the parapet wall. The building would retain garage doors to the Radnor Road frontage. The outbuilding would be accessed by the rear garden by large bi-fold doors which are considered visually acceptable and not unduly prominent. A green roof is proposed for the structure which would be a welcome addition to the area and is considered acceptable. The proposed materials are considered acceptable in principle however further specific details on materials can be secured by condition.
4. The structure would no longer be used for parking but would retain the appearance of a garage with a garage door on the Radnor Road elevation. In this instance this is considered preferable in appearance to a window and brickwork for example which could appear as an incongruous feature in the street scene. The proposed building is consequently considered to appear as a clearly ancillary structure to the main dwelling and is considered of an acceptable size and scale in relationship to the host dwelling.

Basement:

5. The original proposal included a basement under the entire rear garden of the property. This was considered unacceptable by Officers as this was considered out of scale with the host dwelling and would effectively make it impossible for any significant landscaping to be planted in the rear garden.
6. The revised plans show a basement level which would be excavated under the existing footprint of the dwelling and would extend under the rear garden by 3.3m. Light would reach the basement level via two structural glass panels set into the ground in the rear garden. These would be the only externally visible features of the basement and the proposal includes no other lightwells or external access to the basement. The glass panels are relatively modest in scale and given their position, are not considered to constitute overly prominent features in the street scene. The basement would predominately follow the footprint of the host dwelling and is considered of an acceptable scale and proportionate to the host dwelling. Overall the proposed basement and glass panels to the rear are considered to preserve the special character of the Conservation Area.

Boundary wall:

7. The proposal includes the demolition of a 1.6m high, 3.5m long section of wall to allow access during construction. The proposal is to remove the wall by hand and re-erect it following completion of the works. Providing the wall is erected to its former condition, this aspect of the proposal is considered acceptable in principle. An appropriately worded condition can be added to ensure that the existing bricks are re-used and the wall restored to its former condition within 3 months of completion of the development or first occupation of the development. This condition is considered necessary given the prominence of

the wall in the street scene and its contribution to the character of the Conservation Area.

New window and doors:

8. The proposal includes the formation of bi-fold doors on the rear elevation of the host dwelling. This is considered a visually acceptable alteration to the host dwelling and is similar to those previously approved under 14/4582. The host dwelling features a small first floor rear-facing opening which is currently blocked-up. The proposal would include returning this opening to a window which is considered a relatively minor and acceptable alteration. These changes are not considered to harm the character of the host dwelling.
9. Considering the points discussed above, overall the proposed development is considered to have an acceptable impact on the character of the host dwelling and would preserve the special character of the Conservation Area.

Impact on Trees and Landscaping:

10. The applicant has provided an Arboricultural Report detailing how nearby trees would not be unduly affected by the proposal. The Council's Tree Officer has reviewed this information raises no objection but has advised that further details of how the trunks of nearby street trees would be protected during construction. These details can be secured by condition. The Root Protection Areas of nearby street trees as shown on the submitted plans are not a conventional radius because the spread of the roots of the trees would have been inhibited by the dwelling and boundary walls for example. The Tree Officer considers the notional Root Protection Areas shown on the plans as realistic and considers the submitted information acceptable.
11. The site benefited from a front boundary hedge which Officers negotiated the retention of under previous application ref: 14/4582. The hedge has since been removed from the site which is regrettable, particularly as the applicants had previously agreed to retain the hedge. The re-planting of the hedge to the front and side of the property can be secured by condition. Brent's Tree Officer has advised that an 'instant' hedge would be appropriate in this instance with plants a minimum of 1m high. This is considered appropriate in this instance given the prominent position of the proposal site in the Conservation Area. The applicant has provided a landscaping showing this but compliance with this can be secured by condition.
12. Given the circumstances it is also considered appropriate to secure additional landscaping in the rear garden which the Tree Officer has advised could be in the form of two ornamental trees. A landscaping scheme including these two elements can be secured by condition in order to preserve and enhance the character of the Conservation Area and provide an appropriate setting of the development. Subject to conditions, the proposal is therefore considered acceptable in terms of landscaping and trees.

Impact on Neighbours:

13. Officers recognise that basement excavations can impact on neighbouring amenity during construction through dust, noise and vibrations. Officers also appreciate the concerns surrounding the impact of basement excavations on structural and soil stability for example. Brent's approach to such development proposals is to seek to minimise these impacts and applicants are expected to provide a Construction Method Statement as required by Brent's 'Basements Practice Guide'.
14. The applicant has provided a Construction Method Statement which details how the potential impacts of the proposal during construction will be mitigated. This includes for example establishing hoarding around the site, watering down debris to minimise dust, the siting of a skip on the highway and precautions in terms of soil stability. Nuisance during construction is managed separately by Environmental Health and there are accepted hours of construction for construction sites which should be adhered to. The applicant can be reminded of these in the form of an informative. Furthermore a condition can be attached requiring the contractor to be a member of the Considerate Constructors Scheme.
15. Overall, the applicant has shown consideration to the construction and building process of the basement in relation to neighbouring amenity and as such is considered unlikely to have a significant impact to the amenity of adjoining neighbours.
16. The proposed outbuilding would have a maximum height of 3.1m and would be positioned on the boundary with No.1 Radnor Road in relatively close proximity to the front bay window of this neighbour. The proposed replacement outbuilding would be on the same footprint as the existing garage but would have an eaves level 0.3m higher than the existing garage but the absence of a hipped roof means the maximum overall height of the garage is 0.8m lower compared to the existing building. The proposed

garage is not considered to result in an unacceptable loss of light or overbearing impact on neighbours compared to the existing situation.

Impact on Parking:

17. The removal of the garage would result in the loss of one parking space and both Carlisle Road and Radnor Road are listed as 'heavily parked streets' in Appendix TRN3 of Brent's Unitary Development Plan'. Whilst the loss of off-street parking in such areas is normally a concern, it should be borne in mind that a certificate of lawfulness was recently granted (15/0371) in which the applicant demonstrated that the garage had been used for purposes other than parking for more than 10 years. It is also borne in mind that the corner position of the property means there are residential parking bays along the Radnor Road frontage which can accommodate at least three vehicles. The existing vehicle crossover would become redundant and this provides an opportunity to reinstate the crossover to footway and extend the existing parking bays. This can be secured by condition. Colleagues in Brent's Transportation Unit have been consulted and raise no objection subject to the parking bay being extended as discussed above. Overall the proposal is therefore considered to have an acceptable transportation impact.

Use of Basement and Outbuilding:

18. The proposed outbuilding to the rear is identified as an 'Artist' Studio' which is understood to be what the existing building has been used for in the past. The building can only be accessed from the rear garden of the host dwelling and does not contain any kitchen or bathroom facilities. The basement could only be accessed from inside the existing dwelling and is identified as a gym, utility room and guest suite. The uses described above are considered ancillary to the residential use of the main dwelling and a condition can be attached to ensure that the proposed development is not occupied separately.

Conclusion:

19. Considering the points discussed above and subject to conditions, the proposed basement, replacement outbuilding and alterations are considered to have an acceptable impact on the character of the host dwelling and the amenities of neighbours and would preserve the special character of the surrounding Conservation Area. The proposal therefore accords with saved UDP (2004) policies BE2, BE7, BE9, BE25 and BE26, Core Strategy (2010) policy CP17, SPG5 'Altering and Extending Your Home', the Queens Park Conservation Area Design Guide and the NPPF (2012) and is recommended for approval.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 15/1452

To: Mr Gadsden
PFG Design Ltd
Nickron House
Bury Lane
Rickmansworth
Hertfordshire
WD3 1DS

I refer to your application dated 08/04/2015 proposing the following:
Proposed excavation of basement level with reinforced glass panels set into the ground to form rear lightwells, demolition of existing detached garage and replacement with detached brick-built outbuilding, insertion of first floor rear window and rear patio doors and demolition and rebuilding of part of existing boundary wall to dwellinghouse (amended plans and description)
and accompanied by plans or documents listed here:
See Condition 2.
at 12 Carlisle Road, Kilburn, London, NW6 6TS

The Council of the London Borough of Brent, the Local Planning Authority, hereby GRANT permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date:

Signature:

Head of Planning, Planning and Regeneration

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

- 1 The proposed basement, replacement outbuilding and alterations are considered to have an acceptable impact on the character of the host dwelling and the amenities of neighbours and would preserve the special character of the surrounding Conservation Area. The proposal therefore accords with saved UDP (2004) policies BE2, BE7, BE9, BE25 and BE26, Core Strategy (2010) policy CP17, SPG5 'Altering and Extending Your Home', the Queens Park Conservation Area Design Guide and the NPPF (2012).

- 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 drawing(s) and/or document(s):

2014/170/301E

2014/170/302B

2014/170/303E

Unnumbered plan showing existing floor plans and elevations

Structural Engineer's Construction Methodology Report Rev.02 dated 02/04/2015

Tree Survey Report dated 21/10/2014 ref: DS14101402

Design and Access Statement from PFG Design Ltd

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

- 3 No development shall be carried out until the person carrying out the works is a member of the Considerate Constructors Scheme and its code of practice, and the details of the membership and contact details are clearly displayed on the site so that they can be easily read by members of the public.

Reason: To limit the impact of construction upon the levels of amenity that neighbouring occupiers should reasonably expect to enjoy.

- 4 Notwithstanding any indication otherwise given by the approved plans, the section of boundary wall permitted to be removed by this permission shall be removed only by hand and the bricks salvaged and re-used in the re-construction of the wall. The section of wall shall be erected and fully restored to its former condition, including soldier course detail, within 3 months of completion of the development hereby approved or within 3 months of first occupation of the development hereby approved, whichever is sooner. The mortar used in the construction of the wall shall match the colour and texture of existing mortar found on the wall.

Reason: In the interests of the visual amenities of the area and to preserve the special character of the Conservation Area.

- 5 The development hereby approved shall be carried out in strict accordance with the details set out in the 'Tree Survey Report' dated 21/10/2014 ref: DS14101402 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the retained trees from damage during construction and in recognition of the contribution which the retained trees give and will continue to give to the amenity of the area.

- 6 The basement and outbuilding hereby approved shall only be used for purposes incidental to the use of No.12 Carlisle Road as a single family dwellinghouse and shall not be used as separate residential accommodation at any time.

Reason: To ensure the basement is not subject to unregulated intensification of use.

- 7 Prior to the first occupation of the development hereby approved, the existing dropped kerb serving the site shall be removed and the kerb and footpath reinstated and existing on-street bays extended at the cost of the developer and to the satisfaction of Transportation Section at Brent Council, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and convenience.

- 8 A detailed soft landscaping scheme for the front and rear garden areas shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. All detailed works shall be carried out as approved prior to the first occupation of the development. Such details shall include:

(i) the re-planting of a privet (*lingustrum*) hedge to the front and side of the dwelling with semi-mature plants a minimum of 1m in height including details of spacing and rooting environments

(ii) soft landscaping of the rear garden area to include the planting of a minimum of 2x ornamental trees with a minimum girth of 8-10cm

Any planting that is part of the approved scheme that within a period of five years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same position, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the Queens Park Conservation Area.

- 9 Prior to the commencement of the development hereby approved, a revised Tree Protection Plan shall be submitted to and approved in writing by the Local Planning Authority detailing protection measures for the trunks of the two street trees adjacent to the site. Development shall thereafter take place in accordance with the agreed details.

Reason: To protect the retained trees from damage during construction and in recognition of the contribution which the retained trees give and will continue to give to the amenity of the area.

- 10 Prior to the application of any external materials, details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority. 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 provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- 2 The applicant is advised that that construction and demolition work is controlled by the Council

under Section 60 and 61 of the Control of Pollution Act 1974, and the British Standard Codes of practice 5228:1997 Parts 1 to 4. In particular, building work that is audible at the boundary of the site shall only be carried out between the following hours:

Monday to Friday - 08.00 to 18.30

Saturdays – 08.00 to 13.00

Sundays and Bank Holidays – No noisy works at all

- 3 The application has demonstrated that appropriate consideration in terms of build methodology in relation to the basement has been undertaken by the qualified Engineer in accordance with the Council's Good practice guidance for basement construction. The Council has used its best endeavours to determine this application on the basis of the information available to it, however the granting of planning permission does not provide any warranty against damage of adjoining or nearby properties, and the responsibility and any liability for the safe development of the site rests with the developer and/or landowner.
- 4 The removal of a crossover fronting Radnor Road including the reinstatement of the public footpath shall be carried out by the Council as the Local Highway Authority at the applicant's expense. Such application should be made to the Council Highway Consultancy. The grant of planning permission, whether by the Local Planning Authority or on appeal does not indicate that consent will be given under the Highways Act.
- 5 The applicant is reminded that the proposal site is included within an Article 4 Direction which means that any alterations to the frontage of the property, including lightwells for example, would require further planning permission.

MEMBERS CALL IN PROCEDURE

In accordance with Part 5 of the Constitution and Section 10 of the Planning Code of Practice, the following information has been disclosed in relation to requests made by Councillors for applications to be considered by the Planning Committee rather than under Delegated Powers

Name of Councillor

Councillor Neil Nerva

Date and Reason for Request

30/07/2015

'Basement applications are controversial. It is vital that decision taking is transparent and that local residents and cllrs can make views known to the Committee'

Details of any representations received

Name of Councillor

Councillor James Denselow

Date and Reason for Request

18/05/2015

'Can I call in this planning application to go to the planning committee on the basis of ongoing concern as to the short and long term impact of basement construction within the Queen's Park conservation area'

Details of any representations received

Name of Councillor

Councillor Elanor Southwood

Date and Reason for Request

30/07/2015

'I would also like to request that this application is taken to committee.'

Details of any representations received

Any person wishing to inspect the above papers should contact David Raper, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 020 8937 5368