

Committee Report
Planning Committee on 2 November, 2010

Item No. 7
Case No. 10/2106

RECEIVED: 4 August, 2010

WARD: Willesden Green

PLANNING AREA: Willesden Consultative Forum

LOCATION: Flats 1-4 INC, 142A High Road, London, NW10

PROPOSAL: Erection of second-floor extension and conversion of first and second floors to three self-contained flats (1x two-bedroom, 1x one-bedroom and 1 x studio) (car-free)

APPLICANT: Mr Jim O'Reilly

CONTACT: SIAW Ltd

PLAN NO'S:
(see condition 2 for details)

RECOMMENDATION

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Planning to agree the exact terms thereof on advice from the Borough Solicitor.

SECTION 106 DETAILS

The application requires a Section 106 Agreement, in order to secure the following benefits:-

- (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) A contribution of £12,600 (£3,000 per additional bedroom), due on Material Start and index-linked from the date of committee for Education, Sustainable Transportation, Air Quality and Open Space & Sports in the local area.
- (c) Join and adhere to the Considerate Contractors scheme.
- (d) Car-Free Scheme
- (e) £600 to go towards the provision of 2 Public Cycle Stands

And, to authorise the Head of Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

EXISTING

The property is located on the junction of Villiers and High Road. The ground floor of the property is being used as a part restaurant and office space, whilst the first floor is being used as residential accommodation. The property is not located within a Conservation Area nor is the property a listed building.

PROPOSAL

See above.

HISTORY

The property has an extensive site history. However of particular relevance in the assessment of this application is:

Full planning permission (Ref No: 09/1514) for the first-floor rear extension, erection of new second floor with rear roof terrace and third floor with front and side balcony/terrace and conversion of building into 6 self-contained flats which was refused last summer on 20 August 2009. The application was refused for the following reasons:

- 1 *The proposed development, by reason of the design, height, overall size, siting, bulk, close proximity to boundaries, prominence on site and density, would constitute an unacceptable form of development, detracting from the character of the locality and relating poorly to surrounding forms of development. The proposal would thus result in a development that is to the detriment of the visual character and appearance of this area. As a result, the proposal would be contrary to policies BE9 and H12 of the adopted Brent Unitary Development Plan 2004 and Supplementary Planning Guidance No. 17 "Design Guide for New Development".*
- 2 *The proposed development, by virtue of its scale, massing, height, position, extent position and its relationship with existing buildings and gardens, would result in an unacceptable deterioration in the amenity of neighbouring residents in terms of outlook and privacy contrary to policy BE9 of Brent's Adopted Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide for New Development".*
- 3 *In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure, without any contribution to sustainable transport improvements in the area and increased pressure for the use of existing open space, without contributions to enhance open space or make other contributions to improve the environment, and increased pressure on education infrastructure, without any contribution to education improvements. As a result, the proposal is contrary to policies TRN4, TRN11, OS7 and CF6 of Brent's adopted Unitary Development Plan 2004 and Supplementary Planning Document: S106 Planning Obligations.*
- 4 *The proposed development, due to the poor quality and quantity of outdoor amenity space would result in an unacceptable standard of amenity for future residents, particularly given the internal spaces proposed are also contrary to policies BE9 and H12 of Brent's Adopted Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide for New Development".*
- 5 *The proposed development does not identify the units as Lifetime Homes compliant, contrary to policy 3A.4 of the London Plan.*
- 6 *The development inappropriate stacking of rooms between the self-contained flats, insufficient personal storage provision purposes and lack of bicycle storage and would present a sub-standard form of accommodation to the detriment of the amenities of potential future residential occupiers of the scheme, contrary to policies H18 and PS16 of the adopted Unitary Development Plan 2004 and Supplementary Planning Guidance 17 - "The Design Guide for New Development".*

POLICY CONSIDERATIONS

London Borough of Brent Adopted Unitary Development Plan 2004

The development plan for the purpose of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004. Within that plan the following list of policies are considered to be the most pertinent to the application.

STR 3 - This policy attempts to maximise the use of previously development land to achieve a sustainable development.

STR11 - Which seeks to protect and enhance the quality and character of the Boroughs built and natural environment and resist proposals that have a harmful impact on the environment and amenities.

STR14 - New development will be expected to make a positive contribution to improving the quality of the urban environment.

STR19 - New housing developments should provide adequate amenity, reduce need for car travel and improvement to public infrastructure.

BE2 - Design should have regard to the local context, making a positive contribution to the character of the area. Account should be taken of existing landform and natural features, the need to improve the quality of existing urban spaces, materials and townscape features that contribute favourably to the area's character and the opportunity for improvement or variety in an area of poor uniform character. Proposals should not cause harm to the character and/or appearance of an area. Application of these criteria should not preclude the sensitive introduction of innovative contemporary designs.

BE3 - Proposals should have regard for the existing urban grain, development patterns and density and should be designed that spaces between and around buildings should be functional and attractive to their users, layout defined by pedestrian circulation taking the form of urban blocks, particular emphasis on prominent corner sites, entrance points and creating vistas, respect the form of the street by building or responding to the established line of frontages, unless there is clear urban design justification. Development layouts should also make explicit the movement framework by prioritising movement by foot, cycle and public transport, encourage convenient pedestrian access to important civic areas by retaining existing or providing new routes and linkages which contribute to the permeability of the areas, minimise traffic conflicts between vehicles, pedestrians and cyclists by ensuring clear delineation of routes and unencumbered entrances and circulation and integrate the proposed development with public transport and car parking facilities.

BE5 - Development should be understandable, free from physical hazards and to reduce opportunities for crime, with a clear relationship between existing and proposed urban features outside and within the site. Public, semi-private and private spaces are clearly defined in terms of use and control, informal surveillance of public and semi-private spaces through the positioning of fenestration, entrances etc., front elevations should address the street with, where possible, habitable rooms and entrances, with private areas to the rear and significant areas of blank wall and parking should be avoided on back edge of pavement locations, entrances should be overlooked by development with good lighting and visible from the street, rear gardens should not adjoin public space, parking spaces are provided within view and if not made safe in other ways and are not normally accessible via rear gardens of residential properties and accessways are through or adjoining a site are overlooked by development, provided with good lighting, set away from cover, provide clear sightlines and not run next to rear gardens.

BE6 - High standard of landscaping required as an integral element of development, including a design which reflects how the area will be used and the character of the locality and surrounding

buildings, the retention of existing trees, shrubs and hedgerows particularly where they form part of the character of the area, new planting of an appropriate species, size, density of planting with semi-mature or advanced nursery stock, new integrally designed structural landscaping on appropriate larger sites, boundary treatment (fencing, railings) which complement the development and enhance the streetscene, screening of access roads and obtrusive development from neighbouring residential properties. .

BE7 - High quality of design and materials required for the street environment. In existing residential areas, the excessive infilling of space between buildings and between buildings and the road, the loss of paving, front walls, railings or hedges of character to the street which should be restored or reproduced where practical, the hardsurfacing of more than half of the front garden area and forecourt parking detracting from the streetscene or setting of the property or creates a road/pedestrian safety problem, will be resisted.

BE9 - New buildings should have an appropriate design solution specific to the site's shape, size, location and development opportunities. Scale/massing and height should be appropriate to their setting and/or townscape location, respect, whilst not necessarily replicating, the positive local design and landscape characteristics of adjoining development and satisfactorily relate to them, exhibit a consistent and well considered application of principles of a chosen style, have attractive front elevations which have a direct relationship with the street at ground floor level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be aid out to ensure the buildings and spaces are of a scale, design and relationship to promote the amenity of users providing satisfactory sunlight, daylight, privacy and outlook for existing and proposed residents and use high quality and durable materials of compatible or complementary colour/texture to the surrounding area.

BE12 - Encourages adherence to sustainable design principles in terms of design, construction and pollution control.

H12 - Layout and urban design of residential development should reinforce/create an attractive/distinctive identity appropriate to the locality, housing facing streets, have access and internal layout achieving traffic safety with cars subsidiary to cyclists and pedestrians, normally preventing vehicles travelling more than 32 kph (20 mph), with cul-de-sacs only used in parts of development sites that cannot be serviced in any other way, appropriate car parking and cycle parking ,where dedicated on-street parking is maximised as opposed to in curtilage parking and avoids excessive tarmac and hard landscaping and provides an amount and quality of open landscaped areas appropriate to the character of the area, local availability of open space and needs of prospective residents.

H13 - The appropriate density will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites and meets the amenity needs of potential residents. The most dense developments will be in areas with good and very good public transport accessibility. surrounding densities should at least be matched unless it would harm residential amenity. 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.

TRN4 – Where transport impacts are unacceptable, measures will be considered to acceptably mitigate this.

TRN11 - Changes or additions to the highways will be assessed for their impact on cycling examining the coherence, directness, attractiveness safety and comfort of routes. Measures to improve conditions for cyclists will be assessed in the following order of declining preference; traffic reduction, traffic calming, junction treatment and traffic management, redistribution of the carriageway and off road provision. Developments should comply with the minimum standards in PS16 with cycle parking situated in convenient, secure and where appropriate sheltered locations

TRN12 – In assessing planning applications, priority will be given to road safety issues particularly those affecting the convenience and safety of vulnerable road users such as pedestrians and cyclists.

TRN14 - New highway layouts, visibility splays and accesses to and within development should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.

TRN23 - Parking for residential development should not provide more than the levels in standard PS14. Lower standards apply for developments of affordable housing.

PS14 - Residential parking standards - Maximum of 1 space per 1 bedroom unit, 1.2 spaces per 2 bedroom unit, 1.6 spaces per 3 bedroom unit and 2 spaces per 4+ bedroom units. This can be reduced by up to 50% for affordable housing.

PS15 - 1 Wheelchair space per disabled unit next to the dwelling.

PS16 - 1 cycle parking space per unit

London Borough of Brent's Supplementary Planning Guidance

Supplementary Planning Guidance Note 17 - Design Guide for New Development

Provides comprehensive and detailed design guidance for new development and seeks to raise the design quality of buildings, and to protect the character of properties and streets.

London Plan

3A.4 Housing Choice – All new development should offer a range of housing choices, be built to 'Lifetime Homes' standard and ten per cent should be designed to be wheelchair accessible or easily adaptable for wheelchair users

National Planning Policy Guidance

Planning Policy Statement 1 – Creating Sustainable Communities

PPS1 sets out the Government's vision for planning and the key policies and principles which should underpin the planning system. These are built around three themes – sustainable development – the purpose of the planning system; the spatial planning approach; and community involvement in planning.

Planning Policy Statement 3 – Housing

PPS3 establishes the Government's objectives for housing and reinforces the commitment to more sustainable patterns of development. PPS3 sets broad guidelines for the provision of affordable housing, placing emphasis on the importance of high quality design and creating mixed, balanced and integrated communities with wider opportunities for home ownership and improved affordability through an increase in supply of housing. The guidance also requires Local Authorities to deliver sustainable development objectives.

CONSULTATION

External

45 properties were consulted on the 8 September 2010. The Local Authority has received three letters of objection. The proposal has been amended to remove elements that it was considered would have caused a loss of amenity and the matter of the development being a car-free scheme has been agreed in principle. The objections will be listed below for completeness:

1. Loss of light.
2. Loss of privacy.
3. Additional strain on parking.
4. The proposed development does not respect the character of the area.
5. No emergency exit.

Internal

Transportation Engineer: no objection, subject to a Section 106 Legal Agreement securing "car free" development.

REMARKS

Context

An application for 6 units was refused for the reasons detailed in the report's site history. This application is a result of pre-application advice and seeks to overcome officers' concerns relating to:

- Design
- Impact on neighbouring properties
- Quality of accommodation for future occupiers
- S106 contributions

Impact on Adjoining Occupiers

Owing to the nature of the development the impact on amenity of neighbouring occupiers specifically, the loss of outlook, privacy and daylight/sunlight must be considered. The Council's UDP, as expanded in SPG17, clearly sets out guidelines in this regard.

The 2009 proposal occupied a large portion of the site with the first-floor rear extension being set forward of neighbouring property No. 2 Villiers Road and the main body of the building containing roof terraces. These features were considered to severely compromise amenities of neighbouring residents by way of loss outlook, light and privacy .

The current proposal omits the first-floor rear addition (i.e. above the shop) and roof terraces.

The reduced size of the extension ensures the new extension will occupy the area on top of the original frontage building only and not extend down Villiers Road. Therefore, no part of the new development will create a loss of outlook and light from neighbouring properties.

Instead of having roof terraces, bathroom and kitchen windows (i.e. secondary windows) are now proposed in the rear wall. These are located 5m away from the boundary and look directly onto the flank wall of 2 Villiers Road. Officers are satisfied the proposal will not create a loss of privacy for neighbouring properties.

Officers consider the proposal to respect the amenities of neighbouring properties

Standard of Accommodation for Future Residents

Size of units

The proposal envisages a 2-bedroom unit (65m²) on the proposed second floor, with a 1-bedroom unit (45m²) and a studio flat (33m²) on the extended first floor. All units meet guidance set out in SPG 17 and are considered large enough to accommodate the number of occupiers

External amenity space

No external amenity is provided, however owing to the Town Centre location and there being no

family sized accommodation proposed, officers consider that this does not make the scheme unacceptable. As indicated below, a S106 is sought that would make a financial contribution to mitigate this shortfall.

Outlook

All but two windows look onto either the High Road or Villiers Road. The remaining two windows serving a first-floor kitchen and second-floor bathroom will look directly onto the flank Wall of No 2 Villiers Road as explained above. The flank wall of 2 Villiers Road is located approximately 5m away from these windows.

SPG 17 requires non-habitable-room windows to be located a minimum of 1m away from the site boundary. The UDP defines kitchens less than 13m² and all bathrooms to be non-habitable rooms. As these non-habitable windows are proposed to be 5m from the mentioned flank wall, no issue is taken with the level of outlook proposed in principle, however there remains a need to ensure the quality of accommodation proposed is acceptable.

The small, open-planned kitchen will be used in conjunction with the living/dining area. The open planned living/dining/kitchen area will also be served by two other windows with direct views of Villiers Road. Owing to the number of windows in this room and the outlook offered, officers are satisfied the level of outlook to all units will be acceptable.

On balance, officers consider the new development to propose an acceptable level of accommodation for future occupiers.

Cycle and Refuse storage

An upgraded storage area for refuse and recycling storage will be provided on the ground floor, however, minimal detail has been provided of how this will work and, as a result, further details will be secured by condition.

The proposal fails to provide cycle parking at a rate of 1 space per dwelling as suggested in PS16 of the UDP-2004, however there is no clear location where such secure covered storage could be provided on site. It is therefore recommended the shortfall be mitigated by a financial contribution of £300 per cycle stand to provide 2 public cycle stands (ie: 4 parking spaces). A number of locations on the High Road have been identified for public cycle stands. The financial contribution will be secured by a S106 agreement

On balance, officers consider the new development to provide an acceptable level of accommodation for future occupiers.

Design & Scale

As mentioned the property is located on a prominent corner property and as such, any design must pay particular attention as design affects not only the appearance and functioning of individual buildings, but also the use of public spaces and the character of areas they collectively form. After a number of iterations and adjustments the proposed extension is now much more contextually sensitive.

The proposed design sits more comfortably within the streetscape in terms of scale and massing. In an attempt to respect the street scene the upper floor has a 1m set-in. This approach has been employed on neighbouring developments. The scale of the extra storey of this corner site is further balanced by the red brick building on the opposite corner of the junction with Villiers Road.

The design for the extra storey refers to the simple 19th-century architecture of the existing building and follows the historic rhythm of the existing fenestration and composition. The building has simple string and cornice moulding details which have been simply re-interpreted on the new storey. The windows will match the historic precedents in configuration and proportion which balances the proportion of the extra storey with the existing ground and first-floor elements. In

order to ensure the quality of this otherwise relatively simple scheme, materials will be secured by condition.

Officers consider the design of the building to be acceptable.

Transportation

The property is located on the Northern side of the High Road NW10, a London Distributor road, and to the Eastern side of Villiers Road, a Local access road which is defined as being heavily parked. The site lies within a CPZ which operates between the times of 08:00 -1830 on Monday to Saturday and has good accessibility with a PTAL rating of level 4. Dollis Hill Station (Jubilee tube) is within walking distance of the site, while six bus routes are locally available.

The calculated increase in parking as per PS14 is noted to be 2.1 car-parking spaces. This is considered to be a significant increase as the existing 2-bed flat requires a maximum of 0.7 spaces. Officers note the site cannot provide off-street parking, while Villiers Road is already heavily parked, and the High Road is a Distributor Road. Officers will therefore only accept a "car-free" scheme provided it is secured by a S106 agreement.

Officers consider the proposal to be acceptable if a car-free agreement can be secured by legal agreement

S106

For the avoidance of doubt, this particular scheme would attract the following requirements:

- (a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) A contribution of £12,600 (£3,000 per additional bedroom), due on Material Start and index-linked from the date of Committee for Education, Sustainable Transportation, Air Quality and Open Space & Sports in the local area.
- (c) Join and adhere to the Considerate Contractors scheme.
- (d) Car-Free Scheme.
- (e) £600 provision of two Public Cycle stands.

Response to objections

Objections relating to the loss of light, privacy and parking have been expanded on, in the body of this report.

On the matter of the proposed flatted development harming the character of the area, officers find the use of upper floors on the High Road for residential purposes to be a common practice. As such, officers do consider the flatted development to respect the character of the area.

No emergency exit

The requirement for an emergency exit is not covered by the Town and Country Planning Act and therefore cannot form a reason for refusal. However, the development will be required to provide such facilities under Building Regulations. The applicant will be reminded by way of an informative to bear this in mind.

Conclusion

As demonstrated above, the proposal envisages a scheme that will respect neighbouring amenities, provide an adequate level of accommodation for future occupiers and respect the character of the area by way of sympathetic design. Therefore a recommendation to approve subject to a legal agreement is set forward.

Officers recommend the application be approved subject to a legal agreement and attached conditions.

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004

Council's Supplementary Planning Guidance 17: Design Guide for New Development

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 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:

A-HR29-PL-01 Revision D 28.09.10

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

- (3) Details of adequate arrangements for the storage and disposal of refuse, food waste, paper and cardboard waste and recyclable material (including litter bins inside and outside the premises) shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to commencement of the use hereby approved.

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

- (4) Details of materials for all external work, including samples, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. 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 advised to contact Brent's Building Control department regarding emergency exits on 020 8937 5499.

Any person wishing to inspect the above papers should contact Tanusha Naidoo, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5245



Planning Committee Map

Site address: Flats 1-4 INC, 142A High Road, London, NW10

Reproduced from Ordnance Survey mapping data with the permission of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. London Borough of Brent, DBRE201 2005



London Borough of Brent - Copyright (C)

This map is indicative only.