

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

16 November, 2016
16/4104

SITE INFORMATION

RECEIVED: 21 September, 2016

WARD: Fryent

PLANNING AREA: Brent Connects Kingsbury & Kenton

LOCATION: 3 The Grove, London, NW9 0TL

PROPOSAL: Reduction in the overall roof height of the single storey rear outbuilding from 2.85m to 2.5m

APPLICANT: Mr Naheerathan

CONTACT:

PLAN NO'S: Site Plan (Drawing: 16/213-OS), Existing Detached Play Room (Drawing: 16-213 Exis) & Existing & Proposed (Drawing: 16/213A).

**LINK TO
DOCUMENTS
ASSOCIATED TO
THIS
APPLICATION**

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https://pa.brent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_130293

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1. Please go to pa.brent.gov.uk
2. Select Planning and conduct a search tying "16/4104" (i.e. Case Reference) into the search Box
3. Click on "View Documents" tab

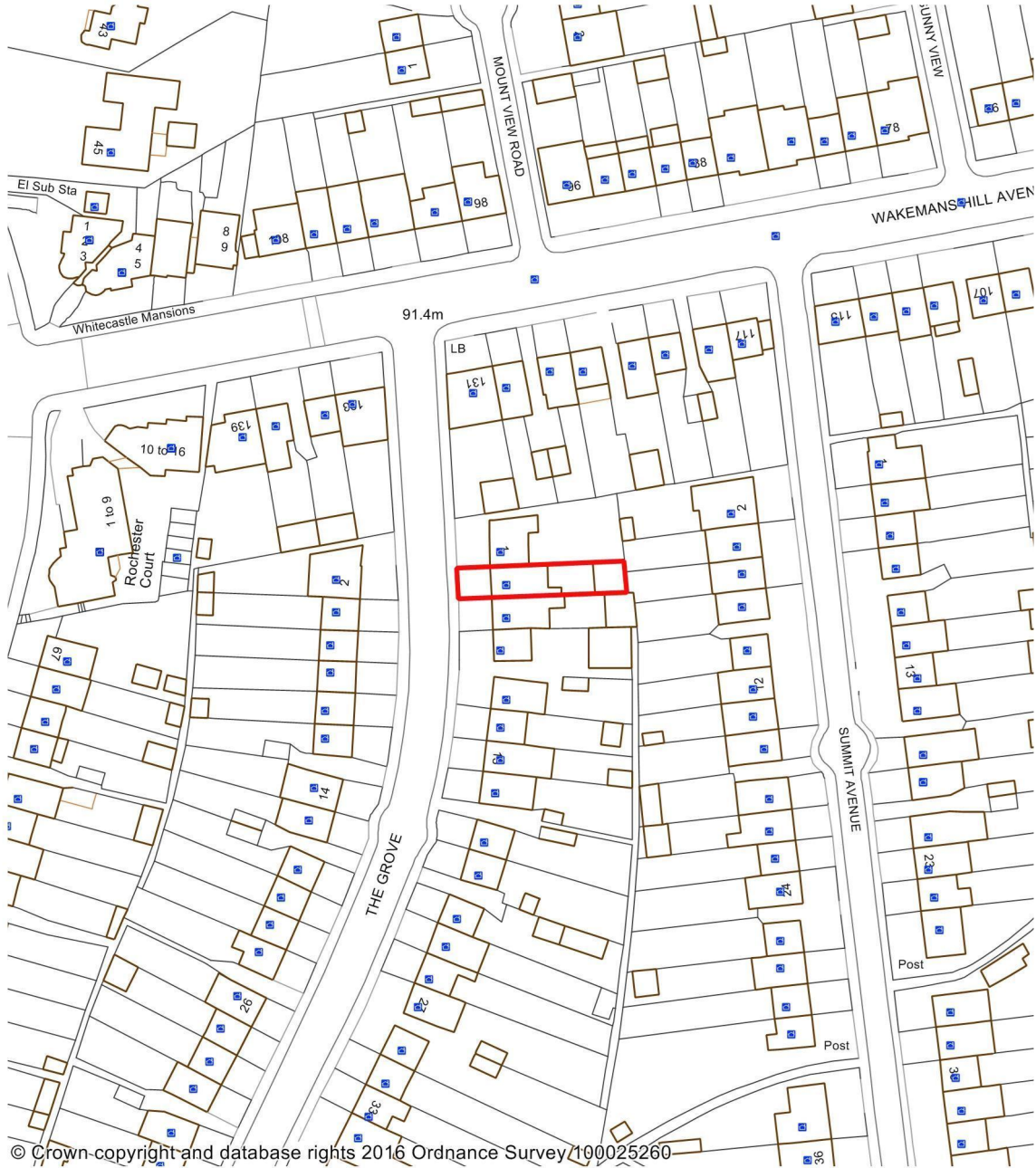
SITE MAP



Planning Committee Map

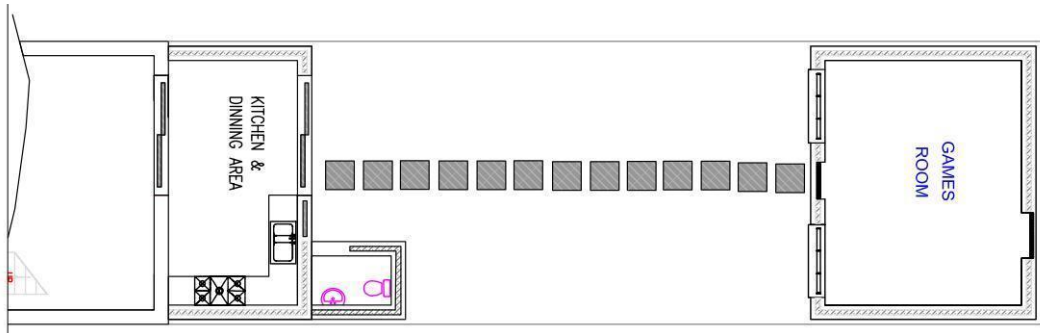
Site address: 3 The Grove, London, NW9 0TL

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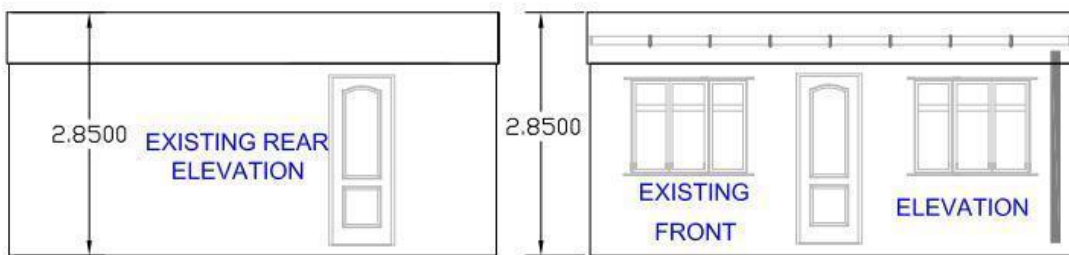


This map is indicative only.

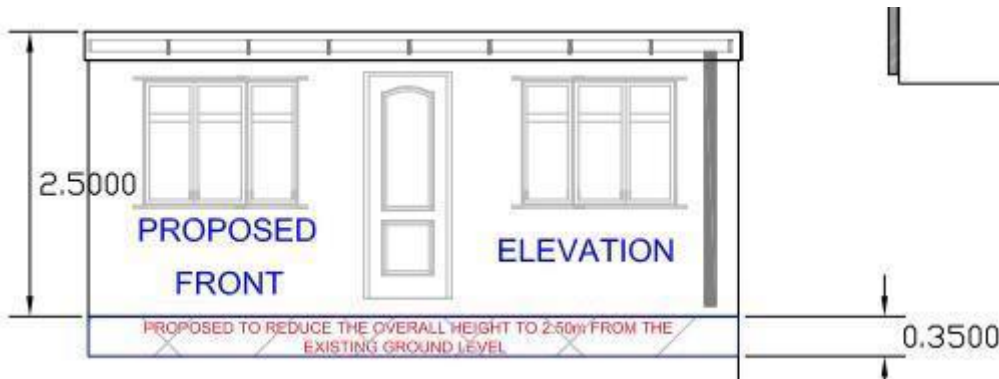
SELECTED SITE PLANS



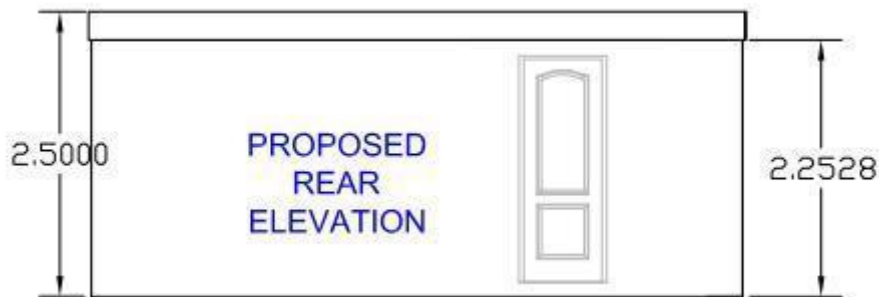
Site plan



Existing front and rear elevations



Proposed front elevation



Proposed rear elevation

RECOMMENDATIONS

1. That the Committee resolve to GRANT planning permission.
2. That the Head of Planning is delegated authority to issue the planning permission and impose conditions and informative to secure the following matters:

Conditions

1. That works on the development must commence within 3 years of the decision
2. That works are carried out in accordance with the approved plans
3. The building hereby approved shall be used for purposes incidental to the use of the existing house as a single family dwelling and shall not be used for commercial storage relating to other premises nor for self-contained residential accommodation. It shall not contain a kitchen, toilet or shower room.

Informative

1. The applicant may have obligations under the provisions of the Party Wall etc. Act 1996
2. The applicant is reminded that there is an outstanding enforcement notice that is required of to be complied with (LPA Ref: E/12/0350). The applicant is therefore advised to contact the enforcement team to agree timescales for implementing this planning permission. If this planning permission is not implemented within the agreed timescales or the enforcement notice is not complied with, the Council will consider taking prosecution proceedings or direct action to obtain compliance with the enforcement notices.

That the Head of planning is delegated authority to make changes to the wording of the committee's decision (such as to delete, vary or add conditions, informative, planning obligations or reasons for the decision) prior to the decision being actioned, provided that the Head of Planning is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the committee nor that such change(s) could reasonably have led to a different decision having been reached by the committee.

That the Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting trees as required by Section 197 of the Town and Country Planning Act 1990.

A) PROPOSAL

Reduction in the overall roof height of the single storey rear outbuilding from 2.85m to 2.5m.

B) EXISTING

The application site comprises a mid-terraced dwellinghouse located on The Grove. It is not located within a conservation area nor is it a listed building. The site lies within a residential area whereby the houses in the frontage are laid out with gardens to the rear and these adjoin similar houses and gardens in Summit Avenue.

D) SUMMARY OF KEY ISSUES

Design: The reduced height will ensure that the building will appear significantly less dominant in the locality.

Residential Amenity: The building will be far less obtrusive above the boundary screening and would address concerns with regard to the overbearing appearance of the structure. It is recommended that a condition is imposed requiring the elevations to all be rendered and painted.

RELEVANT SITE HISTORY

E12/0350: Enforcement investigation into without planning permission, the erection of a building to the rear of the premises ("the unauthorised development") - Enforcement Notice served and dismissed on appeal.

13/3476: Reduction in width of existing single storey outbuilding in rear garden to dwellinghouse - granted with conditions (not implemented)

14/0879: Details pursuant to condition 4 (timber cladding and new tree) of full planning permission reference 13/3476 - granted

CONSULTATIONS

Four nearby properties along The Grove and Summit Avenue were consulted regarding the proposal for a minimum of 21 days on 4/10/2016. During this time, 1 objection was received.

No statutory consultees were notified.

The grounds of objection from the resident's consultation are summarised below:

- The outbuilding by virtue of excessive, height and close proximity to the side and new boundaries appeared as an obtrusive and overbearing feature.
- The height reduction of 0.35m will not make a difference and would impact on the amenity of 4 Summit Avenue.

Officers Response:

These matters are discussed in the main body of the report.

POLICY CONSIDERATIONS

Core Strategy

The Council's Core Strategy was adopted by the Council on 12th July 2010. As such the policies within the Core Strategy hold considerable weight.

CP17: Protecting and Enhancing the Suburban Character of Brent - The distinctive suburban character of Brent will be protected from inappropriate development. Development of garden space and infilling of plots with out of scale buildings that do not respect the setting of the existing dwellings will not be acceptable.

Brent's UDP 2004

BE2: Townscape: Local Context & Character - Proposals shall be designed with regard to their local context, making a positive contribution to the character of the area.

BE9: Architectural Quality - Extensions and alterations to existing buildings shall be designed to:-

(a) be of a scale, massing and height that is appropriate to their setting, civic function and/or townscape location; (b) have attractive front elevations which have a direct relationship with the street at ground level, with well proportioned windows, and habitable rooms and entrances on the frontage, wherever possible; (c) be laid out to ensure that buildings and spaces are of a scale, design and relationship to each other, which promotes the amenity of users, providing a satisfactory level of sunlighting, daylighting, privacy and outlook for existing and proposed residents; and (d) employ materials of high quality and durability, that are compatible or complementary colour and texture, to the surrounding area.

Supplementary Planning Guidance

DETAILED CONSIDERATIONS

Background

1. The application site comprises a mid terraced dwellinghouse located on The Grove. A detached building has been built in the end part of the rear garden without the benefit of planning permission.
2. An enforcement notice was served in relation to the unauthorised detached building on 28 November 2012 (LPA ref: E/12/0350) requiring it to be demolished. The enforcement notice was subsequently appealed and decision upheld by the Planning Inspector. The enforcement decision concludes that: *"The building, by virtue of excessive size, height and close proximity to the side and rear boundaries, appears as an obtrusive and overbearing feature, spanning the full width of the garden at a height in excess of 2.5m, which is disproportionately large and out of character with the local area and detrimental to the visual amenities of the neighbouring properties and the locality. This is contrary to the National Planning Policy 2012, Policy CP17 of Brent's Core Strategy 2010 and Policies BE2 and BE9 of Brent's Unitary Development Plan."* The Planning Inspector required the building to be demolished within three months of the date of the appeal decision dated 8 August 2012. These works were not carried out and the notice remains in effect.
3. An application (13/3476) to reduce the width of the proposed outbuilding was subsequently submitted and approved by the Council on 09 January 2014, subject to conditions. These included the installation of timber cladding on the flank and rear elevations and details of the size and species of a tree to be planted next to No. 5 The Grove. This permission has not been implemented.
4. This application seeks now to reduce the height of the outbuilding to 2.5m whilst retaining the current footprint. A height of 2.5m is proposed to accord with the parameters set out within permitted development legislation.
5. It is noted that there is a large outbuilding within the rear garden of No. 5 The Grove, but this is shown on the aerial photos since at least 2008, and is therefore immune from enforcement action. The other neighbouring properties at No. 1 The Grove and within Summit Avenue (Nos. 4 and 6) have smaller garden sheds within their rear gardens close to the boundary with the application property.

Design and Amenity

6. The proposed outbuilding will span the full width of the garden and have an overall height of 2.5m. In the appeal decision the Inspector noted that: *"the area of garden "hinterland" between the houses on the road frontages is generally open with landscaped gardens and a few trees. There are also many sheds and other outbuildings in the vicinity of the site but these tend to be much smaller than the appeal site building. Further, there is also a fair degree of screening afforded by the variety of walls and fences on property boundaries. However, I observed that these tend to be less than 2m in height, consequently the appeal building is seen well above the surrounding fences."* The Inspector goes on to recommend that: *"if the requirements of the notice (Enforcement) are complied with and the building is demolished, the appellant maybe able to exercise PD rights and erect a smaller building that meets the terms of the GPDO. Nevertheless, I consider this would be likely to be materially different in its effect and a building of a height of 2.5m would be less intrusive above the boundary screening"*.
7. The Inspector does consider whether conditions to require a reduction in height of the building and improvements to the external elevations are not all finished (there is some exposed blockwork) by being rendered and painted would overcome the concerns with regard to the structure. However, the Inspector does state that *"...while the basic appearance of the building could be improved that mitigation would not address the harm caused by the overall massing and extent of the structure"*. Notwithstanding this, the applicant could erect a similar structure under permitted development and there is no reason to consider

that the footprint of such a building would be smaller than the existing building. The proposed reduction in height of the outbuilding is considered to reduce the visual impact and dominance of the building and whilst it is considered that a building with a reduced footprint would sit more comfortably within the site, the reduced height will ensure that the building will appear significantly less dominant in the locality.

- 8 In terms of neighbouring amenity, the reduction in height will mean that the building will be far less obtrusive above the boundary screening and would help address concerns with regard to the overbearing appearance of the structure. It is recommended that a condition is imposed requiring the elevations to all be rendered and painted.

Conclusions

1. Overall, it is considered that the revisions to the outbuilding are sufficient to address concerns regarding the appearance and amenity impact of the existing structure. The existing enforcement notice remains in effect and if the works are not completed within a timeframe agreed with Planning Enforcement.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 16/4104

To: Mr Naheerathan
3 The Grove
London
NW9 0TL

I refer to your application dated 20/09/2016 proposing the following:
Reduction in the overall roof height of the single storey rear outbuilding from 2.85m to 2.5m
and accompanied by plans or documents listed here:
Site Plan (Drawing: 16/213-OS), Existing Detached Play Room (Drawing: 16-213 Exis) & Existing & Proposed (Drawing: 16/213A).
at 3 The Grove, London, NW9 0TL

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:

A handwritten signature in black ink that reads "Alice Lester".

Alice Lester
Head of Planning, Transport and Licensing

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 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

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

Reason: To conform with the requirements of Enforcement Notice (E/16/0146).

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

Site Plan (Drawing: 16/213-OS), Existing Detached Play Room (Drawing: 16-213 Exis) & Existing & Proposed (Drawing: 16/213A).

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

- 3 The side and rear elevations of the outbuilding which are visible above the existing boundary treatment shall be rendered and painted white,

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

- 4 The outbuilding hereby approved shall be used for purposes incidental to the use of the existing house as a single family dwelling and shall not be used for commercial storage relating to other premises nor for self-contained residential accommodation. It shall not contain a kitchen, toilet or shower room.

Reason: In the interests of the amenities of neighbouring occupiers.

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 reminded that there is an outstanding enforcement notice that is required to be complied with (LPA Ref: E/12/0350). The applicant is therefore advised to contact the enforcement team to agree timescales for implementing this planning permission. If this planning permission is not implemented within the agreed timescales or the enforcement notice is not complied with, the Council will consider taking prosecution proceedings or direct action to obtain compliance with the enforcement notices.

Any person wishing to inspect the above papers should contact Selina Hotwani, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5283