Committee Report Planning Committee on 6 April, 2011

Item No.1/01Case No.11/0293

RECEIVED: 16 February, 2011

WARD: Queensbury

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 17 Waltham Drive, Edgware, HA8 5PG

PROPOSAL: Erection of part single-, part two-storey side and rear extension to

dwellinghouse and the division of the property to two self-contained dwellinghouses, comprising one three-bed and one one-bed, new vehicular crossover to front with one off-street parking space and associated hard and soft landscaping as revised by plans received

24/03/11

APPLICANT: Mr Dilip Patel

CONTACT: Saloria Architects

PLAN NO'S: See condition 2

RECOMMENDATION

To

- (a) Resolve to Grant Planning Permission, subject to an appropriate form of Agreement in order to secure the measures set out in the Section 106 Details section of this report, or
- (b) If within a reasonable period the applicant fails to enter into an appropriate agreement in order to meet the policies of the Unitary Development Plan, Core Strategy and Section 106 Planning Obligations Supplementary Planning Document, to delegate authority to the Head of Area Planning, or other duly authorised person, to refuse planning permission

SECTION 106 DETAILS

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

- 1. Payment of the Councils legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- 2. A contribution of £3,000, index-linked from the date of committee for Education, Sustainable Transportation, Sport and Open space improvements in the local area

And, to authorise the Head of Area 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 by 13 April 2011.

EXISTING

The application site is a corner property located on the western side of Waltham Drive. The property shares a common side boundary with Calder Gardens to the south.

The site has a vehicular access to the rear (from Calder Gardens) and the front garden area has no parking facility but is partially hard surfaced (which appears to have been in place for a significant period of time).

PROPOSAL

The application is for construction of a new one bedroom dwelllinghouse adjoining the present house with adequate provision of landscaping within the forecourt of the properties.

HISTORY

09/2181 Erection of a part single and part two storey side and rear extension to dwellinghouse **Granted** 26/11/2009 - this was a 3.5m wide side extension

09/1420 Certificate of lawfulness for proposed vehicular access to front of dwellinghouse as accompanied by email from Saloria Architects dated 17/07/09 **Granted** 27/07/2009

06/3165 Erection of single and two storey rear extension to existing dwellinghouse and two and three storey side extension at basement, ground and first floor level to create a new dwellinghouse and formation of associated parking and landscaping **Appeal Decided Dismissed** 03/12/2007 due to:

1. the standard of accommodation and specifically the size of the house and the outlook of the basement rooms

06/1647 Erection of single-storey and 2-storey side and rear extension to dwellinghouse **Granted** 25/07/2006 - this was a 3.3m wide side extension with a wider first floor rear extension that abutted the rear bay window of No. 17.

06/0147 Erection of a two-storey side and single-storey rear extension to facilitate the conversion of the existing dwelling into a 2-bedroom house and a 3-bedroom house **Refused** 13/03/2006 due to:

- 1. the design of the first floor rear extension it was stepped and would have been incongrous
- 2. the standard of accommodation it was not sufficiently large
- 3. the design of the porch it was excessively large

05/1500 Single storey rear extension to existing dwellinghouse, subdivision of site and construction of a two-storey end-of-terrace dwellinghouse with entrance from Calder Gardens including the formation of vehicle crossover onto Waltham Drive and alterations to the front garden of the existing and proposed dwellinghouses. **Refused** 18/08/2005 due to:

- 1. the siting, scale and design resulting in a terrace the side extension was 0.8m wider than proposed
- 2. impact of the depth of the rear extension on neighbouring amenity this abutted the window of No. 17
- 3. width and proximity to junction of crossover on Waltham Drive this was 9m wide and consequently closer to the junction
- 4. Lack of parking and landscaping this would be addressed by condition

POLICY CONSIDERATIONS

The development plan for the purpose of S54A of the Town and Country Planning Act is the Brent Unitary Development Plan 2004 and Core Strategy 2010. Within those documents the following list of policies are considered to be the most pertinent to the application:

Brent UDP 2004

- STR3 In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).
- STR5 A pattern of development which reduces the need to travel, especially by car, will be achieved.
- STR14 New development will be expected to make a positive contribution to improving the quality of the urban environment in Brent by being designed with proper consideration of key urban design principles relating to: townscape (local context and character) urban structure (space and movement), urban clarity and safety, the public realm (landscape and streetscape), architectural quality and sustainability.
- Proposals should be designed with regard to local context, making a positive contribution to the character of the area, taking account of existing landforms and natural features. Proposals should improve the quality of the existing urban spaces, materials and townscape features that contribute favourably to the area's character and not cause harm to the character and/or appearance of an area or have an unacceptable visual impact on Conservation Areas.
- BE3 Proposal should the regard for the existing urban grain, development pattern and density in the layout of development site.
- BE4 Access for disabled people
- BE6 A high standard of landscape design is required as an integral element of development schemes.
- BE7 A high quality of design and materials will be required for the street environment.
- BE9 Creative and high-quality design solutions specific to 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 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 address the street at ground level with well proportioned windows and habitable rooms and entrances on the frontage, wherever possible, be laid 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.
- H11 Housing will be promoted on previously developed urban land which the plan does not protect for other uses.
- H12 Residential site layout to reinforce/create an attractive/distinctive identity appropriate to its locality, housing facing streets, appropriate level of parking, avoids excessive ground coverage and private and public landscaped areas appropriate to the character of area and needs of prospective residents.
- H13 The appropriate density should be determined by achieving an appropriate urban design, make efficient use of land and meet the amenity needs of potential residential, with regards to context and nature of the proposal, constraints and opportunities of the site and type of housing proposed.
- TRN3 Where an application would cause or worsen an unacceptable environmental impact of traffic it will be refused.
- TRN4 where transport impact is unacceptable measures will be considered which could acceptably mitigate this.
- TRN11 Developments should comply with the plan's minimum cycle parking standard.
- TRN15 Access from a dwelling to a highway
- TRN23 Parking standards for residential developments. The level of residential parking permitted will be restricted to no greater than the standards in PS14.
- TRN34 Servicing in New Developments.
- PS14 Parking standards for residential uses
- PS16 Cycle parking

Brent Core Strategy 2010

- CP 2 Population and housing growth
 - Sets out the appropriate level of growth across the borough, including the number of new homes and proportion of affordable housing sought
- CP 17 Protecting and enhancing the suburban character of Brent Balances the regeneration and growth agenda promoted in the Core Strategy, to ensure existing assets (e.g. heritage buildings and conservation areas) are protected and enhanced. Protects the character of suburban housing and garden spaces from out-of-scale buildings.
- CP 21 A balanced housing stock

Seeks to maintain and provide a balanced dwelling stock to accommodate the wide range of Brent households by: ensuring appropriate range of dwellings and mix; defining family accommodation as units capable of providing three or more bedrooms; requiring new dwellings be 100% Lifetime Homes and 10% wheelchair accessible; contributes to non-self contained accommodation and care & support housing where needed.

Brent Supplementary Planning Guidance

SPG3 Forming an access onto a road

Sets out the standards for the formation of an access onto a highway.

SPG17Design Guide for New Developments

Sets out the general design standards for development and has regard to the character, design and appearance of developments, the design layout with respect to the preservation of existing building lines, size and scale of buildings and structures, and privacy and light of adjoining occupants. This policy guidance document addresses residential densities, minimum sizes for residential dwellings, external finishing materials, amenity spaces and parking related issues.

The above policies and guidance seeks to ensure that development should not significantly affect the amenities of the occupiers of the neighbouring properties and should be in keeping with the design, scale and character of the surrounding area.

SPD S106 Obligations

Regional

London Plan 2008

The London Plan, which was adopted in February 2004 and revised in 2006 and 2008, sets out an integrated social, economic and environmental framework for the future development of London. The vision of the Plan is to ensure that London becomes a prosperous city, a city for people, an accessible city, a fair city and a green city. The plan identifies six objectives to ensure that the vision is realised:

Objective 1: To accommodate London's growth within its boundaries without encroaching on open spaces

Objective 2: To make London a healthier and better city for people to live in;

Objective 3: To make London a more prosperous city with strong, and diverse long term economic growth

Objective 4: To promote social inclusion and tackle deprivation and discrimination;

Objective 5: To improve London's accessibility;

Objective 6: To make London an exemplary world city in mitigating and adapting to climate

change and a more attractive, well-designed and green city.

The London Plan sets targets for the provision of new homes and the proportion of Affordable dwellings together with the accessibility of dwellings in relation to the Lifetime Homes standards and the proportion of Wheelchair or easily adaptable units.

National

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 Local

Two objections received from local residents, on the following grounds:

- Impact on on-street parking
- Loss of privacy
- Out of character with area
- Impact on property values

The parking, neighbouring residential amenity and design implications of the proposal are discussed in the Remarks section, below. Impact on property values is not a material planning consideration.

Internal

Transportation

The proposal can be supported on the transportation grounds subject to following requirements: (1) S106 Contribution.

Landscape

No objections subject to a condition requiring further details.

REMARKS

Key considerations

- (1) Principle
- (2) Visual impact
- (3) Standard of accommodation
- (4) Impact on neighbouring amenity
- (5) Landscaping
- (6) Parking & access

1. Principle

The principle of residential development is accepted as part of making an efficient use of land and meeting Brent's housing needs and in particular the need for family housing, as supported by PPS3, the London Plan and Brent's UDP and Core Strategy policies STR3, H11 and CP2. Whilst changes to the definition of garden land in the June 2010 revision to PPS3 means the garden of the property is no longer considered previously developed land (PDL), that does not mean gardens cannot be developed. In this case the fact the site has a direct, wide frontage onto a local access road and the proposed scheme follows the pattern of development in the area means this site is considered appropriate for residential development.

2. Visual impact

2.1 Two storey side extension

The supplementary planning guidance for extensions to homes is SPG5 and for new development is SPG17; as an extension to a home that will be converted to a new dwellinghouse, officers consider more weight should be given to SPG5 than SPG17 in terms of guidance on bulk and scale. Consideration should also be given to Core Strategy policy CP17, which seeks to protect and enhance the suburban character of Brent.

SPG5 requires side extensions to dwellinghouses to be no wider than the width of the main front room of the original property. In this instance the side extension, which is 3.8m, is 0.4m wider than the internal room; furthermore the site is a corner property with a gap of 6.5m from the boundary to the flank of the property. As such it is classed an open corner for the purposes of side extensions in SPG5 and the flank of any side extension should be at least 2m from the boundary; In this instance a gap of 2.7m would be retained. Your officers have judged the visual impact of the side extension and given weight to the size of the retained gap, the scope for meaningful soft landscaping (see section 5, below), the existing high brick wall and the character of the area; on balance the 0.4m non-compliance resulting from the extension would not be sufficient to result in an overly dominant or out of character extension and would not unduly harm the character and appearance of the original dwellinghouse.

The proposed side extension would be set back 250mm behind the main frontage of the dwelling and the first floor element of the extension would be set back 1.5m behind the main front building line at first floor level. The roof style of the extension, which is set down from the ridge of the original roof, would be a traditional pitched roof with hipped ends which is common in the area. The extension complies with SPG5 in these respects.

The extension would have windows facing Waltham Drive of a modest size and centrally located. These appear to be in proportion with the extension and the original property. On the elevation facing Calder Gardens the extension would have a door and ground floor bay window and a first floor window serving a bathroom. The door is set back 1.5m from the front of the side extension and screened by a high wall and as such would not appear prominent when viewed from Calder Gardens or Waltham Drive; the bay window adds visual interest to the flank although the existing brick wall would screen it. It is the opinion of your officers that the design of the extension and its fenestration strikes the right balance between appearing as a subsidiary side extension and a separate dwellinghouse in its own right.

It is recommended that, should Members be inclined to approve the consent, a condition be attached to require details of the materials to be used on this extension to ensure that they correspond with those on the original property and another to ensure the brick wall along the Calder Gardens is not removed without permission, due to the weight officers have given it in making the side extension acceptable.

2.2 Single storey rear extension

The single storey rear extension is acceptable in terms of its visual impact.

3 Standard of accommodation

3.1 The new dwellinghouse

The one-bedroom house has an internal floor area of 58.45sqm. Neither SPG17 nor the London Housing Design Guide Interim Edition (LDA, August 2010) has space standards for one-bedroom houses but for one-bedroom flats the minimum size is 45sqm and 50sqm respectively. The minimum space standard for a two-bedroom house, for comparison, is 75sqm. The rooms are of a reasonable size and clearly laid out with good outlook, privacy and sunlight/daylight. There is not likely to be any unacceptably harmful transmission of noise between sensitive functions and access is provided from the living room/kitchen to a generous sized private amenity space (84.5sqm) with scope for soft landscaping. Your officers consider the proposed property would provide a good standard of accommodation and is acceptable in that respect.

3.2 The retained dwellinghouse

No. 17 would remain a three-bedroom house with an increased floor area due to the single storey rear extension. The impact of the extension of the amenity of occupants in No. 17 is discussed below, section 4.1, but is considered acceptable. The garden would be split in half but the property would still retain a generous private amenity space (90.75sgm)

4. Impact on neighbouring amenity

4.1 Two storey side extension

The two-storey side extension has been designed to comply with SPG5 in relation to No. 17; the depth of the rear part of the extension complies with the 2:1 guide as set out in SPG5 in relation to the bay window serving bedroom two of No. 17. No undue loss of privacy, outlook, sunlight or daylight would occur to the residents of No. 17 from the development. The parking space in the rear garden is acceptable in terms of amenity impact, although the proposed landscape condition (see section 5, below) should include some buffer planting around the space and particularly along the boundary with No. 17.

4.2 Single storey rear extension to No 17

The single storey rear extension would be 3m deep and approximately 3m high with a flat roof. This complies with the SPG5 guidance for semi-detached properties and in any event, No. 19 has a similarly sized single storey rear extension (ref 05/3111). As such the impact on neighbouring amenity of the single storey rear extension is acceptable.

5. Landscaping

The application is supported by an indicative landscape plan and plant schedule. Landscape officers accept the principle of the extent of landscaping but further improvements can be made, particularly to the front garden and the provision of more soft landscaping and two small trees in the front and rear gardens (landscape officers suggest examples of Acer griseum or Prunus snowgoose). Your officers consider this enhanced landscape provision is necessary to mitigate the wider-than-normal side extension and the fact that over time the extension may appear more separate from the main dwellinghouse e.g. if the owners have different maintenance regimes or change their windows. As such good landscape screening with trees will help screen the development as they mature. Similarly large shrubs or climbing plants should be provided between the boundary and the flank wall of the extension.

Due to the weight officers have given to soft landscaping providing mitigation for the size of the extensions and the protection it could provide in the long-term, officers propose to remove part of the Class F (a) permitted development rights (new hard surface within the curtilage of a dwellinghouse) to prevent the loss of the soft landscaped area around the extended building along both the Calder Gardens and Waltham Drive elevations. Subject to a condition to secure further details, the application is acceptable in respect of landscaping.

6. Parking & access, servicing

6.1 Parking & access

The parking allowance for the present three-bedroom dwellinghouse is 1.6 spaces; as this is a maximum allowance one space is acceptable. The additional parking space to the front of No. 17 is sufficient parking for the dwellinghouse and the vehicular crossing and the visibility splays have previously been found acceptable (ref 09/2181).

The parking allowance for the new one-bedroom dwellinghouse is one space. This has been retained within the parking within the back garden, using the present vehicular access which is acceptable; the existing garage will be demolished to provide for amenity areas for the houses.

6.2 Servicing

The bin store for both properties would be located in the front garden. Whilst this is acceptable for No. 17, the binstore for the new dwellinghouse should be moved to maximise the soft landscaping on the Waltham Drive frontage. A revised layout showing an area for binstores for each house, suitably screened, which provides sufficient space for the bins required for the properties as defined in the Brent *Waste and Recycling Storage and Collection Guidance for Residential Properties 2011*, will be sought by condition.

Cycle parking for the dwellinghouses can be provided in each of the private rear gardens.

The application can be supported on the transportation grounds as there is sufficient parking retained for the two houses. There is also on street parking available on Calder Gardens on the nearside to the property which is used by the residents and neither Calder Gardens nor Waltham Drive are Heavily Parked Streets.

7. Other

7.1 S106

Supplementary Planning Document on S106 Planning Obligations was adopted in 2007 and updates and expands the relevant policies on infrastructure contributions contained in the UDP 2004. It establishes a clear formula for calculating such contributions where they are needed to mitigate the effects of development on local facilities and services. The SPD has been through public consultation and has been formally adopted and significant weight should be given to it.

The document sets out the types of development for which contributions will be sought and has detailed the justification for changes in particular areas of policy. In particular it notes that while all cases are to be assessed individually, each additional residential unit, including conversions, will normally be subject to such contributions.

The applicant has agreed in principle to a section 106 legal agreement to meet the standard charge of £3,000 for the one net increase in bedrooms and provided a draft. Your officers will seek to conclude this agreement by 13/04/11, which is the expiry date for the case.

8. Conclusion

The proposed extensions and conversion of the side extension to a separate one-bedroom dwellinghouse are considered acceptable when judged against the Core Strategy policies to provide suitable accommodation to support population growth whilst protecting the suburban character of Brent and the Unitary Development Plan Policies and supplementary planning guidance to protect the amenity of neighbouring occupants and govern design and transportation matters. Approval is recommended, subject to a s.106 agreement.

REASONS FOR 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 Brent Core Strategy 2010 Central Government Guidance Council's Supplementary Planning Guidance Nos. 3, 5 & 17

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 Transport: in terms of sustainability, safety and servicing needs

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(s) and/or document(s):

9244-30-P5

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

(3) No further extensions or buildings shall be constructed within the curtilage of the dwellinghouse(s) subject of this application, notwithstanding the provisions of Class(es) A, B & D of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason(s): In view of the restricted nature and layout of the site for the proposed development, no further enlargement or increase in living accommodation beyond the limits set by this consent should be allowed without the matter being first considered by the Local Planning Authority, to prevent an over development of the site and undue loss of amenity to adjoining occupiers.

(4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the existing boundary wall(s) along Calder Gardens and Waltham Drive shall be retained in perpetuity unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason: In view of the benefits the wall(s) give to the character and appearance of the area.

(5) No further hard surfacing beyond that shown on the plans hereby approved, or any plans which are subsequently approved under condition 7, shall be constructed within the curtilage of the dwellinghouse(s) subject of this application along the Waltham Drive and Calder Gardens frontages, notwithstanding the provisions of Class F (a) of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason: In view of the benefits the soft landscaping will give to the character and appearance of the area.

(6) Details of materials, including samples for all external work 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.

- (7) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any site clearance, demolition or construction works on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-
 - (i) proposed or retained boundary walls, hedges, fences and gates indicating materials and heights to include a vehicular access from Waltham Drive and visibility splays;
 - (ii) planting to the front garden over at least 50% of the area and only one off-street parking space;
 - (iii) moving the binstore and hard surfacing for the new dwellinghouse to the side of the property and its replacement with soft landscaping;
 - (iv) screen planting along the boundary with Calder Gardens including the area between the new flank wall and the boundary with suitable shrubs or climbing plants;
 - (v) screen planting between the proposed rear parking space and the new boundary and around the parking space; and
 - (vi) areas of hard landscape works and proposed materials, including samples if necessary

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 positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed extension and parking space in the rear garden and ensure that it enhances the visual amenity of the area.

(8) Prior to commencement of works, details of adequate arrangements for the storage and disposal of refuse, food waste, paper and cardboard waste and recyclable material shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to occupation of the dwellinghouse hereby approved.

Such details shall include:

- (i) a site plan that shows an area for bin storage, suitably screened, which provides sufficient space for the bins required for the property as defined in the Brent Waste and Recycling Storage and Collection Guidance for Residential Properties 2011. This requires one x 120l wheelie bin per household for residual (non-recyclable) waste, one x 120l wheelie bin per household for dry recycling and one x 23l bin per household for organic waste.
- (ii) details of the means of screening or enclosing the bin store area

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

INFORMATIVES:

(1) Further to condition 4 (further details of landscaping), Landscape officers suggest Acer griseum or Prunus snowgoose as the 2 no. ornamental trees in front and rear gardens and Cotoneaster, Escallonia or Photinia as suitable large shrubs. Alternatively trellis attached to the low wall with 3 no. suitable climbers should be proposed. This does not preclude the provision of other species which may also be acceptable; the applicant is advised to seek the assistance of a garden designer.

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: 17 Waltham Drive, Edgware, HA8 5PG

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