

**Committee Report**  
**Planning Committee on 6 April, 2011**

Case No. 11/0181

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**RECEIVED:** 25 January, 2011

**WARD:** Sudbury

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 1 Fernbank Avenue, Wembley, HA0 2TT

**PROPOSAL:** Erection of a part single-storey, part two-storey rear extension and installation of two front rooflights and two rear rooflights to dwellinghouse

**APPLICANT:** Mr Attamohamed

**CONTACT:** HmdK Consultancy Ltd

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

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**RECOMMENDATION**

Grant consent

**EXISTING**

The subject site contains a two storey, end of terrace property situated on Fernbank Avenue. Surrounding uses are predominantly residential. The property is not situated within a conservation area nor is it a listed building.

**PROPOSAL**

Erection of a part single-storey, part two-storey rear extension and installation of two front rooflights and two rear rooflights to dwellinghouse

**HISTORY**

E/09/0815 - Without planning permission, the erection of a two storey rear extension, a rear dormer window and the increase in height of the parapet wall of the premises.

("The unauthorised development")

***Enforcement Notice Served - Appeal Dismissed***

This notice was due to be complied with by 24 February 2011. No works have been undertaken as yet to rectify the breach to the knowledge of the case officer.

**POLICY CONSIDERATIONS**

**Brent's Unitary Development Plan 2004**

**BE2 - Townscape: Local Context & Character**

**BE9 - Architectural Quality**

**SPG5 "Altering and Extending your Home"**

## **SUSTAINABILITY ASSESSMENT**

n/a

## **CONSULTATION**

Standard three week consultation period carried out between 04 February 2011 and 25 February 2011 in which 8 properties were notified.

One letter of objection has been received regarding the application which raises the following concerns:

- Overdevelopment of the site
- Overcrowding within the property
- Lack of parking facilities
- Noise pollution - especially at night time
- Out of keeping with the character of the area

In addition a petition has been received with 14 signatures strongly objecting to the application.

A further petition has been received with 20 signatures which indicates 20 supporters for the proposal however 1 of the individuals on this petition has also signed the petition objecting to the scheme. The agent has also suggested that one of the petitioner's has requested signatures from local residents without informing the signatories of the reason for the petition however this accusation appears to be without supporting evidence as both petitions do clearly state that they are in relation to the proposed extensions at 1 Fernbank Avenue.

## **Consultees**

**London Borough of Harrow** - Raise No Objection

## **REMARKS**

### *Background*

This application seeks to obtain planning permission for the retention of some of the unauthorised extensions at the property. The original revised scheme submitted has been amended following discussions with the case officer which have highlighted the need to comply with Supplementary Planning Guidance Note 5 "*Altering and Extending your Home*".

The amendments which have been secured since the original scheme being submitted are as follows:

- A reduction in the depth of the first floor rear extension to a depth of 2.8m.
- A removal of the rear dormer and replacement with a traditional pitched roof over the first floor extension and rooflights.

The main material considerations relevant to the proposal are the impact on neighbouring residential amenity and the scale and design of the proposal and its impact on the character of the area.

### *Impact on neighbouring residential amenity*

The revised proposal has redesigned the existing unauthorised extensions in a way which is considered to have a reasonable impact on neighbouring residential amenities. The proposed amendments to the first floor comply with the 1:2 guideline set out within SPG5. This is the relevant test to assess the impact of any two storey rear extension. The distance between the side wall of the extension and the midpoint of the neighbour's nearest habitable room window (in this case, a first floor bedroom window belonging to number 3 Fernbank Avenue), is 5.6m. This would allow an

extension which has a depth of 2.8m which the scheme proposes. The ground floor of number 3 which adjoins the application property, has an extension which matches that which is to be retained at number 1 and accordingly would not receive any significant adverse impact from the extensions proposed.

The reduction in the scale of the unauthorised extension from one which appears to be three storeys when viewed from neighbouring properties and gardens to a more traditional two storey extension is welcomed and is considered to overcome the concerns raised by the Inspector considering the enforcement appeal. In view of the amendments secured, the proposal is now considered to comply with policy BE9 and SPG5 and is therefore considered to respect the amenities of neighbouring properties.

#### *Scale and Design of the Proposal and Impact on the Character of the Area*

As previously stated the revised proposal amends the existing unauthorised structures to comply with SPG5 which seeks to secure domestic extensions which respect the character of the original property and have a satisfactory relationship with neighbouring properties. The alterations to the roof of the first floor element to a more traditional roof form and the removal of the dormer are welcomed and are considered to address officer concerns regarding the impact of the unauthorised extensions on the character of the dwelling and the area. Accordingly, the proposal is now considered to comply with policies BE2 and BE9 of Brent's Unitary Development Plan adopted in 2004 and associated Supplementary Planning Guidance Note 5 "*Altering and Extending your Home*" and is no longer considered overdevelopment or out of character in the area as suggested by objectors who reviewed the original submission and not the amended scheme.

#### *Response to objectors*

Concerns have been raised by objectors regarding a lack of parking facilities, overcrowding and noise pollution. Given the age of the properties in 1 Fernbank Avenue, only on-street parking is available for the majority of houses. As a result, Fernbank Avenue is designated as a heavily parked street. Nevertheless the application proposes a domestic extension to a dwellinghouse which should not significantly increase parking demand at the property. Accordingly this concern is not considered to warrant a refusal of this application.

With regards to overcrowding, the layout of the dwelling is shown to provide 5 bedrooms with shared living/dining accommodation and a shared kitchen. An informative is recommended reminding the applicant that the property is classed as a dwellinghouse and should be occupied as such. At this stage however, there is no evidence that the use of the property has changed and accordingly this cannot form a reason for refusal.

The final concern noted is regarding noise pollution. Given the use of the property is believed to remain within the C3 use class, the resulting property is not considered to raise concerns regarding the transfer of excessive noise to neighbours. It is noted that some noise will arise from the works needed to remedy the existing breach in planning control however this is similar to that which would be experienced in the event of the extensions being demolished which is the current requirement of the enforcement notice.

#### *Summary*

The proposal is considered to significantly alter the existing unauthorised extensions to provide an extension which is more inkeeping with the character of the dwelling and the area whilst also respecting the amenities of neighbouring properties. The revisions are therefore considered sufficient to comply with policies BE2 and BE9 of Brent's Unitary Development Plan adopted in 2004 and associated Supplementary Planning Guidance Note 5 "*Altering and Extending your Home*" and address concerns raised by the Inspector in the enforcement appeal. Accordingly it is recommended that planning permission be **granted, subject to conditions**.

**REASONS FOR CONDITIONS**

n/a

**RECOMMENDATION:** Grant Consent

**REASON FOR GRANTING**

(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

**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):

Location Plan	130
121	131a
122	132c
123	133c
124	134
125	135c
126	136
127	137c
128	138c

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

(3) All new external work shall be carried out in materials that match, in colour, texture and design detail those of the existing building.

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

(4) No windows or glazed doors (other than any shown in the approved plans) shall be constructed in either side wall of the building as extended without the prior written consent of the Local Planning Authority.

Reason: To minimise interference with the privacy of the adjoining occupiers.

**INFORMATIVES:**

- (1) The applicant is reminded that this property is within planning Use Class C3, whereby up to 6 unrelated residents may live together as a single household. Any increase in residents above 6 people living together, other than as a single family, is likely to constitute a material change of use which would require the grant of a further planning permission from the Local Planning Authority.
  
- (2) The applicant is reminded that the compliance period to amend the unauthorised extensions has expired and is advised that the alterations to the existing extensions to comply with the approved plans should be undertaken promptly in order to avoid any further action being taken by the Council's Planning Enforcement Team.

**REFERENCE DOCUMENTS:**

Brent's Unitary Development Plan 2004  
SPG5 *"Altering and Extending your Home"*

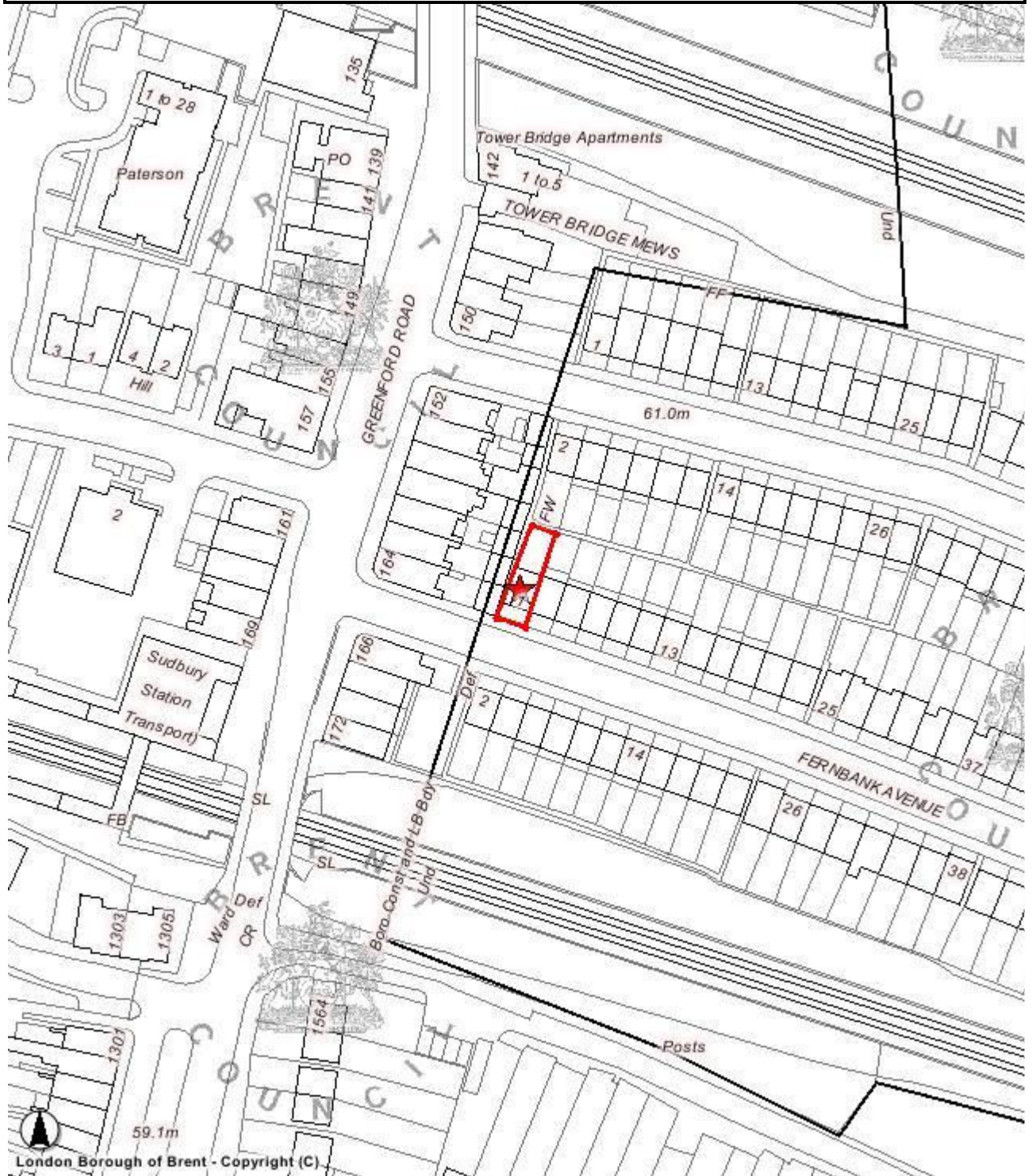
Any person wishing to inspect the above papers should contact Sarah Ashton, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5234



# Planning Committee Map

Site address: 1 Fernbank Avenue, Wembley, HA0 2TT

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