

**Committee Report
Planning Committee on 7 June, 2011**

**Item No. 2/08
Case No. 11/0886**

RECEIVED: 7 April, 2011
WARD: Kilburn
PLANNING AREA: Kilburn & Kensal Consultative Forum
LOCATION: 38 Dunster Gardens, London, NW6 7NH
PROPOSAL: Erection of a single storey side extension.
APPLICANT: Mr & Mrs Rizk
CONTACT: Mc Carthy Architects
PLAN NO'S:
See condition 2.

RECOMMENDATION

Grant Consent.

EXISTING

The site is occupied by a 3 storey terraced dwellinghouse located on Dunster Gardens in the North Kilburn Conservation Area. The building is not listed.

PROPOSAL

See above.

HISTORY

08/0440 Permission granted 04/04/2008 for erection of rear dormer window and one front rooflight to dwellinghouse.

POLICY CONSIDERATIONS

- **Brent Unitary Development Plan 2004**

BE2 Townscape: Local character and context

BE9 Public Realm: Streetscape

BE25 Development in Conservation Areas

- **Adopted Core Strategy 2010**

CP17 Protecting and enhancing the suburban character of Brent

- **Supplementary Planning Guidance**

Supplementary Planning Guidance 5:- Altering and Extending your home (SPG5)
North Kilburn Conservation Area Design Guide.

CONSULTATION

Neighbours/Representees

8 Neighbouring owner/occupiers consulted. To date two letters of objection have been received. The main points raised are;

- (i) The extension will lead to increased noise disturbance.
- (ii) North Kilburn Conservation Area Design Guide resists infill extensions.
- (iii) North Kilburn Conservation Area Design Guide requires works of the highest quality and previous work in respect of planning permission 08/0440 for a rear dormer was not carried out in accordance with the plans and lacked the quality - also resulting in damage to the respective neighbouring property.

Officers Response

(i) Planning acknowledges the concerns raised with regard to noise disturbance. However for the determination of this planning application, Officers find the proposals are in accordance with the Councils policies and requirements for this kind of extension - which seek to balance the need to enlarge a dwelling without prejudicing neighbouring amenity. Such extensions are not generally considered to create or exacerbate issues of noise disturbance for neighbouring owner/occupants. As such Officers consider the issue of noise disturbance raised as an issue to be taken up separately from this planning application.

(ii) Please see report for Officers response.

(iii) Officers have asked the Enforcement Service to consider whether planning permission ref: 08/0440 has been carried out in accordance with the approved plans. In terms of this current application, Officers have to base their assessment on the plans submitted and consider them on their own planning merits. To make decisions based on the quality of workmanship, for example, would begin to go beyond the remit of the Planning Authority. The Council will condition the materials to match the existing dwelling house so that the onus will be on whoever carries out the works to preserve the character of the Conservation Area.

In respect of concerns about damage caused to neighbouring property during previous works, an informative will be placed on this permission to emphasise that works be carried out in full in accordance with the Party Wall Act 1996 etc.

REMARKS

Amendments

At the request of Officers, the agent submitted amended drawings which reduced the height of the extension so that it was no higher than 2m in height when measured from the neighbour's lower ground floor level as opposed the previous version which took the measurement from the higher level.

Discussion

Permission is sought for the part side infilling of the side return area. The adjoining neighbour has no existing extensions. Officers consider there to be two issues that need to be assessed for the determination of this application. These are;

- (i) the impact on neighbouring amenity and,
- (i) design in relation to the existing dwelling house and the character of the Conservation Area

These will be addressed in turn.

Proposals

The extension would be a total of 3.35 metres in length and would have a width of 2.1 metres, effectively filling part of area between the side boundary and the flank wall of the outrigger. It will not project beyond the rear wall of the existing outrigger. Additionally the proposal would be sited 3.7 metres from the back wall of the main building meaning that it would effectively create an enclosed light well/courtyard 2.1m (wide) by 3.7 m (long).

Applicants have proposed a 0.5m width wall on their side of the boundary wall. The extension is set off the internal elevation of this additional wall. It is a lean to design, and although terminating at the internal wall line, the line it establishes leads to the main boundary wall ensuring the height is no higher than 2m when measured from the neighbour's lower ground floor level. As the height at the top of the lean to is 2.7m, its average height as a whole is 2.45m.

The flank wall of the extension is proposed as brickwork to match existing whilst the roof is specified as being glazed. An existing window on the flank elevation of the outrigger is being replaced by new door providing access from the kitchen into the courtyard. The rear elevation of the outrigger is being altered, existing windows and doors removed and new sliding doors inserted.

(i) Impact toward neighbouring amenity

Members have become familiar with the issues relating to extensions of this kind in recent months and the Council approach to them has evolved over time in response to, amongst other things, appeal decisions. Therefore whilst the proposed side infilling of an outrigger is contrary to Supplementary Planning Guidance (SPG5) and the North Kilburn Conservation Area Design Guide (given that it can often result in a loss of amenity to properties who may already suffer from restricted outlook) they are not refused in all instances. In light of recent appeal decisions where inspectors have found infill's to be acceptable subject to them meeting certain requirements with regard to height on the boundary and light weight materials, the Councils Planning Committee 15/12/2010 resolved to allow certain infill extensions that adhere with such specifications. To be precise these are that the extension be no higher than 2m on the boundary with the neighbouring property (measured from the neighbours ground floor level) and that it be finished in light weight materials to reduce the impact. To achieve this, a lean to is often the only viable approach. The Council still insist, as per SPG5 requirements, that the average height be no higher than 3m.

In respect of this position, Officers find the proposed extension to be in general conformity as it has a height on the boundary no more than 2m when measured from the neighbours ground level and it is finished in lightweight materials. The light well/courtyard serves to reduce the impact further toward neighbouring amenity.

With regard to the new doorway leading into the new courtyard, Officers find that these do not create any additional issues with regard to overlooking than is already posed by windows orientated in this direction.

(ii) Design in relation to the existing dwelling house and Conservation Area

Officers find that the extension establishes a subservient relationship with the existing dwelling house, consistent with the guidance within SPG5. Also the materials are such that it both matches the existing dwelling whilst the glazed roof reduces the perceived bulk, adding to its subservience.

In respect of its impact toward the character of the Conservation Area, the North Kilburn Conservation Area Design Guide does say that this type of extension will not normally be permitted owing to the affect on neighbouring properties. However as explained above, the Councils Planning Committee has resolved to allow infill extensions, providing certain measures are taken to mitigate their impact. Following revisions, the final plans adhere with these requirements in respect of impact toward neighbouring amenity - and Officers consider that the overall quality of the works to be such that it does not detract from the Character of the Conservation Area.

Summary

The application by virtue of its scale, location and design is in accordance with the Councils policies relating to domestic extensions so therefore addresses UDP policies BE2, BE9, SPG5 and the North Kilburn Conservation Area.

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
North Kilbrun Conservation Area Design Guide

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):

2098/S01, 2098/S03, 2098/S03, 2098/S04, 2098/P01, 2098/P01, 2098/P02,
2098/P03A, 2098/P04A, 2098/P05A, 2098/P06 Site Plan as proposed, 2098/P06A.

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.

INFORMATIVES:

- (1) Applicant is reminded that they must comply in full with the requirements of the Party Wall Act 1996 etc when carrying out the works.

Any person wishing to inspect the above papers should contact Samuel Gerstein, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5368



Planning Committee Map

Site address: 38 Dunster Gardens, London, NW6 7NH

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This map is indicative only.