

**RECEIVED:**                3 September, 2010

**WARD:**                    Wembley Central

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:**                Garages rear of 84, Bowrons Avenue, Wembley, HA0

**PROPOSAL:**                Demolition of existing block of 6 garages and erection of a two storey detached dwellinghouse (4 bedrooms) with integral garage garden space to rear, formation of vehicular access to Norton Road, erection of external bin store to new house and external bin store for existing flats (as amended by plans)

**APPLICANT:**                Ace Real Estate Ltd

**CONTACT:**                Mr John Evans

**PLAN NO'S:**  
(See Condition 2 for the approved plans)

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#### **RECOMMENDATION**

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Area 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:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- A contribution of £3000 per bedroom, index linked from the date of committee and due on material start towards the provision and/or improvement of education facilities in the Borough, non car access/highway, sports and public space improvements in the 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.

#### **EXISTING**

The application relates to a plot of land lying immediately to the north of 84 Bowrons Avenue, which is a three storey block of flats. At the present time the site houses a row of six lock-up garages. It is thought this land, and the garages built on it was originally intended to serve the flats but over time this part of the site has been separated off from the front block. These garages are on a separate 999 year lease meaning they are a completely separate entity to the six flats.

The garages are accessed from Norton Road, and accessed via an existing service road.

The site is not within a Conservation Area, nor is it a Listed Building.

## **PROPOSAL**

Demolition of existing block of 6 garages and erection of a two storey detached dwellinghouse (4 bedrooms) with integral garage, garden space to rear, formation of vehicular access to Norton Road, erection of external bin store to new house and external bin store for existing flats (as amended by plans).

## **HISTORY**

**10/0233** - Demolition of existing block of garages and erection of a two storey detached dwellinghouse with integral garage, garden space to rear, vehicular access to front and creation of 6 off street parking spaces. **Application withdrawn.**

## **POLICY CONSIDERATIONS**

### National

#### *PPS 3 – Housing*

Previously developed land is still a priority for new development however a Ministerial Statement (June 2010) announced the re-issue of PPS3 with amendments, the most notable being the exclusion of 'private residential gardens' from the definition of previously developed land. This is intended to prevent overdevelopment of neighbourhoods and to prevent 'garden grabbing'. However it is not considered this site meets the definition of a private residential garden and as such still meets with the definition of previously developed land.

### Brent

- **BE2** Townscape: Local Context & Character
- **BE3** Urban Structure: Space & Movement
- **BE5** Urban Clarity & Safety
- **BE6** Public Realm: Landscape Design
- **BE7** Public Realm: Streetscape
- **BE9** Architectural Quality
- **H12** Residential Quality – Layout Considerations
- **H13** Residential Density
- **H15** Backland Development
- **TRN3** Environmental Impact of Traffic
- **TRN11** The London Cycle Network
- **TRN15** Forming an Access to a Road
- **TRN23** Parking Standards Residential Developments
- **TRN34** Servicing in New Development
- **PS14** on residential parking standards
- **PS16** cycle parking standards

### Brent Supplementary Planning Guidance

**Supplementary Planning Guidance (SPG) Note 17: "Design Guide for New Development"**

**Supplementary Planning Document 'S106 Planning Obligations'**

### **Brent Core Strategy – Adopted July 2010**

**Policy CP17**

## **CONSULTATION**

A total of 20 surrounding properties were consulted on **24 September 2010** and internal consultation was sent to Brent's Transportation Unit, Landscape Team, Environmental Health, Thames Water and Local Ward Councillor's.

Six letters of objection has been received two of which are by the same person who apparently owns two of the flats at 84 Bowrons Avenue. The other four objections are from properties in Norton Road and Eagle Road. The following grounds of objection are raised;

- A 2-storey detached house will result in loss of light and outlook
- The proposal will result in an increase in noise.
- The proposal will lead to an increase in parking and traffic
- The proposal will result in a loss of garden area for the residents of the existing block of flats (84 Bowrons Ave)
- The land on which the house is proposed belongs to the residents of the block of flats (84 Bowrons Avenue)
- Loss of privacy
- The proposed access from the rear will lead to congestion problems
- Will result in harm to the amenities of No.23 particularly in the use and enjoyment of their garden.
- The proposed building appears overbearing.

### **Statutory Consultees;**

*Thames Water*; No objections raised.

*Landscape*; No objection is raised in principle but further detail is required. In the event of planning permission being granted conditions are requested to secure the approval of the following;

- Full tree report and tree protection plan according to BS5837 which should show all trees which may be affected by the proposed works on site and on neighbouring properties.
- Further details of rear garden layout to include as a minimum, 1 medium tree.
- The front garden area should include bin storage area, a minimum of 1 tree and appropriate soft and hard landscaping.

### *Transportation*;

- The application site is located on the eastern side of Norton Road, which is not defined as being heavily parked.
- The site lies within CPZ "E" which operates 08:00 - 21:00 Monday to Sunday, and has moderate accessibility with a PTAL Level 3.
- It is clear that the 6 garages are in separate ownership from the flats, and therefore their loss is not held as material.
- The proposed scheme does not include re-provision of parking; there is however an abundance of on-street parking in the locality.
- The proposed 4-bedroom dwelling will attract a parking standard of 2 spaces, in accordance with PS14. The proposal will include an integral garage (4.8m x 2.4m) and in front of this will be hardstanding which is 5m in depth. This will provide the necessary level of parking off-street, and will be accessed via a suitable single width 3m wide crossover. Transportation have raised a concern that the hardstanding is not deep enough to allow a car to wait free of the public highway whilst the garage door is open and closed, and accordingly advises a standing area of 5.5m should be provided.
- The proposal includes refuse and recycling storage close to Norton Road which is acceptable.
- The cycle parking, shown in the rear garden is acceptable.
- Any grant of planning should be subject to a s106 agreement to secure contribution towards improving highway safety, new parking controls and better non-car access.

*Environmental Health*: Officers have assessed the proposal and have advised that there is potential for the site to be contaminated because of its previous use as garages. In the event of planning permission being granted then a condition is recommended requiring the applicants to undertake a site investigation to determine the nature and extent of any soil contamination present.

## **REMARKS**

The proposal is assessed against the Council's UDP policies, Core Strategy policies and the standards set out in Supplementary Planning Guidance Note 17 "Design Guide for New Development".

The main areas for consideration are whether this development is acceptable in terms of;

- the design scale and massing of the building
- the impact it has on the privacy and amenity of neighbouring residents
- the loss of garages and transportation impacts

### **Background**

The application site is on a separate 999 year lease, this relates entirely to the row of 6 garages and not to the adjoining block of 6 flats, at 84 Bowrons Avenue. The applicants and site owners are also the freeholders of the adjoining block of flats.

### **Design, Scale & Massing**

The proposal is for a 2-storey detached house with 4-bedrooms and integral garage. The proposed design is not attempting to replicate the type of architecture found locally as there is a varied mix of buildings in the vicinity of the site. Immediately to the north of the site is a fairly modern two-storey detached building (106 Norton Road) which is rectangular in form, the elevations are broken up through the use of front gables and corresponding bay window features. South of the application site is 84 Bowrons Avenue, which is a 3-storey block of flats, rectangular in form with simple elevations that have a consistent rhythm on each floor. Further a field there are a variety of detached and semi-detached dwellinghouses in surrounding roads. It is considered that the size, scale and design of the proposed dwelling would be in keeping with the suburban character of the area, and would be appropriate in this setting.

The dwelling would be 7.5m wide with a depth of 9m, the main bulk of the dwelling is two-storey with a pitched roof, to the front and rear single storey projections are proposed with mono-pitched roofs. It is felt that these single storey elements help to break down the scale of the building provide articulation and greater interest to the building. The scale and massing of the proposed house is considered to be in keeping with surrounding forms of development in the locality and would fit in comfortably with its suburban setting.

Approval is subject to a condition (submission of details) to ensure that the proposed design quality, and detailing, is carried through to the scheme once implemented.

### **SPG17 Standards & Impact on Neighbouring Properties**

The proposed 4-bedroom house will have an internal floor area of 113 square metres which significantly exceeds the minimum floor area standard to provide 90 square metres.

The internal layout ensures that all habitable rooms will benefit from reasonable levels of light and outlook and the ground floor living area has direct access to the rear amenity space. The rear facing windows will be 10m from the rear boundary, thus ensuring compliance with SPG17 standards to maintain reasonable standards of privacy and outlook in new development. In the absence of any habitable room windows within the flank wall(s) this proposal is considered to have an acceptable relationship to neighbouring occupiers in terms of maintaining privacy.

The size and scale of new buildings should not be detrimental to the amenities of neighbouring properties and should result in acceptable relationships between buildings and private amenity spaces. To ensure new buildings do not have a negative impact on neighbouring residential occupiers the relevant tests within SPG17 should be met. Where proposed development adjoins

private amenity space/rear gardens then the height of the new development should normally be set below a line of 45 degrees at the garden edge, when measured from a height of 2m. By applying this test to the proposed development it is evident that the height of the rear 3 metres of the new house would project above the 45 degree development line when measured from the garden edge of 83 Eagle Road (abutting the site). However a large detached outbuilding has been constructed at the rear part of this adjoining garden, because this exists the height of the proposed dwelling will not unduly affect the amenity of these adjoining occupiers as it will not be sited immediately adjacent to usable amenity space.

The footprint of the dwelling will project 6m beyond the rear of 106 Norton Road, which is sited 6m to the north. In between the application site and the neighbouring property is an electronic sub-station and due to the distances that will be maintained and the extent of the projection it is considered that the proposal will not unduly harm the amenity of these neighbouring occupiers. There is a first floor window which would face towards the flank wall, but as this window is positioned to the rear of 106 then the view of Officer's is that sufficient outlook will still be maintained, the outlook from this window obliquely will not be materially harmed.

The proposed dwelling will maintain a separation distance of 14m to rear windows on the neighbouring block of flats. As no habitable windows are proposed within this flank wall it is considered the proposal will maintain an acceptable relationship that does not contravene SPG17 privacy standards.

### **Amenity space & landscaping**

The proposed house would benefit from a 10m deep rear garden with an area of approximately 85 square metres. This comfortably meets the SPG17 guidance which requires 50sqm as a minimum area of amenity space for family sized accommodation. Further details of the layout of the rear garden and proposed planting will be secured as part of a landscaping condition.

The existing access/servicing road which serves the garages is to remain, this will be adjacent to the amenity space, therefore to avoid any potential harm to the quality of the private amenity area some form of separation by way of a hedge or fence will be required. The applicants have suggested a 'v arched' timber fence running along the boundary which is considered to be acceptable, however details of planting behind this and all boundary treatments around the edges of the site will need to be secured through a landscaping condition.

Landscape Officer's raise no objection in principle but request that any planning permission is subject to a standard landscape condition to control hard and soft landscaping and boundary treatments. It is not evident that any trees would have to be removed, but as there are a number around the edges of the site Landscape Officers advise any consent should be subject to a tree survey identifying all trees (if any) for removal. To satisfy policy BE6 the Council will also require the planting of new trees on site, as a minimum 1 new tree in the front garden and 1 new tree in the rear garden should be planted. This detail will be secured through a landscaping condition.

The existing block has a lawn area around the building which is used on an ad-hoc basis by the residents, although officers do not consider this to be formal outside amenity space it clearly is used by the residents and has a level of benefit. The proposal will not see the removal of this lawned area, and if the garages are removed then this area may well benefit as there would be less likelihood of disturbance to this space through vehicle noise and manoeuvring close by.

There is an opportunity to provide improved bin storage for the existing flats close to the edge of Norton Road. It was observed on site that residents are currently forced to line the bins up along the Bowrons Avenue frontage which is unsightly and detracts from the amenities of the area. A formal bin store area is proposed along the western boundary, with a new footpath also to be provided. This will be a measurable improvement for the existing residents, will help to tidy up the site and improve the visual amenities of the area which is welcomed.

## **Parking**

The proposed property will attract a maximum parking standard of 2 spaces, this can be accommodated within the integral garage and the 5m deep hardstanding that will be directly in front of this.

The proposed vehicle access is to be from a newly created 3m wide crossover, accessed directly from Norton Road. The width and location of this access is deemed to be acceptable from a highway safety point of view.

It is critical to focus on the parking impacts associated with this proposal. Six garages would be lost, however the applicants have submitted evidence to demonstrate that none of these garages are used by the occupiers of 84 Bowrons Avenue, nor do they have any right over the use of them. In fact these garages are not even being rented out to local residents.

Copies of tenancy agreements have been submitted which confirms these garages are rented out on a monthly basis, and that none of the tenants reside at 84 Bowrons Avenue. Indeed none of the lessees of the garages appear to reside in the area. It has been confirmed in writing by a firm of solicitors acting for the site owners that none of the individual leases of the flats at no.84 include the demise of any of the garages. To demonstrate this point a copy of an under lease title for one of the flats confirms that the title relates only to that flat, and not to the garages.

It seems logical that the garages were built originally at the same time as the block, presumably in order to serve occupiers of these flats. Over time the site has been broken up and the garages are now part of a separate title, this title is on a separate 999 year lease which is a separate entity to the flats. From the evidence presented it is clear that the loss of these garages would not remove parking for existing residents, so their loss is not held to be a material one.

The existing block is served by 2 spaces fronting Bowrons Avenue, these are being kept. The service road which serves the garages, which has an access from Norton Road is also to remain. This area of hardstanding is currently used informally by flat owners for parking, it is stated by the applicant that this has been the case for at least 30 years even though lessees of the flats have no rights to park. The applicant wishes to retain the hardstanding for occasional parking and for use of contractors engaged in maintaining the flats. From a practical point of view this appears to make sense, on the other hand the Council is unlikely to raise any objection were this to be included as soft landscaping or if this was used to provide some kind of formal parking bay area for the flats. Residents parking permit restrictions are in force along Bowrons Avenue and Norton Road, but Transportation Officers have advised there is an abundance of on-street parking available in the locality, and that these roads would be able to cope with any additional pressure to park on-street.

The parking standard for the proposed dwelling can be met off-street, further to this the removal of the garages would not result in the loss of parking for existing residents as evidenced by the applicant's submissions. For these reasons it is not considered that the proposal would lead to unacceptable, additional levels of on-street parking or conditions detrimental to general highway safety.

## **Conclusion**

The proposal is considered to be acceptable in terms of its scale, design and character and will make a positive contribution to the area as well as adding to the stock of family housing within the Borough. The proposal is not considered to be harmful to the amenity of neighbouring occupiers and will provide an acceptable living environment for future occupiers. The loss of the garages is considered acceptable on parking and highway safety grounds, and their loss would not directly affect any existing residents of the area. Accordingly it is recommended that this application be approved subject to the attached conditions and signing of the S106 legal agreement to secure a

financial contribution of £12,000 (£3000 per bedroom) towards transport infrastructure, education and improvements towards open space, sports and the environment. It has been confirmed that the applicants are agreeable to the principle of this contribution.

**RECOMMENDATION:** Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004  
Council's Supplementary Planning Guidance

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):

Location plan (1:1250)  
OS Sitemap (1:500)  
Drg 2259/1 (1:50 & 1:100)  
Proposed Landscaping Details  
Design & Access Statement  
'V' Arched timber fence brochure

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, C, D & E 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. Furthermore to prevent an over development of the site and undue loss of amenity to adjoining occupiers.

- (4) No part of the development hereby approved shall be occupied on-site until a vehicular access, at a width not exceeding 3m, has been constructed in full.

Reason: In the interests of the general amenities of the locality and the free flow of traffic and general conditions of safety on the neighbouring highway.

- (5) The window(s) in the flank wall(s) of the building shall be glazed with obscure glass and shall be permanently returned and maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupier(s).

- (6) The garage hereby approved shall be used solely for the housing of private vehicles. No business or industry shall be carried out therein nor shall the garage(s) be adapted or used for additional living accommodation or be sold, let or occupied separately from the dwelling(s).

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or the amenities of the locality by the introduction of commercial vehicles or uses which would be a source of nuisance to neighbouring occupiers by reason of noise, unsightly appearance or which would result in the loss of adequate off-street car parking for this property.

- (7) Details of materials for all external work (including samples), shall be submitted to and approved by the Local Planning Authority before any work is commenced and the development 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.

- (8) 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, planting densities including the number and location of new trees) 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:-

(a) proposed walls, fences and gates and any other form of boundary treatment or means of enclosure indicating materials and heights;

(b) screen planting along each of the site boundaries;

(c) adequate physical separation, such as protective walls and fencing between landscaped and paved areas;

(d) provision for the satisfactory screening of bin store(s)

(e) details for the areas of hard landscape works and proposed materials;

(f) details of the proposed arrangements for the maintenance of the landscape works.

(g) details of the species and location of all new planting (including new trees) within the front and rear garden area



(h) a tree report and tree protection plan in accordance with BS:5837

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 development and ensure that it enhances the visual amenity of the area.

- (9) Following the demolition of the garages and prior to the commencement of building works, a site investigation shall be carried out by competent persons to determine the nature and extent of any soil contamination present. The investigation shall be carried out in accordance with a scheme, which shall be submitted to and approved in writing by the Local Planning Authority, that includes the results of any research and analysis undertaken, as well as an assessment of the risks posed by the contamination and an appraisal of remediation options required to contain, treat or remove any contamination found. This written report is subject to approval in writing by the Local Planning Authority.

Reason; To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with Policy EP6 of Brent's Unitary Development Plan 2004.

- (10) Any remediation measures required by the Local Planning Authority shall be carried out in full. A verification report shall be provided to the Local Planning Authority, stating that remediation has been carried out in accordance with the approved remediation scheme and the site is permitted for end use (unless the Planning Authority has previously confirmed that no remediation measures are required).

Reason: To ensure the safe development and secure occupancy of the site proposed for domestic use in accordance with Policy EP6 of Brent's Unitary Development Plan 2004

- (11) The dwelling hereby approved shall not be occupied unless details are submitted to the Local Planning Authority which confirms that the dwelling has been constructed to lifetime homes standard.

Reason: In the interest of providing accessible and adaptable accommodation for future users.

#### **INFORMATIVES:**

- (1) The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.
- (2) If the development is carried out it will be necessary for a crossing to be formed over the public highway by the Council as Highway Authority. This will be done at the applicant's expense in accordance with Section 184 of the Highways Act 1980. Application for such works should be made to the Council's Streetcare Section, Brent House, 349 High Road Wembley Middx. HA9 6BZ Tel 0181 937 5050.

**REFERENCE DOCUMENTS:**

London Borough of Brent, UDP 2004  
Brent Core Strategy - July 2010  
SPG17 'Design Guide for New Development'

Any person wishing to inspect the above papers should contact Gary Murphy, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5227



# Planning Committee Map

Site address: Garages rear of 84, Bowrons Avenue, Wembley, HA0

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This map is indicative only.