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**RECEIVED:** 3 August, 2009

**WARD:** Barnhill

**PLANNING AREA:** Kingsbury & Kenton Consultative Forum

**LOCATION:** 61 Beverley Gardens, Wembley, HA9 9RB

**PROPOSAL:** Erection of two-storey, end-of-terrace dwellinghouse with single storey rear extension and front porch, installation of vehicle access, provision of car-parking, refuse storage to front and landscaping to site subject to a Deed of Agreement dated xxx under Section 106 of the Town and Country Planning Act 1990, as amended

**APPLICANT:** Ms Jane Brennan

**CONTACT:** David Scott Architects

**PLAN NO'S:** DS/513B S01a; S02a; 03a; 04a; 05c; 06b; 07c; and 08c

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This application was deferred for a Members site visit at the Planning Committee of 16 September 2009.

#### **RECOMMENDATION**

Grant consent in principle subject to the completion of a satisfactory Section 106 legal agreement and request that Members delegate authority to the Director of Environment and Culture, or duly authorised person, to agree the exact terms thereof on advice from the Borough Solicitor; but if the agreement has not been entered into within a time to be agreed, to refuse permission but delegate authority to the Head of Area Planning to grant permission in respect of a further application which is either identical to the current one or, in his opinion, not materially different, provided that a section 106 agreement containing the above terms has been entered into.

#### **SECTION 106 DETAILS**

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

- (a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) Contribution of £9,000 (£3,000 per bedroom) towards the provision and/or improvement of education facilities in the Borough, non-car access/highway, sports and public space improvements in the area.

All contributions due on Material Start and index-linked from the date of decision.

And, to authorise the Director of Environment and Culture, 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 site concerns land next to No. 61 Beverley Gardens. The site is not located within a conservation nor is it a listed building. The Barn Hill Conservation Area is located to the south of the site.

#### **PROPOSAL**

Erection of two-storey, end-of-terrace dwellinghouse with single storey rear extension and front porch, installation of vehicle access, provision of car-parking, refuse storage to front and landscaping to site

## **HISTORY**

### Land N/T 61 Beverley Gardens

**09/0871:** Full Planning Permission sought for erection of two-storey, end-of-terrace dwellinghouse with roof extension and 1 rear rooflight, installation of vehicle crossover, provision of car-parking, refuse storage to front and landscaping to site - Refused, 14/07/2009.

**08/0399:** Full Planning Permission sought for erection of 2 storey detached dwellinghouse with 2 rooflights and rear dormer windows, installation of vehicle crossover, provision of car park, refuse storage to front and landscaping to site - Refused, 21/04/2008.

### No. 61 Beverley Gardens

**09/0876:** Full Planning Permission sought for erection of single storey rear extension with 1 skylight to dwellinghouse - Granted, 09/06/2009

**09/0877:** Certificate of Lawfulness sought for proposed rear dormer window, 2 front rooflights and new front porch to dwellinghouse - Lawful, 09/06/2009.

**07/3047:** Full Planning Permission sought for formation of a vehicular crossover to front elevation of dwellinghouse - Granted, 07/12/2007.

**07/2334:** Certificate of Lawfulness sought for a proposed construction of hard surfacing within the front garden area and means of access to the highway for the parking of two vehicles within the front garden area of the dwellinghouse - Unlawful, 13/09/2007.

**07/2029:** Certificate of Lawfulness for proposed side hip to gable extension, rear dormer window and installation of 2 front rooflights to dwellinghouse - Lawful, 30/07/2007.

## **POLICY CONSIDERATIONS**

### **UDP 2004**

BE2	Townscape: Local Context and Character
BE7	Public Realm: Streetscape
BE9	Architectural Quality
BE12	Sustainable Design Principles
H12	Residential Quality – Layout Considerations
H13	Residential Density
TRN23	Parking Standards – Residential Developments
PS14	Parking Standards – Residential Developments

### **Other policy**

SPG5	Altering & Extending Your Home
SPG17	Design Guide for New Development

## **SUSTAINABILITY ASSESSMENT**

N/A

## **CONSULTATION**

**Consultation Period: 11/08/2009 - 01/09/2009**

### Public consultation

36 neighbours consulted - 23 letters of objection received on the following grounds:

1. the new dwelling will be converted into flats as what has happened at No. 63 Beverley Gardens
2. additional parking pressures
3. loss of view to Harrow on the Hill
4. terraced property out of character with area
5. over development of Beverley Gardens
6. mature street tree to be retained
7. adversely impact upon setting of Barn Hill

The above objections have been addressed within the remarks section of this report

### Internal consultation

Transportation - no objections raised.

Landscape - no objections raised. Officers have advised that a Full Tree Protection Method Statement is submitted due to the close proximity of the street tree to the crossover and for their to be adequate bin screening.

### External consultation

Barn Hill Residents Association - A letter of objection has been received from the Barn Hill Residents' Association. It confirms that it endorses the concerns expressed by residents, particularly with regards to the works not being implemented in accordance with the approved plans and the house being converted into flats. These issues have been addressed within the main committee report.

Thames Water - no objections raised.

## **REMARKS**

### Introduction

This application proposes an identical scheme to what was previously reported to the Planning Committee meeting on 8th July 2009. Members agreed to grant planning permission for the previous scheme subject to the completion of a Section 106 Agreement. The applicants were unable to complete the Section 106 Agreement within the 8 week statutory timescales which resulted in the application being refused for this reason on 14th July 2009.

### Site and Surroundings

The application site comprises land next to No. 61 Beverley Gardens. Nos. 61 and 63 Beverley Gardens were originally built as semi detached dwellinghouses. Planning permission was granted on 11/02/2008 for a new dwellinghouse to be attached to No. 63 Beverley Gardens (LPA Ref: 07/3513). Work is currently under construction on the new dwellinghouse and this is addressed in further detail within the "Proposed use of the property" remarks section of this report.

No. 61 Beverley Gardens has recently been granted planning permission for a single storey rear extension (LPA Ref: 09/0876) and a Lawful Development Certificate was issued for a hip to gable roof extension, rear dormer window and 2 front roof lights (LPA Ref: 09/0877). Planning permission has also been granted for vehicular access to the front forecourt with associated soft and hard landscaping (LPA Ref: 07/3047)

### Principle of development

The principle of this type of development was considered during the assessment of the application for the new dwellinghouse attached to No. 63 Beverley Gardens. Both the site being considered as part of this application and the site next to No. 63 Beverley Gardens have been the subject of earlier applications for an additional unit, all of which proposed a detached dwellinghouse which raised fundamental design concerns, not least of which is the Council's firm belief that a detached unit would not be a suitable type of development given the character of the street. The previous application on the land next to No. 61 Beverley Gardens proposed a gabled end pitched roof with a large rear dormer and failed to follow the vertical or horizontal rhythms of the streetscene. Concerns were also raised with limited outlook from habitable rooms of both the proposed dwellinghouse and the neighbouring property.

The following extract is from the officer's committee report for the new dwellinghouse next to No. 63 Beverley Gardens (LPA Ref: 07/3513). These comments are considered to apply to the current application.

*"The area is dominated by semi-detached properties. These properties have a generally coherent style of architecture and relatively consistent gaps between the pairs. This site is abnormal in the street in that the gap between the pairs is substantial. It is the view of your Officers that the key characteristics of the street are the narrower gaps between the other properties and the design of the properties. There is no in-principle objection to forming a short terrace, indeed as this requires the scheme to reflect its neighbours in terms of proportions and fenestration it is preferable to the previously refused proposals. Since the properties have an abnormal relationship with their neighbours in comparison with the rest of the street, there is, on balance, no*

*justification for maintaining the status quo should a suitable form of development be proposed".*

### Design

The scheme respects the bulk, scale and massing of the properties in the street. It follows the established building line and the levels across the site. A single storey rear extension is proposed measuring 3.0m deep and 3.0m high, mirroring the recently approved rear extension at No. 63 Beverley Gardens. A patio is proposed providing stepped access to the rear garden area. A porch is also proposed matching the design of the porch at No. 61 Beverley Gardens which is to be constructed under permitted development. Materials would be controlled via a condition should Members be minded to grant consent.

### Standard of Accommodation

The proposed unit has a gross internal floor area of approx. 108sqm, which is in excess of the minimum required for a 3-bed house as set out in SPG17, being 85sqm. All rooms are of adequate size and have sufficient privacy and sunlight/daylight. A rear garden area of approx. 200sqm is proposed which exceeds the minimum guidance as outlined in SPG17. Concerns were raised during the previous application with the limited outlook available from the habitable room facing onto the street due to the raised forecourt with a retaining wall to allow vehicles to park on a relatively flat area. A similar arrangement has been granted at No. 61 Beverley Gardens, and it is considered on balance that although outlook will be restricted it is not significant to justify a reason for refusal. Your officers also recommend that a condition is attached to secure details of the level changes across the site.

### Impact on Neighbouring Residents

There is a distance of 20.4m from the single storey rear extension to the boundary with the properties in Alverstone Road with a distance of approx. 45m between rear facing habitable room windows. These distances are in excess of the minimum guidelines as set out in SPG17 and as such the privacy and outlook of the properties in Alverstone Road are not considered to be adversely affected by the proposal. Trees have also recently been planted along the rear boundary to assist in screening both the new and existing properties. Similarly, it is considered that the proposed dwellinghouse will not have an adverse impact upon the amenities of No. 63 Beverley Garden.

Concerns were previously raised with the impact of the detached dwellinghouse upon the amenities of No. 59 Beverley Gardens, namely the outlook from the kitchen window which is the sole window to this habitable room. The detached dwellinghouse was proposed to be set off the boundary with No. 59 Beverley Gardens by 1.0m. The current application increases this distance to 3.4m with a distance of approx. 5.4m from the kitchen window to the flank wall of the proposed dwellinghouse. Given that the proposed dwellinghouse is located at a lower ground level to No. 59 Beverley Gardens and that this distance has increased, it is considered that there will be sufficient outlook from the kitchen window of No. 59 Beverley Gardens. Your officers also recommend that a condition is secured to restrict permitted development rights for side extensions. Due to the orientation of the kitchen window it is considered that daylight and sunlight will not be adversely affected.

As no windows are proposed on the flank wall of the new dwellinghouse the privacy of the occupiers of No. 59 Beverley Gardens will not be affected.

### Landscaping

The proposed front forecourt will be raised so that a vehicle can access the forecourt. It will contain a hard surfaced area for one off street parking space and the remaining area will be soft landscaped with stepped access down to the front entrance. 50% of the front forecourt will be soft landscaped complying with policy BE7 of Brent's UDP 2004. A shared crossover is proposed to provide vehicular access to both the new dwellinghouse and No. 63 Beverley Gardens. Details of the proposed landscaping, materials for hard standing and boundary treatments are recommended to be secured by condition.

There is a street tree in close proximity to the proposed crossover. Your officers in the landscape team have advised that a Full Tree Protection Method Statement written in compliance with BS5837 "Trees in Relation to Construction" be submitted to ensure that the tree does not suffer any damage. It is recommended that these details are secured by condition.

### Transportation

The parking allowance for the new 3 bedroom dwellinghouse is 1.6 spaces which is a maximum standard. One space is required to be provided which is proposed as an off street parking space. The existing dwellinghouse currently contains 3 bedrooms but has the potential to have an additional bedroom once the roof extension has been constructed. This would increase the maximum standard to 2 spaces, one of which can be accommodated off street and one on street. The shared crossover is 4.2m, wide which is acceptable in terms of SPG3.

#### Refuse storage

Refuse storage is proposed to be provided within the front forecourt. It is recommended that a condition is attached to secure a revised location of the bin store so that it is screened from the street.

#### Proposed use of the property

A number of concerns have been raised regarding the possibility of the property being converted into flats. The layout of the floor plans do not suggest that the property will be converted into flats, and planning permission would be required to permit the change of use from a single family dwellinghouse. Without prejudicing any future application, officers consider that the change of use of the property to flats would likely be unacceptable as it would fail to comply with the Council's policies for flat conversions in Heavily Parked Streets which requires a minimum original floor area of 140sqm. There would also be other policy concerns with a potential conversion.

Your officers are aware of the unauthorised works which are currently taking place at the new property next to No. 63 Beverley Gardens which involves the conversion of the property in four self contained flats and a flat in the rear garden without the benefit of planning permission. This matter is being investigated by the enforcement team (LPA Ref: E/09/0313). This property is also located within the Heavily Parked Street and the same policy criteria applies. An additional enforcement case has been set up at No. 63 Beverley Gardens concerning a rear dormer, single and two storey rear extension and front canopy which have been built without the benefit of planning permission (LPA Ref: E/09/0520). Enforcement action has been authorised for both the unauthorised conversion of the property into flats and the unauthorised extensions.

#### Conclusion

The site has been the subject of two previous applications, both for a detached house and both refused as such a feature would be unacceptable in the streetscene. Whilst concerns over the impact of development of this unusually wide plot are noted, on balance this scheme is considered an acceptable response to providing much-needed family housing without cause harm to either the character of the area or the amenity of neighbouring and future occupants.

**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  
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home  
Council's Supplementary Planning Guidance 17 - Design Guide for New Development

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) Notwithstanding the submitted plans otherwise approved further details shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on

site and implemented in accordance with such approved details. Such details shall include:

- (a) details of materials for all external work including samples that match, in colour, texture and design detail, those of the existing building
- (b) details of the design of the windows to the new dwellinghouse
- (c) details of the chimney stack
- (d) details of proposed level changes across the length of the site

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

- (3) No further extensions or buildings shall be constructed within the curtilage of the property subject of this application, notwithstanding the provisions of Classes A - F, Part 1, Schedule 2 of the Town & Country Planning General Permitted Development Order 1995, as amended, or any future enactment of that order, unless a formal planning application is first submitted to and approved in writing by the Local Planning Authority.

Reason: In view of the relationship of the site with surrounding residential properties, 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.

- (4) During construction on site:-
- (a) The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site.
  - (b) The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays.
  - (c) Vehicular access to adjoining and opposite premises shall not be impeded.
  - (d) All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only.
  - (e) No waste or other material shall be burnt on the application site.
  - (f) A suitable and sufficient means of suppressing dust must be provided and maintained.

Reason: To limit the detrimental effect of construction works on adjoining residential occupiers by reason of noise and disturbance.

- (5) Notwithstanding any details of landscape works included with 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 construction works on the site. Any planting, turfing or seeding included in such details shall be completed in strict accordance with these 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) a Full Tree Protection Method Statement in compliance with BS5837 "Trees in Relation to Construction" concerning the street tree next to the proposed crossover
- (b) proposed walls and fences indicating materials and heights;
- (c) any screen planting;
- (d) a proposal for the frontage of the site facing Beverley Gardens to include a low (below 850mm) boundary hedge;
- (e) details of the proposed arrangements for the maintenance of the landscape works.
- (f) location and details of trees planted along the rear boundary

The approved arrangements for the maintenance of the landscape works shall be fully implemented.

Reason: To ensure a satisfactory appearance and setting for the proposed development and to ensure that it enhances the visual amenity of the area.

- (6) No windows or glazed doors (other than any shown in the approved plan) shall be constructed



in the southern flank wall of the proposed building without the prior written consent of the Local Planning Authority.

Reason: To minimise interference with the privacy of the adjoining occupiers and in the interests of good neighbourliness.

- (7) The roof of the rear extension shall not be used for a roof terrace nor the first floor windows converted to doors without the prior written approval of the Local Planning Authority.

Reason: In the interests of privacy of neighbouring occupants.

- (8) Prior to the commencement of the proposed works further details must be submitted to Council detailing the exact storage location of the proposed wheelie bins and demonstrate to Council how these bins will be screened so that they are not visible from the streetscape.

Reason: To ensure that the proposal does not have an adverse effect on the streetscape or negatively impact on the amenity of the adjoining properties.

#### **INFORMATIVES:**

- (1) With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off the site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water developer Services will be required. They can be contacted on 0845 850 2777.
- (2) Prior to undertaking the proposed works to the front forecourt the Council recommends that you employ the services of a suitably qualified Engineer to carry out calculations to ensure that the retaining wall is suitably designed to resist overturning and that the railings are suitably designed to ensure their robustness for the containment of vehicles.
- (3) The applicant is advised that if the disabled parking bay on Beverley Gardens is still in use, they will need to make arrangements to relocate the bay. The applicant should contact the Transportation Unit on 020 8937 5102 to make these arrangements.

#### **REFERENCE DOCUMENTS:**

Brent Council's SPG 5 "Altering and Extending Your Home"  
Brent Council's SPG 17 "Design Guide for New Development"  
Brent Council's Unitary Development Plan (Adopted 2004)  
3 letters of objection

Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337



# Planning Committee Map

Site address: 61 Beverley Gardens, Wembley, HA9 9RB

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