

RECEIVED: 27 March, 2009

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Garages 4-21 rear of 8, St Davids Close, Wembley, HA9

PROPOSAL: Demolition of existing garages and erection of a part three-/part four-storey building, comprising 3 three-bedroom townhouses (Site C) (as amended by plans received on 16/07/2009)

APPLICANT: HGQ Ltd

CONTACT: Dama Architecture Ltd

PLAN NO'S: dA.062/PL/01
dA.062/PL/02 revision A
dA.062/PL/03 revision C
dA.062/PL/04 revision B
dA.062/PL/05 revision B
dA.062/PL/06 revision C
dA.062/PL/07 revision B
dA.062/PL/08 revision C
dA.062/PL/09 revision C
dA.062/PL/10 revision C
dA.062/PL/11 revision A
dA.062/PL/15
dA.062/PL/16

RECOMMENDATION

Refusal

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 £3,000 per additional bedroom due on Material Start and index-linked from the date of committee: for Education, Sustainable Transport, Open Space and Sports improvements in the local area.

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 subject site is a block of garages adjacent to 7-10 St David's Close. The street is a cul-de-sac off Chalkhill Road and next to a large open space. The garages are not located in a Conservation Area and they are not listed. The site has a PTAL score of 1, with four bus services within a 640m walk.

PROPOSAL

Full planning permission is sought for the demolition of the garages and the erection of 3 (5-bedroom)

three-storey terraced townhouses.

HISTORY

08/2698. Full planning permission is sought for the demolition of the garages and the erection of 5 (3-bedroom) three-storey terraced townhouses. Refused for the following reasons:

1. *The proposed dwelling would be of a substandard residential quality by reason of the lack of daylight through to the principal groundfloor habitable rooms, lack of adequate usable amenity space and lack of cycle storage, detrimental to the amenities of prospective residents, contrary to policy H12 of the adopted Brent Unitary Development Plan 2004 and the advice of Supplementary Planning Guidance No. 17: "Design Guide for New Development".*
2. *The existing road into the site is inadequate in terms of its width and gradient to provide safe and convenient access for cars, service vehicles and pedestrians to the site and is therefore contrary to policies TRN3, TRN10, TRN14, TRN34 and TRN35 of Brent's UDP 2004.*
3. *The loss of the garage court parking facilities for the existing residents of the street and shortage of parking for the proposed new houses would be likely to lead to excessive on-street parking and footway parking in St David's Close, to the detriment of the free and safe flow of vehicles and pedestrian, contrary to policies TRN3, TRN24 and TRN 27 of the Brent's UDP 2004.*
4. *The proposed development by reason of its siting and design in relation to the rear habitable rooms could be detrimental to the amenities of neighbouring properties in terms of loss of sunlight, daylight and outlook contrary to policy BE9 of the Council's adopted Unitary Development Plan and the guidance set out in SPG 17: 'Design Guide for New Development'.*
5. *In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure and education, without any contribution towards sustainable transport improvements or school and nursery places and increased pressure for the use of existing open space, without contributions to enhance open space or make other contributions to improve the environment or toward measures to monitor or improve air quality and would not result in the adequate provision of affordable housing. As a result, the proposal is contrary to policies TRN3, TRN4, TRN10, TRN11, CF6, EP3, H1, H2, H3 and BE7 of Brent's adopted Unitary Development Plan 2004.*

POLICY CONSIDERATIONS

The following are policy considerations relevant to this application:

Adopted Unitary Development Plan 2004

BE1 - Outlines the need for a submission of an Urban Design Statement for any sites likely to have a significant impact on the public realm, indicating important features, existing and potential links to the site, important views, relationship with surrounding properties, how the design relates to and enhances its urban context, and contribution of the design towards sustainability and regeneration.

BE2 - Proposals should be designed with regard to their local context, making a positive contribution to the area, taking account of existing landform, and the need to improve existing urban spaces and townscape.

BE3 - Proposals should have regard for the existing urban grain, development patterns and density and should be designed so that spaces between and around buildings should be functional and attractive to their users, layout defined by pedestrian circulation, with particular emphasis on entrance points and creating vistas, it respects the form of the street by building to the established line of the frontage, unless there is a clear urban design justification.

BE4 - Development open to the general public shall include suitable access and facilities for disabled people.

BE5 - Development should be designed to be understandable to users, free from physical hazards and to reduce the opportunities for crime, incorporating the aims of both 'Secured by Design' and 'Designing-Out Crime'.

BE6 - High standard of landscaping required as an integral element of development, including a design which reflects how the area will be used and the character of the locality and surrounding buildings, boundary treatments to complement the development and enhance the streetscene.

BE9 - New buildings should be designed to embody a creative and high quality design solution specific to the sites shape, size, location and development opportunity and be of a scale, massing and height appropriate to their setting, civic function and location.

H1 - A net additional housing of 9600 dwellings should be provided between 1997 and 2016 (of which 4800 should be affordable) subject to suitable locations and the maintenance of a quality environment.

H1 - Housing promoted on previously developed urban land not protected by the plan for other uses.

H12 - Layout and urban design of residential development should reinforce/create an attractive/distinctive identity appropriate to the locality, housing facing streets, have access and internal layout where cars are subsidiary to cyclists and pedestrians, appropriate car parking and cycle parking ,where dedicated on-street parking is maximised as opposed to in curtilage parking and avoids excessive tarmac and provides an amount and quality of open landscaped area appropriate to the character of the area, local availability of open space and needs of prospective residents.

H13 - The appropriate density will be determined by achieving an appropriate urban design which makes efficient use of land, particularly on previously used sites and meets the amenity needs of potential residents. The most dense developments will be in areas with good and very good public transport accessibility. surrounding densities should at least be matched unless it would harm residential amenity. The density should have regard to the context and nature of the proposal, the constraints and opportunities of the site and type of housing proposed.

H15 - Backland Development. Regard should be had to the density and height of such proposals which should be subsidiary to the frontage housing, where privacy and outlook from existing gardens should be maintained, demolition of any existing dwellings should not result in an unattractive breach in a consistent street scene and that sufficient garden depth and area is retained.

TRN1 - Planning applications will be assessed as appropriate for their transport impact, including cumulative impacts on the road network, and all transport modes including public transport, walking and cycling.

TRN11 - Developments shall comply with the Councils minimum cycle parking standard (PS16); with parking situated in a convenient, secure, and where appropriate sheltered location.

TRN23 - Parking for residential development should not provide more parking than the levels as specified in PS14. Lower standards apply for affordable housing and units with good and very good public transport accessibility. Exceptionally, 'car-free' housing developments may be permitted in areas with good and very good public transport accessibility where occupation is restricted by condition to those who have signed binding agreements not to be car owners. Such persons will not be granted residents parking permits.

Supplementary Planning Guidance note 17: Altering and Extending Your Home.

CONSULTATION

Consultation Period: Started 18/12/2008

One objection and a petition signed by a number of the residents on St Davids Close have been received along with an objection from Councillor O'Sullivan. The issues raised are as follows:

- It would exacerbate parking problems in the local area.
- The development would create overcrowding.
- The proposed development would be out of character with the surrounding streetscene.
- It would increase existing sewerage problems.
- Flooding
- Loss of daylight, outlook and privacy
- Detrimental to highway safety.
- Loss of woodland.
- Loss of value of property

- Loss of access to signal box.

Transportation objected to the original scheme on the grounds that the access would only be suitable for three dwellinghouses and the loss of the garaging.

- The scheme has been reduced to 3 dwellings. The loss of garaging is addressed in the Highways section of the Remarks. Highways are also being consulted on the proposed changes.

Landscape Design objected to the original proposals on the grounds that the landscaping and amenity space proposed were not of an acceptable quality.

- The level of amenity space has now been increased and further landscaping including boundary planting to the front and rear has been proposed. Landscaping have verbally confirmed that the amended landscape details are acceptable, subject to the approval and implementation of a comprehensive landscaping scheme.

London Underground and Network Rail have been consulted and have no objections.

Further consultation responses have been received on 01/10/2009 from neighbouring residents in relation to the amended plans. Notwithstanding previous issues raised they have the following concerns:

1. The proposed development would result in additional parking on St Davids Close exacerbating existing parking problems and having a detrimental impact on highway safety.
2. The proposed refuse and recycling storage provision is inadequate and would be difficult for prospective residents to take the bins to a collection point. Furthermore there is no collection point on St Davids Close where the bins could be left on collection day.
3. The constricted nature of the access road and parking area.
4. The party wall with the rear garden of Nos. and 10 St Davids Close.
 - (i) could be damaged by roots from the proposed trees.
 - (ii) trees would lead to loss of light to rear garden.
 - (iii) Leaf litter from trees will be a hazard.
5. Possible site contamination from old sewage works
6. Proposed building not subsidiary to frontage housing.
7. Inadequate outlook for prospective residents.

REMARKS

Previous Committee Deferral

This application was previously on the agenda for the planning committee scheduled for 28/07/2009.

Following the site visit of 25 July deferral to "*to enable officers to review the recommendation in the light of issues raised in the report and on site and the concerns expressed above.*" [in the supplementary]

These issues included

- the scale of the proposal
- the quality of the access to the site
- privacy of neighbouring residents
- the quality of the proposed amenity space
- the level of outlook from the rear habitable room windows directly adjacent to the steep bank

Amendments following Previous Committee

The proposed development has been amended in the following way after the above committee meeting:

- Bicycle and bin storage areas are shown in the front forecourt.
- A reduction in the height of the building by 0.5m
- Reductions in the width of the recessed third floor
- Louvres and opaque glass are now proposed for the bedroom windows on the front elevation.
- The parking area on the site has been raised to reduce the steepness of the access road into the site

The implications of these amendments and the overall quality of the scheme are now discussed in the remarks below.

Character and Appearance

Policy H1 of Brent's UDP states that where backland development is proposed, regard will be paid to the density and height of the proposal, which should be subsidiary to the frontage housing. This proposal is for a part 3-storey/part 4-storey block, in an area which is uniformly occupied by purpose-built 2-storey maisonettes. It is accepted that, due to the lower ground level of the proposal site, the overall height of the proposed buildings will only exceed that of the surrounding dwellings by approximately 0.5m, however it can not be considered that the proposed building is subsidiary to those on the street frontage. Due to the flat-roofed design of the proposed building, the upper floor will appear significantly bulkier than the pitched roofs of the existing dwellings, which would be at a similar height.

The material palette includes white render for the main building and copper for the projecting and recessed elements and aluminium framed windows. The habitable front windows will include copper louvres to restrict overlooking of neighbouring dwellings, while additional area of soft landscaping and proposed tree planting would soften the frontage while also providing additional screening for the development. However there are concerns with regards to the landscaping proposed along the boundary with Nos. 9 and 10 St Davids Close, it is considered that the boundary planting would be unable to reach a height where it could act as an effective screen from neighbouring development

Quality of residential accommodation

The proposed dwellings are all marked as three-bedroom, however, they have an upstairs living area and a study that could potentially be used as additional bedrooms, therefore they have been assessed as 4-bedroom dwellings. Each of the dwellings have a floor area of 15m² which is significantly over the 105m² recommended in SPG17.

Each unit will have a level amenity space approximately 50m² or above in keeping with SPG 17 specifications. The amenity space is in the form of ground-floor rear gardens and roof terraces which will overlook the park. In addition to the private amenity space there is also large area of public amenity space directly adjacent to the site. While the proposed amenity space is generally in keeping with the requirements of SPG17 it is provided in detached spaces. Of particular concern is the quality of the proposed amenity space for the central unit. The groundfloor rear amenity space is directly next to the overgrown wildlife corridor to the rear of the dwellinghouse. Given the small size of the garden, the proximity to the large bank with its overgrown foliage which the applicant has no control over it is considered that the proposed amenity space in the rear garden of the units is not of an acceptable quality. While the bank would also have a detrimental impact on the outlook from the proposed rear habitable room windows.

It is noted that an acoustic barrier is to be installed adjacent to the railway. The applicants have submitted an acoustic report produced by consultants indicated that this is a Category B site and the views of the Council's Environmental Health Officer on this are awaited. In the event that consent is granted here, it is likely that conditions would need to be attached to the permission requiring a scheme of insulation works to be approved and implemented prior to the occupation of the development. In these circumstances, it is considered that the issue could be adequately addressed in order to protect future residential amenity.

Amenity of neighbouring residents

The three-storey block is set off the boundary with Nos. 7 and 8 St Davids Close and complies with the relevant SPG17 guidelines in terms of the height and the 45-degree line from a height of 2m on the boundary with both adjacent site boundaries. The proposed development will have habitable-room windows facing directly towards the rear amenity space of nos. 9 and 10 St Davids Close within 8.2m of the boundary. While the lower ground levels of the proposed development site would reduce overlooking there is considerable concern with regards to the bedroom windows on the first and second floor of the proposed units and the potential overlooking from these. The distance of 8m is not considered to be acceptable in what is a suburban setting. Therefore the proposed development is contrary to the specifications set out in SPG17. While the applicants have attempted to address this issue using louvres it is considered that they will not sufficiently reduce the impact of overlooking.

Highways

The applicant has confirmed in writing that none of the garages are currently let out to the residents on St David's Close and have remained vacant. Further discussions with a local resident confirmed that the garages have been vacant since November 2008 and that in recent years residents have not used the

garages for private parking due to the increased rates, but have instead have been used for personal storage. There is a barrier across the access road restricting access to the garages and the current access way is also particularly steep and in need of improvement. However the garages are currently not let out to the residents and have not been used regularly by local residents over the past decade. There have been a number of reasons suggested as to why they are not used and these include the increase in rent, poor management, unsafe access and poor quality of the garages. Residents have indicated that they would use these facilities if they were made available again.

Thus the main highways consideration is whether the loss of the proposed garages and the proposed development would result in a detrimental impact on highway safety and parking for existing residents on St David's Close. There is on-street parking on one side of St David's Close and a small parking area at the end of the cul-de-sac. This level of on-street parking including a few off-street parking spaces provides approximately 28 parking spaces (including 2 disabled bays) for 48 residential units. There is unrestricted parking on the other side of the road and a number of residents park up on the pavement resulting in cracked paving stones and oil deposits on the pavement along with blocking the pavement for pedestrians. There are also a further 9 spaces marked out on St David's Close towards Barnhill Road but these are generally not used by the residents of St David's Close as they are not in close proximity to the residential dwellings.

The development site proposes to make use of the existing access to the garages on the access road between Nos. 8 & 9 and 10 & 11 St Davids Close. Although it is not marked as such it is assumed that this will be a shared surface for both pedestrians and vehicles. The amended plans show an access gradient of 1.20 between the street and the development site. Transportation have now confirmed that this gradient is acceptable for disabled access. Although the width of the access means that the maximum number of units for this site should be 3.

With the amended plans this has now been complied with and the main remaining issue relates to the level of parking and the proposed impact on parking on St Davids Close. The maximum parking standard for the proposed development would be 5, 4 spaces for the residents with an additional parking space for visitors. The access way, which must be shared by pedestrians and vehicles, is very narrow at points, as evidenced during the site visit, which may lead to a pedestrian safety hazard. The provision of three standard parking spaces (2.4m x 4.8m) in the proposed forecourt also leaves very little manoeuvring room for vehicles, which may contribute further to this hazard. This in conjunction with the additional visitor parking space would not adequately provide for the prospective residents and therefore, with no parking controls in place, the proposed development would result in additional parking on-street and thus would exacerbate existing parking problems on St David's Close.

Furthermore the amended parking layout will result in parking spaces directly adjacent to the neighbouring rear gardens of 7 & 8 St David's Close. This will have a detrimental impact on the amenity of the residents in terms of noise and fumes from car entering and exiting the parking. There is an adequate provision for cycle parking and further details of this could be sought by condition.

With regards to the refuse storage the proposed bin and recycling store will be located in the front forecourt. This is over the maximum carry distance that refuse collectors are prepared to travel to collect bins. the Council's Streetcare officer Mark O'Brien has confirmed that collection vehicles have experienced difficulties as a result of large volumes of inconsiderately parked cars.

Therefore the onus would be on the prospective residents to take the bin to a collection point on St David's Close and back on collection day. As there is no land available for an additional collection point on St David's Close and the fact that there are existing problems with refuse collection on this road it is considered that the refuse collection facilities are inadequate and as a result the proposed development would be of a substandard form of accommodation while also exacerbating existing parking problems.

Landscaping

There are proposals for further landscaping to be incorporated into the site. These include the provision of a communal green to the front of the proposed development and tress along the boundary of the site adjacent to the proposed retaining wall between the development site and the rear garden of Nos. 9 and 10 St Davids Close. There are concerns that the proposed landscaping would not be able to grow to a sufficient height as the roots would be limited by the foundations of the retaining wall. Therefore it cannot be considered that they would act as a suitable screen on the boundary. As bats were found at a neighbouring site a bat survey has been submitted, this confirms that there is no evidence of bats and that the sites have low potential for bats therefore no surveys are recommended. The proposed development is therefore not considered to

provide an adequate level and quality of amenity space.

Objections

One objection and a petition signed by a number of the residents on St Davids Close have been received along with an objection from Councillor O'Sullivan. Further responses have been received in relation to the amended plans. The issues raised are as follows:

- It would exacerbate parking problems in the local area.
- The development would create overcrowding.
- The proposed development would be out of character with the surrounding streetscene.
- It would increase existing sewerage problems.
- Flooding
- Loss of daylight, outlook and privacy
- Detrimental to highway safety.
- Loss of woodland.
- Loss of value of property
- Loss of access to signal box.

Of particular note from this list is the situation regarding the existing problems relating to sewerage in the area. According to the head of the local home-owners' committee, the sewers are not adopted by the local water company and the local residents are the owners and are therefore liable to any problems that arise with them and may have a say as to whether any new development can connect up to them. This is an important issue that should be addressed at as early a stage as possible. As ownership is not a planning concern it is the responsibility of the applicant to secure adequate utilities for the proposed development.

The issues relating to daylight, outlook and privacy, highway safety and character are dealt with in earlier sections of the report. In relation to the other comments I have the following remarks

- The Environment Agency commented on the previous application and confirmed that there is not a significant risk of flooding in this location.
- The proposed development is not considered to be an overdevelopment of the site as it is in keeping with the heights of the surrounding residential accommodation.
- Loss of property value is not a planning consideration and cannot be addressed with this application
- London Underground and Network Rail have been consulted and have no objections to the proposal further more an access to the railway will still be maintained.

In relation to the additional comments raised the Council's officers have addressed the majority of these in the text above, but also have the following remarks:

- Alterations to the proposed party wall are generally a civil matter between neighbours. Should any alterations be made to the party wall the applicants would need to seek the permission of the neighbouring residents prior to any works commencing under the Party Wall Act. If the proposal was to be recommended for approval then the applicant would be notified of this requirement.

Conclusion

The proposed development is therefore considered to be contrary to the relevant policies of the UDP and planning guidance. Accordingly it is recommended for refusal for the reasons set out below.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed three dwellinghouses by reason of the inadequate parking provision and failure to provide adequate refuse collection facilities would result in additional parking on St David's Close exacerbating existing parking and servicing problems to the detriment of public and highway safety contrary to policies TRN3, TRN 14, TRN23, TRN34 and PS14 of Brent's UDP 2004 and the guidance set out in SPG17.
- (2) The proposed part three/part four storey townhouses by reason of their density and excessive height are not subsidiary to the surrounding dwellings which are predominantly two storey

semi detached properties divided into maisonettes, contrary to policy BE9 and H15 of Brent's UDP 2004.

- (3) The proposed three storey townhouses by reason of the inadequate setback from rear amenity space of Nos. 9 and 10 St David's Close would have a detrimental impact on the amenity of neighbouring residents in terms of loss of privacy, contrary to planning policy BE9 and the guidance set out in SPG 17.
- (4) The proposed raised parking area by reason of its proximity to the neighbouring rear garden of Nos 7 and 8 St Davids Close, would have a detrimental impact on the amenity of neighbouring residents in terms of noise and disturbance from vehicles manoeuvring contrary to policy BE9 and TRN 23 of Brent's UDP 2004.
- (5) The proposed residential accommodation by reason of the poor outlook from and lack of daylight to the rear groundfloor habitable room windows, lack of adequate usable amenity space, lack of adequate refuse and recycling facilities, poor parking provision and poor outlook from upper bedrooms would result in a sub-standard form of accommodation for prospective residents contrary to policies BE7, BE9, H12 and TRN23 of Brent's UDP 2004 and SPG17: Design Guide for New Development.
- (6) In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure and education, without any contribution towards sustainable transport improvements or school and nursery places and increased pressure for the use of existing open space, without contributions to enhance open space or make other contributions to improve the environment or toward measures to monitor or improve air quality and would not result in the adequate provision of affordable housing. As a result, the proposal is contrary to policies TRN3, TRN4, TRN10, TRN11, CF6, EP3, H1, H2, H3 and BE7 of Brent's adopted Unitary Development Plan 2004.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

UDP 2004

SPG17: 'Design Guide for New Development'

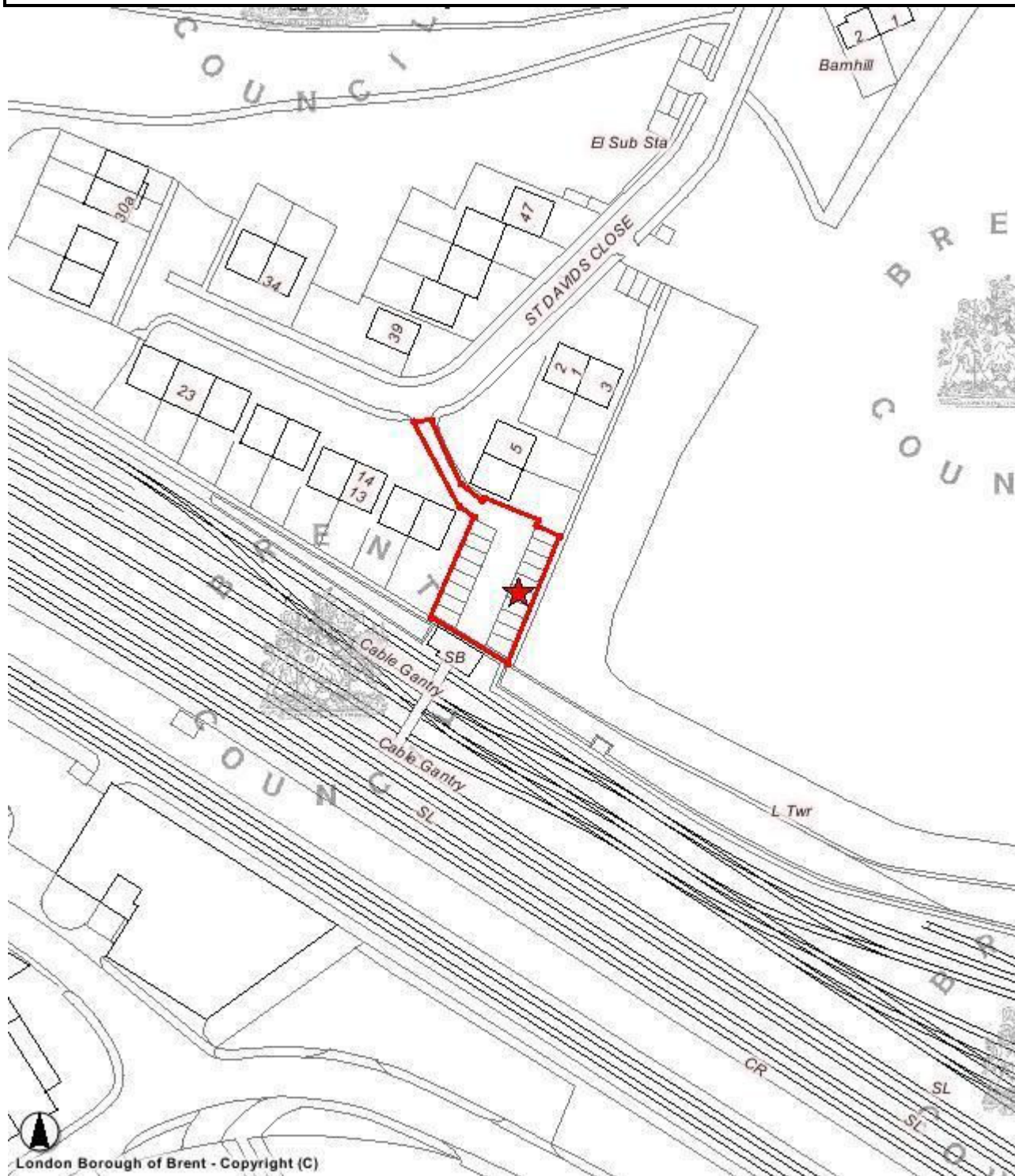
Any person wishing to inspect the above papers should contact Robin Sedgwick, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5229



Planning Committee Map

Site address: Garages 4-21 rear of 8, St Davids Close, Wembley, HA9

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