

RECEIVED: 19 August, 2009

WARD: Barnhill

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 34 Oxenpark Avenue, Wembley, HA9 9SZ

PROPOSAL: Demolition of garage and erection of single- and two-storey side and rear extension to dwellinghouse with new rear terrace, two rooflights, associated parking and front landscaping alterations AS AMENDED BY REVISED PLANS RECEIVED 30/09/09

APPLICANT: Mr Aslam

CONTACT: Saloria Architects Ltd

PLAN NO'S: 9288-00 Rev P0; 9288-01 Rev P6 [Officers note: this plan to be revised: ridge height lowered]

RECOMMENDATION

Grant planning permission

EXISTING

The subject site is a two storey detached dwellinghouse located on Oxenpark Avenue. The property is not located within a conservation area nor is it a listed building. The surrounding uses are predominantly residential.

PROPOSAL

Planning permission is sought for the demolition of the attached garage and erection of a single- and two-storey side and rear extension and new rear terrace, two rooflights and associated parking and front landscaping alterations AS AMENDED BY REVISED PLANS RECEIVED 30/09/09

HISTORY

09/2216 Certificate of Lawfulness for a proposed single storey outbuilding in rear garden of dwellinghouse
Case Officer Considering

POLICY CONSIDERATIONS

Brent UDP 2004

The statutory development plan for the area is the London Borough of Brent Unitary Development Plan (UDP), which was formally adopted on 15 January 2004.

The following are the policies within the UDP relevant to this decision:

- **BE2 Local Context**
 - relates to design within the local context and character and the need to take into account existing landforms and respect and improve existing materials and townscape.
- **BE7 Public Realm: Streetscape**
 - states that a high quality of design and materials will be required for the street environment. Proposals that involve excessive infilling of space between buildings, the loss of paving, front walls and railings and forecourt parking that would detract from the streetscape will be resisted.
- **BE9 Architectural Quality**

- relates to extensions and alterations to existing buildings and requires them to embody a creative and appropriate design solution specific to the site's shape, size, location and development opportunities. They should be designed to be of a scale, massing and height appropriate to their setting and the townscape location. It also requests that development respects without necessarily replicating the positive local design characteristics and satisfactorily relate to them. The design should exhibit a consistent and well considered application, and be laid out to ensure that building and spaces are of a scale design and relationship to each other that promote the amenity of users, provide satisfactory levels of sun and day light, privacy and outlook for existing and proposed residents.

NOTE: Since 27th September 2007 a number of the adopted Brent Unitary Development Plan 2004 policies have been deleted. This is part of a national requirement (introduced in the Planning & Compulsory Purchase Act 2004). The policies that remain valid are described as 'saved' policies and will continue to be relevant until new policy in the Local Development Framework is adopted and, therefore, supersedes it. Only saved policies are considered in determining this application.

SPG

The Council produces a series of Supplementary Planning Guidance Notes that give additional information on a variety of issues and which are intended to be read in conjunction with the adopted UDP. These SPG were subject to widespread public consultations as part of the UDP process before being adopted by the Council and given this widespread public consultation the Planning Authority would suggest that considerable weight be attached to them.

- **SPG 5 Altering and extending your home**
 - Adopted September 2002

CONSULTATION

Consultation period: 26/08/2009
Four neighbours were consulted.

Three objections received on following grounds:

- Loss of light
- Over-development
- Unreasonable two storey height
- Loss of air
- Loss of privacy

In addition to those from local occupiers, objections have been received from Preston Amenities Protection Association (PAPA) and from Cllr Jim O'Sullivan.

PAPA object on the following grounds:

- Impact on occupants of No. 34 arising from loss of light and cumulative overbearing impact of development on either side of No. 34s garden.
- Flank windows resulting in loss of privacy
- Potential problems arising from multiple occupancy such as car parking, noise, pollution
- Development is huge and not in keeping with the character of the area
- Drainage problems

Cllr O'Sullivan objected on the following grounds:

- Gross overdevelopment, not in keeping with neighbouring buildings
- Height of the extension would be overpowering
- Loss of light
- Loss of privacy

These matters will be addressed in Remarks, below.

Internal consultation

Transportation: extensions to 3-bed to create 6-bed property. PTAL 3, Wembley Even Day Parking. Loss of garage combined with narrow street requires at least 2 off-street spaces with crossover increased to 4.2m.

REMARKS

Introduction and summary

The property is a detached single family dwellinghouse which is proposed to be extended to the side and rear at both ground and first floor. Substantial changes have been made to the original scheme and the proposal is now deemed by officers to meet the requirements of the relevant UDP policies and the guidance of SPG5. The extensions are not deemed likely to result in significant harm to neighbouring amenity nor visual amenity; that is not to say there would be zero impact, but that any impact would be acceptable given the need to allow homeowners to alter and extend their homes whilst balancing the needs of others.

Side extension

The property has an existing garage located between the southern flank wall and No. 32. It is 2.5m wide and set 1m off the boundary. It has a lean-to roof rising from 2.5m high to 3.3m at the junction with the house. Behind this is another side extension of the same width but with a higher lean-to roof used as part of the kitchen/diner. These extensions are the same depth as the original property.

No. 32 has constructed a single storey side extension (08/1132) which is 3m in height with a flat roof on the boundary.

The extension would be the same width as the existing side extension and would be set 1018mm off the boundary. The first floor would be set back from the main wall of the property by 1.5m, which is in accordance with the guidance of SPG5 as the extension is further than 1m away from the shared boundary. There are no site-specific reasons why this guidance should not be applied here, and the proposal is deemed to be in keeping with the character of the property. A pitched roof covers the 1.5m ground floor element, which would have a window of appropriate size and design, as would the first floor.

The roof of the side extension is hipped to match the original roof and the ridge is set down from the original ridge. This is achieved by a small crown roof which is generally discouraged but is not considered a reason for refusal and there is no significant visual harm caused by this feature. Further amendments have been sought to increase the set down to 750mm to bring it in line with the character of the street, which also serves to reduce the extent of the crown roof. The changes to the proposal have been confirmed by the agent and a revised drawing (Rev P7) will be available within the next couple of days.

The flank wall as extended would have two ground floor windows, serving a WC and a utility room, and one first floor window, serving a bathroom. These can be conditioned to be obscured glazed and non-opening and are not considered to result in loss of privacy.

The side extension in turn becomes part of the rear extension, see below.

Rear Extension, terrace

The property has an existing single storey rear extension, approximately 1.4m deep, 3.9m wide and set 0.3m off the boundary with No. 34. It has a pitched roof and is 3m high at the closest point to No. 34 and rises to 3.9m at the junction with the property. There is an existing terrace beyond this due to the change in ground levels in the area, which is 0.5m above ground level (approximate).

The single storey element of the proposed rear extension would extend 2.12m beyond this existing extension, although it would replace the existing. It would have a lean-to roof with an average height of 3m from the finished floor level, but obviously the change in ground levels means it would appear higher. The impact on neighbours should be considered in two ways: (1) on internal amenity; and (2) on amenity within gardens. The finished floor levels of the three properties (Nos. 32, 34 and 36) are, to the best of your officers knowledge, the same, therefore a 3m high extension will be perceived as such from both neighbours. In terms of the garden, it is not considered a difficulty to the south, as No. 32 has extended their terrace as part of their 2008 permission. In terms of No. 36 there is already a 2m high fence with ivy along the shared boundary, and a site visit to an adjoining property (No. 38) indicated No. 36 also has a rear terrace.

The extension would be across the full width of the property and the new side extension, so it would be a little over 1m of the boundary with No. 32, which also has a rear extension as part of the 2008 permission. It would remain 0.3m off the boundary with No. 34. No. 34 itself is set 2.3m away from the boundary, so the cumulative distance is some 2.6m. The overall extension for comparison would be 3.5m, which is in

accordance with the guidance of SPG5.

The set-in from the boundaries on either side and the relationship with those properties is such that the single storey element of the rear extension is considered acceptable.

The first floor element is more sensitive due to the more significant impact it can have on neighbouring amenity. The extension is the full width of the property and the side extension, and is 2m deep on the side adjacent to No. 36 reducing to 1.5m deep adjacent to No. 32. The 2m depth complies with the 2:1 guide as set out in SPG5, based on measurements from a ground floor window on No. 36 and a first floor window on No. 32.

The change in depth from 2m to 1.5m is to break up the mass of the rear extension and lessen the visual impact. This brings the extension comfortably within the 2:1 guide in respect of No. 32.

It is also proposed to extend the terrace to the rear. It would be at the same level as the existing terrace (and as far as officers can ascertain, the same as terraces on either side) and would be 3m deep. It would be set in 1m from the boundary to allow planting and to prevent overlooking of neighbours gardens. No changes to the boundary treatment are shown on the plans, so a condition is recommended to ensure the boundary treatment is high enough to prevent overlooking but not more than 2m to avoid an impact on amenity.

Forecourt

A layout has been provided which shows the forecourt can accommodate two vehicles off-street and maintain a suitable amount of soft landscaping and a separate path. It is recommended that a condition be attached to widen the vehicular crossover to 4.2m at the applicants expense.

Rooflights

The proposed rooflights would be inserted into the flat crown part of the roof. It is recommended that a condition requesting further details of these rooflights be provided to ensure they do not stand so far beyond the height of the roof that they are visible from the highway.

Objections

- Loss of light
 - The extensions have been reduced to bring them into line with the normal guidance of SPG5. A site visit has been made to establish the site specific conditions. It is the opinion of your officers that the impact on light levels would be acceptable on balance.
- Over-development - including cumulative impact
 - The changes to the property are substantial, but not beyond that allowed under Brent's policy guidance. The site specific characteristics have been assessed and it is not deemed that the extensions constitute overdevelopment. In terms of the cumulative impact this concerns No. 36, and although the proposed scheme here and the recent extension at ground floor of No. 38 will no doubt have an impact on the amenity of the residents of No. 36, this must be balanced with the need to allow homeowners to alter and extend their home. This necessarily requires a balance to be struck between the conflicting needs and this is naturally a sensitive issue. This is why the Council has policies and detailed design guidance which sets out where the normally-accepted balance lies. In all cases this guidance is assessed on a site-by-site basis, and in this instance there is not considered sufficient justification to refuse the scheme or to require further reductions of the applicants.
- Out of character
 - In the opinion of your officers the proposals remain in keeping with the character of the area in design and scale.
- Height of development
 - A two-storey extension is not considered excessive and is to be expected in a domestic situation.
- Loss of air
 - It is not clear what is meant by this objection.
- Loss of privacy
 - Privacy would be at risk from the extended terrace but measures have been incorporated to avoid this. One flank window is proposed on the first floor, to a bathroom, which will be obscured glazed. Your officers do not consider the proposal would result in any significant loss of privacy.
- Potential for multiple occupancy
 - A change from a 3-bed house to a 7-bed house is significant but not contrary to any particular policy

or guidance. Your officers cannot preempt a change of use of the property, but have sought assurances from the applicant that the property would remain a single family dwellinghouse. This has been provided in writing (see letter from Mr Aslam dated 29/09/09).

- Drainage problems
 - These are not normally considered a planning consideration at the domestic scale.

Conclusion

The changes proposed are substantial and have attracted local objection. Significant amendments have been made to address these issues and the proposals are now deemed to be acceptable. This recommendation takes account of the justifiable concerns of those most likely to be harmed by inappropriate development, the residents to the north and south (though no objection was received from the residents to the south), but must be balanced with an acceptance that residents of Brent can make reasonable extensions to their homes. This proposal is therefore considered acceptable on balance, and accords with policies BE2, BE7 and BE9 of the adopted UDP 2004 and Supplementary Planning Guidance No. 5

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Housing: in terms of protecting residential amenities and guiding new development

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- (2) 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.

- (3) The window on the first floor of the south face of the building as extended shall be constructed with obscure glazing and non-opening or with openings at high level only (not less than 1.8m above floor level) and shall be permanently returned and maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained. No further windows or glazed doors (other than any shown in the approved plans) shall be constructed in the south wall of the building as extended without the prior written consent of the Local Planning Authority.

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

- (4) Prior to completion of the development as approved the vehicular crossover must be increased to a width not exceeding 4.2m.

Reason: In the interests of the general amenities of the locality and the free flow of traffic and

general conditions of the highway safety on the neighbouring highway.

- (5) Notwithstanding the plans hereby submitted and approved, further details of the proposed soft-landscaping buffer and boundary treatment (e.g. fence height) along the boundaries with nos. 36 and 32 Oxenpark Avenue (including plant species and size) shall be submitted to and approved in writing by the Local Planning Authority before any works commence on site and shall be implemented in accordance with the approved scheme. The approved soft landscaping shall be completed within the first planting season following completion of the building works and hard landscaping hereby approved.

Reason: To ensure a satisfactory level of amenity for the occupiers of the adjoining property.

- (6) The proposed forecourt layout, including hard and soft landscaping and parking area as shown on the approved plan, shall be completed soon after the completion of the building works hereby approved and the proposed soft landscaping, as shown on the approved plan, shall be completed within the first planting season following the completion of the approved hard landscaping. If, within 5 years of planting, any trees or shrubs die, are removed or become seriously damaged or diseased, they shall be replaced with others of the same species and size and in the same position, unless the prior written permission of the Local Planning Authority is obtained.

Reason: To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality.

- (7) Further details of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced and the development shall be carried out and completed in all respects in accordance with the details so approved. Such details shall include:-

(a) the proposed roof lights and specifically their projection above the roof.

Reason: These details are required to ensure that a satisfactory development is achieved.

INFORMATIVES:

- (1) If the development is carried out it will be necessary for a crossing to be extended 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 020 8937 5050.

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Angus Saunders, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5017



Planning Committee Map

Site address: 34 Oxenpark Avenue, Wembley, HA9 9SZ

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