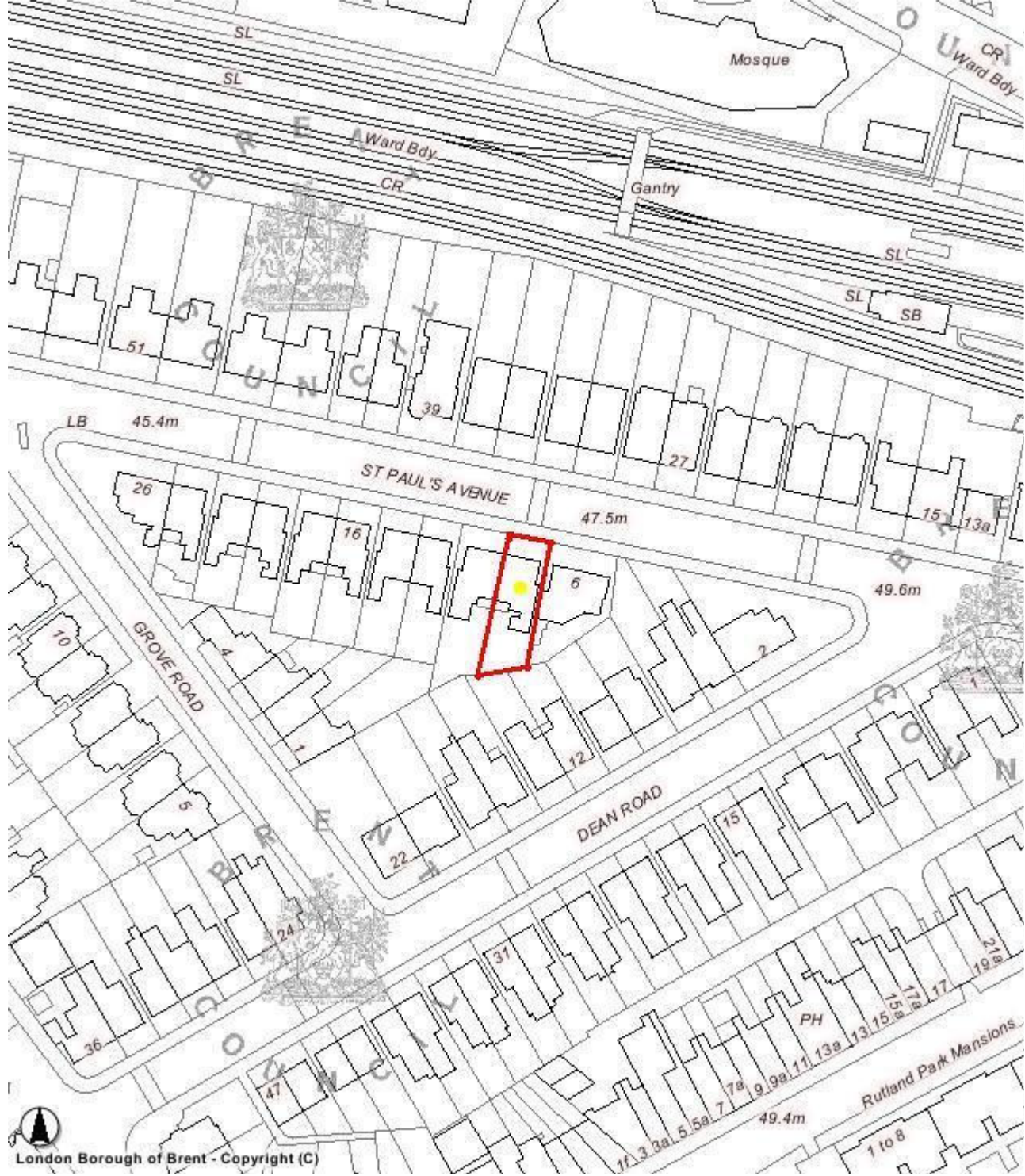
 **Planning Committee Map**  
Site address: 8 St Pauls Avenue, London, NW2 5SX  
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This map is indicative only.

**RECEIVED:** 8 December, 2010

**WARD:** Willesden Green

**PLANNING AREA:** Willesden Consultative Forum

**LOCATION:** 8 St Pauls Avenue, London, NW2 5SX

**PROPOSAL:** Erection of part single, part two storey rear extension of existing property, installation of 1 front and 2 rear rooflights and conversion into 4 (one 3, one 1 bed and 2 studio) self contained flats. ("CAR FREE" DEVELOPMENT).

**APPLICANT:** Trentbridge Limited

**CONTACT:** Mr Anthony O'Sullivan

**PLAN NO'S:**

Please see condition 2

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This application was deferred from the Committee of 2 August 2011, as Members sought clarity on the following matters :

- The current use of the property and consultation.
- Ownership status.
- Protection of trees.
- Impact of the single storey extension on adjoining neighbour No.10 St Pauls Avenue.

**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 Director of Legal and Procurement

**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
- Car free
- £3000 per additional bedroom (£6000)

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 site is occupied by a semi detached property located on Southern side of St Paul's Avenue. The property is not located within a Conservation Area.

The greater part of the building is vacant and in a poor state of repair. The property is occupied by two tenants, who occupy non-self contained accommodation on the ground and first floor only. Specifically the tenants use the kitchen on the ground floor and the front rooms, bathroom and wash centre of the first floor. The remainder of the property is vacant.

At the meeting of 2 August 2011, concerns were raised regarding the status of the property and whether the building was already sub-divided. The applicant has confirmed no other person has an interest in the leasehold or freehold of the property and that they have complied with their requirements as far as formally submitting the planning application.

For clarity, the acceptability of the conversion scheme proposing four self-contained units is discussed below.

## **PROPOSAL**

Erection of part single, part two storey rear extension of existing property, installation of 1 front and 2 rear rooflights and conversion into 4 (one 3, one 1 bed and 2 studio) self contained flats.

## **HISTORY**

N/A

## **POLICY CONSIDERATIONS**

### **Unitary Development Plan 2004**

<b>BE2</b>	Townscape: Local Context & Character
<b>BE9</b>	Architectural Quality
<b>H17</b>	Flat Conversions
<b>H18</b>	The Quality of Flat Conversions
<b>H19</b>	Flat Conversions – Access & Parking
<b>TRN23</b>	Parking Standards
<b>TRN24</b>	On-street parking

**Supplementary Planning Guidance Note 5: Altering and Extending your Home**  
**Supplementary Planning Guidance Note 17: Design Guide for New Development**  
**Supplementary Planning Document: S106 Planning Obligations**

## **CONSULTATION**

Neighbouring residents were consulted on 12 January 2011 for a 21 day period and further consulted on the amended scheme on 11 July 2011 for a 14 day period. The Local Authority has received 5 objections including a note of support on the first consultation. These are outlined as:

- The rear extension is too large and will affect the character of the area
- The extension will cause a loss of light

- The additional flats will increase household noise and smell
- The additional pressure on the already poor drainage system will be unacceptable
- Additional strain on parking
- The rear rooflights will result in a loss of amenity to neighbouring properties (Light Pollution)
- The front and rear garden should be improved and not remain as is.
- The development will result in an increase in tenants
- No detail of refuse and recycling
- Secure bicycle storage, stairwells and fire routes are unsuitable
- Units have inadequate storage space for larger items
- A better mix of units should be proposed
- The first floor extension may cause a loss of amenity to the neighbouring property
- Conditions for the upkeep of the property should be imposed
- The property is 4 flats and not a single family dwellinghouse
- There are a number of trees on the property
- Restrictions on building works should be imposed
- The property should be adequately insulated so to prevent noise transmission
- A limit should be placed on the number of residents on the property so to prevent overcrowding
- The fence between No 8 and 10 should be repaired and increased in height by 60cm to preserve privacy
- The rear fence should be replaced
- The exterior of the building should be fully re-furbished
- The external works carried out should be sympathetic to the original property and No 10
- The permission should be conditional so to require the applicant to inform neighbouring properties of actions that may have an adverse effect on them during renovations
- No building works are undertaken during the weekends
- The useable floor space of the top floor should be confirmed
- Soft and hard landscaping should be dealt with in the life of this application as conditions are not normally discharged
- The rear boundary should have tall trees to act as a buffer and screen to neighbouring gardens
- An old crossover may exist. If this is the case, this crossover should be removed so to allow more on street parking.
- Only the ground floor family unit should have access to residents permits.
- No gas meters on the fore court
- Windows on the front elevation should be timber
- There are four trees on the rear garden that have not been declared by the applicant

### Letter of Support

- Welcomes inclusion of family sized accommodation within the conversion scheme.

Following the 2 August 2011 Committee meeting, and to deal with the specific point raised by an objector that exiting occupiers of the application property were not aware of the proposal, consultation letters were hand delivered to 8 St Pauls Avenue on 4 August 2011.

The Service has not received any additional representations to date and Members will be updated at the Meeting.

## **REMARKS**

### **1.Flat Conversion**

#### 1.1 Principle

The proposal results in a 82sqm 3-bed flat at ground floor level with access to the rear garden area (i.e in excess of 50sqm), two studio units of 35.5sqm and 38sqm at first floor and a 1-bed flat at second floor level of 60sqm The proposal meets requirement set out in policy H17 of the Council's Unitary Development Plan that its original unextended floor area (Approx 180m<sup>2</sup>) is no less than 140 m<sup>2</sup>.

Whilst neighbouring residents have taken issue with the mix of units proposed, It should be noted that Policy CF21 of the Core Strategy seeks to protect family housing which it defines as being properties with three or more bedrooms. As the proposal provides replacement family sized accommodation, your officers consider the proposed mix to be acceptable.

#### 1.2 Impact on future occupiers

As indicated, all units exceed the prescribed internal floor area requirement set out in SPG 17. The property has been "stacked" inappropriately, with bedrooms being located above or below kitchens and bathrooms, however details to ensure noise transmission are at acceptable levels will be secured by condition as recommended by SPG17. All proposed units are considered to have sufficient outlook, daylight and privacy.

The ground floor three bedroom unit will have access to the external amenity space (in excess of 50sqm). The upper floor flats are not proposed to have access to any private external amenity space, however it is considered that the internal floor area is large enough to offset the shortfall in amenity space.

#### 1.3 Impact on Neighbouring properties

The impact of the extensions on neighbouring properties is considered to be acceptable, for the reasons set out below.

### **2. Extensions**

A number of extensions are proposed as part of this application and each will be dealt with in turn. Whilst the Council does not object in principle to the extension of any dwelling, there remains a need to ensure that the extension is appropriate and that would not result in a significant adverse impact on the amenities of any neighbouring property. Similarly the Local Authority requires proposals to be designed with regard to their local context, making a positive contribution to the character of the area. This is specified in Policy BE9 and BE2 of Brent's UDP 2004.

#### 2.1 Single Storey Extension

Members will be aware that SPG 5 requires single storey extensions to a semi-detached property to be no deeper than 3m with a maximum height of 3m in order to minimise impact on neighbouring amenity. The proposed single storey extension will be located

across the rear of the property between the boundary with No.10 and the two storey extension described below. It would be approx 4.1m wide and will comply with SPG5 guidance by way of depth and height.

Owing to its compliant 3m height and depth on the boundary with number 10 Officers are satisfied that the amenity of that property will not be harmed by an unreasonable amount. The proposed single storey extension is considered to be acceptable

## 2.2 Two storey extension

The two storey rear extension is sited on the other side of the building towards No.6. It would be sited approx. 1.0 metre off the boundary. SPG5 includes a "2 to 1" guidance assessment which requires two storey rear extensions to be no deeper than  $\frac{1}{2}$  the distance from the flank wall of the extension to the middle of the nearest habitable room window in the neighbouring property. This is to minimise the physical impacts of any extension. The application property already has a 3.5m deep extension in the same location as the proposed addition and the ground floor element of the two storey extension will replicate this depth. Although the new extension will be slightly higher where it is closest to the boundary (3.0 metres rather than 2.4 metres) it is unlikely that there will be any additional harm. As explained above, as well as complying with SPG5 in terms of height it remains set off the boundary with No.6.

The first floor element of the two storey extension would be only 1.2 metres in depth and this, plus the fact that the roof of the extension would be set down from the main roof of the house would not only ensure that physical impact would be acceptable but would also serve to make sure that the extension continues to appear subservient.

## 2.3 Other Roof Extensions

Two rooflights to the rear and one rooflight to the front roof plane are proposed. The principle of these rooflights complies with SPG5. All three rooflights will be uniform at a size of (L x B) (0.7m x 0.9m). The rooflights are positioned so to respect the fenestration below. Given the size of the rooflights, these will be required to be positioned flush to the plane of the roof (i.e. Of conservation style). Officers have noted concern has been raised with possible light pollution from the rear rooflights. Owing to the size and positioning of the rooflights your officers are not of the view these features will not result in detrimental harm to neighbouring amenity.

## 2.4 Other Alterations

Officers note new boundary fences to the rear of the property are proposed on the submitted plans. However these are not mentioned in the applicant's description. For the avoidance of doubt the boundary fence does not form a part of this application.

## **3. Transportation Matters**

The existing house attracts a maximum car parking standard of 1.2 spaces and the proposed units (3.3 spaces) will represent a significant increase in the car parking requirements.

The site cannot provide off-street parking, and the street is already defined as "heavily parked". The floorspace of the original dwelling has been calculated as approximately

235sqm, this is not so large that each flat will exceed an average of 75sqm, as set out in Policy H19 of the UDP-2004. However, officers can accept a “car-free” agreement in this location, providing that it is secured via S106 agreement and covering all four proposed flats.

Details of refuse and recycling storage for the proposed flats has been provided in the revised site plan, in the form of 4 no. bin enclosures within the front garden of the property. These are acceptable, however details of new front forecourt to demonstrate 50% soft landscaping will be secured by condition.

Secure and covered cycle parking has been provided in the front yard for three bicycles, which is acceptable in location and type. Ideally this would be increased to four cycle spaces in order to fully comply with PS16 of the UDP-2004, although the ground floor flat has access to a rear garden within which bicycles could be more securely stored.

#### **4. Response to objectors concerns**

The requirements for drainage requirements are not covered by the Town and Country Planning Act and therefore cannot form a reason for refusal.

Whilst some disturbance from the undertaking of building works is inevitable this is not normally a reason to refuse planning permission. In any case, the Council's Environmental Health unit have powers to ensure that noisy works are only undertaken within the statutory hours of 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays. Noisy works should not be undertaken on a Sunday or Bank Holiday. The applicant will be reminded of his responsibilities by way of an Informative

Concerns over the protection of trees have been raised. There is a large cherry tree along with three conifer trees located in the rear garden, but they will not be harmed by the works proposed themselves. However, as a precautionary measure, and to ensure that there is no damage as a result of materials been stored too close to the trees (for example) a tree protection condition will be attached to this permission

In addition, the poor state of the rear garden has been mentioned by objectors. It is suggested that condition 3 be expanded to require details of how the area will be treated to respond to this point.

All other matters have been addressed in the body of the report

#### **5. Conclusion**

The scheme complies with the guidance contained within SPG5 and SPG17, and on that basis this application is recommended for approval, subject to a Section 106 legal agreement.

**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

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

Built Environment: in terms of the protection and enhancement of the environment

Housing: in terms of protecting residential amenities and guiding new development

### **CONDITIONS/REASONS:**

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

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawings:

SPA/C/102D  
SPA/C/107B  
SPA/C/103D  
SPA/C/101  
SPA/C/105

Reason: For the avoidance of doubt and in the interests of proper planning.

- (3) The front forecourt and rear garden area within the site shall be landscaped in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved. 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 in the same positions with others of a similar size and species, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory standard of appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the locality, in the interests of the amenities of the occupants of the development and to provide tree planting in pursuance of section 197 of the Town and Country Planning Act 1990.



- (4) The roof-lights shall be detailed to be flush with the roof covering.

Reason: In the interest of visual amenity of the locality and neighbouring amenity.

- (5) Prior to occupation of the dwellings results of the post-completion testing undertaken in the noise affected dwellings to demonstrate that reasonable resting conditions (Living rooms) LAeq, T 30 – 40 dB (day: T =16 hours 07:00 –23:00), reasonable sleeping conditions (Bedrooms) LAeq, T 30 – 35 dB (night: T = 8 hours 23:00 – 07:00) LAmax 45 dB (night 23:00 – 07:00) have been met should be submitted and approved in writing by the Local Planning Authority and thereafter the development shall not be occupied until the approved scheme has been fully implemented.

Reason: To ensure that the occupiers are not subjected to excessively high noise levels and to ensure an adequate standard of amenity.

- (6) Further details of refuse, recycling and cycle storage shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work 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.

- (7) The building work hereby approved shall be undertaken in accordance with BS5837:2005 'Trees in relation to construction'.

Reason: To ensure that the development does not result in the damage or death of nearby trees which would result in the loss of amenity and biodiversity.

- (8) Details of materials for all external work shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work 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.

#### **INFORMATIVES:**

- (1) The applicant is informed that all works on the site must be undertaken in a neighbourly manner. They are advised to contact the Council's Environmental Health Service regarding questions about hours of construction works on 020 8937 5284.
- (2) The applicant is informed the proposed boundary fence to the rear of the property does not form a part of this application.
- (3) The provisions of The Party Wall etc. Act 1996 may be applicable and relates

to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)

Any person wishing to inspect the above papers should contact Tanusha Naidoo, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5245