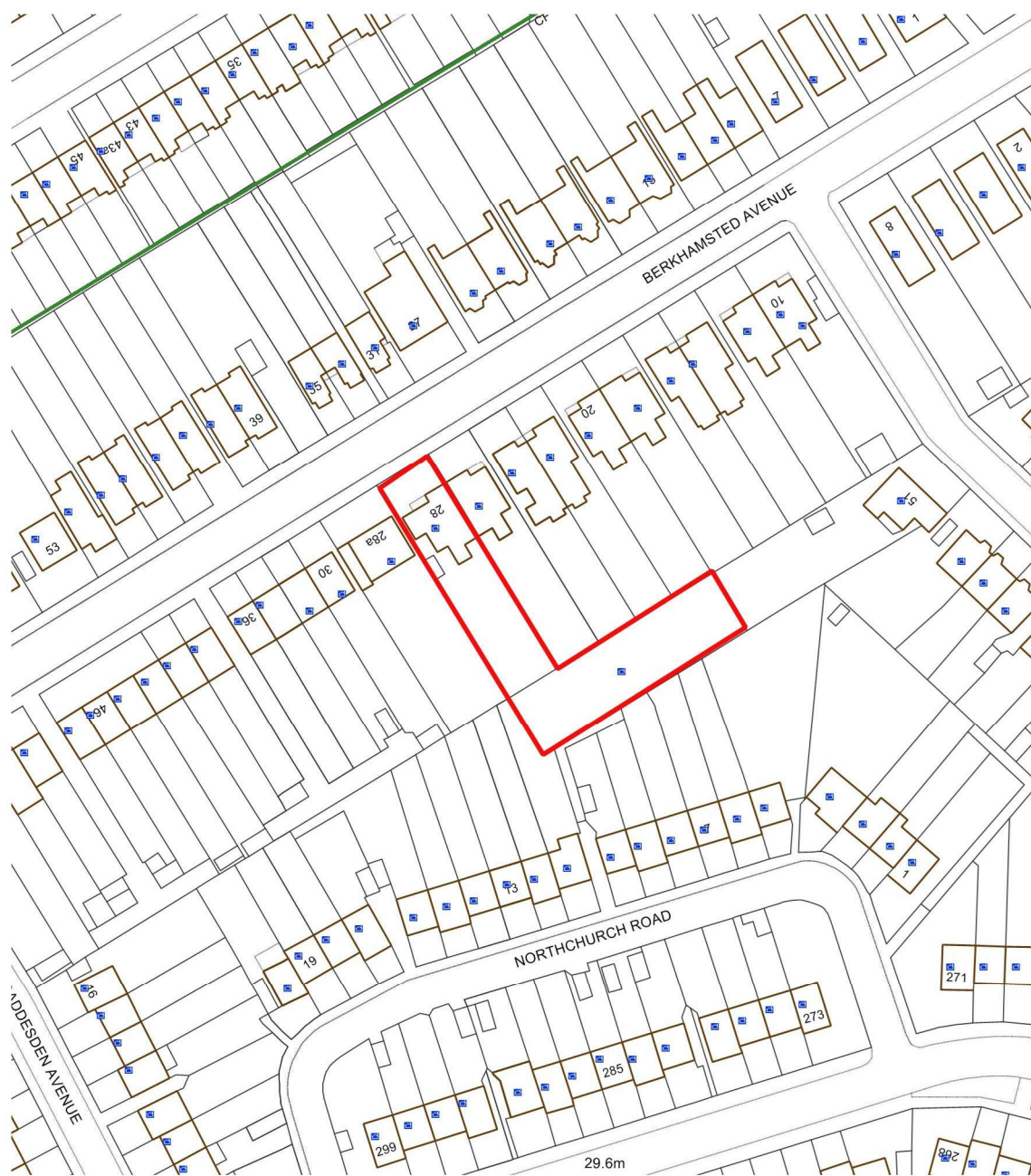
	<b>Planning Committee Map</b>
Site address: 28 Berkhamsted Avenue, Wembley, HA9 6DT	
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This map is indicative only.

**RECEIVED:** 5 August, 2011

**WARD:** Tokyngton

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 28 Berkhamsted Avenue, Wembley, HA9 6DT

**PROPOSAL:** Change of use of land to extend domestic rear garden of No. 28 Berkhamsted Avenue and erection of single storey outbuilding in rear garden of dwellinghouse (Revised description, and revised plans received)

**APPLICANT:** Mrs Zubeda Hamdi

**CONTACT:** Mandac Ltd

**PLAN NO'S:**  
See condition no 2

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## **RECOMMENDATION**

Approval

## **EXISTING**

The application site is located to the rear of It is an 'L' shaped piece of land located beyond the original rear garden of 28 Berkhamsted Avenue, Wembley, which is a two storey semi-detached dwellinghouse. The land shares boundaries with the rear gardens of 20-28 (evens) Berkhamsted Avenue; 5-11 Northchurch Road; 51 Nettleden Avenue. The surrounding uses are predominantly residential. The property is not within a Conservation Area, nor is it a listed building.

## **PROPOSAL**

Change of use of land to extend domestic garden of No. 28 Berkhamsted Avenue and erection of single storey outbuilding in rear garden of dwellinghouse.

## **HISTORY**

*In relation to 28 and Land to the rear of 20-28 Berkhamsted Avenue, Wembley:*

08/2111 - Certificate of lawfulness for a proposed single-storey detached outbuilding to be used for leisure purposes incidental to the dwellinghouse at 28 Berkhamsted Avenue. *Refused 10/09/2008*

E/07/0390 – (Enforcement case). Erection of a metal fence and change of use of the land for commercial use. *Enforcement case closed*

*In relation to 28 Berkhamsted Avenue, Wembley:*

E/05/0508 – (Enforcement case). The breach of condition 2 of the certificate of lawfulness 04/2089 dated 27/08/2004 and granted for the demolition of side garage extension and erection of a proposed side and rear roof extension. *Enforcement case closed*

05/1798 – Erection of single storey side and rear extension to dwellinghouse. *Granted 17/08/2005*

04/2089 – Certificate of lawfulness for the demolition of side garage extension of a proposed side

extension and installation of 2 front roof lights to dwellinghouse. *Granted 27/08/2004*

98/2049 – Erection of porch, two-storey side extension and single-storey rear extension to dwellinghouse *Granted 23/11/1998*

## **POLICY CONSIDERATIONS**

Brent's Unitary Development Plan 2004

BE2 – Townscape: Local Context & Character

BE9 – Architectural Quality

Core Strategy (adopted July 2010)

CP17 – Protecting and Enhancing the Suburban Character of Brent

Supplementary Planning Guidance

SPG5 "Altering and Extending Your Home"

## **CONSULTATION**

The description of the original proposal was: *Single storey outbuilding in rear garden of dwellinghouse*

14 neighbouring properties were originally notified by letters dated 25<sup>th</sup> August 2011 or 12<sup>th</sup> September 2011.

In response to this consultation, 4 letters of objection have been received to date. The issues raised are summarised below:

- The neighbour at no 26 is very concerned at the size of the outbuilding to be built. The plan shows that the proposed building will overlap to the rear of their garden, and as a result it will completely obstruct the existing view and interfere with their privacy
- Another neighbour from 7 Northchurch Road is concerned at the extent [size] of the proposed outbuilding
- This neighbour has concerns over the erection of a fence which has been previously been erected along the rear boundaries of nearby gardens by the applicant, which has allegedly trapped and killed birds.
- This neighbour also contends that the land [application site] was intended as shared land for a number of properties backing onto it and any opportunity for use in this way will be lost and the erection of this proposed building.
- Another neighbour from 9 Northchurch Road is also concerned that the applicant has encroached onto the access to their properties [to the rear gardens] with the erection of fencing along the rear boundaries of nos 6, 7, 8, 9 and 10 Northchurch Road.
- This neighbour also does not believe that the proposed outbuilding would be used as a gym, as is proposed, but that it would soon be transformed in more dwelling accommodation for another family, and consequently strongly objects
- The structure will have an impact on their property [9 Northchurch Road] by devaluing it; it will invade their privacy and cause noise pollution.
- The neighbour at no 28A Berkhamsted Avenue objects as the structure would be too high at 5.1m. It would overlook their house and garden, and intrude on their privacy, and possibly reduce the value of their house.

Since the original submission, revised plans were submitted by the applicant with a reduced sized building. The description of the revised proposal was:

*Change of use of land to extend domestic garden of No. 28 Berkhamsted Avenue and erection of single storey outbuilding in rear garden of dwellinghouse.*

The 14 neighbouring dwellings affected most by the proposal were re-consulted by letters dated 11 November 2011. The consultation period has not ended at the time of writing this report. No further letters of representation have been received to date. The end of the statutory notice period is 2<sup>nd</sup> December 2011.

Landscape Officer - Does not object to the proposal, but has recommended species for small trees and also shrubs for planting along the side and rear boundaries which would be suitable for screening.

## **REMARKS**

The material considerations relevant to this application are:

- Impact on neighbouring residential amenity
- Size and scale of proposed outbuilding
- Proposed use of the outbuilding

## Summary

The application proposes the change of use of land at the rear of the dwelling at 28 Berkhamsted Avenue, Wembley, to be incorporated as domestic garden, and the erection of an outbuilding in this location at the rear. It is to be set in from the rear boundary with 10 and 11 Northchurch Road by 1.5m; set in by 6.0m from the side boundary with 28A Berkhamsted Avenue. Although this part of the garden does not share the side boundary with no 26 Berkhamsted, it is located approximately 1.0m set in from this side boundary. However, this piece of land is also beyond the rear boundary of this property.

The proposed dimensions are to be 6m long by 5m wide, giving a footprint of 30m<sup>2</sup>. It is to have a hipped roof to a height of 2.6m to the eaves, and 3.9m to the ridge. It is to be internally divided into 3 separate rooms, to include a gym area, a storage area and a shower room. It would be located at a distance of more than 25m from the main dwellinghouse at 28 Berkhamsted Avenue.

## Proposed Outbuilding

The original plans for this application proposed a much larger outbuilding which was to measure 6.0m wide by 10.0m long. It was to have a hipped roof to a height of 2.7m to the eaves and 4.0m to the ridge. The proposed floor plans showed that the building was to be internally divided into 3 separate rooms, to include a gym, store and shower room. It would have been set in 3.0m from the shared boundary with no 28A Berkhamsted Avenue, 1.5m in from the rear boundary with 10 and 11 Northchurch Road. It would also have extended 2.0m beyond the side boundary with no 26 Berkhamsted Avenue and set in from the rear boundary of this property by 4.5m.

The revised proposal is for a much reduced outbuilding with a footprint of 30m<sup>2</sup>.

The reduction in size overcomes to a degree concerns that the outbuilding could potentially be used as a separate dwelling. The internal division of the building into 3 separate rooms, to include a shower room, is still proposed. However, considering the proposed location of the outbuilding is to be over 25m from the main dwelling, the inclusion of a shower in conjunction with the gym may be supported in this case. A condition requiring a full landscaping scheme to be implemented along shared boundaries will be attached if the application is supported. The landscape officer has recommended some species for proposed trees and shrubs which would be suitable for screening the building along boundaries.

Due to the reduction in length, the revised scheme would mean that the building would not extend across the rear boundary with the neighbouring boundary of no. 26 Berkhamsted Avenue. The impact of the development on the residential amenities of this property in terms of outlook would therefore be reduced by the revised proposal. The building would also be located over 25m from the rear elevation of the dwelling at no 26 Berkhamsted Avenue.

The size of the building is also considered acceptable due to the set in achieved from the rear boundary as well as the side boundary with no 28A Berkhamsted Avenue allowing soft landscaping to be achieved all around the building which would soften the appearance of the building from neighbouring gardens. The reduction in footprint from 60m<sup>2</sup> to 30m<sup>2</sup> is also considered to achieve a more acceptable relationship avoiding a long expanse of wall close to, neighbouring rear boundaries. As such the proposed outbuilding is considered to have an acceptable relationship with neighbouring gardens having limited impact on the outlook currently enjoyed by the occupants of neighbouring properties.

#### Response to objections not already discussed

The objections were received prior to the revised plans, in response to the original plans. Some of the issues raised by objectors are considered to be resolved by the revised plans, as discussed elsewhere in this report.

Any boundary disputes are civil matters, which cannot be controlled by planning legislation. The applicants have signed certificate A on the application form submitted with the application, declaring their ownership of the application site. However, to clarify the matter, a land registry search has been requested, the outcome of which will be related in the supplementary report for this application.

Concerns over the size and use of the building are partly considered to be alleviated by the revisions made to the original plans. It is considered that, in this case, a shower room may be permitted within the outbuilding due to the location of the building being over 25m from the main house. The proposal is not for a new dwelling and separate living accommodation would not be considered incidental to the main dwelling and not for any kind of living accommodation. The use of a gym with a shower, and additional storage is acceptable in this case.

It is not considered that the use of the outbuilding as a gym and associated shower and domestic storage would result in significant noise emission, and as such would not warrant refusal of the application.

The impact of the development on neighbouring residential amenities in terms of privacy, outlook and visual amenity, have been discussed elsewhere in this report.

The impact of any development on property value is not a planning matter, and therefore cannot be considered.

#### Conclusions

The proposed outbuilding, as revised by plan no. 11/036A Rev A is considered to be of a size more in keeping with the rear garden setting. It is not considered to have an adverse impact upon the amenities of neighbouring occupants. As such it is considered to comply with policies BE2 and BE9 of Brent's Unitary Development Plan 2004 and policy CP17 of Brent's Adopted Core Strategy, 2010.

The outcome of a land registry search for the ownership of the land to the rear of no 20-28 Berkhamsted Avenue, shall be related in the supplementary report for this application.

Approval is accordingly recommended subject to 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) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

11/036A Rev A

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

- (3) The building shall be used solely for purposes incidental to the dwellinghouse at 28 Berkhamsted Avenue. No commercial use, business or industry shall be carried out therein, nor shall this building be used for primary residential accommodation such as a bedroom or kitchen. The proposed shower facility is permitted solely in association with the proposed use as a gym for the residents at 28 Berkhamsted Avenue. It may also not be used as a separate flat, be sold, let, occupied or used for storage separately from the main dwellinghouse.

Reason: In the interests of safeguarding neighbouring residential amenity.

- (4) The outbuilding shall not be separated off from the main house by any form of barrier such as a fence, wall or hedge.

Reason: to ensure that a separate planning unit is not created in the rear garden which is detrimental to neighbouring residential occupiers.

- (5) 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.

- (6) The areas between the location of the building and the rear boundary with no.s 10 and 11 Northchurch Road, and the side boundary with no 28A Berkhamsted Avenue 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 protect the amenity of adjoining residents and the character of the area and to ensure a satisfactory standard of appearance and setting for the development.

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

Brent's Unitary Development Plan adopted 2004  
Brent's Core Strategy 2010

Any person wishing to inspect the above papers should contact Avani Raven, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5016