

Committee Report
Planning Committee on 4 November, 2009 Case No. 09/2194

RECEIVED: 3 September, 2009

WARD: Preston

PLANNING AREA: Wembley Consultative Forum

LOCATION: 14 Blenheim Gardens, Wembley, HA9 7NP

PROPOSAL: Conversion of garage into a habitable room and erection of a single storey detached outbuilding in rear garden of dwellinghouse, as amended

APPLICANT: Mrs C Elizabeth Kost

CONTACT: Mr Harjinder Singh

PLAN NO'S: Design & Access Statement
CK/09/G/100, CK/09/G/101, CK/09/G/102, CK/09/G/103, CK/09/G/104
harjutla@hotmail.co.uk email dated 22/10/09

RECOMMENDATION

Approval

EXISTING

The site is a semi-detached dwelling, located on the eastern side of Blenheim Gardens, Wembley. The surrounding uses are residential. The property is not in a conservation area.

PROPOSAL

Conversion of garage into a habitable room and erection of a single storey detached outbuilding in rear garden of dwellinghouse

HISTORY

02/04/09 - 08/1674 - Granted

Erection of first-floor side, single-storey rear extension, 1 rear dormer window and installation of 2 front rooflights to dwellinghouse

04/07/95 - 95/0687 – Granted

Single storey rear extension

18/09/95 – 94/0829 – Allowed on appeal

Part single storey and part 2 storey side extensions

POLICY CONSIDERATIONS

Unitary Development Plan [UDP] 2004

BE2- Townscape: Local Context and character

BE7- Public Realm streetscene

BE9- Architectural quality
BE33 – Tree Preservation Orders
H17 – Flat conversions
TRN23 – Parking standards- residential developments

Supplementary Planning Guidance

SPG5 'Altering and Extending your home'
SPG17 – Design Guide for new development

Considerations

- Loss of car parking resulting from garage conversion
- Impact on local amenity and streetscene
- Impact on amenity, outlook and privacy of neighbours
- Impact on local trees

SUSTAINABILITY ASSESSMENT

N/a

CONSULTATION

Consultation letters were sent out on the 14/09/09 in which 6 properties were consulted.

2 letters of objection received raising the following issues:

- The application form is incorrect. Several large trees are located within the vicinity of the proposed outbuilding. The construction of the outbuilding will harm the existing trees, which are well-established and fruit-bearing. The trees contribute to local amenity.
- The existing tree roots in the area are likely to lead to heave of the proposed store.
- Concerned that any extension does not extend beyond the rear of the adjoining dwelling, number 15. (Officer note- no extension to the main dwelling is proposed.)
- The proposed shed is sizeable, and may be at risk of being used as living accommodation, particularly due to its size and the proposed permanent materials. This has been the case at another local site, 21 Beechcroft Gardens.

Council's Tree Officer- A Construction Method Statement in accordance with "BS 5837: 2005 *Trees in Relation to Construction-Recommendations*," is required, and recommendations for this report are suggested.

REMARKS

The application proposes the conversion of garage into a habitable room and erection of a single storey detached outbuilding in rear garden of dwellinghouse. The dwelling has been extended in the past and has existing 2-storey and single storey rear extensions. Earlier this year, application 08/1674 granted permission for a first-floor side, single-storey rear extension, 1 rear dormer window and installation of 2 front rooflights to dwellinghouse. This application has not been implemented.

Conversion of garage to habitable room

The application proposes the conversion of the garage to a living room for a proposed Granny Annex. No extension to the building at the front or rear is proposed, although an external door is proposed at the rear. The property is the full width of the application site and therefore the door is not accessible to the street. The proposal entails the replacement of garage doors with a window, which matches the style of the original property. The proposed Granny Annex will occupy the existing ground-floor side extension and garage. It will consist of a large bedroom with linked internal room, enlarged bathroom and the existing garage is proposed as a lounge. The proposed Annex space is currently accessed internally by a door from the porch and a door from the kitchen. The proposal continues to propose the porch door access, but moves the other existing door within the kitchen.

The proposed Granny Annex occupies an area that exceeds SPG17 guidelines for a one-bedroom flat. However, as the original, unextended size of the dwelling is less than 110sqm the Local Planning Authority could not support the principle of the property being subdivided into flats in the future, which is contrary to Policy H17. Therefore the principle of an Annex may only be supported on the basis of that it remains strictly ancillary to the main dwellinghouse. In order to ensure the incidental nature of the proposed Annex, the applicants have been asked to infill the existing garage pedestrian door accessed from the porch. An amended drawing is awaited at the time of writing this report. Furthermore the applicant has been asked to agree to a condition that would restrict the right to insert additional doors within the front elevation. The applicant has agreed to this, and amended drawings are awaited.

The conversion of the garage will lead to displacement car parking within the front garden of the property. The existing hard surfaced area is large and has capacity for the parking of 2 vehicles in compliance with Policy TRN23 of Brent's Unitary Development Plan 2004. The applicants have confirmed that no change is proposed to the hard surfaced area. This will be reported in the supplementary. A parking area will be maintained by a condition.

Your officer's site visit confirmed that the front garden already has a significant amount of soft landscaping, which will be required to be retained in accordance with Policy BE7 and SPG5. The area of soft landscaping within the front garden is slightly less than 50% guided by local planning policies but overall is a high quality consisting of an area of lawn, trees, hedges and sizeable shrubs. The applicants have confirmed that this area will be maintained, with some infill planting and this would be subject to a condition in order to safeguard the character of the area and local amenity.

Erection of outbuilding

The application also proposes an outbuilding, to be sited 14.5m from the existing furthest rear wall of the house. The outbuilding as originally submitted measures 4m wide by 7.5m long, with a 30sqm footprint. It has a hipped roof to a maximum height of 3.6m. The submitted drawing demonstrates that the proposed outbuilding is to be set in from both side boundaries and the rear boundary by a metre. The applicant has indicated that they would be willing to reduce the size of the outbuilding to 6m by 4m, creating a 24sqm footprint. These dimensions comply with the Local Planning Authority's standard approach to outbuildings. In addition, the applicants have been asked to consider introducing a new timber cladding section to the outbuilding's walls, particularly the western elevation facing the original dwelling. This revised wall treatment and new planting around the proposed outbuilding are anticipated to soften the visual impact of the outbuilding. Amended drawings are awaited.

The Design and Access Statement accompanying the application states that the building will be used for storage, and this is considered an appropriate use. The applicants have confirmed that it will be used for storage and gym equipment. An informative will remind the applicant that the outbuilding may only be used for purposes incidental to the dwellinghouse, for the avoidance of doubt.

A neighbouring landowner has raised concerns regarding the possible use of the outbuilding for living accommodation. They refer to another application to retain an outbuilding on at 21 Beechcroft Gardens, which also borders land under their ownership. The structure measured 4.15m high and the outbuilding and attached altered garage had a combined footprint of 75sqm. An application was received to retain this outbuilding with alterations, reference 09/2142. This application was refused because of the design, size, dimensions, and location of the outbuilding, which was considered harmful to the local visual amenities and out of character with the area contrary to Policies BE2 and BE9 of Brent's Unitary Development Plan. Your officers consider that the application site is materially different to 21 Beechcroft Gardens. The current application site has a longer rear garden and the proposed outbuilding is significantly smaller than that referred to by the neighbouring owner.

Your Officer's site visit revealed a change in ground levels with a step up across the entire width of the rear garden that covers the rear 2 to 3m of garden area. The applicant has been asked to confirm that the outbuilding will be sited at the lower ground-level and not elevated by raising the

ground levels to match those at the rear of the garden. A condition will require the submission of levels details. This will ensure that the outbuilding's impact may be fully assessed and that neighbouring amenities may be safeguarded.

Trees

There are a number of trees within the vicinity of the proposed outbuilding. Several of these are within neighbouring gardens and sizeable shrubs form both side and rear boundaries. The size of the trees within the vicinity means that tree roots originating in neighbouring gardens are likely to be present in the area that the outbuilding is proposed to be sited in. The trees have been assessed by the Council's Tree Officer. None of the local trees are considered worthy of Tree Preservation Orders. Nevertheless the presence of tree roots means that the Tree Officer recommends the submission of a Construction Method Statement in accordance with "BS 5837: 2005 Trees in Relation to Construction-Recommendations."

The Council's Tree Officer has made recommendations for inclusion within the Construction Method Statement, which have been given to the applicant. The applicant has agreed to submit this. It is considered that a Method Statement is required in order to demonstrate how roots from neighbouring trees will be protected throughout the construction process. A condition would require that all works would need to be undertaken in accordance with any approved report. The proposed reduced building footprint will result in the outbuilding being positioned further away from shared boundaries, neighbouring trees and provide an opportunity to maintain/ improve existing side/ rear hedges. It is considered that a satisfactory method statement and reduced building footprint will overcome neighbour's concerns regarding impact upon trees within their own garden. It should be noted that under common law the applicant may undertake works to trees that overhang/ intrude onto land under their ownership. However, the failure to consider tree roots appropriately may otherwise lead to future harm to the outbuilding by roots, or subsidence of the proposed building. An appropriate construction methodology is therefore needed to ensure the outbuilding's longevity.

Overall, it is considered that the application may be supported subject to required amendments.

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 SPG 5 - Altering and Extending Your Home
Council's SPG 17 - Design Guide for 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 to the dwellinghouse 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 front garden shall be retained as hard and soft landscaped areas in accordance with the approved drawings. 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) Notwithstanding the provisions of Class A of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995, as amended, (or any order revoking and re-enacting that Order with or without modification) no additional doors may be inserted within the front elevation of the dwelling unless a formal planning application is first submitted to and approved by the Local Planning Authority.

Reason: In order to ensure that the Granny Annex remains incidental to the use of the main dwellinghouse when a separate, independent flat would be considered contrary to adopted local planning policies

- (5) No development shall take place until a Construction Method Statement in accordance with "*BS 5837: 2005 Trees in Relation to Construction-Recommendations*" for the protection during construction of the tree roots on the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be undertaken in accordance with the details so approved.

Reason: To ensure that the existing landscaping features are retained and protected from damage during the course of construction works.

- (6) No development shall take place until details of existing ground levels (in relation to an existing datum point); proposed finished ground levels; floor slab levels and thresholds for the proposed outbuilding have been submitted to and approved in writing by the Local Planning Authority, and the development shall be completed in strict accordance with such approved details thereafter.

Reason: To ensure the precise height of the development can be considered in relation to adjoining gardens for amenity and townscape purposes.

- (7) Prior to development commencing details of external materials for the proposed outbuilding, shall be submitted to and approved in writing by the Local Planning Authority. 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.

- (8) The internal door between the front porch and proposed Granny Annex lounge shall be removed and the area shall sealed up and permanently maintained in accordance with the approved drawings prior to the use of the garage as a habitable room, unless otherwise agreed in writing by the Local Planning Authority

Reason: In order to ensure that the Granny Annex remains incidental to the use of the main dwellinghouse when a separate, independent flat would be considered contrary to adopted local planning policies

- (9) The hard-surface within the front garden shown on the approved drawing shall be permanently retained for parking and used solely in connection with the dwelling 14 Blenheim Gardens, unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure that the approved standards of parking/garage provision are maintained in the interests of local amenity and the free flow of traffic in the vicinity.

INFORMATIVES:

- (1) The outbuilding can only be used for purposes incidental to the main dwellinghouse. This excludes use as a bedroom, kitchen, bathroom/wc, living room or any other primary residential use even if it is in connection with the main dwellinghouse. If in any doubt over the lawful use of the outbuilding please contact the Planning Service on 020 8937 5210.
- (2) The applicants are reminded that this property is within planning use class C3 whereby up to 6 unrelated residents may live together as one single household. Any increase in residents above 6 people living together other than as a single family is likely to constitute a material change of use which would require the grant of a further planning permission from the Local Planning Authority.

REFERENCE DOCUMENTS:

Brent's Unitary Development Plan [UDP] 2004
SPG5 'Altering and Extending your home'
SPG17 – Design Guide for new development

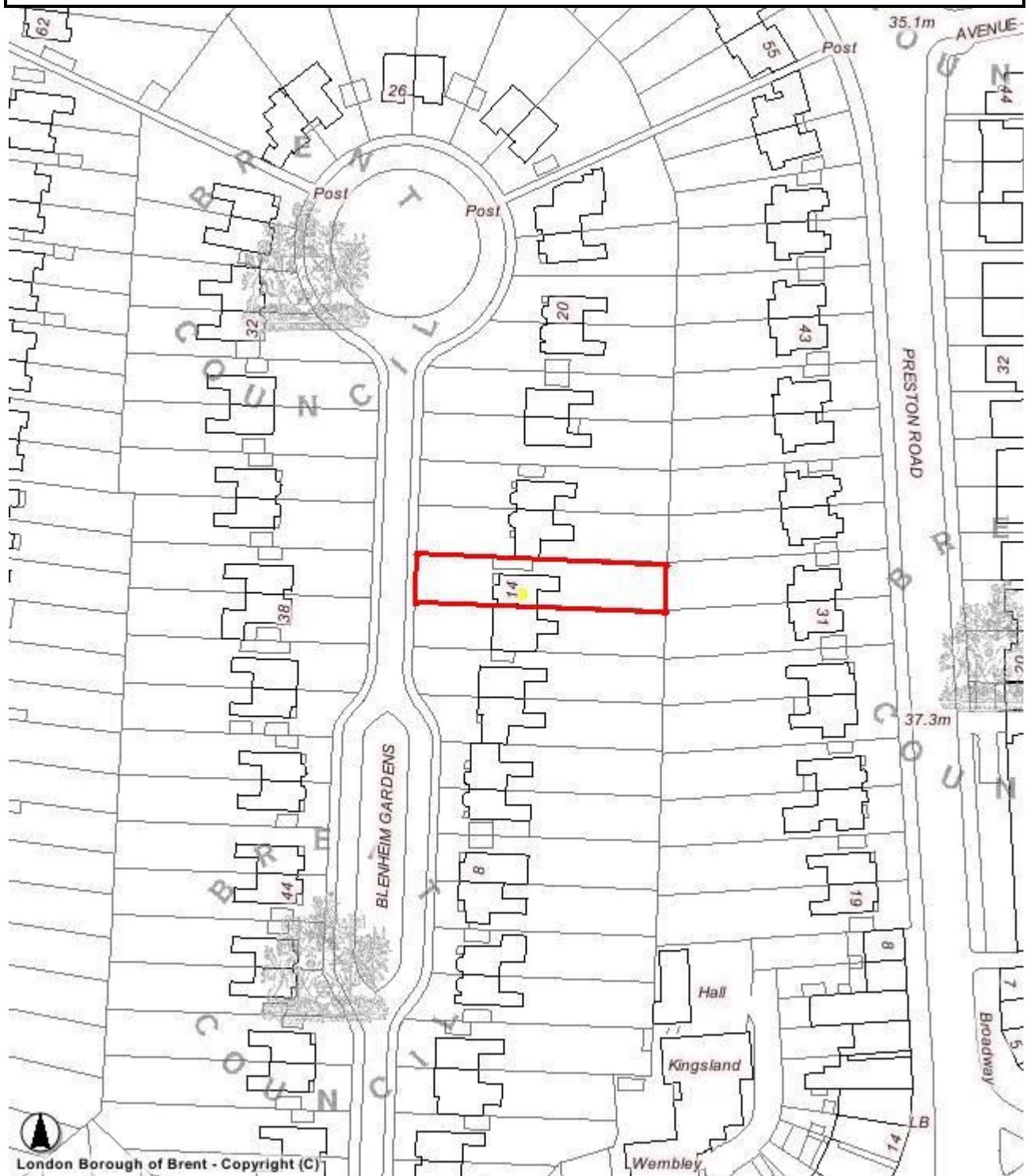
Any person wishing to inspect the above papers should contact Amy Collins, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5222

Planning Committee Map



Site address: 14 Blenheim Gardens, Wembley, HA9 7NP

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