

 **Planning Committee Map**
Site address: 79 Chamberlayne Road, London, NW10 3ND
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This map is indicative only.

RECEIVED: 13 April, 2012

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 79 Chamberlayne Road, London, NW10 3ND

PROPOSAL: The erection of a single storey rear extension and the conversion of the basement storage area into a self contained flat

APPLICANT: Mr Bijan Elghanian

CONTACT: Homes Design Ltd

PLAN NO'S:

General Map
HD480/5000
HD480/5001
HD480/5002
HD480/5003
HD480/5004
HD480/5005
HD480/5006
HD480/5007

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 or other duly authorised person to agree the exact terms thereof on advice from the Director of Legal Services 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
- Permit free Development
- £3000 per additional bedroom

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 located on the east side of Chamberlayne Road and is occupied by a three storey mid terrace property. The groundfloor commercial unit is located within the Chamberlayne Road Primary Shopping Frontage. The building is not located within a Conservation Area, nor is any part of the property a listed building. The ground slopes away from the street, meaning that although access to the shop (and upper floor flats) is located at street level the area to the rear is a true lower ground floor with its own open space at that same level.

PROPOSAL

Please see above

HISTORY

12/0004. Joint application for full planning permission for a single storey rear extension of No 79 and 77 Chamberlayne Road. Conversion of basement of no 77 into an office area and no 79 into habitable space. Withdrawn 02/04/2012.

11/1944. Proposed installation of rear dormer window, with one rear rooflight and 2 front rooflights to maisonette. Granted 19/09/2011.

98/0817. Full planning permission sought for change of use from retail (Use Class A1) to takeaway (Use Class A3). Appeal Dismissed 14/12/1998.

POLICY CONSIDERATIONS

Unitary Development Plan 2004

BE2 Townscape: Local Context & Character

BE9 Architectural Quality

H17 Flat Conversions

H18 The Quality of Flat Conversions

H19 Flat Conversions – Access & Parking

Brent's Core Strategy

Policy CP21

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

All neighbouring properties have been consulted. 3 objections have been received on the following grounds:

1. Overlooking of neighbouring property at 2 Chevening Road.
2. Noise and disturbance from works for the proposed extension.
3. Proposed boundary treatment would appear over bearing and out of keeping with the character of the area
4. Structural damage from existing works do not fill neighbours with confidence that the proposed development will be constructed in a safe and secure manner.
5. The previous application (Ref No: 12/0004) was fraudulent in that not all freehold and leasehold interested parties were consulted.

Response:

- The garden is large enough to prevent overlooking as outlined in SPG5 and SPG17
- The application does not seek permission for a new boundary treatment, further details of landscaping shall be secured by condition
- Matters relating to noise, disturbance and structural stability are not covered by the Town and Country Planning Act, however the applicant will be reminded of his/her responsibilities under the Party Wall Act
- The applicant has filled in Certificate B stating all relevant parties have been consulted.

All other matters are addressed in the 'Remarks' section of this report.

REMARKS

Principle

The Council supports residential provision, where the proposed development will not result in the loss of family sized accommodation and where the proposed accommodation is of an appropriate size and quality for prospective residents.

No objection is raised with the loss of storage space to the retail unit, as the basement has not been used for storage for some time and the retail unit will benefit from storage on the groundfloor.

Quality of Space

The proposed development results in the creation of a one-bedroom basement flat underneath the existing retail unit with storage and office at the groundfloor level. The unit will be independently accessed via the groundfloor. The unit has a proposed floor area of 67sqm, which exceeds both the London Plan and SPG 17 minimum floor area requirements. The unit will also have access to 60sqm of external amenity space which also exceeds the SPG17 requirement of 20sqm. SPG17 requires units to be appropriately stacked so to minimise noise transmission. As the new flat is located below a shop a details of adequate insulation shall be secured by condition

During the lifetime of this application, the layout of the flat has been significantly altered so to ensure adequate light and outlook is gained. In the new arrangement the open plan living/kitchen area will front the rear garden and gain light and outlook via windows and doors (x3) to the side return and rear garden. The new bedroom will gain outlook and light via the side return. Sometimes proposals to provide a new residential unit to the back of a commercial frontage can be problematic but Officers consider that for the reasons set out here this is a situation where an acceptable quality of accommodation can be provided. Owing to the large floor area, adequate external amenity space and appropriate layout of the flat, the proposed development is considered to be of an acceptable standard.

Extensions and alterations

A single storey rear extension is proposed to the rear of the original four storey rear projection. This will have a depth of 3m from the rear wall and will have a flat roof with a height of 3m above ground level and width equal to that of the existing rear projection. The proposed extension is of a size and scale that complies with Council guidelines. As such it is considered to be of a scale that is in keeping with the character and appearance of the property and that will not have a detrimental impact on the amenity of neighbouring residents.

Parking

The proposed development would result in an increase in the parking standard for the site of one space. The existing property cannot provide any parking for the existing residential units. As such the proposed scheme would only be acceptable if all residential units were covered by a car-free agreement. The applicant has confirmed a willingness to have all existing and proposed units to be 'Permit free'. No changes in parking are for the ground floor retail unit are proposed.

Cycle Storage

The cycle storage from the rear garden has been better accommodated within the bin store shown under the front of the building.

Section 106

The proposed development would have an impact on the provision of local sustainable transport, sports and open space infrastructure. A contribution (£3000 per additional bedroom) is sought through a section 106 agreement.

Conclusion

The proposed development is considered to be acceptable complies with the relevant policy guidelines. Accordingly it is recommended for approval subject to a legal agreement as discussed above

REASONS FOR CONDITIONS

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:

HD480/5004 REVA
HD480/5006 REVA
HD480/5007 REVA

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

- (3) 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.

- (4) The area so designated (within the rear garden) 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.

- (5) No development shall take place before a scheme for adequate sound insulation between the proposed flat and the upper floor retail unit has been submitted in addition to BRGs and approved in writing by the Local Planning Authority. The proposed flat shall not be occupied until the approved scheme has been fully implemented.

Reason: To safeguard the amenities of the occupiers.

INFORMATIVES:

- (1) 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

REFERENCE DOCUMENTS:

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