



Appeal Decision

Site visit made on 10 January 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30th January 2017

Appeal Ref: APP/T5150/W/16/3160267

Claverack House, Lyon Park Avenue, Wembley, Middlesex HA0 4DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by UR Properties Ltd against the Council of the London Borough of Brent.
 - The application Ref 16/0836 is dated 25 February 2016.
 - The development proposed is demolition of existing rear conservatory and extension of building including the erection of two additional floors to raise the height from 2 storeys to 4 storeys in order to provide four additional flats.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing rear conservatory and extension of building including the erection of two additional floors to raise the height from 2 storeys to 4 storeys in order to provide four additional flats at Claverack House, Lyon Park Avenue, Wembley, Middlesex HA0 4DH in accordance with the terms of the application, Ref 16/0836, dated 25 February 2016, and the plans submitted with it, subject to the conditions set out on the schedule attached to this Decision.

Procedural Matters

2. The Council's statement sets out the concerns which it would have raised had it been in a position to determine the application. The concerns include the scale of the proposed rear dormers; parking provision and cycle storage; and the proposed level of amenity space.

Main Issues

3. Taking the above into account, I consider that the main issues in this case are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on highway safety with specific reference to off-street parking provision and cycle storage; and
 - Whether the proposal makes adequate provision for private amenity space.

Reasons

Character and appearance

4. The appeal site is situated in a predominately residential area on the southern side of Lyon Park Avenue and comprises of a two-storey building containing four self-
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contained flats with a conservatory to the rear. To the east lies a three-storey block of flats known as Charlotte Court and to the west Aylestone Court comprises of a two and a half-storey traditional property.

5. The proposal would not extend beyond the existing gable features and the building line would, therefore, be maintained. In addition, the height and eaves of the proposed building would be consistent with the adjacent three-storey Charlotte Court. The proposal would be higher than Aylestone Court, however, taking into account the distance between the properties and the orientation of Aylestone Court facing onto Ealing Road I consider that the height difference would not be harmful to the street scene. Furthermore, the front gable features, a characteristic feature of the area would be retained. Moreover, the removal of the existing conservatory to the rear which is in a poor condition would improve the visual appearance of the building.
6. Four dormer windows are proposed on the rear roof slope to serve the studio flats in the roof space. The Council are concerned that they would be out of scale with the host dwelling and dominate the roof plane, contrary to guidance in the Council's Supplementary Planning Guidance 5 (SPG 5) Altering and Extending Your Home 2002 which requires rear dormers to be set down from the ridge by 0.5m and set up from the eaves by 0.3m.
7. No evidence is before me in relation to the distance of the dormers from the boundaries of the roof slope. The plans indicate that the ridge of the gabled dormers would not meet the required set down from the main roof of 0.5m; however, the roofs would slope away from the ridge towards the eaves of the dormers which would be set well down from the main ridge thus reducing the visual impact. In addition, the dormers would be set up from the eaves and set in from the sides of the main hipped roof. Consequently, I consider that the dormers would be well-contained within the rear roof slope and would not appear dominant.
8. Furthermore, the tripartite design of the dormer windows would reflect that of the windows proposed on the rear elevation. Moreover, public views of the dormers would be restricted due to the location at the rear. On balance, therefore, I consider that the dormer windows would not detract from the visual appearance of the host property. Overall, whilst there is some limited conflict with SPG 5, I consider that the proposal would complement the host property and respect the character and appearance of the surrounding area.
9. For the reasons stated I conclude that the proposal would not harm the character and appearance of the area. Consequently, the proposal would not be contrary to Policy CP17 of the Council's Core Strategy (2010) which seeks to protect the distinctive suburban character of Brent from inappropriate development. Neither would conflict arise with Policy DMP1 of the Brent Local Plan Development Management Policies (DMP) which, amongst other things, seeks to ensure that development provides high levels of internal and external amenity and complements the locality.
10. In addition, no conflict would arise with paragraph 56 of the National Planning Policy Framework (the Framework) which states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Furthermore, no conflict would arise with paragraph 57 of the Framework which states that it is important to plan positively for the achievement of high quality and inclusive design for all development. Finally no conflict arises with Supplementary Planning Guidance 17

(SPG17) Design Guide for New Development (2001) which aims to encourage high quality design in all new development.

Highway Safety

11. It would appear that the Council's transport officer's comments have been updated following the adoption of the DMP and the revised car parking standards set out at Appendix 1. I have, therefore, taken these revised comments into account in my Decision. Policy DMP 12 of the DMP states that developments should provide parking consistent with parking standards in Appendix 1. Appendix 1 of the DMP states that for 1-2 bed houses in an area with a PTAL rating of 4-6 should provide a maximum of 0.75 spaces per 1-2 bed unit. The proposal would, therefore, increase the parking requirement for the building from approximately 3 spaces to 6 spaces.
12. At present there are 12 parking spaces within the site, 8 garages to the rear and four parking spaces along the access drive resulting in a significant over-provision of parking. The proposal would involve the demolition of two existing garages in order to provide amenity space for the occupiers of the proposal resulting in a total provision of 10 spaces for the resultant building which would more than meet the requirement.
13. There is no evidence before me to indicate the use of the six retained garages and the distribution of garages and parking spaces between existing and proposed occupiers is not specified. However, the car parking spaces would meet the demand arising from the proposal and there would be an over-provision of off-street parking spaces overall. Moreover, I note that the street is not heavily parked at night and consequently there is no evidence before me to indicate that any harm would arise in the event that any on-street parking occurred.
14. A bike store is shown in the rear amenity area of sufficient size to accommodate approximately 6 bicycles which would meet the requirement arising from the proposal.
15. I, therefore, conclude that the proposal would make adequate provision for off-street car parking and cycle storage and would not, therefore, cause harm to highway safety. The proposal would not, therefore, be contrary to Policy DMP12 of the DMP.

Amenity Space

16. Policy DMP 19 of the DMP requires a minimum of 20sqm of outdoor amenity space per unit and 50 sqm for family housing including ground floor flats. The two ground floor units would have access to private amenity space whilst the remaining units would have access to communal amenity space which would be achieved in part by the demolition of two of the existing garages.
17. There are no measurements or calculations before me which quantifies the level of amenity space proposed or the extent to which this would meet the requirement. However, notwithstanding the numerical requirement, on the basis of my observations on my site visit and the plans each unit would have access to either private or communal amenity space. Indeed the demolition of the conservatory would create private amenity space for the ground floor flats that does not exist at present. Consequently, I consider that overall the amenity space would be sufficient to serve the development.

18. The Council point to the proposed communal area and the lack of separation with the existing garages and the potential safety risks which might arise. However, I consider that this matter could be addressed by way of a condition requiring details of the proposed sub-division of the amenity area and also details of the boundary treatment to ensure that appropriate separation from the garages and driveway is provided.
19. Consequently, I conclude that with the suggested condition the proposal would provide sufficient amenity space of an appropriate quality to meet the needs of the proposed occupiers. The proposal would, therefore, not conflict with the objective of Policy DMP 19 of the DMP.

Other matters

20. Concerns have been raised by the occupier of 57 Ealing Road (No 57) relating to outlook and light. However, I note there is an approximately 16m distance between the rear wall of the property and the rear side boundary of No 57. Consequently, due to the separation distance, I consider that the proposal would not have a harmful effect on the living conditions of the occupier of No 57. Concerns are also raised in relation to the effect of the proposal on stressed services in the area; however, there is no evidence before me to support this assertion.
21. The proposal would make a contribution, albeit limited, to housing supply in a sustainable location. I have found that the proposal would not harm the character and appearance of the area or harm highway safety. I also consider that the proposal would provide sufficient amenity space of an appropriate quality. I, therefore, consider that the benefits of the proposal would outweigh any very limited conflict with development plan policy and Supplementary Planning Guidance.

Conditions

22. In addition to the standard time limit condition (1) I have imposed a condition specifying the relevant drawings as this provides certainty (2). Conditions relating to materials (3), landscaping (10), and boundary treatment (9) are required in the interests of character and appearance. Condition 9 is also required in order to ensure appropriate separation of the amenity areas from the garages and driveway.
23. A condition relating to a Construction Method Statement (5) is necessary to protect the living conditions of occupiers of surrounding residential properties during the demolition and construction phase. Furthermore, a condition (6) requiring the submission of a scheme of sound insulation is necessary in order to protect the living conditions of future occupiers.
24. Condition 8 requires details of the bin and recycle store to be submitted to the Council to ensure appropriate provision is made for the storage and recycling of refuse and in the interests of character and appearance.
25. Conditions relating to the laying out of car parking (11) and cycle storage provision (7) are necessary to ensure that car parking is made permanently available and to ensure provision for non-motor car residents.

26. Finally a condition requiring details of tree protection measures (4) is necessary to ensure the protection of the large tree to the rear of the building during the construction phase.

Conclusion

27. For the reasons stated and taking all other matters into consideration the appeal should be allowed subject to the conditions set out in the attached schedule.

Caroline Mulloy

Inspector

Schedule

Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 10/2564/1; 10/2564/100; 10/2564/101; 10/2564/102; 10/2564/103; 10/2564/104; 10/2564/105.
- 3) No development shall take place until samples of all external facing and roof materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No development shall take place until details of tree protection measures for the large tree in the rear garden shown on 10/2564/105 have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full during the construction period.
- 5) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The approved measures shall be implemented in accordance with the statement during the construction period.
- 6) No development shall take place until a scheme of sound insulation measures has been submitted to the Local Planning Authority for approval. The insulation between the floors of the flats shall be designed to meet the standards of Building Regulations Approved Document E 'Resistance to the passage of sound'. The approved measures shall thereafter be implemented in full prior to the occupation of the units and maintained as such thereafter.
- 7) No development shall take place until details of the cycle parking within the 'bike store area' shown on 10/2564/100 have been submitted to and approved in writing by the Local Planning Authority and implemented prior to the occupation of the building. This shall demonstrate that secure and covered cycle storage is proposed for 6 cycle spaces. Following implementation the arrangement shall be maintained as such thereafter unless the prior written consent of the Local Planning Authority is obtained.
- 8) No development shall take place until details of the bin and recycle store area shown on 10/2564/100 have been submitted to and approved in writing by the Local Planning Authority and implemented prior to the occupation of the building. This shall demonstrate that adequate storage space can be provided. Following implementation the arrangement shall be maintained as such thereafter unless the prior written consent of the Local Planning Authority is obtained.
- 9) No development shall take place until details of all boundary treatments including those to divide the amenity spaces to the rear at ground floor level have been submitted to and approved in writing by the Local Planning Authority and implemented prior to the occupation of the building. Following

implementation the arrangement shall be maintained as such thereafter unless the prior written consent of the Local Planning Authority is obtained.

- 10) No development shall take place until details of a scheme for the landscaping of the area to the rear designated as a 'communal garden' shown on 10/2564/100 has been submitted to and approved in writing by the Local Planning Authority. The landscaping work shall be implemented in accordance with the approved scheme and completed prior to the first occupation of the development hereby approved. Any planting in 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 same positions with others of a similar size and species, unless the local planning authority first gives written consent to any variation.
- 11) The car parking shown on approved drawing 10/2564/100 shall be laid out and provided prior to the first occupation of the residential flats hereby approved and maintained as such thereafter unless the written prior written consent of the Local Planning Authority is obtained.