

# Planning Committee Agenda

**Date:** Wednesday 15 March 2023

**Time:** 6.30 pm

**Venue:** Auditorium - Harrow Council Hub, Forward Drive,  
Harrow, HA3 8NT

The date and time for the site visit for Planning Committee Members will be communicated in due course.

The date and time for the briefing for Planning Committee Members will be communicated in due course.

## Membership (Quorum 3)

---

**Chair:** Councillor Marilyn Ashton

**Conservative Councillors:** Christopher Baxter (VC)  
Salim Chowdhury  
Zak Wagman

**Labour Councillors:** Ghazanfar Ali  
Peymana Assad  
Nitin Parekh

**Conservative Reserve Members:**

1. Anjana Patel
2. Norman Stevenson
3. Ameet Jogia
4. Nicola Blackman

**Labour Reserve Members:**

1. Simon Brown
2. Kandy Dolor
3. Rashmi Kalu

**Contact:** Mwim Chellah, Senior Democratic & Electoral Services Officer  
Tel: 07761 405966 E-mail: [mwimanji.chellah@harrow.gov.uk](mailto:mwimanji.chellah@harrow.gov.uk)

Scan this code for the electronic agenda:



# Useful Information

## Joining the Meeting virtually

The meeting is open to the public and can be viewed online at [London Borough of Harrow webcasts](#)

## Attending the Meeting in person

### Directions by car:

Go along Kenmore Avenue and head towards the Kenton Recreation Ground. When approaching the end of the Kenmore Avenue turn right before reaching the Kadwa Patidar Centre.

The venue is accessible to people with special needs. If you have specific requirements, please contact the officer listed on the front page of this agenda.

You will be admitted on a first-come-first basis and directed to seats.

Please:

- (1) Stay seated.
- (2) Access the meeting agenda online at [Browse meetings - Planning Committee](#)
- (3) Put mobile devices on silent.
- (4) Follow instructions of the Security Officers.
- (5) Advise Security on your arrival if you are a registered speaker.

## Filming / recording

This meeting may be recorded or filmed, and if you choose to attend, you will be deemed to have consented to this. Any recording may be published on the Council website.

**Agenda publication date: Tuesday 7 March 2023**

# Agenda - Part I

## Guidance Note for Members of the Public attending the Planning Committee (Pages 5 - 8)

1. **Attendance by Reserve Members**  
To note the attendance at this meeting of any duly appointed Reserve Members.
2. **Right of Members to Speak**  
To agree requests to speak from Councillors who are not Members of the Committee.
3. **Declarations of Interest**  
To receive declarations of disclosable pecuniary or non pecuniary interests, arising from business to be transacted at this meeting, from all Members present.
4. **Minutes** (Pages 9 - 14)  
That the minutes of the meeting held on 15 February 2023 be taken as read and signed as a correct record.
5. **Public Questions**  
To note any public questions received.  
  
Questions will be asked in the order in which they were received. There will be a time limit of 15 minutes for the asking and answering of public questions.  
  
**[The deadline for receipt of public questions is 3.00 pm, 10 March 2023. Questions should be sent to [publicquestions@harrow.gov.uk](mailto:publicquestions@harrow.gov.uk) No person may submit more than one question].**
6. **Petitions**  
To receive petitions (if any) submitted by members of the public/Councillors.
7. **Deputations**  
To receive deputations (if any).
8. **References from Council and other Committees/Panels**  
To receive references from Council and any other Committees or Panels (if any).
9. **Addendum** (To Follow)
10. **Representations on Planning Applications**  
To confirm whether representations are to be received, under Committee Procedure Rule 29 (Part 4B of the Constitution), from objectors and applicants regarding planning applications on the agenda.

### Planning Applications Received

Report of the Chief Planning Officer - circulated separately.

Members are reminded that, in accordance with the Planning Protocol, where Councillors disagree with the advice of the Chief Planning Officer, it will be the Members' responsibility to clearly set out the reasons for refusal where the Officer recommendation

is for grant. The planning reasons for rejecting the Officer's advice must be clearly stated, whatever the recommendation and recorded in the minutes. The Officer must be given the opportunity to explain the implications of the contrary decision.

**11. Section 1 - Major Applications - NIL**

**12. Section 2 - Other Applications recommended for Grant**

|     |   |        |       |                    |
|-----|---|--------|-------|--------------------|
| (a) | 2/01, 2 Snaresbrook Drive<br>HA7 4QW, P/4319/22 | CANONS | GRANT | (Pages<br>15 - 32) |
|-----|---|--------|-------|--------------------|

**13. Section 3 - Other Applications recommended for Refusal**

|     |   |        |        |                    |
|-----|---|--------|--------|--------------------|
| (a) | 3/01, 227 Whitchurch Lane<br>HA8 6QT, P/1838/22 | CANONS | REFUSE | (Pages<br>33 - 62) |
|-----|---|--------|--------|--------------------|

14. **Any Other Urgent Business**  
Which cannot otherwise be dealt with.

## **Agenda - Part II - NIL**

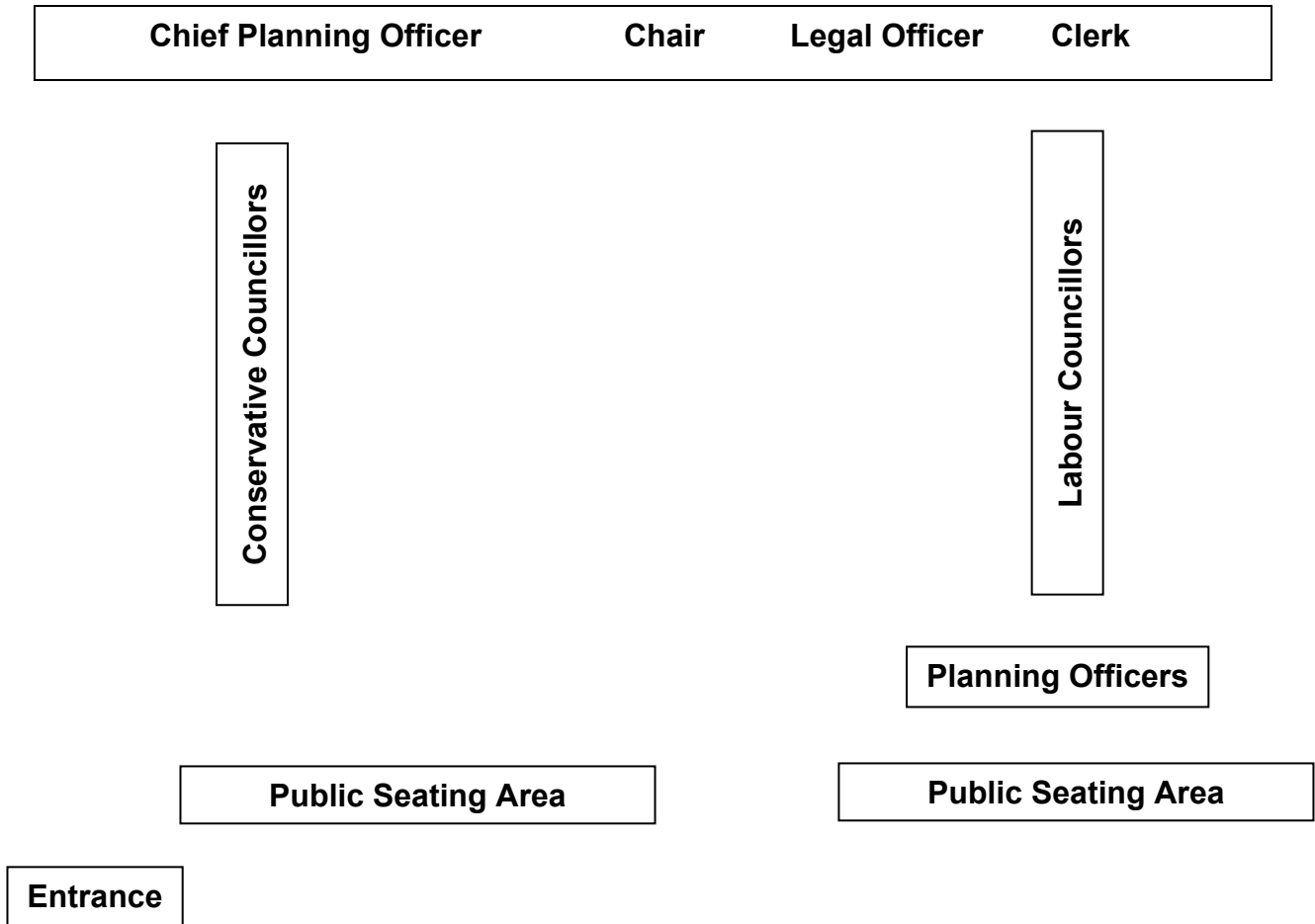
### **Data Protection Act Notice**

The Council will record the meeting and will place the recording on the Council's website.

**[Note:** The questions and answers will not be reproduced in the minutes.]

## Guidance Note for Members of the Public attending the Planning Committee

### Typical Planning Committee layout for the Auditorium



### Order of Committee Business

It is the usual practice for the Committee to bring forward to the early part of the meeting, those planning applications where notice has been given that objectors wish to speak, or where members of the public have come to hear the debate. However, often the agendas are quite long and the Committee may want to raise questions with officers and enter into detailed discussion over particular applications. This means that members of the public may have to wait some time before the application they are interested in is discussed. Additionally, the Committee may take a short break around 8.30 pm.

### Rights of Objectors & Applicants to speak at Planning Committees

***[Please note that objectors may only speak if they requested to do so by 5.00 pm on the working day before the meeting]***

In summary, where a planning application is recommended for grant by the Divisional Director of Planning, a representative of the objectors may address the Committee for up to 3 minutes. Where an objector speaks, the applicant has a right of reply. The Planning Service advises neighbouring residents and applicants of this procedure.

The Planning Committee is a formal quasi-judicial body of the Council with responsibility for determining applications, hence the need to apply rules governing the rights of public to speak. Full details of this procedure are set out in the Council's Constitution, which also provides useful information for Members of the public wishing to present petitions, deputations or ask public questions at Planning Committee, and the rules governing these. The relevant pages of the Constitution can be accessed via this link:

[Harrow Council Constitution - Part 4B Committee Procedure Rules](#)

## **Addendum**

In addition to the agenda, an Addendum is produced on the day before the meeting, with any final updates included in a second Addendum on the day of the meeting. These documents update the Committee on any additional information received since the formal agenda was published and also identifies any applications which have been withdrawn by applicants or which officers are recommending for deferral.

**A limited number of hard copy agendas and addendums are available for the public in the Auditorium from approximately 6.00 pm onwards on the day of the meeting.**

## **Decisions taken by the Planning Committee**

The types of decisions commonly taken by the Planning Committee are set out below:

### **Refuse permission:**

Where a proposal does not comply with the Council's (or national) policies or guidance and the proposal is considered unacceptable, the Committee may refuse planning permission. The applicant can appeal to the Secretary of State against such a decision. Where the Committee refuse permission contrary to the officer recommendation, clear reasons will be specified by the Committee at the meeting.

### **Grant permission as recommended:**

Where a proposal complies with the Council's (or national) policies or guidance and the proposal is considered acceptable, the Committee may grant permission. Conditions are normally imposed.

### **Minded to grant permission contrary to officer's recommendation:**

On occasions, the Committee may consider the proposal put before them is acceptable, notwithstanding an officer recommendation of refusal. In this event, the application will be deferred and brought back to a subsequent meeting. Renotification will be carried out to advise that the Committee is minded to grant the application.

### **Defer for a site visit:**

If the Committee decides that it can better consider an application after visiting the site and seeing the likely impact of a proposal for themselves, then the application may be deferred until the next meeting, for an organised Member site visit to take place.

### **Defer for further information/to seek amendments:**

If the Committee considers that it does not have sufficient information to make a decision, or if it wishes to seek amendments to a proposal, the application may be deferred to a subsequent meeting.

**Grant permission subject to a legal agreement:**

Sometimes requirements need to be attached to a planning permission which cannot be dealt with satisfactorily by conditions. The Committee therefore may grant permission subject to a legal agreement being entered into by the Council and the Applicant/Land owner to ensure these additional requirements are met.

**(Important Note:** *This is intended to be a general guide to help members of the public understand the Planning Committee procedures. It is not an authoritative statement of the law. Also, the Committee may, on occasion, vary procedures).*

This page is intentionally left blank





# Planning Committee

## Minutes

### 15 February 2023

**Present:**

**Chair:** Councillor Marilyn Ashton

**Councillors:** Peymana Assad                      Rashmi Kalu  
Christopher Baxter                      Nitin Parekh  
Salim Chowdhury                      Norman Stevenson

**144. Attendance by Reserve Members**

**RESOLVED:** To note the attendance at this meeting of the following duly appointed Reserve Members:

Ordinary Member

Reserve Member

Councillor Ghazanfar Ali

Councillor Rashmi Kalu

Councillor Zak Wagman

Councillor Norman Stevenson

**145. Right of Members to Speak**

**RESOLVED:** That no Members, who were not members of the Committee, had indicated that they wished to speak at the meeting.

**146. Declarations of Interest**

**RESOLVED:** To note that the following declaration was made:

Agenda item 2/03 272 High Road, P/0569/22

Councillor Marilyn Ashton declared a non-pecuniary interest in that one of the developers lived on the same road as she did.

**147. Minutes**

Councillor Nitin Parekh advised that Councillor Marylin Ashton (Chair) left the meeting room during the deliberation of agenda item 1/01, and returned when agenda item 2/01 was being presented, and not agenda item 2/02, as indicated in the minutes.

**RESOLVED:** That, subject to the above correction, the minutes of the meeting held on 18 January 2023, be taken as read and signed as a correct record.

**148. Public Questions**

**RESOLVED:** To note that no public questions were received.

**149. Petitions**

**RESOLVED:** To note that there were none.

**150. Deputations**

**RESOLVED:** To note that there were none.

**151. References from Council and other Committees/Panels**

**RESOLVED:** To note that there were none.

**152. Addendum**

**RESOLVED:** To accept the Addendum.

**153. Representations on Planning Applications**

**RESOLVED:** That in accordance with the provisions of Committee Procedure Rule 29 (Part 4B of the Constitution), representations be received in respect of item 2/01 on the list of planning applications.

**Resolved Items**

#### **154. Quarterly (Calendar Year) Appeals Report**

Members received the Quarterly (Calendar Year) Appeals Report, which set out the Appeal Decisions between October 31 2022 and December 30 2022.

**RESOLVED:** That the report be noted.

#### **155. 2/01, 24 Dryden Road HA3 7JZ, P/3350/22**

**PROPOSAL:** single storey side and rear extension to outbuilding (Retrospective)(Part Demolition of Outbuilding)(as amended by the Addendum).

Simon Joshua (objector) addressed the Committee and urged them to refuse the application. The agent and applicant were requested to make representation. However, they chose not to do so.

Councillor Baxter proposed refusal for the following reason:

- 1) the development, by reason of its scale and coverage of the garden area, represented an over intensive use of the site, which was out of character and detrimental to the amenities of the neighbouring properties, contrary to CS1 Harrow Core Strategy (2012), DM1 and DM7 of Harrow Development Management Policies (2013) and D3 London Plan (2021).

The motion was seconded by Councillor Stevenson and agreed.

The Committee voted and resolved to refuse officer recommendations.

#### **RECOMMENDATION**

The Committee was asked to grant planning permission for the following reasons:

- 1) to agree the reasons for approval as set out in the report; and
- 2) grant planning permission subject to the Conditions listed in Appendix 1 of the report.

#### **DECISION: REFUSE**

The Committee wished it to be recorded that the decision to refuse the application was by majority of votes.

Councillors Ashton, Baxter, Chowdhury and Stevenson voted to refuse the application.

Councillors Parekh and Kalu voted against refusing the application.

Councillor Assad did not vote as she missed part of the presentation to determine the application.

**156. 2/02, 13 Langland Drive HA5 4SA, P/3898/22**

**PROPOSAL:** single storey front infill extension; single and two storey side extension; conversion of garage to habitable room with installation of window to front; re-location of main entrance to front; two rooflights in rear roof slope; external alterations.

The Committee voted and resolved to accept officer recommendations.

**RECOMMENDATION**

The Committee was asked to:

- 1) agree the reasons for approval as set out in the report; and
- 2) grant planning permission subject to the conditions listed in Appendix 1 of the report.

**DECISION: GRANT**

The Committee wished it to be recorded that the decision to grant the application was unanimous.

**157. 2/03, 272 High Road HA3 7BB, P/0569/22**

**PROPOSAL:** redevelopment to provide three storey building comprising of commercial floorspace to ground floor (Use class E) and five flats; creation of four two storey terraced houses; landscaping; parking; bin and cycle stores (demolition of existing building and garages)(as amended by the Addendum).

The Committee voted and resolved to accept officer recommendations.

**RECOMMENDATION**

The Committee was asked to:

- 1) agree the reasons for approval as set out in the report; and
- 2) grant planning permission subject to the Conditions listed in Appendix 1 of the report.

**DECISION: GRANT**

The Committee wished it to be recorded that the decision to grant the application was unanimous.

**The video/audio recording of this meeting can be found at the following link:**

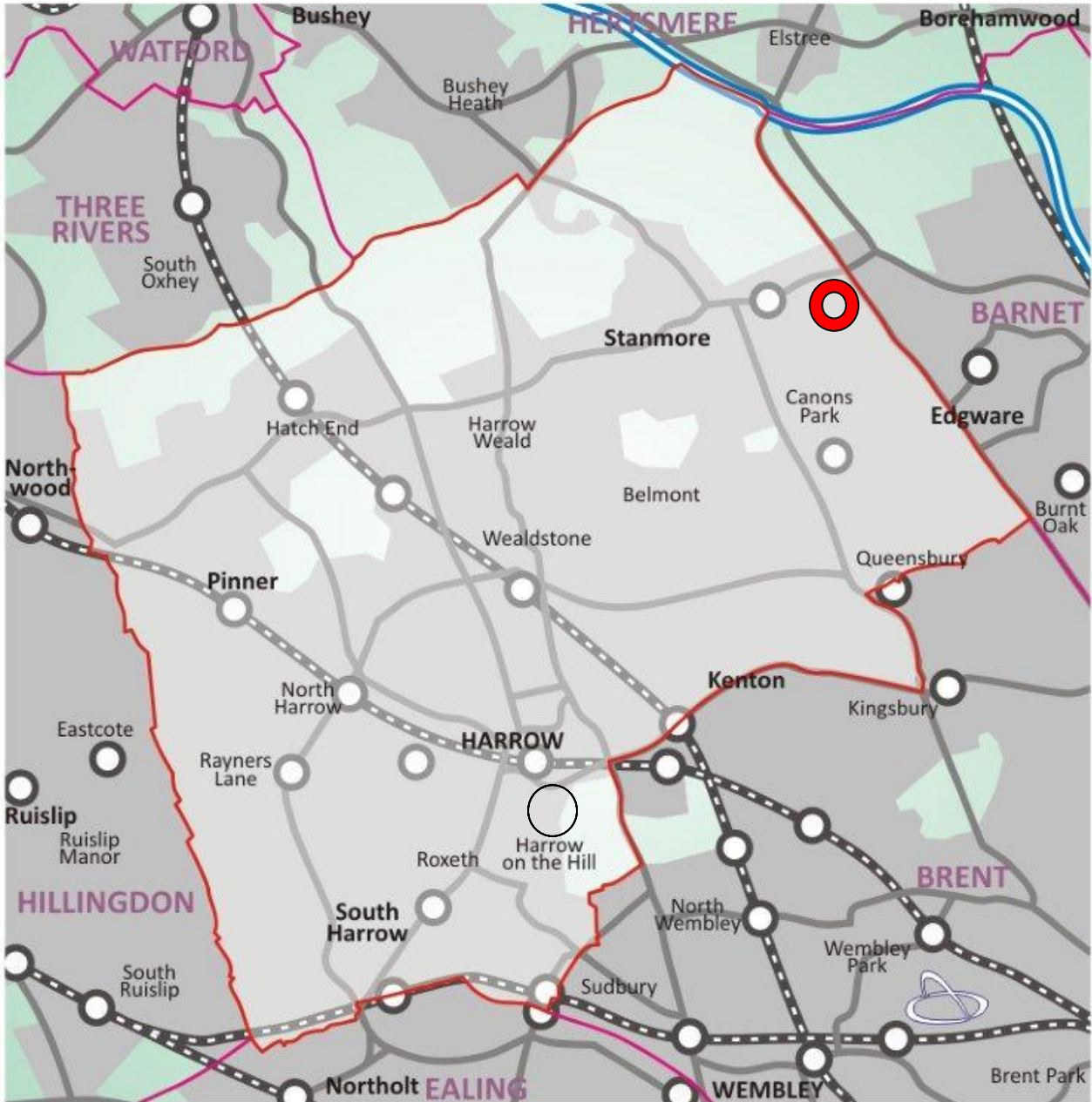
<https://www.harrow.gov.uk/virtualmeeting>

(Note: The meeting, having commenced at 6.30 pm, closed at 7.55 pm).

(Signed) Councillor Marilyn Ashton  
Chair

This page is intentionally left blank

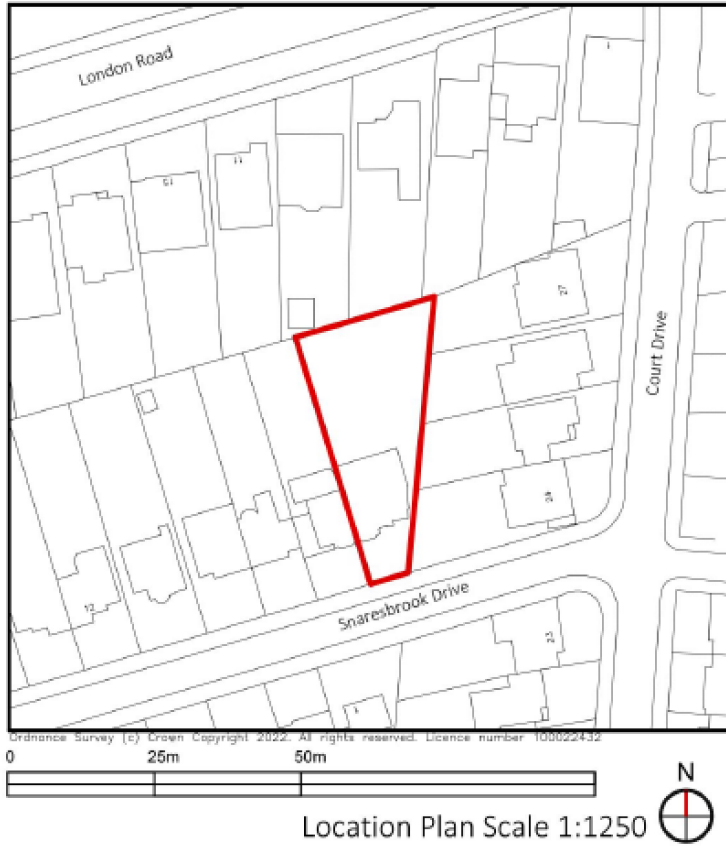
 = application site



2 Snaresbrook Drive, Stanmore, HA7 4QW

P/4319/22

## Location Plan





# LONDON BOROUGH OF HARROW

## PLANNING COMMITTEE

15<sup>th</sup> March 2023

**APPLICATION NUMBER:** P/4319/22  
**VALID DATE:** 23/12/2022  
**LOCATION:** 2 SNARESBROOK DRIVE, STANMORE  
**WARD:** CANONS  
**POSTCODE:** HA7 4QW  
**APPLICANT:** MR PRAKASH SOHAN  
**AGENT:** CONSTRUCT 360 T/A DONTMOVEEXTEND.COM  
**CASE OFFICER:** MURTAZA POPTANI  
**EXPIRY DATE:** 13/02/2023  
**EXTENSION OF TIME:** N/A

### PROPOSAL

Single storey front extension; single and two storey side extension; single and two storey rear extension; alterations to roof; rear dormer; rooflights in front, side and rear roofslopes; outbuilding at side for boiler; external alterations.

### RECOMMENDATION

The Planning Committee is asked to:

- 1) Agree the reasons for approval as set out in this report, and
- 2) Grant planning permission subject to the conditions listed in Appendix 1 of this report:

### REASON FOR THE RECOMMENDATION

The proposed development would not detract from the character and appearance of the host building, street scene and area in a wider context, nor would it unduly impact upon the residential amenity of neighbouring occupants. The proposed development is not considered to be susceptible to unacceptable flood risk and is not considered to exacerbate flood risk elsewhere. The proposed development is not considered to conflict with S17 of the Crime and Disorder Act 1998 (as amended), and finally, the applicant has provided a Reasonable Exception Statement to confirm that the development will not adversely affect the appropriate fire safety measures of the site. As such, the development accords with the NPPF (2021), Policies D3, D11, D12, SI 12, SI 13 of the London Plan (2021), Policies CS1.B of the Harrow Core Strategy, Policies DM1 & DM10 of the Harrow Development Management Policies Plan, and the Harrow Supplementary Planning Document: Residential Design Guide (2010).

## **INFORMATION**

This application is reported to Planning Committee at the request of a nominated member in the public interest and therefore falls within provision A of the Scheme of Delegation.

|  |                                |
|--|--------------------------------|
| Statutory Return Type:   | (E)21. Householder Development |
| Council Interest:  | None                           |
| Net additional Floorspace:   | 64.9 sqm                       |
| GLA Community Infrastructure Levy<br>(CIL) Contribution (provisional): | N/A                            |
| Local CIL requirement:   | N/A                            |

## **HUMAN RIGHTS ACT**

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

## **EQUALITIES**

In determining this planning application the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

For the purposes of this application there are no adverse equalities issues.

## **S17 CRIME & DISORDER ACT**

It is considered that the proposed development would not adversely impact upon community safety issues or conflict with development plan policies in this regard.

## 1.0 **SITE DESCRIPTION**

- 1.1 The application site contains a two storey semi-detached dwellinghouse located to the northern side of Snaresbrook Drive. The dwelling is characterised with a centrally pitched hipped roof with a two storey hipped roof projection to the front elevation, comprising of face brickwork at lower level, rendered elevations and UPVCU windows. There is parking available within the front driveway and associated garage to the side, of which, is single width. The site contains a garden in the rear which increases in width to the north.
- 1.2 The adjoining dwelling to the west at No. 4 Snaresbrook Drive is the pair to this semi-detached property and is of similar architectural appearance to the front elevation. This property has been extended by way of a single storey rear extension.
- 1.3 The rear gardens of the adjacent dwellings to the east along Court Drive adjoin the eastern boundary of the application site.
- 1.4 The host dwelling is not listed, is not within a Conservation Area, is not located within a Flood Zone, but does sit within a Critical Drainage Area.

## 2.0 **PROPOSAL**

- 2.1 The single storey rear extension would have a maximum depth of 6m, 10.9m in width and a height of 3m. The first floor side/rear extension would measure 4.72m in width to the rear, 3m in width to the side, 10.3m in depth and would have a hipped roof which would be set down below the ridge of the main roof. This extension would be set in by 0.8m from the eastern side boundary at the closest point and this gap increases to the rear. The first floor side element would be set back by 1m from the front elevation. The rear dormer would measure 3.6m in width, 3.1m in depth and 2.2m in height. The dormer would be set in by 0.5m from the party wall, set in 1m from the roof of the two storey rear extension, 1m above the eaves and 0.7m below the ridge. Materials chosen are to match the existing conditions on site.

## 3.0 **RELEVANT PLANNING HISTORY**

|                  |   |                        |
|------------------|---|------------------------|
| <b>P/4320/22</b> | Certificate of lawful development (proposed): three detached outbuildings at rear for use as games room, gym and store. | Granted<br>16/02/2023. |
|------------------|---|------------------------|

### 3.1 Site History

No other relevant planning history.

## 4.0 **CONSULTATION**

- 4.1 A total of 8.no consultation letters were sent to neighbouring properties regarding this application. The overall public consultation period expired on 23 January 2023.

4.2 A site notice was posted on 2 February 2023, this expired on 23 February 2023.

4.3 7 responses were received. Matters raised within these objections can be summarised as follows:

- The loss of the garage parking space will result in more on street parking. The proposed extension of the property is excessive and would be out of keeping with the neighbouring properties.
- The extension would present a dominant and overbearing presence adversely affecting the outlook from my property.
- The massing, bulk and scale of the development almost dwarfs the adjacent semi-detached house.
- There will be noise and disturbance to neighbouring residents during building work.

#### 4.4 Officer Response

- The level of parking provided to the front driveway would comply with the London Plan parking standards.
- The scale and design of the extensions comply with the Harrow Residential Design Guide (2010).
- The impact of the extensions would comply with the Harrow Residential Design Guide (2010).
- Noise and disturbance during buildings works is not a material planning consideration.

## 5.0 POLICIES

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

‘If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.’

5.2 The Government has issued the National Planning Policy Framework [NPPF 2021] which sets out the Government’s planning policies for England and how these should be applied and is a material consideration in the determination of this application.

5.3 In this instance, the Development Plan comprises The London Plan 2021 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP]. The relevant policies are referenced within the report below and a summary within Informative 1.

## **6.0 ASSESSMENT**

6.1 The main issues are:

- Character and Appearance of the Area
- Residential Amenity
- Drainage and Flood Risk
- Fire Safety

## **6.2 Character and Appearance of the Area**

6.2.1 The relevant policies are:

- The National Planning Policy Framework (2021)
- The London Plan (2021): D3
- Harrow Core Strategy (2012): CS1.B
- Harrow Development Management Policies (2013): DM1, DM23

Relevant Supplementary Documents

- Residential Design Guide (2010)

### **6.2.2 Part Single Part Two Storey Side Extension**

Officers consider the proposed part single, part two storey side extension to be a congruous, proportionate, and sympathetic addition to the host dwelling, street scene and area in a wider context. The SPD outlines guidance relating to first floor side extensions. It states that these extensions should be set back from the first-floor front wall by at least 1m, and that these extensions should have a pitched roof to respect the form of the original roof. The proposed first floor side extension would be set back from the first-floor front wall by 1m, and it is noted that a hipped roof is proposed to match the existing roof. Moreover, the break in the roofing will create an outcome that is in keeping with the street scene and character of the existing dwellinghouse through the creation of a subordinate form. For corner plot properties, it is important to ensure that there is adequate space around the building to avoid any terracing affect. Although the extension would be sited 0.8m from the side boundary at the closest point, the site is not immediately adjoined by a dwelling to the east and therefore the proposal would not appear unduly cramped within the plot. The first floor side element would not be more than half the width of the host dwelling. These considerations mean that the two-storey side extension would respond appropriately to the character and appearance of the host dwelling and the locality.

### **6.2.3 Single Storey Rear/Side Extension**

6.2.4. The existing single storey rear extension has a depth of 4m and the adjoining dwelling to the west at No. 4 Snaresbrook Drive also benefits from a 4m deep single storey rear extension. The proposed 6m deep extension would project by 2m beyond the rear of this property and would therefore comply with Harrow Residential Design Guide SPD. The flat roof height of 3m would also comply.

#### 6.2.5 Two storey rear extension

6.2.6 The first floor rear extension would not exceed more than half the width of the resultant rear elevation and would appear subservient and proportionate to the remainder of the rear elevation. The first floor rear element would be set in by 0.5m from the flank elevation of the two storey side extension and would comply with the Harrow Residential Design Guide SPD.

#### 6.2.7 Rear Dormer

6.2.8 The rear dormer would measure 3.6m in width, 3.1m in depth and 2.2m in height. The dormer would be set in by 0.5m from the party wall, set in 1m from the roof of the two storey rear extension, 1m above the eaves and 0.7m below the ridge. The rear dormer would be visually contained within the rear roof slope and would comply with the Harrow Residential Design Guide SPD.

#### 6.2.9 Outbuilding

6.2.10 The proposed outbuilding would have an external floor area of 5.2 sqm and would house an external boiler room. Due to its modest footprint, this element is considered subservient and non-intrusive.

6.2.11 In summary, the overall design of the proposed development is considered to be acceptable. The development remains sympathetic to the main dwelling and does not detract from the overall character and appearance of the host building, street scene and surrounding area.

### **6.3 Residential Amenity**

6.3.1 The relevant policies are:

- National Planning Policy Framework (2021)
- The London Plan (2021): D3
- Harrow Core Strategy (2012): CS1
- Harrow Development Management Policies (2013): DM1

Relevant Supplementary Documents

- Residential Design Guide (2010)

#### 6.3.2 Impacts on No. 4 Snaresbrook Drive

6.3.3 The existing single storey rear extension has a depth of 4m and the adjoining dwelling to the west at No. 4 Snaresbrook Drive also benefits from a 4m deep single storey rear extension. The proposed 6m deep extension would project by 2m beyond the rear of this property, there would be no demonstrable harm to the amenities of the adjoining property as a result of this element of the proposal and would therefore comply with Harrow Residential Design Guide SPD. The flat roof height of 3m would also comply. The first floor element of the proposed two storey rear extension would not interrupt a 45° degree splay drawn from the party wall line of No. 4 Snaresbrook Drive. No first floor flank windows have been proposed and the proposal would not result in a material loss of privacy.

#### 6.3.4 Impacts on properties to the east along Court Drive

- 6.3.5 The extensions would be situated a satisfactory distance from the rear elevations of the dwellings to the east along Court Drive and would not appear intrusive or overbearing on their amenities. No first floor flank windows have been proposed. There is a small rooflight window on the eastern roofsope which would serve a storage/loft space within the eaves of the roof. It is located approx. 45m from the rear elevation of no 24 and 55 m from no 25 and at an angle to the rear of these houses. It considered that these site circumstances would ensure that the proposal would not result in a material loss of privacy.
- 6.3.6 In summary, the proposed development is considered to have an acceptable residential amenity impact in respect to all neighbouring occupants.
- 6.3.7 Parking
- 6.3.8 With regards to parking, the London Plan stipulates 2 car parking spaces should be provided for houses with 4 bedrooms and above. 2 car parking spaces will be provided to the existing front driveway and therefore, no objections are raised in this regard.

## **6.4 Drainage**

6.4.1 The relevant policies are:

- National Planning Policy Framework (2021)
- The London Plan (2020): SI 12, SI 13
- Harrow Core Strategy (2012): CS1.W
- Harrow Development Management Policies (2013): DM10

6.4.2 The development would result in an increase in the development footprint on the site and would therefore have an impact in terms of increased surface water flood risk. As the site is located within a Critical Drainage Area, sustainable urban drainage [SUDs] is encouraged. An informative is therefore attached to this effect. An informative has also been included with regard to surface and foul water connections and has advised the applicant to contact Council's Drainage Engineers to provide a drainage plan.

## **6.5 Fire Safety**

6.5.1 The relevant policies are:

- National Planning Policy Framework (2021)
- London Plan Policy: D12

6.5.2 Part A of Policy D12 of the London Plan (2021) requires the demonstration of suitably positioned and unobstructed space for fire appliances and evacuation assembly points, and that developments ensure robust strategies for evacuation are in place as well as confirmation of the fire-fighting water supply. The applicant has provided a Reasonable Exception Statement to confirm that the development will not adversely affect the appropriate fire safety measures of the site.

## **7.0 CONCLUSION AND REASONS FOR APPROVAL**

- 7.1 The proposed development would not detract from the character and appearance of the host building, street scene and area in a wider context, nor would it unduly impact upon the residential amenity of neighbouring occupants. The proposed development is not considered to be susceptible to unacceptable flood risk and is not considered to exacerbate flood risk elsewhere. The proposed development is not considered to conflict with S17 of the Crime and Disorder Act 1998 (as amended), and finally, the applicant has provided a Fire Strategy Statement to confirm that the development will not adversely affect the appropriate fire safety measures of the site. As such, the development accords with the NPPF (2021), Policies D3, D11, D12, SI 12, SI 13, T6.1 of the London Plan (2021), Policies CS1.B and CS1.W of the Harrow Core Strategy, Policies DM1 & DM10 of the Harrow Development Management Policies Plan, and the Harrow Supplementary Planning Document: Residential Design Guide (2010).



## **APPENDIX 1: CONDITIONS AND INFORMATIVES**

### **CONDITIONS:**

#### 1. Timing

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

#### 2. Approved Plans and Documents

The development hereby permitted shall be carried out in accordance with the following documents and plans: Reasonable Exemption Statement, SD2-01-1001, SD2-01-1002.

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

#### 3. Materials

The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

REASON: To safeguard the character and appearance of the area in accordance with Core Policy CS1.B of the Harrow Core Strategy (2012) and Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

#### 4. Glazing 1

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no window(s)/door(s) other than those shown on the approved plans shall be installed in the flank elevation(s) of the development hereby permitted without the prior permission in writing of the local planning authority.

REASON: To safeguard the residential amenities of neighbouring residents, in accordance with Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

#### 5. No Balcony

The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.

REASON: To safeguard the residential amenities of neighbouring residents, in accordance with Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

## **INFORMATIVES:**

### 1. Policies

The following policies are relevant to this decision:

**The National Planning Policy Framework (2021)**

**London Plan 2021:** D3, D11, D12, SI 12, SI 13

**The Harrow Core Strategy 2012:** CS1.B, CS1.W

**Harrow Development Management Policies Local Plan 2013:**

DM1, DM10

**Supplementary Planning Documents:** Residential Design Guide (2010).

### 2. Considerate Contractor Code of Practice

The applicant's attention is drawn to the requirements in the Considerate Contractor Code of Practice. In the interests of minimising any adverse effects arising from building operations, the limitations on hours of working are as follows: 0800-1800 hours Monday - Friday (not including Bank Holidays) 0800-1300 hours Saturday

### 3. Party Wall Act:

The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

1. work on an existing wall shared with another property;
2. building on the boundary with a neighbouring property;
3. excavating near a neighbouring building, and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval.

"The Party Wall etc. Act 1996: explanatory booklet" is available free of charge from: Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB Please quote Product code: 02 BR 00862 when ordering.

Also available for download from the Portal website:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

### 4. Liability For Damage to Highway

The applicant is advised to ensure that the highway is not interfered with or obstructed at any time during the execution of any works on land adjacent to a highway. The applicant is liable for any damage caused to any footway, footpath, grass verge, vehicle crossing, carriageway or highway asset. Please report any damage to [nrswa@harrow.gov.uk](mailto:nrswa@harrow.gov.uk) or telephone 020 8424 1884 where assistance with the repair of the damage is available, at the applicant's expense. Failure to report any damage could result in a charge being levied against the property.

### 5. Grant without Pre-App Advice

No Pre-Application advice was sought through the planning process.

6. Surface and Foul Water Connections

The applicant is advised that the Drainage Authority in Harrow recommends the submission of a drainage plan, for their approval, indicating all surface and foul water connections and their outfall details. Please also note that separate systems are used in Harrow for surface water and foul water discharge. Please email [infrastructure@harrow.gov.uk](mailto:infrastructure@harrow.gov.uk) with your plans.

7. Sustainable Drainage Systems

The applicant is advised that surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible.



SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

Where the intention is to use soak ways they should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

Support for the SUDS approach to managing surface water run-off is set out in the National Planning Policy Framework (NPPF) and its accompanying technical guidance, as well as the London Plan. Specifically, the NPPF (2019) gives priority to the use of sustainable drainage systems in the management of residual flood risk and the technical guidance confirms that the use of such systems is a policy aim in all flood zones. Policy 5.13 of the London Plan (2016) requires development to utilise sustainable drainage systems unless there are practical reasons for not doing so. Sustainable drainage systems cover the whole range of sustainable approaches to surface drainage management. They are designed to control surface water run-off close to where it falls and mimic natural drainage as closely as possible. Therefore, almost any development should be able to include a sustainable drainage scheme based on these principles.

The applicant can contact Harrow Drainage Section for further information

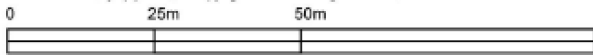
**CHECKED**

|  |  |
|--|--|
| <br>Orla Murphy<br>Head of Development Management<br>2 <sup>nd</sup> March 2023 | <br>Viv Evans<br>Chief Planning Officer<br>2 <sup>nd</sup> March 2023 |
|--|--|

## APPENDIX 2: LOCATION PLAN



Ordnance Survey (c) Crown Copyright 2022. All rights reserved. Licence number 100022432



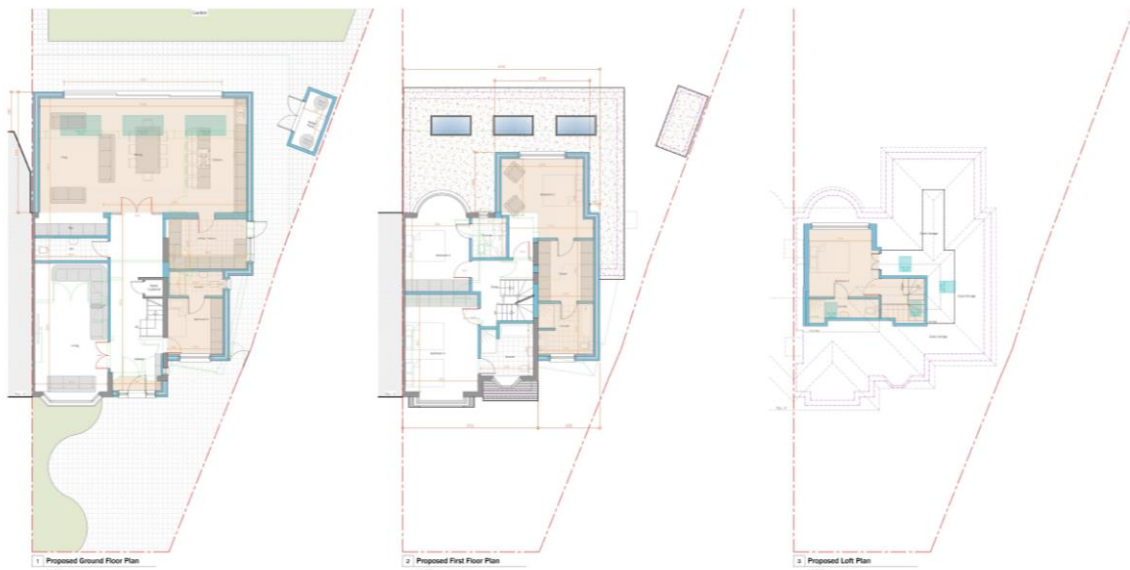
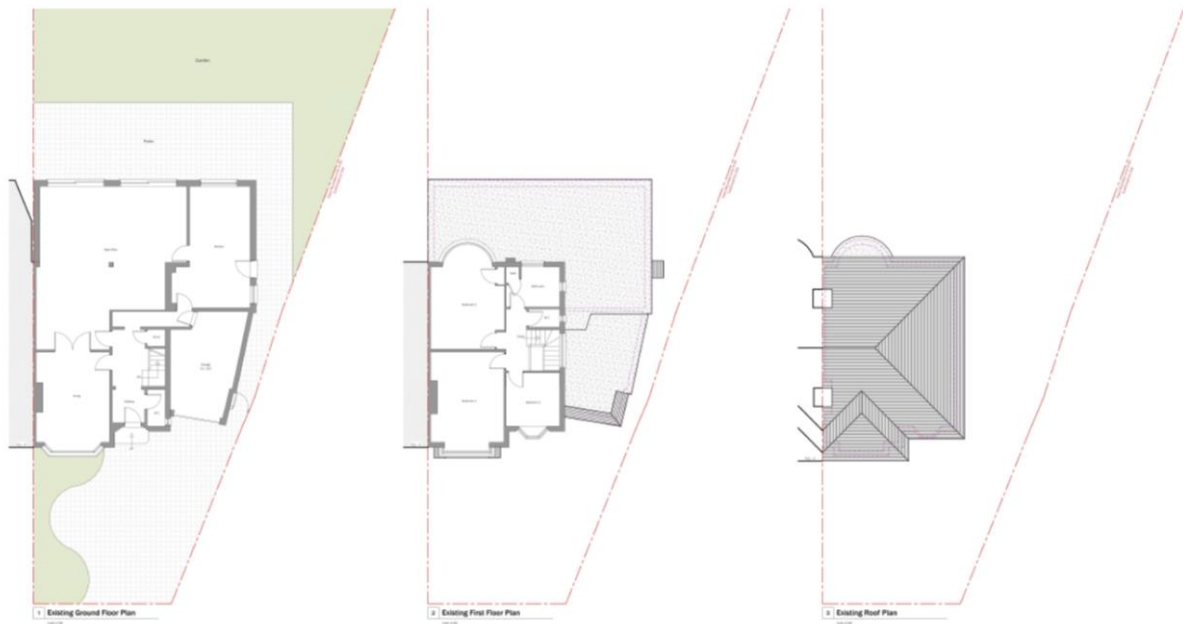
Location Plan Scale 1:1250

# APPENDIX 3: SITE PHOTOGRAPHS



# APPENDIX 4: PLANS AND ELEVATIONS

## Existing & Proposed Plans and Elevations



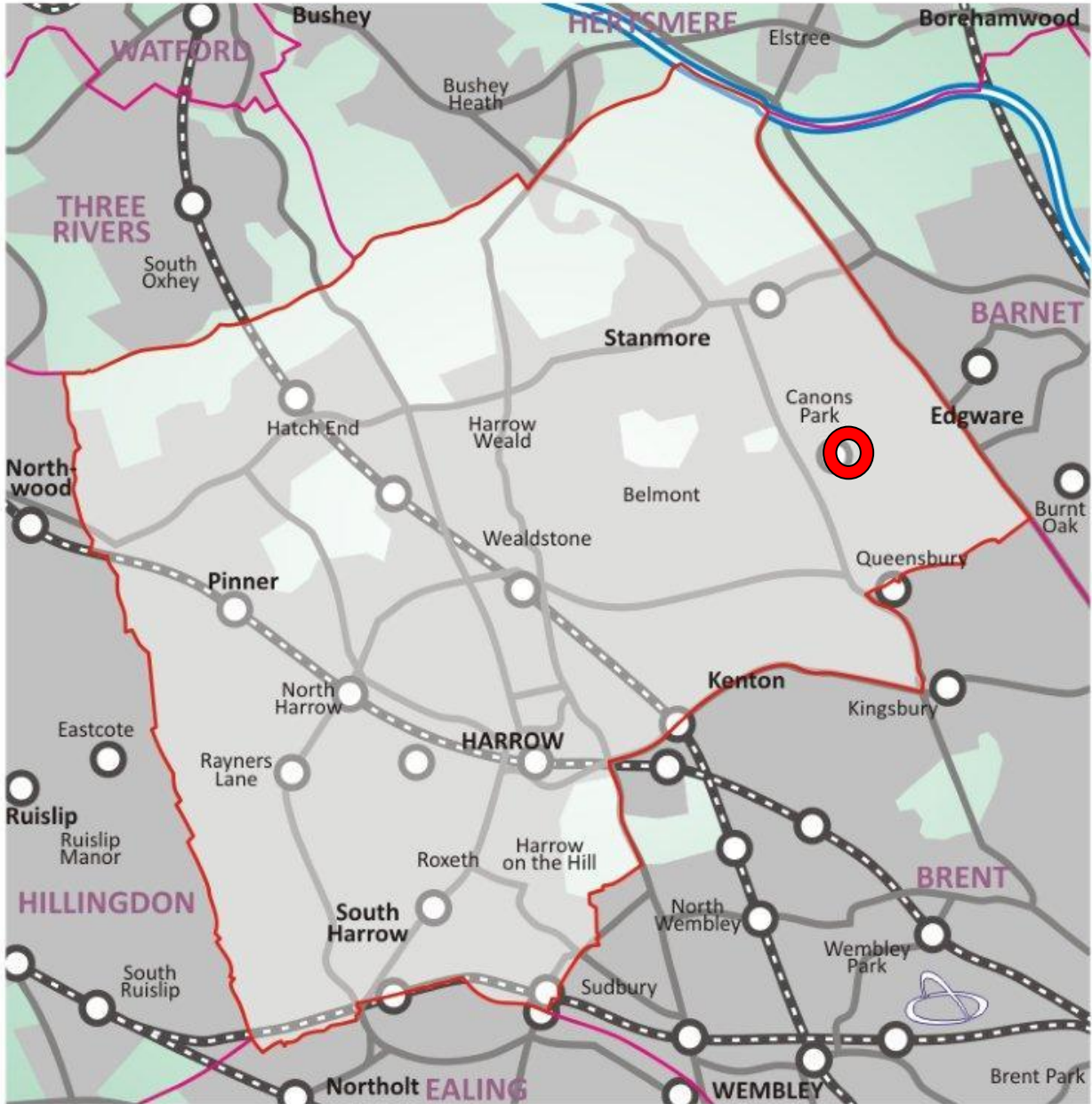


**This page has been left intentionally blank**



Agenda Item: 3/01

 = application site



|  |                  |
|--|------------------|
| <b>227 Whitchurch Lane Edgware HA8 6QT</b> | <b>P/1838/22</b> |
|--|------------------|

## Location Plan



## LONDON BOROUGH OF HARROW

### PLANNING COMMITTEE

15<sup>th</sup> March 2023

**APPLICATION NUMBER:** P/1838/22  
**VALIDATION DATE:** 19/05/2022  
**LOCATION:** 227 WHITCHURCH LANE, EDGWARE, HA8 6QT  
**WARD:** CANONS  
**POSTCODE:** HA8 6QT  
**APPLICANT:** MR BANERJEE  
**AGENT:** COHANIM ARCHITECTURE  
**CASE OFFICER:** MUHAMMAD SALEEM  
**EXTENDED EXPIRY DATE:** 09/09/2022

### **PROPOSAL**

Change Of Use from Dwellinghouse (Class C3) To Charity Use with Private Events by Invitation and Ancillary Accommodation (Sui Generis).

### **RECOMMENDATION**

The Planning Committee is asked to:

- 1) agree the reason(s) for refusal as set out in this report, and
- 2) refuse planning permission:

### **REASON FOR THE RECOMMENDATIONS**

1. The proposed change of use would result in the loss of a single family dwellinghouse (Use Class C3) which would result in a reduction of the borough's housing stock. The proposal is therefore contrary to policy H8 of the London Plan (2021).
2. Notwithstanding the above, insufficient information has been provided to demonstrate that the proposed development would be located within the community it intends to serve and would not result in an adverse impact to neighbouring residential amenities through unacceptable levels of general disturbance. The proposal is therefore contrary to Policies D3.D(9), D13 and D14 of the London Plan (2021), and Policies DM 1 and DM 46 of the Harrow Development Management Policies Local Plan (2013).

## **INFORMATION**

This application is reported to Planning Committee on request of a nominated member and therefore falls within provision A of the Scheme of Delegation. This application was reported to planning committee on 7<sup>th</sup> September 2022 and deferred by members for more information to be submitted to understand the nature of the use and to assess its impact. The applicants attended a meeting with officers in November 2022 to discuss the requirements and further information in terms of a management plan was submitted in January 2023 for consideration.

|   |               |
|---|---------------|
| Statutory Return Type:  | Change of Use |
| Council Interest:   | None          |
| Net additional Floorspace:  | N/A           |
| GLA Community Infrastructure Levy (CIL) Contribution (provisional): | N/A           |
| Local CIL requirement:  | N/A           |

## **HUMAN RIGHTS ACT**

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

## **EQUALITIES**

In determining this planning application, the Council has regard to its equality's obligations including its obligations under section 149 of the Equality Act 2010.

For the purposes of this application there are no adverse equalities issues.

## **S17 CRIME & DISORDER ACT**

Policy D11 of the London Plan (2021) and Policy DM1 of the Development Management Policies Local Plan require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. It is considered that the development does not adversely affect crime risk subject to conditions which are recommended.

## **1.0 SITE DESCRIPTION**

- 1.1 The application site comprises a two-storey semi-detached dwellinghouse (Use Class C3) orientated towards the south along the junction between Whitchurch Lane (B461) and Donnefield Avenue.
- 1.2 The existing dwellinghouse features a dutch barn style roof form and cat slide roof slopes to the rear and has previously been extended by way of a single storey side to rear extension. There is a garage built to the side of the dwelling.
- 1.3 The application site also features a forecourt comprised of hard surfacing accessed via Whitchurch Lane. There are two sets of gates accessed via Donnefield Avenue (one served by a dropped kerb). The rear garden features hard standing and a detached outbuilding to the rear of the site.
- 1.4 Whitchurch Lane itself is predominantly residential. However, it should be noted there is a neighbourhood parade approx. 60m to the west of the site, Canons Park Underground Station 20m to the west of the site and some converted properties providing a commercial use in some capacity (no.225 and 254 Whitchurch Lane).
- 1.5 The attached neighbour is no. 225 Whitchurch Lane adjoins the eastern site boundary. This property is a single family dwellinghouse and features single storey rear and side extensions. The side extension is in use as an acupuncture and Chinese medicine clinic. A Certificate of Lawfulness was issued for it to operate between the hours of 6pm – 8pm Monday to Friday for 15 hours a week.
- 1.6 The western site boundary adjoins the public footpath along Donnefield Avenue whilst the northern (rear) site boundary adjoins the curtilage of no.2 Donnefield Avenue.
- 1.7 The application site is within the setting of the Canons Park Conservation Area (to the north-east).

## **2.0 PROPOSAL**

- 2.1 The proposal seeks planning permission to change the use of the site from a Single Family Dwellinghouse (Use Class C3) to a Charity use with private events with ancillary accommodation (Use Class Sui Generis).
- 2.2 Specifically, the applicant (charity) is the Gaur Govinda Trust – a Hindu faith-based charity.
- 2.3 The development description and the supporting documents state events would be by invitation only and that three trustees of the charity would reside at the property permanently (with exceptions being emergencies and time off).

2.4 The Planning Statement states that the charity operates several activities including:

- Free counselling
- Meditation and Bhakti Yoga
- Overseas aid and funding/famine relief
- Religious activities such as prayer meetings, lectures, teaching of scriptures, celebration of religious festivals of the Hindu faith
- Community development
- Promotion of racial equality and diversity

2.5 The supporting documents including the submitted management plan (ref: 268-CA-MP/C01) dated 9<sup>th</sup> January 2023 which provides the following information on the day-to-day activities of the proposed use as follows:

- A maximum of two classes of up to 12 persons to operate per week consisting of spiritual discourse, recitation of scriptures, celebration of religious festivals of Hindu faith, learning of devotional mantras, question and answer sessions and learning about spiritual worship. The classes would typically operate between 6pm – 8pm on weekdays; and 10:30am – 3:30pm on weekends.
- A maximum of three one to one meetings/counselling sessions a day (with an individual or 4 people maximum)

2.6 The proposal would provide 6 off street parking spaces 3 on the forecourt and 3 in the rear of the garden.

### 3.0 **RELEVANT PLANNING HISTORY**

3.1 A summary of the relevant planning application history is set out in the table below:

| Ref no.             | Description   | Status and date of decision     |
|---------------------|---|---------------------------------|
| <b>HAR/15237:</b>   | Convert to 2 flats  | <b>(Refused<br/>15/04/1959)</b> |
| <b>HAR/15237/B:</b> | Extension for ground floor bathroom/W.C   | <b>(Grant<br/>26/11/1962)</b>   |
| <b>P/5897/15:</b>   | Single storey rear extension; conversion of garage to habitable room; external alterations (amended plans received)   | <b>(Grant<br/>27/05/2016)</b>   |
| <b>P/3306/21</b>    | Single and two storey side to rear extension; single storey rear extension; alterations to roof form end Gable and rear dormer; front porch; external alterations | <b>Withdrawn<br/>11/11/2021</b> |
| <b>P/4498/21:</b>   | Change of Use from Dwellinghouse (Class C3) To Charity Use with Private Events by Invitation and Ancillary Accommodation (Sui Generis)                            | <b>(Refused<br/>14/03/2022)</b> |

### Reasons for refusal :-

1. The proposed change of use would result in the loss of a single family dwellinghouse (Use Class C3) which would result in a reduction of the borough's housing stock. The proposal is therefore contrary to policy H8 of the London Plan (2021).
2. Notwithstanding the above, insufficient information has been provided to demonstrate that the proposed development would be located within the community it intends to serve and would not result in an adverse impact to neighbouring residential amenities through unacceptable levels of general disturbance. The proposal is therefore contrary to Policies D3.D(9), D13 and D14 of the London Plan (2021), and Policies DM 1 and DM 46 of the Harrow Development Management Policies Local Plan (2013).

|                   |   |                           |
|-------------------|---|---------------------------|
| <b>P/1296/22:</b> | Certificate of Lawful Development (Proposed): Alterations to Roof; Rear Dormer; Three Rooflights in Front Roofslope; Conversion of Garage to Habitable Room with Installation of Window to Rear   | <b>(Grant 25/05/2022)</b> |
| <b>P/3230/22</b>  | Two storey side extension; single and two storey rear extension; front porch; alterations to roof; rooflights in front, both sides and rear roofslopes; external alterations (demolition of attached garage; canopy and rear extension) | <b>Undetermined</b>       |

## 4.0 CONSULTATION

- 4.1 A total of 13 consultation letters were sent to neighbouring properties regarding this application, with the consultation period expiring on 14/06/2022.
- 4.2 A total of 8 letters of support, 1 petition of support and 2 objections were received.
- 4.3 A summary of the responses received along with the Officer's comments are set out below:

### **Summary of Neighbour Consultation Responses**

#### Support:

The charity is a good cause and beneficial to the area

*The starting point for the assessment of a planning application is its compliance with development plan policies. The proposal is seeking a change of use for the property to a 'charity use'. The merits or status of the individual charity are not considered to be a merit for the proposal as the use of the site could be used by another charity (if the use were granted). The relevant development plan policies have been assessed in the report below.*

The location well connected / good public transport facilities

*This is not disputed however, as assessed in the report this is just one aspect that required to be assessed.*

Facilities for Hindu community are under-represented

*This has been addressed in section 6.2 of the report – the applicant is required to demonstrate the location is relevant to the community the use intends to serve.*

Activities of the charity will not disturb residents / Invite only

*This has been addressed in section 6.4 of the report.*

Mixed-use sites in the area

*The presence of mixed-use sites in the locality may be relevant however, it should be the uses closest to the application site were either assessed against different development plan policies or deemed to not be a material change of use to a dwellinghouse. Their presence is not in itself justification for a new use which is against the local development plan policies.*

Objection:

Impact to the highway

*This has been addressed in section 6.5 of the report, but it is considered there is no objection to the current proposed use in regard to the highway.*

Other local facilities in the area

*This has been addressed in section 6.2 of the report.*

Disturbance from noise

*This has been addressed in section 6.4 of the report.*

Loss of residential unit

*This has been addressed in section 6.2 of the report.*

Impact from building work

#### 4.4 Statutory and Non-Statutory Consultation

4.5 The following consultations have been undertaken, together with the responses received and officer comments:

#### **Summary of Consultation Responses**

LBH Highways

**Observations:**

The site is located in an area with a Public Transport Accessibility Level (PTAL) of 3 (moderate). Canons Park Underground station and bus stops are in the immediate vicinity of this property.

The property is on the corner of Donnefield Avenue which is within controlled parking zone which operates 8am to 6:30pm, Monday to Saturday. This property is not eligible for permits for the zone.

**Access and Parking Provision:**



In line with London Plan maximum parking standards, the residential element of the proposal may have up to 1 parking space. There are no specific standards for the sui generis use however, I would consider Policy T6.4 most relevant which states that provision should be consistent with the Healthy Streets Approach, mode share and active travel targets and aim to improve public transport reliability and reduce congestion and traffic levels. Disabled parking must also be provided in line with Policy T6.5.

In terms of Healthy Streets, this location has a lot of positives – lowered kerbs to cross the road; bus stops within less than 100m with shelters and seating, footways are wide with grass verges and trees, there are on carriageway cycle facilities; there are wayfinding signs. It would seem that this is a location where walking, cycling and travel by public transport are all relatively easy.

The proposal includes 6 parking spaces which seems to be a bit excessive considering the good facilities in the area. A space for the residential element is acceptable and a further disabled parking space along with two standard spaces for visitors (this equates to roughly 75% of trips being made by sustainable modes in line with the Mayors Transport Strategy targets based on a typical group of 10).

The car parking layout should be revised to no more than four spaces.

**Cycle Storage:**

The London Plan 2021 requires a minimum of 2 secure, sheltered and accessible cycle parking spaces for the residential element. A further two long stay and two short stay spaces are required in line with Policy T5 A 2) for the sui generis use.

Details of the location of cycle stores and type of stands can be provided prior to commencement if secured by condition.

**Conclusion:**

This location has good public transport links, walking and cycling facilities - ideally the charity should encourage people to travel by active, sustainable modes in order to minimise trips by car. The surrounding streets are busy being adjacent an Underground station with people coming and going by various different modes. There are fairly extensive parking controls in place in the immediate vicinity of the property during the majority of opening hours but a modest amount of car parking should cater for those who cannot travel by alternative modes, furthermore, there is publicly available pay & display parking on-street.

Subject to conditions, this proposal is unlikely to result in a severe or harmful impact for the surrounding highway network. Highways have no objection.

**Suggested conditions:**

- Prior to commencement of the development, details of shelters, racks, dimensions and location of a minimum of 2 long stay and 2 short stay cycle parking spaces for the commercial use and a further 2 long stay cycle parking spaces for the residential use shall be submitted to and approved in writing by the local planning authority. The cycle storage shall be made available prior to occupation and shall be retained thereafter.

REASON: To ensure the satisfactory provision of safe cycle storage facilities, to provide facilities for all the users of the site and in the interests of highway safety and sustainable transport, in accordance with policy T5 of The London Plan 2021 and policy DM 42 of the Harrow Development Management Policies. This is a PRE-COMMENCEMENT condition.

- Prior to commencement of the development, a revised car parking layout shall be submitted to and approved in writing by the local planning authority.

REASON: To ensure the satisfactory provision of car parking spaces to provide facilities for all the users of the site and in the interests of highway safety and sustainable transport, in accordance with policy T6 of The London Plan 2021 and policy DM 42 of the Harrow Development Management Policies. This is a PRE-COMMENCEMENT condition.

Drainage Authority:

No objection, however, adjacent roads are within Surface Water Floodzone 3a. Occupiers/users should be aware of the emergency planning information and safe evacuation route.

Council's Conservation Officer:

No objection

## 5.0 **POLICIES**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

5.2 The Government has issued the National Planning Policy Framework [NPPF 2021] sets out the Government's planning policies for England and how these should be applied and is a material consideration in the determination of this application.

5.3 In this instance, the Development Plan comprises The London Plan 2021 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP].

5.4 A full list of all the policies used in the consideration of this application is provided as Informative 1.

## **6.0 ASSESSMENT**

6.1 The main issues are:

- Principle of the Development
- Heritage and Conservation / Character and Appearance
- Residential Amenity
- Traffic, Parking, Impact to the Highway
- Development and Flood Risk
- Fire safety

### **6.2 Principle of Development**

6.2.1 The relevant policies are:

- The National Planning Policy Framework (2021)
- The London Plan (2021): H8, S1
- Harrow Development Management Policies (2013): DM46

6.2.2 Policy H8.A of the London Plan (2021) states loss of existing housing should be replaced by new housing at existing or higher densities with at least the equivalent level of overall floorspace.

6.2.3 The proposal seeks to change the use of the application property from a single family dwellinghouse (Use Class C3) to a charity use with private events by invitation only with ancillary accommodation (Sui Generis). The proposal would change the use of the existing dwellinghouse (no extension or alterations) via internal alterations. On the ground floor the dining room is to be used as a meeting room for the charity use, whilst the living room is to be divided into a meditation/yoga room and a reading room. The first floor is to remain as existing.

6.2.4 It is acknowledged the proposal would retain a functional form of living accommodation with the proposal converting existing residential (C3) floor space to the Sui Generis use whilst maintaining other habitable rooms. As such the layout implies it would be possible to retain a function akin to that of a single family dwellinghouse (Use Class C3) with much of the proposed use operating via the alterations on the ground floor and reverting to a use akin to a dwelling when not in use. However, it has to be noted the accommodation aspect of the use is ancillary to the charity use of the site where the site's primary use is to be that of accommodating the activities of a charity. Therefore, there is significant policy resistance from H8 of the London Plan (2021) and it is considered that this is a significant objection in principle which would not be outweighed by other policy support/considerations. In any case the other relevant policies have been assessed below.

- 6.2.5 Policy DM46.B of the DMP (2013) seeks to support the provision of new community, sport and educational facilities where:
- a. they are located within the community they intend to serve;
  - b. subject to (a) they are safe and located in an area of good public transport accessibility or in town centres; and
  - c. there would be no adverse impact on residential amenity or highway safety

Policy DM46.E goes on to state proposals that would compromise any component of the policy (listed above) will be refused.

- 6.2.6 Notwithstanding the above, the Design and Access Statement states the Gaur Govinda Trust seeks to advance the Hindu religion in the UK for the benefit of the public through the holding of prayer meetings, lectures, public celebration of religious festivals and producing and/or distributing literature on Hinduism to enlighten others about the Hindu religion. The use would pertain to any and all activities associated with the charity (including operational functions) with some aspects of the use being “private events by invitation only”. This is also outlined in the management plan submitted in January 2023. It is considered the private aspect of the use convolutes as to how the use can be considered to be a community use with information on its activities and the numbers of those using it being limited and intermittent. Therefore, even if the criteria of DM46 could be met, it is not considered it would provide significant policy support.
- 6.2.7 In relation to criteria a (see paragraph 6.2.6) the supporting information has stated the use would be serving the Hindu population citing that 25% of the population of Harrow are of Hindu faith and that 18% of the population within Canons are Hindu. However, this is not evidence of demand from a particular community, and it has not been evidenced what specific number of people within the locality or Harrow would be utilising the site. The submitted management plan also fails to detail the demand for the use from a particular community and reiterates the operation hours and activities in more detail.
- 6.2.8 An aerial map has been provided detailing three alternative sites which have also been addressed in paragraph 4.2.9 - 4.2.13 of the planning statement. Two of these sites are temples whilst the other is a school. The reasoning is limited as to why these sites cannot be used but it does appear reasonable (particularly as paragraph 4.2.10 of the planning statement states the temples are attended by the Gujrati community which is different to the applicant). However, this has only inferred that the Gujrati community is not the intended community the location would serve and there is no further information regarding the demand from a community the proposed use intends to serve.
- 6.2.9 The aerial map has shown a 15-minute walking radius from the site and has stated that many of the visitors for the proposed site are elderly and cannot walk for long distances. This indicates that the applicant is aware of specific individuals of the community the use intends to serve but again has not

shown (geographically or otherwise) how the proposal is sited in relation to this community – particularly as the walking spans across multiple postcodes and the radius infers that individuals within it cannot walk to the site. Reference is made to the site being within the HA8 postcode (and that the HA7 facilities are inappropriate). 12 representations of support have been received from individuals within the HA8 postcode (including a petition of support) however, it is not clear if these representations are from those of the community intended to be served by the proposal as largely comments only make general reference to the presence of the charity being beneficial to the area and its activities (do not explicitly identify who would use it). It is considered the proposal would not meet criteria a of DM Policy 46.

- 6.2.10 In relation to criteria b (see paragraph 6.2.6), the application site is within a PTAL 3 area, and the Highways Authority have stated the location has good transport links, walking, and cycling facilities. No objection was previously raised by the highway’s authority on highway safety grounds and as such it is considered criteria B of DM46 would be met. Impacts to the highway have been further assessed in section 6.5 of the report.
- 6.2.11 Criteria c (see paragraph 6.2.6) states proposals are capable of support where there would be no adverse impact on residential amenity (in accordance with DM1). As discussed in Section 6.4 of the report, insufficient information has been provided to fully ascertain the impacts of the proposal in relation to neighbouring amenities and as such it has not been demonstrated there would be no adverse impacts as required by policy DM46.B(c).
- 6.2.12 Therefore, it cannot be considered there is policy support from the proposal arising from Policy DM 46 as two of its criteria cannot be met. The applicant’s policy statement has referenced Policy S1 of the London Plan (2021) which states that community uses should be directed to town centres or high streets. The supporting text to this policy goes on to state that voluntary and community groups often find difficulty in finding premises suitable for their need which the statement has emphasised. However, it should be noted the same paragraph in the London Plan goes onto state that unused or under used facilities should also be brought into use. The supporting information has provided some information concerning inappropriate existing facilities within the area, but no information has explored locations within the town centres/high streets within the London Borough of Harrow. The current proposal is not in a town centre of a high street, and it is considered this policy do not support the proposal.
- 6.2.13 To summarise, the loss of the dwellinghouse would not be outweighed by any other policy support within the Local Development Plan and the application should be refused in principle.

### **6.3 Heritage and Conservation / Character, Appearance and Design**

- 6.3.1 The relevant policies are:

- The National Planning Policy Framework (2021)
- The London Plan (2021): D3, HC1
- Harrow Development Management Policies (2013): DM1, DM7
- Harrow's Core Strategy (2012): CS1
- Supplementary Planning Document Residential Design Guide (2010)

6.3.2 The Council's Conservation Officer and CAAC have previously raised no objection to the proposal on grounds of its impact to the neighbouring conservation area. The proposal does not consist of any external alterations or extensions to the property. The proposal is for a change of use. The locality features properties which have been partly converted to provide service/commercial functions as well as a habitable function including the attached neighbour. Furthermore, non-residential uses are apparent to the west of the site. Therefore, the proposal retaining the visual appearance of a semi-detached dwellinghouse would have an acceptable impact to the street scene and pattern of development in the area

6.3.3 As such, the proposal is acceptable in terms of its impact to heritage and conservation and character and appearance.

## **6.4 Residential Amenity**

6.4.1 The relevant policies are:

- The National Planning Policy Framework (2021)
- The London Plan (2021): D3, D13, D14
- Harrow Development Management Policies (2013): DM1, DM46
- Harrow's Core Strategy (2012): CS1
- Supplementary Planning Document Residential Design Guide (2010)

### *Impact of Development on Neighbouring Amenity*

#### *Impacts on No.225 Whitchurch Lane*

6.4.2 The supporting planning statement states the proposed use would be shared with the normal function of the dwellinghouse. The presence of three trustees living on site would in itself result in a use profile akin to the existing Use Class C3 single family dwellinghouse (where up to 6 persons could live). However, the functionality of the premises providing accommodation is ancillary to its main use and assessment of the other activities is required.

6.4.3 The information provided states that up to 12 people could utilise the charity venue at one time for a class pertaining to spiritual matters. It is acknowledged this is by invitation only and twice a week at varying times between the 6-8pm on weekdays and 10:30am – 3:30pm on weekends. However, the document also states that up to three counselling sessions

could occur each day for an individual or singular family. Following the Planning Committee decision to defer this case on 7<sup>th</sup> September 2022 a officers held a meeting with the applicants to discuss the change of use on 8<sup>th</sup> November 2022 and officers recommended the submission of a management plan. The submitted management plan reiterates the above, outlining the activities in some more detail along with timing and numbers of individuals. The applicant fails to provide any noise report and noise and vibration mitigation measures.

- 6.4.4 As previously stated the change of use (if granted) would authorise all activities associated with a 'charity use'. The information notes the charity carries out more activities than classes and counselling (see paragraph 2.4). Within the supporting information, this is indicated to include (but not limited to) yoga and public celebration of Hindu holidays, no further or explicit information regarding the extent of all activities that the 'charity use' would entail, or their intensity and length of time, has been provided.
- 6.4.5 Policies D13 and D14 of the London Plan (2021) emphasises the 'Agent of Change' principle which as per paragraph 3.13.1 of the London Plan (2021) states 'works both ways. As such, where a new use is being introduced, the responsibility of mitigating impacts falls upon the proposed use being introduced. The locality is largely residential in character with no.225 Whitchurch Lane being the attached semi-detached neighbour
- 6.4.6 No.225 is a Use Class C3 dwellinghouse sharing a party wall with the application site. It is acknowledged the neighbouring property features an acupuncture and Chinese medicine clinic. However, it is emphasised no.225 has attained a Certificate of Lawfulness (CoL) to operate the clinic within a side extension for 15 hours a week. The CoL was granted as it was deemed the presence of the clinic would not materially change the use of the dwellinghouse. The submitted information has stated the attached neighbour does not operate the clinic in this manner and therefore, there would be no impingement upon the residential amenities of the neighbouring property (as its use is no longer a 'noise sensitive' residential premises). However, the lawful use of the neighbouring property is as a Use Class C3 Single Family Dwellinghouse. If the use of the neighbouring property has changed this is a matter for planning enforcement to investigate. However, the LPA has no evidence this use has changed and therefore, it is considered the demonstration of mitigation and management of potential noise and general disturbance which could be generated by the nature of the proposed use is required.
- 6.4.7 The potential noise generation from a gathering of 12 or more persons within the property or/and associated with other activities is not currently established in the area. As such, this would be of a significantly incongruous nature to the existing relationships between residential properties and commercial / service properties on a regular basis. The applicant has not provided a noise report or other information to support the application has been submitted. Whilst details of the extent of the activities carried out within the application site (which would require the overall change of use of the site)

has been submitted in the management plan it is considered the applicant has not adequately demonstrated the proposal can be mitigated in relation to the noise transference/general disturbance which could arise from the proposed use.

- 6.4.8 It is acknowledged the submitted information has stated sound proofing could be conditioned. However sound proofing of the property would not address the potential noise generation from the activities associated with comings and goings and general disturbance, it cannot be concluded that this would be sufficient to fully mitigate the proposal. Likewise, it cannot be concluded that reducing opening hours would address this issue.
- 6.4.9 Finally, it should be noted that Planning Enforcement have stated the enforcement of conditions regarding the hours of operation, number of attendees (and their attendance by invitation) and use of the external spaces (where a residential use is maintained) is difficult to enforce, and it is considered that the imposition of conditions to mitigate any disturbances should not be substituted for onsite mitigation.

#### *Impacts on No.2 Donnefield Avenue*

- 6.4.10 No.2 Donnefield Avenue adjoins the rear site boundary (approx. 22m from the rear building line of the existing property at no.227 Whitchurch Lane). Whilst the impacts to no.2 Donnefield Avenue would ultimately be less than those to no.225 due to the distance from the application site, the inability to ascertain the degree or intensity of potential disturbance from the proposed use, does not adequately demonstrate the impact to the residential amenities of no.2 Donnefield Avenue would be acceptable.
- 6.4.11 Overall, the application seeks to change the use of the dwellinghouse on site, and the new information provided is not sufficient to demonstrate that the proposal would not result in any impacts of significant detriment over and above the existing C3 dwellinghouse use. The onus for mitigating any adverse impacts would be solely for the applicant to demonstrate as required by Policy D13 of the London Plan (2021). In the absence of the level of harm (or lack thereof) and any mitigation measures, it is not clear how any impacts to neighbouring residential amenities would be mitigated and the reason for refusal reflects this.

## **6.5 Traffic, Parking and Accessibility**

6.5.1 The relevant policies are:

- The National Planning Policy Framework (2021)
- The London Plan (2021): T5, T6, T6.4
- Harrow Development Management Policies (2013): DM42
- Harrow's Core Strategy (2012): CS1



- 6.5.2 The proposal would provide 6 on-site parking spaces. The Council's Highways Authority have stated there is no objection to the proposal as subject to conditions it is unlikely to result in a severe harmful impact to the surrounding highway network. The Highways Authority considers the parking requirements of Policy T6.4 to be the most relevant to the proposal (as the requirements for a sui generis use of the proposed nature are not apparent in the London Plan (2021)). This policy requires proposals with PTAL levels between 0-3 to be consistent with a healthy streets approach, mode share and active travel prospects. The proposal with 6 spaces is excessive considering the good facilities in the area. As such a single space for the residential element, a disabled parking space, along with two standard spaces for visitors (four in total) would be more reasonable to meet this approach and accommodate the proposed use.
- 6.5.3 This reasoning is based on the Mayors Transport Strategy targets with roughly 75% being made via sustainable transport modes and the typical group of patrons using the site (as per the planning statement). Had other aspects of the scheme been acceptable this could have been addressed by way of planning condition requiring a revised car parking layout to be provided prior to commencement of the proposed use.
- 6.5.4 Furthermore, the proposal fails to provide any cycle storage to comply with policy T5 of the London Plan (2021). This could also have been addressed by way of condition requiring details of siting and design of cycle storage to be provided in accordance with London Plan (2021) standards.
- 6.5.5 Had other aspects of the scheme been acceptable, subject to conditions, the proposal would not be of significant detriment to the highway network and would be appropriate in relation to existing transport services and thus would comply with the relevant policies with regard to traffic, parking and accessibility.

## **6.6 Development and Flood Risk**

6.6.1 The relevant policies are:

- The National Planning Policy Framework (2021)
- The London Plan (2021): SI 12, SI 13
- Harrow Development Management Policies (2013): DM9, DM10
- Harrow's Core Strategy (2012): CS1

6.6.2 The application site is not in a Floodzone. However, the neighbouring road, Whitchurch Lane and Donnefield Avenue are within Surface Water Floodzone 3a. The Drainage Authority have stated the occupiers and patrons of the proposed use should be made aware of the emergency planning information and safe evacuation route. Had other aspects of the proposal been acceptable, an informative would have been attached to this effect.

## **6.7 Fire Safety**

6.7.1 The relevant policies are:

- The London Plan (2021): D12

6.7.2 Part A of Policy D12 of the London Plan (2021) requires the demonstration of suitably positioned and unobstructed space for fire appliances and evacuation assembly points, and that developments ensure robust strategies for evacuation are in place as well as confirmation of the fire-fighting water supply. Limited information has been provided in the supporting documentation to address this policy. However, had other aspects of the proposal been acceptable, a pre-occupation condition to provide these details for the LPA consideration and approval, would have been included in the decision notice. This would have addressed the policy requirements of Policy D12.A. of the London Plan.

## **7.0 CONCLUSION AND REASONS FOR REFUSAL**

7.1 The proposed change of use would result in the loss of a single family dwellinghouse (Use Class C3) which would result in a reduction of the borough's housing stock. The proposal is therefore contrary to policy H8 of the London Plan (2021).

7.2 Notwithstanding the above, insufficient information has been provided to demonstrate that the proposed development would be located within the community it intends to serve and would not result in an adverse impact to neighbouring residential amenities through unacceptable levels of general disturbance. The proposal is therefore contrary to Policies D3.D(9), D13 and D14 of the London Plan (2021), and Policies DM 1 and DM 46 of the Harrow Development Management Policies Local Plan (2013).

7.3 For the above reasons, weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above, this application is recommended for refusal.

## Informatives

### 1 Policies

The following policies are relevant to this decision:

#### **The National Planning Policy Framework 2021**

**London Plan 2021:** S1, HC1, H8, D3, D12, D13, D14. T5, T6, T6.4

**The Harrow Core Strategy 2012:** CS1

**Harrow Development Management Policies Local Plan 2013:** DM1, DM7, DM10, DM42, DM46

### 2 Pre-application engagement



Statement under Article 35(2) of The Town and Country Planning (Development Management Procedures) (England) Order 2015. This decision has been taken in accordance with paragraphs 39-42 of The National Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

Planning Statement dated May 2022, Design and Access Statement, Heritage Impact Statement dated 02/05/2022, 268-04-COU-A.01, 268-04-COU-A.02, 268-04-COU-A.03, 268-04-COU-A.04, 268-04-COU-A.05, 268-04-COU-A.06, 268-04-COU-A.07, 268-04-COU-A.08, supporting document - letter by Cohanim Architecture dated 01/06/2022, Letter of Rebuttal by Cohanim Architecture dated 12/07/2022, Aerial map outlining local uses, site location plan, aerial map - showing nearest facilities catering to the Hindu Faith, Management Plan dated 09/01/2023 – ref: 268-CA-MP/C01.

Plan nos: Planning Statement dated May 2022, Design and Access Statement, Heritage Impact Statement dated 02/05/2022, 268-04-COU-A.01, 268-04-COU-A.02, 268-04-COU-A.03, 268-04-COU-A.04, 268-04-COU-A.05, 268-04-COU-A.06, 268-04-COU-A.07, 268-04-COU-A.08, supporting document - letter by Cohanim Architecture dated 01/06/2022, Letter of Rebuttal by Cohanim Architecture dated 12/07/2022, Aerial map outlining local uses, site location plan, aerial map - showing nearest facilities catering to the Hindu Faith,

Management Plan dated 09/01/2023 – ref: 268-CA-MP/C01.

### CHECKED

|  |   |
|--|---|
| <br>Orla Murphy<br>Head of Development Management<br>2 <sup>nd</sup> March 2023 | <br>Viv Evans<br>Chief Planning Officer<br>2 <sup>nd</sup> March 2023 |
|--|---|

**APPENDIX 1: SITE PLAN**



**APPENDIX 2: SITE PHOTOGRAPHS**





## APPENDIX 3: PLANS AND ELEVATIONS

### Existing Ground Floor Plan



# Existing 1<sup>st</sup> Floor Plan





# Existing Elevations



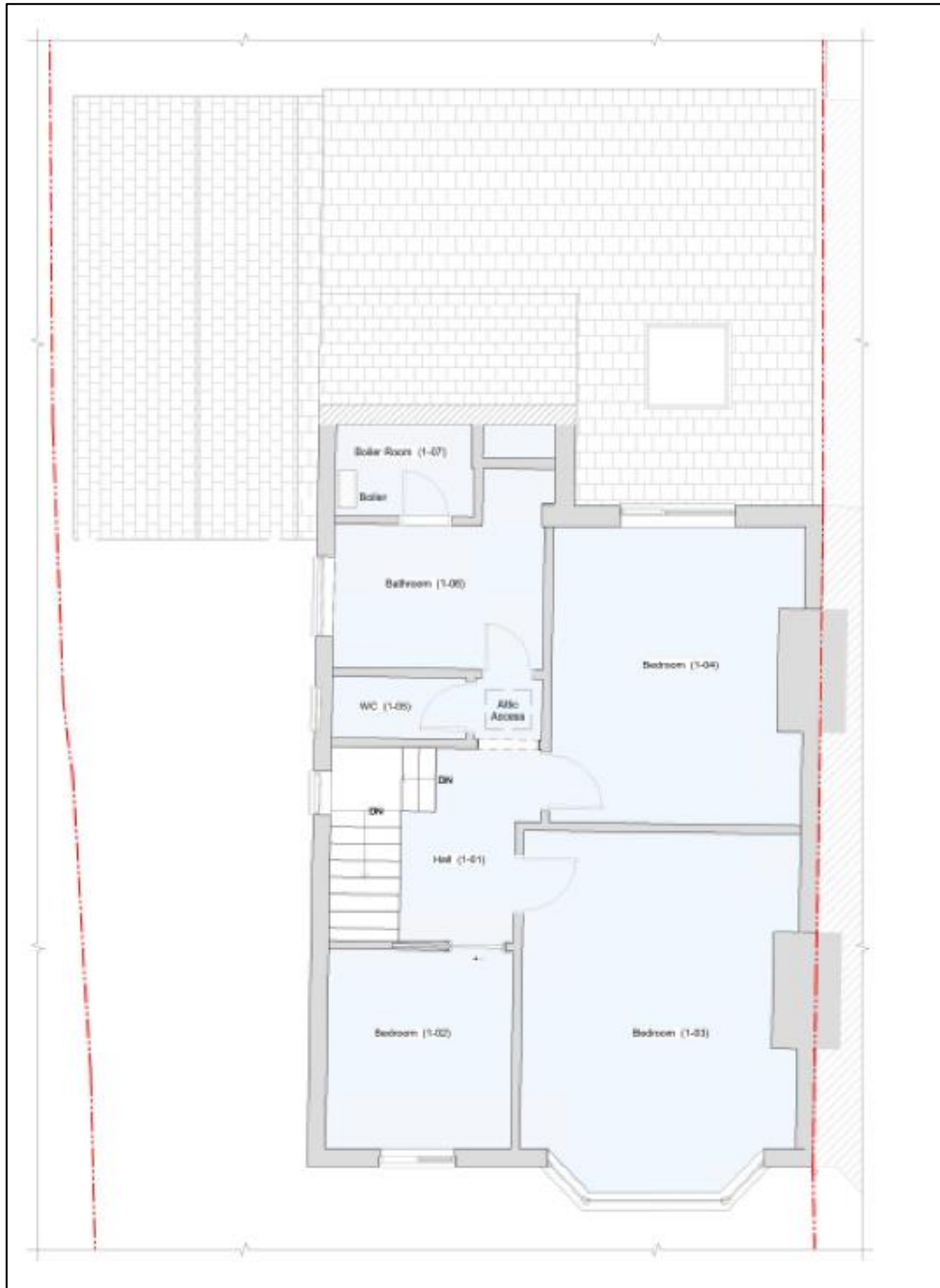
# Proposed Site Plan



# Proposed Ground Floor Plan



# Proposed 1<sup>st</sup> Floor Plan



**This page has been left intentionally blank**

This page is intentionally left blank