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**REPORT FOR: CABINET**

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<b>Date of Meeting:</b>	20 January 2016
<b>Subject:</b>	Draft Harrow Weald Conservation Areas Supplementary Planning Document
<b>Key Decision:</b>	No
<b>Responsible Officer:</b>	Paul Nichols, Divisional Director of Regeneration and Planning
<b>Portfolio Holder:</b>	Councillor Keith Ferry, Deputy Leader and Portfolio Holder for Business, Planning and Regeneration
<b>Exempt:</b>	No
<b>Decision subject to Call-in:</b>	Yes
<b>Wards affected:</b>	Harrow Weald
<b>Enclosures:</b>	Appendices: <ol style="list-style-type: none"><li>1. Draft Harrow Weald Conservation Areas Supplementary Planning Document, including Appendix 1: Brookshill Drive and Grimsdyke Estate Conservation Area Appraisal and Management Strategy, and Appendix 2: Harrow Weald Park Conservation Area Appraisal and Management Strategy</li><li>2. Proposed Article 4 directions</li><li>3. Proposed amendments to CA boundaries</li><li>4. Proposed locally listed Harrow Weald park and garden</li></ol>

5. Draft minutes from Planning Policy Working Group meeting held on 7 January 2016

## **Section 1 – Summary and Recommendations**

This report introduces the amended draft Harrow Weald Conservation Areas Supplementary Planning Document, including the two Conservation Area Appraisals and Management Strategies for each individual conservation area (West Drive, and Brookshill & Grimsdyke Estate). As outcomes of these Appraisals and Management Strategies, the SPD includes proposals for the making of Article 4 Directions, amendments to the Conservation Area boundaries and the designation of a locally listed park and garden.

The report documents the outcomes of a consultation period that ran from 12 June to 17 July, during which a total of 94 responses were received, as well as a petition containing 230 signatures. Seventeen of these responses were from six individuals who responded more than once. Eighty-seven responses concerned West Drive Conservation Area and two responses concerned only the Brookshill Drive and Grimsdyke Estate Conservation Area, with five concerning both. The report summarises the representations received and provides the Council's response to these, including any amendments to the draft SPD and management proposals considered appropriate.

The SPD with the amendments arising as a result of consultation is included in Appendix 1, along with the proposed Article 4 Directions (Appendix 2), proposed amendments to the Conservation Area boundaries (Appendix 3), and details of the proposed local listing of the Harrow Weald Park and Garden (Appendix 4); these are all recommended for adoption. The full consultation responses will be included in a separate Consultation Statement. The consultation outcomes and amended SPD were considered by the Planning Policy Working Group at a meeting on 7 January 2016 and the draft minutes are included in Appendix 5.

### **Recommendations:**

Cabinet is requested to:

1. Note the representations received in response to the consultation on the draft SPD and the draft minutes from Planning Policy Working Group meeting held on 7 January 2016 (Appendix 5), and the Council's responses to these set out in the body of the report.
2. Adopt the revised Harrow Weald Conservation Areas SPD attached at Appendix 1.
3. Agree to the proposed Article 4 Directions as outlined in Appendix 2.

4. Agree to the revised conservation area boundaries as shown on the maps in Appendix 3, as well as the change of conservation area name from 'West Drive Conservation Area' to 'Harrow Weald Park Conservation Area'.
5. Agree to the local listing of the Harrow Weald Park and Garden, as shown in Appendix 4.
6. Delegate authority to the Divisional Director of Regeneration, Enterprise and Planning, following consultation with the Portfolio Holder for Business, Planning and Regeneration, to make typographical corrections and any other necessary non-material amendments to the Harrow Weald Conservation Areas SPD and supporting / accompanying documentation prior to formal publication of the SPD, and to undertake necessary consultation and statutory actions required to implement the agreed recommendations.

**Reason: (For recommendation)**

When adopted the Harrow Weald Conservation Areas SPD will constitute part of the Harrow Local Plan and will form a material consideration in the determination of planning applications both at planning committees and appeal proceedings. The SPD will also provide useful guidance to relevant Council departments when dealing with issues relating to Harrow Weald Conservation Areas.

## **Section 2 – Report**

### **1. Introduction**

1.0 The decisions sought will help the Council meet the following corporate priorities:

- Making a difference for communities

1.1 The SPD for the Harrow Weald Conservation Areas will ensure the conservation of these areas which add to the attractiveness of the borough as a place to live.

### **2. Options considered**

2.0 The Council, at its Strategic Planning Advisory Panel meeting of 18 July 2006, agreed that Supplementary Planning Documents (SPDs) would be produced to cover the borough's Conservation Areas (which are four groupings). To date, SPDs have been produced for conservation areas in Harrow on the Hill, Pinner, and Stanmore and Edgware. Not to produce an SPD for the Harrow Weald Conservation Areas (i.e. 'do nothing') would be inconsistent with the approach adopted elsewhere and represent a gap in the Local Plan, with regard to the two conservation areas within that grouping,

namely West Drive and Brookshill and Grimsdyke Estate. The approach used elsewhere in the borough has proven effective in documenting the character of the area, providing applicants with guidance in developing proposals, assisting in timely decision making on planning applications and strengthening the Council's position at appeals.

### **3. Background**

- 3.0 Work commenced in 2006 to review the existing conservation area appraisals and management strategies, and to prepare Supplementary Planning Documents (SPDs) to cover geographical clusters of conservation areas within the borough. Following the adoption of the Harrow on the Hill, Pinner and the Stanmore and Edgware SPDs, officers commenced work on the draft Harrow Weald SPD.
- 3.1 Work on the draft Harrow Weald Conservation Areas SPD commenced in 2013 and covers two conservation areas:
- (i) West Drive; and
  - (ii) Brookshill & Grimsdyke Estate
- 3.2 Cabinet considered a draft version of the SPD at its meeting on 19 February 2015 (ref: 137). The draft SPD contained a Conservation Area Appraisal and Management Strategy (CAAMS) for both of the above areas. The existing CAAMS for Brookshill and Grimsdyke Estate had been revised and updated from the previous CAAMS and a new CAAMS produced for West Drive since there was not one in place before.
- 3.3 The CAAMS for both Conservation Areas included a range of management proposals, as follows:
- (a) a proposal to amend the boundaries of the West Drive and Brookshill & Grimsdyke Estate Conservation Areas to ensure they cover areas of special architectural or historic interest, as required by legislation and the National Planning Policy Framework;
  - (b) the draft West Drive CAAMS included a proposed Locally Listed Historic Park and Garden and a new locally listed structure i.e. the historic kitchen garden walls in the grounds of the Eagles; and
  - (c) Proposed Article 4 directions for both Conservation Areas to introduce additional planning controls aimed at preserving the special character of the area.
- 3.4 The Harrow Weald Conservation Areas SPD also intends to link both conservation areas by providing a strategic overview of the issues affecting them to inform policies and guidance that will assist in their preservation and enhancement.

#### **Consultation arrangements**

- 3.5 At its February 2015 meeting, Cabinet agreed to consultation on the draft SPD for a period of five weeks. This occurred from 12th June to 17th July 2015. Notification letters were sent to ward councillors, amenity groups,

Conservation Area Advisory Committee members and other stakeholders. The documents were available to view at a number of places, including the Council's website and the Planning Services reception at the Civic Centre. The consultation was originally commenced in late May, but re-started from 12 June after a number of inconsistencies became evident in the original consultation material.

- 3.6 The consultation reflected the requirements for Supplementary Planning Documents under the Council's adopted Statement of Community Involvement (SCI) and the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 3.7 Whilst the consultation covered all aspects of the SPD and its management proposals / proposed boundary changes, it should be noted that under the Planning (Listed Buildings and Conservation Areas) Act 1990 there is no requirement to consult on the proposed designation of conservation areas or any modification of their boundaries / cancellation. It is however considered good practice to consult on any designation / boundary changes as representations from the public can assist in determining whether or not an area has sufficient special architectural or historic interest to warrant designation as a conservation area.
- 3.8 As a result of the initial consultation, a further focused consultation was undertaken with two properties ('Timbers' and 73 West Drive) from 17 December 2015 to 7 January 2016 as these properties are now proposed to be included in the revised Harrow Weald Park Conservation Area and weren't proposed at the time of the original consultation. No response to the consultation with these two properties had been received by 7 January 2016.
- 3.9 If agreed by Cabinet, the making of non-immediate Article 4 Directions will be subject to further consultation, in accordance with the requirements of Town and Country Planning (General Permitted Development) (England) Order 2015. This additional consultation is due in part to changes to the proposed extent of permitted development rights that would be removed by the Article 4 Directions; these changes arose as a result of the initial consultation on the proposals and if agreed, would be subject to a 21 day consultation period. They would be advertised by site notice, local advert and serving a notice on every owner occupier of the land in accordance with Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 3.10 The complete results of the public consultation process will be detailed in a formal Consultation Statement prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation responses and how these have been addressed in finalising the SPD, are summarised below.

#### **Criteria for inclusion in a conservation area**

- 3.11 The Planning (Listed Buildings and Conservation Areas) Act 1990 identifies conservation areas as being 'areas of special architectural or historic interest

the character or appearance of which it is desirable to preserve and enhance' [s.69(1)(a)].

3.12 The Act also requires local planning authorities to from time to time review previous processes of identifying areas for designation as conservation areas and to determine whether any parts or further parts of the borough should be designated [s.69(2)]; such a process can include the 'cancellation' of an area [s.70(5)].

3.13 Paragraph 127 of the National Planning Policy Framework (NPPF) indicates that 'when considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest'.

3.14 At a local level, the Council has identified six criteria for designation of conservation areas within the borough, as follows:

1. Areas with a high concentration of listed buildings whether statutorily or locally listed
2. Areas of historical, social, economic and/or architectural merit
3. Areas with a high proportion of buildings built prior to 1920, which remain largely unaltered
4. Areas built post 1920 that are innovative in planning or architectural detail, and where a large proportion remain unaltered
5. A significant group of buildings with distinct physical identity and cohesiveness
6. Areas which have a special quality, where the site layout and landscaping are of exceptionally high quality and/or contain historic open space, natural landmarks or topographical features

3.15 An area should meet two or more of the above criteria to be considered for inclusion for in a conservation area.

3.16 The above criteria have been in place since at least 1989, including inclusion in the Borough's 2004 Unitary Development Plan and more recently, within the SPDs relating to conservation areas.

#### **4. Summary of responses and how they have been addressed**

4.0 There were a total of 94 responses, with 17 of these responses being from 6 individuals who responded more than once. 87 responses concerned West Drive Conservation Area and 2 responses concerned only the Brookhill Drive and Grimsdyke Estate Conservation Area, with 5 concerning both. A petition containing 230 signatures was also submitted.

4.1 Responses received related to four broad areas as follows:

- a. Proposed changes to the conservation area boundaries;
- b. Nature and extent of the proposed Article 4 directions;
- c. Consultation arrangements; and
- d. General comments.

- 4.2 These four broad areas are addressed below; it should be noted that many of the representations covered similar points and consequently the comments reported below are an aggregation of the individual responses.
- 4.3 The petition received is also addressed below, in accordance with the Council's Petition Scheme.

### **Boundary changes**

- 4.4 Under the Planning (Listed Buildings and Conservation Areas) Act 1990, there is no requirement to consult specifically on proposals to amend the boundary of a conservation area. However, it is considered good practice to consult on any boundary changes and the Council did this as part of the consultation on the draft SPD. This was because the draft SPD includes full character appraisals of the two conservation areas and the proposed amendments to the boundaries stem from the findings of these character appraisals.
- 4.5 As a result of the consultation, responses were received in relation to the following aspects of the proposed boundary changes:
- a) **Proposal to omit Bellfield Avenue: 1-47 (odd) 2-42 (even), West Drive: 2-36 (even), 1-41 (odd), West Drive Gardens: 1-20 and Uxbridge Road: 160, 130, 132, 128**
- 4.6 A significant majority of the responses centred on the proposed boundary change to remove parts of the West Drive Conservation Area (referred to as such throughout this report, but now proposed to be named the Harrow Weald Park Conservation Area). 73 responses requested the above addresses were retained within the Conservation Area (including the Stanmore Society and three councillors Councillor Ramji Chauhan, Councillor Stephen Greek and Councillor Pritesh Patel for the Harrow Weald ward), whereas four responses agreed with the proposal to omit this area including Historic England and the Council for British Archaeology.
- 4.7 In many instances, those seeking retention of the area outlined their views that the area meets four of the six conservation area criteria, namely:
- Area of historical, social, economic and/or architectural merit.
  - Area built post 1920 that is innovative in planning or architectural detail and where a large proportion remain unaltered.
  - A significant group of buildings with distinct physical identity and cohesiveness
  - An area which has a special quality, where the site layout and landscaping are of exceptionally high quality and/or contain historic open space, natural landmarks or topographical features.
- 4.8 Some of the responses sought to provide justification for this view, as addressed by the next table:

Table 1: Consultees' views on how Conservation Area criteria are met

<b>Consultation response</b>	<b>Council response</b>
<p>a) In the early 20th century when the owners wished to divest themselves of a substantial part of the grounds they ensured that the layout and residential development was accomplished in a sympathetic method controlled by means of restrictive covenants to control the density of development and minimum size of houses constructed.</p>	<p>Medium densities of development and medium scale of houses do not denote special interest in themselves and would be maintained in any case by planning regulations outside of the conservation area boundary as they were for seventy years before the areas was included on the Conservation Area in 2006. They do to some extent help reflect the origins of the land as Harrow Weald Park Estate which has some value reflected in its position within the setting of the conservation area. But the original conservation area boundary and the current proposed broader boundary to the east clearly meet the criteria for conservation area status given their incorporation of architecture and estate landscaping absent in the areas proposed to be omitted.</p> <p>The feeling of truly entering a former parkland estate along West Drive comes only where the change in ground surfacing to the unmade track after 36 West Drive. This is not so along the remainder of the roads that it is proposed to remove which have a more typical Metroland character albeit with many later infill houses and slightly broader roads.</p>
<p>b) The boundaries of the original estate come into stark focus when one looks at an aerial photograph where it can be seen that they are defined by a border of trees which remain to this day.</p> <p>Strong case for extending the conservation area to include the whole Harrow Weald Park estate. All 23.5 acres.</p>	<p>This response serves to emphasise how much the area it is proposed to omit has lost its original estate character, rather than remaining an integral part of it deserving conservation area status.</p> <p>Trees outside of the conservation area and forming this boundary are protected in any case by Tree Preservation Orders – stronger protection than simply conservation area status.</p>
<p>c) Compared to the urban sprawl to the south of the estate, where roads in the 1930's developed with long</p>	<p>With the exception of the somewhat broader nature of the roads, this describes much of Metroland development found throughout the borough and elsewhere in</p>



<b>Consultation response</b>	<b>Council response</b>
<p>lines of semi-detached houses on each side of narrow roads, HWPE was laid out as an expansive estate with wide roads, green verges, large front gardens and an innovative double cul-de-sac with individuality of houses, space and a little bit of country within a whole. The rural nature of Bellfield Avenue is a rarity in Harrow.</p>	<p>much of London and does not represent an innovative character or landscaping.</p> <p>The heart of the area proposed to be retained in the West Drive Conservation Area and many others in Harrow have rural qualities that are protected by conservation area status such as Moss Lane Conservation Area, East End Farm Conservation Area and Pinnerwood Farm Conservation Area.</p>
<p>d) The houses that were built are of individual design instead of identical pairs of houses, resulting in an eclectic mix of many different styles of architectural merit. Particular examples are the 2 pairs of semi-detached houses on the north side of West Drive Gardens, 15, 21, 27, 29, 28, 30 West Drive and 128, 130 and 132 Uxbridge Road. Numbers 6-16, West Drive Gardens are constructed of a particularly unusual brick with many of the houses having much old timber having been used in the construction of open porches. There are no flats and bungalows are only within one area.</p>	<p>The range of styles it includes comprises mainly typical inter-war two storey suburban style buildings of a vernacular Domestic Revival style which whilst generally pleasing do not contain houses of especially high quality design or historically of note. Otherwise, this part of the estate includes later than 1930s infill of no special merit. It is unclear what specific architectural merit is being referred to despite reference to examples of more pleasingly designed houses in the area and one locally listed building.</p> <p>The brick for numbers 6-16 seems a typical stock brick and the use of applied timber or otherwise is a frequent feature in Tudor Revival style houses of Metroland. Many of the open porches have been in-filled. The conservation area criterion is clear that houses post 1920 should be innovative in architectural detail. In contrast those within the proposed boundary have cohesion and architectural value being the well-defined fragment of the original Harrow Weald Park estate, now surviving as workers cottages, a coach house and original estate landscaping.</p> <p>Reference is made often to the 'eclectic mix' of styles, whilst some variety provides interest to an area, there needs to be an element of cohesion and continuity within well-defined parameters in order to comply with conservation area criteria.</p>

<b>Consultation response</b>	<b>Council response</b>
<p>e) Canons Park Estate Conservation Area is of similar interest to the area of West Drive Conservation Area that it is proposed to omit being residential development within a former historic estate.</p> <p>Roads leading off Canons Drive that form part of the Canons Park Estate Conservation Area (such as Dukes Avenue or Lake View) were built post 1920 much like many of the houses in the West Drive Conservation Area.</p>	<p>The validity of the Canons Park designation was reviewed in 2013 as covered by its Conservation Area Appraisals and Management Strategy and was found to still be worthy against the same 6 criteria as today so this is not in question.</p> <p>There is a similarity between Canons Park CA and the residential area it is proposed to omit from West Drive CA given both comprise residential development on a former estate begun post 1920.</p> <p>But key differences include:</p> <ul style="list-style-type: none"> <li>▪ the remains of the Canons Park estate which run through the conservation area are being designated as a grade II listed registered park and garden and incorporating many more features of the original estate including lakes, driveway to house and nationally listed gate pillars and estate follies.</li> <li>▪ The housing estate laid out within its grounds was designed by a named architect all largely in the 1930s based on a specific uniform house design (Kentish rural cottage) in an attempt to create a cohesive whole, whereas those in the area that is proposed to be omitted in West Drive CA were all designed ad hoc, speculatively at various times by no architect of note, with only one being of special enough interest to warrant local listing.</li> <li>▪ the roads of Canons Park estate all relate back to the spine route of Canons Drive – the old driveway to the mansion there, whereas those in West Drive do not relate to any route forming part of the original Harrow Weald Park estate.</li> </ul>
<p>f) Whereas Edgware High Street Conservation Area retains little of its original layout of architectural qualities, the area that it is proposed to omit from West Drive retains its original</p>	<p>The validity of the Edgware High Street designation was reviewed in 2013 as covered by its Conservation Area Appraisals and Management Strategy and was found to still be worthy against the same 6 criteria as today so this is not in question.</p>

<b>Consultation response</b>	<b>Council response</b>
<p>layout and architectural qualities.</p> <p>Whitchurch Lane in Edgware High Street Conservation Area has lots of signage and satellite dishes and other modern features that are of no historic value or significance.</p>	<p>The value of the Edgware High Street conservation area is identified by the locally or nationally listed status of the majority of its buildings. The layout remains significant as per the original in terms of its relationship with the old Roman Road and the village centre of Edgware. In comparison, there is nothing innovative about the layout of the area it is proposed to omit from West Drive Conservation Area and there are no listed buildings and just one locally listed building.</p> <p>The fact that the signage within the Edgware High Street CA is a problem and pressure is identified by the Conservation Area Appraisal and Management Strategy. It does not serve to wholly negate the value of the historic buildings themselves, nor the way it complies with the criteria for conservation area status overall.</p>
<p>g) The fact that the report seeks to include previously excluded parts of the estate such as the lake and surrounding woodland and open pastureland merely emphasises the cohesiveness of the HWPE.</p> <p>The Harrow Weald Park Estate should be viewed as a whole, not merely selected parts, as the historic nature of the former grand estate is all worthy of protection.</p>	<p>Viewing the former Harrow Weald Park Estate as a whole serves to emphasise the case for omitting the properties. This is because comparing the area that it is now proposed to include, with the roads that it is proposed to omit from the CA, highlights the comparative significance of the former area given its inclusion of former estate landscaping and structures, and the absence of interest along the remainder of West Drive, West Drive Gardens and Bellfield Avenue where no such estate landscaping remains. The original driveway in the area it is proposed to omit has been usurped by the housing development.</p> <p>Whilst the wider area is certainly of interest as a part of the historic estate, this does not mean that it meets the criteria for conservation area status, even if an adjoining area does.</p> <p>Many historic estates broke up and were subsequently covered in housing developments in the early 20<sup>th</sup> century around the country. Intermittent remnants of these estates remain visible but this fact does not mean the whole of the estates are</p>

<b>Consultation response</b>	<b>Council response</b>
	worthy of conservation area status, if one remaining part is.
h) Reference is made to the area being peaceful, where young families can move as it is a quiet area, minimal traffic and green belt.	The noise and traffic levels of an area are not relevant against the conservation area criteria in itself.
i) The top end of West Drive is the heritage from the 19th century but the rest to the south is also what should be preserved i.e. bio diversity, green space and vista. If Park Drive Gardens are built on this will impact on the green meadow land and lakeside, removing habitat for birds and wildlife.	<p>The biodiversity value itself is not a relevant criteria for consideration as to whether an area should be designated as a conservation area though can contribute to an area's special interest.</p> <p>The Council's Local Plan includes a range of policies that seek to identify and protect areas of biodiversity, green space and views / vistas.</p>
j) The different size of homes means there is a diversity of ages living there	The age range of residents is not a relevant factor in the designation of conservation areas.
k) Removal of conservation status would put pressure on residents of Harrow Weald Park to use the restrictive covenants.	The use of covenants is not relevant in relation to whether an area should be designated as a conservation area.
l) 28 West Drive which it is proposed to omit was built by Francis Jackson in the early 30's as a "cottage" for his mother, at the same time as he himself was building and subsequently living in, "The Squirrels" at 31 West Drive. Both houses are of the same "Tudor" Style and as such blend well with each other and several other contemporaneous houses in the Road, giving an excellent and cohesive atmosphere of a unified community	28 West Drive is a pleasingly designed house but of no special individual interest. It has similar basic Domestic Revival style with some Tudor style features. The Squirrels though differs given its scale, siting and all out, imposing Tudor Revival style. It is worthy of retention in the conservation area. Its open grounds help to retain a greater degree of the HWPE open landscaping.

## **Petition**

- 4.9 A petition containing 230 signatures was presented to Cabinet on 17 June 2015 in response to the consultation. The petition read as follows:

*We the undersigned value the current boundaries, believe that they meet the requirements to be considered part of a Conservation Area, and **oppose the removal** of West Drive (2-36, 1-41), West Drive Gardens, Bellfield Avenue and Uxbridge Road (128, 130, 132 and 160) from the West Drive Conservation Area as outlined in the draft SPD found at [www.harrow.gov.uk/harrowwealdconsultation](http://www.harrow.gov.uk/harrowwealdconsultation)*

- 4.10 The petition was acknowledged on 23 June in accordance with the Council's Petition Scheme. The acknowledgement letter advised that the petition will be dealt with as part of the consultation on the draft Harrow Weald Conservation Area SPD.
- 4.11 The table above addresses comments made in relation to the six criteria for inclusion of an area in a conservation area.
- 4.12 In the context of the statutory requirement that conservation areas reflect areas of special architectural or historic interest, it is the weight of evidence put forward as to the level of architectural or historic interest of the areas suggested for retention in the conservation area that is most relevant, rather than the number of signatures on the petition.

## **Other comments**

- 4.13 In addition to seeking to address the six criteria for designation of a conservation area, a number of those objecting to the proposed de-designation also queried the motivations for, and legality of, de-designation and potential ways to challenge this. Concerns otherwise not relevant to the legal requirements for designation were raised namely: house values, family qualities of the streets; biodiversity values of the area; impact on tree preservation orders and the pressure de-designation could create for development. These responses are fully addressed next.

Table 2: Other representations against removing parts of West Drive Conservation Area

<b>Consultation response</b>	<b>Council response</b>
Why was the West Drive Conservation Area boundary amended in 2006?	<p>The decision to extend the existing West Drive conservation area in 2006 was taken to the Local Development Framework Panel and the report can be found on the Council's website at this link: <a href="http://www.harrow.gov.uk/www2/mgChooseDo cPack.aspx?ID=3540">http://www.harrow.gov.uk/www2/mgChooseDo cPack.aspx?ID=3540</a></p> <p>The local criteria used at the time to assess whether an area had sufficient architectural and historic interest to be designated as a conservation area were the same then as</p>

Consultation response	Council response
	<p>today. The report concluded that the case for conservation area status is 'marginal'. Reading the report it is not clear which of the six criteria, if any, the report considers the area actually meets. It also notes that in 1989 this part of West Drive and Bellfield Avenue were not considered worthy of conservation area status against the same six criteria that applied in 2006 and today.</p> <p>Minutes of the meeting can be viewed at the following address and it can be noted that in deciding to designate, for which the decision was unanimous at the time, members of the Panel emphasised the fact that there were some 1920s buildings which being nearly 100 years old would benefit from protection:  <a href="http://modern.gov:8080/ieListDocuments.aspx?CId=784&amp;MId=3628&amp;Ver=4">http://modern.gov:8080/ieListDocuments.aspx?CId=784&amp;MId=3628&amp;Ver=4</a></p>
<p>Why is the boundary of the West Drive conservation area under review and amendments to the boundary proposed? An extension to the conservation area was designated in 2006 against the same 6 criteria as apply today so what has changed?</p> <p>Do not agree that retention of the full West Drive Conservation Area diminishes the value of other areas.</p> <p>The actual motivations for the review doubtless include Governmental and Party pressure to fulfil further (over)population targets.</p> <p>This proposal for West Drive CA is clearly a politically motivated confrontation started by the Labour Council.</p> <p>The reason for the proposed amendment may possibly be that it is considered that the area could present an opportunity for</p>	<p>The current review of the Harrow Weald Conservation Areas stems from the Planning (Listed Buildings and Conservation Areas) Act 1990, part II, section 69 which states existing conservation areas, including consideration of past designation is appropriate, should be reviewed as it states:</p> <p>'(1) Every local planning authority -  (a) shall from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and .  (b) shall designate those areas as conservation areas.</p> <p>(2) It shall be the duty of a local planning authority from time to time to review the past exercise of functions under this section and to determine whether any parts or any further parts of their area should be designated as conservation areas; and, if they so determine, they shall designate those parts accordingly'.</p> <p>Since 2005 Harrow on the Hill, Pinner, Stanmore and Edgware CAs have been reviewed and it is now the turn of the Harrow Weald CAs to be reviewed; the review commenced in 2013. West Drive currently</p>

<b>Consultation response</b>	<b>Council response</b>
<p>future planning.</p>	<p>remains the only CA in the borough without an adopted conservation area appraisal aside from the recently designated Pinner Road Conservation Area, for which one is currently being prepared.</p> <p>Paragraph 127 of the National Planning Policy Framework (NPPF) is relevant as it states 'When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest'.</p> <p>The above gives Local Planning Authorities the remit to review and where appropriate remove conservation area designations; such de-designations are not uncommon across England.</p> <p>The West Drive conservation area must be considered as a whole and its designation reviewed in accordance with the requirements of section 69, part II of the Act. If an area is not worthy of designation, then designation is contrary to national legislation which states that a conservation area is an 'area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'. By definition, removing areas which are not worthy of conservation area status, enhances the parts of the conservation area that remain and are worthy of designation since, in accordance with paragraph 127 of the NPPF, it ensures 'the concept of conservation is not devalued'.</p>
<p>Is there any legislation that has changed, apart from the National Planning Policy Framework (NPPF) 2012, relating to designation of conservation areas since 2006?</p>	<p>Legislation relating to conservation area designation has not been amended since 2006. The following is guidance published since 2006 though:  <a href="https://historicengland.org.uk/images-books/publications/understanding-place-conservation-area/">https://historicengland.org.uk/images-books/publications/understanding-place-conservation-area/</a>. This is Historic England's document entitled 'Understanding Place: Conservation Area Designation, Appraisal and Management'.</p>

<b>Consultation response</b>	<b>Council response</b>
<p>In the absence of any new evidence that would demonstrably show a change in circumstances from that which existed in 2006, coupled with the objective fact that the new guidance fails to impose any new considerations that could not have been said equally to apply in 2006, any decision taken now that was inconsistent with the 2006 decision would be unlawful. Accordingly, the extent of the conservation area should remain unchanged.</p>	<p>This draft conservation area appraisal and management strategy represents the first formal written appraisal of the conservation area. Careful assessment of this area in drafting this appraisal shows that as is consistent with the 1989 review of the area, the strict criteria for conservation area status is not met by these addresses. As stated it is not clear from the 2006 report which if any of the criteria the conservation area is stated to have met and the case for designation was said to be 'marginal'. As stated, the Planning (Listed Buildings and Conservation Areas) Act 1990, Part II, section 69 (2) requires the designation of conservation areas to be reviewed from time to time.</p>
<p>Are residents able to apply to the Secretary of State to override the LPA's final decision concerning any amendments to the boundary of the West Drive Conservation Area?</p>	<p>Given the wording of section 69 (3) which states: 'The Secretary of State may from time to time determine that any part of a local planning authority's area which is not for the time being designated as a conservation area is an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance; and, if he so determines, he may designate that part as a conservation area', it seems 'applications' could be made to the Secretary of State. Whilst this does give the Secretary of State power to designate a conservation area, this is only used in exceptional circumstances.</p>
<p>What is the role of a conservation officer? Could not the Council focus on the elderly and children rather than the current proposals for the conservation area?</p>	<p>The role of a conservation officer is to preserve and enhance the special interest of heritage within the borough. In the case of Harrow, this heritage includes 29 conservation areas, over 300 statutory listed buildings, 4 historic parks and gardens, 9 scheduled ancient monuments, over 700 locally listed buildings, 2 locally listed parks and gardens and 9 architectural priority areas, for which there is one conservation officer. The preparation of the conservation area appraisal and management strategy and associated SPD for West Drive Conservation Area is one element of the conservation officer's role and is consistent with the process of preparing such strategies / document for all of the borough's conservation areas.</p>



<b>Consultation response</b>	<b>Council response</b>
<p data-bbox="225 197 667 297">Do you wish to transform West Drive and Bellfield Avenue into blocks of flats?</p> <p data-bbox="225 342 699 703">We are not looking to become a glitzy road full of double fronted, hard paved and double glazed properties. This would not be an appropriate link into the older properties. Fear that removing designation would mean the Council would be voiceless when compelled to accept broad brush planning schemes.</p> <p data-bbox="225 748 643 813">De-designation would lead to pressure for development.</p> <p data-bbox="225 857 699 1104">If the Conservation Area is revised, those areas which the Council still wants protected by Conservation Area status would nevertheless be degraded by the almost inevitable redevelopment of West Drive /Bellfield Avenue.</p> <p data-bbox="225 1149 703 1328">If you take away the conservation area boundary unrestricted building in the area will take place and the area's character will be eroded.</p> <p data-bbox="225 1373 699 1731">Without protection the area could also be destroyed. Large houses on large plots are too much of a temptation to developers who will entice property owners with ever increasing offers for their houses in order that they can build high density luxury apartments such as has happened in other areas of Stanmore.</p>	<p data-bbox="730 197 1398 450">Areas outside of conservation areas are still protected by planning rules and regulations. Permitted development rights for example whilst less restrictive outside of a conservation area, are covered by the Town and Country Planning Act which requires planning permission for many works.</p> <p data-bbox="730 495 1398 853">Any proposal for development requiring planning permission would need to respect the character of the area and there is a presumption that flats are located within town centres and areas with good public transport accessibility (as per the Council's adopted Local Plan). Proposals for development within the setting of conservation areas need to be advertised as such and should preserve the setting of these conservation areas.</p> <p data-bbox="730 898 1398 1144">The area retained its character for many years prior to 2006 without conservation area status. This was even after the area had been considered for designation in 1989 and rejected for not meeting the same criteria as in place today and 2006 for conservation area status.</p> <p data-bbox="730 1189 1378 1328">As noted in a number of representations received, there are restrictive covenants over the land, including that only one detached house can be erected in each property.</p>
<p data-bbox="225 1774 691 1989">If a case can be made for the inclusion of the 1960's sheltered housing of Harrow Weald Park, then a similar case can be made out for the retention of the historical HWPE as a whole.</p>	<p data-bbox="730 1774 1398 2058">The proposal to include Harrow Weald Park is justified on pages 44 and 45 of the draft conservation area appraisal. This is in the site of the former mansion to which the whole of the estate and conservation area development stems from, and it is immediately surrounded by the original Picturesque landscaping of the Harrow Weald Park estate. It contains original</p>

<b>Consultation response</b>	<b>Council response</b>
	<p>steps from the house and is set just behind the original Ha-Ha for the estate landscaping. Whilst these houses are not of interest in themselves, their location inextricably forms part of the remaining legible and open estate grounds which are of historic and architectural interest. This is clear when comparing current OS maps with historic ones. In contrast to those parts of West Drive and Bellfield Avenue (which it is proposed to de-designate), effectively a large part of the grounds and estate landscaping here remains either as open ground, fields or woodland.</p>
<p>What impact would this have on Templars Drive and proposed extensions here?</p>	<p>Templars Drive is not currently in the conservation area. It is in the setting of the conservation area and parts would remain so in relation to West Drive under current proposals. Proposals within the setting of the conservation area would need to preserve its setting.</p>
<p>Would Tree Preservation Orders stay in place?</p>	<p>Tree Preservation Orders would not be affected. There are a high number of tree preservation orders along Bellfield Avenue, West Drive Gardens and West Drive. This is shown on the map within the 'landscaping, green spaces and ecology' section of the draft appraisal.</p>
<p>The conservation status has protected the entire estate from rapacious developers and there appears to be no reason to alter the status quo.</p>	<p>The conservation area status does provide additional protection. However, this can only continue to be provided if the conservation area criteria are met and an area's designation justified. The area maintained its qualities until 2006 without conservation area status.</p>
<p>There has been no cost to the Council for including the current boundary of the conservation area to include all of West Drive, West Drive Gardens and Bellfield Avenue.</p> <p>Hope that a weakening of rules is not a suggestion that your resources cannot support their potentially more complex operation in future.</p>	<p>Cost of including these streets in the conservation area is not a factor in the decision making process. However, it is incorrect to state there has been no cost of including this area within the conservation area. There has been cost in terms of the conservation team's time assessing planning applications and the planning officer's broader required role in assessing applications in these terms and ensuring site notices are fixed. There is more time and work required from an administration point of view in correctly registering applications and the consultation process.</p>

<b>Consultation response</b>	<b>Council response</b>
Reference is made to the potential devaluing of the residential streets it is proposed to omit.	The value of property is not a relevant planning consideration.
The conservation officer has stated that de-registration of conservation areas in England is not uncommon but unable to find any examples. The relevant legislation allows LPA's to designate conservation areas or enlarge existing ones but not remove existing one.	<p>Charles Mynors publication entitled 'Listed Buildings, Conservation Areas and Monuments' dated 2006 states that 18 conservation areas were cancelled in 1990 and 19 in 1991 and it states these are the only two years for which figures are available.</p> <p>Some brief internet research shows that de-designation continues as for example in 2010 the Shenley Tower conservation area was de-designated in Hertsmere and the Woodmancote Conservation Area in Tewkesbury was de-designated in 2013.</p>
Ideally, the conservation area appraisal should be rewritten to accommodate the retention of these roads within the boundaries, and a revised SPD issued on that basis. However, if this is not possible, it would be sufficient to simply leave the current provisions as they are.	The conservation area appraisal would not be a valid adopted document if the conservation area boundary and justification differed from the adopted conservation area boundary. Consequently, any decision on the proposed boundary changes that differs from the conclusions reached through the character appraisal process would necessitate the re-writing of the draft appraisal. Any amended appraisal would need to include a defensible justification of any retained areas previously proposed to be removed from the conservation area, having regard to the legal test for an area to be included within a conservation area (i.e. special architectural or historic interest) and the six local Harrow criteria. If there are no sound conservation grounds to include / retain an area within the conservation area, the value of the appraisal in documenting the character and special interest of the area and its use in informing decisions on planning applications and defending appeals is significantly reduced as ultimately the test of whether or not a proposed development is acceptable in a conservation area is its impact upon the identified special architectural or historic interest of the area, rather than simply that is located within a conservation area.

4.14 There is clear strength of feeling in support of retaining the current boundary. The legal definition of a conservation area though is contained under the

Planning (Listed Buildings and Conservation Areas) Act 1990, Part II, section 69 which states a 'conservation area is an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'. Given the points outlined above in response to the representations suggesting that these streets meet this legal definition, the amended draft SPD maintains the proposal to omit these areas.

4.15 Historic England, the Government's statutory advisors on the historic environment, responded to the consultation. In their response, they state 'having regard to paragraph 127 of the NPPF' which states 'local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest,' the Council has made 'a strong case' for the proposal to remove these addresses. The Council for British Archaeology agree with the rationale behind the proposed de-designation noting that 'The reasoning appears sound and changes are therefore supported'. A further two responses noted that they agreed with the de-designation noting that whilst a nice street the area does not meet the criteria for conservation area status and/or questioned the motivations behind the original designation.

**b) Proposal to extend the West Drive Conservation Area boundary**

4.16 There were four responses in support of the proposal to extend the boundary to include more of the former Harrow Weald Park Estate parkland to the east, including Historic England who stated 'the area of parkland to the West Drive Conservation Area, is clearly justified by their special local interest'. Five questioned whether the sheltered housing within this former parkland should be included if Bellfield Avenue: 1-47 (odd) 2-42 (even), West Drive: 2-36 (even), 1-41 (odd), West Drive Gardens: 1-20 and Uxbridge Road: 160, 130, 132, 128 are proposed to be removed. However, given the sheltered housing is integral to, and surrounded by the former parkland this remains part of the proposed extension. Indeed, one resident respondent provided further justification, noting Harrow Weald Park estate sheltered housing was built on footprint of the house. There are still the steps going down to the lawn and the haha wall. There is part of the old formal gardens with hexagonal pieces let into the ground. This is included in the amended draft of the SPD.

4.17 In line with the two consultation responses suggested justification, it is now proposed to include 73 West Drive and Timbers within the amended conservation area boundary. Whilst 20th century, both houses sit within part of the well-defined fragment of the original Harrow-Weald Park, a large Victorian Estate. Both are immediately adjacent former historic driveways to the estate. Number 73 would otherwise have been land-locked by the proposed conservation area. Number 73 is also in a key location between the old workers' cottages and the former mansion house site where landscaping would have screened one from the other. As noted previously, additional, targeted consultation has been arranged with those two properties to seek feedback on their proposed inclusion within the conservation area.

4.18 It was suggested by the Council for British Archaeology that the name of the West Drive Conservation Area, if the boundaries are adapted as suggested

may need to change to 'Harrow Weald Park Conservation Area' if the conservation area boundary was amended. Since the special interest of the CA relates to its origins as part of this estate, this amendment has been made.

4.19 One respondent suggested that as 'special interest relates to its origins as part of a broader country estate', if the lake and its surrounds are to be included then the gardens of Park Drive and West Drive and West Drive Gardens should be considered in the same way, as they are only separated by the boundary fences of the properties in question. However, whereas the lake and its surrounds are intact remnants of the estate, the rear gardens now are, and have the character of, the rear gardens of many houses. They remain of importance as part of the setting of the conservation area and so are protected in this way as referenced in section 1.4.4 of the draft SPD.

**c) Proposal to extend Brookshill Drive and Grimsdyke Estate boundary to include the land at the Kiln, Common Road**

4.20 One respondent stated they are happy with the existing boundary of the Brookshill Drive and Grimsdyke Estate conservation area and do not want any changes. However, this objection does not address the legal definition of a CA which relates to it being an area of special architectural and historic interest.

4.21 The Heritage Collective response on behalf of Willowmead Investments Limited formed an objection in relation to the land at The Kiln, Common Road. They stated the author has over 30 years' experience of advising on changes to the historic environment, including designating CAs. Their objection was to the proposed designation of the land at the Kiln, Common Road as shown on the map in appendix 3 of the SPD. The table below addresses and counters their objection. Given this, and the support from two national conservation bodies, including the Government's own advisers on heritage, this recommendation stands within the revised draft CAAMS.

Table 3: Representations against the proposed inclusion of land at the Kiln within the extended conservation area

<b>Heritage Collective</b>	<b>Council Response</b>
<p>Section 69 of the Planning Listed Buildings and Conservation Areas Act 1990's and paragraph 127 of the NPPF's criteria for conservation area status is that they are 'areas of special architectural or historic interest'.</p> <p>Given the Local Planning Authority's and Historic England's responses to the recent delisting of structures on the land in 2014, these bodies view only the house to be of local interest and the listed ruin to be of national interest, and the rest not of interest. So, the land</p>	<p>The Local Planning Authority's justification for inclusion outlining the area's special character and appearance is given in section 1.4.3 of the draft CAAMS. The justification centres on ensuring the remaining original historic landscaping associated with the estate is included within the conservation area as it is integral to its special interest, as conservation areas are about the quality and interest of areas, rather than individual buildings that is the prime consideration in identifying areas.</p>

<b>Heritage Collective</b>	<b>Council Response</b>
<p>does not have special architectural or historic interest required for CA status. They quote Historic England's comments when de-listing the garden walls as the summerhouse being 'of little interest' and the low walling 'not of any particular note'.</p> <p>Their own view is that only the Kiln is of national interest, but the land as a whole is not.</p>	<p>The two national conservation bodies (Council for British Archaeology and Historic England) that responded to the consultation support this suggested extension of boundary. Historic England responded: 'we agree that the inclusion of the buildings around the listed brick Kiln to the Brookshill Drive and Grimsdyke Estate Conservation Area...is clearly justified by their special local interest'.</p> <p>Comments made by the local planning authority and Historic England as to the significance of the buildings on the site of the Kiln, Common Road were made in response to considering whether they were worthy of national statutory listing.</p> <p>Since CA designation is about the (local/national) significance of an area, a conservation area does not necessarily need to include any buildings of national merit. Heritage Collective's consultation response fails to acknowledge that all Historic England's de-designation decisions emphasised the local significance of the Kiln house, the historic walls and summerhouse to the borough. The Local Planning Authority is seeking public consultation on their local listing.</p>
<p>The drying sheds are not of special interest.</p>	<p>A CA can include buildings that are of no interest in themselves since it concerns the value of the area. The draft CAAMS makes clear though that whilst rebuilt, the drying sheds have associative group value being part of the history and origins of the site as brickmaking works.</p>
<p>The thin link connecting the existing conservation area and the land at the Kiln is not in itself of special interest.</p>	<p>Far from being contrived, the link is significant in itself as part of the wider CA for connecting the two areas now and historically. The route is shown on the earliest OS map (1863). Bricks from this brickmaking site were used in the construction of houses in the existing conservation area and the owners of the</p>

Heritage Collective	Council Response
	original brickmaking business here owned Brookshill Farm. The two areas are inextricably linked.
<p>Harrow Council's key designations map in the existing adopted Conservation Area Appraisal makes it clear that all dense tree cover is outside the area. To designate an area beyond the tree cover is contrary to the characteristics identified by this map.</p> <p>The Kiln land is a detached area beyond the dense tree cover that surrounds the conservation area</p>	<p>It is not clear what point is being made here. The map in the original appraisal marks important 'dense trees outside the conservation area' which would remain significant with the proposed designation. It would not be 'contrary to the characteristics' to propose to designate another area with this same dense tree cover as its setting.</p> <p>The map shows that the dense tree cover does not 'surround the conservation area' as claimed. Instead it surrounds parts of the CA, a characteristic which would remain the same with the proposed designation.</p>

**d) Proposal for a wider boundary still to both Harrow Weald CAs**

4.22 It was suggested by two respondents that the boundary of the West Drive and Grimsdyke Areas be more widely drawn to protect the setting of the heritage and other assets e.g. areas of Harrow Weald Common, east of Brookshill Drive and to the north of the proposed Kiln extension. It was stated this would be to preserve the green spaces in the north of Harrow Borough and so the boundary should include West Drive/Bellfield Avenue which are an integral part of both by preserving the shape and some features of Harrow Weald Park and by providing a substantial refuge for wildlife and substantial tree cover in extensive gardens.

4.23 However, this does not have regard to the legal requirements of a CA. Whilst these surrounding areas help preserve the setting of the Harrow Weald CAs, CA setting is already protected under the Listed Buildings and Conservation Areas Act Section 72 which gives local authorities a general duty to pay special attention 'to the desirability of preserving or enhancing the character or appearance of that area' in exercising their planning functions. These duties are interpreted as requiring local authorities to consider the settings of buildings within the conservation area and the setting of the conservation area itself. This is considered sufficient protection for these conservation areas in this instance. In addition, trees are already protected by Tree Preservation Orders.

4.24 The areas referred to in the extended boundary proposal are not considered to be of special architectural or historic interest to justify inclusion within a conservation area. The other values referred to (i.e. green space, biodiversity etc) are protected by other Local Plan designations such as Green Belt and

Areas of Special Character (i.e. the borough's areas of high ground, particularly those to the north of the borough).

#### **Article 4 Directions**

4.25 An Article 4 direction is defined by the NPPF as 'a direction which withdraws automatic planning permission granted by the General Permitted Development Order'. Paragraph 200 of the NPPF states 'the use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area'.

4.26 The draft SPD includes proposals for Article 4 Directions for both conservation areas as a primary management tool to ensure the special architectural and historic interest of the conservation areas are retained.

##### **a) Brookshill Drive and Grimsdyke Estate CA**

4.27 The Heritage Collective objected to the proposed Article 4 direction for the Kiln house given that: the Kiln house has already doubled in size, already has a porch and has a number of established outbuildings and hardstandings, and it is one of the longest fenced boundaries and approaches from the highway. They state it would simply be an attempt to regain some of the controls lost by the recent de-listing.

4.28 It is accepted that greater justification was required for this and this is now outlined as follows in the amended draft SPD: 'The house is at the heart of a former brick making site, bricks from which formed part of the development of the wider conservation area. It is of local interest, along with the associated structures on site, as a reminder of the brickworks here, a once important local industry. Whilst the property has undergone significant additions in recent years, its core dates to the 17th century and still retains much of its attractive original and later 18th century design and fabric. It was in the later Georgian period, the old house was remodelled to create a dwelling of greater architectural pretension, the external walls rebuilt in brick and a new wing added on the west side. Notwithstanding the alterations already made, given this local interest and importance of architectural features and fabric to the area, additional management controls benefit the house. For example, without the Article 4 direction additional many alterations could take place that would undermine the house's historic architectural qualities and fabric. Also, large outbuildings could be constructed that could undermine understanding of this group of buildings associated with the former brickworks or a hard urban boundary could be introduced at odds with the semi-rural origins of the area. Similarly, much of the grounds could be hard surfaced undermining the rural qualities of the area or alterations to the house could detract from the remaining integrity of the house. The newly introduced article 4 direction is therefore beneficial'.

##### **b) West Drive CA**

4.29 Three responses objected to introducing an Article 4 direction to West Drive CA given it would: stifle creativity, add cost, stress and be over-the-top as



generally buildings have already been altered, some harmfully, and/or there are no listed buildings.

- 4.30 Article 4 directions remain part of the proposed SPD since an Article 4 direction's purpose is to ensure that changes made that are currently permitted development, preserve special interest as per the goal of a CA. Article 4 directions do not prevent change, but manage it so creativity can be accommodated as part of the process whilst preserving the special architectural and historic interest that the CA status requires. There is no fee for such applications. Whilst there have been a number of alterations that have in the past harmed special interest, the Article 4 direction can help ensure that such changes do not occur again, partly as encouragement can be given for enhancements.
- 4.31 Otherwise, two respondents suggested the proposed Article 4 direction be more targeted. It was noted Historic England guidance states permitted development rights should only be removed where it is necessary to protect the local amenity or wellbeing of an area and that they are most commonly used to control front elevations, and properties should be excluded where unnecessary. It was requested the Article 4 direction be applied to those buildings within the area with some architectural merit.
- 4.32 In response, the proposed Article 4 direction is now more targeted to specific houses. Justification is provided within the table of problems/pressures facing the area which identifies matters of boundary treatments and ad hoc extensions. The proposed Article 4 direction targets only works fronting a highway, waterway or open space. It is acknowledged that applying the direction to houses of lesser interest may have been excessive for certain types of works and so those identified as making only a neutral contribution to the CA are no longer proposed to have Article 4 directions relating to alterations to these houses.
- 4.33 The Council for British Archaeology noted any Article 4 direction should remain outside the designated area. It is not considered appropriate to introduce an Article 4 direction to areas not considered of special architectural and historic interest and so this is not proposed.
- 4.34 More clarity and guidance concerning the proposed Article 4 direction was requested. This text giving guidance on where the direction applied was partly obscured in the formatting before so has been amended.
- 4.35 It was suggested that the wording of the Article 4 direction could be amended to state that where existing boundary treatments do not exist, permission must be sought. This would serve to prevent new features, such as boundary treatments, being erected but would not stifle simple works of repair/rebuilding of existing boundary treatments, patios or sheds. However, it is not possible to restrict an Article 4 direction to only apply to new boundary treatments. It either applies to boundary treatments or it doesn't. Whilst the direction could only be applied to houses which don't have boundary treatments this would leave others with boundary treatments in place more vulnerable to change. Many simple repair works would not

require permission and if the resident was unsure they could contact the Council to clarify.

4.36 It was noted that having an Article 4 direction relating to the repainting of houses is too restrictive and there is no suggestion of a threat to the area through painting of the houses. So, the proposed Article 4 direction relating to re-painting has now been omitted.

4.37 Since the Article 4 directions are often materially different to those proposed within the draft West Drive Conservation Area Appraisal and Management Strategy, those that are now proposed are non-immediate and so are subject to a further consultation process as outlined earlier in this report.

### **Consultation process**

4.38 A number of representations made comments in relation to the consultation process; these are responded to in the table below.

Table 4: Comments received in relation to the consultation process

<b>Consultation Response</b>	<b>Council Response</b>
What attention is given to responses provided at the drop-in sessions?	The LPA are ensuring that all comments are considered in this report back to the Cabinet. From the drop-in-sessions it is evident that people attending use the session as an opportunity to seek clarification on matters and to express their views directly to officers (which are noted), but then often indicate that they also intend to follow-up the session with a formal written representation, informed by their face-to-face discussion with officers.
<p>The choice of venue in Wealdstone Library was chosen to minimise the likelihood of residents of the HWCA attending. Harrow Arts Centre would have been more convenient.</p> <p>Under Section 71 of the Act is it not the responsibility of the LPA to arrange a public meeting in the area to which the proposals relate? Do not consider that your offer and a written consultation are adequate substitutes.</p>	<p>Wealdstone Library was considered to be a convenient town centre library with good public and road transport links and reasonably near the conservation areas concerned. On reflection, Harrow Arts Centre would have been a nearer Council-owned venue.</p> <p>Section 71 of the Act does not specify the format of the public meetings and the drop-in sessions which were publicised and open to the public are considered to serve the function of a public meeting.</p> <p>Additionally, as part of the consultation the Council offered to attend any residents' meetings to provide a brief on the draft SPD. Also, to arrange a meeting we stated that they could contact the conservation officer for a mutually suitable location.</p>

<b>Consultation Response</b>	<b>Council Response</b>
There were reports of four letters for the drop-in sessions being received by residents after the sessions had been carried out. These residents asked how many attended the meetings.	There were 12 attendees in total, with 6 on both days. All residents were offered alternative meetings at mutually suitable times.  All letters were sent out at the same time and many attendees at the drop-in sessions specifically referred to having received these letters.
There were a few inaccuracies in the initial consultation letter concerning the mapping and listing of the existing and proposed conservation areas. Consequently there were requests to provide an amended consultation letter and extended consultation period.	A second, accurate consultation letter was sent out including a restarted and longer consultation period of 5 weeks as was agreed at the LDF Cabinet Advisory Panel meeting of 29/1/2015.

### **General**

4.39 Otherwise, there were general factual or design amendments requested. These changes have now been made, as outline below.

Table 5: General comments

<b>Consultation response</b>	<b>Council response</b>
<p>Historic England commented that the structure lends itself to repetition, is very long and could be confusing for applicants and residents. Recommended restructuring to remove repetitious elements, while retaining the analysis of local interest and management policies.</p> <p>They stated the maps are small.</p> <p>The designated assets could be explicitly referenced.</p> <p>Factual changes recommended.</p> <p>Recommendation for enhancement opportunities to be included.</p> <p>Include energy saving and renewable energy measures.</p>	<p>The document has subsequently been shortened by removing repetition. The overall structure has been retained though as this is consistent with the existing established adopted appraisals and management strategies within the borough.</p> <p>The maps have been enlarged.</p> <p>Amendments otherwise made.</p> <p>Enhancement opportunities have been included in section 1.4.2 of each draft CAAMS.</p> <p>Guidance on energy saving and renewable energy measures are included within the management proposals sections</p>

<b>Consultation response</b>	<b>Council response</b>
<p>To enhance West Drive CA perhaps a review of trees which deserve TPOs could be carried out.</p>	<p>Given the existing extensive cover of Tree Preservation Orders in the area it is not considered appropriate to conduct a survey of the area to identify any more. However, if any are specifically recommended then these would be considered.</p> <p>Proposed works to trees within the conservation area not already covered by a TPO would need to be notified to the Council; if the Council considers these works to be inappropriate, a TPO would be made.</p>
<p>There should be a guarantee from the Local Planning Authority that the green belt will not be built on.</p>	<p>Development within Green Belt is subject to the requirements of the National Planning Policy Framework (NPPF), which indicates that the construction of new buildings is inappropriate in Green Belt. However, it is not possible nor appropriate to 'guarantee' that Green Belt land will not be built on as the NPPF identifies exceptions to this (i.e. buildings for agriculture and forestry, outdoor sport, cemeteries, extensions / alterations to existing buildings, replacement buildings etc).</p>
<p>It has been noted that some TPO trees have been taken away in West Drive but not been replaced. TPOs should be more strictly enforced.</p>	<p>Passed to planning enforcement and the tree officer.</p>
<p>Are there proposals for doing work in the park in the West Drive CA?</p>	<p>None are known to the conservation team.</p>
<p>Within the appraisal there are no buildings or structures defined as negative features, only those that are neutral or positive, but guidance from Historic England states that the role of an appraisal is to identify negative too. Believe numbers 48-50, a pair of semi-detached buildings, are neutral not positive. These building are typical of suburban character and do not wholly respect the original siting of the historic farm buildings, whilst they are of a certain scale and do not detract (with the</p>	<p>Buildings could not be labelled negative for the sake of it. Whilst numbers 48-50s' design is more reminiscent of other more typical suburban development in the conservation area, they do feature numerous positive qualities as listed in the draft appraisal namely the symmetrical relatively plain Arts and Crafts style of 48 and 50 is also attractive in itself with good bay windows, interesting roof profile and tall chimneys with stepped banding at</p>

<b>Consultation response</b>	<b>Council response</b>
<p>exception of the extension to the north of No.50) they do not actively contribute to the 19th century estate character of the area. There appears to be little logic to identifying No.51 and No.63 West Drive as neutral and No.48-50 as positive.</p>	<p>their top, helping respect the quality and the traditional character of development in the conservation area. It is acknowledged that the judgement is subjective and finely balanced, but it is considered these houses warrant a positive label. Numbers 51 and 63 does not benefit from the same architectural qualities.</p>
<p>Harrow Weald Park woodland is encroaching onto the land. Shame that it is a bit overgrown. Car park opposite Grimsdyke Estate Old Redding is awful. Bins not emptied. Wind blows rubbish.</p>	<p>Passed to parks and estates.</p>
<p>The map shows numbers 65-71 as locally listed even though the schedule of locally listed buildings only includes the wall enclosing these properties. Likewise No.57, which should be identified as locally listed shows as a positive contributor (this is a presentation error).</p>	<p>The schedule of locally listed buildings contained some inaccuracies and has now been amended to show it comprises number 65-71 (i.e. the whole of the coach house) and its enclosing wall.</p> <p>Number 57 has been amended to be shown as locally listed.</p>
<p>Corrected names and street names of properties in the Brookshill Drive and Grimsdyke Estate Conservation Area were provided as:</p> <p>The City should not be included under Brookshill Drive, as its address is Old Redding.</p> <p>‘The White Cottage’ Brookshill Cottages 1&amp;2 as these are separate properties under separate ownership, they should be listed as ‘1 Brookshill Cottages’ and ‘2 Brookshill Cottages’</p> <p>For Copse Farm it should list Barn (Copse Farm) and Riding Stables (Copse Farm)</p> <p>Dukes should be ‘Dukes Cottage’</p> <p>The Hollies burnt down decades ago and is now called ‘Hill House’ Weald Lodge is now called ‘Weald</p>	<p>Corrections made.</p>

Consultation response	Council response
Cottage'	
Cllr. Ferry mentioned that Paragraph 3.16 of Harrow's Development Management Policies (DMP) was relevant to the quality of buildings in the current conservation area. There is nothing in 3.16 that is relevant to this matter.	The draft Development Management Policies section 3.16 was relevant but was subsequently amended as a result of consultation and independent examination at the time.

## **5. Conclusions and proposed amendments**

- 5.0 Under the Planning (Listed Buildings and Conservation Areas) Act 1990, conservation areas are 'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve and enhance'. Local planning authorities to from time to time review previous processes of identifying areas for designation as conservation areas to determine whether any parts or further parts of the borough should be designated or whether any should be de-designated / cancelled. The Act also requires Local Planning Authorities to from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas.
- 5.1 The draft Harrow Weald Conservation Area SPD and associated Character Appraisals and Management Strategies represents the Council fulfilling its obligations under the Act. It contains a number of management proposals, including:
- (a) a proposal to amend the boundaries of the West Drive and Brookshill & Grimsdyke Estate Conservation Areas.
  - (b) the draft West Drive CAAMS included a proposed Locally Listed Historic Park and Garden and a new locally listed structure i.e. the historic kitchen garden walls in the grounds of the Eagles,
  - (c) Proposed Article 4 directions to introduce additional planning controls aimed at preserving the special character of the area.
- 5.2 The proposal to amend the boundaries of the West Drive Conservation Area to remove a number of streets from the Conservation Area attracted by far the majority of representations, with these almost unanimously being against their removal.
- 5.3 Paragraph 127 of the National Planning Policy Framework (NPPF) indicates that 'when considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest'.
- 5.4 Whether or not an area warrants designation as a conservation area is centred on whether or nor it has special architectural or historic interest and is therefore largely technical exercise. This is reflected in that under the Act

there is no requirement to consult on the proposed designation of conservation areas or any modification of their boundaries / cancellation. It is however considered good practice to consult on any designation / boundary changes as representations from the public can assist in determining whether or not an area has sufficient special architectural or historic interest to warrant designation as a conservation area.

- 5.5 The character appraisal for the West Drive Conservation Area concludes that the streets proposed to be removed from the conservation area lack sufficient architectural or historic interest to remain in the conservation area, having regard to the six local criteria used to assist in such determinations. Whilst many of the representations received do seek to directly address the six criteria, it is considered that they do not demonstrate that the areas proposed to be removed have special architectural or historic interest. In many instances, the representations appear to be focused on preventing any development or change occurring within the area at all, rather than the statutory purpose of conservation areas to protect areas of special architectural or historic interest.
- 5.6 Given the above, it is recommended that the boundaries be amended as recommended in the draft SPD.
- 5.7 A number of representations responded to other proposals contained in the SPD and the SPD / proposed Article 4 Directions have been amended where appropriate, as outlined in the tables above.

## **6. Performance Issues**

- 6.0 Local Authorities have a statutory duty to publish proposals for the enhancement of their conservation areas under the National Planning Policy Framework and to make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. The proposal to adopt the draft Conservation Areas Supplementary Planning Document (SPD) as formally adopted planning guidance would help meet these objectives and to have a positive effect on local residents' perception of the degree to which the Council takes account of their views and how far people can influence decisions affecting their area.

## **7. Environmental Impact**

- 7.0 The draft SPD includes consideration of how energy efficiency and microgeneration measures can be achieved whilst preserving the special character of the Harrow Weald conservation areas. This will therefore help the council to meet the Council's Climate Change Strategy in terms of mitigation and adaptation. An SEA screening opinion has been undertaken of the draft SPD which confirms the SPD would not likely to have any significant environmental effects. This screening opinion was submitted to the Environment Agency, Natural England, and Historic England for their comment at the time of consultation and these bodies have advised that they concur with the conclusions of the SEA screening opinion.

## **8. Risk Management Implications**

8.0 Risk included on Directorate risk register? No

Separate risk register in place? No

There are no significant risks from consulting on and adopting this draft SPD.

## **9. Legal Implications**

9.0 A Supplementary Planning Documents (SPD) provides detail to support policies in the development plan and must be consistent with that plan.

9.1 The Council is required under Town and Country Planning (Local Planning) (England) Regulations 2012 (“the Regulations”) to consult formally on an SPD and to take into account representations received as a result of the consultation exercise before the document is adopted.

9.2 If the SPD does not comply with the Regulations, the Secretary of State may direct the Council not to adopt the SPD.

## **10. Financial Implications**

10.0 The cost of publication of the draft SPD will be contained within the existing LDF service budget.

10.1 The draft Conservation Areas SPD includes a proposal to amend the conservation area boundaries for two conservation areas to remove areas not worthy of conservation area status and include those areas worthy of designation. Amending the conservation area boundary of the two conservation areas would remove 99 properties from the conservation area boundaries and add 9 other buildings or structures. It is also proposed to designate a locally listed park and garden covering part of the existing Brookshill and Grimsdyke Estate Conservation Area boundary and part of the proposed extension to the conservation area. This would include 5 buildings. Overall these proposals would decrease the workload of the Planning Service’s Development Management, Administration, Conservation and Enforcement Teams. The costs of amending the conservation area boundaries and designating the locally listed historic park and garden would be met from existing Service budgets and resources.

## **11. Equalities implications**

11.0 Was an Equality Impact Assessment carried out? No

11.1 By definition, supplementary planning documents cannot introduce new policies nor modify adopted policies and do not form a part of the



development plan. Rather, their role is to supplement a 'parent' policy in a development plan document. The draft SPD the subject of this report supplements policies in the Development Management Policies Local Plan and Core Strategy. A full equalities impact assessment was carried out at each formal stage in the preparation of both these documents. The EQIA carried out in June 2012 for the Development Management DPD showed there would be no disproportionate adverse impact for any of the protected characteristics.

11.2 Therefore, there is no requirement to carry out an equalities impact assessment of the draft SPD the subject of this report, because the impact of implementing the adopted policies has already been considered as part of the Core Strategy and Development Management Policies equalities impact assessments.

## 12. Council Priorities

12.0 The decision sought will help the Council meet the priority of a making a difference for communities by helping ensure the attractiveness of the borough as a place to live and demonstrating that the Council seeks and listens to the views of its residents.

## Section 3 - Statutory Officer Clearance

Name:	Jessie Man	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date:	3 December 2015		
Name:	Brendon Lee	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date:	21 December 2015		

<b>Ward Councillors notified:</b>	<b>YES</b>
<b>EqIA carried out:</b>	<b>NO (see above)</b>
<b>EqIA cleared by:</b>	-

## **Section 4 - Contact Details and Background Papers**

**Contact:** Lucy Haile, Principal Conservation Officer, 020 8736 6101, [lucy.haile@harrow.gov.uk](mailto:lucy.haile@harrow.gov.uk)

### **Background Papers:**

Cabinet report (19 February 2015) and draft SPD for consultation, available at:

<http://www.harrow.gov.uk/www2/ieListDocuments.aspx?CId=249&MId=62360>

**Call-In Waived by the  
Chairman of Overview  
and Scrutiny Committee**

**NOT APPLICABLE**

*[Call-in applies]*