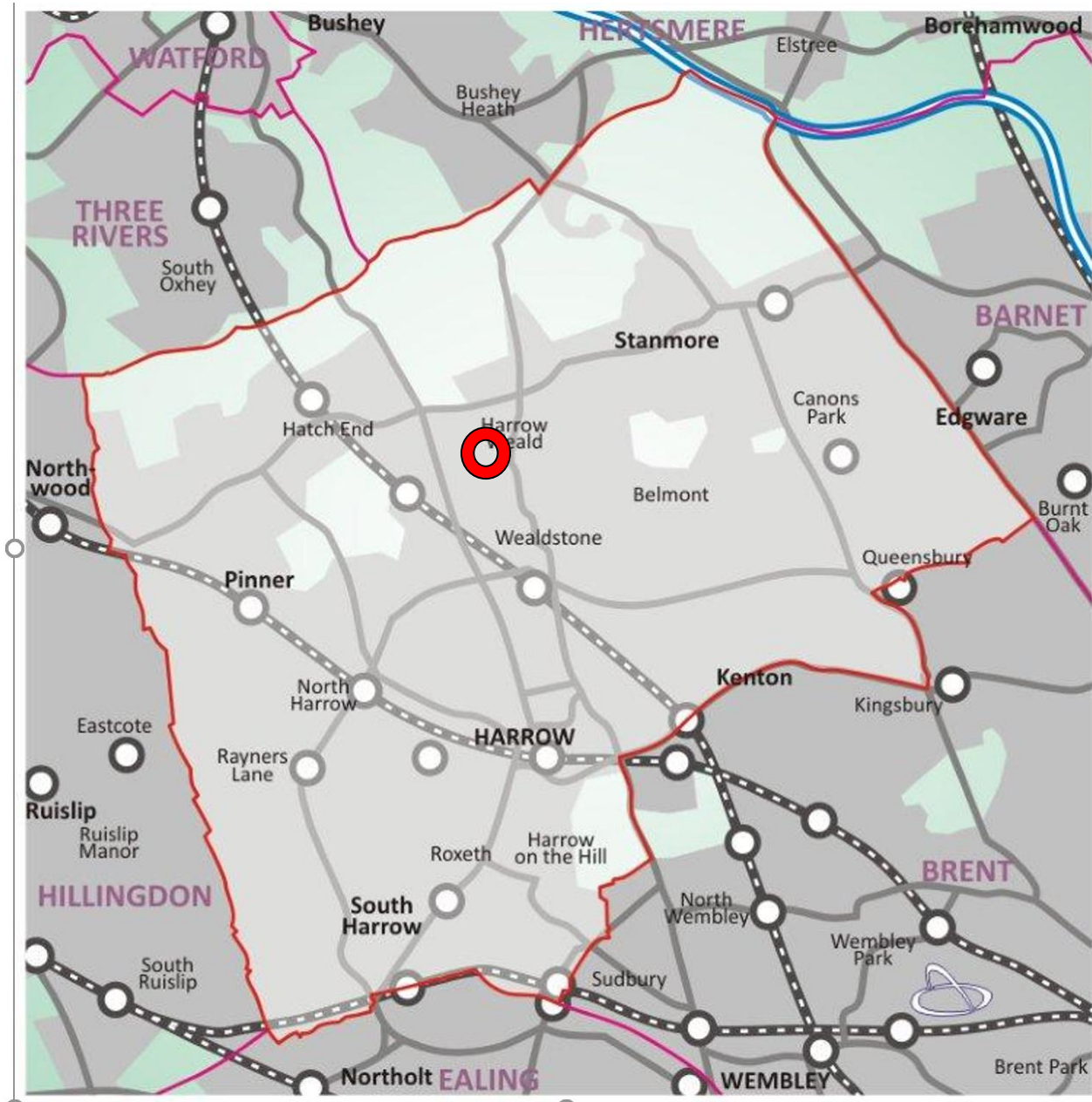


 = application site



24 Dryden Road, Harrow

P/3350/22

# LONDON BOROUGH OF HARROW

## PLANNING COMMITTEE

15th February 2023

**APPLICATION NUMBER:** P/3350/22  
**VALIDATION DATE:** 28/09/2022  
**LOCATION:** 24 DRYDEN ROAD, HARROW  
**WARD:** WEALDSTONE NORTH  
**POSTCODE:** HA3 7JZ  
**APPLICANT:** Mr AHMAD MUSBAH  
**AGENT:** M HASAN  
**CASE OFFICER:** LEE CONNOR  
**EXPIRY DATE:** 23/11/2022.

### **PROPOSAL**

Single Storey Side and Rear Extension to Outbuilding (Retrospective); (Part Demolition of Outbuilding)

### **RECOMMENDATION**

The Planning Committee is asked to **GRANT** planning permission for the following reasons:

- 1) To 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 RECOMMENDATIONS**

For all the reasons considered in this report and weighing up the development plan policies and proposals and other material considerations, this application is recommended for grant.

### **INFORMATION**

This application is reported to Planning Committee at the request of a nominated member in the public interest.

Statutory Return Type:	Householder
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 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.

## **1.0 SITE DESCRIPTION**

- 1.1 The site comprises a two-storey end terraced property on the south side of Dryden Road.
- 1.2 A 6m single storey rear extension (established under Prior Approval Notice P/1003/21/PRIOR), is currently being constructed at the property.
- 1.3 The hipped roof is being altered to incorporate a gable end with a rear dormer as part of a Certificate of Lawful Proposed Development (P/2155/21) granted on 15/6/21. Part of that certificate included the conversion of a detached garage into an office/study and the building of a detached outbuilding at the rear of the garden for use as a gym.
- 1.4 As well as converting the garage and constructing the outbuilding, the applicant has built between the two structures, which the Planning Enforcement team is currently investigating (ENF/0240/22/P).

## **2.0 PROPOSAL**

- 2.1 The applicant is proposing to demolish the link building/structure between the outbuilding (gym and store) and converted garage (study/home office) in the rear garden. The dimensions of this rectangular structure measures approximately 2.2m by 6.5m.
- 2.2 Planning permission is sought for a side and rear extension to the outbuilding at the end of the rear garden. The footprint of the built outbuilding (72. 44sq.m) is larger than the one granted under the Certificate of Lawful Proposed Development in 2021 which was (51sq.m).

## **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
P/1003/21/PRIOR	Prior Approval Not Required 6m deep single storey rear extension	19/04/21
P/2155/21	Certificate of Lawful Development Roof alteration to convert hipped room into gable end with rear dormer and convert garage into a study and building a gym in the rear garden.	Granted 15/06/21.
ENF/0240/22	Without planning permission, the unauthorised erection of a new dwelling in the rear garden	Ongoing investigation

## **4.0 CONSULTATION**

- 4.1 A total of four consultation letters were sent to neighbouring properties regarding this application. The overall expiry date was 19<sup>th</sup> October 2022. The neighbours were reconsulted after amended plans were submitted by the applicant.
- 4.2 Two responses had been received.
- 4.3 Summary of Responses:
- Unauthorised development in rear garden
  - Concerns about drainage and waste pipes being overwhelmed due to over development
  - Overdevelopment of the site affecting neighbour's amenity due to loss of light, outlook and overshadowing
  - No permission for AC units on top of the outbuildings
  - Concern about the height of the outbuildings
  - Concern over outbuildings being used as living accommodation
  - Extension to the garage has encroached on shared driveway
- 4.4 Statutory and Non-Statutory Consultation – N/A

## **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:
- Impact on Character and Appearance of the Area;
  - Impact on Residential Amenity;

6.2 Planning policies relevant to the development proposal include:

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

6.3 Policy CS1.B of the Harrow Core Strategy (2012) states that all development shall respond positively to the local and historic context in terms of design, siting, density and spacing, reinforce the positive attributes of local distinctiveness whilst promoting innovative design and/or enhancing areas of poor design; extensions should respect their host building. The policy also states that development should conserve and enhance Harrows heritage assets.

6.4 DM1 of the Development Management Policies Local Plan (2013) suggests that proposals should achieve a high standard of design and layout in particular regard should be taken to mass, bulk scale and height. Policy DM7 states that development proposals will be assessed having regard to relevant issues of design, appearance and character including proportion, scale, features, location, relationship with adjacent assets, and setting.

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

6.5.1 The demolition of the link structure between the converted garage and the outbuilding in the rear garden would reduce the footprint of the outbuilding granted under a Certificate of Lawful Proposed Development in 2021.

6.5.2 The total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) does not exceed 50 per cent of the total area of the curtilage of the dwellinghouse (excluding the ground area of the original house) and would be allowable under permitted development.

6.5.3 The curtilage of the rear and front garden is approximately 254sqm. The extensions in the rear garden are approximately: gym 70 sqm; garage 16sqm; rear extension 44sqm. Therefore, the total area of ground covered by buildings within the curtilage (other than the original dwellinghouse) would not exceed 50 per cent.

6.5.4 The maximum height of the outbuilding and its additional side and rear extensions is 2.5m with a flat roof. This which would be allowable under permitted development for a structure within 2m of a boundary. The height of the garage which has been converted to a study/home office is 2.6m.

6.5.5 The location of the outbuilding at the end of the rear garden is acceptable as it complies with the guidance in our SPD: Residential Design Guide, Given the height (at 2.5m) and the location, it is in keeping with the character and appearance of the area, particularly as there are other outbuildings in the rear gardens of some of the nearby dwellings.

## 6.6 **Residential Amenity**

6.6.1 The relevant policies are:

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

6.6.2 Policy DM1 of the DMP seeks to ensure that:

*“proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of the development, will be resisted”.*

6.6.3 The unauthorised nature of the development has been addressed in the report. The proposals would reduce some of the overdevelopment on the site. The development is within the 50 per cent rule for development within the curtilage of the property excluding the original dwelling house.

6.6.4 The height of the gym outbuilding complies with the SPD and the garage's additional height should have little impact on the amenity of the neighbouring properties as it is sited towards the rear of the plot. The existing outbuilding is approximately 20m away from the rear building lines of the nearby properties No.22 Dryden Road and No.26 Dryden Road, which is also separated by a shared driveway.

6.6.5 The single storey rear extension and the roof alterations to form a gable end with a rear dormer have all been established through Prior approval and certificate of lawful development and cannot be considered within the remit of this planning application.

6.6.6 The Enforcement team have recommended that a condition be put on any decision notice that the work to separate the outbuildings in the rear garden be completed within six months of the date of the permission, and that a further condition stipulates that the outbuildings cannot be used as living accommodation but for uses which are incidental to the enjoyment of the dwelling house as such.

6.6.7 The concern over the encroachment of the development onto shared driveway is a civil matter. It is not a material planning consideration and therefore cannot be considered under the remit of a planning application

## 6.7 **Development and Flood Risk**

6.7.1 The relevant policies are:

- The National Planning Policy Framework (2021)
- The London Plan (2021): S1 12
- Harrow Development Management Policies (2013): DM9, DM10
- Harrow's Core Strategy (2012): CS1

6.7.2 Policy DM9 of the Development Management Policies Local Plan (2013) states:

*“proposals that would fail to make appropriate provision for flood risk mitigation, or which would increase the risk or consequences of flooding, will be refused.”*

6.7.3 The application site is located within a critical drainage area as defined by the maps held by the local drainage authority. The site is not located within a flood zone. As such, an informative relating to the provision of sustainable drainage systems has been included in this recommendation.

## **7.0 CONCLUSION AND REASONS FOR GRANT**

7.1 The proposed development does not unduly impact on the character and appearance of the area or the amenities of the residential occupiers of the adjoining, or nearby properties, subject to the attached conditions. The proposed development would therefore accord with all the relevant policies stated above.



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

### **Conditions**

1. The development hereby permitted shall be carried out and completed within six months of the date of this decision.

REASON: To comply with the provisions of Section 91 of the Town & Country Planning Act 1990 and safeguard the amenity of neighbouring residents and the character of the locality in accordance with Policy DM1 of the Harrow Development Management Policies Local Plan (2013)

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 24DR/01B; 24DR/02B; 24DR/03B; 24DR/04; 24DR/05B; 24DR/06B; 24DR/07; 24DR/08; Location Plan.

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

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

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. The outbuilding hereby permitted shall not be occupied or used at any time as a separate residential unit or provide any form of primary residential accommodation (including the provision of a bedroom for the occupants of the main dwellinghouse). The use of the outbuilding shall remain incidental to the host dwellinghouse. Any other material change of use would require planning permission.

REASON: To safeguard the amenity of neighbouring residents and the character of the locality in accordance with Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

5. 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) shall be installed in the flank elevation(s) of the existing outbuilding without the prior permission in writing of the local planning authority.

REASON: To safeguard the amenity 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:

**National Planning Policy Framework (2021)**

**The London Plan (2021): D3**

**Harrow Core Strategy (2012): CS1.B**

**Harrow Development Management Policies Local Plan (2013): DM1**

**Supplementary Planning Documents:**

Supplementary Planning Document Residential Design Guide (2010)

### **2. SUDS**

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.

### 3. **Party Wall:**

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. **Proactive Statement:**

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.

Checked

 Mehdi Rezaie Head of Development Management (Interim) 3 <sup>rd</sup> February 2023	 Viv Evans Chief Planning Officer 3 <sup>rd</sup> February 2023
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APPENDIX 2: SITE PLAN



**APPENDIX 3: SITE PHOTOGRAPHS**

Front elevation of No.24



Rear elevation of No.24





Side elevation of No.24

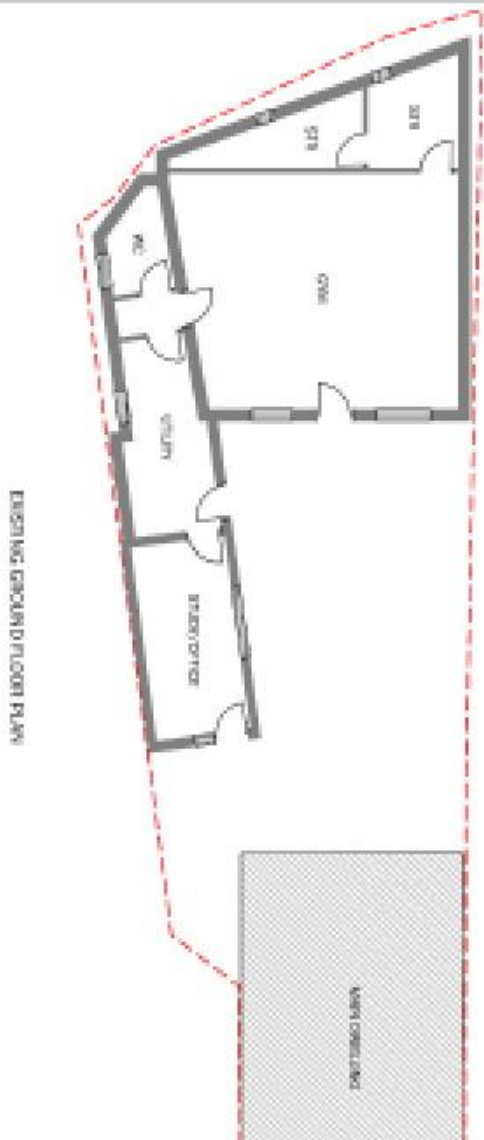


Office, corridor and gym/storage space at No.24

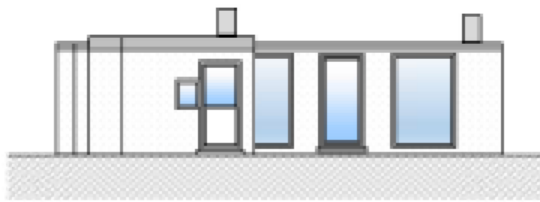


APPENDIX 4: PLANS AND ELEVATIONS

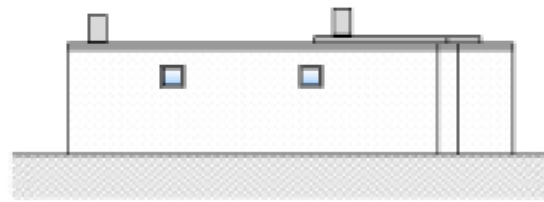
Existing Ground Floor Plans



## Existing Elevations



EXISTING FRONT ELEVATION



EXISTING REAR ELEVATION



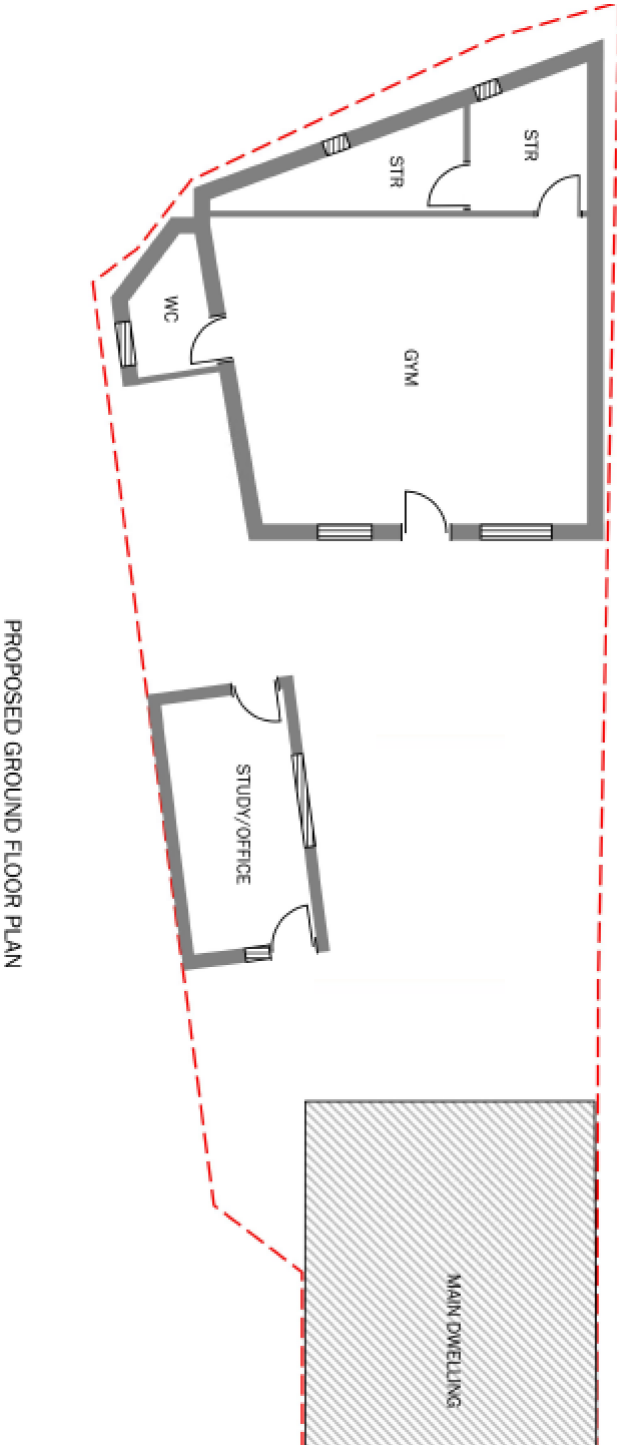
EXISTING WESTERN FLANK ELEVATION



EXISTING EASTERN FLANK ELEVATION



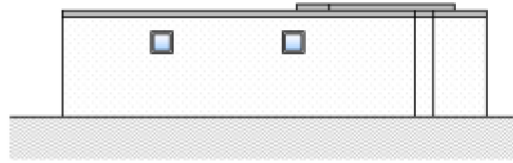
Proposed Floor Plan



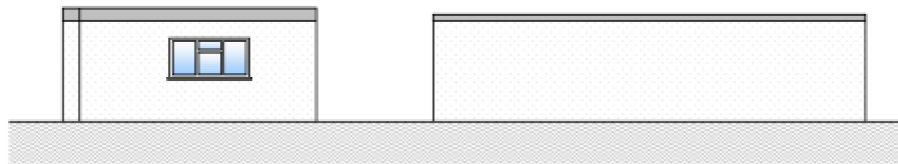
## Proposed Elevations



PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION

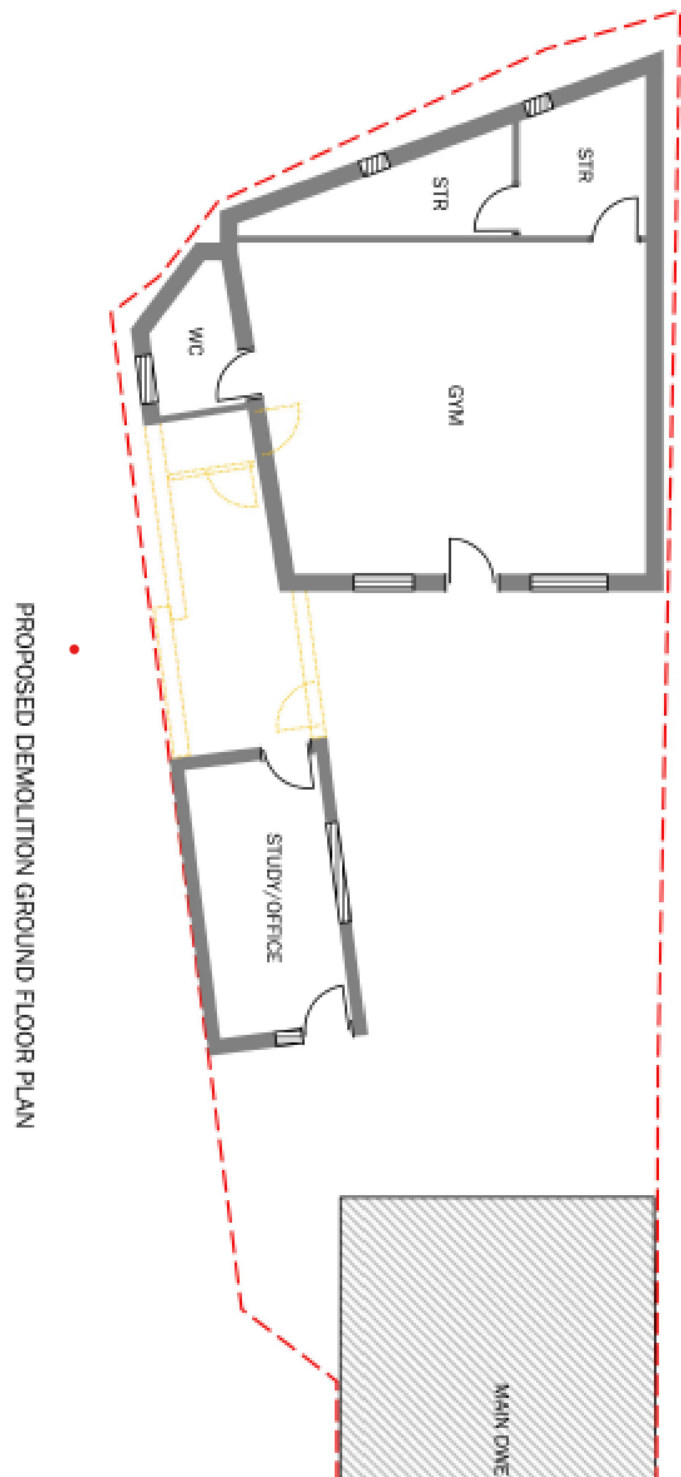


PROPOSED WESTERN FLANK ELEVATION



PROPOSED EASTERN FLANK ELEVATION

Demolition Plan



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