
Item: 2/12

4 AYLWARDS RISE, STANMORE, HA7 3EH P/3622/08/ML1

Ward STANMORE PARK

DETAILS OF HARD AND SOFT LANDSCAPING PURSUANT TO CONDITION 4 OF PLANNING PERMISSION APP/M5450/C/07/2053532, GRANTED 24 APRIL 2008

Applicant: Dr Abhay Shah

Agent: David R Yeaman & Associates

Statutory Expiry Date: | 14-JAN-2009

RECOMMENDATION

Plan Nos: 605.1H; 605.2F; Bartlett Tree Experts LTD. 'Tree Report' dated 11th April 2006.

Samples of:

Charcon Woburn Infilltra Autumn block paving (three sizes) – Driveway

Limestone Paving – Pathways and threshold to the driveway entrance

Golden Resin Bound Gravel – Central pathway in rear garden

APPROVE the details.

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Character and Appearance of the Area (D4, D9)
- 2) Residential Amenity (D4, D5)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

INFORMATION

This application is reported to the Committee under proviso F of the Schedule of Delegation issued 19th April 2007.

a) Summary

Statutory Return Type: Minor Dwellings

Council Interest: None

b) Site Description

- The site is a roughly rectangular piece of land, set at the top of Aylwards Rise.
- Aylwards Rise is a cul-de-sac of 9 detached houses accessed from Aylmer Drive.
- The rear of the site abuts Little Common Conservation Area.
- The site is approximately 43m deep on the boundary with Nos.20, 21 & 22 Fallowfield, 27m wide on the boundary with No.3 Aylmer Close, 49m deep on the boundary with No.3 Aylwards Rise and 38m wide on the boundary with No.5 Aylwards Rise.
- The property occupies a position set at an angle to the corner of the road, further forward than the frontage of No.3 Aylwards Rise.
- The property is sited approximately 7.75m from the common boundary between Nos.4 and 5 at its closest point.
- The surrounding area is comprised of large detached family houses set in landscaped gardens with substantial tree blocks and individual tree masses forming the backdrop to the area and providing privacy and separation between dwellings.
- The property is finished with a rusticated render on the ground floor, with a plain render finish on the first floor, with stone cill and window facings.
- The property is roofed in a red plain clay tile.
- Materials used for the surrounding houses are facing brickwork, render and a mixture of clay and concrete roof tiles.
- Surrounding houses are of a variety of styles, no two houses displaying the same precise characteristics.
- A number of neighbouring properties have been extended or rebuilt over the years including the adjacent property No.3 which has recently been rebuilt, other surrounding properties have been extended by a mixture of two-storey and single-storey additions including the adjacent property No.5 Aylwards Rise.
- In relation to levels, the application property is set on the highest corner of the land of Aylwards Rise.

c) Proposal Details

The proposal is for the discharge of Condition 4 of planning permission APP/M5450/C/07/2053532, granted 24th April 2008 which states:

4) A scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority, which shall include:

- i. indications of all existing trees and hedgerows on the land, and
- ii. details of any existing trees and hedgerows on the land to be retained;
- iii. details of measures for the protection of trees and hedgerows in the course of any further development;
- iv. the planting of appropriate hedges/screening adjacent to the boundaries with Nos.3 and 5 Aylwards Rise;
- v. proposals for the management of the hedges/screening for the next 5 years; and
- vi. irrigation proposals.

Soft landscape works shall include planting plans and schedules of plants noting species, plant sizes and proposed numbers/densities.

Hard landscape works shall include details of the levels of the access driveway, footpath(s) and other hard surfaced areas in relation to the adjoining land and highway and any other changes proposed in the levels of the site.

d) Relevant History

P/2712/05/DFU	Replacement two storey detached house with detached garage.	GRANTED 17-MAR-2006
P/979/06/DFU	Replacement two storey house with rooms in roofspace and detached garage.	GRANTED 07-JUN-2006
ENF/0282/07/P	Enforcement notice regarding the alleged demolition of a two-storey house and the construction of a replacement detached two-storey house and garage which is outside the scope of planning permission P/979/06/DFU.	APPEAL APP/M5450/C/07/ 2053532 ALLOWED, PLANNING PERMISSION GRANTED 24-APR-2008

P/3603/08	Retention of 4 air-conditioning units on rear elevation, with acoustic panel screen.	CURRENT APPLICATION
P/4010/08	Details of: 1 i) The colour of the walls of the house and garage; ii) The colour and make of the clay roof tiles of the house and garage; iii) The window cills and facings; iv) The ground surfacing material; v) The boundary treatment, 2) Window details, and 3) Glazing to first floor bathrooms pursuant to conditions 1, 2 and 3 of planning permission APP/M5450/C/07/2053532, granted 24 April 2008.	CURRENT APPLICATION

e) Pre Application Discussion

- None.

f) Applicant Statement

- None.

g) Consultations:

First notification:

Sent:	Replies:	Expiry: 15-DEC-2008
13	7 + 7 signature petition of objection	

Second notification:

Sent:	Replies:	Expiry: 03-APR-2009
13	5 + 7 signature petition of objection	

Summary of Response:

Wall colour needs to be toned down so that the building assimilates into its context and is therefore more sympathetic to its surroundings; Treatment of the roof tiles suggests they are inappropriate; The use of marble for the window cills and facings is inappropriate and inconsistent with drawing ARP/TP/6A; Permeability of ground surfacing and details regarding proposed pump are unclear; Only propose to replace first floor windows but the appeal decision requires all windows to be replaced as per drawing ARP/TP/6A; Soft landscaping along boundaries with adjacent properties is inadequate, in terms of species, height and location the proposals will not provide effective screening to adjacent properties and gardens; Portico should not be treated as a minor amendment; Original intent was to accommodate air conditioning units within the property, this is therefore where they should be relocated as opposed to attempting to mitigate their siting; The waterfall feature will produce an unacceptable level of noise; Surprised to be receiving notification of applications concerning landscaping and air-conditioning units when building works required should take precedent; To screen No.5 from No.4 through planting trees would need to be sited 3m from the boundary with No.5 and be evergreen and a certain height and should prevent windows in the front of No.4 overlooking the rear garden or bedroom window at No.5, this is clearly stated in Harrow policy and does not seem to have been addressed; Previous objections stand, consider that the amendments do not overcome the Inspector's concerns as represented in the appeal decision; Any trellis should be no higher than the 1.68m high boundary wall between Nos.3 & 4, if plants, shrubs or trees grow higher than this wall they will block light to the rooms on the western side of No.3; Design of the galvanised wall and gate is out of character to the house and the existing wooden boundary fence; Dustbins are to be located close to No.3 which will be unsightly and lead to unpleasant smells; Unsure what Resin Bound Gravel is, will be unhappy if loose gravel is proposed due to noise and nuisance; Concerned planting will be within 2m of Small Weeping Cherry tree at No.3 which could cause damage; Screening of air conditioning units is unclear; Sound emitted from the air conditioning units should not exceed 30 decibels to prevent noise nuisance to No.3; Garden shed will be higher than the boundary wall and in vision from No.3 which will be unsightly and block light;

Do not understand why all the constructions should be built on the eastern boundary and therefore effect No.3 when there are other suitable areas in the large site where they would not interfere with neighbours; Water capture system underneath the driveway will make a noise; Additional planting is required along the boundary between Nos.4 & 5; Unhappy with choice of trees for screening between Nos.4 & 5; Occupiers of 5 Aylwards Rise have stated that they will forward further comments in response to the most recent set of drawings; Previous comments still stand despite amendments, object to the revised scheme; Overlooking of living room window of No.3 from No.4, very little daylight to this room anyway and have to keep curtains closed all day; No mention of dustbins being relocated, if so where to?; Soft landscaping will fail to provide an effective screen to mitigate the potential for overlooking from the first floor windows of No 4 into the garden and of No.5; During the appeal proceedings the Council's Planning Arboricultural set out how the boundary between No 4 and 5 could be Landscaped using 10 yew trees located along a centre line 1.9 metre distance from the common boundary and a 3.6 metre landscaping strip to allow maintenance, current proposals use Himalayan Birch, a deciduous species that will fail to provide an effective screen during the winter months, although 3 yews are proposed the balance is not right, proposals put forward in the appeal are more effective; Dimensions allowed for are not adequate for maintenance purposes; Note the removal of the rainwater harvesting pump, no reason why this cannot be implemented if permission is granted; Timescale for implementation is unacceptable; No. 4 is described as being situated less than 10m from the common boundary with No. 5, this distance should be confirmed exactly as it is misleading; The wrought iron railings along the boundary between Nos.3 & 4 have been replaced by a wooden fence, has permission been granted for this fence and will it be maintained?

APPRAISAL

1) Character and Appearance of the Area

In terms of the impact of the proposed hard and soft landscaping schemes on the character and appearance of the area, no specific issues were raised in the Inspector's appeal decision. Therefore condition 4 of the appeal decision can be taken as a safeguard to ensure the acceptability of the appearance of the

proposed hard and soft landscaping in terms of the character and appearance of the area, given that, although the dwellinghouse had been constructed at the time of the appeal, there had at that time been little done in the way of implementing hard and soft landscaping schemes, which remains the case today. The proposed schemes of hard and soft landscaping are considered to be acceptable in terms of their impact upon the character and appearance of the area, the Council's Landscape Architect and Arboriculturalist having no objections to the schemes proposed which would improve and soften the appearance of the property in the streetscene.

The proposed works to maintain existing trees and hedgerows on the land are considered to be acceptable in terms of their impact upon the character and appearance of the area. The proposed hard landscaping scheme is considered to be acceptable in terms of its design, layout and permeability. Low rendered walls to be painted to match the property in Dulux 'Chalky Downs 4' (Ref. 30YY67/084) with Mica Grey Orsogrill Sterope fencing panels above (1.8m total height) and gates of the same material and height are proposed to secure the garden area behind the frontage of the house, this additional element being acceptable in terms of its impact upon the character and appearance of the area. The proposed minor changes to ground levels on the site are also considered to be acceptable in terms of the character and appearance of the area.

In accordance with condition 9i it was required that the schemes referred to in condition 4 of the appeal decision should include a timetable for their implementation. In accordance with this requirement it is proposed that the soft landscaping commences in November 2009 for completion of planting by 30th April 2010, which the Council's Landscape Architect considers to be an acceptable arrangement and would also comply with condition 5 of the appeal decision which requires planting within the first planting and seeding season following the approval of details. Hard landscaping works are proposed to be completed by 1st June 2010.

2) Residential Amenity

The Inspector's appeal decision makes specific reference to the issues of

overlooking and privacy, stating that these are not significant issues in this case and that the development as built does not have a harmful effect on the living conditions of neighbouring occupiers, arguing that 'Some overlooking in any residential area such as this is to be expected and I do not consider the overlooking in this case to be so adverse as to justify a refusal of planning permission' (paragraph 33). The Inspector also states, in paragraph 33 of the appeal decision, '...that some mitigation measures could be undertaken, such as the planting of screening on the boundary', condition 4iv of the planning permission granted at appeal requiring 'the planting of appropriate hedges/screening adjacent to the boundaries with Nos. 3 and 5 Aylwards Rise'.

The submitted proposals, which have been revised considerably during the course of the application in accordance with requests from the Council's Landscape Architect and Arboriculturalist, are considered to represent an acceptable scheme of soft and hard landscaping which will result in the mitigation of overlooking and loss of privacy at neighbouring properties. In terms of the boundary with No.5 Aylwards Rise, it is considered that the proposed boundary hedge, dense shrub and tree planting will form a very effective screen of planting along the boundary between the two properties. It is considered that the proposed large plant and pot sizes in combination with the density of planting, types of species and change in ground levels between Nos.4 and 5 would provide very good plant cover which would quickly develop into an effective screen between the two properties. This dense screen would contain a mixture of evergreen and deciduous planting in the form of a hedge along the boundary and a line of nine very closely spaced trees adjacent to the hedge. Interplanted between the trees would be a mixture of predominantly evergreen shrubs which will ultimately grow tall. Of the nine trees, six will be deciduous but multistemmed Birch and three will be evergreen Yew. Both the Council's Landscape Architect and Arboriculturalist are satisfied that the proposals to screen this boundary are more than sufficient to mitigate overlooking and a loss of privacy at the adjacent property No.5 Aylwards Rise.

In terms of screening along the boundary with No.3 the Inspector stated in paragraph 35 of the appeal decision that 'There may also be scope for some planting along this boundary which may provide additional protection to the

occupiers of No.3', however it has become apparent that the occupiers of this adjacent property do not wish for planting to grow higher than the existing boundary wall in order to protect light to habitable room windows in their flank wall closest to this boundary. As the Inspector suggested that the obscure glazing and reduction in the size of windows in No.4 would provide some mitigation of the overlooking of No.3, and given that the occupiers of No.3 do not wish to lose any light because of planting growing higher than the boundary wall, the proposal not to grow a high hedge/screen on this boundary is considered to be acceptable. The proposed scheme therefore includes planting along the boundary with No.3 which would be controlled in height to ensure no overshadowing of the adjacent property and so would be of no detriment to the residential amenities of adjacent occupiers, the proposal being considered acceptable in this regard.

The soft landscaping proposals include details of acceptable tree protection, irrigation and for the maintenance of the hedges and screening for the next 5 years. The maintenance and irrigation of the proposed planting should ensure the establishment of a well planted site which will appropriately screen adjacent properties from the application site in compliance with condition 4 of the appeal decision and which will ensure the acceptability of the proposal in terms of its impacts upon the residential amenities of neighbouring occupiers.

3) S17 Crime & Disorder Act

It is considered that this application would not have any detrimental impacts upon community safety and is therefore acceptable in this regard.

4) Consultation Responses:

- *To screen No.5 from No.4 through planting trees would need to be sited 3m from the boundary with No.5 and be evergreen and a certain height and should prevent windows in the front of No.4 overlooking the rear garden or bedroom window at No.5, this is clearly stated in Harrow policy and does not seem to have been addressed – It is not stated which policy this refers to but it is believed that this refers to the Council's submission at the appeal stage. The current scheme has to be assessed on its own merits and is considered to satisfy the details of the relevant condition.*

- *Overlooking of living room window of No.3 from No.4, very little daylight to this room anyway and have to keep curtains closed all day* – An earlier objection by the occupier of No.3 specified that they did not wish light to the flank window/doors to be blocked by planting above the height of the existing boundary wall. Condition 4 of the appeal decision was designed to mitigate overlooking, but the objector's primary concern was earlier stated to be loss of light. In order to mitigate overlooking by planting there would be a resultant loss of light to No.3. It is also considered that the effectiveness of any planting mitigating overlooking in this location would be limited due to the narrowness of the strip of land between Nos.3 and 4 and the angle between the first floor window in No.4 and the ground floor window in No.3.
- *Dustbins are to be located close to No.3 which will be unsightly and lead to unpleasant smells* – The siting of bins have been removed for the revised plans, there is no requirement for the submission of details of refuse storage.
- *Unsure what Resin Bound Gravel is, will be unhappy if loose gravel is proposed due to noise and nuisance* – No loose gravel is proposed on the frontage.
- *Concerned planting will be within 2m of Small Weeping Cherry tree at No.3 which could cause damage* – The closest tree to be planted to this feature would be sited 2.75m away which is considered to be acceptable by the Council's Landscape Architect.
- *Dimensions allowed for are not adequate for maintenance purposes* – Proposals considered acceptable. Any foliage overhanging a boundary can be cut back by the relevant landowner providing it is not subject to a TPO or within a Conservation Area, which this site is not.
- *Note the removal of the rainwater harvesting pump, no reason why this cannot be implemented if permission is granted* – It is considered that any such work in future would require planning permission.
- *Surprised to be receiving notification of applications concerning landscaping and air-conditioning units when building works required should take precedent* – This is not a material planning consideration in relation to this application.

- The following issues refer to elements of the scheme which have been deleted since its submission:
Details regarding proposed pump are unclear; The waterfall feature will produce an unacceptable level of noise; Garden shed will be higher than the boundary wall and in vision from No.3 which will be unsightly and block light; Water capture system underneath the driveway will make a noise; Do not understand why all the constructions should be built on the eastern boundary and therefore effect No.3 when there are other suitable areas in the large site where they would not interfere with neighbours.
- The following issues are not relevant to this application and apply to the current applications P/3603/08 and P/4010/08:
Wall colour needs to be toned down so that the building assimilates into its context and is therefore more sympathetic to its surroundings; Treatment of the roof tiles suggests they are inappropriate; The use of marble for the window cills and facings is inappropriate and inconsistent with drawing ARP/TP/6A; Only propose to replace first floor windows but the appeal decision requires all windows to be replaced as per drawing ARP/TP/6A; Portico should not be treated as a minor amendment; Original intent was to accommodate air conditioning units within the property, this is therefore where they should be relocated as opposed to attempting to mitigate their siting; Screening of air conditioning units is unclear; Sound emitted from the air conditioning units should not exceed 30 decibels to prevent noise nuisance to No.3; Do not understand why all the constructions should be built on the eastern boundary and therefore effect No.3 when there are other suitable areas in the large site where they would not interfere with neighbours; The wrought iron railings along the boundary between Nos.3 & 4 have been replaced by a wooden fence, has permission been granted for this fence and will it be maintained?
- All other issues addressed in Appraisal.

CONCLUSION

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, including any comments received in response to publicity and consultation as set out above, it is recommended to approve the details.

