



# **PLANNING COMMITTEE**

**WEDNESDAY 9 SEPTEMBER 2009**

**PLANNING APPLICATIONS RECEIVED**

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**APPLICATIONS**

**WEDNESDAY 9<sup>TH</sup> SEPTEMBER 2009**

**PLANNING APPLICATIONS RECEIVED**

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**SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT**

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**PLANNING COMMITTEE**

**WEDNESDAY 9<sup>TH</sup> SEPTEMBER 2009**

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## SECTION 1 – MAJOR APPLICATIONS

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**ROYAL NATIONAL ORTHOPAEDIC HOSPITAL NHS TRUST, BROCKLEY HILL, STANMORE**

**Item: 1/01**

**P/0963/09/RH/MAJ**

Ward **CANONS**

DEMOLITION OF GRAHAM HILL UNIT AND CONSTRUCTION OF THREE STOREY RONALD MCDONALD HOUSE (SUI GENERIS) TO PROVIDE PATIENT FAMILY SUPPORT.

**Applicant:** RNOH Trust & Ronald McDonald House Charities

**Agent:** DRIVERS JONAS

**Statutory Expiry Date:** | 08-SEP-09

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This application was deferred from the 22 July Planning Committee meeting to provide Members with further time to review the Greater London Authority Stage 1 Response. As summarised in the committee addendum presented to the 22 July Planning Committee meeting, the Mayor of London considered the scheme on 22 July 2009, and stated concern regarding four aspects of the proposal. The Mayor considered that:

- the applicant had not provided a sufficient case to justify the presence of very special circumstances for development within the Green Belt against the criteria of PPG2,
- the submitted energy strategy was inadequate,
- further consideration should be given to the use of ramps to access the building and to the location of blue badge parking bays, and
- further detail was required of proposed external materials and detailing of the main entrance area of the building. The acceptability of north facing rooms was also questioned.

However, the stage 1 report concluded that the above identified deficiencies could be overcome through the provision of additional information to address these shortfalls.

As detailed in the report and supplementary briefing note to the 22 July Planning Committee, your officers consider that, although not detailed by the applicant with the submission, the scheme does present very special circumstances against the criteria of PPG2. Subsequent to the consideration of the scheme by the Mayor the applicant has provided a supplementary PPG2 statement supporting the case for very special circumstances. The GLA have advised that they consider this supplementary statement to address their concerns in this respect.

The applicant has submitted a revised energy strategy, site plan and elevations and formally responded to the GLA stage 1 report with respect to all of the issues raised above. The design of the entrance to the building has been amended to include a wider glazed section over the three storeys, additional information on the proposed materials has been provided and two blue badge parking spaces have been provided adjacent to the main entrance.

The GLA have advised that design and accessibility issues have now been satisfactorily addressed from a policy perspective. Revisions to the energy strategy have been subject to ongoing discussions with the GLA with the intention to agree a strategy before the September committee. However, it is considered that this aspect of development can be satisfactorily dealt with through the condition accompanying the recommendation.

This report has been updated to incorporate the Stage 1 response from the GLA and the additional supporting information submitted by the applicant. Further clarification is also provided regarding the case for very special circumstances to justify the development within the Green Belt.

## **RECOMMENDATION**

1. That the application is considered acceptable subject to the direction of the Mayor of London.
2. A formal decision notice to GRANT permission for the development described in the application and submitted plans, subject to planning conditions will be issued only upon the resolution of the aforementioned direction of the Mayor of London.

## **REASON**

The proposed development by virtue of its functional and operational association with the hospital use is considered to represent limited redevelopment of a major existing developed site identified in Policy D35 of the Harrow UDP. The design, siting and layout of the proposed development would not have a significant, detrimental impact on the openness of the green belt and would result in a net reduction in total building footprint within the hospital site with consequent improvement to its appearance and special character. In providing dedicated residential accommodation for the parents of children undergoing treatment at the hospital, the development is considered to demonstrate very special circumstances that outweigh the harm arising to the openness of the greenbelt and its objectives and accords with policies 3A22, 3A.21 of the London Plan and the objectives in policies EP32 and C8 of the Harrow UDP.

The proposal lies centrally within the site so that its impact upon the appearance of the greenbelt and the area of special character is minimised. The highway, biodiversity and arboricultural interests represented on the site are considered to have been satisfactorily addressed and mitigated by way of the planning conditions proposed, if planning permission is granted. Given the location of the proposed building, the impact upon residential amenity in surrounding areas is considered to be acceptable. Having regard to national planning policy, and the policies of the development plans listed below, the proposed development is therefore considered to be acceptable.

## **SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:**

### **National Planning Policy:**

PPS1 Delivering Sustainable Development

PPG2 Green Belts

PPS7 Sustainable Development in Rural Areas

PPS9 Biodiversity and Geological Conservation

PPG13 Transport

**London Plan:**

3D.9 Green Belt  
3A.21 Locations for Health  
3A.22 Medical Excellence  
4A.1 Tackling climate change  
4A.2 Mitigating climate changes  
4A.3 Sustainable Design and Construction  
4A.4 Energy Assessment  
4A.6 Decentralised Energy: Heating, Energy and Cooling  
4A.7 Renewable Energy  
4A.8 Hydrogen Economy  
4A.9 Adaptation to Climate Change  
4A.1 Tackling climate change  
4A.3 Sustainable design and construction  
4A.4 Energy Assessment  
4A.6 Provision of heating and cooling networks  
4A.7 Renewable Energy  
4B.1 Design principles for a compact city  
4B.5 Creating an inclusive environment  
4B.6 Safety, security and fire prevention and protection

**Harrow Unitary Development Plan:**

SEP5 – Structural Features,  
EP20 Use of previously developed land  
EP20 Noise  
EP27 Species Protection  
EP28 Conserving and Enhancing Biodiversity  
EP29 Tree Masses and Spine  
EP30 Tree Preservation Orders and new planting  
EP31 Areas of Special Character  
EP32 Green Belts - Acceptable Land Uses  
EP35 Major Developed Sites in the Green Belt  
T6 The transport Impact of Proposals  
T11 Cycle and Motor Cycle Parking in Public Spaces  
T13 Parking Standards  
D4 The standard of Design and Layout,  
D5 New Residential Development –Amenity Space and Privacy  
D9 Street side Greenness and Forecourt Greenery  
D10 Trees and New Development  
C8 Health Care and Social Services  
C16 Access to Buildings and Public Spaces  
C18 Special Mobility Requirements and Access to Transport  
Supplementary Planning Document Access for All (2006)

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**MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance).**

- 1) Principle of Development (EM13, EP20, EP21, R15)
- 2) Community Use / Suitability of the Proposed Use (3A.21, 3A.22, C8)
- 3) Design and Character of Area (4B.1, 4B.5, D4)
- 4) Neighbourhood Amenity (EP25)



- 5) Parking and Highway Safety (T6, T13)
- 6) Accessibility (D4, SPG)
- 7) Sustainability – Energy Demand and Water Resources (4A.1, 4A.3, 4A.4, 4A.6, 4A.7)
- 8) S17 Crime & Disorder Act (D4)
- 9) Consultation Responses

## **INFORMATION**

### **a) Summary**

Statutory Return Type:	Major development
Site Area:	6466m <sup>2</sup>
Floor Area:	2043m <sup>2</sup>
Car Parking:	Standard: 5 Justified: 11 Provided: 11
Council Interest:	None

### **b) Site Description**

- The 6466m<sup>2</sup> site is located within the wider Royal National Orthopaedic Hospital (RNOH) site, on the western boundary,
- Development on the site comprises a two storey building, known as the Graham Hill Unit,
- A drop off point and car park is located directly to the front of the building, additional car parking spaces are located along the western site boundary,
- The site slopes down from the south to the north with an approximate 6m drop in ground level over the site,
- The site is subject to an area Tree Preservation Order,
- An internal roads runs along the eastern site boundary separating the site from the woodland directly to the east of the internal road,
- The site is bound by an internal road to the north and west of the site, the main hospital car park is located directly to the west of the site,
- The Aspire Centre and associated car parking area is located directly to the south of the site, a pedestrian walkway separating the two sites providing access from the car park directly to the west of the site,
- The site is located within the Metropolitan Green Belt and is identified as a Major Developed Site in the Green Belt,
- The site is designated as a Site of Nature Conservation Importance (SNCI) grade 1,
- The wider RNOH site is located on the northern edge of the Harrow Weald Ridge, an Area of Special Character,
- The main site access is from Wood Lane, with access to the site also available through the hospital from Brockley Hill, a London Distributor Road,
- The RNOH incinerator that is to be demolished as part of this application is located to the north west of the site.
- The wider hospital site was granted outline planning permission in 2007 for a comprehensive redevelopment scheme.

**c) Proposal Details**

- Demolition of the existing two-storey hospital building, Graham Hill Unit (building footprint 287m<sup>2</sup>)
- Demolition of existing Incinerator building on the wider hospital site (885m<sup>2</sup>)
- Construction of three bedroom 'Ronald McDonald House' to provide 26-28 family bedrooms (657m<sup>2</sup>)
- The accommodation would be available for families of children that were undergoing treatment in the adjacent hospital
- The accommodation would be free for families
- The applicant has provided a supplementary statement detailing the presence of very special circumstances in compliance with the criteria of PPG2 in support of the proposed development within the Green Belt. This case is based on the development site designation of the site and the wider community benefit of the scheme.
- The existing Graham Hill Unit is of a poor quality that is in need of updating to meet the current hospital requirements and it is proposed that the facility would be provided elsewhere within the RNOH facility. This re-provision would be subject to a separate planning application.

**d) Relevant History**

P/2106/03/CFU	Single storey linked extension to provide 2 temporary operating theatres a 6 bed recovery room and ancillary accommodation	GRANT 7-NOV-03
P/715/04/CFU	Two storey detached building to provide medical facilities, car parking and hard surfacing	FDO 26-JAN-06
P/571/05/CFU	Single storey extension to adolescent unit	GRANT 22-APR-05
P/1704/05/COU	Outline: Partial redevelopment to provide new hospital and associated facilities, housing (including staff) revised road junction car park and open space	GRANT 15-JAN-07

**e) Pre-Application Discussion**

- Pre-application meeting to discuss the new RMHC accommodation block on site of Graham Hill Unit.

**f) Applicant Statement**

- As a national centre of excellence, The Royal National Orthopaedic Hospital Trust (RNOH) provides a comprehensive range of neuro-musculoskeletal health care services that is unique within the NHS.
- Patients from across the country benefit from a team of highly specialised consultants, many of whom are national and internationally recognised, that are supported in their work by nurses, therapists and other specialists clinical staff who are experts in their particular fields of orthopaedic care.
- The RNOH also plays a major role in teaching, research and development.

- Ronald McDonald House Charities (RMHC) is an independent charity that provides accommodation for families with children in hospitals and hospices across the UK. RMHC provide free, safe, relaxing accommodation for parents during their child's admission in hospital at no cost to the NHS Trust or families who stay.
- This facility enables family units to stay together and encourages families to support one another through what can be emotionally challenging time.
- The accommodation is available for parents, siblings and extended families where possibly working with LEA and local schools if the siblings are of school age to ensure their educational needs are met.
- In view of the number of nationally funded specialities at the hospital, a feasibility study indicated that a House with a minimum size of 28 bedrooms is required. This is in order to accommodate families from all over the UK and beyond who will need to come to Stanmore for one of the nationally funded services available at the hospital. The existing provision is currently unable to meet the demand created by patient numbers, is out of date and does not meet the requirements of the hospital.
- The new House would be supported by fundraising from local businesses and other members of the local community, as well as benefiting from a capital contribution from RMHC, and will enable RMHC to accommodate 28 families every night while their children are receiving the best possible medical care.
- RNOH site benefits from an extant outline planning application for the total redevelopment of the site, the illustrative masterplan included the RMHC accommodation to be situated within an existing building (Zachary Merton) that was to be wholly refurbished as part of the redevelopment.
- The RNOH Trust is currently reviewing options for the redevelopment of the Estate and at this time it is unlikely that the approved outline permission will be implemented in line with the illustrative masterplan.
- In terms of operation and for clinical reasons the RMH needs to be nearer to the main hospital development accordingly the RMHC and RNOH wish to proceed with this facility as a single stand alone project
- This stand alone proposal does not in anyway prejudice implementation of the approved outline planning application as the RNOH Trust will be able to design the detailed scheme to take account of the new RMH building
- Planning Statement
- Arboricultural Statement
- Travel Plan
- Sustainability and Energy Efficiency Assessment

**g) Consultations:**

**Stanmore Society:** No response received to date.

**London Wildlife Trust:** No response received to date.

**London Greenbelt Council:** No response received to date.

**Herts & Middlesex Wildlife Trust:** No response received to date.

**CAAC:** No response received to date.

**Environment Agency:** No response received to date.

**Thames Water Utilities:** No response received to date.

**Greater London Authority:**

The Mayor noted in the meeting that given the nature of the accommodation, the design of the proposed Ronald McDonald House could be more inspiring. He considers that whilst the application conforms generally to the London Plan, it fails to secure compliance in several regards. The possible remedies set out in paragraph 43 of this (GLA) report could address these deficiencies as follows.

Green Belt - the applicant should provide a 'very special circumstances' argument in line with PPG2.

Urban Design: further consideration should be given to the treatment of the entrance part of the building. More care should be taken to ensure that no blank elevations face public or semi-public open spaces and to remove north-facing rooms. Further information is also requested in relation to the proposed use of materials as the current images do not suggest that the finished building will result in an inspiring design.

Access and Inclusive Design: further consideration should be given to the use of ramps to access the building and to the location of the blue badge parking bays.

Climate Change Mitigation and Adaptation: a detailed energy strategy should be provided and information provided on how the proposal meet the Mayor's preferred and essential standards as set out in the Sustainable Design and Construction SPG.

If your Council subsequently resolves to grant permission for the application, it must consult the Mayor again under Article 5 of the Order and allow him fourteen days to decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 to refuse the application.

**Advertisement:** Major Development Expiry: 16-JUL-09  
General Notification

**Notifications:**  
Sent: 14 Replies: 0 Expiry: 16-JUL-09

**Summary of Response:**  
No consultation responses received to date

**APPRAISAL**

**1) Principle of Green Belt Development**

Planning Policy Guidance Note 2: Green Belts (PPG2) sets out the general presumption against inappropriate development within the Green Belt and states that such development should not be approved, except in very special circumstances. This presumption against development within the Green Belt is repeated in London Plan policy 3D.9 and HUDP policy EP32.

Paragraph 3.4 of PPG2, states that the construction of new buildings in the Green Belt is inappropriate development unless it falls within a range of specified purposes, including:

- Limited infilling or redevelopment of major existing developed sites identified in local adopted plans, which meets the criteria in paragraph C3 or C4 of Annex C (of PPG2).

HUDP policy EP35 identifies five such developed sites within the Green Belt in the London Borough of Harrow. In general, this HUDP policy places the assessment tests for future development within these sites, back on Annex C of PPG2.

Annex C of PPG2, Future of Major Developed Sites in the Green Belt, provides further clarification of this exception to the general presumption against development. Paragraph C4 of this Annex provides advice that redevelopment under this exception clause should conform with the following requirements:

- a) have no greater impact than the existing development on the openness of the Green Belt and the purposes of including land in it, and where possible have less;
- b) contribute to the achievement of the objectives for the use of land in Green Belts (paragraph 1.6 – see also paragraph 3.13);
- c) not exceed the height of the existing buildings; and
- d) not occupy a larger area of the site than the existing buildings (unless this would achieve a reduction in height which would benefit visual amenity)

The Royal National Orthopaedic Hospital is identified in the HUDP as a Major Developed Site in the Green Belt, and development of the site could therefore accord with this key test of PPG2. In respect of the criteria above;

a) The impact of the proposed development on the surrounding Green Belt is largely mitigated by the topography of the surrounding land, which rises away from the hospital site to the north and south, the woodland area to the west of the site which screens views to the site and the existing consolidated hospital development to the east of the site. In combination, it is considered that these factors would result in substantial mitigation of the impact of the proposed development upon the openness of the Green Belt. The Visual Impact Assessment submitted with the application concluded that the proposed development would have no greater impact than the existing development on the openness of the Green Belt.

b) The development, while only small scale in relation to the wider RNOH site would work towards meeting the fourth objective for Green Belt land that is set out in Paragraph 1.6 of PPG2 'to improve damaged and derelict land around towns'. The new building and reconfiguration of the site includes the removal of the internal road and additional landscaping which would improve the appearance of the aging RNOH site and will not impede but form an important part of the long term redevelopment of the RNOH site to maintain and improve the open character of the Green Belt site while meeting the clinical and operational requirements of the hospital and its users.

c) The proposed development would not exceed the height of the existing buildings on the wider hospital, HUDP defined development site, although it would result in a slight increase in building height compared with the existing structure that would be removed. PPG2 does not clarify whether the height limit specified in bullet point C of Paragraph C4 of Annex C refers to the application site area or the wider designated development site. The Council has taken the position that bullet point C refers to the wider designated development site, while the GLA assessment has concluded that it refers to buildings only on the application site.

d) An integral part of the development proposal is the demolition of existing buildings on the RNOH site, identified as the Graham Hill Unit and the Incinerator building. This would result in a net reduction of building footprint on the RNOH site of 515sqm. It would also contribute towards an improvement in the built development within the major site.

Table 1: Existing and proposed development

	Existing	Proposed
Built footprint (GHU and incinerator)	1,172 sq.m	657 sq.m
Surplus footprint to re-provide future GHU		515 sq.m
Building height	7.3 metres	11.3 metres

The proposed development therefore meets three of the four tests that Paragraph C4 of Annex C states that development should address. While the proposed development does not squarely meet test 'b' of Paragraph C4 relating to the contribution to the defined objectives of the Green Belt, it is considered that the improved management and appearance of the site following the removal of existing and development of a new building would result in a significant improvement to the appearance of the green belt.

The proposed development would therefore not fully accord with the test of Paragraph C4, and within the guidance of PPG2, must therefore be considered to be inappropriate development. However, consistent with the extent of compliance with the Paragraph C4 test, the site designation as a major existing developed site identified in the adopted local plan, and the detailed assessment earlier in this section, the proposal would cause only limited detriment to the openness and objectives of the Green Belt.

Paragraph 3.1 of PPG2 advises that inappropriate development in the Green Belt should not be approved, except in very special circumstances. Paragraph 3.2 states that inappropriate development is, by definition, harmful to the Green Belt and that it is for the applicant to show why permission should be granted. Very special circumstances to justify 'inappropriate development' will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In this particular case it is considered that an exception to PPG2 policy can be made because of the substantial community benefit offered by the proposed development is considered to provide the opportunity for a 'very special circumstances' case to justify the proposal.

The existing accommodation provision at the RNOH is in a tired state and does not meet the requirements of the hospital or patient demand even if refurbished. The Ronald McDonald House Charities proposal would provide free 'home away from home' accommodation for the families of children from throughout the UK (and potentially overseas) that require in-patient care at the RNOH. The facility would remove the added pressure and costs related to travelling to and from the hospital. An additional and substantial benefit of the proposal is that, in providing in house support for families, the proposal encourages interaction with other families going through similar experiences relating to the long term care of vulnerable children.

The proposed development would provide a valuable community facility, for which there is an identified acute need, that would support the overall functioning of the Royal National Orthopaedic Hospital.

On balance, it is considered that the substantial community benefit offered by the proposed development would offset the limited impact of the scheme upon the openness and character of the Green Belt, taking into account it would be replacing an existing building.

The stage 1 response from the Mayor of London concluded that the proposed development does not meet criteria (b) which contributes to achieving the objectives for the use of land in Green Belts and would not fully meet criteria (c) as the building would be 4m taller than the existing building.

However, it was noted by the GLA that the wider site benefits from a number of extant planning permissions for significant levels of development that have been considered acceptable in this Green Belt location. Furthermore, in relation to building height, it was recognised that the proposed development has been set below the 15.15m roof level of the tallest building on the site. The Mayor of London concluded that a supplementary 'very special circumstances' case should be made by the applicant to support the proposal. Since the scheme was considered by the Mayor, the applicant has provided an additional statement to support the 'very special circumstances', which the GLA have confirmed meets this requirement. The case submitted by the applicant is based on the same principles as the case outlined above.

## **2) Principle of Proposed Community Use**

Policy 3A.22 of the London Plan identifies the importance of London as a national and international centre of medical excellence and specialised facilities and promotes the continued support and expansion of these facilities where appropriate. Policy C8 of the HUDP seeks to ensure appropriate health and social care provision in the borough and supports the provision of new or extensions to existing facilities, provided that certain criteria is met. Specific reference is made to the RNOH site and to the controls that will be necessary to avoid any significant adverse impact on the Green Belt.

The application proposes a form of temporary residential accommodation that would be made available for families of children that were being treated in the hospital. Treatment of children can result in hospital stays in excess of two years. The hospital catchment extends beyond the local area, with patients from the wider UK area and a smaller number of children from other countries. Such long term stays and the distance from family residences can result in obvious pressures on families. The proposal aims to relieve some of these pressures, by providing available free family accommodation and support in close proximity to treatment wards.

The proposed development would provide a valuable addition to the range of facilities offered at the hospital, which would be of significant benefit to the families of children being treated on the site. The proposed addition to the range of services offered at the RNOH is considered to be supported by relevant development plan policy, and accordingly, the principle of the proposed use is considered to be acceptable.

### **3) Design and Layout**

Explanatory paragraph 4.10 of Policy D4 Harrow Unitary Development Plan 2004 (HUDP) states that 'development should be designed to complement their surroundings and have a satisfactory relationship with adjoining buildings and spaces. Policy D4 explanatory paragraph 4.11, states that 'buildings should respect the form, massing composition, proportion and materials of the surrounding townscape'.

The application proposes a three storey, flat roof building of a contemporary design. The modern design approach seeks to avoid an institutional character.

The building would be positioned centrally within the site, within a landscaped setting. The footprint of the building would be irregular in shape, creating stepped elements to the building. The upper floors would be cantilevered out over part of the ground floor. The stepping of the building and cantilevered elements provide variety to the block volumes of the proposed building, which would contribute to the overall visually interesting form of the design.

Further visual interest would be provided through the use of extensive glazing and a multi coloured (green and grey) cladding system. Revised plans have been submitted detailing additional measures to add visual interest to the entrance area of the building.

The accommodation would be provided over the upper two floors in the form of hotel unit bedrooms. Two communal kitchens would also be provided on each of these upper floors. The ground floor would provide a communal area, meeting rooms, laundry facilities, an office area and a self-contained residential unit for management staff. Externally accessed refuse and recyclables storage would also be contained within the envelope of the building at ground floor level, directly accessed from the northern elevation.



Given the proposed use of the building to accommodate parents and families of children undergoing treatment at the hospital, care has been taken in the siting and setting of the proposed building to provide a secure and peaceful environment for future occupiers. The bedrooms and communal rooms would face onto a landscaped courtyard and grassed area. In addition to providing a pleasant outlook, this courtyard and grassed area would also provide separation to the neighbouring (Aspire Centre) building to the south of the site.

It is noted that, due to the location of the building, the development would not compromise the wider scheme of site redevelopment that was approved under reference P/1704/05/COU.

#### **4) Trees and Landscape Setting**

Policy 3D.15 of the London Plans seeks to protect, maintain and enhance trees and woodland in support of the London Tree and Woodland Framework.

Policy D4 of the HUDP identifies the importance of landscaping as part of the overall design of a site. Policy D9 seeks to achieve and retain a high quality of street side greenness and forecourt greenery and Policy D10 seeks to achieve a balance between the design, bulk and siting of new buildings and the retention of as many trees as possible.

The development would require the removal of ten TPO trees, five non-TPO trees and a small group of saplings. Of the ten TPO trees, four are of a low quality and one is categorised as R (dead, dying or dangerous). The application proposes to replace the fifteen trees with twenty-three large semi-mature trees and additional planting of native shrubs and hedges increasing the overall planting on the site. Subject to the implementation of the landscaping scheme, which will be safeguarded by condition if permission were to be granted, and given the net gain of semi-mature trees, whilst the loss is regrettable, it is considered on balance acceptable.

The number and semi-maturity of new planting would have an instant impact upon the visual amenity of the site and would strengthen the link between the RNOH site and the neighbouring Woodland (Site of Nature Conservation Importance).

The landscaping of the site would form an integral part of the development, providing a natural setting for the building within the Green Belt and a peaceful environment for the future guests staying at the building.

The landscaping of the site has been designed to provide an appropriate setting for the building within the site, but also addresses the openness and character of the wider RNOH site, the Green Belt and the SNCI. The large semi-mature replacement trees would strengthen the Woodland to the east of the site and would by placement along the site boundaries enclose the development within the site, providing views into the site through the trees. The land to the south of the building would be landscaped to provide a more formal, private outdoor space providing interesting spaces for both ambulant and disabled users.

The proposed landscaping scheme is considered to be of a high standard, that would increase the planting of the site, the number of native species, providing coherence between neighbouring sites and would improve the perception of openness of the wider RNOH site and Green Belt in accordance with London Plan Policies 3D.15, HUDP policies D4, D9, D10 and EP32.

**5) Neighbourhood Amenity**

Policy D5 of the Harrow Unitary Development Plan 2004 requires new development to protect the amenity of occupiers of surrounding buildings and future occupants. Policy EP25 of the Harrow Unitary Development Plan seeks to minimise noise disturbance, and states that development proposals that would lead to unacceptable level of noise, vibration or disturbance will be refused.

The site would not have any adverse impact on neighbouring residential amenity, due to the substantial separation with neighbouring development.

**6) Biodiversity**

The site is identified on the HUDP proposals map within a Site of Nature Conservation Interest (SNCI) of Borough Importance (grade 1). PPS9 Biodiversity and Geological Conservation requires that planning policies and decisions not only avoid, mitigate or compensate for harm but seek ways to enhance and restore biodiversity and geology.

London Plan Policy 3D.14 encourages a proactive approach to the protection, promotion and management of biodiversity in support of the Mayor's Biodiversity Strategy. The policy requires that the planning of new development and regeneration to have regard to nature conservation and biodiversity, opportunities should be taken to achieve positive gains for conservation through the form and design of development.

Policy EP28 of the HUDP seeks to conserve and enhance biodiversity by:

- a) Resisting development that would have a direct or indirect adverse impact on Sites of Special Scientific Interest, Statutory Local Nature Reserves, other sites of importance for nature conservation, countryside conservation areas and green corridors.
  - b) Ensuring that all development proposals take account of nature conservation where relevant and ensuring that all development proposals considered likely to materially affect sites of nature conservation importance take account their impact on wildlife and the ecology of the site
- and
- f) Ensuring that any loss of habitat e.g. woodland, wetland etc is compensated for by provision of at least an equivalent area of land of equivalent habitat quality under the terms of planning obligation

The extent of the SNCI designation shown on the HUDP proposals map is questioned in the Ecological Survey submitted with the application. The Mayor of London's database Wildweb excludes the application site from the SNCI designation. The site is not included as part of the SNCI on the Council's GIS mapping system ArcMap or on the most current map provided by the Greater London Authority.

An ecological survey based on the extended phase 1 survey methodology, has been undertaken (April 2009) to assess the potential impact on the biodiversity of the site. This included a habitat and botanical survey, specific survey work was also undertaken with respect to badgers and bats.

The study concluded that overall the habitat on the site, semi-improved neutral grassland managed as amenity grassland and scattered trees, was of relatively low ecological value. Furthermore, that there were no overriding ecological constraints to the development of the site. A number of the mature trees were considered to be of moderate value at the local level. Faunal issues were found to be limited to the potential use of the site by nesting birds. The study recommended where possible the mature and semi-mature trees are retained and that the clearance of any trees or shrubs is undertaken outside the breeding season.

The redevelopment of the site would see the removal of the existing road and car parking area that currently separates the site from the neighbouring woodland and Site of Nature Conservation Importance adjoining the eastern site boundary. Fifteen trees are also to be removed to accommodate the development on site. The removal of this extensive area of hard surfacing and associated vehicular traffic, the replacement planting of twenty-three semi-mature trees and native shrubs and hedges would link and extend the proposed landscape into the existing woodland (SNCI).

This could potentially form an important link to the adjacent Site of Nature Conservation Importance. The planting of native species and mature trees would also enhance the available habitat on site. A condition is recommended restricting the removal of trees and shrubs outside the breeding season to protect the existing biodiversity of the site.

The proposed development is considered to take account of the existing biodiversity on site and the surrounding SNCI. Furthermore, the development seeks to improve and enhance the biodiversity of the site through forming a link to the adjoining woodland and increasing native species and overall planting on the site in accordance with HDUP policy EP28 and London Plan policy 3D.14.

## **7) Parking and Highway Safety**

Policy T6 of the HUDP requires new development to address the related travel demand arising from the scheme and policy T13 requires new development to comply with the Council's maximum car parking standards.

The proposed development would be accessed from existing internal roads within the hospital site. The Council's Highway Engineer has stated no objection to the scheme regarding highway safety or to the modest traffic generation associated with the use.

The Council's car parking standards allow a maximum provision of one space per five bedrooms for hotel uses. In this case, the standards allow for a maximum provision of five spaces.

The application proposes the provision of twelve car parking spaces along the northern site boundary. In response to the GLA comments two additional blue badge car parking spaces are proposed along the western site boundary adjacent to the main entrance to the building to improve accessibility of the site. The proposed provision would exceed the Council's car parking standard, it would be a reduction to the existing car parking provision on the site and would not be detrimental to highway conditions in the area. This provision is also considered to be acceptable in the context of the intended family use of the facility and the limited accessibility to public transport and services.

It is also noted that the provision of the facility would reduce the need to travel to and from the hospital site for those families staying within the proposal. This would result in a modest reduction in existing trips associated with the hospital.

### **8) Accessibility**

Policy 4B.5 of the London Plan requires all new development to meet the highest standards of accessibility and inclusion. Policy C16 of the Harrow Unitary Development Plan seeks to ensure that buildings and public spaces are readily accessible to all.

The proposed development has been designed in accordance with the requirements of Part M of The Building Regulations 2000, the Disability Discrimination Act 2005 and Harrow Council's Supplementary Planning Guidance Access for All. Accordingly, this aspect of the development is considered to comply with the requirements of policy C16 of HUDP.

### **9) Sustainability – Energy Demand and Water Resources**

London Plan policy 4A.1 'Tackling Climate Change' defines the established hierarchy for assessing the sustainability aspects of new development. This policy sets out the 'lean, clean, green' approach to sustainability, which is expanded in London Plan policies 4A.2, 4A.3, 4A.4, 4A.6 and 4A.7. Overall, the set of policies seeks to address climate change through minimising emissions of carbon dioxide.

The Design and Access Statement details passive design principles including siting, orientation, form, internal layout, solar gain/shading and the size and position of apertures that have been considered to minimise energy use and reduce carbon emissions of the proposed development.

The development would be designed and constructed to exceed the minimum requirements of document L2A of the Approved Building Regulations. In addition, the principles of Life Cycle design have been considered in the selection of the external finishes giving the building a 60 year life span. The Green Guide to Specification, which assesses the embodied energy and location of materials would be used for the selection of materials where possible.

The Sustainability Statement submitted with the application details several options to reduce carbon emissions of the development. While this statement concludes that a 20% reduction in carbon emissions would be achieved it does not specify which options are to be implemented on the site or provide calculations to substantiate this proposed reduction.

A revised energy statement has been submitted, but at the time of this report there has been inadequate time to fully assess the statement.

However, in this case, given the commitment outlined above towards meeting the objectives of the London Plan and HUDP policies to address climate change, it is considered acceptable to address this aspect of development by condition.

#### **10) S17 Crime & Disorder Act**

Policy D4 of the Harrow Unitary Development Plan 2004 advises that crime prevention should be integral to the initial design process of a scheme. Policies 4B.1 and 4B.6 of the London Plan (consolidated with alterations since 2004) seeks to ensure that developments should address security issues and provide safe and secure environments.

The scheme has been subject to ongoing discussion with the Metropolitan Police Crime Prevention Officer to ensure compliance with Secure by Design standards. The siting, design and internal layout of the building have been designed around Secure by Design measures. To ensure that the proposed measures are implemented, a condition is recommended requiring detail of compliance with the Metropolitan Police Secure by Design scheme.

#### **11) Consultation Responses**

No consultation responses have been received.

### **CONCLUSION**

The proposed development is considered to represent an acceptable form of development, within an existing major development site, in the Green Belt. The applicant has demonstrated 'very special circumstances' by reason of the provision of a valuable community facility, for which there is an identified acute need that would support the overall functioning of the Royal National Orthopaedic Hospital. This is considered to offset the limited impact upon the openness and character of the Green Belt that results due to the localised increase in height., whilst also taking into account the demolition of two poor quality designed buildings located within the Green belt. The proposed development has been sensitively designed and would not impact upon residential amenity in the surrounding area and has adequately addressed highway, biodiversity and aboriginal matters on the site.

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above: this application is recommended for grant, subject to the following conditions:

### **CONDITIONS**

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

REASON: To comply with the provisions of Section 91 of the Town & Country Planning Act 1990.

2 Prior to commencement of development, other than the demolition of the existing built development on the site (the Graham Hill building), the building to the north east of the application site, identified as 'Existing Incinerator' on approved plan reference B3271 P010, shall be demolished in entirety with all demolition materials and foundation structures removed from the wider RNOH site.

REASON: In the interests of the openness of the Green Belt in accordance with policy 3D.9 of the London Plan, policy EP32 of the HUDP and Annex C of Planning Policy Guidance Note 2: Green Belts.

3 The development hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces noted below have been submitted to, and approved in writing by, the local planning authority:

- (a) the extension/building(s)
- (b) the ground surfacing
- (c) the boundary treatment

The development shall be completed in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the appearance of the locality and Green Belt in accordance with policy D4 and EP32 of the HUDP and policy 3D.9 of the London Plan.

4 Prior to occupation of the development hereby permitted, measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of the application site / development shall be installed in accordance with details to be submitted to and approved in writing by the local planning authority. Any such measures should follow the design principles set out in the relevant Design Guides on the Secured by Design website: <http://www.securedbydesign.com/guides/index.aspx> and shall include the following requirements:

1. all main entrance door sets to individual dwellings and communal entrance door sets shall be made secure to standards, independently certified, set out in BS PAS 24-1:1999 'Security standard for domestic door sets';
2. all window sets on the ground floor of the development and those adjacent to flat roofs or large rainwater pipes (downpipes) shall be made secure to standards, independently certified, set out in BS.7950 'Security standard for domestic window sets'.

Following implementation the works shall thereafter be retained.

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime, in accordance with Policy D4 of the Harrow Unitary Development Plan, and Section 17 of the Crime & Disorder Act 1998.

5 Prior to the commencement of development details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained as such.

REASON: To mitigate light spill into the Site of Nature Conservation Importance in accordance with HUDP Policy.

6 No site works or development shall commence until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s), and any other changes proposed in the levels of the site, have been submitted to, and approved by, the local planning authority.

REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and future highway improvement.

7 The building hereby permitted shall not be occupied until the car parking, turning and loading area(s) shown on the approved plan number B3271 P002 Rev A have been constructed and surfaced with permeable materials, or drained in accordance with details submitted to, and approved in writing by, the local planning authority. The car parking spaces shall be permanently marked out and used for no other purpose, at any time, without the written permission of the local planning authority.

REASON: To ensure the satisfactory provision of parking areas, to safeguard the appearance of the locality and in the interests of highway safety.

8 The development hereby permitted shall not commence until a scheme for:-

(a) The storage and disposal of refuse/waste

(b) and vehicular access thereto

has been submitted to, and approved in writing by, the local planning authority. The use hereby permitted shall not be commenced until the works have been completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure adequate standards of hygiene and refuse/waste collection without prejudice to the enjoyment by neighbouring occupiers of their properties.

9 Prior to commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the development achieves a 'very good' BREEAM rating unless otherwise agreed in writing by the Local Planning Authority. The development shall proceed in accordance with the details as approved and be retained as such thereafter.

REASON: To assess the overall sustainability rating of the proposed development to ensure that the scheme adequately addresses sustainability requirements in accordance with policies 4A.1, 4A.2 and 4A.3 of the London Plan.

10 The development hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works for the forecourt of the site. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

11 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 2 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

12 None of the existing trees on the site shall be lopped, topped, felled or uprooted without the prior written permission of the local planning authority. Any topping or lopping which is approved shall be carried out in accordance with British Standard 3998 (Tree Work). The agreed felling of trees on the site shall be undertaken outside of the defined bird breeding season between March – August.

REASON: The existing trees represent an important amenity feature which the local Planning Authority considers should be protected and in the interests of the ecological values of the site in accordance with HUDP policy EP28 and London Plan policy 3D.14.

13 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected.

The protection fencing should comprise of 1.8 metres high welded mesh: "Heras" fencing and should be staked and in place before demolition & construction works commence, and should remain in place for the entire duration of the construction works.

14 Prior to the commencement of development a detailed Landscape Management and Maintenance Plan/Schedule is required for the communal landscaped areas, to include the initial year and the subsequent long term management for years 2 to 5.

REASON: To safeguard the appearance and character of the development and the wider Green Belt site.

15 The development hereby permitted shall not be occupied or used until all the works detailed in the application have been completed in accordance with the permission granted unless otherwise agreed in writing by the local planning authority.

REASON: To safeguard the character or appearance of the Conservation Area.

16 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided.



17 The development of any buildings hereby permitted shall not be commenced until works for the disposal of surface water have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

18 The development of any buildings hereby permitted shall not be commenced until surface water attenuation / storage works have been provided in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To prevent the increased risk of flooding.

19 The development hereby permitted shall not commence until details of a scheme for generating 20% of the predicted energy requirement of the development from on-site renewable resources has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is first occupied and shall thereafter be retained so that it provides the required level of generation.

REASON: To ensure the development meets the basic requirements of London Plan policies 4A.1 and 4A.7.

20 No development shall take place on site until a revised and fully detailed energy strategy has been submitted to and approved in writing by the local planning authority, in conjunction with the Greater London Authority. The approved strategy shall subsequently be implemented in full, prior to first occupation of any part of the development hereby permitted.

REASON: In the interests of sustainability and climate change mitigation, in accordance with London Plan policies 4A.1, 4A.2, 4A.3, 4A.4, 4A.5, 4A. AND 4A.7.

21 Prior to the commencement of development on the site, details shall be submitted to and approved in writing by the Local Planning Authority demonstrating suitable disabled access throughout the site, including access from the wheel chair car parking spaces within the site. Development shall proceed in accordance with the details as approved, and specific measures shall be retained thereafter.

REASON: To ensure the provision of adequate access for a ll persons within the development in accordance with HUDP policy C16 and Supplementary Planning Document Access for All.

22 Prior to the commencement of development on the site, an arboricultural method statement detailing the removal of the existing road along the eastern site boundary and the protection of the protected trees on the subject site an the adjoining woodland shall be submitted to and approved in writing by the Local Planning Authority. The removal of the road should be carried out in accordance with the approved method statement.

REASON: To protect the character and appearance of the site, surround the area, the ecological value of the site and the existing trees and woodland in accordance with policies EP28, D9 and D10 and London Plan Policy 3D.14

## **INFORMATIVES**

### **1 INFORMATIVE:**

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

### **2 INFORMATIVE:**

Please note that guidance on permeable paving has now been published by the Environment Agency on <http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens>

### **3 INFORMATIVE:**

The London Borough of Harrow seeks to encourage Secured by Design accreditation where appropriate. This is a national police initiative that is supported by the Home Office Crime Reduction & Community Safety Unit and the Planning Section of the ODPM. It is designed to encourage the building industry to adopt crime prevention measures to assist in reducing the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments. It is recommended that the applicant apply for this award.

For additional information, please contact the Borough Crime Prevention Design Advisor through the Crime Reduction Unit, Harrow Police Station, 74 Northolt Road, Harrow, Middlesex, HA2 ODN, tel. 020 8733 3465.

### **4 INFORMATIVE:**

There may be public sewers crossing this site, so no building will be permitted within 3 metres of the sewers. The applicant should contact the Area Service Manager Mogden at Thames Water Utilities at the earliest opportunity, in order to establish the likely impact of this development upon the sewerage infrastructure.

Tel: 08459 200800

### **5 INFORMATIVE:**

The applicant is reminded of the duties set out in the Disability Discrimination Act 1995 with regard to employment and service provision. An employer's duty to make reasonable adjustment is owed to an individual employee or job applicant. However, the responsibility of service providers is to disabled people at large, and the duty is anticipatory. Failure to take reasonable steps at this stage to facilitate access will therefore count against the service provider if / when challenged by a disabled person from October 2004. The applicant is therefore advised to take full advantage of the opportunity that this application offers to improve the accessibility of the premises to people with mobility and sensory impairments.

### **6 INFORMATIVE:**

**IMPORTANT:** Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.

Item 1/01 : P/0963/09/RH/MAJ continued/...

- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

Plan Nos: B3271 P001, B3271 D003 Rev A, B3271 D004, B3271 D005 Rev A, B3271 P008, B3271 P009 A, B3271 P010, B3271 P013 A , B3271 P014, Visuals Sheets 1 and 2, Tree Survey, Landscape Design Report, Design and Access Statement, Travel Plan submitted 29<sup>th</sup> April 2009; Supporting Planning Statement, submitted 30<sup>th</sup> April 2009; Report of Extended Phase 1 Ecology Survey submitted 30<sup>th</sup> June 2009; B3271 P017 submitted 29<sup>th</sup> June 2009; ;B3271 P000 Rev A and Visual Impact Assessment submitted 9<sup>th</sup> July; B3271 P000 Rev A, Bir.3109\_05, Bir.3109.04, Bir.3109\_03 submitted 22 July 2009; B3271 P002 Rev B, B3271 P007 Rev C, 2 x sheets 3D images, , Response to GLA Planning Report PDU/2474/01 submitted 3<sup>rd</sup> August 2009; B3271 D006 Rev A Sustainability and Energy Efficiency Statement submitted 25<sup>th</sup> August 2009

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**Item: 1/02**  
**93 & FORMER MORTUARY AND PARKS DEPOSIT SITE, PEEL ROAD, WEALDSTONE** **P/1292/09/SL/MAJ**

Ward **MARLBOROUGH**

REVISED APPLICATION: REDEVELOPMENT OF 46 UNITS [34 FLATS AND 12 HOUSES] IN 3NO. X THREE-STOREY AND FOUR-STOREY BLOCKS, NEW HOME ZONE, ACCESS OFF PEEL ROAD, 36 SURFACE CAR PARKING SPACES [INCLUDING 4 DISABLED], 46 CYCLE SPACES, PRIVATE AND COMMUNAL GARDEN SPACE, ASSOCIATED LANDSCAPING AND REFUSE BIN STORAGE [RESIDENT PERMIT RESTRICTED].

**Applicant:** Forest Whitmore Limited

**Agent:** Broadway Malyan

**Statutory Expiry Date:** 04-SEP-09

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This application was presented to the Planning Committee on 22<sup>nd</sup> July 2009, recommended for GRANT, subject to the completion of a legal agreement.

The proposal was deferred by the Planning Committee for further consideration in respect of the level of provision of affordable housing, which was previously at 100%. The Planning Committee considered the importance of implementing a reasonable balance of housing mix in order to maintain a sustainable community, particularly for larger developments, as in this instance. This report has been updated [*in bold and italics*] to provide more details of the relevant policy background and the change in the level of provision of affordable housing from 100% to 73.92% [34 units as the affordable provision, 12 units as private housing].

A meeting between the Authority and the applicant is scheduled for 26<sup>th</sup> August to discuss the scheme in view of the Planning Committee's decision on 22<sup>nd</sup> July to defer the planning application. Subsequent to the meeting on 26<sup>th</sup> August, any additional information will be provided as an Addendum to reflect the comments made.

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## RECOMMENDATION

**INFORM** the applicant that:

1. The proposal is acceptable subject to the completion of a legal agreement within 6 months of the date of the Council's decision, to include the following Heads of Terms:
  - i) ***Affordable Housing: 34 units as affordable housing, with 24 units as social housing [70%] and 10 units as intermediate housing [30%] to be managed by a nominated Registered Social Landlord.***
  - ii) **Resident Permit Restricted:** All residents and users of the development shall be ineligible for resident parking permits in the surrounding controlled parking zone.
  - iii) **Legal Fees:** Payment of Harrow Council's reasonable costs in the preparation of the legal agreement.

- iv) **Planning Administration Fee:** Payment of £500 administration fee for the monitoring of and compliance with this agreement.
2. A formal decision notice to GRANT permission for the development described in the application and submitted plans and materials, subject to planning condition[s] will be issued upon completion by the applicant of the aforementioned legal agreement.

## **REASON**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in The London Plan [2008] and the saved policies of Harrow's Unitary Development Plan [2004], and to all relevant material considerations, to meet the Vision of the Council in promoting a diverse community, which is celebrated and valued and create better cohesion, as detailed in Harrow's Sustainable Community Strategy [Mar 09], and any comments received in response to publicity and consultation:

### **National Planning Policy**

#### **Planning Policy Statement 1 [Delivering Sustainable Development]**

***A key aim of national policy contained in PPS1 seeks mixed communities. The Government is committed to developing strong, vibrant and sustainable communities and to promoting community cohesion. This means meeting the diverse needs of all people in existing and future communities, promoting personal well-being, social cohesion and inclusion and creating equal opportunity for all citizens.***

#### **The London Plan [2008]:**

3A.1 Increasing London's supply of housing

3A.2 Borough housing targets

3A.3 Maximising the potential of sites

***3A.5 Housing choice states DPD policies should seek to ensure that new developments offer a range of housing choices, in terms of the mix of housing sizes and types.***

3A.6 Quality of new housing provision

3A.8 Definition of affordable housing

3A.9 Affordable housing targets

***3A.10 Negotiating affordable housing in individual private and residential and mixed-use schemes – Boroughs should seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes, having regard to their affordable housing targets, the need to encourage rather than restrain residential development and the individual circumstances of the site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements.***

3A.11 Affordable housing thresholds

4A.1 Tackling climate change

4A.4 Energy assessment

4A.7 Renewable energy

4A.21 Waste strategic policy and targets

4B.1 Design principles for a compact city

4B.5 Creating an inclusive environment

4B.6 Safety, security and fire prevention and protection

**Saved Policies of the London Borough of Harrow Unitary Development Plan [2004]:**

***S1 The Form of Development and Pattern of Land Use – The Council seeks to secure a form and pattern of development in the Borough that accords with the principles of sustainable development, which achieves increased social inclusion.***

EP25 Noise

D4 The Standard of Design and Layout

D5 New Residential Development – Amenity Space and Privacy

D10 Trees and New Development

***H7 Dwelling Mix – The Council will seek the provision of a mix of dwellings, types, sizes and tenures in large housing developments.***

T6 The Transport Impact of Development Proposals

T13 Parking Standards

Harrow's Accessible Homes SPD [Apr 2006]

Harrow's Sustainable Community Strategy [Mar 09]

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**MAIN CONSIDERATIONS AND POLICIES [The London Plan 2008 & Saved Policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance]**

**1) Principle of Development and Land Use**

The London Plan 2008: 3A.6, 4A.1, 4A.4, 4A.7, 4A.21, 4B.1.

London Borough of Harrow UDP 2004: D4, D10.

**2) Design and Character of the Area**

The London Plan 2008: 3A.6, 4A.1, 4A.4, 4A.7, 4A.21, 4B.1.

London Borough of Harrow UDP 2004: D4, D10.

**3) Residential Amenity**

London Borough of Harrow UDP 2004: EP25, D5.

**4) Housing Provision and Density**

***PPS1 Delivering Sustainable Development.***

The London Plan 2008: 3A.1, 3A.2, 3A.3, 3A.5, 3A.8, 3A.9, 3A.10, 3A.11.

***London Borough of Harrow UDP: S1, H7.***

**5) Parking and Highway Safety**

London Borough of Harrow UDP 2004: T6, T13.

**6) Accessible Homes**

The London Plan 2008: 3A.5, 4B.5.

**7) S17 Crime & Disorder Act**

London Borough of Harrow UDP 2004: D4

**8) Consultation Responses**

**INFORMATION**

**a) Summary**

Statutory Return Type: Major Dwellings

Site Area: 4,700m<sup>2</sup> [as stated on application form]

Density: 344 HRH, 98 DPH

Car Parking:	Standard:	55 [maximum]
	Justified:	37
	Provided:	37
Lifetime Homes		46
Wheelchair Standards		4
Council Interest:		None

**b) Site Description**

- Site fronts onto Peel Road, opposite Stuart Road, near the entrance to Byron Recreation Ground;
- Site to rear of properties on Byron Road;
- Previously occupied by numerous derelict single-storey and two-storey structures and one house;
- Vehicular access off Peel Road to north of site;
- Surrounding properties comprising two-storey terraced dwellings, with a three-storey block of flats at the junction of Peel Road with Byron Road and a commercial garage premises at 57-59 Byron Road; and
- Site adjoins Byron Recreation Ground, which is situated to the east.

**c) Proposal Details [Revised Changes]**

- Revised application for 46 residential units. The following minor changes to the January 2009 permission [P/1516/08] are sought:
  - **73.92% affordable housing [34 units];**
  - Development now achieves Code for Sustainable Homes Level 3; and
  - Increase in number of bed spaces in the 12 housing units to meet local housing need identified by the RSL.

**d) Relevant History**

- Planning application for 46 residential units [P/1516/08] granted planning permission on 27<sup>th</sup> January 2009.
- The applicant requested these changes to the planning permission Ref: P/1516/08 are treated as minor amendments.
- The request was rejected and subsequently, this planning application was submitted.
- ***On 22<sup>nd</sup> July 2009, Planning Committee deferred the application pending further negotiation on the balance of affordable housing with private housing provision.***

**e) Pre Application Discussion**

- The Agent engaged with Harrow Council prior to the submission of the planning application.

**f) Applicant Statement**

- Scheme designed in response to the character and architectural vernacular of the area, the site's relationship to adjoining properties, the site's accessibility, and the context of policy.
- 16no. x one-bed flats, 18no. x two-bed flats, 8no. x four-bed houses and 4no. x five-bed houses.
- 100% affordable housing.

- Site represents a stand-alone site offering the potential to create its own identity in its park setting and not have to conform to an established layout.
- Development of the site will result in a positively defined visual improvement adjacent to Byron Park and at the vista of Stuart and Peel Roads.
- Proposed high quality design and contemporary style encourages visual interest and introduces a diversity of architecture to the local area.
- Proposed height responds to and respects that of the adjoining terraced properties, with a number of three-storey blocks of flats.
- Provides a mix of accommodation type and size to meet the local needs of local residents.
- Proposed development reflects and accords with the London Plan and national planning policy, which supports the development of such previously developed and accessible sites.
- Communal and private amenity space to be provided, with additional balconies and substantial landscaping.
- 100% provision for cycle storage.
- All units to Lifetime Homes Standards, with 4 units to wheelchair standard.

**g) Consultations:**

Government Office for London

- Consulted on planning permission Ref: P/1516/08 as a Departure from the UDP. GOL concluded that the decision as to whether to grant planning permission will remain with London Borough of Harrow.
- Consulted on this application as matter of principle. Subsequent telephone conversation with Mr Philip Ako of GOL confirmed if no major alteration to proposal, would not require GOL referral, as in this instance.

**Advertisement:** Major Dwellings Expiry: 02-JUL-09  
Departure from UDP

**Notifications:**  
Sent: 93 Replies: 3 Expiry: 01-JUL-09

Site Notice: Expired 02-JUL-09

**Summary of Responses:**

3 representations received objecting to the proposal on the following grounds:

- Impact on privacy, levels of light, noise and traffic pollution;
- Scale;
- Overlooking and overshadowing;
- Vehicular access location;
- Block view of the park;
- Design does not take into account Harrow's UDP; and
- Affect to nearby trees.



## **APPRAISAL**

### **1) Principle of Development and Land Use**

The principle of development is established by the planning permission Ref: 1516/08 dated 27<sup>th</sup> January 2009 for *'Redevelopment: 46 residential units [34 flats and 12 houses] in 3 x three-storey and four blocks, new shaped 'Home-Zone', access off Peel Road, 36 surface car parking spaces, 46 cycle spaces, private and communal garden space, private balconies and associated landscaping and refuse bin storage.'*

### **2) Design and Character of the Area**

The height of the proposal is moderately higher than that of the residential properties surrounding the site, but similar in height to the adjoining three-storey block of flats. As the blocks are to have flat roofs, they will not appear significantly higher than the surrounding two-storey dwellings as they have pitched roofs. Considering the derelict state of the site at present, the development could be said to offer a more visually attractive addition to the street scene than that which it would replace.

The overall design of the development makes reference to the predominantly suburban nature of the locality. The modern appearance of the building with timber cladding, coloured render and mix of glazing offers a distinct identity to the site and the area in general. The layout of the proposed development is such that it provides a large amount of separation to the existing properties, while providing the new units with good amenity space, and maintaining the semi-open nature of the area. The proposed development represents a significant redevelopment of the site and would provide a contemporary addition to the area.

The proposal is considered to comply with Policy D4 explanatory paragraph 4.11 of the Harrow's UDP 2004, which states that *'buildings should respect the form, massing composition, proportion and materials of the surrounding townscape'*. This requirement is reinforced under PPS1, which states that development should respond to their local context and create or reinforce local distinctiveness. The majority of residential dwellings in the immediate vicinity are two-storey dwellings with large garden areas, and a number of three-storey flatted blocks. This proposal is an isolated backland site, as such it is considered that it does not have to follow the exact form of the surrounding properties. The scheme respects the character of the area and provides a new, contemporary development that adds to the character and distinctiveness of the area.

Furthermore, explanatory paragraph 4.10 of Policy D4 states that *'Development should be designed to complement their surroundings and have a satisfactory relationship with adjoining buildings and spaces'*. The proposed development provides a modern development while reflecting the character and appearance of the existing area, and is therefore considered compliant with Policy D4 of Harrow's UDP.

Each dwelling is to be provided with its own private amenity space, and the flats are to have good size patios or balconies and access to the communal amenity space. This amount of amenity space is considered adequate for a development of this nature, and provides future occupants with a good amount of private, usable amenity space.

The proposed scheme provides explanation of how it will attempt to address renewable energy and sustainable development policies of the London Plan, but it only provides predictive information. For major residential developments of 10 or more units, an applicant must demonstrate how the design of the development will incorporate these policies into the final scheme. A condition is recommended requesting further details before commencement of works.

Bin stores are to be located around the development. This arrangement is considered acceptable, but exact arrangements for refuse collection, storage and disposal of refuse will be required. Therefore, a condition is recommended requiring further details of these matters.

Overall the proposal is considered to represent good design and complies with Policy 4B.1 of the London Plan and Harrow's UDP.

### **3) Residential Amenity**

The height of the blocks of flats and dwellings has been limited to three-storeys [rising to four-storeys toward the centre of the site] to reduce the impact on the surrounding properties. A separation distance of at least 25m will be retained to the rear of the properties along Byron Road. The minimum back to back distance from a proposed dwelling to the existing dwellings is 28m. Due to these distances and the layout of the proposed buildings, it is not considered to be of material detrimental harm on the amenity of the surrounding properties in terms of overbearing, or loss of light.

Any windows facing neighbouring properties are to be obscure glazed and/or high level windows, and an obscure screen will surround the roof terraces on Block C. This will restrict overlooking to neighbouring properties.

The location of the proposed car parking is considered to be suitably located around the proposed buildings, with the majority of car parking adjacent to a non-residential boundary or in a courtyard. Where the car parking adjoins the western boundary of the site, the adjacent property at this point is a commercial property. The site will use the existing access from Peel Road and will be a tunnel-type access, which will limit noise to surrounding properties. A 2m-high fence / wall surrounding the site will also minimise the noise transference to neighbouring properties.

Accordingly, the proposal is not considered to adversely impact residential amenity and therefore complies with Policies EP25 and D5 of Harrow's UDP.

#### 4) Housing Provision and Density

The proposal represents 46 units to Harrow's housing stock, which would make a positive contribution with regards to meeting annual housing targets for the borough. The scheme provides 16no. x one-bed flats, 18no. x two-bed flats, 8no. x four-bed houses and 4no. x five-bed houses. The change in housing type of this application from the approved scheme Ref: P/1516/08 is detailed:

- No three-bed houses [Approved scheme provided 8no. x three-bed houses];
- 8no. x four-bed houses [Approved scheme provided 4no. x four-bed houses];
- 4no. x five-bed houses [Approved scheme provided no five-bed houses]; and;
- The number of one and two-bed flats remain the same [16no. and 18no. respectively].

This aspect of the development is therefore supported in principle.

The proposed development would result in a density of 344HRH, based on a site area of 4700m<sup>2</sup> with 162 habitable rooms. The proposal would result in 98 DPH. The density levels are in line with those recommended by Policy 3A.3 and Table 3A.2 of the London Plan.

London Plan Policy 3A.9 requires all new-build major residential developments to have 50% affordable housing with a 70% to 30% split between social rented and intermediate housing. **24 units will now be provided as affordable housing [73.92%], which would result in 12 units as private housing [26.08%].**

**One of the key aims of PPS1 is to achieve mixed communities. The Agent's willingness to now provide 12 units as private housing on this application, as opposed to 0% originally seeks to achieve one of the key principle objectives of PPS1.**

**This proposal exceeds the affordable housing target figure whilst concurrently addressing the balance of housing tenure. Accordingly, the proposal is compliant with London Plan policy.**

**At a local level, the scheme is now considered to comply with one of the objectives set out in Policy S1 of Harrow's UDP by achieving increased social inclusion. The proposal also complies with Policy H7 of Harrow's UDP on dwelling mix by securing a reasonable balance of affordable and private housing.**

**Accordingly, the proposal complies with PPS1, Policies 3A.8, 3A.9, 3A.10 and 3A.11 of the London Plan and Policies S1 and H7 of Harrow's UDP.**

#### 5) Parking and Highway Safety

The proposal will provide 32 standard and 4 disabled car parking spaces [36 in total], which equates to just under one space per unit (a 78% provision). The proposal also provides one cycle parking space for each dwelling. The proposed parking provision is considered acceptable, in circumstances where the site is accessible to good public transport links, namely Harrow & Wealdstone Station and a number of bus routes, and town centre amenities and services.

The area around the development site is a Controlled Parking Zone, therefore to ensure no additional pressure is placed on street parking future residents will be ineligible to apply for resident parking permits.

Accordingly, the proposal complies with Policies T6 and T13 of Harrow's UDP.

**6) Accessible Homes**

The proposed development complies with Harrow's Accessible Homes SPD [April 2006], which requires 100% of all new residential developments to be built to meet the Lifetime Homes Standards. In this case, all 46 units would meet Lifetime Homes standards, furthermore 10% of all units would be built to meet Wheelchair Homes standards.

The proposed development is complies with Policy 3A.5 of the London Plan and Harrow's SPD on Accessible Homes.

**7) S17 Crime & Disorder Act 1998**

The proposed design and layout offers adequate natural surveillance. Some detail is provided with regards to boundary treatment and how access to the rear garden amenity areas will be restricted. Detail has been submitted about security fencing to the rear garden amenity restricting unwanted access to the site, which is an important factor as the site backs onto a large area of open space.

There are no details of lighting levels, car park security or door and window security. A condition is recommended to request that these details are submitted before the occupation of the development.

**8) Consultation Responses**

GOL were consulted on the planning permission scheme Ref: P/1516/08 as a Departure from the UDP. GOL concluded that the decision as to whether to grant planning permission would remain with London Borough of Harrow.

GOL were also consulted on this application as matter of principle. A subsequent telephone conversation with Mr Philip Ako of GOL confirmed that if there is no major alteration to the proposal, would not require GOL referral.

Consequently, on the basis of GOL's response to the approved scheme Ref: P/1516/08, which is not too dissimilar to this application, does not require further consultation with GOL, as the principle is established.

**CONCLUSION**

Following the deferral officers have negotiated with the applicant to deliver a more mixed range of private and RSL housing accommodation. The scheme in its revised now complies more fully with the PPS 1, the London Plan, and the Council's UDP.

For all the reasons considered above, and weighing up the Development Plan polices and proposals, and other material considerations, including any comments received in response to publicity and consultation, as set out above, this application is recommended for GRANT subject to the following conditions; and completion of the legal agreement:

## **CONDITIONS**

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

REASON: To comply with the provisions of Section 91 of the Town & Country Planning Act 1990.

2 Prior to occupation of the development hereby permitted, measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of the application site / development shall be installed in accordance with details to be submitted to and approved in writing by the local planning authority. Any such measures should follow the design principles set out in the relevant Design Guides on the Secured by Design website:

<http://www.securedbydesign.com/guides/index.aspx> and shall include the following requirements:

1. all main entrance door sets to individual dwellings and communal entrance door sets shall be made secure to standards, independently certified, set out in BS PAS 24-1:1999 'Security standard for domestic door sets';

2. all window sets on the ground floor of the development and those adjacent to flat roofs or large rainwater pipes (downpipes) shall be made secure to standards, independently certified, set out in BS.7950 'Security standard for domestic window sets'.

Following implementation the works shall thereafter be retained.

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime, in accordance with Policy D4 of the Harrow Unitary Development Plan, and Section 17 of the Crime & Disorder Act 1998.

3 The development hereby permitted, as detailed in the submitted and approved drawings, shall be built to Lifetime Home Standards, and thereafter retained to those standards.

REASON: To ensure provision of 'Lifetime Home' standard housing in accordance with the policies of the Harrow Unitary Development Plan.

4 Prior to the commencement of the roofing of any building a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to, and approved in writing by, the local planning authority. The boundary treatment shall be completed before the buildings are occupied. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the amenity of neighbouring residents and the character of the locality.

5 The site shall remain enclosed by the existing fencing or temporary hoardings until works and clearance have been completed, and the development is ready for occupation.

REASON: In the interests of amenity and highway safety.

6 The access carriageway shall be constructed to base course in accordance with the specification and levels agreed, and the carriageway and footways completed before any building is occupied in accordance with details to be submitted to, and approved by, the local planning authority. The development shall thereafter be retained.

REASON: To ensure that the traffic generated by the building operations will not interfere with the free flow of traffic on the public highway and that the road and footway shall be of an adequate specification for the anticipated traffic.

7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out not later than the first planting and seeding seasons prior to the occupation of the building(s), or the completion of the development, whichever is the sooner. Any new trees or shrubs which, within a period of 2 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

8 No site works or development other than demolition, substructure and drainage shall commence until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s), and any other changes proposed in the levels of the site, have been submitted to, and approved by, the local planning authority.

REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and future highway improvement.

9 The development hereby permitted shall not be occupied until samples of the materials or the appearance thereof to be used in the construction of the external surfaces noted below have been submitted to, and approved in writing by, the local planning authority:

a: Exterior coloured render and timber cladding

b: Windows

c: External paving and boundary treatment

The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the appearance of the locality.

10 The development hereby permitted shall not be occupied until the car parking, turning and loading area(s) shown on the approved plan number 08/013/101B have been constructed and surfaced with impervious materials, and drained in accordance with details submitted to, and approved in writing by, the local planning authority. The car parking spaces shall be permanently marked out and used for no other purpose, at any time, without the written permission of the local planning authority.

REASON: To ensure the satisfactory provision of parking areas, to safeguard the appearance of the locality and in the interests of highway safety.

11 The proposed parking space(s) shall be used only for the parking of private motor vehicles in connection with the development hereby permitted and for no other purpose.

REASON: To ensure that the parking provision is available for use by the occupants of the site and in accordance with the Council's parking standards.

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development which would otherwise fall within Class A in Part 2 of Schedule 2 to that Order shall be carried out without the prior written consent of the local planning authority.

REASON: To safeguard the character of the locality.

13 The development hereby permitted shall not be occupied until a scheme for:

a: the storage and disposal of refuse/waste

b: and vehicular access thereto

has been submitted to, and approved in writing by, the local planning authority. The development shall not be occupied or used until the works have been completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure adequate standards of hygiene and refuse/waste collection without prejudice to the enjoyment by neighbouring occupiers of their properties.

14 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided.

15 The development of any buildings hereby permitted shall not be occupied until works for the disposal of surface water have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided.

16 The development of any buildings hereby permitted shall not be occupied until surface water attenuation / storage works have been provided in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To prevent the increased risk of flooding.

17 The development hereby permitted shall not commence until details of a scheme aiming to achieve a reduction in carbon dioxide emissions of 20% or such percentage which is feasible from on site renewable energy generation and low carbon technologies has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is first occupied and shall thereafter be retained so that it provides the required level of generation.

REASON: To ensure the development meets the basic requirements of London Plan policies 4A.1 and 4A.7.

## **INFORMATIVES**

### **1 INFORMATIVE:**

#### **SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:**

The decision to grant permission has been taken having regard to the policies and proposals in the London Plan and-or the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

#### **London Plan:**

- 3A.1 Increasing London's supply of housing
- 3A.2 Borough housing targets
- 3A.3 Maximising the potential of sites
- 3A.5 Housing choice
- 3A.6 Quality of new housing provision
- 3A.8 Definition of affordable housing
- 3A.9 Affordable housing targets
- 3A.10 Negotiating affordable housing in individual private residential and mixed-use schemes
- 3A.11 Affordable housing thresholds
- 4A.1 Tackling climate
- 4A.4 Energy assessment
- 4A.7 Renewable energy
- 4A.21 Waste strategic policy and targets
- 4B.1 Design principles for a compact city
- 4B.5 Creating an inclusive environment
- 4B.6 Safety, security and fire prevention and protection

#### **Harrow Unitary Development Plan:**

- S1 The Form of Development and Pattern of Land Use
- D4 Standard of Design and Layout
- D5 New Residential Development - Amenity Space and Privacy
- D10 Trees and New Development
- H7 Dwelling Mix
- EP25 Noise
- T6 The Transport Impact of Development Proposals
- T13 Parking Standards

### **2 INFORMATIVE:**

The applicant's attention is drawn to the requirements in the Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

### **3 INFORMATIVE:**

In June 2006 Harrow Council adopted two Supplementary Planning Documents: "Access for All" and "Accessible Homes", containing design guidelines for the provision of safe and convenient access for all disabled groups. Both documents can be viewed on the Planning pages of Harrow Council's website:

Access for All: [http://www.harrow.gov.uk/downloads/AccessforallSPD\\_06.pdf](http://www.harrow.gov.uk/downloads/AccessforallSPD_06.pdf)

Accessible Homes: <http://www.harrow.gov.uk/downloads/AccessibleHomesSPD.pdf>



**4 INFORMATIVE:**

There may be public sewers crossing this site, so no building will be permitted within 3 metres of the sewers. The applicant should contact the Area Service Manager at Mogden, Thames Water Utilities, at the earliest opportunity, in order to establish the likely impact of this development upon the sewerage infrastructure, Tel: 08459 200800.

**5 INFORMATIVE:**

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 CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: [communities@twoten.com](mailto:communities@twoten.com)

**6 INFORMATIVE:**

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline on 0541 545500.

(Please note that any reference in this informative to "planning supervisor" has no connection with any Planning Officers within Harrow's Planning Services or with the Town and Country Planning Act 1990.)

**7 INFORMATIVE:**

In aiming to satisfy the Community Safety condition(s) the applicant should seek the advice of the Borough Crime Prevention Design Advisors (CPDA). They can be contacted through the Crime Reduction Unit, Harrow Police Station, 74 Northolt Road, Harrow, Middlesex, HA2 ODN, tel. 020 8733 3465. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of this / these condition(s).

8 INFORMATIVE:

IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

9 INFORMATIVE:

The relevant traffic order will impose a restriction making residential occupiers of this building ineligible for resident's parking permits in the surrounding controlled parking zone.

10 INFORMATIVE:

For the purposes of the avoidance of doubt demolition shall not constitute the commencement of development.

Plan Nos: 02-000 P2, 02-001, 05-001 Blk A, 05-002 Blk A, 05-003Blk A, 05-004 Blk B, 05-005 Blk B, 05-006 Blk B, 05-007Blk C, 05-008Blk C, 05-009Blk C, 05-010Blk C, 05-011Blk C, 05-012Blk C, 03-000 Blk A, 03-001 Blk A, 03-002 Blk A, 03-003 Blk A, 03-000 Blk B1, 03-001 Blk B1, 03-002 Blk B1, 03-003 Blk B1, 03-000 Blk B2, 03-001 Blk B2, 03-002 Blk B2, 03-003 Blk B2, 03-000 Blk C1, 03-001 Blk C1, 03-002 Blk C1, 03-003 Blk C1, 03-004 Blk C1, 03-000 Blk C2, 03-001 Blk C2, 03-002 Blk C2, 03-003 Blk C2, 03-004 Blk C2, 03-000 HT1, 03-000 HTA2, 03-000 HT2B, 03-000 HT3, 03-000 HT4A, 03-000 HT4B  
Planning Statement, Design and Access Statement, Energy Statement, Affordable Housing Statement, Transport Statement, Contaminated Land Assessment, Environ Report

## SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

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**Item: 2/01**  
**136 KENTON ROAD, HARROW, HA3 8AZ P/0837/09/ML1/E**  
Ward KENTON WEST  
CHANGE OF USE FROM RETAIL TO RESTAURANT (CLASS A1 TO A3)

**Applicant:** Mr Jaswant Singh  
**Agent:** Anthony Byrne Associates  
**Statutory Expiry Date:** | 09-JUN-09

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### RECOMMENDATION

**GRANT** permission for the development described in the application and submitted plans, subject to conditions.

### REASON

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004, listed below, and all relevant material considerations, as the use proposed would be appropriate in this Local Centre and would be acceptable in relation to its impacts upon the amenities of neighbouring occupiers, and the character of the area.

Harrow Unitary Development Plan (2004):  
D4 Standard of Design and Layout  
EP25 Noise  
EM18 Designated Shopping Frontages of Local Centres  
EM25 Food, Drink and Late Night Uses  
T13 Parking Standards  
Supplementary Planning Document 'Access for All' (2006)

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### MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008 and saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance)

- 1) Character and Appearance of the Area (D4, EM18, EM25)
- 2) Residential Amenity and Accessibility (EP25, EM25, 'Access for All' SPD)
- 3) Parking and Highway Safety (D4, EM18, EM25, T13)
- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

### INFORMATION

- a) **Summary**  
Statutory Return Type: Change of Use  
Council Interest: None

**b) Site Description**

- Three-storey end-of-terrace retail property selling Plumbing, Timber and Building products on the north-eastern side of the junction of Kenton Road and Carlton Avenue.
- The site is identified in the Council’s retail statistics as Nos.136 and 136A Kenton Road, although the units operate as one.
- The western side of the property along Carlton Avenue is single storey and a single storey element projects to the rear beyond the main two and three-storey building along Kenton Road.
- The single storey rear element is currently used as loading bays. The area to the rear of the single storey rear projection is used as a parking space for the neighbouring shops.
- The first and second floors of the property have been converted to flats, following the implementation of planning permission P/40/04/DFU.
- The site is within Kenton Local Centre’s Designated Shopping Frontage.
- There is an access door in the return frontage along Carlton Avenue leading to a stairway to the residential units on the first and second floors.
- There is residential accommodation above most of the shops along this parade.
- There are secondary accesses to the residential units above at the rear of the site.
- The immediate parade Nos.136-160(even) which is located between Carlton and Mayfield Avenues comprises the following uses:

Number(s)	Use	Use Class
136	Plumbing, Timber and Building Products	A1
138	Internet Cafe	A1
140	Photo Shop	A1
142-144	Bathrooms/Kitchens	A1
146	Estate Agents	A2
148	Gift Shop	A1
150	Building Society	A2
152	Grocers	A1
154	Delicatessen	A1
156	Restaurant	A3
158-160	Physiotherapy Clinic	D1

- Commercial properties on the opposite side of Kenton Road are within the London Borough of Brent.

**c) Proposal Details**

- Change of use from retail to restaurant (Class A1 to Class A3).
- 40 covers are proposed.
- There would be 3 full time staff and 6 part time staff.
- An originally proposed rear extract flue has been deleted from this application.

**d) Relevant History**

EAST/172/93/FUL	CHANGE OF USE: CLASS A1 TO A3 (RETAIL TO PRIVATE MEMBERS CLUB)	REFUSED 21-JUN-93 APPEAL DISMISSED 21-JAN-94
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**Reasons for Refusal:**

The proposed change of use would lead to the unacceptable loss of a retail shop to the detriment of the vitality and character of the district centre contrary to the policies of the HBLP and HUDP.

EAST/618/93/FUL	CHANGE OF USE FROM CLASS A1 TO CLASS A3 (RETAIL TO PRIVATE MEMBERS CLUB)	REFUSED 26-JAN-94
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**Reasons for Refusal:**

The proposed change of use would lead to the unacceptable loss of retail floorspace to the detriment of the vitality and character of the district centre contrary to the policies of the HBLP and HUDP.

P/40/04DFU	CHANGE OF USE: FIRST / SECOND FLOOR OFFICES (CLASS A2) TO THREE SELF-CONTAINED FLATS (CLASS C3)	GRANTED 22-MAR-04
P/0271/09	INCREASE IN ROOF HEIGHT OF SINGLE STOREY REAR EXTENSION	GRANTED 17-APR-09

**e) Pre-Application Discussion**

- None.

**f) Applicant Statement**

- Design and Access Statement submitted.

**g) Consultations:**

- *Brent Council* – No objections.

**Notifications:**

Sent: 13

Replies: 9

Expiry: 14-MAY-09

**Summary of Responses:**

*Traffic/Parking*

Existing problems with access into and out of Carlton Avenue, blocking driveways, cars parking on double yellow lines; 3000 sq ft restaurant and pub with approximate seating capacity of 150 will cause parking problems on adjacent roads; Customers for Lancer pub (which will reopen in July), Premier and Travellers Inn and Pradip Restaurant also park nearby; Parking dispute regarding rear service area; No place to load and offload; Carlton Avenue is in a controlled parking zone.

*Health & Safety*

Problem with rats at all properties using the service yard; No objection if applicants take full responsibility of clearing the yard, makes alternative arrangements for waste disposal and contract a pests removal company.

*Noise & Disturbance*

Will cause further potential noise and disturbance from traffic or car parking; Increase noise levels through the evening; Lancer resulted in higher cases of violence and disturbance being reported; Violent incidents to increase if granted.

*Character and appearance*

Abundance of pubs and restaurants on Kenton road, many problems arising from these; Will impact the character of the area; Reason submitted for recessionary period is not a valid reason, statistics prove restaurants are closing at a faster rate than retail outlets; Need stronger retail and not a road where every shop is a restaurant and parking is a mile away; Parade currently has prominent shops which have been doing good business for more than 5-10 years; Currently the rear yard is not monitored and that has lead to fly tipping and vehicles being dumped. Increase in litter and foot fall.

*Extract*

Extract flue will pollute air and smell rear yard and neighbouring properties; No objection if installed adjacent to Carlton Avenue and not service yard; Size and height of extract will restrict light into 2 Carlton Ave.

## **APPRAISAL**

### **1) Character and Appearance of the Area**

This application seeks permission for the change of use of 136 Kenton Road from A1 to A3. This would result in a reduction in the amount of retail frontage by 11.4m, bringing the total percentage of non-retail frontage in the centre to 29.2%. Policy EM18 permits the change of use of retail units in designated shopping frontages of local centres on the proviso that this would not lead to the length of frontage in non-retail use at street level in the centre exceeding 30% of the total. In this regard the proposal would be acceptable and in terms of some of the other caveats of this policy the proposal would also be in compliance, including the use being appropriate to a town centre and retaining an appropriate frontage. A harmful concentration of non-retail uses would not be created by the proposed change of use, the adjacent 4 units to the east having retail uses. It is therefore considered that, subject to the conditions proposed, this change of use would not detrimentally harm the vitality of this Local Centre or be detrimental to the character and appearance of the area.

### **2) Residential Amenity and Accessibility**

The principle of the change of use of this site is considered not to be detrimental in terms of its impacts upon the amenities of neighbouring residential occupiers. The site is located on a busy road which is classified as a London Distributor Road in the Council's UDP.

Given the current levels of activity and ambient noise levels it is considered that the impacts of any activity associated with the proposed use would be acceptable in this location.

In terms of accessibility, the unit has level access at present and as no significant changes are proposed in relation to the shopfront this situation would remain the same. The submitted plans show the provision of a wheelchair accessible WC.

**3) Parking and Highway Safety**

There is no objection to the proposed change of use on highway grounds, the site being located in an accessible location in terms of public transport. Off-street parking is available nearby, the rear service yard providing access to the site but no parking at present. Overall, it is considered that the proposed use can be adequately serviced without causing harm to highway safety and convenience.

**4) S17 Crime & Disorder Act**

The proposal is considered not to have any detrimental impacts with respect to this legislation.

**5) Consultation Responses:**

Apart from the points considered in the above sections, other issues raised are:

- *3000 sq ft restaurant and pub with approximate seating capacity of 150 will cause parking problems on adjacent roads* – The size of the proposed seating area is approximately 167m<sup>2</sup> (1800sq ft), accommodating approximately 40 covers. This application relates only to a change of use to a restaurant, not to a drinking establishment.
- *Parking dispute regarding rear service area* – (This is a civil matter.)
- *Carlton Avenue is in a controlled parking zone* – The majority of Carlton Avenue has no parking restrictions.
- *Health & Safety* – A condition is suggested requiring all storage is within the buildings, this should help ensure the development would not add to current infestation problems.
- *Extract* – This element of the proposal has been deleted and so these comments are not directly relevant to the revised proposal. However a suggested condition requires the submission of details for any works relating to the future provision of extraction and ventilation facilities.
- *Currently the rear yard is not monitored and that has led to fly tipping and vehicles being dumped. Increase in litter* – These are issues which should be reported to Environmental Health.
- *Violent incidents to increase if granted* – It is considered that a restaurant would not necessarily lead to an increase in public disorder, and that licensing and other legislation would ensure the acceptability of the proposal in this regard.

## **CONCLUSION**

This proposal for the change of use of the site to a restaurant (Class A3) does not conflict with the relevant non-retail policy EM18 of the UDP (2004). The site is located in a sustainable location and it is considered that the proposed use would not have an adverse impact upon local residential amenity. Details of ventilation and ducting will be safeguarded by condition if permission is granted.

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 this application is recommended for grant.

## **CONDITIONS**

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 No music or any other amplified sound caused as a result of this permission shall be audible at the boundary of any residential premises either attached to, or in the vicinity of, the premises to which this permission refers.

REASON: To ensure that the proposed development does not give rise to noise nuisance to neighbouring residents.

3 Storage shall not take place anywhere within the application site except within the building(s).

REASON: To safeguard the amenity of neighbouring residents.

4 The use hereby permitted shall not be open to customers outside the following times:-

10.30 hours to 23.00 hours, Monday to Saturday inclusive, and 10.30 hours to 22.30 hours on Sundays, without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents.

5 The development hereby permitted shall not commence until details of any external works required for ventilation and fume extraction have been submitted to, and approved in writing by, the local planning authority. The use shall not commence until those external works have been completed in accordance with the approved details. The works shall thereafter be retained.

REASON: To safeguard the visual amenity of neighbouring residents and the appearance of the building.

6 Any plant and machinery, including that for fume extraction, ventilation, refrigeration and air conditioning, which may be used by reason of granting this permission, shall be so installed, used and thereafter retained as to prevent the transmission of noise, vibration, and odour / fume into any neighbouring premises.

REASON: To ensure that the proposed development does not give rise to noise and odour / fume nuisance to neighbouring residents.



## **INFORMATIVES**

### **1 INFORMATIVE:**

**SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:**  
The decision to grant permission has been taken having regard to the policies and proposals in the London Plan and-or the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

Harrow Unitary Development Plan:

D4 Standard of Design and Layout

EP25 Noise

EM18 Designated Shopping Frontages of Local Centres

EM25 Food, Drink and Late Night Uses

T13 Parking Standards

Supplementary Planning Document 'Access for All' (2006)

### **2 INFORMATIVE:**

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

### **3 INFORMATIVE:**

The applicant's attention is drawn to the Council's policy to encourage developers to provide facilities for the separate storage and collection of different colour bottles for the purpose of recycling. The applicant should also note that such collections are carried out free of charge by the Council. Storage arrangements should be agreed with the Council's Cleansing and Transport Services Manager.

Plan Nos: 5535/1 Rev.B; 'Existing Side Elevation'; 'Existing Ground Floor Plan';  
'Existing Front Elevation'; 'Existing Rear Elevation'; Design & Access  
Statement

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**48 LADY AYLESFORD AVENUE, P/0830/09/FOD/E  
STANMORE**

**Item 2/02**

Ward: STANMORE PARK

SINGLE STOREY REAR EXTENSION WITH BASEMENT

**Applicant:** Mr Aron Sloma  
**Agent:** Mr Prakesh Patel  
**Statutory Expiry Date:** 09-JUN-09

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## **RECOMMENDATION**

**GRANT** permission for the development described in the application and submitted plans:

### **REASON**

The decision to **GRANT** planning permission has been taken having regard to the saved policies of the Harrow Unitary Development Plan 2004, listed below, and all relevant material considerations, as the proposed extensions to the dwellinghouse would provide a high standard of design, protecting the character and appearance of the residential area without impinging upon the amenity of the neighbouring occupiers, in accordance with policies D4 and D5 of the Harrow Unitary Development Plan (2004).

### **London Borough of Harrow Unitary Development Plan 2004**

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

Supplementary Planning Guidance – Extensions: A Householder's Guide 2008

### **MAIN CONSIDERATIONS AND POLICIES (London Plan & 2004 UDP)**

- 1) Scale and Character and Appearance of the Area (UDP policies D4 and D5 & Supplementary Planning Guidance – Extensions: A Householder's Guide 2008)
- 2) Residential Amenity (UDP policies D4 and D5 & Supplementary Planning Guidance – Extensions: A Householder's Guide 2008)
- 3) S17 Crime & Disorder Act (UDP policy D4)
- 4) Consultation Responses

### **INFORMATION**

This application is reported to the Committee at the request of a nominated member. The application was deferred from the Planning Committee on 22<sup>nd</sup> July 2009 for a Members' site visit. The site visit took place on 2<sup>nd</sup> September 2009. Since the Committee meeting of 22<sup>nd</sup> July, it has been observed that a rear conservatory has been added without authorisation onto the property. This is being investigated by the Planning Enforcement Section

#### **a) Summary**

Statutory Return Type: Householder  
Council Interest: None

**b) Site Description**

- The subject site is located at the southern end of Lady Aylesford Avenue. The sloping character of the area from north to south means the application site is at a higher level than the nearby properties to the south west. The rear garden is approximately 16m in depth.
- The site is occupied by a three storey detached dwelling house with Juliet balconies at first floor level on the rear elevation of the property.
- The dwelling is within the recently built Stanmore Park development and as such has had permitted development rights removed.
- The character of this part of the development is predominantly defined as terraced housing, with sporadic detached dwellings sited to create a staggered building line, as is the case with the application property.
- Adjacent neighbouring dwelling at No.46 has a single storey rear extension some 2.6m in depth.
- The adjacent site to the south accommodates a building containing four garages, with terraced houses bounding a roundabout to the south.
- The rear garden is enclosed by close boarded fencing and extends some 16 metres beyond the existing rear wall of the dwellinghouse.
- The area immediately to the south of the site is used as car parking space.

**c) Proposal Details**

- Construction of single storey rear and basement extensions.
- The proposed single storey rear extension would project 3m beyond the original rear wall of the dwelling and would match the 6.25m width of the original dwelling.
- The extension would have a flat roof over to a height of 2.73m.
- A basement is proposed to be constructed beneath the footprint of the proposed extension, with a 2.2m floor to ceiling height.

**d) Relevant History**

P/3158/08	Single/two storey rear and basement extensions, additional windows in first and second floor flank walls	REFUSED 11-DEC-08 APPEAL DISMISSED 20-MAR-09
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**Reason for Refusal:**

1. The proposed extensions, by reason of prominent siting, excessive scale, bulk and site coverage, rearward projection and unsatisfactory design, would be unduly obtrusive, result in loss of neighbouring light and privacy and give rise to a building which would be disproportionate to the size of the original dwellinghouse, to the detriment of the appearance and character of the area and the building, and the residential amenities of the occupiers of the adjacent properties, contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: 'Extensions: A Householders Guide (2008)'.

**e) Revision to previous application (P/3158/08)**

- Two-storey rear extension removed
- Depth of single storey rear extension reduced

**f) Pre-Application Discussion**

- None

**f) Applicant Statement**

- None

**g) Consultations**

Environment Agency: No objection.

Thames Water: Informative suggested

**Notifications:**

Sent: 9

Replies: 0

Expiry: 14-MAY-09

Summary of Responses:

- None

**APPRAISAL**

**1) Character and Appearance of the Area**

The site is located in the Stanmore Park estate which overall comprises development with a variety of forms and designs but includes within it areas with a high degree of uniformity and symmetry. In the decision on the appeal of the previous application (ref P/3158/08) the Inspector found that this uniformity and symmetry was a defining and attractive characteristic of the estate. The Inspector found that the application site contributes to the uniformity and symmetry of design in that it matches the forward siting and form of the property opposite at 69 Lady Aylesford Avenue and together these properties complement the symmetry of the houses and outbuildings at 50 and 71 Lady Aylesford to the south. Their contribution to the character and appearance of the estate is therefore considered significant.

In assessing the previous application the Inspector found that, given the significant contribution of the dwellinghouse to the character of the area, the addition of readily visible extensions to the property would be uncharacteristic of the area and would have a harmful appearance on the character and appearance of the area. Due to the fall in ground level from the application site down towards the properties to the south west, the proposed extension would be partially visible to the neighbouring occupiers' to the southwest, and from a small part of the street. The removal of the originally proposed first floor rear extension and reduction in the depth of the ground floor extension would considerably reduce the bulk of the proposal and its impact on the streetscene. Further, it is considered that the use of a flat roof in place of the previously contrived shallow pitched roofs would be more appropriate in this instance. The size and design of the extension complies with the SPG guidelines for a single storey rear extension to a detached property, and ensures that the proposal would not be obtrusive in the streetscene or harmful to the character of this part of the estate or the property itself.

The addition of a basement would not have an impact on the character and appearance of the area or the property.

**2) Residential Amenity**

The proposed extension would then align with the original main rear wall of the neighbouring property to the north, No.46, as it is set back from the application site by approximately 3m, and is at a slightly higher ground level. No. 46 also features a single storey rear extension which projects a further 2.6 metres beyond the rear wall of this property and it is therefore considered that there would be no additional impact on the living conditions of the occupiers of No.46 as a result of the proposal.

The nearest dwelling to the south would be some 32m away and would not suffer any undue overshadowing, loss of outlook or loss of privacy. Similarly, the adjoining properties to the rear are set away 10m from the proposed extension and it is considered that the development would not give rise to an objectionable loss of outlook or overshadowing, and given the absence of windows from the flank walls of the proposed single storey rear extension, no overlooking of the neighbouring properties would occur.

The proposed basement would not have an impact on the amenity of the neighbouring properties.

In dismissing the previous appeal on the site for the single and two-storey rear extensions and basement extensions, the Inspector concluded that there would be no unacceptably harmful effect on the living conditions of the neighbouring properties. Given the reduction in the scale of the current scheme, as discussed above, it is considered that there would be no undue impact on the amenity of the neighbouring properties, in accordance with Policy D5 of the HUDP (2004) and the Council's SPG on householder extensions.

**3) S17 Crime & Disorder Act**

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

**4) Consultation Responses**

N/A.

**CONCLUSION**

For all the reasons considered above, and weighing up the development plan policies and Supplementary Planning Guidance in relation to householder development, and other material considerations including comments received in response to notification and consultation as set out above, this application is considered to be acceptable and recommended for grant.

**CONDITIONS**

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

REASON: To comply with the provisions of Section 91 of the Town & Country Planning Act 1990.

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

REASON: To safeguard the appearance of the locality.

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

REASON: To safeguard the amenity of neighbouring residents.

### **INFORMATIVES**

#### **1 INFORMATIVE:**

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 CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: [communities@twoten.com](mailto:communities@twoten.com)

#### **2 INFORMATIVE:**

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

#### **3 INFORMATIVE:**

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Plan No.'s – 01, 2, 3, Site Plan

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**9 EASTERN AVENUE, PINNER, HA5 1NU**

**Item: 2/03**

**P/1239/09/FOD/E**

Ward PINNER SOUTH

**SINGLE STOREY SIDE TO REAR EXTENSION; EXTERNAL ALTERATIONS**

**Applicant:** Mr Zahir Khan

**Agent:** Mr Michael Burnand

**Statutory Expiry Date:** | 27-JUL-09

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## **RECOMMENDATION**

The decision to GRANT permission has been taken having regard to the policies and proposals in the London Plan and-or the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

Harrow Unitary Development Plan:

D4, D5 and SPG - Extensions: A Householders Guide (2008).

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## **MAIN CONSIDERATIONS AND POLICIES (2004 UDP)**

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

## **INFORMATION**

This application is reported to the Committee as a petition of 30 signatures opposing the proposal was received.

### **a) Summary**

Statutory Return Type: Householder  
Council Interest: None

### **b) Site Description**

- The subject site is located on the southern side of Eastern Avenue, the property contains a two storey semi detached dwelling, it has not been extended in the past.
- The neighbouring site to the west, no. 11 Eastern Avenue, it is located on the corner of Eastern Avenue and Hawlands Drive, it is a two storey semi detached property and shares a party wall with the subject dwelling. This property has a single storey rear extension to the western side of the dwelling.
- The neighbouring site to the east, no. 7 Eastern Avenue, is a two storey semi detached dwelling with an outbuilding in the rear garden.
- The surrounding area is characterised by two storey semi detached dwellings.

### **c) Proposal Details**

- To construct a single storey side to rear extension
- The proposed single storey side extension would project 2.2m from the flank wall of the existing dwelling and would extend to the eastern side boundary.
- It would extend from the main front wall of the dwelling and would project 3.5m past the main rear wall of the dwelling.
- The rear element would have a width of 3.5m as the proposed extension would follow the slightly wedge/irregular shaped boundary.

- The single storey rear extension would have a hipped roof with a height of 2.85m at the eaves and a height of 3.3m at the midpoint of the pitch.
- There would be a window in the front and rear elevation and a door in the western side elevation of the proposed rear element.
- The existing detached garage in the rear garden would be demolished

**d) Relevant History**

- None

**e) Pre-Application Discussion**

- None.

**f) Applicant Statement**

- None

**g) Consultations:**

**Notifications:**

Sent: 5

Replies: 34

Expiry: 07-JUL-09

**Summary of Response:**

- Dispute over boundary between neighbours
- Loss of light and overshadowing to neighbouring dwelling
- Removal of garage would result in loss of parking
- Any maintenance to the proposed extension would have to be done over neighbours land
- Ventilation would result in cooking smells extracted to neighbouring property
- The proposed side extension could result in a fire risk
- Would not be in keeping with the surrounding areas, many dwellings have space to the side
- The proposed extension would create terracing affect in the streetscene

**APPRAISAL**

**1) Character and Appearance of the Area**

The proposed single storey side to rear extension would not detract from the character and appearance of the surrounding residential area. The proposed extensions have been designed so that materials match the existing dwelling.

It is considered that the single storey side to rear extension would reflect the character of the existing house, it is a standard type of extension and would accord with the policies of the Harrow UDP and the SPG.

**2) Residential Amenity**

Due to the positioning and design of the proposed single storey side rear extension it is considered that it would not cause any unreasonable loss of amenity to surrounding neighbours.



The SPG outlines that single storey rear extensions should be to a depth of 3m on semi detached dwellings and have a maximum height of 3m at the midpoint of the pitch. Although the proposed rear element would have a depth of 3.5m and would exceed 3m in height it is considered that it would not have an unreasonable effect on the amenity of the neighbouring properties.

It is considered that as the proposed rear element would be sited 5.55m away from the shared boundary with no. 11 Eastern Avenue that it would not result in any unreasonable effect on the residential amenity of this dwelling. The SPG requires that rear extension should be limited to a depth of 3m, paragraph C.5 outlines that where a greater depth is acceptable the additional element should be set away from the boundary with an attached dwelling by twice the amount of additional depth - the 'two for one' rule. As the extension would be set approximately 5.5m away from the shared boundary with no. 11 Eastern Avenue it is considered that the extra 0.5m depth and 0.3m in height would not result in a loss of light or amenity to this neighbouring property.

It is considered that the proposed side to rear extension would not have an unreasonable effect on the amenity of no. 7 Eastern Avenue. The dwelling at no. 7 is set away from the shared side boundary and it is considered that the proposed side extension would not result in any loss of light. The proposed side extension would not have any windows to the flank wall and therefore there would be no loss of privacy to no. 7. The depth of the single storey rear element would be set away from the dwelling at no. 7 by approximately 5m and would therefore comply with the 'two for one' rule (see above).

There would be no loss of privacy to any neighbouring properties, any overlooking from the proposed windows on the rear elevation would be at oblique angles over neighbouring rear gardens.

It is considered that the proposal would have no material effect on the residential amenities of the neighbouring properties, and that the proposal would be compliant with the policies of the Harrow UDP and Supplementary Planning Guide: Extensions (2008).

**3) S17 Crime & Disorder Act**

The proposal is not expected to have any impact in relation to this legislation.

**4) Consultation Responses:**

- Boundary disputes are not within the remit of the council it is a civil matter
- Neighbouring amenity (loss of light) is dealt with in section 2 of the report
- Character of the area is dealt with in section 1 of the report
- The removal of the garage is not assessed in this report as it is not part of the application. The outbuilding can be removed under permitted development rights.
- Ventilation pipe location - this is outside of the remit of planning control and would be a matter for the Environmental Health department and Building Control
- Traffic and Parking – this application relates to a dwellinghouse. Accordingly, the requirement for parking spaces would remain the same as the existing situation for a single family dwellinghouse

- Fire risk – this is outside the remit of planning control and would be a matter for the Building Control Department

## **CONCLUSION**

It is considered that the proposal would have no material effect on the residential amenities of the neighbouring properties, and that the proposal would be compliant with the policies of the Harrow UDP and Supplementary Planning Guide: Extensions (2008).

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, this application is recommended for grant, subject to the following condition(s):

## **CONDITIONS**

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

REASON: To comply with the provisions of Section 91 of the Town & Country Planning Act 1990.

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

REASON: To safeguard the appearance of the locality.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no window(s) / door(s) shall be installed in the flank wall(s) of the development hereby permitted without the prior permission in writing of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents.

## **INFORMATIVES**

1 SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION - HOUSEHOLDER APPLICATION:

The decision to grant planning permission has been taken having regard to the policies and proposals in the Harrow Unitary Development Plan set out below, and to all relevant material considerations, including any comments received in response to publicity and consultation, as outlined in the application report:

Harrow Unitary Development Plan:

D4 Standard of Design and Layout

D5 New Residential Development - Amenity Space and Privacy

Supplementary Planning Guidance: Extensions: A Householders' Guide (March 2008)

2 INFORMATIVE:

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

3 INFORMATIVE:

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:

Item 2/03 : P/1239/09/FOD/E continued/...

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 CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: [communities@twoten.com](mailto:communities@twoten.com)

Plan Nos: 1704/A, and site plan

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**24 GORDON AVENUE, STANMORE, HA7 3QD**      **Item: 2/04**  
**P/0556/09/FOD/E**  
Ward STANMORE PARK  
DETACHED SINGLE/TWO-STOREY DWELLINGHOUSE IN SIDE GARDEN

**Applicant:** Mr & Mrs Colley  
**Agent:** The Hutchinson Studio Architects  
**Statutory Expiry Date:** | 06-MAY-09

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## **RECOMMENDATION**

**GRANT** permission for the development described in the application and submitted plans, subject to conditions.

The decision to recommend GRANT of planning permission has been taken having regard to the policies and proposals in The London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004, listed below, and all relevant material considerations, as the proposed development would achieve a high standard of design in a way that makes efficient and effective use of land whilst contributing to the provision of additional 'homes' targets, as detailed in The London Plan 2008, and would be acceptable in relation to its impacts upon the amenities of the neighbouring residents, ecology and the character of the area

### **National Planning Policy**

Planning Policy Statement 1 – Delivering Sustainable Development  
Planning Policy Statement 3 – Housing  
Planning Policy Statement 25 – Planning and Flood Risk

### **The London Plan 2008**

3A.1 – Increasing London's Supply of Housing  
3A.2 – Borough Housing Targets  
3A.3 – Maximising the potential of Sites  
3A.4 – Efficient use of stock  
3A.5 – Housing Choice

### **London Borough of Harrow Unitary Development Plan 2004**

D4 – The Standard of Design and Layout  
D5 – New Residential Development – Amenity Space and Privacy  
D9 – Streetside Greenness and Forecourt Greenery  
D10 – Trees and New Development  
EP11 – Development within Floodplains  
EP12 – Control of Surface Run-Off  
EP27 – Species Protection  
EP28 – Conserving and Enhancing Biodiversity  
EP29 – Tree Masses and Spines  
T13 – Parking Standards  
C16 - Access to Buildings and Public Spaces

Supplementary Planning Guidance: Extensions – A Householder's Guide (2008)  
Supplementary Planning Document: Accessible Homes (2006)

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**MAIN CONSIDERATIONS AND POLICIES (National Planning Policy, The London Plan 2008 and the saved policies of the London Borough of Harrow Unitary Development Plan 2004)**

- 1) Principle of Development (PPS1, PPS3, 3A.3)
- 2) Character and Appearance of the Area (3A.1, 3A.2, 3A.3, 3A.4, D4, D9, SPG: Extension's – A Householder's Guide 2008)
- 3) Residential Amenity (D5, SPG: Extension's – A Householder's Guide 2008)
- 4) Drainage, Wildlife Preservation and Trees (EP11, EP12, EP27, EP28, EP29)
- 5) Traffic and Parking (T13)
- 6) Accessible Homes (3A.5, C16, SPD: Accessible Homes 2006)
- 7) S17 Crime & Disorder Act (UDP policy D4)
- 8) Consultation Responses

**INFORMATION**

The application is referred to the Planning Committee at the request of a Nominated Member. The application was deferred from the Planning Committee on 22<sup>nd</sup> July 2009 for a Members' site visit which took place on 2<sup>nd</sup> September 2009.

**a) Summary**

Statutory Return Type: Minor Dwellings  
Council Interest: None

**b) Site Description**

- The application site is located on the southern side of Temple Pond and is accessed via a private driveway off Gordon Avenue to the east.
- The entrance road to the site serves the dwellinghouse on the site and the neighbouring property, No.26 Gordon Avenue. This driveway is approximately 70 metres in length and enclosed on both sides by mature vegetation.
- No.24 occupies a large site at the bottom of the driveway and the existing dwellinghouse on the site occupies an area on the western part of the site.
- The existing dwellinghouse on the site is sited sideways onto the Pond and comprises an attractive two-storey property which uses a variety of different brick and tile materials. The first floor of the property is contained within the extensive mansard roof of the dwelling. The property has been extensively extended to the north and rear whilst retaining a significant amount of open space around the dwellinghouse.
- Immediately to the front of the property is a large lawned garden which extends approximately 35-40 metres to the west. Beyond the garden in the area adjacent to the neighbouring properties, No.'s 18-22 Gordon Avenue, is an area of dense vegetation, consisting of various conifers and deciduous trees.
- A number of trees along the northern boundary of the property and two trees on the western side of the site are subject to Tree Preservation Orders (TPOs).
- The site lies within the Flood Plain of the Edgware Brook.
- The south-western boundary of the property is made up of hedgerows and mature trees.

- The neighbouring properties to the south, No.26 and 28 Gordon Avenue are large two and three storey semi-detached properties.
- The neighbouring properties to the south-west of the site, No.18-22 Gordon Avenue are substantial two-storey detached properties which benefit from generous rear gardens.

**c) Proposal Details**

- It is proposed to erect a two-storey detached dwellinghouse with single storey element in the garden of No.24 Gordon Avenue.
- The proposed dwellinghouse would be sited on the eastern part of the site and would have a footprint of approximately 200m<sup>2</sup> and the site would be split in two parts, with an area of 1270m<sup>2</sup> for the existing house and 810m<sup>2</sup> for the site of the new dwellinghouse.
- The principal elevation of the proposed dwellinghouse would be orientated towards Temple Pond to the north and this elevation is sited approximately 11.5 metres from the bank of Temple Pond.
- The dwellinghouse has been designed to reflect the character of the existing dwelling house on the site and features a mansard roof. The various materials to be used would largely reflect the materials used on the existing dwellinghouse on the site.
- The proposal has incorporated a modern design with a large central atrium providing the primary focus on the northern elevation of the dwellinghouse. Further fenestration is proposed on this elevation including four sets of patio doors on the ground floor and a balcony serving bedroom 2 on the western side of the first floor of the proposed dwellinghouse.
- The property would be accessed via the southern elevation of the property and an attached garage is also proposed on this elevation.
- The proposed garage would occupy a wedge shaped area on the southern part of the site with the southernmost wall of the garage running parallel and approximately 1 metre from the boundary of the property.
- An area of hardsurfacing is proposed adjacent to the entrance of the property and the garage which would be used as a driveway.
- The southern elevation of the property would feature a large bay window with high level windows centrally placed in the rear elevation. Rooflights and solar panels would be accommodated in the upper part of the mansard roof.
- Bin storage is proposed on the southern elevation, adjacent to the main entrance to the house.
- The proposal would result in the loss of some of the trees on the western and southern parts of the site. Garden sheds in the western part of the site would also be removed.

**Revision to previous application (P/1331/05/DFU):-**

- Scale, footprint and design of proposed dwellinghouse reduced and changed
- Siting of dwellinghouse moved further away from the lake
- Flood Risk Assessment and Arboricultural Survey submitted with current application

**d) Relevant History**

EAST/1161/99/FUL	TWO STOREY EXTENSIONS ON EACH SIDE AND, SINGLE STOREY REAR EXTENSION	GRANTED 21-JAN-01
P/1331/05/DFU	DETACHED TWO STOREY HOUSE IN SIDE GARDEN	REFUSED 04-AUG-05

**Reasons for Refusal:**

1. The proposed new dwelling by reason of excessive size and bulk would not appear well contained within the application site, representing overdevelopment, and by virtue of a prominent siting in relation to the adjacent dwellings, fronting Gordon Avenue, would appear unduly obtrusive and overbearing and give rise to unacceptable actual and perceived overlooking, to the considerable detriment of the visual and residential amenities of the occupiers of those adjacent properties, and the character of the locality.
2. The applicant has not provided sufficient information detailing trees that would be retained and trees that would be lost as a result of this development. The site is subject to a Tree Preservation Order and the loss of any protected tree or other mature tree from the site would be unacceptable and to the detriment of the character and appearance of the locality.
3. The application is not accompanied by a Flood Risk Assessment (FRA) as required by PPS 25. The site is located in Flood Zone 3 which is the high risk zone and is defined for mapping purposes by Environment Agency Flood Zones. Flood Zone 3 refers to land where the indicative annual probability of flooding is 1 in 100 years or less from river sources (i.e. it has a 1% or greater chance of flooding in any given year) or 1 in 200 years or less from tidal/coastal sources (i.e. a 0.5% or greater chance in any given year).
4. The proposed development is located in close proximity to the top of the Edgware Brook and Temple Pond. This will prejudice flood defence interests, restrict necessary access to the watercourse to carry out maintenance works, adversely impact upon any future river improvement schemes, have a negative impact upon the character of the river corridor and may cause the rivers bank to become destabilised consequently increasing the risk of bank erosion. An adequate buffer zone is also necessary to maintain the semi-natural character of the Edgware Brook/Temple Pond and provide undisturbed refuges for wildlife using the river corridor.

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- Design and Access Statement
- Existing property on the site is a brick built property with a mansard roof which has been extended
- Large site would be divided, retaining 1270m<sup>2</sup> for the grounds of the existing dwellinghouse and 810m<sup>2</sup> for the new property.
- Proposal developed in association with the Environment Agency

- Roof form, height and bulk reduced significantly from the previous proposal
- New dwellinghouse designed to harmonise with the existing dwellinghouse on the site
- Designed to be fully accessible

**g) Consultations:**

Drainage Section – No objections subject to conditions

Environment Agency – No objection subject to conditions

Biodiversity Consultant (Mouchel) – Adequate information submitted in relation to the impact upon bats and newts. No objection subject to conditions

Stanmore Society – Objection; proposal would be out of character with the area

Thames Water Utilities – No objection subject to informative

**Site Notice Posted:** 02-APR-2009

**Expiry:** 23-APR-09

**Notifications:**

Sent: 12

Replies: 1

**Expiry:** 03-APR-09

**Summary of Response:**

Development would be out of character with the area

## **APPRAISAL**

### **1) Principle of Development**

Paragraph 27(viii) of PPS1 promotes the more efficient use of land through the use of suitably located previously developed land and encourages bringing vacant and underused previously developed land back into beneficial use and this is re-iterated in London Plan policy 3A.3. Annex B of PPS3 states that 'previously developed land is land which is or was occupied by a permanent structure, including the curtilage of the developed land'. As the site comprises land within the curtilage of an existing dwellinghouse, it is considered to be previously developed land for the purposes of PPG3 and therefore housing development is appropriate in principle.

### **2) Character and Appearance of the Area**

The western part of Gordon Avenue is primarily characterised by large detached dwellinghouses. No.24 Gordon Avenue occupies one of the largest sites within the area (approximately 2100m<sup>2</sup>) and the existing dwellinghouse on the site has been extended on the western side. Adjacent properties in the area occupy sites varying between 600m<sup>2</sup> and 1500m<sup>2</sup>. The existing and proposed dwellinghouses would occupy sites of approximately 1270m<sup>2</sup> and 810m<sup>2</sup> respectively. The footprint of the proposed dwellinghouse would be approximately 200m<sup>2</sup>. It is considered therefore that subject to acceptable details in relation to the scale, siting and design of the proposal, the proposed dwellinghouse would respect the context and scale of the residential area, in accordance with policy D4 of the HUDP (2004) and the existing house would be contained within a plot of appropriate size.



Close attention has been paid to the design of the proposed dwellinghouse in following similar design principles to that of existing property. The proposed dwellinghouse would mirror the design and form of the existing dwelling on the site, while the use of a mansard roof would reduce the bulk of the two-storey element of the dwellinghouse. The proposed dwellinghouse has been designed as a 'baby' version of the existing dwelling on the site. The proposed design and scale of the dwellinghouse would therefore satisfy policy D4 of the HUDP (2004) which requires a high standard of design and layout in all development proposals and would reflect the character of the existing dwelling on the site.

The building has been orientated towards Temple Pond and the area of public open space to the north of the pond. On the northern elevation, it is considered that the width of the proposed dwellinghouse and the use of a centrally placed focal point, i.e. central glass atrium, would provide an acceptable aspect to the Pond. The use of materials to reflect those of the existing dwellinghouse would create an appropriate relationship between the new dwellinghouse, the existing dwellinghouse and the extensively wooded surrounds of the property.

The ground floor of the southern elevation of the property would predominately comprise the attached garage. The design of this element has been reassessed to significantly reduce its bulk and the proposed flat roof is now considered acceptable. The reduced height of the attached garage on the southern elevation would prevent it dominating this elevation. Whilst the southern elevation would not display prominent features, the rear bay window would act as a focal point, serving to break up the massing of the rear elevation.

Despite the loss of some trees from the western and southern parts of the site, it is considered that the site would remain significantly screened by mature vegetation on the boundaries, providing an attractive setting for the proposed dwellinghouse. Measures to protect the remaining trees on the site will be discussed further in paragraph 4 below.

Land between the Pond and the proposed building would remain as a garden area, and this would benefit the character of the area.

The refuse bins are proposed to be stored on the southern elevation of the dwellinghouse, and given the siting of the dwellinghouse away from the established streetscene along Gordon Avenue and the significant levels of vegetation screening the western side of the proposed dwelling, the proposed location of the refuse bins is considered acceptable.

It is considered that the proposed development has taken account of the unique and distinctive characteristics along Gordon Avenue and the surrounding areas, while paying close attention to the design and form of the existing dwellinghouse on the site and therefore, the proposed dwellinghouse would respect the scale and character of the property and that of the residential area, in accordance with policies D4 and D9 of the HUDP (2004).

### **3) Residential Amenity**

The proposed development shows a garden area of over 300m<sup>2</sup> next to the Pond for the new house whilst retaining an area of over 500m<sup>2</sup> for the occupiers of the existing dwellinghouse. Similarly, the dwellinghouse would occupy a satisfactory setting in relation to the neighbouring properties being sited approximately 14 metres from the eastern elevation of the existing dwellinghouse on the site. The nearest dwellinghouse outside of the existing dwellinghouse on the site would be some 25-30 metres away.

No windows are proposed in the western and eastern flank walls save for the small first floor window on the eastern side of the property. Given the oblique angle this window would have with the neighbouring rear gardens, the extensive screening and vegetation retained on the eastern boundary of the property and the distance of the window from the rear walls of the neighbouring dwellinghouse, it is considered that a condition requiring this window to be obscure glazed would minimise any potential loss of the privacy of the neighbouring properties. Similarly, the balcony proposed on the northern elevation closest to the eastern boundary of the property would not have any direct overlooking of the neighbouring rear gardens and would be significantly screened from these properties.

The windows on the northern elevation of the property would not have an impact on the amenity of the neighbouring properties, being sited over 100 metres from the nearest residential properties to the north.

No windows or openings are proposed in the western elevation and it is considered that the separation distance between the existing and proposed dwelling would preclude any overbearing or overshadowing impact. Although the entrance and driveway to the properties would be sited on the side closest to the principal elevation of No.24, it is considered that any additional noise or disturbance arising from comings and goings of occupiers and visitors would be consistent with a suburban location such as this.

On the southern elevation, two rooflights and some high level fenestration in the bay window are proposed. It is considered that the separation distance of the proposed southern elevation from the closest dwellinghouse to the south and the use of high level windows which would not serve habitable rooms would negate any potential overlooking of these properties.

### **4) Drainage, Wildlife Preservation and Trees**

The application site is located within the flood plain of the Edgware Brook and the applicant has given careful consideration to the constraints of the site in this regard, with the proposed dwellinghouse being sited approximately 11 metres from the banks of Temple Pond. The Council's Drainage Section and the Environmental Agency have both agreed that the potential impacts of flood risk on the site and elsewhere could be mitigated by the imposition of conditions. As suggested by the Environment Agency, a 4 metre wide buffer zone has been provided as part of the proposal in order to retain access to Temple Pond for any reparatory works that may be required in future years.

The applicant has submitted ecological and habitat surveys in relation to the presence of newts and bats on the site. The Council's Biodiversity Consultant has determined that negative impacts upon these species are unlikely subject to the relevant conditions attached.

Whilst some trees are proposed to be removed on the site, the Council's Tree Officer has determined that those trees to be removed are not of significant amenity value and the protected trees on and adjacent to the site would not be affected by the proposal. The most important trees on the northern and eastern boundaries of the site are to be retained and as such, conditions relating to the retention and protection of those trees that are proposed to be retained would preclude any negative impacts on the tree species on the site.

**5) Traffic and Parking**

Given the established nature of the driveway to the site and the provision of sufficient parking spaces on the site for the potential occupiers of the dwellinghouse, it is considered that there would be no detrimental impacts upon highway or pedestrian safety as a result of the proposal.

**6) Accessibility**

The proposed dwellinghouse has been designed as a Wheelchair Accessible Home, with the addition of a chairlift to the first floor. A disabled wet room has been included in the proposal and internal and external door widths and turning circles would be sufficient to accommodate wheelchair users. Level access is provided throughout and parking spaces would be of sufficient width and depth to provide for disabled users, in accordance with policy C16 and the Council's SPD on Accessible Homes.

**7) S17 Crime & Disorder Act**

It is considered that the proposed development does not have any adverse crime or safety concerns.

**8) Consultation Responses**

The concerns expressed about the impact of this development on the character of the area are discussed at length above. No other comments have been received.

**CONCLUSION**

The proposed new dwelling house has been positioned so as to minimise overlooking of adjoining properties. The scale design and layout would be compatible with adjoining residential properties and the host dwelling.

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above this application is recommended for grant, subject to the following condition(s):

## **CONDITIONS**

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

REASON: To comply with the provisions of Section 91 of the Town & Country Planning Act 1990.

2 The development hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces noted below have been submitted to, and approved in writing by, the local planning authority:

(a) the extension/building(s)

(b) the ground surfacing

(c) the boundary treatments

The development shall be completed in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the appearance of the locality.

3 The surfacing shall EITHER be constructed from porous materials, for example, gravel, permeable block paving or porous asphalt, OR provision shall be made to direct run-off water from the hard surfacing to a permeable or porous area or surface within the curtilage of the site.

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development which would otherwise fall within Classes A, B, E and F in Part 1 of Schedule 2 to that Order shall be carried out without the prior written permission of the local planning authority.

REASON: To safeguard the trees on the site and the amenity of the neighbouring occupiers

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

REASON: To safeguard the amenity of neighbouring residents.

6 The hall window(s) in the first floor southern flank wall of the proposed development shall be of purpose-made obscure glass.

REASON: To safeguard the amenity of neighbouring residents.

7 The development hereby permitted, as detailed in the submitted and approved drawings, shall be built to Lifetime Homes Standards, and thereafter retained to those standards.

REASON: To ensure provision of 'Lifetime Homes' standard housing in accordance with the policies of the Harrow Unitary Development Plan.

8 The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area, as shown on the approved drawing.

REASON: To safeguard the appearance of the locality.

9 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided.

10 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Conisbee dated November 2008 Ref: 080162/HMH and the following mitigation measures detailed within the FRA:

- Identification and provision of a safe dry route into and out of the site during a 1 in 100 year flood event (including climate change).
- Finished floor levels are set no lower than 300mm above the 1 in 100 year (climate change) flood level of 74.69 m above Ordnance Datum (AOD).
- Provision of an 8m buffer zone from the watercourse and 4m wide access route to the defences to provide access for maintenance purposes.

REASON: To ensure safe access and egress from and to the site, to reduce the impact of flooding on the proposed development and future occupants and to protect and enhance biodiversity.

11 The development of any buildings hereby permitted shall not be commenced until surface water attenuation / storage works have been provided in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To prevent the increased risk of flooding.

12 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the details specified in paragraphs 6.0 and 7.0 and Appendix 2 of the Arboricultural Report (conducted by Marishal Thompson and dated 10/03/2009) and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected.

13 Any external lighting of the existing or proposed dwellinghouses should use sodium lamps instead of mercury or metal halide lamps in order to minimise disturbance to bats. Any external lighting should be directed downwards using a shield and be fitted with motion sensors to avoid permanent illumination, in accordance with details to be submitted and approved in writing by the Local Planning Authority, prior to the installation of any such lighting. The details shall be installed as approved and retained as such thereafter.

REASON: In order to minimise the effects on protected species in the locality.

## **INFORMATIVES**

### **1 INFORMATIVE:**

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

### **2 INFORMATIVE:**

**IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences**

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

### **3 INFORMATIVE:**

Notwithstanding the note on your submitted plan(s), this decision has been made on the basis of measurements scaled from the plan(s), unless a dimensioned measurement overrides it.

### **4 INFORMATIVE:**

Note: guidance on permeable paving has now been published by the Environment Agency on

<http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens>

Plan Nos: HS0607/P/002 – Rev A, HS0607/P/100 – Rev B, HS0607/P/101 – Rev B, HS0607/P/102 – Rev B, HS0607/P/103 – Rev A, HS0607/P/105 – Rev A, HS0607/P/200 – Rev B, HS0607/P/300 – Rev B, HS0607/P/301 – Rev B, HS0607/P/302 – Rev B, HS0607/P/303 – Rev B, HS0607/P/304 – Rev B, 2071 – Rev A, Design and Access Statement, Great Crested Newt Habitat Suitability Survey (received 28/05/2009), Bat Survey (received 04/06/2009), Arboricultural Report (received 10/03/2009), Flood Risk Assessment (received 10/03/2009), Tree Protection Plan (1b –R1 – received 10/03/2009)

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**102A WOOD END ROAD, SUDBURY HILL, HA1 3PT**

**Item: 2/05**

**P/1078/09/EJ/W**

Ward Harrow on the Hill

DEMOLITION OF EXISTING GARAGES AND CONSTRUCTION OF A PAIR OF SEMI-DETACHED BUNGALOWS WITH DORMER WINDOWS IN REAR ELEVATION

**Applicant:** Mr J L Lyons

**Agent:** Mrs Louise Barnard

**Statutory Expiry Date:** | 23-JUL-09

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## RECOMMENDATION

The decision to GRANT permission has been taken having regard to the policies and proposals in the London Plan and-or the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

Harrow Unitary Development Plan:

D4, D5 and SPG - Extensions: A Householders Guide (2008).

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## MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Character and Appearance of the Area and Residential Amenity (D4, D5 & SPG)
- 2) Loss of employment (EM15)
- 3) Contaminated Lane (EP22)
- 4) Creation of a new dwelling (D4, D, SPD (2006)
- 5) Accessible Homes (T13, London Plan Policy 3A.5, SPD)
- 6) S17 Crime & Disorder Act (D4)
- 7) Consultation Responses

## INFORMATION

This application is reported to the Committee at the request of a Nominated Member.

### a) Summary

Statutory Return Type: Minor Dwellings  
Council Interest: None

### b) Site Description

- The subject property is located on the southern side of Wood End Road down a driveway.
- There is currently a single storey detached garage on the property
- The neighbouring property to the north, no 104-110 is a purpose built block of four flats
- The neighbouring property to the north east, no 102 Wood End Road, is a semi detached property
- The surrounding area is characterised by semi detached properties and flats.

**c) Proposal Details**

- Demolition of the existing single storey garages and construction of a pair of semi detached bungalows with accommodation in the loft
- Each dwelling would contain 1 bedroom in the roof space with living area at ground floor level.
- The proposed bungalow would be 5.7m high at the highest point of the ridge the roof would be gabled at both ends. The proposed dwelling would measure 11.25m wide and 6.35m deep. The proposed house would be set 1m in from the northern boundary and 1m from the southern boundary
- Room sizes: living room – 14.5m<sup>2</sup>, bathroom – 5.6m<sup>2</sup>, kitchen - 5.3m<sup>2</sup>, the bedroom would be the entire first floor with restricted ceiling height for some of the space.
- The bin store (6 bins) would be located to the eastern side of the driveway
- The rear garden would be divided to allow two private amenity spaces (102A approx 100m<sup>2</sup> and 102B approx 50m<sup>2</sup>)
- The proposed dwellings would be in the same location as the existing garage.
- There would be a rear dormer window in each of the proposed dwellings

**Revisions to Previous Application:**

Following the previously refused application P/3456/08 for a pair of semi detached dwellings with dormer windows in the rear elevation

- Revised layout of the bathroom to provide more space between bathroom furniture
- It is mentioned in the design and access statement that the driveway would be graded to provide level access.
- A soil report has been submitted with the application outlining that the property has a low risk of soil contamination.

**d) Relevant History**

W/497/95/VAR	Continued use of garages 1-4 for storage of builders materials and office files	REFUSED 21-NOV-95 ALLOWED ON APPEAL 14-FEB-97
P/392/06/DFU	Single storey detached building for use as builders workshop and store	GRANTED 12-APR-06
P/1170/06/DFU	Single storey detached building with two dormers for use as builders workshop and store	GRANTED 16-MAY-06
P/1502/07/DFU	Pair of semi detached dwellings with dormer windows in the rear elevation	REFUSED 30-JULY-07



**Reasons for Refusal:**

1. The proposal would result in the loss of employment site for which there is need to retain to preserve employment in the borough and in the absence of sufficient justification for such loss the proposal is contrary to the objectives of policy EM15 of the Harrow Unitary Development Plan (2004).
2. The applicant has failed to demonstrate that the land would be contamination free and in the absence of such information/justification the proposed residential development would be inappropriate as any contamination of the land would be harmful to the amenities of the future occupiers of the site contrary to policies D4 and EP22 of the Harrow Unitary Development Plan (2004).

P/2656/07/DFU	Pair of semi detached dwellings with dormer windows in the rear elevation	REFUSED 31-OCT-07
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**Reasons for Refusal:**

1. The proposal would result in the loss of employment site for which there is need to retain to preserve employment in the borough and in the absence of sufficient justification for such loss the proposal is contrary to the objectives of policy EM15 of the Harrow Unitary Development Plan (2004).
2. The applicant has failed to sufficiently demonstrate that the land would be contamination free and in the absence of such information the proposed residential development would be inappropriate as any contamination of the land would be harmful to the amenities of the future occupiers of the site contrary to policies S4 and EP22 of the Harrow Unitary Development Plan (2004).

P/3456/08	Demolition of existing garages and construction of a pair of semi detached bungalows with dormer windows in rear elevation	REFUSED 18-DEC-08
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**Reasons for Refusal:**

1. The applicant has failed to sufficiently demonstrate that the land would be contamination free and in the absence of such information the proposed residential development would be inappropriate as any contamination of the land would be harmful to the amenities of the future occupiers of the site contrary to policies S4 and EP22 of the Harrow Unitary Development Plan (2004).
2. The proposal by reason of its unacceptable layout and failure to comply with Lifetime Home Standards would provide substandard accommodation to the detriment of the amenities of future occupiers of the site, contrary to policy 3A.5 of the London Plan (2008), policies D4 and D16 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance, Extensions; A Householders Guide (2006).

**e) Pre-Application Discussion**

- None.

**f) Applicant Statement**

- See Design and Access Statement

**g) Consultations:**

- Highways Engineer: No comment
- Tree Officer: No objection
- Design and conservation:
  - back land site,
  - poor relationship to existing block 104-110
  - Amenity impact on 102 (and 104-110) arising from driveway/access road and potential noise/disturbance,
  - Bulky, obtrusive design on its backland context
  - Frontage hardsurfacing – excessive and visually obtrusive
  - No opportunity for soft landscaping to foil the development

- Drainage engineer:

**CONDITION:**

The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

**REASON:** To ensure that adequate drainage facilities are provided.

**CONDITION:**

The development of any buildings hereby permitted shall not be commenced until works for the disposal of surface water have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

**REASON:** To ensure that adequate drainage facilities are provided.

**COMMENTS:**

The development of any buildings hereby permitted shall not be commenced until surface water attenuation / storage works have been provided in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

**REASON:** To prevent the increased risk of flooding.

- Waste officer: no comment
- Crime Prevention Design Advisor: no comment

**Notifications:**

Sent: 10

Replies: 1

Expiry: 18-JUN-09

**Summary of Response:**

- Backland development
- Detrimental to neighbours and environment due to population density, noise, carbon emissions and car exhaust
- Applicant would make a huge profit from the development
- The location of the proposed bins would inhibit safe pedestrian movement and would be difficult for rubbish trucks to access
- Small parking area
- concern over waste water connection
- potential unlicensed dumping could have taken place in time periods missed by the submitted soil report

- Concern over trees on site and neighbouring property
- The existing garages could be marketed for storage use, have not attempted to sell the garage.
- concern over safety at night with regards to access to the property

## **APPRAISAL**

### **1) Character and Appearance of the Area and Residential Amenity**

The site has the benefit of permission (application P/1170/06/DFU) for a similar sized building, but for use as a business workshop and store. The footprint and the design of the proposed development would be very similar to the approved building except for some internal alterations to make is satisfactory for residential purposes. Issues relating to residential amenity were considered in this case and issues relating to overlooking from the dormer windows and obtrusiveness were addressed.

It is considered that the partially constructed building would not have an unreasonable effect upon the character and appearance of the area and would not have a detrimental effect on the amenity of the neighbouring dwellings. In effect the proposal involves its adaptation to two semi-detached bungalows within the footprint and profile.

In officers view there is not likely to be any adverse impact upon the level of daylight to and outlook from the nearest residential properties as per the previously approved application.

### **2) Loss of employment**

Policy EM15 states that the Council will resist the loss of land or buildings from business, industrial or warehouse use or other uses outside these classes unless it can be clearly demonstrated that the site is no longer suitable or required for employment use. This policy aims to preserve employment within non-designated sites. The criteria to determine whether a site is no longer suitable or required for employment includes *inter alia* (C) satisfactory evidence that the site has been extensively marketed for B1, B2 and B8 use; and (D) the site has been vacant for some time.

The applicant has submitted details regarding the marketing of the property, it states that the property was marketed for twelve months and there were no inspections or serious interest. It is considered that the proposal complies with Policy EM15 as it has been extensively marketed and has been vacant since April 2007 and therefore there is no objection in principle to the proposed loss of the employment use of the site.

### **3) Contaminated Land**

The reasoned justification of policy EP22 states that it is important that remedial measures are undertaken safely and ensure the health and safety of future occupiers of any new development. Hazardous Substances warning signs were noted on site and subsequent to the previous refusal the applicant has confirmed that paint and white spirits are/were stored on the site.

A soil report by J.L.Lyons and Company Limited summarises that the site does not appear to have been used for any potentially contaminative historical uses. There are no sites with hazardous substance consents identified within 1000m of the site. The site has an overall low risk to future site users.

It is considered that the proposed residential development on the site would be appropriate and would not prejudice the amenities of the future occupiers of the site. The application would be in accordance with Policy EP22.

#### **4) Creation of New Dwellings**

It is proposed to provide a pair of single storey semi detached dwellings with accommodation in the roof and rear dormers.

The available space at the rear would be divided into two. It is considered that amount of amenity space for the proposed houses 100m<sup>2</sup> and 50m<sup>2</sup> respectively would be comparable to the character of the surrounding area. It is considered that the layout of the amenity space would be sufficient as a useable amenity area for the occupiers of the proposed development.

The forecourt adjacent to the property could provide two car parking spaces with the potential to be enlarged to 3.3m to accommodate a disabled space however none is demonstrated. The bin store (comprising of 6 bins) would be located toward the front of the front of the plot, and would not be visible from the street. The location away from the windows would help mitigate any nuisance smells for the future or neighbouring occupiers.

It is considered that residential development may be acceptable on the site. It is considered that there would not be any detriment to the amenity of neighbouring occupiers or the character of the locality if permission were to be granted.

#### **5) Accessible Homes**

As this is a new development it is considered reasonable to expect the new dwelling to comply closely with Lifetime Homes standards as found within the '*Accessible Homes*' SPD. The applicant's accompanying Design and Access statement states that the proposal would meet Part M of the Building regulations which is noted.

The points of access to and egress from the house would be level via a graded driveway. The proposal would overcome previous reasons for refusal regarding lifetime homes. The proposed ground floor bathroom would now comply with lifetime homes (point 14) and would provide adequate space between bathroom furniture for a wheelchair user. The proposed stairs have also been redesigned to allow for a potential stair lift.

#### **6) Traffic and Highway Safety/Parking**

There is provision for two car park spaces in front of the proposed dwelling and it is therefore unlikely that the proposed dwellings would result in any unreasonable impacts to the traffic and parking situation in the area.

There are also public transport options including the Sudbury Underground and Overland Stations and local bus services.

**7) S17 Crime & Disorder Act**

The proposal is not expected to have any impact in relation to this legislation.

The Councils crime prevention design advisor had assessed the previous application and noted that there is an issue with the development being at the end of a long driveway, which due to the high hedges and ground floor windowless gable ends of the adjacent property, creates a corridor effect with no natural surveillance from neighbours and passers by.

The application states that the site is covered by CCTV and that alarm systems and security lighting would be incorporated into the proposed development.

A condition has been attached to ensure that crime and safety issues are be addressed.

**8) Consultation Responses**

Over population and noise – addressed in section 1 of the report

Profit – Not a material planning consideration

Parking and highway safety – addressed in section 6 of the report

Waste water connection – this is not within the remit of the planning department, this issue would be addressed by the building control department

Soil contamination – addressed in section 3 of the report

Marketing of garages – addressed in section 2 of the report

Crime and safety – addressed in section 7 of the report

**CONCLUSION**

It is considered that the proposal has overcome the previous reasons for refusal as the scheme now provides a level access to address lifetime homes and a contamination report outlines the property is contamination free. For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, this application is recommended for grant, subject to the following condition(s):

**CONDITIONS**

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

REASON: To comply with the provisions of Section 91 of the Town & Country Planning Act 1990.

2 The development hereby permitted to match the materials submitted with the application and described as the following:

Brick – Lingfield Red Multi

Roof Tile: Redland Rustic Red 78

The development shall be carried out in accordance with these submitted details and shall thereafter be retained.

REASON: To safeguard the appearance of the locality , and meet Policy D4 of the Harrow Unitary Development Plan 2004).

3 Before the hard surfacing hereby permitted is brought into use the surfacing shall EITHER be constructed from porous materials, for example, gravel, permeable block paving or porous asphalt, OR provision shall be made to direct run-off water from the hard surfacing to a permeable or porous area or surface within the curtilage of the site.

Please note: guidance on permeable paving has now been published by the Environment Agency on

<http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens>.

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding.

4 The development hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works which shall include a survey of all existing trees and hedgerows on the land, indicating those to be retained and those to be lost. Details of those to be retained, together with measures for their protection in the course of the development, shall also be submitted and approved, and carried out in accordance with such approval, prior to any demolition or any other site works, and retained until the development is completed. Soft landscape works shall include: planting plans, and schedule of plants, noting species, plant sizes and proposed numbers/densities.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

6 The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area, as shown on the approved drawing.

REASON: to safeguard the appearance of the locality.

7 The development hereby permitted, as detailed in the submitted and approved drawings, shall be built to Lifetime Homes Standards, and thereafter retained to those standards.

REASON: To ensure provision of 'Lifetime Homes' standard housing in accordance with the policies of the Harrow Unitary Development Plan.

8 The development hereby permitted shall not be occupied or used until the forecourt parking space shown on the approved plans has been made available for use. The space shall be allocated and retained for use by the occupants of the ground floor flat only and shall be used for no other purpose without the prior written permission of the Local Planning Authority.

REASON: To ensure suitable parking provision for people with disabilities in association with the provision of 'Lifetime Homes Standards' housing.

9 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.  
REASON: To ensure that adequate drainage facilities are provided.

10 The development of any buildings hereby permitted shall not be commenced until works for the disposal of surface water have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.  
REASON: To ensure that adequate drainage facilities are provided.

11 The development of any buildings hereby permitted shall not be commenced until surface water attenuation / storage works have been provided in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.  
REASON: To prevent the increased risk of flooding.

## **INFORMATIVES**

### **1 INFORMATIVE:**

#### **SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:**

The decision to grant permission has been taken having regard to the policies and proposals in the London Plan and-or the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

London Plan:3A.5 Housing Choice

Harrow Unitary Development Plan:

D4 The Standard of Design and Layout

D5 New Residential Development - Amenity Space and Privacy

D9 Streetside Greenness and Forecourt Greenery

EP25 Noise

T13 Parking Standards

Supplementary Planning Guidance: Extensions, A Householders Guide (2008)

Supplementary Planning Document 'Accessible Homes (2006)

"Code of practice for the storage and collection of refuse and materials for recycling in domestic properties (Version 2.2, 2008)"

### **2 INFORMATIVE:**

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

### **3 INFORMATIVE:**

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 CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: [communities@twoten.com](mailto:communities@twoten.com)

#### 4 INFORMATIVE:

**IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences**

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.

- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.

- Beginning development in breach of a planning condition will invalidate your planning permission.

- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

#### 5 INFORMATIVE:

Please note that guidance on permeable paving has now been published by the Environment Agency on

<http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens>

Plan Nos: Unnumbered plan titled Proposed Two Dwelling Units At 102A Wood End Road, Phase One Desk Study Report, site plan, block plan and design and access statement



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**294 UXBRIDGE ROAD, HATCH END**

**Item: 2/06**

**P/0555/09/RH/MAJ**

Ward **MARLBOROUGH**

**CHANGE OF USE OF PART OF GROUND FLOOR SHOP (CLASS A1 USE) TO RESTAURANT (CLASS A3 USE) WITH ANCILLARY A1 RETAIL EXTRACT FLUE ON REAR ELEVATION , AND FORECOURT SEATING AREA**

**Applicant:** Mr A Surace

**Agent:** JPB ARCHITECTS

**Statutory Expiry Date:** | 19-MAY-09

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The application was deferred from the 22<sup>nd</sup> July 2009 Planning Committee for further clarification regarding the proposed and existing use of the unit. During the course of this application the applicant started operating a café and restaurant from the premises installing an enclosed outdoor seating area to the front and along the side of the premises. It is noted that the outdoor seating to the front of the site was outside the defined application site. In addition, while a retail element had been included within this scheme the internal layout was different from the drawings submitted with the application. Committee members requested clarification on what was being sought as part of the proposed development.

The applicant has advised that they would like committee to consider the scheme that was originally submitted and that if permission is granted they intend to change the internal layout of the unit to accord with the approved drawings. Additional drawings have been submitted detailing the proposed outdoor seating area, this includes elevations of the proposed means of enclosure and seating layout. A revised application form and site plan has been submitted to include the area to the front of the site that was previously outside the application site area and certificate B has been completed and a notice served on the land owner. As a result of the amendments to the site scheme the application was re-notified. Any additional consultation responses will be addressed by addendum.

The proposed seating area to the side and front of the site are considered to be an appropriate form of development with the street scene and the Hatch End local shopping area. As discussed in the body of the report the impact of the outdoor seating area can be controlled satisfactorily by condition restricting the hours of use of this area., and preventing further encroachment upon the remaining forecourt area.

### **RECOMMENDATION**

The existing development involves the beneficial use of a former vacant unit into an A3 restaurant use, with an element of A1 use a shop front and external seating area. The continuation of this use will contribute towards the needs of locals and visitors to the area. It would also contribute positively to the character and vitality of the area and would be consistent with a previous appeal decision on the site. The decision to grant permission has been taken having regard to the policies and proposals in the London Plan and-or the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

**The London Plan Policies:**

3D. 1 Supporting town centres, 3D.2 Town centre development, 3D.3 Maintaining and improving retail facilities, 4B.1 Design principles for a compact city, 4B.5 Creating an inclusive environment, 4B.6 Safety, security and fire prevention and protection  
Planning Policy Guidance 6 – Retail

**Harrow Unitary Development Plan:**

S1 The Form of Development and Pattern of Land Use, SEM2 Hierarchy of Town Centres, EP25 Noise, D4 The Standard of Design and Layout, T6 The Transport Impact of Development Proposals, T13 Parking Standards, EM7 Redevelopment of Retail Premises, EM18 Change of Use of Shops - Designated Shopping Frontages of Local Centres

Supplementary Planning Guidance ‘Access for All’

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**MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance).**

- 1) Principle of Development (SEM2, EM7, EM18)
- 2) Design and Character of Area, (D4, SPG; 4B.1)
- 3) Neighbourhood Amenity (D4, EP25)
- 4) Parking and Highway Safety (T6, T13)
- 5) Accessibility (D4, SPG)
- 6) S17 Crime & Disorder Act (D4)
- 7) Consultation Responses

**INFORMATION**

**a) Summary**

Statutory Return Type:

Site Area: 154m<sup>2</sup>  
Car Parking: Standard: 1  
Justified: 1  
Provided: 1

Council Interest: None

**b) Site Description**

- The subject site comprises a two-storey end terrace situated at the junction of Uxbridge Road and Grimsdyke Road.
- The ground floor was formerly being used for the sale of bathroom furniture and products and the upper floor comprises 6 flats.
- The site is identified in the local plan as being located within the Hatch End local shopping area
- The site adjoins a garage to the north of the site and service road that accesses the garage and other properties located to the rear of Uxbridge Road.
- The remaining properties in the same terrace (No's 294 to 352) are a mix of retail and non-retail uses.

**c) Proposal Details**

- The application involves an A3 restaurant, teashop and gelateria on part of ground floor. The application site excludes the first 7m of the shop extending back from the Uxbridge Road frontage. The plans indicate that this part of the ground floor would be refurbished as tea shop and gelateria. The food sold in the shop would be cold and would need to be reheated/cooked off the premises.
- A restaurant/café area with seating for approximately 30 people is proposed at the rear half of the ground floor unit. Beyond that ancillary store rooms, toilets, wine store and kitchen.
- The kitchen would include a bakery and the food baked here would be used in the restaurant and sold in the shop.
- An external flue is proposed along the northern elevation below the first floor windows of the flats on the upper floors and first floor roof top balcony.

**d) Relevant History**

LBH/42676	Change of Use retail A1 to A3 Wine Bar	REFUSED 13-MAY-91 DISMISSED 31-OCT-91
WEST/44322/92/FUL	Change of use retail A1 to A3	REFUSED 16-03-92 DISMISSED 23-OCT-92
EAST/163/94/FUL	Change of use retail A1 to A3	REFUSED 10-OCT-94
WEST/1227/02/FUL	Change of use A1 to restaurant/gelateria	REFUSED 04-MAR-03 ALLOWED 06-NOV-03
P/2030/04/CFU	Change of use retail A1 to public house A3 as part of ground floor	REFUSED 09-DEC-04 DISMISSED 30-NOV-05
P/455/05/DFU	Conversion to provide 6 flats and first floor rear extension and roof extension with front and side dormers	APPROVED 20-APR-05

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- Application is for A3 restaurant, teashop and gelateria on part of ground floor. The 2003 and current application excludes the first 7m of the unit extending back from the Uxbridge frontage. This was to be refurbished as an Italian delicatessen specialising in the sale of imported goods and food and Italian food produced on the premises. No change of use of this area is therefore involved;

- The change of use permitted in 2003 and sought now involves the area to the rear of this, which would be restaurant/café area with seating for approximately 30 persons. Beyond this would lie ancillary storage rooms, toilets, wine store and kitchen;
- The kitchen would include a bakery and would be used for food to be eaten in the restaurant as well as for sale in the shop. Food sold in the shop would be cold and would need to be reheated elsewhere;
- At the time of the appeal in 2003 the statutory policy was S15 this indicated that exceptions to retail use at ground floor would only be permitted if they avoid harmful concentration of non-retail uses and to ensure that non retail uses do not exceed 30% of the designated retail frontage. This policy was replaced by EM18 when the appeal was heard. This was taken into account by the inspector, when it was referred to as draft policy EM19;
- The application satisfies the five criteria in policy EM18: the proposed use is plainly appropriate to the centre; the length of frontage in retail use would remain unchanged; the premises can be serviced without causing harm to highway safety; a 2003 condition requires window display to be approved by the Local Planning Authority, this condition remains acceptable to the applicant; the proposal would not cause harm of in terms of non retail use because its frontage activity will be continue to be retail;

**g) Consultations:**

**Advertisement:**                      Site Notice                      Expiry: 14-APR-09

**Notifications:**  
Sent: 110                                      Replies: 9                      Expiry: 17-APR-09  
6 objections, includes 2  
from the Hatch End  
Association  
2 in support

**Summary of Response:**

Object: to premises becoming entirely A3 use. Hatch End has excessive amount of restaurants especially within vicinity of this site. Use would result in night time disruption and cooking smells. Seating could accommodate 42 persons when the outdoor area is included and this would mean more activity and noise disturbance for local residents, and an increase in demand for parking.

The parking shown at the rear of the site does not appear to be within the site plan. The hours should be restricted to those approved at appeal - 09.30 to 22.00 hours, the out door seating area should be enclosed to prevent encroachment on the pavement and furniture should be taken in at night.

The unit has been used as a café for more than a month; Little evidence of retail use and no window displays; No bakery and in excess of 30 seats inside the unit Enclosed terrace that could accommodate 40-50 customers outside, this area is within the forecourt area and should be part of a new application

Support: the proposal will support the vitality of the town centre, very few new businesses are opening at the moment and new enterprises should be encouraged.

## **APPRAISAL**

It is considered that the main issues of the case relates to the principle of the proposed change of use to a non-retail use in the unit and the impact that this would have on the vitality and viability of the Hatch End local shopping centre. The application also raises secondary issues relating to the appearance of the proposed extract ducting to the rear of the property and potential noise and odour nuisance to adjoining residential properties.

### **1) Principle of Development**

Policy SEM2 of the Harrow Unitary Development Plan defines the town centre hierarchy of the borough, identifying the Hatch End centre as a local centre. Local centres are predominately retail in character providing day-to-day shopping facilities and a limited range of local services, and are of particular benefit to people without access to a car or those with restricted mobility. Local centres also provide opportunities for small, independent traders who cannot afford premises in prime locations and for specialist uses, which do not depend on passing trade or require prime sites.

Policy EM7 of the UDP seeks to promote the provision of new retail schemes in accordance with the shopping hierarchy outlined in policy SEM2. Where the redevelopment of outdated retail premises is proposed, the Council will ensure that adequate levels of shopping facilities within designated centres and local shopping parades are retained. Where an increase in non-retail floorspace/frontage is proposed policies EM16-EM20 will be applied as appropriate.

Policy EM18 of the UDP seeks to retain existing commercial units within the Hatch End centre in retail use in the interests of the vitality and viability of the town centre and to enable the retail centre to meet its identified core function.

Policy EM18 also defines the circumstances in which alternative, non-retail uses will be accepted within local centres. The policy states that non-retail uses will be accepted where the following criteria is met.

- a) the proposed use is appropriate to the centre and will improve the range of services available to local residents to help meet their days needs;
- b) the length of the frontage in non-retail use at street level in the centre (including any outstanding permissions) would not exceed 30% of the total designated frontage of that centre;
- c) the premises can be adequately serviced without causing harm to highway safety and convenience;
- d) a window display or other frontage appropriate to the shopping area is maintained; and
- e) a harmful concentration of non-retail uses is not created or added to

The application proposes to retain a retail function in the front part of the unit, in the form of a sales counter, shopping aisles and window displays which does not need permission and the proposed A3 use class café/restaurant would occupy the rear half of the premises. Policy EM18 of the UDP also addresses the provision of ancillary retail activity at the front of a non-retail use unit, stating that in calculating the retail occupancy of the shopping frontages, the floor space behind the frontage should be maintained primarily for shopping use.

An appeal against non-determination for the same development at the site was allowed in 2003 (PINS ref. 03/1115324) and permission granted for a similar A3 use with an ancillary retail counter. In this decision, the Inspector placed significant weight on emerging policy EM19 of the Review UDP, but based his decision on his assessment that the requirement for no more than 30% non-retail activity in a centre was an arbitrary number that should be regarded “as a guideline, not as an absolute ceiling or limit”. The Inspector also found that the proposed alterations to the unit would retain the appearance of a shop and that the proposal would not result in a harmful concentration of non-retail uses and these factors were given significant weight in allowing the appeal.

The shop unit has a fairly regular width of frontage to Uxbridge Road and this frontage would continue to relate directly to the retail use that would be retained within the premises. A window display would be installed and the large, full-length window would allow a good view of the retail section of the proposed layout, which would retain a retail floorspace to the foremost part of the unit. It is therefore clear that the unit would retain the appearance of a retail use as viewed by shoppers and passers-by along the busy Uxbridge Road.

A retail survey for the Hatch End local centre undertaken in June 2008 found that 33.5% of the commercial units of the Hatch End designated shopping frontage were occupied by non-retail uses. Given the Inspectors comments with regard to this “threshold” and that the total non-retail units within the local centre only marginally exceeds 30%, it is considered that the principle of the development is consistent with the aims of policy EM18 in this particular instance.

It is further considered that the proposed part retail, part café uses proposed for the shop unit would complement each other well as customers are likely to taste the foods and products in the café and then purchase products from the shop to the front. In this manner, it is likely that the proposed use would attract as many, if not more customers than if the premises were retained entirely as retail floorspace. This point was also made by the Inspector for the 2003 appeal, who found that concerns that the proposal would not generate as much passing trade as a sole retail use had been overstated. The hours of the shop and café would also be consistent with normal retail uses in the area and, if successful, would attract visitors to the area during normal shopping hours, as well as in the evenings.

It is therefore considered that the proposed use would contribute positively to the character, vitality and viability of the Hatch End local shopping area.

For the above reasons, the principle of the proposed change of use to part retail, part café use of the premises is considered consistent with the aims of policies 3D.1, 3D.2 and 3D.3 of the London Plan and policies S1, SEM2, EM7 and EM18 of the Harrow Unitary Development Plan.

## **2) Design and Layout**

Policy D4 of the UDP states that the Council will expect a high standard of design and layout in all development proposals. The proposal would involve the installation of an extractor flue to the rear elevation of the building. This would be a relatively minor installation that would be positioned alongside the existing extractors and A/C units, just below the first floor windows of the rear elevation. This is considered the most appropriate siting for the extractor flue, given that it would serve the kitchen to the rear of the ground floor unit, would discharge well away from the upper floor windows and would not appear visually obtrusive within the locality.

It is considered that the proposed extractor flue would not be harmful to the character or appearance of the surrounding area and the proposal is considered consistent with policy D4 of the Harrow UDP in this regard.

## **3) Neighbourhood Amenity**

Policy D5 of the Harrow Unitary Development Plan 2004 requires new development to protect the amenity of occupiers of surrounding buildings. Policy EP25 of the Harrow Unitary Development Plan seeks to minimise noise disturbance, and states that development proposals that would lead to unacceptable level of noise, vibration or disturbance will be refused.

The residential properties nearest to the application site are the upper floor flats in the same building. Although a certain level of disruption is usually associated with café/restaurant uses, this particular use is intended predominantly as a daytime café and the hours of business would be restricted to no later than 2200 hours on any day. Seating within the proposed café area would also be restricted to no more than 30 customers and the use of the outdoor seating area would be controlled by conditions restricting the hours of use. These measures would help to limit the impact on neighbouring properties in terms of general disruption and noise. The proposed use would be meet existing noise limits under Environmental Health legislation and a planning condition is also recommended in this regard.

It is also recommended that a condition be imposed to require full details of the extraction system and external ducting to be submitted to the LPA for further approval prior to commencement of the development. This would ensure that the noise and vibration arising from the equipment would be kept to acceptable levels and that the development would not unduly harm the amenities of the upper floor flats and other nearby residential properties.

On balance and subject to appropriate conditions, it is considered that the proposed change of use is acceptable in accordance with policies D4 and DP25 of the Harrow Unitary Development Plan.

**4) Parking and Highway Safety**

Schedule 5 of the UDP indicates a maximum requirement of 1 parking space for the proposed part A1/part A3 use. There is 1 parking space identified on the submitted drawings, located directly to the rear of the building. This would presumably be used as a staff parking bay. Given the location of the site within the Hatch End local shopping area, the relevant parking standard and Government guidance, which aims to reduce car parking levels associated with development, the proposal is considered acceptable on parking grounds.

There is a rear access door serving the ground floor unit and service vehicles would therefore park to the rear of the premises from Grimsdyke Road. This is considered a safe and satisfactory arrangement and would ensure that service vehicles would not be parking on the main Uxbridge Road.

With due regard to policy 4B.6 of the London Plan and policies T6 and T13 of the Harrow UDP and subject to appropriate planning conditions, it is considered that the proposal is acceptable on parking and highways safety grounds.

**5) Accessibility**

Policy C17 of the Harrow UDP seeks to ensure that all development relating to retail facilities, leisure, recreation and other services adequately address the needs of disabled people, parents with children, the elderly and other people with special needs.

The proposed ground floor plan submitted indicates that the main entrance would be fitted with an 1100mm wide, level access to allow access for wheelchairs and a condition is recommended in this regard. Accordingly, this aspect of the development is considered to comply with the requirements of policy C17 of HUDP.

**6) S17 Crime & Disorder Act**

Policy D4 of the Harrow Unitary Development Plan 2004 advises that crime prevention should be integral to the initial design process of a scheme. Policies 4B.1 and 4B.6 of the London Plan (consolidated with alterations since 2004) seeks to ensure that developments should address security issues and provide safe and secure environments.

The hours of operation for the proposed use would be restricted to 0930 to 2200 hours. The site is located within an established local shopping area that is served by CCTV and street lighting. It is considered that there are no specific crime prevention issues that warrant a refusal of the application.

**7) Consultation Responses**

- The application does not propose a full A3 use but would retain an A1 retail element as discussed.
- It is considered that the change of use would not result in an over-concentration of A3 uses in the area and the proposal would contribute to the vitality of the Hatch End local shopping area.



- With regards to night time disruption and cooking smells, the premises would be required to operate in accordance with relevant Environmental Health legislation and planning conditions are recommended relating to hours of operation, details of extraction system/flue and restriction of use, i.e. no hot food takeaway.
- Given the location within the local centre and Local/Central Government initiatives to reduce car use, it is considered that the proposal would not result in any significant increase in demand for parking. 1 car parking space would be provided to the rear of the building and the proposal is consistent with the relevant parking standard.
- The hours of operation would be restricted to 09.30 to 22.00 hours and any pavement seating would require a separate license from the Council.
- In this case, for the reasons outlined in this report and subject to appropriate controls, the matters raised in the representations are not considered to alter the overall conclusions in respect of the proposal.
- As discussed in the background section, the applicant has submitted revised drawings and an amended application form to include the outdoor seating area to the front of the site. As the area to the front of the site is not within the ownership of the applicant, he has also served a notice on the owner of this land. The application was renotified following receipt of this additional information. As mentioned previously in the report it is recommended that the outdoor seating is subject to a condition restricting the hours of use of the seating within this area to between 0930 hours and 1900 hours.

## **CONCLUSION**

Taking into account the previous appeal decision, the fact that part of the premises will remain in A1 use and subject to strict controls upon the restaurant's hours of use, parking and ventilation details and installation, on balance the proposal is considered acceptable.

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above, this application is recommended for grant, subject to the following conditions:

## **CONDITIONS**

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

REASON: To comply with the provisions of Section 91 of the Town & Country Planning Act 1990.

2 The development hereby permitted shall not commence until full details of the proposed extractor system and external ducting including system specifications, noise output and vibration levels have been submitted to, and approved in writing by, the local planning authority. The level of noise emitted from the extract shall be lower than the existing background level by at least 10 LpA. Noise levels shall be determined at one metre from the window of the nearest noise sensitive premises. The measurements and assessments shall be made in accordance with B.S. 4142.

The background noise level shall be expressed as the lowest LA90 during which plant is or may be in operation. Following installation but before the extract comes into operation additional measurements of noise from the unit must be taken and a report demonstrating that the plant as installed meets the design requirements shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the amenity of neighbouring residents and the character of the locality, in accordance with policies D4 and EP25 of the Harrow Unitary Development Plan.

3 As shown on the plans hereby approved, the main customer entrance shall be fitted with a 1100mm wide, level access and shall be retained permanently as such thereafter.

REASON: To ensure ease of access for wheelchair users, in accordance with policy D4 of the Harrow Unitary Development Plan and Supplementary Planning Guidance 'Access for All'.

4 The use hereby permitted shall not be open to customers outside the following times: 0930 to 2200 hours Monday to Sunday inclusive, without prior written consent of the Local Planning Authority.

REASON: To safeguard the amenity of neighbouring residents, in accordance with policies D4 and EP25 of the Harrow Unitary Development Plan.

5 The development hereby permitted until details of the proposed window display, including lighting thereof, have been submitted to, and approved in writing by, the Local Planning Authority. The display shall be installed in accordance with the approved details and retained in that form for the duration of the use hereby permitted.

REASON: To ensure that the appearance of a retail shopfront is retained and to protect the character and appearance of the locality, in accordance with policies SEM2, EM7 and EM18 of the Harrow Unitary Development Plan.

6 The outdoor seating area shall not be open to customers outside the following times: 0930 to 1900 hours Monday to Sunday inclusive, without prior written consent of the Local Planning Authority.

REASON: To safeguard the amenity of neighbouring residents, in accordance with policies D4 and EP25 of the Harrow Unitary Development Plan.

## **INFORMATIVES**

### **1 INFORMATIVE:**

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

### **2 INFORMATIVE:**

The London Borough of Harrow seeks to encourage Secured by Design accreditation where appropriate. This is a national police initiative that is supported by the Home Office Crime Reduction & Community Safety Unit and the Planning Section of the ODPM. It is designed to encourage the building industry to adopt crime prevention measures to assist in reducing the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments.

Item 2/06 : P/0555/09/RH/MAJ continued/...

It is recommended that the applicant apply for this award. For additional information, please contact the Borough Crime Prevention Design Advisor through the Crime Reduction Unit, Harrow Police Station, 74 Northolt Road, Harrow, Middlesex, HA2 ODN, tel. 020 8733 3465.

3 INFORMATIVE

Compliance with Food Safety (General Food Hygiene) Regulations advice. The premises may be required to register with the Council as a food business and to comply with the requirements of the Food Safety (General Food Hygiene) Regulations 1995 and the Food Safety Act 1990.

4 INFORMATIVE

All constituent parts of the new plant shall be maintained and replaced in whole or in part as often is required to ensure compliance with the noise levels approved by the Local Planning Authority. The installation should further not emit tones or other specific sounds which might cause subjective disturbance. To this end, a frequency spectrum or noise rating curve for the (proposed) plant should be part of any report.

Plan Nos: 0903/TP.01, 0903/TP.02, 0903/TP.03 A, 0903/TP.04 A, site location map  
Covering letter submitted 24<sup>th</sup> March 2009

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**32 OAKHILL AVENUE, PINNER HA5 3DN**      **Item: 2/07**  
**P/1102/09/SB5/W**  
Ward: PINNER

DEMOLITION OF EXISTING DWELLING HOUSE AND REDEVELOPMENT TO PROVIDE 2 X 2 STOREY DETACHED DWELLINGS WITH INTEGRAL GARAGES AND NEW VEHICULAR ACCESSES

**Applicant:** Mr Stephen Coulson  
**Agent:** Mr Anwar Hasham  
**Statutory Expiry Date:** | 29-JUL-09

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## RECOMMENDATION

Plan Nos: 1269 OS2 F; 1269 OS3; 1269 11 REV K; 1269 12 REV F; Design and Access Statement

## REASON

The decision to GRANT permission has been taken having regard to the policies and proposals in the London Plan and-or the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report. It is considered that proposed dwellings would be compatible with the scale and design of the existing pattern and type of development.

The London Plan:

- 3A.1: Increasing London's supply of housing
- 3A.2: Borough housing targets.
- 3A.4: Efficient use of stock
- 3A.5: Housing choice

Harrow Unitary Development Plan 2004:

- D4 The Standard of Design and Layout
- D5 New Residential Development – Amenity Space and Privacy
- D9 Streetside Greenness and Forecourt Greenery
- D10 Trees and New Development
- T13 Parking Standards

Planning Policy Statement 3: Housing

- Supplementary Planning Guidance, Extensions; A Householders Guide (2008)
  - Supplementary Planning Guidance, Designing New Development (2003)
  - Supplementary Planning Document 'Accessible Homes'" (2006)
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## MAIN CONSIDERATIONS AND POLICIES (National Planning Policy, The London Plan 2008 and the saved policies of the London Borough of Harrow Unitary Development Plan 2004)

- 1) Principle of Development (H10, London Plan: 3A.1, 3A.2, 3A.4, 3A.5)
- 2) Character and Appearance of the Area (D4, D9, SPG)
- 3) Residential Amenity (D4, D5, SPG)
- 4) Parking Standards (T13)
- 5) Accessibility (London Plan 3A.5, SPD)
- 6) Trees (D10)

- 7) S17 Crime & Disorder Act (D4)
- 8) Consultation Responses

**INFORMATION**

**This application is reported to the Planning Committee on the request of the Nominated Member.**

**a) Summary**

Statutory	Return	Minor dwelling	
Type:			
Car Parking		Standard	3.2
		Justified	4
		Provided	4
Lifetime Homes:		2	
Wheelchair		0	
Standards:			
Council Interest:		None	

**b) Site Description**

- Existing bungalow on the east side of Oakhill Avenue within large site with a 25.5m width and an area of approximately 870m<sup>2</sup>.
- Subject building is set in front of southerly adjacent bungalow 'Darlands' by a maximum of 6.2m, following a bend in the road.
- Northerly adjacent two-storey dwelling at No.34 is spaced well away from the shared boundary at 8m and has numerous ground and first-floor windows in the facing flank wall.
- No overall coherent pattern of development in the street scene with bungalows and houses built at different times and in varied styles but prevailing character of detached dwellings set in wide plots.
- Un-adopted road, maintained by local residents.
- Plot slopes from the house situated higher at 34 Oakhill Ave in the north down to the bungalow situated at No. 30 in the south.
- Protected kitchen window in the flank elevation of No. 30 at approximately mid-depth.
- A number of trees on the plot, none of which are protected.

**c) Proposal Details**

- Demolition of existing bungalow and splitting of site into two sites – northerly and southerly.
- Northerly site to comprise a 4 bed detached house with a front gabled feature and one front dormer with matching gable; house would have a width of 9.6m and a maximum height of 8.9m, and with an approximate rear garden area of 201m<sup>2</sup>.
- Southerly site to comprise a 4 bed detached house with a front gabled feature and one front dormer with matching gable; house would have a width of 9.6m; and a maximum height of 8.9m, and with an approximate rear garden area of 182m<sup>2</sup>.
- Both dwellings would have a basement level providing storage, w/c and a den.
- New vehicle access to serve each house and new front garden layouts proposed.

**Revisions to Previous Application:**

Following the previous decision (P/0326/08) the following amendments have been made:

- The houses have been revised to be the same style, design and size, with the same internal layouts.
- The houses would have a basement level

**d) Relevant History**

P/0102/07	Demolition of existing dwelling and redevelopment to provide 2 x two storey detached dwellings with integral garage, new vehicular accesses	REFUSED 30-MAR-07
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**Reasons for Refusal:**

1. The proposed dwellings by reason of their layout, bulk, height and staggered siting would give rise to unsatisfactory relationship between the proposed houses and the existing adjacent dwellings in the vicinity having an unacceptable overbearing, enclosing and overpowering impact on the nearby existing houses and the proposed house (southern side) resulting in a loss of outlook and amenities to future occupiers of the site and the adjacent occupiers. The proposal would also be visually intrusive, overbearing and dominant on the street scene to the detriment of the character of the area contrary to policies SD1, SH1, D4, D5 and D9 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance; `Designing New Development` (2003) and Supplementary Planning Guidance; `Extensions: A Householders Guide` (2003).
2. The proposal has failed to demonstrate adequate provision for people with disabilities, compliance with Lifetime Homes Standards and adequate and satisfactory provision for refuse storage to the detriment of the amenities of future occupiers of the site provision for refuse storage contrary to policies SD1, D4, D5, D8, D9 and H18 of the Harrow Unitary Development Plan (2004), and Supplementary Planning Document; `Accessible Homes` (2006) and Supplementary Planning Document; `Access for All` (2006).

P/0326/08	Demolition of existing dwelling house and redevelopment to provide 2 x 2 storey detached dwellings with integral garages and new vehicular accesses	REFUSED 12-MAY-08
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**Reason for Refusal:**

1. The proposed development, by reason of poor design and layout, particularly of the three bedroom house, would appear to be incongruous and unbalanced in the street scene and would give rise to a loss of residential and visual amenity to the neighbouring properties to the detriment of the character of the area, contrary to HUDP policy D4.

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- This application is supported by a comprehensive Design and Access statement, which is summarised below:
  - Design of proposal arises from the residential character of locality;
  - Siting, scale and detailed design accords closely to the size, position, form and scale of the robustly independent aesthetic of Oakhill Avenue;
  - Integral garages also follow local precedent;
  - North-south orientation of Oakhill Avenue means that daylight and sunlight matters not an issue;
  - The proposed buildings lines makes due allowance for the neighbouring dwellings;
  - The siting of the southern dwelling ensures that the vertical access to light of the protected windows to 30 Oakhill Avenue is unhindered;
  - Proposal to replace a single storey dwelling with two, two storey dwellings is not contrary to planning policies and is in keeping with national effort to use existing developed (or 'brownfield') sites more intensively in order to maximise the use of scarce resources and public services in accordance with PPS 3;
  - Proposal incorporates all the requirements to meet the policy of Lifetime Homes;
  - It is the applicant's intention to review renewables should the application be successful;
  - Consideration will be given to sola water heating, photo-voltaic and wind turbine electricity generation in addition to the provision of thermal installation;
  - There is sufficient amenity space within the scheme;
  - Landscaping scheme will be prepared if required to meet any condition;
  - Sourcing of materials from local suppliers wherever possible and selection to reflect and enhance the character of the area;
  - Due consideration will also be given to overall 'carbon' footprint of the construction process as well as to the finished development;
  - Each dwelling allows three off-road car parking spaces including use of the proposed garages;
  - Integral garages provide the security and facility to accommodate any cycle parking;
  - A separate brick bin enclosure is provided for each house of sufficiently size to accommodate the three bins for each household;
  - Sustainability issues are an important aspect of the design and will be emphasised in the detailed specification of materials for construction.

**g) Consultations**

The Pinner Association: Objection

1. Your Council's UDP requires new development to take into account the character and landscape of the locality within which it is to be built. It should have regard to the scale and character of the surrounding environment. This proposed development does not meet these criteria.

The pre-dominant characteristic of Oakhill Avenue is that of an area of low density, well detached properties on large plots set back from the road. There is a sense of spaciousness.

The application is for a squashed over-development of the site.

2. The massing and bulk of the proposed new dwellings would be too great. They would be over-dominant both in the streetscene and in relation to neighbouring properties. Being set forward their visual prominence would be emphasised.
3. PPS1 states that “design which is inappropriate is its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted”. We feel that this is such a case.  
Seeking to erect two such substantial houses, each with four bedrooms plus a basement and a large roofspace which could subsequently be given a use, on this plot is simply too much. Trying to put a quart into a pint pot would not improve the character and quality of the area. On the contrary it would be seriously detrimental to it. Two such tall and narrow houses should not be allowed in this location and on a plot this size.
4. It is our understanding that Oakhill Avenue (both the carriageway and footpath) is an unadopted public highway. If the part of the footpath / verge co-extensive with this property is owned by the applicant who has incorporated it into his front garden by means of a low fence then surely it remains subject to public rights and should not be built or parked upon. Indeed it should be a condition of any consent that it be re-instated.
5. Following on from the previous paragraph the on site parking proposed is not satisfactory. First, it seeks to make use of parts of the footpath / verge area. Secondly the parking in line proposed would be both unsightly and require frequent vehicular movements.
6. Were any planning consent to be granted for this site now or in the future the applicant should be required by condition or S106 agreement (as appropriate) to make up and thereafter maintain the carriageway of Oakhill Avenue co-extensive with the property.

Drainage Engineers: No objections subject to standard drainage conditions imposed

**Notifications:**

Sent: 52

Replies: 25

Expiry: 01-JUL-09

Summary of Responses:

- Not in keeping with character of road, houses have hardly any front garden;
- Overdevelopment of site;
- Loss of bungalow – which are at a huge premium in the borough – not in the public interest to demolish perfectly good bungalow;
- A 3 storey development – height of proposed houses would dwarf neighbouring bungalow;



- Narrow houses - only 9m wide compared to other houses;
- Will reduce light;
- Loss of privacy;
- Staggered siting of the houses would give rise to unsatisfactory relationship between the proposed houses and the existing;
- Difficulty in accessing the site by potential wheelchair users as road is unmade;
- New basement could effect foundations of neighbouring house – subsidence;
- Grass verge – there is a clear defined footpath on the other side of road – contrary to applicants design and access statement – part of the grass verge has been included into the application, which is communal land this would be a reduction in amenities;
- Existing drainage problems – existing drains cannot cope;
- Additional traffic causing noise and disturbance and cause damage to already unstable and unsafe road;
- Car parking – several cars park at front would be a safety hazard and inconvenience to all neighbours;
- Due to change in legislation a garage can no longer claimed as a car park space;
- Harassment of neighbours – planning applications has been seen in conjunction with other repeated planning applications at No.39 Oakhill Avenue – owners are working together – owners are developers – want to make unjustifiable profits at the expense of Oakhill Ave residents;
- Owners refused to contribute to the road improvement funds in 2003 and hence blocked the scheme at the top end of the road – increased load of traffic would deteriorate and add load to the made up part of the road – construction traffic would cause damage to road – damage to man-hole covers;
- Any approval of planning permission should stipulate that road outside 32 and top of Oakhill Avenue must be made up;
- Impact on Human Rights and Fundamental freedom – Article 8 – proposed two storey houses will overlook neighbours and shows little respect for private and family life;
- Restrictive Covenants preventing more than one dwelling house being built on one plot;
- Will set a precedent for future development;
- S.106 contributions – what are the scale of contributions;
- Burning materials on site would cause nuisance;
- Trees shown on plan in a indicative way only – a proper topographical survey should be provided;
- If permission is allowed then following conditions should be imposed:
  - Reduce height of houses;
  - No windows on second floor;
  - More parking provided;
  - Reinstate boundary at front – allowing public access to front verge;
  - Developer pays damage to drainage systems;
  - Developer pays for any subsidence to neighbouring property;
  - Developer to pay for resurfacing of upper end of Oakhill Avenue;
  - Developer pay or make good any part of the re-surfaced part of Oakhill Ave.

## **APPRAISAL**

### **1) Principle of Development**

National and Local planning policies seeks to maximise the use of previously developed land to provide for future housing needs. Policy 3A.1 of the London Plan sets out the target for housing supply for each London Borough, for Harrow this being a provision of 4,000 additional homes for the next ten years and an annual monitoring target of 400. It is considered that the principle to redevelop this site for residential development would be in accordance with the London Plan policies 3A.1 and 3A.3, subject to further material considerations addressed below.

### **2) Character and Appearance of the Area**

#### Dwellings

Oakhill Avenue has no single distinct style of architecture, rather the street is characterised by a number of differing styles of dwelling, both single and two storey. The prevailing character of the road is defined by each dwelling being detached and set within relatively wide sites. It is considered that the provision of two houses on the site would be acceptable in principle. The site is to an existing width of over 25m and the splitting of the site into two would result in two sites of comparable widths to that within the locality.

The previously refused application (P/0326/08) was considered to be of a poor design and layout, particularly in relation to the proposed dwelling adjacent to 'Darlands' and that this would appear to be incongruous and unbalanced in the street scene. The proposed dwelling in question was a contemporary design with a low sloping roof running down its southerly flank. The proposed dwellings in this instance are identical and of a traditional architectural style, providing a balanced appearance in the street. The dwellings feature front gable features on the left and one front dormer on the right. It is considered that the overall architectural style of the houses would overcome the previous reason for refusal and would not be harmful to the character and appearance of the area and is therefore considered to be acceptable.

The siting of the houses would see the southern house positioned 2.215m from the boundary shared with the neighbouring bungalow at Darlands. The northern house would have a wider gap to the northern boundary at 2.8m at the front, reduced down to 2.345m toward the rear. The spacing between the proposed houses would be 2.0m. The separation of the houses would be acceptable. Nearby two storey houses have similar gaps and so this close proximity of the houses would not be out of character in the street. The relationship between the proposed houses and the respective adjacent houses is considered to be comparable to the pattern of development in Oakhill Avenue. The large open flank side of No.34 together with a maximum 2.6m spacing of the northerly proposed house would ensure a wide spacing between these dwellings. The proposed southern house would be sited 4.745 metres forward of the corner of 'Darlands'. It would however be set behind the level of the existing bungalow and the provision of a low-sloping roof to the front of the dwelling on this side, only reaching full ridge height some 6.3m back from the front wall adjacent to 'Darlands', is considered to remove a sufficient amount of bulk and reduce the prominence of the dwelling to an acceptable level in the streetscene.

The proposal would therefore not have any further impact on Darlands compared to the existing situation. Further to this it is considered that the layout would be consistent with the staggered building line on this slight bend in the road. The proposal is therefore considered to be acceptable in terms of the character and appearance of the area.

#### Forecourt Treatment

Policy D9 states that the Council will seek to achieve and retain a high quality of street side greenness and forecourt greenery in the borough. The amount of streetside greenness and forecourt greenery is an important determinant of the character of Oakhill Avenue and surrounding streets. The proposed forecourt would have provision for 4 car parking spaces 1 in each of the integral garages and 1 in each of the driveways. The 2 external spaces would be capable of being widened to 3.3m to accommodate disabled parking spaces.

As noted, D4 states that the Council will expect a high standard of design and layout in all developments including adequate refuse storage. The proposed bin store for the northern house would be located on the northern boundary at the side of the dwelling. The proposed bin store for the southern house would be located on the southern side of the dwelling. The location of these would not be highly visible thus preserving the street scene. The front garden layout displays sufficient potential for adequate levels of soft landscaping. This element of the proposal is considered to be acceptable with the attachment of a landscaping condition to supplement the landscaping in accordance with policy D9.

### **3) Residential Amenity**

The siting of the southerly proposed house would not encroach over the level of the protected window in the flank wall of 'Darlands' and therefore would not interrupt an upward 45° plane from the window. It is therefore considered that no harmful impact would be imposed on 'Darlands' in this respect.

The rear wall of 'Darlands' would project 7.2m beyond the rear of the southerly proposed house. This difference in rear building line would result in the proposed dwelling being almost entirely obscured from view from the rear garden of 'Darlands' and it is therefore considered that the proposed house would not appear visually obtrusive or overbearing as viewed from this adjacent rear garden.

The front corner of the southerly proposed house would not transgress a 45° splay taken from the relevant corner of 'Darlands'. As this side of 'Darlands' already has an integral garage projecting forward of the principal front wall of the bungalow, which blocks its outlook. It is therefore considered that the forward projection of the proposed southerly house would not have any harmful impact on the frontage of 'Darlands'. This element was accepted in the previous application.

The large vacant side plot at No. 34 combined with the set in of the proposed northerly house will ensure a generous spacing between this northerly proposed house and this adjacent house. No.34 has numerous facing flank windows but it is considered that with a 10m spacing between the dwellings no adverse impact would be imposed on this dwelling in terms of overshadowing or loss of outlook.

The flank wall of the northerly proposed house would be spaced 2.345m to 2.8m from the shared boundary. The side garden at No.34 slopes down to the subject site which would serve to reduce the perceived bulk of the proposed house. It is considered that this difference in levels together with the spacing of the proposed house from the shared boundary would adequately reduce the perceived bulk of the new dwelling as viewed from this adjacent garden and would not appear visually obtrusive or overbearing as viewed from the garden of No.34. The proposed northerly house would have two bathroom windows and one window to the staircase in the facing flank wall it is recommended that a condition be attached requiring these to be obscure and non-openable below 1.7 meters. Subject to a condition there would be no unreasonable overlooking issues onto the side garden of No.34.

The rear wall of the northerly proposed house would be spaced a minimum of 15.8m from the rear of the flatted block at No's.7-12 Burhill Grove. This spacing together with existing dense trees and vegetation around the shared boundary which would serve as partial screening and would result in there being no unreasonable overshadowing or loss of privacy issues for this flatted block.

The design and siting of the houses would see a reduction of the overall amenity space as the built form of the houses would be further back than the existing bungalow. The remaining land would still however provide a sufficient level of amenity for the occupiers of the proposed dwellings and would be comparable to other properties in the immediate locality. The proposal is therefore considered to be acceptable in this respect.

**4) Parking Standards**

As noted above there is provision for 4 car parking spaces which would be achieved through creating two new vehicle accesses, each 2.8 metres wide. The number of parking spaces would be 0.6 above the requirements of T13 and Schedule 5 of the Council's UDP. The Council's Highways Engineer did not raise any objection to the scheme and it is therefore considered that the proposal would not be detrimental to the free flow and safety of vehicular traffic and pedestrians on the highway. It is further considered that the site is near a variety of public transport options including buses around the District Centre as well as Pinner Station within easy walking distance.

**5) Accessibility**

The proposed development has been shown to meet all 16 of the Lifetime Homes Standards (as relevant) as stipulated in the Council's Supplementary Planning Document 'Accessible Homes'. The proposed development would have level threshold access, wider corridor and adequate internal door widths. The proposal also shows a wheelchair accessible entrance level WC. The proposed development is considered to be acceptable in this regard and would be in accordance to Policy 3A.5 of the London Plan and the Council's Supplementary Planning Document 'Accessible Homes'.

**6) Trees**

There are a number of trees located within the rear garden of the application site, which includes a Pear, Purple Plum, Laburnum, Cypress and a Weeping Willow. The Council's Arboricultural Officer considers that none of these trees are worthy of a Tree Preservation Order (TPO) and therefore should not be considered a material constraint for any proposal. However, there is a line of Cypress trees in the garden of No.34 Oakhill Avenue whose Root Protection Area should be considered in respect to any construction activity. An informative is suggested to this effect. Based on these factors it is considered that a refusal on tree grounds cannot be substantiated in this case and any new planting of trees can be dealt with by way of a suitable condition.

**7) S17 Crime & Disorder Act**

The application site is naturally overlooked by the surrounding residential development and the proposed layout of the development would ensure natural surveillance of the property is maintained, which would comply with the objectives set out under paragraphs 4.19 and 4.20 of Policy D4 of the Harrow UDP. It is considered that the proposed development would not have a material impact upon community protection.

**8) Consultation Responses**

- Impact of the proposed development on the character and appearance of the area has been addressed under section 2 of the above appraisal.
- Impact of the proposed development upon residential amenities has been addressed under section 3 of the above appraisal.
- The proposed houses have been shown to comply with Lifetime Homes standard, the adjacent highway which is unmade falls outside the application site and therefore it does not form a material consideration when assessing this application.
- Matters relating to subsidence is outside the remit of planning policy;
- According to the site plan shown on drawing no. 1269 OS2 F the grass verge at the front of the site is shown to be outside the application site and therefore it does not form part of this application.
- With regard to the matter relating to drainage, although matters relating to existing drainage system is outside the control of planning, suitable planning conditions have been suggested to ensure that the new development has adequate drainage facilities and all measures are taken to prevent any risk of flooding.
- Damage to the road surface (made and unmade) by extra vehicular activity and constructions traffic is outside the consideration of this planning application. In addition, Oakhill Avenue is an unadopted highway and therefore any matters relating to the maintenance of this road and any previous disputes in relation to the road funding is a civil matter between the Owners of Oakhill Avenue.
- The Council does not have the powers to stipulate by way of a S.106 agreement or planning condition that the remaining unmade road should be made up by the applicant, as this road is outside the direct control of the Council and falls within the ownership of third party land.
- Impact on parking and highway safety has been addressed under section 4 of the above appraisal.

- The Council is not aware of any legislation which states that a garage can no longer be claimed as a car park. The Council's Highway Engineer confirms that a garage (depending on size) still accounts as provision for parking.
- It is noted that a number of residents are frustrated with the number of application made by the applicant in relation to 32 Oakhill Avenue. However the Council has an obligation to assess each application on its own merits, the motive behind making these applications, i.e. for profit, does not form a material consideration when assessing the proposed development.
- With regard to application relating to No.39 Oakhill Avenue, the proposals relating to this site form a separate consideration to the subject application and as stated above each application is assessed on its own merits.
- The Council's policies and guidance have been formulated having full regard to the Human Rights Act. The proposal has been assessed against relevant planning policies.
- Restrictive covenants are outside the control of planning legislation and therefore do not form a material planning consideration when assessing this application.
- With regard to the proposed development setting a precedent for other households, each and every application is dealt with on its own merits. An approval of development at one particular site does not mean that other sites in the vicinity would automatically be granted planning permission. The site circumstances of the site and the locality play a key role in determining applications and would be the over-riding factor, alongside residential amenity when determining development proposals.
- Burning of materials on site is not a material planning consideration.
- The impact on trees has been addressed under section 6 of the above appraisal.
- The Local Planning Authority can only impose planning conditions that are deemed reasonable and relate to the development proposed.

## **CONCLUSION**

The application as revised represents a significant improvement in planning terms when compared to the two previous refused schemes in terms of scale, design and layout. For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above, this application is recommended for grant, subject to the following conditions:

## **CONDITIONS**

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

REASON: To comply with the provisions of Section 91 of the Town & Country Planning Act 1990.

2 The development hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces noted below have been submitted to, and approved in writing by, the local planning authority:

(a) the extension/building(s)

(c) the boundary treatment

The development shall be completed in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the appearance of the locality.

3 The window(s) in the first floor flank wall(s) of the approved development shall:

a) be of purpose-made obscure glass,

b) be permanently fixed closed below a height of 1.7 metres above finished floor level, and shall thereafter be retained in that form.

REASON: To safeguard the amenity of neighbouring residents.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development which would otherwise fall within Classes A, B, D, E and F in Part 1 of Schedule 2 to that Order shall be carried out without the prior written permission of the local planning authority.

REASON: To safeguard the character of the area and the amenity of neighbouring residents.

5 The development hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works which shall include a survey of all existing trees and hedgerows on the land, indicating those to be retained and those to be lost. Details of those to be retained, together with measures for their protection in the course of the development, shall also be submitted and approved, and carried out in accordance with such approval, prior to any demolition or any other site works, and retained until the development is completed. Soft landscape works shall include: planting plans, and schedule of plants, noting species, plant sizes and proposed numbers/densities.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 2 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

7 No site works or development shall commence until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s), and any other changes proposed in the levels of the site, have been submitted to, and approved by, the local planning authority.

REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and future highway improvement.

8 No demolition or site works in connection with the development hereby permitted shall commence before:-

(a) the frontage.

of the site is enclosed by a close boarded fence to a minimum height of 2 metres. Such fencing shall remain until works and clearance have been completed, and the development is ready for occupation.

REASON: In the interests of amenity and highway safety.

9 Before the hard surfacing hereby permitted is brought into use the surfacing shall EITHER be constructed from porous materials, for example, gravel, permeable block paving or porous asphalt, OR provision shall be made to direct run-off water from the hard surfacing to a permeable or porous area or surface within the curtilage of the site.

Please note: guidance on permeable paving has now been published by the Environment Agency on

<http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens>.

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding.

10 The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area, as shown on the approved drawing.

REASON: to safeguard the appearance of the locality.

11 The existing access(es) shall be closed when the new access(es) hereby permitted is / are brought into use, and the highway shall be reinstated in accordance with details to be submitted to, and approved by, the local planning authority. The development shall not be used or occupied until the reinstatement works have been completed in accordance with the approved details. The works shall thereafter be retained.

REASON: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway.

12 The development hereby permitted, as detailed in the submitted and approved drawings, shall be built to Lifetime Homes Standards, and thereafter retained to those standards.

REASON: To ensure provision of 'Lifetime Homes' standard housing in accordance with the policies of the Harrow Unitary Development Plan.

13 The development of any buildings hereby permitted shall not be commenced until surface water attenuation / storage works have been provided in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To prevent the increased risk of flooding.

14 The development of any buildings hereby permitted shall not be commenced until works for the disposal of surface water have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided.



15 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained. REASON: To ensure that adequate drainage facilities are provided.

16 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [1269 11 Rev K; 1269 12 Rev F; 1269 OS2 E; 1269 OS3].

## **INFORMATIVES**

### **1 INFORMATIVE:**

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

### **2 INFORMATIVE:**

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 CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: [communities@twoten.com](mailto:communities@twoten.com)

### **3 INFORMATIVE:**

Notwithstanding the note on your submitted plan(s), this decision has been made on the basis of measurements scaled from the plan(s), unless a dimensioned measurement overrides it.

### **4 INFORMATIVE:**

**IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences**

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.

Item 2/07 : P/1102/09/SB5/W continued/...

- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

5 INFORMATIVE:

The applicant is advised that there are public sewers crossing this site, and no building works will be permitted within 3.0 metres of the sewers without Thames Water's approval. Should a building over / diversion application form, or other information relating to Thames Water assets be required, you should be advised to contact Thames Water Developer Services on 0845 850 2777.

6 INFORMATIVE:

*Please note that guidance on permeable paving has now been published by the Environment Agency on*

<http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens>

7 INFORMATIVE:

Foundations to all permanent structures (including garages, porches and conservatories) should take account of the effects of soil desiccation caused by trees that are scheduled to be planted. (National House Building Council: Chapter 4.2 "*Building near Trees*" – 2003)

8 INFORMATIVE:

Before implementing the planning permission hereby granted, or the works indicated in your certificate of lawful proposed development, the applicant is advised to contact the Council's Highways Crossings Officer on 020 8424 1799 or by email to [frank.cannon@harrow.gov.uk](mailto:frank.cannon@harrow.gov.uk) to find out whether the construction of the crossover is acceptable in highway terms.

Plan Nos: 1269 OS2 F; 1269 OS3; 1269 11 REV K; 1269 12 REV F; Design and Access Statement

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Item: 2/08

**BRADENHAM WORKS, BRADENHAM P/1046/09/NR/E  
ROAD, KENTON, MIDDLESEX, HA3 8NA**

Ward KENTON WEST

REDEVELOPMENT TO PROVIDE SINGLE STOREY DETACHED BUILDING  
CONTAINING WORKSHOP AND STORAGE FACILITIES (CLASS B1)

**Applicant:** Terry & Stephens Ltd

**Agent:** Towers Associates

**Statutory Expiry Date:** | 27-JUL-09

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## **RECOMMENDATION**

**GRANT** permission for the development described in the application and submitted plans, subject to conditions.

## **REASON**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in The London Plan 2008, the saved policies of the Harrow Unitary Development Plan 2004 (listed below) and national planning policy encouraging more efficient use of land and the provision of small business units, as well as to all relevant material considerations including recent appeal decisions and any comments received in response to publicity and consultation:

### **National Planning Policy**

PPS1 Delivering Sustainable Development

### **London Plan 2008**

4B.1 Design Principles for a Compact City

### **London Borough of Harrow Unitary Development Plan 2004**

D4 Standard of Design and Layout

EM12 Small Industrial Units and Workshops

EM15 Land and Buildings in Business, Industrial and Warehousing Use – Outside Designated Areas

EM22 Environmental Impact of New Business Development

EP25 Noise

T13 Parking Standards

T15 Servicing of New Developments

C16 Access to Buildings and Public Spaces

Supplementary Planning Document: Access for All (2006)

Supplementary Planning Guidance: Extensions A Householders Guide (2008)

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## **MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008 and saved policies of The London Borough of Harrow Unitary Development Plan 2004)**

- 1) Principle of Development (PPS1)
- 2) Character and Appearance of the Area (4B.1; D4, SPG:Extns)
- 3) Residential Amenity and Environmental Impact (EM22, EP25, SPG:Extns)
- 4) Employment Policy (EM12, EM15)
- 5) Traffic and Parking (T13, T15)
- 6) Accessibility (C16, SPD:Access)

- 7) S17 Crime & Disorder Act (D4)
- 8) Consultation Responses

### **INFORMATION**

This application is reported to the Committee at the request of a Nominated Member.

#### **a) Summary**

Statutory Return Type: Minor Office, Retail and Distribution  
Council Interest: None

#### **b) Site Description**

- The site comprises a single-storey garage, wooden shed and small yard in use as a builder's store, on the east side of Bradenham Road.
- The site lies between Wykeham Road and Boxmoor Road and the rear gardens of No.54 Wykeham Road and Nos.55 and 57 Boxmoor Road back onto the site.
- Access to the site is via an existing vehicle crossover to Bradenham Road.
- On the opposite side of the road are the rear gardens of properties on Brampton Grove and a row of terraced dwellings fronting onto Bradenham Road.
- The area immediately surrounding the site is characterised by the ends and sides of the rear gardens of neighbouring properties.
- A number of single storey garages and outbuildings occupy the rear gardens of neighbouring properties, including those in the rear gardens of Nos.55 and 57 Boxmoor Road, which abut the application site.
- The wider area is suburban in character, comprising residential dwellings.

#### **c) Proposal Details**

- Demolition of existing buildings on site and construction of single-storey replacement building containing workshop and storage facilities (class B1).
- The proposed building would have a larger footprint than the existing buildings, with a depth of 10.5 metres and a width of 6.4 metres.
- The building would be set back 1.2 metres from the highway boundary.
- The building would have a flat roof design with a maximum height of 3.66 metres to parapet level.
- The building would comprise a workshop and material storage area and a disabled staff toilet.

#### **Revisions to Previous Application (ref P/0911/07):**

- Roof design altered to a flat roof. Previous proposal was for a pitched roof up to a ridge height of 5.6 metres and an eaves height of 2.6 metres.

#### **d) Relevant History**

LBH/651	Garage and builder's store	REFUSED 28-OCT-65
EAST/26547/84 /CLE	Established use certificate: Builders store and yard	GRANTED 12-FEB-85
P/2236/04/DFU	Two storey workshop building (class B1)	REFUSED 28-OCT-04

Item 2/08 : P/1046/09/NR/E continued/...

P/2757/05/DFU	Two storey building for workshop and storage with integral garage	REFUSED 16-JAN-06 APPEAL DISMISSED 15-JUN-06
P/0911/07	Single storey detached building to provide workshop and storage facilities	REFUSED 17-MAY-07 APPEAL DISMISSED 17-MAR-08

Summary of Inspector's decision:

The Inspector concluded that the proposal would be harmful to the character and appearance of the area, by reason of excessive scale.

**e) Pre-Application Discussion**

- None.

**f) Applicant Statement**

- Design and Access Statement.

**g) Consultations:**

**Notifications:**

Sent: 17

Replies: 8

Expiry: 29-JUN-09

**Summary of Response:**

- Workshop use would be inappropriate in a residential area.
- Increase in noise and disturbance, particularly at unsocial hours.
- A skip is often placed on the road creating rubbish.
- Unacceptable increase in levels of activity.
- Concerns about the possible use of chemicals and other dangerous materials/processes that may cause pollution.
- Congestion and parking problems will increase.
- No parking provision on site.
- Concerns over additional works traffic.
- Proposed building would be out of character with the area.
- Reduction in light levels and overlooking of neighbouring properties.
- Impact on views.
- Concerns over dust and dirt.
- Concerns about arrangements for waste storage and disposal.
- Deeds and covenants.
- Impact on property values.
- Concerns about materials being stored on the roof of the buildings and loss of privacy from workers using the roof.

## **APPRAISAL**

### **1) Principle of Development**

The principle of the business use on this site is established, given the established use certificate for the use of the property as a builder's store and yard (EAST/26547/84/CLE). The Use Classes Order defines a B1 use as 'being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit'. It is noted that permission would not be required under the Use Classes Order, for the property to change from the existing storage use (class B8) to a workshop (class B1).

Paragraph 27(viii) of PPS1 promotes the more efficient use of land through the re-use of suitably located previously developed land and encourages bringing vacant and underused previously developed land back into beneficial use. This is reiterated in London Plan policy 4B.1, which aims to maximise the potential of sites. The site currently comprises two run-down buildings, which are no longer fit for purpose. Given the above conclusions, it is considered that redevelopment for B1 business use would be appropriate in principle.

### **2) Character and Appearance of the Area**

The application proposes to replace the existing storage building and wooden office building with a larger single-storey brick workshop and store, which would cover almost the entire site area. The proposed building would have a flat roof with parapet walls to a maximum height of 3.66 metres.

The previous application (ref P/0911/07) proposed a building with a similar footprint, but with a steeply pitched roof to a ridge height of 5.6 metres. The application was refused on character and appearance grounds. In determining the resulting appeal, the Inspector commented that the proposed building 'would not have the scale of an ancillary domestic building, which is characteristic of the road, but would appear incongruous and would have a harmful effect on the character and appearance of the area'. The revised proposal incorporates a significantly lower roof height and therefore a reduced bulk. The proposed building would only be approximately 500mm higher than the adjacent ancillary garage in the rear garden of No.57 Boxmoor Road and it is therefore considered that the building would have a scale and appearance of an ancillary domestic building, which are typical features at the end of rear gardens in the locality. The building would also be sited 1.2 metres back from the footway, thereby reducing the prominence of the structure.

The proposed redevelopment would also have the benefit of removing the existing run-down buildings and unsightly outside storage, thereby improving the appearance of the site. In summary, it is considered that the revisions made to the proposal satisfactorily address the Inspector's concerns as stated in the previous appeal decision. In line with the Inspector's conclusion, a condition is imposed requiring details of a refuse storage area to be submitted and approved prior to construction. The proposal would therefore have an acceptable appearance and would comply with UDP policy D4.

**3) Residential Amenity and Environmental Impact**

UDP policy EM22 states that 'the Council, in considering applications for all business, industrial and warehousing (B1, B2, B8) development, and redevelopment, will pay due regard to' a number of criteria.

Criterion A concerns the potential impact on the amenity of adjoining properties and on the character of the area. As discussed above, the proposed building is considered to have an acceptable impact on the character of the area. The principle of business use is established on the site due to the existing use as a builder's store. The proposed building would be sited 14.5 metres from the main rear wall of the nearest residential property at No.54 Wykeham Road. Given the modest scale of the building, it is considered that the proposal would not result in an unacceptable loss of light or outlook to the occupiers of that property. The proposed building would be substantially screened from Nos.55 and 57 Boxmoor Road, due to the existence of detached ancillary buildings within these rear gardens and given the siting of the building along the side boundary and approximately 17 metres from the rear wall of No.52 Wykeham Road, it is considered that the structure would not result in any undue amenity impacts to the occupiers of that property. Concerns have been raised about overlooking. However, no flank windows are proposed and a condition is imposed to ensure the roof area is not used as an amenity or storage area, thereby alleviating the existing issues arising from workmen accessing the roof of the building in connection with its use for storage.

Criterion B is concerned with noise, smoke and pollution emissions. The proposed building would comprise a workshop and store, which would fall within the B1 use class. The Use Classes Order defines a B1 use as 'being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit'. The proposed building would cover the existing open storage area and would therefore result in an increased floor area. In determining the previous appeal, the Inspector concluded that the proposed increase in building floorspace, which has not changed in this proposal, would not result in a material intensification of use, because it would merely enclose a yard currently used for storage. The Inspector went on to state that 'the substitution of external for internal storage would reduce potential noise and disturbance to local residents as would a purpose-built building with a cavity wall'. Given the Inspector's conclusion on this issue, it is considered that the proposed brick building would result in a reduction in noise emissions as compared to the existing situation, especially as a condition is suggested requiring details of sound insulation to be submitted and approved prior to commencement of works, as mentioned by the Inspector in determining the previous appeal. Conditions are also imposed requiring all storage to take place within the building and to restrict hours of opening, in response to concerns raised by neighbours. It is therefore considered that the proposal represents an opportunity to gain control over this established use in the interests of the amenities of neighbouring occupiers and this would be a significant benefit of the proposal. It is considered that a B1 use by definition would not result in unacceptable emissions of smoke or pollutants and the proposal is therefore considered to satisfy criteria B.

Criterion C concerns the ability of the surrounding roads to accommodate the traffic generated by the proposal and the accessibility of the site. The proposal would result in the loss of the open storage yard and does not allow for an off street car parking space. However, in determining the previous appeal, the Inspector concluded that it is 'unlikely that a service yard would be used for this purpose [parking], but in any case my site inspection and the submitted photographs do not indicate that the displacement of one vehicle onto the street would raise issues of highway safety or congestion'. Servicing currently takes place from the street and the proposal includes a vehicle access door. However, servicing occurs from the road at present and, given the Inspector's conclusion that the proposed building would not materially intensify the use of the site, it is considered that there would be no additional impact on highway safety.

Criterion D concerns the loss of land from another use which other policies seek to protect. The business use of the site is existing and established, as a builder's store (class B8). The Council's employment policy (EM15, discussed in more detail below) aims to retain land in business use. As the proposal is to change from B8 to B1, the proposal would not result in the loss of business use land.

Criterion E is concerned with the expected energy use and reliance of fossil fuels. Given the scale of the operation proposed, it is considered that the proposal would not give rise to significant concerns in this respect.

In summary, it is considered that the proposal would not be detrimental to the amenities of the occupiers of neighbouring residential properties and would not give rise to adverse environmental impacts. The proposal satisfies all the criteria of UDP policy EM22 and is therefore considered acceptable in this regard.

#### **4) Employment Policy**

As discussed above, UDP policy EM15 resists the loss of land in business use. The proposal would not result in the loss of business use land and the proposed workshop would consolidate the use of the site by improving the standard of accommodation.

UDP policy EM12 states that 'the Council will encourage the development of industrial units of up to 1,000m<sup>2</sup>, subject to the criteria set out in policy EM22'. As discussed above, the proposal meets the criteria of policy EM22. It is therefore considered that the proposal would make a positive contribution towards the demand for small business units.

#### **5) Traffic and Parking**

As discussed above, it is considered that the proposal would not give rise to highway safety concerns.

The application proposes a vehicle access door, which would be approximately 1.2 metres from the boundary with the footway. There is a possibility that an 'up and over' garage door would overhang the footway, leading to pedestrian safety concerns. A condition is therefore imposed to ensure that a roller shutter door is installed and thereafter retained.



**6) Accessibility**

The proposed building would incorporate level access to an accessible main entrance door and wheelchair accessible toilet is provided within the building. The proposed workshop would therefore be fully accessible and would comply with UDP policy C16 and the Councils Supplementary Planning Document: Access For All.

**7) S17 Crime & Disorder Act**

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

**8) Consultation Responses**

Apart from the points raised in the above sections, other issues raised are:

- A skip is often placed on the road creating rubbish: The provision of a skip on the road would be a matter for the Council's Highways Department.
- Impact on views: In this context, it should be noted that protection of a view is not a material planning consideration. Consideration of the developments impact upon the outlook and amenities of adjacent properties has however been undertaken above.
- Deeds and covenants: These are not material planning considerations, being civil matters.
- Impact on property values: This is not a material planning consideration.

**CONCLUSION**

For all the reasons considered above, and weighing up the development plan policies and proposals, the recent appeal decisions relating to similar developments, the acknowledged benefits of the proposal and other material considerations, including the comments received in response to publicity and consultation, as set out above this application is recommended for grant, subject to the following condition(s):

**CONDITIONS**

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 The development hereby permitted shall not commence until samples of the materials to be used in the construction of the building have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the appearance of the locality.

3 The use hereby permitted shall not operate outside the following times:-

08.00 hours to 18.30 hours, Monday to Friday inclusive,

09.00 hours to 13.00 hours on Saturdays,

without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents.

4 The development hereby permitted shall not commence until detailed particulars of the levels of noise to be generated in the building, of the provision to be made for the insulation of the building against the transmission of noise and vibration by reason of granting this permission, shall be submitted to, and approved in writing by, the local planning authority. The development shall not be occupied or used until the works have been completed in accordance with the approved details and shall thereafter be retained.  
REASON: To ensure that adequate precautions are taken to avoid noise nuisance and to safeguard the amenity of neighbouring residents.

5 Storage shall not take place anywhere within the application site except within the building.

REASON: To safeguard the amenity of neighbouring residents.

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

REASON: To safeguard the amenity of neighbouring residents.

7 The vehicle access doors on the front (west) elevation of the development hereby permitted shall be of roller shutter type. Any future replacement doors shall be installed in accordance with details submitted to, and approved in writing beforehand, by the local planning authority and shall thereafter be retained as approved.

REASON: To ensure that the proposed development does not prejudice the safety of pedestrians on the footway.

8 The development hereby permitted shall not commence until a scheme for:

a: the storage and disposal of refuse/waste

b: and vehicular access thereto

has been submitted to, and approved in writing by, the local planning authority.

The development shall not be occupied or used until the works have been completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure adequate standards of hygiene and refuse/waste collection without prejudice to the enjoyment by neighbouring occupiers of their properties.

9 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided.

10 The development of any buildings hereby permitted shall not be commenced until works for the disposal of surface water have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided.

11 The development of any buildings hereby permitted shall not be commenced until surface water attenuation / storage works have been provided in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To prevent the increased risk of flooding.

## **INFORMATIVES**

### **1 INFORMATIVE:**

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 CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: [communities@twoten.com](mailto:communities@twoten.com)

### **2 INFORMATIVE:**

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

### **3 INFORMATIVE:**

**IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences**

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

Plan Nos: 2551-05 Rev A; 2551 SK1; Design and Access Statement

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**190 KENMORE AVENUE, HARROW, HA3 8PR**      **Item: 2/09**  
**P/1486/09/NR/E**

Ward      KENTON WEST  
SINGLE STOREY REAR EXTENSION AND DETACHED BOILER HOUSE  
**Applicant:** Mr & Mrs P Patel  
**Agent:** Mr Sarfaraz Bharde  
**Statutory Expiry Date:** | 25-AUG-09

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## **RECOMMENDATION**

**GRANT** permission for the development described in the application and submitted plans, subject to conditions.

## **REASON**

The decision to recommend GRANT of planning permission has been taken having regard to the saved policies of the Harrow Unitary Development Plan 2004 (listed below), as well as to all relevant material considerations and any comments received in response to publicity and consultation, as the proposed extensions to the dwellinghouse would respect the character of the property and the area, and neighbouring amenity.

### **London Borough of Harrow Unitary Development Plan 2004**

D4 – Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

Supplementary Planning Guidance: Extensions: A Householder's Guide (2008)

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## **MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008 and saved policies of The London Borough of Harrow Unitary Development Plan 2004 UDP)**

- 1) Principle of Development
- 2) Character and Appearance of the Area (D4, SPG:Extns)
- 3) Residential Amenity (D5, SPG:Extns)
- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

## **INFORMATION**

This application is reported to the Committee because the applicant is a Harrow Council employee.

### **a) Summary**

Statutory Return Type: Householder  
Council Interest: None

### **b) Site Description**

- Two-storey semi-detached property on the east side of Kenmore Avenue.
- The property has an existing hip to gable and rear dormer roof extension and a detached outbuilding in the rear garden.
- The adjoining property at No.188 has a single-storey rear extension with a rearward projection of 3.0 metres on the boundary with the application property.

**c) Proposal Details**

- The adjacent property at No.192 is separated from the application property by a shared driveway. This property is unextended, with a detached garage in the rear garden abutting the boundary with the application site.
- Single-storey rear extension with a rearward projection of 3.0 metres on the boundary with the adjoining property at No.188 and with an additional rearward projection of 1.3 metres set 2.6 metres from this boundary, thereby resulting in a 4.3 metre depth in line with the flank wall of the property facing No.192.
- The proposed extension would incorporate a pitched roof with a mid point height of 3.0 metres. The additional rearward projection would incorporate a hipped, pitched roof with a maximum height of 3.0 metres.
- Single-storey flat roofed boiler house with a depth of 2.0 metres and a width of 1.5 metres and height of 2.15 metres. The boiler house would be sited 1.2 metres from the rear wall of the proposed extension and would abut the boundary with No.192.

**Revisions to previous application (ref P/1938/08):**

- The previously approved extension had a rearward projection of 3.0 metres, whilst this application proposes an additional depth of 1.3 metres along part of its width.

**d) Relevant History**

P/0079/08	Certificate of Lawful Proposed Development: Demolition of detached garage, alterations to roof from hip to gable, rear dormer and two velux windows on front roof slope	GRANTED 16-JAN-08
P/1938/08	Single storey rear extension	GRANTED 16-JUL-08

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- None

**g) Consultations:**

**Notifications:**

Sent: 4

Replies: 0

Expiry: 29-JUL-09

**Summary of Response:**

None received.

**APPRAISAL**

**1) Principle of Development**

Domestic extensions and outbuildings are in principle appropriate forms of development on residential properties, subject to considerations of the character of the area and the amenities of neighbouring residents, as discussed in the following

sections.

Item 2/09 : P/1486/09/NR/E continued/...

**2) Character and Appearance of the Area**

The proposed single storey rear extension would not be visible from the street. The extension would be in keeping with the host building in terms of scale and would have an acceptable roof design. Subject to a condition requiring the materials used to match those of the existing dwelling, this part of the proposal is considered to have an acceptable appearance. A rear garden depth of some 20 metres would remain, in character with the area.

The proposed detached boiler house would be modest in size, smaller than the neighbouring ancillary garden buildings, and it is therefore considered that the boiler house would have an acceptable appearance.

**3) Residential Amenity**

The proposed extension would comply with the SPG in terms of rearward projection on the boundary with the adjoining property at No.188 and would line up with the extension to that property. The additional rearward projection would comply with the 'two for one' rule as set out in paragraph C.5 of the SPG. Given the separation distance between the application property and the unattached adjacent property at No.192, the extension would also comply with the two for one rule from this property. The proposed mid point height of 3.0 metres would comply with the SPG and the additional projection would be lower, with a subservient roof. It is therefore considered that the proposed single-storey rear extension would not result in any undue amenity impacts to the occupiers of neighbouring residential properties.

The proposed detached boiler house would be of a modest scale, sited approximately 5.5 metres from the boundary with No.188 and screened from the neighbouring property at No.192. It is therefore considered that this part of the proposal would not result in an adverse amenity impact to the occupiers of neighbouring properties.

**4) S17 Crime & Disorder Act**

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

**5) Consultation Responses**

Apart from the points raised in the above sections, other issues raised are:

- N/A.

**CONCLUSION**

Whilst the rearward projection would exceed the 3m limit defined in the Council's SPG it is not considered that the extension would adversely affect daylight to or outlook from adjoining residential properties or have any visual impact upon the street scene.

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, including the comments received in response to publicity and consultation, as set out above this application is recommended for grant, subject to the following condition(s):

Item 2/09 : P/1486/09/NR/E continued/...

**CONDITIONS**

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

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

REASON: To safeguard the appearance of the locality.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no window(s) / door(s) shall be installed in the flank wall(s) of the development hereby permitted without the prior permission in writing of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents.

Plan Nos: 09/011/1; 2; 3; 4; 5; Site Plan

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**224 HIGH ROAD, HARROW WEALD**

**Item: 2/10**

**P/0258/09/RH/MAJ**

Ward WEALDSTONE

PART TWO AND PART THREE STOREY BUILDING COMPRISING EIGHT FLATS WITH ASSOCIATED CAR PARKING; LANDSCAPING AND WIDENING OF VEHICLE ACCESS TO HIGH ROAD

**Applicant:** Mr Mani Khiroya

**Agent:** Markland Klaschka Limited

**Statutory Expiry Date:** | 07-APR-09

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This application was deferred from the 22 July Planning Committee meeting to enable the Members to visit the site.

## **RECOMMENDATION**

**GRANT** permission for the development described in the application and submitted plans for the following reasons:

### **REASON**

The proposed development would contribute to the housing provision in the borough and provide an acceptable form of accommodation for future occupiers of the site. The design and appearance of the proposed building would provide a high quality development that would be in keeping with the scale and appearance of the surrounding development. The development would not result in harm to the highway network or pedestrian safety. The proposed building is positioned a sufficient distance from neighbouring properties not result in detriment to the existing levels of amenity.

The decision to GRANT permission has been taken having regard to the policies and proposals in the London Plan and-or the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

### **National Planning Policy:**

PPS1 Delivering Sustainable Development

### **London Plan:**

3A.4 Efficient Use of Stock

3A.2 The spatial strategy for development

3A.3 Maximising the potential of sites

3A.5 Housing choice

3A.6 Quality of new housing development

3A.17 Addressing the needs of London's diverse population

4A.1 Tackling climate change

4A.2 Mitigating climate changes

4A.7 Renewable Energy

4A.8 Hydrogen Economy

4A.9 Adaptation to Climate Change

4A.10 Overheating

4A.12 Flooding



- 4B.1 Design Principles for a compact city
- 4B.5 Creating an inclusive environment

**Harrow Unitary Development Plan:**

- T6 The transport Impact of Proposals
- T11 Cycle and Motor Cycle Parking in Public Spaces
- T13 Parking Standards
- D4 The standard of Design and Layout,
- D5 New Residential Development – Amenity Space and Privacy
- D9 Street side Greenness and Forecourt Greenery
- D10 Trees and New Development
- EP25 Noise
- Supplementary Planning Guidance: Extensions A Householders Guide (March 2003)
- Supplementary Planning Guidance: Designing New Development (March 2003)
- Accessible Homes Supplementary Planning Document (April 2006)

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**MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance).**

- 1) Principle of Development
- 2) Design and Character (4A.2, 4B.1 & D4, D5, D9)
- 3) Residential Amenity (D4, D5, EP16, EP25)
- 4) Parking & Highway Safety (T6, T13)
- 5) Housing Provision & Density (3A.1, 3A.2, 3A.3, 3A.5, 3A.6)
- 6) Accessible Homes (3A.5, 3A.17, 4B.5)
- 7) S17 Crime & Disorder Act (C12)
- 8) Sustainability (4A.7, 4A.8, 4A.9, 4A.10)
- 9) Consultation Responses

**INFORMATION**

**a) Summary**

Statutory Return Type:	Small scale major	
Site Area	0.09 ha	
Density:	88U/ha and 222hr/ha	
Car Parking	Standard	10
	Justified	9
	Provided	9
Council Interest:	None	

**b) Site Description**

- Vacant site located on the eastern side of the High Road, Wealdstone
- Original vacant 2-storey detached dwelling has been demolished and removed from site
- Rear boundary adjacent to Newton Road
- Site recently cleared of overgrown vegetation, with remnant trees scattered over the site
- Access from existing crossover on the High Road

- Character of area is predominantly residential with a mix of two storey dwelling units along eastern side of High Road, with retail shops and four storey apartments to the western side of High Road
- Site benefits from extant planning permission P/1570/07/CFU for Demolition of existing house and erection of part 2 and part 3 storey building comprising of 7 flats; with associated car parking, landscaping and widening of vehicle access to high road.

**c) Proposal Details**

- Construction of part two and part three storey building to provide 8 flats containing, 2 x 3bed, 2x 2bed, 3 x 1bedroom units and a studio unit,
- Siting contains a staggered building line between adjoining terraces and apartments on High Road,
- Useable amenity space to the rear is approximately 376m<sup>2</sup>
- The existing vehicular entrance on the High Road would be widened to 4.8m
- 9 car parking spaces including 1 designated disabled car user parking bay proposed at the rear of site at ground floor level next to the building entrance
- Proposal would result in a small number of low quality trees being removed from the site
- The application is based on the building envelope of the extant approval, with reconfiguration of the internal layout and alterations to the detailing of external facade.

**Revisions to Previous Application:**

- The proposed application for the most part is the same as the earlier refusal P/2673/08 the main differences are listed below:
- Refused scheme P/2673/08 also proposed 9 flats comprising, 1 x 3 bed, 4 x 2 bed, 3 x 1 bedroom units and a studio unit, in 4-storey staggered block of flat, two additional flats from the approved P/1570/07/CFU that proposed 1 x 3 bed, 4 x 2 bed, and 2 x 1 bedroom units,
- Additional windows are proposed in the front and side elevations to break up with elevation.
- A comparison between the approved application P/1570/07/CFU and the current scheme is provided below.
- The detailed design and materials of the approved scheme has been amended slightly from the earlier refusal however both schemes propose increased areas of solid and panelling to the approved scheme P/1570/07/CFU.
- The balconies from the first and second level flats fronting the High Road are to be removed.
- Parking layout extended to provide an additional car parking space,
- The balconies to the flats located within the eastern most element of the new building have been increased in depth and reduced in width to provide a 1.5m deep by 4.5m long balcony space.
- The bin stores have been relocated from the front of the site to the rear of the new building along the eastern elevation of the ground floor element of the building.

- The internal layout and floor area of the approved flats have been reduced and altered to accommodate the two additional units within the scheme.
- The three bedroom, family sized, unit would be relocated from the ground floor location of the approved scheme to the first floor.

**d) Relevant History**

P/2536/04/CFU	Outline Development: Detached Two Storey Building to Provide 6 Flats with Access and Parking	REFUSED 21-APR-05
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**Reason for Refusal:**

The proposed development, be reason of excessive site coverage of building and hard surfacing, lack of space around the building and the potential threat to trees would amount to an over development of the site to the detriment of the character and appearance of the area and residential amenity

P/1319/06/CFU	Demolition of existing house and erection of part 2, 3 & 4 storey building comprising of 8 flats, associated parking, and widening of vehicle access	REFUSED 06-JUL-06 APPEAL DISMISSED
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**Reasons for Refusal:**

1. The proposed development, by reason of excessive size, height, bulk and unsatisfactory design, would be visually obtrusive and overbearing, would not respect the scale, massing and form of the adjacent properties, and would give rise to actual and perceived overlooking and overshadowing of adjacent properties. It would therefore be detrimental to the visual and residential amenity of adjoining properties, the appearance of the street scene and the character and appearance of the locality.
2. The proposed building by reason of prominent siting and site layout, would be unduly obtrusive in the street scene and would not provide a satisfactory relationship with adjoining buildings and spaces to the detriment of the character, landscape and townscape of the locality.
3. The proposed windows/ balconies in the rear elevation would allow overlooking of the adjoining properties along Newton Road and result in an unreasonable loss of privacy to the occupiers.
4. The proposed intensification of the parking area to the rear of the site by reason of unsatisfactory siting in relation to the neighbouring residential properties and associated disturbance and general activity would be unduly obtrusive and detrimental to the visual and residential amenities of those properties and the character of the area.
5. The proposed development by reason of unsatisfactory design and layout would have poor physical and visual links between the flats and the rear garden thus providing an inadequate standard of amenity for future occupants thereof.
6. The proposal would represent over development of the site, by reason of excessive density and inadequate amenity space, to the detriment of neighbouring residential amenity in the surrounding area.

7. The proposal would result in the unacceptable loss of trees of significant amenity value and vegetation, which, in the opinion of the local planning authority, would be detrimental to the character, and appearance of the locality.

P/1570/07/CFU	Demolition of existing house and erection of part 2 and part 3 storey building comprising of 7 flats; with associated car parking, landscaping and widening of vehicle access to high road	APPROVED 18-OCT-07
P/2673/08	Construction of part two and part three storey building to provide nine flats; with associated car parking, landscaping and widening of vehicle access to high road	REFUSED 06-OCT-08

**Reason for Refusal:**

1. The proposed development, by reason of poor window proportions, poor solid to void relationship, long frontage elevation, incorporation of elements that do not harmonise within the front elevation and poorly related flat roof, results in an unresolved, bland and bulky appearance that would fail to provide the high standard of design necessary for new development, and a building that would be overly dominant on, and detrimental to, the existing character and appearance of, the local street scene, contrary to policies D4 and D5 of the Harrow Unitary Development Plan 2004, policy 4B.1 of The London Plan 2008, and Supplementary Planning Guidance Designing New Development (March 2003).

2. The proposed development represents an overdevelopment of the site by reason of the concentration of small units, poor internal layout, awkward room shape and configuration, failure to meet lifetime homes standard, inadequate provision of usable external amenity space, actual and perceived overlooking to rear garden and first floor elevation of the Newton Road properties (adjoin site south east corner) and overlooking of the ground floor unit (No. 2), resulting in an over intensive use of the site, compromised living conditions for future occupiers and detriment to the occupiers of neighbouring properties, contrary to London Plan polices 3A.3, 3A.5, 3A.6 and policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance Designing New Development (March 2003).

3. The application fails to provide onsite renewable energy generation to address 20% of the total energy demand of the development and therefore is considered to be an unsustainable form of development, contrary to policy 4A.1, 4A.7, 4B.1 of The London Plan 2004 and policy D4 of the Harrow Unitary Development Plan.

**e) Applicant's Statement**

- Principle differences are that the two flats at the front of the site have been split into 4 smaller units to provide 8 units.
- The proposal lies on or within the previous building line.
- The massing and fenestration is broadly identical to previous proposals, although some changes have been made to the balcony arrangements and the rear elevation.
- The revised scheme provides better accessibility than the previous scheme, with well organised accessible routes from all of the amenities and facilities on the site.



## **2) Design and Character**

While the proposed scheme seeks to retain the same building footprint, scale and height as the approved scheme, the application proposes a number of changes to what are considered to be key design elements of the building.

Explanatory paragraph 4.10 of Policy D4 Harrow Unitary Development Plan 2004 (HUDP) states that 'development should be designed to complement their surroundings and have a satisfactory relationship with adjoining buildings and spaces. Policy D4 explanatory paragraph 4.11 of the, states that 'buildings should respect the form, massing composition, proportion and materials of the surrounding townscape'. This requirement is reinforced under PPS1, which states that development should respond to their local context and create or reinforce local distinctiveness.

The surrounding built locality is characterised by a variety of building types. In the immediate context however, are two-storey terraced houses to the south and a two storey flat roofed block of flats to the north. Behind the site are two-storey terraced properties.

The approved scheme was considered to provide a high quality design that added visual interest to the locality, fit comfortably with neighbouring properties and within the street scene. The projecting balconies, solid-to-void ratio, high quality materials and window frames were key features in the overall design of the modern building.

The refused scheme P/2673/08 was considered to result in an unresolved, bland and bulky building that would be overly dominant on, and detrimental to, the existing character and appearance of, the local street by reason of the poor window proportions, solid to void relationship and poorly detailed roof design.

The current application has sort to overcome the previous reason for refusal through the reinstatement of windows to the front elevation, a number of larger windows in the front and rear elevations and the use of render and metal panels to break up the elevation of the buildings and the roof form.

The detailed design of the proposed development is considered to provide an acceptable form of development that would respect the built form and massing of the surrounding properties within the locality in accordance with policy D4 of the Harrow Unitary Development Plan.

The detailed design of the cycle store has been amended so that it is more in keeping with the proposed building. Timber trellis is proposed around the northern side elevation of the structure separating the car parking and cycle store from the amenity area.

## **3) Residential Amenity**

Policy D5 of the Harrow Unitary Development Plan 2004 seeks to ensure that the amenity and privacy of occupiers of existing and proposed dwellings is safeguarded.

The reconfiguration of the development to accommodate the one additional flat would provide smaller units with an average floor space of 35sqm for the 1 bedroom flats and 50sqm for the 2 bedroom flats. The two three-bedroom flats would have a floor area of approximately 65sqm and the studio 35sqm. The potential layout of the studio unit has been illustrated on the submitted drawings showing the living area and kitchen would occupy the larger rectangular area of the unit and the bathroom would be located within the southern end of the unit. While notably smaller in size than the approved 7 unit scheme all units would comply with Harrow Council's informal guidance for minimum floor area and room sizes for new build self contained flats. The units would also benefit from adequate outlook and natural daylight.

As the building footprint, height and location was approved as part of planning permission P/1570/07/CFU the only concern regarding impact on neighbouring properties is increased overlooking and loss of privacy as a result of the reconfiguration of the internal layout of the block of flats.

The first and second floor windows in the south eastern corner of block that serve flats 4 (bathroom window) and 7 (secondary window living room) that overlook the rear of the nos. 12 and 14 Newton Road are to be obscurely glazed to limit actual and perceived overlooking of to the rear of properties the Newton Road properties. The obscure glazing of these windows is consistent with the approved scheme. The remaining windows are of a sufficient distance not to result in an acceptable level of overlooking to properties along Newton Road. Accordingly, it is not considered that the proposed development would be harmful to the living conditions currently enjoyed by neighbouring properties in accordance with policy D5 of the Harrow Unitary Development Plan.

An objection has been received regarding loss of light to the back gardens of neighbouring properties. As advised above the building footprint, height and siting was secured in the extant permission P/1570/07/CFU. It was considered that the staggered design of the building and the separation to the southern site boundary was sufficient not to result in an acceptable loss of light to the rear of neighbouring properties accordingly this aspect of the development is considered acceptable.

The approved scheme P/1570/07/CFU provided a total of 449m<sup>2</sup> of amenity space including a private garden of 50m<sup>2</sup> for the three bedroom ground floor flat and private amenity space of 36.5m<sup>2</sup> in the form of three balconies and two roof terraces.

A total area of 376 m<sup>2</sup> of amenity space is proposed for the development. The reduction of amenity space in the current application arises from the increase to the car parking area and the repositioning of the cycle store. The layout has been amended from the refused scheme P/2673/08 to provide private outdoor amenity area for five of the units. This is provided in the form of a private garden area (32sqm) for the three bedroom ground floor flat. At first floor level the one-bedroom unit (flat 2) and three bedroom unit (flat 5) would have access to private balconies of 4sqm and 7sqm respectively.

The two 2.-bedroom flats (nos. 6 and 8) on the second floor would have access to private balconies of 14.6sqm and 8sqm respectively. The remainder of the amenity space would be provided as a 346m<sup>2</sup> communal garden area at the rear of the site this equates to approximately 49sqm of outdoor amenity space is proposed for each of the 7 flats (not including ground floor unit with private garden (32sqm). This provision is considered acceptable for the proposed units and accords with the policy requirements of D5 of the Harrow Unitary Development Plan.

A 1.8m high trellis and hedge has been included as part of the landscaping scheme to provide physical separation to undercroft car parking area whilst forming part of the amenity area for the development.

#### **4) Parking & Highway Safety**

The Design and Access Statement submitted with the application states the existing vehicular access is to be widened to 4.8m this is consistent with the extant approval.

Nine parking spaces are proposed including one disabled bay. Cycle storage is provided for 9 bikes at the front of the site. Access to the site would be controlled by an electronic gate. The proposed parking provision of 9 spaces would provide 1 space per dwelling and one disabled bay and would be within the maximum parking standards for a development of 10 spaces in accordance with policy T6 of the HUDP 2004.

An objection was received regarding the traffic congestion, highway safety, the proposed site access and on street parking demand as a result of the development.

The site access and traffic generation for approved seven units planning ref: P/1570/07/CFU was considered to be acceptable in terms of the impact on the traffic flow in the locality, pedestrian safety, access into the site and parking provision for the approved scheme. No changes are proposed to the site access as part of this application. The Council's Transport Engineer has commented on the application and objection and advised that traffic from an additional unit would not be harmful to either traffic congestion, highway safety or on street parking demand. The proposed parking provision is within the Harrow's parking standards. Accordingly, this aspect of the development is considered acceptable.

The proposed provision of cycle parking is supported in principle as it promotes alternative transport modes other than the car, however further information would need to be submitted to demonstrate that the cycle store is secure.

#### **5) Housing Provision and Density**

Policy 3A.3 and Table 3A.2 of the London Plan 2008 provide guidance on the suitable range of density for new residential development, based on the accessibility to public transport and services of the site and the surrounding character of development.



The proposed 8 units would provide a total of 21 habitable rooms. This resulting residential density of 88U/ha and 233hr/ha would fall within the density guidance of 50-95U/ha and 150-250hr/ha specified in the London Plan for a suburban area with a PTAL rating of 2.

**6) Accessible Homes**

The Design and Access Statement submitted with the application states that advice has been sought for a number of different sources and that the development has been designed in accordance with Part M of the Building Regulations and Harrow Councils accessibility guidance.

The development for the most part appears to comply with Council's Supplementary Planning Document Accessible Homes however a condition is recommended to ensure compliance with the SPD.

**7) S17 Crime & Disorder Act**

Policy D4 of the Harrow Unitary Development Plan 2004 advises crime prevention should be integral to the initial design process of a scheme. In particular buildings should be orientated to provide natural surveillance, roads, footpaths should be well lit and direct, with good visibility, and there should be no unobserved access to the rear of buildings.

The alterations to the scheme proposed by this application do not raise any new crime issues.

**8) Sustainability**

In accordance with policies 4A.7, 4A.8, 4A.9, 4A.10 of The London Plan 2008, onsite renewable energy generation is required to address 20% of the energy demands of the proposed development. While this was not a material consideration for the earlier approval due to the adoption of the revised policies, all new development is required achieve a reduction in carbon dioxide emissions from onsite renewable energy generation unless it can be demonstrated that such provision is not feasible.

The Energy Assessment submitted with the application concludes that the proposed energy saving measures would reduce carbon dioxide emission of the proposed development by 11%, but that it was not technically viable to incorporate renewable technologies within the scheme. Further information is required to support this statement accordingly a condition is recommended requiring further information is submitted to address the London Plan renewable energy requirements and to ensure that the development achieves a minimum level of 3 for code for sustainable housing.

**9) Consultation Responses:**

Apart from the points raised in the above sections, other issues raised are:

- None

## **CONCLUSION**

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above: this application is recommended for grant, subject to the following conditions.

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

REASON: To comply with the provisions of Section 91 of the Town & Country Planning Act 1990.

2 The development hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces noted below have been submitted to, and approved in writing by, the local planning authority:

a: the extension / building(s)

b: the ground surfacing

The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the appearance of the locality.

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

REASON: To safeguard the amenity of neighbouring residents.

4 No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to, and approved in writing by, the local planning authority.

The boundary treatment shall be completed:

b: before the building(s) is/are occupied

The development shall be completed in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the amenity of neighbouring residents and the character of the locality.

5 No works or development resulting in any change in the approved levels of the site in relation to the adjoining land and highway(s) shall be carried out without the prior permission, in writing, of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents, and to ensure a satisfactory appearance, drainage and gradient of access.

6 The development hereby permitted shall not commence until a scheme for:-

(a) The storage and disposal of refuse/waste

(b) and vehicular access thereto

has been submitted to, and approved in writing by, the local planning authority. The development shall not be occupied or used until the works have been completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure adequate standards of hygiene and refuse/waste collection without prejudice to the enjoyment by neighbouring occupiers of their properties.

7 The development hereby permitted, as detailed in the submitted and approved drawings, shall be built to Lifetime Home Standards, and thereafter retained to those standards.

REASON: To ensure provision of 'Lifetime Home' standard housing in accordance with the policies of the Harrow Unitary Development Plan.

8 The obscure windows shown in the eastern elevation at first and second floor level of the approved development shall:

(a) be of purpose-made obscure glass,

(b) be permanently fixed closed below a height of 1.8m above finished floor level, and shall thereafter be retained in that form.

REASON: To safeguard the amenity of neighbouring residents.

9 The development hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works which shall include a survey of all existing trees and hedgerows on the land, indicating those to be retained and those to be lost. Details of those to be retained, together with measures for their protection in the course of the development, shall also be submitted and approved, and carried out in accordance with such approval, prior to any demolition or any other site works, and retained until the development is completed. Soft landscape works shall include: planting plans, and schedule of plants, noting species, plant sizes and proposed numbers/densities.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

10 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 2 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

11 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected.

12 No demolition or site works in connection with the development hereby permitted shall commence before:-

(b) the boundary.

of the site is enclosed by a close boarded fence to a minimum height of 2 metres. Such fencing shall remain until works and clearance have been completed, and the development is ready for occupation.

REASON: In the interests of amenity and highway safety.

13 The development hereby permitted shall not be occupied until the car parking, turning and loading area(s) shown on the approved plan number D2.11B have been constructed and surfaced with permeable materials, or drained in accordance with details submitted to, and approved in writing by, the local planning authority. The car parking spaces shall be permanently marked out and used for no other purpose, at any time, without the written permission of the local planning authority.

REASON: To ensure the satisfactory provision of parking areas, to safeguard the appearance of the locality and in the interests of highway safety.

14 The development hereby permitted shall not be occupied until visibility is provided to the public highway in accordance with dimensions to be first agreed in writing by the local planning authority. The visibility splays thereby provided shall thereafter be retained in that form.

REASON: To provide a suitable standard of visibility to and from the highway, so that the use of the access does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway.

15 The development of any buildings hereby permitted shall not be commenced until works for the disposal of surface water have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided.

16 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided.

17 The development of any buildings hereby permitted shall not be commenced until surface water attenuation/storage works have been provided in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To prevent the increased risk of flooding.

18 The development hereby permitted shall not commence until details of a scheme for generating 20% of the predicted energy requirement of the development from on-site renewable resources has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is first occupied and shall thereafter be retained so that it provides the required level of generation.

REASON: To ensure the development meets the basic requirements of London Plan policies 4A.1 and 4A.7.

19 The dwelling(s) shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

REASON: To reduce the carbon emissions of the development and create more sustainable homes in accordance with policies 4A.1, 4A.3 and 4A.7 of the London Plan.

20 Prior to occupation of the development hereby permitted, measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of the application site / development shall be installed in accordance with details to be submitted to and approved in writing by the local planning authority. Any such measures should follow the design principles set out in the relevant Design Guides on the Secured by Design website: <http://www.securedbydesign.com/guides/index.aspx> and shall include the following requirements:

1. all main entrance door sets to individual dwellings and communal entrance door sets shall be made secure to standards, independently certified, set out in BS PAS 24-1:1999 'Security standard for domestic door sets';
2. all window sets on the ground floor of the development and those adjacent to flat roofs or large rainwater pipes (downpipes) shall be made secure to standards, independently certified, set out in BS.7950 'Security standard for domestic window sets'.

Following implementation the works shall thereafter be retained.

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime, in accordance with Policy D4 of the Harrow Unitary Development Plan, and Section 17 of the Crime & Disorder Act 1998.

#### **INFORMATIVES:**

##### **1 INFORMATIVE:**

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

##### **2 INFORMATIVE:**

In June 2006 Harrow Council adopted two Supplementary Planning Documents: "Access for All" and "Accessible Homes", containing design guidelines for the provision of safe and convenient access for all disabled groups. Both documents can be viewed on the Planning pages of Harrow Council's website:

Access for All: [http://www.harrow.gov.uk/downloads/AccessforallSPD\\_06.pdf](http://www.harrow.gov.uk/downloads/AccessforallSPD_06.pdf)

Accessible Homes: <http://www.harrow.gov.uk/downloads/AccessibleHomesSPD.pdf>

##### **3 INFORMATIVE:**

The London Borough of Harrow seeks to encourage Secured by Design accreditation where appropriate. This is a national police initiative that is supported by the Home Office Crime Reduction & Community Safety Unit and the Planning Section of the ODPM. It is designed to encourage the building industry to adopt crime prevention measures to assist in reducing the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments. It is recommended that the applicant apply for this award.

For additional information, please contact the Borough Crime Prevention Design Advisor through the Crime Reduction Unit, Harrow Police Station, 74 Northolt Road, Harrow, Middlesex, HA2 ODN, tel. 020 8733 3465.

4 INFORMATIVE:

IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

Plan Nos: D1.01, D1.11, PPS1 Delivering Sustainable Development Design and Access Statement (July 2008) received 10th February 2009; Energy Assessment (19/11/08) received 25th March 2009; D2.11C, D2.12C, D2.13B, D2.14B, D2.15B, D2.21C, D2.22C, D2.23B received 17th June 2006

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**VAUGHAN FIRST AND MIDDLE SCHOOL, VAUGHAN ROAD, HARROW, HA1 4EL**

**Item: 2/11  
P/1523/09/SM/W**

Ward WEST HARROW

SINGLE STOREY EXTENSIONS WITHIN THE SCHOOL COMPOUND AND NEW PLAY AREAS TO THE NORTH OF THE FIRST SCHOOL; NEW HARDSURFACED AREA TO PROVIDE PARKING ADJACENT TO BOUNDARIES SHARED WITH 19-37 (ODD) THE GARDENS AND A WAITING AREA TO THE NORTH OF THE FIRST SCHOOL AND EXTERNAL ALTERATIONS

**Applicant:** Harrow Council  
**Agent:** David Kann Associates  
**Statutory Expiry Date:** 26-AUG-09

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## **RECOMMENDATION**

Under Regulation 3 of The Town and Country Planning General Regulations 1992, **GRANT** permission for the development described in the application and submitted plans, subject to conditions.

## **REASON**

The decision to recommend GRANT of planning permission has been taken having regard to the policies and proposals in The London Plan 2008.00 and the saved policies of Harrow's Unitary Development Plan 2004.00 (listed below), and to all relevant material considerations, to meet the Vision of the Council in maintaining high standards of schools, as detailed in Harrow's Sustainable Community Strategy [Mar 09], and any comments received in response to publicity and consultation:

### **The London Plan 2008**

3A.24 – Education Facilities  
4A.3 – Sustainable Design and Construction  
4B.1 – Design Principles for a Compact City  
4B.5 – Creating an Inclusive Environment

### **London Borough of Harrow Unitary Development Plan 2004**

D4 – The Standard of Design and Layout  
C7- New Educational Facilities  
C16 – Access to Buildings and Public Spaces  
T13 – Parking  
T6 – The Transport Impact of Development Proposals.

Supplementary Planning Document: Access for All (2006)  
Harrow's Sustainable Community Strategy [Mar 09]

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## **MAIN CONSIDERATIONS AND POLICIES [The London Plan 2008 & saved policies of The London Borough of Harrow Unitary Development Plan 2004]**

- 1) Principle of Development and Land Use** (London Plan Policy 3A.24, UDP policy C7)

- 2) **Quality of Design and Accessibility** (London Plan Policy 3A.24, 4B.1, 4B.5 and UDP Policies D4 and C16)
- 3) **Neighbouring Amenity** (UDP policy D4)
- 4) **Parking and Highway Safety** (T6 and T13)
- 5) **Section 17 Crime & Disorder Act** (UDP policy D4)
- 6) **Consultation Responses**

## INFORMATION

### a) **Summary**

Statutory Return Type:	Minor other
Site Area:	14,292 m <sup>2</sup>
Council Interest:	Council-owned property

### b) **Site Description**

- School situated in predominantly residential area.
- West Harrow London Underground tube station is located adjacent to the south eastern boundary of the site.
- Allotment gardens are located on the southern boundary of the site.
- Residential and several commercial property boundaries abut the north, east and western boundaries.
- The site is occupied by Vaughan First and Middle School consisting of mainly single storey buildings.
- Access to site is gained via a driveway from The Gardens.

### c) **Proposal Details**

- Demolition of existing nursery and creation of a new Autistic Spectrum Disorder (ASD) Unit. The new ASD unit would be an extension to an existing school building. An external play area would be formed to the north of the new ASD unit. New landscaping would surround this proposed play area.
- Relocation of the nursery to the existing Reception Classes in the First School and formation of a new play area to the north of the proposed nursery.
- The extension of the existing building to create a new Main Entrance, Reception and Administration Office.
- Extension to the existing school hall.
- New hardsurfacing in order to form a parking area adjacent to the eastern boundary. This new parking area would replace an existing parking area, which would be removed in order to construct the proposed ASD Unit. One new standard carpark and two new disabled car parks are proposed in order to meet the small increase in the onsite parking demand created by the proposed ASD Unit. A new hardsurfaced waiting area is proposed adjacent to the nursery playground.
- A number of existing trees and existing landscaping would require removal in order to construct the proposed extensions. Landscaping is proposed to the north east of the nursery/first school play area, to the north of the ASD Unit and two landscaping strips are proposed adjacent to the proposed new carparking area.



**d) Relevant History**

LBH/20092/W	SINGLE STOREY NURSERY BUILDING	GRANTED 10-SEP-81
LBH/24771	APPLICATION UNDER REG.4. OF TOWN & COUNTRY PLANNING GENERAL REGULATIONS 1976: 3 METRE HIGH FENCE ON PART BOUNDARY ADJOINING DORCHESTER AVENUE	GRANTED 24-JAN-84
LBH/41436	APPLICATION UNDER REG.4 TOWN & COUNTRY PLANNING GENERAL REGULATIONS 1976:ERECTION OF SINGLE STOREY EXTENSION TO PROVIDE ADDITIONAL CLASSROOMS & ANCILLIARY FACILITIES WITH ADDITIONAL PARKING	GRANTED 08-NOV-90
LBH/42395	APPLICATION UNDER REGULATION 4 OF TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1976: LAYING OUT OF TEMPORARY CAR PARK	GRANTED 21-MAR-91
WEST/7/95/LA3	SINGLE STOREY MOBILE CLASSROOM WITH RAMP FACILITY AND BIN STORE	GRANTED 31-JAN-95

**e) Pre-Application Discussion**

N/A

**f) Applicant Statement**

- The proposed development is for the following extension and alterations to the existing building and its external works:
  - i) Demolition of existing Nursery, creation of new ASD Unit (as extension to existing building) and formation of external play area.
  - ii) Relocation of existing nursery to existing reception classes in first school and formation of new adjacent play area.
  - iii) Extension of existing building to create new main entrance/reception/administration offices.
  - iv) Extension to existing school hall.
- The extensions and alterations have been planned to fully integrate into the School, following the recommendations of a Strategic Master Plan for this school site as commissioned by Harrow Council and prepared by David Kann Associates.
- The Applicant is in no doubt that the proposed development will comply fully with all Central and Local Government Planning Guidelines and has gone to great lengths to ensure that the application demonstrates this in all respects.



The new nursery would be attached to the north eastern side of the existing first school. The associated play area would be located adjacent to the proposed landscaping strip which would help soften the appearance of the new hard surfaced waiting area. The play area would be directly accessible from the nursery and first school main entrance doors.

The proposed extensions are considered acceptable in principle in terms of scale and design, in accordance with Policy D4 of Harrow's UDP 2004.00 and the land use would not deviate from the existing use on the site. Indeed the proposal is supported by UDP policy C7. The Proposals Map in Harrow's UDP indicates the site as white land [non-designation]. Accordingly, there are no specific policy constraints in The London Plan 2008 or Harrow's UDP 2004 connection to the proposal that would preclude its development. Essentially, the proposal is supported by Policy 3A.24 of The London Plan 2008.

The proposal contributes towards key themes of Harrow's Sustainable Community Strategy [Mar 09]. The Community Strategy sets out a vision for the Borough to 2020. One of the key themes of the Community Strategy is 'Every Harrow Child'. The Vision states:

*'Harrow will be a place where children and young people are healthy and safe and stay healthy and safe, where they are encouraged and helped to enjoy living, learning playing and growing and to achieve while doing so, where they can make a positive contribution to their own futures and to the future of their borough and the community generally, and where they can successfully prepare for and engage in activities to enjoy economic wellbeing.'*

This Vision identifies the importance of the development of children and young people in the Borough, to ensure they have access to education opportunities and are healthy and safe as well as promoting social opportunities. The proposal for new and modern classroom accommodation supports this Vision. Consequently, Vaughan First and Middle School will represent a much-improved education facility, in which children will be able to learn and develop.

## **2) Quality of Design and Accessibility**

Policy D4 of the UDP requires the Council to take into account:

- (a) The site and setting;
- (b) Context, scale and character;
- (c) Public realm;
- (d) Energy efficiency, renewable energy, sustainable design and construction;
- (e) Layout, access and movement;
- (f) Safety;
- (g) Landscape and open space;
- (h) Adequate refuse storage.

The proposed extensions would complement the main building and is therefore considered to be in-keeping with the surrounding area. It is considered that the proposed extensions would have regard to the scale of the surrounding built environment as they would not be overbearing or unduly bulky.

A car parking area would be relocated from the located of the proposed ASD Unit play area to adjacent to the eastern boundary. One additional standard car parking space and two disabled parking spaces are proposed. This is considered to meet the additional car park demand as more staff would be required for the ASD Unit. The ASD Unit would require similar numbers of staff and pupils. The Council's Highways Engineer has raised no objection to the proposal.

It is considered that the requirement for refuse storage would be not be significantly increased as a result of the proposal.

The proposal would achieve a BREEAM rating of Good. A Good rating provides an overall level of sustainability that exceeds the current United Kingdom Building Regulations standard. As an additional energy saving feature, wind catchers have been shown for the new ASD Unit to promote natural ventilation. Sufficient rooflights and windows are also proposed, which would allow natural light and ventilation into the proposed buildings. The proposal would therefore have a minimal impact on the surrounding environment and is considered to be acceptable.

The Council's Landscape Architect considers that the proposal would result in a significant loss of mature trees, shrubs and grass and amenity spaces in order to construct the new extensions, associated play areas and parking areas, which is contrary to the Design and Access Statement submitted with the application. However, it is considered that the number of trees lost can be reduced and any adverse impact can be mitigated by providing replacement planting elsewhere on this site. A condition to this effect has been added to this permission. Therefore, it is considered that the proposal would not result in an unreasonable loss of open space or landscaping and is therefore acceptable.

It is therefore considered that the proposal would meet policy D4 of the HUDP and would therefore not have an undue impact on the character and appearance of the site or the area. In addition, it is considered that the proposal maximises the potential of the site and respects London's built heritage and is therefore considered to be in accordance with London Plan Policy 4B.1.

The proposed extensions would be accessible from street level and would allow adequate access and movement on the site. Disabled WC's would be provided in the new ASD unit, nursery and in the new main entrance. All fixtures and fittings would be set at accessible heights and would take into account all aspects and requirements of wheelchair-accessible standards. It is considered that the proposal would meet London Plan policy 4B.5 and HUDP policy C16 and therefore would be acceptable.

**3) Neighbouring Amenity**

It is considered that the proposed building would not have an adverse effect on neighbouring amenity. As the proposed extensions would be spaced well away from surrounding residential properties, they would have no undue impact on residential amenity. The additional hard surfacing and carparks adjacent to the eastern boundary would not unduly impact on the adjacent residential sites. There are existing carparks/hardsurfacing adjacent to many of these residential sites and where new carparking is proposed, the closest residential dwelling house at number 23 is located approximately 17m away, which is considered to be a sufficient separation distance.

**4) Section 17 Crime & Disorder Act**

It is considered that the proposal would not have any detrimental impact upon community safety and is therefore acceptable on these grounds.

**5) Consultation Responses**

- None so far

**CONCLUSION**

The proposal would improve education facilities, allow for new children's play areas and new parking areas for staff and parents.

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, this application is recommended for GRANT, subject to the following conditions.

**CONDITIONS**

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

REASON: To comply with the provisions of Section 91 of the Town & Country Planning Act 1990.

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

REASON: To safeguard the appearance of the locality.

3 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided.

4 The development of any buildings hereby permitted shall not be commenced until works for the disposal of surface water have been provided on site in accordance with details to be submitted to, and approved in writing by the local planning authority. The works shall thereafter be retained.

REASON: To prevent the increased risk of flooding.

5 The development of any buildings hereby permitted shall not be commenced until surface water attenuation/storage works have been provided in accordance with details to be submitted to and approved in writing by the local planning authority. The works shall thereafter be retained.

REASON: To prevent the increased risk of flooding.

6 The development hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works which shall include a survey of all existing trees and hedgerows on the land, indicating those to be retained and those to be lost. Details of those to be retained, together with measures for their protection in the course of the development, shall also be submitted and approved, and carried out in accordance with such approval, prior to any demolition or any other site works, and retained until the development is completed. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

7 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

8 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

9 No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to, and approved in writing by, the local planning authority.

The boundary treatment shall be completed:

a: before the use hereby permitted is commenced

b: before the building(s) is / are occupied

c: in accordance with a timetable agreed in writing with the local planning authority

The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the amenity of neighbouring residents and the character of the locality.

Item 2/11 : P/1523/09/SM/W continued/...

10 The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area, as shown on the approved drawing.

REASON: to safeguard the appearance of the locality.

Plan Nos: KBM/VS/01, KBM/VS/02, KBM/VS/03, KBM/VS/04, KBM/VS/05, KBM/VS/06, KBM/VS/07, KBM/VS/08 and Design & Access Statement.

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**28 ROXBOROUGH PARK, HARROW, P/1549/09/GL/C  
HA1 3AY**

**Item: 2/12**

Ward GREENHILL

CONVERSION OF HOUSE IN MULTIPLE OCCUPATION INTO 7 FLATS; EXCAVATION OF PART REAR GARDEN TO FORM LIGHTWELL; EXTERNAL ALTERATIONS; LANDSCAPING AND PARKING TO FRONT GARDEN AND PROVISION OF TWO PARKING SPACES

**Applicant:** Mr I B Kathuria

**Agent:** Kenneth W Reed Associates

**Statutory Expiry Date:** | 31-AUG-09

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## **RECOMMENDATION**

**GRANT** permission for the development described in the application and submitted plans, subject to conditions.

**REASON:** The decision to recommend GRANT permission has been taken having regard to the policies and proposals in the London Plan and the saved policies of the Harrow Unitary Development Plan listed below, and all relevant material considerations including any comments received in response to publicity and consultation, as the proposal would provide a high standard of residential accommodation and would enhance the character and appearance of the Roxborough Park and The Grove Conservation Area without impinging upon the amenity of the neighbouring occupiers, in accordance with London Plan policy 3A.5 and policies D4, D5, D9, D14, D15, T13 and C16 of the Harrow Unitary Development Plan (2004):

### **The London Plan 2008**

3A.1 – Increasing London’s Supply of Housing

3A.2 – Borough Housing Targets

3A.3 – Efficient use of stock

3A.4 – Housing Choice

3A.5 – Large Residential Developments

### **London Borough of Harrow Unitary Development Plan 2004**

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

D9 – Streetside Greenness and Forecourt Greenery

D14 – Conservation Areas

D15 – Extensions and alterations in Conservation Areas

D16 – Conservation Area Priority

T13 – Parking Standards

C16 - Access to Buildings and Public Spaces

Supplementary Planning Guidance: Extension’s – A Householder’s Guide (2008)

Supplementary Planning Document: Accessible Homes (2006)

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## **MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, Saved Policies in the Harrow Unitary Development Plan 2004 and any other relevant guidance)**

- 1) Character and Appearance of the Area (3A.1, 3A.2, 3A.5; D4, D9, D14, D15; SPG; Roxborough Park and The Grove Conservation Area Policy Statement)



- 2) Residential Amenity (3A.5; D4, D5, D9, T13, C16, SPG; SPD)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

## INFORMATION

### a) Summary

Statutory Return Type: Minor Dwellings  
Conservation Area Roxborough Park and The Grove  
Habitable Rooms 15  
Lifetime Homes 2  
Council Interest: None

### b) Site Description

- Three-storey plus loft semi-detached building with a two-storey side element on the south, and a single storey rear element with a hipped tile roof;
- The building appears to be in use as house in multiple occupation, although the Council records do not have any history of an authorised change of use;
- To the north is No. 30 Roxborough Park forming a pair with the subject site, and divided into four flats;
- To the south is No. 26 Roxborough Park, a flat building known as Drummond Court containing six flats;
- The area is characterised by a mixture of converted original dwellings and purpose built residential flat buildings, and semi-detached dwellings forming part of the Roxborough Park and The Grove Conservation Area;
- Roxborough Park is subject to resident parking restrictions.

### c) Proposal Details

- Conversion of residential premises into seven self-contained residential flats (6 x 1-bed and 1 x 2-bed);
- Excavation of part of the rear garden to form a lightwell;
- External alterations including flank wall openings.
- Refuse storage in enclosed area at side of property
- Provision of two parking spaces and landscaping in front garden

### Revisions to Previous Application:

Following the previous refusal of planning permission (P/1375/08) and dismissed appeal the following amendments have been made:

- Previous two-storey rear extension omitted
- One two-bedroom flat reduced in size to a one-bedroom flat
- Enclosed bin store proposed

### d) Relevant History

P/3543/07/DFU	Conversion of house in multiple occupation into 8 flats; two storey rear extension; excavation of part front and rear gardens to form lightwells with 1.1m high railings on brick plinth around front lightwell; external alterations	REFUSED 10-JAN-08
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**Reasons for Refusal:**

- The proposal by reason of excessive number of units, inadequate layout and design, lack of private amenity space, and non-compliance with Lifetime Home standards would result in an over-intensive use of the property giving rise to excessive levels of activity, noise and disturbance to the detriment of neighbouring amenity, and would provide substandard accommodation to the detriment of the amenities of future occupiers of the flats, contrary to the provisions of Policy 3A.4 of the London Plan, Policies D4, D5 and EP25 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Document: Accessible Homes (2006).
- The proposal by reason of the excavation of the front garden together with the associated railings and unacceptable impact of excessive front garden hardsurfacing, would be out of character with the area, detract from the appearance of the building and would not preserve or enhance the character or appearance of the adjoining Roxborough Park and The Grove Conservation Area contrary to Policies D4, D14, D15 and the policies of the Roxborough Park and The Grove Conservation Area.
- The two-storey rear extension by reason of its bulk, height, siting and design would be incongruous and obtrusive to the detriment of the character and appearance of the building, and the residential amenities of adjoining occupiers contrary to D4, D14 and D15 of the Harrow Unitary Development Plan, Supplementary Planning Guidance - Extensions: A Householders' Guide (2003).
- The proposal does not make satisfactory provision within the site for the storage of refuse and recycling material for the proposed flats, and the location of the bin store in the front garden would be obtrusive and would reduce the front garden area for soft landscaping to the detriment of the amenity of neighbouring and future occupiers and character and appearance of the locality and the adjacent Conservation Area contrary to policies D4 and D9 of the Harrow Unitary Development Plan (2004).
- The provision of two parking spaces on the site would be insufficient for the proposed eight flats and therefore the development would give rise to conditions prejudicial to the free flow of traffic and highway safety contrary to policies D4 and T13 of the Harrow Unitary Development Plan (2004).
- The proposed southern flank window to Flat 3's living room would result in actual and perceived overlooking and noise disturbance to occupiers of No. 26 Roxborough Road to the detriment of their residential amenities of neighbouring occupiers, contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance - Extensions: A Householders' Guide (2003).

P/1375/08/DFU	Conversion of residential premises into 7 flats; two-storey rear extension; excavation of part of rear garden to form lightwell; external alterations (resident permit restricted)	REFUSED 03-JUN-08 APPEAL DISMISSED 31-MAR-09
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**Reasons for Refusal:**

- The proposed development, by reason of the excessive number of units proposed would amount to an over-intensive occupation of this site, and by reason of the layout would provide a cramped and substandard form of accommodation, and would give rise to an unreasonable level of residential activity and associated disturbance, to the detriment of the amenity of the proposed and neighbouring occupiers, future occupiers of the site and the character of the locality, contrary to Policy 3A.5 of the London Plan and Policies D4 and EP25 of the Harrow Unitary Development Plan (2004).
- The two-storey rear extension by reason of its bulk, height, siting and rearward projection would be unduly overbearing, result in loss of light and overshadowing, and would be detrimental to the visual and residential amenities of future occupiers of proposed flats 2 and 5, contrary to Policy D5 of the Harrow Unitary Development Plan, Supplementary Planning Guidance - Extensions: A Householders' Guide (2003).
- The proposal does not make satisfactory provision within the site for the storage of refuse and recycling material for the proposed flats, and the location of the bin store in the front garden would be obtrusive and would reduce the front garden area for soft landscaping to the detriment of the amenity of neighbouring and future occupiers and character and appearance of the locality and the adjoining Conservation Area contrary to policies D4, D9, D14 and D15 of the Harrow Unitary Development Plan (2004).
- The proposed southern ground floor flank window and entrance to Flat 2 would result in actual and/or perceived loss of privacy and noise disturbance to future occupiers of the subject flat to the detriment of the residential amenities of future occupiers of the flat, contrary to policy D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance - Extensions: A Householders' Guide (2003).

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- Proposal would improve the property and the wider area
- Proposal addressed previous reasons for refusal and Inspector's Comments

**g) Consultations**

Conservation Area Advisory Committee: No objection

Harrow Hill Trust: No response received

Environmental Health: No response received

Waste Management: No response received

Advertisement

Character of a Conservation Area

Expiry : 20-AUG-09

**Notifications:**

Sent : 36

Replies : 0

Expiry : 12-AUG-09

**Summary of Responses:**

- N/A

## **APPRAISAL**

This application addresses those reasons for refusal upheld by the Inspector at appeal.

### **1) Character and Appearance of the Area**

#### ***Bin Storage***

The bins for refuse and recycling materials would be stored at the side of the property. The storage area would be located on the boundary with No. 26 Roxborough Park and enclosed by a 1.2m high brick wall on three sides.

One x 1100 litre general waste bin and 1 x 1280 litre blue recycling bin would be provided.

The location of the bin store is considered acceptable as No. 26 Roxborough Park does not have flank windows facing the site, and this location would not adversely impact on the main habitable areas of the subject site.

The relocation of the bins, compared to the previous location in the front garden would allow for additional soft landscaping in the front garden, and minimise potential for amenity impacts on neighbouring occupiers at No. 26 Roxborough Park with regard to odour, and noise and disturbance in relation to the bins, and would also improve the street scene appearance of the building, thereby preserving the character of the Conservation Area.

#### ***Soft Landscaping in the Front Garden***

The proposal is considered acceptable with regard to soft landscaping in the front garden, and would preserve the character of the building and the Conservation Area.

### **2) Residential Amenity**

#### ***External Amenity***

##### ***Flank Windows and Doors***

The proposal would include a ground floor flank door providing access to proposed Flat 2, which would be located 2.4m from the side boundary with No. 26 Roxborough Park. There would also be changes to the windows in this flank wall.

The Inspector at the Appeal noted that these windows and doors would be subject to overlooking from the use as the side passage. However, he noted that the new window would only serve a relatively small kitchen and there would not be an unacceptable loss of privacy and that existing windows are also subject to such overlooking.

In the light of the Inspector's comments, the changes to the windows and doors in the side elevation are considered acceptable.

Notwithstanding the above, a condition is attached requiring the ground floor flank windows to be fixed shut and obscure glazed to a height of 1.7m above finished floor level. An informative is also attached to the effect that these would not be protected openings and would not prejudice future development at the neighbouring property.

### ***Parking***

Currently, the building appears to be in use as a House in Multiple Occupation, (even though there is no planning permission for this use) serviced by on-site parking spaces located in the front garden. From a site visit, it appears that the existing hard paved area in the front garden might accommodate four vehicles entering/exiting independently of each other. However, the parking provision currently proposed for 7 flats (6 x 1-bed and 1 x 2-bed) is for two on-site parking spaces to be located in the front garden. Under the proposed configuration, there would be no opportunity to provide additional parking on the site unless in a stacked arrangement, which would prevent satisfactory manoeuvring of vehicles

Roxborough Park is subject to resident parking restrictions, and experiences high on-street parking demand. The site is also in close proximity to Harrow on the Hill Town Centre with associated transport links and services. Due to its sustainable location, and the small size of the flats proposed it is considered that a reduced level of parking provision is justified. As this site is located within a Controlled Parking Zone it is also possible to effectively control future ownership of cars by not allowing future occupiers a resident parking permit.

### ***Internal Amenity***

#### ***Vertical Stacking***

The suitability of the proposed flats in terms of the vertical stacking of rooms is considered satisfactory in terms of minimizing the potential for noise transmission between units.

#### ***Room Sizes***

The proposed flats have been assessed in accordance with Environmental Health guidelines for minimum room size standards. All flats comply with the Council's guidelines with regard to the total habitable area, and minimum room sizes.

#### ***Amenity Space***

Flat 1 would have its own private amenity space of 48sqm across two stepped levels, to the rear of the flat accessible from its living room. Flat 2 would also have a private courtyard at the rear off its living room with an area of 27.5sqm. Provision of private amenity space to these two units is supported, due to their direct access to the rear garden. The other five flats would have access along a side passageway located within the site, to the remaining communal rear garden which has an area of approximately 400sqm. The only loss of rear amenity space would relate to the sunken terrace area to Flat 1. This would be a negligible area, and the proposal would retain more than 400sqm of communal landscaped amenity space. It is considered that the proposed amenity arrangements would be appropriate subject to a condition requiring details of the proposed boundary fencing to be approved.

***Lifetime Home Standards***

Subject to the Council's Accessible Homes SPD (2006), the ground floor flats (Flats 2 and 3) should be built to Lifetime Homes standards. The car parking space in the front garden would comply with Lifetime Homes standards, as it would be at least 3.3m in width with level access provided to the main entrance, which is currently covered. The internal layout of Flat 3 would comply with the Accessible Homes policy, and the accessible carspace should be allocated to this flat due to the short distance to the parking space. Flat 2 would also comply, except that there would not be direct access between the bathroom and bedroom. It would not be reasonable to refuse the application on this basis, as the flat layout is constrained by the existing built form which is not being altered in this flat. A condition is attached requiring the development to be built and retained to Lifetime Home standards in accordance with the approved plans.

***Intensity of Use***

The previous refusal of permission for 7 flats in part related to the over-intensive use of the site and the associated level of residential activity associated with the use of the property. Unfortunately this was not supported by the Inspector who in dismissing the appeal was concerned primarily with the bulk of the proposed extensions and daylighting issues.

**3) S17 Crime & Disorder Act**

The proposal would have no impact with respect to this legislation.

**4) Consultation Responses**

None

**CONCLUSION**

Therefore, whilst the application remains a contentious issue, it would not be appropriate to refuse permission in respect of intensity of use, as this would not be likely to be supported by the Inspectorate if an appeal was made.

The principle of a conversion of this property to smaller units is not in doubt, as it is established in similar properties locally. It would also enable an upgraded level of accommodation from the current unauthorised HMO use which has also been refused permission in any event.

Previously the council's concerns have related primarily to the numbers of flats, parking, some daylighting infringements, plus extensions into seven flats. On balance taking into account the amendments to the appeal scheme, the current proposal is considered acceptable subject to conditions.

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, this application is recommended for grant, subject to the following condition(s):

## **CONDITIONS**

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

REASON: To comply with the provisions of Section 91 of the Town & Country Planning Act 1990.

2 The materials, including the brickwork and the bonding, to be used in the alteration of the external surfaces of the development shall match those used in the existing building, unless otherwise agreed in writing by the local planning authority.

REASON: To safeguard the appearance of the building and the locality, as required by Harrow UDP policies D4, D14 & D15.

3 The development hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works for the forecourt of the site. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

5 The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area, as shown on the approved drawing.

REASON: to safeguard the appearance of the locality.

6 No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to, and approved in writing by, the local planning authority.

The boundary treatment shall be completed:

b: before the building(s) is / are occupied

The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the amenity of neighbouring residents and the character of the locality.

7 The window(s) in the flank wall(s) of the approved development shall:

a) be of purpose-made obscure glass,

b) be permanently fixed closed below a height of 1.7 metres above finished floor level, and shall thereafter be retained in that form.

REASON: To safeguard the amenity of neighbouring residents.

8 The development hereby permitted, as detailed in the submitted and approved drawings, shall be built to Lifetime Homes Standards, and thereafter retained to those standards.

REASON: To ensure provision of 'Lifetime Homes' standard housing in accordance with the policies of the Harrow Unitary Development Plan.

## **INFORMATIVES**

### **1 INFORMATIVE:**

#### **SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:**

The decision to grant permission has been taken having regard to the policies and proposals in the London Plan and-or the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

London Plan:

3A.1, 3A.2, 3A.3, 3A.4, 3A.5

Harrow Unitary Development Plan:

D4, D5, D9, D14, D15, D16, T13, C16

SPG, Extensions: A Householder's Guide

SPD, Accessible Homes

### **2 INFORMATIVE:**

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

### **3 INFORMATIVE:**

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 CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: [communities@twoten.com](mailto:communities@twoten.com)

### **4 INFORMATIVE:**

Notwithstanding the note on your submitted plan(s), this decision has been made on the basis of measurements scaled from the plan(s), unless a dimensioned measurement overrides it.



5 INFORMATIVE:

The relevant traffic order will impose a restriction making residential occupiers of this building ineligible for resident's parking permits in the surrounding controlled parking zone.

6 INFORMATIVE:

The applicant is advised that any window in the flank elevation of the development hereby permitted will not prejudice the future outcome of any application which may be submitted in respect of the adjoining property.

Plan Nos: 1544/201 Rev A; /202 Rev A; /205 Rev A; /206 Rev A; /300; /301; /302; /303;  
/304; Design and Access Statement

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**5 WEST DRIVE, HARROW, HA3 6TX**

**Item: 2/13**

**P/1564/09/GL/C**

Ward HARROW WEALD

SINGLE STOREY SIDE FLANK/TWO STOREY REAR EXTENSION, FIRST FLOOR FRONT EXTENSIONS, REAR DORMER AND THREE VELUX WINDOWS

**Applicant:** Mr W Noorin

**Agent:** Mr Jin Il Kim

**Statutory Expiry Date:** | 31-AUG-09

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## **RECOMMENDATION**

**GRANT** permission for the development described in the application and submitted plans, subject to conditions.

## **REASON:**

The decision to recommend GRANT permission has been taken having regard to the policies and proposals in the London Plan and the saved policies of the Harrow Unitary Development Plan listed below, and all relevant material considerations including any comments received in response to publicity and consultation, as the proposal would comply with the requirements of the Supplementary Planning Guidance on Householder Extensions and would respect the character and appearance of the West Drive Conservation Area without impinging upon the amenity of the neighbouring occupiers, in accordance with policies D4, D5, D10, D14, D15 and T13 of the Harrow Unitary Development Plan (2004):

### **London Borough of Harrow Unitary Development Plan 2004**

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

D10 – Trees and New Development

D14 – Conservation Areas

D15 – Extensions and alterations in Conservation Areas

D16 – Conservation Area Priority

T13 – Parking Standards

Supplementary Planning Guidance: Extension's – A Householder's Guide (2008)

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## **MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, Saved Policies in the Harrow Unitary Development Plan 2004 and any other relevant guidance)**

- 1) Character and Appearance of the Conservation Area (D4, D10, D14, D15; D16, SPG)
- 2) Residential Amenity (D5, T13, SPG)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

## **INFORMATION**

### **a) Summary**

Statutory Return Type: Householder Development  
Conservation Area: West Drive  
TPO No.680: Cypress in rear garden  
Council Interest: None

**b) Site Description**

- No. 5 is a two storey detached dwellinghouse situated on the eastern side of West Drive;
- Site is located within the West Drive Conservation Area;
- Property has a carriage driveway off West Drive;
- Original dwellinghouse has been extended to the front, side and rear;
- The site has a rear garden approximately 35 metres in depth; the rear of the garden has dense foliage and two trees are covered by TPO No. 680, which covers the rear of the site;
- The site has a fall in ground levels from east to west. The surrounding area is generally characterised by detached dwellings. The two properties to the north are semi-detached and situated at an angle to the application building on a corner plot;
- Neighbouring property to the south has been extended to the side and rear.

**c) Proposal Details**

*First floor front extensions with alterations to the roof*

- Proposed first floor front extensions above the existing ground floor bay windows, with subordinate gabled roofs over the bay windows
- Two velux windows are proposed on the front roofslope.

*Single storey side extension*

- The proposed side extension would replace the garage but would extend and be flush with the main front wall of the dwellinghouse and then extend along the boundary to the depth of the original main rear wall.
- The height at the front of the proposed extension would be 3.2 metres with a height of 2.8 metres to the rear, due to the sloping ground level
- One high level flank window is proposed
- One window is proposed on the front elevation of the extension
- The proposed extension would be used as a habitable room with ensuite bathroom to the front and a utility room to the rear

*First floor rear extension*

- The proposed two storey rear extension would extend across the entire width of the original dwelling
- The proposed two storey rear extension to the north would have a depth of 3.5 metres for a across the whole width of the property
- The proposed roof over the two storey rear extension would be the same height as the existing ridge line
- One velux window is proposed on the southern slope of the roof
- One large window to a habitable room is proposed on the existing northern flank wall on the first floor

*Rear dormers*

- The proposed dormer would have a width of 2.1 metres and height of 2 metres, including the gabled roof
- The proposed dormer would be set in by 1.2m from the roof edges and set above the roof eaves by 1.7 metres.

*Single storey rear extension*

- The proposed single storey rear extension would extend across the width of the dwellinghouse
- The depth of the proposed extension to the northern side would be 4 metres from the recessed main rear wall of the dwellinghouse with a width of 6.3 metres
- The depth of the proposed extension to the south would be 5 metres from the projecting main rear wall of the dwellinghouse and the side extension with a width of 6.95 metres
- The proposed single storey rear extension would have two different roof designs. When viewed from the rear, the eastern side of the rear extension would have a mono pitched roof, with the highest point of the pitch situated immediately below the proposed rear window on first floor level. Two gable end projections would be integrated within the roof
- The western side would have a flat roof with a total height of 2.8 metres. A projecting roof lantern is proposed on top of the flat roof of the single storey rear extension with the highest point of the roof lantern being 3.5 metres and would be situated immediately below the proposed rear window on first floor level.
- A chimneystack is proposed on the northern elevation of the property.

**Revisions to Previous Application:**

Following the previous refusal of planning permission (P/0562/09) the applicant has made the following amendments:

- Depth of ground floor rear extension reduced by 1.7m on northern part of extension with depth on southern boundary (closest to No. 3 West Drive) unchanged
- Depth of first floor rear extension reduced to 3.5m across whole width of first floor. Previous proposal would have had a depth of 3.5 metres for a width of 6.3 metres and then be stepped out towards the rear at the southern side of the dwelling by an additional depth of 1 metre (i.e. 4.5 metres depth for a width of 4.3 metres)
- Previous two rear dormers replaced with single rear dormer
- A 0.5m high wall with 0.9m high railings (making a total of 1.4m) at the front of the site omitted

**d) Relevant History**

LBH/10254	Erection of single storey front extension to provide toilet and porch	GRANTED 08-JUL-74
LBH/25528	Single-storey front side and rear extensions	GRANTED 20-JUN-84
P/1986/04/DFU	Single storey side; single and two storey rear extensions rear dormer	GRANTED 14-SEP-04
P/1971/08/DFU	Single and two storey side and rear extensions; first floor front extension incorporating to the front roof slope; rear dormer; new chimney stack; external alterations	REFUSED 08-SEP-08

**Reasons for Refusal:**

- The proposed single and two storey side extension, by reason of excessive bulk, prominent siting and unsatisfactory design, would be unduly obtrusive with inadequate space about the building and would detract from the established pattern of development in the street scene and the character of the locality, and would not preserve or enhance the character or appearance of West Drive Conservation Area contrary to Policies D4, D14 and D15 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance - "Extensions: A Householders Guide (2008)".
- The proposed rear extension, by reason of excessive bulk and rearward projection, would be unduly obtrusive and overbearing, and would be detrimental to the visual and residential amenities of the occupiers of the adjacent property, contrary to Policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: "Extensions: A Householders Guide (2008)".
- The proposed roof extension, by reason of excessive size and bulk, would be unduly obtrusive and overbearing, would detract from the appearance of the property, to the detriment of the amenities of neighbouring properties and would fail to preserve or enhance the character or appearance of West Drive Conservation Area, contrary to Policies D4, D5, D14 and D15 of the Harrow Unitary Development Plan and Supplementary Planning Guidance: "Extensions: A Householders Guide (2008)".
- The proposed extensions in conjunction with existing extensions to the property would give rise to an excessive scale of development on the site and would subsume the original scale and character of the property, and would not preserve or enhance the character or appearance of the West Drive Conservation Area contrary to Policies D4, D5, D14 and D15 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: "Extensions: A Householders Guide (2008)".

P/3370/08	Single storey side and single/two storey rear extensions; first floor front extension; rear dormer; conversion of garage to habitable room; external alterations	REFUSED 04-DEC-08
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**Reasons for Refusal:**

- The proposed first floor front extension, by reason of excessive forward projection, bulk and prominent siting, would be unduly obtrusive and would detract from the appearance of the property and the character of the locality, to the detriment of the visual amenities of the occupiers of the adjacent properties and would fail to preserve or enhance the character or appearance of the West Drive Conservation Area, contrary to Policies D4, D5, D14 and D15 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: "Extensions: A Householders Guide (2008)".
- The proposed single and two storey rear extensions, by reason of excessive bulk and rearward projection, would be unduly obtrusive and overbearing, and would be detrimental to the visual and residential amenities of the occupiers of the adjacent property, contrary to Policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: "Extensions: A Householders Guide (2008)".

- The proposed roof extension and rear dormer, by reason of excessive size and bulk, would be unduly obtrusive and overbearing, and would detract from the appearance of the property and the character of the locality, to the detriment of the visual amenities of the occupiers of the adjacent properties and would fail to preserve or enhance the character or appearance of the West Drive Conservation Area, contrary to Policies D4, D5, D14 and D15 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: "Extensions: A Householders Guide (2008)".
- The proposed extensions in conjunction with existing extensions to the property would give rise to an excessive scale of development on the site and would subsume the original scale and character of the property, and would not preserve or enhance the character or appearance of the West Drive Conservation Area contrary to Policies D4, D5, D14 and D15 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: "Extensions: A Householders Guide (2008)".

P/0562/09	First Floor Front Extensions; Single Storey Side; Single/Two Storey Rear Extensions; Two Rear Dormers Incorporating Two Rooflights To Front Roofslope; Conversion Of Garage To Habitable Room; New 1.4M High Front Boundary Wall With Railings And Two Gates; External Alterations	REFUSED 28-MAY-09
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**Reasons for Refusal:**

- The proposed extensions, in conjunction with previous extensions to the property, would give rise to an excessive scale of development on the site and would subsume the original scale and character of the property, and the proposed front boundary treatment would be incongruous and obtrusive, and would fail to preserve or enhance the character and appearance of the West Drive Conservation Area contrary to Policies D4, D14 and D15 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: "Extensions: A Householders Guide (2008)".
- The proposed single and two storey rear extensions, by reason of excessive bulk and rearward projection, would be unduly obtrusive and overbearing and the siting of large windows in the side walls of the dwellinghouse would lead to overlooking which would be detrimental to the visual and residential amenities of the occupiers of the adjacent properties, contrary to Policy D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: "Extensions: A Householders Guide (2008)".
- The proposed roof extension and rear dormers, by reason of excessive size and bulk, would be unduly obtrusive and overbearing, would detract from the appearance of the property, the character of the locality, and the visual amenities of the occupiers of the adjacent properties, and would fail to preserve or enhance the character or appearance of the West Drive Conservation Area, contrary to Policies D4, D5, D14 and D15 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: "Extensions: A Householders Guide (2008)".

e) **Pre-Application Discussion**

- None

f) **Applicant Statement**

- Nos. 2 and 6 West Drive have similar sized extensions; design would complement existing and nearby residential properties.

g) **Consultations**

**Conservation Area Advisory Committee:** Objection: This would be an overly bulky extension that would remove all character from the original dwellinghouse. The full effect of the increased depth would be seen through the gap.

If the porch were to be reduced or recessed between the two bays then this would improve the building's facade.

The proposed single storey side extension needs to be set back from the front so that it is subservient. The ridge of the proposed dormer is close to the ridge of the main house and a flat roof would be better.

We regret the loss of the garage.

**Conservation and Design Officer:** Proposals are for: Single storey side flank/ two storey rear extension plus rear dormer and two velux windows.

The principle of building towards the rear of the property has been established and as such there are no objections to the extension here. The 2 storey side extension that was of concern has been reduced to single storey and is now able to preserve the character and appearance of the conservation area. This element would however be improved if it were to be pushed back to the line of the existing garage.

**Planning Arboricultural Officer:** Tree protection measures required for the protected Cypress tree in rear garden in line with BS:5837 (2005).

Advertisement      Character of a Conservation Area      Expiry : 20-AUG-09

**Notifications:**

Sent : 36      Replies : 22      Expiry : 12-AUG-09

**Summary of Responses:**

22 responses objecting on grounds of excessive bulk and scale, detracting from the character of the conservation area and general loss of residential amenity. Also loss of views and insufficient on site parking. The road cannot accommodate building works. Other approved extensions in the area are not similar to this proposal. The minor reductions proposed by this scheme are minimal and do not significantly reduce their detrimental impact.

- N/A

## **APPRAISAL**

There have been a number of planning refusals for a composite of ground and first floor extensions in 2009 and most recently in May 2009. Officers consider that the revised application addresses the previous reasons for refusal by a reduction in bulk of both the 1<sup>st</sup> floor and single storey rear extensions and reducing two dormers to one dormer on the rear roof plane.

### **1) Character and Appearance of the Area**

#### ***The extensions***

The proposed rear dormer to this dwelling house have been reduced in scale, bulk and rearward projection, since the previously refused application. The ground and first floor flank /rear extensions have also been reduced in size to make them more compatible with the host dwelling, the adjoining properties and the Conservation area generally. Officers also consider that overall the proposed revised extensions would not detract from the character of the West Drive Conservation Area. The impact upon the street scene would be limited as the 2 storey extension would be at the rear and predominantly screened by the host dwelling. The new single storey flank extension would replace the existing garage and would be compatible in terms of width, projection but slightly lower in height at the rear part . On this basis it would not detract from the character of the conservation area and street scene.

The proposed rear dormer (previously two proposed) would be set in from the ridge, eaves and side of the property, so it would not over dominate the rear roof plane.

For the purpose of protecting the Tree of special amenity value (which is subject to a Tree Preservation Order), conditions have been attached to this recommendation that protective fencing be erected prior to any construction works commencing at the site.

### **2) Residential Amenity and Parking**

The depth of the 2 storey rear extension has been reduced by 1.7m at ground floor level and to 3.5m at 1<sup>st</sup> floor level. It no longer project in an "L" shaped form to a maximum of 4.5m as previously submitted. It is not considered that the rear or flank extensions would result in substantive loss of daylight or overlooking so as to warrant a refusal of permission.

The rear garden is 35m in length and would not be adversely affected by the two storey rear extension, and would provide more than adequate amenity space for the existing occupants.

In view of the parking spaces available at the front of the property, the scheme would have no adverse impact upon existing parking arrangements for the host dwelling.

### **3) S17 Crime & Disorder Act**

The proposal would have no impact with respect to this legislation.

### **4) Consultation Responses**

None



## **CONCLUSION**

Overall there have been an excessive number of proposals for this dwellinghouse, a number of unimplemented permissions and three which have more recently been refused permission. The current scheme in officer's view finally addresses the previous reasons for refusal. The proposed single flank and two storey rear extensions would now be in proportion in scale and design terms to the host dwelling and compatible with the adjoining residential properties and conservation area. The proposed rear dormer would have a significantly improved relationship to the rear roof plane than previous submissions.

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, this application is recommended for grant, subject to the following condition(s):

## **CONDITIONS**

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

REASON: To comply with the provisions of Section 91 of the Town & Country Planning Act 1990.

2 The materials, including the brickwork and the bonding, to be used in the alteration of the external surfaces of the development shall match those used in the existing building, unless otherwise agreed in writing by the local planning authority.

REASON: To safeguard the appearance of the building and the locality, as required by Harrow UDP policies D4, D14 & D15.

3 The development hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works for the forecourt of the site. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

5 The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area, as shown on the approved drawing.

REASON: to safeguard the appearance of the locality.

6 No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to, and approved in writing by, the local planning authority.

The boundary treatment shall be completed:

b: before the building(s) is / are occupied

The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the amenity of neighbouring residents and the character of the locality.

7 The window(s) in the flank wall facing no.3 West Drive of the approved development shall:

a) be of purpose-made obscure glass,

b) be permanently fixed closed below a height of 1.7 metres above finished floor level, and shall thereafter be retained in that form.

REASON: To safeguard the amenity of neighbouring residents.

8 The development hereby permitted, as detailed in the submitted and approved drawings, shall be built to Lifetime Homes Standards, and thereafter retained to those standards.

REASON: To ensure provision of 'Lifetime Homes' standard housing in accordance with the policies of the Harrow Unitary Development Plan.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no window(s) / door(s), other than those shown on approved plan no WE 2-2C shall be installed in the flank wall facing no.3 West Drive of the extensions hereby permitted without the prior permission in writing of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents.

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

REASON: To safeguard the amenity of neighbouring residents.

11 The development hereby permitted shall not be altered so as to form separate self contained residential units without the grant of further specific permission from the local planning authority.

REASON: To safeguard the amenity of neighbouring residents and the character of the locality.

12 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected.

## **INFORMATIVES**

### **1 INFORMATIVE:**

#### **SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:**

The decision to grant permission has been taken having regard to the policies and proposals in the London Plan and-or the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

London Plan:

3A.1, 3A.2, 3A.3, 3A.4, 3A.5

Harrow Unitary Development Plan:

D4, D5, D9, D14, D15, D16, T13, C16

SPG, Extensions: A Householder's Guide

SPD, Accessible Homes

### **2 INFORMATIVE:**

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

### **3 INFORMATIVE:**

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 CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: [communities@twoten.com](mailto:communities@twoten.com)

### **4 INFORMATIVE:**

Notwithstanding the note on your submitted plan(s), this decision has been made on the basis of measurements scaled from the plan(s), unless a dimensioned measurement overrides it.

### **5 INFORMATIVE:**

The relevant traffic order will impose a restriction making residential occupiers of this building ineligible for resident's parking permits in the surrounding controlled parking zone.

### **6 INFORMATIVE:**

The applicant is advised that any window in the flank elevation of the development hereby permitted will not prejudice the future outcome of any application which may be submitted in respect of the adjoining property.

Item 2/13 : P/1564/09/GL/C continued/...

Plan Nos: WE 1-2C; WE 2-2C; Design and Access Statement

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**THE APOLLO PUBLIC HOUSE, 259 PINNER ROAD, HARROW**

**Item: 2/14  
P/0330/09/DC/MAJ**

Ward      HEADSTONE SOUTH

INSTALLATION OF CAR PARK SIGNAGE

**Applicant:**            TESCO STORES LTD  
**Agent:**                CGMS CONSULTING  
**Statutory Expiry Date:**      13-APR-09

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## **RECOMMENDATION**

**GRANT** consent for the development described in the application and submitted plans, subject to the following condition(s):

### **REASON**

The decision to GRANT consent has been taken having regard to the policies and proposals in the London Plan and-or the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

### **Policies:**

National Guidance  
PPG19 – Outdoor Advertisement Control

London Plan Consolidated with Alteration since 2004:  
4B.1 – Design principles for a compact city

Harrow Unitary Development Plan 2004:  
S1 – The form of development and pattern of land use  
EP21 – Vacant and disused land and buildings  
D4 – The standard of Design and layout

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## **MAIN CONSIDERATIONS AND POLICIES (London Plan & 2004 UDP)**

- 1) Policy Background (S1, EP21)
- 2) Amenity, Design and Character of Area (4B.1 & D4)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

## **INFORMATION**

### **a) Summary**

Statutory Return Type:            Adverts  
Site Area:                            0.214 ha  
Council Interest:                    None

**b) Site Description**

- Derelict part single part 2-storey building on corner site at the junction of The Gardens and Pinner Road;
- Car parking to side and rear accommodating 31 parking spaces;
- Vehicular access off The Gardens
- Site lies roughly halfway between the Harrow Metropolitan Centre and the North Harrow District Centre;
- To the south of the site are railway lines serving the Metropolitan Underground line and mainline service from Marylebone to Birmingham;
- To the east across The Gardens are some lock up garages and a bin store. To the south east corner of the site is a car wash and MOT garage;
- To the north across Pinner Road are 2-storey semi detached houses;
- To the west are two 2-storey buildings with retail / commercial use at ground floor level and residential above and a Bus Stop directly in front of the buildings.

**c) Proposal Details**

- Various car park signage including welcome/goodbye sign at vehicular entrance, disabled parking signage, and car park management signage.

**d) Relevant History**

P/0325/09	SINGLE STOREY FRONT EXTENSION TO PROVIDE 27SQM OF ADDITIONAL RETAIL FLOORSPACE WITH ASSOCIATED ALTERATIONS TO GROUND FLOOR ELEVATIONS	PENDING
P/0326/09	INSTALLATION OF PLANT EQUIPMENT TO REAR OF BUILDING WITHIN A 1.5M TIMBER FENCE	PENDING
P/0327/09	ALTERATIONS TO EXISTING CAR PARK TO INCLUDE TWO ADDITIONAL CAR PARKING SPACES AND LANDSCAPING	PENDING
P/0328/09	CONVERSION OF FIRST FLOOR TO PROVIDE 2X1 BEDROOM FLATS AND 2-STOREY REAR EXTENSION	PENDING
P/0329/09	INTERNALLY ILLUMINATED FASCIA AND PROJECTING BOX SIGN	PENDING
P/0333/09	INSTALLATION OF ATM UNIT INTO PROPOSED SINGLE STOREY FRONT EXTENSION	PENDING

**e) Pre Application Discussion**

On the 13<sup>th</sup> of November 2008 a pre-application meeting was held concerning the conversion of the existing building into two separate retail units with external alterations and conversion of the upper floor to residential units. The key points raised from this meeting were as follows:

- Application not required to go to GLA. Informed may be called to Committee if requested by Members
- Concerns raised over the blocking up of large feature window which would remove any natural surveillance from the building to the car park area. Assumed CCTV would be installed to monitor car park activity

- Suggested corner of site be made into a raised feature by use of a dwarf wall and tree planting to eliminate use as a walk through or 'dumping' ground
- Lifetime Home Standards to be complied with in accordance to conversions. Wheelchair standards not required
- Proposals agreeable regarding use of existing access, formalisation of car park and provision of cycle parking to the open active frontage
- Full transport assessment not required, details can be including in Design and Access Statement
- Refuse/recycling: If access for council refuse collection is unable to be provided, collection service will be provided by Tesco
- Sustainability: Possible installation of photovoltaics or solar panels. Permeable / porous treatment to car parking bays. Installation of attenuation tank in car park. Insertion of gulley at access from The Gardens to avoid overflow of rainwater onto highway.
- Section 106 – Enhancement to pedestrian area: - Monies are required to upgrade the nearby zebra to signal control i.e. Toucan therefore on the basis that their proposal would potentially draw pedestrians to this location a contribution of £30k is looked for.

**f) Applicant Statement**

- Signage will not dominate the building, nor will it have a negative visual impact its surroundings, as the colouring, sizing and materials used will be simple in appearance and placed at locations considered appropriate.

**g) Consultations:**

N/A

**Notifications:**

Sent: 16

Replies: 0

Expiry: 30-MAR-09

**Summary of Responses:**

None.

**APPRAISAL**

**1) Policy Background**

The existing site is a vacant derelict part single-storey part 2-storey building formally used as a public house (use class A4). The proposed use of the ground floor of the building would be for a Tesco convenience store (A1 use) and a separate smaller retail unit (also A1 use). No planning permission is required to change the use of the site from A4 to A1 use as this is permitted development under the Town and Country Planning (General Permitted Development) Order 1995.

The principle of re-using this vacant site is supported by policy EP21 of the HUDP 2004. The proposed development would however result in a noticeable intensification in the use of the site particularly from vehicle and pedestrian movements. The associated advertisement consent application for the site is discussed in further detail in this report.

There are seven separate applications being considered on this site to enable the proposed use and redevelopment of the site. The proposed car park signage is discussed in greater detail in this report.

**2) Amenity, Design & Character of Area**

The proposed advertisements on site include minor car park signage such as a welcome sign at the entrance to the car park, a health & safety notice to the service area and signage regarding car park management.

It is considered that the car park signage would not adversely affect the character of the site or surrounding area. There is an existing unauthorised sign for a carwash on sight. This will be removed when the retail use for the sight is brought into use. There is also an existing totem sign to the front of the premises which formally advertised the pub. The applicant does not propose to remove this sign. To ensure that this sign is not reused a condition is attached to this report seeking its removal.

Overall the proposed advertisements are considered to comply with policy 4B.1 of the London Plan 2008

**3) S17 Crime & Disorder Act**

It is considered that the proposed advertisements would not result in and security concerns for the site.

**4) Consultation Responses:**

Apart from the points raised in the above sections, other issues raised are:

- None.

**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, this application is recommended for grant.

1 The period of this consent shall be five years from the date of this consent, following which the advertisement shall be removed and the site reinstated

REASON: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.

2 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.

REASON: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.

3 No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

REASON: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.

4 Where an advertisement is required under these regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.

REASON: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.



5 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

REASON: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.

6 The maximum luminance of the sign shall not exceed the values recommended in the Institution of Lighting Engineers' Technical Report No. 5 (Second Edition).

REASON: In the interests of highway safety and amenity.

7 All illumination shall be non-intermittent unless otherwise agreed in writing by the local planning authority.

REASON: To safeguard the amenities of the locality.

8 The existing disused standing pub sign to the front of the premises facing Pinner Road shall be removed from site and the hardsurfacing reinstated to the same level and using the same materials as the existing hardsurfacing in the vicinity.

REASON: in the interests of the character and appearance of the area and pedestrian safety.

## **INFORMATIVES**

### **1 INFORMATIVE:**

**IMPORTANT:** Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

### **2 INFORMATIVE:**

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

### **3 INFORMATIVE:**

Notwithstanding the note on plan numbers P103 Revision F and P501 Rev B, the advertisement consent hereby granted does not extend to the reuse and adaptation of the disused metal pub standing sign to the front of the premises. A separate advertisement consent application will be required for this.

Plan Nos: PINNELE1C, PINNELE1CA, PINNELE1CB, PINNPG1E, P101, P103 Rev F, P111, P113 Rev B, P200, P201 Rev C, P300, P310, P500, P501 Rev B.

Reports: CgMs Consulting letter to the Council dated 11 June 2009 (reference: NL/7565)

CgMs Consulting Planning Design and Access Statement dated February 2009 (reference: NL/JAS/7565).

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**THE APOLLO PUBLIC HOUSE, 259 PINNER ROAD, HARROW**

**Item: 2/15**

**P/0329/09/DC/MAJ**

Ward HEADSTONE SOUTH

INTERNALLY ILLUMINATED FASCIA AND PROJECTING BOX SIGN

**Applicant:** TESCO STORES LTD.  
**Agent:** CGMS CONSULTING  
**Statutory Expiry Date:** 13-APR-09

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## **RECOMMENDATION**

**GRANT** consent for the development described in the application and submitted plans, subject to the following condition(s):

### **REASON**

The decision to GRANT consent has been taken having regard to the policies and proposals in the London Plan and-or the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

### **Policies:**

National Guidance  
PPG19 – Outdoor Advertisement Control

London Plan Consolidated with Alteration since 2004:  
4B.1 – Design principles for a compact city

Harrow Unitary Development Plan 2004:  
S1 – The form of development and pattern of land use  
EP21 – Vacant and disused land and buildings  
D4 – The standard of design and layout

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## **MAIN CONSIDERATIONS AND POLICIES (London Plan & 2004 UDP)**

- 1)** Policy Background (S1, EP21)
- 2)** Amenity, Design and Character of Area (4B.1 & D4)
- 3)** S17 Crime & Disorder Act (D4)
- 4)** Consultation Responses

## **INFORMATION**

### **a) Summary**

Statutory Return Type: Adverts  
Site Area: 0.214 ha  
Council Interest: None

**b) Site Description**

- Derelict part single part 2-storey building on corner site at the junction of The Gardens and Pinner Road;
- Car parking to side and rear accommodating 31 parking spaces;
- Vehicular access off The Gardens
- Site lies roughly halfway between the Harrow Metropolitan Centre and the North Harrow District Centre;
- To the south of the site are railway lines serving the Metropolitan Underground line and mainline service from Marylebone to Birmingham;
- To the east across The Gardens are some lock up garages and a bin store. To the south east corner of the site is a car wash and MOT garage;
- To the north across Pinner Road are 2-storey semi detached houses;
- To the west are two 2-storey buildings with retail / commercial use at ground floor level and residential above and a Bus Stop directly in front of the buildings.

**c) Proposal Details**

- Internally illuminated fascia sign to Pinner Road elevation measuring 0.708m high by 12.7m long;
- Internally illuminated projecting sign to Pinner Road elevation measuring 650mm by 800mm.

**d) Relevant History**

P/0325/09	SINGLE STOREY FRONT EXTENSION TO PROVIDE 27SQM OF ADDITIONAL RETAIL FLOORSPACE WITH ASSOCIATED ALTERATIONS TO GROUND FLOOR ELEVATIONS	PENDING
P/0326/09	INSTALLATION OF PLANT EQUIPMENT TO REAR OF BUILDING WITHIN A 1.5M TIMBER FENCE	PENDING
P/0327/09	ALTERATIONS TO EXISTING CAR PARK TO INCLUDE TWO ADDITIONAL CAR PARKING SPACES AND LANDSCAPING	PENDING
P/0328/09	CONVERSION OF FIRST FLOOR TO PROVIDE 2X1 BEDROOM FLATS AND 2-STOREY REAR EXTENSION	PENDING
P/0330/09	INSTALLATION OF CAR PARK SIGNAGE	PENDING
P/0333/09	INSTALLATION OF ATM UNIT INTO PROPOSED SINGLE STOREY FRONT EXTENSION	PENDING

**e) Pre Application Discussion**

On the 13<sup>th</sup> of November 2008 a pre-application meeting was held concerning the conversion of the existing building into two separate retail units with external alterations and conversion of the upper floor to residential units. The key points raised from this meeting were as follows:

- Application not required to go to GLA. Informed may be called to Committee if requested by Members

- Concerns raised over the blocking up of large feature window which would remove any natural surveillance from the building to the car park area. Assumed CCTV would be installed to monitor car park activity
- Suggested corner of site be made into a raised feature by use of a dwarf wall and tree planting to eliminate use as a walk through or 'dumping' ground
- Lifetime Home Standards to be complied with in accordance to conversions. Wheelchair standards not required
- Proposals agreeable regarding use of existing access, formalisation of car park and provision of cycle parking to the open active frontage
- Full transport assessment not required, details can be including in Design and Access Statement
- Refuse/recycling: If access for council refuse collection is unable to be provided, collection service will be provided by Tesco
- Sustainability: Possible installation of photovoltaics or solar panels. Permeable / porous treatment to car parking bays. Installation of attenuation tank in car park. Insertion of gully at access from The Gardens to avoid overflow of rainwater onto highway.
- Section 106 – Enhancement to pedestrian area: - Monies are required to upgrade the nearby zebra to signal control i.e. Toucan therefore on the basis that their proposal would potentially draw pedestrians to this location a contribution of £30k is looked for.

**f) Applicant Statement**

- All signage will be located on or within the unit itself and all proposed signage on the shop front will be internally illuminated and only the lettering illuminated;
- New signage for the shop frontage comprises illuminated lettering above the new entrance at fascia level and a projecting sign above the ATM unit.
- Signage will not dominate the building, nor will it have a negative visual impact its surroundings, as the colouring, sizing and materials used will be simple in appearance and placed at locations considered appropriate.

**g) Consultations:**

N/A

**Notifications:**

Sent: 16

Replies: 0

Expiry: 30-MAR-09

**Summary of Responses:**

None.

**APPRAISAL**

**1) Policy Background**

The existing site is a vacant derelict part single-storey part 2-storey building formally used as a public house (use class A4). The proposed use of the ground floor of the building would be for a Tesco convenience store (A1 use) and a separate smaller retail unit (also A1 use). No planning permission is required to change the use of the site from A4 to A1 use as this is permitted development under the Town and Country Planning (General Permitted Development) Order 1995.

The principle of re-using this vacant site is supported by policy EP21 of the HUDP 2004. The associated advertisement consent application for the site is discussed in further detail in this report.

There are seven separate applications being considered on this site to enable the proposed use and redevelopment of the site. The proposed shop front advertisements are discussed in greater detail within this report.

## **2) Amenity, Design & Character of Area**

Although the proposed fascia sign sits higher than the fascia sign at the adjacent retail/commercial unit at number 275 Pinner Road it would be located at the same height as the old Apollo Pub fascia sign and therefore no obvious change in the positioning of the advertisement would result. The proposed fascia sign would be 12m long by 1m wide.

The proposed projecting sign would be located at fascia level just above the location of the proposed ATM unit (current application ref: P/0333/09) and be 650mm high by 800mm long.

The proposed shop front signs would both have internally illuminated lettering. To ensure the levels of illumination are acceptable the appropriate conditions are attached to this report.

Overall the proposed advertisements are considered to comply with policy 4B.1 of the London Plan 2008 and policy D4 of the HUDP 2004.

## **3) S17 Crime & Disorder Act**

It is considered that the proposed advertisements would not result in and security concerns for the site.

## **4) Consultation Responses:**

Apart from the points raised in the above sections, other issues raised are:

- None.

## **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, this application is recommended for grant.

1 The period of this consent shall be five years from the date of this consent, following which the advertisement shall be removed and the site reinstated

REASON: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.

2 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.

REASON: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.

3 No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

REASON: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.

4 Where an advertisement is required under these regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.

REASON: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.

5 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

REASON: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.

6 The maximum luminance of the sign shall not exceed the values recommended in the Institution of Lighting Engineers' Technical Report No. 5 (Second Edition).

REASON: In the interests of highway safety and amenity.

7 All illumination shall be non-intermittent unless otherwise agreed in writing by the local planning authority.

REASON: To safeguard the amenities of the locality.

8 The existing disused standing pub sign to the front of the premises facing Pinner Road shall be removed from site and the hardsurfacing reinstated to the same level and using the same materials as the existing hardsurfacing in the vicinity.

REASON: in the interests of the character and appearance of the area and pedestrian safety.

## **INFORMATIVES**

### **1 INFORMATIVE:**

**IMPORTANT:** Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

### **2 INFORMATIVE:**

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

**3 INFORMATIVE:**

Notwithstanding the note on plan numbers P103 Revision F and P501 Rev B, the advertisement consent hereby granted does not extend to the reuse and adaptation of the disused metal pub standing sign to the front of the premises. A separate advertisement consent application will be required for this.

Plan Nos: PINNELE1C, PINNELE1CA, PINNELE1CB, PINNPG1E, P101, P103 Rev F, P111, P113 Rev B, P200, P201 Rev C, P300, P310, P500, P501 Rev B.  
Reports: CgMs Consulting letter to the Council dated 11 June 2009 (reference: NL/7565)  
CgMs Consulting Planning Design and Access Statement dated February 2009 (reference: NL/JAS/7565).

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**Item: 2/16**  
**THE APOLLO PUBLIC HOUSE, 259 PINNER ROAD, HARROW**  
**P/0325/09/DC/MAJ**

Ward HEADSTONE SOUTH

SINGLE STOREY FRONT EXTENSION TO PROVIDE ADDITIONAL RETAIL FLOORSPACE WITH ASSOCIATED ALTERATIONS TO GROUND FLOOR ELEVATIONS

**Applicant:** TESCO STORES LTD.  
**Agent:** CGMS CONSULTING  
**Statutory Expiry Date:** 13-APR-09

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## **RECOMMENDATION**

**GRANT** permission for the development described in the application and submitted plans, subject to planning condition(s) noted below:

### **REASON**

The decision to GRANT permission has been taken having regard to the policies and proposals in the London Plan and-or the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

### **Policies**

Government Guidance:  
PPS1 – Delivering Sustainable Development

London Plan Consolidated with Alterations since 2004:  
4B.1 – Design principles for a compact city

Harrow Unitary Development Plan 2004:  
S1 – The form of development and pattern of land use  
EP21 – Vacant and disused land and buildings  
D4 – The standard of Design and layout  
D7 – Design in retail areas and town centres  
D25 – Shopfronts and advertisements

Supplementary Planning Guidance:  
Access For All Supplementary Planning Document (April 2006)  
Supplementary Planning Guidance: Designing New Development (March 2003)

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## **MAIN CONSIDERATIONS AND POLICIES (London Plan & 2004 UDP)**

- 1)** Policy Background (S1, EP21)
- 2)** Design and Character of the Area (4B.1 & D4, D7, D25)
- 3)** Accessibility (4B.1 & D4)
- 4)** S17 Crime & Disorder Act (D4)
- 5)** Consultation Responses



## INFORMATION

### a) Summary

Statutory Return  
Type: Minor Retail  
Site Area: 0.214 ha  
Council Interest: None

### b) Site Description

- Derelict part single, part 2-storey building on corner site at the junction of The Gardens and Pinner Road;
- Car parking to side and rear accommodating 31 parking spaces;
- Vehicular access off The Gardens;
- Site lies roughly halfway between the Harrow Metropolitan Centre and the North Harrow District Centre;
- To the south of the site are railway lines serving the Metropolitan Underground line and mainline service from Marylebone to Birmingham;
- To the east across The Gardens are some lock up garages and a bin store. To the south east corner of the site is a car wash and MOT garage;
- To the north across Pinner Road are 2-storey semi detached houses;
- To the west are two 2-storey buildings with retail / commercial use at ground floor level and residential above and a bus stop directly in front of the buildings.

### c) Proposal Details

- Single storey front extension to provide additional 64m<sup>2</sup> of gross internal ground floor area;
- Subdivision of ground floor to create two A1 units to be implemented under permitted development rights.

### d) Relevant History

P/0326/09	INSTALLATION OF PLANT EQUIPMENT TO REAR OF BUILDING WITHIN A 1.5M TIMBER FENCE	PENDING
P/0327/09	ALTERATIONS TO EXISTING CAR PARK TO INCLUDE TWO ADDITIONAL CAR PARKING SPACES AND LANDSCAPING	PENDING
P/0328/09	CONVERSION OF FIRST FLOOR TO PROVIDE 2X1 BEDROOM FLATS AND 2-STOREY REAR EXTENSION	PENDING
P/0329/09	INTERNALLY ILLUMINATED FASCIA AND PROJECTING BOX SIGN	PENDING
P/0330/09	INSTALLATION OF CAR PARK SIGNAGE	PENDING
P/0333/09	INSTALLATION OF ATM UNIT INTO PROPOSED SINGLE STOREY FRONT EXTENSION	PENDING

**e) Pre Application Discussion**

On the 13<sup>th</sup> of November 2008 a pre-application meeting was held concerning the conversion of the existing building into two separate retail units with external alterations and conversion of the upper floor to residential units. The key points raised from this meeting were as follows:

- Application not required to go to GLA. Informed may be called to Committee if requested by Members
- Concerns raised over the blocking up of large feature window which would remove any natural surveillance from the building to the car park area. Assumed CCTV would be installed to monitor car park activity
- Suggested corner of site be made into a raised feature by use of a dwarf wall and tree planting to eliminate use as a walk through or 'dumping' ground
- Lifetime Home Standards to be complied with in accordance to conversions. Wheelchair standards not required
- Proposals agreeable regarding use of existing access, formalisation of car park and provision of cycle parking to the open active frontage
- Full transport assessment not required, details can be including in Design and Access Statement
- Refuse/recycling: If access for council refuse collection is unable to be provided, collection service will be provided by Tesco
- Sustainability: Possible installation of photovoltaics or solar panels. Permeable / porous treatment to car parking bays. Installation of attenuation tank in car park. Insertion of gulley at access from The Gardens to avoid overflow of rainwater onto highway.
- Section 106 – Enhancement to pedestrian area: - Monies are required to upgrade the nearby zebra to signal control i.e. Toucan therefore on the basis that their proposal would potentially draw pedestrians to this location a contribution of £30k is looked for.

**f) Applicant Statement**

- N/A

**g) Consultations:**

N/A

**Notifications:**

Sent: 18

Replies: 0

Expiry: 30-MAR-09

**Summary of Responses:**

N/A

## **APPRAISAL**

### **1) Policy Background**

Policy S1 of the Harrow Unitary Development Plan 2004 (HUDP) states:

*'The Council seeks to secure a form and pattern of development in the borough that accords with the principles of sustainable development, and achieves the following:*

- A) Development that reduces the need to travel and facilitates and encourages travel by more sustainable modes;*
- B) Full and effective use of land and buildings;*
- C) Conservation and enhancement of natural resources;*
- D) Development that minimises waste and reduces pollution; and*
- E) Increased social inclusion.'*

The existing site is a vacant derelict part single-storey part 2-storey building formally used as a public house (use class A4). The proposed use of the ground floor of the building would be for a Tesco convenience store (A1 use) and a separate smaller retail unit (also A1 use). No planning permission is required to change the use of the site from A4 to A1 use as this is permitted development under the Town and Country Planning (General Permitted Development) Order 1995.

The principle of re-using this vacant site is supported by policy EP21 of the HUDP 2004 which promotes development of unused previous developed sites.

The proposed development would however result in a noticeable intensification in the use of the site particularly from vehicle and pedestrian movements compared to the previous use of the site.

There are seven separate applications being considered on this site to enable the proposed use and redevelopment of the site. The proposed retail extension is discussed in greater detail in this report.

### **2) Single Storey Front Extension**

It is proposed to extend the frontage of the existing building at ground floor level to create an additional 64m<sup>2</sup> of gross internal floor space. The proposed extension would be split between the two retail units with the larger Tesco unit having an addition 48m<sup>2</sup> and the smaller unit have 16m<sup>2</sup> to the front.

In design terms the front extension is considered to represent a positive addition to the character and appearance of the street scene as it would bring the front building line up to match that of numbers 273 & 275 Pinner Road re-enforcing the pattern of the street and creating an active frontage to this corner of Pinner Road and The Gardens.

Details of the appearance of the extension are shown on the proposed front elevations with the new fascia sign, projecting sign and ATM covered separately under advertisement consent application ref: P/0329/09 and planning application ref: P/0333/09.

Overall the proposed single storey front extension is considered acceptable and compliant with policy 4B.1 of the London Plan 2008 and HUDP policies D4 and D7.

**3) Accessibility**

In terms accessibility the proposal appears to show a level access to the entrances to both retail units. No details have been submitted as to how the retail units would accommodate disabled staff or customers, however given that only the extension is being considered under the context of this planning application the proposal meets the minimum requirements.

**4) S17 Crime & Disorder Act**

Paragraph 4.20 of policy D4 of the HUDP states:

*'Buildings should be orientated to provide natural surveillance of the surrounding area and ensure a clear demarcation between public and private space. Roads, footpaths and cycleways should be well lit and direct, with good visibility, and long blank walls and blind alleyways should be avoided. There should be no unobserved access to the rear of buildings ...'*

Overall the applicant has provided few details on how the proposed development would address the basic practices and principles of Safer Places and Secured by Design. It is proposed to have a burglar alarm system and internal CCTV cameras within the main retail unit. Security for the car park areas would be addressed via CCTV cameras and the proposed shopfront will be made secure by way of security shutters. It is also proposed to have uniformed shop security guards present during business hours for the larger retail unit.

In terms of the overall layout of the site there would be adequate levels of natural surveillance toward the rear of the site coming in the form of the habitable rooms from the proposed two flats at first floor level.

On balance the and with the appropriate planning conditions the proposed development would generally address security issues and be compliant with policy D4 of the HUDP 2004.

**5) Consultation Responses:**

Apart from the points raised in the above sections, other issues raised are:  
None.

**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, this application is recommended for grant.

**CONDITIONS:**

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 No demolition or site works in connection with the development hereby permitted shall commence before:

a: the frontage

of the site is enclosed by a close boarded fence to a minimum height of 2 metres.

Such fencing shall remain until works and clearance have been completed, and the development is ready for occupation.

3 The development hereby permitted shall incorporate the security design measures as detailed in the CgMs Consulting letter to the Council dated 11 June 2007 (reference: NL/7565) and shall thereafter be retained in that form.

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime, in accordance with Policy D4 of the Harrow Unitary Development Plan, and Section 17 of the Crime & Disorder Act 1998.

4 The existing disused standing pub sign to the front of the premises facing Pinner Road shall be removed from site and the hardsurfacing reinstated to the same level and using the same materials as the existing hardsurfacing in the vicinity.

REASON: in the interests of the character and appearance of the area and pedestrian safety.

**INFORMATIVES:**

1 INFORMATIVE:

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

2 INFORMATIVE:

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 CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: [communities@twoten.com](mailto:communities@twoten.com)

### 3 INFORMATIVE:

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline on 0541 545500.

### 4 INFORMATIVE:

The applicant is reminded of the duties set out in the Disability Discrimination Act 1995 with regard to employment and service provision. An employer's duty to make reasonable adjustment is owed to an individual employee or job applicant. However, the responsibility of service providers is to disabled people at large, and the duty is anticipatory. Failure to take reasonable steps at this stage to facilitate access will therefore count against the service provider if / when challenged by a disabled person from October 2004. The applicant is therefore advised to take full advantage of the opportunity that this application offers to improve the accessibility of the premises to people with mobility and sensory impairments.

Plan Nos: PINNELE1C, PINNELE1CA, PINNELE1CB, PINNPG1E, P101, P103 Rev F, P111, P113 Rev B, P200, P201 Rev C, P300, P310, P500, P501 Rev B.

Reports: CgMs Consulting letter to the Council dated 11 June 2009 (reference: NL/7565).  
CgMs Consulting Planning Design and Access Statement dated February 2009 (reference: NL/JAS/7565).

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**Item: 2/17**  
**THE APOLLO PUBLIC HOUSE, 259 P/0328/09/DC/MAJ**  
**PINNER ROAD, HARROW**

Ward HEADSTONE SOUTH

CONVERSION OF FIRST FLOOR TO PROVIDE 2X1 BEDROOM FLATS AND 2-STOREY REAR EXTENSION

**Applicant:** TESCO STORES LTD.

**Agent:** CGMS CONSULTING

**Statutory Expiry Date:** 13-APR-09

---

## **RECOMMENDATION**

**GRANT** permission for the development described in the application and submitted plans, subject to the following condition(s):

### **REASON:**

The decision to GRANT permission has been taken having regard to the policies and proposals in the London Plan and-or the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

### **Policies:**

National Guidance:

PPS1 - Delivering Sustainable Development

PPS3 - Housing

The London Plan Consolidated with Alterations since 2004:

3A.5 – Housing choice

4B.1 - Design principles for a compact city

Harrow Unitary Development Plan 2004:

S1 - The form of development and pattern of land use

EP15 – Water conservation

EP21 – Vacant and disused land and buildings

EP25 - Noise

D4 – The standard of design and layout

D5 – New residential development – amenity space and privacy

T13 – Parking standards

Supplementary Planning Guidance:

Access For All Supplementary Planning Document (April 2006)

Supplementary Planning Guidance: Designing New Development (March 2003)

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## **MAIN CONSIDERATIONS AND POLICIES (London Plan & 2004 UDP)**

- 1) Policy Background (S1, EP21)
- 2) Design and Character of Area (4A.7, 4A.16, 4B.1 & EP15, D4)
- 3) Residential Amenity (EP25, D4, D5)
- 4) Parking (T13)
- 5) Accessibility (3A.5, 4B.1 & D4)
- 6) S17 Crime & Disorder Act (D4)
- 7) Consultation Responses

## **INFORMATION**

### **a) Summary**

Statutory Type:	Return	Minor dwelling
Site Area:		0.214 ha
Density:		19 hrpha 10 dpha
Car Parking:		Standard: 3 (maximum) Justified: 2 Provided: 2
Lifetime Homes:		Yes
Wheelchair Standards:		N/A
Council Interest:		None

### **b) Site Description**

- Derelict part single part 2-storey building on corner site at the junction of The Gardens and Pinner Road;
- Car parking to side and rear accommodating 31 parking spaces;
- Vehicular access off The Gardens
- Site lies roughly halfway between the Harrow Metropolitan Centre and the North Harrow District Centre;
- To the south of the site are railway lines serving the Metropolitan Underground line and mainline service from Marylebone to Birmingham;
- To the east across The Gardens are some lock up garages and a bin store. To the south east corner of the site is a car wash and MOT garage;
- To the north across Pinner Road are 2-storey semi detached houses;
- To the west are two 2-storey buildings with retail / commercial use at ground floor level and residential above and a bus stop directly in front of the buildings.

### **c) Proposal Details**

- Conversion of first floor to provide 2x1 bed self contained flats
- Two storey rear extension to create stair well and residents' access.



**d) Relevant History**

P/0325/09	SINGLE STOREY FRONT EXTENSION TO PROVIDE ADDITIONAL RETAIL FLOORSPACE WITH ASSOCIATED ALTERATIONS TO GROUND FLOOR ELEVATIONS	PENDING
P/0326/09	INSTALLATION OF PLANT EQUIPMENT TO REAR OF BUILDING WITHIN A 1.5M TIMBER FENCE	PENDING
P/0327/09	ALTERATIONS TO EXISTING CAR PARK TO INCLUDE TWO ADDITIONAL CAR PARKING SPACES AND LANDSCAPING	PENDING
P/0329/09	INTERNALLY ILLUMINATED FASCIA AND PROJECTING BOX SIGN	PENDING
P/0330/09	INSTALLATION OF CAR PARK SIGNAGE	PENDING
P/0333/09	INSTALLATION OF ATM UNIT INTO PROPOSED SINGLE STOREY FRONT EXTENSION	PENDING

**e) Pre Application Discussion**

On the 13<sup>th</sup> of November 2008 a pre-application meeting was held concerning the conversion of the existing building into two separate retail units with external alterations and conversion of the upper floor to residential units. The key points raised from this meeting were as follows:

- Application not required to go to GLA. Informed may be called to Committee if requested by Members
- Concerns raised over the blocking up of large feature window which would remove any natural surveillance from the building to the car park area. Assumed CCTV would be installed to monitor car park activity
- Suggested corner of site be made into a raised feature by use of a dwarf wall and tree planting to eliminate use as a walk through or 'dumping' ground
- Lifetime Home Standards to be complied with in accordance to conversions. Wheelchair standards not required
- Proposals agreeable regarding use of existing access, formalisation of car park and provision of cycle parking to the open active frontage
- Full transport assessment not required, details can be including in Design and Access Statement
- Refuse/recycling: If access for council refuse collection is unable to be provided, collection service will be provided by Tesco

- Sustainability: Possible installation of photovoltaics or solar panels. Permeable / porous treatment to car parking bays. Installation of attenuation tank in car park. Insertion of gulley at access from The Gardens to avoid overflow of rainwater onto highway.
- Section 106 – Enhancement to pedestrian area: - Monies are required to upgrade the nearby zebra to signal control i.e. Toucan therefore on the basis that their proposal would potentially draw pedestrians to this location a contribution of £30k is looked for.

**f) Applicant Statement**

- NA

**g) Consultations:**

- N/A

**Notifications:**

Sent: 18

Replies: 0

Expiry: 30-MAR-09

**Summary of Responses:**

N/A

**APPRAISAL**

**1) Policy Background**

Policy S1 of the Harrow Unitary Development Plan 2004 (HUDP) states:

*'The Council seeks to secure a form and pattern of development in the borough that accords with the principles of sustainable development, and achieves the following:*

- F) Development that reduces the need to travel and facilitates and encourages travel by more sustainable modes;*
- G) Full and effective use of land and buildings;*
- H) Conservation and enhancement of natural resources;*
- I) Development that minimises waste and reduces pollution; and*
- J) Increased social inclusion.'*

The existing site is a vacant derelict part single-storey part 2-storey building formally used as a public house (use class A4). The proposed use of the ground floor of the building would be for a Tesco convenience store (A1 use) and a separate smaller retail unit (also A1 use). No planning permission is required to change the use of the site from A4 to A1 use as this is permitted development under the Town and Country Planning (General Permitted Development) Order 1995.

The principle of re-using this vacant site is supported by policy EP21 of the HUDP 2004 which in keeping with sustainable development principles promote the reuse of disused land and vacant site. The proposed development would however result in a noticeable intensification in the use of the site particularly from vehicle and pedestrian movements.

There are seven separate applications being considered on this site to enable the proposed use and redevelopment of the site. The proposed conversion of the first floor to create two flats is discussed in greater detail in this report.

## **2) Design and Character of Area**

The proposal involves the conversion of the first floor to two residential units. In terms of physical alterations to the existing building the proposed development is considered minimal. The front elevation of the building at first floor level facing Pinner Road would remain the same with replacement windows being the only change. To the side and rear elevation facing the car park the key change in appearance is the side to rear extension for the proposed access stair well with the main door being on the side elevation facing The Gardens. On the west elevation at first floor level the existing window shall be removed and replaced with a small window set slightly higher.

Limited information has been provided on how the two flats would address the basic principles of sustainability for example conserving water use, investigating the possibility of renewable energy generation i.e. solar hot water panels etc. Although the apparent lack of commitment to sustainable design measures is disappointing, given the proposed development is a minor conversion and not a new build development it is considered unreasonable to refuse the application on these grounds.

Overall the proposed development would maintain the existing character and appearance of the building and of the wider street scene. It is therefore considered to comply with policy 4B. of the London Plan and policy D4 of the HUDP 2004.

## **3) Residential Amenity**

The existing upper floor level was formally used as ancillary residential accommodation to the A4 use, therefore the conversion to two separate self contained residential units is considered to be in keeping with the use of this part of the building.

The layout of the flats shows flat 1 on the eastern side and flat 2 on the western side of the first floor. Both would have the bedroom windows facing north and the open plan kitchen / lounge facing south. Secondary habitable room windows are proposed on the side elevations. The side window to flat 1 would face directly toward the rear yard / garden area of the adjoining property at number 257 Pinner Road. This rear yard / garden area does not serve a residential property and there is already a secondary window on this element of the existing building which was previously used as ancillary residential use. Privacy and overlooking are therefore not considered to be issues with the proposed residential conversion of the 1<sup>st</sup> floor.

It is proposed to construct a condenser unit and three air conditioning units to the rear of the existing building through planning application ref: P/0326/09. In terms of potential noise impact on the amenity of the future occupants for the proposed two units the applicant has submitted a noise report by Sharps Redmore Limited in Appendix C of their Planning, Design & Access Report. It is concluded that there would be no significant environmental impact when the new plant is introduced.

Noise from servicing of the development would be evident from delivery trucks to the main retail unit with an average of five deliveries per day. Deliveries would be spread throughout the day with none before 8am in the morning and none later than 5pm in the evening. The smaller retail unit is expected to receive deliveries from a small transit type delivery van.

Feedback from the Harrow Council EHO suggests evidence from the applicant on this issue is generally acceptable however some further information will be required. As a result the appropriate conditions have been attached to this report.

It is considered that the proposed development would not adversely affect the amenities of neighbouring occupants and that of future occupants of the two flats and is therefore considered to comply with policy 4B.1 of the London Plan and policies EP25, D4 and D5 of the HUDP 2004.

#### **4) Car Parking**

It is proposed to allocate two parking spaces for the sole use of the residents of the first floor flat conversion.

The site has public transport accessibility level of 2 (PTAL 2) which is considered low. Directly to the front of the site however is a bus stop which serves the number H18 and 183 buses. The nearest rail stations are Harrow on the Hill, North Harrow and West Harrow all within a 10-15 minute walk from the site.

It is proposed to provide a secured cycle room to the rear of the building at ground floor level to accommodate three bicycles.

The existing access to the site is to be retained and would provide access for customers, staff, resident's, service and refuse vehicles.

Overall the proposed car parking provision is considered acceptable and compliant with policy T13 of the HUDP 2004.

#### **5) Accessibility**

The applicant has provided a Lifetime Homes Checklist in support of the application. Being a conversion meeting all 16 standards is desirable but not mandatory. The basic layout and design of the residential units conforms to the majority of the lifetime homes standards and in this respect it is considered that the proposed conversion of the 1<sup>st</sup> floor to flats is generally compliant with policy 3A.5 of the London Plan 2008 and Harrow Council SPD of Accessible Homes (April 2006).

**6) S17 Crime & Disorder Act**

Paragraph 4.20 of policy D4 of the HUDP states:

*'Buildings should be orientated to provide natural surveillance of the surrounding area and ensure a clear demarcation between public and private space. Roads, footpaths and cycleways should be well lit and direct, with good visibility, and long blank walls and blind alleyways should be avoided. There should be no unobserved access to the rear of buildings ..'*

The applicant has provided some information on how the proposed residential units would be made secure. It is proposed that the main residential entrance door to the flats would be fitted with an audio visual control system.

The building will be lit with an external lighting system that will operate from dusk until dawn.

In terms of the overall layout of the site provides moderate levels of natural surveillance toward the rear of the site coming in the form of the habitable rooms from the proposed two flats at first floor level. Boundary treatment would be as existing and from the information provided it security for the car park areas would be addressed via CCTV cameras.

On balance it is considered that the proposed residential units would address the basic principles and practices of Secured by Design and are therefore considered to comply with policy D4 of the HUDP 2004.

**7) Consultation Responses:**

Apart from the points raised in the above sections, other issues raised are:  
None.

**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, this application is recommended for grant.

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 The development hereby permitted shall incorporate the security design measures as detailed in the CgMs Consulting letter to the Council dated 11 June 2007 (reference: NL/7565) and shall thereafter be retained in that form.

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime, in accordance with Policy D4 of the Harrow Unitary Development Plan, and Section 17 of the Crime & Disorder Act 1998.

Item 2/17 : P/0328/09/DC/MAJ continued/...

3 The development hereby permitted, as detailed in the submitted and approved drawings and Lifetime Homes Checklist, shall be built to Lifetime Home Standards, and thereafter retained to those standards.

REASON: To ensure provision of 'Lifetime Home' standard housing in accordance with the policies of the Harrow Unitary Development Plan.

4 Before the use commences, the building(s) shall be insulated in accordance with a scheme agreed with the local planning authority. The development shall not be occupied or used until the works have been completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that adequate precautions are taken to avoid noise nuisance and to safeguard the amenity of residents.

5 No demolition or site works in connection with the development hereby permitted shall commence before:

a: the frontage

of the site is enclosed by a close boarded fence to a minimum height of 2 metres.

Such fencing shall remain until works and clearance have been completed, and the development is ready for occupation.

REASON: In the interests of amenity and highway safety.

6 Two parking space(s) as shown on plan number: P501 Rev B shall be used only for the parking of private motor vehicles in connection with the development hereby permitted and for no other purpose.

REASON: To ensure that the parking provision is available for use by the occupants of the site and in accordance with the Council's parking standards.

7 The development hereby permitted shall not commence until a scheme for:

a: the storage and disposal of refuse/waste

b: and vehicular access thereto

has been submitted to, and approved in writing by, the local planning authority.

The development shall not be occupied or used until the works have been completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure adequate standards of hygiene and refuse/waste collection without prejudice to the enjoyment by neighbouring occupiers of their properties.

8 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided.

9 The existing disused standing pub sign to the front of the premises facing Pinner Road shall be removed from site and the hardsurfacing reinstated to the same level and using the same materials as the existing hardsurfacing in the vicinity.

REASON: in the interests of the character and appearance of the area and pedestrian safety.

## **INFORMATIVES**

### **1 INFORMATIVE:**

The applicant is advised that any window in the flank elevation of the development hereby permitted will not prejudice the future outcome of any application which may be submitted in respect of the adjoining property.

### **2 INFORMATIVE:**

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

### **3 INFORMATIVE:**

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline on 0541 545500.

### **4 INFORMATIVE:**

In aiming to satisfy the Community Safety condition(s) the applicant should seek the advice of the Borough Crime Prevention Design Advisors (CPDA). They can be contacted through the Crime Reduction Unit, Harrow Police Station, 74 Northolt Road, Harrow, Middlesex, HA2 ODN, tel. 020 8733 3465. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of this / these condition(s).

### **5 INFORMATIVE:**

**IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences**

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

Item 2/17 : P/0328/09/DC/MAJ continued/...

Plan Nos: PINNELE1C, PINNELE1CA, PINNELE1CB, PINNPG1E, P101, P103 Rev F, P111, P113 Rev B, P200, P201 Rev C, P300, P310, P500, P501 Rev B.

Reports: CgMs Consulting letter to the Council dated 11 June 2009 (reference: NL/7565)  
CgMs Consulting Planning Design and Access Statement dated February 2009 (reference: NL/JAS/7565).  
Lifetime Homes Checklist dated 8 November 2008.



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**THE APOLLO PUBLIC HOUSE, 259 PINNER ROAD, HARROW**

**Item: 2/18**

**P/0327/09/DC/MAJ**

Ward HEADSTONE SOUTH

ALTERATIONS TO EXISTING CAR PARK TO INCLUDE TWO ADDITIONAL CAR PARKING SPACES AND LANDSCAPING

**Applicant:** TESCO STORES LTD.  
**Agent:** CGMS CONSULTING  
**Statutory Expiry Date:** 13-APR-09

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## **RECOMMENDATION**

**GRANT** permission for the development described in the application and submitted plans, subject to the following condition(s):

### **REASON:**

The decision to GRANT permission has been taken having regard to the policies and proposals in the London Plan and-or the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

### **Policies:**

National Guidance:  
PPS1 - Delivering Sustainable Development  
PPG13 - Transport

The London Plan Consolidated with Alterations since 2004:  
4B.1 - Design principles for a compact city

Harrow Unitary Development Plan 2004:  
S1 - The form of development and pattern of land use  
EP21 – Vacant and disused land and buildings  
D4 – The standard of design and layout  
T6 – The transport impact of development proposals  
T13 – Parking Standards

Supplementary Planning Guidance:  
Access For All Supplementary Planning Document (April 2006)

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## **MAIN CONSIDERATIONS AND POLICIES (London Plan & 2004 UDP)**

- 1)** Policy Background (S1, EP21)
- 2)** Alterations to Car Park (4B.1 & D4, T6, T13)
- 3)** S17 Crime & Disorder Act (D4)
- 4)** Consultation Responses

## INFORMATION

### a) Summary

Statutory Type:	Return	Minor	Other
Site Area:	0.214 ha		
Car Parking:	Standard:	Retail:	Customers: 1 space per 75-150m <sup>2</sup> = 29-15 spaces. Staff: 1 space per 300-600m <sup>2</sup> = 7-4 spaces.
		Residential:	3 spaces (max)
	Justified:		See report.
	Provided:		35 (including 2 residential spaces)
Lifetime Homes:	Yes		
Council Interest:	None		

### b) Site Description

- Derelict part single part 2-storey building on corner site at the junction of The Gardens and Pinner Road;
- Car parking to side and rear accommodating 31 parking spaces;
- Vehicular access off The Gardens
- Site lies roughly halfway between the Harrow Metropolitan Centre and the North Harrow District Centre;
- To the south of the site are railway lines serving the Metropolitan Underground line and mainline service from Marylebone to Birmingham;
- To the east across The Gardens are some lock up garages and a bin store. To the south east corner of the site is a car wash and MOT garage;
- To the north across Pinner Road are 2-storey semi detached houses;
- To the west are two 2-storey buildings with retail / commercial use at ground floor level and residential above and a bus stop directly in front of the buildings.

### c) Proposal Details

- Alterations to existing side car park to provide additional car park with 20 spaces;
- Total site parking to comprise 35 parking spaces of which 2 are for disabled parking and 2 for residents parking. Remainder to serve two retail units for both customers and staff;
- Retention of existing car park at rear (15 spaces) which does not form part of application proposal.

**d) Relevant History**

P/0325/09	SINGLE STOREY FRONT EXTENSION TO PROVIDE ADDITIONAL RETAIL FLOORSPACE WITH ASSOCIATED ALTERATIONS TO GROUND FLOOR ELEVATIONS	PENDING
P/0326/09	INSTALLATION OF PLANT EQUIPMENT TO REAR OF BUILDING WITHIN A 1.5M TIMBER FENCE	PENDING
P/0328/09	CONVERSION OF FIRST FLOOR TO PROVIDE 2X1 BEDROOM FLATS AND 2-STOREY REAR EXTENSION	PENDING
P/0329/09	INTERNALLY ILLUMINATED FASCIA AND PROJECTING BOX SIGN	PENDING
P/0330/09	INSTALLATION OF CAR PARK SIGNAGE	PENDING
P/0333/09	INSTALLATION OF ATM UNIT INTO PROPOSED SINGLE STOREY FRONT EXTENSION	PENDING

**e) Pre Application Discussion**

On the 13<sup>th</sup> of November 2008 a pre-application meeting was held concerning the conversion of the existing building into two separate retail units with external alterations and conversion of the upper floor to residential units. The key points raised from this meeting were as follows:

- Application not required to go to GLA. Informed may be called to Committee if requested by Members
- Concerns raised over the blocking up of large feature window which would remove any natural surveillance from the building to the car park area. Assumed CCTV would be installed to monitor car park activity
- Suggested corner of site be made into a raised feature by use of a dwarf wall and tree planting to eliminate use as a walk through or 'dumping' ground
- Lifetime Home Standards to be complied with in accordance to conversions. Wheelchair standards not required
- Proposals agreeable regarding use of existing access, formalisation of car park and provision of cycle parking to the open active frontage
- Full transport assessment not required, details can be including in Design and Access Statement
- Refuse/recycling: If access for council refuse collection is unable to be provided, collection service will be provided by Tesco
- Sustainability: Possible installation of photovoltaics or solar panels. Permeable / porous treatment to car parking bays. Installation of attenuation tank in car park. Insertion of gulley at access from The Gardens to avoid overflow of rainwater onto highway.
- Section 106 – Enhancement to pedestrian area: - Monies are required to upgrade the nearby zebra to signal control i.e. Toucan therefore on the basis that their proposal would potentially draw pedestrians to this location a contribution of £30k is looked for.

**f) Applicant Statement**

N/A

**g) Consultations:**

N/A

**Notifications:**

Sent: 18

Replies: 0

Expiry: 30-MAR-09

**Summary of Responses:**

N/A

**APPRAISAL**

**1) Policy Background**

The existing site is a vacant derelict part single-storey part 2-storey building formally used as a public house (use class A4). The proposed use of the ground floor of the building would be for a Tesco convenience store (A1 use) and a separate smaller retail unit (also A1 use). No planning permission is required to change the use of the site from A4 to A1 use as this is permitted development under the Town and Country Planning (General Permitted Development) Order 1995.

The principle of re-using this vacant site is supported by policies EP20 & EP21 of the HUDP 2004. The proposed development would however result in a noticeable intensification in the use of the site particularly from vehicle and pedestrian movements.

There are seven separate applications being considered on this site to enable the proposed use and redevelopment of the site. The proposed car park alterations are discussed in greater detail in this report.

**2) Alterations to Car Park**

The level of vehicular and pedestrian activity to and from the site will increase as a result of the retail use of the site with an estimated 771 vehicle movements per day coming to and going from the site as a result of the two retail units. This is a significant increase on the previous and existing traffic movements to the site. The proposed alterations and increase in the on-site car park capacity will help accommodate this increase. In addition recent highway improvement works have been carried out by the highways authority as part of a wider scheme for improving the pedestrian safety in the vicinity. It is considered that these works will alleviate any pedestrian safety concerns that may have arisen as a result of the proposed reuse and development of the application site.

Good provision of onsite parking is being provided with a total of 35 spaces. 14 spaces exist to the rear car park with 16 existing spaces in the side car park. It is proposed to increase the capacity of the side car park to accommodate 21 spaces in the side car park meaning an overall increase of 5 spaces on the existing car park capacity. Of this increase 2 spaces will be specifically allocated for disabled badge holders and a further 2 spaces allocated for the sole use of the residents of the first floor flat conversion.

The site has public transport accessibility level of 2 (PTAL 2) which is considered fair. There is directly to the front of the site a bus stop which serves the number H18 and 183 buses. The nearest rail stations are Harrow on the Hill, North Harrow and West Harrow all within a 10-15 minute walk from the site.

It is proposed to provide a cycle stand to the front of the shop front to accommodate 4 cycles.

Servicing of the development would be via delivery trucks no larger than 12.6m long with an average of 4-5 deliveries per day. Deliveries are to be spread throughout the day with none before 8am in the morning and none later than 5pm in the evening. It is proposed that service delivery vehicles would enter the site in forward gear and reverse toward the side car park the exit in forward gear. The smaller retail unit is expected to receive deliveries from a small transit type delivery van.

The existing access to the site is to be retained and would provide access for customers, staff, resident's, service and refuse vehicles.

It is also proposed to implement some landscaping to the altered side car park. Unfortunately very little information has been submitted regarding the proposed landscaping of the car park area. From the plans submitted it appears as though 2 trees will be planted and a raised planted included at the front corner of the site next to the junction of The Gardens and Pinner Road. It is therefore considered necessary to attach the appropriate landscape related conditions to allow further consideration on this aspect of the proposal.

Overall the proposed car park alterations are considered acceptable and compliant with policy 4B.1 of the London Plan 2008 and policies D4, D9, T6 and T13 of the HUDP 2004.

### **3) S17 Crime & Disorder Act**

Paragraph 4.20 of policy D4 of the HUDP states:

*'Buildings should be orientated to provide natural surveillance of the surrounding area and ensure a clear demarcation between public and private space. Roads, footpaths and cycleways should be well lit and direct, with good visibility, and long blank walls and blind alleyways should be avoided. There should be no unobserved access to the rear of buildings ..'*

Overall the applicant has provided little information on how the above applications address the basic practices and principles of safer places and secured by design.

From the information provided it appears as though security for the car park areas would be addressed via CCTV cameras.

It is considered appropriate to require the above information by way of relevant planning conditions to this report.

On balance the and with the appropriate planning conditions the proposed development would generally address security issues and be compliant with policy D4 of the HUDP 2004.

**4) Consultation Responses:**

Apart from the points raised in the above sections, other issues raised are:  
None.

**CONCLUSION**

For all the reasons considered above, and weighing up the development plan polices and proposals, and other material considerations, including any comments received in response to publicity and consultation, as set out above, this application is recommended for grant.

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 The development hereby permitted shall not be used until provision of two disabled parking spaces space as shown on the approved plans has been made available for use. The spaces shall be allocated and retained for use by people with mobility impairments only and shall be used for no other purpose without the prior written permission of the Local Planning Authority.

REASON: To ensure suitable parking provision for people with disabilities in association with the policies of the London Plan 2008 and Harrow Unitary Development Plan 2004.

3 No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to, and approved in writing by, the local planning authority.

The boundary treatment shall be completed:

b: before the building(s) is / are occupied

The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the amenity of neighbouring residents and the character of the locality.

4 No demolition or site works in connection with the development hereby permitted shall commence before:

a: the frontage

of the site is enclosed by a close boarded fence to a minimum height of 2 metres.

Such fencing shall remain until works and clearance have been completed, and the development is ready for occupation.

REASON: In the interests of amenity and highway safety.

5 The development hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works for the forecourt of the site. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

7 No works or development resulting in any change in the existing levels of the site in relation to the adjoining land and highway(s) shall be carried out without the prior permission, in writing, of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents, and to ensure a satisfactory appearance, drainage, and gradient of access.

8 The development hereby permitted shall not be used until the car parking, turning and loading area(s) shown on the approved plans have been constructed and surfaced with permeable materials, or drained in accordance with details submitted to, and approved in writing by, the local planning authority. The car parking spaces shall be permanently marked out and used for no other purpose, at any time, without the written permission of the local planning authority.

REASON: To ensure the satisfactory provision of parking areas, to safeguard the appearance of the locality and in the interests of highway safety.

9 The development hereby permitted shall not be used until provision of two residents parking spaces space as shown on the approved plans has been made available for use. The spaces shall be allocated and retained for use only for parking of private motor vehicles in connection with the two flats at first floor level and shall be used for no other purpose without the prior written permission of the Local Planning Authority.

REASON: To ensure parking provision is available for use by the occupants of the site and in accordance with the Council's parking standards.

10 Prior to the development hereby permitted being brought into use, details of how the car park area will be made secure in a visually acceptable manner shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and thereafter be retained in that form.

REASON: In the interest's security and the character and appearance of the surrounding area.

11 The existing disused standing pub sign to the front of the premises facing Pinner Road shall be removed from site and the hardsurfacing reinstated to the same level and using the same materials as the existing hardsurfacing in the vicinity.

REASON: in the interests of the character and appearance of the area and pedestrian safety.

## **INFORMATIVES**

### **1 INFORMATIVE:**

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

### **2 INFORMATIVE:**

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline on 0541 545500.

### **3 INFORMATIVE:**

**IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences**

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

Plan Nos: PINNELE1C, PINNELE1CA, PINNELE1CB, PINNPG1E, P101, P103 Rev F, P111, P113 Rev B, P200, P201 Rev C, P300, P310, P500, P501 Rev B.

Reports: Technical Note December 2008 (ref: 0701-37/TN/01)  
CgMs Consulting letter to the Council dated 11 June 2009 (reference: NL/7565).  
CgMs Consulting Planning Design and Access Statement dated February 2009 (reference: NL/JAS/7565).



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**THE APOLLO PUBLIC HOUSE, 259 PINNER ROAD, HARROW**

**Item: 2/19  
P/0333/09/DC/MAJ**

Ward HEADSTONE SOUTH

INSTALLATION OF ATM UNIT INTO PROPOSED SINGLE STOREY FRONT EXTENSION

**Applicant:** TESCO STORES LTD.  
**Agent:** CGMS CONSULTING  
**Statutory Expiry Date:** 13-APR-09

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## **RECOMMENDATION**

**GRANT** permission for the development described in the application and submitted plans subject to the following condition(s):

### **REASON**

The decision to GRANT permission has been taken having regard to the policies and proposals in the London Plan and-or the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

### **Policies**

National Guidance:  
PPS1 - Delivering Sustainable Development

London Plan Consolidated with Alteration since 2004:  
4B.1 – Design principles for a compact city

Harrow Unitary Development Plan 2004:  
S1 – The form of development and pattern of land use  
D4 – The standard of Design and layout  
D7 – Design in retail areas and town centres

Supplementary Planning Guidance:  
N/A

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## **MAIN CONSIDERATIONS AND POLICIES (London Plan & 2004 UDP)**

- 1)** Policy Background (S1)
- 2)** Installation of ATM Unit to Front (4B.1 & D4, D7)
- 3)** S17 Crime & Disorder Act (D4)
- 4)** Consultation Responses

## INFORMATION

### a) Summary

Statutory Type:	Return	Minor	Other
Site Area:		0.214 ha	
Council Interest:		None	

### b) Site Description

- Derelict part single part 2-storey building on corner site at the junction of The Gardens and Pinner Road;
- Car parking to side and rear accommodating 35 parking spaces;
- Vehicular access off The Gardens
- Site lies roughly halfway between the Harrow Metropolitan Centre and the North Harrow District Centre;
- To the south of the site are railway lines serving the Metropolitan Underground line and mainline service from Marylebone to Birmingham;
- To the east across The Gardens are some lock up garages and a bin store. To the south east corner of the site is a car wash and MOT garage;
- To the north across Pinner Road are 2-storey semi detached houses;
- To the west are two 2-storey buildings with retail / commercial use at ground floor level and residential above and a bus stop directly in front of the buildings.

### c) Proposal Details

- Installation of ATM unit to proposed front extension.

### d) Relevant History

P/0325/09	SINGLE STOREY FRONT EXTENSION TO PROVIDE ADDITIONAL RETAIL FLOORSPACE WITH ASSOCIATED ALTERATIONS TO GROUND FLOOR ELEVATIONS	PENDING
P/0326/09	INSTALLATION OF PLANT EQUIPMENT TO REAR OF BUILDING WITHIN A 1.5M TIMBER FENCE	PENDING
P/0327/09	ALTERATIONS TO EXISTING CAR PARK TO INCLUDE TWO ADDITIONAL CAR PARKING SPACES AND LANDSCAPING	PENDING
P/0328/09	CONVERSION OF FIRST FLOOR TO PROVIDE 2X1 BEDROOM FLATS AND 2-STOREY REAR EXTENSION	PENDING
P/0329/09	INTERNALLY ILLUMINATED FASCIA AND PROJECTING BOX SIGN	PENDING
P/0330/09	INSTALLATION OF CAR PARK SIGNAGE	PENDING

**e) Pre Application Discussion**

On the 13<sup>th</sup> of November 2008 a pre-application meeting was held concerning the conversion of the existing building into two separate retail units with external alterations and conversion of the upper floor to residential units. The key points raised from this meeting were as follows:

- Application not required to go to GLA. Informed may be called to Committee if requested by Members
- Concerns raised over the blocking up of large feature window which would remove any natural surveillance from the building to the car park area. Assumed CCTV would be installed to monitor car park activity
- Suggested corner of site be made into a raised feature by use of a dwarf wall and tree planting to eliminate use as a walk through or 'dumping' ground
- Lifetime Home Standards to be complied with in accordance to conversions. Wheelchair standards not required
- Proposals agreeable regarding use of existing access, formalisation of car park and provision of cycle parking to the open active frontage
- Full transport assessment not required, details can be including in Design and Access Statement
- Refuse/recycling: If access for council refuse collection is unable to be provided, collection service will be provided by Tesco
- Sustainability: Possible installation of photovoltaics or solar panels. Permeable / porous treatment to car parking bays. Installation of attenuation tank in car park. Insertion of gulley at access from The Gardens to avoid overflow of rainwater onto highway.
- Section 106 – Enhancement to pedestrian area: - Monies are required to upgrade the nearby zebra to signal control i.e. Toucan therefore on the basis that their proposal would potentially draw pedestrians to this location a contribution of £30k is looked for.

**f) Applicant Statement**

N/A

**g) Consultations:**

N/A

**Notifications:**

Sent: 18

Replies: 0

Expiry: 30-MAR-09

**Summary of Responses:**

N/A

**APPRAISAL**

**1) Policy Background**

The existing site is a vacant derelict part single-storey part 2-storey building formally used as a public house (use class A4). The proposed use of the ground floor of the building would be for a Tesco convenience store (A1 use) and a separate smaller retail unit (also A1 use). No planning permission is required to change the use of the site from A4 to A1 use as this is permitted development under the Town and Country Planning (General Permitted Development) Order 1995.

The principle of re-using this vacant site is supported by policy EP21 of the HUDP 2004. The proposed development would however result in a noticeable intensification in the use of the site particularly from vehicle and pedestrian movements.

There are seven separate applications being considered on this site to enable the proposed use and redevelopment of the site. The proposed ATM unit is discussed in greater detail in this report.

**2) Installation of ATM to Shopfront**

It is proposed to install an ATM unit to the front of the proposed single storey shop front extension (planning ref: P/0325/09).

It is considered that the proposed location and appearance of the ATM would complement the character of the proposed development and surrounding properties.

The proposed ATM machine to the front of the proposed extension is considered acceptable and compliant with policy 4B.1 of the London Plan 2008 and policies D4 and D7 of the HUDP 2004.

Overall the proposed ATM to the shop front extension is considered acceptable and compliant with policy 4B.1 of the London Plan 2008 and HUDP policies D4 and D7.

**3) S17 Crime & Disorder Act**

Paragraph 4.20 of policy D4 of the HUDP states:

*'Buildings should be orientated to provide natural surveillance of the surrounding area and ensure a clear demarcation between public and private space. Roads, footpaths and cycleways should be well lit and direct, with good visibility, and long blank walls and blind alleyways should be avoided. There should be no unobserved access to the rear of buildings ..'*

In terms of security it is proposed to construct ram raid proof steel bollards to the front of the ATM machine.

It is considered appropriate to require additional information on how the development would address the basic principles and practices of Secured by Design by way of relevant planning conditions to this report.

On balance the and with the appropriate planning conditions the proposed development would generally address security issues and be compliant with policy D4 of the HUDP 2004

**4) Consultation Responses:**

Apart from the points raised in the above sections, other issues raised are:  
None.

## **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, this application is recommended for grant.

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 No demolition or site works in connection with the development hereby permitted shall commence before:

a: the frontage

of the site is enclosed by a close boarded fence to a minimum height of 2 metres.

Such fencing shall remain until works and clearance have been completed, and the development is ready for occupation.

REASON: In the interests of amenity and highway safety.

3 Prior to occupation of the development hereby permitted, measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of the application site / development shall be installed in accordance with details to be submitted to and approved in writing by the local planning authority. Any such measures should follow the design principles set out in the relevant Design Guides on the Secured by Design website: <http://www.securedbydesign.com/guides/index.aspx> and shall include the following requirements:

1. all main entrance door sets to individual dwellings and communal entrance door sets shall be made secure to standards, independently certified, set out in BS PAS 24-1:1999 'Security standard for domestic door sets';
2. all window sets on the ground floor of the development and those adjacent to flat roofs or large rainwater pipes (downpipes) shall be made secure to standards, independently certified, set out in BS.7950 'Security standard for domestic window sets'.

Following implementation the works shall thereafter be retained.

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime, in accordance with Policy D4 of the Harrow Unitary Development Plan, and Section 17 of the Crime & Disorder Act 1998.

4 The existing disused standing pub sign to the front of the premises facing Pinner Road shall be removed from site and the hardsurfacing reinstated to the same level and using the same materials as the existing hardsurfacing in the vicinity.

REASON: in the interests of the character and appearance of the area and pedestrian safety.

## **INFORMATIVES**

### **1 INFORMATIVE:**

**IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences**

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

### **2 INFORMATIVE:**

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

Plan Nos: PINNELE1C, PINNELE1CA, PINNELE1CB, PINNPG1E, P101, P103 Rev F, P111, P113 Rev B, P200, P201 Rev C, P300, P310, P500, P501 Rev B.

Reports: CgMs Consulting letter to the Council dated 11 June 2009 (reference: NL/7565)  
CgMs Consulting Planning Design and Access Statement dated February 2009 (reference: NL/JAS/7565).

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**THE APOLLO PUBLIC HOUSE, 259 PINNER ROAD, HARROW**

**Item: 2/20**

**P/0326/09/DC/MAJ**

Ward HEADSTONE SOUTH

INSTALLATION OF PLANT EQUIPMENT TO REAR OF BUILDING WITHIN A 1.5M  
TIMBER FENCE

**Applicant:** TESCO STORES LTD.  
**Agent:** CGMS CONSULTING  
**Statutory Expiry Date:** 13-APR-09

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## RECOMMENDATION

**GRANT** permission for the development described in the application and submitted plans, subject to the following condition(s):

### REASON:

The decision to GRANT permission has been taken having regard to the policies and proposals in the London Plan and-or the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

### Policies:

National Guidance:  
PPG24 - Noise

The London Plan Consolidated with Alterations since 2004:  
4B.1 - Design principles for a compact city

Harrow Unitary Development Plan 2004:  
S1 - The form of development and pattern of land use  
EP25 - Noise  
D4 – The Standard of Design and Layout

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## MAIN CONSIDERATIONS AND POLICIES (London Plan & 2004 UDP)

- 1) Policy Background (S1, EP20, EP21)
- 3) Installation of Plant Equipment (4B.1 & EP25, D4)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

## INFORMATION

### a) Summary

Statutory Type:	Return	Minor	Other
Site Area:		0.214 ha	
Council Interest:		None	

**b) Site Description**

- Derelict part single part 2-storey building on corner site at the junction of The Gardens and Pinner Road;
- Car parking to side and rear accommodating 31 parking spaces;
- Vehicular access off The Gardens
- Site lies roughly halfway between the Harrow Metropolitan Centre and the North Harrow District Centre;
- To the south of the site are railway lines serving the Metropolitan Underground line and mainline service from Marylebone to Birmingham;
- To the east across The Gardens are some lock up garages and a bin store. To the south east corner of the site is a car wash and MOT garage;
- To the north across Pinner Road are 2-storey semi detached houses;
- To the west are two 2-storey buildings with retail / commercial use at ground floor level and residential above and a bus stop directly in front of the buildings.

**c) Proposal Details**

- Installation of condenser unit and three A/C units to rear of building enclosed by close boarded fence;

**d) Relevant History**

P/0325/09	SINGLE STOREY FRONT EXTENSION TO PROVIDE ADDITIONAL RETAIL FLOORSPACE WITH ASSOCIATED ALTERATIONS TO GROUND FLOOR ELEVATIONS	PENDING
P/0327/09	ALTERATIONS TO EXISTING CAR PARK TO INCLUDE TWO ADDITIONAL CAR PARKING SPACES AND LANDSCAPING	PENDING
P/0328/09	CONVERSION OF FIRST FLOOR TO PROVIDE 2X1 BEDROOM FLATS AND 2-STOREY REAR EXTENSION	PENDING
P/0329/09	INTERNALLY ILLUMINATED FASCIA AND PROJECTING BOX SIGN	PENDING
P/0330/09	INSTALLATION OF CAR PARK SIGNAGE	PENDING
P/0333/09	INSTALLATION OF ATM UNIT INTO PROPOSED SINGLE STOREY FRONT EXTENSION	PENDING

**e) Pre Application Discussion**

On the 13<sup>th</sup> of November 2008 a pre-application meeting was held concerning the conversion of the existing building into two separate retail units with external alterations and conversion of the upper floor to residential units. The key points raised from this meeting were as follows:

- Application not required to go to GLA. Informed may be called to Committee if requested by Members



- Concerns raised over the blocking up of large feature window which would remove any natural surveillance from the building to the car park area. Assumed CCTV would be installed to monitor car park activity
- Suggested corner of site be made into a raised feature by use of a dwarf wall and tree planting to eliminate use as a walk through or 'dumping' ground
- Lifetime Home Standards to be complied with in accordance to conversions. Wheelchair standards not required
- Proposals agreeable regarding use of existing access, formalisation of car park and provision of cycle parking to the open active frontage
- Full transport assessment not required, details can be including in Design and Access Statement
- Refuse/recycling: If access for council refuse collection is unable to be provided, collection service will be provided by Tesco
- Sustainability: Possible installation of photovoltaics or solar panels. Permeable / porous treatment to car parking bays. Installation of attenuation tank in car park. Insertion of gully at access from The Gardens to avoid overflow of rainwater onto highway.
- Section 106 – Enhancement to pedestrian area: - Monies are required to upgrade the nearby zebra to signal control i.e. Toucan therefore on the basis that their proposal would potentially draw pedestrians to this location a contribution of £30k is looked for.

**f) Applicant Statement**

N/A

**g) Consultations:**

N/A

**Notifications:**

Sent: 18

Replies: 0

Expiry: 30-MAR-09

**Summary of Responses:**

N/A

**APPRAISAL**

**1) Policy Background**

The existing site is a vacant derelict part single-storey part 2-storey building formally used as a public house (use class A4). The proposed use of the ground floor of the building would be for a Tesco convenience store (A1 use) and a separate smaller retail unit (also A1 use). No planning permission is required to change the use of the site from A4 to A1 use as this is permitted development under the Town and Country Planning (General Permitted Development) Order 1995.

The principle of re-using this vacant site is supported by policy EP21 of the HUDP 2004. The proposed development would however result in a noticeable intensification in the use of the site particularly from vehicle and pedestrian movements.

There are seven separate applications being considered on this site to enable the proposed use and redevelopment of the site. The proposed installation of the plant unit is discussed in greater detail in this report.

## **2) Installation of Plant Equipment**

It is proposed to construct a condenser unit and 3 air conditioning units to the rear of the existing building and will be enclosed by a closed boarded fence to minimise noise transmission.

The applicant has submitted a noise report by Sharps Redmore Limited in Appendix C of their Planning, Design & Access Report. It is concluded that there would be no significant environmental impact when the new plant is introduced.

Feedback from the Harrow Council EHO suggests evidence from the applicant on this issue is generally acceptable however some further information will be required. As a result the appropriate conditions have been attached to this report.

The proposed fence and plant unit would not be immediately visible from the street being located in the back corner of the building and would not detract from the character and appearance of the building or the surrounding street scene.

On balance the proposed plant unit is considered to comply with policies D4 and EP25 of the HUDP 2004.

## **3) S17 Crime & Disorder Act**

Paragraph 4.20 of policy D4 of the HUDP states:

*'Buildings should be orientated to provide natural surveillance of the surrounding area and ensure a clear demarcation between public and private space. Roads, footpaths and cycleways should be well lit and direct, with good visibility, and long blank walls and blind alleyways should be avoided. There should be no unobserved access to the rear of buildings ..'*

Overall the applicant has provided little information on how the above applications address the basic practices and principles of safer places and secured by design.

In terms of the overall layout of the site with the proposed extensions and alterations there would be moderate levels of natural surveillance toward the rear of the site coming in the form of the habitable rooms from the two flats at first floor level. From the information provided it appears as though security for the car park areas would be addressed via CCTV cameras, although no details of their number or location have been provided.

Details of security of the residential units at 1<sup>st</sup> floor level have not been provided such as an audio visual entry system, secure windows and doors made and installed to meet British Standards etc.

As mentioned previously no details have been provided on shop front security shutters or store security

It is considered appropriate to require the above information by way of relevant planning conditions to this report.

On balance the and with the appropriate planning conditions the proposed development would generally address security issues and be compliant with policy D4 of the HUDP 2004.

**4) Consultation Responses:**

Apart from the points raised in the above sections, other issues raised are:  
None.

**CONCLUSION**

For all the reasons considered above, and weighing up the development plan polices and proposals, and other material considerations, including any comments received in response to publicity and consultation, as set out above, these five applications are recommended for grant.

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 No demolition or site works in connection with the development hereby permitted shall commence before:

a: the frontage

of the site is enclosed by a close boarded fence to a minimum height of 2 metres.

Such fencing shall remain until works and clearance have been completed, and the development is ready for occupation.

REASON: In the interests of amenity and highway safety.

3 Notwithstanding the details shown in Appendix C of the Planning, Design and Access Statement; before any Air Conditioning or Condenser unit is used on the premises, it shall be enclosed with sound insulating material and mounted in such a way which will minimise transmission of structure borne sound in accordance with a scheme to be agreed with the local planning authority. The development shall not be occupied or used until the works have been completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that adequate precautions are taken to avoid noise nuisance and to safeguard the amenity of neighbouring residents.

4 Any plant and machinery, including that for fume extraction, ventilation, refrigeration and air conditioning, which may be used by reason of granting this permission, shall be so installed, used and thereafter retained as to prevent the transmission of noise and vibration into any neighbouring premises.

REASON: To ensure that the proposed development does not give rise to noise nuisance to neighbouring residents.

5 The existing disused standing pub sign to the front of the premises facing Pinner Road shall be removed from site and the hardsurfacing reinstated to the same level and using the same materials as the existing hardsurfacing in the vicinity.

REASON: in the interests of the character and appearance of the area and pedestrian safety.

## **INFORMATIVES**

### **1 INFORMATIVE:**

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

### **2 INFORMATIVE:**

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline on 0541 545500.

### **3 IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences**

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

Plan Nos: PINNELE1C, PINNELE1CA, PINNELE1CB, PINNPG1E, P101, P103 Rev F, P111, P113 Rev B, P200, P201 Rev C, P300, P310, P500, P501 Rev B.

Reports: Sharps Redmore Partnership – Assessment of Ventilation and Refrigeration Plant, 8 January 2009.

CgMs Consulting letter to the Council dated 11 June 2009 (reference: NL/7565).

CgMs Consulting Planning Design and Access Statement dated February 2009 (reference: NL/JAS/7565).

## SECTION 3 – OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

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**Item: 3/01**  
**LAND AT ROYAL NATIONAL P/0856/09/NR/E**  
**ORTHOPAEDIC HOSPITAL, BROCKLEY**  
**HILL, STANMORE, HA7 4LP**

Ward CANONS

DETACHED THREE STOREY DWELLING HOUSE WITH BASEMENT, USE OF VINE COTTAGE AS TRIPLE GARAGE, STORE AND RESIDENTIAL UNIT FOR CARETAKER WITH EXTERNAL ALTERATIONS, DEMOLITION OF ALL OTHER BUILDINGS ON THE SITE, ACCESS FROM BROCKLEY HILL

**Applicant:** Mr Paavan Popat  
**Agent:** Preston Bennett Planning  
**Statutory Expiry Date:** 29-MAY-09

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### RECOMMENDATION

**REFUSE** permission for the development described in the application and submitted plans, for the following reasons:

1) The proposed development would result in inappropriate development in the Green Belt, contrary to policy EP32 of the Harrow Unitary Development Plan (2004) and PPG2: Green Belts and no very special circumstances have been demonstrated by the applicant whereby the harm to the Green Belt by reason of inappropriateness would be outweighed by other considerations.

2) The proposed new dwelling, by reason of its design, siting and excessive bulk, would be visually prominent and would have an adverse impact on the open character of the land, to the detriment of the character and appearance of the area, the Green Belt and the Area of Special Character, contrary to policies D4, EP31 and EP32 of the Harrow Unitary Development Plan (2004) and PPG2: Green Belts.

#### **National Planning Policy:**

PPS1 - Delivering Sustainable Development  
PPS1 – Planning and Climate Change Supplement  
PPG2 – Green Belts  
PPS7 – Sustainable Development in Rural Areas  
PPG15 – Planning and the Historic Environment

#### **The London Plan 2008:**

3A.5 – Housing Choice  
3D.9 – Green Belt  
4A.22 – Spatial Policies for Waste Management  
4B.1 – Design Principles for a Compact City  
4B.2 – Promoting World Class Architecture and Design

#### **London Borough of Harrow Unitary Development Plan 2004:**

SEP5 – Structural Features  
D4 – The Standard of Design and Layout  
D5 – New Residential Development – Amenity Space and Privacy  
D9 – Streetside Greenness and Forecourt Greenery  
D10 – Trees and New Development

D12 – Locally Listed Buildings  
D19 – Ancient Monuments  
EP31 – Areas of Special Character  
EP32 – Green Belt – Acceptable Land Uses  
T13 – Parking Standards  
C16 – Access to Buildings and Public Spaces  
Supplementary Planning Guidance: Extensions: A Householder's Guide (2008)  
Supplementary Planning Document: Accessible Homes (2006)

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## **MAIN CONSIDERATIONS**

- 1) Principle of Development and Character and Appearance of the Area, the Green Belt and Area of Special Character
- 2) Residential Amenity
- 3) Locally Listed Buildings
- 4) Scheduled Ancient Monument
- 5) Trees and New Development
- 6) Traffic and Parking
- 7) Accessible Homes
- 8) S17 Crime & Disorder Act
- 9) Consultation Responses

## **INFORMATION**

This application was deferred by the Committee at its meeting on the 22<sup>nd</sup> July 2009 for a Members Site Visit which took place on 2<sup>nd</sup> September 2009. Since the preparation of the earlier report an additional submission has been made by the applicant re-stating the argument for very special circumstances and clarifying the dimensions and calculations in the report. The relevant sections of the report have been updated to consider these submissions in more detail. The recommendation is unchanged.

### **a) Summary**

Statutory Return Type: Minor Dwellings  
Lifetime Homes: 1  
Council Interest: None

### **b) Site Description**

- Application site comprises 7,050m<sup>2</sup> of land, formerly part of the Royal National Orthopaedic Hospital.
- The site is located within the Metropolitan Green Belt and the Harrow Weald Ridge Area of Special Character.
- The site is currently occupied by 10 single and two storey former hospital buildings, 3 of which are locally listed including Vine Cottage, which is adjacent to Brockley Hill. A locally listed wall also fronts the eastern boundary with Brockley Hill.
- The site has an existing access with crossover onto Brockley Hill, currently disused and gated off.
- Approximately 70% of the site is located within a designated Scheduled Ancient Monument. This is concentrated on the east of the site and comprises the remains of a Romano-British settlement.
- The site slopes down from east to west and this is most apparent in the

western part of the site, where fewer buildings are located.

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- The site is subject to an area Tree Preservation Order No.637.
- The site is bound by Brockley Hill to the east, a London Distributor Road.
- The site is partly bound by Brockley Hill House to the north, a residential development of 5 flats.
- To the north, west and south of the site is the Royal National Orthopaedic Hospital campus, recognised as a designated Major Developed Site (Harrow UDP policy EP32) in the Green Belt.

**c) Proposal Details**

- Demolition of all buildings on site (amounting to 549m<sup>2</sup>), with the exception of Vine Cottage and the locally listed wall fronting Brockley Hill.
- Construction of three-storey detached five bedroom dwellinghouse, including basement, with guest and staff accommodation.
- The proposed dwelling would be sited in the western portion of the site, outside of the Scheduled Ancient Monument area and would be approximately 80 metres from Brockley Hill.
- The proposed dwelling would occupy a footprint of 520m<sup>2</sup> and would have a height of 10.3 metres at its front elevation and 14.3 metres at its rear elevation, due to the change in levels.
- The dwelling would be irregular in shape and would be sited 17 metres from the southern boundary, 9 metres from the eastern boundary and 3 metres from the northern boundary of the site.
- Vine Cottage is to be retained and refurbished for use as a triple garage, groundsmans store and dwelling, ancillary to the proposed new dwelling.
- Following demolition of the remaining buildings on the site, it is proposed to implement a scheme of soft landscaping and tree planting.
- A previously existing vehicular access to Brockley Hill would be re-instated and used as the access to the proposed dwelling.
- Refuse storage would be sited adjacent to the rear (east) boundary, with collection from the hospital service road.

**d) Relevant History**

P/0466/08	Outline: Detached two storey dwellinghouse with basement, access from Brockley Hill, demolition of existing buildings	REFUSED 11-APR-08
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**Reasons for Refusal:**

- 1) The proposed development, by reason of the proposed residential use, siting, excessive bulk and site coverage, would result in an inappropriate form of development in the Green Belt, which would reduce significantly the openness of the land, to the detriment of the character and appearance of the Green Belt and the Area of Special Character, contrary to policies EP31 and EP32 of the Harrow Unitary Development Plan (2004).
- 2) The proposed demolition of three locally listed buildings, in the absence of a justifiable reason for demolition, would be inappropriate and detrimental to the appearance and character of the area, contrary to Policy D12 of the Harrow Unitary Development Plan (2004).

- 3) The proposed access road, by reason of its siting within the Scheduled Ancient Monument area, would result in an inappropriate form of development that would have a potentially detrimental impact on the archaeological remains within the scheduled area, contrary to Policy D19 of the Harrow Unitary Development Plan (2004).

**e) Pre-Application Discussion**

- Advice was sought by the NHS Trust whilst the site was being marketed. A response was given dated the 16th January 2006.
- This response expressed reservations about any alternative use of the site in relation to Green Belt policy, its inclusion within the Major Developed Site and the size of any proposed buildings.
- Further advice was sought by the applicants with regard to the principle of constructing a new dwelling on the site. A response was given dated the 5th July 2007 (PAT reference: 2462).
- This response stated that the principle of the proposed development was considered unacceptable and any application would be likely to be refused on Green Belt grounds as inappropriate development. Concerns were also raised about possible impact on the Scheduled Ancient Monument.

**f) Applicant Submissions**

- Design and Access Statement
- Planning Statement
- Heritage Statement
- Arboricultural Assessment
- Archaeological Evaluation
- Sustainability Statement

**g) Consultations:**

**Site Notice**                      Posted: 13-MAY-09                      Expiry: 03-JUN-09  
**(Departure):**

**Advertisement**                      Published: 14-MAY09                      Expiry: 04-JUN-09  
**(Departure):**

**Notifications:**  
Sent: 7                                      Replies: 2                                      Expiry: 12-MAY-09

**Summary of Response:**



- No new buildings should be built in the Green Belt
- Concerns about impact on Scheduled Ancient Monument
- Re-instated access could be hazardous
- Would unacceptably add to traffic congestion in the area
- Parking and accommodation is excessive for a private residence
- The design is inappropriate for the area/too modern
- Excessive size and bulk
- House would overlook gardens and private terraces of Brockley Hill House
- Could be used for multiple occupation or as a cultural or religious centre

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- Loss of listed buildings
- Loss of trees
- Would detract from the value of neighbouring properties
- Would obscure the views of neighbours

**Response from the Stanmore Society:**

- Although the house is very large, it is good on energy efficiency and sustainability, and care has seems to be apparent on topography and tree retention.
- The design seems creative, indeed almost unique and may well earn interest from other architects.
- Access to the clay from the Roman pottery site should be preserved.
- Demolition of locally listed buildings is regrettable, but their condition probably renders no other alternative.

**APPRAISAL**

**1) Principle of Development, Character and Appearance of the Green Belt and Area of Special Character**

This application proposes development within the Green belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. PPG 2 defines the purpose of greenbelts as:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The government has established the following objectives for the use of land in green belts:

- to provide opportunities for access to the open countryside for the urban population;
- to provide opportunities for outdoor sport and outdoor recreation near urban areas;
- to retain attractive landscapes, and enhance landscapes, near to where people live;
- to improve damaged and derelict land around towns;
- to secure nature conservation interest; and
- to retain land in agricultural, forestry and related uses.

Development Plan policies, within both the London Plan and Harrow UDP, reflect these national policy objectives.

PPG2 confirms that the purposes of including land in Green Belts are of paramount importance to their continued protection, and should take precedence over the land use objectives. PPG2 states that there is a general presumption against 'inappropriate development' within Green Belts and that such development should not be approved, except in 'very special circumstances'. The construction of new buildings in the Green Belt is 'inappropriate development' unless it is for the following purposes:

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- Agriculture and forestry;
- Essential facilities for outdoor recreation, cemeteries and other uses of land which preserve the openness of the Green Belt;
- Limited extension, alteration or replacement of existing dwellings;
- Limited infilling of existing villages and affordable housing for local community needs;
- Limited infilling or redevelopment of existing major developed sites.

It is the applicant's assertion that the site falls within the Royal National Orthopaedic Hospital (RNOH) Major Developed Site (MDS). Whilst the RNOH site has been designated as MDS under the Harrow UDP, no development brief or UDP plan defines the exact boundary of the MDS. The applicant points to the RNOH area TPO plan, which pre-dates the subdivision of the application site from hospital. It is considered that it would be inappropriate to use a TPO plan, which was drawn up many years ago and for different purposes, to determine the boundary of the MDS. However, the site plan submitted with the outline application for the redevelopment of the hospital clearly excludes the application site, by virtue of the red line. Given that the site no longer forms part of the functional hospital site, it is not clear how redevelopment in isolation to the hospital campus for an alternative use, would support the continued operation of the hospital.

In the event that the site does fall within the MDS, Annexe C4 of PPG2 sets out a number of criteria for redevelopment and these are discussed below:

- (a) *Redevelopment should have no greater impact than the existing development on the openness of the Green Belt and the purposes of including land in it, and where possible have less.*

Despite a reduction in footprint as a result of the proposal, there would be a significant increase in volume of 141%, due to the bulk of the proposed dwelling. Many of the structures to be demolished are low rise and of a lightweight construction and therefore have less of an impact on the openness of the Green Belt than the proposed building. The proposed dwelling would also be sited on the western portion of the site, which is currently largely free of built development. This siting of the proposal and its greater scale would result in a greater impact upon the openness of the Green Belt than the existing situation and the proposal is consequently considered to fail to meet Criteria A.

- (b) *Redevelopment should contribute to the achievement of the objectives*

*for the use of land in Green Belts.*

The objectives for the use of land in the Green Belt are defined in PPG2 as:

- To provide opportunities for access to the open countryside for the urban population;
- To provide opportunities for outdoor sport and outdoor recreation near to where people live;
- To improve damaged and derelict land around towns;
- To secure nature conservation interest; and
- To retain land in agricultural, forestry and related uses.

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In the context of this proposal, it is considered that redevelopment would not contribute to the above objectives and the proposal would therefore not satisfy Criteria B.

(c) Redevelopment should not exceed the height of the existing buildings.

A full digital survey of the existing buildings on the site has been carried out by the applicant. From the submitted plans, the proposed dwelling would be higher than the existing buildings on the site (although not the wider hospital site) and the proposal is therefore considered not to satisfy Criteria C.

(d) Redevelopment would not occupy a larger area of the site than the existing buildings.

As discussed above, the proposed dwelling would result in a reduction in built footprint.

In summary, the proposed development fails to meet three criteria of Annexe C4 of PPG2 and would therefore not constitute appropriate redevelopment of a Major Developed Site.

The proposal scheme, for a new residential dwelling, therefore constitutes inappropriate development in the Green Belt.

PPG2 goes on to state that inappropriate development is, by definition, harmful to the Green Belt and that it is for the applicant to show why permission should be granted. Very special circumstances to justify 'inappropriate development' will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant in their submission has outlined seven considerations, which they believe amount to very special circumstances that justify allowing the inappropriate development proposed. They are considered below:

*Footprint:*

The applicant states that the demolition of seven existing single and two-storey buildings spread across the site would contribute to a beneficial physical and visual enhancement of the site and would improve openness. The Council's existing and proposed footprint and volume calculations are outlined in the

table below (Vine Cottage not shown in calculations as this is to be retained):

	<b>Existing</b>	<b>Proposed</b>	<b>% Over Existing</b>
Footprint (m <sup>2</sup> )	549	520	- 5 %
Volume (m <sup>3</sup> )	2425	5854	+ 141 %

The applicant's figures are shown in the table below (Vine Cottage not shown in calculations as this is to be retained):

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	<b>Existing</b>	<b>Proposed</b>	<b>% Over Existing</b>
Footprint (m <sup>2</sup> )	574	510	- 18.4 %
Volume (m <sup>3</sup> )	2187	4819	+ 90 %

There is a discrepancy between the Council's figures and those of the applicant (see above tables). The applicant's calculation reflects the gross external floor area of the ground floor of the property. However due to the design of the building, a portion of the basement projects outside this ground floor area, forming part of the footprint of the building. The discrepancy between the two volume calculations seems to be as a result of the applicant's calculation of the volume of the portion of the basement level above ground level. The Council's figures are therefore considered to accurately reflect the proposed footprint and volume.

Notwithstanding the 5% reduction in built footprint on the site, the proposed new dwelling replaces the predominantly low rise floorspace into a single substantial building of three stories plus a basement level that projects above ground level. Whilst the existing buildings cover a greater footprint, they maintain the open character of the Green Belt by having adequate separation between them and by being spread over a wider area. The majority of the structures are single-storey and some are lightweight greenhouse structures. It is therefore considered inappropriate to consolidate this built footprint/volume into a new dwelling. The greater prominence and scale (reflected in its volume) of the dwelling within the site, notwithstanding its claimed architectural quality, is considered to harm rather than improve the openness of the Green Belt and its character at this location.

*Established Residential Use:*

Paragraph 4.36 of the applicant's Planning Statement asserts that the proposal 'would not introduce a new and harmful use' and refers to UDP policy EP32[c] relating to the replacement of existing dwellings. The applicant has submitted evidence in the form of Council Tax notices in relation to three of the existing buildings on the site. Given this evidence, the applicant argues that these buildings are residential homes and that the replacement of these buildings with a new dwelling would not be inappropriate per se.

On inspection of the buildings on site, it is clear that they have at some point been in residential use. The Coach House is divided into two flats, East Gate Lodge looks to be arranged as a house in multiple occupation, whilst Vine

Cottage seems to be a groundsmans/gardeners lodge and store. However, these three buildings were previously part of the hospital and therefore within the same planning unit as the hospital. They may have a history of residential use, however this residential use was in association with the hospital and not as independent residences. It is common for this kind of accommodation to be assessed separately for Council Tax, rather than included within the Non-Domestic Rating assessment for the hospital.

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In the event that the existing residential uses are lawful, policy EP32 requires replacement dwellings to be proportionate in their size and scale, having regard to the objectives above, from PPG2. The scale of the replacement dwelling is substantially greater than the existing alleged dwellings and would not, it is considered, therefore satisfy the national or local policy requirements in this respect.

*Major Developed Site:*

As discussed above, the application site is not considered to form part of the MDS. Given that the site no longer forms part of the functional hospital site, it is not clear how redevelopment in isolation to the hospital campus for an alternative use, would support the continued operation of the hospital or amount to very special circumstances.

*Design and The PPS7 Test:*

It is argued by the applicant that the proposed dwelling would be of such exceptional and innovative design, that this would justify a departure from Green Belt policy. Paragraph 11 of PPS7 states that 'very occasionally the exceptional quality and innovative nature of the design of a proposed, isolated new house may provide this special justification for granting planning permission'. It goes on to state that 'such a design should be truly outstanding and ground-breaking, for example, in its use of materials, methods of construction or its contribution to protecting and enhancing the environment'.

The applicant points to two appeal decisions in support of their case, the most relevant of these being the Mapperley Plains case example, which relates to a site on the urban fringe and in the Green Belt near Nottingham. This appeal for a disproportionately large replacement dwelling was allowed on the basis that the exceptional and innovative design was proposed.

The fundamental purpose of Green Belt policy is outlined above. The applicant's design and access statement states that the building would be seen as a sculptural object in the landscape. The proposed design would be based around three axes and would adopt a 'crystalline' form. The dwelling would be three stories in height (the second floor being recessed), although a large basement is proposed which, given the slope of the western part of the site, would result in the dwelling appearing to have four stories when viewed from the rear. Given the siting within the application site, this is also the part of the building that would be most visible from outside the site, as it would face the service road to the hospital and open countryside to the north.

PPS7 provides for a special justification for granting planning permission for the 'exceptional quality and innovative nature of the design of a proposed, *isolated* new house' (paragraph 11) as an exception to the normal presumption against development in the open countryside. The aim of Green Belt policy is different. Whilst the proposed design of the dwelling incorporates design components reflective of contemporary styles and building technologies, the application fails to illustrate how these elements combine to represent a building of exceptional architectural and design quality, that enhances the appearance of the open countryside in line with the aspirations behind the policy exception within PPS7.

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Instead, the design introduces a prominent and bulky new building into the locality that would undermine the openness of the Green Belt at this point. Reference has been made to the incorporation of sustainable design features (also discussed below) such as green roofs, rainwater harvesting systems and ground source heat pumps.

*Sustainable Design and Construction:*

The applicant contests that the sustainability features incorporated into the design and the achievement of Code for Sustainable Homes (CSH) Level 4 can be considered as a very special circumstance. Code Level 4 of the CSH represents a national target for 2012 onwards for all new homes and therefore, whilst it is recognised that the early achievement of CSH standards represents a welcome component of the development, the achievement of this level of sustainability is not, in itself, considered to represent exceptional sustainable technologies.

*Safeguarding the Scheduled Ancient Monument (SAM) and Archaeology:*

The applicant argues that they have demonstrated that the proposed new dwelling would not impinge on the archaeological interest of the site and that the provision of the new use would encourage stewardship of the SAM. However, positioning the building outside of the scheduled area would be a requirement of any application to develop the site, rather than a benefit arising from the proposal. Stewardship and maintenance of the land in a satisfactory state would also be a requirement regardless of use and it is therefore considered that this is not a very special circumstance.

*Landscape Restoration, Protection and Enhancement of Openness of Green Belt:*

A detailed arboricultural assessment and landscape restoration masterplan has been submitted as part of the application and it is argued that the proposed landscape improvements to the site constitute a very special circumstance.

The proposed dwelling would be sited in the western corner of the site and although there would be a reduction in overall site coverage, the proposed dwelling would provide an increase in scale, massing and overall bulk of development in comparison with the existing situation, which would detract from the open character of the western part of the site. It is therefore considered that material harm to the open character of this part of the Green Belt would occur as a result of the proposal and the proposal is therefore considered to be unacceptable in this regard and contrary to policy EP32 and

PPG2.

UDP policy EP31 states that the Council will ensure that redevelopment schemes within an Area of Special Character preserve or improve the character and appearance of the area. Visually, the proposed dwelling would impose a significant visual presence on the application site by reason of its bulk and prominent siting in relation to public viewpoints from the hospital. The dwelling would be significantly more obvious within the Harrow Weald Ridge Area of Special Character. It is therefore considered that the proposed dwelling, by reason of its size and siting, would also harm the character and appearance of the Area of Special Character, contrary to policy EP31.

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### **Conclusion on Principle of Development**

The considerations put forward by the applicant are not considered either to either individually or when considered in combination amount to very special circumstances that should override the presumption against inappropriate development in the Green Belt. In carrying out a balancing exercise, weighing against the harm, by reason of inappropriateness and any other harm, other circumstances put forward by the applicant, do not amount to very special circumstances.

As discussed above, a landscape restoration plan has been submitted as part of the application, as well as arrangements for refuse storage adjacent to the western boundary of the site. This goes into detail about how new landscaping would be implemented and managed, particularly in relation to the area within the Scheduled Ancient Monument (SAM). These details are considered to be acceptable and it is considered that a condition could be imposed to ensure that details of this landscaping be submitted and approved, were the development otherwise considered acceptable.

It is proposed to retain Vine Cottage, the existing building fronting Brockley Hill, for use as a groundsmans store and dwelling and this is discussed in more detail below under the locally listed buildings section. On inspection of the building, it would appear that it has been used for a similar purpose in the past, probably in connection with the hospital. It is considered that the continued use of this building as an ancillary groundsmans store would not be controversial and a condition could be imposed to ensure that this building remained ancillary to the use of the dwelling, were the proposal otherwise considered acceptable.

## **2) Residential Amenity**

The proposed dwelling would be sited a minimum of 65 metres from the nearest part of Brockley Hill House (south west corner) to the north east. The land also falls away from Brockley Hill House towards the area for the proposed dwelling, thereby resulting in a drop in levels of approximately 1.5 metres between the south west corner of Brockley Hill House and the nearest part of the proposed dwelling. Given this separation distance and drop in levels, it is considered that the proposed dwelling would not result in overshadowing or loss of outlook to the occupiers of Brockley Hill House.

Three roof terraces are proposed on the north facing elevation of the dwelling, on the ground, first and second floors. The second floor roof terrace (the

highest of the three) would be 7.0 metres above the ground level at the front of the proposed dwelling and therefore given the slope down from Brockley Hill House, would be approximately 5.5 metres above the ground level adjacent to this property. As stated above, there would be a separation distance of 65 metres between the two buildings and approximately 30 metres between the roof terrace and the nearest part of the rear garden of Brockley Hill House during the summer months. There is also a significant amount of mature vegetation along the northern boundary of the site that would screen potential views into the amenity area and habitable rooms of Brockley Hill House.

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It is acknowledged that these trees are predominantly deciduous and the concerns raised by neighbours that the roof terraces would have potential to overlook the garden area of Brockley Hill House during the winter months are noted. However, it is considered that garden areas, and indeed the roof terraces, are unlikely to be as well used during the winter months and the adverse impact by way of overlooking would therefore be mitigated. In summary, it is considered that the proposed dwelling would not result in undue amenity impacts to the occupiers of the adjacent Brockley Hill House.

The hospital site bounds the south and west of the application property and it is therefore considered that no adverse amenity impacts would occur as a result of the proposal. The comings and goings of vehicles to the hospital adjacent including 'blue light' traffic is equally considered unlikely to cause unacceptable disturbance to the future occupiers of the proposed dwelling.

**3) Locally Listed Buildings**

It is proposed to demolish two of the three locally listed buildings on the site (those numbered 2 and 3 on the existing site survey plan 0509.EX1.001), with Vine Cottage and the locally listed wall fronting Brockley Hill to be retained as a groundsmans store and dwelling. In assessing the previous outline application (ref P/0466/08) in which it was proposed to demolish all three locally listed buildings, objection was raised to the loss of these buildings, in view of the lack of a justifiable reason for demolition. The applicant has now submitted a heritage statement as part of this application.

The applicant's heritage statement concludes that building No.1 (Vine Cottage) should be retained as this fronts the highway and therefore contributes to the streetscene appearance along Brockley Hill. It is concluded that the building Nos.2 and 3 are not of adequate architectural or historical interest to warrant retention and have been the subject of significant recent alterations.

UDP policy D12, relating to locally listed building, states that 'the Council will endeavour to protect these buildings from demolition'. However, it is noted that there is no statutory protection from demolition and consent would therefore not be required to demolish the buildings. The degree of weight to apply to such non-statutory designations when determining a planning application is therefore based on material considerations. Policy D12 sets out criteria for local listing and this includes architectural interest, townscape/group value and historical interest or associations.



In terms of townscape value, it is clear that the most important of the three locally listed buildings is Vine Cottage, given its location abutting Brockley Hill. On inspection of the remaining two buildings, it is clear that they have been the subject of various modern internal and external alterations and that much of the original built fabric has been lost. Given their siting away from Brockley Hill, it is considered that they do not make a contribution to the street scene appearance along this part of Brockley Hill.

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It is noted that the retention and refurbishment of Vine Cottage and the locally listed wall along the eastern boundary of the site would be a welcome opportunity to preserve a historic part of Brockley Hill and ensure ongoing maintenance and stewardship of the building. On balance it is considered that the loss of two of the three locally listed buildings would be acceptable in the context of this proposal and the proposal would therefore comply with policy D12 in this respect.

**4) Scheduled Ancient Monument**

Approximately 70% of the application site falls within a Scheduled Ancient Monument (SAM). This area is concentrated to the east of the site and comprises the remains of a Romano-British pottery settlement. A significant amount of Roman remains have been uncovered within the scheduled area and also in the unscheduled part of the site and the site is considered to be of national importance in this respect. UDP policy D19 states that 'the Council will safeguard scheduled ancient monuments and other nationally important sites and monuments and preserve and enhance such features and their settings when considering development proposals in the locality'.

The proposed new dwelling would be sited entirely outside of the scheduled area. The application is accompanied by an archaeological evaluation of non-scheduled area. English Heritage considers that, although Roman remains do extend into this part of the site, a great deal of truncation has occurred due to the extensive terracing in the area. Subject to an appropriate condition as suggested by English Heritage, it is considered that the siting of the proposed new dwelling would be acceptable with regard to archaeological concerns.

Within the SAM area, the works proposed include the demolition of the existing buildings on site and the proposed landscaping. From the submitted documents and in consultation with English Heritage, it is clear that Scheduled Ancient Monument Consent has been approved (subject to planning permission being granted). The works within the scheduled area are limited to above ground level, with the existing buildings to be demolished and the proposed landscaping to be implemented directly on top of the built foundations. It is therefore considered that the proposal would not have an adverse impact on this Scheduled Ancient Monument and the proposal therefore complies with policy D19.

**5) Trees and New Development**

The site is covered by an area TPO No.637 and the area adjacent to the

proposed building footprint has a number of mature trees. A number of mature trees are located on the rest of the site including a Beech tree adjacent to the proposed access on Brockley Hill. The Council's Tree Officer has indicated that the trees in the area adjacent to the proposed building would not represent a constraint to the proposal, providing they are replaced. The majority of the Category B trees are located within the SAM area, away from the new building and are to be retained as part of the proposal. A list of trees to be lost/replaced and those to be retained, as well as a Method Statement for the mature Beech tree adjacent to the site entrance of Brockley Hill and a Tree Protection Plan for the site in general could be provided by pre-commencement condition if the development were otherwise considered acceptable.

Item 3/01 : P/0856/09/NR/E continued/...

## **6) Traffic and Parking**

The proposal would re-instate an existing vehicular access from Brockley Hill, through a gateway in the existing locally listed wall. Given that the proposal is for a single dwelling, it is considered that the vehicular access would be adequate and would not give rise to adverse impacts on the safety of pedestrian and vehicular traffic on the highway. It is also considered that the amount of traffic that is likely to be generated from the proposed development would not give rise to highway safety and convenience concerns in the surrounding area.

It is noted that a number of off street parking spaces are provided, including two spaces within the integral garage and three within the garage of Vine Cottage. Although this would be above the maximum provision in the UDP, given the location and the provision of staff accommodation, it is considered that this parking provision would be justified.

## **7) Accessible Homes**

The proposal complies with all 16 points of the Lifetime Homes Standards, as is required by London Plan policy 3A.5, policies D4 and C16 of the UDP and adopted Supplementary Planning Guidance: Accessible Homes (2006).

## **8) S17 Crime & Disorder Act**

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

## **9) Consultation Responses:**

Apart from the points raised in the above sections, other issues raised are:

- *Parking and accommodation is excessive for a private residence, could be used for multiple occupation or as a cultural or religious centre:* The proposal, as stated on the application forms, is for a private residential dwellinghouse. Use of the property for multiple occupation, or as a cultural or religious centre would require further planning permission. The application proposes staff and guest accommodation, although such accommodation is common in large detached family houses in Stanmore.
- *Would obscure the views of neighbours:* In this context, it should be noted that protection of a view is not a material planning consideration. Consideration of the developments impact upon the outlook and amenities of adjacent properties has however been undertaken above.
- *Would detract from the value of neighbouring properties:* This is not a material planning consideration.

## **CONCLUSION**

For all the reasons considered above, the proposed development would constitute inappropriate development within the Green Belt and the considerations outlined by the applicant would not, either singularly or collectively amount to the very special circumstances to clearly outweigh the harm to the Green Belt caused by the unacceptable design, siting and excessive bulk of the proposed new dwelling, as required by PPG2 and UDP policy EP32. Accordingly, this application is recommended for refusal.

Item 3/01 : P/0856/09/NR/E continued/...

Plan Nos: 0509.EX0.001; EX1.001; EX1.011; EX1.012; EX1.013; EX1.014;  
EX1.015; PL2.001; PL2.011; PL2.101; PL2.102; PL2.103; PL2.104;  
PL2.105; PL2.201; PL2.202; PL2.203; PL2.204; PL2.301; PL2.302;  
PL2.401; PL2.402; PL2.403; PL2.404; Design and Access Statement;  
Planning Statement; Heritage Statement; Arboricultural Assessment;  
Sustainability Statement; Archaeological Evaluation; Scheduled Ancient  
Monument Consent

## SECTION 4 – CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

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**STONEGROVE AND SPUR ROAD P/1855/09/SL/MAJ  
ESTATES, EDGWARE, HA8 8BT**

**Item 4/01**

Ward ADJOINING BOROUGH

RESERVED MATTERS APPLICATION SEEKING APPROVAL FOR SCALE, APPEARANCE AND LANDSCAPING IN RELATION TO CHARACTER ZONE 6 OF THE REDEVELOPMENT OF STONEGROVE AND SPUR ROAD ESTATES COMPRISING 98 RESIDENTIAL UNITS PURSUANT TO CONDITION 3 OF OUTLINE PLANNING PERMISSION REFERENCE W13582E/07 DATED 06/10/2008.

**Applicant:** London Borough of Barnet

**Statutory Expiry Date:** 06-OCT-09

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### RECOMMENDATION

**INFORM** London Borough of Barnet that Harrow Council raises NO OBJECTION to this application having any unacceptable impact on the Borough of Harrow.

### REASON

The decision to raise no objection has been taken having regard to the policies and proposals in The London Plan [2008] and the saved policies of Harrow's Unitary Development Plan [2004], and to all relevant material considerations.

### National Planning Policy

Planning Policy Statement 1 [Delivering Sustainable Development]

### The London Plan [2008]:

- 3A.1 Increasing London's supply of housing
- 3A.3 Maximising the potential of sites
- 3A.5 Housing choice
- 4B.1 Design principles for a compact city
- 4B.6 Safety, security and fire prevention and protection

### Saved Policies of the London Borough of Harrow Unitary Development Plan [2004]:

- S1 The Form of Development and Pattern of Land Use
- EP25 Noise
- D4 The Standard of Design and Layout

Harrow's Accessible Homes SPD [Apr 2006]

Harrow's Sustainable Community Strategy [Mar 09]

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### MAIN CONSIDERATIONS AND POLICIES [The London Plan 2008 & Saved Policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance]

**1) Scale, Design and Layout [Landscaping]**

The London Plan 2008: 3A.6, 4A.1, 4A.4, 4A.7, 4A.21, 4B.1.  
London Borough of Harrow UDP 2004: D4, D10.

**2) S17 Crime & Disorder Act**

London Borough of Harrow UDP 2004: D4

**INFORMATION**

**a) Summary**

Statutory Return Type: Consultation by adjoining Borough  
Site Area: 1.12ha  
Council Interest: Adjoining Borough

**b) Site Description**

- Situated at the roundabout junction in between Edgware Way and Green Lane.

**c) Proposal Details**

- Reserved Matters application seeking approval for scale, appearance and landscaping comprising 98 residential units.

**d) Relevant History**

P/3366/07	Demolition of existing buildings; construction of 937 new residential units, community hall, church and church hall with new access off Spur Road and re-opening access off Stonegrove [Consultation from neighbouring authority].	OBJECTION 10-DEC-07
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P/0393/08	Outline: Demolition of existing buildings; construction of 937 residential units, community hall, church and church hall with new access off Spur Road and re-opening access off Stonegrove. [Consultation from neighbouring authority].	OBJECTION 25-APR-08
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**e) Consultations:**

- None

**APPRAISAL**

**1) Scale, Appearance and Landscaping**

The height of the proposal at the junction of Edgware Way and Green Lane roundabout will be nine storeys. The other four blocks will be at a moderately lower scale of four storeys.

The key issue is to assess the impact of the proposed development [scale, appearance and landscaping] on the openness of the Green Belt within the Borough of Harrow, which is situated to the west side of Brockley Hill. It is considered the site and the proposal is sufficiently distant from the Borough of Harrow for any perceived harm to occur.

**2) S17 Crime & Disorder Act 1998**

The proposed development is intended to reduce and minimise the opportunities for crime and disorder.

**CONCLUSION**

For all the reasons considered above, and weighing up the Development Plan policies and proposals, and other material considerations, it is recommended that no objection be made.

**SECTION 5 - PRIOR APPROVAL APPLICATIONS**

NONE.