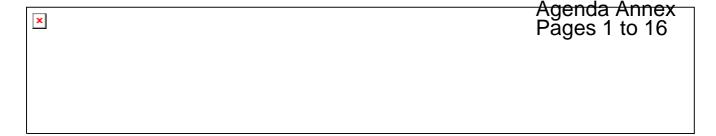


PLANNING COMMITTEE WEDNESDAY 14 OCTOBER 2009

ADDENDUM





HARROW COUNCIL

ADDENDUM

PLANNING COMMITTEE

DATE: 14th October 2009

1/01 RECOMMENDATION

- **1. i) REPLACE** with **'Affordable Housing:** Nine units [34.6%] units as affordable housing [6 two-bedroom units as social rented and 3 one-bedroom units as intermediate] to be managed by a nominated Registered Social Landlord'.
- **1. ii) DELETE** 'Prior to first occupation of the development, the Travel Plan has been approved by the Council'.

INFORMATION

d) Relevant History

INSERT as 2nd and 3rd bullet point:

- The proposal represents an unacceptable form of development resulting in an unsatisfactory quality of residential environment, which would not integrate well with the neighbouring buildings within the locality, contrary to PPS 3 and HUDP policies D4 and D5.
- The development, by reason of its relationship with the commercial development to the rear of Bridge Street, would result in an unsatisfactory outlook to the detriment of the amenities of the future occupiers, contrary to PPS 3 and HUDP policy D4.

APPRAISAL

8) DELETE 'N/A'. Replace with: No statutory consultations. Regarding neighbour notifications, one representation was received objecting to the proposal on grounds of visual intrusion at four storeys and access to the development from a busy high street. In response to this, the principle of development is established by the planning permission allowed on Appeal. No external alterations from the Appeal scheme are proposed.

CONDITIONS

ADD REASON for Conditions 1-16

1

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

2

REASON: In the interest of pedestrian and highway safety.

3 **DELETE** 'bY'. Replace with 'by'

3

REASON: To secure the provision of archaeological excavation and the subsequent recording of the remains in the interests of national and local heritage.

4

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

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

6

REASON: In the interests of amenity and highway safety.

7

REASON: To safeguard the appearance of the locality.

8

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

q

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

10.

REASON: To ensure that adequate precautions are taken to avoid noise nuisance and to safeguard the amenity of neighbouring residents.

11.

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. **INSERT** 'be' before 'installed'.
- 12

REASON: In the interest of pedestrian and highway safety.

13.

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.

14.

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

15.

REASON: In the interest of sustainable development.

16

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

1/02 | **DELETE** RECOMMENDATION and replace with:

RECOMMENDATION

GRANT permission for the development described in the application subject to the following conditions:

CONDITION 6

1. 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 shall be submitted and approved in writing by the local planning authority within six months of the decision date. Details of those to be retained, together with measures for their protection in the course of the development, shall also be submitted and approved. Soft landscape works shall include: planting plans, and schedule of plants, noting species, plant sizes and proposed numbers/densities. The landscape scheme as approved shall be implemented prior to the end of the planting season.

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

CONDITION 9

2. Details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s), and all new ground works within the site shall be submitted to and approved by, the local planning authority within six months of the decision date.

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.

3. The permission hereby granted is supplemental to planning permission ref: P/0002/07/CFU granted by the Council on the 8th April 2008. Save as modified by this permission the terms and conditions of the original permission are hereby ratified and remain in full force and effect unless as otherwise agreed in writing by the Council.

REASON

The decision to grant planning permission has been taken having regard to 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 including any comments received in response to publicity and consultation, as outlined in the application report:

The variation of conditions 6 and 9 is not considered to compromise the gravity of the development or to give rise to any significant adverse impacts upon the amenities of surrounding properties that were not previously considered during the determination of the original application: which was considered to be consistent with the policy objectives within the London Plan and the adopted Harrow UDP policies listed below.

SECOND RECOMMENDATION

Discharge condition 9 (as varied above)

REASON

The alterations to ground levels within the site, subject to compliance with the planning permission is considered to be acceptable having regard to the physical and visual impact of the works upon the character and appearance of the area, existing trees within and adjacent to the site and upon residential amenity.

The London Plan Policies:

3D.5 Sports facilities

3D.7 Realising the value of open space

3D.11 Open space strategies

4C.6 Flood plains

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

EP11 Development within Floodplains

EP25 Noise

EP47 Open Space

D4 The Standard of Design and Layout

D5 New Residential Development

D10 Trees and New Development

T6 The Transport Impact of Development Proposals

T13 Parking Standards

R4 Outdoor Sports Facilities

R5 Intensive Use Pitches

C16 Access to Buildings and Public Spaces

Supplementary Planning Guidance 'Access for All'

Add the following comments to **CONSULTATIONS**

One letter of objection was received from 306 Camrose Avenue, this is summarised below:

The 7ft earth mounds, which are visible from my back windows and garden, blocks out natural lights and results in the loss of late autumn sunlight to rear of my property, hinder views and enjoyment of the fields.

Spectators and workman walking along the road at the bottom of my garden have full view into my garden and property.

Planting of tall deciduous trees, tall shrubs and bushes on earth mounds and along site boundary will block natural light and afternoon sun from my property, enclose the back garden and result in loss of openness previously enjoyed for the site, will increase garden maintenance from leaf fall.

Response

The earth mounds are located 7 m from shared property boundary and 22m from the rear elevation of the Camrose Avenue properties. Given the amount of separation provided between the earth mounds and neighbouring properties it is not considered that the proposed mounds would result in any enclosure or loss of light.

The proposed bunds and landscaping will change the views across the site. Planning legislation, save for explicit policies, does not however protect private rights to a view and whilst accepting this change, refusal of the proposals on this basis could not be justified.

It was noted on site that the shared boundary with Camrose Avenue properties was quite open and the view from the site into the rear gardens of these properties was unimpeded. This appears to be consistent with the boundary treatment when the original application was considered. Landscaping was indicated along these shared property boundaries as part of the landscaping scheme for the wider site. It is considered the landscaping of the boundaries would minimise overlooking of the neighbouring residential properties. A landscaping scheme is yet to be submitted and agreed, however landscaping of the shared properties and the mounds will form part of the final landscaping scheme for the site.

1/03 | RECOMMENDATION

2. **DELETE** and **REPLACE** with: A formal decision to GRANT permission for the development described in the application and submitted plans and materials, subject to referral to GLA and planning conditions will be issued upon completion by the applicant of the aforementioned legal agreement.

REASON

After 'permission', **INSERT** 'subject to referral to GLA'.

INFORMATION

g) Consultations

Replies: 16.

Summary of Responses:

DELETE text and replace with '16 representations received [eight supporting and eight objecting to the proposal on the following grounds:'

CONCLUSION

AFTER 'GRANT subject to', INSERT ' referral to GLA,'.

CONDITIONS

DELETE Conditions 2 and 10.

2/01 | **AMEND** Description of Development to read:

'CHANGE OF USE FROM RETAIL TO RESTAURANT (CLASS A1 TO A3) WITH EXTERNAL ALTERATIONS'

c) Proposal Details

ADD:

 It is proposed to remove 3 garage doors from the rear wall of the premises, and partially brick up the openings to include one entrance door and high level windows

ADD:

CONDITION 7:

MAT_MATCH Replace 'extension' with 'external alterations'

2/02 UNDER INFORMATION AMEND to read:

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

REPLACE Condition 2 with:

No window(s) / door(s), other than those shown on approved plans shall be installed in the flank, rear and front 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.

Application **DEFERRED** at officer's request to seek further information regarding the retaining wall from the applicant.

2/05 CONSULTATION

ADD:

Two responses, from Hatch End Residents Association and a local resident, have been received following the re-consultation of the application and are summarised below:

Object to the level of indoor and outdoor seating. The seating inside should be restricted to the original number allowed at appeal and the outdoor seating restricted to a maximum of 30. The hours of operation for the outdoor seating should be restricted to no later than 1900 hrs. To minimise the inconvenience to local residents in the above flats and along Grimsdyke Road and also to avoid further addition to the already excessive number of restaurants in the Uxbridge Road trading in the evening.

<u>Hatch End Resident Association</u>: We note the large amount of seating outside and request that conditions are applied and monitored for the hours of use in the evening so the development is not detrimental to neighbouring residential amenities.

It seems that outside seating will continue around the year with the recent erection of wall heaters and wicker screening which we think requires planning permission.

Response:

Seating in the café is restricted to no more than 48 covers and the outdoor seating area 62 covers. This level of seating has been demonstrated to be easily accommodated within the site while providing an acceptable level of retail floor space and is not considered to be harmful to the amenities of adjoining residential properties. Two conditions are proposed to control the hours of the operation of the outdoor seating area and the shop, restricting hours to 0930 hrs to 1900 hrs for the outdoor seating area and 0930 hrs to 2200 hrs for the indoor seating area.

The wall heaters and wicker screening do not form part of the application being considered, officers shall investigate planning status of the said structures and advise applicant accordingly.

2/07 AMEND Description of Development to read:

'REDEVELOPMENT TO PROVIDE SINGLE STOREY DETACHED BUILDING CONTAINING WORKSHOP AND ANCILLARY METERIALS STORAGE AREA (CLASS B1 (c))

ADD:

Condition 12

USE_CLAS_M Class B1

REASON: To reflect the circumstances of the application and safeguard the character of the locality.

2/08 UNDER INFORMATION **AMEND** to read:

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

2/09 UNDER INFORMATION **AMEND** to read:

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

2/10 | See attached Appeal Decision.

2/12 DELETE Informative No. 5

RENUMBER Informative 6 as 5.

2/13 d) Relevant History

P/3015/08 Retention of detached outbuilding

in each rear garden of 32 and 32A

Streatfield Road

REFUSED 18-DEC-08 APPEAL DISMISSED IN RELATION TO 32, APPEAL ALLOWED IN RELATION TO 32A

CONDITIONS

1. Within 3 months of the date of this permission the outbuilding shall be reduced in depth by one metre and the external surfaces of the outbuilding shall be painted a burnt red colour as per dwg. No.1842-5/02 – REV B – 08/09, and retained thereafter. REASON: To safeguard the appearance of the locality.

2. The outbuilding herby permitted shall not be used for any purpose other than domestic storage or personal games room or similar uses. REASON: To safeguard the amenity of neighbouring residents and the character of the locality.

INFORMATIVES

- 1. INFORM 40M: D4, D5
- 2. INFORM 23M

2/15 AMEND RECOMMENDATION as follows:

RECOMMENDATION

GRANT permission for the development described in the application subject to the following condition:

Condition 2

The windows in the dwellinghouse shall be replaced and relocated to accord with those shown on the drawings nos. 752/301C and 752/205 and retained thereafter. REASON: In the interests of the character and appearance of the dwellinghouse and the area.

The permission hereby granted is supplemental to planning permission APP/M5450/C/07/205532 allowed on Appeal on 24th April 2008 ('the Original Permission'). Save as modified by this permission the terms and conditions of the original permission are hereby ratified and remain in full force and effect unless as otherwise agreed in writing by the Council.

REASON: The decision to grant planning permission has been taken having regard to 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 consideration including any comments received in response to publicity and consultation, as outlined in the application report.

The proposed variation.....etc as per Agenda report.

2/16 DELETE Condition 7.



Appeal Decision

Hearing held on 12 March 2009 Site visit made on 12 March 2009

by Phillip J G Ware BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

The Planning Inspectorate 4/11 Eagle Wing Temple Quay House 2 The Square Temple Quay Bristol BS1 6PN

■ 0117 372 6372 email:enquiries@pins.gsi.g ov.uk

Decision date: 15 April 2009

Appeal Ref: APP/M5450/A/08/2087396 183 Whitchurch Lane, Edgware HA8 6QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Wood Homes (Stanmore) Ltd against the decision of the Council
 of the London Borough of Harrow.
- The application Ref P/1618/08DFU, dated 30 April 2008, was refused by notice dated 26 June 2008.
- The development proposed is single storey front, side and rear, two storey/first floor side extensions, rear dormers, and conversion to four flats with external alterations.

Procedural matter

 The description of the development set out above is taken from the Council's decision notice rather than from the planning application form. It was agreed at the Hearing that this accurately reflects the development, and I have considered the appeal on that basis.

Decision

2. I dismiss the appeal.

Main issues

- 3. There are three main issues in this case:
 - The effect of the proposal on the streetscene, and on the adjoining Canons Park Conservation Area
 - Whether the proposal would provide adequate living conditions for the future residents, in terms of stacking, amenity space and the provision of accommodation for those with disabilities
 - Whether the proposal would harm highway safety, in relation to demand for on-street parking

Reasons

The effect on the streetscene and Canons Park

4. The appeal premises are a two storey five bedroomed detached house located at the end of a line of properties on the north side of Whitchurch Lane. Immediately to the east of the property is Canons Park, which is an important area of open space retaining many of the features from the grounds of the former Palace of Canons. I was told of the restoration work which has been

- undertaken within the Park and of the committed funding aimed at further improvement of the area.
- 5. The boundary of the Canons Park Conservation Area runs along the side and rear of the garden of the appeal premises, so that it is bounded by the designated area on two sides. The same boundary marks the edge of the Metropolitan Open Land and the Historic Park. It was agreed at the Hearing that, for the purposes of this appeal, these three coterminous designations are broadly aimed at the same objective related to the quality and openness of Canons Park.
- 6. I appreciate that the property currently possesses a single storey garage which extends to the boundary with the Park. However the overall effect of the building is that it appears to lean away from the Park, thus giving a sense of openness. It does not intrude into the historic landscape.
- 7. The proposal includes a two storey side extension, with a stepped footprint, which would run close to the boundary of the Park. The stepped footprint is to allow for the fact that the boundary of the site is raked back, but I consider that the resulting irregular design would appear contrived and overbearing. It would read as though the development stemmed from a desire to maximise the amount of development on the site, and would, to an extent, close down the entrance into the Park. It would intrude into the open and historic landscape and be contrary to the purpose of the three designations referred to above.
- 8. The extension would be visible not only from the pavement and road outside the Park but also from the footpath which runs inside the Park close to the boundary. From the footpath as one moves towards the edge of the Park, the proposed extension would be a very visible and unwelcome feature.
- 9. To this I would add the harmful effect of the proposed works at rear roof level. Whilst I appreciate that the adjoining property to the west has a small dormer window on the rear slope, the proposed dormers, and the uncharacteristic link between them, would appear bulky and irregular. The proposed sunken roof terrace would add to the appearance of an irregular and sprawling development at roof level.
- 10. I do not consider that the proposal would preserve or enhance the character or appearance of the Conservation Area. In fact I find that it would be harmful to it, and to the openness and character of the Metropolitan Open Land and the Historic Park. This would be contrary to policies D18 and EP43 of the Harrow Unitary Development Plan (UDP) (2004), which seek to protect the setting of parks and gardens of special historic interest, and to avoid harm to the open character of Metropolitan Open Land. It would also conflict with UDP policy D4 which seeks a high standard of design and layout, taking account of the settling of the site and the public realm.
- 11. UDP policy D9 deals with 'streetside greenness', and states that proposals which include hard surfacing the whole of front gardens should be resisted. However in this case the front of the property is almost entirely hard surfaced at present although there is some limited planting, contrary to the appellant's assertion. The proposal is for the use of the front area for car parking, which would only leave a limited amount of space for planting. The details of the planting could be conditioned, as could the surface treatment. Overall I

- consider this element of the proposal to be essentially neutral, and do not consider it adds any significant support to the case of either party.
- 12. The proposal provides a bin storage area at the front of the property for use on collection days, with a permanent storage area at the rear. I can understand the concern of residents and the Council that the front area might, in practice, be used more permanently. However, even if that were the case, I do not consider that the effect on the streetscene would be unusual or harmful.
- 13. I have also considered the Council's concern that the addition of a second front door would be out of keeping with the property and its surroundings. However, although the extended property would not match the others in the area, it would resemble a semi-detached property and in this context I do not find the second front door harmful.
- 14. For the above reasons I find the proposed extension and rear roof alterations would harm the streetscene and would fail to preserve or enhance the character or appearance of the Canons Park Conservation Area. The development would harm the openness of the Metropolitan Open Land and the Historic Park.

The living conditions of future occupiers

- 15. The Council confirmed at the Hearing that the concern over the stacking of the proposed flats related to two locations where a living room was above a bedroom, and where a bedroom was above a kitchen.
- 16. In my experience, flat conversions/extensions sometimes result in living rooms and bedrooms being above/beneath each other. Whilst potentially undesirable, it is clear that any such matters are dealt with by the Building Regulations. The Council stated that it wished to secure a higher standard than that required by the Building Regulations, but the authority did not produce any justification for this approach or any details of such a standard.
- 17. In part the Council was relying on its 'Guidance on the Conversion of Dwellinghouses to Flats' (2007) however this is informal guidance which has not been the subject of consultation, and which therefore carries little weight. The proposal complies with UDP policy EP25, which provides that account should be taken of the need to minimise noise. I do not consider that the minor stacking issues raised in this case amount to a reason why planning permission should be withheld.
- 18. The Council also criticised the shared amenity space proposed for the first floor flats. It was explained at the Hearing that the objection was not to the size of the area, but to the fact that it was a shared space. I am not persuaded that there is any objection to the sharing of such a space but, even if there were, this could be addressed by a condition. This aspect of the proposal complies with UDP policy D5, which requires the provision of sufficient amenity space.
- 19. The parties agreed that the ground floor units should be provided to Lifetime Homes standards. However there was a difference as to what these standards require in relation to the bathroom and kitchen layout. The proposal appears to meet the requirements of the London Plan, but fails in relation to the Council's Supplementary Planning Document (SPD) which seeks a different

- level of provision. However I give greater weight to the London Plan, as it is part of the development plan, whereas the UDP policy (H18) upon which the SPD was apparently based has been deleted.
- 20. In my view, subject to details of a ramped access, the proposal provides satisfactory accommodation for those with disabilities, in accordance with the London Plan.
- 21. Overall, I consider the proposal would provide adequate living conditions for the future residents, in terms of stacking, amenity space and the provision of accommodation for those with disabilities. It would comply with UDP policy D4, which seeks a high standard of design and layout.

The effect on highway safety

- Whitchurch Lane is accepted by all parties to be a busy thoroughfare, as I noted when I visited the site.
- 23. The reason for refusal refers to an unacceptable increase in vehicular activity. However it was confirmed at the Hearing that the Council does not object to the proposal on the basis of inadequate visibility or related to manoeuvring space within the site. From my inspection of the site, I consider the scheme would provide enough space to enable vehicles to enter and leave in a forward gear, and would provide satisfactory visibility for vehicles entering and leaving the site.
- 24. UDP policy T13 sets maximum parking standards and, although the Council has expressed concern about possible injudicious parking on Whitchurch Lane, there is no suggestion that the proposal is numerically deficient in terms of parking standards. Although parking restrictions apply to the east of the site, to the west it is possible to park for most of the day and I was not given any detailed evidence of any particular on-street parking problems. In any event, given the good accessibility of the site, there is no reason to anticipate particular demand for off-site parking.
- 25. For these reasons, I consider that the proposal would not harm highway safety, in relation to demand for on-street parking.

Other matters and conclusion

- 26. The Council also refused planning permission on the basis of the effect on the living conditions of the adjoining residents at no.183. This concern related to two matters the effect of any increased disturbance and the effect of the proposed single storey rear extension on natural light.
- 27. The proposed four flats in the extended building would, in my view, inevitably increase the amount of comings and goings from the property. This would be particularly in relation to vehicle movements and the likely increased intensity of use of the garden area. However the property is located on a busy main road, and I note that neither of the front doors of the extended property would be unduly close to the adjoining building. I do not consider that there would be any significant increase in the level of disturbance to neighbours.
- The Council allege that the proposed single storey rear extension would cause a loss of light and overshadowing to habitable rooms in the adjoining dwelling,

although no detailed evidence was submitted to justify the allegation. In fact, as I saw on the site, the rear of no.183 includes a conservatory with a solid wall facing sideways towards the appeal premises. It is this conservatory which would potentially be affected but, given the distance to the proposed extension and its limited scale, I do not consider there would be any significant effect on the adjoining property.

- 29. I am conscious that the property is close to a tube station and that a number of bus routes pass the site. Neither this good level of accessibility, nor the need to make the best use of urban land, or my conclusions regarding highway safety and the adequacy of the proposed accommodation, outweighs the harm to the streetscene and Canons Park.
- 30. For the reasons given above I conclude that the appeal should be dismissed.

P. J. G. Ware

Inspector

APPEARANCES

FOR THE APPELLANT:

Ms C Apcar BA(Hons) MRTPI Apcar Smith Planning
Mr P Mew Paul Mew Associates
Mr J Tolia Jagdish Tolia Architects

Mr C Zub 53 Snaresbrook Road, E11 1PQ

Mr M Kerai Part owner Mr K Kerai Part owner

FOR THE LOCAL PLANNING AUTHORITY:

Mr M Lawton BA MA Deputy Team Leader

INTERESTED PERSONS:

Ms S Sackwild Canons Park Residents Association, Friends of

Canons. 244 Whitchurch Lane HA8 6QH

Fr. P Reece Rector of St Lawrence Church, St Lawrence

Close, HA8 GL8

DOCUMENTS

1 List of persons present at the Hearing

2 Council's letter of notification and list of persons notified

3 Written statement by A Hayeem RIBA on behalf of Canons Park Residents Association

PLANS

A/1 – A5 The application plans (Plans A/1 – A/4 dated 25 April 2008, plan A/5 dated 18 April 2008)

PLANNING COMMITTEE - 14 OCTOBER 2009

AGENDA ITEM 9

ADVANCE WARNING GIVEN OF REQUESTS TO MAKE REPRESENTATIONS ON PLANNING APPLICATIONS

Application	Objector	Applicant/Applicant's Representative (who has advised that they would wish to reply)
2/03 9 Eastern Avenue, Pinner	Mr Hutchinson	
2/04 112 Uxbridge Road, Harrow Weald	Sandra Hulbert	
2/13 – 5 West Drive, Harrow, HA3 6TX	Mr Rodney Goodman	

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