



**DEVELOPMENT MANAGEMENT
COMMITTEE**

WEDNESDAY 25 MARCH 2009

PLANNING APPLICATIONS RECEIVED

DEVELOPMENT MANAGEMENT COMMITTEE

APPLICATIONS

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PLANNING APPLICATIONS RECEIVED

SECTION 1 - MAJOR APPLICATIONS

SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

SECTION 5 - PRIOR APPROVAL APPLICATIONS

BACKGROUND INFORMATION

All reports have the background information below.

Any additional background information in relation to an individual report will be specified in that report:-

Individual file documents as defined by reference number on Reports

Nature Conservation in Harrow, Environmental Strategy, October 1991

Harrow Unitary Development Plan, adopted 30th July 2004

The London Plan (Spatial Development Strategy for Greater London), Mayor of London, February 2004

Section 17 of the Crime & Disorder Act 2004

DEVELOPMENT MANAGEMENT COMMITTEE

WEDNESDAY 25TH MARCH 2009

INDEX

					Page No.
2/01	LAND TO R/O 123-135 WHITCHURCH LANE, EDGWARE 6 RETIREMENT UNITS IN 2 SINGLE STOREY BLOCKS; ACCESS FROM STRATTON CLOSE WITH ALTERATIONS; PARKING	P/3720/08/NR	CANONS	GRANT	2
2/02	385 HONEYPOT LANE, STANMORE CHANGE OF USE FROM ESTATE AGENT TO PRIVATE HIRE MINI CAB BOOKING OFFICE (CLASS A2 TO SUI GENERIS)	P/3496/08/NR	QUEENSBURY	GRANT	15
2/03	14 PINNER HILL ROAD, PINNER DEMOLITION OF EXISTING DETACHED DWELLINGHOUSE AND REDEVELOPMENT TO PROVIDE THREE TERRACED DWELLINGHOUSES; NEW VEHICLE ACCESS FROM TUDOR ROAD; NEW METAL RAIL FENCING ALONG PINNER HILL ROAD AND TUDOR ROAD	P/3976/08/SB5	PINNER	GRANT	19
2/04	29 CARLTON AVENUE, HARROW CONTINUED USE OF DWELLINGHOUSE AS TWO FLATS, PROPOSED	P/4087/08/NR	KENTON WEST	GRANT	29

SINGLE STOREY REAR
EXTENSION,
DEMOLITION OF SIDE
GARAGE (REVISED)

2/05	FORMER CLINIC/SCOUT HUT, REAR OF TENBY ROAD, EDGWARE RETENTION OF THE SUB-STRUCTURE AND CONSTRUCTION OF THE SUPER STRUCTURE OF 10 AFFORDABLE HOUSES	P/3966/08/DC3	EDGWARE	GRANT	36
2/06	BOTWELL COURT, 118 HEADSTONE ROAD, HARROW PROVISION OF TWO FLATS WITHIN MANSARD ROOF SPACE TOGETHER WITH ROOF LIGHTS TO FRONT AND REAR ROOFSLOPES	P/3845/08/GL	GREENHILL	GRANT	49
2/07	112 UXBRIDGE ROAD, HARROW WEALD RETENTION OF DETACHED TWO-STOREY DWELLINGHOUSE WITH ROOMS IN ROOFSPACE; TIMBER DECKING AT REAR AND PROPOSED ALTERATIONS TO GARDEN LEVELS; LANDSCAPING	P/3558/08/GL	HARROW WEALD	GRANT	57
2/08	58/60 NIBTHWAITE ROAD, HARROW CONVERSION OF TWO DWELLINGHOUSES TO FIVE FLATS; ALTERATIONS TO ROOF TO FORM END GABLES AND REAR DORMERS; SINGLE-STOREY REAR EXTENSION TO BOTH PROPERTIES; EXTERNAL ALTERATIONS TO FIRST FLOOR REAR ELEVATION; FORMATION	P/4104/08/GL	MARLBOROUGH	GRANT	65

OF NEW VEHICULAR
ACCESS TO HAMILTON
ROAD; 1.8M HIGH
BOUNDARY FENCE

2/09	24-28 CHURCH ROAD, STANMORE THIRD FLOOR EXTENSION TO PROVIDE OFFICES (CLASS B1)	P/4116/08/NR	STANMORE PARK	GRANT	77
2/10	72 OAKINGTON AVENUE, HARROW DEMOLITION OF EXISTING SINGLE STOREY SIDE EXTENSION AND ERECTION OF SINGLE AND TWO STOREY DETACHED HOUSE WITH ASSOCIATED VEHICLE ACCESS AND PARKING	P/3904/08/HG	WEST HARROW	GRANT	83
2/11	LAND TO THE REAR OF 73-79 MINEHEAD ROAD, HARROW OUTLINE FOR LAYOUT, SCALE, APPEARANCE AND ACCESS: 2 x TWO- STOREY SEMI- DETACHED HOUSES WITH SINGLE STOREY PROJECTIONS, NEW VEHICLE ACCESS AND PARKING AT FRONT	P/3764/08/SB5	ROXBOURNE	GRANT	93
2/12	9 NELSON ROAD, STANMORE SINGLE AND TWO STOREY SIDE EXTENSION, SINGLE STOREY FRONT & REAR EXTENSIONS, FRONT ACCESS RAMP	P/0006/09/FOD	STANMORE PARK	GRANT	102
2/13	83A AND 83B HINDES ROAD, HARROW DETACHED OUTBUILDINGS AT REAR OF BOTH PROPERTIES	P/0026/09/SG	GREENHILL	GRANT	107

2/14	31 HONISTER GARDENS, STANMORE SINGLE STOREY FRONT; SINGLE/TWO STOREY SIDE TO REAR; SINGLE STOREY REAR EXTENSIONS	P/2973/08/TEM	BELMONT	GRANT	111
2/15	8 ST ANNS ROAD, HARROW CHANGE OF USE FROM AN ADULT GAMING CENTRE (SUI GENERIS) TO RETAIL SHOP (CLASS A1)	P/0007/09/DC3	GREENHILL	GRANT	116
2/16	10 ST ANNS ROAD, HARROW CHANGE OF USE OF RETAIL SHOP (CLASS A1) TO AN ADULT GAMING CENTRE (SUI GENERIS)	P/0008/09/DC3	GREENHILL	GRANT	116
3/01	THE OLD BAKERY, GRANGE COURT, GRANGE GARDENS, PINNER FIRST FLOOR OVER EXISTING OFFICE BUILDING AND TWO STOREY SIDE EXTENSIONS; FRONT DORMERS X 2; EXTERNAL ALTERATIONS TO ADJACENT GARAGES AND CONTINUED USE AS COMMERCIAL STORAGE (AMENDED PLANS)	P/3135/08/SB5	PINNER	REFUSE	122
3/02	VENETO HOUSE, PARK DRIVE, RAYNERS LANE CHANGE OF USE OF BUILDING FROM LIGHT INDUSTRIAL (B1) TO COMMUNITY USE & EDUCATIONAL PURPOSES (D1) AND EXTERNAL ALTERATIONS INCLUDING FRONT ENTRANCE RAMP	P/1989/08/OH	RAYNERS LANE	REFUSE	131

SECTION 1 – MAJOR APPLICATIONS

SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

Item: 2/01

**LAND TO R/O 123-135 WHITCHURCH P/3720/08/NR
LANE, EDGWARE**

Ward CANONS

6 RETIREMENT UNITS IN 2 SINGLE STOREY BLOCKS; ACCESS FROM STRATTON CLOSE WITH ALTERATIONS; PARKING

Applicant: Trident Properties Ltd

Agent: Barker Parry Town Planning Ltd

Statutory Expiry Date: | 06-FEB-09

RECOMMENDATION

Plan Nos: 07/3125/4 Rev A; 5; 6; 7; Site Plan; Design and Access Statement

GRANT permission for the development described in the application and submitted plans, subject to the following condition(s):

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 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 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.

Item 2/01 : P/3720/08/NR continued/...

4 The plans and particulars submitted in accordance with the approval of landscaping condition shall include:

- (i) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
- (ii) details of the species, diameter (measured in accordance with paragraph (i) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (iii) and (iv) below apply;
- (iii) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
- (iv) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site;
- (v) details of the specification and position of fencing, and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

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

5 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.

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 The development hereby permitted shall not commence until there have been submitted to, and approved in writing by, the local planning authority, detailed drawings of all underground works, including those to be carried out by statutory undertakers, in connection with the provision of services to, and within, the site in relation to the trees to be retained on site.

REASON: To ensure that the trees to be retained on the site are not adversely affected by any underground works.

8 The development hereby permitted shall not be occupied until the car parking, turning and loading area(s) shown on the approved plan number 07/3125/4 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

9 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.

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

b: the boundaries

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.

11 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.

12 The access carriageway shall be constructed to base course in accordance with the specification and levels agreed before works commence on the building(s) hereby permitted, 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.

Item 2/01 : P/3720/08/NR continued/...

13 Before commencement of the development hereby permitted, details of a CCTV survey of the culvert which is located adjacent to the eastern site boundary, together with the details of any proposed works within 5 metres of this culvert, shall be submitted to and approved by the Local Planning Authority. The works shall be implemented as approved. A CCTV survey of the culvert shall also be submitted to the Local Planning Authority after the completion of the development.

REASON: To safeguard the integrity of the culvert and reduce the risk of flooding.

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 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 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.

17 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.

18 Each unit of the development hereby permitted shall be occupied only by:

- i) persons aged over 55 years or more;
- ii) persons living as part of a single household with such a person or persons;
- iii) persons who were living as part of a single household with such a person or persons who have since died.

REASON: In order to ensure that the development remains as retirement flats, in the interests of highway safety and the amenities of neighbouring occupiers.

19 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 by restricting the amount of site coverage and size of dwelling in relation to the size of the plot and availability of:

a: amenity space

b: parking space

and to safeguard the amenity of 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:

London Plan:

3A.2 Borough Housing Targets

3A.3 Maximising the Potential of Sites

3A.5 Housing Choice

3A.13 Special Needs and Specialist Housing

4A.22 Spatial Policies for Waste Management

4B.6 Safety, Security and Fire Prevention and Protection

Harrow Unitary Development Plan:

D4 Standard of Design and Layout

D5 New Residential Development - Amenity Space and Privacy

D9 Streetside Greenness and Forecourt Greenery

EP12 Control of Surface Water Run-Off

EP13 Culverting and Deculverting

EP25 Noise

T6 The Transport Impact of New Development Proposals

T13 Parking Standards

H7 Dwelling Mix

C16 Access to Buildings and Public Spaces

Supplementary Planning Document: Access for All (2006)

Supplementary Planning Guidance: Designing New Development (2003)

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

3 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.

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.

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Character and Appearance (D4, D9, 4A.22)
- 2) Residential Amenity (D5, EP25)
- 3) Trees and New Development (D10)
- 4) Traffic and Parking (T6, T13)
- 5) Development and Flood Risk (EP13, EP14)
- 6) Accessible Homes (3A.5, D4, C16, SPD)
- 7) Housing Provision and Density (H7, 3A.2, 3A.3, 3A.5, 3A.13)
- 8) S17 Crime & Disorder Act (4B.6, D4, SPG)
- 9) Consultation Responses

INFORMATION

This application was deferred by Development Management Committee on 25th February 2009 to give further consideration to the refuse storage arrangements. Andrew Baker has confirmed that the proposed arrangement is acceptable, as the development provides a retirement complex with communal gardens.

a) Summary

Statutory Return Type:	Minor Dwellings
Site Area:	0.213ha
Density:	28 dph
Lifetime Homes:	6
Council Interest:	None

b) Site Description

- Site comprises an overgrown area of former garden land at the rear of frontage dwellings on Whitchurch Lane.
- The site benefits from a gated access route through Stratton Close garages from Whitchurch Lane.
- A number of trees occupy the site and there are preserved trees off site, adjacent to the eastern boundary.
- To the south of the site are the properties on Whitchurch Lane (Nos.123 to 135), some of which are dwellinghouses, others have been converted to flats. The main rear walls of these properties are approximately 22 metres from the sites southern boundary.
- To the west of the site are single-storey blocks of lock-up garages.
- To the north and east of the site are the three-storey flatted developments on Stratton Close (Dudley House and Kent House), these buildings being sited between 5 and 13 metres from the application site boundary.
- To the south-east of the site are single-storey blocks of lock-up garages serving the Stratton Close properties.
- The site access through the garages utilises an existing crossover onto Whitchurch Lane, a Borough Distributor Road.

c) Proposal Details

- 6 two bedroom retirement units arranged in 2 single-storey blocks of 3 units.
- The western block (plots 1-3) would be sited 3.8 metres from the rear boundaries of Nos.133 and 135, between 6.0 and 14 metres from the staggered western site boundary and 6.0 metres from the northern boundary.
- The western block would be 23.5 metres long, by 9.0 metres wide incorporating front and rear projections. The height of the proposed block is 2.5 metres at eaves, rising to 5.0 metres at ridge height
- The eastern block would be sited 600mm from the northern boundary with Dudley House and approximately 6.0 metres from the eastern site boundary and aligned with this boundary.
- The eastern block would be 23.5 metres long with an additional projection of 1.0 metre, by 9.0 metres wide incorporating front and rear projections. The height of the proposed block is 2.5 metres at eaves, rising to 5.0 metres at ridge height
- An access road is proposed from the Stratton Close garages to the east of the site, including widening of the existing access road and leading between the two blocks, with 7 parking spaces proposed.
- The two blocks would front this parking area, with individual entrance doors provided to each unit.
- The areas to the rear of each block would serve as communal garden space for the occupants.
- Planting and landscaping is proposed around the proposed access road and in front of the proposed units.
- A refuse storage enclosure is proposed to the east of the eastern block to accommodate 3 paladin bins.

Revision to Previous Proposal

- The previous outline permission (ref P/1017/06/CFU, allowed on appeal) was for 6 retirement flats in 2 two-storey blocks with access road and 7 parking spaces.
- The current submission represents a re-designed scheme for 6 retirement units, with revised siting of the blocks, reduction from two-storey to single-storey, with revised layout of access road.

d) Relevant History

P/2928/03/DFU	Detached bungalow with parking space and access	GRANTED 06-FEB-04
P/2918/03/DFU	Outline: Redevelopment to provide 8 flats in two storey blocks with access and parking	REFUSED 13-FEB-04 APPEAL DISMISSED 14-DEC-04
P/2723/04/COU	Outline: Redevelopment: 2 x 2 storey blocks to provide 8 flats and chalet bungalow with access and parking	REFUSED 11-FEB-05 APPEAL DISMISSED 27-JUL-05
P/653/05/COU	Construction of 4 chalet bungalows with access from Stratton Close and car parking	REFUSED 19-MAY-05
P/1017/06/CFU	Outline: 6 retirement flats in 2 x 2 storey blocks; access from Stratton Close; parking	REFUSED 01-DEC-06 APPEAL ALLOWED 10-JAN-08

e) Pre Application Discussion

- None

f) Applicant Statement

- Design and Access Statement.

g) Consultations:

Notifications:

Site Notice: 22-DEC-08 Expiry: 12-JAN-09

Sent: 173 Replies: 15 Expiry: 07-JAN-09

Summary of Response:

Increase in noise and disturbance, concerns over rights of neighbours in respect of Article 8 of the European Convention on Human Rights, impact on bats, impact on users of garages/access from Stratton Close, Lifetime Homes, refuse vehicle access, loss of green space.

APPRAISAL

1) Character and Appearance

UDP policy D4 states that 'buildings should respect the form, massing, composition, proportion and materials of the surrounding townscape and attention should be paid to the urban 'grain' of the area in terms of building form and patterns of development'. The site is bordered to the south by residential dwellings/flat conversions on Whitchurch Lane, to the west and south-east by single-storey lock-up garages and to the north and east by three-storey flat blocks set in large grounds. It currently benefits from an extant outline permission for 6 retirement flats in 2 x two-storey blocks.

The proposed development would consist of 2 single-storey blocks of retirement units of a standard suburban design. Although the character of the developments surrounding the site is different from the proposal, it is considered that the proposed single-storey blocks would not be inappropriate given the backland location of the site. Adequate space would be maintained around the buildings and the design of the flats is considered to be acceptable within this suburban residential area.

A refuse storage enclosure is proposed 1.6 metres from the eastern boundary of the site. This would be a modest structure and would be sited for ease of access for refuse collection vehicles.

The proposed access road would extend into the site, between the two blocks and would provide for 7 parking spaces. Given that the extent of hard surfacing is not materially larger than the previously approved scheme, this is considered acceptable and a condition is imposed to ensure that the details of this access road and parking are approved prior to commencement. Soft landscaping is proposed around the access road, as well as in front of the units and this is considered to be adequate. A condition is imposed requiring details of planting to be approved prior to commencement. The proposal is therefore considered to be acceptable in relation to policy D9.

2) Residential Amenity

It is considered that the proposed development would be sited an adequate distance from the boundaries of neighbouring properties, so as not to give rise to an unacceptable degree of overshadowing or loss of outlook to neighbouring occupiers. The blocks would be of a modest height, 2.5 metres to eaves and 5.0 metres at the ridge, and this would also minimise any adverse impacts from the proposal. It is also considered that, given the height of the proposed buildings and that no flank windows are proposed, the proposal would not give rise to an unacceptable level of overlooking to neighbouring properties.

In considering the impact on neighbouring residents with regard to noise and disturbance from vehicle activity, the previous appeal decision on the site (ref P/1017/06/CFU; pins ref APP/M5450/A/07/2035554) is considered to be an important material consideration, as the appeal scheme was also for 6 retirement flats.

The applicant has submitted evidence indicating that a retirement unit would generate a daily vehicle trip rate of 1.594 per dwelling. This would result in a total of 10 trips per day (5 arrivals and 5 departures) for the proposal in total. These figures were obtained from the most up to date TRICS database and they differ slightly from those stated during the above appeal (1.35 per dwelling, per day; 8 in total for the 6 retirement units). The Inspector, in determining the previous appeal considered these figures to be similar to that generated from the single residential dwelling, which has been previously approved on the application site. Although the figures have increased marginally since the previous appeal, given the Inspector's conclusion on this issue in the previous appeal, it is considered that the level of vehicular activity arising from the proposal would not result in an unacceptable level of noise and disturbance to neighbouring residents.

The proposed parking area would be sited some 2 metres from the rear boundaries of the Whitchurch Lane properties and some 8 metres from the northern boundary of the site, similar to the appeal scheme. The parking area would therefore be some 18 metres from the nearest habitable room windows of neighbouring residential properties and this distance is considered adequate to ensure that vehicle activity within the site does not give rise to an unacceptable level of noise and disturbance to neighbouring residents, given the likely level of vehicular activity and landscaping proposed around the parking area. This issue was discussed in detail during the previous appeal and the Inspector concluded that the separation distance and the fact that only one of the parking spaces would be sited close to the boundary with the Whitchurch Lane dwellings (an arrangement that has been revised, but not materially changed, in the current proposal), would be acceptable.

Despite the loss of a buffer zone between the proposed access road and No.123 Whitchurch Lane, given the level of vehicular activity expected, it is not considered that an unacceptable level of noise and disturbance would arise and this view is consistent with the Inspector's conclusion during the previous appeal.

It is considered that the proposed retirement units would provide an adequate standard of accommodation for the future occupiers of the development and a condition is imposed, requiring the units to be occupied by people aged 55 or over. A satisfactory area of communal garden space would be provided for each block of flats and this is considered adequate. The proposal is therefore considered to comply with policy D5.

3) Trees and New Development

The applicant has submitted an Arboricultural Report to accompany the application. There are a number of trees on the site of varying amenity value, most of which are located around the site boundaries. There were two off-site protected trees beyond the eastern boundary of the site, although these appear to have been removed. The Council's Tree Officer considers the Arboricultural Report to be acceptable and the proposal is therefore considered to be acceptable in relation to policy D10, subject to a condition requiring a Tree Protection Plan and a landscape plan to be submitted and approved prior to commencement.

4) Traffic and Parking

Access to this backland site is proposed from the Stratton Close garages, to the south east of the site. This access road would be widened, taking in a fenced off area adjacent to No.123 Whitchurch Lane, to allow 2 cars to pass and to allow refuse vehicles to access the development. This arrangement is the same as the previously allowed appeal scheme. Also, a gate has recently been put up between the western garage block and the eastern boundary of No.123 Whitchurch Lane and the submitted drawings show this to be retained.

In allowing the appeal relating to 6 retirement flats, the Inspector considered that the crucial factor in determining whether the access is acceptable in terms of visibility is whether the 6 retirement flats would result in more traffic movements than the previously approved single dwelling. As discussed above, the number of expected vehicle movements are considered to be similar and, based on the Inspector's conclusion on this issue in the previous appeal, the current proposal, also for 6 retirement units, is considered acceptable.

The widened access road is also considered to be adequate as a shared surface for pedestrians and motor vehicles and this is consistent with the conclusion reached by the Inspector when allowing the previous appeal. It is also considered that the positioning of the footways at either side of the proposed access would allow an adequate level of visibility by drivers of emerging vehicles.

Given the nature of the occupants and the reasonable public transport accessibility of the site, it is considered that 7 parking spaces would be adequate to serve the development and this is consistent with the provision in the previously allowed scheme. The layout of the site would enable a refuse collection vehicle to turn comfortably, so they could enter and leave the site in forward gear. Access through the gated entrance would be a private matter between the refuse collection services and the site management.

The Council's Highways Engineer raises no objections and the proposal is therefore considered to comply with policies T6 and T13.

5) Development and Flood Risk

There is a culverted watercourse close to the eastern boundary of the site and running under the access road. The Council's Drainage Department have expressed concerns about works within 5 metres of this watercourse. Conditions are therefore imposed in order to safeguard the integrity of this culvert and a pre-commencement condition is also imposed requiring details of underground works to be approved prior to commencement. The Environment Agency have assessed the application as having a low environmental risk and, subject to conditions requiring the details of sewage and surface water disposal, as well as the provision of surface water attenuation/storage works, the proposal is considered to be acceptable in this regard.

6) Accessible Homes

Given that retirement units are proposed, it is considered that accessibility is particularly important. The proposal would comply with all 16 points of the Lifetime Homes standards and it is therefore considered that the proposed development would provide adequate accommodation for people with disabilities, as required by London Plan Policy 3A.5, policies D4 and C16 of the UDP and adopted Supplementary Planning Guidance: Accessible Homes (2006).

7) Housing Provision and Density

The proposal would provide an additional 6 units to the borough's housing stock and this is supported in principle. The proposal would also result in the provision of accommodation for retired people and this is welcomed, in respect of UPD policy H7, which requires a mix of dwelling types and London Plan policy 3A.13, which encourages provision of specialist housing for the elderly.

8) S17 Crime & Disorder Act

The application site is surrounded by other properties and a 1.8 metre close boarded fence is proposed around the boundary of the site. Fences would also enclose the rear garden areas providing a good definition between public and private space.

The proposed units would have windows fronting onto the central parking area to provide natural surveillance and the main entrance doors of 5 of the flats would be located on these front elevations. The eastern block would have a side gable feature to the south, with a window serving the living room of plot 6. This window would provide a good level of natural surveillance to the access road to the development and the main entrance door to this units would also be situated on this southern side elevation. It is therefore considered that the proposed development would be laid out in such a way that opportunities for crime would be reduced. It is also considered that the layout would be an improvement on the extant permission for 6 retirement flats on the site.

9) Consultation Responses:

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

- Article 8 of European Convention on Human Rights: Given the conclusions on the issues discussed above, it is not considered that there would be a violation of resident's human rights.
- Impact on bats: This issue was considered as part of the last appeal and the Inspector concluded that no evidence had been provided to indicate that the impact would be significant. The situation has not changed since then.
- Rights of access to garages: This is a private legal matter and not a material planning consideration.
- Loss of green space: As the site was previously garden land, it is considered to be previously developed land and this is consistent with previous decisions on the site.

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.

385 HONEYPOT LANE, STANMORE

Item: 2/02

P/3496/08/NR

Ward QUEENSBURY

CHANGE OF USE FROM ESTATE AGENT TO PRIVATE HIRE MINI CAB
BOOKING OFFICE (CLASS A2 TO SUI GENERIS)

Applicant: Mr Kumarsamy Indrachith

Statutory Expiry Date: | 11-FEB-09

RECOMMENDATION

Plan Nos: 193/01; Site Plan

GRANT permission for the development described in the application and submitted plans, subject to the following condition(s):

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 use hereby permitted shall be carried on only by Mr K Indrachith and shall be for a limited period being the period of 1 (one) year from the date of this permission, or the period during which the premises are occupied by Mr K Indrachith whichever is the shorter.

REASON: To safeguard the amenity of neighbouring residents against any future increase in disturbance and activity and in the interests of highway safety and convenience.

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

07.00 hours to 22.00 hours on any day, without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of 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

SEM2 Hierarchy of Town Centres

EM18 Change of Use of Shops - Designated Shopping Frontages of Local Centres

EM25 Food, Drink and Late Night Uses

EP25 Noise

T13 Parking Standards

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Town Centre Policy (SEM2, EM18, EM25)
- 2) Residential Amenity (D4, EP25, EM25)
- 3) Traffic and Parking (T13)
- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

INFORMATION

This application is reported to Committee because of a petition of objection from local residents and businesses.

a) Summary

Statutory Return Type: Change of Use
Council Interest: None

b) Site Description

- Ground floor commercial unit with a frontage width of 3.5 metres, last occupied by an estate agent (A2).
- The unit forms part of the designated shopping frontage of Queensbury Local Centre.
- The property does not have rear access, but is served by a front service road, separate from Honey Pot Lane itself.
- The adjacent ground floor unit at No.381 is occupied by a hot food takeaway (A5), whilst the adjacent unit at Nos.389-391 is occupied by a retail shop (A1).
- Two floors of residential flats are located above the parade.

c) Proposal Details

- Change of use from financial and professional services (A2) to mini-cab office (Sui Generis).
- The mini-cab office would operate between 07.00 – 22.00 hours on each day.

d) Relevant History

EAST/66/95/FUL	Change of use: Class A1 to Class A2 (retail to estate agents)	GRANTED 04-APR-95
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e) Pre Application Discussion

None

f) Applicant Statement

- Mini-cab office to be open to customers between 07.00-22.00 hours.
- Communication would be via mobile phones and data transfer modems, rather than FM frequency radios.
- Drivers would be working from their cars and would not be admitted into the office on a regular basis.

g) Consultations:

Notifications:

Site Notice: 15-JAN-09 Expiry: 05-FEB-09

Sent: 14 Replies: 1 (petition of 30 signatures) Expiry: 09-JAN-09

Summary of Responses:

Shortage of car parking for the parade would be worsened, congestion from mini cabs being parked, 24 hour service would cause disturbance at unsocial hours and may cause damage to properties.

APPRAISAL

1) Town Centre Policy

UDP policy EM18 seeks to safeguard retail uses in local centres, to preserve the vitality and viability of those centres. It is stated that changes of use away from retail would normally be permitted provided that length of frontage in non-retail use would not exceed 30%. The current percentage of non-retail use is 31.33%. The proposal seeks a change of use from an estate agent (A2) to a private hire mini-cab booking office (Sui Generis). As the property is currently not in retail use, the proposal would not result in an unacceptable loss of retail frontage nor result in a harmful concentration of non-retail uses.

Policy EM18 also requires that the proposed use is appropriate to the centre and it is considered that a mini-cab booking office would be appropriate and would improve the range of services offered by the centre. It is considered that this small unit could be adequately serviced from the front of the parade and that a window display appropriate to the shopping area could be provided. The proposal is therefore considered to comply with the criteria of policy EM18.

2) Residential Amenity

Policy EM25 seeks to ensure that proposals for late night uses do not have a harmful effect on residential amenity, with particular regard to the location of the property, the proximity of residential properties and the proposed hours of operation.

As discussed above, it is considered that the use would be appropriate to this Local Centre location. Residential flats are located above the parade. It is noted that the application proposes hours of opening of 07.00-22.00 hours on each day of the week. Given the commercial location and proximity of the property to Honeypot Lane, it is considered that the level of ambient background noise experienced by the flats above the parade is relatively high, particularly during the hours proposed. Given the proposed opening times, it is considered that the proposed use as a mini cab booking office would not have an unacceptable impact on the amenities of neighbouring residential properties. The proposal to close the office at 22.00 would be earlier than a number of other late night uses within the centre, including the takeaway premises adjacent to the property and it is therefore considered that the proposed use, including vehicle movements, would not result in an unacceptable level of noise and disturbance to the occupiers of the residential flats above the application property.

It is suggested that a condition be imposed to ensure that the permission is personal to the applicant and for a limited period of one year, to enable the Local Planning Authority to re-assess the impact of the use after that time.

3) Traffic and Parking

It is proposed to operate 10 mini-cabs from the property. The service road at the front of the parade currently serves as a short term parking area for the parade. It is considered that these parade service roads are self-regulating in parking terms due to high levels of comings and goings. This, together with the fact that the service road is well used, would indeed encourage a spread of parking rather than a concentration around the application site. The Council's Highways Engineer raises no objections and the proposal is therefore considered to be acceptable in this regard.

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:

- 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.

14 PINNER HILL ROAD, PINNER

Item: 2/03

P/3976/08/SB5

Ward PINNER

DEMOLITION OF EXISTING DETACHED DWELLINGHOUSE AND REDEVELOPMENT TO PROVIDE THREE TERRACED DWELLINGHOUSES; NEW VEHICLE ACCESS FROM TUDOR ROAD; NEW METAL RAIL FENCING ALONG PINNER HILL ROAD AND TUDOR ROAD

Applicant: Mr David Lewinson

Agent: Arktec

Statutory Expiry Date: | 03-FEB-09

RECOMMENDATION

Plan Nos: P08/04/100 REV C; 101; S/110 REV A; S/ 111 REV A; S/ 112 REV A; S/ 113 REV A; S/ 120 REV A; S/ 121 REV A; S/ 130 REV A; PH/ 101/ 2008; Design and Access Statement; Landscape Proposal; Pre-Development Tree Condition Survey; Tree Constraint Plan

GRANT permission for the development described in the application and submitted plans, subject to the following condition(s):

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 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 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 by restricting the amount of site coverage and size of dwelling in relation to the size of the plot and availability of:

a: amenity space

b: parking space

and to safeguard the amenity of neighbouring residents.

Item 2/03 : P/3976/08/SB5 continued/...

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

- (a) the frontage.
- (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.

5 The development hereby permitted shall not be occupied until full details including metric scaled elevations and samples of materials proposed for the bin enclosure have first 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 and character of the area, and to enhance the appearance of the development.

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 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, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

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

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

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

s.

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

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.

Item 2/03 : P/3976/08/SB5 continued/...

9 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.

10 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.

11 The development hereby approved shall not be occupied until a suitable boundary treatment such as a fence or wall of a maximum height of 2000mm has been provided along the line of the proposed sub-division of the plot. Such fence or wall shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

REASON: To safeguard the privacy and amenity of future occupiers and neighbouring residents.

12 The development hereby approved shall not commence unless a detailed scheme incorporating measures to protect existing trees has been submitted to, and approved by the local planning authority. The approved measures shall be implemented before the commencement of works and shall be retained during the course of construction, unless otherwise agreed by the local planning authority.

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

13 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.

14 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.

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.4: Efficient use of stock

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

D10 Trees and New Development

T13 Parking Standards

H10 Maintenance and Improvement to Existing Housing Stock

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)

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

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:

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.

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>

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Character and Appearance of the Area (D4, D9, SPG)
- 2) Residential Amenity (D4, D5, SPG)
- 3) Parking Standards (T13)
- 4) Landscaping and Impact on Trees (D10)
- 5) Accessibility (London Plan 3A.5, SPD)
- 6) Housing Provision and Housing Need (H10, London Plan: 3A.1, 3A.2, 3A.4, 3A.5)
- 7) S17 Crime & Disorder Act (D4)
- 8) Consultation Responses

INFORMATION

a) Summary

Statutory	Return	Minor Dwellings	
Type:			
Car Parking		Standard	4.6
		Justified	4
		Provided	4
Lifetime Homes:		3	
Council Interest:		None	

b) Site Description

- Two storey detached dwelling house located on the corner junction of Pinner Hill Road and Tudor Road;
- The dwellinghouse has an existing garage located at the side;
- The dwellinghouse is of an mock-Tudor design with large prominent front and side gable ended roof design;
- There is an existing vehicular access located at the front which serves the garage;
- The existing front garden is predominately soft landscaped, with a well defined hedgerow boundary fronting Pinner Hill Road;
- Neighbouring property no.16 Pinner Hill Road is a two storey semi-detached dwelling house; this dwelling has a garage located at the side which abuts the site boundary shared with the application site; the dwelling house is unextended at the rear;
- Neighbouring property 'The Meads' is a detached two storey property located to the southwest of the application site; the northwest flank elevation of this dwellinghouse faces to the rear garden of the subject site;
- Adjacent highway Tudor Road is a private, unadopted road, the properties along this road are detached, situated on modest sized plots. The design and appearance of the properties is depicted by the mock Tudor character, similar to that found at the subject site;
- To the southeast of the application site located on the opposite corner junction is Tudor House; this property has a wide footprint and comprises of 4 units;
- This stretch of Pinner Hill Road is characterised by a mixture of single family dwelling houses and flatted developments, with varying built form and footprints.

c) Proposal Details

- The proposal seeks to demolish the existing dwellinghouse;
- Redevelopment of site to provide three terraced dwellinghouses;
- Plots 1 and 2 would comprise of three bedrooms, Plot 3 would have 2 bedrooms;
- The proposal seeks to provide 4 off-street parking spaces at the front for all three dwellinghouses, which would be accessed from the existing vehicle crossover of Pinner Hill Road;
- The remaining front garden would be soft landscaped, a full landscaping scheme has been provided with this application;
- A further off-street parking space is proposed for the dwellinghouse located on Plot 3, this would be located at the rear of this dwellinghouse and would be accessed from a new vehicle access proposed from Tudor Road;
- Each of the dwellinghouses would have access to a private rear garden.

Revisions to Previous Application:

- n/a

d) Relevant History

- None

e) Pre-Application Discussion

PAM/ENQ/4443/30/09/2008

Principle/ Character/ Design/ Amenity Issues

- Two proposals tabled: two storey block of flats and 3 terraced houses
- Redevelopment of site for houses more appropriate than flats
- The proposal was agreeable in principle
- Issue raised over excessive hardsurfacing to front of development for car parking - suggested relocation of Plot 3 parking to the rear, and reduce to one car parking space - creation of new vehicular access from Tudor Road to serve Plot 3 parking space
- Soft landscaping treatment to front with 4 car parking spaces for Plots 1 & 2
- Retention of existing slightly wider vehicular access from Pinner Hill Road agreeable (max width 3.6m)
- In area of minimal public transport service. Standard car parking space ratio of 1.5 per unit would not apply under these circumstances
- Suggested relocation of side entrance to front (Plot 3) in accordance with Secured by Design guidance
- No indication of refuse storage. This would need to be located to the front of the site and enclosed or incorporated into the design
- Wheelchair accessibility to ground floor W/C's
- To be built to Life Time Homes Sustainability Code Level 3 as minimum
- Harrow Council is a promoter of : grey water recycling / rainwater harvesting; ground source heating; green roof and green walls and would suggest that these elements be considered
- Suggested use of solar panels on rear roof slope
- Trees: Silver Birch located next door: suggested use of geo-textile surface to protect root spread, "no-dig" to surrounding area. TPO 330 – Austrian Pine on corner is to be retained, TPO 530 – 2 Sycamores (may longer be there). You informed that a tree survey is being carried out at present. Tree protection plan would need to be submitted with planning application
- Landscaping: Frontage to be fenced off for future planting - landscape plan for rear gardens would need to be submitted with planning application
- Secured by Design: boundary enclosure - side boundaries: minimum 2.1m high with no climbing aids (suggest use of 1.8m high close-boarded fencing with 300mm high diamond trellis on top); parking bays would need to be gated; use of anti-climb metal gates to accesses; relocation of side door to front (Plot 3); rear bin stores – access issue – and see secured by design notes below
- Building control: subsidence issues – high shrinkage clay soil area; use of permeable paving suggested - information pack presented, including Council's Code of Practice on domestic refuse storage
- Latest Environment Agency guidance on permeable surfacing of front gardens referred to (relevant to all hard surfaced areas): <http://www.communities.gov.uk/documents/planningandbuilding/pdf/pavingfrontgardens.pdf>

f) Applicant Statement

- Please see design and Access Statement

g) Consultations

The Pinner Association: No comments received

Drainage Engineer: No objections subject to standard conditions

| Site Notice

| Expiry: 19-JAN-09

Notifications:

Sent: 60

Replies: 13

Expiry: 05-JAN-09

Summary of Responses:

- Overdevelopment of the site;
- Would change the appearance of the area;
- Would ruin the unique character of Tudor Road by removing the original property;
- Would result in overlooking and loss of privacy;
- Parking pressure;
- Noise and disturbance as a result of the parking in the front garden;
- The proposed access for the parking space at the rear is via a private road that residents of Tudor Road maintain and therefore the Council does not have rights to grant access to the developer;
- The construction of the dwellings would have an adverse affect of the value of properties;
- No space for refuse bins shown;
- Construction work would inevitably lead to heavy Lorries parking and turning in Tudor Road.

APPRAISAL

1) Character and Appearance of the Area

Pinner Hill Road is characterised by a mix of dwellinghouses and flatted developments. The properties vary in character and appearance and built form. The front building line of the proposed development would be set back from the front highway and would be set behind the front building line of the neighbouring property at no.16 Pinner Hill Road. The side building line of the proposed development would be set further forward of the front building line of the dwellinghouse at 'The Meads' on Tudor Road. However the existing dwellinghouse on the subject site is also set forward of the front building line of the dwellinghouse at 'The Meads'. The proposed development would maintain a separation of at least 1m from both side boundaries.

Taking into consideration the varied character and pattern of development along this stretch of Pinner Hill Road, it is considered that the layout of the proposed terraced dwellings would not be out of context with the mixed pattern of development of the surrounding area.

In terms of scale the proposed height of the dwellinghouses would be in keeping with the height of the other dwellinghouses within the vicinity. Taking into consideration the proposed development would maintain sufficient distance from neighbouring dwellinghouses, it is considered that the proposed scale of the development would not have a detrimental impact upon the character and appearance of the locality.

The appearance of the dwellinghouses would be in keeping with the character and appearance of the surrounding locality. The proposed terraced dwellings have been shown to have a gable end roof detail with front and rear facing gable features. The front elevation would take on an a mock-Tudor design similar to that found on Tudor House located to the east of the subject site and properties along Tudor Road itself.

2) Residential Amenity

The proposed development has shown the provision of private amenity space for each of the proposed dwellinghouses which is considered to be adequate.

The proposed development would maintain sufficient distance from the neighbouring dwellinghouse located at no.16 and would not breach the 45° horizontal splay taken from the nearest first floor rear corner of this neighbouring dwellinghouse at no.6, and therefore the proposed development would not have a detrimental impact upon residential amenities in terms of bulk and overshadowing. In terms of visual amenity, the visual appearance of the proposed development would be in context with the surrounding residential development and taking into consideration the separation that would be maintained between the subject site and adjacent neighbouring boundaries, it is considered that the proposed development would not have a harmful impact on the visual amenities of neighbouring residents.

The proposed new dwellinghouses would have rear facing windows, which would, to a certain degree overlook adjacent neighbouring rear gardens. However taking into consideration that the existing dwelling house at first floor level can overlook neighbouring gardens, it is considered that the overlooking from the proposed first floor windows of the new dwellinghouses would not adversely impact on the privacy amenities of nearby residents

3) Parking Standards

The applicant originally proposed 5 parking spaces in total. Four spaces were proposed in the front garden, which would be accessed from the existing cross over from Pinner Hill Road, and one space was proposed at the rear which would be access from Tudor Road. Following discussions with the applicant, the applicant has now removed the fifth parking space located at the rear from Tudor Road and seeks to provide only the four parking spaces at the front; therefore each of the dwellinghouses would have one parking space each with one visitor space. The Council's Highway Engineer raises no objection to the proposal. The proposed parking arrangement would comply with the parking standard specified in Schedule 5 of the Harrow UDP.

4) Landscaping/Impact on Trees

The applicant has provided a detailed layout of the landscaping scheme, showing adequate forecourt greenery in accordance with the objectives set out under policy D9 of the Harrow UDP, and the Council's Landscape Architect is satisfied with the details provided. The applicant has also shown the adequate provision of refuse and recycling bins for each of the dwellinghouses. The dwellinghouses on Plots 1 and 3 would have their bins located in the rear garden, whereas the centre terrace dwellinghouse would have its bins located unobtrusively in the front garden. Taking into consideration that the bins would be sufficiently screened within a designated timber bin enclosure, together with the soft landscaping proposed and the deep front garden, it is considered that the proposed location of the 3 no. bins in the front garden would not appear visually obtrusive in the streetscene.

Based on these factors the proposal is considered acceptable and accords with the policy objectives set out under D4 of the Harrow UDP and the Council's SPG on householder development and new developments.

5) Accessibility

The Council's adopted supplementary planning document (SPD) on 'Accessible Homes' seeks to ensure that new homes can be adapted to meet Lifetime Home standards and Wheelchair Standard Homes.

The proposed development is shown to meet the relevant criteria set out for Lifetime Homes, including provision of sufficient turning circles to the bathroom and kitchen, and provision of off street parking that is capable of enlargement to 3.3m.

6) Housing Provision and Housing Need

The proposal would be in accordance with the objectives set out in the London Plan and the Council's UDP policies to increase housing supply in the borough.

7) S17 Crime & Disorder Act

The proposed development is considered to have no material impact upon community protection and has been designed to be Secured by Design Principles.

8) Consultation Responses

- Material planning considerations dealt with above;
- Matters relating to property value and construction traffic are outside the remit of planning.

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.

29 CARLTON AVENUE, HARROW

Item: 2/04

P/4087/08/NR

Ward KENTON WEST

CONTINUED USE OF DWELLINGHOUSE AS TWO FLATS, PROPOSED SINGLE STOREY REAR EXTENSION, DEMOLITION OF SIDE GARAGE (REVISED)

Applicant: Miss Nosheen & Saira Arian

Agent: Alexander Johnson

Statutory Expiry Date: | 18-FEB-09

RECOMMENDATION

Plan Nos: 08/281/01; 03; 04/1; 05; 05/1; 06; 10/1 Rev A; Design and Access Statement

GRANT permission for the development described in the application and submitted plans, subject to the following condition(s):

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 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 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.

5 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, in accordance with details to submitted to, and approved in writing by, the Local Planning Authority.

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

(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.

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.

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.4 Efficient Use of Stock

3A.5 Housing Choice

Harrow Unitary Development Plan:

D4 Standard of Design and Layout

D5 New Residential Development - Amenity Space and Privacy

D9 Streetside Greenness and Forecourt Greenery

T13 Parking Standards

H10 Maintenance and Improvement of Existing Housing Stock

Supplementary Planning Guidance: Extensions: A Householder Guide (2008)

Supplementary Planning Document: Accessible Homes (2006)

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

3 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.

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.

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Conversions of Houses and Other Buildings to Flats (D4, H10, 3A.1, 3A.2, 3A.3, 3A.4)
- 2) Character and Appearance of the Area (D4, D5, D9, SPG)
- 3) Residential Amenity (D5, SPG)
- 4) Traffic and Parking (T13)
- 5) Accessible Homes (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
Lifetime Homes: 0
Council Interest: None

b) Site Description

- Two-storey semi-detached dwelling on the south west side of Carlton Avenue.
- The property has been converted to two flats with one 2 bedroom flat on the ground floor and one 1 bedroom unit on the first floor.
- The application property has an existing single-storey rear extension and attached garage to the side of the dwelling.
- The property backs onto the mainline railway.
- The front garden of the property is currently predominantly hard surfaced with a vehicular access to the highway.
- The rear garden of the application property has a depth of approximately 20 metres.
- The adjoining property at No.31 has a single-storey rear extension abutting the boundary with the application property.
- The adjacent property at No.27 has been converted into two flats.

c) Proposal Details

- Single-storey rear extension to a depth of 3.1 metres and a width of 3.4 metres, linking into the existing single-storey rear extension and extending across to the shared boundary with No.31.
- The proposed extension would have a flat roof to a height of 2.5 metres, to match the height of the existing single-storey rear extension.
- Existing garage to be removed.
- Continued use of the property as two self-contained flats with a two bedroom flat on the ground floor and a one bedroom flat on the first floor.
- Both flats would have a separate rear garden space with the ground floor unit's garden accessed via the new rear extension and the first floor unit's accessed via the driveway at the side.
- The proposal is to provide a parking space for one car in the front garden, with soft landscaping occupying the rest of the frontage.
- Refuse storage will be provided within the rear garden of the property.
- Access to the property would be via the original front door in the front elevation, with entrance doors to the proposed two flats provided internally.

Revisions to Previous Application:

- Internal arrangement of rooms amended.
- Refuse storage area moved away from boundary with No.27.

d) Relevant History

P/3153/08	Retention of conversion of dwellinghouse into two flats and proposed single storey rear extension and demolition of side garage	REFUSED 01-DEC-08
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Reasons for Refusal

- 1) The conversion, by reason of unsatisfactory proposed internal arrangement of rooms, would result in associated disturbance and general activity, to the detriment of the amenities of the current and future occupiers of the development, contrary to policies EP25, D4 and D5 of the Harrow Unitary Development Plan (2004).
- 2) The proposed siting of the refuse storage and recycling bins along the boundary with No.27 Carlton Avenue would be visually obtrusive and would be detrimental to the amenities of the occupiers of this property, contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004).

e) Pre Application Discussion

- None

f) Applicant Statement

- Design and Access Statement

g) Consultations:

Site Notice: 15-JAN-09 Expiry: 05-FEB-09

Notifications:

Sent: 7 Replies: 0 Expiry: 29-JAN-09

Summary of Response:

None received.

APPRAISAL

1) Conversions of Houses and Other Buildings to Flats

The proposal is to continue the existing use as two flats, with a revised internal layout. The ground floor flat would contain two bedrooms and the first floor flat would contain one bedroom. Both flats would have access to adequate areas of rear amenity space, with some 70m² proposed for the ground floor flat and 90m² for the first floor flat. It is considered that adequate amenity space would be provided for the occupiers of the proposed flats.

The proposed internal arrangements have been revised since the previous submission and now meet the provisions of the Environmental Health Standards. All room sizes satisfying the minimum space standards and being arranged sympathetically to avoid any issues of stacking.

2) Character and Appearance of the Area

It is proposed to site one off street parking space in the front garden, with soft landscaping proposed. An enhancement in terms of street scene appearance as required in conversion proposals would therefore be adequately provided and the proposal would therefore comply with policies D4 and D9 of the UDP.

Refuse storage for 6 bins would be provided at the side of the property, sited away from the boundary with No.27, to overcome the reason for refusal on the previous application. The revised siting of the refuse bins is considered to be acceptable.

The proposed single storey rear extension is of a standard design with a flat roof and would link into the existing single storey rear extension. It is considered that this element of the proposal would not have a detrimental impact on the character and appearance of the original dwelling and the locality.

3) Residential Amenity

At 3.1m deep the proposed single storey rear extension would exceed the 3m maximum depth for single storey rear extensions to detached dwellings as allowed under paragraph C.2 of the UDP. However, the proposed extension would not project beyond the rear wall of the existing single storey extension with which it would link in to. It is considered that the extra 100mm of depth beyond what is allowed in the SPG would not have a detrimental impact on the visual or residential amenities of any of the neighbouring properties.

As discussed above, it is considered that the proposed conversion would provide adequate accommodation for the future occupiers. It is also considered that the change from one dwelling to one 2 bedroom flat and one 1 bedroom flat, would not result in an unacceptable increase in intensity of use and no adverse amenity impacts are therefore expected to occur as a result of the proposal.

There is a 500mm step between the front garden level and the front door of the property. Due to this change in levels, it is considered that there would not be adequate space in the front garden to provide an acceptable ramp or sloping entrance. Given these circumstances it is considered that the proposal need not meet these standards.

4) Traffic and Parking

The proposed front parking layout provides one parking space at the front of the property and two additional spaces within the shared driveway. The Council's Highways Engineer considers that this provision would be adequate to serve the development. The property is within walking distance of Kenton Underground Station and local bus services and the area is therefore reasonably well served by public transport.

5) Accessible Homes

London Plan Policy 3A.5 requires all new housing to be built to Lifetime Homes Standards. It is however acknowledged, that in some circumstances, particularly relating to conversion proposals, it may not be possible to comply with these standards.

6) 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.

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.

Item: 2/05
FORMER CLINIC/SCOUT HUT, REAR OF P/3966/08/DC3
TENBY ROAD, EDGWARE

Ward EDGWARE

RETENTION OF THE SUB-STRUCTURE AND CONSTRUCTION OF THE SUPER
STRUCTURE OF 10 AFFORDABLE HOUSES

Applicant: Samson Construction Ltd

Agent: Makespace Architects - Mr Shahed Saleem

Statutory Expiry Date: | 09-MAR-09

RECOMMENDATION

Plan Nos: 1134-X-100, 1134-50-100 A, 1134-50-101, 102, 103, 104B, 105, 106,
107, 108B, 109, 200B, 201B, 202B, 203B, 204, 300, 301, 302,
815/M(50)100 B, 815/M(50)101 C, 815/M(50)500 A, 815/M(50)501 A,
489.TCP.01489.19.02

Reports: Design & Access Statement (November 2007)
Environmental Review and Site Investigation Report (January 2008)
Archaeological Assessment
Sustainability Statement & Predictive Code for Sustainable Homes
Assessment
Energy Assessment and Proposed Energy Measures Report (February
2008)

Materials: Goxhill Plain roof tile; Rationel WindowsT990 Dark Pine timber
casement; Domus sideframe and sash; IBSTOCK Leicester Grosvenor
Light Red multi facing bricks; Western Red Cedar Shiplap external wall
timber cladding, White Weber Pral-M render

GRANT permission for the development described in the application and submitted
plans, subject to the following condition(s):

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, 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.

3 The development hereby permitted shall not be occupied or brought into use 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 beyond ground level damp proof course before:-

(a) the frontage.

(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.

5 The development hereby permitted shall not be occupied or brought into use 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.

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 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.

Item 2/05 : P/3966/08/DC3 continued/...

8 No site works or development shall commence beyond ground level damp proof course 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 or brought into use 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:

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.

10 The development hereby permitted shall not be occupied until the car parking, turning and loading area(s) shown on the approved plan number 1134-50-100 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.

11 Notwithstanding the details on drawing number: 1134-5—100 Rev.A the development hereby permitted shall not be occupied or brought into use 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.

12 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.

13 The development of any buildings hereby permitted shall not be occupied or brought into use 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.

14 The development of any buildings hereby permitted shall not be occupied or brought into use 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.

15 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.

16 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, in accordance with details to submitted to, and approved in writing by, the Local Planning Authority.

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

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

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

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

17 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 by restricting the amount of site coverage and size of dwelling in relation to the size of the plot and availability of:

a: amenity space

b: parking space

and to safeguard the amenity of 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:

London Plan: 3A.1, 3A.2, 3A.5, 3A.9, 3A.10, 3A.11, 4A.1, 4A.7, 4A.14, 4A.16, 4B.1

Harrow Unitary Development Plan:

S1, EP15, EP20, EP25, D4, D5, D9, D10, T6, T13, H7

Supplementary Planning Guidance: Providing for Children and Young People's Play and Informal Recreation (March 2008)

Supplementary Planning Guidance: Designing New Development (March 2003)

Supplementary Planning Guidance: Extensions: A Householders Guide (March 2003)

Accessible Homes Supplementary Planning Document (April 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:

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

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

4 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

5 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 (ie 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.)

6 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 to find out whether the construction of the crossover is acceptable in highway terms.

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.

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Design & Character of Area (4B.1 & S1, D4, D5, D9, D10)
- 2) Residential Amenity (D5, EP25)
- 3) Affordable Housing, Housing Provision & Density (3A.1, 3A.2, 3A.9, 3A.10, 3A.11 & H7)
- 4) Parking & Highway Safety (T6, T13)
- 5) Sustainability & Renewable Energy (4A.1, 4A.7, 4A.14, 4A.16 & EP15, EP20)
- 6) Accessible Homes (3A.5, 4B.1 & D4)
- 7) S17 Crime & Disorder Act (4B.1 & D4)
- 8) Consultation Responses

INFORMATION

This full planning application has been submitted as development works were commenced on-site before having submitted a reserved matters application or having discharged all pre-commencement conditions. Application is to regularise development works completed to date and acquire full permission for the remainder of the development. Application includes all details approved under outline planning permission ref: P/4092/07/COU granted in March 2008 as well as outstanding details on design and landscaping.

This application was deferred at Development Management Committee on 25th February 2009 for a Member Site visit on 21st March 2009.

a) Summary

Statutory Return Type:	Smallscale Major Dwellings
Site Area:	0.216 ha
Density:	185 hrph 46 dph
Car Parking:	Standard: 16 Justified: 11 Provided: 11
Lifetime Homes:	10
Wheelchair Standards:	10%
Council Interest:	None

b) Site Description

- Site to rear of properties on Tenby Road and Whistler Gardens
- Recently occupied by two single-storey structures (a clinic and a scout hut), both of which have been demolished.
- Access road off Tenby Road at west of site.
- Surrounding properties mixture of two-storey terraced dwellings.
- Surrounding land ex-allotment land, outlined in UDP as Open Space.

c) Proposal Details

- Redevelopment to provide ten 2-storey with habitable roof space affordable houses.
- 11 car parking spaces proposed to front of dwellings (including 1 garage space).
- Amenity space provided to the rear of each dwelling.
- Refuse and cycle storage provided to the front of each dwelling.
- Access off Tenby Road.

Revisions to Previous Application:

Following the previous decision (P/4092/07/COU) the following amendments have been made:

- Full planning application including details of appearance and landscaping.
- All ten houses are to be affordable housing (no affordable on previous outline scheme)
- On-site renewable energy provision of solar hot water system with overall reductions in carbon dioxide emissions to over 20% beyond Building Regulation requirements.

d) Relevant History

EAST/693/01/FUL	Three x 2-storey buildings to provide 24 flats with access and parking (entire ex-allotment and clinic site).	REFUS 09-NOV-01
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Scheme over entire ex-allotment gardens and clinic/scout hall site refused due to poor access, lack of parking, excessive site coverage and loss of openness of the site, and the loss of trees.

P/4092/07/COU	Outline application: erection of 2 x two-storey terraced blocks with rooms in the roof to provide 10 houses with parking.	GRANT 19-MAR-08
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e) Pre Application Discussion

A pre-application proposal was submitted to the Planning Advice Team (PAT) in September 2007. The team made the following comments:

- Proposal for a staggered 2-storey terrace of 11 houses, with 12 parking spaces (including 3 garages).
- Context of site development: primarily two-storey terrace housing, arranged around the clinic site and allotments. Clinic site relatively restricted site, with an awkward relationship to the allotment land.
- Proposal response to the street scene – a 2-storey terrace with rooms in the roof, with a gabled design would produce a bulky, monolithic and inappropriate form on this backland site – few if any of the neighbouring houses are gabled.
- Poor relationship to the neighbouring housing development, relying for its setting on the open allotment land.
- Plots 6 to 11 in particular would have particularly small rear gardens that would be out of keeping on a rear site such as this.

- There is very limited articulation of the block, which would appear dominant and obtrusive.
- The parking area, with a predominance of hard surfacing, and little differentiation between the public and private zone, with little or no private space on the frontages, resulting in a rather sterile, unattractive environment for the residents.
- Applicant advised that they would need to treat the access as a semi-public space with a shared surface / home zone approach.
- The provision of garages, rather than open parking spaces could result in safety and security issues, as well as increasing the built development on this relatively constrained site. In general, the frontage of the development would be car-dominated, not pedestrian-friendly, with a number of potential hiding places – the provision of necessary lighting could raise issues about visual intrusion conflicting with safety / security.
- Units 5 and 6 raise issues about the adjacent hornbeam tree at the boundary of the allotment site, and car parking under TPO trees could result in post-development pressure for their removal.
- There would be very limited scope for appropriate landscaping and planting.
- The general provision of 1 parking space per unit was considered appropriate. Cycle parking is inadequate and unsatisfactory. There should be 1:1 provision, secure and enclosed, preferably on an individual basis, otherwise it will be open to vandalism and not used.
- Applicant's 'auto track' analysis for refuse vehicles would seem to be appropriate.
- Refuse provision dominates the design and is in any event inadequate.
- In summary, there were particular concerns about the scale of the proposal on this small but prominent backland site. Whilst the principle of a residential development was considered to be acceptable, the applicant was advised to consider a form of development that creates a sense of place and its own identity, with a number of groups of units, perhaps at right angles to the allotments, with the possibility of creating small courtyards. Council not convinced that the number of units proposed could be satisfactorily accommodated on the site.

f) Applicant Statement

- Planning Brief for site and pre-application advice stated residential use considered acceptable.
- Proposed density compliant with guidance received.
- Policy H7 does not apply and provision of 10 affordable family units is consistent with area and guidance.
- Amenity space, car parking and cycle parking provided for each dwelling.
- Development not considered to impact on the living conditions of neighbouring properties.

g) Consultations:

Crime Prevention Design Advisor: No response

Tenby Road Residents Association: No response

Advertisement: | Major Development | Expiry: 15/1/09

Notifications:

Sent: 25

Replies: 11

Expiry: 7/1/09

Summary of Responses:

Loss of light, loss of privacy/overlooking, poor access, additional traffic, traffic safety, lack of parking, security, additional noise and pollution.

APPRAISAL

1) Design & Character of the Area

As with the outline permission, the height of the proposal is moderately higher than that of the terraced dwellings to the front of the site (on Tenby Road). However, due to the slope of the site, which slopes down from Tenby Road, the proposed dwellings will appear to be lower in height than the Tenby Road houses.

The overall design of the front facade, with hipped roofs and dormer windows acknowledges the predominantly suburban nature of the locality. The layout of the proposed development is such that it provides a large amount of separation to the existing properties, while providing the new dwellings with good-sized gardens, and maintaining the semi-open nature of the area. The scheme creates an enclosed courtyard effect with the 'step-back' in the northern block, and the garage to the north of the site. The south of the site is left open to help retain some of the openness of the area. The proposed development represents a significant redevelopment of the site and would reflect the style and layout of surrounding development. Four trees on the site are covered by a TPO.

The proposal is considered to comply with Policy D4 explanatory paragraph 4.11 of the Harrow Unitary Development Plan 2004 (HUDP), 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 2-storey dwellings with large garden areas, and although this proposal is essentially a backland site, it is considered to respect the character of the area, by providing dwellings that appear two-storey with reasonably sized rear garden areas.

Furthermore, explanatory paragraph 4.10 states that 'development should be designed to complement their surroundings and have a satisfactory relationship with adjoining buildings and spaces'. The proposed development for 10 houses with parking for 11 cars would reflect the character and appearance of the existing area, and is therefore considered compliant with Policy D4 of the HUDP 2004.

Bin stores (three wheeled bins per store) are to be located to the front of each dwelling. This arrangement is considered acceptable, but exact arrangements for refuse collection, storage and disposal of refuse will be required. Therefore a condition is attached to this permission requiring further details of these matters.

Design-wise this application goes further than the previous outline permission and provides details on materials to be used and highlights the appearance of the proposed houses. It is proposed to use a combination of light red brickwork, white render and timber cladding facing materials and orange roof tiles and whit timber framed windows. Although not entirely original with the proposed use of materials it would complement the character and appearance of the surrounding area.

Overall the proposal is considered to represent good design and complies with relevant design policies in The London Plan 2008 and the HUDP 2004.

2) Residential Amenity

The height of the dwellings has been limited to two-storeys (with a room in the roof) to reduce the impact on the surrounding properties. A separation distance of at least 28m will be retained to the rear of the properties along Tenby Road (where the front of the dwellings face). A separation distance of over 28m to the rear of properties in Whistler Gardens is maintained also. Due to these distances and the layout of the proposed buildings, there is not considered to be any impact on the amenity of the surrounding properties in terms of overbearing, loss of light, or overlooking.

Each dwelling is to be provided with its own private amenity space, ranging from 36.4m² to 81.4m². This amount of rear garden amenity space is considered adequate for a development of this nature, and provides each dwelling with a good amount of private, usable amenity space. The proposed landscaping details would provide a good variety of tree planting and usable green space areas within the development which would provide a good level of amenity value for future occupants.

The location of the proposed car parking is considered to be suitably located in front of the proposed dwellings, and with a distance of at least 15m from the car parking to the rear of the nearest properties and the proposed fencing around the boundary, the car parking would not adversely impact the neighbouring properties. The site will use the existing access from Tenby Road. The two properties adjacent to this access both have garages where they are adjacent to this access, as such this is likely to minimise any noise disturbance associated with vehicle movements to and from the site.

Overall it is considered that the proposal would not adversely impact residential amenity and therefore complies with policies D5 and EP25 of the HUDP 2004.

3) Affordable Housing, Housing Provision & Density

The proposal represents an addition of 10 family dwellings to Harrow's housing stock, which would make a positive contribution with regard to meeting annual housing targets for the borough. This aspect of the development is therefore supported in principle (the original outline permission had no affordable housing).

The proposed density is 185 habitable rooms per hectare (hr/ha), which is within the guidelines of 150-200 hr/ha as required by Policy 4B.3 of the London Plan.

London Plan policy 3A.9 requires all new build major residential developments to have 50% affordable housing. The proposal offers 100% affordable housing. The Council's housing enabling team has assessed the proposed affordable housing offer and are satisfied that the offer is appropriate for the development, taking account of all the other benefits of the proposal discussed in this report.

The proposal is considered to comply with policies 3A.9, 3A.10 & 3A.11 of the London Plan 2004 and H3 & H7 of the HUDP 2004.

4) Parking & Highway Safety

Schedule 5 of the HUDP sets a standard of a maximum of 16 car parking spaces based on the number of habitable rooms in the development. The proposal will provide 10 standard and 1 disabled car parking spaces (11 in total), which equates to one space per unit with an additional visitor parking space. The proposal also provides a cycle parking space for each dwelling. Considering the site's close proximity to a number of bus routes this is considered acceptable.

5) Sustainability & Renewable Energy

Policy 4A.7 of the London Plan 2008 requires new developments to reduce carbon emissions by 20% from on-site renewable energy sources. The applicant has submitted details of Code for Sustainable Homes where the development would meet code level 3 which is supported in principle. Also submitted in support of the application is an energy assessment which demonstrates that the development will achieve an overall reduction in carbon dioxide emission by 24.5% through a combination of solar hot water heating and passive design measures.

Policy 4A.16 of the London Plan 2008 and policy EP15 of the HUDP 2004 encourage efficient water use in new developments. The applicant seeks to implement water conservation and efficiency measures into the proposed development such as low flow taps and showers and rainwater collection for gardens whereby the average daily water consumption would not exceed 105 litres per person.

It is considered that the development would represent a sustainable form of development and would comply with policies 4A.7, and 4A.16 of the London Plan 2008 and policy EP15 of the HUDP 2004.

6) Accessible Homes

The proposal complies with the Lifetime Homes Standards and makes 10% provision for Wheelchair Homes Standards outlined in the Harrow Council SPD on Accessible Homes.

The proposal is therefore considered to comply with Policy 3A.5 of The London Plan 2008 and Accessible Homes: Supplementary Planning Document (April 2006).

7) S17 Crime & Disorder Act

It is considered that the layout and design of the proposed development adopts the basic principles and practices of Safer Places and Secured by Design with adequate natural surveillance and suitably defined spaces to discourage crime. To ensure more specific measures are implemented into the development the relevant condition is attached to this report.

8) 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.

Item: 2/06

**BOTWELL COURT, 118 HEADSTONE P/3845/08/GL
ROAD, HARROW**

Ward GREENHILL

PROVISION OF TWO FLATS WITHIN MANSARD ROOF SPACE TOGETHER WITH ROOF LIGHTS TO FRONT AND REAR ROOFSLOPES

Applicant: Mr K Sabaratnam

Statutory Expiry Date: | 22-JAN-09

RECOMMENDATION

Plan Nos: 100.0; 100.1; 100.2; 102.1; 102.2; 105.3; 106.3; 107.3; 109.0; 116.1; 139.3; 154.1; Design and Access Statement

GRANT permission for the development described in the application and submitted plans, subject to the following condition(s):

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 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 ensure a satisfactory form of development

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, 3A.9, 3A.10, 3A.11, 4B.1

Harrow Unitary Development Plan:

D4, D5, D9, T6, T13, C16; Supplementary Planning Guidance, Extensions: A Householder's Guide (2008); Supplementary Planning Document, Accessible Homes (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 relevant traffic order will impose a restriction making residential occupiers of this building ineligible for residents parking permits in the surrounding controlled parking zone.

4 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 (ie 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.)

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.

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Character and Appearance of the Area
- 2) Residential Amenity, including Lifetime Homes
- 3) Parking and Highway Safety
- 4) Housing
- 5) S17 Crime & Disorder Act (D4)
- 6) Consultation Responses

INFORMATION

This application is referred to committee as a petition opposing the recommendation has been received.

The application was deferred from Development Management Committee of 25th February 2009 for a Members site visit. The site visit took place on 21st March 2009.

a) Summary

Statutory Return Type: Minor Dwellings
Site Area: 865 m²
Density: 474 hrph, 162 dph (for 14 flats)

Item 2/06 : P/3845/08/GL continued/...

Car Parking	Standard	19 (maximum, for 14 flats)
	Justified	2
	Provided	2
Lifetime Homes:	2 (additional)	
Wheelchair Standards:	0	
Council Interest:	None	

b) Site Description

- West side of Headstone Road just south of Hindes Road;
- Now completed 3-storey block of 12 flats with a mansard roof;
- Hard surfaced area to front with bin store and parking for 2 cars;
- Detached 2-storey house (No. 116) to the south, and a three-storey block of flats (Elizabeth Mews) to the north;
- Rear of site backs onto the rear gardens of 97-99 Roxborough Road;
- Located within an existing controlled parking zone (CPZ).

c) Proposal Details

- Provision of two flats in roof space with six roof lights on each of the mansard roof slopes at front and rear
- Each flat would have two bedrooms, one at the front of the property, and one at the rear.
- Each bedroom would have two roof light windows, with the bedrooms at the rear of the property having an en-suite bathroom with its own roof light.
- Each flat would also have a combined living/kitchen/dining room with one roof light in the front roof slope and a further roof light in the crown roof section.
- Each of the flats would also have a separate internal bathroom.
- One flat would have a gross floor area of 76m² and the other would have a gross floor area of 77m².

Revisions to Previous Application:

Following the refusal of previous application (P/4121/07/CFU) for the retention of a three-storey block of 14 flats, the following amendments have been made:

- Height of building has been reduced in accordance with permission P/0740/08/CFU for retention of block of 12 flats
- Layout of flats, and proposed windows in the front and rear mansard roofslopes remain similar
- The footprint/bulk has now been approved under planning permission references P/0740/08/CFU and P/2579/08, effectively overcoming the previous reasons for refusal.

In summary, all the previous reasons for refusal have been overcome.

d) Relevant History

P/1832/03/CFU	Redevelopment to provide 12 flats in 3 storey building with access and parking (resident permit restricted)	GRANTED 09-SEP-03
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P/3151/06/CDP	Discharge of condition No 2 (materials) pursuant to permission P/1832/03/CFU	APPROVED 12-DEC-06
P/3366/06/DDP	Discharge of conditions 3 (hoarding), 9 (levels) & 10 (access and egress) pursuant to permission P/1832/03/CFU	APPROVED 16-JAN-07
P/1317/07/DDP	Discharge of condition no.4 (boundary treatment) pursuant to permission P/1832/03/CFU.	REFUSED 26-JUN-07
P/1101/07/DFU	Mansard roof extension at 3rd floor level to create an additional storey to provide 2 additional flats over the building approved ref P/1832/03/CFU dated 16 Oct 2003 for 12 flats in a 3 storey building with access and parking. (resident permit restricted)	REFUSED 14-SEP-07

Reason for Refusal:

The proposal by reason of its increased size, scale, bulk, massing and design of the roof would appear unduly bulky, obtrusive, overbearing and overpowering and would detract from the established pattern/character of existing development in the vicinity and would have a detrimental effect on the visual amenities of nearby occupiers contrary to policies SD1, SH1, D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance; Extensions: A Householders' Guide (2003).

P/3199/07/DFU	Formation of 2 flats within roofspace	WITHDRAWN 21-NOV-2007
P/3421/07/CVA	Variation of condition 8 (details of surface water attenuation) of planning permission ref: P/1832/03/CFU)	GRANT 11-DEC-07
P/3611/07/CVA	Variation & discharge of condition no.6 pursuant to permission P/1832/03/CFU	GRANT 12-DEC-07
P/3357/07/CVA	Variation of condition 4 (details of boundary treatment) required by planning permission ref: P/1832/03/CFU.	GRANT 28-NOV-07
P/4121/07/CFU	Retention of 3-storey block of 14 flats with rooms in the roof space, parking for 2 cars and binstore to the front (resident permit restricted)	REFUSE 17-JAN-08 APPEAL WITHDRAWN

Reasons for Refusal:

- The proposed development, by reason of excessive bulk, massing, footprint and rearward projection would appear unduly bulky, obtrusive, overbearing and would detract from the established pattern/character of existing development in the vicinity and would have detrimental affect on the amenities of nearby occupiers contrary to policies 4B.1 of the London Plan 2004, D4, and D5 of the Harrow Unitary Development Plan 2004, Supplementary Planning Guidance: Designing New Development and Supplementary Planning Guidance: Extensions A Householders Guide (March 2003).

- The proposed development, by way of poor roof design, higher eaves, and higher front and rear parapet walls, would poorly relate to the adjoining properties and detract from the character and appearance of the building and wider street scene contrary to policies 4B.1 of the London Plan 2004, D4 of the Harrow Unitary Development Plan 2004, Supplementary Planning Guidance: Designing New Development and Supplementary Planning Guidance: Extensions A Householders Guide (March 2003).
- The proposed development, by way of poor internal layout and inadequate room size, would produce unacceptable standards of accommodation and fail to meet requirements of Lifetime Homes Standards and Wheelchair Homes Standards, contrary to policies 3A.4 of The London Plan 2004, D4 of the Harrow Unitary Development Plan 2004 and Accessible Homes Supplementary Planning Document (April 2006).
- The proposed development, by reason of failing to demonstrate how the building incorporates renewable energy and energy conservation and efficiency measures into the design, would result in an inefficient and unacceptable development contrary to policies 4A.7, 4A.8, & 4A.9 of The London Plan 2004.

P/0740/08/CFU	Retention of 3-storey block of 12 flats with alterations to front & rear elevations, parking for two cars and binstore to the front (resident permit restricted)	GRANTED 15-MAY-08
P/2579/08	Retention of rear left corner of existing block of 12 flats	GRANTED 10-SEP-08
P/2478/08/DDP	Details of affordable housing as required by condition 3 of planning permission ref: P/0740/08/CFU	APPROVED 28-AUG-08

e) Pre-Application Discussion

- None

f) Applicant Statement

- Shortage of flats in this area anticipated; Design would compliment existing buildings in the area; proposal would not result in overdevelopment of the site; Area has good transport links

g) Consultations

Site Notice: | General Notification | Expiry: 25-DEC-08

Notifications:

Sent: 31 Replies: See below Expiry: 24-DEC-08

Objecting to proposal:

3 letters, plus 1 petition with 14 signatures

Supporting proposal:

7 letters, plus 1 petition with 6 signatures

Summary of Responses:

Those objecting to the proposal:

High building out of character; overshadowing; overlooking; flats would be poor quality as they would only have sky lights; inappropriate to have fourth floor flats in an area characterised by two-storey buildings; would set precedent of overdevelopment of the area

Those supporting the proposal:

Proposed flats would be a good size and have good views; makes better use of space; would provide more homes for first time buyers

APPRAISAL

1) Character and Appearance of the Area

This part of Headstone Road is characterised by a mixture of 2-storey detached and semi-detached properties and 3-storey blocks of flats. Most properties have hard surfaced front garden areas.

The building that is currently on site has the benefit of planning permission. No changes to the height, width or depth of the building are proposed. Similarly, there would be no changes to the forecourt parking and refuse storage arrangements.

The differences between the approved scheme and the proposed scheme would be the introduction of six roof lights in the front mansard roof slope and six roof lights in the rear mansard roof slope, and the formation of two two-bedroom flats in the roof space.

Given that there would be no increase in the bulk of the building, it is considered that the proposal would not be detrimental to the appearance of the area.

The immediate area is characterised by two and three-storey buildings, with predominately residential uses. Although this proposal would introduce flats at third floor level, it is considered that the use of the roof space would be consistent with the use of roof spaces in other buildings for flats and would therefore not be out of character with the pattern of development in the area.

The proposed design alterations are considered acceptable, and are considered to comply with policy 4B.1 of the London Plan 2004 and policies D4 of the Harrow Unitary Development Plan 2004 and Supplementary Planning Guidance: Extensions: A Householder's Guide (2008).

2) Residential Amenity, including Lifetime Homes

The building as it has been constructed complies with Harrow Council's 45° Code.

The amount of rear garden amenity space (410m²) is considered sufficient for the existing flats and the proposed two flats.

The mansard roof slopes have an angle of 26° from the vertical, and the roof lights would be 8.5m above ground level at their bottom edge.

It is considered that the roof lights would provide a reasonable level of day lighting and outlook to the future occupiers of the proposed flats. In addition, the living/kitchen/dining rooms would each have an overhead roof light on the crown roof section to provide additional day lighting.

The height and orientation of the proposed roof lights would not result in overlooking of neighbouring properties, given that the front windows would overlook the highway, the rear velux windows would be located approximately 45 metres from the protected windows in the rear elevations of the properties on Roxborough Road which back onto the site, and no windows are proposed to the flank elevations.

Overall the proposal is considered to provide suitable residential amenity for both neighbouring and future occupants and comply with policies D4 and D5 of the Harrow Unitary Development Plan 2004 and Supplementary Planning Guidance: Extensions: A Householder's Guide.

The proposed flats would comply with the Lifetime Homes standards. Each of the flats would have generous space standards and the layout and circulation is considered adequate.

The proposed development is considered to comply with London Plan Policy 3A.5, UDP policies D4 and C16 and SPD: Accessible Homes.

3) Parking and Highway Safety

The development as a whole provides two off-street parking spaces. The site is located within a Controlled Parking Zone and the future occupants would not be eligible for residents parking permits to park on the street. Given the site's location to good public transport links, the proposed level of parking is considered acceptable.

4) Housing

The proposal represents an additional two units to Harrow's housing stock, which would make a positive contribution with regards to meeting annual housing targets for the borough. This aspect of the development is therefore supported in principle.

As a result of changes to The London Plan, from the 18th of February 2008 all developments on sites that are capable of supporting 10 or more units or more should provide affordable housing.

Given that the proposal would result in 14 flats being provided on the site as a whole, an assessment of the suitability of the site to provide affordable housing has been made.

In this instance no affordable housing is proposed. However, a toolkit has been submitted in support of the application. This toolkit indicates that the provision of affordable housing is not viable on this site. The toolkit has been assessed and accepted by the officers. Therefore, no requirement for affordable housing to be provided, either on or off site, has been made.

5) S17 Crime & Disorder Act

There are not considered to be any issues regarding security with this development.

6) Consultation Responses

Addressed in appraisal.

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.

112 UXBRIDGE ROAD, HARROW WEALD **Item: 2/07**
P/3558/08/GL
Ward HARROW WEALD
RETENTION OF DETACHED TWO-STOREY DWELLINGHOUSE WITH ROOMS IN
ROOFSPACE; TIMBER DECKING AT REAR AND PROPOSED ALTERATIONS TO
GARDEN LEVELS; LANDSCAPING

Applicant: Mr Jay Dadhania
Statutory Expiry Date: | 06-JAN-09

RECOMMENDATION

Plan Nos: 112UR/ELP04/1008 Rev 4/1; /ECS-AA02/1008 Rev 04/1; /ECS-CC02/1008 Rev 04/1; /PLP05/1009 Rev 5/1; /PCS-AA05/1009 Rev 05/1 (proposed cross section A-A); /PCS-AA05/1009 Rev 05/1 (proposed cross section B-B); 06/2404/05B Rev A; Design and Access Statement

GRANT permission for the development described in the application and submitted plans, subject to the following condition(s):

1 The materials to be used in the construction of the hard surfaces associated with the development shall be as specified in the approved drawings and supporting documentation, unless otherwise agreed in writing by the local planning authority.
REASON: To safeguard the appearance of the locality.

2 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.

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, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.
The surfacing shall be carried out in accordance with the approved details and shall thereafter be retained.
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 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 by restricting the amount of site coverage and size of dwelling in relation to the size of the plot and availability of:

a: amenity space

b: parking space

and to safeguard the amenity of neighbouring residents.

5 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

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:

Harrow Unitary Development Plan:

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 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.

4 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

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>

6 INFORMATIVE:

The applicant is advised that the dwellinghouse must be constructed in accordance with the submitted plans attached to planning permission P/1673/07/DFU and approved details. This includes the use of obscure glazing in the windows in the flank elevations.

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Principle of Development and Character and Appearance of the Area (4B.1, 4B.7, D4, D5, D9, EP27, EP29, EP31)
- 2) Residential Amenity (D4, D5, C16, SPD, SPG (Extensions))
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

INFORMATION

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

The application was deferred from Development Management Committee of 25th February 2009 for a Members site visit. The site visit took place on 21st March 2009.

a) Summary

Statutory Return Type: Minor Dwellings
Site of Importance for Nature Conservation: Borough Importance Grade II (adjacent)
Area of Special Character: Harrow Weald Ridge (adjacent)
TPO: 490
Council Interest: None

b) Site Description

- The original house has been demolished and the replacement dwelling has been constructed to roof level
- The site is located on the north side of Uxbridge Road.
- To the rear of the site is the Harrow Weald Lake. There is no direct access to the lake from the subject site.
- The house to the east No. 110 has had many extensions carried out over the years 1975-2004.
- There is a driveway running along the east boundary of the subject site leading to No. 110A.
- No. 110A is a bungalow situated to the rear of the subject site, to the east of the lake. Planning permission to build this house was granted in 1982/83.
- The house to the west No. 114 has recently been built to replace the house existing there previously. This house was granted planning permission in the application EAST/581/00/FUL in 2000.

c) Proposal Details

- The proposal seeks planning permission for the retention of the previously approved dwelling (ref: P/3560/06/CFU as amended by P/1673/07/DFU)
- The proposal seeks approval of changes to the approved landscaping and levels to the rear garden involving the levelling of the rear garden to a consistent (level) height. This involves the raising of the rear garden height by 0.27m at the rearmost part of the garden and by between 0.2 and 0.3m at the boundary with No. 114 Uxbridge Road, and a lowering of the highest part of the rear garden by a maximum of 0.9m. (The finished garden level would be 88.8m above sea level according to details supplied on the plans).
- The garden details include a rear timber deck, 12.8m wide and 3m deep, 1.7m above the proposed garden level (at 90.5m above sea level). The deck would have 10 steps parallel to the deck leading to the rear garden.
- There would be a sloping path from the front of the house to the rear

Revisions to Previous Application:

Following the previous refusal (P/1142/08) the following amendments have been made:

- The design of deck has been amended, with steps parallel to the house rather than projecting into the rear garden
- The level of the rear garden would be 200mm lower than previously proposed, which would overcome the main shortcoming of the previous scheme
- The area under the deck would be shielded with timber cladding and would serve as a storage area
- Full details of soft and hard landscaping have been provided

d) Relevant History

P/3560/06/DFU	Redevelopment to provide detached two storey house with rooms in roof space	GRANT 30-MAR-07
P/1673/07/DFU	Redevelopment to provide detached two storey house with rooms in roof space (revised).	GRANT 06-AUG-07
P/1246/07/DFU	Vehicle crossover	GRANT 27-JUN-07
P/1252/07/DDP	Approval of details pursuant to condition No. 4 (hard and soft landscape works) attached to planning permission P/3560/06/CFU dated 30/03/07 for redevelopment to provide detached two storey house with rooms in roof space.	APPROVE 21-JUN-07
P/1257/07/DVA	Approval of details pursuant to condition No. 5 (tree protection plan) attached to planning permission P/3560/06/CFU dated 30/03/07 for redevelopment to provide detached two storey house with rooms in roof space.	APPROVE 21-JUN-07
P/1335/07/DDP	Approval of details pursuant to condition No. 2 (materials to be used in construction of the external surfaces) attached to planning permission P/3560/06/CFU dated 30/03/07 for redevelopment to provide detached two storey house with rooms in roof space.	APPROVE 27-JUN-07
P/1142/08/DFU	Retention of detached two-storey dwellinghouse with rooms in roof space; timber decking at rear; and proposed alterations to garden levels; landscaping	REFUSE 11-JUN-208

Reason for Refusal:

- The proposed alterations to the approved garden levels, by reason of their height and bulk, would fail to respect the character and appearance of the area, the local context and the adjacent Harrow Weald Ridge Area of Special Character, and would result in actual and perceived overlooking of neighbouring properties, to the detriment of the residential amenities of nearby occupiers contrary to London Plan policy 4B.1 and policies D4, D5 and EP31 of the Harrow Unitary Development Plan (2004).

e) Pre-Application Discussion

- None

f) Applicant Statement

- None

g) Consultations

Site Notice:

Expiry: 09-DEC-08

Notifications:

Sent: 6

Replies: 6

Expiry: 05-DEC-08

Summary of Responses:

Proposal neither protects nor enhances special character of neighbourhood; works have been commenced; plans are inconsistent and incorrect; water could run off into lake; height of garden could allow for overlooking; application fails to consider implications for biodiversity

APPRAISAL

1) Principle of Development and Character and Appearance of the Area

The principle of the dwelling house, with the current design and footprint, was established by permissions P/3560/06/CFU dated 30-Mar-07 and P/1673/07/DFU dated 06-Aug-2007.

The dwelling has been largely completed, in accordance with those approved plans and associated details.

This application relates more specifically to the proposed changes to the approved ground levels in the rear garden, and changes to the approved landscaping plan.

The rear gardens in this part of Uxbridge Road have falling levels towards the lake off Lakeview Close. The levelling off of the rear garden would involve increasing the height of the rear garden, especially at the rear of the site.

The proposed level would, however, respect the local scale, context and character of development and would represent an appropriate form of development in this area. The level of the rear garden would be approximately 200mm above that of the neighbouring dwelling, No. 114 Uxbridge Road and would be approximately 1m below the driveway leading to No. 110a Uxbridge Road.

Although the proposal site is outside the Harrow Weald Ridge Area of Special Character, policy EP31 of the UDP requires the Local Planning Authority to ensure that redevelopment schemes preserve or improve the character and appearance of the area.

It is considered that the existing sloping land down to the lake as seen in this and neighbouring sites contributes to the setting of the adjacent Area of Special Character. However, given the modest changes to the previous levels, it is considered that the proposal would therefore preserve the adjacent Area of Special Character, in accordance with policy EP31 of the UDP.

There are two preserved trees covered by TPO 490 at the front of the site. The proposal would not specifically impact on these trees provided that the approved tree protection measures are retained during construction activity.

The use of the area under the timber deck as a storage area would remove the need for a separate outbuilding or shed. This is considered to be advantageous as an outbuilding could be detrimental to the character and appearance of the area and to the residential amenities of neighbouring occupiers.

At the time of assessment of previous applications, there was a considerable amount of spoil generated from the excavation of the foundations of the new house in the rear garden. This gave rise to a significant increase in the height of the rear garden and gave rise to an unsightly rear garden that was not in keeping with the character of the area, and resulted in significant overlooking of neighbouring properties. This spoil has now been removed, and an assessment of the impact of the proposed landscaping can be more readily made.

The landscaping proposals are considered to represent an enhancement of the site and are considered satisfactory.

2) Residential Amenity

The proposed increase in height at the rearmost part of the garden, by approximately 0.2m when measured at the boundary, would result in a garden slightly higher than those at the neighbouring properties. However, this increase in height is required in order to have a level rear garden, given that the land falls from south to north and from east to west. The 200mm difference in height between the proposed garden and the neighbouring garden would not result in any significant overlooking of neighbouring dwellings or gardens. The proposal is therefore considered to be acceptable to the residential amenities of neighbouring occupiers, as required by policies D4 and D5 of the UDP.

The timber deck at the rear of the property would be 1.7m above the garden level. The width, depth and height of the deck have already been provided in an earlier approval of details (P/1252/07/DVA). Previous schemes indicated that there would have been steps from the deck to the rear garden projecting into the rear garden. The current proposal would have steps parallel to the rear of the deck. This revised arrangement allows for a manageable run of 10 steps. This is considered to be a better arrangement than previously, as the steps would have a reasonable tread height, and would minimise additional overlooking of neighbouring properties.

Condition 5 attached to permission P/1673/07/DFU required the windows in the flank elevations to be glazed with obscure glass. Observations on site indicate that this condition has not been complied with. Although these windows are located more than 3m from the boundaries with neighbouring dwellings, the number and locations of these windows results in perceived overlooking and loss of privacy to neighbouring properties. An informative has been attached to this decision notice and the matter has been referred to the Enforcement Department for investigation and any necessary action.

3) S17 Crime & Disorder Act

The proposal would have no impact with respect to this legislation.

4) Consultation Responses

Application fails to consider implications for biodiversity – in the original application for a new dwelling on this site, no assessment on the implications for biodiversity was sought. Given that the house has been constructed, it is considered that no additional impact would be made. As noted in the appraisal section, the issue of drainage between the house and the lake is a private matter outside the control of the local planning authority.

Other issues addressed in appraisal.

CONCLUSION

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above:

this application is recommended for grant.

58/60 NIBTHWAITE ROAD, HARROW

Item: 2/08

P/4104/08/GL

Ward **MARLBOROUGH**

CONVERSION OF TWO DWELLINGHOUSES TO FIVE FLATS; ALTERATIONS TO ROOF TO FORM END GABLES AND REAR DORMERS; SINGLE-STOREY REAR EXTENSION TO BOTH PROPERTIES; EXTERNAL ALTERATIONS TO FIRST FLOOR REAR ELEVATION; FORMATION OF NEW VEHICULAR ACCESS TO HAMILTON ROAD; 1.8M HIGH BOUNDARY FENCE

Applicant: Mr J Donovan

Agent: Mr Shantilal Mistry

Statutory Expiry Date: | 23-FEB-09

RECOMMENDATION

Plan Nos: 0653/02; 0653/05 Rev C; 0653/10 Rev F; 0653/11 Rev D; Design and Access Statement

GRANT permission for the development described in the application and submitted plans, subject to the following condition(s):

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 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 in accordance with a timetable agreed in writing with 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.

4 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.

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 The development hereby permitted shall not be occupied or used until the parking spaces shown on the approved plans have been made available for use. Two of the spaces shall be allocated and retained for use by the occupants of the ground floor flats 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.

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 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 ensure a satisfactory form of development.

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, 4B.1,

Harrow Unitary Development Plan: D4, D5, D9, T6, T13, C16, SPG Extensions: A Householder's Guide (2008), SPD Accessible Homes (2006), Harrow Council: Code of Practice for Domestic Refuse Storage (2008)

2 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.

3 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.

4 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

5 INFORMATIVE:

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

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:

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.

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Character and Appearance of the Area (D4, D5 & D9)
- 2) Residential Amenity (D4, D5 & SPG)
- 3) Conversion Policy, including Lifetime Homes standards and transport impacts (3A.1 – 3A.5, D4, D5, T6, T13 & C16, SPD)
- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

INFORMATION

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

a) Summary

Statutory Return Type:	Minor Dwellings
Site Area:	505 m ²
Habitable Rooms:	14
Density:	277 hrph, 99 dph
Car Parking	Standard 7 Justified 3 Provided 3
Lifetime Homes:	5
Wheelchair Standards:	0
Council Interest:	None

b) Site Description

- A pair of two-storey semi-detached dwellings located on the southern side of Nibthwaite Road on the corner of Hamilton Road;
- Neither dwelling has been extended, other than enclosure of No. 60's front porch;
- To the east is No. 56 Nibthwaite Road, a two-storey semi-detached dwelling that has not been extended;
- Shared access between No. 56 and 58 Nibthwaite Road;
- A portion of the rear garden of the site (7.9m (w) x 15.9m (d)) has been removed from the application site (possibly for a future development), and this separate site is serviced by an existing vehicular crossover off Hamilton Road.

c) Proposal Details

- Convert the two dwelling houses into five self-contained flats;
- Ground floor would contain 2 two-bedroom four-person flats;
- First floor would contain 2 two-bedroom three-person flats;
- Loft would contain 1 one-bedroom two-person flat;
- Retention of two front doors (one would be fixed shut) with ramp and levelled platform entrance

- Single storey rear extension, with a combined depth of 3.3m, width of 10.5m and height of 3m, to both properties.
- Extend the side roof of both dwellinghouses from hip to end gable;
- Rear dormer on each dwellinghouse;
- New crossover off Hamilton Road with sliding gate accessing three carspaces including one disabled carspace in the rear garden area;
- 1.8m high boundary fence;
- Two refuse storage bins (paladins) at side.

Revisions to Previous Application:

Following the previous refusal (P/1983/08) the following amendments have been made:

- Number of proposed flats reduced from six to five;
- The loft would previously have contained 2 bedsit flats, as opposed to a single flat currently proposed
- The previously proposed 7.7m wide two-storey rear extension to both properties has been omitted.
- The width of the single-storey rear extension has been reduced by 0.2m.
- Given the recent appeal decision, it is considered that these revisions are sufficient to overcome the previous reasons for refusal.

d) Relevant History

58 Nibthwaite Road

P/2818/04/DFU	Single storey rear extension, alterations to roof to form end gable and rear dormer	GRANTED 14-APR-05
P/0715/03/DFU	Single storey rear extension, side and rear dormer	GRANTED 28-MAY-03
EAST/349/02/FUL	Rear dormer, single storey rear extension and conversion of dwellinghouse to two self contained flats	REFUSED 29-OCT-02

Reasons for Refusal

The proposal will result in an excessive number of converted properties in Nibthwaite Road which would result in an unacceptable imbalance in the mix of dwelling types and sizes.

The proposed roof extension, by reason of excessive size and bulk, would be unduly obtrusive and overbearing and would detract from the appearance of this and adjacent properties.

60 Nibthwaite Road

P/1732/06/DFU	Conversion of dwelling to form four self contained flats, single and two storey rear extension (resident permit restricted)	REFUSED 16-AUG-06 APPEAL DISMISSED 06-JUN-07
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Reasons for Refusal:

The proposal, by reason of excessive number of units proposed at the site and lack of satisfactory provision for refuse storage, represents an over-intensive use of the site resulting in an additional activity and disturbance which would be harmful to living conditions of nearby occupiers, contrary to policies SD1, EP25, D4, D5 and H9 of the Unitary Development Plan.

The proposed two storey rear extension, by reason of the size and siting of the flank wall, would unduly detract from the proportions and spatial setting of the original dwelling when viewed in the streetscene, to the detriment of the visual amenity and character of the locality, contrary to policies SD1, D4, D5 and Supplementary Planning Guidance, Extensions: A Householders Guide, of the Unitary Development Plan.

The proposed two storey rear extension, by reason of excessive bulk and rearward projection, would be unduly obtrusive, result in loss of light and overshadowing, and would be detrimental to the visual and residential amenities of the occupiers of the adjacent property contrary to policies SD1, D4, D5 and Supplementary Planning Guidance: Extensions - A Householders Guide, of the Unitary Development Plan.

The proposal has failed to provide suitable access to the rear garden and would not meet the minimum standards as required for "Lifetime Homes" and therefore potential occupiers of the site would not enjoy normal standards of amenities expected in a new development contrary to policies SD1, D4, D5, H9 and Supplementary Planning Guidance: Accessible Homes, of the Unitary Development Plan.

58 & 60 Nibthwaite Road

P/0789/08/DFU	Conversion of two dwellinghouses to eight self-contained flats; two-storey rear extensions; two rear dormers; formation of new vehicular access to Hamilton road; 1.8m boundary fence, sliding gate and external alterations	REFUSED 12-MAY-08 APPEAL DISMISSED 24-NOV-08
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Reasons for Refusal:

The proposal, by reason of excessive number of units and lack of satisfactory amenity space represents an over-intensive use of the site and would give rise to an unreasonable increase in residential activity and associated disturbance to the detriment of the amenity of nearby occupiers and the character of the locality, contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004).

The proposed extensions including the hip to gable end roof alterations, rear dormers and the first floor rear extension, by reason of their size, siting and unsatisfactory design, would be incongruous, impair the proportions of the original dwelling and the roof form, and would appear unduly obtrusive and overbearing, to the detriment of the character and appearance of the property and the visual amenities of adjacent neighbouring occupiers and the street scene, contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance – Extensions: A Householders' Guide (2003).

The proposed front elevation entrance and dormer would be uncharacteristic of the area and detract from the appearance of the original building, to the detriment of the appearance of the dwelling and the street scene, contrary to D4 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance - Extensions: A Householders' Guide (2003).

The proposal by reason of poor layout, inadequate room sizes and non-compliance with Lifetime Home standards, would provide substandard accommodation to the detriment of the amenities of future occupiers of the flats, contrary to the provisions of policies 3A.5 of the London Plan and D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Document: Accessible Homes (2006).

The proposal, by reason of its first floor flank windows and rear windows/doors with balconettes, would result in real and perceived overlooking of neighbouring occupiers, to the detriment of 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 (2003)

The proposed siting of the refuse bins in the front garden would detract from the appearance of the property in the street scene and the appearance of the area contrary to policies D4 and D9 of the Harrow Unitary Development Plan (2004).

The proposed parking area in the rear garden shows a substandard layout, and by reason of its size and siting proposes an excessive amount of hardstanding and would give rise to unacceptable levels of noise and disturbance, to the detriment of the character and appearance of the area and neighbouring amenity, contrary to Policies D4, D5, and T13 of the Harrow Unitary Development Plan (2004).

P/1983/08	Conversion of two dwelling houses to six flats; alterations to roof to form end gables and rear dormers; single and two-storey extensions to both properties; formation of new vehicular access to Hamilton Road; 1.8m high boundary fence with sliding gate; external alterations (resident permit restricted)	REFUSED 24-SEP-08 APPEAL LODGED 06-JAN-09
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Reasons for Refusal:

The proposal, by reason of excessive number of units and lack of satisfactory usable amenity space represents an over-intensive use of the site and would give rise to an unreasonable increase in residential activity and associated disturbance to the detriment of the amenity of nearby occupiers and the character of the locality, contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004).

The proposed extensions including the hip to gable end roof alterations, rear dormers and the first floor rear extension, by reason of their size, siting and unsatisfactory design, would be incongruous, impair the proportions of the original dwelling and the roof form, and would appear unduly obtrusive and overbearing, to the detriment of the character and appearance of the property and the visual amenities of adjacent neighbouring occupiers and the street scene, contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance – Extensions: A Householders' Guide (2008).

The proposed parking area in the rear garden by reason of its size and siting proposes an excessive amount of hardstanding and would give rise to unacceptable levels of noise and disturbance, to the detriment of the character and appearance of the area and neighbouring amenity, contrary to Policies D4, D5, and T13 of the Harrow Unitary Development Plan (2004).

The proposed refuse storage arrangements, by reason of inadequate and unsatisfactory provision and siting, would result in actual or perceived loss of privacy and overlooking of the ground floor flat, to the detriment of the residential amenities of the future occupiers of the site, contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004).

e) Pre-Application Discussion

- None

f) Applicant Statement

- Proposal would comply with lifetime Homes standards; existing front doors will remain; existing fences would be repaired or replaced with a sliding gate to the parking area to improve security; development would not be out of character with other developments in the area.

g) Consultations

Vehicle Crossings Officer: No objection to construction of 5.4m of crossing, which represents a 3.6m lowered kerb.

Notifications:

Sent: 11

Replies: 4

Expiry: 26-JAN-09

Summary of Responses:

Proposal is contrary to assurance that no further conversions in Nibthwaite Road would be permitted; loss of family accommodation; pressure on sewers; proposal will reduce the level of on-street parking; excessive number of refuse bins; disturbance from construction activity

APPRAISAL

1) Principle of Development

In the recent appeal decision on the conversion of this property into eight flats, the principle of the conversion of the property into flats was not disputed by the Inspector. Another recent appeal decision relating to the conversion of No. 110 Nibthwaite Road into three flats (PINS reference APP/M5450/A/07/2056858 dated 06-Feb-08, Harrow Council reference P/1959/07/DFU) supported the principle of this type of property being converted into three self-contained units, and by extension this pair of semi-detached houses into five.

The appeal relating to the conversion of the property into eight self-contained flats was dismissed on design grounds relating to proposed extensions. The aspects of that scheme to which first the Council, and then the Inspector, objected have been omitted. Other previous reasons for refusal have also been addressed.

Character and Appearance of the Area

58/60 Nibthwaite Road is on the junction with Hamilton Road, and part of the garden has been fenced off, presumably for future development as a separate house. Additionally, part of the rear garden at the application site has been set aside for car parking, which would introduce additional hardstanding. However, in the previous appeal, the Inspector made no comment as to the level of hardstanding and noted that this would not be out of character with the pattern of development in the locality, which includes a number of garages and off-street parking.

The proposed extensions, namely a single-storey rear extension, with roof alterations to form gable ends and rear dormers, are typical forms of householder development in the vicinity. The dimensions of these extensions would comply with the relevant requirements of the Supplementary Planning Guidance on householder extensions and are considered acceptable.

The Inspector noted that the two-storey extensions which were previously proposed, would have been a stark and uninteresting addition to the (street) scene. Given that these elements of the proposal have been omitted, it is considered that the proposal would not be detrimental to the character or appearance of the area.

The proposal would retain two front doors, albeit with one fixed shut. This would maintain the appearance of a pair of semi-detached dwellings and is considered appropriate in this context.

Each dwellinghouse currently has a small front dormer with a width of 1.3m on the first floor cat slide roof. These would be retained, which is considered appropriate in this context.

The front gardens are currently a mixture of hard paving and soft landscaping. The proposal would provide a substantive area of soft landscaping in the front garden, with some paving to the front door and the side access to the rear garden. This is considered acceptable as it would introduce additional forecourt greenery and streetside greenness as required by policy D9.

The proposal would incorporate refuse storage at the side of the property in the access to the rear garden nearest Hamilton Road. This is considered acceptable, and the proposal makes adequate provision for refuse storage insofar in relation to the Code of Practice for storage and collection of refuse and material for recycling in domestic properties.

As noted above, the proposal incorporates a car parking and manoeuvring area in the rear garden. This would necessitate the provision of a new means of access to the highway (Hamilton Road) and would further involve the provision of a 1.8m high sliding gate.

In terms of the character and appearance of the area, this is considered acceptable.

2) Residential Amenity

The level of residential activity associated with the use of the site as five flats is considered acceptable, and would not be detrimental to the residential amenities of future occupiers of this site or of neighbouring occupiers.

In the previous appeal, the Inspector noted that the additional vehicle spaces proposed at the site would not lead to significant additional disturbance for the neighbours given the location near a traffic junction.

The access from the front of the property to the communal amenity area, would be along the sides of the property. One access, which would also contain the refuse storage bins, would be within the curtilage of the development, and the other would use the shared access between Nos. 56 and 58 Nibthwaite Road.

These accesses would involve people passing two small windows in each of the flank walls of the ground floor flats. However, these windows would be secondary windows, one to a kitchen area and one to a bathroom, and would be obscure glazed. Given the size, location and uses of these windows, it is considered that this would be sufficient to protect the privacy of the occupiers of those flats and would not be detrimental to the residential amenities of the future occupiers of the flats.

3) Conversion Policy, including Lifetime Homes standards and transport impacts

The suitability of the new flats created in terms of sizes, circulation and layout: The Council requires that standards of accommodation should be comparable to those recommended by the Institute of Environmental Health Officers, and that the space within buildings should provide satisfactory amenities for the occupiers of the flats created. These recommended minimum room sizes are included in the Council's Informal Guidance on conversions of dwellinghouses into flats (2007).

The room sizes of the proposed flats meet the requirements of this document and are considered acceptable.

Although the flat in the roof space would have a living/kitchen room over a bedroom of the flat below, previous appeal decisions relating to stacking indicate that this is acceptable given current Building Regulations standards regarding noise transmission. Although this could be seen as poor substitute for a more suitable vertical arrangement of rooms, this is, in this instance, considered acceptable.

The Council now requires that all new dwellings comply, as far as practical, with Lifetime Homes standards. The parking arrangement would allow for enlargement to provide at least one disabled parking space. The proposal is considered to comply with the requirements of Lifetime Homes, subject to conditions requiring the development to be built to Lifetime Homes standards, and two of the parking spaces being made available for the ground floor flats.

The level of usable amenity space available

The proposal would provide a communal rear garden for all five flats with a primary useable area of 80sqm. There would also be privacy screening for the occupiers of the ground floor flats. Although this level of amenity space provision for five flats could be considered insufficient in comparison with other properties, the Inspector noted that the space proposed would be adequate for washing to be hung out, and for a small play area. He further noted that although the amenity area would not be of high quality, it would be adequate to serve the proposed development. Therefore, the amenity space provision is considered acceptable and would comply with the requirements of Policy D5 which seeks to provide adequate levels of private amenity space in all developments.

Traffic and Highway safety

The proposal would result in five residential units on the site. The submitted plans show three off-street parking spaces. It is recognized that the site is within a reasonable walking distance of Harrow Town Centre, where there is a high level of public transport accessibility, and is in a controlled parking zone. It is therefore considered that this level of parking provision is acceptable, provided the occupiers of the new units are ineligible for resident's parking permits due to this sustainable location. An informative is attached to this permission advising that the relevant traffic order will impose a restriction making residential occupiers of the building ineligible for residents parking permits. This restriction is required in order to mitigate parking stress in the immediate area that could otherwise have been added to.

Although the proposal would result in the loss of some on-street parking facilities, the relatively low occupancy levels in this part of the controlled parking zone mean that this would not result in significant additional parking stress in the vicinity.

Refuse/recycling provision

The submitted plans show the provision of two communal refuse bins at the side of the property. This location is considered acceptable. The refuse bins should only be brought to the front on the day of collection, in line with the requirements of the Council's Code of Practice for Domestic Refuse Storage (2008), and a condition to this effect has been added to this permission.

4) S17 Crime & Disorder Act

The proposal would have no impact with respect to this legislation.

5) Consultation Responses

Proposal is contrary to assurance that no further conversions in Nibthwaite Road would be permitted; Loss of family accommodation – there are no planning policies to restrict conversions in this manner.

Proposal will reduce the level of on-street parking; excessive number of refuse bins – Addressed in appraisal.

Pressure on sewers; disturbance from construction activity – not material planning considerations.

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.

24-28 CHURCH ROAD, STANMORE

Item: 2/09

P/4116/08/NR

Ward STANMORE PARK

THIRD FLOOR EXTENSION TO PROVIDE OFFICES (CLASS B1)

Applicant: Jaspar Management Ltd.

Agent: MR Partnership

Statutory Expiry Date: | 24-FEB-09

RECOMMENDATION

Plan Nos: 2694; 2694 001 Rev A; 002 Rev A; 003 Rev A; 004 Rev A; 005 Rev A; 006 Rev A; 007 Rev A; 008 Rev A; 051 Rev A; 052 Rev A; 053 Rev A; 054 Rev A; 055 Rev A; 056 Rev B; 057 Rev B; 058 Rev B; Design and Access Statement

GRANT permission for the development described in the application and submitted plans, subject to the following condition(s):

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 have a grey metal finish.

REASON : To safeguard the appearance of the locality.

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: 4B.1 Design principles for a compact city

Harrow Unitary Development Plan:

D4 Standard of Design and Layout

D7 Design in Retail Areas and Town Centres

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

EP25 Noise

T13 Parking Standards

Supplementary Planning Document: Access for All (2006)

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

3 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.

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Character and Appearance (4B.1) (D4, D7)
- 2) Residential Amenity (EP25)
- 3) Employment Policy (EM15)
- 4) Traffic and Parking (T13)
- 5) Accessibility (D4, C16, SPD)
- 6) S17 Crime & Disorder Act (D4)
- 7) Consultation Responses

INFORMATION

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

a) Summary

Statutory Return Type: Minor Retail, Distribution and Service

Council Interest: None

b) Site Description

- Three-storey commercial building on the south side of Church Road, within Stanmore District Centre.
- The ground floor is currently occupied by two retail units, entrance doors for access to the upper floors and a pedestrian walkway from Church Road to the rear service road.
- The first and second floors of the building are in use as offices.
- The neighbouring property to the east, No.30 is a four storey building comprising retail uses at ground floor, with offices on the first floor and residential flats on the second and third floors.

- The neighbouring property to the west, No.22, is a three storey building with retail/food and drink uses at ground floor with residential flats on the first and second floors.
- To the rear of the property is a service road, serving the parade and Sainsbury's supermarket, which is located beyond the service road.

c) Proposal Details

- Third floor extension to provide additional office space (246m²).
- Extension would be set back 1.0 metre from the main front, side and rear walls of the building with a design resulting in the roof height being set a further 1.0 metre back.
- The 2.0 metre forward projection of the extension would be set 2.2 metres from the boundary with No.30 and this is replicated on the opposite side.
- The 1.7 metre rearward projection of the extension would be set 1.7 metres from the boundary with No.30.
- The extension would have a height of 3.1 metres above the existing roof height with a flat roof design.
- A flat roofed, glazed element with a height of 2.5 metres is proposed at the rear, to accommodate the top of the stairwell.
- The extension would incorporate modest dormers to the front and rear elevations, as well as a larger dormer that would line up with the concrete facing to the first and second floors.
- A raised plant area with a maximum height of 2.35 metres would be set 5.0 metres from the main front wall of the extension, 10.5 metres from the eastern flank wall, 3.5 metres from the boundary with No.30 and 8.8 metres from the main rear wall of the extension.

Revisions to Previous Application:

- Previous application proposed a white rendered, metal roofed third floor extension, similar to that constructed at No.30. This was refused on the 4th December 2008.
- Current application aims to overcome this reason for refusal, by proposing a less bulky roof design with lead cladding, similar to a number of other extensions in Stanmore.

d) Relevant History

LBH/17480	Demolition of existing and erection of new shop unit with two floors of office over and provision of car parking spaces at rear (outline)	GRANT 06-MAY-82
P/1114/05/DFU	Change of use: class A1 (retail) to class A2 (licensed bookmakers)	GRANT 24-JUN-05
P/3809/07/CFU	Third floor extension to provide offices (class B1), change of use of No.24 from retail to restaurant/cafe (class A1 to A3), extract duct at rear	REFUSED 04-DEC-08

Reason for Refusal:

The third floor extension to the roof is of poor design and would appear to be visually obtrusive, incongruous and out of character in the street scene by reason of the materials and overall design not being in keeping with other similar extensions which take the form of a mansard construction with lead cladding, contrary to HUDP policy D4.

e) Pre Application Discussion

- None

f) Applicant Statement

- Design and Access Statement.

g) Consultations:

Notifications:

Site Notice:	15-JAN-09	Expiry: 05-FEB-09
Sent: 100	Replies: 1	Expiry: 30-JAN-09

Summary of Response:

No need for more office space, traffic and parking concerns.

APPRAISAL

1) Character and Appearance

Policy D4 states that 'buildings should respect the form, massing, composition, proportion and materials of the surrounding townscape'. Policy D7 states that 'buildings should create interest and maintain a scale complementary to the town centre'. London Plan Policy 4B.1 seeks to maximise the potential of sites and promote high quality, inclusive design. Stanmore District Centre incorporates a variety of building styles and heights. The buildings fronting the south side of Church Road, including the application property, are predominantly three or four storeys, with a strong vertical emphasis. The proposal would add a third floor to this commercial building, with a lower height to the adjoining building at No.30. The third floor extension would have a less bulky design and would be set back 1.0 metre from the main front wall of the building, with the exception of where the extension is set away from the boundary with No.30 where the set back would be 3.0 metres. This set back would result in the extension being subservient to the host building, with the design further reducing the perceived bulk and it is considered that the extension would be visually acceptable when viewed from the street.

Given that it would be at the rear and would have a lightweight appearance, the more prominent glazed section at the rear, which would accommodate the top of the stairwell, is also considered acceptable. The proposed dormers would be modest features, would line up with the fenestration on the first and second floors and would be similar to those on other extensions in the area, including the extension at Nos.15-19, opposite the application site.

The larger front dormer would line up with the concrete facing on the first and second floor front elevations and is considered to have an acceptable appearance. The additional projections to house the plant area would be of a similar height above the proposed roof height to those that currently occupy the roof of the building and would not be overly visible from the street.

It is proposed to construct the extension in lead cladding, similar to the extension opposite at Nos.15-19.

A refuse storage area was originally proposed within the pedestrian walkway as part of the previous application. Further investigation revealed that this would have been located on highways land and on a public right of way, thereby requiring a 'stopping up' procedure. In order to avoid this lengthy procedure and given that there are no other potential locations within the application site, it is considered that the arrangement to store the additional refuse bins resulting from the proposed third floor office extension in the rear service road would be acceptable. This is the current arrangement for the majority of properties in this parade and the proposed arrangement is therefore considered to be acceptable.

2) Residential Amenity

The proposed third floor extension would be set away from the boundary with No.30, so as to comply with the 45 degree code from the corners of these second floor residential flats. The proposed extension would therefore not result in loss of light or outlook to the occupiers of those residential properties.

Given the distance between the proposed extension and residential properties to the front and rear, it is considered that the proposed front and rear windows would not result in an unacceptable level of overlooking to neighbouring occupiers. No side windows are proposed to the eastern flank wall and the proposed extension is therefore considered to have an acceptable amenity impact.

3) Employment Policy

Policy EM15 seeks to resist the loss of land or buildings from business use. The proposed office extension would result in an additional 246m² of office space and would consolidate the employment use on the site by providing additional business use space.

4) Traffic and Parking

It is considered that there would be adequate car parking provision within Stanmore District Centre to serve the proposed development. The site is reasonably well served by public transport and there are robust parking controls in the area. Given the location, the proposal is therefore considered to be acceptable on parking grounds.

5) Accessibility

The proposal would incorporate internal ramped access from the street to the offices, with a short stair lift to a lift providing access for the upper floors of offices. The internal alterations would remove the division between No.24-26 and No.28, ensuring that wheelchair access would be provided throughout the building and a disabled WC would be provided on each floor. The proposal is therefore considered to comply with policy C16 and the SPD.

6) 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.

7) Consultation Responses:

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

- No need for more office accommodation in Stanmore: This is a commercial decision by the applicant and would not be grounds to refuse a planning application.

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.

72 OAKINGTON AVENUE, HARROW

Item: 2/10

P/3904/08/HG

Ward WEST HARROW

DEMOLITION OF EXISTING SINGLE STOREY SIDE EXTENSION AND
ERECTION OF SINGLE AND TWO STOREY DETACHED HOUSE WITH
ASSOCIATED VEHICLE ACCESS AND PARKING

Applicant: Mr Terry Daniel

Agent: ACB Associates

Statutory Expiry Date: | 04-FEB-09

RECOMMENDATION

Plan Nos: Site Plan; Design and Access Statement; 72OA/01/AB Rev C;
72OA/03/AB Rev B; DFH15.dwg Sheet 1 of 2 Issue A; 72OA/07/AB;
RAYN0701 (All Received 02.12.08); 72OA/02/AB Rev C; 72OA/04/AB
Rev C; 72OA/06/AB Rev A; 72OA/08/AB Rev A (All Received 04.02.09)

GRANT permission for the development described in the application and submitted plans, subject to the following condition(s):

- 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 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.
- 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 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 by restricting the amount of site coverage and size of dwelling in relation to the size of the plot and availability of:
a: amenity space
b: parking space
and to safeguard the amenity of neighbouring residents.

- 4 Notwithstanding the details on the approved drawing 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 (existing and proposed dwellinghouses). 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.
- 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 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 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 approved shall not be occupied until a suitable boundary treatment such as a fence or wall of a maximum height of 2000mm has been provided along the line of the proposed sub-division of the rear garden. Such fence or wall shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
REASON: To safeguard the privacy and amenity of future occupiers and neighbouring residents.
- 8 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.
- 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.
- 12 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, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.
The surfacing shall be carried out in accordance with the approved details and shall thereafter be retained.
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.

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:
Supplementary Planning Guidance, Designing New Development (2003);
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 (2007)
C16, D4, D5, D9, H10, T6, T13, T15
- 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
- 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>

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Character and Appearance of the Area (D4, D9, SPD, SPG)
- 2) Residential Amenity (London Plan: 3A.5, D5, SPG)
- 3) Provision of Housing (H10; London Plan: 3A.1, 3A.2, 3A.4, 3A.5)
- 4) Accessible Homes (London Plan; SPD)
- 5) Parking, Highway Safety and Transport Impact (T6, T13, T15)
- 6) S17 Crime and Disorder Act (D4)

INFORMATION

This application is being reported to the Development Management Committee at the request of a nominated Member.

The application was deferred by Development Management Committee on 25th February 2009 for a Member's site visit on 21st March 2009.

a) Summary

Statutory Return Type:	13 - Minor Dwellings
Lifetime Homes:	One
Car Parking:	Standard 3.6
	Justified 2
	Provided 4 (2 for existing and 2 for proposed house)
Council Interest:	None

b) Site Description

- Subject property is on the southern side of Oakington Avenue with secondary frontage to Ullswater Court.
- Property has a large side garden to the Ullswater Court frontage
- The site contains a two storey semi-detached dwelling with a hipped roof design, and a single storey side to rear extension.
- The rear extension projects 2m beyond the original rear wall and the side extension is in line with this before projecting a further 1.3m. The site extension projects 6.2m beyond the western flank.
- The adjoining property no.70 is the attached dwelling which has not been extended.
- On the other side of no.70 is no.68 which is a two storey detached dwelling and there is another detached dwelling further east at no.56.
- To the west is Ullswater Court and then a building comprised of 10 flats.
- To the north are two storey semi-detached buildings comprised of purpose built maisonettes.
- The street scene is characterised by a combination of semi-detached single family dwelling houses with intermittent detached dwellings while north along Beechcroft Avenue is characterised by two storey semi-detached buildings comprised of purpose built maisonettes.

c) Proposal Details

- Demolition of side extension and construction of a detached single and two storey single family dwellinghouse.
- New dwelling would be set away 2m from the dwelling to be retained, would have a width of 6.1m and a length of 13.4m.
- Pitched roof design to the same height as the existing dwelling with a two storey front bay window and a front porch.
- Two storey element would have a length of 9.7m on the eastern side before stepping out to further length of 11m at a distance of 2.4m from the dwelling to be retained.

- Single storey element projects 3m beyond the original rear wall of no.72 before stepping out to a further depth of 4.5m at a distance of 3m from the original dwelling. This element would have a flat roof.
- There would be a side gate set behind the front porch of the new dwelling and a side gate set 1m behind the porch of the dwelling to be retained.
- The gates would be visually permeable and would be constructed of wood to a height of 2.2m.
- The existing dwelling would have a rear garden with an area of some 176m² and the new build would have a side/rear garden with an area of some 295m².
- The proposed dwelling would contain a reception, bathroom, and an open plan kitchen/living room at ground floor level and 4 bedrooms and a bathroom at first floor level.
- The design would incorporate Lifetime Homes standards.
- Refuse storage to the new dwelling would be in the rear garden and there would be soft landscaping on the forecourt, along with two parking spaces.
- The new dwelling and dwelling to be retained would each have 2 vehicle parking spaces and separate vehicle access.

Revisions to Current Application:

- Door shown in floor plan of dwelling to be retained has been removed.
- Door widths to new dwelling have been increased to comply with Lifetime Homes standards.
- Height of side gate reduced from 2.8m to 2.2m and amended from metal railings to wood.

Revisions to Previous Application:

- Previously refused outline application (P/3008/08) proposed two back to back dwellings whereas this application proposes a traditional single family dwelling house.

d) Relevant History

P/3008/08 Outline application: access, appearance, layout and scale for two back to back two-storey houses with new vehicle access and parking; demolition of side extension and garage. REFUSED 27-OCT-08

Reasons for Refusal:

1. The proposed development by reason of unacceptable layout would result in two single aspect dwellings with a poor outlook, lack of natural light and overlooking which would be at odds with the established form and character of development within this locality and the failure to demonstrate compliance with Lifetime Homes Standards, would overall lead to substandard living conditions for future occupiers contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004), London Plan policy 3A.5 and the Supplementary Planning Document: Accessible Homes (2006).

2. The proposed building, by reason of its rearward siting and unsatisfactory roof design would be unduly obtrusive and incongruous and result in a loss of light and outlook to the occupiers of the No. 72 Oakington Avenue to the detriment of their visual and residential amenities, contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance - "Extensions: A Householders Guide (2008)".
3. The proposed side entrance door, by reason of inappropriate location, would have inadequate natural surveillance to the detriment of the safety of the future occupiers of the dwelling, contrary to policy D4 of the Harrow Unitary Development Plan 2004.

P/2012/08	Outline application: access, appearance, layout & scale for two duplex flats in two storey building with parking; demolition of existing side extension and garage	WITHDRAWN 11-AUG-08
P/3035/07	Two storey detached building at the side of existing house to provide 2 flats, vehicular access to forecourt of existing house and provision of parking (outline application for, layout, scale, appearance and access)	WITHDRAWN 28-AUG08

e) Pre-Application Discussion

- None

f) Applicant Statement

- Refer to Design & Access Statement.

g) Consultations

Vehicle Crossing Officer: No objection.

Highway Engineer: No objection.

Drainage Engineer: No objection subject to three conditions.

General Site Notice: Posted: 14-JAN-09 Expiry: 04-FEB-09

Notifications:
Sent: 20 Replies: 0 Expiry: 06-JAN-09

Summary of Response:

- N/A.

APPRAISAL

1) Character and Appearance of the Area

The proposed dwelling would largely match the design of the detached dwelling at no.68 and would be in keeping with the pattern of the development of this section of Oakington Avenue which is characterised by two storey semi-detached dwellings with intermittent two storey detached dwellings.

The new dwelling would have a pitched roof design to the same height as other buildings in the area and therefore would respect the scale and traditional character of other dwellings in the locality.

It is important to note that the proposed dwelling would have dual frontage and would be set away 4m from Ullswater Court so as not to appear overbearing or obtrusive when viewed from this highway.

The first floor element of the new dwelling would be stepped in from the proposed common boundary of the dwelling to be retained so as not to interrupt a horizontal 45 degree splay when measured from the rear first floor corner. The new dwelling would therefore comply with the 45 degree code as recommended by the SPG – Extensions (2008) and would maintain a suitable relationship with the dwelling to be retained.

The proposal would include subdivision of the existing garden and each of the dwellings would have a rear garden area comparable to other properties in the vicinity and it is considered the proposal would not represent an overdevelopment of the property.

The proposed side gates would have a height to 2.2m, would be set behind the front walls of each of the dwellings and would consist of open wooden panels and therefore would not appear obtrusive or prominent in the street scene.

In summary, it is considered the proposal would be in keeping with the design and scale of development in the locality and would not have an adverse impact on the character and appearance of the area.

2) Residential Amenity

The proposed dwelling would not have any flank windows facing no.72 and no.72 does not contain any protected windows facing the proposed dwelling. Therefore there would be no unreasonable loss of light or outlook.

The single storey element of the proposed dwelling would project 3m beyond the rear wall of the original dwelling before stepping out to a further depth of 4.5m at a distance of 3m from the original dwelling. This would comply with the 'two for one' rule and it is considered this would not adversely impact the amenities of the occupiers of the original dwelling.

It is therefore considered the proposed new dwelling would not have an unreasonable impact on the residential and visual amenities of the surrounding occupiers.

3) Provision of Housing

The key aspects of the proposal are discussed below, having regard to relevant UDP and London Plan policies and other material considerations.

Access to Amenity Space

The application proposes subdivision of the garden to provide a private rear garden for the existing dwelling and the new dwelling. The SPG for designing new development requires that rear gardens are provided that are appropriate to the scale of the dwelling. The size of the proposed rear gardens would be similar to the surrounding properties and would be considered more than adequate to provide a reasonable level of residential amenity in accordance with the SPG and policy D5 of the Harrow UDP.

Landscape Treatment/ Refuse and Recycling Storage

Paragraph 4.21 of policy D4, recognises the contribution front gardens can make to the character of an area or locality. The LPA will seek their retention, reinstatement and enhancement in proposals as stipulated in policy D9. This is to ensure that the greenery of the front gardens is enhanced to improve the appearance of the development and the street scene. The proposal indicates that there would be provision of two vehicle bays for each of the dwellings and also indicates an appropriate amount of indicative soft landscaping in accordance with policy D9 of the UDP. A condition is recommended that the applicant submit a detailed landscaping schedule for both sites prior to the commencement of work on site.

Policy D4 also refers to the storage of refuse and waste and states that this should not be to the detriment of the visual and residential amenities or detrimental to the character of the area. The refuse and recycling bin area for the new house is shown in the rear garden which would be obscured from the view of the street scene in accordance with policy D4 of the UDP.

Impact on Neighbouring Amenity

It is acknowledged that the proposed new dwelling would increase residential activity on the site, through comings and goings to the property. However given the ambient noise levels in this established residential location and the level of disturbance associated with one additional dwelling, in principle it is considered acceptable.

4) Accessible Homes

The Councils adopted Supplementary Planning Document (SPD) on 'Accessible Homes' seeks to ensure that new homes can be adapted to meet Lifetime Home standards.

The proposed floor plan of the new dwelling and design and access statement have incorporated Lifetime Homes standards and would facilitate movement throughout the dwelling for disabled or elderly persons or conversion of the dwelling to accommodate disabled and elderly persons. A condition is recommended that the new dwelling be developed in accordance with the approved plans and standards.

5) Parking, Highway Safety and Transport Impact

Each of the dwellings would have two vehicle spaces and separate vehicle access. The Council's Vehicle Crossing Officer and Highway Engineer have not raised any objection to the proposal and it is therefore considered the development would not be detrimental to the free flow and safety of vehicular traffic and pedestrians on the public highway, and would comply with policies T6 and T13 of the Harrow Unitary Development Plan (2004).

6) S17 Crime & Disorder Act

It is considered that the proposed development would not have any adverse security or crime concerns.

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.

Item: 2/11

LAND TO THE REAR OF 73-79 MINEHEAD ROAD, HARROW P/3764/08/SB5

Ward ROXBOURNE

OUTLINE FOR LAYOUT, SCALE, APPEARANCE AND ACCESS: 2 x TWO-STOREY SEMI-DETACHED HOUSES WITH SINGLE STOREY PROJECTIONS, NEW VEHICLE ACCESS AND PARKING AT FRONT

Applicant: Mr Terry Daniel

Statutory Expiry Date: | 12-JAN-09

RECOMMENDATION

Plan Nos: Site Plan; RUIS0802; 73-79MR/ 01/ AB REV C; 02/ AB REV C; 03/ AB REV B; 04/ AB REV A; 05/ AB; Design and Access Statement

GRANT permission for the development described in the application and submitted plans, subject to the following condition(s):

1 Application for the approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission. The development hereby permitted shall commence before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

REASON: To comply with the provisions of Section 92 of the Town & Country Planning Act 1990.

2 Approval of the details shown below (the "reserved matters") shall be obtained from the local planning authority in writing before any development is commenced:

(e) landscaping

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

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.

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 by restricting the amount of site coverage and size of dwelling in relation to the size of the plot and availability of:

a: amenity space

b: parking space

and to safeguard the amenity of neighbouring residents.

5 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.

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

(a) the frontage.

(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.

7 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, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

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

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.

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 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.

12 The vehicular access hereby permitted shall not be used until a fence or wall of a maximum height of 600mm has been provided on the remainder of the property frontage, such fence or wall to be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

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.

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.4: Efficient use of stock

3A.5: Housing choice

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)

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

T13 Parking Standards

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

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>

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Character and Appearance of the Area (D4, D9, SPG)
- 2) Residential Amenity (D4, D5, SPG)
- 3) Parking Standards (T13)
- 4) Accessibility (London Plan 3A.5, SPD)
- 5) Housing Provision and Housing Need (H10, London Plan: 3A.1, 3A.2, 3A.4, 3A.5)
- 5) S17 Crime & Disorder Act (D4)
- 6) Consultation Responses

INFORMATION

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

The application was deferred by Development Management Committee on 25th February 2009 for a Member's site visit on 21st March 2009.

a) Summary

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

b) Site Description

- Application site forms part of the rear gardens of nos.73, 75, 77 and 79 Minehead Road;
- The land within the rear garden of nos.77 and 79 has already been divided, whereas the land within the rear garden of nos.73 and 75 is not and is still used as the rear garden area for the dwellinghouses on these plots;
- The application site fronts Merlins Avenue, which also forms the access road to the rear car parking and entrance to Rooks Heath High School;
- Along the southern boundary of the application site there is a service road which provides rear access to the properties along Minehead Road;
- Merlins Avenue and Minehead Road are characterised by terraced dwellinghouses, set back from the highway; majority of the dwellinghouses have dropped kerbs with off-street parking provision, with the exception of dwellinghouse nos.54-58 Merlins Avenue located directly opposite the site.

c) Proposal Details

- Outline planning application for layout, scale, appearance and access;
- The proposal seek to construct a pair of two-storey semi-detached dwellinghouses, with single storey rear projection;
- Each dwelling would have one off street parking space located at the front with access from Merlins Avenue;
- Plot 1 measures 9.3m wide and 22.4m deep;
- Plot 2 measures 9m wide and also 22.4m deep;
- Each dwelling would have a height of 7.8m (excluding the chimney), a width of 7.7m and an overall depth of 10.1m;
- The depth of the front gardens to each of the proposed dwellinghouses would be 5.8m and the depth of the rear gardens would be 10m;
- The proposed dwellinghouses would have a hipped roof over.

Revisions to Previous Application:

Following the previous withdrawn application (P/2961/08) the following amendments have been made:

- The building footprint set further back in the plot to allow for off-street parking;
- The internal layout amended to show compliance with lifetime homes standards;

d) Relevant History

P/2832/05/DFU	Detached bungalow at rear with access and parking from Merlins avenue	REFUSED 28-FEB-06
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Reason for Refusal:

The proposed development, by reason of its form and siting, would appear as an alien, obtrusive feature when viewed in the streetscene and from surrounding property, to the detriment of the amenity of neighbouring occupiers and the character of the locality.

P/2961/08	Outline for layout, scale, appearance and access: 2 x two-storey semi-detached houses with single storey projections, new vehicle access and parking at front	WITHDRAWN 23-OCT-08
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e) Pre-Application Discussion

- None

f) Applicant Statement

- Please see Design and Access statement

g) Consultations

Drainage Engineers: No objections subject to standard conditions

| Site Notice

| Expiry: 12-DEC-08

Notifications:

Sent: 23

Replies: 7

Expiry: 11-DEC-08

Summary of Responses:

- Will take away sunlight from the rear garden and therefore encroach upon growing development;
- Parking problems will be exacerbated by drivers wishing to visit the properties;
- Increased congestion for present residents and increase safety implications for children entering and leaving the school;
- There is no space or need for more housing in this already full residential area;
- Restrictive covenant allowing for one dwelling to be erected per plot;
- Will restrict right of access to rear of property;
- Lose of privacy.

APPRAISAL

1) Character and Appearance of the Area

The proposal is for an outline application for layout, scale, appearance and access, leaving landscaping as a reserved matter.

The surrounding area is predominately characterised by two-storey terraced dwellinghouses set back from the highway. The front building layout of the proposed development would be set back from the highway and would be set behind the western flank elevation of the newly constructed two storey dwellinghouse at no.79 Minehead Road. The layout of the proposed development is therefore considered to be acceptable and would be in keeping with the layout of the surrounding dwellinghouses.

The appearance of the dwellinghouses would be in keeping with the character and appearance of the surrounding locality, with each of the proposed dwellinghouses designed with front bay windows and a hipped roof over, which are the dominant characteristic of properties along Minehead Road and Merlins Avenue.

In terms of scale the proposed height of the dwellinghouses would be in keeping with the height of the other dwellinghouses within the vicinity. It is acknowledged that the width of the proposed dwellinghouses would be greater than the dwellinghouses with the vicinity. However, the proposal is for a pair of semi-detached dwellinghouses, and taking into consideration the proposed development would maintain sufficient distance from neighbouring dwellinghouses, it is considered that the proposed scale of the development would not have a detrimental impact upon the character and appearance of the locality.

Details relating to landscaping are a reserved matter and therefore the detailed consideration of this element of the proposal would be considered in the submission of the approval of this reserved matter. Notwithstanding this, the applicant has provided an indicative layout of the landscaping scheme, showing adequate forecourt greenery in accordance with the objectives set out under policy D9 of the Harrow UDP.

Based on these factors the proposal is considered acceptable and accords with the policy objectives set out under D4 of the Harrow UDP and the Council's SPG on householder development and new developments.

2) Residential Amenity

The proposed development would maintain sufficient distance from the neighbouring dwellings houses located along Minehead Road (nos.73-79) and those dwellings located opposite along Merlins Avenue (nos.52-58), and therefore the proposed development would not have a detrimental impact upon residential amenities in terms of bulk and overshadowing. In terms of visual amenity it is acknowledged that the proposed development would introduce a built form in place of the existing rear garden space. However the visual appearance of the proposed development would be in context with the surrounding residential development and taking into consideration the separation that would be maintained between the subject site and adjacent neighbouring boundaries, it is considered that the proposed development would not have a harmful impact on the visual amenities of neighbouring residents.

The proposed new dwellinghouses would have rear facing windows, which would, to a certain degree overlook adjacent neighbouring rear gardens. However taking into consideration that the existing dwelling houses at first floor level can overlook neighbouring gardens, it is considered that the overlooking from the proposed first floor windows of the new dwellinghouses would not adversely impact on the privacy amenities of nearby residents. In addition to this, any overlooking would be limited to the rear part of the garden of the dwellinghouses along Minehead Road.

The proposed development would result in the reduction of rear garden space for the dwellinghouses at nos.73 to 79 Minehead Road. Policy D5 of the UDP does not set a minimum or maximum standard, but will assess each case against the standard of amenity in the surrounding area and whether the space provided is useable. The sectioning of the rear gardens of these dwellinghouses would mean an average garden depth of 13.5m would be retained. It is considered that this would still provide adequate useable amenity space for the occupiers of nos.73 to 79 Minehead Road and therefore there would be no detrimental impact upon the residential amenities of the occupiers of these dwellinghouses. The proposed rear amenity space for the proposed development is considered to be sufficient and adequate for the future occupiers of the development.

3) Parking Standards

The proposal seeks to provide one off-street parking for each of the dwellinghouses. The proposed parking arrangement and the provision of the new vehicle crossings (subject to the crossings not exceeding a width of 3.6m) would be acceptable. The 0.6m high boundary wall proposed adjacent to the highway would aid visibility to both car users and pedestrians alike. The Council's Highway Engineer raises no objection to the proposal subject to a condition to ensure the proposed front garden is enclosed with a 0.6m wall to prevent indiscriminate crossing of the footway. The proposed parking arrangement is also shown to comply with the parking standard specified in Schedule 5 of the Harrow UDP.

4) Accessibility

The Councils adopted supplementary planning document (SPD) on 'Accessible Homes' seeks to ensure that new homes can be adapted to meet Lifetime Home standards and Wheelchair Standard Homes.

The proposed development is shown to meet the relevant criteria set out for Lifetime Homes, including provision of sufficient turning circles to the bathroom and kitchen, and provision of off street parking that is capable of enlargement to 3.3m. The proposed development provides level access to the front of the property.

5) Housing Provision and Housing Need

The proposal would be in accordance with the objectives set out in the London Plan and the Council's UDP policies to increase housing supply in the borough.

6) S17 Crime & Disorder Act

The proposed development is not considered to have a material impact upon community protection.

7) Consultation Responses

- Material planning considerations dealt with above;
- Matters relating to restrictive covenants and rights of access to land are outside the remit of planning policy.

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.

9 NELSON ROAD, STANMORE

Item: 2/12

P/0006/09/FOD

Ward STANMORE PARK

SINGLE AND TWO STOREY SIDE EXTENSION, SINGLE STOREY FRONT & REAR EXTENSIONS, FRONT ACCESS RAMP

Applicant: Harrow Council - Housing Services

Agent: Major Works and Adaptation

Statutory Expiry Date: | 02-MAR-2009

RECOMMENDATION

Plan Nos: HC 5799/103, HC 5799/100, 101A, 102A

GRANT permission for the development described in the application and submitted plans, subject to the following condition(s):

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 walls 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 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: Policy 3A.4

Harrow Unitary Development Plan:

D4, D5

Supplementary Planning Guidance: Extensions - A Householder's Guide (2008)

Supplementary Planning Document: Accessible Homes (2006)

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

3 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.

4 INFORMATIVE:

Before implementing or creating the proposed crossover indicated on drawing No. HC 5799/101A, 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 to find out whether the construction of the crossover is acceptable in highway terms.

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

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

INFORMATION

This application is reported to Committee as a petition of objection has been received.

a) Summary

Statutory Return Type: Householder Development

Council Interest: Council Owned Property

b) Site Description

- The site features a two-storey semi-detached building on the northern side of Nelson Road. Haig Road runs along the western boundary of the site and Lemark close runs along the rear boundary of the property.
- The property is pebble dashed and the roof is tile and hipped. The front elevation features a small canopy over the front door.
- Close boarded fencing to a height of 2 metres encloses the side and rear of the property with picket fencing adjoining the highway to the front of the property.
- The property has not been extended.
- The adjoining dwelling, No.11, has not been extended, save for a small porch to the front of the property, which projects 1 metre beyond the front wall of the property.

c) Proposal Details

- It is proposed to erect a single storey front, single and two-storey side and single storey rear extensions. Ramped access would be provided to the front of the dwelling as well as internal alterations.
- The proposed single storey front extension would serve as an entrance porch and bedroom and would project 1 metre beyond the front wall of the dwelling. It would have a mono-pitched roof with a midpoint height of 3 metres and extend 5.3 metres along the front of the property.
- The proposed single and two-storey side extensions would be set 300mm and 1000mm respectively from the boundary of the property.
- The proposed single storey side extension would project the entire depth of the dwelling at 6.7 metres and would be 3.3 metres wide. The roof detail of the proposed single storey side extension would continue from the single storey front extension with a mono-pitched roof.
- The proposed two-storey side extension would be set back 1 metre from the front wall of the dwelling and set 1 metre off the side boundary of the property. It would be 2.6 metres wide and would have a subordinate hipped roof with a ridge height of 7.2 metres.
- The proposed single storey rear extension would project 3 metres beyond the rear wall of the property. It would be flat-roofed and have a maximum height of 3 metres, abutting the neighbouring boundary with No.11 and extending for 9.1 metres along the rear of the property.
- It is proposed to retain the hardstanding and soft landscaping to the front of the property with the addition of ramped access the front door with an approximate gradient of 1:25.

d) Relevant History

- None

e) Applicant Statement

- None

f) Consultations

Transportation Engineer: Crossover unacceptable as it is too close to the junction

Advertisement: | General Notification | Expiry: 24-FEB-09

Notifications:

Sent : 12 Replies 3 Expiry: 30-JAN-09
Petition of 44 signatures objecting to the proposal received.

Summary of Responses:

Loss of light; overdevelopment of the property; access to foul sewers and drainage issues; traffic issues arising; serving of notice of works to neighbours

APPRAISAL

1) Character and Appearance of the Area

Nelson Road is characterised by semi-detached properties. While the properties on the eastern side of Nelson Road display various different forms and styles, the properties on the western part of Nelson Road are more traditional in form, many of which have not been extended, save for small front porch and single storey extensions.

The proposed single storey front extension, projecting 1 metre beyond the front wall of the dwelling would interrupt the blank façade of the existing front elevation. Given the setting of the pairs dwellings, No.9 & 11 further from the highway than the neighbouring properties to the east, and the presence of a porch projecting 1 metre beyond the front wall to No.11, it is considered that this forward projecting single storey extension would not represent an undue intrusion in the streetscene and would be acceptable and would represent a subordinate extension of the dwelling house.

The proposed single and two-storey side extensions have been designed to accord with the provisions of the Council's SPG: Extension's – A Householder's Guide (2008). The single storey side extension has also been sited 300mm from the boundary of the property. Whilst it is acknowledged that the junction of Haig Road and Nelson Road displays an open character and the property on the opposite side, No.7, has not been extended, it is considered that the creation of subservient and subordinate side extensions, along with the significant widths of the footpaths along Haig Road, would retain the important open character of Nelson Road and Haig Road. The design and detailing of these extensions is also considered acceptable and in keeping with the character of the dwelling house and that of the residential area.

2) Residential Amenity

As the proposed front and side extensions would be sited a considerable distance from the neighbouring dwellings, it is considered that there would be no undue impact to neighbouring amenities as a result of these extensions.

The single storey rear extension would abut the boundary with No.11. However, the proposed extension would not project more than 3 metres beyond the rear main wall and would not exceed 3 metres in height.

The proposed development would therefore comply with the Council's SPG paragraphs C.2 and C.7 in relation to single storey rear extensions to semi-detached properties. Given the orientation of the proposed extensions to the west of No.11 and the design of the proposed single storey rear extension in accordance with the Council's SPG, it is considered that the that this element would not result in any undue overshadowing, overlooking or overbearing effect on the amenity of the neighbouring property, No.11.

3) S17 Crime & Disorder Act

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

4) Consultation Responses

Whilst it is recognised that the single storey rear extension will result in some loss of light to the neighbouring properties, it is considered acceptable as it would comply with the Council's SPG. Given the height and depth of the proposed extension, it is not considered that there would be an undue loss of light to No.11. The 45° code is not relevant in this instance as this relates to two-storey extensions or extensions which exceed 3 metres in height.

The proposed extensions to the dwelling and have been assessed in isolation and in conjunction with the other elements of the proposed development. As each of these elements would be subservient to the original dwelling and would accord with the Council's Extensions SPG, it is considered that the proposed extensions would not represent an overdevelopment of the site.

The application site does not lie within any known floodplains or flood zones or near any culverted watercourses. The Council's Drainage Section has not objected to the proposed development.

An informative has also been attached in the relation to the applicant's compliance with the Party Wall etc. Act (1996).

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.

83A AND 83B HINDES ROAD, HARROW **Item: 2/13**
P/0026/09/SG
Ward GREENHILL
DETACHED OUTBUILDINGS AT REAR OF BOTH PROPERTIES

Applicant: Mrs Rehana Jahangeer Choudhry
Agent: David R Yeaman & Associates
Statutory Expiry Date: | 03-MAR-09

RECOMMENDATION

Plan Nos: Site Plan, 100C (plans and elevations for 83A), 100C (plans and elevations for 83B)

GRANT permission for the development described in the application and submitted plans, subject to the following condition(s):

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.

4 The outbuildings hereby permitted shall not be used for any purpose other than domestic storage in the connection with the use of Nos. 83A and 83B Hindes Road respectively, without the prior written permission of the Local Planning Authority.

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

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, D5

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

3 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.

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

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

INFORMATION

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

a) Summary

Statutory Return Type: Minor dwellings

Council Interest: None

b) Site Description

- No. 83A is a two storey semi-detached property located on the northern side of Hindes Road, which has been converted into two flats.
- The proposed rear garden for No. 83A would be at the rear of the property and would be 13m deep
- No. 83B is a detached dwellinghouse with a rear garden depth of approximately 29 metres.
- There are two existing outbuildings located in the rear gardens of No's 54 and 56 Warrington Road, which share a boundary with the subject properties

c) Proposal Details

- Construction of an outbuilding for both properties.
- Each outbuilding would be set away from both side boundaries and the rear boundary by 1m.
- Each outbuilding would be 3.4m in depth and 5.8m in width
- The buildings have hipped roofs, 3m in height at the ridge and 2.35m in height at the eaves.
- One window and one door are proposed to be located in the front elevation.
- No flank windows are proposed

Revisions to Current Application:

- Proposal changed from one outbuilding spanning the width of both properties, to two separate outbuildings
- Height reduced from 3.9m at ridge to 3.0m

d) Relevant History

No. 83 and 83A Hindes Road

P/3495/08	Certificate: Use of dwellinghouse as two flats	GRANTED 15-DEC-08
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83B Hindes Road

EAST/235/00/FUL	Detached house with parking	GRANTED 8-MAY-00
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P/1559/07	Single and two storey rear extension and two storey extension at first floor level incorporating roof extension at rear of house	REFUSED 18-JUL-07 APPEAL DISMISSED 21-MAY-08
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P/2334/08	Single, first floor and two storey rear extension; external alterations (revised)	Applicant is challenging the appeal decision in the High Court REFUSED 28-AUG-08 APPEAL LODGED – decision yet to be made by Inspectorate.
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e) Pre-Application Discussion

- None

f) Applicant Statement

- None

g) Consultations

Site Notice: | General Notification | Expiry: 04-FEB-09

Notifications:

Sent: 12

Replies: 2

Expiry: 02-FEB-09

Summary of Responses:

Object to outbuildings being painted white, comments regarding re-planting of trees on site, noise pollution, loss of privacy, increased traffic as a result of the building work, parking pressures.

APPRAISAL

1) Character and Appearance of the Area

The outbuildings would be set away from the side and rear boundaries by 1m and would be a maximum height of 3 metres. The dimensions of the outbuilding are considered acceptable and consistent with other outbuildings in the surrounding area. It is considered that the proposal would comply with Policy D4 of the Harrow Unitary Development Plan, 2004 and Supplementary Planning Guidance, Extensions: A Householders Guide, 2008

2) Residential Amenity

The proposed outbuilding at the rear of No. 83B would be located 11m from the rear protected windows at No. 7 Radnor Road and 23m from the rear protected windows of No. 56 Warrington Road. The proposed outbuilding at the rear of No. 83A would be located 23m from the rear protected windows of No. 54 Warrington Road and would maintain an adequate sized rear garden (101sqm) for the occupiers of this flat.

Given the dimension of the proposed outbuildings and the separation distance from the protected windows of the neighbouring dwellings, it is considered that the proposal would not have a detrimental impact on the amenities of the occupiers of the neighbouring properties. If the application properties 83/83A Hindes Road had been in single family occupation the proposal would have been permitted development. The proposal is permitted development at 83B but permitted development rights were removed when planning permission for the single family dwelling was granted in 2000.

3) S17 Crime & Disorder Act

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

4) Consultation Responses

It is not considered that an application for two outbuildings would increase highway traffic of parking pressures on site.

All other issues raised during the consultation period have been discussed in the appraisal.

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.

31 HONISTER GARDENS, STANMORE

Item: 2/14

P/2973/08/TEM

Ward BELMONT

SINGLE STOREY FRONT; SINGLE/TWO STOREY SIDE TO REAR; SINGLE STOREY REAR EXTENSIONS

Applicant: Mr & Mrs V & M Chokshi

Statutory Expiry Date: | 27-OCT-08

RECOMMENDATION

Plan Nos: 31HG01/08/01, 02, 03B, 05B, 11, 12C, 13D, 14C, 15, 16B

GRANT permission for the development described in the application and submitted plans, subject to the following condition(s):

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 INFORMATIVE:

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:

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

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.

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

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

INFORMATION

This application is reported to Committee at the request of a Nominated Member. It was deferred from the meeting of 19th November 2008 for a Member's site visit on 13th December 2008. Discussions have since been held and have resulted in revisions to the proposed development. The first floor rear extension has been set 2m off the boundary to comply with the SPG's 45^o Code.

a) Summary

Statutory Return Type: 21- Householder Development
Council Interest: None

b) Site Description

- Rectangular shaped plot on the east side of Honister Gardens near the northern end of a cul-de-sac
- Occupied by a two-storey semi - detached dwellinghouse with original gable ended roof, a front porch and an attached garage with store and utility room at the rear

- Front garden paved and provides car parking area, and rear garden laid to lawn with depth of 11.5-12.5m
- Semi detached houses on each side of the site, and rear garden of 3 Acorn Close behind the site

c) Proposal Details

- Single storey front, single/two storey side to rear and single storey rear extensions.
- Front extension would line up with existing porch, with 1m front projection and matching pitched roof
- Single/two storey side to rear extension adjacent to no. 29 would replace existing garage, utility and store rooms
- 1m set back at first floor level from the front main wall, with subordinate gable ended roof
- Two storey rear element would project 2.275m beyond the main rear wall with a width at the rear of 5.6m, and hipped ended roof over
- Single storey rear extension with depth of 3m adjacent to No. 33, stepping out a further 350mm to a depth of 3.35 m a distance of 3.6m from the boundary
- 3m projection beyond the adjacent garage structure at No. 29
- Pitched roof finish with parapet and hipped element adjacent to No.33

d) Relevant History

HAR/3689/B	Erection of a semi-detached dwelling house	GRANT 12-JAN-53
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e) Pre Application Discussion

- None

f) Applicant Statement

- None

g) Consultations:

- None

Notifications:

First notification

Sent: 6	Replies: 2	Expiry: 23-SEP-08
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Second notification

Sent: 6	Replies: Awaited	Expiry: 11-MAR-09
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Summary of Response:

overdevelopment relative to the size of the garden; loss of garage would exacerbate parking problems within the street, to the detriment of pedestrians; proposed rear projection would be dominant, completely overshadowing the kitchen and breakfast room, especially as garden is south facing; would result in loss of light; potential encroachment, access problems and risk of damage to garage at No. 29 during construction period, out of character

APPRAISAL

1) Character and Appearance

The proposed single storey front extension would match the existing front porch in terms of forward projection, height, and roof design. It would also maintain the same forward projection as the garage belonging to Nos. 29 Honister Gardens. Several similar developments already exist along the street. Therefore it is considered that the proposed front extension in combination with existing front porch would be appropriate and would comply with policy D4 and the SPG.

The depth of the proposed two-storey side to rear extension has been revised. The proposal is considered to be of an acceptable design which includes a 1m first floor front set back and subordinate gable ended roof to complement the original roof design. Its 2.275 rearwards projection (reduced from 2.7m) would be of an acceptable depth, design and height. The proposed single storey rear projection would be of an appropriate design and size in compliance with the SPG guidance for rear extensions in relation to semi-detached houses.

A rear garden depth of 8.5-9.5m would result with an adequate area of some 90m² so that it is considered that an excessive site coverage or overdevelopment would not result.

2) Residential Amenity

In terms of no. 29, the habitable part of this property is sited some 2.5m away from the application site, and is separated by the rear element of the garage structure which projects some 0.5m beyond the house itself, and the main rear wall of No. 31. Given this relationship, the proposed two storey rear element would project about 1.75m beyond the adjacent rear wall of No, 29, and would more than comply with the 45 degree horizontal code. In addition, its siting due north of No. 29 would obviate the possibility of overshadowing. The rear wall of the proposed single storey rear element would project 3m beyond the adjacent rear walls of Nos. 29 and 33 with a height of 3m along the boundary, complying with the SPG and providing an acceptable impact.

First floor windows in the rear wall of the two storey rear element would be almost 10m from the boundary with 3 Acorn Close to the rear, and would face the rear part of its back garden, at least 20m from the house itself. It is therefore considered that undue loss of privacy would not result, and that, overall, the proposals would provide acceptable relationships with surrounding properties.

3) S17 Crime & Disorder Act

The proposal would not have any implications for this Act.

4) Consultation Responses

- Loss of garage would exacerbate parking problems within the street, to the detriment of pedestrians – one parking space would remain in the front garden
- Potential encroachment, access problems and risk of damage to garage at No. 29 during construction process – these are issues between the residents themselves, and for the Party Wall Act
- Other considerations discussed in report

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.

8 AND 10 ST ANNS ROAD, HARROW

Item: 2/15 & 2/16

P/0007/09/DC3 & P/0008/09/DC3

Ward GREENHILL

P/0007/09/DC3 - CHANGE OF USE OF 8 ST ANNS ROAD FROM AN ADULT GAMING CENTRE (SUI GENERIS) TO RETAIL SHOP (CLASS A1)

P/0008/09/DC3 - CHANGE OF USE OF 10 ST ANNS ROAD FROM RETAIL SHOP (CLASS A1) TO AN ADULT GAMING CENTRE (SUI GENERIS)

Applicant: Ablethird Ltd

Agent: Mr Robert Gillard

Statutory Expiry Date: | 09-APR-09

RECOMMENDATION

Plan Nos: AB-HAR-8-002 Rev.A, AB-HAR-8-001 Rev.B, Design and Access Statement (15 December 2008)

INFORM the applicant that:

1. The proposal is acceptable subject to the completion of a legal agreement within 6 months (or such period as the Council may determine) of the date of the Committee decision on this application relating to:

i) The implementation of the change of use of number 8 St Anns Road to retail (A1 use) within 6 months of the completion of the legal agreement and before implementation of the change of use of number 10 St Anns Road to adult gaming centre (sui generis).

2. A formal decision notice to GRANT permission for the development described in the application and submitted plans, subject to planning condition(s) noted below will be issued upon the completion by the applicant of the aforementioned legal agreement:

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 details of the window display, including lighting thereof, have been submitted to, and approved by, the local planning authority, and thereafter such a display shall be installed, and retained in that form.

REASON: To ensure that the unit does not detract from the vitality of the shopping parade/centre by its appearance in the street scene.

3 Notwithstanding details shown in the plans and Design & Access Statements submitted in support of the application, planning permission does not extend to advertisement consent or external shop front alterations to either number 8 or 10 St Anns Road.

REASON: In the interests of the character and appearance of the surrounding area and to ensure a suitable form of development.

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 The sui generis use hereby permitted for number 10 St Anns Road shall not be open to customers outside the following times:-
0900 hours to 2100 hours 7 days a week, without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents and to ensure consistency with the requirements of appeal decision ref: APP/M5450/A/03/1136623.

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: 4B.1

Harrow Unitary Development Plan:

EP25, D4, D7, EM16, EM26

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:

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

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

4 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.

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Textphone: 0870 1207 405

E-mail: communities@twoten.com

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 or 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.
- 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.

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Change of Use (EM16, EM26)
- 2) Design, Access & Amenity (4B.1, D4, D7, EP25)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

INFORMATION

a) Summary

Statutory Return Type: Change of Use

Council Interest: None

b) Site Description

- Both units located in Harrow town centre within primary shopping frontage;
- Number 8 St Anns Road is an adult gaming centre (sui generis) where permission was granted on appeal;
- Number 10 St Anns Road is a retail unit (use class A1);
- Application units both occupy the ground floor units of 3 – storey terrace buildings and are part of a long retail parade at ground floor level;
- Numbers 12 and 6 St Anns Road are both A1 retail units;
- The majority of ground floor uses in the vicinity comprise uses within the 'A' use class order.

c) Proposal Details

- Change of use of ground floor unit of number 8 St Anns Road from adult gaming centre to retail;
- Change of use of ground floor unit of number 10 St Anns Road from retail to adult gaming centre
- The proposal effectively comprises swapping the respective uses for the two units.

Revisions to Previous Application:

Following the previous decision (P/3313/08) the following amendments have been made:

- S.106 Agreement offered committing applicants to implement changes of use for both units 8 and 10;
- Parallel change of use application for unit 8 St Anns Road submitted.

d) Relevant History

P/1314/03/DFU	Change of Use - 8 St Anns Road: Retail (Class A1) to Gaming Centre (sui generis)	REFUSED 27-OCT-03 APPEAL ALLOWED 25-AUG-04
P/2858/07	Change of Use – 10 St Anns Road: Retail (Class A1) to adult Gaming Centre (sui generis)	REFUSED 24-OCT-07

Reason for Refusal:

1. The proposed change of use would result in an unacceptable loss of retail frontage and would create or add to a harmful concentration of non-retail use, leading to a loss of vitality to the shopping centre as a whole, contrary to policies EM16 and EM26 of the Harrow Unitary Development Plan 2004.

P/3313/08 Change of Use – 10 St Anns Road: REFUSED
Retail (Class A1) to adult Gaming 28-NOV-08
Centre (sui generis)

Reason for Refusal:

1. The proposed change of use, with the absence of an application for change of use of the adjoining shop at no.8, being used as a gaming centre to a retail use, would result in an unacceptable loss of retail frontage and would create or add to a harmful concentration of non-retail use, leading to a loss of vitality to the shopping centre as a whole, contrary to the objectives of policies EM16 and EM26 of the Harrow Unitary Development Plan 2004.

e) Pre Application Discussion

- N/A

f) Applicant Statement

- Applicant owns the freehold of both number 8 and number 10 St Anns Road
- Existing shop fronts and design to remain as existing;
- Access into the buildings would comply with DDA regulations and would reuse existing entrance doors;
- The design allows for a pair of inward opening doors with full retail display windows either side;
- Access to both units will be level, the surface will be firm durable and non slip with undulations not exceeding 3mm;
- Glazing within the door design will start at 150mm from the base providing clear unobstructed vision through the doors for both pedestrian and disabled wheelchair bound persons.

g) Consultations:

Crime Prevention Design Advisor: No comment

Notifications:

Sent: 17

Replies: 0

Expiry: 09-MAR-09

Summary of Responses:

- None

APPRAISAL

1) Change of Use

Both applications represent a swap of existing uses between unit 8 and unit 10 St Anns Road. The proposed change of use to each unit is considered acceptable in principle provided both are implemented. A s.106 agreement will ensure that this is the case. Therefore there would be no material difference in the make up of the primary shopping frontage and no noticeable difference to vitality and viability of the town centre.

Under these circumstances the proposed changes of use are considered to be acceptable.

2) Design, Access and Amenity

Both applications are for a change of use only and the applicant proposes no alterations to existing shop fronts, or internal access arrangements. To ensure any future design alterations or shop front advertising for the units is controlled, the relevant planning conditions have been attached to this report.

It is considered that the proposed change in use for the respective units would not result in any noticeable change in the existing circumstances in relating to neighbouring amenity. To ensure issues with noise disturbance are addressed the appropriate condition is attached to this report.

Overall the proposed changes of use for both units would not result in an adverse impact on amenity, would comply with accessibility requirements and would respect the character and appearance of the surrounding street scene in line with policy 4B.1 of the London Plan 2008 and policies D4, D7 and EP25 of the HUDP 2004.

3) S17 Crime & Disorder Act

It is considered that the proposed change of use for the respective units would not result in any adverse impact on security and safety of the sites.

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.

SECTION 3 – OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

Item: 3/01

**THE OLD BAKERY, GRANGE COURT, P/3135/08/SB5
GRANGE GARDENS, PINNER**

Ward PINNER

FIRST FLOOR OVER EXISTING OFFICE BUILDING AND TWO STOREY SIDE EXTENSIONS; FRONT DORMERS X 2; EXTERNAL ALTERATIONS TO ADJACENT GARAGES AND CONTINUED USE AS COMMERCIAL STORAGE (AMENDED PLANS)

Applicant: Aqua Roofing

Agent: Mr Paul Donovan

Statutory Expiry Date: | 17-DEC-08

RECOMMENDATION

Plan Nos: 716-001 H; 002 H; 003 H; 004 H; 005 J (Received 15.12.2008); 006 H (Received 15.12.2008); Design and Access Statement (Received 15.12.2008)

Had the applicant not appealed against non-determination, the application would have been **REFUSED** for the following reason:

1 The proposed development by reason of unacceptable design, appearance and siting would be obtrusive and overbearing and would fail to preserve or enhance the character or appearance of the Pinner High Street Conservation Area, would adversely affect the setting of the neighbouring Listed Buildings and would be detrimental to the visual and residential amenities of neighbouring occupiers contrary to policies D4, D5, D11, D14 and D15 of the Harrow Unitary Development Plan (2004).

INFORMATIVES

1 INFORMATIVE:

The following policies in the London Plan and-or the Harrow Unitary Development Plan are relevant to this decision:

Harrow Unitary Development Plan:

D4, D5, D11, D14, D15, D20, D21, D22, T13, T15, EM22, C16

Supplementary Planning Document 'Access for All' (2006)

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Character and Appearance of the Conservation Area, Listed Buildings (D4, D5, D11, D14, D15, EM22)
- 2) Residential Amenity (D5, EM22)
- 3) Access to Buildings (C16)
- 4) Parking (T13, T15)
- 5) Sites of Archaeological Importance (D20, D21, D22)
- 6) S17 Crime & Disorder Act (D4)
- 7) Consultation Responses

INFORMATION

This application is reported to the Committee as the applicant has made an appeal to the Planning Inspectorate on grounds of non-determination.

a) Summary

Statutory Return Minor Offices +
Type:
Conservation Area: Pinner High Street
Council Interest: None

b) Site Description

- Application site is located to the rear of the corner junction of Pinner High Street and Grange Gardens;
- The site comprises of rows of garages and a small two storey office building (class B1);
- The first row of garages nos.1 to 5 are located on the northern part of the site and are believed to be in use;
- The main office building and adjacent garages nos. 10 to 12 are located to the west of garages nos.13 to 17 and are set forward to these garages;
- Garages nos. 1 to 9 are located to the southern part of the site;
- Garage nos. 6, 8, 10, 11 and 12 are being used for commercial storage (class B8), as per the Lawful Development Certificate ref: P/1666/04/DCE;
- To the west of the site is Grange Court which is a residential development;
- To the north of the site is the commercial premises with residential uses above, fronting Pinner High Street;
- To the south is Grange Gardens, which is characterised by residential development;
- The site falls within Pinner High Street Conservation Area and in an Area of Archaeological Priority Area;
- The applicant site is adjacent to no.38 Pinner High Street, this and the barn to the south of the building are grade II listed buildings.

c) Proposal Details

- External alterations to garages nos. 10 to 12 which comprises of a new lower pitched roof over, the external garage door to both garages would be retained;
- The proposed two storey side extension would replace garage no. 12 and would link into the existing two-storey office building;
- It is proposed to increase the height of the existing building and construct a new end-gable shallow roof over with 17° pitches, which would continue over the proposed first floor side extension;
- The cumulative height of the proposed development would be 5.3 metres;
- Two front facing dormer windows are proposed which would be part set into the proposed roof space, each dormer would have a flat roof over;
- The front, side and rear walls of the proposed development would be rendered;
- The existing windows and door along the rear elevation would be removed and the openings would be bricked up and rendered;
- The existing first floor window on the east elevation (serving the existing office) would be retained and a further new window is proposed at first floor level;

- At ground floor level, two new high level windows are proposed on the eastern flank, which would serve the toilets at ground floor level; the existing large window would be replaced with a new window serving the kitchen;
- A new obscured glazed window is proposed at first floor level on the western flank elevation.

Revisions to Previous Application:

Following the previous decision (P/1660/08/DFU) the following amendments have been made:

- Bulk of extensions reduced - the two storey side extension would be limited to the space occupied by one garage (no.12) rather than the previous design which incorporated an extension over two garages (nos.11 and 12);
- The mock Tudor design has been omitted;
- Internal floor space reduced from 62 square metres to 29 square metres;
- The floor area (25m²) forming part of garages nos. 10 and 11 would be used as commercial storage area;
- Number of dormers proposed on the front elevation reduced from 3 to 2 and would each have a flat roof over;
- External ramped entrance omitted and level threshold proposed instead.

Revisions to Current Application:

- Design and access statement amended
- External alterations to garages nos. 10 to 12 which comprises of a new front wall with windows amended to show standard garage doors on the front elevation.

d) Relevant History

WEST/473/02/FUL	Replacement garages with offices over	REFUSED 13-SEP-02
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Reasons for Refusal:

1. The proposal, by reason of unsatisfactory size, design and appearance would detract from the character and appearance of this part of the Conservation Area.
2. The proposal, by reason of size, bulk and siting be visually obtrusive and have an overbearing impact on the garden to the adjoining residential property, and would be detrimental to the visual and residential amenities of adjoining owner generally.
3. The proposal, by reason of increased vehicular activity, would be detrimental to the amenity of adjacent residents.

P/1544/03/DCE	Certificate of Lawful Existing Development: Use of garages 6 to 12 for commercial storage	REFUSED 17-NOV-03
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Reasons for Refusal:

1. The garages form part of a larger garage court. The applicant claims that garages 6 to 12 are used for commercial storage, which would fall within Use Class B8 of the Town & Country Planning (Use Classes) Order 1987.
2. The applicant has entered letters relating to the use of the garages. Although requested, no supporting factual evidence or statutory declarations were submitted. The evidence provided does not show that, on the balance of probability, the garages have been continuously used for commercial storage for a period in excess of ten years.

3. Pursuant to Section 171B of the Town and Country Planning Act 1990 (as amended) the Local Planning Authority is not satisfied on the evidence given that the continued use of the garages for commercial storage has subsisted for a period in excess of ten years.

P/1666/04/DCE	Certificate of Lawful Existing Use: use of garages 6, 8, 10, 11 and 12 for commercial storage (Class B8)	GRANTED 21-JUL-04
P/3503/07/DFU	Demolition of 3 garages, external alterations including first floor over and two/three storey side extension to existing office building.	REFUSED 21-DEC-07

Reasons for Refusal:

1. The proposed development by reason of unacceptable bulk, design, appearance and siting would be obtrusive and overbearing and would fail to enhance or preserve the character or appearance of the Pinner High Street Conservation Area and would adversely affect the setting of the adjoining Listed Buildings and would be detrimental to the visual and residential amenities of neighbouring occupiers contrary to policies D4, D5, D11, D14 and D15 of the Harrow Unitary Development Plan (2004).
2. The proposal would result in an over intensification of the use of the site which by reason of increased activity and associated noise and disturbance would be harmful to the amenities of nearby residential occupiers contrary to policies D4, D5, and EM22 of the Harrow Unitary Development Plan (2004)
3. The proposed development would not be fully accessible and would fail to make adequate provision for people with disabilities, contrary to policy C16 and the Supplementary Planning Document: Access for All 2006.

P/1660/08	First floor over existing office building and adjacent two garages; front dormers x 3; conversion of 3 garages to office use; external alterations.	REFUSED 26-JUN-08
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Reasons for Refusal:

1. The proposed development by reason of unacceptable design, appearance and siting would be obtrusive and overbearing and would fail to enhance or preserve the character or appearance of the Pinner High Street Conservation Area and would be detrimental to the visual and residential amenities of neighbouring occupiers contrary to policies D4, D5, D14 and D15 of the Harrow Unitary Development Plan (2004).
2. The proposal would result in an over intensification of the use of the site which by reason of increased activity and associated noise and disturbance would be harmful to the amenities of nearby residential occupiers contrary to policies D4, D5, and EM22 of the Harrow Unitary Development Plan (2004)
3. The proposed development would not be fully accessible and would fail to make adequate provision for people with disabilities, contrary to policy C16 and the Supplementary Planning Document: Access for All 2006.

e) Pre-Application Discussion

- None

f) Applicant Statement

- See Amended Design and Access Statement

g) Consultations

English Heritage: (paraphrased)

The present proposals are not considered to have an effect on any significant archaeological remains, any requirement for pre- or post-determination archaeological assessment/ evaluation of this site in respect to the current application could be waived.

Pinner Association:

- These garages were originally intended for motor vehicles and were designed as such. Subsequently they began to be used for commercial storage, which use subsisted for more than ten years and thus became immune from planning enforcement action as the Certificate granted by your Council in June 2004 confirms. Such use still continues. It is said by the applicants that such use can now be changed to office use under the provisions of the Use Classes Orders without the need for a planning consent. We would question this.
- We think that there are differences between a lawful use which has planning consent and a use which can be carried on lawfully as a result of being immune from planning enforcement action. One such difference is that if such use ceases then the permitted use of the property remains the same if such use had been lawful but if it had not then the permitted use reverts to the last lawful use which in this case we suspect would be motor vehicle garages. Accordingly we suggest that planning consent is required before the garages can be used as offices as well as for the building works necessary to convert the garages to offices;
- We oppose the further spread of commercial activity into this part of the Conservation Area which should be residential in character. We also do not wish to see a loss of motor vehicle garage buildings which never should have lost their original use in an area where the parking provision for motor vehicles is inadequate to meet demand;
- The proposed development of The Old Bakery would be too bulky and overly dominant in its restricted surroundings. The change of use and the change of appearance of the garages would be out of keeping with their surroundings. The whole scheme would not preserve or enhance the Conservation Area and would be detrimental to the amenities of neighbours, particularly those living in Grange Court;

Pinner Association (response to second consultation):

- Same comments as above

CAAC (comments from 17.11.2008 meeting) :

Proposals are uncomfortable and fail to relate to the local vernacular. Windows are too close to the roofline, the fenestration is of concern and the building is of poor design. Otherwise, comments as previous

CAAC (comments from 12.01.2009 meeting):

Objection: The applicant states they will use slate but the pitch of the roof is not steep enough for slate. A 22 degree pitch is required for slate but this falls far too short at only 5 degrees. From the ground the pitched roof would not be visible and would seem like a flat roof. It is a poor design which constitutes pokey backland development that is out of character with the area. It would be very bulky and could be of much better scale. It would make the flats behind darker. The courtyard of the Hand in Hand is very important and should be considered as this development would have an impact here.

There is potential for a double pitch facing Grange Court, with another pitch facing the other way. No more garages should be converted to commercial storage.

Highways Engineer: No objections

Advertisement:	Character of Conservation Area Setting of Listed Building	Expiry: 20-NOV-08
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Notifications:

Sent: 36	Replies: 9 + 1 petition with 39 signatures	Expiry: 13-NOV-08
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Re-notification sent 16-DEC-08	Replies: 10 + 1 petition with 25 signatures	Expiry: 22-JAN-09
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Summary of Responses:

- Detrimental effect on the environment and the local community;
- The proposal does not allow change of garages to office building;
- Over intensification and commercialisation of the area;
- If no additional staff to be employed then there should be no need for additional office development;
- Provide opportunity for applicant to increase the number of employees;
- Would fail to preserve or enhance the character of the surrounding conservation area;
- Loss of privacy;
- Will increase commercial activity in a predominate residential area;
- Traffic increase and associated problems;
- Will increase the general noise level associated with the commercial activity;
- Overshadowing and overlooking;

Summary of responses to amended plan:

- Revisions does not address all reasons for refusal;
- The proposed pared down version submitted for the conversion of the old bakery to permanent office space would vastly improve the cramped inadequate working conditions endured by staff;
- Landmark of history will be lost;
- Other objections stand as above.

APPRAISAL

1) Character and Appearance of the Conservation Area/ Listed Buildings

This application follows on from two previous applications ref. P/3503/07/DFU and P/1660/08, which were refused planning permission for the reasons stated above. In this current application, the applicant has sought to reduce the bulk of the extension by reducing the width of the proposed first floor element of the extension.

The backlands of Pinner High Street are traditionally characterised by buildings with light industrial uses. Although a number of these have been converted into residential or office space, their style and function importantly tell the story of how the High Street developed. Buildings such as these have appeared on the site of the Old Bakery for the last 2 centuries, having been replaced or significantly altered every 50 years or so.

The existing garages and office building within the site are obscured from view of the main thoroughfare of Pinner High Street and Grange Gardens. The buildings are modest in height and appear subordinate and ancillary to Grange Court and the surrounding development in the locality. These buildings are also considered to be quite subtle and inconspicuous in the context of the Pinner High Street Conservation Area. The subject site is also sited adjacent to no.38 Pinner High Street, which is subject to grade II listing.

There are therefore no objections to the continued use of this space or to enlarging this slightly as the amount of extension proposed here is not likely to excessively increase pressure on the conservation area in terms of increased traffic or loss of parking. However, the proposed extensions would be highly visible within this backland area and Grange Gardens, both within the conservation area. It would also be apparent from the traditional courtyard of the listed Hand in Hand public house.

The proposed roof design would appear as an awkward and uncharacteristic intrusion within the conservation area and to the setting of the nearby listed building. The shallow pitch would be barely visible, whilst the two dormer windows would be very visible. In contrast to this proposed design, at present the roofs within this conservation area are clearly defined, simple designs. Dormer windows are not a prevailing characteristic of this backland area, although there are a couple of dormers within the vicinity. The proposed dormer windows do not align well with the traditional character of the listed Hand in Hand public house. The applicant proposes the use of a slate roof. This would require a roof pitch at between 20° - 45° dependant on the type of slate, under normal circumstances, as opposed to the 17° pitch proposed. Apart from the construction difficulties, it is considered that such a shallow pitched slate roof would be quite unorthodox and unusual in appearance.

The design should be revised in sympathy with its immediate setting and the backland character of the area before proposals can be considered acceptable. Any proposed building should be well-designed in a manner that is akin to the character of the High Street's backland development, which is largely of simple and unassuming well-designed buildings. The windows of the proposal should be of better quality, well-detailed design in keeping with others in this backland area.

As proposed there are concerns in relation to the proposed design of the new extension, which it is considered would not preserve or enhance the character and appearance of this part of the conservation area and would detract from the setting of the grade II listed Hand in Hand Public House. The proposal is therefore considered to be contrary to Harrow UDP policies D11, D14 and D15.

2) Residential Amenity

Policy EM22 of the Harrow UDP (2004) seeks to ensure that proposals for business, industrial and warehouse uses do not have a harmful effect on residential amenity and the environment. Under application ref. P/1660/08, the proposed development sought to increase the internal floor space by approximately 39m² above the existing 23m², which would have effectively increased the floor space more than double the floor space available (169%). In this current application, the proposed scale and bulk of the proposed extension has been reduced and overall increase in office floor space would be 6m² above the existing.

The Design and Access statement that was submitted initially with this application stated that there would not be any increase in staff numbers. The statement went on to state that '*garages 6,8,10, 11 & 12 could be used as Use Class Order B8 (therefore a change of use to B1 – Office is automatically granted)..... as permitted development rights allow a change of use from B8 to B1, it is assumed that use is not the subject of this application*'. Following discussions with the applicant the Design and Access statement has been amended (received 15.12.2008) to omit the above statement and the proposed plans have been amended to show the garage doors to garage nos. 10 and 11 retained and annotated on plan to be continued to be used a commercial storage area.

Taking into consideration the amended plans and the minor alterations to the height of the garage, if this application was considered acceptable in all other respects, the potential change of use from B8 to B1 could be controlled by a suitably worded condition.

The bulk of the development has been reduced to that previously proposed under P/1660/08. The flats above the shops in Pinner High Street and Grange Gardens face on the application site and have modest balcony/ sitting out areas on the facing elevations. Although the proposed extension would not result in the loss of light to any protected windows of the adjacent flats, taking into consideration the character of the conservation area and the adjacent listed buildings, it is considered that the unacceptable design of the proposed extension would appear visually obtrusive to the detriment of the visual amenities of the neighbouring occupiers, in particular for those flats above ground level at nos. 40, 42 and 44 High Street, which would directly front the proposed first floor side extension, contrary to policies D4 and D5 of the UDP (2004).

3) Access to Buildings

The proposal has shown to overcome the previous reasons for refusal and would comply with the Council's SPD 'Access for All'.

4) Parking

The proposed development would result in the loss of 3 garages, which are as existing been used as commercial storage. Given that the surrounding highway network is either resident permit restricted or has controlled parking and that the site is within walking distance of Pinner District centre transport services, it is not considered a refusal on parking grounds can be justified in this case.

5) Sites of Archaeological Importance

The application site has already been developed on. Following on from the advice from English Heritage, it is considered that the proposed development would not have a material impact upon archaeological importance of the area.

6) S17 Crime & Disorder Act

The proposed development is not considered to impact on community protection.

7) Consultation Responses

- All material planning considerations dealt with above;
- Environmental health issues are outside the remit of planning.

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 refusal.

VENETO HOUSE, PARK DRIVE, RAYNERS LANE **Item: 3/02**
P/1989/08/OH
Ward RAYNERS LANE

CHANGE OF USE OF BUILDING FROM LIGHT INDUSTRIAL (B1) TO COMMUNITY USE & EDUCATIONAL PURPOSES (D1) AND EXTERNAL ALTERATIONS INCLUDING FRONT ENTRANCE RAMP

Applicant: Mr Hashim Nawrozdedeh
Agent: Mr Derek Horne
Statutory Expiry Date: | 04-SEP-08

RECOMMENDATION

Plan Nos: 080514/24/05 Rev 2 (received 5th June 2008), Travel Plan (October 2008) and site plan

REFUSE permission for the development described in the application and submitted plans, for the following reason(s):

- 1 The proposed change of use would result in increased and unreasonable disturbance to the amenities of adjoining and nearby residents and other users of the area contrary to policies C10 and EP25 of the Harrow Unitary Development Plan (2004).
- 2 The proposal would encourage additional and injudicious on street parking during the periods of community use to the detriment of the free flow and safety of vehicular traffic and pedestrians on the public highway within the vicinity contrary to policies T6, T13 and C10 of the Harrow Unitary Development Plan (2004).

INFORMATIVES

1 INFORMATIVE:

SUMMARY OF REASONS FOR REFUSAL OF PLANNING PERMISSION:

The decision to refuse 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:

C2, C10, C16, D4, D5, EP25, T6, T13, EM15 of the Harrow Unitary Development Plan 2004, Supplementary Planning Document: Access for All (2006)

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Change of Use/Loss of B1 Use (D4, EM15)
- 2) Community Use (C2, C10)
- 3) Residential Amenity (D5, EP25)
- 4) Highway Safety (T6, T13, C10)
- 5) Access for All (C16, SPD)
- 6) S17 Crime & Disorder Act (D4)
- 7) Consultation Responses

INFORMATION

The application was first reported to Committee on 25th February 2009 because a petition containing 58 signatures has been received objecting to the application. The application was deferred from that Committee for a Members site visit. This took place on 21st March 2009.

The application was also deferred to enable discussions with the applicant regarding the terms of a possible legal agreement to restrict the hours of use, opening times and numbers of people present on the property. Although the applicants are willing to extend the terms of the proposed legal agreement, the Council's legal team have advised that such a legal agreement is neither necessary nor appropriate, and would be contrary to circular advice.

Further consideration on the use of planning conditions in this instance is given in Section 3, Residential Amenity below.

a) Summary

Statutory Return Type:	Change of Use	
Floor Area:	359.5m ²	
Car Parking	Standard	1.0
	Justified	See report
	Provided	3.0
Council Interest:	None	

b) Site Description

- The site is located on the western side of Park Drive. It is sited behind a row of terraces with shops fronting Village Way East and residential flats above.
- It is located just within the boundary of the Designated Rayners Lane District Centre (the boundary ends along the northern boundary of the site)
- The site contains a large industrial building (Class B1) that is two-storey at the front and single storey at the rear.
- The site has space for the parking of 3 vehicles in the forecourt.
- The neighbouring property to the north No. 2 Park Drive, is a two-storey semi-detached dwelling. The dwelling has had a two-storey side extension and single storey rear extension.
- Opposite the site is a three storey flat building. The vehicular access to the parking area for the flats is opposite the subject site.
- Park Drive is a residential street generally characterised by two-storey semi-detached dwellinghouses.
- In the vicinity of the subject site Park Drive has Permit Restricted parking.

c) Proposal Details

Change of Use

- The proposal would change the use of the site from B1 (light Industrial) to D1 (community use & educational purposes).
- The proposed use would be as follows:
 - Community and Educational Centre between 7-10pm two nights per week and between 11am and 1pm Sundays.
 - Ancillary Office use between 8am-6pm Monday to Saturday.

- Four full time staff and four part time teachers.
- Up to 100 patrons at any one time.

External Alterations

- The proposal includes a disabled access ramp and two new fire doors on the flank elevation.

d) Relevant History

WEST/766/97/FUL CHANGE OF USE: LIGHT INDUSTRIAL REFUSE
(CLASS B1) TO BALLET STUDIOS (CLASS 10-MAR-98
D1) WITH FORECOURT PARKING

Reason for Refusal:

Car parking cannot be satisfactorily provided within the curtilage of the site to meet the Council's minimum requirements in respect of the development, and the likely increase in parking on the neighbouring highway(s) would be detrimental to the free flow and safety of traffic on the neighbouring highway(s) and the amenity of neighbouring residents.

e) Pre-Application Discussion

PAM/ENQ.3468/07/03/08 – 7th March 2008

Principles/Issues

- The site constraints regarding future B1 and or B8 uses were acknowledged.
- It was concluded that the arrangements for the proposed use in terms of activities and hours of operation put forward by the applicants was acceptable.
- Appropriate planning conditions would ensure that the existing residential amenity would not be adversely affected
- No major design considerations emerged other than in terms of the opportunity that is presented to enhance the appearance of the building through a general face-lift.
- The existing entrance to the premises is on Park Drive, which has an active frontage and adequate natural surveillance.
- The need for the premises to be fully accessible to people with disabilities and for the applicants to have regard to the requirements for public buildings under the Disability Discrimination Act and Part M of the Building Regulations was referred to.

Layout/Parking

- The applicants stressed that visitors to the site would be from the local catchment area, that many of them are elderly and do not own cars and that many visitors would be travelling on foot or if from elsewhere, they would be directed by the owners to make use of local public transport nodes.
- The applicants would need to provide a Travel Plan as part of their submission.
- Given the uncertainties in anticipating the numbers of patrons that may be expected to use the facility, it was explained that a temporary permission may be recommended, so that the frequency of journeys to and from the site can be monitored in terms of their effect on local highway conditions and residential amenity.

Applicant Statement

- The applicant submits that the property was marketed on a rental basis from July 2004 until February 2006 and there was very little interest.
- As a result of this the property was marketed for sale in February 2006 and the property was purchased by the applicant in June 2007.
- It is intended to use the premises as a community centre involving mostly cultural and educational programmes with teaching of languages, particularly English, a priority.
- Other community uses would include promotion of women’s groups and youth groups, holding lectures and seminars on educational topics
- Premises would not be used for entertainment and no alcohol would be allowed
- On the 3rd December 2008 the applicant enclosed 163 letters of support each addressed to Council Members from people located across a wide geographical area
- The building is wholly unsuitable for a commercial use with poor loading/unloading and car parking facilities, and low eaves heights and the absence of windows
- A detailed schedule of the proposed uses of the premises is set out below:-

Activity	Area	Day	Time	No of persons
1. Administrative Offices	Ground and first floor of the two storey brick built building fronting Park Drive and the offices within the single storey part of the building	Monday to Saturday	8.00am to 6.00pm	4
2. Teaching of Languages	The ground floor offices of the single storey part of the structure (i.e. not including the two storey element of the building)	One evening Monday to Friday	7.00pm to 10.00pm	4 teachers, 1 day per week teaching a maximum of 15 people each

Item 3/02 : P/1989/08/OH continued/...

3. Educational lectures	Ground floor meeting area in the single storey part of the premises	One evening Monday to Friday	7.00pm to 10.00pm	4-5 staff and up to a maximum of 100 people at any one time including people associated with activity 2 above
4. Religious and cultural ceremonies, prayers and poetry	Ground floor meeting area within the single storey part of the structure identified on the plans	Sunday only	11.00am to 1.00pm	4-5 staff and up to a maximum of 100 people at any one time

g) Consultations

Highways Engineer:

The proposed use as a Community and Educational Centre would be for a maximum of 100 patrons plus 4 full time staff and 6 part time teachers. The proposed use would be 7 – 10 pm in the evenings on two occasions per week and 11am - 1pm on Sundays, with ancillary office use 8am – 6pm Mondays – Saturdays.

There is concern regarding the proposal. Its confined location, bordering with the residential & district shopping area, together with the limited on site parking could potentially give rise to injudicious and excessive parking in the area affecting local amenity /free flow of traffic /road safety in neighbouring roads and the adjacent service road.

The figure of "up to 100 patrons" could potentially give rise to the above problems during the proposed weekly two- day community use. The site has an average PTAL rating of 3 so, although usage of public transport is encouraged within the travel plan, it is questionable whether significant reductions in private car use would result. This is particularly relevant for the evening community use whereby the private car would be the favoured mode of transport especially during winter months of limited daylight hours.

Site notice: Displayed: 17-JUL-08

Expiry: 07-AUG-08

Notifications:

Sent: 89

Replies:

Expiry: 12-AUG-08

- 20 written objections plus one petition with 58 signatures objecting to the proposal.
- 9 letters in support plus one petition with 925 signatures supporting the proposal.

Summary of Objections:

- Inappropriate location for a community centre; Out of character with the residential nature of the street; Inadequate parking; Excessive traffic and parking volumes (already 4 schools within 200m of the site); Pedestrian safety; Noise and disturbance issues; Excessive number of patrons; Site used as B1 was only used by 4 people at any time; Inappropriate hours of use; The neighbours found a publication referring to the use of the current centre by up 700-800 people on some occasions and raised concerns regarding the possible implications of such numbers attending the proposal site; Inadequate amenity and safety facilities onsite for a large number of people; Inadequate ventilation; Fire doors open on to a road owned by the adjacent shops; Inadequate information on the proposed use; Refusal of Change of Use to a Ballet School in 1998 on lack of parking grounds; No refuse storage area; Inconsistencies in the application. The form states that the community use would be 7-10pm every night and that B1(a) ancillary use would be maintain during the day; Anti social behaviour and loitering; Existing litter problems.

Summary of letters in support:

- Will improve the skills of the local Afghan community; benefit community as a whole; improved education for the Afghan community will enable better integration will the local community; improved English language skills.

APPRAISAL

1) Change of Use/Loss of B1 Use

There is an overprovision of business uses (Class B1) within Harrow therefore it is considered that the loss of these premises from Use Class B1 cannot be resisted. As well as this, access into the site for deliveries is poor so there are site constraints that would deter many businesses from occupying the premises when there are sufficient alternative premises elsewhere. Therefore, it is considered that the principle of the change of use of these premises away from business use would be acceptable.

2) Community Use

Policy C2 (and Policy C10) recognises that there is a general shortage of suitable land and buildings for health, social and community uses in the Borough. In view of this the Council encourages their retention and the provision of new facilities in order to meet identified needs. In this case, it is considered that the proposal demonstrates compliance with this policy in that:-

- The applicant has provided evidence to demonstrate that there is a need for such a community facility

- The applicant has demonstrated that the site is located within reasonable proximity to client groups
- The applicant's comments regarding the suitability of the premises for other related uses is acknowledged

However, the site has only an average Public Transport Accessibility Level (PTAL) and therefore the detailed access arrangements will need to be closely examined to determine their acceptability or otherwise.

3) Residential Amenity

The proposed use as a Community and Educational Centre would be for a maximum of 100 patrons plus four full time staff and six part time teachers. The proposed hours of use would be 7 – 10 pm in the evenings on two occasions per week and between 11am – 1pm on Sundays, with ancillary office use between 8am – 6pm Monday-Saturdays.

It is acknowledged that although the premises are located in the Rayners Lane District Centre, they are located on the periphery of the centre adjacent to a residential property at no. 2 Park Drive and a more extensive residential area beyond. The main entrance and exit doors of Veneto House face onto Park Drive, which is a residential street and it is considered that the setting of the building is clearly seen in relation to the neighbouring residential use.

It is considered that the use proposed would be likely to generate large groups of up to 100 people congregating at the front on arrival and more significantly on departure from the building after the proposed community use event on two nights per week and every Sunday. Such congregations of people could result in noticeable increased levels of disturbance (from talking, laughing and shouting). It is considered that the congregation of patrons around the single entrance and exit could create focal points for disturbance. Such disturbance events would be continual and not transient and it is considered that this impact would be particularly noticeable for the occupiers of the neighbouring dwellinghouse at 2 Park Drive. Added to this, the proposal does not specify on which two weekday evenings the use would be taking place. This would lead to uncertainties as to when neighbouring occupiers should expect this disturbance.

The initial officer view was that these concerns regarding the amenity impacts of the proposed development could be effectively mitigated by restrictions on the hours of use, the range of uses and the numbers of patrons. However, whilst such conditions might effectively regulate activities within the building, they would do little to control casual assembly and other associated activities outside of the building, as set out above. This would result in conditions detrimental to the amenities of adjoining and nearby residents.

Whilst a temporary consent, as previously recommended, would have allowed the situation to be monitored and the impacts tested, this would have been contrary to Government advice in Circular 11/95 which states that :

“...the reason for granting a temporary permission can never be that a time limit is necessary because of the effect of the development on the amenities of the area.”

It goes on to advise that such proposals should be refused planning permission where the amenity impacts cannot be satisfactorily regulated or mitigated by planning conditions.

The concern is therefore that the proposed change of use, by reason of its siting in close proximity to neighbouring residential occupiers, is likely to cause disturbance to neighbouring residential amenities. However, in the absence of a time-limited consent to “test” the impacts, Members must be satisfied that there are sufficient planning conditions available to regulate the proposal to safeguard the amenities of adjoining and nearby residents. Having now had the opportunity to re-consider the matter, officers are of the view that these adverse amenity impacts, external to the building, cannot be sufficiently regulated or mitigated by the use of planning conditions.

Policy C10 advises that there should, inter alia, be no significant adverse impact on neighbouring properties. For the reasons set out above it is considered that there would be such an impact. In the circumstances, and following the guidance in Circular 11/95, the application is now recommended for refusal.

4) Parking and Highway Safety

Potentially the site has access to 2-3 off-street car parking spaces for its users. Its location bordering the Rayners Lane district shopping area means that patrons would also have access to short stay on-street parking facilities in the Rayners Lane shopping “triangle” especially after 6.30pm on Mondays to Saturdays and all day on Sundays. However, these limited facilities are unlikely to be sufficient to cater for the peaks of use anticipated by the applicants: The figure of “up to 100 patrons” could potentially give rise to significant injudicious and excessive parking in the area affecting local amenity /free flow of traffic /road safety in neighbouring roads and the adjacent service road.

The site has an average PTAL rating of level 3 so, although usage of public transport is encouraged within the travel plan, it is questionable whether a significant reduction in private car use would result. This is particularly relevant for the evening community use whereby the private car would be the favoured mode of transport especially during winter months of limited daylight hours.

In the absence of a temporary consent during the course of which the highways impacts of the development may be monitored and potentially adjusted, the proposals are considered to be unacceptable.

This view is also supported by Policy C10 also refers to the need to provide appropriate levels of car parking and requires such development not to have an adverse effect on highway safety.

5) Access for All

It is considered that the alterations to the building and the provision of an access ramp to the principal access would meet the Council's guidance contained in the adopted Supplementary Planning Document.

6) S17 Crime & Disorder Act

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

7) Consultation Responses

Material planning concerns have been addressed in the above report. Issues in relation to safety facilities, ventilation, fire safety, anti-social behaviour and littering are not within the remit of the planning department and therefore are not considered in relation to the application.

In relation to information submitted by the objectors referring to the current premises being used by up to 700-800 people on some occasions. This planning application has been submitted on the basis of 100 patrons not 700 to 800 patrons and has been assessed as such.

In relation to the inconsistencies in the application relating to hours of use the application form states that the community use would be 7-10pm Monday to Friday and Saturday and that B1(a) ancillary use would be maintained during the day. The applicant has clarified the issues of hours of use in the documentation submitted with the application. The application has been assessed based on the use of the property from 7-10pm on two nights per week, 11am-1pm on Sundays and office use (ancillary to the community centre) between 8am-6pm Monday to Saturdays.

CONCLUSION

The issues in this case have always been considered to be quite finely balanced and it is acknowledged that this application was previously presented to Members with a recommendation to grant planning permission for a temporary period of two years so that the amenity impacts of the proposals might be properly assessed. However, when reconsidering these issues in the specific context of the ability of planning conditions or legal agreements to regulate the negative implications of the proposed development on residential amenity, as agreed at the last committee, and, more especially, the advice contained in Circular 11/95, a temporary planning permission is no longer considered appropriate.

SECTION 4 – CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

None

SECTION 5 - PRIOR APPROVAL APPLICATIONS

None.