

# Planning Committee Agenda

**Date:** Wednesday 16 March 2022

**Time:** 6.30 pm

**Venue:** Council Chamber, Harrow Civic Centre, Station Road, Harrow, HA1 2XY

The date and time for the site visit for Planning Committee Members will be communicated in due course.

The date and time for the briefing for Planning Committee Members will be communicated in due course.

## Membership (Quorum 3)

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**Chair:** Councillor Nitin Parekh

**Labour Councillors:** Simon Brown (VC)  
Maxine Henson  
Rekha Shah

**Conservative Councillors:** Marilyn Ashton  
Christopher Baxter  
Anjana Patel

**Labour Reserve Members:**

1. Peymana Assad
2. Dean Gilligan
3. James Lee
4. Ajay Maru

**Conservative Reserve Members:**

1. Bharat Thakker
2. Norman Stevenson
3. Ameet Jogia

**Contact:** Mwim Chellah, Senior Democratic & Electoral Services Officer  
Tel: 07761 405966 E-mail: [mwimanji.chellah@harrow.gov.uk](mailto:mwimanji.chellah@harrow.gov.uk)

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# Useful Information

## Joining the Meeting virtually

The meeting is open to the public and can be viewed online at [www.harrow.gov.uk/virtualmeeting](http://www.harrow.gov.uk/virtualmeeting)

## Attending the Meeting in person

Directions to the Civic Centre can be found at: [www.harrow.gov.uk/contact](http://www.harrow.gov.uk/contact). It is accessible to people with special needs, with accessible toilets and lifts to the meeting rooms. If you have specific requirements, please contact the officer listed on the front page of this agenda.

You will be admitted on a first-come-first basis and directed to seats.

Please:

- (1) Take a Covid 19 test before travelling and do not attend in person if you test positive.
- (2) Wear a face covering and use the provided hand sanitiser.
- (3) Stay seated.
- (4) Access the meeting agenda online at [Browse meetings - Planning Committee – Harrow Council](#)
- (5) Put mobile devices on silent.
- (6) Follow instructions of the Security Officers.
- (7) Advise Security on your arrival if you are a registered speaker.

## Filming / recording

This meeting may be recorded or filmed, and if you choose to attend, you will be deemed to have consented to this. Any recording may be published on the Council website.

**Agenda publication date: Monday, 7 March 2022**

# Agenda - Part I

## Guidance Note for Members of the Public attending the Planning Committee (Pages 7 - 10)

### 1. Attendance by Reserve Members

To note the attendance at this meeting of any duly appointed Reserve Members.

Reserve Members may attend meetings:-

- (i) to take the place of an ordinary Member for whom they are a reserve;
- (ii) where the ordinary Member will be absent for the whole of the meeting; and
- (iii) the meeting notes at the start of the meeting at the item 'Reserves' that the Reserve Member is or will be attending as a reserve;
- (iv) if a Reserve Member whose intention to attend has been noted arrives after the commencement of the meeting, then that Reserve Member can only act as a Member from the start of the next item of business on the agenda after his/her arrival.

### 2. Right of Members to Speak

To agree requests to speak from Councillors who are not Members of the Committee, in accordance with Committee Procedure 4.1.

### 3. Declarations of Interest

To receive declarations of disclosable pecuniary or non pecuniary interests, arising from business to be transacted at this meeting, from:

- (a) all Members of the Committee;
- (b) all other Members present.

### 4. Minutes (Pages 11 - 18)

That the minutes of the meeting held on 16 February 2022 be taken as read and signed as a correct record.

### 5. Public Questions

To receive any public questions received in accordance with Committee Procedure Rule 17 (Part 4B of the Constitution).

Questions will be asked in the order in which they were received. There will be a time limit of 15 minutes for the asking and answering of public questions.

**[The deadline for receipt of public questions is 3.00 pm, 11 March 2022. Questions should be sent to [publicquestions@harrow.gov.uk](mailto:publicquestions@harrow.gov.uk)**

**No person may submit more than one question].**

### 6. Petitions

To receive petitions (if any) submitted by members of the public/Councillors under the provisions of Committee Procedure Rule 15 (Part 4B of the Constitution).

### 7. Deputations

To receive deputations (if any) under the provisions of Committee Procedure Rule 16 (Part 4B) of the Constitution.

8. **References from Council and other Committees/Panels**

To receive references from Council and any other Committees or Panels (if any).

9. **Addendum** (To Follow)

10. **Representations on Planning Applications**

To confirm whether representations are to be received, under Committee Procedure Rule 29 (Part 4B of the Constitution), from objectors and applicants regarding planning applications on the agenda.

**Planning Applications Received**

Report of the Divisional Director, Planning - circulated separately.

Members are reminded that, in accordance with the Planning Protocol, where Councillors disagree with the advice of the Divisional Director, Planning, it will be the Members' responsibility to clearly set out the reasons for refusal where the Officer recommendation is for grant. The planning reasons for rejecting the Officer's advice must be clearly stated, whatever the recommendation and recorded in the minutes. The Officer must be given the opportunity to explain the implications of the contrary decision.

**11. Section 1 - Major Applications - NIL**

**12. Section 2 - Other Applications recommended for Grant**

(a)	2/01, 190-194 Northolt Road, P/2515/21	ROXBOURNE	GRANT - SUBJECT TO LEGAL AGREEMENT	(Pages 19 - 64)
(b)	2/02, 198-200 Northolt Road, P/2431/21	ROXBOURNE	GRANT - SUBJECT TO LEGAL AGREEMENT	(Pages 65 - 112)
(c)	2/03, 26 Butler Avenue, P/4933/21	WEST HARROW	GRANT	(Pages 113 - 146)

**13. Section 3 - Other Applications recommended for Refusal**

(a)	3/01, Mallory, Priory Drive, P/5003/21	STANMORE PARK	REFUSE	(Pages 147 - 176)
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14. **TREE PRESERVATION ORDER - NO. 965 THE RIDGEWAY (NO.2) WEST HARROW**  
(Pages 177 - 208)

15. **Any Other Urgent Business**

Which cannot otherwise be dealt with.

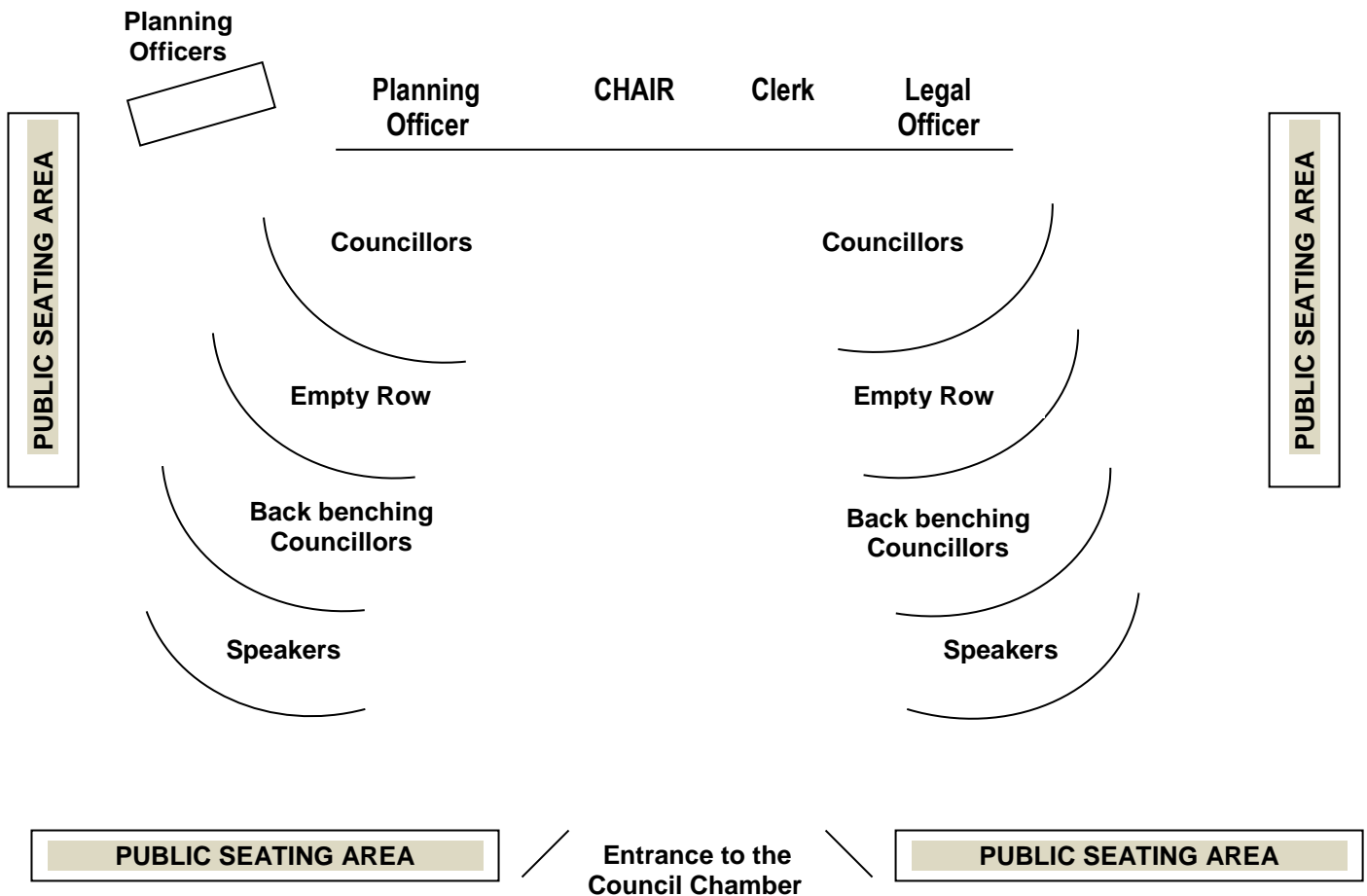


## **Agenda - Part II - NIL**

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**GUIDANCE NOTE FOR MEMBERS OF THE PUBLIC  
ATTENDING THE PLANNING COMMITTEE**

**Typical Planning Committee Layout for the Council Chamber**



**Order of Committee Business**

It is the usual practice for the Committee to bring forward to the early part of the meeting, those planning applications where notice has been given that objectors wish to speak, or where members of the public have come to hear the debate. However, often the agendas are quite long and the Committee may want to raise questions with officers and enter into detailed discussion over particular applications. This means that members of the public may have to wait some time before the application they are interested in is discussed. Additionally, the Committee may take a short break around 8.30 pm.

**Rights of Objectors & Applicants to Speak at Planning Committees**

*[Please note that objectors may only speak if they requested to do so by 5.00 pm on the working day before the meeting]*

In summary, where a planning application is recommended for grant by the Divisional Director of Planning, a representative of the objectors may address the Committee for up to 3 minutes. Where an objector speaks, the applicant has a right of reply. The Planning Service advises neighbouring residents and applicants of this procedure.

The Planning Committee is a formal quasi-judicial body of the Council with responsibility for determining applications, hence the need to apply rules governing the rights of public to speak. Full details of this procedure are set out in the Council's Constitution, which also provides useful information for Members of the public wishing to present petitions, deputations or ask public questions at Planning Committee, and the rules governing these. The relevant pages of the Constitution can be accessed via this link:

<http://www.harrow.gov.uk/www2/documents/s151078/029%20Part%204B%20Committee%20Procedure%20Rules.pdf>

## **Addendum**

In addition to the agenda, an Addendum is produced on the day before the meeting, with any final updates included in a second Addendum on the day of the meeting. These documents update the Committee on any additional information received since the formal agenda was published and also identifies any applications which have been withdrawn by applicants or which officers are recommending for deferral.

**A limited number of hard copy agendas and addendums are available for the public in the Council Chamber from approximately 6.00 pm onwards on the day of the meeting.**

## **Decisions taken by the Planning Committee**

The types of decisions commonly taken by the Planning Committee are set out below:

### **Refuse permission:**

Where a proposal does not comply with the Council's (or national) policies or guidance and the proposal is considered unacceptable, the Committee may refuse planning permission. The applicant can appeal to the Secretary of State against such a decision. Where the Committee refuse permission contrary to the officer recommendation, clear reasons will be specified by the Committee at the meeting.

### **Grant permission as recommended:**

Where a proposal complies with the Council's (or national) policies or guidance and the proposal is considered acceptable, the Committee may grant permission. Conditions are normally imposed.

### **Minded to grant permission contrary to officer's recommendation:**

On occasions, the Committee may consider the proposal put before them is acceptable, notwithstanding an officer recommendation of refusal. In this event, the application will be deferred and brought back to a subsequent meeting. Renotification will be carried out to advise that the Committee is minded to grant the application.

### **Defer for a site visit:**

If the Committee decides that it can better consider an application after visiting the site and seeing the likely impact of a proposal for themselves, then the application may be deferred until the next meeting, for an organised Member site visit to take place.

### **Defer for further information/to seek amendments:**

If the Committee considers that it does not have sufficient information to make a decision, or if it wishes to seek amendments to a proposal, the application may be deferred to a subsequent meeting.

**Grant permission subject to a legal agreement:**

Sometimes requirements need to be attached to a planning permission which cannot be dealt with satisfactorily by conditions. The Committee therefore may grant permission subject to a legal agreement being entered into by the Council and the Applicant/Land owner to ensure these additional requirements are met.

**(Important Note:** *This is intended to be a general guide to help members of the public understand the Planning Committee procedures. It is not an authoritative statement of the law. Also, the Committee may, on occasion, vary procedures*).

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# Planning Committee

## Minutes

### 16 February 2022

**Present:**

**Chair:** Councillor Nitin Parekh

**Councillors:** Marilyn Ashton  
Christopher Baxter  
Simon Brown  
James Lee  
Ajay Maru  
Anjana Patel

**Apologies received:** Maxine Henson  
Rekha Shah

**457. Attendance by Reserve Members**

**RESOLVED:** To note the attendance at this meeting of the following duly appointed Reserve Members:

Ordinary Member

Reserve Member

Councillor Maxine Henson

Councillor Ajay Maru

Councillor Rekha Shah

Councillor James Lee

**458. Right of Members to Speak**

**RESOLVED:** That no Members, who were not members of the Committee, had indicated that they wished to speak at the meeting.

#### 459. **Declarations of Interest**

**RESOLVED:** To note that the Declarations of Interests published in advance of the meeting on the Council's website were taken as read, and in addition the following declaration was made:

Agenda Item 1/01 Harrow Council Civic Car Park A, Milton Road and 9 Station Road, Milton Road P/4477/21

Councillor Ajay Maru declared a pecuniary interest in that he was a director, on behalf of Harrow Council, on the Harrow Strategic Development Partnership (HSDP) Board – comprising Harrow Council, and Wates Construction Limited, as development manager.

(Councillor Maru left the meeting whilst the Item was being considered and voted on.)

#### 460. **Minutes**

**RESOLVED:** That the minutes of the meeting held on 19 January 2022 be taken as read and signed as a correct record.

#### 461. **Public Questions**

**RESOLVED:** To note that no public questions were put.

#### 462. **Petitions**

**RESOLVED:** To note that no petitions were received.

#### 463. **Deputations**

**RESOLVED:** To note that no deputations were received.

#### 464. **References from Council and other Committees/Panels**

**RESOLVED:** To note that there were none.

#### 465. **Addendum**

**RESOLVED:** To accept the Addendum, and Supplemental Addendum.

#### 466. **Representations on Planning Applications**

**RESOLVED:** That in accordance with the provisions of Committee Procedure Rule 29 (Part 4B of the Constitution), representations be received in respect of item 1/01 on the list of planning applications.



## Resolved Items

### 467. 1/01, Harrow Council Civic Car Park A Milton Rd & 9 Station Road, Milton Road, P/4477/21

**PROPOSAL:** development of apartment building comprising residential units (use class C3) and flexible non-residential use to ground floor (Use Class E and/or F1 and/or F2); townhouses (use class C3); landscaping; boundary treatment; parking; bin and cycle stores. Details: apartment building with height ranging from 4 - 7 storeys comprising 29 residential units (21 x 1 bed, 8 x 2 bed) and 10 x 3 storey townhouses (6 x 3 bed and 4 x 4 bed) (as varied by the Addendum and Supplemental Addendum).

The Committee received representation from Ajay Thakure (objector), and Olivia Russell (agent for the applicant), who urged the Committee to refuse and approve the application, respectively.

Councillor Marilyn Ashton proposed refusal for the following reasons:

- 1) the block of 29 Shared Ownership flats located on Station Road, by reason of its scale and mass, will be out of keeping along this stretch of Station Road and will be over-bearing in comparison with the height of the buildings abutting the site. Therefore, it cannot be justified, since this shared ownership element of the proposal comprises nearly three quarters of the overall number of 39 units, contrary to policies CS1 Harrow Core strategy (2012), DM1 and DM24 Harrow Development Management Policies (2013) and D1, GG4, H6 London Plan (2021); and
- 2) the overall design of the large tower block on Station Road is unattractive, is of poor-quality design and will not make a positive contribution to the character of the area by reason of its visually obtrusive appearance in the street scene on this side of the road, contrary to CS1 Harrow Core Strategy (2012), DM1 Harrow Development Management Policy (2013) and D1 London Plan (2021).

The proposal was seconded by Councillor Anjana Patel, put to the vote and lost.

The Committee resolved to accept officer recommendation.

## RECOMMENDATION A

The Planning Committee was asked to:

- 1) agree the reasons for approval as set out in the report; and
- 2) grant planning permission subject to the conditions in Appendix 1 of the report, and as varied by the Addendum. The planning obligations as varied by the Addendum and Supplemental Addendum and listed below and authority being delegated to the Interim Chief Planning

Officer in consultation with the Director of Legal and Governance Services for the completion of the Section 106 legal agreement and other enabling development and issue of the planning permission, subject to amendments to the conditions, including the insertion or deletion of conditions as deemed fit and appropriate to the development or the amendments to the legal agreement as required.

### **AFFORDABLE HOUSING**

- a) To be provided as per the submitted details (10 x LAR townhouses and 29 x S/O flats) and retained in perpetuity; and
- b) In securing the Shared Ownership tenure of the affordable housing offer, a cascade mechanism is required to offer these units to Harrow residents at Harrow income levels. Following this, it can be released to the West London Alliance boroughs, and then out to London wide (in line with The Mayor of London's income cap).

### **REPLACEMENT TREES**

- a) 26 x replacement trees & maintenance – a financial contribution of £22,500, excluding VAT, to be paid as a contribution towards 4 x planes – (or similar) to replace the 4 planes removed, and 22 x Extra Heavy Standards (smaller tree stock) to replace the 11 trees removed.

### **PLAY SPACE CONTRIBUTION**

- a) Children's Play Space – £6,365.

### **HIGHWAYS**

- a) Parking Permit Restrictions - the development to be “resident permit restricted” in accordance with section 16 of the GLC (Gen Powers) Act 1974 and the developer to ensure that 1) all marketing/advertising material makes reference to this fact; and 2) all agreements contain a covenant to the effect that future occupiers and tenants (other than those who are registered disabled) will not be entitled to apply for residents parking permit or a visitor permit.
- b) A contribution in accordance with the adopted fees and charges is required to amend the Traffic Management Order and a monitoring fee.
- c) Alteration to the existing loading restriction - £3,000.
- d) 2 x cycle racks on the public highway - £2,000.

### **CARBON OFFSET**

- a) £93,912 carbon offset payment prior to the commencement of development (circa 27 tonnes offset per annum).
- b) Provisions safeguarding the potential for connection to any future heat network capable of serving the development.
- c) Submission of final 'As Built' carbon emissions calculations and payment of any additional carbon offset contribution upon completion (in order to ensure development achieves zero carbon).

- d) Compliance with requirements of the Mayor's 'Be Seen' energy monitoring guidance.

## **RECOMMENDATION B**

That if, by 1 June 2022 or such extended period as may be agreed in writing by the Interim Chief Planning Officer, the section 106 Planning Obligation is not completed, then delegate the decision to the Chief Planning Officer to REFUSE planning permission for the following reason.

- 1) The proposed development, in the absence of a Legal Agreement to provide appropriate improvements, benefits and monitoring that directly relate to the development, would fail to adequately mitigate the impact of the development on the wider area and provide for necessary social, environmental and physical infrastructural improvements arising directly from the development, contrary to the National Planning Policy Framework (2021), policies H4, H5, H6, G5, G7, D2, SI2, S4, T3, T4 and T6 of The London Plan (2021), policy CS1 of the Core Strategy (2012), AAP4, AAP5, AAP11 and AAP13 of the Harrow and Wealdstone Area Action Plan (2013), policies DM1, DM7, DM12, DM13, DM14, DM27, DM28, DM42, DM43, DM44 and DM45 and DM50 of the Harrow Development Management Policies Local Plan and the Supplementary Planning Document: Planning Obligations & Affordable Housing (2013).

## **DECISION: GRANT – SUBJECT TO SECTION 106 AGREEMENT**

The Committee wished it to be recorded that the decision to grant the application, subject to a section 106 agreement, was by Chair's Casting Vote.

Councillors Brown, Lee and Parekh voted to grant the application.

Councillors Ashton, Baxter and Patel voted against the application.

Councillor Parekh, as Chair, used the Chair's Casting Vote to grant the application – subject to a section 106 agreement.

### **468. 2/01, 1 Clifton Road HA3 9NX, P/4155/21**

**PROPOSAL:** conversion of dwelling into three flats (3 x 1 bed); single storey front extension incorporating front porch; single storey side to rear extension; proposed vehicle access; parking; separate amenity space; bin and cycle stores.

The Committee resolved to accept officer recommendation.

## **RECOMMENDATION**

The Planning Committee was asked to:

- 1) agree the reason for approval as set out in the report; and
- 2) grant planning permission subject to the conditions listed in Appendix 1 of the report.

**DECISION: GRANT**

The Committee wished it to be recorded that the decision to grant the application was by majority of votes.

Councillors Brown, Lee, Maru and Parekh voted to grant the application.

Councillors Ashton, Baxter and Patel abstained from voting on the application.

**469. 2/02, 5 Priory Way HA2 6DQ, P/4105/21**

**PROPOSAL:** single storey front extension incorporating porch; single and two storey side extension; single storey rear extension; external alterations (demolition of porch and detached garage and rear extension).

The Committee agreed to accept officer recommendation.

**RECOMMENDATION**

The Planning Committee was asked to:

- 1) agree the reasons for approval as set out in the report; and
- 2) grant planning permission subject to the Conditions listed in Appendix 1 of the report.

**DECISION: GRANT**

The Committee wished it to be recorded that the decision to grant the application was unanimous.

**470. 2/03, 20 Manor Road HA1 2PB, P/1684/21**

**PROPOSAL:** redevelopment to provide a two-storey building with basement level and habitable roof space for 6 x 2-bed flats; vehicle access; parking; boundary treatment; landscaping; communal amenity space; refuse and cycle storage (as varied by the Addendum).

The application was a resubmission of previously approved application P/4534/17 (granted at Committee on 21 February 2018) with no material changes proposed.

The Committee resolved to accept officer recommendations - as varied by the Addendum.

## **RECOMMENDATION A**

The Planning Committee was asked to:

- 1) agree the reasons for approval as set out in the report; and
- 2) grant planning permission subject to the conditions listed in Appendix 1 and the planning obligations listed below, and authority being delegated to the Interim Chief Planning Officer, in consultation with the Director of Legal and Governance Services, for the completion of the Section 106 legal agreement and other enabling legislation and issue of the planning permission and subject to minor amendments to the conditions (set out in Appendix 1 of this report) or the legal agreement. The Section 106 Agreement Heads of Terms would cover the following matters:
  - i) Street Tree Replacement (Financial Contribution of £2,000 for 2 x street trees; and
  - ii) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement.

## **RECOMMENDATION B**

That if the Section 106 Agreement is not completed by 31 April 2022, or as such extended period as may be agreed by the Interim Chief Planning Officer, then it is recommended to delegate the decision to REFUSE planning permission to the Interim Chief Planning Officer on the grounds that: Commented [SB1]: Fergus please checked with David if there is a monitoring fee as this is usually 5% of any monetary contribution and will also need agreement to include in the HOT's by the applicant first.

The proposed development, in the absence of a Legal Agreement to provide appropriate replacement street trees, that directly relate to the development, would fail to adequately mitigate the impact of the development on the wider area and provide for necessary mitigation and improvements arising directly from the development, contrary to the National Planning Policy Framework (2021), policies G1, G5 and G7 of The London Plan (2021), Core Strategy (2012) policy CS1, and policies DM1, DM2, DM43, DM22 and DM50 of the Harrow Development Management Policies Local Plan and the Supplementary Planning Document: Planning Obligations & Affordable Housing (2013).

## **DECISION: GRANT – SUBJECT TO SECTION 106 AGREEMENT**

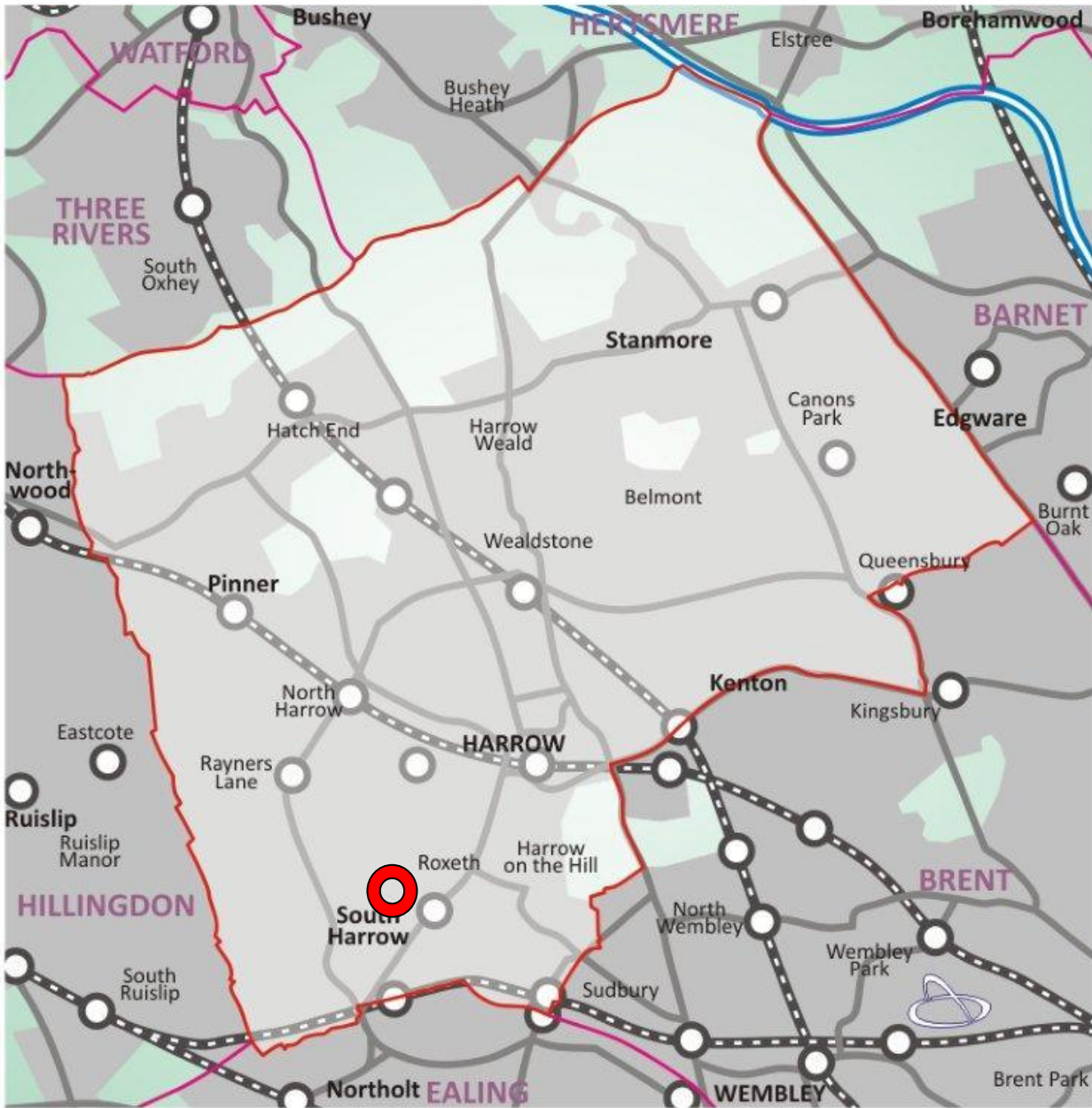
The Committee wished it to be recorded that the decision to grant the application was unanimous - subject to a section 106 Agreement.

**The video/audio recording of this meeting can be found at the following link:**

<https://www.harrow.gov.uk/virtualmeeting>

(Note: The meeting, having commenced at 6.30 pm, closed at 7.33 pm).

(Signed) Councillor Nitin Parekh  
Chair

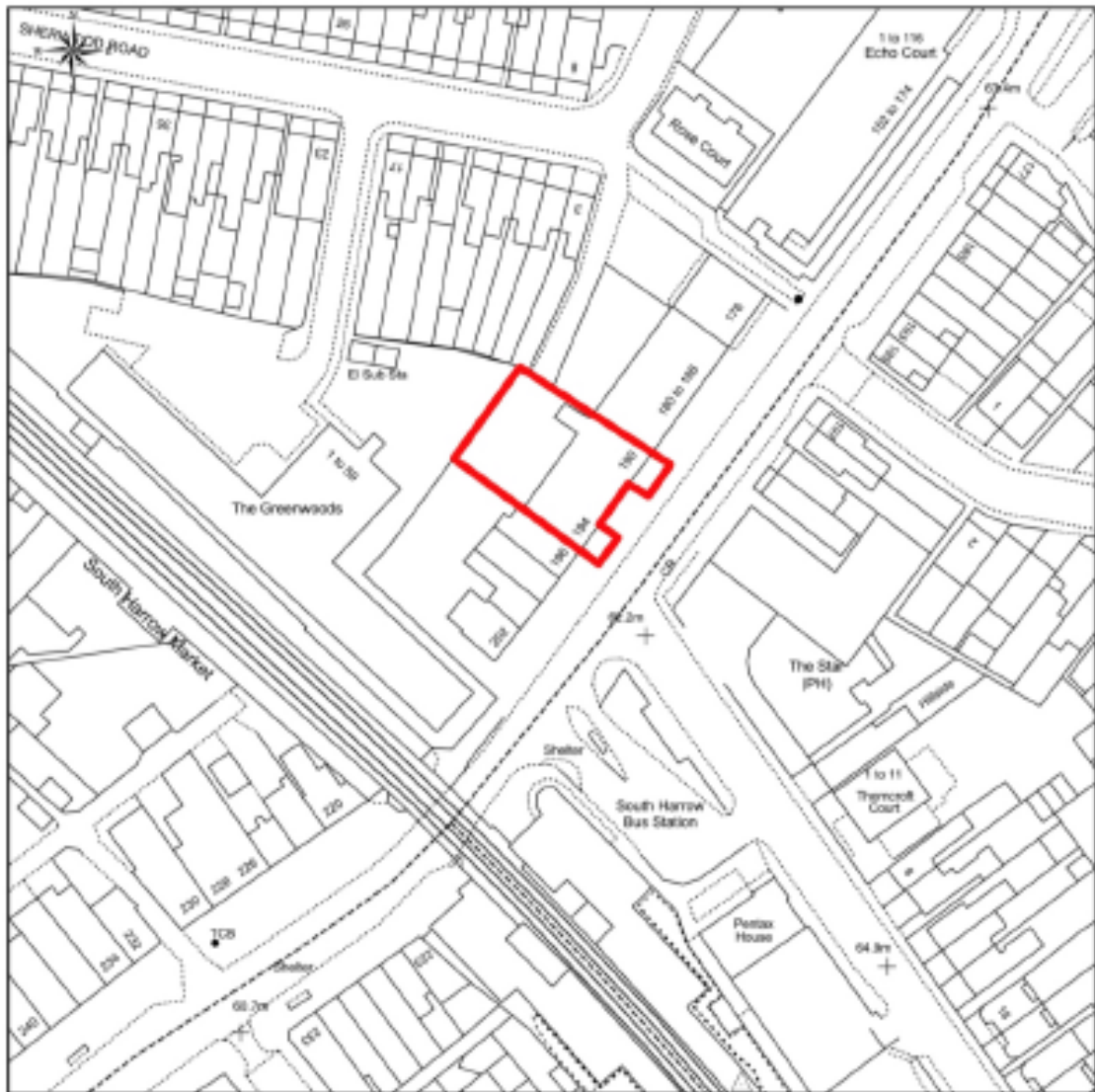


 = application site

190-194 Northolt Road, Harrow, HA2 0EN	P/2515/21
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# 190-194 NORTHOLT ROAD

Seath Harrow HMA oEN



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# LONDON BOROUGH OF HARROW

## PLANNING COMMITTEE

16<sup>th</sup> March 2022

**APPLICATION NUMBER:** P/2515/21  
**VALIDATION DATE:** 26/07/2021  
**LOCATION:** 190-194 Northolt Road, Harrow  
**WARD:** ROXBOURNE  
**POSTCODE:** HA2 OEN  
**APPLICANT:** HARROW NORTHOLT ROAD LIMITED  
**AGENT:** DANDI LIVING LTD  
**CASE OFFICER:** FERGUS FREENEY  
**EXTENDED EXPIRY DATE:** 21/01/2022

### **PROPOSAL**

Creation of two additional storeys comprising 16 x shared accommodation units with associated communal areas. Two storey rear extension at ground and lower ground level. Alterations to front and rear facades and creation of new entrances to ground and lower ground co-working space. Change of use from former bank (Use Class E(c)(i)) to Co-Working Office Space (Use Class E(c)(iii)). Cycle and bin stores at ground and lower ground level and creation of 4 disabled bays and landscaping at the rear, and other external alterations

The Planning Committee is asked to:

### **RECOMMENDATION A**

- 1) Agree the reasons for approval as set out in this report, and
- 2) Grant planning permission subject to authority being delegated to the Interim Chief Planning Officer in consultation with the Director of Legal and Governance Services for the completion of the Section 106 legal agreement and other enabling legislation and issue of the planning permission and subject to minor amendments to the conditions (set out in Appendix 1 of this report) or the legal agreement. The Section 106 Agreement Heads of Terms would cover the following matters:
  - i. Parking Permit Restrictions – The development to be “resident permit restricted” in accordance with section 16 of the GLC (Gen Powers) Act 1974 and the developer to ensure that 1) all marketing/advertising material makes reference to this fact and 2) all agreements contain a covenant to the effect that future occupiers and tenants (other than those who are registered disabled) will not be entitled to apply for residents parking permit or a visitor permit.
  - ii. A contribution in accordance with the adopted fees and charges is required to amend the Traffic Management Order and a monitoring fee.
  - iii. Legal Fees: Payment of Harrow Council’s reasonable costs in the preparation of the legal agreement.

## **RECOMMENDATION B**

That if the Section 106 Agreement is not completed by 30<sup>th</sup> April 2022, or as such extended period as may be agreed by the Interim Chief Planning Officer, then it is recommended to delegate the decision to REFUSE planning permission to the Interim Chief Planning Officer on the grounds that:

The proposed development, in the absence of a Legal Agreement to provide appropriate improvements, benefits and monitoring that directly relate to the development, would fail to adequately mitigate the impact of the development on the wider area and provide for necessary physical infrastructural improvements arising directly from the development, contrary to the National Planning Policy Framework (2021), policies T3 and DF1 of The London Plan (2021), Core Strategy (2012) policy CS1, and policies DM1, DM43 and DM 50 of the Harrow Development Management Policies Local Plan and the Supplementary Planning Document: Planning Obligations & Affordable Housing (2013).

## **REASON FOR THE RECOMMENDATIONS**

The proposed development would result in a modern, contemporary building within an area benefiting from excellent transport links, that responds positively to the local context, and would provide appropriate living conditions for future occupiers. The site would continue to provide an active retail function adjacent to the Town Centre, as well as providing for residential accommodation which would increase the vibrancy of the adjoining town centre and housing choice within the borough.

## **INFORMATION**

This application is reported to Planning Committee as the development would result in the a change of use and construction of over 400sqm of floorspace and therefore falls outside Schedule 1 of the Scheme of Delegation.

Statutory Return Type:	Minor Development
Council Interest:	None
Net additional Floorspace:	536.4sqm
GLA Community Infrastructure Levy (CIL) Contribution (provisional) (£60p/sqm):	£32,184
Local CIL requirement (£110p/sqm):	£59,004

## **HUMAN RIGHTS ACT**

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

## **EQUALITIES**

In determining this planning application the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

For the purposes of this application there are no adverse equalities issues.

## **S17 CRIME & DISORDER ACT**

Policy D11 of The London Plan (2021) and Policy DM1 of the Development Management Policies Local Plan require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. It is considered that the development does not adversely affect crime risk.

## **1.0 SITE DESCRIPTION**

- 1.1 The site is located on the north-west side of Northolt Road and comprises a four-storey purpose built commercial building comprising a former bank at ground level, self-contained apartments at 1<sup>st</sup>-3<sup>rd</sup> storey (approved under prior approval – see planning history below), and basement cycle parking and waste storage for those properties. The building contains a raised lift shaft/stair well at its south-western corner which raises the apparent height of the building.
- 1.2 The site is adjacent to the South Harrow town centre (which runs to the opposite side of the street and to the south of the nearby railway line).
- 1.3 The site is opposite South Harrow Underground Station and bus station and has Public Transport Accessibility rating of 5 (very good).
- 1.4 The site to the south-west at No.196 comprises a 2-storey mixed use building with a fish and chip shop at ground level and a flat above. This site is subject to a recent approval to redevelop and construct a 6-storey mixed use building comprising commercial ground floor and flats above.
- 1.5 The site to the north-east at Nos.180-188 Northolt Road (Durban House) comprises a 4-storey purpose built commercial building which has been converted to flats under the prior approval process, and benefits from permission for an additional storey (P/4150/18).
- 1.6 To the rear of the site is a private service road beyond which is a part-three, part-four storey building used as a care home, known as The Greenwolds. The subject site wholly faces over the rear garden of the Greenwolds.
- 1.7 The site is within a critical drainage area but is not subject to any other flood constraints. The site is not in a conservation area and is not a listed building.
- 1.8 The site forms part of the Business Use Areas and is within the Core Strategy sub-area. The site allocated within the Council's Site Allocations Document (Site EM1): Northolt Road Business Use Area (North and South).

## **2.0 PROPOSAL**

- 2.1 The application seeks planning permission for the creation of two additional storeys and the construction of a two-storey rear extension at ground and lower ground level. The additional storeys would comprise 16 x shared accommodation units with associated communal areas and servicing.
- 2.2 The rear extension at ground and lower ground would house cycle and bin stores for the existing residential units at 1<sup>st</sup>-3<sup>rd</sup> floor, the new units above and the proposed co-working office space at ground and lower ground level.

- 2.3 A new entrance would be created to the new co-working space, generally aimed at individual workers and small start-up companies seeking office-type accommodation, and an enhanced entry lobby to the residential properties above would be created. The existing facades at front and rear would be improved with additional brickwork and window detailing.
- 2.4 Additional landscaping would be provided at the rear and biodiverse roofs provided on all flat roofs. Four disabled bays provided with access from the rear private service road.
- 2.5 The following amendments and additional information have been submitted to this application:
- Amendments to the internal layout to reduce the number of shared accommodation rooms and increase the size and function of the shared communal areas.
  - Increase the number of disabled parking bays to four.

### **3 RELEVANT PLANNING HISTORY**

- 3.1 A summary of the relevant planning application history is set out in the table below:

Ref no.	Description	Status and date of decision
LBH/28380	Change of use from shop to offices.	Granted: 02/09/1985
LBH/34583	Erection of 4 storey office building with basement car parking	Grant: 07/04/1988
P/2905/16	Conversion of First, Second and Third floor offices (Class B1) to 48 self-contained flats (Class C3) PRIOR APPROVAL	Granted: 11/08/2016
P/1670/18	Change of use of basement from ancillary storage (Sui generis) to office (Class B1); External Alterations; New Bin Store at rear	Granted 19/09/2018
P/3018/18	Alterations to existing building to create two additional floors for eighteen bedroom house of multiple occupancy (HMO) with communal kitchen facilities; extension to stair and lift core; alterations to the third floor to create terrace area; refuse and cycle storage involving external alterations and minor demolition works.  <i>Reasons for refusal</i> 1.	Refused 17/12/2018

	<p><i>The proposed units, by reason of their self-containment would not constitute HMO accommodation as defined by the London Plan (2016) and draft London Plan (2017) failing to providing sufficient shared facilities that would allow for co-dependant living. Consequently, the proposal would fail to comply with the National Space Standards resulting in insufficient sizes for the provision of studio units, poor and unsatisfactory living accommodation for the future occupiers of the site and an over intensive use of the building contrary to Polices 3.5 and 7.6B of The London Plan (2016), H18 of The Draft London Plan (2017), Policy DM1 of the Harrow Development Management Policies Local Plan (2013), the guidance contained in the Mayors Housing Supplementary Planning Guidance (2016) and the Councils adopted Supplementary Planning Document: Residential Design Guide (2010). The proposal would also fail to accord with the core principle set out the National Planning Policy Framework that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.</i></p> <p>2.</p> <p><i>The proposed residential units, by reason of the inadequate gross internal area, failure to provide private amenity space would fail to provide an appropriate design and high quality of living accommodation to the detriment of the residential amenities of the future occupiers of the units, contrary to the National Planning Policy Framework, Policies 3.5C, 3.8B, and 7.6B of The London Plan (2016), Core Policy CS1 of the Harrow Core Strategy (2012), Policies DM1 and DM27 of the Harrow Development Management Policies Local Plan (2013), the Mayor</i></p>	
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	<p><i>of London's Housing Supplementary Planning Guidance (2016) and the adopted Supplementary Planning Document Residential Design Guide (2010). The proposal would also fail to accord with the core principle set out the National Planning Policy Framework that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.</i></p> <p><i>3. The proposed bin, cycle storage and general access arrangements, by reason of proposed site layout and lack of management would result in a development which would not be accessible or functionable by future occupants of the proposed accommodation and would fail to meet the Accessible Homes Standards and provide a satisfactory living conditions for the intended occupiers contrary to London Plan (2016) Policy 6.9 and policies DM30, DM42 and DM45 of the Development Management Policies Local Plan 2013.</i></p>	
P/1763/20/PRIOR	<p>Change of use of First, Second and Third Floor Offices (Class B1a) to 30 Self-Contained Flats (Class C3) (Prior approval of transport &amp; highways impacts of the development, and of contamination risks and flooding risks on the site, and impacts of noise from commercial premises on the intended occupiers)</p> <p><i>Reason for refusal: The proposal by reason of a failure to secure a S106 Agreement to ensure a car-free development through the restriction of resident parking permits for future occupiers of the proposed dwellings, would result in increased parking stress in the locality, in a highly sustainable location, to the detriment of the Councils aim to</i></p>	Refused 20/07/2020

	<i>reduce reliance on the private motor car in such sustainable locations. The proposal is therefore contrary to Policy 6.13 of the London Plan (2016), Policy T6 of the Draft London Plan (2019) Policy CS1.R of the Core Strategy (2012), and policies DM42, DM43 and DM50 of the Development Management Policies Local Plan (2013)</i>	
P/2623/20/PRIOR	Change of use of First, Second and Third Floor Offices (Class B1a) to 30 Self-Contained Flats (Class C3) (Prior approval of transport & highways impacts of the development, and of contamination risks and flooding risks on the site, and impacts of noise from commercial premises on the intended occupiers)	<i>Granted 21/09/2020</i>

#### 4 **CONSULTATION**

- 4.1 A total of 94 consultation letters were sent to neighbouring properties regarding this application. The overall public consultation period expired on 2<sup>nd</sup> September 2021.
- 4.2 No public responses were received.
- 4.3 **Statutory and Non-Statutory Consultation**
- 4.4 The following consultations have been undertaken, together with the responses received and officer comments:

##### LBH Highways

##### **Observations:**

The site has a public transport accessibility level (PTAL) of 5 (very good). There are bus stops within a one-minute walk from the site. In real terms, this site is very well positioned with access to the Underground and South Harrow Bus Station being within less than 100m. South Harrow benefits from a typical high street shopping area with supermarkets, restaurants and shops all within a short walking distance of the site.

##### **Access and Parking:**

The site can be accessed on foot from Northolt Road and also by vehicle or on foot from the rear service road. A disabled parking space is proposed for the residential element of this proposal whilst no standard parking is proposed which is in line with London Plan 2021 maximum parking standards. Two further disabled



parking spaces are to be implemented as part of the previous approval. As with the approved scheme, residents of the current proposal should also be ineligible for parking permits for the surrounding Controlled Parking Zone. A further legal agreement will be required to ensure that the dwellings associated with this proposal are also subject to the same restriction as the 30 flats. This is to support the car free intentions and to minimise the potential impact of parking on the surrounding roads. This is in line with local policies (the Harrow Transport Local Implementation Plan 2019/20-2021/22 (section 2.5.122 and Borough Transport Policy R16 and 17).

The proposed office space may be provided with up to 3 parking spaces (1 space per 100 sqm GIA) and of these, 5% should be disabled parking spaces and a further 5% enlarged bays for future conversion. As the proposal does not include any general car parking, a single disabled parking space is required in line with para. 10.6.23 of the London Plan 2021. As the office space is open to the public, this space should be provided as part of the development.

### **Cycle Storage:**

The proposal is required to provide cycle parking in line with London Plan 2021 minimum standards; 1 space per room (18 spaces).

The approved scheme included 42 cycle spaces however, minimum standards would only require 30 spaces if the flats are implemented as proposed. Therefore, the total required for the residential element would be 48 long stay spaces and two short stay (6 are proposed). The proposed level of cycle parking for the residential uses is acceptable.

The office use requires a minimum of 2 long stay spaces and 1 short stay space based on 330sqm of office space. The proposal includes 2 long stay spaces and 6 short stay spaces which is acceptable.

### **Trip Generation:**

The Transport Statement includes TRICS analysis which demonstrates that the proposal would result in a small increase in trips, particularly public transport (not vehicle) during the peak hours. Considering the wealth of public transport options available, the anticipated modest increase is unlikely to result in a noticeable impact. It should be noted that these figures would increase if the trips associated with the previous approval were included.

### **Delivery and Servicing:**

As waste is to be collected from the rear of the building via a dedicated service road, it would seem logical for all delivery and servicing activity to take place from this less busy, non-strategic road. Although the existing loading restrictions do permit loading during the day, Northolt Road is a major road carrying bus routes and whilst still low, the proposal does see an increase in delivery and servicing trips (an additional 5 per day). The Council's priority in this regard is to maintain the flow of traffic however, additional stopping along this key route is more likely to lead to small pockets of short-term congestion. As there is an

alternative access point, the applicant should really explore this if possible.

The submitted delivery and servicing plan includes all of the relevant information that would be expected.

**Planning Officer Comment:** *The documentation has been revised to ensure servicing is carried out from the rear service road.*

**Summary:**

This proposal is likely to result in an increase in trips in comparison to the existing use however, the nature of trips is likely to be by sustainable active modes with vehicular activity expected to be similar. Public transport and delivery and servicing trips are both expected to increase by small amounts.

As previously suggested, options to encourage all delivery and servicing activity from the rear would be helpful in minimising the impact on Northolt Road and a further disabled parking space is required for the office use.

Subject to review of these suggestions and inclusion of conditions, Highways have no objection to this proposal.

**Suggested conditions/Agreements:**

- Prior to commencement – Detailed Construction Logistics Plan
- Prior to occupation – Car Parking Design and Management Plan
- S106 Car-free legal agreement

LBH Waste Management Team

No objection to proposed rear waste store and collection from central location at rear service road.

LBH Policy

Previously, the site has benefited from Prior Approval, which has considered under application P/3018/18 as providing a satisfactory fall-back position. Since application P/3018/18 which was refused, a further prior approval (P/1763/20/PRIOR) has been granted which provide for 30 self-contained flats across first, second and third floors, which were authorised as offices. P/3018/18 also considered that the principle of an HMO use on the site, within the additional floors proposed would be appropriate. However, the scheme as a whole found to be unacceptable from a quality of accommodation perspective. The principle of residential above employment floorspace within a town centre is supportable in principle.

With regard to the change away from office space to co-living, this would now fall within the E Use Class. Given that the office space sits within the same use class as the co-working, and the proposed change would be to an employment use, the policy requirements within DM32 of the HDMP (2013) do not require addressing.

The principle of development is acceptable.
<u>Drainage</u> No comments received
<u>Landscape officer</u> No comments received
<u>Ministry of Defence</u>  Two letters received:  7/12/2021: No objection  20/12/2021:  Para 185 of the NPPF requires planning policies and decisions to ensure that new development mitigates and reduces to a minimum potential adverse impacts from noise which would give rise to significant adverse impacts on health and quality of life. In line with paragraph 187 of NPPF July 2021 the applicant as the 'agent of change' should ensure that new development would provide suitable mitigation to ensure that it integrates effectively with existing uses including any flying activity before the development has been completed.  In the event of permission being granted it is recommended that an informative is added to the permission drawing the applicants' attention to the following;  <i>"The application site is located close to a military airfield. Future occupants should be made aware that military aircraft may be seen and heard operating in the area and that aircraft may overfly the site. Aircraft types, flight paths and ground based activity can vary over time and this may cause disturbance."</i>  <b>Planning Officer Comment:</b> <i>This will be included as an informative.</i>

## 5 POLICIES

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

5.2 The Government has issued the National Planning Policy Framework [NPPF 2021] sets out the Government's planning policies for England and how these should be applied, and is a material consideration in the determination of this application.

5.3 In this instance, the Development Plan comprises The London Plan 2021 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the

Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP].

5.4 A full list of all the policies used in the consideration of this application is provided as Informative 1.

## **6.0 ASSESSMENT**

6.1 The main issues are:

- Principle of the Development
- Character, Appearance and Design
- Neighbouring Residential Amenity
- Traffic, Parking and Servicing

### **6.2 Principle of Development**

6.2.1 The relevant policies are:

- The National Planning Policy Framework (2021)
- The London Plan (2021): H1, H2, H9; E1; E2; E3
- Harrow Development Management Policies (2013): DM24; DM31; DM32; DM38
- Harrow's Core Strategy (2012): CS1

6.2.2 The application site is just outside of the designated Neighbourhood Parade close to the South Harrow Town Centre Boundary. It is a designated Business Use area (Site EM1). Policy CS 4C is relevant. The policy states that proposals within the Northolt Road business use area for mixed-use redevelopment or conversions which make provision for a diversified range of appropriate employment generating uses will be supported. This section of Northolt Road has been redeveloped with mix-use development of up to 8 floors in part and directly north (180-188 Northolt Road) has received permission for a fourth-floor extension to provide four new residential units (reference: P/4150/18) which appears to be under construction. Additionally, No.196, immediately adjoining to the south-west has recently received approval for redevelopment to construct a six-storey mixed use commercial/residential building (P/2431/21 – resolved to grant at committee dated 19<sup>th</sup> January 2022).

6.2.3 The principle of residential development on the site has been found acceptable under previous applications (see planning history) and the first to third floors are understood to be in use as residential accommodation. Refused planning application P/3018/18 also considered that the principle of an HMO use on the site, within the additional floors proposed, and found the principle to be appropriate. Whilst the scheme was found to be unacceptable from a quality of accommodation perspective, the principle of residential above employment floorspace within a town centre is supportable in principle.

6.2.4 The London Plan Defines HMOs (Houses of Multiple Occupation) as:

*HMOs are dwellings which are shared by three or more tenants who form two or more households and share a kitchen, bathroom or toilet. HMOs for between three and six people are classed as C4 whereas HMOs for more than six people are Sui Generis.*

6.2.5 Paragraph 4.9.4 of the London Plan (in relation to Policy H9) states that:

*Houses in multiple occupation (HMOs) are an important part of London's housing offer, reducing pressure on other elements of the housing stock. Their quality can, however, give rise to concern. Where they are of a reasonable standard they should generally be protected and the net effects of any loss should be reflected in Annual Monitoring Reports. In considering proposals which might constrain this provision, including Article 4 Directions affecting changes between Use Classes C3 and C4, boroughs should take into account the strategic as well as local importance of HMOs.*

6.2.6 Policy DM30 of the DMP (2013) provides requirements for the proposals that result in the creation of properties into houses of multiple occupation. Specifically, it requires that a) there is good accessibility to local amenities and public transport; b) they accord with Accessible Homes Standards and provide satisfactory living conditions for the intended occupiers; and c) there will be no adverse impact on the amenity of the occupiers of neighbouring properties of the character of the area.

6.2.7 For the reason set out above, it is considered that the principle of this proposal meets the above policy requirements with regard to the overarching goal of housing choice and provision and the need to support economic activity and development. The principle of creating shared accommodation/HMO dwellings at the site is therefore acceptable and has been considered acceptable in previous, albeit refused, planning applications (noting that reasons for refusal were not in relation to the HMO nature of the use).

6.2.8 The proposed use at ground and lower ground level would not be a formal change of use for planning purposes given that the existing and proposed uses fall within Use Class E of the Use Classes Order. Nonetheless, co-working office space is considered suitable for the ground and lower ground levels and will provide useful space, in a highly accessible location which is likely to be used by individuals and small-scale start up businesses seeking desk space, or short-term office spaces which would otherwise require longer term leases to obtain. The proposal is considered to be beneficial for the economy of the South Harrow area and the borough as a whole, and the focus on individual and small-scale start ups is welcomed. The Council's Policy Team have reviewed the application and have raised no concerns, they have also advised that the Policy requirements of DM32 (Office Development) do not need to be addressed given that no formal change of use is taking place for planning purposes.

6.2.9 The design and amenity for future occupiers and neighbours are addressed below.

## 6.3 Character, Appearance and Design

### 6.3.1 The relevant policies are:

- The National Planning Policy Framework (2021)
- The London Plan (2021): D1, D3, D5, D6, D11
- Harrow Development Management Policies (2013): DM1, DM2, DM22, DM23, DM27
- Harrow's Core Strategy (2012): CS1
- Mayor of London Housing Supplementary Planning Guidance (2016)
- Supplementary Planning Document Residential Design Guide (2010)
- Technical housing standards - nationally described space standard (2016)

### *Mass, Siting and Design*

- 6.3.2 Heights along this part of Northolt Road vary greatly, and whilst there is no distinctive or uniform building height, the general flat roof design which stays consistent along this row of commercial properties would be maintained. The building itself is characterised with a lift shaft to the front elevation which extends 4m above the existing front parapet (and 1.4m above the roof ridge). The proposal would increase the height vertically above the lift shaft by 2m and 3.4m above the main ridge height. Whilst this does not maintain the original height difference with the neighbouring buildings it would still be reflective of the original character. When viewed alongside the adjacent two storey building at No. 196 the additional height would appear accentuated against the extended lift shaft. However, as has been noted, No.196 has recently received planning permission to redevelopment with a 6-storey building that would broadly match the height of the existing lift shaft at the subject building. Also, No.180-188 has permission to add an additional storey which appears to be under construction.
- 6.3.3 As such, the proposal would ensure that the subject site maintains its current position as the highest building in the grouping, with a height above the approved building at No.196 of approximately 1.85m and above the approved at No.180-188 of 1m.
- 6.3.4 It should also be noted that the site represents the start of the designated Business Use Area and the proposed scale is representative of this type of use characterised by multi-storey buildings further north of the site. In this regard, the scale is considered acceptable. The construction of Townsend House and Eaton House (160-174 Northolt Road) located North-east of the site was granted planning permission (P/2163/15) in July 2016 to provide a 6 to 9 storey building for residential flats. As such, given the broader site context and setting, there have been numerous applications granted to intensify the overall height to maximise its excellent public transport links and proximity to South Harrow Town Centre.
- 6.3.5 The development proposes a raised front parapet type structure with arched apertures, the main bulk of the building is set behind this feature which creates space for modest terraces for the front facing units. At ground level the arched features are replicated with a new entrance created at the eastern part of the

frontage, and an enhanced residential entrance created at the western part of the frontage. A canopy is also proposed to provide shelter.

- 6.3.6 The façade of the original building would be enhanced with modest improvements to the brickwork, creation of window opening detailing and critical effect window bars. The building is a 1980s purpose built commercial building of no architectural value and the proposed extension and general façade alterations are considered to enhance and upgrade its appearance on the streetscape, and assists in creating a more active frontage.
- 6.3.7 It is noted that the proposed additional storeys would have floor heights which are greater than the lower floors. However, this is a product of different building requirements and it is considered that the large fenestration and proposed cladding would provide a distinction between the original building and new extension above. As noted, the two additional storeys would be set back from the main building to provide a terrace on the fifth storey which would offer some visual relief in terms of overall scale and mass. The principle of the upper-level terraces in the setback area was previously considered acceptable and no concerns are raised. They are considered to provide welcome open space to the HMO units they serve, and provide visual relief to the proposed upper storeys. A condition of consent is attached requiring details of 1.8m high privacy screens between each unit to ensure privacy and security is maintained. To the rear, the proposed additional storeys contain a pitched roof element to reduce visual impact and would mitigate the overall impact of the scale and mass to an acceptable degree.
- 6.3.8 It is considered that the proposed massing responds well to the large developments adjoining to the north east and proposed redevelopments to the south west. The abutment to both neighbouring buildings is welcome and continues a strong building line required for the coherence of this part of Northolt Road and the neighbouring town centre.
- 6.3.9 The rear ground level enlarged footprint will not be visible from the public realm and is set within a generally backland/service type area which it is not unusual for commercial development to have been extended over time.
- 6.3.10 The proposed materials are dark bricks, with dark bronze window/door frames and darker brick upper level cladding. Brickwork detailing is also provided above the windows and at parapet level. These materials are considered to be appropriate to the site and will complement the character and appearance of the area. Nonetheless, the success of the scheme relies on the quality of the selected materials. As such, a condition will be imposed requiring that full details of all external facing materials including brickwork, cladding, balustrades framing material, canopies and the like are provided.

#### 6.4.1 *Landscaping*

- 6.4.2 Given that the site is effectively within a town centre location, which contains limited landscaping at present, and is within a Designated Business Uses Area there is reduced scope for the provision of landscaping.

- 6.4.3 Nonetheless, policy DM22 seeks proposals include landscaping where possible and additional landscaping is proposed at the rear. This will provide an outlook for the proposed co-working office space and is considered acceptable. Additionally, biodiverse roofs are proposed on all flat roof elements.
- 6.4.4 Overall, despite the site constraints and location it is considered that there are positive benefits in terms of landscaping and biodiversity resulting from the proposed development.
- 6.4.5 In order to ensure the proposed biodiverse roofs are a suitable type and will be maintained appropriately, full details will be required by way of condition.

#### 6.5.1 *Accessibility*

- 6.5.2 The development will have level access from street level as per existing arrangements. The proposal would be subject to Building regulation M4 (2), to ensure the dwellings would be adaptable for the needs/ future needs of occupiers. Two accessible units are provided and the other units are all compliant with minimum GIA requirements and are adaptable to future occupiers needs.

#### *Summary*

- 6.5.3 In summary, the proposal is considered to be of an appropriate mass and design for its context and would provide a suitable internal layout for future occupiers. Subject to the above detailed conditions, the development would accord with the relevant policies of the development plan as set out above.

## **6.6 Residential Amenity**

- 6.6.1 The relevant policies are:

- The National Planning Policy Framework (2021)
- The London Plan: D3, D6
- Harrow Development Management Policies (2013): DM1
- Harrow's Core Strategy (2012): CS1

### **Amenity of Future Occupants**

- 6.6.2 The proposed development creates an HMO comprising 16 rooms with communal Kitchen/lounges and washing/store areas.
- 6.6.3 Minimum floorspace standards for HMO accommodation are set out in Harrow's Houses in Multiple Occupation Amenity Standards May 2020. Although this is useful to consider, it is guidance for acquiring an HMO license, and there is other pertinent policy from a planning perspective for determining the appropriate residential standards.
- 6.6.4 The London Plan specifies that Boroughs should ensure that, amongst other things, "new dwellings have adequately sized rooms and convenient and efficient room layouts". Table 3.1 of The London Plan and the related National Technical



Housing Standards specify the minimum GIAs for residential units and advises that these minimum sizes should be exceeded where possible. The use of these residential unit GIA's as minimal is also reiterated in Appendix 1 of the Residential Design Guide SPD.

- 6.6.5 The London Plan requires that single bedrooms have a minimum area of 7.5sqm and minimum width of 2.15m. Each unit contains bedrooms which meet or exceed the minimum requirements of the London Plan, with units ranging in size from 16.8sqm to 19.4sqm, exceeding the minimum width and including en-suite bathroom facilities.
- 6.6.6 Total kitchen/lounge areas are approximately 70.4sqm, in two separate spaces (one on each floor). Separate communal laundry rooms are also provided on each floor.

*Amenity Space, Outlook, Light, Ventilation*

- 6.6.7 All rooms would have adequate natural light and outlook given the position and size of the windows and the rooms facing Northolt Road in the new fifth level would have access to private terraces. Generally, the London Plan requires minimum private open spaces of 5sqm. The proposed terraces would be approximately 3sqm and are considered acceptable given that they make use of what would otherwise be unused space caused by the setback upper floor levels. It is also noted that most units will not benefit from open space.
- 6.6.8 There are numerous examples in the South Harrow Town Centre (including within the building itself) and surrounding area of flats above commercial development which do not benefit from any private outdoor space. Given the location of this site, which is, to the casual observer very much part of the Harrow Town Centre, and is within the Business Uses Area, future occupiers seeking to live in such locations are likely to have different aspirations and expectations regarding outdoor space than those seeking a more suburban or rural living environment. The lack of outdoor space within most HMO units is considered to be outweighed by the other positive attributes of the site such as its excellent transport links, very close proximity to shops, services, cafes/restaurants and the like.
- 6.6.9 The submitted sunlight/daylight report confirms that internally, the proposed units perform very well in terms of access to daylight and sunlight. All units will meet the recommended daylight levels and have good access to direct sunlight.
- 6.6.10 The London Plan requires that at least 75% of the proposed floorspace has a floor to ceiling height of 2.5m. Section drawings submitted indicate that floor to ceiling heights are a minimum of 2.6m and therefore the development complies with the London Plan requirements.

*Access, Waste, Cycle Parking, Servicing*

- 6.6.11 In terms of layout, the property, as existing, comprises a mix of uses i.e. commercial at ground floor level and residential at the existing upper floor levels. The residential uses and basement levels will be accessed via a staircore and single lift.

- 6.6.12 This will provide access to the waste, cycle stores, disabled parking and main ground floor entrance. The commercial space has separate stairwell access down to the basement level.
- 6.6.13 The new HMO dwellings will have separate key-fob access to ensure residents of different tenure in the lower floors are unable to make use of the shared facilities.
- 6.6.14 Servicing of the development has been confirmed as taking place from the rear private access road, deliveries, waste collection and the like will all occur from this location to ensure limited impact on Northolt Road. This is considered to be an acceptable approach and makes logical use of the service road.
- 6.6.15 Waste for the entire development is proposed to be integrated into the built form at basement level and sufficient bins are provided for the existing residential and the proposed residential. Waste for the commercial space is located externally, adjacent to the disabled parking spaces. The Council's waste officer has not raised an objection to the proposed waste storage and number of bins.

#### Vertical Stacking

- 6.6.16 The proposed floor plans provide acceptable vertical stacking with minimal conflict of room type resulting. In addition, the proposed additional storeys would be required to meet Building Regulation standards relating to noise transmission, which would ensure adequate sound protection not only between the residential units, but also between the proposed flats and the proposed office units.

#### **6.7.1 Residential Amenity of Neighbouring Occupiers**

- 6.7.2 London Plan Policy D3.D(7) states that development should deliver appropriate outlook, privacy and amenity.
- 6.7.3 Core Strategy Policy CS1 B requires development to respond positively to the local context in terms of design, siting, density and spacing. Policy DM1 *Achieving a High Standard of Development* sets out a number of privacy and amenity criteria for the assessment of the impact of development upon neighbouring occupiers. Harrow has also produced a Residential Design Guide SPD.
- 6.7.4 The principle of a two-storey extension has previously been found acceptable by application reference P/3018/18. Whilst that application was refused on different grounds, the principle of additional height was found acceptable for the following reasons:

*Heights along this terrace vary and whilst there is no distinctive or uniform building height, the general flat roof design which stays consistent along this row of commercial properties would be maintained. The building itself is characterised with a lift shaft to the front elevation which extends 4m above the existing flat roof of the property. The lift shaft proposed would be raised vertically and result in being 2.7m above the proposed additional storey. Whilst this does not maintain the original height difference it would still be reflective of the original character. When viewed alongside the adjacent two storey building at No. 196 the additional height*

*would appear accentuated against the extended lift shaft. However, as the subject property represents the start of the designated Business Use Areas the scale is representative of this type of use characterised by higher buildings further north of the site. In this regard, the scale is considered acceptable. Furthermore, the construction of Townsend House and Eaton House (160-174 Northolt Road) located North east of the site was granted planning permission (P/2163/15) in July 2016 to provide a 6 to 9 storey building for residential flats. A scale of 6 storeys, as proposed has therefore been accepted nearby.*

- 6.7.5 These justifications are considered relevant and appropriate given the proposal is essentially the same in terms of design and height, there are not considered to be any reasons to require a lower height at the subject than is proposed.
- 6.7.6 There are no flank windows which would be affected by the proposed development at either neighbouring site. As such, there will be no amenity impact on this site.
- 6.7.7 In regard to No.196, the proposed new two storey rear extension would abut the shared boundary. However, this extension would only reach the top of the existing commercial floor. As such, there would be no adverse impact on the amenity of the flat above. Similarly, when the approved development of No.196 is considered the proposed two storey rear extension would be set against the extended rear flank wall of No.196, and similarly would extend only to the top of the commercial floor, thereby having no adverse impact on the proposed residential units above. The two-storey roof addition would be contained within the existing building footprint and therefore not have any adverse impact on either existing or approved development at No.196.
- 6.7.8 Regarding the neighbour at No.180-188, the proposal would not alter the existing building at this side of the site, other than to introduce an additional two storeys at roof level, within the existing building footprint. As such, there is no adverse amenity impact to that adjoining neighbour.
- 6.7.9 In relation to the Greenwolds care home site to the rear, the proposed two storey ground and basement extension would be located approximately 18m from the nearest corner of that site, at an oblique angle. As this extension no higher than ground level it is considered acceptable. The nearest corner of the additional two storeys at roof level is approximately 22.4m from the nearest corner of the Greenwolds building (again, at an oblique angle). Furthermore, the site does not immediately face any part of the Greenwolds building, and any views from rear facing units or commercial space toward windows in the Greenwolds will be at very oblique angles and from a distance exceeding 20m. The rear elevation of the building faces the heavily vegetation grounds of the Greenwolds, albeit with adverse overlooking being restricted by existing high trees at the boundary.
- 6.7.10 In terms of outlook from the Greenwolds towards the subject site, the proposal is considered to be sufficiently distanced, and viewed in the context of the large lift shaft of the site, and other large developments to the north-east so as not to cause adverse impact.

6.7.11 In terms of overshadowing and sunlight/daylight, the site is due west of the nearest corner of the Greenwolds building, and at upper level is set within the existing building footprint. The submitted sunlight daylight report does not identify any windows within the Greenwolds as being affected by the development above what is acceptable by BRE standards. As such, it is considered that any additional overshadowing caused by the proposed building will be nil to negligible, with direct sunlight only having the potential to be impacted in the early morning as the sun moves in an upward east to west, southerly arc throughout the day.

## **6.8 Traffic, Parking and Servicing**

6.8.1 The relevant policies are:

- The National Planning Policy Framework (2021)
- The London Plan (2021): T4, T5, T6
- Harrow Development Management Policies (2013): DM42, DM45
- Harrow's Core Strategy (2012): CS1

6.8.2 This proposal is within a PTAL 5 location meaning access to public transport is considered to be very good. There are various bus routes servicing the area and it is immediately opposite South Harrow Underground Station where there is a frequent Piccadilly tube service. There is also excellent access to local amenities; shops, restaurants, leisure facilities, schools, open space – this is a location where it would be reasonable to expect people to travel mainly by sustainable modes.

6.8.3 The proposal includes a policy compliant level of cycle parking with 22 long stay spaces in secure and covered locations within the ground level of the building and two short stay spaces at a Sheffield stand at the front. The long stay spaces should include 5% accessible parking to comply with the London Plan. In order to ensure this is achieved a condition of consent will be imposed.

6.8.4 The Council's highways officer has reviewed the development and considers the Transport Statement includes analysis which used data previously accepted for another proposal at the same site (P/4549/20/PRIOR). The anticipated level of active mode trips is low and unlikely to generate any noticeable changes in the operation of public transport or the highway in general

6.8.5 A delivery and servicing plan has been submitted and is considered acceptable by the Council's Highways officer. Generally servicing and deliveries will be carried out via the rear service road, with bins also stored and collected from the rear.

6.8.6 Given the extent of the development and its location in, essentially, a busy town centre environment, it will be necessary to provide a detailed construction logistics plan (CLP) prior to commencement. This must follow the TfL format and guidance which is available online on the TfL website and will be secured by way of condition.

6.8.7 It is considered reasonable that future residents would not need to rely on private cars. To support the car free intentions and to minimise the potential impact of parking on the surrounding roads, the development is required to be a car-free

development. This is in line with local policies (the Harrow Transport Local Implementation Plan 2019/20-2021/22 (section 2.5.122 and Borough Transport Policy R16 and 17) and the London Plan Policy T6. The applicant has agreed to enter into a legal agreement to ensure the units are car-free.

- 6.8.8 Based on the above, the Council's highways officer considers that this proposal is unlikely to result in a severe or harmful impact for the surrounding highway network; Highways have no objection subject to revisions to cycle parking, CLP condition and legal agreement.

### Waste

- 6.8.9 As noted above, it is proposed to store the waste within designated and separated residential and commercial stores within or at the rear of the building. In total, there will be 46 residential units at the site (including the existing units within the building). This is a requirement of 6 x 1,100L waste bins, a total of 12 bins are proposed. This exceeds the requirements of the Council's Code of Practice for the Storage of Waste in Domestic Purposes. Additionally, there is external space for two x 1,100L bins to serve the new office space. Given that there is an excess of waste bins provided for the residential units there is considered to be adequate space to provide additional waste storage for the commercial premises if required internally.
- 6.8.10 The bins will be moved on collection day to a consolidated collection point for a number of sites within the applicant's ownership, within the rear private service lane. The Council's waste officer has reviewed this proposal and considers it appropriate and acceptable, and raises no concerns.

## **6.9 Drainage**

- 6.9.1 The relevant policies are S112 of the London Plan (2021) and DM10 of the DMP.
- 6.9.2 The site is identified as a critical drainage area of Harrow. The Council's Drainage officers have not objected to the application but have suggested conditions to deal with on-site drainage and water attenuation.
- 6.9.3 As this development is an extension to an existing building it is likely to connect to existing residential drainage and Thames Water services. As such, no additional conditions in this regard are required.

## **6.10 Fire Safety**

- 6.10.1 Policy D12 of The London Plan requires all development to meet standards of fire safety. Therefore, a condition has been attached to ensure the development meets this requirement prior to completion of damp proof course.

## **7.0 CONCLUSION AND REASONS FOR APPROVAL**

- 7.1 The proposed redevelopment of the site would provide a high quality mixed residential and commercial development, which would be a positive contribution to the town centre and business uses environment. The proposed additional storeys

and improvements to the existing building façade are considered to enhance the urban environment and make a positive contribution to the local area in terms of quality and character.

- 7.2 The layout and orientation of the building and separation distance to neighbouring properties is considered to be satisfactory to protect the amenities of the neighbouring occupiers; whilst the amenities of future occupiers would be satisfactory. The proposal has also been considered with regard to parking and highway safety and has been found to be reasonably acceptable, on balance, subject to conditions.
- 7.3 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, it is considered that the current proposal has overcome the reasons for refusal of the previous scheme, as such an approval of the application is thereby recommended.

## **APPENDIX 1: Conditions and Informatives**

### **Conditions**

#### 1. Time Limit 3 years - Full Permission

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

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

#### 2. Approved Drawing and Documents

Unless otherwise agreed in writing by the local planning authority, the development shall be carried out, retained and completed in accordance with the following approved drawings and documents:

Site Location Plan; L(01)004 P01; L(01)005 P01; L(01)006 P01; L(01)007 P01; L(01)010 P01; L(01)003 P01; L(01)002 P01; L(01)011 P01; L(01)008 P01; L(01)012 P01; L(01)101 P04; L(01)102 P06; L(01)103 P07; L(01)104 P01; L(01)105 P01; L(01)106 P01; L(01)107 P02; L(01)108 P02; L(01)109 P01; L(01)110 P01; L(01)140 P01; L(01)111 P01; Operation and Management Statement (Dated June 2021); Email dated 01/11/2021 between Waste Consultant and Harrows Waste Officer; Overheating Analysis (Dated 7<sup>th</sup> July 2021); Daylight, Sunlight and Overshadowing Report (Dated 29<sup>th</sup> June 2021); Service and Delivery Plan (Dated January 2022); Design and Access Statement; Energy and Sustainability Statement (Dated 7<sup>th</sup> July 2021); Flood Risk Assessment; Planning Statement (Dated August 2021); Waste Management Strategy (Dated November 2021); Transport Statement (Dated November 2021); Travel Plan (Dated June 2021)

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

#### 3. Demolition and Construction Logistics Plan (Pre-commencement)

No development shall take place, including any works of demolition, until a detailed demolition and construction logistics plan has first been submitted to the Local Planning Authority in writing to be agreed. The plan shall detail the arrangements for:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in construction the development;
- d) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing;
- e) wheel washing facilities;
- f) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- g) measures for the control and reduction of dust;
- h) measures for the control and reduction of noise and vibration; and
- i) How traffic would be managed to minimise disruption.

The demolition and construction of the development shall be carried out in accordance with the plan so agreed.

REASON: To ensure that measures are put in place to manage and reduce noise and vibration impacts during demolition and construction and to safeguard the amenity of neighbouring occupiers, and to ensure that the transport network impact of demolition and construction work associated with the development is managed. To ensure that measures are agreed and in place to manage and reduce dust, noise and vibration during the demolition and construction phases of the development and manage transport impacts during the demolition and construction phases of the development. This condition is a PRE-COMMENCEMENT condition as the proposed measures must be in place prior to commencement of works.

#### 4. Fire Safety

The development herein approved shall not commence until a Fire Safety Statement has been submitted to and approved in writing by the Local Planning Authority, this statement shall include details of how the development will function in terms of the following:

- 1) identify suitably positioned unobstructed outside space: a) for fire appliances to be positioned on b) appropriate for use as an evacuation assembly point;
- 2) is designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures;
- 3) is constructed in an appropriate way to minimise the risk of fire spread;
- 4) provide suitable and convenient means of escape, and associated evacuation strategy for all building users;
- 5) develop a robust management strategy for evacuation which is to be periodically updated and published (details of how often this management strategy is to be reviewed and published to be included), and which all building users can have confidence in; and
- 6) provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.

The development shall be operated in accordance with the approved details in perpetuity.

REASON: To ensure that the fire safety of the proposed building is managed in a satisfactory manner and that the development contributes to fire safety in line with Policy D12A of the London Plan (2021).

#### 5. Materials

Notwithstanding the details shown on the approved drawings, the development shall not progress beyond damp proof course level until samples of the materials (or appropriate specification) to be used in the construction of the



external surfaces noted below have been submitted to, and agreed in writing by, the local planning authority:

- a) facing materials for the buildings;
- b) windows/ doors/glazing, canopies, shopfronts/entrances; and
- c) balconies/balustrades.

The development shall be carried out in accordance with the details so agreed and shall be retained as such thereafter.

Reason: To ensure that the development is carried out to the highest standards of architecture and materials.

## 6. Balustrade/Terrace Details

Prior to occupation of the development, details of 1.8m high privacy screens separating on the terrace space between each of the units fronting Northolt Road at the proposed additional fifth storey are to be provided and approved in writing by the local planning authority. The privacy screens shall be installed in accordance with the details as so approved and maintained thereafter in perpetuity.

Reason: To ensure the privacy of residents with access to the front terrace area created by the setback of the additional storeys.

7. The development shall not progress beyond damp proof course until details of the provision of green/biodiverse roofs within the development have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall comprise:

- a) identification of the roof areas to be used for the provision of green/biodiverse roofs;
- b) details of the planting and substrate to be used, including roof build up, plant species/mix(es) schedule which should include at least 20 native flower species, plans and sections as appropriate; and
- c) details of the maintenance including irrigation.

The development shall be carried out in accordance with the details so agreed and shall be retained and maintained as such thereafter.

Reason: To ensure that the development makes appropriate provision for the protection, enhancement, creation and management of biodiversity within the site and surrounding area in accordance with Policy DM 22 of the Harrow Development Management Polices Local Plan (2013).

## 8 Cycle Parking

Prior to occupation of the development the cycle parking hereby approved shall be fully implemented, made available and maintained thereafter in perpetuity.

Reason: To ensure sufficient on-site cycle parking facilities are provided and to encourage sustainable travel in accordance with Policy T5 of the London Plan 2021.

9. Refuse Storage

The approved refuse and waste bins shall be stored at all times, other than on collection days, within the designated refuse storage areas as shown on the approved plans.

REASON: To ensure sufficient space is allocated to both the residential and commercial space to store waste and to enhance the appearance of the development and safeguard the character of the area.

10. Communal Television Equipment

Prior to the occupation of the development, details of a strategy for the provision of communal facilities for television reception (eg. aerials, dishes and other such equipment) shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the specific size and location of all equipment. The approved details shall be implemented prior to the first occupation of the building and shall be retained thereafter. No other television reception equipment shall be introduced onto the walls or the roof of the building without the prior written approval of the Local Planning Authority.

REASON: In order to prevent the proliferation of individual television reception items on the building which would be harmful to the character and appearance of the building and the visual amenity of the area.

11. Secure by Design

Evidence of certification of Secure by Design Accreditation for the development (silver or gold) shall be submitted to and approved in writing by the Local Planning Authority before any part of the relevant development is occupied or used.

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.

12. Openable Windows

Notwithstanding the drawings hereby approved, each unit shall be provided with openable windows.

REASON: To ensure adequate ventilation to avoid overheating of the single aspect residential units.

13. Use of flat roof

The flat roof areas of the building beyond any balconies or terraces, hereby

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

REASON: To safeguard the amenity of neighbouring residents.

14. Flues and pipework

Other than those shown on the approved drawings, no soil stacks, soil vent pipes, flues, ductwork or any other pipework shall be fixed to the elevations of the buildings hereby approved.

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

15. Restriction To Telecommunication Items

Notwithstanding the provisions of the Electronic Communications Code Regulation 5 (2003) in accordance with The Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification), no development which would otherwise fall within Schedule 2, Part 16, Class A of that order shall be carried out in relation to the development hereby permitted without the prior written permission of the local planning authority.

REASON: In order to prevent the proliferation of individual telecommunication items on the building which would be harmful to the character and appearance of the building and the visual amenity of the area.

## Informatives

1. Policies

The following policies and guidance are relevant to this decision:

National Planning Policy and Guidance:

National Planning Policy Framework (2021)

**The London Plan (2021):** GG2 Making the best use of land

GG4 Delivering the homes Londoners need

SD6 Town centres and high streets

H1 Increasing housing supply

H2 Small Sites

H10 Housing Size mix

D3 Optimising site capacity through the design-led approach

D6 Housing quality and standards

D7 Accessible housing

E9 Retail, markets and hot food takeaways

T4 Assessing and Mitigating transport impacts

T5 Cycling

T6 Car Parking

T6.1 Residential Parking  
T7 Deliveries, servicing and construction  
SI 12 Flood Risk Management

Harrow Core Strategy (2012):  
CS1

Development Management Policies Local Plan (2013):  
DM1, DM2, DM23, DM24, DM27, DM31, DM38, DM42, DM43, DM44, DM45,  
DM50

Adopted Supplementary Planning Documents:  
London Plan Housing Supplementary Planning Guidance (2016)  
Supplementary Planning Document: Residential Design Guide (2010)  
Council's Code of Practice for the Storage and Collection of Refuse and Materials  
for Recycling in Domestic Properties (February 2016)

## 2. Pre-application engagement

Statement under Article 35(2) of The Town and Country Planning (Development Management Procedures) (England) Order 2015. This decision has been taken in accordance with paragraphs 39-42 of The National Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

## 3. Considerate Contractor Code of Practice

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. Party Wall Act

The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

1. work on an existing wall shared with another property;
2. building on the boundary with a neighbouring property;
3. excavating near a neighbouring building,  
and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval.

"The Party Wall etc. Act 1996: Explanatory booklet" is available free of charge from:

Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB

Please quote Product code: 02 BR 00862 when ordering

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237  
Textphone: 0870 1207 405  
E-mail: [communities@twoten.com](mailto:communities@twoten.com)

5. Compliance with Planning Conditions

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

6. Liability for Damage to Highway

The applicant is advised to ensure that the highway is not interfered with or obstructed at any time during the execution of any works on land adjacent to a highway. The applicant is liable for any damage caused to any footway, footpath, grass verge, vehicle crossing, carriageway or highway asset. Please report any damage to [nrswa@harrow.gov.uk](mailto:nrswa@harrow.gov.uk) or telephone 020 8424 1884 where assistance with the repair of the damage is available, at the applicants expense. Failure to report any damage could result in a charge being levied against the property.

7. Surface and foul water connections

The applicant is advised that the Drainage Authority in Harrow recommends the submission of a drainage plan, for their approval, indicating all surface and foul water connections and their outfall details. Please also note that separate systems are used in Harrow for surface water and foul water discharge. Please email [infrastructure@harrow.gov.uk](mailto:infrastructure@harrow.gov.uk) with your plans.

8. Thames Water

The applicant can contact Thames Water developer services by email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) or by phone: 0800 009 3921 or on Thames Water website [www.developerservices.co.uk](http://www.developerservices.co.uk) for drainage connections consent.

9. Street Numbering

Harrow Council is responsible for the naming and numbering of new or existing streets and buildings within the borough boundaries. The council carries out these functions under the London Government Act 1963 and the London Building Acts (Amendment) Act 1939.

All new developments, sub division of existing properties or changes to street

names or numbers will require an application for official Street Naming and Numbering (SNN). If you do not have your development officially named/numbered, then then it will not be officially registered and new owners etc. will have difficulty registering with utility companies etc.

You can apply for SNN by contacting [technicalservices@harrow.gov.uk](mailto:technicalservices@harrow.gov.uk) or on the following link.

[http://www.harrow.gov.uk/info/100011/transport\\_and\\_streets/1579/street\\_naming\\_and\\_numbering](http://www.harrow.gov.uk/info/100011/transport_and_streets/1579/street_naming_and_numbering)

## 10 Mayoral CIL

Please be advised that approval of this application (either by Harrow Council, or subsequently by the Planning Inspectorate if allowed on appeal following a refusal by Harrow Council) will attract a Community Infrastructure Levy (CIL) liability, which is payable upon the commencement of development. This charge is levied under s.206 of the Planning Act 2008 Harrow Council, as CIL collecting authority, has responsibility for the collection of the Mayoral CIL

The Provisional Mayoral CIL liability for the application, based on the Mayoral CIL levy rate for Harrow of £60/sqm is £32,184

The floorspace subject to CIL may also change as a result of more detailed measuring and taking into account any in-use floor space and relief grants (i.e. for example, social housing).

You are advised to visit the planning portal website where you can download the appropriate document templates.

Please complete and return the Assumption of Liability Form 1 and CIL Additional Information Form 0.

[https://ecab.planningportal.co.uk/uploads/1app/forms/form\\_1\\_assumption\\_of\\_liability.pdf](https://ecab.planningportal.co.uk/uploads/1app/forms/form_1_assumption_of_liability.pdf)

[https://ecab.planningportal.co.uk/uploads/1app/forms/cil\\_questions.pdf](https://ecab.planningportal.co.uk/uploads/1app/forms/cil_questions.pdf)

If you have a Commencement Date please also complete CIL Form 6:

[https://ecab.planningportal.co.uk/uploads/1app/forms/form\\_6\\_commencement\\_notice.pdf](https://ecab.planningportal.co.uk/uploads/1app/forms/form_6_commencement_notice.pdf)

The above forms should be emailed to [HarrowCIL@Harrow.gov.uk](mailto:HarrowCIL@Harrow.gov.uk)

Please note that the above forms must be completed and provided to the Council prior to the commencement of the development; failure to do this may result in surcharges and penalties

## 11 Harrow CIL

Harrow has a Community Infrastructure Levy which applies Borough wide for certain developments of over 100sqm gross internal floor space.

Harrow's Charges are:

Residential (Use Class C3) - £110 per sqm;

Hotels (Use Class C1), Residential Institutions except Hospitals, (Use Class C2), Student Accommodation, Hostels and HMOs (Sui generis) - £55 per sqm;

Retail (Use Class A1), Financial & Professional Services (Use Class A2), Restaurants and Cafes (Use Class A3) Drinking Establishments (Use Class A4) Hot Food Takeaways (Use Class A5) - £100 per sqm

All other uses - Nil.

The Provisional Harrow CIL liability for the application, based on the Harrow CIL

levy rate for Harrow of £110/sqm is £59,004

This amount includes indexation which is 326/224. The floorspace subject to CIL may also change as a result of more detailed measuring and taking into account any in-use floor space and relief grants (i.e. for example, social housing).

The CIL Liability is payable upon the commencement of development.

You are advised to visit the planningportal website where you can download the relevant CIL Forms.

Please complete and return the Assumption of Liability Form 1 and CIL Additional Information Form 0.

[https://ecab.planningportal.co.uk/uploads/1app/forms/form\\_1\\_assumption\\_of\\_liability.pdf](https://ecab.planningportal.co.uk/uploads/1app/forms/form_1_assumption_of_liability.pdf)

[https://ecab.planningportal.co.uk/uploads/1app/forms/cil\\_questions.pdf](https://ecab.planningportal.co.uk/uploads/1app/forms/cil_questions.pdf)

If you have a Commencement Date please also complete CIL Form 6:

[https://ecab.planningportal.co.uk/uploads/1app/forms/form\\_6\\_commencement\\_notice.pdf](https://ecab.planningportal.co.uk/uploads/1app/forms/form_6_commencement_notice.pdf)

The above forms should be emailed to [HarrowCIL@Harrow.gov.uk](mailto:HarrowCIL@Harrow.gov.uk)

Please note that the above forms must be completed and provided to the Council prior to the commencement of the development; failure to do this may result in surcharges

- 12 INFORM67 - Fire Safety Statement. The submission/approval of the Fire Safety Statement does not replace the need for building regulation approval in relation to fire safety, nor does it convey or imply any approval under those regulations.
- 13 The application site is located close to a military airfield. Future occupants should be made aware that military aircraft may be seen and heard operating in the area and that aircraft may overfly the site. Aircraft types, flight paths and ground based activity can vary over time and this may cause disturbance.

### **CHECKED**

Head of Development Management	28/02/2022
Corporate Director	01/03/2022

## APPENDIX 2: SITE PLAN

### 190-194 NORTHOLT ROAD

South Harrow HA/20EN



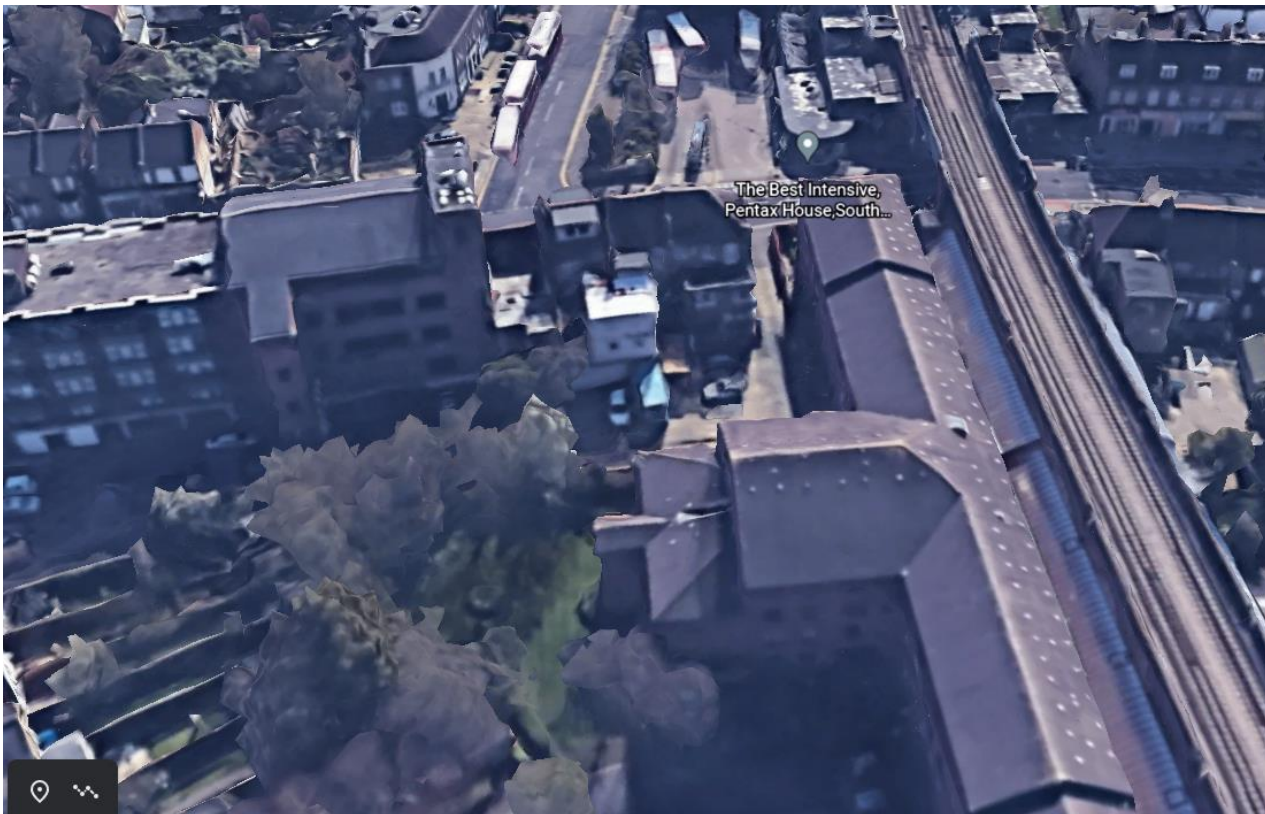
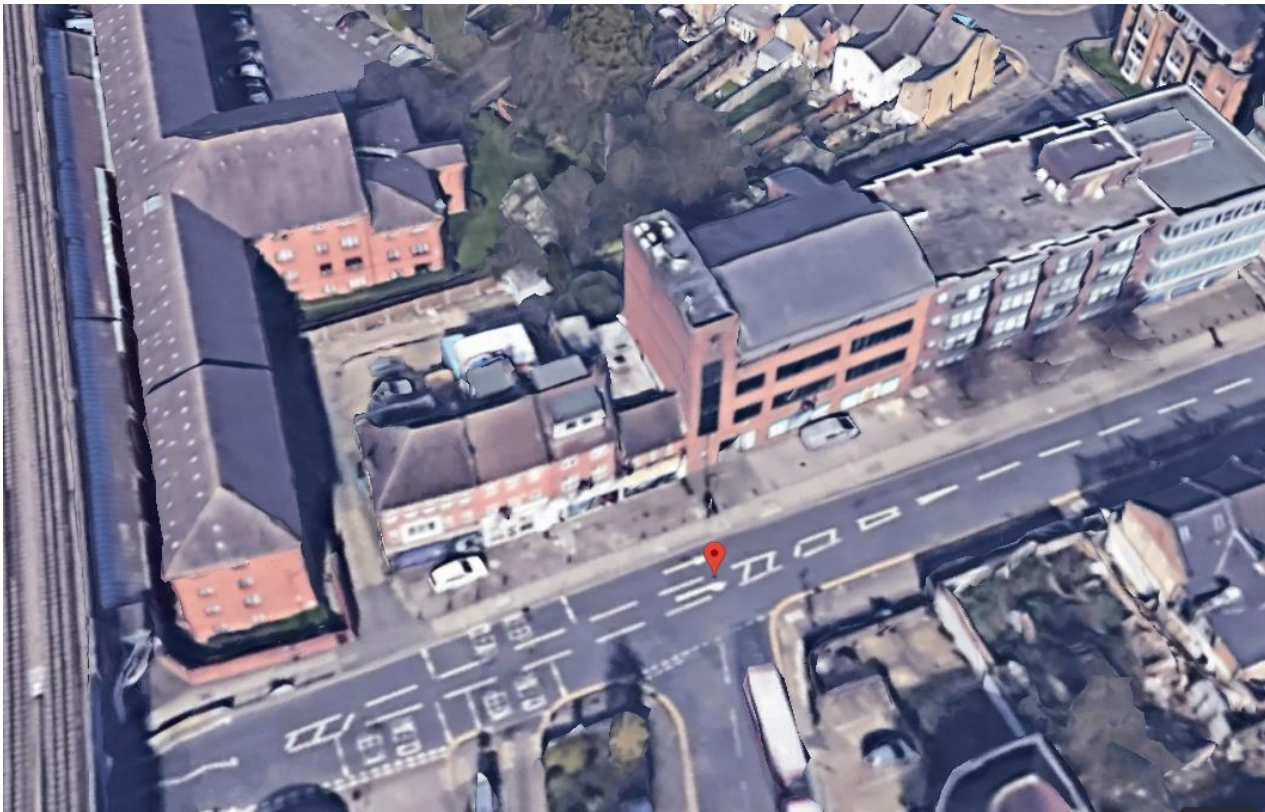
This Plan includes the following Licensed Data: OS MasterMap Black and White PDF Location Plan by the Ordnance Survey National Geographic Database and incorporating surveyed revision available at the date of production. Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey. The representation of a road, track or path is no evidence of a right of way. The representation of features, as lines is no evidence of a property boundary. © Crown copyright and database rights, 2021. Ordnance Survey 0100031873

Scale: 1:1250, paper size: A4  
0m 20m 40m 60m 80m 100m



APPENDIX 3: SITE PHOTOGRAPHS

Aerial images:



Front







**Rear**







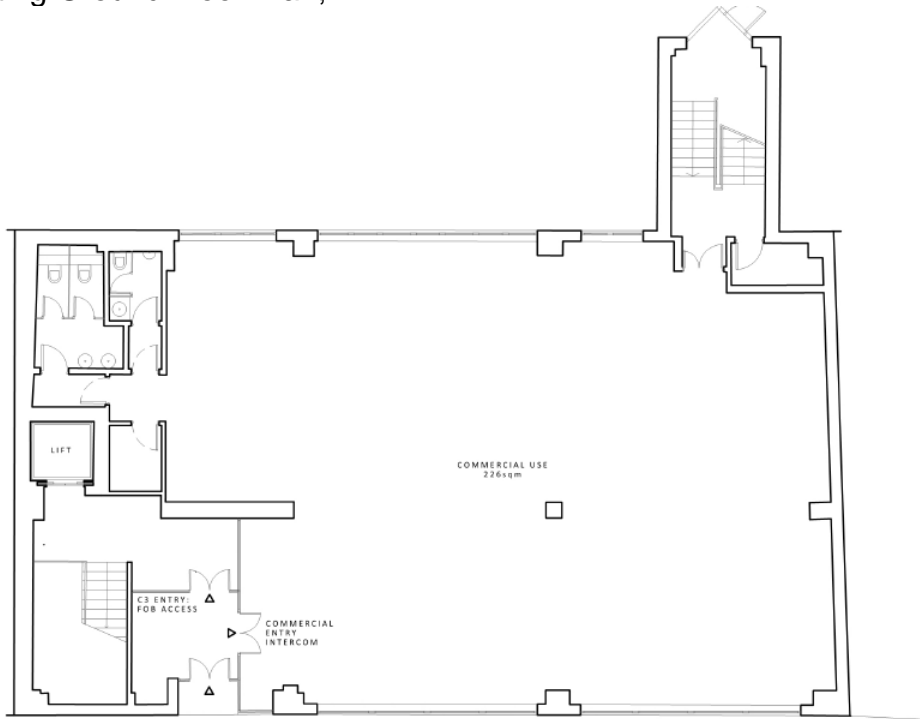
12 Jan 2022 16:49:10  
196A Northolt Road  
South Harrow  
Greater London  
England



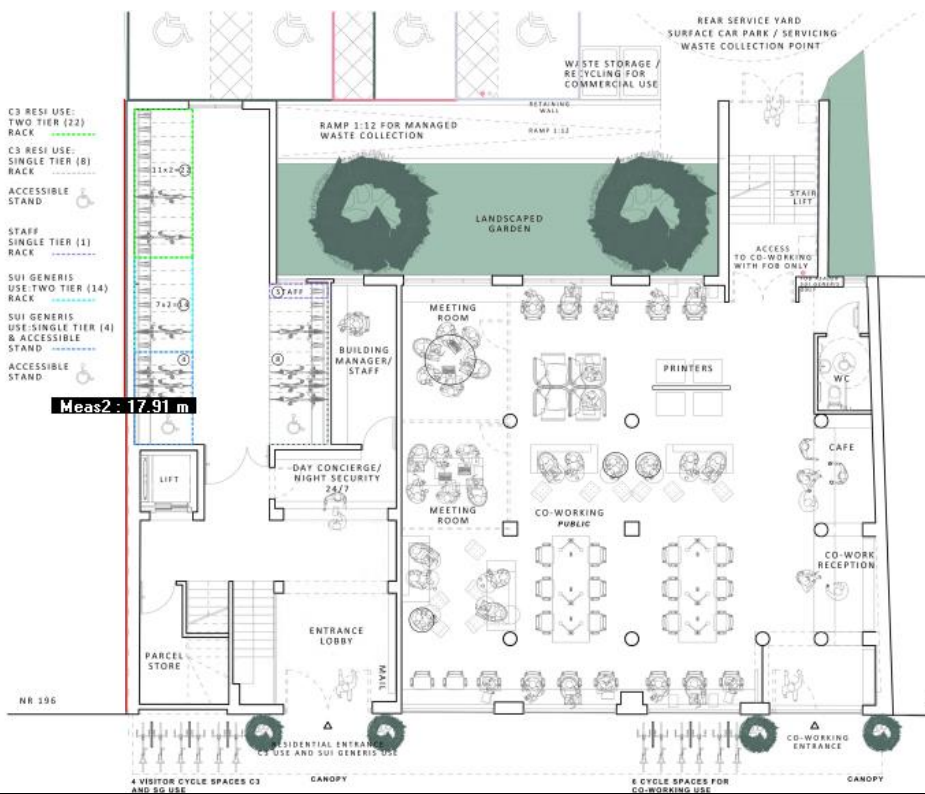
12 Jan 2022 16:48:53  
196A Northolt Road  
South Harrow  
Greater London  
England

# APPENDIX 4: PLANS AND ELEVATIONS

Existing Ground Floor Plan;

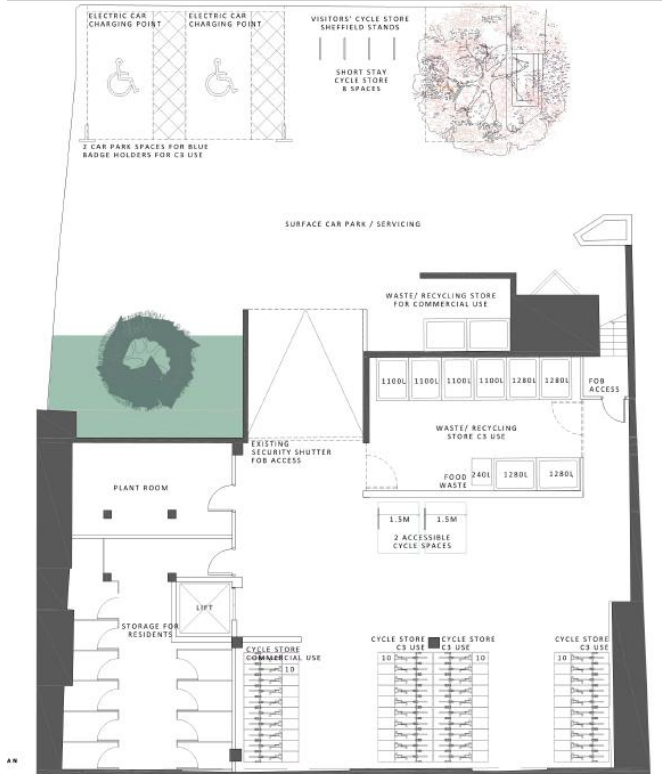


Proposed Ground Floor Plan

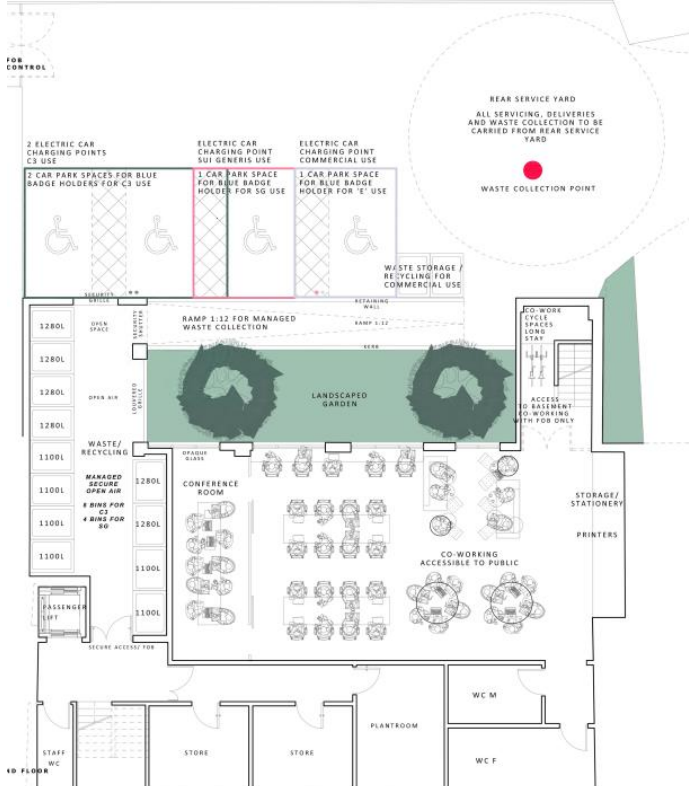


Existing Ground Floor Plan (not to scale)	Proposed ground floor plan (not to scale)
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## Existing Lower Ground/Basement Floor



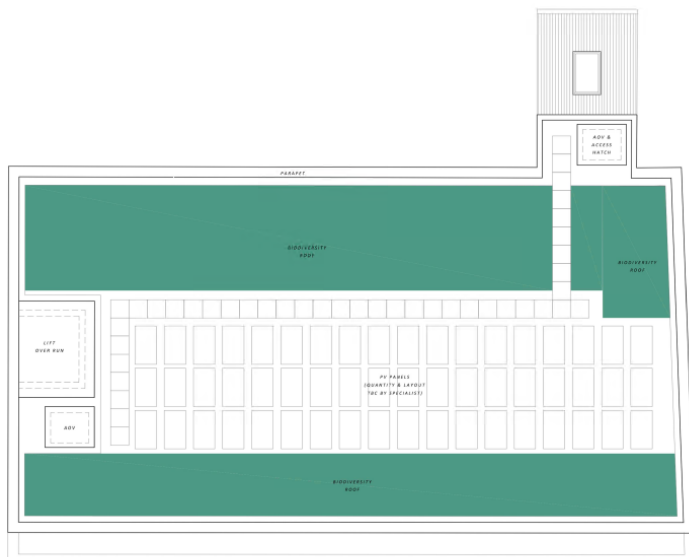
## Proposed Lower Ground/Basement Floor



## Proposed additional Fifth and Sixth levels (matching layouts)



Proposed roof plan:





## Existing front Elevation



## Proposed front Elevation

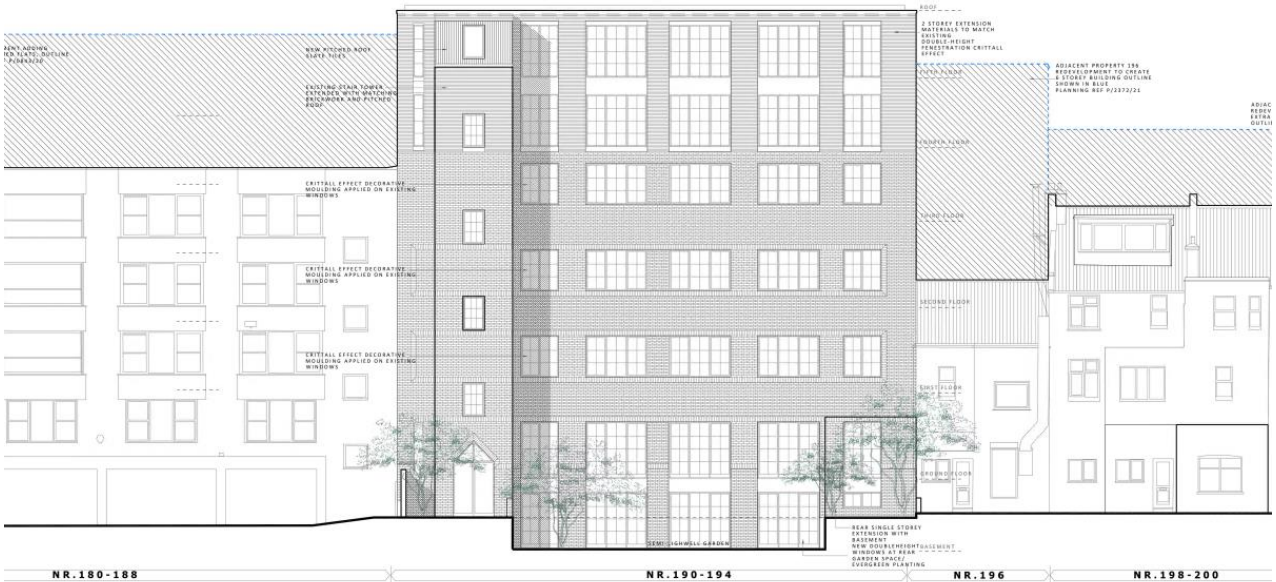




# Existing rear Elevation



# Proposed rear Elevation



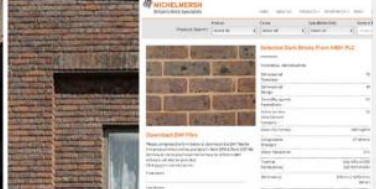
CGIs:







Dark Bronze frame French Doors and Fenestration



Facing Brickwork Michelmersh

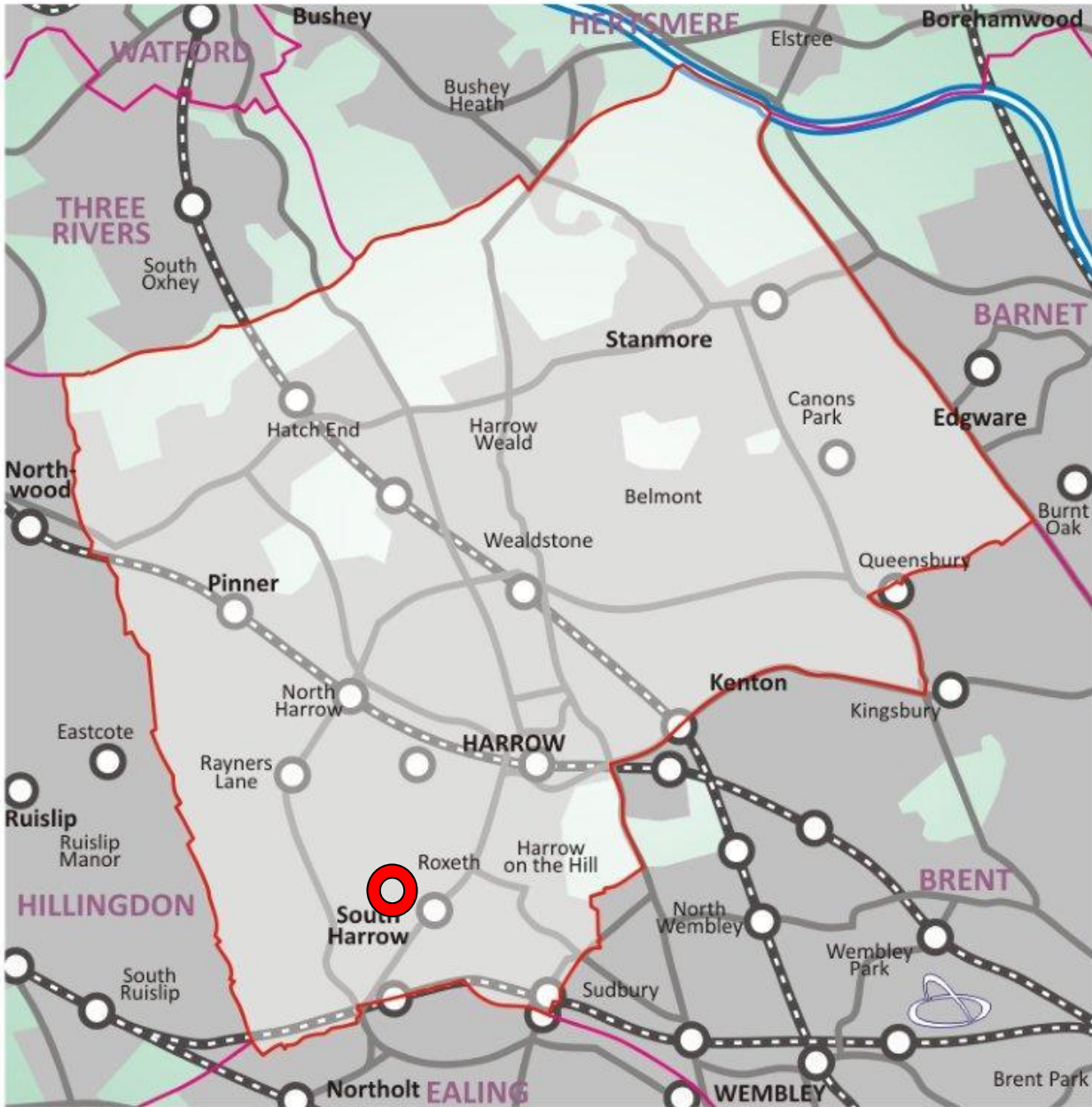
Dandi Co-working:



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Agenda Item : 2/02

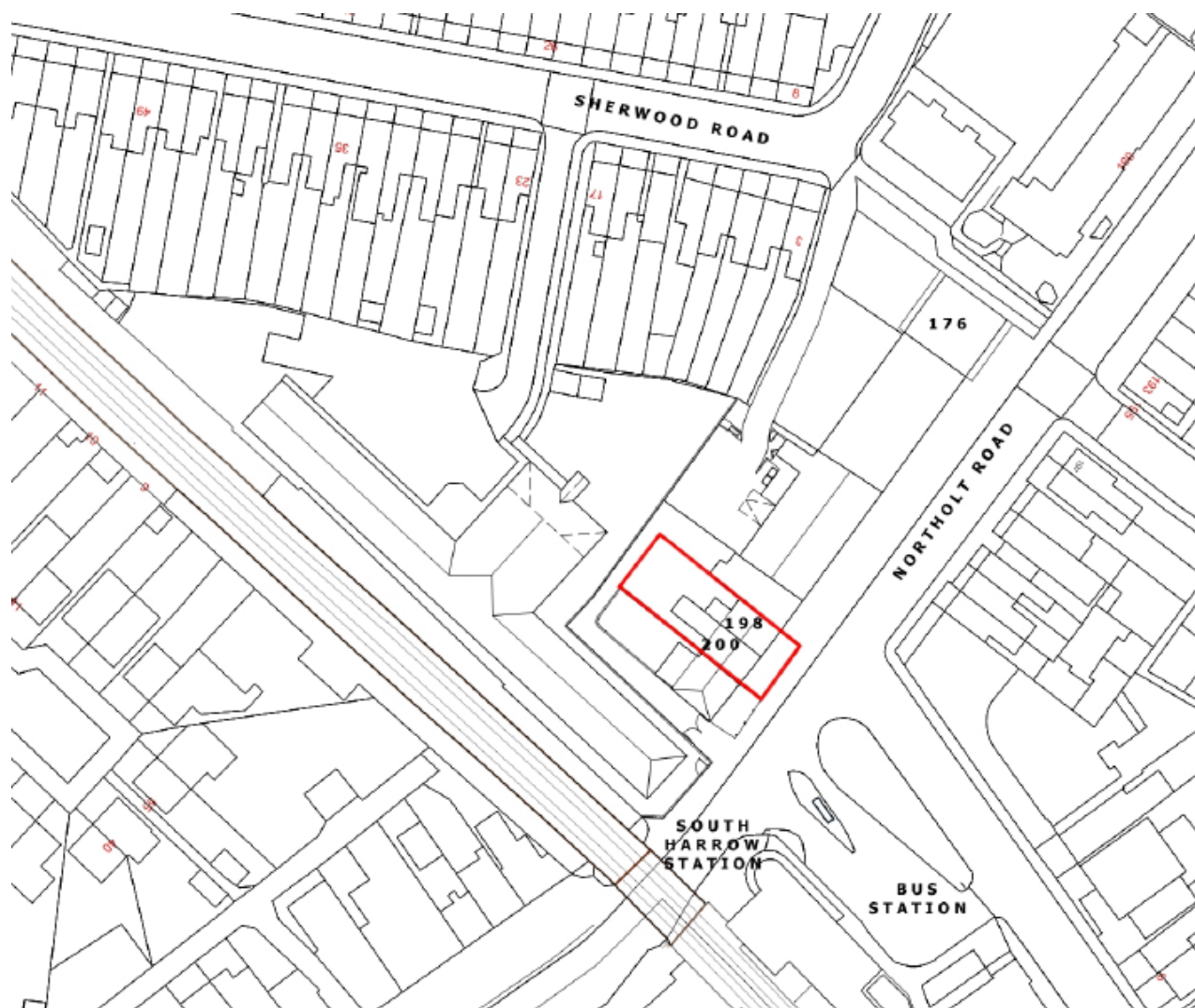
 = application site



 = application site

198-200 Northolt Road, Harrow, HA2 0EN	P/2431/21
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# SITE PLAN



# LONDON BOROUGH OF HARROW

## PLANNING COMMITTEE

16<sup>th</sup> March 2022

**APPLICATION NUMBER:** P/2431/21  
**VALIDATION DATE:** 26/07/2021  
**LOCATION:** 198A-200 Northolt Road, Harrow  
**WARD:** ROXBOURNE  
**POSTCODE:** HA2 OEN  
**APPLICANT:** HARROW NORTHOLT ROAD LIMITED  
**AGENT:** DANDI LIVING LTD  
**CASE OFFICER:** FERGUS FREENEY  
**EXTENDED EXPIRY DATE:** 21/01/2022

### PROPOSAL

Additions and alterations including an additional storey, four storey rear extension, enlargement of ground floor commercial space and change of use of upper floor levels from office (Use Class E(g)(i)) to shared living accommodation (20 units) (Sui Generis Use Class) and associated communal kitchen/living spaces. Bin, cycle storage and disabled parking space at rear.

The Planning Committee is asked to:

### RECOMMENDATION A

- 1) Agree the reasons for approval as set out in this report, and
- 2) Grant planning permission subject to authority being delegated to the Interim Chief Planning Officer in consultation with the Director of Legal and Governance Services for the completion of the Section 106 legal agreement and other enabling legislation and issue of the planning permission and subject to minor amendments to the conditions (set out in Appendix 1 of this report) or the legal agreement. The Section 106 Agreement Heads of Terms would cover the following matters:
  - i. Parking Permit Restrictions – The development to be “resident permit restricted” in accordance with section 16 of the GLC (Gen Powers) Act 1974 and the developer to ensure that 1) all marketing/advertising material makes reference to this fact and 2) all agreements contain a covenant to the effect that future occupiers and tenants (other than those who are registered disabled) will not be entitled to apply for residents parking permit or a visitor permit.
  - ii. A contribution in accordance with the adopted fees and charges is required to amend the Traffic Management Order and a monitoring fee.
  - iii. Legal Fees: Payment of Harrow Council’s reasonable costs in the preparation of the legal agreement.



## **RECOMMENDATION B**

That if the Section 106 Agreement is not completed by 30<sup>th</sup> April 2022, or as such extended period as may be agreed by the Interim Chief Planning Officer, then it is recommended to delegate the decision to REFUSE planning permission to the Interim Chief Planning Officer on the grounds that:

The proposed development, in the absence of a Legal Agreement to provide appropriate improvements, benefits and monitoring that directly relate to the development, would fail to adequately mitigate the impact of the development on the wider area and provide for necessary physical infrastructural improvements arising directly from the development, contrary to the National Planning Policy Framework (2021), policies T3 and DF1 of The London Plan (2021), Core Strategy (2012) policy CS1, and policies DM1, DM43 and DM 50 of the Harrow Development Management Policies Local Plan and the Supplementary Planning Document: Planning Obligations & Affordable Housing (2013).

## **REASON FOR THE RECOMMENDATIONS**

The proposed development would result in a modern, contemporary building within an area benefiting from excellent transport links, that responds positively to the local context, and would provide appropriate living conditions for future occupiers. The site would continue to provide an active retail function adjacent to the Town Centre, as well as providing for residential accommodation which would increase the vibrancy of the adjoining town centre and housing choice within the borough.

## **INFORMATION**

This application is reported to Planning Committee as the development would result in the a change of use and construction of over 400sqm of floorspace and therefore falls outside Schedule 1 of the Scheme of Delegation.

Statutory Return Type:	Minor Development
Council Interest:	None
Net additional Floorspace,	749sqm
Change of use and additional commercial space:	
GLA Community Infrastructure Levy (CIL) Contribution (provisional) (£60p/sqm):	£44,940
Local CIL requirement (£110p/sqm):	£82,390

## **HUMAN RIGHTS ACT**

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.



## **EQUALITIES**

In determining this planning application the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

For the purposes of this application there are no adverse equalities issues.

## **S17 CRIME & DISORDER ACT**

Policy D11 of The London Plan (2021) and Policy DM1 of the Development Management Policies Local Plan require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. It is considered that the development does not adversely affect crime risk.

## **1.0 SITE DESCRIPTION**

- 1.1 The site is located on the north-west side of Northolt Road and comprises two x 3 storey buildings, one of which benefits from additional attic level accommodation. At ground level there are two separate commercial/retail units and a central lobby for access to the upper floors. At present the upper floors have a lawful use as office space, however, change of use to residential has been established in multiple recent planning applications (See planning history)
- 1.2 The site is adjacent to, but not within, the South Harrow town centre (which runs to the opposite side of the street and to the south of the nearby railway line). However, the site is within a designated neighbourhood parade.
- 1.3 The site is opposite South Harrow Underground Station and bus station and has Public Transport Accessibility rating of 5 (very good).
- 1.4 The site to the north-east at No.196 comprises a 2-storey mixed use building with a fish and chip shop at ground level and a flat above. This site is subject to a recent approval to redevelop and construct a 6-storey mixed use building comprising commercial ground floor and flats above.
- 1.5 The site to the south-west at No.202 Northolt Road has recently received planning permission for conversion of ground floor office space and upper floor flats into additional flats, with external alterations including creation of end gable and dormers at the front and rear (P/4119/20). It appears that these works are externally complete.
- 1.6 To the rear of the site is a private service road beyond which is a part-three, part-four storey building used as a care home, known as The Greenwolds.
- 1.7 The site is within a critical drainage area but is not subject to any other flood constraints. The site is not in a conservation area and is not a listed building.

## **2.0 PROPOSAL**

- 2.1 The application seeks planning permission for the creation of an additional storey with façade alterations to create a four storey with attic accommodation fronting Northolt Road. To the rear a four storey, flat roofed, full width extension is proposed.
- 2.2 The proposal would comprise 20 x shared accommodation units with associated communal areas and servicing at the upper floor levels. At ground floor level a consolidated and enlarged retail/commercial space would be provided along with bin and cycle storage, and a disabled parking bay.
- 2.3 A new entrance would be created at the western frontage to enable access to the residential units above. This will enable to majority of the frontage to be given over to shop frontage for the enlarged and consolidated retail/commercial unit.

- 2.4 The existing façade at first and second floor level will be retained and the brickwork cleaned and detailing repaired. The additional storey and attic levels will maintain the material, character, style and general appearance of the existing built form with brickwork to match, lintel detailing above the windows and separate dormers at roof level.
- 2.5 The proposed four storey, full width extension would align with the rear extension approved (and built) at No.202, and would be set approximately 2m back from balconies of the approved built form at No.196 Northolt Road.
- 2.6 The following amendments and additional information have been submitted to this application:
- Amendments to the internal layout to reduce the number of shared accommodation rooms and increase the size and function of the shared communal areas.
  - External alterations to separate the proposed dormers to individual forms and to regularise the rear extension to align with recent approvals and make better use of interna space.
  - Retention and enlargement of retail/commercial space at ground level.
  - Alterations to layout of bin and cycle storage

### 3 **RELEVANT PLANNING HISTORY**

- 3.1 A summary of the relevant planning application history is set out in the table below:

Ref no.	Description	Status and date of decision
P/4549/20/PRIOR	Change Of Use Of Offices On First Second And Third Floors (Class B1A) To 9 Self-Contained Flats (Class C3) (Prior Approval Of Transport & Highways Impacts Of The Development; Contamination Risks; Flooding Risks On The Site; Impact Of Noise From Commercial Premises; and Provision of Adequate Natural Light)	Granted: 15/05/2021
P/2637/15	Single storey rear extension to existing ground floor retail unit at No 198; Three storey rear extension to both properties to increase floorspace of existing residential flats; Rear dormer to No 200 to provide additional bedroom to existing second floor flat; External alterations	Granted: 17/08/2015
P/2672/13	Conversion of Offices (Class B1a) to Four Self-Contained Flats (Class C3) (PRIOR APPROVAL OF TRANSPORT & HIGHWAYS IMPACTS OF THE	Granted: 16/10/2013

	DEVELOPMENT, AND OF CONTAMINATION RISKS AND FLOODING RISKS ON THE SITE)	
WEST/641/95/CO N	CONTINUED USE OF GROUND FLOOR FOR CLASS B1 (GENERAL OFFICE) PURPOSES	Granted 21/11/1995

#### 4 CONSULTATION

4.1 A total of 96 consultation letters were sent to neighbouring properties regarding this application. The overall public consultation period expired on 24<sup>th</sup> February 2022.

4.2 A total of 13 public responses were received, these are summarised below along with Officer comments:

- Impact on Privacy  
**Officer Comment:** Please refer to section 6.6
- Loss of Light  
**Officer Comment:** Please refer to section 6.6
- Noise  
**Officer Comment:** The principle of residential use within the building has already been established by multiple recent applications. The proposed shared accommodation will not materially change the nature of residential use of the site to such an extent as to warrant refusal. Noise complaints will need to be dealt with by the Council's Environmental Health Team as would be the case in any residential noise dispute.
- Increase in density  
**Officer Comment:** As noted, the principle of residential use on the site has been established. The site has excellent access to public transport and is immediately adjacent to the South Harrow Town Centre. The site is considered appropriate for the proposal.
- Loss of Trees  
**Officer Comment:** No trees are present on the subject site. It appears that trees are located at the site at No.196 Northolt Road. The Council's Tree Officer has reviewed an application at that site and raised no concerns in relation to the removal of those trees for that site's approved redevelopment. The trees are not subject to any Tree Protection Orders and are not protected by way of being in a Conservation Area.
- Health hazard and odour and vermin from bins  
**Officer Comment:** The bins are located adjacent to a rear service yard at the back of a designated neighbourhood parade and a business use zone. It is not considered unreasonable for bins to be located at the rear of such areas, adjacent to a service road. The bins are located in designated, covered stores

and are considered acceptable. The potential for smells, odours and vermin is not considered adequate to warrant refusal of the

- Increase in cars/traffic

**Officer Comment:** Please refer to section 6.8. The development will be car-free with residents unable to apply for on-street parking permits.

- Hazardous materials may be used

**Officer Comment:** This is not a planning consideration. The development will need to comply with current building regulations in regards to building materials.

- Dust from construction

**Officer Comment:** A Construction Logistics Plan will be conditioned to minimise impacts of construction.

#### 4.3 Statutory and Non-Statutory Consultation

- 4.4 The following consultations have been undertaken, together with the responses received and officer comments:

##### LBH Highways

##### **Observations:**

The site is located in South Harrow; the site has a Public Transport Accessibility Level (PTAL) of 5 (very good). South Harrow bus station and Underground station are opposite the site. Northolt Road is the main shopping area for South Harrow; there are various shops, supermarkets, restaurants, leisure facilities and schools nearby.

The site currently consists of commercial units and offices above.

##### **Access and Parking:**

The proposal is to be car-free with a single disabled person's parking space. The proposed level of parking is in line with London Plan 2021 maximum car parking standards which require developments to be car free in PTAL 5 locations.

This is a location with very good access to public transport options with many amenities and conveniences available within a short walk from the site. It is considered reasonable that future residents would not need to rely on private cars.

The proposed disabled parking space is proposed at the rear of the building accessed from an existing service road.

To support the car free intentions and to minimise the potential impact of parking on the surrounding roads, it is requested that the applicant enter into a legal agreement to restrict future residents from being eligible to obtain parking

permits for the surrounding Controlled Parking Zones. This is in line with local policies (the Harrow Transport Local Implementation Plan 2019/20-2021/22 (section 2.5.122 and Borough Transport Policy R16 and 17).

### **Cycle Storage:**

The proposal includes 22 secure and sheltered cycle stands in a store located at the rear of the building. An additional two Sheffield stands will be provided for visitors. This provision is broadly in line with London Plan 2021 minimum requirements.

The long stay spaces should include 5% accessible stands. Details of the store can be provided later should permission be granted.

### **Trip Generation:**

This is a relatively small residential development; a trip generation study is not considered to be essential however, the Transport Statement includes analysis which used data previously accepted for another proposal at the same site (P/4549/20/PRIOR). It has been demonstrated that the proposal is anticipated to result in a reduction of vehicle trips overall in comparison to both the existing use and the previously consented scheme. The anticipated level of active mode trips is low and unlikely to generate any noticeable changes in the operation of public transport or the highway in general.

### **Delivery and Servicing:**

The submitted draft document is acceptable; a detailed document should be provided prior to occupation. As the site is located opposite the exit to South Harrow Bus station and South Hill Avenue, it would be preferable to minimise the amount of delivery and servicing taking place on this part of Northolt Road.

***Planning Officer Comment:*** *A condition of consent will be imposed requiring a details delivery and servicing management plan is provided prior to occupation.*

### **Construction Logistics;**

A detailed construction logistics plan must be secured by pre-commencement condition. This must follow the format and guidance provided by Transport for London. All detail must be known and the final contractor in agreement with the content prior to submission.

### **Summary:**

Subject to a conditions and obligations, this proposal is unlikely to result in a severe or harmful impact for the surrounding highway network, therefore, Highways have no objection.

Suggested conditions/Agreements:

- Details of cycle parking

- Service and Delivery Plan
- Detailed Construction Logistics Plan
- S106 Car-free legal agreement

Urban Design Officer

**Site Strategy/ Masterplan**

- The proposal presents successful and sensitive additions to the existing buildings themselves and to the wider streetscape and context.

**Massing, Scale & Built Form**

- There are no significant issues with the proposed additional height (addition of two storeys) given the wider context of Northolt Road and larger developments which have either been consented or built, such as the Echo One development further east of site.
- The rationalisation of massing to the rear of Nos. 198 and 200 to create a single massing is logical and successful at creating a simpler built form.
- The additional overlooking and overbearing impact of the proposed rear massing over the existing is considered to be minimal. This is due to the number of additional windows proposed (8 no.) and the cumulative effect of these in relation to the rear massing, elevation and existing window openings. The impact of said massing on Sherwood Road properties and rear gardens is considered to be limited and not significantly greater than that of the current buildings.

**External Appearance, Composition & Materiality**

- The front elevation is highly successful, with the mansard top storey offering reducing the perceived massing and offering a successful termination to the development.
- Integration of two properties to create a cohesive whole and removal of the unsympathetic dormer element to No. 198 is welcome.
- The rationalisation of the rear elevation is welcomed with regard to fenestration and façade rhythm.
- The reinstatement and continuation from No. 202 Northolt Road of period commercial frontages to the front elevation ground floor is highly welcome and in better keeping with the architectural style of the existing buildings. This should serve to strengthen the character of Northolt Road, particularly at ground level, adding to the pedestrian experience of the area.

LBH Waste Management Team

No objection to proposed rear waste store and collection from central location at rear service road.

Drainage

No comments received

Landscape officer

No comments received

<u>Ministry of Defence</u>
No objection
<u>Thames Water</u>
No objection

## **5 POLICIES**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

‘If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.’

5.2 The Government has issued the National Planning Policy Framework [NPPF 2021] sets out the Government’s planning policies for England and how these should be applied, and is a material consideration in the determination of this application.

5.3 In this instance, the Development Plan comprises The London Plan 2021 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP].

5.4 A full list of all the policies used in the consideration of this application is provided as Informative 1.

## **6.0 ASSESSMENT**

6.1 The main issues are:

- Principle of the Development
- Character, Appearance and Design
- Neighbouring Residential Amenity
- Traffic, Parking and Servicing

### **6.2 Principle of Development**

6.2.1 The relevant policies are:

- The National Planning Policy Framework (2021)
- The London Plan (2021): H1, H2, H9; E1; E2; E3
- Harrow Development Management Policies (2013): DM24; DM31; DM32; DM38
- Harrow's Core Strategy (2012): CS1



- 6.2.2 The application site is situated within a developed area of Harrow as outlined in the Harrow Local Plan. Whilst the site is not an allocated development site as defined within the adopted Site Allocations Local Plan (2013), the site is regarded as previously developed land for the purposes of the policies contained within the National Planning Policy Framework and the Harrow Core Strategy which seeks to redirect all new development the Harrow and Development Opportunity Area, to town centres and to previously developed land in suburban area. On this basis, the proposal to develop this site for residential purposes is considered to be acceptable in principle.
- 6.2.3 The proposed development suitably maximises the amount of retail/commercial space that can be re-provided, taking up a substantial amount of the ground floor which is considered a suitable use within a neighbourhood parade, adjacent to a designated town centre. Policy DM38 requires that within neighbourhood parades the use of ground floor premises must be a purpose which is appropriate to a town centre use, community and economic use. The provision of retail/commercial space would increase by approximately 52sqm, from approximately 102sqm to 154sqm, which is welcomed.
- 6.2.4 This section of Northolt Road has been redeveloped with mix-use development of up to 8 floors in part. No.196, immediately adjoining to the north-east has recently received approval for redevelopment to construct a six-storey mixed use commercial/residential building (P/2431/21 – resolved to grant at committee dated 19<sup>th</sup> January 2022). No.202 to the south west has also recently completed extensive works including a 3 storey rear extension and roof extensions.
- 6.2.5 The principle of residential development on the site has been found acceptable under previous applications (see planning history), the most recent being for 9-self contained dwellings (P/4549/20/PRIOR). As such, the principle of a residential use at upper floor levels has been found acceptable.
- 6.2.6 Similarly, the principle of a 3-storey rear extension of a similar depth to that proposed, to house residential units has been found acceptable previously.
- 6.2.7 The development seeks to provide shared accommodation, otherwise known as Housing of Multiple Occupation (HMOs). The London Plan Defines HMOs as:

*HMOs are dwellings which are shared by three or more tenants who form two or more households and share a kitchen, bathroom or toilet. HMOs for between three and six people are classed as C4 whereas HMOs for more than six people are Sui Generis.*

- 6.2.8 Paragraph 4.9.4 of the London Plan (in relation to Policy H9) states that:

*Houses in multiple occupation (HMOs) are an important part of London's housing offer, reducing pressure on other elements of the housing stock. Their quality can, however, give rise to concern. Where they are of a reasonable standard they should generally be protected and the net effects of any loss should be reflected in Annual Monitoring Reports. In considering proposals which might constrain this provision, including Article 4 Directions affecting changes between Use Classes C3 and C4,*

*boroughs should take into account the strategic as well as local importance of HMOs.*

6.2.9 Policy DM30 of the DMP (2013) provides requirements for the proposals that result in the creation of properties into houses of multiple occupation. Specifically, it requires that a) there is good accessibility to local amenities and public transport; b) they accord with Accessible Homes Standards and provide satisfactory living conditions for the intended occupiers; and c) there will be no adverse impact on the amenity of the occupiers of neighbouring properties of the character of the area.

6.2.10 For the reason set out above, it is considered that the principle of this proposal meets the above policy requirements with regard to the overarching goal of housing choice and provision and the need to support economic activity and development. The principle of creating shared accommodation/HMO dwellings at the site is therefore acceptable

6.2.11 The proposed use at ground and lower ground level would not be a formal change of use for planning purposes given that the existing and proposed uses fall within Use Class E of the Use Classes Order and the enlarged retail/commercial space is welcomed.

6.2.12 The design and amenity for future occupiers and neighbours are addressed below.

### **6.3 Character, Appearance and Design**

6.3.1 The relevant policies are:

- The National Planning Policy Framework (2021)
- The London Plan (2021): D1, D3, D5, D6, D11
- Harrow Development Management Policies (2013): DM1, DM2, DM22, DM23, DM27
- Harrow's Core Strategy (2012): CS1
- Mayor of London Housing Supplementary Planning Guidance (2016)
- Supplementary Planning Document Residential Design Guide (2010)
- Technical housing standards - nationally described space standard (2016)

#### *Mass, Siting and Design*

6.3.2 Heights along this part of Northolt Road vary greatly, and there is no distinctive or uniform building height. Nonetheless, the overarching built form is that of heights rising from south-west to north-east along the street. The proposal would maintain this built form with a clear and distinct height differential between 202 Northolt Road, the approved built form at No.196 and the existing building at No.190-194 Northolt Road.

6.3.3 The proposal would see an additional storey added, with a mansard/attic level above with projecting dormers. The Council's urban design officer has reviewed the development and considers that the front elevation is highly successful, with the mansard top storey reducing the perceived massing and offering a successful termination to the development. The integration of two properties to create a

cohesive whole and removal of the unsympathetic dormer element to No. 198 is welcome.

- 6.3.4 The reinstatement and continuation from No. 202 Northolt Road of period commercial frontages to the front elevation ground floor is highly welcome and in better keeping with the altered architectural style of the existing buildings. This should serve to strengthen the character of Northolt Road, particularly at ground level, adding to the pedestrian experience of the area.
- 6.3.5 It should be noted that a similar depth 3 storey rear extension was approved in 2015 (P/2637/15), albeit set away from the site boundaries. Nonetheless, the form and overall bulk is not substantially different to that which is proposed. The policy and legislative framework has changed since that time, however, not substantially in relation to rear extensions of that type. As such, the principle of a rear extension, of the proposed depth is considered to have been established.
- 6.3.6 Initially, the development sought to set the rear extension away from the development at No.202 Northolt Road. This would have led to a deep inset area, reducing the kitchen/lounge space available and offered no perceivable benefit in terms of design or amenity. As such, at the request of Council officers the design was amended to be a full width rear extension. Noting that the principle of other extensions at No.202 and No.196 have been found acceptable and that it would maintain the emerging rear building line at this part of Northolt Road.
- 6.3.7 The urban design officer considers that the rationalisation of massing to the rear of Nos. 198 and 200 to create a single massing is logical and successful at creating a simpler built form and the revised rear elevation is welcomed with regard to fenestration and façade rhythm.
- 6.3.8 The façade of the original building would be enhanced with general cleaning of the brickwork with matching and/or appropriate materials used in the upper storeys and rear extension.
- 6.3.9 It is considered that the proposed massing responds well to the large developments adjoining to the north-east and existing development to the south west. The abutment to both neighbouring buildings is welcome and continues a strong building line required for the coherence of this part of Northolt Road and the neighbouring town centre.
- 6.3.10 The rear ground level enlarged footprint will not be visible from the public realm and is set within a generally backland/service type area which it is not unusual for commercial development to have been extended over time.
- 6.3.11 The proposed materials are matching bricks with lintel detailing, rooftiles, timber framed sash style windows, with traditional deeper reveals (as opposed to the current flush UPVC reveals), traditional features which have been lost or hidden over time will also be reinstated or revealed as appropriate. Nonetheless, the success of the scheme relies on the quality of the selected materials. As such, a condition will be imposed requiring that full details of all external facing materials including brickwork, cladding, balustrades framing material, canopies and the like are provided.

## **6.4 Landscaping**

- 6.4.1 No landscaping at ground level is proposed, however, biodiverse roofs are proposed which are considered acceptable given the dense urban environment, the neighbourhood parade designation and the proximity to the South Harrow Town Centre. The lack of ground level landscaping is direct result of Council advise to retain as much retail space as possible which resulted in revisions to remove originally proposed ground level landscaping.
- 6.4.2 In order to ensure the proposed biodiverse roofs are a suitable type and will be maintained appropriately, full details will be required by way of condition.

## **6.5 Accessibility**

- 6.5.1 The development will have level access from street level as per existing arrangements. The proposal would be subject to Building regulation M4 (2), to ensure the dwellings would be adaptable for the needs/ future needs of occupiers. Two accessible units are provided at first and second floor level and the other units are all compliant with minimum GIA requirements and are adaptable to future occupiers needs.

### **Summary**

- 6.5.2 In summary, the proposal is considered to be of an appropriate mass and design for its context and would provide a suitable internal layout for future occupiers. Subject to the above detailed conditions, the development would accord with the relevant policies of the development plan as set out above.

## **6.6 Residential Amenity**

- 6.6.1 The relevant policies are:
- The National Planning Policy Framework (2021)
  - The London Plan: D3, D6
  - Harrow Development Management Policies (2013): DM1
  - Harrow's Core Strategy (2012): CS1

### **Amenity of Future Occupants**

- 6.6.2 The proposed development creates an HMO comprising 20 rooms with communal Kitchen/lounges and washing/store areas.
- 6.6.3 Minimum floorspace standards for HMO accommodation are set out in Harrow's Houses in Multiple Occupation Amenity Standards May 2020. Although this is useful to consider, it is guidance for acquiring an HMO license, and there is other pertinent policy from a planning perspective for determining the appropriate residential standards.

- 6.6.4 The London Plan specifies that Boroughs should ensure that, amongst other things, “new dwellings have adequately sized rooms and convenient and efficient room layouts”. Table 3.1 of The London Plan and the related National Technical Housing Standards specify the minimum GIAs for residential units and advises that these minimum sizes should be exceeded where possible. The use of these residential unit GIA’s as minimal is also reiterated in Appendix 1 of the Residential Design Guide SPD.
- 6.6.5 The London Plan requires that single bedrooms have a minimum area of 7.5sqm and minimum width of 2.15m. Each unit contains bedrooms which meet or exceed the minimum requirements of the London Plan, with units ranging in size from 16.8sqm to 22.3sqm, exceeding the minimum width and including en-suite bathroom facilities.
- 6.6.6 Total kitchen/lounge areas are approximately 107sqm, spread across 4 separate spaces (one on each floor), which is considered acceptable and provides sufficient space for cooking and socialising.

#### *Amenity Space, Outlook, Light, Ventilation*

- 6.6.7 In this instance no private or communal open space is provided given the location, within a neighbourhood parade, adjacent to a town centre this is considered reasonable and acceptable. There are numerous examples in the South Harrow Town Centre and surrounds of flats above commercial development which do not benefit from any private outdoor space. Given the location of this site, which is, to the casual observer very much part of the Harrow Town Centre future occupiers seeking in such a locations are likely to have different aspirations and expectations regarding outdoor space than those seeking a more suburban or rural living environment. The lack of outdoor space serving the HMO units is considered to be outweighed by the other positive attributes of the site such as its excellent transport links, very close proximity to shops, services, cafes/restaurants and the like. Additionally, the principle of residential units without outdoor space has been established as acceptable in recently approved planning application (see planning history above).
- 6.6.8 The submitted sunlight/daylight report confirms that internally, the proposed units perform very well in terms of access to daylight and the majority have access to direct sunlight. The majority of units meet the BRE guidelines, however, due to the orientation of the site it is not possible for all new units to have a window within 90degrees of due south. Given that the majority of units have been given a south-easterly orientation, and units facing north-west have been minimised this is considered reasonable and it would not be a sufficient reason in its own right to warrant refusal.
- 6.6.9 The London Plan requires that at least 75% of the proposed floorspace has a floor to ceiling height of 2.5m. Section drawings submitted indicate that floor to ceiling heights are generally a minimum of 2.6m. Within the mansard top level the useable space ranges in height from 2.2m to 3.1m, the two rooms at the top floor have been designed with generous proportions and are south east facing and more than 75% of their floorspace are above 2.3m (as required by the Nationally Described Space Standards, which override the London Plan if there is any conflict).

### *Access, Waste, Cycle Parking, Servicing*

- 6.6.10 In terms of layout, the property, as existing, comprises a mix of uses i.e. commercial at ground floor level and residential at the existing upper floor levels. The residential uses will be accessed via a staircore and single lift. This will provide access to the waste, cycle stores, disabled parking and main ground floor entrance.
- 6.6.11 Servicing of the development has been confirmed as taking place from the rear private access road, deliveries, waste collection and the like will all occur from this location to ensure limited impact on Northolt Road. This is considered to be an acceptable approach and makes logical use of the service road.
- 6.6.12 Waste for the entire development is proposed to be stored in purpose built areas at the rear of the building sufficient bins are provided for both the residential and commercial uses. The Council's waste officer has not raised an objection to the proposed waste storage and number of bins.

### *Vertical Stacking*

- 6.6.13 The proposed floor plans provide acceptable vertical stacking with minimal conflict of room type resulting. In addition, the proposed additional storeys would be required to meet Building Regulation standards relating to noise transmission, which would ensure adequate sound protection not only between the residential units, but also between the proposed flats and the proposed office units.

## **6.7 Residential Amenity of Neighbouring Occupiers**

- 6.7.1 London Plan Policy D3.D(7) states that development should deliver appropriate outlook, privacy and amenity.
- 6.7.2 Core Strategy Policy CS1 B requires development to respond positively to the local context in terms of design, siting, density and spacing. Policy DM1 *Achieving a High Standard of Development* sets out a number of privacy and amenity criteria for the assessment of the impact of development upon neighbouring occupiers. Harrow has also produced a Residential Design Guide SPD.
- 6.7.3 The principle of a three-storey rear extension has previously been found acceptable by application reference P/637/15.
- 6.7.4 This decision is considered relevant to this application and sets a precedence for a similar depth rear extension. Although the policies in regards to the London Plan have been updated since that previous approval, they have not substantially changed in relation to rear extensions. Additionally, Harrow's Development Management policies and SPD guidance have not changed.
- 6.7.5 There are no flank windows which would be affected by the proposed development at either neighbouring site. As such, there will be no amenity impact on these sites.

- 6.7.6 The proposed rear extension would abut the existing flank wall of No.196 and be approximately the same depth. As such, there would be no harm to the amenity of that property. Similarly, when the approved development of No.196 is considered the proposed rear extension would be set against the proposed flank wall of No.196, thereby having no adverse impact on the proposed residential units above. The two-storey roof addition would be set back from the rear elevation of both the existing and proposed development at No.196 and would therefore not have any adverse impact on either existing or approved development at No.196.
- 6.7.7 Regarding the neighbour at No.202, the proposed rear extension would align with the rear extension recently completed on that building. The proposed additional storey and mansard is set back from rear elevation of the new extension at No.202. As such, there is no adverse amenity impact to that adjoining neighbour.
- 6.7.8 In relation to the Greenwolds care home site to the rear, the proposed additional storey with mansard would be set approximately 23m from the closest corner of the Greenwolds building. All windows facing the subject site are further away than this corner. As such, the additional storey is not considered to have any adverse visual or amenity impact given its distance from the Greenwolds.
- 6.7.9 In relation to the 4-storey rear extension, this will be located approximately 17m from the nearest corner of the Greenwolds building. As has been noted, the principle of a rear extension of the same depth proposed has been found acceptable and it was not considered that residential amenity was a concern. The site circumstances have not changed, and it is considered that the impact of the development in terms of overlooking, overshadowing, outlook and other neighbouring amenity concerns is acceptable.
- 6.7.10 It should also be noted that the western half of the building is the only part of the building which faces directly toward the Greenwolds building. The eastern half of the rear extension faces toward the shared boundary and rear garden of the Greenwolds, which is screened by mature trees and vegetation. The western part of the extension contains the communal kitchens and lounge areas. This is considered to limit the potential for adverse overlooking given that residents are likely to spend the majority of their time in their private rooms, the majority of which face to the south east or over the rear garden of the Greenwolds.
- 6.7.11 In terms of outlook from the Greenwolds towards the subject site, the proposal is considered to be sufficiently distanced, and viewed in the context of the as built development at No.202, the existing large building at No.190-194, the approved redevelopment of No.196 and other large developments to the north-east so as not to cause adverse impact. It should be noted that the proposed development aligns with the existing rear building line established by No.202 and No.196 and is therefore appropriate and acceptable.
- 6.7.12 In terms of overshadowing and sunlight/daylight, the site is due west of the nearest corner of the Greenwolds building, and at upper level is set within the existing building footprint. The submitted sunlight daylight report does not identify any windows within the Greenwolds as being affected by the development above what is acceptable by BRE standards. As such, it is considered that any

additional overshadowing caused by the proposed building will be nil to negligible, with direct sunlight only having the potential to be impacted in the early morning as the sun moves in an upward east to west, southerly arc throughout the day.

## **6.8 Traffic, Parking and Servicing**

6.8.1 The relevant policies are:

- The National Planning Policy Framework (2021)
- The London Plan (2021): T4, T5, T6
- Harrow Development Management Policies (2013): DM42, DM45
- Harrow's Core Strategy (2012): CS1

6.8.2 This proposal is within a PTAL 5 location meaning access to public transport is considered to be very good. There are various bus routes servicing the area and it is immediately opposite South Harrow Underground Station where there is a frequent Piccadilly tube service. There is also excellent access to local amenities; shops, restaurants, leisure facilities, schools, open space – this is a location where it would be reasonable to expect people to travel mainly by sustainable modes.

6.8.3 The proposal includes a policy compliant level of cycle parking with 22 long stay spaces in secure and covered locations within the ground level of the building and 6 short stay spaces at Sheffield stands at the front. The long stay spaces should include 5% accessible parking to comply with the London Plan. In order to ensure this is achieved a condition of consent will be imposed.

6.8.4 The Council's highways officer has reviewed the development and considers the Transport Statement includes analysis which used data previously accepted for another proposal at the same site (P/4549/20/PRIOR). The anticipated level of active mode trips is low and unlikely to generate any noticeable changes in the operation of public transport or the highway in general

6.8.5 Given that there is a service road to the rear it is expected that servicing and delivery will take place from that road. As such, an updated delivery and servicing plan and waste management plan will be conditioned requiring this to be the case, along with waste being collected from the rear shared collection point.

6.8.6 Given the extent of the development and its location in, essentially, a busy town centre environment, it will be necessary to provide a detailed construction logistics plan (CLP) prior to commencement. This must follow the TfL format and guidance which is available online on the TfL website and will be secured by way of condition.

6.8.7 It is considered reasonable that future residents would not need to rely on private cars. To support the car free intentions and to minimise the potential impact of parking on the surrounding roads, the development is required to be a car-free development. This is in line with local policies (the Harrow Transport Local Implementation Plan 2019/20-2021/22 (section 2.5.122 and Borough Transport



Policy R16 and 17) and the London Plan Policy T6. The applicant has agreed to enter into a legal agreement to ensure the units are car-free.

- 6.8.8 Based on the above, the Council's highways officer considers that this proposal is unlikely to result in a severe or harmful impact for the surrounding highway network; Highways have no objection subject to revisions to cycle parking, CLP condition and legal agreement.

### Waste

- 6.8.9 As noted above, it is proposed to store the waste within designated and separated residential and commercial stores within or at the rear of the building. In total, there will be 20 residential units at the site. This is a requirement of 3 x 1,100L waste bins, a total of 6 bins are proposed. This exceeds the requirements of the Council's Code of Practice for the Storage of Waste in Domestic Purposes. Additionally, there is external space for two x 1,100L bins to serve the new office space. Given that there is an excess of waste bins provided for the residential units there is considered to be adequate space to provide additional waste storage for the commercial premises if required.
- 6.8.10 The bins will be moved on collection day to a consolidated collection point for a number of sites within the applicant's ownership, within the rear private service lane. The Council's waste officer has reviewed this proposal and considers it appropriate and acceptable, and raises no concerns. As noted, an updated servicing and delivery management plan, and waste management plan will be required by condition to formalise this approach.

## **6.9 Drainage**

- 6.9.1 The relevant policies are SI12 of the London Plan (2021) and DM10 of the DMP.
- 6.9.2 The site is identified as a critical drainage area of Harrow. The Council's Drainage officers have not commented on the application.
- 6.9.3 As such, the proposal is considered to be acceptable and no additional conditions in relation to drainage or surface water attenuation are required.

## **6.10 Fire Safety**

- 6.10.1 Policy D12 of The London Plan requires all development to meet standards of fire safety. Therefore, a condition has been attached to ensure the development meets this requirement prior to completion of damp proof course.

## **7.0 CONCLUSION AND REASONS FOR APPROVAL**

- 7.1 The proposed redevelopment of the site would provide a high quality mixed residential and commercial development, which would be a positive contribution to the town centre and business uses environment. The proposed additional storey with mansard, rear extension, enlargement of the retail/commercial unit and improvements to the existing building façade are considered to enhance the

urban environment and make a positive contribution to the local area in terms of quality and character.

- 7.2 The layout and orientation of the building and separation distance to neighbouring properties is considered to be satisfactory to protect the amenities of the neighbouring occupiers; whilst the amenities of future occupiers would be satisfactory. The proposal has also been considered with regard to parking and highway safety and has been found to be reasonably acceptable, on balance, subject to conditions.
- 7.3 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, it is considered that the current proposal has overcome the reasons for refusal of the previous scheme, as such an approval of the application is thereby recommended.

## **APPENDIX 1: Conditions and Informatives**

### **Conditions**

#### 1. Time Limit 3 years - Full Permission

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

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

#### 2. Approved Drawing and Documents

Unless otherwise agreed in writing by the local planning authority, the development shall be carried out, retained and completed in accordance with the following approved drawings and documents:

Site Location Plan; L(01)001 P01; L(01)011 P01; L(01)010 P01 (Ground and First Floors As Existing); L(01)020 P01; L(01)021 P01; L(01)030 P01; L(01)010 P05; L(01)100 P06; L(01)101 P06; L(01)102 P06; L(01)103; L(01)104); L(01)105; L(01)106; L(01)400 P02; L(01)401 P03; L(01)300 P03; L(01)500 P03; Air Quality Assessment (Dated 25/06/2021); Groundsure Contamination Report (Dated 10/12/2020); Transport Statement (Dated June 2021); Geological desk Study/Preliminary Risk Assessment (Dated 25/06/2021); Noise Impact Assessment (Dated 15/06/2021); Overheating Analysis (Dated 18/06/2021); Desktop Health Impact Assessment (Dated June 2021); Operation and Management Statement (Dated May 2021); Daylight and Sunlight Report (Dated 8/06/2021); Design and Access Statement; Energy Statement (Dated 18/06/2021); Flood Risk Assessment (Dated 04/06/2021); Planning Statement (Dated July 2021); Travel Plan (Dated June 2021); Email dated 01/11/2021 between Waste Consultant and Harrows Waste Officer

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

#### 3. Demolition and Construction Logistics Plan (Pre-commencement)

No development shall take place, including any works of demolition, until a detailed demolition and construction logistics plan has first been submitted to the Local Planning Authority in writing to be agreed. The plan shall detail the arrangements for:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in construction the development;
- d) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing;
- e) wheel washing facilities;
- f) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- g) measures for the control and reduction of dust;
- h) measures for the control and reduction of noise and vibration; and

- i) How traffic would be managed to minimise disruption.

The demolition and construction of the development shall be carried out in accordance with the plan so agreed.

REASON: To ensure that measures are put in place to manage and reduce noise and vibration impacts during demolition and construction and to safeguard the amenity of neighbouring occupiers, and to ensure that the transport network impact of demolition and construction work associated with the development is managed. To ensure that measures are agreed and in place to manage and reduce dust, noise and vibration during the demolition and construction phases of the development and manage transport impacts during the demolition and construction phases of the development. This condition is a PRE-COMMENCEMENT condition as the proposed measures must be in place prior to commencement of works.

#### 4. Fire Safety

The development herein approved shall not commence until a Fire Safety Statement has been submitted to and approved in writing by the Local Planning Authority, this statement shall include details of how the development will function in terms of the following:

- 1) identify suitably positioned unobstructed outside space: a) for fire appliances to be positioned on b) appropriate for use as an evacuation assembly point;
- 2) is designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures;
- 3) is constructed in an appropriate way to minimise the risk of fire spread;
- 4) provide suitable and convenient means of escape, and associated evacuation strategy for all building users;
- 5) develop a robust management strategy for evacuation which is to be periodically updated and published (details of how often this management strategy is to be reviewed and published to be included), and which all building users can have confidence in; and
- 6) provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.

The development shall be operated in accordance with the approved details in perpetuity.

REASON: To ensure that the fire safety of the proposed building is managed in a satisfactory manner and that the development contributes to fire safety in line with Policy D12A of the London Plan (2021).

5. Updated Delivery and Service Plan

Prior to occupation of the development an updated service and delivery management plan shall be submitted and approved in writing by the local planning authority. The plan shall outline, but not be limited to, the anticipated servicing and delivery activity, the frequency, the nature/size of the vehicle and the location of parking/stop off for servicing and delivery vehicles. The plan shall also outline the use of the rear service road for service and delivery of the site. The service and delivery management plan shall be maintained in perpetuity unless otherwise amended in writing by the local planning authority.

Reason: To ensure the highways network is not adversely impacted by servicing and delivery of the proposed development.

6. Updated Waste Management Plan

Prior to occupation of the development an updated waste management plan shall be submitted and approved in writing by the local planning authority. The plan shall outline (but not be limited to), the collection point in the rear service road. The waste management plan shall be maintained in perpetuity unless otherwise amended in writing by the local planning authority. The approved refuse and waste bins shall be stored at all times, other than on collection days, within the designated refuse storage areas as shown on the approved plans.

Reason: To ensure the highways network is not adversely impacted by waste handing of the proposed development

7. Materials

Notwithstanding the details shown on the approved drawings, the development shall not progress beyond damp proof course level until samples of the materials (or appropriate specification) to be used in the construction of the external surfaces noted below have been submitted to, and agreed in writing by, the local planning authority:

- a) facing materials for the buildings;
- b) windows/ doors/glazing, canopies, shopfronts/entrances; and
- c) dormers/roofing.

The development shall be carried out in accordance with the details so agreed and shall be retained as such thereafter.

Reason: To ensure that the development is carried out to the highest standards of architecture and materials.

8. Biodiverse Roof Details

Prior to occupation, details of the provision of green/biodiverse roofs within the development have been submitted to and approved by the Local Planning

Authority. The details to be submitted shall comprise:

- a) identification of the roof areas to be used for the provision of green/biodiverse roofs;
- b) details of the planting and substrate to be used, including roof build up, plant species/mix(es) schedule which should include at least 20 native flower species, plans and sections as appropriate; and
- c) details of the maintenance including irrigation.

The development shall be carried out in accordance with the details so agreed and shall be retained and maintained as such thereafter.

Reason: To ensure that the development makes appropriate provision for the protection, enhancement, creation and management of biodiversity within the site and surrounding area in accordance with Policy DM 22 of the Harrow Development Management Policies Local Plan (2013).

#### 9. Cycle Parking

Prior to occupation of the development the cycle parking hereby approved shall be fully implemented, made available and maintained thereafter in perpetuity.

Reason: To ensure sufficient on-site cycle parking facilities are provided and to encourage sustainable travel in accordance with Policy T5 of the London Plan 2021.

#### 10. Communal Television Equipment

Prior to the occupation of the development, details of a strategy for the provision of communal facilities for television reception (eg. aerials, dishes and other such equipment) shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the specific size and location of all equipment. The approved details shall be implemented prior to the first occupation of the building and shall be retained thereafter. No other television reception equipment shall be introduced onto the walls or the roof of the building without the prior written approval of the Local Planning Authority.

REASON: In order to prevent the proliferation of individual television reception items on the building which would be harmful to the character and appearance of the building and the visual amenity of the area.

#### 11. Secure by Design

Evidence of certification of Secure by Design Accreditation for the development (silver or gold) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is occupied or used.

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.

12. Openable Windows

Notwithstanding the drawings hereby approved, each unit shall be provided with openable windows.

REASON: To ensure adequate ventilation to avoid overheating of the single aspect residential units.

13. Use of flat roof

The flat roof areas of the building beyond any balconies or terraces, hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.

REASON: To safeguard the amenity of neighbouring residents.

14. Flues and pipework

Other than those shown on the approved drawings, no soil stacks, soil vent pipes, flues, ductwork or any other pipework shall be fixed to the elevations of the buildings hereby approved.

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

15. Restriction To Telecommunication Items

Notwithstanding the provisions of the Electronic Communications Code Regulation 5 (2003) in accordance with The Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification), no development which would otherwise fall within Schedule 2, Part 16, Class A of that order shall be carried out in relation to the development hereby permitted without the prior written permission of the local planning authority.

REASON: In order to prevent the proliferation of individual telecommunication items on the building which would be harmful to the character and appearance of the building and the visual amenity of the area.

## Informatives

1. Policies

The following policies and guidance are relevant to this decision:

National Planning Policy and Guidance:

National Planning Policy Framework (2021)

**The London Plan (2021):** GG2 Making the best use of land  
GG4 Delivering the homes Londoners need  
SD6 Town centres and high streets  
H1 Increasing housing supply  
H2 Small Sites  
H10 Housing Size mix  
D3 Optimising site capacity through the design-led approach  
D6 Housing quality and standards  
D7 Accessible housing  
E9 Retail, markets and hot food takeaways  
T4 Assessing and Mitigating transport impacts  
T5 Cycling  
T6 Car Parking  
T6.1 Residential Parking  
T7 Deliveries, servicing and construction  
SI 12 Flood Risk Management

Harrow Core Strategy (2012):  
CS1

Development Management Policies Local Plan (2013):  
DM1, DM2, DM23, DM24, DM27, DM31, DM38, DM42, DM43, DM44, DM45,  
DM50

Adopted Supplementary Planning Documents:  
London Plan Housing Supplementary Planning Guidance (2016)  
Supplementary Planning Document: Residential Design Guide (2010)  
Council's Code of Practice for the Storage and Collection of Refuse and Materials  
for Recycling in Domestic Properties (February 2016)

## 2. Pre-application engagement

Statement under Article 35(2) of The Town and Country Planning (Development Management Procedures) (England) Order 2015. This decision has been taken in accordance with paragraphs 39-42 of The National Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

## 3. Considerate Contractor Code of Practice

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. Party Wall Act

The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to



carry out building work which involves:

1. work on an existing wall shared with another property;
2. building on the boundary with a neighbouring property;
3. excavating near a neighbouring building,  
and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval.

"The Party Wall etc. Act 1996: Explanatory booklet" is available free of charge from:

Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB

Please quote Product code: 02 BR 00862 when ordering

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

#### 5. Compliance with Planning Conditions

**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

#### 6. Liability for Damage to Highway

The applicant is advised to ensure that the highway is not interfered with or obstructed at any time during the execution of any works on land adjacent to a highway. The applicant is liable for any damage caused to any footway, footpath, grass verge, vehicle crossing, carriageway or highway asset. Please report any damage to [nrswa@harrow.gov.uk](mailto:nrswa@harrow.gov.uk) or telephone 020 8424 1884 where assistance with the repair of the damage is available, at the applicants expense. Failure to report any damage could result in a charge being levied against the property.

#### 7. Surface and foul water connections

The applicant is advised that the Drainage Authority in Harrow recommends the submission of a drainage plan, for their approval, indicating all surface and foul water connections and their outfall details. Please also note that separate systems are used in Harrow for surface water and foul water discharge. Please email [infrastructure@harrow.gov.uk](mailto:infrastructure@harrow.gov.uk) with your plans.

## 8. Thames Water

The applicant can contact Thames Water developer services by email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) or by phone: 0800 009 3921 or on Thames Water website [www.developerservices.co.uk](http://www.developerservices.co.uk) for drainage connections consent.

## 9. Street Numbering

Harrow Council is responsible for the naming and numbering of new or existing streets and buildings within the borough boundaries. The council carries out these functions under the London Government Act 1963 and the London Building Acts (Amendment) Act 1939.

All new developments, sub division of existing properties or changes to street names or numbers will require an application for official Street Naming and Numbering (SNN). If you do not have your development officially named/numbered, then then it will not be officially registered and new owners etc. will have difficulty registering with utility companies etc.

You can apply for SNN by contacting [technicalservices@harrow.gov.uk](mailto:technicalservices@harrow.gov.uk) or on the following link.

[http://www.harrow.gov.uk/info/100011/transport\\_and\\_streets/1579/street\\_naming\\_and\\_numbering](http://www.harrow.gov.uk/info/100011/transport_and_streets/1579/street_naming_and_numbering)

## 10 Mayoral CIL

Please be advised that approval of this application (either by Harrow Council, or subsequently by the Planning Inspectorate if allowed on appeal following a refusal by Harrow Council) will attract a Community Infrastructure Levy (CIL) liability, which is payable upon the commencement of development. This charge is levied under s.206 of the Planning Act 2008 Harrow Council, as CIL collecting authority, has responsibility for the collection of the Mayoral CIL

The Provisional Mayoral CIL liability for the application, based on the Mayoral CIL levy rate for Harrow of £60/sqm is £44,940

The floorspace subject to CIL may also change as a result of more detailed measuring and taking into account any in-use floor space and relief grants (i.e. for example, social housing).

You are advised to visit the planning portal website where you can download the appropriate document templates.

Please complete and return the Assumption of Liability Form 1 and CIL Additional Information Form 0.

[https://ecab.planningportal.co.uk/uploads/1app/forms/form\\_1\\_assumption\\_of\\_liability.pdf](https://ecab.planningportal.co.uk/uploads/1app/forms/form_1_assumption_of_liability.pdf)

[https://ecab.planningportal.co.uk/uploads/1app/forms/cil\\_questions.pdf](https://ecab.planningportal.co.uk/uploads/1app/forms/cil_questions.pdf)

If you have a Commencement Date please also complete CIL Form 6:

[https://ecab.planningportal.co.uk/uploads/1app/forms/form\\_6\\_commencement\\_notice.pdf](https://ecab.planningportal.co.uk/uploads/1app/forms/form_6_commencement_notice.pdf)

The above forms should be emailed to [HarrowCIL@Harrow.gov.uk](mailto:HarrowCIL@Harrow.gov.uk)

Please note that the above forms must be completed and provided to the Council prior to the commencement of the development; failure to do this may result in surcharges and penalties

11 Harrow CIL

Harrow has a Community Infrastructure Levy which applies Borough wide for certain developments of over 100sqm gross internal floor space.

Harrow's Charges are:

Residential (Use Class C3) - £110 per sqm;

Hotels (Use Class C1), Residential Institutions except Hospitals, (Use Class C2), Student Accommodation, Hostels and HMOs (Sui generis) - £55 per sqm;

Retail (Use Class A1), Financial & Professional Services (Use Class A2), Restaurants and Cafes (Use Class A3) Drinking Establishments (Use Class A4) Hot Food Takeaways (Use Class A5) - £100 per sqm

All other uses - Nil.

The Provisional Harrow CIL liability for the application, based on the Harrow CIL levy rate for Harrow of £110/sqm is £82,390

This amount includes indexation which is 326/224. The floorspace subject to CIL may also change as a result of more detailed measuring and taking into account any in-use floor space and relief grants (i.e. for example, social housing).

The CIL Liability is payable upon the commencement of development.

You are advised to visit the [planningportal](http://planningportal.co.uk) website where you can download the relevant CIL Forms.

Please complete and return the Assumption of Liability Form 1 and CIL Additional Information Form 0.

[https://ecab.planningportal.co.uk/uploads/1app/forms/form\\_1\\_assumption\\_of\\_liability.pdf](https://ecab.planningportal.co.uk/uploads/1app/forms/form_1_assumption_of_liability.pdf)

[https://ecab.planningportal.co.uk/uploads/1app/forms/cil\\_questions.pdf](https://ecab.planningportal.co.uk/uploads/1app/forms/cil_questions.pdf)

If you have a Commencement Date please also complete CIL Form 6:

[https://ecab.planningportal.co.uk/uploads/1app/forms/form\\_6\\_commencement\\_notice.pdf](https://ecab.planningportal.co.uk/uploads/1app/forms/form_6_commencement_notice.pdf)

The above forms should be emailed to [HarrowCIL@Harrow.gov.uk](mailto:HarrowCIL@Harrow.gov.uk)

Please note that the above forms must be completed and provided to the Council prior to the commencement of the development; failure to do this may result in surcharges

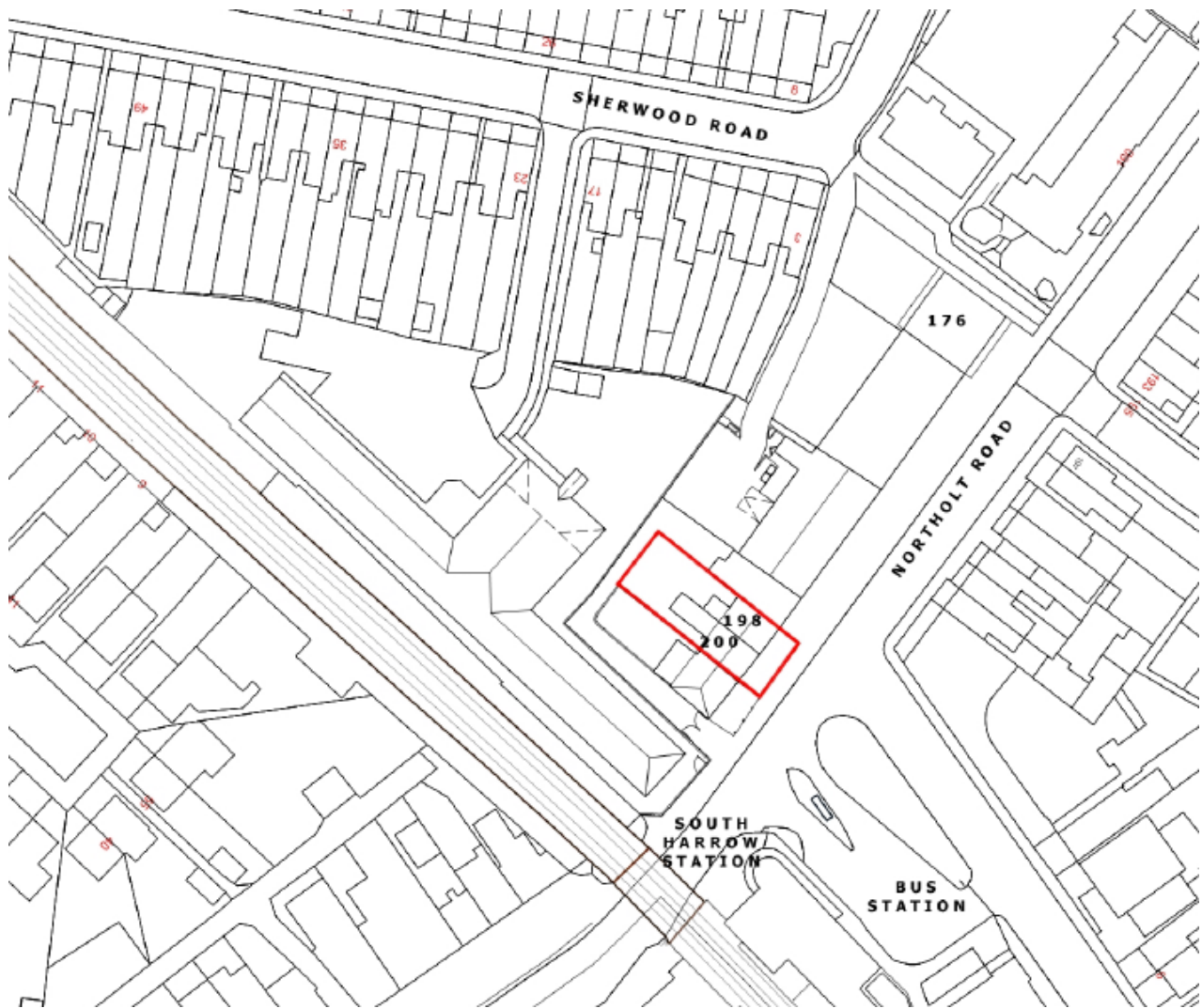
12 **INFORM67 - Fire Safety Statement.** The submission/approval of the Fire Safety Statement does not replace the need for building regulation approval in relation to fire safety, nor does it convey or imply any approval under those regulations.

13 The application site is located close to a military airfield. Future occupants should be made aware that military aircraft may be seen and heard operating in the area and that aircraft may overfly the site. Aircraft types, flight paths and ground based activity can vary over time and this may cause disturbance.

**CHECKED**

Head of Development Management	28/02/2022
Corporate Director	01/03/2022

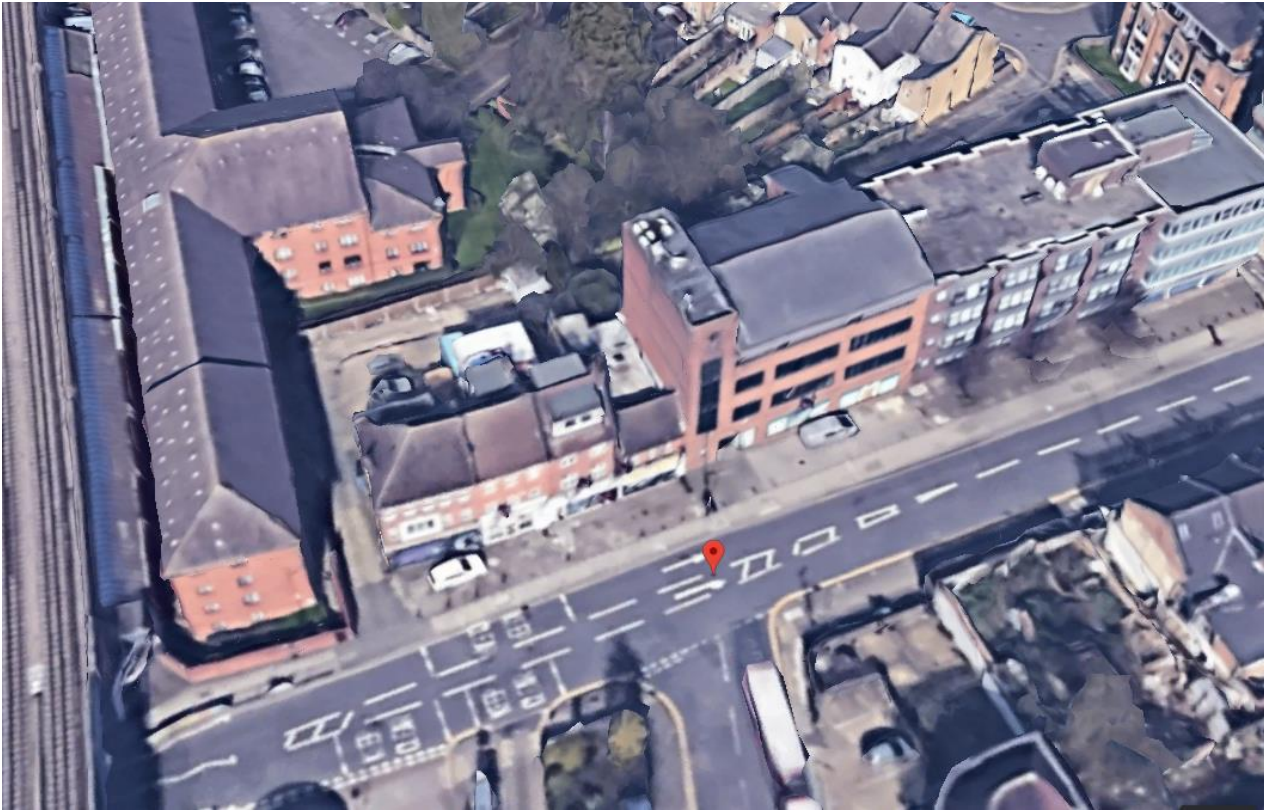
**APPENDIX 2: SITE PLAN**





## APPENDIX 3: SITE PHOTOGRAPHS

Aerial images:



Front









Rear



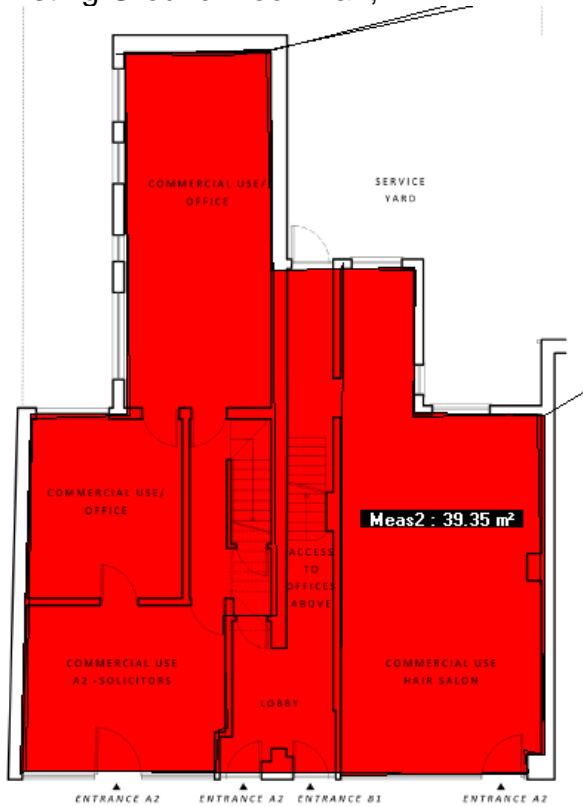






# APPENDIX 4: PLANS AND ELEVATIONS

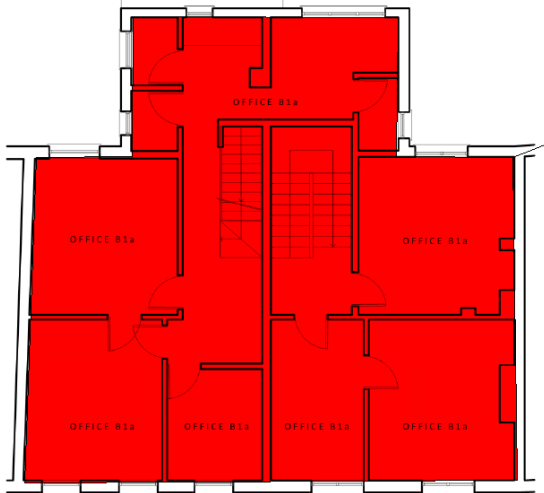
## Existing Ground Floor Plan;



## Proposed Ground Floor Plan



## Existing First Floor



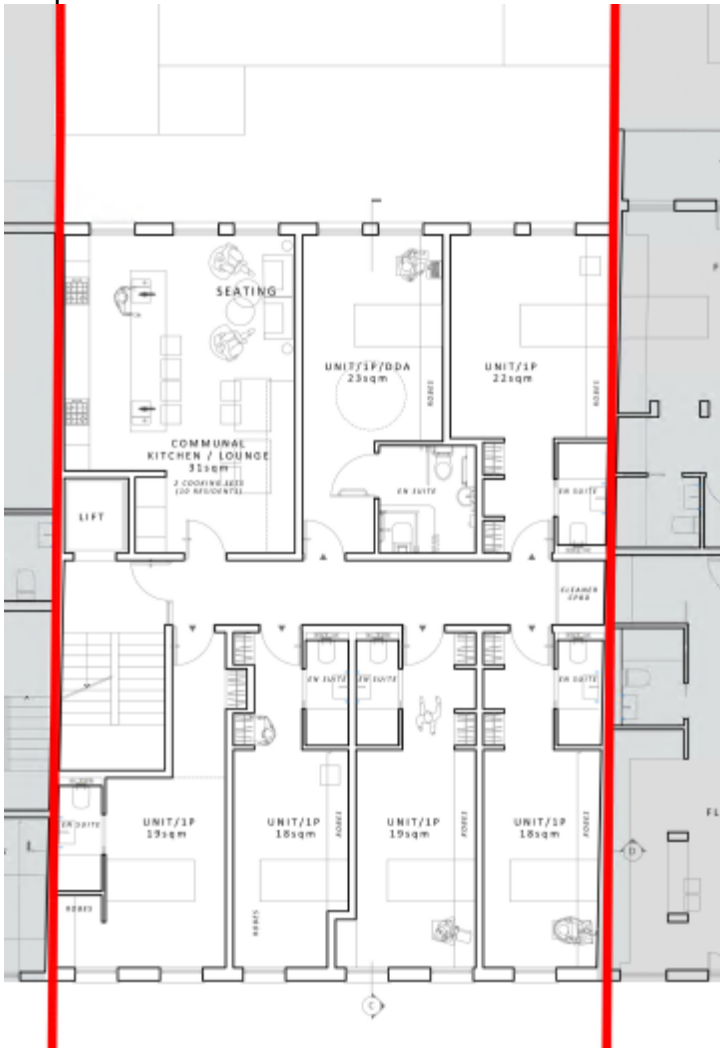
## Proposed First Floor



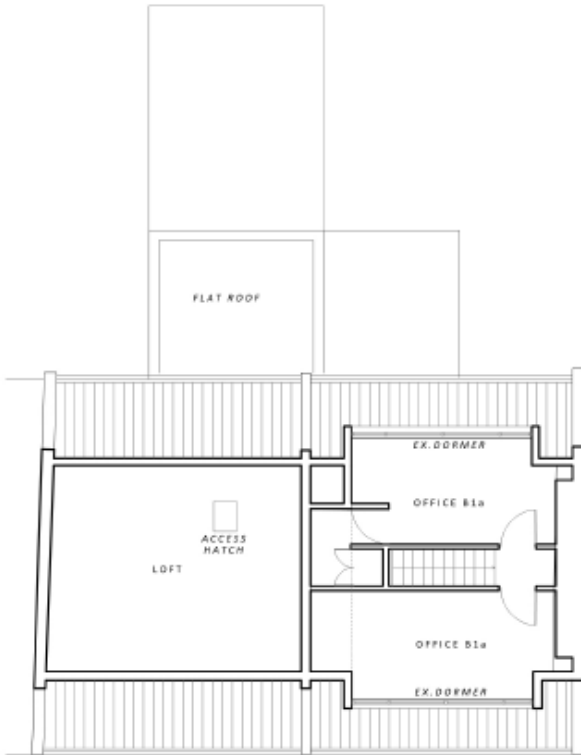
## Existing Second Floor



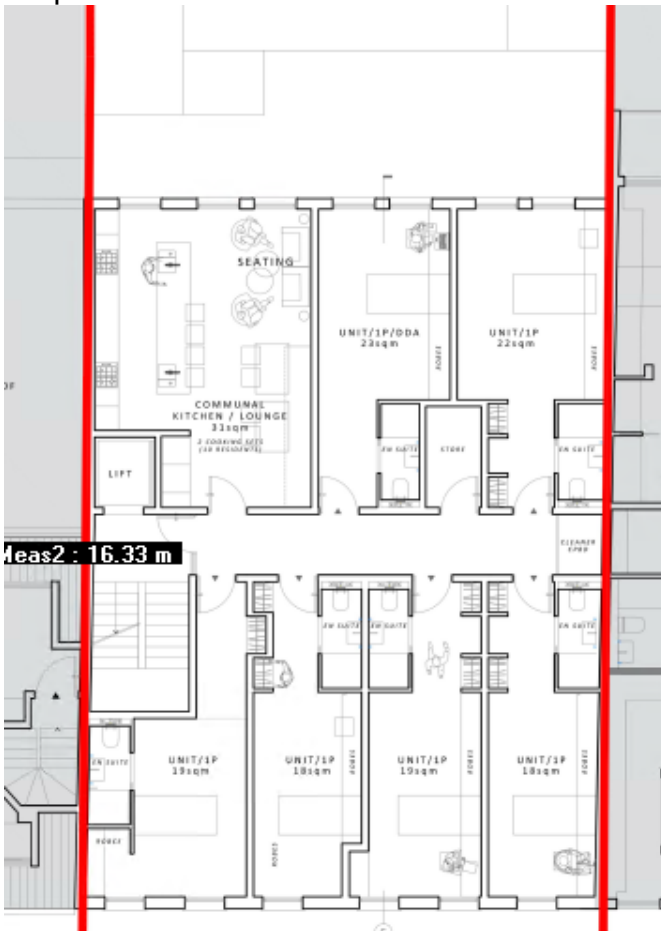
Proposed Second Floor



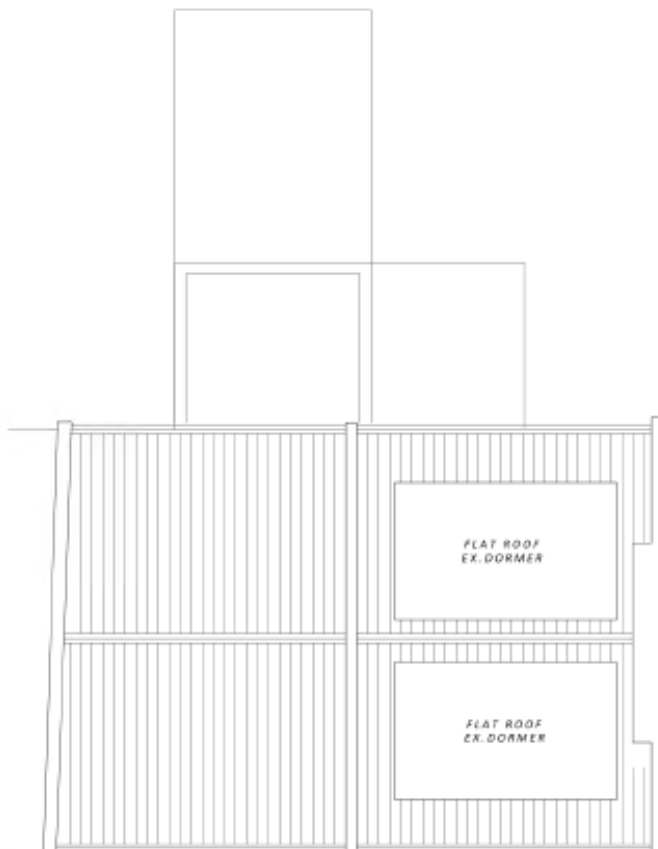
Existing Third Floor (Loft)



Proposed Third Floor



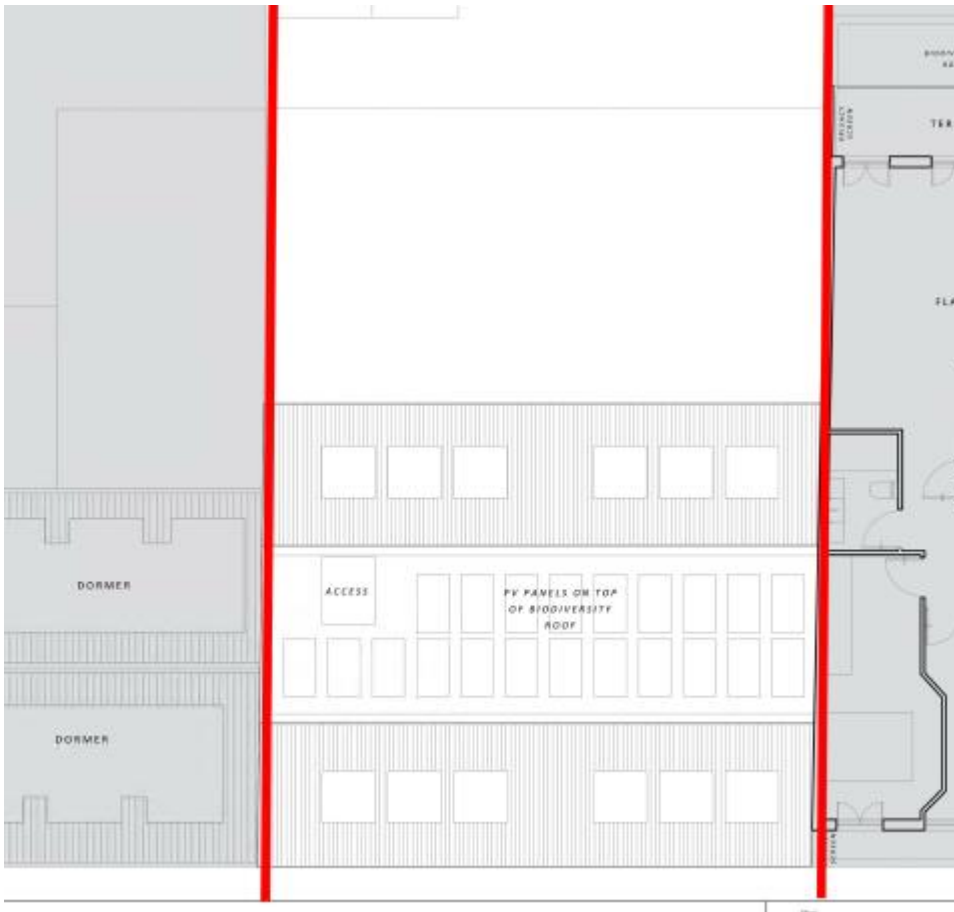
## Existing Roof Plan



## Proposed Fifth Floor



## Proposed Roof Plan



Existing Front Elevation



Proposed Front Elevation



Existing Rear Elevation



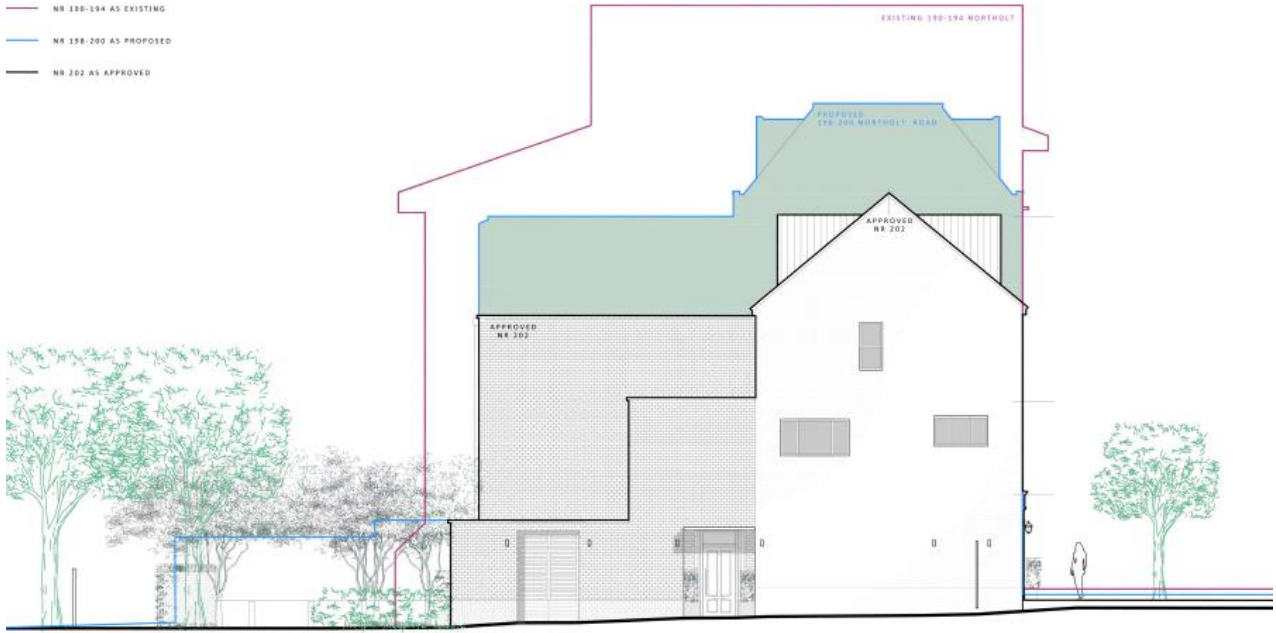
Proposed Rear Elevation



Side elevation showing neighbouring properties

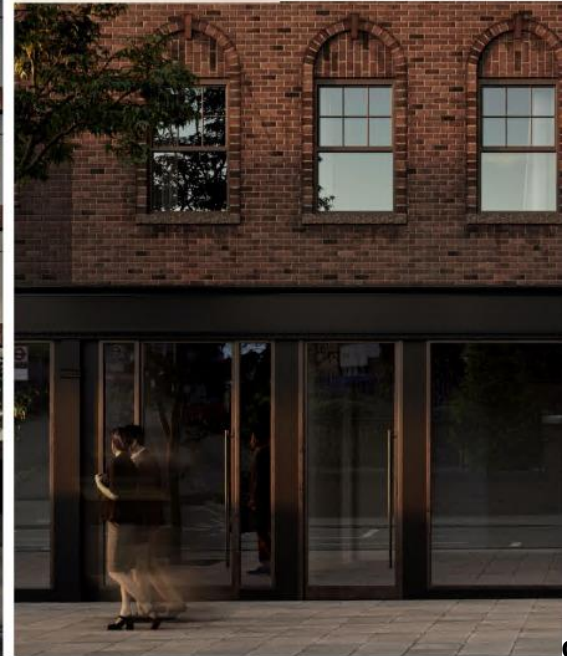


- NR 198-194 AS EXISTING
- NR 198-200 AS PROPOSED
- NR 202 AS APPROVED



CGIs:



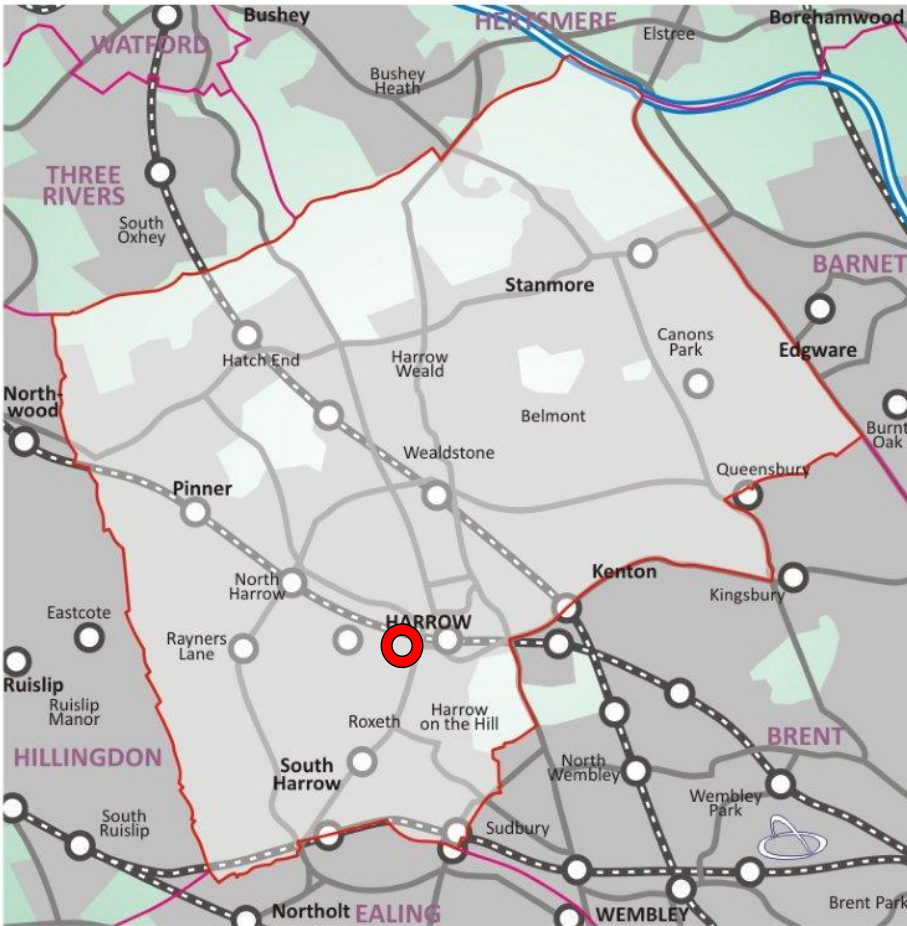


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Agenda Item : 2/03



 = application site

26 Butler Avenue, Harrow, HA1 4EH

P/4933/21

## SITE PLAN



**LONDON BOROUGH OF HARROW**

**PLANNING COMMITTEE**

**16<sup>th</sup> March 2022**

**APPLICATION NUMBER:** P/4933/21  
**VALIDATION DATE:** 20/12/2021  
**LOCATION:** 26 BUTLER AVE  
**WARD:** WEST HARROW  
**POSTCODE:** HA1 4EH  
**APPLICANT:** NO.12 INVESTMENTS LIMITED  
**AGENT:** DRK PLANNING LTD  
**CASE OFFICER:** FERGUS FREENEY  
**EXTENDED EXPIRY DATE:** 18/03/2022

**PROPOSAL**

Conversion of dwelling into three flats (2 x 1 bed and 1 x 3 bed), single storey rear extension.

The Planning Committee is asked to consider the following recommendation:

**RECOMMENDATION**

- 1) To agree the reasons for approval as set out in this report, and
- 2) Grant planning permission subject to subject to the Conditions listed in Appendix 1 of this report.

**REASON FOR THE RECOMMENDATIONS**

The creation of flats and rear extension on the site is appropriate in this location and would not have an adverse impact on the amenity of future occupiers or the occupiers of adjoining properties.

Accordingly, weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out below, officers conclude that the application is worthy of support.

**INFORMATION**

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

Statutory Return Type: Minor Development  
Council Interest: None  
Net additional Floorspace: 35sqm  
GLA Community Infrastructure Levy (CIL) Contribution (provisional)(£60p/sqm): £9,768

Local CIL requirement £16,280  
(Provisional)(£100p/sqm):

### **HUMAN RIGHTS ACT**

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

### **EQUALITIES**

In determining this planning application, the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

For the purposes of this application there are no adverse equalities issues.

### **S17 CRIME & DISORDER ACT**

Policy D11 of the London Plan (2021) and Policy DM1 of the Development Management Polices Local Plan require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. It is considered that the development does not adversely affect crime risk. However, a condition has been recommended for evidence of certification of Secure by Design Accreditation for the development to be submitted to and approved in writing by the Local Planning Authority before any part of the development is occupied or used.



## **1.0 SITE DESCRIPTION**

- 1.1 The application site is located on the north side of Butler Avenue.
- 1.2 The property on the application site is a two storey mid-terraced house which has recently been extended with a rear dormer and loft conversion.
- 1.3 No. 24 adjoins the property to the south-east, while no. 28 adjoins the property to the north-west.
- 1.4 The rear boundary adjoins nos. 31-35 Vaughan Road.
- 1.5 The site has a public transport accessibility level (PTAL) of 4 (although the eastern most part of Butler Avenue is rated as PTAL 6a)
- 1.6 There are no site specific constraints.

## **2.0 PROPOSAL**

- 2.1 Planning permission is sought for the conversion of the existing 3 bedroom, single family dwelling to three flats, comprising 2 x 1bed studio apartments at ground level and a 3 bedroom, two storey apartment at first floor and attic level. A ground floor rear extension is also proposed together with alterations to the front garden to remove off-street parking.
- 2.2 The rear garden will be subdivided to provide each property with private open space. The ground floor apartments will have direct access from their living/dining areas.
- 2.3 Refuse will be stored in purpose built bin stores in the front garden and rear communal area, cycle storage is proposed within each rear private garden area. to the side of the building.

## **3.0 RELEVANT PLANNING HISTORY**

- 3.1 A summary of the relevant planning application history is set out in the table below:

P/1518/18: Certificate Of Lawful Proposed Development: Rear dormer and three rooflights in front roofslope to create habitable roofspace; front porch  
*Granted: 19/06/2018*

P/3162/19: Conversion of dwelling to four flats (4 x 1 beds); single storey rear extension; parking; separate amenity space for ground floor flats; boundary treatment; bin / cycle storage  
*Withdrawn 09/09/2019*

P/4450/19: Conversion of single dwelling to three flats (2 x 1 bed and 1 x 3 bed); single storey rear extension; parking; separate amenity space for ground floor flats; boundary treatment; bin / cycle storage  
Refused 24/12/2019 (Appeal dismissed 20/01/2021)

*Reasons for refusal:*

1. *The proposed units, by reason of a significant shortfall in GIA for all units, and a lack of defensive space to provide privacy for the ground floor units, would result in cramped and poor quality of accommodation for future occupiers, and would result in unsatisfactory and poor quality living environment for future occupiers, contrary to policy 3.5C The London Plan (2016), policy CS1.K of the Harrow Core Strategy (2012), policies DM1 and DM26 of the Harrow Development Management Policies (2013), The London Plan Housing Supplementary Planning Guidance (2016), and the Council's adopted SPD: Residential Design Guide (2010).*
2. *The proposed development, by reason of a lack of private amenity space for the upper floors 3-bedroom unit, which is capable of housing a family, would fail to provide a satisfactory quality of accommodation for future occupiers, contrary to Standard 26 of The London Plan Housing SPG (2016), policy 7.6 of The London Plan (2016), policies DM1 and DM26 of the Harrow Development Management Policies (2013), and the Council's adopted SPD: Residential Design Guide (2010).*
3. *The proposed layout of the forecourt, by reason of the small size of the forecourt in conjunction with the number of structures and artefacts required and proposed to be sited within it, would result in a cluttered and cramped frontage which would not be practical for use, and would be likely to block access to the front entrance, and would harm the character, appearance and visual amenity of the property and the street scene. The proposal would therefore be contrary to policy 7.4 of The London Plan (2016), policy CS1.B of the Harrow Core Strategy (2012), policies DM1 and DM26 of the Harrow Development Management Policies (2013), The London Plan Housing Supplementary Planning Guidance (2016), and the Council's Residential Design Guide SPD (2010)*
4. *The proposed waste storage area, by reason of its inadequate size and capacity, would fail to provide sufficient waste and recycling storage for the number of units proposed, and would therefore be likely to result in displaced waste. The proposal would therefore be contrary to policies DM1 and DM45 of the Harrow Development Management Policies (2013), The London Plan Housing Supplementary Planning Guidance (2016), and the Council's adopted SPD: Residential Design Guide (2010).*
5. *The proposed car and cycle parking, by reason of its cramped and inappropriate siting and the lack of adequate sheltered and secure cycle parking provision for each unit, fails to provide a satisfactory quality of functional and practical car and cycle parking spaces, and would be likely to result in detrimental impacts to the local highways and undermine sustainable transportation The proposal would therefore be contrary to policy 6.9 The London Plan (2016), policy CS1.R/S of the Harrow Core Strategy (2012), policies DM1 and DM26 of the Harrow Development Management Policies (2013), The London Plan Housing Supplementary Planning*

*Guidance (2016), and the Council's adopted SPD: Residential Design Guide (2010).*

6. *Notwithstanding the above reasons for refusal, the submitted plans contain several inconsistencies and inaccuracies, some of which directly affect the assessment of the proposal. Therefore, due to conflicting and inconsistent details in the submitted plans, the submitted documents fail to accurately and clearly describe the development applied for. The application would therefore fail to meet the provisions of sub-sections 7 and 13, Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.*

P/5151/19: Conversion of single dwelling to four flats (1 x 1 bed and 3 x studio flats); single storey rear extension; external alterations; extension to hardsurfacing at front; separate amenity space for ground floor flats; boundary treatment; bin / cycle storage.

*Refused: 14/02/2020 (Appeal dismissed 01/04/2021)*

*Reasons for refusal:*

1. *The proposed units, by reason of a significant shortfall in GIA for all units, lack of built-in storage space, and a lack of defensive space to provide privacy for the ground floor units, would result in cramped and poor quality of accommodation for future occupiers, and would result in unsatisfactory and poor quality living environment for future occupiers, contrary to policy 3.5C The London Plan (2016), policy CS1.K of the Harrow Core Strategy (2012), policies DM1 and DM26 of the Harrow Development Management Policies (2013), The London Plan Housing Supplementary Planning Guidance (2016), and the Council's adopted SPD: Residential Design Guide (2010).*
2. *The proposed layout of the forecourt, by reason of the small size of the forecourt in conjunction with the number of structures and artefacts required and proposed to be sited within it, would result in a cluttered and cramped frontage which would not be practical for use, and would be likely to block access to the front entrance, and would harm the character, appearance and visual amenity of the property and the street scene. The proposal would therefore be contrary to policy 7.4 of The London Plan (2016), policy CS1.B of the Harrow Core Strategy (2012), policies DM1 and DM26 of the Harrow Development Management Policies (2013), The London Plan Housing Supplementary Planning Guidance (2016), and the Council's Residential Design Guide SPD (2010)*
3. *The proposed waste storage area, by reason of its inadequate size and capacity, would fail to provide sufficient waste and recycling storage for the number of units proposed, and would therefore be likely to result in displaced waste. The proposal would therefore be contrary to policies DM1 and DM45 of the Harrow Development Management Policies (2013), The London Plan Housing Supplementary Planning Guidance (2016), and the Council's adopted SPD: Residential Design Guide (2010).*
4. *The proposed cycle parking, by reason of its cramped and inappropriate siting and the lack of adequate sheltered and secure cycle parking provision for each unit, fails to provide a satisfactory quality of functional and practical car and cycle parking spaces, and would be likely to result in detrimental impacts to the local highways and undermine sustainable transportation The*

proposal would therefore be contrary to policy 6.9 The London Plan (2016), policy CS1.R/S of the Harrow Core Strategy (2012), policies DM1 and DM26 of the Harrow Development Management Policies (2013), The London Plan Housing Supplementary Planning Guidance (2016), and the Council's adopted SPD: Residential Design Guide (2010).

5. Notwithstanding the above reasons for refusal, the submitted plans contain several inconsistencies and inaccuracies, some of which directly affect the assessment of the proposal. Therefore, due to conflicting and inconsistent details in the submitted plans, the submitted documents fail to accurately and clearly describe the development applied for. The application would therefore fail to meet the provisions of sub-sections 7 and 13, Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
6. The proposed development, by reason of its layout, its unacceptable vertical stacking relationship between the proposed flats and the lack of information submitted in relation to acoustic information, it has not been demonstrated to the satisfaction of the Local Planning Authority that the proposal would provide an acceptable standard of residential accommodation for future occupiers. The proposal is therefore contrary to the high quality design aspirations of The National Planning Policy Framework (2019), policy 3.5C of The London Plan (2016), policy D.4 of The Draft London Plan (2019), policies DM1 and DM26 of the Harrow Development Management Policies Local Plan (2013) and the adopted Residential Design Guide Supplementary Planning Document (2010).

P/2962/21/PREAPP: Conversion of single dwelling to 3 flats, with front landscaping, bin & cycle storages to the rear and ground floor rear extension. Advice Issued 07/09/2021

#### **4.0 CONSULTATION**

- 4.1 A total of 8 consultation letters were sent to neighbouring properties regarding this application. A site notice was also displayed. The overall expiry date was 02/02/2022
- 4.2 A total of 22 responses have been received to date.
- 4.3 A summary of the responses received along with the Officer comments are set out below:
  - Out of character and will erode historic style of single family housing. Materials proposed are out of keeping.  
**Officer Comment:** See section 6.2 and 6.3
  - Overdevelopment, Loss of Family Home, Conversion to flats not acceptable. Undersized Apartments/rooms/showers  
**Officer Comment:** There is no specific policy that precludes the principle of converting an existing building to flats. The proposed flats comply with London Plan and/or Nationally Described Space Standards
  - Impact on light and outlook to neighbours

**Officer Comment:** See section 6.3 and 6.4. The proposed rear extension fully complies with Harrow's Residential Design SPD.

- Upstairs study may be used as bedroom  
**Officer Comment:** The proposed study is below the minimum standards to be considered a bedroom. Given the recent trend toward increased working from home arrangements it is not considered unreasonable for study spaces to be provided in dwellings.
- Noise, disturbance, sound insulation, smells  
**Officer Comment:** See section 6.4. The use will remain as residential, the units comply with minimum London Plan/Nationally described space standards. As such, the nature of the use will not change, a net increase of two dwelling is not considered to substantially increase the intensity of the use that kitchens/noise/smells will be so detrimental as to warrant refusal. In any case, should these matters be an issue in future it will be for the Council's Environmental Health Team to investigate.
- Water pressure/sewage issues in area.  
**Officer Comment:** This is not a planning consideration and the matter should be raised with Thames Water.
- Parking strain  
**Officer Comment:** See section 6.6. The Council's Highways Officer has raised no concern with the application.
- Bin/Bicycle storage not acceptable – too many in front garden and will be cluttered. Unlikely to leave in rear storage, unsuitable for old/elderly residents, unhygienic. Cramped space on collection day  
**Officer Comment:** See section 6.6.
- Loft conversion does not comply with building regulations  
**Officer Comment:** This is not a planning consideration
- Tiling of dormer does not match existing building or fit in, breach of consent in 2018  
**Officer Comment** The light grey tiles have been noted, however the property does benefit from some permitted development rights which allow some scope for alterations to, e.g. the colour of roof tiles, without planning permission.
- Limited access to light  
**Officer Comment:** Each dwelling is dual aspect, making use of the existing orientation of the building and generally makes use of existing window openings. The front of the building is south facing which allows more than adequate light to all front facing windows.
- Fire Hazard  
**Officer Comment:** A condition is attached requiring that a Fire Statement is provided prior to occupation of the new dwellings.

- Properties are studios, not 1-bed as described  
**Officer Comment:** *The London Plan makes no clear distinction between the definition 1bed and Studio apartments and generally refers to Studios/one single bedroom one person dwellings. The ground floor units are assessed against the relevant criteria of the London Plan for 1bedroom, 1person dwellings.*
- No disabled access  
**Officer Comment:** *Access is as per the existing arrangements.*
- Unwelcome precedent will be set  
**Officer Comment:** *Each application must be assessed on its own merits.*
- Concern about repeated applications on the site  
**Officer Comment:** *The Council is duty bound to accept applications which are materially different to recently determined applications. This application is materially different to those determined and must therefore be assessed appropriately.*

4.4 Statutory and Non Statutory Consultation

- 4.5 The following consultations have been undertaken, together with the responses received and officer comments:

LBH Highways

No objection.

**Observations**

The site has a public transport accessibility level (PTAL) of 4 (good) however, this is predicted to rise to 5 (very good) in 2021 therefore, assessment is based on the higher PTAL figure. The site is within an 11 minute walk from Harrow on the Hill Underground station and Harrow Bus Station. Close to these is Harrow town centre with access to various shops, restaurants, supermarkets and leisure facilities.

**Access and parking**

In line with London Plan 2021 maximum parking standards, this proposal does not include any car parking (PTAL 5 locations should be car free).

This would require the existing vehicle crossing to be reinstated to full height kerb which would allow for an additional on-street parking space.

Dedicated disabled persons parking provision is not required for a development of this size however, it would be possible for future residents to apply to the Council for a disabled parking space on-street.

**Cycle parking**

The London Plan 2021 requires a minimum of 4 secure, sheltered and accessible cycle parking spaces. The proposal includes dedicated sheds in each rear garden providing sufficient storage.

#### **Summary**

Although the submitted parking survey demonstrates that there is a significant overnight parking demand in this location, it is also considered that there is good access to excellent public transport options nearby and a wealth of amenities locally. Not all residents will need to drive and these conveniences will help to encourage car-free living. The existing property could generate a similar parking demand to this proposal meaning that there may be no change from the current situation, furthermore, the removal of the off-street facility will allow for an additional on-street space to be made available which can then be used by anyone.

The likely impact of this development alone is unlikely to be severe or harmful in Highways terms, therefore, Highways have no objection.

#### Drainage

No comments received

#### Waste Management Policy Officer

No comments received

## **5.0 POLICIES**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

5.2 The Government has issued the National Planning Policy Framework [NPPF 2021] sets out the Government's planning policies for England and how these should be applied and is a material consideration in the determination of this application.

5.3 In this instance, the Development Plan comprises The London Plan 2021 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies, Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP].

5.4 A full list of all the policies used in the consideration of this application is provided as Informative 1.

## **6.0 ASSESSMENT**

6.1 The main issues are:

- Principle of the Development
- Character of the Area
- Residential Amenity
- Traffic, Parking and Servicing
- Flood Risk and Drainage

### **6.2 Principle of Development**

6.2.1 The relevant policies are:

- The National Planning Policy Framework (2021)
- Policy CS1.A of Harrow's Core Strategy (2012)

6.2.2 Having regard to the London Plan (2021) policies H1 and H2 and the Council's policies and guidelines, it is considered that the proposal would provide an increase in smaller housing stock within the Borough thereby complying with housing growth objectives.

6.2.3 As such, the conversion of the property into two flats is considered to be acceptable in principle, in accordance with the relevant policies subject to acceptable details.

### **6.3 Character of the Area**

6.3.1 The relevant policies are:

- The National Planning Policy Framework (2021)
- The London Plan (2021): D3
- Harrow Development Management Policies (2013): DM1, DM23
- Harrow's Core Strategy (2012): CS1
- Mayor of London Housing Supplementary Planning Guidance (2016)
- Supplementary Planning Document Residential Design Guide (2010)

6.3.2 The proposed extension would project approximately 1.12m beyond the neighbouring extension at No.28 (to a total depth of 4m), and beyond the rear extension of No.24 by approximately 0.9m (to a total depth of 5.28m). The extension would have a maximum height of 2.8m.

6.3.3 The proposed single storey rear extension would therefore fully comply with the Residential Design SPD which recommends that single storey rear extension project no further than 3m rearward of neighbouring extensions, and be no higher than 3m. No other external alterations to the buildings itself are proposed.



- 6.3.4 The existing forecourt is predominantly paved to provide a single off-street car-parking space, with the exception of a small piece of landscaping in front of the western bay window, and boundary hedges.
- 6.3.5 The proposal seeks to remove the existing off-street parking (discussed further below), increase the extent of soft-landscaping/hedging (including additional front boundary hedging) and proposes space for 6 bins in purpose built stores.
- 6.3.6 At present bins are stored informally on the front forecourt and the existing hardstand and there is limited front boundary treatment. The proposal is considered, on balance, to improve upon the existing forecourt treatment by formalising bin stores, increasing soft landscaping and generally softening the appearance and bringing the forecourt closer to its traditional use.
- 6.3.7 It is noted that the floorplans refer to some permeable paving in front of the western bay window. In order to ensure the maximum amount of soft landscaping is proposed a condition of consent requiring full details of all hard/soft landscaping will be imposed.
- 6.3.8 To the rear, beyond the extent of the proposed rear extension there are limited material alterations to the landscaping, with the garden proposed to be subdivided to provide three areas of private open space for the new dwellings, with purpose built cycle stores in each garden. Additionally, a shared communal access path to the private spaces will house bins in a purpose built store.
- 6.3.9 In conclusion, the proposal is considered to have an acceptable impact on the character and appearance of the main house due and the street scene due to the lack of external changes to the main building, and the on-balance improvements to the front forecourt, and is considered to be in keeping with the residential character of the surrounding area.

#### **6.4 Residential Amenity**

6.4.1 The relevant policies are:

- The National Planning Policy Framework (2021)
- The London Plan (2021): D3, D6,
- Harrow Development Management Policies (2013): DM1, DM26
- Harrow's Core Strategy (2012): CS1
- Mayor of London Housing Supplementary Planning Guidance (2016)
- Supplementary Planning Document Residential Design Guide (2010)
- Technical housing standards - nationally described space standard (2016);

6.4.2 *Impact of Development on Neighbouring Amenity*

6.4.3 As noted above, the proposed single storey rear extension fully complies with the Design Guide SPD. It projects no more than 1.12m beyond the rear of any neighbouring extension and is only 2.8m high. As such, it is not considered to introduce any significant adverse amenity impacts to either adjoining neighbour.

6.4.4 The conversion of the property would not significantly vary the intensity of use of the dwelling and its coming and goings. It would remain residential in character and use.

6.4.5 The proposal is therefore considered acceptable in terms of neighbouring amenity impacts in accordance with the relevant policies.

**6.5. Future Occupiers – Internal Configuration and Quality of Accommodation**

6.5.1 Policy D6 of the London Plan specifies that boroughs should ensure that, amongst other things, ‘housing development should be of high quality design and provide adequately-sized rooms with comfortable and functional layouts’. It also sets out the minimum internal space standards for new dwellings. The use of these residential unit GIA’s as minima is also reiterated in Appendix 1 of the Residential Design Guide SPD. Policy DM26 of the DMP specifies that ‘proposals will be required to comply with the London Plan minimum space standards. The National Technical Housing Standards provide additional detail.

6.5.2 The proposed development includes the following:

Flat no.		Proposed Floor Area (m <sup>2</sup> )	Minimum Floor Area Required (m <sup>2</sup> )
Flat 1 – Ground Floor (1 bed 1 persons)	Total GIA	37	37 (where only shower room provided)
	Storage	1	1
Flat 2- Ground Floor (1 bed 1 person)	Total GIA	37.8	37 (where only shower room provided)
	Storage	1	1

Flat 3 – Upper level (3 bed 4 person, 2 storey)	Total GIA	88.3	84
	Double bedroom first floor	22.4	11.5
	Single rooms (x2) attic level	9.2-9.6	7.5
	Storage	2.5	2.5

6.5.3 The proposed dwellings would meet the above space standards in terms of GIA and all of the habitable rooms are provided with windows which allow for sufficient levels of natural light and adequate outlook. It is noted that the upper floor flat contains a study room measuring 5.2sqm. This is below the minimum requirements for a bedroom and therefore cannot be considered as such. A study is considered to be an appropriate use of the space.

- 6.5.4 In regard to amenity space, the existing garden would be subdivided to provide each flat with private garden space which is considered to be of sufficient size to meet the needs of future occupiers.
- 6.5.5 London Plan seeks 2.5m floor to ceiling heights for a minimum of 75% of the floor area. However, the Nationally Described Space Standards advise that the minimum floor to ceiling height should be 2.3m for 75% of the floor area. Given that the Nationally Described Space Standards are national level, they effectively override the London Plan. The development provided minimum floor to ceiling heights of 2.3m on all floors. As such, the development complies with the Nationally Described Space Standards and is acceptable.
- 6.5.6 With regards to vertical stacking, the layout of the proposed flats have been arranged to ensure bedrooms would not overlap living rooms/kitchen/bathrooms between Flat 1 and Flat 3 above. In regard to flat 2 there would be overlap of the living room and kitchen above, with the bedroom and bathroom below. On balance, this is considered acceptable as the kitchen has been located to overlap the bathroom and circulation space below, which will likely be the main noise generating areas. Additionally, it must be noted that in relation to the appeal decision for P/4450/19, the inspector stated:
- The living areas, including bedrooms, would be stacked one above the other but the Council has not disputed the appellant's evidence that suitable acoustic insulation could be provided. There is no reason why a planning condition could not prevent any adverse noise transmission between floors and harm to future residents' living conditions.
- 6.5.7 The extent of overlapping rooms is not materially different between this applicant that previous application. Given that the inspector has accepted the principle, a condition of consent is imposed requiring details of appropriate sound insulation, and a noise report demonstrating construction will be compliant with Approved Document E of the Building Regulations (Resistance to the Passage of Sound), prior to commencement of works.
- 6.5.8 The London Plan requires that each dwelling provided a minimum of 5sqm of Private Open Space for each 1-2 person dwelling, with an extra 1sqm for each additional occupant. The rear garden would be subdivided to provide in excess of the minimum requirements of private open space for each dwelling. The ground level studio apartments would have direct access, whilst the upper level dwelling would have access to the largest private garden at the rear, via the shared communal space at the rear. This is considered acceptable and reasonable given the site constraints which do not allow for direct access to gardens for all units.
- 6.5.9 The proposal would be considered acceptable in terms of the amenity of future occupiers of the flats in accordance with the relevant policies.

## 6.6 Traffic, Parking and Servicing

6.6.1 The relevant policies are:

- The National Planning Policy Framework (2021)
- The London Plan (2021): T4, T5, T6
- Harrow Development Management Policies (2013): DM42, DM45
- Harrow's Core Strategy (2012): CS1
- Code of Practice for the Storage of Waste in Domestic Properties

6.6.2 Policies DM1 and DM42 of the DMP give advice that developments should make adequate provision for parking and safe access to and within the site and not lead to any material increase in substandard vehicular access.

6.6.3 The site lies within a Public Transport Accessibility Level (PTAL) of 4 (good), however, this is predicted to rise to 5 (very good). The site is within an 11 minute walk from Harrow on the Hill Underground station and Harrow Bus Station. Close to these is Harrow town centre with access to various shops, restaurants, supermarkets and leisure facilities.

6.6.4 In line with London Plan 2021 maximum parking standards, this proposal does not include any car parking (PTAL 5 locations should be car free).

6.6.5 The Council's Highway's Officer has reviewed the application and confirmed that although the submitted parking survey demonstrates that there is a significant overnight parking demand in this location, it is also considered that there is good access to excellent public transport options nearby and a wealth of amenities locally. Not all residents will need to drive and these conveniences will help to encourage car-free living. The existing property could generate a similar parking demand to this proposal meaning that there may be no change from the current situation, furthermore, the removal of the off-street facility will allow for an additional on-street space to be made available which can then be used by anyone.

6.6.6 As such, the likely impact of this development alone is unlikely to be severe or harmful in Highways terms, therefore, Highways have no objection.

6.6.7 The London Plan 2021 requires a minimum of 4 secure, sheltered and accessible cycle parking spaces. The proposal includes dedicated cycle stores in each rear garden providing sufficient storage.

6.6.8 In terms of servicing, the refuse storage will be provided for the flats within purpose built bin stores located within the front garden. It should be noted that the Harrow's Code of Practice for the Storage of Waste in Domestic Properties requires only a minimum of 2 wheelie bins to be provided for each property. As such, the minimum waste requirement is 6 bins for this development to be policy compliant. The development meets this minimum requirement in the 6 bins provided within the front forecourt, and provides additional space in the rear

garden for optional, and less frequently used bins (such as brown bin garden waste)

- 6.6.9 This is considered an acceptable approach given that the majority of properties in this part of the street store their bins informally within their front forecourts. Additionally, the officer site inspection and a study of google streetview identifies a number of properties which store in-excess of 3 standard bins in their front forecourt and properties with at least 7 bins. The proposal would provide formalised bin storage within purpose built structures, which would meet the minimum quantity required for the development, with additional storage for optional, less frequently used bins to be stored in the rear if required. This is considered to result in an improved forecourt appearance whilst still enabling waste options for future residents.
- 6.6.10 The bin storage at the rear for 3 bins, to be moved through the shared communal hallway to the kerbside collection point is considered acceptable in this instance and not substantially different to moving bins through a shared alley. As noted, given that the minimum requirements for all the proposed flats can be met within the proposed bin stores in the front forecourt, the rear bin store can be used for optional and less frequently used bin services which do not necessarily require weekly pickup.
- 6.6.11 Harrow's Code of Practice for the Storage of Waste in Domestic Properties advises that Council wheelie bins are 600mm wide. The communal doorways serving the building are a minimum of 900mm wide and the bins will therefore be manoeuvrable. In order to ensure bins are stored appropriate a condition of consent will be imposed requiring that bins are only located to the kerbside collection point the night before collection day and located back to the appropriate bin store on the same day. Responsibility for cleaning the shared communal hallway will be a private matter between the freeholder and leaseholders. However, it is general practice that cleaning of communal areas is included as part of ground rent or service charges applicable to leasehold properties, or included as part of the rent of shorthold leases.
- 6.6.12 Given that numerous properties have in excess of 3 bins (up to at least 7 bins noted in some situations) there is considered to be sufficient space on the kerb for the bins to align, side-by-side with no undue impact on pedestrian movement, as is the current situation along the street. Additionally, it should be noted that the removal of the drop kerb will improve pedestrian movement and safety overall in front of the subject property.

## **6.7 Development and Flood Risk**

6.7.1 The relevant policies are:

- The National Planning Policy Framework (2021)
- London Plan (2021): S1 12, S1 13
- Harrow Development Management Policies (2013): DM9, DM10
- Harrow's Core Strategy (2012): CS1

6.7.2 Policy DM9 B of the Development Management Policies Local Plan (2013) states, “proposals that would fail to make appropriate provision for flood risk mitigation, or which would increase the risk or consequences of flooding, will be refused.”.

6.7.3 The site is not located within a flood zone. Nonetheless, as an increased footprint is proposed an informative relating to the provision of sustainable drainage systems in attached.

**6.8 FIRE SAFETY**

6.8.1 Part A of Policy D12 of the London Plan (2021), requires the demonstration of suitably positioned and unobstructed space for fire appliances and evacuation assembly points, and that developments ensure robust strategies for evacuation are in place as well as confirmation of the fire-fighting water supply. A condition is recommended to ensure that a fully comprehensive fire strategy is provided prior to occupation.

**7.0 CONCLUSION AND REASONS FOR APPROVAL**

7.1 The proposed development provides acceptable and policy compliant residential dwellings for future occupiers and does not unduly impact on the character of the area or the amenities of the residential occupiers of the adjoining, or nearby properties, subject to the attached conditions. The proposed development would therefore accord with Policies D3 and D6 of the London Plan (2021), Policy CS1 of the Harrow Core Strategy 2012 and policies DM1 and DM26 of the Harrow Development Management Policies Local Plan (2013).

Checked

Interim Head of DM	28/02/2022
Corporate Director	01/03/2022

## **APPENDIX 1: Conditions and Informatives**

### **Conditions**

#### 1. Timing

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. Approved Drawing and Documents

The development hereby permitted shall be carried out, completed and retained in accordance with the following approved plans and document Schedule of application documents:

Design and Access Statement; 030 01; 031 01; 100 02; 200.2 18; 202 05; 203 05; 201.2 14; 300.2 09; 301.2 05; 302.2 03; 401 04.

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

#### 3. Sound Insulation

The development hereby permitted shall not commence until details of the provision for the provision of noise insulation between ground floor flats and the upper floor flat (demonstrating compliance with the requirements of Approved Document E – Resistance to the Passage of Sound [2003] of the Building Regulations) is submitted, and approved in writing by, the local planning authority. The development shall not be occupied or used until the works have been completed in accordance with the approved details and shall thereafter be retained.

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

#### 4. Landscaping

The development hereby permitted shall not be occupied until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works for the forecourt and rear garden of the site. Details shall also include the boundary treatment for the forecourt. 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, in compliance with policies DM 1, DM 22 and DM 23 of the Harrow Development Management Policies Local Plan (2013).



5. Landscaping Implementation

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

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in compliance with policies DM 1, DM 22 and DM 23 of the Harrow Development Management Policies Local Plan (2013).

6. Cycle Storage

Prior to the first occupation of development, details of secure and sheltered cycle stores (including dimensions, elevations and external materials) to be located within the private garden of each unit with a minimum of 2 long stay cycle parking spaces for each residential dwelling shall be submitted to and approved in writing by the local planning authority. The cycle storage shall be made available prior to occupation of the development and shall be retained thereafter.

REASON: To ensure the satisfactory provision of safe cycle storage facilities, to provide facilities for all the users of the site and in the interests of highway safety and sustainable transport, in accordance with policy T5 of The London Plan 2021 and policy DM 42 of the Harrow Development Management Policies.

7. Boundary Treatment

The development hereby permitted shall not be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected for the rear gardens has been submitted to, and approved in writing by, the local planning authority. The boundary treatment shall be completed before the development is 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 in accordance with policy DM 1 of the Harrow Development Management Policies Local Plan.

8. Permitted Development Restriction

The development hereby permitted shall be used for Class C3 dwellinghouse(s) only and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Schedule 2, Part 3, Class L shall take place.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by the Town and Country Planning (General Permitted Development) Order 2015 to maintain mixed, balanced, sustainable and inclusive communities and in the interests of residential and visual amenity.

9. Secure by Design Accreditation

Prior to the first occupation of the development, evidence of Secured by Design Certification shall be submitted to the Local Planning Authority in writing to be agreed, or justification shall be submitted where the accreditation requirements cannot be met. Secure by design measures shall be implemented and the development shall be retained in accordance with the approved details.

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. the Local Plan (2013), and Section 17 of the Crime & Disorder Act 1998.

10. Refuse Storage

Prior to occupation of the dwellings, details of the waste storage area including a minimum 2-bin system for each dwelling shall be submitted and approved by the local planning authority. The refuse bins shall be stored at all times, other than on the night before and on collection days, in the designated refuse storage area, as shown on the approved drawing. After collection bins must be moved back to the designated stores on the same day.

REASON: To safeguard the character and appearance of the area in accordance with Core Policy CS1.B of the Harrow Core Strategy (2012) and Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

11. Fire Safety

Prior to occupation a Fire Safety Statement shall be submitted to and approved in writing by the Local Planning Authority, this statement shall include details of how the development will function in terms of the following:

- 1) identify suitably positioned unobstructed outside space: a) for fire appliances to be positioned on b) appropriate for use as an evacuation assembly point
- 2) is designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures
- 3) is constructed in an appropriate way to minimise the risk of fire spread
- 4) provide suitable and convenient means of escape, and associated evacuation strategy for all building users
- 5) develop a robust management strategy for evacuation which is to be periodically updated and published (details of how often this management strategy is to be reviewed and published to be included), and which all building users can have confidence in

- 6) provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.

The development shall be operated in accordance with the approved details in perpetuity.

REASON: To ensure that the fire safety of the proposed building is managed in a satisfactory manner and that the development contributes to fire safety in line with Policy D12A of the London Plan (2021). To ensure appropriate fire safety measures are approved before development is occupied.

## **Informatives**

### 1. Policies

The following policies are relevant to this decision:

#### **National Planning Policy Framework (2021)**

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

D3, D4, D6, D12, T5, T6

##### **Harrow Core Strategy (2012):**

CS1

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

DM1, DM2, DM10, DM24, DM26, DM27, DM42, DM45

##### **Supplementary Planning Documents:**

Supplementary Planning Document Residential Design Guide (2010)

Technical housing standards - nationally described space standard (2015).

Major of London Housing Supplementary Planning Guidance (2016)

### 2. Pre-application engagement

Statement under Article 35(2) of The Town and Country Planning (Development Management Procedures) (England) Order 2015

This decision has been taken in accordance with paragraphs 39-42 of The National Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

### 3. Considerate Contractor Code of Practice

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. Party Wall Act

The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

1. work on an existing wall shared with another property;
2. building on the boundary with a neighbouring property;
3. excavating near a neighbouring building,  
and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval.

"The Party Wall etc. Act 1996: Explanatory booklet" is available free of charge from:

Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB

Please quote Product code: 02 BR 00862 when ordering

Also available for download from the CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>  
Tel: 0870 1226 236 Fax: 0870 1226 237  
Textphone: 0870 1207 405  
E-mail: [communities@twoten.com](mailto:communities@twoten.com)

5. Liability for Damage to Highway

The applicant is advised to ensure that the highway is not interfered with or obstructed at any time during the execution of any works on land adjacent to a highway. The applicant is liable for any damage caused to any footway, footpath, grass verge, vehicle crossing, carriageway or highway asset. Please report any damage to [nrswa@harrow.gov.uk](mailto:nrswa@harrow.gov.uk) or telephone 020 8424 1884 where assistance with the repair of the damage is available, at the applicants expense. Failure to report any damage could result in a charge being levied against the property.

6. Surface and foul water connections

The applicant is advised that the Drainage Authority in Harrow recommends the submission of a drainage plan, for their approval, indicating all surface and foul water connections and their outfall details. Please also note that separate systems are used in Harrow for surface water and foul water discharge. Please email [infrastructure@harrow.gov.uk](mailto:infrastructure@harrow.gov.uk) with your plans.

7. Designing Out Crime

For further information regarding Secure By Design, the applicant can contact the North West London Designing Out Crime Group on the following: [DOCOMailbox.NW@met.police.uk](mailto:DOCOMailbox.NW@met.police.uk)

8. **INFORM67** - Fire Safety Statement. The submission/approval of the Fire Safety Statement does not replace the need for building regulation approval in relation to fire safety, nor does it convey or imply any approval under those regulations.

Commented [SB1]: Please add CIL INOFMATIVES

9. Mayoral CIL

Please be advised that approval of this application (either by Harrow Council, or subsequently by the Planning Inspectorate if allowed on appeal following a refusal by Harrow Council) will attract a Community Infrastructure Levy (CIL) liability, which is payable upon the commencement of development. This charge is levied under s.206 of the Planning Act 2008 Harrow Council, as CIL collecting authority, has responsibility for the collection of the Mayoral CIL

The Provisional Mayoral CIL liability for the application, based on the Mayoral CIL levy rate for Harrow of £60/sqm is £9,768

The floorspace subject to CIL may also change as a result of more detailed measuring and taking into account any in-use floor space and relief grants (i.e. for example, social housing).

You are advised to visit the planning portal website where you can download the appropriate document templates.

Please complete and return the Assumption of Liability Form 1 and CIL Additional Information Form 0.

[https://ecab.planningportal.co.uk/uploads/1app/forms/form\\_1\\_assumption\\_of\\_liability.pdf](https://ecab.planningportal.co.uk/uploads/1app/forms/form_1_assumption_of_liability.pdf)

[https://ecab.planningportal.co.uk/uploads/1app/forms/cil\\_questions.pdf](https://ecab.planningportal.co.uk/uploads/1app/forms/cil_questions.pdf)

If you have a Commencement Date please also complete CIL Form 6:

[https://ecab.planningportal.co.uk/uploads/1app/forms/form\\_6\\_commencement\\_notice.pdf](https://ecab.planningportal.co.uk/uploads/1app/forms/form_6_commencement_notice.pdf)

The above forms should be emailed to [HarrowCIL@Harrow.gov.uk](mailto:HarrowCIL@Harrow.gov.uk)

Please note that the above forms must be completed and provided to the Council prior to the commencement of the development; failure to do this may result in surcharges and penalties

## 10 Harrow CIL

Harrow has a Community Infrastructure Levy which applies Borough wide for certain developments of over 100sqm gross internal floor space.

Harrow's Charges are:

Residential (Use Class C3) - £110 per sqm;

Hotels (Use Class C1), Residential Institutions except Hospitals, (Use Class C2), Student Accommodation, Hostels and HMOs (Sui generis) - £55 per sqm;

Retail (Use Class A1), Financial & Professional Services (Use Class A2),

Restaurants and Cafes (Use Class A3) Drinking Establishments (Use Class A4) Hot

Food Takeaways (Use Class A5) - £100 per sqm

All other uses - Nil.

The Provisional Harrow CIL liability for the application, based on the Harrow CIL levy rate for Harrow of £110/sqm is £16,280

This amount includes indexation which is 326/224. The floorspace subject to CIL may also change as a result of more detailed measuring and taking into account any in-use floor space and relief grants (i.e. for example, social housing).

The CIL Liability is payable upon the commencement of development.

You are advised to visit the planningportal website where you can download the relevant CIL Forms.

Please complete and return the Assumption of Liability Form 1 and CIL Additional Information Form 0.

[https://ecab.planningportal.co.uk/uploads/1app/forms/form\\_1\\_assumption\\_of\\_liability.pdf](https://ecab.planningportal.co.uk/uploads/1app/forms/form_1_assumption_of_liability.pdf)

[https://ecab.planningportal.co.uk/uploads/1app/forms/cil\\_questions.pdf](https://ecab.planningportal.co.uk/uploads/1app/forms/cil_questions.pdf)

If you have a Commencement Date please also complete CIL Form 6:

[https://ecab.planningportal.co.uk/uploads/1app/forms/form\\_6\\_commencement\\_notice.pdf](https://ecab.planningportal.co.uk/uploads/1app/forms/form_6_commencement_notice.pdf)

The above forms should be emailed to [HarrowCIL@Harrow.gov.uk](mailto:HarrowCIL@Harrow.gov.uk)

Please note that the above forms must be completed and provided to the Council prior to the commencement of the development; failure to do this may result in surcharges

PLAN LIST

Design and Access Statement; 030 01; 031 01; 100 02; 200.2 18; 202 05; 203 05; 201.2 14; 300.2 09; 301.2 05; 302.2 03; 401 04.

**APPENDIX 2: SITE PLAN**





APPENDIX 3: SITE PHOTOGRAPHS

Front elevation



Rear Elevation



Neighbouring property at No.24



Neighbouring property at No.24





Neighbouring extension at No.28



Neighbouring Extension/boundary at No.24



**APPENDIX 4: PLANS AND ELEVATIONS**

Planning Committee  
Wednesday 16<sup>th</sup> March 2022

26 Butler Avenue

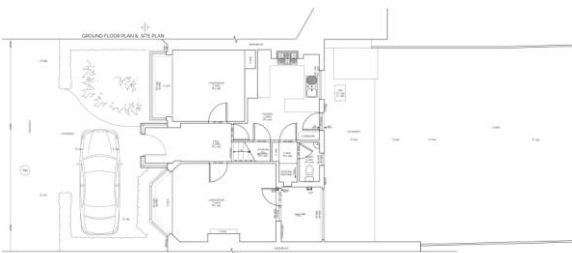
Existing front and rear elevations



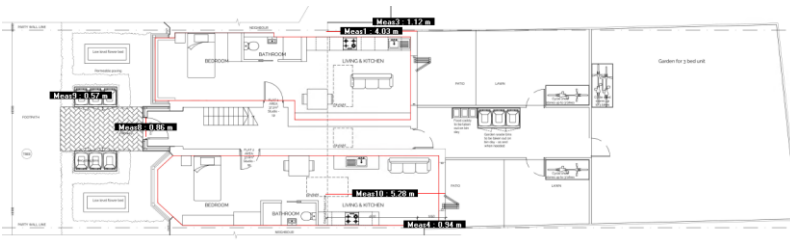
Proposed Front and rear elevations



Existing Ground Floor Plan

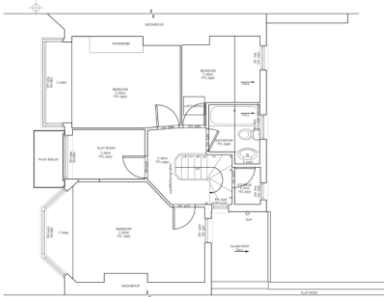


Proposed Ground Floor Plan

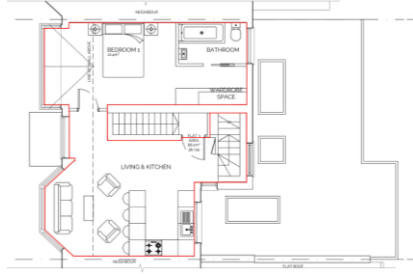


Existing First Floor Plan

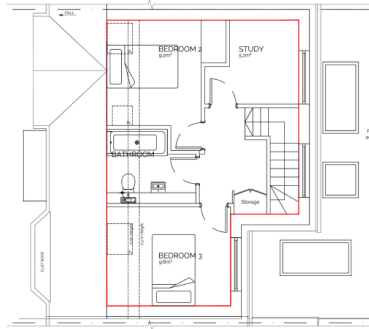
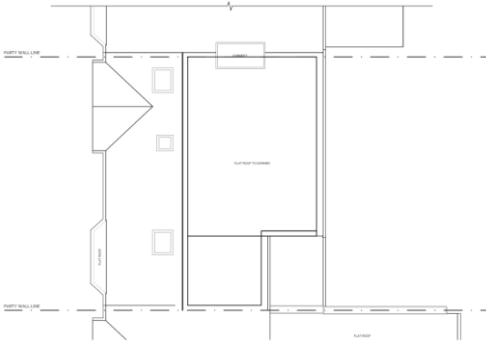
Proposed First Floor Plan



**Existing Attic Plan**



**Proposed Attic Plan**

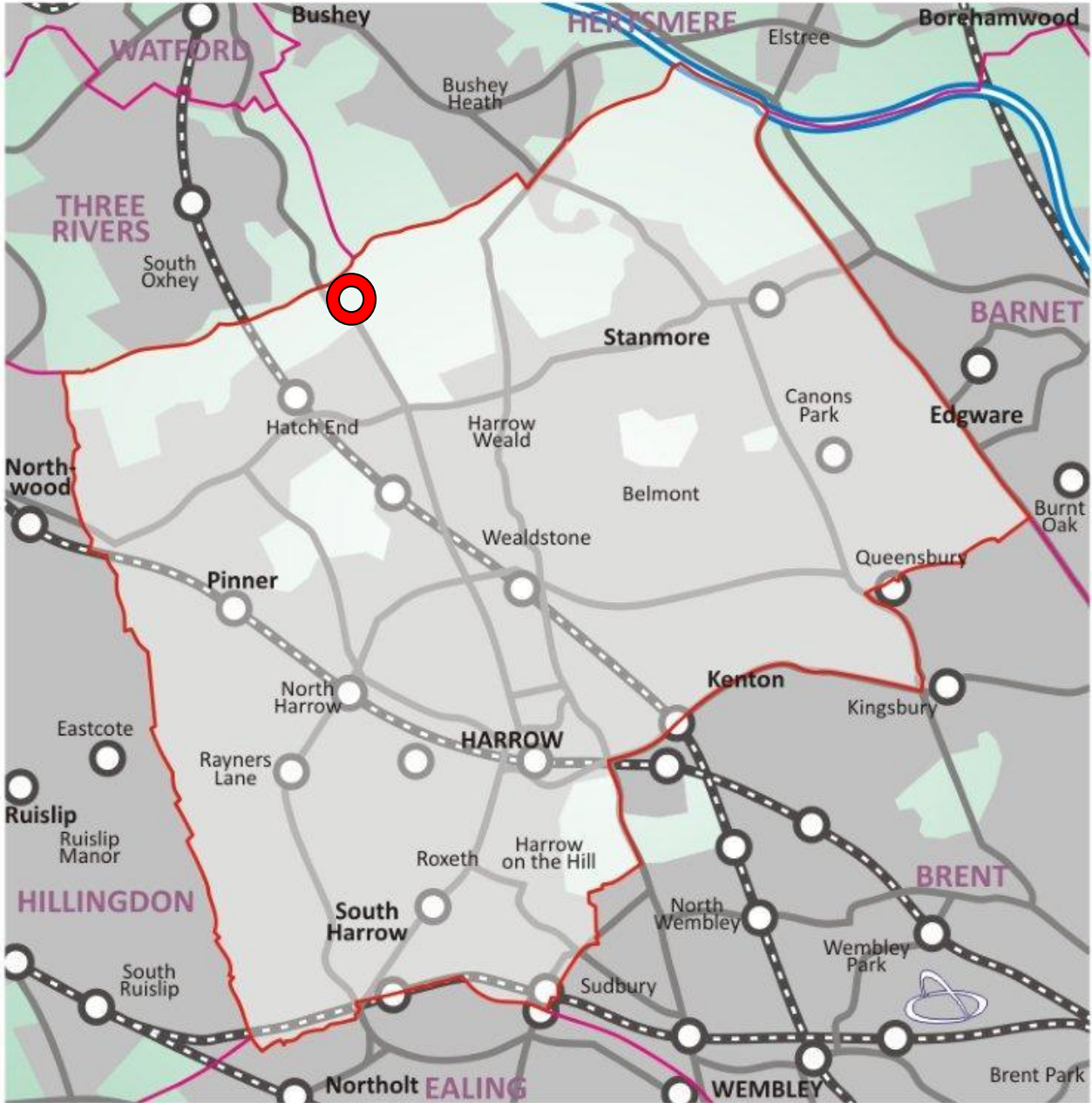


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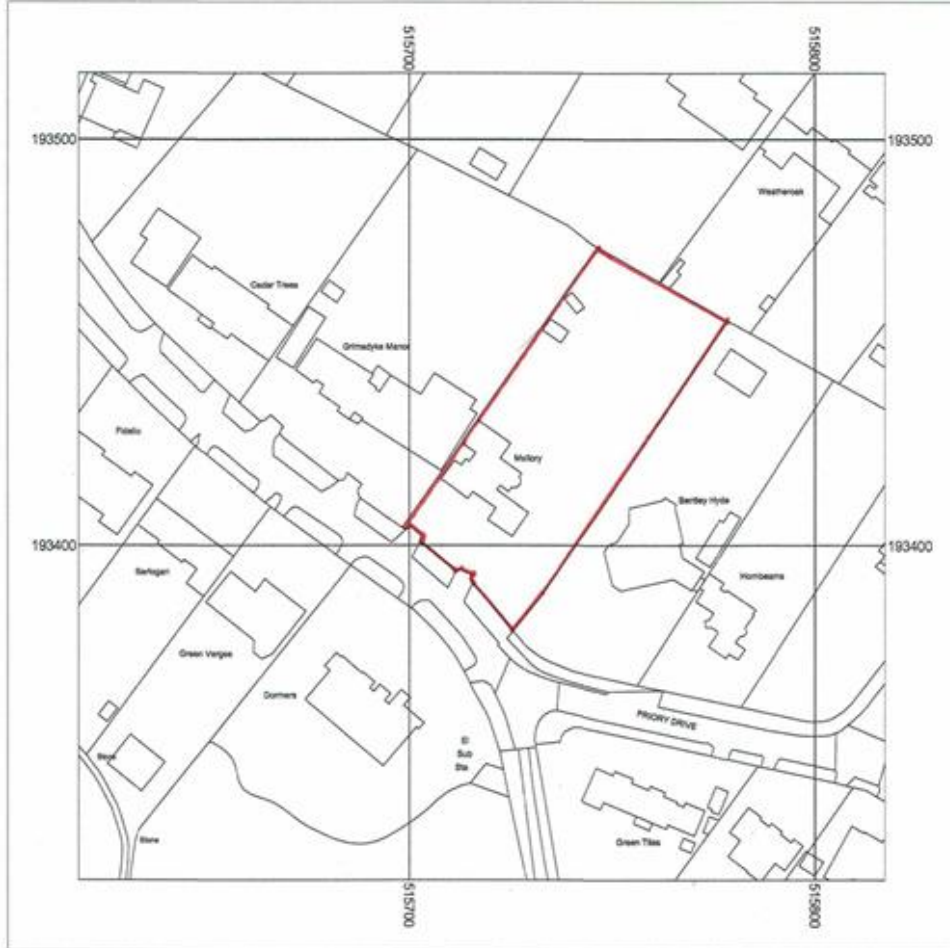
Agenda Item: 3/01

 = application site



<b>Mallory, Priory Drive</b>	<b>P/5003/21</b>
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Scale: 1:1250



Supplied by: National Map Centre  
 License number: 100031961  
 Produced: 01/09/2018  
 Serial number: 2012749

**Mallory  
 Priory Drive  
 Stanmore  
 HA7 3HN**

Plot centre co-ordinates: 515718,193417  
 Download file: drnk\_Mallory.zip  
 Project name: drnk\_Mallory

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# LONDON BOROUGH OF HARROW

## PLANNING COMMITTEE

16<sup>th</sup> March 2022

**APPLICATION NUMBER:** P/5003/21  
**VALIDATE DATE:** 11<sup>TH</sup> JANUARY 2021  
**LOCATION:** MALLORY, PRIORY DRIVE, STANMORE  
**WARD:** STANMORE PARK  
**POSTCODE:** HA7 3HN  
**APPLICANT:** MR VEENAY SHAH  
**AGENT:** STUART CUNLIFFE  
**CASE OFFICER:** MUHAMMAD SALEEM  
**EXTENDED EXPIRY DATE:** None  
17<sup>TH</sup> FEBRUARY 2022

### PROPOSAL

Variation of condition 2 (approved plans) attached to planning permission p/5568/15 dated 26/01/2016 to allow alterations to basement, single storey extensions to the kitchen and living room, first floor side extension, roof modifications.

### RECOMMENDATION

The Planning Committee is asked to:

- 1) Agree the reasons for refusal as set out in this report, and
- 2) Refuse planning permission

### REASON FOR THE RECOMMENDATIONS

1. The proposal, by reason of the increases in scale, mass, bulk, and volume of the replacement dwellinghouse, constitutes inappropriate development in the Green Belt and has a harmful impact on the openness and visual amenities of the Green Belt. The applicant has failed to satisfactorily demonstrate that very special circumstances exist to justify inappropriate development and that the harm, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. The development is therefore contrary to the National Planning Policy Framework (2021), Policy G2 of the London Plan (2021), Core Policy CS1(F) of the Harrow Core Strategy (2012) and Policy DM16 of the Harrow Development Management Policies Local Plan (2013).

2. The first-floor side extension, by reason of its monopitch and flat roofed design, results in an awkward, incongruous and disjointed roof form that is of poor design and detracts from the character and appearance of the host dwelling and the locality, contrary to the high quality design aspirations of National Planning Policy Framework (2021), Policy D3(11) of the London Plan (2021), Policy CS1B of The Harrow Core Strategy (2012), Policy DM1 of Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document Residential Design Guide (2010).

## **INFORMATION**

This application is reported to Planning Committee at the request of a nominated member in the public interest. The application is therefore referred to the Planning Committee as it does not fall within any of the provisions set out at paragraphs 1(a)-1(h) of the Scheme of Delegation dated 12<sup>th</sup> December 2018.

Statutory Return Type:	(E) 18 Minor
Council Interest:	n/a
Net Additional Floorspace:	55m <sup>2</sup>
GLA Community	
Infrastructure Levy (CIL):	£3,300
Local CIL requirement:	£8.967

## **HUMAN RIGHTS ACT**

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

## **EQUALITIES**

In determining this application, the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

For the purposes of this application there are no adverse equalities issues.

## **S17 Crime & Disorder Act**

Policy D11 of The London Plan and Policy DM1 of the Development Management Policies Local Plan require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. It is considered that the development does not adversely affect crime risk. However, had the proposal been considered acceptable a condition would have been recommended for evidence of certification of Secure by Design Accreditation for the development to be submitted to and approved in writing by the Local Planning Authority before any part of the development is occupied or used.

## **1.0 SITE DESCRIPTION**

- 1.1 The application site is located on the northern side of Priory Drive. The site was formerly occupied by a two storey detached dwellinghouse which has since been demolished. A new replacement dwellinghouse granted planning permission (under planning application reference P/5568/15 is currently being implemented on site. The external structure of the replacement dwellinghouse has almost been completed with a subsequent variation of condition application under planning ref: P/1404/18. A further variation has been made to the scheme with a first floor side extension and single storey rear extensions constructed following the refusal of this variation of condition under planning application ref: P/0838/21 and P/2185/21. The roof of the side extension has been increased in height from the recently refused scheme. A large outbuilding has also been constructed on the site to the south-east of the replacement dwellinghouse.
- 1.2 The site lies within the Green Belt and the Harrow Weald Ridge Area of Special Character. The wider site is covered by TPO 592 Priory Drive (No. 5) Stanmore
- 1.3 Priory Drive is characterised by detached dwellings, number of which have been substantially extended, set within large plots. Although the dwellings are of varying architectural styles, a number of dwellings feature front projecting end gables and feature staggered front and rear elevations.
- 1.4 The adjoining neighbouring dwelling to the west, Grimsdyke Manor has width of 48m and has been significantly extended in the past, including a substantial single storey side extension adjacent to the application site. The neighbouring dwelling to the east, Bentley Hyde is located 29m away from the existing eastern flank elevation of the subject dwelling.

## **2.0 PROPOSAL**

- 2.1 The retrospective application seeks to amend the previously granted scheme though the following revisions which have been constructed on site;
- Amended footprint of basement
  - Single storey rear extensions to the kitchen and living room
  - First-floor side extension incorporating a monopitch and flat roof

## **3.0 RELEVANT PLANNING HISTORY**

<b>Ref no.</b>	<b>Description</b>	<b>Status &amp; date of decision</b>
P/5568/15	Redevelopment to provide a two storey replacement dwelling with habitable roofspace & basement; parking and landscaping	Granted: 26/01/2016
P/2313/16	Certificate of lawful development	Granted:

	(proposed): single storey outbuilding in rear garden	08/07/2016
P/2314/16	Certificate of lawful development (proposed): detached triple garage at side	Granted: 08/07/2016
P/1404/18	Variation Of Condition 2 (Approved Plans) Attached To Planning Permission P/5568/15 Dated 26/01/2016 To Allow Amendments To The Internal Layout Revised Fenestration And Rooflight Details Removal Of Balcony Over Front Porch	Granted: 03/08/2018
P/1977/19	Variation of condition 2 (approved plans) attached to planning permission P/1404/18 dated 03/08/2018 to allow amendments to the design with a first floor side extension with roof modifications; front porch; alterations to fenestration to first floor	Refused: 2/06/2019  Appeal: Under consideration
P/5137/19	Variation Of Condition 2 (Approved Plans) Attached To Planning Permission P/1404/18 dated 03.08.2018 for variation of condition 2 (approved plans) attached to planning permission P/5568/15 Dated 26/01/2016 to allow the addition of a front porch with protruding canopy with stone columns and a flats roof and revised fenestration details	Granted: 14/02/2020
P/0444/20	Details pursuant to condition 13 (general permitted development) attached to planning permission p/1404/18 dated 3/8/2018 for variation of condition 2 (approved plans) attached to planning permission p/5568/15 dated 26/01/2016	Withdrawn
P/0443/20	Variation of condition 2 (approved plans) attached to planning permission p/1404/18 dated 03.08.2018 For variation of condition 2 (approved plans) attached to planning permission p/5568/15 dated 26/01/2016 to allow a first floor extension roof modification	Refused: 03/04/2020
P/1463/20	Single storey outbuilding and linked garage in rear garden (retrospective)	Granted: 13/10/2020
P/0848/21	Variation Of Condition 2 (Approved Plans) Attached To Planning	Refused: 07/05/2021

	Permission P/1404/18 dated 03.08.2018 for variation of condition 2 (approved plans) attached to planning permission P/5568/15 Dated 26/01/2016 to allow alterations to footprint of basement, single storey extensions to the kitchen and living room, first floor side extension, roof modifications	
P/2185/21	Variation of condition 2 (approved plans) attached to planning permission p/5568/15 dated 26/01/2016 to allow alterations to basement, single storey extensions to the kitchen and living room, fist floor side extension, roof modifications	Refused: 17/11/2021

#### **4.0 CONSULTATION**

4.1 A total of 4 consultation letters were sent to neighbouring properties regarding this application. The minimum statutory consultation period expired on 1<sup>st</sup> February 2022.

4.2 No comments were received following the public consultation.

#### **4.3 Statutory and Non Statutory Consultation**

4.4 The following consultations have been undertaken and a summary of the consultation responses received are set out below.

<b>Consultee and Summary of Comments</b>
N/A

#### **5.0 POLICIES**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'

5.2 The Government has issued the National Planning Policy Framework [NPPF 2021] sets out the Government's planning policies for England and how these should be applied and is a material consideration in the determination of this application.

5.3 In this instance, the Development Plan comprises The London Plan 2021 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP].

5.4 A full list of all the policies used in the consideration of this application is provided as Informative 1.

## **6.0 ASSESSMENT**

6.1 The main issues are:

- Principle of Development
- Character and Appearance of the Area
- Residential Amenity

### **6.2 Principle of Development and Material Considerations**

6.3 The previous appeal decision under ref: App/M5450/W/19/3243648 relating to planning application reference P/1977/19 was for the variation of condition 2 attached to planning permission P/1404/18 dated 03/08/2018 to allow the provision of a first-floor side extension with roof modifications. This application was subsequently refused by the council on 21/06/2019 due to the harm of the proposal on the Green Belt. The decision was subsequently appealed by the applicant under appeal reference App/M5450/W/19/3243648. That appeal decision was subsequently dismissed by the Planning Inspector on 18/09/2020.

6.4 In assessing whether or not the proposal was inappropriate development in the green belt, the Planning Inspector noted the following:

*[4] The proposal seeks to enlarge the replacement dwelling which has approval at the site through the provision of additional accommodation at first and ground floor level. The evidence indicates that the floor area associated with this scheme would represent a significant 38% increase of the floor area of the dwelling that the proposal would replace.*

*[5] There is nothing unreasonable in making the assessment in relation to test required by paragraph 145 d) in terms of floor area. Whilst the appellant has questioned the inclusion of the floorspace provided within the basement as part of these calculations, this is a reasonable approach which has previously been supported.*

*[6] With regard to the first main issue I therefore conclude that the appeal proposal would be materially larger than the building it would replace and would therefore constitute inappropriate development within the Green Belt.*

Turning to the assessment on the openness of the Green Belt, The Planning Inspector stated the following:

*[8] The additional floorspace would partly be provided by adding an additional storey to the single storey eastern wing of the dwelling. This addition would add*

*substantial additional bulk to the dwelling which would be notable and prominent when viewed from Priory Drive. The bulk and massing between the dwellings on the street are characteristically broken up through the provision of single storey elements to the side of the main bulk of the dwellings. As a result of the proposal, the dwelling would be closer to Bentley Hyde to the south-east at first-floor level and this would erode the sense of space between these properties*

*[9] Consequently, I conclude on this matter that there would be a minor but harmful loss of openness of the Green Belt. The third assessment of the Planning Inspector was other considerations, in which the following comments were made:*

*[10] My attention has been drawn to other approvals and appeal decisions relating to nearby properties involving the provision of additional floor space. The majority of the examples cited appear relatively aged and it is not therefore certain that these proposals were considered against the exact same policy background. Moreover, none of the circumstances associated with these approves appear the same.*

In conclusion, the Planning Inspector stated the following:

*[14] I have found that the development would constitute inappropriate development within the Green Belt that would result in loss of openness. It therefore should not be approved except in very special circumstances. I must attach substantial weight to the harm to the Green Belt and as such, the harm I have identified is clearly not outweighed by the other considerations. Consequently, the very special circumstances necessary to justify the development do not exist.*

#### Development in the Green Belt

- 6.5 In assessing whether or not the proposal was inappropriate development in the green belt, the Planning Inspector noted the following:
- 6.6 Paragraphs 137 - 149 of the NPPF (2021) provide policy guidance in relation to 'Protecting Green Belt Land', stating that the fundamental aim is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. Policy G2 of the London Plan supports the aim of the NPPF and states that Green Belt should be protected from inappropriate development and development proposals that would harm the Green Belt should be refused except where very special circumstances exist. This is further supported by Policy CS1.F of Harrow's Core Strategy which seeks to safeguard the quantity and quality of the Green Belt from inappropriate or insensitive development. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF goes on to inform the determination of whether any particular development in the Green Belt is appropriate or not, by stating in paragraph 145 that 'a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt'. It does however set out six exceptions to this, including the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces (bullet d) of paragraph 145).



- 6.7 As such, a replacement dwellinghouse is acceptable in the Green Belt provided it is not materially larger than the dwellinghouse it replaces.
- 6.8 Planning permission was granted under reference P/5568/15 dated 26/01/2015 for the redevelopment of the site to provide a two storey replacement dwelling with habitable roofspace & basement; parking and landscaping. A section 73 application was thereafter submitted under planning reference P/1404/18 to vary the approved plans (condition 2) to allow amendments to the layout, including a revised footprint of the basement, ground floor and fenestration. The development is currently being implemented in accordance with this condition.
- 6.9 In the original approved planning application for the redevelopment of the site, the officer report acknowledged that the replacement dwellinghouse would be consolidated. This accounted for a reduced footprint but greater floor area, as the former dwellinghouse was largely single storey. The approved planning application P/5568/15 resulted in an increase in the floor area of 16.8% over the pre-existing dwellinghouse which was considered to comply with the relevant parameters for the numerical assessment on proportionality and material increase as set out in Policies.
- 6.10 The variation of condition application P/1404/18 increased the floor area by a further 30m<sup>2</sup> and therefore increased the floor area of the replacement dwellinghouse by a further 9% over the former detached property. The footprint remained approximately the same and the proposal did not materially impact upon the openness of the Greenbelt.



**Figure 1 - Approved amended scheme under planning ref: P/1404/18**

- 6.11 A previous application under planning ref: P/1977/19 was dismissed on appeal for the proposed increase in the floor area of approximately 35m<sup>2</sup> which equated to a 38% increase in floor area between the former dwellinghouse and the replacement dwellinghouse as laid out within the former proposal. As detailed in the above section, this quantum of floorspace increase was considered to result in a materially larger building than the one it would replace and was therefore a reason for refusal of the previous scheme by the Council and also dismissed by the Planning Inspector on this basis.
- 6.12 In May 2021, the Council refused a subsequent variation of condition application under planning reference: P/0848/21 the proposal however sought planning permission for an even larger dwelling with the construction of additional single storey extensions to the kitchen and living room. In addition to this, a large single storey garage/outbuilding has been constructed to the side of the dwellinghouse and was granted planning permission under application reference P/1463/20. The additional floor area/footprint of this addition (circa 166m<sup>2</sup>) which was a further material consideration in the Green Belt Assessment.
- 6.13 This proposal was refused on the basis of its increase in scale, mass, bulk and volume of the replacement dwellinghouse which constituted inappropriate development in the Green Belt and failed to demonstrate that very special

circumstances justified the inappropriate development being outweighed by other considerations. The application was also refused on the basis of the first floor side extension with its reduced ridge height and variation to the roof profile by a reduced eaves to ridge height resulted in an awkward squat, incongruous and disjointed roof form resulted in a poor design which detracted from the character and appearance of the host building and the locality. There is currently a pending planning appeal for this refused scheme.

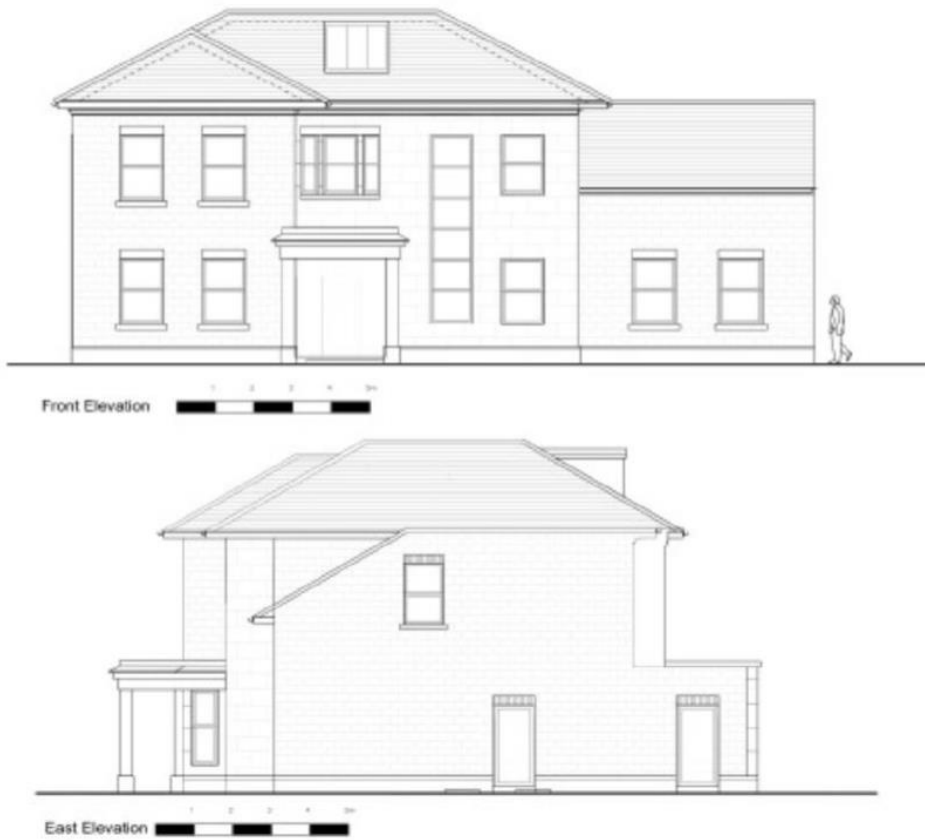
- 6.14 In October 2021, the Council refused planning permission for retrospective development for the same refused scheme under planning ref: P/0848/21 with an even larger roof form to the first floor side extension to the house.



**Figure 2 - Refused amendments to approved house under planning ref: P/0848/21**



**Figure 3 - P/2185/21 retrospective scheme**



**Figure 4 – current proposal**

- 6.15 The current proposal seeks to remove the hipped roof and provide a monopitch roofed feature to the front of the side extension and a flat roofed behind this feature.
- 6.16 Dealing with the replacement development, the relevant test is whether the replacement dwelling is materially larger than the one it replacement. Case law has established the factors that should be considered when assessing what is “materially larger”. The Court of Appeal in R. (oao Heath and Hampstead Society) v Camden LBC & Others 2008.00 EWCA Civ 193 held that size is the primary test rather than visual impact. Size can be assessed in a number of ways which includes matters of floor space, footprint, height, massing, volume, design and position on the plot. Any or a combination of such factors could contribute towards a dwelling being materially larger than the existing dwelling, but the court in the above decision held that floorspace is an important indicator.
- 6.17 If a replacement dwelling is considered to be materially larger than the dwelling it replaces, then it must be considered as inappropriate development for which there is a presumption against. Inappropriate development should not be permitted, except in very special circumstances. Very special circumstances will only exist if the harm, by reason of inappropriateness, and any additional harm is clearly outweighed by other considerations.
- 6.18 The floorspace increases are shown in the table below:

	Pre-existing	Proposed	% Change between pre-existing and proposed	% change including outbuildings constructed
Floor Area	331m2	491m2	48%	98%

- 6.19 It is evident from the above table that the first-floor side extension and single storey rear extensions that have been constructed on site result in the replacement dwellinghouse having almost double the floor area than the pre-existing dwellinghouse which it has replaced.
- 6.20 The applicant stipulates in their supporting statement that the percentage of the extension should be considered in relation to the original house which was raised at planning committee in November 2021. However it is necessary to consider the extensions in conjunction with the new dwellinghouse in terms of its footprint and percentage increase and only viewing the percentage increase of extensions in isolation of the existing dwelling is not a reasonable manner in assessing the footprint increase in comparison to the pre-existing dwelling.
- 6.21 When the floor area of the constructed garage/outbuilding is taken into consideration, this amounts to almost doubling the floor area of the pre-existing dwellinghouse. The National Planning Policy states that new buildings in the Green Belt will be inappropriate development except in specified circumstances. New outbuildings (related to the residential use) are not covered by these exceptions. However, case law has established that a domestic outbuilding might be regarded as an extension to a dwelling provided that it forms a 'normal

domestic adjunct' (Sevenoaks DC v SSE and Dawes). It is evident that the existing outbuilding, by reason of its proximity and use would have a functional relationship to the host building and therefore could be regarded as forming a normal domestic adjunct. The outbuilding itself has a floor area of approximately 166m<sup>2</sup> .

- 6.22 Consequently, the replacement dwelling with a monopitch roofed and flat roofed side extension including the floor area of the outbuilding would double the floor area of the pre-existing dwellinghouse. Therefore, the increase in the floor area, both in the alterations to the dwellinghouse in its own right and by virtue of the newly constructed outbuilding/garage, results in a materially larger house than the house it has replaced and would thus amounts to inappropriate development in the Green Belt. The proposal therefore conflicts with the relevant policies in this regard.

### **Impact on Openness of Green Belt**

- 6.23 The National Planning Policy Framework (2021) makes it clear that an essential characteristic of Green Belts is their openness. Openness is not defined either within the Framework or in the development plan policies, but is taken to mean an absence of a building or development, and the extent to which a building or development may be seen from the public realm is not a decisive matter. Policy DM16 of Harrow's Development Management Policies Local Plan requires the assessment of Green Belt openness to have regard to
- a. the height of existing buildings on the site;
  - b. the proportion of the site that is already developed;
  - c. the footprint, distribution and character of existing buildings on the site; and
  - d. the relationship of the proposal with any development on the site that is to be retained.
- 6.24 The approved replacement dwellinghouse featured a single storey side element in the part adjacent to Bentley Hyde. This was a specific design intervention which was brought forward to reduce the impact on Greenbelt openness, particularly given the consolidation of the footprint to provide more habitable floorspace within the first and second floors. Notwithstanding the previously dismissed appeal for the first-floor side extension, the applicant has constructed a first-floor extension as part of the replacement dwellinghouse. As detailed paragraph 8 and 9 of the Appeal Decision Notice, the Planning Inspector found that the addition of a first-floor extension would 'add substantial additional bulk to the dwelling which would be notable and prominent when viewed from Priory Drive' and would erode the sense of space between the host property and Bentley Hyde. The Planning Inspector therefore concluded that therefore would be a minor but harmful loss of openness of the Green Belt.
- 6.25 Whilst the built hipped roof of the first floor side extension is proposed to be removed and replaced by a flat roofed element and a monopitch roof to the front of the extension which reduces the bulk and height of the side extension from the previous schemes with hipped roofed side extensions it is considered that the proposal would continue to provide a first floor side extension which adds bulk to the overall development.

- 6.26 Consequently, the amendment to the approved plans, by virtue of the provision of a part monopitch and part flat roofed first-floor side extension in comparison to the previous hipped roofed first floor extension continues to result in an overly bulky, unduly obtrusive and dominant physical presence that is harmful to the visual amenities and the openness of the Green Belt.
- 6.27 The Framework says that the essential characteristics of Green Belts are their openness and their permanence and as such, substantial weight is attached even to the limited loss of openness in this instance. Consequently, it is considered that the proposed development is harmful to the openness of the Green Belt, thereby failing to comply with the National Planning Policy Framework (2019), Policy G2 of the London Plan (2021), Core policy CS1(F) of the Harrow Core Strategy (2012) and Policy DM16 of the Harrow Development Management Policies (2013)

#### Very Special Circumstances

- 6.28 A Planning Statement has been submitted with the application. This sets out the site coverage is less than adjoining properties, the neighbouring properties have also benefited from greater percentage increases in floor area and that the built frontage of the subject property is less than neighbouring built frontages.
- 6.29 However, as detailed in the previous officer report for planning application P/0443/20, the submitted planning statement details the percentage increase permitted by the LPA to neighbouring and adjoining dwellinghouses within Priory Drive. While the numerical percentage increases suggest that the neighbouring properties have had increases in footprint and floor area greater than 39%, no further details have been provided on the date at which the various extensions were granted or the circumstances of each particular case. The current submission provides a brief outline on each of these cases in relation to their percentage increase and its justification for the approvals made. This has been reviewed by Officers and the subject application has however been assessed on its own planning merits with regard to the specific context of the subject property and in line with the current development plan policies, including the NPPF 2021 and the London Plan 2021. Whilst the roof form has been proposed to be altered the footprint remains the same.
- 6.30 Furthermore, the Planning Inspector addressed this point within the 'other considerations' assessment in the appeal decision. The Planning Inspector noted that 'the majority of examples cited appear relatively aged and it is not therefore certain that these proposals were considered against the same policy background. Moreover, none of the circumstances associated with these approvals appear the same. Cases as Cedar Trees and Green Verges appear to relate to extensions, which will likely have been judged against different criteria'. Furthermore, in the case of Bentley Hyde, the report associated with that proposal appears to identify special circumstances which are not evident in relation to the subject proposal. The Planning Inspector accepted that various other methods of assessing the impact of the revised proposals including built frontage, site coverage and height were drawn to his attention, but was comfortable that floor space was a reasonable parameter on which to assess the key issue within the appeal.

## Conclusion

- 6.31 For the reasons detailed above, it is considered that the harm caused by the inappropriateness of the development in the Green Belt and its effect on Openness carry substantial weight. The applicant has failed to demonstrate that Very Special Circumstances exist to justify inappropriate development and that the harm, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. The proposed development would therefore be contrary to The National Planning Policy Framework (2021), Policy G2 of The London Plan (2021), Core Policy CS1.B/F of the Harrow Core Strategy (2012) and Policies DM1 and DM16 of the Harrow Development Management Policies Local Plan (2013).

## Character and Appearance of the Area

- 6.32 The NPPF makes it very clear that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It goes on to state that 'it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes'.
- 6.33 Core Policy CS(B) states that 'All development shall respond positively to the local and historic context in terms of design, siting, density and spacing, reinforce the positive attributes of local distinctiveness whilst promoting innovative design and/or enhancing areas of poor design; extensions should respect their host building.'
- 6.34 Policy DM1 of the Council's Development Management Policies Local Plan states that 'All development and change of use proposals must achieve a high standard of design and layout. Proposals which fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance, will be resisted'
- 6.35 The consideration of the layout, design, character and appearance of the development was previously considered under application P/5568/15 and under variation of condition application reference P/1404/18.
- 6.36 As noted in the subsections above, the exterior construction of the dwellinghouse is near complete and it has not been built in accordance with approved plans. Notably, a first-floor side extension has been provided, two single storey rear projections have been constructed and the proportions of the roof has been distorted, with a greater floor to eaves height and a lower eaves to ridge height. In relation to the first-floor side extension, the proposed removal of the hipped roof and its replacement with a monopitch and flat roofed feature would reduce the bulk and the applicant states that this would give the appearance of a tall single storey extension which would only be from head on views of the property but all other views would continue to appear as a first floor side extension with a flat roof. The proposed roof design to the first floor side extension would result in an awkward and poor design in relation to a hipped roof dwelling and would maintain a significant part of the bulk in the form of the first floor side extension. It is



considered that the proposal would not sympathetically integrate or relate appropriately with the host dwellinghouse.

- 6.37 In addition, the omission of the hipped roof and replacement with a part monopitch and part flat roofed side extension is uncharacteristic of the locality and further emphasises the incongruity of the overall roof design of the first-floor side extension giving the impression of an awkward and contrived roof form, that does not represent a high quality of design. The first-floor side extension and alterations to the roof profile therefore detract from the character and appearance of the host dwellinghouse and the locality, and conflict with the relevant policies in this regard.
- 6.38 The single storey extensions project 1.5m beyond the original rear elevation and have a flat roof profile with a maximum height of 3.3m. Notwithstanding the other considerations detailed in the principle of development subsection, It is considered that the single storey rear extensions do not have a harmful impact on the character or appearance of the host property.

#### Impact on residential amenity of neighbouring occupiers

- 6.39 The impact of the replacement dwellinghouse on the amenities of the adjoining occupiers was considered in detail under application reference P/5568/15. The subject proposal increases the width at first-floor level of the replacement dwellinghouse. The flank wall of the first-floor side extension is sited approximately 20m away from the shared boundary with Bentley Hyde to the east. Given the separation distance, it is considered that the proposal does not have a detrimental impact on the residential amenities of the adjoining occupiers at that property. The additional single storey extensions beyond the kitchen and living room would have a modest depth of 1.5m and do not therefore have a harmful impact on the residential amenities of adjoining occupiers by reason of overshadowing, loss of light or loss of outlook.

## **7.0 CONCLUSION AND REASONS FOR REFUSAL**

- 7.1 The retention of the first floor side extension in conjunction with the new roof from to the main house, by reason of their scale, ridge height, overall design, and incongruous and dominant roofs constitutes an inappropriate development in the Green Belt and has a harmful impact on the openness and visual amenities of the Green Belt. The applicant has also failed to demonstrate very special circumstances existing to justify the inappropriate development and its harm being outweighed by other considerations.
- 7.2 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.

## **APPENDIX 1: Informatives**

### 1. Planning Policies

#### **National Planning Policy Framework (2021)**

#### **The London Plan (2021)**

D3, G2, SI13

#### **Harrow Core Strategy (2012)**

CS1, CS7

#### **Harrow Development Management Policies Local Plan (2013)**

DM1,DM2, DM6, DM10,DM16, DM23, DM42, DM45

Supplementary Planning Document: Residential Design Guide (2010)

### 2. Refuse without Pre-App

Statement under Article 35(2) of The Town and Country Planning (Development Management Procedures) (England) Order 2015. This decision has been taken in accordance with paragraphs 39-42 of The National Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

### 3 Mayoral Community Infrastructure Levy (provisional)

Please be advised that approval of this application (either by Harrow Council, or subsequently by the Planning Inspectorate if allowed on appeal following a refusal by Harrow Council) will attract a Community Infrastructure Levy (CIL) liability, which is payable upon the commencement of development. This charge is levied under s.206 of the Planning Act 2008 Harrow Council, as CIL collecting authority, has responsibility for the collection of the Mayoral CIL

The Provisional Mayoral CIL liability for the application, based on the Mayoral CIL levy rate for Harrow of £60/sqm is £3,300

The floorspace subject to CIL may also change as a result of more detailed measuring and taking into account any in-use floor space and relief grants (i.e. for example, social housing).

You are advised to visit the planningportal website where you can download the appropriate document templates.

Please complete and return the Assumption of Liability Form 1 and CIL Additional Information Form 0 .

[https://ecab.planningportal.co.uk/uploads/1app/forms/form\\_1\\_assumption\\_of\\_liability.pdf](https://ecab.planningportal.co.uk/uploads/1app/forms/form_1_assumption_of_liability.pdf)

[https://ecab.planningportal.co.uk/uploads/1app/forms/cil\\_questions.pdf](https://ecab.planningportal.co.uk/uploads/1app/forms/cil_questions.pdf)

If you have a Commencement Date please also complete CIL Form 6:

[https://ecab.planningportal.co.uk/uploads/1app/forms/form\\_6\\_commencement\\_notice.pdf](https://ecab.planningportal.co.uk/uploads/1app/forms/form_6_commencement_notice.pdf)

The above forms should be emailed to [HarrowCIL@Harrow.gov.uk](mailto:HarrowCIL@Harrow.gov.uk)

Please note that the above forms must be completed and provided to the Council prior to the commencement of the development; failure to do this may result in surcharges and penalties

4 Harrow Community Infrastructure Levy (provisional)

Harrow has a Community Infrastructure Levy which applies Borough wide for certain developments of over 100sqm gross internal floor space.

Harrow's Charges are:

Residential (Use Class C3) - £110 per sqm;

Hotels (Use Class C1), Residential Institutions except Hospitals, (Use Class C2), Student Accommodation, Hostels and HMOs (Sui generis) - £55 per sqm;

Retail (Use Class A1), Financial & Professional Services (Use Class A2),

Restaurants and Cafes (Use Class A3) Drinking Establishments (Use Class A4)

Hot Food Takeaways (Use Class A5) - £100 per sqm

All other uses - Nil.

The Provisional Harrow CIL liability for the application, based on the Harrow CIL levy rate for Harrow of £110/sqm is £29,661

This amount includes indexation which is 323/224. The floorspace subject to CIL may also change as a result of more detailed measuring and taking into account any in-use floor space and relief grants (i.e. for example, social housing).

The CIL Liability is payable upon the commencement of development.

You are advised to visit the planningportal website where you can download the relevant CIL Forms.

Please complete and return the Assumption of Liability Form 1 and CIL Additional Information Form 0 .

[https://ecab.planningportal.co.uk/uploads/1app/forms/form\\_1\\_assumption\\_of\\_liability.pdf](https://ecab.planningportal.co.uk/uploads/1app/forms/form_1_assumption_of_liability.pdf)

[https://ecab.planningportal.co.uk/uploads/1app/forms/cil\\_questions.pdf](https://ecab.planningportal.co.uk/uploads/1app/forms/cil_questions.pdf)

If you have a Commencement Date please also complete CIL Form 6:

[https://ecab.planningportal.co.uk/uploads/1app/forms/form\\_6\\_commencement\\_notice.pdf](https://ecab.planningportal.co.uk/uploads/1app/forms/form_6_commencement_notice.pdf)

The above forms should be emailed to [HarrowCIL@Harrow.gov.uk](mailto:HarrowCIL@Harrow.gov.uk)

Please note that the above forms must be completed and provided to the Council prior to the commencement of the development; failure to do this may result in surcharges

**PLAN NUMBERS**

**Cover letter dated Dec 2021, PL Approved elevation, PL approved elevation 1, PL approved elevation 2, PL Approved Plans, PL Approved Plans 1, PL Approved Plans 2, PL Approved Plans 3, PL Approved Plans 4, PL Location Plan; SH05.100 Rev A, SH05.101 Rev A, SH05.102 Rev B, SH05.103 Rev B, SH05.104 Rev B, SH05.105 Rev B, SH05.106 Rev B, 678-RP-001, Planning Statement; Legal Submission document**

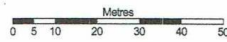
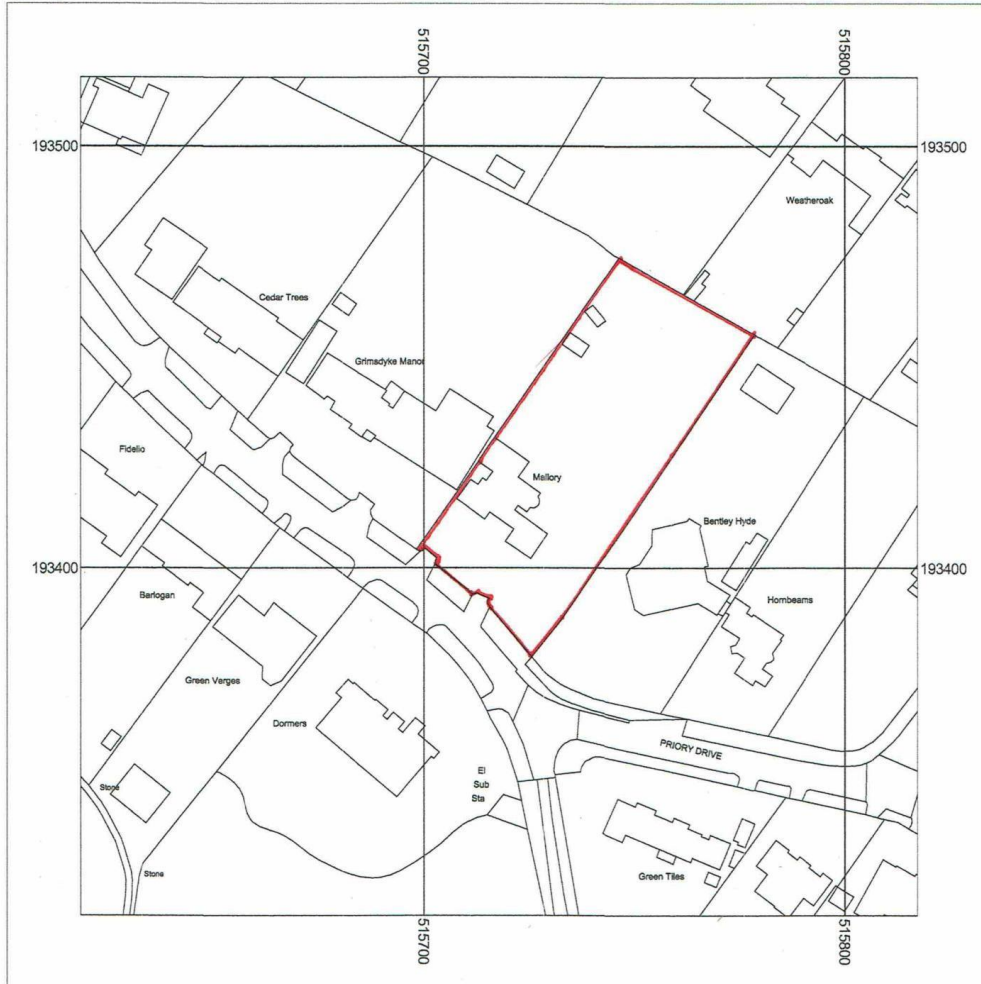
**CHECKED**

Interim Head of DM	28/02/2022
Corporate Director	01/03/2022

# APPENDIX 2: SITE PLAN



OS Plan B&W



Scale: 1:1250



Supplied by: National Map Centre  
License number: 100031961  
Produced: 01/08/2018  
Serial number: 2012749

**Mallery  
Priory Drive  
Stanmore  
HA7 3HN**

Plot centre co-ordinates: 515718, 193417  
Download file: dnk\_Mallery.zip  
Project name: dnk\_Mallery

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**APPENDIX 3: SITE PHOTOGRAPHS**







# APPENDIX 4: PLANS AND ELEVATIONS

The architect is responsible for checking dimensions, balances and references and is responsible for the final design. The architect is responsible for the final design and is responsible for the final design. The architect is responsible for the final design and is responsible for the final design.



Rev B 24/11/22 DRAWING BOARDWORK DWG. CHG  
**Mallory, Priory Drive**  
 Street View  
**SH.05.114**  
 PLANNING  
 DRAWN BY: CHANG BY: DRA DWG17 3/26/2022 10:10

The architect is responsible for checking dimensions, balances and references, and ensuring that the architectural drawings comply with the relevant building regulations and standards. The architect is not responsible for checking the accuracy of the information provided by the client or other parties. The architect is not responsible for checking the accuracy of the information provided by the client or other parties. The architect is not responsible for checking the accuracy of the information provided by the client or other parties.



Rear Elevation



West Elevation

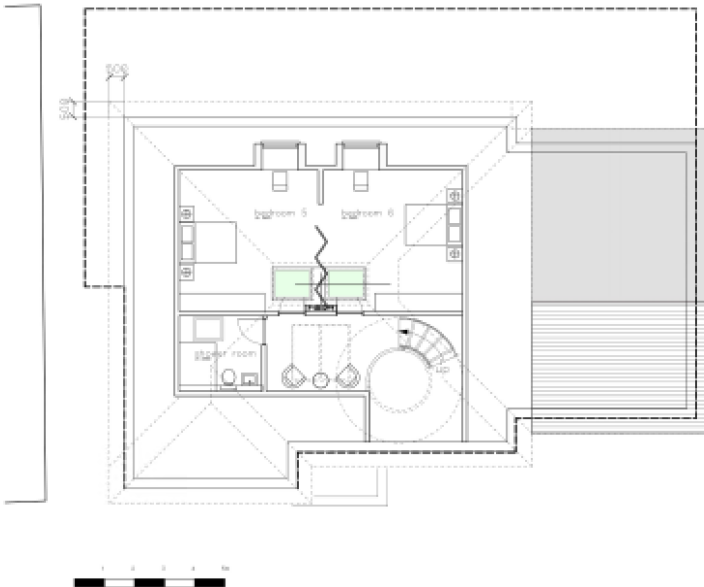
Rev. B. 24/07/21 Description Limited and  
**Mallory, Priory Drive**  
 External Elevations

SH.05.106

PLANNING

Sheet 04 Updated 05 2021 2021 11/05 21 45

The architect is responsible for checking dimensions, balances and references, and ensuring that the architectural drawings comply with the relevant building regulations and standards. The architect is not responsible for checking the accuracy of the information provided by the client or other parties. The architect is not responsible for checking the accuracy of the information provided by the client or other parties. The architect is not responsible for checking the accuracy of the information provided by the client or other parties.



Rev. B. 24/07/21 Description Limited and  
**Mallory, Priory Drive**  
 Second Floor

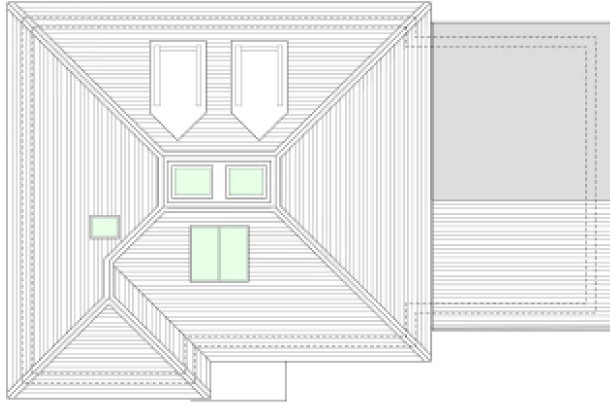
SH.05.103

PLANNING

Sheet 04 Updated 05 2021 2021 11/05 21 45



The architect is responsible for checking dimensions, tolerance and reference, any discrepancy to an approved plan should be resolved by the architect. All dimensions are to be taken from the finished surface unless otherwise stated. All dimensions are to be taken from the finished surface unless otherwise stated. All dimensions are to be taken from the finished surface unless otherwise stated. All dimensions are to be taken from the finished surface unless otherwise stated.

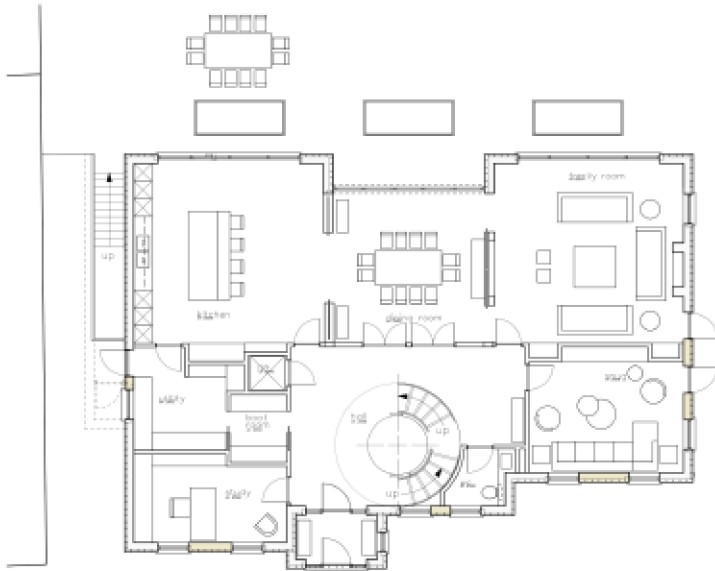


Rev 01: 20/07/2021: Description: Revised and  
**Mallory, Priory Drive**  
 Roof Plan

**SH.05.104**  
 PLANNING

Sheet 04 of 04 Created: 05/08/2021 09:04:21 Scale: 1:100 @ A0

The architect is responsible for checking dimensions, tolerance and reference, any discrepancy to an approved plan should be resolved by the architect. All dimensions are to be taken from the finished surface unless otherwise stated. All dimensions are to be taken from the finished surface unless otherwise stated. All dimensions are to be taken from the finished surface unless otherwise stated. All dimensions are to be taken from the finished surface unless otherwise stated.

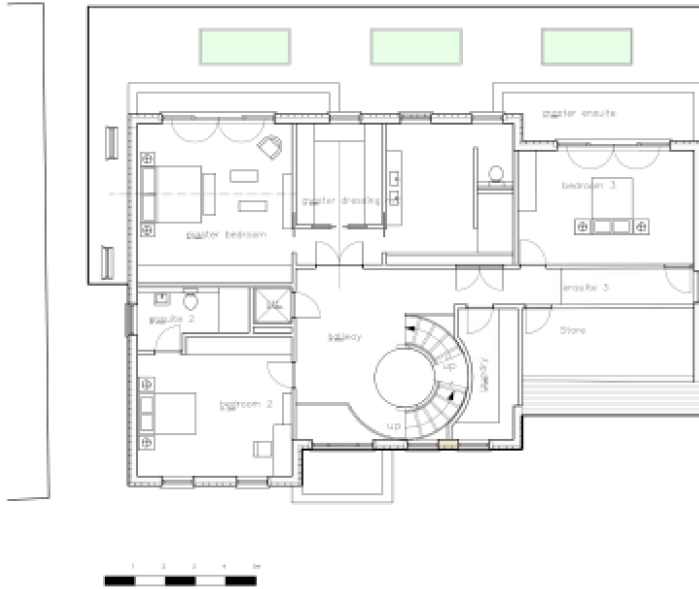


Rev 01  
**Mallory, Priory Drive**  
 Ground Floor

**SH.05.104**  
 PLANNING

Sheet 04 of 04 Created: 05/08/2021 09:04:21 Scale: 1:100 @ A0

The applicant is responsible for checking dimensions, references and addresses. Any discrepancy to be notified to the Planning Committee prior to the meeting. Plans of this nature are prepared by the applicant and the Council is not responsible for any errors. Errors are the responsibility of the applicant. Errors are the responsibility of the applicant. Errors are the responsibility of the applicant.

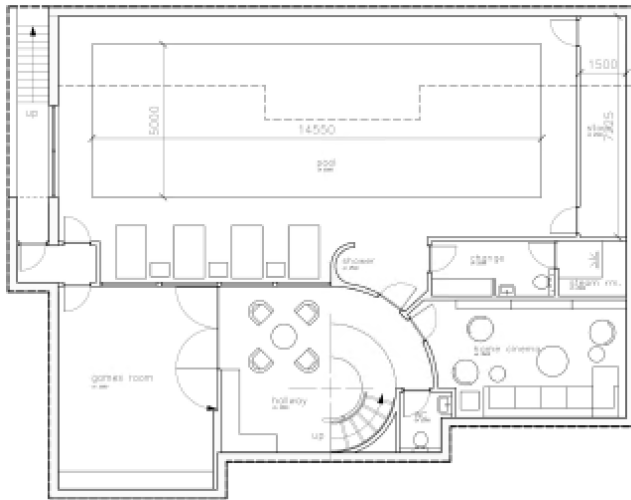


Scale: 1:100. Design: Landed out. Ref: 001  
**Mallory, Priory Drive**  
**First Floor**  
 SH 05/102  
 PLANNING  
 Scale: 1:100. Design: Landed out. Ref: 001

The architect is responsible for checking observations, information and submissions for compliance to an outline plan for building work, including the use of materials, as determined by the planning authority under the local authority planning system (Section 172).

Should any building work be undertaken for the use of the site, the applicant should ensure that the proposed building work is in accordance with the outline plan for building work, including the use of materials, as determined by the planning authority under the local authority planning system (Section 172).

Should any building work be undertaken for the use of the site, the applicant should ensure that the proposed building work is in accordance with the outline plan for building work, including the use of materials, as determined by the planning authority under the local authority planning system (Section 172).



Rev A

DATE: 03/03/22

**Mallory, Priory Drive**  
Basement Plan

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**SH05/193**  
PLANNING

DATE: 03/03/22

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## **Report for: Planning Committee**

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<b>Date of Meeting:</b>	19 March 2022
<b>Subject:</b>	TPO No.965 The Ridgeway (No.2) West Harrow – confirmation of provisional TPO
<b>Responsible Officer:</b>	Rebecca Farrar, Arboricultural Officer
<b>Exempt:</b>	No
<b>Wards affected:</b>	West Harrow
<b>Enclosures:</b>	Appendix A - TPO 965 map and schedule (current / provisional) Appendix B - TPO 965 map and schedule (proposed modified for confirmation) Appendix C – Site Photographs Appendix D – Objection from The Brethren

### **Section 1 – Summary and Recommendations**

---

The Council made provisional Tree Preservation Order No.965 on 1 November 2021. This TPO protects trees within the site known as The Brethren Meeting Hall, as indicated on the attached plan at Appendix A. Before confirming the order, the Council must consider any objections and representations duly made in respect of the order. An objection has been made against the TPO and therefore the matter is being reported to the Planning Committee. This report considers the objection received and seeks authority to confirm the order with modifications (as set out in Appendix B).

#### **Recommendations:**

The Committee is requested to:

- (A) Confirm TPO No.965 The Ridgeway (No.2) West Harrow with modifications as set out in Appendix B.

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**Reason:** The trees are considered to be threatened by development and their loss would have a detrimental impact on the visual amenity and wider landscape. It was therefore considered expedient to serve a TPO and is considered appropriate to confirm the provisional TPO. If this TPO is not confirmed within six months of 1 November 2021, the statutory protection afforded to the aforementioned trees will lapse.

## Section 2 – Report

### 1. Background

- 1.1 Local planning authorities can make a Tree Preservation Order (TPO) if it appears to them to be ‘expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area’. Key criteria relate to visibility (by the public) and individual, collective and wider impact of the trees. The National Planning Practice Guidance (NPPG) provides detailed guidance<sup>1</sup> in relation to TPOs.
- 1.2 The subject site is a church hall situated to the northeast of The Ridgeway and to the south of West Harrow allotments. In 2020 proposals for a residential development of the site were submitted to the Local Planning Authority (reference P/1920/20). Under these proposals, a number of existing trees within the site would be removed to facilitate the development. On 19 December 2020 the Council received reports of trees within the site, on the boundary between the allotments and the Brethren Meeting Hall, being felled.
- 1.3 On 2 September 2021 application reference P/1920/20 was refused. The applicants are appealing that decision to the Planning Inspectorate. In response to threat of development, and in view of the owners’ previous actions, a TPO was considered to be a proportionate response and expedient in the interests of amenity. It should be noted that in the event the appeal is allowed, and full planning permission granted, this would over-ride TPO protection (i.e. consent is not required for carrying out work on trees subject to an Order so far as such work is necessary to implement a full planning permission). The current, provisional TPO (TPO No.965 The Ridgeway (No.2) West Harrow) is included in Appendix A.
- 1.4 In the interests of expediency, an Area TPO was made. Under the NPPG ‘the area category is intended for short-term protection in an emergency and may not be capable of providing appropriate long-term protection ... Authorities are advised to only use this category as a temporary measure until they can fully assess and reclassify the trees in the area’. In the context of the subject site, once the outcome of the appeal against the LPA’s refusal of application P/1920/20 is known, it may be appropriate to resurvey the trees in greater detail and serve a new TPO that identifies groups of trees or individual trees rather than the current area-TPO.
- 1.5 Appendix C includes photographs of the site.
- 1.6 Shortly after the TPO was made, in accordance with statutory procedures, TPO 965 was served on the owners/ occupiers and all affected properties, who were informed of the right to make objections and representations within the relevant timeframe (at least 28 days).

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<sup>1</sup> <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

- 1.7 If the TPO is not confirmed within six months of 1 November 2021, the statutory protection afforded to the aforementioned trees will lapse.
- 1.8 Where duly made objections are received in relation to a provisional TPO, the objections are reported to the Planning Committee for consideration and decision as to whether or not the provisional Order should be confirmed (made permanent). If no objections are received, the decision to confirm is delegated to the Chief Planning Officer. As an objection has been received (see section 2 below), the matter is being brought to Planning Committee for consideration.

## **2. Objections**

- 2.1 An objection was subsequently received from The Brethren who are the owners of the site (with the exclusion of the adjoining Site of Importance for Nature Conservation (SINC) which is under council ownership and included as Area A3 on the provisional TPO) and their objections are summarised and addressed below. The full version of The Brethren's objection letter is attached (Appendix D).
- 2.2 *The use of TreeAP, a structured system which uses a flowchart to assess trees for TPO suitability, has been questioned in its suitability for assessing this TPO, the main criticisms being that TreeAP is still in development / in draft status and is not to date, available for wider release.*
- 2.3 Response: Whilst this may be the case, the format still provides a quick, simple method of assessment. The National Planning Practice Guidance (NPPG) does not prescribe assessment methods. It indicates that 'authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way', which TreeAP is considered to do so.
- 2.4 *A1 – a number of these trees have bark loss, squirrel damage and are in poor condition / health with no potential for recovery. We do not believe the Maple trees within A1 have safe useful life expectancy of more than 10 years.*
- 2.5 Response: This group of trees (A1) comprises Ash, Field Maple, Norway Maple, Hazel, Alder, Whitebeam. Collectively they form a useful delineating screen, a buffer between the site and the adjoining entrance road. It is accepted that some are in relatively poor condition owing to squirrel damage (grey squirrels strip the bark from trees). Such trees can be removed if necessary (such to consent from the Council). The findings appear at odds with those of an earlier tree survey (Macintyre 2019) which gives this group 'C' retention category rating and SULE (safe useful life expectancy) of 20+ years.
- 2.6 *A1 – the majority of trees are Ash species and have symptoms of Ash dieback. We do not believe they have safe useful life expectancy of more than 10 years*
- 2.7 Response: Ash dieback is a fungal disease which has already had a significant impact on the native Ash population and which, unfortunately, is increasingly being found on sites across Harrow. Younger Ash trees tend to be more susceptible to infection. The Ash trees within A1 form part of a useful delineating screen and are clearly visible from the road, and on this basis the TPO was considered expedient. In the long term, it may not be expedient to include such trees in any revised TPO after detailed survey (as noted in paragraph 1.4 above).



- 2.8 *A2 – the majority of tree species are Ash, many of which are exhibiting signs of Ash dieback. We don't believe they have a SULE of more than 20 years*
- 2.9 Response: This group of approx. 11 x trees is formed of Ash, Field Maple, Hazel. Fast growing Ash dominates the group and the group collectively forms an effective delineating screen and 'buffer' from the main road. Again, a number of the Ash trees within have suspected symptoms of Ash Dieback. This is likely to reduce their useful life expectancy and suitability (in the long term) for TPO protection. Nevertheless they currently provide a valuable natural screen and their collective value formed the main basis for the TPO. It would be good practice to review the Area Order and identify those trees (groups or individuals) which merit protection, consistent with the NPPG (as per paragraph 1.4 above).
- 2.10 *The use of the 'Area' designation is not suitable for long terms protection and should not be used:*
- 2.11 Response: This point is acknowledged and accepted (refer to paragraph 1.4 above). The use of Area Orders (or 'emergency TPOs as they are also known) is intended to provide temporary protection on a site, until individual groups and trees can be identified for inclusion within a permanent TPO. The use of the area designation is not suitable for long term protection.
- 2.12 *There is no 'known threat'. A written statement was provided and a verbal agreement given that no further trees would be felled*
- 2.13 Response: This may be the case; however the threat of removal remains therefore a TPO was considered expedient.
- 2.14 *Inclusion of the council-owned SINC within the TPO is not appropriate*
- 2.15 Response: Trees under council ownership are assumed to be under good management, and already enjoy 'protection' in that they are in the ownership of the council. As such it is not usual practice to serve TPOs on council-owned trees, although the NPPG does not preclude Council owned trees from being included in a TPO (for example, if there is a potential threat to the trees from works able to be undertaken from adjoining land). The inclusion of the council-owned SINC in the provisional TPO was a finely balanced decision between usual practice (not to include), the relatively quality of the trees, and site-specific risks of inappropriate tree works at the edge of the council-owned land. In light of the representations received and reconsideration of the matter, the modified TPO recommended for confirmation excludes the council-owned SINC.
- 2.16 No other objections were received.

### **3. Conclusion**

- 3.1 The Committee is requested to give due consideration to the objection received against the provisional TPO and the Arboricultural Officer's response to the objection outlined above.
- 3.2 It is recommended that the TPO is confirmed in its modified form, as set out in Appendix B.

### **Equalities impact**

*In considering this matter the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.*

*For the purposes of this report and recommendation there are no adverse equalities issues.*

### **Legal Implications**

The legal implications of this report / recommendations are addressed in the body of the report.

### **Financial Implications**

The cost of the assessment of any applications for works to trees protected by the TPO would be from the revenue budget of the Planning Service.

## **Section 3 - Statutory Officer Clearance**

### **Statutory Officer:**

Mrinalini Rajaratnam, *Senior Lawyer & Assistant Team Leader*

Signed on behalf of the Monitoring Officer

**Date:** 2 March 2022

### **Planning Policy Manager:**

Signed by the Planning Policy Manager

**Date:** 3 March 2022

### **Corporate Director:**

Signed by the Corporate Director

**Date:** 1 March 2022

### **Mandatory Checks:**

Ward Councillors notified: YES

## **Section 4 - Contact Details and Background Papers**

**Contact:** Rebecca Farrar, Arboriculture Officer, direct line 020 8736 6092

### **Appendices:**

**Appendix A - TPO 965 map and schedule (current / provisional)**

**Appendix B - TPO 965 map and schedule (proposed modified)**

**Appendix C – site photographs**

**Appendix D – full objection from The Brethren**

Appendix A - Existing provisional TPO 965 map and schedule



**SCHEDULE 1****SPECIFICATION OF TREES****TREES SPECIFIED INDIVIDUALLY**(encircled in black on the map attached hereto ["the map"])

Reference on Map	Description	Situation
T1	Oak	SE boundary with TFL / railway

**TREES SPECIFIED BY REFERENCE TO AN AREA**(within a dotted black line on the map)

No. on Map	Description	Situation
A1	Mixed species comprising mainly Ash, Field Maple, Holly, Hazel, Whitebeam within the area marked A1	NW boundary with The Ridgeway and bordering allotment entrance road
A2	Mixed species comprising mainly Ash, Maple, Hazel within the area marked A2	NW boundary with Ridgeway and bordering entrance road to the Brethren Meeting Hall
A3	Mixed species comprising Hawthorn, Elder, Oak, Ash within the area marked A3	Council-owned land on SW boundary with The Ridgeway

**GROUPS OF TREES**(within a broken line on the map)

Reference on Map	Description	Situation
	NONE	

**WOODLANDS**(within a continuous black line on the map)

Reference on Map	Description	Situation
	NONE	

Appendix B - Proposed modified map and schedule – TPO 965 (with A3 excluded)



**SCHEDULE 1****SPECIFICATION OF TREES****TREES SPECIFIED INDIVIDUALLY**(encircled in black on the map attached hereto ["the map"])

Reference on Map	Description	Situation
T1	Oak	SE boundary with TFL / railway

**TREES SPECIFIED BY REFERENCE TO AN AREA**(within a dotted black line on the map)

No. on Map	Description	Situation
A1	Mixed species comprising mainly Ash, Field Maple, Holly, Hazel, Whitebeam within the area marked A1	NW boundary with The Ridgeway and bordering allotment entrance road
A2	Mixed species comprising mainly Ash, Maple, Hazel within the area marked A2	NW boundary with Ridgeway and bordering entrance road to the Brethren Meeting Hall

**GROUPS OF TREES**(within a broken line on the map)

Reference on Map	Description	Situation
	NONE	

**WOODLANDS**(within a continuous black line on the map)

Reference on Map	Description	Situation
	NONE	



**Appendix C - Site photographs**

A1 as viewed from allotments, looking northwards



View from Ridgeway, looking south towards rail land. T1 Oak in background



Trees within A1, as viewed from entrance road (NW corner of church hall site)





**Appendix D – full objection**



# Bartlett Consulting

**Date:** 24<sup>th</sup> November 2021  
**Our Reference:** JPL/210117/LR

Harrow Gospel Hall Trust  
Pavilion  
265 The Ridgeway  
North Harrow  
Harrow  
HA2 7ED

Dear Trustees,

## **RE: TREE PRESERVATION ORDER NO. 965 THE RIDGEWAY (NO.2) WEST HARROW**

This letter follows our site visit conducted on Thursday 11<sup>th</sup> November 2021.

### **Assignment**

1. To ascertain the London Borough of Harrows Tree Preservation Order evaluation methodology and obtain a copy of it.
2. To undertake an independent evaluation of the trees T1, A1, A2 & A3 using the TreeAP Flowchart.
3. To provide a critique of the London Borough of Harrows methodology used for the creation of TPO No. 965.
4. If deemed reasonable to do so provide a robust objection on arboricultural grounds.

Following the central governments revision to Tree Preservation Order regulation in 2012 and the creation of *'The Town & Country Planning Act (Tree Preservation) (England) Regulations 2012'*, all Local Planning Authorities within England were informed to adopt a well-structured and well considered methodology for evaluating trees considered worthy of statutory protection from the creation of a new Tree Preservation Order.

The purpose of our assignment was to determine if the London Borough of Harrow Council has acted reasonably with regards to the creation and service of TPO No. 965 on The Ridgeway, West Harrow as a response to a planning application for development of the site, reference number P/1492/20.

Unit 22-25, Cross Lane Farm, Cross Lanes, Pill, Bristol, BS20 0JJ  
Tel: 01275 371000 (Option 2) consultancy@bartlett.com



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## 1.0 TREE EVALUATION METHODOLOGY

Following a telephone conversation held with the London Borough of Harrow (LB Harrow) Tree Protection Officer; Ms. Rebecca Farrar, we ascertained that LB Harrow had long since adopted TreeAP (Tree Assessment for Preservation), Draft 6.12-UK.

TreeAP is a structured system, using a flowchart, for assessing the suitability of trees for protection, or not. Its purpose is to help urban managers (Tree Protection Officers) assign appropriate weight to individual trees in the planning and management of urban green space. It is worth noting that TreeAP has been developed by an independent arboricultural consultant, and currently remains in draft status and unavailable for wider release.

The flowchart is used for evaluating *individual* trees and *groups* of trees, which are the most common tree preservation order designations. *Woodland* and *area* designated TPOs are deemed to be special cases and will require careful consideration that is not included within the TreeAP system.

The flowchart is designed to be a quick systematic checklist with the minimum of complication on the form. However, as with all tree assessment, the judgements are complex and must be carried out by someone with detailed knowledge and experience of tree management.

Copies of the LB Harrow TreeAP for TPO 965 are found in Appendix 1 at the end of this report. A blank reference copy is included below.

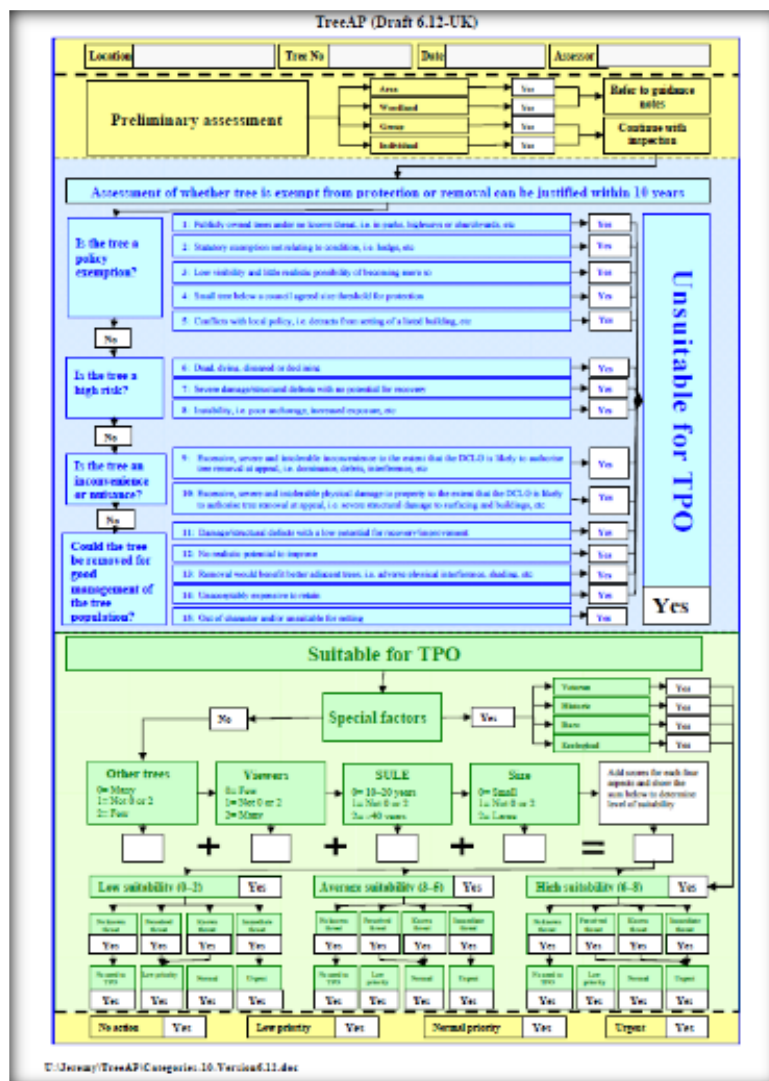


Figure 1: Blank copy of TreeAP, as provided by the author

## 2.0 TreeAP – FLOWCHART

### 2.1 T1 – Oak

The Pedunculate oak tree located within the curtilage of 265 The Ridgeway, North Harrow, Harrow, HA2 7ED, is situated adjacent to the railway line along the south-eastern boundary of the site. It is subject to individual protection status, recorded as T1 within TPO965. A copy of the LB Harrow TreeAP flowchart can be found in Appendix 1.

We concur with the LB Harrow Tree Preservation Officer that tree satisfies the criteria found within the first part of the flowchart and is suitable for a TPO, however we do not necessarily agree with the values assigned to the tree.

Following our independent site visit on 11<sup>th</sup> November 2021, we also applied this flowchart, please refer to the overview table below:

	Other trees 0 = Many 1 = Not 0 or 2 2 = Few	Viewers 0 = Few 1 = Not 0 or 2 2 = Many	SULE 0 = 10 – 20 years 1 – Not 0 or 2 2 = >40 years	Size 0 = Small 1 = Not 0 or 2 2 = Large	Total
London Borough of Harrow	1	2	2	2	<b>7</b>
Bartlett Tree Expert Company Ltd.	0	2	2	1	<b>5</b>
Rationale	There are many trees located adjacent to the sites eastern boundary, it is challenging to identify this tree as an individual.	Its location adjacent to TFL London Underground Tube Line, qualifies this tree to have many viewers.	This tree is semi-mature. It has reached up to 2/5 of trees life-cycle.	Measuring approximately 13 metres in height* is not classified as being small or large.	
Conclusion	We therefore awarded 0.	We therefore awarded 2.	We therefore awarded 2.	We therefore awarded 1.	

\* using a Tru-Pulse (model) laser rangefinder

Following our use of the TreeAP flowchart, T1 attains a total score of 5 points, qualifying this tree for 'Average Suitability'.

Whilst continuing further with the flowchart and in particular the 'Threat' assessment, we identify that LB Harrow Tree Protection Officer considers there to be a 'Known Threat', of which we would challenge.

We have been provided with a copy of a written statement, confirming the content of a verbal agreement was reached during February 2021, between the Trustees of the Gospel Hall Trust and several LB Harrow Officers, including Selina Hotwani & Rebecca Farrar (Tree Protection Officer), following tree felling operations during December 2020.

The Trustees gave assurances that there would be no further lopping, topping or felling to any of the existing trees on site (apart from what may be necessary and reasonable for safety or security). Please refer to Appendix 2, TPO 18 11 21 letter to Council ref TPO.pdf.

As a result of this verbal and written letter of assurance from the Trustees of the Gospel Hall Trust, we do not consider it qualifies for anything other than 'No known threat', as such the flowchart concludes with 'No need to TPO'.

## 2.0 TreeAP – FLOWCHART (Continued...)

### 2.2 A1 – AREA

Mixed species comprising mainly Ash, Field Maple, Holly, Hazel, Whitebeam within the area marked A1. A copy of the LB Harrow TreeAP flowchart can be found in Appendix 1.

On this occasion, we do not concur with the LB Harrow Tree Preservation Officer that these trees satisfy the criteria found within the first part of the flowchart and as such do not consider these trees suitable for a TPO. Particular reference is given to the following:

#### *Section 6: Dead, dying, diseased or declining.*

The majority of the trees contained within this area are Ash species, many of which exhibiting decline, branch dieback and lesions, all of which are associated with Ash Dieback (*Hymenoscyphus fraxineus*). This is a fungal disease with a potentially devastating impact upon the native Ash tree population. We do not believe that the Ash trees within the designated A1 have a Safe & Useful Life Expectancy (SULE) greater than 10 years.

#### *Section 7: Severe damage/structural defects with no potential for recovery*

Similarly, Field Maple and Norway Maple form a large number of the trees in this area, all of which have bark loss and significant cambial damage, caused by Grey Squirrels. Internal decay and branch death was also observed on many of these trees, and Norway Maple is known to be a particularly 'weak' trees with regards to decay and dead branches. As above, we do not believe that the Maple trees within designated A1 have a Safe & Useful Life Expectancy (SULE) greater than 10 years.

Due to the presence of a large number of diseased Ash trees (Ash Dieback) and severely damaged Field maple & Norway maples (Grey Squirrel), continuation of the flowchart is prohibited, as such the trees within A1 are deemed to be '*Unsuitable for TPO*'.

Following our independent site visit on 11th November 2021, we also applied this flowchart, please refer to the overview table below:

	Other trees 0 = Many 1 = Not 0 or 2 2 = Few	Viewers 0 = Few 1 = Not 0 or 2 2 = Many	SULE 0 = 10 – 20 years 1 = Not 0 or 2 2 = >40 years	Size 0 = Small 1 = Not 0 or 2 2 = Large	Total
London Borough of Harrow	1	2	1	1	<b>5</b>
Bartlett Tree Expert Company Ltd.	0	2	0	1	<b>3</b>
Rationale	There are many trees located adjacent to the sites western boundary.	Its location adjacent to The Ridgeway & public allotments, qualifies this tree to have many viewers.	Many of these trees are diseased. Many of these trees are severely damaged.	Measuring approximately 6 metres in height is not classified as being small or large.	
Conclusion	We therefore awarded 0.	We therefore awarded 2.	We therefore awarded 0.	We therefore awarded 1.	

## 2.0 TreeAP – FLOWCHART (Continued...)

### 2.2 A2 & A3 – AREA

Mixed species comprising mainly Ash, Maple, Hazel within the area marked A2.

Mixed species comprising Hawthorn, Elder, Oak, Ash within the area marked A3.

A copy of the LB Harrow TreeAP flowchart can be found in Appendix 1.

On this occasion, again, we do not concur with the LB Harrow Tree Preservation Officer that these trees satisfy the criteria found within the first part of the flowchart, and are not considered suitable for a TPO. Particular reference is given to the following:

*Section 6: Dead, dying, diseased or declining.*

As with A1 above, the majority of the trees contained within these area designations are Ash species, many of which exhibiting decline, branch dieback and lesions, all of which are associated with Ash Dieback (*Hymenoscyphus fraxineus*). Therefore, we do not believe that these trees have a Safe & Useful Life Expectancy (SULE) greater than 10 years.

It is our understanding that land/embankment located adjacent to The Ridgeway, in which A3 – Area occupies falls under the ownership and responsibility of LB Harrow. It is therefore deemed unnecessary and in this instance unreasonable to protect Local Planning Authority lands, and following on from the revisions of TPO regulations in 2012 is now considered to be bad practice.

As with A1 above, due to the presence of a large number of diseased Ash trees (Ash Dieback) and severely damaged Field maple & Norway maples (Grey Squirrel), continuation of the flowchart is prohibited, as such the trees within A1 are deemed to be 'Unsuitable for TPO'.

Following our independent site visit on 11th November 2021, we also applied this flowchart to both A2 and A3, please refer to the overview table below:

	Other trees 0 = Many 1 = Not 0 or 2 2 = Few	Viewers 0 = Few 1 = Not 0 or 2 2 = Many	SULE 0 = 10 – 20 years 1 = Not 0 or 2 2 = >40 years	Size 0 = Small 1 = Not 0 or 2 2 = Large	Total
London Borough of Harrow	1	2	1	1	<b>5</b>
Bartlett Tree Expert Company Ltd.	0	2	0	1	<b>3</b>
Rationale	There are many trees located adjacent to the sites southern boundary.	Its location adjacent to The Ridgeway, qualifies this tree to have many viewers.	Many of these trees are diseased.	Measuring approximately 11 metres in height is not classified as being small or large.	
Conclusion	We therefore awarded 0.	We therefore awarded 2.	We therefore awarded 0.	We therefore awarded 1.	



### 3.0 PHOTOGRAPHIC OVERVIEW



Figure 1: Annotated photograph highlighting the location of T1 – Oak in the landscape, as viewed from the railway bridge.



Figure 2: Annotated photograph highlighting the location of T1 – Oak in the landscape, as viewed from within the site.



### 3.0 PHOTOGRAPHIC OVERVIEW (Continued...)



Figure 3: Annotated photograph highlighting number of Maple trees within A1 – Area, as viewed from the Ridgeway.



Figure 4: Annotated photograph highlighting the extensive Squirrel damage caused to the Maple trees within A1 – Area.



### 3.0 PHOTOGRAPHIC OVERVIEW (Continued...)



Figure 5: Annotated photograph highlighting number of Ash trees within A2 – Area, as viewed from within the site.



Figure 6: Annotated photograph highlighting number of Ash trees within A2 & A3 – Area, as viewed from the Ridgeway.

## 4.0 CONCLUSION

Following our independent assessment of the trees subject to the provisional TPO965, we would conclude that the TPO appears to have been made in haste and under some level of pressure, only serving to protect trees in the short term and not having any benefit for the long-term retention and management of trees – for which TPO's are designed and intended.

The creation of *area* designations is generally only applied during instances considered to be an emergency, where there is an imminent risk of trees being felled – which we have disproved above.

Furthermore, Government guidance advises that *area* TPOs should be reviewed, and modified to individual and group designations. Through our discussions and review above, all Ash and Maple trees will be excluded from a review and modification of the *area* designation, leaving only a small number of low valued trees, no longer worthy of being subject to a TPO.

The creation of A3 on trees and land currently under the ownership and responsibility of LB Harrow, is contrary to Government guidance and appropriateness of a TPO, as the council has essentially protected their own trees, which are under good management and at no risk of removal. Furthermore, through the submitted MacIntyre Tree Report AIA, they have shown that these trees will not be impacted by the proposed development of the site.

Whilst we do not dispute that T1 – Oak is a good specimen, we challenge the public visibility and amenity rating of the tree by LB Harrow, as well as their size classification of the tree, diminishing its prominence in the landscape and overall score using the TreeAP system.

In light of the verbal and written agreements held between the Trustees and the LB Harrow Officer providing assurances that no trees would be felled, we do not consider that the creation of this TPO is “expedient in the interests of public amenity” as there is no risk to the trees, nor do most of them merit protection.

To conclude we would advise that Tree Preservation Order No. 965 The Ridgeway (No.2) West Harrow, is not confirmed by LB Harrow, and instead allowed to lapse, as we have shown that the TPO does not meet the key criteria or ‘spirit’ of tree preservation, and that the trees themselves do not warrant preservation. Therefore, the TPO has been served inappropriately, wasting valuable time and resources in the process.

We trust that the contents of this report were helpful, informative, and easy to understand. Please do not hesitate to contact us if we can be of further assistance.

Yours Sincerely,



James Percy-Lancaster Cert Arb (Lv.4) *TechArborA*  
**Senior Arboricultural Consultant**

## APPENDIX 1: LB HARROW TreeAP FLOWCHARTS

TreeAP (Draft 6.12-UK) T1 - E. bdy with TFL / tube line

Location <i>Brookman site The Ridgeway</i>	Tree No <i>T1 OAK</i>	Date <i>22/10</i>	Assessor <i>R FARRAR</i>
---	--------------------------	----------------------	-----------------------------

**Preliminary assessment**

Area	Yes	Refer to guidance notes Continue with inspection
Woodland	Yes	
Grass	Yes	
Individual	Yes	

**Assessment of whether tree is exempt from protection or removal can be justified within 10 years**

<b>Is the tree a policy exemption?</b>	<ul style="list-style-type: none"> <li>1. Publicly owned trees under no known threat, i.e. in parks, highways or churchyards, etc. <input type="checkbox"/> Yes</li> <li>2. Statutory exemption not relating to condition, i.e. hedge, etc. <input type="checkbox"/> Yes</li> <li>3. Low visibility and little realistic possibility of becoming more so <input type="checkbox"/> Yes</li> <li>4. Small tree below a council agreed size threshold for protection <input type="checkbox"/> Yes</li> <li>5. Conflicts with local policy, i.e. detracts from setting of a listed building, etc. <input type="checkbox"/> Yes</li> </ul>	<b>Unsuitable for TPO</b>
<b>Is the tree a high risk?</b>	<ul style="list-style-type: none"> <li>6. Dead, dying, diseased or declining <input type="checkbox"/> Yes</li> <li>7. Severe damage/structural defects with no potential for recovery <input type="checkbox"/> Yes</li> <li>8. Instability, i.e. over exposure, increased exposure, etc. <input type="checkbox"/> Yes</li> </ul>	
<b>Is the tree an inconvenience or nuisance?</b>	<ul style="list-style-type: none"> <li>9. Excessive, severe and intolerable inconvenience to the extent that the DCLG is likely to authorize tree removal at appeal, i.e. dominance, debris, interference, etc. <input type="checkbox"/> Yes</li> <li>10. Excessive, severe and intolerable physical damage to property to the extent that the DCLG is likely to authorize tree removal at appeal, i.e. severe structural damage to surfacing and buildings, etc. <input type="checkbox"/> Yes</li> </ul>	
<b>Could the tree be removed for good management of the tree population?</b>	<ul style="list-style-type: none"> <li>11. Damage/structural defects with a low potential for recovery/improvement <input type="checkbox"/> Yes</li> <li>12. No realistic potential to improve <input type="checkbox"/> Yes</li> <li>13. Removal would benefit better adjacent trees, i.e. adverse physical interference, shading, etc. <input type="checkbox"/> Yes</li> <li>14. Unacceptably expensive to retain <input type="checkbox"/> Yes</li> <li>15. Out of character and/or unsuitable for setting <input type="checkbox"/> Yes</li> </ul>	

**Suitable for TPO**

**Special factors**

Veteran	Yes
Historic	Yes
Rare	Yes
Ecological	Yes

**Other trees**  
0= Many  
1= Not 0 or 2  
2= Few

**Viewers**  
0= Few  
1= Not 0 or 2  
2= Many

**SULE**  
0= 10-20 years  
1= Not 0 or 2  
2= >40 years

**Size**  
0= Small  
1= Not 0 or 2  
2= Large

Add scores for each four aspects and show the sum below to determine level of suitability

1 + 2 + 2 + 2 = 7

<b>Low suitability (0-2)</b>	<b>Average suitability (3-5)</b>	<b>High suitability (6-8)</b>																																																
<table border="1" style="width: 100%; text-align: center;"> <tr> <td>No known threat</td> <td>Periodic threat</td> <td>Known threat</td> <td>Immediate threat</td> </tr> <tr> <td>Yes</td> <td>Yes</td> <td>Yes</td> <td>Yes</td> </tr> <tr> <td>No need to TPO</td> <td>Low priority</td> <td>Normal</td> <td>Urgent</td> </tr> <tr> <td>Yes</td> <td>Yes</td> <td>Yes</td> <td>Yes</td> </tr> </table>	No known threat	Periodic threat	Known threat	Immediate threat	Yes	Yes	Yes	Yes	No need to TPO	Low priority	Normal	Urgent	Yes	Yes	Yes	Yes	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>No known threat</td> <td>Periodic threat</td> <td>Known threat</td> <td>Immediate threat</td> </tr> <tr> <td>Yes</td> <td>Yes</td> <td>Yes</td> <td>Yes</td> </tr> <tr> <td>No need to TPO</td> <td>Low priority</td> <td>Normal</td> <td>Urgent</td> </tr> <tr> <td>Yes</td> <td>Yes</td> <td>Yes</td> <td>Yes</td> </tr> </table>	No known threat	Periodic threat	Known threat	Immediate threat	Yes	Yes	Yes	Yes	No need to TPO	Low priority	Normal	Urgent	Yes	Yes	Yes	Yes	<table border="1" style="width: 100%; text-align: center;"> <tr> <td>No known threat</td> <td>Periodic threat</td> <td>Known threat</td> <td>Immediate threat</td> </tr> <tr> <td>Yes</td> <td>Yes</td> <td>Yes</td> <td>Yes</td> </tr> <tr> <td>No need to TPO</td> <td>Low priority</td> <td>Normal</td> <td>Urgent</td> </tr> <tr> <td>Yes</td> <td>Yes</td> <td>Yes</td> <td>Yes</td> </tr> </table>	No known threat	Periodic threat	Known threat	Immediate threat	Yes	Yes	Yes	Yes	No need to TPO	Low priority	Normal	Urgent	Yes	Yes	Yes	Yes
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No need to TPO	Low priority	Normal	Urgent																																															
Yes	Yes	Yes	Yes																																															
No action	Low priority	Normal priority	Urgent																																															

T1 is TB in Maturity report - Visible from TFL / tube line, adjacent site is from The Ridgeway

[https://harrowcouncil-my.sharepoint.com/personal/rebecca\\_farrar\\_harrow\\_gov\\_uk/Documents/Tree AP Categories-10-Version6.12.doc](https://harrowcouncil-my.sharepoint.com/personal/rebecca_farrar_harrow_gov_uk/Documents/Tree AP Categories-10-Version6.12.doc)



### APPENDIX 1: LB HARROW TreeAP FLOWCHARTS (Continued...)

*Brother M. Hall* TreeAP (Draft 6.12-UK) *bolby with Ridgeway / church entrance Rd.*

Location <i>Ridgeway HA2</i>	Tree No <i>A2 / A3</i>	Date <i>27/10</i>	Assessor <i>RFarrar</i>
------------------------------	------------------------	-------------------	-------------------------

**Preliminary assessment**

<input type="checkbox"/> Area	<input type="checkbox"/> Yes
<input type="checkbox"/> Woodland	<input type="checkbox"/> Yes
<input type="checkbox"/> Grass	<input type="checkbox"/> Yes
<input type="checkbox"/> Individual	<input type="checkbox"/> Yes

Refer to guidance notes  
Continue with inspection

**Assessment of whether tree is exempt from protection or removal can be justified within 10 years**

<b>Is the tree a policy exemption?</b>	<p>1. Publicly owned trees under no known threat, i.e. in parks, highways or churchyards, etc <input type="checkbox"/> Yes</p> <p>2. Statutory exemption not relating to condition, i.e. hedges, etc <input type="checkbox"/> Yes</p> <p>3. Low viability and little realistic possibility of becoming more so <input type="checkbox"/> Yes</p> <p>4. Small tree below a council agreed size threshold for protection <input type="checkbox"/> Yes</p> <p>5. Conflicts with local policy, i.e. detracts from setting of a listed building, etc <input type="checkbox"/> Yes</p>	<b>Unsuitable for TPO</b>
<b>Is the tree a high risk?</b>	<p>6. Dead, dying, diseased or declining <input type="checkbox"/> Yes</p> <p>7. Severe damage/structural defects with no potential for recovery <input type="checkbox"/> Yes</p> <p>8. Instability, i.e. root anoxia, intrusion/exposure, etc <input type="checkbox"/> Yes</p>	
<b>Is the tree an inconvenience or nuisance?</b>	<p>9. Excessive, severe and intolerable inconvenience to the extent that the DCLG is likely to authorise tree removal of appeal, i.e. dominos, debris, interference, etc <input type="checkbox"/> Yes</p> <p>10. Excessive, severe and intolerable physical damage to property to the extent that the DCLG is likely to authorise tree removal of appeal, i.e. severe structural damage to surfacing and buildings, etc <input type="checkbox"/> Yes</p>	
<b>Could the tree be removed for good management of the tree population?</b>	<p>11. Damage/structural defects with a low potential for recovery/intervention <input type="checkbox"/> Yes</p> <p>12. No realistic potential to improve <input type="checkbox"/> Yes</p> <p>13. Removal would benefit better adjacent trees, i.e. adverse physical interference, shading, etc <input type="checkbox"/> Yes</p> <p>14. Unacceptably expensive to retain <input type="checkbox"/> Yes</p> <p>15. Out of character and/or unsuitable for setting <input type="checkbox"/> Yes</p>	
<b>Yes</b>		

**Suitable for TPO**

*Some decent screening - Ridgeway is busy road. Clearly visible from tube line, road & allotment*

<b>Special factors</b>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> Veteran <input type="checkbox"/> Yes</p> <p><input type="checkbox"/> Historic <input type="checkbox"/> Yes</p> <p><input type="checkbox"/> Rare <input type="checkbox"/> Yes</p> <p><input type="checkbox"/> Ecological <input type="checkbox"/> Yes</p>			
<b>Other trees</b>	<b>Viewers</b>	<b>SULE</b>	<b>Size</b>	Add scores for each four aspects and show the sum below to determine level of suitability
0= Many 1= Not 0 or 2 2= Few	0= Few 1= Not 0 or 2 2= Many	0= 10-20 years 1= Not 0 or 2 2= >40 years	0= Small 1= Not 0 or 2 2= Large	
1	2	1	1	= 5

<b>Low suitability (0-2)</b>	<b>Average suitability (3-5)</b>	<b>High suitability (6-8)</b>																																																
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<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes																																															

**Final Assessment**

No action	Low priority	Normal priority
<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes

*Handwritten notes:* A3 mixed, mainly Ash, Oak, Blackthorn, Elder, Hawthorn. **High Biological & Ecological Value**

C:\Users\rfarrar\OneDrive - Harrow Council\TreeApp template.doc

## APPENDIX 2: HARROW GOSPEL HALL TRUST LETTER TO COUNCIL

### HARROW GOSPEL HALL TRUST

265 The Ridgeway, Harrow, HA2 7DA

Registered Charity No 1159074

18 November 2021

To whom it may concern,

We write in connection with the interim Tree Preservation order issued by L B Harrow dated 29<sup>th</sup> October Ref No:- 965.

We have instructed Bartletts Tree Experts to survey the trees in question both from within and from outside the boundary of the site. We have invited Bartletts to include this letter as an addendum to their report. Bartletts' appraisal will be an arboricultural assessment based on established criteria agreed between the Council's Tree officer and Bartletts' own professional representative.

It is noteworthy that the matter of the trees on the site was discussed at a 'virtual' meeting in February 2021. This meeting was attended by the Trustees and a number of the Council's officers including Selina Hotwani & Rebecca Farrar. During that meeting the trustees gave a verbal undertaking not to Lop, Top or Fell any more trees on the site (apart from what may be necessary and reasonable for safety or security of the site) before the planning process had been finally determined. This letter further confirms the undertaking made at that time. Any trimming operations that may be necessary (for instance to prevent tripping of the security alarm by foliage) will be undertaken in co-operation with the Council's Tree Officer. Should Council officers require further clarification and / or feel that a legally binding commitment as outlined above is needed then the trustees offer this as a preferable alternative to the imposition of a TPO on the trust's land.

It should be noted that the interim TPO includes an area of ground (area A3 on the Council's plan) which is owned by L B Harrow, outside the Trusts ownership. The trust is unable to give an undertaking on that land since it has no control over what the Council does on its own land.

Signed-



For and on behalf of the trustees of The Harrow Gospel Hall Trust.

Dated 18<sup>th</sup> November 2021.

Trustees: S. P. Barnes, R. M. Jay, C. H. Kingston, N. S. Purdom, L. P. Smith

## **APPENDIX 3: Report Limitations & Methodologies**

This report is restricted to the trees detailed in the Assignment above.

Our TreeAP assessment of T1, A1, A2 & A3 located at 265 The Ridgeway, North Harrow, Harrow, HA2 7ED, is based on a single site visit on Thursday 11th November 2021. All photographs, samples, and readings, if applicable, were taken at the time the assessment was performed.

This assessment was limited by the following factor(s): ground covering vegetation within A3.

This information is solely for the use of the tree owner and manager to assist in the decision making process regarding the management of their tree or trees.

The statements, findings and recommendations made within the report do not take into account any effects of extreme climate and weather incidences, vandalism, changes in the natural and/or built environment around the trees after the date of this report, nor any damage whether physical, chemical or otherwise.

Tree risk ratings are derived from a combination of three factors: the likelihood of failure, the likelihood of the failed tree part impacting a target, and the consequences of the target being struck. These factors are then used to categorize tree risk as extreme, high, moderate or low. The factors used to define your risk rating are identified in this report.

Tools used in the assessment included: a nylon hammer to 'sound' the tree and tree parts; a probe to measure the depth of cavities and open wounds, as well as explore soil conditions; and binoculars to observe upper portions of the tree. Tree dimensions were recorded using hand tools such as a laser range finder; diameter tape and measuring tape.

This information is solely for the use of the tree owner and manager to assist in the decision making process regarding the management of their tree or trees. Tree risk assessments are simply tools which should be used in conjunction with the owner or tree manager's knowledge, other information and observations related to the specific tree or trees discussed, and sound decision making.

## APPENDIX 4: Risk Assessment Limitations & Client Duty of Care

### Limitations of Tree Risk Assessments

It is important for the tree owner or tree manager to know, and understand, that all trees pose some degree of risk from failure or other conditions, and as trees are living and dynamic organisms, it is not possible to maintain them free of risk. Some level of risk must be accepted in order to experience the full range of benefits that trees provide. As such, we reference the National Tree Safety Group (NTSG) publication *Common Sense Risk Management of Trees* (Forestry Commission 2011). This document provides guidance on trees and public safety in the UK for owners', managers, and advisors.

The information and recommendations within this report have been derived from the level of tree risk assessment identified in this report, using the information and practices outlined in the *International Society of Arboriculture's Best Management Practices for Tree Risk Assessment*, as well as the information available at the time of the inspection.

However, the *overall tree risk rating*, the mitigation recommendations, or any other conclusions do not preclude the possibility of failure from undetected conditions, weather events, or other acts and/or influences of human or nature on the tree(s). Trees can unpredictably fail even if no defects or other conditions are present. Tree failure can cause adjacent trees to fail resulting in a "domino effect" that impacts *targets* outside the foreseeable *target zone* of this tree. It is the responsibility of the tree owner or manager to schedule repeat or advanced assessments, determine actions, and implement follow up recommendations, monitoring and/or mitigation.

Bartlett Consulting and Bartlett Tree Experts can make no warranty or guarantee whatsoever regarding the safety of any tree, trees, or parts of trees, regardless of the level of tree risk assessment provided, the risk rating, or the residual risk rating after mitigation. Bartlett Consulting and Bartlett Tree Experts cannot accept any liability in connection with these factors, nor where recommended tree management is not carried out in accordance with modern tree health care techniques, within the timelines proposed and specification provided.

The information in this report should not be considered as making safety; legal; architectural; engineering; landscape architectural; nor land surveying advice, nor any other professional advice.

This information is solely for the use of the tree owner or tree manager to assist in the decision-making process regarding their duty of care, tolerability of risk, and management of their tree or trees. Tree risk assessments are simply tools which should be used in conjunction with the owner or tree manager's knowledge, other information and observations related to the specific tree or trees discussed, and sound decision making.

All recommendations made by Bartlett Tree Experts will be based on the defects that are present and detectable at the time of the inspection or assessment, and the commonly accepted industry practices for reducing or minimising the risks associated with the trees and are meant to assist the owner/client with the decision making process regarding the trees. Tree conditions, though, can change, and some features/hazards may not be present or detectable through the inspection process. As such, Bartlett Tree Experts can make no guarantees or warranties of any kind that all features/hazards will be detected; nor can Bartlett Tree Experts accept any liability in any manner whatsoever for any damage caused by any tree on this property, whether the tree was assessed or not, or whether any recommendations to mitigate risk were followed or not.

Therefore, to the fullest extent permitted by law, the owner/client agrees to indemnify and hold harmless Bartlett Tree Experts from any third party law suits or claims based on the past, present, or future conditions of the owner/client's trees, or decisions made by the owner/client regarding the trees, or injuries or damages caused by any future tree or tree part failures, which are under the ownership and control of the owner/client, that Bartlett Tree Experts may suffer as the result of any negligent action, inaction, or decisions made by the owner/client regarding the trees. Such obligations shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which would otherwise exist as to any party or person described in this paragraph.



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## **APPENDIX 4: Risk Assessment Limitations & Client Duty of Care (continued...)**

### **Tree Owner's Duty of Care**

A tree owner has a duty of care to ensure that all visitors, guests, employees, etc. to their land shall be safe from harm, and that there is no exposure to risks to that visitor's health and safety. This duty of care means that reasonable care must be taken to avoid acts or omissions that could be reasonably foreseen, leading to harm.

This duty must also be reasonable, proportionate, and reasonably practicable when managing tree risk. Therefore, the tree owner can take a balanced approach to manage the risk, retain the many benefits trees provide, and not waste resources on unnecessary tree management.

### **Tolerability of Risk**

Some level of risk must be accepted in order to experience the full range of benefits that trees provide, and an evaluation of what is reasonable to balance the benefit of trees and the risk they pose should be undertaken by the tree owner.

Risks which are considered tolerable are risks which the tree owner, visitors, guests, employees, and the wider public are prepared to accept in order to secure the associated tree benefits. However, tolerable risks come with expectations, such as the trees being properly assessed; control measures being in place; residual risk as low as reasonably practical; and the risk rating is periodically reviewed.

## APPENDIX 5 – Tree Risk Assessment Glossary

Bartlett Consulting uses the International Society of Arboriculture’s (ISA) Tree Risk Assessment methodology, referred to as TRAQ. This is a ‘qualitative’ system which uses a matrix-based combination of ratings, to reach a conclusion of associated risk. The standard Bartlett Consulting timeline within the TRAQ system is three (03) years, unless otherwise stated within the report.

Risk is the combination of the ‘likelihood’ of an event: in this case the failure of a tree or part of a tree, and the severity of the potential consequences. A hazard is the likely source of harm. The two tables below define both the likelihood and risk levels as per the TRAQ system.

Tree risk assessment has a unique set of terms with specific meanings. Definitions of all specific terms may be found in the International Society of Arboriculture’s *Best Management Practice for Tree Risk Assessment*. Definitions of some of these terms used in this report are as follows:

Classification	Description of Likelihood of Failure (As per Dunster, Smiley, Matheny, Lilly 2017)
Improbable	The tree or tree part is not likely to fail during normal weather conditions, and may not failure in extreme weather conditions, within the specified time frame.
Possible	Failure may be expected in extreme weather conditions, but it is unlikely during normal weather conditions, within the specified time frame.
Probable	Failure may be expected under normal weather conditions, within the specified time frame.
Imminent	Failure has started or is most likely to occur in the near future, even if there is no significant wind, weather, or increased load.

**Targets** are people, property, or activities that could be injured, damaged or disrupted by a tree failure.

**Likelihood of Impact** may be categorized as high meaning that a failed tree or tree part will most likely impact a target; medium meaning the failed tree or tree part is as likely to impact the target as not; low meaning that the failed tree or tree part is not likely to impact a target; and very low meaning that the likelihood of a failed tree or tree part impacting the specified target is remote.

**Consequences** of a known target being struck may be categorized as severe meaning that impact could involve serious personal injury or death, damage to high-value property, or disruption to important activities; significant meaning that the impact may involve property damage of moderate to high value, considerable disruption, or personal injury; minor meaning that impact could cause low to moderate property damage, small disruptions to traffic or a communication utility, or very minor injury; and negligible meaning that impact may involve low-value property damage or disruption that can be replaced or repaired, and do not involve personal injury.

Risk Level	Description of Risk (As per Dunster, Smiley, Matheny, Lilly 2017)
Extreme Risk	Failure is <i>imminent</i> , impact & failure is <i>very likely</i> , and the consequences of the failure are <i>severe</i> . Mitigation will be a high priority or targets must be temporarily controlled.
High Risk	Impact & Failure is <i>likely to very likely</i> with <i>significant</i> consequences; or consequences are <i>severe</i> , and the Impact & Failure is <i>likely</i> . Mitigation measures should be taken.
Moderate Risk	Impact & Failure is <i>likely to very likely</i> with <i>minor</i> consequences; or consequences are <i>significant to severe</i> with a <i>somewhat likely</i> Impact & Failure. Mitigation will be determined by tolerance of risk.
Low Risk	Consequences are either negligible or minor, with corresponding Impact & Failure ratings of either unlikely or somewhat likely respectively. Mitigation may be desirable but not strictly necessary.

**Overall Tree Risk** is the highest individual risk identified for the tree.

**Residual Risk** is the level of risk the tree should pose after the recommended mitigation

## APPENDIX 6 – Tree Survey & Assessment Glossary

The scientific study of tree hazard evaluation and assessment is not an exact science, and there is still much to learn with constantly developing technology, research and calculations. Most limitations of tree hazard evaluation arise from uncertainties with trees and the loads the trees are subjected to.

The three levels of tree evaluation and assessment employed by Bartlett Consulting are those defined in the International Society of Arboriculture's (ISA) *Best Management Practices for Tree Risk Assessment* and *ANSI A300 Tree Risk Assessment Standard*. All three levels are described below, along with the basic limitations of each.

### I. Level 1 Limited Visual Assessment

A *Level 1 Limited Visual Assessment* (also referred to as a Hazard Survey or Negative Tree Survey) is a visual assessment from a specific perspective of an individual tree or a population of trees near specified targets. These assessments are conducted to identify obvious defects or specified tree conditions (such as dead trees) as agreed with the client and tree owner / manager.

A *Level 1 Limited Visual Assessment* is typically performed from a pre-defined and specified perspective (i.e. from the pavement, street, car parking area(s), woodland edge, etc.), and typically of one side of the tree from that specified perspective. The specified tree or trees are visually assessed to identify tree features, defects, or specific conditions constituting a hazard which result in a likelihood of failure of probable or imminent and would impact the specified target(s).

*Level 1 Limited Visual Assessments* are typically performed to quickly assess large populations of trees to identify trees with the highest likelihood of failure ratings in the population, or trees that are recommended for higher level of assessment.

A *Level 1 Limited Visual Assessment* typically includes:

1. Identifying the location and/or selection criteria of trees to be assessed.
2. Determining and documenting the most efficient route to be taken.
3. Determining and documenting the method of visual assessment (e.g. walk-by, drive-by).
4. Recording the location of, and assessing the condition of, tree(s) of concern from the defined perspective meeting the predefined criteria (e.g. dead trees, broken branches).
5. Evaluating the risk (a risk rating is optional).
6. Identifying trees needing a higher level of assessment (*Level 2 Basic* or *Level 3 Advanced*) and/or priority corrective action.
7. Submitting risk mitigation recommendations and/or report.

### Limitations of Level 1 Limited Visual Assessments

As the least thorough means of assessment, tree features and/or conditions may not be visible as the inspection is from a particular viewpoint; not all tree features and observations may be visible or apparent at different times of the year; climbers, undergrowth, basal growth, etc. will not be removed inhibiting the inspection; and the inspection may not be adequate enough to make a risk mitigation recommendation. Residual risk designations for trees are not included.

## APPENDIX 6 – Tree Survey & Assessment Glossary (Continued...)

### II. Level 2 Basic Visual Assessment

A *Level 2 Basic Visual Assessment* is a more detailed visual inspection of a tree and its surrounding site, and a synthesis of the information collected. It requires complete inspection around a tree including the site and ground conditions / growing environment; visible buttress roots; main stem(s); and branches (as defined in the International Society of Arboriculture's (ISA) *Best Management Practices for Tree Risk Assessment* and *ANSI A300 Tree Risk Assessment Standard*).

A *Level 2 Basic Visual Assessment* allows for all aspects of the tree(s) to be surveyed and removal of climbers, undergrowth and basal growth. The crown, branches, stem(s), and buttress roots of the specified tree(s) are all assessed to look for notable features including any defect, decay, dysfunction or other structural weakness, as well as assessing the overall health and vitality of the tree(s). A *Level 2 Basic Visual Assessment* will include the use of hand-tools such as a sounding hammer; depth probe; binoculars; and measuring tapes / laser range finders to record tree dimensions; and possibly a trowel to uncover buttresses. Recommendations for trees that need a higher level of assessment are typically included.

A *Level 2 Basic Visual Assessment* typically includes:

1. Locating and identifying the tree or trees to be assessed.
2. Determining the *targets* and *target zone* for the tree or branches of concern.
3. Reviewing the site history and conditions, and species failure profile.
4. Assessing the potential load on the tree and its parts.
5. Visually assessing general tree health based on observable features at the time.
6. Completing the tree inspection and assessment using tools listed above.
7. Recording all details and observations.
8. Analysing all captured field data to determine the *likelihood of failure* and *consequences of failure* in order to complete a tree risk assessment.
9. Developing mitigation options, recommending a further Level 3 Advanced Assessment, if deemed necessary, and estimating *residual risk* for each mitigation option.
10. Producing and submitting the report, including when appropriate, advice on re-inspection intervals.

### Limitations of Level 2 Basic Visual Assessments

This visual assessment will only include details and information on tree features and conditions that can be detected from a ground-based inspection on the day of the assessment, using the tools listed in the introduction above. The extent of some internal decay, as well as the type of wood decay, and below ground or high canopy features or conditions may be difficult to observe, determine or assess.

## APPENDIX 6 – Tree Survey & Assessment Glossary (Continued...)

### III. Level 3 Advanced Assessment

A *Level 3 Advanced Assessment* is performed to provide detailed information about specific tree parts, conditions or features, targets, or site conditions. A *Level 3 Advanced Assessment* typically incorporates all aspects of a *Level 2 Basic Visual Assessment* and is usually conducted after a *Level 2 Basic Visual Assessment* with client approval.

Specialized equipment, data collection and analysis, and/or expertise are typically required for these advanced assessments to provide detailed and in-depth information about a specific tree parts, conditions or features, and the likelihood of failure, previously identified in a *Level 2 Basic Visual Assessment*.

A *Level 3 Advanced Assessment* typically includes:

1. Locating and identifying the tree or trees to be assessed.
2. Determining the *targets* and *target zone* for the tree part of concern.
3. Reviewing and updating the *Level 2 Basic Visual Assessment* data as necessary.
4. Completing the advanced assessment using methods and/or techniques as determined necessary and appropriate by the Arborist, and as defined in the Scope of Work.
5. Interpreting and analysing the advanced assessment data and information to update and revise the *likelihood of failure* and *consequences of failure* in order to complete a tree risk assessment.
6. Developing mitigation options and estimating *residual risk* for each mitigation option.
7. Producing and submitting the report, including when appropriate, advice on re-inspection intervals.

#### Limitations of Level 3 Advanced Assessments

Using technology, methodologies and equipment listed below always involves a degree of uncertainty as well as limitations in use. Furthermore, most data are not accurate measures, but a qualified or quantified estimation.

Arborists employing advanced assessment equipment and technology must have an advanced knowledge of the application and use of the various equipment (e.g. when and where it is appropriate for use and which method); in-depth knowledge of decay fungi and host tree species relationships; training and experience in interpreting data; and likelihood of failure assessment.

## APPENDIX 7 – Tree Survey & Assessment Glossary (Continued...)

### III. Level 3 Advanced Assessment (continued...)

**Table 4: Methods of Advanced Assessment**

Procedure	Methodology
<b>Aerial Tree Inspection (evaluation of tree structure within crown)</b>	<ul style="list-style-type: none"> <li>• visual inspection from within the tree crown or from a lift</li> <li>• unmanned aerial vehicle (UAV) photographic inspection</li> <li>• decay testing of branches</li> </ul>
<b>Detailed Target Analysis</b>	<ul style="list-style-type: none"> <li>• property value</li> <li>• use and occupancy statistics</li> <li>• potential disruption of activities</li> </ul>
<b>Detailed Site Evaluation</b>	<ul style="list-style-type: none"> <li>• history evaluation</li> <li>• soil profile inspection to determine root depth</li> <li>• soil mineral and structural testing</li> </ul>
<b>Decay Testing</b>	<ul style="list-style-type: none"> <li>• increment boring</li> <li>• drilling with small-diameter bit</li> <li>• resistance-recording drilling</li> <li>• single path sonic (stress) wave</li> <li>• sonic / impulse tomography</li> <li>• electrical impedance tomography</li> <li>• radiation (radar, X-ray)</li> <li>• advanced analysis for pathogen identification</li> </ul>
<b>Tree Health Evaluation</b>	<ul style="list-style-type: none"> <li>• tree ring analysis (in temperate zone trees)</li> <li>• shoot length measurement</li> <li>• detailed health/vigour analysis</li> <li>• starch assessment</li> </ul>
<b>Root Inspection and Evaluation</b>	<ul style="list-style-type: none"> <li>• root and root collar excavation</li> <li>• root decay evaluation</li> <li>• ground-penetrating radar</li> <li>• sonic / impulse tomography</li> </ul>
<b>Storm / Wind Load Analysis</b>	<ul style="list-style-type: none"> <li>• detailed assessment of tree exposure and protection</li> <li>• computer-based estimations according to engineering models</li> <li>• wind reaction monitoring over a defined interval</li> </ul>
<b>Measuring &amp; Assessing the Change in Tree Lean</b>	<ul style="list-style-type: none"> <li>• visual documentation</li> <li>• plumb line</li> <li>• digital spirit level</li> </ul>
<b>Load Testing</b>	<ul style="list-style-type: none"> <li>• hand pull</li> <li>• measured static pull</li> <li>• measured tree dynamics</li> </ul>

**Note:** All levels of tree inspection, evaluation and assessment consider visible, and detectable, tree observation, conditions, and features in proximity to the known and/or assigned targets of the tree or trees being assessed. Regardless of the level selected, any tree risk assessment will be limited to the tree or trees selected, and the detectable conditions at the time of the defined and assigned assessment. The client should also recognize that not all defects will be detectable, and not all failures can be predictable