

## SECTION 1 – MAJOR APPLICATIONS

Item No. 1/01

Address: WOOD FARM, WOOD LANE, STANMORE

Reference: P/2277/12

Description: VARIATION OF CONDITION 17 ATTACHED TO PLANNING PERMISSION P/2203/06/CFU DATED 5<sup>TH</sup> NOVEMBER 2009 FROM: “NO DEMOLITION OR WORKS IN CONNECTION WITH THE DEVELOPMENT HEREBY PERMITTED SHALL COMMENCE BEFORE A REGULATION 44 (OF THE HABITAT REGULATIONS) LICENCE FOR THE RELEVANT PROTECTED SPECIES HAS BEEN OBTAINED, AND A COPY SUBMITTED TO THE LOCAL PLANNING AUTHORITY”, TO: “NO DEMOLITION OR WORKS IN CONNECTION WITH THE DEVELOPMENT PERMITTED (OTHER THAN THOSE WORKS ILLUSTRATED AND REFERENCED ON DRAWING NUMBER 5272\_220\_A RELATING SPECIFICALLY TO THE PRIVATE HOUSING ENTRANCE) SHALL COMMENCE BEFORE A REGULATION 44 (HABITAT REGS) LICENCE FOR THE RELEVANT PROTECTED SPECIES HAS BEEN OBTAINED AND A COPY SENT TO THE LPA”

Ward: STANMORE PARK

Applicant: MR GAURANG VELANI

Agent: KENNETH W REED & ASSOCIATES

Case Officer: ABIGAIL HEARD

Expiry Date: 16/11/12

### RECOMMENDATION

**GRANT** permission for the development described in the application and submitted plans, subject to conditions set out at the end of this report.

### REASON

The works illustrated and referenced on drawing number 5272\_220\_A are not considered to have an impact on a known or historic bat roost and as such it is considered that the condition can be amended to allow the development identified to be carried out prior to the licence being obtained from Natural England. The application will therefore comply with Government guidance contained within the NPPF, London Plan 2011 policy 7.19, Core policy CS1 of the Harrow Core Strategy 2012 and saved policies EP26 and EP27 of the Harrow Unitary Development Plan 2004. It is recommended that the application is approved.

### INFORMATION

The application is reported to the Planning Committee as a variation to a condition of a major planning application and falls outside category 14 of the scheme of delegation.

**Statutory Return Type:****Council Interest:** None**Gross Floorspace:** 3440 sq m**Net additional Floorspace:** 2876 sq m**GLA Community Infrastructure Levy (CIL) Contribution (provisional):** £100,660**Site Description**

- The application site is located within the Metropolitan Green Belt, the Harrow Weald Ridge Area of Special Character and an area designated as a Site of Importance for Nature Conservation (SINC). Part of the site also lies within the Little Common Conservation Area
- Stanmore Country Park, a Local Nature Reserve, lies to the south, Pear Wood Ancient Woodland adjoins the eastern boundary and Cloisters Wood lies on part of the western boundary.
- A Schedule Ancient Monument known as Grim's Ditch lies to the south of the site
- There are two existing accesses into the site from Wood Lane
- Currently a number of agricultural buildings are located in the north eastern corner of the site and towards the central area
- The dairy which is not listed is located to the north west boundary of the site
- The land slopes down towards Stanmore Country Park to the south and comprises predominantly rough grassland to the south of the existing buildings
- There are a number of trees on the site, mainly in a belt to the north of the existing centrally located agricultural buildings, and on the boundary of the site
- A pond rich in wildlife lies to the north east of the site

**Proposal Details**

Planning permission for 'The demolition of the existing redundant farm buildings and the erection of 10 new dwellings and refurbishment of the existing dairy. Including new vehicular entrances, roadways and landscape works and change of use of residual land to Country Park/Open Space' was granted in 2009.

The approved application included the construction of 10 detached dwellings on 1.27 hectares of the site with the remaining 23.87 hectares to be transferred to the Council and laid out as a country park.

This application seeks permission to vary condition 17 of P/2203/06/CFU. Condition 17 is as follows:

*No demolition or works in connection with the development hereby permitted shall commence before a regulation 44 (of the Habitat Regulations) licence for the relevant protected species has been obtained, and a copy submitted to the Local Planning Authority.*

This application seeks permission to amend the condition to the following;

*"No demolition or works in connection with the development permitted (other than those works illustrated and referenced on drawing number 5272-220A relating specifically to the private housing entrance) shall commence before a Regulation 44 (Habitat Regs) Licence for the relevant protected species has been obtained and a copy sent to the LPA."*

**Consultations**

Harrow Council Biodiversity Officer: I am reasonably confident that no criminal offences against European Protected Species will result from this amendment of condition 17 as the trees identified as having bat roosts (tree 11) or with high potential for bat roosts (8,9 and 10) lie some distance outside the redline marking the extent of proposed works. However, there are trees of more moderate bat potential in the general area (trees 17 and 18). I strongly suggest that any trees to be felled are first inspected by licensed ecologist or a tree climber under their supervision to make doubly sure no offence is being committed.

Natural England: No comments

Environment Agency: No Comments

GLA: Section 73 applications are referable to the Mayor of London, but only where the original application was submitted on or after the 6<sup>th</sup> April 2008 (i.e. the date of the new 2008 Mayor of London Order came into effect, para 1 (3) refers). In this instance the original application was submitted in 2006 and therefore this section 73 application is not referable. The GLA will therefore not be providing any comments.

London Borough of Barnet: No comment received

## **Advertisement**

Site Notice

## **Notifications**

Sent: 373

Replies: 1

Expiry: 20/09/12

## **Addresses Consulted**

### **Summary of Responses**

- Allowing development prior to obtaining the licence is against best practice
- Given that trees are to be removed and other works could well disturb non detected bats and other species a licence is surely a vital pre requisite at this stage

## **APPRAISAL**

### **Impact on Protected Species**

A license is required from Natural England where there is or has been in the recent past a known bat roost. The surveys completed at the application site have identified a bat roost in tree 11, high potential for bat roosts in trees 8,9 and 10 and evidence of bats within the existing agricultural buildings. It is therefore necessary for the Local Planning Authority to ensure that if the condition is amended as proposed that there are no implications for any known or historic bat roost.

The application originally submitted sought permission to amend planning condition 17 to the following;

*"No demolition or works in connection with the development permitted (other than works in connection with the approved accesses, highway and/or drainage/services) shall commence before a Regulation 44 (Habitat Regs) Licence for the relevant protected species has been obtained and a copy sent to the LPA."*

In order to further define the works proposed to be carried out in connection with the approved accesses, highway and/or drainage/services officers recommended that a plan identifying the extent of the works was submitted to the Local Planning Authority. A plan has been submitted and is deemed to further clarify the works which could take place prior to licence being obtained if this application is approved. These works will involve the removal of four trees. The trees to be removed have not been identified as having a high potential of bat roosts and the biodiversity officer has raised no objections given that the works will be a significant distance from any trees or building with known or historical bat roosts. The biodiversity officer has, however, recommended in order to ensure that there is no impact on any bat habitat that the trees are inspected prior to being felled by a licensed ecologist or tree climber. An informative is recommended to be added to the permission advising the applicant of this recommendation. It is also important to recognise that Natural England have made no comment on the application.

The works illustrated and referenced on drawing number 5272\_220\_A are not considered to have an impact on a known or historic bat roost and as such it is considered that the condition can be amended as identified below to allow the works identified to be carried out prior to the licence being obtained from Natural England.

*No demolition or works in connection with the development permitted (other than those works illustrated and referenced on drawing number 5272\_220\_A relating specifically to the private housing entrance) shall commence before a Regulation 44 (Habitat Regs) Licence for the relevant protected species has been obtained and a copy sent to the LPA*

The application will therefore comply with Government guidance contained within the NPPF, London Plan 2011 policy 7.19, Core Policy CS1 of the Harrow Core Strategy 2012 and saved policies EP26 and EP27 of the Harrow Unitary Development Plan 2004 which seek to ensure that development proposals are not to the detriment of any protected species.

### **Consultation Responses**

- Allowing development prior to obtaining the licence is against best practice: *The proposed works are not considered to have any implications on a known or historic bat roost as such the variation of the condition to allow the works prior to the licence being obtained is considered acceptable.*
- Given that trees are to be removed and other works could well disturb non detected bats and other species a licence is surely a vital pre requisite at this stage: *The licence refers to protected species, a number of mitigation strategies have been approved by the Local Planning Authority for other species which the developer is required to implement. Further to this, an informative is recommended to be added to this permission advising the applicant that any trees to be felled should be first inspected by licensed ecologist or a tree climber under their supervision to make doubly sure no offence is being committed.*

### **CONCLUSION**

The works illustrated and referenced on drawing number 5272\_220\_A are not considered to have an impact on a known or historic bat roost and as such it is considered that the condition can be amended to allow the development identified to be carried out prior to the licence being obtained from Natural England. The application will therefore comply with Government guidance contained within the NPPF, London Plan 2011 policy 7.19,

Core policy CS1 of the Harrow Core Strategy 2012 and saved policies EP26 and EP27 of the Harrow Unitary Development Plan 2004. It is recommended that the application is approved.

## **CONDITIONS**

1 This permission shall have the effect of varying condition numbered 17 on full planning permission reference P/2203/06/CFU dated 5<sup>th</sup> November 2009 to read:

17. No demolition or works in connection with the development permitted (other than those works illustrated and referenced on drawing number 5272\_220\_A relating specifically to the private housing entrance) shall commence before a Regulation 44 (Habitat Regs) Licence for the relevant protected species has been obtained and a copy sent to the LPA

2 The permission hereby granted is supplemental to planning permission reference P/2203/06/CFU dated 5<sup>th</sup> November 2009. Save as modified by this permission, the terms and conditions of the original permission are hereby ratified and remain in full force and effect unless otherwise agreed in writing by the Local Planning Authority

## **INFORMATIVE**

### **1 REASON FOR APPROVAL**

The works illustrated and referenced on drawing number 5272\_220\_A are not considered to have an impact on a known or historic bat roost and as such it is considered that the condition can be amended to allow the development identified to be carried out prior to the licence being obtained from Natural England. The application will therefore comply with Government guidance contained within the NPPF, London Plan 2011 policy 7.19, Core policy CS1 of the Harrow Core Strategy 2012 and saved policies EP26 and EP27 of the Harrow Unitary Development Plan 2004. It is recommended that the application is approved.

The following policies are relevant to this decision:

National Planning Policy Framework (2012)

### **The London Plan (2011):**

7.19 – Biodiversity and access to nature

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

Core Policy CS1 – Overarching Policy

### **Saved Policies of the London Borough of Harrow Unitary Development Plan (2004):**

EP26 – Habitat Creation and Enhancement

EP27 – Species Protection

EP31 – Areas of Special Character

2 The applicant is strongly advised that any trees to be felled are first inspected by licensed ecologist or a tree climber under their supervision to make doubly sure no offence is being committed.

### **3. CIL INFORMATIVE**

Please be advised that approval of this application (either by Harrow Council, or subsequently by PINS if allowed on Appeal following a Refusal by Harrow Council) will

attract a liability payment of £100,660.00 of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008.

Harrow Council as CIL collecting authority on commencement of development will be collecting the Mayoral Community Infrastructure Levy (CIL).

Your proposal is subject to a CIL Liability Notice indicating a levy of £100,660.00 for the application, based on the levy rate for Harrow of £35/sqm and the stated increase in floorspace of 2876sqm. You are advised to visit the planning portal website where you can download the appropriate document templates.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Plan Nos; 5272\_220\_A

## SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

Item No. 2/01

Address: 11-15 ST ANNS ROAD, HARROW

Reference: P/2348/12

Description: CHANGE OF USE FROM RETAIL (CLASS A1) TO RESTAURANT/CAFÉ (CLASS A3); USE OF FRONT PUBLIC FORECOURT FOR SITING OF 8 TABLES AND 24 CHAIRS; SCREENS AROUND THE PERIMETER OF THE SEATING AREA (RETROSPECTIVE APPLICATION)

Ward: GREENHILL

Applicant: MR UMAR FAROOQ

Agent: PR ARCHITECTURE LTD

Case Officer: GERARD LIVETT

Expiry Date: 5 NOVEMBER 2012

### RECOMMENDATION

**GRANT** planning permission subject to conditions:

### REASON

The decision to grant planning permission has been taken having regard to the National Planning Policy Framework, the policies of The London Plan 2011, the Harrow Core Strategy (2012) and the saved policies of the Harrow Unitary Development Plan 2004 (listed in the informatives), as well as to all relevant material considerations including any responses to consultation. The proposal provides popular refreshment facilities and its continued operation would assist in maintenance of the vitality of the Harrow Metropolitan Centre.

### INFORMATION

The application is reported to the Planning Committee because the proposal represents a departure from the Development Plan and excluded by Proviso D of the Scheme of Delegation.

**Statutory Return Type:** Minor retail, distribution and servicing

**Council Interest:** Seating area would be on public highway

**Gross Floorspace:** 66 sqm

**Net additional Floorspace:** 0 sqm

**GLA Community Infrastructure Levy (CIL) Contribution (provisional):** Not applicable as no additional floorspace

### Site Description

- The application property is the ground floor of a four-storey building on the south

side of St Anns Road, a pedestrianised street in the Harrow Metropolitan Centre.

- The property has a 5.65m return frontage on Havelock Place, a service Road.
- The property has the benefit of a Certificate of Lawfulness for use as a coffee shop (Use Class A1) with 3 tables and 8 chairs.
- The property forms part of the Primary Frontage of Harrow Metropolitan Centre within the parade comprising 1-59 (odd) St. Anns Road.
- The upper floors of the property are in commercial uses, although details of layout have not been supplied.

### **Proposal Details**

- Change of Use of Coffee Shop from A1 (retail) to A3 (restaurant/café)
- Use of part of pavement for seating, with eight movable tables and 24 chairs, delineated by removable bollards and rope barriers. Area to be used would be a total of 11.7m long (including area set aside for access to the premises) and would be 3m wide (forward of St Anns Road frontage).
- The proposed hours of use are 08:00 – 19:00 Monday to Saturday, and 09:00 – 18:00 on Sunday and Bank Holidays

### **Revisions to Previous Application**

- None

### **Relevant History**

P/2984/08 – Certificate of lawful proposed use: Use of ground floor units as a sandwich bar and coffee shop

Granted – 06-Nov-2008

P/0743/09 – Change of use of ground floor shop (Use Class A1) to restaurant (Use Class A3) and provision of 10 tables and 40 chairs with "safety rail barriers and movable bollards" on adjoining pavement area.

Refused – 06-Jul-2009

#### Reason for Refusal:

- The proposed change of use would create a harmful concentration of non-retail use within the designated shopping frontage of Harrow Metropolitan Centre, leading to a loss of vitality and viability to the shopping centre as a whole, and to the shopping parade, contrary to policies SEM2 & EM16 of the Harrow Unitary Development Plan.

P/1643/09 – Use of public highway for placing of moveable tables (4) and chairs (16) with "safety rail barriers and moveable bollards" in connection with coffee shop (Class A1)

Refused – 01-Oct-2009

Appeal Dismissed – 09-Sep-2010

#### Reason for Refusal:

- The proposal would result in an unacceptable intensification of the coffee shop use and would effectively result in a material change of use to Use Class A3. The consequent loss of retail frontage would create a harmful concentration of non-retail use within the designated primary shopping frontage of Harrow Metropolitan Centre, leading to a loss of vitality to the shopping centre as a whole, and to the shopping parade, contrary to policies SEM2 & EM16 of the Harrow Unitary Development Plan.

P/2698/11 – Change of use of ground floor from a shop to a restaurant (class a1 to a3); use of front forecourt for siting of 8 tables and 24 chairs with movable bollards

Withdrawn – 14-Dec-2011

## **Pre-Application Discussion (Ref.)**

- None

## **Applicant Submission Documents**

- Design and Access Statement: Ancona coffee shop has become a favourite among the local people. Customers would like the opportunity to sit outside. Proposal caters for daytime shoppers and would support the retail function of the town centre.

## **Consultations**

Town Centre Manager: Support of this application for change of use from A1 to A3 for the Ancona cafe premises in St Ann's Road. There is sufficient retail space in Harrow town centre and the change of use will regularise the existing use as a popular cafe. The application for chairs and tables is also supported as it will add to the ambience in the town centre. The area for the tables and chairs should be defined by the use of freestanding high quality materials, which should be removed from the highway when the premises are closed. Consider condition for the applicant to secure approval of proposed materials. Please check there is sufficient area for the number of tables and chairs proposed. Permission for the use of the tables and chairs should be by a separate application, with the license or permit issued on a renewable basis so as not to permit this use in perpetuity.

Highways Authority: No objection

## **Advertisement**

Departure from the Development Plan

Expiry: 18-Oct-2012

## **Notifications**

Sent: 26

Replies: 1

Expiry: 09-Oct-2012

## **Addresses Consulted**

St Anns Road; 11-15 , 18, 18a, 19, 20, 22, 24, 26-28, NatWest House (1-9), Sheridan House offices

Kiosk opposite 1-9 St Anns Road

The Original Pastie House, Havelock Place

## **Summary of Responses**

- Support the application; property is an excellent shop which I use frequently and it is refreshing to see an independent enterprise thriving in the town centre; Development and the outside chairs and tables would only add to the vitality of the area

## **APPRAISAL**

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.'*

The Government has issued the National Planning Policy Framework [NPPF] which consolidates national planning policy and is a material consideration in the determination of this application.

In this instance, the Development Plan comprises The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004 [Saved by a Direction of the Secretary of State pursuant to paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004].

## **MAIN CONSIDERATIONS**

- 1) Principle of the Development
- 2) Design, Amenity and Transport Impacts
- 3) S17 Crime & Disorder Act
- 4) Consultation Responses

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

The National Planning Policy Framework [NPPF] has a presumption in favour of sustainable development and for applications to be determined in accordance with the development plan, unless the development plan is silent, absent or the relevant policies are out-of-date.

The National Planning Policy Framework [NPPF] sets out a strategy to provide for sustainable development and considers that ensuring the vitality of town centres is a key tenet in securing sustainable development. Town centres should be recognised as the heart of communities and policies should be pursued which ensure their viability and vitality, thereby ensuring competitiveness and customer choice.

Policy CS1.L of the Harrow Core Strategy recognises that Harrow town centre should be promoted as a focus for community life, providing residents with convenient access to a range of shops, services and cultural and leisure facilities.

Saved policy EM16 of the Harrow Unitary Development Plan 2004 seeks to ensure that Harrow Metropolitan Centre provides good shopping facilities whilst maintaining the balanced range of other uses essential to the vitality of centres. This policy sets out a criteria based approach for changes of uses from shops to other uses which reflect these objectives and states that the change of use to non-retail uses will normally be permitted provided that: a) the proposed use provides a service that is directly related to a shopping trip and supports the retail function of the centre; b) the length of primary frontage in non-retail use in Harrow town centre does not exceed 15%; c) a harmful concentration of non-retail uses is not created or added to; d) the premises can be adequately serviced without harm to highway safety or convenience; and e) a window display or appropriate frontage is maintained. Other use classes other than A Use Classes will not normally be permitted. Saved policy EM24 of the Harrow Unitary Development Plan 2004 seeks to improve the environment of town centres.

The lawful use of the unit is as a shop (A1 Use Class). It appears that the café / restaurant use (Use Class A3) of the premises has been ongoing since the end of 2008. The continued use of the retail unit as a café/restaurant represents a use that is directly related to shopping trips and supports the retail function of the centre. Cafes/Restaurants provide an important function within town centres in ensuring that footfall generated by the primary retail function of the centre is retained within the town centre, and consumers and

shoppers do not have to leave the centre during the course of the shopping trip, thereby retaining economic activity in the centre. Cafes/restaurants can also positively enhance the vibrancy of town centres, where the noise generated by such uses has a positive impact on the character and vibrancy of the area. The use of the property for a café/restaurant use would retain the window display for the unit. The area and the application site are well provided for in terms of servicing and the development would not adversely affect highway safety or convenience. It is therefore considered that the development would accord with criteria a, d and e of saved policy EM16 of the Harrow Unitary Development Plan 2004.

The percentage of primary frontage in non-retail use in Harrow town centre was 16.73% as of June 2012. With recent permissions (P/1996/12 and P/1979/12) that have approved the change of use of Units 10, 11, 12, 13 and Kiosk C of St George's Centre, the percentage of primary frontage in permitted non-retail use is now 18.35%.

The use of the application premises as a café / restaurant would further increase that percentage to 19.05%. Such a level of non-retail uses in the primary frontage would significantly exceed the 15% threshold set out in saved policy EM16 of the UDP.

The quantitative measure outlined in saved policy EM16 of the UDP needs to be considered in the light of the National Planning Policy Framework, which requires, at paragraphs 18-22, local authorities to plan for building a strong, competitive economy and, at paragraphs 23-27, to seek to ensure the vitality of town centres.

Notwithstanding this, it is inappropriate to consider that development would be harmful solely because it would exceed a quantitative measure stated in the adopted development plan. Rather, a satisfactory test of the appropriateness of use should be based on providing an optimum mix of uses to support a healthy, economic, diverse and prosperous town centre which achieves the strategic objectives of the development plan of providing a sense of place and the heart of the community. A quantitative analysis of the percentage of retail uses in the centre, though it may provide a useful indicator, cannot successfully do this, as higher levels of non-retail uses may be appropriate in one part of the centre, but may not in another.

The applicant has drawn attention to the Draft Harrow and Wealdstone Area Action Plan (AAP) and though should be afforded limited weight at this stage, recognises the limitations of a quantitative measure in securing the appropriate mix of uses and includes an exception clause whereby development proposals which demonstrate that the proposal would make a positive contribution to the vitality and viability of the town centre can be supported.

It is therefore considered more appropriate to take into account broader qualitative measures to secure the vitality and viability of the town centre. In determining the previous application on the site, consideration was given to whether the loss of the retail unit would be outweighed by the benefits which café/restaurants uses add to the vitality of the centre as outlined above. At this time, the use of the property as café/restaurant was in its infancy and the benefits of thriving and successful business of this type in this location could not be accurately quantified or indeed assumed.

In the subsequent years, the property has proved a highly successful, popular and thriving business in this location. The property attracts customers throughout its opening hours and undoubtedly offers choice and a popular destination for shoppers and independent

customers alike, adding to the vibrancy and vitality of the town centre. The use has effectively been operating for some time without complaint. Indeed it is noted that no objections to the application and one representation supporting the use has been received in response to the consultation of this application. It is also noted that as a result of consultation on the previously withdrawn application a petition with 139 signatures in support of the applicant was received.

As the development would exceed the specified threshold set out in saved policy EM16 of the Harrow Unitary Development Plan 2004 for non-retail uses in the primary frontage, the change of use would represent a departure from the development plan. However, the continued use of the property contributes to providing an appropriate mix of uses in the town centre.

It is considered that the change of use would meet the strategic objectives of the NPPF and the development plan in providing a healthy, dynamic, vibrant and competitive town centre which caters for local communities. A departure from the development plan, in light of these material considerations, can therefore be justified on this basis.

## **2) Design, Amenity and Transport Impacts**

The proposal includes the use of part of the footway in front of the premises as a seating area.

In principle the use of the footway for the siting of tables and chairs within a delineated area is considered acceptable. There are other premises in the vicinity with outside seating areas, and a sufficient width of pavement would remain for the pedestrian footfall in this pedestrianised street.

Notwithstanding the above, the area set aside for the tables and chairs is shown as being contained by a demountable rope barrier. The Access for All SPD notes that any application for the use of outdoor areas for seating should include the ability to mark out the appropriate enclosure using features such as planters and/or fencing which can act as a tapping rail for white cane users, without compromising the aesthetics of the environment, and a provision to ensure that all features (with the exception of chairs) are fixed in the same place each day. The lack of an appropriate tapping rail indicates that the proposal could be prejudicial to people with visual impairments. This aspect of the proposal can be addressed through the use of a suitable condition, which is recommended.

In terms of the amenity of neighbouring occupiers, it is considered that the proposed use would not have a significant detrimental impact on the amenities of nearby occupiers, especially as the upper floors of this property are in commercial use.

Notwithstanding the above, further conditions are recommended to restrict the level of noise from amplified music at the site to protect the amenities of current and future occupiers of upper floors.

The proposed hours of use are considered acceptable. Indeed, given the town centre location of development and to encourage the night time economy in the town centre, longer opening hours than those proposed are considered to be appropriate and these are secured by condition.

There is a service road at the rear of the property which would allow for the collection of

refuse from the enclosed storage area at the rear, which is considered a suitable arrangement for the storage and disposal of refuse.

No details of any fume extraction or odour control have been submitted with the application. Any proposal to add an extract flue to the outside of the building would need to be the subject of a further planning application which could be considered on its merits. Internal mechanisms for the control of odour do not require planning permission and are controlled under Environmental Health Legislation.

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

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

### **4) Consultation Responses**

*Support the application; property is an excellent shop which I use frequently and it is refreshing to see and independent enterprise thriving in the town centre; Development and the outside chairs and tables would only add to the vitality of the area*

These comments are noted and considered in the appraisal above

### **CONCLUSION**

The proposal provides popular refreshment facilities and its continued operation would assist in the maintenance of the vitality of the Harrow Metropolitan Centre.

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

### **CONDITIONS**

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

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Plan; 01 Rev C; 02 Rev B; Design and Access Statement

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

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

a: 0800 hours to 2300 hours, Monday to Saturday inclusive,

b: 0900 hours to 2230 hours, Sundays or Bank Holidays,

without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents and the character of the locality, to safeguard the character and viability of the shopping parade and in the interests of highway safety, as required by saved policies EM16, D4, and EP25 of the Harrow Unitary Development Plan (2004).

4 The outside seating area hereby permitted shall not be used until there has been submitted to, and approved in writing by, the local planning authority, a scheme whereby the area allocated for the siting of tables and chairs shall be demarked with a removable barrier which shall include a tapping rail. The barrier shall be erected in accordance with the approved details each time the area is open for the use permitted and removed when the premises are closed to members of the public.

REASON: To ensure the use does not encroach further into the public footway, and to

safeguard the free movement of persons using the footway and in the interests of public safety, as required by saved policies D4 and C17 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Document: Access for All (2006).

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

REASON: To ensure that the proposed development does not give rise to noise nuisance to neighbouring residents, as required by policy 7.15 of The London Plan (2011) and saved policies D4 and EP25 of the Harrow Unitary Development Plan (2004).

## **INFORMATIVES**

### **1 REASON FOR GRANT OF PLANNING PERMISSION**

The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011, the Harrow Core Strategy (2012) and the saved policies of the Harrow Unitary Development Plan 2004 (listed below), as well as to all relevant material considerations including any responses to consultation. The continued operation of the premises would assist in maintenance of the vitality of the Harrow Metropolitan Centre.

The following national planning policy guidance, policies in the London Plan, the Harrow Core Strategy and the Harrow Unitary Development Plan are relevant to this decision:

National Planning Policy

National Planning Policy Framework (2012)

The London Plan (2011)

2.7 – Outer London: economy

2.15C – Town Centres

4.1 – Developing London's Economy

4.7B – Retail and Town Centre Development

4.8B – Supporting a Successful and Diverse Retail Sector

7.2C – An Inclusive Environment

7.3B – Designing Out Crime

7.4B – Local Character

7.5B – Public Realm

7.6B – Architecture

7.15 – Reducing Noise and Enhancing Soundscapes

Harrow Core Strategy (2012)

Core Policy CS1 (A, B, E, L)

Harrow Unitary Development Plan (2004)

D4 – The Standard of Design and Layout

D7 – Design in Retail Areas and Town Centres

EP25 – Noise

T6 – The Transport Impacts of Development Proposals

T15 – Servicing of New Developments

EM16 – Change of Use of Shops – Primary Shopping Frontages  
EM24 – Town Centre Environment  
C17 – Access to Leisure, Recreation, Community and Retail Facilities

Supplementary Planning Document: Access for All (2006)

## 2 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.

## 3 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)

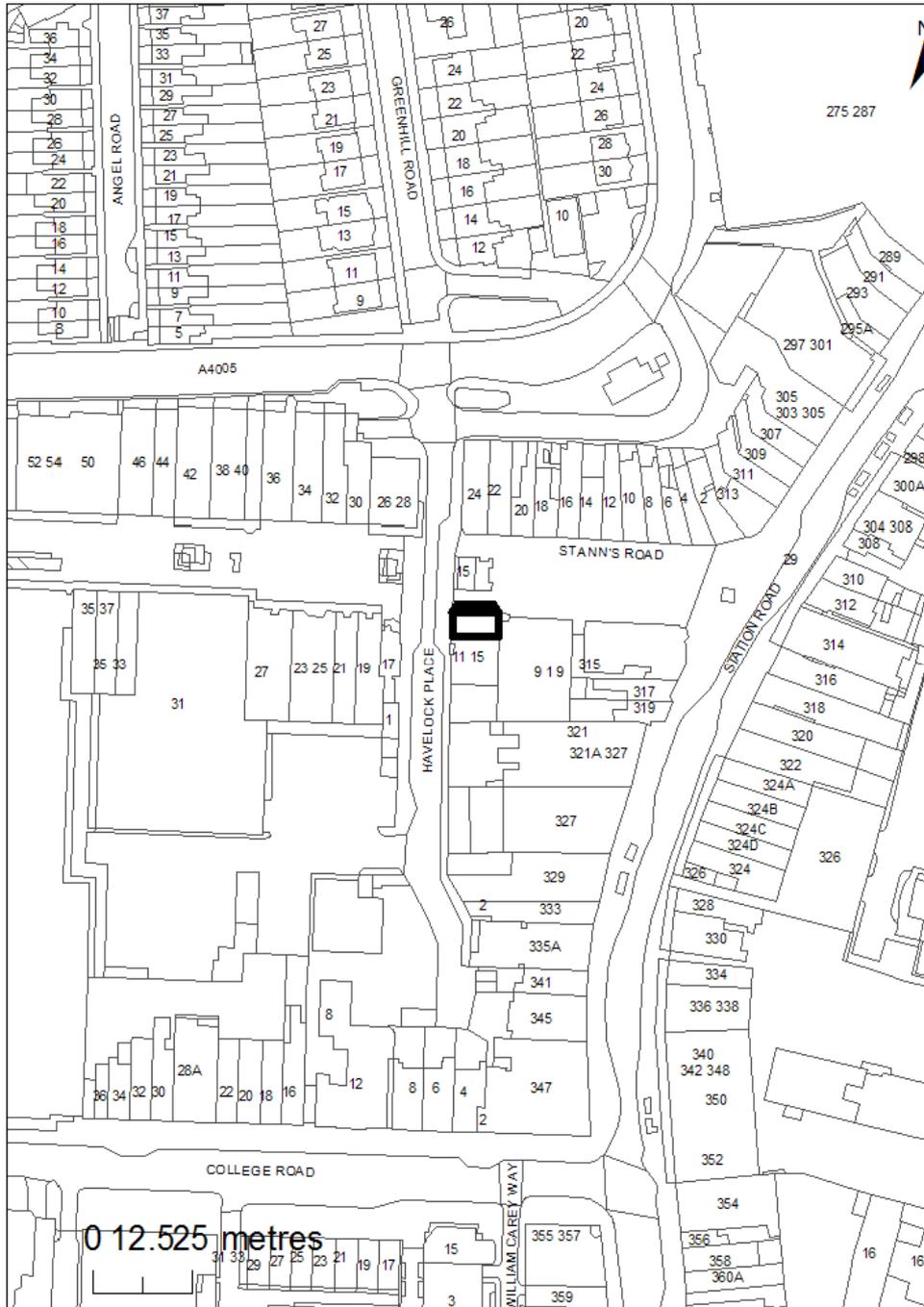
## 4 COMPLIANCE WITH PLANNING CONDITIONS

**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.

Plan Nos: Site Plan; 01 Rev C; 02 Rev B; Design and Access Statement

# 11-15 ST ANNS ROAD, HARROW



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# Appeal Decision

Site visit made on 10 August 2010

by **Steven Fox BA MA MRTPI**

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

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

☎ 0117 372 6372  
email:enquiries@pins.gsi.gov.uk

**Decision date:**  
**9 September 2010**

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**Appeal Ref: APP/M5450/A/10/2125070**  
**11-15 St Anns Road, Harrow HA1 1LQ**

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Farooq Umar against the decision of the Council of the London Borough of Harrow.
  - The application Ref P1643/09, dated 14 July 2009, was refused by notice dated 1 October 2009.
  - The development proposed is the use of public highway for the placing of moveable tables (4) and chairs (16) with safety rail barriers and moveable bollards.
- 

## Decision

1. I dismiss the appeal.

## Inspector's Reasons

2. The appeal property stands on the south side of St Anns Road, a pedestrianised street that is part of Harrow's main shopping centre. Its principal frontage is onto St Anns Road but there is a return frontage to Havelock Place, both facades being of similar design and detailing. The business is described as an Italian Coffee House and the unit is fitted with displays, counters and tables and chairs. The Council raises no objection in principle to the presence of tables and chairs on the street and I noted that there are two coffee shops nearby and others in the centre with tables and chairs outside. The objection is to the intensification of non-retail uses.
  3. Saved Unitary Development Plan (UDP) policy EM16 says that the introduction of Class A2 and A3 uses in the primary shopping frontage of the centre will be permitted if certain criteria are met. One of these limits the length of the primary frontage in non-retail use at street level to no more than 15%. The objective of this policy, taken together with policy SEM2, is to promote and sustain the health of shopping centres in the Borough. Bearing this in mind the main issue is whether this proposal would have an adverse effect on the character and vitality of the centre.
  4. What is proposed both in terms of the extent of the area involved and the likely intensity of its use by virtue of the number of tables and chairs present would, to my mind, have a significant impact on the character of this section of St Anns Road. The appellant does not dispute the Council's statement that this proposal would increase the total length of non-retail primary frontage in the centre from 17.04% to 18.24%. The present figure is above the 15% threshold of EM16 and any further increase would exacerbate a situation where
-

- policy is already compromised. Therefore there is a fundamental conflict with EM16.
5. In the case of the appeal premises adjacent properties are in non-retail use so that this proposal would not only increase the overall percentage of frontage in non-retail use but it would also extend a run of such uses in this particular section of St Anns Road. This would serve to emphasise a concentration of non-retail uses and undermine the objective of UDP policy to achieve an appropriate mix of uses. Consequently the character and vitality of the centre would be harmed.
  6. The appellant says that this proposal arises from requests from customers, and that the use would be seasonal. Neither of these matters, nor anything else raised, alters my conclusion that there are compelling objections to this proposal through conflict with policy and adverse effect on the character and vitality of the centre, such that planning permission should not be granted.

*Steven Fox*

Inspector

Item No. 2/02

Address: GLEBE PRIMARY SCHOOL, D'ARCY GARDENS, HARROW

Reference: P/2342/12

Description: ERECTION OF SINGLE STOREY BUILDING (UP TO 8.1M HIGH) WITH LINK-TO EXISTING SCHOOL BUILDING; EXTERNAL ALTERATIONS INCLUDING BOUNDARY TREATMENT ALONG GLEBE LANE; PROVISION OF FIVE ADDITIONAL CAR PARKING SPACES

Ward: KENTON EAST

Applicant: HARROW COUNCIL

Agent: LOM

Case Officer: NICOLA RANKIN

Expiry Date: 7<sup>TH</sup> NOVEMBER 2012

## **RECOMMENDATION**

Under Regulation 3 of the Town and Country Planning General Regulations 1992, **GRANT** planning permission for the development described in the application and submitted plans subject to conditions:

Regulation 3 applications are applications for planning permission by an interested planning authority to develop any land of that authority. In this instance, the applicant is the London Borough of Harrow and the land is at Glebe Primary School, D'Arcy Gardens, Harrow, HA3 9JS.

## **REASON**

The decision to grant planning permission has been taken having regard to the National Planning Policy Framework (2012), The London Plan (2011), the Harrow Core Strategy (2012), the saved policies of the Harrow Unitary Development Plan (2012), as well as to all relevant material considerations including any responses to consultation. The proposed building would provide much needed space for the expansion of the existing school, to help meet the growing population, and current high level of demand for primary school places which is projected to increase over the next 6 years within the London Borough of Harrow. The proposal is considered to comply with the relevant education policies and the benefits of the extended facilities and increased capacity would be significant. Having regard to the existing site constraints, the siting of the building is acceptable. The overall scale and design of the building would have an acceptable impact on the character and appearance of the surrounding area, subject to modified elevation details being submitted and approved by the Council. The proposed new building and increased capacity of the school would not have a significantly harmful impact on the amenities of any neighbouring occupiers. A traffic review and the school travel plan will help reduce pressure on local roads and the proposal will not be to the detriment of highway safety.

## **INFORMATION**

The application is reported to the Planning Committee because the Council is the Landowner and the development is greater than 100 square metres.

### **Legal Comments**

Regulation 3 of the Town and Country Planning General Regulations 1992 [Statutory Instrument 1992/1492] provides [in relevant part] that applications for planning permission by an interested planning authority to develop any land of that authority shall be determined by the authority concerned, unless the application is called in by the Secretary of State under Section 77 of the Town and Country Planning Act 1990 for determination by him.

The application is made by LB Harrow who intends to carry out the development and the land at Glebe Primary School, D'Arcy Gardens, Harrow, HA3 9JS

The grant of planning permission for this development falling within Regulation 3 shall enure only for the benefit of LB Harrow.

**Statutory Return Type:** Minor Development

**Council Interest:** The Council is the landowner.

**Gross Floorspace:** 2386sqm

**Net additional Floorspace:** 425sqm

**GLA Community Infrastructure Levy (CIL) Contribution (provisional):** The Mayor of London Charging Schedule (February 2012) outlines that CIL will not be payable where "Development is used wholly or mainly for the provision of education as a school or college under the Education Acts or as an institution of higher education".

### **The Harrow School Expansion Programme**

The local authority has a statutory responsibility to provide sufficient school places for its area. In recent years, Harrow has been experiencing increased demand for school places in the primary school sector, and this is projected to continue for the next six years. This increased demand will progress through to the secondary sector in due course and will also impact on provision for special educational needs.

Harrow's primary school population (Reception to Year 6) was 17,859 in 2012 (January 2012 pupil census) and is projected to increase to 18,604 in January 2013 and to 21,472 in 2016-17. Overall, this represents a 20.2% growth in primary pupil numbers. This growth is not consistent across all year groups, and the pressure is particularly acute for Reception places because the increased demand is primarily birth rate driven. The latest school roll projections prepared by the Greater London Authority for Harrow predict Reception numbers will continue to increase until 2018/19, following which the high level of demand will continue with a slight and gradual reduction.

Harrow has been opening bulge or temporary additional classes since September 2009 to manage the increase in pupil numbers. Although this approach has managed pupil growth thus far, it is not sustainable in the context of the pupil projections. In July 2011, Cabinet agreed a school expansion programme as part of the School Place Planning Strategy. The strategy aims to secure sufficient and sustainable primary school places through the creation of additional permanent places, supplemented by planned temporary classes and contingency temporary classes, opened if required

A representative group of primary school headteachers assisted officers to develop a set of guiding principles to identify schools for potential expansion. The principles covered a range of factors including school site and building capacity, quality of education, popularity and location. These were then applied to schools to indicate which schools would be most suitable to consider for expansion.

Consultations about the proposal to expand primary schools in Harrow have been held since October 2011 and culminated in Cabinet deciding in June 2012 that nine schools on seven sites in Harrow will be expanded. Because the increased demand for school places is spread across Harrow, and in order to ensure that children can attend schools local to where they live, the schools are located around the borough. The nine schools will be expanded by one form of entry (30 pupils), which will fill incrementally from the point of admission into the school, and are:

- Camrose Primary School with Nursery from September 2013
- Cedars Manor School from September 2013
- Glebe Primary School from September 2013
- Marlborough Primary School from September 2013
- Pinner Park Infant and Nursery School from September 2013
- Pinner Park Junior School from September 2014
- Stanburn First School from September 2013
- Stanburn Junior School from September 2014
- Vaughan Primary School from September 2013

### **Site Description**

- The application site comprises Glebe Primary School, on the west side of Glebe Lane and Glebe Avenue and to the north of D'Arcy Gardens.
- The site is occupied by a two storey main building, comprising four main wings set around a central courtyard.
- There is hard play space to the southern end of the site and a soft grassed playing field towards the northern end of the site. The playing field is designated as open space within the Harrow UDP and Harrow Core Strategy (2012).
- The site, including the car park area is shared with the Kenton Learning Centre, a single storey building on the eastern side of the site.
- There are currently three gated entrances to the school. There is pedestrian and vehicle access from D'Arcy Gardens. There is a further vehicular access from Glebe Avenue which provides access to the car park.
- The school has been extended by way of a first floor extension on the western wing of the main building.
- The boundaries of the site are surrounded by residential dwellings. The rear gardens of residential dwellings in Charlton Road back onto the western site boundary.
- Beyond Glebe lane and Glebe Avenue to the east of the site, there are residential dwellings which are oriented side on to the site along Tonebridge Crescent, which are located approximately 47 metres from the main building and a minimum of 25 metres from the Kenton Learning Centre.

### **Proposal Details**

- The application proposes a single storey building up to 8.1 metres high with a link to the main school building. The single storey building would be comprised of two elements consisting of a double height hall space and a single storey administration and storage block.
- The development would result in an increase of the existing 2 form entry to 3 form

entry. The proposed increase in pupil numbers would therefore be 210 (from 420 pupils to 630 pupils).

- The proposed two storey building would be located towards the eastern boundary of the site, adjacent to the southern hard play space.
- The proposed building would be located on an existing area of hard play space
- The double height hall and studio would have a width of 11 metres and a height of 8.1 metres with a flat roof. It would be set back 2.7 metres from the eastern boundary of the site.
- The proposed single storey administration block on the southern side of the proposed hall would have a maximum width of 6.9 metres and a maximum height of 4.34 metres. This element would be set slightly further back at a distance of 3.23 metres from the eastern boundary.
- The proposed administration block would provide a new pedestrian entrance and link to the main school building.
- A single storey storage area is proposed on the northern side of the hall. This would have a width of 2.5 metres and a height of 3.76 metres.
- A new raised brick planter is proposed in front of the hall to provide additional landscaping.
- Timber slatted gates would be installed across the main entrance to a height of 2.8 metres.
- A timber fence to a height of 2.5 metres would provide a bin enclosure, adjacent to the storage building.
- It is proposed to provide 5 additional car parking spaces and minor alterations to the existing parking layout.

### **Relevant History**

EAST/580/94/LA3 Provision of ramped entrances and doors to schools and toilet block  
Granted 10-Oct-1994

P/2176/04/DFU Fabric Playground Shelter  
Granted 30-Sep-2004

P/19/05/DFU Single storey extension and alterations to toilet blocks  
Granted 03-Mar-2005

P/951/06/CLA Two storey detached building to provide replacement Kenton Learning Centre  
Granted 01-Aug-2006

P/2623/07- First Floor extension to the main teaching block  
Granted 06-Nov-2006

### **Applicant Submission Documents**

Design and Access Statement (Summary)

- It is proposed to increase the school from a 2FE to a 3FE. Currently the school has 420 pupils with a nursery (27 morning plus 27 afternoon) and the proposed increase is up to 630 pupils plus nursery. There will be no increase in nursery size.
- Pedestrian access for pupils is from two access points into the main playground. Cars and pupils are separated with the car park to the rear.
- Currently security is compromised by uncontrolled visitor access across the playground which presents a pupil safeguarding risk.

- The proposals are for a mix of internal refurbishment and new build. The new build will allow for the improvement of security access arrangements at the school and will provide a new welcoming entrance to enhance links with the community and provides for the requirements of the additional form of entry within the school.
- The proposal also includes five additional car parking spaces.
- The proposed location provides the most benefits including secure access management to the school site, improving safeguarding, minimal loss of hard play space whilst improving sport facilities and no impact on the existing games court.
- There is no change of location of access points which are located as existing. There is a change in focus to the main access for visitors and official entrance to the school and this has been made to improve security and safeguarding.
- The proposal brings the building line forward but does not affect neighbours views greatly as no houses face the proposed new build directly. It is considered that the location will enhance community access and help activate the street frontage.

### **Consultations:**

**Highways Authority:** The proposed parking layout is considered to be acceptable. It is anticipated that traffic calming measures will be adopted following statutory consultation. Such measures will include double yellow lines on the roads surrounding the school and this will mitigate against the expansion of the existing facilities.

**Drainage:** No objection. Conditions are recommended in respect of disposal of surface water and sewage as well as surface water attenuation works.

**Sports England:** Responded and stated that they did not wish to comment on this particular application.

**Landscape Architect:** No Objection, subject to conditions.

### **Advertisement**

N/A

### **Notifications**

Sent: 53

Replies: 1

Expiry:18.10.2012

### **Addresses Consulted**

- 49, 51, 53, 55, 57, 59, 62, 64 66, 68, 70, 72 Tonbridge Crescent
- 114, 116, 118, 120,122, 124 126, 128, 130A/B, 132, 134, 136, 138, 140, 142, 144, 146 148, 152, 154, 156, 158, 160,162, 164, 166, 150 Charlton Road
- Kenton Learning Centre
- 82, 84 Glebe Avenue
- 1, 3 Glenalmond Road
- 85, 92, 94, 96 D'Arcy Gardens

### **Summary of Responses**

- The proposal would result in unacceptable levels of traffic congestion in the area and more should be done to promote sustainable modes of transport.

### **APPRAISAL**

The Government has adopted a National Planning Policy Framework [NPPF] on 27 March 2012 that consolidates national planning policy. This document now carries significant weight and has been considered in relation to this application.

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 under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'*

In this instance, the Development Plan comprises The London Plan 2011, the Harrow Core strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004 [Saved by Direction of the Secretary of State pursuant to paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004].

## **MAIN CONSIDERATIONS**

- 1) Principle of the Development
- 2) Character and Appearance of the Area
- 3) Residential Amenity
- 4) Traffic and Parking
- 5) Accessibility
- 6) Sustainability
- 7) Trees and Development
- 8) S17 Crime & Disorder Act
- 9) Consultation Responses

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

The National Planning Policy Framework (2012) outlines that: "The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. Local Planning authorities should give great weight to the need to create, expand or alter schools".

The educational use of this site is established, and under saved UDP policy C7, there is no objection in principle to the expansion of existing educational facilities, subject to consideration of the need for the new facilities, the accessibility of the site and safe setting down and picking-up points within the site.

In summary, the extension and expansion of existing educational facilities is considered to be acceptable in principle as there is an identified need to provide additional primary school places due to a growing population and high level of demand experienced over recent years. As such, in line with the National Planning Policy Framework (2012) 'great weight' is attached to expansion of these existing educational facilities. Furthermore, the proposal would also comply with policy CS1 of the Harrow Core Strategy (2012) which states that: "The development or expansion of physical or social infrastructure will be permitted where it is needed to serve existing and proposed development, or required to meet projected future requirements." In addition, policy 3.18 of The London Plan (2011) seeks to ensure inter alia that development proposals which enhance education and skills provision are supported. However, detailed consideration of the above policy requirements and other policy considerations are undertaken in the sections below.

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

The London Plan (2011) policies 7.4B and 7.6B set out the design principles that all boroughs should seek to ensure for all development proposals. The London Plan (2011) policy 7.4B states, inter alia, that all development proposals should have regard to the local context, contribute to a positive relationship between the urban landscape and

natural features, be human in scale, make a positive contribution and should be informed by the historic environment. The London Plan (2011) policy 7.6B states, inter alia, that all development proposals should; be of the highest architectural quality, which complement the local architectural character and be of an appropriate proportion composition, scale and orientation.

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.'

Saved policy D4 of the Harrow UDP reinforces the principles set out under The London Plan (2011) policies 7.4B and 7.6B and seeks a high standard of design and layout in all development proposals. It goes on to state, amongst other things, that developments should contribute to the creation of a positive identity through the quality of building layout and design, should be designed to complement their surrounding, and should have a satisfactory relationship with adjoining buildings and spaces.

In view of the overall physical constraints of the site, it is considered that the proposed siting of the new build block is most appropriate in this location as it would allow the hard surface playground to be maintained and would not impact on the grassed playing field and car parking area to the rear of the site. The overall scale and height of the proposal is considered to be acceptable and it would reflect the existing main building and the Kenton Learning Centre. However, it is noted that the southern elevation has no window openings and there is only one window proposed on the front elevation. It is considered that the southern blank façade would detract from the character and appearance of the adjacent main building and would not be a high quality design. Further to this, it is considered that additional window openings would help reduce the overall bulk and break up the elevations of the building. In this regard, a condition is attached to ensure that revised elevations to modify the southern and eastern elevations are submitted and approved prior to the commencement of any building works. Subject to this condition, it is considered that the proposal would have an acceptable appearance.

It is acknowledged that the building line would be forward of the Kenton Learning Centre to the rear. However, it is considered to be acceptable in this case as the precise siting would not directly face towards any of the residential properties to the east. As such, having regard to the height and siting towards Glebe Lane, the proposal would have an acceptable relationship with the neighbouring residential properties to the east and would activate the street frontage.

The single storey administration block on the southern side would be finished in brick in a similar finish to the existing school which is considered acceptable. It is proposed to use vertical untreated timber cladding for the main school hall block on a brick plinth. The Design and Access Statement outlines that this was considered to be the best solution, given the high cost of the build that would result from the use of brick. It is considered that contrasting materials could potentially be acceptable for this element as it forms a largely separate unit from the main building and could add visual interest, subject to modified elevations to be agreed by officers. Nevertheless, it is considered that it will be particularly important that any timber used would be of high quality and have longevity. As such, a condition is attached to ensure that samples of all materials are submitted and approved by the Local Planning Authority prior to the commencement of building works to ensure that the building will have an acceptable appearance in the streetscene.

Saved policy D9 of the Harrow UDP seeks to achieve and retain a high quality of streetside greenness and forecourt greenery. It is proposed to provide a raised planter in front of the hall which will help soften the appearance of the building in the streetscene. The application has been referred to the Council's landscape architect who has raised no objection, subject to consideration of further details. A condition is therefore attached to ensure that a detailed landscaping plan is submitted to the Council for approval, prior to the commencement of building works. Subject to this, it is considered that the proposal would make a positive contribution in the streetscene and would be consistent with saved policy D9.

The proposed additional boundary treatment and security gates along Glebe Lane would match the height of the adjacent boundary treatment and would harmonise sufficiently with the proposed new build hall block and is therefore considered acceptable. The proposed minor alterations to the car park are not considered to be objectionable in terms of character and appearance.

Overall, it is considered that the proposed building would be acceptable in this location and would not appear overly dominant and would not detract from the character and appearance of the surrounding buildings. On balance, it is considered that the proposed scale, massing and design of the building would have an acceptable impact on the character and appearance of the area. As such, the proposal is considered to comply with policies 7.4B and 7.6B of The London Plan (2011) core policy CS1 B of the Harrow Core Strategy (2012) and saved policies D4 and D9 of the Harrow Unitary Development Plan (2004).

### **3) Residential Amenity**

Policy 7.6 of The London Plan (2011) states that "Buildings and structures should not cause unacceptable harm to the amenity of the surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate".

The proposed building would not impact on any of the residential properties to the west along Charlton Road as it would be screened by the presence of the main building. The proposal would be sited some 40 metres to the north of the nearest residential dwellinghouse in D'Arcy Gardens and approximately 42 metres to the nearest residential dwellinghouses in Glenalmond Road. As noted above, the proposed new building would not directly face any of the residential dwellings to the east located in Tonbridge Crescent. The gap from the front elevation of the new hall to the rear corner of No. 59 Tonbridge Crescent would be 19 metres. Given these circumstances, it is considered that the proposed building would not give rise to overlooking and overshadowing of neighbouring properties and gardens and would not result in unreasonable loss of outlook.

It is acknowledged that the proposed increase in school capacity would result in a more intensive use of the existing hard and soft play areas as compared to the existing situation. However, on balance, given the layout of the hard play spaces which are already located adjacent to neighbouring boundaries, the additional noise and disturbance and intensification of the use of the site is not considered significantly harmful to warrant refusal of the application.

A detailed construction management plan has been provided with the application. The report outlines details in respect of reducing noise levels, ensuring the safety of pupils and

staff and reducing traffic congestion in the area. As such, it is considered that the construction management plan would mitigate the impact of the proposed development on the neighbouring occupiers during the construction phase.

Overall, it is considered that the proposal would be acceptable in terms of policy 7.6 (B) of The London Plan (2011) and saved policy EP25 of the Harrow Unitary Development Plan (2004).

#### **4) Traffic and Parking**

The number of pupils and staff will increase over the next 6 years by approximately 50%. It is anticipated that the increase will not be immediate but the intake will increase year on year. The applicants have provided the most recent copy of the school travel plan which continues to be developed on an on going basis. The travel plan indicates that there have been positive modal shifts in travel to the school with an increase in the number of people using public transport and reduction in car use. It is considered that the travel plan demonstrates that the school is committed to encouraging more sustainable modes of transport and as such would support the expansion of the existing school in a positive manner.

Due regard is given to the existing site constraints in terms of additional parking provision. Nevertheless five additional spaces would be provided. The car parking levels and layout as proposed are considered to be acceptable and furthermore, the changes to the pedestrian access are considered to be an improvement over the existing situation in terms of highway safety for children entering and exiting the site.

The application has been referred to the Highways Authority who has raised no objection to the proposal. For the reasons outlined above the proposal is considered to be acceptable in relation to saved HUDP policies T6 and T13.

#### **5) Accessibility**

The London Plan (2011) requires all new development in London to achieve the highest standards of accessible and inclusive design as outlined under policy 7.2. Saved policy C16 of the Harrow UDP seeks to ensure that buildings and public spaces are readily accessible to all.

The proposed building would incorporate level entrances. Corridors would have a minimum width of 2300mm and all doors are proposed to have a minimum clearance of 900mm. The care park would provide for two accessible car parking spaces. It is considered that the layout of the building would enable adequate circulation for persons with disabilities and would be acceptable in relation to London Plan (2011) policies 3.1 and 7.2 and saved policy C16 of the Harrow UDP.

#### **6) Sustainability**

London Plan policy 5.2 'Minimising Carbon Dioxide Emissions' defines the established hierarchy for assessing the sustainability aspects of new development. This policy sets out the 'lean, clean, green' approach, which is expanded in London Plan policies 5.3 to 5.11. Harrow Council's Supplementary Planning Document on sustainable Building Design (adopted May 2009) seeks to address climate change through minimising emissions of carbon dioxide.

The applicant has provided a sustainability statement within their Design and Access Statement. They have indicated that a reduction in carbon dioxide will be achieved mainly through passive measures. The measures identified include high insulation and U values,

greater than what is required by the current Building Regulations standards. Furthermore, the layouts of the spaces have been designed to provide excellent levels of natural ventilation and daylight requirements.

In view of the above and having regard to the overall scale of the proposal, it is considered that the proposed development would make an acceptable contribution to minimising carbon dioxide emissions in line with the above policy requirements.

### **7) Trees and Development**

The applicant has provided an Arboricultural Assessment with the application. The proposed development would require the removal of one Hawthorn tree. In order to mitigate the loss of the tree, it is recommended that two replacement trees be provided within this school grounds and a condition is attached in respect of this. There are other trees located to the south and north of the proposed building but are not within close proximity and as such would not be adversely affected by the proposed development. Nevertheless, a condition is recommended to ensure that the proposed development is carried out in accordance with the submitted 'Tree Protection Plan' to avoid any tree damage during the construction phase.

Subject to the above mentioned conditions, it is considered that the proposed development would be acceptable in relation to policy 7.21 of The London Plan (2011) and saved policy D10 of the Harrow Unitary Development Plan (2004).

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

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

### **9) Consultation Responses**

- The proposal would result in unacceptable levels of traffic congestion in the area and more should be done to promote sustainable modes of transport.

This is discussed in section 4 of the above appraisal. Statutory Consultation is currently taking place in relation to the introduction of measures to reduce traffic congestion and improve highway safety in the area which will help mitigate against the expansion of the existing school facilities.

## **CONCLUSION**

The proposed building would provide much needed space for the expansion of the existing school, to help meet the growing population, and current high level of demand for primary school places which is projected to increase over the next 6 years within the London Borough of Harrow. The proposal is considered to comply with the relevant education policies and the benefits of the extended facilities and increased capacity would be significant. Having regard to the existing site constraints, the siting of the building is acceptable. The overall scale and design of the building would have an acceptable impact on the character and appearance of the surrounding area, subject to modified elevation details being submitted and approved by the Council. The proposed new building and increased capacity of the school would not have a significantly harmful impact on the amenities of any neighbouring occupiers. A traffic review and the school travel plan will help reduce pressure on local roads and the proposal will not be to the detriment of highway safety.

## **CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years

from the date of this permission.

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

2 The development hereby permitted shall be carried out in accordance with the approved plans: 1417-21-LOCATION; 1417-10-01-01 Rev C; 1417-10-GD-01 Rev E; 1417-10-ST-01 Rev E; 1417-24-01 Rev A; 1417-24-GD-01 Rev A; 1417-50-GE-01;1417-00-EL-01; 1417-00-GD-02; 1417-30-EL-01 Rev B; Planning Statement Ref: 1417; Glebe Primary School-School Travel Plan; Arboricultural Tree Report Ref PA.S714; Glebe Primary School Site Study August 2012; Document titled: Stanburn School – Management and Construction of a Live Site

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

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

a: the building

b: the ground surfacing

c: the boundary treatment

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

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with policies of The London Plan 2011 and policies D4 and D9 of the Harrow Unitary Development Plan (2004).

4 Notwithstanding the details shown on approved plans, detailed drawings showing the following modification to the scheme shall be submitted to and approved by the Council before any work is commenced on site. This part of the development shall be completed only in accordance with the modifications thus approved:

Revised elevations of the main hall block to amend the windows design and provide additional windows to the building.

REASON: This is considered unsatisfactory in the form shown on the drawings to date and this aspect of the scheme should be modified to ensure an acceptable form of development in accordance with policies 7.4 B and 7.6 B of the London Plan (2011), policy CS1 B of the Harrow Core Strategy and saved policy D4 of the Harrow Unitary Development Plan (2004).

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

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk in accordance with the National Planning Policy Framework (2012) and saved policy EP12 of the Harrow Unitary Development Plan (2004) and to ensure that the necessary construction and design criteria for the development proposals follow approved conditions according to NPPF (2012).

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

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk in accordance with the National Planning Policy Framework (2012) and saved policy EP12 of the Harrow Unitary Development Plan (2004) and to ensure that the necessary construction and design criteria for the development proposals follow approved conditions according to NPPF (2012).

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

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk in accordance with the National Planning Policy Framework (2012) and saved policy EP12 of the Harrow Unitary Development Plan (2004) and to ensure that the necessary construction and design criteria for the development proposals follow approved conditions according to NPPF (2012).

8 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved 'Tree Protection plan' (see Arboricultural Tree Report Ref: PA.S714) before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected in accordance with saved policies D4 and D10 of the Harrow Unitary Development Plan (2004).

9 The development hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works which shall include a survey of all existing trees and hedgerows on the land, indicating those to be retained and those to be lost and details of 2 replacement trees on site as outlined in the submitted Arboricultural Report. Details of those to be retained, together with measures for their protection in the course of the development, shall also be submitted and approved, and carried out in accordance with such approval, prior to any demolition or any other site works, and retained until the development is completed. Soft landscape works shall include: planting plans, and schedule of plants, noting species, plant sizes and proposed numbers/densities.

REASON: To safeguard the appearance and character of the area and to enhance the appearance of the development in accordance with saved policies, D4, D9 and D10 of the Harrow Unitary Development Plan (2004).

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

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with saved policies, D4, D9 and D10 of the Harrow Unitary Development Plan (2004).

11 The development hereby permitted, must be undertaken in accordance with the recommendations of the Arboricultural Implication Report (Ref: PA.S714) including the method statement and tree protection plan in relation to the trees on site.

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected in accordance with saved policy D10 of the Harrow Unitary Development Plan (2004).

## **INFORMATIVES**

### **1 REASON FOR GRANT OF PLANNING PERMISSION**

The decision to grant planning permission has been taken having regard to the National Planning Policy Framework (2012), The London Plan (2011), the Harrow Core Strategy (2012), the saved policies of the Harrow Unitary Development Plan (2012), as well as to all relevant material considerations including any responses to consultation.

The following policies are relevant to this decision:

#### **National Planning Policy:**

National Planning Policy Framework (2012)

#### **The London Plan (2011):**

3.16 – Protection and Enhancement of Social Infrastructure

3.18 – Education Facilities

5.2 – Minimising carbon dioxide emissions

5.3 – Sustainable design and construction

5.12 – Flood risk management

5.13 – Sustainable Drainage

6.3 – Assessing effects of development on transport capacity

6.9 – Cycling

6.10 – Walking

6.13 – Parking

7.1 – Building London's neighbourhoods and communities

7.2 – An inclusive environment

7.3 – Designing out crime

7.4 – Local character

7.5 - Public Realm

7.6 – Architecture

7.13 – Safety, security and resilience to emergency

7.15 – Reducing noise and enhancing soundscapes

7.21 – Trees and Woodlands

7.18 – Protecting Local Open Space and addressing local deficiency

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

CS1: Overarching Principles

CS10: Kenton and Belmont

#### **Harrow Unitary Development Plan (2004)**

D4 -The Standard of Design and Layout

D9 – Streetside Greenness and Forecourt Greenery

D10 - Trees and Development

EP47 – Open Space

EP25 - Noise

C2- Provision of Social and Community Facilities

C7- New Education Facilities

C16- Access to Buildings and Public Spaces  
T6 – The Transport Impact of Development Proposals  
T9 – Walking  
T10 – Cycling  
T11 – Cycle and Motor Cycle Parking in public places  
T13 – Parking Standards  
EP12 – Control of Surface Water Run-off

**Other Relevant Guidance:**

Open Space PPG 17 Study  
The Harrow Annual Monitoring Report 2001 – 2011  
The emerging Site Allocations DPD 2011  
Supplementary Planning Document Sustainable Building Design (2009)  
Supplementary Planning Document: Access for All (2006)

**2 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.

**3 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)

**4 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.

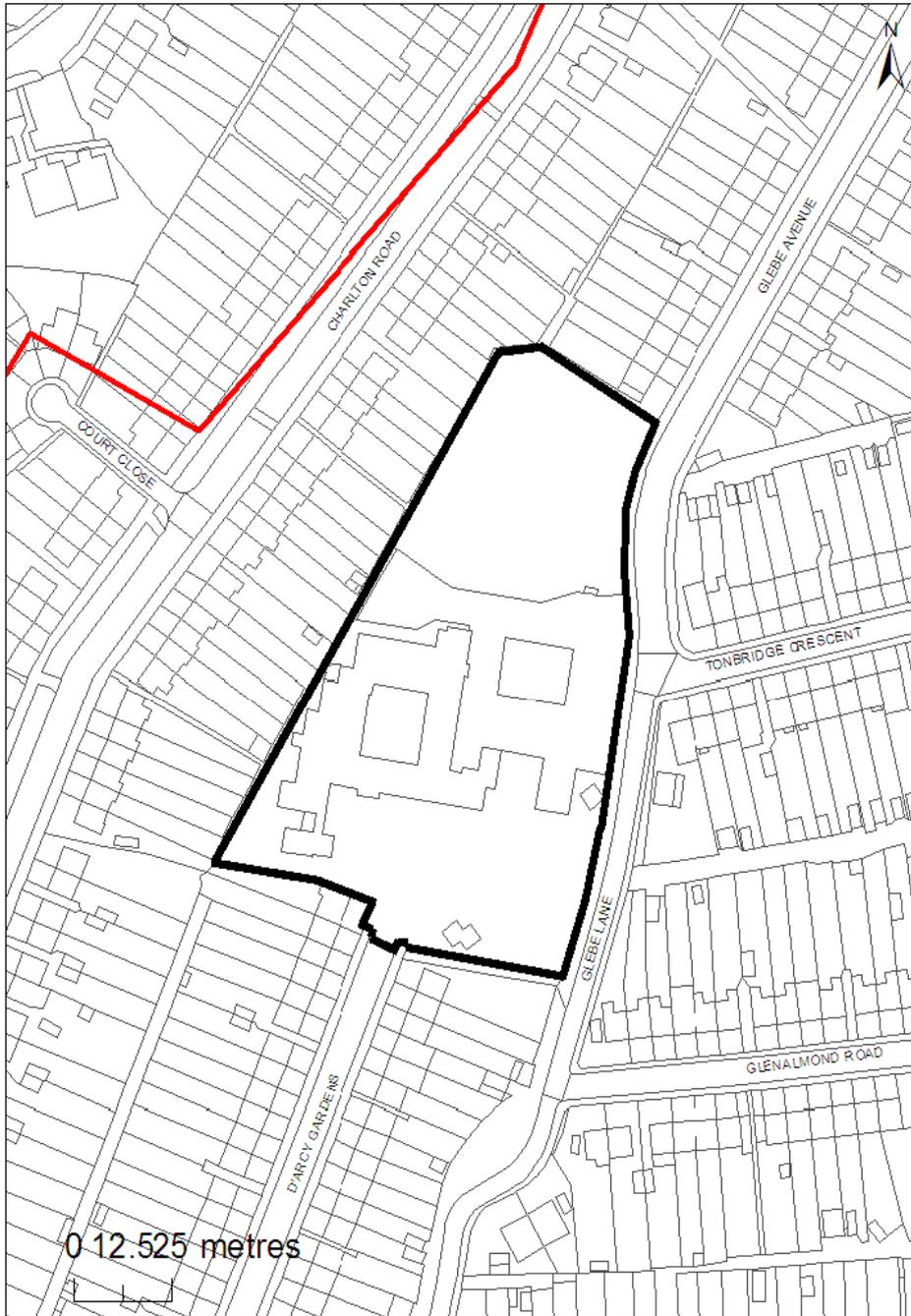
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.

- 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.

Plan Nos: 1417-21-LOCATION; 1417-10-01-01 Rev C; 1417-10-GD-01 Rev E; 1417-10-ST-01 Rev E; 1417-24-01 Rev A; 1417-24-GD-01 Rev A; 1417-50-GE-01;1417-00-EL-01; 1417-00-GD-02; 1417-30-EL-01 Rev B; Planning Statement Ref: 1417; Glebe Primary School-School Travel Plan; Arboricultural Tree Report Ref PA.S714; Glebe Primary School Site Study August 2012; Document titled: Stanburn School – Management and Construction of a Live Site

# GLEBE PRIMARY SCHOOL, D'ARCY GARDENS, HARROW



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Item No. 2/03

Address: STANBURN FIRST AND JUNIOR SCHOOLS, ABERCORN ROAD, STANMORE

Reference: P/2020/12

Description: TWO STOREY EXTENSION WITH FIRST FLOOR LINK TO MAIN BUILDING; ALTERATIONS TO SCHOOL PEDESTRIAN ENTRANCE AND CAR PARK; PROVISION OF FOUR ADDITIONAL CAR PARKING SPACES (DEMOLITION OF EXISTING TWO STOREY ANNEX BUILDING)

Ward: BELMONT

Applicant: HARROW COUNCIL

Agent: LOM

Case Officer: NICOLA RANKIN

Expiry Date: 7<sup>TH</sup> NOVEMBER 2012

## **RECOMMENDATION**

Under Regulation 3 of the Town and Country Planning General Regulations 1992, **GRANT** planning permission for the development described in the application and submitted plans subject to conditions:

Regulation 3 applications are applications for planning permission by an interested planning authority to develop any land of that authority. In this instance, the applicant is the London Borough of Harrow and the land at Stanburn First and Junior Schools, Abercorn Road, Stanmore, HA7 2PJ.

## **REASON**

The decision to grant planning permission has been taken having regard to the National Planning Policy Framework (2012), The London Plan (2011), the Harrow Core Strategy (2012), the saved policies of the Harrow Unitary Development Plan (2012), as well as all relevant material considerations including any responses to consultation. The proposed two storey building would provide much needed space for the expansion of the existing school, to help meet the growing population, and current high level of demand for primary school places which is projected to increase over the next 6 years within the London Borough of Harrow. The proposal is considered to comply with the relevant education policies and the benefits of the extended facilities and increased capacity would be significant. Having regard to the existing site constraints and the need to provide sufficient external spaces for the increased capacity, the proposed siting of the building in place of the existing annexe is acceptable and would not unduly compromise the quality and function of the existing and remaining surrounding open space. The overall scale and design of the building would have an acceptable impact on the character and appearance of the surrounding area; and when viewed in the context of the surrounding

school buildings, with the contrasting materials would provide a degree of visual interest. It is considered that the proposed new building and increased capacity of the school would not to have a significantly harmful impact on the amenities of any neighbouring occupiers. The proposal is considered not to result in unacceptable pressure on local roads and will not be to the detriment of highway safety.

## **INFORMATION**

The application is reported to the Planning Committee because the Council is the Landowner and the proposal is more than 100 square metres.

### **Legal Comments**

Regulation 3 of the Town and Country Planning General Regulations 1992 [Statutory Instrument 1992/1492] provides [in relevant part] that applications for planning permission by an interested planning authority to develop any land of that authority shall be determined by the authority concerned, unless the application is called in by the Secretary of State under Section 77 of the Town and Country Planning Act 1990 for determination by him.

The application is made by LB Harrow who intends to carry out the development on the land at Stanburn First and Junior Schools, Abercorn Road, Stanmore, HA7 2PJ.

The grant of planning permission for this development falling within Regulation 3 shall enure only for the benefit of LB Harrow.

**Statutory Return Type:** Minor Development

**Council Interest:** The Council is the landowner.

**Gross Floorspace:** 4225sqm

**Net additional Floorspace:** 169sqm

**GLA Community Infrastructure Levy (CIL) Contribution (provisional):** The Mayor of London Charging Schedule (February 2012) outlines that CIL will not be payable where "Development is used wholly or mainly for the provision of education as a school or college under the Education Acts or as an institution of higher education".

### **The Harrow School Expansion Programme**

The local authority has a statutory responsibility to provide sufficient school places for its area. In recent years, Harrow has been experiencing increased demand for school places in the primary school sector, and this is projected to continue for the next six years. This increased demand will progress through to the secondary sector in due course and will also impact on provision for special educational needs.

Harrow's primary school population (Reception to Year 6) was 17,859 in 2012 (January 2012 pupil census) and is projected to increase to 18,604 in January 2013 and to 21,472 in 2016-17. Overall this represents a 20.2% growth in primary pupil numbers. This growth is not consistent across all year groups, and the pressure is particularly acute for Reception places because the increased demand is primarily birth rate driven. The latest school roll projections prepared by the Greater London Authority for Harrow predicts that Reception numbers will continue to increase until 2018/19, following which the high level of demand will continue with a slight and gradual reduction.

Harrow has been opening bulge or temporary additional classes since September 2009 to manage the increase in pupil numbers. Although this approach has managed pupil growth thus far, it is not sustainable in the context of the pupil projections. In July 2011,

Cabinet agreed a school expansion programme as part of the School Place Planning Strategy. The strategy aims to secure sufficient and sustainable primary school places through the creation of additional permanent places, supplemented by planned temporary classes and contingency temporary classes, opened if required

A representative group of primary school headteachers assisted officers to develop a set of guiding principles to identify schools for potential expansion. The principles covered a range of factors including school site and building capacity, quality of education, popularity and location. These were then applied to schools to indicate which schools would be most suitable to consider for expansion.

Consultations about the proposal to expand primary schools in Harrow have been held since October 2011 and culminated in Cabinet deciding in June 2012 that nine schools on seven sites in Harrow will be expanded. Because the increased demand for school places is spread across Harrow, and in order to ensure that children can attend schools local to where they live, the schools are located around the borough. The nine schools will be expanded by one form of entry (30 pupils), which will fill incrementally from the point of admission into the school, and are:

Camrose Primary School with Nursery from September 2013

Cedars Manor School from September 2013

Glebe Primary School from September 2013

Marlborough Primary School from September 2013

Pinner Park Infant and Nursery School from September 2013

Pinner Park Junior School from September 2014

Stanburn First School from September 2013

Stanburn Junior School from September 2014

Vaughan Primary School from September 2013

### **Site Description**

- The application site comprises Stanburn First and Junior Schools, on the west side of Abercorn Road.
- The site is occupied by a two/three storey main building, comprising four main wings set around a central courtyard, with a two storey annexe to the rear (west) elevation and other temporary buildings occupy the site.
- The main building has been extended to the west, by way of a two storey and first floor rear extension.
- The area to the south of the main building is hard surfaced and is in use as a playground and overspill parking area.
- The area to the west of the main building comprises a playground and playing field, which is designated as open space in the Harrow Unitary Development Plan and Core Strategy.
- The area to the east of the main building comprises the main car park and entrance to the school, from Abercorn Road.
- Residential dwellings in Wemborough Road and Belmont Lane back onto the southern and western site boundaries respectively, approximately 45 metres from the main building.
- Residential properties in Belmont Lane and Abercorn Road abut the north of the site, between 40 and 70 metres from the main building.

### **Proposal Details**

- The application proposes a two storey building with a first floor link to the main junior

school building. The proposal would involve demolition of the existing two storey annex building.

- The development would result in an increase of the existing 3 form entry to 4 form entry throughout both the Junior and First Schools. The proposed increase in pupil numbers would therefore be 210 pupils (from 630 pupils to 840 pupils).
- The proposed two storey building would be located towards the southern end of the site, adjacent to the southern hard play space.
- The proposed extension would project beyond the footprint of the existing annex building onto an area of existing hard surfacing and astro turf which is separated from the adjacent soft playing field by a 1 metre high timber fence.
- The main building would have a depth of 16.48 metres, a width of 17.42 metres and a height of 8.53 metres.
- There would be a further two storey rear projection on the western elevation of the building to incorporate a fire escape staircase. This element would have a width of 8 metres a depth of 3 metres and would be 8 metres high.
- The first floor link to the existing junior school would be set down below the flat roof of the two storey building by 1.57 metres.
- The proposed extension would be constructed using contrasting materials with the main building rendered in a light colour and sited on a brick plinth to reflect the recent first floor rear extension. The first floor link to the junior school and the western two storey rear projection for the staircase would be finished in timber cladding.
- The first floor of the building would comprise four classrooms while the ground floor would comprise of three flexible learning spaces and ancillary WCs.
- Parking on site will remain in the same position as currently is the case with the addition of a further 4 car parking spaces towards the northern boundary of the site. There will be no change to site access for vehicles.
- A small adjustment is proposed to the pedestrian access. A new 1.2 metre high gate would be provided for the first school towards the northern side of the site and another one for the junior school towards the southern end of the site. A new 1.2 metre high fence would separate the pedestrian access from the car parking area.

### **Relevant History**

LBH/3503 Erection of a two-storey four class unit

Granted 12-Aug -1968

EAST/699/00/LA3 Single storey rear extension to provide 4 classrooms, boiler house and ancillary rooms to replace existing horsa huts

Granted 08-Sep-00

P/1511/09 Solar panels on the roof of southern wing of main teaching block

Granted 26-Aug-09

P/2071/09 First floor rear extension, with demolition of linked two storey annexe to rear elevation; alterations to fenestration at rear

Granted 07-Dec-2009

P/0048/10 Temporary single storey building to north of main building for use as classrooms (six months)

Granted 12-Mar-2010

P/0043/10 Submission of details of external materials pursuant to condition 3 of planning

permission p/2071/09 dated 07/12/2009 for first floor rear extension, with demolition of linked two storey annexe to rear elevation; alterations to fenestration at rear.

Approved 22-Feb-2010

P/0664/10 Variation of condition 4 of planning permission ref: p/2071/09 dated 07/12/2009 from "the demolition of the two storey annexe and the associated making good of the land and buildings shall be completed prior to the occupation of the extension hereby permitted" to "the demolition of the two storey annexe and the associated making good of the land and buildings shall be completed within 3 months of occupation of the extension hereby permitted".

Granted 18-May-2010

P/2256/11 Variation Of Condition 4 Attached To Planning Permission P/2071/09 Dated 07/12/2009 To Allow The Demolition Of The Two Storey Annexe And The Associated Works Of Making Good Of The Land And Buildings To Be Completed By The End Of August 2012

Granted 20.10.2011

### **Applicant Submission Documents**

Design and Access Statement (Summary)

- Harrow needs to create more primary school places to meet the growing demand.
- Currently the First School has 270 pupils with a nursery (37 morning plus 37 afternoon). Therefore, the proposed increase is up to 360 pupils plus nursery with no increase in nursery size and the junior school has 360 pupils, therefore the proposed increase is up to 480 pupils.
- There are a number of issues with the existing accommodation. Junior school movement through school at ground floor level causes disruption to infant classes. Classrooms are small and lack of group rooms means specialist teaching spaces augment to provide BB99 guidance level teaching provision.
- The overall area of the hall spaces satisfies BB99 area minimums, although an additional studio or small hall space would be required to provide the required number of hall spaces.
- The assessment identified the need for 4 new additional classrooms, 2 specialist classrooms, 1 studio space 8 new WCs.
- The new build block is proposed to be a 2 storey structure which optimises the efficiency of the build and impact on external space. The proposed location afforded the most benefits including level access at ground and first floor level, no loss of any additional hard or soft play space, connection into the existing circulation of the school at ground and first floor. The proposed extension would replace and existing annex structure and therefore minimises changes to existing massing or land use.
- The extension is being designed with sustainability as a key driver with the aim to minimise running costs and energy use.

### **Consultations:**

**Highways Authority:** There is no specific concern or objection to the extension proposal. The additional 4 parking space layout is satisfactory in placement and the new gated pedestrian access points into the site are satisfactory in operational and safety terms.

**Environment Agency:** Awaiting comments.

**Drainage:** Further details are required in relation to the submitted FRA. Conditions are recommended in respect of disposal of surface water and sewage as well as surface water attenuation works.

**Sports England:** Sports England does not object to the application as the proposed development affects only land incapable of forming or forming part of a playing pitch, and does not result in the loss of or inability to make use of any playing pitch, a reduction in the size of the playing areas of any playing pitch or the loss of any other sporting/ancillary facilities on the site.

### **Advertisement**

N/A

### **Notifications**

Sent: 44

Replies: 1

Expiry:05.10.2012

### **Addresses Consulted**

- 80 -110A Wemborough Road (Even)
- 63-97 Belmont Lane (Odd)
- 25/86/97 Abercorn Road

### **Summary of Responses**

- Playground noise will increase considerably. No attempt has been made to contain or reduce noise levels in the playgrounds.
- The building work has not allowed for the removal of the porta cabins.
- The proposal should include coach parking bays at the school entrance to reduce disruption on the surrounding roads.
- There should be more on site parking for existing staff, new staff and visitors.
- The proposal would result in unacceptable levels of traffic congestion.

### **APPRAISAL**

The Government has adopted a National Planning Policy Framework [NPPF] on 27 March 2012 that consolidates national planning policy. This document now carries significant weight and has been considered in relation to this application.

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 under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'*

In this instance, the Development Plan comprises The London Plan 2011, the Harrow Core strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004 [Saved by Direction of the Secretary of State pursuant to paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004].

### **MAIN CONSIDERATIONS**

- 1) Principle of the Development
- 2) Character and Appearance of the Area
- 3) Residential Amenity
- 4) Traffic and Parking
- 5) Development and Flood Risk
- 6) Accessibility
- 7) Sustainability
- 8) Trees and Development

- 8) S17 Crime & Disorder Act
- 9) Consultation Responses

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

The National Planning Policy Framework (2012) outlines that: “The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. Local Planning authorities should give great weight to the need to create, expand or alter schools”.

The educational use of this site is established, and under saved UDP policy C7, there is no objection in principle to the expansion of existing educational facilities, subject to consideration of the need for the new facilities, the accessibility of the site and safe setting down and picking-up points within the site.

In summary, the extension and expansion of existing educational facilities is considered to be acceptable in principle as there is an identified need to provide additional primary school places due to a growing population and high level of demand experienced over recent years. As such, in line with the National Planning Policy Framework (2012) ‘great weight’ is attached to expand these existing educational facilities. Furthermore, the proposal would also comply with policy CS1 of the Harrow Core Strategy (2012) which states that: “The development or expansion of physical or social infrastructure will be permitted where it is needed to serve existing and proposed development, or required to meet projected future requirements.” In addition, policy 3.18 of The London Plan (2011) seeks to ensure inter alia that development proposals which enhance education and skills provision are supported. However, detailed consideration of the above policy requirements and other policy considerations are undertaken in the sections below.

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

The proposed building would involve demolition of the existing condemned annex building on the rear (west) of the main building. It would be sited in the same location as the annexe, but would have a slightly larger footprint which would extend into an area of existing hard surfacing and astro turf which is separated from the adjacent soft grassed playing field by a timber fence. The playing field and areas of hard surfacing to the west, south and north of the existing condemned two storey annexe is designated as open space in the Harrow UDP and Core Strategy and policy EP47 of the UDP seeks to protect or enhance such areas. However, the majority of the additional footprint of the new building would be sited on an existing hard surfaced area and as such it is considered that the proposal would not adversely impact on the overall character of the surrounding open space and furthermore would not compromise the quality and function of the existing and remaining open space. It is considered that the proposal would not significantly encroach upon the area of open space to the west and a residual soft grassed playing field of 7226.57m<sup>2</sup> would be retained. This figure exceeds the minimum standard of 2900m<sup>2</sup> for the projected numbers of pupils outlined in the BB99, area guidelines for primary schools. Further to this, due regard is given to the existing site constraints and the fact that the increased capacity will result in the need for sufficient external hard surface play areas for pupils. Notably, Sports England have not objected to the proposal and considers that the siting of the extension would not prejudice the use of the schools playing field or any playing pitches. It is considered the proposal would be acceptable in relation to saved policy EP47 of the Harrow UDP.

The London Plan (2011) policies 7.4B and 7.6B set out the design principles that all boroughs should seek to ensure for all development proposals. The London Plan (2011) policy 7.4B states, inter alia, that all development proposals should have regard to the local context, contribute to a positive relationship between the urban landscape and natural features, be human in scale, make a positive contribution and should be informed by the historic environment. The London Plan (2011) policy 7.6B states, inter alia, that all development proposals should; be of the highest architectural quality, which complement the local architectural character and be of an appropriate proportion composition, scale and orientation.

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.'

Saved policy D4 of the Harrow UDP reinforces the principles set out under The London Plan (2011) policies 7.4B and 7.6B and seeks a high standard of design and layout in all development proposals. It goes on to state, amongst other things, that developments should contribute to the creation of a positive identity through the quality of building layout and design, should be designed to complement their surrounding, and should have a satisfactory relationship with adjoining buildings and spaces.

As discussed above, the proposed building would have a similar siting to the existing two storey annexe, albeit with a slightly larger footprint. It would also have a first floor link to the main building which is also the same situation as the existing annexe. The additional footprint, depth and width of the proposed building when viewed in the context of the existing annex is considered to be modest. The height of the building would be reflective of the height of the surrounding buildings when viewed from the northern, western and southern elevations and is therefore also considered to be acceptable in this regard. It is proposed to use contrasting materials to the main school building. The main building would be constructed using a light render colour, while timber cladding is proposed for the staircase and first floor link. It is considered that contrasting materials would be acceptable for this building as it forms a largely separate unit from the main building and would add visual interest. A condition is attached to ensure that samples of materials are submitted and approved by the Local Planning Authority prior to the commencement of works.

The proposed alterations to pedestrian access by means of additional gates to the front entrance and fencing to the car park area would be a 1.2 metre high metal palisade fence and swing gates which would match the existing boundary treatment and therefore considered acceptable.

Overall, it is considered that the proposed building is acceptable in this location and would not appear overly dominant and would not detract from the character and appearance of the surrounding buildings. On balance, it is considered that the quality and function of open space of the school would be preserved and the scale, massing and design of the building would have an acceptable impact on the character and appearance of the area. As such, the proposal is considered to comply with policies 7.4B and 7.6B of The London Plan (2011) core policy CS1 B of the Harrow Core Strategy (2012) and saved policies EP47 and D4 of the Harrow Unitary Development Plan (2004).

### **3) Residential Amenity**

Policy 7.6 of The London Plan (2011) states that “Buildings and structures should not cause unacceptable harm to the amenity of the surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate”.

The proposed two storey building would be sited some 28 metres from the rear (west) boundary and some 45 metres from the facing rear elevations of the residential properties on the eastern side of Belmont Lane. It would be sited some 50 metres from the southern boundary of the site and approximately 70 metres from the rear elevations of the properties on the northern side of Wemborough Road. Given, these circumstances, it is considered that the proposed building would not give rise to overlooking and overshadowing of neighbouring properties and gardens and would not result in unreasonable loss of outlook.

It is acknowledged that the proposed increase in school capacity will result in a more intensive use of the existing hard and soft play areas as compared to the existing situation. However, the additional capacity of 210 pupils would be spread over the first and junior schools, meaning that the additional number of pupil occupying the hard play area during school breaks would be spread between the southern and northern areas of the site. It is considered that there is sufficient space in the existing hard play areas to accommodate the additional number of pupils and as there are separate hard play areas, towards the northern and southern end of the sites, it would not result in an over intensive use of one area. It is also noted that there is some degree of screening of the properties nearest to the hard play areas by mature vegetation which would help reduce the impact to these neighbouring occupiers. On balance, given the layout of the hard play spaces which are already located adjacent to neighbouring boundaries, the additional noise and disturbance and intensification of the use of the site is not considered significantly harmful to warrant refusal of the application.

A detailed construction management plan has been provided with the application. The report outlines details in respect of reducing noise levels, ensuring the safety of pupils and staff and reducing traffic congestion in the area. As such, it is considered that the construction management plan would mitigate the impact of the proposed development on the neighbouring occupiers during the construction phase.

Overall, it is considered that the proposal would be acceptable in terms of policy 7.6 (B) of The London Plan (2011) and saved policy EP25 of the Harrow Unitary Development Plan (2004).

#### **4) Traffic and Parking**

The number of pupils and staff will increase over the next 6 years by approximately 30%. It is anticipated that the increase will not be immediate but the intake will increase year on year. The applicants have provided the most recent copy of the school travel plan which continues to be developed on an on going basis. The travel plan indicates that there have been positive modal shifts in travel to the school with an increase in the number of people walking to the site and reduction in car use. It is considered that the travel plan demonstrates that the school is committed to encouraging more sustainable modes of transport and as such would support the expansion of the existing school in a positive manner.

Due regard is given to the existing site constraints in terms of additional parking provision. Nevertheless four additional spaces would be provided. The car parking levels as

proposed are considered to be acceptable and furthermore, the changes to the pedestrian access are considered to be an improvement over the existing situation in terms of highway safety for children entering and exiting the site.

The application has been referred to the Highways Authority who has raised no objection to the proposal. For the reasons outlined above the proposal is considered to be acceptable in relation to saved HUDP policies T6 and T13.

### **5) Development and Flood Risk**

The site is shown on the Environment Agency flood maps to lie partially in flood zones 2 and 3 which are categorised as having a medium and high probability of flooding. A surface water drainage strategy and Flood Risk Assessment (FRA) has been submitted in accordance with the National Planning Policy Framework. The FRA finds that the proposed development is not at risk of flooding and would also not increase the risk of flooding off site. However, additional information from the Council's drainage department and comments from the Environment Agency are currently awaited in order to determine the overall acceptability of the details. As such, this recommendation of grant is on the anticipated basis that a satisfactory FRA will be received, otherwise additional conditions would be recommended at the meeting through the addendum.

### **6) Accessibility**

The London Plan (2011) requires all new development in London to achieve the highest standards of accessibility and inclusive design as outlined under policy 7.2. Saved policy C16 of the Harrow UDP seeks to ensure that buildings and public spaces are readily accessible to all.

The proposed building would incorporate level entrances. Corridors would have a minimum width of 1800mm and all doors are proposed to have a minimum clearance of 900mm. An accessible WC will be provided on the ground floor. It is acknowledged that a previous planning permission (P/2071/09) for a first floor rear extension incorporated a lift and therefore wheelchair users would be able to gain access to the upper floor. It is considered that the layout of the building would enable adequate circulation for persons with disabilities users and would be acceptable in relation to London Plan (2011) policies 3.1 and 7.2 and saved policy C16 of the Harrow UDP.

### **7) Sustainability**

London Plan policy 5.2 'Minimising Carbon Dioxide Emissions' defines the established hierarchy for assessing the sustainability aspects of new development. This policy sets out the 'lean, clean, green' approach, which is expanded in London Plan policies 5.3 to 5.11. Harrow Council's Supplementary Planning Document on sustainable Building Design (adopted May 2009) seeks to address climate change through minimising emissions of carbon dioxide.

The applicant has provided a sustainability statement within their Design and Access Statement. They have indicated that a reduction in carbon dioxide will be achieved mainly through passive measures. The measures identified include high insulation and U values, greater than what is required by the current Building Regulations standards. Furthermore, the layouts of the spaces have been designed to provide excellent levels of natural ventilation and daylight requirements.

In view of the above and having regard to the overall scale of the proposal, it is considered that the proposed development would make an acceptable contribution to

minimising carbon dioxide emissions.

### **8) Trees and Development**

The applicant has provided an Arboricultural Assessment with the application. There are no trees close to or within the vicinity of the proposed development that would be adversely affected by the proposed development. There are however a number of mature trees at the front entrance to the site, surrounding the car park and adjacent to the southern hard play space. The report recommends that tree protective fencing be used to ensure that all existing trees are retained on site and not damaged during the construction phase of the development. Provided that the proposed development is carried out in accordance with 'Tree Protection Plan', it is considered that proposed development will not impinge adversely on the trees in the site.

Subject to a condition to ensure that the proposed development is carried out in accordance with the submitted 'Tree Protection Plan', it is considered that the proposed development is acceptable in relation to policy 7.21 of The London Plan (2011) and saved policy D10 of the Harrow Unitary Development Plan (2004).

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

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

### **10) Consultation Responses**

- Playground noise will increase considerably. No attempt has been made to contain or reduce noise levels in the playgrounds.  
This is addressed in section 3 of the above appraisal.
- The building work has not allowed for the removal of the porta cabins.  
A temporary porta cabin that was allowed under planning permission P/0048/10 has already been removed from the northern end of the site. The removal of the other porta cabins are not required as part of this application.
- The proposal should include coach parking bays at the school entrance to reduce disruption on the surrounding roads.  
Having regard to the existing site constraints of the school and of the surrounding roads, it is considered that a coach bay in front of the site on Abercorn Road would not provide any additional benefits in reducing traffic congestion as compared to the existing situation. It should be noted that the Highways Authority are currently undertaking statutory consultation in relation to traffic calming measures to improve both traffic flow and highway and pedestrian safety. These include new zebra crossings on Abercorn and Wemborough Road and widening the pedestrian crossing island on St Andrews Road. It is considered that such measures will be beneficial and will help reduce the impacts of the expansion of the existing facilities.
- There should be more on site parking for existing staff, new staff and visitors.  
This is addressed in section 4 of the above appraisal.
- The proposal would result in unacceptable levels of traffic congestion.  
It is acknowledged that an increase in the number of pupils will result in an increase in the number of trips to and from the site. However, it is considered that the additional numbers proposed in this case would not result in unacceptable levels of congestion as compared to the existing situation and would not be to a level that would warrant refusal of the application. Further to this, the school is committed to the School Travel Plan to promote more sustainable modes of transport and is therefore anticipated to help reduce traffic congestion over the coming years. The current school travel plan

indicates that this is having positive results.

## **CONCLUSION**

The proposed two storey building would provide much needed space for the expansion of the existing school, to help meet the growing population, and current high level of demand for primary school places which is projected to increase over the next 6 years within the London Borough of Harrow. The proposal is considered to comply with the relevant education policies and the benefits of the extended facilities and increased capacity would be significant. Having regard to the existing site constraints and the need to provide sufficient external spaces for the increased capacity, the proposed siting of the building in place of the existing annexe is acceptable and would not unduly compromise the quality and function of the existing and remaining surrounding open space. The overall scale and design of the building would have an acceptable impact on the character and appearance of the surrounding area; and when viewed in the context of the surrounding school buildings, with the contrasting materials would provide a degree of visual interest. It is considered that the proposed new building and increased capacity of the school would not to have a significantly harmful impact on the amenities of any neighbouring occupiers. The proposal is considered not to result in unacceptable pressure on local roads and will not be to the detriment of highway safety.

## **CONDITIONS**

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

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

2 The development hereby permitted shall be carried out in accordance with the approved plans: 1411-LO-01 Rev A; 1411-00-EL-01 Rev A; 1411-00-GD-01 Rev A; 1411-00-RF-01 Rev A; 1411-00-ST-01 Rev A; 1411-20-01-01 Rev C; 1411-20-GD-01 Rev C; 1411-20-ST-01 Rev C; 1411-20-ST-04; 1411-24-RF-01 Rev C; 1411-30-SE-01 Rev B; 1411-20-ST-03 Rev B; 1411-30-EL-01 Rev D; 1411-50-GE-01 Rev B; Planning Statement Rev A (ref: 1411); Stanburn First and Junior School Travel Plan; Document titled: Stanburn School – Management of Construction on a Live Site; Arboricultural Tree Report Ref: PA.S714; Document titled: Stanburn First and Junior Schools Site Study

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

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

a: all external materials for the buildings

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

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with policies of The London Plan 2011 and policies D4 and D9 of the Harrow Unitary Development Plan (2004).

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

Reason: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk in accordance with the National Planning Policy Framework (2012)

and to ensure that the necessary construction and design criteria for the development proposals follow approved conditions according to the NPPF (2012).

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

Reason: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk in accordance with the National Planning Policy Framework (2012) and to ensure that the necessary construction and design criteria for the development proposals follow approved conditions according to the NPPF (2012).

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

Reason: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk in accordance with the National Planning Policy Framework (2012) and to ensure that the necessary construction and design criteria for the development proposals follow approved conditions according to NPPF.

7 The erection of fencing for the protection of the retained trees shall be undertaken in accordance with the approved 'Tree Protection plan' (see Arboricultural Tree Report Ref: PA.S714) before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected in accordance with saved policies D4 and D10 of the Harrow Unitary Development Plan (2004).

## **INFORMATIVES**

### **1 REASON FOR GRANT OF PLANNING PERMISSION**

The decision to grant planning permission has been taken having regard to the National Planning Policy Framework (2012), The London Plan (2011), the Harrow Core Strategy (2012), the saved policies of the Harrow Unitary Development Plan (2012), as well as to all relevant material considerations including any responses to consultation.

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

#### **National Planning Policy:**

National Planning Policy Framework (2012)

#### **The London Plan (2011):**

3.16 – Protection and Enhancement of Social Infrastructure

3.18 – Education Facilities

5.2 – Minimising carbon dioxide emissions

5.3 – Sustainable design and construction

5.12 – Flood risk management

- 5.13 – Sustainable Drainage
- 6.3 – Assessing effects of development on transport capacity
- 6.9 – Cycling
- 6.10 – Walking
- 6.13 – Parking
- 7.1 – Building London’s neighbourhoods and communities
- 7.2 – An inclusive environment
- 7.3 – Designing out crime
- 7.4 – Local character
- 7.5 - Public Realm
- 7.6 – Architecture
- 7.13 – Safety, security and resilience to emergency
- 7.15 – Reducing noise and enhancing soundscapes
- 7.21 – Trees and Woodlands
- 7.18 – Protecting Local Open Space and addressing local deficiency

**Harrow Core Strategy (2012)**

- CS1: Overarching Principles
- CS10: Kenton and Belmont

**Harrow Unitary Development Plan (2004)**

- D4 -The Standard of Design and Layout
- D10 - Trees and Development
- EP47 – Open Space
- EP25 - Noise
- C2- Provision of Social and Community Facilities
- C7- New Education Facilities
- C16- Access to Buildings and Public Spaces
- T6 – The Transport Impact of Development Proposals
- T9 – Walking
- T10 – Cycling
- T11 – Cycle and Motor Cycle Parking in public places
- T13 – Parking Standards
- EP12 – Control of Surface Water Run-off

**Other Relevant Guidance:**

- London Borough of Harrow Open Space Study PPG17
- The Harrow Annual Monitoring Report 2001 – 2011
- The emerging Site Allocations DPD 2011
- Supplementary Planning Document Sustainable Building Design (2009)
- Supplementary Planning Document: Access for All (2006)

**2 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.

**3 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)

#### 4 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.

Plan Nos: 1411-LO-01 Rev A; 1411-00-EL-01 Rev A; 1411-00-GD-01 Rev A; 1411-00-RF-01 Rev A; 1411-00-ST-01 Rev A; 1411-20-01-01 Rev C; 1411-20-GD-01 Rev C; 1411-20-ST-01 Rev C; 1411-20-ST-04; 1411-24-RF-01 Rev C; 1411-30-SE-01 Rev B; 1411-20-ST-03 Rev B; 1411-30-EL-01 Rev D; 1411-50-GE-01 Rev B; Planning Statement Rev A (ref: 1411); Stanburn First and Junior School Travel Plan; Document titled: Stanburn School – Management of Construction on a Live Site; Arboricultural Tree Report Ref: PA.S714; Document titled: Stanburn First and Junior Schools Site Study

**STANBURN FIRST SCHOOL, ABERCORN ROAD, STANMORE**



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Item No. 2/04  
Address: 24 WOODWAY CRESCENT, HARROW  
Reference: P/1899/12  
Description RETROSPECTIVE APPLICATION FOR SINGLE STOREY SIDE TO REAR EXTENSION; PROPOSED MODIFICATIONS TO REDUCE DEPTH AND ALTERATIONS TO ROOF  
Ward: GREENHILL  
Applicant: MR S HUSSAIN  
Agent: MJD ARCHITECTURE  
Case Officer: FERGAL O'DONNELL  
Expiry Date: 25 SEPTEMBER 2012

## **RECOMMENDATION**

**GRANT** planning permission for the development described in the application and the submitted plans, subject to conditions, for the following reason:

### **REASON**

The proposed extensions to the property would overcome the concerns of the Council and the Planning Inspector expressed in previous applications and appeals on the site in ensuring that the extensions would have a harmonious, proportionate and sympathetic appearance and the character and appearance of the area would not be adversely affected. The revised design proposals would also ensure that the oppressive impacts previously identified on neighbouring properties would be ameliorated.

The decision to **GRANT** planning permission has been taken having regard to the National Planning Policy Framework 2012, the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004, and to all relevant material considerations, and any comments received in response to publicity and consultation.

### **INFORMATION:**

This application is being reported to Planning Committee as the application site is subject to an Enforcement Notice and the application is therefore of political significance and public interest. The application is therefore referred to the Planning Committee as it is excluded by Proviso A of the Scheme of Delegation dated 14 March 2012

Statutory Return Type: Householder Development

Council Interest: None

Net Additional Floorspace: 23sqm

GLA Community Infrastructure (CIL) Contribution: Not applicable as net floor area below

### **Site Description**

- The application site is located on the northern side of Woodway Crescent, a crescent of dwellinghouses accessed off Gerard Road to the south.
- The enclave of dwellinghouses was constructed in the interwar years and displays a strong 'metroland' character.
- The site slopes downwards from front to rear and is also sited slightly above the unattached neighbouring property to the east, No.26.
- As a result of the kink in the highway, the eastern boundary of the application site is splayed, narrowing from front to rear.
- The property has been extended over the years with the addition of a side extension, originally constructed as a garage but now used as a habitable room.
- The property was extended more recently with the addition of single storey side to rear extension, which wrapped around the north-eastern corner of the building.
- The extensions to the side and rear of the property have been found to be unauthorised and an Enforcement Notice has been served against these works (further details of the Enforcement Notice below).
- The rear garden extends some 9 metres beyond the rear wall of the unauthorised rear extension and the rear garden is hard surfaced with block paving.
- The boundary fence between the application property and No.22 has now been removed and the applicant has also acquired this property. There are no extensions to the rear of No.22.
- The unattached neighbouring dwelling, No. 26, to the east of the site, has been extended at the rear, with the addition of a single storey rear extension and has an attached garage on the side. Due to the orientation of the site and the different type of dwelling, the rear wall of No.26 is sited approximately 2.5 metres beyond the rear main wall of the application property.
- The kitchen to this property is located adjacent to the unauthorised single storey side to rear extension at the application property. This kitchen is served by a half-glazed door and a window on the western flank wall, to the rear of the garage to this property.

### **b) Proposal Details**

- Three concurrent applications have been submitted (the other two applications are LPA references P/1898/12 & P/1900/12) in order to regularise the existing unauthorised development on the site.
- In this application, retrospective planning permission with modifications is sought for a single storey side extension which would align with the rear wall of the property and a single storey rear extension which would be the same width as the main dwellinghouse.
- The eastern wall of the single storey side extension would be splayed inwards to reflect the splayed nature of the boundary of the site. A bathroom would be provided in the extended single storey side extension.
- The roof of the single storey side extension would be flat, set just below the roof of the pre-existing side extension. The applicant indicates that the height of the structure above the adjacent ground level of the site would be 3 metres.
- One small window is proposed in the rear elevation of this element.
- The single storey rear extension is the same width as the main dwellinghouse and is 3 metres in depth.
- A pitched roof is proposed over the single storey rear extension. The height of the

eaves would be 3 metres and the overall height would be 4 metres. Three sky lights are proposed in the roof.

- Revisions to planning application P/2222/11:
- Removal of 'wraparound' element (the element to the north-east of the building) of the side to rear extension and alteration of the roof form from mono-pitched to flat.
- Alterations to the roof form of the rear extension to provide a pitched, rather than flat roof.

### **Relevant History**

P/1153/03/DFU

TWO STOREY SIDE, SINGLE STOREY FRONT AND REAR EXTENSION

Refused: 15 July 2003

#### Reasons for Refusal:

1 The height of the proposed rear extension would be overbearing and result in loss of light and overshadowing to No.22 Woodway Crescent to the detriment of the residential amenities of the occupiers.

2 The proposed 2-storey side extension, by reason of excessive bulk would result in loss of light and overshadowing in relation to the flank kitchen window of No 26 Woodway Crescent and would be detrimental to the visual and residential amenities of the occupiers of the neighbouring property.

P/2393/03/DFU

SINGLE STOREY SIDE AND REAR EXTENSION

Granted: 01 December 2003

P/2264/07

ALTERATIONS TO ROOF TO FORM END GABLE & REAR DORMER; CONVERSION OF GARAGE TO HABITABLE

Refused: 10 September 2007

#### Reasons for Refusal:

1 The proposed end gable, by reason of excessive size, bulk and siting would be unduly obtrusive and overbearing, resulting in a loss of outlook, light and would cause overshadowing to the occupiers of the adjacent property (no. 26 Woodway Crescent), contrary to Policies D4 and D5 of the Harrow Unitary Development Plan and Supplementary Planning Guidance: "Extensions: A Householders Guide (2003)".

2 The rear dormer facing Bonnersfield Lane by reason of excessive size, scale, bulk and siting would be overbearing and unduly obtrusive and this in conjunction with the gable end conversion would detract from the character of the area and the street scene contrary to Policies D4 and D5 of the Harrow unitary Development Plan and Supplementary Planning Guidance: "Extensions: A Householders Guide (2003)".

P/3102/07

CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT: DEMOLITION OF EXISTING GARAGE AND STORE, ALTERATIONS OF ROOF FROM HIP TO GABLE END, REAR DORMER AND 2 ROOFLIGHTS ON FRONT ROOFSLOPE.

Refused: 15 November 2007

P/1060/08/DFU

ALTERATIONS TO ROOF AND REAR DORMER

Granted: 12 May 2008

P/1012/08DFU

SINGLE STOREY SIDE TO REAR EXTENSION; DEMOLITION OF EXISTING GARAGE

Refused: 07 May 2008

Reasons for Refusal:

1 The proposed extensions, by reason of excessive height and bulk, would be overbearing and result in loss of light and outlook to the detriment of the residential and visual amenities of the neighbouring occupiers at Nos. 22 and 26 Woodway Crescent, contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance - Extensions: A Householders' Guide (2003).

P/2222/11

RETENTION OF EXISTING SINGLE STOREY SIDE TO REAR EXTENSION WITH PROPOSED ALTERATIONS TO THE ROOF

Refused: 28 November 2011

Appeal dismissed: 22 March 2012

Reasons for Refusal:

1 The alterations to the extensions proposed are considered to be insufficient to address the harm to the outlook and amenity of No.26 Woodway Crescent. The extension would result in a visually discordant interface with the existing side extension at No.24 and by virtue of its height, size, design and siting would result in a visually dominant form of development when viewed from No.26 Woodway Crescent that would be contrary to Policies 7.4B and 7.6B of the London Plan (2011), saved policies D4 and D5 of the Harrow Unitary Development Plan (2004) and the objectives for residential extensions set out in the adopted Supplementary Planning Document: Residential Design Guide (2010).

**Applicant Submission Documents**

- Supporting Planning Statement

**Consultations**

**Notifications**

Sent: 3

Replies: 4 (all from same respondent)

Expiry: 04 September 2012

**Summary of Responses:**

- Applications should not have been accepted as they did not accord with Council's Enforcement policy
- Applications invalid as applicant has applied for Planning Permission as opposed to Householder development which requires a Design and Access Statement. The Supporting Planning Statement [SPS] submitted relates to the previous application P/2222/11 and is not therefore relevant
- Granting planning permission for this development would have the effect of granting permission for the previous applications as the SPS relates to these applications
- Number of discrepancies and inaccuracies in the submitted drawings, which include the 'gap' to the boundary
- SPS inaccurate in its representations of the proposed development and parts of the SPS are untrue
- Proposals would not address the concerns outlined by the Planning Inspector in the most recent appeal at the site regarding oppressive outlook and discordant roof form

- Plans submitted which are knowingly misleading
- Applicant has now acquired No.22 and will presumably be invited to make representations regarding his own unauthorised development
- Query regarding whether permitted development could be implemented on the site
- Roof over rear extension would restrict outlook

**2<sup>nd</sup> Notification** (Following Officer site visit and as a result of comments received, revised plans and clarification of the position of the boundary fence were requested. These plans were received and a second consultation period of 14 days was conducted)

Sent: 3

Replies: To be reported

Expiry: 18 October 2012

**Neighbours Consulted:**

Woodway Crescent: 13, 22, 26

**Summary of Responses:**

- To be reported

**Neighbours Consulted:**

Woodway Crescent: 13, 22, 26

**APPRAISAL**

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.'*

The Government has issued the National Planning Policy Framework [NPPF] which consolidates national planning policy and is a material consideration in the determination of this application.

In this instance, the Development Plan comprises The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004 [Saved by a Direction of the Secretary of State pursuant to paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004].

**BACKGROUND INFORMATION**

The application site is subject to an effective Enforcement Notice [EN] (LPA ref: ENF/0370/09/P) to demolish the unauthorised single storey side and rear extensions to the property ("the authorised development"). The EN requires the unauthorised single storey side and rear extensions to be demolished and the land returned to its former state. The applicant has tested the acceptability of the unauthorised development at appeal under grounds 'a' (deemed application considering the planning merits of development) and 'f' (whereby the Inspector considers whether lesser steps would be appropriate to ameliorate the harm identified). The Inspector (PINS ref: APP/M5450/C/10/2132673) upheld the appeal on both points and the EN remains effective. In respect of the ground 'a' appeal, the Inspector found the form of the extensions results in an oppressive outlook

from the kitchen window of No.26 Woodway Crescent, the design of the roof was visually discordant and the extensions had a bulbous appearance.

The applicant subsequently applied for permission to alter the form of the 'wraparound' element of the extensions, proposing a mono-pitched roof over this element of the extensions. This application (P/2222/11) was refused by the Council and in the subsequent appeal, dismissed by the Planning Inspectorate (PINS ref: APP/M5450/D/12/2171069). In reaching his conclusions on this application, the Inspector considered that the alterations to the roof of the property would not overcome the oppressive nature of the extension and the roof form would result in a visually discordant interface between the differing roof forms. The findings of the Inspectors in the previous appeals on the site are material considerations in the determination of this planning application.

## **MAIN CONSIDERATIONS**

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

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

Saved policy H10 of the Harrow Unitary Development states that the Council will consider favourably development proposals for extensions, alterations and / or adaptation to residential dwellings, in preference to redevelopment, providing this would not lead to unacceptable impacts on adjacent properties or the local environment. The principle of the extension works are therefore considered to be acceptable, subject to there being no unacceptable impacts on the character of the area or the amenities of the neighbouring occupiers.

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

Saved policy D4 of the Harrow Unitary Development Plan 2004 (HUDP) requires all new development to provide a high standard of design and layout, respecting the context, siting and scale of the surrounding environment. The saved policies of the UDP broadly reflect policies 7.4.B and 7.6.B of The London Plan 2011 and policy CS1.B of the Harrow Core Strategy 2012 which seek to ensure that development respects local character and provide architecture of proportion, composition and scale that enhances the public realm. It should be noted that policy CS1.B was adopted after the previous application on the site was determined but before the appeal on that application was determined.

The Council has adopted Supplementary Planning Document – Residential Design Guide 2010 (SPD) to supplement saved policies D4 and D5, amongst other saved policies, and requires extensions to dwellinghouses to harmonise with the scale and architectural style of the original building. This SPD carries substantial weight as a material planning consideration.

As noted in the 'Site Description' section of the appraisal above, the properties within the enclave of Woodway Crescent were developed in the interwar years and therefore have a strong 'metroland' character. Some of the properties differ in their form with semi-detached and detached houses present in the crescent but a regularity of design ethos follows throughout the buildings. The undulated and curving nature of the highway means

some plots are wider or set at higher or lower levels and splayed boundaries are not uncommon.

The application property has a long planning history following the construction of unauthorised single storey side to the rear extensions at the property. The applicant has submitted three concurrent applications, each seeking to regularise the unauthorised works with varying degrees of modifications proposed. This application seeks to alter the design of the side extension so that it would not project beyond the original rear wall of the property and would have a flat roof. The overall height of the extension would be 3 metres from the ground level of the site.

In his conclusions on the character and appearance of the extensions considered under planning application P/2222/11, the Inspector in the appeal considered that the roof form, comprising pitched and flat parts, would appear contrived and the intersections of the roof with the other parts of the extension would appear ill-at-ease with these elements. It was also considered that the roof would appear bulbous as a result of the splayed side wall.

The applicant has revised the design of the roof to only include a flat roof element which would not now adjoin the pre-existing side extension and sit marginally below the pre-existing roof of the side extension which is also flat. It is considered that the simpler form of the roof would overcome the concerns the Inspector raised regarding the bulbous form of the roof. Sitting marginally below the roof of the pre-existing side extension and following the design principle for this extension in proposing a flat roof, the roof of the side extension would seamlessly fit in with the pre-existing side extension, resulting in a more harmonious and sympathetic roof form whilst the reduced depth of the extension would mean that there would be no interface of roof forms with the rear extension. The side extension would also appear proportionate in scale with the host property and its surroundings. Accordingly, in terms of its appearance, it is considered that the proposed side extension would overcome the concerns previously raised by the Planning Inspectorate and would accord with policies 7.4.B and 7.6.B of The London Plan 2011, policy CS1.B of the Harrow Core Strategy 2012, saved policy D4 of the Harrow Unitary Development Plan and the adopted SPD.

The single storey rear extension is 3 metres in depth and a mono-pitched roof with a mid-point height of 3.5 metres is proposed, thereby according with paragraphs 6.59 and 6.63 of the adopted SPD. It is considered that the design of the rear extension reflects the character of the existing dwellinghouse and is a proportionate extension of the property. No conflict with the policies of the development in respect of the character and appearance of the proposed extensions is therefore found.

### **3) Residential Amenity**

Policy 7.6.B of The London Plan (2011) states that new buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. Saved policy D5 of the Harrow Unitary Development Plan similarly seeks to ensure that the amenities and privacy of neighbouring occupiers is not adversely affect by development.

In the previous application P/2222/11, the Council considered that the altered roof form of the 'wraparound' element of the side and rear extensions would result in an oppressive form of development when viewed from the kitchen at No.26 which is served by a clear window and glazed door on the western flank wall. The Inspector, in dismissing the

appeal, concurred with this view, considering that the extensions would still be seen to its full height (the full height of the extension above the ground level of the application site as previously proposed was 3.5 metres) beyond the short run of mono-pitched roof proposed. On inspection of the site, the kitchen at No.26 (though it may be less than 13sqm and the side window may not therefore be 'protected' as outlined at paragraph 6.26 of the adopted SPD) appeared to be well used and serves as an important amenity space for the occupiers of this property. The Inspector, in considering the appeal at the application site, concurred with this view and considered the window as a source of outlook for the occupiers of No.26 and worthy of protection from harmful development.

The revised design of the side extensions to the property would entirely remove any projection beyond the rear wall of the application property. Due to the splayed nature of the site, the orientation of the application property and the neighbouring property to the east and the location of the rear wall of No.26, the revised side extension would still be sited adjacent to the window at No.24 with the rear wall of the side extension approximately aligning with the rearmost part of the window. The height of the extension, relative to the ground levels at No.26 would be approximately 3.2 metres (the applicant has indicated that they would be 3 metres in height on the application site). In comparison then with the previously refused application, though the extension would rise up to its full height adjacent to the boundary to No.26 as it would have a flat roof, the overall height of the extension would be much lower (approximately 500mm lower) than the overall height of the appeal dismissed in relation to application P/2222/11 which the Inspector considered would result in an oppressive outlook for the occupiers of No.26. Though the side extension would approximately align with the rearmost window to the kitchen at No.26, the reduction in the overall height of the extension, in association with the significant reduction of the depth of the extension (the 3 metre 'wraparound' element is to be removed), it is considered that the oppressive nature of the extension would no longer persist to the extent that the extension could be considered unreasonable. Accordingly, it is considered that the side extension would ensure that the development would not unreasonably affect the amenities of the neighbouring occupiers, thereby according with policy 7.6.B of The London Plan 2011 and saved policy D5 of the Harrow Unitary Development Plan 2004.

Notwithstanding the fact that the applicant has now acquired the attached property, No.22, planning principles are based on the use of land and the effect that development has upon that land and neighbouring properties or areas, in recognition of the fact that over the course of time, the ownership of lands may change but the effects of development are likely to be felt long after this time. Accordingly, it is still appropriate to consider the effect of development on this property in accordance with adopted development plan policies. The fact that No.22 is in the ownership of the applicant is a material consideration in this assessment.

As detailed above in the section 2 of the appraisal above, the single storey rear extension would accord with paragraphs 6.59 and 6.63 and accordingly, it is considered that the rear extension would not adversely affect the amenities of the occupier of No.22 (whether the occupiers of this property would be the applicant or other occupiers). The proposed single storey rear extension would be set a minimum of 4 metres from the western flank wall of No.26. Representations have been received in relation to the loss of outlook arising from the use of a pitched roof in this location. However, given the distance between No.26 and this structure, it is considered that any loss of outlook would not be unreasonable. Accordingly, it is considered that the rear extension would accord with policy 7.6.B of The London Plan 2011 and saved policy D5 of the Harrow Unitary

Development Plan 2004.

No.22 is buffered from the side extensions by the existing dwellinghouse and is not therefore impacted by this element of the proposal.

Consideration has been given as to need for conditions relating to the implementation of the works hereby permitted. However, as an EN is in effect on the site and clear attempts have been made to demolish the harmful elements of development identified in the EN, it is considered that such a condition would not be necessary and would not therefore meet the tests of Circular 11/95.

#### Response to representations relating to Permitted Development

Representations have been received in relation to whether, were the EN not effective on the site, the development proposed here would comprise permitted development i.e. the development would not require express planning permission. It has been noted in the representations that the appeal statement submitted by the LPA for the enforcement appeal on the site accompanying the EN did not suggest lesser steps such as compliance with regulations set out within The Town and Country (General Permitted Development) Order 1995 (as amended) as the enforcement appraisal states, the falling levels of the land limit the scope of permitted development.

These comments are noted. However, these comments need to be read in context and the following sentence in the LPA statement recognises that because of the falling land levels *"whilst there may be an alternative to complete demolition of the property, it is not therefore considered expedient for the enforcement notice to grant permission for such as an alteration"* as the LPA consider that a modification would require full and appropriate consultation afforded through the planning process.

The rationale of not requiring lesser steps in the EN is therefore based on ensuring the interests on the neighbouring occupiers are not prejudiced by modifications rather than an assertion that permitted development rights could not be implemented.

#### Other Material Considerations

For completeness, following an inspection of the site by officers, measurements taken on site, and investigations into the original ground level of the application, it is the opinion of officers that the original ground levels of the application site are at least 200mm above those of No.26. As such, as the extension would be 3.2 metres above the ground levels at No.26 Woodway Crescent, the extension would be no more than 3 metres above the original ground level of the application site. The development would therefore constitute permitted development. It should also be noted that the single storey rear extension, were the EN not effective on the site, would also be permitted development.

#### **4) S17 Crime & Disorder Act 1998**

Policies 7.3.B and 7.13.B of The London Plan and saved policy D4 of the UDP 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.

#### **5) Consultation responses**

*Applications should not have been accepted as they did not accord with Council's Enforcement policy*

The Council's Enforcement policy sets out a position that planning applications will not be

accepted where there is an effective EN and the works proposed in the application do not seek to overcome the reasons for the EN. That is not the case in this instance where obvious attempts, namely the alteration of the roof form of the side extension and the removal of the 'wraparound' element, have been submitted for consideration by the Council's Planning Department

*Applications invalid as applicant has applied for Planning Permission as opposed to Householder development which requires a Design and Access Statement.*

The application form used is a 'Planning Application' Form. However, as the property is an existing dwellinghouse, Regulation 8 of the Town and Country (Development Management Procedure) Order 2010 confirms that 'Design and Access Statements' do not relate to applications for this type of development

*Granting planning permission for this development would have the effect of granting permission for the previous applications as the SPS relates to these applications*

As stated above, a Design and Access Statement is not required for this type of development. An assessment of the application has been based on the submitted drawings rather than the SPS.

*Number of discrepancies and inaccuracies in the submitted drawings, which include the 'gap' to the boundary; Plans submitted which are knowingly misleading*

The accuracy of the drawings has been checked on site by officers and it is considered that the submitted plans accurately reflect the existing and proposed situations

*The Supporting Planning Statement [SPS] submitted relates to the previous application P/2222/11 and is not therefore relevant; SPS inaccurate in its representations of the proposed development and parts of the SPS are untrue*

It is acknowledged that the SPS relates to a previous application and therefore little weight has been afforded to this document. For completeness, an amended drawing detailing the boundary line between No.'s 24 and 26 has been received and the neighbour was notified of this amendment accordingly.

*Proposals would not address the concerns outlined by the Planning Inspector in the most recent appeal at the site regarding oppressive outlook and discordant roof form*

These issues have been addressed in Sections 2 and 3 of the Appraisal above

*Applicant has now acquired No.22 and will presumably be invited to make representations regarding his own unauthorised development*

This comment is noted and addressed in Section 3 of the Appraisal above

*Query regarding whether permitted development could be implemented on the site*

This has been addressed in Section 3 of the Appraisal above

*Roof over rear extension would restrict outlook*

This has been addressed in Section 3 of the Appraisal above

## **CONCLUSION**

The applicant has sought to regularise the development on the site and address the concerns outlined by the Council and the Inspector in previous applications and appeals. It is considered that the amendments proposed to the development would successfully achieve this aim, ensuring the extensions of the property would appear harmonious and sympathetic whilst also ensuring that the development would not unduly impact on the amenities of the neighbouring occupiers.

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

## **CONDITIONS:**

1 The modifications and alterations to the extensions hereby approved shall be completed by 24 January 2013.

REASON: To ensure the development hereby approved is completed within a reasonable period of time (3 months), thereby reducing the impact of development on No.26 Woodway Crescent to a reasonable level, and according with saved policy D5 of the Harrow Unitary Development Plan 2004.

2 The materials to be used in the construction of the external surfaces of the approved modifications and alterations to the extensions to the buildings hereby permitted shall match those used in the existing buildings.

REASON: To safeguard the appearance of the locality, thereby according with policy 7.4.B of The London Plan 2011, policy CS1.B of The Harrow Core Strategy 2012 and saved policy D4 of the Harrow Unitary Development Plan 2004.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no windows / doors other than those shown on approved drawing no. 1303.02.01 Rev E2 shall be installed in the flank and rear walls of the single storey side and rear extensions hereby permitted without the prior permission in writing of the local planning authority.

REASON: To preclude any undue overlooking of neighbouring properties, thereby safeguarding the amenity of neighbouring residents, in accordance with policy 7.6.B of The London Plan 2011 and saved policy D5 of the Harrow Unitary Development Plan 2004.

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

REASON: To safeguard the amenity of neighbouring residents, in accordance with policy 7.6.B of The London Plan 2011 and saved policy D5 of the Harrow Unitary Development Plan 2004.

5 The development hereby permitted shall be completed and maintained in accordance with the following approved plans and documents: 1303.02.01.1 Rev B; 1303.02.01 Rev E2; Site Plan

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

## **INFORMATIVES:**

### **1 INFORMATIVE:**

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

The proposed extensions to the property would overcome the concerns of the Council and the Planning Inspector expressed in previous applications and appeals on the site in ensuring that the extensions would have a harmonious, proportionate and sympathetic appearance and the character and appearance of the area would not be adversely affected. The revised design proposals would also ensure that the oppressive impacts previously identified on neighbouring properties would be ameliorated.

The decision to **GRANT** planning permission has been taken having regard to the policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004, and to all relevant material considerations, and any comments received in response to publicity and consultation.

#### **National Planning Policy**

National Planning Policy Framework 2012

#### **The London Plan [2011]:**

7.3.B – Designing out Crime

7.4.B – Local Character

7.6.B – Architecture

7.13.B – Safety, Security and Resilience to emergency

#### **The Harrow Core Strategy 2012**

CS1 – Overarching Policy

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

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

#### **Adopted Supplementary Planning Documents**

Supplementary Planning Document: Accessible Homes 2010

### **2 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.

### **3 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>

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Textphone: 0870 1207 405

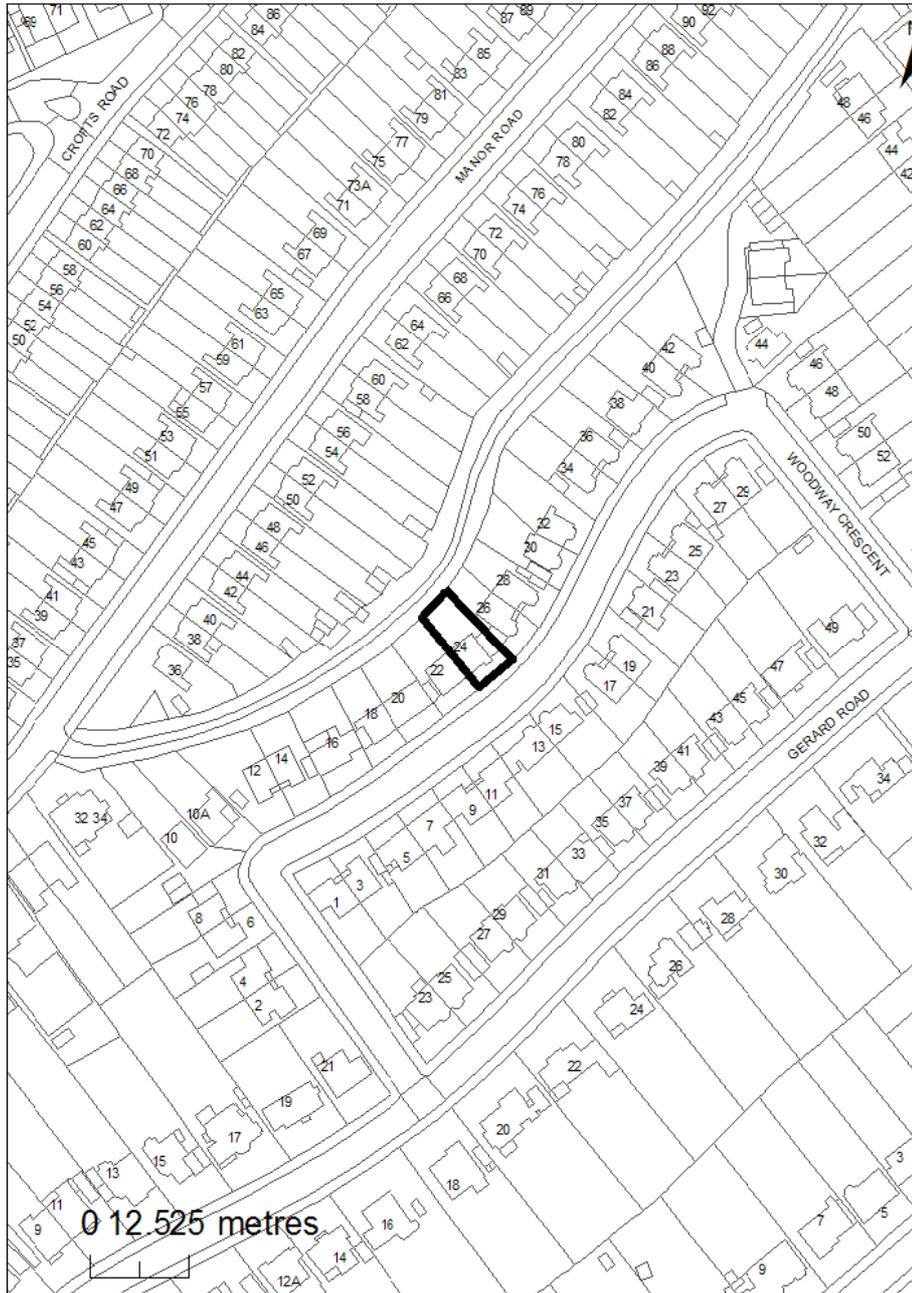
E-mail: [communities@twoten.com](mailto:communities@twoten.com)

#### 4 INFORMATIVE:

The applicant is advised that the LPA have not considered the submitted Supporting Planning Statement as part of this proposal as it relates to previous applications at this property.

Plan Nos: 1303.02.01.1 Rev B; 1303.02.01 Rev E2; Site Plan

**24 WOODWAY CRESCENT, HARROW**



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## Appeal Decision

Site visit made on 25 April 2012

by **D Cramond** BSc MRTPI

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

Decision date: **11 May 2012**

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### Appeal Ref: **APP/M5450/D/12/2171069**

### **24 Woodway Crescent, HARROW, Middlesex, HA1 2NQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr S Hussain against the decision of London Borough of Harrow.
  - The application Ref P/2222/11 was refused by notice dated 28 November 2011.
  - The development proposed is for retention of existing rear single storey extension with a proposed alteration to the roof.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposal on, firstly, the character and appearance of the host property and the locality and, secondly, on the living conditions for neighbours.

### Reasons

3. The appeal property is a two storey semi-detached dwelling with a flat roofed projection to the side and more recent flat roofed single storey elements behind this and to the rear of the main dwelling. These later elements have not been completed externally, for example, in terms of render as works have been put on hold. This is because the part closest to the neighbouring dwelling, No 26, was found via an Enforcement Appeal decision (Ref: APP/M5450/C/10/2132673, dated 7 January 2011) to be of a visually unsuitable design and to impact upon the amenities of these neighbours. The current proposal seeks to overcome these concerns through modification of what stands by altering the presently flat roofed form to incorporate a mono pitched element sloping down towards the neighbouring home, having the effect of reducing the height of the flank wall which lies close to the side boundary.

### *Character and appearance*

4. The altered extension would share little of the characteristics of the original dwelling. The roof, a combination of monopitch and flat forms, would appear unrelated and contrived; almost arbitrary. The scale and position and juncture of the altered extension element related to the older side extension would look most unresolved. The intersection, which would be lower in part and higher further in, would appear awkwardly ill-at-ease and would lack evidence of

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[www.planningportal.gov.uk/planninginspectorate](http://www.planningportal.gov.uk/planninginspectorate)

thoughtful good design. Furthermore, the extension would have a strangely bulbous appearance because of the alignment of the side wall. This is not accurately reflected in the submitted plans and the proposed changed roof element is not drawn to entirely reflect how construction would have to be undertaken.

5. Taken as whole, the original appearance of the host property would be harmed and there would not be appropriate reflection of the character of properties found locally. Saved Policy D4 of the Harrow Unitary Development Plan (2004) (UDP) calls for, amongst other matters, a high quality of design; with development to be appropriate to its site and setting and of a suitable scale and character. I conclude that the appeal scheme would run contrary to these objectives.

*Living conditions*

6. The neighbouring property to the north east of the appeal site is on lower ground. It has a kitchen window and a glazed door towards the extension. The outlook towards the extension, altered as proposed with the reduced flank wall, would continue to be oppressive. The extension in close proximity would clearly be seen to its full height beyond the short run of monopitch which is proposed. The occupants of this neighbouring room would feel hemmed-in and the extension, even rendered and coloured white, would be overbearing. The tight juxtaposition of the planned development to this window, particularly bearing in mind levels and orientation, would not be acceptable in amenity terms; the relationship would be a most uncomfortable one and residential amenity would be harmed.
7. UDP Policy D5 includes, amongst other matters, the objectives of ensuring that development maintains adequate space around buildings and does not have any undue adverse impact on the amenity of adjoining properties. I conclude that this scheme would conflict with this policy in this regard.

*Other matters*

8. I sympathise with the appellant's wish for additional accommodation and appreciate that this has been a long and difficult process. I understand that fencing could be erected as permitted development, albeit not to quite such a height as the current proposals. I recognise that a planning permission was granted for works here in 2003 and that this had a maximum height of 3 metres above ground level. However, that has expired, it is not directly comparable to what is before me and the permission was issued prior to adoption of the development plan policies referred to above. It is also fair to say that the thrust to achieve good quality design has increased in recent years; this is not least because through 2008 amendment the Planning and Compulsory Purchase Act 2004 underlines the desirability of achieving good design. The Supplementary Planning Document entitled "Residential Design Guide 2010" referred to by both parties cannot be expected to cover every eventuality; the physical circumstances here are unusual in terms of the existing property form, the shape and position of the proposed development and the relationship to the neighbouring dwelling. I have carefully considered all the points raised by the appellant but these matters do not outweigh the concerns which I have in relation to the main issues identified above.
9. I confirm that policies in the National Planning Policy Framework have been considered but in the light of the facts of this case the NPPF does not alter my

conclusions. Key objectives of the NPPF are to protect and enhance the qualities of the built environment as well as to safeguard and improve conditions in which people live; the Council's policies which I cite mirror these objectives.

*Overall conclusion*

10. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on the character and appearance of the host property and the locality and on the living conditions of neighbours. Accordingly the appeal is dismissed.

*D Cramond*

INSPECTOR

Item No. 2/05

Address: 19, 21 & REAR OF 11-29 ALEXANDRA AVENUE, HARROW

Reference: P/0376/12

Description: RETROSPECTIVE APPLICATION FOR REVISED ACCESS ROAD AND ASSOCIATED LANDSCAPING AND DEMOLITION OF NO. 19 AND EXTERNAL ALTERATIONS TO NO.21 ALEXANDRA AVENUE IN CONNECTION WITH REDEVELOPMENT TO THE REAR OF 11-29 ALEXANDRA AVENUE (VARIATION OF SCHEME APP/M5450/A/1186950 ALLOWED ON APPEAL DATED 29/07/2006 FOR THE PROVISION OF 12 TWO STOREY HOUSES)

Ward: ROXETH

Applicant: MR STEVE MURPHY

Agent: W J MACLEOD LTD

Case Officer: ANDY PARKER

Expiry Date: 9<sup>TH</sup> MAY 2012

## **RECOMMENDATION**

**GRANT** planning permission subject to conditions:

### **REASON**

The retention of the 12 houses to the rear of Nos. 11-29 Alexandra Avenue and No.21 Alexandra Avenue is in accordance with the scheme approved planning permission (P/1354/05/CFU) granted on appeal, and is therefore considered acceptable. Subject to a condition that would require the alterations to the roof of No.21 hereby approved being undertaken within 6 months, it is considered that the residential development would not detract from the character and appearance and visual amenities of the surrounding area. The amenities of neighbouring occupiers would not be unreasonably harmed by either the relocation of the access road, or the retention of No.21. The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011, The Harrow Core Strategy (2012) and the saved policies of the Harrow Unitary Development Plan 2004.

### **INFORMATION**

The application is reported to the Planning Committee because the proposal would constitute a major development and therefore falls outside category 1 (e) of the Council's Scheme of Delegation.

**Statutory Return Type:** E(7) Small Scale Major Development

**Council Interest:** None

**Gross Floorspace:** 1113sqm

**Net additional Floorspace:** 1113sqm

**GLA Community Infrastructure Levy (CIL) Contribution (provisional):** £38,955.00

### **Site Description**

- This application concerns the curtilage of a former pair of semi-detached houses No.19 and No.21 Alexandra Avenue, located on the western side of the service road to Alexandra Avenue, and land which formerly formed by parts of rear gardens of Nos. 11-29 Alexandra Avenue, which adjoins the rear gardens of houses on Somervell Road, Balmoral Road and Alexandra Avenue.
- The land that previously formed part of the rear gardens of Nos. 11-29 Alexandra Avenue has been developed in accordance with planning application ref: P/1354/05/CFU which was allowed on appeal (Ref: APP/M5450/A/05/1186950) to provide 12 houses, 24 parking spaces and 4 garages. This development is known as Nos.1-12 Hadleigh Close.
- According to the approved drawings No.19 and No.21 Alexandra Avenue were to be demolished to accommodate the access road into the site.
- However, development has not been completed in strict accordance with the approved plans as the access road into the site has been moved further to the south. This has enabled one half of the pair of semi-detached properties, No.21 Alexandra Avenue to be retained.
- No.21 has a hipped roof facing north and a gable end roof facing south. A large side to rear dormer attached to the north and west facing roof slope wraps around the existing roof.
- The site is located close to South Harrow District Centre and good public transport links are available nearby by road rail and underground.
- Alexandra Avenue is a main distributor road. On the south west side of the road and just beyond its junction with Somervell Road is a service road providing access to a row of 2-storey semi-detached houses. The service road is also a cycle route. It runs parallel to Alexandra Avenue and is separated from it by a wide verge, on which there are a number of mature trees. On the opposite side of Alexandra Avenue is Alexandra Park.

### **Proposal Details**

- As set out above, the consented planning permission has not been implemented in strict accordance with the approved drawings. Therefore, this application seeks planning permission for the revised layout of the access road as constructed and associated landscaping as implemented. Permission is also sought to retain No.21 and to make alterations to the external appearance of the existing roof.
- The access road on the approved scheme was situated equidistant (6.3m) between the flank wall of No.17 and the flank wall of No.23. The access road which has been constructed has been moved 4.7m further to the south so that it would now be situated 1.65m from the flank wall of No. 17 and a minimum distance of 11m from the flank wall of No.23. This realignment of the access road has enabled No.21 to be retained and the access road is situated 2m from the flank wall of this property and a minimum distance of 1m from its revised curtilage.
- Between the curtilage of No.17 and No.21 and the access landscaping has been planted in accordance with a revised landscaping scheme which is the subject of this current application.

- Permission is sought to alter the external elevations of No.21. These alterations relate to the roof of building an proposed that the south facing gable end roof is be replaced with a hipped roof and the existing side and rear dormer is to be removed.

### **Relevant History**

P/2684/04/CFU

Demolition of existing dwellings and redevelopment to provide 14 two storey terraced houses with access and parking

Refused 09/12/2004

P/1354/05/CFU

Demolition of existing dwellings and redevelopment to provide 12 two storey houses with access and parking

Refused on 29/07/2005

Allowed on appeal on 29/06/2006

P/0810/11

Details pursuant to conditions 2 (site levels), 3 (access road), 5 (existing access road), 7 (surface water), 8 (materials), 9 (landscaping), 10 (trees), 11 (boundary treatment) and 12 (refuse/waste) attached to planning permission P/1354/05/CFU allowed on appeal (ref: app/m5450/a/05/1186950) dated 29/6/2006 for 'demolition of existing dwellings and redevelopment to provide 12 two storey houses with access and parking'

Granted 08/06/2011

### **Pre-Application Discussion (Ref.)**

- Not applicable.

### **Applicant Submission Documents**

- **Design and Access Statement**

The existing house is in good structural condition and not beyond repair and maintenance, and its demolition would result in the unacceptable use of energy.

The house would retain a good size garden complimentary to neighbouring properties.

The retention of the existing house would make a modest but important contribution to Harrow's housing stock, and with reasonable size landscaping and planted buffer strips on either side of the access road to ensure an attractive approach to the development.

A repositioning of the radii of the approved access has been accepted when condition 3 of planning application ref: P/0810/11 was discharged. A consistent approach should be adopted in the determination of this current proposal.

### **Consultations**

The Environment Agency: Flood risk is the only constraint at this site.

The main flood risk issue at this site is the management of surface water run-off and ensuring that drainage from the development does not increase flood risk either on-site or elsewhere.

It is recommended that the surface water management good practice advice is used to ensure sustainable surface water management is achieved as part of the development.

Highways Authority: The revisions to the access road are acceptable.

Landscape Architect: No objection subject to a condition that requires that a landscape management plan condition.

Environmental Health Officer: A condition is recommended which requires that details of facilities and methods to accommodate construction vehicles and deliveries during demolition and the construction of the building hereby approved are to be submitted to and approved by the Local Planning Authority in writing prior to the commencement of work and no demolition or construction shall be carried out other than in accordance with the approved details and methods.

Drainage Engineer: There have been no changes to surface water treatment from that approved under planning application ref: P/0810/11. No further comments are therefore required.

Transportation: No response

Thames Water: No response

South Harrow Residents' Association: No response

### **Advertisement**

Site Notice: Major Development

Expiry: 12/10/12

Press Advertisement: Major Development

Expiry: 18/10/12

### **Notifications**

Sent: 110

Replies: 1

Expiry: 20/09/12

### **Addresses Consulted**

2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 23, 24, 25, 26, 28, 32, 34, 36, 38, 39, 40, 40A

Somervell Road

7 Somervell Court,

19 Carlyon Road

42 Carlyon Avenue

44 Elms Road

2, 4, 6, 8, 10, 12, 14, 15, 16, 18, 20, 22, 23, 24, 26, 28, 32, 36, 42, 46, 49, 50, 93, 99

Balmoral Road

24, 27, 66, 68, 73 Windsor Crescent

1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 53, 59, 63, 83,

85, 87, 89, 91, 103 Alexandra Avenue

8, 41, 49, 57, 68, 80 Tregenna Avenue

9, 42, 44, 50 Arundel Drive

1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 Hadleigh Close

1 Corfe Avenue

1 ElmCote

### **Summary of Responses**

- The access road with no pavement and no street lights would create a dangerous environment for pedestrians.
- The absence of trees along the access road detracts from the appearance of the road.

## **APPRAISAL**

### **MAIN CONSIDERATIONS**

- 1) Principle of the Development
- 2) Character and Appearance of the Area
- 3) Residential Amenity
- 4) Traffic and Parking
- 5) Standard of Accommodation
- 6) Drainage
- 7) Other Matters
- 8) S17 Crime & Disorder Act
- 9) Consultation Responses

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

Planning permission for the development of this land was established by the Inspector's appeal decision (dated 29/07/06). Whilst parts of the scheme have not been built in accordance with the approved plans, it is considered that the principle of the retention of the 12 houses to the rear of Nos. 11-29 Alexandra Avenue and No.21 Alexandra Avenue is acceptable, and the details of the houses are in accordance with the previously approved plans.

It is therefore considered that there is no objection in principle to the proposed retention of a house that was formerly shown to be demolished. The proposal would therefore be in accordance with the London Plan (2011) policies 3.3 and 3.4, the Harrow Core Strategy and saved policy H10 of the UDP.

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

Saved policy D4 of the Harrow Unitary Development Plan 2004 (HUDP) and CS1 B of the Harrow Core Strategy (2012) requires all new development to provide a high standard of design and layout, respecting the context, siting and scale of the surrounding environment. The Harrow Core Strategy (2012) and saved policies of the UDP broadly reflect policies 7.4.B and 7.6.B of The London Plan 2011 and CS1 B of the Harrow Core Strategy (2012) which seek to ensure that development should respect local character and provide architecture of proportion, composition and scale that enhances the public realm. The Council has adopted Supplementary Planning Document – Residential Design Guide 2010 (SPD) to supplement saved policies D4 and D5, amongst other saved policies, which requires extensions to dwellinghouses to harmonise with the scale and architectural style of the original building. The SPD was adopted following public consultation and as such, carries considerable weight.

The Inspector in his decision letter considered that the houses located to the rear gardens of Nos. 11-29 Alexandra Avenue, which were closely grouped on either side of a landscaped courtyard in front, integrated sufficiently with the surrounding residential development and provided a comparable level of privacy and spaciousness to the properties located to the south of the appeal site.

Site circumstances within the vicinity of the application site have not changed since this development was allowed on appeal.

The Inspector in his decision letter considered that retaining existing trees and planting within the proposed rear gardens would make a substantial contribution to the privacy and spaciousness provided by the development. In this respect, conditions were attached which to ensure that details of hard and soft landscaping (Condition 9) and levels in relation to existing trees (Condition 10) be submitted to and approved by the local planning authority and carried out prior to the occupation of the development.

In addition, a condition was also attached which required that details of samples to be used in the construction of external surfaces of the buildings be submitted to and approved by the local planning authority.

The Local Planning Authority has also approved details of levels (Condition 2); materials (Condition 8); levels in relation to existing trees (Condition 10) and refuse (Condition 12) under reference P/0810/11 and a site visit has established that, notwithstanding the alterations to the hard and soft landscaping associated with the revised access, the development has been carried out in accordance with the approved details.

The demolition of No.19, creation of the access road and the development of the garden land to the rear has resulted in the remaining now detached property No.21 occupying a prominent location, being clearly visible from the street scene to the front, side and rear. The properties which front onto the slip road of Alexandra Avenue are characterised by semi-detached inter-war properties with hipped roofs set back from the road with front gardens and gaps between buildings.

Whilst this application proposes to retain No.21 as a detached dwelling unit it is considered that the overall siting, size and bulk of this residential unit would be similar to that of surrounding properties and the external appearance of this building would retain many of the design features in common with the development which fronts onto Alexandra Avenue. The flank wall and gable end roof of No.21 which was formerly attached to No.19, when viewed in conjunction with the hipped roof which faces north and large side to rear dormer which wraps around the existing roof has resulted in the existing this detached property having an unbalanced, overdominant, unresolved and incongruous appearance, when viewed from the street scene and surrounding area.

Plans submitted in respect of this current application propose to convert the gable end roof which faced south to a hipped roof and removal of the side to rear dormer. It is considered that the proposed revisions would be sufficient to ensure that the roof of this property would have a balanced appearance that would be in proportion to the existing dwelling. Should this application be approved it is recommended that these works are completed in accordance with the approved drawings within 6 months of the date of the decision.

The overall size of the garden of No. 21 relates satisfactorily to that of neighbouring properties and would retain gaps between properties in keeping with the characteristics of the pattern of development of the surrounding area. The overall footprint of this property in relation to the overall size of the garden would not appear cramped or out of keeping with the pattern of development in the surrounding area. As such, the proposed retention of No.21 would not give rise to an incongruous form of development that would detract from the visual amenities of street scene and the surrounding area.

In the Inspector's appeal decision, the Inspector noted that the proposed new shared

access road that would provide access from the service road into the site, with tree and shrub planting on either side separating it from the existing houses to the north and south. The Inspector considered that this would be capable of providing an attractive approach to the development.

The approved scheme proposed generous amount of landscaping located between the access road and the flank wall of the neighbouring properties. Whilst the retention of No.21 has reduced the amount of space available for landscaping it is considered that the remaining landscaped area located between the re-sited access road and the flank wall of No.17 and No.21 would still be sufficient to provide an attractive approach to the development. Should this application be approved a condition is recommended that notwithstanding the details of the hard and soft landscaping approved and implemented in compliance with condition 9 of planning permission (ref: APP/M5450/A/05/1186950), the details of landscaping associated with the revised access road shall be retained as specified on drawing no. 11/3260/1.

The proposal is therefore considered to comply with policies 7.4.B and 7.6.B of The London Plan 2011; Core Policy CS1 B of the Harrow Core Strategy (2012) saved policy D4, of the Harrow Unitary Development Plan and the SPD.

### **3) Residential Amenity**

Saved policy D5 of the Harrow UDP seeks to ensure that all new residential development inter alia provides amenity space that is sufficient to protect the privacy and amenity of the occupiers of the surrounding buildings, as a usable amenity area for the occupiers of the development and as a visual amenity. Criterion B goes on to state that new buildings should provide space around buildings by maintaining adequate separation between buildings and site boundaries in order to reflect the setting of neighbouring buildings and to protect the privacy and amenity of occupiers of existing and proposed new adjoining dwellings.

The retention of the existing house would no result any change to existing site circumstances and the proposed alterations to the roof which would result in a reduction to the overall size and bulk of the existing roof of this property. The alterations would have no adverse impact on the amenities of neighbouring properties.

With regard to the alterations to the layout of the access road. The Inspector considered that the landscaped buffer to the proposed access road would be capable of providing adequate protection for the living conditions of the occupiers of the adjacent houses. The relocated access road, as stated above, still allows adequate space for landscaping, sufficient to protect the living conditions of the occupiers of the neighbouring houses.

The proposal is therefore considered to comply with policy 7.6.B of The London Plan (2011); Core Policy CS1 B of the Harrow Core Strategy (2012) saved policy D5, of the Harrow Unitary Development Plan and the SPD.

### **4) Traffic and Parking**

The Inspector in his appeal decision noted Alexandra Avenue appears to be lightly trafficked and the Inspector was not convinced that the limited additional traffic which the development would generate, when occupied, would add substantially to traffic on the service road, so as to result in significant additional traffic.

The Inspector considered that a total of 21 cars, plus a garage and driveway for one of the

existing houses was sufficient. The Inspector noted that, in the event that further spaces were necessary at any time there would also be room for several additional vehicles to park in the access road. The retention of the house at no.21, would not materially alter this arrangement in terms of traffic and parking.

Circumstances in respect of Alexandra Avenue have not significantly changed since the previous application was granted.

No.21 which is to be retained has an existing hardsurfaced area to the front of the existing house which is sufficient to accommodate a car parking space. The existing parking provision for this property is therefore considered to be adequate and the retention No.21 would not result in significant additional traffic.

A letter of objection has been received which indicates that the access road with no pavement and no street lights would create a dangerous environment for pedestrians. The approved access road proposed a shared access and the Council's Highway Authority raises no objection to the relocation of this shared access. The road is not adopted and the Council's Highway Authority considers that the nine, 1m high lighting columns provide sufficient illumination to ensure that highway and pedestrian safety would not be prejudiced.

As such, it is considered that the proposal would not be detrimental to the free flow and safety of vehicular traffic and pedestrians on the public highway in accordance with saved policies T3, T6 and T13 of the Harrow Unitary Development Plan (2004).

#### **5) Standard of Accommodation**

The proposed retention of No.21 represents neither a new build, nor a conversion. As such, it would be unreasonable to require 'Lifetime Homes' standards to be applied in respect of this existing property. The amenity space provision that would remain for the future occupiers of No.21 is considered to be adequate.

#### **6) Drainage**

Details of surface water attenuation storage works (Condition 7) to serve the proposed development were approved under ref: P/0810/11. The applicants have confirmed the surface water attenuation works would be unaffected by the proposed variations to appeal decision ref: APP/M5450/A/1186950. The proposed variations are not therefore considered to affect the risk of flooding on the application site and within the vicinity of the application site.

The proposal is therefore considered to be in compliance with policies 5.12 and 5.13 of the London Plan (2012), Core Policy CS1.B saved policies EP12 and EP14 of the Harrow Unitary Development Plan (2004).

#### **7) Other Matters**

No 21 Alexandra Avenue is to be retained as part of this revised application and incorporates proposed alterations to the existing roof. It is considered that it would be unreasonable to restrict permitted development rights in terms of further extensions to this property.

The Council's Environmental Health Officer has recommended a condition which requires that details of facilities and methods to accommodate construction vehicles and deliveries during demolition and the construction of the buildings hereby approved are to be

submitted to and approved by the Local Planning Authority. However, as the construction works which are the subject of this application are substantially complete it is considered that this condition is not necessary.

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

Policy D4 of the Harrow Unitary Development Plan (2004) advises that crime prevention should be integral to the initial design process of a scheme. Policy 7.3 of The London Plan (2011) seeks to ensure that developments should address security issues and provide safe and secure environments.

The proposal would not have any detrimental impact upon community safety and is therefore acceptable in this regard.

### **9) Consultation Responses**

The points raised in the letter of objection received has been addressed in the main body of the report.

### **CONCLUSION**

The retention of the 12 houses to the rear of Nos. 11-29 Alexandra Avenue and No.21 Alexandra Avenue is in accordance with the scheme approved planning permission (P/1354/05CFU) granted on appeal, and is therefore considered acceptable. Subject to a condition that would require the alterations to the roof of No.21 hereby approved being undertaken within 6 months, it is considered that the residential development would not detract from the character and appearance and visual amenities of the surrounding area. The amenities of neighbouring occupiers would not be unreasonably harmed by either the relocation of the access road, or the retention of No.21. The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011, The Harrow Core Strategy (2012) and the saved policies of the Harrow Unitary Development Plan 2004.

### **CONDITIONS**

1 The permission hereby granted is supplemental to planning permission APP/M5450/A/05/1186950 for the demolition of existing dwellings and redevelopment to provide 12 two storey houses with access and parking allowed on appeal dated 29/6/2006 for the provision of 12 two storey houses. As modified by this permission the terms and conditions 2, 3, 5, 7, 8, 9, 10, 11, 12 and 13 of planning permission ref: APP/M5450/A/05/1186950 are hereby ratified and remain in full force and effect unless as otherwise agreed in writing by the Council.

REASON: To ensure compliance with planning permission ref: APP/M5450/A/05/1186950, to safeguard the appearance and character of the area, the amenity of neighbouring residents, in the interests of highway safety, to safeguard against the effects of flooding in accordance with saved policies D4, D5, T6, T13 and EP12 and EP14 of the Harrow Unitary Development Plan (2004)

2 Notwithstanding the details of landscaping approved in respect of conditions 9 and 10 attached to planning permission (ref: APP/M5450/A/05/1186950) for the demolition of existing dwellings and redevelopment to provide 12 two storey houses the details of landscaping associated with the revised access road shall be retained as specified on drawing No. 11/3260/1.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with saved policies D4 and D9 of the Harrow Unitary Development Plan (2004).

3. The alterations to the external elevations of No.21 Alexandra Avenue, as indicated on drawing number 11/3260/3, hereby approved shall be completed in accordance with the approved details within 6 months of the date of this permission.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with saved policy D4 of the Harrow Unitary Development Plan (2004).

4. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan; 11/3260/1; 11/3260/2A; 11/3260/3A

## **INFORMATIVES**

### **1 REASON FOR GRANT OF PLANNING PERMISSION**

The retention of the 12 houses to the rear of Nos. 11-29 Alexandra Avenue and No.21 Alexandra Avenue is in accordance with the scheme approved planning permission (P/1354/05/CFU) granted on appeal, and is therefore considered acceptable. Subject to a condition that would require the alterations to the roof of No.21 hereby approved being undertaken within 6 months, it is considered that the residential development would not detract from the character and appearance and visual amenities of the surrounding area. The amenities of neighbouring occupiers would not be unreasonably harmed by either the relocation of the access road, or the retention of No.21. The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011, The Harrow Core Strategy (2012) and the saved policies of the Harrow Unitary Development Plan 2004.

The following policies are relevant to this decision:

### **National Planning policy Framework 2012**

London Plan (2011) policies

- 3.1B, Ensuring equal life chances for all
- 3.5B Quality and design of housing developments
- 3.5C Quality and design of housing developments
- 3.8 Housing choice
- 4.1A Developing London's economy
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 7.2B Inclusive Environment
- 7.4B Local Character
- 7.6B Architecture
- 7.21 Trees and Woodlands

Harrow Core Strategy (2012)

- CS1 B Local Character
- CS1 E Local Character
- CS1R Transport
- CS1 S - Transport
- CS1 K- Housing
- CS1 R - Transport
- CS1 U- Sustainable Flood Risk Management
- CS 1 X- Sustainable Waste Management

UDP (2004) policies D4, D5, D9, H10, T3, T6, T13, C16; EP12, E14, EP15

Supplementary Planning Document: Residential Design Guide (2010).  
Supplementary Planning Document: Accessible Homes (2010);  
Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2008);  
London Housing Design Guide (2010)

## 2 CIL INFORMATIVE

Please be advised that approval of this application (either by Harrow Council, or subsequently by PINS if allowed on Appeal following a Refusal by Harrow Council) will attract a liability payment of £38,955.00 of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008.

Harrow Council as CIL collecting authority on commencement of development will be collecting the Mayoral Community Infrastructure Levy (CIL). Your proposal is subject to a CIL Liability Notice indicating a levy of £38,955.00 for the application, based on the levy rate for Harrow of £35/sqm and the stated increase in floorspace of 1113sqm. You are advised to visit the planning portal website where you can download the appropriate document templates.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

## 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

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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**

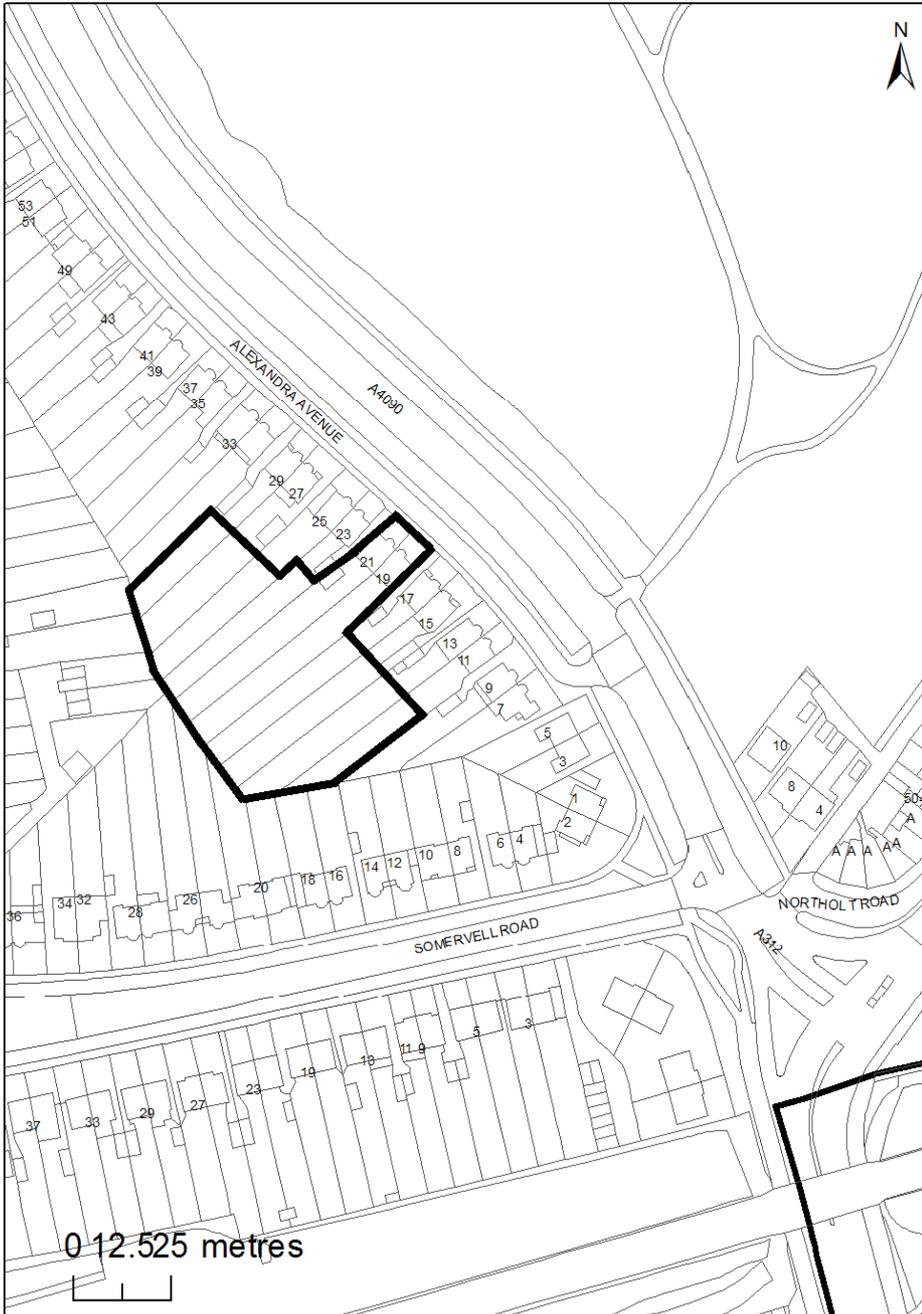
- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning

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

Plan Nos: Site Plan; 11/3260/1;11/3260/2A;11/3260/3A

**REAR OF 11-29 ALEXANDRA AVENUE, HARROW**



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# Appeal Decision

Hearing held on 23 May 2006  
Site Visit made on 23 May 2006

by **Colin Cockshaw** BA (Hons) MRTPI.

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

The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
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APP  
3375  
ALLOWED

Date  
29 JUN 2006

**Appeal Ref: APP/M5450/A/05/1186950**

**19 & 21 Alexandra Avenue and rear of 11 – 29 Alexandra Avenue, South Harrow HA2 8PQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Clearview Homes Ltd against the decision of the Council of the London Borough of Harrow.
- The application ref. no. P/1354/05/CFU, dated 26 May 2005, was refused by notice dated 29 July 2005. The proposal is the demolition of nos. 19 and 21 Alexandra Avenue and the construction of 12 2-storey houses with associated parking.

**Summary of Decision: The appeal is allowed and planning permission is granted subject to conditions set out in the Formal Decision.**

## Preliminary Matters

1. At the start of the hearing, it was drawn to my attention by some of the members of the public who were present that they had requested to see a copy of the statement submitted on behalf of the appellant company at the Council offices, in accordance with the Inquiries Procedure Rules, but had been unable to do so. The appellant's agent then offered to make a copy of his statement available and I adjourned the hearing for a short period to enable this to be read. It was then agreed by all the parties that the hearing could proceed.
2. At the hearing an application for costs was made by the appellant against the Council. This application is the subject of a separate decision.
3. A previous application for 14 2-storey dwellings relating to the same site (ref. no. P/2684/04/CFU) was refused by the Council, contrary to the planning officers' recommendation, in December 2004. The subsequent appeal (ref. no. APP/M5450/A/04/1170698) was dismissed, partly because the Inspector was concerned at the effects of the proximity of 2 of the proposed dwellings on the outlook from 3 existing dwellings (nos. 15, 17 and 25 Alexandra Avenue) and also because he considered that that part of the development would be at odds with the relatively spacious surroundings and would appear cramped.
4. The application subject of the present appeal was submitted in response to this decision. The two dwellings shown in the earlier scheme closest to houses in Alexandra Avenue have been omitted from the submitted drawings, but in other respects I understand the layout is very similar to this earlier scheme. This application was also refused by the Council contrary to the officers' recommendation. There were 2 reasons for refusal. The first states:  

“The relationship and distance between the existing houses 15, 17, 23 and 25 Alexandra Avenue and the new development houses 1 and 12 will be insufficient, will give rise to an oppressive and limited outlook and will be at odds with the spacious surroundings of the area.”
5. The Council subsequently withdrew the second reason for refusal, which stated that the proposals represent overdevelopment.

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**Main Issues**

6. In the light of the foregoing considerations and having regard to the submissions of third parties, I consider the main issues in this case are:
  - the effects of the development on the character of the area;
  - the relationships of the proposed dwellings with existing dwellings;
  - the effects of the proposals on the living conditions of occupiers of neighbouring properties.
7. In addition, arising from the submissions made by third parties, I consider the adequacy of the parking provision within the site and the possible consequences for the safety and convenience of road users are also main issues. Other matters raised by third parties which I have considered relate to surface water drainage, local services, the effects on wildlife and possible noise and traffic problems during the construction of the proposed development.

**Development Plan and Other Planning Policies**

8. The Development Plan for the area consists of the London Plan and the Harrow Unitary Development Plan (UDP). Both were adopted in 2004. I have also had regard to national planning guidance in Planning Policy Statement 1: Delivering Sustainable Development (PPS1) and Planning Policy Guidance Note 3: Housing (PPG3).
9. Relevant objectives of the London Plan are to accommodate London's growth within its boundaries and without encroaching on open space; to make London a better place to live; to improve accessibility; and to make London a more attractive, well designed and green city. Reference is made for the Council and the appellants to policies of relevance to the appeal proposals.
10. UDP Policy SD1 seeks an appropriate standard of design and layout in all new developments, with the aim of improving the quality of the built environment, facilitating access and enhancing the character and appearance of the area. Policy SH1 sets out broad criteria for housing provision, including effective use of previously developed land, access by non-car modes of transport to local facilities and employment and protecting and safeguarding the character and amenity of residential areas. Policy D4 lists criteria to be applied in considering whether development proposals achieve a high standard of design and layout. Policy D5 concerns matters relating to amenity and privacy. Policy T13 sets out criteria which will be applied in considering car parking provision and refers to maximum levels of car parking set out in Schedule 5 to the UDP.
11. I have also had regard to advice in Supplementary Planning Guidance (SPG), *Designing New Development*, published by the Council in 2003. Having regard to the advice in paragraph 5.22 of *Planning Policy Statement 12: Local Development Frameworks* (PPS12), I consider that significant weight should be attached to this SPG.

**Reasons for the Decision*****The Site and Its Location***

12. The appeal site is located quite close to South Harrow district centre and good public transport links are available nearby by road, rail and underground into Central London and elsewhere. Alexandra Avenue is a main distributor road. On the south-west side of the road and just beyond its junction with Somervell Road is a service road providing access to a row of pairs of 2-storey semi-detached houses. The service road is also a cycle route. It runs parallel to Alexandra Avenue and is separated from it by a wide verge, on which there are a number of mature trees. On the opposite side of Alexandra Avenue is Alexandra Park, providing an attractive open aspect for the occupiers of the houses. The appeal site comprises the curtilage of one pair of semi-detached houses fronting the service road and the rear part of long back gardens of 4 other pairs of houses.

13. The rear gardens of the properties fronting Alexandra Avenue are very long, for the most part, and many of those which back onto them in Somervell Road and Balmoral Road are of considerable length. However, gardens adjacent to the site near the junction of Alexandra Avenue and Somervell Road tend to be shorter and, in consequence, houses are more closely grouped.
14. While there are a good many trees within the rear gardens, the area has, for the most part, a spacious, open character. At present, the appeal site contributes to this character. There are a number of trees within the site, but most of these are fruit trees and garden evergreens and none are of high amenity value.

*The Effects on the Character of the Area*

15. A new shared surface access road would provide access from the service road into the site, with tree and shrub planting on either side separating it from the existing houses to the north and south. I consider this planting would be capable of providing an attractive approach to the development and would also protect the living conditions of the occupiers of the adjacent houses. The road would be a normal cul-de-sac, providing access into a landscaped courtyard in front of the proposed houses. The houses would be closely grouped on either side of the courtyard and at right-angles to the houses on the frontage to Alexandra Avenue. They would comprise one staggered terrace of 4 houses, 2 short terraces of 3 houses each and one pair of semi-detached houses. Rear gardens would be typically about 15m in depth. This form of layout and the mix of houses proposed differ significantly from the existing development. However, I am satisfied that it is capable of integrating with it.
16. The rear of the proposed houses on plots 1 - 7 would be set at an angle to and sited more than 30m (and in 2 cases more than 40m) from the rear of the nearest houses in Somervell Road. This compares closely with typical distances between the rear of existing houses immediately to the south. Thus a comparable level of privacy and spaciousness could be achieved. Retaining existing trees and new planting within the proposed rear gardens, as proposed, would make a considerable contribution in this respect.
17. The outlook to the rear of plots 8 – 12 would be towards the ends of the rear gardens of neighbouring houses in Alexandra Avenue and some overlooking into these gardens from 1<sup>st</sup> floor windows could no doubt be possible. However, appropriate boundary fencing and planting, as proposed, would substantially overcome any significant loss of privacy which might otherwise occur.
18. I note that the house on plot 8 would be close to the rear boundaries of houses in Balmoral Road. However, the rear gardens of these houses are long and immediately adjacent to the site of the proposed house there is an area occupied by garages and outbuildings, which provides significant screening from the existing houses. Moreover, the impact of the building from these houses and their immediate vicinity would be limited by the presence of boundary trees within the rear gardens and those to be retained within the site. Having regard to these considerations, I do not consider that the living conditions of the occupiers of these houses would be significantly affected.
19. Turning now to relationships of the proposed houses with the houses immediately adjacent in Alexandra Avenue, which are referred to in the reason for refusal, I note that the gardens of the existing houses would be about 15m in length, while the 2-storey elements of the proposed houses on plots 1 and 12 would be in excess of 20m from the rear of those houses closest to them. Their attached garages would be respectively 5m and 4.5m from the rear boundaries of those properties and both plots would provide generous rear gardens with scope for boundary planting.
20. The relationships are, of course, quite different from those prevailing elsewhere in the vicinity, as the rear of the existing houses would face the flank elevations of the proposed houses. However, as no windows are proposed in these flank elevations, there would be no material loss of privacy and

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I consider the occupiers of the existing houses would have a satisfactory outlook. Moreover, I do not consider the relationships between the existing and proposed houses would be at odds with the character of the area.

21. Taking all these considerations into account, I find that the development would be capable of relating well to its context. While it would introduce a new group of buildings into this backland area, it would do so in a way which would substantially maintain the character of the area and would not result in a serious loss of amenity for occupiers of neighbouring properties. Moreover, I consider that the layout and design of the development and the proposed landscaping would provide a satisfactory and pleasant living environment for future occupiers of the proposed houses.
22. A number of local residents have drawn attention to a decision to dismiss an earlier appeal (Appeal ref. no. T/APP/M5450/A/86/058226) relating to land at Windsor Crescent. However, I have limited information about this case. It relates to a different site which I have not seen. Moreover, the decision was made nearly 20 years ago when the national and local policy context was different to that which now prevails. In the circumstances, this decision cannot carry significant weight in my decision.
23. The present appeal site complies with national and local policies in that it makes effective use of previously developed land and is well-located in relation to public transport, shops and other facilities. The character and amenity of the area is adequately protected. Therefore, I find that the proposals comply with UDP Policy SH1 in these respects. I also conclude that they would accord with UDP Policy SD1 and would comply with the objectives of Policies D4 and D5. I conclude that the proposals would be acceptable in their effects on the character of the area, the relationships of the proposed dwellings with existing dwellings and their consequent effects on the living conditions of occupiers of neighbouring properties.

#### ***Highway Considerations***

24. A number of local residents have expressed concerns at the possible highway implications of the development. Some have referred to the build up of traffic along Alexandra Avenue and congestion at road junctions and expressed concern that additional development would exacerbate these traffic problems. While I acknowledge these problems, I am not convinced that this development of 12 houses (10 net) would materially increase traffic volumes along this route.
25. Representations have also been made that the development would be likely to add significantly to the number of vehicles parked and traffic movements along the service road. This road is of reasonable width, but extensive kerbside parking is normal along one side, limiting the available carriageway to a single vehicle width for much of its length. Moreover, it also functions as a cycleway and the road is signed for this purpose. Concerns were expressed by some residents about vehicles turning in the entrance to the service road.
26. However, from what I saw during my two visits to the site, the road appears to be lightly trafficked and I am not convinced that the limited additional traffic which the development would generate, when occupied, would add substantially to traffic on the service road, so as to result in significant additional safety risks or inconvenience for road users.
27. As regards additional parking in the service road, the proposed layout includes spaces or garages for a total of 21 cars, plus a garage and driveway for one of the existing houses. This complies with the Council's car parking requirements. In the event that further spaces were necessary at any time, there would also be room for several additional vehicles to park within the access road. Accordingly, the development is not likely to lead to significant additional parking within the service road. I conclude that the proposals accord with UDP Policy T13 in regard to their traffic and car parking implications and would not affect significantly the safety or convenience of people using the service road.

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**Other Considerations*****Surface Water Drainage***

28. Many local residents have expressed considerable concern about surface water drainage in the locality. I understand that the area has a heavy clay subsoil, resulting in poor natural drainage and that the long back gardens of many of the properties perform a valuable role in slowing the run off of rainwater, thus limiting the risk of flooding. Nevertheless, I am told that houses have been flooded in the past. Flood relief works carried out in 1992 resulted in considerable improvements, but rainwater accumulates in gardens in the area and heavy rain continues to result in localised flooding. Local people are concerned that the erection of new buildings and the formation of hard surfaces envisaged in the appeal proposals would speed run off and increase the risk of flooding in the highway or in and around houses.
29. Thames Water were consulted on the application and I note the basis of their response is that it is the responsibility of the developers to make proper provision for surface water drainage. It goes on to outline various approaches for the appellants to consider, but without addressing the wider concerns raised by local residents.
30. The developers' responsibility can only relate to land within their control. The issues and concerns raised by local residents are matters to be addressed by the Council and Thames Water and as neither body have responded to the wider issues in the context of the planning application, I do not consider it would be appropriate for me to do other than note it in the context of this appeal. If a satisfactory means of dealing with the surface water runoff from this site is provided by the developers, it appears to me that they will have fulfilled the responsibility notified by Thames Water. I consider this is a matter which can be dealt with by condition.

***Local Services***

31. A number of representations have been made stating that local services, and in particular medical services and schools, were operating at or beyond capacity and that the proposals would add to the consequent problems which the service providers and local residents were experiencing. While I can understand these concerns, I do not consider that the additional numbers of patients or pupils which may be added as a result of this development is likely to materially affect these problems.

***Effects on Wildlife***

32. Some third parties have expressed concerns that the development would have adverse consequences for wildlife in the area. I have no doubt that this extensive area of rear gardens with a variety of trees, shrubs and other vegetation provides a good environment for numerous species of birds and other creatures. However, the appeal site is a relatively small part of the total area and, while the development would reduce the open area to a limited extent, rear gardens would remain and new planting would compensate for trees and shrubs which would be removed. Accordingly, I am not convinced that there would be a material loss of wildlife habitat.

***Possible Problems Arising from the Construction of the Development***

33. Some local residents have expressed concerns at the likelihood of noise and traffic problems arising from the development. To some extent noise is inevitable on a building site, but its duration can be controlled and I consider an effective control from a planning point of view would be to impose a condition to limit the hours of work on the site. This was discussed at the hearing and the hours to be specified in the condition were agreed.
34. With regard to the concern about traffic, I acknowledge that the coming and going of delivery vehicles and builders' vehicles to and from the site may lead to some difficulties and could inconvenience the occupiers of houses fronting the service road. However, it would be possible to

ameliorate the problems caused by large vehicles if adequate provision were made at the start of the development for them to park, turn, load and unload within the site. The agreed limitations on hours of work may also enable arrival and departures of employees and delivery vehicles to take place outside of peak periods for arrival and departure of residents' vehicles.

### **Conditions**

35. Having regard to all these considerations, I have decided to allow the appeal, subject to conditions. *DoE Circular 11/95: The Use of Conditions in Planning Permissions* gives advice on this matter and sets out a number of model conditions. I have taken this advice into account in framing the conditions based on those suggested by the Council. The Council's suggestions were discussed at the hearing and, with one exception, agreement was reached in principle on the conditions which should be imposed.
36. The first condition suggested is the usual condition limiting the life of the permission. The second would enable control over the external materials to be used in the construction of the development and I am satisfied that this is needed to ensure that the appearance of the development is satisfactory. However, I have limited this condition to relate only to the materials used in the buildings. I have included the other matters referred to in the landscaping conditions. The third condition would enable control over the treatment of boundaries and this is necessary to protect the privacy and amenity of occupiers of neighbouring properties. The next condition requires closure of the existing accesses once the proposed access road has been brought into use. This is necessary in the interests of highway safety and was agreed in principle at the hearing, but I propose to clarify the wording.
37. The fifth condition requires the access road to be constructed to base course level before any work commences on the construction of the proposed buildings. It also requires that the road shall be completed before any of the dwellings are occupied. The second part of the condition is clearly necessary in the interests of highway safety. I understand the aim of the first part of the condition is to ensure that access is available to the site for construction and delivery vehicles, which is essential for the safety and convenience of road users and occupiers of neighbouring houses. This was agreed in principle at the hearing, but I propose to clarify the wording and to add an additional condition to enable control of parking of vehicles or plant and all loading and unloading of vehicles and storage of materials in connection with the development as a further safeguard of these interests.
38. The next two conditions relate to the landscaping of the site, including retention of existing trees and measures for their protection during the construction period. These are essential to enable control in the interests of the appearance of the development and the amenity of the area. I propose to modify the wording to accord with the model condition in *DoE Circular 11/95*. A further condition requires approval of details of the levels of the site in relation to adjoining land and the highway. I consider it necessary in the interests of highway safety, the appearance of the development, the amenity of occupiers of neighbouring properties and satisfactory drainage. I propose to modify and extend the wording of the condition in the interests of clarity.
39. The ninth suggested condition requires approval and implementation of a scheme for refuse disposal. While it appears likely that this matter can be easily resolved, it was agreed that it would be necessary to impose the condition to enable control in the interests of amenity.
40. The tenth condition requires approval of a scheme for surface water attenuation and implementation of the works before the development is commenced. This is essential to limit the risk of flooding on the site or in the vicinity as a result of the development.
41. In addition, the Council have suggested a condition to enable control of insertion of windows in the flank elevations of houses on the site to avoid loss of privacy for occupiers of neighbouring

houses. I agree that this is necessary in the interests of amenity but only insofar as it relates to the end elevations above ground floor level facing the site boundaries on plots 1, 7, 8 and 12. I propose to impose the condition with this limitation.

42. The Council also suggest that a condition should be imposed which would withdraw the usual domestic permitted development rights. This suggestion was contested on behalf of the appellant company at the hearing and, having considered the arguments, I do not consider the condition is necessary. DoE Circular 11/95 makes it clear that the Town and Country Planning (General Permitted Development Order), 1995 gives a freedom from detailed control which will be acceptable in the great majority of cases. In my opinion the constraints of the appeal site and of the proposed layout are not significantly different from those which may be encountered in many new housing developments and I am not convinced that the removal of permitted development rights would serve a clear planning purpose, except, of course, insofar as it is necessary to enable control over the insertion of windows in the flank elevations of the houses referred to in the previous paragraph.
43. Finally, I propose to impose the condition to enable control of hours of work which I have referred to at paragraph 33 above.

#### **Conclusion**

44. I conclude that the appeal should succeed. I have taken into account all the other matters which have been raised, but none of them have convinced me that I should come to any other conclusion.

#### **Formal Decision**

45. I allow the appeal and grant planning permission for the demolition of nos. 19 and 21 Alexandra Avenue and the construction of 12 2-storey houses with associated parking at 19 & 21 Alexandra Avenue and rear of 11 – 29 Alexandra Avenue, South Harrow HA2 8PQ, in accordance with the terms of the application ref. P/1354/05/CFU, dated 26 May 2005 and the plans submitted therewith, subject to the following conditions:

- 1) The development hereby permitted shall be commenced within 5 years from the date of this decision.
- 2) Before any part of the development is commenced, details of the existing and finished levels of the site, including the buildings, access road and parking areas, in relation to the adjoining land and highways shall be submitted to and approved in writing by the local planning authority.
- 3) Before any part of the development is commenced, details of the access road shown on the approved drawing no.04/2309/9, including levels and a specification, shall be submitted to and approved in writing by the local planning authority; the access road shall be constructed to base course in accordance with the approved details before any work is commenced on the buildings hereby permitted; and it shall be completed in accordance with the approved details to the satisfaction of the local planning authority before any of the dwellings hereby permitted is first occupied.
- 4) Once the construction of the access road to base course, as required by condition 3, has been completed to the satisfaction of the local planning authority, thereafter no vehicles or plant required for the construction of the development hereby permitted shall be kept or parked within the highway at any time and all loading and unloading of vehicles and storage of materials in connection with the development shall take place only within the site.
- 5) As soon as the access road hereby permitted is brought into use, the existing accesses to the site shall be permanently closed and the highway shall be reinstated in accordance with details which shall be submitted to and approved in writing by the local authority before any

part of the development is commenced; none of the proposed dwellings hereby permitted shall be occupied until the reinstatement works have been completed in accordance with the approved details.

- 6) No machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or despatched from the site except between 0730 and 1730 Monday to Friday inclusive and between 0800 and 1300 on Saturday. No such operation, process or delivery shall take place on Sundays or Bank Holidays.
- 7) Before any part of the development is commenced, proposals for surface water attenuation/storage works to serve the development shall be submitted to and approved in writing by the local planning authority; the works shall be carried out and completed as approved before any of the proposed dwellings hereby permitted is first occupied and shall be retained thereafter.
- 8) Before any part of the development is commenced, samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be submitted to and approved in writing by the local planning authority: the development shall be carried out in accordance with the approved details.
- 9) Before any part of the development is commenced, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The details shall include means of enclosure, car parking layouts; other vehicle and pedestrian access and circulation areas; proposed and existing functional services above and below ground (eg. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); and hard surfacing materials; soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; an implementation programme.

The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority; any trees or plants 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 similar size and species.

- 10) The details submitted in accordance with condition 9 above shall include a plan showing the location of each existing tree and hedge on the site; details of any proposed alterations in existing ground levels and of the position of any proposed excavation within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree; and details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the details referred to in condition 9 above.

- 11) Before any part of the development is commenced, a plan showing the positions and types of boundary treatment to be erected, together with details of their design and materials, shall be submitted to and approved in writing by the local planning authority; the boundary treatment shall be erected as approved before any of the dwellings hereby permitted is first occupied and shall be retained thereafter.
- 12) Before any part of the development is commenced, a scheme for the storage and disposal of refuse/waste shall be submitted to and approved in writing by the local planning authority;

the approved scheme shall be implemented as approved before any of the dwellings hereby permitted are first occupied and shall be retained thereafter.

- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows/dormer windows shall be constructed above ground floor level on the south-west flank elevations of the dwellings hereby permitted on plots 7 and 8 or on the north-east flank elevations of the dwellings hereby permitted on plots 1 and 12.



INSPECTOR

**APPEARANCES****FOR THE LOCAL PLANNING AUTHORITY:**

Ransford Stewart  
Suzanne Hutchison

Stewart M&PS, Audit House, Field End Road,  
Ruislip HA4 0ES

**FOR THE APPELLANT:**

Steven Barker  
Bill Macleod  
Steven Murphy

BPTP  
  
Clearview Homes

**INTERESTED PERSONS:**

Alan Cook	25 Somervell Road, South Harrow HA2 8TY
Yvonne Burton	14 Somervell Road, South Harrow HA2 8TV
Iris Forty	18 Balmoral Road, South Harrow HA2 8TD
Joy Purvey	43 Alexandra Avenue, South Harrow HA2 8PQ
Linda Adelman	59 Alexandra Avenue, South Harrow HA2 8PQ
Raymond Norris	10 Somervell Road, South Harrow HA2 8TV
Gloria Norris	10 Somervell Road, South Harrow HA2 8TV
Jean Murphy	80 Balmoral Road, South Harrow
Carol Cahill	54 Windsor Crescent, South Harrow
Steve Terry	93 Balmoral Road, South Harrow
John Humphries	87 Alexandra Avenue, South Harrow

**DOCUMENTS SUBMITTED AT THE HEARING**

Document 1	List of persons present at the hearing
Document 2	Letter giving details of appeal date and venue
Document 3	Additional conditions suggested on behalf of the Council

**PLANS**

Plan A	Site Location Plan: 1:1250
Plan B	04/2309/06b
Plan C	04/2309/7a
Plan D	04/2309/9
Plan E	04/2309/10
Plan F	04/2309/11

### SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

Item No. 3/01  
Address: 24 WOODWAY CRESCENT, HARROW  
Reference: P/1898/12  
Description: MODIFICATION OF EXISTING SINGLE STOREY SIDE TO REAR EXTENSION TO REDUCE DEPTH AND ALTERATIONS TO ROOF  
Ward: GREENHILL  
Applicant: MR S HUSSAIN  
Agent: MJD ARCHITECTURE  
Case Officer: FERGAL O'DONNELL  
Expiry Date: 25 SEPTEMBER 2012

#### RECOMMENDATION

**REFUSE** planning permission for the development described in the application and the submitted plans for the following reason:

1 The side to rear extension adjacent to the boundary shared with No.26 Woodway Crescent, by reason of its depth, height and roof design, would result in a contrived, and result in a visually discordant and incongruous interface with the pre-existing side extension and visually dominant form of development from the neighbouring property, No.26 Woodway Crescent, to the detriment of the character and appearance of the property and the visual amenities and outlook of the occupiers of No.26 Woodway Crescent, contrary to policies 7.4.B and 7.6.B of the London Plan 2011, policy CS1.B of The Harrow Core Strategy 2012, saved policies D4 and D5 of the Harrow Unitary Development Plan 2004 and the adopted Supplementary Planning Document: Residential Design Guide 2010.

#### INFORMATION:

This application is being reported to Planning Committee as the application site is subject to an Enforcement Notice and the application is therefore of political significance and public interest. The application is therefore referred to the Planning Committee as it is excluded by Proviso A of the Scheme of Delegation dated 14 March 2012.

Statutory Return Type: Householder Development

Council Interest: None

Net Additional Floorspace: 25sqm

GLA Community Infrastructure (CIL) Contribution: Not applicable as net floor area below 100sqm

#### Site Description

- The application site is located on the northern side of Woodway Crescent, a crescent of dwellinghouses accessed off Gerard Road to the south.

- The enclave of dwellinghouses was constructed in the interwar years and displays a strong 'metroland' character.
- The site slopes downwards from front to rear and is also sited slightly above the unattached neighbouring property to the east, No.26.
- As a result of the kink in the highway, the eastern boundary of the application site is splayed, narrowing from front to rear.
- The property has been extended over the years with the addition of a side extension, originally constructed as a garage but now used as a habitable room.
- The property was extended more recently with the addition of single storey side to rear extension, which wrapped around the north-eastern corner of the building.
- The extensions to the side and rear of the property have been found to be unauthorised and an Enforcement Notice has been served against these works (further details of the Enforcement Notice below).
- The rear garden extends some 9 metres beyond the rear wall of the unauthorised rear extension and the rear garden is hard surfaced with block paving.
- The boundary fence between the application property and No.22 has now been removed and the applicant has also acquired this property. There are no extensions to the rear of No.22.
- The unattached neighbouring dwelling, No. 26, to the east of the site, has been extended at the rear, with the addition of a single storey rear extension and has an attached garage on the side. Due to the orientation of the site and the different type of dwelling, the rear wall of No.26 is sited approximately 2.5 metres beyond the rear main wall of the application property.
- The kitchen to this property is located adjacent to the unauthorised single storey side to rear extension at the application property. This kitchen is served by a half-glazed door and a window on the western flank wall, to the rear of the garage to this property.

**c) Proposal Details**

- Three concurrent applications have been submitted (the other two applications are LPA references P/1899/12 & P/1900/12) in order to regularise the existing unauthorised development on the site.
- In this application, retrospective planning permission with modifications is sought for a single storey side to rear extension and a single storey rear extension.
- The side to rear extension element ('wraparound' element) of the extensions would project three metres beyond the rear of the pre-existing side extension and 1.5 metres beyond the main rear wall of the property.
- The eastern wall of the single storey side extension would be splayed inwards to reflect the splayed nature of the boundary of the site. A bathroom would be provided in the extended side to rear extension.
- The roof of the single storey side extension would be pitched, rising from 3 metres at the eaves up to 4 metres at the highest point, with the pitched roof sloping downwards towards the rear boundary of the site. The intersection of the proposed roof and the roof of the pre-existing garage would be treated with a vertical face and parapet detailing.
- The single storey rear extension is the same width as the main dwellinghouse and is 3 metres in depth.
- A pitched roof is proposed over the single storey rear extension. The height of the eaves would be 3 metres and the overall height would be 4 metres. Three sky lights are proposed in the roof.

- Revisions to planning application P/2222/11:
- Reduction in the depth of 'wraparound' element (the element to the north-east of the building) of the side to rear extension by 1.5 metres and alteration of the roof form from mono-pitched roof sloping downwards towards No.26 to a mono-pitched roof sloping downwards towards the rear boundary of the property.
- Alterations to the roof form of the rear extension to provide a pitched, rather than flat roof.

### **Relevant History**

P/1153/03/DFU

TWO STOREY SIDE, SINGLE STOREY FRONT AND REAR EXTENSION

Refused: 15 July 2003

#### Reasons for Refusal:

1 The height of the proposed rear extension would be overbearing and result in loss of light and overshadowing to No.22 Woodway Crescent to the detriment of the residential amenities of the occupiers.

2 The proposed 2-storey side extension, by reason of excessive bulk would result in loss of light and overshadowing in relation to the flank kitchen window of No 26 Woodway Crescent and would be detrimental to the visual and residential amenities of the occupiers of the neighbouring property.

P/2393/03/DFU

SINGLE STOREY SIDE AND REAR EXTENSION

Granted: 01 December 2003

P/2264/07

ALTERATIONS TO ROOF TO FORM END GABLE & REAR DORMER; CONVERSION OF GARAGE TO HABITABLE

Refused: 10 September 2007

#### Reasons for Refusal:

1 The proposed end gable, by reason of excessive size, bulk and siting would be unduly obtrusive and overbearing, resulting in a loss of outlook, light and would cause overshadowing to the occupiers of the adjacent property (no. 26 Woodway Crescent), contrary to Policies D4 and D5 of the Harrow Unitary Development Plan and Supplementary Planning Guidance: "Extensions: A Householders Guide (2003)".

2 The rear dormer facing Bonnersfield Lane by reason of excessive size, scale, bulk and siting would be overbearing and unduly obtrusive and this in conjunction with the gable end conversion would detract from the character of the area and the street scene contrary to Policies D4 and D5 of the Harrow unitary Development Plan and Supplementary Planning Guidance: "Extensions: A Householders Guide (2003)".

P/3102/07

CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT: DEMOLITION OF EXISTING GARAGE AND STORE, ALTERATIONS OF ROOF FROM HIP TO GABLE END, REAR DORMER AND 2 ROOFLIGHTS ON FRONT ROOFSLOPE.

Refused: 15 November 2007

P/1060/08/DFU

ALTERATIONS TO ROOF AND REAR DORMER

Granted: 12 May 2008

P/1012/08DFU

SINGLE STOREY SIDE TO REAR EXTENSION; DEMOLITION OF EXISTING GARAGE

Refused: 07 May 2008

Reasons for Refusal:

1 The proposed extensions, by reason of excessive height and bulk, would be overbearing and result in loss of light and outlook to the detriment of the residential and visual amenities of the neighbouring occupiers at Nos. 22 and 26 Woodway Crescent, contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance - Extensions: A Householders' Guide (2003).

P/2222/11

RETENTION OF EXISTING SINGLE STOREY SIDE TO REAR EXTENSION WITH PROPOSED ALTERATIONS TO THE ROOF

Refused: 28 November 2011

Appeal dismissed: 22 March 2012

Reasons for Refusal:

1 The alterations to the extensions proposed are considered to be insufficient to address the harm to the outlook and amenity of No.26 Woodway Crescent. The extension would result in a visually discordant interface with the existing side extension at No.24 and by virtue of its height, size, design and siting would result in a visually dominant form of development when viewed from No.26 Woodway Crescent that would be contrary to Policies 7.4B and 7.6B of the London Plan (2011), saved policies D4 and D5 of the Harrow Unitary Development Plan (2004) and the objectives for residential extensions set out in the adopted Supplementary Planning Document: Residential Design Guide (2010).

**Applicant Submission Documents**

- Supporting Planning Statement

**Consultations**

**1<sup>st</sup> Notifications**

Sent: 3

Replies: 4 (all from same respondent)

Expiry: 04 September 2012

**Neighbours Consulted:**

Woodway Crescent: 13, 22, 26

**Summary of Responses:**

- Applications should not have been accepted as they did not accord with Council's Enforcement policy
- Applications invalid as applicant has applied for Planning Permission as opposed to Householder development which requires a Design and Access Statement. The Supporting Planning Statement [SPS] submitted relates to the previous application P/2222/11 and is not therefore relevant
- Granting planning permission for this development would have the effect of granting permission for the previous applications as the SPS relates to these applications
- Number of discrepancies and inaccuracies in the submitted drawings, which include the 'gap' to the boundary
- SPS inaccurate in its representations of the proposed development and parts of the SPS are untrue

- Proposals would not address the concerns outlined by the Planning Inspector in the most recent appeal at the site regarding oppressive outlook and discordant roof form
- Plans submitted which are knowingly misleading
- Applicant has now acquired No.22 and will presumably be invited to make representations regarding his own unauthorised development
- Query regarding whether permitted development could be implemented on the site
- Roof over rear extension would restrict outlook

**2<sup>nd</sup> Notification** (Following Officer site visit and as a result of comments received, revised plans and clarification of the position of the boundary fence were requested. These plans were received and a second consultation period of 14 days was conducted)

Sent: 3

Replies: To be reported

Expiry: 18 October 2012

**Neighbours Consulted:**

Woodway Crescent: 13, 22, 26

**Summary of Responses:**

- To be reported

**APPRAISAL**

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.’*

The Government has issued the National Planning Policy Framework [NPPF] which consolidates national planning policy and is a material consideration in the determination of this application.

In this instance, the Development Plan comprises The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow’s Unitary Development Plan 2004 [Saved by a Direction of the Secretary of State pursuant to paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004].

**BACKGROUND INFORMATION**

The application site is subject to an effective Enforcement Notice [EN] (LPA ref: ENF/0370/09/P) to demolish the unauthorised single storey side and rear extensions to the property (“the authorised development”). The EN requires the unauthorised single storey side and rear extensions to be demolished and the land returned to its former state. The applicant has tested the acceptability of the unauthorised development at appeal under grounds ‘a’ (deemed application considering the planning merits of development) and ‘f’ (whereby the Inspector considers whether lesser steps would be appropriate to ameliorate the harm identified). The Inspector (PINS ref: APP/M5450/C/10/2132673) upheld the appeal on both points and the EN remains effective. In respect of the ground ‘a’ appeal, the Inspector found the form of the extensions results in an oppressive outlook from the kitchen window of No.26 Woodway Crescent, the design of the roof was visually

discordant and the extensions had a bulbous appearance.

The applicant subsequently applied for permission to alter the form of the 'wraparound' element of the extensions, proposing a mono-pitched roof over this element of the extensions. This application (P/2222/11) was refused by the Council and in the subsequent appeal, dismissed by the Planning Inspectorate (PINS ref: APP/M5450/D/12/2171069). In reaching his conclusions on this application, the Inspector considered that the alterations to the roof of the property would not overcome the oppressive nature of the extension and the roof form would result in a visually discordant interface between the differing roof forms. The findings of the Inspectors in the previous appeals on the site are material considerations in the determination of this planning application.

## **MAIN CONSIDERATIONS**

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

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

Saved policy H10 of the Harrow Unitary Development states that the Council will consider favourably development proposals for extensions, alterations and / or adaptation to residential dwellings, in preference to redevelopment, providing this would not lead to unacceptable impacts on adjacent properties or the local environment. The principle of the extension works are therefore considered to be acceptable, subject to there being no unacceptable impacts on the character of the area or the amenities of the neighbouring occupiers.

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

Saved policy D4 of the Harrow Unitary Development Plan 2004 (HUDP) requires all new development to provide a high standard of design and layout, respecting the context, siting and scale of the surrounding environment. The saved policies of the UDP broadly reflect policies 7.4.B and 7.6.B of The London Plan 2011 and policy CS1.B of the Harrow Core Strategy 2012 which seek to ensure that development respects local character and provide architecture of proportion, composition and scale that enhances the public realm. It should be noted that policy CS1.B was adopted after the previous application on the site was determined but before the appeal on that application was determined.

The Council has adopted Supplementary Planning Document – Residential Design Guide 2010 (SPD) to supplement saved policies D4 and D5, amongst other saved policies, and requires extensions to dwellinghouses to harmonise with the scale and architectural style of the original building. This SPD carries substantial weight as a material planning consideration.

As noted in the 'Site Description' section of the appraisal above, the properties within the enclave of Woodway Crescent were developed in the interwar years and therefore have a strong 'metroland' character. Some of the properties differ in their form with semi-detached and detached houses present in the crescent but a regularity of design ethos follows throughout the buildings. The undulated and curving nature of the highway means some plots are wider or set at higher or lower levels and splayed boundaries are not

uncommon.

The application property has a long planning history following the construction of unauthorised single storey side to the rear extensions at the property. The applicant has submitted three concurrent applications, each seeking to regularise the unauthorised works with varying degrees of modifications proposed. This application seeks to alter the design of the side extension reducing the depth of projection beyond the original rear wall of the property to 1.5 metres (as opposed to 3 metres proposed previously) and alter the design of the roof. The applicant has indicated that the overall height of the extension would be 3 metres from the eaves to the ground level of the site and 4 metres in height overall.

In his conclusions on the character and appearance of the extensions considered under planning application P/2222/11, the Inspector in the appeal considered that the roof form, comprising pitched and flat parts, would appear contrived and the intersections of the roof with the other parts of the extension would appear ill-at-ease with these elements. It was also considered that the roof would appear bulbous as a result of the splayed side wall.

The applicant has revised the design of the roof to alter the form of the pitched roof. It is considered that the roof form of the extension would still appear bulbous and the interface of the roof with the pre-existing side extension roof would appear contrived, discordant and incongruous. Accordingly, in terms of its appearance, it is considered that the proposed side extension not would overcome the concerns previously raised by the Council and the Planning Inspectorate in respect of the form of the roof of the side extensions, contrary to policies 7.4.B and 7.6.B of The London Plan 2011, policy CS1.B of the Harrow Core Strategy 2012, saved policy D4 of the Harrow Unitary Development Plan and the adopted SPD.

The single storey rear extension is 3 metres in depth and a mono-pitched roof with a mid-point height of 3.5 metres is proposed, thereby according with paragraphs 6.59 and 6.63 of the adopted SPD. It is considered that the design of the rear extension reflects the character of the existing dwellinghouse and is a proportionate extension of the property. No conflict with the policies of the development in respect of the character and appearance of the proposed rear extension is therefore found.

### **3) Residential Amenity**

Policy 7.6.B of The London Plan (2011) states that new buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. Saved policy D5 of the Harrow Unitary Development Plan similarly seeks to ensure that the amenities and privacy of neighbouring occupiers is not adversely affect by development.

In the previous application P/2222/11, the Council considered that the altered roof form of the 'wraparound' element of the side and rear extensions would result in an oppressive form of development when viewed from the kitchen at No.26 which is served by a clear window and glazed door on the western flank wall. The Inspector, in dismissing the appeal, concurred with this view, considering that the extensions would still be seen to its full height (the full height of the extension above the ground level of the application site as previously proposed was 3.5 metres) beyond the short run of mono-pitched roof proposed. On inspection of the site, the kitchen at No.26 (though it may be less than 13sqm and the side window may not therefore be 'protected' as outlined at paragraph

6.26 of the adopted SPD) appeared to be well used and serves as an important amenity space for the occupiers of this property. The Inspector, in considering the appeal at the application site, concurred with this view and considered the window as a source of outlook for the occupiers of No.26 and worthy of protection from harmful development.

The revised design of the side extensions to the property reduces the depth of projection beyond the rear wall of the application property. Due to the splayed nature of the site, the orientation of the application property and the neighbouring property to the east and the location of the rear wall of No.26, the revised side extension would still extend well beyond the window at No.26. The height of the extension, relative to the ground levels at No.26 would be between 3.2 and 4.2 metres (the applicant has indicated that they would be between 3 and 4 metres in height on the application site). Though the depth of the side extension has been reduced in comparison with the previous application which would reduce to some extent the sense of enclosure that the neighbouring occupiers would experience, the depth of the extension, considering the position of the neighbouring kitchen window, is still considered to be excessive and unduly oppressive. The unacceptable design form of the roof of the extension and the height of the extension adjacent to the boundary of the site would exacerbate this sense of enclosure, further adding to the oppressive outlook the occupiers of No.26 would experience. Accordingly, it is considered that the side extension would conflict with policy 7.6.B of The London Plan 2011 and saved policy D5 of the Harrow Unitary Development Plan 2004.

A single door is proposed in the rear flank wall of extension close to the boundary with No.26. This door would be sited at a higher level than the rear garden of No.26 and were it glazed, it may lead to a perception of overlooking over the rear garden of this property. However, if the application was otherwise considered acceptable, it is considered that a condition could be added to any such permission which required this door to be solid and no overlooking would therefore occur. As a condition would reasonably overcome any objections in respect of this door, no specific objection is raised to this element.

Notwithstanding the fact that the applicant has now acquired the attached property, No.22, planning principles are based on the use of land and the effect that development has upon that land and neighbouring properties or areas, in recognition of the fact that over the course of time, the ownership of land may change but the effects of development are likely to be felt long after this time. Accordingly, it is still appropriate to consider the effect of development on this property in accordance with adopted development plan policies. The fact that No.22 is in the ownership of the applicant is a material consideration in this assessment.

As detailed above in the section 2 of the appraisal above, the single storey rear extension would accord with paragraphs 6.59 and 6.63 and accordingly, it is considered that the rear extension would not adversely affect the amenities of the occupier of No.22 (whether the occupiers of this property would be the applicant or other occupiers). The single storey rear extension is set a minimum of 4 metres from the western flank wall of No.26. Representations have been received in relation to the loss of outlook arising from the use of a pitched roof in this location. However, given the distance between No.26 and this structure, it is considered that any loss of outlook would not be unreasonable. Accordingly, it is considered that the rear extension would accord with policy 7.6.B of The London Plan 2011 and saved policy D5 of the Harrow Unitary Development Plan 2004.

No.22 is buffered from the side to rear extensions by the existing dwellinghouse and the rear extension and is not therefore impacted by this element of the proposal.

## Response to representations relating to Permitted Development

Representations have been received in relation to whether, were the EN not effective on the site, the development proposed here would comprise permitted development i.e. the development would not require express planning permission. It has been noted in the representations that the appeal statement submitted by the LPA for the enforcement appeal on the site accompanying the EN did not suggest lesser steps such as compliance with regulations set out within The Town and Country (General Permitted Development) Order 1995 (as amended) as the enforcement appraisal states, the falling levels of the land limit the scope of permitted development.

These comments are noted. However, these comments need to be read in context and the following sentence in the LPA statement recognises that because of the falling land levels *“whilst there may be an alternative to complete demolition of the property, it is not therefore considered expedient for the enforcement notice to grant permission for such as an alteration”* as the LPA consider that a modification would require full and appropriate consultation afforded through the planning process.

The rationale of not requiring lesser steps in the EN is therefore based on ensuring the interests on the neighbouring occupiers are not prejudiced by modifications rather than an assertion that permitted development rights could not be implemented.

For completeness, it should be noted that a review of the local authority’s Building Control records appears to indicate that, on the balance of probabilities, the rearmost section of the pre-existing single storey side extension was constructed in 1961 and is not therefore ‘original’ as defined in The Town and Country (General Permitted Development) Order 1995 (as amended). The extensions comprise a ‘wraparound’ extension of the north-eastern corner of the building and would project more than 3 metres beyond the rear wall of the ‘original’ rear wall at the side of the property. The extensions applied for in this application, were the EN not effective on the land would not therefore be permitted development.

### **4) S17 Crime & Disorder Act 1998**

Policies 7.3.B and 7.13.B of The London Plan and saved policy D4 of the UDP 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.

### **5) Consultation responses**

*Applications should not have been accepted as they did not accord with Council’s Enforcement policy*

The Council’s Enforcement policy sets out a position that planning applications will not be accepted where there is an effective EN and the works proposed in the application do not seek to overcome the reasons for the EN. That is not the case in this instance where obvious attempts, namely the alteration of the roof form of the side extension and the reduction in the depth of the ‘wraparound’ element, have been submitted for consideration by the Council’s Planning Department

*Applications invalid as applicant has applied for Planning Permission as opposed to Householder development which requires a Design and Access Statement.*

The application form used is a ‘Planning Application’ Form. However, as the property is an existing dwellinghouse, Regulation 8 of the Town and Country (Development

Management Procedure) Order 2010 confirms that 'Design and Access Statements' do not relate to applications for this type of development

*Granting planning permission for this development would have the effect of granting permission for the previous applications as the SPS relates to these applications*

As stated above, a Design and Access Statement is not required for this type of development. An assessment of the application has been based on the submitted drawings rather than the SPS.

*Number of discrepancies and inaccuracies in the submitted drawings, which include the 'gap' to the boundary; Plans submitted which are knowingly misleading*

The accuracy of the drawings has been checked on site by officers and it is considered that the submitted plans accurately reflect the existing and proposed situations. For completeness, an amended drawing detailing the boundary line between No.'s 24 and 26 has been received and the neighbour was notified of this amendment accordingly.

*The Supporting Planning Statement [SPS] submitted relates to the previous application P/2222/11 and is not therefore relevant; SPS inaccurate in its representations of the proposed development and parts of the SPS are untrue*

It is acknowledged that the SPS relates to a previous application and therefore little weight has been afforded to this document

*Proposals would not address the concerns outlined by the Planning Inspector in the most recent appeal at the site regarding oppressive outlook and discordant roof form*

These issues have been addressed in Sections 2 and 3 of the Appraisal above

*Applicant has now acquired No.22 and will presumably be invited to make representations regarding his own unauthorised development*

This comment is noted and addressed in Section 3 of the Appraisal above

*Query regarding whether permitted development could be implemented on the site*

This has been addressed in Section 3 of the Appraisal above

*Roof over rear extension would restrict outlook*

This has been addressed in Section 3 of the Appraisal above

## **CONCLUSION**

The applicant has sought to regularise the development on the site and address the concerns outlined by the Council and the Inspector in previous applications and appeals. However, it is considered that the development would still result in extensions of the property which would appear incongruous and would fail to respect the character of the existing dwellinghouse. Additionally, the depth of the side to rear extension, in association with the excessive height of this element of the proposal would continue to have an oppressive impact on the outlook of the neighbouring occupiers, No.26 Woodway Crescent.

For these reasons, 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.

**INFORMATIVES:**

1 INFORMATIVE:

The following policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004 are relevant to this decision.

**National Planning Policy**

National Planning Policy Framework 2012

**The London Plan [2011]:**

7.3.B – Designing out Crime

7.4.B – Local Character

7.6.B – Architecture

7.13.B – Safety, Security and Resilience to emergency

**The Harrow Core Strategy 2012**

CS1 – Overarching Policy

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

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

**Adopted Supplementary Planning Documents**

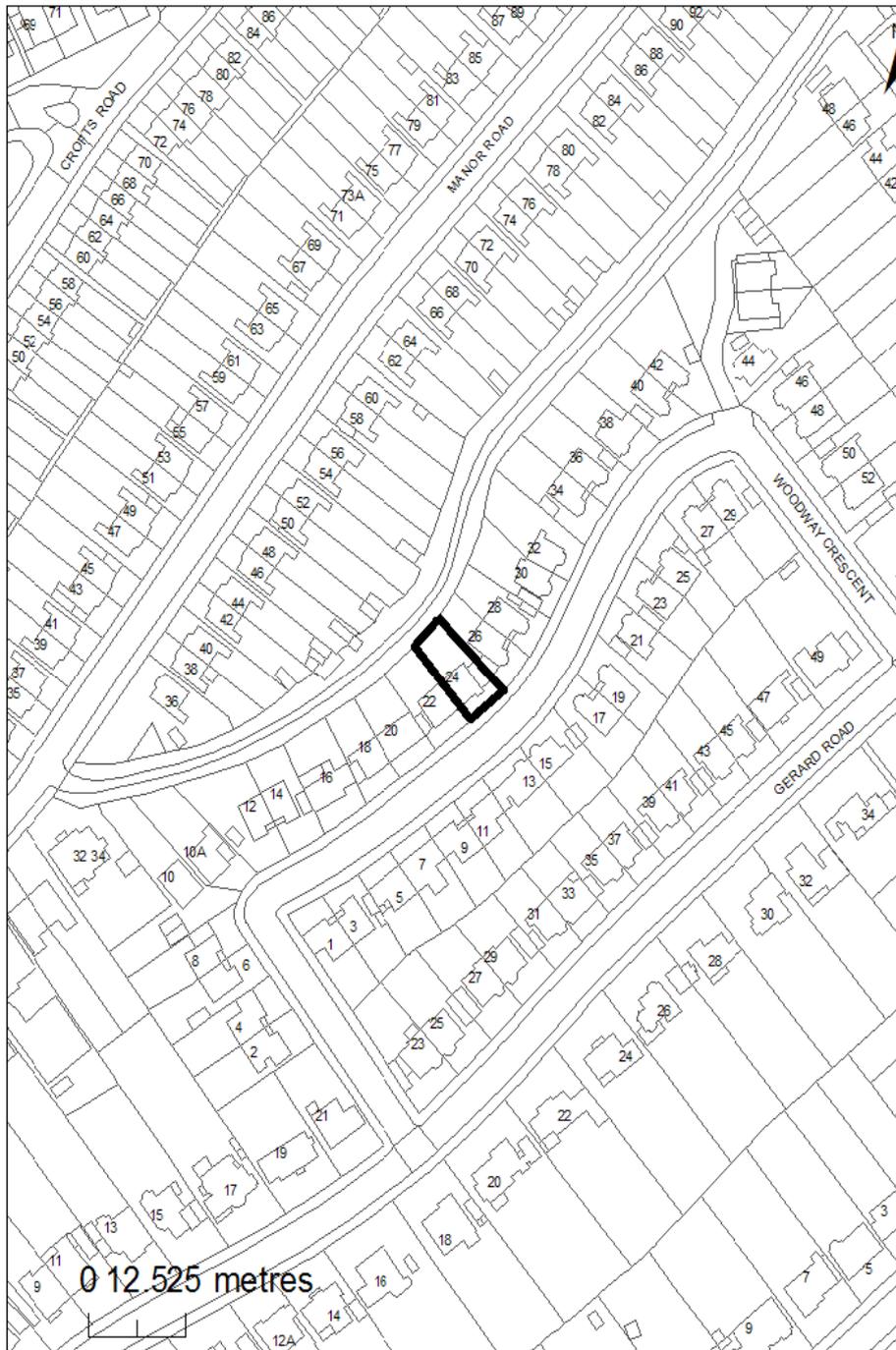
Supplementary Planning Document: Accessible Homes 2010

2 INFORMATIVE:

The applicant is advised that the LPA have not considered the submitted Supporting Planning Statement as part of this proposal as it relates to previous applications at this property.

Plan Nos: 1303.02.01.1 Rev B; 1303.02.01 Rev C2; Site Plan

## 24 WOODWAY CRESCENT, HARROW



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## Appeal Decision

Site visit made on 25 April 2012

by **D Cramond** BSc MRTPI

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

Decision date: **11 May 2012**

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### Appeal Ref: **APP/M5450/D/12/2171069**

### **24 Woodway Crescent, HARROW, Middlesex, HA1 2NQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr S Hussain against the decision of London Borough of Harrow.
  - The application Ref P/2222/11 was refused by notice dated 28 November 2011.
  - The development proposed is for retention of existing rear single storey extension with a proposed alteration to the roof.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposal on, firstly, the character and appearance of the host property and the locality and, secondly, on the living conditions for neighbours.

### Reasons

3. The appeal property is a two storey semi-detached dwelling with a flat roofed projection to the side and more recent flat roofed single storey elements behind this and to the rear of the main dwelling. These later elements have not been completed externally, for example, in terms of render as works have been put on hold. This is because the part closest to the neighbouring dwelling, No 26, was found via an Enforcement Appeal decision (Ref: APP/M5450/C/10/2132673, dated 7 January 2011) to be of a visually unsuitable design and to impact upon the amenities of these neighbours. The current proposal seeks to overcome these concerns through modification of what stands by altering the presently flat roofed form to incorporate a mono pitched element sloping down towards the neighbouring home, having the effect of reducing the height of the flank wall which lies close to the side boundary.

### *Character and appearance*

4. The altered extension would share little of the characteristics of the original dwelling. The roof, a combination of monopitch and flat forms, would appear unrelated and contrived; almost arbitrary. The scale and position and juncture of the altered extension element related to the older side extension would look most unresolved. The intersection, which would be lower in part and higher further in, would appear awkwardly ill-at-ease and would lack evidence of

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[www.planningportal.gov.uk/planninginspectorate](http://www.planningportal.gov.uk/planninginspectorate)

thoughtful good design. Furthermore, the extension would have a strangely bulbous appearance because of the alignment of the side wall. This is not accurately reflected in the submitted plans and the proposed changed roof element is not drawn to entirely reflect how construction would have to be undertaken.

5. Taken as whole, the original appearance of the host property would be harmed and there would not be appropriate reflection of the character of properties found locally. Saved Policy D4 of the Harrow Unitary Development Plan (2004) (UDP) calls for, amongst other matters, a high quality of design; with development to be appropriate to its site and setting and of a suitable scale and character. I conclude that the appeal scheme would run contrary to these objectives.

*Living conditions*

6. The neighbouring property to the north east of the appeal site is on lower ground. It has a kitchen window and a glazed door towards the extension. The outlook towards the extension, altered as proposed with the reduced flank wall, would continue to be oppressive. The extension in close proximity would clearly be seen to its full height beyond the short run of monopitch which is proposed. The occupants of this neighbouring room would feel hemmed-in and the extension, even rendered and coloured white, would be overbearing. The tight juxtaposition of the planned development to this window, particularly bearing in mind levels and orientation, would not be acceptable in amenity terms; the relationship would be a most uncomfortable one and residential amenity would be harmed.
7. UDP Policy D5 includes, amongst other matters, the objectives of ensuring that development maintains adequate space around buildings and does not have any undue adverse impact on the amenity of adjoining properties. I conclude that this scheme would conflict with this policy in this regard.

*Other matters*

8. I sympathise with the appellant's wish for additional accommodation and appreciate that this has been a long and difficult process. I understand that fencing could be erected as permitted development, albeit not to quite such a height as the current proposals. I recognise that a planning permission was granted for works here in 2003 and that this had a maximum height of 3 metres above ground level. However, that has expired, it is not directly comparable to what is before me and the permission was issued prior to adoption of the development plan policies referred to above. It is also fair to say that the thrust to achieve good quality design has increased in recent years; this is not least because through 2008 amendment the Planning and Compulsory Purchase Act 2004 underlines the desirability of achieving good design. The Supplementary Planning Document entitled "Residential Design Guide 2010" referred to by both parties cannot be expected to cover every eventuality; the physical circumstances here are unusual in terms of the existing property form, the shape and position of the proposed development and the relationship to the neighbouring dwelling. I have carefully considered all the points raised by the appellant but these matters do not outweigh the concerns which I have in relation to the main issues identified above.
9. I confirm that policies in the National Planning Policy Framework have been considered but in the light of the facts of this case the NPPF does not alter my

conclusions. Key objectives of the NPPF are to protect and enhance the qualities of the built environment as well as to safeguard and improve conditions in which people live; the Council's policies which I cite mirror these objectives.

*Overall conclusion*

10. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on the character and appearance of the host property and the locality and on the living conditions of neighbours. Accordingly the appeal is dismissed.

*D Cramond*

INSPECTOR

Item No. 3/02  
Address: 24 WOODWAY CRESCENT, HARROW  
Reference: P/1900/12  
Description RETROSPECTIVE APPLICATION FOR SINGLE STOREY SIDE TO REAR EXTENSION; PROPOSED MODIFICATIONS TO REDUCE DEPTH AND ALTERATIONS TO ROOF  
Ward: GREENHILL  
Applicant: MR S HUSSAIN  
Agent: MJD ARCHITECTURE  
Case Officer: FERGAL O'DONNELL  
Expiry Date: 25 SEPTEMBER 2012

## **RECOMMENDATION**

**REFUSE** planning permission for the development described in the application and the submitted plans for the following reason:

1 The side to rear extension adjacent to the boundary shared with No.26 Woodway Crescent, by reason of its depth, would result in a visually dominant form of development from the neighbouring property, No.26 Woodway Crescent, to the detriment of the visual amenities and outlook of the occupiers of No.26 Woodway Crescent, contrary to policy 7.6.B of the London Plan 2011, saved policy D5 of the Harrow Unitary Development Plan 2004 and the adopted Supplementary Planning Document: Residential Design Guide 2010.

## **INFORMATION:**

This application is being reported to Planning Committee as the application site is subject to an Enforcement Notice and the application is therefore of political significance and public interest. The application is therefore referred to the Planning Committee as it is excluded by Proviso A of the Scheme of Delegation dated 14 March 2012

Statutory Return Type: Householder Development

Council Interest: None

Net Additional Floorspace: 25sqm

GLA Community Infrastructure (CIL) Contribution: Not applicable as net floor area below 100sqm

## **Site Description**

- The application site is located on the northern side of Woodway Crescent, a crescent of dwellinghouses accessed off Gerard Road to the south.
- The enclave of dwellinghouses was constructed in the interwar years and displays a

strong 'metroland' character.

- The site slopes downwards from front to rear and is also sited slightly above the unattached neighbouring property to the east, No.26.
- As a result of the kink in the highway, the eastern boundary of the application site is splayed, narrowing from front to rear.
- The property has been extended over the years with the addition of a side extension, originally constructed as a garage but now used as a habitable room.
- The property was extended more recently with the addition of single storey side to rear extension, which wrapped around the north-eastern corner of the building.
- The extensions to the side and rear of the property have been found to be unauthorised and an Enforcement Notice has been served against these works (further details of the Enforcement Notice below).
- The rear garden extends some 9 metres beyond the rear wall of the unauthorised rear extension and the rear garden is hard surfaced with block paving.
- The boundary fence between the application property and No.22 has now been removed and the applicant has also acquired this property. There are no extensions to the rear of No.22.
- The unattached neighbouring dwelling, No. 26, to the east of the site, has been extended at the rear, with the addition of a single storey rear extension and has an attached garage on the side. Due to the orientation of the site and the different type of dwelling, the rear wall of No.26 is sited approximately 2.5 metres beyond the rear main wall of the application property.
- The kitchen to this property is located adjacent to the unauthorised single storey side to rear extension at the application property. This kitchen is served by a half-glazed door and a window on the western flank wall, to the rear of the garage to this property.

**d) Proposal Details**

- Three concurrent applications have been submitted (the other two applications are LPA references P/1898/12 & P/1899/12) in order to regularise the existing unauthorised development on the site.
- In this application, retrospective planning permission with modifications is sought for a single storey side to rear extension and a single storey rear extension.
- The side to rear extension element ('wraparound' element) of the extensions would project three metres beyond the rear of the pre-existing side extension and 1.5 metres beyond the main rear wall of the property.
- The eastern wall of the single storey side extension would be splayed inwards to reflect the splayed nature of the boundary of the site. A bathroom would be provided in the extended side to rear extension.
- The roof of the single storey side extension would be flat, set just below the roof of the pre-existing side extension. The applicant indicates that the height of the structure above the adjacent ground level of the site would be 3 metres.
- The single storey rear extension is the same width as the main dwellinghouse and is 3 metres in depth.
- A pitched roof is proposed over the single storey rear extension. The height of the eaves would be 3 metres and the overall height would be 4 metres. Three sky lights are proposed in the roof.

Revisions to planning application P/2222/11:

- Reduction in the depth of 'wraparound' element (the element to the north-east of the building) of the side to rear extension by 1.5 metres and alteration of the roof form

from mono-pitched roof sloping downwards towards No.26 to a flat roof.

- Alterations to the roof form of the rear extension to provide a pitched, rather than flat roof.

### **Relevant History**

P/1153/03/DFU

TWO STOREY SIDE, SINGLE STOREY FRONT AND REAR EXTENSION

Refused: 15 July 2003

#### Reasons for Refusal:

- 1 The height of the proposed rear extension would be overbearing and result in loss of light and overshadowing to No.22 Woodway Crescent to the detriment of the residential amenities of the occupiers.
- 2 The proposed 2-storey side extension, by reason of excessive bulk would result in loss of light and overshadowing in relation to the flank kitchen window of No 26 Woodway Crescent and would be detrimental to the visual and residential amenities of the occupiers of the neighbouring property.

P/2393/03/DFU

SINGLE STOREY SIDE AND REAR EXTENSION

Granted: 01 December 2003

P/2264/07

ALTERATIONS TO ROOF TO FORM END GABLE & REAR DORMER; CONVERSION OF GARAGE TO HABITABLE

Refused: 10 September 2007

#### Reasons for Refusal:

- 1 The proposed end gable, by reason of excessive size, bulk and siting would be unduly obtrusive and overbearing, resulting in a loss of outlook, light and would cause overshadowing to the occupiers of the adjacent property (no. 26 Woodway Crescent), contrary to Policies D4 and D5 of the Harrow Unitary Development Plan and Supplementary Planning Guidance: "Extensions: A Householders Guide (2003)".
- 2 The rear dormer facing Bonnersfield Lane by reason of excessive size, scale, bulk and siting would be overbearing and unduly obtrusive and this in conjunction with the gable end conversion would detract from the character of the area and the street scene contrary to Policies D4 and D5 of the Harrow unitary Development Plan and Supplementary Planning Guidance: "Extensions: A Householders Guide (2003)".

P/3102/07

CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT: DEMOLITION OF EXISTING GARAGE AND STORE, ALTERATIONS OF ROOF FROM HIP TO GABLE END, REAR DORMER AND 2 ROOFLIGHTS ON FRONT ROOFSLOPE.

Refused: 15 November 2007

P/1060/08/DFU

ALTERATIONS TO ROOF AND REAR DORMER

Granted: 12 May 2008

P/1012/08DFU

SINGLE STOREY SIDE TO REAR EXTENSION; DEMOLITION OF EXISTING GARAGE

Refused: 07 May 2008

### Reasons for Refusal:

1 The proposed extensions, by reason of excessive height and bulk, would be overbearing and result in loss of light and outlook to the detriment of the residential and visual amenities of the neighbouring occupiers at Nos. 22 and 26 Woodway Crescent, contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance - Extensions: A Householders' Guide (2003).

P/2222/11

RETENTION OF EXISTING SINGLE STOREY SIDE TO REAR EXTENSION WITH PROPOSED ALTERATIONS TO THE ROOF

Refused: 28 November 2011

Appeal dismissed: 22 March 2012

### Reasons for Refusal:

1 The alterations to the extensions proposed are considered to be insufficient to address the harm to the outlook and amenity of No.26 Woodway Crescent. The extension would result in a visually discordant interface with the existing side extension at No.24 and by virtue of its height, size, design and siting would result in a visually dominant form of development when viewed from No.26 Woodway Crescent that would be contrary to Policies 7.4B and 7.6B of the London Plan (2011), saved policies D4 and D5 of the Harrow Unitary Development Plan (2004) and the objectives for residential extensions set out in the adopted Supplementary Planning Document: Residential Design Guide (2010).

### **Applicant Submission Documents**

- Supporting Planning Statement

### **Consultations**

#### **1<sup>st</sup> Notifications**

Sent: 3

Replies: 4 (all from same respondent)

Expiry: 04 September 2012

#### **Neighbours Consulted:**

Woodway Crescent: 13, 22, 26

### **Summary of Responses:**

- Applications should not have been accepted as they did not accord with Council's Enforcement policy
- Applications invalid as applicant has applied for Planning Permission as opposed to Householder development which requires a Design and Access Statement. The Supporting Planning Statement [SPS] submitted relates to the previous application P/2222/11 and is not therefore relevant
- Granting planning permission for this development would have the effect of granting permission for the previous applications as the SPS relates to these applications
- Number of discrepancies and inaccuracies in the submitted drawings, which include the 'gap' to the boundary
- SPS inaccurate in its representations of the proposed development and parts of the SPS are untrue
- Proposals would not address the concerns outlined by the Planning Inspector in the most recent appeal at the site regarding oppressive outlook and discordant roof form

- Plans submitted which are knowingly misleading
- Applicant has now acquired No.22 and will presumably be invited to make representations regarding his own unauthorised development
- Query regarding whether permitted development could be implemented on the site
- Roof over rear extension would restrict outlook

**2<sup>nd</sup> Notification** (Following Officer site visit and as a result of comments received, revised plans and clarification of the position of the boundary fence were requested. These plans were received and a second consultation period of 14 days was conducted)

Sent: 3

Replies: To be reported

Expiry: 18 October 2012

**Neighbours Consulted:**

Woodway Crescent: 13, 22, 26

**Summary of Responses:**

- To be reported

**APPRAISAL**

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.'*

The Government has issued the National Planning Policy Framework [NPPF] which consolidates national planning policy and is a material consideration in the determination of this application.

In this instance, the Development Plan comprises The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004 [Saved by a Direction of the Secretary of State pursuant to paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004].

**BACKGROUND INFORMATION**

The application site is subject to an effective Enforcement Notice [EN] (LPA ref: ENF/0370/09/P) to demolish the unauthorised single storey side and rear extensions to the property ("the authorised development"). The EN requires the unauthorised single storey side and rear extensions to be demolished and the land returned to its former state. The applicant has tested the acceptability of the unauthorised development at appeal under grounds 'a' (deemed application considering the planning merits of development) and 'f' (whereby the Inspector considers whether lesser steps would be appropriate to ameliorate the harm identified). The Inspector (PINS ref: APP/M5450/C/10/2132673) upheld the appeal on both points and the EN remains effective. In respect of the ground 'a' appeal, the Inspector found the form of the extensions results in an oppressive outlook from the kitchen window of No.26 Woodway Crescent, the design of the roof was visually discordant and the extensions had a bulbous appearance.

The applicant subsequently applied for permission to alter the form of the 'wraparound' element of the extensions, proposing a mono-pitched roof over this element of the extensions. This application (P/2222/11) was refused by the Council and in the subsequent appeal, dismissed by the Planning Inspectorate (PINS ref: APP/M5450/D/12/2171069). In reaching his conclusions on this application, the Inspector considered that the alterations to the roof of the property would not overcome the oppressive nature of the extension and the roof form would result in a visually discordant interface between the differing roof forms. The findings of the Inspectors in the previous appeals on the site are material considerations in the determination of this planning application.

## **MAIN CONSIDERATIONS**

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

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

Saved policy H10 of the Harrow Unitary Development states that the Council will consider favourably development proposals for extensions, alterations and / or adaptation to residential dwellings, in preference to redevelopment, providing this would not lead to unacceptable impacts on adjacent properties or the local environment. The principle of the extension works are therefore considered to be acceptable, subject to there being no unacceptable impacts on the character of the area or the amenities of the neighbouring occupiers.

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

Saved policy D4 of the Harrow Unitary Development Plan 2004 (HUDP) requires all new development to provide a high standard of design and layout, respecting the context, siting and scale of the surrounding environment. The saved policies of the UDP broadly reflect policies 7.4.B and 7.6.B of The London Plan 2011 and policy CS1.B of the Harrow Core Strategy 2012 which seek to ensure that development respects local character and provide architecture of proportion, composition and scale that enhances the public realm. It should be noted that policy CS1.B was adopted after the previous application on the site was determined but before the appeal on that application was determined.

The Council has adopted Supplementary Planning Document – Residential Design Guide 2010 (SPD) to supplement saved policies D4 and D5, amongst other saved policies, and requires extensions to dwellinghouses to harmonise with the scale and architectural style of the original building. This SPD carries substantial weight as a material planning consideration.

As noted in the 'Site Description' section of the appraisal above, the properties within the enclave of Woodway Crescent were developed in the interwar years and therefore have a strong 'metroland' character. Some of the properties differ in their form with semi-detached and detached houses present in the crescent but a regularity of design ethos follows throughout the buildings. The undulated and curving nature of the highway means some plots are wider or set at higher or lower levels and splayed boundaries are not uncommon.

The application property has a long planning history following the construction of

unauthorised single storey side to the rear extensions at the property. The applicant has submitted three concurrent applications, each seeking to regularise the unauthorised works with varying degrees of modifications proposed. This application seeks to alter the design of the side extension reducing the depth of projection beyond the original rear wall of the property to 1.5 metres (as opposed to 3 metres proposed previously) and alter the design of the roof. The applicant has indicated that the overall height of the extension would be 3 metres from the ground level of the site.

In his conclusions on the character and appearance of the extensions considered under planning application P/2222/11, the Inspector in the appeal considered that the roof form, comprising pitched and flat parts, would appear contrived and the intersections of the roof with the other parts of the extension would appear ill-at-ease with these elements. It was also considered that the roof would appear bulbous as a result of the splayed side wall.

The applicant has revised the design of the roof to only include a flat roof element which would not now adjoin the pre-existing side extension and sit marginally below the pre-existing roof of the side extension which is also flat. It is considered that the simpler form of the roof would overcome the concerns the Inspector raised regarding the bulbous form of the roof. Sitting marginally below the roof of the pre-existing side extension and following the design principle for this extension in proposing a flat roof, the roof of the side extension would seamlessly fit in with the pre-existing side extension, resulting in a more harmonious and sympathetic roof form. The confluence of the flat roof form of the side to the rear extension and the proposed pitched roof over the rear extension, though unusual, would not appear obtrusive and would overcome concerns highlighted previously.

Accordingly, in terms of its appearance, it is considered that the proposed side extension would overcome the concerns previously raised by the Planning Inspectorate and would accord with policies 7.4.B and 7.6.B of The London Plan 2011, policy CS1.B of the Harrow Core Strategy 2012, saved policy D4 of the Harrow Unitary Development Plan and the adopted SPD.

The single storey rear extension is 3 metres in depth and a mono-pitched roof with a mid-point height of 3.5 metres is proposed, thereby according with paragraphs 6.59 and 6.63 of the adopted SPD. It is considered that the design of the rear extension reflects the character of the existing dwellinghouse and is a proportionate extension of the property. No conflict with the policies of the development in respect of the character and appearance of the proposed rear extension is therefore found.

### **3) Residential Amenity**

Policy 7.6.B of The London Plan (2011) states that new buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. Saved policy D5 of the Harrow Unitary Development Plan similarly seeks to ensure that the amenities and privacy of neighbouring occupiers is not adversely affected by development.

In the previous application P/2222/11, the Council considered that the altered roof form of the 'wraparound' element of the side and rear extensions would result in an oppressive form of development when viewed from the kitchen at No.26 which is served by a clear window and glazed door on the western flank wall. The Inspector, in dismissing the appeal, concurred with this view, considering that the extensions would still be seen to its full height (the full height of the extension above the ground level of the application site as

previously proposed was 3.5 metres) beyond the short run of mono-pitched roof proposed. On inspection of the site, the kitchen at No.26 (though it may be less than 13sqm and the side window may not therefore be 'protected' as outlined at paragraph 6.26 of the adopted SPD) appeared to be well used and serves as an important amenity space for the occupiers of this property. The Inspector, in considering the appeal at the application site, concurred with this view and considered the window as a source of outlook for the occupiers of No.26 and worthy of protection from harmful development.

The revised design of the side extensions to the property reduces the depth of projection beyond the rear wall of the application property. Due to the splayed nature of the site, the orientation of the application property and the neighbouring property to the east and the location of the rear wall of No.26, the revised side extension would still extend well beyond the window at No.26. The height of the extension, relative to the ground levels at No.26 would be 3.2 metres (the applicant has indicated that they would be between 3 metres in height on the application site). Though the depth of the side extension has been reduced in comparison with the previous application which would reduce to some extent the sense of enclosure the neighbouring occupiers would experience, the depth of the extension, considering the position of the neighbouring kitchen windows, is still considered to be excessive and unduly oppressive. Accordingly, it is considered that the side extension would conflict with policy 7.6.B of The London Plan 2011 and saved policy D5 of the Harrow Unitary Development Plan 2004.

A single door is proposed in the rear flank wall of extension close to the boundary with No.26. This door would be sited at a higher level than the rear garden of No.26 and were it glazed, it may lead to a perception of overlooking over the rear garden of this property. However, if the application was otherwise considered acceptable, it is considered that a condition could be added to any such permission which required this door to be solid and no overlooking would therefore occur. As a condition would reasonably overcome any objections in respect of this door, no specific objection is raised to this element.

Notwithstanding the fact that the applicant has now acquired the attached property, No.22, planning principles are based on the use of land and the effect that development has upon that land and neighbouring properties or areas, in recognition of the fact that over the course of time, the ownership of lands may change but the effects of development are likely to be felt long after this time. Accordingly, it is still appropriate to consider the effect of development on this property in accordance with adopted development plan policies. The fact that No.22 is in the ownership of the applicant is a material consideration in this assessment.

As detailed above in the section 2 of the appraisal above, the single storey rear extension would accord with paragraphs 6.59 and 6.63 and accordingly, it is considered that the rear extension would not adversely affect the amenities of the occupier of No.22 (whether the occupiers of this property would be the applicant or other occupiers). The single storey rear extension is set a minimum of 4 metres from the western flank wall of No.26. Representations have been received in relation to the loss of outlook arising from the use of a pitched roof in this location. However, given the distance between No.26 and this structure, it is considered that any loss of outlook would not be unreasonable. Accordingly, it is considered that the rear extension would accord with policy 7.6.B of The London Plan 2011 and saved policy D5 of the Harrow Unitary Development Plan 2004.

No.22 is buffered from the side to rear extensions by the existing dwellinghouse and the rear extension and is not therefore impacted by this element of the proposal.

### Response to representations relating to Permitted Development

Representations have been received in relation to whether, were the EN not effective on the site, the development proposed here would comprise permitted development i.e. the development would not require express planning permission. It has been noted in the representations that the appeal statement submitted by the LPA for the enforcement appeal on the site accompanying the EN did not suggest lesser steps such as compliance with regulations set out within The Town and Country (General Permitted Development) Order 1995 (as amended) as the enforcement appraisal states, the falling levels of the land limit the scope of permitted development.

These comments are noted. However, these comments need to be read in context and the following sentence in the LPA statement recognises that because of the falling land levels *“whilst there may be an alternative to complete demolition of the property, it is not therefore considered expedient for the enforcement notice to grant permission for such as an alteration”* as the LPA consider that a modification would require full and appropriate consultation afforded through the planning process.

The rationale of not requiring lesser steps in the EN is therefore based on ensuring the interests on the neighbouring occupiers are not prejudiced by modifications rather than an assertion that permitted development rights could not be implemented.

For completeness, it should be noted that a review of the local authority’s Building Control records appears to indicate that, on the balance of probabilities, the rearmost section of the pre-existing single storey side extension was constructed in 1961 and is not therefore ‘original’ as defined in The Town and Country (General Permitted Development) Order 1995 (as amended). The extensions comprise a ‘wraparound’ extension of the north-eastern corner of the building and would project more than 3 metres beyond the rear wall of the ‘original’ rear wall at the side of the property. The extensions applied for in this application, were the EN not effective on the land would not therefore be permitted development.

#### **4) S17 Crime & Disorder Act 1998**

Policies 7.3.B and 7.13.B of The London Plan and saved policy D4 of the UDP 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.

#### **5) Consultation responses**

*Applications should not have been accepted as they did not accord with Council’s Enforcement policy*

The Council’s Enforcement policy sets out a position that planning applications will not be accepted where there is an effective EN and the works proposed in the application do not seek to overcome the reasons for the EN. That is not the case in this instance where obvious attempts, namely the alteration of the roof form of the side extension and the reduction in the depth of the ‘wraparound’ element, have been submitted for consideration by the Council’s Planning Department

*Applications invalid as applicant has applied for Planning Permission as opposed to Householder development which requires a Design and Access Statement.*

The application form used is a ‘Planning Application’ Form. However, as the property is an existing dwellinghouse, Regulation 8 of the Town and Country (Development Management

Procedure) Order 2010 confirms that 'Design and Access Statements' do not relate to applications for this type of development

*Granting planning permission for this development would have the effect of granting permission for the previous applications as the SPS relates to these applications*

As stated above, a Design and Access Statement is not required for this type of development. An assessment of the application has been based on the submitted drawings rather than the SPS.

*Number of discrepancies and inaccuracies in the submitted drawings, which include the 'gap' to the boundary; Plans submitted which are knowingly misleading*

The accuracy of the drawings has been checked on site by officers and it is considered that the submitted plans accurately reflect the existing and proposed situations

*The Supporting Planning Statement [SPS] submitted relates to the previous application P/2222/11 and is not therefore relevant; SPS inaccurate in its representations of the proposed development and parts of the SPS are untrue*

It is acknowledged that the SPS relates to a previous application and therefore little weight has been afforded to this document

*Proposals would not address the concerns outlined by the Planning Inspector in the most recent appeal at the site regarding oppressive outlook and discordant roof form*

These issues have been addressed in Sections 2 and 3 of the Appraisal above

*Applicant has now acquired No.22 and will presumably be invited to make representations regarding his own unauthorised development*

This comment is noted and addressed in Section 3 of the Appraisal above

*Query regarding whether permitted development could be implemented on the site*

This has been addressed in Section 3 of the Appraisal above

*Roof over rear extension would restrict outlook*

This has been addressed in Section 3 of the Appraisal above

## **CONCLUSION**

The applicant has sought to regularise the development on the site and address the concerns outlined by the Council and the Inspector in previous applications and appeals. However, though the alterations would overcome concerns in respect of the appearance of the property, the depth of the side to rear extensions would continue to have an oppressive impact on the outlook of the neighbouring occupiers, No.26 Woodway Crescent.

For these reasons, 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.

## **INFORMATIVES:**

### **1 INFORMATIVE:**

The following policies and proposals in The London Plan 2011, the Harrow Core Strategy 2012 and the saved policies of Harrow's Unitary Development Plan 2004 are relevant to this decision.

## **National Planning Policy**

National Planning Policy Framework 2012

### **The London Plan [2011]:**

7.3.B – Designing out Crime

7.4.B – Local Character

7.6.B – Architecture

7.13.B – Safety, Security and Resilience to emergency

### **The Harrow Core Strategy 2012**

CS1 – Overarching Policy

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

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

### **Adopted Supplementary Planning Documents**

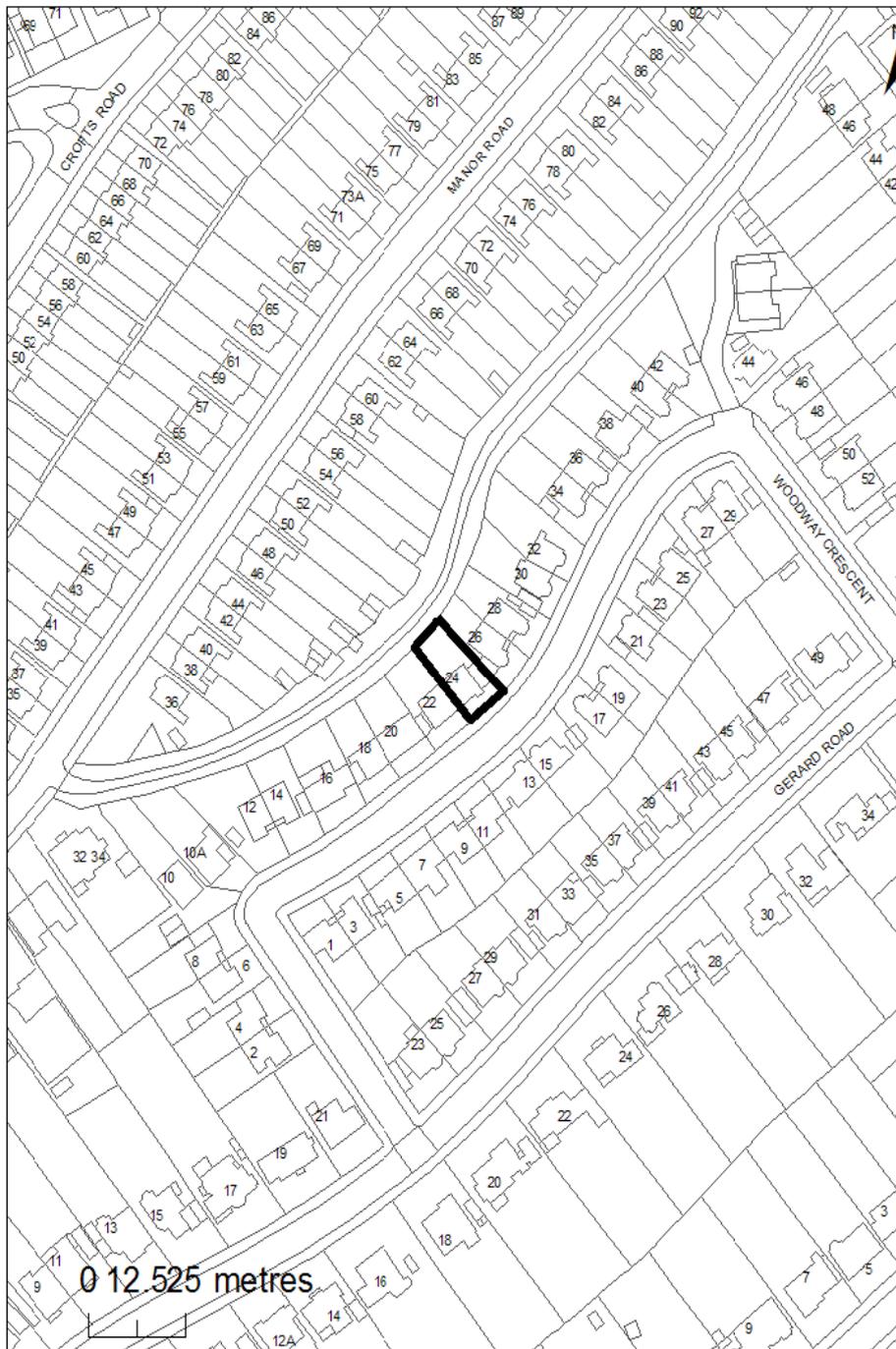
Supplementary Planning Document: Accessible Homes 2010

#### **2 INFORMATIVE:**

The applicant is advised that the LPA have not considered the submitted Supporting Planning Statement as part of this proposal as it relates to previous applications at this property.

Plan Nos: 1303.02.01.1 Rev B; 1303.02.01 Rev D2; Site Plan

## 24 WOODWAY CRESCENT, HARROW



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## Appeal Decision

Site visit made on 25 April 2012

by **D Cramond** BSc MRTPI

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

Decision date: **11 May 2012**

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### Appeal Ref: **APP/M5450/D/12/2171069**

### **24 Woodway Crescent, HARROW, Middlesex, HA1 2NQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr S Hussain against the decision of London Borough of Harrow.
  - The application Ref P/2222/11 was refused by notice dated 28 November 2011.
  - The development proposed is for retention of existing rear single storey extension with a proposed alteration to the roof.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposal on, firstly, the character and appearance of the host property and the locality and, secondly, on the living conditions for neighbours.

### Reasons

3. The appeal property is a two storey semi-detached dwelling with a flat roofed projection to the side and more recent flat roofed single storey elements behind this and to the rear of the main dwelling. These later elements have not been completed externally, for example, in terms of render as works have been put on hold. This is because the part closest to the neighbouring dwelling, No 26, was found via an Enforcement Appeal decision (Ref: APP/M5450/C/10/2132673, dated 7 January 2011) to be of a visually unsuitable design and to impact upon the amenities of these neighbours. The current proposal seeks to overcome these concerns through modification of what stands by altering the presently flat roofed form to incorporate a mono pitched element sloping down towards the neighbouring home, having the effect of reducing the height of the flank wall which lies close to the side boundary.

### *Character and appearance*

4. The altered extension would share little of the characteristics of the original dwelling. The roof, a combination of monopitch and flat forms, would appear unrelated and contrived; almost arbitrary. The scale and position and juncture of the altered extension element related to the older side extension would look most unresolved. The intersection, which would be lower in part and higher further in, would appear awkwardly ill-at-ease and would lack evidence of

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[www.planningportal.gov.uk/planninginspectorate](http://www.planningportal.gov.uk/planninginspectorate)

thoughtful good design. Furthermore, the extension would have a strangely bulbous appearance because of the alignment of the side wall. This is not accurately reflected in the submitted plans and the proposed changed roof element is not drawn to entirely reflect how construction would have to be undertaken.

5. Taken as whole, the original appearance of the host property would be harmed and there would not be appropriate reflection of the character of properties found locally. Saved Policy D4 of the Harrow Unitary Development Plan (2004) (UDP) calls for, amongst other matters, a high quality of design; with development to be appropriate to its site and setting and of a suitable scale and character. I conclude that the appeal scheme would run contrary to these objectives.

*Living conditions*

6. The neighbouring property to the north east of the appeal site is on lower ground. It has a kitchen window and a glazed door towards the extension. The outlook towards the extension, altered as proposed with the reduced flank wall, would continue to be oppressive. The extension in close proximity would clearly be seen to its full height beyond the short run of monopitch which is proposed. The occupants of this neighbouring room would feel hemmed-in and the extension, even rendered and coloured white, would be overbearing. The tight juxtaposition of the planned development to this window, particularly bearing in mind levels and orientation, would not be acceptable in amenity terms; the relationship would be a most uncomfortable one and residential amenity would be harmed.
7. UDP Policy D5 includes, amongst other matters, the objectives of ensuring that development maintains adequate space around buildings and does not have any undue adverse impact on the amenity of adjoining properties. I conclude that this scheme would conflict with this policy in this regard.

*Other matters*

8. I sympathise with the appellant's wish for additional accommodation and appreciate that this has been a long and difficult process. I understand that fencing could be erected as permitted development, albeit not to quite such a height as the current proposals. I recognise that a planning permission was granted for works here in 2003 and that this had a maximum height of 3 metres above ground level. However, that has expired, it is not directly comparable to what is before me and the permission was issued prior to adoption of the development plan policies referred to above. It is also fair to say that the thrust to achieve good quality design has increased in recent years; this is not least because through 2008 amendment the Planning and Compulsory Purchase Act 2004 underlines the desirability of achieving good design. The Supplementary Planning Document entitled "Residential Design Guide 2010" referred to by both parties cannot be expected to cover every eventuality; the physical circumstances here are unusual in terms of the existing property form, the shape and position of the proposed development and the relationship to the neighbouring dwelling. I have carefully considered all the points raised by the appellant but these matters do not outweigh the concerns which I have in relation to the main issues identified above.
9. I confirm that policies in the National Planning Policy Framework have been considered but in the light of the facts of this case the NPPF does not alter my

conclusions. Key objectives of the NPPF are to protect and enhance the qualities of the built environment as well as to safeguard and improve conditions in which people live; the Council's policies which I cite mirror these objectives.

*Overall conclusion*

10. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on the character and appearance of the host property and the locality and on the living conditions of neighbours. Accordingly the appeal is dismissed.

*D Cramond*

INSPECTOR

**SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES**

None.

**SECTION 5 - PRIOR APPROVAL APPLICATIONS**

None.