

**Garden Land Development
Supplementary Planning Document
Consultation Statement**

LDF
Local Development Framework

Respondents:

1. Daphne Jones
2. Highways Agency
3. English Heritage
4. Hatch End Association
5. Kingsfield Estate Residents Action Group
6. Transport for London
7. Thames Water
8. Campaign for a Better Harrow Environment
9. Natural England
10. Pinner Association
11. Dr Dolman
12. Metropolitan Police
13. Mr Jonathan Barker MBE
14. Tim Owen
15. Environment Agency
16. Banner Homes Central Ltd
17. CGMS Consulting
18. CE Wallace
19. Robin Bretherick Associates

Consultee	Consultee Submission	Council's Response
Daphne James	<p>Having read through all the documents, I am hopeful that the mounting problem of garden grabbing, may now come to an abrupt end.</p> <p>I fully support all restrictions that you can put in place to prevent this unacceptable practice, particularly the construction or conversion of domestic outbuildings for use as independant dwellings.</p>	Support for SPD noted.

	<p>My concern is, what is to happen to all those outbuildings that have already been built or converted into independant dwellings?</p> <p>I am also very pleased that you are continuing to concentrate development onto previously developed ' Brownfield Land ' and that habitat's have at last become a priority, this is so important for our birds, butterflies and insects.</p>	
Highways Agency	<p>The HA is an executive agency of the Department for Transport (DfT). We are responsible for operating, maintaining and improving England's strategic road network (SRN) on behalf of the Secretary of State for Transport.</p> <p>The HA will be concerned with proposals that have the potential to impact the safe and efficient operation of the SRN.</p> <p>We have reviewed the consultations and do not have any comment at this time.</p>	Noted
English Heritage	We do not wish to make any comments on this document.	Noted
Hatch End Association	<p>Paragraphs 3.1. and 3.2 are reasonable definitions of what is included as garden land, essentially land falling within the curtilage of a dwelling house; but it can include (e) <i>separate land which has been used as garden space</i> and even (f) <i>land not within the curtilage which has been used to provide amenity for the house</i>. However, 3.3 has some doubtful exclusions. While the aim may be to avoid argument, there is a often a strong case for treatment on individual merits rather than inflexible definition.</p>	<p>Support for 3.1 and 3.2 noted.</p> <p>Paragraph 153 of the NPPF states that SPDs should be used where they can help applicants to make successful applications. By providing clarity on types of land that will not be treated as garden land, the Council considers that the exclusions listed in paragraph 3.3 provide certainty for potential applicants and other participants in the planning process.</p>
Hatch End Association	<p>Under (a) in 3.3, there may not be many maisonettes above shops that have potential or actual garden space at the back; amenity space for such places is commonly a flat roof above the back of a shop, or perhaps some balcony space. However, if there is garden space behind a shop which has</p>	<p>Paragraph 53 of the NPPF allows local planning authorities to resist inappropriate development of residential gardens, and Policy 3.5 of the London Plan also refers to 'back gardens' and 'private residential gardens'. The Council considers that any attempt to extend the application of the local presumption against garden</p>

	<p>been used as amenity space it would be a pity for it to be lost; in any event even if not so used, the SDP should not encourage development in open space behind a shop which might be in the near view of a resident above the shop. In all probability, such development would be refused without "conflating" the situation with the garden land principle, but there is no need to specifically exclude land behind a shop, especially if the area really is used as a garden, and not just a back-yard.</p>	<p>land development to spaces behind shops would be contrived and unlikely to succeed. As noted above, the purpose of paragraph 3.3 is to provide certainty for potential applicants and other participants in the planning process as to what will not be treated as garden land.</p> <p>Where such spaces make an important contribution to local character or amenity (or have other important attributes such as drainage or biodiversity) they can be protected under other Core Strategy and development management policies.</p>
Hatch End Association	<p>Under (b) in 3.3, it may appear theoretically acceptable to exclude from the definition as garden land any garden space in an office block, or behind a public house. However, a garden in an office block may contribute usefully to open space; and in the case of public houses, garden space - not necessarily within the pub's "curtilage" - is often important to the business and its customers. It may be a short-sighted pub-owner who would give up his garden space, but often it might be a profitable conversion for an "absentee-owner" if not for the tenant or manager. Again, a development on such a garden space might well be refused, but there is no obvious reason to exclude it under 3.3, as opposed to merely not including in 3.1.</p>	<p>Paragraph 53 of the NPPF allows local planning authorities to resist inappropriate development of residential gardens, and Policy 3.5 of the London Plan also refers to 'back gardens' and 'private residential gardens'. The Council considers that any attempt to extend the application of the local presumption against garden land development to spaces within the curtilage of public houses and offices would be contrived and unlikely to succeed. As noted above, the purpose of paragraph 3.3 is to provide certainty for potential applicants and other participants in the planning process as to what will not be treated as garden land.</p> <p>Where such spaces make an important contribution to local character or amenity (or have other important attributes such as drainage or biodiversity) they can be protected under other Core Strategy and development management policies.</p>
Hatch End Association	<p>The proposed treatment of anomalous "gap sites" , paragraphs 3.10-3.12, may be defensible, but it may sometimes create a significant loss to an area, where for example a break in a run of buildings reveals a pleasant or even important tree, providing a welcome element in the street scene. It would be preferable to treat them individually on their merits rather than fully withdrawing the SDP defence.</p>	<p>The local justification for a presumption against garden development is set out at paragraphs 2.1-2.3 of the SPD. The purpose of paragraphs 3.11 and 3.12 seek to draw a distinction between genuine anomalous gap sites and other spaces when considering whether the exception applies.</p> <p>Where gap sites make an important contribution to local character or amenity (or have other important attributes such as drainage or biodiversity or TPO trees) they can be protected under other Core Strategy and development management policies.</p>
Kingsfield Estate Residents Action Group	<p>We would like to express our support for this scheme. KRAG has fought hard and long to protect gardens in our vicinity. We only wish that it had been brought in many years ago. The building in the back of gardens in Canterbury</p>	<p>Support noted. Any future proposals can be assessed against the Core Strategy presumption against garden development and the subject SPD.</p>

	<p>Road in particular, would have been stopped and the foxes, the resident owl and other creatures resident would have a home. We were also concerned about flooding of the area and believe that much money had to be spent to prevent it.</p> <p>We trust that side street development in gardens of corner houses will be prevented, and that Bristol will be stopped from over turning Council decisions on this issue. We are especially concerned about the back of 83 and 83a Kingsfield Avenue which side on to Allington Road leading to the Kingsfield Estate. The Developer cut down beautiful trees, with birds nesting in them, when he knocked down the bungalow which occupied a double site.</p>	
Kingsfield Estate Residents Action Group	<p>We hope that this is the end of back garden development of all kinds and that that includes the Vicarage in Pinner View. We have been told that this is part neglected and that the plan is to probably build on part of it, when the new road goes past the Vicarage.</p> <p>Members of KRAG also hope that all Greenfield sites, whether private or public, will be protected from development, and that no future deals are made to allow public access in exchange for allowing development, as has been the case for St. George's Playing Field . Parishioners of Headstone once had access to this site. The PCC took that access away, closed the tennis and cricket clubs, and destroyed the Guide movement there, so they could claim the field was unused- except for the scouts who hung on.</p>	Support noted. Any future proposals can be assessed against the Core Strategy presumption against garden development and the subject SPD. However it should be noted that the SPD deals with garden land only and not other types of greenfield land (which are addressed by other Core Strategy provisions and development management policies).
TfL	<p>I can confirm that in principle London Underground Infrastructure Protection has no objection to the re-development of the sites specified in the above document. However, we do ask that we be considered 'Statutory Consultees' on planning matters relating to all sites within our 'Zones of Interest'.</p> <p>it would be appreciated if these points, or similar, could be included in the consultation response.</p>	Noted

<p>Thames Water</p>	<p><u>Paragraph 3.19 Drainage & Flooding</u></p> <p>Thames Water must be consulted regarding proposals involving building over or close to a public sewer on garden land. If building over or close to a public sewer is agreed by Thames Water it will need to be regulated by an Agreement in order to protect the public sewer and/or apparatus in question.</p> <p>Further information for Developers on water/sewerage infrastructure can be found on Thames Water's website at: http://www.thameswater.co.uk/cps/rde/xchg/corp/hs.xsl/558.htm</p> <p>Or contact can be made with Thames Water Developer Services</p> <p>By post at: Thames Water Developer Services, Reading Mailroom, Rose Kiln Court, Rose Kiln Lane, Reading RG2 0BY;</p> <p>By telephone on: 0845 850 2777;</p> <p>Or by email: developer.services@thameswater.co.uk</p> <p>In relation to flooding, the SPD should include reference to flooding from sewers as pluvial flooding is particularly significant in urban areas.</p> <p>The technical Guidance to the National Planning Policy Framework which retains key elements of PPS25: Development and Flood Risk states that a sequential approach should be used by local planning authorities in areas to be at risk from forms of flooding other than from river and sea which includes "<i>Flooding from Sewers</i>". The SPD should therefore include reference to sewer flooding and an acceptance that flooding could occur away from the flood plain as a result of development where off site infrastructure is not in place ahead of development.</p> <p>It is vital that sewerage/waste water treatment infrastructure is in place ahead of development if sewer flooding issues are to be avoided. It is also important not to under estimate</p>	<p>Noted.</p> <p>The local justification for a presumption against garden development is set out at paragraphs 2.1-2.3 of the SPD. Where proposals give rise to a need for infrastructure, including sewerage, this can be sought under other policies and as part of the forthcoming Harrow Community Infrastructure Levy.</p>
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	<p>the time required to deliver necessary infrastructure, for example:</p> <ul style="list-style-type: none"> - local network upgrades take around 18 months - sewage treatment works upgrades can take 3-5 years 	
CBHE	<p>CBHE supports fully the Council's policy involving presumption against garden development. Generally we welcome this supplementary guidance document which helps to clarify the definition of garden land and explains what would and would not be permitted. There are however two points which we think need clarification. They are listed below:</p> <p>1. Paragraph3.3a</p> <p>“Land within the curtilage of retail parades (such as gardens to maisonettes above shops)” will not be protected as garden land, while that surrounding blocks of flats will be. We understand that retail parades have a greater potential for development and that protection of garden land in this context might be an obstacle. However, flats and maisonettes, wherever they are built, need amenity space, both social and environmental and it could be argued that the need for this amenity is even greater in a retail environment. We therefore suggest that paragraph3.3a should state that where development does occur, there should be adequate provision of accessible green space in lieu of the lost gardens.</p>	<p>Support noted.</p> <p>Paragraph 53 of the NPPF allows local planning authorities to resist inappropriate development of residential gardens, and Policy 3.5 of the London Plan also refers to ‘back gardens’ and ‘private residential gardens’. The Council considers that any attempt to extend the application of the local presumption against garden land development to spaces behind shops would be contrived and unlikely to succeed. As noted above, the purpose of paragraph 3.3 is to provide certainty for potential applicants and other participants in the planning process as to what will not be treated as garden land.</p> <p>Where development does occur involving the loss of gardens behind shops, other policies can be used to seek provision of replacement space (where this is justified) for occupiers of maisonettes above. As the SPD supplements the presumption against garden land development (and cannot itself introduce new policies) the suggested provision would, in any case, be ineffective.</p>
	<p>2. Paragraph3.5c & paragraph3.9</p> <p>We welcome the Council's policy that conversion of domestic outbuildings into separate dwellings will not be tolerated. However the monitoring system</p>	<p>The Council considers that the suggested scenario would, in fact, be picked up by the proposed monitoring indicator. Any proposal to build a rear garden outbuilding as an independent dwelling would be captured (and therefore resisted) by the presumption against garden development, and any subsequent appeal allowed</p>

	<p>described in paragraph 4.2, which depends on review of appeals allowed for inappropriate garden development, does not cover this eventuality. Planning permission may be given legitimately for construction of an outbuilding in a garden but its subsequent conversion to an independent dwelling would only be picked up by monitoring in the longer term. If provision for this is already included elsewhere in planning policy, it should be referenced here. If not, a new monitoring procedure should be set up in this SPD.</p>	<p>would be identified as part of the monitoring of this indicator. The unauthorised conversion of a domestic garden building to an independent dwelling would be the subject of enforcement action (with or without an accompanying retrospective planning application) and, again, be captured (and therefore resisted) by the presumption against garden development. So again any subsequent appeal – whether relating to the enforcement notice or a retrospective application – if allowed would be identified as part of the monitoring of this indicator.</p>
<p>Natural England</p>	<p>Natural England does not consider that this SPD poses any likely or significant risk to those features of the natural environment¹ for which we would otherwise provide a more detailed consultation response and so does not wish to make specific comment on the details of this consultation.</p> <p>We welcome the consideration of the impacts of garden land development on the local character, biodiversity and drainage and flooding, which is appropriate for this SPD.</p>	<p>Noted</p>
<p>Pinner Association</p>	<p>The Pinner Association strongly supports this document as we consider garden land to be a vital amenity for everyone who lives and works in Harrow.</p> <p>2.2 & 2.3: We strongly support the Local Plan Core Strategy 2012 which has presumption against development on garden land and “sets out a clear spatial strategy for the Borough’s housing requirement over the plan period to be met on previously-developed land”, and states that “additional windfall development on garden land would be unacceptably harmful to the strategy of concentration upon identified, previously-developed sites.”</p>	<p>Support Noted</p>

Pinner Association	2.14: We strongly support Core Strategy Policies CS1(A) and CS1(B) and the reasoned justification which recognises the local importance of garden land and that if such sites were to be developed piecemeal then this would lead to unmanaged incremental growth.	Support Noted
Pinner Association	3.1 and 3.2 : We agree with the definitions of “garden land” given in CS Policy CS1, and strongly support the inclusion of “any hardstandings, outbuildings and other structures located on the garden land. No distinction is made between front, side and rear gardens.”	Support Noted
Pinner Association	3.3: We consider that “c. any land that historically formed part of a garden but which has an alternative authorised use;” should be changed to “c. any land that historically formed part of a garden but which has an alternative currently authorised use and which has not reverted to have a garden use; ”	Agree. The proposed change enhances the clarity of this part of the SPD by confirming that alternative uses must be existing ones and by excluding garden land which has previously been in an alternative use but where the garden land use has subsequently been restored. See also change proposed in response to Mr. Robin Bretherick (below).
Pinner Association	3.5: We agree with the definitions given of garden land development.	Support Noted
Pinner Association	3.7, 3.8 and 3.9: We strongly support the limitations on any enlargement of a replacement building on the footprint of a demolished dwelling to be restricted to that which would be allowed by extensions that are consistent with Harrow's Residential Design Guide SPD. However, in light of the HMG DCLG current proposals to grossly over enlarge the depth of permitted development single storey rear extensions we would not support an enlargement of a previous footprint of this size onto previously garden land. Therefore we ask that paragraph 3.7 [i] be revisited with a view of restricting the size of a “permitted development” enlargement of a footprint, and that	The purpose of paragraphs 3.7 – 3.9 is to avoid creating an incentive to wastefully extend existing dwellings using permitted development rights as a precursor to a planning application for redevelopment on the resulting footprint. The Council wishes to preserve the simplicity and logic of the approach set out in this part of the SPD. The Government’s proposed relaxation of permitted development rights is said to be temporary (for three years) pending economic recovery. The Core Strategy plan period runs until 2026. However, the Council agrees that there is logic in the withdrawal of permitted development rights from new houses if these have been relied-on to justify redevelopment under this part of the SPD.

	<p>permitted development rights be removed from any new building constructed on the footprint of a previous dwelling to ensure that an oversized encroachment onto garden land does not occur subsequently.</p>	<p>Inclusion of a statement to this effect in the SPD will provide certainty to applicants and clarity to other participants in the planning process.</p>
Pinner Association	<p>3.15: We strongly support “Given the strategic function of the garden development policy this will be particularly important to ensure that site/proposal specific reasons for the departure do not lead to a broad precedent which undermines the policy.”</p>	<p>Support Noted</p>
Dr Dolman	<p>I am glad to see this policy to protect gardens from development clearly set out. Many of the examples of developments that would not now be permitted, shown in the document, are close to where I live, and it would have been wonderful if the policy had been in place a few years ago.</p> <p>My only concern is how many departures from the policy under exceptional circumstances may be permitted (sections 3.14 and 3.15). I realise that it may not be possible to set out criteria to justify such departures, but too much flexibility could be a problem, allowing unsuitable development. I hope the exceptional circumstances will turn out to be just that.</p>	<p>Support Noted</p> <p>It is not possible to forecast/quantify the number of cases that could legitimately come forward under the exception for gap sites, but the Council anticipates that it should be minimal as many such sites have already been developed during recent decades. Paragraphs 3.10-3.12 provide reasonable clarity for applicants and other participants in the planning process as to what may, and may not, be considered to be genuine ‘gap’ sites.</p>
Metropolitan Police	<p>We would like to propose that the plan incorporates the following:</p> <p>All development and alterations to the built environment must create safe and secure environments that reduce crime, the fear of crime, anti-social behaviour and fire, with due weight given to the provisions of police ‘Secured by Design’ standards.</p> <p>In addition we also propose that the following wording is included into the SPD:</p> <p>Designing out crime and promoting community safety</p>	<p>Not appropriate to include this detail (specifically the insertion of policy) in an SPD relating to Garden Land.</p> <p>Designing out Crime and general design policies are contained in Core Strategy Policy CS1 and Development Management Policy DM1, and in the Residential Design Guide SPD.</p>

To gain planning permission, proposals for new development and alterations to the physical environment of the borough must demonstrate how they intend to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of the site. This will be achieved by:

- (a) creating safe and secure environments that reduce the scope for crime and anti-social behaviour;
- (b) combating the fear of crime in the physical environment;
- (c) incorporating '*Secured by Design*' standards recommended by the Association of Chief Police Officers (ACPO) and supported by the Home Office.

Design solutions should include:

- (a) Natural surveillance – designing buildings with windows overlooking places such as parks and streets, courtyards and parking areas whilst taking into consideration landscaping, which should not conflict with existing or proposed CCTV or lighting.
- (b) Street network designs, pedestrian routes, footpaths and cycle paths that are direct routes with good visibility, that are easy to navigate and permeable. They should avoid creating alleyways, tunnels, hidden alcoves and sharp or blind corners.
- (c) Lighting that illuminates, enabling natural surveillance and good uniformity, avoiding the creation of dark or shadowed areas.
- (d) Clearly defined boundaries between public, semi public, semi private and private spaces, which reduces the likelihood of anti-social

behaviour by establishing clear ownership and responsibility for all space in the physical environment.

- (e) Other measures dictated by site context or type of development in line with the minimum standards of '*Secured by Design*'.

Reasons

Designing out crime is the process whereby streetscape, open spaces, buildings and transport infrastructure are positively influenced by practical design solutions to reduce the occurrence of crime and provide a safer and more attractive urban environment. Small changes, such as creating well lit spaces that are overlooked, reduces crime and the fear of crime.

Creating sustainably safe environments is vital to ensure that those who live in, work in or visit the borough can do so without any unreasonable concern for their safety. It is just as important to address the fear of crime because, whether realistic or not, such a dynamic affects people's perceptions of their safety both at home and in public places.

Improving community safety involves designing the urban environment to enable the community to assume an ownership role for the guardianship of their local space. This helps inspire a sense of pride and encourages community use of public spaces and appropriate interfaces with the private realm.

PPS1 (paragraph 37) states that in planning for high quality and inclusive design, local authorities should have regard to good practice guides e.g. '*Safer Places – The Planning System and Crime Prevention*' (ODPM/Home Office).

Harrow Council has adopted the '*Secured by Design*' minimum standards recommended by the Association of Chief Police Officers and the Home Office. '*Secured by*

	<p><i>Design</i>’ is the UK Police flagship initiative supporting the principles of ‘designing out crime’ by use of effective crime prevention and security standards for a range of applications. Further information is available at www.securedbydesign.com</p>	
Jonathan Barker	<p>I agree with this proposal. It is important to ensure that gardens attached to domestic dwellings are kept as such. There are too many instances in Harrow and other London boroughs of people building brick built single storey houses at the end of their gardens. I understand that these are not allowed to be used for habitation. However, these brick built constructions are certainly larger than the wooden sheds some people have and are often almost the width of the garden. These use up space intended as the garden and are often an eyesore for neighbours. It also takes away valuable green space which is needed to enable rain water to drain into the land. People must be allowed to build a wooden shed or a glass conservatory or greenhouse in their back garden as these are used to help sustain the environment and grow plants. You have only to look at the number of completely paved over front gardens in Harrow to see the dangers of excessive rainwater having no method of draining away. This can lead to flooding. While it is obviously fair to allow individuals space to park a car in their front driveway (if there is space) it is not necessary to completely pave over the entire area. It is important that a portion of a front garden remains as garden space to enable rainwater to drain away.</p>	Support Noted
Tim Owen	<p>Para 3.5(b): For the avoidance of doubt and misinterpretation I would suggest that this should read "one or more gardens" rather than "multiple gardens". This will then explicitly include any situation where a development is proposed to occur on part of an individual large garden. I would also suggest omitting the phrase "to the rear" so that the policy cannot be construed as not applying to side and front gardens, subject to the exception for gap sites set out</p>	<p>Agree. The proposed changes would clarify that 3.5(b) applies to backland development proposals on one or more gardens, not just those on multiple gardens, and remove the potential for unnecessary semantic argument about the location of the garden in relation to the original house(s). However, it is considered that the word ‘backland’ represents the best, most commonly understood adjective for what is meant by this provision.</p>

	in paragraphs 3.10 to 3.12 . By similar logic, perhaps the word "backland" should also be deleted. The phrase would then read "development on sites assembled from one or more gardens of existing properties"	
Tim Owen	<p>Para 2.2 I don't see how garden development would risk inhibiting the delivery of affordable housing targets. It is unlikely to contribute to affordable housing, but would only reduce the number of affordable homes developed if garden development substituted for development on other sites.</p> <p>Since gardens are windfall sites, this is unlikely to happen. This assumes that affordable housing targets are expressed as an absolute number of dwellings rather than as a percentage of the total new homes developed.</p>	<p>The text in paragraph 2.2 reflects the findings of the Planning Inspector examining the soundness of Harrow's Core Strategy, expressed in his report. Historically small sites (less than 10 units) have made a significant contribution to Harrow's housing supply; the Core Strategy represents a new pro-active approach to planning in Harrow which directs future housing growth to the Intensification Area and (larger) previously developed sites. The affordable housing 'target' in the Core Strategy is 40% of all new homes delivered in the plan period.</p>
Environment Agency	<p>We support the reference to flood risk and biodiversity within this document.</p> <p>You should also include advise on proximity to a watercourse in line with your Development Management Policy 18. We will always request at least an eight metre wide undeveloped buffer strip from top of bank. This is to allow access for essential flood maintainace and to protect and enhance biodiversity alongside watercourses. You should make it clear that Environment Agency consent is required for any development within this eight metres.</p>	<p>Support Noted.</p> <p>Where development is proposed on sites affecting a watercourse this can be controlled by relevant Core Strategy and development management policies. The SPD supplements the presumption against garden land development (only) and the Council does not consider it helpful to applicants or other participants in the planning process to include multiple cross references to the full range of potential policy constraints that could apply to an individual proposal.</p>
Banner Homes	<p>I write on behalf of Banner Homes Central Ltd. We are particularly active in the Borough, delivering housing choice and quality development.</p> <p>The draft SPD is underpinned by the policy CS1(B) , which is still 'bedding in' and will have dramatic and unintended economic effects on the Borough and London in general.</p> <p>In particular, it is thwarting a crucial source of land supply for small and medium sized housebuilders and restricting housing choice and mix. In addition, housing needs will simply not be met via, for example, Planning Obligation payments.</p>	<p>The SPD seeks to amplify an adopted Core Strategy policy. All of the arguments about the merits of the policy were examined as part of the Core Strategy Examination in Public. However the following points are worth noting:</p> <ul style="list-style-type: none"> • Harrow continues to meet and exceed its annual housing target and can demonstrate a five year supply of deliverable sites as well as a healthy long term housing trajectory (see Harrow AMR). • The 2009 GLA SHLAA, which informs boroughs' housing targets in the London Plan, assumed a 90% reduction in supply from garden land. Paragraph 3.34 of the London Plan

	<p>In effect, the draft SPD limits development on garden land to the following scenarios;</p> <ul style="list-style-type: none"> □ The footprint of any existing dwelling(s) plus any permitted extensions (excluding outbuildings) that could be exercised for the proposed dwelling(s); or □ The footprint of the dwelling(s) plus extension(s) (excluding outbuildings) that would be consistent with the LPA's Residential Design Guide SPD; or □ Identified "gap" sites, where a logical gap exists in an otherwise built up frontage. Side gardens are excluded from this. 	<p>confirms that there are no strategic housing land availability obstacles to the protection of gardens.</p> <ul style="list-style-type: none"> • Harrow continues to deliver a mix of housing types. In 2011/12 there were 197 affordable homes completed, representing 44.3% of all homes completed. (see Harrow AMR) <p>The Core Strategy allows for windfall development through (for example) conversions, and this SPD allows for redevelopment with appropriate enlargements of existing dwellings (see paragraphs 3.7-3.9). Therefore the council considers that there remains opportunities for small scale developers, whilst maintaining the presumption against garden development to achieve locally strategic planning objectives.</p>
Banner Homes Ltd	<p>I would make the following comments in response;</p> <ul style="list-style-type: none"> • The Borough and gardens within it vary markedly and there is nothing to suggest that, in all or most cases, the development of gardens would be unacceptably harmful to local character or other interests of acknowledged importance (including any material re-direction of investment away from town centres). The suggested number of exceptions pays little, if any, regard to this fact. • Moreover, the approval of schemes on garden land may create visual and other advantages, plus also enhancing biodiversity. • Given this, the LPAs general presumption, which places all garden land developments on an immediate back foot, is completely unreasonable. The issue should not be one of principle but a matter of judgement in the normal course of the LPA's development management function. The LPA's position on garden land is almost akin to its 	<p>Again it is noted that the SPD seeks to amplify an adopted Core Strategy policy, and that all of the arguments about the merits of the policy were examined as part of the Core Strategy Examination in Public.</p> <p>The justification for presumption against garden land development (reflecting the Core Strategy Planning Inspector's report) is set out at paragraphs 2.1-2.3 of the SPD. Issues of character are a separate matter (paragraph 3.17 explains). Visual or other advantages may be considered as 'other material considerations' if significant enough to justify a departure from the plan. Both the NPPF and the London Plan support policies to protect gardens where locally justified (as has been justified in Harrow through the Core Strategy). The requirement for new development to provide amenity space is irrelevant to the presumption against garden land development. It is precisely because of the mis-interpretation of the policy by Planning Inspectors that the Council has brought forward the SPD.</p>

	<p>approach to the Green Belt.</p> <ul style="list-style-type: none"> • It is also important to emphasise that the LPA's open space and amenity standards still apply to schemes on garden land. These would still have to satisfactorily provide for the amenity etc of occupiers and neighbours. • In support of its position, the LPA has referred to appeal decisions relating to numbers 107-111 Sylvia Avenue, Hatch End and 29 Paines lane, Pinner, respectively. In response, both Inspectors found that the proposals would cause visual harm to the character and appearance of the localities <i>before</i> considering the Council's locational strategy for investment. This begs the question; if neither had found <i>harm</i> to character, could they have reached different conclusions? <p>I would be grateful if you could carefully reconsider the proposed SPD in the light of this strong objection and look forward to hearing from you in due course.</p>	
CGMS Consulting	<p>The Councils adopted Core Strategy through Policy CS1 (B) states that "Proposals that would harm the character of suburban areas and garden development will be resisted". We are aware that objections were raised to this position to be adopted by the Council at that stage. This was the Inspector's Main Issue 5 at the examination. At paragraph 49 of his decision letter he advised that "However, the borough is varied and I do not accept that the evidence is so clear as to demonstrate that, in all cases, the development of gardens would be unacceptably harmful to local character. In some cases the permitting of development may allow the imposition of conditions which could enhance biodiversity and which may improve drainage conditions. In these circumstances I do not consider that</p>	<p>The policy deals with two separate issues. The Planning Inspector's report, reflected in paragraphs 2.1-2.3 of the SPD, found that the Core Strategy's presumption against garden land development is sound.</p>

	<p>these factors by themselves would provide the evidence necessary to support a borough-wide policy which contains a general presumption against all development of garden land”.</p>	
<p>CGMS Consulting</p>	<p>We are pleased that the Council has now recognised through its draft SPD that there can be circumstances where development of some garden land can provide housing. In this respect paragraphs 3.10-3.12 of the draft SPD provide for a specific exception to the policy in the Core Strategy. This allows for ‘gap’ sites to be developed within a built-up frontage.</p> <p>It should be recognised that gap sites in built frontages may well appear as ‘missing teeth’ where for historic reasons development didn't occur but logically should have been developed, but also sometimes where there may have been a house that was demolished and therefore replacing it would be the correct approach.</p> <p>We therefore support the inclusion of the gap sites exception within the SPD but would seek some further amplification of the supporting text to refer to gaps created by previous demolition of houses and therefore a new house would be appropriate subject to compliance with other policies.</p>	<p>Support for gap sites exception noted. The SPD already provides for redevelopment of existing houses. Where an existing dwelling has already been demolished the applicability of the SPD’s provisions would need to be considered in the context of case law tests of abandonment.</p>
<p>C E Wallace</p>	<p>Biodiversity</p> <p>3.18 Harrow’s <i>Biodiversity Action Plan</i> (2008) identifies gardens and allotments as a locally important wildlife habitat.</p> <p>MY comment on this sentence is that "and allotments" should be removed because it is not relevant to the subject discussed in the SDP. The sentence would be more applicable to the document if it read:</p> <p>Biodiversity</p>	<p>Agree. The proposed change would enhance the clarity of this part of the SPD.</p>

	<p>3.18 Harrow's <i>Biodiversity Action Plan</i> (2008) identifies private residential gardens as a locally important wildlife habitat.</p> <p>Statutory Allotments already have protection against residential development. Non statutory allotments are not defined as either "What is garden land" or "What is not garden land" in sections 3.1, 3.2, 3.3, 3.4 and thus inclusion of the non-specific word "allotments" is unnecessary.</p>	
<p>Robin Bretherick Associates</p>	<p>As you know, I made detailed representations on this issue in relation to the emerging Core Strategy both before, at and post-EiP Hearing. The final policy wording resulted from a series of modifications including post-Hearing changes to the draft CS. At the time, I was concerned not only about the sweeping nature of the proposal itself, but also that the substantial changes were late in the day, and may well have been missed by many who would have been interested.</p> <p>The Inspector accepted a number of my submissions thereon, but he ran with the policy given the strategy objectives and the housing figs. However, I remain very concerned about the principle, from various viewpoints.</p> <p>I consider it important that this new SPD allows reasonable flexibility in the application of the policy. Indeed I remain firmly of the view that the combination of the garden development policy itself and its strict interpretation/application represents an unreasonably sweeping and negative approach which cannot be justified in the current climate, whether judged from a housing, economic or environmental viewpoint. To refuse an otherwise acceptable and appropriate small-scale 'infill' residential development on a point of principle appears to run counter to all that the Government is currently saying about housing need and provision in the wider housing</p>	<p>The SPD seeks to amplify an adopted Core Strategy policy. All of the arguments about the merits of the policy were examined as part of the Core Strategy Examination in Public. Paragraph 53 of the NPPF allows local planning authorities to resist inappropriate development of residential gardens, indicating that the Government itself does not consider there to be any conflict with the 'pro-growth' agenda. Policy 3.5 of the London Plan also enables boroughs to resist development on garden land. The 2009 GLA SHLAA, which informs boroughs' housing targets in the London Plan, assumed a 90% reduction in supply from garden land. Paragraph 3.34 of the London Plan confirms that there are no strategic housing land availability obstacles to the protection of gardens.</p>

	context.	
Robin Bretherick Associates	<p>The following para numbers refer to those of the SPD.</p> <p>2.2 – 2.3 Although the principle of this approach is now a formal part of the Councils Strategy, I am bound to reiterate a couple of my earlier submissions here, as they are relevant to how strictly the LPA interprets and applies the garden development policy.</p> <p>In my view, the number of additional dwellings likely to come forward on garden land (in an appropriate form) would not significantly harm the strategy of concentration, nor would they significantly inhibit the delivery of affordable housing. The degree of dispersal would not be harmful, and would widen housing choice, thus helping to meet NPPF objectives (eg NPPF para 47) which requires LPAs to plan for the full range of housing.</p>	The paragraphs – and their findings - refer to reflect the Planning Inspector's conclusions on this issue following the Examination in Public of the Core Strategy.
Robin Bretherick Associates	<p>An unreasonably strict application of this policy would limit housing choice in terms of nature, type and location of dwellings. Not everybody wants to live in the H/W Intensification Area, in a local centre or in a large or mixed commercial/resi scheme. Families generally prefer to avoid larger, higher-density town centre housing developments which often provide limited shared amenity space. Garden development sites usually provide very suitable locations for infill family housing for those who are less financially constrained. A slavish application of the policy would reduce the opportunity for the provision of new larger family homes (eg detached houses) with their own private gardens in a more suitable location for children, having better air quality, lower noise levels, fewer traffic hazards and in some cases closer to schools and open space.</p> <p>Such schemes can be highly sustainable in terms of using an established highway frontage, the ready availability of services (utilities), local highway capacity and some</p>	<p>Again these arguments were fully aired and determined through the Core Strategy Examination in Public. The SPD seeks to clarify the application of the policy for the benefit of potential applicants and other participants in the planning process.</p> <p>The Core Strategy allows for windfall development through (for example) conversions, and this SPD allows for redevelopment with appropriate enlargements of existing dwellings (see paragraphs 3.7-3.9). Therefore the Council considers that there remains opportunities for small scale developers, whilst maintaining the presumption against garden development to achieve locally strategic planning objectives.</p>

	<p>elements of accessibility (as above). They also provide suitable housing land for small developers who are not able to fund more comprehensive proposals in the intensification area.</p>	
<p>Robin Bretherick Associates</p>	<p>2.9 The Core Strategy was adopted before publication of the final version of the NPPF. There is no scope in Harrow for the (large) scale of development envisaged by para 52 of the NPPF, ie “<i>settlements or extensions to existing villages and towns that follow the principle of Garden Cities.</i>” In the Council’s NPPF quote (para 53), the word ‘inappropriate’ is important. This suggests that not all such development should be ruled out, and that an individual value-judgement should be made in each case.</p> <p>2.12 The London Plan wording, including ‘<i>presumption against</i>’ and ‘<i>inappropriate</i>’ development’ appear to leave scope for some flexibility and for a scheme-specific judgement.</p> <p>2.14 Despite the wording of the CS, I suggest that in practice, more scope should be given for garden land development than is suggested in the SPD. It is unreasonable to apply the policy slavishly.</p> <p>2.15 But the final version of the NPPF post-dated the CS adoption.</p> <p>2.16 See 2.2 – 2.3 above.</p> <p>2.18 But the SPD should ensure maximum flexibility.</p>	<p>Paragraph 2.15 of the SPD explains how the Core Strategy Examination in Public process dealt with the publication of the consultation draft NPPF. The presumption against garden development was justified through the Core Strategy Examination in Public process and in the Council’s opinion is entirely consistent with the relevant NPPF and London Plan provisions on this issue. As an SPD it is not the role of the subject document to ‘unpick’ a policy adopted following independent examination to allow (as suggested) greater flexibility than that provided for in the parent DPD.</p> <p>Although the final version of the NPPF post dates (by one month) the adoption of the Core Strategy, it is notable that in the final version the Government introduced paragraph 53 – a provision that did not appear in the consultation draft. (The draft simply carried across the 2010 change to the definition of previously developed land in PPS 3). This suggests that, in the final NPPF, the Government felt it needed to strengthen the case for garden development policies where locally justified.</p>
<p>Robin Bretherick Associates</p>	<p>3.1 The definition of ‘garden land’ is too wide. ‘e’ should be deleted, as legal or physical severance is likely to mean that the land is not, in fact, used as garden land. It should thus be treated as outside the scope of the policy, and considered on its own merits, if appropriate</p>	<p>Disagree. The purpose of this provision is to prevent the practice of circumnavigating the policy (and therefore undermining the strategic objective that it is intended to serve) simply by separating a piece of garden land in legal and/or physical terms.</p>

	<p>as an urban greenfield site. Alternatively, a cut-off date could be used, eg the CS adoption date, with your severance argument applying to land severed after that date.</p> <p>'f' should also be omitted if, as suggested, the land is outside the curtilage.</p>	<p>The Council does not consider it appropriate to introduce into the SPD a cut off date. As with any other DPD policy, the presumption against garden land development applies to all relevant proposals from the date of adoption of the DPD.</p> <p>The Council does not agree that (f) should be omitted. There is no reason not to treat a garden land which, e.g. for reasons of design and layout, is not part of the curtilage of a dwelling, any differently to garden land that forms a more conventional house-with-garden arrangement.</p>
Robin Bretherick Associates	3.2 Larger outbuildings or structures should be excluded from the definition, as their conversion is likely to represent a sustainable re-use of an existing structure without any significant local impact, loss of green space or, necessarily, any additional building works.	Disagree. To exclude outbuildings would be at odds with the locally strategic planning objectives of the presumption against garden land development.
Robin Bretherick Associates	<p>3.3 This list should be widened to include the above. In any event, 'c' should read '<i>..... which now has another <u>lawful</u> use</i>' rather than '<i>..... which has an alternative authorised use</i>'. In the absence of any planning permission, the S.191 Certification procedure can be used for this (or the submission of an equivalent level of evidence).</p> <p>3.4 Agreed.</p>	<p>Disagree. To exclude outbuildings would be at odds with the locally strategic planning objectives of the presumption against garden land development.</p> <p>With regards to 3.3 (c) it is agreed that the proposed change would improve the clarity of this provision. See also change proposed in response to Pinner Association (above).</p>
Robin Bretherick Associates	<p>3.5 I suggest it would be better to avoid any ref to 'typical examples'. However, if this is retained, then 'a' should include a caveat "<i>except where reasonably considered as a 'gap site' (see below)</i>" and 'c' should not preclude the conversion of larger domestic outbuildings.</p> <p>3.6 Agreed but the exclusions should be widened to cover the above.</p>	The Council does not agree that the 'typical examples' should be omitted, as these help potential applicants and other participants in the planning process to visualise common types of garden land development (without being prescriptive). As the parameters for considering whether a site is genuinely a 'gap site' are clearly defined in paragraphs 3.10-3.12, the proposed amendment to (a) is not considered to be necessary (and could add unhelpful ambiguity with regards to sites that have a secondary road frontage).

<p>Robin Bretherick Associates</p>	<p>3.7 Needs more flexibility to allow for unusually large plots and/or where the prevailing house sizes in the area are larger. I suggest the addition of two further options:</p> <p style="padding-left: 40px;"><i>“iii. 50% of the total plot area; or</i></p> <p style="padding-left: 40px;"><i>iv. the larger size of the footprint other houses in the vicinity of the site”.</i></p> <p>My 50% figure could be a little lower, if felt really necessary.</p>	<p>The purpose of paragraph 3.7 (and subsequent paragraphs under the heading) is to explain how the presumption against garden land development will be applied, recognising that the presumption is not intended to apply to residential extensions and the redevelopment of existing dwellings as so extended (or potential extended). The proposed changes would in effect introduce provisions that modify the presumption of the parent DPD and are not, therefore, appropriate in the SPD. They also conflate issues of character that do not form part of the purpose of the presumption.</p>
<p>Robin Bretherick Associates</p>	<p>3.8 Revise to reflect changes to 3.7.</p> <p>3.9 The conversion of larger outbuildings should not be treated a garden land dev.</p> <p>3.10 - 3.12 Agreed but the scope and interpretation should be widened.</p> <p>3.14 Agreed, but ‘unique’ is too strict a test. There may be two or three similar sites with similar sets of circumstances.</p> <p>3.15 Noted but more scope should be given.</p> <p>3.16 The Council should not attempt to rule out all <i>‘unmanaged, incremental growth on non-previously developed land’</i>.</p> <p>3.17 – 3.19 Agreed that these matters should be separate issues.</p>	<p>Disagree. To exclude outbuildings would be at odds with the locally strategic planning objectives of the presumption against garden land development.</p> <p>Paragraphs 3.10-3.12 make provision for genuine ‘gap’ sites as an exception. The Council does not agree that the scope and interpretation should be widened.</p> <p>In paragraph 3.14 the word ‘unique’ relates to the proposal, not the site. If another proposal on a different site happens to display the same ‘unique’ characteristics then it would follow that, all other things being equal, the same decision would be reached.</p> <p>The Council does not agree that more scope should be given in 3.15. This paragraph simply recognises that there may be other material consideration but does not attempt to define what they may be.</p> <p>Paragraph 3.16 simply restates in summary the justification for the presumption against garden land development as examined and found sound through the Core Strategy Examination in Public.</p> <p>Support for paragraphs 3.17-3.19 noted.</p>