

SECTION 1 – MAJOR APPLICATIONS

None.

SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

ITEM NO: 2/01
ADDRESS: GARAGES ADJACENT TO 1 ATHERTON PLACE, HARROW
REFERENCE: P/4015/15
DESCRIPTION: CONSTRUCTION OF THREE TWO STOREY TERRACED HOUSES; REFUSE STORAGE; ASSOCIATED LANDSCAPING AND PARKING
WARD: HEADSTONE SOUTH
APPLICANT: MR RAJUL KANABAR
AGENT: LEVITT BERNSTEIN
CASE OFFICER: CATRIONA COOKE
EXPIRY DATE: 29/10/2015

RECOMMENDATION

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

INFORMATION

The application is reported to the Planning Committee as the subject site is owned by the Council and is over 100sqm in area. As such, it falls outside the scope of the exception criteria set out at Part 1(h) of the Scheme of Delegation dated 29th May 2013.

Statutory Return Type: E13 Minor Dwellings

Council Interest: The land is owned by the Council.

Net additional Floor space: 185 sqm

GLA Community Infrastructure Levy Contribution (provisional): £6,475

Harrow Community Infrastructure Levy Contribution (provisional): £20,350

Site Description

- The application site contains 16 garages in two rows forming a parking courtyard.
- The overall site area spans an area of approximately 381.5m².
- The site is bound to the west by the rear garden boundaries of Nos 30-32 Sidney Road, to the north by the rear garden boundaries of 34 Sidney Road and 7 and 7A

Victor Road, to the west by No.1 Atherton Place.

- The site has a PTAL rating of 2.

Proposal Details

- A redevelopment of the site is proposed to create three, two storey terraced houses together with associated refuse and cycle storage; landscaping and parking.
- The proposed dwellings would be located to the front of the site
- Each dwellinghouse would have a width of approximately 5.5 metres and a depth of approximately 10 metres.
- The group of dwellings would have a pitched roof design with a maximum height of 7.8 metres.
- Each dwellinghouse would contain three bedrooms and would be provided with a private rear amenity space at the rear.
- The area to the front of the properties would be hardsurfaced with providing sufficient space to accommodate one vehicle.
- A minimum of 37m² of private amenity space would be provided for each dwellinghouse.

Revisions to Previous Application

- N/A

Relevant History

- N/A

Pre-Application Discussion (Ref.)

- None

Applicant Submission Documents

- Design and Access Statement

Consultations

Highways Authority: We have no objection to the principle of the development. There are no highway safety concerns. However the proposal to provide off street parking may be impeded by existing utility cabinets and relocation/removal of street lights – this will require further investigation by the applicant. A development of this size is not expected to have a significant highways impact and the loss of off-street parking is considered to be negligible due to lack of use of the existing garages. Details of cycle parking locations are required (2 per house).

Drainage Engineer: No objection subject to conditions.

Landscape Architect: No comments received

Tree Officer: No comments received

Advertisement

- N/A

Notifications

Sent: 8

Replies: 0

Expiry: 01/10/2015

Site Notice

Erected: 29/09/2015

Expiry: 21/10/2015

Addresses Consulted

30-34 (even) Sidney Road

1, 1A, 3 Atherton Place

7, 7A Victor Road

Summary of Responses

- none

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 2015 [LP] (consolidated with alterations since 2011) (2015) and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAM].

BACKGROUND

Homes for Harrow development programme

Demand for affordable housing to rent and buy in Harrow is high and growing. The council now has around 150 families housed in temporary Bed and Breakfast accommodation when a few years ago there were none. The council's Housing Service now has the financial freedom to start building new council housing and the Homes for Harrow programme has identified a number of opportunities where we can start building the first new council homes in a generation.

The Council commissioned a capacity study to identify opportunities to build new homes within existing council housing estates, disused and dysfunctional garages, (often the cause of anti-social behavior) and other areas of in-fill development. This work was carried out in consultation with the Harrow Federation of Tenant and Resident Associations and Councilors and with other council services.

A number of opportunities have been identified. The first phase of 13 sites will deliver 40 new Affordable homes for rent including large family houses which are in extremely short supply, as well as 10 new Shared Ownership homes also aimed at families. Planning applications have been worked up following resident consultation on each site and

through pre application discussions with Planning Services. The council has been successful in obtaining government support enabling the Council to borrow additional funding to support the cost of developing the new homes, as well as using capital receipts from the sale of council homes under the Right to Buy and other housing resources.

Additionally the Council also has opportunities for some wider housing estate regeneration and redevelopment schemes which are being developed in partnership with local residents.

The Homes for Harrow programme contributes positively to the Council's vision for Harrow Working Together to Make a Difference for Harrow and the Council's priorities in the following ways:

1. Making a difference for the vulnerable – building a range of new affordable homes including homes for those who are most in need.
2. Making a difference for communities – This work provides an opportunity to involve and engage both residents on estates and from the wider community in the development of new homes, the replacement of poor housing and improvements to the external environment.
3. Making a difference for local businesses – The procurement of contractors for the infill development programme provides an opportunity to encourage and support local, small to medium sized contractors in tendering for the work.
4. Making a difference for families – building a range of new affordable homes with a significant proportion aimed at larger families and improving the worst social housing in Harrow. Other benefits flowing from these development programmes include the creation of apprenticeships, jobs and training opportunities to help those most in need, especially the young.

MAIN CONSIDERATIONS

Principle of the Development
Character and Appearance of the Area
Residential Amenity
Traffic Parking and Servicing
Flood Risk and Drainage
Accessibility
Sustainability
S17 Crime & Disorder Act
Equalities and Human Rights
Consultation Responses

Principle of the Development

The National Planning Policy Framework outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. It emphasises that paragraphs 18 to 219 should be taken as a whole. Economic, social and environmental considerations form the three dimensions of sustainable development. With regard to the social role of the planning system, this is in supporting strong, vibrant and healthy communities by creating a high quality build environment that reflect the community needs and support its health, social and cultural well being. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly.

Paragraph 12 of the NPPF states that: 'This National Planning Policy Framework does

not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.'

Having regard to the planning designations on the site, there are no development plan policies that specifically preclude the provision of residential dwellings here. The proposed development would not result in development on garden land and would therefore not conflict with Core Strategy policies CS1A and CS1B.

Policy 3.8 of The London Plan (2015) also encourages the borough to provide a range of housing choices in order to take account of the various different groups who require different types of housing. Further to this, Core Policy CS(I) states that 'New residential development shall result in a mix of housing in terms of type, size and tenure across the Borough and within neighbourhoods, to promote housing choice, meet local needs, and to maintain mixed and sustainable communities'.

The site is not allocated for development but represents 'a previously developed' site. The redevelopment of the site and the provision of new dwellings on the site are considered to represent a 'windfall development' as outlined in the Core Strategy. The use of the land for residential uses could therefore be supported in principle and would make an important contribution to the housing stock in the borough, including affordable housing, particularly having regard to the increased housing target identified within the London Plan (2015).

The principle of the re-development of the site is considered to be acceptable by officers, subject to consideration of further policy requirements as detailed below.

Character and Appearance of the Area

The NPPF makes it very clear that good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making better places for people.

The London Plan (2015) 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 (2015) 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 (2015) 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. Policy 7.8D of The London Plan (2015) states that 'Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail'.

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.'

Policy DM 1 of the Harrow Development Management Policies Local Plan (2013) reinforces the principles set out under The London Plan (2015) 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 surroundings, and should have a satisfactory relationship with adjoining buildings and spaces.

Siting, Scale and Massing

The proposed dwelling houses would be situated to the front of the site but provide sufficient setback to accord with adjacent building lines. The private gardens of the houses would adjoin the rear gardens of the houses in Sidney Road and Victor Road, thereby providing separation with this group of properties. The eastern flank wall would align with the western flank wall of the closest property to the east along Atherton Place. In terms of the western end dwelling, the flank wall of this property would be sited approximately 13.5 metres away from the rear façade of No. 32 Sidney Road. The proposed dwellings would be two storeys in height and the proposed ridge heights, eaves height and plot widths of the dwellings would reflect the scale of the surrounding residential properties which adjoin the site. The dwellings would not be visually prominent given that they would continue the existing building line of the existing terrace 1-3 Atherton Place.

Design and Appearance

The proposed dwellings would have pitched roofs to a similar height of adjoining dwellings in Atherton Place. Each dwelling house would incorporate a recessed front entrance with an enclosed bin store adjacent to conceal refuse bins. The design and appearance of the proposed development is considered to be acceptable, subject to a condition to secure final details of proposed materials, which would be attached to the permission, should approval be granted.

Landscaping

Policy DM 27 of the Harrow DMP LP (2013) states that: *“Residential development proposals that provide appropriate amenity space will be supported. The appropriate form and amount of amenity space should be informed by*

- a. the location and dwelling mix;*
- b. the likely needs of future occupiers of the development;*
- c. the character and pattern of existing development in the area;*
- d. the need to safeguard the privacy and amenity of neighbouring occupiers; and*
- e. the quality of the space proposed including landscaping (see Policy DM22 Trees and Landscaping).”*

Each dwellinghouse would have access to a private rear amenity space. The amount and form of amenity space it is considered to be acceptable in relation to the wider character of the area.

Policy DM 45 of the Harrow DMP LP (2013) outlines that bin and refuse storage must be provided in such a way to minimise its visual impact and avoid nuisance to occupiers, while providing a secure and convenient facility for occupiers and collection”. Refuse storage for the proposed dwellings would be within an integral enclosure sited adjacent to main entrance of each property which is considered to be acceptable.

In summary, it is considered that the design of proposed development would make a positive contribution to the character of the area and would reinforce the positive aspects of local distinctiveness. Officer’s consider the re-development of the site would provide

an increased sense of place, vibrancy and identity within the community and would successfully integrate into the surrounding suburban context. The proposed buildings, whilst of a more contemporary appearance, due to their scale, design and siting would be sympathetic and complimentary to the adjacent surrounding residential dwellings. As such, the proposal is considered to comply with The National Planning Policy Framework (2012), policies 7.4B, 7.6B and 7.8 C and D of The London Plan (2015) core policy CS1 B and D of the Harrow Core Strategy (2012) and policies DM1 and DM 7 of the Harrow Development Management Polices Local Plan (2013).

Residential Amenity

Policy 7.6 of The London Plan (2015) 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”.

Policy DM 1 of the Harrow Development Management Polices Local Plan (2013) requires that: “*All development and change of use proposals must achieve a high standard of privacy and amenity of neighbouring occupiers*”. “The assessment of the design and layout of proposals will have regard to: “the massing, bulk, scale and height of proposed buildings in relation to the location, the surroundings and any impact on neighbouring occupiers”.

Amenity impacts in relation to scale, massing and siting

The separation distances between the proposed dwellings and the adjoining properties in Sidney Road and Victor Road are considered to be acceptable. The terrace would respect the 45 degree code in the horizontal plane in relation to the first floor corner of No1 Atherton Place which would ensure no undue loss of outlook, light and overshadowing for the occupiers of this property. There is a window in the flank wall of No.1 Atherton Place which serves a stairway and is therefore not considered to be a protected source of light.

Notably, no objections have been received from any of the surrounding neighbouring occupiers. It is acknowledged the new buildings will undoubtedly change the views and outlook from a small number of surrounding properties. However, the planning system is not able to safeguard or protect specific views from private houses. The separation between the existing and proposed buildings has been set out above and it is considered to be sufficient so as not to result in any undue harm on neighbouring amenity in terms of loss of light, outlook and overshadowing and privacy. It is noted that no flank wall windows are proposed and a condition is recommended to ensure that no windows are added in the future. The distances in relation to the properties to the north and south are considered to be acceptable with regard to privacy impact.

The relationship is considered to be typical of many suburban locations. Subject to conditions on final materials, the development should successfully integrate into the character of the surrounding suburban context.

Vehicle Access, Noise and Disturbance

The proposed residential use is consistent with the surrounding land use. Although the new dwellings may generate more activity outside of normal working hours and into the evening and weekends, it is not expected that they would generate unacceptable levels of activity or noise and disturbance, given the existence of similar residential properties close to the site and limited number of three parking spaces.

Amenity Impacts on the Future Occupiers of the Dwellings

Policy DM 27 of the Harrow DMP LP (2013) states that: “Residential development proposals that provide appropriate amenity space will be supported. The appropriate form and amount of amenity space should be informed by

- a. the location and dwelling mix;
- b. the likely needs of future occupiers of the development;
- c. the character and pattern of existing development in the area;
- d. the need to safeguard the privacy and amenity of neighbouring occupiers; and
- e. the quality of the space proposed including landscaping (see Policy DM22 Trees and Landscaping).”

As discussed above, all of the residential units will have access to their own private amenity space which is considered to be appropriate in size and form for each of the proposed properties and would accord within the minimum standards set out in the Mayoral Housing SPG (2012).

Table 3.3 of the adopted London Plan (2015) specifies minimum Gross Internal Areas (GIA) for residential units. Paragraph 3.36 of the London Plan (2015) specifies that these are minimum sizes and should be exceeded where possible. The use of these residential unit GIA’s as minima is also reiterated in Appendix 1 of the Council’s adopted SPD.

In addition, paragraph 59 of the National Planning Policy Framework (2012) (NPPF) states that local planning authorities should consider using design codes where they could help deliver high quality outcomes. Policy 3.5C of The London Plan (2011) also specifies that Boroughs should ensure that, amongst other things, new dwellings have adequately sized rooms and convenient and efficient room layouts. In view of paragraph 59 of the NPPF and Policy 3.5C of The London Plan (2015), and when considering what is an appropriate standard of accommodation and quality of design, the Council has due regard to the Mayor of London’s Housing Supplementary Planning Guidance (SPG) (November 2012).

The room sizes of the flats are shown in the table below, along with the minimum floor areas for rooms as recommended by the Housing Standards Policy Transition Statement (May 2015):

	Gross Internal Floor Area	Bedroom
Housing Standards Policy Transition Statement (May 2015)	3 bedroom, 5 person (86 sqm)	Double 11.5sqm Single 7.5sqm
Proposed Dwellinghouses	92 sqm	Double 1 – 12.5sqm Double 2 – 11.5sqm Single – 7.5 sqm

With reference to the above table, it is considered that adequate Gross Internal Area and adequate room sizes of the dwellinghouses would result in an acceptable form of accommodation.

Refuse

A refuse store will be provided for the dwellings adjacent to the front entrance adjacent which provides a convenient place for collection. The refuse store would be a sufficient size to accommodate three refuse containers which would provide sufficient capacity in accordance with the Council's refuse standards.

In summary, officers consider that the proposal would accord with the National Planning Policy Framework (2012), policies 3.5C and 7.6B of The London plan (2015), policies DM 1 and DM 27 of the Harrow Development Management Policies Local Plan (2013), Supplementary Planning Guidance: Housing Design Guide (2012) and adopted Supplementary Planning Document (SPD): Residential Design Guide (2010).

Traffic Parking and Servicing

The London Plan (2015) policies 6.3, 6.9 and 6.13 seek to regulate parking in order to minimise additional car travel and encourage use of more sustainable means of travel. Core Strategy Policy CS 1 R and policy DM 42 of the Development Management DPD, also seeks to provide a managed response to car use and traffic growth associated with new development.

The site is currently occupied by some garages and as such levels of traffic generation are not expected to be significantly different from the previous use on the site. One parking space is proposed per dwellinghouse which would comply with the requirements of the London Plan (2015). The impact of three additional parking spaces is considered de-minimis in measurable highway impact terms as compared to overall traffic flows in the area and therefore the proposal is acceptable in this respect. The parking arrangements are supported by the Council's Highway's Engineer, subject to the provision of two secure cycle storage facilities for each dwelling. A condition is recommended to ensure that secure cycle storage is provided.

Overall, officers consider that the proposal would not have an adverse impact on the free flow of traffic or highway and pedestrian safety. In view of the above, it is considered that the proposal is acceptable in relation to policies 6.3, 6.9 and 6.13 of The London Plan (2015), policy CS1 R of the Harrow CS (2012) and policy DM 42 of the Harrow DMP LP (2013).

Flood Risk and Drainage

The application site is located in a critical drainage area of Harrow. Policy DM10 was introduced to address surface water run-off and flood risk from developments. The application would result in a net increase in development footprint and there is the potential for surface water run-off rates to increase. The Drainage authority has raised no objection and has recommended conditions.

Subject to the above, the development is considered to fulfil the objectives of the NPPF concerning managed impacts upon flood risk and would satisfy London Plan (2015) policies 5.12, 5.13 and 5.14, policy CS1 U of the Harrow Core Strategy, and policy DM 10 of the Harrow Development Management Policies Local Plan (2013).

Accessibility

The London Plan (2015) requires all new development in London to achieve the highest standards of accessibility and inclusive design as outlined under policy 7.2. Policy DM 2 of the Harrow DMLP (2013) seeks to ensure that buildings and public spaces are readily accessible to all

The submitted plans and accompanying Design and Access Statement indicates that the proposed dwelling houses would meet “accessible and adaptable” objectives. It is evident from the plans that external door widths and turning circles in the proposed dwellings would be sufficient to accommodate wheelchair users and to meet these Standards. A condition is recommended to be attached to the permission, should approval be granted which would require the dwellings to be built to these standards. Subject to this, the proposed dwellings would provide an acceptable level of accessibility in accordance with the above policies.

Sustainable Development

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. Policy 5.2 B outlines the targets for carbon dioxide emissions reduction in buildings. These targets are expressed as minimum improvements over the Target Emission Rate (TER) outlined in the national Building Regulations.

Policy DM 12 outlines that *“The design and layout of development proposals should:*
a. utilise natural systems such as passive solar design and, wherever possible, incorporate high performing energy retention materials, to supplement the benefits of traditional measures such as insulation and double glazing;
b. make provision for natural ventilation and shading to prevent internal overheating;
c. incorporate techniques that enhance biodiversity, such as green roofs and green walls (such techniques will benefit other sustainability objectives including surface water attenuation and the avoidance of internal and urban over-heating); and
d. where relevant, the design and layout of buildings should incorporate measures to mitigate any significant noise or air pollution arising from the future use of the development.”

Following on from this, Harrow Council has an adopted Supplementary Planning Document in relation to Sustainable Building Design (2009).

The submitted Design and Access Statement states that the proposed terrace would be built to comply with Building Regulations Part L. It is considered by officers that this level of sustainable development would be acceptable.

S17 Crime & Disorder Act

Policy 7.3 of The London Plan (2015) seeks to ensure that developments should address security issues and provide safe and secure environments.

The development would have adequate surveillance of the public realm from the front elevation. The shared communal open space would also be directly overlooked from the properties which will be an improvement compared to the existing open space on the site which is currently more isolated from the surrounding properties. It is considered that the site could be made secure by way of an appropriate condition for details of security measures to be submitted and agreed. As such, this condition is recommended, should approval be granted. Subject to the imposition of such a condition, it is deemed that this application would not have any detrimental impact upon community safety and is therefore acceptable in this regard.

Equalities and Human Rights

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

In determining this planning application the Council has regard to its equalities obligations under section 149 of the Equalities Act 2010. For the purposes of this report there are no adverse equalities issues arising from this proposal. However, it is noted that equality impact assessments play an important role in the formulation of planning policies; however their use in respect of this specific application is very much the exception rather than the norm. Taking proper account of the guidance contained in the London Plan Supplementary Guidance on Planning for Equality and Diversity in London (and in particular paragraph 2.6) the Council considers that there is no requirement for a Race Equalities Impact Assessment.

Consultation Responses

- None

CONCLUSION

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

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 Notwithstanding the details shown on the approved plans and documents, details and samples of the materials to be used in the construction of the external surfaces noted below shall be submitted to, and approved in writing by, the Local Planning Authority before the commencement of any work above DPC level of the buildings hereby permitted is carried out.

a: the external surfaces of the buildings

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 character and appearance of the locality, in accordance with policy DM 1 of the Harrow Development Management Policies Local Plan (2013).

3 Save where varied by the other planning conditions comprising this planning permission, the development hereby permitted shall be carried out in accordance with the approved plans: AT PL001A; AT PL004A; AT PL005B; AT PL006C; AT PL007C; Design and Access Statement

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

4 Prior to the commencement of the development, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to, and approved in writing by, the local planning authority.

The boundary treatment shall be completed in accordance with the approved details and thereafter retained.

REASON: To safeguard the amenity of neighbouring residents and the character of the locality in accordance with policy DM 1 of the Harrow Development Management Policies Local Plan (2013).

5 The development of the dwellinghouses hereby permitted shall not be commenced until works for the disposal of surface water, 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 these details and shall thereafter be retained.

REASON: To prevent the increased risk of flooding, reduce and mitigate the effects of flood risk in accordance with policy DM10 of the Councils Development Management Policies Local Plan 2013.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking or re-enacting that order with or without modification), no development which would otherwise fall within Classes A, B, D, E and F in Part 1 of Schedule 2 to that Order shall be carried out in relation to the dwellinghouses hereby permitted without the prior written permission of the local planning authority.

REASON: To safeguard the character of the area by restricting the amount of site coverage and size of the dwellinghouses in relation to the size of the plot and availability of amenity space and to safeguard the amenity of neighbouring residents, in accordance with policy DM 1 of the Harrow Development Management Policies Local Plan (2013).

7 The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area, as shown on the approved drawing.

REASON: To safeguard the appearance of the locality, as required by policy DM 45 of the Harrow Development Management Policies Local Plan (2013).

8 Before the hard surfacing hereby permitted is brought into use the surfacing shall EITHER be constructed from porous materials, for example, gravel, permeable block paving or porous asphalt, OR provision shall be made to direct run-off water from the hard surfacing to a permeable or porous area or surface within the curtilage of the site.

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding in accordance with Policy DM10 of the Harrow Development Management Policies Local Plan 2013.

9 The development hereby permitted, as detailed in the submitted and approved drawings, shall be built to "accessible and adaptable" standards as set out at standard M4(2) of the Building Regulations and thereafter retained to those standards.

REASON: To ensure provision of accessible and adaptable' standard housing in accordance with policy DM 2 of the Harrow Development Management Policies Local Plan (2013).

10 Notwithstanding the details on the approved plans, the development hereby permitted shall not commence until a tree protection plan for the development has been submitted to, and approved in writing by, the local planning authority. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition,

and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected, in accordance with Policy DM22 of the Development Management Policies Local Plan 2013.

INFORMATIVES

1 The following policies are relevant to this decision:

National Planning Policy Framework (2012) (NPPF)

The London Plan (2011) (consolidated with alterations since 2011)(2015):

- 3.3 – Increasing Housing Supply
- 3.5 – Quality and Design of Housing Developments
- 3.8 – Housing Choice
- 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
- 6.13 – Parking
- 7.1 – Building London’s Neighbourhoods and Communities
- 7.2 – An Inclusive Environment
- 7.3 – Designing Out Crime
- 7.4 – Local Character
- 7.6 – Architecture
- 7.21 – Trees and Woodlands

Harrow Core Strategy 2012

Core Policy CS 1 – Overarching Policy Objectives

Harrow Development Management Policies Local Plan (2013)

- Policy DM 1 - Achieving a High Standard of Development
- Policy DM 2 – Achieving Lifetime Neighbourhoods
- Policy DM 10 – On Site Water Management and Surface Water Attenuation
- Policy DM 12 – Sustainable Design and Layout
- Policy DM 14 – Renewable Energy Technology
- Policy DM 18 – Open Space
- Policy DM 20 – Protection of Biodiversity and Access to Nature
- Policy DM 21 –Enhancement of Biodiversity and Access to Nature
- Policy DM 22 – Trees and Landscaping
- Policy DM 23 – Streetside Greenness and Forecourt Greenery
- Policy DM 24 – Housing Mix
- Policy DM 27 – Amenity Space
- Policy DM 42 – Parking Standards
- Policy DM 44 - Servicing
- Policy DM 45 – Waste Management

Relevant Supplementary Documents

Supplementary Planning Document – Access for All (2006)

Supplementary Planning Document: Garden Land Development (2013).

Supplementary Planning Document – Residential Design Guide (2010)
Supplementary Planning Document - Accessible Homes (2010)
Mayor Of London, Housing Supplementary Planning Guidance (November 2012)
Housing Standards Policy Transition Statement (May 2015)
Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2008)

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

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.

5 DUTY TO BE POSITIVE AND PROACTIVE

Statement under Article 31 (1) (cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Pre-application advice was sought and provided and the submitted application was in accordance with that advice.

6 INFORM61_M

Please be advised that approval of this application, (by PINS if allowed on Appeal following the Refusal by Harrow Council), attracts a liability payment of £6,475 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 £6,475 for the application, based on the levy rate for Harrow of £35/sqm and the stated floorspace of 185sqm

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>

7 Harrow has a Community Infrastructure Levy which will apply Borough wide for certain uses of over 100sqm gross internal floor space. The CIL has been examined by the Planning Inspectorate and found to be legally compliant. It will be charged from the 1st October 2013. Any planning application determined after this date will be charged accordingly.

Harrow's Charges are:

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

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

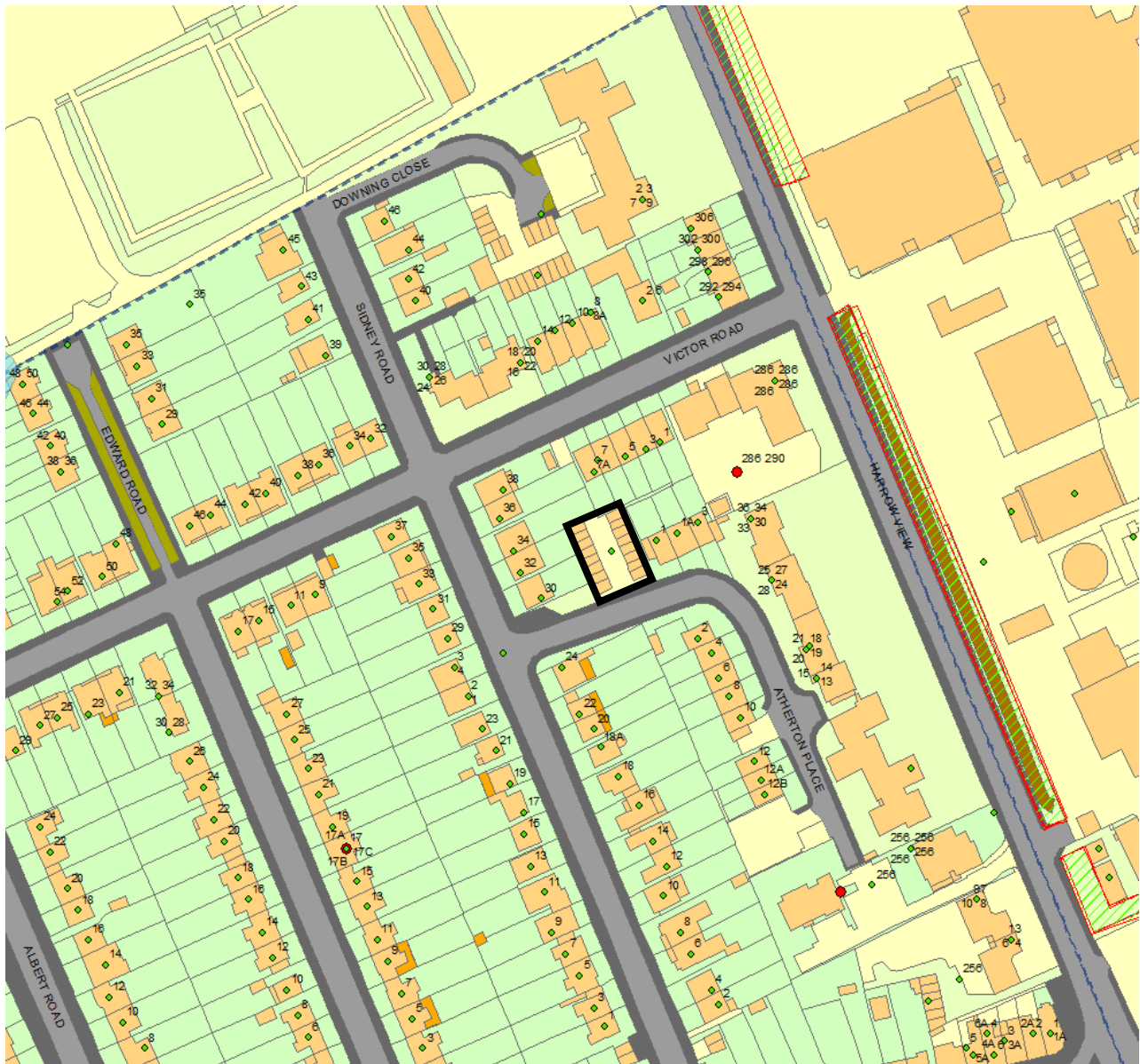
Retail (Use Class A1), Financial & Professional Services (Use Class A2), Restaurants and Cafes (Use Class A3) Drinking Establishments (Use Class A4) Hot Food Takeaways (Use Class A5) - £100 per sqm

All other uses - Nil.

The Harrow CIL Liability for this development is: £20,350.

Plan Nos: AT PL001A; AT PL004A; AT PL005B; AT PL006C; AT PL007C; Design and Access Statement

GARAGES ADJACENT TO 1 ATHERTON PLACE, HARROW



ITEM NO: 2/02
ADDRESS: 171 MARSH ROAD, PINNER
REFERENCE: P/4612/15
DESCRIPTION: INSTALLATION OF 17.5 METRE HIGH MONOPOLE SUPPORTING SIX ANTENNAS AND TWO 300MM MICROWAVE DISHES; INSTALLATION OF TWO RADIO EQUIPMENT CABINETS; ASSOCIATED DEVELOPMENT
WARD: PINNER SOUTH
APPLICANT: CTIL AND TELEFONICA UK LTD
AGENT: SINCLAIR DALBY LIMITED
CASE OFFICER: CATRIONA COOKE
EXPIRY DATE: 27/11/2015

RECOMMENDATION

To delegate authority to the Divisional Director of Planning and Regeneration to **GRANT** planning permission for the development described and submitted plans once the statutory consultation period has expired on 20th November 2015: subject to their being no additional representations with relevant material planning considerations not already addressed being received and conditions.

INFORMATION

The application is reported to the Planning Committee as there has been significant objection from neighbouring residents. As such, it falls outside the scope of the exception criteria set out at provision E of the Scheme of Delegation dated 29 May 2013.

Statutory Return Type: 27: Notifications
Council Interest: N/A

Site Description

- The application site lies at the junction of Marsh Road and West End Lane.
- The nearest residential properties are 197 Marsh Road which is sited approximately 11 metres away from the proposal site and 1 West End Avenue sited approximately 22m away; 2 West End Avenue is sited approximately 11 metres away; and 171 Marsh Road (upper floors) sited 8 metres away.

Proposal Details

- It is proposed to erect a 17.5 metre high telecommunications mast with antenna
- The proposed mast would have 6 antennas on the headframe and 2 300mm microwave dishes
- Two equipment cabinets on a concrete base associated with the use of the mast are

proposed. One Tyrone Lancaster Cabinet and one Tyrone Vulcan Cabinet are proposed. They would have a width of 1.9m, a depth of 900mm and a maximum height of 1.6m.

- The proposed equipment cabinets would be sited directly to the east of the mast and would be painted in ivy green

Revisions to Previous Application

- N/A

Relevant History

- N/A

Pre-Application Discussion (P/1287/15/PREAPP)

The site appears that it could accommodate the monopole and the cabinets if the exact location of the monopole minimises impacts on the flank windows

Applicant Submission Documents

- Supplementary Information
- CTiL Supporting Technical Information
- General Background Information for Telecommunications Development
- Design and Access Statement

Consultations

Highways Authority – We would have no concerns about this proposal as the footway is vast at this location and the cabinets have been sited in a position that is not obstructive. The only comment I have would be to have the mast relocated a bit further south towards the buildings to ensure that it is out of the pedestrian desire line for people walking along West End Avenue to/from Marsh Road.

Advertisement

- N/A

Notifications

Sent: 61

Replies: 14 plus petition of 70 signatures

Expiry: 30/10/2015

Site Notice

Erected: 29/10/2015

Expiry: 20/11/2015

Summary of Responses

- West End Avenue is a residential road and the council has a duty to respect, protect and maintain the character and landscape of residential roads.
- Would be out of character and dominate the landscape
- Would diminish the visibility for drivers and pedestrians alike, making the junction substantially more dangerous
- The replacement pole is substantially larger than the existing pole and is unsuitable in a residential road.
- Unknown risk to health
- There are more suitable sites located within the vicinity.

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 (consolidated with alterations since 2011)(2015), the Harrow Core strategy 2012 and Development Management Policies Local Plan 2013 [DMP].

MAIN CONSIDERATIONS

Compliance with ICNIRP

Character and Appearance of the Area and Residential Amenity

Traffic and Highways

S17 Crime & Disorder Act

Consultation Responses

Compliance with ICNIRP

The proposal includes an ICNIRP declaration confirming compliance with the public exposure guidelines. Paragraph 46 of the National Planning Policy Framework (NPPF) states that 'local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure'.

This means that local planning authorities cannot refuse applications for telecommunications development on health grounds, be it actual or perceived, provided the operator has demonstrated compliance with international standards on public exposure to non-ionizing radiation.

Character and Appearance of the Area and Residential Amenity

The NPPF (paragraphs 42-46) contains a presumption in favour of high quality communications infrastructure. Paragraph 43 notes that local planning authorities should support the expansion of electronic communications networks, but that they should aim to keep the numbers of radio and telecommunications masts to a minimum, consistent with the efficient operation of the network. Site sharing should be encouraged, and new equipment should be sympathetically designed. Paragraph 44 states that local planning authorities should not impose a ban on new telecommunications development in certain areas. Paragraph 45 notes that applications should be supported by the necessary evidence to justify the proposed development.

Policy DM49 of the Development Management Policies Local Plan (2013) states

"A. Proposals for the installation of telecommunications equipment will be supported where:

- a. the installation would be on an existing mast or building or, if a new mast is proposed, that it has not been not possible to find a suitable existing mast or building to meet operational requirements;
- b. the siting and design of the installation would minimise its impact upon the amenity of

- neighbouring occupiers, the host building (where relevant) and the appearance and character of the area;
- c. there would be no unacceptable impact upon areas of designated open space, heritage, landscape and biodiversity value; and
 - d. street-based installations would contribute to the principles of lifetime neighbourhoods including the rationalisation of any existing cabinets or other equipment.

The proposed mast is required as a replacement for an existing 12.5m high mast which is currently located to the south-east at the former Esso Petrol Station on Marsh Road. The proposed telecommunications mast and associated equipment would cater for 4G coverage for two operators in the local area. There is therefore a demonstrable need for coverage in the search area and the proposal supports mast sharing. The applicants have undertaken a sequential approach to their site search and discounted a number of alternative sites, thereby satisfying criterion A(a) of policy DM49 of the Development Management Local Plans Policies (2013). A condition is recommended to be attached to the permission, should approval be granted which would require the removal of the existing mast at the former Esso Petrol Station.

With respect to the requirements of criteria A(b) of Policy DM49, the siting of the mast would be approximately 8 metres from any residential properties. As such, it is considered that the proposal would not have a detrimental impact upon residential amenity. In terms of any potential health hazards, the applicant has provided an ICNIRP declaration confirming compliance with the public exposure guidelines.

The supporting information document submitted with the application affirms that 'due to technological advancements, including the rollout of 4G technologies, the current design has evolved to take account of these changed circumstances and the set of antennas are the smallest size, minimum number and spaced as close together as possible to achieve the desired network improvements'. It is considered that given the existing street furniture in Marsh Road and the slim nature of the proposed monopole with the antennas and dishes set 12.4m above ground level the monopole and cabinets would not be out of keeping with the area of have undue impact on the neighbouring residential occupiers.

It is considered that the proposal would accord with criteria A(d) which requires that the street based installations would contribute to the principles of lifetime neighbourhoods including the rationalisation of any existing cabinets and other equipment.

In summary, it is considered that the proposed monopole would accord with Paragraphs 42 and 43 of the National Planning Policy Framework (2012), Policies 7.1, 7.4, 7.5 of The London Plan (2015), Core Policy CS1 of the Harrow Core Strategy (2012) and Policies DM1 and DM49 of the Harrow Development Management Policies Local Plan (2013).

Traffic and Highways

The telecommunications mast and new equipment cabinets would not impinge on any site lines from vehicles approaching Marsh Road/West End Avenue and would therefore not unduly impact on highway safety and no harm would be caused to pedestrian movements along the main footway. The Council's Highways Department have raised no objection so the proposal is considered acceptable in this regard.

S17 Crime & Disorder Act

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

Equalities Implications

Section 149 of the Equalities Act 2010 created the public sector equality duty.

Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. The proposal for householder extension would have no impact with regard to section 149 of the Equalities Act 2010.

Consultation Responses

- West End Avenue is a residential road and the council has a duty to respect, protect and maintain the character and landscape of residential roads – addressed in appraisal.
- Would be out of character and dominate the landscape – addressed in appraisal.
- Would diminish the visibility for drivers and pedestrians alike, making the junction substantially more dangerous – addressed in appraisal.
- The replacement pole is substantially larger than the existing pole and is unsuitable in a residential road – addressed in appraisal.
- Unknown risk to health – addressed in appraisal.
- There are more suitable sites located within the vicinity. – addressed in appraisal

CONCLUSION

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

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 Within one month of the installation of the proposed monopole and associated equipment the existing mast and associated equipment located at the former Esso Petrol Station shall be removed.

REASON: To safeguard the amenity of neighbouring residents and the character of the locality in accordance with policy DM1 of the Harrow Development Management Policies Local Plan (2013)

3 The development hereby permitted shall be carried out in accordance with the following approved plans: 100 Issue A; 200 Issue A; 201 Issue A; 300 Issue A; 301 Issue A; 200 Issue A; 201 Issue A; Design and Access Statement; CTiL Supporting Technical

Information; General Background Information for Telecommunications Development
REASON: For the avoidance of doubt and in the interests of proper planning

INFORMATIVES

1 The following policies are relevant to this decision:-

National Planning Policy Framework (2015)

The London Plan:

7.1 Building London's neighbourhoods and communities

7.4 Local Character

7.5 Public Realm

Harrow Core Strategy:

CS1.B/C – Local Character

Harrow Development Management Policies Local Plan

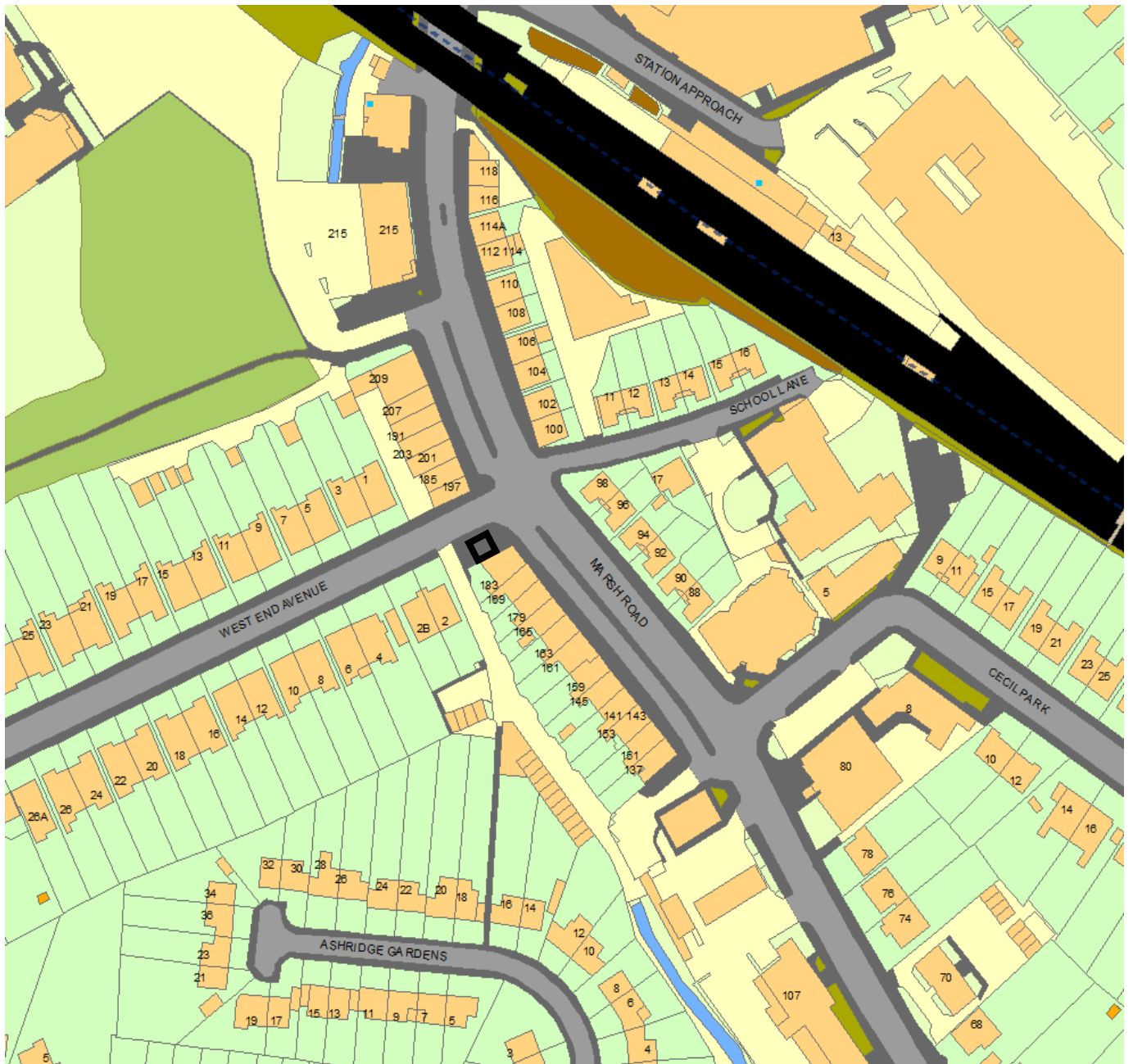
DM1 Achieving a High Standard of Development

DM49 Telecommunications

2. INFORM_PF2

Plan Nos: 100 Issue A; 200 Issue A; 201 Issue A; 300 Issue A; 301 Issue A; Design and Access Statement; CTiL Supporting Technical Information; General Background Information for Telecommunications Development

171 MARSH ROAD, PINNER



ITEM NO: 2/03
ADDRESS: 15 AINSDALE CRESCENT, PINNER
REFERENCE: P/4708/15
DESCRIPTION: CERTIFICATE OF LAWFUL DEVELOPMENT (PROPOSED):
ALTERATIONS TO ROOF TO FORM END GABLE WITH REAR
DORMER TO CREATE HABITABLE ROOFSPACE; TWO
ROOFLIGHTS IN FRONT ROOFSLOPE
WARD: HEADSTONE NORTH
APPLICANT: CHIRAG PATEL
CASE OFFICER: KIMRY SCHLACTER
EXPIRY DATE: 02/12/2015

RECOMMENDATION

GRANT a Certificate of Lawful Proposed Development described in the application and submitted plans, subject to conditions:

INFORMATION

The application is reported to the Planning Committee as the applicant is a staff member of Harrow Council. The application therefore falls outside of the Provision C of the Scheme of Delegation.

Statutory Return Type: 26: Other
Council Interest: None

Site Description

- Two storey semi-detached dwelling located on the south-western side of Ainsdale Crescent, unextended.
- The property is a single family home.
- The application property is not a listed building nor located in a conservation area.
- The site is located in a critical drainage area.

Proposal Details

- Hip to gable roof extension.
- Single rear dormer with glazed windows on the rear-facing elevation.
- Two rooflights inserted into front roofslope.

Revisions to Previous Application

- N/A

Relevant History

- None

Pre-Application Discussion (Ref.)

- None

Applicant Submission Documents

- N/A

Consultations

- No consultation is required or undertaken for a Certificate of Lawful Proposed Development application

Advertisement

- N/A

Notifications

Sent:

Replies:

Expiry:

Site Notice

Erected: 29/09/2015

Expiry: 21/10/2015

Addresses Consulted

30-34 (even) Sidney Road

1, 1A, 3 Atherton Place

7, 7A Victor Road

Summary of Responses

- None

APPRAISAL

Compliance with Permitted Development Limitations

- 1) In relation to compliance with Classes B & C the proposed development is appraised as follows:

Proposed Roof Enlargement – Class B

In relation to compliance with Class B, the proposed development is appraised as follows:

B1

- a) Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P or Q of Schedule 2, Part 3 of the General Permitted Development Order 2015.
- b) No part of the dwellinghouse would, as a result of the works, exceed the highest point of the existing roof.
- c) No part of the dwellinghouse, as a result of the works, would extend beyond the plane of an existing roofslope which forms the principal elevation of the dwellinghouse and fronts a highway.
- d) The resultant enlargement of the roof would have the following dimensions and volumes, as measured from the submitted plan:

Volume Calculations:

Hip to Gable:

$$(3.6 \times 9.5 \times 3.4) \div 6 = 19.4 \text{ M3}$$

Rear Dormer:

$$(3.9 \times 5.7 \times 2.7) \div 2 = 30.0 \text{ M3}$$

Total = 49.4 M3

The total volume of the loft extension will be 49.4 M3 which is within the tolerances for semi-detached properties.

- e) The proposal:
- i. does not include the provision of a veranda, balcony, or raised platform;
 - ii. does not include the installation, alteration, or replacement of a chimney, flue or soil and vent pipe.
- f) Not applicable as the dwellinghouse is not on article 2(3) land.

B2

- a) The materials to be used in the construction of any exterior work would be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
- b) The proposed enlargement will be constructed so that:
- i. Excluding the hip-to-gable enlargement (aa) the original eaves of the roof are maintained, and (bb) the edge of the enlargement closest to the eaves of the original roof is set back no less than 200mm from the edge of the existing roof eaves.
 - ii. No part of the proposed enlargement would extend beyond the outside face of any external wall of the original dwellinghouse.
- c) The proposal does not include a window in the flank elevation.

Proposed Rooflights – Class C

In relation to compliance with Class C, the proposed development is appraised as follows:

C1

- a) Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P or Q of Schedule 2, Part 3 the General Permitted Development Order 2015.
- b) The proposed rooflights are flush with the existing roof slope, and therefore would not protrude more than 150mm beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof.
- c) The rooflights would not result in the highest part of the alteration being higher than the highest part of the original roof.
- d) The alterations would not include:
- i. the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - ii. the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

C2

N/A – The proposal does not include any window on the roof slope of a side elevation

Consultation Responses

- None

CONCLUSION

For the reasons considered above, the proposal would comply with the relevant

limitations set out in Schedule 2, Part 1, Classes B & C of the Town and Country Planning (General Permitted Development) (England) Order 2015.

It is therefore recommended that a Certificate of Lawful Proposed Development be granted.

CONDITIONS

1 The proposed alterations to the roof to form an end gable, rear dormer, and two rooflights in the front roofslope would be within the tolerances of Schedule 2, Part 1, Classes B & C of The Town and Country Planning (General Permitted Development)(England) Order 2015.

2 The proposal is therefore a lawful development.

INFORMATIVES

1 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.

2 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

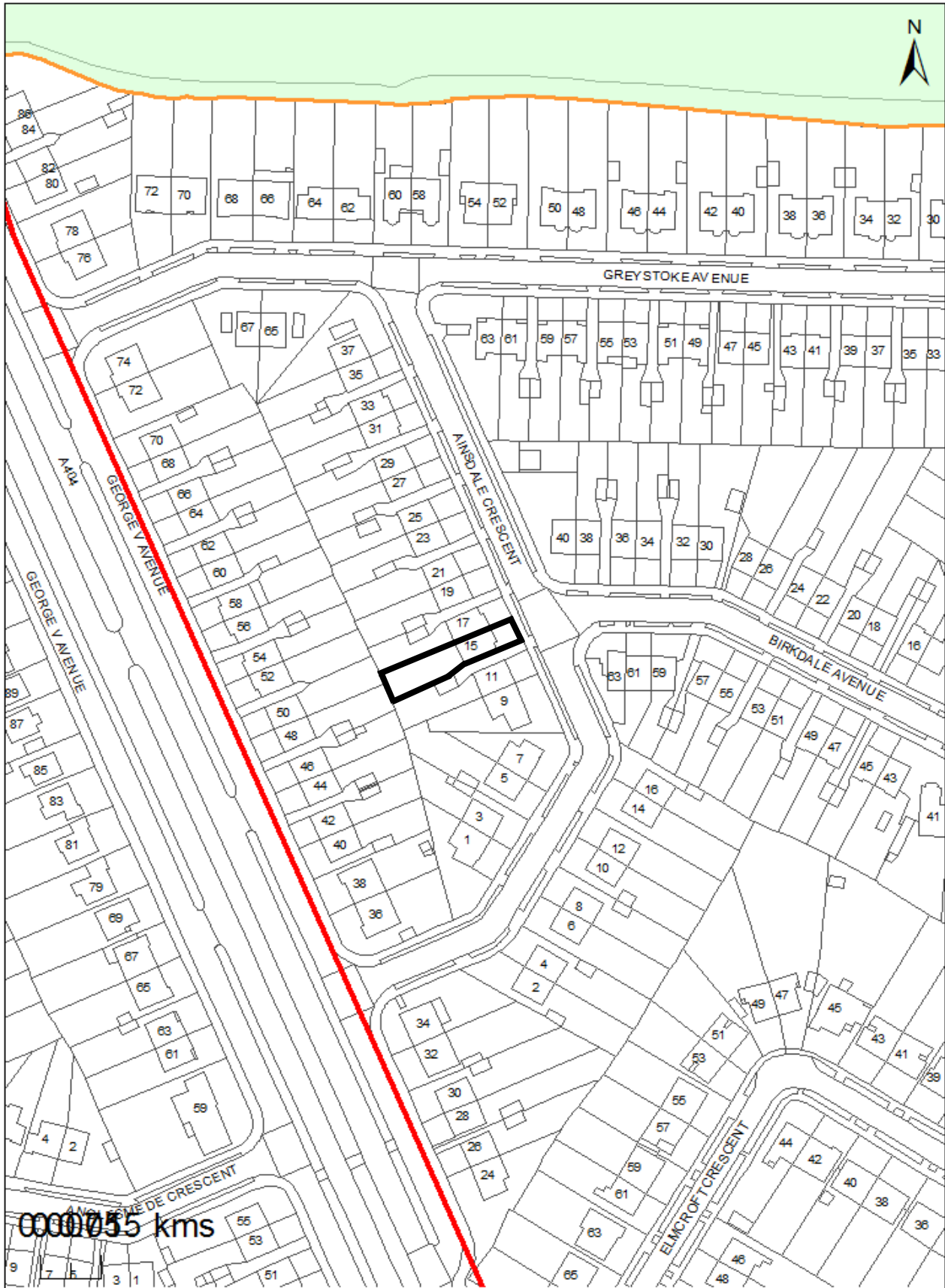
Textphone: 0870 1207 405

E-mail: communities@twoten.com

3 INFORM53_M - GRANT OF CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT - HOUSEHOLDER

Plan Nos: CP/LA15/100; CP/LA15/101; Email dated 28/10/2015

15 AINSDALE CRESCENT, PINNER



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ITEM NO: 2/04

ADDRESS: UNIT 9, ST GEORGE'S SHOPPING CENTRE, ST ANN'S ROAD,
HARROW

REFERENCE: P/4442/15

DESCRIPTION CHANGE OF USE FROM RETAIL (CLASS A1) TO COMBINED
CAFÉ/RETAIL (USE CLASS A3/A1)

WARD GREENHILL

APPLICANT: REDEFINE INTERNATIONAL PLC

AGENT: QUOD

CASE OFFICER: GRAHAM MANSFIELD

EXPIRY DATE: 20 NOVEMBER 2015

RECOMMENDATION

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

REASON

The applicant has demonstrated that the viability of the application site to contribute to the retail function of the town centre has diminished and will continue to diminish in the short to medium term. The proposed change of use of Unit 9 within St. George's Shopping Centre would secure a viable employment and wealth generating use in this location. In addition the change of use would provide a more appropriate mix of uses within the centre which would complement and support the retail function of the centre whilst having a positive impact upon the vibrancy of the town centre and contributing positively towards the late evening and night time economy. For these reasons, the development would accord with the strategy objectives of the development plan, and a departure from policy AAP17 of the Harrow & Wealdstone Area Action Plan is therefore justified in this instance.

The change of use would have a positive impact on the character and vibrancy of the area, whilst ensuring that the development would not adversely affect the amenity of neighbouring occupiers, highway safety and convenience or the abilities of all persons to use the unit in future.

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 (consolidated with alterations since 2011) (2015), the Harrow Core Strategy 2012 and the Harrow Development Management Plan Policies (2013), and to all relevant material considerations, and any comments received in response to publicity and consultation.

INFORMATION:

This application is being reported to committee as the proposal constitutes a material departure from the development plan and is therefore excluded by provision D of the Scheme of Delegation dated 29 May 2013.

Statutory Return Type: Change of Use

Council Interest: None

Gross Proposed Internal Floorspace: 222.04sqm

Net Additional Floorspace: 0sqm

GLA Community Infrastructure (CIL) Contribution: Not applicable as no net additional floor space

Site Description

- The application site relates to Unit 9 on the ground floor of St. George's Shopping Centre, a large retail and leisure centre located at the western end of the St. Ann's Road.
- The unit makes up a retail unit of some 222sqm located on the northern side of the ground floor of the shopping centre, close to the central atrium of the centre.
- St. George's Shopping Centre is a four-storey building and comprises a mix of retail, restaurant and leisure uses with car parking provided on the uppermost floors.
- St. Ann's Road is pedestrianised and is the primary shopping street within Harrow Metropolitan Centre.
- The unit is currently occupied by "Just Genius", a retail (A1) use.
- Unit 9 is currently vacant and has been since March 2015

Proposal Details

- It is proposed to change the use of Unit 9 from retail (A1) to a combined café/retail use (A3/A1).
- It is proposed that Unit 9 would function as an Ice Cream Parlour/Coffee Shop

Relevant History

WEST/184/93/FUL - 4-STOREY DEVELOPMENT/RETAIL AND LEISURE, CAR PARKING AND ACCESS

Granted: 20 December 1993

Applicant Submission Documents

- Supporting Letter dated 21 September 2015
- Letter dated 21 September 2015 from Jones Lang LaSalle

Consultations

Policy & Research – No Objections

Advertisement: Departure from Development Plan

Expiry: 12th November 2015

Site Noticed Erected: 06 October 2015

Expiry: 27th October 2015

Notifications

Sent: 2
Replies: 0
Expiry: 23 October 2015

Neighbours Consulted:

St George's Shopping Centre, St Anns Road: Units 7 & 8; Units 10 & 11; HA1 1HS

Summary of Responses:

- None

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 (consolidated with amendments since 2011) (2015), the Harrow Core Strategy 2012, Harrow and Wealdstone Action Plan (AAP) (2013), the Development Management Policies Local Plan (DMP) 2013, the Site Allocations Local Plan (SALP) 2013 and Harrow Local Area Map (LAP).

MAIN CONSIDERATIONS

Principle of Development and Land Use
Character and Appearance of the Area
Amenity
Traffic and Parking
Accessibility
Equalities
S17 Crime & Disorder Act
Consultation Responses

Principle of Development and Land Use

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.

In terms of whether the principle of this development is considered acceptable, it is noted that The London Plan (2011) Policy 4.7 sets out that the Mayor supports a strong, partnership approach to assessing need and bringing forward capacity for retail, commercial, culture and leisure development in town centres. The policy sets out that in taking planning decisions on proposed retail and town centre development, the local planning authority should seek to ensure that the scale of retail, commercial, culture and leisure development should be related to the size, role and function of a town centre and its catchment; that retail, commercial, culture and leisure development should be

focused on sites within town centres, or if no in-centre sites are available, on sites on the edges of centres that are, or can be, well integrated with the existing centre and public transport, and; that proposals for new, or extensions to existing, edge or out of centre development will be subject to an assessment of impact.

Strategic objective 11 of The Harrow Core Strategy (2012) identifies that the Council aspires to “Strengthen Harrow town centre and maintain or enhance the vitality and viability of all town centres...” The Harrow Core Strategy (2012) Core Policy CS1L states that “Harrow’s town centres will be promoted as the focus for community life, providing residents with convenient access to a range of shops, services, cultural and leisure facilities, as well as local employment opportunities and areas of good public transport.”

The unit is located in Harrow's Metropolitan town centre and is part of the designated primary shopping area and primary shopping frontage. Policy AAP1 and AAP4 of the Area Action Plan encourage provision of active used on the ground floor of premises within the Harrow town centre, and the proposed development would accords with these aims, providing an active frontage and greater vibrancy to this part of the town centre.

However, any change in use of a property shall be considered to ensure that it is compatible within the area and would not result in any harm to amenity of neighbouring properties, in particular to any residential occupiers. It is noted that the floors located above the ground floor unit do not appear residential in nature, and are currently occupied by commercial occupiers.

The applicant site is located within Harrow town centre's primary shopping frontage and designated Primary Shopping Area. AAP Policy 17 seeks to retain a core component of the designated primary shopping frontage in A1 use, allowing for 15% to be in other retail/ town centre appropriate uses as long as this would not result in a concentration of more than 3 units in non A1 use. Currently Harrow Metropolitan Centre has 22% (October 2015) in non A1 use. The vacancy rate is 9.14% in the primary frontage, and 8.16% in the centre as a whole.

The proposed combined A1/A3 use would not strictly comply with part D of the policy, as the primary frontage is currently over the policy threshold of 15%. However, the retention of a component of A1 use, as proposed, would retain an active frontage and some core retailing function which will add to the vitality of the part of Harrow town centre, as allowed for in part E of the policy. Additionally, it would result in a unit that has been vacant for 10 months being bought back into use and contribute to the viability of the centre in accordance with part E of the policy. These factors therefore lead to the conclusion that the loss of an A1 use is outweighed by the benefits of a combined A1/A3 use in this location due to the long term vacancy of the unit, unsuccessful marketing, and the retention of a component of A1 use which will add to the vitality of the centre in accordance with AAP policy17.

The proposed change of use of the retail unit to a café / restaurant would represent a use that is directly related to shopping trips and would support 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, and

particularly so in shopping centres where the noise generated by such uses is acoustically retained in the shopping centre which is not the case with retail uses. The use of the property for café / restaurants use would retain the window display for the unit. The shopping centre is 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 AAP policy 17 of the Harrow and Wealdstone Area Action Plan (2013).

St. George's Shopping Centre is identified as being within the primary shopping frontage of the town centre but shopping centres tend to operate in a materially different way to other street frontages as the retention levels of customers and consumers in these areas tends to be higher than other parts of town centres. The applicant considers that the loss of retail occupiers in the shopping centre has threatened the vitality and vibrancy of this part of the town centre and has submitted information from Jones Lang LaSalle which indicates that the trend of retail occupiers vacating premises is likely to continue given the recent spate of retail liquidations. The proposed change of use would ensure vacancy levels in the shopping centre are reduced whilst also ensuring that the vitality and vibrancy of the centre is enhanced by providing a more appropriate mix of uses in the shopping centre.

In this instance, it is considered that the statements of the applicant are broadly fair. In areas with such high levels of footfall, it is unusual to see such levels of retail occupancy and this suggests that the number of retail units within the shopping centre may not be viable in the medium term in the current economic climate. The relative vibrancy of the A3 uses in the centre in comparison with the retail uses would suggest that levels of occupancy in the short to medium term are likely to be minimised if the application site were in A3 rather than a sole A1 use. The higher levels of customer retention in shopping centres would have a positive impact on the viability of A3 use and would also provide increased competitiveness and choice and a more positive experience for consumers. In the absence of appropriate retail uses therefore within the centre to take up the existing vacant retail units, it is considered that the use of Unit 9 for a mixed A3/A1 use, a use which would complement the retail function of the centre and add to the vibrancy of the centre as discussed in the following paragraph, would provide an appropriate use in this location and positively enhance the mix of uses in the immediate area.

The proposed development would provide an additional A3 use within St. George's Shopping Centre with McDonalds, Pizza Express and Prezzo already located on the first floor. Starbucks, Nandos and Frankie & Bennie's are located on the ground floor and Esquire Coffee occupies the central atrium. St. George's Shopping Centre provides a busy arcade within the town centre and experiences high levels of footfall. The shopping centre appears to be performing well in terms of activity and vibrancy and there are no indications that the existing A3 uses in the centre have detracted from the retail offer of the shopping centre. Rather, these units appear to be performing well in this environment and supporting the retail function of the centre. There are three vacant retail units within the shopping centre, approximately located centrally in the ground floor central arcade, and it would appear that A3 units in this location are more resilient to the adverse economic conditions. It is considered that the addition of another A3 use would continue to support the retail function of the centre as well as providing economic activity and wealth generation in the town centre.

As the development would exceed the specified threshold set out in policy AAP 17 of the

Harrow and Wealdstone Area Action Plan (2013) for non-retail uses in the primary frontage, the proposed change of use would represent a departure from the development plan. The applicant has demonstrated that the viability of the retail function of St George's Shopping Centre is diminishing and is likely to further diminish in the short to medium term as the market struggles with economic conditions. St. George's Shopping Centre is, however, well placed to overcome these adverse economic conditions provided an appropriate mix of uses can be provided for the centre, given the high levels of footfall that the shopping centre experiences. The change of use of the proposed unit to a mixed A3/A1 use would provide increased vibrancy to the centre and, in the absence of likely retail occupiers in the short to medium term, increase vitality and wealth generating uses to the shopping centre and the town centre, as well as increasing the competitiveness of the late evening and night time economy. The proposed 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 other material considerations, can therefore be justified on this basis.

Character and Appearance of the Area

Policy DM1 of the Harrow Development Management Local Policies Plan 2013 (DMP) requires all new development to provide a high standard of design and layout, respecting the context, siting, scale and surrounding environment. Policy DM1 reflects policies 7.4B and 7.6B of The London Plan (consolidated with alterations since 2011) (2015) and policy CS 1.B of the Harrow Core Strategy 2012 which seek to ensure that development respects local character and enhances the public realm.

It is not proposed to make any external alterations to the unit. Furthermore, the proposed change of use would continue to provide an active frontage to the shopping centre therefore ensuring the existing character of the shopping centre is maintained. It is therefore considered that the proposed change of use would not result in any adverse effect on the character and appearance of the surrounding area to therefore complying with policies 7.4B and 7.6B of The London Plan (consolidated with alterations since 2011) (2015), policy DM1 of the Harrow Development Management Local Policies Plan 2013.

Amenity

Policy DM1 of the Harrow Development Management Local Policies Plan (2013) seeks to ensure a high quality of development that would not be harmful to the amenity of neighbouring occupiers.

The applicant has proposed what days the premises would be open or the opening hours for the café/coffee shop. It is considered that given the location of the property, which is in the vicinity of other drinking and eating establishments, then business hours of 07.30 to 00.00 are considered to be satisfactory and shall be conditioned as such.

Due to the nature of the proposed café the application does not propose to provide for an extractor flue. Therefore there would be no external alterations associated with the proposed change of use.

The proposed development would therefore comply with policy 7.15.B of The London Plan (consolidated with alterations since 2011) (2015) and policy DM1 of the Harrow Development Management Local Policies Plan 2013.

Traffic and Parking

The Highway Authority has commented on the application and has not raised any objections. The proposed change of use of the property would not have any significant impact on the transport use profile of the centre and it is considered that the development would not therefore have any adverse impacts on highway safety or convenience. St. George's Shopping Centre has good servicing areas which the proposed café / restaurant use would make use of and the proposed change of use would not therefore impact upon servicing arrangements or highway safety in this respect.

Accordingly, the development would accord with policy 6.13 of the London Plan (consolidated with alteration since) 2011 (2015) and policy DM42 of the Harrow Development Management Local Policies Plan 2013.

Accessibility

Policy 7.2.C The London Plan 2015 and policy DM1 of the Harrow Development Management Local Policies Plan 2013 require high quality design standards and development to be accessible to all persons. The Council's adopted the SPD: Access for All 2006 supplements these adopted development plan policies and provides detailed guidance on the standard of development required.

The proposed change of use of Unit 9 would not alter significantly from the existing access via St Georges Shopping Centre and therefore that level access to the property would be able to be maintained. Internally there is sufficient space for disabled access to the customer toilets.

Equalities

Section 149 of the Equalities Act 2010 created the public sector equality duty.

Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is not considered that there are any equality impacts as part of this application.

S17 Crime & Disorder Act 1998

It is considered that the proposed development would not adversely impact upon community safety issues and so it would comply with policy 7.3 of The London Plan (consolidated with amendments since 2011) (2015).

Consultation responses

- None

CONCLUSION

The proposed change of use seeks to exceed the adopted policy threshold for non-retail uses in primary frontages. In this instance, given the existing circumstances, whereby the viability of the retail function of the St. George's Shopping Centre is diminishing and the proposed change of use would be likely to secure an economic activity which would retain and increase the vibrancy and vitality of the centre, the proposed change of use of the unit is considered to be appropriate. The proposed use would support the attractiveness of the retail offer of the town centre and secure the strategic policy objectives of the development plan. On this basis, a departure from policy AAP17 of the Harrow and Wealdstone Area Action Plan (2013) is considered appropriate in this instance.

The proposed change of use would have a positive impact on the character and vibrancy of the area, whilst ensuring that the development would not adversely affect the amenity of neighbouring occupiers, highway safety and convenience or the abilities of all persons to use the unit in future.

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 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 only be open to customers within the following hours:

0700 and 0000hrs on Mondays to Sundays and Bank Holidays;

REASON: To safeguard the character of the area, the amenities of neighbouring properties and ensure the proper functioning of the commercial properties within the locality, in accordance with policy DM1 of the Harrow Development Management Local Policies Plan 2013.

3 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: A001/U9; Supporting Documents dated 21 September 2015

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

INFORMATIVES:

1 INFORMATIVE:

The following polices are relevant to this decision.

National Planning Policy Framework 2012

The London Plan (consolidated with amendments since 2011) (2015): 6.13.C/D, 7.2, 7.4.B, 7.15.

The Harrow Core Strategy: CS1. B, CS2.A/L.

Development Plan Document: Harrow & Wealdstone Area Action Plan Policy AAP1, AAP2, AAP17.

Harrow Development Management Plan Policies (2013) DM1, DM42

Supplementary Planning Document: Accessible 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

4 The applicant is reminded of the duties set out in the Equalities Act 2010 with regard to employment and service provision. An employer's duty to make reasonable adjustment is owed to an individual employee or job applicant. However, the responsibility of service providers is to disabled people at large, and the duty is anticipatory. Failure to take reasonable steps at this stage to facilitate access will therefore count against the service provider if / when challenged by a disabled person from October 2004. The applicant is therefore advised to take full advantage of the opportunity that this application offers to improve the accessibility of the premises to people with mobility and sensory impairments.

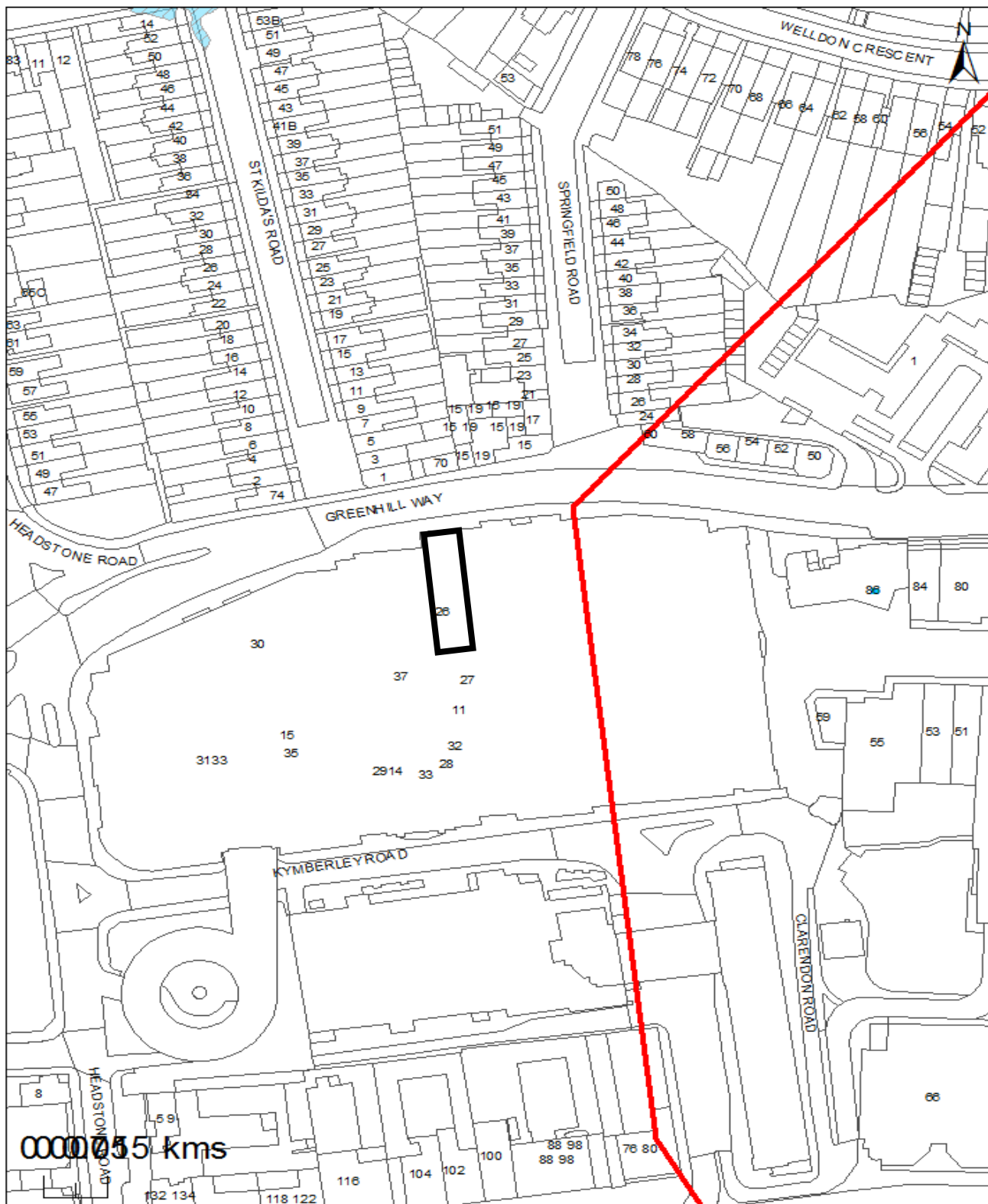
5 DUTY TO BE POSITIVE AND PROACTIVE

Statement under Article 31 (1) (cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Pre-application advice was not sought in this instance.

Plan No.'s: A001/U9; Supporting Documents dated 21 September 2015

UNIT 9, ST GEORGE'S SHOPPING CENTRE, ST ANN'S ROAD, HARROW



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ITEM NO: 2/05
ADDRESS: 157 COURTENAY AVENUE, HARROW
REFERENCE: P/4338/15
DESCRIPTION: CONVERSION OF DWELLINGHOUSE INTO TWO SELF-CONTAINED FLATS
WARD: HATCH END
APPLICANT: MRS RIDA RAHMANI
AGENT: BUILDING AND DESIGN CONSULTANCY UK LIMITED
CASE OFFICER: GRAHAM MANSFIELD
EXPIRY DATE: 10 NOVEMBER 2015

RECOMMENDATION

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

INFORMATION

This application is reported to planning committee due to the public interest received under Part 1 Proviso E of the scheme of delegation dated 29th May 2013.

Statutory Return Type: Minor Development

Council Interest: None

Gross Floorspace: Approx 128.0 sqm

Net additional Floorspace: 0 sqm

GLA Community Infrastructure Levy (CIL) Contribution (provisional): N/A, as proposed conversion into two flats does not include any extensions to the existing dwellinghouse

Harrow CIL: N/A, as proposed conversion into two flats does not include any extensions to the existing dwellinghouse

Site Description

- This application concerns a semi-detached dwellinghouse on the west side of Courtenay Avenue.
- The surrounding area consists of 1950's style terraced and semi-detached dwellinghouses.
- The application site and neighbouring houses are set back from the main carriageway and are served by a small service road which is used for residents parking
- The existing dwellinghouse benefits from a single storey rear extension.
- The attached dwellinghouse to the south (no. 155) also benefits from a single storey rear extension
- The adjacent semi-detached dwellinghouse to the north (No. 159) has not previously

been extended.

- The application site benefits from a generous rear garden which is currently in an overgrown state.
- There is currently no boundary fence separating the application site from the attached property at no. 155.
- Hatch End High School adjoins the application site to the rear
- The site is located in a critical drainage area of Harrow
- The site is not located in a conservation area

Proposal Details

- It is proposed to convert the existing semi-detached dwellinghouse into two flats.
- It is proposed to convert the ground floor into a two bedroom, three persons flat
- It is proposed to convert the first floor of the existing dwellinghouse into a two persons, one bedroom flat
- There are no external alterations proposed for the existing dwellinghouse
- It is proposed to store bins in the side alley way of the property
- It is proposed cycle storage on the front elevation of the existing dwellinghouse.
- It is proposed to provide amenity space for both flats by sub-dividing the rear garden space

Revisions to Previous Application

- Revisions to previously refused application P/2914/15 include the alteration of ground floor layouts to provide rear outlook for proposed downstairs bedroom and amendment of the floor layouts to address the stacking concerns between the ground and first floors.

Relevant History

West/1042/02/FUL; Single and Two Storey Rear Extension; Grant; 22/01/2003

P/1624/04/DFU; Single Storey Rear Extension; Conversion of Dwellinghouse into Two Flats; Grant; 08/09/2004

P/2914/15; Conversion of Dwellinghouse into Two Flats; Refuse; 17/08/2015; Reason For Refusal; *The proposal, by reason of its unsatisfactory outlook for the ground floor bedroom and stacking above the proposed ground floor bedroom would result in a development that would be detrimental to the amenity of the future occupants of the proposed development. This is contrary to policies DM2 and DM1 of the Development Management Policies Local Plan 2013 and the adopted Supplementary Planning Document: Residential Design Guide 2010.*

Pre-Application Discussion (Ref.)

- None

Applicant Submission Documents

- Design & Access Statement

Consultations

Highways – No Objections

Advertisement

Notifications

Sent: 3

Replies: 3 including one petition

Expiry: 5 November 2015

Addresses Consulted

155 Courtenay Avenue, Harrow Weald, HA3 6JL

159 Courtenay Avenue, Harrow Weald, HA3 6JL

Hatch End High School, Headstone Lane, Harrow, HA3 6NR

Summary of Responses

Concerns Regarding:

- Potential Noise
- Parking issues
- Increase the number of bins and the issue of storing bins on the front garden
- There are no examples of converted flats in the road and it would set a precedence for similar proposals
- The conversion of the house into flats would increase the number of people in the property.
- Insufficient space for two dwellings within these houses
- Cycle spaces on front garden are not in keeping
- Errors within the application form and supporting documents
- Privacy issues regarding the proposed first floor rear lounge
- Noise and disturbance in relation to the side access to the proposed garden.

Summary of Petition Responses:

- In-sufficient space for two dwellings at the application site and it would set a precedence for future conversions
- Two Dwellings would increase noise transfer internally and externally
- In-sufficient car parking on the already over-used slip road
- Bins would be unsightly stored in the front garden
- Overlooking from the proposed upstairs lounge to rear gardens of no. 155 and 159
- Development would be seen from the street.

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 (consolidated with amendments since 2011) (2015) and the Local Development Framework (LDF). The LDF comprises The Harrow Core Strategy 2012, the Development Management Policies

MAIN CONSIDERATIONS

Principle of the Development
Design, Layout, Character of the Area and Amenity
Residential Amenity
Accessibility
Traffic and Parking
Drainage and Flood Risk
Human Rights and Equalities
S17 Crime & Disorder Act
Consultation Responses

Principle of the Development

Policy 3.8 of The London Plan (2015) encourages the borough to provide a range of housing choices in order to take account of the various different groups who require different types of housing. Further to this, Core Policy CS1 (I) states that 'New residential development shall result in a mix of housing in terms of type, size and tenure across the Borough and within neighbourhoods, to promote housing choice, meet local needs, and to maintain mixed and sustainable communities'. Having regard to the London Plan and the Council's policies and guidelines, it is considered that the proposed extension would constitute an increase in housing stock within the borough, and would therefore be acceptable in principle.

Design, Layout, Character of the Area and Amenity

The National Planning Policy Framework 2012 advises at paragraph 58 that planning policies and decisions should aim to ensure that developments should optimise the potential of the site to accommodate development and respond to local character and history and reflect the identity of local surroundings and materials.

Policy 7.4B of The London Plan (consolidated with amendments since 2011) (2015) states that 'Buildings, streets and open spaces should provide a high quality design response that (amongst other factors), (a) has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass, (d) allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area, (e) is informed by the surrounding historic environment. Core Policy CS1.B of the adopted Harrow Core Strategy 2012 states that all developments shall respond positively to the local and historic context.

Policy DM1 of the Council's Development Management Policies Local Plan 2013 states that 'All development and change of use proposals must achieve a high standard of design and layout. Proposals which fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance, will be resisted'

The proposed conversion of the existing dwellinghouse into two flats would not involve any external alterations to the host dwellinghouse. A number of objections have been raised in relation to the character area. It is noted that the conversion of houses into flats on Courtenay Avenue is not commonplace. However, the development would maintain its appearance as a single dwellinghouse. In this case it is considered that the proposal for the conversion of the host dwellinghouse into two flats would not have an unreasonable impact on the character of the area or streetscene.

Internal Design and Layout of New Dwellings

Policy 3.5C of The London Plan requires all new residential development to provide, amongst other things, accommodation which is adequate to meet people’s needs. In this regard, minimum gross internal areas (GIA) are required for different types of accommodation, and new residential accommodation should have a layout that provides a functional space. Table 3.3 of The London Plan specifies minimum GIAs for residential units and advises that these minimum sizes should be exceeded where possible. The use of these residential unit GIA’s as minima is also reiterated in Appendix 1 of the Residential Design Guide SPD. Further detailed room standards are set out in the Mayors Housing Supplementary Planning Guidance 2012.

On 25 March 2015 through a written ministerial statement, the Government introduced new technical housing standards in England and detailed how these would be applied through planning policy.

The national standards came into effect on 1st October and therefore an application submitted at this site would be considered against the new national standards instead of the current London Plan standards. Furthermore, the imposition of any conditions requiring compliance with specific policy standards relating to new housing would need to be considered against the national standards.

These standards came into effect on the 1st of October 2015. From this date relevant London Plan policy and associated guidance in the Housing Supplementary Planning Guidance (SPG) should be interpreted by reference to the nearest equivalent new national technical standard. The Mayor intends to adopt the new standards through a minor alteration to the London Plan. In the interim the Housing Standards Policy Transition Statement (October 2015) should be applied in assessing new housing development proposals. This is also set out in the draft Interim Housing SPG.

Therefore from October 2015, policy 3.2 (c) requires that table 3.3 to be substituted with Table 1 of the nationally described space standards, which is set out in the table below. Policy 3.8 (c) of the London Plan relating to Housing Choice, from the 1 October should be interpreted as 90% of homes should meeting building regulations M4 (2) – ‘accessible and adopted dwellings’. Policy 3.8 (d) will require 10% of new housing to meeting building regulations M4 93) – ‘wheelchair user dwellings’.

Bedrooms	Bed spaces	Minimum GIA (sqm)			Built – in storage (sqm)
		1 storey dwellings	2 storey dwellings	3 storey dwellings	
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	

5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

	Gross Internal Floor Area	Bedroom	Storage
Minimum Floor Area Required	2b 3p = 61 sqm 1b 2p = 50 sqm	Double (11.5 sqm) Single (7.5 sqm)	2b= 2.0 sqm 1b= 1.50 sqm
Ground Floor Flat 2b 3p	61.8 sqm	12.0 sqm 8 sqm	1.03 sqm
First Floor Flat 1b 2p	50.2 sqm	12.2 sqm	1.03 sqm

The proposed conversion of the dwellinghouse into two flats would result in the ground floor flat being a 2 bedroom 3 person flat and the first floor flat as a one bedroom 2 persons flat. The overall gross internal floor area of the house would meet the required floor areas set out in the Mayor of London's Housing SPG.

Future Occupier Amenity- Light, Outlook and Privacy

Light - All habitable rooms to both flats would have an acceptable level of natural light and outlook. These would be either facing towards the street on Courtenay Avenue or the rear garden.

It is noted that the proposed kitchen for the ground floor flat would not have any direct source of sunlight, which is not encouraged within the adopted SPD. However, the proposed kitchen would be of an open plan nature with the living area which would have full-length set of glazed windows/doors. Therefore while the degree of natural light to the kitchen is not acceptable, due to the other site circumstances this would not in itself constitute a reason for refusal.

It is considered that the current application has overcome the previous reason for refusal under planning application P/2914/15 in that the proposed ground floor 1 person bedroom has been relocated with a window facing the rear garden. This proposed bedroom is now considered have a satisfactory outlook.

It is also considered that the current application has addressed the previous reason for refusal under planning application P/2914/15 in terms of stacking.

Policy DM1 of the adopted Development Management Policies Local Plan states that noise transfer between dwellings can be as critical to privacy as overlooking. Whilst the quality of sound insulation is a matter for Building Regulations, the internal layout of rooms can help mitigate transfer of unwanted noise between homes and differing uses. Paragraph 5.12 highlights the importance of the vertical stacking of rooms between flats which should ensure that bedrooms do not overlap living room, kitchens and bathroom on other floors.

It is considered that the revised floor plans have addressed the previous concerns in regards to the stacking. The proposed relationship between the two flats would not give rise to any conflicts with sensitive rooms such as bedrooms.

An objection has been received in regards to privacy, in particular the use of the current first floor rear bedroom as a living area. The objection highlights that the increase use of this room would lead to overlooking to the rear gardens of no. 155 and 159 Courtenay Avenue. However, it is considered that the use of the proposed first floor rear room would not be demonstrably worse than the existing situation in terms of privacy and overlooking in this suburban location.

In terms of privacy, no additional flank windows are proposed as part of the flat conversion. Furthermore, the windows on the flank walls would either serve hallways or bathroom areas.

Amenity space

Policy DM27 of the DMP requires new development 'to make adequate arrangements for the provision of amenity space for future occupiers of the development'.

The proposal to convert the existing dwellinghouse into two flats would include the subdivision of the rear garden to allow access to amenity space for both flats. Therefore this element of the proposal would be satisfactory and would accord with paragraph 5.16 of the Harrow Residential Design Guide SPD (2010).

An objection has been raised in regards to the access to the proposed gardens in that they would cause disturbance adjacent to no. 159 Courtenay Avenue. However, due to the fact there are no windows serving habitable rooms on the south flank elevation of no. 159, it is considered that the impact of the side access would be satisfactory.

Bin storage

The supporting documents and plans provided with the application state that the bins would be stored against the side elevation of the property. An objection highlights concerns with the storage of building on the front garden. However, floor plans show that the proposed bins would be located to the side of the property. Therefore, it is considered that the proposed location of the bins would be satisfactory and would be compliant with paragraph 5.8 of the Harrow Residential Design Guide SPD (2010). A condition of development is recommended that requires bins to be maintained in this location at all times, other than on collection days.

In summary, and noting the objections received, it is considered that the proposed development would comply with policy 7.4 of The London Plan (consolidated with amendments since 2011) (2015), policies DM1, DM2 and DM27 of the Harrow DMP (2013), and paragraphs 4.61, 4.63 of the Residential Design Guide SPD (2010).

Residential Amenity

Policy 7.6B, subsection D, of The London Plan (consolidated with amendments since 2011)(2015) 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. Following on from this, Policy DM1 of the Development Management Policies Local Plan states that 'all development and change of use proposals must achieve a high standard of privacy and amenity. Proposals that would be detrimental to the privacy and amenity of neighbouring

occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of development, will be resisted’.

There would be no external changes proposed for the conversion of the existing dwellinghouse into two flats. Therefore, it is considered that there would be no undue impact on the neighbouring occupiers in terms of loss of light, daylight or outlook.

Furthermore, no additional windows are proposed for the north flank wall of the host property and therefore there would be no issues in regards to privacy or potential overlooking on the occupants of the adjacent property at no. 159 Courtenay Avenue.

Though it is acknowledged that the development would give rise to a marginal increase in the use of the premises with two households rather than one, movements and associated disturbance would remain residential in nature and any increase in activity around the premises would be minor and would not cause unreasonable disturbance to neighbouring occupiers.

In summary, it is considered that the proposal would comply with policies 7.4B and 7.6.B of the London Plan (consolidated with amendments since 2011) (2015), policy CS1.B of the CS and policy DM1 of the DMP and the adopted SPD: Residential Design Guide (2010).

Accessibility

Core Policy CS1.K of the Harrow Core Strategy and Policies 3.8, 7.1 and 7.2 of The London Plan (2015) require all new housing to be built to Lifetime Homes Standards. This has been replaced by New National Standards which require 90% of homes to meet Building regulation M4 (2) - ‘accessible and adaptable dwellings’.

A condition has been attached to ensure that the proposed dwellings will meet regulation M4 (2) of the building Regulations which would secure an appropriate standard for future occupiers and make the units accessible to all.

Traffic and Parking

It is considered that the proposal would not result in a substantial increase in the intensity of use of the property resulting in any harmful impacts on local traffic conditions or highway safety. The application seeks to provide cycle spaces for future occupiers. An objection has been raised stating that the proposed racking would not be in keeping with the area. However, it is considered that the proposed cycle racks for the provision of two bikes would not unduly impact on the character of the dwellinghouse or area.

Drainage and Flood Risk

The site is located within a Critical Drainage Area. However, the proposal would not add to the footprint of the site and the site is already hard surfaced to the front and rear. Therefore the proposal would not have a harmful impact in relation to surface water.

Human Rights and Equalities

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

In determining this planning application the Council has regard to its equalities obligations under section 149 of the Equalities Act 2010. For the purposes of this report there are no adverse equalities issues arising from this proposal. However, it is noted

that equality impact assessments play an important role in the formulation of planning policies; however their use in respect of this specific application is very much the exception rather than the norm. Taking proper account of the guidance contained in the London Plan Supplementary Guidance on Planning for Equality and Diversity in London (and in particular paragraph 2.6) the Council considers that there is no requirement for a Race Equalities Impact Assessment.

S17 Crime & Disorder Act

It is considered that the proposed development would not adversely impact upon community safety issues and so it would comply with policy 7.3 of The London Plan (consolidated with amendments since 2011) (2015).

Consultation Responses

- Potential Noise
 - *This is not a material planning consideration*

- Parking issues
 - *This is addressed in section 5*

- Increase the number of bins and the issue of storing bins on the front garden
 - *This is addressed in Section 2 of the report*

- There are no examples of converted flats in the road and it would set a precedence for similar proposals
 - *This is addressed in section 1 and 2 of the report*

- The conversion of the house into flats would increase the number of people in the property.
 - *This is not a material planning consideration*

- Insufficient space for two dwellings within these houses
 - *This is addressed in section 2 of the report*

- Privacy issues regarding the proposed first floor rear lounge
 - *This is addressed in section 2 of the report*

- Noise and disturbance in relation to the side access to the proposed garden.
 - *This is addressed in section 2 of the report*

- Cycle spaces on front garden are not in keeping
 - *This is addressed in section 5 of the report*

- Errors within the application form and supporting documents
 - *The details provided on the application form, together with the proposed plans were sufficient in assessing the planning application*

Petition Responses:

- In-sufficient space for two dwellings at the application site and it would set a precedence for future conversions
 - *See section one. Each planning application would be determined on its own merits.*

- Two Dwellings would increase noise transfer internally and externally

- *This is addressed in section two of the report*
- In-sufficient car parking on the already over-used slip road
- *This is addressed in Section five of the report*
- Bins would be unsightly stored in the front garden
- *This is addressed in section two of the report, the bin storage is proposed to be on the side of the dwellinghouse*
- Overlooking from the proposed upstairs lounge to rear gardens of no. 155 and 159
- *This is addressed in section two of the report*
- Development would be seen from the street.
- *No extensions are planned as part of the application and no external changes are proposed.*

CONCLUSION

The development would add to the housing provision and choice within the borough and would have a satisfactory impact on the character and appearance of the property and the area. Furthermore, the development would not unduly impact on the amenity of the neighbouring occupiers.

For all the reasons considered above, and weighing up the development plan policies and proposals and other material considerations, 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 materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

REASON: To match the appearance of the original dwelling and to safeguard the appearance of the locality to comply with core policy CS 1B of the Harrow Core Strategy 2012 and policy DM 1 of the Development Management Policies Local Plan 2013.

3 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement; Site Plan; 15487/01; 15487/02 Rev C

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

4 The development hereby permitted shall be constructed to the specifications of: "Part M, M4 (2), Category 2: Accessible and Adaptable Dwellings" of the Building Regulations 2013 and thereafter retained in that form.

REASON: To ensure that the development is capable of meeting 'Accessible and Adaptable Dwellings' standards in accordance with policies 3.5 and 3.8 of The London Plan, policy CS1.K of The Harrow Core Strategy 2012 and policies DM1 and DM2 of the Development Management Policies Local Plan 2013.

INFORMATIVES

1 The following policies are relevant to this decision.

National Planning Policy

National Planning Policy Framework 2012

The London Plan (consolidated with amendments since 2011) (2015)

3.3 Increasing Housing Supply
3.4 Optimising Housing Potential
3.5 Quality and Design of Housing Developments
3.8 Housing Choice
6.9 Cycling
7.2 An Inclusive Environment
7.4.B Local Character
7.6.B Architecture

The Harrow Core Strategy 2012

CS1.B Local Character
CS1.K Housing

Harrow Development Management Policies Local Plan 2013

DM1 Achieving a High Standard of Development
DM2 Achieving Lifetime Neighbourhoods
DM26 Conversion of Houses and other Residential Premises
DM27 Amenity Space

Adopted Supplementary Planning Documents

Supplementary Planning Document Residential Design Guide 2010
London Plan Housing Supplementary Planning Guidance (2012)

Housing Standards Policy Transition Statement (October 2015)

2 INFORM_PF2

Grant without pre-application advice

Statement under Article 31 (1) (cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Harrow has a pre-application advice service and actively encourages applicants to use this service.

Please note this for future reference prior to submitting any future planning applications.

3 INFORM23_M - 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.

(Include on all permissions involving building works where they could affect a public highway).

4 INFORM32_M – The Party Wall etc Act 1996

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 building
3. excavating near a neighbouring building,
and that work falls within the scope of the Act.

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

“The Party Wall etc. Act 1996: Explanatory booklet” is available free of charge from: Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB. Please quote Product Code:02 BR 00862 when ordering

Also available for download from the CLG website:

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

Tel: 0870 1226 236; Fax: 0870 1226 237; Textphone: 0870 1207 405

E-mail: communities@twoten.com

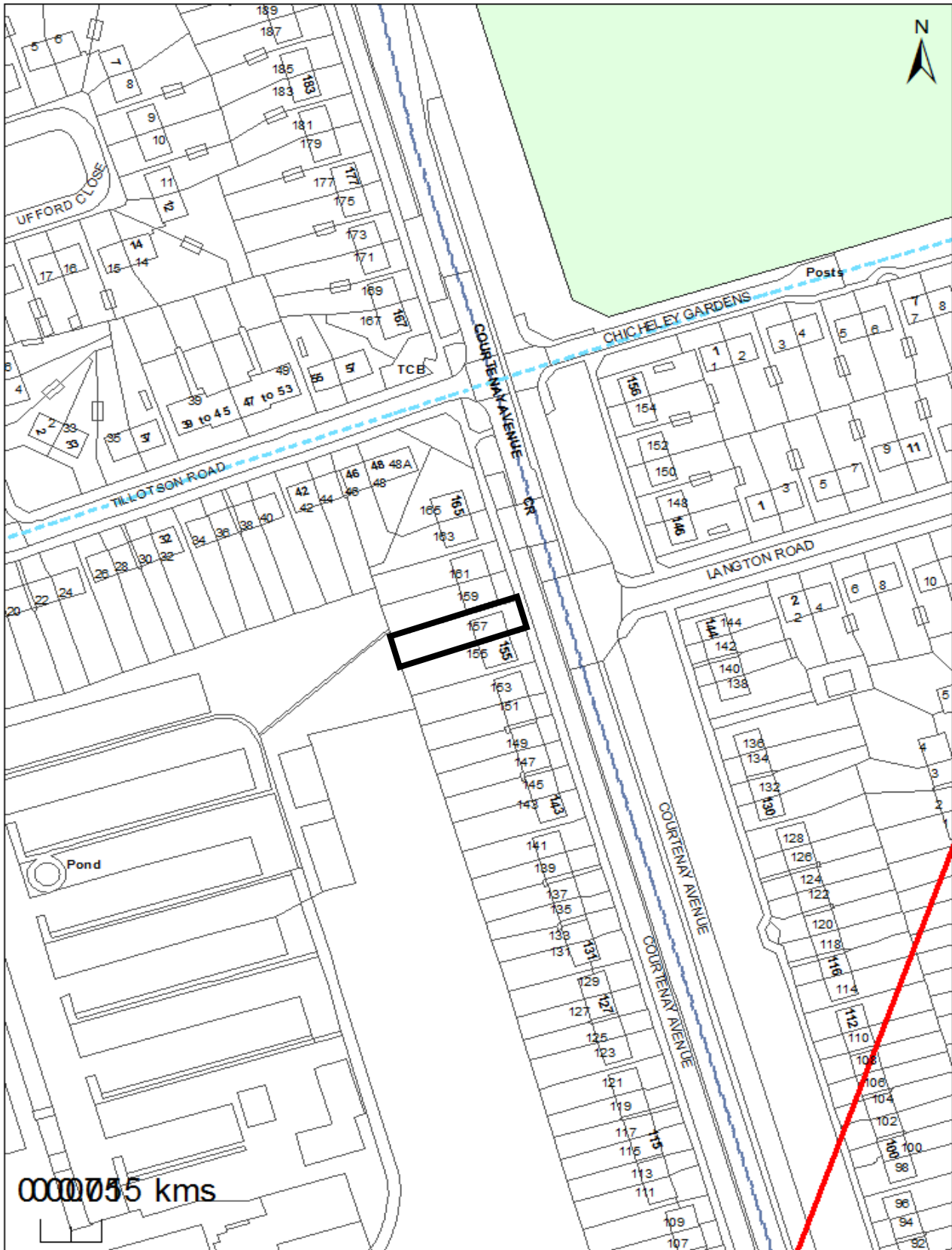
5 DUTY TO BE POSITIVE AND PROACTIVE

Statement under Article 31 (1) (cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Pre-application advice was not sought in this instance.

Plan Nos: Design and Access Statement; Site Plan; 15487/01; 15487/02 Rev C

157 COURTENAY AVENUE, HARROW WEALD



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ITEM NO. 2/06
ADDRESS: STANBURN FIRST SCHOOL, ABERCORN ROAD, STANMORE
REFERENCE: P/2309/15
DESCRIPTION: PROPOSED MULTI-USE GAMES AREA (MUGA) WITH PERIMETER FENCING
WARD: BELMONT
APPLICANT: MRS SUZANNE RAYMOND
CASE OFFICER: NABEEL KASMANI
EXPIRY DATE: 13-08-2015

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

INFORMATION

The application is reported to Committee because the Council is the land owner and the proposed development would cover an area larger than 100m². The proposal therefore falls outside the scheme of delegation under Part 1(h).

Statutory Return Type: E(18): Minor Development, all others

Council Interest: The Council is the applicant and Landowner

Proposed Area: 710m²

GLA & Harrow Community Infrastructure Levy (CIL) Contribution (provisional): n/a

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 areas to the north and south of the main building are hard surfaced and are in use as a playground.
- The area to the west of the main building comprises a playground and playing field, which is designated as Open Space in the Harrow Core Strategy (2012).
- 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 to hard surface an area of the existing school playing field to form a Multi-Use Games Area (MUGA). The MUGA would have a depth of 34.6m and a width of 20.5m (covering a total area of 710m²) and would be located in the northern part of the playing field associated with the school
- The MUGA Court would feature steel perimeter fencing which would be coloured in Forest Green and would extend from 1m to 2.4m in height
- Five-a-side football goals and basketball hoops would be installed.
- It is proposed to use the Multi-Use Games Area between 09:00 and 18:00 Monday to Friday and between 09:00 and 13:00 on Saturday. The MUGA would not be used on Sunday

Relevant History

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

Granted: 07-12-2009

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

Granted: 12-03-2010

P/2020/12: Two storey extension with first-floor link to main building; alterations to school pedestrian entrance and car park (demolition of two storey annexe building)

Granted: 02-11-2012

P/4169/14: Installation of galvanized steel extraction duct on front elevation

Granted: 05-05-2015

Pre-Application Discussion

- None

Applicant Submission Documents

- None

Consultations

Drainage Engineers:

Details for the disposal of surface water and surface water attenuation/storage works are required for submission and approval, before the commencement of any development, if approved.

Sport England:

The application proposed the installation of a MUGA on existing grass playing field land. The playing field is long and narrow and it is only capable of accommodating the smallest football pitch dimensions of 43m x 33m (including run-off) which is less than the site that would trigger Sport England's Role as a statutory consultee. In this regard, the proposed MUGA is considered to have limited impact on pitch layouts and the sites ability to accommodate pitched.

In its current form the proposed development is considered to meet the following:

E5 – the proposed development is for an indoor or outdoor facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment

caused by the loss of playing field or playing fields.

This being the case, Sport England does not wish to raise an objection to this application.

Advertisement

- N/A

Notifications

Sent: 39

Replies: 0

Expiry: 13-07-2015

Summary of Responses

- None

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 (consolidated with alterations since 2011)(2015) and the Local Development Framework (LDF). The LDF comprises The Harrow Core Strategy (CS) 2012, Harrow and Wealdstone Area Action Plan (AAP) 2013, the Harrow Development Management Policies Local Plan (DMP) 2013, the Site Allocations Local Plan (SALP) 2013 and Harrow Local Area Map (LAP) 2013.

MAIN CONSIDERATIONS

Principle of the Development
Character and Appearance of the Area
Residential Amenity
Traffic and Parking
Development and Flood Risk
Equality Statement
S17 Crime & Disorder Act
Consultation Responses

Principle of the Development

Protection of designated Open Space

Policy DM18 of the Development Management Policies (2013) states:

- C. Proposals for ancillary development on land identified as open space on the Harrow Policies Map will be supported where:
- a) It is necessary to or would facilitate the proposer functioning of the open space;
 - b) It is ancillary to the use of the open space
 - c) It would be appropriate in scale
 - d) It would not detract from the open character of the site or surroundings

- e) It would not be detrimental to any other function that the open space performs;
and
- f) It would contribute positively to the setting and quality of the open space

The application would entail the loss of a small area of the schools existing playing field and replacement with a Multi-Use Games Area (MUGA). It is appreciated that the existing school playing field is unlikely to be fully utilised during the winter months, and this can cover a significant portion of the school terms. The proposed MUGA would allow the physical education and other sporting activities to take place through the year and would therefore facilitate the functioning and complement the use of the open space. A large area of approximately 6,500m² would still remain as grassed playing area and the area for the proposed MUGA would be of a scale and form that would ensure the open character of the site and surroundings are not compromised. The proposed MUGA would not impact upon the actual use of playing field but would rather add to its viability through an alternative use. Under these circumstances, officers consider that the proposed MUGA would comply with the requirements of Policy DM18(c) of the Development Management Policies (2013) with respect to its impact on the designated Open Space.

Provision of Outdoor Sports Facilities

Policy 3.19 of the London Plan (consolidated with alterations since 2011)(2015) states that proposals that increase or enhance the provision of sports and recreational facilities will be supported.

Policy DM48 of the Development Management Policies Local Plan (2013) states:

- A. Proposals that would increase the capacity and quality of outdoor sport facilities, and those that would secure community access to private facilities, will be supported provided that
 - a) there would be no conflict with Green Belt, Metropolitan Open Land and open space policies;
 - b) the proposal would not be detrimental to any heritage or biodiversity assets within or surrounding the site; and
 - c) there would be no adverse impact on residential amenity or highway safety.
- B. Proposals for uses that would support outdoor sporting uses will be supported where they are:
 - a) ancillary in terms of size, frequency, use and capacity; and
 - b) do not displace or prejudice facilities needed for the proper functioning of the principal outdoor sports uses.
- C. Proposals for floodlighting will be supported where it would enhance sport facilities and would not be detrimental to the character of the open land, the amenity of neighbouring occupiers or harmful to biodiversity.

Officers consider that the proposed MUGA would not conflict with the Council's Open Space policies, would not give rise to demonstrable harm on biodiversity and would not have an adverse impact on the residential amenities of neighbouring occupiers or highway safety. The proposed MUGA would only be used by school pupils and would therefore support and supplement the outdoor sporting facilities of the school. For these reasons, it is considered that the proposed MUGA would accord with the above policies in relation to the increase in sports participation opportunities.

Character and Appearance of the Area

The NPPF attaches great importance to the design of the built environment, stating, 'good design is a key aspect of sustainable development...and should contribute positively to making places better for people'. It stresses the need to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings and smaller developments like the proposed development. While it states that local authorities should not impose architectural styles or particular tastes, it reinforces that it is also important to consider local character and distinctiveness. In addition, it states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

Policy 7.4(B) of The London Plan (consolidated with alterations since 2011)(2015) requires that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. Policy 7.6B of The London Plan (consolidated with alterations since 2011)(2015) requires development proposals to be of the highest architectural quality.

Core Policy CS1B (2012) specifies 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.

Policy DM1 of the Development Management Policies (2013) gives advice that all development proposals must achieve a high standard of design and layout. Proposals which fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance, will be resisted.

The proposed MUGA would be located within the existing school playing field. Whilst it is appreciated that the MUGA would cover an area of 710m², it would feature Forest Green perimeter fencing with a modest maximum height of 2.4m which would assimilate into the surrounding site and would be largely obscured in view from the rear gardens of the neighbouring dwellings.

Given the above considerations, the officers consider that the proposal would comply with the design objectives of the NPPF (2012), Policies 7.4B and 7.6B of The London Plan (consolidated with alterations since 2011)(2015), Core policy CS1.B of the Harrow Core Strategy (2012) and Policy DM1 of the Harrow DMPLP (2013).

Residential Amenity

Policy 7.6 of The London Plan 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.

Policy DM 1 of the DMP requires that all development and change of use proposals must achieve a high standard of privacy and amenity of neighbouring occupiers. The assessment of the design and layout of proposals will have regard to: the massing, bulk, scale and height of proposed buildings in relation to the location, the surroundings and any impact on neighbouring occupiers.

The proposed western fence of the MUGA would be located approximately 8m away

from the rear boundaries of nos. 69 – 75 Belmont Lane. Given this separation distance and as the rear boundaries of those neighbouring dwellings are screened by mature trees and vegetation, it is considered that the proposed MUGA would not give rise to an adverse visual impact upon the residential amenities of those neighbouring occupiers. Furthermore, the proposed MUGA would only be used until 18.00 hours Monday to Friday and 13.00 on Saturday, and as such, it is considered that that the proposed use would not lead to an unacceptable increase in noise and disturbance for neighbouring properties.

Having regard to these factors, officers consider that the proposal would not unduly harm the residential amenities of the neighbouring residential occupiers in the locality and the proposal would therefore accord with policy 7.6B of The London plan (consolidated with alterations since 2011)(2015) and Policy DM1 of the Harrow Development Management Policies (2013).

Traffic and Parking

Policies 6.3, 6.9, 6.10 and 6.13 of the London Plan (consolidated with alterations since 2011)(2015) seek to regulate parking in order to minimise additional car travel and encourage use of more sustainable means of travel. This is further emphasised by policy core policy CS1.R of the Harrow Core Strategy. Policy DM 42 of the DMP outlines the Council's parking standards and cycle parking standards.

The proposed MUGA would be used by school pupils and would be located within the school playing field. As a result, it is considered that the proposal would not measurably increase the existing level of traffic generation or parking arrangements on site. The present access for pedestrians and vehicles would be unaffected by the proposal.

Given the above considerations, it is considered that the proposal would not be contrary to the objectives of the policies outlined above in respect of traffic and pedestrian safety.

Development and Flood Risk

The subject site is within a Critical Drainage Area, which is a designated flood zone as specified by policy DM10 of the DMP and the NPPF. Following a consultation response from the Council's Drainage Engineers, it is therefore considered expedient to attach a condition that requires the submission of details in respect of surface water disposal and attenuation before the commencement of any works in accordance.

The provision of suitable drainage facilities would ensure the reduction and mitigation of the effects of any localised flood risk, in accordance with the objectives of policy DM 10 of the DMP and the guidance contained in the NPPF.

Equalities Implications

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

S17 Crime & Disorder Act

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

Consultation Responses

- N/A

CONCLUSION

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations as set out above, officers recommend that the application be granted.

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: un-numbered document titled 'Proposed MUGA' (Revision No 2), 3D images of MUGA (dated 09/01/2015), Location/Block Plan

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

3 The development hereby permitted shall not commence until details of works for the disposal of surface water and 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 these 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 Policy DM 10 of the Harrow Development Management Policies Local Plan (2013) and guidance set out in the National Planning Policy Framework (2012) and the Technical Guidance to the National Planning Policy Framework (2012).

4 The MUGA hereby permitted shall not be used outside the following times:-

09:00 until 18:00 Monday to Friday

09:00 until 13:00 Saturday

without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of nearby neighbouring residents in accordance with policy 7.6B of The London Plan (2015) and Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

INFORMATIVES

1 The following policies are relevant to this decision:

National Planning Policy Framework (NPPF) (2012)

The London Plan (consolidated with alterations since 2011)(2015)

3.16 Protection and Enhancement of Social Infrastructure

3.18 Education Facilities

5.13 Sustainable Drainage

6.3 Assessing the Effects of Development on Transport Capacity
6.9 Cycling
6.13 Parking
7.2 An Inclusive Environment
7.3 Designing Out Crime
7.4 Local Character
7.6 Architecture

The Harrow Core Strategy (2012)

CS1: Overarching Policy

Harrow Development Management Policies Local Plan (2013)

DM 1 Achieving a High Standard of development
DM 2 Achieving Lifetime Neighbourhoods
DM 10 On Site Water Management and Surface Water Attenuation
DM 42 Parking Standards
DM 46 New Community, Sport and Educational Facilities

2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

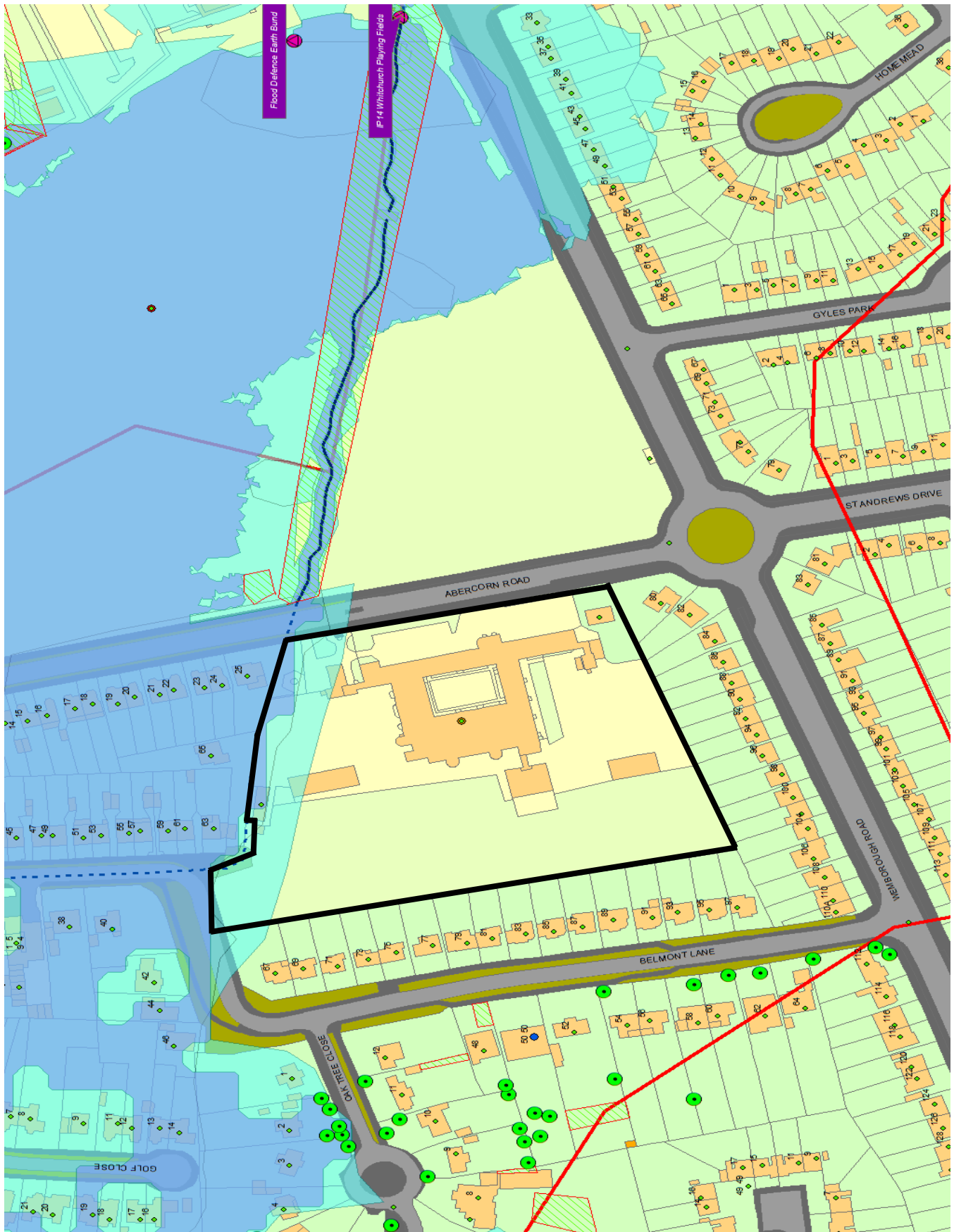
The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

3 Statement under Article 31 (1)(cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Pre-application advice was sought and provided and the submitted application was in accordance with that advice.

Plan Nos: un-numbered document titled 'Proposed MUGA' (Revision No 2), 3D images of MUGA (dated 09/01/2015), Location/Block Plan

STANBURN FIRST SCHOOL, ABERCORN ROAD, STANMORE



ITEM NO: 2/07
ADDRESS: 35 LEAVESDEN ROAD, STANMORE
REFERENCE: P/2521/15
DESCRIPTION: SINGLE STOREY SIDE EXTENSION (DEMOLITION OF CONSERVATORY)
WARD: STANMORE PARK
APPLICANT: MR T RAMCHANDANI
AGENT: MR H PATTNI
CASE OFFICER: LIAM MCFADDEN
EXPIRY DATE: 24/07/15

RECOMMENDATION

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

INFORMATION

The application is reported to the Planning Committee because it was called in by a nominated member due to local concerns regarding the scale of the proposed extension and its impact on local amenity.

Statutory Return Type: 21 Householder

Council Interest: None

Net additional Floorspace: 20.58sqm

GLA Community Infrastructure Levy (CIL) Contribution (provisional): None

Site Description

- The application site comprises of a two-storey detached property located on the eastern side of Leavesden Road
- The garden/amenity area is located to the side of the property
- The property backs onto 7 and 8 Capuchin Close
- The property features a single storey side garage
- The property features off-street parking
- The property features an existing side conservatory, with a depth of 3.51m, a width of 3m, and a height of 3.4m with a pitched glazed roof

Proposal Details

- Single storey side extension with a depth of 6.15m , width of 4m, a pitched tiled roof with an eaves height of 2.4m and a maximum height of 3.4m
- The proposed roof features two roof lights
- The roof projects 0.7m beyond the depth of the proposal, and is supported by two pillars at each end of the roof resulting in a total width of 4.7m.

- The front and rear of the proposal feature a window each.

Revisions to previous application

- N/A

Relevant History

LBH/23596; Single storey rear extension;
Grant - 05.09.83

LBH/3/10; ERECTION OF 2 DETACHED DWELLINGHOUSES WITH GARAGES AND PROVISION OF ACCESS DRIVE. DETAILS PURSUANT TO OUTLINE P.P. REF: LBH/3/9 DATED 12.1.78;
Grant - 26.05.78

LBH/3/8; ERECTION OF 2 DETACHED HOUSES WITH DOUBLE DEPTH GARAGES;
Grant - 20.09.73

LBH/3/9; ERECTION OF 2 DETACHED DWELLINGHOUSES WITH GARAGES AND PROVISION OF ACCESS DRIVE 02/02/78 REG;
Grant - 12.01.78

EAST/507/98/FUL; First floor side extension;
Refused - 22.07.98

EAST/1355/02/FUL; First floor side extension;
Grant - 14.03.03

LBH/17547; ERECT. OF EXT. TO FRONT OF GARAGE INCORPORATING EXIST. COLUMED PORTICO TO MATCH;
Grant - 30.05.80

LBH/14123; ERECTION OF 2 DETACHED DWELLINGHOUSES WITH GARAGES AND PROVISION OF ACCESS DRIVE (REVISED);
Grant - 24.11.78

P/2607/13; CERTIFICATE OF LAWFUL DEVELOPMENT (PROPOSED): DEMOLITION OF EXISTING CONSERVATORY AND CONSTRUCTION OF SINGLE STOREY SIDE EXTENSION;
Refused - 29.10.13; Dismissed at Appeal - P/2607/13/4512; 19.09.14

Pre-Application Discussion (Ref.)

- N/A

Applicant Submission Documents

- N/A

Consultations

- N/A

Advertisement

- N/A

Notifications

Sent: 7

Replies: 2

Expiry: 17.07.15

Summary of Responses

8 Capuchin Close:

The proposal is brick built, and will block the sunlight into the property. The property is located at a lower ground level than the application site. There are some very large trees which are very overgrown and are causing damage to the property.

7 Capuchin Close:

The proposal is likely to come higher above the fence than the existing conservatory, which would block out all the light to this property. Any further redevelopment would devalue this property. Any redevelopment would seriously affect the already very close boundary line between the two properties.

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 (consolidated with alterations since 2011) (2015), the Harrow Core strategy 2012 and the policies of the Harrow Development Management Policies Local Plan 2013.

MAIN CONSIDERATIONS

Character and Appearance of the Area

Residential Amenity

S17 Crime & Disorder Act

Equalities and Human Rights

Consultation Responses

Character and Appearance of the Area

Policy 7.4B of The London Plan (2015) states that 'Buildings, streets and open spaces should provide a high quality design response that (amongst other factors), (a) has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass, (d) allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area, (e) is informed by the surrounding historic environment'. Policy CS1.B of the adopted Harrow Core Strategy 2012 states that all developments shall respond positively to the local and historic context.

Policy DM1 of the Council's Development Management Policies Local Plan states that 'All development and change of use proposals must achieve a high standard of design and layout. Proposals which fail to achieve a high standard of design and layout, or

which are detrimental to local character and appearance, will be resisted'

The Council has adopted Supplementary Planning Document – Residential Design Guide 2010 (SPD) to supplement these policies (amongst others), 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.

It is considered that the proposal would respect the character and appearance of the application site, and the visual amenity of the street scene and surrounding locality. The rear extension would be modest in size (the width of the dwelling house is 10.1m, not including the existing attached garage), and it would not detract from the character of the area or dwelling to be enlarged. The extension would feature matching brickwork and windows that would be in keeping with the design, scale and proportion of the existing windows in the dwellinghouse.

In summary, the proposal would comply with the aims and objectives of policies 7.4B and 7.6B of The London Plan (2015), Core Policy CS1B of the Harrow Core Strategy (2012), policy DM1 of the Harrow DMP and the adopted SPD: Residential Design Guide (2010).

Residential Amenity

Policy 7.6B, subsection D, of The London Plan (2015) 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. Following on from this, Policy DM1 of the Development Management Policies Local Plan states that 'all development and change of use proposals must achieve a high standard of privacy and amenity. Proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of development, will be resisted.

The proposed front and rear windows would be conditioned to be obscure glazed, to reduce the impact of the proposal on the residential amenities of neighbouring occupiers. The proposed rear extension is of a modest scale and as such, would not adversely impact the visual amenity of the neighbouring occupiers when viewed from the street scene.

The proposal features a width of 4.7m including the roof overhang, and the full width of the dwelling house is 10.1m not including the existing attached garage. The proposed maximum depth is 6.15m. The proposal is located at a minimum of 1.7m off the rear boundary with 7 and 8 Capuchin Close. As the eave and overall height of the extension would be the same as the existing conservatory, the extension would not unduly impact on the residential amenities of the neighbouring occupiers.

The existing rear boundary with Capuchin Close features dense foliage/screening with a height just below that of the existing conservatory. Consequently, when viewed from Capuchin Close, only the very top of the conservatory roof ridge can be seen. As the proposed height is identical to the existing conservatory, it is considered that although the proposal is located 0.48m closer to the rear boundary, the proposal will not adversely affect the amount of light received to 7 and 8 Capuchin Close.

The size of the proposal and existing rear garden will ensure there is sufficient garden

space remaining for the current and future occupiers of the flats.

In view of the above, it is considered that the proposal would accord with Policy 7.6B of The London Plan (2015), Policy DM1 of the DMP Local Plan (2013) and the guidance contained in the Council's adopted SPD Residential Design Guide (2010).

S17 Crime & Disorder Act

The proposal would not have any adverse impact on crime and disorder in the area.

Equalities and Human Rights

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

In determining this planning application the Council has regard to its equalities obligations under section 149 of the Equalities Act 2010. For the purposes of this report there are no adverse equalities issues arising from this proposal. However, it is noted that equality impact assessments play an important role in the formulation of planning policies; however their use in respect of this specific application is very much the exception rather than the norm. Taking proper account of the guidance contained in the London Plan Supplementary Guidance on Planning for Equality and Diversity in London (and in particular paragraph 2.6) the Council considers that there is no requirement for a Race Equalities Impact Assessment.

Consultation Responses

Issues relating to development devaluing a property are not material planning considerations. The 'overgrown trees causing damage' referred to by a neighbour is not a material planning consideration and should be dealt with as a civil matter. Other objections raised have been addressed in the main body of the report.

CONCLUSION

For the reasons considered above and weighing up the development plan policies and proposals and other material considerations, 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: RJ29-14/01-01; RJ29-14/01-02; RJ29-14/01-03; RJ29-14/01-04; RJ29-14/01-05; RJ29-14/01-05a; RJ29-14/01-06; RJ29-14/01-07; Design and Access Statement

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

3 The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing adjacent wall(s) and roof of the building.

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

4 The window in the eastern boundary of the approved development facing 7 Capuchin Close shall:

- a) be of purpose-made obscure glass,
- b) be permanently fixed closed below a height of 1.7 metres above finished floor level, and shall thereafter be retained in that form.

REASON: To safeguard the amenity of neighbouring residents in accordance with Policy DM1 of Harrow Development Management Policies Local Plan (2013)

INFORMATIVES

1 INFORMATIVE:

The following policies are relevant to this decision:

National Planning Policy Framework (2012)

The London Plan (consolidated with alterations since 2011) (2015)

7.4 Local Character

7.6 Architecture

The Harrow Core Strategy (2012)

Core Policy CS 1(B) (U)

Harrow Development Management Policies Local Plan (2013)

Policy DM 1 Achieving a High Standard of Development

Supplementary Planning Documents / Guidance:

Supplementary Planning Document – Residential Design Guide (2010)

2 INFORMATIVE:

The applicant's attention is drawn to the requirements in the Considerate Contractor Code of Practice. In the interests of minimising any adverse effects arising from building operations, the limitations on hours of working are as follows:

0800-1800 hours Monday - Friday (not including Bank Holidays)

0800-1300 hours Saturday

3 INFORMATIVE:

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

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

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

"The Party Wall etc. Act 1996: explanatory booklet" is available free of charge from: Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB Please quote Product code: 02 BR 00862 when ordering.

Also available for download from the Portal website:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

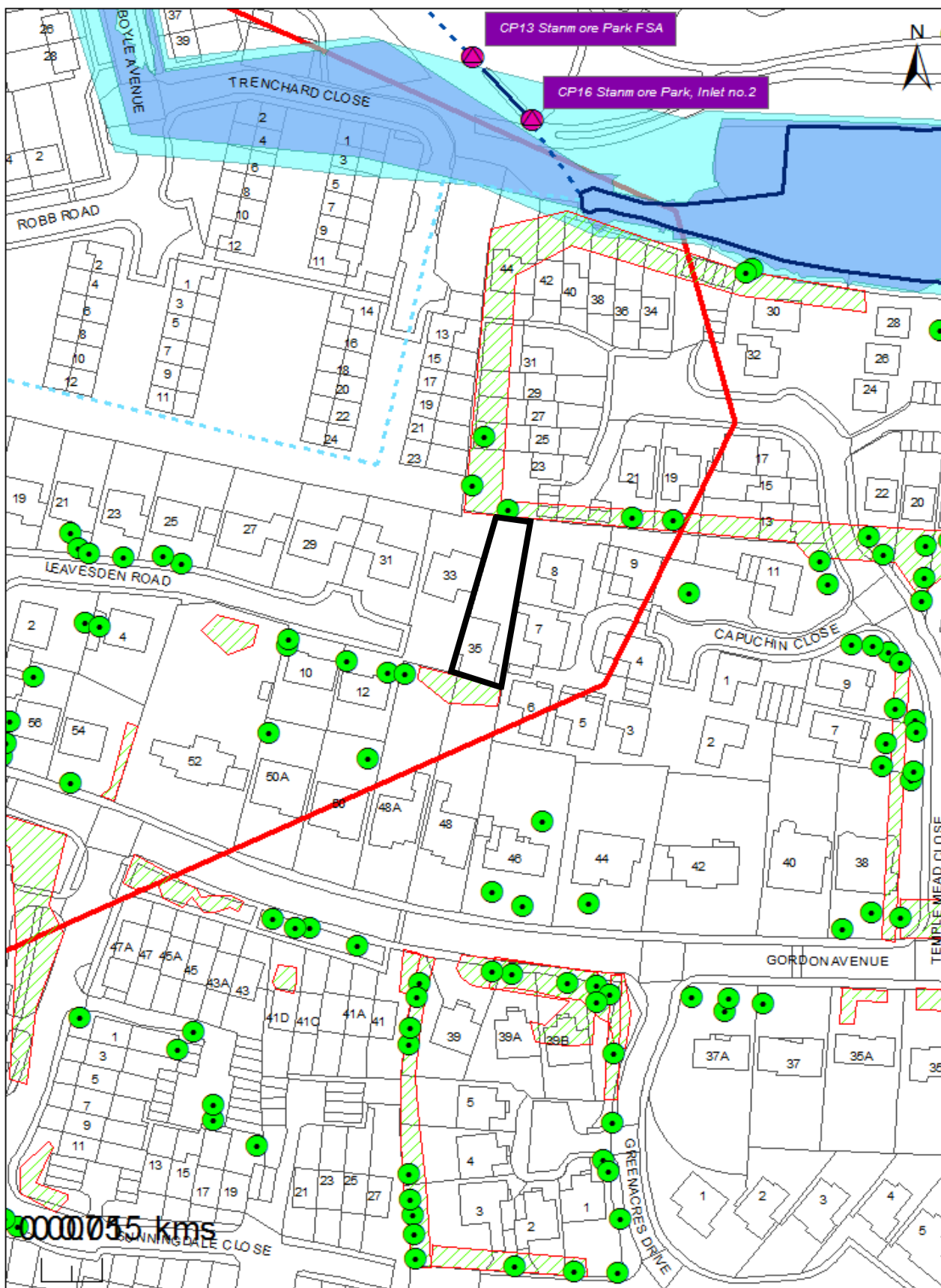
4 Statement under Article 35(2) of The Town and Country Planning (Development

Management Procedures) (England) Order 2015

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

Plan Nos: RJ29-14/01-01; RJ29-14/01-02; RJ29-14/01-03; RJ29-14/01-04; RJ29-14/01-05; RJ29-14/01-05a; RJ29-14/01-06; RJ29-14/01-07; Design and Access Statement

35 LEAVESDEN ROAD, STANMORE



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Appeal Decision

Site visit made on 5 September 2014

by Wendy McKay LLB Non-practising Solicitor

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

Decision date: 19 September 2014

Appeal Ref: APP/M5450/X/14/2211578

35 Leavesden Road, Stanmore, Middlesex, HA7 3RQ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr H Pattni against the decision of the London Borough Council of Harrow.
- The application Ref P/2607/13, dated 28 August 2013, was refused by notice dated 29 October 2013.
- The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
- The development for which a certificate of lawful use or development is sought is the demolition of the existing conservatory and the construction of a single storey side extension.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. Neither the identity of the applicant nor the planning merits of the operation, use or activity, are relevant to the purely legal issues which are involved in determining a Certificate of Lawful Use or Development (LDC) application. The onus of proof in an LDC appeal is firmly on the Appellant and the relevant test is "*the balance of probability*".

Main Issue

2. The main issue is whether the Council's decision to refuse to grant an LDC was well-founded.

Reasons

3. The appeal property comprises a two-storey detached dwelling house located within a residential area. It is orientated so that the western elevation faces the street and forms the front elevation; the northern side elevation backs onto a garden area, whilst the eastern elevation forms the rear and adjoins the properties at Nos 6, 7 and 8 Capuchin Close. There is an existing conservatory on the northern side which it is proposed to demolish to accommodate the new extension. The proposed extension would be set back 1.0m from the original front wall of the dwellinghouse. It would be 7.2m deep, 4.7m wide (including a section of 0.7m wide overhanging column) and have a pitched roof with eaves and maximum ridge height of 2.44m and 3.5m respectively.

www.planningportal.gov.uk/planninginspectorate

4. The Appellant submits that the overall dimensions of the proposed extension would comply with the criteria set out in limitation A.1 (h) (i), (ii) and (iii) of Class A, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995 (as amended¹) (GPDO).
5. The Council does not seek to deny that the proposed extension would not comply with the relevant Class A limitations but submits that such permitted development rights have been removed by planning condition and cannot therefore be relied upon.
6. The planning permission (LBH/3/9) permitted the 'erection of two detached dwelling houses with garages and provision of access drive' subject to condition 5 which removed permitted development rights as set out in Class 1 of Schedule 1 of the Town and Country Planning General Development Order 1973. It stated that "...no such development within the curtilage of any such dwelling house shall be carried out without the permission of the Local Planning Authority first being obtained".
7. The permitted development rights covered by Class 1, Schedule 1 of the 1973 Order included all enlargements, improvements or other alterations to the original dwelling house occupying the application site. Whilst development is now being proposed pursuant to a later version of the Development Order, it remains of the type that would be covered by the broad description of "such development" referred to in the condition.
8. The Appellant draws support from the planning history of the site. He submits that this confirms that, contrary to condition 5, planning permission has been granted for the enlargement of the original dwelling house, namely, (LBH 17547 dated 30 May 1980) for the 'erection of an extension to the front of the garage incorporating existing portico to match' and (EAST/1355/02/FUL dated 14 March 2003) for a 'first floor side extension'. Furthermore, planning permission was granted on 18 June 2010 for a single storey side extension to the nearby property at No 27 Leavesden Road.
9. However, the grant of such permission does not in any way conflict with the restriction imposed by condition 5 which merely requires such development to be carried out pursuant to a planning permission granted by the Local Planning Authority, rather than the permission granted by the Development Order. This is exactly what has been done in each of those cases and it obviously remains open to the Appellant to submit his proposal to the Council for consideration as a formal planning application. The planning merits of the scheme are not, of course, before me in the consideration of this LDC appeal.
10. I conclude that there is no plausible argument before me to support the view that condition 5 should not apply to the type of development proposed. Due to the restriction imposed by condition 5, the proposed development would not be permitted development pursuant to the GPDO and it is necessary for the Appellant to seek planning permission from the Council.

Formal Conclusions

11. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the demolition of an

¹ See The Town and Country Planning (General Permitted Development (Amendment) (No 2) (England) Order 2008

existing conservatory and the construction of a single storey side extension was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Formal Decision

12. The appeal is dismissed.

Wendy McKay

INSPECTOR

ITEM NO: 2/08
ADDRESS: FITZGERALD HOUSE, 2 - 8 ELMGROVE ROAD, HARROW
REFERENCE: P/3423/15
DESCRIPTION: CREATION OF THIRD FLOOR TO PROVIDE FOUR FLATS;
EXTERNAL ALTERATIONS; BIN STORE
WARD: GREENHILL
APPLICANT: NVSM
CASE OFFICER: DAVID BUCKLEY
EXPIRY DATE: 12/10/2015

RECOMMENDATION

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

INFORMATION:

This application is reported to the Planning Committee as the scale of development (4 new units) exceeds the provisions of Part 1 (b) of the Scheme of Delegation dated 29th May 2013.

Statutory Return Type: 13: Minor Dwellings

Council Interest: None

Net additional Floorspace: 325 sq m

GLA Community Infrastructure (CIL) Contribution (provisional): £11,375 (based on a £35 contribution per square metre of additional floorspace)

Harrow Community Infrastructure (CIL) Contribution (provisional): £35,750 (based on a £110 contribution per square metre of additional floorspace)

Site Description

- The application site is located close to the junction of Station Road and Elmgrove Road.
- The host building is located on the northern side of Elmgrove Road and is attached to the much larger Wickes Building, which is to the west and faces the corner of Station Road and Elmgrove Road.
- The building on site is a two storey office building. It is not currently in use as an office and prior approval has been obtained to convert it in to residential units.
- The main building has a steeply pitched roof over the main building. This acts as a parapet around the main building and the main roof is flat.
- There is a smaller section to the rear/north, adjacent to houses on Elmgrove Road with a flat roof that is at a lower height. The building is irregular in shape, but is roughly L-shaped due to this element.
- Immediately to the east are two storey terraced and semi-detached houses along Elmgrove Road. The immediate neighbour is No. 10 Elmgrove Road, which has been

divided in to 2 maisonettes.

- To the south of the site, on the southern side of Elmgrove Road are modern blocks of flats 3-4 storeys in height.
- To the rear/north of the site are the rear gardens of houses along Woodlands Road and to the rear of the site to the north-west is the car park and rear of the Wickes Building.
- An application has been made to convert the Wickes Building from office to use as a school, although this application has not yet been determined. Immediately to the north of the Wickes Building is Kirkfield House, which has permission to convert from offices to residential.
- The site is located adjacent to, but not within, the Station Road sub-area within the designated Harrow Town Centre which is covered by Policy AAP2 of the Harrow Area Action Plan (2013).
- The application site is located within the Harrow and Wealdstone Intensification Area.
- It is also located within a Critical Drainage Area.

Proposal Details

Summary of the Proposal

- It is proposed to build an additional floor above the existing office floor to provide 4 residential units.

Alterations to the Roof

- A mansard roof would be added, which would increase the height of the building on the south elevation, facing the street at Elmgrove Road, from 9.20m to 10.20m. Due to the site sloping downwards towards the north, the rear roof ridge would be increased from 10.20m to 10.80m. A new roof would be added to the front/southern part of the flat roof section to the rear, increasing the height from 8.30m to 10.90m to a depth of 7m, with a section of the flat roof at the rear to be retained.

Dormer Windows

South Elevation

- A total of 8 dormer windows would be added. These would be in three sizes: smaller windows measuring 1.40m in width, 2.0m in height; medium size measuring 1.60m in width and 2.0m in height; larger dormer windows measuring 2.20m in width and 2.30m in height- these have Juliet balconies and are shown on the plans to have opening windows.
- Due to the steep roofslope on the mansard the dormers would not project significantly from the roofslope to a maximum depth of approximately 50 cm.

North Elevation

- Six dormer windows would be added to the rear/northern roofslope, in different sizes – 5 would be smaller, with a height of 1.30m and a width of either 2.20m, 1.50m or 1.10m.
- There would also be a larger dormer with a Juliet balcony and opening windows at the centre of the rear roofslope, with the same dimensions as those on the front.

West Elevation

- The west elevation faces the Wickes Building- this would have one larger dormer, a Juliet balcony and full-length, glazed opening doors, of the same scale as those on the northern and southern elevations.
- There would also be a smaller dormer measuring 1.50m in height and 1.30m in

width.

East Elevation

- The east elevation faces the houses on Elmgrove Road.
- This side would contain 1 x smaller dormer, measuring 1.90m in width and 1.45m in height. Annotations on the plans show that this would be obscure-glazed and non-opening and would serve a staircase.

Internal Configuration

- The submitted plans show that the new second floor would contain 3 x 2 bedroom, 3 person flats and 1 x 3 bedroom, 5 person flat.
- There are two staircases shown, with each to provide access to two of the proposed flats, with the staircase on the western side still to be built.
- Flat 1 would be a 2 bedroom 3 person unit at the northern/rear side of the building with all the habitable rooms with natural light accessible from the rear windows. The lounge would have full-length opening windows.
- Flat 2 would be the same size and of a similar layout to Flat 1, but facing the front (south) rather than the rear of the building.
- Flat 3 would also be at the front of the building with access to natural light from the front and a full-length opening window serving the lounge, although the lounge would be longer and narrower.
- Flat 4 would be a 3 bedroom 5 person flat, with the living room in the rear section of the building with two windows, one of which is a full-length opening window facing west. Smaller windows serve the 3 bedrooms.

Other Elements of the Proposal

- The submitted plans show that there would be a bin store to the front, on the north-east side of the site.
- There would also be a new door at the ground floor south/front elevation to replace an existing window, which would allow entrance to a new stair case allowing access to flats on this side of the building.

Revisions to Previous Application

- None

Relevant History

P/3163/15- Conversion of offices (Class B1a) to 10 self-contained flats (class C3) (prior approval of transport & highways impacts of the development and of contamination risks and flooding on the site)

Granted 24/08/2015

P/4891/14 - Conversion of offices (Class B1a) to 10 self-contained flats (class C3) (prior approval of transport & highways impacts of the development and of contamination risks and flooding on the site)

Granted 30/01/2015

Pre-Application Discussion (Ref.)

- N/A

Applicant Submission Documents

- None

Consultations

Highways Authority- See Section 5 of this report

Advertisement

- N/A

Site Notice

Expiry Date: 8th September 2015

Reason for Site Notice: General Notification

Notifications

Sent: 07

Replies: 0

Expiry: 08/09/2015

Summary of Responses

- None

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.'

In this instance, the Development Plan comprises The London Plan 2015, the Harrow Core Strategy 2012 and the Harrow Development Management Policies Local Plan 2013.

MAIN CONSIDERATIONS

Principle of the Development

Character and Appearance of the Area

Residential Amenity

Flood Risk/Drainage

Traffic and Parking

Accessibility

Human Rights and Equalities

S17 Crime & Disorder Act

Consultation Responses

Principle of the Development

Policy 3.8 of The London Plan (2015) encourages the borough to provide a range of housing choices in order to take account of the various different groups who require different types of housing. Further to this, Core Policy CS1 (I) states that 'New residential development shall result in a mix of housing in terms of type, size and tenure across the Borough and within neighbourhoods, to promote housing choice, meet local needs, and to maintain mixed and sustainable communities'. Having regard to the London Plan and the Council's policies and guidelines, it is considered that the proposed extension would constitute an increase in housing stock within the borough and the remaining floor sin the building are highly likely to be used for residential purposed, development would therefore be acceptable in principle.

Character and Appearance of the Area

Policy 7.4 (B) of the London Plan requires that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass.

Core Policy CS1.B specifies 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.'

Policy DM1 of the DMP gives advice that "all development proposals must achieve a high standard of design and layout. Proposals which fail to achieve a high standard of design and layout.

Pattern of Development

Paragraph 4.4 of the adopted SPD states that: "The pattern of development refers to the arrangement of plots, buildings and spaces around the building which, repeated over an area, forms part of that area's character and identity." Paragraph 4.5 states that the pattern of development plays a vital role in defining the character of the street and influencing the perception of spaciousness and landscape capacity.

The application site links the much taller Wickes building which faces Station Road and the northern part of Elmgrove Road to the two storey terraced and semi-detached houses along the northern side of Elmgrove Road. There is at present a sudden drop in building height from the Wickes Building to the host building. The proposal would marginally increase the height of the host building and so would not be harmful to this relationship.

Increasing the height of the host building significantly adjacent to the houses on Elmgrove Road would appear bulky and overbearing and would therefore not be encouraged. However the proposal would only increase the height by approximately 80 cm and the mansard roof would not significantly alter the existing roof pitch. Furthermore, the space to the side of the building would be retained. There are already two larger blocks of flats opposite and so the increased height would not be inconsistent in relation to these. Therefore it is considered that the proposal would not be harmful to the already varied pattern of development in the immediate street scene.

Character and Design of the Proposed Building

The adopted SPD also emphasises the importance of local character and design. Paragraph 4.7 and 4.8 state that local character is an important consideration and that built form and room form are important elements of this. They also state that the design and layout of new development should recognise the character of the area in which it is located. Paragraphs 4.14 and 4.15 address issues related to design of new buildings and state that the roof form is very important in the character of new development.

The main issues in terms of character and design in this proposal are the mansard roof and the dormer windows. The roof would increase the height of the building marginally and would be similar to the existing roof form. It would therefore not be harmful to the character of the host building or the street scene. The other issue is the proposed dormer windows. There are a number of dormer windows proposed and those along the front/southern elevation would be prominent within the street scene and there are no clear examples of multiple dormer windows within the street scene. However, the dormer windows would be in keeping with the mansard roof and due to the varied nature of the

street scene and the prominence of the attached Wickes Building, it is considered that the impact of the proposal in terms of character and design would be acceptable.

Refuse Storage and Servicing

There would be an increase in the number of wheeled bins required due to the presence of the new flats. Paragraph 4.50 of the adopted SPD states that the design and layout of residential development must provide satisfactory arrangements for the storage and collection of recycling and waste. The proposed plans have shown two refuse bins located at the front of the flats and this has also been indicated with the Design and Access Statement. The existing offices and flats are serviced from this road and so an existing servicing arrangement is in place. Therefore, the refused storage and servicing arrangements would be considered acceptable.

Green Landscaping

Paragraph 4.13 of the adopted SPD states that building forecourts make a particularly important contribution to streetside greenness and the leafy, suburban character in Harrow's residential areas. The front forecourt of the building is currently in use as a car parking space and provides 8 x spaces. The site is in a very urban location, within the town centre and the forecourt provides useful car parking space for future lower floor flats. Therefore green landscaping would not be required at the site.

Residential Amenity

Policies DM1 seeks to "ensure that the amenity and privacy of occupiers of existing and proposed dwellings are safeguarded.

Amenity of Neighbouring Occupiers: Loss of Outlook

Neighbours on Elmgrove Road – East of the Site

The host building is directly adjacent to a two storey end of terrace house, No. 10 Elmgrove Road, which has been sub-divided into 2 maisonettes. This house has been extended to the rear with a single storey and appears to have non-habitable rooms directly adjacent to the boundary at ground and first floor. The proposal would increase the height of the host building adjacent to this neighbour and it is already taller. However, the increase in height would be less than 1 metre and would not have a significant impact on the outlook for the neighbours at No. 10, particularly as the roof is already relatively steeply pitched.

The addition to the flat roof section of the host building would result in a greater increase in height, but due to the fact that this is several metres beyond the rear wall of No. 10 Elmgrove, the impact in terms of light and outlook would be acceptable. Therefore the impact on this neighbour in terms of light and outlook and those of neighbours further along Elmgrove Road to the east would be acceptable in accordance with paragraph 6.25 of the adopted SPD.

Impact on Other Neighbouring Occupiers

The proposal would be facing flats opposite on Elmgrove Road. However, due to the limited increase in height of the proposal and the distance to these flats, it is considered that the impact would be acceptable in terms of light and outlook. The neighbours to the rear at Woodlands Road would be a sufficient distance from the proposed extension that the degree of impact on their light and outlook would be acceptable.

The neighbouring Wickes Building to the north-west has made an application for permission for a prior approval change of use from office to school. The current office

use and the proposed school use would not be residential and therefore residential amenity would not be assessed. Kirkfield House, further to the north-west has prior approval permission for a change of use from office to residential. This change of use does not appear to have taken place yet. However, the distance between the two neighbouring buildings and the application building would be sufficient to ensure that the impact on light and outlook would be acceptable.

Overall the impact of the proposal on these neighbours in terms of loss of light and outlook would be acceptable in accordance with the adopted SPD.

Amenity of Neighbouring Occupiers: Overlooking and Loss of Privacy

Neighbours to Front/South (Elmgrove Road)

The windows to the front/south facing neighbours opposite on Elmgrove Road would be a sufficient distance away to ensure that the impact on neighbour's privacy would be acceptable. The Juliet balconies would increase perceived overlooking but balconies are considered an acceptable form of development in a town centre location, and there are both full balconies and Juliet balconies at the flats opposite.

Overall the impact of the proposal on these neighbours in terms of loss of light and outlook would be acceptable in accordance with the adopted SPD.

Neighbours to Rear/North (Woodlands Road)

The windows to the rear/north elevation would be facing the rear windows of habitable rooms on Woodlands Road. This would consist of smaller windows on the rear projecting element of the building which serve a bedroom and a living room. The distance from proposed windows on the rear projection to the houses on Woodlands Road would be a minimum of 30m and the distance to the gardens would be a minimum of 10m. While this relationship is not ideal, it would not result in an unacceptably harmful degree of overlooking to these neighbours, particularly as these closest windows are smaller and would not have balconies. This type of relationship between windows of habitable rooms is not uncommon in this type of urban setting.

The large window with a Juliet balcony would be further away on the main rear elevation. The distance from the main rear wall of the host building to the rear elevation of No. 2 Woodlands would be 40m and the main rear elevation where the Juliet balcony would be located would be screened from the houses and gardens along Woodlands by the rear projection of the host building.

Neighbours to East (Elmgrove Road)

The proposal would include the addition of one dormer window to this flank wall facing the neighbour at No. 10 Elmgrove Road. This window has been shown to be obscure-glazed and non-opening and would serve a stairwell rather than a habitable room. A condition will be attached to ensure that this window is obscure-glazed and non-opening to a height of 1.7m above ground level and retained thereafter. Therefore, the impact on the neighbour at no. 10 Elmgrove Road and neighbours further along the street would be acceptable in terms of overlooking and privacy in accordance with the adopted SPD.

Neighbours to West (Wickes Building and Kirkfield House)

These buildings are not in residential use and so overlooking to these buildings would not be unreasonable.

Overlooking and Privacy: Flat Roof Section

If the flat roof at the rear part of the rear projection were used as a balcony/patio area, this would result in an unacceptable degree of overlooking to the neighbours on Elmgrove Road and Woodlands Road. Therefore a condition will be attached to ensure that the flat roof cannot be used for this purpose.

Amenity of Future Occupiers

Room Size and Layout

Policy 3.5C of The London Plan requires all new residential development to provide, amongst other things, accommodation which is adequate to meet people's needs. In this regard, minimum gross internal areas (GIA) are required for different types of accommodation, and new residential accommodation should have a layout that provides a functional space. Table 3.3 of The London Plan specifies minimum GIAs for residential units and advises that these minimum sizes should be exceeded where possible. The use of these residential unit GIA's as minima is also reiterated in Appendix 1 of the Residential Design Guide SPD. This is supported by policy AAP13 of the AAP. Further detailed room standards are set out in the Mayors Housing Supplementary Planning Guidance 2012.

On 25 March 2015 through a written ministerial statement, the Government introduced new technical housing standards in England and detailed how these would be applied through planning policy.

The national standards came into effect on 1st October and therefore an application submitted at this site would be considered against the new national standards instead of the current London Plan standards. Furthermore, the imposition of any conditions requiring compliance with specific policy standards relating to new housing would need to be considered against the national standards.

These standards came into effect on the 1st of October 2015. From this date relevant London Plan policy and associated guidance in the Housing Supplementary Planning Guidance (SPG) should be interpreted by reference to the nearest equivalent new national technical standard. The Mayor intends to adopt the new standards through a minor alteration to the London Plan. In the interim the Housing Standards Policy Transition Statement (October 2015) should be applied in assessing new housing development proposals. This is also set out in the draft Interim Housing SPG.

Therefore from October 2015, policy 3.2 (c) requires that table 3.3 to be substituted with Table 1 of the nationally described space standards, which is set out in the table below. Policy 3.8 (c) of the London Plan relating to Housing Choice, from the 1 October should be interpreted as 90% of homes should meeting building regulations M4 (2) – 'accessible and adopted dwellings'. Policy 3.8 (d) will require 10% of new housing to meeting building regulations M4 93) – 'wheelchair user dwellings'.

Bedrooms	Bed spaces	Minimum GIA (sqm)			Built – in storage (sqm)
		1 storey dwellings	2 storey dwellings	3 storey dwellings	
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5

	5p	86	93	99	3.0
	6p	95	102	108	
4b	5p	90	97	103	
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	3.5
5b	6p	103	110	116	
	7p	112	119	125	
	8p	121	128	134	4.0
6b	7p	116	123	129	
	8p	125	132	138	

	Gross Internal Floor Area	Bedroom	Storage
Minimum Floor Area Required	2b 3p = 61 sqm 3b 5p = 56 sqm	Double (11.5 sqm) Single (7.5 sqm)	2b= 2.0 sqm 3b= 2.50 sqm
Flat 1 2b 3p	65 sqm	14.40 sqm 9 sqm	0 sqm
Flat 2 2b 3p	65 sqm	13 sqm 9 sq. m	
Flat 3 2b 3p	65 sq. m	13 sq. m 9 sq. m	
Flat 4 3b 5p	86 sq. m	13 sq. m 9.8 sq. m 9 sq. m	

Due to the bedroom sizes, Flats 1-3 would be assessed as 2 bedroom, 3 person units and Flat 4 would be a 3 bedroom 5 person unit. The overall gross internal floor area of the house would meet the required floor areas set out in the National Standards. The existing first floor is currently in use as an office, rather than as residential - although works are taking place there- therefore, proposed stacking arrangements would be acceptable.

Future Occupier Amenity- Light, Outlook and Privacy

Flat 1- All habitable rooms would have an acceptable level of natural light. These would be facing towards the street on Elmgrove Road and due to the distance to buildings opposite and their position on the second floor; the level of outlook and privacy would be acceptable.

Flat 2- All habitable rooms would have an acceptable level of natural light. These would be facing towards the rear of the application site and also towards the rear car park of the Wickes Building to the north and west and towards the rear projection of the host building to the east. The degree of outlook would be relatively open and acceptable to all habitable rooms.

The level of privacy would be compromised by the fact that the bedroom and lounge of Flat 4 of the development are set at a right angle to these rooms at a minimum distance of 4m. Paragraph 4.78 of the adopted SPD states that for relationships between buildings within a development the design and layout should achieve a consistent approach to privacy between new homes. However, paragraph 4.75 of the adopted SPD states that the degree of overlooking can vary significantly within the urban environment. The proposal is in a very urban location where a greater degree of overlooking would be acceptable. Therefore, while this overlooking relationship is not ideal, it would not be considered a reason for refusal in itself.

Flat 3 - All habitable rooms would have an acceptable level of natural light. These would be facing towards the street on Elmgrove Road and due to the distance to buildings opposite and their position on the second floor; the level of outlook and privacy would be acceptable.

Flat 4 - There is a concern related to privacy from the side windows, which would be the same concern as for Flat 2, which has been addressed above. The overlooking from neighbours to the rear along Woodlands would be limited due to height of the proposal above ground level and the distances between these buildings.

There would also be poor outlook to the kitchen as the only source of natural light would be 2 rooflights, which is not encouraged within the adopted SPD. However, the proposal does exceed the required space of 86 sq. m. Furthermore, the main living room would have natural light from the flank wall and rear wall, including one full-length set of glazed windows/doors. Therefore while the degree of natural light to the kitchen is not entirely appropriate, due to the other site circumstances this would be acceptable in this instance.

Outdoor Amenity Space

The adopted SPD states that amenity space, either on a private or communal basis, should be provided. However, given that it's located in the town centre, it would be similar in character to many units located above commercial units and therefore this lack of private amenity space would be considered acceptable in this instance.

Drainage and Flood Risk

The site is located within a Critical Drainage Area. However, the proposal would not add to the footprint of the site and the site is already hard surfaced to the front and rear. Therefore the proposal would not have a harmful impact in relation to surface water.

Traffic and Parking

Although there are car parking spaces on site, the submitted documents indicate that the existing parking spaces would be used for the flats on the lower floors, making this a car-free development. The site is in a town centre location with good access and to public transport and has a high PTAL rating. Therefore the provision of a car free development is considered acceptable by the Highways Authority. However, provision of disabled car parking spaces is required. It is noted that in the two prior approval applications for change of use of the lower floors, P/4891/14 and P/3163/15, provision was made for 2 disabled people's parking spaces. While additional disabled parking spaces are not required, the disabled spaces cited in the prior approval applications should be made available to the residents of the 2nd floor flats. A condition will be attached to address this.

2 x cycle parking spaces should be provided for each of the flats, with a total requirement of 8. This will be addressed in a condition and these spaces would be in addition to the 16 spaces to be provided in the prior approval applications.

Accessibility

Core Policy CS1.K of the Harrow Core Strategy and Policies 3.8, 7.1 and 7.2 of The London Plan (2015) require all new housing to be built to Lifetime Homes Standards. This has been replaced by New National Standards which require 90% of homes to meet Building regulation M4 (2) - 'accessible and adaptable dwellings'.

A condition has been attached to ensure that the proposed dwellings will meet regulation M4 (2) as far as possible and this must be demonstrated before works commence.

Equalities

Section 149 of the Equalities Act 2010 created the public sector equality duty.

Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is not considered that there are any equality impacts as part of this application.

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.

Consultation Responses

- None

CONCLUSION

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

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 & Country Planning Act 1990.

2 Other than on collection days, the refuse/waste bins shall at all times be stored in the approved refuse/waste storage area.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in accordance with Policy DM1 of the Harrow

Development Management Local Plans Policy (2013).

3 The roof area of the extension hereby permitted and the roof of the existing building, 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 DM 1 of the Development Management Policies Local Plan 2013.

4 The window in the second floor, eastern flank wall of the approved development shall:

a) be of purpose-made obscure glass,

b) be permanently fixed closed below a height of 1.7 metres above finished floor level, and shall thereafter be retained in that form.

REASON: To safeguard the amenity of neighbouring residents in accordance with policy DM 1 of the Development Management Policies Local Plan 2013.

5 The development hereby approved shall not be occupied until there has been submitted to and approved in writing by the local planning authority details of:

a) Secured cycle storage for 8 x bicycles for the use of occupants of the proposed flats. These shall be for future occupiers of the flats within the development hereby permitted only and not for use of occupiers of other flats within the building that are not part of this application. The storage shall be implemented in accordance with the approved details prior to the occupation of the flats and shall thereafter be retained.

b) 2 x disabled parking spaces for the use of occupants of the proposed flats. Such spaces shall be provided and designed to BS 8300 specifications to enable them to be used by people with mobility impairments, and the spaces shall be marked out accordingly. The development shall not be occupied or used until the spaces have been completed in accordance with the approved details and thereafter retained.

REASON: To ensure suitable parking provision for people with disabilities in accordance with the policies of the Harrow Unitary Development Plan and to comply with Policy 6.9 of the London Plan (2015).

6 The development hereby permitted shall be constructed to the specifications of: "Part M, M4 (2), Category 2: Accessible and Adaptable Dwellings" of The Building Regulations 2015 and thereafter retained in that form.

REASON: To ensure that, where the development is capable of meeting 'Accessible and adaptable dwellings' standards and that the development complies with the policies of the Harrow Unitary Development Plan. Details are required prior to commencement as the development would be unenforceable after this time.

7 The development hereby permitted shall be carried out in accordance with the following approved plans and in accordance with any details that are to be submitted as required by planning conditions: 100; 101; 102; 103; 104; 105; 106; 108; 008; 009; 012; Planning Statement.

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

8 The development hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces have been submitted to and be provided on site, and approved in writing by, the local planning authority:

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

REASON: To safeguard the appearance of the locality in accordance with policy DM 1 of the Development Management Policies Local Plan 2013.

INFORMATIVES

1 The following policies are relevant to this decision:

National Planning Policy Framework (2012)

The London Plan (2015)

3.5 Quality and Design of Housing Developments

3.8 Housing Choice

6.9 Cycling

6.13 Parking

7.2 An Inclusive Environment

7.3 Designing Out Crime

7.4 Local Character

7.6 Architecture

Harrow Core Strategy (2012)

CS1.B Local Character

CS1.K Lifetime Homes

Harrow Area Action Plan (2013)

Policy AAP2: Station Road

Harrow Development Management Policies Local Plan (2013)

DM1 Achieving a High Standard of Development

DM2 Achieving Lifetime Neighbourhoods

DM42 Parking Standards

DM45 Waste Management

Supplementary Planning Documents

Mayor of London Housing Supplementary Planning Guidance (2012)

Residential Design Guide Supplementary Planning Document (2010)

Accessible Homes Supplementary Planning Document (2010)

Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2008)

Building Regulations 2010 M4 (2) Category 2: Accessible and Adaptable Dwellings

2 INFORMATIVE:

The applicant's attention is drawn to the requirements in the Considerate Contractor Code of Practice. In the interests of minimising any adverse effects arising from building operations, the limitations on hours of working are as follows:

0800-1800 hours Monday - Friday (not including Bank Holidays)

0800-1300 hours Saturday

3 INFORMATIVE:

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

1. work on an existing wall shared with another property;

2. building on the boundary with a neighbouring property;

3. excavating near a neighbouring building,

and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or

building regulations approval.

"The Party Wall etc. Act 1996: explanatory booklet" is available free of charge from: Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB Please quote Product code: 02 BR 00862 when ordering. Also available for download from the Portal website: <https://www.gov.uk/party-wall-etc-act-1996-guidance>

4 INFORMATIVE

Statement under Article 31 (1)(cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

This decision has been taken in accordance with paragraphs 187-189 of The National Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

5 A yellow Site Notice relating to this planning application describing the development and alerting interested parties of the development has been placed in the vicinity of the application site. You should now REMOVE this Site Notice.

6 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 £11,375 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 £11,375 for the application, based on the levy rate for Harrow of £35/sqm and the stated increase in floorspace of 325 sqm.

You are advised to visit the [planningportal](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) website where you can download the appropriate document templates.

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

7 Harrow has a Community Infrastructure Levy which will apply Borough wide for certain uses of over 100sqm gross internal floor space. The CIL has been examined by the Planning Inspectorate and found to be legally compliant. It will be charged from the 1st October 2013. Any planning application determined after this date will be charged accordingly.

Harrow's Charges are:

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

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

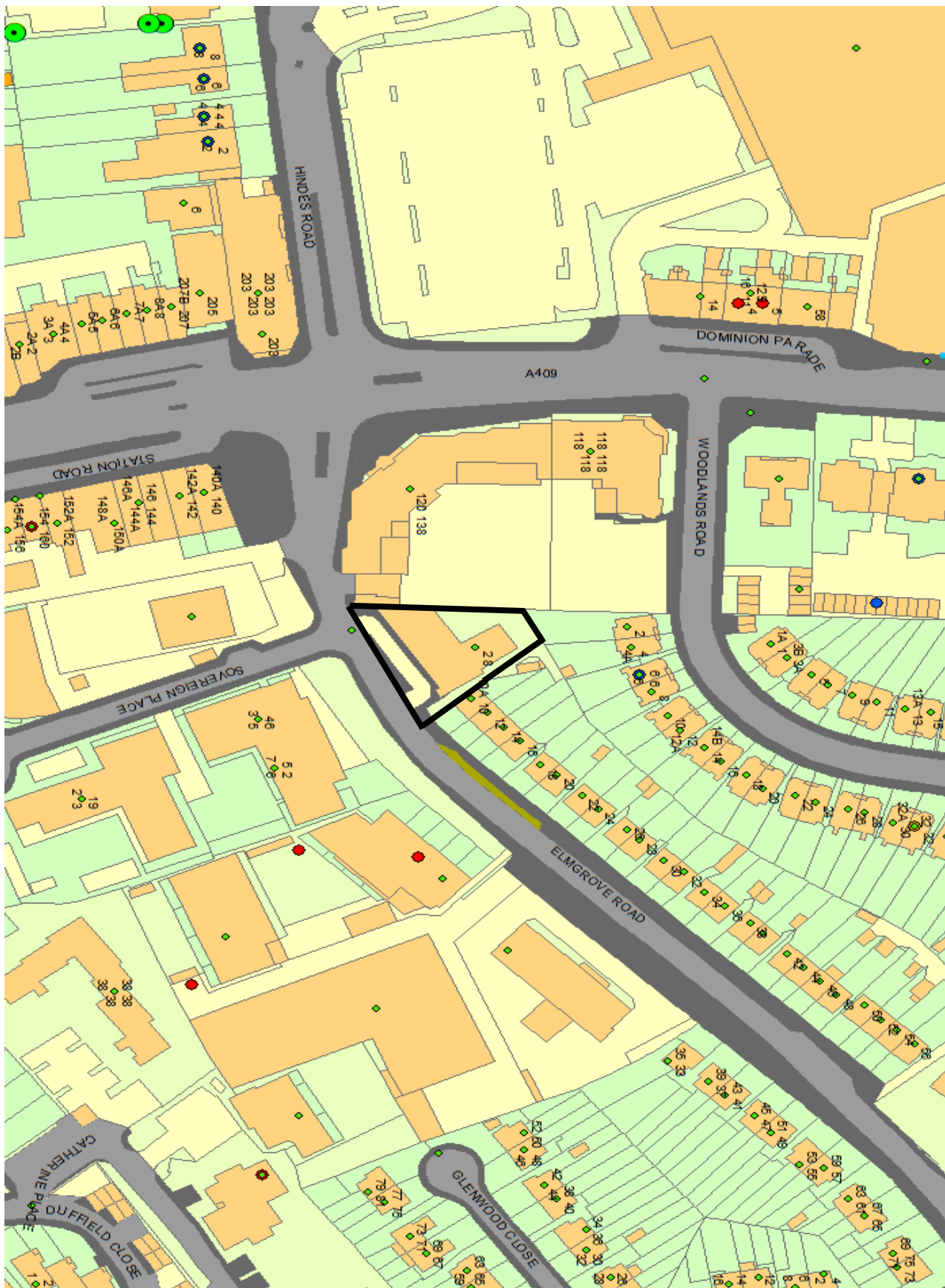
Retail (Use Class A1), Financial & Professional Services (Use Class A2), Restaurants and Cafes (Use Class A3) Drinking Establishments (Use Class A4) Hot Food Takeaways (Use Class A5) - £100 per sqm

All other uses - Nil.

The Harrow CIL Liability for this development is: £35,750

Plan Nos: 100; 101; 102; 103; 104; 105; 106; 108; 008; 009; 012; Planning Statement.

FITZGERALD HOUSE, 2 - 8 ELMGROVE ROAD, HARROW



ITEM NO: 2/09
ADDRESS: 5A CREST VIEW, PINNER
REFERENCE: P/4298/15
DESCRIPTION: SINGLE STOREY SIDE EXTENSION; TWO STOREY REAR EXTENSION; CONVERSION OF GARAGE TO HABITABLE ROOM; REAR DORMER; EXTERNAL ALTERATIONS
WARD: PINNER SOUTH
APPLICANT: MR BAILIE HARKNESS
AGENT: KEVIN D'AUSTIN
CASE OFFICER: DAVID BUCKLEY
EXPIRY DATE: 05/11/2015

RECOMMENDATION

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

INFORMATION:

This application is reported to the Planning Committee as it has been requested by a Nominated Member of the Planning Committee for this application to be reported to the Committee. It is therefore excluded from the Scheme of Delegation dated 29th May 2013 by Provision B.

Statutory Return Type: Householder

Council Interest: None

Net additional Floorspace: 30 sq. m

GLA Community Infrastructure Levy (CIL) Contribution (provisional): N/A

Site Description

- The host dwelling comprises a detached two storey dwellinghouse located at the far end of a small cul de sac which is set off Northfield Avenue in Pinner.
- The host dwelling was built around 1989 as an infill development on land that was part of the curtilage of No. 5 Crest View and is located between the detached two storey house at No. 5 to the south and the detached bungalow at No. 6 to the north.
- The building line is staggered, with the neighbour at No. 5 set forward of the host dwellinghouse.
- The neighbour at No. 6 is on the same building line as the host dwelling, but has been extended at the rear with a single storey extension and currently projects several metres further than the host dwellinghouse. No. 6 has two flank windows which are original that serve a living room that is open to the rear, where there are

two large full –length windows.

- The site at the host dwelling and the adjacent neighbours slopes down to the rear.
- The application site is within a Critical Drainage Area.
- There are trees under Tree Protection Order (TPO) at the front and rear of the site.

Proposal Details

- It is proposed to build a single storey side extension and a single and two storey rear extension with a small dormer to the rear roofslope and accommodation in the roof.
- The single storey side extension would have a width of 1m and project 4.50m along the north side of the house adjacent to the neighbour at No. 6 Crest View. It would have a lean-to roof with an eaves height of 2.50m and a full height of 3.30m.
- The single storey element of the rear extension would project across the full rear elevation. It would have a depth of 4m with a mono-pitched roof. The eaves and full height would be the same as for the side extension.
- The first floor rear element would have a depth of 3m across the full rear elevation and would continue the roof ridge of the existing house.
- The rear dormer would be set within the rear roofslope with a width of 2m, a height of 1.60m and a depth, projecting from the rear roofslope of 2.0m.
- The external alterations would comprise 2 x rooflights to each of the north and south side roofslopes.

Revisions to Previous Application

The previously withdrawn application reference P/3125/15 has been amended so that the first floor rear extension has been reduced in depth from 4m to 3m.

Relevant History

5A Crest View P/3125/15 - Single Storey Side Extension; Two Storey Rear Extension; Conversion Of Garage To Habitable Room; Rear Dormer; External Alterations
Withdrawn by applicant

5A Crest View P/1353/04/DFU- Single storey rear extension

Granted 23/06/2004

(NB: This development was not built)

5 Crest View LBH/40229 – Two storey extension at the rear of existing house, erection of detached house (on land between No's 5 & 6) and two parking spaces

Granted 25/04/1990

5 Crest View LBH/39643 – Outline: Two storey extension at the rear of existing house, demolition of single storey side extension and erection of detached house with parking on adjacent land to the north

Granted 13/12/1989

Applicant Submission Documents

- N/A

Consultations

The Pinner Association: No response received

Site Notice

Expiry Date: 13/10/2015
Reason for Notice: General Notice

Notifications

Sent: 06
Replies: 03
Expiry: 06/10/2015

Summary of Responses

Objection received from neighbouring occupier at No. 46 Cuckoo Hill Road:

- The large development on a small site would be harmful to the character of the area.
- This area should be kept relatively green which means restricting development, hardstanding, etc.
- The development will obstruct the view beyond the house and lead to a terracing effect.
- The dormer window and other windows will affect privacy to this neighbour.

Objection received from neighbouring occupier at No. 48 Cuckoo Hill Road, comments would be largely the same as for the previously withdrawn application:

- Bulk and mass affecting view.
- Steep slope down to the house behind.
- Dormer window will be overlooking and enjoyment of property compromised

Objection received from neighbouring occupier at No. 6 Crest View:

- Overdevelopment of the plot.
- Overbearing and too dominant in relation to neighbouring properties, particularly No. 6 which is a bungalow.
- Harmful impact on privacy and amenity of neighbouring occupiers- loss of sunlight and daylight to flank wall.
- Overlooking from dormer windows at no. 5A.
- Loss of light during morning and midday due to the extension.
- The loss of parking space due to the garage being converted to a habitable room could cause parking problems in this small cul-de sac.
- The Residential Design Guide SPD states that neighbours privacy and also light should be protected.
- The single storey side extension will have a harmful impact on privacy and would reduce the light to the main lounge.

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 London Plan (consolidated with alterations since 2011) (2015) and the Local Development Framework (LDF). The LDF

comprises The Harrow Core Strategy 2012, Harrow and Wealdstone Area Action Plan (AAP) 2013, the Development Management Policies Local Plan (DMP) 2013, the Site Allocations Local Plan (SALP) 2013 and Harrow Local Area Map (LAP) 2013.

Character and Appearance of the Area

Residential Amenity

Equalities Impact

Trees and Development

Traffic and Parking

S17 Crime & Disorder Act

Consultation Responses

Character and Appearance of the Area

Policy 7.4 (B) of the London Plan requires that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass.

Core Policy CS1.B specifies 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.'

Policy DM1 of the DMP gives advice that "all development proposals must achieve a high standard of design and layout. Proposals which fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance, will be resisted".

The Council has adopted a Supplementary Planning Document (SPD) on Residential Design (2010), which gives design guidance and requires extensions to harmonise with the scale and architectural style of the original dwellinghouse. Substantial weight is accorded to the SPD as a material planning consideration.

Single Storey Side Extension

The single storey side extension would have an acceptable eaves height and full height with a modest width of 1m. It would therefore be in compliance with the adopted SPD and would be considered acceptable in terms of its impact on the character of the host dwelling and the street scene in accordance with the adopted SPD.

Two Storey Rear Extension

The depth of the two storey rear extension would be 4m at single storey level and 3m at first floor level. Several objections have been raised in relation to this. The main objection in terms of character and appearance is that this will be dominant and represent an overdevelopment of the site especially as the site is relatively small and slopes downwards to the rear but also in the context of the neighbour at No. 6 being a single storey bungalow. The site has a depth of 15m from the existing rear wall, which relative to the size of the house is relatively small and the site does slope downwards towards the rear. However, the site widens towards the rear, with a width of 18m at the far end which is double the existing width of the house. The depth of the original house is over 10m, while the extension would only be 3m in depth at first floor level. Therefore, while it is acknowledged that the extension is relatively large it would maintain a proportionate relationship to the original house and would leave a sufficiently large garden space at the rear. The extension would respect the character, design and scale of the host dwelling on site and would have an acceptable impact on the wider locality.

Conversion Of Garage To Habitable Room

The proposal would involve the replacement of the existing garage door with a window and brick work. This would be in keeping with the host dwellinghouse and would not be harmful to the character of the host dwellinghouse or the street scene in accordance with the adopted SPD. An objection has been raised in relation to the loss of a parking space which has been addressed in the 'Traffic and Parking' section below.

Rear Dormer

The rear dormer would be acceptable in size and would be well contained within the rear roofslope. The proposed fenestration would be in keeping with that of the main dwellinghouse and the dormer would have an acceptable impact on the character of the main dwellinghouse and the street scene in accordance with the adopted SPD.

External Alterations

The external alterations would comprise 2 x rooflights to the northern and southern roof slopes respectively. These would not have a harmful impact on the character of the host dwelling or the street scene and would be considered acceptable in accordance with the adopted SPD.

The proposal would to comply with Policy 7.4B of The London Plan (2015), Core Policy CS1.B of the Harrow Core Strategy (2012), Policy DM1 of the Harrow Development Management Policies Local Plan (2013) and the guidance contained in the Council's adopted SPD Residential Design Guide (2010).

Residential Amenity

Policy DM1 of the DMP seeks to ensure that "proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of the development, will be resisted".

Single Storey Side Extension

It is noted that there are two flank windows to the neighbour at No. 6 immediately to the north and an objection has been raised that the extension would result in an unacceptable degree of loss of light and outlook, contrary to paragraph 6.25 of the adopted SPD.

Paragraph 6.26 of the adopted SPD defines 'protected windows' as the main or primary windows to habitable rooms and kitchens over 13 sqm.

Furthermore, paragraph 6.26 of the adopted SPD states that protected windows on side elevations may not be given the same degree of protection where the property concerned has been previously extended resulting in the removal of the main window at the rear. This is the case with No. 6 Crest View, which was extended to the rear, which resulted in the removal of the main rear windows.

Though the flank windows are undoubtedly important to the light levels received within this large living room, they are somewhat encumbered with an aspect towards the existing double storey flank elevation of the application property. The room is principally served, in terms of light, aspect and outlook by the full-length French windows/doors at the rear. As such, these windows are considered to be secondary to this room. The enjoyment of this large living room would be affected by the development of the single storey side extension and, to a lesser degree, the two-storey rear extension. However,

officers consider that the effects of the development would not be unduly harmful, particularly as the increased reliance on the side windows has been driven to some degree by the extensions of No.6 to the rear. Accordingly, it is considered that the development would not conflict with development plan policies with regard to amenity.

There would be a new door and window to this side extension. However, as they would replace an existing window and door in the same location the increased degree of overlooking or loss of privacy would be acceptable in accordance with the adopted SPD.

The side extension would be screened from the neighbour at No. 5 by the main host dwellinghouse and would not have an impact on this neighbour's amenity in accordance with the adopted SPD.

Two Storey Rear Extension

An objection has been raised that the proposal would result in loss of light and outlook to the neighbours at No. 6. It is acknowledged that the extension would be located to the south and west of this neighbour which would lead to some loss of sunlight in the early and mid-part of the day. However, the impact of this extension on the main rear windows would be limited as the first floor element would be roughly level in depth with the main rear wall at No. 6 and the single storey element would project approximately 1m beyond this in depth. There would also be a gap between the two of 3 metres which would further reduce the impact. While it may result in some loss of light to the flank windows, as addressed in the previous section this would not constitute a reason for refusal in itself.

Conversion Of Garage To Habitable Room

This would not have a harmful impact on neighbouring amenity- an objection has been raised in relation to this which will be addressed in the 'Traffic and Parking' section below.

Rear Dormer

Objections have been raised that this would result in overlooking and loss of privacy both to adjacent neighbours and to neighbour to the rear. While the dormer would allow some overlooking of the rear garden of the adjacent neighbours this would be to a limited from an oblique angle which would be considered acceptable in this suburban context. The dormer would lead to some overlooking to the houses at the rear which would be increased by the fact that the garden is relatively short and slopes downwards to the rear. However, the main dwellinghouses at No. 46 and 48 Cuckoo Hill Road are located over 50m from the proposed rear dormer. Therefore while there would be some overlooking to the far end of the rear garden, the overlooking to the rear of the houses themselves would be limited to an acceptable extent in accordance with paragraph 6.20 of the adopted SPD.

External Alterations

The rooflights would serve a bedroom. However, the degree of overlooking to No. 6 would be limited as this is a single storey bungalow. While there are two smaller flank windows to the facing flank wall of No. 5. These are not primary windows and the degree of overlooking would be limited and therefore these would have an acceptable impact in terms of overlooking in accordance with paragraph 6.20 of the adopted SPD.

In summary, it is not considered that the proposal would have an acceptable impact on the amenity of neighbouring occupiers in accordance with policy DM1 of the Harrow

Development Management Policies (2013) and the adopted SPD: Residential Design Guide (2010).

Equalities Impact

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

Trees and Development

Policy DM1 of the Harrow Development Management Policies Local Plan (2013) states that the assessment of the design and layout of proposals will have regard to the need to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit.

Policy DM22 states that the removal of trees subject to Tree Protection Orders (TPO's) or assessed as being of significant amenity value will only be considered acceptable where it can be demonstrated that the loss of the tree(s) is outweighed by the wider public benefits of the proposal.

The applicant has not submitted an Arboricultural Report detailing the existing trees on site and any potential impacts from the proposed development. However, it is noted that the nearest of these trees would be a considerable distance from the proposed development. Based on this and subject to a safeguarding condition, for the protection of the Cypress tree that is subject to a TPO, it is considered that the proposed works would not have any detrimental impact on the health of these trees.

Therefore it is considered that the proposed development would be in compliance with Policy 7.21 of The London Plan (2015), Policies DM1 and DM22 of the Harrow DM Local Plan (2013) and the guidance contained in the Council's adopted SPD Residential Design Guide (2010).

Traffic and Parking

The proposal would result in the loss of the existing garage. An objection has been raised that this would cause traffic problems in this small cul-de-sac. However, the Council's SPD recommends when considering proposals for front extensions a minimum driveway depth of 4.8m should be retained to allow sufficient parking space (paragraph 6.35). The forecourt would retain parking space for one vehicle. The number of parking spaces that would be retained would be in accordance with the maximum parking standards set out under policy 6.13 of the London Plan (2015). On this basis, the proposal would give rise to no conflicts with policy DM 42 of the Harrow Development Management Policies (2013) or the London Plan policy 6.13

S17 Crime & Disorder Act

It is considered that the proposed design of the development would not lead to an increase in perceived or actual threat of crime.

Consultation Responses

Objection received from neighbouring occupier at No. 46 Cuckoo Hill Road:

- *The large development on a small site would be harmful to the character of the area.*
This has been addressed in Section 1 above.
- *This area should be kept relatively green which means restricting development, hardstanding, etc.*
This has been addressed in Section 1 above.
- *The development will obstruct the view beyond the house and lead to a terracing effect.*
The view beyond the house is not a material planning consideration, while a terracing effect or overdevelopment of the site has been addressed in Section 1 above.
- *The dormer window and other windows will affect privacy to this neighbour.*
This has been addressed in Section 2 above.

Objection received from neighbouring occupier at No. 48 Cuckoo Hill Road, comments would be largely the same as for the previously withdrawn application:

- *Bulk and mass affecting view.*
The view beyond the house is not a material planning consideration, while the bulk or overdevelopment of the site has been addressed in Section 1 above.
- *Steep slope down to the house behind.*
This has been addressed in Sections 1 and 2 above.
- *Dormer window will be overlooking and enjoyment of property compromised.*
This has been addressed in Section 2 above.

Objection received from neighbouring occupier at No. 6 Crest View:

- *Overdevelopment of the plot.*
This has been addressed in Section 1 above.
- *Overbearing and too dominant in relation to neighbouring properties, particularly No. 6 which is a bungalow.*
This has been addressed in Section 1 above.
- *Harmful impact on privacy and amenity of neighbouring occupiers- loss of sunlight and daylight to flank wall.*
This has been addressed in Section 2 above.
- *Overlooking from dormer windows at no. 5A.*
This has been addressed in Section 2 above.
- *Loss of light during morning and midday due to the extension.*
This has been addressed in Section 2 above.

- *The loss of parking space due to the garage being converted to a habitable room could cause parking problems in this small cul-de sac.*
This has been addressed in Section 5 above.
- *The Residential Design Guide SPD states that neighbours privacy and also light should be protected.*
This has been addressed in Section 2 above.
- *The single storey side extension will have a harmful impact on privacy and would reduce the light to the main lounge.*
This has been addressed in Section 2 above.

CONCLUSION

The proposal is considered to be acceptable in terms of its impact on the character and amenity of the host dwelling and the street scene and also on the amenity of neighbouring occupiers, in accordance with the adopted SPD.

For all the reasons considered above, and weighing up the development plan policies and proposals and other material considerations including consultation responses, 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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

REASON: To match the appearance of the original dwelling and to safeguard the appearance of the locality to comply with core policy CS 1B of the Harrow Core Strategy 2012 and policy DM 1 of the Development Management Policies Local Plan 2013.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no window(s) / door(s) shall be installed in the flank elevations of the development hereby permitted, without the prior permission in writing of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents in accordance with policy DM 1 of the Development Management Policies Local Plan 2013.

4 The erection of Heras fencing for the protection of the Cypress tree at the front of the site that is subject to the protection of a Tree Protection Order shall be undertaken 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 tree subject to a Tree Protection Order represents an important amenity feature which the local planning authority considers should be protected in accordance with policy DM22 of the Development Management Policies

Local Plan 2013.

5 The development hereby permitted shall be carried out in accordance with the following approved plans: 5A/CV/P101; 5A/CV/P102.

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

INFORMATIVES

1 The following policies are relevant to this decision:

National Planning policy Framework (2012)

The London Plan (consolidated with alterations since 2011) (2015)

7.4B Local Character

7.6B Architecture

Harrow Core Strategy (2012)

Policy CS 1B Local Character

Development Management Policies Local Plan 2013

Policy DM 1 Achieving a High Standard of Development

Policy DM 22 Trees and Landscaping

Policy DM 42 Parking Standards

Supplementary Guidance/ Documents

Supplementary Planning Document: Residential Design Guide (2010)

2 INFORM23_M

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 INFORM32_M

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

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

This decision has been taken in accordance with paragraphs 187-189 of The National

Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications.

5 A yellow Site Notice relating to this planning application describing the development and alerting interested parties of the development has been placed in the vicinity of the application site. You should now REMOVE this Site Notice.

6 SUDS

The applicant is advised that surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible.

SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

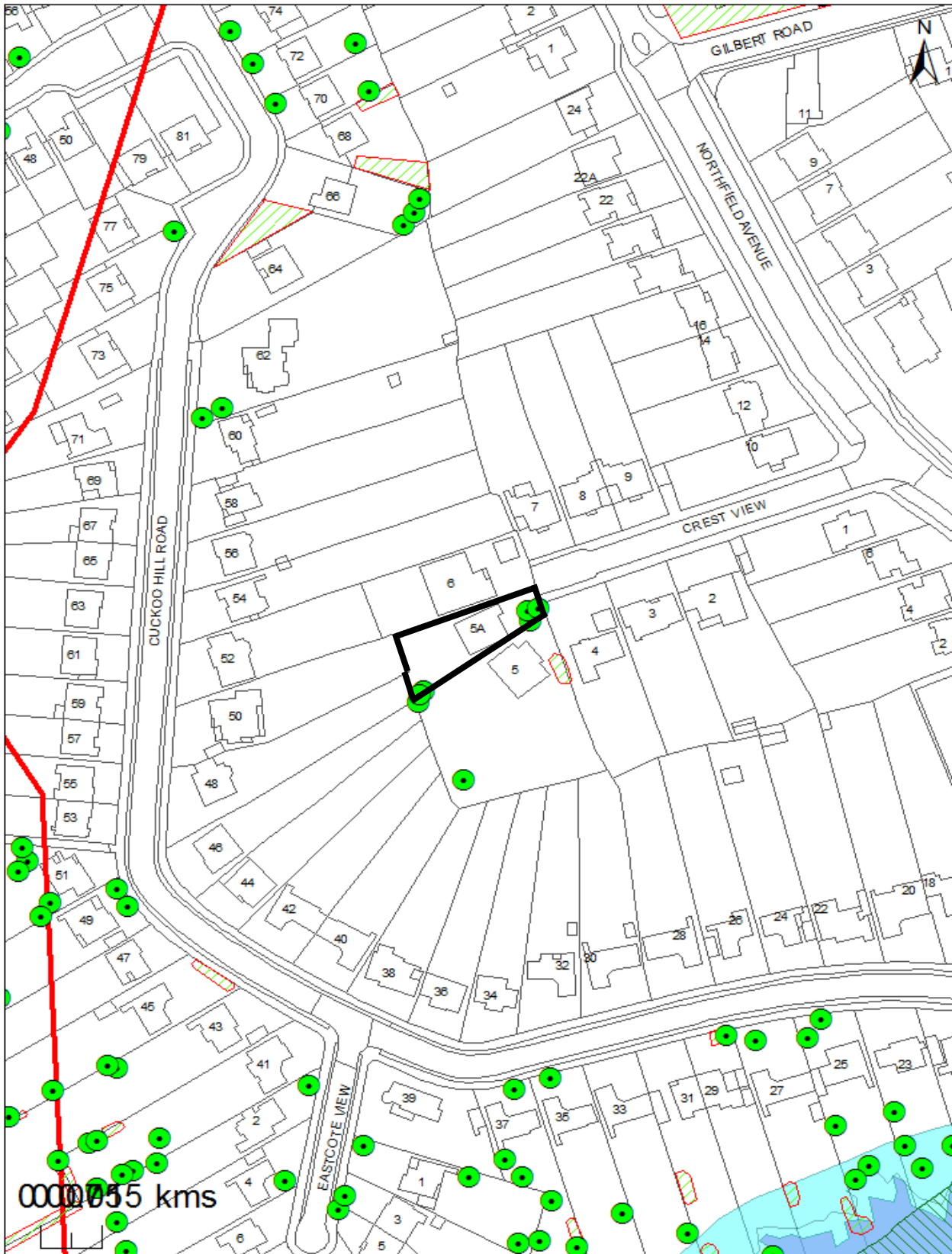
Where the intention is to use soak ways they should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

Support for the SUDS approach to managing surface water run-off is set out in the National Planning Policy Framework (NPPF) and its accompanying technical guidance, as well as the London Plan. Specifically, the NPPF (2012) gives priority to the use of sustainable drainage systems in the management of residual flood risk and the technical guidance confirms that the use of such systems is a policy aim in all flood zones. Policy 5.13 of the London Plan (2012) requires development to utilise sustainable drainage systems unless there are practical reasons for not doing so. Sustainable drainage systems cover the whole range of sustainable approaches to surface drainage management. They are designed to control surface water run-off close to where it falls and mimic natural drainage as closely as possible. Therefore, almost any development should be able to include a sustainable drainage scheme based on these principles.

The applicant can contact Harrow Drainage Section for further information.

Plan Nos: 5A/CV/P101; 5A/CV/P102

5A CREST VIEW, PINNER



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SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

None.

SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

None.

SECTION 5 - PRIOR APPROVAL APPLICATIONS

None.