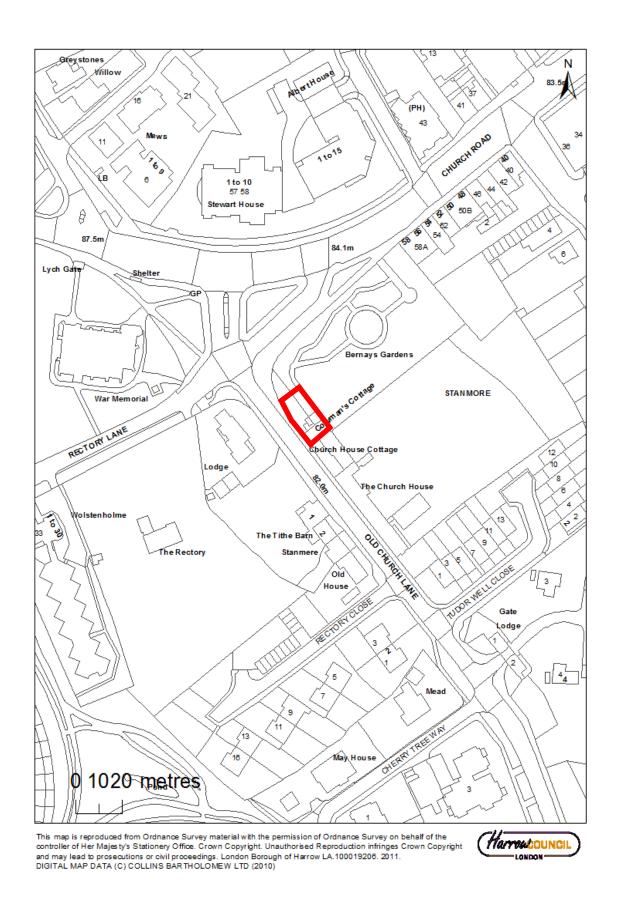


Cowmans Cottage, Old Church Lane, Stanmore, HA7 2QX

P/2866/16



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#### LONDON BOROUGH OF HARROW

#### PLANNING COMMITTEE

# 7<sup>th</sup> September 2016

**Application Number:** P/2866/16 **Validate Date:** P/2866/16

**Location:** Cowmans Cottage, Old Church Lane, Stanmore

Ward: Stanmore Park Postcode: HA7 2QS

**Applicant:** Mrs Omolara Oyesanya

Agent: n/a

**Case Officer:** Nabeel Kasmani **Expiry Date:** 9<sup>th</sup> September 2016

#### PURPOSE OF REPORT/PROPOSAL

The purpose of this report is to set out the Officer recommendations to The Planning Committee regarding an application for planning permission relating to the following proposal.

Single storey side extension; replacement windows to side elevation; installation of 1.8M high railings and fence to side and rear boundary; lowering courtyard and new retaining walls; external alterations (demolition of cowshed)

#### RECOMMENDATION

The Planning Committee is asked to:

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

#### REASON FOR THE RECOMMENDATIONS

The proposed development would replace the existing dilapidated Cowsheds with a single storey extension that would be sympathetic in form, scale, design, appearance to the existing Cowsheds and would utilise the existing historic materials where possible. In doing so, Officers consider that the single storey extension would preserve the special interest of the setting of the Grade II Listed Cottage and other heritage assets by maintaining the key architectural, evidential, historical, aesthetic and group/communal values. While the replacement building would have a domestic use, Officers consider that this would give the building a purposeful use that would retain its long-term future and the proposed development would also release existing Public Open Space that is not currently accessible. Officers therefore consider that, the public benefits of the scheme outweighs the harm and the proposal would be consistent with the character and appearance of the Conservation Area and would preserve the special interest of the Listed Building and its setting.

The decision to GRANT planning permission has been made having regard to the National Planning Policy Framework (2012), The London Plan (2016), the Harrow Core Strategy (2012), The Harrow Development Management Policies (2013) as well as all relevant material considerations including any responses to consultation.

#### **INFORMATION**

This application is reported to the Committee as the Council has received a number of objections to the application, and it is in the opinion of the Divisional Director of Planning Services of significant public interest. It therefore falls outside of proviso E of the Scheme of Delegation.

Statutory Return Type: (E)21 Householder Development

Council Interest: n/a GLA Community Infrastructure Levy n/a

(CIL) Contribution (provisional):

Local CIL requirement: n/a

#### **HUMAN RIGHTS ACT**

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

#### **EQUALITIES**

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

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

## **S17 CRIME & DISORDER ACT**

Policies 7.3.B and 7.13.B of The London Plan and policy DM1 of the Development Management Polices Local Plan require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. It is considered that the development does not adversely affect crime risk.

# LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 BACKGROUND PAPERS USED IN PREPARING THIS REPORT:

- Planning Application
- Statutory Register of Planning Decisions
- Correspondence with Adjoining Occupiers
- Correspondence with Statutory Bodies
- Correspondence with other Council Departments
- Nation Planning Policy Framework
- London Plan
- Local Plan Core Strategy, Development Management Policies, SPGs
- Other relevant guidance

# **LIST OF ENCLOSURES / APPENDICES:**

Officer Report:

Part 1: Planning Application Fact Sheet

Part 2: Officer Assessment

Appendix 1 – Conditions and Informatives

Appendix 2 – Site Plan Appendix 3 – Site Photographs

Appendix 4 – Plans and Elevations

#### OFFICER REPORT

**PART 1: Planning Application Fact Sheet** 

The Site	
Address	Cowmans Cottage, Old Church Lane, Stanmore, HA7 2QX
Applicant	Mrs Omolara Oyesanya
Ward	Stanmore Park
Local Plan allocation	Yes. Identified as Open Space
Conservation Area	Yes. Old Church Conservation Area
Listed Building	Yes. The Cowmans Cottage is Grade II Listed
Setting of Listed Building	Yes. In the Setting of a Grade II listed 19th Century Wall
Building of Local Interest	Yes
Tree Preservation Order	n/a
Other	Part of the application site falls within Designated Open
	Space as identified within the Harrow Local Plan Policies
	Map

#### PART 2: Assessment

#### 1.0 SITE DESCRIPTION

- 1.1 The application site comprises the Grade II Listed Cowman's Cottage located at the Junction of Old Church Lane and Church Road and the locally listed Cowshed Building, located within the locally listed Bernays Gardens.
- 1.2 Cowman's Cottage is Grade II listed along with the attached Church House Cottage and Church House. The group was listed on 6th April 1981. Their list description reads: 'C16 and later. Long 1 1/2-storey range. Brick faced. Timber-framing at rear end internally. Tiled roof. Thirteen window length (including 4 moulded wooden renewed transmullioned ones). Irregularly spaced gabled dormers and fine decorative moulded brick chimneys. Reconstructed 1925-30'
- 1.3 The Cowsheds were locally listed in March 2013. Their local list description reads: 'Attractive building with 5 gable ends in a row on its front elevation. Built irca 1930 under the instruction of Samuel Wallrock as a group along with Cowman's Cottage, the Church House Cottage and The Church House, and the Old Manor House, the Coachhouse Gatehouse when the nearby 17<sup>th</sup> Century Old Manor House was demolished. It was probably constructed using some of these materials, as were the adjoining row from Cowman Cottage to the Church House. It was built as a group with these in an attempt to create a of deliberately period, Tudor style buildings. It is particularly strongly connected to Cowman Cottage since it was built to form the adjoining Cow Sheds.
- 1.4 The application site is located within the Old Church Conservation Area. The Old Church Lane Conservation Area Appraisal and Management Strategy states the cowshed building has 'five pitched gables to the east elevation [which] form a principal feature of Bernays Gardens. This building has a strong architectural presence, forms part of key views and is a key part of the historical development

of the area'.

- 1.5 Historically, the Cowshed building was used as a park shelter but it is currently derelict, in a very poor condition and on the verge of collapse. It is propped up and protected by safety fencing. Cowman's Cottage and the Cowsheds were sold by the Council as one lot in 2011.
- 1.6 There is a Grade II listed 19th century wall running from the parade of shops that front onto Church Road to the north and west of the gardens round to the west gable of Cowman's Cottage.
- 1.7 Part of the application site falls within designated Open Space (Bernays Gardens) as identified within the Harrow Local Plan Policies Map.

# 2.0 PROPOSED DETAILS

- 2.1 It is proposed to demolish the existing Cowshed and to construct a new single storey side extension that would be of a similar design and scale as the existing Cowshed. The proposed extension would be the same width as the existing Cowshed (which includes the existing covered walkway) and would have an increased height of 500mm above the existing ridge line.
- 2.2 The scullery would be extended to the north by 1.4m and would match the existing with regards to height, scale and detailing. The existing courtyard would also be lowered in order to provide level access.
- 2.3 The proposed boundary treatments includes 1.8m high railings to the east boundary and 1.8m high timber fencing to the north boundary and east boundary (in front of the car bay). The gate from the existing scullery would also be re-used in the fencing between the car parking bay and the yard.
- 2.4 External alterations include the re-location of the north-lobby windows and door.

## 3.0 HISTORY

3.1 P/5945/15: Single Storey Side Extension; Replacement Windows To Side Elevation; Installation Of 1.8M High Railings To Side And Rear Boundary; Lowering Courtyard And New Retaining Walls; External Alterations (Demolition Of Cowshed)

Refused: 01-04-2016

- 1. The proposed demolition of the existing cowsheds and the construction of a single storey side extension would not preserve the special interest of the listed Cowmans Cottage or its settings. In the absence of clear and convincing justification or public benefits to outweigh the harm, the proposal would have detrimental impact on the Heritage assets and the character and appearance of the surrounding area, contrary to the National Planning Policy Framework (2012), Policies 7.4,B, 7.6B, 7.8C/D of the London Plan (2015), Core Policy CS1 B/D of the Harrow Core Strategy (2012) and Policies DM1 and DM7 of the Development Management Local Plan (2013)
- 2. The proposed single storey side extension would fail to contribute positively to

- the setting and quality of the Designated Open Space and it has not been demonstrated that the wider benefits of the proposal would outweigh the loss of Open Space, contrary to Policies DM1, DM7 and DM18 of the Development Management Policies Local Plan (2013)
- 3. The proposed development, by reason of its proximity to the T1 Copper Beech tree would result in post development pressure that would be harmful to that trees long term health and it has not been demonstrated that the future harm to the tree is outweighed by public benefits of the proposal. The proposal would therefore fail to comply with Policy 7.21 of the London Plan (2015) and Policy DM22 of the Development Management Policies Local Plan (2013)
- 4. Insufficient information has been provided to demonstrate that the proposed development could be constructed without requiring access from Bernays Gardens. The proposal would therefore have an adverse impact upon the functionality and usability of the designated open space during construction and would harm the trees and landscaping within the garden, to the detriment of the amenities of the users of the garden and the character and appearance of the area, contrary to Policies 7.4, 7.6, 7.8 and 7.21 of the London Plan (2015), Core Policy CS1B of the Harrow Core Strategy (2012) and Policies DM1, DM7 and DM 22 of the Development Management Policies Local Plan (2013).

# 4.0 CONSULTATION

- 4.1 The Site Notice was erected on 4<sup>th</sup> July 2016, which expired on 25<sup>th</sup> July 2016.
- 4.2 The Press Notice was advertised in the Harrow Times on 30<sup>th</sup> June 2016, which expired on 21<sup>st</sup> July 2016.
- 4.3 The application was advertised as Setting of a Listed Building and Character of a Conservation Area
- 4.4 A total of 31 consultation letters were sent regarding this application. The public consultation period expired on 18<sup>th</sup> July 2016.

#### 4.5 Adjoining Properties

Number of Letters Sent	31
Number of Responses Received	11
Number in Support	0
Number of Objections	10
Number of other Representations (neither	n/a
objecting or supporting)	

- 4.6 9 Objections were received from neighbouring residents.2 Objections were received from Residents Associations
- 4.7 A summary of the responses received along with the Officer comments are set out below:

Details of Representation	Summary of Comments	Officer Comments
and date received	, , , , , , , , , , , , , , , , , , , ,	
Lydia McLean Michelle Cavendish Marcia/Leon Kuperberg Victoria Seco Lesley de Meza (on behalf of Stanmore Positive Action group)	<ul> <li>No reason to believe any alterations to aforementioned property would be sympathetic to surrounding architecture</li> <li>Council forgotten its commitment for existing cowshed to be renovated for use as an artists studio</li> <li>Potential harm to Listed Wall as a result of building works</li> <li>Cowman's Cottage and the Cowsheds should be restored to original state</li> <li>Stanmore already suffering from infrastructure demands due to recent buildings/development</li> </ul>	Issues relating to the loss of the Cowsheds, the impact on the character or appearance of the conservation area, the setting of the Listed Building and the Designated Open Space are addressed within section 6.2, 6.3 and 6.6 of the report. It is considered that the proposed scheme would not materially alter the existing infrastructure demand within Stanmore.
Graham Hill	Cowsheds should be renovated back to their former glory	This comment is acknowledged. However, the cowsheds are now in private ownership and whether they should be restored or redeveloped is subject to the applicant and owner.
Anne Butlin	Cowsheds should not be demolished     Impact on Bernays Gardens during building works	This comment is acknowledged. While construction of the proposed development would inevitably result in additional noise within the gardens, this would be for a temporary period of time. Access to the site would be from the existing arch fronting Old Church Lane and not through Bernays Gardens.

Adrian Wynne-Morgan	object to demolition of cowshed     replacement building not sympathetic     impact on adjoining Listed Wall and to root-systems of trees within Bernays Gardens     Potential damage to garden by giving access to heavy plant machinery	The impact of the proposed development on the character and appearance of the conservation area/ setting of the Listed Building, the impact on Trees and on Bernays Gardens have been assessed within 6.2, 6.3 and 6.6 of the report.
The Stanmore Society	<ul> <li>proposed building with excessive glazed frontage would detract from Conservation Area and Bernays Gardens</li> <li>1.8m high railings and close boarded fencing gives disjointed appearance</li> <li>car port will remove existing gate and path linking Bernays Gardens to Church Field</li> </ul>	Matters relating to character and appearance are addressed in section 6.3.
Elm Park Residents Association	demolition of Cowsheds is unacceptable     a condition to carefully take down the existing cowsheds to be taken into store at the Harrow Heritage Museum should be included     increased roofline will be visible above Listed Wall     Listed Wall should be repaired on the inside and outside     Scullery window should be repaired to original 1600s design	These comments are acknowledged. The demolition of the existing cowsheds, increased roofline and impact on the Listed Wall has been addressed in sections 6.2 and 6.3 of the report. The recommendations to repair the scullery windows and the relocation of the existing Cowsheds are acknowledged. The Listed Wall is in the Councils ownership and therefore the applicant is not duty bound to repair the wall.

# 4.8 Statutory and Non Statutory Consultation

4.9 The following consultations have been undertaken:

LBH Conservation Officer LBH Tree Officer Historic England – GLASS Conservation Area Advisory Committee

# 4.10 External Consultation

4.11 A summary of the consultation responses received along with the Officer comments are set out in the Table below.

Consultee	Summary of contents	Officer Comments
Historic England GLAAS	The proposed works could impact the remains of a post-medieval manor house.  The below ground impacts from the proposed development is not extensive and could be appropriately mitigated through the implementation of an archaeological watching brief during development. The archaeological interest should be conserved by attaching a condition	Noted. The suggested conditions have been attached
Conservation Area Advisory Committee (CAAC)	Bernays Gardens, the park which adjoins this property, is quiet and secluded and this seclusion is highlighted in the CA appraisal document as a key feature of this locally listed park. The proposed glazing to the elevation of the new cowsheds building facing the park will destroy this privacy and seclusion. The public use of Bernays Gardens needs to be considered so that this remains a peaceful, "private", space. Any glazing on that elevation is therefore considered inappropriate and instead the number of windows on the courtyard elevation could be increased, supplemented by conservation roof lights on that	These comments have been noted.

side, such that the living space is inward looking. It is doubtful that Building Regulations will permit glazing that close to the boundary in any event.

The cowsheds are a principle feature of this area according to the Conservation Area Appraisal. The domination of the present roof by the gables is a key feature which is lost by the increased height of the ridge. Also, the loss of any open space beneath the gables is detrimental. There is reference to reuse of some existing materials. In order to maintain the rustic charm of the existing building, any additional materials required should be sourced through architectural salvage.

The proposed solid boundary fencing will be oppressive. The proposed railings should be softened by evergreen shrub planting/hedging. The existing cowshed building makes a positive contribution to the CA and park whilst the replacement building detracts from it.

#### 4.12 Internal Consultation

4.13 A summary of the consultation responses received along with the Officer comments are set out in the Table below.

Consultee	Summary of contents	Officer Comments
LBH Conservation Officer	Subject to the conditions recommended, the proposal would preserve the special character and interest of the heritage assets affected as far as possible:  1) There is a need for works since the current cowsheds is an eyesore and in terrible condition beyond economic	These comments have been noted
	like for like repair.	

	2) The replacement would retain the character and appearance of the cowsheds as far as possible in terms of design and reuse of materials but it would allow for economically viable new domestic use, making rebuilding possible. Key views from the park to the 5 gable ends would be retained. This would be ensured partly by the conditions 3) Concerns relating to the impact on the physical and structural integrity of the listed wall have been partly addressed by supporting statements provided.  It is recognised that there is harm due to the principle of demolition of the original cowsheds and the change of use to domestic along with the necessary changes to design to accommodate this. The public benefits of bringing this aspect of the building back into a good condition and viable new use, along with reinstating elements of the original character, sufficiently outweigh the harm caused.	
LBH Tree Officer	Provided the submitted tree protection measures and method statement are implemented exactly as recommended, and in accordance with the approved plans, the existing retained trees should not be adversely affected by the development. Conditions advised for safeguarding.	The comments have been acknowledged
LBH Policy Officer	No Response to date	

# 5.0 POLICIES

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:
  - 'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.'
- 5.2 The Government has issued the National Planning Policy Framework [NPPF] which consolidates national planning policy and is a material consideration in the determination of this application.
- 5.3 In this instance, the Development Plan comprises The London Plan 2015 [LP] and the Local Development Framework [LDF]. The LDF comprises The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan 2013 [AAP], the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan [SALP] 2013 and Harrow Local Area Map 2013 [LAP].

#### 6.0 APPRAISAL

- 6.1 The main issues are:-
  - Principle of the Development
  - Regeneration
  - Character and Appearance of The Old Church Lane Conservation Area, The Setting of the Grade II Listed Cottage and Wall
  - Residential Amenity and Accessibility
  - Traffic, Parking and Drainage
  - Impacts on Trees and Biodiversity

#### 6.2 Principle of Development

- 6.2.1 Part of the application site is located on land that is identified as Open Space in the Harrow Local Plan Policies Map. Paragraph 73 of the NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to human health and well-being and are of environmental value. Local open spaces are play an important role in the health and well-being of the Boroughs residents and can significantly contribute towards the Boroughs biodiversity. Bernays Gardens has an area of approximately 0.3 hectares and is therefore categorised as a small open space within Table 7.2 of the London Plan (2015).
- 6.2.2 The National Planning Policy Framework (2012) is clear that existing open space should not be built on unless clearly surplus to requirements, or where the loss would be replaced by equivalent or better provision in terms of quantity and quality, or where the need for and benefits of the development clearly outweigh the loss. The Harrow Core Strategy (2012) establishes a presumption against any net loss of open spaces, and with the exception of small scale ancillary facilities, resists development on open spaces.

- 6.2.3 Policy DM18 of the Harrow Development Management Policies (2013) states:
  - A. Land identified as open space on the Harrow Policies Map will not be released for development.
  - B. The reconfiguration of land identified as open space on the Harrow Policies Map will be supported where:
    - a. the reconfiguration is part of a comprehensive, deliverable scheme;
    - b. there would be no net loss of open space;
    - c. the reconfiguration would achieve enhancements to address identified deficiencies in the capacity, quality and accessibility of open space, and it would secure a viable future for the open space; and
    - d. the reconfiguration would not be detrimental to any environmental function performed by the existing open space.
  - 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 proper functioning of the open space;
    - b. it is ancillary to the use(s) 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;
    - 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.
  - D. Proposals that would secure the future of existing ancillary buildings on open space will be supported where:
    - a. there would be no loss of necessary capacity for the proper functioning of the open space; and
    - b. there would be no harm to the quality or proper functioning of the open space as a result of the proposal.
  - E. Proposals that would be harmful to open space, having regard to the criteria set out in this policy, will be refused.
  - F. Proposals for the inappropriate change of use of open space will be resisted
- 6.2.4 The existing Cowsheds are sited within land that is designated as Open Space. While the Cowsheds historically had a function/association with Bernays Gardens, since 2011, they have been in private ownership following the sale of Cowmans Cottage (which included the Cowsheds within the site boundary). The Harrow Core Strategy (2012) establishes a presumption against any net loss of open space, and with the exception of small scale ancillary facilities, resists development on open spaces. Policy DM1 of the Harrow Development Management Policies gives effect to the Core Strategy. In this instance, the proposed demolition of the Cowshed and the construction of a single storey side extension to provide additional habitable accommodation for the occupiers of Cowmans Cottage would not fall within any of the provisions set out under Policy DM18 of the Harrow Development Management Policies.
- 6.2.5 The important contribution of the cowsheds to the heritage and character and appearance of the area is significant, and is further detailed further in section 6.3 of the report. It is considered that the proposed redevelopment would be sympathetic to the existing setting by matching the dimensions of the existing Cowsheds, taking a similar form and design and by incorporating existing materials where possible. The demolition of the Cowsheds may be perceived to

be harmful to the special interest of the Cowmans Cottage and its setting, given the architectural, evidential, historical, aesthetic and group/communal values of the Grade II Listed Cottage and Cowsheds. However, it is considered that the reinstatement of key design elements of the existing Cowsheds (such as the front gables) in addition to the reuse of historic materials, would limit the harm caused, as further detailed in section 6.3 of the report. Additionally, the proposed extension would have a similar footprint to the existing Cowsheds and as a result, there would be not a notable loss in Open Space as a result of the proposed development.

- 6.2.6 It is appreciated that the use of the proposed extension would be for residential purposes and would not therefore have an ancillary use or function to Bernays Gardens. However, even if the Cowshed may have had a functional role as part of Wallrock's Manor Estate, it has been a folly in more recent years, serving a more visual and aesthetic purpose. It is considered that the proposed residential use, in conjunction with its sympathetic design would give the building a purposeful use which would retain its long-term future as a building that contributes to the character and appearance of the Conservation Area. Consequently, it is considered that the provision of private residential accommodation within the Designated Open Space would be outweighed by the wider public benefits of the proposal. The proposed development would therefore meet the strategic objectives of the NPPF and the development plan in relation to conserving and enhancing the significance of Heritage Assets.
- 6.2.7 In the previously refused scheme, vehicular and plant access to the site for/during construction was proposed from Bernays Gardens. This arrangement was considered to not be suitable owing to the potential impact on the usability of the park during this time and impact to existing trees/shrubbery. The subject proposal has been amended so that access to the site for construction would be via the existing vehicular access to the south of the Cottage through the arch. It is considered that the alternative access arrangement is satisfactory and the fourth reason has therefore been suitably addressed.

#### 6.3 Regeneration

- 6.3.1 It is considered that the proposal would provide a benefit for the local area and the wider Borough.
- 6.3.2 The proposal would protect and enhance the built environment. The harm to the Grade II Listed Building within the Old Church Lane Conservation is outweighed by the benefits of bringing part of the site back into use. It is considered that the changes to this Grade II listed building would be a public benefit which would enhance the significance of the heritage asset and the contribution of its setting. The proposal would be in line with Paragraph 7 of the NPPF.
- 6.4 Character and Appearance of The Old Church Lane Conservation Area, The Setting of the Grade II Listed Cottage and Wall and the Archaeological Priority Area
- 6.4.1 Paragraph 131 of the NPPF states 'local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets

and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 137 further states that 'local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

- 6.4.2 The London Plan policy 7.8 D states 'Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials architectural detail' and Harrow Core Strategy policy CS1 part D which states 'Proposals would harm the significance of heritage assets including their setting will be resisted. The enhancement of heritage assets will be supported and encouraged'. Development Management Policies Local Plan policy DM 7 part B, b states 'the impact of proposals affecting heritage assets will be assessed having regard to: b relevant issues of design, appearance and character, including proportion, scale, height, massing, historic fabric, use, features, location, relationship with adjacent assets, setting, layout, plan form'. DM7 part E which states: 'In addition to (A) (B) above, when considering proposals affecting listed buildings and their setting, the Council a. pay special attention to the building's character and any features of special architectural historic interest which it possesses, and the role of the building's setting in these regards.
- 6.4.3 The application site relates to the Grade II Listed Cowmans Cottage, its attached single storey link outbuilding (scullery) and the adjoining Cowsheds. These buildings are located to the east of the Grade II Listed Wall fronting Old Church Lane and Church Road. Paragraph 129 of the National Planning Policy Framework (2012) states that 'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal...taking account of the available evidence and any necessary expertise'. According to the NPPF's definition of 'significance', this is 'the value of the heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic'. The list descriptions have architectural. evidential. historical. aesthetic group/communal values with their significance concerning their age and origins both the 17th century and the 1930s as part of an inter-war, romanticised Tudorbethan style estate built by Samuel Wallrock.
- 6.4.4 The architectural significance relates to their being an inter-war vernacular revival buildings rebuilt using traditional materials. There is evidential and archaeological value for the use of the historical materials. The historic significance relates to the association with Bernays Gardens and the Communal value is in the way the cowsheds relate to the public open space of Bernays Gardens. Open views from the public park as it faces onto it has in the past helped allow for its enjoyment as it was intended in views looking west from the park. This is demonstrable by the number of public consultation responses which refer to the aesthetic value/contribution/relationship of the Cowsheds when viewed from Bernays Gardens.

- 6.4.5 The proposed demolition of the existing cowsheds would be harmful in principle to the special interest of the listed Cowman's Cottage and its setting, given a large part of its significance relates to the presence of the adjoining cowsheds and as the new extension would take the building away from its intended original use. In assessing the acceptability of the proposals, the need to preserve the special significance of the Grade II Listed Cottage and to conserve significance of the other heritage assets and their settings must be balanced against public benefits, having particular regard to national and local planning policy and guidance.
- 6.4.6 In the previously refused scheme, it was considered that the different elements of the single storey side extension, such as proportions, domestic fenestration, solid infill of the open area beneath the gable ends on the east side, changed location, and the use of replacement materials, would together all detract from the special intended character of the Cowsheds. It was considered that the new build would appear more as a contrived, modern domestic extension to the house, rather than former cowsheds and would be largely concealed from public views, thereby interrupting the intended enjoyment of the cowsheds as a folly from the west.
- 6.4.7 Following the refusal decision and after further engagement with the Council's pre-application service, a number of amendments have been incorporated into this revised scheme in order to address the previous reasons for refusal. This includes the resetting of the proposed extension so that it broadly follows the existing footprint of the Cowshed thereby allowing the space between the Listed Cottage and extension to match the existing (between the Cottage and Cowshed). Additionally, the fenestration and detailing of the proposed extension have been amended to include full width glazing panels between the timber posts and a reduction in the opening on the west elevation. The applicant has sought to re-use materials where possible and the boundary treatments have been altered, with the omission of the hedging.
- 6.4.8 The proposed single storey extension (replacement Cowshed) is based on the dimensions of the existing. In terms of design and appearance, the fives gables would be rebuilt, with the spacing and setting out of timber posts between gables, and the configuration of eaves and fascias to match existing. The maximum ridge height would be increased by 500mm to provide the minimum headroom needed for access. The scullery would be adapted to form a link to allow circulation from within Cowmans Cottage and would be extended to the north by 1.4m to facilitate this. The height, scale, appearance and roof profile of the extended scullery would match the existing. As discussed in Para 6.3.6, amendments have also been made to the external appearance and detailing of the proposed extension.
- 6.4.9 In the previously refused scheme, three timber windows were proposed within the east elevation with solid timber infills. It was considered by the Council's Conservation Officer, that for clear and convincing justification that domestic use was appropriate, there would need to be a way of ensuring the character as 'cowsheds' remains as apparent as possible. It was suggested that one way this could potentially be achieved was through full height clear/mirrored or decorative panels to reflect the current open design and character beneath each gable end, which would help ensure the impression of the open Cowshed here was retained yet the new use accommodated. To address this, the revised scheme features full width/height glazing panels below the gables and between the timber posts. It is

acknowledged that some of the consultation responses refer to the impact of the increased glazing on the loss of privacy for the users of Bernays Gardens. While there would inevitably be a degree/perception of overlooking towards Bernays Gardens from within the extension, it is considered that the degree of overlooking would be offset by the likely limited occupation of the proposed additional habitable accommodation throughout the day, as the extension would only serve one single family dwellinghouse. Furthermore, it is considered that the railings to the eastern boundary would also help obscure the outlook and therefore the perception of direct overlooking. The proposed glazing would reflect the more open design of the existing cowshed (with the walkway) and would therefore better conserve the special interest of the heritage assets thereby limiting the harm to the significance of the Listed Cowmans Cottage.

- 6.4.10 Following these amendments, Officers consider that the revised scheme is more sympathetic to the existing setting by taking the form and materials of the existing Cowsheds. The marginal increase in height would not be readily discernible from within Bernays Gardens or when viewed from Old Church Lane or Church Road and would therefore not harm the character or appearance of the Conservation Area and the setting of the Listed Building in this regard. Importantly, the detailed design considerations would ensure that the replacement building would retain the key historic (materials) and design features of the existing Cowshed, and in doing so, would sustain and enhance the significance of the heritage assets by enabling the architectural, evidential, historical, aesthetic and group/communal values of the Grade II Listed Cowmans Cottage and its setting to be conserved.
- 6.4.11 It is evident that the existing Cowsheds are in an extremely dilapidated state, collapsing, propped up and uninhabitable, and have been like this for a number of years. To prevent access to the dangerous structure and further vandalism, a fence has been erected by the Council which protrudes a further 5m than the application site boundary and restricts access to some 100m<sup>2</sup> of the western part of the Gardens. It is considered that the return of this space into public use would be a further public benefit of the scheme.
- 6.4.12 In the previously refused scheme, Officers considered that insufficient information was submitted to demonstrate that the proposal would safeguard the Listed Wall. A Heritage Impact Assessment has therefore been provided with regards to the potential impact of the development on the Grade II Listed Wall. The lowered courtyard would have an approximate area of 30m² and the closest point of this excavation would be at the north-west at a distance of over 3m. The report therefore concludes that at this distance, the excavation will have no: Impact on the existing wall or its foundations. Consequently, it is considered that the lowering of the courtyard would not undermine or adversely affect the Listed Wall.
- 6.4.13 With regard to boundary treatments, the eastern boundary would be delineated by 1.8m high self-raking vertical bar railings. This would be sited some 800mm from the eastern elevation of the extension at its closest point and 1.15m at its furthest point. The hedging that was proposed in the previously refused scheme has been omitted thereby enabling public views through to the proposed extension from Bernays Park. It is considered that the proposed boundary treatment would provide 'defensible space' and would be necessary to increase

the perception of safety for the host occupiers and to reduce the risk of crime, particularly given that the Bernays Gardens is open all night. Timber fencing is proposed along the northern and eastern boundaries. Officers consider that the boundary treatment proposed would preserve the special interest of the Listed Cowmans Cottage and its settings.

- 6.4.14 Public benefits of the scheme therefore need to be weighed against the harm again in accordance with paragraphs 134, and 135 of the NPPF (2012). If the harm was considered substantial, then paragraph 133 is relevant which states: Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss'. Positively, Officers consider that proposal would see substantial public benefits to outweigh the harm regardless of whether the harm was considered substantial or less than substantial. This is because the proposal would replace the existing dilapidated locally listed cowsheds with a new building that would have a sympathetic design and form to the existing cowsheds, retaining key design features and utilising the historic materials where possible. Therefore, although it would not necessarily be a replica of the original existing Cowshed, it would certainly echo what was previously there, and in this regard, would preserve the special interest of the setting of the Grade II Listed Cottage and other heritage assets by maintaining their key architectural, evidential, historical, aesthetic and group/communal values of the Grade II Listed Cottage and the existing Cowsheds.
- 6.4.15 Section 12 of The National Planning Policy Framework (2012) and Policy 7.8 of the London Plan (2016) emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 141 of the NPPF states that applicants should be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence publicly available. Although not located within an Archaeological Priority Area, Historic England (GLAAS) have advised that the proposed works could impact the remains of a post-medieval manor house. A condition has therefore attached requiring a written scheme of investigation to be submitted and approved in writing by the local planning authority before any demolition of development commences to ensure the archaeological interest is preserved.

#### 6.5 Residential Amenity

6.5.1 The nearest residential property is Church House Cottage, which is attached to the subject dwellinghouse to the southeast. The proposed extensions would therefore be screened from the attached residential unit by virtue of the existing built form. Consequently, it is considered that the proposed development would not have an adverse impact upon the residential amenities of the neighbouring occupiers by means of overshadowing, loss of light or loss of outlook.

## 6.6 Traffic and Parking

6.6.1 It is also proposed to alter the existing car parking arrangement. At present, there is an existing off-street parking bay inside the courtyard to the south of the Listed Cottage. It is proposed to alter the fencing which will allow the car to be parked to the east of the Cottage as demonstrated in drawing 212/10 Rev H. It is considered that the proposed parking arrangement would comply with the London Plan requirements and would not have an adverse impact upon the functioning of the surrounding highways network.

#### 6.7 Impact on Trees and Biodiversity

- 6.7.1 Policy 7.21B of The London Plan (2015) states that "Existing trees of value should be retained". Policy DM 22 of the Development Management Policies Local Plan states that "The removal of trees subject to TPOs 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."
- 6.7.2 Trees make a substantive positive contribution to the character of Harrow and a significant component of the Borough's natural environment. Part of the application site adjoins Bernays Gardens which is a public park and designated as Open Space within the Harrow Policies Map.
- 6.7.3 An Arboricultural Report/Tree Survey has been submitted with the application. The report states that Trees T1, T2, T3, T5, T8 and T12 (third party) and T9 and T10 (Cowmans Cottage) will be retained and there will be no loss of amenity connected with these trees. The Councils Arboricultural Officer is satisfied with the findings within the report and subject to safeguarding conditions, it is considered that the proposal would comply with Policy 7.21 of the London Plan (2016) and Policy DM22 of the Harrow Development Management Policies Local Plan (2013).

#### 7.0 CONCLUSION AND REASONS FOR APPROVAL

7.1 The proposed development would replace the existing dilapidated Cowsheds with a single storey extension that would be sympathetic in form, scale, design, appearance to the existing Cowsheds and would utilise the existing historic materials where possible. In doing so, Officers consider that the single storey extension would preserve the special interest of the setting of the Grade II Listed Cottage and other heritage assets by maintaining the key architectural, evidential, historical, aesthetic and group/communal values. While the replacement building would have a domestic use, Officers consider that this would give the building a purposeful use that would retain its long-term future and the proposed development would also release existing Public Open Space that is not currently accessible. Officers therefore consider that, the public benefits of the scheme outweigh the harm and the proposal would be consistent with the character and appearance of the Conservation Area and would preserve the special interest of the Listed Building and its setting.

#### **APPENDIX 1: CONDITIONS AND INFORMATIVES**

#### **Conditions**

# 1 <u>Timing</u>

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

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

#### 2 Approved Plans and documents

The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 212/00, 212/08 Rev F, 212/09 Rev E, 212/10 Rev H, 212/15 Rev G, 212\_16 Rev C, 212/17 Rev E, 212/18 Rev C, 212\_20 Rev C 212\_21 Rev B, 212\_22 Rev B, 212\_23 Rev C, 212/24 Rev B, 212\_34 Rev B, 212/26 Rev C, 212/27 Rev C, 212\_28 Rev, 212/30 Rev A, 212/31 Rev B, Design and Access Statement Rev B, Arboricultural Report (dated 8<sup>th</sup> June 2016), Arboricultural Method Statement for Tree Protection (dated 8<sup>th</sup> June 2016), Tree Survey (dated 4<sup>th</sup> June 2016), Construction Phase Health and Safety Plan, Historic Building Report and Condition Survey, Heritage Impact Assessment, Method Statement (dated May 2016).

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

#### 3 Materials 1

Notwithstanding the details on the approved plans, detailed drawings, specifications and samples of materials as appropriate, along with a current condition survey by a suitable historic buildings surveyor, in respect of the repairs proposed to the listed wall shall be submitted to and approved in writing by the local planning authority prior to their commencement. The development shall be built in accordance with details approved pursuant to this condition.

Reason: To ensure a record of the cowsheds and other elements of the listed building to be removed and to preserve special interest of the listed building in accordance with The National Planning Policy Framework (2012), Policy 7.8 of the London Plan (2016) Policy CS1.D of the Harrow Core Strategy (2012) and Policy DM7 of the Harrow Development Management Policies (2013).

#### 4 Materials 2

Samples of all external materials shall be provided to, and approved in writing by, the Local Planning Authority prior to the commencement of the relevant aspect of these works. The development shall be built in accordance with details approved pursuant to this condition.

Reason: To preserve the special interest and setting of the listed building, the locally listed building, the character of the conservation area and the locally listed park and garden, in accordance with The National Planning Policy Framework (2012), Policy 7.8 of the London Plan (2016) Policy CS1.D of the Harrow Core Strategy (2012) and Policy DM7 of the Harrow Development Management Policies (2013).

#### 5 <u>Materials 3</u>

Following the demolition of the cowsheds, the resultant materials shall be made available on site for inspection along with a report outlining the extent of materials to be reused in the construction of the development hereby permitted.

Reason: To ensure as much reuse of historic fabric as possible in order to preserve the special interest and setting of the listed building, the locally listed building, the character of the conservation area and the locally listed park and garden, in accordance with The National Planning Policy Framework (2012), Policy 7.8 of the London Plan (2016) Policy CS1.D of the Harrow Core Strategy (2012) and Policy DM7 of the Harrow Development Management Policies (2013)

#### 6 Archaeology 1

The demolition of hereby permitted shall not commence until a full Archaeological survey of the elements to be demolished, including the cowsheds, to a Level 4, in accordance with Historic England guidance on building recording (see 'Understanding Historic Buildings, a guide to good recording practice 2006) has been carried out and submitted to and approved in writing by the local planning authority.

Reason: To ensure a permanent record of the cowsheds and other elements of the listed building to be removed and to preserve special interest of the listed building in accordance with The National Planning Policy Framework (2012), Policy 7.8 of the London Plan (2016) Policy CS1.D of the Harrow Core Strategy (2012) and Policy DM7 of the Harrow Development Management Policies (2013)

#### 7 Archaeology 2

No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure that an appropriate scheme of archaeological investigation and recording is undertaken in accordance with The National Planning Policy Framework (2012), Policy 7.8 of the London Plan (2016) Policy CS1.D of the Harrow Core Strategy (2012) and Policy DM7 of the Harrow Development Management Policies (2013)

#### 8 <u>Listed Building</u>

All features proposed to be relocated (including the gates, wall, windows) as part of these proposals, shall be placed and fixed in their respective proposed locations, in accordance with the details hereby approved, within 3 months of the commencement of these works. These features shall thereafter be retained.

Reason: To preserve the special interest of the listed building in accordance with The National Planning Policy Framework (2012), Policy 7.8 of the London Plan (2016) Policy CS1.D of the Harrow Core Strategy (2012) and Policy DM7 of the Harrow Development Management Policies (2013)

Prior to the commencement of the development and before any materials or machinery are brought on to the site, in accordance with the Submitted Arboricultural Method Statement (dated 8<sup>th</sup> June 2016), Protective Fencing is to be installed around the Construction Exclusion Zone. Barriers may not be moved and must remain in Place for the duration of works. No Materials, Vehicles or plant is to be stored within the Root Protection Areas of retained Trees.

Reason: The existing trees represent an important amenity feature which the Local Planning Authority considers should be protected, as required by policy DM22 of the Harrow Development Management Policies Local Plan (2013).

#### 10 Trees 2

An Appointed Arboriculturist shall inspect the site at the start of works and monitor throughout. The Following is required to be carried out under Arboricultural supervision.

- Installation of Tree Protection Fencing
- Removal of existing hardstanding within Root Protection Area
- Installation of ground protection
- Any other works within the Root Protection Area of retained trees

Reason: The existing trees represent an important amenity feature which the Local Planning Authority considers should be protected, as required by policy DM22 of the Harrow Development Management Policies Local Plan (2013).

#### 11 <u>Construction</u>

A construction method statement for the proposed works indicating how the nearby listed buildings shall not be physically harmed during the process of demolition and construction shall be provided to, and approved in writing by, the Local Planning Authority prior to the commencement of these works.

Reason: To preserve the special interest of the listed wall, Cowman's cottage and Church House Cottage, in accordance with The National Planning Policy Framework (2012), Policy 7.8 of the London Plan (2016) Policy CS1.D of the Harrow Core Strategy (2012) and Policy DM7 of the Harrow Development Management Policies (2013)

# **Informatives**

#### 1 Policies

The following policies are relevant to this decision:

The National Planning Policy Framework (2012)

The London Plan (2015):

6.13, 7.4, 7.6, 7.8, 7.18, 7.21,

The Harrow Core Strategy (2012):

CS<sub>1</sub>

Harrow Development Management Policies Local Plan (2013):

DM1, DM7, DM18, DM21, DM42

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

Residential Design Guide SPD (2011)

Old Church Lane Conservation Area Appraisal and Management Strategy SPD (2013)

# 2 Pre-application engagement

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.

#### 3 Considerate Contractor Code of Practice

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

#### 4 Party Wall Act

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

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

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

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

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

Please quote **Product code:** 02 BR 00862 when ordering

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

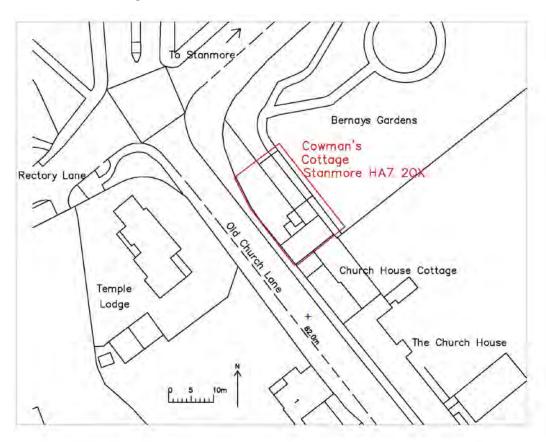
E-mail: communities@twoten.com

#### 5 <u>Compliance with Planning Conditions</u>

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
- The Archaeological written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015

# **APPENDIX 2: SITE PLAN**



Kennedy O' Callaghan Architects
70 Creerups Street London ECTM 8EU Tel 020 7783 8800 Info@Rocsertrilleds.com
Project 864 Cowmans Cottage, Stanmore
Drewing 886 Location Plan
Number 212/00 Date Dec 2015 Scale 1:500@A3 Rev

# **APPENDIX 3: SITE PHOTOGRAPHS**



EXISTING COTTAGE FROM OLD CHURCH LANE



VIEW TOWARDS COTTAGE AND LISTED WALL



FLANK ELEVATION OF COTTAGE FROM RAISED PATIO



VIEW TOWARDS NORTH OF SITE



EXISTING COWSHED VIEWED FROM WITHIN PATIO AREA



COTTAGE WHEN VIEWED FROM BERNAYS GARDENS AND PROPOSED CAR PARK BAY



COWSHEDS

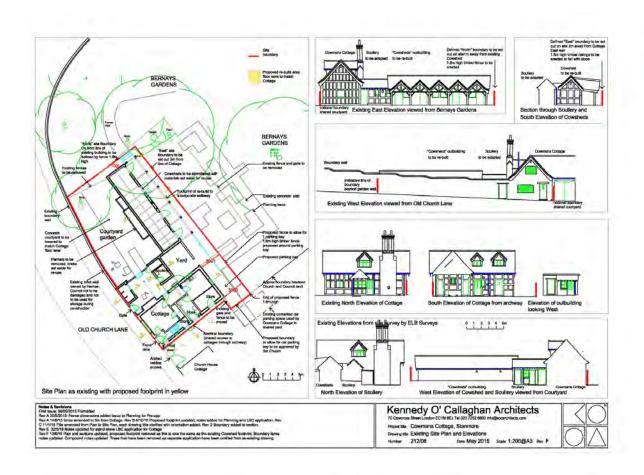


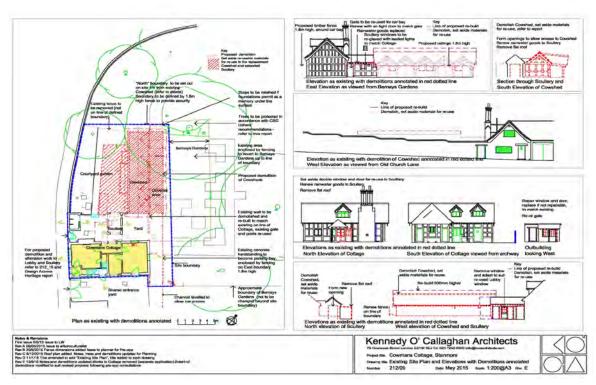
COWSHEDS WHEN VIEWED FROM BERNAYS GARDENS

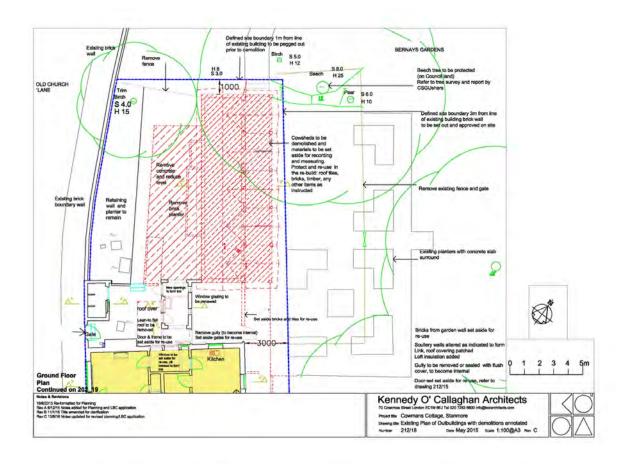


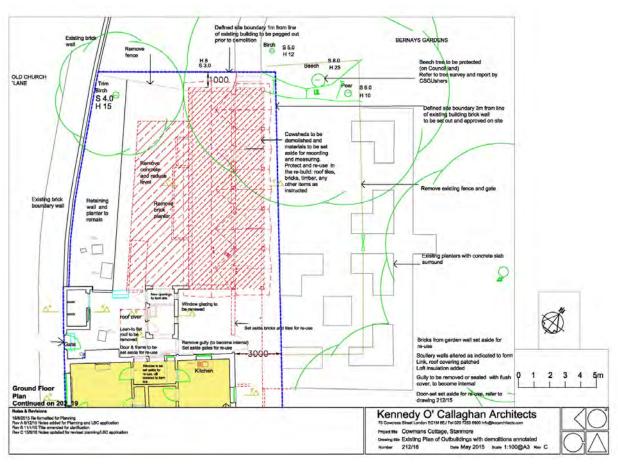
COWSHEDS WHEN VIEWED FROM BERNAYS GARDENS

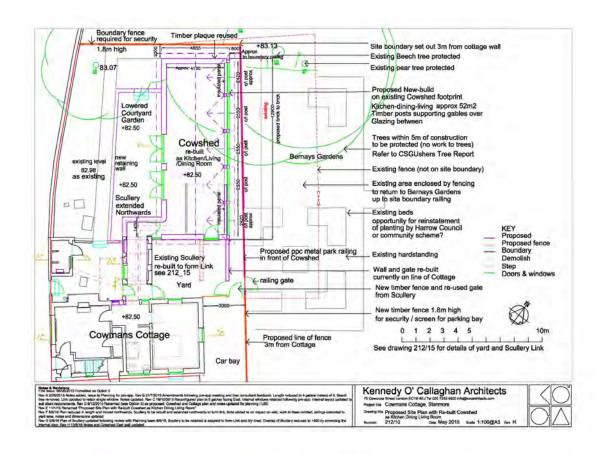
## **APPENDIX 4: PLANS AND ELEVATIONS**

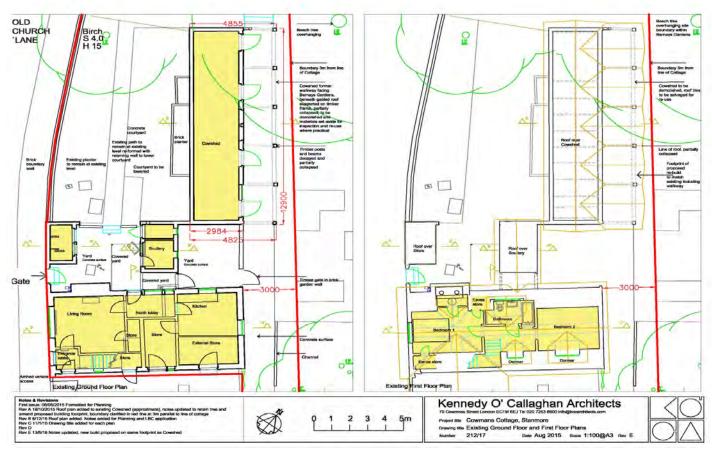




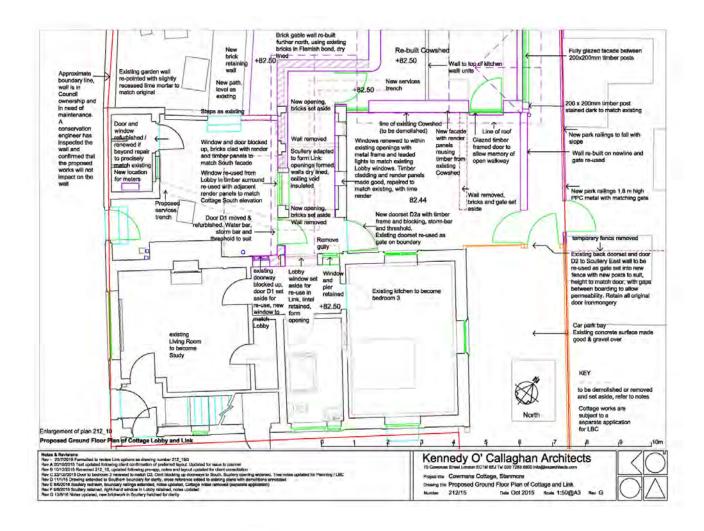


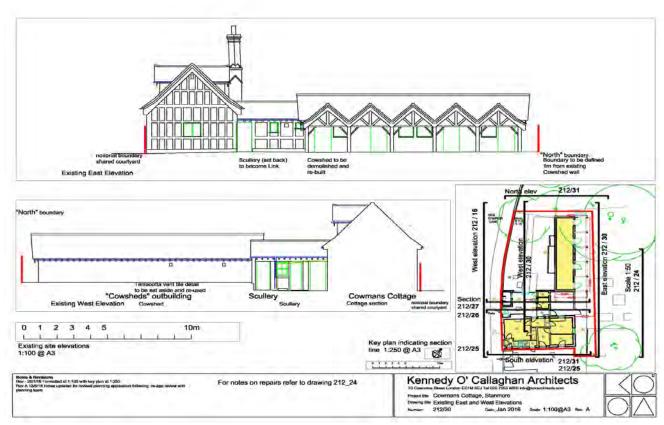


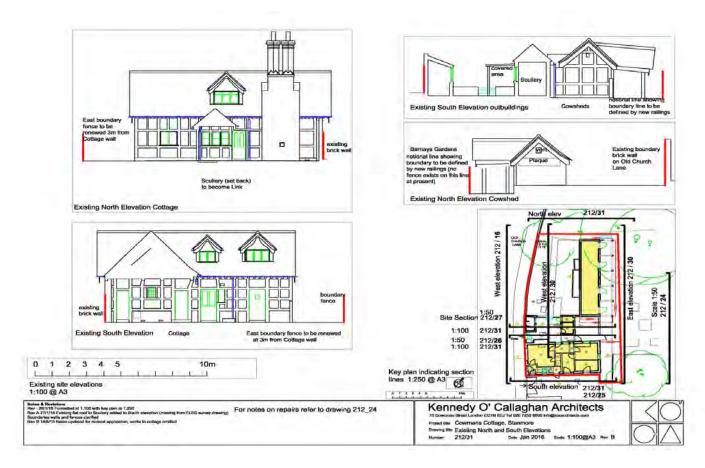


















Kennedy O'Callaghan Architects

Date: December 15 Scale: 1.50@A3 Rev. B

Project title Cowmans Cottage

Drawing title East Elevation Proposed

Number 212\_21

21/12/15 Formetted for client consultation. Rev A 20/12/2015 Notes added for Flanning application. Rev A 20/12/2015 Notes added for Flanning application. Covaried to be retuit on existing footport. East tacada Key to 15/20/2016 Revised for new application. Covaried to be retuit on existing footport. East tacada Key to 15/20/2016 Revised for the scorety. East rainings extended to Yard area and garden wall re-built. Scullerly extended northwards by 1-4m. Side extension omatted. West facade 1 Finnerh window omitted.



North Elevation Proposed

Kennedy O'Callaghan Architects Project title Cowmans Cottage
Drawing title North Elevation Proposed

Number 212\_22





West elevation as proposed



21/12/15 Formatted for client consultation.

Rev. A 23/12/2015 Notes added for Planning application.

Rev. B 13/12/2015 Notes added for Planning application.

Rev. B 13/12/2016 Revised for new application. Covashed to be rebuilt on existing footprint. East facast glazed with timber posts on line of existing walkway posts. North boundary fence for security. East railings extended to Yard area and garden wall re-built. Souliery extended northwards by 1.4m. Side extension omitted. West facade 1 fixerch window omitted.

Kennedy O'Callaghan Architects 70 Cowcross Street London EC1M 6EJ Tel 020 7253 6600 infog

Project title: Cowmans Coltage
Drawing title: South Elevation Proposed

Number 212\_23 Date December 15 Scale 1:50@A3 Rev. B





