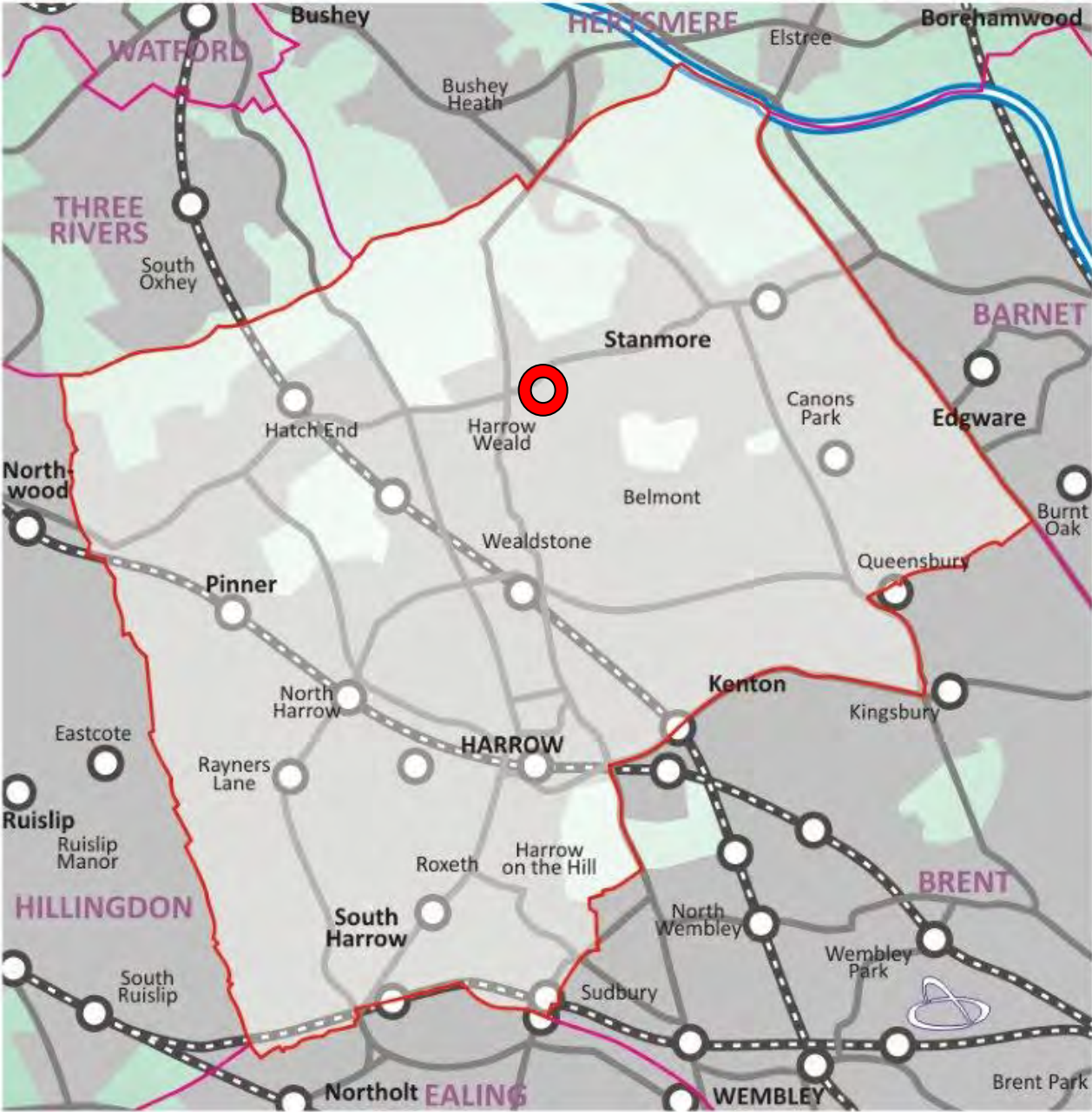
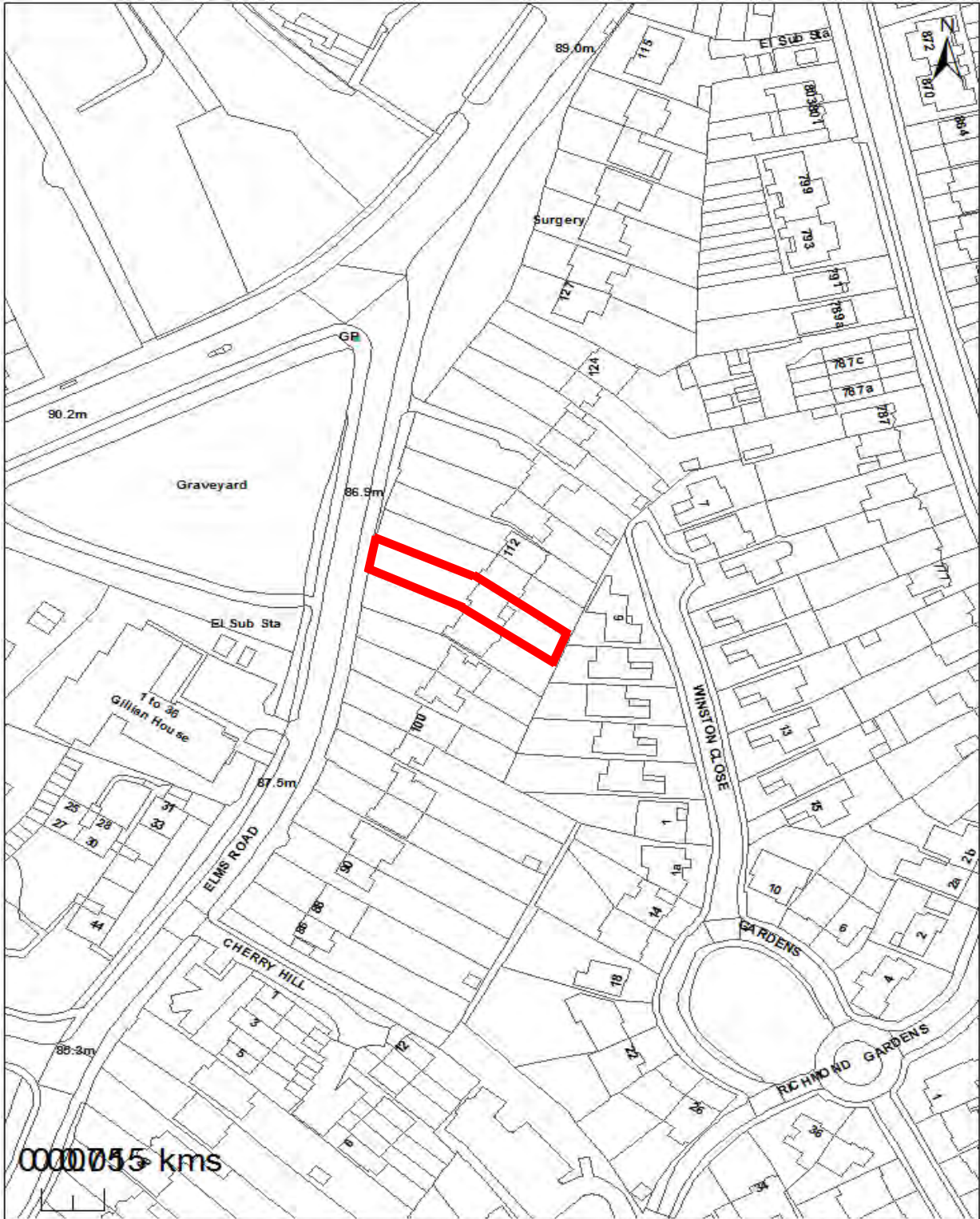


 = application site



<b>108 Elms Road, Harrow</b>	<b>P/2951/16</b>
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<b>108 Elms Road, Harrow</b>	<b>P/2951/16</b>
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# LONDON BOROUGH OF HARROW

## PLANNING COMMITTEE

19<sup>th</sup> October 2016

**Application Number:** P/2951/16  
**Validate Date:** 23/08/2016  
**Location:** 108 Elms Road, Harrow Weald, Harrow  
**Ward:** Harrow Weald  
**Postcode:** HA3 6BT  
**Applicant:** Mr and Mrs Hewitson  
**Agent:** Karen Cowan, Studio 136 Architects Ltd  
**Case Officer:** David Buckley  
**Expiry Date:** 17/10/2016

### 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.

Timber Decking At Rear; External Alterations

### RECOMMENDATION

The Planning Committee is asked to:

**GRANT** planning permission for the reasons set out below:

### REASON FOR THE RECOMMENDATION

The proposal to extend the existing patio and make alterations to the existing rear elevation of the house would accord with relevant policy and the proposed development would have a satisfactory impact on the character of the area, the amenities of existing neighbouring occupiers and in terms of flooding issues.

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

### INFORMATION

This application is reported to Planning Committee because a nominated member called it in "In view of concerns raised by the residents of Winston Close."

Statutory Return Type:	E21: Householder Development
Council Interest:	None
Additional Floor Area	0 sq m
GLA Community Infrastructure Levy (CIL) Contribution (provisional):	N/A
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 Policies Local Plan require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. It is considered that the development does not adversely affect crime risk.

## **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	108 Elms Road Harrow Weald Harrow HA3 6BT
Applicant	Mr and Mrs Hewitson
Ward	Harrow Weald
Local Plan allocation	No
Conservation Area	No
Listed Building	No
Setting of Listed Building	No
Building of Local Interest	No
Tree Preservation Order	No
Other	N/A

### **PART 2: Assessment**

#### **1.0 SITE DESCRIPTION**

- 1.1 The dwellinghouse on the application site is semi-detached. It has an existing single storey rear extension and a patio beyond this measuring approximately 2.80m in depth. The site slopes down sharply to the rear and the platform of the balcony is 1.20m above ground level and edged with a low wall.
- 1.2 An application at the site under reference P/1415/16 was recently refused planning permission due to harm to the amenity of adjacent neighbours through overlooking.
- 1.3 The attached neighbour to the south at No. 106 has a patio that is approximately 30-40cm higher than the existing patio at No. 108, which projects 1m in depth beyond the existing patio at No. 108.
- 1.4 The non-attached neighbour to the north at No. 110 has a slightly lower patio that projects approximately the same depth as the steps of the existing patio.
- 1.5 The neighbours to the rear beyond the garden are at Winston Close, with the rear garden of the application site meeting the rear garden of 5 Winston Close and slightly overlapping that of No. 6.
- 1.6 Due to heavy foliage on the boundary the house and garden of the application site are not visible from No. 5 Winston Close and vice versa.
- 1.7 The site is located within a Critical Drainage Area.

## **2.0 PROPOSED DETAILS**

- 2.1 It is proposed to remove the existing rear patio and replace it with a new decking. It is also proposed to alter the fenestration to the existing rear elevation.
- 2.2 The width of the proposed decking would be across the entire width of the site, which is 8.50 metres, the height above natural ground level would be 1.40 metres and it would project in depth from the rear of the house by 3.50 metres.
- 2.3 The new windows would comprise a new bi-folding door and window to the rear wall.

## **3.0 HISTORY**

- 3.1 P/1415/16 – Timber Decking At Rear; External Alterations  
Refused: 02/06/2016

### Reason for Refusal

1. *The proposed raised terrace, due to its height and proximity to the boundary, would lead to an unreasonable degree of actual and perceived overlooking to neighbouring occupiers at No 110 Elms Road, contrary to policies 7.4B and 7.6B of The London Plan (2015), policy CS 1 B of the Harrow Core Strategy (2012), policy DM 1 of the Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document: Residential Design Guide (2010).*

## **4.0 CONSULTATION**

- 4.1 A total of 8 consultation letters were sent to neighbouring properties regarding this application. The public consultation period expired on 22/09/2016.

4.2

Number of Letters Sent	4
Number of Responses Received	2
Number in Support	0
Number of Objections	2
Number of other Representations (neither objecting or supporting)	0

- 4.3 One objection was received from adjoining residents to the rear at No. 5 Winston Close and one objection was received from non-adjoining residents at No. 4 Winston Close.

4.4 A summary of the responses is set out below:

<b>Comments Objecting to the Proposal</b>		
<b>Subject of Comments</b>	<b>Summary of Comments</b>	<b>Officer Comments</b>
<b>Neighbouring Amenity</b>	Harm to neighbouring amenity by reason of proximity of proposed decking from neighbouring fence and the size of the decking is excessive.	This is addressed in the 'Amenity' section of the report below.
<b>Flood Risk</b>	After heavy rain the surface water of the timber decking will flood the small back gardens of neighbours to the rear at Winston Close.	This issue has been considered as it was in the previously refused application. The Engineering Drainage Section has stated that as there would not be an increase in the footprint of the patio and because the site is not in a higher risk flood zone, they do not object to the proposal.

4.5 Statutory and Non Statutory Consultation

4.6 The following consultations have been undertaken:

LBH Engineering Drainage Section

4.7 Internal Consultation

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

<b>Consultee</b>	<b>Summary of Comments</b>	<b>Officer Comments</b>
LBH Engineering Drainage Section	There is no objection as there would not be an increase in the footprint of the patio and because the site is not in a higher risk flood zone.	The comments are addressed in the 'Development and Flood Risk' section of the report below.

## **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 2016 [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;

Character and Appearance of the Area  
Residential Amenity - Neighbouring Occupiers  
Development and Flood Risk

### **6.2 Character and Appearance of the Area**

- 6.2.1 It is proposed to replace the existing decking with new decking that would be slightly higher than the existing, with a slightly larger surface area than the present rear patio. Several of the nearby adjacent neighbours have similar patios including the two immediately adjacent neighbours. The proposed patio would be slightly smaller in size than in the previously refused application reference P/2951/16. That scheme was considered acceptable in terms of character and appearance impact. Therefore the proposed enlargement of the patio would be acceptable in terms of impact on character and appearance of the area. The materials shown on the application form of timber/wood decking would be considered acceptable.
- 6.2.2 The new fenestration to the existing rear wall would be in keeping with the existing house and so would not be harmful to the character of the host dwelling or the area.
- 6.2.3 In summary, the proposal is considered to be acceptable in terms of character and appearance, in accordance to policies 7.4B and 7.6.B of the London Plan (2016), policy CS1.B of the Harrow Core Strategy (2012), Policy DM1 of the Harrow Development Management Policies (2013) and the adopted SPD: Residential Design Guide (2010).



### 6.3 Residential Amenity - Neighbouring Occupiers

- 6.3.1 Policy DM1 seeks to “ensure that the amenity and privacy of occupiers of existing and proposed dwellings are safeguarded.”
- 6.3.2 An objection has been received from a neighbour to the rear on Winston Close stating that there would be harm due to the proximity of the decking to the rear fence adjoining gardens on Winston Close. It is acknowledged that the circumstances of houses on Winston Close, i.e., the fact that they are bungalows with short rear gardens and that the site slopes downwards towards their houses, means there is more of a risk of overlooking from development on Elms Road than would normally be the case and possibly a small increase in the use of the patio. However, the increase in depth of approximately 80 cm from 2.60m to 3.40m and in the increase in height of approximately 10 cm from 1.30m to 1.40m would only be slight and there is a distance of 18m from the end of the proposed patio to the rear boundary. Furthermore, there is heavy vegetation on the rear boundary meaning that the houses and gardens on Winston Close are not presently visible from the existing patio at the application site and this relationship would not be altered by the proposal. Therefore the changes resulting from the new patio would not be sufficient to constitute a reason for refusal. The proposed patio in the previously refused application reference P/2951/16 was found acceptable in relation to this neighbour and the impact of the current proposal would be the same.
- 6.3.3 In terms of the adjacent neighbours, the attached neighbour to the south at No. 106 Elms Road has an existing patio that is approximately 30-40cm higher, which projects 1m further in depth than the existing patio at No. 108, which already adjoins the boundary at No. 106. Therefore the proposal would not result in an unacceptable increase in harm to this neighbour in terms of overlooking and loss of privacy. The previously refused proposal reference P/2951/16 was found acceptable in relation to this neighbour.
- 6.3.4 In relation to the neighbours on the other side at No. 110 Elms Road, the previously refused application reference P/2951/16 was found unacceptable, as the proposed patio with the steps would have been directly adjoining the boundary resulting in an unacceptable increase in overlooking and loss of privacy to the rear patio and rear garden of occupiers at No. 110 Elms Road.
- 6.3.5 However, in the current proposal the patio/decking has been reduced in width by approximately 2m (if the omitted steps are taken account of) on this side and the extended parts of the patio would not directly adjoin the shared boundary and would leave sufficient distance to ensure that the privacy of these neighbours at No. 110 is maintained. This previous reason for refusal has been overcome and the proposal is now considered acceptable in relation to this neighbour in accordance with policy DM1 paragraph 6.20 of the adopted Residential Design Guide SPD.

6.3.6 The external alterations would comprise new windows to the rear elevation to replace existing similar windows. These would not result in an increased degree of overlooking or loss of privacy to neighbours and so would be considered acceptable in accordance with the adopted Residential Design Guide SPD.

6.3.7 In summary, it is considered that the proposal would not have unreasonable impacts on neighbouring amenity in terms of privacy and overlooking in accordance with policies 7.4B and 7.6.B of the London Plan (2016), policy CS1.B of the Core Strategy (2012) and policy DM1 of the Harrow Development Management Policies (2013) and the adopted SPD: Residential Design Guide (2010).

#### 6.4 Development and Flood Risk

6.4.1 The site is located within a Critical Drainage Area which means that where there is a net increase in development footprint, there is the potential for surface water run-off rates to increase.

6.4.2 Objections have been received from neighbours to the rear on Winston Close, relating to flooding. The objections stated that there is already flooding to the rear garden and the new patio will increase this problem for their gardens and homes.

6.4.3 The response from the Engineering Drainage Section has stated that they have no objection to the proposal - The property is not in a flood zone and only surface water run-off from the proposed decking may be an issue. However, as the footprint is the same or very similar to the existing, there is no increased risk of flooding from the proposed decking, especially as the decking would be wooden planks from which the water could run through to the ground.

6.4.4 Therefore, while the neighbour residents concern regarded flooding of the properties to the rear is acknowledged, the proposal would not exacerbate this existing issue and the flood related issues would not constitute a reason for refusal.

### 7.0 CONCLUSION AND REASONS FOR GRANT

7.1 The proposal to extend the existing patio and make alterations to the existing rear elevation of the house would accord with relevant policy and the proposed development would have a satisfactory impact on the character of the area, the amenities of existing neighbouring occupiers and in terms of flooding issues.

7.2 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.

## APPENDIX 1: CONDITIONS AND INFORMATIVES AND PLAN NUMBERS

### Conditions

#### 1 Timing

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

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

#### 2 Drawing Numbers

The development hereby permitted shall be carried out, completed and retained, in accordance with the following approved plans and documents: Location Plan; ST\_NOV15\_108 ELMS\_01 Revision D; ST\_NOV15\_108 ELMS\_02 Revision G.

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

### Informatives

#### 1 The following policies are relevant to this decision:

##### **The National Planning Policy Framework (2012)**

##### **The London Plan 2016:**

7.4B, 7.6B

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

CS1.B

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

DM1

DM10

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

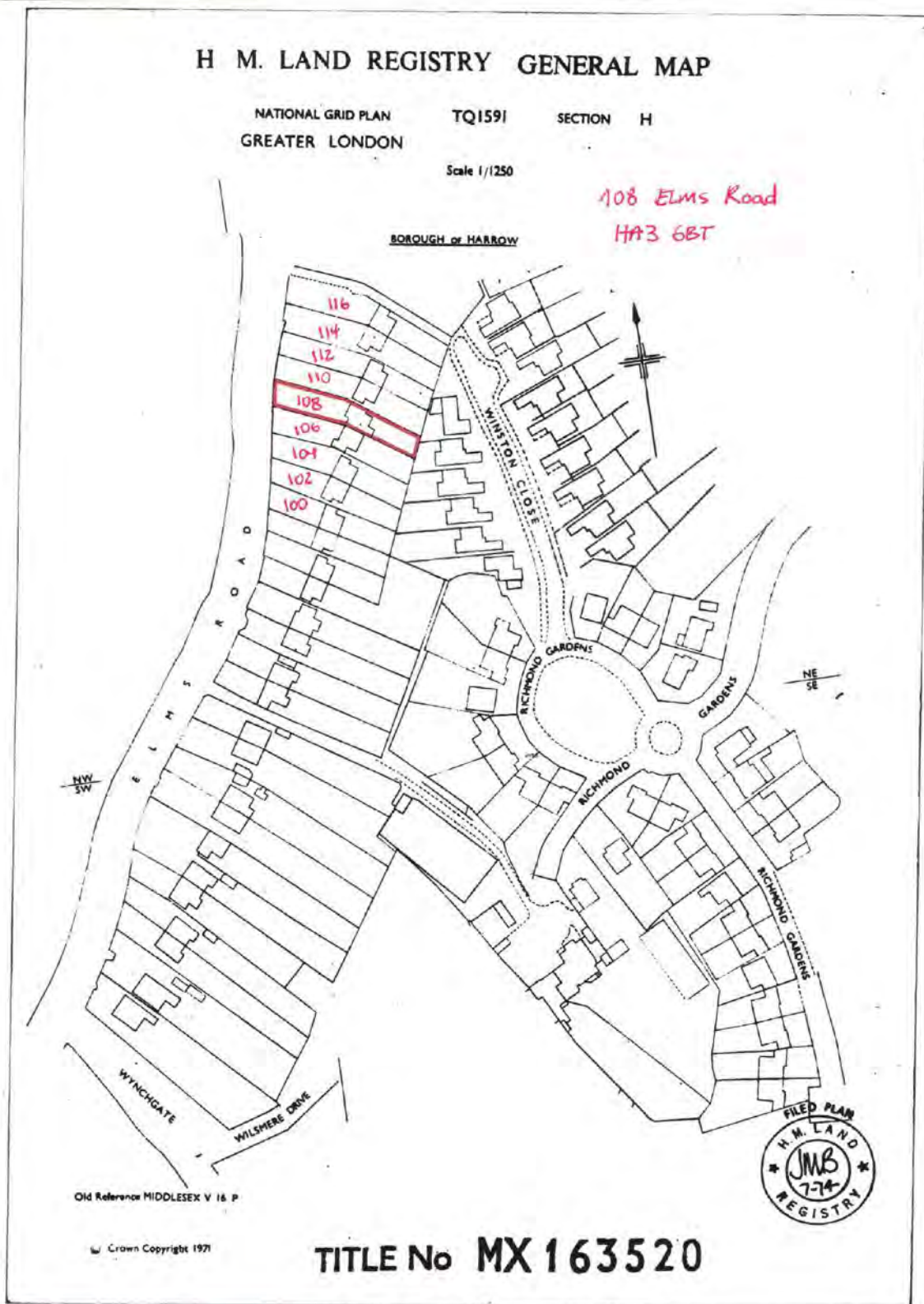
Residential Design Guide Supplementary Planning Document (2010)

#### 2 Pre-application engagement

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

This decision has been taken in accordance with paragraphs 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.

APPENDIX 2: SITE PLAN



This official copy is incomplete without the preceding notes page.

**APPENDIX 3: SITE PHOTOGRAPHS**



Front elevation No. 108



Rear elevation- existing brick patio in foreground  
Attached neighbour No. 106 to left with conservatory



Non-attached neighbour No. 110 to right



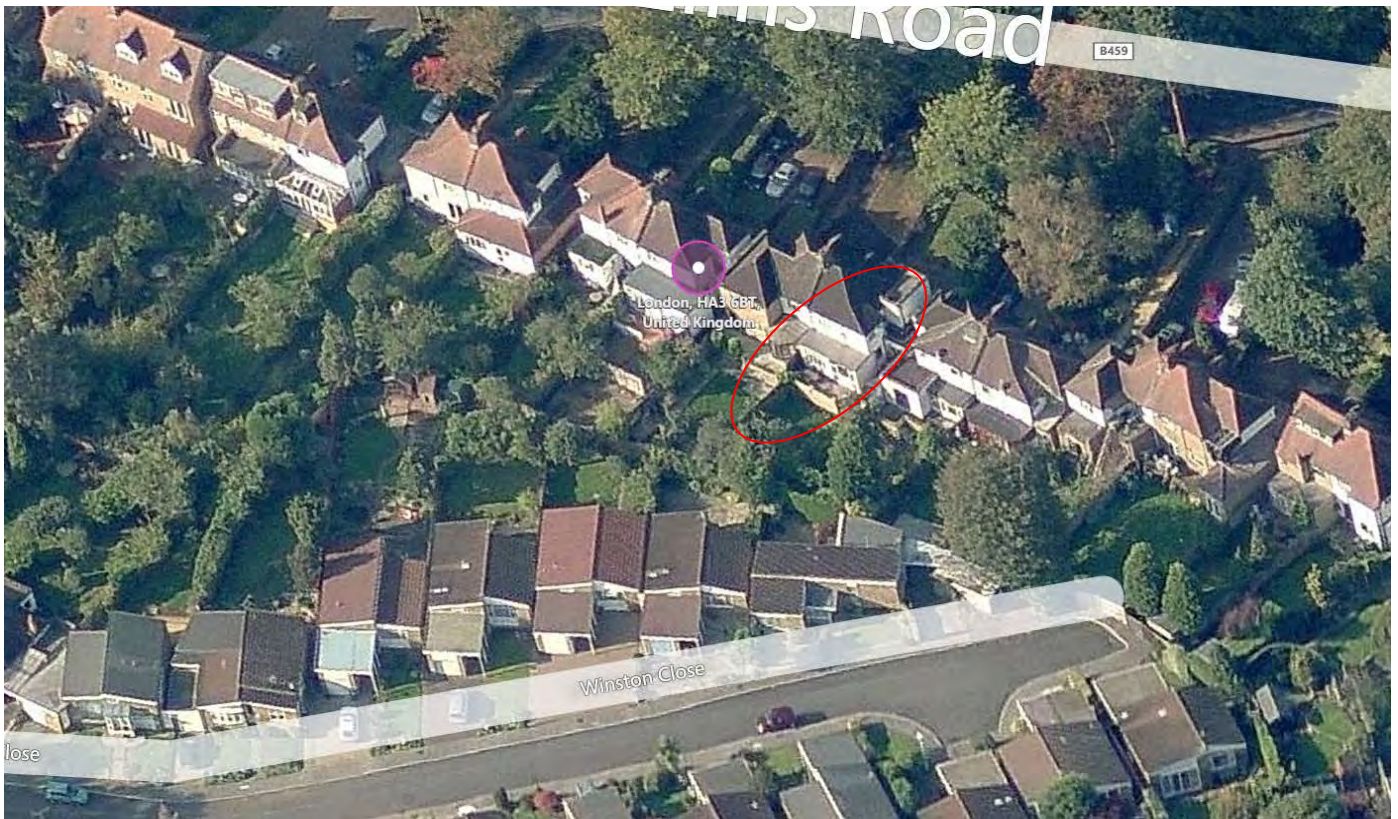
Rear conservatory and patio of No. 106 in background



Rear patio of No. 106 at higher level and 1m deeper than existing patio at No. 108



Rear garden facing Winston close

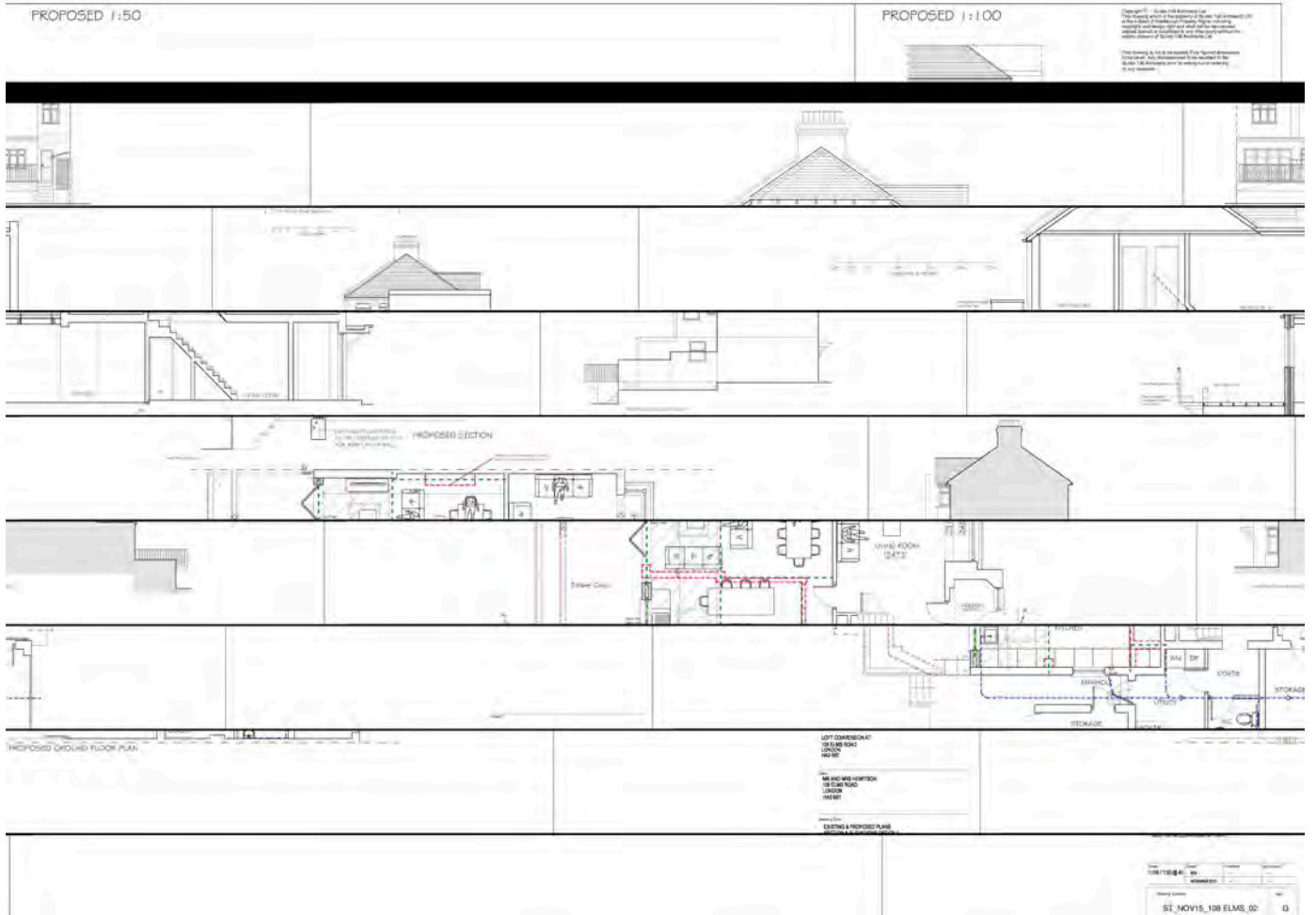




## APPENDIX 4 – PLANS AND ELEVATIONS



Existing plans and elevations



Proposed plans and elevations

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