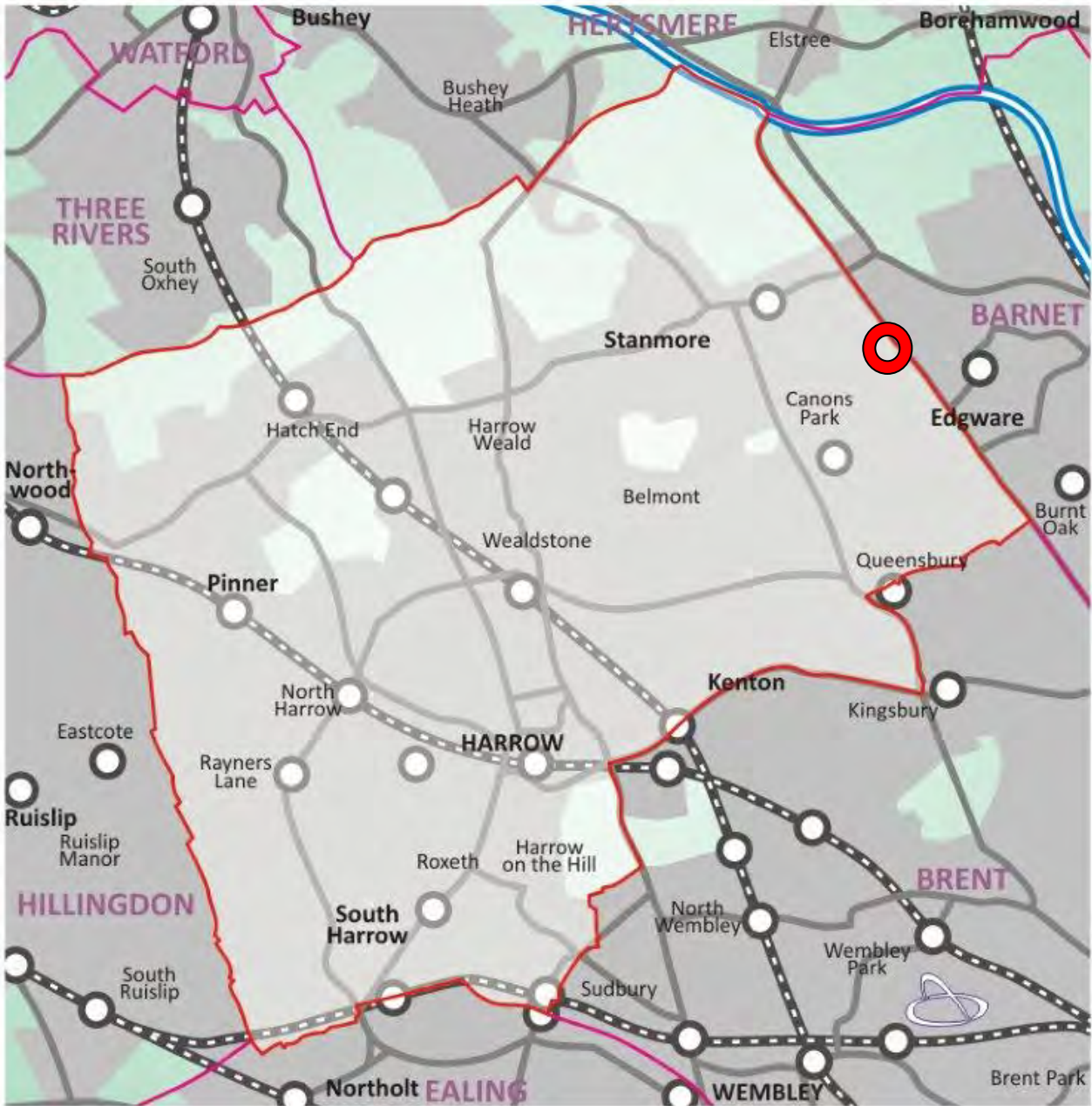
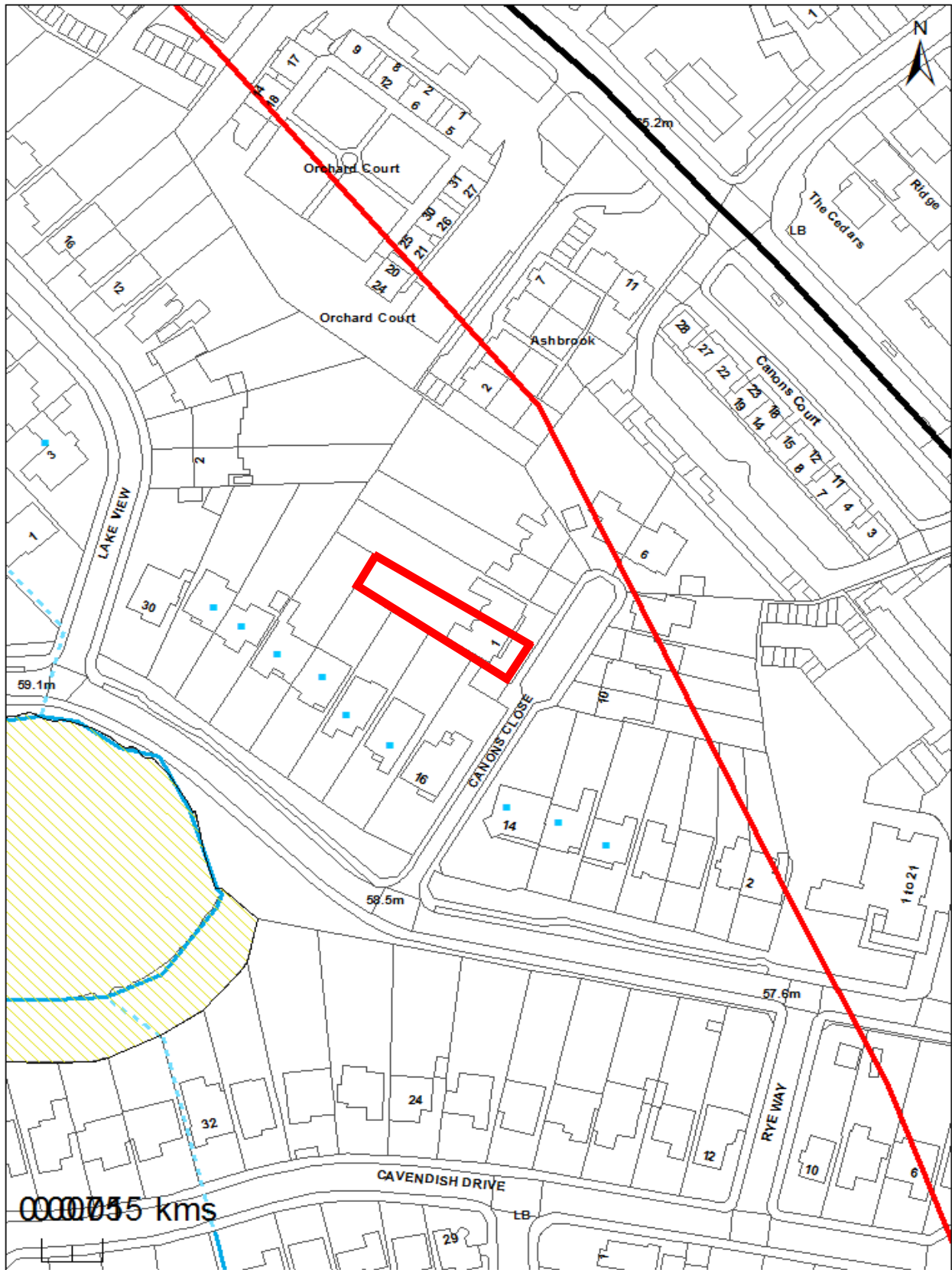


 = application site



<b>1 Canons Close, Edgware</b>	<b>P/4221/16</b>
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<b>1 Canons Close, Edgware</b>	<b>P/4221/16</b>
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# LONDON BOROUGH OF HARROW

## PLANNING COMMITTEE

16<sup>th</sup> November 2016

**Application Number:** P/4221/16  
**Validate Date:** 09/09/2016  
**Location:** 1 Canons Close, Edgware  
**Ward:** Canons  
**Postcode:** HA8 7QR  
**Applicant:** Mrs Geng  
**Agent:** Kevin D'austin  
**Case Officer:** Liam McFadden  
**Expiry Date:** 19/11/2016

### 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.

First floor rear extension; external alterations (addition of window in first floor side elevation)

### RECOMMENDATION

The Planning Committee is asked to:

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

### REASON FOR THE RECOMMENDATIONS

- 1) The proposed first floor rear extension and addition of the first floor flank window would accord with relevant policy and would not harm the character or appearance of the conservation area or harm the residential amenities of the neighbouring occupiers.

The proposal has successfully overcome previous reasons for refusal. 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 due to "the significant level of public concern about this application and its impact on the conservation area."

Statutory Return Type:	E21: Householder Development
Council Interest:	None
Additional Floor Area:	10.62sqm
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 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	1 Canons Close, Edgware, HA8 7QR
Applicant	Mrs Geng
Ward	Canons
Local Plan allocation	No
Conservation Area	Canons Park Estate
Listed Building	No
Setting of Listed Building	No
Building of Local Interest	No
Tree Preservation Order	No
Other	Critical Drainage Area

### **PART 2: Assessment**

#### **1.0 SITE DESCRIPTION**

- 1.1 The subject property is a two storey semi-detached dwellignhouse facing southeast onto Canons Close. It has been previously extended with a single storey rear extension
- 1.2 Permission for a first floor rear extension and single storey rear extension was recently refused at the site under reference P/3196/16 due to the impact of the proposal on the character of the conservation area and in relation to the subject property
- 1.3 The adjoining property no. 2 Canons Close has been extended with a single storey rear extension
- 1.4 The rear gardens of nos. 16-22 Canons Drive abuts the southern boundary of the site. The rear garden of no. 24 Canons Drive abuts the rear boundary of the site
- 1.5 The site is located in the Canons Park Estate Conservation Area and within a critical drainage area. There are no other site specific constraints.

#### **2.0 PROPOSED DETAILS**

- 2.1 The proposal is for a first floor rear extension and an additional window in the first floor south facing elevation.
- 2.2 The proposed first floor rear extension would have a depth of 3m, a width of 4.55m and would have a subordinate hipped roof. It would be set 0.5m away from the side elevation at first floor level.
- 2.3 The proposed window in the first floor side elevation would serve a bathroom.

### **3.0 HISTORY**

- 3.1 P/3196/16 – Single storey rear extension; First floor rear extension  
Refused – 29/08/2016

#### Reasons for refusal

1. *The proposed single storey rear extension would remove, without appropriate replication, the rear bay window, to the detriment of the pattern and character of dwellings in Canons Close, and so would fail to preserve or enhance the character and appearance of the Canons Park conservation area contrary to The National Planning Policy Framework (2012), Policies 7.4B, 7.6B, 7.8 C and 7.8D of The London Plan (2016), Core Policies CS1.B and CS1.D of the Harrow Core Strategy (2012), Policies DM1 and DM7 of the Harrow Development Management Policies Local Plan (2013), the guidance contained in the adopted Supplementary Planning Document: Residential Design Guide (2010) and the Canons Park Conservation Area Appraisal and Management Strategy (2013)*
2. *The proposed first floor rear extension by reason of excessive depth, width and lack of setback from the side elevation would give rise to a bulky, obtrusive and prominent form of development, and would fail to preserve or enhance the character or appearance of this part of the Canons Park Conservation Area contrary to The National Planning Policy Framework (2012), Policies 7.4B, 7.6B, 7.8 C and 7.8D of The London Plan (2016), Core Policies CS1.B and CS1.D of the Harrow Core Strategy (2012), Policies DM1 and DM7 of the Harrow Development Management Policies Local Plan (2013), the guidance contained in the adopted Supplementary Planning Document: Residential Design Guide (2010) and the Canons Park Conservation Area Appraisal and Management Strategy (2013).*

### **4.0 CONSULTATION**

- 4.1 A Site Notice was erected on 04/10/2016, expiring on 25/10/2016.
- 4.2 Press Notice was advertised in the Harrow Times on the 15/09/2016, expiring on 06/10/2016.
- 4.3 The application was advertised due to the site's location in a Conservation Area.
- 4.4 A total of 12 consultation letters were sent to neighbouring properties regarding this application. The overall public consultation period expired on 06/10/2016.
- 4.5 Adjoining Properties

Number of Letters Sent	12
Number of Responses Received	9
Number in Support	1 (Applicant response)
Number of Objections	8
Number of other Representations (neither objecting or supporting)	0

- 4.6 3 Objections were received from adjoining residents at no 2 Canons Close and nos. 16 and 18 Canons Drive. 5 objections were received from non-adjoining properties at nos. 4, 6, 7, 9 and 10 Canons Close. The agent has submitted a response to objections on behalf of the applicant.
- 4.7 A summary of the responses received along with the Officer comments are set out below:

<b>Subject of comments</b>	<b>Summary of Comments</b>	<b>Officer Comments</b>
<b>Neighbouring amenity</b>	Harm to the amenity of neighbouring residents in terms of loss of light and outlook to the adjoining property; loss of light to the garden of no. 18 and loss of outlook from that property	These issues are addressed in the 'Residential Amenity' section of the report below
<b>Character of the conservation area</b>	The bulk of the extension would be detrimental to the open character of the property and the Conservation Area	These issues are addressed in the 'Character and Appearance of the Conservation Area' section of the report below
<b>Right to light</b>	The proposal would impact the Right to Light of no. 2 Canons Close and would fail to comply with the regulations of the BRE guidance regarding daylight and sunlight.	These comments are acknowledged, however the Council uses its own 45 degree code when assessing the acceptability of householder extensions. This approach is set out in the Residential Design Guide SPD and has been through public consultation. It has been found to be a robust and comprehensive approach to assessing applications. The proposal meets these requirements and is considered to be acceptable in this regard. Notwithstanding this, the granting of planning permission is separate from, and does prejudice the neighbours legal right to light. This right is covered by separate legislation and would be a civil matter.

<b>Permitted development concerns</b>	Neighbours have raised concerns that the applicant intends to construct a single storey rear extension using permitted development rights which may not be lawful.	The intention to build such an extension cannot be used as justification to refuse this scheme. The onus is on the applicant to ensure that any extensions comply with the relevant limitations of permitted development.
<b>Precedent</b>	Granting this permission may set an unwanted precedent.	Each scheme is assessed on its own merits and the existence of this extension would not necessarily mean that a similar extension can be granted at nearby properties.
<b>Disturbance from works</b>	Concerns that the construction of the extension would result in noise and disturbance and may cause harm to the health of neighbouring occupants.	These issues are not material planning considerations and cannot be used as justification to refuse planning permission
<b>Response from agent/applicant</b>	The diagram demonstrating infringement of the 25degree angle is from an unprotected window as the room served by this window has a dual aspect with another opening to the rear.	Noted

#### 4.8 Statutory and Non Statutory Consultation

4.9 The following consultations have been undertaken:

LBH Conservation Officer  
Conservation Area Advisory Committee  
Canons Park Residents Association



#### 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.

<b>Consultee</b>	<b>Summary of Comments</b>	<b>Officer Comments</b>
Conservation Area Advisory Committee	No objections	Noted

#### 4.12 Internal Consultation

4.11 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 Conservation Officer	No objections. The proposal has overcome previous reasons for refusal and is now acceptable.	These comments are addressed in the 'Character and Appearance of the Conservation Area' 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 Conservation Area  
Residential Amenity – Neighbouring occupiers  
Development and Flood Risk

### 6.2 Character and Appearance of the Conservation Area

6.2.1 The proposed first floor rear extension would have a modest depth of 3m and would have a width of 4.55m and would have a subordinate hipped roof. The property is an end-house site and the proposed first floor rear extension would be set-in an additional 0.5m away from the side elevation as per the guidance of the SPD. This would break up the flank elevation of the proposal, lessening the impact of it when viewed from the streetscene.

The subject property has a width of 9m, the width of proposal would therefore be approximately half the width of the existing dwellinghouse. However, it is noted that the existing single storey rear extension at the property is wider than this and it is considered that in context the proposed first floor rear extension would not appear disproportionate or excessively wide and would be acceptable in relation to the host dwellinghouse.

6.2.2 The proposed bathroom window in the first floor side elevation of the existing property, would be of a moderate scale and would not cause material harm to the character or appearance of the property or local area.

6.2.3 The Council's Conservation Officer has appraised the scheme as follows:

*This proposal is in the Canons Park Conservation Area. The special character and appearance of this area is identified by the Conservation Area Appraisal and Management Strategy which states: 'The Canons Park Estate CA is an outstanding area given its special landscaping, openness, and good architecture a high quality formally planned Metroland estate in a largely 'Tudor revival' design and street layout within a green, sylvan setting that incorporates landscape features of the original estate, including two lakes, a historic avenue and abundant greenery. This landscaped setting lends a special soft, informal and in places, particularly along Canons Drive, a soft, verdant ambience. There is a good spacious and tranquil environment created by public and private open spaces and greenery'.*

*The medium density and traditional nature of development at 1 Canons Close helps preserve this as does the openness to the rear of the house. The previous recommendations have been followed. Namely, the single storey element has been removed from the proposal and the first floor rear extension has been reduced in depth to 3m. This would therefore now preserve the character and appearance of the conservation area subject to materials and details being conditioned to match.*

6.2.4 It is therefore considered that the scheme has overcome the previous reasons for refusal regarding character and appearance, and is now acceptable.

- 6.2.5 Condition 3 of this permission requires that all materials match the existing building to ensure a harmonious extension.
- 6.2.6 Subject to this condition, the development would accord with the relevant policies of the development plan and the Council's adopted SPD: Residential Design Guide 2010.
- 6.3 Residential Amenity – Neighbouring Occupiers
- 6.3.1 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
- 6.3.2 The Council's adopted Residential Design Guide SPD states that first floor rear extensions should not interrupt a 45 degree line when taken from the nearest first floor or two storey rear corner of any next-door dwelling. The proposed first floor rear extension would not breach the 45 degree code in horizontal plane. It would therefore not cause any undue harm to the rear windows on the first floor and ground floor rear windows in terms of loss of light, outlook or overshadowing.
- 6.3.3 It is noted that the proposal would be visible from the side-facing windows in the single storey rear extension present at no. 2. However, Council records indicate that this room features a window on the rear elevation which would serve as the primary source of light to that room. Furthermore, the side window to that extension is sited 5.3m from the shared boundary with no. 1 and 9.3m away from the proposed first floor rear extension. Neither would the proposal breach a 45 degree line in the vertical plane when taken from this window. Given these site circumstances, it is considered that the proposal would not cause undue harm to the residential amenities of that neighbouring occupiers and would be acceptable.
- 6.3.4 Objections have been raised by other properties along Canons Close. However, none of these sites adjoin the subject property and they would be separated from the proposed extension by significant distances. It is therefore considered that they would not be impacted by the proposal.
- 6.3.5 Occupiers at no. 16 Canons Drive have raised concerns that the proposal would result in a loss of light to the rear garden of that property and would harm the views or outlook from the rear windows of that property.
- 6.3.6 However, the proposal would be set away from those rear windows by nearly 20m. Furthermore, as the subject property is sited to the north of no. 16 Canons Drive, there would be no shadows cast in the direction of that property as the sun moves from the east through to the south and west throughout the day. It would therefore be acceptable.
- 6.3.7 The proposed window in the side elevation would be of a modest size and would be obscure glazed (condition 5), serving a bathroom. It is therefore considered that it would not result in any direct overlooking or loss of privacy. It would therefore be acceptable.

6.3.8 Subject to conditions ensuring that the roof of the existing extension is not used as a balcony (condition 4) to ensure the privacy of neighbouring occupiers is maintained, the development would therefore accord with development plan policies in respect of amenity.

#### 6.4 Development and Flood Risk

6.4.1 The proposed site is located in a critical drainage area. However, as the development is contained at first floor level only, it is considered not to give rise to any impact in terms of surface water flood risk and is acceptable.

### **7.0 CONCLUSION AND REASONS FOR APPROVAL**

7.1 The proposed first floor rear extension and addition of the first floor flank window would accord with relevant policy and would not harm the character or appearance of the conservation area or harm the residential amenities of neighbouring occupiers.

7.2 The proposal has successfully overcome previous reasons for refusal. 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.

## APPENDIX 1: CONDITIONS AND INFORMATIVES

### 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 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: 1CC/P100

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

#### 3 Materials to Match Existing

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 safeguard the character and appearance of the area in accordance with Core Policy CS1.B of the Harrow Core Strategy (2012) and Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

#### 4 Roof of existing extensions not to be used as balcony

The roof area of the existing single storey rear extension 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 residential amenities of neighbouring residents, in accordance with Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

- 5 The bathroom window in the first floor flank elevation of the proposed development shall:
- (a) be of purpose-made obscure glass,
  - (b) be permanently fixed closed below a height of 1.7m above finished floor level,
- and shall thereafter be retained in that form.

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

## Informatives

### 1 Policies

The following policies are relevant to this decision:

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

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

7.4.B Local Character

7.6.B Architecture

7.8B & C Heritage Assets and Archaeology

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

CS1.B Local Character

CS1.D Heritage Assets

CS8 Edgware & Burnt Oak

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

DM1 Achieving a High Standard of Development

DM 7 Heritage Assets

DM10 On Site Water Management and Surface Water Attenuation

Supplementary Planning Document - Residential Design Guide 2010

Canons Park Conservation Area Appraisal and Management Strategy 2013

### 2 Considerate Contractor Code of Practice

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

### 2 The Party Wall etc. 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 Portal website:

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

### 3 Granted without Pre-app

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.

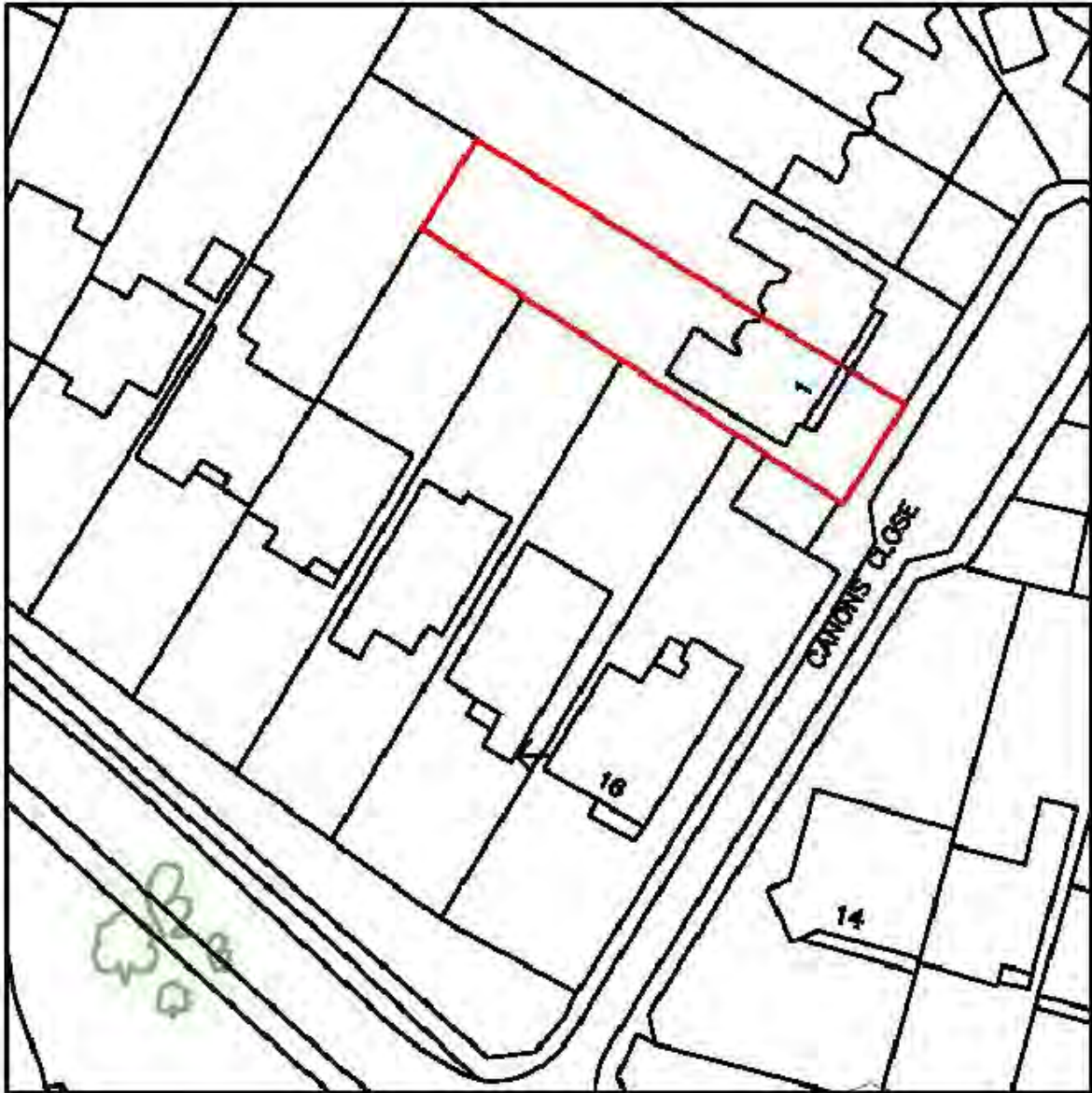
4 Liability of damage to highway

The applicant is advised to ensure that the highway is not interfered with or obstructed at any time during the execution of any works on land adjacent to a highway. The applicant is liable for any damage caused to any footway, footpath, grass verge, vehicle crossing, carriageway or highway asset. Please report any damage to [nrswa@harrow.gov.uk](mailto:nrswa@harrow.gov.uk) or telephone 020 8424 1884 where assistance with the repair of the damage is available, at the applicants expense. Failure to report any damage could result in a charge being levied against the property.

5 Site Notice Removal

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.

APPENDIX 2: SITE PLAN



**SITE LOCATION PLAN**

1:1250



**APPENDIX 3: SITE PHOTOGRAPHS**



Rear of no. 1 Canons Close



Rear towards no. 2 Canons Close



Single storey rear extension at no. 2 Canons Close



Side view of the property from streetscene facing north

# APPENDIX 4: PLANS AND ELEVATIONS



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