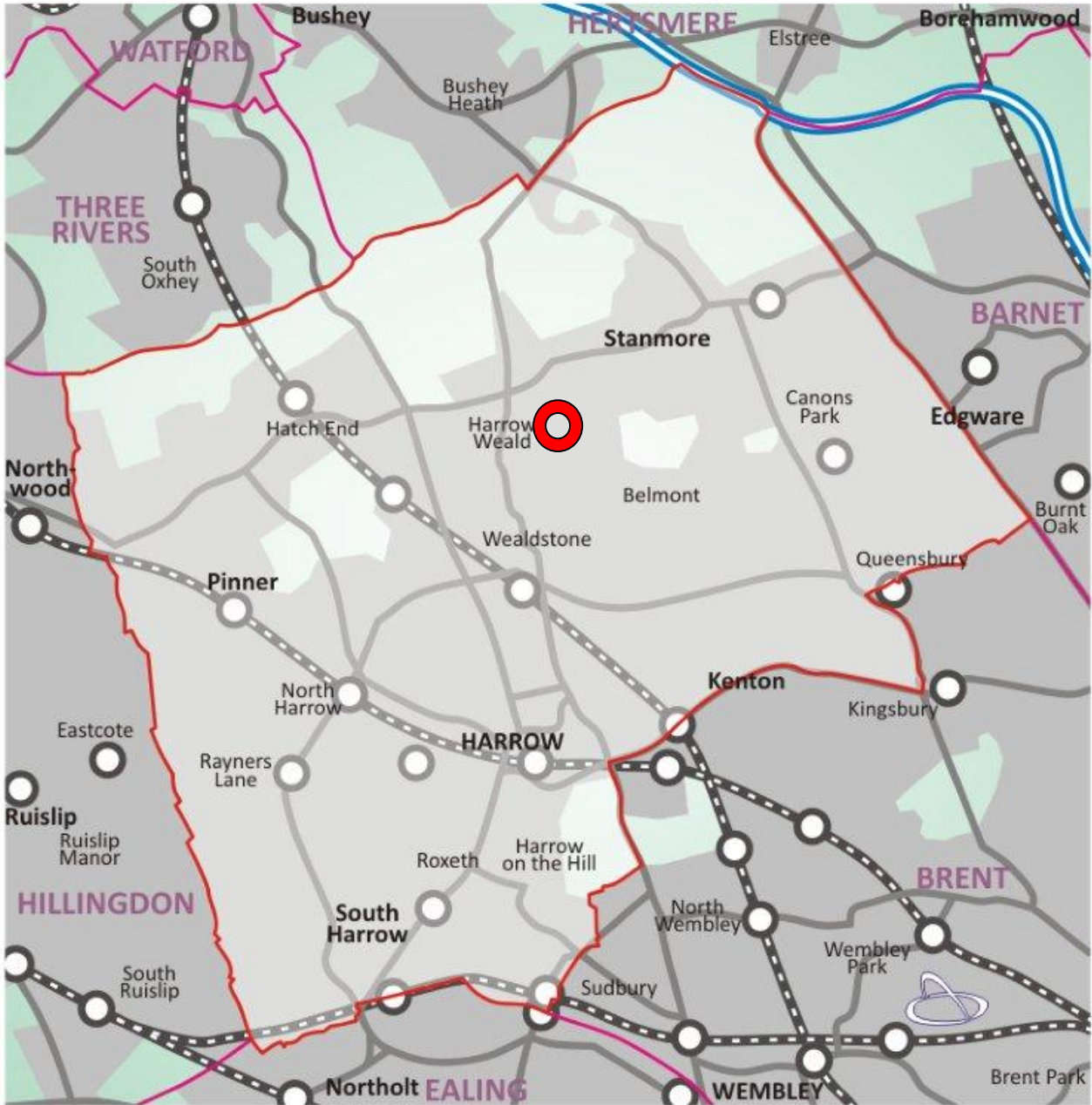


 = application site



<b>46 Chartley Avenue, Stanmore</b>	<b>P/3084/16</b>
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**46 Chartley Avenue, Stanmore** **P/3084/16**

# LONDON BOROUGH OF HARROW

## PLANNING COMMITTEE

15<sup>th</sup> February 2017

APPLICATION NUMBER: P/3084/16  
VALIDATE DATE: 30<sup>TH</sup> JUNE 2016  
LOCATION: 46 CHARTLEY AVENUE, STANMORE  
WARD: STANMORE PARK  
POSTCODE: HA7 3QZ  
APPLICANT: MR AMISH BADIANI  
AGENT: YOOP ARCHITECTS

### **PURPOSE OF REPORT**

The purpose of this report is to seek authorisation from Planning Committee to exercise its powers under Section 97, 98 and 99 of the Town and Country Planning Act 1990 to instigate proceedings in order to revoke planning permission P/3084/16 granted in error under delegated powers on 25<sup>th</sup> August 2016 for a first floor side and rear extension; single and two storey rear extension; external alterations and removal of existing first floor terrace.

The Planning Committee is asked to:

Authorise powers to officers to commence the appropriate legal and other necessary proceedings to secure a revocation order under Section 97, 98 and 99 of the Town and Country Planning Act 1990 to revoke planning permission P/3084/16, which granted planning permission in error for a first floor side and rear extension; single and two storey rear extension; external alterations and removal of existing first floor terrace.

### **LIST OF ENCLOSURES / APPENDICES:**

Officer Report:

Part 1: Background

Appendix 1 – Delegated report for application P/3084/16

## OFFICER REPORT

### **1.0 Background**

- 1.1 Under powers delegated from the Divisional Director of Regeneration Enterprise and Planning, officers dealt with a householder planning application at 46 Chartley Avenue, Stanmore (reference P/3084/16).
- 1.2 The planning application was assessed by officers and recommended for refusal for the reasons outlined within the delegated report (appendix 1).
- 1.3 There was an administrative error in the formulation and processing of the decision notice which resulted in a decision notice granting Planning Permission being issued.
- 1.4 The applicant is aware that his permission is the result of an administrative error. Nevertheless, he also sought legal advice and has stated that the permission is valid and legal. The applicant has stated that he intends to implement the planning permission.
- 1.5 Officers have already identified that the scheme would have a harmful impact on the character and appearance of the subject dwellinghouse and the surrounding area and the residential amenities of the adjoining neighbouring occupiers at no. 48 Chartley Avenue. The proposal would therefore be contrary to the National Planning Policy Framework (2012), policies 7.4.B 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 Local Plan (2013) and the adopted Supplementary Planning Document Residential Design Guide (2010)
- 1.6 Paragraph 11 of the National Planning Policy Framework (2012) states that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. It is considered that there are no material considerations to justify the identified harm to the character and appearance of the existing dwellinghouse, surrounding locality and the residential amenities of the adjoining occupiers at no. 48 Chartley Avenue. For this reason, it is considered expedient to revoke the planning permission.
- 1.7 To formally revoke the planning permission, the Local Planning Authority will have to follow the statutory procedure set out in either Section 98 or Section 99 of the Town and Country Planning Act. This would require notifying the relevant parties (including the applicant and neighbours) and to advertise making the order in the local press. If there is an objection to the revocation order, Section 98 of the Town and Country Planning Act requires that the order is submitted to the Secretary of State for confirmation.
- 1.8 By taking this step to revoke the planning permission, there are financial implications for Harrow Council as the Council is subject to liability to pay

compensation under Section 107 of the Town and County Planning Act 1990 in respect of any expenditure rendered abortive by the revocation order and for any other loss or damage directly attributed to the revocation order.

- 1.9 Compensation would be limited to where the applicant has incurred expenditure in carrying out work which is rendered abortive by the revocation, has otherwise sustained loss or damage which is directly attributable to the revocation (such as depreciation of the value of the land) or any expenditure related to any preparatory works. Officers have visited the site and have evidence that the works have not commenced.

## **2.0 Conclusion**

- 2.1 It is therefore, the Council's intention to make an order to revoke the planning permission granted in error under P/3084/16. The Council will follow the statutory procedure set out in either Section 98 or Section 99 of the Town and Country Planning Act 1990 depending on whether the revocation order is opposed or unopposed.

## **APPENDIX 1: Delegated report to application P/3084/16**

### **DELEGATED APPLICATION REPORT**

Address: 46 Chartley, Avenue Stanmore, HA7 3QZ

Reference: P/3084/16

Description: First Floor Side And Rear Extension; Single And Two Storey Rear Extension; External Alterations (Removal Of Existing First Floor Terrace)

Ward: Stanmore Park

Applicant: Mr Amish Badiani

Agent: Yoop Architects

Case Officer: Nabeel Kasmani

Expiry Date: 25/08/2016

### **RECOMMENDATION**

**REFUSE** planning permission for the development described in the application and submitted plans, for the following reasons(s).

#### **REASON:**

1. The proposed first-floor rear extension, by reason of its excessive width, design and gabled roof profile, would give rise to an unduly bulky and incongruous addition that would appear unduly dominant and contrived to the detriment of the character and appearance of the subject dwellinghouse and surrounding locality and the residential amenities of the neighbouring occupiers at no. 48 Chartley Avenue, contrary to the National Planning Policy Framework (2012), policies 7.4.B 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 Local Plan (2013) and the adopted Supplementary Planning Document Residential Design Guide (2010)

#### **INFORMATION:**

Statutory Return Type:	Householder
Council Interest:	None
Net additional Floorspace:	65m <sup>2</sup>
GLA CIL (provisional):	n/a
Harrow CIL (provisional):	n/a

## Site Description

- The application site comprises of a two storey detached dwellinghouse located at the end of Chartley Avenue on the western side of the road. The application dwelling has been previously extended by means of a single storey rear extension.
- The neighbouring detached property, no. 48 features a conservatory in the part adjacent to the shared boundary
- An electric substation adjoins the application site to the north and beyond that, the rear garden of no. 42 Chartley Avenue.
- The site is located within a Critical Drainage Area. There are no other site specific constraints on the site.

## Proposal Details

- It is proposed to construct a single storey rear infill extension and a first-floor side to rear extension. The existing first-floor rear terrace would be removed

## Revisions to Previous Application

n/a

## Relevant History

LBH/13267: Erection of single storey extension to rear of dwellinghouse  
Grant: 07-04-1978

P/3082/16: First Floor Side And Rear Extension; Single Storey Rear Extension;  
External Alterations (Removal Of Existing First Floor Terrace)  
Under Consideration

## Applicant Submission Documents

Design and Access Statement

## Consultations

n/a

## Advertisement

n/a

## Notifications

Sent:4

Replies: 1

Expiry: 26-07-2016

## Summary of Responses

- Loss of light and outlook from conservatory
- Loss of privacy
- Disproportionate extension and out of character
- Restricted access to road

## APPRAISAL

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

*'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with*

*the Plan unless material considerations indicate otherwise.'*

In this instance, the Development Plan comprises The London Plan 2016, The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan (AAP) 2013, the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan SALP 2013 [SALP].

The policies relevant to this application and themes are set below and at the end of this report at Informative 1.

## **MAIN CONSIDERATIONS**

- |   |  |
|---|--|
| 1) Character and Appearance of the Area | <i>LP: 7.4, 7.6<br/>DMP: DM1<br/>SPD: Residential Design Guide</i> |
| 2) Residential Amenity                  | <i>LP: 7.6<br/>DMP: DM1<br/>SPD: Residential Design Guide</i>      |
| 3) Development and Flood Risk           | <i>LP: 5.13<br/>DMP: DM10</i>                                      |
| 4) Equalities Implications              |  |
| 5) Crime & Disorder Act                 | <i>LP: 7.3<br/>DMP: DM1</i>  |
| 6) Consultation Responses               |  |

### **1) Character and Appearance of the Area**

The proposed first-floor side extension would be a proportionate and subordinate addition to the subject dwellinghouse and is considered acceptable.

The proposed first-floor rear extension would have a stepped rear elevation with a maximum projection depth of 3m from the original rear wall to the northern flank wall and a depth of 2.7m in the part adjacent to the neighbouring property no. 48. The proposed first floor rear extension would have a total width of 11.8m. It is considered that the proposed width of the first-floor rear extension, in conjunction with the stepped rear elevation and gabled roof profile would give rise to a disproportionate, unduly dominant and obtrusive addition to the subject dwelling that would detract from the character and appearance of the subject dwelling and surrounding area.

The proposed single storey rear extension would comply with Paragraph 6.60 of the adopted Residential Design Guide SPD.

### **2) Residential Amenity**

As a result of the skewed shared boundary with the adjoining property no. 48, the rear garden area of no. 48 is closer to the rear elevation of the subject property. As a result of this, the proposed first-floor rear extensions would be closer to the adjacent



rear garden of no. 48 and would appear to be prominent and imposing, given their cumulative width and roof profile. Under these circumstances, it is considered that the proposed first-floor rear extensions would have an adverse impact on the visual amenities of the neighbouring occupiers at no. 48 Chartley Avenue when viewed from the adjacent patio and garden area.

The proposed single storey rear extension would have an amenity impact consistent with the adopted Residential Design Guide SPD.

### **3) Development and Flood Risk**

The development would not result in any additional hardsurfacing on the site and would therefore have a neutral impact in terms of surface water flood risk. As the site is located within a Critical Drainage Area, sustainable urban drainage [SuDs] is encouraged. Had the application been otherwise considered acceptable, an informative would have been attached to this effect.

### **4) Equalities Implications**

Section 149 of the Equalities Act 2010 places obligations on local authorities with regard to equalities in decision making. It is considered that this application does not raise any equality implications or conflict with development plan policies in this regard.

### **5) Crime and Disorder**

It is considered that the proposed development would not adversely impact upon community safety issues or conflict with development plan policies in this regard.

### **6) Consultation Responses**

- Loss of light and outlook from conservatory
- Loss of privacy
- Disproportionate extension and out of character

*This has been addressed within sections 1 and 2 of the report*

- Restricted access to road and inconvenience to neighbours

*An informative is attached to ensure the Considerate Contractor Code of Practice is adhered to*

## **CONCLUSION**

For the reasons considered above and weighing up the development plan policies and proposals and other material considerations, this application is recommended for refusal.

## **INFORMATIVES**

1. The following policies are relevant to this decision:

The National Planning Policy Framework (2012)

The London Plan (2016):

5.13, 7.4B, 7.6B

The Harrow Core Strategy (2012):

CS1

Harrow Development Management Policies Local Plan (2013):

DM1, DM10,

## 2. INFORMPF3: Refuse with pre-app

**Plan Numbers:** 021/EX/001, 021/EX/002, 021/PL/100 Revision B, 021/PL/101, 021/PL/121, 021/PL/210 Revision A, 021/PL/221 Revision A, 021/PL/231 Revision A, 021/PL/270 Revision A, 021/PL/271 Revision A, Existing Views, Design and Access Statement (29 June 2016)

### **Delegation of Decision**

Planning permission may be refused under powers delegated to the Director of Planning as the application falls within Category 1(a) and is not excluded by provisos A-G of the schedule of delegation dated 29 May 2013.

Case Officer: Nabeel Kasmani

Date: 17.08.2016

Delegated Officer:BA

Date: 25 Aug. 2016

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