

Meeting:	Development Control Committee
Date:	11 January 2006
Subject:	Action taken under the Urgent Non-Executive Decision Procedure: Appeal: 19 & 21 & R/O 11/29 Alexandra Avenue, South Harrow
Responsible Officer:	Director of Legal Services
Contact Officer:	Kate Boulter, Committee Administrator Tel: 020 8424 1269 (or Ext 2269) Email: kate.boulter@harrow.gov.uk
Portfolio Holder:	Planning, Development and Housing
Key Decision:	No
Status:	Public (Part I)

## **Section 1: Summary**

### **Decision Required**

To note the action taken under the Urgent Non-Executive Decision procedure, as outlined in Section 2.1 below.

### **Reason for report**

The Urgent Non-Executive Decision procedure requires all decisions taken under the procedure to be reported to the appropriate Committee.

### **Benefits**

Not applicable as this report is for information only,

## **Cost of Proposals**

Not applicable as this report is for information only,

## **Risks**

Not applicable as this report is for information only,

## **Implications if recommendations rejected**

This report is for noting only.

## **Section 2: Report**

### **2.1 Brief History**

On 8 December 2004 the Development Control Committee considered a planning application in respect of 19 & 21 & R/O 11/29 Alexandra Avenue, South Harrow for demolition of existing dwellings and redevelopment to provide 14 two storey terraced houses with access and parking. The development involved a site comprising a pair of semi-detached houses in Alexandra Avenue and parts of the rear gardens of nos. 11-29 Alexandra Avenue. The proposal was for demolition of the frontage pair of semi-detached houses, the introduction of an access road and the construction of 14 houses in the rear garden area.

Planning permission was refused, for the following reasons:

1. The density of the development would be detrimental to the residential amenities of the properties in the surrounding area by reason of noise and disturbance generated by the number of units on the site.
2. The proposal represents a backland development to the detriment of the status of similarly situated sites in the locality, which will give rise to an increase in such developments since a precedent would have been set.

An appeal was lodged against the refusal and dismissed by decision letter dated 20 May 2005. Although the Inspector dismissed the appeal, he did not support either of the Council's reasons for refusal. He saw no objection in principle to the redevelopment of the appeal site for housing. He felt that, in view of the relatively large gardens of many nearby properties, the spacious character of the area would be maintained. He also felt that the access would be well landscaped and that no material parking or traffic problems would arise in the slip road alongside Alexandra Avenue. However, the Inspector did raise a new issue, namely the setback between the rear elevations of the existing frontage houses, nos. 15, 17 and 25 Alexandra Avenue, and the proposed flank elevations of the first two new houses, plot nos. 1 and 14 on either side of the proposed new

access road. He was concerned about the relatively short separation distances – some 20 metres – between the existing and the new elevations, and the resulting poor outlook for the existing occupiers: "...the proximity of the flank walls of the proposed houses would mean that the outlook would be limited and oppressive. Moreover, this part of the development would be at odds with the relatively spacious surroundings and would be cramped. This would harm the character of the locality...".

A revised planning application was submitted in May 2005 and considered by the Development Control Committee on 27 July 2005. This application proposed two amendments:

- a reduction in the number of houses from 14 to 12; and
- an increase in the separation distances between the first two new houses (plots 1 and 12) and the existing houses in Alexandra Avenue

The separation distance at ground floor level was increased by 4m so that the ground floor level of the nearest new houses (with their attached single storey garages) would increase from 20m to 24m, and the first floor level would increase from 22.5m to 26.5m.

Planning permission was refused for two reasons:

1. The relationship and distance between the existing houses 15, 17, 23 and 25 Alexandra Avenue and the new development houses 1 and 12 will be insufficient and will give rise to an oppressive and limited outlook and will be at odds with the spacious surroundings of the area.
2. This proposal represents an overdevelopment and would be detrimental to the residential amenity of the properties in the surrounding area.

The applicants lodged an appeal against this refusal, which was to be heard at a public inquiry. In seeking to defend the reasons for refusal it became quite apparent that the second reason for refusal would be very difficult to defend. As a result, the following executive action was sought:

Subject: Appeal: 19 & 21 & R/O 11/29 Alexandra Avenue, South Harrow

Action Proposed: That (1) the Council formally withdraw Reason 2 of the refusal of application P/1354/05/CFU dated 29 July 2005 in order to avoid the appellant in any additional cost in defending their appeal; (2) officers be instructed to advise the appellant accordingly.

Reason for Urgency: The next meeting of the Development Control Committee was not until 7 December 2005.

Decision: Officer Recommendation agreed.

[Notes: (1) The Nominated Members consulted were unable to agree on whether to support the proposed action. The Procedure for Urgent Non-Executive Action

states that, in the event of disagreement, the matter will be referred to the Chief Executive, who may take the decision after consultation with the Leaders of all political groups (or their nominees) and, if appropriate, with the statutory officers;

(2) The decision of the Chief Executive was to support the officer recommendation].

2.2 Options considered  
None.

2.3 Consultation  
Not applicable as this report is for information only,

2.4 Financial Implications  
Not applicable as this report is for information only,

2.5 Legal Implications  
Not applicable as this report is for information only,

2.6 Equalities Impact  
Not applicable as this report is for information only,

2.7 Section 17 Crime and Disorder Act 1998 Considerations  
None applicable to this report

### **Section 3: Supporting Information/Background Documents**

Background Papers:

- Individual Urgent Non-Executive Decision Form (Ref: P/1354/05/CFU), as reported.
- Minutes of the Development Control Committee meetings 8 December 2004 and 27 July 2005.