
REPORT FOR: CABINET

Date of Meeting:	16 November 2017
Subject:	Request to amend the boundary of the Pinner Road Conservation Area to exclude 'The Lodge', Capel Gardens, Pinner
Key Decision:	No
Responsible Officer:	Paul Nichols, Divisional Director of Regeneration and Planning
Portfolio Holder:	Councillor Keith Ferry, Deputy Leader and Portfolio Holder for Business, Planning and Regeneration
Exempt:	No
Decision subject to Call-in:	Yes
Wards affected:	Headstone North
Enclosures:	Appendix 1: Current boundary of Pinner Road Conservation Area Appendix 2: Representation from the owners of The Lodge, Capel Gardens Appendix 3: Officers' comment on points raised in representation.

Section 1 – Summary and Recommendations

This report addresses a request received from the owners of The Lodge, Capel Gardens, Pinner, for their property to be removed from the Pinner Road Conservation Area, which was designated on 19 March 2015. It summarises the representation received from the owners of the Lodge and provides officers' responses to these along with the recommendation that Cabinet does not agree to the request to remove the property from the Conservation Area. It does however recommend amending the boundary to include the full extent of the property with the Conservation Area in order to address the anomaly of the current boundary passing through the rear conservatory.

The formal representation from the owners of The Lodge was received during the consultation period on the draft Conservation Area Appraisal and Management Strategy (CAAMS) for the Pinner Road Conservation Area, which ran from 9 November to 21 December 2016 (Cabinet approval to consultation was received at its meeting on 15 September 2016). The outcomes of that consultation will be reported to Cabinet in early 2018.

The full representations from the owners are being considered at this stage as part of the 2016 consultation because of the error described below in the initial designation consultation.

Recommendations:

Cabinet is requested to:

- a) Note the representation received from the owners of The Lodge (Appendix 2) and officers responses to them (Section 4 and Appendix 3); and
- b) Agree to officers' recommendation that the Lodge remains within the Pinner Road Conservation Area, but for the boundary to be amended to include the full extent of the property within the Conservation Area (see map at Appendix 1) in order to rectify the anomaly of the current boundary passing through the rear conservatory and for officers to advise the owners of The Lodge accordingly.
- c) Delegate authority to the Divisional Director Regeneration and Planning to undertake the necessary statutory processes required to amend the Pinner Road Conservation Area as outlined in (b) above.

Reason: (For recommendations)

Since 1967 local authorities have been required to protect areas which are valued for their special architectural or historic interest – the character and appearance of which it is desirable to preserve and enhance - through the designation of Conservation Areas under the provisions of Sections 69 and 70 of the Planning (Listed Buildings and Conservation Areas) Act 1990. They are required to carry out reviews 'from time to time' to ensure areas are adequately covered. They are also required to produce management strategies / proposals for Conservation Areas.

Section 2 – Report

1. Introduction

- 1.1 The report incorporates the corporate priority concerning:
- Making a difference for communities
- 1.2 The identification of areas of special architectural or historic interest will help maintain the unique historical local character of areas or neighbourhoods within Harrow which residents cherish and value. Consulting on this helps to make a difference for communities.

2. Options considered

- 2.1 The option of not considering the request to amend the Pinner Road Conservation Area was considered but this would be contrary to the Council's commitment to consult with residents. Under the Planning (Listed Buildings and Conservation Areas) Act 1990, local planning authorities are required to carry out reviews 'from time to time' to ensure areas are adequately covered by Conservation Areas, which includes whether any areas should no longer be included within a Conservation Area. Additionally, the National Planning Policy Framework seeks to ensure that the value of Conservation Areas is not diminished by the inclusion of areas not having sufficient architectural or historic interest.

3. Background

- 3.1 Harrow has 29 conservation areas, each having special interest derived from its architectural, townscape or landscape qualities. The Council has a duty to preserve and enhance these, and does so by preparing and following area specific guidance.
- 3.2 The Pinner Road Conservation Area was designated on 19 March 2015, following a period of public consultation. It subsequently transpired that a formal consultation letter was not sent to the owners of The Lodge, Capel Gardens due to an administrative error translating the map of the proposed area into a list of addresses to be consulted. It should be noted that notices were also placed around the proposed Conservation Area and an advert placed in the Harrow Times as further means of making people aware of the proposed designation. Additionally, under the Planning (Listed Buildings and Conservation Areas) Act 1990 the Council is not required to undertake consultation prior to designating a Conservation Area, but does so as a matter of best practice and reflects guidance from Historic England.
- 3.3 Since becoming aware of the inclusion of their property within the Pinner Road Conservation Area, the owners of the Lodge, Capel Gardens, have made informal and formal representations to Council officers and Members seeking for their property to be removed from the Conservation Area. They consider that had Cabinet been aware of

their concerns before the Conservation Area was designated their property would not have been included. This report is therefore presented to the Cabinet to enable its consideration of the representations made by the owners of The Lodge.

- 3.4 The formal representation from the owners of The Lodge was received during the consultation period on the draft Conservation Area Appraisal and Management Strategy (CAAMS) for the Pinner Road Conservation Area, which ran from 9 November to 21 December 2016 (Cabinet approval to consultation was received at its meeting on 15 September 2016). The full outcomes of that consultation and any proposed amendments to the Appraisal and Management Strategy will be reported to Cabinet in early 2018.

Criteria for Conservation Area designation

- 3.5 The criteria for conservation area status are set out in the Pinner Conservation Areas SPD (“the SPD”). The SPD states that to warrant designation as a Conservation Area the area should fulfil two or more of the following six criteria:

- i) Areas with a high concentration of Listed Buildings whether statutorily or locally listed;
- ii) Areas of historical, social, economic and/or architectural merit;
- iii) Areas with a high proportion of buildings built prior to 1920, which remain largely unaltered;
- iv) Areas built post 1920 that are innovative in planning or architectural detail, and where a large proportion remain unaltered;
- v) A significant group of buildings with distinct physical identity and cohesiveness; and
- vi) Areas which have a special quality, where the site layout and landscaping are of exceptionally high quality and/or contain historic open space, natural landmarks or topographical features.

- 3.6 The Conservation Area is considered to warrant designation as it meets two or more of the above criteria. The area is of high architectural and historic merit. It covers an area of high concentration of listed and locally listed buildings – 12 on just 6 ha of land, which is all of the buildings with the exception of the firemen’s houses and the Lodge. The locally listed Chapel, and stone lodge (circa 1933) are of high architectural quality given their dry Tudor revival design approached through attractive grand iron gates and stone pillars, and their symmetrical layout relates to and harmonises with that of the later flats and fire station.

- 3.7 The Conservation Area is a high concentration of buildings built post 1920 that are innovative in planning or architectural detail, and where a large proportion remain unaltered (note, only a high portion of buildings need to remain largely unaltered, not all buildings). Buildings comprise both Capel Gardens and Pinner Court (1935-6) which are two remarkable and exceptionally fine and complete examples of

suburban inter-war Modernist apartment building design featuring striking and unifying Art Deco features (including strong lines and Crittall-style windows) and Pinner Fire Station, its rear tower and repair workshops and firemen's cottages which were built in a symmetrical plan form in 1937 as one group to complement the Art Deco architectural design of the flats.

- 3.8 The area has historic and social merit. The cemetery provides a good example of one of a number of cemeteries which were built to serve the new suburbs between the two World Wars and the fire station is the only known example of an inter-war fire station in Harrow. The flats' Art Deco design echoes that of the grade II listed Elm Park Court in Pinner given its colonial or hacienda style of the mid-1930s. This has social interest since this style was deemed appropriate for private flats intended for a middle-class community imitating Hollywood lifestyle.
- 3.9 The area has special quality, where the site layout and landscaping are of exceptionally high quality and/or contain historic open space, given the entire area has a planned, symmetrical layout with each part incorporating a large set back from the road behind generous forecourts and ornamental boulevard gardens, creating attractive open spaces in contrast to most streets in the surrounding suburban Metroland. Likewise the symmetrical Pinner New Cemetery layout incorporates high quality planned boulevard space. Pinner Court and Capel Gardens' special site layout is further enhanced by the Art Deco style lamp standards laid out throughout the grounds and Pinner Court's Modernist fountain centrepiece. Again, there is generally a good level and quality of private greenery around the residential properties, adding to the streetscene.
- 3.10 There is a distinct physical identity and cohesiveness provided by the uniform high quality, good condition and largely unaltered quality of architecture and materials. A cohesion is given as each of the three parts of the proposed conservation area were built as a unified groups (first the cemetery, second the flats, and third the fire station and associated buildings) whose layout was carefully planned to relate to each other.

4. Representation from the owners of The Lodge, Capel Gardens

- 4.1 A formal representation from the owners of The Lodge was received on 12 December 2016. The full representation and supporting material is included at Appendix 2 (the representation specifically states they wish for the full representation to be presented to the Cabinet). Appendix 3 provides officers' responses to the specific points within the representation (using the same numbering). Outlined below is a summary of the representations received from the owners of The Lodge and officers' comments.
- 4.2 It is accepted that there was an administrative error in translating the map of the proposed conservation area into a list of addresses to which formal notification of the consultation period was sent to and as

a result of this, the owners of The Lodge did not receive formal notification of the consultation on the proposed Conservation Area. Notwithstanding this error, there were other forms of notification / publicity used, including site notices, an advert in the local paper and letters to residents associations to give people the opportunity to made aware of the proposed conservation area and to respond if they wished to. It should be noted that under the Planning (Listed Buildings and Conservation Areas) Act 1990 there is no requirement for a local planning authority to consult prior to designating a conservation area. It is however considered good practice to consult on any designation / boundary changes as representations from the public can assist in determining whether or not an area has sufficient special architectural or historic interest to warrant designation as a conservation area.

- 4.3 The owners of The Lodge consider that their property has been 'incorrectly' included in the conservation area for a number of reasons, including that it is not locally listed, does not relate to the adjoining locally listed flats, is significantly different to the adjoining flats and has undergone a number of changes over time that mean its original architectural detailing is no longer evident. Officers do not agree with these assertions and / or their relevance.
- 4.4 For example, it does not matter that the Lodge is not locally listed as conservation areas relate to the special architectural or historic interest of an area, not individual buildings. Additionally, the original building control plans show that the Lodge was designed to reflect the adjoining locally listed flats and was the 'Lodge' associated with these flats.
- 4.5 The owners of the Lodge consider that as their property was previously disposed of by the adjoining flats, there is no longer any link between the two properties. The fact that the Lodge is now on a separate land title is not relevant to whether or not a property should be included on a Conservation Area as the criteria relate to architectural and historic interest, not land tenure. Despite the changes to the Lodge since its sale by the adjoining flats, its relationship to the adjoining flats remains evident and the changes are reversible in the longer term and such opportunities would be considered when planning permission is sought for future work; any such changes would be the owners' responsibility as part of implementing any development proposals.
- 4.6 The owners of the Lodge also suggest that as the Lodge is not part of the local listing of the adjoining flats, it should not be included in the Conservation Area; a building however does not have to be locally listed to be included in a Conservation Area. The Lodge is not included in the local listing of the adjoining flats due to the changes made to it over time. However, the criteria for inclusion in a Conservation Area do not require that all buildings are either statutorily or locally listed, nor that they remain largely unaltered, just a 'high proportion'. As noted above, the Lodge still has architectural / visual and historic linkages with the adjoining flats, which themselves form an important part of the overall Conservation Area.

4.7 Given the above, officers do not concur with the assertion that the inclusion of the Lodge in the Pinner Road Conservation Area was incorrect.

4.8 Another aspect of the owners of the Lodge's concerns is that as they were not aware of the consultation and therefore did not raise objections, the report considered by Cabinet in March 2015 'incorrectly' stated that there were no objections to the proposed conservation area, and that consequently, the Cabinet should re-consider the matter in light of the subsequent correspondence. This report to Cabinet provides the opportunity for Members to consider the representations.

5. Implications of the inclusion of The Lodge within the Pinner Road Conservation Area.

5.1 Being included within a Conservation Area has implications for property owners, mainly for those who want to work on the outside of their building or any trees on their property, including:

- a) *Demolition* – the demolition of a building requires Planning Permission.
- b) *Trees* – works to any but the smallest of trees (i.e. cut down, top or lop) requires notification to the Council. The Council will then consider the contribution the tree makes to the character of the area and if necessary create a Tree Preservation Order (TPO) to protect it (which would be subject to consultation before they are made permanent).
- c) *Impact upon character* – on its own, a conservation area does not significantly add to the types of works that require planning permission (the main one being demolition as outlined above). Where planning permission is required, regard will be given to the impact of the proposal on the special architectural or historic interest of the area and special attention paid to the desirability of preserving or enhancing the character or appearance of the area; this does not automatically mean no changes can be made to a building, just that any changes need to be appropriate, having regard to the architectural and historic interest of the area.

6. Performance Issues

6.1 Local Authorities have a statutory duty to review their areas to ensure adequate coverage of Conservation Areas and to publish proposals for the enhancement of these areas. Additionally, under the National Planning Policy Framework local planning authorities are required to make information about the significance of the historic environment gathered as part of plan-making or development management publicly

accessible. Reporting back public consultation responses would help meet these objectives and to have a positive effect on local residents' perception of the degree to which the Council takes account of their views and how far people can influence decisions affecting their area.

7. Environmental Impact

- 7.1 The draft Pinner Road Conservation Area Appraisal and Management Strategy (CAAMS) includes consideration of how energy efficiency and microgeneration measures can be achieved whilst preserving the special character of the Pinner Road conservation area. This will therefore help the council to meet the council's climate change strategy in terms of mitigation and adaptation. The draft CAAMS and consultation responses will be considered by Cabinet for adoption in early 2018.

8. Risk Management Implications

Risk included on Directorate risk register? No

Separate risk register in place? No

There are no significant risks arising from the recommendations.

9. Legal Implications

- 9.1 The Council are required under section 69(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to carry out reviews 'from time to time' to determine whether any parts or further parts of their area should be designated as conservation areas; and if it so determines, that part(s) shall be so designated. Although there is no statutory requirement for consultation it is considered appropriate that the Conservation Area boundary and draft Conservation Area Appraisal and Management Strategy has been subject to a public consultation given the effect that such designation may have on future development proposals within the area. Section 4 and Appendix 3 contain responses to representations received in relation to the request to remove the Lodge from the Pinner Road Conservation Area.
- 9.2 The report recommends the existing boundary of the Conservation Area is amended to include the full extent of the property containing The Lodge in the Conservation Area in order to rectify the anomaly of the current boundary passing through the rear conservatory. Section 70 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that a local planning authority shall give notice of any designation, variation or cancellation of any such designation as a conservation area to the Secretary of State, the Historic Buildings and Monuments Commission and that notice of it shall be published in the London Gazette and in at least one newspaper circulating in the area of the local planning authority.

10. Financial Implications

10.1 The costs of reviewing and amending the Pinner Road Conservation Area and finalisation of the draft Conservation Area Appraisal and Management Strategy (CAAMS) is contained within the existing revenue budgets of the Council’s Planning Policy team.

11. Equalities implications / Public Sector Equality Duty

Was an Equality Impact Assessment carried out? No

11.1 EqIA is not considered necessary in respect of the identification, assessment and designation of a Conservation Area. Such an assessment is based on the architectural and historic merit of an area. Furthermore, the higher order Local Plan policy that contains the criteria against which development within Conservation Areas is assessed was subject to an equalities impact assessment prior to its adoption.

12. Council Priorities

12.1 The decision sought will help the Council meet the priority of a making a difference for communities by helping ensure the attractiveness of the borough as a place to live and demonstrating that the Council seeks and listens to the views of its residents.

Section 3 - Statutory Officer Clearance

Name: Jessie Man	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 27 September 2017		
Name: Jimmy Walsh	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 3 November 2017		

Ward Councillors notified:	YES
EqIA carried out:	NO
EqIA cleared by:	See body of report

Section 4 - Contact Details and Background Papers

Contact: David Hughes, Planning Policy Manager, 0208 736 6082

Background Papers:

Cabinet report designating the Pinner Road Conservation Area, available at: <http://www.harrow.gov.uk/www2/ieListDocuments.aspx?CId=249&MId=62361&Ver=4>

Cabinet report agreeing consultation on the draft Pinner Road Conservation Area Appraisal and Management Strategy (CAAMS), available at: <http://www.harrow.gov.uk/www2/ieListDocuments.aspx?CId=249&MId=62837&Ver=4>

Call-In Waived by the Chair of
Overview and Scrutiny
Committee

NOT APPLICABLE

[Call-in applies]