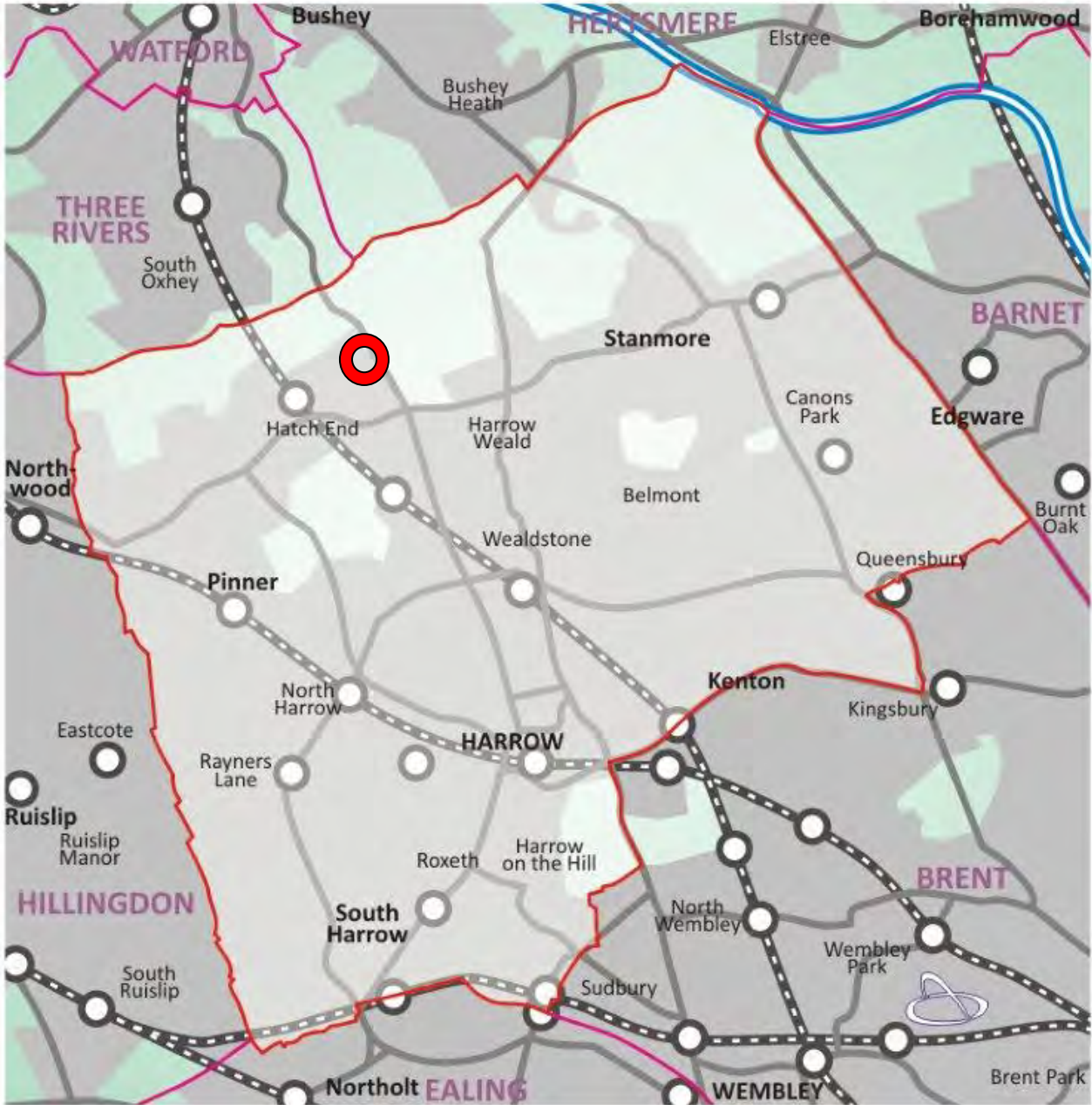
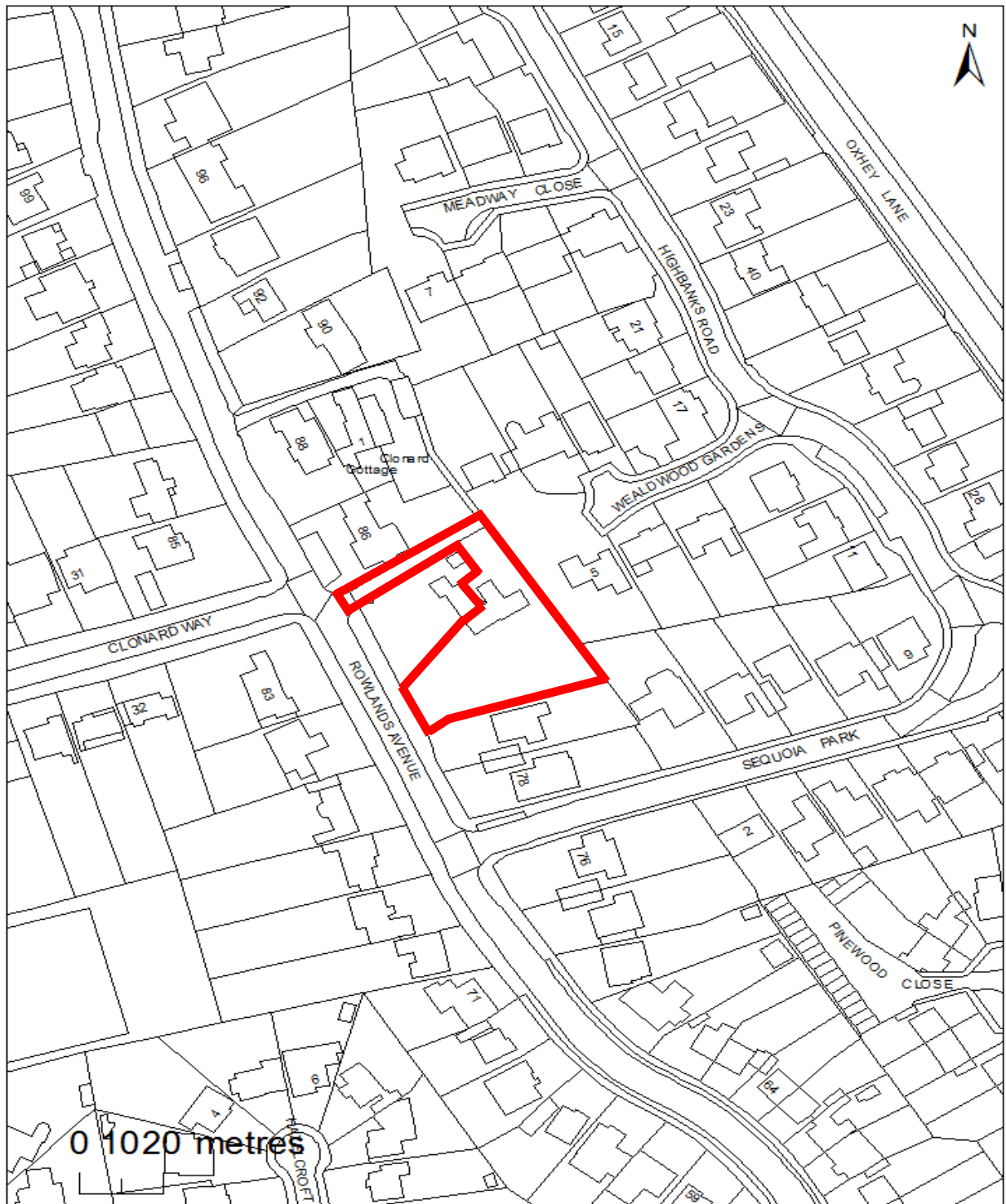


 = application site



82 Rowlands Avenue, Hatch End	P/4430/17
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82 Rowlands Avenue, Hatch End

P/4430/17

LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

14th DECEMBER 2017

APPLICATION NUMBER: P/4430/17
VALIDATE DATE: 29/09/2017
LOCATION: WRAYSTON, 82 ROWLANDS AVENUE, PINNER
WARD: HATCH END
POSTCODE: HA5 4BP
APPLICANT: MR RUBIN
AGENT: DUSEK DESIGN ASSOCIATES LTD
CASE OFFICER: TENDAI MUTASA
EXPIRY DATE: 24/11/2017

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.

Single storey side extension and first floor dormer at side

The Planning Committee is asked to:

RECOMMENDATION A

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

INFORMATION

This application is reported to Planning Committee as the decision has been called in by a Nominated Member.

Statutory Return Type: E21 Householder Development
Council Interest: N/A
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	Wrayston, 82 Rowlands Avenue, Hatch End, Pinner, HA5 4BP
Applicant	Mr Ashley Rubin
Ward	Hatch End
Local Plan allocation	None
Conservation Area	N/A
Listed Building	N/A
Setting of Listed Building	N/A
Building of Local Interest	N/A
Tree Preservation Order	YES
Other	N/A

PART 2: Assessment

1.0 SITE DESCRIPTION

- 1.1 The application site is located on the eastern side of Rowlands Avenue and sits on a large plot. The frontage of the house faces on to the neighbouring property at Number 80 which is located to the south of the site.
- 1.2 The attached property number 84 has its frontage facing Rowlands Avenue.
- 1.3 The site is accessed by car from Rowlands Avenue via a side driveway and also by pedestrians via Rowlands Avenue. There are several trees in the front of the site and several other trees are located within the property boundary protected by Tree Preservation Orders.
- 1.4 To the East of the site are properties on Wealdwood Gardens
- 1.5 The site is not located in a conservation area, however it is located in a Critical Drainage Area

2.0 PROPOSAL

- 2.1 Single storey side extension measuring 3.787m in width with a depth of 5.738m an eaves height of 2.75m and features a double pitched roof at a maximum height of 4.0m. An existing door on a side element will be replaced with a window.
- 2.2 A first floor side dormer at a height of 2.35m, depth of 3.45m and 6.0m in length. It will feature a flat roof and a window to serve a bathroom.
- 2.3 The proposed extensions would have materials to match the existing.

3.0 RELEVANT PLANNING HISTORY

- 3.1 A summary of the relevant planning application history is set out in the table below:

Ref no.	Description	Status and date of decision
P/4134/16	Horse chestnut T1, Cypress T2 & Ash, possible not covered with TPO. Request to fell to ground level. Extensive shading, proximity to building & vegetarian related subsidence damage	Refused on 27/06/2017

P/3406/17	Redevelopment to provide two storey dwellinghouse; proposed vehicle access; parking; bin and cycle stores	Refused on 03/10/2017
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4.0 **CONSULTATION**

4.1 A total of 6 notification letters were sent to neighbouring properties regarding this application.

4.2 The public consultation period expired on 26/10/2017.

4.3 **Adjoining Properties**

Number of letters Sent	6
Number of Responses Received	3
Number in Support	0
Number of Objections	3
Number of other Representations (neither objecting or supporting)	n/a

4.4 2 objections were received from adjoining residents and 1 objection was received from the Hatch End Association.

4.5 A summary of the responses received along with the Officer comments are set out below:

Details of Representation	Summary of Comments	Officer Comments
C and N Black, 5 Wealdwood Gardens Hatch End, Pinner, HA5 4DQ	Objects to the application due to: Window to dormer should not overlook no. 5 Wealdwood Gardens	The window has been annotated to be obscure glazed and non-opening. Further, this window will serve a bathroom. A condition will also be attached for this window to be obscure glazed and non-opening above 1.7m.
Mr C Flattery 84 Rowlands Avenue	Potential overlooking and loss	This has been discussed in section 2 of the report titled

	of privacy if room is converted to bedroom	impact on neighbour amenity.
	Plans are incomplete and do not indicate parking for number 84	The plans submitted with this application are sufficient to allow the Officer to make a comprehensive assessment of the scheme. This application is for a proposed side extension and dormer only.
	Some TPO trees are not shown on site plan	A site plan should show the location of the site in relation to neighbouring buildings. No trees are to be felled under the proposals in this application.
	This is protected by a covenant.	It is noted that objectors have sited a restrictive covenant which is not a material consideration under planning law

4.6 Statutory and Non Statutory Consultation

4.7 The following consultations have been undertaken:

LBH Tree Officer

4.8 External Consultation

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

Consultee	Summary of Comments	Officer Comments
Hatch End Association	Access for heavy vehicles to Number 82 would only be through the small shared driveway used by Number 84. Number 82 only has right of way for lighter vehicles.	Rights of ways are not a material consideration under planning law.

	The new window would overlook Number 5 Wealdwood if trees are cut.	This new window will serve a bathroom and will be obscure glazing and non-opening. No trees are proposed to be cut, topped or felled.
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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].

5.4 A full list of all the policies used in the consideration of this application is provided as Informative 1 in Appendix 1 of this report.

6.0 **ASSESSMENT**

6.1 The main issues are;

Character and Appearance of the Area and host property
 Regeneration
 Impact on Residential Amenity
 Traffic, Parking and Drainage
 Impacts on Trees

6.2 **Character and appearance of the Area**

6.2.1 The proposed side dormer would be constructed on the eastern side of the building which comprises a catslide roof. It would be set back from the front building line and will be set down from the roof line. As such it would be contained in the roof slope.

- 6.2.2 As such, given the modest scale and set back, it is considered that the dormer would be proportionate to the original dwellinghouse. Furthermore, the building is located well away from the public highway and is oriented into its own site. It would have no impact on the street scene. The dormer would be visible from no. 5 Wealdwood Gardens, however, given its design, containment under the roofspace and set back from the boundary, it would have no negative impact on the visual amenities of neighbouring properties on Wealdwood Gardens.
- 6.2.2 The proposed side extension would align with the existing side project and feature a double pitched roof and would be set in from the boundary shared with neighbouring properties on Wealdwood Gardens.
- 6.2.3 It would be set back from the existing front elevation and the width and height are considered to be proportionate to the existing dwellinghouse in accordance with Paragraphs 6.41 and 6.40 of the adopted Supplementary Planning Document (SPD).
- 6.2.4 In conclusion, it is considered that the proposed alterations and extensions in terms of impact upon the character and appearance of the existing dwellinghouse and the streetscene and wider neighbourhood and would accord with the aims and objectives of the Council's development plan policies.
- 6.2.5 Subject to conditions, the development would accord with the relevant policies of the development plan and the Council's adopted SPD: Residential Design Guide 2010.

6.3 Regeneration

- 6.3.1 The London Plan policy 7.4B, Core Policy CS1B of the Harrow Core Strategy (2012) and policy DM 1 of the Harrow Development Management Policies Local Plan (2013) seek to encourage development with a high standard of design that responds positively to the local context in terms of scale, siting and materials. The adopted SPD 'Residential Design Guide' elaborates upon these policies with detailed guidance.
- 6.3.2 The proposed development would meet the requirements of the above policies and guidance by ensuring that extensions remain subordinate to the existing dwellings and that they do not harm the character and appearance of the area.

6.4 Residential Amenity

- 6.4.1 Policy DM1 seeks to “ensure that the amenity and privacy of occupiers of existing and proposed dwellings are safeguarded. Development proposals would be required to meet policy DM1 of the Development Management Policies Local Plan (2013), which seeks to ensure that “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 the development, will be resisted”. This is supported at Paragraph 6.18 in the RDG which states that “ the acceptability of an extension will be determined on a case by case basis taking into account particular site considerations including: the design and character of the existing and neighbouring houses (established pattern of development)”.
- 6.4.2 The proposed dormer would be located to the eastern side of the building facing the rear garden of Number 5 Wealdwood Gardens. It is noted that the side dormer features a window facing rear gardens of properties on Wealdwood Gardens.
- 6.4.3 The dormer window will not be to the harmful to the amenities of neighbouring properties as its window would serve a bathroom and the plans have been annotated that the window would be obscure glazed and non-opening above 1.7m to protect the amenities of these neighbouring properties. It is considered that the window would not unduly impact on the adjacent neighbours through loss of privacy and overlooking.
- 6.4.4 A condition has been attached on this application affirming this window to be obscure glazed and un-openable below 1.7m above first floor level. As such, there are therefore no concerns regarding impact on the residential amenity of these neighbouring properties.
- 6.4.5 In terms of the attached building at number 84 Rowlands Avenue it is considered that the proposals would not be harmful to due to the location of the extensions from this property.
- 6.4.6 An objection has been raised regarding possible overlooking due a conversion of a room to a bedroom. These type of conversions do not require planning permission as no external changes are sought and no change of use is proposed. In light of this it is considered that the amenities of this neighbouring property will not be harmed.

6.5 Traffic and Access

- 6.5.1 Policy DM42 of the DMP gives advice that developments should make adequate provision for parking and safe access to and within the site and not lead to any material increase in substandard vehicular access.
- 6.5.2 An objection has been raised by the neighbouring property regarding traffic generation in terms of heavy vehicles entering the site during construction. It is

considered that due to the modest 'householder' nature of the proposals, the traffic generated by the proposals is not envisaged to be measurably excessive and hence does not raise any specific highways or amenity concerns. An objection is not envisaged to be significant enough to bring forward a sustainable and defensible refusal reason on this basis. The objection also raised issues to do with access rights protected by a covenant, however it is considered that covenants are not considered planning material considerations.

6.6 Development and Flood Risk

6.6.1 The application site is located in a critical drainage area of Harrow. Policy DM10 was introduced to address surface water run-off and flood risk from developments.

6.6.2 The application would result in a net increase in development footprint and there is the potential for surface water run off rates to increase. In order to address this issue it has been considered necessary to attach a condition to this permission.

6.7 Impact on Trees

6.7.1 Policy DM1 of the DM Policies states that the assessment of proposals will have regard to the need to retain existing trees and also the functionality of the development including parking. The supporting text to 'Policy DM22: Trees and Landscaping' states that street trees may be of significant amenity value even if they do not merit the formal protection of a Tree Protection Order.

6.7.2 The supporting text of 'Policy DM23: Streetside Greenness and Forecourt Greenery' states that street trees in the Borough make a positive contribution to the environmental character of residential areas and that the Council considers that street trees should be retained and enhanced.

6.7.3 It is noted that there are trees on site subject to TPO. In this case the proposed extensions would be sited close to these trees and as such the Council's Tree Officer has recommended a condition be attached to this permission for details to be submitted to include tree protection measures which would then be reviewed by the Council.

7.0 CONCLUSION AND REASONS FOR APPROVAL

7.1 The proposed development has not been found to negatively impact the character and appearance of the property and the area. Furthermore, the proposed extensions and external alterations have not been found to have an unacceptably harmful effect on the amenity of the neighbouring occupiers.

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 Drawing and Documents

The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location Plan (1279-P-4), 1279/P/1, 1279/P/2A, 1279/P/3A

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

3 Trees Condition

No works or development shall take place until a scheme for protection of retained trees has been approved (Tree Protection Plan and Method Statement). This will include

- a) A plan accurately showing position, crown spread and Root Protection Area (RPA) of every retained tree on site – trees proposed to be removed shall also be indicated on this plan
- b) Schedule of works for all retained trees whether for arboricultural, safety, or operational reasons (eg access facilitation pruning). All works to be carried out in accordance with BS3998
- c) The details and positions (shown on plan at paragraph (a) above) of Tree Protection Barriers. The barriers must be erected prior to construction commencing and remain in place for the duration of the development.
- d) Details and positions of Ground Protection (where appropriate), level changes or proposed excavations within RPAs. Where new underground services / drainage is required, details and locations of new service runs should be provided
- e) Details of any special engineering required to protect retained trees (eg piled foundation design), details of working methods to be employed for installation of drives / paths within RPA of retained trees in accordance with 'no-dig' construction
- f) A scheme of supervision for the arboricultural protection measures to be submitted and approved by LPA, including timings and methods of site visits, updates, spot checks / monitoring etc. All key works within RPA of retained trees to be done under arboricultural supervision

Reason: To protect the health and wellbeing of the trees located on site, which are subject to Tree Protection Orders.

4 Dormer Window

The dormer window on 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 amenity of neighbouring residents at 43 Glover Road in accordance with policy DM 1 of the 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:

7.3, 7.4B, 7.6B

The Harrow Core Strategy 2012:

CS1.B

Harrow Development Management Policies Local Plan 2013: DM1, DM10, DM22

2 Pre-application engagement

Grant without pre-application advice

Statement under Article 31 (1) (cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended). This decision has been taken in accordance with paragraphs 187- 189 of The National Planning Policy Framework. Harrow 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.

3 Considerate Contractor Code of Practice

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

4 Party Wall 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 CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

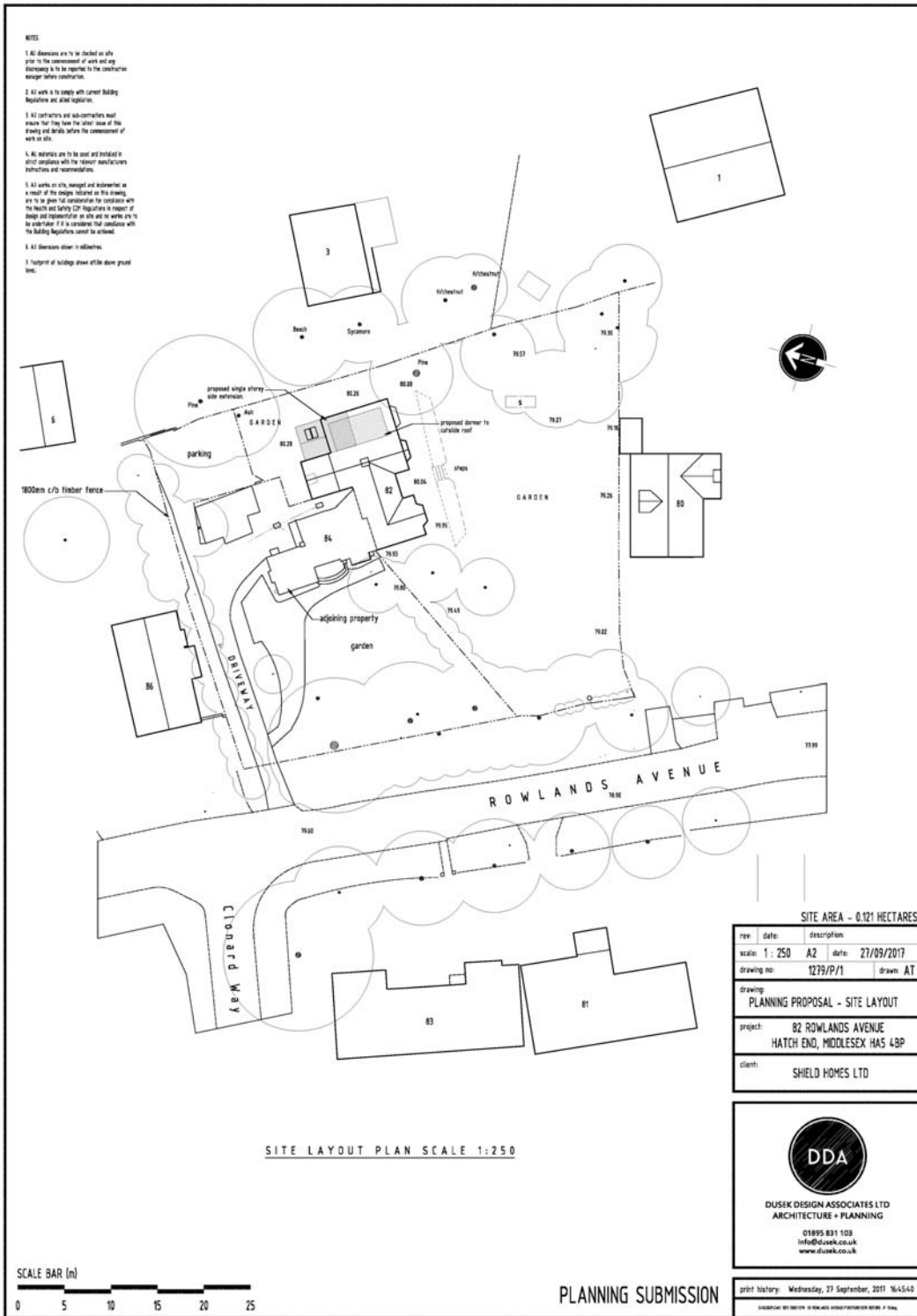
E-mail: communities@twoten.com

5 Compliance with Planning Conditions

IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

APPENDIX 2: SITE PLAN



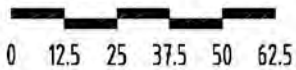
82 ROWLANDS AVENUE
HATCH END, MIDDLESEX HA5 4BP

DRAWING 1279 - P - 4



PLANNING PROPOSAL - LOCATION PLAN
SCALE 1 : 1250

SCALE BAR (m)



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info@dusek.co.uk
www.dusek.co.uk



APPENDIX 3: PHOTOGRAPHS

Photographs



Dormer will sited on the catslide roof

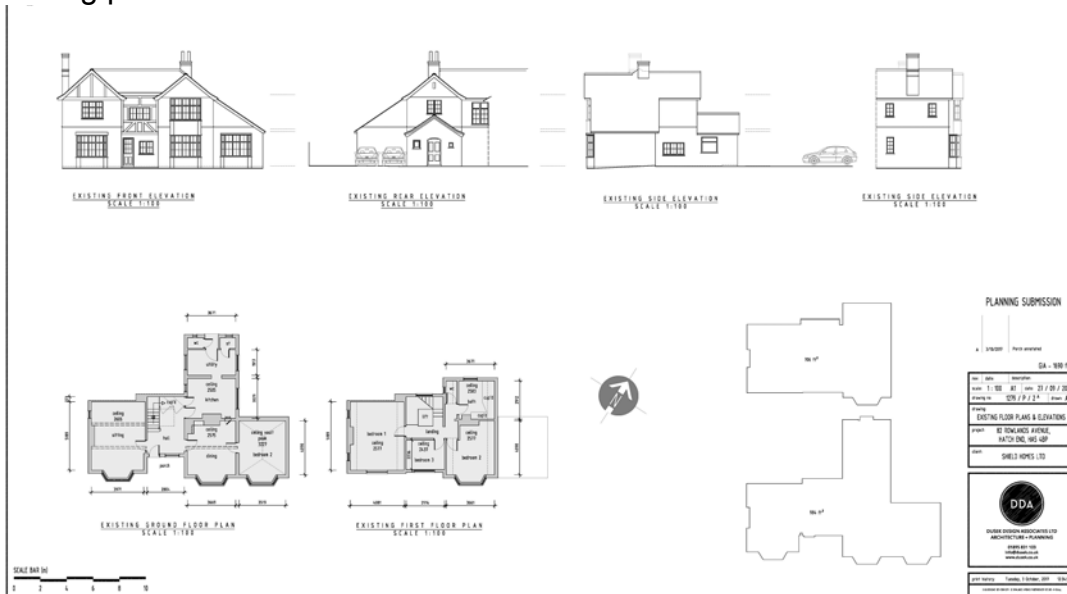


Access to rear of property



APPENDIX 4: PLANS AND ELEVATIONS

Existing plans



Proposed plans



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