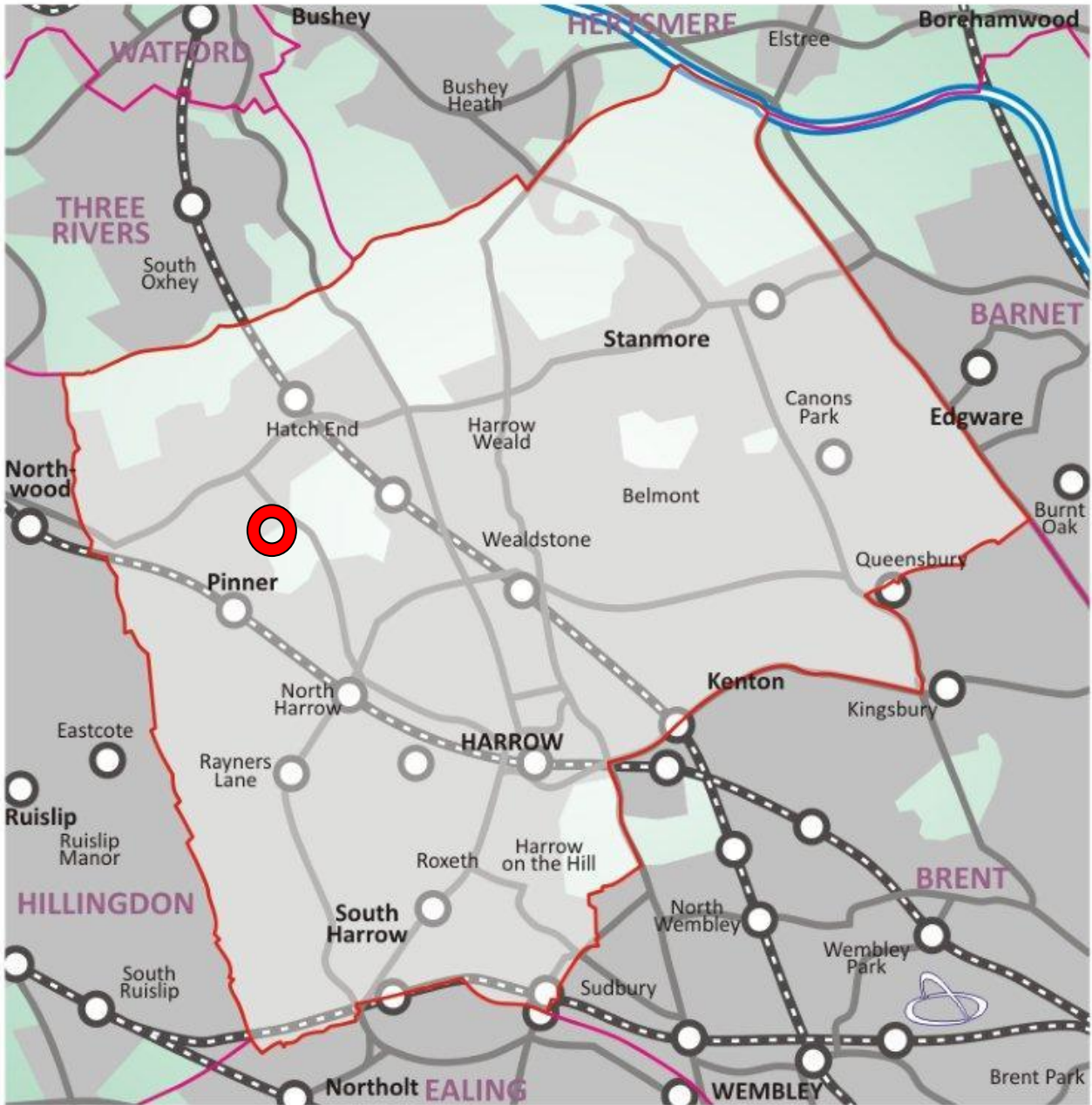
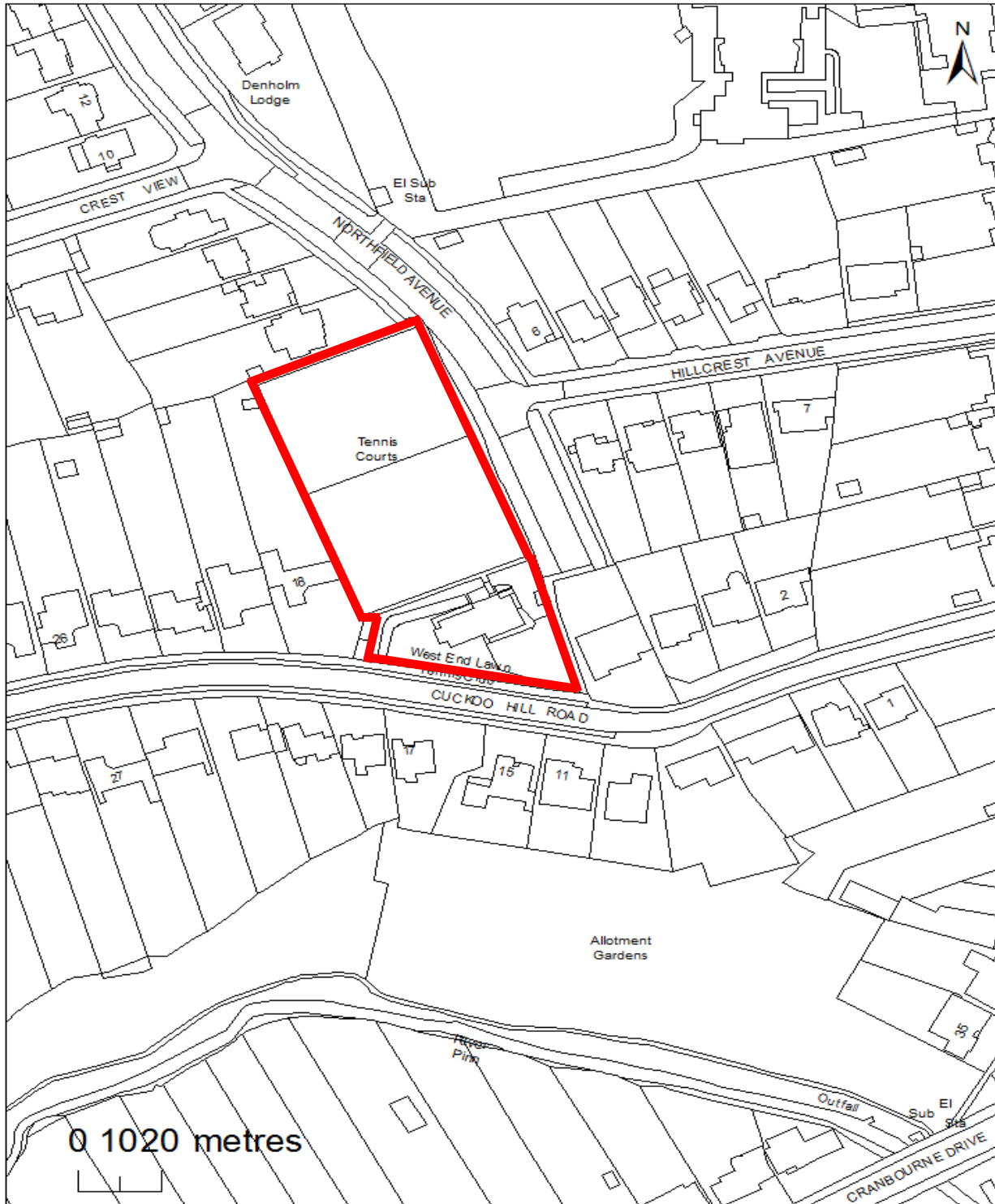


 = application site



West End Lawn Tennis Club, Cuckoo Hill Road, Pinner	P/4320/17
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West End Lawn Tennis Club, Cuckoo Hill Road, Pinner	P/4320/17
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LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

24th January 2018

APPLICATION NUMBER: P/4320/17
VALIDATE DATE: 18/10/2017
LOCATION: WEST END LAWN TENNIS CLUB, CUCKOO HILL ROAD, PINNER
WARD: PINNER SOUTH
POSTCODE: HA5 1AY
APPLICANT: MRS KATHERINE PINCHING
AGENT: IONIC DEVELOPMENT CONSULTANCY LIMITED
CASE OFFICER: GRAHAM MANSFIELD
EXPIRY DATE: 05/12/2017

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.

Erection of four floodlight luminaires attached to new replacement chain link fence posts (court nos. 4 and 5); addition of four luminaires to existing columns (columns nos. 1, 2 and 3) at a height of 4.5m (facing courts no. 4 & 5).

The Planning Committee is asked to:

RECOMMENDATION

- 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.

REASON FOR THE RECOMMENDATIONS

The proposal would provide increased sporting opportunities within the winter months for members of the local community. Furthermore, it is considered that the proposed floodlighting would not have an unduly harmful impact on the character of the property, biodiversity or the residential amenities of the neighbouring occupiers.

INFORMATION

This application is reported to Planning Committee as a nominated member has requested in writing that application be reported to Planning Committee however the proposal falls inside Schedule 1 of the Scheme of Delegation.

Statutory Return Type: 18 (Minor Development)
Council Interest: N/A
Additional Floor Area: 0sqm
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
- National 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/Proposed Plan
Appendix 3 – Site Photographs
Appendix 4 – Previous Appeal Decisions

OFFICER REPORT

PART 1: Planning Application Fact Sheet

The Site	
Address	West End Lawn Tennis Club, Cuckoo Hill Road, Pinner, HA5 1AY
Applicant	Mrs Katherine Pinching
Ward	Pinner South
Local Plan allocation	N/A
Conservation Area	N/A
Listed Building	N/A
Setting of Listed Building	N/A
Building of Local Interest	N/A
Tree Preservation Order	N/A
Other	N/A

PART 2: Assessment

1.0 SITE DESCRIPTION

- 1.1 The West End Tennis Club is located on the northern side of Cuckoo Hill Road and consists of 6 courts and a clubhouse with a parking area at the front.
- 1.2 There are existing 6m floodlighting columns which provide lighting to courts 1 & 2 and 5m floodlighting columns which provide lighting to courts 4, 5 and 6. There are also two 4.5m floodlighting columns adjacent to the common boundary with no. 18 Cuckoo Hill Road.
- 1.3 There is a change in gradient from the north end of the site towards the south.
- 1.4 The tennis club is surrounded by a 4.6m high chain link fencing which is supported by metal poles.
- 1.5 The areas is generally residential, which are characterised by substantial detached metroland properties with well-established gardens.
- 1.6 The site is bounded by residential dwellings at no. 2 Northfield Avenue immediately to the north and no. 18 Cuckoo Hill Road located to the west.

2.0 PROPOSAL

- 2.1 The application proposes to replace the existing chain link fence and associated supports which separates the application site and no. 2 Northfield Avenue.
- 2.2 The replacement fence would be similar to that which exists on site and would feature a green mesh screening across the whole width to a height of 2.0m
- 2.3 It is proposed to attach a total of 4 luminaries onto the fence supports which would face directly towards Courts 4 & 5
- 2.4 In addition, it is proposed to attach 4 luminaires on the existing columns which serves courts 1 and 2, these luminaires would be at a maximum height of 4.5m and would face towards courts 4 and 5.
- 2.5 The proposed luminaires would be similar to those which were used for the recent floodlighting for court 3.
- 2.6 The proposed floodlighting would be used Monday to Sunday between the hours of 08:30 and 21:30.

3.0

RELEVANT PLANNING HISTORY

Ref no.	Description	Status and date of decision
WEST/923/00/FUL	Provision of 9 six metre high floodlighting columns to courts 1 and 2 anti, glare screening and landscaping (revised)	Refused: 06/01/2001
APP/M5450/A/01/107477 4	Appeal of WEST/923/00/FUL	Allowed: 23/01/2002
P/2946/07/CFU	Installation of 9 floodlighting columns to courts 4 & 5 at northern end of site	Refused; 02/11/2007; Reasons for Refusal; <i>1) The proposed floodlighting columns by reason of their excessive height, appearance and number would have an over dominant and visually intrusive effect on the residential amenity of neighbouring houses, contrary to harrow unitary development plan policy D23.</i>
APP/M5450/A/08/207376 9	Appeal of the Above	Dismissed; 11/11/2008
P/3872/08	Install of 8 floodlighting columns to courts 4 & 5 at northern end of site	Refused; 26/02/2009 Reasons for Refusal; <i>1) The proposed floodlighting columns by reason of their excessive height, appearance and number would be visually obtrusive in the streetscene and harmful to the appearance and residential character of the area, contrary to harrow unitary development plan</i>

		<i>policy d4. 2) The proposed floodlighting columns by reason of their excessive height, appearance and number would have an over dominant and visually intrusive effect on the residential amenity of neighbouring houses, contrary to harrow unitary development plan policy d23.</i>
APP/M5450/A/09/210501 4	Appeal of the Above	Appeal Dismissed; 14/09/2009
P/1283/10	Provision of three x 5 metre floodlighting columns to courts 4 and 5 (revised)	Granted: 22/9/2010
P/1425/13	Installation of new 5.0m high floodlight columns with 2x luminaries to Court 6, New luminaries to existing 5.0m column between Court 5 & 6	Granted: 15/04/2014
P/2142/15	Installation Of Two New 4.5 Metre High Floodlight Columns With 2 X Luminaries To Court 3; Netting To Boundary Fence	Granted:
P/1468/16	Installation of Three 4.5m Floodlighting Columns with Four Luminaires (Courts 4 and 5); Addition of Four Luminaires Fitted to Existing Columns at a Height of 4.5m (Courts 1 & 2); Netting to Boundary Fence.	Refused; 18/05/2016 Reasons for Refusal <i>1. The proposed floodlighting columns by reason of their height, position and proximity in relation to no. 2 Northfield Avenue and the proposed netting, by reason of its impervious form would</i>

		<p><i>appear visually obtrusive to the detriment of the residential amenities of the occupiers at no. 2 Northfield Avenue, contrary to policy 7.4 and 7.6 of the London Plan 2015, policy CS1.B of The Harrow Core Strategy 2012 and policy DM1 of the Development Management Policies Local Plan 2013</i></p> <p><i>2. The proposed floodlighting, in the absence of sufficient information to ensure that they would not impinge on the health and wellbeing of protected bat species within the area, would potentially have an adverse impact on the health of those protected species of locally important bio-diversity. The proposal is contrary to policy DM20 and policy DM 48 (C) of the Development Management Policies Local Plan 2013.</i></p> <p><i>3. The proposed floodlighting, in absence of sufficient information in relation to cumulative lightspill from the proposal site, would potentially result in excessive levels of glare and visual intrusion on the residential amenity of neighbouring properties to the detriment of those</i></p>
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		<i>neighbouring occupiers, contrary to policy 7.4 of the London Plan 2015, policy CS1.B of The Harrow Core Strategy 2012 and policy DM1 and DM48 of the Development Management Policies Local Plan 2013.</i>
APP/M5450/W/16/31562 57	Appeal of Above	Dismissed: 02/12/2016

4.0 CONSULTATION

4.1 A total of 39 consultation letters were sent to neighbouring properties regarding the application on the 18th October 2017. A second round of consultation letters were sent on 26th October 2017 owing to amendments of the development description.

4.2 The overall public consultation period expired on 26th November 2017.

4.3 Adjoining Properties

Number of letters Sent	39
Number of Responses Received	7
Number in Support	0
Number of Objections	7
Number of other Representations (neither objecting or supporting)	0

4.4 7 objections were received from adjoining residents.

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

Comments Objecting to the proposal	Summary of Comments	Officer Comments
Character of the Area	<p>Proposal would be detrimental to the streetscene</p> <p>Replacement fence would be highly visible within the local area.</p>	Character impacts are addressed in section 6.3 of the report
Residential Amenity	<p>Latest application does not address previous concerns in relation to loss of visual amenity</p> <p>Height and look of fence posts, luminaires and columns are intrusive and unsightly.</p> <p>Number, height and width of proposed fence columns would be visually intrusive</p> <p>Replacement fence would not overcome inspectors previous concerns in relation to obtrusiveness</p> <p>Impacts of light spill and reflective light.</p> <p>Impacts of noise and disturbance</p>	Light spill impacts and outlook issues are addressed in section 6.4 of the report
Other Issues	<p>Proposed lighting is not of a quality in line with the Lawn Tennis Association (LTA) guidance.</p> <p>Reference to other lawn tennis club in the borough.</p> <p>Reference to Enforcement issues surrounding lighting on Court 3</p>	<p>This is not an issue which can be considered by the LPA</p> <p>Each application is assessed on its own merits and site circumstances.</p> <p>Enforcement case for the breach of planning was investigated and closed in January 2017 following compliance</p>

	<p>Potential glare impact on users of the courts.</p> <p>Proposals do not address previous refusals and inspector decisions</p> <p>Points regarding the necessity to provide extra lighting and the fact there are evenings when the courts are not fully occupied.</p>	<p>with planning conditions.</p> <p>This is not a material planning consideration</p> <p>Application are assessed on own merits. The current proposal differs to those applications previously considered by the Inspector.</p> <p>This is not a material planning consideration</p>
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4.9 Statutory and Non Statutory Consultation

4.10 The following consultations have been undertaken:

Consultee	Summary of Comments	Officer Comments
LBH Highways	We have no comments on P/4320/17. The tennis club new fence and lighting arrangement does not affect the highway provision.	Noted
LBH Environmental Health	No Response received.	Noted.
LBH Lighting Engineer	No objections, lightspill is similar to what was found acceptable under the previously refused application. Post installation condition should be attached.	Noted. Impacts regarding light spill are addressed in section 6.4
LBH Bio-diversity	No Response Received	Noted
Sports England	No objection to the proposal	Noted
Pinner Association	No Response Received	Noted

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 In addition to the above a new draft London Plan (2017) has currently been issued for consultation. Whilst the draft policies from part of a material consideration of this assessment limited weighting has been applied as the new London Plan has not yet been formally adopted.

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;

Principle of the Development and Regeneration
Character and Appearance of the Area
Residential Amenity
Biodiversity

6.2 Principle of Development

6.2.1 Policy 3.19 of the London Plan states that proposals that increase or enhance the provision of sports and recreational facilities will be supported. It goes on to say that the provision of floodlighting should be supported in areas where there is an identified need for sports facilities to increase sports participation opportunities, unless the floodlighting gives rise to demonstrable harm to the local community or biodiversity.

6.2.2 Policy DM48 of the Development Management Policies Local Plan (2013) notes that proposals that would increase the capacity and quality of outdoor sport

facilities, and those that would secure community access to private facilities, will be supported provided

that:

a. there would be no conflict with Green Belt, Metropolitan Open Land and open space policies (see NPPF paragraphs 87-89, London Plan Policies 7.16 and 7.17, and PolicyDM18: Protection of Open Space);

b. the proposal would not be detrimental to any heritage or biodiversity assets within or surrounding the site (see Policies DM7: Heritage Assets, DM20: Protection of Biodiversity and Access to Nature & DM21: Enhancement of Biodiversity and Access to Nature); and

c. there would be no adverse impact on residential amenity (see Policy DM1) or highway safety.

B. Proposals for uses that would support outdoor sporting uses will be supported where they are:

a. ancillary in terms of size, frequency, use and capacity; and

b. do not displace or prejudice facilities needed for the proper functioning of the principal outdoor sports uses.

c. Proposals for floodlighting will be supported where it would enhance sport facilities and would not be detrimental to the character of the open land, the amenity of neighbouring occupiers nor harmful to biodiversity.

6.2.3 The proposal would increase the opportunities for sport on the site, in particular during the winter months. The impact of the proposal on the character of the area, neighbouring amenity and biodiversity is considered to be acceptable as set out in the report below.

6.2.4 Whilst the development relates to a private recreation facility, the tennis club is provided for members of the local community. It should be noted that even though fees are required to use the tennis facilities at the club, fees are also required to use Council owned public leisure facilities. Therefore the community use of the tennis club is the same in this regard. The improvement of the site would be of benefit to facilities in the local area in accordance with London Plan policy 3.19 and Development Management Policies Local Plan (2013) – Policy DM48.

Regeneration

6.2.5 The proposal to upgrade the existing facilities at the application site is considered to align with the Borough's regeneration aspirations. The proposal to improve the lighting facilities would have the potential to create greater recreational opportunities and attract increased community usage for the Tennis Club.

6.3 Character and Appearance of the Area

6.3.1 Policy 7.4 of the London Plan (2016) requires development to have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Policy 7.6 of the London Plan (2016) requires buildings to make a positive contribution to a coherent public realm, streetscape and wider cityscape. Policy CS1.B of the Core Strategy requires all

new development to respond positively to local context in terms of design, siting, density and spacing and reinforce the positive attributes of local distinctiveness.

- 6.3.2 The long established West End Lawn Tennis club is sited within residential area and borders residential sites on its northern and western sides. The eastern and southern side of the club primarily borders the highways of Northfield Avenue and Cuckoo Hill Road respectively.
- 6.3.3 With regard to the visual impact of the replacement northern boundary fencing and the luminaires themselves, the site is an established tennis court which is characterised by existing vertical columns for lighting and a 4.6 metre high boundary fence with regular metal supporting posts. Thus there is already a significant vertical component to the visual appearance of the site when viewed from the adjoining highways and from within neighbouring gardens.
- 6.3.5 There are existing 5m high floodlighting columns which provide lighting to courts 4, 5 and 6 and 6m high floodlighting columns providing lighting to courts 1 and 2. In addition there are two 4.5m high floodlighting columns each with two luminaires which serve court 3. As such, the proposal to attach an additional four luminaires to the existing columns (on courts one and two) would be satisfactory and would maintain the recreational character of the site.
- 6.3.6 With regard to the views of the site from the adjacent highways, the site is obvious in its use. It is considered that luminaires themselves are a feature which is expected to be related to such activities and that, whilst not an overriding factor in the consideration of the application, such furniture can be expected to be part of the visual appearance of such sites. However, it is considered that the proposed additional luminaries to the columns serving courts 1 and 2 would be sited well away from the boundaries with both Cuckoo Hill Road and Northfield Avenue and as such would not unduly impact on the streetscene.
- 6.3.7 The current application has been revised since the previously refused proposal. The current application would involve the replacement of the perimeter fence on the northern boundary of the site, adjacent to no. 2 Northfield Avenue. The design and access statement which accompanies the current application states that the proposed fence would be similar to the one which exists on site and would feature columns of a similar width. In addition, the current 2.0m high screening which is currently in place would be replaced on a like for like basis. Noting the factors above, it is considered that the replacement fence would maintain the character of the area.
- 6.3.8 In summary, and noting the objections received, it is considered that the proposed replacement fence and luminaries would be in keeping with the character of the site and would have no undue impact on the character of the area in accordance with the NPPF (2012), Harrow Core Strategy (2012) CS1.B, policies 7.4.B and 7.6.B of The London Plan and the Development Management Policies Local Plan (2013) Policy DM1.

6.4 Residential Amenity – Visual Impact

- 6.4.1 Objections have stated that the current proposal fails to address the previous reasons for refusal and inspectors decisions in relation to the visual impact of the floodlighting columns.
- 6.4.2 The current application has been amended in order to overcome the previous concerns of the Local Planning Authority and Planning Inspectorate. The proposal would seek to include the same number of luminaires as per application reference P/1468/16. However, under the current proposal no lighting columns are proposed adjacent to the common boundary with no. 2 Northfield Avenue
- 6.4.3 It is considered that the current application would overcome the concerns in relation to the floodlighting columns under reference P/1468/16 and Appeal APP/M5450/W/16/3156257. The planning inspectorate within paragraphs 8 & 9 of the appeal outlined above noted that the proposed columns at that time would be in close proximity to habitable windows of no. 2 Northfield Avenue. As such, there were concerns proposed columns would have been highly visible and would have resulted in obtrusive and overbearing structures within the outlook of the property.
- 6.4.4 The current proposal seeks to introduce a replacement chain link fence with associated supports. The proposed fence would be of an identical height and would feature green screen netting to a height of 2.0m. Therefore it is considered that the appearance of the replacement fence would maintain the visual amenities when viewed from no. 2 Northfield Avenue.
- 6.4.5 Four new luminaires are proposed to be attached to the fencing at intervals adjacent to no.2 Northfield Avenue. The proposed luminaires, due to their limited size are considered to have an acceptable impact on visual amenities of neighbouring properties. The previous visual impact concerns are limited to the columns and these have now been removed from the proposal. As such, it is considered that the applicant has overcome the previous concerns under previously refused permission P/1468/16 and the Planning Inspectors subsequent appeal decision dated 8th December 2016.

Residential Amenity – Light Spill

- 6.4.6 Objections received highlight that the proposal would result in undue light spill into neighbouring properties. The previously refused application had proposed the same amount of luminaires as the current proposal, but was refused in relation to the lack of clarity on the cumulative light spill for the site.
- 6.4.7 The applicant has provided light spill diagrams indicating the cumulative effect of the existing and proposed lighting. It is noted that the maximum recommended vertical illuminance into house windows is 5 Lux within Environmental Zone E2 (in line with the Institute of Lighting Professionals guidance).

6.4.8 Light spill diagrams have been provided for vertical illuminance at heights of 1.5m (ground floor window) and 4.5m (1st floor window), in the direction of both adjacent properties, which indicates the following levels at:-

No: 2 Northfield Avenue – 9.6 lux reducing to 2.0 lux (Ground Floor) and 0.3 lux reducing to 0.2 lux (First Floor) respectively

No:18 Cuckoo Hill Road - 0.6 lux reducing to 0.3 lux (Ground Floor) and zero (First Floor) respectively

6.4.9 Whilst it is noted that a high reading of 9.6 lux is measured at ground floor level, this area is directly by the garage of no. 2 and not in close proximity to any habitable windows. The light spill diagrams provided do not take into account the existing boundary treatments which would offer a further buffering of potential light spill. The Council's Lighting engineer has not objected on this basis providing that a condition is attached requiring post installation measurements to ensure no undue light spillage results.

6.4.10 In addition the Council's lighting engineer notes that in terms of the luminaires, these were to the same specification which were found to be acceptable in terms of lightspill within the inspectors decision dated 2nd December 2016. Furthermore, the light spillage would be further mitigated due to the proposed use of flat glass luminaires, mounted horizontal (e.g. zero degrees elevation angle). As highlighted in the paragraph above to ensure that the proposed floodlighting is angled correctly prior to use it has been necessary to attach a condition to this permission.

6.4.11 The design and access statement submitted by the applicant indicate 250 Watt Lamps. The proposed lights would match the existing lights on the site which were installed recently for Court 3. A condition has been recommended restricting the hours of use of the floodlights between 8.30am and 9.30pm. This time limit would permit play to a time consistent with mid summer natural light and it is considered appropriate that a condition to this effect be imposed which is the same as the condition which was placed on existing floodlights on the site.

6.4.12 In terms of noise and disturbance, it is considered that there would not be additional noise and disturbance to the immediate adjacent occupiers as a result of the proposal. The use of lights on courts 4 and 5 is likely to result in some increase in use during winter months. The applicants have suggested (in their application) a time limit of 2130 to match that allowed for the existing illuminated courts. This time limit would permit play to a time consistent with mid summer natural light and it is considered appropriate that a condition to this effect be imposed.

6.4.13 The illumination of courts 4 & 5 for the time proposed would not result in any greater intensity than could be accommodated at present during summer months and it is not therefore considered that the development would result in unreasonable activity, beyond that which would be expected within such recreation sites.

6.4.14 In summary, and noting the objections received, it is considered the proposal would not have an adverse impact on the residential amenities of adjoining occupiers in accordance with London Plan policy 7.6B and Development Management Policies Local Plan (2013) - Policy DM1 and would therefore have an acceptable impact on neighbouring amenity.

6.5 Impacts on Biodiversity

6.5.1 Biodiversity reports were provided for the purposes of previous applications for additional floodlighting at the tennis club. The previously refused application P/1468/16 indicated concerns in relation to the potential impact of light spill on protected species.

6.5.2 Under the previous appeal dated 2nd December 2016 the Inspector considered information contained within an updated bio-diversity report. This report concluded that there was no evidence of protected species within close proximity to the application site.

6.5.3 This report has been submitted as part of the current application. Given the findings presented within the report, it is considered that the proposed floodlighting would not have undue impacts on local bio-diversity. It is considered that the proposal would comply with the NPPF (2012), Harrow Core Strategy (2012) policy CS1.E, London Plan (2016), policy DM20 of the Development Management Policies Local Plan (2013).

7.0 CONCLUSION AND REASONS FOR APPROVAL

7.1 The proposal would provide increased sporting opportunities within the winter months for members of the local community. Furthermore, it is considered that the proposed floodlighting would not have an unduly harmful impact on the character of the property, biodiversity or the residential amenities of the neighbouring occupiers. Accordingly, the development is recommended for grant.

7.2 For these reasons, weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above, 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 Drawing and Documents

The development hereby permitted shall be carried out in accordance with the following approved plans and documents, Design and Access Statement; WELTC/FLOOD/500; LS11312-2-2; LS11312-2-2-ISO; LS11312-2-2A-V1; LS11312-2-2A-V2; LS11312-2-2B-V1; LS11312-2-2B-V2; LS11312-2-2C-V1; LS11312-2-2C-V2; LS11312-2-2-INT; Updated Protected Species Assessment at West End Lawn Tennis Club, Cuckoo Hill Road, Pinner, Middlesex, HA5 1AY

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

3 Floodlights – Hours Of Operation

The floodlights hereby approved shall only be used between 08:30am and 21:30 on any day for club activities and shall not be used at any other time.

REASON: In the interests of the amenities of neighbouring occupiers and the character of the area.

4 Floodlights – Maintenance

The floodlights hereby approved shall be maintained in the approved condition and no operation of the lights will occur if any fault, breakage, or other situation should arise where light would spill outside of the areas indicated on approved plans.

REASON: In the interests of the amenities of neighbouring occupiers, the biodiversity of the area.

5 Floodlights – Angles

The floodlights hereby approved shall not be used until post installation measurements are taken on site in relation to the proposed luminaire set up/aiming angles and are submitted to, and approved in writing by the Local Planning Authority. The lighting configuration shall thereafter be retained.

REASON: To ensure that the scheme is installed according to the approved drawings to avoid any undue impact on the neighbouring properties

Informatives

1 Policies

The following policies are relevant to this decision:
National Planning Policy Framework (2012)

Draft London Plan (2017)
D1 London's Form & Characteristics
D2 Delivering Good Design
D3 Inclusive Design
S5 Sports & Recreational Facilities
G6 Biodiversity & Access to Nature

The London Plan (2016)
7.4 Local Character
7.6 Architecture
7.19 Biodiversity and Access to Nature
3.19 Sports Facilities

Harrow Core Strategy (2012)
Core Policies CS1.B/E
Core Policy CS5

Harrow Development Management Policies Local Plan (2013)
DM1 – Achieving a High Standard of Design and Layout
DM20 - Protection of Biodiversity and Access to Nature
DM48 – Enhancing Outdoor Sport Facilities

2 Pre-application engagement

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.

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

4 Protection of 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 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 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.

6 Compliance with Planning Conditions

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

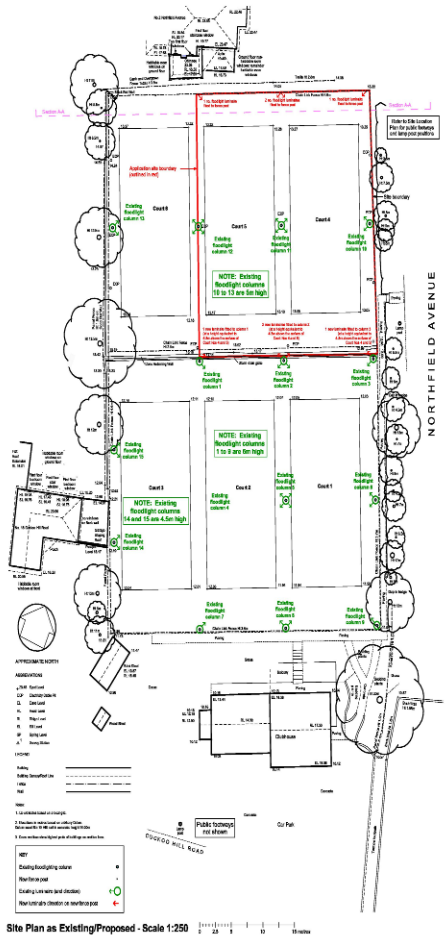
- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.

- 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 & PROPOSED PLAN



Site Plan as Existing/Proposed - Scale 1:250

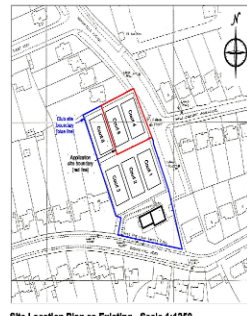


Site Photograph of Existing Boundary Fence Adjacent to 2 Northfield Avenue

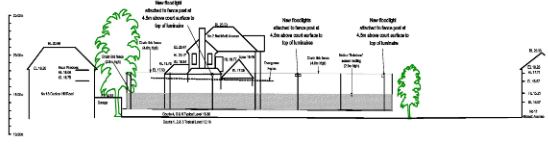


Details of Proposed CU Pinosco Lighting Ltd Floodlight Luminaire - NTS

- Also refer to CU Pinosco Lighting Limited's lighting calculation diagrams on the following drawing numbers:
- LS11312-2-2 horizontal illumination at ground level
 - LS11312-2-2-850 horizontal illumination at ground level shown as isolux contours
 - LS11312-2-2A-V1 vertical illumination on a horizontal plane at ground floor window height towards the rear extension at 18 Cuckoo Hill Road
 - LS11312-2-2A-V2 vertical illumination on a horizontal plane at first floor window height towards the rear extension at 18 Cuckoo Hill Road
 - LS11312-2-2B-V1 vertical illumination on a horizontal plane at ground floor window height towards 18 Cuckoo Hill Road
 - LS11312-2-2B-V2 vertical illumination on a horizontal plane at first floor window height towards 18 Cuckoo Hill Road
 - LS11312-2-2C-V1 vertical illumination on a horizontal plane at ground floor window height towards 2 Northfield Avenue
 - LS11312-2-2C-V2 vertical illumination on a horizontal plane at first floor window height towards 2 Northfield Avenue
 - LS11312-2-2-INT luminous intensity values from individual proposed luminaires
- All of the above drawings (except LS 11312-2-2-INT) include existing and proposed lighting.



Site Location Plan as Existing - Scale 1:1250



Site Section A-A as Existing/Proposed - Scale 1:250

Refer to Site Plan for orientation of Site Section

APPENDIX 3: SITE PHOTOGRAPHS



View from no. 2 front first floor



View from no. 2 front drive



First floor views



View from secondary flank window



View from secondary flank windows



Boundary fence to be replaced



Streetscene





APPENDIX 4: APPEAL DECISIONS



Appeal Decision

Site visit made on 2 September 2009

by Michael Ellison MA (Oxon)

**an Inspector appointed by the Secretary of State
for Communities and Local Government**

The Planning Inspectorate
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Temple Quay House
2 The Square
Temple Quay
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Decision date:
14 September 2009

Appeal Ref: APP/M5450/A/09/2105014

West End (Pinner) Lawn Tennis Club, Cuckoo Hill Road, Pinner, HA5 1AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by West End (Pinner) Lawn Tennis Club Limited ("the Appellants") against the decision of Harrow Council ("the Council").
- The application (Ref P/3872/08), dated 26 November 2008, was refused by notice dated 26 February 2009.
- The development proposed is the installation of eight lighting columns (5 metres and 6 metres height) to Courts 4 and 5 at the northern end of the site.

Procedural matters

1. The Appellants were concerned that all the material which they submitted in support of their application was not considered by the Planning Committee of the Council when they made their decision on the appeal application. If that concern is well founded, it has been remedied in dealing with the appeal, because I have had regard to all the material submitted by the parties and by interested parties which was received by the Planning Inspectorate by 31 July 2009, which was the deadline for submission of documents in connection with this case.
2. With the agreement of the parties, I accepted at the site visit copies of photographs which had been supplied to the Council by the occupiers of the house at 2 Northfield Avenue with their letter of objection to the planning application of 10 January 2009. A copy of that letter of objection had been supplied by the Council, but the accompanying photographs could no longer be traced. Copies were therefore supplied for my use by the occupiers of 2 Northfield Avenue.

Decision

3. I dismiss the appeal.

Main issue

4. The main issue in this case is the impact the appeal development would have on the living conditions of neighbouring residents at 2 Northfield Avenue.

Reasons

5. The Appellants operate a local private members tennis club as a non profit making company limited by guarantee. The Club will celebrate its centenary in 2010. It provides six all weather tennis courts surfaced with artificial grass, and has a club house which is used not just by the Club, but also for a variety of purposes by the community at large, including a playgroup, evening classes and various recreational activities.

6. Following a successful appeal in 2002, floodlighting was installed on Courts 1 and 2. This enables those courts to be used in the evenings, potentially all the year round, though the floodlights are automatically turned off at 9.30pm. Before the courts were floodlit, play could only take place beyond 8pm for around four months of the year.
7. The Appellants argue that there is increasing demand for evening use of the courts beyond the summer months, particularly from their expanding junior membership, and they therefore wish to install floodlighting to Courts 4 and 5, so that these courts can also be used until 9.30pm throughout the year.
8. The Appellants applied for planning permission in September 2007 to erect nine floodlighting columns to illuminate Courts 4 and 5. Their application was refused, and their appeal against that refusal was dismissed on 11 November 2008 under reference APP/M5450/A/08/2073769 because of concern at the impact the proposal would have on the living conditions of occupiers of the adjoining property at 2 Northfield Avenue.
9. The Club is located in a residential area, with houses adjacent to each of its boundaries. The area is characterised by detached dwellings within reasonably large plots in a landscaped setting. On the northern and western boundaries, the houses are immediately adjacent; on the eastern and southern boundaries, they are across the adjoining roads, Northfield Avenue and Cuckoo Hill Road. The property at 2 Northfield Avenue adjoins the northern boundary of the appeal site adjacent to Courts 4 and 5.
10. The present appeal application seeks to reduce the impact on the occupiers of 2 Northfield Avenue of the proposal dismissed in November 2008 in a number of ways.
 - a. The proposed number of lighting columns would be reduced from nine to eight.
 - b. The height of the three columns closest to 2 Northfield Avenue would be reduced from 6 metres to 5 metres.
 - c. The height of the Netlon anti glare screening on the chain link fence adjacent to 2 Northfield Avenue would be increased so that it would be higher than the 5 metre columns.
 - d. The position of column 1 adjacent to 2 Northfield Avenue would be changed, so that it would be 1.85 metres further away from the first floor flank bedroom windows as compared with the original proposal. It would be 0.7 metre below the bedroom window cills, and 5.4 metres and 6.9 metres from the two windows, behind the Netlon screening.
 - e. Lightweight tapered columns are proposed in place of the heavier weight columns previously intended to be used.
 - f. The columns would be finished in green anti reflective paint.

- g. The number of luminaires would be reduced from sixteen high output units to eight low output fittings, which are smaller in size than those previously proposed.
 - h. The average lighting level proposed for Courts 4 and 5 would be reduced from the 360 Lux previously proposed to 200 Lux.
 - i. The previous proposal to use back shields on the luminaires to avoid light spill has been withdrawn, because it has been established by the manufacturers that light spill can be avoided by black painting the front part of the inside reflector, which reduces stray light more effectively than any form of screening. The luminaires themselves would be painted green on the outside to match the columns and the surroundings.
11. A number of interested parties made written representations suggesting that the appeal application is little different from that which was rejected on appeal in November 2008. Given the amendments listed above, I do not accept that point at all. I consider that the Appellants have made considerable efforts to address the issue which led to the rejection of the previous appeal. The question is whether those efforts have succeeded.
12. The Development Plan for the area includes the Harrow Unitary Development Plan ("the UDP"), which was adopted on 30 July 2004. Saved UDP Policy D23 identifies a number of criteria for assessing the acceptability of floodlighting. They include the effect on the character and appearance of the surrounding area, any disturbance arising from such use, the impact of skyglow, glare and light trespass, the effect on wildlife, and the appearance of the installations while unlit. Saved Policy EP25 also provides that noise levels will be considered when determining applications. Policy SR2 supports the improvement of recreational facilities, and Policy R4 encourages the provision of further outdoor sporting facilities so long as there is no adverse impact on residential amenities or the environment. Both these Policies have also been saved to continue in operation.
13. In deciding the previous appeal, the Inspector found that the then proposals would not have an unacceptable impact on the **character and appearance** of the area. In my view that remains the case, particularly given the beneficial changes which have been made to the earlier proposals.
14. Similarly, in relation to concern about increased **noise and disturbance** from the appeal proposals, I share the view expressed by the Inspector on the previous appeal that the greater intensity of use arising from the floodlighting of two extra courts would not be likely to be so great that noise disturbance would be caused to neighbours. I am fortified in that view by the report of the noise consultants which was made available to me in dealing with this appeal. Based on a comparison of the level of noise from play on Courts 4 and 5 as well as Courts 1 and 2 with the situation when Courts 1 and 2 alone were in play, there was no increase in noise levels at 18 Cuckoo Hill Road, and at 2 Northfield Avenue the noise levels were within the guidance values contained in BS 8233:1999 and the World Health Organisation Community Noise Guidelines. The monitoring was carried out from positions inside the appeal site, close to

the boundaries with 2 Northfield Avenue and 18 Cuckoo Hill Road rather than within the gardens of the properties themselves, which would in fact overstate the noise readings produced.

15. The photographs referred to in paragraph 2 above show children playing football on the floodlit Courts 1 and 2 on 2 January 2009. Apparently that use of the Courts was stopped as soon as the Club became aware of it. There is no evidence that this has happened on other occasions, and I cannot see that it would be likely that the Appellants would permit it to happen if they were aware of it given the potential for damage to equipment on the courts. I have discounted any suggestion that if Courts 4 and 5 were floodlit they might be used for games of football, and that increased noise could therefore be anticipated from that alternative use.
16. I consider that the efforts made to channel light from the proposed installation efficiently, together with the proposed use of high pressure sodium lamps rather than the white light source which would normally be preferred for floodlighting and the extensive use of non reflective surfaces proposed, would avoid any significant problem from *skyglow or glare*. In terms of *light trespass*, I accept the conclusions set out by Mouchel in their lighting report. Although the tennis club is within an urban area which has lit streets, because most of the club area is unlit, the Consultants have assessed the impact of the appeal proposal against the standard for Environmental Zone E2, which applies to rural, small village or relatively dark urban locations, rather than Zone E3, which would have been justified in the residential area around the appeal site. Even with the more stringent requirements for Zone E2, the degree of light trespass would be acceptable for such an area. At 2 Northfield Avenue, light spillage on the front driveway would be between 0.0 Lux and 0.8 Lux; there would be similar readings in the rear garden; and in the front garden the readings would be between 0.3 Lux and 0.9 Lux. The value for full moonlight is approximately 1 Lux, and the standard level of illumination in a cul de sac in Harrow is an average of 10 Lux, with a minimum of 3 Lux.
17. The occupiers of 2 Northfield Avenue argue that a sea of very bright and intense light would spill on to their property, but this is simply not borne out by the expert advice provided.
18. The occupiers of 18 Cuckoo Hill Road, which lies on the eastern boundary of the tennis club quarrel with the statement in the lighting report that they have no window which directly faces the tennis courts. They have no window in the side elevation, but I accept that their patio windows and back bedroom windows look towards Courts 4 and 5. This is, however, at a distance of around 30 metres from what would be the nearest of the floodlights proposed as part of the appeal development, and I see no reason to question the finding in the Mouchel report that light spill from the proposal would have no effect on this property.
19. I note that the assessments made of the impact of the proposed lighting levels has included no assessment of the impact on the lighting levels of the blocking effects of fences and screening (existing or proposed) or of hedges and trees. The assessment has therefore been prepared on a worst case scenario.

20. I consider that the appeal proposal would not have an unacceptable impact arising from skyglow, glare or light trespass.
21. In terms of the **effect of the appeal proposals on wildlife**, I accept the information contained in the ecological report from RSK Carter Ecological Limited. One species of bat has been recorded in the area (common pipistrelle). There is potential for bat foraging in hedgerows around and outside the appeal site, and minimising light spill (as proposed) is therefore important. With that mitigation, however, I consider that the appeal proposal would not have an unacceptable impact on wildlife. In fact, as the report concludes, it would have a positive impact.
22. It was the **appearance of the proposed installations while unlit** which was a major reason for the dismissal of the previous appeal, and it formed the sole reason for refusal identified by the Council in relation to the present appeal application.
23. As compared with the previous application, the lighting columns closest to 2 Northfield Avenue would now be reduced in height so that they would be below the sill level of the flank wall bedroom windows; they would be further away from those windows and located behind Netlon screening; the columns would be of a less obtrusive design; the number of luminaires would be reduced by half; they would be smaller and they would no longer have back shields.
24. I accept the point made on behalf of the Appellants that photographs submitted by the occupiers of 2 Northfield Avenue purporting to show the impact of the present appeal development bear no relationship to the actual impact which the proposal would have. They exaggerate very significantly the height of the proposed lighting columns and the size of the proposed luminaires. I have placed no reliance whatsoever on those photographs in my assessment of the impact of the appeal proposal.
25. It remains the case, however, that three of the lighting columns would be situated very close to the boundary of the appeal site with 2 Northfield Avenue. They would be visible from the dining room, the lounge, and three of the bedrooms of that property as well as from the front and rear garden. The higher level of fencing proposed to reduce the impact of the columns would itself not be a thing of beauty, and would also, in my view, have an overbearing and adverse impact on the level of visual amenity currently enjoyed by the occupiers of 2 Northfield Avenue. I consider that the lighting columns and the increased height of the fencing proposed would be unsightly and intrusive. They would have an unacceptable impact on the living conditions of the occupiers of 2 Northfield Avenue.
26. The **support which is given in saved UDP Policies for the improvement of leisure and sporting facilities** is conditional upon there being no adverse impact on existing residential amenities. I consider that there would be such an adverse impact in this case.
27. I have given careful consideration to the expressions of support for the appeal proposal, which are primarily related to the additional recreational facilities which the appeal proposal would represent. These include letters of support from Mr Gareth Thomas MP, sent at the time of the consideration of the

application by the Council, and from the Middlesex Tennis Association. There was also a petition in support signed by more than 400 people, some of whom were members of the Tennis Club, and some of whom were local residents. I accept that there would be real benefits arising from the appeal proposal in terms of the promotion of sport in the community.

28. While I am sympathetic to this objective, I attach greater weight to the harm which I consider the appeal proposal would do to the living conditions of the occupiers of 2 Northfield Avenue. On balance, **I conclude** that such harm would outweigh the benefits which would arise from the appeal proposal, and that is why I have dismissed the appeal.

Michael Ellison

INSPECTOR

Appeal Decision

Site visit made on 8 November 2016

by Jason Whitfield BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2nd December 2016

Appeal Ref: APP/M5450/W/16/3156257

West End Lawn Tennis Club (Pinner) Ltd, Cuckoo Hill Road, Pinner, Middlesex HA5 1AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by West End Lawn Tennis Club (Pinner) Ltd against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1468/16, dated 22 March 2016, was refused by notice dated 18 May 2016.
 - The development proposed is additional floodlighting to court Nos 4 and 5 (three new columns with four luminaires and four luminaires added to existing columns on court Nos 1 and 2).
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description in the banner heading has been taken from the original planning application form. However, the appeal form provides a revised wording which includes reference to the proposed netting to the boundary fence. The description reflects that of the Council's decision notice. It is clear that the Council dealt with the proposal on that basis and so, therefore, shall I.

Main Issues

3. The main issues are:
 - The effect of the proposal on the living conditions of the occupiers of 2 Northfield Avenue with particular regard to outlook and light pollution.
 - The effect of the proposal on biodiversity.

Reasons

Living Conditions

4. The appeal relates to a tennis club which includes 6 outdoor courts. The courts are located on the northern side of the club house and are adjacent to the predominately residential street of Northfield Avenue.
 5. The proposal seeks to erect three new lighting columns at the northern end of courts 4 and 5. Courts 4 and 5 are located adjacent to the detached dwelling of 2 Northfield Avenue. The proposal would also include new luminaires to
-

floodlight columns 1, 2 and 3 which are located on courts 1 and 2. They would provide additional lighting to courts 4 and 5.

6. Policy DM48 of the Harrow Development Management Policies Local Plan 2013 (DMPLP) states that proposals that would increase the quality of outdoor sport facilities will be supported where there would be no adverse impact on residential amenity. It goes on to state that proposals for floodlighting will be supported where it would not be detrimental to the amenity of neighbours.
7. The appeal site has been subject to several planning applications and appeals in respect of proposals for floodlighting. Most recently, an appeal¹ for a scheme for the installation 8 floodlighting columns to courts 4 and 5 was dismissed in 2009. On that occasion, the Inspector found that the proposed floodlighting would have an overbearing and adverse impact on the level of amenity enjoyed by the occupiers of 2 Northfield Avenue.
8. I note that circumstances since the previous appeal have changed to an extent. Indeed, there are now floodlights located on courts 4, 5 and 6. However, these are located to the centre of the courts, away from the boundary with No 2. I also note that the previously dismissed columns ranged between 5m and 6m in height. Nevertheless, the proposed columns would not be markedly lower at around 4.5m in height. Moreover, they would be sited adjacent to the boundary at around 5m from the flank elevation of No 2. Proposed columns 17 and 18 would be in close proximity to windows in the front of No 2 at both ground and first floor, all of which have unobstructed views towards the shared boundary. Proposed column 16 would also be close to two first floor windows in No 2 which serve a bedroom.
9. Furthermore, the shared boundary does not benefit from any significant vegetation and is, as a consequence, relatively open in character. I note that the proposal would include additional netting to the existing fence. Whilst this would help screen the columns, it would not necessarily obscure them completely and would in itself appear somewhat intrusive. The appellant indicates that a light grade of netting could be fitted with an obscuration rate of only 10%. Whilst this would reduce the visual impact of the netting, it has not been demonstrated that such netting would in turn effectively screen the proposed columns. As a result, the columns would be highly visible from habitable windows in No 2 and would, in my view, appear as obtrusive and overbearing features within the outlook of the property.
10. In terms of the potential for light spill, it is indicated that the Institute of Light Professionals (ILP) maximum recommended vertical luminance is 5 Lux within settings such as this. The evidence provided by the appellant indicates that vertical luminance at No 2 would be below the maximum recommended vertical luminance for house windows. Indeed the Council's Lighting Engineer has noted that, whilst there would be a slight intensification of the proposed lighting from courts 4 and 5, it would not be of a harmful level.
11. The Council's concerns in respect of light spill largely stem from whether or not the appellant's evidence does not include any cumulative effect or contribution from the entire installation. However, the evidence provided shows the lighting values for all existing and proposed columns and luminaires across the site. Moreover, the appellant has indicated that all existing and proposed luminaires

¹ APP/M5450/A/09/2105014/NWF

are "full cut-off" types with an upward light ration (ULOR) of 0%, which would result in no light emitted above horizontal level and no increase in sky glow. It is noted that ILP guidance recommends a maximum ULOR of 2.5%.

12. Representations by BRE on behalf of the occupiers of No 2 indicate that measurements taken from the bedroom windows of the property measure vertical luminance in the range of 1.8-2.4 Lux. In addition, it is indicated that the existing lighting, together with the proposed lighting, would be expected to give spill light higher than the 1.8-2.4 Lux measured. However, I have been provided with little substantive evidence to support this view and, in any case, such levels of light spill would potentially still be within the recommended ILP guidance. I note the concerns of the occupiers of No 2 regarding the levels of light spill to the rear garden which is indicated would be up to 100 Lux. However, I have no substantive evidence to support this view.
13. As a result, in the absence of any compelling evidence to the contrary, I have no reason to conclude that the level of light spill anticipated by the appellant's assessment would not be representative of the actual levels emitted from the site upon completion of the proposal. To that end, I am satisfied that, on the evidence before me, the proposal would not result in harmful levels of light pollution for the occupiers of 2 Northfield Avenue.
14. Notwithstanding that, I conclude for the reasons above that the proposal would have a harmful effect on the living conditions of the occupiers of 2 Northfield Avenue, with particular regard to outlook. That is the prevailing consideration. The proposal would, consequently, conflict with Policies 7.4 and 7.6 of the London Plan² which state that development should create a high quality design response that does not cause unacceptable harm to the amenity of surrounding residential buildings. It would also conflict with Policy CS1.B of the Harrow Core Strategy 2012 (CS) which states that development should respond positively to local context. It would also conflict with Policy DM48 of the DMPLP and Policy DM1 of the DMPLP which requires proposals to have regard to the impact on neighbouring occupiers.

Protected Species

15. The appeal site is located within a predominately residential area characterised by large properties with mature gardens. The Council's concerns in respect of protected species principally relate to the appellant's Biodiversity Report submitted with the application. The report was dated 2013 and did not take into account the proposed new lighting columns and the additional luminaires proposed on existing columns. To that end, the Council considered that the appellant had failed to demonstrate that the proposed development would not have an adverse impact on protected species, in particular bats.
16. An updated Protected Species Assessment dated July 2016 has been submitted with this appeal. The assessment identifies the closest area of high quality foraging and commuting habitat for bats is the River Pinn, along with associated vegetation and allotments located around 150m south of the site.
17. The survey identified a small number of adjacent trees as potentially suitable for roosting bats. It ultimately concludes that the immediate surroundings contain moderate potential foraging grounds for bats, although the survey

² The London Plan: The Spatial Development Strategy for London Consolidated with Alterations Since 2011, 2016

notes that The River Pinn is within commuting distance for bats from the appeal site and is likely to produce high quantities of insects for feeding bats.

18. Nevertheless, no signs or evidence of bat activity were observed and no bats were observed emerging from nearby trees. Nor were bat roosts discovered. Furthermore, the daylight tree inspection did not identify any significant potential roosting habitat on trees which may be affected by increased light spillage from the proposal. As a result, the risk of significant impact to protected species such as roosting bats, foraging and commuting bats or rare bat species is considered to be low, subject to mitigation that the floodlighting is switched off from 21.30 on an evening. I see no reason why such a matter could not be subject to a suitably worded condition.
19. In addition, there is no substantive evidence before me that any other protected species are present in the area that would likely be affected by the proposal. Indeed, the surveys undertaken by the appellant did not detect any evidence of protected or priority species in the area that would be affected.
20. I conclude, therefore, that the proposal would not have a harmful effect on biodiversity. In that regard, the proposal would not conflict with Policy DM20 of the DMPLP which states that proposals that would be detrimental to locally important biodiversity will be resisted. The proposal would also partially accord Policy DM48 of the DMPLP insofar as it states that proposals for floodlighting will be supported where it would not be harmful to biodiversity.

Other Matters

21. I note that the floodlighting would assist the club in providing facilities which support participation in sport and recreation, and that the club plays an active role in the community with around 300 members. Nevertheless, these factors would not, in my view, outweigh the harm that would arise to the living conditions of the occupiers of 2 Northfield Avenue.
22. I note the concerns of local residents regarding the effect of the proposal on the living conditions of the occupiers of other properties on Northfield Avenue and Cuckoo Hill Road. I also note concerns raised by residents with regard to highway safety. However, given my findings on the main issues above, those concerns do not lead me to any different overall conclusion.

Conclusion

23. Whilst I have found that the proposal would not have a harmful effect on protected species or on the living conditions of the occupiers of 2 Northfield Avenue in respect of light pollution, I have found that the proposal would have a harmful effect on the living conditions of the occupiers of 2 Northfield Avenue in respect of outlook. On this occasion, that is the prevailing consideration and outweighs the lack of harm in respect of other substantive matters. For the reasons given above and having considered all other relevant matters, I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR

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