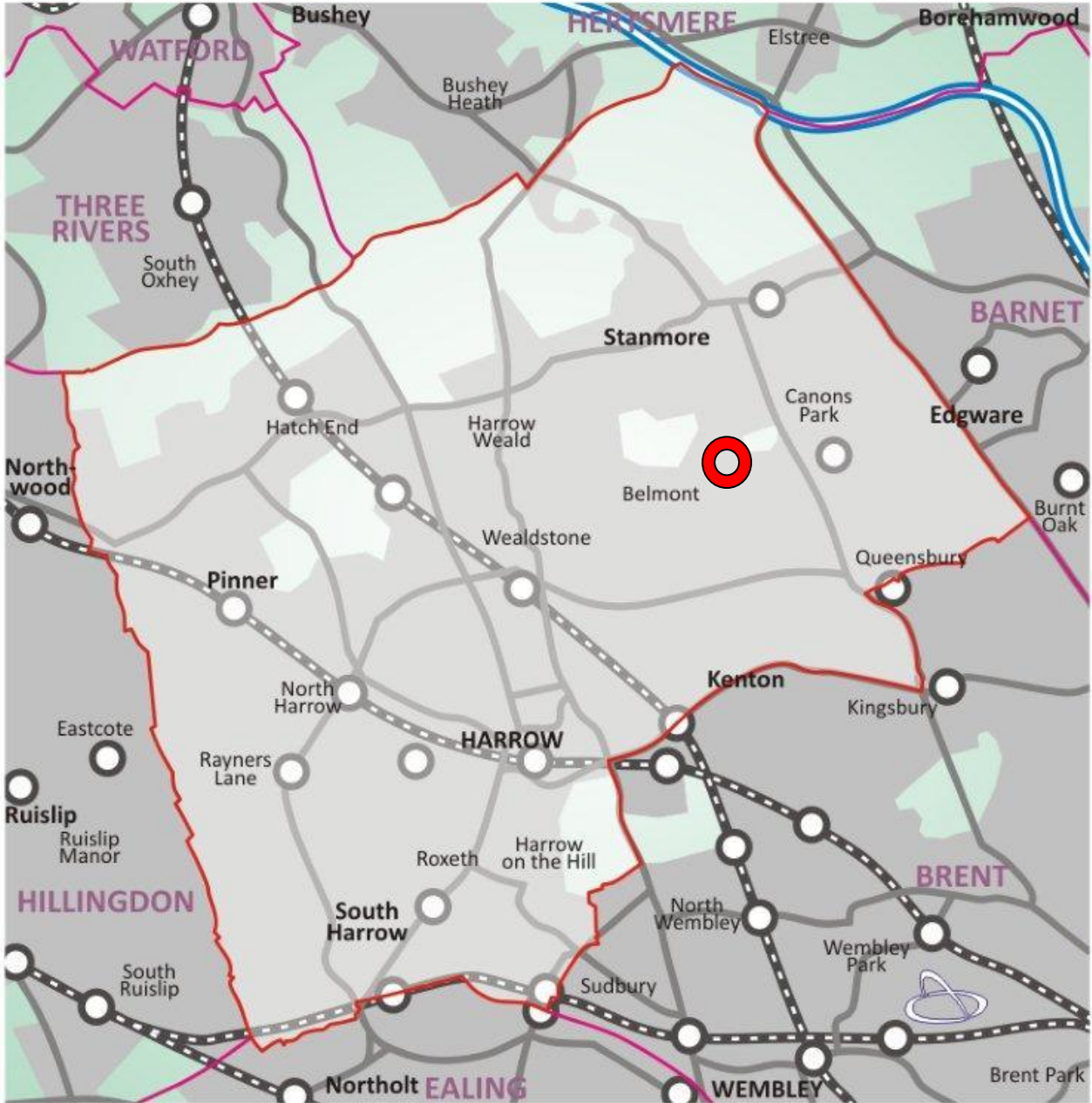
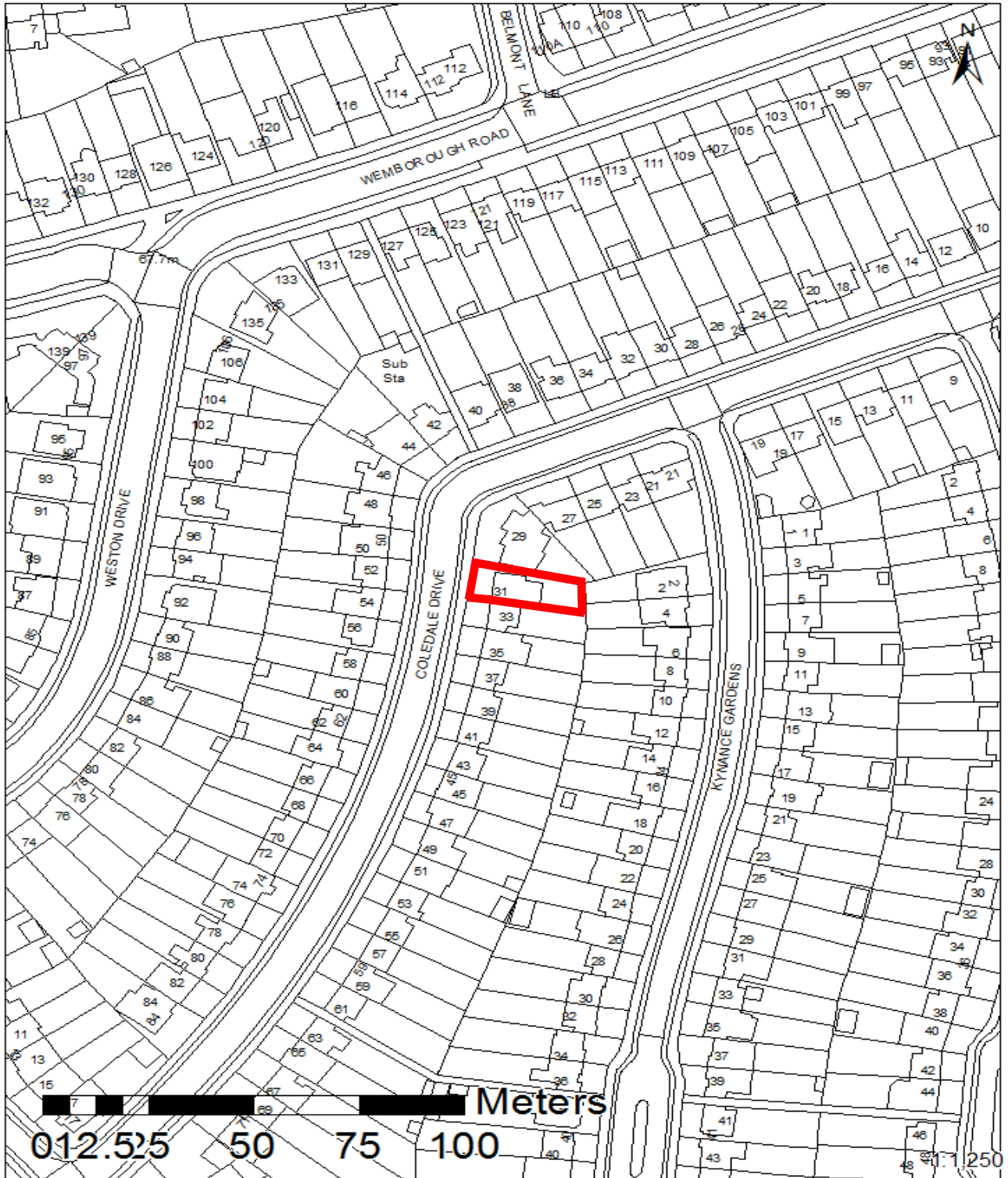


 = application site



31 Coledale Drive, Stanmore	P/4662/17
------------------------------------	------------------



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecutions or civil proceedings. London Borough of Harrow LA.100019206. 2017. DIGITAL MAP DATA (C) COLLINS BARTHOLOMEW LTD (2017)



31 Coledale Drive, Stanmore	P/4662/17
------------------------------------	------------------

LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

24th January 2018

APPLICATION NUMBER: P/4662/17
VALIDATE DATE: 02/11/2017
LOCATION: 31 COLEDALE DRIVE, STANMORE
WARD: BELMONT
POSTCODE: HA7 2QE
APPLICANT: MR SITAL SHAH
AGENT: KENNETH W REED ASSOCIATES
CASE OFFICER: CHARLOTTE ASHTON
EXPIRY DATE: 14/12/2017

PURPOSE OF REPORT/PROPOSAL

The purpose of this report is to set out the Officer recommendations to the Planning Committee regarding an application relating to the following proposal.

Certificate of lawful development (proposed): Use of study room on ground floor as office for private tuition of 10 students for 17 hours per week between 5pm-8pm Monday and Thursday, 7pm-9pm Tuesday, 6pm-8pm Wednesday and Friday, 10am-1pm and 2pm-4pm on Saturday

RECOMMENDATION A

The Planning Committee is asked to:

- 1) agree the reasons for approval as set out in this report, and
- 2) grant this application for a Certificate of Lawful Development (Proposed)

REASON FOR THE RECOMMENDATIONS

The proposed use of study room on ground floor as office for private tuition of students would not result in a material change of use from Class C3 (Dwellinghouse) and would therefore be within the tolerances of the Town and Country Planning (Use Class) Order 1987 as amended.

The proposal is therefore a lawful development.

INFORMATION

This application is reported to Planning Committee because a nominated member has called it in due to "the impact of the proposed activity on neighbouring properties, which is a judgement that affects whether the proposed use should be considered "incidental".

Statutory Return Type:	26: Other
Council Interest:	None
GLA Community Infrastructure Levy (CIL) Contribution (provisional):	N/A
Local CIL requirement:	N/A

HUMAN RIGHTS ACT

N/A as the application is for a Certificate of Lawful Development (Proposed)

EQUALITIES

N/A as the application is for a Certificate of Lawful Development (Proposed)

S17 CRIME & DISORDER ACT

N/A as the application is for a Certificate of Lawful Development (Proposed)

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 BACKGROUND PAPERS USED IN PREPARING THIS REPORT:

- Certificate of Lawful Proposed Development application
- Correspondence with Adjoining Occupiers
- The Town and Country Planning (Use Class) Order 1987 as amended
- The Town and Country Planning Act 1990

LIST OF ENCLOSURES / APPENDICES:

Officer Report:
Part 1: Planning Application Fact Sheet
Part 2: Officer Assessment
Appendix 1 –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	31 Coledale Drive, Stanmore, HA7 2QE
Applicant	Mr Sital Shah
Ward	Belmont
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 subject property is a 5 bedroom, semi-detached, single family dwellinghouse facing west onto Coledale Drive.
- 1.2 The existing property has a C3 use.
- 1.3 The property is not a listed building or in a conservation area or within any land designated under Article 2(3) of the GPDO 2015.
- 1.4 The property is not subject to an Article 4 Direction and has not otherwise had its Permitted Development rights removed or restricted by reason of a condition attached to a previous planning permission.

2.0 PROPOSAL

- 2.1 The application proposes to use the ground floor front study room to hold tuition classes for students.
- 2.2 The room will be used for tutoring students on a one to one basis.
- 2.3 The proposed timetabled use of the room for students to be tutored would be 17 hours per week, for 10 individual students.
- 2.4 Some students will be tutored via Skype (not included in the numbers above).
- 2.5 Tuition times will be between the hours of 10am and 9pm, Monday to Saturday, and would amount to 3-5 hours per day (including Skype sessions), 6 days a week.
- 2.6 The applicant advises that in future, there may be peaks and troughs (busier in exam times, quieter in holidays). The maximum average would be 20 hours per week.

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
ENF/0044/17/P	Enforcement case - unauthorised change of use of property (front room) to hold tuition classes and	CLOSED – 04/12/2017 <i>“A recent site inspection has revealed the unauthorised use of the front room within the house for tuition</i>

	unauthorised outbuilding with shower room and kitchen	<i>purposes has ceased, accordingly the breach of planning in this regard has been resolved and no further action can be taken."</i>
P/4619/16	Certificate of Lawful Development (Proposed) - Detached outbuilding at rear for use as a gym / store	GRANTED – 24/11/2016
EAST/300/98/FUL	Householder Planning Application - Two storey side, single storey front extensions	GRANTED – 16/06/1998

4.0 **CONSULTATION**

4.1 No consultation is required or undertaken for a Certificate of Lawful Proposed Development application.

4.2 Therefore, no consultation letters were sent to neighbouring properties regarding this application.

4.3 A number of objections and letters of support were received. However, these are not material to the consideration of this application.

4.4 Adjoining Properties (and letters received from non-adjoining addresses)

Number of letters Sent	0
Number of Responses Received (includes multiple responses from same address)	78
Number in Support (excludes addresses that also sent objections)	45 responses from 43 addresses (includes 1 applicant response)
Number of Objections (excludes addresses that also sent letters of support)	28 responses from 23 addresses
Number of Objections which were then changed to Support (these have not been included in the numbers above)	5

4.7 Two objections were received from one adjoining neighbour. One letter of support was received from another adjoining neighbour.

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

Details of Representation	Summary of Comments	Officer Comments
28 from 23 addresses	Objections to the application due to: <ul style="list-style-type: none"> • Commercial activity in street • Traffic issues • Unsociable hours of business • People waiting outside / privacy 	Letters of objection or support are not a material planning consideration for an application for a Certificate of Lawful Development (Proposed).
45 from 43 addresses	Support the application due to: <ul style="list-style-type: none"> • Fair hours of operation • No noise, congestion or parking issues • Visitors do not cause any problems 	Letters of objection or support are not a material planning consideration for an application for a Certificate of Lawful Development (Proposed).
5 addresses	Originally objected but now either support, or no longer object.	Letters of objection or support are not a material planning consideration for an application for a Certificate of Lawful Development (Proposed).

4.9 Statutory and Non Statutory Consultation

4.10 No consultation is required or undertaken for a Certificate of Lawful Proposed Development application.

4.11 External Consultation

4.12 No consultation is required or undertaken for a Certificate of Lawful Proposed Development application.

5.0 LEGISLATION

5.1 Section 55 (2) of the Town and Country Planning Act 1990 states that the following would not be considered to involve development of the land (and as such would not require planning permission):

‘works that affect on the interior of the building, works which do not materially affect the external appearance of the building, the use of any buildings or land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse’

5.2 The Town and Country Planning (Use Classes) Order 1987 defines Class C3 – Dwellinghouses as:

“Use as a dwellinghouse (whether or not as a sole or main residence) by a) a single person or by people living together as a family, or b) by not more than 6 residents living together as a single household (including a householder where care is provided for residents).

6.0 ASSESSMENT

6.1 The main issues are;

Compliance with Permitted Development Limitations
Assessment (of the above)

6.2 Compliance with Permitted Development Limitations

6.2.1 The following information has been provided:

6.2.2 An email received on 30/11/2017 advising that:

- The tuition consists of GCSE and A Level biology, chemistry and maths, and medical entrance coaching.
- The work is all theoretical (no practical / lab based).
- The work mainly consists of one to one coaching
- The applicant does the coaching with the help of one of his family members who lives in the house.
- The job is seasonal, lasting about 36 weeks out of 52 weeks in the year.
- Three of the students on the timetable are tutored via Skype.

6.2.3 A proposed weekly tutoring timetable with following days and times proposed:

- Mondays: One student tutored on site from 5-7pm, one student tutored on site from 7-8pm.
- Tuesdays: One student tutored via Skype (not on site) from 6-7pm, one student tutored on site from 7-9pm.
- Wednesdays: One student tutored via Skype (not on site) from 5-6pm, one student tutored on site from 6-8pm.
- Thursdays: One student tutored on site from 5-6pm, one student tutored on site from 6-8pm.
- Fridays: One student tutored via Skype (not on site) from 5-6pm, one student tutored on site from 6-8pm.
- Saturdays: One student tutored from 10am-12pm, one student tutored from 12-1pm, one student tutored from 2-4pm
- Sundays: No students tutored.
- **The proposed total number of students to be tutored on site per week would be 10, for a total of 17 hours.
3 students would be tutored via Skype, for a total of 3 hours.**

6.2.4 An email received on 01/12/2017 at 13:38 advising that the applicant's helper, who carries out administrative work, lives at the subject property.

6.2.5 Application Supporting Information, stating that:

- Tutorials are currently being run from another location but the applicant would like to have the option to run some classes from home. The proposed use will therefore be limited because of the new premises the business will be located in.
- The study has a floorspace of 8.5% of the total of the dwellinghouse.
- The room will be used for running the business and tutoring students on a one to one basis.
- The house will continue to be used as a single family dwellinghouse
- The operations will be between 3 / 5 hours per day, 6 days a week. (Including Skype sessions).
- Times for tuition vary, but during a period of 10am – 9pm, there is a proposed use of between 3 and 5 hours. (Including Skype sessions)
- There will be no more than 3 visitors per day.
- Some of the tutorials are two hour sessions, some are one hour, and some are via Skype.
- The applicant proposes an element of flexibility (a maximum average of 20 hours per week) as business may increase during exam times but reduce during Summer and Christmas holidays.
- Some of the time will be administration in running the business.
- Students will travel by public transport or be dropped off.
- It is not considered there would be a marked rise in traffic or people calling.
- There will be little or no parking in the street
- There will be some coming and going of students, but not in large groups.

- The movement of people will not disturb the neighbours at unreasonable hours.
- The business itself is a quiet, educational based study experience and there will not be noise that will disturb neighbours.
- The family will continue to live in the property all year round and will use the room for domestic purposes when not used for the tutorial business.
- There is no intention to further intensify the use or to spread the business within the property.

6.3 Assessment (of the above)

6.3.1 The applicant proposes to use the ground floor study room of the dwellinghouse as an office for private tuition of students.

6.3.2 Section 55 (2) of the Town and Country Planning Act 1990 states that the following would not be considered to involve development of the land (and as such would not require planning permission): works that affect only the interior of the building, works which do not materially affect the external appearance of the building, *the use of any buildings or land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse.*

6.3.3 The test is therefore whether the use of the ground floor room for private tuition is incidental, and whether the property remains as a dwellinghouse. Whether something is “incidental” depends on the level of activity associated with the use (noise, traffic), whether the property is still primarily a place of residence and the extent of the linkage between the use and the dwellinghouse (and its occupants). The assessment is whether, as a matter of fact and degree, the proposal would be considered as incidental to the use of the property as a residential dwellinghouse.

6.3.4 Character of the property

The property is currently in use as a single family dwellinghouse (Class C3). The existing dwellinghouse is a 5 bedroom house. The applicant and his family will continue to live at the property all year round, and use the study room for domestic purposes when not used for the student tutoring. The additional helper (who carries out the administrative work for approximately 8 hours per month) also lives at the subject property.

6.3.5 Nature of the business

The business is the private tuition of students on a one to one basis. Some of the tutorials take place on Skype. The business is a “quiet educational based study experience”. It is considered that the nature of the activity would not result in noise or disturbance which would not be caused by many other household activities.

6.3.6 Hours of Tuition & Numbers of Visitors

Excluding the Skype sessions, the timetabled hours proposed are between 5pm-8pm on Monday and Thursday, 7pm-9pm on Tuesday, 6pm-8pm on Wednesday and Friday, and 10am-1pm and 2pm-4pm on Saturday.

6.3.7 This equates to between 2 and 3 hours on a weekday, and 5 hours on a Saturday, and totals 17 hours per week (excluding Skype).

6.3.8 It is considered that the proposed times would not be times of the day which would be considered unreasonable or out of character with comings and goings to a residential dwellinghouse.

6.3.9 The timetabled number of students visiting the property per week is 10. Some of the students attend for one hour long slots, and some are two hour long slots. This number excludes Skype students, who would not cause any additional coming and going to the property.

6.3.10 The applicant has advised that the job is seasonal, lasting approximately 36 weeks per year, and that tutoring may reduce in school holidays or increase at exam time. However, the maximum average would be 20 hours per week.

6.3.11 The justification statement advises that the students will not arrive in large groups, and will travel by public transport or be dropped off, and there will be little or no parking in the street. Coledale Drive is a residential street and most of the properties feature off-street car parking with some cars parked on the street. The road is not a cul-de sac. It is considered that additional traffic caused, over the period of a week, would not be out of character with normal activity generated in a residential street.

6.3.12 It is considered that the comings and goings of 10 individual students to the dwellinghouse over the period of a week may be slightly higher than the comings and goings to an average residential property, but could be considered comparable to activity generated by large family in a single family dwellinghouse. It is considered that the proposed activity does not change the overall character or use of the dwellinghouse

6.3.13 The applicant's helper, who carries out administrative work, lives at the property and as such would not result in any additional coming and going to the property.

6.3.14 Appeal Decisions

It is considered that appeal decision APP/Y0435/X/10/2122067 at 15 Shoreham Rise, Milton Keynes bears similarities to this case. The appellant was using the ground floor front room for private tuition of children, working from 15.30-19.30 / 20.30 during the week, seeing 4 or 5 children per weekday. At weekends, the appellant worked from 9.00-19.30. The estimated average was 35 hours per week for each teaching week.

- 6.3.15 The Inspector believed that the activity of private tuition within the house did not create more noise or disturbance than would be caused by many household activities. He acknowledged that the use would result in a greater number of people going to and from the appeal property but noted that most pupils arrive singularly. Some were brought by car, some dropped elsewhere, and some arrived on foot or by bike.
- 6.3.16 He noted that any parking of vehicles would be unlikely to be more than one vehicle at a time and that this addition would make little noticeable difference. He considered that the activity generated occurred mainly at times of other general activity going on. Additionally, he noted that while the appeal property was located in a cul-de-sac of quiet suburban character, the route appeared to be quite well used and he did not consider the comings and goings likely to be generated by the appellant's business to be out of place.
- 6.3.17 The Inspector concluded that the total activity in and around the house is *"probably greater than for the house in purely residential use. However, the nature and amount of activity are such that, as a matter of fact and degree, I consider the overall character of the use of the appeal property as a residence has not been changed, and that planning permission is not therefore required."*

7.0 CONCLUSION AND REASONS FOR APPROVAL

7.1 Summary

Overall, for the reasons above, it is considered that the proposed use would be ancillary to the use of the property. On the basis of the above information and the current authorised use of the site, as a matter of fact and degree, it is considered that the operations would be lawful and would not result in a material change of use to part of the dwellinghouse. As such, it is recommended that a certificate of lawful proposed development be issued.

APPENDIX 1: Conditions and Informatives

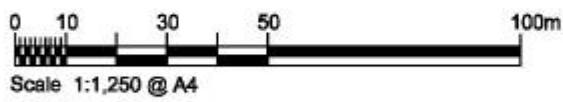
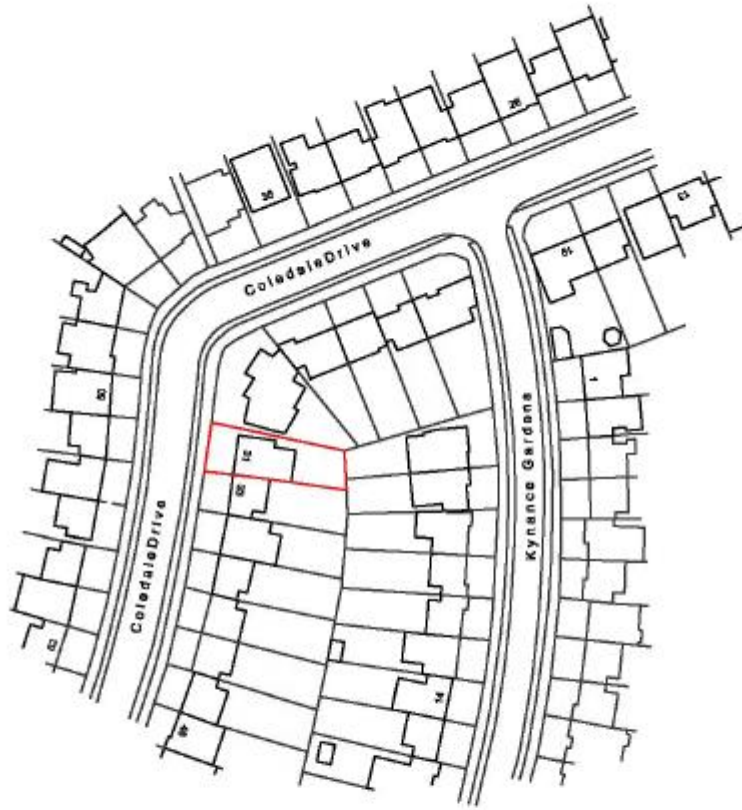
Conditions

No conditions can be attached to an application for a Certificate of Lawful Development (Proposed).

Informatives

- 1 The applicant is advised that, should they wish to increase the hours of operation at the dwellinghouse to greater than an average of 20 hours per week, including 3 hours of Skype, or increase the number of students in attendance, they should apply for a further Certificate of Lawful Proposed Development to determine the lawfulness of this.

APPENDIX 2: SITE PLAN



APPENDIX 3: SITE PHOTOS



Front Elevation of no. 31 Coledale Drive



Location of proposed office for tuition services



Location of proposed tuition services

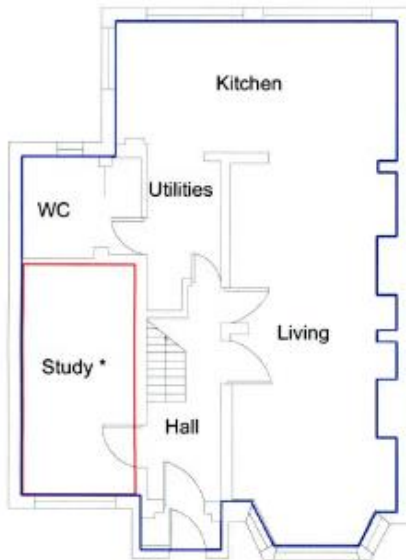


Location of proposed tuition services

APPENDIX 4: PLANS AND ELEVATIONS

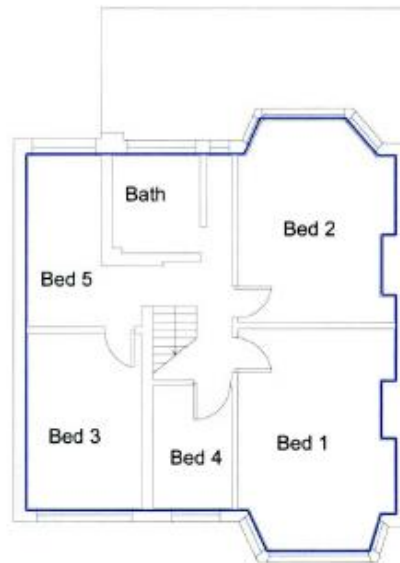
Blue area: 51m²
Red area: 7.76m²

Blue area: 40m²



* Room to be used for home business

Ground Floor



First Floor



31 Coledale Drive
Stanmore
HA7 2QE

This page has been left intentionally blank