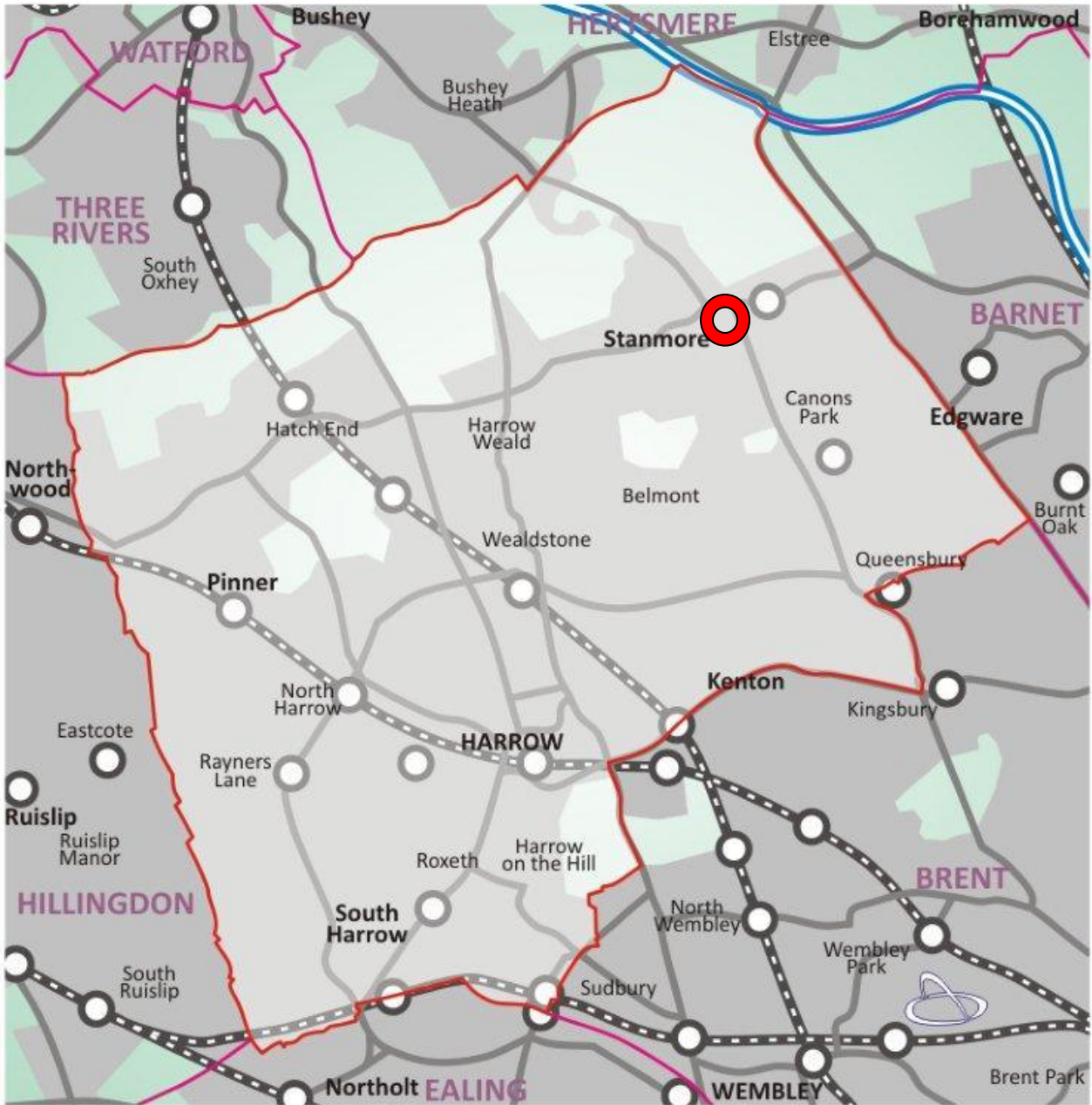
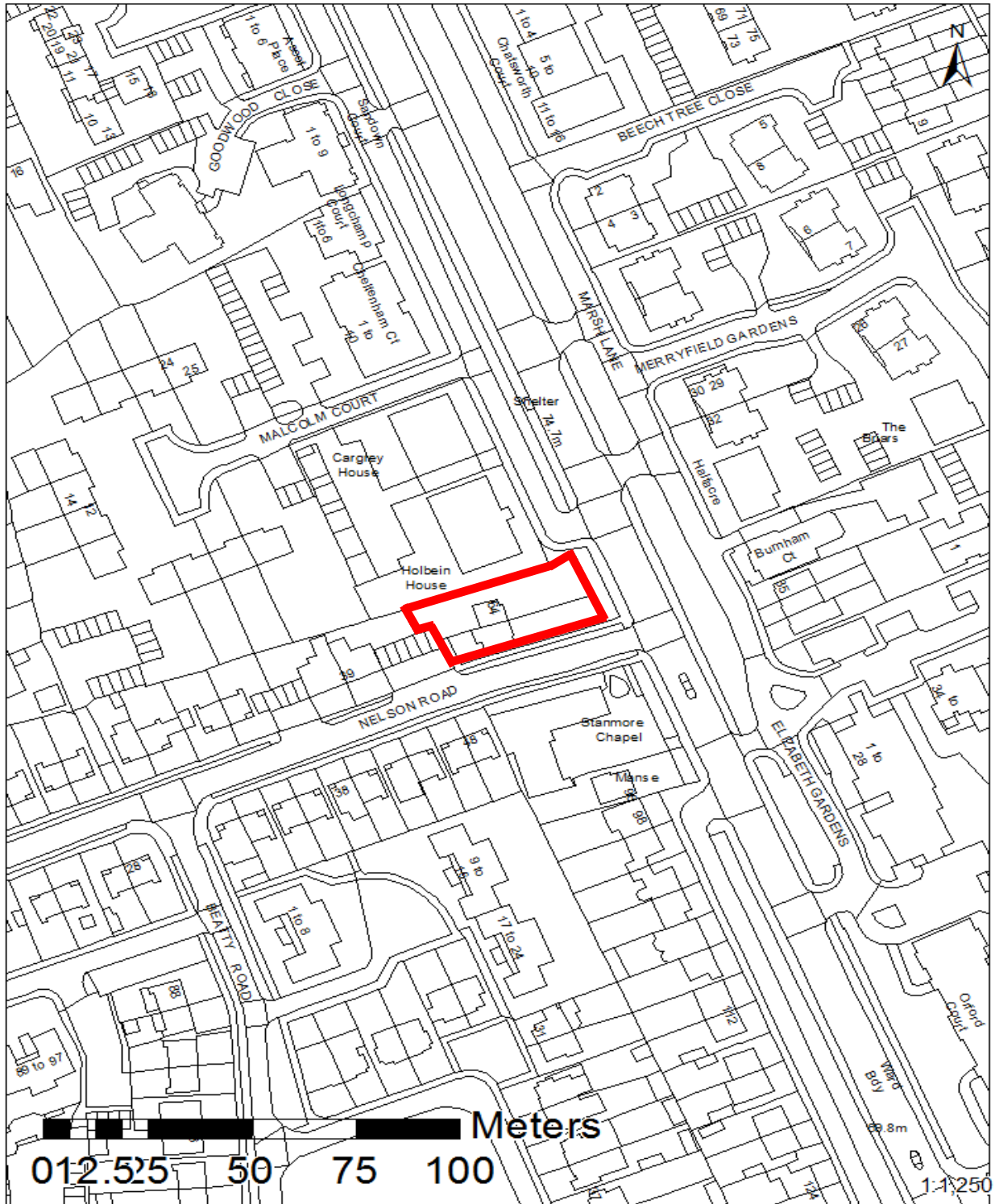


 = application site



64 -66 Marsh Lane, Stanmore

P/5204/17



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<b>64-66 Marsh Lane, Stanmore</b>	<b>P/5204/17</b>
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# LONDON BOROUGH OF HARROW

## PLANNING COMMITTEE

25<sup>th</sup> April 2018

**APPLICATION NUMBER:** P/5204/17  
**VALIDATION DATE:** 10/01/2018  
**LOCATION:** 64 – 66 MARSH LANE, STANMORE  
**WARD:** STANMORE PARK  
**POSTCODE:** HA7 4HW  
**APPLICANT:** MR PRAGNESH MODHWADIA  
**AGENT:** YOOP ARCHITECTS  
**CASE OFFICER:** DAVID BUCKLEY  
**EXPIRY DATE:** 27/04/2018

### **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:

*Re-development to provide one two storey building for six flats; parking; landscaping; separate and communal amenity space; bin / cycle storage*

### **RECOMMENDATION**

The Planning Committee is asked to:

- 1) Grant planning permission for the reasons set out below:

### **REASON FOR THE RECOMMENDATION**

- 1) The proposal would accord with relevant policy and the proposed development would have a satisfactory impact on the character of the area and the amenities of neighbouring occupiers.

For this reason, weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation, this application is recommended for grant.

### **INFORMATION**

This application is reported to Planning Committee as the development is for six new residential units and therefore falls outside Schedule 1 of the Scheme of Delegation.

Statutory Return Type: (E) Minor Developments  
Council Interest: None

**Net Additional Floor Area:** 570 sq m

**GLA Community Infrastructure  
(CIL) Contribution (provisional):**

£ 19,950 (based on a £35  
contribution per square metre of  
additional floorspace)

**Harrow Community  
Infrastructure (CIL) Contribution**

**(provisional):** £62,700 (based on  
a £110 contribution per square  
metre of additional floorspace)

**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

Appendix 3 – Site Photographs

Appendix 4 – Plans and Elevations

## OFFICER REPORT

### PART 1: Planning Application Fact Sheet

The Site	
Address	64 Marsh Lane, Stanmore,
Applicant	Mr Pragnesh Modhwadia
Ward	Stanmore Park
Local Plan Allocation	No
Conservation Area	No
Listed Building	No
Setting of Listed Building	No
Building of Local Interest	No
Tree Preservation Order	No
Other	No

Housing		
Density	Proposed Density hr/ha	246 hr/ha
	Proposed Density u/ha	77 u/ha
	PTAL	PTAL 2
	London Plan Density Range	Urban Setting: 200-450 hr/ha
Dwelling Mix	Studio (no. / %)	0
	1 bed (no. / %)	1 units/17%
	2 bed (no. / %)	3 units / 50%
	3 bed (no. / %)	2 units/34%
	4 bed (no. / %)	0
	Overall % of Affordable Housing	0%
	Affordable Rent (no. / %)	0%
	Intermediate (no. / %)	0%
	Private (no. / %)	6 units / 100%
	Commuted Sum	N/A
	Comply with London Housing SPG?	yes
	Comply with M4(2) of Building Regulations?	Yes Subject to a planning condition, the scheme will meet accessibility requirement.

<b>Transportation</b>		
Car parking	No. Existing Car Parking spaces	4
	No. Proposed Car Parking spaces	6 incl. 1 disabled space, which is subject to change with revised parking access.
	Proposed Parking Ratio	1:1
Cycle Parking	No. Existing Cycle Parking spaces	0
	No. Proposed Cycle Parking spaces	12
	Cycle Parking Ratio	2:1
Public Transport	PTAL Rating	2
	Closest Rail Station / Distance (m)	Stanmore Underground Station 1.1km
	Bus Routes	340
Parking Controls	Controlled Parking Zone?	Yes, CPZ Zone B
	CPZ Hours	3pm-4pm Mon Fri
	Previous CPZ Consultation (if not in a CPZ)	N/A
	Other on-street controls	Double yellow lines on Marsh Lane
Parking Stress	Area/streets of parking stress survey	N/A
	Dates/times of parking stress survey	N/A
	Summary of results of survey	N/A
Refuse/Recycling Collection	Summary of proposed refuse/recycling strategy	Large communal refuse bins front of site/ cycle storage far end of rear garden

## **1.0 SITE DESCRIPTION**

- 1.1 No. 64 Marsh Lane, is a two storey semi-detached dwelling on the west side of Marsh Lane, Stanmore; it has been extended with a plywood structure which appears to be unauthorised.
- 1.2 Attached semi no. 66 (to south) also part of the application site, has a single storey rear conservatory extension to a depth of 3 metres adjacent to the common boundary; the adjacent part of the extended ground floor rear elevation contains patio doors to a conservatory.
- 1.3 The neighbouring property to the north (Holbein House) consists of flats, No. 39 Nelson Road adjoins the application site at the rear.
- 1.4 The properties at Holbein House are at a higher ground level than the application property.
- 1.5 Certificate of Lawful Development applications have been granted at both houses for single storey rear extensions.
- 1.6 The site is located within a Critical Drainage Area but it is not situated within a Conservation Area and the building is not statutory Listed.
- 1.7 The PTAL is 2.

## **2.0 PROPOSAL**

- 2.1 It is proposed to demolish the existing two houses on site and replace them with a two storey building with accommodation in the roofspace.
- 2.2 The proposed building will have a footprint of approximately 190 sq m with a maximum width of 14.50m, a maximum depth of 15m, with an eaves height of 7.60m and a full height of 11m to the roof ridge. .
- 2.3 The building will be a minimum of just over 2m from the northern boundary with the neighbour at Holbein House to the north and the same distance from the southern boundary with Nelson road. The rear wall would sit approximately 10m from the garages to the rear.
- 2.4 The proposals will comprise of 6 x flats in total, consisting of:
  - 1 x 1 bed 2 person unit
  - 3 x 2 bed 4 person units
  - 1 x 3 bed 4 person unit
  - 1 x 3 bed 5 person unit
- 2.5 The proposal would use the existing access onto Marsh Road, which will be revised to access on to Nelson Road.



2.6 Six car parking spaces one of which would be for persons with disability in the forecourt. A bin store is also shown in the forecourt and some landscaping is indicated on the site block plan.

### 3.0 **RELEVANT PLANNING HISTORY**

#### **64 Marsh Lane**

<b>Reference Number</b>	<b>Development Description</b>	<b>Decision/ Date</b>	<b>Reason for Refusal</b>
P/4920/17	Single Storey Rear Extension (demolition of attached store) (Based on Prior Approval Scheme P/3927/16 dated 10/08/2016 6m deep)	Granted: 08/11/2017	N/A
P/4897/16	Single Storey Side to Rear Extension; Single Storey Rear Extension; Front Porch	Granted: 08/12/2016	N/A
P/1255/15	Single Storey Front Extension Single And Two Storey Side To Rear Extension; Single Storey Rear Extension; External Alterations	Refused: 14/05/2015	<i>The proposed development, by reason of the forward projection of the single storey side extension and the excessive size, scale and width of the proposed two storey side to rear extension would result in bulky, disproportionate and unduly obtrusive additions to the existing dwellinghouse that would imbalance the appearance of the pair of semi-detached properties. The proposed development would therefore be detrimental to the character and appearance of the original dwellinghouse and the surrounding area, and the visual amenities of the adjoining occupiers at No. 66 Marsh Lane, contrary to the guidance set out in the National Planning Policy</i>

			<i>Framework 2012, policies 7.4B and 7.6B of The London Plan 2015, Core Policy CS1(B) of the Harrow Core Strategy 2012, policy DM1 of the Development Management Polices Local Plan 2013 and the adopted Supplementary Planning Document Residential Design Guide 2010.</i>
P/4222/14	Single And Two Storey Side To Rear Extension; Single Storey Front Extension	Refused: 30/12/2014	<i>The proposed development, by reason of the excessive depth of the proposed front extension, and the excessive size, scale and width of the proposed two storey side to rear extension would result in bulky, disproportionate and unduly obtrusive additions to the existing dwellinghouse that would imbalance the appearance of the pair of semi-detached properties. The proposed development would therefore be detrimental to the character and appearance of the original dwellinghouse and the surrounding area, and the visual amenities of the adjoining occupiers at No. 66 Marsh Lane, contrary to the guidance set out in the National Planning Policy Framework 2012, policies 7.4B and 7.6B of The London Plan 2011, Core Policy CS1(B) of the Harrow Core Strategy 2012, policy DM1 of the Development Management Polices Local Plan 2013 and the adopted Supplementary Planning Document Residential Design Guide 2010.</i>
EAST/693/95/FUL	Two Storey Side to Rear, Single Storey Front and Rear Extension	Granted: 12/03/1996	

## **66 Marsh Lane**

<b>Reference Number</b>	<b>Development Description</b>	<b>Decision/ Date</b>	<b>Reason for Refusal</b>
P/2249/17	Certificate Of Lawful Development (Proposed): Single Storey Rear Extension (Demolition Of Rear Conservatory)	Granted: 08/11/2017	N/A
P/1381/15	Single and two storey rear extension, two windows in existing side elevation and one rooflight in front roofslope. (Demolition of conservatory)	Granted: 26/05/2015	N/A

### **4.0 CONSULTATION**

4.1 A total of 12 neighbours were sent consultation letters on the initial consultation. The expiry date for the consultation was 31/01/2018. A second consultation was undertaken based on revised plans received. The expiry date for this was 20th April 2018.

#### **4.2 Adjoining Properties**

Number of Letters Sent	12
Number of Responses Received	01
Number in Support	0
Number of Objections	01
Number of other Representations (neither objecting or supporting)	0

#### **4.3 Statutory and Non Statutory Consultation**

4.4 The following consultations have been undertaken:

- LBH Highways
- Planning Policy
- Design Officer
- Drainage Engineering Officers

- Waste Management Officers

#### 4.5 Internal Consultation

4.6 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
LBH Highways	<p>Highways response as follows:</p> <p><u>Car Access</u></p> <ul style="list-style-type: none"> <li>• When consulted on a similar proposal for this location at pre-app stage, we indicated a preference for vehicular access to be taken from Nelson Road rather than Marsh Lane.</li> <li>• Our view on this element of the proposal remains as we feel that this would be a much safer option than that proposed.</li> <li>• The current arrangement serves fewer properties than proposed and although the number of movements would still be fairly low, there is still likely to be an increase.</li> <li>• Marsh Lane is busy with all types of vehicles using the road.</li> <li>• The proposed access is positioned between two junctions with Nelson Road being the busier.</li> </ul> <p><u>Level of Parking</u></p> <ul style="list-style-type: none"> <li>• In any case, the proposed level of car parking should comply with London Plan 2016 standards which allows for less than one space per dwelling for properties of this size.</li> <li>• This is however, a PTAL 2 location meaning that access to public transport is poor.</li> </ul> <p><u>Disabled Parking/ Electric Charging Points</u></p> <ul style="list-style-type: none"> <li>• The proposal for one disabled parking space is acceptable.</li> <li>• One active and one passive electric vehicle charging point are required. This detail should be secured by pre-occupation condition.</li> </ul>	Comments noted and are addressed in the relevant section of the report below.

	<p><u>Cycle Parking</u></p> <ul style="list-style-type: none"> <li>The proposed level of cycle parking is acceptable.</li> </ul> <p><u>Construction Management Plan</u></p> <ul style="list-style-type: none"> <li>A demolition/construction method statement should be secured by pre-commencement condition.</li> </ul>	
<p>Drainage Engineering Officers</p>	<p><b><u>Drainage Requirements:</u></b></p> <p>In line with our Development Management Policy 10, to make use of sustainable drainage measures to control the rate and volume of surface water runoff, to ensure separation of surface and foul water systems, make provision for storage and demonstrate arrangements for the management and maintenance of the measures used, the following details are required:</p> <ul style="list-style-type: none"> <li>The applicant should submit drainage details <b>in line with our standard requirements attached.</b></li> <li>The applicant can contact Thames Water developer services <b>by email:</b> <a href="mailto:developer.services@thameswater.co.uk">developer.services@thameswater.co.uk</a> or <b>by phone:</b> 0800 009 3921 or on Thames Water website <a href="http://www.developerservices.co.uk">www.developerservices.co.uk</a> for drainage connections consent.</li> <li>If a soakaway is proposed, please note that ground permeability test should be conducted in presence of Harrow Council Infrastructure Engineer.</li> <li>Proposed Parking: The use of non-permeable surfacing impacts upon the ability of the environment to absorb surface water, and the hardsurfacing of the front gardens and forecourts lead to localised surface water flooding. Hence our requirement for use of permeable paving for all hardstanding. The applicant should submit full construction details of permeable paving with their maintenance plan.</li> </ul> <p>Please be informed that the <b>requested details can be conditioned, attached are our standard drainage conditions/informative for reference.</b></p>	<p>Comments noted and are addressed in the relevant section of the report below.</p>

	Should <u>you</u> need any further clarification, please contact us directly. However, if the <u>applicant</u> requires any advice regarding above, please be informed that our service is chargeable now at £87 per hour and they should contact us via <a href="mailto:infrastructure@harrow.gov.uk">infrastructure@harrow.gov.uk</a>	
Design Officer	The style is excessively elaborate and does not relate to the surrounding context which is predominantly simple mid-late 20th century development.	Comments noted and are addressed in the relevant section of the report below
Waste Management	No objection received	N/A
Planning Policy Officer	No objection received	N/A

## 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, The Harrow Core Strategy 2012 [CS], Harrow and Wealdstone Area Action Plan (AAP) 2013, the Development Management Policies Local Plan 2013 [DMP], the Site Allocations Local Plan SALP 2013 [SALP].

5.4 While this application has been principally considered against the adopted London Plan (2016) policies, some regard has also been given to relevant policies in the Draft London Plan (2017), as this will eventually replace the current London Plan (2016) when adopted and forms part of the development plan for the Borough.

- 5.5 The document has been published in draft form in December 2017. Currently, the Mayor of London is seeking representations from interested parties/stakeholders, before the draft Plan is sent to the Secretary of State for Examination in Public, which is not expected to take place until the summer of 2019. Given that the draft Plan is still in the initial stages of the formal process it holds very limited weight in the determination of planning applications.
- 5.6 Notwithstanding the above, the Draft London Plan (2017) remains a material planning consideration, with relevant policies referenced within the report below and a summary within Informative 1.

## **6.0 ASSESSMENT**

6.1 The main issues are:

- Principle of the Development
- Regeneration
- Character and Appearance
- Amenity of Neighbouring Occupiers
- Amenity of Future Occupiers
- Development and Flood Risk
- Traffic, Parking, Servicing and Construction Issues
- Secure by Design Issues
- Sustainable Development/Development and Flood Risk

### **6.2 Principle of Development**

#### *New Building and Garden Land Development*

- 6.2.1 Paragraph 53 of the NPPF states that ‘Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens’. Policy 3.5 of the London Plan (2016) states that Boroughs may introduce a presumption against development on private residential gardens where this can be locally justified. Following on from National and Regional Planning Guidance, Harrow’s Core Strategy includes such a presumption, having been locally justified and independently examined through the development plan process. The Council has developed a Supplementary Planning Document: Garden Land Development (‘SPD’), which seeks to resist development on ‘garden land’. This SPD provides clarity on the purposes of policies CS1.A/B of Harrow’s adopted Core Strategy and as such, it seeks to assist in the delivery of the strategic objectives of the development plan.
- 6.2.2 The Garden Land SPD provides clarity on what is and what is not garden land development. In relation to the current proposal, paragraph 3.6 states that *‘the redevelopment of an existing dwelling or group of dwellings to provide multiple dwellings or flats on the same building footprint, plus any appropriate enlargements’* is not garden land development.

For consistency and clarity, the SPD provides guidance in relation to what is an appropriate enlargement. It states at paragraph 3.7 that 'the Council will allow any enlargement in footprint that is equivalent to whichever is the larger of either:

- (i) the footprint of any permitted extensions (excluding outbuildings) that could be exercised for the dwelling(s); or
- (ii) the footprint of an extension (excluding outbuildings) that would be consistent with Harrow's Residential Design Guide SPD'.

6.2.3 The current built footprint, in addition to the extensions for which there is extant permission would cover an area of 165 sq. m, in total and the proposal would have a footprint of approximately 200 sq m. While the proposal is greater in footprint than the existing buildings plus extensions, it would not be a significant increase and provided that the scheme complies with policy in other important respects it would be considered acceptable.

### 6.3 Regeneration

6.3.1 The London Borough of Harrow published a Regeneration Strategy for 2015 – 2026. The objective of this document is to deliver three core objectives over the plans life, which include;

- **Place;** Providing the homes, schools and infrastructure needed to meet the demands of our growing population and business base, with high quality town and district centres that attract business investment and foster community engagement;
- **Communities;** Creating new jobs, breaking down barriers to employment, tackling overcrowding and fuel poverty in our homes and working alongside other services to address health and welfare issues;
- **Business;** Reinforcing our commercial centres, promoting Harrow as an investment location, addressing skills shortages, and supporting new business start-ups, developing local supply chains through procurement.

6.3.2 Whilst it is acknowledged that the proposed development would not address all of the aspects noted in the above bullet points, it would achieve the overall aspiration of regeneration of the Borough. The construction in the site would result in some temporary jobs within the Borough, which would be throughout the duration of the construction process.

6.3.3 It is therefore considered that while the development does not have a particular emphasis on regeneration, it would not be contrary to the objectives highlighted above.

### 6.4 Character and Appearance of the Area

6.4.1 The National Planning Policy Framework (NPPF) was published by the Government on March 27th 2012. The NPPF does not change the law in relation to planning (as the Localism Act 2012 does), but rather sets out the Government's planning policies for England and how these are expected to be applied. It remains the case that the Council is required to make decisions in accordance with the development plan for an area, unless other material



considerations indicate otherwise (S.38(6) of the Planning Act). The development plan for Harrow comprises The London Plan 2016 [LP] and the Local Development Framework [LDF].

- 6.4.2 The NPPF states (paragraph 64) that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. The NPPF continues to advocate the importance of good design.
- 6.4.3 The London Plan (2016) policy 7.4B states, inter alia, that all development proposals should have regard to the local context, contribute to a positive relationship between the urban landscape and natural features, be human in scale, make a positive contribution and should be informed by the historic environment. Core Strategy policy CS1.B states that 'all development shall respond positively to the local and historic context in terms of design, siting, density and spacing, reinforce the positive attributes of local distinctiveness whilst promoting innovative design and/or enhancing areas of poor design'.
- 6.4.4 Policy DM1 of the DMP 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".

#### *Scale and Siting*

- 6.4.5 The height of the proposal would be the same as the neighbouring property to the north - Holbein House. The building would be set comfortably within the width of the site and set back significantly from the front of the site, sitting in line with Holbein House to the north and behind Stanmore Chapel, which is across Nelson Road to the south.

#### *Appearance/ Materials*

- 6.4.6 The submitted Design and Access Statement states that the building takes inspiration from later Victorian architecture and recognises that it is a prominent corner location with a number of features. The proposed materials would be red/orange brickwork, natural colour pebbledash and red clay tiling to the roof, with white painted timber window frames and painted black metal rainwater goods. These are considered to be high quality and attractive materials. However a condition will be attached to the planning permission to ensure that high quality materials are used in practice.
- 6.4.7 In terms of the design, the Council's Design Officer has commented that the style is excessively elaborate and does not relate to the surrounding context which is predominantly simple mid-late 20<sup>th</sup> century development.
- 6.4.8 While these points are acknowledged, the application site is a transitional area between modern flatted development to the north of the site and on the opposite side of the road and two storey housing developments to the south and west. This transitional style of a flatted development in the built form of a house would

therefore link the two development styles together. On this basis, it is considered acceptable in terms of design.

### *Landscaping*

- 6.4.9 At present most of the front of the site is finished in hard landscaping. The new site plan shows six car parking spaces on the forecourt, as well as a small amount of soft landscaping, although details of the landscaping have not been submitted. The forecourt is at present finished in a combination of soft and hard landscaping. There are trees to the front of the site and it would be considered beneficial if these were retained, particularly as this is a prominent site within the street scene. However, it is considered largely acceptable, subject to a condition requiring further landscaping details to be submitted.

### Conclusion

- 6.4.10 Subject to the conditions mentioned above, it is considered that the external appearance and design of the development is consistent with the principles of good design as required by the National Planning Policy Framework (2012). The resultant development would be appropriate in its context and would comply with policies 7.4B and 7.6B of The London Plan (2016), Core Policy CS1 (B) of the Harrow Core Strategy, policies DM1 and DM23 of the Council's Development Management Policies Local Plan and the Council's adopted Supplementary Planning Document – Residential Design Guide (2010), which require a high standard of design and layout in all development proposals.

### 6.5 Amenity of Neighbouring Occupiers

- 6.6 Core Strategy Policy CS1 B requires development to respond positively to the local context in terms of design, siting, density and spacing. Policy DM1 'Achieving a High Standard of Development' sets out a number of privacy and amenity criteria for the assessment of the impact of development upon neighbouring occupiers. Harrow has also adopted a Residential Design Guide SPD.
- 6.7 A neighbour objection has been made by an occupier in Holbein House to the north of the site, that the scheme would result in a loss of light and overshadowing to kitchen windows, also overlooking to neighbours causing privacy issues and noise issues.

### *Neighbours Light and Outlook*

- 6.8 In relation to the neighbour's kitchen window, it is acknowledged that the proposed building would be taller and closer to the shared boundary than the current house at No. 64. However, there would still be a distance of 6-7m between the two buildings with an eaves height of approximately 7.50m and a pitched roof sloping away from the shared boundary. Furthermore there is an existing fence on the shared boundary at about 2.5m in height and the window in question is a kitchen rather than a 'protected window' to a habitable room (as defined in the Harrow Residential Design Guide Supplementary Planning

Document). Therefore while there would be some impact on neighbours at Holbein Court in terms of light and outlook, it would not be to an unacceptable degree.

- 6.9 In relation to neighbours to the rear/ west at 39 Nelson Road, the main house would be a distance of 17m, at a height of two storey's, with roof space, this would be a sufficient distance to avoid harmful loss of light and outlook. Furthermore the nearest part of the garden at No. 39 is behind some existing garages so the new building is unlikely to have a significant impact in terms of light and outlook.
- 6.10 Other nearby neighbours are a sufficient distance away to ensure that they would not be impacted in terms of light and outlook.

#### *Privacy and Overlooking*

- 6.11 There are a number of windows at ground floor on the northern flank wall facing Holbein Court to the north at a distance of 2m from the boundary at ground and first floor levels. These would either be secondary windows to habitable rooms or serving non-habitable rooms. On this basis, these would be conditioned to be obscure-glazed and non-opening below 1.7m above the finished floor level of the rooms when they are installed, to protect neighbours privacy, while still retaining an acceptable level of light and outlook to future occupiers, in accordance with policy DM1.
- 6.12 There would be a number of bedroom windows facing the rear boundary towards the garden at No. 39 Nelson Road to the west. However, these would be further from the boundary than the existing houses at a distance of 16.3m from the side boundary of the rear garden of 39 Nelson Road and would not result in significantly more overlooking than the existing houses on site. The original plans have been amended so that the balcony proposed to the rear of one of the first floor flats has been omitted from the final proposal.

#### *Noise and Disturbance*

- 6.13 It is likely that there would be increased use of the access path on the northern side of the site adjacent to Holbein Court, which allows access to the rear garden, which would be in use as a communal garden. However, as mentioned earlier there is a close-boarded fence on this shared boundary and the access path would only be used to reach the garden and cycle storage with the main rear garden located primarily behind garages and a paved area outside the site on Nelson Road. It is considered that with the limited number of proposed units and the site circumstances described above that there would not be unacceptable harm to neighbours in this regard, in accordance with policy DM1.
- 6.14 Future Occupier Amenity
- 6.15 London Plan Policy 3.5 Quality and Design of Housing Developments sets out a range of criteria for achieving good quality residential development. Part B of the

policy deals with residential development at the neighbourhood scale; Part C addresses quality issues at the level of the individual dwelling.

- 6.16 Policies DM1 Achieving a High Standard of Development and DM27 Amenity Space set out a number of privacy and amenity criteria for the assessment of proposals for residential development.

*Proposed Units Sizes*

<b>Floor</b>	<b>Unit Number</b>	<b>Size</b>	<b>GIA</b>
<b>Ground Floor</b>	01	2b4p	70.9 sq m
	02	3b5p	86 sq m
<b>First Floor</b>	03	2b4p	70.9 sq m
	04	3b4p	78.5 sq m
<b>Second Floor</b>	05	1b2p	59.4 sq m
	06	2b4p	73.6 sq m

- 6.17 All of the proposed units meet London Plan standards in terms of overall unit sizes. Unit 04 on the first floor has been shown as a 3b4p unit, where one of the single bedrooms is large enough (14 sq m) to be a double bedroom. However, it would still meet the space requirements for a 3b5p unit and on this basis is considered acceptable. All of the bedrooms meet space requirements and purpose built storage.

*Floor to Ceiling Heights*

- 6.18 The floor to ceiling heights on the ground and first floor would be over 2.5m and so would meet the London Plan requirements. The second floor units would be located entirely within the roof. However, this roof space would be relatively tall, with the majority of the floor to ceiling height at above 2.5m, reaching a maximum height of over 4m. On this basis, the floor to ceiling height would be sufficient to ensure that there would not be a cramped living environment or overcrowding for future occupiers.

*Light, Outlook, Privacy and Overall Layout*

- 6.19 The secondary bedroom to the ground floor flat 01 would have its only window facing the side boundary on Nelson Road. This is not an ideal layout, as it would be only 2.35m from the side boundary which could result in some loss of privacy for future occupiers. However, this is a secondary bedroom and the other two habitable rooms in this flat have adequate outlook. Furthermore, with an appropriate boundary treatment, unacceptable harm to future occupier privacy and outlook could be avoided.
- 6.20 Aside from this, all of the habitable rooms would be facing to the front or rear and each of the units at ground floor level would have their own private garden with boundary treatment, which would prevent loss of privacy from the front or rear gardens. Also the windows facing the side access at ground floor level could be obscure-glazed to avoid overlooking or loss of privacy.

- 6.21 However, there are concerns related to the level of outlook to the ground floor front and rear windows as the private amenity spaces are only 1.5m in depth. It is acknowledged that this depth complies with the recommendations with the Mayor of London Housing SPG for balconies. However, as privacy could be an issue at the ground floor, a higher boundary treatment would be required and with such a short distance from window to boundary treatment, there would be a harmful loss of outlook and potentially light as well. For this reason, within the condition for landscaping details a sub-section requiring that the depth of the ground floor private amenity spaces be increased to a more acceptable depth. It is recognised that there is more limited space at the front of the building; however this is an important requirement to ensure that future occupiers on the ground floor have access to acceptable outlook and privacy.

#### *Outdoor Amenity Space*

- 6.22 Private gardens have been provided to both of the ground floor units with balconies provided, for both of the second floor units and one of the first floor units. There is also a communal garden for the use of all future occupiers. This is considered acceptable for future occupiers in accordance with policy DM27.

#### 6.23 Traffic, Car/Cycle Parking

- 6.24 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also contribute to wider sustainability and health objectives. It further recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. London Plan policy 6.3 states that 'development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed'. Policies 6.9 and 6.10 relate to the provision of cycle and pedestrian friendly environments, whilst policy 6.13 relates to parking standards. Core Strategy policy CS1.Q seeks to 'secure enhancements to the capacity, accessibility and environmental quality of the transport network', whilst policy CS1.R reinforces the aims of London Plan policy 6.13, which aims to contribute to modal shift through the application of parking standards.

- 6.25 It is noted that the Draft London Plan 2017 has higher cycling requirements. However, as an emerging document this carries limited weight and the scheme meets current London Plan cycle parking standards.

#### *Refuse, Servicing and Emergency Services Access*

- 6.26 Refuse storage is proposed to be located within the front garden in a communal store. This would be accessible for future occupiers and would be a sufficient distance from the future occupier units and from the site boundaries to avoid harm to amenity. This would be sufficiently close to the site boundary to be accessible for collection and it will be conditioned to be kept in the storage area except on collection days.

### *Construction Logistics Plan*

- 6.27 The Highways Authority requires a construction logistics plan which has been addressed through a planning condition.
- 6.28 Flood Risk and Development
- 6.29 The site is not in a higher risk flood zone and the proposed footprint would be similar to the existing. The Councils Drainage Team has made comments in relation to requirements for sustainable drainage measures and surface water run-off as well as permeable hard surfacing. Subject to conditions on this basis, the scheme is considered acceptable in terms of flood risk and development in accordance with Harrow Development Management Policy DM10.
- 6.30 Secure by Design Issues
- 6.31 Secured by Design (SBD) is a UK Police flagship initiative that advocates designing out crime to promote safer neighbourhoods. It has been integrated in to planning Policy via the London Housing Design Guide.
- 6.32 A condition has been attached to ensure that the scheme complies with SBD requirements. For further information the applicant can contact the North West London Designing Out Crime Group on the following: [DOCOMailbox.NW@met.police.uk](mailto:DOCOMailbox.NW@met.police.uk)
- 6.33 Conclusion
- 6.34 The principle of providing residential accommodation at the application site is considered acceptable. The development would bring forward housing provision of a satisfactory mix to provide housing choice to the borough and of an adequate level to ensure suitable accommodation for future occupiers. It is considered that the proposal would have an acceptable design and external appearance and would not have an undue impact on the character and appearance of the area or the residential amenity of neighbouring occupiers. The proposal would provide appropriate living conditions for the future occupiers of the development. In addition to this, the details submitted in relation to refuse and waste storage/facilities and cycle parking are considered to be acceptable subject to conditions requiring further details.
- 6.35 For all the reasons considered above, and 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: 041/PL/202 Revision A; 041/PL/220 Revision B; 041/PL/221 Revision A; 041/EX/110; 041/PL/200 Revision A; 041/EX/001; 041/PL/205; 041/PL/240 Revision A; 041/PL/201 Revision B; 041/PL/203 Revision A; 041/EX/002; 041/PL/241; Design and Access Statement Revision A March 2018.

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

#### 3 Materials

The development hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces noted below have been submitted to, and approved in writing by, the local planning authority:

a: the building

b: the ground surfacing

c: internal and external boundary treatments (including indication of heights)

The development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason: To safeguard the appearance of the locality. To ensure that the proposed works can be incorporated in to the design, this is PRE-COMMENCEMENT Condition.

#### 4 Construction Logistics Statement

No development shall take place until a Construction Logistics Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. measures to control the emission of dust and dirt during construction

- v. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To ensure that the construction of the development does not unduly impact on highway safety and the amenities of the existing occupiers of the properties adjacent to the site. To ensure that the proposed works can be incorporated in to the design, this is PRE-COMMENCEMENT Condition.

5 Electric Vehicle Charging Point

Notwithstanding the approved plans, prior to commencement of works, details of the active and 1 x passive electric vehicle charging point within the proposed parking shall be submitted to the local planning authority for approval. The works shall be undertaken in accordance with the approved details and retained in that form thereafter.

Reason: To ensure that the proposed development meets London Plan electric vehicle parking requirements. To ensure that the proposed works can be incorporated in to the design, this is PRE-COMMENCEMENT Condition.

6 Levels

The development of the proposed building hereby approved shall commence until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s), and any other changes proposed in the levels of the site, have been submitted to, and approved by, the local planning authority.

Reason: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and future highway improvement.

7 Drainage

Notwithstanding the approved plans, the development hereby permitted shall not commence until details for a scheme for works for the disposal of foul water, surface water and surface water attenuation and storage works on site as a result of the approved development are submitted to the local planning authority to be approved in writing. The development shall be completed in accordance with the approved details and shall thereafter be retained.

Reason: To ensure that the development has adequate drainage facilities, to reduce and mitigate the effects of flood risk and would not impact the character and appearance of the development.

8 Fencing During Construction

No demolition or site works in connection with the development hereby permitted shall commence before:

- a: the frontage



b: the boundary

of the site is enclosed by a close boarded fence to a minimum height of 2 metres. Such fencing shall remain until works and clearance have been completed, and the development is ready for occupation.

Reason: In the interests of amenity and highway safety.

9 Refuse Storage

The refuse and waste bins shall be stored at all times, other than on collection days, within the designated refuse storage areas as shown on the approved plans. The refuse storage area shown on the approved plans shall be allocated as indicated. Access to the refuse storage area shall not be obstructed on collection days.

Reason: To enhance the appearance of the development and safeguard the character and appearance of the area and to minimize disruption to the highways network.

10 Secure by Design

Evidence of certification of Secure by Design Accreditation for the development shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is occupied or used.

Reason: In the interest of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime.

11 Cycle Storage/

Notwithstanding the approved plans, prior to practical completion of the development, details of safe and secure cycle storage for 12 x bicycles for the use of future occupiers shall be submitted to the local planning authority to be approved in writing for the . The bicycle storage shall be implemented in accordance with the approved details and shall thereafter be retained in that form.

Reason : To provide safe and secure cycle storage for the use of future occupiers.

12 M4 (2) Accessibility

The development hereby permitted shall be constructed to the specifications of: "Part M, M4 (2), Category 2: Accessible and Adaptable Dwellings" of the Building Regulations 2013 as far as possible and thereafter retained in that form.

Reason: To ensure that the development is capable of meeting 'Accessible and Adaptable Dwellings' standards.

13 Obscure Glazing

The window(s) in the northern flank wall of the approved development shall:

- a) be of purpose-made obscure glass,
- b) be permanently fixed closed below a height of 1.7 metres above finished floor level, and shall thereafter be retained in that form.

Reason: To safeguard the amenity of neighbouring residents.

14 Landscape

Notwithstanding the approved plans, a landscape plan and management plan, including long term design objectives, management responsibilities and maintenance schedules for all communal landscape areas other than small, private gardens as shown on the approved plans, shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of the development. This shall include an increase in the depth of the private gardens to a minimum of 2m at the front of the site and 3m at the rear of the site. The landscape plan and management plan shall be carried out as approved.

Reason : To safeguard the appearance and character of the area, to enhance the appearance of the development and to protect future occupier amenity.

15 Restriction of HMO

The development hereby permitted shall be used for Class C3 dwellinghouse(s) only and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Schedule 2, Part 3, Class L shall take place.

Reason: To enable the Local Planning Authority to fully consider the effects of development normally permitted by the Town and Country Planning (General Permitted Development) Order 2015 to maintain mixed, balanced, sustainable and inclusive communities and in the interests of residential and visual amenity.

## **INFORMATIVES**

### 1 Policies

The following policies and guidance are relevant to this decision:

**National Planning Policy and Guidance:**  
National Planning Policy Framework (2012)

#### **Draft London Plan 2017**

##### **The London Plan (2016):**

- 3.1 Ensuring Equal Life Chances for All
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture

#### **Draft London Plan (2017)**

##### **Local Development Framework**

Harrow Core Strategy 2012

CS1 B Local Character

CS 1 U Flooding

Harrow and Wealdstone Area Action Plan (2013)

AAP3 – Wealdstone

AAP4 – Achieving a High Standard of Design and Layout throughout the Heart of Harrow

AAP 9 – Flood Risk and Sustainable Drainage

AAP13 – Housing within the Heart of Harrow

## AAP19 – Transport, Parking and Access within the Heart of Harrow

### Development Management Policies Local Plan 2013

DM1 Achieving a High Standard of Development  
DM2 Achieving Lifetime Neighbourhoods  
DM9 Managing Flood Risk  
DM10 On Site Water Management and Surface Water Attenuation  
DM12 Sustainable Design and Layout  
DM23 Streetside Greenness and Forecourt Greenery  
DM24 Housing Mix  
DM27 Amenity Space  
DM37 Secondary Shopping Frontage  
DM42 Parking Standards  
DM44 Servicing  
DM45 Waste Management

### Supplementary Planning Documents

Mayor of London Housing Supplementary Planning Guidance (2012)  
Residential Design Guide Supplementary Planning Document (2010)  
Accessible Homes Supplementary Planning Document (2010)  
Building Regulations 2010 M4 (2) Category 2: Accessible and Adaptable Dwellings  
Technical Housing Standards- Nationally Described Space Standard 2015  
Code Of Practice For The Storage And Collection Of Refuse And Materials For Recycling In Domestic Properties 2016

## 2 Grant with 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. Pre-application advice was sought and provided and the submitted application was in accordance with that advice.

## 3 Mayor CIL

Please be advised that approval of this application by Harrow Council will attract a liability payment £ 19,950 of Community Infrastructure Levy. This charge has been levied under Greater London Authority CIL charging schedule and s211 of the Planning Act 2008.

Harrow Council as CIL collecting authority on commencement of development will be collecting the Mayoral Community Infrastructure Levy (CIL). Your proposal is subject to a CIL Liability Notice indicating a levy of £19,950 for the application, based on the levy rate for Harrow of £35/sq m and the stated increase in floorspace of 570 sq m

You are advised to visit the planning portal website where you can download the appropriate document templates.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

#### 4 Harrow CIL

Harrow has a Community Infrastructure Levy which will apply Borough wide for certain uses of over 100sqm gross internal floor space. The CIL has been examined by the Planning Inspectorate and found to be legally compliant. It will be charged from the 1st October 2013. Any planning application determined after this date will be charged accordingly.

Harrow's Charges are: £ 62,700

Residential (Use Class C3) - £110 per sqm;

Hotels (Use Class C1), Residential Institutions except Hospitals, (Use Class C2), Student Accommodation, Hostels and HMOs (Sui generis)- £55 per sqm;

Retail (Use Class A1), Financial & Professional Services (Use Class A2), Restaurants and Cafes (Use Class A3) Drinking Establishments (Use Class A4)

Hot Food Takeaways (Use Class A5) - £100 per sqm

All other uses - Nil.

The Harrow CIL Liability for this development is: £62,700

#### 5 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.

#### 6 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](mailto:communities@twoten.com)

## 7 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

- 8 Notwithstanding the details set out within Construction Logistics condition 16 above, the Construction Management Plan should also be produced in accordance with Transport for London guidance. Further information can be found at: <https://tfl.gov.uk/info-for/urban-planning-and-construction/transport-assessment-guide/guidance-by-transport-type/freight>

- 9 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](mailto:nrswa@harrow.gov.uk) or telephone 020 8424 1884 where assistance with the repair of the damage is available, at the applicant's expense. Failure to report any damage could result in a charge being levied against the property.

## 10 STREET NAMING AND NUMBERING INFORMATIVE

Harrow Council is responsible for the naming and numbering of new or existing streets and buildings within the borough boundaries. The council carries out these functions under the London Government Act 1963 and the London Building Acts (Amendment) Act 1939. All new developments, sub division of existing properties or changes to street names or numbers will require an application for official Street Naming and Numbering (SNN). If you do not have your development officially named/numbered, then then it will not be officially registered and new owners etc. will have difficulty registering with utility companies etc.

You can apply for SNN by contacting [technicalservices@harrow.gov.uk](mailto:technicalservices@harrow.gov.uk) or on the following link.

[http://www.harrow.gov.uk/info/100011/transport\\_and\\_streets/1579/street\\_naming\\_and\\_numbering](http://www.harrow.gov.uk/info/100011/transport_and_streets/1579/street_naming_and_numbering)

Plan Numbers: 3D Images Rear Corner View Revision A; 3D Images Front Corner View; 041/PL/202 Revision A; 041/PL/220 Revision B; 041/PL/221 Revision A; 041/EX/110; 041/EX/001; 041/PL/205; 041/PL/240 Revision A; 041/PL/201Revision B; 041/PL/203Revision A; 041/EX/002; 041/PL/241; Design and Access Statement Revision A March 2018.

## APPENDIX 2: SITE PLAN





**APPENDIX 3: PHOTOGRAPHS**



Front Elevation



Rear elevation







Rear garden

## APPENDIX 4: PLANS AND ELEVATIONS



Proposed elevations

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