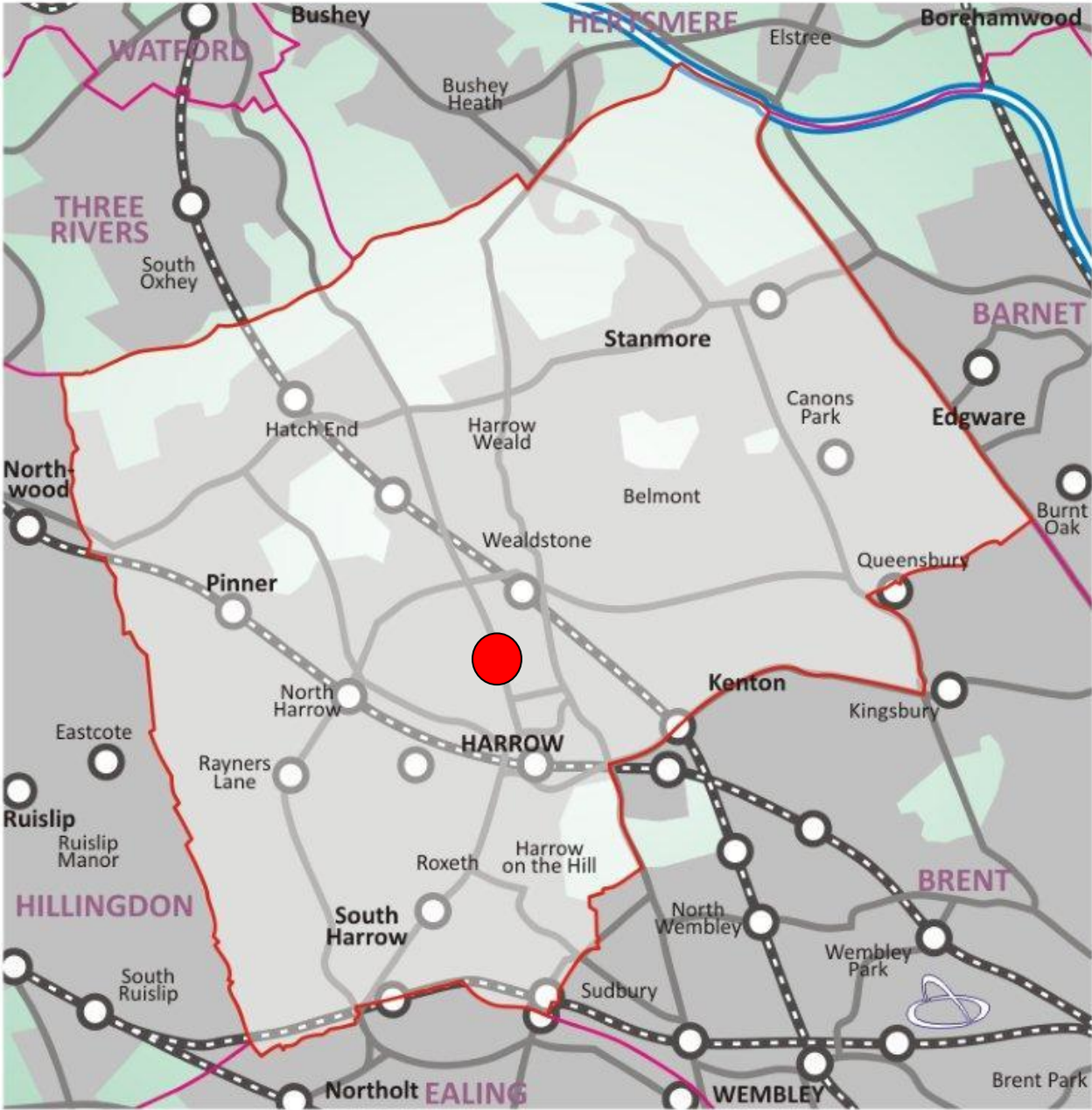
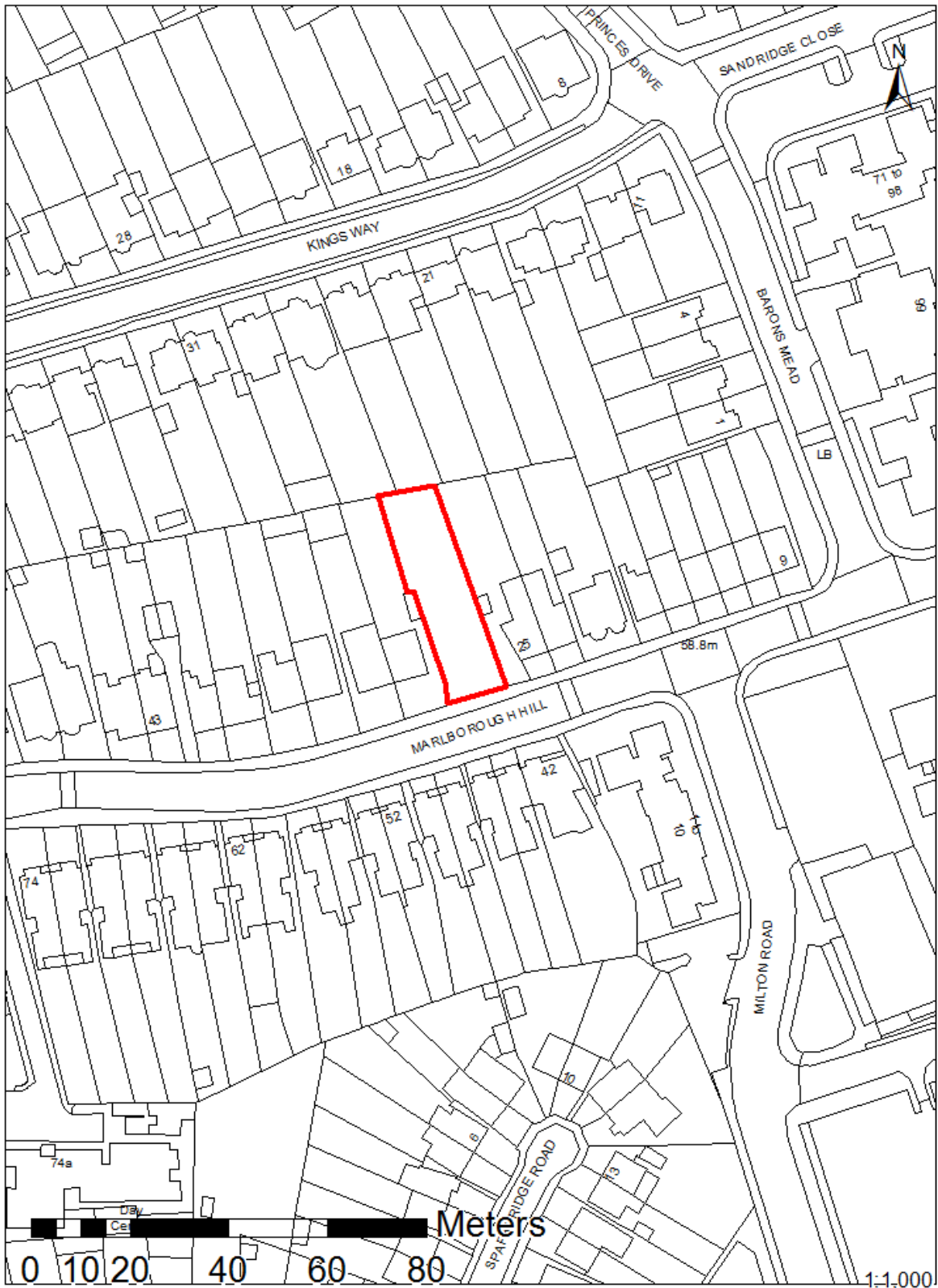


 = application site



29 Marlborough Hill	P/1858/18
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29 Marlborough Hill



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LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

25th July 2018

APPLICATION NUMBER: P/1858/18
VALIDATE DATE: 14/05/2018
LOCATION: 29 MARLBOROUGH HILL HARROW
WARD: MARLBOROUGH
POSTCODE: HA1 1TX
APPLICANT: MR & MRS M ROCHE
AGENT: DAN DESIGN
CASE OFFICER: FAYE MCELWAIN
EXPIRY DATE: 28/06/2018

PURPOSE OF REPORT/PROPOSAL

RECOMMENDATION A

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 A Two Storey Building To Create Four Flats; Parking; Separate Amenity Space; Widening Of Vehicle Access; Landscaping; Bin / Cycle Storage

The Planning Committee is asked to:

- 1) Grant planning permission subject to authority being delegated to the Divisional Director of Regeneration, Enterprise and Planning in consultation with the Director of Legal and Governance Services for the completion of the Section 106 legal agreement and other enabling legislation and issue of the planning permission and subject to minor amendments to the conditions (set out in Appendix 1 of this report) or the legal agreement. The Section 106 Agreement Heads of Terms would cover the following matters:

Heads of Terms for the Legal Agreement

- i) Restriction of parking permits for future occupiers.
- ii) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement.
- iii) Monitoring Officer's fees.

REASON

The proposed development of the site would provide a quality development comprising of a satisfactory level of residential accommodation, thereby contributing to the Borough's housing stock. The housing development would be appropriate in terms of material presence, attractive streetscape, and good routes, access and make a contribution to the local area, in terms of quality and character.

The decision to GRANT planning permission has been taken having regard to the National Planning Policy Framework 2012, the policies and proposals in The London Plan 2016, the Harrow Core Strategy 2012 and the Development Management Policies Local Plan 2013, and to all relevant material considerations, and any comments received in response to publicity and consultation.

RECOMMENDATION B

That if, by 25th October or as such extended period as may be agreed by the Divisional Director of Regeneration, Enterprise and Planning in consultation with the Chair of the Planning Committee, then it is recommended to delegate the decision to REFUSE planning permission to the Divisional Director of Regeneration, Enterprise and Planning on the grounds that:

The proposed development, in the absence of a legal agreement to provide appropriate mitigation measures to ensure the development would not exacerbate on street parking concerns of the proposed development, would fail to comply with the requirements of policies 6.9 of The London Plan 2016, Policy DM42 of the Harrow Development Management Policies Local Plan (2013), and policy CS1.R of the Harrow Core Strategy 2012.

INFORMATION

This application is reported to Planning Committee as the proposed development is for four flats and requires a Section 106 agreement to restrict parking permits for new occupiers of the site.

Statutory Return Type:	Minor Dwelling
Council Interest:	None
GLA Community	£6,650
Infrastructure Levy (CIL)	
Contribution (provisional):	
Local CIL requirement:	£29,900

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
- Draft 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	29 Marlborough Hill Harrow HA1 1TX
Applicant	Mr & Mrs M Roche
Ward	Marlborough
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	None
Other	Critical Drainage Area

Housing		
Density	Proposed Density hr/ha	N/A
	Proposed Density u/ph	N/A
	PTAL	4
	London Plan Density Range	45 - 185
Dwelling Mix	Studio (no. / %)	1
	1 bed (no. / %)	3
	2 bed (no. / %)	0
	3 bed (no. / %)	0
	4 bed (no. / %)	0
	HMO en-suit	0
	Overall % of Affordable Housing	N/A
	Comply with London Housing SPG?	N/A
Comply with M4(2) of Building Regulations?	Condition attached	

Transportation		
Car parking	No. Existing Car Parking spaces	2
	No. Proposed Car Parking spaces	2
	Proposed Parking Ratio	0.5:1
Cycle Parking	No. Existing Cycle Parking spaces	N/A
	No. Proposed Cycle Parking spaces	7
	Cycle Parking Ratio	1.75:1
Public Transport	PTAL Rating	4
	Closest Rail Station / Distance (m)	Harrow and Wealdstone Station – 500m
	Bus Routes	140, 182, 186, 258, 340
Parking Controls	Controlled Parking Zone?	Yes
	CPZ Hours	Mon-Fri 10-11am (permit holders only)
	Previous CPZ Consultation (if not in a CPZ)	N/A
	Other on-street controls	N/A
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	Purposed storage in rear garden.

Sustainability / Energy	
BREEAM Rating	N/A
Development complies with Part L 2013?	Condition Added
Renewable Energy Source / %	N/A

PART 2 : Assessment

1.0 SITE DESCRIPTION

- 1.1 The site comprises of a two storey detached dwellinghouse facing southeast onto Marlborough Hill.
- 1.2 The dwelling has not been previously extended.
- 1.3 The site is located in a Critical Drainage Area. There are no other site specific constraints

2.0 PROPOSAL

- 2.1 Planning permission is sought to demolish the existing dwelling and to redevelop the site to construct a two storey building comprising of four flats.
- 2.2 Three one bedroom, two person units are proposed on the ground floor and west side of the first floor and one studio flat on the east side of the first floor.
- 2.3 The proposed new building has a footprint of approximately 14.7m by 8.6m with a hipped pyramid roof of a maximum height of 9.2m.
- 2.4 The first floor is set in at the rear beside the eastern boundary.
- 2.5 There would be a single entrance to the upper flats from the front of the building and each of the ground floor flats would be accessed by doors on either side of the building.
- 2.6 The rear garden would be subdivided to provide private amenity space for each unit.
- 2.7 Bins and cycle storage would be located to the rear
- 2.8 The forecourt would be used to provide soft landscaping and two parking spaces.

2 RELEVANT PLANNING HISTORY

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

Ref no.	Description	Status and date of decision
P/0153/18	Re-Development To Provide A Two Storey Building With Habitable Roofspace For Four Flats; Parking; Separate Amenity Space; Widening Of Vehicle Access; Landscaping; Bin / Cycle Storage	<p>REFUSED – 12 March 2018</p> <p><i>1. The proposed side dormers by reason of the excessive width, lack of visual containment and unsympathetic design would give rise to a disproportionate and an obtrusive form of development, which would dominate the roof of the property, to the detriment of the character and appearance of the area and the streetscene, contrary to the high quality design aspirations of the National Planning Policy Framework (2012), Policies 7.4B and 7.6B of The London Plan (2016), Core Policy CS1.B of the Core Strategy (2012), Policy DM1 of the Harrow Development Management Policies Local Plan (2013) and guidance contained in the adopted Supplementary Planning Document: Residential Design Guide (2010).</i></p>

		<p>2. <i>The proposed development by reason of poor and unacceptable design of the front elevation, would result in an incongruous and unsympathetic form of development, at odds with the pattern and context of development locally, to the detriment of the character and appearance of the area, contrary to National Planning Policy Framework (2012), policy CS1.B Harrow Core Strategy (2012), policy DM1 of the Harrow Development Management Policies Local Plan (2013), policies 7.4B and 7.6B of The London Plan (2011), and Supplementary Planning Document - Residential Design Guide (2010).</i></p> <p>3. <i>The proposal, by reason insufficiently sized windows to the roofspace would provide insufficient outlook to the users of those rooms, to the detriment of the residential amenities of the future occupiers of the development, contrary to policies 3.5 and 3.8 of The London Plan (2016), the Mayor's Supplementary Planning Guidance: Housing</i></p>
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		<p>(2012), policy DM 1 of the Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document: Residential Design Guide (2010).</p> <p>4. The proposed development by reason of the sizes and the siting of the windows in the side and rear elevations, would result in unacceptable levels of actual and perceived overlooking to the properties at 25 and 31 Marlborough Hill, to the detriment of the residential amenities of these adjoining sites contrary to Policies 7.4B and 7.6 of The London Plan (2016), policy DM 1 of the Harrow Development Management Policies Local Plan (2013) and Supplementary Planning Document: Residential Design Guide (2010).</p>
P/1971/13	Demolition of existing dwellinghouse; redevelopment to provide a three storey building comprising 6 flats; enlargement of existing vehicle access; bin storage; landscaping & parking (amended site plan)	<p>REFUSED – 21/01/2014</p> <p>1. The proposed development would be sited partly on residential garden land which is excluded from the definition of previously developed</p>

		<p><i>land in the National Planning Policy Framework (2012). As such the principle of the development is at odds with the Harrow Core Strategy of directing new residential and other development to the Harrow & Wealdstone Intensification Area, town centres and, in suburban areas, to strategic previously developed sites and would therefore harm its implementation contrary to the National Planning Policy Framework (2012), policy 3.5A of The London Plan (2011) and policies CS1.A and CS1.B of the Harrow Core Strategy (2012).</i></p> <p><i>2. The proposed development by reason of excessive bulk and rearward projection and unacceptable design, would result in an inappropriate, bulky, intrusive, disproportionate, incongruous and unsympathetic form of development, disrupting the natural rhythm of the</i></p>
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		<p>streetscene, at odds with the pattern and context of development locally, to the detriment of the character and appearance of the area and would result in an overbearing impact and a loss of light and outlook to numbers 25 and 31 Marlborough Hill to the detriment of the visual amenities of the area and the residential amenities of the adjoining occupiers contrary to policy CS1.B Harrow Core Strategy (2012), policy DM1 of the Harrow Development Management Policies Local Plan (2013), policies 7.4B and 7.6B of The London Plan (2011), and Supplementary Planning Document - Residential Design Guide (2010).</p> <p>3. The proposed development would result in unacceptable overlooking into the properties at 25 and 31 Marlborough Hill to the detriment of the residential</p>
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		<p><i>amenities of these adjoining sites contrary to policy DM1 and Supplementary Planning Document: Residential Design Guide (2010).</i></p> <p><i>4. The bedrooms of flat numbers 1 and 2 would be overlooked as a result of the location of the side access way which would be directly adjoining these windows which would result in a loss of amenity for the future occupiers of these flats contrary to policy DM1 of the Development Management Policies Local Plan (2013) and Supplementary Planning Document: Residential Design Guide (2010).</i></p> <p><i>5. The main access to the development at the side would result in unacceptable disturbance to the neighbouring property at number 31 Marlborough Hill, would be out of character with the area would raise secure by design</i></p>
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		<p>issues to the detriment of the amenities and safety of the future occupiers of this site and the neighbouring occupiers contrary to policies 7.3B, 7.4B and 7.6B London Plan (2011), policies CS1.B and CS1.K of the Harrow Core Strategy (2012), policies DM1 and DM2 of the Development Management Policies Local Plan (2013) and Supplementary Planning Document: Residential Design Guide (2010).</p> <p>6. The proposal, by reason of over-excessive on-site parking perpendicular to the public highway would potentially have a prejudicial impact on the safety of pedestrians and traffic using the public highway and the lack of a landscaped setting would be detrimental to the visual amenity and character of the area contrary to policies 6.3, 7.4B and 7.6B of The</p>
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		<p><i>London Plan (2011), policy CS1.B of the Harrow Core Strategy (2012), policies DM1 and DM23 of the Harrow Development Management Policy (2013) and Supplementary Planning Document - Residential Design Guide (2010).</i></p>
P/2709/14	<p>Redevelopment to provide a three storey building comprising 6 flats; enlargement of existing vehicle access; bin storage; landscaping & parking; demolition of existing dwellinghouse</p>	<p>REFUSED 08/09/2014 DISMISSED ON APPEAL – 22/04/2015</p> <p>1. <i>The proposed development would be sited partly on residential garden land which is excluded from the definition of previously developed land in the National Planning Policy Framework (2012). As such the principle of the development is at odds with the Harrow Core Strategy of directing new residential and other development to the Harrow & Wealdstone Intensification Area, town centres and, in suburban areas, to strategic previously developed sites and would therefore harm its implementation contrary to the National Planning Policy Framework (2012), policy 3.5A of The London Plan (2011) and policies CS1.A and CS1.B of the Harrow Core Strategy (2012) and</i></p>

		<p><i>the adopted Supplementary Planning Document Garden Land Development (2013).</i></p> <p><i>2. The proposed development by reason of excessive bulk and rearward projection, unacceptable design and siting of the rear car parking spaces, would result in an inappropriate, bulky, intrusive, disproportionate, incongruous and unsympathetic form of development, disrupting the natural rhythm of the streetscene, at odds with the pattern and context of development locally, to the detriment of the character and appearance of the area and would result in an overbearing impact and a loss of light and outlook to numbers 25 and 31 Marlborough Hill to the detriment of the visual amenities of the area and the residential amenities of the adjoining occupiers contrary to the National Planning Policy Framework (2012), policies 7.4B and 7.6B of The London Plan (2011), policy CS1.B Harrow Core Strategy (2012), policies DM 1 and DM 27 of the Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document - Residential</i></p>
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		<p><i>Design Guide (2010).</i></p> <p><i>3. The proposal, by reason of inappropriate internal layout and inadequate flat and room sizes and poor amenity space would provide cramped, substandard and low quality accommodation, to the detriment of the residential amenities of the future occupiers of the development, contrary to policies 3.5 and 3.8 of The London Plan (2011), the Mayor's Supplementary Planning Guidance: Housing (2012), policy DM 1 of the Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document: Residential Design Guide (2010).</i></p> <p><i>4. The proposed development by reason of the sizes and the siting of the windows in the side and rear elevations, would result in unacceptable levels of actual and perceived overlooking to the properties at 25 and 31 Marlborough Hill, to the detriment of the residential amenities of these adjoining sites contrary to policy DM 1 of the Harrow Development Management Policies Local Plan (2013) and</i></p>
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		<p>Supplementary Planning Document: Residential Design Guide (2010).</p> <p>5. The bedroom window of flat number 2 would be overlooked as a result of the location of the side access way which would be directly adjacent and would result in a loss of amenity for the future occupiers of this flats contrary to policy DM 1 of the Development Management Policies Local Plan (2013) and Supplementary Planning Document: Residential Design Guide (2010).</p> <p>6. The proposed car parking spaces at the rear of the site, by reason of their siting in relation to the neighbouring properties and rear gardens, would result in unacceptable noise and disturbance for the neighbouring occupiers, to the detriment of their residential amenities, contrary to policy 7.6B of The London Plan (2011) and policy DM 1 of the Harrow Development Management Policies Local Plan (2013).</p> <p>The main access to the development at the side would result in unacceptable disturbance to the neighbouring property at</p>
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		<i>number 31 Marlborough Hill, would be out of character with the area and would raise secure by design issues to the detriment of the amenities and safety of the future occupiers of this site and the neighbouring occupiers contrary to policies 7.3B, 7.4B and 7.6B London Plan (2011), policies CS1.B and CS1.K of the Harrow Core Strategy (2012), policies DM1 and DM2 of the Development Management Policies Local Plan (2013) and Supplementary Planning Document: Residential Design Guide (2010).</i>
P/4411/17	Certificate of lawful development (proposed): single storey side single and two storey rear extensions; extension and alteration to roof to form rear gable with installation of window; three side dormers to create habitable roofspace	GRANTED – 22/11/2017

3 **CONSULTATION**

3.4 A total of 6 consultation letters were sent to neighbouring properties regarding this application.

3.5 The overall public consultation period expired on 06th June 2018.

4.3 Adjoining Properties

Number of letters Sent	6
Number of Responses Received	1
Number in Support	0
Number of Objections	1
Number of other Representations (neither objecting or supporting)	0

4.5 Statutory and Non Statutory Consultation

4.6 The following consultations have been undertaken, together with the responses received and officer comments:

Consultee	Summary of Comments	Officer Comments
Drainage	The applicant should submit a surface water drainage strategy and the applicant should make sure that the width of the vehicle access is in line with Harrow's New Vehicle Crossing Policy. These issues can be dealt with by conditions/informatives.	Noted
Highways	The proposed vehicular crossover does seem to be excessive at 10 metres. Two separate crossovers may be more appropriate. The applicant would need to submit an application for this to be assessed. Acknowledges the site currently operates as an HMO with 6 bedrooms. However, would expect that this use would generate a minimal parking demand. Whilst the ptal at 4 seems low considering the proximity to Harrow and Wealdstone Station and the number of bus routes that are within a short walk of the site there	Noted

	<p>still seems to be quite a high parking demand in this area. It may be appropriate to permit restrict the development to help discourage car ownership so that it doesn't result in an adverse impact. This proposal would already reduce the on-street parking bay provision by at least one space.</p>	
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4 **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 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 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;

- 1) Principle of the Development
- 2) Character and Appearance of the Area
- 3) Residential Amenity
- 4) Traffic and Parking
- 5) Development and Flood Risk
- 6) Accessibility
- 7) Sustainability
- 8) S17 Crime & Disorder Act
- 9) Consultation Responses

6.2 Principle of Development

6.2.1 It is considered that the proposal would provide an increase in smaller housing stock within the Borough which is in accordance with the Core Strategy target of providing a minimum of 6050 additional homes before 2026.

6.2.2 One neighbour has objected to the provision of flats within this street which is primarily dwellinghouses. However, there are no policies against the conversion of a property into separate units. As such, the proposal is considered to be acceptable in principle.

6.3 Character of the Area

6.3.1 The National Planning Policy Framework advises that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people and also says 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'.

6.3.2 Policy 7.4B of the London Plan (2016) seeks a high standard of design and layout in all development proposals. It goes on to state, amongst other things,

that developments should contribute to the creation of a positive identity through the quality of building layout and design, should be designed to complement their surroundings and should have a satisfactory relationship with adjoining buildings and spaces. Policy 7.6B highlights that buildings and structures should be of a proportion and scale that appropriately defines the public realm. The thrust of these policies are brought forwards into the Draft London Plan.

- 6.3.3 Policy CS1.B of the Harrow Core Strategy (2012) 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; extensions should respect their host building.
- 6.3.4 DM1 of the Development Management Policies Local Plan (2013) suggests that proposals should achieve a high standard of design and layout in particular regard should be taken to mass, bulk scale and height.
- 6.3.5 The proposed replacement building is wider than the current building on the site as it covers the area previously occupied by a garage serving the dwelling. It has a pyramid hipped roof with an eaves height similar to the existing dwelling and consistent with neighbouring dwellings. Two side dormers were present on the previously proposed building which have been omitted from the scheme which removes the first of the reasons for refusal of the previous scheme
- 6.3.6 The overriding characteristic of the properties in the area is of articulated bays with cornice's and detailing to the concrete mullion's with either rendered or slate aprons between double bays. Window frames are set within a reveal with cills and doors which are generally recessed. This articulation gives the area both individual and group character. It was considered that the previously refused scheme was out of character with this predominant form as it lacked detailing and articulation. The revised application contains a central front gable and access porch, which serves the upper flats, and brick quoins have been added to the corner of the building, similar to neighbouring properties. It is considered that these features and detailing would contribute to visual interest and result in a more acceptable front elevation which integrates better with the surrounding dwellings. It is considered that the alterations are sufficient to address the previous street scene concerns and addresses the second reason for refusal.

6.4 Residential Amenity for Existing Occupiers

- 6.4.1 Policy 7.6B, subsection D, of The London Plan (2016) states that “new buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate”.
- 6.4.2 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”.

- 6.4.3 Paragraph 4.66 of the Harrow Residential Guide SPD (2010) highlights the importance of the relationship between buildings in terms of light, outlook and visual enjoyment.
- 6.4.4 Paragraph 6.29 states that the 45 degree code should be applied as part of an assessment of site considerations.
- 6.4.5 The proposed building would not be higher than either neighbouring properties. It would be set between approximately 1.4m and 1.6m away from the shared boundary with no. 31 and 1.2m away from the shared boundary with no. 25 at the narrowest point and 1.7m at the widest point. It has been demonstrated on the plans that the new dwelling would not breach the 45 degree code in the horizontal or vertical planes in relation to either neighbouring property. Given these site circumstances it is considered that the proposal would not result in any overbearing impact in terms of loss of light, outlook or overshadowing and it is considered that the proposal would be acceptable in this regard.
- 6.4.6 Paragraph 6.22 of the adopted SPD states that large windows in a wall of a side extension within 3m of a boundary are unacceptable. Even if obscure glazed and non-opening they are unlikely to avoid the effects of perceived overlooking.
- 6.4.7 The proposed new building has ground and first floor windows on the side elevations. There are windows serving bathrooms and windows serving the main habitable room (lounge/kitchen/dining room). It was determined in the previous application that the size of the windows serving the habitable space were too large and contributed towards perceived/actual overlooking.
- 6.4.8 The secondary windows serving the main habitable room on the flank wall of the proposed building have been reduced in scale and have been raised in height so that they are high level and top opening only. Combined with the fact that they are proposed to be obscurely glazed the potential for actual and/or perceived overlooking has been diminished. In addition the first floor rear windows are proposed with vertical battens in order to address any potential overlooking over the garden areas of neighbouring properties. It is therefore considered that the third reason for refusal has been adequately addressed. Conditions to ensure that this remains the case for the lifetime of the development are considered necessary.
- 6.4.9 The occupier of a neighbouring property has concerns that the segregated garden layout and the use of the side access path for entrances to the flats could increase noise disturbance for the occupiers of neighbouring dwellings. The current dwelling is used as a HMO with four double and two single bedrooms. There is therefore the potential for up to ten occupants at a time. Based on the layout provided the maximum occupancy of the new flats would be seven. Therefore, it is considered that there would not be a likely increase in activity around the site as a result of the new development. Each side access is for one of the ground floor flats and access to the amenity space for flats 1,3 and 5 is beside no. 31. There is not sufficient space for congregation and unlikely to be

extensive use of the accesses. Therefore neighbouring amenity is not considered to be significantly compromised.

6.4.10 Future Occupiers

6.4.11 Policy 3.5C of The London Plan requires all new residential development to provide, amongst other things, accommodation which is adequate to meet people's needs. In this regard, minimum gross internal areas (GIA) are required for different types of accommodation, and new residential accommodation should have a layout that provides a functional space. Table 3.3 of The London Plan specifies minimum GIAs for residential units and advises that these minimum sizes should be exceeded where possible. The use of these residential unit GIA's as minima is also reiterated in Appendix 1 of the Residential Design Guide SPD. This is supported by policy DM1 of the DMP.

6.4.12 Policy DM 27 of the DMP states that the appropriate amount of amenity space should be informed by the Mayor of London's Housing Design Guide.

6.1.13 The size of the units in relation to the London Plan standards is outlined in the table below:

	Proposed Size	Proposed GIA	Minimum GIA	Minimum Storage
Flat 1	1 bed, 2 person	50.5sqm	50sqm	1.5sqm
Flat 2	1 bed, 2 person	50.5sqm	50sqm	1.5sqm
Flat 3	1 bed, 2 person	50.5sqm	50sqm	1.5sqm
Flat 4	1 bed, 1 person	39.2sqm	39sqm	1.0sqm

6.4.14 The proposed units meet the minimum space standards contained in the London Plan. In addition each flat is allocated between 41 and 60sqm of amenity space to the rear of the dwelling which exceeds the minimum standards set out in the Nationally Described Space Standards. Also the proposal includes some amenity space to the front. A landscaping condition will ensure that the space is appropriately arranged. The main living area of each of the flats is to the front of the building and is dual aspect and, although the secondary window on the side elevations is obscurely glazed and non-openable under 1.7m, there are windows to the front of the dwelling which offers a reasonable outlook for future occupiers. The bedrooms are positioned to the rear of the building and there is a suitable outlook towards the rear amenity space.

6.4.15 Stacking and Noise/Vibration Transfer

Paragraph 5.12 of the Council's adopted Supplementary Planning Document – Residential Design Guide (2010) states that 'The vertical stacking of rooms between flats should ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors.

- 6.4.16 Policy DM26 (b) which notes that proposals will be required to “secure the separation of bedrooms and other room uses between homes within the development and neighbouring dwellings having regard to the adequacy of any measures to prevent noise transference”.
- 6.4.17 The first floor units has a similar layout to the ground floor units which prevents any possible ‘stacking’ impact from bedrooms being above or under main habitable rooms such as living rooms.
- 6.4.18 A reason for refusal of the previous scheme was the unacceptable outlook from the habitable rooms on the second floor. The current scheme has omitted the accommodation at second floor and therefore it is considered that the final reason for refusal has been removed.

6.5 Traffic and Parking

- 6.5.1 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. Policy DM42 of the Development Management Policies states that proposals that make on-site provision for parking should have regard to the maximum London Plan standards. The London Plan (2016) Policies 6.3, 6.9 and 6.13, and the Parking Addendum to Chapter 6 of The London Plan (2016), is relevant, which sets out maximum parking standards for new development dependent upon their use and level of public transport accessibility. A maximum of 1 car parking space to each flat is required to accord with the above London Plan requirements.
- 6.5.2 Two car park spaces are proposed to the front of the dwelling. A dropped kerb already exists. However, the proposed layout suggests that two cars would park parallel to one another therefore the kerb will be required to be lowered by consent from Harrow’s Highway Authority. The highway officer indicates that a kerb dropped to the full width of the dwelling, as indicated on the plans is not likely to be approved by their department. However, an additional crossing to create two separate crossings is likely to be possible. An informative is attached to advise the applicant to this effect.
- 6.5.3 The proposed amount of car parking is in line with The London Plan (2016) requirements. A neighbour has objected as they consider the proposal will lead to more on street parking. The PTAL rating of the site is moderate at 4 and the Highways Authority concur that there is an issue with parking in this area which is restricted by a CPZ and they suggest that an agreement is required to restrict future occupiers from applying for parking permits. It is therefore recommended that a section 106 agreement is entered into with the Council and the applicant the Heads of Terms of which are outlined above.

- 6.5.4 Seven secure bicycle racks are proposed to the rear of the site beside the boundary with 31 Marlborough Hill and two spaces are proposed within the amenity space for flat 2. This is in accordance with the minimum requirements of the London Plan. However, no details on the type of cycle storage (i.e. sheltered and secure) have been provided. However, this can be controlled by condition.
- 6.5.5 Policy DM 45 states that: "A. All proposals will be required to make on-site provision for general waste, the separation of recyclable materials and the collection of organic material for composting.
The on-site provision must:
a. provide satisfactory storage volume to meet the general, recycling and organic waste material arising from the site;
b. ensure satisfactory access for collectors and, where relevant, collection vehicles;
and
c. be located and screened to avoid nuisance to occupiers and adverse visual impact."
- 6.5.6 Refuse Storage
- The proposed refuse storage is located beside the boundary with 31 Marlborough Hill for flats 1,3 and 4 and within the amenity space serving flat 2 for this flat. Storage to the rear is commonplace for residential units of this type and is considered an acceptable arrangement. However, two bins are indicated for each of the unit.. As there are sizeable gardens serving each of the flats, three bins would be required. There is considered to be sufficient space to accommodate this requirement and therefore the details of this can be controlled by condition.
- 6.6 Development and Flood Risk
- 6.6.1 CS1W states that DM polices wet out requirements for SUDs, rainwater harvesting, flood risk assessments and surface water management.
- 6.6.2 The development would result in some additional hardsurfacing on the site and would therefore have an impact in terms of surface water flood risk. As the site is located within a Critical Drainage Area, sustainable urban drainage [SuDs] is encouraged. An informative is attached to this affect.
- 6.6.3 The drainage engineer also states that permeable materials should be used for the driveways . This can be controlled by standard condition.

6.7 Accessibility

- 6.7.1 Policy DM2 of the DMP and policies 3.5 and 3.8 of The London Plan (2016) seek to ensure that all new housing is built to 'Lifetime Homes' standards. Furthermore, The London Plan policy 7.2 requires all future development to meet the highest standards of accessibility and inclusion.
- 6.7.2 Policy CS1.K of the Harrow Core Strategy requires all new dwellings to comply with the requirements of Lifetime Homes. Supplementary Planning Document Accessible Homes 2010 (SPD) outlines the necessary criteria for a 'Lifetime Home'.
- 6.7.3 The design and access statement points out that the ground floor flats can be adapted to be wheelchair accessible and it is possible to create one disabled parking space should it be required. There is also an access ramp provided for flat 1. In addition the flats are open plan therefore appropriate for the manoeuvring of wheelchairs. The applicant will be required to adhere to building regulations in relation to accessibility. Therefore it is considered that the applicant has provided sufficient information to demonstrate that the lifetime homes standards can be achieved.

6.8 Sustainability

- 6.8.1 London Plan policy 5.2 'Minimising Carbon Dioxide Emissions' defines the established hierarchy for assessing the sustainability aspects of new development. This policy sets out the 'lean, clean, green' approach, which is expanded in London Plan policies 5.3 to 5.11.
- 6.8.2 London Plan policy 5.2 'Minimising Carbon Dioxide Emissions' defines the established hierarchy for assessing the sustainability aspects of new development. This policy sets out the 'lean, clean, green' approach, which is expanded in London Plan policies 5.3 to 5.11.
- 6.8.3 It is suggested in the Design and Access Statement that solar panels could be used as a mean of sustainable energy and there is low energy lighting proposed for the front drive. There are considered to be adequate windows for light and ventilation and a new build building regulations will ensure that the sustainable credentials of the building will be achieved. This was not raised as a reason for refusal in the previous application and therefore this is considered satisfactory.

6.9 S17 Crime & Disorder Act

- 6.9.1 Policies 7.3.B and 7.13.B of The London Plan and policy DM1 of the DMP require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal.

6.9.2 One resident is concerned that the position of the cycle store could attract thieves. This is proposed to the rear of the site, out of view from the street. This is a common arrangement for dwellings and is considered to be the most appropriate location in terms of crime prevention. It is considered that the proposed development would not adversely impact upon community safety issues or conflict with development plan policies in this regard.

6.10 Consultations Responses

6.10.1 Concerns have been raised regarding neighbouring amenity, parking and crime which are dealt with in the relevant sections above.

6.10.2 Other issues highlighted are that the existing building is in character and is structurally sound. This may be the case. However, the Local Authority is obliged to determine the application, as submitted, on its planning merits.

6.10.3 Also it was raised that the new build would be a burden on existing facilities. This is not a material planning consideration and will be dealt with by the appropriate service providers

7.0 CONCLUSION AND REASONS FOR APPROVAL

7.1 It is considered that the proposal would contribute of the housing stock within the Borough. It is considered the previous reasons for refusal have been addressed and the development would provide a good quality of accommodation for the occupiers of the property, whilst not unduly impinge on neighbouring amenities. Accordingly, the development would accord with development plan policies and is recommended for approval.

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, and retained in accordance with the following approved plans:

Location Plan; 17/07/01 Rev B; 17/07/03 Rev D; 17/07/05 Rev K; Design and Access Statement

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

3 Materials to Be Approved

The development of the dwellinghouse hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces of the new building the ground surfacing have been submitted to, and approved in writing by, the local planning authority. 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, in accordance with policy DM1 of the Councils Development Management Policies Local Plan 2013. Details are required prior to commencement of development to ensure a satisfactory form of development.

4 Landscaping to Be Approved

The development hereby permitted shall not progress beyond damp proof course level until there has been submitted to, and approved in writing by, the local planning authority, a scheme of hard and soft landscape works for the forecourt and rear of the site. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

5 Landscape Implementation

All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the occupation of the approved dwelling, or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in accordance with policy DM23 of the Councils Development Management Policies Local Plan 2013.

6 Levels

No site works or development 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 in writing 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, in accordance with policies DM1 of the Councils Development Management Policies Local Plan 2013.

Details are required prior to commencement of development to ensure a satisfactory form of development.

7 Disposal of Surface Water

The construction of the building hereby permitted shall not be commenced until works for the disposal of surface water have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with these approved details and shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk in accordance with policy DM10 of the Councils Development Management Policies Local Plan 2013.

Details are required prior to commencement of development to ensure a satisfactory form of development

8 Surface Water Attenuation

The construction of the building hereby permitted shall not be commenced until surface water attenuation and storage works have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with these approved details and shall thereafter be retained.

REASON: To prevent the increased risk of flooding, reduce and mitigate the effects of flood risk in accordance with policy DM10 of the Councils Development Management Policies Local Plan 2013.

Details are required prior to commencement of development to ensure a satisfactory form of development.

9 Disposal of Sewage

The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with these approved details and shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided in accordance with policy DM10 of the Councils Development Management Policies Local Plan 2013.

10 Secure Cycle Parking

Prior to occupation of each of the units hereby approved, details of the secure cycle parking to serve the four flats will be submitted to, and approved in writing by, the local planning authority. The cycle parking shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the appearance of the locality and to ensure the satisfactory provision of cycle storage, to serve the development.

11 Refuse / Waste Strategy

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.

REASON: To enhance the appearance of the development and safeguard the character and appearance of the area, in accordance with policies 7.4.B of The London Plan (2016) and policy DM1 of The Development Management Policies Local Plan 2013.

12 Part M Dwellings

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 and thereafter retained in that form.

REASON: To ensure that the development is capable of meeting ‘Accessible and Adaptable Dwellings’ standards in accordance with policies 3.5 and 3.8 of The London Plan 2016, policy CS1.K of The Harrow Core Strategy 2012 and policies DM1 and DM2 of the Development Management Policies Local Plan 2013.

13 Permeable Paving

All hardsurfacing shall EITHER be constructed from porous materials, for example, gravel, permeable block paving or porous asphalt, OR provision shall be made to direct run-off water from the hard surfacing to a permeable or porous area or surface within the curtilage of the site. Please note: guidance on permeable paving has now been published by the Environment Agency on <http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens>.

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding, in accordance with policy DM10 of the Councils Development Management Policies Local Plan 2013.

14 Obscure Glazing

The windows and doors in the flank walls of the approved development shall be of purpose-made obscure glass, and the windows shall 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.

15 Windows/Doors

No windows / doors, other than those shown on the approved plans shall be installed in the flank walls of the development hereby permitted without the prior permission in writing of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents

16 Change of Use

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 safeguard the character of the area by restricting the amount of site coverage and size of dwelling in relation to the size of the plot, the openness of the site and availability of amenity space; and to safeguard the amenity of neighbouring residents, in accordance with policies DM1 and DM16 of the Councils Development Management Policies Local Plan (2013).

17 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.

INFORMATIVES

1. The following policies are relevant to this decision:

National Planning Policy Framework (2012)

The London Plan (2016):

3.5C: Quality and design of housing developments
5.2 Minimising Carbon Dioxide Emissions
5.3 Sustainable Design and Construction
5.11 Green roads and development site environs
6.3 Assessing effects of development on transport capacity
6.9 Cycling
6.13 Parking
7.3B Designing out crime
7.4B Local character
7.6B Architecture

The Draft London Plan (2017):

D1 London's form and characteristics
D2 Delivering good design
D3 Inclusive Design

Harrow Core Strategy (2012):

Core policy CS1.B
Core policy CS1.D
Core Policy CS1 K
Core policy CS1.W

Harrow Development Management Policies Local Plan (2013):

DM1: Achieving a High Standard of Development
DM2: Achieving Lifetime Neighbourhoods
DM10: On Site Water Management and Surface Water Attenuation
DM12: Sustainable Design and Layout
DM26: Conversion of Houses and other Residential Premises
DM27: Amenity space
DM 42: Parking Standards
DM45: Waste Management

Supplementary Planning Documents:

Supplementary Planning Document Residential Design Guide (2010)
Technical housing standards - nationally described space standard (2015).

- 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 Mayoral CIL

Please be advised that approval of this application by Harrow Council will attract a liability payment £6,650 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 20,900 for the application, based on the levy rate for Harrow of £35/sqm and the stated increase in floorspace of 265m²

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:

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: £14,575

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

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, then you should apply to the Local Planning Authority for a certificate of lawfulness.

8 Liability For Damage to 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.

9 Street Numbering

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 or on the following link.

http://www.harrow.gov.uk/info/100011/transport_and_streets/1579/street_naming_and_numbering

10 Flank Windows

The applicant is advised that any window in the flank elevation of the development hereby permitted will not prejudice the future outcome of any application which may be submitted in respect of the adjoining property.

11. Widening of Vehicle Access

The applicant should ensure that the width of the vehicle access is in line with Harrow's New Vehicle Crossing Policy, dated September 2017. The applicant should contact Vehicle Crossings Team on VehicleCrossings@harrow.gov.uk for further guidance.

Please note a crossing to the full width of the dwelling, as indicated on the submitted plans is not likely to be approved. However, an additional crossing to create two separate crossings is likely to be possible.

APPENDIX 2: SITE PLAN



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0m 20m 40m 60m 80m 100m

Scale: 1:1250, paper size: A4
29 MARLBOROUGH HILL, HARROW
MIDDY HA1 1TX

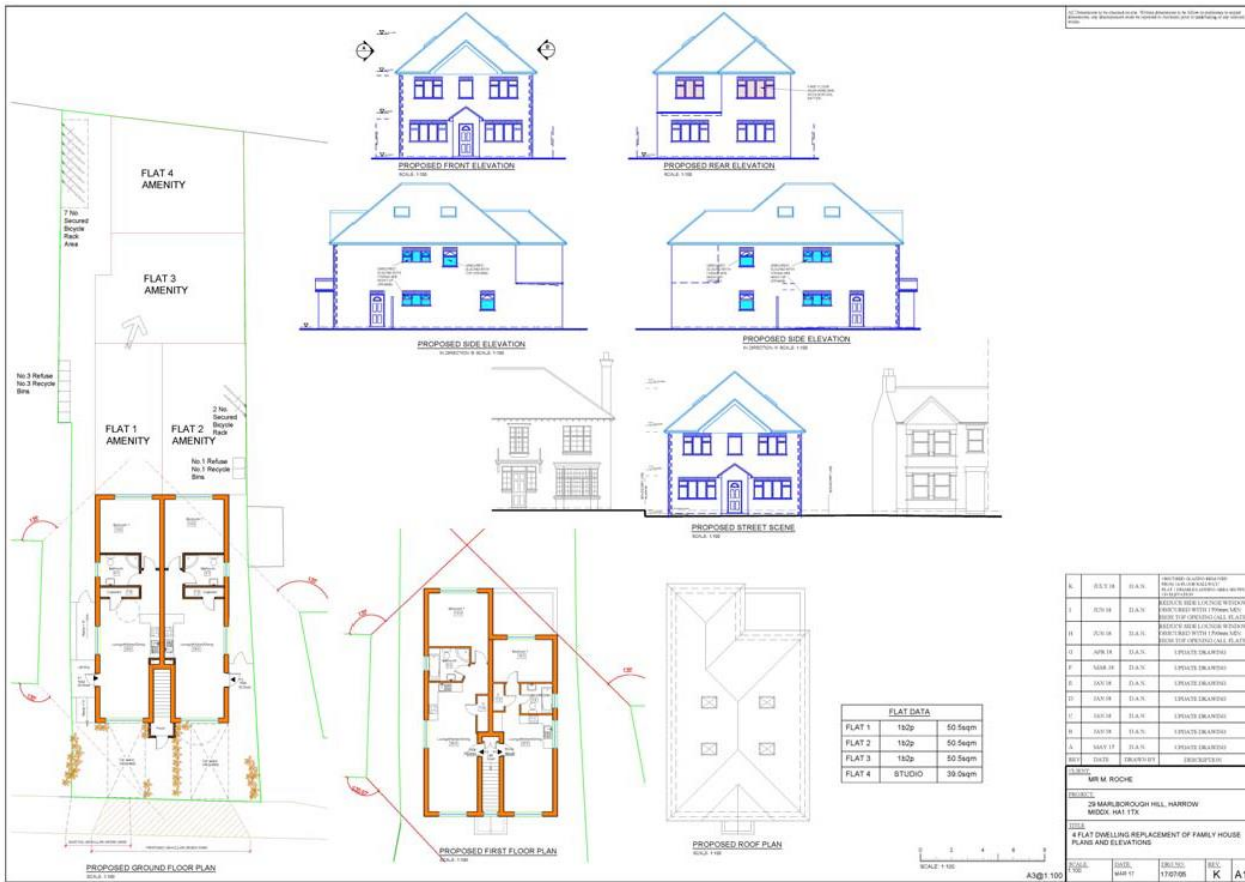
Appendix 3: Photographs





Appendix 4: Plans





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