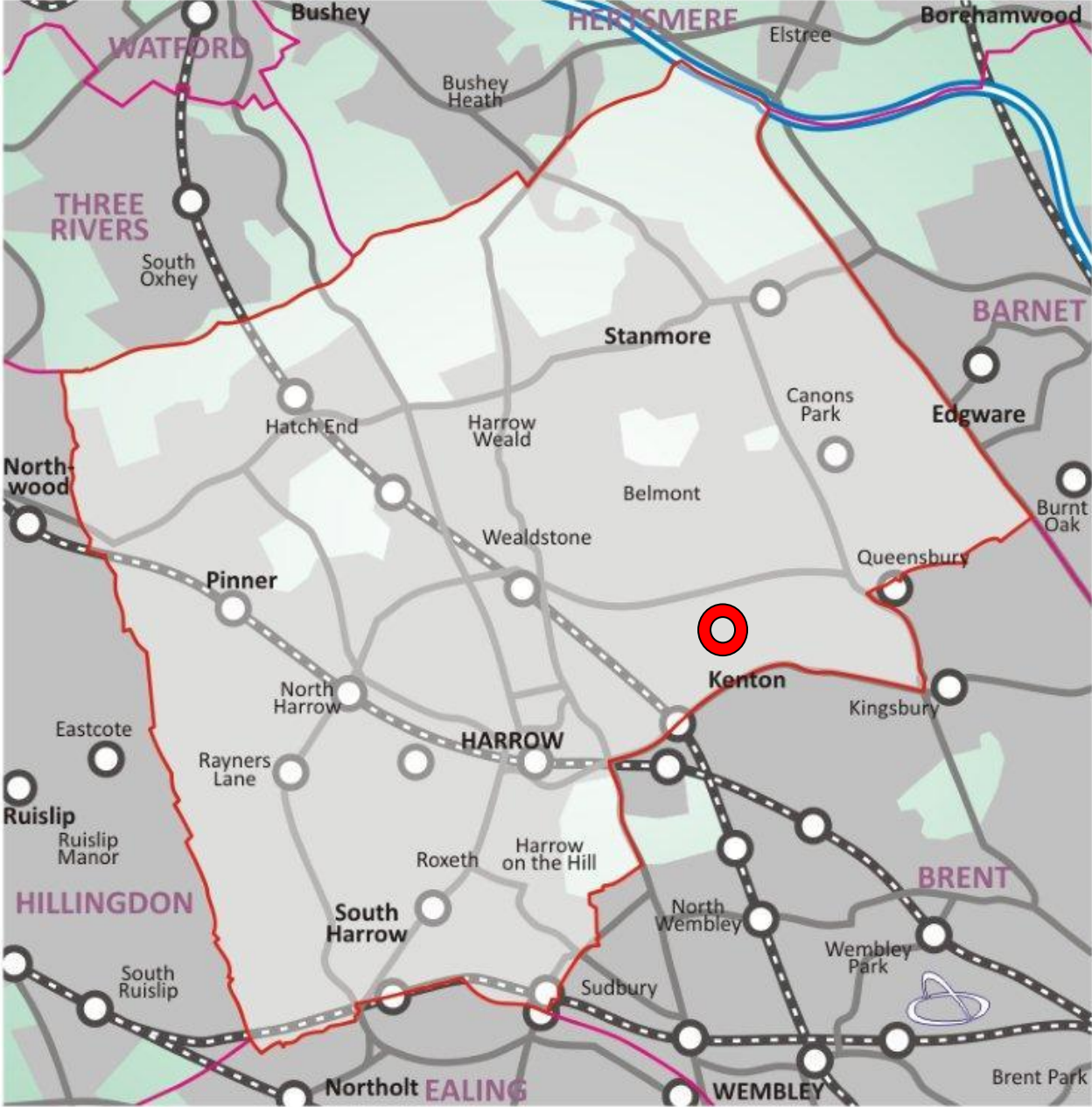
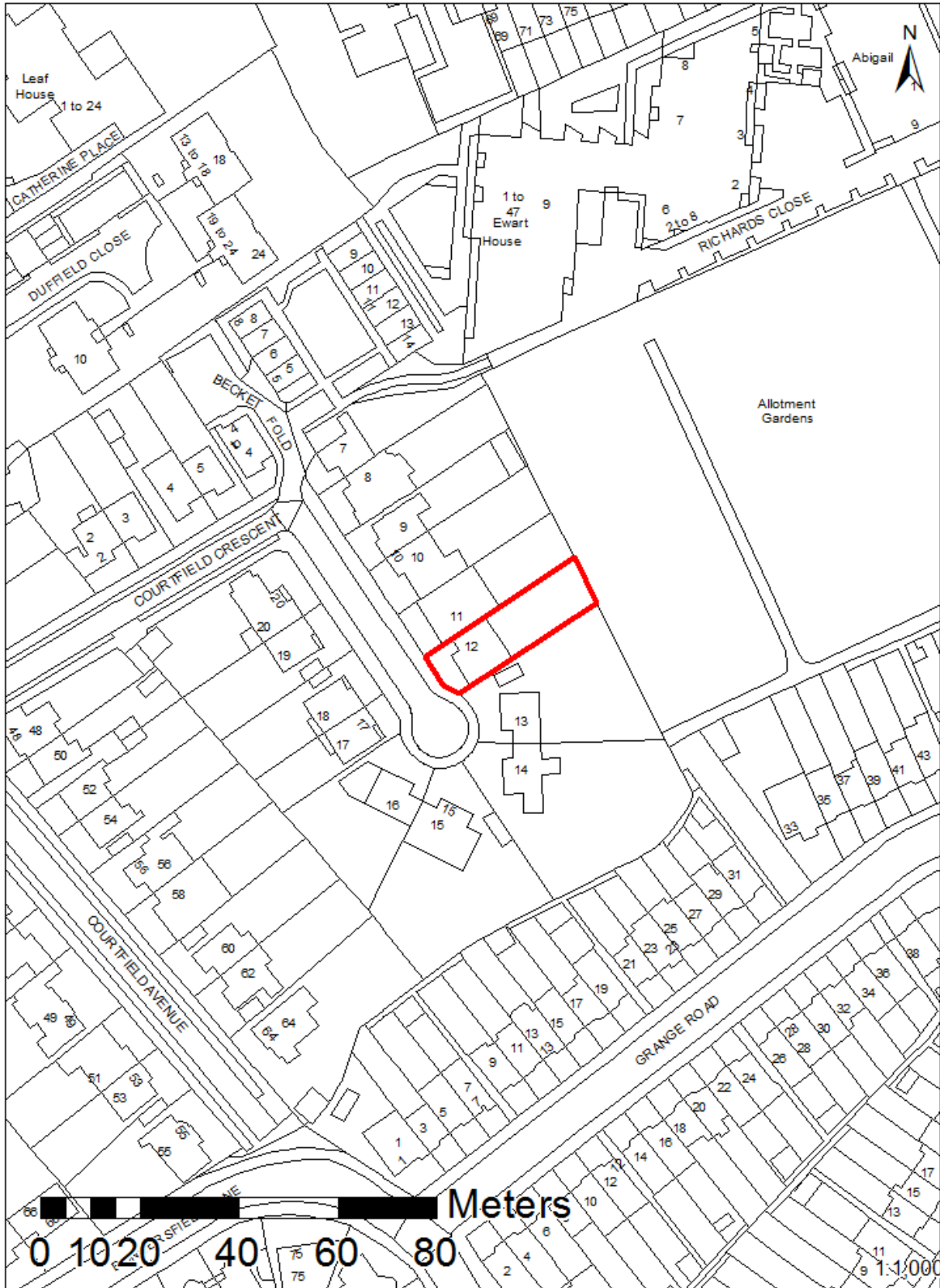


 = application site



<b>12 Courtfield Crescent</b>	<b>P/1219/19</b>
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# 12 Courtfield Crescent



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# LONDON BOROUGH OF HARROW

## PLANNING COMMITTEE

4<sup>th</sup> September 2019

**APPLICATION NUMBER:** P/1219/19  
**VALIDATE DATE:** 21/03/2019  
**LOCATION:** 12 COURTFIELD CRESCENT  
HARROW  
**WARD:** GREENHILL  
**POSTCODE:** HA1 2JZ  
**APPLICANT:** MR A PATEL  
**AGENT:** KDB BUILDING DESIGNS LTD  
**CASE OFFICER:** TENDAI MUTASA  
**EXPIRY DATE:** 16/05/2019 (EXTENDED)

### PROPOSAL

Conversion of dwelling to house of multiple occupancy (HMO) for up to 10 people (Use class Sui Generis); part conversion of garage to habitable room and bin store; new roof to garage; external alterations

The Planning Committee is asked to:

### RECOMMENDATION A

The Planning Committee is asked to:

- 1) agree the reasons for approval as set out in this report, and
- 2) grant planning permission subject to authority being delegated to the Interim Chief Planning Officer 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:
  - i) The development to be 'resident permit restricted'
  - ii) Legal Fees: Payment of Harrow Council's reasonable costs in the preparation of the legal agreement.
  - iii) Planning Administration Fee: Payment of £1580 administration fee for the monitoring and compliance of the legal agreement

## **RECOMMENDATION B**

That if, by 30th October 2019 or such extended period as may be agreed in writing by the Chief Planning Officer, the section 106 Planning Obligation is not completed, then delegate the decision to the Chief Planning Officer to **REFUSE** planning permission for the appropriate reason.

The proposed development, in the absence of a legal agreement to provide an undertaking on the restriction of resident parking permits, would fail to comply with the requirements of policies 3.11 and 3.12 of The London Plan 2016 and policy CS1.J of the Harrow Core Strategy 2012 and Policies DM1 and DM46 of the DMP 2013 and would therefore be unacceptable.

## **INFORMATION**

This application is reported to Planning Committee due to public interest. The application is therefore referred to the Planning Committee as it does not fall within any of the provisions set out at paragraphs 1(a) – 1(h) of the Scheme of Delegation dated 12th December 2018.

Statutory Return Type: E13 Minor Dwellings  
Council Interest: None

GLA Community Infrastructure Levy (CIL) Contribution (provisional): N/A  
Local CIL requirement: N/A

## **HUMAN RIGHTS ACT**

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

## **EQUALITIES**

In determining this planning application the Council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

For the purposes of this application there are no adverse equalities issues.

## **S17 Crime & Disorder Act**

Policies 7.3.B and 7.13.B of The London Plan and Policy DM1 of the Development Management Policies Local Plan require all new developments to have regard to safety and the measures to reduce crime in the design of development proposal. It is considered that the development does not adversely affect crime risk.

## **1.0 SITE DESCRIPTION**

- 1.1 The application site comprises a semi-detached single family dwelling, located on the eastern side of Courtfield Crescent.
- 1.2 The site has a PTAL rating of 2 with 24 hours parking restrictions but within walking distance to the Town Centre which has a PTAL rating of 6.
- 1.3 The dwelling is not a listed building and it is not located in a conservation area or any other land designated under Article 1(5) of the GPDO 1995 (as amended).

## **2.0 PROPOSAL**

- 2.1 Conversion of dwelling to house of multiple occupancy (HMO) for up to 10 people (Use class Sui Generis); part conversion of garage to habitable room and bin store; new roof to garage; external alterations
- 2.2 The HMO contains five bedrooms with ensuite bathrooms, living rooms and a kitchen.
- 2.3 The submitted documents indicate a maximum tenancy of ten residents.
- 2.4 The car parking space has been provided on site.
- 2.5 Refuse storage and cycle parking spaces would be provided at the enclosed front area of the site.

## **3.0 RELEVANT PLANNING HISTORY**

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

<b>Description</b>	<b>Status and date of decision</b>
P/0743/18/PRIOR - Single Storey Rear Extension: extending 6 metres beyond the original rear wall, 3.15 metres maximum height, 3 metres high to the eaves	Granted 29/03/2018
P/0046/10 - Conversion of dwelling to two self-contained flats with separate gardens; single storey rear extension; internal bicycle and refuse storage; parking space; external alterations (resident permit restricted)	Granted 16/03/2010
P/1462/18 - Certificate of lawful development (proposed): Single storey rear extension	Granted

<p>P/1754/09 - Conversion of dwelling (in unauthorised use as four flats) to two self-contained flats with separate gardens; single storey rear extension; bicycle and refuse storage; parking space; external alterations (resident permit restricted)</p>	<p>Refused for the following reasons: The proposed conversion would involve a poor standard of refuse storage arrangements due to a lack of external pedestrian access, which would adversely affect the amenities of the occupiers of the development and also neighbouring residents, thereby detracting from the character of the local area contrary to saved policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance "Designing New Development" (2003).</p> <p>The proposed development would not incorporate a satisfactory provision of enclosed bicycle storage, contrary to Policy 3C.1 of the London Plan (2008) and saved policies S1 and D4 of the Harrow Unitary Development Plan (2004).</p> <p>This was appealed and the appeal dismissed under P/1754/09/4115</p>
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#### 4.0 **CONSULTATION**

- 4.1 A total of 2 consultation letters were sent to neighbouring properties regarding this application.
- 4.2 The overall public consultation period expired on 29/04/2019 and 14 objections were received from adjoining neighbours.
- 4.3 A summary of the responses received along with the Officer comments are set out below:

Proposals will destroy the village like environment currently enjoyed within the area because of single family dwellings. HMO will bring in new people all the time.

*This has been addressed in the report at section 6.3*

The area has double yellow lines and as such no car parking on site

*This has been addressed in the report at section 6.8*

More wheelie bins required would mean more problems with rubbish sorting

*This has been addressed in the report at section 6.4*

Development is over intensification of the site.

*No new extensions are proposed to the scheme and it is considered that the proposed 10 persons would not be over intensification of the site. The existing layout of the property can accommodate up to 7 people.*

Based on the layout the property could be easily converted to three flats

*Planning permission would be required to convert to three flats. Enforcement action will be taken against any unlawful conversion.*

The applicants have previously lied about their intentions

*The integrity of the applicant is not a material planning consideration. The information provided by the applicant is assessed solely on its merits taking into account policies and other material considerations.*

Not consulted about the application

*The consultation carried out is in accordance with national policy and also with the Council's statement of community involvement.*

The house will not achieve accessible homes standards

*The standard applies mainly to new builds.*

Location of cycle storage at the rear will limit tenants from using them

*The plans have been revised and the cycle storage will be located in the enclosed part of the building.*

Have the applicants issued a certificate of completion as per the prior approval scheme

*This requirement is no longer valid as the new legislation says that there is no need for the Council to be notified.*

The loft conversion has resulted in the loss of views

*This application does not include external alterations and as such the comment is not material to the assessment of the application.*

#### 4.4 Statutory and Non Statutory Consultation

4.5 The following consultations have been undertaken:

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

<b>Summary of Comments</b>	<b>Officer Comments</b>
<u>LBH Waste Officer</u> No comments received	N/A
<u>LBH Highways</u> S106 for parking restriction requested	Addressed in the report
<u>LBH Environmental Health</u> No objections to the proposal	Noted

### 5.0 **POLICIES**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

‘If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.’

5.2 The National Planning Policy Framework (NPPF) 2019 sets out the Government’s planning policies for England and how these should be applied; it is a material consideration in the determination of this application.

5.3 In this instance, the Development Plan comprises the London Plan (2016) and the Local Plan. The Local Plan comprises the Harrow Core Strategy (2012), Harrow and Wealdstone Area Action Plan (AAP) 2013, the Development Management Policies Local Plan (2013), the Site Allocations Local Plan (2013) and the accompanying policies map.

### 6.0 **ASSESSMENT**

6.1 The main issues are;

- Principle of the Development, Character and Appearance of the Area
- Residential Amenity
- Refuse and Servicing
- Traffic and Parking

6.2 Principle of Development, Character and Appearance of the Area

6.2.1 The National Planning Policy Framework (NPPF) (March 2019) states:



- 6.2.2 'To deliver a wide choice of high quality homes, widen opportunity for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:.
- 6.2.3 Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community; Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand'.
- 6.2.4 Paragraph 3.55 of the London Plan (2016) identifies that shared accommodation or houses in multiple occupation are a strategically important part of London's housing offer, which meets distinct needs and reducing pressure on other elements of the housing stock.
- 6.2.5 Policy DM30 of the DMP (2013) supports the provision of large houses in multiple occupation (HMO's), residential hostels and secure accommodation subject to compliance with the following criteria a) there is good accessibility to local amenities and public transport; b) they accord with Accessible Homes Standards and provide satisfactory living conditions for the intended occupiers; and c) there will be no adverse impact on the amenity of the occupiers of neighbouring properties of the character of the area.
- 6.2.6 It is considered that the principle of these proposals meet the above policy requirements, however the detailed criteria are more appropriately considered within other sections of this report, where it will be demonstrated that the proposal complies with these three criteria.

### 6.3 Character and Appearance of the Area

- 6.3.1 The development does not include any extensions to the host property but the existing garage will be converted to a habitable room, cycle and refuse storage. The roof of the converted garage will be replaced with a flat roof profile. The proposal would be visible from the public domain and therefore have a degree of impact on the street scene.
- 6.3.2 Other properties within the area have converted an attached garage to a habitable room and storage room. It is considered that the proposed replacement of the garage with a habitable room and storage room would be in keeping with the character of the area and the original dwellinghouse particularly as the plans show that the existing doors will be retained which ensures the garage is maintained. The property still maintains a car parking space at the front of the property. As such the character of the property and surrounding area is maintained.
- 6.3.3 Having regard to the above, the development would accord with the relevant policies of the development plan and the Council's adopted SPD: Residential Design Guide 2010.

#### 6.4 Refuse and servicing

6.4.1 The plans submitted with the application show these bins stored in an enclosed part of the building. It is considered that the bins would be sufficient to cater for the 5 different double rooms. A condition has been attached to this permission for these to be kept in this location unless on collection day. The placement of the bins in the enclosed area would not result in any undue harm to the character of the streetscene and would be acceptable, in accordance with the aims of policies DM26 and DM45 of the DMP.

#### 6.5 Residential Quality

##### *Residential Amenity Space of Future Occupiers*

6.5.1 Given that the development is HMO accommodation rather than self-contained private units, regard has been given to the standards provided within the Technical housing standards- nationally described space standard (2015), which requires the minimum area of a single bedroom to be 7.5sqm, while a double or twin room should include a minimum area of 11.5sqm.

6.5.2 All of the bedrooms are of a sufficient size to accommodate the stated occupancy and all rooms are provided with sufficient outlook and daylight. As such, the layout is considered to provide an acceptable quality of accommodation for future occupiers and is acceptable

6.5.3 The property benefits from a kitchen at ground floor levels for the occupants of the property and access to the rear garden. The kitchen would provide oven/grill, fridges and sink to provide facilities for all the flats. All the bedrooms are fitted with ensuite bathrooms and a communal living rooms are located at ground floor level and upper level.

6.5.4 Given the above, it is considered that the development would have no significant adverse implications for host and neighbouring residential amenities, and would accord with policies 7.4B and 7.6B of The London Plan (2016), policies DM1 and DM30 of the DMP and the Council's adopted Supplementary Planning Document Residential Design Guide (2010) in that respect.

#### 6.6 Outdoor Amenity Space

6.6.1 The proposal would provide external amenity space in the form of a rear garden accessible by all the tenants. Further to this it is noted that there are parks located a short walk to the site which includes large open areas of grass. It is therefore considered that the provision of amenity space for the rooms in this location is acceptable.

6.6.2 Given the above, it is considered that the proposals would provide an appropriate form of useable outdoor amenity space in accordance with policy DM1 and DM27, reinforced under paragraph 4.64 of the SPD which requires that residential development should provide appropriate amenity space.

## 6.7 Impact on neighbouring properties

- 6.7.1 The proposal does not include any extensions to the existing property. Therefore based on the submitted drawings the proposal would not result in any direct overlooking or loss of privacy any more than it would if in use as a single family dwellinghouse.
- 6.7.2 It is noted that the proposals would result in an increase in occupancy rates at the property, however it is noted that the increase in occupancy numbers would not be out of character with neighbouring flatted developments, which are likely to achieve similar occupancy rates to the HMO.
- 6.7.3 Accordingly, the potential increased activity at the site is considered not to increase noise and disturbance to the detriment of the amenities of neighbouring occupiers.
- 6.7.4 It is considered that the proposal would safeguard neighbouring amenity, in accordance with policy DM1 of the Harrow Development Management Policies (2013) and the adopted SPD: Residential Design Guide (2010).

## 6.8 Traffic, Safety and Parking

- 6.8.1 Although this proposal is within a Ptal 2 rating location, it is within walking distance to the Town Centre which has a Ptal rating of 6 meaning that the residents will have access to various amenities within walking distance. Objections have been received relating to possible increased pressure on car parking, however it is noted that the area has parking enforcement 24 hours in the form of double yellow lines and permit restrictions. The double yellow lines are enforceable at any time. Further to this, during site visits various times of the day it was observed that there was no unregulated car parking within the street. The Highways Team have commented that this location is suitable for a car free proposal.
- 6.8.2 The proposal for no parking spaces is acceptable and a parking permit restriction will be secured via s106 agreement meaning that residents will not be eligible for permits for the surrounding CPZ.
- 6.8.3 Details of secure cycle storage for have been provided and a condition has been attached to ensure that this is maintained as approved.
- 6.8.4 Overall, subject to conditions and the S106 agreement, it is considered that the proposal would not have an adverse impact on the free flow of traffic or highway and pedestrian safety. In view of the above, it is considered that the proposal is acceptable in relation to policies 6.3, 6.9 and 6.13 of The London Plan (2016), policy CS1 R of the Harrow CS (2012) and policy DM 42 of the Harrow DMP LP (2013).

### **7.3 CONCLUSION AND REASONS FOR APPROVAL**

- 7.3.1 The development does not give rise to any impact on the character and appearance of the area or the residential amenity of neighbouring occupiers. It is therefore recommended for approval.
- 7.3.2 The decision to **GRANT** planning permission has been taken having regard to the National Planning Policy Framework 2019, 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.

## **APPENDIX 1: Conditions and Informatives**

### **Conditions**

1. Timing

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. Approved Drawing and Documents

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Design and access statement, PL-01, PL-02 REV E

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

3. Refuse storage

Other than on collection days, the refuse/waste bins shall at all times be stored in the approved refuse/waste storage area.

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.

4. Cycle Storage

The cycle storage hereby approved shall be carried out and implemented in full on site in accordance with the approved details and shall be retained as such on the site

REASON: To ensure the satisfactory provision of safe cycle storage facilities, to provide facilities for all the users of the site and in the interests of highway safety and sustainable transport, in accordance with policy 6.9B of The London Plan (2016) and policy DM 42 of the Harrow Development Management Policies Local Plan (2013).

## **Informatives**

### 1. **Policies**

The following policies are relevant to this decision:

#### **National Planning Policy Practice Guidance (2019)**

##### **The London Plan 2016**

3.3 Increasing Housing Supply

3.5 Quality and Design of Housing Developments

3.8 Housing Choice

6.3 Assessing Effects of Development on Transport Capacity

6.9 Cycling

6.13 Parking

7.4 Local Character

7.6 Architecture

##### **Harrow Core Strategy 2012**

Core Policy CS 1 – Overarching Policy Objectives

##### **Harrow Development Management Policies Local Plan (2013)**

Policy DM 1 – Achieving a High Standard of Development Policy

DM 10 – On Site Water Management and Surface Water Attenuation

Policy DM 27 – Amenity Space Policy

Policy DM 42 – Parking Standards

Policy DM 44 - Servicing

Policy DM 45 – Waste Management

##### **Relevant Supplementary Documents**

Supplementary Planning Document: Residential Design Guide (2010)

The London Plan Housing Supplementary Planning Guidance (2016)

Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2016)

### 2. **Pre-application engagement**

Grant without pre-application advice. Statement under Article 31 (1) (cc) of The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)

This decision has been taken in accordance with paragraphs 187- 189 of The National Planning Policy Framework. Harrow has a pre-application advice service and actively encourages applicants to use this service.

Please note this for future reference prior to submitting any future planning applications.

3. Considerate Contractor Code of Practice

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

4. Party Wall Act

The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

1. work on an existing wall shared with another property;
2. building on the boundary with a neighbouring property;
3. excavating near a neighbouring building,  
and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval.

"The Party Wall etc. Act 1996: Explanatory booklet" is available free of charge from:

Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB

Please quote Product code: 02 BR 00862 when ordering

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: [communities@twoten.com](mailto:communities@twoten.com)

5. Compliance with Planning Conditions

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

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

Checked

Interim Chief Planning Officer	22 August 2019
Corporate Director	PP Mark Billington



**SITE PLAN**

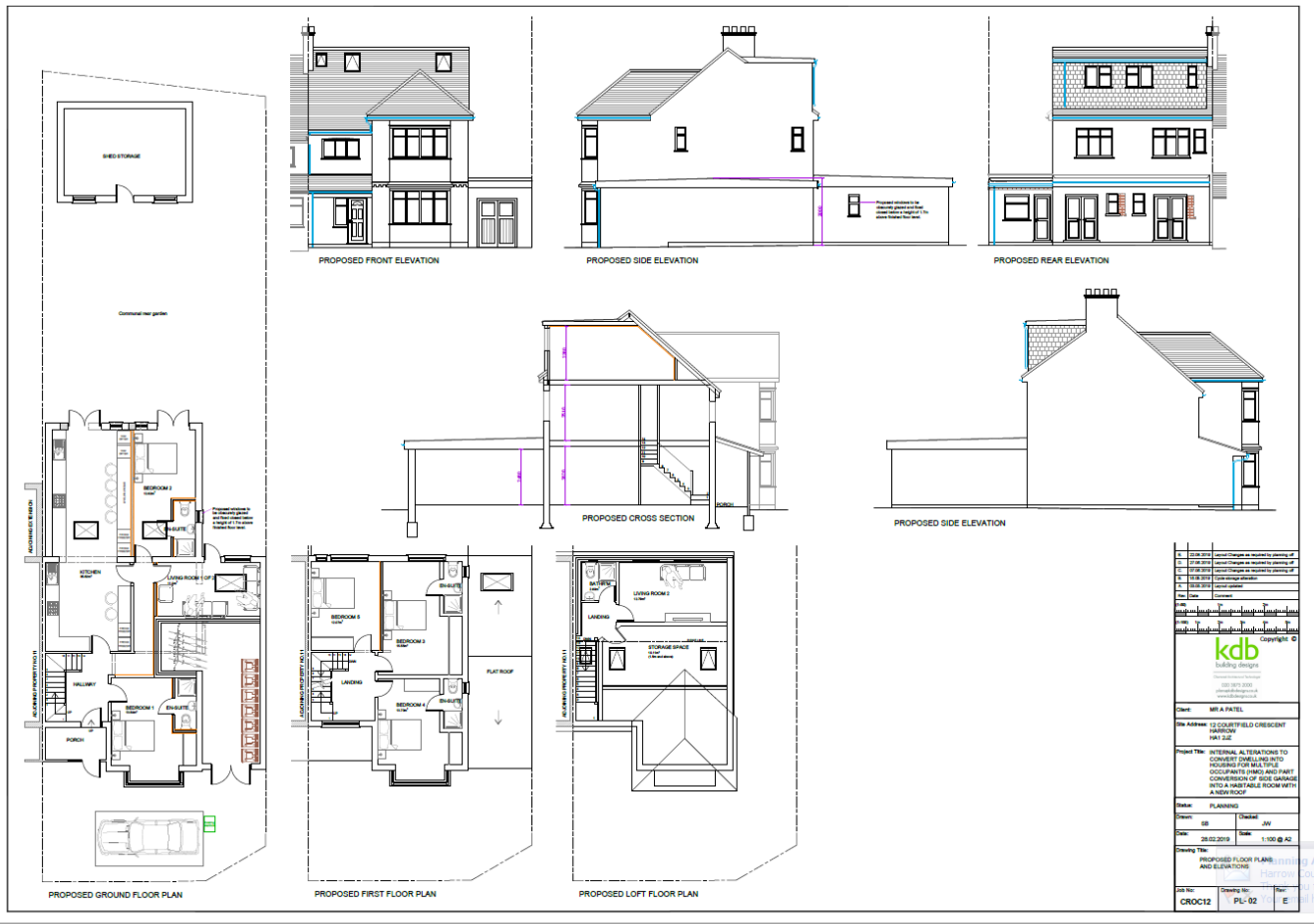


# Existing Plans





# Proposed Plans and Elevations



Site Photographs





Double yellow lines along the whole street



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