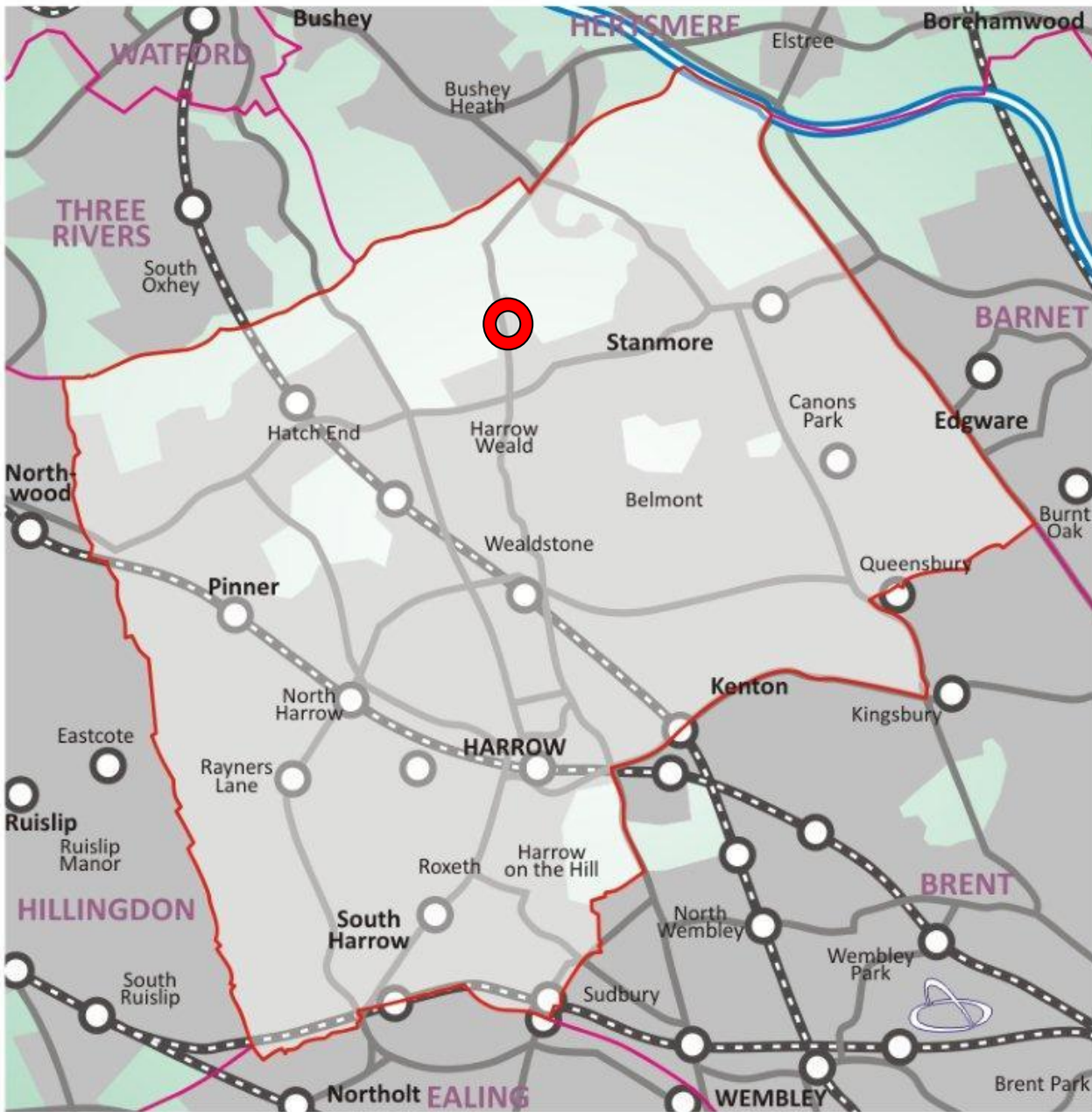
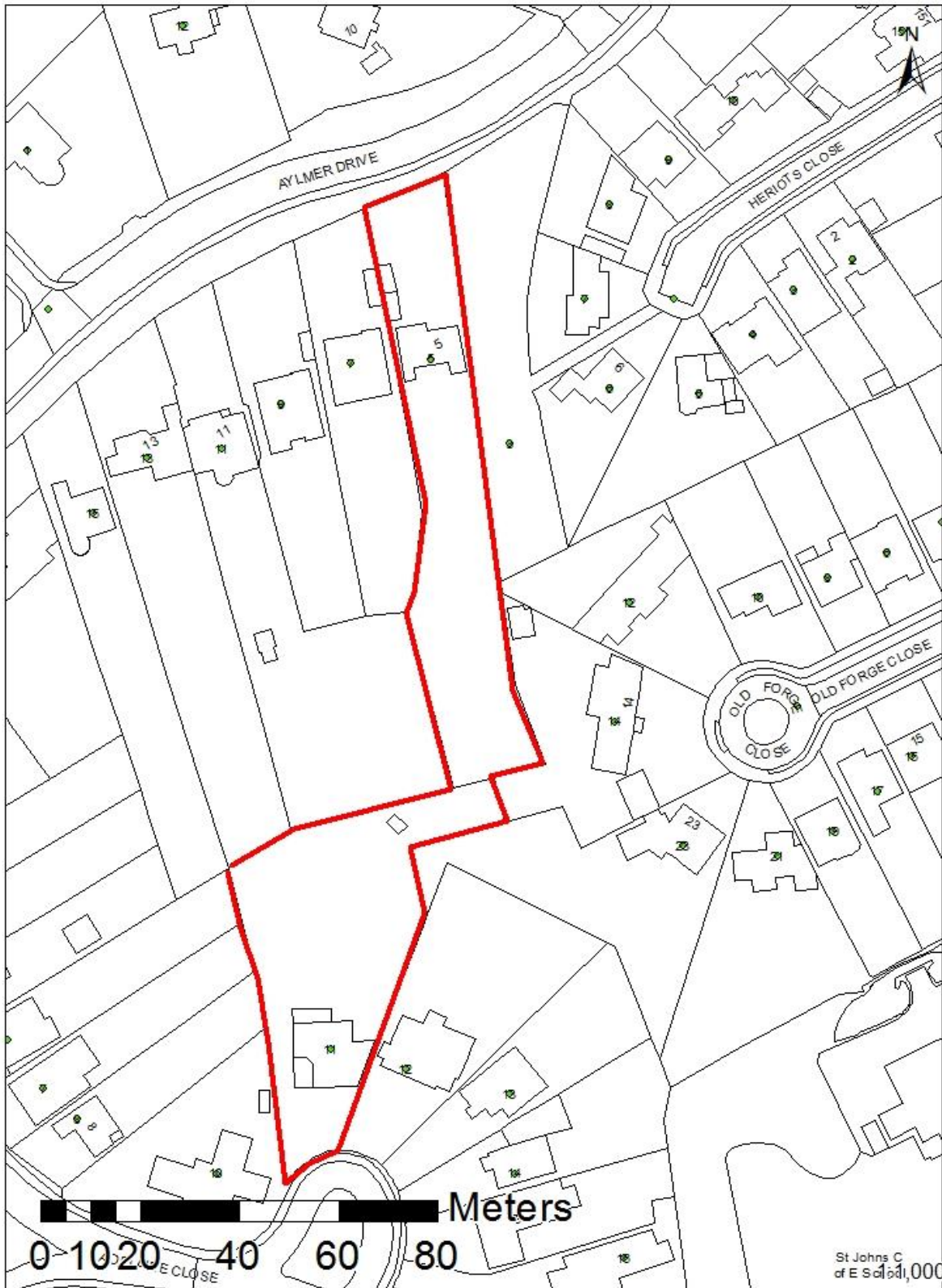


 = application site



11 Adelaide Close & 5 Aylmer Close	P/5043/19
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11 Adelaide Close 5 Aylmer Close



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St Johns C of E School, 000

LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

11th March 2020

APPLICATION NUMBER: P/5043/19
VALIDATE DATE: 07/01/2020
LOCATION: 11 ADELAIDE CLOSE STANMORE AND 5
AYLMER CLOSE
WARD: STANMORE PARK
POSTCODE: HA7 3EL
APPLICANT: MR J SHAH
AGENT: ATLAS PLANNING GROUP
CASE OFFICER: FAYE MCELWAIN
STATUTORY EXPIRY DATE: 11/02/2020

PROPOSAL

Outbuilding At Rear (Retrospective)

RECOMMENDATION

The Planning Committee is asked to:

- 1) Agree the reasons for approval as set out in this report subject to conditions.

REASON FOR THE RECOMMENDATION

The form, scale and siting of the outbuilding on the site is appropriate in this location and does not appear at odds with the existing character of development in the immediate area and would not have an adverse impact on the amenity of the occupiers of adjoining properties in accordance with Policies 7.4B and 7.6B of The London Plan (2016) and Policy DM1 of the DMP (2013).

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 draft London Plan - Intend to Publish Version (2019) 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.

INFORMATION

This application is reported to Planning Committee as it has been called in by Councillor Greek.

Statutory Return Type:	Minor Development
Council Interest:	N/A
Additional Floorspace:	113.6sqm (residential)

GLA Community Infrastructure Levy (CIL) Contribution (provisional):	£6819
Local CIL requirement (provisional):	£18,018,78

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.

PART 2 : Assessment

1. SITE DESCRIPTION

- 1.1. The application site comprises of two large detached two storey dwellings with a large rear gardens which meet at the rear.
- 1.2 The wedged shaped garden of 11 Adelaide Close has a small rectangular section which meets with the rear of 5 Aylmer Drive where the outbuilding is located.

2 PROPOSAL

- 2.1 The application proposes to retain an outbuilding located at the rear of the garden beside the boundary with 5 Aylmer Drive, 11 Aylmer Drive and 14 Old Forge Close.
- 2.2 The outbuilding has a footprint of 18m by 7m and has a height of between 2.8m and 3.25m due to the differences in height of the site.
- 2.3 It is proposed to utilise the outbuilding in conjunction with the occupiers of 5 Aylmer Drive.

3 RELEVANT PLANNING HISTORY

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

P/3786/18 - Outbuilding At Rear (Retrospective):
Refused 16/10/2018

The out-building, by reason of its siting in relation to the neighbouring site boundaries and its excessive scale and height, gives rise to a visually bulky and unduly dominant structure which is out of character with the pattern of development in the locality, to the detriment of the character and appearance of the area and the visual amenities of the neighbouring occupiers in particular no. 14 Old Forge Close, contrary to the high quality design aspirations of the National planning Policy Framework (2018), policies 7.4 B and 7.6 B of The London Plan (2016), Core Policy CS1 (B) of the Harrow Core Strategy (2012), policy DM 1 of the Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document - Residential Design Guide (2010).

- P/1876/15** - Single and two storey rear extension; part first floor and two storey side extension; alterations to the roof involving raising the ridge height; formation of basement and provision of flank dormer; external alterations granted 12-jun-2015 Granted 12/06/2015
- P/0488/15** - Certificate of lawful development (proposed): single storey outbuilding in rear garden granted certificate of lawful development (proposed): single storey outbuilding in rear garden

- P/3242/08** - Granted 31/03/2020
Demolition of existing dwelling house, construction of replacement two-storey dwelling house with basement and accommodation in roofspace
- P/2439/13** - Granted 19/12/2008
Certificate of lawful proposed development: single storey outbuilding in rear garden
- Har/16308** - Granted 10/10/2013
Erection of a 2-storey extension and car port
- Lbh/21899** - Granted 21/01/1960
Single storey side and rear extensions
Granted 10/09/1982

4 **CONSULTATION**

- 4.1 A total of 14 consultation letters were sent to neighbouring properties regarding this application. Letters were sent out on 07/01/2020 and the overall public consultation period expired on 28/01/2020. Two objections were received in relation to this proposal.

Summary of Comments
<ul style="list-style-type: none"> • The previous reason for refusal has not been addressed. • The occupiers of 13 Aylmer Drive also likely to utilise the building due to a permanent access path. • The building could become an independent dwelling house. • Light/noise pollution • Impact on character of the area. • The scale of the building is incommensurate for use in a residential area. • The materials and design are out of keeping. • Impact on trees • No details of surface water drainage. • The comparisons to GPDO are irrelevant in the determination of a planning permission.

4.2 **Statutory and Non Statutory Consultation**

- 4.3 The following consultations have been undertaken:

Consultee
<p>LBH Drainage Engineer</p> <p>Drainage plan indicating all surface and foul water connections and their outfall details should be approved by Harrow Drainage Authority. Separate systems are used in Harrow for surface water and foul water discharge.</p> <p>Officer Comments <i>Noted and informatives added</i></p>

5 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 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].

5.3 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 (2019), as this will eventually replace the current London Plan (2016) when adopted and forms part of the development plan for the Borough.

5.4 The document was originally published in draft form in December 2017 and subject to Examination in Public (EiP) with the Panel's report published in October 2019. The Mayor of London has considered these recommendations, and has either accepted them or where not, provided justification as to why accepting them would not be appropriate. The Mayor has now submitted to the Secretary of State an 'Intend to Publish' version of The Plan. It is for the Secretary of State to determine whether he agrees with the revised Plan and it ought to be published in that form.

5.5 The Draft London Plan is a material planning consideration that holds significant weight in determining planning applications, with relevant policies referenced within the report below and a summary within Informative 1.

6 ASSESSMENT

6.1 The main issues are;

- Principle of the Development
- Character and Appearance of the Area
- Residential Amenity
- Development and Flood Risk
- Conclusions

7.0 Principle of Development

7.1 The relevant policies are the NPPF (2019) Policies 7.4B and 7.6B of the London Plan (2016); Core Policy CS1 of the Core Strategy (2012) and Policy DM1 of the Development Management Local Plan (2013).

- 7.2 The outbuilding has been practicably completed on the site without the benefit of planning permission. However, planning enforcement have concluded that it is not expedient to take any further action in regards to the construction of the building as it does not deviate substantially from what could be achieved under permitted development and the harm of the structure is not considered significant.
- 7.3 The proposed use of the outbuilding, is for gym/study/storage to be used in conjunction with two properties (11 Adelaide Close and 5 Aylmer Drive). The floor plans show the gym and games room. This purpose is considered to be ancillary to a residential use and as such it is considered that a change of use away from residential would not have occurred.
- 7.4 The application makes it clear that the proposal is for the use of two dwellings. Although this is an unusual situation, there is no policy which restricts such a shared use of an outbuilding between dwellings. Therefore provided a condition is added to ensure that the use remains ancillary to the residential use of two dwellings and the proposal meets all other policy objectives, the principle of the proposal is considered to be acceptable.

8.0 Character and Appearance of the Area

- 8.1 The relevant policies are the NPPF (2019) Policy 7.4B of the London Plan (2016); Core Policy CS1B of the Core Strategy (2012) and Policy DM1 of the Development Management Local Plan (2013).
- 8.2 It is acknowledged that the scale of the outbuilding is excessive for a domestic outbuilding serving one property and has been previously refused for use solely for 11 Adelaide Close. However, the two dwelling houses are relatively large on spacious plots and the outbuilding is positioned in a secluded section of the garden serving number 11 with heavy tree cover surrounding. The outbuilding would not be visible in the street scene and would be read separately from the application dwellings and is partially submerged which aids in disguising its scale from neighbouring properties.
- 8.3 The proposed footprint of the outbuilding would be approximately 113sqm. The overall footprint is considered to be acceptable in relation to the scale of the two existing properties at 11 Adelaide Close (approximately 192sqm) and 5 Aylmer Close (approximately 109sqm).
- 8.4 Outbuildings can be observed in the rear gardens of neighbouring properties in proximity of the site, the buildings are of a scale and form suitable for garden use (e.g. storage of garden equipment/bicycles etc.). It is noted that the application building is of a larger scale. However, given the shared use of the building, it is considered that the scale is appropriate for the dual use of the two properties. Following enforcement investigations the Council's Enforcement Officers consider it non-expedient to take any action on the erection of the outbuilding due to the fact that it is only slightly above what would be permissible under permitted development. It is considered that provided conditions are added to the approval to prevent the construction of further outbuildings on the land of either dwelling

and to ensure that the outbuilding remains as an ancillary residential use that the retention and use of the outbuilding for the two properties would be acceptable.

8.5 Accordingly, when considering the siting and proportions of the outbuilding, the development is considered acceptable. Therefore in respect of character and design the scheme complies with the relevant policies

9.0 Neighbouring Amenity

9.1 The relevant policies are Policy 7.6B of the London Plan (2016); Core Policy CS1B of the Core Strategy (2014) and Policy DM1 of the Development Managements Local Plan (2013).

9.2 The outbuilding is positioned on a rectangular section in the north east corner of the garden abutting the boundaries with four residential properties. Beside the boundary with 5 and 11 Aylmer Drive and 14 and 23 Old Forge Close.

9.3 The outbuilding has two sets of doors allowing access from each of the gardens serving 5 Aylmer Drive and 11 Adelaide Close. Following excavation works, the application site is set at a lower level than 5 Aylmer Drive. Steps have been constructed on the boundary with 5 Aylmer Drive to accommodate for this change in levels and to allow access to the building from this property.

9.4 The northern elevation of the building is also beside the boundary with 11 Aylmer Drive. The dwelling has a larger than average garden and the outbuilding is positioned in the uppermost northern boundary away from the living accommodation. There is heavy tree cover on this boundary and it is considered that a height of 2.8m would not have a significantly adverse impact on the occupiers of this dwelling particularly as there is heavy tree cover on this boundary.

9.5 The entire length of the southern elevation of the building runs along the boundary with the garden serving 23 Old Forge Close. This property has an irregular shaped garden and there is heavy vegetation on the boundary. Given the shape of the plot, it is considered that the section of the garden serving no. 23 is not likely to be heavily utilised and the outbuilding is positioned away from the living accommodation serving this dwelling. Therefore overall the impact is considered to be acceptable.

9.6 The eastern elevation is beside the boundary with 14 Old Forge Close. This property is set at a higher level than the application site. The building is partially submerged and the effect is that height of the outbuilding at the boundary with 14 Old Forge Close is 2.5m, comparable to permitted development allowances. In addition the section beside this boundary is 7.25m which is comparable to a more regular sized outbuilding. Therefore it is considered there would not be unacceptable loss of light or overbearing impact on the occupiers of this dwelling.

9.7 The neighbour consultation process has raised concerns regarding noise pollution and light pollution. However, it is not considered that the siting of the building in this location would give rise to significant increase in noise and disturbance and

the use of the building by two residential properties would have a significantly increased impact. Any excessive noise/light impact would be controlled by Environmental Health legislation.

- 9.8 It has also been suggested that it is the intention for the building to be utilised by the occupiers of 13 Aylmer Drive. It was observed on site that there is an access path from the rear garden of this property to the outbuilding. The agent has confirmed that it is not the intention to allow the use of the outbuilding in conjunction with this property. This has therefore this has not been considered as part of the application.
- 9.9 It is considered that the proposal would be acceptable in terms of the amenity of neighbouring occupiers in accordance with the relevant policies.

10 Development and Flood Risk

- 10.1 The site is not within a flood zone or critical drainage area. [SuDs] is encouraged and an informative is added to this effect.

11.0 CONCLUSION AND REASONS FOR APPROVAL

- 11.1 The proposal is appropriate in terms of its size, scale and design and would not result in a detrimental impact to the character and appearance of the wider area.
- 11.2 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 Approved Drawing and Documents

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

ADE1007; ADE1001; ADE1002; ADE1003; ADE1004; ADE1006; ADE1008; Planning Statement.

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

2 Ancillary Use

The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of 11 Adelaide Close and 5 Aylmer Close

REASON: To safeguard the amenity of neighbouring residents and the character of the locality.

3 Restriction of Permitted Development

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development which would otherwise fall within Class E in Part 1 of Schedule 2 to that Order shall be carried out in relation to both 11 Adelaide Close and 5 Aylmer Close, without the prior written permission of the local planning authority.

REASON: To safeguard the character of the area by restricting the amount of site coverage in relation to the size of the plot and availability of amenity space and to safeguard the amenity of neighbouring residents.

Informatives

1. The following policies are relevant to this decision:

National Planning Policy Framework (2019)

The London Plan (2016):

5.13 Sustainable Drainage

7.4B Local character

7.6B Architecture

The Draft London Plan – Intend to Publish Version (2019):

Policy D1 London's form, character and capacity for growth

Harrow Core Strategy (2012):

Core policy CS1.B

Harrow Development Management Policies Local Plan (2013):

DM1: Achieving a High Standard of Development

DM10: On Site Water Management and Surface Water Attenuation

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 GLA CIL

Please be advised that approval of this application (either by Harrow Council, or subsequently by the Planning Inspectorate if allowed on appeal following a refusal by Harrow Council) will attract a Community Infrastructure Levy (CIL) liability, which is payable upon the commencement of development. This charge is levied under s.206 of the Planning Act 2008 Harrow Council, as CIL collecting authority, has responsibility for the collection of the Mayoral CIL

The CIL liability for the application, based on the Mayoral CIL levy rate for Harrow of £60/sqm £6816

This amount however does not include indexation, which will be included when a formal Liability Notice is issued. The floorspace subject to CIL may also change as a result of more detailed measuring and taking into account any in-use floor space and relief grants (i.e. for example, social housing).

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

Please complete and return the Assumption of Liability Form 1 and CIL Additional Information Form 0 .

https://ecab.planningportal.co.uk/uploads/1app/forms/form_1_assumption_of_liability.pdf

https://ecab.planningportal.co.uk/uploads/1app/forms/cil_questions.pdf

If you have a Commencement Date please also complete CIL Form 6:

https://ecab.planningportal.co.uk/uploads/1app/forms/form_6_commencement_notice.pdf

The above forms should be emailed to HarrowCIL@Harrow.gov.uk

Please note that the above forms must be completed and provided to the Council prior to the commencement of the development; failure to do this may result in surcharges and penalties

4 Harrow CIL

Harrow has a Community Infrastructure Levy which applies Borough wide for certain developments of over 100sqm gross internal floor space.

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: **£18,018.78.**

You are advised to visit the [planningportal website](#) where you can download the relevant CIL Forms.

5 Sustainable Urban Drainage System (SUDS)

The applicant is advised that surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible.

SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

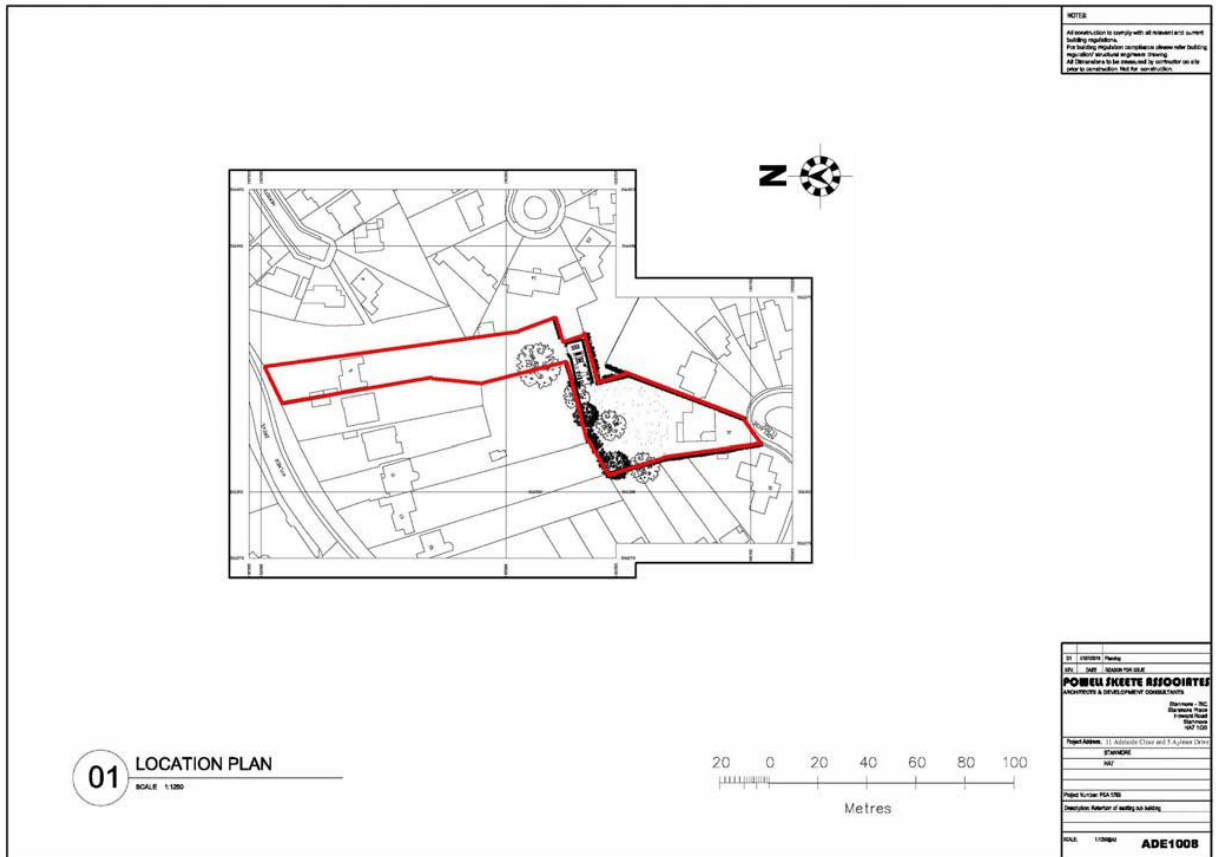
Where the intention is to use soak ways they should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

Support for the SUDS approach to managing surface water run-off is set out in the National Planning Policy Framework (NPPF) and its accompanying technical guidance, as well as the London Plan. Specifically, the NPPF (2018) gives priority to the use of sustainable drainage systems in the management of residual flood risk and the technical guidance confirms that the use of such systems is a policy aim in all flood zones. Policy 5.13 of the London Plan (2016) requires development to utilise sustainable drainage systems unless there are practical reasons for not doing so. Sustainable drainage systems cover the whole range of sustainable approaches to surface drainage management. They are designed to control surface water run-off close to where it falls and mimic natural drainage as closely as possible. Therefore, almost any development should be able to include a sustainable drainage scheme based on these principles.

The applicant can contact Harrow Drainage Section for further information.

Interim Chief Planning Officer	Beverley Kuchar 28/02/2020
Corporate Director	Paul Walker 02/03/2020

APPENDIX 2: SITE PLAN



APPENDIX 3: PHOTOGRAPHS



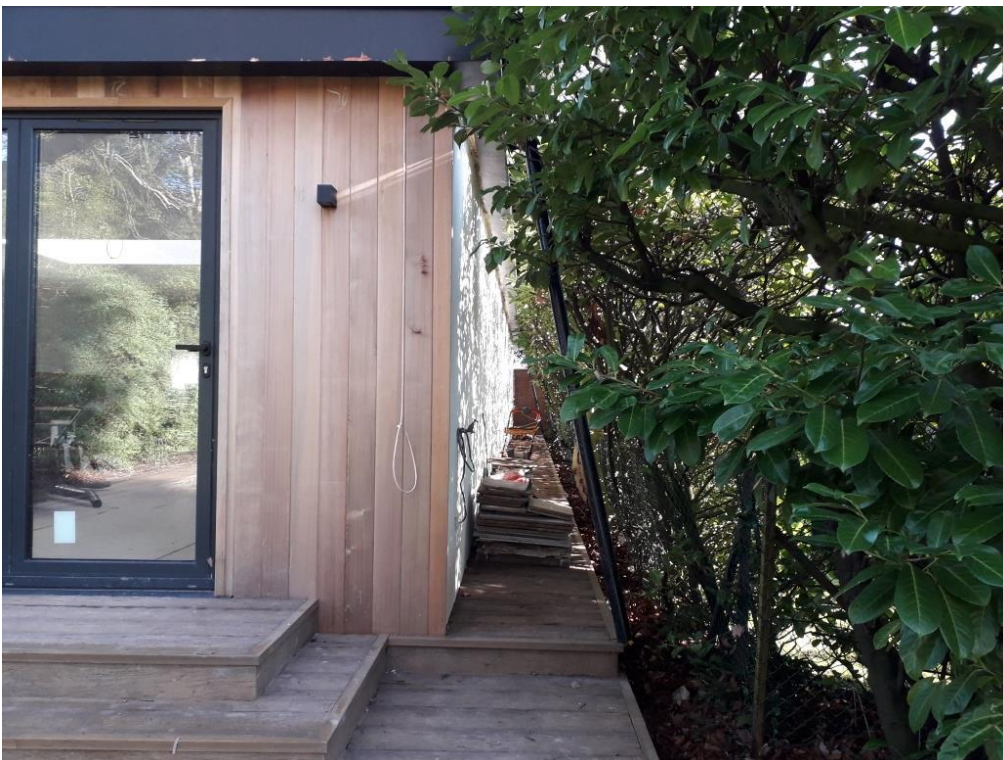
Elevation from 11 Adelaide Close



Elevation from 5 Aylmer Close



Boundary with 14 Old Forge Close

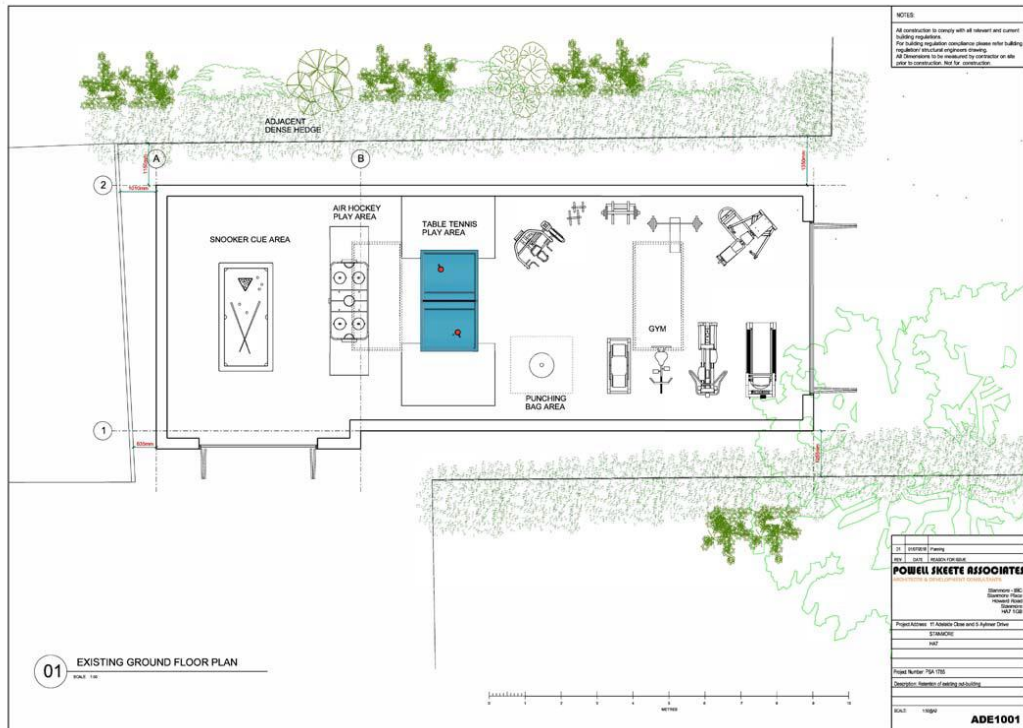


Boundary with 23 Old Forge Close

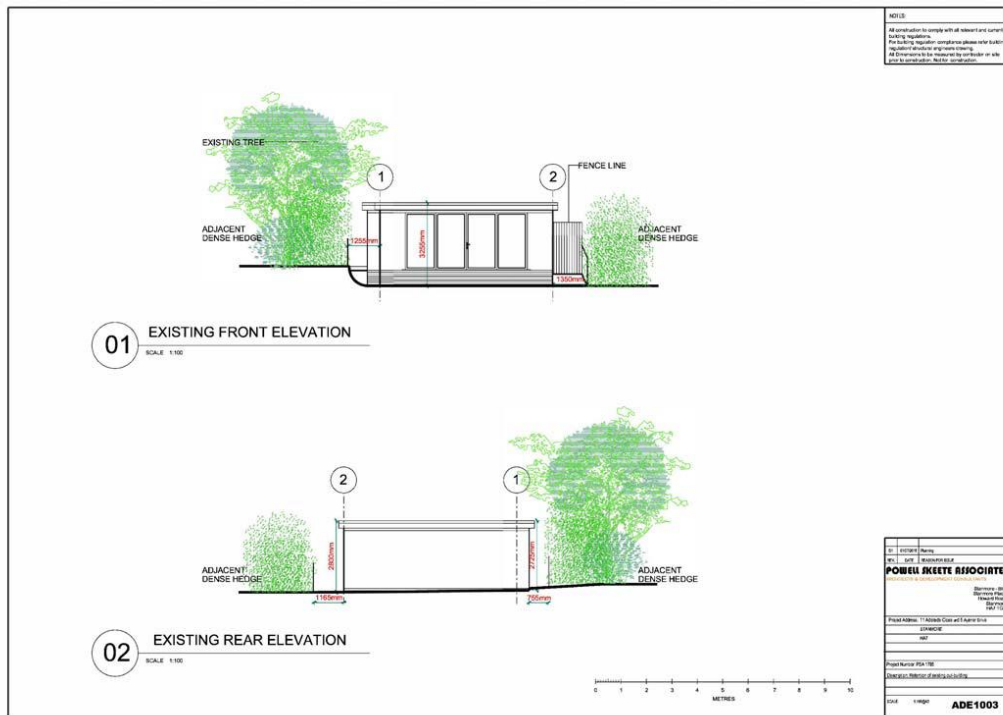


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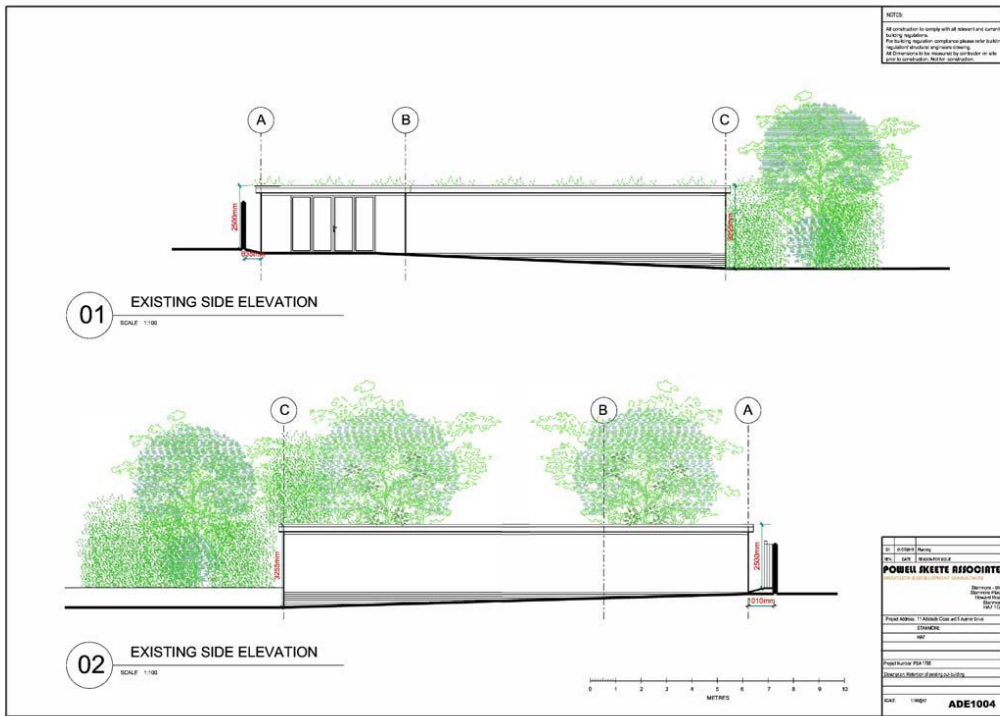
APPENDIX 4: PLANS AND ELEVATIONS



Ground Floor Plan



Front and rear elevations



Side Elevations

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