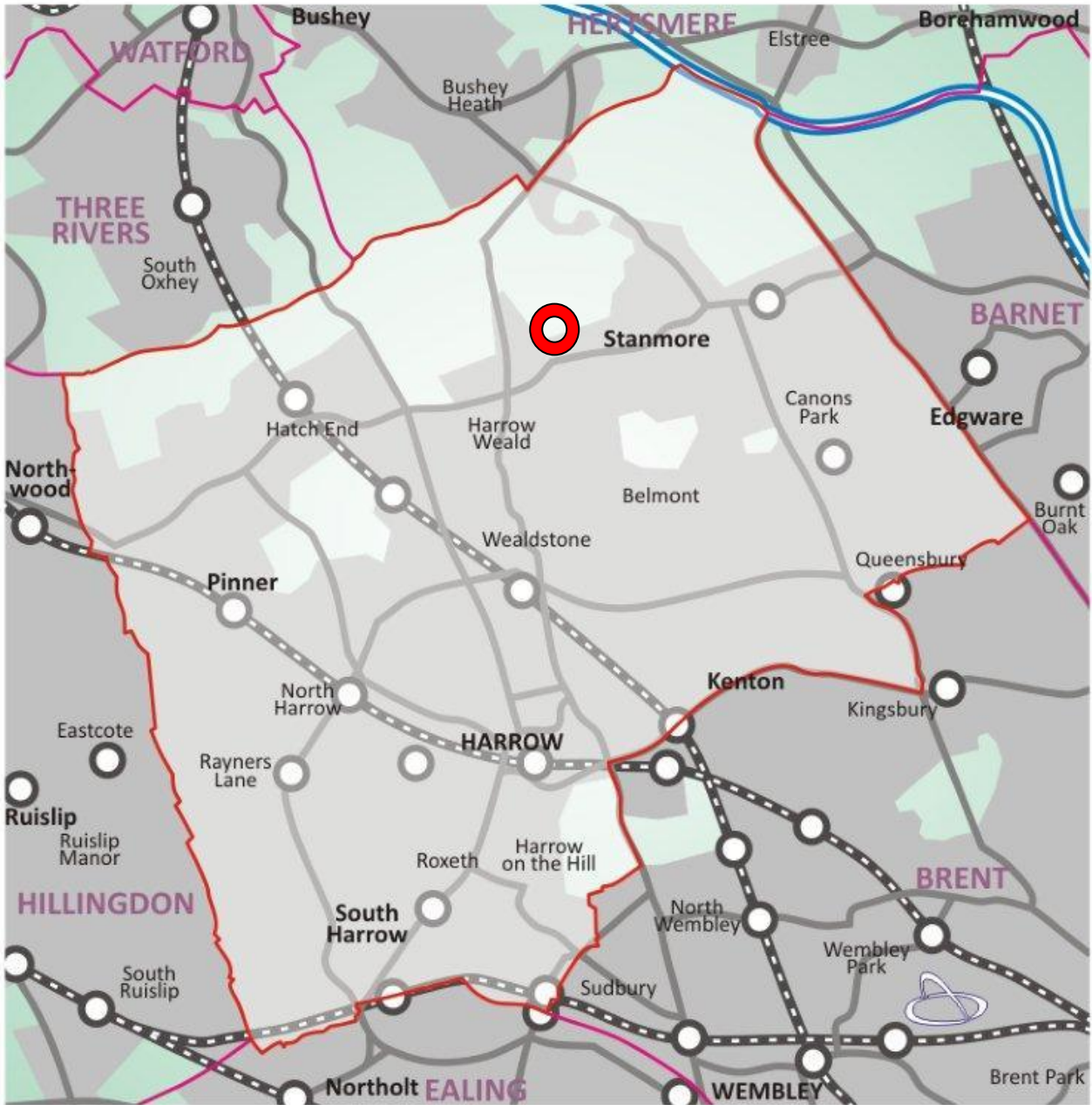
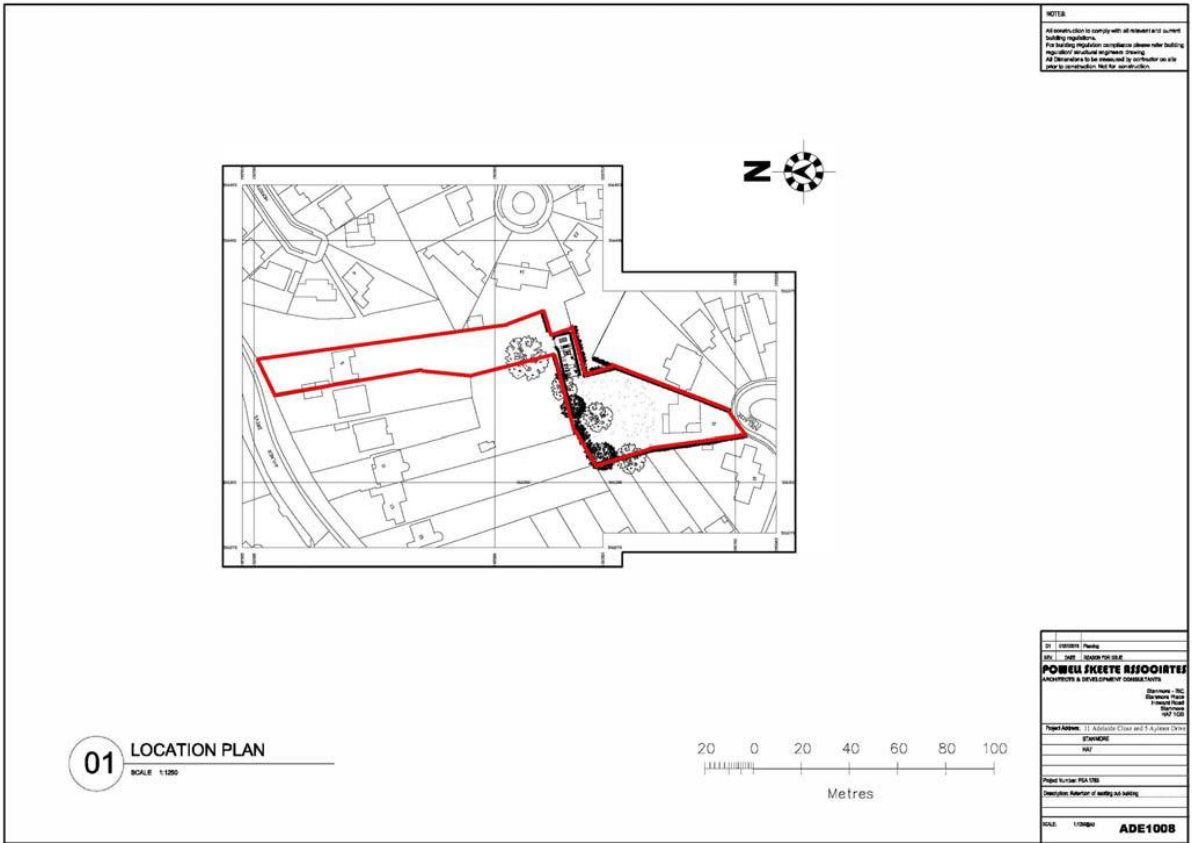


 = application site



<p>11 Adelaide Close & 5 Aylmer Drive P/****/20</p>
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LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

17th June 2020

APPLICATION NUMBER: P/5043/19
VALID DATE: 7th JANUARY 2020
LOCATION: 11 ADELAIDE CLOSE, STANMORE, HA7 3EL
and 5 AYLMER DRIVE, STANMORE, HA7 3EJ
WARD: STANMORE PARK
POSTCODE: HA7 3EL
APPLICANT: MR J SHAH
AGENT: ATLAS PLANNING GROUP
CASE OFFICER: FAYE MCELWAIN
EXPIRY DATE: 11th FEBRUARY 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, and
- 2) Grant planning permission subject to the Conditions listed in Appendix 1 of this report.

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 a nominated member. The application was deferred from the consideration of the planning committee which took place on 11th March 2020 to allow for further consideration regarding the refusal of planning application P/3786/18 to retain the building for use for the occupiers of 11 Adelaide Close independently.

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. However, a condition has been recommended for evidence of certification of Secure by Design Accreditation for the development to be submitted to and approved in writing by the Local Planning Authority before any part of the development is occupied or used.

1.0 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.

2.0 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.

3.0 RELEVANT PLANNING HISTORY

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

11 Adelaide Close

Ref no.	Description	Status & date of decision
HAR/16308	Erection of a 2-storey extension and car port	Granted 21/01/1960
LBH/21899	Single storey side and rear extensions	Granted 10/09/1982
P/0488/15	Certificate of lawful development (proposed): single storey outbuilding in rear garden	Granted 31/03/2015
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	Granted 12/06/2015

	provision of flank dormer; external alterations	
P/3242/08	Demolition of existing dwelling house, construction of replacement two-storey dwelling house with basement and accommodation in roofspace	Granted 19/12/2008
P/2439/13	Certificate of lawful proposed development: single storey outbuilding in rear garden	Granted 10/10/2013
P/3786/18	Outbuilding At Rear (Retrospective):	Refused 16/10/2018:
<p>Reason for refusal: 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>		

5 Aylmer Drive

Ref no.	Description	Status & date of decision
HAR/5854/A	Front Extension to Garage	Granted 15/09/1958
HAR/5854/B	Brick Covered Wall in Front Garage	Granted 16/03/1964
LBH/18842/E	Garage, Single, 2 Storey and 2 nd Floor Extension to Front, Side and Rear	Granted 27/04/1981 (not enacted)
P/0725/17	Single and Two Storey Rear Extension With Glass Balustrade To Rear Roof Terrace; Second	Refused 06/04/2017

	Floor Extension With Rear Roof Terrace; External Alterations	
P/2028/17	Single And Two Storey Rear Extension; Single Storey Rear Extension; External Alterations.	Granted 15/06/2017

4.0 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.
- 4.2 Three objections were received in relation to this proposal. Prior to the committee on 11th March 2020 a letter was submitted to members outlining further concerns with the application.
- 4.3 The overall public consultation period expired on 28/01/2020. The responses are summarised below.

Summary of Comments
<ul style="list-style-type: none"> • The previous reason for refusal has not been addressed and this goes against case law which requires officers to take into account previous planning decisions. (See paragraphs 6.1.1 – 6.1.8) • The occupiers of 13 Aylmer Drive also likely to utilise the building due to a permanent access path. (See paragraph 8.1.5) • The building could become an independent dwelling house. (See paragraph 7.1.3) • Light/noise pollution (See paragraph 8.1.6) • Impact on character of the area. (See section 7) • The scale of the building is incommensurate for use in a residential area. (See paragraph 7.1.4) • The materials and design are out of keeping. (See Paragraph 7.1.4) • Impact on trees. (See paragraph 10.1.1) • No details of surface water drainage. (See section 9) • The comparisons to GPDO are irrelevant in the determination of a planning permission (See paragraphs 6.1.4 – 6.1.6)

4.4 Statutory and Non Statutory Consultation

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

Consultee and Summary of Comments

LBH Drainage Engineer

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.

Officer Comments

Noted and informatives added

5.0 POLICIES

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

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

5.2 The Government has issued the National Planning Policy Framework [NPPF 2019] sets out the Government’s planning policies for England and how these should be applied, 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 (2019), 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 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.

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

6.0 ASSESSMENT

6.1 The main issues are:

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

6.2 Principle of Development

6.2.1 The relevant policies are:

- National Planning Policy Framework (2019)
- Policies 7.4B and 7.6B of the London Plan (2016)
- Core Policy CS1 of the Core Strategy (2012)
- Policy DM1 of the Development Management Local Plan (2013).

6.2.2 Members will be aware that the Council has refused a householder application for the same building in the same location. The applicant for this proposal was the occupiers of 11 Adelaide Close independently. Although no material changes are proposed to the building since this refusal, it is considered that the current proposal differs from the previous application as set out in this report and overcomes the reasons for refusal.

6.2.3 The current proposal has been submitted by two households, and it is proposed that the outbuilding is to be used by two residential properties, 11 Adelaide Close and 5 Aylmer Drive. The Council has carefully weighed up the arguments presented in the Planning Statement, which was submitted in support of the application and considers that the application satisfactory addresses the concerns of the previous refusal and that the application differs sufficiently to support the change in recommendation by officers.

6.2.4 Of particular relevance in the determination of the application is the fact that the applicant could build a structure of a similar scale, form and height under permitted development. In fact the applicant successfully gained a certificate of lawful development for an outbuilding with a larger footprint on the site. The certificate granted an outbuilding with a footprint of 157sqm. The current outbuilding has a footprint of 127sqm. Although of smaller footprint, the height of the outbuilding is over permitted development levels and therefore requires planning permission. The applicant could therefore either demolish the current building and fully rebuild a structure of a similar scale or modify the height of the existing structure and the Council would have no control.

6.2.5 Although this permitted development position was a consideration on the previous application, the difference with the current application is that the building is proposed to be utilised by both 11 Adelaide Close and 5 Aylmer Drive. 5 Aylmer Drive is a separate dwelling house with separate permitted development rights. The fact that the two properties have jointly applied to retain the outbuilding is

therefore considered to be a material consideration which significantly alters the proposal.

- 6.2.6 The occupiers of 5 Aylmer Drive could utilise their own permitted development rights and construct a structure of a similar or larger footprint provided that the height was kept to a maximum of 2.5m. In addition they would be permitted to construct other such structures in the garden areas up to a total of 50% of the total curtilage of the property which, given the large scale of the gardens, could amount to a significant built up area.
- 6.2.7 In addition, as the Council's enforcement officers have deemed that it is not expedient to take enforcement action on the structure, and 11 Adelaide Close still maintains full permitted development rights, the occupiers of this dwelling could also construct a number of structures up to 50% of the curtilage of this dwelling. Potentially further adding to the proportions of the garden which are built up.
- 6.2.8 Because of the undesirability of the potential permitted development 'fall back' position of both properties maximising their permitted development rights, officers have come to the view that the proposed use of the outbuilding for the two properties is materially different to the previous application, primarily because the Council has the opportunity to impose planning conditions to remove permitted development rights from both properties which would safeguard against the potential for overdevelopment of the site with permitted structures and consequently protect the character of the area.

6.3 Character and Appearance of the Area

6.3.1 The relevant policies are:

- National Planning Policy Framework (2019)
- Policy 7.4B of the London Plan (2016)
- Core Policy CS1B of the Core Strategy (2012)
- Policy DM1 of the Development Management Local Plan (2013).

Relevant Supplementary Documents

- Residential Design Guide (2010)
- 6.3.2 It is acknowledged that the previous reason for refusal noted that the outbuilding was unacceptable due to excessive scale and height and the fact that it gives rise to a visually bulky and unduly dominant structure which is out of character with the pattern of development in the locality. However, as the outbuilding is now proposed for dual use for the two dwellings, the bulk and scale is considered to be more suitable. The overall footprint, scale and height is considered to be acceptable in relation to the combined scale of the two existing properties at 11 Adelaide Close (footprint of approximately 192sqm) and 5 Aylmer Close (footprint of approximately 109sqm).
- 6.3.3 It was noted in the previous refusal that the building was of a scale capable of being used as a separate residential unit which would be wholly out of character

with the pattern of development in the area. The planning permission gives the Council the opportunity to impose a planning condition to ensure that the outbuilding remains as an ancillary residential use to the two residential properties.

6.3.4 It is also noted that a previous criticism of the building was that it does not appear as a traditional outbuilding. However, given that there is no restriction on the use of materials or the form of outbuildings constructed under permitted development given the potential permitted development 'fall-back' position as highlighted above, this is not considered a strong reason to withhold planning permission.

6.3.5 Accordingly, when considering the siting and proportions of the outbuilding in relation to the two application dwellings, the development is considered acceptable. Therefore in respect of character and design the scheme complies with the relevant policies

6.4 Residential Amenity

6.4.1 The relevant policies are:

- Policy 7.6B of the London Plan (2016)
- Core Policy CS1B of the Core Strategy (2014)
- Policy DM1 of the Development Managements Local Plan (2013).

Relevant Supplementary Documents

- Residential Design Guide (2010)

Residential Amenity of neighbouring Occupiers

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

6.4.3 In the assessment of the previous application, officers considered that the outbuilding has a negative impact on the visual amenities of occupiers of neighbouring dwellings in particular 14 Old Forge Close.

6.4.4 As stated above, currently both dwellinghouses have permitted development rights and therefore 5 Aylmer Close would have the opportunity to construct structures and outbuildings over a significant proportion of its rear garden area. Such structures could potentially be directly adjacent to the boundary with 14 Old Forge Close. As it has been deemed non-expedient to take enforcement action on the outbuilding, any other structures on the boundary with 14 Old Forge Close, combined with the existing outbuilding, could have an amplified detrimental impact on the visual amenities of the occupiers of this dwelling and lead to a significantly increased enclosing and overbearing impact. As the applicants have agreed to the removal of permitted development rights to restrict building further outbuildings for each of the dwellings, this would safeguard against this undesirable eventuality and would also protect the future visual amenity of the occupiers of other neighbouring dwellings.

- 6.4.5 It has also been suggested as a result of the neighbour consultation, that it is the intention for the outbuilding 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 not been considered as part of the application. Any such use by no. 13 would require a further planning permission.
- 6.4.6 The use will be restricted to the occupiers of the two residential properties and not for any organised events. Therefore the number of users of the building is not likely to be significant. The location of the building would not give rise to light and noise pollution as it is located a sufficient distance away from neighbouring properties.
- 6.4.7 Subject to compliance with the attached conditions, it is considered that the proposal for both 11 Adelaide Close and 5 Aylmer Close to utilise the outbuilding would be acceptable in terms of the amenity of neighbouring occupiers in accordance with the relevant policies.

6.5 Development and Flood Risk

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

6.6 Trees and Development

- 6.6.1 The construction of the outbuilding has not led to the loss of any protected trees.

7.0 CONCLUSION AND REASONS FOR APPROVAL

- 7.1 The combined use of the outbuilding by 11 Adelaide Close and 5 Aylmer Drive allows for the Council to take control of future structures in the rear gardens of both of these properties and to prevent any undesirable use of the building, hence safeguarding future impacts on neighbouring amenity and the character and appearance pattern of the wider area. As such, the proposal is appropriate in terms of its size, scale and design, the impact on the amenity of occupiers of neighbouring properties.
- 7.2 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 Rev D1; ADE1001 Rev D1; ADE1002 Rev D1; ADE1003 Rev D1; ADE1004 Rev D1; ADE1006 Rev D1; 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, Stanmore, HA7 3EL & 5 Aylmer Drive, Stanmore, HA7 3EJ.

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 Drive, 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. Policies

The following policies are relevant to this decision:

National Planning Policy Framework (2019)

The London Plan (2016)

7.4 Local Character

7.6 Architecture

Intend to Publish Draft London Plan (2019):

D1 London's form and characteristics

D2 Delivering good design

Harrow Core Strategy 2012

Core Policy CS 1 – Overarching Policy Objectives

Harrow Development Management Policies Local Plan (2013)

DM 1 – Achieving a High Standard of Development Policy

Relevant Supplementary Documents

Residential Design Guide Supplementary Planning Document (2010)

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.

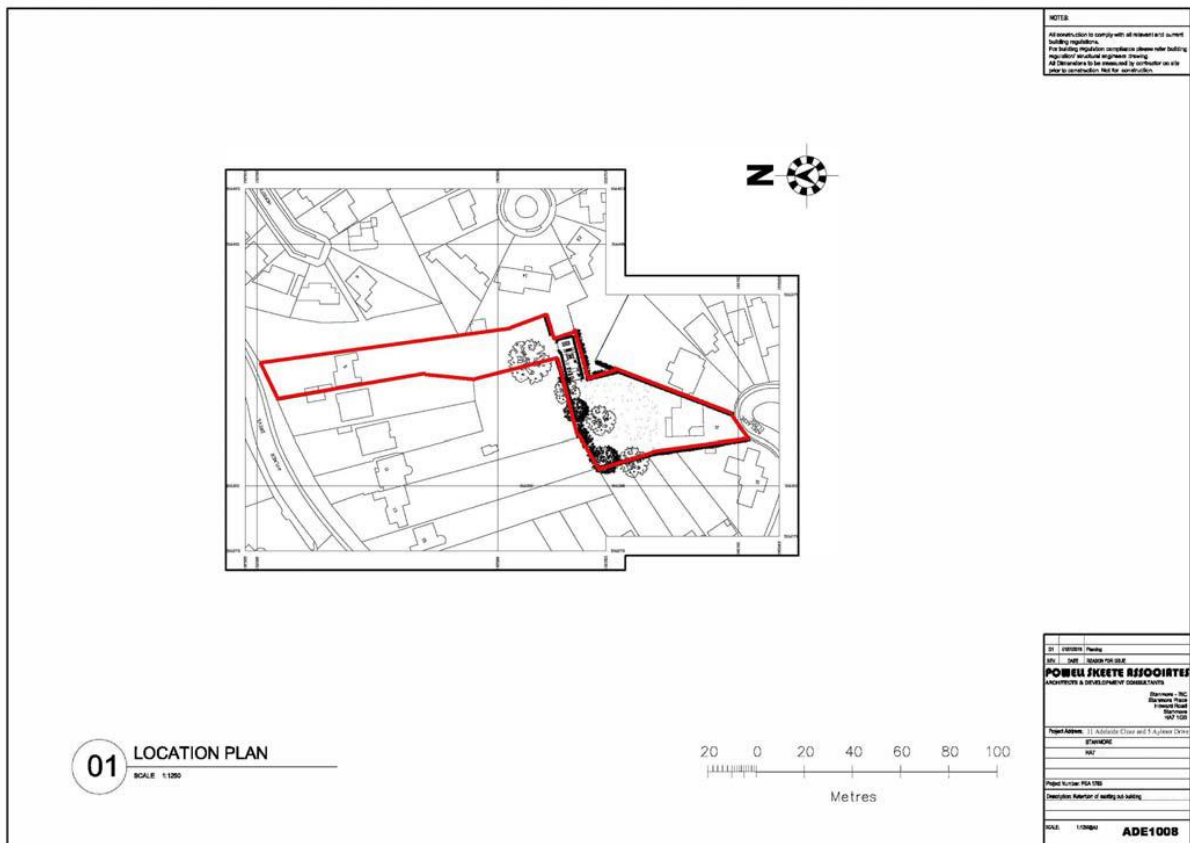
Support for the SUDS approach to managing surface water run-off is set out in the National Planning Policy Framework (NPPF) and its accompanying technical guidance, as well as the London Plan. Specifically, the NPPF (2018) gives priority to the use of sustainable drainage systems in the management of 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.

CHECKED

Interim Chief Planning Officer	Orla Murphy pp Bev Kuchar
Corporate Director	Paul Walker 5.6.2020

APPENDIX 2: SITE PLAN



APPENDIX 3: PHOTOGRAPHS



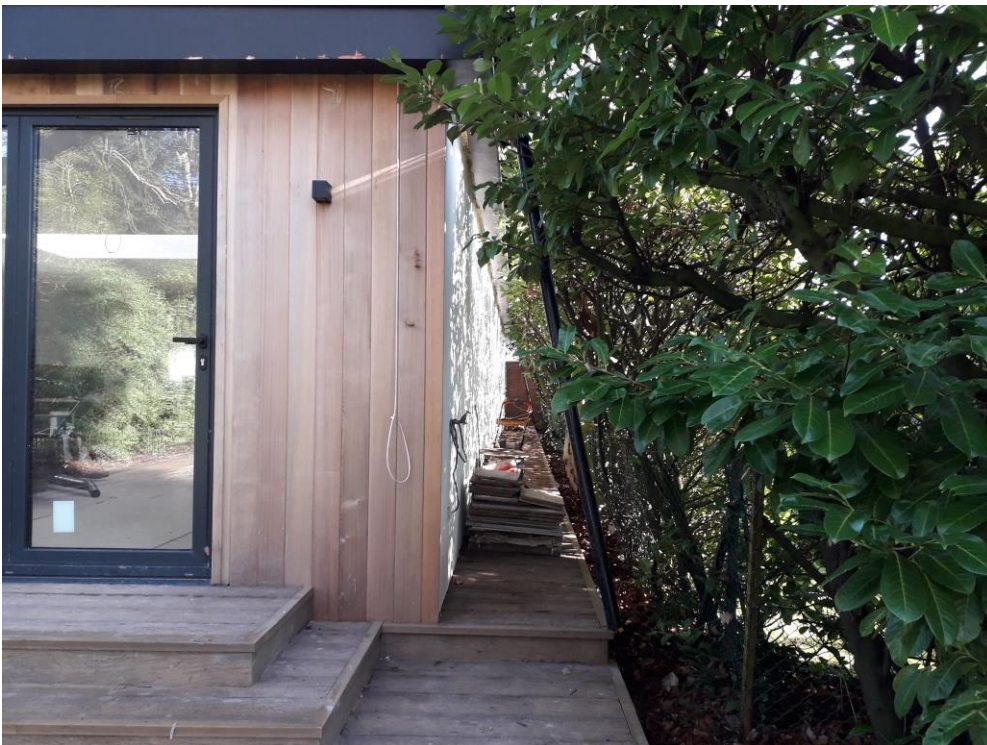
Elevation from 11 Adelaide Close



Elevation from 5 Aylmer Close



Boundary with 14 Old Forge Close

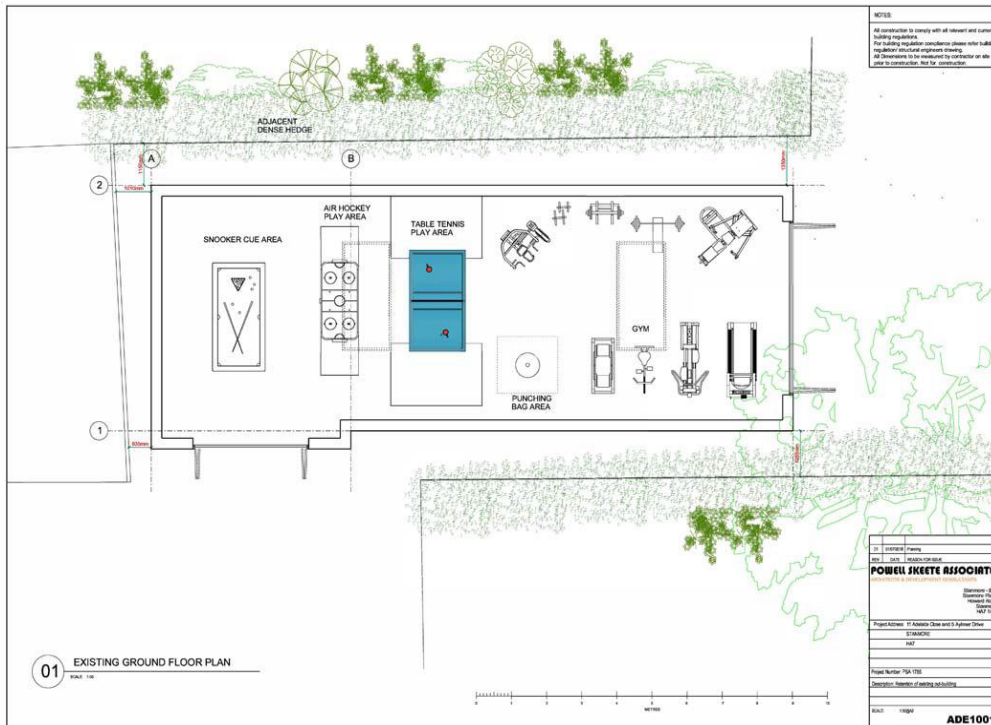


Boundary with 23 Old Forge Close

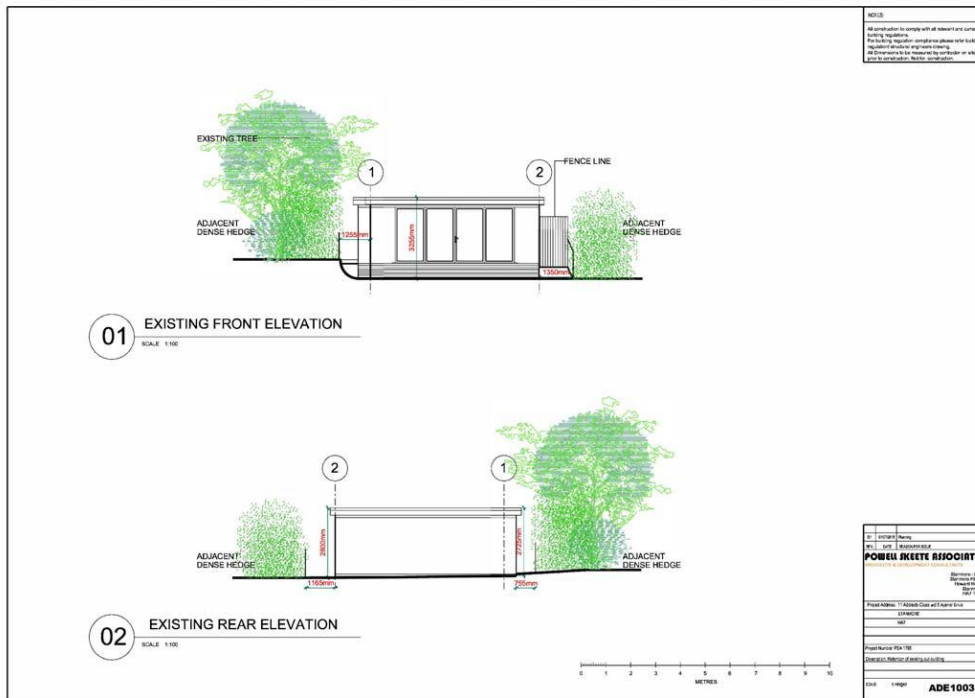


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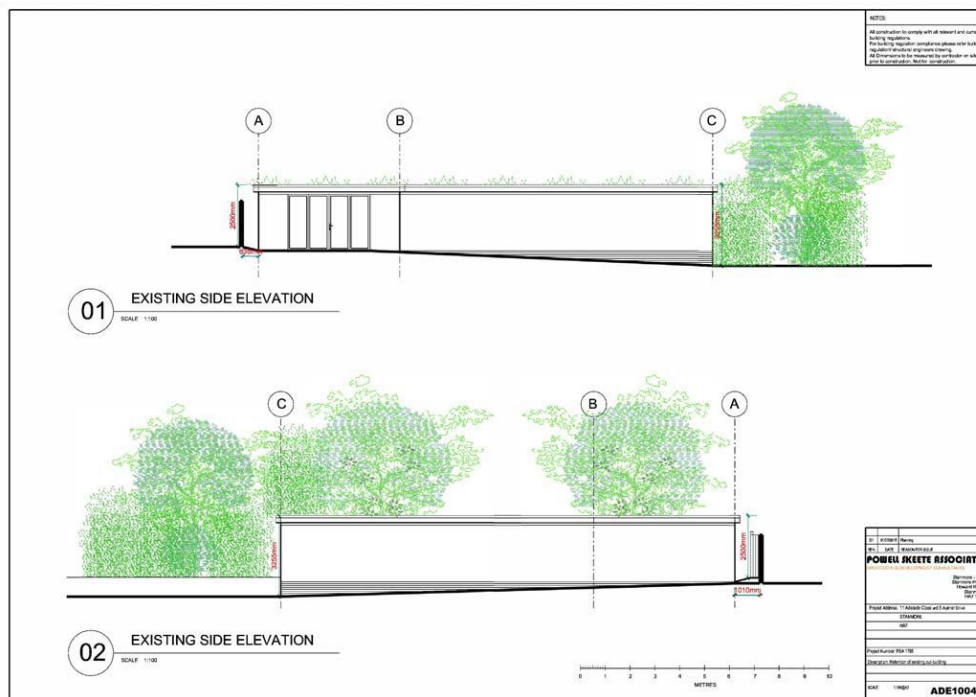
APPENDIX 4: PLANS AND ELEVATIONS



Ground Floor Plan



Front and rear elevations



Side Elevations

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