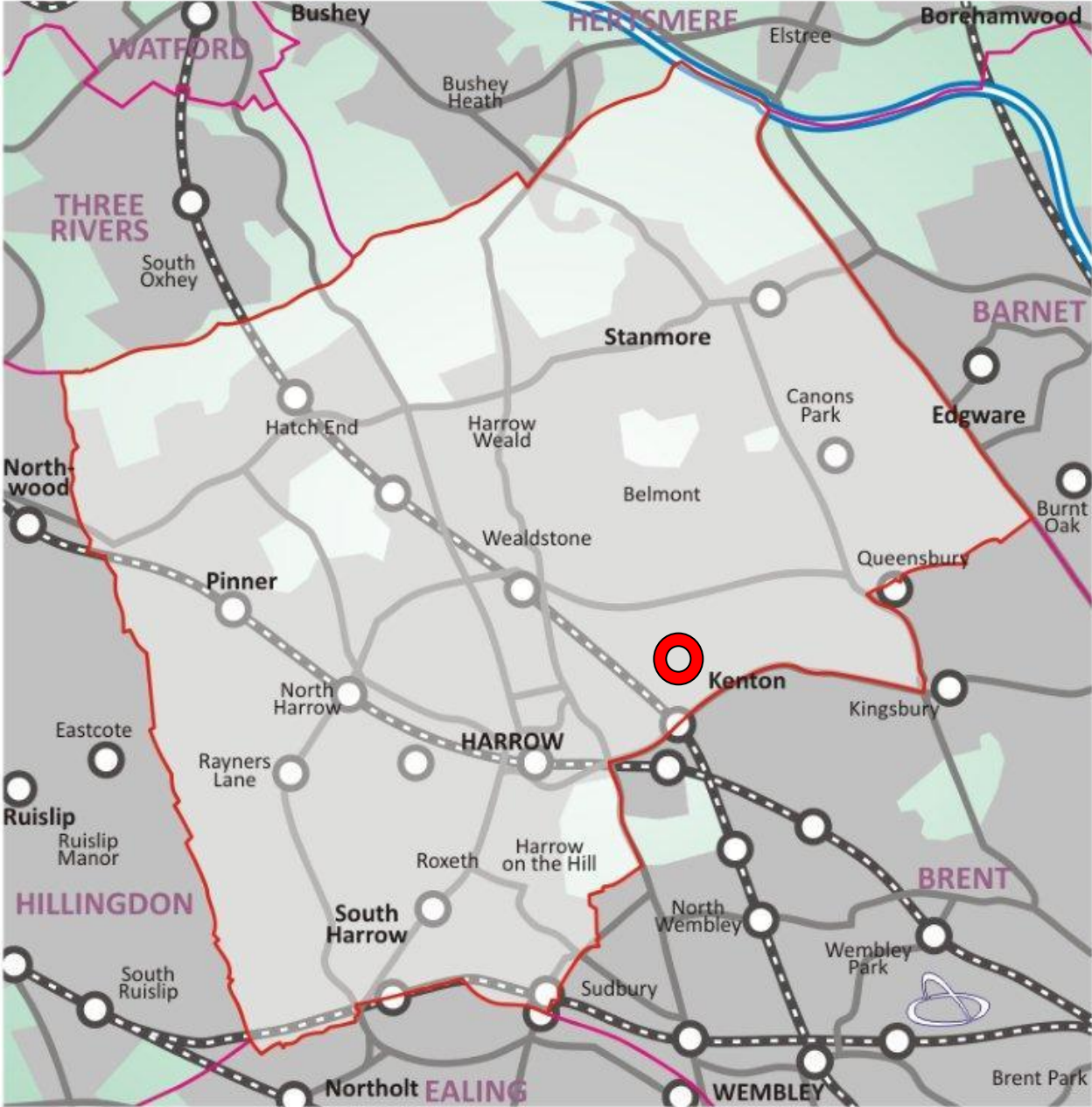


 = application site



<b>16 Northwick Park Road</b>	<b>P/0828/20</b>
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# LONDON BOROUGH OF HARROW

## PLANNING COMMITTEE

22<sup>nd</sup> July 2020

**APPLICATION NUMBER:** P/0828/20  
**VALID DATE:** 16<sup>th</sup> MARCH 2020  
**LOCATION:** 16 NORTHWICK PARK ROAD  
**WARD:** GREENHILL  
**POSTCODE:** HA1 2NU  
**APPLICANT:** MR PRITESH SUCHDEV  
**AGENT:** MZA PLANNING  
**CASE OFFICER:** AADIL ESSA  
**EXPIRY DATE:** 11<sup>th</sup> MAY 2020 (EXTENDED EXPIRY DATE 24<sup>th</sup> JULY 2020)

### PROPOSAL

Single storey outbuilding at rear to be used as sensory room ancillary to day care centre (Use class D1/C2).

### 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 development would provide an improvement in quality of accommodation for the occupiers of the property, whilst ensuring the development would be sympathetic to the existing property and would not unduly impinge on neighbouring amenities. Accordingly, the development would accord with development plan policies and is recommended for approval.

## **INFORMATION**

This application is reported to Committee as in the opinion of the Interim Chief Planning Officer, the proposals are likely to be of significant public interest. The proposal therefore does not fall within any of the provisions set out at Paragraphs 1 (a) to 1 (g) of the Scheme of delegation dated 12<sup>th</sup> December 2018.

Statutory Return Type:	E18 Minor Development
Council Interest:	N/A
Net additional Floorspace:	26.24sqm
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. 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**

- 1.2 The subject site comprises a substantial two storey semi-detached building located on the north-eastern side of Northwick Park Road.
- 1.3 The site is bounded by residential development on all sides and at the rear.
- 1.4 The property operates as a day care centre with overnight respite care (Use Class D1/C2).
- 1.5 The application site benefits from a generous rear garden.
- 1.6 The rear of the site adjoins amenity space of Blackthorne Court.
- 1.7 1B Manor Road is a detached bungalow located on an infill site.
- 1.8 The rear of 1B Manor Road adjoins the rear garden of the application site at a right angle.
- 1.9 The site is located in a critical drainage area. There are no other site constraints.

## **2.0 PROPOSAL**

- 2.1 The proposal involves the construction of a single storey detached outbuilding within the rear garden to be used as a sensory room ancillary to the day centre.
- 2.2 The proposed outbuilding would be located in the final quarter of the garden and would measure 7.5m in width and would have a depth of 4.0m adjacent to the common boundary with number 18 and set off 1.6m from the boundary.
- 2.3 The proposed outbuilding would feature a flat roof design with a maximum height of 2.5m.
- 2.4 The external finish on the outbuilding would be rendered to match the main building.
- 2.5 Proposed floor plans indicate that the outbuilding would be a sensory room, ancillary use to the day care centre.
- 2.6 The outbuilding would be used by 5 occupants (including carers) at any one time.

## **3.0 RELEVANT PLANNING HISTORY**

P/3051/16

Change of Use from Day Centre (Use Class D1) to a Mixed Use Day Centre (Use Class D1) and Respite Care (Use Class C2) for 40 users (adults with special needs); Single Storey Rear Extensions; Rear Conservatory; Alterations to Existing Ramp at Rear.

Granted: 10/11/2016

P/5430/16

Single Storey Rear Extension - Refused; 26/01/2017

Reason For Refusal

*The proposed single storey rear extension, in addition to the existing extensions to the property, by reason of excessive bulk, depth and overall excessive size would give rise to disproportionate and incongruous addition that would dominate and subsume the character and appearance of the existing property and would fail to respect the scale of the surrounding neighbouring dwellinghouses and pattern of development in the surrounding area. The proposal is contrary to policies 7.4B and 7.6.B of The London Plan (2016), policy CS1.B of the Harrow Core Strategy (2012), policy DM1 of the Development Management Policies Local Plan 2013 and the adopted Supplementary Planning Document: Residential Design Guide 2010.*

APP/5450/W/17/3173321

Appeal of the above

Allowed: 08/08/2017

P/0747/17

Single Storey Rear Extension

Granted: 11/04/2017

P/2816/17

Single Storey Garage at Rear

Granted: 25/09/2017

P/4356/17

Detached Outbuilding At Rear For Use As Office Ancillary To Existing Day Care Centre – Granted 22/11/2017

P/1843/19 - Single storey outbuilding at rear to be used ancillary to day care centre (Use class D1/C2) – Refused on 4/7/2019 for the following reason:

*Insufficient information has been provided to demonstrate that the use of the proposed outbuilding as a sensory room would not give rise to excessive activity, noise or general disturbance associated with the use and would therefore fail to safeguard the residential amenities of the adjoining occupiers. The proposal would therefore be contrary to Policy 7.6B of The London Plan (2016) and Policies DM1 and DM46 of the Development Management Policies Local Plan (2013).*

P/4533/19 - Single storey outbuilding at rear to be used as sensory room ancillary to day care centre (use class d1/c2) – Refused on 19/12/2019 for the following reason:

*Insufficient information has been provided to demonstrate that the use of*

*the proposed outbuilding as a sensory room would not give rise to excessive activity, noise or general disturbance associated with the use and would therefore fail to safeguard the residential amenities of the adjoining occupiers. The proposal would therefore be contrary to Policy 7.6B of The London Plan (2016) and Policies DM1 and DM46 of the Development Management Policies Local Plan (2013).*

#### **4.0 CONSULTATION**

- 4.1 A total of 12 consultation letters were sent to neighbouring properties regarding this application.
- 4.2 The overall public consultation period expired on 21<sup>st</sup> April 2020 and 8 objections were received and are summarised below.

##### **Highways:**

- The proposal would lead to an increase in parking.
- Road safety.

*Officer response: The Council's Highways Officer has confirmed that given that there is no intensification of the use proposed and the current limit on numbers attending the site will remain the same. As such the proposal would not result in any increased harm for the surrounding highway network and there Highways have no objections to the proposal.*

##### **Noise and disturbance:**

- The proposal would lead to increased noise and disturbance to the surrounding neighbouring properties.

*Officer response: The Noise Report submitted confirms that appropriate mitigation measures are in place to minimise day to day noise resulting from the development. In addition the Council's Environmental Health Officer has reviewed the submitted noise impact assessment and has raised no objections to the proposal subject to conditions.*

##### **Amenity:**

- The garden provided is already too small for the existing number of residents and increasing the number of residents using it would make it even more constrained;

*Officer response: The site property has a relatively large garden area and the proposed outbuilding would be located within the final quarter of the garden and as such is considered to be acceptable. Furthermore, there would be no increase in the number of people attending/ using the site. The proposed outbuilding would be ancillary to the existing use. This is further addressed within the amenity section of the report.*

**Other issues:**

- Residents at the subject property have been behaving in an undignified manner.
- Members of the property have been littering on neighbouring properties.

*Officer response: This is not a material planning consideration. This matter has been raised with the Environmental Health Team.*

4.3 Statutory and Non Statutory Consultation

4.4 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 Highways**

The Design and Access statement confirms that there is no intensification of use proposed and the current limit on numbers attending the site will remain the same therefore, this proposal would not result in any increased harm for the surrounding highway network. Highways have no objection.

**LBH Environmental Health Officer**

No objections to the proposal, subject to conditions.

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 policies referenced within the report below and a summary within Informative 1.

## **6.0 ASSESSMENT**

6.1 The main issues are;

- Character and Appearance of the Area
- Residential Amenity
- Traffic and Parking
- Development and Flood Risk

### **6.2 Character and Appearance of the Area**

6.2.1 The relevant policies are:

- National Planning Policy Framework (2019)
- The London Plan 2016: 7.4, 7.6
- The Draft London Plan 2019: D1, D4, D5
- Harrow Core Strategy 2012: CS1
- Harrow Development Management Policies Local Plan (2013): DM1,

6.2.2 Development Management Policy DM1 (2013) states "All development and change of use proposals must achieve a high standard of design and layout. Proposals which fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance, will be resisted".

6.2.3 The proposed outbuilding would not be visible from the public domain and would therefore not have a degree of impact on the street scene. Furthermore, the proposal would be located in the final quarter of the rear garden. It is noted that the premises benefits from a generous rear amenity space and therefore the proposed outbuilding would not appear cramped within the site and would leave ample amenity space for the users of the site.

6.2.4 The proposed outbuilding would be in scale with other domestic outbuildings in the locality. It is considered that the proposed development would have an acceptable relationship within the host property and be considered subordinate in scale. It would therefore not have an adverse impact on the character and appearance of existing dwelling or the locality.

- 6.2.5 The materials for the proposed outbuilding would consist of render. It is considered that the proposed materials would be an appropriate treatment for the proposed ancillary structure.
- 6.2.6 In conclusion, it is considered that the proposal would have an acceptable impact on the character and appearance of the property, wider area and would be in accordance with the NPPF (2019), Harrow Core Strategy (2012) CS1.B, policies D1 and D4 of the 'Intend to publish' Draft London Plan (2019), policies 7.4.B and 7.6.B of The London Plan and Policy DM1 of the Development Management Local Plan Policies (2013).

### **6.3 Residential Amenity**

- 6.3.1 The relevant policies are:
- Harrow Core Strategy 2012:CS1
  - Harrow Development Management Polices Local Plan (2013): DM1
  - The London Plan Policy 7.6
  - The Draft London Plan Policy D1
- 6.3.2 The proposed outbuilding would be located close to the boundary with No.18 Northwick Park Road which is sited to the north-west of the subject site. Given the proposed outbuilding is modest in height and scale, it is considered that it would not have an impact in terms of loss of daylight, overshadowing and outlook to the neighbouring occupiers of No.18 Northwick Park Road.
- 6.3.3 The proposed outbuilding would be sited approximately 8m away from the property to the south-east No.1B Manor Road and wold be largely screened away from this property by the existing outbuilding in the rear garden of the subject property. The proposed outbuilding would also located adjacent to the rear garden of No's 1-3 Blackthorne Court (sited to the north-east) and would be sited at a good distance away from the rear elevations of this neighbouring block of flats. Given these site circumstances, it considered that the proposal would not be harmful to the residential amenities of No.1B Manor Road and the occupiers of No's 1-3 Blackthorne Court in relation to daylight, overshadowing and outlook.
- 6.3.4 Objections have been raised in relation to increased noise and disturbance that would occur as a result of the proposed outbuilding. It is noted that that the previous proposal under planning reference P/4533/19 was refused for the lack of sufficient information to demonstrate that the use of the proposed outbuilding as a sensory room would not give rise to excessive activity, noise or general disturbance with the use. The applicant has provided a noise report and a Design and Access statement which provides a strategy of how noise and disturbance would be mitigated from the proposed development. Furthermore, within the submitted documents, the applicant has stated that the outbuilding would not be frequented by more than 4 people at any given time and would assist in reducing the noise within the existing garden area by removing people from the garden and placing them into a controlled and enclosed environment. It is also acknowledged

that the users of the day centre are currently permitted to frequent the existing rear garden area (where the proposed outbuilding would be located) and therefore the proposed outbuilding in this location would not exacerbate the existing levels of noise and disturbance that already occur. Importantly, the Council's Environmental Health Officer is satisfied with the submitted information and has raised no objections to the proposed development subject to suitable conditions.

6.3.5 Objections have also been raised in relation to the over intensification of the site from the resulting outbuilding. However, condition 6 attached to planning permission P/3051/16 restricts a maximum of 40 people for anyone time plus 7 staff members, and as such the maximum number of people would remain unchanged and would not result in an over intensification of the existing site.

6.3.6 Overall, it is considered that the current proposal addresses previous concerns in relation to insufficient information relating to noise and disturbance and subject to conditions, it is considered the proposal would not have an unacceptable impact on the residential amenities of adjoining occupiers in accordance with London Plan policy 7.6B and Development Management Policies Local Plan (2013) Policy DM1 and would therefore have an acceptable impact on neighbouring amenity.

#### 6.4 **Traffic and Parking**

6.4.1 The relevant policies are:

- Harrow Development Management Policies Local Plan (2013): DM42
- The London Plan Policy: 6.13
- The Draft London Plan Policies: T6

6.4.2 There would be no change to the existing parking arrangements on site. Furthermore, there would not be an intensification of use proposed and the current limit on numbers of users attending the site will remain the same and as such the proposal would not result in any increased harm for the surrounding highway network.

6.4.3 Highways officer have raised no objections to the proposal in relation to traffic and parking concerns.

#### 6.5 **Development and Flood Risk**

6.5.1 The relevant policies are:

- Harrow Development Management Policies Local Plan (2013): DM9, DM10
- The London Plan Policy: 5.12
- The Draft London Plan Policy: SI 12, SI 13

6.5.2 The development would result in any additional hard surfacing on the site and could 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. As such an informative has been attached to this effect.

## **7.0 CONCLUSION AND REASONS FOR APPROVAL**

- 7.1 It is considered that the proposed building would have an acceptable design and external appearance and would not have an undue impact on the character and appearance of the area or the residential amenity of neighbouring occupiers. 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 92 of the Town and Country Planning Act 1990.

2. Approved Plans and Documents

The development hereby permitted shall be carried out in accordance with the following documents and plans: 9805 P 01 A; 9805 P 02 A; 9805 P 03 A; Site Location Plan; Planning, Design and Access Statement.

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

3. Materials

The materials to be used in the construction of the external surfaces of the outbuilding hereby permitted shall match those used in the existing building.

REASON: To safeguard the character and appearance of the area.

4. Use of the outbuilding

The detached outbuilding hereby permitted shall not be occupied at any time other than for purposes incidental to the day care centre use (Use Class D1/C2) of the occupiers of No. 16 Northwick Park Road, Harrow, HA1 2NU

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

5. Hours of Use

The detached outbuilding hereby permitted shall not be occupied at any time outside of the following hours:-

8am-8pm Monday – Sunday

REASON: To safeguard the amenity of neighbouring residents.

6. Noise amplification

No music or any other amplified sound caused as a result of this permission shall be audible at the boundary of any residential premises either attached to, or in the vicinity of, the premises to which this permission refers.

REASON: To safeguard the amenity of neighbouring residents.

7. Air conditioning

No air conditioning units or plant is to be installed without prior agreement from the local planning authority in writing.

REASON: 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**

5.12 Flood risk management

5.13 Sustainable drainage

6.13 Parking

7.4 Local Character

7.6 Architecture

#### **Intend to Publish Draft London Plan (2019):**

D1 London's form and characteristics

D4 Delivering good design

D5 Inclusive Design

SI12 Flood Risk Assessment

SI13 Sustainable drainage

T6 Car Parking

#### **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

DM 9 - Managing Flood Risk Policy

DM 10 – On Site Water Management and Surface Water Attenuation

DM 42 – Parking Standards

### 2. 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.

### 3. 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)

#### 4. 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](mailto: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.

#### 5. Sustainable Drainage Systems

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 (2019) 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 Beverley Kuchar
Corporate Director	Hugh Peart 9/7/2020

**APPENDIX 2: SITE PLAN**



## **APPENDIX 3: SITE PHOTOS**

Front Elevation



Rear elevation



Rear elevation



Rear garden



Existing outbuilding

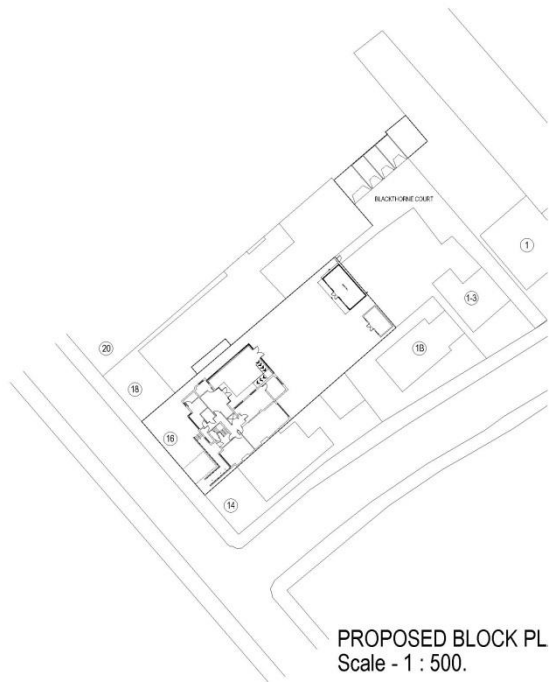
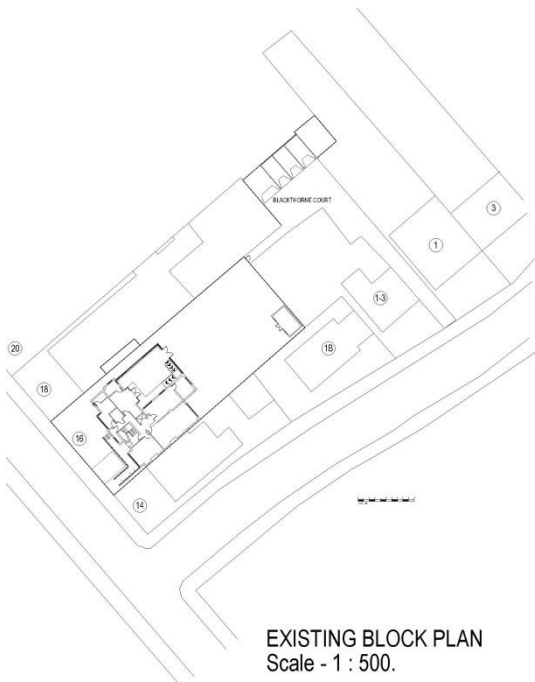


Rear garden

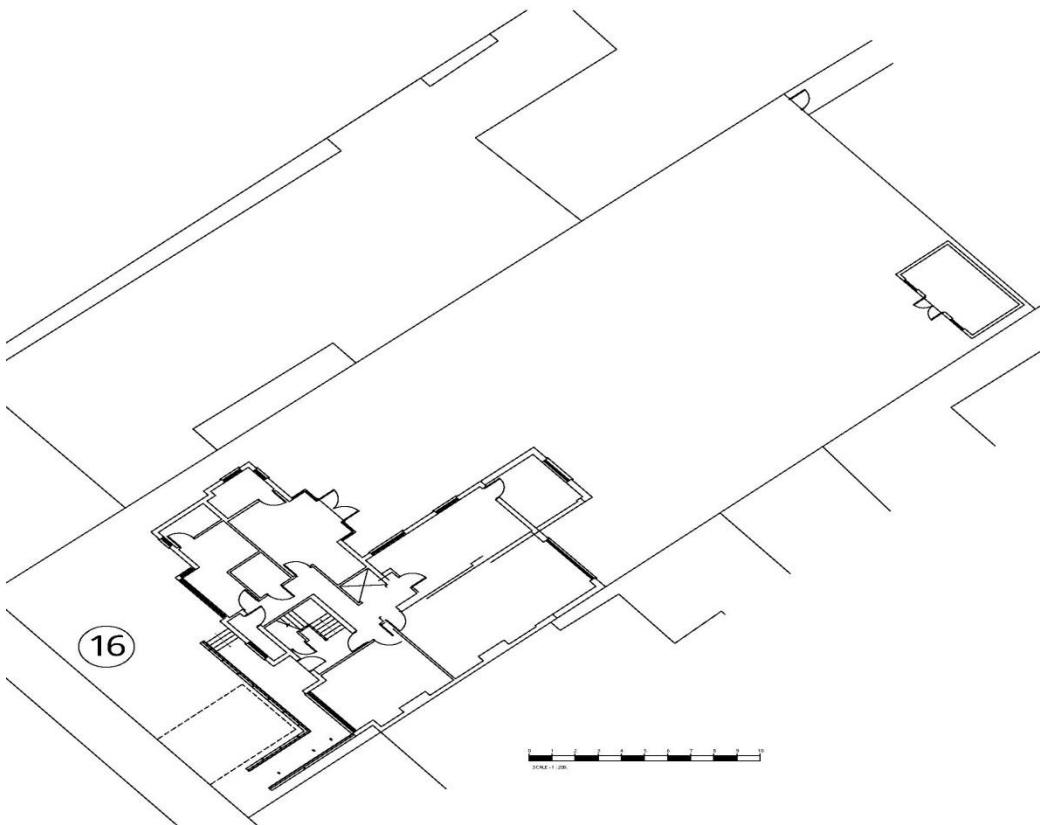


## APPENDIX 4: PLANS AND ELEVATIONS

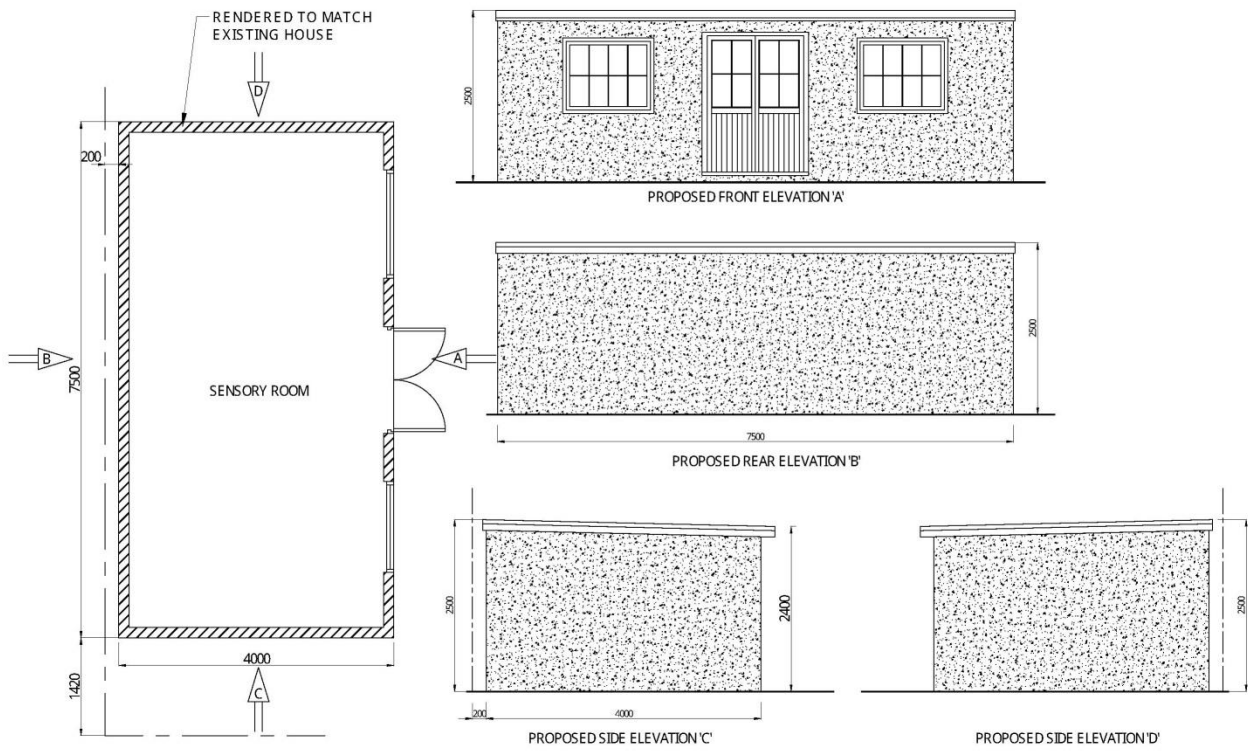
### Existing and proposed site block plan



### Existing site plan



# Proposed elevation and floor plans



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