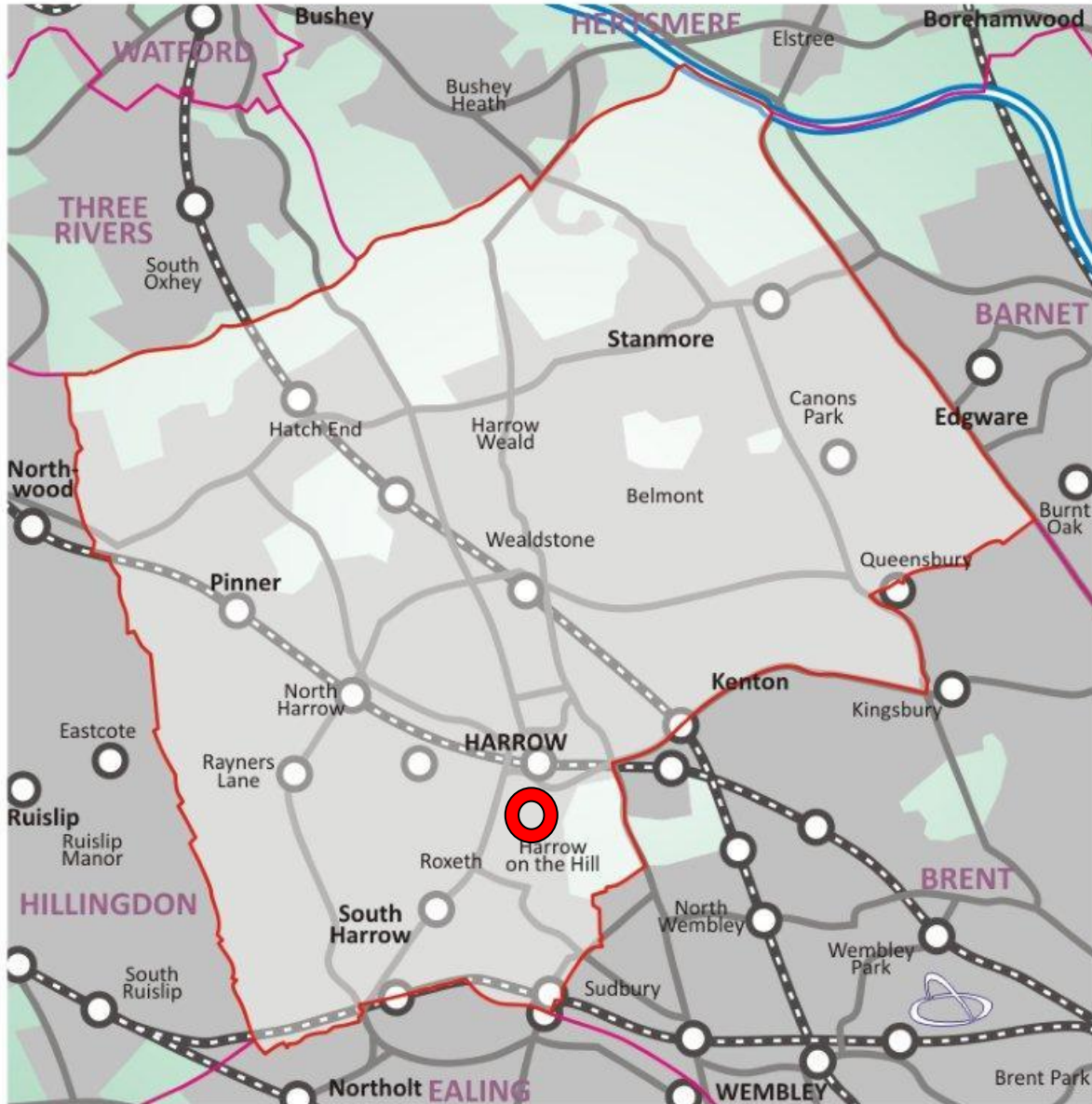


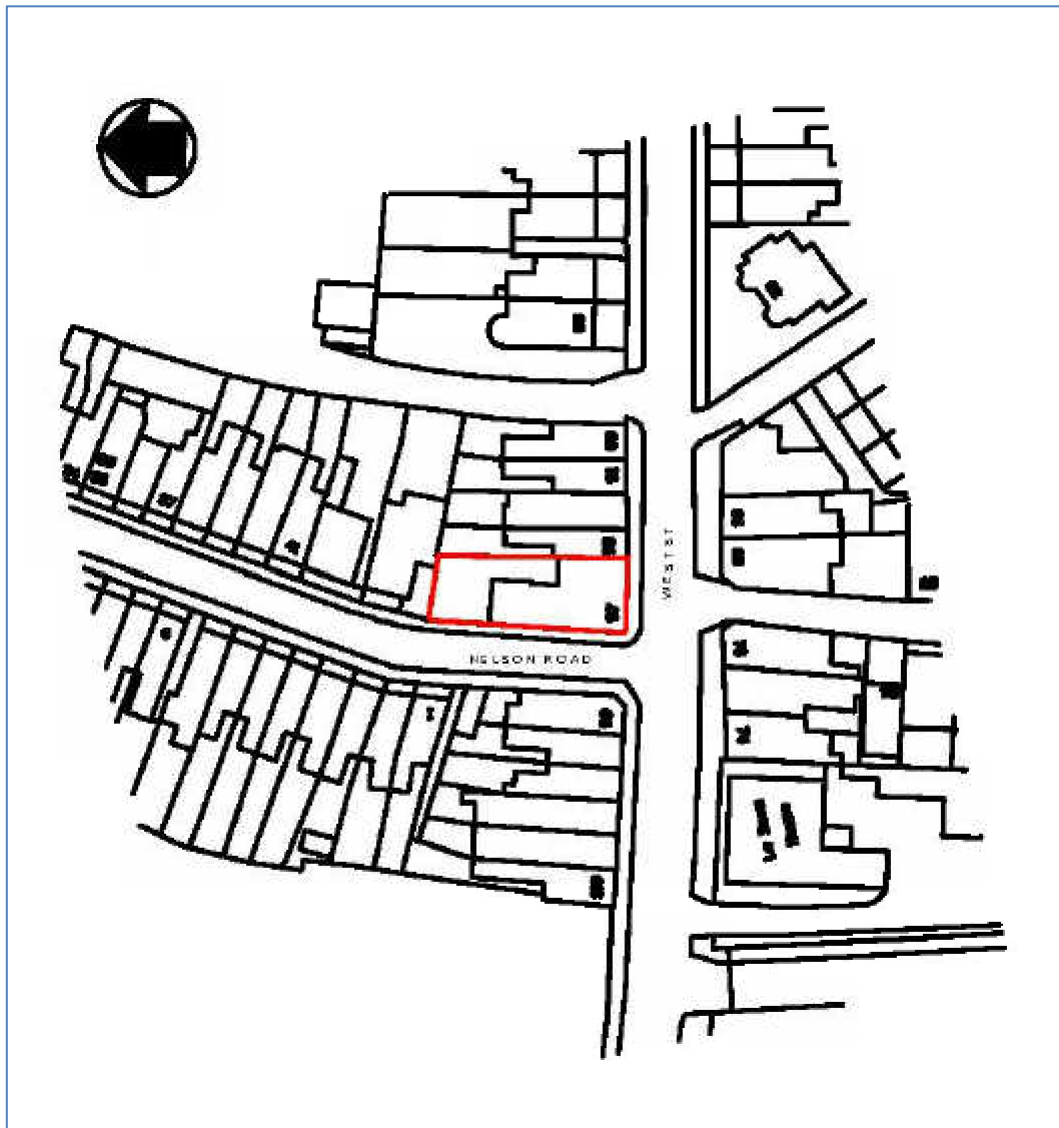
O = application site



97 West Street, Harrow on the Hill, HA2 0JW

P/1531/20

97 WEST STREET, HARROW ON THE HILL



LOCATION PLAN 1:1250

LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

23rd September 2020

APPLICATION NUMBER: P/1531/20
VALID DATE: 7th JULY 2020
LOCATION: 97 WEST STREET, HARROW
WARD: HARROW ON THE HILL
POSTCODE: HA1 3EL
APPLICANT: FRESHBAY LIMITED
AGENT: BUCKMASTER BATCUP ARCHITECTS LTD
CASE OFFICER: BLYTHE SMITH
EXPIRY DATE: 25th AUGUST 2020
(EXTENDED 25th SEPTEMBER 2020)

PROPOSAL

Certificate of lawful development (proposed): use of dwelling house (class c3) as house in multiple occupation (HMO) for up to six persons with internal alterations.

RECOMMENDATION

The Planning Committee is asked to:

- 1) Agree the reasons for approval as set out in this report, and
- 2) Grant the Certificate of Lawful Proposed Development

REASON FOR THE RECOMMENDATION

The proposed use of the dwellinghouse (use class C3) as a small house in multiple occupation for up to 6 persons (use class C4) would be within the tolerances of Schedule 2, Part 3 Class L of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. Planning permission is therefore not required,

INFORMATION

This application is reported to Planning Committee at the request of a nominated member in the public interest and therefore falls within proviso A of the Scheme of Delegation.

Statutory Return Type:	(E)26 Lawful Development
Council Interest:	None
Net Additional Floorspace:	None
GLA Community Infrastructure Levy (CIL):	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

It is considered that the proposed development would not adversely impact upon community safety issues or conflict with development plan policies in this regard.

1.0 SITE DESCRIPTION

- 1.1 The property is a substantial two storey end-of-terrace single family dwellinghouse located on the north side of West Street. No.95 is the adjoining neighbour to the east and the rear boundary adjoins No.43 Nelson Road.
- 1.2 The property is a locally listed building and located within the Harrow-on-the-Hill Village Conservation Area.
- 1.3 The site is located within a critical drainage zone

2.0 PROPOSAL

- 2.1 The application proposes to convert the property to a 6 bedroom HMO with internal alterations. No external alterations or expansion of the basement level have been proposed.

3.0 **RELEVANT PLANNING HISTORY**

3.1 A summary of planning history is set out below:

Ref no.	Description	Status & date of decision
WEST/724/02/FUL	Single storey rear extension	GRANTED 13 th February 2003
P/349/04/CFU	Provision of re-built boundary wall and formation of off-street parking area	REFUSED 13 th April 2004
P/1483/04/CFU	Provision of re-built boundary wall and formation of off-street parking space (revised)	REFUSED 20 th July 2004
P/2877/13	External alterations to existing rear extension to include new folding doors; new raised patio to rear extension with glass balustrade; replacement of existing timber fence fronting nelson rod with new boundary wall and access gate; replacement front door	GRANTED 23 rd December 2013
P/2409/14	Alterations to raise roof pitch height at rear; creation of covered lightwell to basement; enlargement and increase in height of existing basement; repositioning of two rooflights and addition of one rooflight on rear roofslope; external alterations to existing rear extension to include new french doors; new raised patio to rear extension with glass balustrade; replacement of existing timber fence fronting nelson road, with new boundary wall and access gate; replacement front door and glazing at sides	GRANTED 10 th February 2015
P/5144/19	Change of use of dwellinghouse (class c3) to a nine room house of multiple occupation (sul generis); rear basement extension; external alterations.	REFUSED 6 th February 2020

Reasons for refusal for application P/5144/19

1. The proposed change of use, extensions and alterations to the premises on this prominent corner location would result in the loss of original features and the traditional historic character of this locally listed building and result in unduly obtrusive and incongruous additions to the property which would be harmful to the visual amenities of the area. The proposal would therefore fail to preserve or enhance the character and appearance of the locally listed building and this part of the Harrow on the Hill Village Conservation Area, contrary to policies 7.4B, 7.6.B and 7.8 C & D of The London Plan (2016), core policies CS 1B and CS 1D of the Harrow Core Strategy (2012), policies DM1 and DM7 of the Development Management Policies Development Plan Document (2013) and adopted Supplementary Planning Document: Harrow on the Hill Conservation Areas and its Appendix H, Harrow on the Hill Village (2008).
2. The site is located in an area with a low public transport accessibility level and the proposal would increase the pressures of on street parking stress in an area that will not be possible to accommodate any extra vehicles in the immediate vicinity contrary to policy CS1S of the Harrow Core Strategy (2012) and policies DM30 and DM42 of the Development Management Policies Development Plan Document (2013).
3. The raised garden area, as a result of the proposed basement, by reason of its proximity to the rear boundary and elevated position would result in a loss of privacy to the detriment of the amenity of neighbouring residents in the adjoining house to the rear on Nelson Road contrary to policy 7.6B of The London Plan (2016) and policy DM1 of the Harrow Development Management Policies Local Plan (2013).
4. The proposed development, by reason of poor design, layout, resultant outlook and orientation of some of the single aspect units facing north, would provide a poor quality living arrangement to the detriment of the amenities of future occupiers of the proposed development, contrary to policy 7.6B of The London Plan (2016) and policies DM1 and DM30 of the Harrow Development Management Policies Local Plan (2013).

3.2 Pre-application Discussion

3.2.1 Pre application advice was not sought.

4.0 CONSULTATION

4.1 Objections had been received however a consultation period is not required for a Certificate of Lawful Development. The purpose of this application is to determine if the proposal would be permitted development, not to assess the planning merits.

4.2 Statutory and non-statutory consultation

4.3 Advice was sought from the council's Heritage Officer and the Enforcement Team in regards to the existing Article 4 direction and a current enforcement case on the rear amenity space. No concerns were raised.

5.0 POLICIES

5.1 Not Applicable

6.0 ASSESSMENT

6.1 Schedule 2, Part 3 Class L of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended sets down the limitations of the permitted development right to move between a single family dwelling house under use class C3 and a small HMO use class C4 (small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom).

6.2 The legislation states that the development is not permitted if it would result in the use of the dwellinghouse as two or more separate dwellinghouses.

6.3 The submitted application form states that that the proposal is for a maximum of 6 persons. A review of the plans indicate six bedrooms, each with an ensuite. There are two communal kitchens, once in the basement area and one on the first floor.

6.4 The bedrooms are not therefore self-contained and therefore it is considered on the basis of the information submitted in the application that planning permission would not be required for this use.

7.0 CONCLUSIONS AND REASONS FOR APPROVAL

7.1 The proposal complies with the relevant limitations set out in Schedule 2, Part 3 Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. The proposal is therefore a lawful development and planning permission would not be required.

APPENIDIX 1: Plan INFORMATIVES

Plan nos: site location plan; BBA 786.P.11; BBA 786.P.12; BBA 786.P.13; BBA 786.P.14

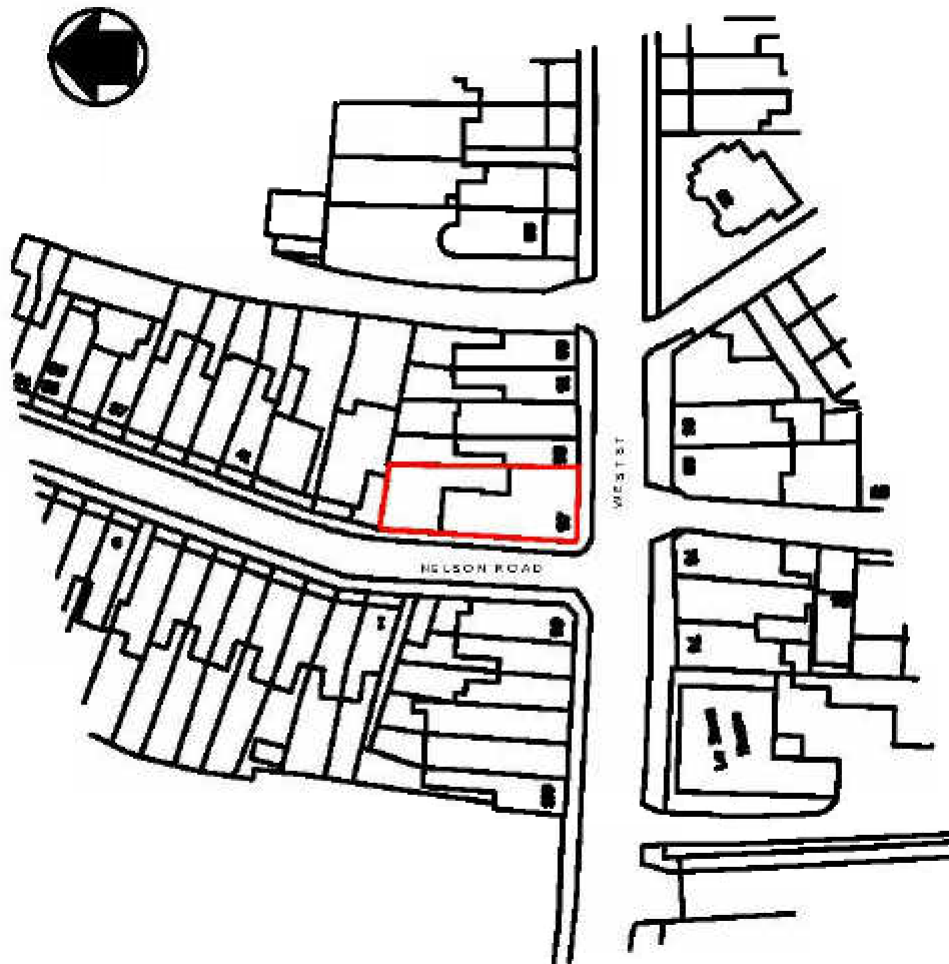
INFORMATIVES:

1. The applicant's attention is drawn to the requirements in the Considerate Contractor Code of Practice. In the interests of minimising any adverse effects arising from building operations, the limitations on hours of working are as follows:
0800-1800 hours Monday - Friday (not including Bank Holidays)
0800-1300 hours Saturday
2. 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 Portal website:
<https://www.gov.uk/party-wall-etc-act-1996-guidance>
3. You should be aware that, whereas a planning permission is valid for three years, a Certificate is only valid for as long as the permitted development legislation that gave rise to the decision remains in place. This could mean that, if the legislation changes after the Certificate was determined, your proposals may no longer be permitted development. In this case this Certificate decision was based on the revised permitted development rights for householders that the Government brought into effect on 15 April 2015.
For further advice on the current householder permitted development guidance an interactive guide is available on the Planning Portal on:
<http://www.planningportal.gov.uk/permission/house>
4. The applicant is advised to ensure that the highway is not interfered with or obstructed at any time during the execution of any works on land adjacent to a highway. The applicant is liable for any damage caused to any footway, footpath, grass verge, vehicle crossing, carriageway or highway asset. Please report any damage to nrswa@harrow.gov.uk or telephone 020 8424 1884 where assistance with the repair of the damage is available, at the applicants expense. Failure to report any damage could result in a charge being levied against the property.

CHECKED

Interim Chief Planning Officer	Orla Murphy pp Beverley Kuchar 10.9.20
Corporate Director	Paul Walker 10.9.20

APPENDIX 2: LOCATION PLAN



LOCATION PLAN 1:1250

APPENDIX 3: SITE PHOTOGRAPHS



Figure 1 View of property



Figure 2 Side elevation of property

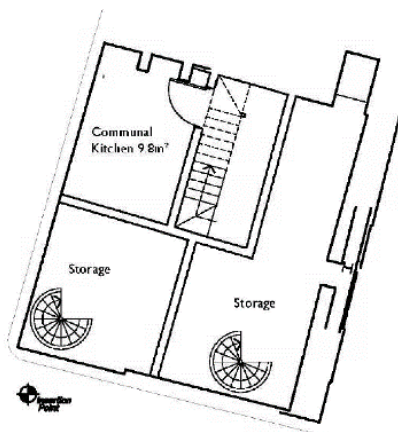


Figure 3 Further side elevation of property

APPENDIX 4: PLANS AND ELEVATIONS



Figure 4 Existing Floor Plans



Proposed Basement Plans

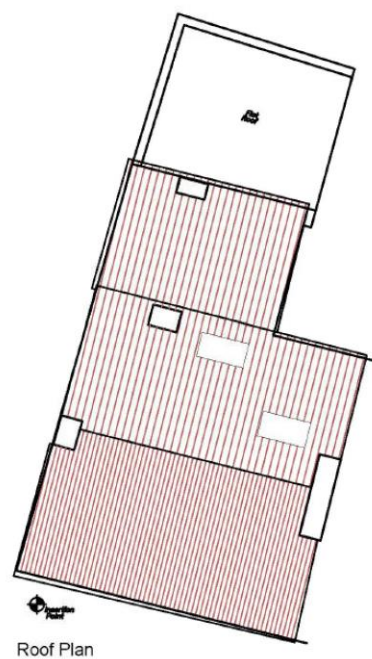
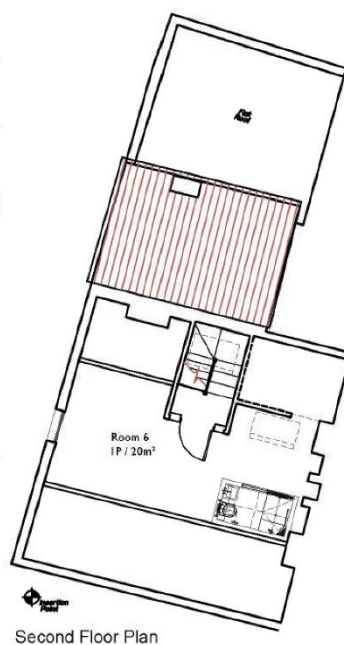
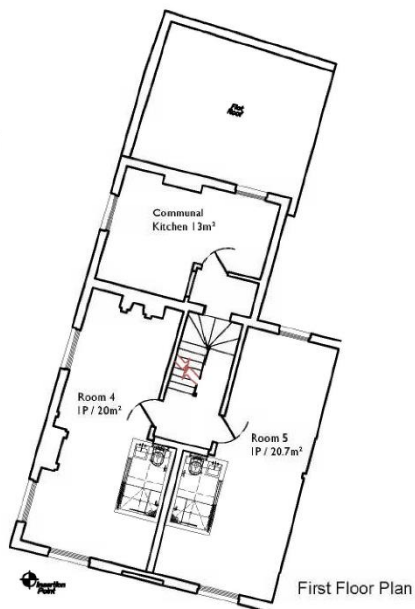
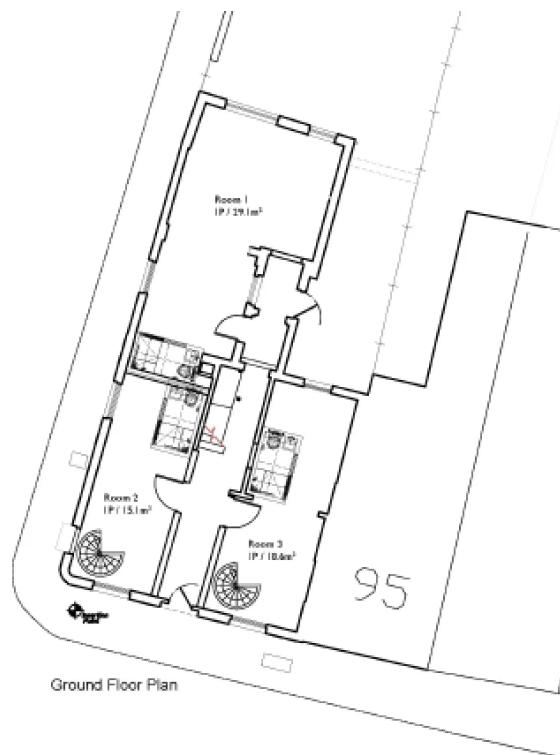


Figure 5 Proposed Floor Plans



Figure 6 Elevations