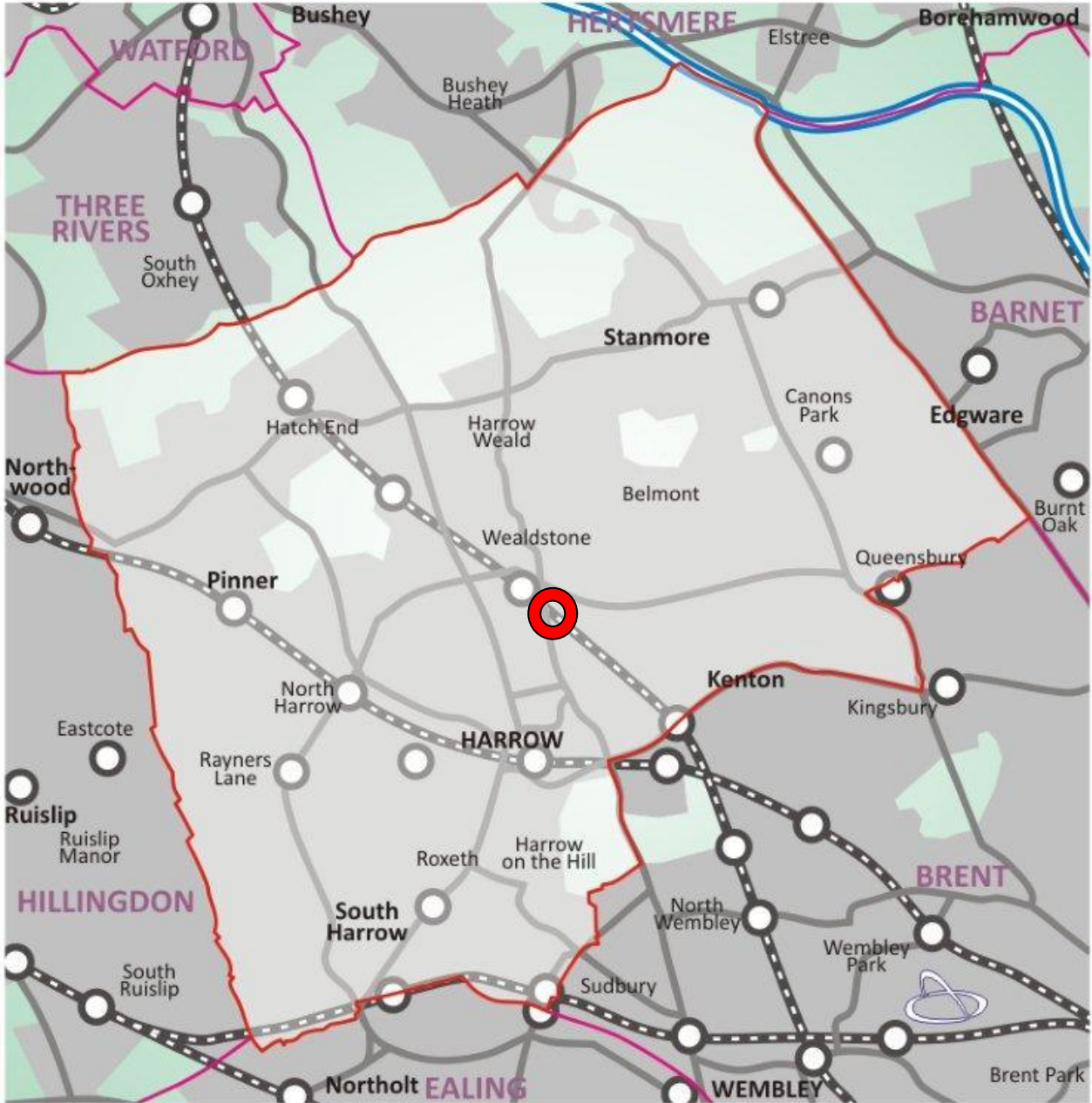


 = application site



10 Christchurch Avenue	P/2799/20
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10 Christchurch Avenue, Harrow, HA3 8NE



LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

20th January 2021

APPLICATION NUMBER: P/2631/20
VALID DATE: 22ND OCTOBER 2020
LOCATION: 10 CHRISTCHURCH AVENUE HARROW
WARD: KENTON WEST
POSTCODE: HA3 8NE
APPLICANT: MR MEHRAN VAEZI
AGENT: MR MICHAEL UBAKA
CASE OFFICER: FAYE MCELWAIN
EXPIRY DATE: 14TH DECEMBER 2020

PROPOSAL

Conversion Of Dwelling (Use Class C3) Into Children's Care Home (Use Class C2);
Conversion Of Garage Into Habitable Room; External Alterations

The Planning Committee is asked to:

RECOMMENDATION

- 1) Agree the reasons for approval as set out in this report, and
- 2) Grant planning permission subject to the conditions set out in Appendix 1 of this report.

REASON FOR THE RECOMMENDATION

The proposal would accommodate a specialised need in the borough and surrounding area and would have an acceptable impact on the character of the area and the residential amenities of neighbours. As such the proposal would accord with the National Planning Policy Framework (NPPF) (2019), Policies 7.4B and 7.6B of the London Plan (2016), Policies D1 and D4 of the Draft London Plan Intend to Publish Version (20(19), Policy CS1.B of the Harrow Core Strategy (2012), Policies DM1 and DM29 of the Harrow Development Management Policies Plan (2013) and the Harrow Supplementary Planning Document: Residential Design Guide (2010).

INFORMATION

This application is reported to Planning Committee at the request of a nominated member to ensure the change of use is suitable. Due to an administrative error the report for this case was not published on the agenda for the December committee and therefore the determination of this application has been deferred to this committee.

Statutory Return Type:	Minor Development
Council Interest:	None
Net Floorspace:	0
GLA Community Infrastructure Levy (CIL) Contribution	N/a
Local CIL requirement (provisional):	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

- 1.1 The site consists of a detached two storey dwelling on the north side of Christchurch Avenue on a corner plot on the junction between Christchurch Avenue and Larkfield Avenue.
- 1.2 The dwelling is characterised by a hipped roof and front gable projection on its front elevation and features an original side garage.
- 1.3 The property has recently been extended by virtue of a single storey rear extension.

2.0 PROPOSAL

- 2.1 Change the use of the dwelling to a Class C2 care home to house up to three children who are in need of adult supervision and care where their parent or long term guardian cannot currently provide it.
- 2.2 The children would be within the age range of eleven to sixteen.
- 2.3 At any one time there would be two to three members of staff providing the supervision.
- 2.4 The proposal also involves the conversion of the existing garage to a habitable room and the removal of the garage door and insertion of a window on the front elevation.

3.0 RELEVANT PLANNING HISTORY

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

Ref no.	Description	Status and date of decision
P/0551/19	Single Storey Rear Extension; Removal Of Door And Insertion Of Window In Ground Floor Side Elevation	Granted – 07/05/2020
P/3988/19	Single Storey Rear Extension	Granted - 08/11/2019
P/0269/18	Conversion of dwellinghouse into six flats; Alterations to roof to form end gable, rear dormer, insertion of rooflight in front roofslope and window in side; Two storey side and rear extension; External alterations;	Refused - 06/04/2018

	Landscaping and parking; Two vehicle accesses from Larkfield Avenue; Refuse and Cycle storage	
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Reasons For Refusal:

1. The proposal, by reason of the siting of a new residential unit on a private residential garden, is at odds with the spatial strategy for the Borough and would harm the contribution that gardens make to the character of the area, contrary to the National Planning Policy Framework (2012), Policy 3.5A of The London Plan (2016), Core Policies CS1.A and CS1.B of the Harrow Core Strategy (2012) and the adopted Supplementary Planning Document - Garden Land Development (2013).
2. The proposal, by reason of its excessive scale, mass, bulk and poor design, and its location on a prominent corner site and the siting of the two storey side extension adjacent to the side boundary/public foot path, would give rise to an incongruous, obtrusive, dominant and contrived form of development, that would result in a loss of openness at the side of the subject property, and detract from the character, massing, composition and pattern of development in the locality, to the detriment of the character and appearance of the subject property, the adjoining properties and the streetscene, contrary to the high quality design aspirations of the National Planning Policy Framework (2012), 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).
3. The proposed unit 6, by reason of its inadequate gross internal floor area, would give rise to a cramped, substandard and poor quality accommodation, to the detriment of the residential amenities of the future occupiers of the maisonette, contrary to Policies 3.5C, 3.8B, 7.1C, 7.2C and 7.6B of The London Plan (2016), Mayor of London - Housing Supplementary Planning Guidance, March (2016), Core Policy CS1.K of the Harrow Core Strategy (2012), Policies DM1 and DM26 of the Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Documents Residential Design Guide (2010).
4. The proposed units 1 and 4, by reason of the unsatisfactory siting of the windows serving the kitchen and the bedroom respectively, and the potential use of the surrounding footpath by the future occupiers of the proposed flats and their visitors, would result in an oppressive outlook from unit 4 bedroom, inadequate daylight and loss of privacy to the ground floor units. As such, the proposed development will not provide a sustainable and good quality living accommodation for its future occupiers. The proposed development is therefore contrary to the National Planning Policy Framework (2012), Policies 3.5C, 3.8B, and 7.6B of The London Plan (2016), Policies DM1 and DM26 of the Harrow Development Management Policies Local Plan (2013), the Mayor of London's Housing Supplementary Planning Guidance (2016) and the adopted Supplementary Planning Document Residential Design Guide (2010).

P/2581/18	Conversion of dwellinghouse into four flats; Alterations to roof; Two storey side and rear extension; External alterations; Landscaping and parking; Two vehicle accesses from Larkfield Avenue; Refuse and Cycle storage.	Refused - 20/03/2018
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Reasons For Refusal

1. The proposal, by reason of the siting of a new residential unit on a private residential garden, is at odds with the spatial strategy for the Borough and would harm the contribution that gardens make to the character of the area, contrary to the National Planning Policy Framework (2018), Policy 3.5A of The London Plan (2016), Core Policies CS1.A and CS1.B of the Harrow Core Strategy (2012) and the adopted Supplementary Planning Document - Garden Land Development (2013).
2. The proposal, by reason of its location on a prominent corner site and the siting of the two storey side extension adjacent to the side boundary and poor design, would give rise to an obtrusive and dominant form of development, that would result in a loss of openness at the prominent corner plot, and detract from the character and pattern of development in the locality, to the detriment of the character and appearance of the subject property and the streetscene, 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).
- 3.

P/5353/18	Certificate of lawful development (proposed): Alterations to roof to form end gable; installation of two rooflights in front roofslope and new window in side; conversion of garage to habitable room; single and two storey side extension; single and two storey rear extension	Refused - 07/02/2019.
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Reasons for Refusal

- 1 The proposed single and two storey rear extension would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres and is therefore not within the tolerances of Schedule 2, Part 1 Class A(i) of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended
- 2 The proposed two storey side extension would have a width greater than half the width of the original dwellinghouse, exceeds 4 metres in height and have more than a single storey and is therefore not within the tolerances of Schedule 2, Part 1 Class A(j) (i), (ii) and

(iii,) and (ja) of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

3 The proposed two storey rear extension extends beyond the rear wall of the original dwellinghouse by more than 4 metres and would have more than a single storey, and is therefore not within the tolerances of Schedule 2, Part 1 Class A (f) (i) and (ii) of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

4 The proposed roof alteration to combined exceed the maximum 50m³ therefore proposal fails to be within the tolerances of permitted development of Schedule 2, Part 1 Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

5 The proposed alterations to the roof (plan ref: 107/04/04A and supporting document), show no reference to materials to match the construction of the exterior of the existing dwellinghouse and is therefore not within the tolerances of Schedule 2, Part 1 Class B.2 (a) of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

6 The proposal is NOT therefore a lawful development

4.0 CONSULTATION

4.1 The two adjoining properties were consulted. The consultation period expires on 19th November 2020.

4.2 To date no objections have been received from adjoining residents.

4.3 Statutory and Non Statutory Consultation

4.4 The following consultations have been undertaken:

Highways -

The proposed level of cycle parking at six spaces exceeds the minimum required by the Intend to Publish London Plan standards (one long stay, one short stay). Following the submission of further detail, the proposed semi-vertical bicycle stands are appropriate for staff and visitors and the existing secure shed in the rear garden is suitable for residents.

This proposal is unlikely to result in a severe or harmful impact for the surrounding highway network; Highways have no objection.

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 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 considered against the adopted London Plan (2016) policies, significant regard has also been given to policies in the Publication London Plan (2020), as this will replace the current London Plan (2016) when published and form part of the development plan for the Borough.

5.4 The Publication London Plan was originally published in draft form in December 2017 and subject to Examination in Public (EiP) with the Panel’s report received in October 2019. The Secretary of State issued two sets of directions on policies in the subsequent London Plan (Intend to Publish Version) (2019). The Mayor of London has accepted the Secretary of State directions and has now sent the Publication London Plan (2020) to the Secretary of State for final approval to publish. As such, the entire Plan can be given significant weight. The Secretary of State has until the 1st February 2021 to either agree the Plan or issue further directives. Should the Publication London Plan (2020) be agreed by the Secretary of State, the Mayor of London will be in a position to publish it, thereby superseding the London Plan (2016) and giving it full weight as part of the Council’s development plan

5.5 The Publication London Plan (2020) 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
- Design, Character and Appearance of the Area
- Residential Amenity
- Traffic, Safety and Parking
- Development and Flooding
- Development and

6.2 Principle of Development

6.2.1 The relevant policies are:

- National Planning Policy Framework (2019)
- Harrow Core Strategy (2012): CS1
- Harrow Development Management Policies Local Plan (2013): DM1, DM29

6.2.2 The home is proposed to provide residential care to three children and up to three members of staff would be in the premises at one time. Depending on the care needs of the various children a change of use may not be necessary as there is a permitted change to C3(b) which allows for not more than six residents living together as a single household where care is provided for residents. The applicant was advised at pre-application stage that as the specific care needs of each child is not known that a change of use to C2 would cover every eventuality. Notwithstanding this the fall back position, in that this property could be used as a care home for up to six persons is a material consideration, that strongly supports the case for the proposal.

6.2.3 The Council's policy supports proposals for care homes for vulnerable people provided that the site is accessible by public transport, with good access to local amenities including shops and community facilities.

6.2.4 Although the closest shops are located approximately 1 mile away in Wealdstone, given that the proposal is for vulnerable children, it is likely that groceries and other purchased items would be delivered to the occupiers. This distance is therefore acceptable in this case.

6.2.5 The property benefits from a large garden and the site is well positioned in terms of play facilities for the residents. In particular, Byron Park is in close proximity.

6.2.6 The change of use results in a loss of a single family home from the boroughs housing stock, which in most cases would be resisted under the London Plan (2016). However, in this instance, the change of use still provides a type of residential accommodation and accordingly is considered appropriate.

6.2.7 As such the proposed change of use is considered to be acceptable in accordance with the relevant policies.

6.3 Design, Character and Appearance of the Area

6.3.1 The relevant policies are:

- National Planning Policy Framework (2019)
- The London Plan 2016: 7.4, 7.6
- The Draft London Plan 2019: D1, D2,
- Harrow Core Strategy 2012: CS1
- Harrow Development Management Policies Local Plan (2013): DM1

Relevant Supplementary Documents

- Residential Design Guide (2010)

- 6.3.2 Whilst the property would not be in use strictly as a single family home, its appearance would remain the same and the character as a single family home would be retained. There are not proposed to be any signage or anything else which would identify the building as anything but a dwelling house. Moreover, the change of use continues to provide a residential use within a residential area. Accordingly, it is considered that the change of use results in a development that would not have any impact on the residential character of the surrounding area.
- 6.3.4 The proposal includes the conversion of the garage and the addition of a window in place of the garage door on the front elevation. The alteration is considered to be in keeping with the character of the dwelling and the streetscene and raises no significant design concerns.
- 6.3.5 As such, the impact on the character and appearance of the existing building and the surrounding area is considered to be acceptable and in accordance with the relevant policies.

6.4 Residential Amenity

- 6.4.1 The relevant policies are:
- National Planning Policy Framework (2019)
 - The Draft London Plan 2019: D1, D2,
 - Harrow Core Strategy 2012: CS1
 - Harrow Development Management Policies Local Plan (2013): DM1, DM29
- 6.4.2 Other than the conversion of the garage, it is not proposed to make any physical alterations or enlargements to the application property, and as such there would be no harm to the neighbouring occupiers through any loss of light or outlook.
- 6.4.3 In terms of the potential for the proposed scheme to harm neighbouring amenity through noise and disturbance, the supporting evidence would suggest that the activity associated with the use would not be over and above what would be expected in a normal residential dwellinghouse.
- 6.4.4 There is proposed to be no more than three children aged between 11 and 16 residing in the property at any one time and two to three staff on duty at any one time making a maximum of six occupants in the dwelling. This is comparable to a family unit that may occupy the building if it were to remain as a dwelling. It is important to note that the children would be at school for most of the day during term time, just as would be the case with children in a family dwelling house. Although it is appreciated that there may be visitors to the premises and potentially doctors or therapists, the amount of movement is unlikely to be significantly above what is commonplace in a residential setting. A condition has been added to ensure that the number of children residing in the premises would not exceed the maximum of three to control the potential level of disruption.

- 6.4.5 It is noted that the children would have specific care needs. However, it is not considered that this is likely to significantly impact on the amenity of the occupiers of neighbouring properties. Each child is understood to have a specific care package suited to their needs and with 24 hour staffing presence, it is considered unlikely that this would cause significant noise or disruption to the occupiers of neighbouring properties.
- 6.4.6 The proposal would therefore have acceptable impact on the amenity of the occupiers of neighbouring properties and would accord with the relevant policies.
- 6.4.7 In terms of the future occupiers, the house is well equipped. The bedrooms are of a generous size of 12 to 15 sqm. There is a separate living, dining, computer room, kitchen and bathroom, separate toilet plus an office for the members of staff. Therefore, the building is suitable to provide for a normal living experience for the vulnerable children that would reside in the property.
- 6.4.8 The premises will be run by experienced staff to include, a manager, deputy manager, senior care workers and support and waking staff with at least two members on duty at any time. The staff will administer specific care packages tailored to meet the specific needs of the children and will provide a stable environment until it is deemed suitable by Social Services to return to their own home. The care home aims to provide therapeutic care and a safe and stable, educational environment for its residents who are currently in need of such support.
- 6.4.9 It is therefore considered that the proposal would provide a safe and homely environment for the future residents and would fulfil a specific need in the Borough and is in compliance with the relevant policies.

6.6 Traffic, Safety and Parking

- 6.6.1 The relevant policies are:
- National Planning Policy Framework (2019)
 - The London Plan 2016: 6.3, 6.9, 6.13
 - The Draft London Plan 2019: T4, T5, T6;
 - Harrow Core Strategy 2012: CS1
 - Harrow Development Management Policies Local Plan (2013): DM1, DM42,
- 6.6.2 The site is located in an area with a public transport accessibility level of 2 which is predicted to increase to 3 by 2021. There are regular, frequent buses passing the property and nearby. To the east is Queensbury Circle where there are various retail businesses and restaurants and to the west is Wealdstone town centre where there are more shops and an excellent public transport provision. It is considered that the volume of visitors would not be significantly above that of a single family dwellinghouse and there is no objection from the Council's Highway Officer.

- 6.6.3 Cycle parking for staff and the children is proposed on site in addition to the provision of travel cards which is supported in terms of sustainable travel. A condition has been added to ensure that suitable cycle stands are provided in line with Highway comments.
- 6.6.4 As with other properties in the vicinity of the site the refuse bins are stored on the frontage of the property. There is not likely to be significantly more refuse than with the existing use and the current arrangement is acceptable.
- 6.6.5 The proposal is considered to be in acceptable in terms of transport implications in accordance with the relevant policies.

6.7 Development and Flooding

- 6.7.1 The access to the site is within Flood Zone 2 and 3. No extensions or additions are proposed and therefore there would not be an increase in flood risk as a result of the development. The supporting information lists emergency planning procedures given the potential vulnerability of the users.

6.8 Crime and Development

- 6.8.1 Given the nature of the proposed use, and the potential for vulnerable residents to be on site there is a potential for security concerns. The supporting document points out that there will be staff for 24 hours a day and the property will be secured with CCTV and access controlled doors. It is therefore considered that the proposal does not pose a security risk. A secure by design condition is recommended.

7.0 CONCLUSION AND REASONS FOR APPROVAL

- 7.1 The proposed development would not unduly impact on the character of the area or the amenities of the residential occupiers of the adjoining, or nearby properties, subject to the attached conditions. The proposed development would therefore accord Policy CS1 of the Harrow Core Strategy 2012, Policies 7.4 and 7.6 of the London Plan (2016) and policies DM1 ???of the Harrow Development Management Policies Local Plan (2013).

APPENDIX 1: Conditions and Informatives

Conditions

1. Full Time

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

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

2. Approved Plans:

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

Site Location Plan; SDC-04-A; SDC-05-A; SDC-100; SDC-101-A; SDC-102; SDC-103; SDC-104; SDC-105; Email from agent dated 24/11/2020.

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

3. Number of Occupiers

The number of children who reside at the premises shall not exceed three at any given time and the number of staff who assist the children shall not exceed three at any given time.

REASON: To safeguard the amenity of neighbouring residents.

4. Secure by Design

Prior to the first occupation of the development, evidence of Secured by Design Certification shall be submitted to the Local Planning Authority to be agreed in writing, or justification shall be submitted where the accreditation requirements cannot be met. Secure by design measures shall be implemented and the development shall be retained in accordance with the approved details.

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime.

Informatives

1. The following policies are relevant to this decision:

National Planning Policy Framework (2019)

The London Plan (2016):

3.3 Increasing Housing Supply
3.5C: Quality and design of housing developments
6.3 Assessing effects of development on transport capacity
6.9 Cycling
6.13 Parking
7.3B Designing out crime
7.4B Local character
7.6B Architecture

The Publication London Plan (2020):

D1 London's form, characteristic and capacity for growth
D3 Optimising site capacity by the design led approach
D4 Delivering Good Design
T5 Cycling
T6 Car parking

Harrow Core Strategy (2012):

Core policy CS1.B
Core policy CS1.D
Core Policy CS1 K
Core policy CS1.W

Harrow Development Management Policies Local Plan (2013):

DM1: Achieving a High Standard of Development
DM2: Achieving Lifetime Neighbourhoods
DM10: On Site Water Management and Surface Water Attenuation
DM 24: Housing Mix
DM 26 Conversion of Houses and Other Residential Premises
DM27: Amenity space
DM29: Sheltered Housing, Care Homes and Extra Care Housing
DM 42: Parking Standards
DM45: Waste Management

Supplementary Planning Documents:

Supplementary Planning Document Residential Design Guide (2010)
Technical housing standards - nationally described space standard (2015).
Major of London Housing SPG (2016)

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. Pre-application advice was sought and provided and the submitted application was in accordance with that advice.

Major of London Housing SPG (2016)

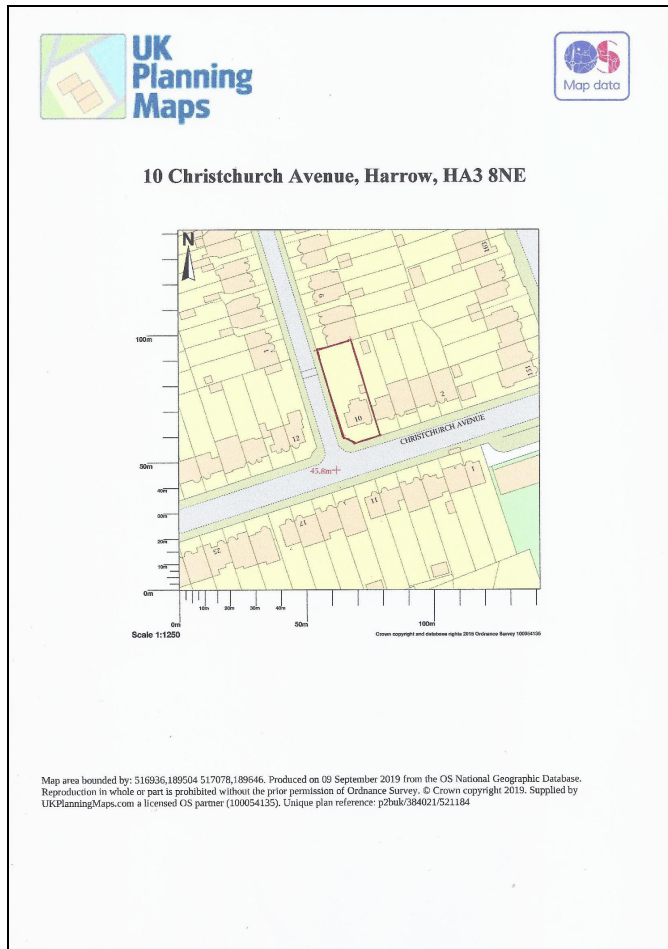
3 Designing Out Crime

For further information regarding Secure By Design, the applicant can contact the North West London Designing Out Crime Group on the following:
DOCOMailbox.NW@met.police.uk

Checked

Interim Chief Planning Officer	Orla Murphy pp Beverley Kuchar 7.1.2021
Corporate Director	Paul Walker 7.1.2021

APPENDIX 2: SITE PLAN



APPENDIX 3: SITE PHOTOS



Front elevation



Side Elevation



Rear elevation

