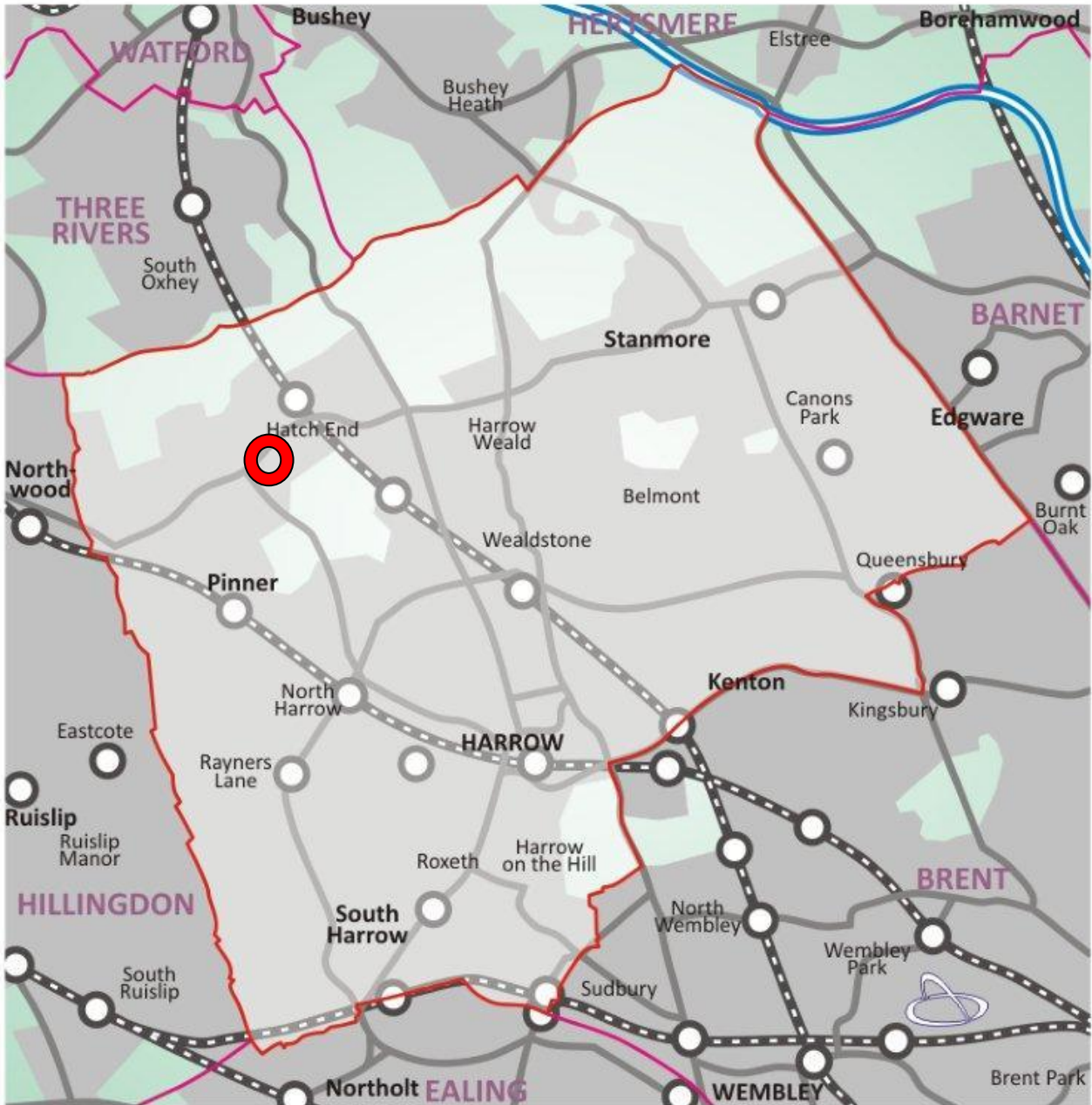


 = application site



Cornwall Court, Cornwall Road, Pinner HA5 4LR	P/4252/20
--	------------------

CORNWALL COURT



LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

17th February 2021

APPLICATION NUMBER: P/4252/20/PRIOR
VALID DATE: 30/11/2020
LOCATION: CORNWALL COURT CORNWALL ROAD PINNER
WARD: HATCH END
POSTCODE: HA5 4LR
APPLICANT: RG AIRSPACE DEVELOPMENTS LTD
AGENT: DAVIESMURCH
CASE OFFICER: SHAMAL LONDON
EXPIRY DATE: 22/01/2021
EXTENSION OF TIME: 18/02/2021

PROPOSAL

The development proposes the prior approval for an additional one storey (height 2.9 m) of development containing 4 flats on an existing detached block of flats. Prior approval is sought for transport and highways impact; air traffic and defence asset impacts; contamination risks; folding risks; the external appearance of the building; the provision of adequate natural light in all habitable rooms of the new dwellinghouses; impact on the amenity of the existing building and neighbouring premises and the impact on a protected view.

RECOMMENDATION

The Planning Committee is asked to:

- 1) Agree the reasons for approval as set out in this report, and
- 2) Grant the prior approval subject to the conditions listed in Appendix 1 of this report:

REASON FOR THE RECOMMENDATION

The proposed additional floor would be within the tolerances of Schedule 2, Part 20 Class A 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 the Planning Committee at the request of a nominated member due to the significant public interest in accordance with the provisions set out under proviso B of the Scheme of delegation dated 12th December 2018.

Statutory Return Type: (E)29 Not Categorised
Council Interest: None

Net Additional Floorspace: 270.15sqm
GLA Community
Infrastructure Levy (CIL): £16,209
Local CIL requirement: £32,812.56

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 This application concerns a three storey block of 12 flats, Cornwall Court, which is located on the northern side of Cornwall Road.
- 1.2 The area is characterised by a mixture of blocks of flats and some detached buildings.
- 1.3 Immediately to the side of the block of flats is a side service road which is used to access the rear of the building where 12 garages and 6 car parking spaces are located.
- 1.4 Directly behind the building is the communal amenity space used by the residents of the flats.
- 1.5 The site is located in a Critical Drainage Area of the borough and there are no other site restrictions.

2.0 PROPOSAL

- 2.1 The development proposes an additional one storey (to a maximum height of 2.9m) containing 4 flats on an existing detached block of flats. This would bring the maximum overall height of the building to 13.6 m.
- 2.2 Prior approval is being sought for transport and highways impacts; air traffic and defence asset impacts; contamination risks; flooding risks; the external appearance of the building; the provision of adequate natural light in all habitable rooms of the new dwellinghouses; impact on the amenity of the existing building and neighbouring premises and impact on a protected view.

3.0 RELEVANT PLANNING HISTORY

- 3.1 A summary of planning history is set out below:

Ref no.	Description	Status & date of decision
LBH/447	ERECT 12 FLATS/LOCK UP GARAGES, ACCESS ROAD	Grant 29/09/1965
P/2225/09	Certificate of lawful proposed use / development: use of one room in the flat for beauty treatments during weekdays between 10am to 12:00pm and between 14:00PM AND 16:00PM.	Grant 23/12/2009
P/0375/18	Amendments to parking layout at rear to remove six car parking spaces and reprovide 15 car parking spaces with porous tarmac; amendments to soft landscaping –	Refuse 21/03/2018
Reasons for refusal:		

<p>1. The proposed hardsurfacing for additional parking would result in the reduction of amenity space for existing residents to the detriment of their residential amenities and to the detriment of the visual amenities of the area in general. The proposals are therefore contrary to policies 7.4B and 7.5B London Plan (2016); policy CS1.B of the Harrow Core Strategy (2012); Policies DM1, DM18, DM22 and DM27 of the Development Management Policies Local Plan (2013) and the Supplementary Planning Document: Residential Design Guide (2010).</p> <p>2. The proposal, by reason of an over provision of parking spaces, would conflict with the objectives of Policy 6.13 of The London Plan (2016), contrary to Core Policy CS1.R of the Harrow Core Strategy (2012) and Policy DM42 of the Harrow Development Management Policies Local Plan (2013) which seek to reduce reliance on private car use to more sustainable modes in areas of high public transport accessibility.</p>		
P/3947/18	Rear Dormer and two front dormers to create two x two bedroom flats in roof	Refuse 13/12/2018
<p>Reasons for refusal:</p> <p>1. The proposed front and rear dormer extensions, by reason of their scale, bulk, unsympathetic roof design and prominent siting would be an overbearing incongruous addition that represents poor quality design resulting in disproportionate additions to the original building which would be out of character with the established pattern of development within the existing estate. The proposals would be harmful to the character and appearance of the original property and the visual amenities of the area, contrary to policies 7.4 and 7.6 of The London Plan (2016), policy CS1.B of the Harrow Core Strategy (2012), policy DM1 of the Harrow Development Management Policies Local Plan (2013) and adopted Supplementary Planning Document: Residential Design Guide (2010).</p>		

4.0 **CONSULTATION**

- 4.1 A total of 83 consultation letters were sent to neighbouring properties regarding this application. The overall public consultation period expired on 04th January 2021.
- 4.2 A total of forty-six objections were received from the public consultation.
- 4.3 A summary of the responses received along with the Officer comments are set out below:

<p><u>Character and Appearance and Residential Amenity Impact</u></p> <ul style="list-style-type: none"> • Development will affect the look of the road this is one of the finer roads in Harrow. • Development is not sympathetic to the character nor appearance of the area. NPPF states development would be refused if impact to the highways would be unacceptable in regard of safety. • The precedent will lead more people to do the same and ruin the appearance and character of the area. • Introducing flats would reduce the value of the properties within the area. • Overdevelopment of the site.
--

- Level of noise and disruption will increase by a lot
- Level of disruption at construction – dust noise rubbish - How could building work possibly be carried out in such a tiny space, people with young families live in this space.
- Structural integrity of the building could be affected
- Small site that will become overcrowded and overdeveloped with the issue of mass and bulk.
- Environmental and health issues from the intensification of lorries with the vicinity and in close proximity to parked cars.
- Has appropriate health and safety report been done how will tenants from 4th floor be evacuated in case of emergency.
- Day and sunlight assessment has left out some properties.
- Loss of light.
- In a world of covid 19 this is not the time to becoming denser.
- Adding another floor to the height of 13.6 m would be ugly and out of keeping with the rest of the road
- It will also block the view and my airspace.

Officer's response

- It should be noted Condition A.2 (1)(g) of Class A, Part 20 requires the assessment on the amenity of the existing building. The Government has published an Explanatory Memorandum to The Town and Country Planning (Permitted Development and Miscellaneous Amendments)(England)(Coronavirus) Regulations 2020 (2020 No.623), which sets out under paragraph 7.14 that 'given the potential impact on neighbours during the construction of additional storeys and any engineering works to strengthen the building, the developer must prepare a report setting out the proposed hours of operation and how they intend to minimise any adverse impacts of noise, dust, vibration and traffic movements during the buildings works on occupiers of the building and neighbouring premises. This has been attached by way of pre commencement condition to the subject application which would reviewed by the Local Planning Authority (LPA).
- The additional floors would be wholly contained within the existing footprint as such the development would not amount to a level of overlooking or unacceptable impact on the residential amenities of the existing building.
- It is noted that objections have been received from neighbouring occupiers while it is acknowledged the proposed extensions would be visible from these dwellings, it is not considered that there would be any undue loss of daylight to windows of Orchid Court owing to this separation distance.
- In regard to residents being evacuated in an emergency a condition has been attached to the application for an emergency route this relates to flooding.
- In regard to objection about the poor design of the proposed development and it being out of keeping, this element of design as set out within the General Permitted Development Order (2015) as amended has been sufficiently adhered to by the applicant. The development is required to match the existing.

Traffic and Parking and Drainage

- Reduction in off-street parking area the council has limited the number of parking in area this will result in parking overspill from Cornwall Road.
- Transport assessment is inaccurate created by Vectos.
- Development will lead to large lorries being parked during the works.
- Take issue with the bike storage provision.
- Safety concern.
- There are people walking pets along the street this would rise safety concerns as well as young children walking in the area.
- There is no proof the development load can be supported by the drainage infrastructure.

- The council has failed to acknowledge the narrowness of the road the development will exacerbate the effects especially during the development stage of the development which will not be liveable.

- It is already difficult for the refuse lorry, ambulances, fire engines to get through

Officers Response

All material of planning consideration in regard to traffic, parking and drainage have been addressed within section 6.6 and 6.3 respectively of the officer's report. The Highways Authority have been consulted and consider that the proposed development would be unlikely to result in a severe or harmful impact on the surrounding highway network.

None the less a construction logistics plan is required in line with TfL guidance as per the comments of the highways officer this is set out in condition 2.

Waste Management

- The area cannot cope with bin storage for 4 additional flats.
- Bins will not be collected because the council cannot access them for collection

Officer's Response

- The waste officer raised no objections to the development. Further it should be added given the generous site curtilage the additional occupiers may utilise the refuse storage space as existing. Bearing this in mind the Local Planning Authority would raise no objections to this element of the development.

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
<p><u>Highways</u></p> <p>The area is within a low PTAL rating 2 with narrow roads. It is possible that parking pressure could be relieved by the introduction of parking controls which would limit on-street parking to permit holders only existing residents within the zone however, this would be subject to funding and support from residents. At present the Council have no proposals for such parking controls in this location.</p> <p>No objection as raised by the highways officer.</p>
<p><u>Drainage</u></p> <p>Please be advised that although the site is not identified within any flood zone the roads 'Cornwall Road' which is the main access to the site is identified within surface water flood zone 3a & 3b according to our surface water flood maps plus within fluvial flood zone 2 & 3 according to Environment Agency flood maps and is at a high risk of flooding.</p> <p>The occupiers/users of the proposed development should be aware of the emergency planning information and safe evacuation route. Hence, our request for emergency planning information.</p>
<p><u>Transport for London</u></p> <p>No objection</p>

Hatch End Association:

- There are significant concerns from the leases within the block and the many neighbours in the area particularly on the impact on parking, refuse management, garden space and the impact on the community through overdevelopment of the site
- The new PDR legislation that allows additional storeys to be added to blocks of flats does not take into account the rights of leaseholders within those flats
- The vertical stacking of rooms between flats should ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. Where possible, the horizontal arrangement of rooms between flats in a block should also avoid bedrooms adjoining neighbouring living rooms, kitchens and bathrooms, as well as communal areas such as halls and stairs.
- Drainage/ climate change impact – this has been addressed within the body of the report in section 6.3
- Parking - this has been addressed within the body of the report in section 6.6

Officer's Response

- The Local Planning Authority acknowledges the significance of the points raised regarding leaseholders rights, unfortunately, these matters are not for consideration within the realms of applications for prior approval or indeed planning applications. Matters that fall outside of the remit of planning law cannot be taken into account as such this would not be considered as a material of planning consideration.
- While it is noted and acknowledged there would be some level of overlapping from the vertical stacking arrangement of the proposed it is noted there would be slight levels of overlapping between rooms of a differing nature. Accordingly, a condition has been recommended for a Noise Impact Assessment to be provided prior to commencement to show mitigation measures of the transfer of noise between floors to be provided also to protect existing residents from noise both during construction and occupation.

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] which 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 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 agreed that the plan can now be published. The Mayor of London is now in a position to publish it which will take a number of weeks, thereby superseding the London Plan (2016) and giving it full weight as part of the Council's development plan.
- 5.6 The Publication London Plan (2020) 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

- General Permitted Development Order (2015) as amended.
- Transport and highways Impacts
- Air traffic and defence assess impacts
- Contamination risks
- Flooding risks
- The external appearance of the building
- The provision of adequate natural light
- Impact upon the amenity of the existing building and neighbouring premises
- Impact on a protected view

6.2 General Permitted Development Order (2015) as amended.

6.2.1 As part of the number of changes made by the Government last year to broaden permitted development rights a new category of permitted development was introduced in June 2020 through statutory instrument No.632 - The Town and Country Planning (Permitted Development and Miscellaneous Amendments)(England)(Coronavirus) Regulations 2020, which came into force on the 1st August 2020 and amends further the permitted development rights already

established under the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO 2015). The new 2020 Order introduces a new permitted development right, Class A, Part 20, allowing the construction of additional dwellinghouses. The new permitted development right allows work for the construction of up to 2 storeys to create new flats on the topmost residential storey of a building which is an existing purpose-built, detached block of flats. The new permitted development right contains limitations and conditions on how this permitted development will operate. This includes the reasonably necessary engineering works needed to construct the additional storeys, works associated with replacing existing plant or additional plant, works associated with appropriate safe access and egress to the new and existing dwellinghouses and works for the constructions of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

6.2.2 Part A.1 of Class A sets out the limitations on what is not considered permitted under Class A, this includes amongst other criteria the height limitations and the period on when the building was constructed. The Table below sets out if the proposed scheme exceeds the limitations set out under Part A.1 of Class A.

A.1 Development is not permitted by Class A if				
		Yes	No	N/A
a)	the permission to use any building as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	above ground level, the building is less than 3 storeys in height;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c)	the building was constructed before 1st July 1948, or after 5th March 2018;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
d)	the additional storeys are constructed other than on the principal part of the building;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
e)	the floor to ceiling height of any additional storey is—			
	(i) more than 3 metres in height; or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	(ii) more than the floor to ceiling height of any of the existing storeys,	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Whichever is the lesser, where such heights are measured internally;				
f)	the new dwellinghouses are not flats;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
g)	the overall height of the roof of the extended building would be greater than 7 metres higher than the highest part of the existing roof (not including existing plant)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
h)	the extended building (not including plant) would be greater than 30 metres in height;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
i)	development under Class A.(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
j)	development under Class A.(a) would consist of engineering operations other than works within the existing curtilage of the building to—			

	(i) strengthen existing walls;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	(ii) strengthen existing foundations; or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	(iii) install or replace water, drainage, electricity, gas or other services;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
k)	in the case of Class A.(b) development there is no existing plant on the building;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
l)	in the case of Class A.(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the new building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
m)	development under Class A.(c) would extend beyond the curtilage of the existing building;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
n)	development under Class A.(d) would—			
	(i) extend beyond the curtilage of the existing building;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	(ii) be situated on land forward of a wall forming the principal elevation of the existing building; or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	(iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o)	the land or site on which the building is located, is or forms part of—			
	(i) article 2(3) land;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	(ii) a site of special scientific interest;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	(iii) a listed building or land within its curtilage;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	(iv) a scheduled monument or land within its curtilage;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	(v) a safety hazard area;	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	(vi) a military explosives storage area; or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	(vii) land within 3 kilometres of the perimeter of an aerodrome.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

6.2.3 As demonstrated in the table above, the proposed development would not exceed the limitations set out under Part A.1 of Class A. As such, the proposal would meet the limitations and would therefore be considered to be permitted development, subject to the requirements of Condition A.2 of Class A, which requires the developer to apply to the local planning authority for prior approval of the authority as to:

- a) Transport and highways Impact of the development
- b) Air Traffic and defence asset impacts of the development
- c) Contamination risks in relation to the building
- d) Flooding risks in relation to the building
- e) The external appearance of the building
- f) The provision of adequate natural light in all habitable rooms of the new dwellinghouses
- g) Impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light; and

h) Whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Views dated 15 March 2012(1) issued by the Secretary of State.

6.2.4 The impacts of the development in respect of the above considerations are discussed in detail below. However, subject to there being no impact in respect of these considerations Paragraphs (2) to (6) of Part A.2 of Class A sets out the conditions that would apply in the case when prior approval is granted. These would be termed as standard conditions that apply to all developments. The local planning authority may grant prior approval unconditionally or subject to conditions related to the subject matter of the prior approval.

6.3 Transport and highways impact of the development

6.3.1 The relevant policies are:

- The National Planning Policy Framework (2019)
- The London Plan (2016): 6.3, 6.9, 6.13
- The Publication London Plan (2020): T4, T5, T6
- Harrow Development Management Policies (2013): DM42, DM45
- Harrow's Core Strategy (2012): CS1

6.3.2 Paragraph 111 of the NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

6.3.3 The location of this proposal has a Public Transport Accessibility Level of 2 which means that access to public transport is considered to be poor. There are however, two local bus services running along Uxbridge Road and Hatch End rail station is a short walk from the site. The block is located near to the shopping parade of Hatch End Broadway; there are small supermarkets, restaurants, chemists and salons – a larger supermarket is within a 15 minute walk. Transport for London (TfL) raised no objections to the development and likewise the Council's Highways Authority raises no objection to this proposal. Comments from TfL and the Council's Highways Authority have therefore been incorporated below.

Car Parking

6.3.4 The assessment of parking in the transport technical note does not look at the actual situation at present. The Highways Authority have stated that it would have been possible to determine how much parking demand is generated by an existing site by survey. Considering the current health pandemic situation, it is reasonable to accept that the method of parking demand analysis used, as surveying may be difficult at this time. The assessment indicates that based on Census data, the existing development and the proposal would have a requirement for about 12 parking spaces. The number of available parking spaces on-site is stated to be 14. However, where five cars are parking opposite the garages, it is likely to cause an obstruction and the Highways Authority was unable to identify where four of the nine formal spaces are located. Ideally the number of existing parking spaces should be clarified further so that the potential impact for the highway can be properly understood. However, the Highways Authority have stated that this can be rectified

through a pre-commencement condition and would in of itself, not form a basis for refusal. The Highways Authority have also requested that a pre-commencement condition for a construction logistics plan is required in line with TfL guidance.

- 6.3.5 Whilst the Highway Authority notes that the current parking situation in Cornwall Road is that there can be a high demand throughout the day from residents, local shoppers and possibly commuters using the nearby Hatch End rail station and that the road is narrow and parking can sometimes make access difficult for larger vehicles if cars are not parked carefully, they have not objected to the proposal on this basis.
- 6.3.6 In terms of trip generation, the Highways Authority have stated that as this is a small proposal, it is unlikely to result in many additional trips and therefore the impact on the surrounding highway network is expected to be minimal.

Cycle Parking

- 6.3.7 The proposal includes cycle parking which exceeds the minimum level required by the intend to publish London Plan – this is welcomed and further detail of the type of store should be secured by condition.

Conclusion

- 6.3.8 In summary, this proposal is unlikely to have a severe impact on the surrounding highway network overall. It is possible that there may be some additional on-street parking however, this is a good location for people to live without relying on private car ownership. In line with current policies, car free and car lite proposals should be considered in locations where there is good access to public transport and local services – despite the PTAL being 2, Hatch End is a small but busy district with reasonable public transport options available.

6.4 Air Traffic and defence asset impacts of the development

- 6.4.1 The relevant policies are:

- The National Planning Policy Framework (2019)
- The London Plan (2016): 6.3, 6.9, 6.13
- The Publication London Plan (2020): T8
- Harrow's Core Strategy (2012): CS1

- 6.4.2 Paragraph 104 of the NPPF (2019) states: “Planning policies should sustain and recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government’s General Aviation Strategy.”

- 6.4.3 Cornwall Court is not located within any RAF Northolt Safeguarding Zones and therefore Ministry of Defence consultation was not required. As such, the scheme would be acceptable in this regard.

6.5 Contamination risks in relation to the building

6.5.1 The relevant policies are:

- The National Planning Policy Framework (2019)
- Harrow Development Management Policies (2013): DM15
- Harrow's Core Strategy (2012): CS1

6.5.2 Paragraph B(15)(i)(ii) of Schedule 2 (Part 20) of the 2015 Order requires the local planning authority to determine whether, as a result of the proposed development, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990, and in doing so have regard to the Contaminated Land Statutory guidance issued in April 2018. Furthermore, should it be determined that the site will be contaminated land, prior approval should be refused.

6.5.3 The site is not on the Council's Contaminated Land Register and the Council's environmental health team has raised no objection in this regard. The proposal would consist of addition of a storey only and no ground works would be undertaken. It is therefore considered that the proposal would be acceptable in this regard.

6.6 Flooding risks in relation to the building

6.6.1 The relevant policies are:

- The National Planning Policy Framework (2019)
- The London Plan (2016): 5.12
- The Publication London Plan (2020): SI13, SI12
- Harrow Development Management Policies (2013): DM9, DM10
- Harrow's Core Strategy (2012): CS1

6.6.2 Policy DM9 A of the Development Management Policies Local Plan (2013) states, "proposals requiring a Flood Risk Assessment must demonstrate that the development will be resistant and Paragraph 155 of the NPPF (2019) states, "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere." Furthermore, policy DM10 of the DMPD (2013) requires development to make use of sustainable drainage measures.

6.6.3 Policy DM9 of the DMP states *"proposals requiring a Flood Risk Assessment must demonstrate that the development will be resistant and resilient to all relevant sources of flooding including surface water. The design and layout of all proposals requiring a Flood Risk Assessment must contribute to flood risk management and reduction"*.

6.6.4 The site is not identified within any flood zone. Cornwall Road, which is the main access to the site is identified within surface water flood zone 3a & 3b according to our surface water flood maps plus within fluvial flood zone 2 & 3 according to Environment Agency flood maps and is at a high risk of flooding. The occupiers and users of the proposed development should be aware of the emergency planning information and safe evacuation route. The Council's Drainage Authority has requested that details for emergency planning information and evacuation is

secured by condition. The Council's Drainage Authority has requested that the applicant refers to London Borough of Harrow's SFRA, Emergency Flood Plan, NPPF and EA flood warning procedures for evacuation for further guidance. Details of safe dry access/egress arrangements and a plan indicating a safe route for the occupants and users away from the source of flooding should be submitted. This will be secured by way of condition.

6.7 The external appearance of the building

6.7.1 The relevant policies are:

- The National Planning Policy Framework (2019)
- The London Plan (2016): 3.5, 7.4, 7.6,
- The Publication London Plan (2020): D1, D4, D5
- Harrow Development Management Policies (2013): DM1
- Harrow's Core Strategy (2012): CS1

6.7.2 Policy 7.4 (B) of the London Plan requires that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. Core Policy CS1.B specifies that 'All development shall respond positively to the local and historic context in terms of design, siting, density and spacing, reinforce the positive attributes of local distinctiveness whilst promoting innovative design and/or enhancing areas of poor design; extensions should respect their host building'.

6.7.3 Policy DM1 of the DMP gives advice that "all development 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". The Council has adopted a Supplementary Planning Document (SPD) on Residential Design (2010), which gives design guidance and requires extensions to harmonise with the scale and architectural style of the original dwellinghouse. Substantial weight is accorded to the SPD as a material planning consideration.

6.7.4 The fenestration of the proposed would align with that below. The use of matching materials would ensure that the property would have a general appearance consistent with the existing block. Furthermore, a condition requiring matching materials to be used in the construction of the additional storey is attached to ensure a satisfactory external appearance.

6.8 The provision of adequate natural light in all habitable rooms of the new dwellinghouses

6.8.1 The relevant policies are:

- The National Planning Policy Framework (2019)
- The London Plan (2016): 3.5, 7.6B
- The Publication London Plan (2020): D6, GG4
- Harrow Development Management Policies (2013): DM1
- Harrow's Core Strategy (2012): CS1

6.8.2 Policies 3.5C and 7.6B of the London Plan (2016), policy D6 of the Publication London Plan (2020) and policy DM1 of the DMP are relevant in assessing the quality of accommodation provided and requires all new residential development to provide, amongst other things, accommodation which is adequate to meet people's needs. Paragraph B(9) states: "Where the application relates to prior approval as to natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses."

6.8.3 A daylight and sunlight report has been submitted in support of the proposal. This concludes that all habitable rooms within the proposed development would benefit from sufficient levels of natural light given that the windows serving the room accommodation in all cases by their height above ground level. It is considered that the submitted plans concur with this notion and demonstrate the availability of adequate natural light within all habitable rooms and is therefore acceptable. In terms of daylight factor it is considered that all the proposed rooms would have a factor greater than 2% and would not require artificial supplementary lighting and would therefore be acceptable.

6.9 Impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light

6.9.1 The relevant policies are:

- The National Planning Policy Framework (2019)
- The London Plan (2016): 7.6
- The Publication London Plan (2020): D3
- Harrow Development Management Policies (2013): DM1
- Harrow's Core Strategy (2012): CS1

6.9.2 A core principle of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy 7.6 of the London Plan states that the design of new buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings in relation to privacy, overshadowing, wind and microclimate.

Impact on amenity of the existing and neighbouring building

6.9.3 The additional floor would be wholly contained within the existing footprint of the property. It would therefore be unlikely that the proposal would result in a loss of privacy, overlooking or loss of light to existing or future occupiers.

6.9.4 There have been issues raised from objectors in relation to vertical stacking arrangements and structural integrity. It is noted there would be slight levels of overlapping between rooms of a differing nature. Accordingly, a condition has been recommended for a Noise Impact Assessment to be provided prior to commencement to show mitigation measures of the transfer of noise between floors to be provided also to protect existing residents from noise both during construction and occupation.

6.9.5 The site is located approximately 85m away from the nearest neighbouring properties (fronting Anselm Road) protected window along the rear elevation. This is considered to be sufficiently sited away from these neighbours to impact on their

residential amenity. Furthermore, the proposed floor would replicate the existing relationship with the units below.

- 6.9.6 In regard to neighbours on the south-eastern flank Falmouth House, the development will be located approximately 4.60m from this neighbouring property and would not project beyond the footprint of the existing building. Based on this, there will be an acceptable level of impact on the residential amenities of property along this neighbouring flank.
- 6.9.7 In regard to the objection relating to loss of light to the road, the site is adequately setback from Cornwall Road. Although the site is prominent along the street at this setback of over 9m it is not considered that there will be any unacceptable loss of light on the road from the proposed development. Whilst there may be a certain degree of overshadowing as the sun travels from east to west, the level created by an additional storey would not be significant to warrant a refusal on such grounds.
- 6.9.8 In regard to the windows placed along the flank elevation, these would replicate the existing relationship that is currently in existence on the subject building. Furthermore, the flank elevation windows would serve non-habitable rooms. The insertion of a window along the north west flank would not result in an unacceptable level of overlooking given the distance maintained between this flank elevation and the nearest property to the north-west. The windows along the south east elevation is adequately sited from neighbouring dwelling and would front the roof of the neighbouring building. The rear elevation of Cornwall Court proposes habitable windows however there is adequate separation distance from the properties located at the rear to not result in unacceptable levels of overlooking.
- 6.9.9 In summary, based on the information provided, it is considered that the proposed development would not have a detrimental impact upon the residential amenities of the neighbouring occupiers and the proposed development would be in accordance with the objectives set out under, 7.6 of the London Plan 2016, DM1 of the Publication London Plan (2020), Residential Design Guide SPD (2010), and Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

6.10 Whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012(1) issued by the Secretary of State.

- 6.10.1 The site is not located within a protected view as such the development would not be unacceptable in this regard.

7.0 CONCLUSION AND REASONS FOR APPROVAL

- 7.1 The proposed scheme seeks to provide four residential dwellings and as demonstrated above would be regarded as permitted development. The matters that require prior approval consideration, demonstrate that there would be no conflict with matters relating to highways and parking, air traffic, contamination risk, flooding risk, the external appearance, provision of adequate light to the development, impact on the amenities of existing neighbouring occupiers or protected views.
- 7.2 For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments

received in response to notification and consultation as set out above, this application is recommended for grant.

APPENDIX 1: CONDITIONS AND INFORMATIVES

CONDITIONS:

- 1 The development hereby permitted shall be carried out, completed and retained in accordance with the following approved plans and document Schedule of application documents: Daylight and Sunlight Report created by EB7; Transport Report created by Vectos; WP-0736-A-CC-0001-P-XX Revision P0; WP-0736-A-CC-0010-P-00 Revision P0; WP-0736-A-CC-0011-P-XX Revision P0; WP-0736-A-CC-0020-E-XX Revision P0; WP-0736-A-CC-0000-P-00 Revision P0; WP-0736-A-CC-0100-P-00 Revision P0; WP-0736-A-CC-0101-P-XX Revision P0; WP-0736-A-CC-0200-E-XX Revision P0;

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

- 2 No development shall take place, including any works of demolition, until a detailed demolition and construction logistics plan has first been submitted to the Local Planning Authority in writing to be agreed. The plan shall detail the arrangements for:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in construction the development;
 - d) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing;
 - e) wheel washing facilities;
 - f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - g) How traffic would be managed to minimise disruption.

The demolition and construction of the development shall be carried out in accordance with the plan so agreed.

REASON: To ensure that measures are put in place to manage and reduce noise and vibration impacts during demolition and construction and to safeguard the amenity of neighbouring occupiers, and to ensure that the transport network impact of demolition and construction work associated with the development is managed. To ensure that measures are agreed and in place to manage and reduce dust, noise and vibration during the demolition and construction phases of the development and manage transport impacts during the demolition and construction phases of the development. This condition is a PRE-COMMENCEMENT condition as the proposed measures must be in place prior to commencement of works.

- 3 No demolition works shall not commence in respect of the existing roof until samples of the materials to be used in the construction of the external surfaces of the new storey have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

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

- 4 Notwithstanding the approved plans the development hereby permitted shall not be occupied until there has been submitted to, and approved in writing by, the local planning authority the proposed elevation details of the refuse and cycle stores

together with the details of the proposed external materials. Details shall also include plans to demonstrate adequate refuse capacity for the new development and adequate cycle parking provision of a least 2 spaces per dwellinghouse, which shall be sheltered and secure. The development shall be carried out in accordance with the details as so agreed prior to the first occupation of the development and shall be retained thereafter.

REASON: To ensure that the refuse bins do not have an unacceptable impact on the character and appearance of the streetscene and to ensure that there is adequate refuse and cycles storage for the future occupiers of this development.

- 5 The development hereby permitted shall not commence until the following information is submitted to and approved by the Local Planning Authority:
An Evacuation plan indicating a safe route for the occupants and users away from the source of flooding. The development shall be carried out in accordance with the details as so agreed and retained thereafter.

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk following guidance in the National Planning Policy Framework.

- 6 The refuse bins shall be stored at all times, other than on collection days, within the designated refuse storage areas.

REASON: To ensure adequate collection without prejudice to the enjoyment by neighbouring occupiers of their properties.

- 7 No windows or doors, other than those shown on the approved plans shall be installed in the side elevations of the development hereby permitted without the prior permission in writing of the local planning authority.

REASON: To safeguard the residential amenities of neighbouring residents.

- 8 The window(s) in the flank elevation(s) of the proposed development shall:
(a) be of purpose-made obscure glass,
(b) be permanently fixed closed below a height of 1.7m above finished floor level, and shall thereafter be retained in that form.

REASON: To safeguard the residential amenities of neighbouring residents.

INFORMATIVES:

1 Policies

The following policies are relevant to this decision:

The National Planning Policy Framework 2019

The London Plan 2016:

3.5, 3.8, 6.9, 6.12, 6.13, 7.3, 7.4, 7.6, 5.12, 5.13

The Publication London Plan (2020):

D1, D2, D4, D6, D7, SI12, SI13, T5, T6, T6.1, D7

The Harrow Core Strategy 2012:

CS1

Harrow Development Management Policies Local Plan 2013:

DM1, DM3, DM9, DM15, DM26, DM42,

Supplementary Planning Document: Residential Design Guide (2010)

- 2 The applicant is advised that as per the requirements of Condition A.2 (2) of Class A, Part 20 of the Town and Country Planning (General Permitted Development)(England) Order 2015, as amended, that the development must be completed within a period of 3 years starting with the date prior approval is granted,
- 3 The applicant is advised that as per the requirements of Condition A.2 (3) of Class A, Part 20 of the Town and Country Planning (General Permitted Development)(England) Order 2015, as amended, that before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.
- 4 The applicant is advised that as per the requirements of Conditions A.2 (4) and A.2(5) of Class A, Part 20 of the Town and Country Planning (General Permitted Development)(England) Order 2015, as amended, that the developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion. This notice must be in writing and must include:
 - a) The name of the developer;
 - b) The address or location of the development; and
 - c) The date of completion.
- 5 The applicant is advised that as per the requirements of Condition A.2 (6) of Class A, Part 20 of the Town and Country Planning (General Permitted Development)(England) Order 2015, as amended, that any new dwellinghouse created under Class A is to remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Class Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

6 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.

7 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: Ucommunities@twoten.com

8 Sustainable Urban Drainage

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 (2012) 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 (2012) 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.

9 Surface and foul water connections

The applicant is advised that the Drainage Authority in Harrow recommends the submission of a drainage plan, for their approval, indicating all surface and foul water connections and their outfall details. Please also note that separate systems are used in Harrow for surface water and foul water discharge. Please email infrastructure@harrow.gov.uk with your plans.

10 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 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.

11 The applicant should consult Thames Water developer services by email: developer.services@thameswater.co.uk or by phone: 0800 009 3921 or on Thames Water website www.developerservices.co.uk regarding capacity of their public sewers for receiving additional discharge from the proposed development. The Thames Water confirmation letter should be submitted.

12 Mayoral 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 Provisional Mayoral CIL liability for the application, based on the Mayoral CIL levy rate for Harrow of £60/sqm is £ 16,209

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](http://planningportal.co.uk) 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

13 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 Provisional Harrow CIL liability for the application, based on the Harrow CIL levy rate for Harrow of £110/sqm is £32,812.56

This amount includes indexation which is 323/224. 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).

The CIL Liability is payable upon the commencement of development.

You are advised to visit the planningportal website where you can download the relevant CIL Forms.

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

CHECKED

Head of Development Management	Orla Murphy 5.2.2021
Corporate Director	Paul Walker 5.2.2021

APPENDIX 2: LOCATION PLAN



APPENDIX 3: SITE PHOTOGRAPHS



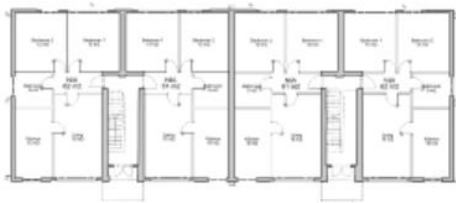
Front elevation



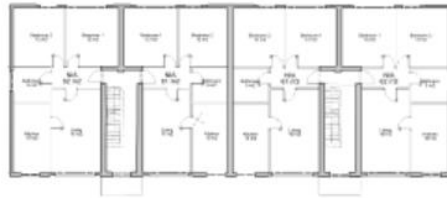


Rear garden

APPENDIX 4: PLANS AND ELEVATIONS



00
0011 Cornwall Court Existing
Ground Floor Plan
1:100@A1



01
0011 Cornwall Court Existing
First Floor Plan
1:100@A1



02
0011 Cornwall Court Existing
Second Floor Plan
1:100@A1



03
0011 Cornwall Court Existing
Roof Plan
1:100@A1

Existing floor plans



00
0101 Cornwall Court Proposed
Ground Floor Plan
1:100@A1



01
0101 Cornwall Court Proposed
First Floor Plan
1:100@A1



02
0101 Cornwall Court Proposed
Second Floor Plan
1:100@A1



03
0101 Cornwall Court Proposed
Third Floor Plan
1:100@A1



04
0101 Cornwall Court Proposed
Roof Plan
1:100@A1

Proposed floor plans



Existing Elevations



Proposed Elevations