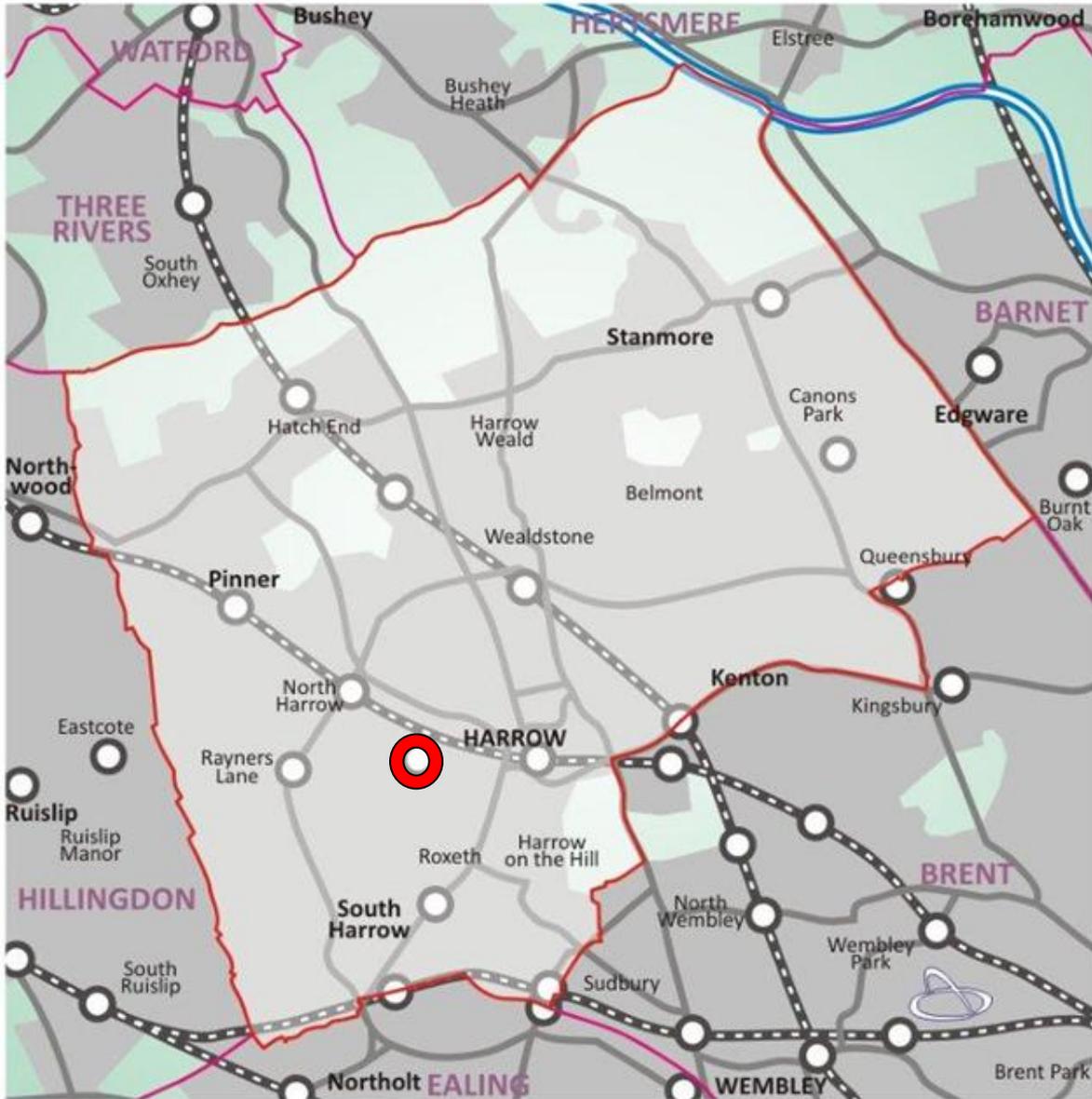


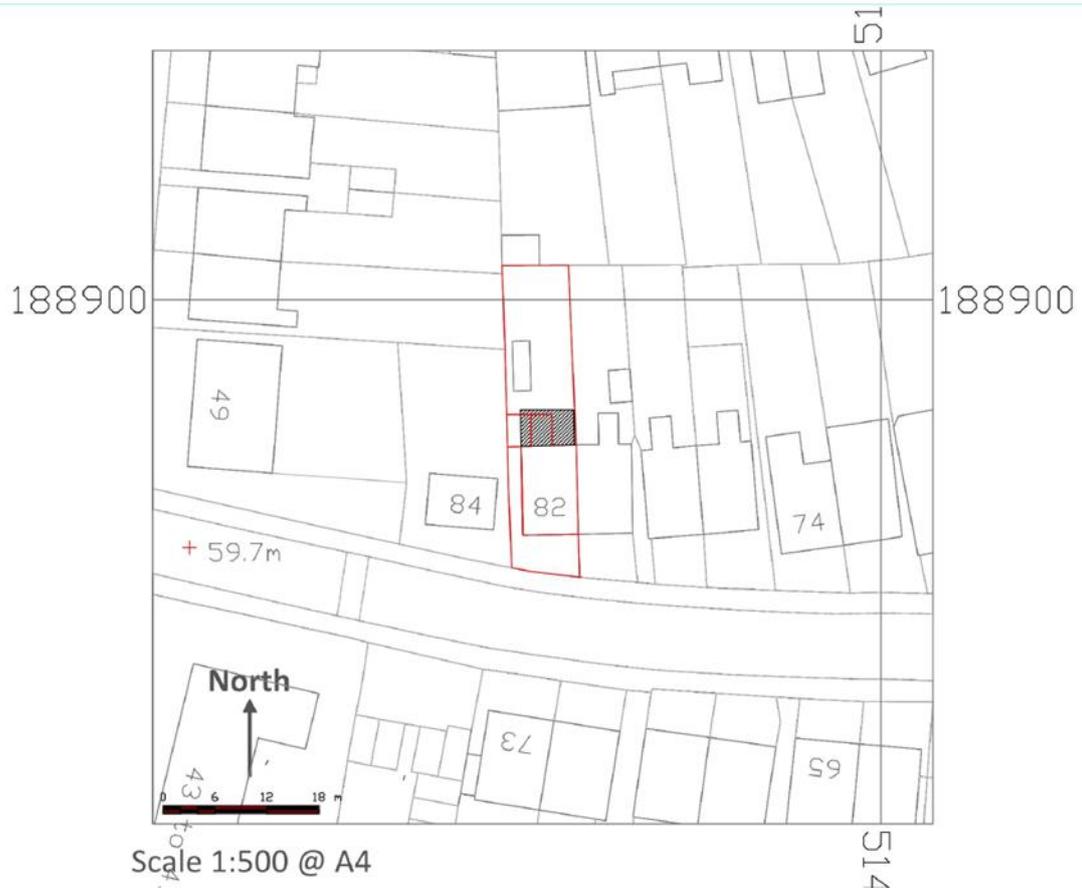
 = application site



Lower flat, 82 Cunningham Park, Harrow HA1 4QJ

P/1403/21

## Lower flat, 82 Cunningham Park



# LONDON BOROUGH OF HARROW

## PLANNING COMMITTEE

1<sup>st</sup> September 2021

**APPLICATION NUMBER:** P/1403/21  
**VALID DATE:** 29/04/2021  
**LOCATION:** LOWER FLAT, 82 CUNNINGHAM PARK  
**WARD:** HEADSTONE SOUTH  
**POSTCODE:** HA1 4QJ  
**APPLICANT:** MR P MCATEER  
**AGENT:** AWK DESIGN  
**CASE OFFICER:** CATRIONA COOKE  
**EXPIRY DATE:** 01/06/2021

### PROPOSAL

Single storey rear extension to ground floor flat to create an additional bedroom (1 x 2 beds); external alterations (demolition of side to rear extension)

### RECOMMENDATION

The Planning Committee is asked to:

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

### REASON FOR THE RECOMMENDATION

The proposed single storey rear extension is subservient to the existing dwelling and similar to existing extensions and alterations in the locality. The proposal would have an acceptable impact on the adjoining neighbours and occupiers

Accordingly, weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out below, officers conclude that the application is worthy of support.

### INFORMATION

This application is reported to the planning committee due to being called in by a nominated member due to concerned neighbours and public interest.

Statutory Return Type:	(21) Householder
Council Interest:	None
Net floorspace	21sqm
GLA Community	
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**

Policy D11 of the London Plan (2021) 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 Ground floor flat on the northern side of Cunningham Park.
- 1.2 The host property and the attached neighbouring property to the east No. 80 Cunningham Park have existing 3.5m deep single storey rear projections set approximately 2.5m from the shared boundary.

## 2.0 PROPOSAL

- 2.1 3m deep single storey rear extension at the boundary of No. 80 Cunningham Park for a width of 3m before stepping by 0.5m for the remaining width of the property to create an additional bedroom.

## 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/4642/20	Single storey rear extension to ground floor flat to create an additional bedroom (1 x 2 beds); external alterations (demolition of side to rear extension)	Refused 16/03/2021
<p>Reasons for refusal:</p> <p>1. The proposed single storey rear extension by reason of excessive depth and scale in close proximity to the neighbouring boundary would result in a visually intrusive and overbearing form of development that would cause detrimental harm to the outlook of No. 80 Cunningham Park and detracting from the enjoyment of their rear amenity spaces contrary to the high quality design aspirations of the National Planning Policy Framework (2019), Policy D1 of The London Plan (2021), Core Policy CS1 (B) of the Harrow Core Strategy (2012), policy DM1 of the Harrow Development Management Policies Local Plan (2013) and the adopted Supplementary Planning Document: Residential Design Guide (2010).</p> <p>2. The proposed reconfiguration of the internal layout resulting in the kitchen having no outlook or natural ventilation would result in a poor standard of living accommodation for the existing and future occupiers of this flat. The proposal would therefore be contrary to the high design aspirations of the National Planning Policy Framework (2019), Policy D6 of The London Plan (2021), Policy DM1 of the Harrow Development Management Policies Local Plan (2013) and</p>		

the adopted Residential Design Guide Supplementary Planning Document (2010)

#### 4.0 **CONSULTATION**

4.1 A total of 9 notifications were sent to neighbours of surrounding properties. The overall expiry date was 20.5.21. A further notification following receipt of amended plans was carried out with an expiry date of 28.05.2021

4.2 A total of 2 objection have been received in relation to the proposal.

4.3 The response received is summarised below:

- Loss of light  
*Officer comment: see 6.2.3 below*
- Internal layout would result in a bathroom on the party wall  
*Officer comment: This is not a material planning consideration*
- Design not in keeping  
*Officer comment: see 6.1.2 below*
- Previous work caused damage to the highway  
*Officer comment: an informative has been attached*
- Previous work resulting in skip left in road  
*Officer comment: This is not a material planning consideration*
- Anti social working  
*Officer comment: an informative has been attached*

#### 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
<u>LBH Drainage</u> – N/a
<u>LBH Highways</u> – N/a

## **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 2021] 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 2021 [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 A full list of all the policies used in the consideration of this application is provided as Informative 1 in Appendix 1.

## **6.0 ASSESSMENT**

### **6.1 Introduction**

6.1.1 This application seeks to address the reasons for refusal for P/4642/20. The amendments include a reduction in depth of the single storey rear extension from 4,3 m across the full width of the property to a stepped extension 3m in depth at the boundary with No.80 for a width of 3m before stepping out a further 0.5m for the remaining width. Internal alterations are also proposed to provide an open plan living room/kitchen and a single bedroom within the rear extension. These amendments are considered in 6.3 and 6.4 of this report.

6.2 The main issues are;

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

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

6.3.1 The relevant policies are:

- The National Planning Policy Framework (2021)
- The London Plan (2021): D3

- Harrow Development Management Policies (2013): DM1
- Harrow's Core Strategy (2012): CS1

6.3.2 The proposed single storey rear extension would project a maximum of 3.5m beyond the original rear wall of the property with a height of 2.8m. Given the modest height and that there is a varied rear building line the proposed extension is considered to be proportionate to the host dwelling and the area. The depth and height of the proposed rear extension, including the stepped element would comply with the guidance contained in the adopted Residential Design Guidance SPD. As such, the proposed rear extension is not considered to give rise to any conflict with the above stated policies.

## 6.4 Residential Amenity

6.4.1 The relevant policies are:

- The National Planning Policy Framework (2021)
- The London Plan (2021): D3, D6
- Harrow Development Management Policies (2013): DM1
- Harrow's Core Strategy (2012): CS1
- Supplementary Planning Document Residential Design Guide (2010)
- Technical housing standards - nationally described space standard (2016)

### Residential Amenity of Neighbouring Occupiers

6.4.2 No. 84 Cunningham Park is a detached dwellinghouse with the rear elevation set 4m forward of No. 82. The proposed elevation of this extension would have the same depth as the existing projection and therefore there would be no disenable impact upon this neighbour above that already experienced by this neighbour. Furthermore, the flank elevation would be set further away from the common boundary than the existing projection to the subject site. Therefore, it is considered that that the proposed rear extension would have an acceptable impact on this neighbouring property with regard to visual amenity, loss of light and overshadowing.

6.4.3 The proposed rear extension would not exceed 3m at the boundary with No.80 Cunningham Park. It is noted that an objection has been received relating to loss of light and outlook to the neighbouring property. However, while there would be some impacts on this neighbouring property, given the modest depth and height it is considered that these impacts would not be so significant as to refuse planning permission. Furthermore, the proposed extension would be sited to the west of this neighbouring property and therefore it is considered there would not be a significant impact on loss of light or overshadowing. The 3.5m deep element of the proposed extension would be set away from the boundary by a distance of 3m and as such would more than comply with the 'two for one' rule set out in the adopted Residential Design SPD. Therefore, it is considered that the reduction in depth of the extension (previously

proposed at a depth of 4.35m under application P/4642/20) has addressed the previous first reason for refusal.

### Residential amenities of the Host Occupiers

6.4.4 Although the proposed development is not strictly a new dwelling, it does seek to intensify the property by providing an additional bedroom and as such it is considered necessary to assess whether the standard of accommodation provided for additional occupants would be satisfactory. The notes accompanying Table 3.1 of Policy D6 of the London Plan explains that “New dwellings in this context includes new build, conversion and change of use.” The application of this definition is reiterated by numerous appeal decisions in the borough including at No. 76a Longley Road (appeal reference: APP/M5450/W/16/3157774). Similar to the current application, the Inspector in this decision quoted the aforementioned footnote to argue the dismissal of an appeal relating to a single storey rear extension to a ground floor converted flat which resulted in an additional bedroom. In applying the space standards, the inspector noted that the proposal would fail to meet the minimum floor area and the appeal was subsequently dismissed.

Flat no.	Room	Proposed Floor Area (m <sup>2</sup> )	Minimum Floor Area Required (m <sup>2</sup> )
2 (2b, 3p unit)	Total GIA	79.3	61
	Double bedroom	11.78	11.5
	Single bedroom	8.68	7.5

6.4.5 As shown from the table above, the ground floor flat would meet the minimum gross internal floor area (GIA) requirement for a three-person unit. Although no storage area is proposed, as the proposed development would exceed the minimum threshold as set out in the London Plan, the amount of storage required could be accommodated.

6.4.6 The proposal would result in a reconfiguration of the internal layout of the existing flat. The revised internal layout would result in all habitable rooms having acceptable outlook and natural light. Therefore, it is considered that the proposal would provide acceptable accommodation for the existing and future occupiers and the proposal would address the previous reason for refusal 2.

## **6.5 Development and Flooding**

6.5.1 The relevant policies are:

- The National Planning Policy Framework (2021)
- The London Plan (2021): SI 12, SI 13

- Harrow Development Management Policies (2013): DM9, DM10
- Harrow's Core Strategy (2012): CS1

6.5.2 The development would result in an increase in the development footprint on the site and would therefore have an impact in terms of increased surface water flood risk. As the site is located within a Critical Drainage Area, sustainable urban drainage [SuDs] is encouraged. An informative is therefore attached to this effect.

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

7.1 The proposed development does 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.

7.2 For these reasons, 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**

1 **Time Limit 3 years - Full Permission**

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 **PLANLIST**

The development hereby permitted shall be carried out, completed and retained in accordance with the following approved plans and documents: Location Plan, Site Block Plan, Existing Site Photographs, ABC202/1000, ABC202/1001, Amended drawings received 25/5/2021 ABC202/1002 Rev B, ABC202/1003 Rev B, ABC202/1004 Rev B.

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

3 **MAT MATCH**

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

REASON: To safeguard the character and appearance of the area in accordance with Core Policy CS1.B of the Harrow Core Strategy (2012) and Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

4 **GLAZING2 M**

No window(s)/door(s) shall be installed in the flank elevation(s) of the development hereby permitted without the prior permission in writing of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents in accordance with Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

5 **NO BALCONY**

The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.

REASON: To safeguard the residential amenities of neighbouring residents, in accordance with Policy DM1 of the Harrow Development Management Policies Local Plan (2013).

## **INFORMATIVES**

- 1 The following policies are relevant to this decision:  
The National Planning Policy Framework (2021)  
The London Plan 2021:  
D3

The Harrow Core Strategy 2012:  
CS1.B

Harrow Development Management Policies Local Plan 2013:  
DM1, DM10

Supplementary Planning Document: Residential Design Guide (2010)

- 2 Considerate Contractor Code of Practice

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.

- 3 Party Wall Act

The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

1. work on an existing wall shared with another property;
2. building on the boundary with a neighbouring property;
3. excavating near a neighbouring building,

and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval.

"The Party Wall etc. Act 1996: Explanatory booklet" is available free of charge from:

Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB

Please quote Product code: 02 BR 00862 when ordering

Also available for download from the CLG website: <http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: [communities@twoten.com](mailto:communities@twoten.com)

#### 4 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 39-42 of The National Planning Policy Framework. Harrow Council has a pre-application advice service and actively encourages applicants to use this service. Please note this for future reference prior to submitting any future planning applications

#### 5 Sustainable Drainage Systems

The applicant is advised that surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible.

SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

Where the intention is to use soak ways they should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

Support for the SUDS approach to managing surface water run-off is set out in the National Planning Policy Framework (NPPF) and its accompanying technical guidance, as well as the London Plan. Specifically, the NPPF (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 (2016) requires development to utilise sustainable drainage systems unless there are practical reasons for not doing so. Sustainable drainage systems cover the whole range of sustainable approaches to surface drainage management. They are designed to control surface water run-off close to where it falls and mimic natural drainage as closely as possible. Therefore, almost any development should be able to include a sustainable drainage scheme based on these principles.

The applicant can contact Harrow Drainage Section for further information

#### 6 Surface Water Drainage

Thames Water advises that the developer follows a sequential approach to the disposal of water. Prior approval will be required for the discharge to a public sewer. For further information please visit Thames Water website.

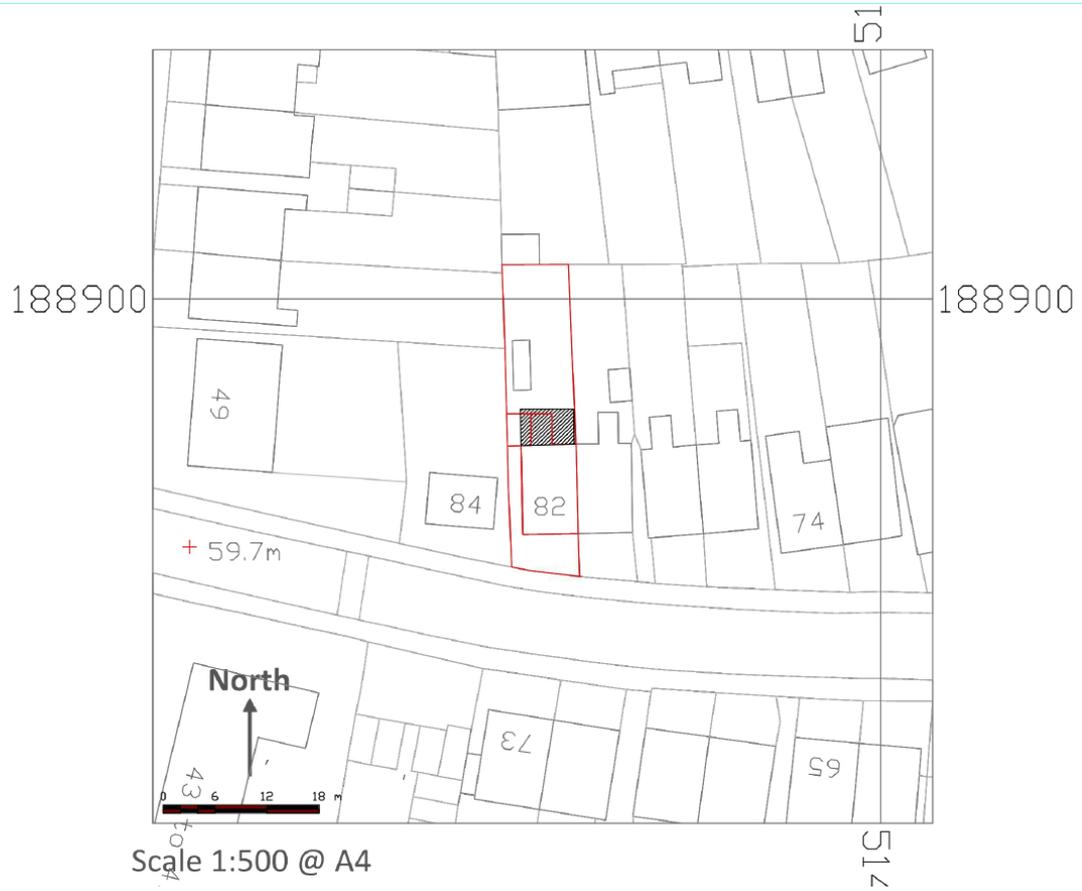
7 Liability For Damage to Highway

The applicant is advised to ensure that the highway is not interfered with or obstructed at any time during the execution of any works on land adjacent to a highway. The applicant is liable for any damage caused to any footway, footpath, grass verge, vehicle crossing, carriageway or highway asset. Please report any damage to [nrswa@harrow.gov.uk](mailto:nrswa@harrow.gov.uk) or telephone 020 8424 1884 where assistance with the repair of the damage is available, at the applicants expense. Failure to report any damage could result in a charge being levied against the property.

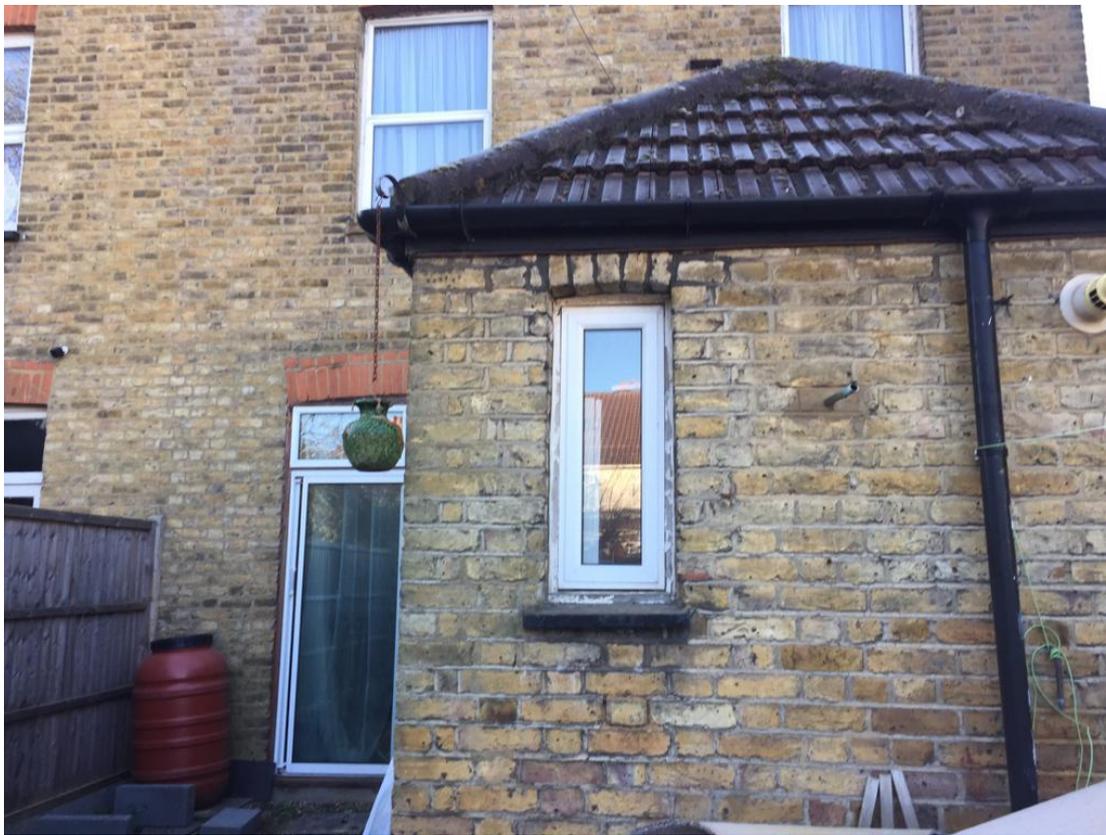
Checked

Interim Chief Planning Officer	BK 19/08/2021
Interim Corporate Director	MB 19/08/2021

## APPENDIX 2: SITE PLAN



**APPENDIX 3: SITE PHOTOGRAPHS**



Planning Committee  
Wednesday 1<sup>st</sup> September 2021

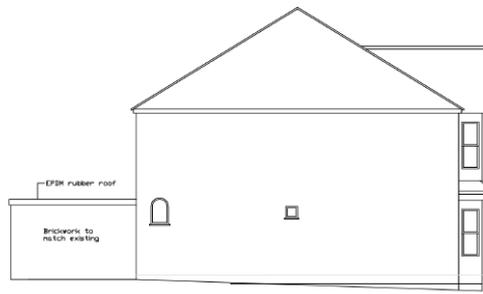
Lower Flat, 82 Cunningham Park, Harrow, HA1 4QJ



# Appendix 4 – Plans and Elevations



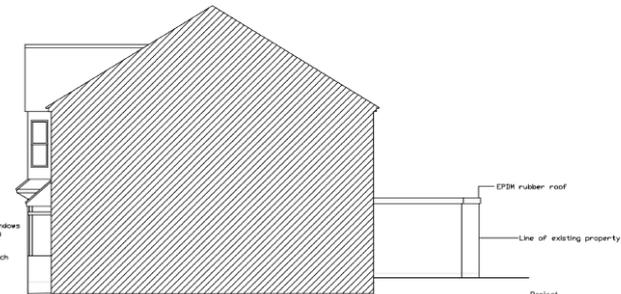
Existing Front Elevation



Existing side (western) Elevation



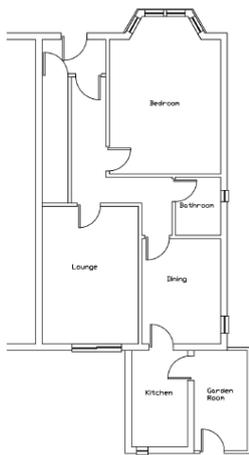
Proposed Rear Elevation



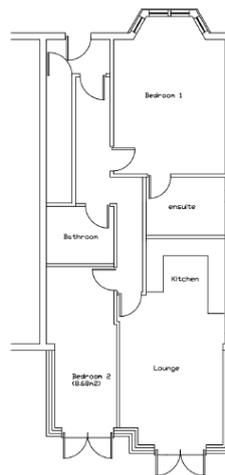
Proposed Section to 80 Cunningham Park

0 1 2 3 4 5 6 7 8 9 10 metres

Project  
Lower Flat, 82 Cunningham Park,  
Harrow HA1 4QJ  
Drawing Title Issue Status  
Proposed Elevations Planning Application  
Scale Date Drawing no.  
1:100@A3 16 Dec 2020 CUN 003&PA  
awdDesign  
22 mursley road little horewood bucks mk17 0pg  
e: all@awdDesign.co.uk t: 07862 283148



Existing Floor Plan



Proposed Floor Plan

0 1 2 3 4 5 6 7 8 9 10 metres

Project  
Lower Flat, 82 Cunningham Park,  
Harrow HA1 4QJ  
Drawing Title Issue Status  
Floor Plans Planning Application  
Scale Date Drawing no.  
1:100@A3 2 April 2021 CUN 001&PA  
awdDesign  
22 mursley road little horewood bucks mk17 0pg  
e: all@awdDesign.co.uk t: 07862 283148