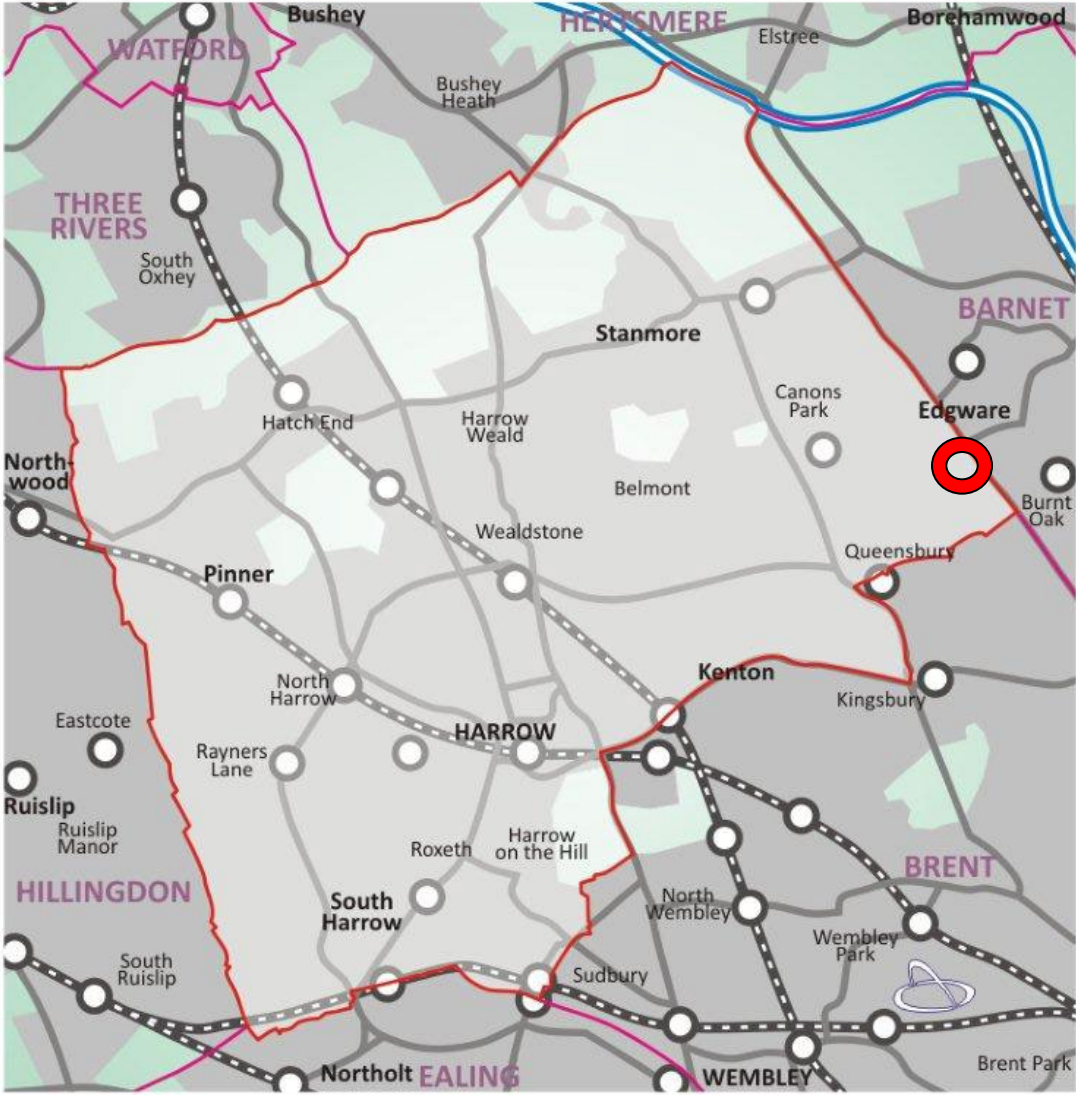


 = application site



Kilby's Industrial Estate and No's 1-5 Bacon Lane
P/0352/22

KILBY'S INDUSTRIAL ESTATE AND NOS 1-5
BACON LANE, EDGWARE



LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

22nd June 2022

APPLICATION NUMBER:	P/0352/22
VALID DATE:	18/03/2021
LOCATION:	KILBY'S INDUSTRIAL ESTATE AND NOS. 1-5 BACON LANE EDGWARE
WARD:	HA8 5AS
POSTCODE:	MR POLYCARPOU
APPLICANT:	Cg Architects
AGENT:	TOM BLACKMAN
CASE OFFICER:	25/06/2022
EXTENDED EXPIRY DATE:	

PROPOSAL

The application is for a variation of condition 2 (Approved Plans) attached to planning permission P/3667/19 (dated 11/03/2021) to allow addition of rear dormers to 5 of the houses approved. The application is retrospective.

RECOMMENDATION

The Planning Committee is asked to:

- 1) Grant planning permission for the reason set out below, subject to the conditions in Appendix 1, and a variation to the S106 attached to planning permission P/3667/19 (dated 11/03/2021).

REASON FOR THE RECOMMENDATION

- 1) The application would accord with relevant policy and the proposed development would be a suitable addition to the existing 5(no.) houses approved under P/3667/19 (dated 11/03/2021) and have a satisfactory impact on the character of the area, and the amenities of existing neighbouring occupiers.

For these reasons, weighing up the development plan policies and proposal, and other material considerations including comments received in response to notification and consultation, this application is recommended for grant.

INFORMATION

This application is reported to Planning Committee at the request of a nominated member in the public interest.

Statutory Return Type:	E(18) Minor Development
Council Interest:	None
Net additional Floorspace:	0sqm
GLA CIL (provisional):	N/A
Harrow CIL (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 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

The proposed development is not relevant to the consideration of being resilient to crime.

1. Site Description

- 1.1 The application site comprises approximately 0.33ha of vacant land located between the rear gardens of the residential properties along Vancouver Road and The Chase with the access point from Bacon Lane. The land was formerly occupied by B1/B2 lock up garages. In addition, the application site includes three residential properties, nos. 1-5 Bacon Lane. As construction is entering the final stages the three approved blocks are within their final form and appearance.
- 1.2 The surrounding land use is predominantly residential in the form of semi-detached and terraced inter-war housing.
- 1.3 The application site is located within the Policy sub area of Edgware and Burnt Oak. It is an identified allocated site (H15) for residential development within the Harrow Site Allocations SPD (2013).

2. Proposal Details

- 2.1 The retrospective proposal is for a variation of condition 2 (Approved Plans) attached to planning permission P/3667/19 (dated 11/03/2021) to allow the addition of a rear dormer to all of the 5 houses approved as part of Block A. The dormers have already been constructed.
- 2.2 The dormer windows serve a top floor study in each of the 5 houses, improving the outlook from the room, and daylight levels into the room, which gives a better environment for a study rather than a store. The dormer does not amend the total area of the room for house type 1 (Block A), due to the reconfiguration of the roof.

3. Relevant History

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

Ref no.	Description	Status & date of decision
P/0451/22	Variation of condition 2 (approved plans) attached to planning permission p/3667/19 dated 11/03/2021 to allow addition of rear dormers to 5no. Houses.	To be Determined at 22 nd June 2022 Committee.
P/3522/21	Variation of condition 2 (Approved Plans) attached to planning permission P/3667/19 (dated 11/03/2021) to allow addition of a rear dormer to 10 of the houses approved.	Refused: 27/01/2022

		Appeal Submitted – Not Concluded
P/3667/19	Redevelopment to provide 23 houses; associated landscaping and parking; refuse storage.	Granted: 09/12/2019
P/5810/17	Redevelopment to provide 24 houses; associated landscaping and parking; refuse storage	Granted: 16/04/2018

4. Consultations

- 4.1 A total of 96 consultation letters were sent to neighbouring properties regarding this application.
- 4.2 The overall public consultation period expired on 8th April 2022 and 2 objections were received. The response to the neighbouring consultation is summarised in the table below:

Neighbouring Amenity

- Additional dormers create further overlooking.
- Increasing noise and air pollution.
- Blocking of natural light.

Quality of Accommodation

- Not enough internal storage area within the proposed units due to the storage room being change to study.
- Dormers creating additional bedrooms should not be granted.

Site Levels

- Highlighted currently enforcement investigation regarding site levels.

Officer response: All issues raised will be considered in sections 6.2 – 6.4 of the assessment below.

Statutory and non-statutory consultation

- 4.3 There are no statutory or non-statutory consultees that are relevant to this variation application.

5. POLICIES

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

- 5.2 '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.'
- 5.3 The Government has issued the National Planning Policy Framework [NPPF 2021] 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.
- 5.4 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]. The relevant policies are referenced within the report below and a summary within Informative 1.

6. ASSESSMENT

6.1 The main issues are:

- Character, and Appearance of the Area
- Neighbouring Residential Amenity
- Quality of Accommodation

6.2 Character, and Appearance of the Area

6.2.1 The relevant policies are:

- National Planning Policy Framework (2021)
- The London Plan 2021: D3
- Harrow Core Strategy 2012: CS1.B
- Harrow Development Management Policies Local Plan (2013): DM1

6.2.2 Policy D3.D(1) of the London Plan states that development should in terms of form and layout, enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.

6.2.3 Policy DM1 of the Development Management Policies Local Plan states 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".

6.2.4 The design of the rear dormers would be in keeping with the character and appearance of the development approved (P/3667/19 dated 11/03/2021). As such, the design of the 5 additional dormers are considered acceptable.

6.3 Neighbouring Residential Amenity

6.3.1 The relevant policies are:

- National Planning Policy Framework (2021)
- Harrow Core Strategy 2012: CS1.K
- Harrow Development Management Policies Local Plan (2013): DM1
- London Plan Policy: D3, D6

Relevant Supplementary Documents

- Mayor of London Housing Supplementary Planning Guidance (2016)

6.3.2 Policy DM1 of the DMP seeks to ensure that “proposals that would be detrimental to the privacy and amenity of neighbouring occupiers, or that would fail to achieve satisfactory privacy and amenity for future occupiers of the development, will be resisted”.

6.3.3 The construction of the five dormers has introduced five new dormers to the rear roof slope of Block A. The consented scheme did not include dormers on this rear roof slope. This rear roof slope faces onto the side elevation and rear gardens of the approved Block B, the rear elevations and rear gardens of the neighbouring properties that face onto The Chase and Vancouver Road are at an angle to these windows and are over 25m from the rear elevations of the existing neighbouring properties, officers consider the effect on privacy from overlooking onto these neighbouring properties would be negligible.

6.3.4 One of the objections received raised concerns about air quality and noise pollution. In officers view, the addition of rear dormers has not created any impacts with regards to air quality, and any noise levels from these dormers would relate to those associated with domestic activities in a residential area. Additionally, the blocking of light has also been raised. The dormers fit within the frame and scale of the approved units therefore officers consider the level of daylight received at neighbouring properties within the immediate vicinity would be unaffected.

6.3.5 It has been highlighted within an objection received that there is an enforcement investigation regarding site level, this is correct, and the result of that investigation is a separate issue to this application, and therefore does not affect the assessment or determination of this application.

6.3.6 Officers consider the dormers constructed are acceptable in consideration of impact on neighbouring amenity.

6.4 Quality of Accommodation

6.4.1 The relevant policies are:

- National Planning Policy Framework (2021)
- Harrow Development Management Policies Local Plan (2013): DM1
- London Plan Policy: D6

6.4.2 London Plan policy D6 (Housing quality and standards) requires that housing developments meet the minimum space standards and also sets out a range of other requirements in relation to residential quality. Part D (g) of Policy DM1 of the Harrow Development Management Policies (2013) states that assessment of amenity should have regard to the adequacy of the internal layout of buildings in relation to the needs of future occupiers.

6.4.3 The constructed dormers has created five additional dormers that would include the change of a store into a study for each relevant unit, no additional bedrooms have been created. An objection received has raised the concern that there is no longer the appropriate level of storage identified within the units approved. Officers consider the general size of all rooms provided, including the proposed study, provides ample space for appropriate storage for future occupants.

7.0 CONCLUSIONS AND REASONS FOR RECOMMENDING APPROVAL

7.1 The additional rear dormers constructed on the 5 approved houses would be an appropriate addition to the units to facilitate a study room within each unit, that conforms to the character and appearance of the approved development, and would not unduly impact on the amenities of the residential occupiers of the adjoining, or nearby properties, subject to the attached conditions. The proposed development would therefore accord with Policies D3, D6, and D12 of the London Plan (2021), policy CS1 of the Harrow Core Strategy 2012, and policy DM1 of the Harrow Development Management Policies Local Plan (2013).

APPENDIX 1: CONDITIONS AND INFORMATIVES

Conditions

1. Timing

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

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. Approved Plans and Documents

Save where varied by the other planning conditions comprising this planning permission, the development hereby permitted shall be carried out, completed and retained in accordance with the following approved plans and documents:

Site Location Plan, 1294/50, 1294/51, 1294/52, 1294/53, 1294/56, 1294/62, 1294/63, 1294/64, 1294/65, LLDD1210-LAN-DWG-100 Rev 04, 1294/71, 1294/72, 1294/73, 1294/73, LLDD1210-LAN-DWG-101 Rev 05, LLDD1210-LAN-DWG-102 Rev 05, LLDD1210-LAN-DWG-200 Rev 03, LLDD1210-LAN-DWG-201 Rev 05, LLDD1210-LAN-DWG-202 Rev 05, Design and access statement, Planning Statement, Energy and Sustainability Assessment, Phase 3 Remediation Strategy, Air Quality Impact Assessment, Contamination Assessment Report, Report on a Phase 2 Ground Investigation, Extended Phase 1 Habitat Survey, Food Risk Assessment and Drainage Strategy, Construction Management Plan with supporting plans, Construction Logistics Plan, Transport Statement Addendum, Illustrated Schedule of Materials and Planting, Soft Landscape Specification, Daylight Sunlight and Overshadowing Assessment, Detailed Plant Schedule and Specification, Financial Viability Assessment, 1294/54 Rev B, 1294/55 Rev A, 1294/58 Rev A, 1294/61 Rev B

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

3. Disposal of Surface and Foul Water

The development shall not commence until works for the disposal of surface and foul water, including a foul water drainage strategy, have been submitted to, and approved in writing by, the local planning authority. To ensure that the necessary construction and design criteria for the development proposals follow approved conditions according to NPPF. The applicant should contact Harrow Drainage Section at the earliest opportunity.

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk.

4. Surface Water Attenuation and Storage Works

The development of any buildings hereby permitted shall not commence until surface water attenuation and storage works have been submitted to, and approved in writing by, the local planning authority. To ensure that the necessary construction and design criteria for the development proposals follow approved conditions according to NPPF. For allowable discharge rates the applicant should contact Harrow Drainage Section at the earliest opportunity.

REASON: To prevent the increased risk of flooding, reduce and mitigate the effects of flood risk.

5. Materials

Notwithstanding the details shown on the approved plans, the development hereby permitted shall not progress beyond damp proof course level until samples of the materials to be used in the construction of the external surfaces noted below have been submitted to, and agreed in writing by, the local planning authority:

- a. external appearance of the buildings;
- b. windows and doors
- c. refuse and cycle storage area
- d. the boundary treatment

The development shall be carried out in accordance with the details so agreed and shall thereafter be retained.

REASON: To ensure that the development achieves a high standard of design and layout and safeguard the character and appearance of the area

6. Electric Vehicle Charging Points

The development hereby permitted shall not progress beyond damp proof course level until details of the electric vehicle charger point/s for the proposed development in accordance with London Plan Standards (2016), shall be submitted to and approved in writing by The Local Planning Authority. The electric vehicle charger point/s shall be implemented on site prior to occupation of the development in accordance with the approved details and shall be retained thereafter.

REASON: In the interests of sustainable transport.

7. PD Rights – Householder Extensions

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development which would otherwise fall within Classes A - F in Part 1 of Schedule 2 to that Order shall be carried out without the prior written permission of the local planning authority.

REASON: To safeguard the character of the area by restricting the amount of

site coverage and size of dwelling and to safeguard the amenity of neighbouring residents.

8. Use as Dwellinghouse

The development hereby permitted shall be used for Class C3 dwellinghouse(s) only and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Schedule 2, Part 3, Class L shall take place.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by the Town and Country Planning (General Permitted Development) Order 2015 to maintain mixed, balanced, sustainable and inclusive communities and in the interests of residential and visual amenity.

9. Planting

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first use of the building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the 5 development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

REASON: To ensure that the development maintains appropriate provision for soft landscaping soft landscaping details.

10. Hard Surfacing Material

Before the hard surfacing hereby permitted is brought into use the surfacing shall EITHER be constructed from porous materials, for example, gravel, permeable block paving or porous asphalt, OR provision shall be made to direct run-off water from the hard surfacing to a permeable or porous area or surface within the curtilage of the site. Please note: guidance on permeable paving has now been published by the Environment Agency on <http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens>

REASON: To ensure that adequate and sustainable drainage facilities are provided.

11. Contamination 1

The development hereby permitted shall be undertaken in accordance with the remediation measures and strategy detailed within the Phase 3 Remediation Strategy (November 2018), unless otherwise agreed and approved in writing by the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

12. Contamination 2

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the Local Planning Authority in writing to be agreed

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13. Accessible and Adaptable Dwellings

The development hereby permitted shall be constructed to the specifications of: "Part M, M4 (2), Category 2: Accessible and Adaptable Dwellings" of the Building Regulations 2013 and thereafter retained in that form.

REASON: To ensure that the development is capable of meeting 'Accessible and Adaptable Dwellings' standards.

14. Wheelchair User Dwellings

Ten per cent of the proposed dwellinghouses shall be constructed to meet the specifications of Building Regulation requirement M4(3) 'wheelchair user dwellings' and shall thereafter be retained in that form.

REASON: To ensure that the appropriate number of dwellinghouses are designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.

15. Construction Logistic Plan

The development hereby permitted shall be constructed in accordance with the details set out within the Construction Logistics Plan and Construction Management Plan, unless otherwise agreed and approved in writing by the Local Planning Authority.

REASON: To ensure that the construction of the development does not unduly impact on the amenities of the existing occupiers of the properties on the site.

16. Refuse Storage

The refuse and waste bins shall be stored at all times, other than on collection days, within the approved designated refuse storage areas

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

17. Flank Windows

Notwithstanding the detail shown on the approved plans, the windows within the flank elevations of the dwellinghouses shall be obscurely glazed and non-openable below 1.7m above internal floor level. The windows implemented shall be retained thereafter.

REASON: To protect the amenities of the neighbouring occupiers.

18. Secured By Design

Notwithstanding the detail shown on the approved plans, the windows within the flank elevations of the dwellinghouses shall be obscurely glazed and non-openable below 1.7m above internal floor level. The windows implemented shall be retained thereafter.

REASON: To protect the amenities of the neighbouring occupiers.

19. Site Hoardings

Site works in connection with the development hereby permitted shall not commence before the boundary of the site is enclosed by a close boarded or other security fence to a minimum height of 2 metres. Such fencing shall remain until works and clearance have been completed, and the development is ready for occupation.

REASON: In the interests of amenity and highway safety.

INFORMATIVES:

1. Policies

The following policies are relevant to this decision:

The National Planning Policy Framework (2021)

London Plan 2021: D3, D6,

The Harrow Core Strategy 2012: CS1

Harrow Development Management Policies Local Plan 2013:

DM1

2. Considerate Contractor Code of Practice

The applicant's attention is drawn to the requirements in the Considerate Contractor Code of Practice. In the interests of minimising any adverse effects arising from building operations, the limitations on hours of working are as follows: 0800-1800 hours Monday - Friday (not including Bank Holidays) 0800-1300 hours Saturday.

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 Portal website:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

4. Pre-application engagement

Statement under Article 35(2) of The Town and Country Planning (Development Management Procedure) (England) Order 2015. This decision has been reached in accordance with paragraphs 187-189 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. Thames Water

The applicant is advised that under the terms of the Water Resources Act 1991, and the Thames Region Land Drainage Byelaws 1981, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Edgware Brook, designated a main river.

6. 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.

7. Compliance with Conditions

Compliance with Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.

- Beginning development in breach of a planning condition will invalidate your planning permission.
- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

8. Highways Interference

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.

9. Street Naming and Numbering

Harrow Council is responsible for the naming and numbering of new or existing streets and buildings within the borough boundaries. The council carries out these functions under the London Government Act 1963 and the London Building Acts (Amendment) Act 1939.

All new developments, sub division of existing properties or changes to street names or numbers will require an application for official Street Naming and Numbering (SNN). If you do not have your development officially named/numbered, then then it will not be officially registered and new owners etc. will have difficulty registering with utility companies etc. You can apply for SNN by contacting technicalservices@harrow.gov.uk or on the following link. http://www.harrow.gov.uk/info/100011/transport_and_streets/1579/street_naming_and_numbering

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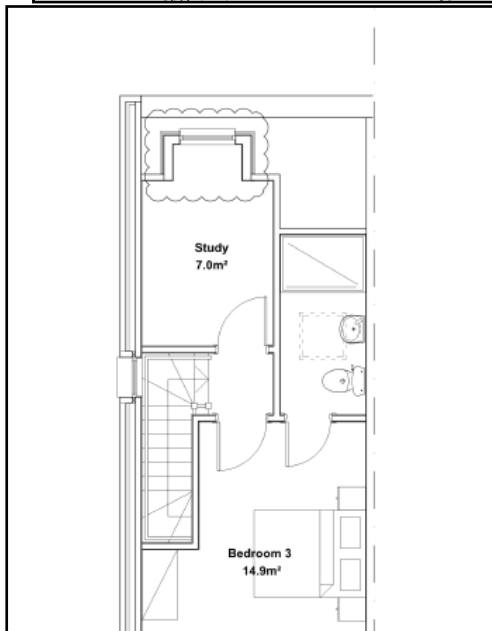
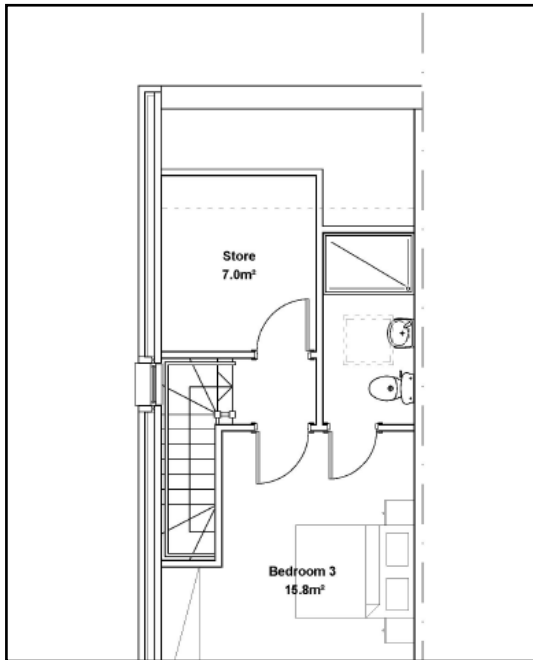
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Interim Corporate Director	DP 07/06/2022

APPENDIX 2: SITE PLAN

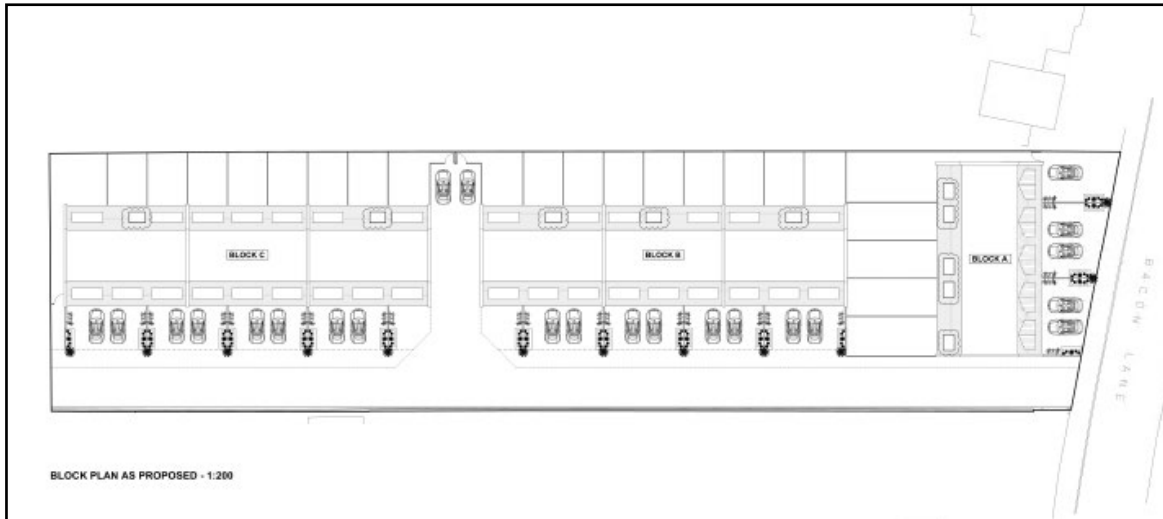


APPENDIX 3: PLANS AND ELEVATIONS

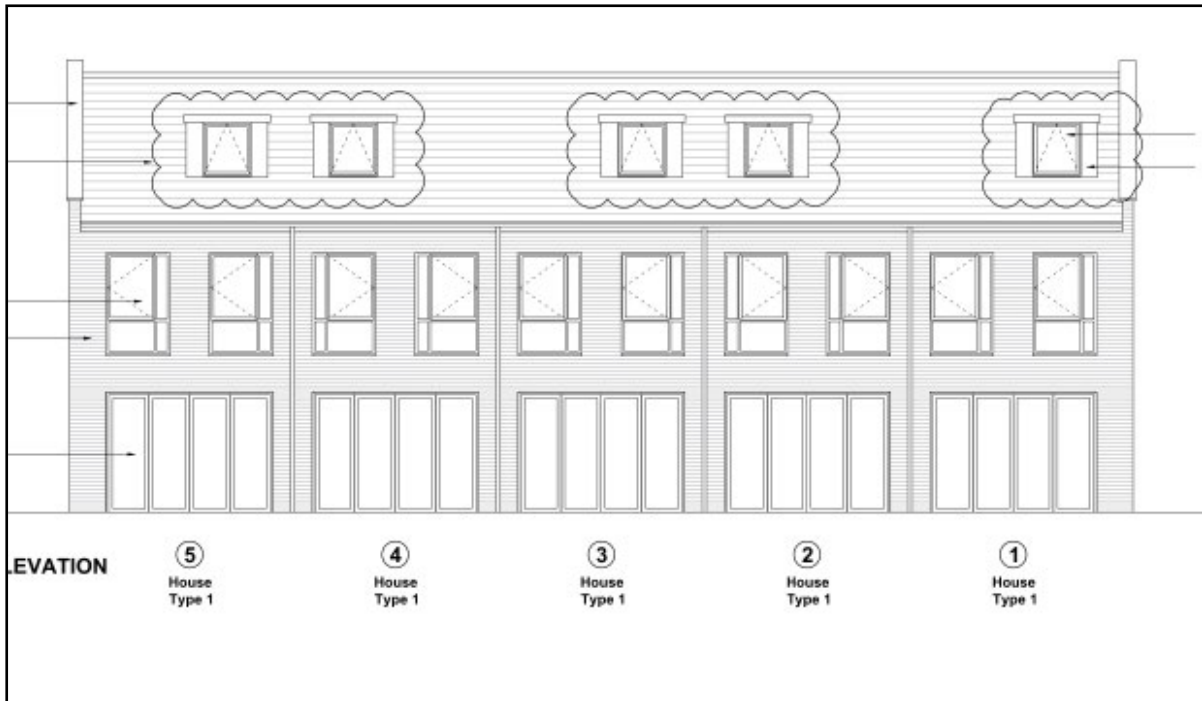
Approved and Proposed House Type 1



Proposed Block Plan



Amendments Proposed to Block A Rear Elevation



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