

# HARROW COUNCIL

## SUPPLEMENTAL ADDENDUM

### PLANNING COMMITTEE

DATE: 16<sup>th</sup> November 2022

2/01	<b><u>Addendum Item 1</u></b>	
Additional comments received in objection to the proposal on 15 <sup>th</sup> November 2022:-		
<ul style="list-style-type: none"><li>• Overlooking from proposed balconies <i>Officer Comment – see paragraph 6.4.3 in the report</i></li></ul>		
<ul style="list-style-type: none"><li>• Loss of Trees <i>Officer Comment – see paragraph 6.3.7 in the report</i></li></ul>		
<ul style="list-style-type: none"><li>• In 2015, the maximum number of occupants of 30 residents was considered excessive both by the Council and the neighbourhood. Now we have a proposal that will house 32 residents, and potentially up to 40 if the study is used as a 3rd bedroom. This is because each of the 8 two-bed flats could house up to 4 residents each, and if each study is used as a 3rd bedroom, then each flat could house 5 occupants (8 x 5 = 40). The study could easily be used as a 3rd bedroom as it is sufficiently large. The 3 neighbours that have written in support of this application have expressed interest in purchasing one of the flats. It is easy to support development when you and your family will not be adversely affected, and when you have a vested interest to see an application approved. As a result planning Policy DM1 is not satisfied. <i>Officer Comment - Following this application in 2015 the NPPF and London Plan have been updated. Policy H2 of the London Plan (2021) encourages well-designed new homes on small sites in order to significantly increase the contribution of small site to meeting London's housing needs. There is a material change in the development plan that requires consideration as part of this new application. It is considered that the proposal meets current development plan policy in this regard.</i></li></ul>		
<ul style="list-style-type: none"><li>• Errors in the Agenda Document for 10 Oakleigh Rd - In point 2.1 under the proposal section of the agenda, it has been stated that the proposed development will be a 2-storey building <i>Officer Comment: paragraph 2.1 states that the proposal will be two storey with habitable roofspace which is correct.</i></li></ul>		
<b><u>Addendum Item 2</u></b>		
Page 23, add the following to the history section:-		
P/3651/15	Conversion of nursing home to nine flats; two storey side and rear extensions; parking, amenity area, boundary fencing,	Refused 18/08/2015

	landscaping and bin / cycle storage (demolition of garage)	
	<p>Reasons for refusal:</p> <ol style="list-style-type: none"> <li>1. The applicant has failed to demonstrate that the existing Nursing Home (use class C2) is no longer of demand on this site. In the absence of such information, the proposal would potentially remove a care home from the borough, to the detriment of availability of a range of housing choices and the ability of the borough to facilitate elderly residents, contrary to policies 3.8 of The London Plan 2015 and policy DM29B of the Harrow Development Management Policies Local Plan (2013).</li> <li>2. The proposed development, by reason of removing the trees within the front garden that are subject to a group Tree Protection Order, without demonstrating the loss of the trees is outweighed by wider public benefits of the proposal, would unacceptably harm the amenity of the wider area as a result of their loss. The proposal therefore fails to accord with Policy DM22 of the Harrow Development Management Policies Local Plan (2013).</li> <li>3. The proposed development, by reason of the removal of the trees within the front garden, the proposed replacement of these with hardstanding and car parking, and introduction of waste and recycling facilities unacceptably harms the character of the existing site and wider streetscene. The proposal therefore fails to accord with Policies DM1 and DM22 of the Harrow Development Management Policies Local Plan (2013).</li> <li>4. The proposed development, by reason of the over-intensive nature of the conversion to nine self-contained flats, would unacceptably harm the residential amenity of neighbouring residential amenity by reason of an increase in disturbance from the intensity of the site. The proposed scheme therefore fails to accord with Policy DM1 and DM26E of the Harrow Development Management Policies Local Plan (2013).</li> <li>5. The proposed development, by reason of the proximity of the two-storey side and two storey rear extension and the disproportionate and bulky scale of these extensions, would result in unneighbourly additions to the detriment of the residential occupiers at No. 12 Oakleigh Road. The proposed extensions therefore fail to accord with policies 7.4 and 7.6 of the London Plan (2015) and policy DM1 of the Harrow Development Management Policies Local Plan (2013), and the Residential design Guide SPD (2010).</li> <li>6. The proposed development, by reason of the poorly designed, disproportionate, prominent and bulky extensions fail to remain subservient and harmonise with the existing property, thereby subsuming the original features of the host building to the detriment of its existing character and that of the existing streetscene. The</li> </ol>	

	<p>proposed extensions therefore fail to accord with policies 7.4 and 7.6 of the London Plan (2015) and policy DM1 of the Harrow Development Management</p> <p>7. Policies Local Plan (2013) and the adopted Supplementary Planning Document: Residential Design Guide SPD (2010).</p> <p><b><u>Addendum Item 3</u></b></p> <p>Paragraph 6.4.2 - Amend lines 2 and 3 to read “The proposed development would be sited approximately 2.8m from the boundary with No. 8 Oakleigh Road” (rather than 87 Oakleigh Road).</p>
<p><b>2/02</b></p>	<p><b><u>Addendum Item 1</u></b></p> <p><b>AMEND condition 2 on page 71</b></p> <p>The development hereby permitted shall be carried out in accordance with the following documents and plans: FLU.1346.01 Rev B; FLU.1346.02 Rev <b>S</b>; FLU.1346.03 Rev A; FLU.1346.04 Rev B; FLU.1346.05 Rev <b>A</b>; FLU.1346.06 Rev A; FLU.1346.07 Rev R; FLU.1346.08 Rev <b>Q</b>; FLU.1346.09 Rev <b>Q</b>; FLU.1346.10 Rev R; FLU.1346.11 Rev H; FLU.1346.12 Rev B; FLU.1346.13 Rev A; FLU.1346.18 Rev A; Tree Protection Plan Rev C; Sustainable Drainage Strategy; Arboricultural and Planning Integration Report; Design And Access Statement; Internal Daylight Analysis Report</p> <p>REASON: For the avoidance of doubt and in the interests of proper planning</p>
<p><b>3/01</b></p>	<p><b><u>Addendum Item 1</u></b></p> <p>Letter of support received on 14/11/2022. Summarised as follows:-</p> <ul style="list-style-type: none"> <li>• In 1965, I was a student architect under Professor Rudolf Frankel FRIBA, AIA. His work and reputation in pre-WWII Europe were internationally recognised.</li> <li>• Equally heroic following his escape from the Nazi Holocaust were his works in England, including this only intact surviving house, built for his sister and her family.</li> <li>• Frankel was an exacting, practical teacher, having adapted to persecution.</li> <li>• 1 Halsbury Close exemplifies genius and practicality. Attention to detail in design extends from layout through choice of materials, fittings, spatial quality, lighting and utility, adaptability to a growing family and social change, all with economy.</li> <li>• I helped adapt for the previous owner’s use 20 years ago, and again with the present owner, sensitive to his stewardship.</li> <li>• I am very familiar with the house. My researches, and personal knowledge of Frankel himself, strongly support the owner’s forensic examination of service and utility areas of the house; areas where, in contrast to principal rooms, there is not evidence of Frankel’s design involvement. The assumptions of “original” bathroom layout and the objectors, who have not seen the house or the bathrooms, are not based on Frankel’s drawings,</li> </ul>

but on published Architects Journal drawings some three years later. The Journal article did not describe or refer to bathrooms.

- Bathrooms display no consistency of rigour. They are functionally and ergonomically poor. Basic sanitary ware, plumbing and surfaces such as linoleum flooring, cheap and commonplace tile work display no artistic merit and are at best of negligible contribution to significance. These facts convince me this is not Frankel's original work. Furthermore, even these fittings are worn and require replacement.
- The National Planning Policy Framework (NPPF) sets out the policies that the Council must take into account when determining planning applications. The 'Historic Environment Good Practice Advice in Planning Note 2', states at paragraph 4: 'The significance of a heritage asset is the sum of its archaeological, architectural, historic, and artistic interest' and provides at paragraphs 8, 9 and 10 that in order for the Local Planning Authority to make decisions in line with legal requirements, the objectives of the development plan; and the policy requirements of the NPPF, great importance is placed on understanding the nature, extent and level of the significance of the heritage asset.
- The conservation officer's overzealous insistence on complete retention of poor design, materials, workmanship and various later alterations errs in misunderstanding the somewhat inaccurate "virtually unaltered" words in the listing description, and in disregarding Historic England guidance on adapting services and utility areas to enable houses to function now and in the future. Any careful observer, let alone a professional, should readily see that some elements, in this instance bathrooms are not "original."
- Anyone responsible for the nation's built heritage should also understand that where and when people inhabit a building the benefits of carefully considered adaptations in support of reasonable family habitation far outweigh minor change, particularly where the change does not affect significance. Simply put, freezing bad bathrooms in time risks condemning the host building to inferior condition, unacceptable standards and existential threat.
- Furthermore, the officer's enlisting support of consultees with no locus for the period of the house, none of whom have actually seen it or interrogated the applicant's research should be considered unprofessional and be given no weight. The apparent unquestioned closing of ranks is, in this instance rather repugnant.
- Were Rudolf Frankel alive, he would insist on giving his clients the highest standard of comfort and utility.
- I'm informed I cannot address the decision-making Members at Committee. This seems contrary to natural justice.
- In conclusion I contend the conservation officer's recommendation goes against the weight of evidence, heritage policy, practice and philosophy. I urge you to approve the application, or, visit the property and see for yourselves.

Officer's response:

- The international significance of the architect of this house and his work is agreed upon by this respondent, who acknowledges his genius and practicality is exemplified by 1 Halsbury Close, his only intact surviving house, built for his sister and her family.

- The respondent questions whether the layout shown in the contemporary 1940 architectural publications (close to the current layout) actually show the 'original layout' by Frankel. This is a new argument. The application's Design and Access statement itself refers to these plans as the original ones, as do all previous applications for this house. Also, the architectural publications plans were just 2 years after being built. It is unlikely they were changed in this time.
- The respondent's opinion that the bathrooms display poor design quality is noted but this is not supported by the Local Planning Authority. The only elements hindering present day use are the showers fixed to plaster walls rather than tiles which could be overcome by adding tiles distinct from the originals below and the desire for larger mirrors by the present owner could be overcome with standalone or removable new installations.
- The respondent notes replacement is needed due to condition. This is acceptable in principle where it can be demonstrated beyond repair but should be like for like as it is listed for its 1930s origins not as proposed with 21<sup>st</sup> century 'corrections' to the 1938 design. A site visit indicates original fabric could largely be retained.
- The respondent states the bathrooms are not Frankel's original work. It is agreed that some features are replacement and there is no objection to their loss. The supporting Design and Access statement itself notes what is original and what is not, and this view is supported in this officer assessment.
- Policies referred to by the respondent are all referenced in this report and demonstrate the reasons why the proposal should not be approved.
- The respondent states the Council is acting unreasonably and is against changes to allow practical use today, requesting retention of 'poor design, materials, workmanship and various later alterations'. This is incorrect. The applicant has been informed that all modern features can be replaced as is proposed, but the request is just to retain original fabric where condition allows (the sinks, a mirror, and tiles) and replace like for like where not possible. The council fully supports alterations that would ensure full usability but they need to also preserve special interest. The two are perfectly achievable at once but not achieved by this scheme.
- The respondent states the list entry is inaccurate to describe the house as "virtually unaltered". This is not accepted and is addressed in paragraphs 11.16 and 11.17.
- The respondent states the case officer has enlisted consultees with no experience for the period of the house, who have not seen it or considered the research so should be given no weight. On the contrary, those consulted are relevant local or national consultees, mostly statutory ones (whose comments are required to be taken into account on this application under legislation) and all are heritage experts. The Twentieth Century Society is expert on this era of building and, has visited and, like other consultees objecting, considered proposals in depth.

The respondent states, 'I urge you to approve the application, or, visit the property'. For the reasons given in this report though, the application should be refused. Underscoring the reasonable nature of the recommendation to refuse, all expert statutory consultees are in agreement that the scheme is objectively verifiably harmful and contrary to policy, so should be refused and sympathetic alterations proposed instead. A site visit would support this recommendation for refusal, demonstrating why the changes shown are both harmful and unnecessary to ensure functional modern bathrooms

### **Addendum Item 2**

Amend Appendix C to read:

#### **APPENDIX C: SUGGESTED CONDITIONS SHOULD THE APPLICATION BE GRANTED**

- 1) The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2) Suitable precautions shall be taken to secure and protect interior features against accidental loss or damage during the building work hereby granted, and no such features may be disturbed or removed, temporarily or permanently, except as indicated on the approved drawings or with the prior approval, in writing of the local planning authority.

REASON: To protect the special architectural or historic interest of the listed building.

- 3) All new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and materials, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any conditions(s) attached to this consent.

REASON: To protect the special architectural or historic interest of the listed building.

- 4) Prior to the commencement of works, a record to level 4 of the Historic England: 'Understanding Historic Buildings A Guide to Good Recording Practice' including a complete set of photographs and measured plans shall be carried out and submitted to the local planning authority for its approval in writing.

REASON: To help protect the special architectural or historic interest of the listed building.

**AGENDA ITEM 10 – REPRESENTATIONS ON PLANNING APPLICATIONS**

<b>Agenda Item</b>	<b>Application</b>	<b>Speakers</b>
<b>2/01</b>	Oakleigh House Nursing Home, 10 Oakleigh Road (P/2123/22)	Christopher Fu (Objector) Simon Warner (Agent for Applicant)