

SECTION 1 – MAJOR APPLICATIONS

SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

Item: 2/01

2 - 12 NORTHWICK PARK ROAD, P/0181/09/DC3
HARROW

Ward GREENHILL

EXTENSIONS AND ALTERATIONS TO EXISTING HOTEL TO PROVIDE 34 ADDITIONAL BEDROOMS & RELOCATION OF EXISTING CONFERENCE BAR AND RESTAURANT FACILITIES (NO ADDITIONAL CONFERENCE FLOORSPACE)

Applicant: Grangebrook Ltd.
Agent: Morrison Design
Statutory Expiry Date: | 29-APR-09

RECOMMENDATION

Plan Nos: 3654/100B, 101A, 102B, 103B, 104B, 105C, 106B, 107A, 020, 021, 022, 023, 024, SK 006 A, SK 007 A, SK 008 A, SK009 A
Design & Access Statement (26.1.09)

GRANT permission for the development described in the application and submitted plans, subject to the following condition(s):

1 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 & Country Planning Act 1990.

2 Prior to occupation of the development hereby permitted, measures to minimise the risk of crime in a visually acceptable manner and meet the specific security needs of the application site / development shall be installed in accordance with details to be submitted to and approved in writing by the local planning authority. Any such measures should follow the design principles set out in the relevant Design Guides on the Secured by Design website: <http://www.securedbydesign.com/guides/index.aspx> and shall include the following requirements:

1. all main entrance door sets to individual dwellings and communal entrance door sets shall be made secure to standards, independently certified, set out in BS PAS 24-1:1999 'Security standard for domestic door sets';

2. all window sets on the ground floor of the development and those adjacent to flat roofs or large rainwater pipes (downpipes) shall be made secure to standards, independently certified, set out in BS.7950 'Security standard for domestic window sets'.

Following implementation the works shall thereafter be retained.

REASON: In the interests of creating safer and more sustainable communities and to safeguard amenity by reducing the risk of crime and the fear of crime, in accordance with Policy D4 of the Harrow Unitary Development Plan, and Section 17 of the Crime & Disorder Act 1998.

3 The development hereby permitted shall not commence until details of a scheme indicating the provision to be made for people with mobility impairments, to gain access to, and egress from, the building(s) (without the need to negotiate steps) have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied or used until the works have been completed in accordance with the approved details and thereafter retained.

REASON: To ensure that the development will be accessible for people with disabilities in accordance with the policies of the Harrow Unitary Development Plan.

4 The development hereby permitted shall not commence until details of a scheme to provide (insert number) car parking spaces have been submitted to and approved in writing by the Local Planning Authority. Such spaces shall be provided and designed to BS 8300 specifications to enable it / them to be used by people with mobility impairments, and the space(s) shall be marked out accordingly. The development shall not be occupied or used until the spaces have been completed in accordance with the approved details and thereafter retained.

REASON: To ensure suitable parking provision for people with disabilities in accordance with the policies of the Harrow Unitary Development Plan.

5 No demolition or site works in connection with the development hereby permitted shall commence before:-

- (a) the frontage.
- (b) the boundary.

of the site is enclosed by a close boarded 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.

6 No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to, and approved in writing by, the local planning authority.

The boundary treatment shall be completed:

- a: before the use hereby permitted is commenced
- b: before the building(s) is/are occupied
- c: in accordance with a timetable agreed in writing with the local planning authority

The development shall be completed in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the amenity of neighbouring residents and the character of the locality.

7 The development hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works which shall include a survey of all existing trees and hedgerows on the land, indicating those to be retained and those to be lost. Details of those to be retained, together with measures for their protection in the course of the development, shall also be submitted and approved, and carried out in accordance with such approval, prior to any demolition or any other site works, and retained until the development is completed.

Soft landscape works shall include: planting plans, and schedule of plants, noting species, plant sizes and proposed numbers/densities.

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

8 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation 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 2 years from the completion of the 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 safeguard the appearance and character of the area, and to enhance the appearance of the development.

9 No site works or development shall commence until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s), and any other changes proposed in the levels of the site, have been submitted to, and approved by, the local planning authority.

REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and future highway improvement.

10 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 appearance of the locality.

11 The development hereby permitted shall not commence until a scheme for:-

(a) The storage and disposal of refuse/waste

(b) and vehicular access thereto

has been submitted to, and approved in writing by, the local planning authority. The development shall not be occupied or used until the works have been completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure adequate standards of hygiene and refuse/waste collection without prejudice to the enjoyment by neighbouring occupiers of their properties.

12 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided.

13 The development of any buildings hereby permitted shall not be commenced until works for the disposal of surface water have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided.

14 The development of any buildings hereby permitted shall not be commenced until surface water attenuation/storage works have been provided in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained.

REASON: To prevent the increased risk of flooding.

15 The development hereby permitted shall not commence until details of any external works required for ventilation and fume extraction have been submitted to, and approved in writing by, the local planning authority. The development shall not be occupied or used until those external works have been completed in accordance with the approved plans. The works shall thereafter be retained in that form.

REASON: To safeguard the visual amenity of neighbouring residents and the appearance of the building.

16 Before the development hereby permitted commences a scheme shall be agreed with the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site. The agreed scheme shall be fully implemented before the change of use hereby permitted takes place and shall be retained in its approved form for so long as the use continues on site.

REASON: To ensure that the proposed development does not give rise to noise nuisance to neighbouring residents.

17 The premises shall be used for the purpose specified on the application and for no other purpose, including any other purpose in Class C1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that order with or without modification).

REASON:

(a) To safeguard the amenity of neighbouring residents and the character of the locality.

(b) To safeguard the character and viability of the shopping parade.

(c) In the interests of highway safety.

18 All windows in the south eastern wall of the approved development facing the property at 59 Gayton Road shall be glazed in obscure glass and fixed shut and shall thereafter be retained in that form.

REASON: To safeguard the privacy of both neighbouring residents and future occupants.

19 No food or drink shall be permitted to be consumed or entertainment take place outside of the buildings.

REASON: In the interests of residential amenity.

INFORMATIVES

1 INFORMATIVE:

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

The decision to grant permission has been taken having regard to the policies and proposals in the London Plan and-or the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

London Plan: 4B.1

Government Guidance: PPS1, PPG13, PPG21

Harrow Unitary Development Plan:

S1, EP25, D4, D5, D9, D10, T6, T13

Supplementary Planning Guidance: Designing New Development (March 2003)

Access For All Supplementary Planning Document (April 2006)

2 INFORMATIVE:

The applicant is advised that any window in the flank elevation of the development hereby permitted will not prejudice the future outcome of any application which may be submitted in respect of the adjoining property

3 INFORMATIVE:

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.

4 INFORMATIVE:

In June 2006 Harrow Council adopted two Supplementary Planning Documents: Access for All and Accessible Homes, containing design guidelines for the provision of safe and convenient access for all disabled groups. Both documents can be viewed on the Planning pages of Harrow Council's website

Access for All: http://www.harrow.gov.uk/downloads/AccessforallSPD_06.pdf

Accessible Homes: <http://www.harrow.gov.uk/downloads/AccessibleHomesSPD.pdf>

5 INFORMATIVE:

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

6 INFORMATIVE:

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern health and safety through all stages of a construction project. The Regulations require clients (ie those, including developers, who commission projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline on 0541 545500.

(Please note that any reference in this informative to "planning supervisor" has no connection with any Planning Officers within Harrow's Planning Services or with the Town and Country Planning Act 1990.)

7 INFORMATIVE:

The applicant is reminded of the duties set out in the Disability Discrimination Act 1995 with regard to employment and service provision. An employer's duty to make reasonable adjustment is owed to an individual employee or job applicant. However, the responsibility of service providers is to disabled people at large, and the duty is anticipatory. Failure to take reasonable steps at this stage to facilitate access will therefore count against the service provider if or when challenged by a disabled person from October 2004. The applicant is therefore advised to take full advantage of the opportunity that this application offers to improve the accessibility of the premises to people with mobility and sensory impairments.

8 INFORMATIVE:

The London Borough of Harrow seeks to encourage Secured by Design accreditation where appropriate. This is a national police initiative that is supported by the Home Office Crime Reduction & Community Safety Unit and the Planning Section of the ODPM. It is designed to encourage the building industry to adopt crime prevention measures to assist in reducing the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments. It is recommended that the applicant apply for this award.

For additional information, please contact the Borough Crime Prevention Design Advisor through the Crime Reduction Unit, Harrow Police Station, 74 Northolt Road, Harrow, Middlesex, HA2 ODN, tel. 020 8733 3465.

9 INFORMATIVE:

IMPORTANT: 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.

MAIN CONSIDERATIONS AND POLICIES (London Plan & 2004 UDP)

- 1) Design & Character of Area (4B.1) (S1, D4, D5, D9, D10)
- 2) Residential Amenity (EP25, D4, D5)
- 3) Parking and Highway Safety (T6, T13)
- 4) Access For All (D4)
- 5) Hotels & Tourism (R15)
- 6) S17 Crime & Disorder Act (4B.1)(D4)
- 7) Consultation Responses

INFORMATION

a) Summary

Statutory Return Smallscale Major, all Other

Type:

Site Area: 0.43 ha

Hotel Car Parking Standard 1 space per 5 bedrooms

Justified 54

Provided 54

Council Interest: None

b) Site Description

- Irregular shaped building facing the junction of Northwick Park Road and Gayton Road.
- Within the hotel site stands 57 Gayton Road and a detached building backing onto 2 Manor Road.
- The main hotel building is part two / part three-storey and number 57 which is to be demolished is three-storey's in height
- The existing car park in front of the hotel is accessed from Northwick Park Road and a further car park is located to the rear of the main building accessed from Manor Road.

c) Proposal Details

- Demolition of number 57 Gayton Road to be replaced with new 2-storey with habitable roof space Block E
- Two storey rear extension with habitable floor space to create new block F
- Construction of glazed 3-storey glazed extension between new Block E and existing hotel on Gayton Road frontage
- 2nd floor infill extensions linking Block D to Block C, and Block C to Block B;

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- New Block F to be linked at 2nd floor level to Blocks D and C;
- Conversion of existing roof voids to create 8 guest rooms with velux roof lights;
- Re-design and existing car park area at rear;
- Demolition of single storey rear extensions to Block C;
- Internal re-organisation to re-locate restaurant and bar facilities to ground floor of Block D;
- Provision of 34 additional guestrooms;
- No change in overall floor area of existing conference facilities.

Revisions to Previous Application:

Following the previous decision to grant P/2030/08/CFU the following amendments have been made and have caused this application to be made:

- 7 additional bedrooms proposed bringing total number of bedrooms to 107 for the entire site
- Utilisation of roof voids of Blocks B, C, D & E to provide 8 bedrooms/guestrooms with velux roof lights
- Re-arrangement of internal layout to centralise restaurant and bar facilities at ground floor level to Block D;
- 3-storey glazed corridor extension linking the new block E to Block D (previously this was a 2-storey non glazed infill extension)
- Corridor extensions at 2nd floor level between Block D to Block C and Block C to Block B.
- Demolition of existing single storey rear extensions to Block C.

d) Relevant History

P/272/05/CFU	Part single / part 3 storey rear extension and part single part 2 storey extension to No. 57 Gayton Road.	REFUSED 22-APR-05
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Reasons for Refusal:

1. The proposed development by reason of excessive size, bulk and unsatisfactory design would be visually obtrusive and overbearing, would not respect the scale, massing and form of the adjacent properties to the detriment of the amenities of the occupiers thereof, the appearance of the street scene and the character of the locality.

2. The proposed development by reason of excessive size and bulk would be visually obtrusive, would be out of character with neighbouring properties and would not respect the scale and massing of those properties, to the detriment of the visual amenities of neighbouring residents and the character of the area.

3. The proposed windows/balconies in the rear elevation would allow overlooking of the adjoining properties and result in an unreasonable loss of privacy to the occupiers.

4. The proposed intensification of the parking area to the rear of the site by reason of unsatisfactory siting in relation to the neighbouring residential properties and associated disturbance and general activity would be unduly obtrusive and detrimental to the visual and residential amenities of those properties and the character of the area.

P/2792/05/CFU	Extensions and alterations to provide additional bedrooms and demolition of No. 57 Gayton Road.	REFUSED 03-NOV-05
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Reasons for Refusal:

1. The proposed 3-storey rear extension by reason of excessive depth would be visually obtrusive and overbearing when viewed from the rear garden of the adjoining property at 2 Manor Road to the detriment of the amenities of the occupiers thereof.
2. The proposed east facing roof light windows within the rear extension would allow overlooking of the adjoining property and result in an unreasonable loss of privacy to the occupiers.
3. The proposed south east facing windows of the rear extension to be part fitted with obscure glazing, would give rise to direct or perceived overlooking of the rear of the adjoining property, causing a resultant loss of privacy to the detriment of the occupiers thereof.
4. The proposed parking spaces 50 & 51 would extend that area of hard surfacing to the frontage of the site to an unacceptable level, would be visually obtrusive and overbearing, would not respect the character of the wider locality to the detriment of the amenities and appearance of the street scene and the character of the area.

P/0009/07/CFU	Extension and alterations to hotel	REFUSED 20-MAR-07 APPEAL DISMISSED 03-APR-08
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Reasons for refusal:

1. The proposed additional 18 bedrooms together with additional conference facilities will be detrimental to the residential amenities of No. 59 Gayton Road and the properties in the locality by reason of the additional activity associated with hotel use.
2. The three storey extension by reason of excessive depth would be visually obtrusive and overbearing when viewed from the rear garden of No.2 Manor Road.

P/2030/08/CFU	Extensions and alterations to hotel to provide additional bedrooms and re-locate conference centre (no additional floorspace)	GRANTED 02-OCT-08
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e) Pre-Application Discussion

N/A

f) Applicant Statement

- Scope of this application is to replan the internal space approved under planning ref: P/2303/08 with the addition of some further guest rooms within the existing roof voids;
- The basic envelope of the building remains unchanged from the approved scheme save for some roof level linking corridors and the demolition of some single storey additions to the rear of the property;

- This application is based on the principles, scope and usage established in P/2030/089 and the submitted drawings reflect this approach and highlight those elements previously approved;
- The existing layout within Blocks B & C is very confused reflecting the earlier conversion from separate residential properties. There are multiple changes in level and several staircases and no through corridor at second floor level linking Block C to remainder of the hotel. Guests have to walk through the bar and restaurant space at ground floor level.
- Block B has similar issues with no corridor link to Block C and guest access currently involves an external route via the rear car park;
- It is considered that the majority of these issues can be overcome by reorganising the internal space;
- The main changes involve converting the ground floor of Block C , currently bar and restaurant, into bedrooms and consolidating all public area functions within Block D with the ground floor of Block E providing staff and administrative facilities;
- The bar and restaurant area is 220m² which will be replicated in the new proposed layout. The function space remains unaltered in its area;
- The benefits of the revised plan are creating separate guest room access way from the function and communal areas, and function space and restaurant served by a single kitchen;
- Insertion of single staircase in Block B providing ambulant disabled access, which permits the omission of 3 existing stair cases;
- Floors one and two are replanned to comply with Part M of the building Regulations and provide direct access to the new lift;
- New link structure is required between the extension (Block F) and Block D and two further links are proposed between Blocks B & C and between D & E which would provide corridor access to existing bedrooms and to 8 guestrooms within the existing roof voids.
- New bedrooms will have velux rooflights which would not provide views over neighbouring properties;
- The links are designed to have minimal visual impact;
- The only other changes to the external envelope is the demolition of two single storey extensions to the rear of Block C. This would permit the reinstatement of the original fenestration and provide room for one additional car parking space beyond what was approved under planning permission ref: P/2030/08

g) Consultations

Advertisement: Major Development Expiry: 06-MAR-09

Notifications:
Sent: 93 Replies: 4 Expiry: 06-MAR-09

Summary of Responses:

Addition of extra 38 rooms in this residential area will be detrimental to the area as it would cause extra noise and traffic causing pollution; application represents an overdevelopment of the site and should be refused, applicants should be barred from making further applications, site is not suitable or viable for hotel use; the application description is misleading, plans difficult to interpret on Council website, loss of privacy from overlooking, lack of parking proposed for a large increase in number of guest rooms.

APPRAISAL

1) Design & Character of Area

It is considered the proposed development represents a positive addition to the existing hotel buildings whilst at the same time ensuring that the character and appearance of the surrounding area is preserved. The proposal is considered consistent to policy D4 explanatory paragraph 4.11 of the Harrow Unitary Development Plan 2004 (HUDP), which states that *'buildings should respect the form, massing composition, proportion and materials of the surrounding townscape'*.

This requirement is reinforced under PPS1, which states that development should respond to their local context and create or reinforce local distinctiveness. The character of the surrounding area is predominantly residential in character consisting of detached and semi detached 2-storey houses and 2-3 storey blocks of flats. The existing hotel is 2-3 storey's in height located on a prominent corner at the intersection of Gayton Road and Northwick Park Road. The existing hotel buildings are considered to complement the character and appearance of the surrounding street scene.

Furthermore, explanatory paragraph 4.10 states that *'development should be designed to complement their surroundings and have a satisfactory relationship with adjoining buildings and spaces'*.

It is considered that the proposed development represents a positive design approach that would blend in with the character of the existing hotel buildings. The main proposed extension would be positioned to the rear of the hotel buildings out of sight of public view. The 2-storey extension with habitable roof space to the rear to create the new Block F would be the same as that approved under planning permission P/2030/08 being 9.3m in height dropping to 6.4m at the eaves and located to the south eastern corner of the site and would be subordinate to the main element of the existing hotel building which is 10m in height. This rear extension would be 11.8m wide and extend rearwards toward the boundary with properties on Manor Road by 9m, extending a further 6.3m than the existing rear building line.

The 2-storey side extension would appear as a 2-storey detached house when view from Gayton Road. The roof pitch, window style and building lines would reflect and complement the existing character of the surrounding street scene. There would be no loss of trees of any significance as a result of the proposal and the proposed landscaping would provide a satisfactory amount of forecourt greenery to preserve the existing suburban character of the surrounding area.

The key differences between this application and the previously approved development is the infill / corridor extensions at 2nd floor level linking the new 8 guestrooms in the roof voids of Blocks B, C, D & E blocks together. The extensions would all appear subordinate to the main buildings being set back from the main building lines and generally lower than the roof ridge lines of the respective hotel blocks. The glazed extension between the new Block E and existing Block D is considered to be an improvement to the previously approved development which had a 2-storey solid infill extension. The glazing is considered to give an open appearance on this wing of the building.

Internally the layout of the proposed development would ensure much better circulation within the site and reduce the need for guests to travel outside to get to guest rooms or communal areas. The restaurant and bar will be centralised to the ground floor area of Block D with existing bedrooms re-located throughout the respective blocks of the hotel.

In terms of design the proposal is considered to comply with policies 4B.1 of The London Plan 2004, and D4, D5 and D9 of the HUDP 2004 and Supplementary Planning Guidance: Designing New Development (March 2003).

2) Residential Amenity

It is considered that the proposed development would not result in an adverse impact on neighbouring amenity.

Privacy and overlooking would not be issues with the proposal as windows on the south-eastern flank elevation would be glazed in obscure glass and angled in such a way as to avoid issues with direct overlooking and perceived overlooking. This is also reinforced by a condition attached to this report with specific reference to protecting the amenity of the occupants of number 59 Gayton Road. Further the majority of the new guest rooms in the roof void would have velux roof lights which sit flush with the roof slope and do not face any sensitive boundaries.

The proposed extension to the rear of the hotel extends the same distance rearwards into the car park area as that approved under planning ref: P/2030/08/CFU and would comply with Harrow Council's 45° Code.

Previous to this decision was planning application ref: P/0009/07/CFU which was refused because the additional guest rooms together with the additional conference facilities would be detrimental to the residential amenities of the neighbouring occupants of number 59 Gayton Road and properties in the locality by reason of the additional activity associated with hotel use. This point was upheld by the planning inspector at appeal where it was concluded that *'I consider, however, that on site parking would be unable to meet the potential requirements of the increased conference and banqueting facilities. This would lead to large numbers of cars being parked in adjacent streets or many taxis, coaches or hire cars being used to deliver and collect guests ... this would lead to disturbance late at night to occupiers of dwellings in the surrounding area ... the scale of the increase in the conference and banqueting facilities would lead to unacceptable levels of noise and disturbance in the surrounding area...'* It is clear from the inspector's decision that the key concern was the significant increase in the conference facilities proposed with the previous application.

Noise disturbance and associate activity is not considered to be an issue with the current proposal as is likely to be on par with what is currently experienced. The existing conference facilities make up around 275m² of floor space. The proposed conference facilities would be the same in terms of overall floor space and would be no increase in conference facilities provided on site. This change is considered to address the reason for refusing the previous application and is consistent with planning approval P/2030/08/CFU.

The additional guestrooms are not considered to contribute to a noticeable difference in noise generated from the site. This point is reinforced by the planning inspector in the appeal decision who stated: *'I do not consider that the proposed increase in guestrooms would result in a material increase in vehicle movements that would result in unacceptable noise and disturbance to occupiers of surrounding dwellings ...'* The appeal application proposed 91 guest rooms in total for the site. This application proposed 107 in total, 16 more than the appeal decision and 7 more than the previous planning approval under planning reference P/2030/08/CFU.

A key concern and a subsequent reason for refusal of planning application P/0009/07/CFU was that the proposed extensions would be obtrusive and over bearing when viewed from number 2 Manor Road due to the excessive depth proposed. This concern was not shared by the planning inspector who considered that *'the extension would not be overbearing or result in any unacceptable loss of outlook to occupiers of 2 Manor Road or other adjacent dwellings and would not be inconsistent with UDP policy D5.'* In this instance the proposed extension would be over 25m away from the nearest neighbouring habitable room windows on Manor Road. Given the above it is not considered that the proposed development would adversely affect neighbouring outlook.

Overall the proposed development is not considered to harm neighbouring amenity and is compliant with policy 4B.1 of the London Plan, policies D4, D5, EP25 of the HUDP 2004 and SPG on Designing New Development (March 2003).

3) Parking & Highway Safety

The proposed development would add a further 34 guest rooms to the existing hotel. When applying the HUDP parking standards of 1 space per five rooms means the hotel should have approximately 25 spaces for guests leaving 29 spaces for guests and staff. This provision of parking is considered more than adequate to accommodate any additional parking required by the extra guestrooms.

The street surrounding the application site are regulated as residents parking zones, meaning people wishing to park on the street need to have a residents parking permit.

The site has a PTAL of 4 and is within walking distance of the 3 train stations and numerous bus links.

It is considered that the proposal would not result in an adverse effect on highway safety or parking related issues and is therefore considered to comply with policies T6 and T13 of the HUDP 2004.

4) Access For All

The proposed development would result in an overall improvement on existing accessibility throughout the site. A range of inclusive design features are proposed such as internal lifts, level access, wider stair wells and disabled parking spaces.

A suitable condition is attached to this report to ensure these design features are implemented as shown in the application plans and documents.

Internally the overall circulation is considered conducive to those persons who are mobility impaired particularly when compared to the existing layout of the hotel. The proposed development is therefore considered to comply with policy 4B.1 of the London Plan 2008, policy D4 of the HUDP 2004 and Access For All SPD (April 2006).

5) Hotels & Tourism

Policy R15 of the HUDP 2004 supports the retention and improvement of hotels where appropriate. In this instance the proposal is considered to comply with this policy.

6) S17 Crime & Disorder Act

The proposed development incorporates the basic principles and practices of safer places and secured by design. It is therefore considered to comply with policy D4 of the HUDP 2004.

7) Consultation Responses

* Applicants should be barred from making further applications - there are no powers for the LPA to ban people from making planning applications as this would be ultra vires and against the laws of natural justice

* The use of the site for a hotel is not viable - this is a commercial issue for the applicants to make judgement on and is not a matter for the LPA.

* The description of the application is misleading - the application has been advertised as per the proposed development and is not considered misleading.

CONCLUSION

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.

b) Site Description

- The site is a roughly rectangular piece of land, set at the top of Aylwards Rise.
- Aylwards Rise is a cul-de-sac of 9 detached houses accessed from Aylmer Drive.
- The rear of the site abuts Little Common Conservation Area.
- The site is approximately 43m deep on the boundary with Nos.20, 21 & 22 Fallowfield, 27m wide on the boundary with No.3 Aylmer Close, 49m deep on the boundary with No.3 Aylwards Rise and 38m wide on the boundary with No.5 Aylwards Rise.
- The property occupies a position set at an angle to the corner of the road, further forward than the frontage of No.3 Aylwards Rise.
- The property is less than 10m from the common boundary with No.5 Aylwards Rise measured on a line from the western most two-storey front corner.
- The surrounding area is comprised of large detached family houses set in landscaped gardens with substantial tree blocks and individual tree masses forming the backdrop to the area and providing privacy and separation between dwellings.
- A number of neighbouring properties have been extended or rebuilt over the years including the adjacent property No.3 which has recently been rebuilt, other surrounding properties have been extended by a mixture of two-storey and single-storey additions including the adjacent property No.5 Aylwards Rise.
- Four air conditioning units are mounted on the rear wall of the property at ground floor level in its north eastern corner.

c) Proposal Details

- The retention of the four air conditioning units mounted on the rear wall of the property at ground floor level in its north eastern corner.
- The construction of a 2.1m high (2.4m including 0.3m gap at the base for air ventilation) x 50mm thick acoustic panel screen projecting 1.25m rearward from the north eastern corner of the property and extending 2.3m across the rear wall in front of the air conditioning units.
- The acoustic panel extends 0.3m higher than the two higher air conditioning units.
- It is proposed to screen the acoustic panel screen with garden trellis.

d) Relevant History

P/2712/05/DFU	Replacement two storey detached house with detached garage.	GRANTED 17-MAR-06
P/979/06/DFU	Replacement two storey house with rooms in roofspace and detached garage.	GRANTED 07-JUN-06

Item 2/02 : P/3603/08/ML1 continued/...

ENF/0282/07/P	Enforcement notice regarding the alleged demolition of a two-storey house and the construction of a replacement detached two-storey house and garage which is outside the scope of planning permission P/979/06/DFU.	APPEAL APP/M5450/C/07/ 2053532 ALLOWED, PLANNING PERMISSION GRANTED 24-APR-08 CURRENT APPLICATION
P/3622/08	Details of hard and soft landscaping pursuant to condition 4 of planning permission APP/M5450/C/07/2053532, granted 24 April 2008.	CURRENT APPLICATION
P/4010/08	Details of: 1 i) The colour of the walls of the house and garage; ii) The colour and make of the clay roof tiles of the house and garage; iii) The window cills and facings; iv) The ground surfacing material; v) The boundary treatment, 2) Window details, and 3) Glazing to first floor bathrooms pursuant to conditions 1, 2 and 3 of planning permission APP/M5450/C/07/2053532, granted 24 April 2008.	CURRENT APPLICATION

e) Pre Application Discussion

- None.

f) Applicant Statement

- None.

g) Consultations:

Notification:

Sent:
13

Replies:
6 + 7 signature
petition of objection

Expiry: 18-DEC-08

Summary of Response:

- Wall colour needs to be toned down so that the building assimilates into its context and is therefore more sympathetic to its surroundings; Treatment of the roof tiles suggests they are inappropriate; The use of marble for the window cills and facings is inappropriate and inconsistent with drawing ARP/TP/6A; Permeability of ground surfacing and details regarding proposed pump are unclear; Only propose to replace first floor windows but the appeal decision requires all windows to be replaced as per drawing ARP/TP/6A; Soft landscaping along boundaries with adjacent properties is inadequate, in terms of species, height and location the proposals will not provide effective screening to adjacent properties and gardens; Portico should not be treated as a minor amendment; Original intent was to accommodate air conditioning units within the property, this is therefore where they should be relocated as opposed to attempting to mitigate their siting; Surprised to be receiving notification of applications concerning landscaping and air-conditioning units when building works required should take precedent; Any trellis should be no higher than the 1.68m high boundary wall between Nos.3 & 5, if plants, shrubs or trees grow higher than this wall they will block light to the rooms on the western side of No.3; Design of the galvanised wall and gate is out of character to the house and the existing wooden boundary fence; Dustbins are to be located close to No.3 which will be unsightly and lead to unpleasant smells; Unsure what Resin Bound Gravel is, will be unhappy if loose gravel is proposed due to noise and nuisance; Concerned planting will be within 2m of Small Weeping Cherry tree at No.3 which could cause damage; Screening of air conditioning units is unclear; Sound emitted from the air conditioning units should not exceed 30 decibels to prevent noise nuisance to No.3; Garden shed will be higher than the boundary wall and in vision from No.3 which will be unsightly and block light; Do not understand why all the constructions should be built on the eastern boundary and therefore effect No.3 when there are other suitable areas in the large site where they would not interfere with neighbours. To screen No.5 from No.4 through planting trees would need to be sited 3m from the boundary with No.5 and be evergreen and a certain height and should prevent windows in the front of No.4 overlooking the rear garden or bedroom window at No.5, this is clearly stated in Harrow policy and does not seem to have been addressed; The suggestion of Acoustic Panels which might help to dull some of the noise confirms that they will disturb the peace in respect of No.3; Ugly appearance when viewed from No.3; Should be relocated back to the planned site in the attic for where permission was originally granted; Concerned about excessive noise from air conditioning units, which will mainly be used in the summer when windows are open at day and night and therefore may disturb sleep of neighbouring occupiers; Occupiers of 5 Aylwards Rise have stated that they will forward further comments in response to the most recent set of drawings.

APPRAISAL

1) Character and Appearance of the Area

The proposed retention of the four air conditioning units sited on the rear wall of the property and the construction of an acoustic panel screen is not considered detrimental to the character and appearance of the area. The location of the units at the rear of the site, the distance of approximately 20m from the boundary with the adjacent Conservation Area and the proposed screening would result in the development having no discernable impact from the streetscene or detrimental impact on the character and appearance of the area. The installation of the acoustic panel screen and the adjacent trellis proposed will improve the appearance of the air conditioning units, to the benefit of the appearance of the character and appearance of the area.

2) Residential Amenity

Condition 8 of the planning permission relating to this property granted on appeal (reference APP/M5450/C/07/2053532) stated that 'No air conditioning units or similar plant or machinery shall be positioned within three metres of any boundary of the site'. As a result the air conditioning units subject to this application were re-sited to their present location from their previous location where they had been mounted on the boundary wall with the adjacent property No.3. The Inspector, in their appeal decision, noted that the Third Parties were concerned about the air conditioning units in their previous location and noted that no evidence had been provided by, for example, an Environmental Health Officer to suggest that they would cause any nuisance. However, in order to safeguard the amenities of the occupiers of properties adjacent to No.4 from any potential noise nuisance the Inspector added the aforementioned condition 8 to the appeal decision to negate any potential impact. The re-sited air conditioning units are now approximately 3.5m from the closest site boundary that shared with No.3, and the Council's Environmental Health Officer has determined that the submitted noise assessment is suitable and sufficient.

The suggested condition 1 will ensure that the air conditioning units have no detrimental impacts on neighbouring occupiers in terms of noise, the condition requiring two levels of compliance, both at the source and the closest residential property 3 Aylwards Rise, and with different maximum noise levels being acceptable at daytime and night time, these levels being in accordance with the submitted noise assessment which the Council's Environmental Health Officer has assessed. The suggested condition 2 would require the installation of the proposed acoustic panel screen within 3 months of the date of planning permission in order to ensure the acceptability of the development in terms of the amenities of neighbouring occupiers.

It is therefore considered that by re-siting the air conditioning units and proposing the construction of an acoustic screen to reduce any resultant noise, the air conditioning units and screen, which would be sited 3m from the boundary with the closest adjacent property No.3, would have an acceptable impact in terms of neighbouring residential amenity.

3) S17 Crime & Disorder Act

It is considered that this application would not have any detrimental impacts upon community safety and is therefore acceptable in this regard.

4) Consultation Responses:

- *Original intent was to accommodate air conditioning units within the property, this is therefore where they should be relocated as opposed to attempting to mitigate their siting; Should be relocated back to the planned site in the attic for where permission was originally granted* – A ‘Ventilation Plant’ was shown in the roofspace of drawings submitted for the approved application P/979/06/DFU, but it is believed that this was related to ventilation to bathrooms and not an air-conditioning plant. Notwithstanding this detail, such a siting was not required by the appeal decision APP/M5450/C/07/2053532.
- *Sound emitted from the air conditioning units should not exceed 30 decibels to prevent noise nuisance to No.3; Concerned about excessive noise from air conditioning units, which will mainly be used in the summer when windows are open at day and night and therefore may disturb sleep of neighbouring occupiers* – An Environmental Health Officer has confirmed the acceptability of the noise report provided with the application and a condition has been suggested which would limit noise levels to those outlined in the report.
- *Do not understand why all the constructions should be built on the eastern boundary and therefore effect No.3 when there are other suitable areas in the large site where they would not interfere with neighbours* – Some elements of the other current applications on the site close to the boundary with No.3 have been removed from these schemes. The appeal decision APP/M5450/C/07/2053532 did not rule out the current location of the air conditioning units.
- *The suggestion of Acoustic Panels which might help to dull some of the noise confirms that they will disturb the peace in respect of No.3* – The appeal decision APP/M5450/C/07/2053532 indicates that a siting of the air conditioning units more than 3m from the boundary with adjacent properties would be acceptable, an Environmental Health Officer has also confirmed the acceptability of this location.
- *Ugly appearance when viewed from No.3* – The existing boundary wall between Nos.3 & 4 will mean only obscure views of the air conditioning units are possible from No.3. The proposed acoustic panel screen and trellis will improve the appearance of the units.
- *Portico should not be treated as a minor amendment* – It is considered that the proposed changes to the front elevation are material and so would require the submission of a separate planning application.
- *Surprised to be receiving notification of applications concerning landscaping and air-conditioning units when building works required should take precedent* – This is not a material planning consideration in relation to this application.

- The following issues are not relevant to this application and apply to the current applications P/3622/08 and P/4010/08:
Wall colour needs to be toned down so that the building assimilates into its context and is therefore more sympathetic to its surroundings; Treatment of the roof tiles suggests they are inappropriate; The use of marble for the window cills and facings is inappropriate and inconsistent with drawing ARP/TP/6A; Permeability of ground surfacing and details regarding proposed pump are unclear; Only propose to replace first floor windows but the appeal decision requires all windows to be replaced as per drawing ARP/TP/6A; Soft landscaping along boundaries with adjacent properties is inadequate, in terms of species, height and location the proposals will not provide effective screening to adjacent properties and gardens; Any trellis should be no higher than the 1.68m high boundary wall between Nos.3 & 5, if plants, shrubs or trees grow higher than this wall they will block light to the rooms on the western side of No.3; Design of the galvanised wall and gate is out of character to the house and the existing wooden boundary fence; Dustbins are to be located close to No.3 which will be unsightly and lead to unpleasant smells; Unsure what Resin Bound Gravel is, will be unhappy if loose gravel is proposed due to noise and nuisance; Concerned planting will be within 2m of Small Weeping Cherry tree at No.3 which could cause damage; Garden shed will be higher than the boundary wall and in vision from No.3 which will be unsightly and block light; To screen No.5 from No.4 through planting trees would need to be sited 3m from the boundary with No.5 and be evergreen and a certain height and should prevent windows in the front of No.4 overlooking the rear garden or bedroom window at No.5, this is clearly stated in Harrow policy and does not seem to have been addressed.
- All other issues addressed in Appraisal.

CONCLUSION

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, including any comments received in response to publicity and consultation as set out above, this application is recommended for grant.

4 AYLWARDS RISE, STANMORE, HA7 3EH **Item: 2/03**
P/3622/08/ML1
Ward STANMORE PARK
DETAILS OF HARD AND SOFT LANDSCAPING PURSUANT TO CONDITION 4
OF PLANNING PERMISSION APP/M5450/C/07/2053532, GRANTED 24 APRIL
2008
Applicant: Dr Abhay Shah
Agent: David R Yeaman & Associates
Statutory Expiry Date: | 14-JAN-2009

RECOMMENDATION

Plan Nos: 605.1H; 605.2F; Bartlett Tree Experts LTD. 'Tree Report' dated 11th April 2006.
Samples of:
Charcon Woburn Infilltra Autumn block paving (three sizes) – Driveway
Limestone Paving – Pathways and threshold to the driveway entrance
Golden Resin Bound Gravel – Central pathway in rear garden

APPROVE the details.

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Character and Appearance of the Area (D4, D9)
- 2) Residential Amenity (D4, D5)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

INFORMATION

This application is reported to the Committee under proviso F of the Schedule of Delegation issued 19th April 2007.

a) Summary

Statutory Return Type: Minor Dwellings
Council Interest: None

b) Site Description

- The site is a roughly rectangular piece of land, set at the top of Aylwards Rise.
- Aylwards Rise is a cul-de-sac of 9 detached houses accessed from Aylmer Drive.
- The rear of the site abuts Little Common Conservation Area.
- The site is approximately 43m deep on the boundary with Nos.20, 21 & 22 Fallowfield, 27m wide on the boundary with No.3 Aylmer Close, 49m deep on the boundary with No.3 Aylwards Rise and 38m wide on the boundary with No.5 Aylwards Rise.
- The property occupies a position set at an angle to the corner of the road, further forward than the frontage of No.3 Aylwards Rise.

- The property is less than 10m from the common boundary with No.5 Aylwards Rise measured on a line from the western most two-storey front corner.
- The surrounding area is comprised of large detached family houses set in landscaped gardens with substantial tree blocks and individual tree masses forming the backdrop to the area and providing privacy and separation between dwellings.
- The property is finished with a rusticated render on the ground floor, with a plain render finish on the first floor, with stone cill and window facings.
- The property is roofed in a red plain clay tile.
- Materials used for the surrounding houses are facing brickwork, render and a mixture of clay and concrete roof tiles.
- Surrounding houses are of a variety of styles, no two houses displaying the same precise characteristics.
- A number of neighbouring properties have been extended or rebuilt over the years including the adjacent property No.3 which has recently been rebuilt, other surrounding properties have been extended by a mixture of two-storey and single-storey additions including the adjacent property No.5 Aylwards Rise.
- In relation to levels, the application property is set on the highest corner of the land of Aylwards Rise.

c) Proposal Details

The proposal is for the discharge of Condition 4 of planning permission APP/M5450/C/07/2053532, granted 24th April 2008 which states:

4) A scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority, which shall include:

- i. indications of all existing trees and hedgerows on the land, and
- ii. details of any existing trees and hedgerows on the land to be retained;
- iii. details of measures for the protection of trees and hedgerows in the course of any further development;
- iv. the planting of appropriate hedges/screening adjacent to the boundaries with Nos.3 and 5 Aylwards Rise;
- v. proposals for the management of the hedges/screening for the next 5 years; and
- vi. irrigation proposals.

Soft landscape works shall include planting plans and schedules of plants noting species, plant sizes and proposed numbers/densities.

Hard landscape works shall include details of the levels of the access driveway, footpath(s) and other hard surfaced areas in relation to the adjoining land and highway and any other changes proposed in the levels of the site.

d) Relevant History

P/2712/05/DFU	Replacement two storey detached house with detached garage.	GRANTED 17-MAR-06
P/979/06/DFU	Replacement two storey house with rooms in roofspace and detached garage.	GRANTED 07-JUN-06

ENF/0282/07/P	Enforcement notice regarding the alleged demolition of a two-storey house and the construction of a replacement detached two-storey house and garage which is outside the scope of planning permission P/979/06/DFU.	APPEAL APP/M5450/C/07/ 2053532 ALLOWED, PLANNING PERMISSION GRANTED 24-APR-08 CURRENT APPLICATION
P/3603/08	Retention of 4 air-conditioning units on rear elevation, with acoustic panel screen.	CURRENT APPLICATION
P/4010/08	Details of: 1 i) The colour of the walls of the house and garage; ii) The colour and make of the clay roof tiles of the house and garage; iii) The window cills and facings; iv) The ground surfacing material; v) The boundary treatment, 2) Window details, and 3) Glazing to first floor bathrooms pursuant to conditions 1, 2 and 3 of planning permission APP/M5450/C/07/2053532, granted 24 April 2008.	CURRENT APPLICATION

e) Pre Application Discussion

- None.

f) Applicant Statement

- None.

g) Consultations:

First notification:

Sent:
13

Replies:
7 + 7 signature
petition of objection

Expiry: 15-DEC-08

Second notification:

Sent:
13

Replies:
1

Expiry: 03-APR-09

Summary of Response:

Wall colour needs to be toned down so that the building assimilates into its context and is therefore more sympathetic to its surroundings; Treatment of the roof tiles suggests they are inappropriate; The use of marble for the window cills and facings is inappropriate and inconsistent with drawing ARP/TP/6A; Permeability of ground surfacing and details regarding proposed pump are unclear; Only propose to replace first floor windows but the appeal decision requires all windows to be replaced as per drawing ARP/TP/6A; Soft landscaping along boundaries with adjacent properties is inadequate, in terms of species, height and location the proposals will not provide effective screening to adjacent properties and gardens; Portico should not be treated as a minor amendment; Original intent was to accommodate air conditioning units within the property, this is therefore where they should be relocated as opposed to attempting to mitigate their siting; The waterfall feature will produce an unacceptable level of noise; Surprised to be receiving notification of applications concerning landscaping and air-conditioning units when building works required should take precedent; To screen No.5 from No.4 through planting trees would need to be sited 3m from the boundary with No.5 and be evergreen and a certain height and should prevent windows in the front of No.4 overlooking the rear garden or bedroom window at No.5, this is clearly stated in Harrow policy and does not seem to have been addressed; Previous objections stand, consider that the amendments do not overcome the Inspector's concerns as represented in the appeal decision; Any trellis should be no higher than the 1.68m high boundary wall between Nos.3 & 4, if plants, shrubs or trees grow higher than this wall they will block light to the rooms on the western side of No.3; Design of the galvanised wall and gate is out of character to the house and the existing wooden boundary fence; Dustbins are to be located close to No.3 which will be unsightly and lead to unpleasant smells; Unsure what Resin Bound Gravel is, will be unhappy if loose gravel is proposed due to noise and nuisance; Concerned planting will be within 2m of Small Weeping Cherry tree at No.3 which could cause damage; Screening of air conditioning units is unclear; Sound emitted from the air conditioning units should not exceed 30 decibels to prevent noise nuisance to No.3; Garden shed will be higher than the boundary wall and in vision from No.3 which will be unsightly and block light;

Do not understand why all the constructions should be built on the eastern boundary and therefore effect No.3 when there are other suitable areas in the large site where they would not interfere with neighbours; Water capture system underneath the driveway will make a noise; Additional planting is required along the boundary between Nos.4 & 5; Unhappy with choice of trees for screening between Nos.4 & 5; Occupiers of 5 Aylwards Rise have stated that they will forward further comments in response to the most recent set of drawings.

APPRAISAL

1) Character and Appearance of the Area

In terms of the impact of the proposed hard and soft landscaping schemes on the character and appearance of the area, no specific issues were raised in the Inspector's appeal decision. Therefore condition 4 of the appeal decision can be taken as a safeguard to ensure the acceptability of the appearance of the proposed hard and soft landscaping in terms of the character and appearance of the area, given that, although the dwellinghouse had been constructed at the time of the appeal, there had at that time been little done in the way of implementing hard and soft landscaping schemes, which remains the case today. The proposed schemes of hard and soft landscaping are considered to be acceptable in terms of their impact upon the character and appearance of the area, the Council's Landscape Architect and Arboriculturalist having no objections to the schemes proposed which would improve and soften the appearance of the property in the streetscene.

The proposed works to maintain existing trees and hedgerows on the land are considered to be acceptable in terms of their impact upon the character and appearance of the area. The proposed hard landscaping scheme is considered to be acceptable in terms of its design, layout and permeability. Low rendered walls to be painted to match the property in Dulux 'Chalky Downs 4' (Ref. 30YY67/084) with Mica Grey Orsogrill Sterope fencing panels above (1.8m total height) and gates of the same material and height are proposed to secure the garden area behind the frontage of the house, this additional element being acceptable in terms of its impact upon the character and appearance of the area. The proposed minor changes to ground levels on the site are also considered to be acceptable in terms of the character and appearance of the area.

In accordance with condition 9i it was required that the schemes referred to in condition 4 of the appeal decision should include a timetable for their implementation. In accordance with this requirement it is proposed that the soft landscaping commences in November 2009 for completion of planting by 30th April 2010, which the Council's Landscape Architect considers to be an acceptable arrangement and would also comply with condition 5 of the appeal decision which requires planting within the first planting and seeding season following the approval of details. Hard landscaping works are proposed to be completed by 1st June 2010.

2) Residential Amenity

The Inspector's appeal decision makes specific reference to the issues of overlooking and privacy, stating that these are not significant issues in this case and that the development as built does not have a harmful effect on the living conditions of neighbouring occupiers, arguing that 'Some overlooking in any residential area such as this is to be expected and I do not consider the overlooking in this case to be so adverse as to justify a refusal of planning permission' (paragraph 33). The Inspector also states, in paragraph 33 of the appeal decision, '...that some mitigation measures could be undertaken, such as the planting of screening on the boundary', condition 4iv of the planning permission granted at appeal requiring 'the planting of appropriate hedges/screening adjacent to the boundaries with Nos. 3 and 5 Aylwards Rise'.

The submitted proposals, which have been revised considerably during the course of the application in accordance with requests from the Council's Landscape Architect and Arboriculturalist, are considered to represent an acceptable scheme of soft and hard landscaping which will result in the mitigation of overlooking and loss of privacy at neighbouring properties. In terms of the boundary with No.5 Aylwards Rise, it is considered that the proposed boundary hedge, dense shrub and tree planting will form a very effective screen of planting along the boundary between the two properties. It is considered that the proposed large plant and pot sizes in combination with the density of planting, types of species and change in ground levels between Nos.4 and 5 would provide very good plant cover which would quickly develop into an effective screen between the two properties. This dense screen would contain a mixture of evergreen and deciduous planting in the form of a hedge along the boundary and a line of nine very closely spaced trees adjacent to the hedge. Interplanted between the trees would be a mixture of predominantly evergreen shrubs which will ultimately grow tall. Of the nine trees, six will be deciduous but multistemmed Birch and three will be evergreen Yew. Both the Council's Landscape Architect and Arboriculturalist are satisfied that the proposals to screen this boundary are more than sufficient to mitigate overlooking and a loss of privacy at the adjacent property No.5 Aylwards Rise.

In terms of screening along the boundary with No.3 the Inspector stated in paragraph 35 of the appeal decision that 'There may also be scope for some planting along this boundary which may provide additional protection to the occupiers of No.3', however it has become apparent that the occupiers of this adjacent property do not wish for planting to grow higher than the existing boundary wall in order to protect light to habitable room windows in their flank wall closest to this boundary. As the Inspector suggested that the obscure glazing and reduction in the size of windows in No.4 would provide some mitigation of the overlooking of No.3, and given that the occupiers of No.3 do not wish to lose any light because of planting growing higher than the boundary wall, the proposal not to grow a high hedge/screen on this boundary is considered to be acceptable.

The proposed scheme therefore includes planting along the boundary with No.3 which would be controlled in height to ensure no overshadowing of the adjacent property and so would be of no detriment to the residential amenities of adjacent occupiers, the proposal being considered acceptable in this regard.

The soft landscaping proposals include details of acceptable tree protection, irrigation and for the maintenance of the hedges and screening for the next 5 years. The maintenance and irrigation of the proposed planting should ensure the establishment of a well planted site which will appropriately screen adjacent properties from the application site in compliance with condition 4 of the appeal decision and which will ensure the acceptability of the proposal in terms of its impacts upon the residential amenities of neighbouring occupiers.

3) S17 Crime & Disorder Act

It is considered that this application would not have any detrimental impacts upon community safety and is therefore acceptable in this regard.

4) Consultation Responses:

- *To screen No.5 from No.4 through planting trees would need to be sited 3m from the boundary with No.5 and be evergreen and a certain height and should prevent windows in the front of No.4 overlooking the rear garden or bedroom window at No.5, this is clearly stated in Harrow policy and does not seem to have been addressed* – It is not stated which policy this refers to but it is believed that this refers to the Council's submission at the appeal stage. The current scheme has to be assessed on its own merits and is considered to satisfy the details of the relevant condition.
- *Dustbins are to be located close to No.3 which will be unsightly and lead to unpleasant smells* – The siting of bins have been removed for the revised plans, there is no requirement for the submission of details of refuse storage.
- *Unsure what Resin Bound Gravel is, will be unhappy if loose gravel is proposed due to noise and nuisance* – No loose gravel is proposed on the frontage.
- *Concerned planting will be within 2m of Small Weeping Cherry tree at No.3 which could cause damage* – The closest tree to be planted to this feature would be sited 2.75m away which is considered to be acceptable by the Council's Landscape Architect.
- *Surprised to be receiving notification of applications concerning landscaping and air-conditioning units when building works required should take precedent* – This is not a material planning consideration in relation to this application.

Item 2/03 : P/3622/08/ML1 continued/...

- The following issues refer to elements of the scheme which have been deleted since its submission:
Details regarding proposed pump are unclear; The waterfall feature will produce an unacceptable level of noise; Garden shed will be higher than the boundary wall and in vision from No.3 which will be unsightly and block light; Water capture system underneath the driveway will make a noise; Do not understand why all the constructions should be built on the eastern boundary and therefore effect No.3 when there are other suitable areas in the large site where they would not interfere with neighbours.
- The following issues are not relevant to this application and apply to the current applications P/3603/08 and P/4010/08:
Wall colour needs to be toned down so that the building assimilates into its context and is therefore more sympathetic to its surroundings; Treatment of the roof tiles suggests they are inappropriate; The use of marble for the window cills and facings is inappropriate and inconsistent with drawing ARP/TP/6A; Only propose to replace first floor windows but the appeal decision requires all windows to be replaced as per drawing ARP/TP/6A; Portico should not be treated as a minor amendment; Original intent was to accommodate air conditioning units within the property, this is therefore where they should be relocated as opposed to attempting to mitigate their siting; Screening of air conditioning units is unclear; Sound emitted from the air conditioning units should not exceed 30 decibels to prevent noise nuisance to No.3; Do not understand why all the constructions should be built on the eastern boundary and therefore effect No.3 when there are other suitable areas in the large site where they would not interfere with neighbours
- All other issues addressed in Appraisal.

CONCLUSION

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, including any comments received in response to publicity and consultation as set out above, it is recommended to approve the details.

SECTION 3 – OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

4 AYLWARDS RISE, STANMORE, HA7 3EH	Item: 3/01 P/4010/08/ML1 Ward STANMORE PARK
DETAILS OF: 1 i) THE COLOUR OF THE WALLS OF THE HOUSE AND GARAGE; ii) THE COLOUR AND MAKE OF THE CLAY ROOF TILES OF THE HOUSE AND GARAGE; iii) THE WINDOW CILLS AND FACINGS; iv) THE GROUND SURFACING MATERIAL; v) THE BOUNDARY TREATMENT, 2) WINDOW DETAILS, AND 3) GLAZING TO FIRST FLOOR BATHROOMS PURSUANT TO CONDITIONS 1, 2 AND 3 OF PLANNING PERMISSION APP/M5450/C/07/2053532, GRANTED 24 APRIL 2008	
Applicant: Dr Abhay Shah	
Agent: David R Yeaman & Associates	
Statutory Expiry Date: 23-FEB-2009	

RECOMMENDATION

Plan Nos: 752/01D, 002, 003B; 605.1H;

Samples of:

Charcon Woburn Infilltra Autumn block paving (three sizes) – Driveway

Limestone Paving – Pathways and threshold to the driveway entrance

Golden Resin Bound Gravel – Central pathway in rear garden

Marble – Window cills and facings

Stained timber – Boundary fence

Dulux 'Chalky Downs 4' (Ref. 30YY67/084) – Walls of house and garage

Redland 'Rosemary' tiles – Roof of house and garage

REFUSE the details pursuant to the conditions described in the application and submitted plans, for the following reason(s):

- 1 The submitted details of the proposed replacement and relocation of the windows in the dwellinghouse pursuant to condition 2 of planning permission APP/M5450/C/07/2053532 fail to accord with the details on drawing no. ARP/TP/6A as required by this condition. The windows are therefore considered to remain an over dominant feature in the design of the building, and would fail to mitigate overlooking of adjacent properties, contrary to the objectives of condition 2 of planning permission APP/M5450/C/07/2053532.
- 2 The submitted details of the colour and make of the clay roof tiles of the house and garage pursuant to condition 1 of planning permission APP/M5450/C/07/2053532 outlines a proposed treatment of the existing tiles in order to accelerate weathering, contrary to the Inspector's judgement that the weathering of the tiles would not sufficiently mitigate against their adverse impact. The existing roof tiles would therefore remain a feature of the development that would be out of keeping with the character of development in the area, contrary to the objectives of condition 2 of planning permission APP/M5450/C/07/2053532.

INFORMATIVES

1 INFORMATIVE:

The applicant is advised that condition 9ii of planning permission APP/M5450/C/07/2053532 states that 'Within six months of the date of receipt...if the local planning authority refuse to approve the schemes or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State'. As this application was received by the Council on 12th December 2008, an appeal shall have been made to, and accepted as validly made by, the Secretary of State by 12th June 2009 in order to comply with this condition.

2 INFORMATIVE:

The following policies in the Harrow Unitary Development Plan (2004) are relevant to this decision:

- D4 Standard of Design and Layout
- D5 New Residential Development - Amenity Space and Privacy
- D9 Streetside Greenness and Forecourt Greenery

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Character and Appearance of the Area (D4, D9)
- 2) Residential Amenity (D4, D5)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

INFORMATION

This application is reported to the Committee under proviso F of the Schedule of Delegation issued 19th April 2007.

a) Summary

Statutory Return Type: Minor Dwellings
Council Interest: None

b) Site Description

- The site is a roughly rectangular piece of land, set at the top of Aylwards Rise.
- Aylwards Rise is a cul-de-sac of 9 detached houses accessed from Aylmer Drive.
- The rear of the site abuts Little Common Conservation Area.
- The site is approximately 43m deep on the boundary with Nos.20, 21 & 22 Fallowfield, 27m wide on the boundary with No.3 Aylmer Close, 49m deep on the boundary with No.3 Aylwards Rise and 38m wide on the boundary with No.5 Aylwards Rise.
- The property occupies a position set at an angle to the corner of the road, further forward than the frontage of No.3 Aylwards Rise.
- The property is less than 10m from the common boundary with No.5 Aylwards Rise measured on a line from the western most two-storey front corner.

- The surrounding area is comprised of large detached family houses set in landscaped gardens with substantial tree blocks and individual tree masses forming the backdrop to the area and providing privacy and separation between dwellings.
- The property is finished with a rusticated render on the ground floor, with a plain render finish on the first floor, with stone cill and window facings.
- The property is roofed in a red plain clay tile.
- Materials used for the surrounding houses are facing brickwork, render and a mixture of clay and concrete roof tiles.
- Surrounding houses are of a variety of styles, no two houses displaying the same precise characteristics.
- A number of neighbouring properties have been extended or rebuilt over the years including the adjacent property No.3 which has recently been rebuilt, other surrounding properties have been extended by a mixture of two-storey and single-storey additions including the adjacent property No.5 Aylwards Rise.
- In relation to levels, the application property is set on the highest corner of the land of Aylwards Rise.

c) Proposal Details

The proposal is for the discharge of Conditions 1, 2 and 3 of planning permission APP/M5450/C/07/2053532, granted 24th April 2008 which state:

1) Details and samples of:

- i. the colour of the walls of the house and garage;
- ii. the colour and make of the clay roof tiles of the house and garage;
- iii. the window cills and facings;
- iv. the ground surfacing material; and
- v. the boundary treatment;

shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out and retained thereafter.

2) The windows in the dwellinghouse shall be replaced and relocated to accord with those shown on drawing no. ARP/TP/6A and retained thereafter.

3) All the first floor bathroom windows shall be fitted with obscure glazing, be permanently fixed closed below a height of 1.8m above finished floor level, and retained in that condition.

d) Relevant History

P/2712/05/DFU	Replacement two storey detached house with detached garage.	GRANTED 17-MAR-06
P/979/06/DFU	Replacement two storey house with rooms in roofspace and detached garage.	GRANTED 07-JUN-06

Item 3/01 : P/4010/08/ML1 continued/...

ENF/0282/07/P	Enforcement notice regarding the alleged demolition of a two-storey house and the construction of a replacement detached two-storey house and garage which is outside the scope of planning permission P/979/06/DFU.	APPEAL APP/M5450/C/07/ 2053532 ALLOWED, PLANNING PERMISSION GRANTED 24-APR-08 CURRENT APPLICATION
P/3603/08	Retention of 4 air-conditioning units on rear elevation, with acoustic panel screen.	CURRENT APPLICATION
P/3622/08	Details of hard and soft landscaping pursuant to condition 4 of planning permission APP/M5450/C/07/2053532, granted 24 April 2008.	CURRENT APPLICATION

e) Pre Application Discussion

- None.

f) Applicant Statement

The Applicant notes that the reference to drawing ARP/TP/6A in condition 2 of the appeal decision is incorrect and that the correct reference is ARP/TP/6C, which is verified in paragraph 27 of the Inspector's Report which refers to windows being 're-located in the positions approved in the second permission'.

g) Consultations:

First notification:

Sent: 13	Replies: 2 + 7 signature petition of objection	Expiry: 27-JAN-09
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Second notification:

Sent: 13	Replies: 1	Expiry: 03-APR-09
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Summary of Response:

Property built contrary to a covenant on the land; House is different to that approved by the Council; House is out of character with the street and nothing will reduce its prominence; Tiles have not weathered to look like others in the street; Treating the tiles is ridiculous, how long would the effects of the process last for?; Wall colour needs to be toned down so that the building assimilates into its context and is therefore more sympathetic to its surroundings; Treatment of the roof tiles suggests they are inappropriate; The use of marble for the window cills and facings is inappropriate and inconsistent with drawing ARP/TP/6A; Permeability of ground surfacing and details regarding proposed pump are unclear; Only propose to replace first floor windows but the appeal decision requires all windows to be replaced as per drawing ARP/TP/6A;

Soft landscaping along boundaries with adjacent properties is inadequate, in terms of species, height and location the proposals will not provide effective screening to adjacent properties and gardens; Portico should not be treated as a minor amendment; Original intent was to accommodate air conditioning units within the property, this is therefore where they should be relocated as opposed to attempting to mitigate their siting; Previous objections stand, consider that the amendments do not overcome the Inspector's concerns as represented in the appeal decision; Occupiers of 5 Aylwards Rise have stated that they will forward further comments in response to the most recent set of drawings.

APPRAISAL

1) Character and Appearance of the Area

It is proposed by the Applicant to reduce in width six of the first floor windows in the front elevation of the dwellinghouse (excluding the central window over the portico) which they have stated will improve the proportional relationship with other windows in this elevation. Condition 2 of the appeal decision, however, does not specify individual windows which should be replaced, and so all windows in the property are covered by this condition which requires windows to be replaced and relocated in accordance with those shown on drawing ARP/TP/6A. It is noted that the appeal decision states in paragraph 27 that 'It would be possible for the windows to be reduced in size and for them to be relocated in the positions approved in the second permission which would render them less conspicuous'. Significantly, however, the drawing referred to by condition 2 is actually an approved drawing from the first, not second, permission. The drawing from the second permission which both the Council and the Applicant believe the Inspector intended to refer to is ARP/TP/6C. This issue is significant as the first permission was for a house materially smaller in size than that on site, and so the relocation of windows in accordance with the drawing from the first permission would be impractical and would not improve the property's impact on the character and appearance of the area. Given that the Inspector's decision is recent and all encompassing and notwithstanding the visual effect of implementing the requirements of the condition, it is considered that the Council is unable to accept an alternative proposal as the condition is very specific and relates to a particular drawing. Therefore, as the condition clearly states that the windows should be replaced and relocated to accord with drawing ARP/TP/6A, and as the proposal is only to relocate six first floor windows on the front elevation, the proposal is considered to be unacceptable. Therefore, despite the proposed changes to the windows, the windows would be considered to remain an over dominant feature in the design of the building which result in it being out of keeping with the character of development in the area, contrary to policy D4 of the Harrow Unitary Development Plan (2004).

In accordance with condition 9i it was required that the schemes shall include a timetable for their implementation, including the timetable of works required in condition 2 of the decision.

In terms of works proposed to relocate the windows at first floor level, this is proposed to be carried out by 30th November 2010, the Applicant justifying this time period on the basis that delays may be occurred due to the need to order materials to match the existing from abroad.

Details and samples of the proposed materials of the dwellinghouse have been submitted to the Council in accordance with Condition 1 of the appeal decision. The colour of the walls of the house and garage proposed is Dulux 'Chalky Downs 4' (Ref. 30YY67/084). This colour is considered to be a more sympathetic cream colour, as suggested would be suitable by the appeal decision, and so is considered to be acceptable in terms of its impact upon the character and appearance of the area. This element of the scheme is timetabled to be implemented by 30th November 2010.

In relation to the submitted details of the colour and make of the clay roof tiles of the house and garage pursuant to condition 1, the Applicant is proposing alternatively to treat the existing Redland 'Rosemary' roof tiles, which they argue are already weathering and now relate well to those on other properties in the area, with liquefied yoghurt to encourage faster weathering, as recommended by the tile manufacturer Redland's Technical Department. A sample of an existing tile has been submitted, along with a considerably more weathered tile sample to indicate what the tiles may look like after the weathering process is accelerated by the treatments proposed. In the appeal decision, however, the Inspector noted in paragraph 29 that 'I appreciate that the colours may fade over time but I am not persuaded that this would sufficiently mitigate against their adverse impact' and that, with regards to the roof tiles, '...the roof tiles could be replaced with tiles that better reflect the majority of houses in the area'. As the proposed details would not involve the replacement of the existing tiles, but would result in them being treated in order to accelerate weathering, this proposal is considered not to comply with the Inspector's judgement that the tiles could be replaced in order to mitigate their adverse impact on the character and appearance of the area which weathering alone would not. The roof tiles would therefore be considered to remain a feature of the development which result in it being out of keeping with the character of development in the area, contrary to policy D4 of the Harrow Unitary Development Plan (2004). This element of the scheme is timetabled to be implemented by 30th August 2009.

The window cills and facings are proposed to remain as the existing cream marble, details and samples of these features being required by Condition 1 of the appeal decision. It is considered that the material and colour would complement the proposed new wall colour, but that as the windows are not proposed to be relocated as required by Condition 2 the Council is unable to comment on the acceptability of this element of the proposal in terms of its impact on the character and appearance of the area. This element of the proposal is timetabled to be carried out by 30th November 2010, the Applicant justifying this time period on the basis that delays may be occurred due to the need to order materials to match the existing from abroad.

The proposed ground surfacing pursuant to condition 1 of the appeal decision would primarily consist of three materials for which samples have been submitted, Limestone Paving which would be used for the pathways around the house and the threshold to the driveway entrance, 'Charcon Woburn Infiltra Autumn' block paving in three sizes for the driveway, and 'Golden Resin Bound Gravel' for the central pathway in the rear garden. The Council's Landscape Architect is satisfied that the materials and methods proposed will ensure that the ground surfacing will be acceptable in terms of drainage and surface water run off. The materials and colours of the ground surfacing proposed are considered to be acceptable in terms of their impact upon the character and appearance of the area. These ground surfacing works are timetabled to be completed by 1st June 2010.

The proposed boundary treatment pursuant to condition 1 of the appeal decision is to retain the existing boundary timber fences, chainlink fences and walls, replacing any damaged sections of the waney lap fence marking the boundary with Nos.20 & 21 Fallowfield where necessary. This is considered to ensure the acceptability of this element of the proposal in terms of its impact on the character and appearance of the area. Any works required will be completed by 1st June 2010. It is noted that the Applicant has stated that they wish to retain the completed gate post on the front boundary and to complete construction of and retain the unfinished gate post. However, as full plans of the proposed works have not been provided the Council is unable to include consideration of these elements of the boundary treatment within this application, a separate planning application will therefore be required for completion and retention.

2) Residential Amenity

Condition 3 of the appeal decision requires the obscure glazing of first floor bathroom windows and that they should be permanently fixed closed below a height of 1.8m above finished floor level and retained in that condition. The submitted drawing 752/003B has labelled floor plans and elevations indicating that the requirements of this condition would be fulfilled and therefore it is considered that the overlooking from these windows would be reduced to the benefit of the residential amenities of neighbouring occupiers. However, as the windows in question are not proposed to be relocated as required by Condition 2 is considered that the Council is unable to comment on the acceptability of this element of the proposal. In accordance with condition 9i it is required that the schemes shall include a timetable for their implementation, including the timetable of works required in condition 3 of the decision. In terms of works proposed to obscure glaze and fix shut the bathroom windows at first floor level below a height of 1.8m above finished floor level this is proposed to be carried out by 30th November 2010, the Applicant justifying this time period on the basis that delays may be occurred due to the need to order materials to match the existing from abroad.

As discussed in paragraph 33 of the appeal decision, the Inspector stated that the reduction in the size of the windows in the property, as required by condition 2, ‘...would also go some way to reducing any potential for overlooking’. As the windows have not been proposed to be relocated in accordance with Condition 2, however, the Council considers that there would therefore not be the resultant benefit to residential amenity. The submitted details of the proposed replacement and relocation of the windows in the dwellinghouse pursuant to condition 2 therefore fail to accord with those shown on drawing no. ARP/TP/6A as required by this condition, and so the proposal would fail to mitigate overlooking of adjacent properties to the detriment of residential amenity, contrary to policy and D5 of the Harrow Unitary Development Plan (2004).

3) S17 Crime & Disorder Act

It is considered that this application would not have any detrimental impacts upon community safety and is therefore acceptable in this regard.

4) Consultation Responses:

- *House is different to that approved by the Council; House is out of character with the street and nothing will reduce its prominence* – The dwellinghouse as built was granted planning permission at appeal, the Inspector considering that any detrimental impacts could be overcome by compliance with the conditions attached to the appeal decision.
- *The use of marble for the window cills and facings is inappropriate and inconsistent with drawing ARP/TP/6A* – The drawing does not specify the materials to be used for the window cills and facings.
- *Portico should not be treated as a minor amendment* – It is considered that the proposed changes to the front elevation are material and so would require the submission of a separate planning application.
- *Property built contrary to a covenant on the land* – This is not a material planning consideration in relation to this application.
- The following issues are not relevant to this application and apply to the current applications P/3603/08 and P/3622/08:
Details regarding proposed pump are unclear; Soft landscaping along boundaries with adjacent properties is inadequate, in terms of species, height and location the proposals will not provide effective screening to adjacent properties and gardens; Original intent was to accommodate air conditioning units within the property, this is therefore where they should be relocated as opposed to attempting to mitigate their siting;
- All other issues addressed in Appraisal.

CONCLUSION

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, including any comments received in response to publicity and consultation as set out above, it is recommended to refuse the details.

SECTION 4 – CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

None

SECTION 5 - PRIOR APPROVAL APPLICATIONS

None