

## SECTION 1 – MAJOR APPLICATIONS

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Item: 1/01

**TOWNSEND HOUSE, 160 NORTHOLT ROAD, SOUTH HARROW, HA2 0PG** P/2457/09/SL/MAJ

Ward ROXBOURNE

CHANGE OF USE OF EXISTING BUILDING FROM B1 (OFFICE) USE TO D1(C) (EDUCATION) USE.

**Applicant:** MR MAHASH PATEL

**Agent:** PRESTON BENNETT PLANNING

**Statutory Expiry Date:** 22-JAN10

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### RECOMMENDATION

**GRANT** planning permission subject to conditions.

### REASON

The decision to recommend **GRANT** of planning permission has been taken having regard to the policies and proposals in The London Plan [2008] and the saved policies of Harrow's Unitary Development Plan [2004], and to all relevant material considerations, to meet the Vision of the Council in maintaining high standard of education facilities, as detailed in Harrow's Sustainable Community Strategy [Mar 09], and any comments received in response to publicity and consultation.

#### **National Planning Policy:**

Planning Policy Statement 1: Delivering Sustainable Development  
Planning Policy Guidance 13: Transport

#### **The London Plan [2008]:**

3A.3 Maximising the potential of sites  
3B.1 Developing London's economy  
3B.11 Improving employment opportunities for Londoners  
3C.2 Matching development to transport capacity  
3C.23 Parking strategy  
4B.5 Creating an inclusive environment

#### **Saved Policies of the London Borough of Harrow Unitary Development Plan [2004]:**

ST1 Land Uses and the Transport Network  
S1 The Form of Development and Pattern of Land Use  
EM13 Land and Buildings in Business Use – Designated Areas  
EM15 Land and Buildings in Business, Industrial and Warehousing – Outside Designated Areas  
EM21 Long Term Vacancies  
C7 New Education Facilities  
C16 Access to Buildings and Public Spaces  
T6 The Transport Impact of Development Proposals  
T13 Parking Standards

Access for All SPD [2006]

Harrow's Sustainable Community Strategy [Mar 09]

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**MAIN CONSIDERATIONS AND POLICIES [The London Plan 2008 & Saved Policies of Harrow's Unitary Development Plan 2004 and any other relevant guidance]**

- 1) Principle of Development and Land Use [Loss of B1 Floorspace]**  
The London Plan 2008: 3A.3, 3B.1, 3B.11, 3C.2, 3C.23, 4B.5  
London Borough of Harrow UDP 2004: ST1, S1, EM13, EM15, EM21, C7, C16, T6, T13
- 2) Proposed Development**  
The London Plan 2008: 3A.3, 3B.1, 3B.11, 3C.2, 3C.23, 4B.5  
London Borough of Harrow UDP 2004: ST1, S1, EM13, EM15, EM21, C7, C16, T6, T13
- 3) Access**  
The London Plan 2008: 3D.7, 4B.5  
London Borough of Harrow UDP 2004: C16
- 4) Highways**  
The London Plan 2008: 3C.2, 3C.21, 3C.23  
London Borough of Harrow UDP 2004: T6, T13
- 5) S17 Crime & Disorder Act**  
London Borough of Harrow UDP 2004: D4
- 6) Consultation Responses**

**INFORMATION**

**a) Summary**

Statutory Return Type: Major Development Departure  
Site Area: 0.19 ha  
Car Parking: Provided 37 [including 4 disabled]  
Council Interest: None

**b) Site Description**

- Existing five-storey B1 office building comprising 2,232sqm;
- Located in designated Business Use area as identified in Harrow's UDP Proposals Map 2004;
- Service yard and car park area to the rear;
- Single main entrance to offices on left side of ground floor front elevation;
- Northolt Road identified as a London Distributor Road;
- South Harrow Tube Station 135m from the site;
- South Harrow designated retail centre begins approximately 70m from proposal site; and
- Residential properties across Pitt Road to rear of site.

**c) Proposal Details**

- Change of use from B1 (office) to D1(c) (education).

**d) Relevant History**

- Change of use of ground floor from B1 (office use) to A1 (retail use) [P/3616/06/COU] withdrawn;
- Change of use of ground floor from B1 to A1 (retail) and D1 (surgery) and 1st and 2nd floors from B1 to D1 [P/0414/07/CFU] withdrawn;
- Change of use from B1 (office) to A1 (retail) [P/1283/07/CFU] refused 31.05.07.

- Appeal against P/1283/07/CFU [App/M5450/A/07/2050599] dismissed 23-OCT-07. The Inspector saw no *'convincing evidence'* to demonstrate that the current space does not meet existing or future office demand.

**e) Pre Application Discussion**

- Discussions with Harrow's Divisional Director of Planning and Senior Development Engineer.

**f) Applicant Statement**

- The change of use is to meet the requirements of Zaskin College, an existing education institution with premises on Lyon Road in Harrow. These premises are no longer appropriate for the College and they are looking to expand in to larger premises to allow a greater intake of students [from 55 to 500] on a wider range of courses.
- This expansion of the facility would re-introduce an employment generating use into this currently unoccupied and vacant building. The enclosed report details the extensive marketing exercise that has been undertaken over the period of the last three years with no formal interest from a B1 user.

**g) Consultations**

- As below

**Site Notice:**

Major Development &  
Departure

Expiry Date : 09-DEC-09

**Notifications:**

Sent: 100

Replies: 0

**Summary of Responses:**

- None

**APPRAISAL**

**1) Principle of Development and Land Use [Loss of B1 Business Floorspace]**

The applicant has provided sufficient evidence to demonstrate the loss of B1 business use on this site and an assessment of current B1 / office vacancy floorspace in Harrow is detailed in the assessment of the principle of development [change of use].

Saved UDP Policy EM13 identifies the application site as being a designated *Business Use Area*, and states that the Council *'will resist the loss of land and buildings... from business and light industrial (B1) uses.'*

Townsend House has been vacant and heavily marketed since September 2006. The building could therefore be considered to represent an under-used resource.

In order to further justify the loss of buildings from B1 use in Harrow, proposals are judged against the criteria of saved UDP Policy EM15.

Though the applicant acknowledges that saved UDP Policy EM15 refers to B1 uses outside of designated areas, given the amount of time and unsuccessful marketing efforts carried out at Townsend House over the last **three** years, it is considered that these criteria are an appropriate test to determine the acceptability of this '*Departure*' application proposal, which would result in a permanent employment use, whilst meeting educational needs of the Borough.

The **seven** criteria of saved UDP Policy EM15 are, accordingly, examined and addressed below:

*a) Sufficient provision of other sites or premises available for B1, B2 or B8 Use exists within the local area and throughout the remainder of the Borough.*

As set out in significant detail within the Chamberlain Commercial Marketing Report and at Paragraphs 6.4-6.7, there is an existing significant surplus of B1 office space throughout the Borough. The applicant has also provided additional material to support this, which comprises a report of Harrow Council detailing the significant number of office buildings that are currently being marketed. It is therefore contended that the loss of this vacant B1 building is fully justifiable given the surplus of existing B1 office space throughout Harrow.

*b) There will be no unacceptable harm to the local economy resulting from the loss.*

Further to the demonstrated surplus of B1 office space in the Borough, the change of use from B1 office use to D1(c) education use is proposed in the context that there is an identified and agreed user in Zaskin College. This proposed education use will be an important provider of employment in the locality. As set out in Paragraph 5.9 of Preston Bennett's Planning Statement, Paragraph 3.117 of the London Plan recognises education facilities as a '*major employer*.' With the additional business that local shops and facilities will experience as a result of the students and lecturers of Zaskin College compared to the status currently [vacant], it is transparent that the change of use would not result in any harm to the local economy indeed, it is likely it would have a positive catalyst and '*multiplier*' effect on the vitality and viability of the local area and South Harrow.

*c) There is satisfactory evidence that the site has been extensively marketed for B1, B2 and B8 use.*

As demonstrated above and set out in Preston Bennett's Planning Statement, Chamberlain Commercial's extensive and detailed Marketing Report clearly sets out the unsuccessful marketing efforts carried out since September 2006. This is considered to be a significant period of time, over which the marketing efforts are clearly outlined within the report. As set out at Paragraph 6.3 of the Planning Statement, the Council objected to a previous change of use of the ground floor to A1 retail use [P/1283/07] due to a perceived lack of marketing by way of justification. It is considered that the marketing efforts and flexible terms on which the building was offered has been clearly demonstrated for a period in excess of **three** years and now fully justifies the change of use.

*d) The site has been vacant for a considerable length of time.*

The marketing efforts have been undertaken since the office building was vacated in September 2006. A significant period of time has therefore lapsed and it is considered that the locality in particular would benefit from bringing the building back into use as an employment-generating establishment.

*e) In the case of B2 or B8 uses, continued use of the site for these purposes would be severely detrimental to the amenity of the occupiers of neighbouring residential properties.*

This is not relevant to this proposal for a change of use from B1 to D1(c).

*f) Access to the site by public transport is poor and is unlikely to be improved.*

This criteria is also not strictly relevant. The site is very well served by public transport, though it is considered this has not influenced the interest in the building from potential B1 occupiers. This accessibility will significantly benefit the proposed education use, who have a large number of overseas students [non-car users], reducing reliance on the private car and the number of vehicle trips that would otherwise be associated with office use. Further detailed analysis in this regard can be found in the Transport Statement submitted in support of the application, prepared by EAS Transport.

*g) Access for delivery vehicles [where this is required] is poor and cannot be reasonably improved.*

As with the criteria above, the access arrangements will not change, with the retention of the rear car parking area off Stanley Road. Despite the provision of this off-road parking and delivery area, this has not attracted potential B1 users. The current arrangements will remain unaffected by the proposed education use.

In conjunction with the Planning Statement and the Marketing Report submitted, supplemented by additional office floorspace availability data, it is considered there is reasoned justification for the 'Departure' application for the loss of this vacant building on this site designated in Harrow's UDP 2004 as a Business Use Area from B1 office use to D1(c) education use.

The site has been vacant and extensively marketed since September 2006. With the demonstrated significant surplus of vacant office space throughout Harrow, it is considered that the proposal is wholly appropriate for a change of use to D1(c) education, which would generate an important and recognised source of employment, boosting the local economy and meeting further and higher educational needs by enhancing education provision in the Borough.

Accordingly, the principle of development is considered acceptable and would not undermine the objectives of Harrow's UDP 2004 to retain this part of Harrow as a defined and designated Business Use Area. This has been demonstrated by the applicant in the provision of information resulting from the lack of demand for B1 office use.

**2) Proposed Development**

The proposed change of use requires only internal changes to the former office layout, with new partitioning to create suitable spaces to accommodate the college use. The proposal would not result in any changes to the external appearance or fabric of the building.

**3) Access**

There are existing lifts to this five-storey development. Accordingly, the building appears compliant with Harrow Council's Access for All SPD 2006.

**4) Highways**

The site is within walking distance of a nine bus routes, and approximately 100m north-east of South Harrow Station. This results in a PTAL 5 rating for the site, indicating it is in a highly accessible location. As such, it is considered that Townsend House is an ideal location for an educational use [Policy C7], given the requirements of national, strategic and local planning policy for such facilities to be located in areas that minimise reliance on use of the private car.

There are currently 43 car parking spaces, which will be reduced to 37 spaces but this reduction will now facilitate four disabled spaces. 12 cycle spaces will also be provided with motorcycle parking also. Whilst Zaskin College does not currently operate a formal Travel Plan at its current premises, it is proposed that a Travel Plan would be adopted following occupation of Townsend House. The requirement for the Travel Plan, which would complement and be appropriate for this proposed change of use, would be secured by way of planning condition.

EAS' Transport Statement concluded the site's accessibility and proximity to local services results in an ideal location for a college facility. In respect of highway capacity and safety, the low level of car trips associated with the proposed D1 education use would be imperceptible, and in any event significantly lower than a B1 re-use. Furthermore, any trip movements would be spread throughout the day with teaching classes proposed from 9am to 5pm, and evening study / courses up to 9pm. As such, it is considered there is no foreseeable reason on transport impact grounds to prevent change of use proposed.

Harrow's Senior Development Engineer is satisfied with the proposal subject to the provision of a Green Travel Plan, secured as a condition to any planning consent.

**5) Reasoned Justification**

Zaskin College wishes to occupy Townsend House and are currently in the process of securing the lease of the property. The further and higher education institution has outgrown its current premises in Lyon Road and require additional space to expand the College, improve facilities for staff and students alike, allowing them to offer an additional range of fully accredited courses, enhancing the education provision on offer in Harrow and the wider area, whilst increasing tutoring and administrative staff employment.

The proposed change of use would reintroduce employment provision within this currently vacant building. In combination of these factors it is therefore considered that the loss of office space in this designated Business Use Area can be fully justified in accordance with London Plan Policy 3B.11 and saved UDP Policies C7 and EM21.

The change of use also accords with relevant community and education planning policies, providing for an identified requirement of expansion of an existing institution, improving the provision on offer, and being in a highly accessible location, in immediate proximity to public transport links, reducing reliance on the private car.

**6) S17 Crime & Disorder Act**

It is considered that the proposal would not have any detrimental impact upon community safety and is therefore acceptable on these grounds.

**7) Consultation [External] Responses**

None received.

**CONCLUSION**

It is considered that the change of use proposal to Class D1(c) educational use is wholly appropriate for Townsend House and, for the reasons set out above and supported by a robust three year marketing exercise and Transport Statement and Travel Plan, this proposal on balance, is acceptable.

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** subject to the following conditions and completion of the legal agreement:

**CONDITIONS**

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 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 use hereby permitted shall not be commenced 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.

3 Prior to first occupation of the building, details of any lighting scheme including hours of operation shall be submitted to and approved in writing by the Local Planning Authority. Such details as approved shall thereafter be permanently retained.

REASON: To meet the needs for safety and security for users of the site.

4 The development shall provide for people with mobility impairments, to gain access to and egress from the building without the need to negotiate steps. The development shall not be occupied until the works have been completed and thereafter permanently retained.

REASON: To ensure that the development will be accessible for people with disabilities.

5 Prior to first occupation, the 37 car parking spaces hereby permitted including four to disabled standard shall be marked out and thereafter permanently retained.

REASON: To ensure an appropriate level of car parking provision and in the interest of pedestrian and highway safety.

6 Prior to first occupation, details of a Green Travel Plan shall be submitted to and approved in writing by the local planning authority. Such details as approved shall thereafter be permanently retained.

REASON: In the interest of reducing use of the private car.

## **INFORMATIVES**

### **1 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.

### **2 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](mailto:communities@twoten.com)

### **3 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 (i.e. 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.)

#### 4 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:  
The London Plan [2008]:

3A.3 Maximising the potential of sites

3B.1 Developing London's economy

3B.11 Improving employment opportunities for Londoners

3C.2 Matching development to transport capacity

3C.23 Parking strategy

4B.5 Creating an inclusive environment

Saved Policies of the London Borough of Harrow Unitary Development Plan [2004]:

ST1 Land Uses and the Transport Network

S1 The Form of Development and Pattern of Land Use

EM13 Land and Buildings in Business Use – Designated Areas

EM15 Land and Buildings in Business, Industrial and Warehousing – Outside Designated Areas

EM21 Long Term Vacancies

C7 New Education Facilities

C16 Access to Buildings and Public Spaces

T6 The Transport Impact of Development Proposals

T13 Parking Standards

#### 5 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 / 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.

#### 6 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.
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- 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.

7 INFORMATIVE:

With regard to water supply, this comes within the area covered by the Three Valleys Water Company, PO Box 48, Bishops Rise, Hatfield, Herts AL10 9AL. 01707 268111.

Plan Nos: Red Line Location Plan; 1628-2; 1628-3-A; 1628-5; 1628-6-B; 1628-7-B; 1628-8-B; 1628-9-A; 1628-10-A; 1628-11-A; Planning Statement prepared by Preston Bennett Planning; Transport Statement prepared by EAS Transport Planning; Marketing History Report prepared by Chamberlain Commercial; and College Statement prepared by Zaskin College



## SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

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<b>6 NORMAN CRESCENT, PINNER, HA5 3QN</b>	<b>Item: 2/01</b> <b>P/2368/09/EJ/W</b> Ward PINNER
SINGLE STOREY FRONT, SINGLE AND TWO STOREY SIDE AND REAR EXTENSIONS	
<b>Applicant:</b> Mr Siva	
<b>Agent:</b> Mr Rishi Patel	
<b>Statutory Expiry Date:</b>   10-DEC-09	

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### RECOMMENDATION

The decision to **GRANT** permission has been taken having regard to the policies and proposals in the London Plan and the saved policies of 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 2008: 4B.1,

Harrow Unitary Development Plan: D4, D5 and SPG - Extensions: A Householders Guide (2008).

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### MAIN CONSIDERATIONS AND POLICIES (London Plan 2008 and saved policies of the Harrow UDP 2004 and any other relevant guidance)

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

### INFORMATION

This application is reported to the Committee as a petition of 11 signatures opposing the proposal was received

#### a) Summary

Statutory Return Type: Householder  
Council Interest: None

#### b) Site Description

- The subject site is located on the northern side of Norman Crescent. The site contains a two storey detached dwelling with a single storey rear extension and a single storey garage to the side of the dwelling
- The neighbouring property to the east, no. 4 Norman Crescent, is a two storey detached dwelling with an attached single storey garage to the side of the dwelling
- The neighbouring property to the west, no. 8 Norman Crescent, is a two storey detached dwelling with a side and rear dormer and a single storey side to rear extension
- The surrounding area is characterised by two storey detached dwellings

**c) Proposal Details**

- To construct a single storey front and single and two storey side to rear extension.
- The proposed two storey side extension would project 2.55m in width from the flank wall of the dwelling
- The two storey side extension would extend from the main front wall of the dwelling to the main rear wall of the dwelling
- A space of approximately 1 metre would be retained between the flank wall of the two storey side extension and the boundary shared with 6 Norman Crescent
- The first floor element of the side extension would be set back 1m from the main front wall of the dwelling
- It would have a subordinate hipped roof over
- It would then wrap around to create a two storey rear element. This would have a depth of 2.2m from the main rear wall of the existing dwelling
- There would be a single storey rear element that would project to a depth of 1m from the proposed two storey element (3.2m from the main rear wall of the existing dwelling.)
- It would have a pitched roof with a height of 2.9m at the midpoint of the pitch.
- The proposed single storey side element would have a pitched roof with a height of 2.5m at the eaves.
- There would be a window at ground and first floor level in the front elevation of the proposed two storey side extension
- There would be windows and patio doors on the rear elevation and three rooflights in the roof of the proposed ground floor rear extension
- There would be two high level flank windows and one window at ground floor level and one window at first floor level on the eastern flank wall of the dwelling
- There would be two windows and an access door at ground floor level and one large window to serve the stairwell at first floor level to the western flank elevation.

**d) Revisions to the previously withdrawn application P/1587/09:**

- The width of the two storey side extension from 3.5m to 2.55m
- Reduction in height of the two storey side extension
- The first floor element of the side extension would be set in 1m from the main front wall of the dwelling
- Removal of the proposed bay window and porch on the front elevation
- Removal of the single storey side extension

**e) Relevant History**

P/1587/09	Single storey front single and two storey side and rear extensions	WITHDRAWN
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**f) Pre-Application Discussion**

- None

**g) Applicant Statement**

- None

**h) Consultations:**

The Pinner Association: No response

**Notifications:**

Sent: 11

Replies: 3

Expiry: 17-NOV-09

Plus 1 petition containing 11

signatures objecting to the proposal

**Summary of Response:**

Summary of responses:

Size and scale of proposal would be out of place and overbearing

Bulky and not in keeping with the character of the locality

Will result in overshadowing, loss of amenity and outlook

Flank windows would impact privacy

## **APPRAISAL**

### **1) Character and Appearance of the Area**

Saved policy D4 in Part 2 of the Harrow Unitary Development Plan (2004) requires high standards of design in all new development, including extensions to existing buildings. The policy requires that the design of new development be considered in the context of its site and surroundings and have regard to the scale and character of the surrounding environment.

Paragraph B.10 of the SPG requires a minimum set back of the first floor front wall by at least 1m behind the main front wall with a subordinate pitched roof. As the proposed first floor side element would be set back 1m from the main front wall of the dwelling, it is considered that the extension would be acceptable as it would be subordinate to the main dwelling and would be in keeping with the detached character and appearance of the dwelling and the area.

It is considered that the proposed two storey rear element would not have a detrimental effect on the character and appearance of the area. The extension would project to a depth of 2.2m and would respect the scale and character of the existing dwelling.

It is considered that the proposed single storey rear extension would not have a detrimental impact on the character and appearance of the dwelling or the surrounding area. The single storey extensions would appear subordinate and the materials would match the existing dwelling.

It is considered that the proposed two storey side extension and single storey front extension would not have a detrimental effect on the character and appearance of the dwelling in the street scene and it would comply with saved policy D4 of the Harrow Unitary Development Plan or the SPG.

## **2) Residential Amenity**

The proposed two storey side to rear extension would not have an adverse effect upon the amenity of the neighbouring property at no. 8 Norman Crescent. The extension would be sited 1m from the shared boundary and approximately 3m to the flank wall of no. 8. It is considered that due to the separation distance the extension would not result in any loss of light to no. 8.

There would be two windows at ground floor level to serve the proposed WC and utility room and one window at first floor level to serve the stairwell. It is considered that the proposed two storey side extension would not result in an unreasonable loss of privacy to No. 8 Norman Crescent, the proposed flank windows would not serve habitable rooms and it is considered there would be no unreasonable overlooking to the neighbouring property. There would also be a door to the western flank wall to provide access to the utility room, paragraph 3.8 of the SPG outlines that new doors in the side walls of extensions may give rise to overlooking of existing doors or windows in an adjacent elevation. They can also result in unreasonable disturbance and activity where they are sited within 3 metres of a shared boundary. The proposed flank door would be located approximately 1m from the side boundary and 3m to the flank wall of the dwelling at no. 8 Norman Crescent. It is considered that the proposed flank door would not result in an unreasonable level of disturbance or loss of privacy to no. 8 as there are no flank windows to the dwelling at no. 8, furthermore the door would be located to the rear of the dwelling at no. 8.

The proposed single storey rear extension would project to a depth of 3.2m from the main rear wall of the subject dwelling. It would project approximately 3.2m from the main rear wall of no. 4 and 8 Norman Crescent. The SPG states that single storey rear projections of up to 3m beyond the main rear wall of adjacent detached dwellings would normally be acceptable. Where a greater depth is acceptable the additional element should be set away from the boundary with an attached dwelling by twice the amount of additional depth – the two for one rule (paragraphs C.2 and C.5). Although the proposed single storey rear extension would project an additional 0.4m it would be set away approximately 4.5m from the flank wall of no. 8 Norman Crescent and approximately 2m from the flank of the attached garage at no. 4 Norman Crescent. It is considered that due to this separation distance the proposal would not result in a loss of light or appear overbearing and would comply with the SPG.

The proposed first floor element of the side and rear extension would not be intersected by the 45-degree angle (paragraph 3.14(i) of the SPG) measured from the first floor front or rear corners of the adjacent dwelling at No. 8 Norman Crescent. The proposed first floor extension would be located adjacent to the shared boundary with No. 8. No. 8 does not have any protected windows located on the flank wall. The proposal would not result in the over shadowing of any habitable rooms.

It is considered that the proposed first floor rear extension would not have an unreasonable effect on the neighbouring dwelling at no. 4 Norman Crescent, the proposed extension would not interrupt the 45° splay when taken from the first floor rear corner and would therefore not result in an unreasonable loss of light to this dwelling.

It is considered that the proposed windows in the eastern flank elevation at ground floor level would no result in a loss of privacy to No. 4 Norman Crescent. Although the proposed windows would serve habitable rooms, they would be obscure glazed and high level therefore there would be no unreasonable overlooking to the neighbouring dwelling, furthermore the proposed windows would face the single storey garage extension and no. 4 where there are no flank windows.

It is considered that the proposed glazing to the rear would result in no unreasonable loss of privacy to the neighbouring properties, any overlooking from the proposed windows on the rear elevation would be at oblique angles over the neighbouring rear gardens.

It is considered that the proposal would comply with the SPG and saved policies D4 and D5 of the UDP and would not have an unreasonable effect on the residential amenity of the neighbouring occupiers.

**3) S17 Crime & Disorder Act**

The proposal is not expected to have any impact in relation to this legislation.

**4) Consultation Responses:**

Size and scale – addressed in section 1 of the report

Character – addressed in section 1 of the report

Overshadowing, loss of amenity and privacy – addressed in section 2 of the report

**CONCLUSION**

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, this application is recommended for grant, subject to the following condition(s):

**CONDITIONS**

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 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.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no window(s) / door(s), other than those shown on approved plan shall be installed in the flank wall(s) of the development hereby permitted without the prior permission in writing of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents.



4 The window(s) in the flank wall(s) of the approved development shall:

- a) be of purpose-made obscure glass,
- b) be permanently fixed closed below a height of 1.7 metres above finished floor level, and shall thereafter be retained in that form.

REASON: To safeguard the amenity of neighbouring residents

## **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

Harrow Unitary Development Plan: D4, D5 and SPG – Extensions: A Householders Guide 2008

### **2 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.

### **3 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](mailto:communities@twoten.com)

Plan Nos: P0100 Rev E, P/0101 Rev A

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**190 KENMORE AVENUE, HARROW, HA3 8PR**      **Item: 2/02**  
**P/2761/09/ML1/E**

Ward      KENTON WEST

CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT: DETACHED  
OUTBUILDING IN REAR GARDEN

**Applicant:** Mrs P Patel  
**Agent:** Mr S Bharde  
**Statutory Expiry Date:** | 25-JAN-10

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## **RECOMMENDATION**

**GRANT** a Certificate of Lawful Proposed Development for the development described in the application and submitted plans.

## **REASON**

The decision to recommend grant of a Certificate of Lawful Proposed Development has been taken having regard to the limitations set out in Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 1995, as amended by The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, relating to development within the curtilage of a dwellinghouse.

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## **MAIN CONSIDERATIONS**

- 1) Compliance with Permitted Development Limitations

## **INFORMATION**

This application is reported to the Committee because the applicant is a Council employee.

### **a) Summary**

Statutory Return Type: 26. Other  
Council Interest: None

### **b) Site Description**

- Two storey semi-detached dwellinghouse.
- The dwellinghouse has an existing front porch extension, hip to gable and rear dormer roof extension, single storey rear extension and detached outbuilding in the rear garden.
- The property is not listed, nor is it located in a conservation area.

### **c) Proposal Details**

- Construction of a detached outbuilding in the rear garden.
- The proposed outbuilding would be sited 3.7 metres from the rear wall of the single storey rear extension and would measure 3.46 metres by 6.95 metres.
- The outbuilding would have a height of 2.5 metres with a flat roof.

**d) Relevant History**

P/0079/08	Certificate: Demolition of detached garage, alterations to roof from hip to gable, rear dormer and two velux windows on front roof slope	GRANT 16-JAN-08
P/1486/09	Single storey rear extension & detached boiler house	GRANT 10-SEP-09

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- N/A

**g) Consultations:**

- No consultation is required or undertaken for a Certificate of Lawful Proposed Development application.

**APPRAISAL**

**1) Compliance with Permitted Development Limitations**

This Certificate of Lawful Proposed Development application relates to a proposed detached outbuilding in the rear garden of this dwellinghouse. Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 1995, as amended by The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, relating to the provision of a building or enclosure within the curtilage of a dwellinghouse for a purpose incidental to the enjoyment of the dwellinghouse as such, and this is therefore the relevant class in relation to the proposed development. The proposed outbuilding would be used as an ancillary store and such a use is incidental to the enjoyment of the dwellinghouse.

Section E.1 of the above order states that 'development is not permitted by Class E if-

*(a) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).*

The total curtilage of the dwellinghouse, excluding the ground area of the original dwellinghouse, is 225.4m<sup>2</sup>. Therefore, 50% of the total curtilage is 112.7m<sup>2</sup>. The combined ground area of the existing front porch, single storey rear extension and detached outbuilding is 58.35m<sup>2</sup>. The ground area of the proposed detached outbuilding would be 24m<sup>2</sup> and the combined area of the existing and proposed developments is 82.35m<sup>2</sup>. This would therefore be less than 50% of the total curtilage of the dwellinghouse.

*(b) any part of the building, enclosure, pool or container would be situated on land forward of the principal elevation of the original dwellinghouse.*

The proposed outbuilding would be situated in the rear garden of the dwellinghouse, behind the original rear wall and would therefore not be forward of the principal elevation.

(c) *the building would have more than one storey.*

The proposed outbuilding would be single storey.

(d) *the height of the building, enclosure or container would exceed-*

*(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse.*

The outbuilding would be within 2 metres of the boundary of the curtilage of the dwellinghouse and would have a maximum height of 2.5 metres.

(e) *the height of the eaves of the building would exceed 2.5 metres.*

The maximum height of the proposed building would be 2.5 metres.

(f) *the building, enclosure, pool or container would be situated within the curtilage of a listed building.*

The outbuilding would not be within the curtilage of a listed building.

(g) *it would include the construction or provision of a veranda, balcony or raised platform.*

The proposed building would not include a veranda, balcony or raised platform.

(h) *it relates to a dwelling or a microwave antenna.*

The proposed building would be used as an ancillary store and would therefore not be a dwelling. The proposal would not relate to a microwave antenna.

(i) *the capacity of the container would exceed 3,500 litres.*

A domestic fuel container is not proposed so this is not relevant.

Section E.2 relates to dwellinghouses within a World Heritage Site, a National Park, an area of outstanding natural beauty or the Broads. The application dwellinghouse does not fall within any of these designations.

Section E.3 relates to dwellinghouses within Conservation Areas. The application dwellinghouse is not located in a Conservation Area.

The proposed detached outbuilding would be built entirely within the curtilage of the dwellinghouse and there are no planning conditions removing permitted development rights or any other relevant developments on the land.

## **CONCLUSION**

For all the reasons considered above, the proposal complies with the relevant limitations set out in Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 1995, as amended by The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, relating to development within the curtilage of a dwellinghouse. It is therefore recommended that a Certificate of Lawful Proposed Development be issued.

## **DETAIL OF FORMAL DECISION NOTICE**

1 This is a semi-detached dwellinghouse with an existing front porch extension, hip to gable roof extension, single storey rear extension and detached outbuilding in the rear garden. The property is not listed, nor is it located in a conservation area. The proposal is to construct a detached outbuilding in the rear garden for use as an ancillary store.

2 The proposed detached outbuilding would not be situated on land forward of a wall forming the principal elevation of the dwellinghouse, would, in conjunction with the existing developments on the site, occupy an area of less than 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse) and would not have more than one storey.

3 The proposed detached outbuilding would be within 2 metres of the side boundary of the curtilage of the dwellinghouse and would have a flat roof that would not exceed 2.5 metres in height.

4 The proposed outbuilding would accommodate a store room to be used incidental to the enjoyment of the main dwellinghouse.

5 The proposed detached outbuilding would be built entirely within the curtilage of the dwellinghouse and there are no planning conditions removing permitted development rights or any other relevant developments on the land.

6 The proposed detached outbuilding is permitted by Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 1995, as amended by The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

## **INFORMATIVES**

### **1 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:

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Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

### **2 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.

3 INFORMATIVE:

You should be aware that, whereas a planning permission is valid for three years, a Certificate is only valid for as long as the permitted development legislation that gave rise to the decision remains in place. This could mean that, if the legislation changes after the Certificate was determined, your proposals may no longer be permitted development. In this case this Certificate decision was based on the revised permitted development rights for householders that the Government brought into effect on 1 October 2008. For further advice on the current householder permitted development guidance an interactive guide is available on the Planning Portal on:

<http://www.planningportal.gov.uk/england/genpub/en/1115311947777.html> and the full Statutory Instrument published by the Government can be seen on: [http://www.opsi.gov.uk/si/si2008/uksi\\_20082362\\_en\\_1](http://www.opsi.gov.uk/si/si2008/uksi_20082362_en_1).

Plan Nos: 09/026/1 Rev B; 2 Rev A; 3 Rev A; Site Plan

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**NOWER HILL HIGH SCHOOL, PINNER ROAD, HA5 5RP**

**Item: 2/03**

**P/2003/09/LM/C**

Ward: HEADSTONE NORTH

PROPOSED USE OF EXISTING CAR PARKING AREA AS HARDSURFACED PLAY AREA AND RETENTION OF HARDSTANDING ADJACENT TO NEW POST 16 BLOCK FOR CAR PARKING (31 SPACES)

**Applicant:** Harrow Council – Mr Allen Gibbons

**Agent:** LOM Architecture and Design – Mr Simon Bird

**Statutory Expiry Date:** | 20-NOV-09

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## **RECOMMENDATION**

Under Regulation 3 of The Town and Country Planning General Regulations 1992, GRANT permission for the development described in the application and submitted plans.

Regulation 3 applications are applications for planning permission by an interested planning authority to develop any land of that authority. In this instance, the applicant is LB Harrow and the land at Nower Hill High School is owned by LB Harrow.

The decision to **GRANT** permission has been taken having regard to the policies and proposals in the Harrow Unitary Development Plan and other relevant documents 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:

4A.1, 4A.3, 4A.4, 4A.7, 4B.1, 4B.5 and 4C.8

Harrow Unitary Development Plan:

- D4 - The Standard of Design and Layout
- EP12 – Control of Surface Water Run-Off
- EP22 – Contaminated Land
- EP25 – Noise
- EP47 – Open Space
- T6 – The Transport Impacts of Development Proposals
- T13 – Parking Standards
- C7 – New Education Facilities
- C16 – Access to Buildings and Public Spaces

Supplementary Planning Guidance: Designing New Development (March 2003).

Supplementary Planning Document: Access For All (2006)

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## **MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, the saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance)**

- 1) Use and Character and Appearance of the Area (C7, EP47 & D4)
- 2) Residential Amenity (EP25)
- 3) Surface Water Run-Off and Contaminated Land (EP12 & EP22)
- 4) Parking and Highway Safety and Access For All (C16, T6 & T13)
- 5) S17 Crime & Disorder Act (D4)
- 6) Consultation Responses

## **INFORMATION**

The application is reported to Committee because the Council is the land owner.

### **a) Summary**

Statutory Return Type: Minor Developments, all others

Council Interest: The Council is the freehold owner of the site

### **b) Site Description**

- The site is adjacent to George V Avenue, with frontages to both George V Avenue and Pinner Road
- The original school was built in 1929 and since then has been extended over the years.
- The school is made up of a number of buildings 2-4 stories in height, mainly located to the south of the site. Playing fields and games courts are located to the north of the site.
- The site is accessed from both George V Avenue and Pinner Road
- Part of the site is designated open space

### **c) Proposal Details**

- Proposed use of approximately 730m<sup>2</sup> hardsurfaced existing car parking area adjacent Sport and Expressive Arts Block for play area.
- Retention of approximately 1000m<sup>2</sup> of hardsurfacing for 31 car parking spaces, including two disabled parking spaces, adjacent new post 16 building.

### **d) Revisions to Current/Previous Application:**

- N/A

### **e) Relevant History**

P/1179/08CFU	THREE-STOREY EXTENSION TO SCHOOL TO PROVIDE POST-16 EDUCATION FACILITY AND ASSOCIATED WORKS	GRANT 09-JUN-08
P/2645/08	RETENTION OF TWO TEMPORARY CLASSROOMS FOR TWO YEARS TO NORTHERN SIDE OF SCHOOL	GRANT 21-NOV-08
P/3864/08	VARIATION OF CONDITIONS NO.S 2 (INVESTIGATION OF CONTAMINATION), 3 (VEHICULAR ACCESS), 7 (MATERIALS), 8 (SEWAGE), 9 (SURFACE WATER DRAINAGE) AND 10 (SURFACE WATER ATTENUATION) ATTACHED TO PLANNING PERMISSION P/1179/08/CFU DATED 09-JUN-08 FOR THREE-STOREY EXTENSION TO SCHOOL TO PROVIDE POST-16 EDUCATION FACILITY	GRANT 31-DEC-08
P/3898/08	DETAILS PURSUANT TO CONDITION 2 (LAND CONTAMINATION) ATTACHED TO PLANNING PERMISSION P/1179/08/CFU	GRANT 03-APR-09



P/1030/09	APPROVAL OF DETAILS PURSUANT TO CONDITION 2 (CONTAMINATION) OF PLANNING PERMISSION P/1179/08/CFU DATED 09/06/08 FOR THREE STOREY EXTENSION TO SCHOOL TO PROVIDE POST-16 EDUCATION FACILITY AND ASSOCIATED WORKS.	GRANT 24-JUN-09
P/2156/09	2 NO. x TWO-STOREY TEMPORARY MODULAR BUILDINGS TO PROVIDE CLASSROOMS AS PART OF HARROW'S YEAR 7 TRANSFER PROGRAMME AND SINGLE-STOREY EXTENSION TO THE DINING ROOM	CURRENT

**f) Applicant Statement**

- From September 2010 all schools in Harrow will be reorganised and all Year 7 pupils will be in high schools. This process will transfer an additional 2,000+ pupils from primary sector to community high schools.
- Nower Hill High School will increase in pupil capacity by 300 Year 7 pupils. There are currently 1500 pupils on the school roll. Previous, current and future planning applications have/are/will provide for this increase from a building infrastructure viewpoint.
- Currently insufficient hard play space for pupils and as such additional space must be provided.

**g) Consultations**

Highways Engineer: No Objection

Drainage Engineers: No Objection subject to standard conditions

Sport England: No Comment

**Notifications:**

Sent: 12

Replies: 0

Expiry: 29-DEC-09

**Summary of Responses:**

- N/A

**APPRAISAL**

**1) Use and Character and Appearance of the Area**

Saved Policy C7 of the HUDP states that Council will seek to ensure that appropriate education facilities are provided. The reorganisation of schools within the Borough would incorporate Year 7 pupils to high school. This would increase the capacity of Nower Hill High School by approximately 150 additional pupils. As such, additional informal hard play area is required and has been proposed as using an existing hard surfaced car parking area.

The displaced vehicle parking would be replaced, and added upon, in an area of hardsurfacing utilised as a contractors storage compound and site entrance in relation to building infrastructure work taking place.

Saved Policy EP47 states that the Council will protect and where appropriate enhance the boroughs open spaces regardless of ownership. A large area of approximately 8000m<sup>2</sup> would still remain as grassed playing area and the area for parking remains open in the fact there are no buildings proposed. Furthermore, the parking area would not impact upon the actual use of playing fields themselves but the adjoining grassed area only and would serve as an ancillary function for both the school and the use of the playing fields. As such, it is considered that the proposed hard play area and vehicle parking area would be consistent with the operational functioning of the increased capacity of Nower Hill High School while maintaining the character and appearance of the area and the open space and would comply with saved Policy C7, EP47 and D4 of the HUDP.

**2) Residential Amenity**

The parking area is situated approximately 80m from the nearest residential boundary. As such, it is considered that this distance would adequately mitigate any undue detrimental impacts upon the residential amenities of surrounding properties.

The proposed hard play area is situated within the grounds of the school. Adjoining residential properties would expect a higher level of disturbance. However, in this instance, the proposed hard play area is situated behind the Sport and Expressive Art Block which would mitigate any unreasonable detrimental impacts in respect of disturbance from the hard play area to adjoining residential properties.

**3) Surface Water Run-Off and Contaminated Land**

All surface water would be directed to the existing water storage/attenuation tank located under the hardsurfacing which regulates the release of flow to the main stormwater discharge systems. It is considered that these measures would satisfy the objectives of the saved policy EP12 of the HUDP.

Previous planning permissions approved within the last year relating to large scale building works have highlighted issues surrounding contamination of the site with levels of lead and benzopyrene above recommended guidelines. Conditions relating to approval of surface water details and earthworks have been discharged recently with no objection raised from the Environment Agency. Subsequently, it is considered that the retention of the hardsurfacing for carparking is relatively minor and it is considered unreasonable to further impose a similar condition that has previously been addressed. As such, It is considered that the previous measures have satisfied the objectives of the saved policy EP22 of the HUDP.

**4) Parking and Highway Safety and Access For All**

The development would not result in the loss of any off street parking spaces. In fact, the application would increase the number of parking spaces overall by three (including two additional disabled spaces). The Council's Highways Engineer has not raised any objections with the proposal. A Travel Plan update is considered unnecessary as the new car parking spaces themselves are not providing for the increase in numbers. It is considered that any proposed new teaching facilities/building infrastructure would more adequately address this Travel Plan update requirement as a condition.

It is considered that the development would not have a detrimental impact on the internal and external traffic movements in the site and would be consistent with the objectives of saved policies T6 and T13 of the HUDP.

Being a public building, an integral part of the design and layout of the site centres around the requirements and objectives of easy mobility for all. The applicant has addressed this by increasing the number of disabled parking spaces by two overall. As such, it is considered that the proposal makes adequate provision for access in this respect and would be consistent with saved policy C16 of the HUDP and Supplementary Planning Document: Access For All (2006).

**7) S17 Crime & Disorder Act**

It is considered that the design of the development would not lead to an increase in perceived or actual threat of crime.

**8) Consultation Responses**

N/A

**CONCLUSION**

This application, if granted, would result in additional hard play area and would provide additional parking spaces, in line with the projected increase of pupils in Year 7. 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.

**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:

Harrow Unitary Development Plan:

C7, C16, D4, EP12, EP22, EP25, T6 & T13

Supplementary Planning Guidance: Designing New Development (March 2003).

Supplementary Planning Document: Access For All (2006)

**2 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.

**3 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.)

#### 4 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.

Plan Nos: 1000C-20-CP-01 Rev A, 8382/01A, and Design and Access Statement

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Item: 2/04

**HARROW SCHOOL SPORTS FIELD, P/2041/09/SB5/W  
FOOTBALL LANE, HARROW, HA1 3EA**

WARD HARROW ON THE HILL

THREE STOREY EXTENSION TO SOUTHERN ELEVATION OF SCHOOL SPORTS HALL TO PROVIDE INCREASED FITNESS AND LAUNDRY FACILITIES AND EXTERNAL ALTERATIONS

**Applicant:** The Keepers & Governors of Harrow School

**Agent:** Kenneth W Reed & Associates

**Statutory Expiry Date:** | 28-OCT-09

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## **RECOMMENDATION**

**GRANT** permission for the development described in the application.

## **REASON**

The decision to grant permission has been taken having regard to the policies and proposals in the London Plan and the saved policies of 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 Design Principles for a Compact City
- 3D.10 Metropolitan Open Land

Saved Policies of Harrow Unitary Development Plan:

- D4 The Standard of Design and Layout
- D10 Trees and New Development
- D14 Conservation Areas
- D15 Extensions and Alterations in Conservation Areas
- D18 Historic Parks and Gardens
- EP28 Conserving and Enhancing Biodiversity
- EP31 Areas of Special Character
- EP44 Metropolitan Open Land
- EP45 Additional Buildings on Metropolitan Open Land
- R4 Outdoor Sports Facilities

Harrow Park Conservation Area Appraisal 2008

Harrow Park Conservation Area Management Strategy 2008

## **MAIN CONSIDERATIONS AND POLICIES (London Plan 2008 and Saved Policies of the Harrow UDP (2004) and any other relevant guidance)**

- 1) Principle of Development (EP44, EP45, London Plan 3D.10)
- 2) Character and Appearance of Conservation Areas, Area of Special Character and Historic Parks and Gardens (D4, D14, D15, D18, EP31, London Plan 4B.1)
- 3) Outdoor Sports Facilities and Conserving and Enhancing Biodiversity (R4, EP28)
- 4) Impact on Trees (D10)
- 5) S17 Crime & Disorder Act (D4)

6) Consultation Responses

**INFORMATION**

This application is reported to the Planning Committee as a departure from the Harrow UDP.

**a) Summary**

Statutory Return Type:	18: Minor Other
Metropolitan Open Land	Yes
Conservation Area:	Harrow Park
Council Interest:	None

**b) Site Description**

- Application site comprises a three storey building (Sports Hall) set within the grounds of Harrow School Sports Field.
- Harrow School Sports Field is designated as 'Metropolitan Open Land' in the Harrow UDP.
- The site is also within the Harrow Park Conservation Area, Harrow on the Hill Area of Special Character and it is located outside the part of the sports ground which is designated as a Historic Park and Gardens (Grade II Listed) in the Harrow UDP.
- Application site is located just outside (approximately 50m) Harrow on the Hill 'Site of Nature Conservation Importance' (Grade 1 Importance).
- Land rises steeply from east to west.

**c) Proposal Details**

- It is proposed to construct a three storey extension to the southern elevation of the existing Sports Hall to provide increased laundry and fitness facilities;
- The proposed extension would extend out at the side by 6.15m, the proposed western flank elevation would be in line with the western elevation of the main sports hall building;
- The proposed southern elevation of the proposed extension would have a width of 9m;
- The dual pitched roof over the existing building would continue over the proposed extension;
- It is proposed to install large glazed panels with sun shade louvers on the southern and eastern elevations of the proposed extension;
- The Ash Tree located closest to the sports hall would be removed;
- As part of the proposed extension the existing planting border containing the Ash Tree would be reduced in size, however this would be compensated by the soft landscaping of the small pathway to the west of this planting border.

**Revisions to Previous Application:**

- n/a

**d) Relevant History**

WEST/27/01/FUL	REPLACEMENT ATHLETICS TRACK, 12 REPLACEMENT TENNIS COURTS, 2 ALL WEATHER PITCHES & FENCING, AREA FOR FIELD EVENTS NEW EQUIPMENT STORE TO REPLACE EXISTING RUGBY PAVILION, RELOCATION OF PARADE GROUND & CAR PARK & IMPROVEMENTS TO ACCESS FROM WATFORD ROAD	GRANT 28-APR-03
P/123/06/CFU	12 X 15M MASTS AND 24 X 10M COLUMNS TO PROVIDE FLOODLIGHTING TO ARTIFICIAL TURF PITCHES & TENNIS COURTS	GRANT 31-JUL-06
P/0679/09	SINGLE STOREY EXTENSIONS TO TRACTOR SHED AND NEW HARDSTANDING AREA	GRANT 11-JUN-09

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- This application is supported by a Design and Access statement which is summarised below:
  - Proposed extension is suitable for its context and entirely appropriate in the location;
  - Amount of development is relatively small and the layout and design entirely respects the existing building;
  - Layout of the new facilities is ideal to meet the brief and the scale of the proposals is not over powering or detrimental to the character of the original design;
  - Landscaping is merely an extension of the existing park area and therefore will provide a seamless introduction of much needed facilities;
  - Proposal will seek to minimise the impact on the environment.
- This application is further supported by a letter dated 16.11.2009 and an email received on 25.11.2009 which provides further justification to why the proposed extension is required.

**g) Consultations**

CAAC: There is concern over the removal of the Ash as it seems far enough away from the extension to be retained.

Harrow on the Hill Trust: no comments received

Tree Officer: The Arb. Con. report (ref: 17620) is acceptable and the tree protection measures contained therein should be Conditioned.

**Advertisement:** Character of Conservation Area Expiry: 22-OCT-09  
Departure from the UDP Expiry: 26-NOV-09

**Site Notice** General Notification Expiry: 22-OCT-09

**Notifications:**

Sent: 0

Replies: 0

Expiry: n/a

Summary of Responses: n/a

**APPRAISAL**

**1) Principle of Development**

Harrow School Sports Field is designated as Metropolitan Open Land (MOL) in the Council's UDP. Policy 3D.10 of the London Plan states that MOL will be protected as a permanent feature and afforded the same level of protection as the Green Belt and therefore MOL should be protected from inappropriate development. Saved policy EP44 of the Harrow UDP recognises that unlike Green Belts, MOL is located within urban fabric near centres of demand for recreational facilities and is not necessarily protected for its countryside character, but rather for its open character and provision for community use. In line with the guidance set out under London Plan policy 3D.10, saved policy EP45 of the Harrow UDP seeks to limit the amount of additional building and hard surfacing on Metropolitan Open Land in order to protect the open character. The Council accepts that ancillary development may be necessary to sustain the open land uses, but it will take into consideration the impact of development proposals on the character and views to and from Metropolitan Open Land. Policy EP45 requires that application for additional buildings be supported by evidence that such development is essential for the proper functioning of the permitted land use.

The proposed development seeks to construct a three storey extension to the southern elevation of the existing Sports Hall. The total floor area would be approximately 55 m<sup>2</sup> (approximately 4% increase above the existing footprint). The proposal would therefore result in the increase of site coverage with built form and bulk in the MOL. Paragraph 3.139 of the reasoned justification to saved policy EP45 states that in cases of replacement buildings, proposals should not encroach on the openness of the MOL over and above the scale of the existing building and therefore any increase in site coverage and bulk would amount to a departure from this policy. However, for reasons discussed below, it is considered that the departure from this policy would be outweighed by the benefits gained from the proposed development.

The application is supported by information that concludes that the proposed extension is required to increase the existing fitness and laundry facilities for the existing Sports Hall. This additional space created by the extension will provide a better fitness facility to supplement the outdoor sporting activities. Such facilities could be used during bad weather, for rehabilitation, for use during hours of darkness and for out of season training. The existing layout of the hall is predominately used up by the swimming pool at ground floor level and a sports hall at first floor level. Although, the sports hall provides facilities for different sporting activities, at present it cannot be used by two groups of users simultaneously due to the lack of space. The provision of a separate gym facility would enable the Harrow School and other patrons to run programmes at the same time. The proposed gym facilities would also be used by the School in preparation of their outdoor activities and therefore in turn the proposal would support the outdoor use of the site.



The proposed laundry facilities would support the additional demand from the proposed gym. Therefore, it is considered that the proposed three storey extension to the existing Sports Hall would not be harmful to the open character of the Metropolitan Open Land or significantly impact upon the views to and from the Metropolitan Open Land, so as to warrant a refusal of permission.

Furthermore, the area that would be affected by the proposed development is largely hardsurfaced by the access drive, pathway and the retaining wall and steps. There is a small patch of grassed area which would be lost as part of the proposed development and the existing landscaped border in front of the southern elevation would be reduced in size, although this reduction in size would not be significant as the proposal seeks to incorporate new landscaping where the existing pathway is located. It is also noted that the proposal would also incorporate the loss of the Ash Tree that is located in this landscaped border (as discussed under section 4 below). The proposed extension to the Sport Hall would largely be located on areas of land that is already hardsurfaced or on parts of grassed land that contributes very little to the open character of the Metropolitan Open Land. It is acknowledged the proposal would also result in the loss of trees (2 No. Ash Trees) and a small reduction in the landscaped planting border. However, it is considered that when looking at the proposal against the wider context of the Open Space the loss of this small area of landscaping would not have a significant harm upon the open character or views into the Metropolitan Open Land.

The proposed design of the extension would be in keeping with the proportion and appearance of the original Sports Hall. Notwithstanding the fact that the proposal would be a departure from saved policy EP45 of the Harrow UDP, it is considered that the proposal on balance would be acceptable as it would support the existing outdoor sporting activities and it would be a benefit for Harrow School and for a wide range of other users.

## **2) Character and Appearance of Conservation Areas, Area of Special Character and Historic Parks and Gardens**

### **Character and Appearance of Conservation Area**

The proposed extension to the Sports Hall would be in keeping with the style and appearance of the existing building. It is considered that the proposed extension would preserve the character and appearance of Harrow Park Conservation Area and would comply with saved policy D14 of the UDP and the policies contained in the Harrow Park Conservation Area Management Strategy. .

### **Area of Special Character**

Saved policy EP31 of the UDP seeks to protect special strategic features and view within a designated Area of Special Character. It is considered that given that the proposed development would be an extension to the existing three storey building and it would not extend beyond the height of the existing building, the proposal would not have a detrimental impact upon the strategic features and views within the Harrow on the Hill Area of Special Character.

### **Historic Parks and Gardens**

Saved policy D18 of the UDP will resist development proposals which would adversely affect the character or appearance or the setting of the parks and gardens of special interest. The application site is outside the part of Harrow Park which is designated as a Historic Park and Garden. The proposed extension would be in keeping with the design and appearance of the existing building. It is considered that the proposed extension would not adversely affect the character or appearance Harrow Park (formerly Flambards) Historic Park and Gardens.

### **3) Outdoor Sports Facilities and Conserving and Enhancing Biodiversity Conserving and Enhancing Biodiversity**

The proposed three storey extension would be on a piece of land that already has a Sport Hall building, with existing hardsurfaced areas surrounding the Sports Hall. The application site is also sited more than 50m away from the area that is designated as a site of nature conservation importance. It is therefore considered that in this particular case that there would not be a significant impact on wildlife or biodiversity as a result of this development.

### **Outdoor Sports Facilities**

The reasoned justification to Policy R4 states that the Council will consider providing additional outdoor facilities in parks... where there is no detrimental effect on the environment or amenity of local residents. Any built development should be ancillary to outdoor recreational uses.”

The proposed three storey extension would provide increased fitness and laundry facilities for the existing Harrow School Sports Fields, tennis courts and golf course. It is considered that the proposed extension would be modest in scale and support the use of the surrounding land as private playing fields and a golf course as well as the indoor sports facilities. The facilities provided by the sports field are also used by other local schools, other professional sporting teams, and visitors. As noted above it is considered that there would not be any unacceptable impact on the environment or on the amenity of neighbours.

### **4) Impact on Trees**

This application is supported by an Arboricultural Report which concludes that the 2 Ash Trees located close to the existing Sports Hall (one Ash is sited in the landscaped planting border and a weeping Ash is located to the south-west of the Sports Hall) would need to be removed. The Council’s Tree Officer raises no objection to the loss of these trees due to their condition, subject to a planning condition requiring tree protection fencing to be erected for the Chestnut Tree sited near the car park. The Council’s Tree Officer also considers that replacement tree planting by way of a planning condition is not required in this case, as Harrow School already has an extensive tree planting programme in place.

### **5) S17 Crime & Disorder Act**

The proposed development is not considered to have a material impact upon community protection.

### **6) Consultation Responses**

None

## **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.

## **CONDITIONS**

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 and Country Planning Act 1990.

2 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.

3 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected.

## **INFORMATIVES**

### **1 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.

### **2 INFORMATIVE:**

Notwithstanding the note on your submitted plan(s), this decision has been made on the basis of measurements scaled from the plan(s), unless a dimensioned measurement overrides it.

Plan Nos: 1549/ 1 REV A; 10; 11; 12; 13; 53 REV A; 54 REV B; 60 REV A; 61 REV A; 62 REV A; 3D Images (3 Sheets); Photographs (5 Sheets); Design and Access Statement; Tree Report (Ref: 17620); Letter Dated 16.11.2009; Email Received 25.11.2009

**CHAMELEON HOUSE, 104 - 106 HIGH STREET, HARROW ON THE HILL, HA1 3LP**

WARD HARROW ON THE HILL

RENEWAL OF PLANNING PERMISSION P/1553/04/CFU FOR REPLACEMENT OF 'THE STUDIO' WITH A 2/3 STOREY BUILDING (USE CLASS B1) AND 2 STOREY DETACHED BLOCK TO PROVIDE 2 FLATS AND 1 DWELLINGHOUSE; ACCESS, LANDSCAPING AND 8 PARKING SPACES

**Applicant:** Mr T Harriss

**Agent:** JRA Design Associates

**Statutory Expiry Date:** | 22-DEC-09

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## **RECOMMENDATION**

**GRANT** permission for the development described in the application and submitted plans.

## **REASON**

The decision to GRANT the extension of time limit for implementing planning permission P/1553/04/CFU has been taken having regard to the policies and proposals in the London Plan and 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:

Planning Policy Statement 3: Housing

Planning Policy Guidance 4: Industrial, commercial development and small firms

London Plan:

3A.1 – Increasing London's supply of housing

3A.2 – Borough housing targets

3A.3 – Maximising the potential of sites

3A.4 – Efficient use of stock

3A.5 – Housing choice

3A.6 – Quality of new housing provision

4B.1 – Design principles for a compact city

Harrow Unitary Development Plan 2004:

EP12 – Control of Surface Water Run-Off

EP31 – Areas of Special Character

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

D9 – Streetside Greenness and Forecourt Greenery

D10 – Trees and New Development

D11 – Statutorily Listed Buildings

D12 – Locally Listed Buildings

D14 – Conservation Areas

D15 – Extensions in Conservation Areas

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

T15 – Servicing of New Developments

C16 – Access to Buildings and Public Spaces

Supplementary Planning Guidance: Designing New Development (2003)  
Supplementary Planning Guidance: Extensions - A Householders Guide (2008)  
Supplementary Planning Document: Accessible Homes (2006)

Roxeth Hill Conservation Area Appraisal 2008  
Roxeth Hill Management Strategy 2008  
Harrow on the Hill Village Conservation Area Appraisal 2008  
Harrow on the Hill Village Management Strategy 2008

**MAIN CONSIDERATIONS AND POLICIES (National Guidance, London Plan (2008) and saved policies of the Harrow Unitary Development Plan (2004) and any other relevant guidance)**

- 1) Background and Principle of Development (3A.1, 3A.2, 3A.4, 3A.5)
- 2) Character and Appearance of the Conservation Area and Area of Special Character (4B.1; EP31; D4; D14; D15; Roxeth Hill Conservation Area Appraisal and Strategy 2008; Harrow on the Hill Village Conservation Area Appraisal and Management Strategy 2008; SPG – New Development 2003)
- 3) Impact on Setting of a Listed Building and Locally Listed Building (D11; D12)
- 4) Residential Amenity (D5)
- 5) Trees and Landscaping (D10)
- 6) Parking and Servicing (T6; T13)
- 7) Accessibility (C16; SPD: Accessible Homes 2006; SPD: Access for All 2006)
- 8) Drainage (EP12)
- 9) S17 Crime & Disorder Act (D4)
- 10) Consultation Responses

**INFORMATION**

This application is reported to Committee as the development includes the construction of more than two dwellinghouses which is outside the schedule of delegation.

**a) Summary**

Statutory Return Type:	Minor Other
Conservation Area:	Harrow on the Hill Village and Roxeth Hill
Area of Special Character:	Harrow on the Hill
Locally Listed Building:	Yes
Listed Building:	Within the setting of 104 to 106 High Street
B1 Car Parking	Standard 1 Justified 3 Provided 3
Residential Car Parking	Standard 3.6 Justified 5 Provided 5
Lifetime Homes:	Yes
Council Interest:	None

**b) Site Description**

- Backland site to the rear of nos. 104 – 106 which are Grade II Listed Buildings;
- Access via a carriage archway under nos. 104 – 106 High Street which serves the rear of these properties;
- Site falls to the rear and is occupied by a two storey timber weather boarded building called 'The Studio' which is locally listed;
- No.106A is a dwellinghouse that shares that same access as the application site;
- To the north of the site are garages and an access road which serve the units of Coniston Court. The ground level is 1m lower than the adjacent area of the application site;
- To the north west are the rear gardens of West Hill House and Winton located on West Hill;
- To the west is a garage building and the roof of this building 1m lower than the adjacent area of the application site;
- To the south is The Nook and the rear garden of Mount Pleasant;
- The site is within the Roxeth Hill and Harrow on the Hill Village Conservation Areas and the locality has steeply sloping land which has resulted in a tight urban grain and staggered rooflines.

**c) Proposal Details**

- The application is for renewal of a previous permission dated 14<sup>th</sup> October 2004 which is for a 2 storey detached building with a basement level with a B1 use, 2 storey L-shaped building comprised of a dwellinghouse and two flats, soft landscaping, parking and access;
- The existing locally listed building called 'The Studio' in the centre of the site would be replaced by a replica;
- The new residential building would be sited behind the 'The Studio' at a lower level than this building and would be adjacent to garages of Coniston Court and a building occupied by a service garage;
- Soft landscaping in front of the new residential units and along the access road;
- Five parking spaces for the residential units and three parking spaces for the B1 use;
- Refuse storage for the entire scheme would be adjacent to the 'The Studio' building and the storage area for the D1 use would be enclosed.

**Revisions to Previously Granted Scheme P/1553/04/CFU:**

- Internal modifications to the floor plan of the dwellinghouse and flats in order to comply with Lifetime Home standards;
- Access paths to the flats has been redesigned which has reduced the amount of hardsurfacing;
- The new residential building of the previous scheme had a staggered level ground level and roofline. A site survey has confirmed there would no change in level that this would require the staggered ground level and roofline of the building not which has reduced the height of part of the building and enabled step-free access.

**d) Relevant History**

P/2462/09	CONSERVATION AREA	CONSENT:	CURRENT
	DEMOLITION OF 'THE STUDIO'		
P/1553/04/C FU	REPLACEMENT 2 STOREY COMMERCIAL BUILDING AND 2 STOREY DETACHED BLOCK TO PROVIDE 3 FLATS, ACCESS, LANDSCAPING AND PARKING		GRANT 14-OCT-04
WEST/482/9 9/FUL	REPLACEMENT TWO STOREY COMMERCIAL BUILDING AND PROVISION OF TWO STOREY DETACHED L-SHAPED BLOCK TO PROVIDE 3 FLATS WITH ACCESS, LANDSCAPING AND PARKING		GRANT 18/APR-00
LBH/41530	CONSERVATION AREA	CONSENT:	REFUSE 19-DEC-90 ALLOWED ON APPEAL 19-NOV-91
	DEMOLITION OF 2-STOREY STUDIO BUILDING WITH BASEMENT		
LBH/39905	REPLACEMENT OF EXISTING TWO-STOREY COMMERCIAL BUILDING & ERECTION OF A PART SINGLE, PART TWO- STOREY LINKED BUILDING AT REAR, FOR USE AS OFFICES WITH PARKING SPACES		REFUSE 19-NOV-91

**e) Applicant Statement**

- Design and Access Statement submitted.

**f) Consultations**

Highway Engineer: no objection.

Waste Management: no response received.

Tree Officer: no objection subject to a condition.

Landscape Design Officer: no objection subject to a condition.

Drainage Engineer: no objection subject to a condition.

Conservation Officer: no objection subject to conditions.

English Heritage: no response received.

Harrow Hill Trust: no response received.

Conservation Area Advisory Committee: Objection.

- Object to loss of Studio building which is the oldest photographic studio in the country; Overlooking and insufficient amenity space; Awkward access; Overdevelopment and out of character; One unit should be omitted; Would result in adverse traffic conditions; Parking bays would not comply; Flooding concerns; Design is satisfactory.

**Advertisement:** Character of Conservation Area and Setting of Listed Building Published: 12-NOV-09  
Expiry: 03-DEC-09

**Site Notice:** Character of Conservation Area and Setting of Listed Building Posted: 10-NOV-09  
Expiry: 01-DEC-09

**Notifications:**  
Sent: 48 Replies: 9 Expiry: 24-NOV-09

**List of Neighbours Consulted:**

88 - 90 High Street	Units 1 to 4 West Hill House, West Hill
Ground Floor Office At 88 High Street	West Hill Close, West Hill
Units 1 to 3, 88 - 90 High Street	The Nook, West Hill
100 High Street	Winton, West Hill
104 High Street	5 Byron Hill Road
104A High Street	7 Byron Hill Road
The Studio R/O 104 High Street	9 Byron Hill Road
106 High Street	1 London Road
106A High Street	3 London Road
106B High Street	7 London Road
92 High Street	9 London Road
92A High Street	11 London Road
92B High Street	15 London Road
Park House, 102 High Street	17 London Road
Units 1 to 12 Coniston Court, 96 High Street	Units 1 to 3 Mount Pleasant, London Road

**Summary of Responses:** Overbearing; Inappropriate in the area; My flat overlooks site and would lead to loss of privacy; Same conditions should be applied as previous renewal; Japanese knotweed on site has encroached onto our garages and should be eradicated; Drainage concerns; Construction could affect our garages; Restricted access to the site and lorries cannot enter the site which would result in congestion on High Street during construction; Studio should not be demolished as it forms a link with the past and is a beacon for the future; intrusion into adjoining neighbours; out of scale with historical area and would blemish the landscape and skyline; Traffic issues; Development would comprise the beauty of the Hill and amenities of residents; Loss of light; Removal of trees; overlooking of West Hill House; New building would be too close to the shared boundary; Has a survey been undertaken?; Restricted access for emergency services.

## **APPRAISAL**

### **1) Background and Principle of Development**

This application is for renewal of planning permission P/1553/04/CFU which was granted on 14.10.2004. The scheme is essentially the same as the previously granted scheme apart from modifications to the internal layout of the residential units, a minor amendment to the access paths and a reduction to part of the building height of the residential units. The application is made under a new category of planning application which has been created by the Department of Communities and Local Government to enable developers to extend the time of planning permissions with the objective of increasing the number of permissions that are implemented. This application for renewal of planning permission P/1553/04/CFU has to be assessed against the current development plan and any other current planning policies and material considerations.



There not been any material changes to the site circumstances and only minor changes to the planning policy context under which the current application has been assessed. It is considered that the principle of development on the site has been established through the previous planning permission P/1553/04/CFU and in light of current adopted policies it is considered to be acceptable.

National and Local planning policies seeks to maximise the potential use of scarce land to provide future housing needs. Policy 3A.1 of the London Plan sets out the target for housing supply for each London Borough, for Harrow this being a provision of 4,000 additional homes for the next ten years and an annual monitoring target of 400. It is considered that the principle to redevelop this site for residential development would to be in accordance with the London Plan policies 3A.1 and 3A.3.

With regard to the commercial use, the existing site is currently vacant and in a state of disrepair. The replacement building would have the same floor area as the existing building and redevelopment of the site would encourage the occupation by a B1 use which is considered to be compatible with the surrounding residential use. This would comply with the objectives of Planning Policy Guidance 4: Industrial, commercial development and small firms.

## **2) Character and Appearance of the Conservation Area and Area of Special Character**

London Plan policy 4B.1 sets out the design principles that all boroughs should seek to ensure for all new development proposals. It states inter alia that all development proposals should respect the local context and have a satisfactory relationship with surrounding buildings as well as maximising the potential of sites. Saved policy D4 of the Harrow UDP (2004) seeks a high standard of design and layout in all development proposals and will take into consideration inter alia the site and setting, context, scale and character when assessing planning applications. It states that new development should take into account the character and landscape of the locality (paragraph 4.10) and that development should have regard to the scale and character of the surrounding environment.

The proposed building comprised of the flats and dwellinghouse would be sited within close proximity to the common boundaries in the north-west corner of the site and be a considerably higher level than the adjacent sites. This would be in keeping with the character of the locality which has a tight urban grain, steep level changes and staggered rooflines. This urban form contributes to the character and appearance of the Conservation Areas and Area of Special Character and therefore it is considered the proposed siting and scale of development and the relationship with the surrounding properties and would be acceptable.

The design of the building and materials to be used would include high quality finishes such as timber framed windows and lintel detailing. It is considered this design would preserve the character and appearance of the Conservation Areas and Area of Special Character.

The proposed replacement building of 'The Studio' would have the same design, siting and character and appearance of the original building. It is therefore considered this element of the proposal would preserve the character and appearance of the Conservation Areas and Area of Special Character.

Conditions are recommended that the materials to be used in the construction of the development accord with the submitted schedule of materials and that the development is substantially completed within 15 months of the date of its implementation to ensure the development does not have an adverse impact on the character or appearance of the Conservation Areas and Area of Special Character.

It is therefore considered that the proposed siting, scale and design of the proposed development would comply with London Plan policy 4B.1, saved policies EP31, D4, D14, and D15 of the Harrow UDP (2004), the Roxeth Hill Conservation Area Appraisal and Strategy 2008, Harrow on the Hill Village Conservation Area Appraisal and Management Strategy 2008 and the adopted SPG – Designing New Development (2003).

### **3) Impact on Setting of a Listed Building and Locally Listed Building**

'The Studio' is a locally listed building which was constructed in the mid 19<sup>th</sup> century and refurbished in 1970. 'The Studio' is an attractive weather boarded building with an underfretted bargeboarded gable roof and it is considered the building contributes to the character of the Conservation Areas and the setting of the nearby statutory and locally listed buildings. The Conservation Area Advisory Committee has advised that the building is oldest photographic studio in the country. Unfortunately the building is in a very poor state of repair and is not structurally sound.

Saved policy D12 of the Harrow UDP (2004) states that the Council should encourage the retention, maintenance and restoration of locally listed buildings and should resist applications for inappropriate alterations or extensions. Given the poor condition of 'The Studio', it is considered that demolition and rebuilding of 'The Studio' is acceptable in principle and that the replacement building would not have an adverse impact on the setting of the nearby listed buildings. The replacement building would match the design and materials of the existing building and would be sited in the same position. A condition is recommended that the materials to be used in the construction of the building accord with the submitted schedule of materials. Another condition is recommended that 'The Studio' be substantially completed within 15 months of the date of commencement to ensure the development does not have an adverse impact on the setting of the surrounding listed buildings and character of the conservation areas and area of special character. It is therefore considered that subject to conditions the proposed replacement building would comply with saved policies D12 and D13 of the Harrow UDP (2004).

**4) Residential Amenity**

Supporting paragraph 4.27 of saved policy D5 of the Harrow UDP (2004) states that where proposals affect the amenity or privacy of an adjoining property, the general quality of amenity or privacy in the surrounding area will be taken into account along with the significance of the loss of amenity or privacy to the adjoining property.

The new building comprised of flats and a dwellinghouse would be sited adjacent to garages which serve the flats of Coniston Court and it is therefore considered the loss of light to, and overshadowing of this land would not be unreasonable.

The new building would be to the south east of West Hill House and Winton and this siting would not result in unreasonable overshadowing of, and loss of light to the rear gardens of these properties. The development would be sited a minimum distance of 22m from the buildings on West Hill House and Winton and although these properties would be at a lower site level than the application site, variation in site levels is a common characteristic of the locality and it is considered that the separation distance of the buildings and oblique relationship would mitigate any adverse impact with regard to outlook or visual amenity.

To the west of the site is a service garage which is a flat roofed building built up to the shared boundary with a roof that is 1m lower than the level of the application site. To the south west is a residential property called 'The Nook' which has windows at first floor level that are at an oblique angle to the new building. Given these site circumstances, it is considered there would be no adverse impact on the occupiers of these properties.

The new building would be sited at an adequate distance from the other surrounding properties so as not to detract from the amenities of the occupiers.

The residential units would contain windows in the north elevation which would serve non-habitable rooms and would be adjacent to the garages of Coniston Court which would not be an unreasonable level of overlooking. The windows in the southern elevation would be sited 9m to 17.5m from the common boundary shared with The Nook and Mount Pleasant and it is considered this separation distance would mitigate any unreasonable overlooking.

Given the character of the area and relationship of the application site to the surrounding properties it is considered the proposed development would not have an unreasonable impact on the amenities of the surrounding occupiers in accordance with saved policy D5 of the Harrow UDP (2004).

It is considered the new residential units would have an appropriate layout and sufficient room sizes so as to provide high quality residential accommodation. The ground floor flat would have a patio and the first floor flat and dwellinghouse would have balconies for private amenity areas. Notwithstanding this, many properties in the locality have little or no amenity space and the amenity space proposed as part of the scheme would be in keeping with the character of the area which would comply with supporting paragraph 4.30 of saved policy D4 of the Harrow UDP (2004).

The replacement 'Studio' building would have the same design, scale and siting as the existing building and it is considered this element of the scheme would not have an unreasonable impact on the amenities of the surrounding occupiers.

With regard to the replacement B1 building, it is considered the uses within this class (office, studio, light industry) would be compatible with the surrounding residential properties. Conditions are recommended to restrict the hours of use of the B1 building and to restrict a change of use to B8 (distribution centre, warehouse) in order to protect the amenities of the surrounding occupiers and to ensure safe and efficient highway conditions.

#### **5) Trees and Landscaping**

Soft landscaping is proposed in front of the residential building and along the access road to improve the setting of the building and development in accordance with saved policy D9 of the Harrow UDP (2004). The application has been amended since the previous scheme to reduce the amount of access paths and increase the soft landscaping on the forecourt. The Council's Landscape Design Officer has advised that the indicative landscaping would be acceptable. However, a condition is recommended requiring submission of further detailed information.

The Council's Tree Officer has advised that there are no significant trees on-site. However, there are mature trees in the adjoining property Mount Pleasant and a condition is recommended requiring submission of further details including a survey that outlines root protection areas and fencing to be installed.

Subject to the conditions mentioned above, it is considered the proposed development would comply with saved policies D9 and D10 of the Harrow UDP (2004).

#### **6) Parking and Servicing**

The proposed dwellinghouse and flats would have a total of 6 bedrooms and the scheme would have a provision of 5 parking spaces for the residential element of the scheme. The B1 building would have a total floor area of 145m<sup>2</sup> and would have a provision of 3 parking spaces. The Council's Highway Engineer has advised that while the scheme would exceed the recommended maximum parking space provision of the UDP (2004) it is considered acceptable as the site has relatively low public transport accessibility and that the additional parking spaces would be necessary to prevent injudicious parking. The Council's Highway Engineer has also advised that although the access to the site may not be efficient, the designation of the area prevents any major alterations to the public realm and that it would be unreasonable to refuse the application on access grounds.

Refuse storage for the property would be adjacent to 'The Studio' and largely obscured from the view of the street scene due to the backland siting of the property. The provision for the residential units would be enclosed to improve the appearance of the development.

It is therefore considered the proposed scheme would be acceptable in traffic, parking and servicing terms in accordance with saved policies T6 and T13 of the Harrow UDP (2004).

**7) Accessibility**

Lifetime Home standards have come into effect since the previous permission was granted and this scheme has been amended accordingly.

A site survey confirmed that the residential units would not require stepped ground levels which has enabled provision of step-free access to the building. The layout of the residential units would meet Lifetime Homes standards with regard to level access, doorway widths, turning circles in rooms, living rooms at entrance level, potential for a bed space at entrance level, potential for a stair lift/lift, wheelchair accessible bathrooms that could be adapted to wet-rooms and 700mm of separation between items of bathroom furniture.

The parking spaces could be sited closer to the entrances of the units in accordance with standard 2. However, this would require removal of the soft landscaping in front of the building which the agent has stated is required to provide a landscaped setting for the building. It is also noted that the parking spaces would be within a maximum of 13.5m from the entrances and would have level access and it is therefore considered that non-compliance with Lifetime Homes standard 2 would be acceptable.

The replacement B1 building would be accessible and designed in accordance with the SPD – Access for All 2006.

It is therefore considered the proposed scheme would comply with saved policy C16 of the Harrow UDP (2004) and the adopted SPD Accessible Homes 2006 and Access for All 2006.

**8) Drainage**

Saved policy EP12 of the Harrow UDP (2004) states that appropriate attenuation measures should be incorporated into all development generating surface water run-off. The Council's Drainage Engineers have raised no objection to the proposed development but have advised that a scheme for the disposal of surface water be submitted and approved in writing. The Council's Drainage Engineers have advised that although it is unlikely sewers cross the site the developer should check this prior to commencement.

Subject to this condition it is considered the proposal would comply with saved policy EP12 of the Harrow UDP (2004).

**9) S17 Crime & Disorder Act**

The application site is naturally overlooked by the surrounding residential development and the proposed layout of the development would maintain natural surveillance, which would comply with the objectives set out under paragraphs 4.19 and 4.20 of saved policy D4 of the Harrow UDP. It is considered that the proposed development would not have a material impact upon community protection.

**10) Consultation Responses**

*Overbearing and out of Character*

This has been addressed in sections 2, 3 and 4 of the appraisal above. The development would be in keeping with the character, pattern of development in the locality and general quality of amenity and privacy of the area in accordance with London Plan policy 4B.1 and saved policies D4, D5, D14 and D15 of the Harrow UDP (2004).

*Studio should not be demolished*

This has been addressed in section 3 of the appraisal above. Given the poor condition of 'The Studio', it is considered that demolition and rebuilding of 'The Studio' is acceptable in principle and that the building would not have an adverse impact on the setting of the nearby listed buildings.

*Same conditions as before should be attached*

Similar conditions have been imposed that were imposed on the previous permission. Additional information has been submitted regarding site levels and the materials to be used so these previous conditions have been omitted.

*Trees*

This has been addressed in section 5 of the appraisal above. The Council's Tree Officer has advised that there are no significant trees on the application but that a condition should be imposed requiring further details to ensure the development and construction process does not adversely impact the trees in neighbouring properties.

*Site survey*

A site survey has been submitted as part of this application.

*Construction could damage our garages*

This is outside the remit of town planning legislation and is a building control matter.

*Restricted access to the site*

This has been addressed in section 6 of the appraisal above. The Council's Highway Engineer has also advised that although the access to the site may not be efficient or allow large vehicles to enter the site, the designation of the area prevents any major alterations to the public realm and that it would be unreasonable to refuse the application on access grounds.

*Construction process will cause traffic congestion on High Street*

This is outside the remit of town planning legislation. If highway issues arise during construction the matter will be referred to the Council's Highway Enforcement Department.

*Drainage concerns*

This has been addressed in section 8 of the appraisal above. The Council's Drainage Engineers have raised no objection to the proposed scheme but have recommended a condition be imposed requiring submission and approval of further details regarding surface water run-off.

## **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 renewal application is recommended for grant.

## **CONDITIONS**

1 The replacement building known as 'The Studio' shall be substantially completed within a period of 15 months from the demolition of the existing building to the satisfaction of the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure a satisfactory form of development and to preserve the character and appearance of the Harrow on the Hill Village and Roxeth Hill Conservation Areas, Harrow on the Hill Area of Special Character, the locally listed building and the setting of the adjoining Grade II listed buildings.

2 The building comprised of the three residential properties shall be substantially completed with a period of 15 months from the commencement of construction to the satisfaction of the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure a satisfactory form of development and to preserve the character and appearance of the Harrow on the Hill Village and Roxeth Hill Conservation Areas, Harrow on the Hill Area of Special Character, the locally listed building and the setting of the adjoining Grade II listed buildings.

3 The development shall be constructed of the following materials:

- a) Facing Brickwork – Butterley Milton Hall Kentish Multi Stock;
- b) External Boarding – Marley Eternit Cedral Weatherboarding White Finish;
- c) Roof – Marley Rivendale Fibre Cement Slates and Existing Bargeboards on 'The Studio' to be reused;
- d) Windows – White Finished Double Glazed Timber Windows, Bath Stone Cill and Splayed Cut / Rubbed Red Brick Lintel;
- e) Door – Front Entrance Doors Black Finished Timber, Other External Doors White Double Glazed Timber;
- f) Railings – Black Painted Wrought Iron;
- g) Rainwater Goods – Black Square Line UPVC Gutters and Downpipes;
- h) Block Pavements Marshalls Tegula Priora Permeable Brick Pavements, Pennant Grey (Light);
- i) Chimneys – Brick Finish to Match Main Brick;

unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure a satisfactory form of development and to preserve the character and appearance of the Harrow on the Hill Village and Roxeth Hill Conservation Areas, Harrow on the Hill Area of Special Character, the locally listed building and the setting of the adjoining Grade II listed buildings.

4 Notwithstanding the details shown on the approved drawings, within six months of the date of this planning permission, a scheme of hard and soft landscape works shall be submitted to, and approved in writing by the Local Planning Authority. The works shall be carried out and retained in accordance with the approved details. Soft landscape works shall include: planting plans, and schedule of plants, noting species, plant sizes and proposed numbers/densities.

REASON: To ensure a satisfactory form of development and to preserve the character and appearance of the Harrow on the Hill Village and Roxeth Hill Conservation Areas, Harrow on the Hill Area of Special Character, the locally listed building and the setting of the adjoining Grade II listed buildings.

5 Notwithstanding the details shown on the approved drawings, within six months of the date of this planning permission, a tree protection plan including a BS: 5837 Method Statement regarding works of the installation of the car park and a tree protection plan with a survey showing root protection areas shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure protected trees are not adversely effected by the development and to ensure a satisfactory form of development and to preserve the character and appearance of the Harrow on the Hill Village and Roxeth Hill Conservation Areas, Harrow on the Hill Area of Special Character, the locally listed building and the setting of the adjoining Grade II listed buildings.

6 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 ensure a satisfactory form of development and to preserve the character and appearance of the Harrow on the Hill Village and Roxeth Hill Conservation Areas, Harrow on the Hill Area of Special Character, the locally listed building and the setting of the adjoining Grade II listed buildings.

7 Notwithstanding the details shown on the approved drawings, within six months of the date of this planning permission, a scheme 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 prior to the occupation of the development and thereafter retained in accordance with those details.

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

8 Except within the written consent of the Local Planning Authority, the premises known as 'The Studio' shall not be used except between 07:30 hours and 19:00 hours on Mondays to Saturdays, and not at any time on Sundays or Bank Holidays.

REASON: To safeguard the amenity of neighbouring residents.

9 The premises known as 'The Studio' shall be used for a purpose in Class B1 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) and for no other purpose outside Class B1 without the prior written approval of the Local Planning Authority.



REASON: To safeguard the amenity of neighbouring residents and the character and appearance of the Harrow on the Hill Village and Roxeth Hill Conservation Areas, Harrow on the Hill Area of Special Character, the locally listed building and the setting of the adjoining Grade II listed buildings and in the interest of highway safety.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development which would otherwise fall within Classes A, B, C, D, E, F, G and H in Part 1 of Schedule 2 to that Order shall be carried out within the curtilage of the dwellinghouse without the prior written permission of the Local Planning Authority.

REASON: To safeguard the character and appearance of the Harrow on the Hill Village and Roxeth Hill Conservation Areas, Harrow on the Hill Area of Special Character, the locally listed building and the setting of the adjoining Grade II listed buildings and the amenity of the surrounding occupiers and future occupiers of the site. As well as to safeguard the cohesive design and appearance of the L-shaped block as originally designed.

11 Notwithstanding the details shown on the approved drawings, within six months of the date of this planning permission, the development hereby permitted shall not be occupied until the car parking, turning and loading area(s) shown on the approved plan number 04/27/01C has been constructed and surfaced with permeable materials, or drained in accordance with details submitted to, and approved in writing by, the local planning authority. The car parking spaces shall be permanently marked out and used for no other purpose, at any time, without the written permission of the local planning authority.

REASON: To ensure the satisfactory provision of parking areas, in the interest of highway safety and to preserve the character and appearance of the Harrow on the Hill Village and Roxeth Hill Conservation Areas, Harrow on the Hill Area of Special Character, the locally listed building and the setting of the adjoining Grade II listed buildings.

12 The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area, as shown on the approved drawing.

REASON: to preserve the character and appearance of the Harrow on the Hill Village and Roxeth Hill Conservation Areas, Harrow on the Hill Area of Special Character, the locally listed building and the setting of the adjoining Grade II listed buildings.

13 Notwithstanding the details shown on the approved drawings, within six months of the date of this planning permission, a scheme for surface water attenuation / storage works shall be submitted to, and approved in writing by, the local planning authority. The works shall thereafter be retained in accordance with the approved details.

REASON: To prevent the increased risk of flooding.

14 The development hereby permitted, as detailed in the submitted and approved drawings, shall be built to Lifetime Homes Standards, and thereafter retained to those standards.

REASON: To ensure provision of 'Lifetime Homes' standard housing in accordance with the policies of the Harrow Unitary Development Plan.

## **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:

Planning Policy Statement 3: Housing

Planning Policy Guidance 4: Industrial, commercial development and small firms

London Plan:

3A.1 – Increasing London's supply of housing

3A.2 – Borough housing targets

3A.3 – Maximising the potential of sites

3A.4 – Efficient use of stock

3A.5 – Housing choice

3A.6 – Quality of new housing provision

4B.1 – Design principles for a compact city

Harrow Unitary Development Plan 2004:

EP12 – Control of Surface Water Run-Off

EP31 – Areas of Special Character

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

D9 – Streetside Greenness and Forecourt Greenery

D10 – Trees and New Development

D11 – Statutorily Listed Buildings

D12 – Locally Listed Buildings

D14 – Conservation Areas

D15 – Extensions in Conservation Areas

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

T15 – Servicing of New Developments

C16 – Access to Buildings and Public Spaces

Supplementary Planning Guidance: Designing New Development (2003)

Supplementary Planning Guidance: Extensions - A Householders Guide (2008)

Supplementary Planning Document: Accessible Homes (2006)

Roxeth Hill Conservation Area Appraisal 2008

Roxeth Hill Management Strategy 2008

Harrow on the Hill Village Conservation Area Appraisal 2008

Harrow on the Hill Village Management Strategy 2008

### **2 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.

### 3 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](mailto:communities@twoten.com)

### 4 INFORMATIVE:

**IMPORTANT:** Compliance With Planning Conditions Requiring Submission and Approval of Details within a specified period of time

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something within the specified period of time. 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.

### 5 INFORMATIVE:

The applicant is advised that there may be public sewers crossing/adjacent to the site, so no building will be permitted within 3m of the sewers. The applicant should contact the Area Service Manager, Mogden at Thames Water Utilities at the earliest opportunity, in order to establish the likely impact of this development upon the sewerage infrastructure. Tel: 08459 200 800.

Plan Nos: External Works Specification; Permeable Block Paving; Written Scheme of Investigation for Archaeological Monitoring & Recording; Site Plan; 04/27/04C; 04/27/03B; 04/27/02B; 04/27/01C; 04/27/05B; Design and Access Statement; Site Survey

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**CHAMELEON HOUSE, 104 - 106 HIGH STREET, HARROW ON THE HILL, HA1 3LP**

**Item: 2/06**

**P/2462/09/HG/W**

WARD HARROW ON THE HILL  
CONSERVATION AREA CONSENT: DEMOLITION OF 'THE STUDIO'

**Applicant:** Mr T Harriss  
**Agent:** JRA Design Associates  
**Statutory Expiry Date:** | 22-DEC-09

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## **RECOMMENDATION**

**GRANT** permission for the development described in the application and submitted plans.

## **REASON**

The decision to GRANT consent has been taken having regard to the policies and proposals in 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:

Harrow Unitary Development Plan 2004:  
EP31 – Areas of Special Character  
D4 – The Standard of Design and Layout  
D14 – Conservation Areas

Roxeth Hill Conservation Area Appraisal 2008  
Roxeth Hill Management Strategy 2008  
Harrow on the Hill Village Conservation Area Appraisal 2008  
Harrow on the Hill Village Management Strategy 2008

## **MAIN CONSIDERATIONS AND POLICIES (2004 UDP)**

- 1) Character and Appearance of the Conservation Area and Area of Special Character (EP31; D4; D14; D15; Roxeth Hill Conservation Area Appraisal and Strategy 2008; Harrow on the Hill Village Conservation Area Appraisal and Management Strategy 2008)
- 2) S17 Crime & Disorder Act (D4)
- 3) Consultation Responses

## **INFORMATION**

This application is reported to Committee as it must be determined in conjunction with planning application P/2352/09 which falls outside the schedule of delegation.

### **a) Summary**

Statutory Return Type: 25 – Conservation Area Consent  
Conservation Area: Harrow on the Hill Village and Roxeth Hill  
Area of Special Character: Harrow on the Hill  
Locally Listed Building: Yes  
Listed Building: Within the setting of 104 to 106 High Street  
Council Interest: None

**b) Site Description**

- Backland site to the rear of nos. 104 – 106 which are Grade II Listed Buildings;
- Access via a carriage archway under nos. 104 – 106 High Street which serves the rear of these properties;
- Site falls to the rear and is occupied by a two storey timber weatherboarded building called ‘The Studio’ which is locally listed;
- The site is within the Roxeth Hill and Harrow on the Hill Village Conservation Areas and the locality has steeply sloping land which has resulted in a tight urban grain and staggered rooflines.

**c) Proposal Details**

- Demolition of ‘The Studio’ building.
- The replacement development is subject to a related planning application P/2352/09 which would replace ‘The Studio’ with a replica building in the same position.

**d) Relevant History**

P/2352/09	RENEWAL OF PLANNING PERMISSION P/1553/04/CFU FOR REPLACEMENT OF 'THE STUDIO' WITH A 2/3 STOREY BUILDING (USE CLASS B1) AND 2 STOREY DETACHED BLOCK TO PROVIDE 2 FLATS AND 1 DWELLINGHOUSE; ACCESS, LANDSCAPING AND PARKING	CURRENT
P/1553/04/CF U	REPLACEMENT 2 STOREY COMMERCIAL BUILDING AND 2 STOREY DETACHED BLOCK TO PROVIDE 3 FLATS, ACCESS, LANDSCAPING AND PARKING	GRANT 14-OCT-04
WEST/482/99/ FUL	REPLACEMENT TWO STOREY COMMERCIAL BUILDING AND PROVISION OF TWO STOREY DETACHED L-SHAPED BLOCK TO PROVIDE 3 FLATS WITH ACCESS, LANDSCAPING AND PARKING	GRANT 18-APR-00
LBH/41530	CONSERVATION AREA CONSENT: DEMOLITION OF 2-STOREY STUDIO BUILDING WITH BASEMENT	REFUSE 19-DEC-90 ALLOWED ON APPEAL 19-NOV-91
LBH/39905	REPLACEMENT OF EXISTING TWO-STOREY COMMERCIAL BUILDING & ERECTION OF A PART SINGLE, PART TWO- STOREY LINKED BUILDING AT REAR, FOR USE AS OFFICES WITH PARKING SPACES	REFUSE 19/11/1991

**e) Applicant Statement**

- Design and Access Statement submitted.

**f) Consultations**

Conservation Officer: no objection subject to conditions.

Harrow Hill Trust: no response received.

Conservation Area Advisory Committee: Objection.

Object to loss of Studio building which is the oldest photographic studio in the country; Overlooking and insufficient amenity space; Awkward access; Overdevelopment and out of character; One unit should be omitted; Would result in adverse traffic conditions; Parking bays would not comply; Flooding concerns; Design is satisfactory.

Tree Officer: no objection subject to a condition.

English Heritage: no response received.

**Advertisement:** Demolition in Conservation Area Published: 12-NOV-09  
Expiry: 03-DEC-09

**Site Notice:** Demolition Conservation Area Posted: 10-NOV-09  
Expiry: 01-DEC-09

**Notifications:**

Sent: 48

Replies: 3

Expiry: 24-NOV-09

**List of Neighbours Consulted:**

88 - 90 High Street	Units 1 to 4 West Hill House, West Hill
Ground Floor Office At 88 High Street	West Hill Close, West Hill
Units 1 to 3, 88 - 90 High Street	The Nook, West Hill
100 High Street	Winton, West Hill
104 High Street	5 Byron Hill Road
104A High Street	7 Byron Hill Road
The Studio R/O 104 High Street	9 Byron Hill Road
106 High Street	1 London Road
106A High Street	3 London Road
106B High Street	7 London Road
92 High Street	9 London Road
92A High Street	11 London Road
92B High Street	15 London Road
Park House, 102 High Street	17 London Road
Units 1 to 12 Coniston Court, 96 High Street	Units 1 to 3 Mount Pleasant, London Road

**Summary of Responses:** Objection to demolition; building has been neglected and allowed to deteriorate over the past 15 years; Potential to be an important historic asset; Should be refurbished not replaced; Materials should be conditioned; Replacement building should be of the same size.

## APPRAISAL

### 1) **Character and Appearance of the Conservation Area and Area of Special Character**

'The Studio' is a locally listed building which was constructed in the mid 19<sup>th</sup> century and refurbished in 1970. 'The Studio' is an attractive weatherboarded building with an underfretted bargeboarded gable roof and it is considered the building contributes to the character of the conservation areas and the setting of the nearby statutory and locally listed buildings. The Conservation Area Advisory Committee has advised that the building is oldest photographic studio in the country. Unfortunately the building is in a very poor state of repair and is not structurally sound.

Saved policy D14 of the Harrow UDP (2004) states that redevelopment should only be allowed if the new building would contribute to the area by preserving or enhancing its character or appearance. The Council's Conservation Officer has advised that given the state of 'The Studio' there would be no objection to demolition of the building and replacement of a replica building which is proposed as part of application P/2352/09. The propose design, siting and materials would be the same as the existing building and it is therefore considered that the proposed demolition works required to replace the building would enhance the character and appearance of the Roxeth Hill and Harrow on the Hill Village Conservation Areas and Harrow on the Hill Area of Special Character in accordance with saved policies EP31, D4 and D14 of the Harrow UDP (2004), Roxeth Hill Conservation Area Appraisal 2008, Roxeth Hill Management Strategy 2008, Harrow on the Hill Village Conservation Area Appraisal 2008 and the Harrow on the Hill Village Management Strategy 2008.

### 2) **S17 Crime & Disorder Act (D4)**

It is considered that the proposed development would not have a material impact upon community protection.

### 3) **Consultation Responses**

*Studio should not be demolished; building has been neglected; important asset*

This has been addressed in section 1 of the appraisal above. Given the state of the building there is no objection to the demolition of the exiting building to facilitate construction of a replacement building of a matching design, siting and materials.

*Replacement building should be of same size and the materials should be conditioned*

The replacement building considered under the associated planning application P/2352/09 would be of the same design, size and materials. The materials to be used would be conditioned as part of P/2352/09.

## CONCLUSION

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

## **CONDITIONS**

1 The demolition works hereby permitted shall be carried out in accordance with the terms and conditions of the related planning permission reference P/2352/09.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to accord with the conditions of the related planning application P/2352/09.

## **INFORMATIVES**

1 INFORMATIVE:

SUMMARY OF REASONS FOR GRANT OF CONSENT:

The decision to grant consent 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:

Harrow Unitary Development Plan 2004:  
EP31 – Areas of Special Character  
D4 – The Standard of Design and Layout  
D14 – Conservation Areas

Roxeth Hill Conservation Area Appraisal 2008  
Roxeth Hill Management Strategy 2008  
Harrow on the Hill Village Conservation Area Appraisal 2008  
Harrow on the Hill Village Management Strategy 2008

2 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.

3 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](mailto:communities@twoten.com)



4 INFORMATIVE:

The applicant is advised that there may be public sewers crossing/adjacent to the site, so no building will be permitted within 3m of the sewers. The applicant should contact the Area Service Manager, Mogden at Thames Water Utilities at the earliest opportunity, in order to establish the likely impact of this development upon the sewerage infrastructure. Tel: 08459 200 800.

Plan Nos: External Works Specification; Permeable Block Paving; Written Scheme of Investigation for Archaeological Monitoring & Recording; Site Plan; 04/27/04C; 04/27/03B; 04/27/02B; 04/27/01C; 04/27/05B; Design and Access Statement; Site Survey

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**HATCH END HIGH SCHOOL,  
HEADSTONE LANE, HARROW, HA3 6NR**

**Item: 2/07  
P/2612/09/GL/C**

WARD HATCH END

PROVISION OF A NEW INDOOR SWIMMING POOL TO REPLACE EXISTING OUTDOOR POOL (REVISED APPLICATION BASED ON AMENDMENTS TO AN EXISTING PLANNING CONSENT REF: P/0483/09 GRANTED 01/05/2009)

**Applicant:** Heather Clements  
**Agent:** Saunders Architects  
**Statutory Expiry Date:** | 05-FEB-10

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## **RECOMMENDATION**

Under Regulation 3 of the Town and Country Planning General regulations 1992, **GRANT** permission for the development described in the application and submitted plans, subject to conditions.

### **Legal Comments:**

Regulation 3 of the Town and Country Planning General Regulations 1992 (Statutory Instrument 1992/1492) provides (in relevant part) that applications for planning permission by an interested planning authority to develop any land of that authority shall be determined by the authority concerned, unless the application is called in by the Secretary of State under section 77 of the Town and Country Planning Act 1990 for determination by him. The application is made by LB Harrow [Education] who intends to carry out the development and the land at Hatch End High School is owned by LB Harrow.

The GRANT of planning permission for this development falling within regulation 3 shall enure only for the benefit of the LB Harrow.

### **REASON:**

The decision to recommend GRANT permission has been taken having regard to the policies and proposals in the London Plan and the saved policies of the Harrow Unitary Development Plan listed below, and all relevant material considerations including any comments received in response to publicity and consultation, as the proposal would provide a high quality of development that would improve the facilities at Hatch End High School to the benefit of the students at the school and of the wider community, in accordance with London Plan policies 3D.6 and 4A.7 and saved policies D4, T6, R13, C7, C16 and C17 of the Harrow Unitary Development Plan (2004):

The London Plan 2008

3D.6 – The Olympic and Paralympic Games and sports facilities

4A.7 – Renewable Energy

London Borough of Harrow Unitary Development Plan 2004

D4 – The Standard of Design and Layout

T6 – The Transport Impact of Development Proposals

R13 – Leisure Facilities

C7 – New Education Facilities

C16 - Access to Buildings and Public Spaces

C17 – Access to Leisure, Recreation, Community and Retail Facilities

Supplementary Planning Document: Access for All (2006)

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**MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, Saved Policies in the Harrow Unitary Development Plan 2004 and any other relevant guidance)**

- 1) Character and Appearance of the Area/Residential Amenity (D4)
- 2) Education, Leisure and Community Facilities, including Transport Impacts (3D.6; T6, R13, C7, C16, C17; SPD)
- 3) Renewable Energy and Sustainable Development (4A.7)
- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

**INFORMATION**

**a) Summary**

Statutory Return Type: Minor Development, all other  
Site Area 0.16 ha  
Floor Area 970 sq. m.  
Council Interest: Council owned school

**b) Site Description**

- The school is surrounded by houses on three sides, with Tillotson Road to the north, Courtenay Avenue to the east, and Headstone Lane to the west. Shaftesbury School and St Teresa's RC First and Middle School are located to the south of the site.
- The school is made up of a number of buildings 1-3 storeys in height, located around the north, east and west of the site. Two theatre buildings, an outdoor swimming pool and a new sixth form centre (in course of construction) are located to the south of the site. Tennis courts, approximately 10 years old, are located in the centre of the site.
- The access to the site is from Headstone Lane and the car parking is to the west of the site.

**c) Proposal Details**

- New indoor swimming pool on site of existing pool.
- The buildings would be separated from the new sixth form centre currently under construction to the east by approximately 1.8m, although this gap would have gated access. The new pool would abut the existing 'rotunda' theatre to the west, with an atrium foyer between the main pool and the theatre building.
- The pool building itself would be a total of 33.2m long, 25m wide and 7.1m high.
- The main pool would have curved end walls facing the car park (south) elevation and a 31 metre wide curved roof (3.6m high at lowest point and rising to 5.5m high) with a 24m wide central ridged section that would be 2.2m wide and would project 1.6m above the roof. The central ridged section of the roof would have roof lights.
- The northern part of the building, which would contain changing rooms and other facilities, including a plant room in the basement, would be 9m wide and 31m long and would have a flat roof with a maximum height of 3.2m.
- The flat roof section would have solar thermal panels protected by a settle railing
- In addition to the pool hall and changing facilities, the proposal would include a reception, lobby and foyer area between the western end of the swimming pool and the existing 'rotunda' theatre.

- This atrium would have an irregular shape (being located between two curved structures) and would have triangular canopies at both the north and south entrances.
- The atrium would be a maximum of 22m deep and 8m wide and would have a subservient pitched roof with a maximum height of 6.5m.
- The structure would have a basement, 19.8m wide and 28.9m long, part of which would accommodate the pool itself. The plant room would measure 28.9m x 9.4m and would accommodate filter systems, balance tanks, the mechanism for the moving floor and a Combined Heat and Power plant.

**Revisions to Previous Application:**

Following the previous grant of planning permission (P/0483/09) the following amendments have been made:

- The main pool building has been separated from the sixth form centre by 1.8m rather than abutting it.
- The southern (car park) main building line has been moved such that it would be 0.5m forward of the sixth form centre, rather than being in line with that building.
- The height of the foyer atrium has been increased by approximately 0.8m.
- The length of the changing area would be similar to the previous proposal, but its footprint would be closer to the 'rotunda' theatre due to the separation introduced at the sixth form centre end of the building
- The basement (plant room) area has been increased to accommodate additional plant required by the design specification. The width of the basement has been reduced by 1.7m to maintain the integrity of an existing duct on the site, and its length increased to the full length of the building.
- The depth of the basement has been increased by 1m to 3.6m below ground level.
- Alterations to the elevations have also been made, including the removal of the door at the rear of the atrium and adjustments to the louvers on the north elevation.
- Alterations to the roof, including a reduction in the length of the central raised section by approximately 4m and the relocation of solar panels onto the roof of the changing area, have been made.

**d) Relevant History**

WEST/1234/02	Construction of a linked building to provide theatre workshop	GRANT 13-FEB-03
P/1305/08/CFU	Construction of a two-storey sixth form centre to provide classrooms, I.T. units, and a dining/social area, and an extension to the great hall to provide additional dance/drama facilities	GRANT 01-JAN-08
P/0483/09	Provision Of A New Indoor Swimming Pool To Replace Existing Outdoor Pool.	GRANT 01-MAY-09

P/2311/09	Details pursuant to Conditions 2 (external materials), 6 (drainage) & 7 (surface water storage and attenuation) attached to planning permission P/0483/09 dated 01-May-09 for provision of a new indoor swimming pool to replace existing outdoor pool.	APPROVED 02-DEC-09
P/2381/09	Details pursuant to Condition No.4 (Scheme for reduction of CO <sub>2</sub> emissions) attached to planning permission P/0483/09 01-May-09 for provision of new indoor swimming pool to replace outdoor pool.	APPROVED 30-DEC-09

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- Facility will be for joint school and public use; proposal fits in with masterplan for redevelopment of school; design reflects curved walls of 'rotunda' theatre; energy efficiency measures would be introduced; facilities would take full account of the needs of all users, including disabled users, and takes account of cultural diversity

**g) Consultations**

Hatch End Association: No response received

Drainage Engineers: The approved details of foul and surface water drainage, and surface water storage and attenuation are considered acceptable.

Site Notice

EXPIRY : 04-JAN-09

**Notifications:**

Sent : 13

Replies : 0

EXPIRY : 04-JAN-09

**Summary of Responses:**

- N/A

**APPRAISAL**

This application is required as the previously approved scheme would not be suitable for the required uses due to technical limitations.

Although the changes proposed to the proposed scheme are minor, they could not be considered as non-material amendments.

The principle of the new swimming pool has already been accepted, and the revised proposal is similarly considered acceptable.

**1) Character and Appearance of the Area/Residential Amenity**

The proposed swimming pool represents a contemporary addition to the existing school buildings, and would represent a well-designed use of the space currently occupied by an open-air pool.

The swimming pool has been designed to complement the existing rotunda theatre and the new sixth form centre currently under construction.

In terms of design, the proposal is considered to make a positive contribution to the character and appearance of the school.

This scheme, in conjunction with other proposals, will allow for the provision of permanent, better quality facilities at the school.

The nearest residential properties to the site are in Headstone Lane, the rear gardens of which are 40m from the site of the proposed swimming pool. The rear gardens of properties in Long Elmes are 50m from the site, and those in Courtenay Avenue are 60m from the site.

It is considered that there are no residential properties close enough to the proposed building to be affected by this development due to its location to the south of the site adjacent to the neighbouring school. There are no residential properties adjacent to the location of the proposed swimming pool. The use of the swimming facilities out of hours is also unlikely to have an impact on residential neighbours for the same reason. As such, it is considered that this application would not have any detrimental impacts on the amenities of neighbouring occupiers. However, a condition has been added to restrict the hours of use of the swimming pool to protect the nearby residents from traffic noise and movements in the late evenings and at night.

**2) Education, Leisure and Community Facilities, including Transport Impacts**

The proposal would make better and more effective use of the space and would allow for the new pool to be used throughout the year, not just by pupils, but also by the wider community.

The proposal has been designed to be fully accessible, not just in terms of people with disabilities, but also in terms of diverse cultural communities, for example through the use of mechanisms to allow for single-sex use.

The proposal would comply with the relevant policies in relation to new education and leisure facilities.

The school has an existing Travel Plan. A condition attached to the planning permission for the Sixth form requires that a revised Travel Plan be approved before pupil or staff numbers can be increased above the existing numbers. This was required to ensure that the development would not cause an adverse effect on traffic movement and highway safety.

The swimming pool would not, of itself, result in any increase in staff or pupil numbers. However, the use of the pool as a community resource could have an impact on the levels of traffic entering or leaving the site, both during and outside of school hours.

There would be 11 car parking spaces available for the community use of the pool during school hours, and further spaces, in the staff car parking area, available outside of those times. This level of parking provision is considered sufficient.

In terms of additional traffic movements, it is considered that the changes to the travel patterns to the site would not require a revision to the Travel Plan in this instance.

**3) Renewable Energy and Sustainable Development**

The proposed scheme briefly touches on how it would address the renewable energy and sustainable development policies of The London Plan. For this type of development, an applicant must demonstrate how the design of the development will incorporate these policies into the final scheme. A condition is therefore attached requiring further details of renewable energy and sustainable development measures to be approved before the commencement of works.

**4) S17 Crime & Disorder Act**

The proposal would have no impact with respect to this legislation.

**5) Consultation Responses**

None

**CONCLUSION**

The proposal would provide a high quality modern swimming pool that would be of benefit not just to the pupils of Hatch End High School, but also to the wider community.

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, this application is recommended for grant, subject to the following condition(s):

**CONDITIONS**

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 The materials to be used in the construction of the development hereby permitted shall be as specified in the approved Design and Access Statement and drawings, unless otherwise agreed in writing by the Local Planning Authority.

REASON : To safeguard the appearance of the locality.

3 The swimming pool hereby permitted shall not be open to members of the public outside the following times:-

a: 08:00 hours to 22:00 hours, Monday to Friday inclusive,

b: 09:00 hours to 20:00 hours on Saturdays,

c: 10:00 hours to 16:00 hours, Sundays or Bank Holidays,  
without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents.

4 The development hereby permitted shall not commence until details of a scheme to achieve a reduction in predicted carbon dioxide emissions of 20% from on site renewable energy generation have been submitted to, and approved in writing by, the local planning authority. The development shall not be occupied until the works have been completed in accordance with the approved details and thereafter retained.

REASON: To ensure the development provides a satisfactory level of renewable energy.

5 The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site in accordance with the details approved under planning reference P/2311/09 dated 02-Dec-09. The works shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided.

6 The development of any buildings hereby permitted shall not be commenced until surface water attenuation/storage works have been provided in accordance with details approved under planning reference P/2311/09 dated 02-Dec-09. The works shall thereafter be retained.

REASON: To prevent the increased risk of flooding.

7 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 approved under planning reference P/2311/09 dated 02-Dec-09. The works shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided.

8 The development hereby permitted shall be completed in accordance with plan numbers 4913-201-D5; -202-D5; -203-D5; -204-D5; -205-D5; -400-D5; -406-D5 and the accompanying Design and Access Statement, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure a satisfactory form of development.

## **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:

3D.6, 4A.7

Harrow Unitary Development Plan:

D4, T6, R13, C7, C16, C17

SPD, Access for All



**2 INFORMATIVE:**

Notwithstanding the note on your submitted plan(s), this decision has been made on the basis of measurements scaled from the plan(s), unless a dimensioned measurement overrides it.

**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:**

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 (i.e. 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.)

**5 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 / 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.

**6 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.

Item 2/07 : P/2612/09/GL/C continued/...

Plan Nos: 4913-201-D5; -202-D5; -203-D5; -204-D5; -205-D5; -400-D5; -406-D5;  
Design and Access Statement; 8399/700B; Environmental Report;  
Contaminated Land Report

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**112 UXBRIDGE ROAD, HARROW WEALD, HA3 6TR**

**Item: 2/08**

**P/1591/09/GL/C**

Ward HARROW WEALD

VARIATION OF CONDITIONS 3 (PERMEABLE PAVING IN FRONT GARDEN) AND 7 (DETAILS OF RETAINING WALL) OF PLANNING PERMISSION P/3558/08 DATED 27-MAR-09 FOR RETENTION OF DETACHED TWO-STOREY DWELLINGHOUSE WITH ROOMS IN ROOFSPACE; TIMBER DECKING AT REAR AND PROPOSED ALTERATIONS TO GARDEN LEVELS; LANDSCAPING

**Applicant:** Mr Jay Dadhania

**Statutory Expiry Date:** | 01-OCT-09

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### **RECOMMENDATION**

GRANT permission for the variation of the conditions as described in the application and submitted plans

### **REASON:**

The decision to GRANT permission for the variation of the conditions has been taken having regard to the policies and proposals of 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:

Harrow Unitary Development Plan:

D4 – The Standard of Design and Layout

EP12 – Control of Surface Water Run-Off

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### **MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, Saved Policies in the Harrow Unitary Development Plan 2004 and any other relevant guidance)**

- 1) Character and Appearance of the Area, Amenity (D4, EP12)
- 2) S17 Crime & Disorder Act (D4)
- 3) Consultation Responses

### **INFORMATION**

This application is referred to Committee at the request of a nominated member.

This application was deferred from the Committee meeting of 14-Oct-09 for further information, concerning structural calculations and a construction method statement for the retaining wall. These further details were received on 14-Nov-09 and are considered acceptable.

#### **a) Summary**

Statutory Return Type: Minor Dwellings

Site of Importance for Borough Importance Grade II (adjacent)

Nature Conservation

Area of Special Harrow Weald Ridge (adjacent)

Character

TPO 490

Council Interest: None

**b) Site Description**

- The original house has been demolished and the replacement dwelling has been constructed and is now occupied
- The site is located on the north side of Uxbridge Road.
- To the rear of the site is the Harrow Weald Lake. There is no direct access to the lake from the subject site.
- The house to the east No. 110 has had many extensions carried out over the years 1975-2004.
- There is a driveway running along the east boundary of the subject site leading to No. 110A.
- No. 110A is a bungalow situated to the rear of the subject site, to the east of the lake. Planning permission to build this house was granted in 1982/83.
- The house to the west No. 114 has recently been built to replace the house existing there previously. This house was granted planning permission in the application EAST/581/00/FUL in 2000.

**c) Proposal Details**

- Variation of Conditions 3 (Control of surface water run-off in front garden) and 7 (Retaining wall) to allow details to be approved following occupation of the property rather than prior to occupation.

**d) Relevant History**

P/1673/07/DFU	Redevelopment to provide detached two storey house with rooms in roof space (revised).	GRANT 06-AUG-07
P/3558/08	Retention of detached two-storey dwellinghouse with rooms in roof space; timber decking at rear; alterations to garden levels; landscaping	GRANT 27-MAR-09

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- None

**g) Consultations**

**Drainage Engineers:** Supplied details and calculations are sufficient

**Notifications:**

Sent : 8

Replies : 2

Expiry : 02-JUL-09

**Neighbours consulted:**

110, 110a, 114, 179, 181 Uxbridge Road, Harrow, HA3  
31, 31a West Drive, Harrow, HA3  
24 Kynaston Wood, Harrow, HA3  
8 Lakeland Close, Harrow, HA3

**Summary of Responses:**

- Objection to applicants having occupied the property before all conditions precedent were discharged.

**APPRAISAL**

This application is required as the original conditions are no longer capable of being discharged as occupation of the property has commenced.

**1) Character and Appearance of the Area, and Amenity**

The proposal would not have an impact on the character or appearance of the area, or on residential amenity.

The house as constructed has the benefit of planning permission and is considered acceptable.

Conditions attached to the grant of planning permission for the retention of the house, timber decking and alterations to garden levels required that details of permeable paving in the front garden (Condition 3) and a retaining wall adjacent to the driveway leading to No. 110a Uxbridge Road (Condition 7) be submitted and approved prior to the occupation of the dwellinghouse.

However, occupation of the property has now commenced and those conditions attached to the original permission cannot be discharged in retrospect. Planning legislation does permit the retrospective granting of planning permission. Failure to comply with conditions precedent does not, of itself, render the substantive development unlawful provided that the conditions can be varied to allow for discharge within the duration of the planning permission, or the building is granted planning permission in its completed form.

The works required by these conditions are still required. A system for either porous paving or provision for surface water run-off in the front garden or a porous or permeable area within the site is required to ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding.

The retaining wall adjacent to the driveway of No. 110a Uxbridge Road is required to ensure the stability of that driveway.

The applicants have submitted details of a scheme to direct surface water into a permeable area within the front garden area which would have been considered sufficient to discharge condition 3.

The applicants have submitted details of a retaining wall which would have been considered sufficient to discharge condition 7.

As the details supplied are considered acceptable the submission of this application for variation of those conditions allows the local planning authority to vary the condition such that the works required be completed within three months to ensure that the required works are completed with the minimum of delay.

**2) S17 Crime & Disorder Act**

The proposal would have no impact with respect to this legislation.

**3) Consultation Responses**

Planning legislation allows for the variation and retrospective discharge of conditions, as discussed in the Character and Appearance of the Area section above.

**CONCLUSION**

The variation of conditions 3 & 7 and details submitted would provide satisfactory levels of surface water drainage together with an adequate retaining wall to protect the driveway for No. 110a Uxbridge Road.

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, this application is recommended for grant, and the relevant conditions varied to the following:

**CONDITIONS**

1 The hard surfacing hereby permitted shall be constructed in accordance with details shown in drawing number 112UR/CON 3-7 Rev 1 and associated method statement within three months of the date of this permission and shall thereafter be retained.

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding.

2 The retaining wall indicated on the Proposed Landscape Plan – Drawing No. 112UR/PLP05/1009 – at the rear of the house and adjacent to the east rear garden boundary with the driveway to No. 110A Uxbridge Road shall be constructed in accordance with details shown in drawing number 112UR/CON 3-7 Rev 1 within three months of the date of this permission and shall thereafter be retained.

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

**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:

Harrow Unitary Development Plan:

D4, EP12

2 INFORMATIVE:

The applicants are advised that if the works are not completed within the timescale specified, then the development would become unlawful, which could result in enforcement action being taken against the development.

Item 2/08 : P/1591/09/GL/C continued/...

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.

Plan Nos: Site Plan; 112UR/CON3-7 Rev 1; structural calculations and method statement

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**7 THE AVENUE, HATCH END, HA5 5BN**      **Item: 2/09**  
**P/2036/09/GL/C**  
Ward      HATCH END  
RETENTION OF TWO BLOCKS PROVIDING A TOTAL OF 7 FLATS TOGETHER WITH  
10 PARKING SPACES

**Applicant:**      Mr Kasif Deen  
**Agent:**      Anthony Byrne Associates  
**Statutory Expiry Date:**      26-NOV-09

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## **RECOMMENDATION**

**GRANT** permission for the development described in the application and submitted plans, subject to conditions.

**REASON:** The decision to recommend GRANT permission has been taken having regard to the policies and proposals in the London Plan and the saved policies of the Harrow Unitary Development Plan listed below, and all relevant material considerations including any comments received in response to publicity and consultation, as the proposal would provide a high standard of residential accommodation without impinging upon the amenity of the neighbouring occupiers, in accordance with PPS1, PPS3, London Plan policies 4B.1, 3A.5 and saved policies D4, D5, D9, T13 and C16 of the Harrow Unitary Development Plan (2004):

PPS1 – Delivering Sustainable Development  
PPS3 – Housing

The London Plan 2008  
4B.1 – Design Principles for a Compact City  
3A.1 – Increasing London’s Supply of Housing  
3A.2 – Borough Housing Targets  
3A.3 – Efficient use of stock  
3A.4 – Housing Choice  
3A.5 – Large Residential Developments

London Borough of Harrow Unitary Development Plan 2004  
D4 – The Standard of Design and Layout  
D5 – New Residential Development – Amenity Space and Privacy  
D9 – Streetside Greenness and Forecourt Greenery  
T13 – Parking Standards  
C16 - Access to Buildings and Public Spaces

Supplementary Planning Guidance: Extension’s – A Householder’s Guide (2008)  
Supplementary Planning Document: Accessible Homes (2006)

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## **MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, Saved Policies in the Harrow Unitary Development Plan 2004 and any other relevant guidance)**

- 1) Character and Appearance of the Area (4B.1, 3A.1, 3A.2, 3A.5; D4, D9, SPG)
- 2) Residential Amenity (3A.5; D4, D5, D9, T6, T13, C16, SPG; SPD)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses



## INFORMATION

### a) Summary

Statutory Return Type: Minor Dwellings  
Habitable Rooms 21  
Lifetime Homes 0  
Council Interest: None

### b) Site Description

- The application site is on the west side of The Avenue, with the rear of the site abutting the main line railway from Euston.
- The development has been completed, and the application site is occupied by a two-storey, with accommodation in the roof space, block of five flats with basement parking towards the front of the site and a two-storey block of two flats towards the rear of the site.
- The block towards the front has a raised ground floor to permit vehicle access beneath the building. The block has been constructed from brick with tile hung elevations on the first floor, a mansard roof with pitch above and three dormer windows on the front roof slope and four dormer windows in the rear roof slope.
- The block towards the rear of the site is a two-storey building with a hipped roof. It has been constructed from brick with tile hung elevations on the first floor.
- The access continues from the basement area of the front block to provide access and additional hard surfaced parking areas between the two blocks.
- A total of 10 parking spaces have been provided, with six in the basement and a further four in the area between the two blocks
- A refuse storage area has been provided between the two blocks, with space for three 1100 litre general waste bins and three 1280 litre recycling bins

### c) Proposal Details

- Retention of the development as described above

### d) Relevant History

WEST/82/00/OU T	Outline: detached 3 storey building to provide 8 flats with garages and associated parking areas at the rear	REFUSED 24-JUL-00
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#### Reasons for Refusal:

- The proposed development would, by reason of excessive site coverage by building and hardsurfacing, excessive size and bulk and prominent siting, be visually obtrusive and overbearing to neighbouring properties in Braeside Close to the detriment of the visual and residential amenities of the occupiers and the character of the area.
- The proposed access road and rear parking area, by reason of excessive size and unsatisfactory siting in relation to the neighbouring residential properties in Braeside Close, and associated increased noise, disturbance and activity would be unduly obtrusive and detrimental to the visual and residential amenities of the occupiers of those properties and the character of the area.

P/631/03/CFU	Redevelopment: 2/3 storey and 2 storey buildings to provide 7 flats with parking	GRANT 15-OCT-03
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P/18/06/CFU	3 storey building to provide 7 flats and 2 storey building at rear to provide 2 flats	REFUSE 16-MAR-06
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**Reasons for Refusal:**

- The proposed development, by reason of excessive number of units, size of building and hard-surfaced parking areas, with the associated disturbance and general activity, would result in an over-intensive use and amount to overdevelopment of the site to the detriment of neighbouring residents and the character of the area.
- The proposed development, in particular the rear extension to the front block, by reason of excessive bulk and rearward projection, would be unduly obtrusive with inadequate amenity space around the buildings and would be detrimental to the visual and residential amenities of neighbouring properties.
- The proposed access road and rear parking area, by reason of excessive size and 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 the occupiers of those properties and the character of the area.
- The proposal would represent overdevelopment of the site, by reason of inadequate rear garden depth and amenity space, contrary to the provisions of the Harrow Unitary Development Plan and detrimental to the character of the area.

P/1815/07	Details of condition 3 (boundary treatment) condition 6 (hard & soft landscaping) condition 10 (storage and disposal of refuse) condition 8 (levels) and condition 12 (access & egress for people with disabilities) required by planning permission P/631/03/CFU	APPLICATION NOT ACCEPTED
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P/0130/08/CVA	Variation and discharge of condition 12 (adequate access to and egress from the building) attached to planning permission P/631/03/CFU dated 16 Oct 2003 for redevelopment: 2/3 storey and two storey buildings to provide 7 flats with parking.	WITHDRAWN 13-MAR-08
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P/0131/08/CVA	Variation and discharge of condition 10 (storage and disposal of waste/refuse and vehicular access thereto) attached to planning permission P/631/03/CFU dated 16 Oct 2003 for redevelopment: 2/3 storey and two storey buildings to provide 7 flats with parking.	WITHDRAWN 13-MAR-08
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P/0132/08/CVA	Variation and discharge of condition 8 (levels) attached to planning permission P/631/03/CFU dated 16 Oct 2003 for redevelopment: 2/3 storey and two storey buildings to provide 7 flats with parking	WITHDRAWN 13-MAR-08
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P/0133/08/CVA	Variation and discharge of condition 6 (hard and soft landscaping) attached to planning permission P/631/03/CFU dated 16 Oct 2003 for redevelopment: 2/3 storey and two storey buildings to provide 7 flats with parking.	WITHDRAWN 13-MAR-08
P/0134/08/CVA	Variation and discharge of condition 3 (boundary treatment) attached to planning permission P/631/03/CFU dated 16 Oct 2003 for redevelopment: 2/3 storey and two storey buildings to provide 7 flats with parking.	WITHDRAWN 13-MAR-08

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- Design compliments character of street scene
- Proposed flats would comply with access requirements

**g) Consultations**

Hatch End Association: No response received  
Drainage Engineers: No response received

**Notifications:**

Sent : 55

Replies : 2

Expiry : 05-NOV-09

**Summary of Responses:**

- Overlooking; overshadowing; block built in a rear garden changing character of area; risk of flooding from hard surfaces; noise and disturbance from car parking; too many flats in area

**APPRAISAL**

This application to retain the two "as built" buildings is required as the applicants failed to either discharge a number of conditions precedent prior to commencement or to vary those outstanding conditions within five years of the date of planning permission being granted.

However, the development commenced within the lifetime of the original grant of planning permission and has been constructed in accordance with the approved plans.

Although the Unitary Development Plan has been changed since the original grant of planning permission, it is considered that the changes to the local development plan context are not sufficient to warrant a refusal of the completed development.

**1) Character and Appearance of the Area**

As noted above, the proposal is for the retention of a completed scheme that was originally granted planning permission in 2003.

The original officer's report noted that this part of The Avenue is characterised by several blocks of flats and that the provision of such development is not objected to in principle.

The tandem layout follows the pattern established in the adjacent Braeside Close. The previous rear garden of the house that formerly stood on the site is classified as previously-developed land, and its use for residential development in accordance with the principles of both PPS1 and PPS3.

The design of the blocks, with front dormers, gables and a hipped mansard roof, has an individual style that is considered acceptable in this area, which comprises buildings of individual design and appearance. The materials for the external surfaces of the blocks were approved by letter dated 2 November 2005.

The bins for refuse and recycling materials would be stored in a purpose-built enclosure at the rear of the front block, adjacent to the undercroft parking area. Three x 1100 litre general waste bin and three x 1280 litre blue recycling bin would be provided.

The location of the bin store is considered acceptable as its location would not adversely impact on the main habitable areas of the subject site.

The proposal is considered acceptable with regard to soft landscaping in the front garden, and with the proposed landscaping through the site. A condition requiring the landscaping to be implemented is still required.

On balance, it is considered that the proposal provides a satisfactory form of development with respect to the character and appearance of the area.

## **2) Residential Amenity**

The blocks of flats comply with the 45 degree code with respect to neighbouring properties, and do not cause overshadowing of other properties.

Concern has been expressed that the front block causes loss of light to a living room window in Avon Court, the block of flats to the north west. However, as noted in the previous report, this window is a secondary window and is therefore not protected.

Concern has also been expressed that a significant area of the site is covered by buildings and hard surfaces. The amount of hard surfacing is as approved in the previous grant of planning permission, which also required that the hard surfacing be impermeable, but adequately drained. The drainage condition attached to the previous grant of planning permission was discharged by letter dated 17-Nov-2005.

The parking arrangements are considered acceptable, and the traffic movements generated would not result in significant disturbance to neighbouring occupiers or to highway safety.

The proposed flats have adequate room sizes and the layouts are considered acceptable in terms of their vertical stacking.

Compliance with Lifetime Homes standards was not a consideration at the time of the original grant of planning permission. Notwithstanding this, each of the entrances has provision for wheelchair access, and there is a lift serving all floors in the front block. This is considered acceptable given the circumstances.

## **3) S17 Crime & Disorder Act**

The proposal would have no impact with respect to this legislation.

#### **4) Consultation Responses**

Overlooking – the issues of overlooking and overshadowing were addressed through amendments to the 2003 scheme.

Block built in a rear garden – tandem development precedent set by development of Braeside Close

Risk of flooding from hard surfaces; noise and disturbance from car parking – the amount of hard surfaces and level of parking provision has previously been approved.

Too many flats in area – the development had the benefit of planning permission

#### **CONCLUSION**

The development has been built in accordance with the plans submitted with planning permission P/631/03/CFU, and would provide residential accommodation that would not be detrimental to the amenities of the area or of neighbouring occupiers.

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, this application is recommended for grant, subject to the following condition(s):

#### **CONDITIONS**

1 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 5 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.

2 The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area, as shown on the approved drawing.

REASON: to safeguard the appearance of the locality.

3 The window(s) in the flank wall(s) of the front block of the approved development shall:

a) be of purpose-made obscure glass,

b) be permanently fixed closed below a height of 1.7 metres above finished floor level, and shall thereafter be retained in that form.

REASON: To safeguard the amenity of neighbouring residents

#### **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:

PPS1: Delivering Sustainable Development

PPS3: Housing

London Plan:

4B.1, 3A.1, 3A.2, 3A.3, 3A.4, 3A.5

Harrow Unitary Development Plan:

D4, D5, D9, T6, T13, C16

SPG, Extensions: A Householder's Guide

SPD, Accessible Homes

#### 2 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.

#### 3 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](mailto:communities@twoten.com)

#### 4 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.

Plan Nos: Site Plan; 0/1204/02 D; 03 A; 04 C; 05 D; 06 D; 09 B; /10; Design and Access Statement; Landscaping Schedule

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**74 ALICIA AVENUE, HARROW, HA3 8HS**      **Item: 2/10**  
**P/2147/09/FOD/E**  
Ward      KENTON WEST  
TWO STOREY FRONT AND FIRST FLOOR SIDE EXTENSIONS, EXTERNAL  
ALTERATIONS, CONVERSION TO TWO DWELLINGHOUSES (REVISED)

**Applicant:**      Mr Alan Webb  
**Agent:**      Mr John Beyer  
**Statutory Expiry Date:**      | 10-DEC-09

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## RECOMMENDATION

**GRANT** permission for the development described in the application and submitted plans, subject to conditions.

**REASON:** - The decision to GRANT planning permission has been taken having regard to the policies and proposals in The London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004, listed below, and all relevant material considerations, as the proposed development would achieve a high standard of design in a way that makes efficient and effective use of land without prejudice to flood risk on or near the site whilst contributing to the provision of additional 'homes' targets, as detailed in The London Plan 2008, and would be acceptable in relation to its impacts upon the amenities of the neighbouring residents and the character of the area.

National Planning Policy  
Planning Policy Statement 1 – Delivering Sustainable Development  
Planning Policy Statement 3 – Housing  
Planning Policy Statement 25 – Development and Flood Risk

The London Plan 2008  
3A.1 – Increasing London's Supply of Housing  
3A.2 – Borough Housing Targets  
3A.3 – Efficient use of stock  
3A.4 – Housing Choice  
3A.5 – Large Residential Developments  
4B.1 Design Principles for a Compact City

London Borough of Harrow Unitary Development Plan 2004  
EP11 - Development within Floodplains  
EP12 – Control of Surface Water Run-Off  
D4 – The Standard of Design and Layout  
D5 – New Residential Development – Amenity Space and Privacy  
D9 – Streetside Greenness and Forecourt Greenery  
T13 – Parking Standards  
C16 - Access to Buildings and Public Spaces  
Supplementary Planning Guidance: Extension's – A Householder's Guide (2008)  
Supplementary Planning Document: Accessible Homes (2006)  
Draft London Housing Design Guide (2009)

**MAIN CONSIDERATIONS AND POLICIES (National Planning Policy, The London Plan 2008 and the saved policies of the London Borough of Harrow Unitary Development Plan 2004)**

- 1) Principle of Development (PPS1, PPS3, The London Plan policy 3A.3, 4B.1)
- 2) Character and Appearance of the Area (The London Plan policies 3A.1, 3A.2, 3A.3, 3A.4, 4B.1, UDP policies D4, D9 and SPG: Extension's – A Householder's Guide 2008)
- 3) Residential Amenity (D5 and SPG: Extension's – A Householder's Guide 2008)
- 4) Traffic and Parking (T13)
- 5) Accessible Homes (The London Plan policy 3A.5, UDP policy C16 and SPD: Accessible Homes 2006)
- 6) Development within Floodplains (EP11, EP12, PPS25)
- 6) S17 Crime & Disorder Act (D4)
- 7) Consultation Responses

**INFORMATION**

The application is referred to the Planning Committee at the request of a Nominated Member. The application was deferred from the Planning Committee on 2<sup>nd</sup> December 2009 for a Members' site visit which took place on 11<sup>th</sup> January 2010.

**a) Summary**

Statutory Return Type: Minor Dwellings  
Council Interest: None

**b) Site Description**

- The application site lies at the far end of Alicia Avenue on the southern side, adjacent to Kenton Recreation Ground. The car park for the recreation ground lies to the west of the application site.
- Alicia Avenue is characterised by terraced dwellings, mostly in groups of fours and sixes. 74 Alicia Avenue is an end-of-terrace terrace within a terrace of 3 dwellings.
- The ridge height of the dwelling is marginally below that of the adjoining dwelling, No.72 and the property features a front porch.
- The property has been extended with the addition of two-storey side extension and a further attached single storey side extension which contains a garage. The ground floor of the two-story extension is also used as a garage.
- A single storey front extension extends across the front of the two-storey side and single storey side extension and has a width of 7.5 metres.
- The front of the property features two parking spaces and is enclosed by a low wall.
- The western boundary of the property is enclosed by close boarded fencing. Cypress trees run along the eastern boundary of the recreation ground, adjacent to the western boundary of the property.
- The rear and eastern boundaries of the property are enclosed by close boarded fencing. The rear garden steps down approximately 800mm from level of the patio and extends approximately 17 metres from the rear wall of the property.
- The adjoining dwellinghouse to the east, No.72, does not feature any extensions.
- The application site is located within the Flood Plain of Wealdstone Brook.



**c) Proposal Details**

- It is proposed to erect a first floor side extension over the existing single storey side extension. This proposed extension, in association with the existing two-storey and single storey side extensions to the property would form an additional attached dwellinghouse.
- The proposed first floor side extension would have the same depth as the existing dwellinghouse and would be 3.3 metres in width. The roof of the proposed extension would link in with, and replicate the existing dwellinghouse, with a hipped roof.
- It is proposed to remove the existing porch at No.74, remove the existing single storey front extension and erect a two-storey front bay extension to the proposed dwelling which would replicate that of the existing and neighbouring houses.
- Insertion of a small window adjacent to the front door of the new dwellinghouse.
- The proposed new dwellinghouse would be 7.3 metres in width, compared with the original dwellinghouse which was 6.8 metres wide, prior to being extended.
- It is proposed to sub-divide the rear garden of the existing property to serve No.74 and the new dwellinghouse. Each rear garden would provide approximately 110m<sup>2</sup> and 155m<sup>2</sup> of rear garden space respectively.
- The front of the property would also be subdivided, providing one parking space for No.74 and one for the new dwellinghouse. The parking spaces would be 2.5 x 5.1 metres and 3.3 x 5.1 metres respectively. The remainder of the front gardens would be soft landscaped.
- Bin storage for No.74 is proposed in the front garden of the property. Bin storage for the new house is proposed on the western boundary of the property adjacent to the rear main wall of the dwellinghouse.

**Revision to previous application (P/1489/09):-**

- Flood Risk Assessment (FRA) submitted with current application
- Alteration to bin stores
- Alterations to internal door widths and layout.

**d) Relevant History**

P/1595/07/DFU	Two storey front and first floor side extensions external alterations conversion to two dwellinghouses	REFUSED 10-JUL-09
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**Reasons for Refusal:**

1. The proposal does not make adequate and satisfactory provision for off street parking and would result in an overall shortfall of parking provision to the detriment of highway and pedestrian safety and the movement of traffic in the vicinity, and the amenity of neighbouring residents, contrary to Policies D4 and T13 of the Harrow Unitary Development Plan.
2. The proposed amount of hard-surfacing of the front garden of the existing and the proposed dwelling would erode the forecourts due to inadequate scope for soft landscaping and would be unduly obtrusive and detract from the appearance of the buildings and the street-scene, contrary to policies SD1, D& D9 of the Harrow Unitary Development Plan.



It is therefore considered, that in principle, the provision of a dwelling house by replicating the ridge height and roof form of the original dwelling would represent an acceptable form of development, subject to the development proposal meeting the standards of design, layout and amenity set out in the HUDP (2004) and the Council's SPGs and SPDs.

As discussed above, it is considered that the primary elements of the dwellinghouse, such as the creation of a front bay and hipped roof satisfactorily address the need for the property to harmonise with the neighbouring dwellings in the streetscene. The width of the additional dwellinghouse would be marginally greater than that of the adjoining dwellinghouse and No.'s 72 and 70. However, given the location of the property at the end of the row of terraced properties, the primary viewing points of the dwelling would be from the east (primarily) or west of the site, rather than face on. As such, it is considered that the greater width of the proposed dwellinghouse would not be discernible from these primary view points. Some space along the western boundary of the property has been retained and these separation distances, varying between 1 and 1.8 metres, are considered acceptable.

It is considered that the addition of the first floor extension and the removal of the single storey front extension and front porch to the existing dwellinghouse would improve the appearance of the property in the streetscene, providing a return to the natural rhythm of the terraced streetscene, whilst replicating the form of dwelling established in the area.

The front of the property would be subdivided and the provision of soft landscaping is considered acceptable. The applicant has indicated an enclosed bin store surrounded by a 1.2 metre high close boarded fence in the front garden of the existing dwellinghouse which would mitigate the effect of the provision of enclosed bins at the front of the property, which is commonplace along the rows of terraced dwellings in this street. A condition however, requiring samples of the materials to be used in the bin store is attached and considered necessary and reasonable to achieve an acceptable form of development.

### **3) Residential Amenity**

Given the separation distances of the proposed extension and new dwellinghouse to any neighbouring residential properties, it is considered that the development would not impinge on the residential amenity of any of the neighbouring properties to the south.

It is considered that the separation distance of the first floor windows from the new dwellinghouse to the properties to the rear is acceptable. In any event, it is considered that the additional of a further first floor window would not be materially different from the existing situation. The proposed new dwellinghouse would not impinge on the amenity of the residents of the existing dwellinghouse on the site as it would not project forward or rearward of this property.

The room sizes and living areas of the proposed dwellinghouse and No.74 would meet the minimum standards set out within the emerging Draft London Housing Design Guide (2009) and are set out in the table below:

	No.74	New dwellinghouse
Gross Internal Area (GIA)	97m <sup>2</sup>	103.2m <sup>2</sup>
Living / Kitchen / Dining Space	41m <sup>2</sup>	41m <sup>2</sup>

The development would therefore provide adequate internal space for the occupiers of both properties and in the case of the proposed new dwellinghouse would provide an accessible layout which would be easily capable of adaptation.

It is considered that adequate rear garden amenity space would be provided for the occupiers of the additional dwellinghouse and the existing property on the site.

**4) Traffic and Parking**

The proposal would result in an additional dwellinghouse with both No.74 and the proposed dwellinghouse having 3 bedrooms. It is considered that the additional dwelling house on the site may result in additional parking pressures on the area. However, no parking restrictions are in force on the street and the applicant has indicated that fully accessible parking spaces would be provided for each dwelling which is considered consistent with neighbouring properties in the street and sufficient in order to serve the needs of the proposed occupants in accordance with saved policy T13 of the HUDP (2004).

**5) Accessibility**

The proposed development would create an additional dwelling on the site and should therefore be considered, in accessibility terms, as a new build development. Although level access has been indicated on the submitted plans, it is not shown how this would be achieved. However, given the finished floor level of the proposed dwelling would be just marginally above that of the footway to the front of the site, it is considered that this would be easily achievable on the site and could be secured by condition. The proposed dwellinghouse would provide a parking space of 3.3 by 5.1 metres which would comply with Lifetime Homes standards. External and internal door widths would be sufficient, complying with the provisions of Lifetime Homes as set out within the Council's SPD – Accessible Homes. An entrance level wheelchair accessible WC and a bathroom capable of conversion to a wet room has also been indicated.

**6) Development within Floodplains**

Following comments received from the Environment Agency and the Council's Drainage Section on the previous application, the applicant has now demonstrated that the modelled flood level is 2.7 metres below the level of the rear garden. The proposed development therefore adequately addresses the requirements of PPS25 and the Council's Drainage Section and the Environment Agency are satisfied that the development would not increase the risk of flooding on the site or elsewhere, thereby complying with saved policies EP11 and EP12 of the HUDP (2004) and PPS25 (2006).

**7) S17 Crime & Disorder Act**

It is considered that the proposed development does not have any adverse crime or safety concerns.

**8) Consultation Responses**

None

**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, subject to the following condition(s):

**CONDITIONS**

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

REASON: To safeguard the appearance of the locality.

3 The development hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces noted below have been submitted to, and approved in writing by, the local planning authority:

(b) the proposed bin store to No.74

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

REASON: To safeguard the appearance of the locality.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development which would otherwise fall within Class D, Part 1 of Schedule 2 to that Order or any extension to the western side of the new dwellinghouse, pursuant to Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), shall be carried out without the prior permission in writing of the Local Planning Authority.

REASON: In order to retain accessible parking spaces and external access to the bin store to the rear of the new dwellinghouse, thereby retaining the property as a 'Lifetime Homes' dwellinghouse and to safeguard the character of the area, and neighbouring amenity

5 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 for the forecourt of the site. Soft landscape works shall include: planting plans, and schedules 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.

Item 2/10 : P/2147/09/FOD/E continued/...

6 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 5 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.

7 Before commencement of the development hereby permitted the hard surfacing hereby permitted shall EITHER be constructed from porous materials, for example, gravel, permeable block paving or porous asphalt, OR provision shall be made to direct run-off water from the hard surfacing to a permeable or porous area or surface within the curtilage of the site, in accordance with details to be submitted to and approved beforehand by the Local Planning Authority.

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding.

8 The development hereby permitted, as detailed in the submitted and approved drawings, shall be built to Lifetime Homes Standards, and thereafter retained to those standards.

REASON: To ensure provision of 'Lifetime Homes' standard housing in accordance with the policies of the Harrow Unitary Development Plan.

9 The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area, as shown on the approved drawing.

REASON: to safeguard the appearance of the locality.

## **INFORMATIVES**

### **1 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.

### **2 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:

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<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

### 3 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.

### 4 INFORMATIVE:

Note: guidance on permeable paving has now been published by the Environment Agency on <http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgarden>

### 5 INFORMATIVE:

There may be public sewers crossing / adjacent to the site, so no building will be permitted within 3m of the sewers. The applicant should contact the Area Service Manager, Mogden at Thames Water Utilities at the earliest opportunity, in order to establish the likely impact of this development upon the sewerage infrastructure. Tel: 08459 200 800

Plan Nos: 1679-0 Rev B, 1679-1, 1679-4 Rev A, 1679-5 Rev C, Design and Access Statement, Flood Risk Assessment and Flood Maps

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**THE QUADRANT, UNIT 3, HEADSTONE GARDENS,  
HARROW, HA2 6PN**

**Item: 2/11  
P/1445/09/LM/C**

Ward HEADSTONE SOUTH  
CHANGE OF USE OF SHOP (CLASS A1) TO RESTAURANT (CLASS A3)

**Applicant:** MR KANAGRAJAH  
**Agent:** DR DAVID WEBB  
**Statutory Expiry Date:** | 25-SEP-09

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### **RECOMMENDATION**

The decision to **GRANT** permission has been taken having regard to the policies and proposals in 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:

Harrow Unitary Development Plan:

D4 - The Standard of Design and Layout

D5 - New Residential Development – Amenity Space and Privacy

T6 – The Transport Impacts of Development Proposals

T13 – Parking Standards

EM20 – Change of Use of Shops Outside Town Centres

EM25 – Food, Drink and Late Night uses

C17 – Access to Leisure, Recreation, Community and Retail Facilities

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### **MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008, the saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance)**

- 1) Change of Use (EM20)
- 2) Residential Amenity (D5 and EM25)
- 3) Traffic, Refuse and Access (C17, T6 and T13)
- 4) Character, Design and Layout (D4)
- 5) S17 Crime & Disorder Act (D4)
- 6) Consultation Responses

### **INFORMATION**

This application is reported to the Committee due to a recommendation for grant against a signed petition, with eleven signatories, in objection.

#### **a) Summary**

Statutory Return Type: Minor Retail and Distribution and Services  
Council Interest: None

#### **b) Site Description**

- The application site is 102m<sup>2</sup> in area and is located on the northern side of Headstone Gardens.
- Property is a two storey, mid terraced property with ground floor commercial unit which is currently vacant and flat above. Property has a single storey rear extension.
- It is within a non designated parade of shops on Headstone Gardens and part of a larger shopping centre located around the intersection of Headstone Gardens, Headstone Drive and Harrow View.



- Property to the east, no. 2, is a dentist surgery (Class D1) with a flat above.
- Property to the west, no. 4, is a takeaway (Class A5) with flat above.
- Access to the rear provided by a pedestrian alleyway
- No off street parking provided.
- Roads within the intersection are designated as Borough Distributor Roads.

**c) Proposal Details**

- Use of ground floor shop (Class A1) as a restaurant (Class A3).
- No operating/opening hours have been proposed.
- The restaurant will have three fulltime and two part-time employees.
- Proposed 0.8m by 0.85m extractor flue at rear of building bracketed 0.2m off rear main wall of existing building above the flat roof of the single storey projection and would extend 2.3m above the roof eaves.

**Revisions to Current**

- Addition of extractor flue to rear of building

**d) Relevant History**

LBH/38361	SHOP FRONT	GRANT 03-MAY-89
P/1300/06	TWO STOREY REAR EXTENSION FOR COMMERCIAL USE	REFUSE 25-AUG-06 APPEAL DISMISSED 28-FEB-07
P/2972/07	RETENTION OF SINGLE STOREY REAR EXTENSION	GRANT 13-DEC-07

**f) Applicant Statement**

- See Design and Access Statement

**g) Consultations**

Highways Engineer: No objection on the premise that an A5 use is not proposed.  
Environmental Health Officer: Due to the fact that the eventual tenant has not been decided, further information is not available in terms of the extraction used. Therefore it is possible to address this matter with the use of a standard condition requiring the extraction details to be submitted and approved prior to installation.  
Waste Management Officer: No Objection  
Crime Prevention Design Advisor: No Comment

**Notifications:**

1 – 6 Beverly Court	Objections:	Expiry:
1, 1A, 2, 2A, 3A, 4, 5, 5A The	12 (11 in petition)	31-AUG-09
Quadrant	Support :	
	66 (65 in petition)	

**Summary of Responses:**

Objection

- Late night disturbance
- Location and odour from ventilation system
- Lack of parking and congestion
- Lack of range of shops for daytime shoppers
- Area cannot support further A3/A5 uses

Support

- Adjacent unit granted planning permission for A5
- If planning permission granted able to continue trading

**APPRAISAL**

**1) Change of Use**

Policy EM20 of the Harrow Unitary Development Plan (2004) states that the Council will normally permit changes of use from retail shops outside Town Centres provided that the use would not result in the loss of necessary local retail provision, parking is provided in accordance with Council's standards and the premise can be adequately serviced without causing harm to highway safety and convenience. It is considered that a restaurant (A3 use) within this parade is an appropriate use. The units surrounding the intersection consist of 23 retail units at ground floor and a public house on the north eastern corner of the intersection. Of those 23 units, 18 of them currently provide A1 (14 units), A2 (3 units) and D1 (1 unit) use. As such, it is considered that the loss of a single A1 use would not have an undue detrimental impact upon the shopping variety available within this shopping area. While it is acknowledged that the proposed change of use would create three adjoining units of A3 or A5 use in a single parade, it is considered that given the close proximity of the individual parades to each other within the intersection, that this concentration would not have a detrimental effect on shopping availability. Transport and parking appraisals has been covered below and it is considered that the proposed change of use will have no adverse effect on the safe and convenient use of the highway.

It is therefore considered that the proposed change of use would be consistent with the objectives of Policy EM20 of the HUDP.

**2) Residential Amenity**

Policy EM25 of the Harrow Unitary Development Plan seeks to ensure that any late night uses do not have a harmful effect on residential amenity. Above the proposed restaurant is a first floor residential accommodation unit in addition to other residential flats within the terrace.

Other commercial premises are located within the ground floor of the terraced buildings and have hours of operation that vary. This shopping area is busy and mixed in use and as a result the residential properties in the vicinity can be expected to encounter more noise and disturbance than houses/flats located in solely residential areas. However, it is considered reasonable that the residential occupiers can expect noise and disturbance to lessen in the evenings and particularly in the late evenings.

It is considered that a condition imposing operating hours and intensity of use, given the opening hours of surrounding uses, would not result in the generation of excessive levels of disturbance and general activity at unsocial hours.

The proposed extractor flue, in principle, would match the existing extractor at no. 4 and would project above the roof eaves of the property and as such above the windows of the first floor flat. The Council's Environmental Health officers have requested a condition in relation to mitigating any detrimental impacts from the extractor flue on the occupiers of the flat above, as at this time the type of extractor flue required is unknown. It is considered that this recommended condition would adequately mitigate any detrimental impacts from the proposed extractor flue.

It is therefore considered that the proposed change of use would be consistent with the objectives of Policy EM25 of the HUDP.

**3) Traffic, Refuse and Access**

Council's Highways Engineer has not raised an objection to the proposed application. No off street parking provision has been made for the proposal. No existing parking was present for the previous and existing uses within the property. Given the proximity to good public transport it is considered that any patrons visiting the restaurant would be able to do so by use of public transport or on foot. It is considered that given the main entrance to the building would be off the main road, that there would be no discernible adverse impact upon the safe and convenient use of the pedestrian access to the rear of the property. The proposed change of use would therefore be consistent with the objectives of Policy T13 of the HUDP.

Refuse storage would be provided at the existing location to the rear of the property. It is considered that this refuse arrangement would be adequate and would not have an adverse impact on refuse collection to any greater degree to the previous A1 use. The unit would be able to provide a level access to the restaurant in accordance with Policy C17 of the HUDP.

**4) Character, Design and Layout**

No external works apart from the extractor flue are planned as part of the proposed application. The proposed extractor flue would be consistent with an A3 use and other extractor flues are apparent within the rear of this parade of shops. As such, it is considered that the design of the building would be in keeping with the character of the buildings and area. Overall, it is considered that the proposed change of use would be consistent with the objectives of Policy D4 of the HUDP.

**5) S17 Crime & Disorder Act**

It is considered that the proposed change of use would not lead to an increase in perceived or actual threat of crime.

**6) Consultation and Notification Responses**

- Late night disturbance  
*This matter has been addressed within the Residential Amenity section of this report*
- Increase in litter  
*It is considered that the proposed A3 change of use would not have a noticeable increase in litter in comparison to the existing A1 use.*

- Extractor/ventilation system disturbance  
*A condition has been imposed requiring details of extractors/flues/ducting to be submitted to, and approved, by the Local Planning Authority.*
- Traffic congestion and limited parking  
*This matter has been addressed within the Traffic, Refuse and Access section of the report*
- Sufficient number of hot food premises already in existence in the area  
*This matter has been addressed within the Change of Use section of the report*
- Lack of range of shops and require day time businesses  
*This matter has been addressed within the Change of Use section of the report*

## **CONCLUSION**

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, this application is recommended for grant, 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 and Country Planning Act 1990.

2 The use hereby permitted shall not be open to customers outside the following times:-  
a: 1100 hours to 2230 hours, Monday to Sunday inclusive and Bank Holidays, without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents.

3 The development hereby permitted shall not commence until specific 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 details. The works shall thereafter be retained and maintained.

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

4 Any deliveries and collections (including those by refuse collectors), which may be undertaken by reason of granting this permission, shall not be conducted outside the hours of 2300 and 0700 Monday to Sunday inclusive and Bank Holidays. The details of which should be incorporated in a waste management plan to be submitted to and agreed by the Local Planning Authority.

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

5 Any plant and machinery, including that for fume extraction, ventilation, refrigeration and air conditioning, which may be used by reason of granting this permission, shall be so installed, used and thereafter retained as to prevent the transmission of noise, vibration, and odour / fume into any neighbouring premises.

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

## **INFORMATIVES**

### **1 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:

Harrow Unitary Development Plan:

- D4 - The Standard of Design and Layout
- D5 - New Residential Development – Amenity Space and Privacy
- T6 – The Transport Impacts of Development Proposals
- T13 – Parking Standards
- EM20 – Change of Use of Shops Outside Town Centres
- EM25 – Food, Drink and Late Night uses
- C17 – Access to Buildings and Public Spaces

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

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

1. work on an existing wall shared with another property;
  2. building on the boundary with a neighbouring property;
  3. excavating near a neighbouring building,
- and that work falls within the scope of the Act.

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

“The Party Wall etc. Act 1996: Explanatory booklet” is available free of charge from: Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB  
Please quote **Product code: 02 BR 00862** when ordering

Also available for download from the CLG website:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

Plan Nos: 3Q2009/A, 3Q/2009/B, 3Q/2009/C and Site Plan

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**69 WEST END LANE, PINNER, HA5 1AF**

**Item: 2/12**

**P/2001/09/SB5/W**

Ward PINNER

DEMOLITION OF NURSERY SCHOOL BUILDING; REPLACEMENT TWO STOREY BUILDING WITH HABITABLE ROOF SPACE PROVIDING 6 FLATS; NEW VEHICLE ACCESS

**Applicant:** Towers Associates

**Agent:** Miss S A Malik

**Statutory Expiry Date:** | 30-OCT-09

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## **RECOMMENDATION**

**GRANT** permission for the development described in the application and submitted plans:

### **REASON**

The decision to grant permission has been taken having regard to the policies and proposals in the London Plan 2008 and the saved policies of the Harrow Unitary Development Plan 2004 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 – Design Principles for a Compact City

3A.1 - Increasing London's Supply of Housing

3A.2 - Borough Housing Targets

3A.4 - Efficient Use of Stock

3A.5 - Housing choice

3A.24 – Education Facilities

London Plan Draft Housing Design Guide (2009)

Harrow Unitary Development Plan:

D4 The Standard of Design and Layout

D5 New Residential Development – Amenity Space and Privacy

D9 Streetside Greenness and Forecourt Greenery

D10 Trees and New Development

T13 Parking Standards

H10 Maintenance and Improvement to Existing Housing Stock

C16 Access to Buildings and Public Spaces

Planning Policy Statement 3: Housing

Supplementary Planning Guidance, Extensions; A Householders Guide (2008)

Supplementary Planning Guidance, Designing New Development (2003)

Supplementary Planning Document 'Accessible Homes' (2006)

### **MAIN CONSIDERATIONS AND POLICIES (London Plan & 2004 UDP)**

- 1) Principle of Development (PPS :3, London Plan: 3A.1, 3A.2, 3A.4, 3A.5)
- 2) Loss of Educational Facilities (3A.24)
- 3) Character and Appearance of Area and Density (D4, D9, SPG; London Plan 4B.1)
- 4) Residential Amenity (D4, D5, SPG)

- 5) Trees (D10)
- 6) Accessibility (London Plan Policy 3A.5, SPD)
- 7) Parking Standards (T13)
- 8) S17 Crime & Disorder Act (D4)
- 9) Consultation Responses

## **INFORMATION**

**This application was deferred from the meeting of the Planning Committee on the 2<sup>nd</sup> December 2009 for a Members site visit. This visit is scheduled to take place on the 11<sup>th</sup> January 2010.**

### **a) Summary**

Statutory Return Type:	Minor Dwellings
Site Area:	0.0815 ha gross
Habitable Rooms:	15
Density:	184 hrph, 73.6 dph
Car Parking	Standard 7.8
	Justified 6
	Provided 6
Lifetime Homes:	Yes
Wheelchair Standards:	No
Council Interest:	None

### **b) Site Description**

- Two-storey detached building located on the western side of West End Lane;
- The lawful use of the property is a day nursery, Use Class D1, the site had temporary planning permission granted from 1999 to 2007 for the use of the premises as a dwellinghouse Use Class C3, this use has since ceased and the use of building has reverted back to its original lawful use as a day nursery;
- The property is at present vacant and has been since the its use as a dwellinghouse ceased;
- The property is situated in the rear part of the plot and it is therefore set back from the main highway;
- There is no rear garden, however the front garden measures some 21 metres deep and it is well screened by the existing tree lined northern and eastern site boundaries, it is believed that when the property was used as a dwellinghouse this front garden formed part of the amenity area;
- At present there is provision for off street parking which is accessed from a vehicle access which is located approximately 4 metres from the site boundary shared with the electricity sub station;
- The site benefits from an area Tree Preservation Order (TPO) Nos. 668 and 657 for a Ash which is located on the land forming part of the electricity sub station to the south of the site, and a Sycamore located on the school grounds;
- The site to the south, west and north is surrounded by school buildings forming part of West Lodge First and Middle School, including the caretakers dwellinghouse with is located at no.67, south of the application site and a electricity sub-station which separates the subject site and the caretakers house;
- To the east of the site is Pinner Memorial Park and West House which is currently undergoing renovation;
- Application site falls within a Public Transport Accessibility Level(PTAL) 2;

- West End Lane, with the exception of West Lodge School and Pinner Memorial Park is predominately characterised by residential development;
- West End Lane and surrounding road have parking restrictions in place.

**c) Proposal Details**

- Demolition of existing two storey building;
- Construction of a two storey building with habitable roof space to provide 3 x 1 bed flats and 3 x 2 bed flats;
- The proposed building would be set approximately 5.8 metres from the front boundary, it would have an overall width of approximately 16.6 metres and a depth of 14.2 metres (inclusive of the two storey rear projection);
- The highest part of the building would measure approximately 9.8 metres high, a hipped roof is proposed over the main bulk of the building and a crown hipped roof is proposed over the proposed two storey rear projection;
- The proposal seeks to provide 6 parking spaces. One disabled space would be located at the front and 5 parking spaces would be at the rear accessed from an access drive located at the side (northern) of the proposed building; the remaining part of the rear area would form the communal garden area for the proposed block of flats;
- A timber bicycle store and a composting area is proposed at the rear;
- The refuse storage would be located adjacent to the southern flank elevation of the proposed building and it would accommodate 3 x 1000 litre waste bins.

**Revisions to Previous Application:**

Following the previous decision (P/0704/09.) the following amendments have been made:

- The design of the building has been amended to show a building with a conventional hipped roof and eaves detail, in place of the previously proposed unconventional curved roof design;
- The overall width (previously 22.5m) and depth (previously 16.7m) of the proposed building has been reduced;
- The previously proposed undercroft design providing access to the rear parking area has been omitted;
- The bin storage has been relocated to the southern side of the proposed building;
- Number of parking spaces reduced from 8 spaces to 6 spaces;

**d) Relevant History**

LBH/U/6747	Use of depot for distribution and storage of milk and food products with ancillary office, garages and repair of motor vehicles	GRANTED 22-OCT-70
LBH/6747/1	Erection of 21 town houses, 19 lock-up garages with parking area and access road	REFUSED 24-JAN-72
LBH/6747/3	Demolition of existing premises and erection of nursery school and play areas - outline	GRANTED 30-MAY-73



Item 2/12 : P/2001/09/SB5/W continued/...

LBH/10269	Alteration and erection of single storey rear extension	GRANTED 21-FEB-74
LBH/6747/4	Change of use from residential to use as educational assessment unit	GRANTED 06-MAY-75
LBH/6747/5	Change of use from dairy to use for educational	GRANTED 01-APR-76
LBH/6747/6	Erection of 12' high chain link boundary fence	GRANTED 01-APR-76
WEST/164/99/FUL	Change of use: nursery to residential (class d1 to c3) to provide 5 bedroom house	GRANTED 25-OCT-99
P/1815/04/DVA	Variation of condition 10 of planning permission west/164/99/ful to permit continued use of property as dwellinghouse	GRANTED 07-SEP-04
P/0704/09	Demolition of nursery school building; replacement two & three storey building providing 8 flats; new vehicle access	REFUSED 25-JUN-09

**Reasons for Refusal:**

1. The proposed development by reason of excessive bulk, massing, prominent siting, unsatisfactory design, excessive site coverage by building and hard-surfaced parking areas, and inadequate provision of rear amenity space, would appear unduly bulky and obtrusive in the streetscene, detract from the established pattern of development in the immediate vicinity, and amount to an overdevelopment of the site to the detriment of the character and appearance of the area, contrary to policy D4 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance 'Designing New Development' (2003) and Supplementary Planning Guidance; Extensions: A Householders Guide (2008).
2. The proposed development by reason of size, siting and design would be obtrusive and overbearing in relation to No. 67 West End Lane, and give rise to the perceived and direct overlooking of that property, contrary to policy D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance; Extensions: A Householders Guide (2008).
3. The proposed development would provide inadequate amenity space and, by reason of its unacceptable layout and design would give rise to unacceptable levels of disturbance within the building and enable the direct overlooking of the proposed ground floor rear windows of the development, to the detriment of the residential amenities of the future occupiers of the development, contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance; Extensions: A Householders Guide (2008).
4. The proposal by reason of its unacceptable layout and design would provide inadequate provision for people with disabilities and non-compliance with the Lifetime Homes Standards would provide cramped and substandard accommodation to the detriment of the amenities of future occupiers of the site, contrary to policy 3A.5 of the London Plan (2004), policies D4 and D5 of the Harrow Unitary Development Plan (2004), and the Council's Supplementary Planning Documents 'Accessible Homes' (2006).

5. The proposed side entrance door, by reason of inappropriate location would receive inadequate natural surveillance and this together with the absence of any security gates would be detrimental to the safety of future occupiers of the development, contrary to policy D4 the Harrow Unitary Development Plan (2004).

e) **Pre-Application Discussion**

**PAT/ENQ.3534/13.03.08**

Principle Context / Scale / Character

- From the information provided the Team agreed that the proposed development was unacceptable as it would represent an overdevelopment of the site in terms of building footprint, scale, bulk / massing, excessive hardsurfacing and lack of amenity space/green space.
- The hardsurfacing/car parking area at the front of the proposed development was considered unacceptable and would detract from the green suburban character of the locality.
- Concerns were raised with the potential impact on surrounding properties with regard to loss of privacy / amenity, overlooking and overshadowing. It is considered that the footprint and positioning of any new building needs to be carefully planned to avoid any adverse impact on the amenity of neighbouring properties and future residents.
- Issues were also raised with the bedroom windows in the proposed scheme which were located 2 metres from the boundary of the adjacent school playground. It is considered that the amenity value for future occupants of these units would be poor with poor outlook and issues with noise disturbance.
- The site contains protected trees (TPO No. 668), we would therefore require the submission of a Tree Constraints Plan (in line with BS: 5837 (2005)) as part of the submitted proposal.
- In accordance with London Plan and Harrow UDP Policies, the loss of a D1 use would also need to be justified with any planning application of this nature.
- *The London Plan is now our policy base and in particular you should be aware that the London Plan adopted a lower threshold for affordable housing from 15 units to 10 units on the 19<sup>th</sup> February 2008 – Any application received on or after this date will have to comply with the lower threshold policy*

**PAT/ENQ/3534/7/8/2008**

Principle / Context / Scale / Character / Amenity Impact

- Consideration for setting of listed building West House needs to be taken in to account
- Out of character in street scene contrary to policy D4
- Frontage of building is bland and requires articulation. North and East elevations are bland to the point of being out of character, need for articulation and better ordering of windows
- Overdevelopment of site , building considered to be too bulky and dominant
- Street scene would need to be submitted with planning application to show relationship to No.77 and school
- Appears to indicate loss of frontage trees
- Northern boundary conflicts with root protection area of surrounding trees
- Landscaping specification would need to be submitted with any future planning application

- Under provision of car parking spaces, 2 additional spaces would be required. 1 space per unit plus 1 visitor
- Information on uses of surrounding buildings required
- Controlled access would be required with full height boundary to front of building in line with Secured by Design standards.
- Need to show provision of lift or ability to be retrospectively fitted
- To be built to Life Time Homes Sustainability Code Level 3 as minimum
- Harrow is a promoter of Greywater / rainwater harvesting; Green Roof and Green Wall treatments and would suggested that these elements be considered

**f) Applicant Statement**

- This application is supported by a Design and Access Statement, which is summarised below:
  - Number of units proposed reduced to six from 8 previously;
  - This has reduced the bulk and dominance of the block;
  - Parking area at the rear of site where it would not be intrusive;
  - It would be possible to overlook the parking areas from habitable room in accordance with the advise contained in the Council's 'Secured by Design' guidance;
  - Layout ensures that land at front of the site is retained largely for soft landscaping;
  - Communal amenity space is provided at the rear which would be sufficient and usable;
  - Provision made for refuse storage within separate enclosure in location close to the road for ease of collection;
  - Refuse storage will have no impact on visual amenity and will satisfy policy D4 and the Council's 2008 Code of Practice for the storage of refuse in domestic properties;
  - Density proposed is 74 u/ha which satisfies the London Plan Density Matrix;
  - Broad scale of development is appropriate and its maximum height will be similar to the school buildings to the south;
  - Building is deeper than existing but it will be brought forward to align more closely with nearby buildings – its width will be similar to other developments in the vicinity;
  - Landscaping scheme will be prepared;
  - Appearance of building is of traditional form to reflect design of existing buildings and domestic residences in the area;
  - New building will complement the architecture and character of residences nearby;
  - Attention will be paid to ensure development meets the requirements of The Disability Discrimination Act and Part M of the Buildings Regulations.

4 letters of response to some of the objections made has also been submitted by the applicant:

- Design amended – now more in keeping with area;
- No matter what amendments are made it will not satisfy a certain core of people in Pinner;
- Nursery school will cause more traffic than residential;

- Existing use is D1 so it can be used for any non-residential uses that fall in this category;
- If used for any other uses in D1 use class will increase traffic;
- Not house being demolished – it is a nursery (use class D1) building being demolished;
- Council raise no objection to building used as housing;
- Only small population objecting to proposal;
- Propagate the idea that people who reside near school might pose a danger to children – properties was previously occupied by squatters;
- Current property looks out of character;
- Proposed flats will be brought forward away from school boundaries;
- Proposed 2 and 3 storey building is not out of character;
- Huge demand for 1 and 2 bedroom flats;
- Most objections are followers of the Pinner Association and Pinner History Society

**g) Consultations**

**The Pinner Association**

1. This is an application for six flats in what is in essence a three storey building. The principal daytime living accommodation of the three two bedroom flats is in the roofspace. Such a building would be much taller than the buildings on either side of it and would dominate them, particularly as it is proposed to be at the front of the site.
2. Such a building with flat use would be out of character with its surroundings. This part of West End Lane is characterised by detached houses and bungalows which generate a feeling of openness. Flats here would be inappropriate.
3. Bringing the proposed new building to the front of the site would not only emphasise its size and bulk but also would result in the loss of the trees and vegetation which currently occupy this area. The consequence would be the loss of an important green screen which is currently beneficial to the streetscene and its replacement by hard landscaping and a building.
4. To the rear of the proposed new building it is proposed to have parking for five cars with one disabled space at the front. If the majority of the rear spaces are occupied the driver on the scene would find it extremely difficult to turn his vehicle around to enable him to exit the site in a forward direction. The adjoining amenity space is already very small and no more can be spared for improving vehicle movements.
5. It follows from the above that the proposals constitute an overdevelopment of the site. They are an improvement on the previous scheme but still too much.
6. A scheme comprising nine bedrooms would be likely to generate more than five motor cars owned by non-disabled drivers. The result would be more parking in already crowded adjoining streets.
7. This part of West End Lane is choked with traffic at “drop off” and “collection” times for West Lodge School. Ingress to and egress from this site at such times would only make a bad situation worse.
8. Accessibility for delivery vehicles is not good and even at non school times the vehicular activity generated by six flats with only a single access point to a very busy road is not desirable in highway safety terms. This situation will worsen when West House opens.

**Drainage Engineer** : No Objections subject to standard drainage condition.

**Advertisement:** None Expiry: n/a

**Notifications:**  
Sent: 31 Replies: Expiry: 02-OCT-09  
11 objections  
2 letters/ emails of support

**List of Neighbours Consulted**

67 West End Lane	West House
77 West End Lane	Pinner Recreation Ground
79 West End Lane	West Lodge First And Middle Schools
4 Mansard Close	52 High View
4 Cuckoo Hill Drive	28 High View
44 Cuckoo Hill Drive	9 High View
6 Lulworth Drive	10 Ringwood Close
10 Crest View	6 Hazeldene Drive
28 Cannon Lane	128 Cannonbury Avenue
81 West End Lane	22 Malpas Drive
69 West End Lane	3 North Way
57 West End Lane	Mistletoe Lodge
97 West End Lane	9 West Way
24 West End Lane	10 West Way
59 West End Lane	15 West Way
	21 West Way

**Summary of Responses:**

2 letters of support were received:

- 6 attractive apartments are far better than a derelict building;
- The Pinner Association in 1990's used all means to create 21 flats in West House – but object to proposal.

11 objections:

- Building larger than existing;
- 3 storey block of flats;
- Overdevelopment of the site;
- Scale of building out of character with domestic houses/ detached houses in West End Lane;
- Not sufficient manoeuvring space in rear car park – vehicles would have to reverse out;
- Drive way close to school entrance will add to congestion – increase traffic would exacerbate existing situation;
- Little amenity space available for flats;
- Loss of trees
- Close proximity to school;
- If development goes ahead, an archaeological assessment should be made;
- Historic roadway filled with family houses of earlier 20th Century;
- Significant and sensitive site, being the former West End Farmhouse – going back to medieval times;

- Flats are unwanted in this part of Pinner;
- Impact on local infrastructure – foul drainage, water supplies and surface water drainage - constant changes may disturb the water table;
- Overlook school;
- Would be contrary to the planning approach of Harrow Council which is to minimise the growth of flats in what are essentially single family dwellings;
- Opening of West House will create more traffic – replacement of one dwelling with six would lead to unacceptable increase in traffic.

## **APPRAISAL**

### **1) Principle of Development**

National and Local planning policies seek to maximise the potential use of scarce land to provide future housing needs. Policy 3A.1 of the London Plan sets out the target for housing supply for each London Borough, for Harrow this being a provision of 4,000 additional homes for the next ten years and an annual monitoring target of 400. It is considered that the principle to redevelop this site for residential development would be in accordance with London Plan policies 3A.1 and 3A.3.

### **2) Loss of Educational Facilities**

The Council's policy C5 (Nursery and Childcare Facilities) is one of the policies that was deleted from the Harrow UDP, in the absence of local policy the London Plan policy 3A.24 - Education facilities would be relevant in assessing the impact of the loss of the nursery facilities within the local community. The aim of this policy is to ensure that there is adequate education provision to serve the local community and it seeks to retain existing educational land uses.

Planning permission WEST/194/99/FUL granted planning permission for the change of the use of the property from a nursery Use Class D1 to residential Use Class C3. This permission was granted for a period of 5 years only (Condition 10). A further planning application was made under P/1815/04/DVA to vary the wording of condition 10 of WEST/194/99 to allow the continued use of the premises as a dwellinghouse. This was granted on the condition that the use be discontinued before 31.10.2007. The residential use of the property ceased at the end of 2007 and the property has since been vacant. Having regard to the fact that the property has not been used as a nursery for nearly 10 years, and that there are other educational facilities nearby, it is considered that the loss of the nursery facilities would not prejudice the Government's objectives set out under London Plan policy 3A.24.

### **3) Character and Appearance of Area and Density Standard of layout Design and Layout**

This application follows on from a previous application (P/0704/09) which was refused planning permission for the reasons stated above. In this current application, the applicant has sought to address the previous reasons for refusal.

Policy 4B.1 of the London Plan and saved policy D4 of the Harrow UDP seeks to *inter alia* ensure that all new development achieve a high standard of design which respects the local context and character of the area. The immediate surrounding area is predominately characterised by a mixture of single and two storey forms of development, set within adequate sized plots.

With the exception of the modernisation of West House, most of the built development reflects the style and era of when the original properties were built. Predominately the front building lines are set back from the main highway with most of the front gardens being hardsurfaced but still retaining forecourt greenery. The only property in the immediate vicinity where this differs is at the school caretakers property located at No.67. The front building of No.67 is set further forward in the plot and most of the front garden has been hardsurfaced over to allow for off-street parking.

Although, the front building line of the proposed development would be approximately in line with the previous scheme (P/0704/09), the overall width and depth of the proposed development has been reduced in size. The front building line would be in line with that of the neighbouring dwellinghouse located at No.67 West End Lane. The overall reduction in width would make the proposed development appear less obtrusive and bulky in the streetscene. Furthermore, by reducing the width of the building, the proposal would maintain space around the proposed building and the site boundaries, therefore retaining space about the building.

In terms of the external appearance of the proposed building, the applicant has amended the proposed roof detail to show a hipped roof over the two storey front projections in place of the originally proposed end gabled roof design. This is considered to have reduced the overall three storey appearance of the development in the streetscene. The use of a traditional roof and eaves detail would make the overall development appear more in keeping with the pattern of development of the surrounding area. The proposed small dormer feature would not appear out of place in this locality as there are other examples of such front dormers in the locality.

Based on the above factors and site considerations, it is considered that the scale, bulk and character of the proposed development would not have a detrimental impact upon the character and appearance of the area and it would therefore comply with the objectives set out under policy 4B.1 of the London Plan and saved policy D4 of the Harrow UDP, and the Council's SPG.

### **Landscaping**

Paragraph 4.21 of the reasoned justification to saved policies D4 and D9 of the Council's UDP seeks to achieve a high standard of planting design in development proposals and to retain a high quality of forecourt greenery. The proposal has shown an indicative layout for the soft landscaping of the front gardens, which would maintain adequate forecourt greenery. It is considered that the detailed soft and hard landscape works can be controlled by a planning condition and therefore the proposed indicative landscape works would be in accordance to the objectives set out under saved policy D9 of the Harrow UDP.

### **Refuse Storage**

The Council's 'Code of practice for the storage and collection of refuse and materials for recycling' requires for this size of development the provision of 1x 1100 litre waste bin and 1x 1280 litre blue bin.

The proposed development has shown the provision of 3 x 1000 litre bins (1 for waste and 2 for recycling) which would be located in a designated refuse store which is located at the side of the proposed building. The proposed refuse storage would be sited approximately 3.5m behind the front elevation of the proposed building and approximately 10.5m from the front boundary. It is considered that the proposed location of the refuse storage would be sufficiently sited away from the front boundary so as not to appear visually obtrusive. The proposed location would also be accessible for the refuse collectors. It is considered that the proposed finishing and material details for the refuse storage can be controlled by a planning condition, which has been suggested. It is considered that the proposed refuse storage would be acceptable and in accordance with paragraph 4.24 of the reasoned justification of saved policy D4.

### **Density**

The application site is within a suburban location and in a zone with a medium level of public transport accessibility (2-3) and seeks to provide 2-4 habitable rooms per unit. The London Plan density matrix as set out under policy 3A.3, states that densities within such a location should be between 50-95 units/ per hectare and between 150-250 habitable rooms/ per hectare. The proposed development would have an overall density of 74 units/ per hectare and 184 habitable rooms. The density of the proposed development would comply with the London Plan density matrix set out under policy 3A.3.

#### **4) Residential Amenity For Future Occupiers of The Site**

Saved policy D5 asserts that new residential development should provide amenity space that is sufficient to protect the privacy and amenity of occupiers of surrounding buildings, be sufficient as a usable amenity area for the future occupiers and provide visual amenity. It does not stipulate a minimum or maximum standard of amenity space required, but will assess each case against the standard of amenity space in the surrounding area and the amount of useable space provided. In this case the surrounding area is characterised by adequately proportioned rear gardens. The proposed development, by reducing the overall built development on the site has sought to overcome the previous reasons for refusal. The proposal would provide a communal rear garden, which would have an overall area of 240m<sup>2</sup>, equating to 40m<sup>2</sup> per flat. Under the previous application (P0704/09) the proposed garden area was shown to be 150m<sup>2</sup> (less than 20m<sup>2</sup> per flat) and half of the rear garden in that scheme would have been occupied by the rear car parking. It is considered that by the reduction in the total of number of units proposed, together with the provision of amenity space above twice the area to the previously proposed overcomes the previous reasons for refusal. The proposed amenity space is considered to be both sufficient and useable for the size of development proposed. Furthermore, Pinner Memorial Park is located directly opposite the site and could provide further outdoor amenity space for future occupiers.

It is noted that the flats located at the rear of the building would be overlooked by the communal rear garden. However, the proposal does show that there would be some forming of planting to provide screening. It is also considered that a small low level should also be provided without having a detrimental impact on the provision of amenity for the other occupiers of the development. A suitable planning condition is recommended.



In terms of the internal layout of the proposed units, it is considered that the proposed layout of the flats would be acceptable, with similar rooms stacked over similar room to avoid unreasonable disturbance between the flats.

In conclusion it is considered that the proposed development has overcome the previous reasons for refusal and would be compliant with the objectives set out under saved policy D5 of the Harrow UDP.

#### **Impact on Existing Residential Amenity**

The facing flank window to no.67 serves a bathroom and it is therefore not protected for the purposes of the Council's guidelines. The proposed building would not intercept the 45 degree splay taken from the first floor rear corner of this neighbouring building.

In addition to this, the proposed bulk of the development would be sited away from the site boundary, with the two storey rear projection sited further away from this site boundary. Furthermore the subject site is separated from No.67 by the electricity sub-station, which would further mitigate the impact of the proposed development. Based on this it is considered that subject to a condition requiring a planting screen along the southern site boundary, the proposed development would not result in a detrimental impact upon the residential amenities of the occupiers at No.67.

#### **Other Matters**

It is noted that comments have been received about the proposed development overlooking the school grounds. However, it is not uncommon for schools to be located in residential areas and as a consequence would be overlooked by residential development. It is considered that such a relationship between schools and new and existing residential development is acceptable and a refusal on ground of overlooking of the school grounds cannot be justified in this case.

#### **5) Trees**

The application site is covered by an Area Tree Preservation Order (TPO) No. 668 and 657, with the Ash and Sycamore Tress as the principal trees species. The Council's Tree Officer considers that most of the trees on the site, notable on the north and east sides where they form a tree screen, have only a moderate to low retention value and therefore it does not considered that these trees represent a significant material constraint on the site. The only trees of real merit are the Ash in the adjacent to the sub-station and the Sycamore on the school grounds. The tree assessment and the proposed tree protection plan submitted with this application is considered to be acceptable. The Council's Tree Officer raises no objection to the proposed development on tree grounds and recommends that a condition is attached to ensure the implementation of the protection plan and a further condition requiring a native hedge planting at the front and along the northern side of the site. Based on this these factors, it is considered that the proposed development, subject to the imposition of the conditions recommended would not have a detrimental impact upon the retained trees on this site and the proposal accords with saved policy D10 of the UDP in this regard.

**6) Accessibility**

Upon assessing the internal layout of the development, the proposed flats would comply with the requirements of all the relevant Lifetime Homes Standards as stipulated in the Council's Supplementary Planning Document 'Accessible Home'. Level threshold entry to the block would be provided and a communal lift will be provided to serve the first floor of the development. A disabled parking space is also provided at the front of the building which would be in easy reach of the entrance to the building. The proposed development is considered to be acceptable and would be in accordance with saved policy C16 of the UDP and Policy 3A.5 of the London Plan and the Council's Supplementary Planning Document 'Accessible Homes'.

**7) Parking Standards**

The Council's maximum parking standards attached at Schedule 5 of Policy T13 would be 8 maximum. The proposed development seeks to provide 6 car parking spaces on the site, which would be in accordance with the Council's maximum parking standards.

In addition to the above, West End Lane and the surrounding roads are resident permit restricted and therefore there are parking measures in place to control kerb side parking. The Council's Highway Engineer raises no objection to the number of parking spaces proposed and does not consider that the number of cars coming to and leaving the site would generate additional traffic, taking into account that the existing D1 use would be more likely to generate more traffic. In addition to this, there are traffic calming measures in place along West End Lane, which would help mitigate any harm on highway safety. It is considered that a refusal on the grounds of highway safety and parking cannot be justified in this case.

**8) S17 Crime & Disorder Act**

The proposed development has taken into account the security issues raised under the previous application (P/0704/09). The front entrance would be located on the main façade of the building and it would therefore be naturally overlooked by passer-bys. A gated entrance is also proposed for the proposed rear car parking (details of which can be controlled by condition), which is considered to be acceptable. The proposed layout of the development would ensure natural surveillance of the property is maintained, which will comply with the objectives set out under paragraphs 4.19 and 4.20 of saved policy D4 of the Harrow UDP. It is considered that the proposed development would not have a material impact upon community protection.

**9) Consultation Responses**

- Matters relating to the overlooking of the school has been addressed under section 4 of the above appraisal;
- The principle of a flatted development is not considered to be objectionable in this case, Policy 3A.5 of the London Plan sets out the need for housing choice and states that new developments should offer a range of housing choices, in terms of mix of housing sizes and types. A reason for refusal on grounds of a flatted development in this location cannot therefore be justified in this case;

- The proposed design, layout and character and appearance of the proposed development has been addressed under section 3 of the above appraisal;
- Impact on traffic and highway safety have been addressed under section 7 of the above appraisal – the Council’s Highway Engineer raises no objections to the proposed vehicular access or the parking arrangement at the rear;
- Impact on neighbouring residential amenity and the amenity of future occupiers has been addressed under section 4 of the above appraisal;
- Impact on trees has been addressed under section 5 of the above appraisal;
- Application site is not located in an site Archaeological Priority Area and therefore an assessment of such is not required in this case;
- Impact on local infrastructure i.e. foul drainage, water supplies and surface water drainage. The Council’s Drainage Engineer has raised no objection to the proposal subject to conditions requiring details of sewage and surface water drainage to be first submitted to the LPA. Impact on water supply is outside the consideration of planning policy.

### **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.

### **CONDITIONS**

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 and Country Planning Act 1990.

2 The development hereby permitted shall not commence until samples of the materials to be used in the construction of the external surfaces noted below have been submitted to, and approved in writing by, the local planning authority:

a: the extension / building(s)

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

REASON: To safeguard the appearance of the locality.

3 Notwithstanding the details shown on approved drawings, full details including metric scaled elevations and samples of materials proposed for the bin enclosure shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority before the commencement of the development. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

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

4 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 for the site, which should include the planting of a native hedge at the front and along the northern site of the site. Soft landscape works shall include: planting plans, and schedules 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.

5 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 5 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.

6 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved Tree Report TC1-38-2289 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected.

7 No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment, including pedestrian and vehicular access gates to be erected along all site boundaries has been submitted to, and approved in writing by, the local planning authority. The boundary treatment shall be completed before the building is occupied. The development shall be carried out 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.

8 The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area, as shown on the approved drawing.

REASON: to safeguard the appearance of the locality.

9 The development hereby permitted, as detailed in the submitted and approved drawings, shall be built to Lifetime Homes Standards, and thereafter retained to those standards.

REASON: To ensure provision of 'Lifetime Homes' standard housing in accordance with the policies of the Harrow Unitary Development Plan.

10 The development hereby permitted shall not be occupied until there has been submitted to and approved by the local planning authority the proposed measures to be put in place for the erection of privacy screening for the ground floor flats at the rear. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason: To safeguard the residential amenities of the future occupiers of the ground floor flats.

11 The existing access shall be closed when the new access hereby permitted is brought into use, and the highway shall be reinstated in accordance with details to be submitted to, and approved by, the local planning authority. The development shall not be used or occupied until the reinstatement works have been completed in accordance with the approved details. The works shall thereafter be retained.

REASON: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway.

12 The proposed parking space(s) shall be used only for the parking of private motor vehicles in connection with the development hereby permitted and for no other purpose.

REASON: To ensure that the parking provision is available for use by the occupants of the site and in accordance with the Council's parking standards.

13 Before the hard surfacing hereby permitted is brought into use the surfacing shall EITHER be constructed from porous materials, for example, gravel, permeable block paving or porous asphalt, OR provision shall be made to direct run-off water from the hard surfacing to a permeable or porous area or surface within the curtilage of the site.

Please note: guidance on permeable paving has now been published by the Environment Agency on

<http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens>.

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding.

14 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.

15 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.

16 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.

17 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.

## **INFORMATIVES**

### **1 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.

### **2 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](mailto:communities@twoten.com)

3 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.

4 The applicant is advised that it would be appropriate to liaise with the Planning Arboricultural Officer before the submission of the tree protection plan and during the construction of the development for further advice.

Plan Nos: 2494 – SK1; 01; 03 REV A; 04; 202 REV A; 204 REV A; 205 REV C; 206 REV B; Design and Access Statement; Tree Report

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**HATCH END HIGH SCHOOL**      **Item: 2/13**  
**HEADSTONE LANE HARROW HA3 6NR**      **P/2159/09/AJ/C**

Ward      HATCH END  
TEMPORARY MODULAR BUILDING (3 YEARS) TO PROVIDE TEACHING SPACE FOR  
ADDITIONAL PUPILS

**Applicant:** HARROW COUNCIL  
**Agent:** LOM Architects  
**Statutory Expiry Date:** | 27-NOV-09

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## **BACKGROUND**

The application was deferred from the previous committee agenda to allow Sport England to be consulted. This is necessary as the proposal would be located within Open Space on the Harrow Unitary Development Plan 2004.

## **RECOMMENDATION**

Under Regulation 3 of The Town and Country Planning General Regulations 1992, GRANT permission for development described in the application and submitted plans, subject to conditions.

Regulation 3 applications are applications for planning permission by an interested planning authority to develop any land of that authority. In this instance, the applicant is LB Harrow and the land at Hatch End High School is owned by LB Harrow.

## **REASON**

The decision to GRANT permission has been taken having regard to the saved policies and proposals of the Harrow Unitary Development Plan 2004, and the London Plan 2008 set out below, and to all relevant material considerations to provide an appropriate form of development, taking into account of the need to provide additional educational facilities and maximising the usage of educational land, without impinging upon the amenity of the neighbouring occupiers, in accordance with saved Policies C7, D4, D5, EP25, T6 and T13 of the HUDP (2004) and Policies 3A.24, 4B.1 and 4B.5 of the London Plan (2008).

The proposal contributes toward key themes of Harrow's Sustainable Community Strategy [Mar 09]. The Community Strategy sets out a vision for the Borough to 2020. One of the key themes of the Community Strategy is 'Every Harrow Child'.

The Vision states:

*'Harrow will be a place where children and young people are healthy and safe and stay healthy and safe, where they are encouraged and helped to enjoy living, learning playing and growing and to achieve while doing so, where they can make a positive contribution to their own futures and to the future of their borough and the community generally, and where they can successfully prepare for and engage in activities to enjoy economic wellbeing.'*

This Vision identifies the importance of the development of children and young people in the Borough, to ensure they have access to education opportunities and are healthy and safe as well as promoting social opportunities. The proposal for temporary classroom accommodation supports this Vision.



London Plan:

3A.24 – Educational Facilities

4B.1 – Design principles for a compact city

4B.5 – Creating an inclusive environment

Harrow Unitary Development Plan:

C7 – New Educational Facilities

C16 – Access to Buildings and Public Spaces

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

EP25 - Noise

EP47 – Open Space

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

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**MAIN CONSIDERATIONS (The London Plan (2008), Saved policies of the Harrow Unitary Development Plan (2004) and other relevant guidance)**

- 1) Use and Character of the Area (4B.1; C7, D4, EP47 SPD)
- 2) Residential Amenity (D5, EP25)
- 3) Accessibility, Traffic and Parking (C16, T6 and T13)
- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

**INFORMATION**

**a) Summary**

Statutory Return Type: Minor Development: All Other

Council Interest: Council Owned School

**b) Site Description**

- The site is labelled as being Open Land in the Harrow Unitary Development Plan 2004 Proposals Map.
- The site is surrounded by houses on three sides, with Tillotson Road to the north, Courtenay Avenue to the east, and Headstone Lane to the west. Shaftsbury School is located to the south side of the site.
- The school is made up of a number of buildings 1-3 storeys in height, located around the north, east and west of the site. Two theatre buildings are located to the south of the site.
- The most recent additions to the site are the new sixth form centre and extensions to the Great Hall which were granted permission under planning application P/1305/08/CFU.
- Access to the site is from Headstone Lane and car parking is to the west of the site.
- The sites boundary consists of a wire perimeter fence which is approximately 2m tall.

**c) Proposal Details**

- The proposal is for the construction of a single storey rectangular building which would provide additional teaching space.
- The building would have a maximum height of 4.1m and would be located in the north east corner of the site, behind two existing temporary teaching buildings.

Item 2/13 : P/2159/09/AJ/C continued/...

- The new building would have a floor area of 707.85m<sup>2</sup>.
- The rectangular building would be 36.3m wide and 19.5m deep.
- The proposal would be set 5m away from the existing boundary fence along the site's north eastern edge.
- The proposal would also be set away approximately 33m from the site's northern boundary.
- The building's main entrance would be on the south elevation and would feature an access ramp and canopy (canopy area 2.5m<sup>2</sup>)
- The building would have a fire escape and stairs on its northern elevation.
- The proposal would be located approximately 25.8m away from the main rear wall of the nearest residential building on Courtenay Avenue.
- The plans indicate that the proposal would be screened from neighbouring properties by soft landscaping.

**d) Relevant History**

WEST/1234/02	Construction of a linked building to provide theatre workshop.	GRANT 13-FEB-03
P/1305/08/CFU	Construction of a two-storey sixth form centre to provide classrooms, I.T. units, and a dining/social area, and an extension to the great hall to provide additional dance/drama facilities.	GRANT 01-JAN-08
P/0483/09	Provision of a new indoor swimming pool to replace existing outdoor pool.	GRANT 01-MAY-09

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- See Design and Access Statement

**g) Consultations**

131 – 165 Courtenay Avenue (odd numbers)  
26 – 48 Tillotson Road (even numbers)

**Sport England:** Sport England opposes the grant of planning permission for any development that would lead to the loss of, or would prejudice the use of all, or any part of a playing field unless at least one of five specific exceptions applies.

**Site Notice:** General Notification Expiry: 09-NOV-09

**Notifications:**  
Sent: 32 Replies: 2 Expiry: 09-NOV-09

**Summary of Responses:**

- Concerns regarding the duration of the temporary structure's permission.
- Concerns regarding the boundary and whether the planted screening would be effective.

- Concerns regarding increased littering as a result of activities occurring close to the boundary fence.
- Concerns as to whether the area would be secure out of school hours.
- Concerns regarding potential overlooking of neighbouring properties.
- Concerns regarding how the sinks and waste outlets will be dealt with.

## **APPRAISAL**

### **1) Use and Character of the Area**

The proposed single storey building would be located in close proximity to the existing single storey teaching buildings to the west, and would match the general contemporary character and design of the school facility.

The proposed building's single storey design would limit its visibility to the outside of the site.

The proposal would be located in 'Open Land', however the proposal will be an important improvement and extension of the existing on site educational facilities.

The proposed modular building would be located on part of an informal playing field and would only affect land incapable of forming, or forming part of, a playing field. It would not result in the loss of, the inability to make use of or cause a reduction in the playing area of any playing pitch on the site. This would satisfy the requirements of exception E3 of Sport England's policy on the loss of playing fields,

The proposal would be in accordance with saved policies D4, C7 and EP47 of the Harrow Unitary Development Plan 2004

### **2) Residential Amenity**

The proposed modular outbuilding would be located at least 25m from the main rear elevations of the nearest residential properties which are on Courtenay Avenue. Furthermore, the plans indicate that there would be an element of landscaping to provide screening. Taking these factors into account, it is considered that there would be no detrimental impact on the visual amenity or additional significant noise disturbance to any of the neighbouring residential properties, in accordance with saved policies D5 and EP25 of the Harrow Unitary Development Plan 2004.

It is noted in the comments received that there are concerns regarding whether or not the screening would be adequate or whether there would be potential overlooking. Considering the proposals single storey nature and the amount of separation between the proposal and the rear of the nearest dwelling houses, it is considered that the proposal would not result in overlooking, be overbearing or visually intrusive. However, with regard to the effectiveness of the proposed soft landscaped screening, a condition has been attached stating that the existing wire perimeter fencing adjacent to the proposal should be replaced with 2m close boarded fencing, to improve the proposed level of screening.

A condition is also attached to limit the duration of the temporary planning permission to three years to allow for further assessment of the proposal should the need arise.

**3) Accessibility, Traffic and Parking**

It is considered that the development would be close to good public transport links and as such the proposal would not have a detrimental impact on the internal and external traffic movements in the site and would be consistent with the objectives of saved policies T6 and T13 of the HUDP.

Being a public building, an integral part of the design and layout of the site centres on the requirements and objectives of easy mobility for all. As such, it is considered that the proposal makes adequate provision for access in this respect and would be consistent with saved policy C16 of the HUDP and Supplementary Planning Document: Access For All (2006).

**4) S17 Crime & Disorder Act**

The proposal would not have an impact with regard to the above Act.

**5) Consultation Responses**

The comments received from neighbouring occupiers have been addressed above. Furthermore, it is considered that the proposal would be subjected to the same security measures as the rest of the existing site. The school is responsible to ensure that littering does not occur on site. The sinks and toilet provision on site is an issue which relates to Building Control and Environmental Health during the construction process.

The proposal would satisfy the criteria of exception E3 of Sport England's planning policy statement, *A Sporting Future for the Playing Fields of England*, as addressed in the Character and Use of the Area section of the appraisal above.

**CONCLUSION**

The application, if granted, would result in a temporary teaching building, which is required to adequately provide for the projected increase in pupils in Year 7. 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, subject to the following condition (s)

1 The building hereby permitted shall be removed and the land restored to its former condition within 3 years of the date of this permission, in accordance with a scheme of work submitted to, and approved by, the local planning authority.

REASON: To safeguard the amenity of neighbouring residents and to permit reconsideration in the light of circumstances then prevailing.

2 The existing wire perimeter fencing adjacent to the proposed temporary modular building shall be replaced by 2m high close boarded fencing before the commencement of the use of the temporary modular buildings hereby approved.

REASON: To protect the residential amenities of neighbouring properties.

## **INFORMATIVES**

### **1 INFORMATIVE:**

#### **SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION**

The decision to grant planning permission has been taken having regard to the policies and proposals in 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:

Harrow Unitary Development Plan:

C7 – New Educational Facilities

C16 – Access to Buildings and Public Spaces

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

EP25 - Noise

EP47 – Open Space

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

London Plan:

3A.24 – Educational Facilities

4B.1 – Design principles for a compact city

4B.5 – Creating an inclusive environment

### **2 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.

### **3 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 / 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.

Plan Nos: Design and Access Statement, Geo-Environmental Desk Study, 1000D-31-M2-01 REV B, 1000D-24-M1-01 REV E, 1000D-21-GE-02 REV D (SITE PLAN), 1000D-21-GE-01 REV A (LOCATION PLAN), 1000D-00-M1-01 REV A, 1000D-01-M1-01 REV A and TREE SCHEDULE.

**SHAFTESBURY SCHOOL, LONG ELMES, P/2160/09/AJ/C  
HARROW WEALD, HA3 6LE**

Ward HATCH END

TEMPORARY MODULAR BUILDING TO PROVIDE TEACHING SPACE FOR ADDITIONAL PUPILS AND DEMOLITION OF TWO EXISTING TEMPORARY BUILDINGS; NEW ELECTRICITY SUBSTATION; THREE NEW CAR PARKING SPACES

**Applicant:** HARROW COUNCIL  
**Agent:** LOM Architects  
**Statutory Expiry Date:** | 27-NOV-09

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## **BACKGROUND**

The application was deferred from the previous committee agenda to allow extra neighbour consultation to take place.

## **RECOMMENDATION**

Under Regulation 3 of The Town and Country Planning General Regulations 1992, GRANT permission for development described in the application and submitted plans, subject to conditions.

Regulation 3 applications are applications for planning permission by an interested planning authority to develop any land of that authority. In this instance, the applicant is LB Harrow and the land at Shaftesbury School is owned by LB Harrow.

## **REASON**

The decision to GRANT permission has been taken having regard to the saved policies and proposals of the Harrow Unitary Development Plan 2004, and the London Plan 2008 set out below, and to all relevant material considerations to provide an appropriate form of development, taking into account of the need to provide additional educational facilities and maximising the usage of educational land, without impinging upon the amenity of the neighbouring occupiers, in accordance with saved Policies C7, D4, D5, EP25, T6 and T13 of the HUDP (2004) and Policies 3A.24, 4B.1 and 4B.5 of the London Plan (2008).

The proposal contributes toward key themes of Harrow's Sustainable Community Strategy [Mar 09]. The Community Strategy sets out a vision for the Borough to 2020. One of the key themes of the Community Strategy is 'Every Harrow Child'. The Vision states:

*'Harrow will be a place where children and young people are healthy and safe and stay healthy and safe, where they are encouraged and helped to enjoy living, learning playing and growing and to achieve while doing so, where they can make a positive contribution to their own futures and to the future of their borough and the community generally, and where they can successfully prepare for and engage in activities to enjoy economic wellbeing.'*

This Vision identifies the importance of the development of children and young people in the Borough, to ensure they have access to education opportunities and are healthy and safe as well as promoting social opportunities. The proposal for temporary classroom accommodation supports this Vision.

London Plan:

3A.24 – Education Facilities

4B.1 – Design principles for a compact city

4B.5 – Creating an inclusive environment

Harrow Unitary Development Plan

C7 – New Educational Facilities

C16 – Access to Buildings and Public Spaces

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

EP25 - Noise

T6 - The Transport Impact of Development Proposals

T13 – Parking Standards

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**MAIN CONSIDERATIONS AND POLICIES (The London Plan 2008 and saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance)**

- 1) Character and Appearance of the Area (4B.1; C7 and D4)
- 2) Residential Amenity (D5)
- 3) Access for All (C16)
- 4) Traffic and Parking (T6, T13)
- 5) S17 Crime & Disorder Act (D4)
- 6) Consultation Responses

**INFORMATION**

**a) Summary**

Statutory Return Type: Minor Development: All Other

Council Interest: Council Owned School

**b) Site Description**

- The site is enclosed by residential properties to the south and west, Hatch End High School to the north and Chantry First and Middle School to the east.
- Main pedestrian and vehicle access is located via an access road from Headstone Lane.
- The original school is single storey and was built in the 1940's and since then has had various extensions and alterations over the years.
- Hard surfaced games courts are located to the south of the site. A swimming pool is located to the north.

**c) Proposal Details**

- There are three parts to the proposal.

*Two temporary modular buildings to provide additional teaching and pupil support facilities.*

- The demolition of the two existing modular buildings.

- Construction of two replacement rectangular temporary modular buildings which would be located to the east of the site, to the north of the on-site Science/Design Technology building and Dining/Kitchen, and to the south of the car park.
- The proposed modular buildings would be single storey with a flat roof which would have both stepped access and access ramps. The proposed building adjoining the car park would feature a front canopy on the main entrance. The canopy would have a maximum height of 3.2m and cover an area of 14.92m<sup>2</sup>.
- The buildings would have a maximum height of approximately 4.2m.
- The building to the east, labelled on plan as EBD would be approximately 9m wide and approximately 13.5m deep (covering an area of 121.5m<sup>2</sup>)
- The building to the west, labelled on plan as POST 16, would have a width of approximately 14.5m and a depth of approximately 9.5m (covering an area of 137.75m<sup>2</sup>).
- The proposed buildings would be located approximately 81m from the main rear elevation of the nearest dwellinghouses, which are on Courtney Avenue.

#### *New Electricity Sub-Station*

- The proposed sub-station would be located to the east of the car park on what is currently vacant and open green space. The proposal would be approximately 57.45m from the main rear wall of the nearest residential dwellinghouse's which are located on Courtney Avenue.
- The proposed substation would be a single storey building, with a rectangular, with a dual pitched roof.
- The substation would have an eaves height of 2.5m and a ridge height of 3.75m.
- The substation would have a width of 4m and a depth of 6m (covering an area of 24m<sup>2</sup>)

#### *Parking*

- The proposed three parking spaces would be located to the south of the on-site swimming pool and to the north of the on site Hall.
- The parking spaces would be placed in a row, adjoining the south side of an on-site green

#### **d) Relevant History**

WEST/231/96/L A3	ALTERATIONS TO ACCESS AND ADDITIONAL PARKING AND BIN STORE	GRANTED 08-JUL-96
P/378/03/CLA	PROVISION OF MOBILE HOME TO BE USED FOR TEACHING PURPOSES	GRANTED 03-JUN-03
P/3004/07	SINGLE STOREY EXTENSION ON SOUTH ELEVATION	GRANTED 23-NOV-07
P/3345/08	CONSERVATORY WITH PATIO ATTACHED TO STAFFROOM	GRANTED 07-JUL-09

#### **e) Pre-Application Discussion**

- None



**f) Applicant Statement**

- See Design and Access Statement

**g) Consultations:**

Hatch End Association: No response received

**Notifications:**

Site Notice

General Notification

Expiry: 06-NOV-09

**Notifications:**

Sent: 101

Replies: 0

Expiry: 15-DEC-09

**Neighbours consulted:**

55 – 155 Courtenay Avenue (odd numbers)

207 – 231 Long Elmes (odd numbers)

Summary of Responses:

N/A

## **APPRAISAL**

**1) Character and Appearance of the Area**

Saved Policy D4 of the Unitary Development Plan (2004), states that all development should have regard to the scale and character of the surrounding environment. The proposed buildings and sub station would both be single storey, and would match the character of the surrounding school buildings, as well as being significantly separated from the neighbouring properties, as to restrict their visibility from the outside of the site.

The proposed additional three parking spaces, would be located near the existing car park areas within the site and would be considered acceptable.

**2) Residential Amenity**

The proposals are significantly separated from the nearest residential properties (Courtenay Avenue), and are single storey buildings and three additional parking spaces. By reason of the siting of the proposals and their design, it is considered that the proposal would not cause undue detriment to the residential amenities of surrounding properties, in accordance with saved policy D5 of the Harrow Unitary Development Plan 2004.

**3) Access for All**

The proposed buildings would have satisfactory access in terms of a disabled ramp, and therefore would be consistent with saved policy C16 of the Harrow Unitary Development Plan 2004.

**4) Parking and Traffic**

The proposals are considered not to be likely to attract significant levels of additional traffic which would give rise to parking issues.

The proposal also includes the addition of three parking spaces near the existing car

park.

Item 2/14 : P/2160/09/AJ/C continued/...

The site is well served by public transport (bus), and the proposals are considered to be in accordance with saved policies T6 and T13 of the Harrow Unitary Development Plan 2004.

**5) S17 Crime & Disorder Act**

The proposal would not have an impact with regard to the above Act.

**6) Consultation Responses**

N/A

**CONCLUSION**

This application forms a small but important part of the Council's wider school refurbishment programme and would allow for an additional school capacity for year 7 pupils. The proposed buildings would be acceptable on a temporary basis (3 years) and would by virtue of their size design and location within this school site not have an adverse impact upon the residential amenities of the locality. 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, subject to the following condition(s).

**CONDITIONS**

1 The building hereby permitted shall be removed and the land restored to its former condition within 3 years of the date of this permission, in accordance with a scheme of work to be submitted to, and approved by, the local planning authority.

REASON: To safeguard the amenity of neighbouring residents and to permit reconsideration in the light of circumstances then prevailing.

**INFORMATIVES**

1 INFORMATIVE:

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION - HOUSEHOLDER APPLICATION:

The decision to grant planning permission has been taken having regard to the policies and proposals in 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:

Harrow Unitary Development Plan: C7, C16, D4, D5, T6, and T13

London Plan: 3A.24, 4B.1 and 4B.5

2 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.

3 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 / 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

Plan Nos: 1000H-00-M1-01 Rev A, 1000H-01-M1-01 Rev A, 1000H-21-GE-01 Rev B, 1000H-24-M1-01 Rev E, 1000H-31-M1-01 Rev B, Tree (rpa) Schedule and Design & Access Statement.

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**73 WEST END AVENUE, PINNER, HA5 1BN**

**Item: 2/15**

**P/3084/08/SB5/W**

Ward: PINNER

CONTINUED USE OF BUILDING AS FOUR SELF-CONTAINED FLATS INCLUDING SIDE AND REAR EXTENSIONS, REAR DORMER, ROOFLIGHTS, BALCONY SCREEN AND REFUSE STORAGE AREA; AND LANDSCAPING, PROPOSED WIDENED VEHICLE ACCESS; EXTERNAL ALTERATIONS

**Applicant:** Mr Adekoyejo Oduniya

**Statutory Expiry Date:** 22-OCT-09

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## **RECOMMENDATION**

**GRANT** permission for the development described in the application and submitted plans.

## **REASON**

It is considered that the revised proposal has shown to overcome the previous reasons for refusal. The decision to grant permission has been taken having regard to the policies and proposals in the London Plan and the saved policies of 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 – Design Principles for a Compact City

3A.1 - Increasing London's Supply of Housing

3A.2 - Borough Housing Targets

3A.4 - Efficient Use of Stock

3A.5 - Housing choice

London Plan Draft Housing Design Guide (2009)

Harrow Unitary Development Plan:

D4 The Standard of Design and Layout

D5 New Residential Development – Amenity Space and Privacy

D9 Streetside Greenness and Forecourt Greenery

D10 Trees and New Development

T13 Parking Standards

H10 Maintenance and Improvement to Existing Housing Stock

Planning Policy Statement 3: Housing

Supplementary Planning Guidance, Extensions; A Householders Guide (2008)

Supplementary Planning Guidance, Designing New Development (2003)

Supplementary Planning Document 'Accessible Homes'" (2006)

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## **MAIN CONSIDERATIONS AND POLICIES (London Plan 2008 and saved policies of the Harrow UDP 2004 and any other relevant guidance)**

- 1) Principle of Development (PPS :3, London Plan: 3A.1, 3A.2, 3A.4, 3A.5)
- 2) Character and Appearance of Area (D4, D9, SPG; London Plan 4B.1)
- 3) Residential Amenity (D4, D5, EP25, SPG)
- 4) Accessibility (London Plan Policy 3A.5, SPD)
- 5) Parking Standards/Highway Safety (T13)
- 6) S17 Crime & Disorder Act (D4)

7) Consultation Responses

**INFORMATION**

This application was deferred from the meeting of the Planning Committee on the 2<sup>nd</sup> December 2009 for a Members site visit. This visit is scheduled to take place on the 11<sup>th</sup> January 2010.

**a) Summary**

Statutory Return Type:	Minor Dwellings	
Car Parking	Standard	5.4
	Justified	4
	Provided	3
Lifetime Homes:	2	
Council Interest:	None	

**b) Site Description**

- Two storey detached property located on a prominent corner junction on the eastern side of West End Avenue;
- The property previously comprised 2 flats, the property has now been converted into 4 flats, which was granted planning permission under P/1351/06 and was subject to a number of pre-commencement planning conditions;
- The applicant commenced development without discharging the planning conditions relating to P/1351/06;
- Prior to the conversion of the property into four flats, the property had an existing two storey rear extension and an external staircase leading to the first floor flat;
- As part of the conversion works, a further single storey side and rear extension has been added which has a roof terrace and a rear dormer;
- In addition to the above works some minor alterations have been carried out to the roof slopes, which did not form part of the original approval under P/1351/06;
- The roof terrace balcony screening has been constructed using white Acyclic panels;
- The front boundary is characterised by a low hedgerow with picket fencing fronting the streetscene;
- The side boundary is characterised by a hedgerow;
- The front and side gardens are open in the streetscene and have a mixture of soft and hard landscape materials – the parking area located directly in front of the property is laid to gravel;
- The off street parking is access from the existing vehicular access located adjacent to the site boundary with No.71 West End Avenue;
- Character of the area is predominately detached dwellings and pairs of semi-detached purpose built maisonettes.

**c) Proposal Details**

- The proposal is for the continued use of the property as four self-contained flats with garden arrangements that differ from that approved under permission P/1351/06/DFU and the retention of the single storey side to rear extension, rear dormer, roof lights and external alterations to the roof and alterations to materials of balcony balustrade;

- The property comprises of 3 x 2 bedroom flats and 1 x 1 bedroom flat;
- The two ground floor flats have access to a private garden. One first floor flat has access to a roof terrace and the other first floor flat has no garden
- The proposal also seeks retrospective planning permission for the landscape works carried out for the front garden and refuse storage;
- The applicant is also seeking planning permission for the widening of the existing vehicular crossover from 3.2 metres to 5.4 metres in order to facilitate a further off street parking. The application site can at present accommodate 2 cars comfortably.
- Balcony balustrade materials would be changed from the current opaque acrylic to a clear screen, the existing acrylic opaque privacy screen facing no. 71 would be replaced with a 2.8m high obscured glazed screen

**Revisions to Previous Application:**

- n/a

**d) Relevant History**

HAR/20026/C	Convert to 2 self/con flats (revised)	GRANT 06-MAY-63
LBH/3633	Extension to bedroom on ground floor	GRANT 04-SEP-68
LBH/3633/2	Alterations to roof and erection of first floor extension to rear of dwellinghouse	GRANT 14-MAY-76
LBH/20254	External spiral staircase at side	GRANT 16-OCT-81
P/1351/06/DFU	Rear dormer; rooflights; single storey side and rear extensions and creation of balcony over at first floor level; alterations; conversion from two to four self-contained flats (resident parking restricted)	GRANT 18-JUL-06
P/0955/07	Details of appearance of privacy screen and front elevation, lifetime homes standards, disabled access and landscaping details including refuse storage pursuant to conditions 3, 4, 5, and 6 of planning permission p/1351/06/dfu for conversion from two to four self-contained flats granted on 18/7/2006	REFUSE 05-DEC-07

**Reasons for Refusal:**

1. The proposed details relating to the rear privacy screen fail to demonstrate the finished appearance of the screen and therefore in the absence of such information it would fail to protect the amenity of neighbouring occupiers, contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004).

2. The details submitted in relation to the 'Lifetime Homes Standards' (Conditions 4 and 6) and the details relating to the access to, and egress from, the building (Condition 5) are unsatisfactory/ inadequate and fail to comply with all 16 of the Lifetime Homes standards, contrary to London Plan Policy 3A.4 and the Supplementary Planning Document 'Accessible Homes' (2006).

3. The proposed landscaping scheme (Condition 6) by reason of excessive hardsurfacing and the use of unsatisfactory materials and failure to show space for the storage of refuse and recycling waste for all four flats, would fail to enhance the appearance of the development or the character of the area contrary to policies D4 and D9 of the Harrow Unitary Development Plan (2004)

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- This application is supported by a Design and Access statement, which is summarised below:
  - Proposal is for the retention of the conversion of building as four self-contained flats;
  - Proposal very similar to the initial granted planning permission (P/1351/06)
  - Development provides for refuse storage area;
  - Site comprises rear garden to be shared by both ground floor occupants and a balcony space for top floor occupants;
  - This building enhances its setting in the street scene;
  - Internal layout of the building is orientated with the lounge overlooking the enclosed rear garden;
  - No direct overlooking of the neighbouring properties from either of the flats or nearby building;
  - Development has been designed to ensure each flat has sufficient amenity space;
  - Modest size and nature of the development means that there are no complicated access considerations to take into account;
  - Building has a ramped wide entrance doorway to provide for wheelchair access to the property;
  - Similarly internal doorway widths also allow for internal disabled access to one of the ground floor flats;
  - Retention of the development would satisfy the policy requirements of the Unitary Development Plan;
  - Would comprise a modest non-intrusive type of useful and sustainable development that would complement the form, design and appearance of the existing building and the locality in general.

**g) Consultations**

**The Pinner Association:**

We have strong concerns about the appearance of this building, particularly in relation to the balcony screen at first floor level. We understand that the applicants do have consent for a screen and are now proposing to vary the existing very ugly screen whose materials have not been approved. However we still have concerns over the proposed replacement.

It appears from the submitted plans that the new screen is to be 1.8metres high. We do not know if this was the height previously approved or not. The plan of the proposed front elevation seems to show a screen much lower than this. The screen is in a very prominent position and its height should be kept as low as possible.

The new screen is proposed to be “transparent”, “translucent” or “clear” depending upon which plan one reads. We would suggest that in both the interest of privacy of the occupier and of the streetscene that the screen material should be opaque and of a colour to blend in with the surrounding brickwork. The current new proposals would just create a different form of incongruity from that we suffer at present.

Vehicle Crossing Officer: No objection

**Notifications:**

Sent: 34

Replies: 9

Expiry: 17-SEP-09

**List of Neighbours Consulted:**

5, 7, 9, 11, 13, 15, 17, 19, 67, 69, 71, 73A, 73B, 73C, 73D, 77, 79 and 81 West End Avenue

6, 8, 10, 12, 14, 16, 18, 20, 52, 54, 56, 58, 60, 62 and 64 West End Avenue  
Applehurst West End Avenue

**Summary of Responses:**

- The balcony screen materials and colour used is blot on the landscape – plastic translucent panels which should not have been approved;
- Position of 11/12 bins for four flats;
- Neither balcony screen or current position of refuse bins fits in with character of the property and local area;
- Terms of original permission P/1351/06/DFU not met;
- Granting retrospective planning permission makes a mockery of the system;
- Property should be improved in appearance;
- Balcony should be replaced with traditional materials;
- Wheelie bins are unsightly – some purpose built storage area should be built;
- Parking area at front consists of unsightly shingle;
- If vehicle access is widened any further there would in effect be an open car park – utterly out of character;
- Brick up is bodged and jerry built – should not have been passed by building inspectors;
- Not enough parking on street;
- Residents park on blind corner – make it difficult to reverse out of drive;
- Increase in traffic is reaching dangerous levels.

**APPRAISAL**

**1) Principle of Development**

This application follows on from a scheme which was granted planning permission under P/1351/06. However, as the applicant commenced development before discharging the pre-commencement planning conditions attached to P/1351/06, the original planning permission has fallen away. The applicant in order to resolve this matter is now seeking retrospective planning permission for the development which has been carried out on site. The principle to convert the property from two flats to four flats has already been set by the approval of the previous permission P/1351/06. It is therefore considered that the principle to the development is acceptable in this case. Furthermore, national and Local planning policies seek to maximise the potential use of scarce land to provide future housing needs. Therefore development would be in accordance with the Landon Plan policies 34.1 and 3A.3.



**2) Character and Appearance of Area**  
**Standard of layout Design and Layout**

As discussed above this application follows on from a previous approval P/1351/06. For the purposes of this application, the impact of the single storey side to rear extension, the rear dormer and rooflights on the character and appearance of the area has already been addressed under P/1351/06. These aspects of the development have been built in accordance with the plans that were approved under P/1351/06. It is therefore considered that these aspects of the development carried out are acceptable and are in accordance with the guidance set out in the Council's Supplementary Planning Guidance on Householder Extensions.

It is however noted that the applicant has undertaken some external alterations to the northern and front roof slopes of the property, to gain sufficient internal ceiling height. These external alterations have been carried out in materials matching the rest of the roof. It is considered that the roof alterations do not appear unduly obtrusive or have a detrimental impact on the character and appearance of the original property and are therefore considered to be acceptable.

At present the balcony balustrade is constructed of white Acrylic panels. It is considered that the white panels in-situ make the balcony screening appear visually obtrusive and bulky in the streetscene. The applicant is proposing to replace these white panels with clear panels and is also seeking to replace the existing acrylic privacy screen facing no. 71 with a 1.8m high obscured glazed privacy screen. It is considered that the proposed materials for the balcony would be a marked improvement upon the existing situation. The proposed balcony screen would appear lightweight against the brickwork of the property and would appear as a modern designed feature against the original property instead of the existing box like construction. It is considered that subject to a suitably worded condition requiring the new balcony screening to be in place within a specified timescale, the proposed balcony modifications are acceptable.

**Conversion of Buildings to Flats**

The principle to convert the property into 4 four flats has already been agreed by the approval of planning permission P/1351/06. The internal layout and the size of the flats match that approved under P/1351/06. It is noted that there is a conflict between the vertical stacking between the ground and first floor flat in that there is a living room sited directly above the bedroom of the ground floor flat. However, the original planning application was approved on this basis and the flats are all occupied at present. It is considered that a refusal on grounds of unsatisfactory internal layout cannot be justified in this case.

**Landscaping**

The soft and hard landscaped works that have been carried out on site are considered to be acceptable. The applicant has retained the hedgerow along the front and side boundaries and has undertaken soft landscape works in the front and side gardens. The applicant has laid gravel down as a form of hardsurfacing to provide off-street parking. It is considered that the use of gravel, being a permeable material would be a more sympathetic choice of material in comparison to block paving. It is noted that along West End Avenue there is a mixture of types of forecourt treatments and in certain instances there is evidence of excessive hardsurfacing in front gardens.

It is considered that having regard to the character and appearance of the surrounding area, the landscape works in-situ do not have an adverse impact upon the suburban leafy green character of the locality.

### **Refuse Storage**

The refuse storage for the development at present is sited adjacent to the hedgerow boundary shared with neighbouring dwelling No.71 West End Lane and therefore the refuse bins are visible in the streetscene in the approach from the corner bend of the highway. The applicant is proposing to re-site the refuse bins to the side of the property, which will minimise the impact of the refuse bins in the streetscene. A condition is suggested to ensure that the refuse storage is re-located in accordance with the agreed plans.

### **3) Residential Amenity For Future Occupiers of the Site**

The two ground floor flats have direct access to the private rear garden and the first floor one bedroom flat has access to a private balcony. The level of amenity space provided for these units is considered to be acceptable and would be in accordance with the objectives set out under saved policy D5 of the Harrow UDP. However the fourth unit located on the first floor has no access to a private amenity space. In the original planning application granted P/1351/06, it was proposed to sub-divide the rear garden into 3 so that the two ground floor flats and one of the first floor flats had access to the rear garden (which was to be accessed from the side passageway located next to the boundary shared with No.71). The other first floor flat has access to a balcony.

It is acknowledged that one of the first floor flats now does not have access to a private amenity area. However, the application site benefits from a spacious side garden which forms a communal area which the occupiers of this first floor flat have access to. In addition to this, Pinner Memorial Park is within close walking distance of the application site. Although it is acknowledged that this may not be the ideal provision of amenity space for the first floor flat, on balance it is considered that a refusal on the grounds of lack of amenity space could not be justified in this case, given that the occupiers do have access to other forms of amenity space.

### **Impact on Existing Residential Amenity**

The impact of the development on the surrounding residential amenity has already been assessed under the previous planning application P/1351/06. There are no significant changes in the scheme which has been constructed on site against what was approved under this previous application. It is therefore considered that there would be no unreasonable impact upon neighbouring residents.

### **4) Accessibility**

A condition was attached to planning permission P/1351/06 requiring details to be first submitted to and approved by the local planning authority to show that one of the ground floor flats would be constructed to meet Lifetime Homes standards. The applicant has demonstrated that one of the ground floor flats has been constructed to meet Lifetime Homes standards. This includes a ramped entrance to the building, sufficient turning space for potential wheelchairs users and a spacious bathroom. The development is therefore considered to be acceptable in this regard.

**5) Parking Standards/Highway Safety**

The Council's maximum parking standards attached at Schedule 5 of Policy T13 would be 5.4. The development has the provision for 3 car parking spaces on the site, which would be in accordance with the Council's maximum parking standards. The applicant is also seeking planning permission to widened the existing vehicular access to allow comfortable access to all three parking spaces.

In addition to the above, West End Avenue and the surrounding roads are resident permit restricted and therefore there are parking measures in place to control kerb side parking. The Council's Highway Engineer raises no objection to the number of parking spaces provided. Notwithstanding this, an informative is attached informing the applicant that the occupiers of the development would be ineligible for resident parking permits in the surrounding controlled parking zone.

There are no objections to the increased width of crossover on highway grounds, as long as the width of the crossover does not exceed 5.4 metres as shown on the submitted drawings.

**6) S17 Crime & Disorder Act**

The layout of the development ensures natural surveillance of the property is maintained, which complies with the objectives set out under paragraphs 4.19 and 4.20 of Policy D4 of the Harrow UDP. It is considered that the development does not have a material impact upon community protection.

**7) Consultation Responses**

- Matters relating to the balcony and the materials used has been addressed under section 2 of the above appraisal;
- Matters relating to the position of the refuse storage and the landscape materials used in front garden has been addressed under section 2 of the above appraisal;
- Matters relating to traffic and highway safety under section 5 of the above appraisal;
- Issues regarding the brick up of the building being bodged - the extensions that have been constructed on site, have been constructed using matching materials to the existing building and therefore there are no concerns relating to the external appearance of the extensions (with the exception of the balcony). The technical built form is a matter for building control and it is outside the remit of planning policy.

**CONCLUSION**

This application to continue the use of the property as four flats with proposed alterations to the balcony materials is considered to represent a satisfactory form of development. The alteration to the balcony materials would ensure that this element of the development would appear acceptable and be in line with the original planning permission. The amendment to the position of the refuse storage out of the view of the streetscene would be an improvement. It is acknowledged that one of the first floor flats does not have access to a private amenity space.

However, on balance the provision of a communal space, supplemented by public open space in close proximity to the site, for use by the occupiers of this unit is an acceptable alternative arrangement.

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.

## **CONDITIONS**

1 The widening of the vehicle access hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2 The existing white acrylic panels and privacy screen shall be removed and replaced with the approved clear glazed panels and obscured glazed privacy screen as detailed on approved drawing Nos. 786931/ 311 Rev B and 786931/ 312 Rev A, within 1 month of the date of this decision and they shall thereafter be retained in that form.

REASON: To ensure the appearance of the balcony balustrade and privacy screen are improved to protect the character and appearance of the area and the amenities of the neighbouring occupiers as required by saved policies D4 and D5 of the Harrow Unitary Development Plan 2004.

3 The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area, as shown on the approved drawing.

REASON: to safeguard the appearance of the locality.

## **INFORMATIVES**

### **1 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.

### **2 INFORMATIVE:**

The relevant traffic order will impose a restriction making residential occupiers of this building ineligible for resident's parking permits in the surrounding controlled parking zone.

Plan Nos: 786931/112 (Site Plan); 100 REV D; 101 REV D; 102 REV D; 103 REV D; 110; 111; 112 (Proposed Second Floor Plan); 113; 299 (Site Plan); 301 REV B; 302 REV B; 309 (Site Plan); 311 REV B; 312 REV A; Design and Access Statement

## SECTION 3 - APPLICATIONS RECOMMENDED FOR REFUSAL

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**33 KINGSHILL AVENUE, HARROW, HA3 8JT**      **Item: 3/01**  
**P/2272/09/NR/E**

Ward      KENTON WEST

CONTINUED USE OF FORMER DWELLINGHOUSE AS 7 SELF CONTAINED FLATS

**Applicant:** Mr N Amin  
**Agent:** DB Planners  
**Statutory Expiry Date:** | 01-DEC-09

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### RECOMMENDATION

**REFUSE** permission for the development described in the application and submitted plans, for the following reasons:

1) The development by reason of the unacceptable proposed arrangements for the storage of refuse and recycling bins, would not provide a convenient facility for the occupiers of the development and would be likely to result in an unattractive and cluttered appearance that would detract from the character of the property in the streetscene and the appearance of the area, contrary to saved policy D4 of the Harrow Unitary Development Plan (2004).

National Planning Policy:  
PPS1 – Delivering Sustainable Development  
PPS3 – Housing

The London Plan 2008:  
3A.5 – Housing Choice  
4A.22 – Spatial Policies for Waste Management  
4B.1 – Design Principles for a Compact City

London Borough of Harrow Unitary Development Plan 2004:  
D4 – The Standard of Design and Layout  
D5 – New Residential Development – Amenity Space and Privacy  
D9 – Streetside Greenness and Forecourt Greenery  
T13 – Parking Standards  
C16 – Access to Buildings and Public Spaces  
Supplementary Planning Guidance: Extensions: A Householder's Guide (2008)  
Supplementary Planning Document: Accessible Homes (2006)  
Code of Practice for the Storage and Collection of Refuse and Materials for Recycling in Domestic Properties

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### MAIN CONSIDERATIONS

- 1) Principle of Development (PPS1, PPS3)
- 2) Character and Appearance of the Area (4A.22, 4B.1, D4, D9)
- 3) Residential Amenity (D4, D5)
- 4) Traffic and Parking (T13)
- 5) Accessible Homes (3A.5, C16, SPD)
- 6) S17 Crime & Disorder Act (D4)
- 7) Consultation Responses

## INFORMATION

This application is reported to Committee at the request of a Nominated Member.

### a) Summary

Statutory Return Type: 13. Minor Dwellings  
Lifetime Homes: 0  
Council Interest: None

### b) Site Description

- Two storey semi-detached property on the east side of Kingshill Avenue, a suburban residential street. The property is currently arranged without authorisation as seven self-contained flats.
- The application property has a single-storey front and rear extension and two-storey side extension, constructed pursuant to planning permissions HAR/19383, HAR/19383/A and EAST/234/97/FUL, which prevents outside access from the front of the property to the rear garden.
- The front garden of the property is currently entirely hard surfaced with a vehicular access to the highway.
- The rear garden of the application property is irregular in shape and has a depth of approximately 23 metres and a width of between 7 and 10 metres.
- The adjoining property at No.35 is unextended.
- The adjacent property at No.31 has a two-storey side, single-storey front and rear extensions and a roof extension comprising a gable end and rear dormer.

### c) Proposal Details

- Continued use of property as seven self-contained studio flats.
- Four of the flats are on the ground floor, with the remaining three on the first floor. Only two of the ground floor flats have access to the rear garden.
- Access to all of the flats is via the existing front door with separate entrance doors to each flat provided internally.
- Refuse bins are currently stored in the front garden, where two off-street parking spaces are also provided. This application proposes to locate three refuse bins in the front garden and three in the rear garden, with access from a passage to Penn Close.

### d) Relevant History

HAR/19383	Rebuild existing garage 2 bedrooms over	GRANT 21-MAY-62
HAR/19383/A	Extension to kitchen	GRANT 03-SEP-62
EAST/234/97/FUL	Single storey front extension and alterations to porch	GRANT 13-MAY-97
P/3566/08	Continued use of former dwellinghouse as 7 self contained flats	REFUSE 03-MAR-09

**Reasons for Refusal:**

- 1) The use of the property as seven flats by reason of the number of units, unsatisfactory layout, inadequate size and stacking of rooms and lack of provision of external amenity space for five of the flats has resulted in the provision of substandard accommodation, to the detriment of the amenities of the occupiers of the flats, and has resulted in an over-intensive use of the property which, by reason of increased potential disturbance and general activity, detracts from the residential amenities of the occupiers of neighbouring properties and the occupiers of the development itself, contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004).
- 2) The development by reason of excessive levels of hardsurfacing and the unacceptable siting of the refuse storage, recycling bins and proposed cycle racks in the front garden, has resulted in an unattractive and cluttered appearance that detracts from the character of the property in the streetscene to and the appearance of the area, contrary to policies D4 and D9 of the Harrow Unitary Development Plan (2004).
- 3) The increased intensity of use has the potential to give rise to an unacceptable increase in vehicular activity, to the detriment of the free flow and safety of vehicular traffic and pedestrians on the public highway, contrary to policy T13 of the Harrow Unitary Development Plan (2004).
- 4) The conversion, by reason of its lack of provision for people with disabilities and non-compliance with Lifetime Homes Standards has resulted in a substandard form of accommodation to the detriment of the amenities of the current and future occupiers of the site, contrary to policy 3A.5 of the London Plan, policy C16 of the Harrow Unitary Development Plan (2004) and the 'Accessible Homes' Supplementary Planning Document (2006).

**Appeal APP/M5450/A/09/2103033 dismissed 08-SEP-09:**

In dismissing the appeal, the Inspector concluded that the provision of refuse bin storage in the front garden of the property would be harmful to the character and appearance of the area. The Inspector did not support the Council's other reasons for refusal as outlined above.

**e) Pre-Application Discussion**

- N/A.

**f) Applicant Submissions**

- Design and Access Statement.

**g) Consultations:**

**Notifications:**

Sent: 13

Replies: 7 (including  
petition of 14 signatures in  
objection)

Expiry: 26-NOV-09

**Addresses Consulted:**

- 29-39 Kingshill Avenue (odd)
- 30-38 Kingshill Avenue (even)
- 1 and 1A Penn Close

**Summary of Response:**

- Parking and traffic concerns;
- Noise from additional occupants;
- Overcrowding;
- Impact on character of the area;
- Poor living conditions for residents of flats;
- Fire hazard;
- Health and safety problems;
- Impact on property values.

**APPRAISAL**

**1) Principle of Development**

Paragraph 27(viii) of PPS1 promotes the more efficient use of land through the use of suitably located previously developed land. Annex B of PPS3 states that 'previously developed land is land which is or was occupied by a permanent structure, including the curtilage of the developed land'. As the site formerly comprised a dwellinghouse, it is considered to be previously developed land for the purposes of PPS3 and therefore housing development is acceptable in principle. There is no in principle policy objection to the conversion of an existing dwellinghouse to flats.

**2) Character and Appearance of the Area**

The only outstanding matter following the Inspector's dismissal of the appeal relates to bin storage. In assessing the previous application (ref P/3566/08), the Council had regard to its Code of Practice for refuse storage in domestic properties, which indicated that a maximum of 21 bins would be required to serve the 7 flats. More detailed guidance has since been obtained from the Council's Waste Management Policy Officer, confirming that an initial compromise arrangement of 6 bins would be acceptable for this development, although an additional one or two bins may be required subject to usage. Following this advice, this re-submission proposes to locate 3 bins in the front garden and 3 bins in the rear garden. The bins in the rear garden would be brought out onto the highway from a pedestrian passage to Penn Close. Any additional bins would have to be stored at the front bringing the potential number to five.

Paragraph 4.24 of saved UDP policy D4 states that 'provision must be made for bin and refuse storage, and goods to be recycled, in proposals for new development. This must be included in such a way to minimise its visual impact while providing a secure and convenient facility for occupiers and collection'.

It is however noted that the bins in the rear garden would have to be transported some 80 metres from the rear garden to the front of the site for collection. It is considered that this distance would be excessive and would not be convenient for the occupiers of the flats, contrary to UDP policy D4. It is also noted that only two of the flats have access to the rear garden. Given these circumstances, in practice the occupiers of the two flats with rear garden access would potentially be more likely to use the refuse bins at the front of the property, as these would not have to be brought round to the front of the property on collection day. This could result in overspill of rubbish, to the detriment of the character and appearance of the area.



It is also possible that in practice the bins stored at the rear would be left at the front of the property after collection and not moved back to the rear. It is considered in this instance, the Council's standard condition requiring bins to be stored in the designated areas except on collection days, would not be reasonable, given the distance between the rear storage area and the front of the property. A condition requiring the landlord to move the refuse bins to the front of the property on collection day, as suggested by the applicant, would not be enforceable.

As previously stated, the Council's Waste Management Officer also considers that 'there may be a need in practice to increase the number of bins at the front (serving five flats) – by one or two bins'. This would therefore result in up to 5 bins located in the front garden and, whilst 3 bins would be similar to that of a dwellinghouse, it is considered that the storage of 5 bins in a front garden of this size would result in a cluttered appearance. In summary, it is considered that the revised proposals for refuse storage would not result in a convenient facility for the occupiers of the development and would be likely to result in a cluttered appearance in the street scene, contrary to UDP policy D4.

The front garden of the property is currently entirely hard surfaced. This is an unacceptable arrangement as a street scene improvement that would be required by policy D9, which seeks to resist the hardsurfacing of whole front gardens, as part of a conversion has not been provided on this property. It is noted however that the Inspector, in dismissing the previous appeal, concluded that this part of the development was not objectionable and accordingly the Council raises no objections to this matter.

### **3) Residential Amenity**

The previous application relating to the continued use of the property as 7 flats (ref P/3566/08) was refused for a number of reasons, relating to the size and arrangement of the proposed flats, the provision of external amenity space and the over-intensive use of the site. However the Inspector, in dismissing the appeal relating to this application, concluded that these issues were not objectionable. Accordingly, no objection is raised by the Council in relation to these matters and the development is therefore considered to result in satisfactory living conditions for the occupiers of the flats and is not considered to result in excessive disturbance to the occupiers of neighbouring residential properties.

### **4) Traffic and Parking**

The previous application (ref P/3566/08) was also refused on the grounds of highway safety. However, the Inspector, in determining the previous appeal, noted that the site is within reasonable walking distance of Kenton station. Given that no objection was raised by the Inspector to the hard surfacing in the front garden, two off street spaces are available. The Inspector concluded that this parking provision and the provision of an adequate amount of available on street parking would not give rise to highway safety concerns and therefore no objection is raised in this regard.

**5) Accessible Homes**

The previous application (ref P/3566/08) was also refused for lack of compliance with Lifetime Homes Standards. The Inspector in determining the previous appeal however concluded that the requirement for significant alterations to the building would be excessive in this case. Therefore, no objection is raised by the Council in relation to accessibility.

**6) S17 Crime & Disorder Act**

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

**7) Consultation Responses:**

Apart from the points raised in the above sections, other issues raised are:

- Concerns raised over noise, overcrowding, fire hazard and health and safety matters: It is noted that the Council in assessing the previous application, raised concerns about the over-intensive nature of the use and with associated disturbance. However, the Inspector in determining the subsequent appeal, concluded that this was not objectionable and the Council must therefore have regard to this view in the determination of any future application. Accordingly, no objection has been raised in relation to these matters.
- Impact on property values: This is not a material planning consideration.

**CONCLUSION**

For all the reasons considered above, the proposed revised arrangements for refuse storage and recycling bins following the dismissal of the recent appeal, would not result a convenient facility for the occupiers of the development and would be likely to result in an unattractive and cluttered appearance that would detract from the character of the property in the streetscene and the appearance of the area, contrary to saved policy D4 of the Harrow Unitary Development Plan (2004). Accordingly, this application is recommended for refusal.

Plan Nos: KING-PROP.-01 Rev B; 02; GROUND FLOOR; FRONT ELEVATION; Site Plan; Planning, Design and Access Statement; Refuse Storage Plan

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**190 STATION ROAD, HARROW, HA1 2RH**

**Item: 3/02**

**P/2271/09/AT/C**

Ward

GREENHILL

VARIATION OF CONDITION 5 ATTACHED TO PLANNING PERMISSION NO. EAST/1407/02/FUL GRANTED ON 14/10/2004 TO PERMIT OPENING ON SUNDAY FROM 10:30 HOURS TO 23:00 HOURS; MONDAY TO WEDNESDAY FROM 08:00 HOURS TO 0:00 HOURS; THURSDAY FROM 08:00 HOURS TO 02:00 HOURS; AND FRIDAY AND SATURDAY FROM 08:00 HOURS TO 03:00 HOURS

**Applicant:** Mr Farhad Davarzani

**Statutory Expiry Date:** 26-NOV-09

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## **RECOMMENDATION**

**REFUSE** variation of condition No.5 (concerning hours of operation) of planning permission ref: EAST/1407/02/FUL (granted 14/10/2004) described in the application and submitted plans, for the following reason:

1. The proposed variation of condition to allow extended opening hours would give rise to additional activity and disturbance at unsocial hours outside the premises, which would be detrimental to the residential amenities of neighbouring existing and future occupiers, contrary to Planning Policy Guidance 24: Planning and Noise (1994) and Saved Policies EM25 and EP25 of the Harrow Unitary Development Plan (2004).

### **REASON:**

The decision to **REFUSE** a variation of condition has been taken having regard to the policies and proposals in the London Plan and the saved policies Harrow Unitary Development Plan 2004 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:

National Planning Policy:

Planning Policy Guidance 24: Planning and Noise (1994)

Saved Policies of the Harrow Unitary Development Plan (2004):

- EP25 - Noise
- EM25 – Food, Drink and Late Night Uses
- T13 – Parking Standards
- D4 – The Standard of Design and Layout

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## **MAIN CONSIDERATIONS AND POLICIES (The London Plan (2008), Saved policies of the Harrow Unitary Development Plan (2004) and other relevant guidance)**

- 1) Noise, Late Night Uses and Amenity (PPG 24, HUDP EP25 and EM25)
- 2) Parking (HUDP T13)
- 3) S17 Crime & Disorder Act (HUDP D4)
- 4) Consultation Responses

## **INFORMATION**

This application is reported to the Committee because a petition has been received in support of the application.

### **a) Summary**

Statutory Return Type: Minor Retail Distribution & Servicing  
Council Interest: None

### **b) Site Description**

- Four storey building on corner of Station Road and Bonnersfield Lane.
- Ground floor, mezzanine and basement used as restaurant (A3).
- Upper floors appear to be vacant flats.
- Building is set back from adjacent small parade of shops to the north with offices at first floor and flats at second floor level.
- Two storey parade adjacent on Bonnersfield Lane; solicitors office at no.10, office and flat over at no.12, 2 flats at no.14.
- The site can currently be open from 08:00 hours to 01:00 hours because of an approval of a variation of the condition that restricts the opening hours (ref: P/2960/05/DVA).

### **c) Proposal Details**

To vary condition No.5 of Planning Permission EAST/1407/02/FUL so as to allow altered opening hours. The proposed opening hours would be:

- Sunday 10:30 Hours To 23:00 Hours
- Monday - Wednesday 08:00 Hours To 00:00 Hours (12 midnight)
- Thursday 08:00 Hours to 02:00 Hours
- Friday - Saturday 08:00 Hours to 03:00 Hours.
- The proposal is identical to a previous application that has been withdrawn.

### **d) Relevant History**

EAST/1407/02/FUL	CHANGE OF USE:CLASS A1 TO A3 ON GROUND & 1ST FLOORS WITH NEW SHOPFRONT, FUME EXTRACTOR DUCT AT REAR & NEW WINDOWS	GRANTED 14-OCT-04
P/2960/05/DVA	VARIATION OF CONDITION 5 ON PLANNING PERMISSION EAST/1407/02/FUL TO PERMIT OPENING 08:00 HOURS TO 01:00 HOURS DAILY	GRANTED 24 -JAN-06
P/2462/06	INTERNALLY ILLUMINATED SIGNS ON FIRST AND SECOND FLOORS FRONT ELEVATION	REFUSED 02-NOV-06

**Reason for Refusal:**

The proposed advertisement, by reason of its size and siting, would be unduly obtrusive in the streetscene and detrimental to the visual amenity of the area, contrary to Policies SD1, D4, D26 & EM24 of the Harrow Unitary Development Plan.

P/4160/07/CVA	VARIATION OF CONDITIONS 2 (SAMPLES OF MATERIALS) AND 5 (HOURS OF OPERATION OF RESTAURANT) PURSUANT TO PERMISSION P/3017/05/CFU DATED 09-FEB-2006 FOR EXTENSIONS AND ALTERATIONS TO PROVIDE A 3 STOREY BUILDING, RESTAURANT (A3 USE) AT GROUND FLOOR AND 12 FLATS AT FIRST AND SECOND FLOORS (RESIDENT PERMIT RESTRICTED)	REFUSED 13-MAR-08
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**Reason for Refusal :**

The proposed variation of condition to allow extended opening hours would represent give rise to additional activity and disturbance at unsocial hours, which would be detrimental to the residential amenities of neighbouring occupiers, contrary to policies EM25 and EP25 of the Harrow Unitary Development Plan (2004).

P/1519/09	WITHDRAWN (APPLICANT) - VARIATION OF CONDITION 5 ON PLANNING PERMISSION NO. EAST/1407/02/FUL GRANTED ON 14/10/2004 TO PERMIT OPENING ON SUNDAY 10:30 HOURS TO 23:00 HOURS, MONDAY - WEDNESDAY 08:00 HOURS TO 00:00 HOURS (12 MID NIGHT) THURSDAY 08:00 HOURS TO 02:00 HOURS AND FRIDAY - SATURDAY 08:00 HOURS TO 03:00 HOURS.	WITHDRAWN 30-SEP-09
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**f) Applicant Statement**

*Noise Disturbance Mitigation Measures:*

- Adequate insulation to the front elevation of the premises to Environmental Health's satisfaction for the containment of sound.
- We will supply and install suitable noise limiting devise to Environmental Health's satisfaction for the prevention of noise and sound.
- SIA registered security personnel used for disbursement of crowd in an orderly fashion at night time and prevent arguments and problems.
- The equipment is the standard used by the industry and more importantly is approved by Noise Control Dept. Environmental Health. The noise limiter cuts out when music is played excessively loud as set by the council.

*General Context/Other Matters:*

**Please see correspondence sent by applicant on the file.**

**Consultations:**

**Environmental Health:**

The sound insulation scheme is sufficient to cope with any music noise issues.

**Metropolitan Police:**

No response

**Notifications:**

Sent:

76

Replies:

4 letters of objection

First Expiry:

02-NOV-09

One petition containing 12 signatures in support

Second Expiry:

04-NOV-09

4

0

Neighbours Consulted:

1 Sheepcote Road

182-190 Station Road (evens)

10-28 Bonnersfield Lane (evens)

229-259A Station Road (Odds)

1 Sheepcote Road

1-3 Manor Parade, Sheepcote Road

29 Northwick Park Road

9 Hill Road

**Summary of Responses:**

***Four letters of objection:***

- The patrons of this restaurant often park in nearby residential roads and are often not very considerate when leaving. It's quite disturbing at the current closing times. They talk loudly at night and bang their car doors. It would inevitably be worse with later times.
- Any further increase in noise would be unwelcome in this largely residential area.
- Lack of parking in the area is exacerbated by the customers of the nearby restaurants and public houses.
- The top floor of this building if one was also to build to the same level with planning permission, breaches rules regarding light because windows have been installed in what would be a party wall.

***One petition of 12 signatures in support:***

- No objections to 3am.

## **APPRAISAL**

### **1) Noise, Late Night Uses and Amenity**

Policy EM25 of the UDP notes that the Council will seek to ensure that proposals for food and drink uses do not have a harmful effect on residential amenity. Regard will be given to the location of the premises; the proximity of residential properties; the type of use proposed; hours of operation and parking and servicing arrangements.

The nearest residential premises are on the upper floors of the building. There are further residential properties on the upper floors of the nearby buildings in Station Road, as well as dwellinghouses in Bonnersfield Lane.

Following consultation with Environmental Health, it is understood that the subject site has adequate insulation in regard to preventing the transmission of noise nuisance. In addition, other noise prevention measures are in place such as noise limitation controls on the loudspeakers, an acoustic lobby with secondary doors and Security Industry Authority registered security personnel.

Given the above, it is considered that there is sufficient existing noise disturbance mitigation measures at the subject site.

However, as is pointed out by the consultation responses, there are other associated forms of noise which are generated outside of the site which cannot be effectively controlled, such as people talking when leaving and entering the premises and traffic associated noise. Given that there are flats above this site (currently unoccupied), flats adjacent to the site (flats A-D Greenhill House) and that the site is on the edge of Harrow Metropolitan Centre and within proximity to residential streets (including Courtfield Avenue and parts of Bonnersfield Lane), the site is clearly within a noise sensitive area. With this in mind, a further extension of opening hours would indirectly contribute to noise nuisance at unreasonable hours.

Taking the above into account, it is considered that the proposed variation of condition to allow extended opening hours would give rise to additional activity and disturbance at unsocial hours outside the premises, which would be detrimental to the residential amenities of neighbouring existing and future occupiers, contrary to Planning Policy Guidance 24: Planning and Noise (1994) and Saved Policies EM25 and EP25 of the Harrow Unitary Development Plan (2004).

### **2) Parking**

In the previous identical withdrawn application (Ref: P/1519/09) the highways engineer was consulted and had no objection in regard to parking. As the use of the property is already established it is considered that the proposed increase in opening hours would not raise any issues in regard to parking.

### **3) S17 Crime & Disorder Act**

It is considered that the proposal would not raise any issues in regard to the above act.

**4) Consultation Responses**

Considered in the report above. The petition does not specify why there are no objections to the proposal. Issues regarding windows on the top floor of the building do not relate to this application.

**CONCLUSION**

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations, this application is recommended for refusal.

**INFORMATIVES**

1 INFORMATIVE:

The following policies in the London Plan (2008), saved Policies of the Harrow Unitary Development Plan and any other relevant guidance are relevant to this decision:

- HUDP EP25, EM25, T13 and D4.
- Planning Policy Guidance 24: Planning and Noise (1994)

Plan Nos: Site Plan, Existing & Proposed Ground Floor Plan (No Change), Proposed Mezzanine Level Plan & Existing (No Change), SL2000 Sound Limiter, Gyproc SoundBloc Product data sheet, Photos, Emails x 2 (received 09/11/2009)



## SECTION 4 – CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

None

## SECTION 5 - PRIOR APPROVAL APPLICATIONS

None.