
22 BENTLEY WAY, STANMORE, HA7 3RP

Item: 3/01

P/2741/10

Ward STANMORE PARK

NEW TWO STOREY DWELLINGHOUSE AND PROVISION OF PARKING ON LAND ADJACENT TO 22 BENTLEY WAY; EXTERNAL ALTERATIONS TO EXISTING DWELLING AT 22 BENTLEY WAY INCLUDING SINGLE AND TWO STOREY REAR EXTENSIONS; ALTERATIONS TO ROOF TO FORM FRONT AND REAR DORMERS AND ENLARGED ROOF SPACE OVER SOUTHERN TWO STOREY ELEMENT ; TWO ROOFLIGHTS IN EACH SIDE ROOFSLOPE OF THE MAIN ROOF

Applicant: D & B Developments
Agent: Preston Bennett Planning
Case Officer: Olive Slattery
Statutory Expiry Date: 11-JAN-11

RECOMMENDATION

REFUSE permission for the development described in the application and submitted plans, for the following reason:

The proposed development of a dwellinghouse within a private residential garden would represent an inappropriate form of development, contrary to saved policy EP20 of the Harrow Unitary Development Plan (2004) and the guidance set out under Planning Policy Statement 3: Housing (2010). There is no identified need or policy benefit that would arise from this development that would justify a departure from adopted policy.

National Planning Policy

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Statement 3: Housing (2010)

Planning Policy Statement 25 – Development and Flood Risk (2010)

Planning Policy Guidance 2: Green Belts (1995)

The London Plan (2008)

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

3A.2 - Borough Housing Targets

3A.3 – Maximising the Potential Use of Sites

3A.4 - Efficient Use of Stock

3A.5 - Housing choice

3A.6 – Quality of New Housing Provision

4A.1 – Tackling Climate Change

4A.3 – Sustainable Design and Construction

4A.4 – Energy Assessment

4A.7 – Renewable Energy

4B.1 - Design Principles for a Compact City

4B.5 – Creating an Inclusive Environment

4B.6 – Safety, Security and Fire Prevention and Protection

London Housing Design Guide: Interim Edition (2010)

Saved Policies of the London Borough of Harrow Unitary Development Plan (2004)

S1 – The Form of Development and Pattern of Land Use
C16 – Access to Buildings and Public Spaces
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
D18 – Historic Parks and Gardens
EP11 - Development within Floodplains
EP12 – Control of Surface Water Run-Off
EP20 – Use of Previously-Developed Land
EP26 – Habitat Creation and Enhancement
EP27 – Species Protection
EP28 – Conserving and Enhancing Biodiversity
EP29 – Tree Masses and Spines
EP31 – Areas of Special Character
EP43 – Green Belt and Metropolitan Open Land Fringes
T6 – The Transport Impact of Development Proposals
T13 – Parking Standards

Supplementary Planning Document – Residential Design Guide (2010)

Supplementary Planning Document – Accessible Homes (2010)

Code of Practice for Storage and Collection of Refuse and Materials for Recycling in Domestic Properties (2008)

Supplementary Planning Document Sustainable Building Design (2009).

MAIN CONSIDERATIONS AND POLICIES (National Planning Policy, The London Plan 2008, Saved policies of the London Borough of Harrow Unitary Development Plan (2004) and any other relevant guidance)

- 1) Principle of Development (PPS1, PPS3, 3A.1, 3A.2, 3A.3, 3A.5, EP20)
- 2) Character and Appearance of the Area (PPG 2, 4B.1, EP31, EP43, D4, D18, SPD – Residential)
- 3) Landscaping, Trees and New Development (D4, D9, D10, EP29)
- 4) Residential Amenity (D5, SPD – Residential Design Guide)
- 5) Ecology and Development within Floodplains (PPS 25, EP11, EP12, EP26, EP27, EP28)
- 6) Traffic and Parking (T6, T13)
- 7) Accessibility (3A.5, C16, SPD – Accessible Homes)
- 8) S17 Crime & Disorder Act (4B.1, 4B.6, D4, SPD – Residential Design Guide)
- 9) Consultation Responses

INFORMATION

This Planning Application was deferred from the Planning Committee at its meeting on 9th February, 2011, at the request of Council Officers, to allow for further consideration of the principle of the development following receipt of an Appeal decision at 18 Paines Close (reference no. APP/M5450/A/10/2134691).

a) Summary

Statutory Return Type: E(13) – Minor Dwellings

Council Interest: None

Site Description

- The subject planning application applies to a site which is located on the eastern side of Bentley Way.
- Bentley Way is a private residential road characterised mainly by detached dwellings of varying designs and sizes.
- A detached dwellinghouse (No. 22 Bentley Way) is located in the south-western corner of the site. Garden space occupies the remainder of the site.
- The dwellinghouse has a hipped, pitched roof and features two-storey side and single storey rear extensions. It is set back approximately 11 m from the highway.
- The property is well screened by mature boundary trees and vegetation. This vegetation is an important characteristic of the area.
- A number of trees on the site are subject to Tree Preservation Order (TPO) 613. The majority of these are to the rear of the site.
- The rear garden of the site extends approximately 50 m in depth beyond the main rear wall of the dwelling.
- The side garden of the property extends approximately 15 m in width beyond the northern flank wall of the dwelling.
- The site lies within flood zone 2/3.
- The neighbouring properties No. 20 and No. 24 are two-storey detached properties and have both been extended in the past.

Proposal Details

- It is proposed to construct a new two-storey dwellinghouse in the side garden of No. 22 Bentley Way
- The proposed dwellinghouse would have a hipped, pitched roof with an overall height of 8.6 metres. The eaves height of the proposed dwellinghouse would be 5.2 metres, matching that of the existing dwellinghouse No. 22.
- The front elevation of the property would feature an integral garage, a juliet balcony and a single storey projection, featuring a bay window.
- The side elevation towards the boundary with No. 24 and the rear elevation would feature single storey projections with a pitched roof.
- The proposed dwelling would be sited 2.3 metres from the neighbouring boundary with No. 24 at ground floor level, and 4.7 metres at first floor level. It would be 1 metre from the proposed boundary with No. 22.
- The proposed dwellinghouse would have a total width of 11.7 metres at ground floor level and 8.1 metres at first floor level. The front and rear walls of the proposed dwellinghouse would be staggered. At ground floor level, it would have a maximum depth of 13.8 metres towards the boundary with No. 24 and 14.8 metres towards the boundary with the existing dwellinghouse No. 22.
- Four solar panels are proposed on the southern roof slope of the dwelling.
- Vehicular access to the property would be gained via an existing cross-over. This is one of the two cross-overs which currently serve the existing dwelling No. 22.

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- One parking space would be provided in the proposed integral garage and an additional parking space would be provided on a proposed area of hardstanding at the front of the dwelling. The parking arrangement for the existing dwelling would remain unchanged as a result of the proposed development.
- Refuse storage would be provided in the rear gardens of the existing and proposed dwellinghouses.
- The garden of the existing dwellinghouse, No. 22 Bentley Way, would be sub-divided to provide amenity spaces for both the existing (670 m²) and proposed (610 m²) dwellinghouses.
- It is also proposed to extend the existing dwellinghouse No. 22 Bentley Way, by way of single and two storey rear extensions.
- The proposed two storey rear extension would extend the entire width of the dwellinghouse (14.7 metres) and would project 5.4 metres beyond the existing main rear wall of the dwellinghouse.
- The proposed single storey rear extension would extend 4.2 metres beyond this proposed two-storey rear extension and would be 10 metres in width. It would have a flat roof 3 metres in height, beyond which two rooflights with a height of 0.5 metres would project.
- Roof alterations are also proposed by way of one front and one rear dormer, and an enlarged roof space over the southern two storey element.

Relevant History

HAR/21654	EXTENSION TO KITCHEN, REBUILD GARAGE, 2 ROOMS OVER	GRANTED 16-MAR-64
LBH/7791	ERECTION OF DETACHED HOUSE WITH INTEGRAL GARAGE -OUTLINE APPLICATION	GRANTED 23-AUG-72

Pre-Application Discussion (HA/2009/ENQ/00121)

- Proposal - Redevelopment of existing detached house to provide two detached houses
- The site is located within Flood Zones 3a / 3b and this is a significant constraint on the development
- Any proposal should aim to achieve a minimum Code for Sustainable Homes Level 3
- Compliance with Lifetime Homes standards would also be required
- Amenity impact issues in respect of the adjacent house to the north west
- A Tree Constraints Plan to BS 5837 would be required for submission with any planning application
- The proposed development is adjacent to the Green Belt and an Area of Special Character

Applicant Statement

Design and Access Statement submitted:

- The application site is highly accessible and sustainable in terms of its proximity to public transport, local amenity and services.
- The site is considered to represent a previously developed site.
- The application scheme is of an appearance and scale that clearly represents an appropriate form of development on this large plot, respecting and enhancing the prevailing residential characteristics of the surrounding area whilst safeguarding the residential amenity of neighbouring properties.

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- There is a historical permission for a new dwelling on the vacant land north of the existing house.
- The house has been specifically designed to take into full consideration the protection of adjacent residential amenities.
- The northern most element of the proposed house is single storey only with the two storey element set back by some 2.5m
- The existing access arrangements will remain unaltered given that the property currently has dual access
- The proposed extensions to No. 22 are positioned to the rear and have been designed to reflect the character and scale of the existing area.
- Residential amenities would be fully protected as a result of the extensions.
- The proposal would be compliant with PPS 1 and PPS 3.
- It is considered that the new dwelling proposed on what is currently existing garden space is in keeping with the area and is wholly acceptable in the context of the amended PPS 3.
- The submitted Flood Risk Assessment demonstrates that the scheme is in full accordance with the requirements of PPS 25 and relating supporting policy guidance.
- The land on which the new dwelling is proposed is a single plot, fronting the roadway between two dwellings in a continuous streetscene other than this break.
- It is considered that the proposed extensions to the existing dwelling together with the new house on the adjacent land within the curtilage are of a high quality design in accordance with national guidance set out in PPS 1 and recently amended PPS 3. It is also further considered that it is fully in accordance with the UDP policies SD1 and D4, which seek a high quality of design and layout in all development proposals.
- The submitted Arboriculture Method Statement demonstrates that all works associated with the proposed development can be carried out in a way that will not be detrimental to retained trees. There is a need to remove some trees to implement the proposals which are stated to be of small or moderate size.
- The site is well screened by existing landscaping to the front of the site which is to be retained.
- The amount and scale of development proposed would result in a development of a scale wholly acceptable in this streetscene and setting.
- The new dwelling will be fully Lifetime Homes compliant.
- Both the extensions and the new dwelling have been designed and will result in an appearance to fully accord with its setting, which is not characterised by any single prevailing appearance of dwelling.
- The supporting information commissioned by the applicant and submitted with this application shows that the development is wholly acceptable in respect of arboricultural considerations and flood risk matters.

Additional information submitted on 14th February, 2011:

- The recent Appeal Decision, APP/M5450/A/10/2134691, at 18 Paines Close must not be held by Officer's and Members to be the 'judge and jury' on all future residential and garden development applications in the Borough.
- Where an efficient use of land, a contribution to housing stock, and good quality design, which safeguards the character of the area and residential amenity, is achieved, an application for development on garden land can still be considered appropriate and acceptable. Such applications must be determined on its merits and other material considerations taken into account.

- Despite this change in the definition of 'Previously Developed Land', there were no changes to the strategic and fundamental policy objectives to PPS 3.
- Other Council's (including Elmbridge Borough Council and Birmingham City Council) are taking a positive and pragmatic view on garden development in repose to PPS 3. Harrow Council has not issued a statement to date in relation to PPS 3.
- Since June 2010, there have been a large number of appeal decisions which have involved proposals for residential development on 'garden land' – seven successful appeal decisions (in chronological order) have been submitted in support of the proposed development. These demonstrate a continued acceptance of garden development since immediately after the change in PPS 3.
- An appraisal of the scheme dismissed on appeal at 18 Paines Close and the subject proposal have been submitted.
- If the statements of the Inspector are to be taken literally, this could in effect preclude any future development of residential property (e.g. extensions).
- The Paines Close appeal is somewhat of a 'rogue decision'.
- The merits of the 22 Bentley Way scheme are summarised on the basis of the following:
 - Location within an urban settlement
 - No 22 Bentley Way was originally two separate land holdings in the 1930's when the Bentley Way estate was created (copy of the Land Registry Title plan has been submitted)
 - In 1972, planning permission was granted by Harrow Council. This is a material planning consideration pertinent to this site.
 - A good quality of design is proposed which will wholly complement the varied style and architecture of properties on the road.
 - The living conditions of existing and future residents will be safeguarded.
 - A substantial sized rear garden will be retained for the proposed new dwelling entirely characteristic of the other properties and plots on the road.
 - The applicant has commissioned, carried out and submitted all the relevant technical information to the Environment Agency who have raised no objections to the scheme.
 - The proposed new development will meet Lifetime Homes and Code Level 3 standards and provide two off-street parking for two vehicles.

Consultations:

Tree Officer - No objections , subject to conditions

Landscape Architect - No objections, subject to condition

Highway Engineer – No objections to the proposal

Drainage Engineer - No objections, subject to conditions

Environment Agency - No objections, subject to condition

Stanmore Society – No comments received

Biodiversity Officer - No objections, subject to condition

Bentley Way Residents Association -

- Bentley Way is a private road with detached houses with mature trees. The erection of a second house on the same plot, together with extension of the existing house at No. 22 will be out of character with the houses on the road.
- Bentley Way is a private road and is subject to too much parking and traffic from residents on the Uxbridge Road.

- The area is subject to flooding and already the main drains block as water from existing homes in Bentley Way cannot feed into the main drains in the road during heavy rains
- It may not be possible for a second home on the plot at No. 22 to gain access via the cross-over between Bentley Way and the plot.

Notifications:

Sent: 19 Replies: 7 Expiry: 21-DEC-11
(including one petition with 10 signatures)

Neighbours Consulted:

Bentley Way: 11,9, 16, 18, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 32, 34, 36
Bentley Priory Open Space

Summary of Response:

Against – 6 (including one petition with 10 signatures)

- The application property is in a flood plain and would lead to an increased flood risk
- Removal of trees will increase the danger of flooding
- The look and feel of Bentley way will change for the worse and will spell disaster should the proposed development go ahead
- Under the present government, gardens have been re-designed as green-field sites – the present government is against garden-grabbing
- Granting this planning permission could set a precedent for further development and the destruction of the Bentley Way community
- At a recent Extraordinary General meeting, it was obvious that the majority of residents of Bentley Way are not in favour of the planned new development
- Gardens provide a unique habitat encouraging biodiversity
- Loss of light to windows on south-eastern side of No. 24, including a dining room window and a bedroom window
- Loss of outlook to bedroom window on flank wall of No. 24
- Overbearing impact given the projection of over 5 m beyond the rear of No. 24 (9.5 m in total), particularly in respect of the private amenity area which is the main sitting out area for the occupiers
- The excessive depth and vertical emphasis of the proposed new dwelling would be out of character with the surrounding development.
- The failure to conform to the more horizontal emphasis of neighbouring properties is an indication that the proposal amounts to overdevelopment of the plot
- Proposed first floor windows on the northern elevation should be conditioned to be obscure-glazed and non-opening.
- Failure to meet UDP Policies D4 and D5.
- Loss of 'ground' through additional building will increase significantly the risk of flooding by virtue of the silk stream that runs immediately behind the properties and the lake immediately to the rear of No. 22
- There have been many incidences of flooding to properties located at the end of Bentley Way and many home owners suffered considerable damage
- The Environment Agency has improved the surface drainage but residents were always made aware that there is a very delicate balance to be maintained and that any further development will almost certainly renew once again the threat of flooding
- Residents in Bentley Way has to suffer increased premiums and excesses to their buildings and property insurances because of the history of flooding

- This is a change of the use in the land from a garden to a new building – the amenity of No. 22 will be destroyed and the outlook of the road will be changed
- Pressures will be placed on the road for extra parking as most properties have at least two cars
- It is unclear in the plans if there will be any rooms on the loft space although velux windows have been included.
- Trees have recently been removed from the garden at No. 22 and it appears that further trees may need to be removed.
- This would affect local amenities and the abundant wildlife which is slowly being eroded by the constant over-development at Bentley Way

Support – 1

- The development will not be detrimental to the road – the design is in keeping with the style of other properties already established in Bentley Way and the size of the proposed structure will not be over imposing compared to the size of the plot on which it is being built.
- It doesn't look like it has been squeezed in between the two other properties.
- The additions and alterations to No. 22 Bentley Way itself if carried out to the same standard of other renovations that have already been completed on other properties in the road can only serve to further enhance Bentley Way.

APPRAISAL

1) Principle of Development

National and Local planning policies seek to maximise the potential use of previously developed urban land to provide for future housing needs. Such development should be provided on previously developed land. In June 2010, a revised Planning Policy Statement 3 (Housing) was published which removed private residential gardens from the definition of 'previously developed land'. PPS 3 (2010) therefore redefines the status of such gardens as being undeveloped land. This in turn has implications with respect to relevant local planning policies. In the case of the Harrow Unitary Development Plan (2004), saved policy EP20 states that 'The Council will seek to secure all new build development to take place on previously-developed land, with the exception of ancillary development necessary to support appropriate open space, metropolitan open land and green belt uses'. The reasoned justification in paragraph 3.70 clearly states "In particular the Council seeks to ensure that all new housing development takes place on previously developed land".

As part of the current scheme, the proposed new dwellinghouse would be located on the *private residential garden* of No. 22 Bentley Way which is defined as 'previously undeveloped land'. In light of the revised definition of previously-developed land contained in annex B to PPS3 (2010) and the policy context of saved UDP policy EP20, the proposal would therefore in principle be contrary to the provisions of Planning Policy Statement 3: Housing (2010) and saved policy EP20 of the HUDP (2004). This view has been upheld in a recent Appeal Decision at 18 Paines Close (APP/M5450/A/10/2134691), dated 31 January 2011. The Council therefore needs to consider whether there are any policy 'benefits' or other material considerations that would justify allowing a departure from adopted policy, in accordance with S.38 (6) of the Planning and Compulsory Purchase Act 2004.

As part of the supporting documents, information with respect to the merits of the scheme together with details of seven Appeal decisions (from various Boroughs) have been submitted. In each of these schemes, residential development on garden land is proposed and the relevant Planning Inspectors have considered these schemes against PPS 3 (2010). In assessing the current scheme, careful consideration has been given to each of these decisions, as they are material considerations.

In allowing the following appeals APP/B1740/A/10/2133405, APP/B1930/A/10/2137505 and APP/L5240/A/09/2117977 the Inspectors noted that although private residential gardens are now excluded from the definition of previously developed land, they are if in relatively sustainable and accessible locations potentially suitable for development in policy terms because they reduce the pressure for development, for example, on existing public and private opening spaces, Greenbelt land and the countryside. In the London Borough of Harrow, housing delivery is such that there is no requirement for new development on the basis of the five year land supply. The Council's Annual Monitoring Report (AMR) sets out that in 2008/09 the number of net additional dwellings completed was 766 units, more than double the 373 completions in 2007/08. As per The London Plan (2008), the housing target for Harrow is 400 units per year, with the conventional supply target of 360 units up to 2016/17 (based on the Alterations to the London Plan, approved in December 2006). Previously, Harrow's conventional annual average target was 330 units per year. Over the past five years (since 1 April 2004), Harrow has delivered 2,802 net units in conventional supply, exceeding targets by 1,002 units. As such, it is considered that there is unlikely to be pressures for development on 'Greenfield' land in the borough in the near future and an approval of a private residential dwelling on 'Greenfield' land, which is a departure from adopted Policy cannot therefore be justified on this basis.

It is noted from each of the appeal decisions that whilst careful consideration has been given to the recent changes to PPS 3, no specific reference has been made to an adopted local policy pertaining to *previously developed land*. This is unlike the recent appeal decision at 18 Paines Close (APP/M5450/A/10/2134691) in the London Borough of Harrow, whereby the Inspector considered that 'UDP policy EP20 has direct relevance to the appeal scheme in the context of the amended definition of previously developed land' and accordingly concluded that 'the appeal scheme does not accord with UDP policy EP20'.

Notwithstanding this, the planning merits of the scheme are discussed below for completeness.

2) Character and Appearance of the Area, the Green Belt Fringe, the Area of Special Character and the Historic Park and Garden

The rear boundary of the application site abuts the Green Belt, the Harrow Weald Ridge Area of Special Character and Bentley Priory Historic Park and Garden (as shown within the Harrow Unitary Development Plan Proposals Map). In relation to proposed developments on the Green Belt fringe, saved Policy EP43 states that 'the Council will resist development proposal adjacent or close to Green Belt land which would have a detrimental visual impact on the open character of that land or an adverse ecological impact'.

Having particular regard to the siting of the proposed development, a minimum of 45 meters from the Green Belt boundary, the presence of mature vegetation at the rear of the site, and the existing residential pattern of development along Bentley Way and the siting of the proposed dwelling on this side garden, it is considered that the proposed development would comply with PPG 2 and saved Policy 43 of the HUDP (2004). By the same token, it is considered that the proposal would not negatively impact upon the Harrow Weald Ridge Area of Special Character or Bentley Priory Historic Park and Garden, thereby complying with saved policies EP31 and D18 of the HUDP (2004).

Policy 4B.1 of the London Plan 2004 seeks to ensure that developments should promote high quality inclusive design and create or enhance the public realm. Saved Policy D4 of the HUDP (2004) paragraph 4.10 states that "Buildings should be designed to complement their surroundings, and should have a satisfactory relationship with adjoining buildings and spaces".

Bentley Way is a residential road characterised mainly by detached dwellings of varying designs and sizes which are set in generally large sized plots. Under the subject proposal, the width of the proposed plots would be akin to that of neighbouring plots and would be in keeping with the character of the area. The proposed dwelling would be sited 2.3 metres from the neighbouring boundary with No. 24 at ground floor level, and 4.7 metres at first floor level. It would be 1 metre from the proposed boundary with No. 22. The front building line, at both ground and first floor level, would largely maintain the building lines of the neighbouring properties. The siting of the proposed dwelling in relation to the front and side boundaries would therefore be consistent with the established pattern of development in the area, thereby satisfying London Plan Policy 4B.1 and saved Policy D4 of the HUDP (2004).

Close attention has been paid to the design and scale of the proposed dwellinghouse and its relationship to the neighbouring dwellinghouses. The proposed dwelling would have a hipped, pitched roof profile and would comprise of both single and two storey elements. This would serve to break up the massing of the proposed dwelling in the streetscene, whilst providing a satisfactory level of proportion and balance. The proposed two-storey element would be sited towards the proposed extended dwelling, No. 22, while the proposed single storey element would be sited towards the boundary with No. 24. Although the proposed single storey element would project 3.4 m beyond the two storey front wall of the proposed dwelling, it would not dominate the front elevation and would serve as a feature to the overall design of the dwelling. The proposed solar panels on the southern roof slope would not negatively impact upon the appearance of the dwelling and provide an acceptable streetscene impact.

Overall, it is considered that the proposed dwelling would be acceptable in terms of design, scale, siting and detailing. It would reflect the established character and pattern of development of the area and given the overall size of the application site would not result in overdevelopment of the site. In this regard, the proposal would therefore satisfy Policy 4B.1 of the London Plan 2004 and saved policy D4 of the HUDP (2004), which requires a high standard of design and layout in all development proposals.

Were the application otherwise acceptable, an appropriate condition requiring the approval of materials prior to the commencement of development could be attached to a planning approval.

It is also proposed to extend the existing dwellinghouse No. 22 Bentley Way, by way of single and two storey rear extensions. The footprint of the proposed extended dwellinghouse would be in keeping with that of neighbouring properties, particularly the adjacent dwelling No. 20 Bentley Way which has recently been extended by way of single and two-storey side and rear extensions and front and rear dormers. Given the proximity of the neighbouring dwelling No. 20, and the proposal to construct an additional dwelling to the north of No. 22, the flank walls of the proposed two storey rear extension would be visible only intermittently from Bentley Way. The design of the roof over the proposed two-storey rear extension would match the angle of the roof of the original dwellinghouse, thereby providing an acceptable appearance. The proposed two storey rear extension would be subordinate to the main dwellinghouse and accordingly, no objection is raised regarding the siting, scale and design of the proposed two storey rear extension.

Revised drawings were received during the course of this application showing a reduction in the height of the proposed single storey rear extension and a revised roof profile. Accordingly, it is considered the proposed single storey rear extension would integrate satisfactorily with the existing dwelling, No. 22 Bentley Way.

Revised plans were received during the course of this application showing a reduced front dormer. Having particular regard to its modest scale, and the presence of front dormers in the immediate locality, it is considered that the proposed front dormer would therefore be acceptable in terms of character and appearance of the property and the area, thereby complying with the above policies. It is also proposed to enlarge the roof space over the southern two storey element of the dwelling. However, appropriate subordination would be maintained and this would therefore be acceptable. The proposed rear dormer would comply with SPD requirements and would be modest feature on the rear roof slope, in keeping with the scale of the roof.

Overall, it is considered that a satisfactory level of proportion and balance would be retained and the proposed extensions and alterations to the existing dwelling would be acceptable in relation to the original property and neighbouring properties. The submitted Design and Access Statement has advised that the whole building would be rendered. Given the varying types of materials used on the external surfaces of building along Bentley Way, no objection is raised with respect to this. Were the application otherwise acceptable, an appropriate condition with respect to materials could be attached to a planning approval and the proposal would not therefore unreasonably affect the character of the property or the area thereby complying with Policy 4B.1 of the London Plan 2004 and saved Policy D4 of the HUDP (2004).

Paragraph 4.24 of saved Policy D4 of the HUDP (2004) states that bin and refuse storage must be provided “in such a way to minimise its visual impact, while providing a secure and convenient facility for occupiers and collection”. Storage of refuse bins is proposed at the rear of both the proposed dwelling and the existing dwelling No. 22. This proposed siting would be compliant with saved policy D4 of the HUDP (2004).

3) Landscaping, Trees and New Development

Saved Policy D4 of the HUDP (2004) paragraph 4.22 states that ‘*Landscaping should be considered as part of the overall design of a site....Replacement planting will be required as needed*’. Saved Policy D9 states that “*The Council will seek to achieve and retain a high quality of streetside greenness and forecourt greenery in the Borough*”.

The application site features mature vegetation and a large number of (approximately 50) mature and semi-mature trees along the front, side and rear boundaries of the site. These trees and vegetation are an important characteristic of the area. A number of the trees on the application site are subject to Tree Preservation Order 613. The majority of these trees are at the rear of the site, with an additional two trees on the frontage of the existing dwelling No.22. An arboricultural report has been submitted as part of the application documents which advises that it is proposed to remove nine trees from the site. Three of these nine trees have already been felled and the remaining trees proposed for removal are either in decline or are not significant specimens. The site benefits from larger mature trees in the front and rear gardens and the removal of the trees will have little impact overall on the visual amenity of the site. The submitted arboricultural report states that protective fencing for the remaining trees would be erected during development. The Council's Tree Officer has advised that sufficient new planting should be provided to off-set the trees already removed and those proposed to be removed. This has been incorporated in the submitted Landscaping Masterplan, which is discussed below. Subject to the recommendations of the submitted arboricultural report being carried out, the Council's Tree Officer raises no objection to this proposal. It is therefore considered that the subject proposal would be acceptable on Tree grounds and would therefore preserve the character and appearance of the area.

Under the subject proposal, vehicular access to the proposed dwelling would be gained via an existing cross-over, which is one of two cross-overs currently serving the existing dwelling No. 22. This would enable the retention of the existing hedging at the front of the site. During the course of the planning application, a Landscaping Masterplan was submitted for consideration. It is proposed to retain the existing trees and the hedgerows along the frontage of the site and in accordance with the Tree Officers recommendations, additional new planting is proposed at the front and rear of the site. It is considered that this would assist in the integration of this proposed development into the site, in accordance with saved policy D4 and D9 of the HUDP (2004). An acceptable ratio of hard and soft landscaping is proposed at the front of the proposed dwelling. Marshalls 'Brindle' piosa permeable paving is proposed which is subtle, muted and not visually obtrusive and considered suitable in order to preserve the visual aesthetics of the area.

The subject planning application was referred to the Council's Landscape Architect who has advised that the submitted landscaping scheme is acceptable, subject to a suitable condition in relation to implementation of the proposed landscaping scheme.

In this regard, it is considered that the proposed development would meet the objectives set out under saved policies D4, D9 and D10 of the Harrow Unitary Development Plan (2004).

4) Residential Amenity

Criteria C of saved policy D5 of the HUDP (2004) seeks to "ensure that the amenity and privacy of occupiers of existing and proposed dwellings is safeguarded". Having regard to the proposal to provide a new dwelling and to extend the existing dwelling on the application site, a condition could be attached to a planning approval which would require the entire development to be constructed at the same time. An assessment of the proposal with respect to the potential impacts on residential amenity will therefore be made on the basis that the development would be carried out and completed at the same time.

▪ Impact of the Proposed New Dwellinghouse on Neighbouring Amenity

The proposed dwelling would be comprised of both single and two storey elements. The proposed single storey element would be sited 2.3 metres from the boundary with No. 24 whilst the proposed two-storey element would be set 4.7 m away from the shared boundary. The windows on the flank wall of No. 24 are not protected and the two-storey element of the proposed dwelling would not interfere with the 45 degree code in the horizontal plane in relation to No. 24. The proposed siting and design would thereby comply with paragraphs 6.28 - 6.31 of the Council's SPD, in relation to this neighbouring property. Having particular regard to the southerly siting of the proposed dwelling in relation to No. 24, it is considered that the design of the proposed dwelling would provide a satisfactory relationship with the neighbouring property No. 24.

Having particular regard to the extensions and alterations proposed under this application to No. 22 Bentley Way, a satisfactory relationship would be provided with this neighbouring property in terms of siting and design. Were the application otherwise acceptable, it is therefore considered that no undue impact would result on the existing or proposed properties as a result of the proposal, subject to the above-mentioned condition.

Four small, high-level, ground floor windows serving a lounge and a family room are proposed in the northern flank wall, facing towards the boundary with No. 24. One window serving an en-suite and one secondary window serving a bedroom are also proposed at first floor level on this elevation. On the proposed southern flank wall facing towards No. 22, one first floor window serving an ensuite and two ground floor windows serving an integral garage and a utility room are proposed. Each of these proposed flank wall windows would satisfy paragraph 6.21 of the Council's SPD and a suitable condition requiring these windows to be obscure glazed and non-opening below 1.7 meters above ground level could be attached, were the scheme otherwise acceptable.

Given that the proposed ground floor window on the flank wall of the single storey rear projection would be sited seven metres from the shared boundary with No. 24, it would not therefore give rise to loss of privacy for neighbouring occupiers and would therefore be compliant with paragraph 6.22 of the Council's SPD.

The raised patio proposed at the rear of the dwelling would be sited an adequate distance from the boundaries with both neighbouring properties. Having regard to this, the 0.4 metre height of the proposed patio, the composition of the existing boundary with No. 24 and the proposed boundary with No. 22, it is considered that no detrimental loss of amenity would therefore occur.

▪ Impact of the Proposed Extensions to No. 22 on Neighbouring Amenity

The proposed roof alterations would be modest in scale and appropriately sited. They would not therefore unduly impact upon the amenities of neighbouring occupiers, in terms of overlooking, overshadowing or loss of outlook.

Given the siting of the proposed two-storey rear extension in relation to the dwelling proposed under this application, compliance with the 45 degree code in the vertical and the horizontal plane would be provided in accordance with paragraphs 28 – 32 of the Council's adopted SPD. The neighbouring property No. 20 has recently been extended by way of single and two storey side and rear extensions and these extensions would buffer the impact of the proposed two storey rear extension, thereby providing a satisfactory relationship.

Given the siting of the proposed single storey rear extension 3.1 m from the shared boundary with No. 20 and its alignment with the rear wall of the existing single storey side to rear extension at this neighbouring property, a satisfactory relationship would therefore be provided. One large ground floor window serving an orangery is proposed in the southern flank wall of this single storey extension. This would face towards a blank flank wall at No. 20 and would be sited 3.15 metres from the shared side boundary. It would not therefore give rise to any overlooking or loss of privacy for the occupiers of this neighbouring property. The proposed single storey rear extension would not therefore result in any undue impact on the amenities of the adjacent occupiers at No. 20.

During the course of this application, the proposed raised patio has been reduced in height and depth and its siting has been set back from the boundary with No. 20 by a minimum of 3 metres. It is considered that these revised proposals are acceptable in relation to their impact on the occupiers of adjacent properties.

▪ Outdoor Amenity Space

Saved policy D5 of the Harrow UDP 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 usable space provided.

The proposed division of the site would retain garden space of approximately 670 m² for the existing dwelling No. 22 Bentley Way, whilst providing garden space of approximately 610 m² for the proposed dwelling.

Both proposed gardens are considered sufficiently large to provide outdoor amenity space for the occupiers of the existing dwelling and the intended occupiers of the proposed dwelling. Accordingly it is considered that the proposal would comply with saved Policy D5 of the HUDP (2004).

In relation to the issue of amenity, it is concluded that the proposed development would have an acceptable impact on the amenities of the occupiers of neighbouring properties, in compliance with saved Policy D5 of the HUDP (2004) and the Council's adopted Residential Design Guide SPD. No adverse impacts, in terms of overlooking, loss of privacy or loss of outlook are envisaged to any other surrounding properties as a result of the proposal.

5) Ecology and Development within Floodplains

Saved policies EP26, EP27, and EP28 of the HUDP are concerned with species protection, habitat creation and enhancement and the conservation and enhancement of biodiversity. The rear boundary of the site abuts a designated Area of Nature Conservation Importance. Accordingly, the subject planning application was referred to the Council's Biodiversity Officer who has advised that given the location of the site adjacent to Bentley Priory Site of Specific Scientific Interest and within proximity of Boot Pond, the habitat in this area is ideal for bats to forage. The proposed building works would be sited a minimum of 45 metres from the rear boundary of the site and protective fencing is suggested in the submitted arboricultural report for the remaining trees during development. Were the application otherwise acceptable, appropriate conditions with respect to ecology could be attached to a planning approval.

The application site is located within flood zone 2/3 as defined by Planning Policy Statement 25 and mapped in the LB Harrow SFRA. The applicant has submitted a Flood Risk Assessment in relation to the proposed development. The application was referred to the Drainage Department of the Council and to the Environment Agency who have both agreed that the potential impacts of flood risk on the site and elsewhere could be mitigated by the imposition of suitable conditions. It is noted that a number of submissions received in response to consultation have commented on the potential for increased flooding, as a result of the subject proposal. However, having particular regard to the comments received from the Drainage Department of the Council and the Environment Agency, there are no objections to the proposal on drainage grounds. Therefore, had this application been recommended for grant, it would have been possible to attach a planning condition to address this issue.

6) Traffic and Parking

Saved policies T6 and T13 of the Harrow Unitary Development Plan state that the Council should have regard to the transport impact of development and whether a proposal is likely to create significant on-street parking problems and potential highway and traffic problems.

Schedule 5 of the HUDP (2004) requires a maximum of 1.8 (including visitor spaces) per unit, which would be rounded up to 2 spaces per unit.

The parking arrangement for the existing dwelling, No. 22, would remain unchanged as a result of the proposed development; one parking space is provided in the existing garage and an additional parking space is provided on an area of hardstanding in front of this dwelling. A similar situation is proposed for the new dwelling; one parking space would be provided in the proposed integral garage and an additional parking space would be provided on an area of hardstanding in front of this garage. The proposed number of car parking spaces is therefore in accordance with Schedule 5 of the HUDP (2004).

Vehicular access to the proposed dwelling would be gained via an existing cross-over, which is one of two cross-overs currently serving the existing dwelling No. 22. Although the existing property will lose its dual access, this is not objectionable and as discussed above would assist in the integration of the development into the application site.

The subject planning application was referred to the Highways Engineer, who has advised that the layout and car parking provision for the new property is acceptable and that there are no objections to the proposed development on parking grounds.

7) Accessibility

Saved Policies D4 and C16 of the Harrow Unitary Development Plan and policy 3A.5 of the London Plan Consolidated with Alterations since 2004 (2008) seeks to ensure that all new housing is built to Lifetime Homes standard.

It appears that external door widths and turning circles in the proposed dwelling would be sufficient to accommodate wheelchair users. Level access to the main entrance door is proposed and the proposed parking space would be of sufficient width and depth to provide for disabled users. A downstairs WC/wetroom is proposed, which appears sufficiently large to enable a shower to be fitted in the future and the proposed staircase appears to have been designed to accommodate a future stair lift. Accordingly, the proposal is therefore considered to be consistent with saved policies D4 and C16 of the Harrow Unitary Development Plan, policy 3A.5 of the London Plan and the Council's adopted Supplementary Planning Document- Accessible Homes (2010).

7) S17 Crime & Disorder Act

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

8) Consultation Responses

Granting this planning permission could set a precedent for further development and the destruction of the Bentley Way community – Each planning application is assessed on its own merits.

It is unclear in the plans if there will be any rooms on the loft space although velux windows have been included – There are no rooms proposed in the loft space of the proposed dwelling.

The concerns expressed with respect to the impact of this development on the character of the area, the loss of residential amenity, biodiversity, flooding, trees and parking have been discussed at length above.

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 refusal as the proposed development would represent unjustified development of Greenfield Land and would be contrary to the provisions of Planning Policy Statement 3: Housing (2010) and saved policy EP20. The considerations outlined by the applicant would not, either singularly or collectively, justify a departure from adopted policy.

Plan Nos: 001, 002, 003, 004, 005, 006B, 007A, 008A, 009A, 010B, 101A, 102, 103, 104B, 105B, 106, 107B, 111, 112B, LMP/22BW/01 Rev B, TPP/22BW/01 Rev A, Site Plan, Flood Risk Assessment, Design and Access Statement, Arboricultural Implications Assessment and Arboricultural Method Statement (revised November 2010)