

## SECTION 1 – MAJOR APPLICATIONS

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**16-24 CANNING ROAD, WEALDSTONE, HA3 7SJ**      **Item: 1/01**  
**P/1770/09**

Ward    MARLBOROUGH

REDEVELOPMENT COMPRISING 51 UNITS (4 NO. X THREE-BED, 20 NO. X TWO-BED, 26 NO. ONE-BED AND 1 NO. STUDIO APARTMENT) OF BETWEEN FOURS AND SIX STOREYS LANDSCAPING, PARKING AND REFUSE STORAGE (REVISED DESCRIPTION)

**Applicant:**            Construction Solutions Ltd – Mr Mark Farmer

**Agent:**                 RMA Architects LLP

**Case Officer:**        Abigail Heard

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

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### RECOMMENDATION

GRANT planning permission in accordance with the recommendation and conditions agreed at the Planning Committee on 13<sup>th</sup> October 2010 subject to the variation of the Heads of Terms of the s106 agreement detailed below

#### Amended Heads of Terms of s106 Agreement

- 1. Transport;** £9,309.52 towards improvements to public transport within Harrow and Wealdstone
- 2. Education;** Contribution of £24,285.71
- 3. Employment & Training Initiatives;** Contribution of £32,380.95
- 4. Street trees and landscape improvements within the immediate street scene;** Contribution of £10,000
- 5. Public Realm Improvements;** Contribution of £16,190.48
- 6. Affordable Housing;** 11 shared ownership units consisting of 4 x 1 bed, 3 x 2 bed, 4 x 3 bed
- 7. Travel Plan;** A travel plan is to be submitted to the Local Planning Authority prior to the occupation of the development and will need to be reviewed annually
- 8. Legal Fees:** Payment of Harrow Council's reasonable costs in the preparation of the legal agreement; and
- 9. Planning Administration Fee:** Payment of administration fee for the monitoring of and compliance with this agreement.

#### CIRCUMSTANCES, INCLUDING POLICY CONTEXT

The planning committee approved the planning application in October 2010 subject to a s106 agreement which had the following head of terms for affordable housing; 4 social rented units (4 x 3 bedroom) and 8 intermediate housing (5 x 1 bed and 3 x 2 bed), with a clause stating that on Commencement of Development a revised Financial Assessment shall be submitted to the Council. In the event that the review of the Financial Appraisal undertaken shows that the scheme is no longer viable with 12 affordable units the number of units required will be reduced accordingly. The original report to the planning committee is appended to this report.

Policy 3A.10 of the London plan states that Boroughs should seek to achieve the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed use schemes. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements. The applicant has entered into negotiations with the Council with regard to the affordable housing provision prior to commencement of development and has submitted a revised financial assessment which stipulates an accepted value of the Council owned land. The revised financial assessment taking into consideration this agreed value for the Council owned land concludes that 11 shared ownership units was the maximum number of affordable units which would ensure that the scheme was viable.

The 11 units will consist of 4 x 1 bedroom, 3 x 2 bedroom and 4 x 3 bedroom and will be concentrated within block A and block B as was the case in the previous recommendation.

It is acknowledged that there will be a reduction in the number of affordable units compared to the scheme recommended for approval, however, the exact financial information was not available at that time and it is considered that 11 shared ownership units is the maximum number of units which can viably be provided. It is therefore considered that the proposal will comply with policy 3A.9, 3A.10 and 3A.11 of the London Plan and policy H7 of the Harrow Unitary Development Plan.

#### **CONCLUSION**

Based upon the earlier report and consideration of the revised heads of terms, the impact of the development remains, subject to the s106 agreement and planning conditions to be acceptable. Completion of the agreement and the issue of the corresponding planning permission is accordingly recommended.

EDGWARE TOWN FOOTBALL CLUB,  
BURNT OAK BROADWAY, EDGWARE,  
HA8 5AQ

Ward EDGWARE

MODIFY SECTION 106 AGREEMENT TO PLANNING PERMISSION  
P/1941/07/COU DATED 22/04/10 TO ALLOW A CASCADE ARRANGEMENT TO  
DETERMINE THE LEVEL OF AFFORDABLE HOUSING PROVISION

**Applicant:** Edgware Developments Ltd

**Agent:** Kaz Ryzner Associates

**Case Officer:** Nicholas Ray

**Statutory Expiry Date:** 13-APR-11

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## RECOMMENDATION

**APPROVE** modification of the Section 106 Agreement relating to the provision of affordable housing, subject to the applicant entering into a deed of variation with the following Heads of Terms:

- (i) In the event that grant funding is not obtained, or is only partially obtained, evidence of the lack of funding shall be provided, as well as a financial appraisal demonstrating that it is not viable to provide the Affordable Housing Units, but that it would be viable to provide the Minimum Affordable Housing Units.
- (ii) In the event that the financial appraisal shows that it is not viable to provide the Affordable Housing Units, but that it would be viable to provide more than the Minimum Affordable Housing Units, then a revised level and/or mix of affordable housing shall be agreed.

**Affordable Housing Units:** 40 affordable rented units (3 x 1 bed flats, 14 x 2 bed flats, 12 x 3 bed flats, 7 x 4 bed houses and 4 x 5 bed houses) and 17 intermediate units (6x 1 bed flats and 11 x 2 bed flats).

**Minimum Affordable Housing Units:** 11 social rented units (7 x 4 bed houses and 4 x 5 bed houses) and 15 intermediate units (8 x 1 bed flats and 7 x 2 bed flats).

- (iii) The remaining units within the development shall remain as open market housing.
- (iv) The payment of the Council's reasonable legal fees incurred in the course of preparing the deed of variation.

Authority to be given to the Divisional Director of Planning in consultation with the Director of Legal and Governance Services for the completion of the S106 agreement and to agree any minor amendments to the conditions or the legal agreement.

## **REASON**

The decision to approve this modification has been taken having regard to the policies and proposals in The London Plan 2008, the saved policies of the Harrow Unitary Development Plan 2004 (listed below) and national planning policy encouraging the provision of appropriate affordable housing, balanced with the need to encourage rather than restrain residential development.

### **National Planning Policy:**

PPS1 – Delivering Sustainable Development

PPS3 – Housing

### **London Plan 2008:**

3A.8 – Definition of Affordable Housing

3A.9 – Affordable Housing Targets

3A.10 – Negotiating Affordable Housing in Individual Private Residential and Mixed-Use Schemes

The London Plan Interim Housing Supplementary Planning Guidance 2010

### **London Borough of Harrow Unitary Development Plan 2004**

H7 – Dwelling Mix

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## **MAIN CONSIDERATIONS AND POLICIES**

**(National Policy, The London Plan 2008 and saved policies of The London Borough of Harrow Unitary Development Plan 2004)**

- 1) Affordable Housing (PPS1, PPS3, 3A.8, 3A.9, 3A.10, H7)
- 2) Consultation Responses

## **INFORMATION**

This application is reported to the Planning Committee as the recommendation is for approval subject to a legal agreement and therefore falls outside the scheme of delegation.

### **a) Summary**

Statutory Return Type: 7. Smallscale Major Dwellings

Council Interest: None

### **b) Site Description**

- The site comprises a football ground and premises, which was previously occupied by Edgware Town FC, but is now vacant.
- The site benefits from outline planning permission for 189 dwellings.

### **c) Proposal Details**

- It is proposed to vary the S106 agreement relating to the development, to alter the affordable housing provision by adopting a cascade arrangement.
- This would set the base level and minimum level of affordable housing, with a review mechanism to determine the appropriate level of provision, given the availability of grant funding and market conditions at the time of delivery.

**d) Relevant History**

P/1941/07/COU	Development to provide 189 dwellings (outline)	GRANTED 22-APR-10
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The application was first received on the 21<sup>st</sup> June 2007 and the appropriate consultations carried out, including referral to the Mayor (GLA) and Government Office for London (GOL). The application was subsequently recommended for approval. Authority was given by the GLA on the 10<sup>th</sup> June 2009 and by GOL on the 26<sup>th</sup> June 2009 to determine the application. The S.106 agreement was subsequently completed on the 22<sup>nd</sup> August 2009 and a final decision issued on the 22<sup>nd</sup> April 2010.

**e) Pre-Application Discussion**

- None.

**f) Applicant Statement**

- None.

**g) Consultations:**

**Housing Officer:** The reduced development value since the original 2008 assessment is accepted. There is continuing uncertainty in relation to the availability of social housing grant and additional development costs have been identified. In line with current policy and in the interests of enabling the scheme to proceed, it is considered appropriate to explore a revision to the affordable housing provision on the site. A minimum level of provision has been identified, whilst the existing level may be deliverable depending on funding availability. A cascade arrangement is recommended, in order to determine the appropriate level of provision, based on funding availability and market conditions.

## **APPRAISAL**

**1) Affordable Housing**

The proposed modification is sought due to the change in market conditions and Homes and Communities Agency (HCA) funding expectations since the original assessment was made in 2008. Other abnormal build costs have also been identified, in relation to the provision of the basement car park element and community heating system.

The revised GLA Toolkit analysis demonstrates the reduced financial viability of the scheme. The additional build costs are considered justified and it is considered unlikely that the same level of HCA funding would be available in the current climate. In line with current planning policy and in the interests of enabling the scheme to proceed, a revision to the affordable housing mix secured previously is considered appropriate in principle, in order to reflect the changes since the original affordable housing agreement.

Following advice from the Council's Housing Enabling Team, a baseline minimum affordable housing provision, assuming no HCA grant whatsoever, would be the provision of 11 social rented units (4 and 5 bed houses) and 15 intermediate units (1 and 2 bed flats).

This would ensure that a good range of larger family housing, the priority tenure and size, is delivered as social rented accommodation, as well as a good mix of intermediate provision.

The Toolkit analysis demonstrates that the existing provision (40 social rented and 17 intermediate) may be deliverable, were the social rented units provided under the proposed new affordable rent model. It is therefore proposed that this arrangement be retained, with a cascade clause put in place to facilitate further negotiation. The clause would ensure that further negotiation of the level and mix of provision, once funding availability becomes more certain and a Registered Provider has been identified. This will ensure that the appropriate level and mix of tenures is delivered, given funding and market conditions at the time the developer enters into a contract with the Registered Provider.

The proposed modification is considered to be acceptable. It would enable a flexible approach to the delivery of affordable housing within the development, in line with the recommendations of London Plan policy 3A.10 and the Mayor's Interim Housing SPG.

## **2) Consultation Responses**

Housing Officers comments are addressed in the above section.

## **CONCLUSION**

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 national planning policy encouraging the provision of appropriate levels of affordable housing and tenure mix in new residential developments, the proposed modification would adopt a flexible approach to the delivery to affordable housing on this site, in line with policy requirements.

Plan Nos: None.

## SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

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**GARDEN HOUSE, 5 ST JOHNS ROAD, HARROW, HA1 2EL**  
**Item: 2/01**  
**P/0439/11**

WARD GREENHILL

TEMPORARY CHANGE OF USE FROM OFFICE (CLASS B1) TO LIBRARY (CLASS D1) UNTIL 31 MARCH 2021

**Applicant:** Harrow Council  
**Agent:** Corporate Estate, Harrow Council  
**Case Officer:** Andrew Ryley  
**Statutory Expiry Date:** 14-APR-11

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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. 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 comments received in response to consultation, as outlined in the application report. The proposed temporary change of use would ensure that the Metropolitan Centre retains a library facility that is readily accessed by public transport and would compliment the facilities offered by the Metropolitan Centre.

### National Planning Policy:

PPS1 Delivering Sustainable Development (2005)  
PPS4 Planning Sustainable Economic Growth (2009)

### London Plan:

3D.1 Supporting Town Centres  
4B.1 Design Principles for a Compact City

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

D4 - The Standard of Design and Layout  
EM15 - Land and Buildings in Business, Industrial and Warehousing Use – Outside Designated Areas  
C2 - Provision of Social and Community Facilities  
T6 - The Transport Impact of Development Proposals  
T13 - Parking Standards

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

- 1) Principle of Use (3D.1, D4, EM15, T6, T13, C2)
- 2) S17 Crime & Disorder Act (D4)
- 3) Consultation Responses

## INFORMATION

The application is reported to Committee because the Council is the land owner, and the footprint of the proposal exceeds 100 sq m. The determination of this application therefore falls outside of the remit of the scheme of delegation.

### a) Summary

Statutory Return Type: 18 – Minor Developments

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

### b) Site Description

- Site comprises a five-storey building with car parking to rear
- Front of building set 8m behind rear of footway, with level access provided to ground floor entrance
- Premises is within Harrow Metropolitan Centre

### c) Proposal Details

- Application proposes the temporary change of use from offices (Class B1) to a library (Class D1) until 31 March 2021.

### d) Applicant Statement

- The Council lease on this property expires in September 2012.
- The Council has agreed to extend the lease subject to Council approval for a further 10 years from April 2011.

### e) Relevant History

LBH/39852	FIVE STOREY OFFICE BUILDING WITH PARKING (REVISED)	GRANTED 31-MAY-91
P/3797/07	TEMPORARY CHANGE OF USE FROM OFFICE (CLASS B1) TO LIBRARY (CLASS D1) FOR FIVE YEARS	GRANTED 17-JAN-08

### f) Consultations

**Planning Policy:** No objection. The site currently benefits from a temporary planning permission for the same use [Ref: P/3797/07 dated 17 Jan 2008], which is for five years. This proposal [Ref: P/0439/11] is for ten years. It is considered that the loss of B1 office facilities caused by the continued temporary operation of the library within Harrow Metropolitan Centre is acceptable, although reference should be made to Policy EM15 of the HUDP [2004] to further justify the proposal. The continued operation of the library facility demonstrates that the site can operate in this manner. Note that this proposal is for a temporary D1 library use only. Any planning permission should restrict the use of the building as a library only, notwithstanding the description of development.

**Highway Engineer:** No objection. As this is an existing library provision there are no concerns with regard to the extended temporary Change of Use from B1 to D1.



**Notifications:**

Sent: 101      Replies: 0

Expiry: 17-MAR-11

**Neighbours consulted:**

St John's Court – Flats 1 and 2

St John's Road – 1-3, 2,7

Lyon Road – Platinum House Flats, Equitable House, Lyon House

Sheepcote Road – Victoria Hall, Victoria Close 1-4, Cumberland Hotel,

**Summary of responses:**

N/A

**APPRAISAL**

**1) Principle of Development**

Saved Policy EM15 of the Harrow Unitary Development Plan (2004) notes that, outside of designated business areas, the Council will resist the loss of buildings from business use to other uses outside these classes unless it can be clearly demonstrated that the site is no longer suitable or required for business use.

However, London Plan (2008) policy 3D.1 notes that boroughs should enhance access to goods and services and strengthen the wider role of town centres, including supporting a wider role for town centres as locations for leisure and cultural activities, as well as business and housing. Saved policy C2 of the Harrow Unitary Development Plan (2004) seeks the provision of new social and community facilities, particularly in areas identified to be in need.

The existing library at Gayton Road, which is within the Harrow Metropolitan Centre, was scheduled for closure in 2008. However, in 2008 the Council successfully applied for planning permission for a further temporary five year permission to retain the building for a library use.

It is noted that the lease on the current building expires in September 2012 and that the Council is applying to extend this until 2021. As such, a further temporary planning permission for the retention of the change of use from Offices (the original use of the building) to a library is sought.

The application proposal would ensure that the Metropolitan Centre retains a library facility that is readily accessed by public transport and would compliment the facilities offered by the Metropolitan Centre.

The harm caused by the loss of B1 office facilities would be outweighed by the benefit of the provision of a library in Harrow Metropolitan Centre. Although use of the property as a library is considered acceptable, other uses within use class D1 (assembly and leisure) would need to be considered on their merits. Therefore, a condition is attached to restrict the use to a library, and not to any other use within Use Class D1. A further condition requiring the use to cease in 2021 is recommended.

**2) 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.

**3) Consultation Responses**

N/A

**CONCLUSION**

The decision to grant permission has been taken on the basis that the proposed temporary change of use would ensure that the Metropolitan Centre retains a library facility that is readily accessed by public transport and would compliment the facilities offered by the Metropolitan Centre.

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 library use hereby permitted shall be discontinued by 31 March 2021, and the building shall return to a Class B1 office use.

REASON: To ensure that the building is returned to a Class B1 use and can offer employment provision with the Harrow Metropolitan Area after the Library Use has ceased in accordance with saved Policy EM15 of the Harrow Unitary Development Plan (2004).

2 The premises shall be used as a library and for no other purpose, including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that order with or without modification).

REASON: To ensure that no uses that would conflict with the town centre nature of the location result, in accordance with saved Policy EM15 of the Harrow Unitary Development Plan (2004).

3 The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing Basement Floor Plan, Existing Ground Floor Plan, Existing First Floor Plan, Existing Second Floor Plan, Existing Third Floor Plan, Site Plan

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

**INFORMATIVES**

**1 SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:**

The decision to grant permission has been taken having regard to national planning policies, 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:

**National Planning Policy:**

PPS1 Delivering Sustainable Development (2005)

PPS4 Planning Sustainable Economic Growth (2009)

**London Plan:**

3D.1 Supporting Town Centres

4B.1 Design Principles for a Compact City

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

D4 The Standard of Design and Layout

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

C2 Provision of Social and Community Facilities

T6 The Transport Impact of Development Proposals

T13 Parking Standards

**2 COMPLIANCE WITH PLANNING CONDITIONS:**

**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.

Plan Nos: Existing Basement Floor Plan, Existing Ground Floor Plan, Existing First Floor Plan, Existing Second Floor Plan, Existing Third Floor Plan, Site Plan

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**59 ELM PARK, STANMORE, HA7 4AU**

**Item: 2/02**

**P/3478/10**

Ward STANMORE PARK

DETACHED OUTBUILDING WITH RAISED DECKING IN REAR GARDEN

**Applicant:** Mr Ashwin Patel  
**Agent:** YOOP ARCHITECTS  
**Case Officer:** Nicola Rankin  
**Statutory Expiry Date:** 19-APR-11

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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), the saved policies of the Harrow Unitary Development Plan 2004 (listed below) and national planning policy, as well as to all relevant material considerations including any comments received in response to publicity and consultation. The proposed development is considered to be consistent with the character and appearance of the area and would not adversely affect the amenities of neighbouring occupiers.

### **National Planning Policy**

Planning Policy Statement 1: Delivering Sustainable Development (2005)

### **The London Plan (2008)**

4B.1 - Design Principles for a Compact City

### **Saved Policies of The Harrow Unitary Development Plan (2004)**

D4 – The Standard of Design and Layout

D5 – New Residential Development – Amenity Space and Privacy

Supplementary Planning Document: Residential Design Guide (2010)

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

## **INFORMATION**

This application is reported to Committee as a petition with 47 signatures has been received by the Council against the proposed development.

**a) Summary**

Statutory Return Type: Householder Development  
Council Interest: None

**b) Site Description**

- The subject planning application applies to a property on the eastern side of Elm Park.
- The property contains a detached dwellinghouse, which is single storey in form and has habitable roof space.
- The dwellinghouse features two front dormers and has an attached garage which is sited towards the neighbouring boundary with No. 61 Elm Park.
- The rear garden of the application property extends approximately 25 metres in depth from the main rear wall of the dwelling and is enclosed by close-boarded fencing.
- The site is bounded by two properties
- No. 61 Elm Park is a detached two-storey property sited to the south of the application property and No. 57 Elm Park is a detached bungalow sited to the north of the application property.
- The rear gardens of both of these neighbouring properties extend to a similar depth as the rear garden of the application property.
- A shared access road (approximately 2.5 metres in width) separates the rear boundary of the application site from the rear boundary of a row of terraced properties along Haig Road, to the rear of the site.

**c) Proposal Details**

- It is proposed to construct a detached outbuilding in the rear garden of the application property.
- The proposed outbuilding would have a shallow pitched roof with a maximum height of 2.5 m and an eaves height of 2.35 m.
- The walls of the proposed outbuilding would have a depth of 5.5 m and a width of 9.5 m. It would have a floor area of 52 m<sup>2</sup>.
- The rear wall of the proposed outbuilding would be sited 1.2 m from the rear boundary of the site.
- The flank walls of the proposed outbuilding would be sited between 1 m and 1.1 m from the shared boundary with No. 57 Elm Park and 1.4 m from the shared boundary with No. 61 Elm Park.
- The front elevation of the proposed outbuilding which would face towards the rear wall of the dwellinghouse would feature a set of double doors and two single door openings.
- The remaining elevations would not feature any fenestration.
- The proposed raised decking would be 100 mm in height and it would project 3 metres in depth beyond the front wall of the proposed outbuilding.

**d) Revisions to Current Application**

On receipt of third party information, clarification was sought during the course of this planning application to ensure that the application site was correctly outlined on the submitted application documents.

A revised site plan was subsequently submitted showing revised site boundaries. Neighbouring occupiers were consulted in relation to this material change to the planning application

**e) Relevant History**

P/1883/06	PART DEMOLITION, SINGLE/TWO STOREY REAR EXTENSION, TWO STOREY AND FIRST FLOOR FRONT EXTENSION, EXTERNAL ALTERATIONS AND RAISING ROOF TO CREATE ADDITIONAL STOREY	REFUSED 09-MAY-07
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**Reason for Refusal:**

The proposed extensions, by reason of excessive bulk, prominent siting and unsatisfactory design, would be out of proportion with the property as originally constructed, would be unduly obtrusive in the streetscene, result in loss of light and overshadowing, would be detrimental to the visual and residential amenities of the occupiers of the adjacent properties, and would detract from the established pattern of development in the street scene and the character of the locality, contrary to policies SD1, D4, D5 the Harrow Unitary Development Plan and Supplementary Planning Guidance - "Extensions: A Householders Guide".

P/1567/09	SINGLE STOREY DETACHED OUTBUILDING WITH BASEMENT IN REAR GARDEN	REFUSED 22-OCT-09
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**Reason for Refusal:**

The proposed detached outbuilding, by reason of its design, scale, form, proposed finish and siting in relation to neighbouring properties, would be an inappropriate, incongruous and obtrusive form of development which would be detrimental to the character of the area, and give rise to a loss of outlook from the rear gardens of neighbouring properties, contrary to saved policies D4 and D5 of the Harrow Unitary Development Plan (2004).

**f) Pre-Application Discussion**

- None

**g) Applicant Statement**

Comments received during the course of the planning application:

- The main dwellinghouse has been blessed on 4 – 5 occasions over the past ten years. Assumptions that there are regular meeting being held is misconceived
- There is no 'land-grabbing' – the only boundary fences that have been replaced since the applicant has taken ownership of the property have been replaced inside the boundary
- The Council were contacted prior to the felling of the tree to ascertain if there were TPO's on the site. As there were none, two trees were felled.
- With regard to the flooding concerns, it should be noted that a pond has been installed in a neighbouring property
- The fenestration faces inwards towards the main dwellinghouse as such there would be no loss of privacy for neighbouring occupiers.

**h) Consultations:**

- Stanmore Society – No comments received
- Elm Park Residents Association –
  - This application is for a separate dwelling as it incorporates a toilet and other facilities
  - There is ample storage, leisure and space within the main dwelling – residents within the vicinity are already disturbed by groups of people congregating at this property and carrying out religious meetings
  - The proposal would be completely out of character with the area
  - The applicant already put up a fence in 2009 which is in excess of planning rules
  - The boundary is shown to be splayed out towards the back perimeter which is not as per the Land Registry Plan
  - Section 7 of the applicant form advises that no tree or hedge will be removed or pruned in order to carry out the proposal. However, an ash tree has already been felled
  - If the outbuilding is to be used for prayer gatherings, there will be an overflow of parking.

**Notifications:**

Sent: 13                      Replies: 4 (including a petition with 47 signatures)                      Expiry: 15-MAR-11

**Neighbours Consulted:**

Elm Park; 57, 61

Haig Road; 1, 3, 5, 7

Byworth House; 1, 2, 3, 4, 5, 6

Byworth House

**Summary of Responses:**

- The use of the outbuilding is not specified and it is feared that this will be used for meetings. If this is the case, it will involve many cars being parked in the surrounding area.
- Gardens should be open areas for trees and shrubs, not land for extra buildings.
- Reduction in sunlight in the rear garden of No. 57 Elm Park
- There may be considerable extra activity and noise in the rear garden
- This is a large development, out of keeping with the surrounding area
- Water logging and flooding will be increased
- Debris will accumulate underneath the decking, which will encourage vermin
- The proposed outbuilding includes utilities which suggests it is for prayer gatherings
- Loss of privacy of neighbouring properties
- The proposed outbuilding will affect wildlife
- A large ash tree has already been removed from the rear garden which has affected the protected bat population
- A WC is proposed and it would not comply with regulations.
- The proposed development would set a precedent for other similar development

## APPRAISAL

### 1) Character and Appearance of the Area

Saved policy D4 of the Harrow Unitary Development Plan 2004 (HUDP) requires all new development to provide a high standard of design and layout, respecting the context, siting and scale of the surrounding environment. This saved policy of the Harrow UDP broadly reflects policy 4B.1 of The London Plan (2008) which seeks to ensure that development should respect local context, history, built heritage and communities amongst other issues.

The proposed outbuilding would be sited in the rear garden of the application property and would not be visible from the Elm Park Streetscene.

The Council's recently adopted Supplementary Planning Document – Residential Design Guide (2010) provides guidance on residential development in general. With regard to the subject proposal, Section 6 which pertains to householder extensions is relevant. The Council's SPD was sent out for public consultation and following this, it was formally adopted in December 2010. In relation to outbuildings on residential properties, paragraph 6.79 of this SPD states '*Any structure should normally be located away from the boundaries of the site by at least two metres, in which case its height should not exceed 4 metres for a structure with a dual pitched roof, or 3 m in any other case. If the outbuilding is within 2 metres of any boundary, then a maximum height of 2.5 m is recommended*'. The proposed outbuilding would be sited within 2 metres of the site boundaries and the height of the proposed structure would not exceed 2.5 m, thereby complying with the above guidance.

Paragraph 6.79 of the Council's adopted SPD further states '*In order to reduce its impact on neighbouring gardens, the structure should be sited in the final quarter of the garden, having consideration to its impact on neighbouring properties, and be proportionate to the size of original dwellings*'. The proposed outbuilding would be sited in the final quarter of the application site. It would have a footprint of 52 m<sup>2</sup>, compared to the footprint of the detached dwelling on the application site, which is approximately 86 m<sup>2</sup>. It is therefore considered that the size of the proposed outbuilding would be proportionate to the size of original dwelling on the application site.

The submitted application form advises that the proposed outbuilding would have a render finish. There are no materials which form a distinctive feature in the streetscene or the area and it is considered that the proposed render finish would have a satisfactory appearance and would have a minimal impact on the visual amenity of the area.

The proposed raised decking would be 100 mm in height and it would project 3 metres in depth beyond the front wall of the proposed outbuilding. Having particular regard to its modest height, there is no objection to the proposed decking in terms of its design and siting.

Overall, it is considered that the proposed outbuilding and the proposed raised decking would comply with the Council's adopted Supplementary Planning Document: Residential Design Guide (2010) and the objectives of policy 4B.1 of



The London Plan (2008) and saved policy D4 of the Harrow Unitary Development Plan (2004).

**2) Residential Amenity**

Saved policy D5 of the Harrow Unitary Development Plan (2004) requires residential development, amongst other objectives, to “maintain adequate separation between buildings and distance to site boundaries in order to protect the privacy and amenity of occupiers of existing and proposed new adjoining dwellings. Proposals should provide space around buildings to reflect the setting of neighbouring buildings.” Furthermore, saved policy D5 requires residential development to ‘ensure that the amenity and privacy of occupiers of existing and proposed dwellings is safeguarded’.

The rear garden of the application property extends approximately 25 metres in depth beyond the main rear wall of the dwelling. The rear gardens of the neighbouring properties, No. 57 and No. 61 Elm Park, extend to a similar depth as this rear garden and the proposed outbuilding would be set away from the main rear walls of these neighbouring properties by approximately 20 m. Resultantly, it is considered that there would be no undue impact in terms of loss of light or overshadowing of these neighbouring properties. Furthermore, by reason of its siting, height and design, it is considered that the proposed outbuilding would not result in undue harm in terms of loss of outlook when viewed from the rear gardens of No. 57 and No. 61 Elm Park.

The proposed outbuilding would be sited 1.2 metres from the rear boundary of the application site. A shared access road (approximately 2.5 metres in width) separates the rear boundary of the application site from the rear boundary of a row of terraced properties along Haig Road, to the rear of the site. Having particular regard to this, the height and design of the proposed outbuilding and the existing boundary fence, it is considered that no undue overbearing or overshadowing impact would result to the neighbouring occupiers to the rear, as a result of the subject proposal.

The front elevation of the proposed outbuilding facing towards the rear of the application dwelling would feature a set of double doors and two single door openings. There are no windows proposed in the rear or flank walls of the proposed outbuilding and it would not therefore give rise to direct overlooking or loss of privacy for neighbouring properties. However, in the interests of the amenities of neighbouring residents, it is considered that a condition is necessary to ensure that no windows are installed in the rear and flank walls of the proposed outbuilding in the future.

It is noted that a number of objections have been received on the basis that the proposed outbuilding may be used for purposes which would not be incidental to the enjoyment of the main dwellinghouse. However, to prevent this from happening, a condition is suggested to ensure that the use of the proposed outbuilding would remain incidental to the use of the main dwellinghouse. Any proposal to utilise the outbuilding for purposes other than a use incidental to the main dwelling would therefore require planning permission.

The front wall of the proposed outbuilding (which would face towards the rear wall of the main dwelling) would be sited approximately 19 metres from the rear wall of the main dwelling. Sufficient usable rear garden amenity space would thereby be retained for the occupiers of the main dwelling, as a result of this proposal.

Having regard to the modest 0.1 metre height of the proposed raised patio, it is considered that it would not give rise to any adverse impacts on the amenities of the occupiers of neighbouring properties. It must be noted that this raised patio could be erected under Permitted Development without obtaining planning permission.

It is considered that the proposed detached outbuilding would not unreasonably affect the residential amenities of the neighbouring properties and that the proposal would be compliant with saved policy D5 of the Harrow Unitary Development Plan (2004) and the Council's adopted Supplementary Planning Document: Residential Design Guide (2010).

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

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

### **4) Consultation Responses**

- The use of the outbuilding is not specified and it is feared that this will be used for meetings. If this is the case, it will involve many cars being parked in the surrounding area
- There may be considerable extra activity and noise in the rear garden
- The proposed outbuilding includes utilities which suggests it is for prayer gatherings:
  - In relation to the above comments, it must be noted that a condition is attached to ensure that the use of the proposed outbuilding would remain incidental to the use of the main dwellinghouse. Any proposal to utilise the outbuilding for purposes other than a use incidental to the enjoyment of the main dwellinghouse as such, would require planning permission. Should any such proposal be put to Harrow Council, it would be assessed on its own merits against National, Regional and Local policies and guidance and site circumstances after a due consultation process.
- Gardens should be open areas for trees and shrubs, not land for extra buildings – Ancillary outbuildings are common features in the rear gardens of the residential properties and thus there is no objection to the principle of an outbuilding in the rear garden of a residential property.
- Reduction in sunlight in the rear garden of No. 57 Elm Park – The impact of the proposal on residential amenity has been discussed in section two of the above appraisal.
- This is a large development, out of keeping with the surrounding area – The impact of the proposal on the character and appearance of the area has been discussed in section one of the above appraisal.

- Water logging and flooding will be increased - Ancillary outbuildings are common features in the rear gardens of the residential properties. The application site is not located within a flood plain and as such there are no objections to the proposal in terms of drainage.
- Debris will accumulate underneath the decking, which will encourage vermin – This is not a material planning consideration. Should issues arise with respect to vermin, the Council's Environmental Health Department should be consulted.
- Loss of privacy of neighbouring properties – The impact of the proposal on residential amenity has been discussed in section two of the above appraisal.
- The proposed outbuilding will affect wildlife – The application site is not located within a designated Area of Nature Conservation Importance. As such, it is considered that the proposal would not unduly impact upon wildlife in the surrounding area
- A large ash tree has already been removed from the rear garden which has affected the protected bat population – The site is not subject to a Tree Preservation Order and the Council has no control over the felling of non protected trees on private land.
- A WC is proposed and it would not comply with regulations – The subject planning application has been assessed on its own merits against National, Regional and Local planning policies and guidance and against site circumstances. Details with respect to the technical build of the proposed extensions would be dealt with by separate legislation.
- The proposed development would set a precedent for other similar development – Each planning application is assessed based on its own merits, site circumstances and against relevant planning policies and guidance.
- The applicant already put up a fence in 2009 which is in excess of planning rules – This is currently under investigation by the Planning Enforcement Team. However, a 2 metre high rear boundary fence could be erected on this site under permitted development.
- The boundary is shown to be splayed out towards the back perimeter which is not as per the Land Registry Plan – Boundary issues between neighbours is not a material planning considerations. As stated in section d above, clarification was sought during the course of this planning application to ensure that the application site was correctly outlined on the submitted application documents.
- Section 7 of the applicant form advises that no tree or hedge will be removed or pruned in order to carry out the proposal. However, an ash tree has already been felled – The site is not subject to a Tree Preservation Order and the Council has no control over the felling of non protected trees on private land.

## **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, the application is considered to provide an appropriate form of development, without unduly infringing upon the character and appearance of the area or the amenity of neighbouring occupiers. This planning application is therefore 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 and Country Planning Act 1990.

2 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 windows/doors shall be installed in the flank and rear walls of the detached outbuilding hereby permitted without the prior permission in writing of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents, in accordance with saved policy D5 of the Harrow Unitary Development (2004)

3 The outbuilding hereby permitted shall not be used for any purpose other than domestic storage or personnel games rooms or similar ancillary uses incidental to the enjoyment of the dwellinghouse as such.

REASON: To safeguard the amenity of neighbouring residents, the character of the locality and to prevent any over intensive use of the site, in accordance with saved policies D4 and D5 of the Harrow Unitary Development (2004)

4 The development hereby permitted shall be carried out in accordance with the following approved plans: 030/PL/001 Rev. A, 030/PL/002 Rev. A, 030/PL003 Rev. A, 030/PL/004, 030/PL/005 Rev. A

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

## **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:

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: 030/PL/001 Rev. A, 030/PL/002 Rev. A, 030/PL003 Rev. A, 030/PL/004,  
030/PL/005 Rev. A

**2 BROADWAY PARADE PINNER ROAD, P/3368/10  
HARROW, HA2 7SY**

Ward: HEADSTONE NORTH

TEMPORARY CHANGE OF USE OF GROUND FLOOR FROM A SHOP TO A SURGERY FOR NON INVASIVE (LASER SURGERY) OF SKIN CONDITONS (USE CLASS A1 TO USE CLASS D1)

**Applicant:** Mr Khan  
**Agent:** Dr Giles Lloyd  
**Case Officer:** Sarah MacAvoy  
**Statutory Expiry Date:** | 22-MAR-11

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## **RECOMMENDATION**

**GRANT** permission subject to the conditions set out in this report.

## **REASON**

The decision to recommend **GRANT** of planning permission has been taken having regard national planning policy, the policies and proposals in the London Plan (2008), the saved policies of the Harrow Unitary Development Plan (2004), and to all relevant material considerations, including comment received in response to publicity and consultation, as outlined in the application report.

The site is located in the North Harrow District Centre. In the North Harrow District Centre vacancy levels are unacceptably high and at such a time it is essential for the economic growth of North Harrow to maintain a high level of occupied sites which bring income and vitality into the area. Therefore, it is considered that the economic gain brought about by filling a site that is likely to become vacant in the near future in the Primary frontage of the North Harrow District Centre outweighs the harm caused by the temporary loss of an A1 unit and as such complies with PPS4 (2009).

### **National Policy Guidance:**

Planning Policy Statement 1: Delivering Sustainable Development (2005)  
Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009)

### **The London Plan:**

4A.3 Sustainable Design and Construction  
4B.1 Design principles for a compact city  
4B.5 Creating an inclusive environment

### **Harrow Unitary Development Plan 2004:**

SEM2 Hierarchy of Town Centres  
D4 The Standard of Design and Layout  
D5 Residential Amenity  
D25 Shopfronts and Advertisements  
EP25 Noise  
EM16 Change of Use of Shops – Primary Shopping Frontages  
EM24 Town Centre Environment  
T6 The Transport Impact of Development Proposals  
T13 Parking Standards  
C16 Access to Buildings and Public Spaces

Supplementary Planning Document: 'Access for All' (2006)

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

- 1) Town Centre Environment and Change of Use (SEM2, EM 16 and EM 24)
- 2) Amenity & Change of Use (D5, EP25)
- 3) Character and Appearance of the Area (D4)
- 4) Parking and Highway Safety (T6, T13)
- 5) Accessibility (C16, SPD)
- 6) S17 Crime & Disorder Act (D4)
- 7) Consultation Responses

**INFORMATION**

This application is reported to Committee as the proposal is considered to be a Departure from the Harrow Unitary Development Plan (2004) and therefore falls outside the scheme of delegation.

**a) Summary**

Statutory Return Type: 20 - Change of Use

Council Interest: None

**b) Site Description**

- The subject site is on the eastern side of Pinner Road.
- The site is located within the primary shopping frontage of North Harrow District Centre.
- The property is two storeys high with residential units on the upper floor and retail (class A1) on the ground floor.
- The property is located in a terrace of similar properties.
- The adjoining ground floor shop at 1 is a pet shop (Use Class A1).
- The adjoining ground floor shop at number 3 is a fast food takeaway (Use Class A5).
- A service road abuts the rear boundary of the site.
- The site is located in the North Harrow District Centre.

**c) Proposal Details**

- Change of use of the ground floor from retail (Class A1) to a D1 laser clinic.
- No external alterations are proposed as part of this application.
- Proposed hours of use are 9am to 5pm Monday to Saturday.

**Revisions to Current Application**

- Revised plans were requested and were subsequently received to show compliance with access for all requirements.

**d) Relevant History**

- N/A

**e) Applicant's Statement**

- The site is in A1 use as a greetings card shop, which has been trading for a number of years but continued use is commercially unviable.
- The parade contains mixed business use.
- There are a number of vacant retail units in the direct vicinity of the site and several of these are comparable to the existing shop and have been vacant for a number of years.
- There is a carpark to the rear.
- It comprises 5 treatment rooms, a doctors consultation room, a waiting an reception area, changing room, staff room, toilet with ambulant provision, an office and store rooms.
- The nature of the business relates to the provision of non-invasive surgical treatment of skin conditions, with the treatments being conducted in the treatment rooms.
- The design would comply with access for all requirements.

**f) Consultations**

- **Highways Engineer:** The location is sustainable in both public and private transport terms with good bus and close train station accessibility together with generous Council off street parking availability in North Harrow car park. On this premise, together with existing town centre attractions which encourage linked trips to area thereby lessening overall private vehicle use in general and in connection with the site, there is no objection to the proposal.
- **Headstone Association:** The Headstone Residents' Association has no objection in principle to this application for Change of Use to cosmetic laser surgery but would ask the Planning Department to seek further information in advance of a decision. This relates to foul sewage, trade effluent and Industrial Process and machinery.
- **Environmental Health:** No comment received.
- **Economic Development:** The Economic Development Unit (EDU) supports the proposed change of use. This is because there are signs that the District centre is struggling to maintain its vitality and viability.

In summary, these are:

- North Harrow has highest overall levels of vacancy of all the District Centres
- There are higher levels of vacancy in the primary shopping frontage than in the secondary frontage (Source: LB Harrow Monitoring June 2010)

	<b>Total no of Units</b>	<b>No of Vacant Units</b>	<b>Percent</b>	<b>Length of Frontage</b>	<b>Percent</b>
Primary	41	11	26%	120.30	40.48%
Secondary	56	7	12.5%	42.25	11.14%



- Closure of Lloyds TSB could have further effect on District centre as it is the last bank in the District Centre.
- The focus of the town centre has arguably shifted with the opening of Tesco Express in Secondary Frontage at 503-505 Pinner Road and V & B Cash and Carry at former Allied Carpets unit at 539-545 Pinner Rd also in secondary Frontage.
- Also recent research shows that high streets across the country need to adapt to our changing shopping habits in order to survive. Shoppers are increasingly time poor and price sensitive as a result of the economic climate. As a result, our high streets are evolving to concentrate on services that aren't easily available on the internet or where there is competition from the big 4 supermarkets.
- Demand for personal services are on the increase and the change of use to a surgery would fit within this overall change (Source: Local Data Company on behalf of BBC Inside Out Programme December 2010 2. A Re-Assessment of Retail Structure Colliers International Autumn 2010).
- The Economic Development Team is aware that the proposal appears to be contrary to the UDP's policy on primary frontages. However, it considers that the high levels of vacancy and the shift in focus of the retail offer constitute other material considerations that should be looked at when considering the proposals.
- **Councillor James Bond:** "The present owner of the card shop is in financial difficulties and may possibly lose his home as it was used to guarantee the finance of his shop. I do realize that this is not a planning reason for the change of use but I do believe that the new class D1 business will provide life to that part of the shopping parade in North Harrow and extra employment for the area"

**Advertisement – Departure from the Harrow Unitary Development Plan (2004):**

Site Notice Expiry: 14-MAR-11

**Notifications**

Sent : 25 Replies : 0 Expiry : 28-FEB-11

**Addresses consulted:**

Rear of 368, Pinner Road  
Rear of Broadwalk Adjacent to Car Park Entrance  
Rear of Broadwalk, Pinner Road  
352, 354-356, 368-370 Pinner Road  
1-5 Broadway Parade, Pinner Road  
1A, 2A, 3A, 1B, 4A, 5A Broadway Parade, Pinner Road  
1-10 Yeoman Court, Pinner Road  
1-49 Savoy Court, Station Road  
2, 4, 6, 8, 10, 12, 14, 16 Cambridge Road.

**Summary of Response:**

- N/A

## **APPRAISAL**

### **1) Town Centre Environment and principle of the change of use**

One of the requirements of HUDP saved policy EM16 is that the length of primary frontage in non retail use at street level in the District Centre would not exceed 25% of the total. The total primary frontage in non-retail use in the North Harrow District Centre is currently 29.32%. This figure is inclusive of the recently granted change of use from A1 to A3/A5 at 374 Pinner Road. Therefore, the primary frontage in this District Centre already exceeds the non-retail primary frontage figure recommended by saved policy EM16. The proposal would further increase this figure to 31.7% non-retail primary frontage.

The proposal is contrary to the UDP's policy on primary frontages in regards to the length of primary frontage in non A1 retail use having already been exceeded. However, policy EC11 of PPS4 (2009) requires planning authorities to give consideration to market and other economic information, take account of the longer term benefits as well as the costs and consider whether proposals help meet the wider objectives of the development plan.

In this District Centre, vacancy levels are unacceptably high and at such a time it is essential for the economic growth of North Harrow to maintain a high level of occupied sites which bring income and vitality into the area. Therefore, it is considered that the economic gain brought about by filling a site that is highly likely to become vacant in the near future and to bring new business to the Primary frontage of the North Harrow District Centre outweighs the harm caused by the temporary loss of an A1 unit and as such complies with PPS4 (2009). This is also a view that is supported by the Council's Economic Development Team as summarised in section f above under consultation responses.

The proposal would comply with the following parts of HUDP Policy EM16:

The temporary change of use into a D1 laser surgery use would provide a use that would support the retail function of the centre. As it would bring people into the town centre, possibly from outside the borough. People are likely to shop or have a something to eat before or after visiting the laser surgery for a consultation or for treatment. As such, the temporary change of use would improve the vitality of the primary frontage.

It is acknowledged that the site is not currently vacant; however the agent of the application has stated that the A1 retail shop is due to cease trading. As such, the site is likely to become vacant in the near future.

The temporary change of use would not lead to a harmful concentration of non retail uses as the only site in the same parade as the subject site to be in non retail A1 use is the adjacent site at number 3, which is in A5 use.

The proposal as discussed below, would not cause undue harm to highway safety.

It is considered that by placing a condition on the proposed change of use for a temporary permission of three (3) years would allow flexibility in the primary shopping frontage of the North Harrow District Centre as it would ensure that the A1 use would not permanently be lost as after three years. The use of the site will automatically revert to A1 usage without the requirement for a further planning permission. At this stage, it is not possible to predict what the market conditions and vacancy rate will be in the future, which is why a temporary condition in this case is considered to be the best way to provide a flexible approach. It would allow the occupation of a site which is otherwise likely to become vacant and at the same time would bring new business into the area, which in turn would increase vitality. The agent has stated that the proposal is likely to create 6 new jobs, whereas the current A1 retail unit only employs 1 full time employee. The flow on impact of having 5 additional employees working on the site is also likely to have a positive flow on effect on the surrounding retail units. The temporary permission would allow the economic situation and vacancy levels to be reassessed after this permission expires.

In these circumstances it is considered that the proposal can be supported as it would enhance the vitality and viability of this District Centre location.

## **2) Amenity**

Consideration must be given to the impact the proposal might have on the living conditions of the occupiers of flats above ground floor level in this parade and adjacent to the site.

HUDP Policy EP25 commits the Council to minimise noise and disturbance, through, amongst other things, controlling times of operation. As the site is located within the North Harrow District Centre, a relatively high level of activity is expected when compared to the level of activity anticipated in a purely residential area.

It is suggested that the opening hours of the surgery be conditioned in this application. Subject to this it is considered that the proposal would not cause unreasonable disturbance to the occupiers of the residential flats above, as people would be dispersing at reasonable (social) hours. PPG24 suggests the hours that people are sleeping would normally be 23.00 to 07.00 hours. As such the proposed opening hours of 9:00 to 17.00 hours on Monday to Saturdays, would be adequate to mitigate the impact of disturbance to a reasonable degree.

Another condition has been suggested requiring details of the refuse storage also in the interests of the amenities of neighbouring occupiers.

Therefore, it is considered that the proposal would not have any undue impact on neighbouring amenity.

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

As no external alterations are proposed to the building, therefore the proposal would not impact on the character and appearance of the area.

**4) Parking and Highway Safety**

The proposal would be contained within the site and therefore would not obstruct the service road at the rear of the site.

It is considered that the proposal would not cause any traffic or parking problems and the Council's Traffic and Parking Engineer has not objected to the proposal.

**5) Accessibility**

Saved policy C16 of the Harrow UDP states that the Council will seek to ensure that buildings are accessible to all.

The proposal would comply with the Council's SPD – Access for All (2006) and as such would be sufficiently accessible for all.

Therefore, it is considered that the proposed change of use would provide an acceptable layout, in accordance with saved policies D4 and C16 of the HUDP (2004) and the Council's SPD – Access for All (2006).

**6) S17 Crime & Disorder Act**

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

**7) Consultation Responses**

Drainage connections, Sewage, Trade Effluent etc. are dealt with at the building control stage.

Air conditioning plants are not proposed at this stage and therefore have not been assessed. If these are required in the future, a further planning permission would be required. Environmental Health would provide their comments for any such future planning application

Impact of the proposal on the town centre have been assessed in the report above.

**CONCLUSION**

The decision to recommend **GRANT** of planning permission has been taken having regard national planning policy, the policies and proposals in the London Plan (2008), the saved policies of the Harrow Unitary Development Plan (2004), and to all relevant material considerations, including comment received in response to publicity and consultation, as outlined in the application report.

The site is located in the North Harrow District Centre. In the North Harrow District Centre vacancy levels are unacceptably high and at such a time it is essential for the economic growth of North Harrow to maintain a high level of occupied sites which bring income and vitality into the area. Therefore, it is considered that the economic gain brought about by bringing a new business into the area and filling a site which is likely to become vacant in the Primary frontage of the North Harrow District Centre outweighs the harm caused by the loss of an A1 unit and as such complies with PPS4 (2009).

## **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 use hereby permitted (D1 Laser Surgery) shall be for a limited period being the period of three (3) years from the date of this permission, or the period during which the premises are occupied by the D1 Laser Surgery Use whichever is the shorter after which time the D1 Laser Surgery use shall be discontinued and the site shall revert to its former (A1) use.

REASON: To safeguard the potential of the A1 use of the site within primary frontage of the North Harrow District Centre and to permit reconsideration of the prevailing conditions with respect of demand for A1 retail use in the light of circumstances then prevailing, in pursuance of saved Policies EM16 of the Harrow Unitary Development Plan 2004.

3 The use hereby permitted shall not be open to customers outside the following times:-

a: 09.00 hours to 17.00 hours, Monday to Saturdays inclusive,

b: At no time on Sundays and Bank Holidays

without the prior written permission of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents in accordance with saved policy D5 of the Harrow Unitary Development Plan (2004).

4 The development hereby permitted shall not be occupied until a scheme for:

a: the storage and disposal of refuse/waste has been submitted to, and approved in writing by, the local planning authority. The use hereby permitted shall not be occupied 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 in accordance with saved policy D5 of the Harrow Unitary Development Plan (2004).

5 The premises shall only be used for the purpose specified in the application (D1 Laser Surgery Use) and for no other purpose, including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

REASON: To safeguard the amenity of neighbouring residents in accordance with saved policy D5 of the HUDP (2004).

6. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan revision 1; pi-01-01-10 revision 1; pi-01-01-50 Design and Access Statement.

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

## **INFORMATIVES**

### **1 INFORMATIVE:**

The decision to recommend **GRANT** of planning permission has been taken having regard national planning policy, the policies and proposals in the London Plan (2008), the saved policies of the Harrow Unitary Development Plan (2004), and to all relevant material considerations, including comment received in response to publicity and consultation, as outlined in the application report.

#### **National Policy Guidance:**

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Statement 4: Planning for Sustainable Economic Growth

#### **The London Plan:**

4A.3 Sustainable Design and Construction

4B.1 Design principles for a compact city

4B.5 Creating an inclusive environment

#### **Harrow Unitary Development Plan 2004:**

SEM2 Hierarchy of Town Centres

D4 The Standard of Design and Layout

D5 Residential Amenity

EP25 Noise

EM16 Change of Use of Shops – Primary Shopping Frontages

EM24 Town Centre Environment

T6 The Transport Impact of Development Proposals

T13 Parking Standards

C16 Access to Buildings and Public Spaces

Supplementary Planning Document: 'Access for All' (2006)

**2 INFORMATIVE:** The applicant is advised that this decision does not convey any approval that may be required under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Separate advertisement consent may be required for the display of advertisements shown on the front elevation of the proposed plans.

Plan Nos:            Location Plan revision 1; pi-01-01-10 revision 1; pi-01-01-50 Design and Access Statement

**BOTWELL COURT, 118-120 HEADSTONE ROAD, HARROW, HA1 1PF**

Ward GREENHILL

PROVISION OF TWO FLATS WITHIN MANSARD ROOF SPACE TOGETHER WITH ROOF LIGHTS IN REAR ROOF SLOPE (REVISED APPLICATION)

**Applicant:** Mr K Sabaratnam  
**Agent:** R. P. Architectural Services  
**Case Officer:** Gerard Livett  
**Statutory Expiry Date:** | 11-APR-11

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## **RECOMMENDATION**

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

## **REASON:**

The decision to GRANT planning permission has been taken as the proposal would make effective use of the existing building to provide additional residential accommodation in the London Borough of Harrow and would not have a significant adverse impact on the character and appearance of the streetscene or the amenities of neighbours. This decision has been made having regard to the policies and proposals of the London Plan 2008 and the saved policies of the Harrow Unitary Development Plan set out below, and to all relevant material considerations including comments received in response to publicity and consultation, as outlined in the application report:

Planning Policy Statement 1 – Delivering Sustainable Development (2005)

Planning Policy Statement 3 – Housing (2010)

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

3A.8 – Definition of Affordable Housing

3A.10 – Negotiating affordable housing in individual private residential and mixed-use schemes

3A.11 – Affordable housing thresholds

4B.1 – Design principles for a compact city

4B.8 – Respect local context and communities

Harrow Unitary Development Plan:

D4 – The Standard of Design and Layout

D5 – Residential Amenity

D9 – Streetside greenness and forecourt greenery

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

C16 – Access to Buildings and Public Spaces

**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 (PPS1, 4B.1, 4B.8, D4)
- 2) Residential Amenity, including Lifetime Homes (3A.5, D4, D5, C16, SPDs)
- 3) Parking and Highway Safety (T6, T13)
- 4) Housing Provision (3A.1, 3A.2, 3A.3, 3A.4, 3A.6, 3A.9, 3A.10, 3A.11)
- 5) S17 Crime & Disorder Act (D4)
- 6) Consultation Responses

**INFORMATION**

This application is referred to the Planning Committee at the request of the Chair and nominated member of the Committee.

**a) Summary**

Statutory Return Type:	Minor Dwellings
Site Area	865 m <sup>2</sup>
Density:	474 hrph 162 dph (for 14 flats)
Lifetime Homes	2
Wheelchair Homes	0
Council Interest:	None

**b) Site Description**

- The application site is on the west side of Headstone Road just south of Hindes Road and contains a three-storey block of 12 flats with a mansard roof;
- Hard surfaced area to front with bin store and parking for 2 cars;
- Detached 2-storey house (No. 116) to the south, and a three-storey block of flats (Elizabeth Mews) to the north;
- Rear of site backs onto the rear gardens of 97-99 Roxborough Road;
- Located within an existing controlled parking zone (CPZ).

**c) Proposal Details**

- Provision of two flats in roof space with six roof lights on the rear mansard roof slope
- Each flat would have one bedroom at the rear.
- Each bedroom would have two windows.
- Each flat would also have a combined living/kitchen/dining room with one roof light in the rear roof slope and a further roof light in the crown roof section.
- Each of the flats would also have a separate internal bathroom.
- One flat would have a gross floor area of 76m<sup>2</sup> and the other would have a gross floor area of 77m<sup>2</sup>, including storage space



Revisions to previous applications:

Following the previous refusal of planning permission (reference P/3216/10) for the provision of two flats within mansard roof space together with roof lights to front and rear roof slopes, the following amendments have been made:

- Rooflights omitted from front roofslope
- Internal alterations to provide one-bedroom flats with storage areas at front of property

**d) Relevant History**

P/1832/03/CFU	Redevelopment to provide 12 flats in 3 storey building with access and parking (resident permit restricted)	GRANTED 09-SEP-03
P/3151/06/CDP	Discharge of condition No 2 (materials) pursuant to permission P/1832/03/CFU	APPROVED 12-DEC-06
P/3366/06/DDP	Discharge of conditions 3 (hoarding), 9 (levels) & 10 (access and egress) pursuant to permission P/1832/03/CFU	APPROVED 16-JAN-07
P/1317/07/DDP	Discharge of condition no.4 (boundary treatment) pursuant to permission P/1832/03/CFU.	REFUSED 26-JUN-07
P/1101/07/DFU	Mansard roof extension at 3rd floor level to create an additional storey to provide 2 additional flats over the building approved ref P/1832/03/CFU dated 16 Oct 2003 for 12 flats in a 3 storey building with access and parking. (resident permit restricted)	REFUSED 14-SEP-07

**Reason for Refusal:**

- The proposal by reason of its increased size, scale, bulk, massing and design of the roof would appear unduly bulky, obtrusive, overbearing and overpowering and would detract from the established pattern/character of existing development in the vicinity and would have a detrimental effect on the visual amenities of nearby occupiers contrary to policies SD1, SH1, D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance; Extensions: A Householders' Guide (2003).

P/3199/07/DFU	Formation of 2 flats within roofspace	WITHDRAWN 21-NOV-07
P/3421/07/CVA	Variation of condition 8 (details of surface water attenuation) of planning permission ref: P/1832/03/CFU)	GRANTED 11-DEC-07
P/3611/07/CVA	Variation & discharge of condition no.6 pursuant to permission P/1832/03/CFU	GRANTED 12-DEC-07

P/3357/07/CVA	Variation of condition 4 (details of boundary treatment) required by planning permission ref: P/1832/03/CFU.	GRANTED 28-NOV-07
P/4121/07/CFU	Retention of 3-storey block of 14 flats with rooms in the roof space, parking for 2 cars and bin store to the front (resident permit restricted)	REFUSED 17-JAN-2008 APPEAL WITHDRAWN

**Reasons for Refusal:**

- The proposed development, by reason of excessive bulk, massing, footprint and rearward projection would appear unduly bulky, obtrusive, overbearing and would detract from the established pattern/character of existing development in the vicinity and would have detrimental affect on the amenities of nearby occupiers contrary to policies 4B.1 of the London Plan 2004, D4, and D5 of the Harrow Unitary Development Plan 2004, Supplementary Planning Guidance: Designing New Development and Supplementary Planning Guidance: Extensions A Householders Guide (March 2003).
- The proposed development, by way of poor roof design, higher eaves, and higher front and rear parapet walls, would poorly relate to the adjoining properties and detract from the character and appearance of the building and wider street scene contrary to policies 4B.1 of the London Plan 2004, D4 of the Harrow Unitary Development Plan 2004, Supplementary Planning Guidance: Designing New Development and Supplementary Planning Guidance: Extensions A Householders Guide (March 2003).
- The proposed development, by way of poor internal layout and inadequate room size, would produce unacceptable standards of accommodation and fail to meet requirements of Lifetime Homes Standards and Wheelchair Homes Standards, contrary to polices 3A.4 of The London Plan 2004, D4 of the Harrow Unitary Development Plan 2004 and Accessible Homes Supplementary Planning Document (April 2006).
- The proposed development, by reason of failing to demonstrate how the building incorporates renewable energy and energy conservation and efficiency measures into the design, would result in an inefficient and unacceptable development contrary to policies 4A.7, 4A.8, & 4A.9 of The London Plan 2004.

P/0740/08/CFU	Retention of 3-storey block of 12 flats with alterations to front & rear elevations, parking for two cars and bin store to the front (resident permit restricted)	GRANTED 15-MAY-08
P/2579/08	Retention of rear left corner of existing block of 12 flats	GRANTED 10-SEP-08
P/2478/08/DDP	Details of affordable housing as required by condition 3 of planning permission ref: P/0740/08/CFU	APPROVED 28-AUG-08

P/3845/08	Provision of two flats within mansard roof space together with roof lights to front and rear roof slopes	REFUSED 27-MAR-2009 APPEAL DISMISSED 17-AUG-09
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**Reasons for Refusal:**

- The proposal, by reason of an excessive number of velux rooflights both to the front and rear elevations, with regard to the design of the roof, would appear visually obtrusive and would detract from the established pattern and character of the existing development in the vicinity and would have a detrimental effect on the visual amenities of the nearby occupiers, contrary to HUDP policy D4.
- The two flats, which would be created by the use of the roofspace, would afford substandard accommodation to the detriment of the residential amenities of the future occupiers thereof and, in the absence of easy access to the upper floor and the fact that these flats would be located on the fourth floor, would fail to meet the requirements of Lifetime Homes Standards contrary to HUDP (2004) policy D4 and the Accessible Homes Supplementary Planning Document (April 2006).

P/0763/09	Provision of two flats within mansard roof space together with roof lights to front and rear roof slopes	REFUSED 24-JUL-09 APPEAL DISMISSED 04-AUG-10
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**Reasons for Refusal:**

- The proposal, by reason of an excessive number of velux rooflights both to the front and rear elevations, with regard to the design of the roof, would appear visually obtrusive and would detract from the established pattern and character of the existing development in the vicinity and would have a detrimental effect on the visual amenities of the nearby occupiers, contrary to policy D4 of the Harrow Unitary Development Plan (2004).
- The two flats, which would be created by the use of the roofspace, would afford substandard accommodation to the detriment of the residential amenities of the future occupiers thereof and, in the absence of easy access to the upper floor and the fact that these flats would be located on the fourth floor, would fail to meet the requirements of Lifetime Homes Standards contrary to policies D4 and C16 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Document, Accessible Homes (2006).

P/3216/10	Provision of two flats within mansard roof space together with roof lights to front and rear roof slopes (revised)	REFUSED 16-MAR-11
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**Reason for Refusal:**

- The proposal, by reason of the insertion of windows in the front roofslope, would appear visually obtrusive and would detract from the established pattern and character of the existing development in the vicinity, to the detriment of the visual amenities of the area and nearby occupiers, contrary to policies 4B.1 and 4B.8 of the London Plan (2008) and saved policy D4 of the Harrow Unitary Development Plan (2004).

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- Only change to exterior of building would be inclusion of windows in rear mansard roof, which would address previous reasons for refusal
- Proposal would complement prevailing character of the area
- Flats meet required space standards and would comply with Lifetime Homes standards

**g) Consultations**

**Headstone Residents' Association:** Insertion of rooflights in the back roofslope would be intrusive, and would have clear views over properties and gardens in Headstone Road and Roxborough Road. Proposal would exaggerate a building that is out of place and would increase the incongruous appearance of the building. Current arrangement would leave a kitchen with no natural light and would result in bathrooms and toilets not being above those in the floors below

**Highways Engineer:** No objection, provided 'Resident Permit Restricted'.

**Notifications:**

Sent : 43

Replies : 2 letters of objection

Expiry: 11-MAR-11

Neighbours consulted:

Headstone Road: 107, 107a, 109, 109a, 111, 113, 113a, 115a, 115b, 117, 117a, 116

Elizabeth Mews, 120 Headstone Road – all flats

Botwell Court, 118 Headstone Road – all flats

Roxborough Road: 93, 95, 97, 99, 99a, 101

**Summary of Responses:**

- Proposal would still result in a four-storey building that would be out of scale and character with the area
- Rooflights either at front and rear would be clearly visible and out of character
- Loss of privacy to properties in Roxborough Road
- Kitchen with no windows would not be ideal

## APPRAISAL

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

The principle of providing 2 additional flats within the existing roofspace is in accordance with the aims of PPS3 to make efficient use of land suitable for housing, and the aims of London Plan policy 3A.3, which seeks to maximise the potential of sites. No objection has previously been raised to the *principle* of the additional units, wither by the Council or the Planning Inspectorate. It is the details of the development and how it affects the character and appearance of the are that has caused concern, and these issues are addressed below.

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

The main issue with this application is the impact on the character and appearance of the area. London Plan policy 4B.8 requires development to respect local contexts and local distinctiveness. These policies are also supported by saved policy D4 of the Harrow Unitary Development Plan, which requires a high standard of design and layout. The impact of the character and appearance of the street scene was the reason for refusal of the latest planning application, and addressed by the Inspector in the previous appeals. These decisions are material considerations in the determination of this application.

The Inspector for the first appeal (LBH ref P/3845/08, Pins ref APP/M5450/A/09/2102716) noted that the height of the existing building appears out of scale and overly bulky in the streetscene when compared to other properties in the vicinity. He noted that the addition of rooflights into the mansard roof would merely accentuate the fact that the building would become effectively a four-storey block amongst largely two-storey, with occasional three-storey buildings.

The Inspector for the second appeal (LBH ref P/0763/09, Pins ref APP/M5450/A/09/2116743) noted that the existing building was taller than others in the vicinity. He also considered that the addition of rooflights into the mansard roof would give the building the appearance of a four-storey block building in an area characterised by mostly two-storey buildings, and that this would accentuate the incongruous appearance of the existing building.

It should be noted that these comments were made in respect of the impact on the street scene, (i.e the front elevation). In relation to the impact on the visual amenities of properties at the area, the Inspector commented the *“the proposed roof lights within the rear roof slope would be visible from residential properties on Roxborough Road, to the rear of the appeal site. However, given the distance and presence of trees and planting within the rear garden to the appeal property and the neighbouring properties, I consider that the proposal would not harm the visual amenities of occupiers of these neighbouring properties.”*

In order to address these comments and the latest refused scheme, the current proposal would have windows in the rear roofslope only. It is therefore considered that there would be no additional adverse impact on the streetscene, and that the revisions have addressed previous concerns in this respect.

Although the proposal would still result in a building with the appearance of a four-storey block when viewed from the rear garden and the rear windows on properties in Roxborough Road, the Inspectors comments in this respect, as noted above, are a material consideration, and on that basis, an objection on the grounds of the impact on the appearance of the rear of the property could not reasonably be sustained.

**3) Residential Amenity, including Lifetime Homes**

The proposed flats would each have adequate floor areas and adequate internal circulation areas. As such, they would comply with the requirements of the Council's Adopted Supplementary Planning Document, Residential Design Guide (2010). Furthermore, the flats would benefit from the use of the communal amenity area, which is considered adequate.

The flats would be single aspect only, with windows at the rear. However, the orientation of the internal layout would result in the bedrooms and living rooms having adequate levels of daylighting. Furthermore, rooflights are proposed for the crown roof section which would draw light into the interior of the flats, including the kitchen areas, and would avoid excessive gloominess.

The Council's adopted Supplementary Planning Document, Accessible Homes (2010) notes that on the upper floors of existing buildings, lift access may not be required. Given that the flats would comply with all feasible requirements of Lifetime Homes, the proposal would not be detrimental to the residential amenities of future occupiers of the flats.

Representations have been received noting that the rooflights at the rear could result in overlooking of gardens and properties in Roxborough Road. This matter has been addressed in previous applications at the site, and by the Planning Inspectors, and it is considered that the distance between those neighbouring properties and the proposed rooflights (approximately 40m) would be sufficient to avoid any significant loss of privacy due to overlooking.

**3) Parking and Highway Safety**

The development as a whole provides 2 off-street parking spaces. The site is located within a Controlled Parking Zone. Given the site's location to good public transport links, the proposed level of parking is considered acceptable.

To avoid any additional parking stress in the area, it is considered appropriate to attach a further condition requiring arrangements to be made and put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within the Controlled Parking Zone. Subject to this, the proposals would comply with the aims of saved policy T13 of the Harrow Unitary Development Plan (2004).

**4) Housing**

The proposal represents an additional 2 units to Harrow's housing stock, which would make a positive contribution to the borough, and would be in accordance with the aims of PPS3 and London Plan Policy 3A.3.

The proposed density is 474 habitable rooms per hectare (hrph), which is considered satisfactory for this location and type of development. The approved scheme from 2003 has an approved density figure of 416 hrph.

Given that the proposal is for the provision of two flats in a building which has already been completed and occupied, it is considered that there is no requirement for affordable housing in this instance.

**5) S17 Crime & Disorder Act**

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

**6) Consultation Responses**

- Proposal would still result in a four-storey building that would be out of scale and character with the area – these matters have been addressed in the Character and Appearance of the Area section of the appraisal
- Rooflights either at front or rear would be clearly visible and out of character – these matters have been addressed in the Character and Appearance of the Area section of the appraisal
- Loss of privacy to properties in Roxborough Road – this matter has been addressed in the Residential Amenity section of the appraisal
- Kitchen with no windows would not be ideal – the proposed kitchen/living room would have one window at one end of the room, which would leave the kitchen end of the room with no standard window. However, the plans indicate that the kitchen area would benefit from a rooflight in the crown roof section.
- The issue of different room uses arranged vertically can be adequately addressed through insulation which is required under the Building Regulations

**CONCLUSION**

The proposal would make effective use of the existing building to provide additional residential accommodation in the London Borough of Harrow and would not have a significant adverse impact on the character and appearance of the streetscene or the amenities of neighbours.

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 publicity and consultation, 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 be carried out in accordance with the following approved plans and documents:

100.0 Rev B; 102 Rev D; 106 Rev C; 107 Rev C; 109 Rev D; 109A Rev A; 111 Rev D; 111A Rev D; 153 Rev E; 153.3 Rev E; 154 Rev C; Design and Access Statement

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

3 Before the development hereby permitted is occupied arrangements shall be agreed in writing with the local planning authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within the Controlled Parking Zone.

REASON: To ensure that the scheme adequately addresses the landscaping and sustainability requirements of HUDP Policies T13, D4 and D9."

4 The development hereby permitted, as detailed in the submitted and approved drawings, shall be built to the relevant Lifetime Homes Standards, with the exception of criteria 5, 15 and 16, and thereafter retained to those standards.

REASON: To ensure provision of 'Lifetime Homes' standard housing in accordance with policies 3A.5 and 4B.5 of The London Plan (2008) and saved policies D4 and C16 of the Harrow Unitary Development Plan (2004) and the council's adopted Supplementary Planning Document – Accessible Homes (2010).

5 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. measures to control the emission of dust and dirt during construction
- v. a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: To ensure that the construction of the development does not unduly impact on the amenities of the existing occupiers of the properties on the site, thereby according with saved policies D4 and T13 of the Harrow Unitary Development Plan (2004)

## **INFORMATIVES**

### **1 INFORMATIVE**

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

The decision to grant planning permission has been taken as the proposal would make effective use of the existing building to provide additional residential accommodation in the London Borough of Harrow and would not have a significant adverse impact on the character and appearance of the streetscene or the amenities of neighbours. This decision has been made having regard to the policies and proposals of the London Plan 2008 and the saved policies of the Harrow Unitary Development Plan set out below, and to all relevant material considerations including comments received in response to publicity and consultation.

Planning Policy Statement 1 – Delivering Sustainable Development (2005)

Planning Policy Statement 3 – Housing (2010)



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

3A.8 – Definition of Affordable Housing

3A.10 – Negotiating affordable housing in individual private residential and mixed-use schemes

3A.11 – Affordable housing thresholds

4B.1 – Design principles for a compact city

4B.8 – Respect local context and communities

Harrow Unitary Development Plan:

D4 – The Standard of Design and Layout

D5 – Residential Amenity

D9 – Streetside greenness and forecourt greenery

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

C16 – Access to Buildings and Public Spaces

Supplementary Planning Document, Accessible Homes (2010)

Supplementary Planning Document, Residential Design Guide (2010)

## 2 INFORMATIVE

### THE PARTY WALL ETC. ACT 1996

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

### CONSIDERATE CONTRACTOR CODE OF CONDUCT

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  
RESIDENTS' PARKING PERMITS

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: 100.0 Rev B; 102 Rev D; 106 Rev C; 107 Rev C; 109 Rev D; 109A Rev A;  
111 Rev D; 111A Rev D; 153 Rev E; 153.3 Rev E; 154 Rev C; Design and  
Access Statement

### SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

None.

## SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

None.

## SECTION 5 - PRIOR APPROVAL APPLICATIONS

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**Item : 5/01**  
**LAND FRONTING 130 STANMORE HILL, P/0545/11**  
**STANMORE, HA7 3BY**

WARD: STANMORE PARK

PRIOR APPROVAL FOR INSTALLATION OF ONE EQUIPMENT CABINET (1.6M X 1.2M X 0.45M) (APPLICANT REF: 516426 192993) (PCP: 024)

**Applicant:** Harlequin Ltd  
**Case Officer:** Olive Slattery  
**Statutory Expiry Date:** | 22-APR-11

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### RECOMMENDATION

#### 1. PRIOR APPROVAL IS REQUIRED

**2. REFUSE PRIOR APPROVAL** of siting and appearance for the development as described in the application and submitted plans for the following reasons:

1. The proposed equipment cabinet by reason of its siting and inappropriate design would result in an obtrusive form of development and add visual clutter to this part of the Little Common Conservation Area. The proposal would therefore detract from the adjacent Grade II Listed boundary wall and the visual amenities and open character of the street scene. The proposal would therefore fail to preserve or enhance the character or appearance of the Little Common Conservation Area, contrary to Planning Policy Guidance 8: Telecommunications Development (2001), Planning Policy Statement 5: Planning for the Historic Environment (2010), saved policies D4, D11, D14, D15, D24 and D29 of the Harrow Unitary Development Plan (2004) and the provisions of the Little Common Conservation Area Policy Statement (October 2003).
2. The applicant has failed to demonstrate that there is no satisfactory alternative siting, and a less harmful means of meeting the network coverage, contrary to Planning Policy Guidance 8: Telecommunications Development and saved policy D24 of the Harrow Unitary Development Plan (2004).

#### **National Policy Guidance**

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Guidance 2: Green Belts (1995)

Planning Policy Guidance 8: Telecommunications Development (2001)

Planning Policy Statement 5: Planning For The Historic Environment (2010)

#### **London Plan:**

4B.1 - Design principles for a compact city

**Saved Policies of Harrow Unitary Development Plan:**

EP31 – Areas of Special Character

EP32 – Acceptable Land Uses

D4 - The Standard of Design and Layout

D11 – Statutorily Listed Buildings

D14 - Conservation Areas

D15 - Extensions and Alterations in Conservation Areas

D24 - Telecommunications Development

D29 - Street Furniture

T6 - The Transport Impact of Development Proposals

T9 - Walking

T13 - Parking Standards

Supplementary Planning Document “Access for All” (2006)

Little Common Conservation Area Policy Statement (October 2003)

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**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) Siting and Appearance (PPS1, PPS5, PPG2, PPG8, 4B.1, EP31, EP32, D4, D11, D14, D15, D24, D29, SPD)
- 2) Accessibility and Highways Considerations (T6, T9, T13, SPD)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

**INFORMATION**

This application is reported to committee as the application falls outside the scheme of delegation for the determination of telecommunications equipment.

**a) Summary**

Statutory Return Type: 27: Notifications Under Circular  
Conservation Area: Little Common Conservation Area  
Council Interest: Public Highway

**b) Site Description**

- The application site is located on the north-eastern side of Stanmore Hill, at the junction of Stanmore Hill and Wood Lane.
- There is an informal area of open space at this junction. The southern side of this junction is hardsurfaced and the northern side of this junction is grassed with a number of mature trees.
- The site is within the Little Common Conservation Area.
- It is also within the Green Belt and the Harrow Weald Ridge Area of Special Character, as designated by the Harrow Unitary Development Plan (2004).
- The boundary walls fronting No. 118 to No. 128 and No. 173 Stanmore Hill are Grade II Listed.

**c) Proposal Details**

- The applicant is seeking prior approval for the siting and appearance for one equipment cabinet. This cabinet would have dimensions of 1.6m x 1.2m x 0.45m and would be dark green in colour.
- It would be sited on the southern side of the Stanmore Hill / Wood Lane junction, which is hardsurfaced.
- It is proposed to site the cabinet immediately adjacent to the front boundary of No 130 Stanmore Hill. This front boundary is comprised of a low wall with railings above it.
- The proposed equipment cabinet would be sited approximately 4 m from the Grade II Listed boundary wall fronting No. 118 to No. 128 Stanmore Hill.

**d) Relevant History**

- None

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- This application is supported by a Design Statement forming part of the application form.

**g) Consultations**

- Conservation and Design Officer – Objection to the subject proposal on the grounds that the proposed equipment cabinet would add to the street clutter in the Little Common Conservation Area and it would also detract from the setting of Grade II Listed Walls in this Conservation Area.
- Stanmore Society – No comments received
- Conservation Area Advisory Committee - Objects to the addition of further street clutter
- Highway Engineer - No objection to the subject proposal

**Advertisement:** Character of Conservation Area      Expiry: 01-APR-11

**Notifications:**

Sent: 14                      Replies: 1                      Expiry: 30-MAR-11

**Addresses consulted:**

128 Stanmore Hill  
157 Stanmore Hill  
Flat 1, Wellington House  
Flat 2, Wellington House  
Flat 3, Wellington House  
Flat 4, Wellington House  
Flat 5, Wellington House  
Flat 6, Wellington House  
Flat 7 , Wellington House

Flat 8, Wellington House  
Flat 9, Wellington House  
Flat 10, Wellington House  
Wellington House  
130 Stanmore Hill  
The Lodge, Stanmore Hill

**Summary of Responses:**

- The site is located in an Area of Special Character, a Conservation Area and a Green Belt
- The site is already cluttered with street furniture inappropriate in a Conservation Area
- The site is very sensitive
- This site is very visible in the streetscene given its siting on a hill
- The proposal would be unsightly and noticed by people

**APPRAISAL**

**1) Siting and Appearance**

In assessing an application for prior approval national policy guidance PPG 8 on Telecommunications advises that matters such as the following should be taken into consideration when assessing the siting of any telecommunications development:

- the height of the site in relation to the surrounding land;
- the existence of topographical features and natural vegetation;
- the effect on the skyline or horizon;
- the site when observed from any side;
- site in relation to areas designated for their scenic or conservation value;
- site in relation to existing masts, structures or buildings, including buildings of a historic or traditional character;
- site in relation to residential property; and
- any other relevant considerations.

With regard to assessing the appearance of telecommunications development, PPG 8 advises that factors such as materials, colour and design should be taken into consideration.

Saved policy D24 of the Harrow Unitary Development Plan (2004) is broadly reflective of the guidance set out under PPG 8. Saved policy D24 will consider proposals for telecommunication development favourably provided that *inter alia* there would be no detrimental impact on conservation areas, listed buildings, important local views and landmarks, there would be no serious risk to amenity in residential areas, and the proposed installation would be sited and designed to minimise visual impact. Saved policies D4, D14, D15 and D29 are also relevant in the assessment of telecommunications development in terms of design, siting, street furniture and proposals that would impact on conservations areas.



As part of a major upgrade programme to install new fibre optic broadband, BT Openreach are seeking to install a number of system cabinets across the borough. These cabinets are generally larger than the other similar style cabinets that have been installed on streets across the borough and therefore in terms of its external appearance such cabinets would be visible in the streetscene.

The proposed equipment cabinet would be located within the Little Common Conservation Area on the back edge of the informal area of open space at the junction of Stanmore Hill and Wood Lane.

In relation to the streetscape along Stanmore Hill, paragraph 9.2.4 of the Little Common Conservation Area Policy Statement (2003) states '*Some items such as bins, street lights and communications equipment could do with greater care in their placement and/or design to ensure that the street scene does not become cluttered with furniture of inappropriate or conspicuous appearance*'. Paragraph 11.2 of the Little Common Conservation Area Policy Statement (2003) outlines the '*The poor design, quality and siting of some elements of street furniture*' as a 'detraction and problem area' which detracts from the character of the Conservation Area. Paragraph 13.3.9 of the Little Common Conservation Area Policy Statement (2003) states that 'Signage should be rationalised and kept in good repair and communications boxes should be as unobtrusive as possible'.

Policy 5 of The Little Common Conservation Area Policy Statement (2003) states that 'The Council will encourage the utility companies to install the minimum amount of new street furniture and to locate any street furniture sensitively'. Policy 7 further states that 'Where within Council control, new street furniture will be required to be well sited and designed'.

It is proposed to site the cabinet immediately adjacent to the front boundary of No 130 Stanmore Hill which is comprised of a low wall with railings above it and painted white in colour. Given the composition and colour of this boundary wall, it is considered that the proposed equipment cabinet would appear bulky, obtrusive and conspicuous against this backdrop and it would therefore detract from the informal area of open space.

There is a prominent speed camera, a lamp post and traffic signage on the informal area of open space, close to where it is proposed to site the equipment cabinet. It is considered that the cumulative effect of the proposed equipment cabinet together with this existing street furniture would result in unacceptable visual clutter which would fail to preserve or enhance the Little Common Conservation Area. The proposal would therefore be contrary to objectives of The Little Common Conservation Area Policy Statement (2003) and the saved policies D14 and D15 of the Harrow Unitary Development Plan (2004)

The boundary walls fronting No. 118 to No. 128 Stanmore Hill and No. 173 are Grade II Listed. The Little Common Conservation Area Policy Statement (2003) notes the importance of listed walls and their contribution to the character of the conservation area as follows: "...a sense of enclosure and density of building is conveyed by the more or less continuous street frontage provided by high boundary walls... These walls, many of which are statutorily listed in their own right, are one of the most important features of Stanmore Hill. Some of the walls are over 4m in height and clearly are vital to the nature of the townscape. They also identify the extent of former large estates in Little Common, Stanmore Hall and Hill House...

Although the buildings on Stanmore Hill are varied, the many brick walls help to tie the area together visually and in character." Policy HE10.1 of Planning Policy Statement 5: Planning for the Historic Environment (2010) states that 'When considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any such harm against the wider benefits of the application.' The proposed equipment cabinet would be sited approximately 4 m from the Grade II Listed boundary wall fronting No. 118 to No. 128 Stanmore Hill and it is considered that the additional clutter resulting from the proposed equipment cabinet would detract from the setting of this listed wall, contrary to Planning Policy Statement 5: Planning for the Historic Environment (2010), The Little Common Conservation Area Policy Statement (2003) and saved policy D11 of the Harrow Unitary Development Plan (2004).

The proposed equipment cabinet would be sited within the Harrow Weald Ridge Area of Special Character and the Green Belt. It is considered that no harm would result to any structural features within the Area of Special Character or the Green Belt, as a result of this proposal, thereby complying with saved policies EP31 and EP32 of the Harrow Unitary Development Plan (2004) and Planning Policy Guidance 2: Green Belts (1992).

The applicant has failed to demonstrate that there are no other satisfactory alternative locations for the proposed siting of the equipment cabinet to meet the network coverage as required by Criterion A) of saved policy D24.

In assessing applications for telecommunication development due regard must also be given to any potential health hazard upon the surrounding community. The proposal relates to the installation of cabinet to house fibre optic cables. It is considered that such a proposal would not pose any health hazards upon the local community.

For the reasons discussed above, it is considered that the siting and appearance of the proposed cabinet would fail to meet the objectives set out under saved policies D4, D11, D14, D15, D24 and D29 of the Harrow Unitary Development Plan (2004) and would be contrary to the guidance set out in Planning Policy Guidance 8: Telecommunications Development and Planning Policy Statement 5: Planning For The Historic Environment

**2) Accessibility and Highways Considerations**

In terms of assessing the siting of the proposed cabinet with regards to the Council's Access for All SPD (2006), the proposed cabinet would be located at the back edge of the pavement and therefore the siting of the proposed cabinet would not impede upon pedestrian access. Likewise the proposed siting would not affect highway safety and the Council's Highway Engineer has raised no objection to the proposed siting of the equipment cabinet on highways grounds.

**3) S17 Crime & Disorder Act**

It is considered that the proposed siting and appearance of the equipment cabinet would not have any adverse crime or safety concerns.

**4) Consultation Responses**

All material planning considerations have been addressed in the above report.

**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.

**INFORMATIVES**

**1 INFORMATIVE:**

The following policies in the London Plan and-or the Harrow Unitary Development Plan are relevant to this decision:

**National Policy Guidance**

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Guidance 2: Green Belts (1995)

Planning Policy Guidance 8: Telecommunications Development (2001)

Planning Policy Statement 5: Planning For The Historic Environment (2010)

**London Plan:**

4B.1 - Design principles for a compact city

**Saved Polices of Harrow Unitary Development Plan:**

EP31 – Areas of Special Character

EP32 – Acceptable Land Uses

D4 - The Standard of Design and Layout

D11 – Statutorily Listed Buildings

D14 - Conservation Areas

D15 - Extensions and Alterations in Conservation Areas

D24 - Telecommunications Development

D29 - Street Furniture

T6 - The Transport Impact of Development Proposals

T9 - Walking

T13 - Parking Standards

Supplementary Planning Document "Access for All" (2006)

Little Common Conservation Area Policy Statement (October 2003)

Item 5/01 : P/0545/11 continued/...

Plan Nos: Location Plan; Location Map / Photograph of Cabinet (DSLAM);  
Dimensioned Elevation of Equipment Cabinet

**LAND FRONTING WELLINGTON HOUSE, P/0397/11  
AYLMER DRIVE, STANMORE, HA7 3ES**

Ward: Stanmore Park

PRIOR APPROVAL FOR INSTALLATION OF ONE EQUIPMENT CABINET (1.41M X 0.37M X 1.21M) (APPLICANT REF: 516400 192999 ) (PCP: 24)

**Applicant:** Mr Ashwin Patel  
**Case Officer:** Nicola Rankin  
**Statutory Expiry Date:** | 11-APR-11

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## **RECOMMENDATION**

### **1. PRIOR APPROVAL IS REQUIRED**

**2. GRANT PRIOR APPROVAL** of siting and appearance for the development as described in the application and submitted plans.

### **National Policy Guidance**

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Guidance 8: Telecommunications Development

Planning Policy Statement 5: Planning For The Historic Environment

### **London Plan:**

4B.1 - Design principles for a compact city

### **Harrow Unitary Development Plan:**

D4 - The Standard of Design and Layout

D11 – Statutorily Listed Buildings

D14 - Conservation Areas

D15 - Extensions and Alterations in Conservation Areas

D24 - Telecommunications Development

D29 - Street Furniture

EP31 - Area of Special Character

T6 - The Transport Impact of Development Proposals

T9 - Walking

T13 - Parking Standards

Supplementary Planning Document "Access for All" (2006)

Little Common Conservation Area Policy Statement (adopted October 2003)

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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) Siting and Appearance (PPS1, PPS5, PPG8, 4B.1, D4, D14, D15, D24, D29, SPD)
- 2) Accessibility and Highways Considerations (T6, T9, T13, SPD)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

## **INFORMATION**

This application is reported to committee as the application falls outside the scheme of delegation for the determination of telecommunications equipment.

### **a) Summary**

Statutory Return Type: 27: Notifications Under Circular  
Conservation Area: Little Common Conservation Area  
Council Interest: None

### **b) Site Description**

- The application site is located to the rear of the pavement on the western side of Aylmer Drive on the corner with Stanmore Hill.
- At the back edge of the pavement is a 3 metre brick wall and hedge. Immediately to the rear of the site is a block of flats known as Wellington House.
- The brick wall is grade II listed and is part of the boundary wall to No. 173 (Hill House), running south east from the northern point of the house, turning into Aylmer Drive.
- A telecommunications equipment cabinet is located on this site. The existing cabinet shell dimensions are 1.21m (height) x 1.41m (width) x 0.37m (depth).
- There is a grade II listed boundary wall fronting No. 118 to No. 128 along Stanmore Hill to the south east of the site.
- To the north east of the site is also the grade II listed Lodge and gate piers of Stanmore Hall, Wood Lane.
- The site is situated within the Little Common Conservation Area.

### **c) Proposal Details**

- The applicant is seeking prior approval for the siting and appearance for one equipment cabinet. This cabinet would have dimensions of 1.41 m (width) x 0.37 m (depth) x 1.21 m (height) and would be dark green in colour. This cabinet would replace an existing, smaller cabinet.

### **d) Relevant History**

- None

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

- None

### **f) Applicant Statement**

- None

### **g) Consultations**

**Design and Conservation Officer:** No objection

**Highways Engineer:** No objection

**Advertisement:** Character of Expiry: 06-APR-11  
Conservation Area and  
Setting of a Listed  
Building

**Notifications:**  
Sent: 4 Replies: 0 Expiry: 14-MAR-11

**Addresses Consulted:**  
118, 128, 130, 155, 157 Stanmore Hill  
131 (Rosebank) and Rosehill, Wood Lane  
Woodland Opposite Wellington House, Wood Lane  
Flats 1 - 10, Wellington House, Aylmer Drive  
The Lodge, 23 Stanmore Hall, Wood Lane  
Stanmore Society  
Conservation Area Advisory Committee

Summary of Responses: NA

## **APPRAISAL**

### **1) Siting and Appearance**

In assessing an application for prior approval national policy guidance PPG 8 on Telecommunications advises that matters such as the following should be taken into consideration when assessing the siting of any telecommunications development:

- the height of the site in relation to the surrounding land;
- the existence of topographical features and natural vegetation;
- the effect on the skyline or horizon;
- the site when observed from any side;
- site in relation to areas designated for their scenic or conservation value;
- site in relation to existing masts, structures or buildings, including buildings of a historic or traditional character;
- site in relation to residential property; and
- any other relevant considerations.

With regard to assessing the appearance of telecommunications development, PPG8 advises that factors such as materials, colour and design should be taken into consideration.

Saved policy D24 of the Harrow UDP is broadly reflective of the guidance set out under PPG8. Saved policy D24 will consider proposals for telecommunication development favourably provided that *inter alia* there would be no detrimental impact on conservation areas, listed buildings, important local views and landmarks, there would be no serious risk to amenity in residential areas, and the proposed installation would be sited and designed to minimise visual impact. Saved policies D4, D14, D15 and D29 are also relevant in the assessment of telecommunications development in terms of design, siting, street future and proposals that would impact on conservations areas.

As part of a major upgrade programme to install new fibre optic broadband, BT Openreach are seeking to install a number of system cabinets across the borough. These cabinets are generally larger than the other similar style cabinets that have been installed on streets across the borough and therefore in terms of its external appearance such cabinets would be visible in the streetscene.

The proposed equipment cabinet would be located within the Little Common Conservation Area on the back edge of the footpath, fronting Wellington House. The cabinet would be positioned in front of the grade II listed boundary wall of No. 173 Stanmore Hill. There is vegetation to the rear of the proposed equipment cabinet which would help to soften the impact on the streetscape and enable it blend into the environment. It would also be located in the same position as an existing, equipment cabinet, which it would replace.

The overall streetscape appearance is summarized in the Little Common Conservation Area Policy Statement (adopted October 2003), which states: "*The differences in character and townscape within the Little Common Conservation Area continue in terms of differences in treatment of the streetscape. The variety in the streetscape, and particularly floorscape, helps to differentiate between more urban and more rural parts of the conservation area (p.37)*". The general character of the streetscene in this particular part of the Conservation Area is of an Urban Roadscape appearance which still achieves a high level of soft planting including the planted area at the junction of Aylmer Drive (south of the proposal), which helps to soften the streetscene. The Little Common Conservation Area Policy Statement, notes the importance of listed walls and their contribution to the character of the Conservation area as follows "*...a sense of enclosure and density of building is conveyed by the more or less continuous street frontage provided by high boundary walls...These walls, many of which are statutorily listed in their own right, are one of the most important features of Stanmore Hill. Some of the walls are over 4 metres in height and clearly are vital to the nature of the townscape....Although the buildings on Stanmore Hill are varied, the many brick walls help to tie the area together visually and in character.*"

The Policy Statement also notes the importance of the listed wall fronting No. 173 Stanmore Hill (Hill House). stating: "*The old walls of Hill House continue round Wellington House into Aylmer Drive, giving continuity and adding character to the entrance into the road.*"

The proposed cabinet would be sited on the entrance to Aylmer Drive on the corner with Stanmore Hill. With regard to street furniture, the Little Common Conservation Area Policy Statement, states on page 37 that: "*...the narrow pavements in some areas of the road restrict the location of many items...some items such as bins, street lights and communications equipment could do with greater care in their placement and/or design to ensure that the street scene does not become cluttered with furniture of inappropriate or conspicuous appearance....poorly sited items can become eyesores and detract from their surrounding environment and should be removed.*" It is recognised that poor design, quality and siting of some elements of street furniture can detract from the character of Conservation Areas.



In this instance, the proposed cabinet would replace an existing cabinet, of which the external shell would have the same dimensions. The existing cabinet appears to have been in situ for sometime. It would be identical in terms of colour and visual appearance. It is considered that the vegetation to the rear of the cabinet would help to soften the impact on the streetscape and help it to blend into the surrounding environment. In view of all the above factors, including the recognition of the benefits of telecommunications equipment outlined in PPG8, it is considered that the proposed replacement cabinet would not conflict with saved Harrow UDP policies D11 and D14, as well as Planning Policy Statement 5: Planning for the Historic Environment (PPS5).

The proposed equipment cabinet would be sited within the Harrow Weald Ridge Area of Special Local Character. It is considered that no harm would result to any structural features within the Area of Special Character as a result of the proposal, thereby complying with saved policy Ep31 of the Harrow Unitary Development Plan (2004).

In assessing applications for telecommunication development due regard must also be given to any potential health hazard upon the surrounding community. The proposal relates to the installation of cabinet to house fibre optic cables. It is considered that such a proposal would not pose any health hazards upon the local community.

For the reasons discussed above, it is considered that the siting and appearance of the proposed cabinet would meet the objectives set out under saved policies D4, D11, D14, D24 and D29 of the Harrow UDP and would be consistent with the guidance set out in PPG8 and PPS5.

**2) Accessibility and Highways Considerations**

In terms of assessing the siting of the proposed cabinet with regards to the Council's Access for All SPD (2006), the proposed cabinet would be located at the back edge of the pavement and therefore the siting of the proposed cabinet would not impede upon pedestrian access. Likewise the proposed siting would not affect highway safety and the Council's Highway Engineer has raised no objection to the proposed siting of the equipment cabinet on highways grounds.

**3) S17 Crime & Disorder Act**

It is considered that the proposed siting and appearance of the equipment cabinet would not have any adverse crime or safety concerns.

**4) Consultation Responses**

All material planning considerations have been addressed in the above report.

**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.

## **INFORMATIVES**

### **1 INFORMATIVE:**

The following policies in the London Plan and-or the Harrow Unitary Development Plan are relevant to this decision:

#### **National Policy Guidance**

Planning Policy Statement 1 – Delivering Sustainable Development (2005)

Planning Policy Guidance 8 – Telecommunications Development (2001)

Planning Policy Statement 5 - Planning For The Historic Environment (2010)

#### **London Plan:**

4B.1 – Design principles for a compact city

#### **Harrow Unitary Development Plan:**

D4 – The Standard of Design and Layout

D11 – Statutorily Listed Buildings

D14 – Conservation Areas

D15 – Extensions and Alterations in Conservation Areas

D24 – Telecommunications Development

D29 – Street Furniture

EP31 - Area of Special Character

T6 - The Transport Impact of Development Proposals

T9 – Walking

T13 – Parking Standards

Supplementary Planning Document “Access for All”(2006)

Little Common Conservation Area Policy Statement (adopted October 2003)

2 The applicant is advised that this decision relates only to the planning requirements imposed by the Town and Country Planning (General Permitted Development) Order 1995.

3 The applicant is advised that a notification to the local highway authority will be required under the New Roads and Street Works Act 1991 for opening the highway (footway) for installation and any associated ductwork.

Plan Nos: Cabinet 7 Dimensions; Photograph of Existing Cabinet Entitled “Front View”; Location Plan Stanmore PCP 24 (received 16/02/2011)

**LAND IN THE CHASE, ADJACENT 9 NOWER HILL, PINNER, HA5 5QR**

Ward: PINNER

PRIOR APPROVAL FOR INSTALLATION OF ONE EQUIPMENT CABINET (1.20M X 0.45M X 1.60M) (APPLICANT REF: 512718 189335) (PCP: 078)

**Applicant:** Harlequin Ltd  
**Case Officer:** Sushila Bhandari  
**Statutory Expiry Date:** | 02-MAY-11

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## **RECOMMENDATION**

### **1. PRIOR APPROVAL IS REQUIRED**

2. That authority be delegated to the Divisional Director of Planning to determine prior approval of details of siting and appearance for the installation of the equipment cabinet as described in the application and the submitted plans after the neighbour consultation period has expired on 7<sup>th</sup> April 2011.

### **National Policy Guidance**

Planning Policy Statement 1 – Delivering Sustainable Development  
Planning Policy Guidance 8 – Telecommunications Development  
Planning Policy Statement 5 - Planning For The Historic Environment

### **The London Plan:**

4B.1 – Design principles for a compact city

### **Harrow Unitary Development Plan:**

D4 – The Standard of Design and Layout  
D14 – Conservation Areas  
D15 – Extensions and Alterations in Conservation Areas  
D24 – Telecommunications Development  
D29 – Street Furniture  
T6 - The Transport Impact of Development Proposals  
T9 – Walking  
T13 – Parking Standards

Supplementary Planning Document 'Access for All' (2006)

The Pinner Conservation Areas SPD (Appendix 7 – the Tookes Green Conservation Area Appraisal and Management Strategy) (2009)

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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) Siting and Appearance (PPS1, PPS5, PPG8, 4B.1, D4, D14, D15, D24, D29, SPD)
- 2) Accessibility and Highways Considerations (T6, T9, T13, SPD)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

## INFORMATION

This application is reported to committee as the application falls outside the scheme of delegation for the determination of telecommunications equipment.

### a) Summary

Statutory Return Type: 27: Notifications Under Circular  
Conservation Area: Tookes Green Conservation Area  
Council Interest: Public Highway

### b) Site Description

- The application site forms part of the pavement area adjacent to the southern side boundary fencing of the rear garden to No.9 Nower Hill and fronts The Chase.
- The existing side boundary fencing forming part of the rear garden is approximately 1.8m high.
- The site is situated within the Tookes Green Conservation Area.

### c) Proposal Details

- The applicant is seeking prior approval for the siting and appearance for one equipment cabinet. This cabinet would have dimensions of 1.6m x 1.2m x 0.45m and would be dark green in colour.

#### Revisions to Previous Application:

Following the previous decision (P/3268/10.) the following amendments have been made:

- The proposed equipment cabinet has been relocated from the previous location adjacent to the southern boundary wall of the front garden of No.9 Nower Hill to adjacent to the southern boundary fencing of the rear garden of No.9 Nower Hill and fronting The Chase.

### d) Relevant History

P/2727/10	PRIOR APPROVAL FOR INSTALLATION OF ONE EQUIPMENT CABINET (1.6M X 1.2M X 0.45M) (APPLICANT REF: 512749 189343)(PCP: 78)	REFUSED 22-NOV-10
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#### Reasons for Refusal:

1. The proposed equipment cabinet by reason of its prominent siting on a grass verge and unacceptable appearance would result in an obtrusive form of development and add visual clutter within this part of the Tookes Green Conservation Area and would be harmful to the visual amenities of the occupiers at No.9 Nower Hill. The proposal is therefore considered to detract from the visual amenities and open character of the street scene and fails to preserve or enhance the Tookes Green Conservation Area, contrary to Planning Policy Guidance 8: Telecommunications Development, Planning Policy Statement 5: Historic Environment, saved policies D4, D14, D24 and D29 of the Harrow Unitary Development Plan (2004) and the provisions of the Supplementary Planning Document (SPD) (Dec 2009) : Pinner Conservation Area Appendix 7 – Tookes Green Conservation Area Appraisal and Management Strategy (Dec 2009).

2. The applicant has also failed to demonstrate that there is no satisfactory alternative siting, and a less harmful means of meeting the network coverage, contrary to Planning Policy Guidance 8: Telecommunications Development and saved policy D24 of the Harrow Unitary Development Plan (2004).

P/3268/10                      PRIOR APPROVAL FOR INSTALLATION      WITHDRAWN  
OF ONE EQUIPMENT CABINET : (1.6M X      14-JAN-11  
1.2M X 0.45M) : (APPLICANT REF:  
512747 189339) (PCP: 078)

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- This application is supported by a design statement forming part the application form.

**g) Consultations**

CAAC: awaiting comments

Highways Engineer: No specific issues here as remaining footway width is adequate but there is a possible 'Secure by design' issue with regard to the adjoining property.

**Advertisement:**      Character of Conservation Area      Expiry: 07-APR-11

**Notifications:**

Sent: 22                                      Replies: 0                                      Expiry: 07-APR-11

Flats 1-6, 9 Nower Hill  
9 Nower Hill  
Flats 1 to 10 Nower Court, Nower Hill  
Thornlea, 77 The Chase  
Alma Cottage, 67 The Chase  
1, Leamington Cottages, The Chase  
2, Leamington Cottages, The Chase  
Leamington Cottages, The Chase

Summary of Responses:

**APPRAISAL**

**1) Siting and Appearance**

In assessing an application for prior approval national policy guidance PPG 8 on Telecommunications advises that the matters such as the following should be taken into consideration when assessing the siting of any telecommunications development:

- The height of the site in relation to the surrounding land;
- The existence of topographical features and natural vegetation;
- Effect on skyline or horizon;

- When observed from any from any side;
- site in relation to areas designated for their scenic or conservation value;
- site in relation to existing masts, structures or buildings, including buildings of a historic or traditional character;
- site in relation to residential property; and
- any other relevant considerations.

With regard to assessing the appearance of telecommunications development, PPG8 advises that factors such as materials, colour and design should be taken into consideration.

Saved policy D24 of the Harrow UDP is broadly reflective of the guidance set out under PPG 8. Saved policy D24 will consider proposals for telecommunication development favourably provided that *inter alia* there would be no detrimental impact on conservation areas, listed buildings, important local views and landmarks, there would be no serious risk to amenity in residential areas, and the proposed installation would be sited and designed to minimise visual impact. Saved policies D4, D14, D15 and D29 are also relevant in the assessment of telecommunications development in terms of design, siting, street future and proposals that would impact on conservations areas.

As part of a major upgrade programme to install new fibre optic broadband, BT Openreach are seeking to install a number of system cabinets across the borough. These cabinets are larger than the other similar style cabinets that have been installed on streets across the borough and therefore in terms of its external appearance such cabinets would be visible in the streetscene.

In terms of the choice of material and colour, the proposed cabinet has been designed in a way to minimise its impact by choosing to paint the cabinets dark green to blend in with the landscape setting of the streetscene. It is considered that the existing boundary fence would screen the proposed cabinet from the direct view of the occupiers of No.9 Nower Hill and therefore overcoming the previous objections raised under application P/3268/10.

The proposed cabinet is now proposed to be located away from the corner junction of The Chase and Nower Hill and therefore it would not be visually prominent in the streetscene as it was shown to be in both previous applications.

The proposed cabinet would be located within the Tookes Green Conservation Area. The Tookes Green Conservation Area Appraisal and Management Strategy (CAAMS) forms appendix 7 of the Pinner Conservation Areas SPD and was adopted in December 2009. The streetscene of the Conservation Area is described in the Tookes Green CAAMS as being of an uncluttered nature. It states: 'There is not much street furniture within the conservation area and therefore there is an uncluttered appearance.' The guidance note within this CAAMS then states that 'To ensure that the character of the streetscene is both preserved and enhanced, Harrow Council will: b) Encourage utility companies to install the minimum amount of new and replacement street furniture and to locate this sensitively. d) Encourage street furniture and signage to be well sited and designed.'

It is considered that the current proposed site, to be located on The Chase, to the side of no.9 Nower Hill, would be a more sensitive location than the previously proposed corner sites mentioned above and would not contradict with the Tookes Green CAAMS, saved Harrow UDP policy D14 and Planning Policy Statement 5: Planning for the Historic Environment.

In assessing applications for telecommunication development due regard must also be given to any potential health hazard upon the surrounding community. The proposal relates to the installation of cabinet to house fibre optic cables. It is considered that such a proposal would not pose any health hazards upon the local community.

For the reasons discussed above, it is considered that the siting and appearance of the proposed cabinet would meet the objectives set out under saved policies D4, D14, D24 and D29 of the Harrow UDP and would be consistent with the guidance set out in PPG8 and PPS5.

**2) Accessibility and Highways Considerations**

In terms of assessing the siting of the proposed cabinet with regards to the Council's Accessibility Supplementary Planning Document, the proposed cabinet would be located at the end of the footpath and therefore the siting of the proposed cabinet would not impede upon pedestrian access. Likewise, the proposed siting would not affect highway safety and the Council's Highway Engineer has raised no objection to the proposed siting of the equipment cabinet on highways grounds.

**3) S17 Crime & Disorder Act**

It is acknowledged that the siting of the cabinet would be adjacent to the side boundary fencing of No.9 Nower Hill, which in turn could provide some leverage over the fence and into the rear garden. However, there is an unrestricted opening along this southern boundary which provides direct access to the rear garden of the flatted development at No.9 Nower Hill and therefore on balance, the proposed siting and appearance of the equipment cabinet would not have any adverse crime or safety concerns.

**4) 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.

**INFORMATIVES**

**1 INFORMATIVE:**

The following policies in the London Plan and-or the Harrow Unitary Development Plan are relevant to this decision:

**National Policy Guidance**

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Guidance 8 – Telecommunications Development

Planning Policy Statement 5 - Planning For The Historic Environment

**The London Plan:**

4B.1 – Design principles for a compact city

**Harrow Unitary Development Plan:**

D4 – The Standard of Design and Layout

D14 – Conservation Areas

D15 – Extensions and Alterations in Conservation Areas

D24 – Telecommunications Development

D29 – Street Furniture

T6 - The Transport Impact of Development Proposals

T9 – Walking

T13 – Parking Standards

Supplementary Planning Document ‘Access for All’ (2006)

The Pinner Conservation Areas SPD (Appendix 7 – the Tookes Green Conservation Area Appraisal and Management Strategy) (2009)

2 The applicant is advised that this decision relates only to the planning requirements imposed by the Town and Country Planning (General Permitted Development) Order 1995.

3 The applicant is advised that a notification to the local highway authority will be required under the New Roads and Street Works Act 1991 for opening the highway (footway) for installation and any associated ductwork.

Plan Nos: PCP078 (Replan) The Chase, S/O 9 Nower Hill, Pinner; Unnumbered Photograph of Cabinet