

## SECTION 1 – MAJOR APPLICATIONS

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<b>EDGWARE TOWN FOOTBALL CLUB, BURNT OAK BROADWAY, EDGWARE, HA8 5AQ</b>	<b>Item: 1/01 P/1988/11</b>
	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	
<b>Applicant:</b>	Edgware Developments Ltd
<b>Agent:</b>	Kaz Ryzner Associates
<b>Case Officer:</b>	Nicholas Ray
<b>Statutory Expiry Date:</b>	14-SEP-11

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### RECOMMENDATION

**APPROVE** modification of the Section 106 Agreement dated 22 August 2008 relating to the provision of affordable housing, subject to the applicant entering into a deed of variation with the following Heads of Terms:

- (i) The developer to submit evidence of lack of HCA funding and a financial toolkit to the Council for review.
- (ii) The developer to agree a revised level/mix of affordable housing units with the Council if a review of the toolkit demonstrates that the mix and/or level of affordable housing units required under the original section 106 agreement is not viable.
- (iii) The level/mix of affordable housing units to be provided by the developer shall at no time be less than: 14 social rented units (3 x 3 bed flats, 7 x 4 bed houses and 4 x 5 bed houses) and 9 intermediate units (6 x 1 bed flats and 3 x 2 bed flats).
- (iv) The remaining units within the development shall remain as open market housing.
- (v) 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 to complete the S106 agreement and to agree any minor amendments to the conditions or the head of terms of the legal agreement.

### REASON

The decision to approve this modification has been taken having regard to the policies and proposals in The London Plan 2011, the saved policies of the Harrow Unitary Development Plan 2004 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 2011:**

3.8 – Housing Choice

3.9 – Mixed and Balanced Communities

3.10 – Definition of Affordable Housing

3.11 – Affordable Housing Targets

3.12 – 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 2011 and saved policies of The London Borough of Harrow Unitary Development Plan 2004)**

- 1) Affordable Housing (PPS1, PPS3, 3.8, 3.9, 3.10, 3.11, 3.12, 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 approved 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

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 2008 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 as that assumed when the original appraisal was undertaken 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 14 social rented units (3 bed flats, 4 and 5 bed houses) and 9 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, if an appropriate level of public funding was to become available prior to commencement of the development. It is therefore proposed that this arrangement be retained, with a cascade clause put in place to facilitate further negotiation. The clause would ensure further negotiation of the level, tenure 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 3.12 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 2011 and the saved policies of the Harrow Unitary Development Plan 2004 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 of affordable housing on this site, in line with policy requirements.

Plan Nos: None.

**GOODWILL TO ALL PUBLIC HOUSE,  
HEADSTONE DRIVE, WEALDSTONE, HA1  
4UN**

Ward: Marlborough

VARIATION OF CONDITION 16 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION P/1676/10 DATED 22/09/2010 TO ALLOW MODIFICATIONS TO THE INTERNAL LAYOUTS AND EXTERNAL APPEARANCE OF THE BUILDING.

**Applicant:** Mr Dean Grimes  
**Agent:** HTA Ltd  
**Case Officer:** Andrew Ryley  
**Statutory Expiry Date:** 07-OCT-11

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### **RECOMMENDATION**

The decision to GRANT permission has been taken having regard to the policies and proposals in the London Plan (2011) and the saved policies of the Harrow Unitary Development Plan (2004) set out below, and to all relevant material considerations, as outlined in the application report. The proposed development would lead to the regeneration of this site and make an important contribution to the delivery of housing, including affordable housing where there is an identified significant shortfall, and the variation of planning condition 16 of this permission would not have a detrimental impact on this.

London Plan (2011):

- 2.7 – Outer London: Economy
- 3.1 – Ensuring Equal Life Chances For All
- 3.3 – Increasing Housing Supply
- 3.4 – Optimising Housing Supply
- 3.8 – Housing Choice
- 3.9 – Mixed and Balanced Communities
- 3.12 – Negotiating Affordable Housing On Individual Private Residential And Mixed Use Schemes
- 4.1 – Developing London's Economy
- 7.1 – Building London's Neighbourhoods and Communities
- 7.3 – Designing Out Crime
- 7.4 – Local Character
- 7.6 – Architecture

Harrow Unitary Development Plan (2004):

- D4 – The Standard of Design and Layout
  - D5 – New Residential Development – Amenity Space and Privacy
  - D9 – Streetside Greenness and Forecourt Greenery
  - T6 – The Transport Impact of Development Proposals
  - T13 – Parking Standards
  - EP12 – Control of Surface Water Run-Off
  - EP20 – Use of Previously-Developed Land
  - H7 – Dwelling Mix
  - C16 – Access to Buildings and Public Spaces
- Supplementary Planning Document: Sustainable Building Design (2009)

Supplementary Planning Document: Accessible Homes (2010)

Supplementary Planning Document: Harrow Residential Design Guide (2010)

**MAIN CONSIDERATIONS AND POLICIES (London Plan 2011 and saved policies of the Harrow UDP 2004 and any other relevant guidance)**

- 1) Principle of development (London Plan 2.7, 3.1, 7.3, 7.4B, 7.6B, UDP D4, C16 )
- 2) S17 Crime & Disorder Act (London Plan 7.3, UDP D4)
- 3) Consultation Responses

**INFORMATION**

This application is reported to committee as a variation to a condition of a major planning application falls outside category 14 of the scheme of delegation.

**a) Summary**

Statutory Return Type: 7 Smallscale Major Residential  
Council Interest: None

**b) Site Description**

- The application relates to the generally rectangular shaped, 2,860 sq m site of the Goodwill to All Public House, which is located on the northwest corner of the junction of Headstone Drive and Harrow View, Wealdstone.
- The site was until recently occupied by a two storey Public House building that was positioned to the western end of the site, addressing the road junction. This has now been demolished as part of planning application P/1676/10.
- The site is not covered by any specific land use designation in the Harrow UDP, and the site is not within a Conservation Area.
- The site has a Public Transport Accessibility Level of 2.
- Application site has been given planning permission for the demolition of existing public house and redevelopment of site to create a four-storey building comprising 43 flats landscaping parking and refuse.

**c) Proposal Details**

- Permission is sought to vary Condition 16 attached to planning permission P/1676/10 dated 22/09/2010 to allow modifications to the internal layouts and external appearance of the building.
- Condition 16 of planning permission ref P/1676/11 states: "The development hereby permitted shall be carried out in accordance with the following approved plans: 28130, 28130E, F520/NP001, F520/NP002, F520/NP003, F520/NP004, F520/NP005, F520/NP006, F520/NP007, F520/NP010, F520/NP011, F520/NP012, F520/NP013, F520/NP100, F520/NP110, F520/NP120, F520/NP130, F520/NP140, F520/NP200 Rev A, F520/NP201 Rev A, F520/NP202 Rev A, F520/NP203, F520/NP204, F520/NP205, F520/NP210, F520/NP211. Design and Access Statement, Sustainability Statement, Pre-Construction Energy Statement, Transport Report, Planning Statement, Environmental Desk Top Report. REASON: For the avoidance of doubt and in the interests of proper planning."

- The applicant proposes to change this to: “The development hereby permitted shall be carried out in accordance with the following approved plans: HSD-SK(0)-100, HSD-SK(0)-110, HSD-SK(0)-120, HSD-SK(0)-130, HSD-SK(0)-140, HSD-SK(0)-250, HSD-SK(0)-251, HSD-SK(0)-270, HTA-300-L-301-HSD-RA-2B4P-A-WCH-PLANNING, HTA-300-L-303-HSD-RA-2B4P-B-WCH-PLANNING, HTA-300-L-314-HSD-SO-1B2P-F-PLANNING, HTA-300-L-321-HSD-SO-2B4P-A-WCH-PLANNING, HTA-300-L-322-HSD-SO-2B4P-B-WCH-PLANNING, HTA-300-L-326-HSD-SO-2B4P-F-PLANNING. Design and Access Statement, Sustainability Statement, Pre-Construction Energy Statement, Transport Report, Planning Statement, Environmental Desk Top Report. REASON: For the avoidance of doubt and in the interests of proper planning.”
- The changes to the development proposed in the replacement plans are:
  - The unit numbers and tenure mix remains the same as the consented scheme. The north facing extent of the building along the podium has been increased by approximately 300mm to allow for the correct wall thickness to achieve the required energy performance targets. The site boundary remains the same
  - The height of the building has been updated to reflect the required roof build up and true reflections of the heights of lift overruns and Automated Vent Shafts. The height of the building still remains below the adjacent Kodak Building. Levels for the current proposals have been approved as part of the application to discharge the planning conditions.
  - Building footprint enlarged due to proposed wall thicknesses being inadequate to meet Code requirements, to ensure all units meet Housing Quality Indicators (HQI – a measurement and assessment tool used by the Homes and Communities Agency (HCA) to evaluate housing schemes on the basis of quality rather than just cost) minimum overall internal sizes and to meet Lifetime Homes standards.
  - Communal corridor enlarged for Lifetime Homes compliance and to allow wheelchair turning zones.
  - Glazing to western stair core at ground level substituted for masonry, to increase impact resistance and robustness.
  - Parking configuration – made more efficient and overall area reduced in order to allow retaining wall solutions at eastern and northern boundaries, to reduce need for site access to neighbouring site, and to permit discrete horizontal ventilation to car park area.
  - Bike storage relocated and consolidated from two stores to one. Numbers reduced from 46 to 45 due to spatial restrictions; however numbers proposed still achieve compliance with Code for Sustainable Homes and The London Plan.
  - Windows fenestration coordinated between plan and elevation. Some openings moved to coordinate with unit plans amended to achieve Building Regulations compliance and to permit accommodation of required HQI furniture and services at returns in wall.
  - Metal cladding to refuse enclosure at vehicle entrance area substituted to brick, as a more robust material is required due to inevitable impact to this location.

- Height of building – raised by 300mm for reasons of buildability (to 12.53m), as no allowance for roof build up (including insulation with falls, flat roof membrane and parapets) was made to consented drawings. However new ridge height proposed is still to be below the ridge height of the neighbouring Kodak building. Anti fall barriers to be raked back from parapet so as to not be visible from ground level.
- Sliding screens at the external corner have been amended to fixed screens in order to reduce health and safety risks, and screen to ground floor omitted as it was noted by the Crime Prevention Design Advisor to be a security risk in providing a climbing aid to the first floor balconies.
- Rainwater pipes and vent extracts now indicated and have been kept off the brick panels on the front elevations and coloured to suit the cladding panels they come out of.
- Palette of eight non standard brick colours from non designated manufacturers optimised to two vibrant contrasting brick cladding colour choices. The colours have been reduced to a vibrant red and blue.
- Render used between masonry panels to create returns in the façade yet ensuring high insulation values to meet Code requirements. Colour chosen is a neutral 'Ivory' colour to reinforce contrasting colour variation of projecting brick clad panels. The render panels also serves as a transitional element between the two brick cladding panels.
- Metal cladding substituted for Marley Eternit grey panel rainscreen, as areas are exposed and accessible and thus require more robust materials for impact resistance.

**d) Relevant History**

P/1676/10	DEMOLITION OF EXISTING PUBLIC HOUSE AND REDEVELOPMENT OF SITE TO CREATE A FOUR-STOREY BUILDING COMPRISING 43 FLATS, LANDSCAPING, PARKING AND REFUSE [RE-SUBMISSION]	GRANTED 22-SEP-10
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**e) Consultations**

**Environment Agency:** No comment to make.

**Highway Engineer:** No comment to make.

**Notifications:**

Sent: 318      Replies: 0      Expiry: 11-AUG-11

**Summary of responses:**

N/A



## **APPRAISAL**

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

The applicant proposes to make a Minor-Material Amendment to the approved development to substitute a new set of drawings in place of the approved ones. The Government has advised that “*A minor material amendment is one whose scale and nature results in a development which is not substantially different from the one which has been approved*” (Greater flexibility for planning permissions: Guidance 2009), and that applications for these should be made via the existing Section 73 route in lieu of any changes to primary legislation.

The applicant is proposing a significant number of changes to the consented scheme. However, the majority of these changes are in relation to the structure of the building itself and its internal layout. The applicant has advised that the majority of these changes are to ensure that the development would comply with various standards, such as the Code for Sustainable Homes, Building Regulations and Secure by Design. The contractors employed by the applicant have been in discussions with the Crime Prevention Design Advisor, and a number of the changes are to ensure that the development would be more secure and therefore achieve Secure by Design accreditation.

The main change proposed that impacts on the development from a planning perspective are alterations to the external elevations of the building. Whilst the overall size, scale and layout broadly remain the same – subject to the minor increases as set out above – the applicant has advised that the elevations as approved posed a number of build problems. For instance, the applicant’s contractor has advised that the eight different bricks as shown on the approved elevations were not possible to source. Following discussions with officers prior to the application being made, it was stressed that a simplification of the materials used in the main elevations may be appropriate, subject to the vertical emphasis of the original design rationale being retained. As such, this application proposes amending the materials to be used (which were not stipulated in the planning conditions for the original consent), to a more simple palette of a red brick facing onto Headstone Lane, and a blue brick facing onto Harrow View. However, the vertical emphasis of the design would be retained by differentiating these through the use of render and cladding. Samples of these materials have been submitted to the Council, and should be included as a new planning condition should Members be minded to give consent to the Section 73 application.

It is noted that the Council’s Highways Engineer has raised no objections to the revision to the cycle storage details, which still comply with the Code for Sustainable Homes and The London Plan. Similarly, the revisions made to the bin storage do not raise any issues.

Paragraph 72 of the Governments guidance document ‘Greater flexibility for planning permissions: Guidance (2009)’ identifies how Local Planning Authorities should approach applications for Minor-Material Amendments. It states:  
*“The development which the application under s.73 seeks to amend will by definition have been judged to be acceptable in principle at an earlier date.*

*These applications should be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, but LPAs should, in making their decisions, focus their attention on national or local policies or other material considerations which may have changed significantly since the original grant of permission, as well as the changes sought."*

As set out above, this application seeks to amend different parts of the approved development. However, on the whole, it is considered that the proposed changes, although not inconsiderable in number, would not lead to the development falling outside of the scope of the original planning permission. Although The London Plan (2011) has been updated since the original planning permission was approved, it is considered that this does not have a material impact upon the Council's determination of the application. As such, on this basis the application is considered acceptable and is recommended for approval accordingly.

**2) S17 Crime & Disorder Act**

The development does not have any material impact with respect to this legislation.

**3) Consultation Responses**

N/A.

**CONCLUSION**

The decision to grant permission has been taken on the basis that the proposed development would lead to the regeneration of this site and make an important contribution to the delivery of housing, including affordable housing where there is an identified significant shortfall, and the variation of planning condition 16 of this permission would not have a detrimental impact on this.

The application is therefore recommended for grant, subject to the following conditions:

**CONDITIONS**

1 This permission shall have the effect of varying condition numbered 16 on full planning permission reference P/1676/10 dated 22<sup>nd</sup> September 2010 to read:

The development hereby permitted shall be carried out in accordance with the following approved plans: HSD-SK(0)-100, HSD-SK(0)-110, HSD-SK(0)-120, HSD-SK(0)-130, HSD-SK(0)-140, HSD-SK(0)-250, HSD-SK(0)-251, HSD-SK(0)-270, HTA-300-L-301-HSD-RA-2B4P-A-WCH-PLANNING, HTA-300-L-303-HSD-RA-2B4P-B-WCH-PLANNING, HTA-300-L-314-HSD-SO-1B2P-F-PLANNING, HTA-300-L-321-HSD-SO-2B4P-A-WCH-PLANNING, HTA-300-L-322-HSD-SO-2B4P-B-WCH-PLANNING, HTA-300-L-326-HSD-SO-2B4P-F-PLANNING. Design and Access Statement, Sustainability Statement, Pre-Construction Energy Statement, Transport Report, Planning Statement, Environmental Desk Top Report.

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

2 The permission hereby granted is supplemental to planning permission Ref: P/1676/10 dated 22<sup>nd</sup> September 2010. Save as modified by this permission, the terms and conditions of the original permission are hereby ratified and remain in full force and effect unless otherwise agreed in writing by the Council.

## SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

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Item: 2/01

**LOWER PRIORY FARM, CLAMP HILL, P/1251/11  
STANMORE, HA7 3JJ**

Ward STANMORE PARK

DEMOLITION OF EXISTING WORKSHOPS AND INDUSTRIAL BUILDINGS; NEW TWO STOREY DWELLINGHOUSE; ASSOCIATED LANDSCAPING

**Applicant:** Mr Gerry Rochford

**Agent:** Indigo Planning

**Case Officer:** Nicholas Ray

**Statutory Expiry Date:** | 26-JUL-11

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### RECOMMENDATION

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

### REASON

The proposal represents an acceptable departure from policy in this instance. The very special circumstances set out by the applicant demonstrate that the harm by reason of Green Belt inappropriateness, and any other harm, is clearly outweighed in this case. It is therefore considered, on balance, that the very special circumstances exist to justify a departure from the normal application of Green Belt policy. The associated impacts that could arise from the development would be adequately ameliorated through the use of appropriate planning conditions and the development therefore does not have any significant visual, ecological, amenity or other impact that would warrant refusal of planning permission. The development is therefore found to be consistent with government guidance, the policies and proposals in The London Plan (2011) and the saved policies of the Harrow Unitary Development Plan (2004) set out below, and all relevant material considerations as outlined in the application report.

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

PPS1 – Delivering Sustainable Development

PPG2 – Green Belts

PPS3 – Housing

#### **Draft National Planning Policy Framework 2011 (NPPF):**

The Government has issued a Draft National Planning Policy Framework [NPPF] that consolidates national planning policy. This has been considered in relation to this application, but it carries limited weight at this stage of the consultation process as it is in draft form and subject to change. Existing national planning policy remains and carries substantial weight and the NPPF does not propose any change in existing national policy relative to the issues of this application.

**The London Plan 2011**

- 3.5 – Quality and Design of Housing Developments
- 5.3 – Sustainable Design and Construction
- 7.2 – An Inclusive Environment
- 7.4 – Local Character
- 7.16 – Green Belt

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

- EP25 – Noise
- EP26 – Habitat Creation and Enhancement
- EP27 – Species Protection
- EP28 – Conserving and Enhancing Biodiversity
- EP31 – Areas of Special Character
- EP32 – Green Belt – Acceptable Land Uses
- EP34 – Green Belt – Extension to Buildings in the Green Belt
- D4 – The Standard of Design and Layout
- D5 – New Residential Development – Amenity Space and Privacy
- D9 – Streetside Greenness and Forecourt Greenery
- D10 – Trees and New Development
- D18 – Historic Parks and Gardens
- D20, D21 & D22 – Sites of Archaeological Importance
- T6 – The Transport Impact of Development Proposals
- T13 – Parking Standards
- C16 – Access to Building and Public Spaces
- Supplementary Planning Document: Residential Design Guide (2010)
- Supplementary Planning Document: Accessible Homes (2010)
- Supplementary Planning Document: Sustainable Building Design (2009)

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**MAIN CONSIDERATIONS AND POLICIES (National Policy, The London Plan 2011 and saved policies of The London Borough of Harrow Unitary Development Plan 2004)**

- 1) Principle of Development and Very Special Circumstances (PPS1, PPG2, PPS3, 7.16, EP32, EP34)
- 2) Character and Appearance of the Area of Special Character and Historic Park and Garden (PPS5, 7.4, 7.16, EP32, EP34, D4, D9, D18, SPD)
- 3) Residential Amenity (D5, EP25, SPD)
- 4) Traffic and Parking (T6, T13)
- 5) Trees and New Development (D10)
- 6) Accessibility (3.5, 7.2, C16, SPD)
- 7) Sustainability (5.3, SPD)
- 8) Ecology and Biodiversity (EP26, EP27, EP28)
- 9) Archaeology (D20, D21, D22)
- 10) S17 Crime & Disorder Act (D4)
- 11) Consultation Responses

**INFORMATION**

This application is reported to Committee, as it relates to a departure from the development plan and therefore falls outside the thresholds set by the Schedule of Delegation for the determination of new development.

**a) Summary**

Statutory Return	13. Minor Dwellings
Type:	
Lifetime Homes:	1
Council Interest:	None

**b) Site Description**

- The site has an area of 7050m<sup>2</sup> and comprises a former farmhouse containing two flats, a stable block, a ménage, various ancillary buildings and hardstanding and open fields.
- Also on the land is a single storey building which has established use as a Land Rover repair workshop (Class B2) and open storage land comprising building materials and plant and machinery.
- The site is accessed via a track leading from Clamp Hill, approximately 250 metres to the west of the site, which also provides access through the site to a Thames Water reservoir to the north.
- The site is within the Metropolitan Green Belt and Harrow Weald Ridge Area of Special Character and slopes up from south to north.
- The site also falls within Bentley Priory Historic Park and Garden, as well as being located within a Site of Importance for Archaeology in the UDP.
- To the south of the site, behind an area of dense planting is Bentley Wood High School, with the edge of suburban Stanmore beyond.
- To the north and east of the site is Bentley Priory Open Space, a Site of Special Scientific Interest (SSSI).
- To the north west of the site is Priory House, a residential dwelling.
- Adjacent to the western edge of the site are Alvor and Goldan Cottage, both single storey dwellings.

**c) Proposal Details**

- Demolition of vehicle repair workshop, part of stable block and ancillary buildings and removal of hardstanding.
- New detached two storey dwelling with a footprint of 206m<sup>2</sup>, located to the east of the site, in the central part of the former farm complex, on the siting of the existing vehicle repair workshop.
- The dwelling would be of contemporary design with a maximum height of 8.5 metres (7.5 metres above natural ground level due to the drop in levels proposed), a depth of 9.9 metres and a width of 19.9 metres.
- The dwelling would have a pitched roof and would incorporate the use of timber, white render, metal and extensive glazing.
- The dwelling would be some 33 metres from the southern boundary of the site and some 29 metres from the western boundary with Goldan Cottage.
- The dwelling would comprise open plan living space on the ground floor and 5 bedrooms on the first floor.
- The application also proposes landscaping, including laying of grass and planting following the removal of hardstanding, as well as the removal of the open storage land and associated landscape re-instatement.
- Vehicular access would be via the existing track from Clamp Hill and this track would continue to serve the reservoir to the north, being re-instated as part of the landscape plans.

- The former farmhouse would revert to a single dwelling and the stables, ménage, open fields and parts of the former farm buildings would be retained for equine use.

**Revisions to Previous Application (ref P/3138/10):**

- Alterations to the siting of the dwelling to move it away from the open fields.
- Amendments to the design of the dwelling to increase pitch of roof, set the building at a lower level and alterations to the use of materials.
- Previous proposal to re-locate the access road through the site has been omitted.

**d) Relevant History**

HAR/1214	Conversion 1st floor into self-contained flat	GRANTED 19-APR-49
LBH/1357 6/1	Demolition of existing building and erection of detached bungalow	GRANTED 05-DEC-78
EAST/161/ 93/FUL	Relocation of stables and access road	GRANTED 03-AUG-93
EAST/177/ 00/DAF	Determination: agricultural building	PERMISSION NOT REQUIRED 10-MAR-00
P/0309/08	Continued use of a farm building for car servicing, repairs and workshop (excluding panel beating, paint spraying, crash repairs and breaking)	GRANTED 28-MAR-08
P/3138/10	Demolition of existing workshops and industrial buildings; new two storey dwellinghouse; re-siting of access road; associated landscaping	WITHDRAWN 04-MAR-11

**e) Pre-Application Discussion**

- N/A.

**f) Applicant Statement**

- Planning Statement (summarised below):
- The proposed removal of 530m<sup>2</sup> of built development, in conjunction with the removal of industrial uses would result in a significant improvement to the overall appearance and character of the site.
- The proposals seek to reinstate and reinforce the domestic and agricultural character of the site and new landscaping would result in an increase in tree and vegetation cover.
- This application has sought to positively overcome issues raised during the previous submission.
- The very special circumstances put forward justify a departure from Green Belt policy in the context of this proposal.
- Design and Access Statement.
- Landscape, Visual and Arboricultural Report.
- Ecology Survey and Bat Survey.

**g) Consultations:**

**Highways Engineer:** The loss of business use to single residential use is welcomed as general peak and off-peak activities will be reduced hence there is no objection.

**Biodiversity Officer:** No objections, subject to recommendations in Ecology Survey being carried out.

**Conservation Officer:** No objections, the proposal would preserve the character and setting of Bentley Priory Historic Park and Garden.

**Tree Officer:** The arboricultural report for the above proposal is comprehensive and I have no objections to the proposed development. If anything it will greatly improve the appearance of the site, thanks to demolition of the unattractive workshops and increase in the area of soft landscaping.

**Drainage Officer:** Conditions requested relating to surface water storage and disposal, and sewage disposal.

**Landscape Officer:** Detailed landscape proposals should be requested by condition.

**English Heritage (Archaeology):** The proposals are not considered to have an effect on any significant historic assets of archaeological interest.

**Site Notice (Departure):** 16-JUN-11 Expiry: 07-JUL-11

**Advertisement (Departure):** 28-JUL-11 Expiry: 18-AUG-11

**Notifications:**  
Sent: 17 Replies: 1 Expiry: 04-JUL-11

**Addresses Consulted:**

- *Clamp Hill:* Priory House, Mulberry Cottage, 1&2 Hermitage Cottages, Weald Cottage, Maycroft, White Cottage, Maycroft, Weald Cottage, Farmland.
- Bentley Wood High School, Binyon Crescent.

**Summary of Response:**

- Concerns have been raised about the level of commercial activity on the site and the resultant noise, pollution and traffic. Concerns are raised that some of the commercial buildings will remain in use and whether the Council would have more control over these activities.

**APPRAISAL**

**1) Principle of Development and Very Special Circumstances**

Planning Policy Guidance 2: Green Belts sets out the presumption against inappropriate development within such areas. It states that 'such development should not be approved, except in very special circumstances'. The construction of new buildings in the Green Belt is inappropriate, unless it is for the following purposes:

- Agriculture and forestry;
- Essential facilities for outdoor sport and recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it;
- Limited extension, alteration or replacement of existing dwellings;
- Limited infilling of existing villages;
- Limited infilling or redevelopment of major existing developed sites.

This application proposes a new dwellinghouse in the Green Belt. The proposal therefore constitutes inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to demonstrate that the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The very special circumstances (VSC) put forward by the applicant in this case are:

- 1) The removal of unsightly buildings on site and the quantitative reduction in floorspace of 161m<sup>2</sup>, over 30% on that currently on site, and 346m<sup>2</sup> or over 65% in terms of building footprint and resulting visual benefits.
- 2) The removal of the open storage of vehicles and machinery associated with the existing businesses on site and resulting visual benefits.
- 3) The reduced activity from the removal of the industrial buildings (Class B2 vehicle repairs) and their associated activities, which would be likely to reduce the vehicle movements associated with the site from approximately 28-32 a day to approximately 4 per day, with resulting visual improvements to the Green Belt and improved levels of activity for neighbouring residential occupiers.

In relation to VSC1, it is acknowledged that the reduction in the footprint of buildings could improve openness, however this on its own would not justify a new dwelling on the site. This VSC therefore needs to be considered in the context of the other benefits put forward.

The site has a history of industrial use and some parts of the site are in use for storage of plant and machinery, as well as building materials and vehicle parts. As evidenced by the Council's historic aerial photographs, these storage areas have been in use for some time and are probably linked to the established use of part of the site for Land Rover repairs, which the Council has little control over. These open storage areas are within the applicants control and it is proposed to clear these areas and reinstate them with new landscaping. This would result in a significant visual improvement to the landscape quality of the site and it is therefore considered that VSC2 should be afforded substantial weight.

Substantial weight is also attached to VSC3. Officers agree with the applicant's view that the lawful use of part of the site for vehicle repairs is more harmful to the character and appearance of the area, the amenities of neighbouring residential occupiers and highway safety than the proposed single dwellinghouse. It is therefore considered that this gives substantial weight to the case for the provision of a single dwellinghouse on the site.



In Officer's opinion, the very special circumstances set out above, taken cumulatively and in particular VSC2 and VSC3 demonstrate that the harm by reason of inappropriateness, and any other harm, is clearly outweighed in this case. The existing vehicle repair activities and associated storage are causing harm to the Green Belt and to the amenities of neighbouring residential occupiers, by way of noise, pollution and traffic generation, and this is confirmed by a consultation response from a neighbouring resident. It is considered that this proposal represents a good opportunity to remove harmful industrial uses and open storage uses in this part of the Green Belt, close to neighbouring residential properties. The proposed single dwellinghouse would be less harmful and, in conjunction with the reduction in built footprint and soft landscape improvements proposed, the proposal would be more in keeping with its location within the Green Belt and would enhance the rural qualities of the surrounding landscape and improve biodiversity. The small scale equestrian use to be retained, which is established on the site, would be appropriate and would largely be ancillary to the use of the dwellinghouse.

It is therefore considered, on balance, that the very special circumstances exist to justify a departure from the normal application of PPG2 and saved UDP policy EP32 in this case. The principle of a single dwellinghouse on the site is therefore considered to be acceptable.

## **2) Character and Appearance of the Area of Special Character and Historic Park and Garden**

Saved UDP policy D4 requires a high standard of design and layout in all new development. The application site does not form part of a regular pattern of development and has a semi-rural character, comprising a former farm complex. Saved UDP policy EP31 seeks to resist the loss of features which contribute to the Area of Special Character and preserve architectural and historic features that contribute to the character of the area.

The site slopes up from south to north, forming part of the Harrow Weald Ridge Area of Special Character. The former farm complex is located in the south west corner of the site, with the remainder of the site comprising open fields. There is dense vegetation along the southern boundary of the site, which screens the adjacent school complex. The farm complex itself comprises the original farmhouse, a stable block, former farm buildings, hardstanding and a ménage. At present, the site has an industrial appearance, as one of the former farm buildings is in use for Land Rover repairs and the hardstanding and other former farm buildings are in use for storage in association with this workshop. The open storage land to the north is also visible from here. The submitted Visual Impact Assessment demonstrates that the farm complex is highly visible from higher ground to the north.

The proposed new dwellinghouse would be sited in place of the existing vehicle repair workshop and would maintain the same eastern building line, so as not to encroach into the open countryside. The proposal would maintain the historic farmyard layout and would remove the unsightly hardsurfacing and industrial uses that currently exist, resulting in an improvement to the character and appearance of the area.

It is proposed to demolish buildings with a footprint of 530m<sup>2</sup>. The proposed dwellinghouse would have a footprint of 206m<sup>2</sup> and the proposal would therefore result in the reduction in built footprint on the site. The proposed dwellinghouse would also be set down in terms of site levels and, whilst it would be 1.5 metres higher than the workshop building, it would be 1.8 metres lower than the highest part of the adjacent farmhouse. Consequentially, it is considered that the proposal would improve the openness of the Green Belt in this location. The submitted Visual Impact Assessment demonstrates that the appearance of the site would be improved.

The proposed dwellinghouse would be contemporary in design, utilising modern materials. The design would however respect its rural/agricultural setting in terms of scale and appearance. The use of timber cladding and white render would reflect neighbouring buildings, whilst the extensive areas of glazing would result in a lightweight appearance. Overall, the design approach is considered to be appropriate on this site and the proposed dwellinghouse would be an acceptable contemporary addition to the landscape. Samples of materials to be used in the exterior surfaces of the dwellinghouse have been requested by an attached condition.

In summary, it is considered that the proposed dwellinghouse would have an acceptable impact on the character and appearance of the area and would not unduly impact on the openness of the Green Belt. The proposal would therefore be consistent with saved UDP policies EP32, EP34 and D4 in this respect.

The site lies within Bentley Priory Historic Park and Garden. As discussed above, the proposal would result in landscape improvements on the site and would therefore preserve and enhance the character and setting of Bentley Priory Historic Park and Garden, thereby complying with saved UDP policy D18 and PPS5 policies HE7.4 and HE9.1.

As discussed, the proposal would result in a significant improvement to the landscape. Full details of the landscape proposals, including landscape reinstatement, have been requested by an attached condition and the proposal is therefore considered to be consistent with saved UDP policy D9.

### **3) Residential Amenity**

The proposed dwellinghouse would be sited some 14 metres from the side boundary of the original farmhouse and would therefore not result in an overbearing impact or unacceptable overlooking of that property, or the two bungalow dwellings to the west. As discussed above, a single dwellinghouse would result in less noise and disturbance than the established vehicle repair use, so would also be acceptable in this regard. The proposed dwellinghouse would provide ample living accommodation for future occupiers and there would be adequate external amenity space on this large plot. The proposal would therefore comply with saved UDP policy D5.

**4) Traffic and Parking**

The proposed dwellinghouse would utilise the existing access track from Brookshill and, given the limited intensity of the proposed use, this is considered to be acceptable. The Council's Highways Engineer acknowledges the benefits of the removal of the industrial uses and raises no objections to the application. Adequate hardsurfacing would be retained to provide for parking and the proposal is therefore considered to be acceptable in this regard and the proposal would therefore comply with saved UDP policy T13.

**5) Trees and New Development**

As discussed, there are a number of trees of amenity value on the site. The Council's Tree Officer considers that the Arboricultural Report submitted with the application is satisfactory. Details of tree protection methods can be required as part of the landscaping condition. The proposal would therefore have an acceptable impact on the trees on the site and would comply with saved UDP policy D10.

**6) Accessibility**

This large detached dwellinghouse would comply with all 16 points of the Lifetime Homes Standards. The development would therefore provide an accessible and inclusive environment, in line with the requirements of saved UDP policy C16 and the SPD, and London Plan policies 3.5 and 7.2.

**7) Sustainability**

The submitted Design and Access Statement includes a commitment to sustainable design and construction, including compliance with Code for Sustainable Homes level 3 at least. The minimum requirement as set out in the Council's Sustainable Design SPD is code level 3 and a condition is imposed requiring certification to this level. The proposal would therefore comply with the Council's Sustainable Building Design SPD and London policy 5.3.

**8) Ecology and Biodiversity**

The site is located close to Bentley Priory Open Space, which is an SSSI. Saved UDP policies EP26, EP27 and EP28 relate to habitat creation and enhancement, species protection and conserving and enhancing biodiversity. An Ecological Survey and Bat Survey has been submitted, which the Council's Biodiversity Officer considers to be acceptable. Recommendations in the report include the provision of improved landscaping and vegetation, pond enhancement, bat and bird boxes and details of external lighting. Conditions are imposed requiring these details to be submitted and approved and it is therefore considered that the proposal would comply with saved UDP policies EP26, EP27 and EP28.

**9) Archaeology**

The site is located within a Site of Archaeological Importance, being the possible site of medieval Bentley Priory. English Heritage have been consulted on the application and consider that the proposals would not significantly affect historic assets of archaeological interest. The proposal would therefore comply with saved UDP policies D20, D21 and D22.

**10) S17 Crime & Disorder Act**

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

**11) Consultation Responses**

Apart from the points raised in the above sections, other issues raised are:

- None.

**CONCLUSION**

In summary, the proposal represents an acceptable departure from policy in this instance. The very special circumstances set out by the applicant demonstrate that the harm by reason of Green Belt inappropriateness, and any other harm, is clearly outweighed in this case. It is therefore considered, on balance, that the very special circumstances exist to justify a departure from the normal application of Green Belt policy in this instance. The associated impacts that would arise from the development would be adequately ameliorated through the use of appropriate planning conditions as set out below.

**CONDITIONS**

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

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 644 P 00; 01; 02; 03A; 04; 05; 06A; 07A; 08A; 09A; 10; 11A; 12; 13A; PM 01; Ecology Survey; Bat Survey; Landscape, Visual and Arboricultural Report; Planning Supporting Statement; Design and Access Statement

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

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

- a) the buildings,
- b) the ground surfacing,

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

REASON: To safeguard the appearance of the locality, in line with the requirements of saved UDP policy D4.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, or any order revoking and re-enacting that order with or without modification), no development which would otherwise fall within Classes A - F in Part 1 of Schedule 2 to that Order shall be carried out without the prior written permission of the local planning authority.

REASON: To safeguard the character of the area and the openness of the Green Belt by restricting the amount of site coverage by buildings in relation to the size of the plot, in line with the requirements of saved UDP policies D4 and EP34.

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

REASON: To safeguard the appearance and character of the area, to enhance the appearance of the development and to safeguard the ecology and biodiversity of the area, in line with the requirements of saved UDP policies EP26, D9 and D10.

6 The plans and particulars submitted in accordance with the approval of landscaping condition shall include:

(i) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;

(ii) details of the species, diameter (measured in accordance with paragraph (i) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (iii) and (iv) below apply;

(iii) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;

(iv) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site;

(v) details of the specification and position of fencing, and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development;

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in line with the requirements of saved UDP policies D9 and D10.

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

REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected, in line with the requirements of saved UDP policy D10.

8 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, in line with the requirements of saved UDP policy D9.

9 No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to, and approved in writing by, the local planning authority. The boundary treatment shall be completed before the dwellinghouse is occupied. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To safeguard the character of the locality and in the interests of highway safety, in line with the requirements of saved UDP policies D4 and T13.

10 The demolition hereby permitted shall not commence before details of the making good of all surfaces/buildings to be exposed as a result of the demolition have been submitted to, and approved in writing by, the local planning authority. The works for making good shall be completed in accordance with the approved details within 6 months of the demolition work.

REASON: To safeguard the character and appearance of the area in line with the requirements of saved UDP policies EP31 and D4.

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

REASON: To ensure that adequate drainage facilities are provided in line with the requirements of PPS25.

12 The construction of the dwellinghouse hereby permitted shall not commence until works for the disposal of surface water have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided in line with the requirements of PPS25.

13 The construction of the dwellinghouse hereby permitted shall not commence until surface water attenuation / storage works have been provided in accordance with details to be submitted to, and approved in writing by, the local planning authority. The works shall be carried out in accordance with the approved details and shall thereafter be retained.

REASON: To prevent the increased risk of flooding in line with the requirements of PPS25.

14 The dwellinghouse hereby permitted shall be constructed to meet at least Level 3 of Code for Sustainable Homes. To this end the applicant is required to provide a design stage interim certificate of compliance demonstrating compliance with code level 3 prior to occupation of any of the dwellinghouse.

REASON: To ensure that the development meets the highest standards of sustainable design and construction in accordance with the Supplementary Planning Document Sustainable Building Design [May 2009] and the London Plan [2011] policy 5.3.

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

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

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding in line with the requirements of PPS25.

16 The development hereby permitted shall not proceed above ground floor damp proof course level until details of biodiversity measures, specifically the creation of bird and bat habitats on the site and enhancement of the pond environment, have been submitted and approved in writing by the local planning authority. The development shall not be occupied until those works have been completed on site in accordance with the approved details. The works shall thereafter be retained.

REASON: To safeguard the ecology and biodiversity of the area and in the interests of habitat creation and enhancement in line with the requirements of saved UDP policies EP26 and EP28.

17 The development hereby permitted shall not proceed above ground floor damp proof course level until details of any external lighting required in connection with the completed development has been submitted and approved in writing by the local planning authority. The development shall not be occupied until those external works have been completed in accordance with the approved details. The works shall thereafter be retained.

REASON: To safeguard the ecology and biodiversity of the area in line with the requirements of saved UDP policy EP28.

18 The development hereby permitted shall not commence until a scheme for the clearing of the open storage land and the reinstatement of the landscape, including planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities, is submitted approved in writing by the local planning authority. The scheme shall be implemented as approved and the works shall be completed in the first planting season following occupation of the dwellinghouse hereby permitted.

REASON: To enhance the appearance and character of the area and to safeguard the ecology and biodiversity of the area, in line with the requirements of saved UDP policies EP26, D4 and D9.

19 No site works or development shall commence until details of the levels of the buildings, roads and footpaths in relation to the adjoining land and highway, and any other changes proposed in the levels of the site, have been submitted to, and approved by, the local planning authority.

REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents and the appearance of the development in line with the requirements of saved UDP policies D4 and D5.

## **INFORMATIVES**

### **1 REASON FOR GRANT OF PLANNING PERMISSION**

The decision to grant planning permission has been taken having regard to national planning policy, the policies of The London Plan 2011 and the saved policies of the Harrow Unitary Development Plan 2004 (listed below), as well as to all relevant material considerations including any responses to consultation. The proposal represents an acceptable departure from policy in this instance. The very special circumstances set out demonstrate that the harm by reason of Green Belt inappropriateness, and any other harm, is clearly outweighed in this case. The very special circumstances therefore exist to justify a departure from the normal application of Green Belt policy in this case and the associated impacts that would arise from the development would be adequately ameliorated through the use of appropriate planning conditions.

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

National Policy:

PPS1, PPG2, PPS3

London Plan (2011):

3.5, 5.3, 7.2, 7.4, 7.16

Harrow Unitary Development Plan (2004):

EP25, EP26, EP27, EP28, EP31, EP32, EP34, D4, D5, D9, D10, D18, D20, D21, D22, T6, T13, C16

Supplementary Planning Document: Residential Design Guide (2010)

Supplementary Planning Document: Accessible Homes (2010)

Supplementary Planning Document: Sustainable Building Design (2009)

### **2 PARTY WALL ACT**

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 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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 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: 644 P 00; 01; 02; 03A; 04; 05; 06A; 07A; 08A; 10; 11A; 12; 13A; PM 01; Ecology Survey; Bat Survey; Landscape, Visual and Arboricultural Report; Planning Supporting Statement; Design and Access Statement

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113 CARMELITE ROAD, HARROW, HA3  
5LU

Item: 2/02  
P/1482/11

Ward WEALDSTONE

CERTIFICATE OF LAWFUL DEVELOPMENT (PROPOSED): SINGLE STOREY REAR  
EXTENSION

**Applicant:** Mr Emmanuel Okoli  
**Agent:** Mr Osawaru Eguavoen  
**Case Officer:** Fergal O'Donnell  
**Statutory Expiry Date:** 01-AUG-11

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## RECOMMENDATION

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

## REASON

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

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## MAIN CONSIDERATIONS

### 1) Compliance with Permitted Development Limitations

## INFORMATION

This application is reported to the Committee as a petition which conflicts with the recommendation of officers has been received. The application is therefore excluded from the Scheme of Delegation by Category 18.

### a) Summary

Statutory Return Type: 26. Other  
Council Interest: None

### b) Site Description

- This is a two-storey end-of-terrace dwellinghouse.
- The property is not located in a conservation area and is not a listed building.

### c) Proposal Details

- The proposal is to demolish an outbuilding and construct a single storey rear extension.
- The rear extension would have a depth of 3 metres beyond the rear main wall and would be 5.5 metres in width.
- The extension would have a flat roof and would be 3 metres in height.

**d) Relevant History**

- None

**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- N/A

**g) Consultations:**

- No consultation is required or undertaken for a Certificate of Lawful Proposed Development application.
- However, a petition of objection containing 76 signatories has been received.
- The basis of the objections can be summarised as follows: rear extension identical to that previously submitted for two bed flat application; property will have the potential to accommodate 10-12 people; number of bedrooms currently in the property incorrectly stated in application; new plan does not address the current parking situation; new plans show 2 wheelie bins on the shared driveway whereas 3 would be needed; concerns over the availability of road parking, overcrowding of the property, noise pollution, bin storage, cycle storage, drains and sewers, health and safety; inaccurate location plan; creation of precedent

**APPRAISAL**

**1) Compliance with Permitted Development Limitations**

This Certificate of Lawful Proposed Development application relates to a proposed single storey rear extension. Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended by The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 ("the GPDO"), relating to the enlargement, improvement or other alteration of a dwellinghouse is therefore the relevant class in relation to the proposed development.

Class A of the GPDO permits "*the enlargement, improvement or other alteration of the dwellinghouse*".

Section A.1 of the GPDO states that 'development is not permitted by Class A if-'  
*(a) as a result of the work, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);*

The proposed single storey rear extension would not result in the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) exceeding 50% of the total area of the curtilage.

*(b) the height of the part of the building enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse.*

No part of the proposed single storey rear extension would exceed the height of the highest part of the roof of the existing dwellinghouse.

*(c) the height of the eaves of part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the original dwellinghouse*

The proposal would not exceed the height of the eaves of the original dwellinghouse.

*(d) the enlarged part of the dwellinghouse would extend beyond a wall which-*  
*(i) fronts a highway, and*  
*(ii) forms either the principal or a side elevation of the original dwellinghouse*

The proposal would not extend beyond a wall which fronts a highway and does not form the principal or a side elevation of the original dwellinghouse.

*(e) the enlarged part of the dwellinghouse would have a single storey and-*  
*(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or*  
*(ii) exceed 4 metres in height*

The proposal would extend beyond the rear wall of the original end-of-terrace dwellinghouse by 3 metres and would be 3 metres high.

*(f) The enlarged part of the dwellinghouse would have more than one storey and*  
*(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or*  
*(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse*

The proposal would not have more than one storey.

*(g) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves would not exceed 3 metres.*

The proposal would be within 2 metres of the dwellinghouse and the height of the eaves would be 3 metres.

*(h) The enlarged part of the dwellinghouse would extend beyond a wall fronting a side elevation of the original dwellinghouse, and would-*  
*(i) exceed 4 metres in height,*  
*(ii) have more than one storey, or*  
*(iii) have a width greater than half the width of the original dwellinghouse, or*

The proposal would not extend beyond a wall fronting a side elevation of the original dwellinghouse.

- (i) it would consist of or include-
- (i) The construction or provision of a veranda, balcony or raised platform,*
  - (ii) The installation, alteration or replacement of a microwave antenna,*
  - (iii) The Installation, alteration or replacement of a chimney, flue or soil and vent pipe; or*
  - (iv) An alteration to any part of the roof of the dwellinghouse.*

The proposal does not include any of the above.

Section A.2 of the above order states that 'development is not permitted by Class A if-

*In the case if a dwellinghouse on article 1(5) land, development is not permitted by Class A if-*

- (a) it would consist of include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;*
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, or*
- (c) the enlarged par of the dwellinghouse would have more than one storey and would extend beyond the rear wall of the original dwellinghouse.*

The proposal is not located on article 1(5) land.

Section A.3 of the above order states that 'development is permitted by Class A subject to the following conditions-

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those use in the construction of the exterior of the dwellinghouse;*
- (b) any upper-floor windows located in a wall or roof slope forming a side elevation of dwellinghouse shall be-*
  - (i) obscured-glazed and*
  - (ii) non-opening unless the parts of the window which can be opened are more than 1.7metres above the floor of the room in which the windows are to be installed; and*
- (c) where the enlarged part of the dwellinghouse has more than one storey, the roof of the pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.*

The materials used to construct the rear extension would be of a similar appearance to those used in the construction of the exterior of the existing dwelling house. The proposal would be single storey.

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

## **2) Consultation Responses**

The Council has received a petition of objection with 76 signatories. The petition primarily relates to the planning merits of the application and the surmised intended use of the property. Good Practice Guide – Lawful Development Certificates; A User's Guide published by the Department of Communities and Local Government in December 2007 sets out the parameters within which Lawful Development Certificate applications should be considered. Paragraph 4 of the guidance makes it explicitly clear that the purpose of a Lawful Development Certificate is to provide the possibility of obtaining a statutory document confirming that the use, operation or activity named in the certificate is lawful – i.e. it does not require planning permission – for planning control purposes on the dates specified in the document. In other words, the Council is solely required to determine the lawfulness, or otherwise, of a use or operation. The planning merits of the development cannot therefore be considered when deciding whether a Certificate should be issued or not.

## **CONCLUSION**

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

## **DETAIL OF FORMAL DECISION NOTICE**

1. The proposed single storey rear extension would be within the tolerances of Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) Order 1995 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.
2. The proposal is therefore a lawful development.

## **INFORMATIVES**

### **1 PARTY WALL ACT**

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)

## 2 CONSIDERATE CONTRACTOR CODE OF PRACTICE

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

## 3 PERMITTED DEVELOPMENT

You should be aware that, whereas a planning permission is valid for three years, a Certificate is only valid for as long as the permitted development legislation that gave rise to the decision remains in place. This could mean that, if the legislation changes after the Certificate was determined, your proposals may no longer be permitted development. In this case this Certificate decision was based on the revised permitted development rights for householders that the Government brought into effect on 1 October 2008. For further advice on the current householder permitted development guidance an interactive guide is available on the Planning Portal on: <http://www.planningportal.gov.uk/england/genpub/en/1115311947777.html> and the full Statutory Instrument published by the Government can be seen on: [http://www.opsi.gov.uk/si/si2008/uksi\\_20082362\\_en\\_1](http://www.opsi.gov.uk/si/si2008/uksi_20082362_en_1).

Plan Nos: 2011/C003/01 Rev A; 2011/C003/02 Rev A; 2011/C003/03 Rev A;  
2011/C003/04 Rev A; 2011/C003/05 Rev B; 2011/C003/06 Rev A;  
2011/C003/07 Rev A; 2011/C003/08 Rev B; 2011/C003/09 Rev A;  
2011/C003/10 Rev B; 2011/C003/11 Rev A; Site Plan; Design and Access  
Statement

**SCHOOL BUILDING, LEAF SCHOOL, P/0911/11  
GROVE HILL, HARROW, HA1 3HE**

Ward: HARROW ON THE HILL

SINGLE AND TWO STOREY BUILDING ADJACENT TO LEAF SCHOOLS TO FORM NEW BUILDING FOR ART DEPARTMENT; HARDSURFACING; NEW 2.1M HIGH WELD MESH FENCE AND PEDESTRIAN GATE

**Applicant:** The Keepers & Governors of Harrow School  
**Agent:** Kenneth W Reed & Associates  
**Case Officer:** Sarah MacAvoy  
**Statutory Expiry Date:** 28-JUN-11

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## **RECOMMENDATION**

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

## **REASON**

The proposals would provide an acceptable new building within the school site and would not detract from the setting of the adjacent Listed Building or the character of the Conservation Area or unduly affect the amenities of neighbours. The decision to recommend GRANT of planning permission has been taken having regard to the policies and proposals in The London Plan [2011] and the saved policies of Harrow's Unitary Development Plan [2004] (listed below), and to all relevant material considerations.

### **National Policy Guidance:**

Planning Policy Statement 1: Delivering Sustainable Development (2005)  
Planning Policy Statement 5: Planning for the Historic Environment (2010)  
Planning Policy Statement 9: Biodiversity and Geological Conservation (2005)

### **The London Plan 2011:**

3.16 Protection and enhancement of social infrastructure  
3.18 Education facilities  
5.1 Climate Change Mitigation  
5.12 Flood Risk Management  
5.13 Sustainable Drainage  
5.3 Sustainable Design and Construction  
6.3 Assessing effects of Development on Transport Capacity  
6.13 Parking  
7.4 Local Character  
7.6 Architecture  
7.2 An Inclusive Environment  
7.8 Heritage Assets and Archeology  
7.19 Biodiversity and Access to Nature  
7.21 Trees and Woodland



**Harrow Unitary Development Plan 2004:**

D4 The Standard of Design and Layout  
D5 Residential Amenity  
D10 Trees and New Development  
D11 Statutorily Listed Buildings  
D12 Locally Listed Buildings  
D14 Conservation Areas  
D15 Extensions and Alterations in Conservation Areas  
D20 Sites of Archaeological Importance  
D21 Sites of Archaeological Importance  
D22 Sites of Archaeological Importance  
EP12 Control of Surface Water Runoff  
EP27 Species Protection  
EP28 Conserving and Enhancing Biodiversity  
EP31 Areas of Special Character  
T6 The Transport Impact of Development Proposals  
T13 Parking Standards  
C7 New Educational Facilities  
C16 Access to Buildings and Public Spaces

Harrow on the Hill Conservation Areas SPD (including appendix 4, part B: the Harrow School Conservation Area Appraisal and Management Strategy – CAAMS (May 2008)).  
Supplementary Planning Document: Access for All (2006)  
Supplementary Planning Document Sustainable Building Design (2009). Harrow's Sustainable Community Strategy [Mar 09]

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**MAIN CONSIDERATIONS AND POLICIES (London Plan 2011 and saved policies of the Harrow UDP 2004 and any other relevant guidance)**

- 1) Character and Appearance of the Conservation Area, Area of Special Character and Archaeological Priority Area (PPS5, London Plan: 7.4, 7.6, 7.8; UDP: D4, D5, D11, D12, D14, D15, EP31, D20, D21, D22, Harrow on the Hill Conservation Areas SPD (including appendix 4, part B: the Harrow School Conservation Area Appraisal and Management Strategy – CAAMS (May 2008)).
- 2) Residential Amenity (D5)
- 3) Impact on Trees (London Plan: 7.21; D10)
- 4) Biodiversity (PPS 9, London Plan Policy: 7.19, UDP: EP 27 and EP28)
- 5) Surface Water Runoff (London Plan: 5.12 and 5.13; EP12)
- 6) Accessibility (London Plan Policy 7.2, SPD, C16)
- 7) Highway Safety (London Plan: 6.3 and 6.13; T6, T13)
- 8) Recycling/Refuse Storage (D4)
- 9) Sustainable Building Design (PPS1, London Plan: 5.3, Supplementary Planning Document Sustainable Building Design (2009))
- 10) S17 Crime & Disorder Act (D4)
- 11) Consultation Responses

## **INFORMATION**

This application is reported to Committee as the site area of the site exceeds 0.1ha. Therefore, this application is outside category 4 of the scheme of delegation.

This application was deferred at the July Planning Committee for a site visit. This site visit took place on 1<sup>st</sup> September 2011.

### **a) Summary**

Statutory Return Type:	18 – Minor Development
Conservation Area	Harrow School
Council Interest:	None
Area of Special Character:	Harrow on the Hill
Archaeological Priority Area	Harrow on the Hill
Listed Status	'The Copse' is Locally Listed. 'Leaf Schools', 'Grove Hill' and 'The Grove', Grove Hill are Statutorily Listed

### **b) Site Description**

- The subject site is located on the north western side of Grove Hill and is part of Harrow School.
- The site is located in the Harrow School Conservation Area.
- The site is located in an Archaeological Priority Area.
- The site is located in the Harrow on the Hill Area of Special Character.
- Vehicle access via Grove Hill.
- Established trees and hedges along the site boundaries.
- The plot is surrounded by a number of statutorily listed buildings.
- Leaf Schools is located adjacent (to the south) to the proposal and is a grade II listed building.
- The Grove (grade II listed building) is located to the west of the site.
- The Copse is a Locally Listed Building and is located to the north east of the site.

### **c) Proposal Details**

- To construct a single and two storey building adjacent of Leaf School to form a new building for the art department. The building would be used partly as a classroom, partly as a studio and partly as an exhibition space.
- The proposed building would have a flat roof with a maximum height of 8.9m.
- The footprint of the new building would be 194 square metres.
- Approximately 460 square metres of hard surfacing is proposed to form a new driveway, retaining wall and ramp and between the Leaf School and the proposed building to form a sculpture garden.
- New weld mesh fence is proposed which would be 2.1m in height and would run along the north eastern boundary of the site. A pedestrian gate is proposed along this fence adjacent to the south eastern most point of the proposed building.
- The proposal would involve the removal of several trees and hedges.
- Landscaping is proposed including 5 semi mature cypress trees and two new hedges.

**d) Pre-application Discussion**

- Confirmed that the previous planning application, P/2116/10, was refused on conservation based policies.
- The reduction in scale of the proposed building was welcomed and it is considered that this would relate far better to its proposed siting within the Conservation Area and its setting in relation to the Listed Buildings.
- To compensate for the loss of trees and the grassed area, which are important to the character of the Conservation Area, and to address one of the reasons for refusal on the previous scheme, it was requested that more landscaping/trees is proposed. These could be placed to the rear of the proposed new building.
- So, that the proposed courtyard area becomes a feature as the applicant intends, it was suggested that the area behind Leaf Schools that is already hardsurfaced is landscaped. This would not mean increasing the area of hardsurfacing, but improve the area that is already hardsurfaced. This would mean that upon walking through Leaf Schools to the new building, the new courtyard area would be linked in further with the existing Leaf Schools Art Building. This would have the effect of making the whole area a courtyard to ensure the use of both buildings can be carried out to the best effect.
- It was considered important that the building blends into its surroundings rather than appearing overly stark and harsh in its setting, although it is appreciated that a striking modern design is intended. Green walls are recommended. To ensure that the scheme fits in with its setting though it is considered that the detailing of the concrete elevations would need to be treated very carefully. In terms of materials, the use of Corten Steel is suggested rather than copper which could have too harsh an appearance. This has the appearance of rust. Visuals and a revised model are encouraged for the revised scheme so that how it fits in with its setting is clear.
- In terms of addressing the siting of this building within an Archaeological Priority Area it was recommended that the applicant contact Kim Stabler of English Heritage who advises on such matters before any Planning Application is submitted. The Design and Access statement would need to comply with the Historic Environment Policy HE6.

**e) Relevant History**

P/2116/10	SINGLE AND TWO STOREY BUILDING ADJACENT TO LEAF SCHOOL TO FORM NEW BUILDING FOR ART DEPARTMENT; HARDSURFACING; NEW POST AND WIRE FENCING (1.2M).	REFUSED 13-OCT-10
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**Reasons for Refusal:**

1. The proposal by reason of unacceptable design, siting, scale, massing and loss of greenery would fail to preserve or enhance the character or appearance of the Harrow School Conservation Area and would be detrimental to the setting of 'Leaf Schools' which is a Grade II statutory listed building, contrary to PPS 5, London Plan policy 4B.1, saved policies D4, D11, D14 and D15 of the Harrow Unitary Development Plan (2004).
2. Insufficient information has been provided in order to determine the impact of the proposal on the Archaeological Priority Area, contrary to saved policies D20, D21 and D22 of the Harrow Unitary Development Plan (2004).

**f) Revisions to Previous Scheme**

- The height of the building has been reduced by approximately 1.4m from and the footprint of the proposal has been reduced from 218 square metres to 194 square metres in the current application.
- Landscaping has been proposed in the current scheme.
- More hardsurfacing (an additional 100 square metres approx.) is proposed in the current scheme.

**g) Applicant's Statement**

- The next phase of the development programme at Harrow School is to create a purpose built sculpture building as good facilities are lacking for this subject. Once built, the art school will be complete and contained in relatively close proximity to itself and its counterpart, the craft design and technology building. The temporary and poor accommodation which houses sculpture will be tidied up.
- Art is taught in the main listed art school on Grove Hill and in the adjacent listed Leaf Schools. New facilities for art should, therefore be located in close proximity.
- The proposed location for the new building would be on the garden space between leaf schools and the rear of the boarding house 'The grove'. This garden space is not used and is surrounded by buildings and trees making it invisible to the public and an ideal location for a new building.
- The site cannot be seen from public roads and its use is entirely appropriate for the location.
- We do not accept that the building would be detrimental to the setting of Leaf Schools which is listed for its historical references to Sheridan Stables and the low level original brickwork on the front elevation, but we have now moved the building and lowered its height so there is a greater gap and it is subservient.
- We consider a condition could be added to any consent in relation to archaeology and this has now been ratified by English Heritage.
- It is recognised that the site is tight and has significant constraints for building works; however, there are no opportunities for new access roads or alternative locations. The site will form part of a key academic department and as such should be a suitable site for educational accommodation.
- Its isolated nature suggests that its potential style relates to its use rather than its surroundings, especially as there are no predominant architectural examples to follow.

- The building will take its shape from the space available and the height constraints of the adjacent Leaf Schools building.
- In terms of designing the building it will be important to maintain teaching and learning in the existing Leaf Schools building during the construction phase. The building is therefore a stand alone complex.
- The building would sit at an angle to Leaf Schools determined by the orientation of the driveway to the rear of the Grove.
- There is also a requirement to maintain a pedestrian link to the craft design and technology building on the adjacent site.
- We recognise that the previous scheme was refused and we have evaluated the reasons for refusal. In terms of siting we have moved the new building away from Leaf Schools in an attempt to satisfy the conservation officer.
- The Leaf Schools will remain intact.
- We have reduced the footprint, floor area and height for the new proposals. The floor area is some 70% of the previous area and the height has also been considerably reduced to line with the crank of the mansard roof of leaf schools rather than the ridge.
- The sculpture studio would be located on the ground floor and the painting studio on the first floor.
- The new building would be no higher than the existing roof of leaf Schools but architecturally it will be in contrast to reflect the nature of the subject being taught.
- The building will be part classroom, part studio and part exhibition space.
- The school community and public will be encouraged to visit.
- The new building has no significant impact on the historic, archaeological, architectural or artistic interest of the adjacent buildings or the C.A. i.e. The historic assets remain preserved and intact.
- Landscaping to replace trees to be removed.
- There is no requirement for car parking, but a disabled access space can be created on the forecourt or in the driveway or at the rear of The Grove.
- Deliveries can be accommodated by stopping on the driveway and turning is available behind The Grove.
- The building will be accessible for a disabled person.
- The building will be of a sustainable nature and as such will be insulated and airtight. The building would have a sedum roof.
- Concrete and Cor-ten steel will be used. The main concrete will express the contemporary form of the new building and the Cor-ten will merge with the trees and landscape on both the north and west sides.

**g) Consultations**

- **Bio Diversity Officer:** As long as the mitigation and enhancement measures proposed in the Thomson Ecology report (Oct 2010) are followed (as indicated in the D&A Statement, March 2011) the proposed development will comply with relevant legislation and planning policy (i.e. protected species and biodiversity).

- **Conservation Area Advisory Committee:** The idea of a sculpture school is a good idea and this would be near the art school. The proposed building should be adapted to suit the use of the building, and if the building was not too large for the existing space it would be agreeable. It does not appear as though it has been reduced a great deal. It states it would not be seen from public views but some of it would be. We are unsure how well the proposed polished concrete weathers.
- **Harrow on the Hill Trust:** The Design and Access Statement makes two contradictory statements. First it states that 'the location of the proposed building make it invisible to the public and an ideal location for a new building'. It later states that 'the public will be encouraged to visit as often as possible'. Both the users of and the visitors to this particular building can be presumed to be making aesthetic judgements. The building needs to be considered on its merits, whoever visits it, and whoever uses it, in the context of its location in a Conservation Area adjacent to a listed building. Whether or not the public is to be encouraged to visit should not make any difference. The question is whether the proposed building would enhance the Conservation Area. Earlier we said that the previous proposal was 'overly dominant relative to the adjacent buildings'. Some attempt has been made to address these concerns. However, we do not feel that the building, by the nature of its design is an acceptable neighbour for the surrounding buildings. The D and A Statement again states that 'form follows function' and that the form is right because it is to be used for sculpture. This is a difficult argument to follow. What should a science building look like? We are not happy with the form of the building and believe it would be an unfortunate neighbour to the Grade II Listed Leaf School.
- **Highways Engineer:** No Objections. The hardstanding should be permeable in line with CLG standards and secured via condition.
- **Landscape Officer:** No Objections
- **Drainage Engineer:** Conditions recommended in relation to surface water attenuation, storage and disposal and sewage disposal.
- **English Heritage:** The site is situated in an area where archaeological remains may be anticipated. It lies to the north of the Leaf School building, the Grade 2 listed 18<sup>th</sup>/19<sup>th</sup> century stable buildings associated with The Grove. The first edition Ordnance Survey maps show that there are other outbuildings in the area, and there have also been areas of historic landscaping and terracing which may be affected by the development proposals.
- There is also a known medieval settlement on the Hill, which may have extended in part into this area. No further work need be undertaken prior to determination of this planning application but that the archaeological interest should be reserved by attaching a condition to any consent granted under this application in accordance with local policies and Policy HE12.3 of PPS 5.
- **Tree Officer:** On the basis of the information provided and the submitted tree report, there are no significant tree issues with the proposal. The Arboricultural report is comprehensive and the recommendations therein should be followed, should the application be recommended for grant.

**Advertisement:**

Character of Conservation Area and Setting of Listed Building – Expiry: 23-JUN-11

**Site Notice** – Expiry: 8/6/11

**Notifications**

Sent

19

Replies

0

Expiry: 17-JUN-11

**Addresses consulted:**

Flats 1-4 The Foss and the Foss, Grove Hill

1-4 Peterborough House and Peterborough House, Grove Hill

33 Grove Hill

Grove Hill House, The Copse, Gayton House, The Foss Annexe, Grove Hill House

Annexe, Craft and Technology Centre Adjacent to Harrow School The Copse, The

Grove, Rendalls Grove Hill

**Summary of Response:**

- N/A

**APPRAISAL**

**1) Character and Appearance of the Conservation Area / Impact on Locally and Statutory Listed Building / Area of Special Character**

PPS5 policy HE7.4 states ‘Local planning authorities should take into account: – the desirability of sustaining and enhancing the significance of heritage assets’ and HE9.1 which states ‘There should be a presumption in favour of the conservation of designated heritage assets’. It is also required to comply with Harrow UDP policy D15 and Harrow on the Hill Conservation Areas SPD (part of appendix 4) – the Harrow School Conservation Area Appraisal and Management Strategy states that ‘The character of the conservation area is intrinsically linked to the use of the area by Harrow School. The vitality brought by the number of boys using it, the quality of the buildings and the School’s commitment to properly maintaining them and the character of the area are dependent on the School being in the conservation area. The School will need to improve and move forward with it facilities for pupils’.

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

The property is located within the Harrow School Conservation Area. Any development within this area should seek to preserve or enhance its character or appearance, as required by saved policies D14 and D15 of the UDP.

The Harrow School Conservation area contains some of the most well known buildings in Harrow. Large, dramatic school buildings fill the C.A. and are essential elements to its character. The topography and quality of the buildings combine to make this area particularly striking. The surrounding of the C.A. by open land creates a feeling of separateness from the rest of urban London and uninterrupted views across Harrow and into London. The greenery provides a leafy feel that breaks up the streetscene.

The adjacent Leaf Schools building (grade II listed) is two storeys in height. There is mature vegetation along the north eastern site boundary with 'The Copse'. The site slopes from 'The Grove' down to the subject site with a driveway running from 'The Grove' through the archway in the middle of Leaf Schools.

It is considered that the proposal would not unduly impact on the Harrow School Conservation Area and the setting of Harrow Leaf Schools (grade II listed building).

The siting of the building is considered to be acceptable. According to the CAAMS this site is located within the 'Peterborough Road and Grove Hill Character Area (Transitional Zone) – This is a transitional zone in the sense that it marks a change from Harrow Town Centre to the core School area. The buildings are still large and impressive but are set further apart within gardens and set back from the roads. This gives a sense of a lower density of development. The proposal would be set back from the road and would be subservient to Leaf Schools (grade II listed).

In the current proposal the new building has been reduced in height by 1.4m and the footprint has been reduced from 218 square metres to 194 square metres since the previous refusal. The proposed building would be a minimum of 2m lower than Leaf Schools. It is considered that the current proposal would relate to the setting of the adjacent Listed Building by providing sufficient space around it. It would be set a minimum of 3.7m away from Leaf Schools. This would maintain a suitable separation distance between the two buildings. The revised proposal for the courtyard and landscaping would ensure that it would not have a detrimental impact on the Harrow School Conservation Area and the setting of Harrow Leaf Schools (grade II listed building).

The CAAMS states an asset of the area is the 'outstanding quality of architecture' and states that in order to comply with the guidance within the CAAMS: 'All new development should aspire to a quality of design that is related to its context and which may be valued in the future. In order to be in line with the existing urban grain, it should provide variety, yet also complement surroundings'. It also states that 'any development should be sympathetic...to the character of the area'. The modern design of the proposal is considered to be acceptable since this would provide a good juxtaposition against the traditional character of surrounding development. The design is similar to that which was previously proposed but additional justification has been provided for this.



The greenery provides a good setting to the listed former stables and makes an important contribution to the character of the Conservation Area. The proposal would result in the loss of trees, a hedge and a grassed area. However, additional landscaping has been proposed as part of the proposal. As such, there would be not undue loss of greenery as a result of the proposal.

It is considered that the proposal would not be detrimental to the setting of the nearby locally listed building on the site.

The proposed hardsurfacing to form a new driveway, retaining wall, sculpture garden and ramp would, subject to approval of details preserve the character and appearance of the setting of the adjacent Listed Building and the Conservation Area.

The welded mesh fence would preserve the character of the Harrow School Conservation Area.

An Archaeological Statement was not provided by the Applicant. However, English Heritage have commented on the application. They have recommended a condition on any planning permission requiring a written scheme of archaeological investigation to be submitted to and approved by the LPA prior to commencement of works.

Therefore, the reasons for refusal of the previous scheme (P/2116/10) are considered to be overcome by the proposal.

In summary, it is considered the proposed new school building would comply with Planning Policy Statement 5, London Plan: 7.4, 7.6 and 7.8 and would preserve or enhance the character and appearance of the Harrow School Conservation Area and the setting of the adjacent Listed Building and Locally Listed Building. As such, it would be in accordance with policies D4, D11, D12, D14, D15, EP31, D20, D21 and D22 of the UDP (2004), and the Harrow School Appraisal and Management Study (2008).

**2) Residential Amenity**

As the site is located within the vicinity of Harrow School, it is considered that there would be no residential sites that would unduly impacted by the proposal and as such the proposal would be in accordance with saved policy D5 of the Harrow Unitary Development Plan (2004).

**3) Impact on Trees**

Six trees and two hedges would be removed as a result of the proposal. These would be replaced by five semi-mature cypress trees and two hedges as a part of the proposal. The Tree Officer has not objected to the proposal. Therefore, the planting of the new trees is considered to sufficiently mitigate the loss of trees in order to preserve the character and appearance of the conservation area.

**4) Biodiversity**

It is considered that the Thomson Ecology Desk Study and Phase 1 Habitat Survey is acceptable. The Council's Biodiversity Officer has not objected to the proposal as long as the mitigation and enhancement measures proposed in the Thomson Ecology report (Oct 2010) are followed (as indicated in the D&A Statement, March 2011). A condition has been recommended.

Subject to this condition, the proposal is therefore in line with PPS9, Policy 7.19 of the London Plan and saved policies EP27 and EP28 of the Harrow Unitary Development Plan (2004).

**5) Surface Water Runoff**

The Council's Drainage Engineer has recommended conditions in relation to surface water attenuation, storage and disposal and sewage disposal to ensure that the proposal would not have a detrimental impact on flooding. Therefore, subject to conditions the proposal would comply with London Plan policy 5.12 and 5.13 and saved policy EP12 of the UDP.

**6) Accessibility**

The SPD: Access for All stipulates certain requirements for access to buildings to ensure that the needs of children, disabled, visually impaired and elderly people are addressed. The access to the site is level with the pavement. The proposed school building is considered to be compliant with the SPD: Access For All. Therefore, it is considered to be acceptable from an accessibility perspective and compliant with London Plan 7.2 and saved policies D4 and C16 of the HUDP (2004).

**7) Parking and Highway Safety**

No new car parking spaces are proposed. However, more hardstanding is proposed to provide access to the new building. The proposal would not unduly impact on highway safety due to the existence of a hardstanding adjacent to Leaf Schools. The proposed hardstanding is an extension of this existing hardstanding/access way. It is considered that the proposal would be compliant with London Plan policies 6.3 and 6.13 and saved policies T6 and T13 of the Harrow Unitary Development Plan (2004).

**8) Refuse/Recycling Storage**

Policy D4 of the Harrow Unitary Development Plan requires that provision of refuse storage is to be made.

It is considered that the requirement for refuse storage would be not unduly increase as a result of the proposal. As such the current arrangements in place would suffice as a result of this proposal.

Therefore, the proposal would not unduly impact on the visual amenity of the immediately surrounding area and would be in accordance with saved policy D4 of the Harrow Unitary Development Plan (2004).

**9) Sustainable Building Design**

London Plan policies 5.1 and 5.3 and saved policy D4 of the Harrow UDP seek to ensure that new development proposals takes into account climate change. These policies promote design which has regard to energy efficiency and minimises emissions of carbon design. A supplementary planning document 'Sustainable Building Design' (2009) has been adopted by the LPA. Insufficient details have been provided as to how the proposal will achieve sustainable design, however, details of this have been requested as a condition, which is recommended.

**10) S17 Crime & Disorder Act**

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

**11) Consultation Responses**

- Every planning application is considered on it's merits.
- Whether or not the public are encouraged to visit has no bearing on the recommendation for this application. It is not a material planning consideration.
- The impact on the setting of the Harrow School Conservation Area and the Grade II Listed Leaf Schools has been assessed in the report.
- The design and siting of the proposal and its relationship to the grade II Listed Building has been assessed in the report.

**CONCLUSION**

Having regard to the development plan, the proposals are considered to be consistent with policy concerning the development and subject to the planning conditions proposed, Approval is accordingly recommended.

**CONDITIONS**

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

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

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

a: the building

b: the hardsurfacing

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

REASON: To safeguard the appearance of the setting of the adjacent Listed Building and the Conservation Area in accordance with saved policies D4, D11, D14 and D15 of the Harrow Unitary Development Plan (2004).

3 The development shall not be occupied until a method statement for future maintenance and cleaning of the facing materials of the building hereby permitted, to include details of rainwater goods and maintenance thereof, have been submitted to, and approved in writing by, the local planning authority.

Maintenance of the building shall be carried out in accordance with the approved details thereafter.

REASON: To ensure that the external surfaces of the building, in particular the polished concrete and steel remains clear and well maintained in order to safeguard the appearance of the setting of the adjacent Listed Building and the Conservation Area in accordance with saved policies D4, D14 and D14 of the Harrow Unitary Development Plan (2004).

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

REASON: To ensure that adequate drainage facilities are provided in accordance with the objectives set out under saved policies EP12 of the Harrow Unitary Development.

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

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

REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding in accordance with PPS25 and EP12 of the Harrow Unitary Development Plan (2004).

6 The recommendations and ecological enhancements contained within page's 23 and 24 of the Thomson Ecology Desk Study and Phase 1 Habitat Survey shall be carried out and adhered to.

REASON: To ensure that the proposal would preserve and enhance biodiversity on the site in accordance with PPS25 and EP27 and EP28 of the Harrow Unitary Development Plan (2004).

7 The development hereby permitted shall not be occupied until details of bird boxes and bat boxes including their location on mature trees and the new building on the site have been submitted to, and approved in writing by, the local planning authority:

The bird and bat boxes shall be installed on site in accordance with the approved details and shall thereafter be retained.

REASON: To protect the biodiversity of the area in accordance with saved policy EP26, EP27 and EP28 of the Harrow Unitary Development Plan (2004).

8 The development hereby permitted shall not be occupied until the applicant has demonstrated that the development will achieve the appropriate level: BREEAM (good) Standards. To this end, the applicant is required to provide certification and other details to be submitted to, and approved in writing, by the Local Planning Authority.

The scheme shall be implemented, maintained and managed in accordance with the approved details.

REASON: To ensure that the proposed development is sustainable, as required by PPS1 and saved policy D4 of the Harrow Unitary Development Plan (2004).

9 The development hereby permitted shall not commence until a written scheme of archaeological investigation and a programme of archaeological work (in the form of an archaeological project design in accordance with English Heritage Guidelines) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and managed in accordance with the approved details.

REASON: To ensure that the proposed development would not unduly impact on the archaeological priority area in accordance with policy HE12.3 of PPS5 and saved policies D20, D21 and D22 of the Harrow Unitary Development Plan (2004).

10 The recommendations contained within page's 5 to 9 of the Roy Finch Associates Ltd. Arboricultural Quality & Impact Assessment shall be carried out and adhered to throughout the duration of the construction of the development hereby approved.

REASON: To ensure that the proposal would have no unreasonable impact on trees on the site in accordance with saved policy D10 of the Harrow Unitary Development Plan (2004).

11 The development hereby permitted shall be carried out in accordance with the following approved plans: 1560 296 Revision C; 1560 297 Revision A; 1560 298 Revision B; 1560 299 Revision C; 1560 500 Revision C; 1560 501 Revision A; 1560 502 Revision D; 1560 503 Revision D; 1560 504 Revision D; 1560 505 Revision A; 1560 299 Revision C; 1560 510 Revision A; Design and Access and Heritage Statement, Thomson Ecology Desk Study and Phase 1 Habitat Survey; Roy Finch Associates Ltd Arboricultural Quality & Impact Assessment; Photos

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

## **INFORMATIVES**

### **1 INFORMATIVE:**

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

The proposals would provide an acceptable new building within the school site and would not detract from the setting of the adjacent Listed Building or the character of the Conservation Area or unduly affect the amenities of neighbours. The decision to recommend GRANT of planning permission has been taken having regard to the policies and proposals in The London Plan [2008] and the saved policies of Harrow's Unitary Development Plan [2004] (listed below), and to all relevant material considerations.

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

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Statement 5: Planning for the Historic Environment (2010)

Planning Policy Statement 9: Biodiversity and Geological Conservation (2005)

**The London Plan:**

- 3.16 Protection and enhancement of social infrastructure
- 3.18 Education facilities
- 5.1 Climate Change Mitigation
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.3 Sustainable Design and Construction
- 6.3 Assessing effects of Development on Transport Capacity
- 6.13 Parking
- 7.4 Local Character
- 7.6 Architecture
- 7.2 An Inclusive Environment
- 7.8 Heritage Assets and Archeology
- 7.19 Biodiversity and Access to Nature
- 7.21 Trees and Woodland

**Harrow Unitary Development Plan 2004:**

- D4 The Standard of Design and Layout
- D5 Residential Amenity
- D10 Trees and New Development
- D11 Statutorily Listed Buildings
- D12 Locally Listed Buildings
- D14 Conservation Areas
- D15 Extensions and Alterations in Conservation Areas
- D20 Sites of Archaeological Importance
- D21 Sites of Archaeological Importance
- D22 Sites of Archaeological Importance
- EP12 Control of Surface Water Runoff
- EP27 Species Protection
- EP28 Conserving and Enhancing Biodiversity
- EP31 Areas of Special Character
- T6 The Transport Impact of Development Proposals
- T13 Parking Standards
- C7 New Educational Facilities
- C16 Access to Buildings and Public Spaces

Harrow on the Hill Conservation Areas SPD (including appendix 4, part B: the Harrow School Conservation Area Appraisal and Management Strategy – CAAMS (May 2008)).  
Supplementary Planning Document: Access for All (2006))  
Supplementary Planning Document Sustainable Building Design (2009). Harrow's Sustainable Community Strategy [Mar 09]

**2 INFORMATIVE:**

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

**3 INFORMATIVE:**

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

1. work on an existing wall shared with another property;
2. building on the boundary with a neighbouring property;
3. excavating near a neighbouring building,

and that work falls within the scope of the Act.

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

“The Party Wall etc. Act 1996: Explanatory booklet” is available free of charge from: Communities and Local Government Publications, PO Box 236, Wetherby, LS23 7NB

Please quote **Product code:** 02 BR 00862 when ordering

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

**4 INFORMATIVE:**

**IMPORTANT:** Compliance With Planning Conditions Requiring Submission and Approval of Details 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.

**5 INFORMATIVE:** In relation to condition 10 above, should significant archaeological remains be encountered in the course of the initial field evaluation, an appropriate mitigation strategy, which may include archaeological excavation, is likely to be necessary.

Plan Nos: 1560 296 Revision C; 1560 297 Revision A; 1560 298 Revision B; 1560 299 Revision C; 1560 500 Revision C; 1560 501 Revision A; 1560 502 Revision D; 1560 503 Revision D; 1560 504 Revision D; 1560 505 Revision A; 1560 299 Revision C; 1560 510 Revision A; Design and Access and Heritage Statement, Thomson Ecology Desk Study and Phase 1 Habitat Survey; Roy Finch Associates Ltd Arboricultural Quality & Impact Assessment; Photos

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**531 - 533 PINNER ROAD, HARROW, HA2 6EH**      **Item: 2/04**  
**P/0711/11**  
WARD: HEADSTONE NORTH  
CHANGE OF USE OF GROUND FLOOR FROM A SHOP TO A RESTAURANT (CLASS A1 TO A3); EXTRACT FLUE TO REAR ELEVATION; EXTERNAL ALTERATIONS

**Applicant:** Mr Dipesh Shah  
**Agent:** Mr Naren Kotak  
**Case Officer:** Ciaran Regan  
**Statutory Expiry Date:** | 27-MAY-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 to national planning policy, the policies and proposals in the London Plan (2011), the saved policies of the Harrow Unitary Development Plan (2004), and to all relevant material considerations, including comments received in response to publicity and consultation, as outlined in the application report.

The site is located in the North Harrow District Centre which currently has high levels of vacancy, and is in need of support to maintain its role as a District Centre. Having regard to this and the context of its location within the more flexibly designated Secondary Shopping Frontage, it is considered that the local employment and regenerative benefits of this proposal would, in this instance, outweigh the harm caused by the loss of an A1 unit. This view is in keeping with the Council's stated commitment to consider a range of interventions to rejuvenate North Harrow District Centre and PPS4 (2009) which advises Local Planning Authorities to set flexible policies for their centres which are able to respond to changing economic circumstances.

### **National Planning Policy:**

Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009)  
Planning Policy Guidance 24: Planning and Noise (1994)

### **The London Plan (2011):**

2.7 Outer London: economy  
4.7B Retail and town centre development  
4.8B Supporting a successful and diverse retail sector  
6.13C & D Parking  
7.2C An inclusive environment  
7.3B Designing out crime  
7.6B Architecture  
7.15B Reducing noise and enhancing soundscapes

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

SEM2 Hierarchy of Town Centres  
D4 The Standard of Design and Layout



D5	Residential Amenity
EP25	Noise
EM17	Change of Use of Shops – Secondary Shopping Frontages
EM24	Town Centre Environment
EM25	Food, Drink and Late Night Uses
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**

(The London Plan (2011), saved policies of the Harrow UDP (2004) and any other relevant guidance.)

- 1) Town Centre Environment and Change of Use (PPS4, SEM2, EM17, EM24)
- 2) Amenity and Change of Use (PPG24, D5, EM25, EP25)
- 3) Character and Appearance of the Area (D4)
- 4) Traffic, Parking and Servicing (T16, T13)
- 5) Accessibility (C16, SPD)
- 6) S17 Crime and 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 it therefore falls outside category 19 of the Scheme of Delegation.

#### **a) Summary**

Statutory Return Type	20 - Change of Use
Council Interest	None

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

- The application site is located on the west side of Pinner Road (a London Distributor Road) within a shopping parade that is designated Secondary Shopping Frontage. The three-storey terraced building in which the shopping parade is located has standard sized units but some businesses spread across two or more of these.
- Adjoining the subject premises on the south side is a single unit pizza takeaway (A5), followed by a single unit café (A3), followed by a triple unit shop (Hoopers Carpets) (A1). Adjoining the subject premises on the north side is a single unit Chinese food takeaway (A5), followed by a single unit car audio shop (A1), followed by a large detached food supermarket (A1) (VB & Sons Cash & Carry) on the site of the old Safeways store.
- The ground floor is currently in A1 (retail) use. Residential flats occupy the upper floors of the property.
- A triangular-shaped shared parking and servicing area serves the site and its neighbouring premises.
- Access to the residential flats above is from a first-floor balcony and external stairwell at the rear of the building.

**c) Proposal Details**

- The application seeks the change of use of the ground floor from a shop (A1) to a restaurant (A3) including the installation of an extract flue on the rear elevation and external alterations.
- The opening hours applied for are: Mon-Fri: 10.30 – 23:00, Sat: 10.30 – 23:00 and Sunday and Public Holidays: 10.30 – 22.30.
- As the address suggests the proposed unit is comprised of what were originally two adjoining smaller units.
- The proposed restaurant would cater for up to 48 covers arranged as 12 tables of 4.

**d) Revisions to previous application**

- N/a

**e) Relevant Planning and Enforcement History**

HAR/11627	INSTALLATION OF SHOP FRONT	GRANT 11-APR-56
P/69/05/DFU	ALTERATIONS AND CONVERSION OF FIRST AND SECOND FLOOR FLAT TO TWO SELF-CONTAINED FLATS	GRANT 02-MAR-05
P/600/03/DFU	CONVERSION OF FLAT AT FIRST AND SECOND FLOORS TO TWO SELF-CONTAINED FLATS.	REFUSE 06-FEB-04

**Reason for Refusal:**

1. The layout of the proposed first floor flat would be unsatisfactory to enable the proper function of the dwelling and the vertical arrangement of rooms within the building would fail to secure satisfactory living conditions for future occupiers.

P/2186/04/DFU	ALTERATIONS AND CONVERSION OF FIRST AND SECOND FLOOR FLAT TO TWO SELF CONTAINED FLATS	REFUSE 21-DEC-04
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**Reason for Refusal:**

1. The layout of the proposed first floor flat would be unsatisfactory to enable the proper functioning of the dwelling.

**f) Pre-Application Discussion**

- None

**g) Applicant's Statement**

- The site has access to a shared rear yard for loading and unloading as well as refuse collection thereby not disturbing the free flow of traffic along Pinner Road
- There is no 40-50 seating vegetarian restaurant in the vicinity.
- We have also allowed for a means of escape in case of fire.
- The restaurant would have 7 full-time and 6 part-time employees.
- The proposed extract flue will be at the rear elevation and will terminate at least 1m above the roof eaves.
- The proposal contains a wheelchair-accessible WC.

- It is not anticipated the restaurant will cause any nuisance to anyone from noise, smells and ours of business because of the predominantly commercial character of this part of Pinner Road.

## **h) Consultations**

### **Economic Development/Planning Policy:**

This application presents an unusual position in policy terms given the present circumstances of the North Harrow District Centre. The Council would like to attract businesses back into the area as there are high vacancy rates at present. With that in mind, and to attract inward investment, Policy are willing on this occasion to be more flexible to the criteria listed in saved policy EM17, which is of particular relevance to this proposal for a change of use from Class A1 to A3.

The status of the frontage is also a material consideration where a Secondary Shopping Frontage is in this instance (due to the high level of vacancy rates in the District) considered to be more flexible to the loss of Class A1 units than to those within Primary Shopping Frontages. However, each planning application received thereafter for the loss of a Class A1 unit in this District will still be assessed on policies contained within the Development Plan and on a site-by-site basis along with an overall consideration to the level of vacancy rates in the District at the time of receipt.

Policy raises no objection to this proposal having regard to the above comments. This does not mean future proposals for the loss of Class A1 units would be acceptable on such economic grounds unless they conform to policies within the Development Plan in the first instance. Only after assessment of proposals on policy grounds shall other material considerations apply.

### **Environmental Health:**

It is noted that one of the original means of escape from the building at the rear of 531 Pinner Road, has been blocked up and the proposal does not address this. This would have an adverse effect in the event of a fire at the location. Constant access must also be available to the refuse bins at the back, where the rear door has been bricked up. The proposal is considered acceptable subject to the imposition of conditions to address noise levels arising from extraction equipment and to control any other ambient noise in connection with the operation of the business.

### **Highways Engineer:**

There are no specific concerns with regard to this change of use from A1 to A3 given the reasonably sustainable location together with the on and off street pay and display parking facilities available, coupled with other stringent parking controls.

### **Headstone Residents Association:**

No comments.

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

An advertisement was published in the Harrow Times and Expiry: 23-JUN-11 the Harrow Observer on 2nd June 2011.

Site Notice

Expiry: 01-JUL-11

**Neighbour Notifications:**

Sent: 24

Replies: 1

Expiry: 04-MAY-11

**Addresses consulted:**

Pinner Road: Nos 424, 426, 428, 527A, 529A, 531A, 533A, 535A, 537A, 539A, 527, 529, 531-535, 535, 537, Garages to the rear of 519 to 537, 527B, 529B, 531B, 533B, 537B, Second Floor Flat - 529A, Second Floor Flat - 533A, Second Floor Flat - 537A

**Summary of objections:**

- Having another restaurant will not help the street get busier.
- It will only make it harder for the existing restaurants and takeaways to survive.
- It will also affect the environment because people always throw their finished food containers and wrappers on the street.
- The street needs more variety of shops rather than more restaurants and takeaways.
- The proposed development will not enhance the vitality of this shopping parade.
- The proportion of non-retail units already exceeds what is permissible under the current Harrow UDP (2004).
- On both sides of the proposed development there are non-retail (Use Class A5) units, two on one side and one on the other. If approved this will create a concentration of non-retail units which may not be permissible under the current Harrow UDP (2004).
- There are already a number of restaurants in North Harrow Shopping Centre, e.g., Orchid restaurant, KK restaurant, FAB Pizza & Chicken takeaway, a pub, Chinese takeaway and a new wine bar opening soon.
- There is also a hot food section in the new VB & Sons Cash and Carry which is close to the proposed application.
- Any other business will fit in better, e.g., there will be a juice/coffee bar opening next door to the site.

**APPRAISAL**

**1) Town Centre Environment and Change of Use**

It is considered that given the commercial nature of the proposed development it is important to take into account Government guidance contained within PPS4: Planning for Sustainable Economic Growth (2009). Policy EC13 of PPS4 requires local planning authorities to take into account the importance of the shop, leisure facility or service to the local community or the economic base of the area if the proposal would result in its loss or change of use.

Saved policy SEM2 of the Harrow UDP sets out the hierarchy of centres within the Borough and commits the Council to monitoring, promoting and sustaining their vitality and viability. However, it also acknowledges that the position of a centre in the hierarchy may change over time according to the relative health of its retail and other town centre functions.

Saved policy EM24 of the Harrow UDP states that the Council will seek to improve the environment of town centres by (inter alia) conducting regular health checks, producing guidance on the design and layout of schemes and encouraging initiatives to stimulate the evening economy (where this is compatible with the amenity of residents and other town centre occupiers).

The proposal seeks the change of use of the ground floor of No.s 531-533 Pinner Road from a shop (A1) to a restaurant (A3). The site is located within the designated Secondary Shopping Frontage of North Harrow District Centre and so the relevant saved policy of the Harrow UDP (2004) relating to the change of use of shops is saved policy EM17.

Saved policy EM17 allows the change of use from a shop to another use providing that (a) the use is appropriate to a town centre, (b) will be primarily for the benefit of visiting members of the public, (c) the use requires an accessible location, (d) the length of non-A1 frontage within the designated Secondary Shopping Frontage does not exceed more 50% of the total, (e) that the premises can be adequately serviced without causing harm to highway safety and convenience , (f) a window display or other frontage appropriate to the shopping area is maintained and (g) a harmful concentration of non-retail uses is not created or added to. Addressing each of these criteria in turn;

- a) The change of use to a restaurant (A3) would provide a use that is directly related to a shopping trip and supports the retail function of the centre. This is because many people stop to eat out during the course of their shopping trips.
- b) A restaurant is considered to meet this criteria
- c) The site is in an accessible location on Pinner Road close to North Harrow Underground Station. A designated cycle path runs immediately outside the premises. A bus-stop (for southern routes) is sited immediately opposite the premises and stops for other bus routes are located within a short walking distance.
- d) The proposed change of use would not result in more than 50% of the existing frontage (within the designated Secondary Shopping Frontage) being in non-retail use. The existing length of secondary shopping frontage in non-A1 retail use expressed as a percentage of the total is 46.62%. The proposed change of use (whose frontage represents an addition of 1.53%) would result in this increasing to 48.15%. Accordingly, 51.85 % of the secondary shopping frontage would continue to be in (Class A1) retail use. The table below sets out the existing situation.

<b>North Harrow</b>	<b>Total No. of Units</b>	<b>%-age of units</b>	<b>Non-A1 units Length of Frontage (m)</b>	<b>%-age of Frontage</b>
Designated Primary Frontage	11	26.83%	81.00	27.26%
<i>Designated Secondary Frontage</i>	27	48.21%	176.80	46.62%
Combined Frontage	38	39.18%	257.80	38.11%
All Units (includes non-designated frontages)	40	39.22%	268.80	38.19%

- e) An off-street shared servicing area exists at the rear of the premises which would avoid the need for delivery/service vehicles to load and unload from the highway and the obstruction to the free flow of traffic that this could cause. (See the Highway Engineer's comments below.)
- f) A restaurant is considered to meet this criteria.
- g) The proposal would result in a concentration (three or more) of non-retail uses. Looking westwards facing the 'shop'-fronts and going from south to north the proposed change of use would result in a run of 4 consecutive non-A1 units (A1, A3, A5, **A3**, A5, A1). It is this concentration of non-A1 units that must be balanced against the weight attributed to the local employment and regenerative benefits of the proposal in the context of the need to ensure the future viability of North Harrow District Centre. This is expanded on below.

The Council's aim is to try to attract businesses back into North Harrow District Centre as there are high vacancy rates at present. This situation was identified as part of the Council's Local Economic Assessment for 2010/11 (see Figure 14: 'Vacancy Rates in District Centres', page 56). The Council's consultation draft Core Strategy also acknowledges and seeks to address the issue of the Centre's continuing high vacancy rate and general economic underperformance as one of the objectives of Policy 8 (Rayners Lane and North Harrow) is to, '*Reduce the vacant retail frontage in North Harrow district centre and consider a range of interventions to rejuvenate the centre.*'

Paragraph 8.9 of the consultation draft Core Strategy also states,

*'In recognising North Harrow District Centre's role as wider than retail, the use of alternate employment generating uses that are suitable to a town centre in this location may be considered appropriate. Changes to the retail frontage designation are recommended and will be examined in the Site Allocations DPD to ensure this centre's continued viability.'*

It is noted that there is no restaurant of comparable size in the immediate vicinity of the proposal. It is also noted that the applicant has identified a need for 7 full-time and 6 part-time employees. However, it is considered that limited weight should be attached to this as it is considered excessive (or at least optimistic) for a restaurant of this size and much will inevitably depend on the level of business generated.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the Development Plan unless material considerations indicate otherwise. This recommendation to approve has therefore sought to balance the need for compliance with the Development Plan with the due consideration of a specific set of circumstances which are considered to amount to important material considerations.

The current acute need for investment and regeneration in North Harrow District Centre and the precise layout, scale and nature of the proposed restaurant operation are therefore considered to be valid material considerations that have been weighed against the extent to which the proposal would comply with key Harrow UDP (2004) saved policy EM17 (particularly the fact that over 50% of the Secondary Shopping Frontage would continue to be in A1 use) and the extent to

which the proposal (subject to the recommended conditions) would otherwise comply with other relevant policies of the Development Plan. It should also be noted that this recommendation to allow this change of use from A1 to A3 would not establish a harmful precedent as compliance with the Development Plan still remains the first and foremost consideration and any future applications for the change of use of an A1 unit would be assessed on their individual merit and the prevailing circumstances at that time.

In conclusion, the proposal complies will all aspects of saved policy EM17 except the fact that it would create a concentration of non-A1 units in this part of the designated Secondary Shopping Frontage.

However, the site is located in the North Harrow District Centre which currently has high levels of vacancy, and is in need of support to maintain its role as a District Centre. Having regard to this and the context of its location within the more flexible designated Secondary Shopping Frontage, it is considered that the local employment and regenerative benefits of this proposal should be allowed, in this instance, to outweigh the harm caused by the loss of an A1 unit. This view is in keeping with the Council's stated commitment to consider a range of interventions to rejuvenate North Harrow District Centre and PPS4 (2009) which advises Local Planning Authorities to set flexible policies for their centres which are able to respond to changing economic circumstances.

## **2) Amenity and Change of Use**

### Residential 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.

Saved policy EM25 of the Harrow UDP seeks to ensure that proposals for food and drink and late night uses do not have a harmful impact on residential amenity and in assessing applications regard will be had to the location of the premises and the proximity of residential property. Further to this, saved policy EM25 states that disturbance is likely to be greater if there is a concentration of such uses and the Council will have regard to this possibility.

On this point, although a concentration of non-A1 units has been identified in the assessment of the proposal against saved policy EM17, three out of the four consecutive non-A1 units that would be created are small single fronted units. It is also noted that the existing café 'Fantastic Café' (A3) specialises in breakfasts and lunches and as such operates during daytime hours. However, the hours of operation are not currently controlled by condition and so this could change if a new tenant were to take over the premises in the future.

Given the location within a busy district centre, close to the junction of Pinner Road and Station Road and North Harrow Underground Station, it is considered that the occupiers of the flats above this parade and those of the dwellinghouses close to the site and on the opposite side of Pinner Road already experience a relatively high level of background noise.

It is therefore considered that the occupiers of the residential flats on the upper floors of the parade would not be unduly affected in terms of noise and disturbance as a result of the proposed use, in terms of the likely level and nature of activity associated. If the proposal were otherwise considered acceptable, conditions could be imposed to (a) restrict the hours of operation, (b) to ensure that any noise emanating from extraction equipment would remain within acceptable levels and (c) to control any other ambient noise that may arise in connection with the operation of the business. With regard to the second of these, the Council's Environmental Health Team has not objected to the proposal subject to a condition which requires the independent acoustic testing of the extraction equipment and the submission of a report to be approved by the Council prior to its use, in the interests of the amenities of neighbouring occupiers.

#### Hours of Use

Saved policy EP25 of the Harrow UDP states that the Council will seek 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.

With regard to opening hours, the hours applied for are: Mon-Fri: 10.30 – 23:00, Sat: 10.30 – 23:00 and Sunday and Public Holidays: 7.30 – 22.30. Planning Policy Guidance 24 (Planning and Noise) suggests the hours that people are sleeping would normally be 23.00 to 07.00 hours. As such, the opening hours for Mon-Sat are satisfactory but the opening hours proposed for Sundays and Public Holidays are not. It is therefore recommended that the opening hours for Sundays and Public Holidays be revised to 10.30 – 22:30 and that they be secured by an appropriate condition as is suggested at the end of this report.

#### Mitigation of noise, heat and smells

Extraction equipment and an associated flue are proposed to mitigate the impact of noise, heat and smells emanating from the cooking activities associated with a restaurant. The top of the proposed flue at the rear of the property would project above the level of the eaves by 1.25 metres. This would be well above the highest openable windows (the roofspace has not been converted into habitable use and so there are no roof lights that could otherwise have been near the end of the flue) and so any fumes would be extracted away from the first and second floor flats. An associated extraction fan attached to the rear wall by mounting brackets is indicated to not exceed 35Db. The Council's Environmental Health Team has no objections to the flue and fan, subject to a number of conditions. In light of this, and noting its size and siting on the rear elevation, it is concluded that the flue would not be unduly detrimental in terms of its impacts upon the amenities of neighbouring residential occupiers and is therefore considered to be in accordance with saved policy EM25 of the Harrow UDP (2004).

#### Refuse storage

Details of refuse storage for the development has been provided. The bins would be located within the rear service yard, similar to the other commercial units in this parade. A 1000 litre commercial refuse bin is shown sited adjacent to the rear elevation of the premises.



This is considered adequate refuse storage for a restaurant of this size. An additional 1000 litre bin could also be accommodated if necessary beside the single indicated bin without obstructing either a fire exit or the area available for the servicing of this and the other adjacent commercial premises. The business owner would be obliged to apply for a trade waste licence / contract with the Council for the collection of this waste. This is considered to be acceptable and in accordance with saved policy D4 of the Harrow UDP.

#### Means of Escape

The issue of the existing blocked up means of escape at the rear of the unit (originally for No. 531) has been addressed through the provision of amended plans. The amended plans now indicate that this would be reinstated as a means of escape, notwithstanding the other existing means of escape (originally for No. 533) that would also be retained. It is also considered appropriate to impose a condition to require the works associated with the reinstatement of the means of escape to be completed prior to the first use of the premises as a restaurant.

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

There is no other development proposed other than the change of use and the associated external flue at the rear. The top of the proposed flue at the rear of the property would sit 1.75 metres below the roof ridge over the rear gable and project above the level of the eaves by 1.25 metres. As with adjacent commercial properties the flue would be positioned off the rear wall close to its outer edge where it meets the side wall and so would be sited as far as practically possible from the rear windows of the flats on the first and second floors. This would minimise its visual intrusion to these occupiers, i.e., it would not significantly restrict the current outlook available from these rear windows. It would not be visible from public vantage points along Pinner Road or to the occupants of the semi-detached dwellings along the opposite side of Pinner Road. Because of its height and that of the building it may have limited visibility to certain viewpoints from the south, However, it would be seen in the context of the similar existing flues of the same height and scale to the rear of the adjacent premises, of which there are at least three, and such extract ducts are common features at the rear of restaurant and takeaway uses and so, given its commercial, District Centre location, it is considered that the proposed flue would have an acceptable visual appearance.

### **4) Traffic, Parking and Servicing**

#### Traffic

Having particular regard to the fact that the site is located in an accessible location with good public transport facilities and that there is a public car park sited in close proximity to the application site, it is considered that the proposed use would be acceptable in traffic terms and is in accordance with saved policies T6 and T13 of the Harrow UDP (2004). The subject planning application was referred to the Highways Engineer, who has no objections.

Parking and Servicing

It is considered that the proposed use could be adequately serviced from the rear without causing undue harm to neighbouring amenity. However, if necessary a condition could be imposed to restrict the hours of deliveries. Given the site's high level of accessibility to a range of public transport modes it is considered unlikely that the use would generate significant levels of car trips. However, notwithstanding this, there is an adequate level of car parking in the local area to serve the proposed use (but not so much as to dissuade the use of public transport). The Council's Traffic and Parking Engineer has raised no objections in this regard.

**5) Accessibility**

The floor plan of the restaurant indicates that the threshold will provide level access and egress from the street. The applicant's design and access statement states that the proposal will provide a wheelchair-accessible WC. The floor area dimensions of the proposed male and female WCs have been measured from the proposed ground floor plan and referenced against the Council's adopted SPD 'Access for All'. Both would exceed the required 1.5m minimum width but both would just fall short of the required 2.2m required minimum depth by 70mm (7cm). However, it is clear that there is sufficient space available within the proposed lobby to enable the partitions for the WCs to be relocated to meet the 2.2m depth without impacting upon the accessibility of the lobby itself. An informative drawing the applicant's attention to this issue is suggested. The proposal is therefore considered to be in accordance with the requirements of the Council's adopted 'Access for All' SPD (2006).

**6) S17 Crime & Disorder Act 1998**

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

**7) Consultation Responses**

It is considered that the comments related to the principle of the change of use have been addressed within the report.

The issue of littering is not a subject that can be considered nor is it considered appropriate to try to control it by the use of a condition(s) on a planning permission. However, an appropriate informative has been suggested in order to encourage the installation of an appropriate bin and the keeping clean of the public highway immediately outside the premises.

As the appraisal above has explained, it is considered that the objections raised to the scheme would not be sufficient to justify refusal in this instance.

**CONCLUSION**

For all the reasons considered above, and weighing up the development plan policies and proposals, and all other material considerations including comments received in response to notification and consultation as set out above, this application is recommended for approval, subject to the following conditions :

## **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 use hereby permitted shall not be open to customers outside the following times:-

a: 10.30 hours to 23.00 hours, Monday to Saturday inclusive,

b: 10.30 hours to 22.30 hours on Sundays and Public 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).

3 The refuse bins shall be stored at all times (other than on collection days) in the area shown on the approved drawings unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure adequate standards of hygiene and refuse/waste collection and storage without prejudice to the enjoyment by neighbouring occupiers of their properties in accordance with saved policy D4 of the Harrow Unitary Development Plan (2004).

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

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

5 The level of noise emitted from any new plant shall be lower than the existing background level by at least 10 LpA. Noise levels shall be determined at one metre from the window of the nearest noise sensitive premises. The measurements and assessments shall be made in accordance with B.S. 4142. The background noise level shall be expressed as the lowest LA90 (10 minutes) during which plant is or may be in operation. Following installation but before the new plant comes into operation additional measurements of noise from the plant must be taken and a report demonstrating that the plant as installed meets the design requirements shall be submitted to and approved in writing by the Local Planning Authority.

All constituent parts of the new plant shall be maintained and replaced in whole or in part as often is required to ensure compliance with the noise levels approved by the Local Planning Authority.

The installation should further not emit tones or other specific sounds which might cause subjective disturbance. To this end, a frequency spectrum or noise rating curve for the (proposed) plant should be part of any report.

REASON: To safeguard the amenity of neighbouring residents in accordance with saved policies D5 and EP25 of the Harrow Unitary Development Plan (2004).

6 No music or any other amplified sound caused as a result of this permission shall be audible at the boundary of any residential premises either attached to, or in the vicinity of, the premises to which this permission refers.

REASON: To ensure the use does not cause harm to neighbouring residential occupiers with regard to amplified sound in accordance with saved policies EM25 and EP25 of the Harrow Unitary Development Plan (2004).

7 The development hereby permitted shall be carried out in accordance with the following approved plans: 6081.01 Rev. A; 6081.02 Rev. B; 6081.03; 6081.04 Rev. A; Design and Access Statement, dated 21 March 2011 and Acoustic Report, dated 23 March 2011.

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 planning permission has been taken having regard national planning policy, the policies and proposals in the London Plan (2011), the saved policies of the Harrow Unitary Development Plan (2004), and to all relevant material considerations, including any comments received in response to publicity and consultation, as outlined in the application report.

The site is located in the North Harrow District Centre which currently has high levels of vacancy, and is in need of support to maintain its role as a District Centre. Having regard to this and the context of its location within the more flexible designated Secondary Shopping Frontage, it is considered that the local employment and regenerative benefits of this proposal should be allowed, in this instance, to outweigh the harm caused by the loss of an A1 unit. This view is in keeping with the Council's stated commitment to consider a range of interventions to rejuvenate North Harrow District Centre and PPS4 (2009) which advises Local Planning Authorities to set flexible policies for their centres which are able to respond to changing economic circumstances.

### **National Policy Guidance:**

Planning Policy Statement 4: Planning for Sustainable Economic Growth

Planning Policy Guidance 24: Planning and Noise

### **The London Plan (2011):**

2.7 Outer London: economy

4.7B Retail and town centre development

4.8B Supporting a successful and diverse retail sector

6.13C & D Parking

7.2C An inclusive environment

7.3B Designing out crime

7.6B Architecture

7.15B Reducing noise and enhancing soundscapes

### **Harrow Unitary Development Plan 2004 (Saved Policies):**

SEM2 Hierarchy of Town Centres

D4 The Standard of Design and Layout

D5 Residential Amenity

EP25 Noise

EM17 Change of Use of Shops – Secondary Shopping Frontages  
EM24 Town Centre Environment  
EM25 Food, Drink and Late Night Uses  
T6 The Transport Impact of Development Proposals  
C16 Access to Buildings and Public Spaces  
Supplementary Planning Document: 'Access for All' (2006)

## 2 CONSIDERATE CONTRACTORS CODE OF PRACTICE

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 (including those associated with the fitting out of the interior of the premises) and in particular the limitations on hours of working.

## 3 ACCESSIBLE CUSTOMER WC'S

The applicant is advised that the dimensions of the proposed WCs, as shown on the approved drawing ref. 6081.02 Rev.B, do not meet the standards set out within the Council's Supplementary Planning Document: Access for All (2006) (see pages 30-31) in that the depth of the proposed WC's should be at least 2.2 metres deep. However, the required standard can be achieved by re-positioning the front partitions at least 100mm further forward from where they have been indicated on this plan. The applicant is advised to continue to refer to this document for guidance on the recommended internal layout for (disabled) accessible WCs.

## 4 ADVERTISEMENT AND SHOPFRONT ALTERATION CONSENT REQUIRED

The applicant is advised that this planning permission only permits the change of use of the premises from a shop (A1) to a restaurant (A3). It does not over-ride the need to apply for Advertisement Consent for any proposed signage associated with the new business and the need to apply for Full Planning Permission for any proposed alterations to the 'shop front' of the premises.

## 5 COLLECTION AND DISPOSAL OF TRADE WASTE

The applicant is advised that the business owner is obliged to apply to Harrow Council for a trade waste licence / contract for the collection of waste generated by the use hereby permitted. For further information please contact the Council's Waste Management Team on 020 8901 2600 or email [waste@harrow.gov.uk](mailto:waste@harrow.gov.uk) .

## 6 LITTER BINS OUTSIDE A3 PREMISES

The applicant is requested to liaise with the Council's Highways Enforcement Section with regard to the provision of a litter bin, or appropriate alternative, outside the premises. The applicant is asked to ensure that this is emptied at regular intervals and that the Public Highway outside the premises is kept litter-free.

Plan Nos: 6081.01 Rev. A; 6081.02 Rev. B; 6081.03; 6081.04 Rev. A; Acoustic Report, dated 23 March 2011; Design and Access Statement, dated 21 March 2011

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**60 EXETER ROAD, RAYNERS LANE, HA2 9PL**

**Item: 2/05  
P/1263/11**

Ward RAYNERS LANE

CONVERSION OF DWELLING INTO TWO FLATS: PROVISION OF TWO PARKING SPACES: REFUSE: LANDSCAPING AND ALTERATIONS TO FRONT PORCH (RETROSPECTIVE APPLICATION).

**Applicant:** Mr R P Khakharia  
**Agent:** DB Planners  
**Case officer** Ian Hyde  
**Statutory Expiry Date:** | 21-JUL-11

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## **RECOMMENDATION**

**GRANT** permission for the development described in the application subject to conditions

The decision to **GRANT** permission for the conversion of dwelling into two flats, provision of two parking spaces, refuse, landscaping and alterations to front porch has been taken having regard to the policies and proposals within PPS1, and PPS3, the London Plan 2008, and the saved policies of the Harrow Unitary Development Plan 2004 as set out below, Supplementary Planning Documents, and to all relevant material considerations including comments received in response to publicity and consultation, as outlined in the application report. The development is considered to provide an acceptable standard of accommodation and would not significantly harm the character or appearance of the area or have an unreasonable impact on the amenities of the surrounding occupiers.

### **The London Plan (2011):**

- 3.1 Ensuring Equal Life Chances For All
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Supply
- 3.14 Existing Housing
- 7.1 Building London's Neighbourhoods and Communities
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.6 Architecture

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

- D4 The Standard of Design and Layout
- D5 New Residential Development – Amenity Space and Privacy
- D9 Streetside Greenness and Forecourt Greenery
- D10 Trees and New Development
- C16 Access to Buildings and Public Spaces
- H0 Maintenance and Improvement of Housing Stock
- T13 Parking Standards
- EP25 – Noise

### **Supplementary Planning Documents**

Planning Policy Statement 1: Delivering Sustainable Development (2005)  
Planning Policy Statement 3: Housing (2011)  
PPG24 Planning and Noise (1994)  
Supplementary Planning Document 'Residential Design Guide' (2010)  
Supplementary Planning Document 'Accessible Homes' (2010)

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

- 1) Character and Appearance of the Area and Residential Amenity (London Plan 7.1D, 7.4B, 7.6B, UDP D4, D5, SPD;)
- 2) Conversion of Building to Flats (D4, D5, D9, C16, T13, SPD, London Plan 3.4A, 3.5C, 7.2C, 7.6B)
- 3) S17 Crime & Disorder Act (London Plan 7.3(B), UDP D4)
- 4) Consultation Responses

### **INFORMATION**

This application was deferred from the July Planning Committee by Members so that the applicant could seek a further noise assessment between the site property and no. 58 Exeter Road.

#### **a) Summary**

Statutory Return Type:	Minor dwellings	
Car Parking	Standard	2.4
	Justified	2
	Provided	2
Lifetime Homes:	2	
Wheelchair Standards:	None	
Council Interest:	None	
Statutory Return Type:	Minor dwellings	
Car Parking	Standard	

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

- Two storey pitched roof dwelling located on the eastern side of Exeter Road.
- The area is predominantly suburban residential and the site is surrounded by similar residential properties.
- The site has a substantial rear garden with a depth of some 20m.
- Works to the site have converted the dwelling into two no. two bedroom flats, a porch has been erected on the front elevation and the rear garden subdivided.
- Two parking spaces are provided in the front garden
- At the time of site visit, on street parking appeared to be available but somewhat restricted.

**c) Proposal Details**

- Retention of the existing conversion into two flats and associated alterations (as described within the description).

**d) Revisions to previous application and Changes to Legislation**

- The application seeks retention of the development and conversion works implemented on the site, the application is similar to that submitted previously (for retention of the development), however is now supported by a noise assessment carried out between Nos 58 and 60 by Site-sound Ltd.
- Since previous consideration by the Planning Committee, the London Plan 2011 has been adopted, this document now provides (in addition to other matters) adopted unit size standards, these match the standards within the Interim Housing Design Guide standards which superseded the Draft Housing Design Guide which was referred to within the inspectors decision.

**e) Relevant History**

P/1007/10	Conversion of existing dwelling into two self contained flats; provision of two parking spaces; refuse; landscaping; alterations to front porch	REFUSED DISMISSED AT APPEAL 22-OCT-10
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**Reasons for Refusal:**

1. The proposed development by reason of unsatisfactory overall floor areas, room sizes and layout, and failure to demonstrate compliance with the Lifetime Homes standards in the ground floor flat would result in a cramped and substandard form of accommodation to the detriment of the amenities of future occupiers of the site contrary to policy 3A.5 of the London Plan (2008), saved policies D4 and C16 of the Harrow Unitary Development Plan (2004) and the Supplementary Planning Document: Accessible Homes (2010).

2. The positioning of bedroom windows for the ground floor flat, directly in front of the parking area and adjacent to the entrance to the building, would result in a poor standard of occupation for ground floor occupiers by way of headlight glare, disturbance and a general lack of privacy from residents and visitors entering and exiting the upper floor flat. As such the development would be contrary to saved policy D4 of the Harrow Unitary Development Plan (2004).

3. The proposed development, by virtue of its failure to demonstrate that the location of a shower room adjacent to the party wall with a neighbouring unit, would not result in detriment to the amenities of the amenities of neighbouring occupiers, would be contrary to saved Policy D4 of the Harrow Unitary Development (2004).

4. The proposed replacement window within the front elevation of the existing garage, by virtue of the height of the window in relation to existing fenestration within the frontage, would result in a poor quality alteration which would not reflect the rhythm of the dwelling and which would be detrimental to the visual amenity of the area. As such the development would be contrary to saved policy D4 of the Adopted Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance "Extensions: A householders Guide."



P/3550/11	RETROSPECTIVE APPLICATION FOR CONVERSION OF DWELLING INTO TWO FLATS: PROVISION OF TWO PARKING SPACES: REFUSE: LANDSCAPING AND ALTERATIONS TO FRONT PORCH.	REFUSED 10/02/11
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**Reason for Refusal:**

1. The application has failed to demonstrate that there are adequate measures to mitigate noise and disturbance between the living room of no. 58 Exeter Road and the adjacent bedroom of flat 1 on the ground floor and between the living room of flat 2 on the first floor and the adjacent bedroom of no. 58 Exeter Road. The conversion of the dwelling into two flats therefore fails to demonstrate compliance with saved Policy D4 of the Harrow Unitary Development Plan (2004).

**f) Pre-Application Discussion**

- None.

**g) Applicant Statement**

The Statement states that the plans submitted with the application were as constructed and as reviewed by the Inspector and Officer on 28 Sept 2010 under appeal APP/M5450/A/10/2132227.

The statement notes that the Inspector in the above appeal upheld on all grounds with the exception of the issue of noise protection between Nos 58 and 60 Exeter Road and that an assessment between Nos 58 and 60 has been provided. The statement further notes that the assessment shows compliance with building regulations, as well as having a wall of 9" thickness which is equivalent to that expected in new applications.

The Statement addresses the various points of design and quality of the scheme, and concludes that the development provides a more efficient use of a building to satisfy the varied housing mix demand in the local area whilst respecting the character of the streetscene. It is contended by the applicants that the development provides individual occupants with a good living environment with access to onsite amenity and parking provisions suitable to meet the needs of the unit sizes and would be in accordance with local and national planning guidance, PPS1, PPS3 and PPG13.

A further justification has been provided from the company (Site-Sound) who undertook the assessment of the application, this provides a justification of the circumstances surrounding the test and amongst its conclusions, suggests that the rejection of an application solely on the basis of the subject room being furnished.

The applicant has provided further documents to the owner of no. 58 which suggest that they have actively tried to schedule a further noise test, however that there has been no agreement between parties in setting a date for such a test.

**h) Consultations:**

**Highways Officer:**

In scale terms the use intensity is comparable to the current single dwelling use so there are no concerns with this aspect. The provision of 2 spaces is acceptable (one for lifetime homes) owing to the below average public transport accessibility levels.

With regard to the balance of frontage amenity & parking provision this would need to be addressed.

Widening of the crossing should not exceed the max allowable of 3.6m as this will comfortably service 2 parking spaces. An informative to this effect is recommended to be attached to the consent notice.

**Building Regulations:**

From the e-mail dated 21st July 2011 from Mike Legon of SiteSound Testing Company, and after seeking further independent advice, Building Regulation staff are satisfied that the test results are representative and acceptable; since a 'correction factor' was used for the results due to the presence of furniture in the existing house.

While the requirement under the Building Regulations was satisfied by virtue of the existing construction of the party wall and not a test, Building Regulation staff now believe the test results confirm the compliance without the need for any further remedial treatment.

**Notifications:**

Sent to 15 neighbouring 4 letter of objection. Expiry: 08-JUN-11  
occupiers at the following  
addresses:

2 Dunster Way  
36A, 47, 52, 54, 56, 58, 62, 64,  
66. 110 Exeter Road  
59,61,63 Lynton Road

**Summary of Response:**

Concern over bin storage, noise and disturbance, the size of units and that conversion into flats is out of character with the surrounding area, losses of privacy.

Parking concerns including intensification and substandard layout, provision of parking spaces, the location of a tree within the footpath, that Internal layouts of the building differ to those shown on plans, concerns over quality of the sound assessment undertake the qualities of the inspectors, the quality of the original build quality of the house the storage of bins, risk of fire from front landscaping, transmission of mud onto highway.

Additionally, concern was expressed over marketing of the ground floor as a two double bedroom unit.

## **APPRAISAL**

### **General Information (Appeal Decision)**

The current application is submitted based on the outcome of Appeal reference APP/M5450/A/10/2132227 for retention of the development onsite which was dismissed at appeal on the 22<sup>nd</sup> of October 2010.

In his decision, the Inspector upheld the appeal on all grounds except with regard to reason three of the refusal which related to the failure of the applicants to demonstrate that the conversion would protect the amenities of neighbouring occupiers. This appeal decision assessed the completed development (which had been constructed in the interval between planning submission and the appeal site visit).

The Inspector, in paragraph 25 of the Appeal decision suggested that he had no evidence that compliance with the requirements (of Building Regulations) would be sufficient so as to protect the living conditions of the occupiers of no. 58. This is important given, the first floor level provides a living room adjacent to the party wall with no. 58. In addition to this the layout of no.60 is such that disturbance could also potentially be a problem for the occupiers of the ground floor flat due to the placement of a bedroom on this party wall. The Inspector then referred (in paragraph 26) to an appeal decision at 174 Exeter Road (APP/M5450/A/09/2094107), where for a similar proposal the inspector concluded (with regard to noise disturbance to neighbours) that *“Without adequate insulation this could lead to undue noise and disturbance to the occupiers of no 176. However, in the absence of evidence regarding the structure of the building and what works may be practical and effective, it is not certain that satisfactory mitigation measures could be secured by planning condition.”* The Inspector then suggested that he considered similar circumstances applied at no. 60 and that he did not consider that a condition requiring further information would be appropriate. He continued in paragraph 28 that noise could be a problem and that there was no evidence to conclude that the problems identified could be avoided.

Based on these considerations, the inspector concluded in paragraph 29 of his decision that the information provided was insufficient to satisfy him that the conditions onsite and the measures undertaken as part of the development would be sufficient to protect the amenities of the neighbouring occupiers and that the appeal should fail. Therefore, the critical consideration is whether the applicant has demonstrated that the amenities of the neighbours at no. 58 and the occupiers of the ground flat will be protected.

As such, and given that the development under consideration reflects the development considered by the inspector, the application turns on the quality of the information provided within the current application, and whether this is sufficient to support the claim that the amenities of neighbouring occupiers and those of the occupiers of the flats created as a result of the development are protected from disturbance arising from the conversion.

Nonetheless, for completeness, other matters relating to the development will also be considered below.

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

London Plan policy 7.4 suggests that development should have regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and local natural landscape features, including the underlying landform and topography of an area. Saved policy D4 of the Harrow UDP follows on from the principles set out under London Plan policy 7.4 and seeks a high standard of design and layout in all developments proposals. It goes on to state, amongst other things, that developments should contribute to the creation of a positive identity through the quality of building layout and design. Developments should have regard to scale and character of surrounding environment and should be appropriate in relation to other building in the street, and respect massing, composition, proportion and materials of the surrounding townscape, and attention should be paid to the urban 'grain' of the area in terms of building form and patterns of development (paragraph 4.11). Roof designs that create visual interest will be encouraged provided they do not detract from the character of the area.

Saved policy D4 of the Harrow UDP (2004) states that new development should take into account the character and landscape of the locality (paragraph 4.10) and that developments should have regard to the scale and character of the surrounding environment and should be appropriate in relation to other buildings adjoining and in the street (paragraph 4.11). The development did not seek to make significant alterations to the exterior of the building, with the exception of the erection of a porch.

The Council has published a Supplementary Planning Document on Residential Design (2010) which sets down the detailed guidance for residential extensions and conversions. This document was adopted following a formal public consultation period on the draft document which lasted for 4 weeks from 30<sup>th</sup> September to 28<sup>th</sup> October 2010. Following the close of consultation and in response to consultees' comments the supplementary planning document was substantially revised prior to adoption on 15<sup>th</sup> December 2010. This guidance acknowledges the impact that extensions to properties can have significant impacts and that these should be sensitive to the situation in which they find themselves. The guidance also recognises that front extensions have the greatest potential impact on the character and visual amenity of the streetscene. It notes that residential buildings in Harrow generally have a clear building line and that small front porches may be permitted in certain circumstances if they are sympathetic to the dwelling and the surrounding area.

The porch is separated from the main front bay and is similar to those existing on the other parts of the street. The porch is considered to be sympathetic to development within the surrounding streetscene and the scale and proportions of the dwelling and is therefore considered to be consistent with the intentions of saved Policy D4 of the Harrow UDP and the provisions of the Residential Design Guide, Furthermore, the external alterations to the building were considered under appeal APP/M5450/A/10/2132227 (the appeal) and were found by the Inspector to be acceptable. Given that no alteration to the porch from that existing is proposed, the development is considered to be acceptable in this respect.

**2) Conversion of Building to Flats**

As stated above, saved policy D4 of the Harrow UDP (2004) seeks a high standard of design and layout in all development proposals. Saved policy D5 of the Harrow UDP seeks to ensure that new residential development provides amenity space that is sufficient to protect the privacy and amenity of occupiers of surrounding buildings, is a usable amenity area for the occupiers of the development and is a visual amenity. The Council, subsequent to the appeal on this site has adopted the document Supplementary Planning Document "Residential Design Guide" (2010) which sets out in Paragraph 5.11 that the minimum space standards for new homes set out in the London Plan (and in particular table 3.3 of this document) will be applied. The failure to provide such standards highlight a shortfall in relation to PPS1, PPS3, London Plan policies and saved Harrow UDP policies where the circumstances of the specific application must demonstrate why there is no unacceptable harm caused. Each aspect of the conversion in the context of saved policies D4 and D5, Supplementary Planning Document "Residential Design Guide" (2010) and the Interim London Housing Design Guide is addressed accordingly below.

Circulation and layout

In terms of the overall gross internal area (GIA) of the ground floor flat at 58sqm, the proposal is shown to be below the GIA set out in the London Plan (61sqm) for a 2 bed three person unit.

The second bedroom of this 2 bedroom flat appears to be capable of accommodating a double bed and the marketing documents submitted by the objector are noted, however once furniture associated with a bedroom was introduced space would be significantly restricted, it is therefore considered that this would be likely to be used as a single bedroom and the development is considered on this basis.

Whilst it is noted that a new London Plan was adopted in July 2011 which provided unit size standards, these match those of the Interim Housing Design Guide, which was referred to by the Inspector who, in turn assessed the development implemented onsite. The inspector concluded that the arrangements, including Lifetime Homes and circulation areas, were appropriate for prospective occupants and therefore, notwithstanding that the development is technically non compliant with the Policies of the revised London Plan, the material circumstances suggest that the development is acceptable in these specific circumstances.

It is of relevance that the Inspector concluded (in paragraph 13 of his decision) that the layout of the ground floor flat had not resulted in a cramped and substandard form of accommodation which would be detrimental to the amenities of future occupiers. The inspector concluded that the development would therefore not conflict with the Development Plan or the SPD.

With regard to the amenities of the occupiers of this unit, both bedrooms are provided with the primary windows serving bedrooms on their front elevation.

Whilst for a dwelling the separation from the road would be sufficient to restrict overlooking, a conversion into flats would mean that headlight glare, overlooking and disturbance, from residents of the upper floor unit entering and exiting the site, this poor layout would be exacerbated by the proximity of the main front entrance to the bedroom windows of the ground floor flat.

Notwithstanding this consideration, the layout of the development implemented onsite was sufficient to convince the Inspector within the appeal that the development was appropriate for its use. The Inspector concluded (in paragraph 13 of his decision) that the layout of the ground floor flat had not resulted in a cramped and substandard form of accommodation which would be detrimental to the amenities of future occupiers. The inspector concluded that the development would therefore not conflict with the Development Plan or the SPD.

This point formed a reason for refusal in the previous decision by the Council, however it was acknowledged that a condition requiring parking to be reserved for the ground floor occupiers would resolve this issue. In paragraphs 16 to 20 of his decision, the Inspector did not agree however that disturbance caused by activities associated with the upper floor occupiers would cause harm to the ground floor occupiers and concluded that such activities would not result in an unacceptably poor standard of accommodation for future occupiers. He concluded that there would be no conflict with the UDP.

It is noted that there are secondary windows on the side elevation of the building serving bedroom 1 and the dining room of the ground floor flat. These could be overlooked by the residents of the upper floor unit whilst accessing the rear garden, however given that they are secondary, a condition requiring this to be retained in obscure glazing is recommended to be attached in order to protect privacy.

The floor areas for individual rooms are somewhat below the standard expected for such a unit, however the flow of space and open plan nature of the flat would be considered to result in a development which would be appropriate for its intended purpose and was not found to be harmful by the Inspector in his consideration of the development.

With regard to the first floor flat, once again the development would fall short of the 61sqm expected of a two bedroom, 3 person unit at 57sqm onsite as opposed to 61sqm required within table 3.3 of The London Plan 2011. The occupancy of the unit is based on the size and layout of the second bedroom and that, notwithstanding the advertising material provided, on the balance of probabilities, its use is likely to be as a single room.

Given that the entire development existing onsite was considered by the Inspector, who raised no issue with the layout or size of the first floor flat, the development is considered to be acceptable in this respect.

Stacking

The layout of the units shows similar rooms stacked over similar rooms to avoid any unreasonable disturbance and activity transmission between both flats, this is confirmed by the building regulations approval for the conversion.

Relationship with Neighbouring Occupiers

As discussed above, the inspector in Sections 22 to 28 of the appeal decision expressed concern about the noise protection for neighbouring occupiers and a need to demonstrate that the development would prevent harm to these occupiers in compliance with saved Policy D4 of the Harrow Unitary Development Plan. Whilst not considered by the Inspector, it is considered that saved Policy EP25 of the Harrow Unitary Development Plan (2004) which seeks to ensure that development minimises noise, vibration and disturbance to be minimised could be relevant here.

The current application has provided a noise assessment from Sitesound Consultants which measured distances between no. 58 and no. 60 and specifically the living room at no. 58 and bedroom one for "Flat A" and the kitchen/living room within "Flat B" and bedroom 2 at no. 58. The results of this assessment suggest that the development would exceed the requirements of Building Regulations for noise insulation between units in a conversion scheme (43 dB DnTw+Ctr) as specified within Section O of Approved Document E (2003) and that the measurements exceed the required insulation levels by between 3 and 6db in relation to the two neighbouring units.

Given that the development complies with and exceeds Building Regulations requirements, it is considered that the scheme has demonstrated that adequate measures to mitigate noise and disturbance between the living room of no. 58 Exeter Road and the adjacent bedroom of flat 1 on the ground floor and between the occupiers of the flats at no. 60 and the residential occupiers at no. 58 has been provided.

It is noted that the adjoining neighbour is unhappy with the findings of this report and suggests that the failure to remove furnishings suggests that the assessment was flawed. The application was deferred from the previous committee meeting to permit a revised sound test in this regard. Since then a justification of the original sound test has been provided by the company which undertook the assessment which suggests that this is not sufficient to fail the test and justifies this on the following basis.

The consultant notes that often times assessment would be taken in an empty room when it was completed but prior to first occupation, they also note that calculations take into account the level of absorption in a room and that theoretically this should address any impacts arising from furnishings which within the room. Furthermore, the consultant suggested that as sound is measured in decibels, which is a logarithmic scale a 3 dB improvement represents a doubling of acoustic energy, while a 6 db improvement represents a quadrupling of energy being absorbed by the separating wall. With such massive large 'cushion' in terms of energy levels, they were satisfied that testing with or without furnishing in place will always result in the regulation being comfortably exceeded.

Whilst the survey result is considered to be satisfactory for the purposes of demonstrating adequate protection between these properties, it is noted that the applicant has suggested that they have attempted to arrange a further test which would satisfy the concerns of the neighbour, but that this has not been possible to achieve.

It is therefore considered that any further requirement on the applicant to provide information relating to noise transmission between the properties would be unreasonable and that, the application has addressed the concerns of the Inspector within appeal decision.

Access to Amenity Space

Policy D5 of the UDP does not stipulate a minimum or maximum standard of amenity space required, but will assess each case against the standard of amenity space in the surrounding area and the amount of useable space provided. Paragraph 5.15 and 5.16 of the Sustainable Design SPD also refers to the need for good quality rear garden space. In this case the surrounding area is characterised by large rear gardens. The development has sub-divided the gardens to provide a rear amenity space for each flat. The ground floor flat has a private garden area of approximately 64m<sup>2</sup> and the first floor flat has an area of approximately 105m<sup>2</sup>. The provision of garden space is considered to be adequate for the use and size of dwellings. Based on these factors, it is considered that the amenity space is adequate for the future occupiers of the development and to the objectives set out under saved policy D5 of the Harrow UDP.

Landscape Treatment/ Refuse and Recycling Storage

Paragraph 4.21 of policy D4, recognises the contribution front gardens can make to the character of an area and the locality. Paragraph 5.8 of the SPD provides guidance as to the expected positioning and quality of refuse storage. The LPA will seek their retention, reinstatement and enhancement in proposals as stipulated in policy D9. This is to ensure that the greenery of the front gardens is enhanced to improve the appearance of the development and the street scene. Policy D4 also refers to the storage of refuse and waste and state that this should not be to the detriment of the visual and residential amenities or detrimental to the character of the area. The proposal seeks to retain the existing front garden which is characterised by mixture of soft and hard landscape treatments. The principle of this is considered acceptable.

The proposal shows that 6 no. bins would be located in the rear garden. The bins serving the upper floor unit are some distance from the dwelling, however these could be relocated if required so that they were closer to the highway (whilst still behind the building). The number of binstores provided and the amount of room available for their placement would be considered to comply with policy D4 of the Harrow UDP.

Correspondence received as part of the application process suggests that tenants of the development are storing bins in the front garden of the property. A condition has been recommended requiring bins to be returned to their designated location at times other than on collection days.



*Impact on Neighbouring Amenity*

Notwithstanding the comments above in relation to noise and disturbance internally between properties, it is acknowledged that conversion has the potential to increase residential activity on the site, expressed through comings and goings to the property. However, given the modest size of the flats, it is considered that this proposal has not been detrimental to the amenity of neighbouring occupiers. It is noted that the applicants have retained a single entrance door and has made no other external alterations to the dwelling except for a porch. Given that the parking requirements (as defined within The Harrow UDP) are similar to the dwelling existing and that the intensity of use is similar, it is considered that there are not any significant impacts on the character of the area or amenity of neighbouring occupiers in this respect.

*Traffic and Parking*

It is noted that the Inspector considered that noise and disturbance from first floor associated vehicles could cause harm to the amenities of the ground floor units, if they were to arrive or depart at unusual times. As such it is recommended that a condition be added to ensure that parking is reserved for the occupiers of the ground floor flat.

There has been no objection raised to the development by Highways officers, paragraph 5.4 of the SPD suggests that parking for only one vehicle will be accommodated at ground floor level, this would generally mean that the occupants of one unit would be required to park onstreet. Exeter Road is unrestricted and there appeared, at the time of site visit, to be no issue with parking on the highway. It is considered that the provision of potentially two spaces (subject to the crossing being widened) provides sufficient parking for the site and would not result in significant harm for the amenities of neighbouring occupiers or significant congestion on street.

**3) S17 Crime & Disorder Act**

The application has not proposed alterations to the building which would result in any significant increase in crime or risk of crime, as such the development is considered to be acceptable.

**4) Consultation Responses:**

*“Traffic and parking”*

These matters are dealt with above. The Highways Officer is satisfied with the scheme and should it be necessary, the widening of the existing crossover would be possible on this site.

*“Location of tree within the footpath”*

It is noted that this is not shown on floor plans, however given that the second parking space would be formed away from the tree (towards the northern boundary), it is considered that this is not a fundamental flaw in the development. Notwithstanding this, relationships to street trees would be assessed at the time of application for any new crossing.

*"Internal layouts of the building different to shown on plans."*

The removal of an internal wall within one unit is not considered to be a material consideration on which the application would turn.

*"Noise and disturbance"*

It is acknowledged that there will always be noise and disturbance associated with sharing party walls. The applicants have demonstrated that the insulation between Nos 58 and the flats at 60, provides a reasonable (ie. Up to Building Regulations) standard of insulation between these two properties. It is considered that any further requirement would be unreasonable in this instance. It is therefore considered that objections in this respect cannot be supported.

*"Sound report (21st December) not relating to site"*

This assessment related to internal relationships within no. 60, the concerns of the inspector related to the relationship between no. 58 and 60 and is considered to be the relevant document under consideration.

*"Sound report (5<sup>th</sup> May) incorrect"*

Objector expressed concern that the proposal was not in compliance with Building Regulations standards due to not being undertaken in an empty room. Whilst concerns are noted, the tests were undertaken by professional and suitably qualified persons. Officers must defer to the professional conclusions of such parties.

*"Qualifications of Surveyors"*

The objector queries whether the applicants Noise assessment was undertaken by an appropriate person or company. The consultants (Site Sound) are registered with the UK association of standards and there is no evidence to suggest that the assessors in this case are fraudulent.

*"Nash type houses"*

Objectors raised concerns regarding the design and build quality of "Nash" type dwellings and referenced two other decisions. Officers would respond that every case must be considered on its merits and would refer to the professionally undertaken noise assessment supporting the application.

*"Loss of privacy"*

Concern raised over ground floor front windows being overlooked from the building entrance. This issue was raised as a reason for refusal in the original application for conversion of the dwelling. Appeal decision did not uphold the reason. Development is unchanged and therefore cannot be given significant weight.

*"Concerns over size and accommodation of units."*

Objections expressed concern over the size of units and the level of occupation. The Inspector found the implemented development to have appropriate space for the reasonable needs of prospective occupants based on unit sizes proposed. The Planning Department is not in a position to limit the number of occupants actually living in the development, if they are doing so as a single family.

*“Parking spaces”*

Objectors note that plans appear to show two parking spaces, however the application appears to propose one space onsite. Officers note that one space has been implemented onsite, however the applicant retains the ability to exercise their right to extend the crossover to the property to accommodate an additional vehicle. Additional spaces (up to four) as suggested by the objector would be considered to result in a poor quality visual amenity for the streetscene.

*“Bin stores”*

Objectors raised issues with bin storage arrangements, these matters have been explored within the Committee Report and appropriate conditions attached. With regard to the number of bins provided, this is dependent on other Council Units and fall outside of planning control.

*“Risk of fire from landscaping”*

Objectors risk of fire from poorly maintained grass combusting under a parked vehicle, it is considered unlikely that such a situation would occur, notwithstanding this, failure to maintain their property would fall within the responsibility of the owners or tenants of the property.

*“Transmission of mud onto highway”*

Objectors expressed concern about the condition of the front hardstanding and transmission of mud onto the highway with consequent slipperiness. It is considered that the intensity of use of the access would be unlikely to result in anything other than insignificant mud transmission onto the highway. If this did occur however, matters could be resolved through remedial action by the Highways Authority.

*“Quality of affordable housing”*

Objectors expressed concern about the standard of accommodation for proposed occupiers with respect to Lifetime Homes standards. This was assessed by the planning inspector in the appeal decision on this site who found no non compliance with such standards in assessing the situation as constructed onsite, as such this cannot be considered to form a reason for refusal. Furthermore, the layout of the front garden is considered to not make access to the site by disabled visitors unacceptably inconvenient as it would provide an all weather surface.

*“Number of upper floor occupants”.*

The objector contends that the upper floor unit is being marketed as a 2 bedroom unit which has capacity for four occupiers. Whilst this is noted, it is further noted that in his decision on the previous appeal on this site, the inspector noted the floor areas and considered them adequate for purpose. It is considered that given that the floor areas of the building have been concluded to be appropriate for the size of the building.

*“Other matters”*

Objectors raised issues of the principle of conversion, which is discussed in the main application report.

Objectors also raised concern with regard to the gates in the building being left unsecured, design of rainwater goods, the construction quality of a fence onsite, the activities of residents and whether the property was correctly insured. All of these issues are considered to fall outside of planning control and are better addressed through other legislation where appropriate.

### **CONCLUSION**

The decision to **GRANT** permission for the conversion of dwelling into two flats, provision of two parking spaces, refuse, landscaping and alterations to front porch has been taken having regard to the policies and proposals within PPS1, and PPS3, the London Plan 2008, and the saved policies of the Harrow Unitary Development Plan 2004 as contained within the application report, Supplementary Planning Documents, and to all relevant material considerations including comments received in response to publicity and consultation, as outlined in the application report. The development is considered to provide an acceptable standard of accommodation and would not significantly harm the character or appearance of the area or have an unreasonable impact on the amenities of the surrounding occupiers. Therefore this application is recommended for grant subject to the following condition

### **CONDITIONS**

1 The development hereby permitted shall be retained in accordance with the following approved plans: 60/01; 60/02; 60/03; 60/04; 60/05; 60/06; Site Plan; Location Plan; Planning Statement; Sitesound Insulation test;

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

2 Except on collection days, the refuse bins shall be stored in the positions shown on drawing 60/01.

REASON: In the interests of the amenities of neighbouring occupiers and the visual amenity of the street scene, and in pursuance of saved Policy D4 of the Harrow Unitary Development Plan 2004.

3 All planting, seeding or turfing comprised in the approved details of landscaping shall be completed within one year following the date of approval of this application. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development in pursuance of saved Policy D4 of the Harrow Unitary Development Plan (2004).

4 The parking spaces provided in the front garden area of the site, shall be used only by the occupants of the ground floor flat and their visitors.

REASON: In order to prevent unreasonable noise and disturbance arising from the activities of upper floor occupiers as a result of the proximity of ground floor habitable rooms to the parking spaces, in pursuance of saved Policy D4 of the Harrow Unitary Development Plan (2004)

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

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

REASON: To safeguard the amenity of privacy and amenity of ground floor residents and neighbouring occupiers, pursuant to saved Policies D4 and D5 of the Harrow Unitary Development Plan (2004).

### **INFORMATIVES**

1 The decision to **GRANT** permission for the conversion of the dwelling into two flats, provision of two parking spaces, refuse, landscaping and alterations to front porch has been taken having regard to the policies and proposals within PPS1, and PPS3, and the saved policies of the Harrow Unitary Development Plan 2004 as set out below, Supplementary Planning Documents, and to all relevant material considerations including comments received in response to publicity and consultation, as outlined in the application report. The development is considered acceptable and would not significantly harm the character or appearance of the area or have an unreasonable impact on the amenities of the surrounding occupiers.

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

3A.1 Increasing London's supply of housing

3A.2 Borough Housing Targets

3A.5 Housing Choice

4B.1 Design principles for a compact city

4B.5 Creating an inclusive environment

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

D4 The Standard of Design and Layout

D5 New Residential Development – Amenity Space and Privacy

D9 Streetside Greenness and Forecourt Greenery

D10 Trees and New Development

C16 Access to Buildings and Public Spaces

H0 Maintenance and Improvement of Housing Stock

T13 Parking Standards

EP25 – Noise

#### **Supplementary Planning Documents**

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Statement 3: Housing (2010)

PPG24 Planning and Noise (1994)

Supplementary Planning Document 'Residential Design Guide' (2010)

Supplementary Planning Document 'Accessible Homes' (2010)

2 The applicant is advised that the provision of a widened access would require a separate application to the Council and that any extension should not exceed 3.6m.

Plan Nos: 60/01; 60/02; 60/03; 60/04; 60/05 60/06; 60/07; 10A014/PL02 A; Location Plan; Sitesound Noise Assessment; KR Associates (UK) Noise Assessment; Planning Statement;

**GARAGES REAR OF CHESTER COURT,  
SHEEPCOTE ROAD, HARROW, HA1  
2LJ**

Ward GREENHILL

DEMOLITION OF EXISTING GARAGES PROPOSED THREE 2 BEDROOM MEWS TYPE HOUSES WITH 8 CAR PARK SPACES, NEW REFUSE STORES (REVISIONS TO PLANNING PERMISSION P/0200/07/CFU ALLOWED ON APPEAL REF APP/M5450/A/07/2053472 DATED 18 DECEMBER 2007) (RESIDENT PERMIT RESTRICTED)

**Applicant:** Haynes (Holdings) Company Ltd

**Agent:** Barker Parry Town Planning Ltd

**Case Officer:** Gerard Livett

**Statutory Expiry Date:** 28-JUL-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 provide additional residential accommodation in the London Borough of Harrow and would have no detrimental impact on the character and appearance of the streetscene, residential amenity or highway safety, and having regard to the policies and proposals of the London Plan 2011 and the saved policies of the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

Planning Policy Statement 1 – Delivering Sustainable Development (2005)

Planning Policy Statement 3 – Housing (2011)

Planning Policy Guidance 13 – Transport (2011)

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

London Plan:

3.3 – Increasing housing supply

3.4 – Optimising housing potential

3.5 – Quality and design of housing developments

3.8 – Housing choice

7.3 – Designing out crime

7.4 – Local character

Harrow Unitary Development Plan:

D4 – The Standard of Design and Layout

D5 – Residential Amenity

D9 – Streetside Greenness and Forecourt Greenery

D10 – Trees and New Development

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

C16 – Access to Buildings and Public Spaces  
EP12 – Control of Surface Water Run-off

Supplementary Planning Document, Accessible Homes (2010)  
Supplementary Planning Document, Residential Design Guide (2010)  
Harrow Strategic Flood Risk Assessment (2009)

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**MAIN CONSIDERATIONS AND POLICIES (The London Plan 2011, Saved Policies in the Harrow Unitary Development Plan 2004 and any other relevant guidance)**

- 1) Principle of Development
- 2) Character and Appearance of the Area (PPS1, 7.4, D4, D9, D10)
- 3) Residential Amenity, including Lifetime Homes (3.5, 3.8, D4, D5, C16, SPDs)
- 4) Parking and Highway Safety (T6, T13)
- 5) Housing Provision (3.3, 3.4, 3.5, 3.8)
- 6) Control of Surface Water Run-off (PPS25, SFRA, EP12)
- 7) S17 Crime & Disorder Act (7.3, D4)
- 8) Consultation Responses

**INFORMATION**

This application is referred to the planning committee as the development is for three dwellinghouses and exceeds the limit of category 2 of the Scheme of Delegation

This application was deferred from the Committee meeting of 13<sup>th</sup> July 2011 for a Members' Site Visit which took place on 1<sup>st</sup> September 2011.

**a) Summary**

Statutory Return Type:	Minor Dwellings
Site Area	1627 m <sup>2</sup>
Density:	105 dph (including existing flats in Chester Court)
Lifetime Homes	3
Wheelchair Homes	0
Council Interest:	Access road through site (leading to Kensington Heights) is adopted public highway but is not in Council ownership

**b) Site Description**

- Chester Court is a 4-storey block of flats located on the north side of Sheepcote Road.
- To the rear of Chester Court there are two blocks each of 7 flat-roofed garages.
- Vehicle access to the garages from Sheepcote Road is via a service road between Chester Court and flats at Shepherds Court. This service road also serves flats at Kensington Heights, Tempsford Court and other buildings to the rear. In the case of Kensington Heights, the service road passes across the application site behind the Chester Court garages.

**c) Proposal Details**

- Demolition of existing garages and construction of three 1.5 storey mews type houses with accommodation in roofslope
- The three houses would each have two front dormers and walled gardens

- The terrace would be 20.7m long, 8.6m wide and a maximum of 7m high
- Each house would have a living room / kitchen on the ground floor and two bedrooms and a bathroom on the first floor
- Two of the houses would share a 3m forward projection containing an entrance lobby and cloakroom
- The third house would not have this entrance style, but would have a larger footprint
- The three houses would each have a dedicated parking space in a block at the southeast side of the terrace
- The proposal includes details of a revised access road layout (compared to the approved scheme) and six parking spaces for the flats in Chester Court
- The proposal includes a refuse storage area at the rear of the site for the mews houses, and two refuse storage enclosures, each 1.5m high, 3.3m long and 1.4m deep at the front of the site either side of the access road from Sheepcote Road

**Revisions to previous applications:**

Following the previous grant of planning permission (reference P/0200/07/CFU allowed on appeal), the following amendments have been made:

- Access road alignment to remain as existing
- Eight parking spaces omitted from northeast periphery of site

**d) Relevant History**

LBH/2129/1	ERECTION - 14 FLATS AND 14 GARAGES WITH ACCESS ROAD (OUTLINE)	GRANTED 09-OCT-67
LBH/2129/4	ERECTION 14 FLATS AND 14 GARAGES WITH ACCESS ROAD (IN COMPLIANCE WITH CONDITIONS 1,1A,1B,2,4,5,6,7,8 9, AND 10 OF PLANNING CONSENT 3/10/67)	GRANTED 12-AUG-68
WEST/45102/92/F UL	APPLICATION UNDER REG.4 OF THE TOWN & COUNTRY PLANNING GEN. REGS. 1976: EXTENSION TO EXISTING SERVICE ROAD	GRANTED 19-AUG-92
P/1129/03/CFU	DEMOLITION OF LOCK-UP GARAGES & REDEVELOPMENT TO PROVIDE 4 TWO STOREY HOUSES.	REFUSED 02-OCT-03
P/2255/04/CFU	REDEVELOPMENT TO PROVIDE DETACHED TWO STOREY BLOCK OF 4 HOUSES WITH REPLACEMENT PARKING SPACES	REFUSED 31-JAN-2005 APPEAL DISMISSED 24-APR-06



P/2708/05/DFU	THIRD FLOOR EXTENSION TO BOTH SIDES AND CONVERSION FROM ONE TO TWO SELF-CONTAINED FLATS (RESIDENT PERMIT RESTRICTED) (Flat 13, CHESTER COURT)	GRANTED 10-JAN-06
P/0200/07/CFU	DEMOLITION OF EXISTING GARAGES AND THE ERECTION OF THREE 2 BEDROOM MEWS TYPE HOUSES WITH 14 CAR PARK SPACES.	REFUSED 10-APR-07 APPEAL ALLOWED 18-DEC-07
P/3466/07/DFU	CONSTRUCTION OF THREE, TWO-BEDROOM MEWS TYPE HOUSES AT REAR OF EXISTING BLOCK, WITH 17 CAR PARKING SPACES AND REFUSE/WASTE STORAGES; DEMOLITION OF EXISTING GARAGES	REFUSED 22-FEB-08

**Reason for Refusal:**

The proposed refuse storage, by reason of its unsatisfactory siting and design, would be visually obtrusive and detrimental to the character and appearance of the area and the visual amenities of residential occupiers and would thereby fail to comply with policy D4 of the Harrow Unitary Development Plan (2004) and the objectives of the Council's Code of Practice for storage and collection of refuse.

P/3897/08	DETAILS PURSUANT TO CONDITIONS 2 (MATERIALS), 3 (LANDSCAPING) AND 5 (REFUSE STORAGE) ATTACHED TO PLANNING PERMISSION P/0200/07/CFU ALLOWED ON APPEAL (PINS REF: APP/M5450/A/07/2053472) DATED 18-DEC-2007 FOR DEMOLITION OF EXISTING GARAGES AND ERECTION OF THREE TWO-BEDROOM MEWS TYPE HOUSES	APPROVED 10-FEB-09
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**e) Pre-Application Discussion**

- None

**f) Applicant Statement**

- Proposal would redevelop unused and semi-derelict garages
- Building is identical to that allowed on appeal
- Proposal is required as access road has been adopted, and this scheme would keep existing alignment

**g) Consultations**

**Waste Management Policy Officer:** No response received

**Drainage Engineers:** Conditions required to control surface water run-off in accordance with guidance from the Harrow Strategic Flood Risk Assessment

**Highways Engineer:** This application has been brought about in order to avoid the realignment of the rear service road which is an adopted public highway. Such realignment would necessitate 'stopping up' processes which the applicant wishes to avoid.

The proposal for 3 two bedroom mews houses would provide 3 parking spaces which is within the Council's UDP and London Plan standards. Facilitation of these dwellings would involve the demolition of the existing garages affiliated to Chester Court which have been demonstrated to be unused by residents. On this premise their loss is considered acceptable and unlikely to be of measurable detriment to current flat occupiers.

The proposal would facilitate the 14 existing Chester Court Flats with 6 parking spaces as compared to the 14 spaces proposed as part of the previous application. This potential reduction has been highlighted by one residential occupier however it is noted that if Chester Court were to be redeveloped at this time, it would be accepted that under current parking restraint policies, the site would be as 'car free' as possible given the high sustainability of the location in terms of public transport connections.

This then justifies a lower overall provision as is proposed.

The arrangement of spaces 1 and 2 is not ideal as their independent operation is questionable. However it would be anticipated that an internal site management regime would allow for the adequate operation of this provision. Notwithstanding this fact, together with the non-use of the garages for their intended purpose, the reduced quantum of spaces (an average ratio of less than 0.5 per unit) for Chester Court is considered acceptable as is the principle of the service road remaining in place.

Emergency vehicle, Refuse and cycle provisions are as for the previous permission hence they are considered acceptable.

**First Notification:**

Sent : 133

Replies : 6

Expiry: 05-JUL-11

**Second Notification:** (Revised description to include refuse stores)

Sent: 133

Replies: To be confirmed

Expiry: 29-AUG-11

Neighbours consulted:

Nightingale Court, Shepcote Road: All flats (1-39)

Kensington Heights, Shepcote Road: All flats (1-38)

Chester Court, Shepcote Road: All flats (1-14)

Shepherd's Court, Shepcote Road (1-28)

Northwick Park Road: 23, 23A, 25, 27, 29, 31, 33

**Summary of Responses:**

- Proposal would result in a loss of available on street parking which will impact on local residents. A reduction in limited existing spaces would cause real problems
- Over-development of site leading to a loss of quality of life
- Inadequate parking facilities proposed
- Increase in traffic
- Narrowing of Access Road
- Inadequate space for service and emergency vehicles
- Loss of existing refuse and recycling facilities
- Inadequate refuse facilities leading to refuse spillage on highway and vermin
- Noise disturbance and pollution
- Overshadowing and loss of light
- Loss of Open Space
- Invasion of privacy and violation of right to enjoy home

**APPRAISAL**

**1) Principle of Development**

The principle of the demolition of the existing garages on the site and the construction of three mews-type houses has been established through planning permission P/0200/07/CFU which was allowed on appeal, and the subsequent approval of details.

Since the appeal was allowed in December 2007, the Council has adopted two Supplementary Planning Documents: one on accessible homes and the Residential Design Guide. The other significant policy change since the appeal was allowed is that the Replacement London Plan has been adopted in August 2011. The Replacement London Plan contains space standards for new developments that are reflected in the Council's adopted SPD, Residential Design Guide.

The current proposal includes modifications to the access road layout and a reduction in the number of proposed parking spaces.

None of the changes in the policy background or the proposal are considered sufficient to reach a different conclusion regarding the acceptability of the proposal, in principle.

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

In dismissing an appeal in 2006, the Inspector considered that the development of four mews type houses would not have a significant adverse effect on the character and appearance of the area. This view was supported by the Inspector in allowing the second appeal in 2007.

Details of the external materials of the scheme allowed on appeal were subsequently approved, and those details have been included in the application form and submitted drawings. A condition requiring these details to be implemented, rather than a pre-commencement condition, is therefore attached.

Details of the landscaping are also included and are also considered satisfactory, and therefore an implementation and maintenance condition is considered sufficient.

The proposed refuse storage areas at the front of the site are considered acceptable and have previously been approved.

Given the compact and restricted nature of the site and proposal, a condition restricting permitted development rights is considered appropriate to avoid any further development on the site without the prior approval of the local planning authority. This approach was supported by the Inspector at the successful appeal.

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

Concerns that had been raised by residents of Chester Court on the previous schemes with regards to overlooking from the new houses were considered not to be significant given the change in levels of approximately 2m between the existing flats and the new mews houses and the separation of 6.4m between the rear of Chester Court and the rear walls of the proposed houses.

The room sizes of the three houses is as follows:

Living room / Kitchen / Dining Room: 33 sq.m. (two houses); 37 Sq.m. (third house)

Bedroom One: 14 sq.m. (two houses); 20 sq.m. (third house)

Bedroom Two: 8 sq.m. (all houses).

These room sizes, and the internal layouts, are considered acceptable and would broadly comply with the requirements of the London Plan policy 3.5 and the requirements of Lifetime Homes Standards.

The amenity space for the houses would be limited (approximately 30 sq.m.) and would be at the front of the houses and screened by 2m high walls. However, given the town centre location, the type of accommodation and the Inspector's comments in allowing the appeal, the amenity space is considered sufficient to comply with saved policy D5 of the Harrow Unitary Development Plan (2004).

**4) Parking and Highway Safety**

The significant change with the application scheme compared to that allowed in appeal is the reduction in the total number of parking spaces for Chester Court and the mews houses as a whole. The scheme allowed on appeal would have had 14 parking spaces for Chester Court and three for the proposed houses, as opposed to the six spaces proposed for Chester Court and three for the proposed houses. This represents a reduction on eight parking spaces for the whole site.

This would allow for the retention of the current alignment of the service road, which has been adopted since the previous scheme was allowed on appeal, and avoid any necessity for a 'stopping up' procedure.

The current alignment of the service road is considered acceptable in terms of access for emergency and refuse vehicles.

Although the 2011 revision to PPG 13: Transport, removes national maximum standards for new residential development, the parking restraint policies of the London Plan and the Harrow Unitary Development Plan remain.

Observational analysis by the Inspectors and the Council's Highways Engineers indicate that the current parking spaces are under used, and that the level of parking provision proposed (a total of nine spaces) would be sufficient.

There would be no loss of parking provision as a result of the demolition of the garages as they are vacant and have not been used for parking for several years. Their semi-derelict condition also suggests that they are not suitable for parking.

The provision of parking spaces, both for the proposed houses and the existing flats are within adopted development plan standards and accord to a policy emphasis to making development in sustainable locations such as this as car free as practicable.

To prevent the loss of any of the parking spaces, a condition requiring these to be used only in connection with Chester Court and the development proposed is recommended.

Subject to a further condition preventing the occupiers of the development from being able to obtain permits for the surrounding controlled parking zone, the proposal is considered acceptable on transport and highway safety grounds.

**5) Housing**

The proposal represents an additional 3 units to Harrow's housing stock, which would make a positive contribution to the borough.

**6) Control of Surface Water Run-off**

Since the previous proposal was allowed on appeal, the Council has adopted a Strategic Flood Risk Assessment (SFRA), which aims to control the level of surface water run-off in the Borough. The SFRA supports the aims of saved policy EP12 of the Harrow Unitary Development Plan and national Planning Policy Statement 25 – Development and Flood Risk.

Following consultation with the Council's Drainage Engineers, it is considered appropriate that conditions regarding surface water drainage and surface water storage and attenuation be recommended to prevent surface water run-off from the site.

**7) S17 Crime & Disorder Act**

The applicant has indicated that the proposal would comply with the principles and practices of Safer Places and Secured by Design.

The existing garages present opportunities for crime in the form of graffiti and criminal damage. The proposed houses would introduce active frontages with natural surveillance and could reduce opportunities for crime and disorder in this part of Chester Court.

## **8) Consultation Responses**

- Proposal would result in a loss of available on street parking which will impact on local residents. A reduction in limited existing spaces would cause real problems – this matter has been addressed in the Parking and Highway Safety section of the appraisal
- Over-development of site leading to a loss of quality of life – The principle of the development of the site currently occupied by the dilapidated garages has been accepted with the scheme allowed on appeal. It is considered that any harm to residential amenities is outweighed by the benefits that the scheme would bring in terms of improving the site and the provision of housing.
- Inadequate parking facilities proposed; Increase in traffic; Narrowing of Access Road; Inadequate space for service and emergency vehicles – these aspects have been addressed in the Parking and Highway Safety section of the appraisal. The perceived reduction in the number of parking spaces is as compared to the previously approved scheme. Given that the road layout will not change, the availability of off street parking would not change. However, it is recognised that the access road is currently used for informal parking, and at most two existing spaces would be lost to provide access to the parking area for the proposed houses. If the whole of Chester Court were to be redeveloped, the Council would be seeking a lower parking provision given the high transport accessibility of the location. On balance, it is considered that the real net loss of parking facilities of two spaces for the existing residents of Chester Court on the service road is relatively insignificant given the overall aim of national, regional and local policies aimed at promoting sustainable travel and reducing dependence on the private car.
- There are no changes to the access road proposed, and there would be no narrowing thereof. It is considered that the adopted highway is adequate for service and emergency vehicles.
- The net increase in parking facilities within Chester Court as a whole of one parking space would have no significant impact on highway safety.
- Loss of existing refuse and recycling facilities – these facilities would be replaced by new refuse and recycling facilities at the rear and front of the site.
- Inadequate refuse facilities leading to refuse spillage on highway and vermin – the refuse and recycling facilities have been previously approved by the Council's Waste Management department. The management of the use of the facilities to avoid refuse spillage and vermin infestation is a matter for the Chester Court management and would be subject to the requirements of Environmental Health legislation.

- Noise disturbance and pollution – as noted above, there would be a net increase of one parking space, and any increase in pollution from vehicular traffic would be minimal. In terms of noise and disturbance from the buildings, noise insulation is a matter for the Building Regulations. Given the separation of the new houses from the existing residential façade in Chester Court, any such disturbance would be minimal.
- Overshadowing and loss of light – this has been addressed in the Residential Amenity section of the appraisal.
- Loss of Open Space – it is claimed that the roof space of the garages forms part of the amenity space of Chester Court. Given that this space is not useable as an amenity space, there would be no effective loss. Should the use of the space be a term of the lease, this would be a civil matter between the leaseholders and the freeholder.
- Invasion of privacy and violation of right to enjoy home – the proposal would not result in the loss of privacy to any existing flat in Chester Court. It would also not violate the right to enjoy a home which is considered to be the right to preclude entry to the home of unwanted visitors to a dwelling. The normal passage of persons and vehicles in the public domain is, subject to control through other legislation, and does not interfere with the right of enjoyment of a home.

## **CONCLUSION**

The proposal would provide additional residential accommodation in the London Borough of Harrow and would have no detrimental impact on the character and appearance of the streetscene, the residential amenities of neighbouring occupiers or on parking or highway safety.

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

## **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:

Location Plan; Site Plan; 03/578/32; 03/578/34; 03/578/36; 03/578/37; 03/578/38; 03/578/39; Design, Access and Planning Statement; Planting Schedule

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

3 The external materials of the development hereby approved shall be as detailed in the application form, accompanying drawings and Design and Access Statement.

REASON: To ensure a satisfactory form of development and to safeguard the character and appearance of the development and the area, as required by saved policy D4 of the Harrow Unitary Development Plan (2004).

4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development, as required by saved policies D4, D9 and D10 of the Harrow Unitary Development Plan (2004).

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

REASON: To safeguard the character of the area by restricting the amount of site coverage and size of dwelling in relation to the size of the plot and availability of amenity space and parking space and to safeguard the amenity of neighbouring residents, as required by saved policies D4 and D5 of the Harrow Unitary Development Plan (2004)

6 The proposed parking spaces shall only be used for the parking of vehicles in connection with Chester Court and the development hereby permitted and those areas shall not thereafter be used for any purpose other than the parking of vehicles.

REASON: To safeguard the provision of parking spaces and to minimise parking stress in the area, as required by saved policies D4, T6 and T13 of the Harrow Unitary Development Plan (2004).

7 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 saved policies T13, D4 and D9 of the Harrow Unitary Development Plan (2004).

8 The development of any buildings hereby permitted shall not be commenced until details of works for the disposal of surface water have been submitted to, and approved in writing by, the local planning authority.

The works for the disposal of surface water shall be installed in accordance with the approved details prior to the completion of the development hereby permitted and shall thereafter be retained.



REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk following guidance in PPS 25 & PPS 25 Practice Guide and to ensure that the necessary construction and design criteria for the development proposals follow approved conditions according to PPS 25, and to comply with saved policy EP12 of the Harrow Unitary Development Plan (2004).

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

The surface water storage and attenuation works shall be installed in accordance with the approved details prior to the completion of the development hereby permitted and shall thereafter be retained.

REASON: To ensure that adequate drainage facilities are provided, reduce and mitigate the effects of flood risk following guidance in PPS 25 & PPS 25 Practice Guide and to ensure that the necessary construction and design criteria for the development proposals follow approved conditions according to PPS 25, and to comply with saved policy EP12 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 provide additional residential accommodation in the London Borough of Harrow and would have no detrimental impact on the character and appearance of the streetscene, residential amenity or highway safety, and 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 any 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 (2011)

Planning Policy Guidance 13 – Transport (2011)

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

London Plan 2011:

3.3 – Increasing housing supply

3.4 – Optimising housing potential

3.5 – Quality and design of housing developments

3.8 – Housing choice

7.3 – Designing out crime

7.4 – Local character

Harrow Unitary Development Plan:

D4 – The Standard of Design and Layout

D5 – Residential Amenity

D9 – Streetside Greenness and Forecourt Greenery

D10 – Trees and New Development

T6 – The Transport Impact of Development Proposals

T13 – Parking Standards

C16 – Access to Buildings and Public Spaces  
EP12 – Control of Surface Water Run-off

Supplementary Planning Document, Accessible Homes (2010)  
Supplementary Planning Document, Residential Design Guide (2010)

Harrow Strategic Flood Risk Assessment (2009)

## 2 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 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 DRAINAGE CONDITIONS

The applicant is advised to contact the Council's Drainage Section on 020 8424 1583 to discuss the necessary construction and design criteria to comply with the drainage conditions.

Plan Nos: Location Plan; Site Plan; 03/578/32; 03/578/34; 03/578/36; 03/578/37;  
03/578/38; 03/578/39; Design, Access and Planning Statement; Planting  
Schedule

## SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

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**74A STREATFIELD ROAD, HARROW, HA3 9BT**      **Item: 3/01**  
**P/1538/11**  
**Ward: QUEENSBURY**  
SINGLE STOREY DETACHED OUTBUILDING IN REAR GARDEN

**Applicant:** Mr John Rushton  
**Case Officer:** Matthew Lawton  
**Statutory Expiry Date:** 22-JUL-11

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### RECOMMENDATION

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

### REASON:

The proposed outbuilding, by reason of its excessive height and siting in relation to neighbouring properties, would result in an inappropriate and obtrusive form of development, which would fail to respect the context, scale and setting of the dwellinghouse and the area, to the detriment of the character and appearance of the area and the visual and residential amenities of the occupiers of neighbouring properties, contrary to policy 7.4B of The London Plan (2011), saved policies D4 and D5 of the Harrow Unitary Development Plan (2004) and the Council's adopted Supplementary Planning Document: Residential Design Guide (2010).

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### MAIN CONSIDERATIONS AND POLICIES (The London Plan 2011, saved policies of the Harrow Unitary Development Plan 2004 and any other relevant guidance)

- 1) Character and Appearance of the Area (D4, 7.4B, SPD)
- 2) Residential Amenity (D5, SPD)
- 3) Watercourses (EP13)
- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

### INFORMATION

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

#### a) Summary

Statutory Return Type: Householder Development  
Council Interest: None

#### b) Site Description

The application site is located on the southern side of Streatfield Road adjacent to an electricity sub-station to the east of the site, the rear garden wrapping around the adjacent substation.

The site is occupied by an extended two storey semi-detached dwellinghouse. The rear garden is approximately 26m deep and backs onto the car park of an adjacent church and some allotment gardens.

There are a number of mature trees in and around the rear garden.

**c) Proposal Details**

- The proposed outbuilding would have a hipped roof with gable ends facing each side boundary and would be sited at the end of the rear garden.
- The outbuilding would be 2.5m high to the eaves and 4m high to the highest point of the ridged roof.
- The outbuilding would be 3.8m deep and 6.6m wide.
- The proposed outbuilding would be sited 1.25m from the shared boundary with No.74, 0.7m from the rear boundary adjacent to the church car park and a minimum of 3m from the underground concrete culvert running along the eastern side of the site at the rear.
- The outbuilding would contain a single roomed studio workroom and a separately accessed garden store.
- The outbuilding would be used as a studio/workroom. It would have double access doors and a window in the north elevation facing the house, along with two rooflights in the north facing roofslope.
- The garden store would have a single door and window in the east facing side elevation.
- The outbuilding would have two raised water butts which would be routed to a soakaway in the rear garden.

**Revisions to the previous application P/2045/09:**

Following the previous refusal of planning permission (reference P/2045/09) for 'Retention of detached outbuilding at the rear':

- The outbuilding currently proposed is 1.2m wider than the previously proposed outbuilding.
- The outbuilding currently proposed has an eaves height 0.2m higher than the previously proposed outbuilding, the ridge height is 0.3m higher.
- The previously proposed outbuilding was set away from the shared boundary with No.74 by approximately 4.5m, 3.25m more than currently proposed.
- The previously proposed outbuilding was set away from the underground concrete culvert by approximately 1.5m, approximately 1.5m closer to the culvert than the outbuilding currently proposed.

**d) Relevant History**

P/2045/09	Detached outbuilding in rear garden.	REFUSED 03-NOV-09
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Reason for refusal: The proposed detached outbuilding in close proximity to a tributary of The Wealdstone Brook would prejudice flood defence interests, adversely affect the character of the watercourse and restrict necessary access to the watercourse for maintenance, contrary to saved policy EP13 of the Harrow Unitary Development Plan (2004).

**e) Pre-Application Discussion**

None.

**f) Applicant Statement**

*Application Form:*

- The position of the building's foundations have been planned to meet the requirements of the Council's drainage team.
- The building will be constructed using quality, high performance materials which reflect the age and style of the house.
- The structure will have a pitched roof including rooflights for the transmission of north light into the studio environment to help produce a building with a balanced and aesthetic appeal.

*Letter from Applicant to Divisional Director of Planning dated 9<sup>th</sup> July 2011:*

- Main requisite is to have good natural north light to create a well lit, pleasant artist's workspace, a double pitched roof with rooflights will achieve this.
- The proposed outbuilding has been relocated since the previous proposal to move the structure away from the culvert.
- Need to build the outbuilding closer than 2 metres to two of our boundaries because of the position of the culvert and established trees.
- Our adjoining neighbour at No.74 is happy with the proposal, and the adjacent church say that they have no objection and would prefer the design to another 'ugly blockhouse' as they overlook quite a few already.

**g) Consultations**

**Drainage Engineer:** The proposed water butts should have an overflow discharging into a soakaway located min 5m away from any building.

**Arboriculturalist:** The trees at the rear of the garden are in close proximity to the proposed building and therefore could be affected by excavation/construction works. However the use of special foundations, e.g. mini piles, should minimise root damage and allow them to be retained. The use of strip foundations will cause severe root damage and is therefore not advised.

The proposed height of the building may be an issue depending on the canopy spread / height of the surrounding trees. However this could be resolved by appropriate pruning, e.g. lifting canopy, crown reduction etc., to give appropriate clearance.

**Notifications:**

Sent : 5

Replies : 0

Expiry: 14-JUL-11

**Summary of Responses:** N/A

**APPRAISAL**

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

Saved policy D4 of the Harrow Unitary Development Plan 2004 (UDP) requires all new development to provide a high standard of design and layout, respecting the context, siting and scale of the surrounding environment.

The proposed outbuilding would be sited in the rear garden of the application property. The Council's adopted Supplementary Planning Document: Residential Design Guide (2010) provides guidance on residential development. With regard to this proposal, Section 6 which relates to householder extensions is relevant. In relation to outbuildings on residential properties, paragraph 6.78 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 metres in any other case. If the outbuilding is within 2 metres of any boundary then a maximum height of 2.5 metres is recommended'. The proposed outbuilding would have a ridge height of 4m. It would be sited 1.25m from the shared boundary with the adjacent property at No.74, and 0.7m from the rear boundary adjacent to the church car park at the rear. Having regard to its proposed height and siting in relation to neighbouring boundaries, the proposed structure would therefore exceed the stated guidance in the adopted SPD. It is acknowledged that the SPD has been adopted since the refusal of planning permission for the application P/2045/09. However, it is considered that by its non-compliance with the current SPD, the outbuilding proposed, which is larger in both height and footprint compared to the previously refused scheme, is unacceptable as it would have a detrimental impact upon the character and appearance of the area.

It is stated that the proposed outbuilding would be used as an artist's studio/workroom and a garden store. Were the application otherwise acceptable, an appropriate condition would have been attached to a planning approval to ensure that the use of the proposed outbuilding would be incidental to the use of the main dwellinghouse.

As commented on by the Council's Arboriculturalist, the trees at the rear of the garden are in close proximity to the proposed outbuilding and therefore could be affected by its construction, however the use of appropriate special foundations e.g. mini piles should minimise root damage and enable them to be retained. The proposed height of the outbuilding has been identified as a potential issue depending on the canopy spread / height of the surrounding trees, but this could also be resolved by appropriate pruning to give clearance. It is therefore considered that the proposed outbuilding would not be detrimental to the existing trees in the rear garden subject to the attachment of an appropriate condition regarding the use of special foundations.

The principle of constructing an outbuilding in the location proposed is not objected to. The Council's objection to the proposal is primarily that, due to the conflict with the SPD, an outbuilding of this height in this location is unacceptable. If the Council were to grant planning permission for the proposed development it would set a precedent in a location where there are no outbuildings similar in design to that proposed. If the proposed outbuilding was reduced in height or set away from the site's boundaries in order to comply with the SPD it is possible that this objection would be overcome.

In summary, although it is acknowledged that ancillary outbuildings are common features in the rear gardens of residential properties, the proposed outbuilding by reason of its excessive height fails to comply with the Council's adopted Supplementary Planning Document: Residential Design Guide (2010) and would be contrary to the objectives of saved policy D4 of the Harrow Unitary Development Plan (2004).

**2) Residential Amenity**

Saved policy D5 of the UDP 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 neighbouring property, No.74, extends to the same depth as the rear garden of the application property and the proposed outbuilding would be set away from the main rear walls of these neighbouring properties by approximately 21m. Resultantly, it is considered that there would be no undue impact in terms of loss of light or overshadowing of these neighbouring properties. However, by reason of its excessive height and size, it is considered that the proposed outbuilding would appear visually obtrusive when viewed from the rear garden of No.74 Streatfield Road. This would result in an unacceptable loss of outlook from this property, contrary to saved policy D5 of the UDP (2004) and the Council's recently adopted Supplementary Planning Document: Residential Design Guide (2010).

The north elevation of the proposed outbuilding would face towards the rear elevation of the application property and would feature double entrance doors and a window, the north facing roof slope containing to rooflights. The east facing elevation would contain a window and single door. The remaining elevations would not feature any fenestration. The proposed outbuilding would therefore not give rise to direct overlooking or loss of privacy for neighbouring occupiers.

**3) Watercourses**

There was an objection to the previously refused application P/2045/09 by the Council's Drainage Engineers, who identified a 1m diameter culvert which is a tributary of the Wealdstone Brook and runs through the site on its eastern side at a depth of over 5m. Drainage Engineers also referenced the Land Drainage Act 1991 Byelaw 10 which states that there should be no obstructions within 5 metres of the edge of a watercourse without the previous consent of the Council. While this Byelaw is noted, it is not a material planning consideration but is a legal matter of which the applicant should be aware, details of which were added to the decision notice accompanying the previously refused application P/2045/09 as an informative.

Sine the refusal of the application P/2045/09, the applicant has discussed the issue of the culvert with the Council's Drainage Engineers and as a result has relocated the proposed building to be sited a minimum of 3m from the culvert. This is to overcome the Drainage Engineers' previous objection and the reason for refusal of the application P/2045/09, that the development would prejudice flood defence interests, adversely affect the character of the watercourse and restrict necessary access to the watercourse for maintenance. As there would now be a 3m minimum distance between the outbuilding and the culvert it is considered that this revised proposal would now comply with policy EP13 of the UDP which states that 'Planning permission for developments which preclude the potential for a watercourse to be naturalised/enhanced in future will not normally be granted. All development proposals close to culverted watercourses should facilitate their continued effective maintenance and replacement'. Details of the location of the proposed soakaway are required by the Council's Drainage Engineer to ensure the acceptability of the drainage proposed, this would be sought as part of any acceptable scheme.

Notwithstanding the issues raised by the location of the culvert within this site it is considered that the amendments made to the previously refused application P/2045/09 to address concerns with that scheme in this regard does not outweigh the need to comply with the policies of the Residential Design Guide SPD which was adopted in the intervening period since the refusal of the last application and the submission of this application.

**4) S17 Crime & Disorder Act**

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

**5) Consultation Responses**

None.

**CONCLUSION**

The proposed outbuilding, by reason of its excessive height and siting in relation to neighbouring properties, would result in an inappropriate and obtrusive form of development, which would fail to respect the context, scale and setting of the dwellinghouse and the area, to the detriment of the character and appearance of the area and the visual and residential amenities of the occupiers of neighbouring properties, contrary to policy 7.4B of The London Plan (2011), saved policies D4 and D5 of the Harrow Unitary Development Plan (2004) and the Council's adopted Supplementary Planning Document: Residential Design Guide (2010).

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



**INFORMATIVES**

1 INFORMATIVE

**SUMMARY OF REASONS FOR REFUSAL OF PLANNING PERMISSION:**

The decision to refuse permission has been taken having regard to the policies and proposals in the London Plan (2011) and the saved policies of the Harrow Unitary Development Plan (2004) set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:

London Plan (2011):

7.4B – Local Character

Harrow Unitary Development Plan (2004):

D4 – The Standard of Design and Layout

D5 – Residential Amenity

EP13 – Culverting and Deculverting

Supplementary Planning Document, Residential Design Guide (2010)

Plan Nos: 1, 2, 3, 4, Site Plan

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**5 WEST DRIVE, HARROW, HA3 6TX**

**Item: 3/02  
P/0614/11**

Ward: HARROW WEALD

RETENTION OF SINGLE AND TWO STOREY FRONT EXTENSION; SINGLE AND TWO STOREY REAR EXTENSION; SINGLE STOREY SIDE EXTENSION AND CONVERSION OF GARAGE TO HABITABLE ROOM; REAR DORMER AND INCREASE IN ROOF HEIGHT EXTENSIONS; TWO ROOFLIGHTS ON FRONT ROOFSLOPE AND ONE ROOFLIGHT ON EACH SIDE ROOFSLOPE; PROPOSED LANDSCAPING OF FRONT GARDEN AND NEW FRONT BOUNDARY WALL

**Applicant:** Mr W Noordin  
**Agent:** Architech  
**Statutory Expiry Date:** 07-JUL-11

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## **RECOMMENDATION**

**REFUSE** permission for the development described in the application and submitted plans for the following reason(s):

- 1 The alterations to the front elevation, by reason of excessive height, inappropriate design, and unsatisfactory use of materials are unduly obtrusive and overbearing, detract from the appearance of the property, and the character of the locality and fail to preserve or enhance the character or appearance of the West Drive Conservation Area, contrary to Planning Policy Statement 5: Planning for the Historic Environment (2010), Policies 7.4B and 7.8D of the London Plan (2011), saved Policies D4, D5, D14 and D15 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Document: Residential Design Guide (2010).
- 2 The single storey rear extension, by reason of inappropriate and incongruous roof design, detracts from the appearance of the property and fails to preserve or enhance the character or appearance of the West Drive Conservation Area, contrary to Planning Policy Statement 5: Planning for the Historic Environment (2010), Policies 7.4B and 7.8D of the London Plan (2011), saved Policies D4, D5, D14 and D15 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Document: Residential Design Guide (2010).
- 3 The proposed front boundary treatment, by reason of excessive height and inappropriate design, would be out of character with the pattern of development in the area, and would fail to preserve or enhance the character and appearance of the West Drive Conservation, contrary to Planning Policy Statement 5: Planning for the Historic Environment (2010), Policies 7.4B and 7.8D of the London Plan (2011), saved Policies D4, D5, D14 and D15 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Document: Residential Design Guide (2010).
- 4 The flank rooflights, by reason of inappropriate design and location, would result in unreasonable degrees of actual and perceived overlooking over 3 and 7 West Drive and 11 West Drive Gardens, contrary to saved Policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Document: Residential Design Guide (2010).

**National Planning Policy**

Planning Policy Statement 1: Delivering Sustainable Development (2010)

Planning Policy Statement 5: Planning for the Historic Environment (2010)

**The London Plan 2011**

Policy 7.1: Building London's Neighbourhoods and Communities

Policy 7.4B: Local Character

Policy 7.6 B: Architecture

Policy 7.8: Heritage Assets and Archaeology

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

D4: The Standard of Design and Layout

D5: New Residential Development – Amenity Space and Privacy

D10: Trees and New Development

D14: Conservation Areas

D15: Extensions and alterations in Conservation Areas

D16: Conservation Area Priority

T13: Parking Standards

Supplementary Planning Document: Residential Design Guide (2010)

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**MAIN CONSIDERATIONS AND POLICIES (The London Plan 2011, Saved Policies in the Harrow Unitary Development Plan 2004 and any other relevant guidance)**

- 1) Character and Appearance of the Conservation Area (PPS5, D4, D5, D10, D14, D15; SPD)
- 2) Residential Amenity (D4, D5, T13, SPD)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

**INFORMATION**

**a) Summary**

Statutory Return Type: Householder Development  
Conservation Area: West Drive  
TPO 680 Cypress in Rear Garden  
Council Interest: None

**b) Site Description**

- No. 5 is a two storey detached dwellinghouse situated on the eastern side of West Drive;
- Site is located within the West Drive Conservation Area;
- Property has a carriage driveway off West Drive;
- The site has a rear garden approximately 35 metres in depth; the rear of the garden has dense foliage and two trees are covered by TPO No. 680, which covers the rear of the site;

- The site has a fall in ground levels from east to west. The surrounding area is generally characterised by detached dwellings. The two properties to the north are semi-detached and situated at an angle to the application building on a corner plot;
- The single and two storey front; single and two storey rear; single storey side and rear dormer extensions, as well as the rooflights that are the subject of this application are currently under construction and substantially complete.
- Neighbouring property to the south has been extended to the side and rear.

**c) Proposal Details**

*Single and First Floor Front Extensions*

- A single storey front extension between the two existing bay windows has been demolished
- First floor front extensions have been constructed above the pre-existing ground floor bay windows, with subordinate gabled roofs over the bay windows

*Single storey side extension*

- The pre-existing single storey garage at the side of the original dwelling has been demolished. This has been replaced with a single storey side extension that has a front wall that is flush with the main front wall of the dwellinghouse.
- This single storey side extension has a width of 2.51 m and a depth of 7.04 m. Due to the rear part of the site being higher than the front, the single storey side extension has a flat roof, with an eaves height of 3.28 m to 3.58 m.
- The front part of the single storey side extension has a mono-pitched roof, with a mid-pitch height of 3.38 m.
- There are two windows in the flank elevation.
- A garage door has been installed in the front elevation.

*First floor rear extension*

- The two storey rear extension extends across the entire width (10.57 m) of the pre-existing dwellinghouse
- The two storey rear extension has a depth of 3.5 metres across the whole width of the property
- One velux window is proposed on the southern slope of the roof
- One additional large window to a habitable room has been added to the existing northern flank wall on the first floor.

*Roof Extensions and Alterations*

- A crown roof has been added over the pre-existing roof and two storey rear extension. This crown roof has an eaves height 0.25 m higher than the pre-existing eaves height. The overall height of the crown roof is 0.2 m higher than the pre-existing house.

- A dormer with a width of 2.2 m and height of 1.12 m (as measured perpendicular to the rear roofslope) has been added to the rear roofslope.
- The rear dormer is set in by 1.3 m from the roof edges and set above the roof eaves by 1.75 m.
- Two rooflights have been added to the front roofslope.
- A rooflight has been added to both side roofslopes

*Single storey rear extension*

- A single storey rear extension extends across the 10.57 m width of the pre-existing dwellinghouse.
- The depth of the rear extension to the northern side is 4.0 m from the main rear wall of the pre-existing dwellinghouse with a width of 6.3 m.
- The depth of the extension to the south is 6.7 m from the rear main wall of the dwellinghouse and side extension with a width of 6.8 metres
- The single storey rear extension has three different roof designs, all sharing an eaves height of 3.25 m. The northern side of the rear extension has a crown roof, with the highest point of the pitch situated immediately below the rear window on first floor level.
- The middle section is flat but has a projecting roof lantern located within it. The highest point of the roof lantern is 3.86 metres and is situated immediately below the rear window on first floor level.
- The southern section includes a pyramidal roof, with a maximum height of 4.45 m.

*Front Wall and Landscaping*

- A forward ingress/egress crescent shaped driveway is proposed within the front garden. This driveway would be made of brick. This driveway would cover approximately half the front garden with the balance to be soft landscaped, including areas of lawn.
- The front wall would have a height of 1.3 m. The lower most 0.3 m would be made of brick. Above 0.3 m, iron rails separated by brick piers, is proposed.

**d) Revisions to Previous Application:**

Following approval of the previous decision (P/1564/09) the following amendments have been made:

- The front entrance porch has been deleted.
- The windows in the two bays in the front elevation have been altered. Brick piers and courses have been added between and above the windows respectively.
- The front elevation has been constructed in brick rather than the render originally approved.
- Timber detailing has been added to the gable ends over both bay windows in the front elevation
- A chimney stack on the northern flank wall has been deleted.
- A window in the front elevation of the single storey side extension has been replaced with a garage door. The flat roof at the front of the single storey side extension has been replaced with a mono-pitched roof over the front part of the extension.

- The overall height of the single storey side extension has increased by approximately 0.25 m.
- The eaves height above the pre-existing house and two storey rear extension has increased by 0.25 m
- The overall height of the crown roof has increased by 0.2 m.
- The rear dormer has increased in width by 0.1 m.
- The rooflights in the front roofslope are smaller than those previously approved.
- The rooflight in the southern roof flank is larger than that previously approved.
- An additional rooflight is now proposed in the northern flank roofslope.
- The pyramidal roof over the southern section of the single storey rear extension has been added and the lantern rooflight moved northwards.
- The eaves height of the single storey rear extension has increased from 2.9 m to 3.23 m.
- Two windows in the ground floor northern flank elevation have been deleted.
- A flank window in the southern flank elevation has been deleted.

**e) Relevant History**

LBH/10254	Erection of single storey front extension to provide toilet and porch	GRANTED 08-JUL-74
LBH/25528	Single-storey front side and rear extensions	GRANTED 20-JUN-84
P/1986/04/DFU	Single storey side; single and two storey rear extensions rear dormer	GRANTED 14-SEP-04
P/1971/08/DFU	Single and two storey side and rear extensions; first floor front extension incorporating to the front roof slope; rear dormer; new chimney stack; external alterations	REFUSED 08-SEP-08

**Reasons for Refusal:**

- 1) The proposed single and two storey side extension, by reason of excessive bulk, prominent siting and unsatisfactory design, would be unduly obtrusive with inadequate space about the building and would detract from the established pattern of development in the street scene and the character of the locality, and would not preserve or enhance the character or appearance of West Drive Conservation Area contrary to Policies D4, D14 and D15 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance - "Extensions: A Householders Guide (2008)".
- 2) The proposed rear extension, by reason of excessive bulk and rearward projection, would be unduly obtrusive and overbearing, and would be detrimental to the visual and residential amenities of the occupiers of the adjacent property, contrary to Policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: "Extensions: A Householders Guide (2008)".

- 3) The proposed roof extension, by reason of excessive size and bulk, would be unduly obtrusive and overbearing, would detract from the appearance of the property, to the detriment of the amenities of neighbouring properties and would fail to preserve or enhance the character or appearance of West Drive Conservation Area, contrary to Policies D4, D5, D14 and D15 of the Harrow Unitary Development Plan and Supplementary Planning Guidance: "Extensions: A Householders Guide (2008)".
- 4) The proposed extensions in conjunction with existing extensions to the property would give rise to an excessive scale of development on the site and would subsume the original scale and character of the property, and would not preserve or enhance the character or appearance of the West Drive Conservation Area contrary to Policies D4, D5, D14 and D15 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: "Extensions: A Householders Guide (2008)".

P/3370/08	Single storey side and single/two storey rear extensions; first floor front extension; rear dormer; conversion of garage to habitable room; external alterations	REFUSED 04-DEC-2008
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**Reasons for Refusal:**

- 1) The proposed extensions, in conjunction with previous extensions to the property, would give rise to an excessive scale of development on the site and would subsume the original scale and character of the property, and the proposed front boundary treatment would be incongruous and obtrusive, and would fail to preserve or enhance the character and appearance of the West Drive Conservation Area contrary to Policies D4, D14 and D15 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: "Extensions: A Householders Guide (2008)".
- 2) The proposed single and two storey rear extensions, by reason of excessive bulk and rearward projection, would be unduly obtrusive and overbearing and the siting of large windows in the side walls of the dwellinghouse would lead to overlooking which would be detrimental to the visual and residential amenities of the occupiers of the adjacent properties, contrary to Policy D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: "Extensions: A Householders Guide (2008)".
- 3) The proposed roof extension and rear dormers, by reason of excessive size and bulk, would be unduly obtrusive and overbearing, would detract from the appearance of the property, the character of the locality, and the visual amenities of the occupiers of the adjacent properties, and would fail to preserve or enhance the character or appearance of the West Drive Conservation Area, contrary to Policies D4, D5, D14 and D15 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: "Extensions: A Householders Guide (2008)".

P/1564/09	Single Storey Side Single/two Storey Rear Extension; Rear Dormer	GRANTED 15-OCT-09
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**f) Pre-Application Discussion**

- None

**g) Applicant Statement**

Design and Access Statement

- The West Drive Conservation Area was established to preserve the pattern of older detached properties on substantial plots.
- Each house in the West Drive Conservation Area is of completely different appearance, dimensions, height and proportions with no unifying characteristics.
- Great care and expense has been taken to build a property that enhances the West Drive Conservation Area.
- The proposed development will deliver a significant number of very important heritage and regeneration benefits in accordance with PPS5.

**h) Consultations**

Conservation Area Advisory Committee: We recommend it is built as approved in terms of the roof over the garage.

Design and Conservation Officer: The extension to the West Drive Conservation Area within which this property is sited is characterised by medium scale properties within reasonably sized gardens.

The proposal would not preserve the character of the conservation area

Increased eaves and roof height - this ensures the building is overly dominant in the street scene.

Boundary - The use of railings in the front boundary treatment would create a harder, more formal and urban character to the soft, suburban character of the West Drive conservation area. These should be omitted from the proposals, or the front boundary treatment conditioned.

Bays and windows - The bays and windows as approved, with lightweight window structures sitting directly below the eaves, are a feature of the conservation area. Brick bays and courses of brickwork between the top of the windows and the eaves are not a feature of the conservation area, and I am of the opinion they neither preserve nor enhance the character and appearance of the conservation area. In addition the brick front elevation, as opposed to the rendered elevation as approved, is also not a feature of this conservation area. For applications in conservation areas, any work should preserve or enhance the character and appearance of that particular conservation area. Applications which do not meet this requirement cannot be supported.

These comments are made in order for the proposal to comply with PPS5 policy HE7.2, HE7.4 and HE9.1 and saved Harrow UDP policies D14 and D15.



Tree Officer: There is a protected tree on the frontage of this property which could be affected by the proposed landscaping of the front garden/drive, and in addition any excavation required for the new front wall. This particular tree has already sustained some damage from previous building works at the property and so it is important to protect it properly. The applicant should provide details of tree protection and if necessary a method statement.

Hatch End Association: No comment received to date.

**Advertisement:** Character of Conservation Area Expiry: 02-JUN-11

**Notifications:**

Sent:  
29

Replies:

- 2 individual replies
- 1 petition including 26 signatures in support of the application

Expiry: 16-JUN-11

**Summary of Responses:**

Opposed to the proposed development

- The pre-existing casement windows and rooflights which are normal on this estate, have been replaced by mock "Georgian" style sash windows, glazed in small squares.
- The garage has been demolished and a car or cars will therefore be parked on the front garden
- No. 7 West Drive Gardens has recently had massive extensions added.
- No. 9 West Drive Gardens has had a 3<sup>rd</sup> floor added without planning permission
- The loft height has increased and presumably the height of the rear facing windows with it. These windows look directly into the garden of no. 3 West Drive and diminish its privacy. These windows should therefore be finished with frosted glass.
- The proposed front wall is not characteristic of this area.
- The flank windows should be finished in frosted glass.
- The owners of no. 5 should consult the owners of no. 3 regarding boundary fencing and property damage.

In Support of the Proposed Development

- The brick pillars for the front bay windows are more aesthetically pleasing than UPVC cornered windows
- The large porch that was permitted under planning permission ref: P/1564/09 was too bulk in appearance
- The use of full brickwork on the front elevation rather than render is more aesthetically pleasing
- The windows, roof lights and skylights allow ventilation and light into the building whilst utilising opaque, obscure glass.
- The reduced size of rooflights in the front elevation reduces the visual impact from the street

- Retaining a pitched roof over part of the single storey rear extension maintains privacy between the subject site and no. 3.
- The use of a sloping pitch and garage door in the front elevation of the single storey side extension retains the architectural character and is consistent with the aesthetics of immediate neighbours.
- The property is far more aesthetically pleasing and in keeping with the area than it was previously.

## **APPRAISAL**

The application follows approval of planning application ref: P/1564/09, granted 15 October 2009, which has established the principle of extensions to the property. However, the additions as constructed do not match those permitted under that planning permission, with the differences specified in section d) above. The following assessment shall therefore focus on these differences as the remainder of the development is permitted under planning application ref: P/1564/09.

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

The site is located within the West Drive Conservation Area. When a local planning authority considers development within a Conservation Area, section 72 of the Planning, Listed Buildings and Conservation Areas Act 1990, specifies that "special attention shall be made to the desirability of preserving or enhancing the character or appearance of that area."

The Conservation Area is a designated heritage asset, as defined by Planning Policy Statement 5: Planning for the Historic Environment (2010) (PPS5). Paragraph HE9.1 of PPS5 states that there should be a presumption in favour of the conservation of designated heritage assets, including buildings within Conservation Areas.

Policy 7.4B of the London Plan (2011) specifies that buildings should provide a high quality design response that has regard to the pattern and grain of existing spaces and streets; is human in scale; is influenced by the positive built characteristics of an area and is informed by the surrounding historic environment. Policy 7.8D specifies that development affecting heritage assets should conserve their significance by being sympathetic to their form, scale, materials and architectural detail.

Saved Policy D4 of the Harrow Unitary Development Plan 2004 (HUDP) requires any new development proposals to contribute to the creation of a positive identity whilst taking into account the character and landscape of the locality within which it is to be built. Saved Policy D14 of the HUDP (2004) states that the Council will seek to preserve or enhance the appearance of Conservation Areas, reiterating the statutory requirement specified under section 72 of the Planning, Listed Buildings and Conservation Areas Act 1990. This is supported by saved Policy D15 of the HUDP (2004) which specifies that alterations and extensions to existing buildings should comply with several criteria, including:

- b) Materials and detailing should be appropriate to the area and in keeping with surrounding buildings;
- c) Development should be in scale and harmony with surrounding buildings and the area; and
- e) The development should not adversely affect the streetscape, roofscape, skyline and setting of the conservation area, or significant views in or out of the area.

Paragraph 6.67 of the Supplementary Planning Document: Residential Design Guide (2010) (“the SPD”) states that roof extensions can be objectionable. Their potential bulk and impact on the appearance of the building will interrupt a regular pattern in the streetscene. Consideration will be given to the type of roof, the scale of proposals and the character/appearance of the house and those adjacent.

The development includes the following changes from that approved under planning permission P/1564/09:

- The front entrance porch has been deleted.
- The windows in the two bays in the front elevation have been altered. Brick piers and courses have been added between and above the windows respectively.
- The front elevation has been constructed in brick rather than the render originally approved.
- A window in the front elevation of the single storey side extension has been replaced with a garage door. The flat roof at the front of the single storey side extension has been replaced with a mono-pitched roof over the front part of the extension.
- The eaves height above the pre-existing house and two storey rear extension has increased by 0.25 m
- The overall height of the crown roof has increased by 0.2 m.
- The rear dormer has increased in width by 0.1 m.
- The rooflights in the front roofslope are smaller than those previously approved.
- The pyramidal roof over the southern section of the single storey rear extension has been added and the lantern rooflight moved northwards.

With regards to the garage door and mono-pitched roof over the single storey side extension, this maintains the character of the original house, which had a similar single storey side extension in this position previously. The garage door and mono-pitched roof are also consistent with other dwellings in this part of West Drive, including the neighbouring site at no. 3 which has a similar style of garage. As such, the façade of the single storey side extension is considered appropriate in character terms.

With regards to the rear dormer, this is centrally located within the rear roof slope and is setback from roof edges and eaves as per the dimensions specified in paragraph 6.70 of the SPD.

As such, the dormer is visually contained within the rear roof slope. Similarly, the reduced scale of the front rooflights ensures that the tiled roofslope remains prominent and is not subsumed or dominated. The rear dormer and front rooflights are therefore considered appropriate in character terms.

It is also acknowledged that the roof height of the built development has been increased by 0.2 m. However, this increase in roof height is relatively minor in comparison to the overall height of the pre-existing dwelling and the previously approved extensions. Accordingly, the increased roof height is largely indiscernible in the streetscene and when viewed from neighbouring sites.

However, where there are faceted or curved bay windows in West Drive, such as on the pre-existing dwelling, the bay itself has a very light structure with the opening itself having no support of any significance beyond the window frame. This bay and window treatment is consistent throughout West Drive and forms part of the character and appearance of the West Drive Conservation Area.

In contrast, the bay windows on the development have a more rigid and substantial faceted floorplan. Furthermore, the bays have been constructed out of brick with substantial brick piers supporting the upper floors, so that instead of the windows appearing to provide a continuous, horizontal and lightweight curve, the elevations are made up of solid brick bays conveying a fundamentally vertical emphasis with windows then inserted into the openings on ground and first floor. The creation of this contrasting vertical emphasis is further exacerbated by the removal of the pre-existing porch which had a horizontal emphasis in its own right and contributed to the horizontal emphasis of the façade of the pre-existing dwelling. This approach to the bay windows is without precedent in this part of the conservation area, and lends this building a style and substance that does not reflect the architectural characteristics of either neighbouring or surrounding properties. The bay windows that have been constructed lend the building a prominence that belies its position midway within a coherent street scene in a suburban location. Given the above, the subject bay windows fail to preserve or enhance the West Drive Conservation Area.

The additional eaves height also alters the important relationship between the eaves of the roof and the window heads. Properties in West Drive all tend to have little to no separation distance between the eaves and the window heads. The effect of this when combined with the overhang of the eaves is to create a relatively modest dwelling form consistent with the type of arts and crafts interpretation of rural and cottage styles with their low overhanging eaves. In contrast, the prominent separation of the window heads from the eaves in the subject development results in a more dominant and obtrusive style of dwelling distinct from the more understated dwelling form found throughout West Drive.

The facade is also finished almost entirely in brick. This extensive use of brick gives the façade an imposing and dominant character in the streetscene, particularly when considered in conjunction with the height and width of the façade.

It is also uncharacteristic of the area, with many dwellings in this locality incorporating rendered sections in the front elevation, including the neighbouring sites at no's 3 and 7.

With regards to the addition of a pyramidal roof over the southern part of the rear extension, this would result in a third roof form to the single storey rear extension in addition to the flat and mono-pitched roofs previously approved. This pyramidal roof section is an incongruous addition in comparison to the roof forms already approved that would fail to preserve or enhance the character and appearance of the rear elevation.

With regards to the front fence proposed, the typical form of boundary treatment in West Drive is of dwarf walls with hedges and other foliage. The introduction of 1.3m high railings would disrupt the open and suburban grain of this part of the Conservation Area. It is considered that this boundary treatment, by reason of the height of the proposed railings, would be out of character with the pattern of development in the area, and would fail to preserve or enhance the character and appearance of the Conservation Area.

Overall and give the above, the subject development is detrimental to the character and appearance of the subject dwelling and the West Drive streetscene. The subject development therefore fails to preserve or enhance the character and appearance of the West Drive Conservation area and is considered contrary to PPS5, Policies 7.4B and 7.8D of the London Plan (2011), saved Policies D4, D14 and D15 of the Harrow Unitary Development Plan (2004) and the SPD.

**2) Residential Amenity**

The single storey side and rear extension has an increased height on the boundary with No. 3 in comparison to the previously approved development. Due to the sloping ground level, the height of the single storey side extension on the boundary with no. 3 varies between 3.89 m at the highest point at the front of the property, and 3.23 m at the rear of the single storey side. When the pyramidal roof section on the single storey rear extension is included, the overall height increases to 4.45 m. Although the height of these extensions on the side boundary with no. 3 exceeds the 3.0 m indicated as acceptable in paragraph's 6.41 and 6.63 of the SPD, these extensions are located immediately adjacent to extensions of a comparable height on no. 3. As such, the increased height of the single storey side and rear extensions would not result in unreasonable levels of overshadowing or loss of outlook over no. 3

The single storey rear extension constructed also has an eaves height near the boundary with no. 7 higher than what was previously approved. The constructed eaves height is 3.23 m as opposed to the 2.90 m approved. However, the single storey rear extension is located 1.22 m from the side boundary with no. 7. This distance is considered sufficient to mitigate unreasonable loss of light and outlook to no. 7 West Drive.

Whilst it is acknowledged that the height and of the rear dormer has increased in comparison to the previously approved development, the windows in the rear dormer would remain oriented toward the rear garden of the subject site. Views into the rear gardens of neighbouring sites would also be partially obscured by existing boundary vegetation. Given this, the rear dormer does not result in unreasonable levels of overlooking of neighbouring sites.

As noted above, the overall height of the dwelling increases by 0.2 m whilst the eave height increases by 0.25 m above what was approved under planning permission P/1564/09 and the pre-existing dwelling. This increase in height is considered largely indiscernible relative to the bulk and proportions of the pre-existing dwelling and the extended dwelling previously approved. An objection to the development on this ground is therefore not considered sustainable.

However, an additional four pane rooflight has been added to the northern flank roofslope. The rooflight in the southern roofslope has also been increased in size and relocated. Both of these rooflights have been constructed with clear glass and therefore could not be installed as permitted development pursuant to Schedule 2, Part 1, Class C of The Town and Country Planning (General Permitted Development) Order 1995 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008. Given their location and height, the proposed flank rooflights would result in unreasonable degrees of actual and perceived overlooking over the private rear gardens of the neighbouring sites at no's 3 and 7 West Drive and no. 11 West Drive Gardens.

Overall and given the above, the subject development results in unreasonable loss of residential amenity for the occupiers of neighbouring sites and is therefore contrary to saved Policies D4 and D5 of the Harrow Unitary Development Plan (2004) and the SPD.

**3) S17 Crime & Disorder Act**

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

**4) Consultation Responses**

The issues raised in the consultation responses received have been largely addressed above. However, the following is also noted:

- Parking on the front garden – This could occur with or without a garage on-site.
- Extensions on no's 7 and 9 West Drive Gardens – whilst sites within the vicinity of the subject site have been previously extended, each development subject to planning permission needs to be assessed on its merits, having regard to the subject site and its surrounds. As such, what may be acceptable on another site may not be acceptable on the subject site. Notwithstanding this, the extensions to no. 7 and 9 West Drive Gardens are unauthorised and are the subject of ongoing enforcement action.
- Boundary Fencing and Property Damage – This is a civil issue between the applicant and the neighbour.

## **CONCLUSION**

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above, this application is recommended for refusal as the subject extensions and alterations detract from the appearance of the property, the character of the locality, and the residential amenities of the occupiers of the adjacent properties, and fails to preserve or enhance the character or appearance of the West Drive Conservation Area, contrary to Planning Policy Statement 5: Planning for the Historic Environment (2010), Policies 7.4B and 7.8D of the London Plan (2011), saved Policies D4, D5, D14 and D15 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Document: Residential Design Guide (2010).

## **INFORMATIVES**

### **1 INFORMATIVE:**

The following policies in the London Plan and/or the Harrow Unitary Development Plan and any other material guidance are relevant to this decision:

- Planning Policy Statement 5: Planning for the Historic Environment (2010);
- Policies 7.4B and 7.8D of the London Plan (2011)
- Saved Policies D4, D5, D14 and D15 of the Harrow Unitary Development Plan (2004); and
- Supplementary Planning Document: Residential Design Guide (2010).

### **2 INFORMATIVE**

The submitted plans include a number of discrepancies. These include but are not limited to the roof of the single storey rear extension being depicted differently in rear and flank elevations and a flank window in the northern ground floor “as built” elevation being omitted from the floor plans. Should a revised planning permission application be submitted to the Council for the subject development, these discrepancies must be addressed.

Plan Nos:            Design and Access Statement, WE 1-3D, WE 2-3D, WE 3-3D

## SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

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**4 MANOR PARK CRESCENT, EDGWARE,  
HA8 7NN**

**Item: 4/01  
P/1849/11**

**Ward ADJOINING BOROUGH**

CONSULTATION FROM A NEIGHBOURING AUTHORITY: CHANGE OF USE FROM D1 (COMMUNITY CENTRE) TO PART D1 (EDUCATION) AND C2 (STUDENT ACCOMMODATION) USE. PROVISION OF NEW 30 SELF CONTAINED STUDENT ROOMS, NEW MAIN ENTRANCE, ROOF EXTENSION TO FRONT BUILDING WITH NEW MANSARD ROOF WITH DORMERS, INSULATED CLADDING TO EXTERNAL WALL, ESCAPE TO REAR AND PART DEMOLITION OF 1ST AND 2ND FLOOR, LANDSCAPING AND BICYCLE STORAGE

**Applicant:** London Borough Of Barnet  
**Case Officer:** Olive Slattery  
**Statutory Expiry Date:** 05-AUG-11

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### RECOMMENDATION

**INFORM** the London Borough of Barnet that Harrow Council raises **NO OBJECTION** to this application.

### REASON

The decision to raise no objection has been taken having regard to National Planning Policy statements, the policies and proposals in The London Plan (2011) and the saved policies of the Harrow Unitary Development Plan (2004) set out below, and all relevant material considerations.

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

- Planning Policy Statement 1 – Delivering Sustainable Development (2005)
- Planning Policy Statement 13 – Transport (2001)
- Draft National Planning Policy Framework (2011)

#### **The London Plan (2011):**

- 3.16 – Protection and Enhancement of Social Infrastructure
- 3.17 – Heath and Social Care Facilities
- 3.18 – Education Facilities
- 7.1 – Building London's Neighbourhoods and Communities
- 7.4 - Local Character

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

- D4 – The Standard of Design and Layout
- D5 – New Residential Development – Amenity Space and Privacy
- D9 – Streetside Greenness and Forecourt Greenery
- EP25 – Noise
- T6 – The Transport Impact of Development Proposals
- T13 – Parking Standards

Supplementary Planning Document: Residential Design Guide (2010)

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**MAIN CONSIDERATIONS AND POLICIES (National Policy, The London Plan 2011 and saved policies of The London Borough of Harrow Unitary Development Plan 2004)**

- 1) Impact on the London Borough of Harrow
- 2) S17 Crime & Disorder Act

**INFORMATION**

This application is reported to the Committee as the development is on land involving 0.1457 ha. It therefore falls outside of the thresholds set by the Schedule of Delegation for the determination of new development.

**a) Summary**

Statutory Return Type: Consultation by other Borough  
Council Interest: Adjoining Borough

**b) Site Description**

- The site is located within the London Borough of Barnet. It extends from Grove Road to Manor Park Crescent which adjoin Edgware High Street.
- Edgware High Street is a London Distributor Road (A5) and forms the boundary with the Borough of Harrow. The site is located approximately 40 meters from this Borough boundary.
- The site contains a red-brick building with a flat roof. The building is comprised of two three-storey elements which are linked at ground floor level.
- This building appears to be in use as a community centre (D1 use).
- There are small parking areas located between the northern and southern flank walls of the building and the respective highways, Grove Road and Manor Park Crescent.

**c) Proposal Details**

- Planning permission is sought for the change of use of the building from D1 (Community Centre) to part D1 (Education) and C2 (Student Accommodation) use.
- As part of the proposal, 30 new self-contained student rooms would be provided.
- The following extensions and alterations to the existing building are also proposed:
  - Provision of a new main entrance on the southern elevation
  - Construction of a new roof extension to the southern part of the building, by way of the provision of a mansard roof with four dormers. As a result, the height of the southern part of the building would be increased from 9.1 m to 10.7 m.
  - Construction of an infill extension at second and third floor levels between the northern and southern elements of the building
  - Part demolition of the 1<sup>st</sup> and 2<sup>nd</sup> floors at the rear of the building (eastern elevation) to provide terraces
  - Provision of an external stairwell beyond the northern elevation
  - Insulated cladding to external walls

- Refuse and bicycle storage are proposed beyond the southern elevation of the building
- Landscaping is proposed beyond the northern and southern elevations of the building
- The college would have a register of 250 – 300 students, with up to 200 students on site at any one time.
- Opening hours would be from 9:00 am until 17:00 pm for students and until 18:00 for staff, Monday to Friday

**e) Consultations:**

- Harrow Council's Highways Engineer - Given the scale of development and distance from Harrow, together with the extensive on-street parking controls both in Barnet and Harrow, it is not envisaged that there would be any measurable impact on Harrow's roads. Hence there is no sustainable objection that can be applied to the proposal.

**APPRAISAL**

**1) Impact on the London Borough of Harrow**

- Appearance

Having regard to the presence of buildings along Edgware High Street, the application site is visible only intermittently from the London Borough of Harrow. The majority of the proposed additional bulk would be comprised of an infill extension between the northern and southern elements of the existing building. As such, this additional bulk would not be visible from viewing points within the London Borough of Harrow. Notwithstanding the proposal to increase the height of the existing building, its overall height would not protrude above the roof tops of the buildings along Edgware High Street. The proposed extensions and alterations would give rise to a building with a modern appearance and it is considered that these proposed extensions and alterations would enhance the overall appearance of the existing building on site. Given the separation distance between the site and the Borough boundary (42 metres), it is considered that the proposed scale, appearance and landscaping would not result in any actual or perceived harm to the London Borough of Harrow.

- Amenity

Having regard to the distance between the residential properties in Harrow and the proposed development, it is considered that the proposal would not have any detrimental impact on the residential occupiers within the London Borough of Harrow, in terms of overshadowing, loss of outlook or loss of privacy.

The Design and Access Statement submitted as part of the planning application advises that the college would have a register of 250 – 300 students, with up to 200 students on site at any one time. It further advises that opening hours would be from 9:00 am until 17:00 pm for students and until 18:00 for staff, Monday to Friday. It is acknowledged that the likely noise and disturbance associated with the use may be greater than the existing use of the premises.

However, having particular regard to the distance between the proposed development and the London Borough of Harrow (42 meters), together with the fact that the two Boroughs are separated by a busy trunk road, it is considered that the residents of the London Borough of Harrow would not be unduly affected in terms of noise and disturbance as a result of the proposed use.

- Highways

The site is accessed off the London Distributor Road, Edgware High Street (A5) which is well served by a number of buses and Edgware tube station is located within walking distance of the site. As such, the site is located in a highly accessible location with good public transport links. There are extensive on-street parking controls both in Barnet and Harrow. These factors would act as a parking restraint. A Transport Assessment has been submitted in relation to the proposed development. The application was referred to the Council's Highways Engineer who has raised no objection to the proposal in relation to the likely impact of the proposal on the operation of the public Highway within the London Borough of Harrow.

**2) S17 Crime & Disorder Act**

It is considered that the proposed development would not result in an increase in crime or loss of safety within the London Borough of Harrow.

**CONCLUSION**

For all the reasons considered above, and weighing up the Development Plan policies and proposals, and other material considerations, it is recommended that no objection be made.

Plan Nos Design and Access Statement, A-MPC10-PP-10-PR, A-MPC10-PP02-EX, A-MPC10-PP-01, Location Plan, A-MPC10-PP03-PR, A-MPC10-PP08-PR, A-MPC10-PP09-PR, A-MPC10-PP11-EX, A-MPC10-PP07-PR, A-MPC10-PP-06-PR, A-MPC10-PP05-PR

## SECTION 5 - PRIOR APPROVAL APPLICATIONS

None.