



**DEVELOPMENT MANAGEMENT  
COMMITTEE**

**TUESDAY 15 JULY 2008**

**PLANNING APPLICATIONS RECEIVED**

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**APPLICATIONS**

**TUESDAY 15<sup>TH</sup> JULY 2008**

**PLANNING APPLICATIONS RECEIVED**

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**SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT**

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## **BACKGROUND INFORMATION**

All reports have the background information below.

Any additional background information in relation to an individual report will be specified in that report:-

Individual file documents as defined by reference number on Reports

Nature Conservation in Harrow, Environmental Strategy, October 1991

Harrow Unitary Development Plan, adopted 30th July 2004

The London Plan (Spatial Development Strategy for Greater London), Mayor of London, February 2004

Section 17 of the Crime & Disorder Act 2004

# DEVELOPMENT MANAGEMENT COMMITTEE

TUESDAY 15<sup>TH</sup> JULY 2008

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## SECTION 1 – MAJOR APPLICATIONS

None

## SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

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10 HILLCREST AVENUE, PINNER  
HA5 1AJ

Item: 2/01  
P/0990/08/DFU/MT

Ward PINNER SOUTH

TWO STOREY SIDE EXTENSION

**Applicant:** Mr G Orengo & Miss L Fennelly

**Statutory Expiry Date:** 05-MAY-08

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### RECOMMENDATION

Plan Nos: 08/10Hillcrest Rev B (Received 6<sup>th</sup> May 2006) AND SITE PLAN

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

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

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

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

REASON: To safeguard the appearance of the locality.

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

REASON: To safeguard the amenity of neighbouring residents.

### INFORMATIVES

1 INFORMATIVE:

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

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

Harrow Unitary Development Plan:

D4 Standard of Design and Layout

D5 New Residential Development - Amenity Space and Privacy

Supplementary Planning Guidance: Extensions: A Householders' Guide

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>

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

**4 INFORMATIVE:**

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

**5 INFORMATIVE:**

The applicant is advised that the details submitted in relation to the adjacent property at No. 9 Hillcrest Avenue including the location of the kitchen window are inaccurate. A decision has been made based on information gathered on site.

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

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

**INFORMATION**

This application is reported to committee following the receipt of a petition in objection to the proposal containing 11 signatures.

The application was deferred at the meeting on 4<sup>th</sup> June 2008 for a Member site visit that took place on the 8<sup>th</sup> July 2008.

**a) Summary**

Statutory Return Type: Householder Development  
Council Interest: None

**b) Site Description**

- The subject site is on the southern side of Hillcrest Avenue

- The site contains a two-storey detached dwelling with an attached garage on the eastern side of the dwelling
- The property to the east No. 9 Hillcrest Avenue contains a two-storey detached dwelling with attached garage on the western side of the dwelling adjacent to the subject site. The dwelling has a single storey rear extension
- The property to the west No. 11 Hillcrest Avenue contains a two-storey detached dwelling with attached garage on the eastern side of the dwelling. The dwelling has a single storey rear extension
- The street in the vicinity of the site is generally characterised by two-storey detached dwellings with space between dwellings. The front and rear building alignments of dwellings on the southern side of the street are relatively consistent. The dwellings on the northern side of the street are orientated at an angle to the street frontage

**c) Proposal Details**

- The proposal is for a two-storey side extension to the eastern side of the dwelling
- At ground floor level the extension would provide a utility room and at first floor level it would provide an ensuite bathroom
- The proposal would have a width of 2.085 metres and be abutting the side boundary adjacent to No. 9 Hillcrest Avenue
- The proposal would have a depth of 4.175 metres and be set back from the main front wall of the dwelling by 5.0 metres and would not extend beyond the rear main wall of the dwelling
- The proposed extension would have a subordinate pitched roof with a height at the boundary of 5.65 metres rising to a maximum height of 7.5 metres at a distance of 2.35 metres from the boundary
- The proposed extension would have no flank windows
- The extension would contain two windows on the rear elevation and one window on the front elevation

**d) Relevant History**

None

**e) Pre Application Discussion**

None

**f) Applicant Statement**

None

**g) Consultations:**

**Pinner Association:** We request that the above mentioned application for planning permission be refused for the following reasons:

- Your UDP requires all new development to have regard to the character of the surrounding environment. The development proposed in this case would, if permitted, allow the only side extension which would be visible from the street in the whole of Hillcrest Avenue. It would therefore be out of character with the neighbouring properties.

- Again it is your Council's policy to take account of the public realm and, indeed, to seek improvements to it where appropriate. This proposed two storey side extension would detract from the public realm because it would reduce the visible space between No. 9 and 10 Hillcrest Avenue, something which has not occurred anywhere else in the street.

You have confirmed to us that the ground floor side kitchen window at No. 9 Hillcrest Avenue is a protected window. You have also confirmed to us that the proposed development would infringe the 45 degree angle from such windows by some 10 cm. It would not be reasonable to allow such a detriment to No. 9 Hillcrest Avenue."

**Notifications:**

Sent:  
6

Replies:  
13  
Plus one petition  
containing 11 signatures  
and objecting to the  
proposal

Expiry: 10/04/2008

**Summary of Response:**

Inadequate space around the building; inconsistency with the character and appearance of the existing detached dwelling and those in the street; street scene impact; refusal of planning permission for a two-storey side extension at No. 4 Hillcrest Avenue; loss of outlook from adjacent properties and from properties on the opposite side of the street; loss of light; visual obtrusiveness and overbearing; size, scale and context; terracing affect; encroachment onto the adjoining property; the applicants signed they were the owners before they owned the property; obtrusive parapet detail inconsistent with the design of dwellings in the street; inaccuracies on the plans; likely existence of asbestos in the existing dwelling; noise, disturbance and parking during construction; no re-notification amended plans; materials proposed are inconsistent with the existing dwelling

**APPRAISAL**

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

Policy D4 in Part 2 of the Harrow Unitary Development Plan (2004) requires high standards of design in all new development, including extensions to existing buildings. The policy requires that the design of new development be considered in the context of its site and surroundings and have regard to the scale and character of the surrounding environment. Paragraph B.1 of the Council's Supplementary Planning Guidance (SPG) states that side extensions should reflect the pattern of development in the street scene and that these proposals will be assessed against the pattern of development in the immediate locality and the potential for them to dominate the appearance of the street scene. Paragraph B.7 and B.9 relate specifically to detached and semi-detached houses and states that the primary considerations are the character of the locality and space around the building.

In relation to maintaining a gap between the extension and the side boundary the existing garages for both No. 9 and No. 10 Hillcrest abut the side boundary in this location. It is considered however that No. 10 is set in from the western side boundary and that a character of space between buildings would be maintained in this location.

The proposed two-storey side extension would be set back from the main front wall of the dwelling by 5.0 metres and would have a subordinate pitched roof. As the proposed extension would be subordinate to the dwelling and be well set back from the main front wall, it is considered that the extension would not be in a position to dominate the appearance of the dwelling or the street scene and would not lead to a terracing effect.

In accordance with the requirements of the SPG the proposal would have a recessed eaves detail. And would therefore be in keeping with the character of the street and would not overhang the boundary with No. 9.

A condition has been recommended requiring the materials to be used in the construction of the external surfaces of the extension to match those used in the existing building.

The proposed extension would be consistent with the character and appearance of the original dwelling and the street scene in accordance with policy D4 of the Harrow UDP and the SPG.

## **2) Residential Amenity**

Policy D5 in Part 2 of the Harrow Unitary Development Plan (2004) and Part 3 of the SPG require that the amenity, including the loss of privacy, light and outlook of occupiers of existing and proposed dwellings be safeguarded. However the relevant planning policies do not protect views across properties.

The property No. 9 Hillcrest Avenue has a protected kitchen window (obscure glazed) adjacent to the eastern flank wall of the dwelling at No. 10. The proposed two-storey side extension would interrupt an upward plane angled at 45 degrees from the lower edge of the glazed area of the kitchen window for a width of 0.1m of the 0.5 metre wide window. The interruption of the 45 degree code is considered a minor encroachment and would not unreasonably reduce the light to this protected kitchen window. It is considered that this minor encroachment would not be significant enough to warrant a refusal in this case.

The proposed extension would have no flank windows. The proposed windows would look to the front and rear of the dwelling and therefore not cause any unreasonable impacts to the privacy of the neighbours.

In relation to potential amenity impacts of the proposal, it is considered that the proposal would not be likely to result in unreasonable impacts to the amenity of the surrounding neighbours, including privacy, overshadowing and loss of outlook and therefore refusal of the application on these grounds is not justified.

**3) S17 Crime & Disorder Act**

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

**4) Consultation Responses:**

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

- Material planning concerns addressed in the report above
- Refusal of planning permission for a two storey side extension at No 4 Hillcrest Avenue is not a material consideration for the assessment of this application as each application is assessed on its own merits
- The proposal as shown on the plans would not be on the adjoining property and the encroachment of the existing garage onto adjoin property in not a material consideration in relation to this application
- The applicants have submitted a signed Certificate B stating that they have served notice on the persons with a previous interest in the property
- An Amended plan has been submitted accurately numbering the neighbouring dwellings. It is noted that the location of the kitchen window as shown on the applicant's plans is inaccurate but this is not considered a material planning concern as the site has been visited and the accurate location of the window in relation to the proposal has been determined
- Issues in relation to asbestos and noise, disturbance and parking during construction are not material planning concerns
- An amended plan which reduces the scope of works is not required to be re-notified to the neighbouring properties. All objections in relation to the original plan have been considered in the assessment of the proposal

**CONCLUSION**

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

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**11 NORMAN CRESCENT PINNER  
HA5 3QQ**

**Item: 2/02  
P/1608/08/DFU/HG**

Ward PINNER

SINGLE AND TWO STOREY SIDE & REAR EXTENSIONS

**Applicant:** Mr R Dattani  
**Agent:** Mr H Patel  
**Statutory Expiry Date:** 25-JUN-08

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## **RECOMMENDATION**

Plan Nos: Site Plan (Received 30.04.08); P.01A; P.02A (Both Received 13.06.08)

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

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

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

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

REASON: To safeguard the appearance of the locality.

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

REASON: To safeguard the amenity of neighbouring residents.

4 A fence shall be erected across the entire width of the garden, 4 metres from the existing rear wall of the original dwelling. The fence must be staked so that it cannot be moved. The fence is to be erected 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 tree represents an important amenity feature which the local planning authority considers should be protected.

5 The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.

REASON: To safeguard the amenity of neighbouring residents.

## **INFORMATIVES**

### **1 INFORMATIVE:**

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

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

Harrow Unitary Development Plan:

D4 Standard of Design and Layout

D5 New Residential Development - Amenity Space and Privacy

Supplementary Planning Guidance: Extensions: A Householders' Guide

### **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

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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:**

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

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

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

## **INFORMATION**

This application is reported to committee following the receipt of a petition in objection to the proposal containing 20 signatures.

### **a) Summary**

Statutory Return Type: Householder Development

Council Interest: None

### **b) Site Description**

- The subject site is on the southern side of Norman Crescent
- The site contains a two-storey detached dwelling with an attached garage on the western side of the dwelling and a detached outbuilding
- The site has a gentle slope from west to east. The site is 500mm lower than No. 15 and 500mm higher than No. 9
- The site has a preserved mature Oak (TPO No. 887) in the rear garden
- The property to the east is No. 9 Norman Crescent. The property contains a two storey detached dwelling with an integral garage and rear extensions
- The property to the west is No. 15 Norman Crescent. The property contains a two storey detached dwelling with an attached garage on the western side of the dwelling and single and two storey side and rear extensions. No. 15 has a ground floor protected window to a living room and a first floor protected window to a bedroom in the eastern elevation which face the subject site
- The street in the vicinity of the site is generally characterised by two-storey detached dwellings with space between buildings. The front and rear building alignments of dwellings on the southern side of the street are staggered and inconsistent

### **c) Proposal Details**

- The proposal is for a single storey extension to the eastern and western sides of the dwelling, a two-storey extension to the western side of the dwelling and single and two-storey rear extension to the original dwelling
- The extension would convert the existing 4 bedroom dwelling to a 6 bedroom dwelling. 5 of the bedrooms would have ensuite bathrooms. The extension would also provide a new kitchen, utility room, study room, extended living room and would result in loss of the garage

#### Single and Two Storey Rear Extension

- The proposed single storey rear extension would have a depth of 3m from the main rear wall of the existing dwelling
- The single storey rear wall would protrude 1.2m from the rear wall of the dwelling at No. 9 and 1.75m from the rear wall of the dwelling at No. 15
- The two storey rear wall would protrude 3.65m beyond the two storey rear wall of No. 9 and 1m from the rear wall of No. 15
- The two storey rear extension would have a hipped roof and the single storey rear extension would have a flat roof to a height of 3m

#### Single and Two Storey Side Extension

- The proposed single storey side extension to the eastern side of the dwelling would be setback 1.95m from the main front wall of the dwelling
- The single storey side extension to the eastern side of the dwelling would

have a width ranging between 1.25m and 850mm and a set in from the boundary of No. 9 ranging from 400mm to 800mm

- The single storey side extension to the eastern side of the dwelling would have a subordinate hipped roof for the length adjacent to the original dwelling. Where the extension protrudes beyond the rear wall of the original dwelling a flat roof is proposed
- The proposed single-storey side extension to the western side of the dwelling would be setback 1.1m from the main front wall of the dwelling, would have a width of 2.3m and would be set in 100mm from the boundary of No. 15
- The single storey side extension to the western side of the dwelling would have a subordinate hipped roof for the length adjacent to the original dwelling. Where the extension protrudes beyond the rear wall of the original dwelling and the proposed second storey extension a flat roof is proposed
- The proposed two storey side extension to the western side of the dwelling would be setback 5.3m from the main front wall of the dwelling, would have a width of 2.3m and would be set in 100mm from the boundary of No. 15
- The two storey side extension would have a subordinate hipped roof with a hidden gutter
- The side extensions would not contain flank windows or openings
- Original windows modified to match proposed windows

**d) Relevant History**

None

**e) Pre Application Discussion**

None

**f) Applicant Statement**

None

**g) Consultations:**

**Pinner Association:** Overdevelopment; inadequate space around the building; size, scale and context; adverse impact on amenities and privacy of adjoining properties; development would risk Oak Tree in rear garden of subject site.

**Notifications:**

Sent:  
5

Replies:  
4  
Plus one petition  
containing 20  
signatures objecting to  
the proposal.

Expiry: 04-JUN-08

**Summary of Response:**

Inconsistent with the character and appearance of the street; size, scale and context; terracing effect; street scene impact; loss of light to habitable rooms of adjacent dwellings; visual obtrusiveness and overbearing; inadequate space around the building; obtrusive parapet detail inconsistent with the design of dwellings in the street; potential multi-letting or commercial use; loss of garage could lead to hard standing in front of dwelling and onstreet parking; no landscape plan provided; no adequate area for refuse storage; development would risk Cherry Tree in front of the dwelling; development would risk Oak Tree in rear garden of subject site; development would block view the view of the Oak Tree from the street scene; inaccuracies on the plans; plans do not accurately show the position of adjacent dwellings and protected windows; plans do not show front and rear elevations of adjacent dwellings; planning application form not filled out correctly.

**APPRAISAL**

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

Policy D4 in Part 2 of the Harrow Unitary Development Plan (2004) requires high standards of design in all new development, including extensions to existing buildings. The policy requires that the design of new development be considered in the context of its site and surroundings and have regard to the scale and character of the surrounding environment. Paragraph B.1 of the Council's Supplementary Planning Guidance (SPG) states that side extensions should reflect the pattern of development in the street scene and that these proposals will be assessed against the pattern of development in the immediate locality and the potential for them to dominate the appearance of the street scene. Paragraph B.7 and B.9 relate specifically to detached and semi-detached houses and states that the primary considerations are the character of the locality and space around the building.

The proposed two-storey side extension would be set back from the main front wall of the dwelling by 5.3 metres and would have a subordinate pitched roof. The proposed single-storey side extensions to the eastern and western sides of the dwelling would be set back 1.95 metres and 1.1 metres respectively from the main front wall of the dwelling. The single storey extensions would have a subordinate pitched roof for the length adjacent to the original dwelling. As the proposed extensions would be subordinate to the dwelling and be well set back from the main front wall, it is considered that the extensions would not dominate the appearance of the dwelling or the street scene and would not lead to a terracing effect.

In relation to maintaining open space around the dwelling the proposed extension would result in a minimum gap of 800mm between the eastern flank wall and the dwelling at No. 9 and a minimum gap of 1.32 metres between the western flank wall and the dwelling at No. 15.

There is a preserved mature Oak (TPO No. 887) located 8 or more metres from the existing building line. The proposed development would not affect the tree's roots. The Oak could be affected during construction therefore it would be expedient to put a fence across the width of the garden 4m from the existing

building line.

The proposed extension would be consistent with the character and appearance of the original dwelling and the street scene in accordance with policy D4 of the Harrow UDP and the SPG.

## **2) Residential Amenity**

Policy D5 in Part 2 of the Harrow Unitary Development Plan (2004) and Part 3 of the SPG requires that the amenity, including the loss of privacy, light and outlook of occupiers of existing and proposed dwellings be safeguarded.

The proposed single-storey extension is adjacent to a protected window to a living room at No. 15. The subject site is 500mm lower than the site at No. 15 and the proposed single-storey extension would not interrupt an upward plane angled at 45 degrees from the lower edge of the protected window. No. 15 also contains a protected window to a bedroom on the first floor. The front wall of the two storey side extension is in line with the rear of the protected window at No. 15 and would not interrupt an upward plane angled at 45 degrees from the lower edge of the window. No. 9 does not contain any flank windows or openings in the western flank wall that would face the subject dwelling.

The proposed two storey rear extension is sited such that it does not interrupt a horizontal 45 degree angle when measured from the main two storey rear corners of No. 9 and No. 15.

The proposed extension would have no flank windows. The proposed windows in the rear walls would overlook the street and rear gardens of the adjoining properties at an oblique angle therefore would not cause any unreasonable impacts to the privacy of the neighbours.

In relation to potential amenity impacts of the proposal, it is considered that the proposal would not be likely to result in unreasonable impacts to the amenity of the surrounding neighbours, including privacy, overshadowing and loss of outlook and therefore refusal of the application on these grounds is not justified.

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

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

## **4) Consultation Responses:**

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

- Revised plans were received on 13/06/2008 which converted the proposed parapet wall to the two storey side extension to a wall with a hidden gutter
- Revised plans were received on 13/06/2008 which accurately show the position of adjacent dwellings and protected windows in relation to the proposed extensions. A site inspection has confirmed the accuracy of the dimensions
- A dwelling with 6 bedrooms is classified as a dwelling and is not considered a commercial use

Item 2/02: P/1608/08/DFU continued...

- It is not considered that loss of the garage would result in extensive hard standing in front of the dwelling or a high level on street parking
- It is considered the gap between the eastern flank wall and property boundary would enable refuse bins to pass
- A landscaping plan is not required as part of the subject application
- It is not a requirement for plans that show the front and rear elevations of the adjacent dwellings
- It is not considered the proposed development would risk the Cherry Tree in the front garden
- The protected Oak Tree would not be threatened by the proposed development but a condition is recommended to ensure its protection during construction

**CONCLUSION**

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

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**176 MARSH LANE, STANMORE  
HA7 2SL**

**Item: 2/03  
P/1427/08/DCO/NR**

Ward BELMONT

**RETENTION OF SINGLE STOREY REAR EXTENSION AND ALTERATIONS**

**Applicant:** Mr N Ahmed  
**Agent:** Miss Abigail Kendler  
**Statutory Expiry Date:** 07-JUL-08

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**RECOMMENDATION**

Plan Nos: ML 080409 AK 001; 002; 003; Site Plan

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

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

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

2 The proposed alterations to the size of the development hereby permitted, shall be completed within 3 months from the date of this planning permission.

REASON: To safeguard the amenity of neighbouring residents at No.174 and ensure that the development complies with the standards set down in Supplementary Planning Guidance 'Extensions: A Householder Guide' (2003) and Harrow Unitary Development Plan (2004) policies.

3 Notwithstanding the details shown on the approved plans, the external surfaces of the extension hereby permitted, shall be rendered and painted to match those used in the existing building within 3 months of the date of this permission, and thereafter retained in that form.

REASON: To safeguard the appearance of the locality.

4 Notwithstanding the details shown on the approved plans, the windows on the flank wall of the extension hereby permitted facing No.174 Marsh Lane shall be removed and replaced with solid panels to match the colour of the existing window frames within 3 months of the date of this permission, and thereafter retained in that form.

REASON: To safeguard the amenity of neighbouring residents at No.174 and ensure that the development complies with the standards set down in Supplementary Planning Guidance 'Extensions: A Householder Guide' (2003) and Harrow Unitary Development Plan (2004) policies.

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 window(s) / door(s) shall be installed in the flank wall of the development hereby permitted, facing No.174 Marsh Lane, without the prior permission in writing of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents.

## **INFORMATIVES**

### **1 INFORMATIVE:**

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

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

Harrow Unitary Development Plan:

D4 Standard of Design and Layout

D5 New Residential Development - Amenity Space and Privacy

Supplementary Planning Guidance: Extensions: A Householders' Guide

### **2 INFORMATIVE:**

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

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

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

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

Please quote Product code: 02 BR 00862 when ordering.

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

### **3 INFORMATIVE:**

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.

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

- 1) Character and Appearance of the Area (D4, D5, SPG)**
- 2) Residential Amenity (D5, SPG)**
- 3) S17 Crime & Disorder Act (D4)**

4) Consultation Responses

**INFORMATION**

This application is reported to the Committee at the request of a Nominated Member.

a) **Summary**

Statutory Return Type: Householder Development

Council Interest: None

b) **Site Description**

- Single-storey semi-detached bungalow, with habitable roof space on the western side of Marsh Lane
- The application property currently has side and rear dormers, a single-storey side to rear extension and an unauthorised single-storey rear extension, which is the subject of this application
- The adjoining property at No.174 currently has a single-storey side to rear extension with a depth of approximately 3.0 metres set away from the boundary with the application property by approximately 4.3 metres and side and rear dormers
- The neighbouring property at No.178 currently has a single-storey side and rear extension with a rearward depth of approximately 3.0 metres, abutting the single-storey side to rear extension on the application property

c) **Proposal Details**

- Retention of single storey rear extension with alterations
- The proposed alterations to the single-storey rear extension would result in a reduction in the rearward projection from 3.3 metres to 2.8 metres beyond the main rear wall of the property, on the boundary with No.174. The existing depth of 3.3 metres, set 1.2 metres from the boundary with No.174, would be retained
- The extension has a mid-point height of 2.34 metres with a sloping roof and this is not proposed to be altered

**Revisions to Previous Application:**

Following the previous decision (P/0181/08/DCO) the following amendments have been made:

- Stepped reduction in footprint as now proposed.

d) **Relevant History**

P/0181/08/DCO	Retention of single storey rear extension	REFUSE 11-MAR-08
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Reason for refusal

1 The single storey rear extension, by reason of its design, excessive bulk and rearward projection, is unduly overbearing, obtrusive, resulting in loss of outlook and causes overshadowing having an unacceptable enclosing effect and gives rise to perception of overlooking, to the detriment of the amenities of the occupiers of the neighbouring property at No. 174 Marsh Lane.

**e) Pre Application Discussion**

None

**f) Applicant Statement**

None

**g) Consultations:**

**Notifications:**

Sent:

3

Replies:

1

Expiry: 10-JUN-08

**Summary of Response:**

Concerns over encroachment and roof overhang, queries over utility room extension and existing side extension, extension not in character, unsympathetic use of materials, extension exceeds 3.0 metres in depth, in breach of the 45 degree code, overlooking from flank windows, loss of light.

**APPRAISAL**

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

The single-storey rear extension is not visible from the front of the property, nor is it easily visible from Lansdowne Road, which runs to the north of the adjoining property at No.174. It is considered that, provided a condition is imposed requiring the brickwork of the extension to be rendered and painted white to match the host building within a reasonable timeframe, the proposal would be acceptable in this regard.

**2) Residential Amenity**

The proposed alterations to the single-storey rear extension would result in a rearward projection of 2.8 metres on the boundary with the adjoining property at No.174, with a further rearward projection of 500mm, set 1.2 metres from the boundary. These alterations would comply with the SPG in terms of rearward projection and the two for one rule. In order to protect the amenities of the occupiers of the neighbouring property at No.174, it is considered necessary to impose a condition requiring the works to be carried out within a reasonable timeframe.

SPG paragraph 3.4 states that 'windows should be omitted from flank walls adjacent to a neighbouring boundary, where these would result in perceived overlooking or loss of privacy'. Paragraph C.6 states that 'conservatories sited within 3 metres of a boundary would normally be required to be finished with solid panels'. Although the windows in the flank elevation on the boundary would be high level and 'semi-opaque', they would give rise to the perception of overlooking and this is of particular concern, given the proximity to a habitable room window on the rear wall of No.174. It is considered that a condition requiring the windows to be removed and replaced with solid panels to match the existing window frames, would ameliorate these concerns and, subject to this condition and those suggested above, the proposal is considered to be acceptable and to comply with the SPG and Policy D5.

**3) S17 Crime & Disorder Act**

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

**4) Consultation Responses:**

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

- Encroachment and roof overhang: This is a private legal matter, the applicants have signed Certificate A confirming they are the sole owners of the land
- Utility room extension and existing side extension: These developments are not the subject of this application
- In breach of the 45 degree code: The 45 degree code on the horizontal plane does not apply to single-storey extensions (see SPG paragraph 3.14)
- All other issues addressed in appraisal, or by way of conditions.

**CONCLUSION**

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

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**4 GREENWAY, PINNER, HA5 3SR**

**Item: 2/04**  
**P/0190/08/DFU/SB5**  
Ward PINNER

CONVERSION OF DWELLINGHOUSE TO TWO FLATS; SINGLE STOREY REAR EXTENSION; EXTERNAL ALTERATIONS

**Applicant:** Mr S Gupta  
**Agent:** Saloria Architects  
**Statutory Expiry Date:** 30-MAY-08

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## **RECOMMENDATION**

Plan Nos: SITE PLAN; 7109-21-REV P2 (Received 19.05.2008); 7109-22-REV P2 (Received 19.06.2008); Design and Access Statement

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

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

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

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

REASON: To safeguard the appearance of the locality.

3 The development hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works for the forecourt of the site. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

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

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 2 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

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

5 The development hereby approved shall not be occupied until a suitable boundary treatment such as a fence or wall of a maximum height of 2000mm has been provided along the line of the proposed sub-division of the rear garden. Such fence or wall shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

REASON: To safeguard the privacy and amenity of future occupiers and neighbouring residents.

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

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

7 The development hereby permitted shall not be occupied or used until the forecourt parking space shown on the approved plans has been made available for use. The space shall be allocated and retained for use by the occupants of the ground floor flat only and shall be used for no other purpose without the prior written permission of the Local Planning Authority.

REASON: To ensure suitable parking provision for people with disabilities in association with the provision of 'Lifetime Homes Standards' housing.

8 The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.

REASON: To safeguard the amenity of neighbouring residents.

## **INFORMATIVES**

### **1 INFORMATIVE:**

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

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

London Plan:

3A.5 Housing choice

Harrow Unitary Development Plan:

D4 Standard of Design and Layout

D5 New Residential Development - Amenity Space and Privacy

D9 Streetside Greenness and Forecourt Greenery

H10 Maintenance and Improvement to Existing Housing Stock

EP25 Noise

T13 Parking Standards

Supplementary Planning Guidance: Extensions, A Householders Guide (2003)

Supplementary Planning Document 'Accessible Homes (2006)

Code of practice for the storage and collection of refuse and materials for recycling in domestic properties (2007)

### **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

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Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

**4 INFORMATIVE:**

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

**5 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.

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

- 1)** Character and Appearance of the Area, and Amenity (D4, D5, SPG)
- 2)** Conversion of Buildings to Flats (D4, D5, D9, H10, EP25)
- 3)** Accessible Homes (3A.5) (SPD)
- 4)** Parking Standards (T13)
- 5)** S17 Crime & Disorder Act (D4)
- 6)** Consultation Responses

## **INFORMATION**

This application is being reported to the Development Management Committee at the request of a Nominated Member.

### **a) Summary**

Statutory Return Type:	Minor Dwelling
Car Parking:	Standard: 2.4
	Justified: 2
	Provided: 2
Lifetime Homes:	1
Wheelchair Standards:	None
Council Interest:	None

### **b) Site Description**

- Two storey semi-detached dwelling located on the northern side of Greenway, Pinner
- The dwelling house has an existing single storey rear extension and a detached outbuilding located in the rear garden
- Application site has a wedge shaped plot and is located on the corner bend of Greenway and for this reason the application dwelling is located closer to the highway, with a wide-open garden at the side
- The existing site has two vehicle crossovers located at the side
- Existing front and side garden is hard-surfaced
- Attached neighbouring dwelling no.2 is unextended
- Unattached end of terrace, neighbouring dwelling no.6, is also unextended

### **c) Proposal Details**

- It is proposed to construct a replacement single storey rear extension
- This extension would measure 3m in depth adjacent to the site boundary shared with no.2 and would continue at this depth for 2.647m before stepping out by 1m and continuing at a depth of 4m for a further 3.6m
- The proposed extension would span the full width of the original property and would have a flat roof over, which would have a height of 2.8m
- It is proposed to convert the extended property into 2 self-contained flats
- Each would have its own entrance, whereby the ground floor flat would be accessible from a new opening located on the flank elevation and the existing front entrance would form the entrance for the first floor flat
- At ground floor, a 2 person, one bedroom flat is proposed, which would have an open plan living and kitchen area
- At first floor, a 1 person, one bedroom flat is proposed, which would also have an open plan living and kitchen area
- Rear garden sub-divided to provide rear amenity space to both flats
- Ground floor flat will have a widened corridor and openings to allow wheelchair access
- Kitchen and bathroom shown to meet the minimum 1.5m turnaround
- Level access leading from the side entrance into the property
- Refuse storage would be located at the side and 3 bins would be provided for each flat
- Off street parking space will be provided at the side for both flats, of which

one space would be capable of extending to 3.3m to meet Lifetime Homes standards

**d) Relevant History**

P/3857/07/DCP Certificate: Demolition of existing single storey rear extension and construction of single storey rear extension GRANT 08-JAN-08

**e) Pre Application Discussion**

None

**f) Applicant Statement**

- Please refer to Design and Access Statement

**g) Consultations:**

**The Pinner Association:** No comments received

**Notifications:**

Sent: 13 Replies: 0 Expiry: 08-MAY-08

**Summary of Response:**

N/A

**APPRAISAL**

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

The dimensions and siting of the proposed single storey rear extension would comply with the SPG in respect of single storey rear extensions to semi-detached dwellings. The proposed additional depth to the extension would also comply with the Council's 'two for one' rule as set out in the SPG.

It is considered that the scheme would comply with the SPG and UDP policies, thus it is considered that the proposal would not have a detrimental impact on the character and appearance of the original dwelling and the locality. Likewise, it is considered that the proposed development would not have a detrimental impact upon the residential amenities of neighbouring occupiers at numbers 2 and 6 Greenway.

**2) Conversion of Buildings to Flats**

In terms of size, circulation and layout, the proposed internal layout to both flats would comply with the minimum space standards as set under the Environmental Health Standards. In terms of vertical layout, the proposed ground floor bathroom of the ground floor flat would be located under the first floor bedroom of the first floor flat. However, taking into consideration that the bathroom would be under the bedroom, it is considered that in this case the vertical stacking of the rooms is acceptable and would not result in an unreasonable level of noise transmission between both flats. It is considered that in general, the design and layout of the flats would ensure a vertical stacking that would mitigate any potential noise disturbance between the dwellings.

The proposed development would provide amenity space for both dwellings by sub-dividing the existing rear garden. The bin storage for the proposed dwellings would be located at the side and in the rear garden and would therefore be obscured from view of the streetscene. Based on these factors the proposed amenity space and bin storage is considered acceptable. In addition, the front garden is unusually wide and the proposal would enhance the front garden by introducing a soft landscaping scheme in place of a continuous expanse of hardsurfacing. This is in accordance with the reasoned justification paragraph 6.54 following Policy D9, which recognises the contribution which front gardens can make to the character of the area and the streetscene, and therefore the proposed is considered to be acceptable.

It is acknowledged that the conversion may increase residential activity on the site, expressed through comings and goings to the property. However, given the modest size of the proposed flats, it is not considered that this proposal would be detrimental to the amenity of neighbouring occupiers or the character of the locality.

**3) Accessible Homes**

The Councils' adopted SPD on 'Accessible Homes' seeks to ensure that new homes can be adapted to meet Lifetime Home standards and Wheelchair Standard Homes.

The proposed development meets the criteria set out for Lifetime Homes where feasible, including provision of sufficient turning circles to the bathroom and living area, and provision of one off street parking space 3.6m wide. The proposed development also provides level access to the proposed ground floor flat.

**4) Parking Standards**

The proposal would provide two off street parking spaces on the site. Greenway is a narrow road with parking only possible on one side of the road. By providing off street parking, the proposed development would not adversely impact upon the local traffic and parking conditions. The proposed parking arrangement is also shown to comply with the parking standard specified in Schedule 5 of the Harrow UDP.

**5) S17 Crime & Disorder Act**

The proposed development relates to a conversion of an existing dwelling into two self-contained flats. It is acknowledged that two separate entrances are proposed, whereby the entrance to the ground floor flat would be located on the flank elevation. It is considered that due to the open and wide nature of the plot, the existing flank elevation is highly visible in the streetscene and would therefore offer natural surveillance from neighbouring properties and passers-by. It is therefore considered that the proposed development would not give rise to any community safety issues.

**6) Consultation Responses:**

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

- None

**CONCLUSION**

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

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**47 BALMORAL ROAD, HARROW  
HA2 8TE**

**Item: 2/05  
P/1302/08/DFU/MRE**

Ward ROXETH

SINGLE STOREY REAR EXTENSION AND CONVERSION TO TWO FLATS WITH FRONT RAMP; EXTERNAL ALTERATIONS AND ONE PARKING SPACE

**Applicant:** Mr Shany Gupta  
**Agent:** Mr Lalji Vekaria  
**Statutory Expiry Date:** 30-MAY-08

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## **RECOMMENDATION**

Plan Nos: 7102-06-P4, Design and Access Statement, Site Plan

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

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

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

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

REASON: To safeguard the appearance of the locality.

3 Notwithstanding the details shown on drawing no.7102-06-P4 the development hereby approved shall not commence until a metric scale drawing detailing the hard and soft landscaping of the forecourt and off-street parking arrangement, have first been submitted to, and approved in writing by the local planning authority. A soft landscape works shall include: planting plans, and schedules of plants, noting species, plant species, plant sizes and proposed numbers/ densities. The approved details shall be implemented before first occupation of the development and thereafter retained.

REASON: To safeguard the character of the locality and to ensure satisfactory amenities for future occupiers of the development.

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 2 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

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

5 The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.

REASON: To safeguard the amenity of neighbouring residents.

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

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

7 The development hereby permitted shall not be occupied or used until the forecourt parking space shown on the approved plans has been made available for use. The space shall be allocated and retained for use by the occupants of the ground floor flat only and shall be used for no other purpose without the prior written permission of the Local Planning Authority.

REASON: To ensure suitable parking provision for people with disabilities in association with the provision of 'Lifetime Homes Standards' housing.

## **INFORMATIVES**

### **1 INFORMATIVE:**

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

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

London Plan:

3A.5 Housing choice

Harrow Unitary Development Plan:

D4 Standard of Design and Layout

D5 New Residential Development - Amenity Space and Privacy

D9 Streetside Greenness and Forecourt Greenery

H10 Maintenance and Improvement to Existing Housing Stock

EP25 Noise

T13 Parking Standards

Supplementary Planning Guidance: Extensions, A Householders Guide (2003)

Supplementary Planning Document 'Accessible Homes (2006)

Code of practice for the storage and collection of refuse and materials for recycling in domestic properties (2007)

Conversion of dwellinghouses to flats - Informal Guidance (2007)

### **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

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Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

#### 4 INFORMATIVE:

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

#### 5 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.

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

- 1) Character and Appearance of the Area, and Amenity (D4, D5, SPG)
- 2) Conversion of Buildings to Flats (D4, D5, D9, H10, EP25)
- 3) Accessible Homes (SPD, London Plan 3A.4)
- 4) Parking Standards (T13)
- 5) S17 Crime & Disorder Act (D4)
- 6) Consultation Responses

### **INFORMATION**

This application is being reported to the Development Management Committee on the request of a nominated Member.

**a) Summary**

Statutory Return Type:	Minor Dwelling
Car Parking:	Standard: 2.4
	Justified: 1
	Provided: 2
Lifetime Homes:	1
Wheelchair Standards:	None
Council Interest:	None

**b) Site Description**

- Two Storey semi-detached dwelling located on a prominent corner junction of Balmoral Road and Arundel Drive
- The dwelling has not been extended and has an attached side garage
- The property has a large irregular shaped front garden with a large driveway and an existing vehicle access
- Southerly attached property at No.28 Arundel Drive has a single storey rear extension to a 3m depth. No.28 has an attached dwelling to its southerly side approved in 1998 (LBH/36197) effectively making No.47 an end of terrace dwelling
- Adjacent northerly dwelling has a single storey rear extension and a facing flank kitchen window
- Balmoral Road is characterized by terraced and semi-detached dwellings

**c) Proposal Details**

Single Storey Rear Extension

- The proposed single storey rear extension would form a kitchen / dining area for the proposed ground floor flat
- The extension would measure 3m in depth and would span across the full width of the original dwelling
- The extension would have a height of 3m with a flat roof over

Conversion into 2 Flats

- It is proposed to convert the property into 2 self-contained flats
- The ground floor flat would be a 1-bed (10.7m<sup>2</sup>), 2 person unit, which would have an open plan kitchen and living area (29m<sup>2</sup>)
- The first floor flat would be a 1-bed (10.7m<sup>2</sup>), 2 person unit, which would have an open plan kitchen and living area (21.5m<sup>2</sup>)
- The rear garden would be split to two approximate 40m<sup>2</sup> areas for the separate use of each flat
- Refuse and recycling bins would be located inside the existing garage
- One off-street parking space is proposed on the front driveway

**Revisions to Previous Application:**

Following the previous refused decision (P/3406/06/DFU) the following amendments have been made:

- Reduction from 2 x 2-bed flats to 2 x 1-bed flats
- Removal of rear dormer and end gable
- Retention of attached side garage
- Internal layout changes

Item 2/05: P/1302/08/DFU continued...

Following the previous withdrawn application (P/0210/08/DFU) the following amendments have been made:

- Reduction from 2 x 2-bed flats
- Removal of habitable roof space provided by rear dormer and end gable (Approved under Certificate of Lawfulness (P/3824/07/DCP))
- Internal layout changes to provide better accommodation and Lifetime Homes provision
- 1 parking space retained

**d) Relevant History**

P/3406/06/DFU	Alterations to roof to form end gable and rear dormer; single storey rear extension; alterations and conversion of dwellinghouse to form two self-contained flats	REFUSE 16-MAR-07
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**Reasons for Refusal**

1 The proposed roof extension, by reason of its siting, bulk and massing, would be unduly obtrusive, overbearing and detrimental to the street scene and amenities of the neighbouring property no.49 Balmoral Road contrary to policies SD1, D4 & D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance: Extensions a Householders Guide.

2 The proposal by reason of its layout, design, room sizes, lack of provision for people with disabilities and unsatisfactory and inadequate provision of amenity space would provide cramped and substandard accommodation to the detriment of the amenities of future occupiers of the site contrary to policies SD1, D4, D5, H9 and H18 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Document: Accessible Homes.

3 The proposal provides inadequate / unsatisfactory provision within the site for the storage of refuse and recycling materials and failed to provide adequate soft landscaping of the forecourt in the absence of which the proposal would detract from the appearance of the property in the street scene to the detriment of the amenities of future occupiers of the site and neighbouring occupiers contrary to Policies SD1, D8, D9 and H9 of the Harrow Unitary Development Plan (2004).

4 Car parking cannot be satisfactorily provided within the curtilage of the site to meet the Council's requirements in respect of the development, and the likely increase in parking on the neighbouring highway(s) would be detrimental to the free flow and safety of traffic on the neighbouring highway(s) and the amenity of neighbouring residents, contrary to Policy(ies) SD1, D4 & T13 of the Harrow Unitary Development Plan.

P/3824/07/DCP	Certificate: Alteration of roof from hip to gable end, rear dormer & insertion of 2 rooflights on front roof	GRANT 04-JAN-08
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P/0210/08/DFU	Single storey rear extension and conversion of dwellinghouse to two flats with front ramp and refuse storage at side	WITHDRAWN 04-APR-08
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**e) Pre Application Discussion**

None

**f) Applicant Statement**

- Please refer to Design and Access Statement.

**g) Consultations:**

**Highways Engineer:** No objection

**Notifications:**

Sent:  
11

Replies:  
2 objections  
1 no objection

Expiry: 18-MAY-08

**Summary of Response:**

**Objection** - Potential noise and disturbance from traffic; will create parking problems; impact on our amenity and character of the area; will affect outlook from front windows; out of character; little provision for on-street parking; refuse storage at the side will detract from overall appearance of the property; doubt whether proposal can provide an adequate standard of accommodation and room size

**No objection** – Adjoining occupier expresses concern over proximity of proposed rear extension to his rear extension relating to maintenance issues.

**APPRAISAL**

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

This application as originally submitted, proposed roof extensions comprising an end gable and rear dormer, conversion of the garage to habitable space and conversion of the dwelling to two x 2-bedroom flats.

The proposed roof extension, which formed a reason for refusal, and conversion of the garage to habitable space has been removed from the scheme, thus reducing the capacity of the proposed flats to 1-bedroom with a re-configured internal layouts.

The dimensions and siting of the proposed single storey rear extension would comply with the SPG in respect of single storey rear extensions to semi-detached dwellings.

The adjacent dwelling at No.49 Balmoral Road has a facing kitchen window at the level of the proposed extension. It is considered however that no adverse impact would be imposed on the window, as it would be spaced sufficiently away from the proposed siting of the extension.

It is considered that the proposed extension is of a standard design and would not have a detrimental impact on the character and appearance of the original dwelling and the locality. Likewise, it is considered that the proposed development would not have a detrimental impact upon the residential amenities of adjacent occupiers at No.49 Balmoral Road and No.28 Arundel Drive.

**2) Conversion of Buildings to Flats**

The proposal has been reduced from two x 1-bed flats to two x 1-bed flats thus allowing for the increase in room sizes and a re-configured internal layout from

the previously refused scheme.

In terms of size, circulation and layout, the proposed internal layout to both flats would now comply with the minimum space standards as set under the Environmental Health Standards. In terms of vertical layout, it is considered that the vertical stacking of the rooms is acceptable and would not result in an unreasonable level of noise transmission between both flats.

The proposed development would provide amenity space for both dwellings by sub-dividing the existing rear garden to provide an approximate 40m<sup>2</sup> garden area for each flat. While the garden area to the rear is relatively restrictive, it is considered to provide an adequate area for two x 1-bedroom flats which would be unsuitable for families and could only provide accommodation for a single person or a couple.

A refuse enclosure for both flats would be located in the existing garage. This arrangement provides adequate provision and would completely remove all refuse from view. The proposed refuse provision is therefore considered to be acceptable.

In addition, the proposal seeks to enhance the front garden by introducing a soft landscaping scheme, which would provide planting beds around the perimeter of the front garden with grassed areas around the front driveway. This is in accordance with the reasoned justification paragraph 6.54 following Policy D9, which recognises the contribution which front gardens can make to the character of the area and the streetscene, and therefore the proposed is considered to be acceptable in this respect.

It is acknowledged that the conversion would increase residential activity on the site, expressed through comings and goings to the property and internally generated noise/disturbance. However given the ambient noise levels in this established residential location and the level of disturbance associated with one additional unit, it is not considered that the provision of two x 1-bedroom flats would result in an overintensive use of the site or be detrimental to the amenity of neighbouring occupiers or the character of the locality.

### **3) Accessible Homes**

The Councils adopted Supplementary Planning Document (SPD) on 'Accessible Homes' seeks to ensure that new homes can be adapted to meet Lifetime Home standards.

The proposed development adequately meets the criteria set out for lifetime homes, including provision of sufficient turning circles to the bathroom and living area, and provision of off street parking that is capable of enlargement to 3.3m. The proposed development also seeks to provide a ramped access to the proposed ground floor flat. In this regard the proposed development is considered to be acceptable.

### **4) Parking Standards**

One off-street parking space would be provided on the front driveway

The previously refused application (P/3406/06/DFU) for the conversion of the dwelling to two flats provided only one parking space, which was considered by the Council's Highways Engineer to be deficient and formed one of the reasons for refusal. It is however considered that the reduction of the proposal from two x 2-bedroom flats to two x 1-bedroom flats would sufficiently reduce the intensity of use of the site and would be equivalent to the potential car ownership of a single-family dwelling house. This is considered to be sufficient provision and would not adversely impact upon the local traffic and parking.

**5) S17 Crime & Disorder Act**

It is considered that this proposal would not lead to an increase in perceived or actual threat of crime.

**6) Consultation Responses:**

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

- Adjoining occupier expresses concern over proximity of proposed rear extension to his rear extension relating to maintenance issues – The proposed rear extension would not encroach over the shared boundary and is deemed to be a standard form of development at the rear of the property.

**CONCLUSION**

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

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**ELM PARK CLINIC, 69 ELM PARK  
STANMORE, HA7 4AJ**

**Item: 2/06  
P/1386/08/DFU/NR**

Ward STANMORE PARK

VARIATION OF CONDITION 7 OF PLANNING PERMISSION LBH/36494 TO  
ALLOW TWO DOCTORS TO PRACTICE CONCURRENTLY AT THE PREMISES

**Applicant:** Dr N N O'Sullivan  
**Statutory Expiry Date:** 06-JUN-08

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## **RECOMMENDATION**

Plan Nos: Site Plan; Supporting Statements

**INFORM** the applicant that:

1) The completion of a legal agreement within six months (or such period as the Council may determine) of the date of the Committee decision on this application, requiring:

- (i) That the number of general practitioners, qualified medical advisors and nursing staff seeing a consulting with patients within the surgery at any one time shall be limited to two.
- (ii) That the number of non-medical ancillary staff attending the surgery in the course of their employment shall at any one time be limited to three.
- (iii) That the total number of NHS or private patients eligible by virtue of registration to receive treatment within the surgery shall be limited at any one time to two thousand.
- (iv) That all qualified medical practitioners practising within the surgery will when requested, provide details of the latest group capitation figure for the practice, otherwise known as 'the group list size'.
- (v) That the total number of patients attending the surgery on any one day shall be limited to fifty.
- (vi) That each qualified medical practitioner practising within the surgery will when requested, provide details of their capitation figure, otherwise known as 'the patient list size'.
- (vii) That the surgery shall only be open to patients visiting the surgery between 0800 and 1900 hours Monday to Friday and 0900 and 1200 hours on Saturdays, only except in the case of emergencies.

2) A formal decision to **GRANT** permission for the variation described in the application and submitted plans, and subject to the following condition, will be issued only upon the completion of the aforementioned legal agreement, as follows:

1 The premises shall only be used as a practice for no more than two doctors at any one time.

**REASON:** To safeguard the amenity of neighbouring residents, the character of the area and to minimise the adverse effect of traffic on this residential road.

## **INFORMATIVES**

### **1 INFORMATIVE:**

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

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

Harrow Unitary Development Plan:

D4 Standard of Design and Layout

EP25 Noise

C8 Health Care and Social Services

T13 Parking Standards

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

- 1)** Community Use (C8)
- 2)** Character of the Area and Residential Amenity (EP25)
- 3)** Traffic and Parking (T13)
- 4)** S17 Crime & Disorder Act (D4)
- 5)** Consultation Responses

## **INFORMATION**

This application is reported to the Committee as the recommendation is subject to a Legal Agreement.

### **a) Summary**

Statutory Return Type: Other

Council Interest: None

### **b) Site Description**

- Detached bungalow with habitable roofspace on the east side of Elm Park
- Lawful use of the property is as a doctor's surgery (D1)
- Two off-street parking spaces are provided in the front garden, with some soft landscaping
- The neighbouring property at No.71 is also a doctor's surgery, whilst the neighbouring property at No.67 is a residential dwellinghouse
- The surrounding area is predominantly residential, consisting of semi-detached and detached dwellings
- Stanmore District Centre is located approximately 350 metres from the property

### **c) Proposal Details**

- Condition 7 of planning permission LBH/36494 restricts the use of the surgery to a single doctor and states 'the premises shall only be used as a single doctors practice and shall at no time operate as a group practice'.
- The proposal is to vary the wording of this condition to enable two doctors to practice at the same time

**d) Relevant History**

Re-submission with details of existing and proposed levels of use provided

LBH/36494	Change of use to doctor's surgery with ancillary facilities and provision of parking spaces in front garden	GRANT 29-SEP-88
P/0400/08/DVA	Variation of condition 7 of planning permission LBH/36494 to allow more than one doctor/dentist to practice at the same time	REFUSE 02-APR-08

Reasons for Refusal

1 Insufficient information has been provided as to the proposed number(s) of doctors'/dentists which would be allowed by the proposed variation of condition to enable a full and proper assessment of the impact or otherwise of the proposals on residential amenity and the character of the area.

**e) Pre Application Discussion**

None

**f) Applicant Statement**

- Supporting statements regarding nature of existing and proposed uses.

**g) Consultations:**

**Notifications:**

Sent:	Replies:	Expiry:
31	4	19-MAY-08

**Summary of Response:**

Parking and highways concerns, increase in noise and disturbance, out of character with the area.

**APPRAISAL**

**1) Community Use**

The proposal is to vary the restrictive condition to allow two doctors to practice concurrently at the surgery. UDP Policy C8 recognises the need for health care and social services. Under Policy C8, proposals relating to such uses should not have an adverse impact on the amenity of neighbouring residents. Details have been submitted by the present owner, Dr O'Sullivan and the future occupiers Drs Abrahams and Karia, outlining the existing and proposed levels of use at the surgery. These details are displayed in the table below:

	Existing (1 Doctor)	Proposed (2 Doctors)
Number of registered patients	1600 NHS 500 Private	2000 Private
Opening hours	8.30am – 8.00pm Monday to Friday Emergencies at weekends	8.00am – 7.00pm Monday to Friday 9.00am – 12.00 Midday Saturdays

Number of patients to be seen on each day (all by appointment)	45-50	220 per week (44 per day)
Number of ancillary staff	1 Nurse, 1 Practice Manager, 1 Secretary, 2 Receptionists	2 Receptionists 1 Secretary

As is evident by the details in the above table, the proposed levels of use are not materially greater than the existing situation, despite the additional doctor. It should also be noted that at present, other than the condition restricting the number of doctors that is the subject of this application, there are no additional controls on the use of the surgery. The applicant is willing to enter into a legal agreement, which would enable the Council to restrict the intensity of use at the property. The terms of the legal agreement have been agreed in writing by the applicant and are discussed below:

- (i) *That the number of general practitioners, qualified medical advisors and nursing staff seeing and consulting with patients within the surgery at any one time shall be limited to TWO.*

This reflects the proposal to vary the condition to allow two doctors to practice concurrently and would effectively replace the existing condition restricting the premises to a single doctor practice.

- (ii) *That the number of non-medical ancillary staff attending the surgery in the course of their employment shall at any one time be limited to THREE.*

This would represent a reduction in numbers from the existing situation and this is supported in principle.

- (iii) *That the total number of NHS or private patients eligible by virtue of registration to receive treatment within the surgery shall be limited at any one time to TWO THOUSAND.*

It is considered necessary to restrict the patient registration list to protect the amenity of neighbouring residents. The proposed maximum patient list of 2000 would be a reduction of 100 from the existing situation. Although a private surgery is proposed, it is necessary to word the agreement to include NHS patients, as the agreement would run with the land and would be binding on any future occupiers.

- (iv) *That all qualified medical practitioners practising within the surgery will when requested, provide details of the latest group capitation figure for the practice, otherwise known as 'the group list size'.*

This is included to enable the Council to obtain details of the patient registration list, for enforcement purposes.

- (v) *That the total number of patients attending the surgery for treatment on any one day shall be limited to FIFTY.*

As the proposal is to have a mixture of private registered patients and non-registered 'medico-legal' patients. It is therefore considered necessary to impose a restriction on the number of patients attending the surgery on any one day and it is considered that 50 is reasonable and this would be similar to the existing situation.

- (vi) *That each qualified medical practitioner practising within the surgery will when requested, provide details of their capitation figure, otherwise known as 'the patient list size'.*

This is included to enable the Council to obtain details of the number of patient consultations in each day, for enforcement purposes.

*(vii) That the surgery shall only be open to patients visiting the surgery between 0800 and 1900 hours Monday to Friday and 0900 and 1200 hours on Saturdays, only except in the case of emergencies.*

The proposed hours of opening are not significantly greater than the existing situation. The differences are the 8.00am opening as opposed to 8.30am and the Saturday morning opening. Entering into the above legal agreement would enable the Council to control the level of use on the property.

These increases are not considered to be detrimental to neighbouring amenity. It should be noted that the above restrictions will run with the land and will be binding on any future occupiers of the property. The property is currently a doctor's surgery and the proposal would therefore not result in the loss of a residential unit. The proposal is therefore considered to comply with the provisions of Policy C8.

## **2) Character of the Area and Residential Amenity**

Given the long established nature of the existing use and the neighbouring property at No.71 also being a doctors' surgery, it is not considered that the existing surgery results in a use that is detrimental to the character of the area. As discussed above, the proposed intensity of use is not considered to be materially greater than existing and it is not considered that the character of the area would be adversely affected.

## **3) Traffic and Parking**

The site has two off street parking spaces, which would most likely accommodate staff members. The property is located close to Stanmore District Centre, where adequate public transport provision and public car parks are available. Residents parking bays on Elm Park are restricted between 15:00 and 16:00 hours and there are parking restrictions elsewhere in the road. It is therefore not considered that the proposal would result in highway safety concerns. The Council's Highways Officer raises no objections and the proposal is therefore considered to be acceptable in this regard.

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

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

## **5) Consultation Responses:**

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

- Addressed in the appraisal

## **CONCLUSION**

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

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Item: 2/07

LAND TO THE REAR OF 40-42 P/1317/08/DFU/SB5  
GREENFORD ROAD, HARROW,  
MIDDLESEX. HA1 3QH

Ward HARROW ON THE HILL

TWO STOREY BUILDING PROVIDING SIX FLATS AND PARKING WITH ACCESS  
BETWEEN 30 AND 36 GREENFORD ROAD

**Applicant:** Genesis Housing Group

**Agent:** The Gillett Macleod Partnership

**Statutory Expiry Date:** 30-MAY-08

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## RECOMMENDATION

Plan Nos: Site Plan; 90/1751/1000 REV A; 90/1751/24F REV F; 90/1751/25E REV  
E; Design and Access Statement

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

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

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

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

(a) the extension/building(s)

(b) the ground surfacing

(c) the boundary treatment

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

REASON: To safeguard the appearance of the locality.

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

REASON: To safeguard the amenity of neighbouring residents.

4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 2 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

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

the appearance of the development.

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

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

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

(a) the frontage.

(b) the boundary.

of the site is enclosed by a close boarded fence to a minimum height of 2 metres. Such fencing shall remain until works and clearance have been completed, and the development is ready for occupation.

REASON: In the interests of amenity and highway safety.

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

REASON: To prevent the increased risk of flooding.

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

REASON: To ensure that adequate drainage facilities are provided.

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

REASON: To ensure that adequate drainage facilities are provided.

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

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

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

1. all main entrance door sets to individual dwellings and communal entrance door

sets shall be made secure to standards, independently certified, set out in BS PAS 24-1:1999 'Security standard for domestic door sets';

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

Following implementation the works shall thereafter be retained.

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

## **INFORMATIVES**

### **1 INFORMATIVE:**

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

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

London Plan:

3A.1 Increasing London's supply of housing

3A.2 Borough housing targets

3A.4 Efficient use of stock

3A.5 Housing choice

Harrow Unitary Development Plan:

D4 Standard of Design and Layout

D5 New Residential Development - Amenity Space and Privacy

D9 Streetside Greenness and Forecourt Greenery

D10 Trees and New Development

T13 Parking Standards

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

Supplementary Planning Guidance: Designing New Development (2003)

Supplementary Planning Document: Accessible Homes and "Access for All" (2006)

### **2 INFORMATIVE:**

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

### **3 INFORMATIVE:**

The 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.

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

- 1) Design and Character of Surrounding Area (D4, D5, D9)
- 2) Residential Amenity (D5)
- 3) Housing Provision and Need (3A.1, 3A.2, 3A.4, 3A.5) (H10)
- 4) Parking & Highway Safety (T13)
- 5) Accessible Homes (3A.5)
- 6) S17 Crime & Disorder Act (D4)
- 7) Consultation Responses

### **INFORMATION**

#### **a) Summary**

Statutory Return Type:	Minor Dwellings
Site Area:	0.08 ha gross, 0.08 ha net
Habitable Rooms:	12
Density:	150 hrph, 75 dph
Car Parking:	Standard: 7.2
	Justified: 6
	Provided: 6
Lifetime Homes:	6
Wheelchair Standards:	None
Council Interest:	None

**b) Site Description**

- Application site forms part of the land at the rear of numbers 40 and 42 Greenford Road and is located on south east side of Greenford Road
- Access to the site is from the newly created access road, which is in place of the former dwellings at numbers 32 and 34 Greenford Road that have been demolished
- This access road is shared with the new development comprising of a detached two-storey building with 10 flats, this new development is located at the rear of numbers 32 to 38 Greenford Road which was refused planning permission by the Council under ref. P/3170/04/CFU and was subsequently allowed on appeal under ref: APP/M5450/A/05/1178401
- The surrounding area is characterised by a mixture of semi-detached properties, two-storey blocks of flats and bungalows
- Application site is within walking distance of Sudbury Hill Local Centre
- The site is within a PTAL rating of 2

**c) Proposal Details**

- It is proposed to construct a two-storey detached building comprising of 6 x 2 person, one bedroom flats
- The scheme would have 6 parking spaces located at the front of the building
- A bicycle store is also proposed which would be located at the front, and would provide storage for 16 bicycles
- The bin store would be shared with the adjacent neighbouring development and would be located at the side of the access road coming in from Greenford Road
- Each flat would comprise of an open plan living and kitchen area
- Four of the flats located in the main building would have a communal front entrance
- The ground floor and first floor flat located on the southern most part of the building would have their own separate front entrance
- The three first floor flats would have Juliet balconies located on the rear elevation
- All flats would be lifetime homes standard with adequate internal manoeuvring space and large bathrooms
- Level threshold access would be provided to all entrances
- Communal front and rear gardens

**d) Relevant History**

LBH/42370	Outline consent: two part 2/part 3 storey blocks to provide 27 one-bedroom flats in each with access road and parking spaces (revised)	GRANT 26-JUN-91
WEST/1212/02/OUT	Outline: demolition of nos 32 and 34, formation of access drive and erection of 2 pairs of semi-detached properties	GRANT 14-JUL-03
P/2142/04/CFU	Demolition of nos 32 & 34, and redevelopment to provide 10 flats in	REFUSE 14-OCT-04

detached 3 storey building with access and parking

Reasons for Refusal:

1 The proposed development, by virtue of the siting, height, bulk and width of the building and lack of space around it, together with the extent of hardsurfacing, would represent an unacceptable overdevelopment of the site, and one which would be out of scale and damaging to the character and appearance of the area and the amenities of adjoining residential occupiers.

2 The proposed development would give rise to the unacceptable overlooking of adjoining residential occupiers and, by virtue of the location and size of the proposed parking area, would give rise to unacceptable levels of activity, noise and disturbance in an area of residential rear gardens.

P/3170/04/CFU	Demolition of nos 32&34 & redevelopment to provide 10 flats in a detached 2 storey building with access and parking.	REFUSE 10-FEB-05  ALLOWED ON APPEAL 28-JUL-05
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Reasons for Refusal:

1 The proposed development, by virtue of the size and siting of the proposed building and the extent of hardsurfacing, would give rise to an overdeveloped of the site, to the detriment of the character and appearance of the area.

2 The proposed access road and car parking areas would give rise to unacceptable levels of noise, disturbance and activity to the detriment of neighbouring residential amenities.

P/2394/05/CFU	Demolition of nos. 32 & 34: redevelopment to provide 10 flats in detached 2 storey building & 1 detached 2 storey house with access & parking	REFUSE 08-DEC-05  APPEAL DISMISSED 13-APR-06
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Reasons for Refusal:

1 The proposed development, by virtue of the design and siting of the proposed detached dwellinghouse and the increase in the extent of hardsurfacing, would give rise to an overdevelopment of the site, to the detriment of the character and appearance of the area.

2 The proposed resiting of the access road and reduction in width of vegetation buffers, in conjunction with the increase in size of on site car parking areas would give rise to unacceptable levels of noise, disturbance and activity to the detriment of neighbouring residential amenities.

**e) Pre Application Discussion**

None

**f) Applicant Statement**

- Please refer to Design and Access statement

**g) Consultations:**

**London Borough of Brent:** No objections

**Notifications:**

Sent:  
21

Replies:  
1

Expiry: 22-MAY-08

**Summary of Response:**

Loss of light; noise and disturbance from cars parking; overlooking; safety concerns; loss of trees; fences removed.

**APPRAISAL**

**1) Design and Character of Surrounding Area**

This part of Greenford Road is characterised by a variety of styles and types of buildings, ranging from bungalows, two-storey semi-detached and terraced properties to purpose-built blocks of flats/ maisonettes. The application site is sited adjacent to the new development of 10 flats in a two-storey building (land rear of 32-38 Greenford Road), which is currently under construction. This development was refused planning permission by the Council under P/3170/04/CFU for the reasons stated above and it was subsequently allowed on appeal. Although, the Planning Inspector in his appeal decision considered that the proposed block would be more bulky than the permitted houses granted under WEST/1212/02/OUT, he did not consider that the building would unduly large or that the development would cause any material harm to the character or appearance of the area. Access to this site is from Greenford Road, which has been created by the demolition of dwelling houses at numbers 32 and 34 Greenford Road. This access road would also provide access to the proposed development.

Given that the application site is located at the rear of numbers 40-42 Greenford Road, the proposed two storey building would be largely screened from view of the streetscene by the row of semi-detached dwellings that front Greenford Road. In terms of the overall mass and scale of the development, the proposal would only be two-storeys high and would therefore be in keeping with the pattern of development in the surrounding area, and the scale of the development would be considerably smaller than the adjacent neighbouring building, which is currently under construction. The appearance of the building would be in keeping with the style and appearance of the neighbouring development and as such the proposal would compliment the existing built form and would not detract from the character of the area. Based on these factors and taking into account the planning and appeal history relating to the adjacent site, it is considered that the proposed development would not appear unduly bulky or visually obtrusive to the detriment of the character and appearance of the locality.

The proposal seeks to incorporate a full landscaping scheme for the front and rear gardens and as such it is considered that the proposal would meet the objectives set out under paragraph 4.21 – 4.23 of the reasoned justification to policy D4.

The proposed refuse storage for the development would be located at the side of the access road coming in from Greenford Road and would be shared with the existing neighbouring development. It is considered that proposed location

of the refuse store would be sufficiently sited away from the main footpath serving Greenford Road and would be adequately screened from view of the streetscene. In this regard the proposed refuse storage is considered to be acceptable.

**2) Residential Amenity**

The proposed development seeks to provide amenity space by way of a communal garden located at the rear of the building. It is considered that the proposed amenity space would be acceptable and would accord with the objectives set out under policy D5 of the UDP.

The proposed development would be sited some 30 metres away from the rear elevations of the dwellings along Greenford Road and some 40 metres away from the rear elevations of bungalows located to the south of the application site. Given this distance it is considered that the proposed development would not give rise to any unacceptable level of overlooking. Likewise the proposed two-storey building would not result any unreasonable level of overshadowing or loss of light and outlook.

It is acknowledged that the proposed addition of 6 new dwellings at the rear of existing gardens would result in an increase in general activity, expressed through comings and goings to the property. However, given the existing situation in this location attributed to the traffic noise and activity from the adjacent distributor road, it is not considered that this proposal would be detrimental to the amenity of neighbouring occupiers or the character of the locality. This is further supported by the Planning Inspector's appeal decision for the neighbouring development, in which the Inspector considered that the noise levels arising from the proposal would not rise above that which might reasonably be expected in an environment such as this.

**3) Housing Provision and Need**

The proposed development would provide 6 x 1 bedroom flats. This provision of additional housing to the Borough's housing stock is supported and would be in line with the London Plan policies and the relevant Harrow UDP policies.

**4) Parking & Highway Safety**

The proposal seeks to provide 6 parking spaces for the development, including two disabled spaces. This would be in accordance with the Council's parking standard attached at Schedule 5 of the UDP. It is acknowledged that the proposed development would intensify the use of the access road coming in from Greenford Road. However, the level of activity and disturbance associated with the addition of 6 units would not warrant refusal on such grounds. In addition to this, the highways officer has expressed no objections to the proposed development.

**5) Accessible Homes**

The proposed development has been shown to meet where feasible most of the 16 Lifetime Homes Standards as stipulated in the Council's Supplementary Planning Document 'Accessible Homes'. Given that the proposed building would only be two storey high with a small number units, the Council's Access

Officer has agreed that a provision of a lift under these circumstances would not be feasible. However, the proposal has been shown to have stairs that can accommodate a stair lift. The proposed development would have level threshold access, wider corridor and adequate internal door widths. The proposal also shows a living room at entrance level for all ground floor flats, which can be used as a convenient temporary bed space. In this regard the proposed development is considered to be acceptable.

**6) S17 Crime & Disorder Act**

The proposed development has been designed in line with principles set out the 'Secured by Design' guidelines and as such the proposal would not give rise to any community safety issues. A condition has been included to address this issue. The proposal would be in accordance to the objectives set out under paragraphs 4.19 – 4.20 of policy D4.

**7) Consultation Responses:**

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

- Dealt with above

**CONCLUSION**

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

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19-23 HIGH STREET, PINNER, HA5 5PJ

Item: 2/08

P/1696/08/DCO/MRE

Ward PINNER

RETENTION OF AIR CONDITIONING UNITS AND EXTRACTION APPARATUS AT REAR

**Applicant:** Starbucks Coffee Co (UK) LTD

**Agent:** Pegasus Planning Group

**Statutory Expiry Date:** 07-JUL-08

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## RECOMMENDATION

Plan Nos: Q569107/1 Rev B, BRS.1456\_01-1, 'Toshiba' Specification Sheet

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

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

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

## INFORMATIVES

1 INFORMATIVE:

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

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

Harrow Unitary Development Plan:

D4 Standard of Design and Layout

D14 Conservation Areas

D15 Extensions and Alterations in Conservation Areas

D16 Conservation Area Priority

EP25 Noise

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

- 1) Character and Appearance of Conservation Area (D4, D14, D15)
- 2) Amenity and Noise (EP25)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

## INFORMATION

This application is being presented to Committee at the request of a Nominated Member.

**a) Summary**

Statutory Return Type: Minor development  
Conservation Area: Pinner High Street  
Council Interest: None

**b) Site Description**

- The site is a commercial premises with retail (A1) usage situated on High Street in Pinner, and within Pinner High Street Conservation Area
- The premises have been in retail use (Class A1) since 1991 until it was converted into the coffee shop in 2007
- Single storey element projects 13m beyond principal rear wall of the main building
- Rear elevation of this element is recessed 7m behind the single storey rear element of both adjacent buildings
- Large service area and car park to the rear of the site
- Passageway leading to Bishops Walk adjacent to the easterly side of the site

**c) Proposal Details**

- Retention of 4 clustered air conditioning units and extraction grill on the rear elevation of an single storey rear element at the rear of No.19-23 High Street
- Each unit measures 0.55m (H), 0.78m (W) x 0.29m (D) and are spaced a minimum of 0.5m above the ground

**d) Relevant History**

The use of the air conditioning units is in connection with the recently submitted application (P/1389/08/DFU) for the continued use as a coffee shop at No.19-23 High Street.

P/2719/07/DFU	New shopfront on High Street and Bishops Walk	NOT DETERMINED APPEAL NON-DETERMINATION ALLOWED 18-APR-08
P/4238/07/DCE	Certificate of Lawful Existing Development: Use of ground floor of premises as a coffee shop (Class A1)	REFUSED 11-FEB-08

**Reason for Refusal**

1 The local planning authority need to be satisfied that the use of this property as a Coffee Shop falls within the class A1 of the Use Classes Order. From the information submitted and the material circumstances relative to the operations of the use as noted above, indicate that the existing use (Coffee Shop) subject of the application is in fact a mixed use (sui generis) as opposed to an A 1 use. The present use of the site as a coffee shop represents a material change of use requiring planning permission.

P/1389/08/DFU	Continued use as coffee shop	REFUSED 25-JUNE-08
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**e) Pre Application Discussion**

None

**f) Applicant Statement**

- A supporting planning statement has been submitted with the application

**g) Consultations:**

**Pinner Association:** No response

**Environmental Protection:** Awaited

<b>Advertisement:</b>	Character of Conservation Area	Expiry: 24-JUN-08
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**Notifications:**

Sent:  
7

Replies:  
0

Expiry: 19-JUN-08

**Summary of Response:**

N/A

**APPRAISAL**

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

The location of the air conditioning units in a recessed area at the rear of the property ensures that there would be little visual impact and it is therefore considered that there would be no adverse impact to the character and appearance of the area. The service area serving the rear of this section of High Street comprises other air conditioning units and extraction apparatus. It is therefore considered that the retention of the air conditioning units at the rear of No.19-23 High Street would not appear obtrusive or out of character and would preserve the character and appearance of Pinner High Street Conservation Area.

**2) Amenity and Noise**

The subject site is located centrally within the District Centre with adjacent A3 and A1 premises. The location of the air conditioning units and extraction apparatus on the rear elevation of a projecting single storey element, approximately 13 metres beyond the principal rear wall of the building, is considered to be sufficient spacing to negate any adverse impact on occupiers of the building, which appears to be in office use on the upper floors. No other residential or office occupiers are located nearby within the servicing area, which accommodates similar apparatus for adjacent restaurants and shops. It is therefore considered that the air conditioning units and extraction apparatus would not cause any adverse impact on the amenity of any nearby occupiers.

**3) S17 Crime & Disorder Act**

It is considered that this proposal would not lead to an increase in perceived or actual threat of crime.

**4) Consultation Responses:**

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

- None

**CONCLUSION**

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

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**BENTLEY WOOD HIGH SCHOOL,  
BRIDGES ROAD, STANMORE, HA7 3NA**

**Item: 2/09  
P/1630/08/CFU/ML1**

Ward STANMORE PARK

REPLACEMENT TEMPORARY MOBILE CLASSROOM (2 YEARS)

**Applicant:** Harrow Council  
**Agent:** Harrow Council  
**Statutory Expiry Date:** 14-JUL-08

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## **RECOMMENDATION**

Plan Nos: EC5746/100, 101, 102; 20228/01, 02; Design and Access Statement

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

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

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

2 The building(s) hereby permitted shall be removed and the land restored to its former condition within two year(s) of the date of this permission, in accordance with a scheme of work submitted to, and approved by, the local planning authority.

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

## **INFORMATIVES**

### 1 INFORMATIVE:

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

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

Harrow Unitary Development Plan:

EP31 Areas of Special Character

EP32 Green Belt-Acceptable Land Uses

D4 Standard of Design and Layout

C7 New Education Facilities

C16 Access to Buildings and Public Spaces

Access for All Supplementary Planning Document (2006)

### 2 INFORMATIVE:

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

### 3 INFORMATIVE:

**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.

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

- 1) Character and Appearance of the Green Belt / Area of Special Character (EP31, EP32, D4)
- 2) New Education Facilities (C7, C16, SPD)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

### **INFORMATION**

#### **a) Summary**

Statutory Return Type: Minor development, all other

Council Interest: Council owned school

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

- Site is to the north west of houses on Binyon Crescent and Bridges Road
- The school is a low-rise brick built structure that is rectangular in shape and has two wings extending westwards at the northern and southern ends of the site
- The school building is currently undergoing extensive works to repair fire damage
- There are three mobile classroom units sited on the 'Tennis Courts' on the eastern side of the main building at present

#### **c) Proposal Details**

- Re-sited replacement temporary mobile classroom unit proposed for 2 years, more centrally located than the southern most unit it would replace on the 'Tennis Courts' on the eastern side of the building
- Temporary four teaching room (plus offices) mobile classroom unit
- The replacement unit would measure 16m x 21m
- The unit would have stepped and ramped access on its eastern and western sides and two stepped fire exits on its northern side

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

P/0707/05/CFU Single-storey extension to art

GRANT

Item 2/09: P/1630/08/CFU continued...

	classroom, with adjacent timber decked area.	17-JUN-05
P/1002/06/CFU	Replacement temporary double mobile classroom unit and temporary triple classroom unit (2 years).	GRANT 04-JUL-06
P/1510/07/CFU	Single storey double classroom teaching unit for temporary two-year period.	GRANT 26-JUL-07
P/3052/07/CFU	Retention of 20 temporary mobile classrooms and generator compound.	GRANT 16-OCT-07
P/3803/07/CFU	Part three / part four storey extension to north wing of school to provide post 16 (sixth form) educational facilities.	GRANT 17-JAN-08
P/3887/07/CFU	One single storey and one two storey portacabin building to provide temporary classrooms and one two storey portacabin building to provide a temporary science block.	GRANT 17-JAN-08

**e) Pre Application Discussion**

None

**f) Applicant Statement**

- Design and Access Statement submitted
  - Details the need for temporary accommodation at the school due to fire damage to the building

**g) Consultations:**

**Notifications:**

Sent:  
37

Replies:  
0

Expiry: 12-JUN-08

**Summary of Response:**

N/A

**APPRAISAL**

**1) Character and Appearance of the Green Belt / Area of Special Character**

The location of the proposed replacement mobile classroom unit would be within the existing building envelope, being located at the southern end of the 'Tennis Courts'. Temporary structures such as that proposed are not considered to be detrimental to the character of the Green Belt and Area of Special Character in the longer term, the openness and character of this area being restored following the removal of these buildings at the expiration of any permission. It is suggested, therefore, that a temporary permission would allow the provision of improved educational facilities, in line with the aims of policy C7, while preserving the longer term character and appearance of this sensitive area.

**2) New Education Facilities**

Access for all potential users of the mobile classroom unit would have wheelchair access via external ramps. There are no residential properties close enough to the proposed mobile classroom to be affected by this development and therefore this application is not deemed to have any detrimental effects on the amenities of neighbouring occupiers.

**3) S17 Crime & Disorder Act**

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

**4) Consultation Responses:**

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

- None

**CONCLUSION**

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

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**6 KINGSWAY CRESCENT, HARROW,  
HA2 6BG**

**Item: 2/10  
P/0772/08/DFU/GL**

Ward HEADSTONE SOUTH

SINGLE-STOREY REAR EXTENSION; FRONT PORCH

**Applicant:** Mark Maley

**Statutory Expiry Date:** 16-JUL-08

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## **RECOMMENDATION**

Plan Nos: Site Plan; Location Plan; E6KWC; 6KWC2 Rev A

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

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

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

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

REASON: To safeguard the appearance of the locality.

## **INFORMATIVES**

1 INFORMATIVE:

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

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

Harrow Unitary Development Plan:

D4 Standard of Design and Layout

D5 New Residential Development - Amenity Space and Privacy

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:

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

#### 5 INFORMATIVE:

The applicant is advised that the works approved by permission P/2950/07/DFU dated 23 November 2007, including the soft landscaping of at least 50% of the front garden, must be implemented in accordance with the approved plans.

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

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

### **INFORMATION**

This application is reported to Committee as the applicant is employed by Harrow Council.

#### **a) Summary**

Statutory Return Type: Householder Development

Council Interest: None

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

- Semi detached house situated on the east side of Kingsway Crescent
- Dwelling has a garage to the side of the property
- The rear garden chamfers towards the rear providing a wide and deep rear garden
- Alterations to the roof to form a gable end and rear dormer have been completed
- The forecourt is hard surfaced and there is unrestricted parking along Kingsway Crescent
- Works to convert the house into 2 flats (P/2950/07/DFU) have been substantially completed

**c) Proposal Details**

- Single-storey rear extension, 3m deep and 2.25m wide at rear of single-storey side extension to link with approved 3m deep rear extension currently under construction on original dwelling. Extension would have patio doors at the rear and a pitched roof, 3.2m high at the mid point
- Front porch, 2.8m wide and 1m deep with gabled roof

**Revisions to Previous Application:**

Following the previous decision (P/2950/07/DFU) the following amendments have been made:

- This proposal seeks to enlarge the width of the single storey rear extension and add a front porch

**d) Relevant History**

P/1915/07/DFU	Conversion of dwelling house into 3 flats; single storey front extension; single storey side to rear extension; roof alterations to form end gable and rear dormer	WITHDRAWN 14-SEP-07
P/2950/07/DFU	Conversion of dwellinghouse to two flats; roof alterations to form end gable and rear dormer; single storey rear extension with decking, one parking space	GRANTED 23-NOV-07

**e) Pre Application Discussion**

None

**f) Applicant Statement**

- Works of conversion have been substantially completed

**g) Consultations:**

**Highways Engineers:** No objection

**Notifications:**

Sent:	Replies:	Expiry: 17-JUN-08
10	0	

**Summary of Response:**

N/A

**APPRAISAL**

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

The proposed rear extension would infill a corner between the side extension (which replaces the previous garage) and the approved single-storey rear extension. The proposed rear extension would not be visible from the street and would have no detrimental impact on the character or appearance of the area.

The proposed front porch is a typical form of householder development in the locality and would not be detrimental to the character or appearance of the

property or the wider area.

**2) Residential Amenity**

The depth of the proposed rear extension conforms to the requirements of the adopted Supplementary Planning Guidance. It would not cause overshadowing of, or loss of light to, the neighbouring dwelling, No. 4 Kingsway Crescent. The extension would only be glazed at the rear and would not result in overlooking, or perceived overlooking of neighbouring properties.

Although the roof of the proposed rear extension, which would have a mid-point height of 3.2m, is higher than that normally permitted by the SPG, it would match the roof height of the existing side extension and previously-approved rear extension and be located a minimum of 2.9m from the boundary, and is considered acceptable.

The proposed front porch would cause no overshadowing or, or loss of light to, the application property, and is considered to have no impact on the residential amenities of the occupiers of the application property or of neighbouring properties.

**3) S17 Crime & Disorder Act**

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

**4) Consultation Responses:**

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

- None

**CONCLUSION**

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

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**26 BELLFIELD AVENUE, HARROW  
HA3 6SX**

**Item: 2/11  
P/1681/08/DFU/JB1**

Ward HARROW WEALD

SINGLE STOREY OUTBUILDING IN REAR GARDEN

**Applicant:** Mr Nick Fitzgerald  
**Agent:** Mr John Prideaux  
**Statutory Expiry Date:** 04-JUL-08

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## **RECOMMENDATION**

Plan Nos: Site Plan; N1, N2

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

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

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

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

(a) the extension/building(s)

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

REASON: To safeguard the appearance of the locality.

3 The outbuilding hereby permitted shall only be used for purposes incidental to the enjoyment of the dwellinghouse.

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

## **INFORMATIVES**

1 INFORMATIVE:

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

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

Harrow Unitary Development Plan:

D4 Standard of Design and Layout

D5 New Residential Development - Amenity Space and Privacy

D15 Extensions and Alterations in Conservation Areas

D16 Conservation Area Priority

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:

**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.

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

- 1) Character and Appearance of the Area and the Conservation Area (D4, D15, D16)
- 2) Residential Amenity (D4, D5)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

## **INFORMATION**

This application is reported to Committee at the request of a Nominated Member.

### **a) Summary**

Statutory Return Type: Householder Development  
Conservation Area: West Drive  
Site Area: 1,200m<sup>2</sup>  
Council Interest: None

### **b) Site Description**

- Detached property on west side of Bellfield Avenue within the West Drive Conservation Area
- Property has a rear garden, 60m in depth and 15m wide
- The rear of the garden has heavy foliage
- At the rear of the property is a detached thatch roof outbuilding measuring 3m in depth and 3.7m in width
- Bellfield Avenue is characterised by detached properties
- The rear of the garden abuts the rear gardens of properties on West Drive

### **c) Proposal Details**

- Single-storey outbuilding, 6.45m x 4.5m with hipped roof to maximum height of 3.6m
- Outbuilding to be located 1m from rear boundary of the garden, approximately 2m from boundary with neighbouring dwelling no.24 Bellfield

Item 2/11: P/1681/08/DFU continued...

Avenue and approximately 5.8m from boundary with neighbouring dwelling no.28 Bellfield Avenue

- Outbuilding to be constructed from timber shiplap boarding with brown interlocking roof tiles
- Two proposed front doors, total width of 4.45m
- Two high level flank windows proposed on either side of the outbuilding approximately 1.5m wide and 0.5m high. Both fixed windows would be glazed with obscure glass

**Revisions to Previous Application:**

Following the previous decision (P/2169/07/DFU) the following amendments have been made:

- Height of outbuilding reduced to 3.6m from 3.95m – footprint identical to previous scheme
- Material changed from brick to timber
- Outbuilding to be located 1m closer to rear boundary and 2m closer to neighbouring boundary no. 22 West Drive
- Roof to be constructed from brown interlocking tiles and not red roof tiles

**d) Relevant History**

P/761/06/DFU	Single storey outbuilding in rear of garden with accommodation in roof	REFUSE 26-JUL-06
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Reasons for Refusal

1 The proposed detached outbuilding, by reason of excessive bulk and prominent siting, would be unduly obtrusive and be detrimental to the visual and residential amenities of the neighbouring occupiers.

2 The proposed rear window would allow overlooking of the rear gardens of the adjoining properties on West Drive and result in an unreasonable loss of privacy to the occupiers, to the detriment of their residential amenity.

P/2169/07/DFU	Single storey summerhouse in rear garden	REFUSE 10-SEP-07
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Reason for Refusal

1 The proposal would not preserve or enhance the character of the Conservation Area by reason of the design, size and appearance of the summerhouse in the rear garden and would be unduly obtrusive in this attractive garden setting, contrary to HUDP Policies SD1, SD2, D4, D14, D15 and D16.

**e) Pre Application Discussion**

None

**f) Applicant Statement**

- Discussed in the report

**g) Consultations:**

**CAAC:** No objection

**Hatch End Association:** No response

<b>Advertisement:</b>	Character of Conservation Area	Expiry: 19-JUN-08
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**Notifications:**

Sent:	Replies:	Expiry: 10-JUN-08
10	1	

**Summary of Response:**

Concern that the proposed development would dominate adjacent garden (no. 24 West Drive) and lead to loss of amenity of occupiers; proposal might exacerbate already waterlogged garden; scale and type of development is too large and is out of character and scale with the area; objector would not be adverse to a lower and smaller outbuilding.

**APPRAISAL**

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

Bellfield Avenue is in the West Drive Conservation Area, which is characterised by detached single-family dwellings set in plots with long gardens. The proposed outbuilding would be located at the rear of the garden, approximately 75m from the street. The outbuilding would not be visible from the street. Policy D14 of the UDP notes that the Council will seek to preserve or enhance the character or appearance of Conservation Areas. Policy D15 notes that although the appearance of the street scene in a Conservation Area is very important, the Council also considers that other, more private viewpoints are also of importance if the Conservation Area and its buildings are to retain their character and integrity. Therefore, Conservation Area policies apply to all aspects of development irrespective of whether they can be seen from public areas.

The proposed outbuilding would be in an area of the garden that has relatively dense foliage, and abuts the rear gardens of properties in West Drive. The Design and Conservation Officer previously noted that the structure would benefit from being constructed from timber rather than brick, this change has been incorporated into the new design of the outbuilding. Other properties in the vicinity have similar-sized outbuildings, although these were constructed prior to the designation of the Conservation Area. The proposed outbuilding would not be out of character with the pattern of development in the locality and is considered to preserve the character and appearance of the Conservation Area. A condition requiring the materials to be approved is attached to ensure that the external appearance of the outbuilding is suitable for the Conservation Area.

**2) Residential Amenity**

The proposed outbuilding would be 2m from the boundary of the neighbouring residential property to the south, 24 Bellfield Avenue, and 5.8m from the boundary of the neighbouring residential property to the north, 28 Bellfield Avenue. It would be 1m from the rear of the residential boundaries of 24 and 26 West Drive, and over 40m from neighbouring houses. The outbuilding would

be 2.5m high at the eaves, with a maximum height of 3.6m. This separation is considered sufficient to prevent the building from appearing obtrusive, or giving rise to overshadowing of, or loss of light to, neighbouring dwellings.

The outbuilding would have doors facing the application dwelling, and on the two flank elevations, would have side windows facing the rear gardens of 24 and 26 Bellfield Avenue, which would be obscure glazed and high level. There is an existing storage building between the proposed outbuilding and the boundary with the property to the north, 28 Bellfield Avenue. Because of their design and form of glazing, the proposed windows would not cause overlooking of neighbouring dwellings.

The proposed outbuilding is considered not to be detrimental to the residential amenities of neighbouring occupiers.

**3) S17 Crime & Disorder Act**

This application is considered to have no impact with respect to this legislation.

**4) Consultation Responses:**

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

- In general there are no objections, except that approval of materials should be conditioned to protect the character of the Conservation Area.

**CONCLUSION**

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

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**6 CANONS CORNER, EDGWARE  
HA8 8AE**

**Item: 2/12  
P/1139/08/DAD/SG**

Ward      CANONS

ILLUMINATED ATM SIGN ON SHOPFRONT

**Applicant:** Bankmachine Ltd  
**Agent:** Mrs Hayley Gracie  
**Statutory Expiry Date:** 20-MAY-08

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## **RECOMMENDATION**

Plan Nos: Site Plan, CTS0027, E003998

**GRANT** consent for the advertisement described in the application and submitted plans subject to the following conditions:

1 The period of this consent shall be five years from the date of this consent, following which the advertisement shall be removed and the site reinstated.

REASON: To comply with the provisions of the Town Country Planning (Control of Advertisements) Regulations 2007.

2 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.

REASON: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.

3 No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

REASON: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.

4 No advertisement is to be displayed without the permission of the owner of the site, or any other person with an interest in the site entitled to grant permission.

REASON: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.

5 Where an advertisement is required under these regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.

REASON: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.

6 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

REASON: To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.

7 The maximum luminance of the sign shall not exceed the values recommended in the Institution of Lighting Engineers' Technical Report No. 5 (Second Edition).

REASON: In the interests of highway safety and amenity.

8 All illumination shall be non-intermittent unless otherwise agreed in writing by the local planning authority.

REASON: To safeguard the amenities of the locality.

## **INFORMATIVES**

### **1 INFORMATIVE:**

#### **SUMMARY OF REASONS FOR GRANT OF ADVERTISEMENT CONSENT:**

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

Harrow Unitary Development Plan:

D4 Standard of Design and Layout

PPG 19: Outdoor Advertisement Control (1992)

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

1) Amenity and Public Safety (PPG19)

2) S17 Crime & Disorder Act (D4)

3) Consultation Responses

## **INFORMATION**

This application is reported to committee as it accompanies the ATM application that is subject to a petition of objection (P/1304/08/DFU) on the same agenda. It was deferred at the meeting of 4 June 2008 for further consideration in association with item 3/02 on this agenda.

### **a) Summary**

Statutory Return Type: Advertisements

Council Interest: None

### **b) Site Description**

- As item 3/02 on this agenda

### **c) Proposal Details**

- Illuminated ATM sign, located within a shopfront
  - Rectangular shape 400mm high by 646mm wide, above the ATM unit
  - Positioned 1.7m above the ground, maximum height 2.5m above ground level

### **d) Relevant History**

As item 3/02 on this agenda

P/1304/08/DFU

ATM ON  
FRONTAGE

SHOP

See Item 3/02

**e) Pre Application Discussion**

None

**f) Applicant Statement**

None

**g) Consultations:**

**Highway Engineers:** No objection

**Notifications:**

Sent:  
7

Replies:  
0

Expiry: 20-FEB-2008

**Summary of Response:**

N/A

**APPRAISAL**

**1) Amenity and Public Safety**

PPG 19 states that applications for advertisements should be assessed on the impact on "amenity" and "public safety". Paragraph 11 of PPG19 states that particular regard should be taken to the impact of the advertisement's effect on the appearance of the building or on visual amenity in the immediate neighbourhood where it is to be displayed. This will therefore consider what impact the advertisement, including any cumulative effect, would have on its surroundings. The relevant considerations for this purpose are the local characteristics of the neighbourhood, including scenic, historic, architectural or cultural features, which contribute to the distinctive character of the locality. Paragraph 15 provides guidance in assessing an advertisement's impact on "public safety". LPAs are expected to have regard to its effect upon the safe use and operation of any form of traffic or transport within the vicinity of the advertisement.

The proposed sign would be on a building within a local parade, and by reason of its modest size would not have an impact on amenity, nor would it be distracting to drivers in view of this and its distance from the highway.

Although the sign would form part of an ATM proposal which is considered to be likely to give rise to injudicious parking, this advertisement application can be considered only on grounds of amenity and public safety. In this context the proposed sign is considered to be acceptable.

**2) S17 Crime & Disorder Act**

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

**3) Consultation Responses:**

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

- None

**CONCLUSION**

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

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**190 KENMORE AVENUE, HARROW  
HA3 8PR**

**Item: 2/13  
P/1938/08/DFU/BS**

Ward      KENTON WEST

SINGLE STOREY REAR EXTENSION

**Applicant:** Mr Hitesh Patel  
**Agent:** Mr Martyn Simister  
**Statutory Expiry Date:** 29-JUL-08

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## **RECOMMENDATION**

Plan Nos: KEN-190/1F, 2A

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

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

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

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

REASON: To safeguard the appearance of the locality.

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

REASON: To safeguard the amenity of neighbouring residents.

## **INFORMATIVES**

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

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

Harrow Unitary Development Plan:

D4 Standard of Design and Layout

D5 New Residential Development - Amenity Space and Privacy

Supplementary Planning Guidance: Extensions a Householders Guide (2008)

2 INFORMATIVE:

The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects

arising from building operations, and in particular the limitations on hours of working.

### 3 INFORMATIVE:

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

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

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

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

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

### **INFORMATION**

This application is reported to Committee as the Applicant's spouse is a Council employee.

#### **a) Summary**

Statutory Return Type: Householder Development

Council Interest: None

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

- The property is located on the eastern side of Kenmore Avenue, is rectangular in shape and relatively flat
- A shared driveway separates No. 190 and No. 192 Kenmore Avenue
- Two storey semi-detached dwelling, with roof alterations comprising a hip to gable end and rear dormer, constructed as Permitted Development
- The original garage was demolished to enable the roof alterations to be built as Permitted Development
- There is also an outbuilding at the far end of the rear garden
- The adjacent site at No. 188 accommodates a two storey semi-detached dwelling with a single storey rear extension and an outbuilding in the rear garden

Item 2/13: P/1938/08/DFU continued...

- The adjacent site at No. 192 accommodates a two storey semi-detached dwelling in its original form - there is a detached garage in the rear garden

**c) Proposal Details**

- Single storey rear extension - depth 3m, width 5.75m, pitched roof with mid-point roof height of 3.15m.

**d) Relevant History**

P/3712/07/DCP	Certificate of Proposed Lawful Development: Demolition of detached garage, alteration of roof from hip to gable end, rear dormer, 2 velux windows to front of roof slope and single storey rear extension	REFUSE 21-DEC-07
P/0079/08/DCP	Certificate of Proposed Lawful Development: Demolition of detached garage, alterations to roof from hip to gable, rear dormer and two velux windows on front roof slope	GRANT 16-JAN-08

**e) Pre Application Discussion**

None

**f) Applicant Statement**

None

**g) Consultations:**

**Notifications:**

Sent:  
7

Replies:  
Awaited

Expiry: 27-JUN-08

**Summary of Response:**

Awaited

**APPRAISAL**

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

The proposed single storey rear extension is of a standard scale and design which complies with the SPG guidelines, would respect the appearance of the dwelling, and would not affect the character of the area as seen from the streetscene.

In addition, the proposed extension in association with the existing roof works, would not be visually obtrusive, and would satisfactorily preserve the character of the dwelling.

**2) Residential Amenity**

The proposed extension achieves the aims of the Extensions: A Householders Guide: Supplementary Planning Guidance (SPG). Although the pitched roof would marginally exceed the recommended 3m mid-point roof height, this is

considered acceptable given that the adjacent dwelling house No. 192 is separated from the subject site by a shared driveway, and the proposed extension would abut a similar projection at No. 188. In this regard, the size of the rear extension is not considered to impact unduly on the amenities of the adjoining occupiers and would be acceptable.

There are no protected flank windows at the neighbouring property No. 192, and there are no windows shown in the flank walls of the proposed rear extension. A condition has been recommended to ensure that future windows within the northern flank wall of the extension would require planning permission. In this regard, the proposal is not considered to result in undue overlooking of the adjacent properties.

Overall, the development as proposed, would adequately respect the amenity of neighbouring residents.

**3) S17 Crime & Disorder Act**

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

**4) Consultation Responses:**

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

- Awaited

**CONCLUSION**

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

## SECTION 3 – OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

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**3 AYLWARDS RISE, STANMORE  
HA7 3EH**

**Item: 3/01  
P/1196/08/DFU/NR**

Ward STANMORE PARK

REMOVAL OF CONDITION 2 OF APPEAL PLANNING PERMISSION APP/M5450/A/07/2039231 WHICH REQUIRES GLAZING IN FRONT DORMER WINDOW TO BE OF PURPOSE MADE OBSCURE GLASS AND PERMANENTLY FIXED SHUT

**Applicant:** Mrs Valerie Bloohn  
**Statutory Expiry Date:** 09-JUN-08

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### RECOMMENDATION

Plan Nos: 2007/Loc; Site Plan

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

1 The proposed removal of condition 2, by reason of the siting of the front dormer and the provision of clear glazing, would give rise to actual and perceived overlooking of the adjacent property at No.2 Aylwards Rise and result in an unreasonable loss of privacy to the occupiers of that property, contrary to policy D5 of the Harrow Unitary Development Plan (2004).

### INFORMATIVES

1 INFORMATIVE:

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

Harrow Unitary Development Plan: D4, D5, Supplementary Planning Guidance 'Extensions: A Householder Guide' (2003).

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

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

### INFORMATION

This application is reported to the Committee at the request of the Head of Development Management and Building Regulations.

#### a) Summary

Statutory Return Type: Other  
Council Interest: None

**b) Site Description**

- Single-storey detached dwelling with habitable roofspace located on the north side of the head of Aylwards Rise
- Property forms part of an arc of dwellings around the cul-de-sac head
- Subject dormer situated on front hip of easterly forward projection
- Adjacent dwelling at No.2 sited approximately 17 metres forward of the application property
- Site slopes down to the south and levels fall between the application site and No.2
- Rear boundary of the site abuts Little Common Conservation Area

**c) Proposal Details**

- Condition 2 of planning permission APP/M5450/A/07/2039231 (P/3088/06/DFU) restricts the window in the dormer to be of purpose made obscure glass and permanently fixed shut
- The proposal is to remove this condition to allow the window to be clear glass and able to open (the existing window in the dormer is of clear glass and can be opened)

**d) Relevant History**

P/1261/04/DFU	Replacement dwelling - single storey with rooms in roof and over basement	GRANT 01-JUL-04
P/1708/06/DFU	Front dormer	REFUSE 21-AUG-06

Reason for Refusal

1 The proposed front dormer would allow overlooking of the rear windows and rear garden of the adjacent property at No. 2 Aylwards Rise and result in an unreasonable loss of privacy to the occupiers

P/3088/06/DFU	Front dormer (resubmission)	ALLOWED ON APPEAL 26-JUL-07
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**e) Pre Application Discussion**

None

**f) Applicant Statement**

The applicant points to an appeal decision on the neighbouring property at No.4, whereby the inspector considered that imposing a condition requiring obscure glazing was not necessary and would adversely affect the living conditions of the occupiers of the bedrooms. However, the site circumstances at this property are entirely different to those of the application site. The bedroom that the subject dormer serves is also served by two clear high level velux rooflights and this considered adequate.

**g) Consultations:**

**Notifications:**

Sent:	Replies:	Expiry: 15-MAY-08
6	1	

**Summary of Response:**

Overlooking to garden and windows; loss of privacy.

**APPRAISAL**

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

The use of clear glazing and the window being able to open is not considered to be out of character with the locality and would be acceptable in this regard.

**2) Residential Amenity**

The subject dormer is located on the front roofslope of the easterly forward projection, approximately 3.5 metres from the flank boundary with No.2, directly adjacent to its rear garden and approximately 20 metres from the main rear wall of this property. There is a drop in levels between the application property and No.2 of approximately 1.0 metre.

This dormer was allowed on appeal and the Inspector imposed the condition requiring the glazing to be fixed shut and of obscure glass to reflect what was shown on the approved drawing.

The dormer is highly visible from the rear garden and rear habitable room windows of No.2 and this is amplified by the significant difference in height between the subject dormer and the rear garden level of No.2. Fitted with clear glass and able to open, the dormer affords unobstructed views of the rear gardens and rear habitable room windows of No.2 and therefore gives rise to an unreasonable level of overlooking and loss of privacy. It is not considered that there is adequate mature vegetation along this boundary to screen the development from the neighbouring property and in any case, there is no guarantee that this vegetation would remain in perpetuity. The proposal is therefore considered to be contrary to Policy D5.

Given that the terms of Condition 2 are breached, it is confirmed, subject to the Committee's decision, that a Breach of Condition Notice will be prepared.

**3) S17 Crime & Disorder Act**

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

**4) Consultation Responses:**

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

- Addressed in the appraisal.

**CONCLUSION**

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

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**6 CANONS CORNER, EDGWARE  
HA8 8AE**

**Item: 3/02  
P/1304/08/DFU/SG**

Ward      CANONS

### **ATM ON SHOP FRONTAGE**

**Applicant:** Bankmachine Ltd  
**Agent:** Mrs Hayley Gracie  
**Statutory Expiry Date:** 20-MAY-08

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### **RECOMMENDATION**

Plan Nos: Site Plan, E003998, Design and Access Statement

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

1 The proposal would encourage additional and injudicious parking to the detriment of the free flow and safety of vehicular traffic and pedestrians on the public highway, contrary to Policy T13 of the Harrow Unitary Development Plan (2004).

### **INFORMATIVES**

#### 1 INFORMATIVE:

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

Harrow Unitary Development Plan:

D4, C16, T13, Supplementary Planning Document: Access for All

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

- 1) Design, Appearance and Amenity (D4, D25)
- 2) Accessibility (C16, SPD)
- 3) Traffic Implications (T13)
- 4) S17 Crime & Disorder Act (D4)
- 5) Consultation Responses

### **INFORMATION**

This application is reported to Committee following the receipt of a petition (7 signatures). It was deferred from the meeting of 4 June 2008 to obtain Highway comments; consult Safer Neighbourhoods Team; and discuss with the applicant whether the facility can be made internal only, or restrict hours of opening to shop opening hours only.

#### **a) Summary**

Statutory Return Type: Minor Development

Council Interest: None

**b) Site Description**

- Retail use in a parade of local shops on the western side of Canons Corner fronting onto a London Distribution Road
- A pedestrian footpath is located adjacent to the front of the application site measuring approximately 2.5 metres in width including a cycle path, with a vehicle lay-by alongside the carriageway
- There is also a functioning bus stop and associated shelter located at the edge of the of the pedestrian footpath, to the west of the subject site
- The street scene is characterised by three-storey terraced buildings containing commercial activity at street level with a variety of shop fronts and residential use at first and second floor levels

**c) Proposal Details**

- The ATM, measuring 590mm in width and 1.1metres in height, would be installed flush with the existing façade within a laminate panel and at a height of 600mm above ground level

**d) Relevant History**

LBH/30565	Three Storey Shop Building	GRANT 31-JUL-86
LBH/34359	Shop Front	GRANT 18-APR-88
LBH/34512	Illuminated Fascia And Projecting Signs	GRANT 18-APR-88
W/487/94/ADV	Internally Illuminated Fascia And Box Signs	GRANT 14-SEP-94
W/498/94/FUL	Shop Front	GRANT 30-SEP-94
P/1832/04/DAD	Internally Illuminated Fascia And Projecting Signs	GRANT 12-AUG-04
P/306/05/DAD	Internally Illuminated Fascia Sign	GRANT 05-APR-05
P/1139/08/DAD	Illuminated ATM sign on shopfront	See Item 2/12

**e) Pre Application Discussion**

None

**f) Applicant Statement**

- The window of the store where the ATM would be installed has no special architectural or historic features
- The installation of the ATM will not alter the basic design of the building. The colour of the proposed laminate panel (Blue) was chosen to blend in with the shop front
- The ATM will add a banking facility for the local community and visitors to the area
- The area where the ATM is to be installed is a well-lit open area in full view of pedestrians
- The ATM is of standard design. There are a number of mandatory standards which apply, relating to the position of the ATM, visibility, ambient lighting, building structure, building security features, ATM

anchoring, safe strength

- The ATM is set at a height which allows access to wheelchair users, and conforms to the requirements of the Disability Discrimination Act

**g) Consultations:**

**Highway Engineers:** Object

**Crime Prevention Design Advisor:** No objections

**Notifications:**

Sent:

16

Replies:

4 + petition (with 7 signatures)

Expiry: 30-APR-08

**Summary of Response:**

The proposed ATM would disturb residents through excessive noise and disruption, particularly at night; increased number of accidents and parking issues on this extremely busy area of London Road; instigate an increased number of small incidents of vandalism and criminal damage as users try to rob or damage the ATM; the facility is not required, as there are other daytime services of this nature located at and nearby to Canons Corner; there are a number of ATMs located a short distance away in Stanmore. There is no late night shopping in the area that would require the use of an ATM.

**APPRAISAL**

**1) Design Appearance and Amenity**

This parade is characterised by retail and commercial uses, integrated with residential, with a variety of shop frontages and signage. The existing shop front is approximately 5.3 metres wide and the ATM is sited towards the western side of the entrance. Given the nature of the surrounding area and the size and scale of the ATM, it is considered that the provision of the ATM in the shop frontage is acceptable in terms of appearance. Given that Canons Corner and London Road is a busy road, the impact of the proposal in terms of activity, noise and disturbance would be minimal and it would have no undue impact on the amenity of the surrounding area or the occupiers of adjacent properties.

**2) Accessibility**

The ATM has been designed to allow good access for the public and is positioned in accordance with Disability Discrimination Act guidelines to enable all users full, unobstructed access. It is considered that the ATM development is acceptable in terms of the access policies contained in the Harrow UDP and the Supplementary Planning Document: Access for All.

**3 Traffic Implications**

Given the proximity of the site to Canons Corner roundabout and the level of traffic on this London Distributor Road, there is concern that the proposed facility would potentially give rise to injudicious double parking while customers make use of the ATM. For this reason the proposal is considered to be unacceptable.

In light of this it was suggested to the Applicant that the ATM be installed

internally thereby obviating the need for planning permission, but the Applicant declined this suggestion.

**4) S17 Crime & Disorder Act**

Consultation has taken place with the Metropolitan Police Crime Prevention Design Advisor who, after liaising with the Safer Neighbourhood Team from Canons Ward, and the Senior Analyst from the Borough Intelligence Unit, has confirmed no objection to the proposal in terms of an increase in crime.

**5) Consultation Responses:**

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

- Facility not required, other facilities nearby, as late night shopping in the area that would require use of an ATM the proposed siting of ATMs is a commercial decision for the applicant.

**CONCLUSION**

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

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**174 - 178 KENTON ROAD, HARROW  
HA3 8BL**

**Item: 3/03  
P/0029/08/DFU/ML1**

Ward KENTON WEST

CHANGE OF USE FROM RETAIL TO RESTAURANT/DRINKING  
ESTABLISHMENT (CLASS A1 TO CLASSES A3 AND A4)

**Applicant:** Mr N Patel  
**Agent:** Alsop Verrill  
**Statutory Expiry Date:** 06-MAR-08

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## **RECOMMENDATION**

Plan Nos: 913/02 Rev.B; Site Plan; H7637/01; Revised Design and Access  
Statement

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

1 The proposal in association with existing adjacent non-retail uses would create a  
harmful concentration of non-retail frontage, leading to a loss of vitality to the  
shopping parade and to the shopping centre as a whole, contrary to policies SEM2  
and EM18 of the Harrow Unitary Development Plan (2004).

2 The proposed change of use would result in an overintensive use of the site, the  
Revised Design and Access Statement stating that the establishment would have a  
total capacity of 250 people. Such an intensity of use and the associated increased  
disturbance and general activity would be detrimental to both neighbouring  
residential amenity and the character of the area, contrary to policies EP25 and  
EM25 of the Harrow Unitary Development Plan (2004).

3 The proposed opening hours, particularly until 01:00 on Fridays and Saturdays,  
would give rise to increased disturbance and general activity at unsocial hours and  
would detract from the amenities of the occupiers of neighbouring residential  
properties and the character of the area, contrary to policies SEM2, EP25 and EM25  
of the Harrow Unitary Development Plan (2004).

4 The increased intensity of use would encourage additional and injudicious on  
street parking, particularly in adjacent residential streets, to the detriment of the free  
flow and safety of vehicular traffic and pedestrians on the public highway and  
amenity of neighbouring residents, contrary to policies EM25 and T13 of the Harrow  
Unitary Development Plan (2004).

## **INFORMATIVES**

### **1 INFORMATIVE:**

The following policies in the London Plan and-or the Harrow Unitary Development  
Plan are relevant to this decision: SEM2, EP25, D4, EM18, EM25, T13,  
Supplementary Planning Document 'Access for All' (2006).

## MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Character of the Area (SEM2, EP25, D4, EM18)
- 2) Residential Amenity (EP25, EM25)
- 3) Parking (T13)
- 4) Accessibility (SPD)
- 5) Licensing Act
- 6) S17 Crime & Disorder Act (D4)
- 7) Consultation Responses

## INFORMATION

This application was deferred at the meeting on 4 June 2008 to seek clarification of the proposals.

### a) Summary

Statutory Return Type: Change of Use

Council Interest: None

### b) Site Description

- Site is occupied by a three storey terraced building with commercial units at the ground floor and two floors of residential accommodation above
- The site is within Kenton Local Centre's Designated Shopping Frontage
- The site consists of the ground floor commercial units at 174, 176 and 178 Kenton Road which constitute a recently vacated furniture shop
- There is an access door in the frontage leading to a stairway to the residential units on the first and second floors in-between Nos.176 and 178, the retail unit being linked internally to the rear of this stairway
- There is residential accommodation above most of the shops along this parade
- There are single storey extensions and secondary accesses to the residential units above at the rear of the site where there is also a service road
- The designated parade Nos.162-190(even) comprises the following units:

Numbers	Use	Use Class
162, 164, 166, 168, 170	Electrical Goods	A1
172	Chemist	A1
174, 176, 178	Vacant (last use Furniture Shop)	A1
180	Take Away	A5
182	Motor Accessories	A1
184	Curtain Retailer	A1
186	Beauty Salon	SG
188, 190	Restaurant	A3

- Non-retail uses in this section of the Designated Shopping frontage (between Mayfield Avenue and Willowcourt Avenue) include 'California Chicken Takeaway' adjacent at No.180, 'Kenton Nails' beauty salon at No.186 and 'Man Chui Restaurant' at Nos.188-190
- There is a pay and display parking bay in front of Nos.164-176 with a maximum stay limit of 2 hours

**c) Proposal Details**

- Change of use from retail to restaurant/drinking establishment (Class A1 to Classes A3 and A4)
- Unit to operate as 'Blue Zoo' restaurant and bar
- The maximum overall capacity would be 250 customers
- The proposed hours of operation are 10:00 until 23:30 Sunday – Thursday and 10:00 until 01:00 Friday and Saturday
- The restaurant would serve food until 23:00 after which the lounge would remain open as a bar
- There would be 10 full time staff, 6 part time staff and one casual position
- Servicing of the unit would take place from the rear service road

**d) Relevant History**

EAST/719/00/FUL	Change of use from shop to restaurant and take-away (Class A1-A3) (No.174)	REFUSE 08-SEP-00
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Reasons for Refusal

1 The proposed change of use would result in an unacceptable loss of retail frontage, leading to a loss of vitality to the shopping centre as a whole, contrary to the provisions of the Unitary Development Plan.

2 Car parking cannot be satisfactorily provided within the curtilage of the site to meet the Council's minimum requirements in respect of the development, and the likely increase in parking on the neighbouring highway(s) would be detrimental to the free flow and safety of traffic on the neighbouring highway(s).

**e) Pre-Application Discussion**

None

**f) Applicant Statement**

- Proposal is for an upmarket restaurant and lounge named 'Blue Zoo'
- The restaurant will specialise in Asian cuisine and the lounge will primarily be used for pre-dinner cocktails
- The proposed use would be targeted at a clientele in the age range mid 20s-40s
- Design and Access Statement submitted
  - Details a low demand for retail units in Kenton due to a lack of passing trade and competition from Harrow town centre
  - States that the proposed A3/A4 use will attract a more financially secure tenant
  - The unit will enhance the appearance of the area, attract people to the centre and provide benefits for other units in the centre, increasing its vitality
  - The proposed use will be managed in a socially responsible manner
  - There are other late night uses in the area
  - Site has good public transport links
  - Marketing appraisal included
  - Statement from current Leaseholder included

- Parking Survey
  - A high level of parking availability can be found on the surrounding streets including Mayfield Avenue, Willow Court Avenue, Becmead Avenue and Hillbury Avenue
  - Side streets did once suffer from parking congestion caused by commuters using the Kenton train station. However since the Local Authority introduced parking restrictions between 11am and 12 noon the problems subsided
  - Most of the residential properties on these streets have off street parking
  - The Premier Inn car park contains approximately 100 spaces and the use of these spaces is not restricted to customers of the business, this has a high level of vacant spaces
  - The nearby Sainsbury's has a 'pay and display' system for their car park and as such some of their 379 spaces (including 12 disabled bays) may be available to our customers, an agreement having been reached with the Store Manager
  - It is our view that we have sufficient evidence that there is a satisfactory amount of parking spaces available to accommodate our proposal in a way that will not impact upon local residents
  - Site is located within 250m proximity to Kenton rail station and is serviced by London Bus Routes 114, 183, 223, H9/H10 and H18/H19
  - Signed an agreement with a local cab company to provide exclusive service to the venue
  
- Travel Plan
  - Customers and staff will be actively encouraged to use a wide range of sustainable modes of travel to the site, including by public transport, walking and cycling.  
exclusive service to our venue
  
- Letter from Sainsbury's, Kenton, Store Manager
  - 'C&R are welcome to use the Kenton Sainsbury's Car Park in the evenings, however owners park at their own risk and Sainsbury's will not accept any liability for Loss or Damages. Should this agreement affect our customers then the store will have to review this decision'

**g) Consultations:**

**Highways Engineer:** Having reviewed the revised information submitted the Highways Engineer considers that his previous response is still applicable. His comments on the original application follow below

- There are concerns here namely additional parking pressures generated on neighbouring Mayfield and Willowcourt Avenues as a result of the proposal. This is reinforced by the fact that there are already several similar establishments in this locality
- The additional information (i.e. parking survey) – 12 noon to 1pm is not relevant as it gives a snap shot of parking levels just following the 'witching hour' of the daytime 11 to noon anti commuter restriction. Because of this parking levels will be inherently low. In any event it is the evening and night

- time parking which is the real issue. No information is provided
- The suggested use of the Premier Inn car park is unlikely to work given its proximity and more importantly the need to pay for the privilege of parking does not encourage its use. Free on street parking in neighbouring residential roads will be the natural preferable option
  - The same would apply to the Sainsbury's car park although it would appear that this would not be charged for but its proximity does not favour use for the proposal. Also Sainsbury's can withdraw this provision at any time
  - The existing A3 establishments on the LB Brent also potentially generate parking issues on LBH roads so the cumulative additional impact will further impinge on Harrow's road network
  - It must be remembered that the waiting restrictions in Mayfield Avenue & surrounding roads were put in at the request of the emergency services i.e. fire brigade as passage for their vehicles was previously impeded. If evening / night time parking does prevail then we would be potentially creating new problems for the fire brigade & ambulance service. This obviously must be avoided
  - On a positive note the mini cab provision is useful but its impact cannot be quantified
  - There is therefore an objection on highway grounds as follows:- 'The increased use intensity of the proposal would encourage additional and injudicious on street parking to the detriment of the free flow and safety of vehicular traffic and pedestrians on the public highway'

**Brent Council:** No objection.

**Notifications:**

First Notification

Sent:  
23

Replies:  
28 objecting  
46 in support  
+ 2 petitions of  
objection (9 and 41  
signatures)  
+ 4 petitions of support  
(6, 8, 22 and 34  
signatures)

Expiry: 13-FEB-08

Second notification

Sent:  
83

Replies:  
Awaited

Expiry: 08-JUL-08

**Summary of Response:**

**Objection**

Disturbance to local residents in early hours of the morning; Site will attract vermin at rear due to food waste; More cooking smells in an area already crowded with restaurants; Decreasing retail space, a lot of takeaways have recently opened; Occupants living above will be disturbed by late night loud noise; Mayfield Avenue and Willowcourt Avenue close to Kenton Road are now pay and display, the rest of these roads have a 1 hour restriction; Such parking

restrictions acknowledge the existence of parking problems in the area; No allowance for parking made, customers will park on the residential side roads and cause disturbance walking back to their vehicles; Will be detrimental to the character of the area; Private drives are already parked across in residential side streets; Ventilation systems at rear face adjacent residential properties; Do not need another restaurant/drinking establishment, especially of this size; The proposed business will not increase trade in the parade during normal business hours; The parade needs businesses that will increase footfall in normal working hours; Noise from late night uses in Kenton is at present unacceptable; Elderly residents are unaware of the proposed changes; Residents on the other side of Kenton Road should be notified of the application; Parking problems make it difficult for emergency services to gain access to properties; Anti-social behaviour has recently occurred at 3am, makes residents feel unsafe; Unit is very large (2m frontage, 400 sq metre floor area) which will cause huge parking problems on side streets; Retail units need to be retained to maintain vitality in the area; Increase in litter; Existing establishments have adequate parking areas unlike this proposal; Are already 7 restaurants within 50 yards of the site; Need for shops such as newsagents so elderly residents without cars can shop locally in safety; Parking bay in front of the site can only accommodate 7 cars; Roads are not safe for local children; Such establishments do not create a harmonious community but become a burden upon the community; At least 14 eateries in this part of Kenton alone; The last bus is at 12:15am; Police are rarely seen in the area and never at night; There will be people who are not from the area using the facilities; Changes in the licensing laws have seen other bars extend their hours from 23:00-00:00 closing until 02:00-04:00, meaning problems for residents extend now until past 04:00 as opposed to 00:00-01:00 previously, meaning the police have to also work longer hours.

### **Support**

Premises marketed as 1 or 3 units for 9 months unsuccessfully in 2007, due to a lack of passing trade; Previous leaseholder would have been made bankrupt had they not sold to the Applicant; Too much retail competition from Harrow town centre; A1 use unsustainable in this parade; New business will bring vitality to the parade and bring in custom to existing units; Will not attract antisocial behaviour; A large number of A1 units have shut in recent years; No objection; Will attract younger people and increase trade; Like a ghost town during the day; Objectors are doing so on personal grounds and do not want competition to their own businesses; Traffic problem will not be made worse; Sufficient parking in side roads which are always empty, most houses have their own drives, metered parking available; Need more businesses for local residents; Local MP should be supporting the application; Decline in number of people visiting the parade; Supermarkets have replaced traditional shops; Will attract more professionals and families; Interior will be to a high specification; Misleading objection petition suggested the proposal was for a pub/club; Will enable local businesses to entertain business clients locally; Transport links are close by; No such high class restaurant in Harrow; Would feel more secure if more people in the area, very quiet and doesn't feel safe at present; CCTV

monitoring will benefit the area; Bars on the opposite side of the road under Brent open until 2am doing good business; Refit contract important to a local business; Local taxi service would have a direct line to the business to avoid noise from comings and goings; Good bus and train services nearby, most people who drink will use public transport; Will provide employment in the area; Applicant has acted professionally and responsibly in all recent business ventures; Procedures will be in place to prevent anti-social behaviour; Local community will benefit from a large meeting place; Will boost local economy; Competition will be good for the area; Would make area more attractive; Ventilation to be installed at high level.

## **APPRAISAL**

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

Policy EM18 of the Council's UDP states that the change of use of Class A1 units in the Designated Shopping Frontages of Local Centres is only permitted if a number of criteria are met. In terms of appropriateness to the Centre the proposed Class A3/A4 use is considered to be acceptable. The second caveat is that the length of frontage should not exceed 30% of the total designated frontage in the Centre. At present the amount of non-retail frontage in the Centre stands at 25.48% and the proposed change of use of this triple width unit would bring this total to 33.43%. It is accepted that the 30% limit is likely to be broken by changes of use when the existing situation is close to this amount and so, although the triple width unit takes the figure to 3.43% above the policy's limit this is not deemed to be unacceptable. Clause C of this policy relates to servicing and D to appropriate frontage design, both of which are deemed to be acceptable as proposed.

Clause E of Policy EM18, however, permits changes of use of A1 units providing that a harmful concentration of non-retail uses is not created or added to. This proposal would effectively see the loss of the equivalent of 3 retail units, although the unit is at present joined this has not always been the case and the width is akin to that of three 'standard' size units in the parade. The proposed change of use to a restaurant/drinking establishment would be sited adjacent to the existing takeaway at No.180 resulting in a concentration of 4 adjacent non-retail premises with a combined frontage of 23.8m. In addition the restaurant unit (Nos.188-190) on the corner of this parade together with the nails salon (No.186) which is a Sui Generis use would give rise to 6 units out of 8 being in non-retail use. In this regard the proposed change of use, in association with existing adjacent non-retail uses, is considered to create a harmful concentration of non-retail frontage, leading to a loss of vitality to the shopping parade and to the shopping centre as a whole, contrary to the objectives of policies SEM2 and EM18 of the Harrow Unitary Development Plan (2004). The loss of vitality to the shopping parade and to the shopping centre as a whole would result in a less useful centre to serve the needs of local residents and others utilising this Local Centre.

The proposed change of use would also be considered to result in an overintensive use of the site, the Revised Design and Access Statement stating that establishment would have a total capacity of 250 people. Such an intensity of use and the proposed late opening hours, particularly on Fridays

and Saturdays when the unit would be open until 01:00 despite food only being served until 23:00, would cause associated disturbance and general activity which would be detrimental to the character of the area, along with increased levels of parking, traffic, comings and goings and litter being detrimental to the character of this Local Centre, contrary to the objectives of policies EP25 and EM25 of the Harrow Unitary Development Plan (2004). The proposed hours of use, until 01:00 on Fridays and Saturdays, in particular are considered to be inappropriate in this Local Centre, and would be particularly detrimental to the character of the area, notwithstanding the presence of other units locally with late opening hours outside of the Council's area of jurisdiction.

**2) Residential Amenity**

Policy EM25 of the adopted UDP states that proposals for food and drink uses and late night uses should not have a harmful effect on residential amenity, with particular regard to a number of specific issues including the proximity of residential properties (particularly flats above), the hours of operation and parking arrangements. The proposed change of use would result in an overintensive use of the site, the Revised Design and Access Statement stating that establishment would have a total capacity of 250 people. Such an intensity of use would, in combination with the proposed late opening hours, would lead to levels of associated disturbance and general activity from comings and goings and the number of people within the site at any one time would be detrimental to neighbouring residential amenity, particularly those in residential units above the units, contrary to policies EM25 and EP25 of the UDP. The proposed parking arrangements (addressed later in this report), would also result in harm to residential amenity, and would therefore also be contrary to the objectives of policy EM25 of the UDP.

**3) Parking**

The Council's Highways Engineer is concerned that the proposed change of use, particularly considering its scale, would generate additional parking pressures on neighbouring Mayfield and Willowcourt Avenues as a result. Several similar establishments in this locality already create such pressures which this proposal would only add to. Although the Applicants have submitted a Parking Survey, Travel Plan and extra information regarding parking and transport issues these are not considered by the Highways Engineer to address the objections raised, the proposed alternative arrangements being unlikely to be used in practice in terms of parking when neighbouring residential streets offer by far the most convenient free parking. Such parking would be of detriment to the residential amenities of neighbouring occupiers, and would be deemed to encourage additional and injudicious on street parking, particularly, to the detriment of the free flow and safety of vehicular traffic and pedestrians on the public highway, contrary to the objectives of policies EM25 and T13 of the Harrow Unitary Development Plan (2004).

**4) Accessibility**

As no new shopfront is proposed at this stage access to the building is not for consideration at this stage. There are concerns, however, that the proposed layout would not facilitate convenient access for all. It is considered that adjustments to the internal layout would need to be made to an acceptable

scheme to the WCs to improve accessibility, the disabled WC in particular being shown as having a door which would open out onto what is likely to be a busy corridor.

**5) Licensing Act**

No application under the Licensing Act in relation to the proposed use has been made at the present time.

**6) S17 Crime & Disorder Act**

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

**7) Consultation Responses:**

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

• **Objection –**

- Site will attract vermin at rear due to food waste – this is an issue which would be dealt with by Environmental Health, should such problems arise
- Elderly residents are unaware of the proposed changes – all nearby residential properties have been notified and a site notice was erected to ensure the local population are well informed about this application's existence
- Residents on the other side of Kenton Road should be notified of the application – this is the responsibility of Brent Council who have been notified of this application and have responded stating they have no objection

- **Support -** The following issues were considered during the assessment of this application and the formulation of this report's recommendation, as justified in its Appraisal, but are either at odds with the locally adopted planning policy or are subjective opinions. They are not considered to overcome the reasoned recommendation this report has reached as its conclusion:

- Premises marketed as 1 or 3 units for 9 months unsuccessfully in 2007, due to a lack of passing trade; Previous leaseholder would have been made bankrupt had they not sold to the Applicant; Too much retail competition from Harrow town centre; A1 use unsustainable in this parade; New business will bring vitality to the parade and bring in custom to existing units; Will not attract antisocial behaviour; A large number of A1 units have shut in recent years; Will attract younger people and increase trade; Like a ghost town during the day; Traffic problem will not be made worse; Sufficient parking in side roads which are always empty, most houses have their own drives, metered parking available; Need more businesses for local residents; Decline in number of people visiting the parade; Supermarkets have replaced traditional shops; Will attract more professionals and families; Will enable local businesses to entertain business clients locally; Transport links are close by; Would feel more secure if more people in the area, very quiet and doesn't feel safe at present; CCTV monitoring will benefit the area; Bars on the opposite

- side of the road under Brent open until 2am doing good business;
- Local taxi service would have a direct line to the business to avoid noise from comings and goings; Good bus and train services nearby, most people who drink will use public transport; Will provide employment in the area; Procedures will be in place to prevent anti-social behaviour; Local community will benefit from a large meeting place; Will boost local economy; Would make area more attractive.

The following issues are not considered to be material planning considerations

- Objectors are doing so on personal grounds and do not want competition to their own businesses; Local MP should be supporting the application; Interior will be to a high specification; Misleading objection petition suggested the proposal was for a pub/club; No such high class restaurant in Harrow; Refit contract important to a local business; Applicant has acted professionally and responsibly in all recent business ventures; Competition will be good for the area

### **CONCLUSION**

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

## SECTION 4 – CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

## SECTION 5 - PRIOR APPROVAL APPLICATIONS