



**DEVELOPMENT MANAGEMENT
COMMITTEE**

WEDNESDAY 25 FEBRUARY 2009

PLANNING APPLICATIONS RECEIVED

DEVELOPMENT MANAGEMENT COMMITTEE

APPLICATIONS

WEDNESDAY 25TH FEBRUARY 2009

PLANNING APPLICATIONS RECEIVED

SECTION 1 - MAJOR APPLICATIONS

SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

SECTION 3 - OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

SECTION 4 - CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

SECTION 5 - PRIOR APPROVAL APPLICATIONS

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

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SECTION 1 – MAJOR APPLICATIONS

None

SECTION 2 - OTHER APPLICATIONS RECOMMENDED FOR GRANT

Item: 2/01

**LAND TO R/O 123-135 WHITCHURCH P/3720/08/NR
LANE, EDGWARE**

Ward CANONS

6 RETIREMENT FLATS IN 2 SINGLE STOREY BLOCKS; ACCESS FROM STRATTON CLOSE WITH ALTERATIONS; PARKING

Applicant: Trident Properties Ltd

Agent: Barker Parry Town Planning Ltd

Statutory Expiry Date: | 06-FEB-09

RECOMMENDATION

Plan Nos: 07/3125/4 Rev A; 5; 6; 7; Site Plan; 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 The development hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works which shall include a survey of all existing trees and hedgerows on the land, indicating those to be retained and those to be lost. Details of those to be retained, together with measures for their protection in the course of the development, shall also be submitted and approved, and carried out in accordance with such approval, prior to any demolition or any other site works, and retained until the development is completed. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.

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

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

- (i) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
- (ii) details of the species, diameter (measured in accordance with paragraph (i) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (iii) and (iv) below apply;
- (iii) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
- (iv) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site;
- (v) details of the specification and position of fencing, and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

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

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

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

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

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

7 The development hereby permitted shall not commence until there have been submitted to, and approved in writing by, the local planning authority, detailed drawings of all underground works, including those to be carried out by statutory undertakers, in connection with the provision of services to, and within, the site in relation to the trees to be retained on site.

REASON: To ensure that the trees to be retained on the site are not adversely affected by any underground works.

8 The development hereby permitted shall not be occupied until the car parking, turning and loading area(s) shown on the approved plan number 07/3125/4 Rev A have been constructed and surfaced with permeable materials, or drained in accordance with details submitted to, and approved in writing by, the local planning authority. The car parking spaces shall be permanently marked out and used for no other purpose, at any time, without the written permission of the local planning authority.

REASON: To ensure the satisfactory provision of parking areas, to safeguard the appearance of the locality and in the interests of highway safety

9 No site works or development shall commence until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s), and any other changes proposed in the levels of the site, have been submitted to, and approved by, the local planning authority.

REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and future highway improvement.

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

b: the boundaries

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.

11 No development shall take place until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to, and approved in writing by, the local planning authority.

The boundary treatment shall be completed:

b: before the building(s) is / are occupied

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

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

12 The access carriageway shall be constructed to base course in accordance with the specification and levels agreed before works commence on the building(s) hereby permitted, and the carriageway and footways completed before any building is occupied in accordance with details to be submitted to, and approved by, the local planning authority. The development shall thereafter be retained.

REASON: To ensure that the traffic generated by the building operations will not interfere with the free flow of traffic on the public highway and that the road and footway shall be of an adequate specification for the anticipated traffic.

Item 2/01 : P/3720/08/NR continued/...

13 Before commencement of the development hereby permitted, details of a CCTV survey of the culvert which is located adjacent to the eastern site boundary, together with the details of any proposed works within 5 metres of this culvert, shall be submitted to and approved by the Local Planning Authority. The works shall be implemented as approved. A CCTV survey of the culvert shall also be submitted to the Local Planning Authority after the completion of the development.

REASON: To safeguard the integrity of the culvert and reduce the risk of flooding.

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

REASON: To ensure that adequate drainage facilities are provided.

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

REASON: To ensure that adequate drainage facilities are provided.

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

REASON: To prevent the increased risk of flooding.

17 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.

18 Each unit of the development hereby permitted shall be occupied only by:

- i) persons aged over 55 years or more;
- ii) persons living as part of a single household with such a person or persons;
- iii) persons who were living as part of a single household with such a person or persons who have since died.

REASON: In order to ensure that the development remains as retirement flats, in the interests of highway safety and the amenities of neighbouring occupiers.

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.2 Borough Housing Targets
 - 3A.3 Maximising the Potential of Sites
 - 3A.5 Housing Choice
 - 3A.13 Special Needs and Specialist Housing
 - 4A.22 Spatial Policies for Waste Management
 - 4B.6 Safety, Security and Fire Prevention and Protection
- Harrow Unitary Development Plan:
- D4 Standard of Design and Layout
 - D5 New Residential Development - Amenity Space and Privacy
 - D9 Streetside Greenness and Forecourt Greenery
 - EP12 Control of Surface Water Run-Off
 - EP13 Culverting and Deculverting
 - EP25 Noise
 - T6 The Transport Impact of New Development Proposals
 - T13 Parking Standards
 - H7 Dwelling Mix
 - C16 Access to Buildings and Public Spaces
- Supplementary Planning Document: Access for All (2006)
Supplementary Planning Guidance: Designing New Development (2003)

2 INFORMATIVE:

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

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

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

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

Please quote Product code: 02 BR 00862 when ordering.

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

3 INFORMATIVE:

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

4 INFORMATIVE:

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.

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Character and Appearance (D4, D9, 4A.22)
- 2) Residential Amenity (D5, EP25)
- 3) Trees and New Development (D10)
- 4) Traffic and Parking (T6, T13)
- 5) Development and Flood Risk (EP13, EP14)
- 6) Accessible Homes (3A.5, D4, C16, SPD)
- 7) Housing Provision and Density (H7, 3A.2, 3A.3, 3A.5, 3A.13)
- 8) S17 Crime & Disorder Act (4B.6, D4, SPG)
- 9) Consultation Responses

INFORMATION

a) Summary

Statutory Return Type:	Minor Dwellings
Site Area:	0.213ha
Density:	28 dph
Lifetime Homes:	6
Council Interest:	None

b) Site Description

- Site comprises an overgrown area of former garden land at the rear of frontage dwellings on Whitchurch Lane.
- The site benefits from a gated access route through Stratton Close garages from Whitchurch Lane.
- A number of trees occupy the site and there are preserved trees off site, adjacent to the eastern boundary.
- To the south of the site are the properties on Whitchurch Lane (Nos.123 to 135), some of which are dwellinghouses, others have been converted to flats. The main rear walls of these properties are approximately 22 metres from the sites southern boundary.
- To the west of the site are single-storey blocks of lock-up garages.

- To the north and east of the site are the three-storey flatted developments on Stratton Close (Dudley House and Kent House), these buildings being sited between 5 and 13 metres from the application site boundary.
- To the south-east of the site are single-storey blocks of lock-up garages serving the Stratton Close properties.
- The site access through the garages utilises an existing crossover onto Whitchurch Lane, a Borough Distributor Road.

c) Proposal Details

- 6 two bedroom retirement flats arranged in 2 single-storey blocks of 3 units.
- The western block (plots 1-3) would be sited 3.8 metres from the rear boundaries of Nos.133 and 135, between 6.0 and 14 metres from the staggered western site boundary and 6.0 metres from the northern boundary.
- The western block would be 23.5 metres long, by 9.0 metres wide incorporating front and rear projections. The height of the proposed block is 2.5 metres at eaves, rising to 5.0 metres at ridge height
- The eastern block would be sited 600mm from the northern boundary with Dudley House and approximately 6.0 metres from the eastern site boundary and aligned with this boundary.
- The eastern block would be 23.5 metres long with an additional projection of 1.0 metre, by 9.0 metres wide incorporating front and rear projections. The height of the proposed block is 2.5 metres at eaves, rising to 5.0 metres at ridge height
- An access road is proposed from the Stratton Close garages to the east of the site, including widening of the existing access road and leading between the two blocks, with 7 parking spaces proposed.
- The two blocks would front this parking area, with individual entrance doors provided to each flat.
- The areas to the rear of each block would serve as communal garden space for the occupants.
- Planting and landscaping is proposed around the proposed access road and in front of the proposed flats.
- A refuse storage enclosure is proposed to the east of the eastern block to accommodate 3 paladin bins.

Revision to Previous Proposal

- The previous outline permission (ref P/1017/06/CFU, allowed on appeal) was for 6 retirement flats in 2 two-storey blocks with access road and 7 parking spaces.
- The current submission represents a re-designed scheme for 6 retirement flats, with revised siting of the blocks, reduction from two-storey to single-storey, with revised layout of access road.

d) Relevant History

P/2928/03/DFU	Detached bungalow with parking space and access	GRANTED 06-FEB-04
P/2918/03/DFU	Outline: Redevelopment to provide 8 flats in two storey blocks with access and parking	REFUSED 13-FEB-04 APPEAL DISMISSED 14-DEC-04
P/2723/04/COU	Outline: Redevelopment: 2 x 2 storey blocks to provide 8 flats and chalet bungalow with access and parking	REFUSED 11-FEB-05 APPEAL DISMISSED 27-JUL-05
P/653/05/COU	Construction of 4 chalet bungalows with access from Stratton Close and car parking	REFUSED 19-MAY-05
P/1017/06/CFU	Outline: 6 retirement flats in 2 x 2 storey blocks; access from Stratton Close; parking	REFUSED 01-DEC-06 APPEAL ALLOWED 10-JAN-08

e) Pre Application Discussion

- None

f) Applicant Statement

- Design and Access Statement.

g) Consultations:

Notifications:

Site Notice: 22-DEC-08 Expiry: 12-JAN-09

Sent: 173 Replies: 15 Expiry: 07-JAN-09

Summary of Response:

Increase in noise and disturbance, concerns over rights of neighbours in respect of Article 8 of the European Convention on Human Rights, impact on bats, impact on users of garages/access from Stratton Close, Lifetime Homes, refuse vehicle access, loss of green space.

APPRAISAL

1) Character and Appearance

UDP policy D4 states that 'buildings should respect the form, massing, composition, proportion and materials of the surrounding townscape and attention should be paid to the urban 'grain' of the area in terms of building form and patterns of development'. The site is bordered to the south by residential dwellings/flat conversions on Whitchurch Lane, to the west and south-east by single-storey lock-up garages and to the north and east by three-storey flat blocks set in large grounds. It currently benefits from an extant outline permission for 6 retirement flats in 2 x two-storey blocks.

The proposed development would consist of 2 single-storey blocks of retirement flats of a standard suburban design. Although the character of the developments surrounding the site is different from the proposal, it is considered that the proposed single-storey flat blocks would not be inappropriate given the backland location of the site. Adequate space would be maintained around the buildings and the design of the flats is considered to be acceptable within this suburban residential area.

A refuse storage enclosure is proposed 1.6 metres from the eastern boundary of the site. This would be a modest structure and would be sited for ease of access for refuse collection vehicles.

The proposed access road would extend into the site, between the two blocks and would provide for 7 parking spaces. Given that the extent of hard surfacing is not materially larger than the previously approved scheme, this is considered acceptable and a condition is imposed to ensure that the details of this access road and parking are approved prior to commencement. Soft landscaping is proposed around the access road, as well as in front of the flats and this is considered to be adequate. A condition is imposed requiring details of planting to be approved prior to commencement. The proposal is therefore considered to be acceptable in relation to policy D9.

2) Residential Amenity

It is considered that the proposed development would be sited an adequate distance from the boundaries of neighbouring properties, so as not to give rise to an unacceptable degree of overshadowing or loss of outlook to neighbouring occupiers. The blocks would be of a modest height, 2.5 metres to eaves and 5.0 metres at the ridge, and this would also minimise any adverse impacts from the proposal. It is also considered that, given the height of the proposed buildings and that no flank windows are proposed, the proposal would not give rise to an unacceptable level of overlooking to neighbouring properties.

In considering the impact on neighbouring residents with regard to noise and disturbance from vehicle activity, the previous appeal decision on the site (ref P/1017/06/CFU; pins ref APP/M5450/A/07/2035554) is considered to be an important material consideration, as the appeal scheme was also for 6 retirement flats.

The applicant has submitted evidence indicating that a retirement flat would generate a daily vehicle trip rate of 1.594 per dwelling. This would result in a total of 10 trips per day (5 arrivals and 5 departures) for the proposal in total. These figures were obtained from the most up to date TRICS database and they differ slightly from those stated during the above appeal (1.35 per dwelling, per day; 8 in total for the 6 retirement flats). The Inspector, in determining the previous appeal considered these figures to be similar to that generated from the single residential dwelling, which has been previously approved on the application site. Although the figures have increased marginally since the previous appeal, given the Inspector's conclusion on this issue in the previous appeal, it is considered that the level of vehicular activity arising from the proposal would not result in an unacceptable level of noise and disturbance to neighbouring residents.

The proposed parking area would be sited some 2 metres from the rear boundaries of the Whitchurch Lane properties and some 8 metres from the northern boundary of the site, similar to the appeal scheme. The parking area would therefore be some 18 metres from the nearest habitable room windows of neighbouring residential properties and this distance is considered adequate to ensure that vehicle activity within the site does not give rise to an unacceptable level of noise and disturbance to neighbouring residents, given the likely level of vehicular activity and landscaping proposed around the parking area. This issue was discussed in detail during the previous appeal and the Inspector concluded that the separation distance and the fact that only one of the parking spaces would be sited close to the boundary with the Whitchurch Lane dwellings (an arrangement that has been revised, but not materially changed, in the current proposal), would be acceptable.

Despite the loss of a buffer zone between the proposed access road and No.123 Whitchurch Lane, given the level of vehicular activity expected, it is not considered that an unacceptable level of noise and disturbance would arise and this view is consistent with the Inspector's conclusion during the previous appeal.

It is considered that the proposed retirement flats would provide an adequate standard of accommodation for the future occupiers of the development and a condition is imposed, requiring the flats to be occupied by people aged 55 or over. A satisfactory area of communal garden space would be provided for each block of flats and this is considered adequate. The proposal is therefore considered to comply with policy D5.

3) Trees and New Development

The applicant has submitted an Arboricultural Report to accompany the application. There are a number of trees on the site of varying amenity value, most of which are located around the site boundaries. There were two off-site protected trees beyond the eastern boundary of the site, although these appear to have been removed. The Council's Tree Officer considers the Arboricultural Report to be acceptable and the proposal is therefore considered to be acceptable in relation to policy D10, subject to a condition requiring a Tree Protection Plan and a landscape plan to be submitted and approved prior to commencement.

4) Traffic and Parking

Access to this backland site is proposed from the Stratton Close garages, to the south east of the site. This access road would be widened, taking in a fenced off area adjacent to No.123 Whitchurch Lane, to allow 2 cars to pass and to allow refuse vehicles to access the development. This arrangement is the same as the previously allowed appeal scheme. Also, a gate has recently been put up between the western garage block and the eastern boundary of No.123 Whitchurch Lane and the submitted drawings show this to be retained.

In allowing the appeal relating to 6 retirement flats, the Inspector considered that the crucial factor in determining whether the access is acceptable in terms of visibility is whether the 6 retirement flats would result in more traffic movements than the previously approved single dwelling. As discussed above, the number of expected vehicle movements are considered to be similar and, based on the Inspector's conclusion on this issue in the previous appeal, the current proposal, also for 6 retirement flats, is considered acceptable.

The widened access road is also considered to be adequate as a shared surface for pedestrians and motor vehicles and this is consistent with the conclusion reached by the Inspector when allowing the previous appeal. It is also considered that the positioning of the footways at either side of the proposed access would allow an adequate level of visibility by drivers of emerging vehicles.

Given the nature of the occupants and the reasonable public transport accessibility of the site, it is considered that 7 parking spaces would be adequate to serve the development and this is consistent with the provision in the previously allowed scheme. The layout of the site would enable a refuse collection vehicle to turn comfortably, so they could enter and leave the site in forward gear. Access through the gated entrance would be a private matter between the refuse collection services and the site management.

The Council's Highways Engineer raises no objections and the proposal is therefore considered to comply with policies T6 and T13.

5) Development and Flood Risk

There is a culverted watercourse close to the eastern boundary of the site and running under the access road. The Council's Drainage Department have expressed concerns about works within 5 metres of this watercourse. Conditions are therefore imposed in order to safeguard the integrity of this culvert and a pre-commencement condition is also imposed requiring details of underground works to be approved prior to commencement. The Environment Agency have assessed the application as having a low environmental risk and, subject to conditions requiring the details of sewage and surface water disposal, as well as the provision of surface water attenuation/storage works, the proposal is considered to be acceptable in this regard.

6) Accessible Homes

Given that retirement flats are proposed, it is considered that accessibility is particularly important. The proposal would comply with all 16 points of the Lifetime Homes standards and it is therefore considered that the proposed development would provide adequate accommodation for people with disabilities, as required by London Plan Policy 3A.5, policies D4 and C16 of the UDP and adopted Supplementary Planning Guidance: Accessible Homes (2006).

7) Housing Provision and Density

The proposal would provide an additional 6 units to the borough's housing stock and this is supported in principle. The proposal would also result in the provision of accommodation for retired people and this is welcomed, in respect of UPD policy H7, which requires a mix of dwelling types and London Plan policy 3A.13, which encourages provision of specialist housing for the elderly.

8) S17 Crime & Disorder Act

The application site is surrounded by other properties and a 1.8 metre close boarded fence is proposed around the boundary of the site. Fences would also enclose the rear garden areas providing a good definition between public and private space.

The proposed flats would have windows fronting onto the central parking area to provide natural surveillance and the main entrance doors of 5 of the flats would be located on these front elevations. The eastern block would have a side gable feature to the south, with a window serving the living room of plot 6. This window would provide a good level of natural surveillance to the access road to the development and the main entrance door to this flat would also be situated on this southern side elevation. It is therefore considered that the proposed development would be laid out in such a way that opportunities for crime would be reduced. It is also considered that the layout would be an improvement on the extant permission for 6 retirement flats on the site.

9) Consultation Responses:

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

- Article 8 of European Convention on Human Rights: Given the conclusions on the issues discussed above, it is not considered that there would be a violation of resident's human rights.
- Impact on bats: This issue was considered as part of the last appeal and the Inspector concluded that no evidence had been provided to indicate that the impact would be significant. The situation has not changed since then.
- Rights of access to garages: This is a private legal matter and not a material planning consideration.
- Loss of green space: As the site was previously garden land, it is considered to be previously developed land and this is consistent with previous decisions on the site.

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.

14 WAXWELL LANE, PINNER

Item: 2/02

P/3219/08/EJ

Ward PINNER

DETACHED OUTBUILDING AT REAR

Applicant: Mr Nick Foster

Agent: Maison d'etre Properties Limited

Statutory Expiry Date: | 22-DEC-08

RECOMMENDATION

Plan Nos: GS/RLE - A; GS/FE - B; GS/BP - B; GS/CD; GS/OLPc; Design and Access Statement, Heritage Statement and site plan

Inform the applicant that:

1. The proposal is acceptable subject to the completion of a legal agreement within 6 months (or such period as the Council may determine) of the date of the Committee decision on this application regarding maintenance of the adjacent Lime trees at the expense of the applicant
2. A formal decision notice, subject to the planning conditions noted below, will be issued only upon completion of the aforementioned legal agreement

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 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.

3 The outbuilding hereby permitted shall not be used for any purpose other than domestic storage or personal games room or similar uses.

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, D5, D14, D15, D16, SPG: Extensions A Householders' Guide (2008)

2 INFORMATIVE:

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

3 INFORMATIVE:

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

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

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

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

Also available for download from the CLG website:

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

Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

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

INFORMATION

a) Summary

Statutory Return Type: Householder
Conservation Area: Waxwell Lane
Council Interest: None

b) Site Description

- Subject site located on the eastern side of Waxwell Lane and contains a two storey end of terraced dwellinghouse
- The property has a small lean-to outbuilding at the rear and is otherwise un-extended
- Located in the Waxwell Lane Conservation Area
- The adjoining property to the south no. 12 has a rear dormer roof extension and a detached outbuilding in the rear garden
- The property adjoins a public car park at the rear, access to the car park runs adjacent to the northern boundary

- There are two lime trees in the Council's ownership (which are protected by virtue of their location in a Conservation Area) that are sited adjacent to the northern boundary
- The surrounding area includes a beer garden to the rear of a Public House at no. 2 Waxwell Lane and a variety of terraced and detached dwellinghouses as well as commercial buildings that front Bridge Street

c) Proposal Details

- Outbuilding located in the rear garden 17 metres from the rear wall of the dwelling
- The outbuilding would be 4 metres wide and 3.25 metres deep. It would have a pitched roof with a height of 3.45 metres
- The outbuilding would have one window facing the dwelling and on set of doors on the splayed edge facing south west
- The rear roof slope of the outbuilding would contain a rooflight
- The outbuilding would be constructed of timber

Revisions to Previous Application:

Following the previous decision (P/1646/08/DFU) the following amendments have been made:

- Applicants have offered to enter into a S.106 agreement to maintain the Lime trees at their expense

d) Relevant History

P/1646/08/DFU	Detached outbuilding at the rear	REFUSED 15-JUL-08
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Reason for Refusal:

The proposal would be likely to prejudice the survival of the protected mature Lime trees of special amenity value, which are adjacent to the rear of the subject site, and which contribute to the amenity and landscape value of the area and consequently would fail to preserve or enhance the character or appearance of the Waxwell Lane Conservation Area, contrary to Policies D4, D10, D15 & EP29 of the Harrow Unitary Development Plan (2004).

e) Pre-Application Discussion

- None

f) Applicant Statement

- Current location of original and approved new cottages is susceptible to being struck by golf balls. Proposed location is more discreet and within existing clearing adjacent to green keeper's shed. This location would be protected from general play.
- Revised proposal incorporates comments made by Planning Advice Team. Development would incorporate sustainable drainage.
- A high standard of landscaping and tree protection would be implemented.

g) Consultations

Pinner Association: No response

CAAC: The roof should be covered in timber shingles

Advertisement: | Character of Conservation Area | Expiry: 27-NOV-08

Notifications:

Sent: 9

Replies: 0

Expiry: 24-NOV-08

Summary of Responses:

- N/A

APPRAISAL

1) Character and appearance of the Conservation Area

It is considered that the size of the outbuilding would be of a scale that would be proportional to the size of the rear garden. It is further considered that the proposed outbuilding would not be prominent in the streetscene.

The proposed outbuilding would be adjacent to two large mature Lime trees which are on Council owned land and by reason of their location in a Conservation Area are protected. The previous application (P/1646/08) was refused as the siting of the outbuilding underneath the canopy of the Lime trees was considered to be unacceptable because over time, tree debris on the roof would lead to constant requests to have these trees lopped and topped, which would have failed to preserve or enhance the character or appearance of the Conservation Area. In order to overcome this objection, the applicants have offered to enter into a S.106 agreement to maintain the Lime trees using the Council's contractors at their expense rather than the Council's expense. The Council's Arboriculture Officer has reviewed this proposal and is satisfied that it would address the previous reason for refusal.

Subject to the completion of the aforementioned legal agreement it is considered that the proposal would preserve the character and appearance of the Waxwell Lane Conservation Area.

2) Residential Amenity

The proposed outbuilding would be located at the rear of the site and would be adjacent to an outbuilding at the rear of no. 12 Waxwell Lane. It is considered that the outbuilding would not have an unreasonable impact on the privacy of the neighbouring property and would not result in an unreasonable loss of light or outlook.

3) S17 Crime & Disorder Act

The proposal would not have any impact on crime and disorder in the locality.

4) Consultation Responses

N/A

CONCLUSION

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

Item: 2/03

31 HARROW FIELDS GARDENS, P/3391/08/HG
HARROW

Ward HARROW ON THE HILL

SINGLE STOREY REAR EXTENSION AND SINGLE STOREY SIDE TO REAR
EXTENSION

Applicant: Mr Ashish Patel

Agent: W J Macleod Architect

Statutory Expiry Date: | 15-DEC-08

RECOMMENDATION

Plan Nos: Site Plan; 08/3176/1; Design and Access Statement (All Received 17.10.08); Arboricultural Report (Received 15.12.08); 08/3176/2 Revision A (Received 06.01.09)

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), other than those shown on approved plan no 08/3176/2 Revision A shall be installed in the flank wall(s) of the development hereby permitted without the prior permission in writing of the local planning authority.

REASON: To safeguard the amenity of neighbouring residents.

4 The Lime Tree in the rear garden of the property shall be removed and replaced with an Ornamental Maple Tree. The size of the replacement tree and location of planting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development.

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

5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s), or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 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.

6 All development and works shall be carried out in accordance with the Tree Protection Plan contained within the Arboricultural Report. The approved details shall be installed prior to the commencement of the development and shall be retained in situ until the works are completed.

REASON: To ensure that the trees subject to preservation orders are to be retained on the site are not adversely affected by any works.

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, D5, D10, D14, D15, T13

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

Sudbury Hill Conservation Area Policies 1, 3, 4, 9 and 10

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.

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Tel: 0870 1226 236 Fax: 0870 1226 237

Textphone: 0870 1207 405

E-mail: communities@twoten.com

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Character and Appearance of the Conservation Area (D4, D5, D14, D15 SPG)
- 2) Impact on Trees (D10)
- 3) Residential Amenity (D5, SPG)
- 4) Loss of Garage/Parking Facility (T13)
- 5) S17 Crime and Disorder Act (D4)
- 5) Consultation Responses

INFORMATION

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

This application was considered at the Development Committee Meeting on the 21st of January 2009 where the Committee resolved to defer determination of the application for a member site visit at the subject property. A site visit was undertaken on the 21st of February 2009.

a) Summary

Statutory Return Type: Householder Development
Conservation Area Sudbury Hill
Area of Special Harrow on the Hill
Character
Council Interest: None

b) Site Description

- Two storey detached dwelling, located on the northern side of Harrow Fields Gardens and backs onto Sudbury Hill with a rear garden area of between 6.4 metres and 10 metres in length
- The subject site has a steep slope from the rear to the front of the property; there is a retaining wall in the rear garden that is located between 1.9 and 2.6 metres from the main rear of the dwelling and is flush with the rear wall of the garage
- It is approximately 1.2 metres in height and steps in the retaining wall provide access to the rear garden
- The property has existing on-site car parking and car parking has been designated on Harrow Fields Gardens along the front of the site
- The subject site is located within the Sudbury Hill Conservation Area and was constructed in 1979-1980 is part of a modern housing development
- Three protected trees are located in close proximity to the dwelling (one in the front and two in the rear garden area)
- Adjoining property No. 32 is located to the east of the subject site and has not been extended; it is set forward approximately 3.0 metres in the streetscene
- Neighbouring property No. 30 is located to the west of the subject site and is located approximately 24 metres from the subject site

c) Proposal Details

- It is proposed to construct two single storey extensions: single storey side to rear conservatory extension (adjacent to open land) and a single storey rear extension (adjacent to No. 32)

Single Storey Side to Rear Conservatory Extension

- Conservatory would project 3m from the existing main rear wall.
- It would project 5.6m from the rear wall of the dwelling at no.32 and would be set away 9.6m from the common boundary of no.32
- It would have a width of 6m.
- A lean-to roof is proposed with a height of 2.5m to the eaves and 3.8m to the top of the pitch (mid-point height of 3.15m)
- Constructed of glazed glass panels with folding doors in the eastern elevation
- It is proposed to retain the western flank wall.
- The extension would result in conversion of the garage to a store, utility room and garden room.
- This element of the scheme involves excavation and retaining within 1m of a significant Lime Tree.

Single Storey Rear Extension

- Rear extension would be in line with the eastern flank wall and would be set 100mm behind the existing main rear wall.
- It would have a width of 3.1m and link into the existing lounge room.
- It would project 2.6m from the rear wall of the dwelling at no.32
- A mono-pitch roof is proposed with a height of 3.1m and a flush rooflight.
- There would be no windows in the flank wall but the rear elevation would contain two full height windows and folding doors.

Revisions to previous application

Following the previous decision (P/4251/07) the following amendments have been made:

- Accurate CAD plans have been submitted to overcome one of the reasons of refusal of the previous application.

Amendments to Single Storey Side to Rear Conservatory Extension

- Roof design amended from hipped roofs to a gable end/lean-to roof.
- Reduced in depth from 4m to 3m.
- Two windows in west flank wall have been removed.
- Rear elevation amended from solid brick with two folding doors to glazed glass panels with no openings.
- East flank wall amended from solid brick wall to glazed glass panels containing a folding door.
- Floor plan layout amended to include a store.
- Excavation and retaining reduced in depth by 1m.

Amendments to Single Storey Rear Extension

- Reduced in depth by 100mm and roof design amended from hipped roof with a height of 2.7m to the eaves to a mono-pitch roof with a height of 3.1m and a flush rooflight.

d) Relevant History

P/4251/07 Single storey side to rear extensions; excavated rear patio; conversion of garage into habitable room; external alterations 09-JUN-08 REFUSED

Reason for Refusal:

The submitted drawings fail to illustrate the accurate design, appearance and scale of the existing and proposed elevations. In the absence of this information the proposals, by reason of excessive bulk and mass, would be likely to detract from the character and appearance of the building and this part of the Sudbury Hill Conservation Area contrary to policies D4, D14 and D15 of the Harrow Unitary Development Plan.

P/2244/07 Single storey rear extensions; excavated rear patio; conversion of garage into habitable room; external alterations 01-OCT-07 REFUSAL

Reasons for Refusal:

1. The applicant has failed to demonstrate that the proposed extension including excavated patio area would have no material impact on the long-term survival of trees of amenity value on the adjoining site and within the site. In the absence of such information, the proposal would result in a potential loss of trees to the detriment of visual amenity and character of the area contrary to policies SD1, SD2, D4, D10, and EP29 of the Harrow Unitary Development Plan (2004) and policy 8 of the Sudbury Hill Conservation Area Policy Statement (1994).
2. The proposed extension by reason of its design would be harmful to the appearance of the property and would fail to preserve or enhance the Conservation Area contrary to policies SD1, SD2, D4, D10, D14, D15 of the Harrow Unitary Development Plan (2004) and the Sudbury Hill Conservation Area Policy Statement (1994).

e) Revisions to previous application

- None

f) Applicant Statement

- Refer to Design & Access Statement.

g) Consultations

CAAC – Would create too much light at night, prominent when viewed from Sudbury Hill, should incorporate a traditional design, out of proportion, poorly designed, overdevelopment, too close to rear boundary line. The design is of poor quality and would intrude into the open space of the Sudbury Hill corridor. We would also resist the loss of garage here.

Harrow Hill Trust – No comments received.

Advertisement – Character of Conservation Area

Posted:	Expiry:
21-NOV-08	14-DEC-08

General Site Notice:	Posted:	Expiry:
	21-NOV-08	14-DEC-08

Notifications:

Sent:	Replies:	Expiry:
2	1 + 1 Petitions*	20-NOV-08

* - One petition containing five signatories in support of the proposal.

Summary of Response:

Inadequate tree protection plan; poor design that would be harmful to appearance of the Estate; bulky; not in keeping with character of Conservation Area; loss of garage would increase demand for car parking; proposal contravenes restrictive covenants.

APPRAISAL

1) Character and Appearance of the Conservation Area

Council's Conservation Officer has advised the existing dwelling has a modern design and little architectural merit. It is therefore considered that the proposed modern design of the single storey side to rear conservatory extension would not detract or fail to preserve the character of the Conservation Area.

The depth of the conservatory extension has been reduced in the current application. To this end it is considered the revised depth has overcome the issue regarding bulk and therefore the reason for refusal of the two previous applications.

The proposed dimensions of both extensions would comply with the SPG in respect of single storey rear extensions to detached dwellings. The conservatory extension would project 3m from the main rear wall of the dwelling house and satisfy the requirements of the "two for one" rule (SPG, paragraph C.5. Page 9) when viewed from neighbouring property no.32. The western flank wall would be retained which would obscure the extension from the street scene when viewed from Harrow Fields Gardens.

The single storey side to rear conservatory extension would be set away a minimum distance of 6.8m from Sudbury Hill and the single storey rear extension would be set away a minimum of 4.8m from the Sudbury Hill. It is noted the site has a significant slope downwards from Sudbury Hill. Given the site circumstances the extensions would not be a prominent feature in the street scene when viewed from Sudbury Hill and the proposed distance is considered adequate to maintain the appearance of the Conservation Area.

The proposal does not involve any modifications to the front elevation of the dwelling and the garage door would be retained to serve a store. The property would be able to accommodate a vehicle in the driveway which would nullify the loss of garage space.

It is therefore considered that the proposal would preserve the character and appearance of the conservation area.

2) Impact on Trees

There are two significant trees within close proximity of the proposed development. An Oak tree to the west of the site would be within 5m of the proposal and a Lime tree in the rear garden would be within 1.2m of the proposed excavation and retaining. The Oak is subject to a Tree Preservation Order, however both trees are protected by virtue of the fact they are located in a Conservation Area.

The Arboricultural Report states that the proposed development would have an adverse impact on the Lime Tree. Notwithstanding the above, the Lime Tree has been topped and is in a poor condition. It is therefore considered that the Lime Tree does not contribute to the character or appearance of the area. It is also noted that the Lime Tree is not the subject of a specific Tree Preservation Order. The Arboricultural Report recommends that the tree be removed and replaced with an Ornamental Maple Tree in the rear garden. The Council's Tree Officer has advised that this would be appropriate and should be conditioned accordingly.

The Council's Tree Officer has also advised that the Tree Protection Plan would ensure that tree's subject to preservation orders would not be adversely affected during the construction stage or affected by the development. It is recommended that a condition be imposed that the development be constructed in accordance with the Tree Protection Plan.

3) Residential Amenity

The proposal would retain the western flank wall and given the distance between no.30 and no.31 (approximately 24m) it is not considered the single storey side to rear conservatory extension would impact the amenity of the occupiers at no.30.

It is considered the size and bulk of the single storey rear extension would not adversely impact the amenity of the occupiers of adjoining property No. 32. The rear projection would comply with the SPG for detached dwellings, as it does not exceed 3.0 metres from the rear wall of the neighbouring property. Furthermore, the extension does not project beyond the depth of the existing main rear wall. The proposed height exceeds the maximum recommended in the SPG (3.0 metres) however, it would be set-away 1.3m from the common boundary of no.32 and it is considered this separation distance would mitigate any adverse impact on the visual and residential amenities of the occupiers of this property.

4) Loss of Garage/Parking Facility

The driveway would be retained with its current length of 8.6m which is considered adequate.

5) S17 Crime & Disorder Act

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

6) Consultation Responses

- Restrictive covenants are not a planning consideration.
- All other comments have been addressed within the report.

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.

31 CORNWALL ROAD, HARROW

Item: 2/04
P/3950/08/SG

Ward HEADSTONE SOUTH

CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT: SINGLE STOREY REAR EXTENSION

Applicant: Mr & Mrs Collas

Agent: PLK Design

Statutory Expiry Date: | 02-FEB-09

RECOMMENDATION

Plan Nos: Site Plan, 59-PLK-01 Rev B, 59-PLK-02 Rev A, 59-PLK-03 Rev A, 59-PLK-04 Rev B, 59-PLK-05 Rev B

Certify that the development described in the application and submitted plans is Lawful.

INFORMATIVES

1 INFORMATIVE:

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

2 INFORMATIVE:

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

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

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

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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

3 INFORMATIVE:

You should be aware that, whereas a planning permission is valid for three years, a Certificate is only valid for as long as the permitted development legislation that gave rise to the decision remains in place. This could mean that, if the legislation changes after the Certificate was determined, your proposals may no longer be permitted development.

In this case this Certificate decision was based on the revised permitted development rights for householders that the Government brought into effect on 1 October 2008.

For further advice on the current householder permitted development guidance an interactive guide is available on the Planning Portal on: <http://www.planningportal.gov.uk/england/genpub/en/1115311947777.html> and the full Statutory Instrument published by the Government can be seen on: http://www.opsi.gov.uk/si/si2008/uksi_20082362_en_1 .

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) The Facts
- 2) S17 Crime & Disorder Act (D4)
- 3) Consultation Responses

INFORMATION

The applicant works for the Council.

a) Summary

Council Interest: None

b) Site Description

- This is a mid-terrace dwellinghouse on the eastern side of Cornwall Road with a staggered rear building line and a small shed located at the bottom of the rear garden. The property is neither listed nor located in a Conservation Area.

c) Proposal Details

- Construct a single storey rear extension
- It would have a width of 5.5m
- It would be contained within the curtilage of the dwellinghouse.
- The maximum height would be 3.8 metres and the height at the eaves would be 2.45 metres.
- The depth would be 3 metres beyond both rear walls of the original dwellinghouse
- It would not extend beyond a wall which fronts a highway.

d) Relevant History

- None

e) Pre-Application Discussion

- None

f) Applicant Statement

- None

g) Consultations:

- None

APPRAISAL

- 1) The proposed enlargement of the dwellinghouse would fall within the development permitted by Class A of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 subject to the materials used in any exterior work being of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
- 2) **S17 Crime & Disorder Act**
 - N/A
- 3) **Consultation Responses**
 - N/A

CONCLUSION

For all the reasons considered above the proposal is therefore Lawful.

Item: 2/05

**FORMER CLINIC/SCOUT HUT, REAR OF P/3966/08/DC3
TENBY ROAD, EDGWARE**

Ward EDGWARE

RETENTION OF THE SUB-STRUCTURE AND CONSTRUCTION OF THE SUPER
STRUCTURE OF 10 AFFORDABLE HOUSES

Applicant: Samson Construction Ltd

Agent: Makespace Architects - Mr Shahed Saleem

Statutory Expiry Date: | 09-MAR-09

RECOMMENDATION

Plan Nos: 1134-X-100, 1134-50-100 A, 1134-50-101, 102, 103, 104, 105, 106, 107, 108, 109, 200, 201, 202, 203, 204, 300, 301, 302, 815/M(50)100 B, 815/M(50)101 C, 815/M(50)500 A, 815/M(50)501 A, 489.TCP.01489.19.02

Reports: Design & Access Statement (November 2007)
Environmental Review and Site Investigation Report (January 2008)
Archaeological Assessment
Sustainability Statement & Predictive Code for Sustainable Homes Assessment
Energy Assessment and Proposed Energy Measures Report (December 2008)

Materials: Goxhill Plain roof tile; Rationel WindowsT990 Dark Pine timber casement; Domus sideframe and sash; IBSTOCK Leicester Grosvenor Light Red multi facing bricks; Western Red Cedar Shiplap external wall timber cladding, White Weber Pral-M render

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, 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.

3 The development hereby permitted shall not be occupied or brought into use until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to, and approved in writing by, the local planning authority.

The boundary treatment shall be completed:

b: before the building(s) is / are occupied

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

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

4 No demolition or site works in connection with the development hereby permitted shall commence beyond ground level damp proof course 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.

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

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

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

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

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

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

8 No site works or development shall commence beyond ground level damp proof course until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s), and any other changes proposed in the levels of the site, have been submitted to, and approved by, the local planning authority.

REASON: To ensure that the works are carried out at suitable levels in relation to the highway and adjoining properties in the interests of the amenity of neighbouring residents, the appearance of the development, drainage, gradient of access and future highway improvement.

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

b: the ground surfacing

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

REASON: To safeguard the appearance of the locality.

10 The development hereby permitted shall not be occupied until the car parking, turning and loading area(s) shown on the approved plan number 1134-50-100 Rev.A have been constructed and surfaced with permeable materials, or drained in accordance with details submitted to, and approved in writing by, the local planning authority. The car parking spaces shall be permanently marked out and used for no other purpose, at any time, without the written permission of the local planning authority.

REASON: To ensure the satisfactory provision of parking areas, to safeguard the appearance of the locality and in the interests of highway safety.

11 Notwithstanding the details on drawing number: 1134-5—100 Rev.A the development hereby permitted shall not be occupied or brought into use until a scheme for:

a: the storage and disposal of refuse/waste

b: and vehicular access thereto

has been submitted to, and approved in writing by, the local planning authority.

The development shall not be occupied or used until the works have been completed in accordance with the approved details and shall thereafter be retained.

REASON: To ensure adequate standards of hygiene and refuse/waste collection without prejudice to the enjoyment by neighbouring occupiers of their properties.

12 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.

13 The development of any buildings hereby permitted shall not be occupied or brought into use 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.

14 The development of any buildings hereby permitted shall not be occupied or brought into use 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.

15 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.

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

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

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

<http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgarden> s).

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

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

REASON: To safeguard the character of the area by restricting the amount of site coverage and size of dwelling in relation to the size of the plot and availability of:

a: amenity space

b: parking space

and 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.1, 3A.2, 3A.5, 3A.9, 3A.10, 3A.11, 4A.1, 4A.7, 4A.14, 4A.16, 4B.1

Harrow Unitary Development Plan:

S1, EP15, EP20, EP25, D4, D5, D9, D10, T6, T13, H7

Supplementary Planning Guidance: Providing for Children and Young People's Play and Informal Recreation (March 2008)

Supplementary Planning Guidance: Designing New Development (March 2003)

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

Accessible Homes Supplementary Planning Document (April 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:

In June 2006 Harrow Council adopted two Supplementary Planning Documents: "Access for All" and "Accessible Homes", containing design guidelines for the provision of safe and convenient access for all disabled groups. Both documents can be viewed on the Planning pages of Harrow Council's website:

Access for All: http://www.harrow.gov.uk/downloads/AccessforallSPD_06.pdf

Accessible Homes: <http://www.harrow.gov.uk/downloads/AccessibleHomesSPD.pdf>

4 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

5 INFORMATIVE:

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern health and safety through all stages of a construction project. The Regulations require clients (ie those, including developers, who commission projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline on 0541 545500.

(Please note that any reference in this informative to "planning supervisor" has no connection with any Planning Officers within Harrow's Planning Services or with the Town and Country Planning Act 1990.)

6 INFORMATIVE:

Before implementing the planning permission hereby granted, or the works indicated in your certificate of lawful proposed development, the applicant is advised to contact the Council's Highways Crossings Officer on 020 8424 1799 or by email to frank.cannon@harrow.gov.uk to find out whether the construction of the crossover is acceptable in highway terms.

7 INFORMATIVE:

In aiming to satisfy the Community Safety condition(s) the applicant should seek the advice of the Borough Crime Prevention Design Advisors (CPDA). They can be contacted through the Crime Reduction Unit, Harrow Police Station, 74 Northolt Road, Harrow, Middlesex, HA2 ODN, tel. 020 8733 3465. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of this / these condition(s).

8 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.

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Design & Character of Area (4B.1 & S1, D4, D5, D9, D10)
- 2) Residential Amenity (D5, EP25)
- 3) Affordable Housing, Housing Provision & Density (3A.1, 3A.2, 3A.9, 3A.10, 3A.11 & H7)
- 4) Parking & Highway Safety (T6, T13)
- 5) Sustainability & Renewable Energy (4A.1, 4A.7, 4A.14, 4A.16 & EP15, EP20)
- 6) Accessible Homes (3A.5, 4B.1 & D4)
- 7) S17 Crime & Disorder Act (4B.1 & D4)
- 8) Consultation Responses

INFORMATION

This full planning application has been submitted as development works were commenced on-site before having submitted a reserved matters application or having discharged all pre-commencement conditions. Application is to regularise development works completed to date and acquire full permission for the remainder of the development. Application includes all details approved under outline planning permission ref: P/4092/07/COU granted in March 2008 as well as outstanding details on design and landscaping.

a) Summary

Statutory Return Type:	Smallscale Major Dwellings
Site Area:	0.216 ha
Density:	185 hrph 46 dph
Car Parking:	Standard: 16 Justified: 11 Provided: 11
Lifetime Homes:	10
Wheelchair Standards:	10%
Council Interest:	None

b) Site Description

- Site to rear of properties on Tenby Road and Whistler Gardens
- Recently occupied by two single-storey structures (a clinic and a scout hut), both of which have been demolished.
- Access road off Tenby Road at west of site.
- Surrounding properties mixture of two-storey terraced dwellings.
- Surrounding land ex-allotment land, outlined in UDP as Open Space.

c) Proposal Details

- Redevelopment to provide ten 2-storey with habitable roof space affordable houses.
- 11 car parking spaces proposed to front of dwellings (including 1 garage space).
- Amenity space provided to the rear of each dwelling.
- Refuse and cycle storage provided to the front of each dwelling.
- Access off Tenby Road.

Revisions to Previous Application:

Following the previous decision (P/4092/07/COU) the following amendments have been made:

- Full planning application including details of appearance and landscaping.
- All ten houses are to be affordable housing (no affordable on previous outline scheme)
- On-site renewable energy provision of solar hot water system with overall reductions in carbon dioxide emissions to over 20% beyond Building Regulation requirements.

d) Relevant History

EAST/693/01/FUL	Three x 2-storey buildings to provide 24 flats with access and parking (entire ex-allotment and clinic site).	REFUS 09-NOV-01
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Scheme over entire ex-allotment gardens and clinic/scout hall site refused due to poor access, lack of parking, excessive site coverage and loss of openness of the site, and the loss of trees.

P/4092/07/COU	Outline application: erection of 2 x two-storey terraced blocks with rooms in the roof to provide 10 houses with parking.	GRANT 19-MAR-08
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e) Pre Application Discussion

A pre-application proposal was submitted to the Planning Advice Team (PAT) in September 2007. The team made the following comments:

- Proposal for a staggered 2-storey terrace of 11 houses, with 12 parking spaces (including 3 garages).
- Context of site development: primarily two-storey terrace housing, arranged around the clinic site and allotments. Clinic site relatively restricted site, with an awkward relationship to the allotment land.
- Proposal response to the street scene – a 2-storey terrace with rooms in the roof, with a gabled design would produce a bulky, monolithic and inappropriate form on this backland site – few if any of the neighbouring houses are gabled.
- Poor relationship to the neighbouring housing development, relying for its setting on the open allotment land.
- Plots 6 to 11 in particular would have particularly small rear gardens that would be out of keeping on a rear site such as this.

- There is very limited articulation of the block, which would appear dominant and obtrusive.
- The parking area, with a predominance of hard surfacing, and little differentiation between the public and private zone, with little or no private space on the frontages, resulting in a rather sterile, unattractive environment for the residents.
- Applicant advised that they would need to treat the access as a semi-public space with a shared surface / home zone approach.
- The provision of garages, rather than open parking spaces could result in safety and security issues, as well as increasing the built development on this relatively constrained site. In general, the frontage of the development would be car-dominated, not pedestrian-friendly, with a number of potential hiding places – the provision of necessary lighting could raise issues about visual intrusion conflicting with safety / security.
- Units 5 and 6 raise issues about the adjacent hornbeam tree at the boundary of the allotment site, and car parking under TPO trees could result in post-development pressure for their removal.
- There would be very limited scope for appropriate landscaping and planting.
- The general provision of 1 parking space per unit was considered appropriate. Cycle parking is inadequate and unsatisfactory. There should be 1:1 provision, secure and enclosed, preferably on an individual basis, otherwise it will be open to vandalism and not used.
- Applicant's 'auto track' analysis for refuse vehicles would seem to be appropriate.
- Refuse provision dominates the design and is in any event inadequate.
- In summary, there were particular concerns about the scale of the proposal on this small but prominent backland site. Whilst the principle of a residential development was considered to be acceptable, the applicant was advised to consider a form of development that creates a sense of place and its own identity, with a number of groups of units, perhaps at right angles to the allotments, with the possibility of creating small courtyards. Council not convinced that the number of units proposed could be satisfactorily accommodated on the site.

f) Applicant Statement

- Planning Brief for site and pre-application advice stated residential use considered acceptable.
- Proposed density compliant with guidance received.
- Policy H7 does not apply and provision of 10 affordable family units is consistent with area and guidance.
- Amenity space, car parking and cycle parking provided for each dwelling.
- Development not considered to impact on the living conditions of neighbouring properties.

g) Consultations:

Crime Prevention Design Advisor: No response

Tenby Road Residents Association: No response

Advertisement: | Major Development | Expiry: 15/1/09

Notifications:

Sent: 25

Replies: 11

Expiry: 7/1/09

Summary of Responses:

Loss of light, loss of privacy/overlooking, poor access, additional traffic, traffic safety, lack of parking, security, additional noise and pollution.

APPRAISAL

1) Design & Character of the Area

As with the outline permission, the height of the proposal is moderately higher than that of the terraced dwellings to the front of the site (on Tenby Road). However, due to the slope of the site, which slopes down from Tenby Road, the proposed dwellings will appear to be lower in height than the Tenby Road houses.

The overall design of the front facade, with hipped roofs and dormer windows acknowledges the predominantly suburban nature of the locality. The layout of the proposed development is such that it provides a large amount of separation to the existing properties, while providing the new dwellings with good-sized gardens, and maintaining the semi-open nature of the area. The scheme creates an enclosed courtyard effect with the 'step-back' in the northern block, and the garage to the north of the site. The south of the site is left open to help retain some of the openness of the area. The proposed development represents a significant redevelopment of the site and would reflect the style and layout of surrounding development. Four trees on the site are covered by a TPO.

The proposal is considered to comply with Policy D4 explanatory paragraph 4.11 of the Harrow Unitary Development Plan 2004 (HUDP), which states that '*buildings should respect the form, massing composition, proportion and materials of the surrounding townscape*'. This requirement is reinforced under PPS1, which states that development should respond to their local context and create or reinforce local distinctiveness. The majority of residential dwellings in the immediate vicinity are 2-storey dwellings with large garden areas, and although this proposal is essentially a backland site, it is considered to respect the character of the area, by providing dwellings that appear two-storey with reasonably sized rear garden areas.

Furthermore, explanatory paragraph 4.10 states that 'development should be designed to complement their surroundings and have a satisfactory relationship with adjoining buildings and spaces'. The proposed development for 10 houses with parking for 11 cars would reflect the character and appearance of the existing area, and is therefore considered compliant with Policy D4 of the HUDP 2004.

Bin stores (three wheeled bins per store) are to be located to the front of each dwelling. This arrangement is considered acceptable, but exact arrangements for refuse collection, storage and disposal of refuse will be required. Therefore a condition is attached to this permission requiring further details of these matters.

Design-wise this application goes further than the previous outline permission and provides details on materials to be used and highlights the appearance of the proposed houses. It is proposed to use a combination of light red brickwork, white render and timber cladding facing materials and orange roof tiles and whit timber framed windows. Although not entirely original with the proposed use of materials it would complement the character and appearance of the surrounding area.

Overall the proposal is considered to represent good design and complies with relevant design policies in The London Plan 2008 and the HUDP 2004.

2) Residential Amenity

The height of the dwellings has been limited to two-storeys (with a room in the roof) to reduce the impact on the surrounding properties. A separation distance of at least 28m will be retained to the rear of the properties along Tenby Road (where the front of the dwellings face). A separation distance of over 28m to the rear of properties in Whistler Gardens is maintained also. Due to these distances and the layout of the proposed buildings, there is not considered to be any impact on the amenity of the surrounding properties in terms of overbearing, loss of light, or overlooking.

Each dwelling is to be provided with its own private amenity space, ranging from 36.4m² to 81.4m². This amount of rear garden amenity space is considered adequate for a development of this nature, and provides each dwelling with a good amount of private, usable amenity space. The proposed landscaping details would provide a good variety of tree planting and usable green space areas within the development which would provide a good level of amenity value for future occupants.

The location of the proposed car parking is considered to be suitably located in front of the proposed dwellings, and with a distance of at least 15m from the car parking to the rear of the nearest properties and the proposed fencing around the boundary, the car parking would not adversely impact the neighbouring properties. The site will use the existing access from Tenby Road. The two properties adjacent to this access both have garages where they are adjacent to this access, as such this is likely to minimise any noise disturbance associated with vehicle movements to and from the site.

Overall it is considered that the proposal would not adversely impact residential amenity and therefore complies with policies D5 and EP25 of the HUDP 2004.

3) Affordable Housing, Housing Provision & Density

The proposal represents an addition of 10 family dwellings to Harrow's housing stock, which would make a positive contribution with regard to meeting annual housing targets for the borough. This aspect of the development is therefore supported in principle (the original outline permission had no affordable housing).

The proposed density is 185 habitable rooms per hectare (hr/ha), which is within the guidelines of 150-200 hr/ha as required by Policy 4B.3 of the London Plan.

London Plan policy 3A.9 requires all new build major residential developments to have 50% affordable housing. The proposal offers 100% affordable housing. The Council's housing enabling team has assessed the proposed affordable housing offer and are satisfied that the offer is appropriate for the development, taking account of all the other benefits of the proposal discussed in this report.

The proposal is considered to comply with policies 3A.9, 3A.10 & 3A.11 of the London Plan 2004 and H3 & H7 of the HUDP 2004.

4) Parking & Highway Safety

Schedule 5 of the HUDP sets a standard of a maximum of 16 car parking spaces based on the number of habitable rooms in the development. The proposal will provide 10 standard and 1 disabled car parking spaces (11 in total), which equates to one space per unit with an additional visitor parking space. The proposal also provides a cycle parking space for each dwelling. Considering the site's close proximity to a number of bus routes this is considered acceptable.

5) Sustainability & Renewable Energy

Policy 4A.7 of the London Plan 2008 requires new developments to reduce carbon emissions by 20% from on-site renewable energy sources. The applicant has submitted details of Code for Sustainable Homes where the development would meet code level 3 which is supported in principle. Also submitted in support of the application is an energy assessment which demonstrates that the development will achieve an overall reduction in carbon dioxide emission by 24.5% through a combination of solar hot water heating and passive design measures.

Policy 4A.16 of the London Plan 2008 and policy EP15 of the HUDP 2004 encourage efficient water use in new developments. The applicant seeks to implement water conservation and efficiency measures into the proposed development such as low flow taps and showers and rainwater collection for gardens whereby the average daily water consumption would not exceed 105 litres per person.

It is considered that the development would represent a sustainable form of development and would comply with policies 4A.7, and 4A.16 of the London Plan 2008 and policy EP15 of the HUDP 2004.

6) Accessible Homes

The proposal complies with the Lifetime Homes Standards and makes 10% provision for Wheelchair Homes Standards outlined in the Harrow Council SPD on Accessible Homes.

The proposal is therefore considered to comply with Policy 3A.5 of The London Plan 2008 and Accessible Homes: Supplementary Planning Document (April 2006).

7) S.17 Crime & Disorder Act

It is considered that the layout and design of the proposed development adopts the basic principles and practices of Safer Places and Secured by Design with adequate natural surveillance and suitably defined spaces to discourage crime. To ensure more specific measures are implemented into the development the relevant condition is attached to this report.

8) 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.

Item: 2/06

**BOTWELL COURT, 118 HEADSTONE P/3845/08/GL
ROAD, HARROW**

Ward GREENHILL

PROVISION OF TWO FLATS WITHIN MANSARD ROOF SPACE TOGETHER WITH ROOF LIGHTS TO FRONT AND REAR ROOFSLOPES

Applicant: Mr K Sabaratnam

Statutory Expiry Date: | 22-JAN-09

RECOMMENDATION

Plan Nos: 100.0; 100.1; 100.2; 102.1; 102.2; 105.3; 106.3; 107.3; 109.0; 110.0; 116.1; 139.3; 154.1; 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 be occupied or used until all the works detailed in the application have been completed in accordance with the permission granted unless otherwise agreed in writing by the local planning authority.

REASON: To ensure a satisfactory form of development

INFORMATIVES

1 INFORMATIVE:

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

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

London Plan: 3A.1, 3A.2, 3A.3, 3A.4, 3A.5, 3A.9, 3A.10, 3A.11, 4B.1

Harrow Unitary Development Plan:

D4, D5, D9, T6, T13, C16; Supplementary Planning Guidance, Extensions: A Householder's Guide (2008); Supplementary Planning Document, Accessible Homes (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 relevant traffic order will impose a restriction making residential occupiers of this building ineligible for residents parking permits in the surrounding controlled parking zone.

4 INFORMATIVE:

The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern health and safety through all stages of a construction project. The Regulations require clients (ie those, including developers, who commission projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline on 0541 545500.

(Please note that any reference in this informative to "planning supervisor" has no connection with any Planning Officers within Harrow's Planning Services or with the Town and Country Planning Act 1990.)

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.

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Character and Appearance of the Area
- 2) Residential Amenity, including Lifetime Homes
- 3) Parking and Highway Safety
- 4) Housing
- 5) S17 Crime & Disorder Act (D4)
- 6) Consultation Responses

INFORMATION

This application is referred to committee as a petition opposing the recommendation has been received.

a) Summary

Statutory Return Type:	Minor Dwellings
Site Area:	865 m ²
Density:	474 hrph, 162 dph (for 14 flats)
Car Parking	Standard 19 (maximum, for 14 flats)
	Justified 2
	Provided 2
Lifetime Homes:	2 (additional)
Wheelchair Standards:	0

Council Interest: None

b) Site Description

- West side of Headstone Road just south of Hindes Road;
- Now completed 3-storey block of 12 flats with a mansard roof;
- Hard surfaced area to front with bin store and parking for 2 cars;
- Detached 2-storey house (No. 116) to the south, and a three-storey block of flats (Elizabeth Mews) to the north;
- Rear of site backs onto the rear gardens of 97-99 Roxborough Road;
- Located within an existing controlled parking zone (CPZ).

c) Proposal Details

- Provision of two flats in roof space with six roof lights on each of the mansard roof slopes at front and rear
- Each flat would have two bedrooms, one at the front of the property, and one at the rear.
- Each bedroom would have two roof light windows, with the bedrooms at the rear of the property having an en-suite bathroom with its own roof light.
- Each flat would also have a combined living/kitchen/dining room with one roof light in the front roof slope and a further roof light in the crown roof section.
- Each of the flats would also have a separate internal bathroom.
- One flat would have a gross floor area of 76m² and the other would have a gross floor area of 77m².

Revisions to Previous Application:

Following the refusal of previous application (P/4121/07/CFU) for the retention of a three-storey block of 14 flats, the following amendments have been made:

- Height of building has been reduced in accordance with permission P/0740/08/CFU for retention of block of 12 flats
- Layout of flats, and proposed windows in the front and rear mansard roofslopes remain similar
- The footprint/bulk has now been approved under planning permission references P/0740/08/CFU and P/2579/08, effectively overcoming the previous reasons for refusal.

In summary, all the previous reasons for refusal have been overcome.

d) Relevant History

P/1832/03/CFU	Redevelopment to provide 12 flats in 3 storey building with access and parking (resident permit restricted)	GRANTED 09-SEP-03
P/3151/06/CDP	Discharge of condition No 2 (materials) pursuant to permission P/1832/03/CFU	APPROVED 12-DEC-06
P/3366/06/DDP	Discharge of conditions 3 (hoarding), 9 (levels) & 10 (access and egress) pursuant to permission P/1832/03/CFU	APPROVED 16-JAN-07
P/1317/07/DDP	Discharge of condition no.4 (boundary treatment) pursuant to permission P/1832/03/CFU.	REFUSED 26-JUN-07

P/1101/07/DFU	Mansard roof extension at 3rd floor level to create an additional storey to provide 2 additional flats over the building approved ref P/1832/03/CFU dated 16 Oct 2003 for 12 flats in a 3 storey building with access and parking. (resident permit restricted)	REFUSED 14-SEP-07
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Reason for Refusal:

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

P/3199/07/DFU	Formation of 2 flats within roofspace	WITHDRAWN 21-NOV-2007
P/3421/07/CVA	Variation of condition 8 (details of surface water attenuation) of planning permission ref: P/1832/03/CFU)	GRANT 11-DEC-07
P/3611/07/CVA	Variation & discharge of condition no.6 pursuant to permission P/1832/03/CFU	GRANT 12-DEC-07
P/3357/07/CVA	Variation of condition 4 (details of boundary treatment) required by planning permission ref: P/1832/03/CFU.	GRANT 28-NOV-07
P/4121/07/CFU	Retention of 3-storey block of 14 flats with rooms in the roof space, parking for 2 cars and binstore to the front (resident permit restricted)	REFUSE 17-JAN-08 APPEAL WITHDRAWN

Reasons for Refusal:

- The proposed development, by reason of excessive bulk, massing, footprint and rearward projection would appear unduly bulky, obtrusive, overbearing and would detract from the established pattern/character of existing development in the vicinity and would have detrimental affect on the amenities of nearby occupiers contrary to policies 4B.1 of the London Plan 2004, D4, and D5 of the Harrow Unitary Development Plan 2004, Supplementary Planning Guidance: Designing New Development and Supplementary Planning Guidance: Extensions A Householders Guide (March 2003).
- The proposed development, by way of poor roof design, higher eaves, and higher front and rear parapet walls, would poorly relate to the adjoining properties and detract from the character and appearance of the building and wider street scene contrary to policies 4B.1 of the London Plan 2004, D4 of the Harrow Unitary Development Plan 2004, Supplementary Planning Guidance: Designing New Development and Supplementary Planning Guidance: Extensions A Householders Guide (March 2003).

- The proposed development, by way of poor internal layout and inadequate room size, would produce unacceptable standards of accommodation and fail to meet requirements of Lifetime Homes Standards and Wheelchair Homes Standards, contrary to policies 3A.4 of The London Plan 2004, D4 of the Harrow Unitary Development Plan 2004 and Accessible Homes Supplementary Planning Document (April 2006).
- The proposed development, by reason of failing to demonstrate how the building incorporates renewable energy and energy conservation and efficiency measures into the design, would result in an inefficient and unacceptable development contrary to policies 4A.7, 4A.8, & 4A.9 of The London Plan 2004.

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

e) Pre-Application Discussion

- None

f) Applicant Statement

- Shortage of flats in this area anticipated; Design would compliment existing buildings in the area; proposal would not result in overdevelopment of the site; Area has good transport links

g) Consultations

Site Notice: | General Notification | Expiry: 25-DEC-08

Notifications:

Sent: 31 Replies: See below Expiry: 24-DEC-08

Objecting to proposal:
3 letters, plus 1 petition with 14 signatures

Supporting proposal:
7 letters, plus 1 petition with 6 signatures

Summary of Responses:

Those objecting to the proposal:

High building out of character; overshadowing; overlooking; flats would be poor quality as they would only have sky lights; inappropriate to have fourth floor flats in an area characterised by two-storey buildings; would set precedent of overdevelopment of the area

Those supporting the proposal:

Proposed flats would be a good size and have good views; makes better use of space; would provide more homes for first time buyers

APPRAISAL

1) Character and Appearance of the Area

This part of Headstone Road is characterised by a mixture of 2-storey detached and semi-detached properties and 3-storey blocks of flats. Most properties have hard surfaced front garden areas.

The building that is currently on site has the benefit of planning permission. No changes to the height, width or depth of the building are proposed. Similarly, there would be no changes to the forecourt parking and refuse storage arrangements.

The differences between the approved scheme and the proposed scheme would be the introduction of six roof lights in the front mansard roof slope and six roof lights in the rear mansard roof slope, and the formation of two two-bedroom flats in the roof space.

Given that there would be no increase in the bulk of the building, it is considered that the proposal would not be detrimental to the appearance of the area.

The immediate area is characterised by two and three-storey buildings, with predominately residential uses. Although this proposal would introduce flats at third floor level, it is considered that the use of the roof space would be consistent with the use of roof spaces in other buildings for flats and would therefore not be out of character with the pattern of development in the area.

The proposed design alterations are considered acceptable, and are considered to comply with policy 4B.1 of the London Plan 2004 and policies D4 of the Harrow Unitary Development Plan 2004 and Supplementary Planning Guidance: Extensions: A Householder's Guide (2008).

2) Residential Amenity, including Lifetime Homes

The building as it has been constructed complies with Harrow Council's 45° Code.

The amount of rear garden amenity space (410m²) is considered sufficient for the existing flats and the proposed two flats.

The mansard roof slopes have an angle of 26° from the vertical, and the roof lights would be 8.5m above ground level at their bottom edge.

It is considered that the roof lights would provide a reasonable level of day lighting and outlook to the future occupiers of the proposed flats. In addition, the living/kitchen/dining rooms would each have an overhead roof light on the crown roof section to provide additional day lighting.

The height and orientation of the proposed roof lights would not result in overlooking of neighbouring properties, given that the front windows would overlook the highway, the rear velux windows would be located approximately 45 metres from the protected windows in the rear elevations of the properties on Roxborough Road which back onto the site, and no windows are proposed to the flank elevations.

Overall the proposal is considered to provide suitable residential amenity for both neighbouring and future occupants and comply with policies D4 and D5 of the Harrow Unitary Development Plan 2004 and Supplementary Planning Guidance: Extensions: A Householder's Guide.

The proposed flats would comply with the Lifetime Homes standards. Each of the flats would have generous space standards and the layout and circulation is considered adequate.

The proposed development is considered to comply with London Plan Policy 3A.5, UDP policies D4 and C16 and SPD: Accessible Homes.

3) Parking and Highway Safety

The development as a whole provides two off-street parking spaces. The site is located within a Controlled Parking Zone and the future occupants would not be eligible for residents parking permits to park on the street. Given the site's location to good public transport links, the proposed level of parking is considered acceptable.

4) Housing

The proposal represents an additional two units to Harrow's housing stock, which would make a positive contribution with regards to meeting annual housing targets for the borough. This aspect of the development is therefore supported in principle.

As a result of changes to The London Plan, from the 18th of February 2008 all developments on sites that are capable of supporting 10 or more units or more should provide affordable housing.

Given that the proposal would result in 14 flats being provided on the site as a whole, an assessment of the suitability of the site to provide affordable housing has been made.

In this instance no affordable housing is proposed. However, a toolkit has been submitted in support of the application. This toolkit indicates that the provision of affordable housing is not viable on this site. The toolkit has been assessed and accepted by the officers. Therefore, no requirement for affordable housing to be provided, either on or off site, has been made.

5) S17 Crime & Disorder Act

There are not considered to be any issues regarding security with this development.

6) Consultation Responses

Addressed in appraisal.

CONCLUSION

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

112 UXBRIDGE ROAD, HARROW WEALD **Item: 2/07**
P/3558/08/GL
Ward HARROW WEALD
RETENTION OF DETACHED TWO-STOREY DWELLINGHOUSE WITH ROOMS IN
ROOFSpace; TIMBER DECKING AT REAR AND PROPOSED ALTERATIONS TO
GARDEN LEVELS; LANDSCAPING

Applicant: Mr Jay Dadhania
Statutory Expiry Date: | 06-JAN-09

RECOMMENDATION

Plan Nos: 112UR/ELP04/1008 Rev 4/1; /ECS-AA02/1008 Rev 04/1; /ECS-CC02/1008 Rev 04/1; /PLP05/1009 Rev 5/1; /PCS-AA05/1009 Rev 05/1 (proposed cross section A-A); /PCS-AA05/1009 Rev 05/1 (proposed cross section B-B); 06/2404/05B Rev A; Design and Access Statement

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

1 The materials to be used in the construction of the hard surfaces associated with the development shall be as specified in the approved drawings and supporting documentation, unless otherwise agreed in writing by the local planning authority.

REASON: To safeguard the appearance of the locality.

2 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.

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

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

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

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

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

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

REASON: To safeguard the character of the area by restricting the amount of site coverage and size of dwelling in relation to the size of the plot and availability of:

a: amenity space

b: parking space

and to safeguard the amenity of neighbouring residents.

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

a) be of purpose-made obscure glass,

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

REASON: To safeguard the amenity of neighbouring residents

INFORMATIVES

1 INFORMATIVE:

SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:

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

London Plan:

Harrow Unitary Development Plan:

2 INFORMATIVE:

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

3 INFORMATIVE:

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

4 INFORMATIVE:

The 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

5 INFORMATIVE:

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

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

6 INFORMATIVE:

The applicant is advised that the dwellinghouse must be constructed in accordance with the submitted plans attached to planning permission P/1673/07/DFU and approved details. This includes the use of obscure glazing in the windows in the flank elevations.

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Principle of Development and Character and Appearance of the Area (4B.1, 4B.7, D4, D5, D9, EP27, EP29, EP31)
- 2) Residential Amenity (D4, D5, C16, SPD, SPG (Extensions))
- 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: Minor Dwellings

Site of Importance for Borough Importance Grade II (adjacent)

Nature Conservation

Area of Special Harrow Weald Ridge (adjacent)

Character

TPO 490

Council Interest: None

b) Site Description

- The original house has been demolished and the replacement dwelling has been constructed to roof level
- The site is located on the north side of Uxbridge Road.
- To the rear of the site is the Harrow Weald Lake. There is no direct access to the lake from the subject site.
- The house to the east No. 110 has had many extensions carried out over the years 1975-2004.

- There is a driveway running along the east boundary of the subject site leading to No. 110A.
- No. 110A is a bungalow situated to the rear of the subject site, to the east of the lake. Planning permission to build this house was granted in 1982/83.
- The house to the west No. 114 has recently been built to replace the house existing there previously. This house was granted planning permission in the application EAST/581/00/FUL in 2000.

c) Proposal Details

- The proposal seeks planning permission for the retention of the previously approved dwelling (ref: P/3560/06/CFU as amended by P/1673/07/DFU)
- The proposal seeks approval of changes to the approved landscaping and levels to the rear garden involving the levelling of the rear garden to a consistent (level) height. This involves the raising of the rear garden height by 0.27m at the rearmost part of the garden and by between 0.2 and 0.3m at the boundary with No. 114 Uxbridge Road, and a lowering of the highest part of the rear garden by a maximum of 0.9m. (The finished garden level would be 88.8m above sea level according to details supplied on the plans).
- The garden details include a rear timber deck, 12.8m wide and 3m deep, 1.7m above the proposed garden level (at 90.5m above sea level). The deck would have 10 steps parallel to the deck leading to the rear garden.
- There would be a sloping path from the front of the house to the rear

Revisions to Previous Application:

Following the previous refusal (P/1142/08) the following amendments have been made:

- The design of deck has been amended, with steps parallel to the house rather than projecting into the rear garden
- The level of the rear garden would be 200mm lower than previously proposed, which would overcome the main shortcoming of the previous scheme
- The area under the deck would be shielded with timber cladding and would serve as a storage area
- Full details of soft and hard landscaping have been provided

d) Relevant History

P/3560/06/DFU	Redevelopment to provide detached two storey house with rooms in roof space	GRANT 30-MAR-07
P/1673/07/DFU	Redevelopment to provide detached two storey house with rooms in roof space (revised).	GRANT 06-AUG-07
P/1246/07/DFU	Vehicle crossover	GRANT 27-JUN-07

Item 2/07 : P/3558/08/GL continued/...

P/1252/07/DDP	Approval of details pursuant to condition No. 4 (hard and soft landscape works) attached to planning permission P/3560/06/CFU dated 30/03/07 for redevelopment to provide detached two storey house with rooms in roof space.	APPROVE 21-JUN-07
P/1257/07/DVA	Approval of details pursuant to condition No. 5 (tree protection plan) attached to planning permission P/3560/06/CFU dated 30/03/07 for redevelopment to provide detached two storey house with rooms in roof space.	APPROVE 21-JUN-07
P/1335/07/DDP	Approval of details pursuant to condition No. 2 (materials to be used in construction of the external surfaces) attached to planning permission P/3560/06/CFU dated 30/03/07 for redevelopment to provide detached two storey house with rooms in roof space.	APPROVE 27-JUN-07
P/1142/08/DFU	Retention of detached two-storey dwellinghouse with rooms in roof space; timber decking at rear; and proposed alterations to garden levels; landscaping	REFUSE 11-JUN-208

Reason for Refusal:

- The proposed alterations to the approved garden levels, by reason of their height and bulk, would fail to respect the character and appearance of the area, the local context and the adjacent Harrow Weald Ridge Area of Special Character, and would result in actual and perceived overlooking of neighbouring properties, to the detriment of the residential amenities of nearby occupiers contrary to London Plan policy 4B.1 and policies D4, D5 and EP31 of the Harrow Unitary Development Plan (2004).

e) Pre-Application Discussion

- None

f) Applicant Statement

- None

g) Consultations

Site Notice: |

| Expiry: 09-DEC-08

Notifications:

Sent: 6

Replies: 6

Expiry: 05-DEC-08

Summary of Responses:

Proposal neither protects nor enhances special character of neighbourhood; works have been commenced; plans are inconsistent and incorrect; water could run off into lake; height of garden could allow for overlooking; application fails to consider implications for biodiversity

APPRAISAL

1) Principle of Development and Character and Appearance of the Area

The principle of the dwelling house, with the current design and footprint, was established by permissions P/3560/06/CFU dated 30-Mar-07 and P/1673/07/DFU dated 06-Aug-2007.

The dwelling has been largely completed, in accordance with those approved plans and associated details.

This application relates more specifically to the proposed changes to the approved ground levels in the rear garden, and changes to the approved landscaping plan.

The rear gardens in this part of Uxbridge Road have falling levels towards the lake off Lakeview Close. The levelling off of the rear garden would involve increasing the height of the rear garden, especially at the rear of the site.

The proposed level would, however, respect the local scale, context and character of development and would represent an appropriate form of development in this area. The level of the rear garden would be approximately 200mm above that of the neighbouring dwelling, No. 114 Uxbridge Road and would be approximately 1m below the driveway leading to No. 110a Uxbridge Road.

Although the proposal site is outside the Harrow Weald Ridge Area of Special Character, policy EP31 of the UDP requires the Local Planning Authority to ensure that redevelopment schemes preserve or improve the character and appearance of the area.

It is considered that the existing sloping land down to the lake as seen in this and neighbouring sites contributes to the setting of the adjacent Area of Special Character. However, given the modest changes to the previous levels, it is considered that the proposal would therefore preserve the adjacent Area of Special Character, in accordance with policy EP31 of the UDP.

There are two preserved trees covered by TPO 490 at the front of the site. The proposal would not specifically impact on these trees provided that the approved tree protection measures are retained during construction activity.

The use of the area under the timber deck as a storage area would remove the need for a separate outbuilding or shed. This is considered to be advantageous as an outbuilding could be detrimental to the character and appearance of the area and to the residential amenities of neighbouring occupiers.

At the time of assessment of previous applications, there was a considerable amount of spoil generated from the excavation of the foundations of the new house in the rear garden. This gave rise to a significant increase in the height of the rear garden and gave rise to an unsightly rear garden that was not in keeping with the character of the area, and resulted in significant overlooking of neighbouring properties. This spoil has now been removed, and an assessment of the impact of the proposed landscaping can be more readily made.

The landscaping proposals are considered to represent an enhancement of the site and are considered satisfactory.

2) **Residential Amenity**

The proposed increase in height at the rearmost part of the garden, by approximately 0.2m when measured at the boundary, would result in a garden slightly higher than those at the neighbouring properties. However, this increase in height is required in order to have a level rear garden, given that the land falls from south to north and from east to west. The 200mm difference in height between the proposed garden and the neighbouring garden would not result in any significant overlooking of neighbouring dwellings or gardens. The proposal is therefore considered to be acceptable to the residential amenities of neighbouring occupiers, as required by policies D4 and D5 of the UDP.

The timber deck at the rear of the property would be 1.7m above the garden level. The width, depth and height of the deck have already been provided in an earlier approval of details (P/1252/07/DVA). Previous schemes indicated that there would have been steps from the deck to the rear garden projecting into the rear garden. The current proposal would have steps parallel to the rear of the deck. This revised arrangement allows for a manageable run of 10 steps. This is considered to be a better arrangement than previously, as the steps would have a reasonable tread height, and would minimise additional overlooking of neighbouring properties.

Condition 5 attached to permission P/1673/07/DFU required the windows in the flank elevations to be glazed with obscure glass. Observations on site indicate that this condition has not been complied with. Although these windows are located more than 3m from the boundaries with neighbouring dwellings, the number and locations of these windows results in perceived overlooking and loss of privacy to neighbouring properties. An informative has been attached to this decision notice and the matter has been referred to the Enforcement Department for investigation and any necessary action.

3) S17 Crime & Disorder Act

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

4) Consultation Responses

Application fails to consider implications for biodiversity – in the original application for a new dwelling on this site, no assessment on the implications for biodiversity was sought. Given that the house has been constructed, it is considered that no additional impact would be made. As noted in the appraisal section, the issue of drainage between the house and the lake is a private matter outside the control of the local planning authority.

Other issues addressed in appraisal.

CONCLUSION

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

**PRIESTMEAD FIRST & MIDDLE SCHOOL, P/3531/08/FOD
HARTFORD AVENUE**

Ward KENTON WEST

INSTALLATION OF TEMPORARY BUILDING CONTAINING TWO CLASSROOMS (TWO YEARS), WITH ADDITIONAL HARD SURFACING TO PROVIDE ACCESS

Applicant: London Borough of Harrow

Agent: LOM architecture and design

Statutory Expiry Date: | 29-JAN-09

RECOMMENDATION

Plan Nos: 677-10-PP-01, 02, 677-30-PP-01 (Rev B), 677-10-PP-03 (Rev C), Design and Access Statement

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

- 1 The building hereby permitted shall be removed and the land restored to its former condition within two years of the date of this permission, in accordance with a scheme of work submitted to, and approved by, the local planning authority.
REASON: To safeguard the amenity of neighbouring residents and to permit reconsideration in the light of circumstances then prevailing.

- 2 The plans and particulars submitted in accordance with the approval of landscaping condition shall include:
 - (i) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
 - (ii) details of the species, diameter (measured in accordance with paragraph (i) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (iii) and (iv) below apply;
 - (iii) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
 - (iv) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site;
 - (v) details of the specification and position of fencing, and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.

Item 2/08 : P/3531/08/FOD continued/...

- 3 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.
REASON: The existing trees represent an important amenity feature which the local planning authority considers should be protected.
- 4 Before the hard surfacing hereby permitted is brought into use the surfacing shall EITHER be constructed from porous materials, for example, gravel, permeable block paving or porous asphalt, OR provision shall be made to direct run-off water from the hard surfacing to a permeable or porous area or surface within the curtilage of the site, in accordance with details to submitted to, and approved in writing by, the Local Planning Authority.
The surfacing shall be carried out in accordance with the approved details and shall thereafter be retained.
(Please note: guidance on permeable paving has now been published by the Environment Agency on <http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens>).
REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding.

MAIN CONSIDERATIONS AND POLICIES

- 1) Character and Appearance of the Area (D4, D10, EP29)
- 2) Development in Open Space, New Educational Facilities and Residential Amenity (EP47, C2, C7, C16, D5, SPD – Access for All)
- 3) S17 Crime & Disorder Act (D4)
- 4) Consultation Responses

INFORMATION

a) Summary

Statutory Return Type: Minor Development, all other
Council Interest: Council Owned School
Floor Area: 144m²

b) Site Description

- The site lies between Ivanhoe Drive to the north, Kenton Lane to the east and Hartford Avenue to the south. The playing fields enclosed within the site and the recreational areas to the west of the site are identified within the HUDP as areas of Open Space. The site is accessed via Hartford Avenue.
- The school is a low rise brick building, with the primary classroom areas along two linear wings on the southern side of the site.
- The playing fields for the school and playgrounds are on the northern and eastern parts of the site.

- The site features two existing modular buildings which contain three classrooms to the north of the existing school and sited upon the Open Space to the north of the main school buildings.
- There are a number of trees and a single early mature Oak tree to the south-west and south respectively of the proposed development location.

c) Proposal Details

- Erection of temporary modular building to provide two classrooms with additional hardsurfacing and ramped access to the rear of the main school building.
- The proposed modular building would be constructed of plastic and powder covered metal and would be set on a raised platform, approximately 300mm in height.
- The proposed buildings would be 15 metres by 9.6 metres and would have an overall height of 3.2 metres.

d) Relevant History

EAST/1162/00/LA3	First Floor single storey & two storey extension to replace temporary classroom; widening of fire access	08-FEB-01 GRANT
EAST/350/02/LA3	Replacement single storey temporary building to provide classroom with toilet and ancillary facilities	05-AUG-02 GRANT
P/3027/05/CFU	Two first floor extensions	09-JUN-06 GRANT

e) Applicant Statement

- Design and Access Statement
- Design is envisaged to remain for two years
- Classrooms located close to a group of existing modular buildings, that screen the proposal from the adjacent public open space
- Design will incorporate ramped access

f) Consultations

Traffic and Parking Engineer: No objection

Advertisement: | General Notification | Expiry: 27-JAN-09

Notifications:
Sent 94 Replies 0 Expiry: 31-DEC-09

Summary of Responses:

- None

APPRAISAL

1) Character and Appearance of the Area

The use of classrooms outside of the main school buildings has already been established on the site with the location of existing modular buildings to the north of the school. The siting of the proposed development will avoid any visual impact to the Open Space to the west of the site and be screened by the existing modular buildings. Given the screening offered by, and the presence of, the existing modular buildings and the siting of the proposed development over 100 metres from any residential development, it is considered that the proposed modular building would not result in a detrimental effect on the character and appearance of the area, nor would the proposal result in the loss of any playground space.

The proposed development would occur in close proximity to an early mature Oak tree, sited approximately 20 metres to the north of the main school buildings. The tree provides significant amenity value to the school and the surrounding area and is proposed to be retained in order to preserve the character and appearance of the area and the building would be sited accordingly. As such, two conditions are recommended in order to protect the tree during construction of the proposed modular buildings.

2) Development in Open Space, New Educational Facilities and Residential Amenity

Policy EP47 of the HUDP states that the Council will seek to protect and, where appropriate, enhance the Borough's Open Spaces. Development will only therefore be permitted on a small scale where it is considered that ancillary facilities are needed to support or enhance the proper functioning of the Open Space.

Priestmead First and Middle Schools benefits from significant amounts of Private Open Space to the north of the main school buildings. While development upon this space would reduce the amount of open space available to the school, it is considered that the siting of the proposed development to the south of the football pitches on the Open Space is not of significant amenity value and the loss of this space would not result in significantly detrimental impact to the amenity of the community or the school. Given the need to provide additional educational facilities on the site, it is considered that the proposed temporary two-year development would allow the provision of improved educational facilities, in line with Policy C7, without impacting significantly upon the Open Space to the rear of the site.

Ramped access will be provided onto the concrete path leading to the proposed modular buildings and into the classrooms and the width of the ramp and provision of level platforms is considered acceptable, thereby complying with Policy C16 of the HUDP (2004) and the Council's SPD. The proposed development would retain a gap of 2.5 metres to the nearest building, providing sufficient access and ease of movement around the buildings. There are no objections to the proposed modular buildings by the Council's Highways Engineer, the units not being considered to have any detrimental impacts upon the traffic and parking situation locally.

Given the distance of the proposed development from any residential development and the screening provided by the main school buildings, existing modular buildings and tree masses around the site, it is considered that the proposed development would not result in any loss of residential amenity.

3) S17 Crime & Disorder Act

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

4) Consultation Responses

None

CONCLUSION

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

VENETO HOUSE, PARK DRIVE, RAYNERS LANE P/1989/08/OH

Ward RAYNERS LANE

CHANGE OF USE OF BUILDING FROM LIGHT INDUSTRIAL (B1) TO COMMUNITY USE & EDUCATIONAL PURPOSES (D1) AND EXTERNAL ALTERATIONS INCLUDING FRONT ENTRANCE RAMP

Applicant: Mr Hashim Nawrozzedeh

Agent: Mr Derek Horne

Statutory Expiry Date: | 04-SEP-08

RECOMMENDATION

Plan Nos: 080514/24/05 Rev 2 (received 5th June 2008), Travel Plan (October 2008) and site plan

1 **INFORM** the applicant that:

- 1 The proposal is acceptable subject to the completion of a legal agreement within 6 months (or such period as the Council may determine) of the date of the Committee decision on this application to ensure that the terms of the Travel Plan are met.
- 2 A formal decision notice, subject to the planning conditions noted below, will be issued only upon completion of the aforementioned legal agreement

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

1 The use hereby permitted shall be discontinued and the land restored to its former condition within 2 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 assess the impact of the use on the locality and to permit reconsideration in the light of circumstances then prevailing.

2 The community use hereby permitted shall only be open to patrons during the following times:-

19.00 hours to 22.00 hours on a maximum of two weekday evenings and;

11.00 hours to 13.00 hours on Sundays

Any variation of these opening hours shall be agreed in writing by the Local Planning Authority before implementation on site.

REASON: To safeguard the amenity of neighbouring residents.

3 The associated office use hereby permitted shall only be open during the following times:-

8.00 hours to 18.00 hours Mondays to Saturdays inclusive.

Any variation of these opening hours shall be agreed in writing by the Local Planning Authority before implementation on site.

REASON: To safeguard the amenity of neighbouring residents.

4 The number of persons present within the building during the permitted hours of opening relating to the community use shall not exceed 110 at any one time.

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

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

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

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

REASON: To ensure that the proposed development does not give rise to noise 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:

C2, C16, D4, D5, EP25, T6, T13, EM15 of the Harrow Unitary Development Plan 2004, Supplementary Planning Document: Access for All (2006)

2 INFORMATIVE:

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

3 INFORMATIVE:

The 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

4 INFORMATIVE:

The applicant is reminded of the duties set out in the Disability Discrimination Act 1995 with regard to employment and service provision. An employer's duty to make reasonable adjustment is owed to an individual employee or job applicant. However, the responsibility of service providers is to disabled people at large, and the duty is anticipatory. Failure to take reasonable steps at this stage to facilitate access will therefore count against the service provider if or when challenged by a disabled person from October 2004. The applicant is therefore advised to take full advantage of the opportunity that this application offers to improve the accessibility of the premises to people with mobility and sensory impairments.

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Change of Use/Loss of B1 Use (D4, EM15)
- 2) Community Use (C2)
- 3) Residential Amenity (D5, EP25)
- 4) Highway Safety (T6, T13)
- 5) Access for All (C16, SPD)
- 6) Other Matters
- 7) S17 Crime & Disorder Act (D4)
- 8) Consultation Responses

INFORMATION

This application is reported to committee as a petition containing 58 signatures has been received objecting to the application.

a) Summary

Statutory Return Type:	Change of Use	
Floor Area:	359.5m ²	
Car Parking	Standard	1.0
	Justified	See report
	Provided	3.0
Council Interest:	None	

b) Site Description

- The site is located on the western side of Park Drive. It is sited behind a row of terraces with shops fronting Village Way East and residential flats above.
- It is located just within the boundary of the Designated Rayners Lane District Centre (the boundary ends along the northern boundary of the site)

- The site contains a large industrial building that is two-storey at the front and single storey at the rear.
- The site has space for the parking of 3 vehicles in the forecourt.
- The neighbouring property to the north No. 2 Park Drive, is a two-storey semi-detached dwelling. The dwelling has had a two-storey side extension and single storey rear extension.
- Opposite the site is a three storey flat building. The vehicular access to the parking area for the flats is opposite the subject site.
- Park Drive is a residential street generally characterised by two-storey semi-detached dwellinghouses.
- In the vicinity of the subject site Park Drive has Permit Restricted parking.

c) Proposal Details

Change of Use

- The proposal would change the use of the site from B1 (light Industrial) to D1 (community use & educational purposes).
- The proposed use would be as follows:
 - Community and Educational Centre between 7-10pm two nights per week and between 11am and 1pm Sundays.
 - Ancillary Office use between 8am-6pm Monday to Saturday.
 - Four full time staff and four part time teachers.
 - Up to 100 patrons at any one time.

External Alterations

- The proposal includes a disabled access ramp and two new fire doors on the flank elevation.

d) Relevant History

WEST/766/97/FUL CHANGE OF USE: LIGHT INDUSTRIAL REFUSE
(CLASS B1) TO BALLET STUDIOS 10-MAR-98
(CLASS D1) WITH FORECOURT
PARKING

Reason for Refusal:

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) and the amenity of neighbouring residents.

e) Pre-Application Discussion

PAM/ENQ.3468/07/03/08 – 7th March 2008

Principles/Issues

- The site constraints regarding future B1 and or B8 uses were acknowledged.
- It was concluded that the arrangements for the proposed use in terms of activities and hours of operation put forward by the applicants was acceptable.
- Appropriate planning conditions would ensure that the existing residential amenity would not be adversely affected

- No major design considerations emerged other than in terms of the opportunity that is presented to enhance the appearance of the building through a general face-lift.
- The existing entrance to the premises is on Park Drive, which has an active frontage and adequate natural surveillance.
- The need for the premises to be fully accessible to people with disabilities and for the applicants to have regard to the requirements for public buildings under the Disability Discrimination Act and Part M of the Building Regulations was referred to.

Layout/Parking

- The applicants stressed that visitors to the site would be from the local catchment area, that many of them are elderly and do not own cars and that many visitors would be travelling on foot or if from elsewhere, they would be directed by the owners to make use of local public transport nodes.
- The applicants would need to provide a Travel Plan as part of their submission.
- Given the uncertainties in anticipating the numbers of patrons that may be expected to use the facility, it was explained that a temporary permission may be recommended, so that the frequency of journeys to and from the site can be monitored in terms of their effect on local highway conditions and residential amenity.

The existing entrance to the premises is on Park Drive, which has an active frontage and adequate natural surveillance. It was agreed that more emphasis would be put on this characteristic of the site in the design and access statement that will be submitted as part of the application.

The need for the premises to be fully accessible to people with disabilities and for the applicants to have regard to the requirements for public buildings under the Disability Discrimination Act and Part M of the Building Regulations was referred to.

Layout/Parking

The fact that the Harrow Unitary Development Plan encourages parking restraint in areas that benefit from good local public transport was acknowledged. The applicants stressed that visitors to the site would be from the local catchment area, that many of them are elderly and do not own cars and that many visitors would be travelling on foot or if from elsewhere, they would be directed by the owners to make use of local public transport nodes. Rayners Lane London Underground Station is close by, as are local buses services and the Rayners Lane Public Car Park is roughly 800 metres from the site.

In this regard, in addition to addressing transport and access in the Design and Access Statement, it was pointed out that the applicants would need to provide a Travel Plan as part of their submission. This would need to emphasise that the scheme will be geared towards car restraint rather than car provision. It should also emphasise the high PTAL (Public Transport Accessibility Level) that the locality enjoys and ways in which car dependency for trips to and from the site can be minimised e.g. the provision of car clubs, and community bus service for elderly or disabled people, or a taxi card scheme.

Given the uncertainties in anticipating the numbers of patrons that may be expected to use the facility, it was explained that a temporary permission may be recommended, so that the frequency of journeys to and from the site can be monitored in terms of their effect on local highway conditions and residential amenity.

f) Applicant Statement

- It is intended to use the premises as a community centre involving mostly cultural and educational programmes
- Teaching of languages, particularly English, would be a priority. There would be up to four teachers at any one time who would be education groups of up to 15 people each
- Other community uses would include promotion of women's groups and youth groups, holding lectures and seminars on educational topics
- Religious services would be conducted mainly comprising poetry and prayers
- Premises would not be used for entertainment and no alcohol would be allowed
- A maximum number of 100 patrons would attend the premises at any one time
- The community use of the premises would be restricted to a maximum of two week days per week between the hours of 19.00 and 22.00 and Sundays between the hours of 11.00 and 13.00
- On the 3rd December 2008 the applicant enclosed 163 letters of support each addressed to Council Members from people located across a wide geographical area

g) Consultations

Highways Engineer: *On the premise that the permission would be temporary in nature, allowing scope to review, together with the limited use of the venue there is no objection at this stage.*

Site notice: Displayed: 17/07/2008

Expiry: 07/08/2008

Notifications:

Sent: 89

Replies:

Expiry:

12-AUG-08

- 19 written objections plus one petition with 58 signatures objecting to the proposal.
- 9 letters in support plus one petition with 925 signatures supporting the proposal.

Summary of Objections:

- Inappropriate location for a community centre; Out of character with the residential nature of the street; Inadequate parking; Excessive traffic and parking volumes (already 4 schools within 200m of the site); Pedestrian safety; Noise and disturbance issues; Excessive number of patrons; Site used as B1 was only used by 4 people at any time; Inappropriate hours of use; The neighbours found a publication referring to the use of the current centre by up to 700-800 people on some occasions and raised concerns regarding the possible implications of such numbers attending the proposal site; Inadequate amenity and safety facilities onsite for a large number of people; Inadequate ventilation; Fire doors open on to a road owned by the adjacent shops; Inadequate information on the proposed use; Refusal of Change of Use to a Ballet School in 1998 on lack of parking grounds; No refuse storage area; Inconsistencies in the application. The form states that the community use would be 7-10pm every night and that B1(a) ancillary use would be maintained during the day; Anti social behaviour and loitering; Existing litter problems

Summary of letters in support:

- Will improve the skills of the local Afghan community; benefit community as a whole; improved education for the Afghan community will enable better integration with the local community; improved English language skills.

APPRAISAL

1) Change of Use/Loss of B1 Use

Council records indicate that this property has been vacant since October 1999 which is considered to be a considerable amount of time, the applicant submits that the property was marketed on a rental basis from July 2004 until February 2006 and there was very little interest. As a result of this the property was marketed for sale in February 2006 and the property was purchased by the applicant in June 2007. There is an overprovision of business uses (Class B1) within Harrow therefore it is considered that the loss of these premises from Use Class B1 cannot be resisted. As well as this access into the site for deliveries is poor so there are site constraints that would deter many businesses from occupying the premises when there are sufficient alternative premises elsewhere. Therefore, it is considered that the principle of the change of use of these premises away from business use would be acceptable.

2) Community Use

Policy C2 recognises that there is a general shortage of suitable land and buildings for health, social and community uses in the Borough. In view of this the Council encourages their retention and the provision of new facilities in order to meet identified needs. In this case, it is considered that the proposal demonstrates compliance with this policy, The applicant has provided sufficient evidence to demonstrate that there is a need for such a community facility in this area. The site has a high Public Transport Accessibility Level (PTAL); the applicant has demonstrated that the site is located within a close proximity to client groups and it has already been discussed in the preceding section that it is considered that the premises are not suitable for other B1 or B8 uses due to site constraints relating to vehicular access for deliveries.

3) Residential Amenity

The proposed use as a Community and Educational Centre would be for a maximum of 100 patrons plus four full time staff and six part time teachers. The proposed hours of use would be 7 – 10 pm in the evenings on two occasions per week and between 11am – 1pm on Sundays, with ancillary office use between 8am – 6pm Monday-Saturdays.

It is acknowledged that although the premises are located in the Rayners Lane District Centre, they are also located adjacent to residential properties in Park Drive. It is considered that the proposed hours of use and numbers of people would not be unreasonable in respect of its location. It is considered that this application is acceptable subject to conditions which would restrict the hours of use and the numbers of people in the interest of protecting neighbouring amenity.

4) Parking and Highway Safety

The site has the potential to provide 2-3 off-street car parking spaces. The submitted travel plan and its contents are acknowledged but the Council's Highways Engineer has stated that it is questionable whether significant reduction via private car use would result. As a result of this, the Applicant has offered to enter into a S.106 agreement to ensure that the terms of the Terms of the Travel Plan are met. The Council consider that this would be an appropriate way forward in order to ensure that the proposal does not result detrimental highway safety issues.

5) Access for All

It is considered that the alterations to the building and the provision of an access ramp to the principal access would meet the Council's guidance contained in the adopted Supplementary Planning Document.

6) Other Matters

This application is recommended for grant on a temporary basis as it is considered a trial run is needed in order to assess the effect of the development on the area.

7) S17 Crime & Disorder Act

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

8) Consultation Responses

Material planning concerns have been address in the above report.

Issues relation to safety facilities, ventilation, fire safety, anti social behaviour and littering are not within the remit of the planning department and therefore are not considered in relation to the application.

In relation to information submitted by the objectors referring to the current premises being used by up 700-800 people on some occasions. This planning application has been submitted on the basis of 100 patrons and a condition is suggested to ensure that number of patrons would not exceed 110.

In relation to the inconsistencies in the application relating to hours of use the application form states that the community use would be 7-10pm Monday to Friday and Saturday and that B1(a) ancillary use would be maintain during the day. The applicant has clarified the issues of hours of use in the documentation submitted with the application. The application has been assessed based on the use of the property from 7-10pm on two nights per week, 11am-1pm on Sundays and office use (ancillary to the community centre) between 8am-6pm Monday to Saturdays.

CONCLUSION

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

72 OAKINGTON AVENUE, HARROW

Item: 2/10

P/3904/08/HG

Ward WEST HARROW

DEMOLITION OF EXISTING SINGLE STOREY SIDE EXTENSION AND
ERECTION OF SINGLE AND TWO STOREY DETACHED HOUSE WITH
ASSOCIATED VEHICLE ACCESS AND PARKING

Applicant: Mr Terry Daniel

Agent: ACB Associates

Statutory Expiry Date: | 04-FEB-09

RECOMMENDATION

Plan Nos: Site Plan; Design and Access Statement; 72OA/01/AB Rev C;
72OA/03/AB Rev B; DFH15.dwg Sheet 1 of 2 Issue A; 72OA/07/AB;
RAYN0701 (All Received 02.12.08); 72OA/02/AB Rev C; 72OA/04/AB
Rev C; 72OA/06/AB Rev A; 72OA/08/AB Rev A (All Received 04.02.09)

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 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 development which would otherwise fall within Classes A, B, D, E and F in Part 1 of Schedule 2 to that Order shall be carried out without the prior written permission of the local planning authority.
REASON: To safeguard the character of the area by restricting the amount of site coverage and size of dwelling in relation to the size of the plot and availability of:
a: amenity space
b: parking space
and to safeguard the amenity of neighbouring residents.

- 4 Notwithstanding the details on the approved drawing 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 (existing and proposed dwellinghouses). Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.
REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.
- 5 The development hereby permitted shall not commence until there has been submitted to, and approved by, the local planning authority, a scheme of hard and soft landscape works which shall include a survey of all existing trees and hedgerows on the land, indicating those to be retained and those to be lost. Details of those to be retained, together with measures for their protection in the course of the development, shall also be submitted and approved, and carried out in accordance with such approval, prior to any demolition or any other site works, and retained until the development is completed. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers / densities.
REASON: To safeguard the appearance and character of the area, and to enhance the appearance of the development.
- 6 The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area, as shown on the approved drawing.
REASON: to safeguard the appearance of the locality.
- 7 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.
- 8 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.
- 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 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.

- 11 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.
- 12 Before the hard surfacing hereby permitted is brought into use the surfacing shall EITHER be constructed from porous materials, for example, gravel, permeable block paving or porous asphalt, OR provision shall be made to direct run-off water from the hard surfacing to a permeable or porous area or surface within the curtilage of the site, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.
The surfacing shall be carried out in accordance with the approved details and shall thereafter be retained.
Please note: guidance on permeable paving has now been published by the Environment Agency on
<http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens>.
REASON: To ensure that adequate and sustainable drainage facilities are provided, and to prevent any increased risk of flooding.

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, 3A.2, 3A.3, 3A.4, 3A.5
Harrow Unitary Development Plan:
Supplementary Planning Guidance, Designing New Development (2003);
Supplementary Planning Guidance: Extensions, A Householders Guide (2008)
Supplementary Planning Document 'Accessible Homes (2006)
Code of practice for the storage and collection of refuse and materials for recycling in domestic properties (2007)
C16, D4, D5, D9, H10, T6, T13, T15
- 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
- 4 INFORMATIVE:
IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences
- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.
 - Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.
 - Beginning development in breach of a planning condition will invalidate your planning permission.
 - If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.
- 5 INFORMATIVE:
Please note that guidance on permeable paving has now been published by the Environment Agency on
<http://www.communities.gov.uk/publications/planningandbuilding/pavingforontgardens>

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Character and Appearance of the Area (D4, D9, SPD, SPG)
- 2) Residential Amenity (London Plan: 3A.5, D5, SPG)
- 3) Provision of Housing (H10; London Plan: 3A.1, 3A.2, 3A.4, 3A.5)
- 4) Accessible Homes (London Plan; SPD)
- 5) Parking, Highway Safety and Transport Impact (T6, T13, T15)
- 6) S17 Crime and Disorder Act (D4)

INFORMATION

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

a) Summary

Statutory Return Type:	13 - Minor Dwellings
Lifetime Homes:	One
Car Parking:	Standard 3.6
	Justified 2
	Provided 4 (2 for existing and 2 for proposed house)
Council Interest:	None

b) Site Description

- Subject property is on the southern side of Oakington Avenue with secondary frontage to Ullswater Court.
- Property has a large side garden to the Ullswater Court frontage
- The site contains a two storey semi-detached dwelling with a hipped roof design, and a single storey side to rear extension.
- The rear extension projects 2m beyond the original rear wall and the side extension is in line with this before projecting a further 1.3m. The site extension projects 6.2m beyond the western flank.
- The adjoining property no.70 is the attached dwelling which has not been extended.
- On the other side of no.70 is no.68 which is a two storey detached dwelling and there is another detached dwelling further east at no.56.
- To the west is Ullswater Court and then a building comprised of 10 flats.
- To the north are two storey semi-detached buildings comprised of purpose built maisonettes.
- The street scene is characterised by a combination of semi-detached single family dwelling houses with intermittent detached dwellings while north along Beechcroft Avenue is characterised by two storey semi-detached buildings comprised of purpose built maisonettes.

c) Proposal Details

- Demolition of side extension and construction of a detached single and two storey single family dwellinghouse.
- New dwelling would be set away 2m from the dwelling to be retained, would have a width of 6.1m and a length of 13.4m.
- Pitched roof design to the same height as the existing dwelling with a two storey front bay window and a front porch.
- Two storey element would have a length of 9.7m on the eastern side before stepping out to further length of 11m at a distance of 2.4m from the dwelling to be retained.
- Single storey element projects 3m beyond the original rear wall of no.72 before stepping out to a further depth of 4.5m at a distance of 3m from the original dwelling. This element would have a flat roof.
- There would be a side gate set behind the front porch of the new dwelling and a side gate set 1m behind the porch of the dwelling to be retained.

- The gates would be visually permeable and would be constructed of wood to a height of 2.2m.
- The existing dwelling would have a rear garden with an area of some 176m² and the new build would have a side/rear garden with an area of some 295m².
- The proposed dwelling would contain a reception, bathroom, and an open plan kitchen/living room at ground floor level and 4 bedrooms and a bathroom at first floor level.
- The design would incorporate Lifetime Homes standards.
- Refuse storage to the new dwelling would be in the rear garden and there would be soft landscaping on the forecourt, along with two parking spaces.
- The new dwelling and dwelling to be retained would each have 2 vehicle parking spaces and separate vehicle access.

Revisions to Current Application:

- Door shown in floor plan of dwelling to be retained has been removed.
- Door widths to new dwelling have been increased to comply with Lifetime Homes standards.
- Height of side gate reduced from 2.8m to 2.2m and amended from metal railings to wood.

Revisions to Previous Application:

- Previously refused outline application (P/3008/08) proposed two back to back dwellings whereas this application proposes a traditional single family dwelling house.

d) Relevant History

P/3008/08 Outline application: access, appearance, layout and REFUSED
scale for two back to back two-storey houses with 27-OCT-08
new vehicle access and parking; demolition of side
extension and garage.

Reasons for Refusal:

1. The proposed development by reason of unacceptable layout would result in two single aspect dwellings with a poor outlook, lack of natural light and overlooking which would be at odds with the established form and character of development within this locality and the failure to demonstrate compliance with Lifetime Homes Standards, would overall lead to substandard living conditions for future occupiers contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004), London Plan policy 3A.5 and the Supplementary Planning Document: Accessible Homes (2006).
2. The proposed building, by reason of its rearward siting and unsatisfactory roof design would be unduly obtrusive and incongruous and result in a loss of light and outlook to the occupiers of the No. 72 Oakington Avenue to the detriment of their visual and residential amenities, contrary to policies D4 and D5 of the Harrow Unitary Development Plan (2004) and Supplementary Planning Guidance - "Extensions: A Householders Guide (2008)".

3. The proposed side entrance door, by reason of inappropriate location, would have inadequate natural surveillance to the detriment of the safety of the future occupiers of the dwelling, contrary to policy D4 of the Harrow Unitary Development Plan 2004.

P/2012/08	Outline application: access, appearance, layout & scale for two duplex flats in two storey building with parking; demolition of existing side extension and garage	WITHDRAWN 11-AUG-08
P/3035/07	Two storey detached building at the side of existing house to provide 2 flats, vehicular access to forecourt of existing house and provision of parking (outline application for, layout, scale, appearance and access)	WITHDRAWN 28-AUG08

e) Pre-Application Discussion

- None

f) Applicant Statement

- Refer to Design & Access Statement.

g) Consultations

Vehicle Crossing Officer: No objection.

Highway Engineer: No objection.

Drainage Engineer: No objection subject to three conditions.

General Site Notice: Posted: 14-JAN-09 Expiry: 04-FEB-09

Notifications:
Sent: 20 Replies: 0 Expiry: 06-JAN-09

Summary of Response:

- N/A.

APPRAISAL

1) Character and Appearance of the Area

The proposed dwelling would largely match the design of the detached dwelling at no.68 and would be in keeping with the pattern of the development of this section of Oakington Avenue which is characterised by two storey semi-detached dwellings with intermittent two storey detached dwellings. The new dwelling would have a pitched roof design to the same height as other buildings in the area and therefore would respect the scale and traditional character of other dwellings in the locality.

It is important to note that the proposed dwelling would have dual frontage and would be set away 4m from Ullswater Court so as not to appear overbearing or obtrusive when viewed from this highway.

The first floor element of the new dwelling would be stepped in from the proposed common boundary of the dwelling to be retained so as not to interrupt a horizontal 45 degree splay when measured from the rear first floor corner. The new dwelling would therefore comply with the 45 degree code as recommended by the SPG – Extensions (2008) and would maintain a suitable relationship with the dwelling to be retained.

The proposal would include subdivision of the existing garden and each of the dwellings would have a rear garden area comparable to other properties in the vicinity and it is considered the proposal would not represent an overdevelopment of the property.

The proposed side gates would have a height to 2.2m, would be set behind the front walls of each of the dwellings and would consist of open wooden panels and therefore would not appear obtrusive or prominent in the street scene.

In summary, it is considered the proposal would be in keeping with the design and scale of development in the locality and would not have an adverse impact on the character and appearance of the area.

2) Residential Amenity

The proposed dwelling would not have any flank windows facing no.72 and no.72 does not contain any protected windows facing the proposed dwelling. Therefore there would be no unreasonable loss of light or outlook.

The single storey element of the proposed dwelling would project 3m beyond the rear wall of the original dwelling before stepping out to a further depth of 4.5m at a distance of 3m from the original dwelling. This would comply with the 'two for one' rule and it is considered this would not adversely impact the amenities of the occupiers of the original dwelling.

It is therefore considered the proposed new dwelling would not have an unreasonable impact on the residential and visual amenities of the surrounding occupiers.

3) Provision of Housing

The key aspects of the proposal are discussed below, having regard to relevant UDP and London Plan policies and other material considerations.

Access to Amenity Space

The application proposes subdivision of the garden to provide a private rear garden for the existing dwelling and the new dwelling. The SPG for designing new development requires that rear gardens are provided that are appropriate to the scale of the dwelling. The size of the proposed rear gardens would be similar to the surrounding properties and would be considered more than adequate to provide a reasonable level of residential amenity in accordance with the SPG and policy D5 of the Harrow UDP.

Landscape Treatment/ Refuse and Recycling Storage

Paragraph 4.21 of policy D4, recognises the contribution front gardens can make to the character of an area or locality. The LPA will seek their retention, reinstatement and enhancement in proposals as stipulated in policy D9. This is to ensure that the greenery of the front gardens is enhanced to improve the appearance of the development and the street scene. The proposal indicates that there would be provision of two vehicle bays for each of the dwellings and also indicates an appropriate amount of indicative soft landscaping in accordance with policy D9 of the UDP. A condition is recommended that the applicant submit a detailed landscaping schedule for both sites prior to the commencement of work on site.

Policy D4 also refers to the storage of refuse and waste and states that this should not be to the detriment of the visual and residential amenities or detrimental to the character of the area. The refuse and recycling bin area for the new house is shown in the rear garden which would be obscured from the view of the street scene in accordance with policy D4 of the UDP.

Impact on Neighbouring Amenity

It is acknowledged that the proposed new dwelling would increase residential activity on the site, through comings and goings to the property. However given the ambient noise levels in this established residential location and the level of disturbance associated with one additional dwelling, in principle it is considered acceptable.

4) 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 floor plan of the new dwelling and design and access statement have incorporated Lifetime Homes standards and would facilitate movement throughout the dwelling for disabled or elderly persons or conversion of the dwelling to accommodate disabled and elderly persons. A condition is recommended that the new dwelling be developed in accordance with the approved plans and standards.

5) Parking, Highway Safety and Transport Impact

Each of the dwellings would have two vehicle spaces and separate vehicle access. The Council's Vehicle Crossing Officer and Highway Engineer have not raised any objection to the proposal and it is therefore considered the development would not be detrimental to the free flow and safety of vehicular traffic and pedestrians on the public highway, and would comply with policies T6 and T13 of the Harrow Unitary Development Plan (2004).

6) S17 Crime & Disorder Act

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

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.

LAND TO THE REAR OF 73-79 MINEHEAD ROAD, HARROW P/3764/08/SB5

Ward ROXBOURNE

OUTLINE FOR LAYOUT, SCALE, APPEARANCE AND ACCESS: 2 x TWO-STOREY SEMI-DETACHED HOUSES WITH SINGLE STOREY PROJECTIONS, NEW VEHICLE ACCESS AND PARKING AT FRONT

Applicant: Mr Terry Daniel

Statutory Expiry Date: | 12-JAN-09

RECOMMENDATION

Plan Nos: Site Plan; RUIS0802; 73-79MR/ 01/ AB REV C; 02/ AB REV C; 03/ AB REV B; 04/ AB REV A; 05/ AB; Design and Access Statement

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

1 Application for the approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission. The development hereby permitted shall commence before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

REASON: To comply with the provisions of Section 92 of the Town & Country Planning Act 1990.

2 Approval of the details shown below (the "reserved matters") shall be obtained from the local planning authority in writing before any development is commenced:

(e) landscaping

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

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

(a) the 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.

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

REASON: To safeguard the character of the area by restricting the amount of site coverage and size of dwelling in relation to the size of the plot and availability of:

a: amenity space

b: parking space

and to safeguard the amenity of neighbouring residents.

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

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

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

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

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

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

REASON: to safeguard the appearance of the locality.

9 The development hereby permitted 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 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.

11 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.

12 The vehicular access hereby permitted shall not be used until a fence or wall of a maximum height of 600mm has been provided on the remainder of the property frontage, such fence or wall to be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

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

Planning Policy Statement 3: Housing

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

Supplementary Planning Guidance, Designing New Development (2003)

Supplementary Planning Document 'Accessible Homes'" (2006)

Harrow Unitary Development Plan:

D4 The Standard of Design and Layout

D5 New Residential Development - Amenity Space and Privacy

D9 Streetside Greenness and Forecourt Greenery

T13 Parking Standards

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

4 INFORMATIVE:

IMPORTANT: Compliance With Planning Conditions Requiring Submission and Approval of Details Before Development Commences

- You will be in breach of planning permission if you start development without complying with a condition requiring you to do something before you start. For example, that a scheme or details of the development must first be approved by the Local Planning Authority.

- Carrying out works in breach of such a condition will not satisfy the requirement to commence the development within the time permitted.

- Beginning development in breach of a planning condition will invalidate your planning permission.

- If you require confirmation as to whether the works you have carried out are acceptable, then you should apply to the Local Planning Authority for a certificate of lawfulness.

5 INFORMATIVE:

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

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

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Character and Appearance of the Area (D4, D9, SPG)
- 2) Residential Amenity (D4, D5, SPG)
- 3) Parking Standards (T13)
- 4) Accessibility (London Plan 3A.5, SPD)
- 5) Housing Provision and Housing Need (H10, London Plan: 3A.1, 3A.2, 3A.4, 3A.5)
- 5) S17 Crime & Disorder Act (D4)
- 6) Consultation Responses

INFORMATION

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

a) Summary

Statutory Return Type: Minor Dwellings

Car Parking	Standard	3.2
	Justified	2
	Provided	2
Lifetime Homes:	2	
Wheelchair Standards:	0	
Council Interest:	None	

b) Site Description

- Application site forms part of the rear gardens of nos.73, 75, 77 and 79 Minehead Road;
- The land within the rear garden of nos.77 and 79 has already been divided, whereas the land within the rear garden of nos.73 and 75 is not and is still used as the rear garden area for the dwellinghouses on these plots;
- The application site fronts Merlins Avenue, which also forms the access road to the rear car parking and entrance to Rooks Heath High School;
- Along the southern boundary of the application site there is a service road which provides rear access to the properties along Minehead Road;
- Merlins Avenue and Minehead Road are characterised by terraced dwellinghouses, set back from the highway; majority of the dwellinghouses have dropped kerbs with off-street parking provision, with the exception of dwellinghouse nos.54-58 Merlins Avenue located directly opposite the site.

c) Proposal Details

- Outline planning application for layout, scale, appearance and access;
- The proposal seek to construct a pair of two-storey semi-detached dwellinghouses, with single storey rear projection;
- Each dwelling would have one off street parking space located at the front with access from Merlins Avenue;
- Plot 1 measures 9.3m wide and 22.4m deep;
- Plot 2 measures 9m wide and also 22.4m deep;
- Each dwelling would have a height of 7.8m (excluding the chimney), a width of 7.7m and an overall depth of 10.1m;
- The depth of the front gardens to each of the proposed dwellinghouses would be 5.8m and the depth of the rear gardens would be 10m;
- The proposed dwellinghouses would have a hipped roof over.

Revisions to Previous Application:

Following the previous withdrawn application (P/2961/08) the following amendments have been made:

- The building footprint set further back in the plot to allow for off-street parking;
- The internal layout amended to show compliance with lifetime homes standards;

d) Relevant History

P/2832/05/DFU	Detached bungalow at rear with access and parking from Merlins avenue	REFUSED 28-FEB-06
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Reason for Refusal:

The proposed development, by reason of its form and siting, would appear as an alien, obtrusive feature when viewed in the streetscene and from surrounding property, to the detriment of the amenity of neighbouring occupiers and the character of the locality.

P/2961/08	Outline for layout, scale, appearance and access: 2 x two-storey semi-detached houses with single storey projections, new vehicle access and parking at front	WITHDRAWN 23-OCT-08
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e) Pre-Application Discussion

- None

f) Applicant Statement

- Please see Design and Access statement

g) Consultations

Drainage Engineers: No objections subject to standard conditions

| Site Notice

| Expiry: 12-DEC-08

Notifications:

Sent: 23

Replies: 7

Expiry: 11-DEC-08

Summary of Responses:

- Will take away sunlight from the rear garden and therefore encroach upon growing development;
- Parking problems will be exacerbated by drivers wishing to visit the properties;
- Increased congestion for present residents and increase safety implications for children entering and leaving the school;
- There is no space or need for more housing in this already full residential area;
- Restrictive covenant allowing for one dwelling to be erected per plot;
- Will restrict right of access to rear of property;
- Lose of privacy.

APPRAISAL

1) Character and Appearance of the Area

The proposal is for an outline application for layout, scale, appearance and access, leaving landscaping as a reserved matter.

The surrounding area is predominately characterised by two-storey terraced dwellinghouses set back from the highway. The front building layout of the proposed development would be set back from the highway and would be set behind the western flank elevation of the newly constructed two storey dwellinghouse at no.79 Minehead Road. The layout of the proposed development is therefore considered to be acceptable and would be in keeping with the layout of the surrounding dwellinghouses.

The appearance of the dwellinghouses would be in keeping with the character and appearance of the surrounding locality, with each of the proposed dwellinghouses designed with front bay windows and a hipped roof over, which are the dominant characteristic of properties along Minehead Road and Merlins Avenue.

In terms of scale the proposed height of the dwellinghouses would be in keeping with the height of the other dwellinghouses within the vicinity. It is acknowledged that the width of the proposed dwellinghouses would be greater than the dwellinghouses with the vicinity. However, the proposal is for a pair of semi-detached dwellinghouses, and taking into consideration the proposed development would maintain sufficient distance from neighbouring dwellinghouses, it is considered that the proposed scale of the development would not have a detrimental impact upon the character and appearance of the locality.

Details relating to landscaping are a reserved matter and therefore the detailed consideration of this element of the proposal would be considered in the submission of the approval of this reserved matter. Notwithstanding this, the applicant has provided an indicative layout of the landscaping scheme, showing adequate forecourt greenery in accordance with the objectives set out under policy D9 of the Harrow UDP.

Based on these factors the proposal is considered acceptable and accords with the policy objectives set out under D4 of the Harrow UDP and the Council's SPG on householder development and new developments.

2) Residential Amenity

The proposed development would maintain sufficient distance from the neighbouring dwellings houses located along Minehead Road (nos.73-79) and those dwellings located opposite along Merlins Avenue (nos.52-58), and therefore the proposed development would not have a detrimental impact upon residential amenities in terms of bulk and overshadowing. In terms of visual amenity it is acknowledged that the proposed development would introduce a built form in place of the existing rear garden space. However the visual appearance of the proposed development would be in context with the surrounding residential development and taking into consideration the separation that would be maintained between the subject site and adjacent neighbouring boundaries, it is considered that the proposed development would not have a harmful impact on the visual amenities of neighbouring residents.

The proposed new dwellinghouses would have rear facing windows, which would, to a certain degree overlook adjacent neighbouring rear gardens. However taking into consideration that the existing dwelling houses at first floor level can overlook neighbouring gardens, it is considered that the overlooking from the proposed first floor windows of the new dwellinghouses would not adversely impact on the privacy amenities of nearby residents. In addition to this, any overlooking would be limited to the rear part of the garden of the dwellinghouses along Minehead Road.

The proposed development would result in the reduction of rear garden space for the dwellinghouses at nos.73 to 79 Minehead Road. Policy D5 of the UDP does not set a minimum or maximum standard, but will assess each case against the standard of amenity in the surrounding area and whether the space provided is useable. The sectioning of the rear gardens of these dwellinghouses would mean an average garden depth of 13.5m would be retained. It is considered that this would still provide adequate useable amenity space for the occupiers of nos.73 to 79 Minehead Road and therefore there would be no detrimental impact upon the residential amenities of the occupiers of these dwellinghouses. The proposed rear amenity space for the proposed development is considered to be sufficient and adequate for the future occupiers of the development.

3) Parking Standards

The proposal seeks to provide one off-street parking for each of the dwellinghouses. The proposed parking arrangement and the provision of the new vehicle crossings (subject to the crossings not exceeding a width of 3.6m) would be acceptable. The 0.6m high boundary wall proposed adjacent to the highway would aid visibility to both car users and pedestrians alike. The Council's Highway Engineer raises no objection to the proposal subject to a condition to ensure the proposed front garden is enclosed with a 0.6m wall to prevent indiscriminate crossing of the footway. The proposed parking arrangement is also shown to comply with the parking standard specified in Schedule 5 of the Harrow UDP.

4) Accessibility

The Councils adopted supplementary planning document (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 is shown to meet the relevant criteria set out for Lifetime Homes, including provision of sufficient turning circles to the bathroom and kitchen, and provision of off street parking that is capable of enlargement to 3.3m. The proposed development provides level access to the front of the property.

5) Housing Provision and Housing Need

The proposal would be in accordance with the objectives set out in the London Plan and the Council's UDP policies to increase housing supply in the borough.

6) S17 Crime & Disorder Act

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

7) Consultation Responses

- Material planning considerations dealt with above;
- Matters relating to restrictive covenants and rights of access to land are outside the remit of planning policy.

CONCLUSION

For all the reasons considered above, and weighing up the development plan policies and proposals, and other material considerations including comments received in response to notification and consultation as set out above:

This application is recommended for grant.

**GODDARD COURT, DOBBIN CLOSE, P/4056/08/JB
HARROW**

Ward **MARLBOROUGH**

INSTALLATION OF PASSENGER LIFT AT REAR OF PROPERTY

Applicant: Harrow Council

Agent: Ridge and Partners

Statutory Expiry Date: 06-MAR-09

RECOMMENDATION

Plan Nos: Design and Access Statement; 281701_P01; 281701_P02;
281701_P03; 281701_P05; All received 19 December 2008
281701_P04 Rev A received 28 January 2009

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 glazing in the north wall of the approved development shall:
(a) be of purpose-made obscure glass and shall thereafter be retained in that form.
REASON: To safeguard the amenity of neighbouring residents.

INFORMATIVES

- 1 **INFORMATIVE:**
SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION:
The decision to grant permission has been taken having regard to the policies and proposals in the London Plan and-or the Harrow Unitary Development Plan set out below, and to all relevant material considerations including any comments received in response to publicity and consultation, as outlined in the application report:
Harrow Unitary Development Plan: D4 C16
- 2 The applicant's attention is drawn to the requirements in the attached Considerate Contractor Code of Practice, in the interests of minimising any adverse effects arising from building operations, and in particular the limitations on hours of working.
- 3 **INFORMATIVE:**
There may be public sewers crossing/adjoining to the site, so no buildings will be permitted within 3m of the sewers. The applicant should contact the Area Service Manager, Mogden at Thames Water Utilities at the earliest opportunity, in order to establish the likely impact of this development upon the sewerage infrastructure.
Tel: 08459 200 800

MAIN CONSIDERATIONS AND POLICIES (London Plan & 2004 UDP)

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

INFORMATION

This proposal is reported to the Development Management Committee because the proposal would not comply with the 45° degree code as specified in the Council's Supplementary Planning Guidance: 'Extensions: A Householders Guide' (2008).

a) Summary

Statutory Return Type: Householder Development
Council Interest: None

b) Site Description

- Three storey building situated on the eastern side of Dobbin Close
- The first and second floors are currently accessed via an internal lift and two staircases on either side of the building
- Site is situated to the south of St Josephs school and surrounded by residential properties
- There is an alleyway between the rear of the site and the neighbouring properties along Kenmore Avenue

c) Proposal Details

- Platform lift to be installed at the rear of the building on the existing entrance lobby
- The hydraulic platform lift would be of lightweight glazed material with an aluminium structure
- The lift would project 1.66 metres from the main rear wall, with a width of 1.63 metres
- It would have a height of 7.5 metres and would approximately match the height of the existing eaves

Revisions to Previous Application:

- N/A

d) Relevant History

LBH/8823/1	Erect of 3 storied block of 30 aged persons flats with wardens flat & ancillary accommodation. 15 flats in two 3-storied terraced houses with integral garages and parking areas & access road	GRANT 18-FEB-74
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e) Pre-Application Discussion

- N/A

f) Applicant Statement

- Refer to the Design and Access Statement received on 19 December 2008

g) Consultations

Site notice: Posted on site Expiry: 03-FEB-09

Notifications:

Sent: 37 Replies: 0 Expiry: 03-FEB-09

Summary of Responses:

- N/A

APPRAISAL

1) Character and Appearance of the Area and Design

The area is characterised by residential accommodation with St Joseph's school situated on the corner of Dobbin Close and Kenton Lane. The block of flats, Goddard Court is situated on the eastern side of Dobbin close. The rear gardens of properties on Kenmore Avenue back onto the site.

The proposed passenger lift would be constructed of lightweight materials so as to minimise the impact this structure might have on the character and appearance of the building. The location of the proposed passenger lift would be at the rear of the building and would not be visible from any public road. It would be sited immediately to the rear of the rear access door and lobby. Due to the space needed to access the lift, it could not be placed inside the lobby and would project beyond the main rear wall. The lift would function as an additional access to upper floors and allow required maintenance of the existing lift.

It is considered that the proposed lift, due to its siting, design and materials would not be detrimental to the character and appearance of the area, be in scale with the existing building and would comply with Policy D4 of the Harrow UDP (2004).

2) Residential Amenity

The proposed three storey passenger lift would project 1.66 metres to the rear of the building and have a width of 1.63 metres. The siting of the rear passenger lift would leave a gap of approximately 12 metres to the rear boundary walls of adjoining properties. The distance from the lift to the nearest dwellinghouse along Kenmore Avenue would be approximately 38 metres. This distance is considered to be appropriate to overcome any detrimental impacts to occupiers of the residential properties along Kenmore Avenue. The proposed materials have been chosen in order to reduce the visual impact of the added bulk to the existing building. The proposed lift would give a sense of openness from the entrance lobby at the rear rather than a bulky structure. The proposal is considered to be a sympathetic addition to the building and would not appear visually obtrusive to neighbouring residents.

Although the siting of the proposed passenger lift would not comply with the Council's Supplementary Planning Guidance for Householder Extensions in terms of the 45° code, it is considered that the proposal is essential and the clear glazed panels would allow light into the windows adjacent to the proposal. The intention of the proposed lift is not to prejudice the amenities of the occupants of the building but to overcome problems caused by the existing dated internal lift. A condition has been attached requiring the north wall of the lift to be obscured glazing to avoid any potential overlooking of the adjoining flats. The proposal is therefore considered to be acceptable as it would not have any undue adverse effects on the amenities of the residents of the property or the adjacent neighbouring residents.

3) S17 Crime & Disorder Act

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

4) Consultation Responses

- None

CONCLUSION

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

SECTION 3 – OTHER APPLICATIONS RECOMMENDED FOR REFUSAL

Item: 3/01

**WEST END LAWN TENNIS CLUB, P/3872/08/HG
CUCKOO HILL ROAD, PINNER**

Ward PINNER SOUTH

INSTALLATION OF EIGHT LIGHTING COLUMNS (5 METRES AND 6 METRES HEIGHT) TO COURTS 4 & 5 AT NORTHERN END OF SITE

Applicant: West End (Pinner) Lawn Tennis Club Ltd

Agent: Ionic Development Consultancy Ltd

Statutory Expiry Date: 22-JAN-09

RECOMMENDATION

Plan Nos: Site Plan; WELTC/FLOOD/10; WELTC/FLOOD/11; Design and Access Statement (27.11.08)

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

1 The proposed floodlighting columns by reason of their height, position and proximity in relation to no.2 Northfield Avenue would appear visually obtrusive to the detriment of the residential amenities of the occupiers at no.2 Northfield Avenue, contrary to policies D4, D23 and R4 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, D23, R4

MAIN CONSIDERATIONS AND POLICIES (2004 UDP)

- 1) Character and Appearance of the Area (D4, D23)
- 2) Residential Amenity (D23, R4)
- 3) Outdoor Sporting Facilities (R4)
- 4) S17 Crime and Disorder Act (D4)
- 5) Consultation Responses

INFORMATION

This application is being reported to the Development Management Committee due to the submission of a petition in support of the application containing 400 signatures.

a) Summary

Statutory Return Type: 18 – Minor Development

Council Interest: None

b) Site Description

- Tennis club with a club house on the Cuckoo Hill Road frontage and six tennis courts to the north of the club house.
- Site is bounded by Cuckoo Hill Road to the south, no.18 Cuckoo Hill Road to the west, Northfield Avenue to the east and no.2 Northfield Avenue to the north.
- Courts 1, 2 and 3 are located directly behind the club house and are at a level some 2.1m higher than the club house.
- Courts 1 and 2 are served by 9 floodlights 6m in height.
- Court 3 which is adjacent to no.18 Cuckoo Hill Road does not have floodlights.
- Courts 4, 5 and 6 are adjacent to no.2 Northfield Road and a level some 1.2m higher than courts 1-3.
- The eastern boundary of the subject site is well screened by mature vegetation.
- The area is characterised by detached dwellings within large plots in a landscaped setting.

c) Proposal Details

- Installation of 8 floodlights to courts 4 and 5.
- 3 floodlights adjacent to no.2 Northfield Avenue to 5m in height.
- The remainder of the floodlights would be to 6m in height.
- Columns to be fitted with CU Phosco FL 500 Special 1 floodlights, each with a high-pressure sodium 400W SONP-T Hg-free lamp.
- Proposed standard of lighting would be at the CIBSE/ILE Class 3 rating which would be lower the lighting levels of the existing floodlights at courts 1 and 2.
- The agent has stated that if necessary back shields can be fitted to the proposed and existing columns.
- Lighting to be used up to 9:30pm.
- Columns to be painted in an 'anti reflective' green colour.
- Proposal includes additional 'Rokolene' netting to the northern and eastern boundary fences.

Revisions to Previous Application

The following amendments have been made to the previously refused application (P/2946/07 dismissed on appeal)

- One lighting column has been omitted from the proposal.
- The three columns adjacent to no.2 Northfield Avenue have been reduced in height from 6m to 5m.
- Previously 16 Phillips Optiflood luminaries were proposed whereas this application proposes 8 CU Phosco FL500 Special 1 fittings.
- Lighting levels reduced (44% reduction in the lux levels)
- Details of backshields to floodlights (referred to in Light Report) have not been submitted.

d) Relevant History

P/2946/07	Installation of 9 floodlighting columns to courts 4 and 5 at northern end of site	REFUSED 02-NOV-07 DISMISSED ON APPEAL 11-NOV-08
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Reason for Refusal:

1. The proposed floodlighting columns by reason of their excessive height, appearance and number would have an over dominant and visually intrusive effect on the residential amenity of neighbouring houses, contrary to Harrow Unitary Development Plan Policy D5.
2. The proposed floodlighting columns by reason of their excessive height, appearance and number would be visually obtrusive in the streetscene and harmful to the appearance and residential character of the area, contrary to Harrow Unitary Development Plan Policy D4.

WEST/92 3/00/FUL	Provision of 9 six metre high floodlighting columns to courts 1 and 2 anti, glare screening and landscaping (revised)	REFUSED 06-APR-01 ALLOWED ON APPEAL 23-JAN-02
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Reason for Refusal:

The proposed floodlighting would create an extensive area of illumination which would be visually obtrusive and detrimental to the character of the area and the amenities of the occupiers of neighbouring dwellings.

WEST/64 5/93/FUL	PROVISION OF 9 SIX METRE HIGH FLOODLIGHTING COLUMNS TO COURTS 1 AND 2	REFUSED 26-JAN-94 DISMISSED ON APPEAL 22-JUL-94
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WEST/44 853/92/F UL	PROVISION OF EIGHT 7 METRE HIGH FLOODLIGHTING COLUMNS TO COURTS 1 AND 2	REFUSED 02-NOV-07 DISMISSED ON APPEAL 11-NOV-08
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e) Applicant Statement

- The tennis club is a valuable community facility for Pinner and the Borough.
- Additional floodlights are required to increase membership and participation in the sport and in particular attract more junior members to the club.

- There is overwhelming support from the community.
- This application has been designed to accommodate the objections of no.2 Northfield Avenue and would not have a detrimental impact on the occupiers of this site.
- The intensity of the lighting towards observers in no.2 Northfield Avenue, both at ground and first floor level and on the driveway are well within the limits specified by the ILE.
- More details regarding the applicant/agent statement can be obtained from the Design and Access Statement.

f) Consultations

Pinner Association – We are sympathetic to the concept of improving sporting facilities in the borough generally and in Pinner in particular, and to extending the scope of their use wherever practicable. However, as the Inspector again pointed out, this should not be permitted at the expense of residential amenity and sadly we have concluded that the applicants' new proposals would still cause such harm to the living conditions of the occupiers of No.2 Northfield Avenue as to be unacceptable and therefore should not be granted.

Environmental Health – The lighting and noise has been adequately assessed and the proposal would comply with the relevant requirements.

Sports Development Officer - The club is trying to promote tennis in the local community and develop the youth group. The club currently works with the Sports Development Team and participates in the London Youth Games Event that enables youngsters to represent Harrow. The proposed floodlighting would enable the club to increase participation and membership and develop the youth group.

Site Notice:	Posted:	Expiry:
	27-NOV-2008	18-DEC-2008

Notifications:

Sent:	Replies:	Expiry:
32	74 + 2 Petitions*	20-NOV-2008

* - One petition containing 35 signatures objecting to the proposal and one petition containing 400 signatures in support of the proposal.

Summary of Responses:

Supporting comments and petition (5):

Health and social benefits for the younger population; Club has to turn away young players at present; Lights will allow club to enter more night competitions; Facilities such as this are essential to produce quality young players; The proposed columns are not unattractive; Street lights have a greater visual impact and create more light pollution; Increased lighting will reduce crime and antisocial behaviour; Unjustified to refuse application because of perceived unreasonable impact on no.2 Northfield Avenue.

It is noted that supporting comments were received from Gareth Thomas MP and Kim James, Headteacher of West Lodge First School.

Objection comments and petition (19):

No significant changes to previous proposal; Columns would have an unacceptable impact when lit and unlit; Intrusive; eyesore; light pollution; Trees along eastern boundary will lose foliage in winter; Applied for unrestricted hours; Increased disturbance; Increased traffic; Nelton netting looks unsightly Additional lights not required as club is financially secure and has 111 junior members; Floodlit courts could be used for 5 a side football; Club have behaved inappropriately by not consulting surrounding neighbours and submitting an application with no significant changes when compared with previous application.

APPRAISAL

1) Character and Appearance of the Area

It is noted that a similar application for 9 Floodlights with a height of 6m to courts 4 and 5 was dismissed at appeal on 11.11.08 (Ref: APP/M5450/A/082073769).

The previous appeal decision is material planning consideration that has been afforded substantial weight in the assessment of this application. In point 6 of the appeal decision the inspector states:

“While I understand that some would consider the floodlight installations to be an unwelcome addition to the street-scene, I do not consider in principle that they would be so out of character as to be unacceptable”

It is acknowledged the local area is characterised by semi-detached dwellings in a landscaped setting. Notwithstanding the above the tennis club is an existing property and it is considered the additional floodlights would appear as incidental development on the site and therefore would not have an unreasonable impact, when lit or unlit, on the general character and appearance of the area. Furthermore, established vegetation along the eastern boundary would largely screen the proposed floodlights when viewed from the east, though this would not be as effective during winter months.

2) Residential Amenity

Impact on No.2 Northfield Avenue

The previous application was refused and the appeal was dismissed because of the impact the proposed floodlights would have on the amenities of the occupiers at no.2 Northfield Avenue.

In point 2 of the appeal decision the Inspector refers to the impact the floodlights and columns would have when unlit and states:

“Notwithstanding the proposal for additional screen netting, in my judgement the height, position and proximity of these elements would result in an unsightly and intrusive appearance, which would not be ignored, and would have an unacceptable impact on the living conditions of the occupiers”

Although in this application the three columns adjacent to no.2 have been reduced in height by a metre, the position and proximity in relation to the residential property remains the same. Furthermore, the columns would still exceed the height of the boundary fence and it is considered that a one metre reduction to the height of the three columns on the boundary is not a substantial change.

Although this revised application has attempted to reduce the impact on no.2, two of the columns would still be clearly visible when unlit from the ground floor living room and two first floor bedroom windows at the front of the dwelling. These windows are classified as ‘protected’ and therefore careful consideration has been given to the outlook from the windows and the associated impact on residential amenity. It is considered the height, siting and design of the columns and floodlights, when unlit, would appear as alien features and would be visually intrusive when viewed from the subject windows of no.2. The impact would be greater when the lights would be in use though it is acknowledged the lighting level has been reduced significantly in this application. However, the orientation of the frontage of No.2 towards the side of the tennis court would exaggerate the visual impact. It is therefore considered the proposal does not maintain an acceptable relationship with no.2 and would have an unreasonable impact on the residential amenities of the occupiers of this property, contrary to policies D23 and R4 of the UDP. The revised application has failed to overcome the reason for the previous refusal and reason for the previous appeal dismissal and refusal of this application is recommended accordingly.

The plans and design and access statement indicate that shields would be attached to the floodlights to reduce the area of light spill however no details or specifications have been provided as to the size of the shields. The agent then clarified that the shields would only be provided if necessary to contain light spill if the level of lighting did not meet the Council’s Environment Health Services requirements. If the shields were required to contain light spill it would only increase the adverse impact of the columns when viewed from no.2 Northfield Avenue.

The agent and some supporting comments have stated that lamp posts and telegraph poles often have a greater impact on residential amenities than the proposed columns and floodlights would and that there is an existing lamp post opposite no.2. Although a material planning consideration, telegraph poles and lamp posts are essential infrastructure that do not require planning permission and therefore do not set a precedent for this type of development. Furthermore, the proposed floodlights would have a far more direct relationship and adverse impact on no.2 than the lamp post across the street.

Impact on Other Occupiers

Apart from no.2 Northfield Avenue the closest residential properties to any of the proposed floodlights would be no.18 Cuckoo Hill Road and no's 6 and 11 Hillcrest Avenue which would be separated by a minimum distance of 15m. It is also noted that the floodlights would not have a direct relationship with these dwellings and the established vegetation would partly screen the floodlights from the view of no's. 6 and 11 Hillcrest Avenue. These factors are considered adequate to mitigate any unreasonable impact on residential occupiers other than those at no.2 Northfield Avenue.

Potential Disturbance from Increased Use

Point 7 of the Inspector's decision states that the increased noise and disturbance resulting from use of the floodlit courts would not be unreasonable. Had the application addressed the issue of the previous appeal dismissal the hours of use of courts 4 and 5 could have been restricted to protect the residential amenities of surrounding occupiers. It is considered that the increased traffic movement associated with the use would not have an unreasonable impact on the surrounding occupiers.

Impact of Lighting

The Council's Environmental Health Services have advised the proposed lights would not have an adverse impact in terms of sky glow, glare and trespass provided all mitigation measures are implemented to prevent light spillage. One of the mitigation measures would be attaching shields to the floodlights. The agent has advised that the rear shields would have to be custom designed and custom built and no details have been provided regarding the size of the shields. Therefore, the additional impact of the shields cannot be adequately assessed although it is considered the shields would only exacerbate the harm to no.2.

3) Outdoor Sporting Facilities

The applicant has demonstrated that there is an adequate need for the floodlights and the Council's Sports Development Officer has advised that this type of infrastructure is essential to increase participation in the sport. It is also acknowledged that the floodlights would have positive health and social benefits for the community, though these are no material planning considerations.

Notwithstanding the above, policy R4 of the UDP recommends that Council should seek further provision of outdoor sporting facilities but only where there will be no detrimental effect on residential amenity.

As discussed in the section above the impact of the floodlights on no.2 Northfield Avenue would be unreasonable and this cannot outweigh the need for the floodlights in accordance with policy R4.

4) S17 Crime & Disorder Act

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

5) Consultation Responses

All material planning considerations have been addressed in the sections 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 refusal.

SECTION 4 – CONSULTATIONS FROM NEIGHBOURING AUTHORITIES

None

SECTION 5 - PRIOR APPROVAL APPLICATIONS

None.